



EXMOOR

NATIONAL PARK

EXMOOR NATIONAL PARK AUTHORITY
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23 September 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 **at Dulverton Town Hall, 27 Fore Street, Dulverton TA22 9EX on Tuesday 5 October 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).

The meeting will be **recorded**. By entering the Authority's Committee Room and speaking during Public Speaking you are consenting to being recorded. We will make the recording 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

A G E N D A

The first section of the meeting will be chaired by Mr R Milton, Chairperson of the Authority.

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 meetings of the Authority held on 7 September 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 J Pugsley, Deputy Chairperson (Planning). If the Deputy Chairperson (Planning) is absent, the Deputy Chairperson of the Authority shall be preside.

6. Appeals

- 6.1 To note the **decision** of the Secretary of State for Housing, Communities and Local Government to dismiss the Appeal in relation to Application 6/10/21/110 – The Haven, Ellicombe, Minehead, Somerset, TA24 6TR
- 6.2 To note the **decision** of the Secretary of State for Housing, Communities and Local Government to allow the Appeal and grant planning permission in relation to Application 6/31/20/101 – Springwater Farm, Maunsborough Lane, Elworthy, TA4 3PY

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	6/43/21/104	Proposed demolition of existing buildings and erection of replacement building for stables, tack room and store, and construction of access drive, yard and associated works (Amended plans) – Ridgewood Cottage, Wootton Courtenay, Minehead, TA24 8RF	1 – 20
7.2	62/41/21/019	Application under Regulation 3 of the Town and Country Planning General Regulations 1992 for proposed alterations to site, including the relocation and replacement of existing car parking machine, installation of a second car parking machine, formation of new parking bays, widening of vehicular entrance track and construction of grass banks – Valley of Rocks Picnic Site, Road from Hollerday Gate to Castle Rock, Lynton, EX35 6LH	21 - 38
7.3	6/14/21/104	Application under Regulation 3 of the Town & Country Planning General Regulations 1992 for proposed replacement of artificial slate with natural slate, insertion of 2no. rooflights together with installation of 2no. flues for wood burning stoves and alteration of existing window to doorway – Pinkery Centre for Outdoor Learning, Simonsbath, Minehead, TA24 7LL	39 – 50
7.4	6/9/21/126LB	Application under Regulation 3 of the Town & Country Planning General Regulations 1992 for Listed Building Consent for the installation of secondary glazing and draft proofing to doors and windows – Exmoor National Park Authority, Exmoor House, Dulverton, TA22 9HL	51 - 56
7.5	6/9/21/128DC	Proposed part Discharge of Condition 3 of approved application 6/9/21/117LB – Chypleighs, 3 Rosemary Lane, Dulverton, Somerset, TA22 9DP	57 - 60

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, 29 October 2021 (am)).

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. Risk Management: To consider the report of the Head of Finance and Operations (Item 10)

11. Personnel Update

Starters

04/10/2021 – Tim Payne – Senior Facilities Officer (permanent contract)

11/10/2021 – Charity Winfield – Assistant Rural Surveyor (2 year fixed term contract)

End of Seasonal Contracts

31/10/2021 – Shelley Trace – Information Advisor (National Park Centre Dulverton)

31/10/2021 – Lisa Clarke – Information Advisor (National Park Centre Dunster)

31/10/2021 – Lynne Gurney – Information Advisor (National Park Centre Lynmouth)

Moving to Permanent Contract

01/11/2021 – Lynne Gurney – Information Advisor (National Park Centre Lynmouth)

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, 7 September 2021 at 10.00am at Dulverton Town Hall, Dulverton.

PRESENT

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

Mr M Ellicott	Mr J Patrinos
Mr D Elson	Mr B Revans
Mr J Holtom	Miss E Stacey
Mr J Hunt	Mr N Thwaites
Dr M Kelly	Dr S Warren
Mrs C Lawrence	Mrs P Webber
Mrs F Nicholson	Mr V White

Apologies for absence were received from Mrs L Blanchard, Mr E Ley, Mr M Kravis and Mr J Yabsley.

51. DECLARATIONS OF INTEREST:

The following declarations were declared in relation to Item 7.1 – Application No. 62/62/21/003 - Proposed extension to agricultural building, including recladding of roof and sides. Part retrospective – South Dean Farm, Trentishoe, Parracombe, Barnstaple, Devon, EX31 4QB:

- Mr J Holtom declared a pecuniary interest as he was representing the applicant in relation to this application and would therefore leave the meeting when this item was considered.
- Mr D Elson declared a personal interest as the applicant was a neighbour who was occasionally employed on his farm and would therefore leave the meeting when this item was considered.

The following declarations were declared in relation to Item 10 – Family Friendly Cycle Trail Feasibility Study – Public Consultation. Report of the Head of Conservation and Access:

- All members received an email from Brompton Regis Parish Council.
- Mrs E Stacey declared her previous role with South West Lakes Trust six years ago but confirmed that no work had been undertaken for them since then, therefore, there was no current interest to declare.

52. CHAIRPERSON'S ANNOUNCEMENTS:

- This would be the last meeting for which Laura James would provide legal representation and the Authority's thanks were given for her contribution to the work of the Authority.

- The Authority had recently received £375,000 within a legacy for, broadly, wildlife and conservation purposes. This legacy was in addition to another separate legacy and recent capital receipts. The Authority would look to allocate the funds in the near future and the next opportunity for the Authority to look at budgets, resourcing and priorities would be November 2021 when the Revised Budget is presented.
- Condolences were given to Mr S Pugsley and his family on the sad loss of his father, Mr John Pugsley.
- Condolences were given to Mrs L Blanchard and her family on the sad loss of her husband, Mr Ian Tansley.

53. MINUTES

- Confirmation:** The **Minutes** of the Authority's meeting held on 3 August were agreed and signed as a correct record (**Item 4**).
- Matters arising:** There were no matters arising.

54. **PUBLIC SPEAKING:** There were no 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

55. The Committee noted the **decision** of the Secretary of State for Housing, Communities and Local Government to allow the Appeal in relation to a variation to Condition 11 of Application 6/14/20/104 – Simonsbath Barton, Simonsbath, Minehead, TA24 7SJ
56. The Committee noted the **decision** of the Secretary of State for Housing, Communities and Local Government to allow the Appeal and grant planning permission in relation to Application 6/40/19/101 – Agricultural Land at Halse Farm, Halse Lane, Winsford, TA24 7JL

The Authority's Consideration

Members asked that Officers write to the Planning Inspectorate Customer Quality Team to express concern with the decision notice, particularly with regard to the omission of reference to the statutory purposes of the National Park Authority.

57. The Committee noted the **decision** of the Secretary of State for Housing, Communities and Local government to allow the Appeal and grant planning permission in relation to Application 62/62/20/001 – The Dairy, Middle Dean Farm, Road from Coulsworthy Crook to Dean, Parracombe, EX31 4PJ

DEVELOPMENT MANAGEMENT

Before the Officer presentation, Mr J Holtom and Mr D Elson left the meeting

- 58. ORDER OF BUSINESS:** In relation to Agenda Item 7.1 - Application No. 62/62/21/003 – Proposed extension to agricultural building, including recladding of roof and sides. Part retrospective (Amended description) – South Dean Farm, Trentishoe, Parracombe, Barnstaple, Devon, EX31 4QB, the Principal Planning Officer advised the meeting that the Applicant had requested that the application be deferred so that it could be considered by the Authority Committee together with Application 62/62/21/002 which relates to the proposed erection of a cattle building at the same location, which is currently at consultation stage

Authority Members unanimously voted to defer Application 62/62/21/003 until such time as both applications could be brought before the Committee.

After the vote Mr J Holtom and Mr D Elson returned to the meeting

59. Application No. WTCA 21/11

Location: Exmoor National Park Authority, Exmoor House, Dulverton, TA22 9HL

Proposal: Works to Trees in Conservation Area: Felling to ground level of T1 (ash), T2 (ash) and T3 (willow), and removal of dead stems in T4 (multi-stemmed elm). All have been assessed as a risk as their failure would pose a hazard to structures downstream as well as damaging nearby trees and infrastructure. Stumps will be left to coppice as continued presence of root plates will help the structural integrity of the riverbank.

The Authority considered the [report](#) of the Head of Planning and Sustainable Development.

Public Speaking

- (1) Statement on behalf of Ms H Hodgson and Mr R Watts tabled

<p>RESOLVED: To approve the Works to Trees in Conservation Area as detailed in the report.</p>

- 60. APPLICATION DECISIONS DELEGATED TO THE CHIEF EXECUTIVE:** The Authority noted the [decisions of the Chief Executive determined under delegated powers](#).

- 61. SITE VISITS:** There were no site visits to arrange.

The remaining section of the meeting was chaired by Mr R Milton, Chairperson of the Authority.

62. FAMILY FRIENDLY CYCLE TRAIL FEASIBILITY STUDY – PUBLIC CONSULTATION

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

The Authority's Consideration

Members agreed the consultation should involve as many people as possible, including those parishes surrounding Wimbleball Lake, using a mixture of methods to ensure the consultation process was accessible. Members also agreed that the

consultation should include questions about the types of bikes, bike hire, facilities, and services, and whether the trail would be used. Consideration should also be given to other users, such as walkers, runners, and wheelchair users, and not just cyclists. Officers were asked to circulate the draft consultation plan to Members for comment and feedback before it was finalised and publicised.

RESOLVED: To agree to publish public consultation documents that describe the proposals and ask for public comment.

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

64. ANY OTHER BUSINESS OF URGENCY

The meeting noted that when Member Appointments were agreed at the Authority's Annual Meeting on 6 July 2021, three Members (Mr Ellicott, Mr Elson and Mr Ley) were appointed to the Exmoor Hill Farming Network Steering Group to fill the places that had historically been available. Unfortunately, we had not taken into account that when the EHFN became a Community Interest Company in February 2020, its Memorandum of Association specified that only two ENPA Members places would be available. The Authority Committee were therefore asked to vote to confirm which two Members should sit on the EHFN Steering Group and Mr M Ellicott and Mr E Ley were duly appointed.

The meeting closed at 11.15am

(Chairperson)



Appeal Decision

Site visit made on 27 July 2021

by J J Evans BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th August 2021

Appeal Ref: APP/F9498/D/21/3273564

The Haven, Ellicombe, Minehead, Somerset TA24 6TR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr David Lang-Smith against the decision of Exmoor National Park Authority.
 - The application Ref 6/10/21/110, dated 15 October 2020, was refused by notice dated 21 April 2021.
 - The development is described as "proposed installation of new dormer window and installation of 2 no. replacement dormer windows, together with re-roofing of the dwelling".
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Notwithstanding the original application description above, it was apparent from the evidence of the Authority and from what I saw during my site visit that works to the property are underway. However, across the suite of drawings submitted for the appeal there are a number of inconsistencies, particularly with regard to the proposed balcony and dormers. In the case of the latter, there is no consistency between the drawings as regards the size, positions, and forms of the dormers. In addition, at my site inspection it was apparent that there are further differences between the work that has been undertaken and what has been shown on the submitted drawings. The parties have confirmed that the drawings for my consideration are those as originally submitted for the application and for the appeal. For the avoidance of doubt, I have therefore determined the appeal on the basis of the drawings submitted by the parties, rather than what has occurred on site.
3. The revised National Planning Policy Framework (the Framework) was published in July 2021, and the parties were provided with an opportunity to comment upon those revisions that were relevant to the appeal.

Main Issues

4. The main issues are firstly, the effect of the proposal on the character and appearance of the host dwelling and upon the surrounding area; and secondly, the effect upon the living conditions of the occupiers of White Stack, having particular regard to privacy and outlook.

Reasons*Character and Appearance*

5. The Haven is a detached bungalow with rooms in the roof, positioned on a hillside within Exmoor National Park. It is part of the small group of houses and bungalows to the eastern side of Ellicombe Lane. Agricultural fields border the garden of The Haven to the east, whilst to the south the land slopes steeply uphill with a mix of fields and woodlands.
6. There is a housing estate to the north of Combeland Road, but these properties are separated from those along Ellicombe Lane by large gardens and woodland. The physical separation of the estate from the properties along Ellicombe Lane is further enhanced by the presence of narrow lanes bounded by tall hedges and banks that give a distinctly rural character to the area. This, when combined with the dramatic topography, the woodlands and the enclosed nature of the lanes gives a tranquil rural character and appearance to the National Park that is very different to the expansive open nature of the coastal plains and the concentration of development within Minehead.
7. The Haven is positioned to one side of its plot, giving the property a deep front garden. From my site inspection I saw that works to the building were underway. The balcony to the front elevation has been removed, and the roof tiles have been replaced with slates. There are now four dormer windows, two within the front roof plane and two on the rear.
8. There were three existing dormers on the bungalow, but even having regard to this and the inconsistency of the dimensions and positioning of the dormers depicted on the elevational drawings, neither the proposed front nor the rear dormers would harmonise with the host building. The bungalow has a strong horizontal emphasis and the large size and number of the dormers proposed would be a dominant addition, and one that would overwhelm the roofscape giving a top-heavy and unbalanced appearance to the building. Whilst there are other dormers in the nearby properties clustered around the junction of Ellicombe Lane with Combeland Road, a common and linking thread is that these dormers have a subservient size and relationship to the host building, unlike the appeal proposal.
9. Furthermore, each dormer would be a different size. Some of the dormers would be dominated by glazing, whilst others would have large timbered front panels and cheeks. Those to the rear would have flat roofs and one elevation drawing shows the pitched roof of the front dormers disruptively projecting above that of the host roof. Those on the rear elevation would also have differing positional relationships to the roof ridge and eaves. Whatever version of the dormers is considered, the resultant impact would be to create a cluttered and discordant roofscape that would harmfully draw the eye.
10. The walls of the bungalow would be clad with locally sourced timber, and this would create a visual link with the timber on the dormers. However, The Haven is in a prominent position and the building can be seen from long distances away. The front facing dormers would be visible when travelling along the A39 towards Minehead, and this would be particularly intrusive at night if the rooms were illuminated and unscreened. The timber would change in colour as it weathered and aged, but it would remain as a strident contrast to the dark monotone appearance of the slate.

11. There is no specific repeated style, appearance or detailing of the neighbouring dwellings, but despite this they do form a small cluster of buildings whereby no one building dominates. Given this context, the dormers would make The Haven unduly prominent, and this would clash with the discreet nature of the nearby cluster of dwellings. Moreover, this prominence would detract from the attractive landscape and scenic beauty of the National Park.
12. The works have been undertaken to modernise and improve the energy efficiency of the bungalow, as well as address structural issues. This would be a positive benefit of the proposal which would accord with an objective of the Framework as regards mitigating climate change. However, sustainable development also requires the protection and enhancement of the natural environment, as well as requiring well designed development. In addition, the Framework requires that great weight should be given to conserving and enhancing the landscape and scenic beauty of National Parks. For the reasons stated above, the scheme would fail to meet these requirements.
13. The proposal would, therefore, cause unacceptable harm to the character and appearance of the National Park. This would be contrary to Policies GP1, CE-S6, CE-D4 and HC-D15 of the Exmoor National Park Local Plan (2017) (LP). These seek amongst other things, to conserve and enhance the National Park, requiring high quality design that respects local identity, as well as that reflecting the character and appearance of the original building.

Living Conditions

14. The rear elevation of The Haven is close to the boundary of this property with the detached bungalow known as White Stack. This property has a rear garden to the north which would have been overlooked by occupiers of The Haven from the existing rear dormer. Nevertheless, the provision of another dormer on the rear roof slope would afford the occupiers of The Haven with further direct and close views into the front garden of White Stack. Consequently, most of the garden areas of White Stack would be directly overlooked at a close and elevated level by the occupiers of The Haven. The use of curtains as suggested by the appellant could neither be enforced nor relied upon to mitigate the harm of the proposal to nearby occupiers. Furthermore, the combined size of the dormers and their elevated proximity to White Stack would be an imposing and overbearing presence upon the occupiers of this property.
15. Concerns have also been raised that the occupiers of White Stack would experience a loss of light. However, The Haven is to the east, and neither the additional rear dormer nor the projection of the front dormer ridges above the bungalow ridge as shown on one of the elevation drawings, would significantly reduce light levels to White Stack.
16. The appellant has pointed out that the occupier of White Stack no longer lives at the property. Irrespective of the current situation a requirement of the Framework is that development should achieve a high standard of amenity for existing and any future occupiers.
17. The proposal would fail to accord with LP Policies GP1 and CE-S6. These policies seek amongst other things, that development does not detrimentally impact upon the amenities of surrounding residents, thereby reflecting objectives of the Framework.

Other Matters

18. The original application referred to internal and external refurbishment works to the property, including the provision of a replacement balcony. Although the balcony had been removed from the property at the time of my site inspection, the replacement appears much larger. Neither of the main parties have referred to the balcony within their appeal submissions, but as I am dismissing the appeal for other reasons, I have not pursued this matter further.

Conclusion

19. Consequently, the proposal would fail to accord with the development plan when considered as a whole, and there are no material considerations that indicate the application should be determined other than in accordance with the development plan. Thus, for the reasons given above and having considered all other matters raised, the appeal is dismissed.

J J Evans

INSPECTOR



Appeal Decision

Site Visit made on 20 July 2021

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 August 2021

Appeal Ref: APP/F9498/W/21/3270497

Springwater Farm, Maunsborough Lane, Elworthy TA4 3PY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Andrew McKelvey (Nanlann Limited) against the decision of Exmoor National Park Authority.
 - The application Ref 6/31/20/101, dated 15 November 2019, was refused by notice dated 17 September 2020.
 - The development proposed is first floor extension to agricultural building to provide office space to be used ancillary to the main dwelling house together with timber cladding and construction of first floor bridge.
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Decision

1. The appeal is allowed and planning permission is granted for first floor extension to agricultural building to provide office space to be used ancillary to the main dwelling house together with timber cladding and construction of first floor bridge at Springwater Farm, Maunsborough Lane, Elworthy TA4 3PY in accordance with the terms of the application, Ref 6/31/20/101, dated 15 November 2019, and the plans submitted with it, subject to the conditions in the attached schedule.

Application for costs

2. An application for costs was made by Mr Andrew McKelvey (Nanlann Limited) against Exmoor National Park Authority. This application is the subject of a separate Decision.

Preliminary Matters

3. I have used the description of the development from the appeal form, as the evidence indicates that it more accurately describes the proposal than that given on the application form.
4. During the appeal, on 20 July 2021, the Government published its revised National Planning Policy Framework (the Framework). The Framework represents the Government's up-to-date planning policies for England and how they should be applied. The Council's reason for refusal refers to paragraphs 170 and 172, which have been re-numbered 174 and 176 in the revised version. Both parties have been given the opportunity to make comments relating to the updated Framework.

Main Issue

5. The main issue is the effect of the development on the character and appearance of the dwelling and the surrounding landscape.

Reasons

6. Springwater Farm lies on the eastern edge of Exmoor National Park, in an area of attractive open countryside, which is characterised by an undulating patchwork of agricultural fields, separated by native hedgerows and trees. It is one of a loose scatter of three dwellings located near the acute junction of Silverdown Hill with a Public Right of Way (PROW) known as Maunsborough Lane. The house is situated in an extensive residential curtilage, with an access drive rising up the slope from the PROW. Although it is a large two-storey house, the presence of significant hedgerows to the north of the site, and along the PROW, coupled with the rising land to the west, means that it is not a particularly prominent feature in the landscape.
7. The agricultural building lies behind the house, in the north western corner of the residential curtilage. It is a single-storey building of utilitarian appearance, with a shallow mono-pitched profile steel roof. It is cut into the slope of the land, such that its roof is at a similar level to the field beyond the boundary fence to the west. Its low-profile results in it being largely hidden from view by the topography, the hedgerow to the north, and the two-storey house to the east. Consequently, it has little impact on the character of the surrounding countryside, which retains an intrinsic beauty, commensurate with its National Park designation.
8. I have a duty, under Section 62 of the Environment Act 1995, to have regard to the purposes for which National Parks are designated. One of these is to conserve and enhance their natural beauty, wildlife, and cultural heritage. Paragraph 176 of the Framework also says great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, which have the highest status of protection in relation to these issues.
9. The proposal involves the addition of a first floor over the entire footprint of the existing agricultural building, to provide approximately 94 square metres of office space. The ground floor of the building would remain in agricultural use. The office space would be used for a combination of the applicant's various off-site business interests, and also in connection with the deer farming enterprise on the adjoining land. Policy SE-D1 of the Exmoor National Park Local Plan 2011-2031 (the Local Plan) addresses home based businesses, and, in certain circumstances, supports new outbuildings for these uses within a residential curtilage, provided there is no adverse impact on the landscape or the amenity of the area.
10. The proposal would result in a substantial increase in the scale and massing of the existing building. However, its footprint would not be extended, and the flat, green-roofed design would result in the additional height being limited to 2 – 3 metres. As the building would be set much further back than the house, which is a considerably bigger building with a pitched roof, it would still appear as a subservient building. Furthermore, its apparent scale would be reduced, as the ground floor is cut into the slope of the land, resulting in a single storey appearance when viewed from the west. It would occupy a very small part of the overall residential curtilage, and would be set against the backdrop of an

expansive rising landscape. Taking all of these factors into account, the scale and massing of the building would not be disproportionate with the existing house or its landscape setting.

11. The form and design of the building is a departure from the architectural style of the existing house. However, the flat roof would reduce the scale and, together with the contrasting design and materials, would contribute to the building retaining a subservient visual relationship to the dwelling. The house is, in any event, not particularly characteristic of the local vernacular, or of such architectural value that it should dictate the design of an ancillary outbuilding.
12. The green roof and timber cladding would be reflective of its rural setting, and would be more successful in assimilating the building into the landscape than a similarly sized building based on the design and materials of the house. Furthermore, although the design and materials of the building would contrast with the house, its low-profile, timber-cladding, and excavation into the slope of the land, would be in keeping with the large agricultural building that has recently been constructed to the south of the house, and which sits comfortably in its landscape setting.
13. The building would include some large full-height windows, but most of these would face towards the boundary hedge, or the rising land to the west. The one in the front elevation would be visible up the driveway from the PROW, but from here it would be seen in the context of the numerous large windows in the house in the foreground, so would not be an incongruous feature. Light would spill from the windows during hours of darkness, but as the building would be used as an office, it is unlikely to be regularly lit at night. In any event, the office use would be ancillary to the dwelling, so when lighting was required in the office space, less would be required in the house. The net increase in light spill from the site as a whole would not, therefore, be significant.
14. Despite its increased height and contrasting design, the building and first-floor bridge would still be largely hidden from public view by the trees and hedgerows to the northern boundary, and along Silverdown Hill and the PROW, and by the rising land to the west. My attention has not been drawn to any medium or long-distance public vantage points from which the development would be prominent in its landscape setting. From nearby, it would only be readily visible from a short stretch of the PROW, directly in front of the access drive. From here it would be seen in the context of the existing house and its residential curtilage, so would not intrude into views of the National Park landscape.
15. I am mindful that my visit took place during summer, when the trees and hedges were in full leaf. It is therefore possible, that at other times of the year, the building may be glimpsed from other parts of the PROW. However, I saw that a hedge has been planted along the eastern boundary of the residential curtilage, at a higher level than the PROW, which will in time provide an effective screen at all times of the year. Consequently, the building would not be a prominent or harmful feature in views from the PROW.
16. I therefore find that the scale, form, and general design of the building would conserve the landscape and scenic beauty of the National Park. I am also mindful that, following the Council's decision, the Design Review Panel's comments were generally supportive of the proposal, and concluded that it

would not have a detrimental impact on the character and visual amenity of the surrounding landscape. Whilst supportive of the architectural approach, the Panel recommended that simplifying the pattern and extent of the cladding may help to visually soften the building, and reduce its perceived massing and scale. Paragraph 133 of the Framework advises that regard should be had to any recommendations made by design review panels. I have therefore imposed a condition to secure the recommended amendments to the detailed design and extent of the cladding.

17. It has been suggested that the need for office accommodation could be met within the dwelling, or a new building closer to it, and that the farm office could be accommodated in one of the existing agricultural buildings. However, as there would be no unacceptable adverse impact on the landscape or the amenity of the area as a result of the proposal, there is no reason for me to consider whether these alternatives would be achievable.
18. For the reasons given above, I conclude that the development would not have a harmful effect on the character and appearance of the dwelling or the surrounding landscape. The proposal would, therefore, accord with Policies HC-D16, CE-S6, SE-D1, SE-S4, CE-S1 and CE-D1 of the Local Plan. Taken together, these policies seek to conserve the distinct landscapes of the National Park; secure high quality sustainable design in developments; and ensure that outbuildings within the curtilage of a dwelling are of a proportionate scale and massing, with no adverse impact on the character, appearance or setting of the existing dwelling or surrounding landscape. The development would also meet the Framework's aim of conserving and enhancing the natural environment.

Conditions

19. As well as a condition to secure the Design Review Panel's recommended amendments to the detailed design, I have imposed a condition limiting the period within which the development must commence. This is necessary to comply with the legislation. I have also included a condition specifying the relevant plans, as this provides certainty for all parties. The Council has submitted a schedule of suggested conditions to cover other matters. I have considered these against the advice in the Planning Practice Guidance. Where I have agreed that the conditions are necessary, I have altered some of them, in the interests of clarity and precision, to better reflect the guidance.
20. To safeguard the visual amenity, landscape character and dark night sky of the National Park, a condition limiting the extent of external lighting that should be installed on the building is reasonable and necessary. Conditions are also necessary to ensure that the ground and first floors are used for the purposes that justify the building in this countryside location.
21. Paragraph 174 of the Framework advises that planning decisions should minimise impacts on and provide net gains for biodiversity. There is no evidence that the development would cause any harm to biodiversity, and the planted roof would provide additional habitat. A condition requiring any further measures would therefore be unnecessary and unreasonable.

Conclusion

22. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be allowed.

Nick Davies

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) Other than to comply with Condition 3 below, the development hereby permitted shall be carried out in accordance with the following approved plans: 18-39B.01 – Location Plan & Block Plan; 18-39B.02 – Existing Garage; 18-39B.03 – Proposed Office; 18-39B.12 – Existing and Proposed Garage Sections.
- 3) Notwithstanding the details shown on drawings numbered 18-39B.03 and 18-39B.12, no timber cladding shall be installed on the exterior of the building until details of its extent and orientation have been submitted to and approved in writing by the local planning authority. The approved cladding, and any consequential elevational modifications, shall be completed in accordance with the approved details prior to the first use of the office space hereby permitted.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no new external lighting shall be attached to the building hereby approved without the prior written approval of the Local Planning Authority. Any approved lighting shall be installed and operated in accordance with the approved details.
- 5) The ground floor of the building hereby permitted shall be used only for agricultural purposes as defined in Section 336(1) of the Town and Country Planning Act 1990.
- 6) The first floor of the building hereby permitted shall not be used other than as a home office ancillary to the dwelling known as Springwater Farm, Elworthy, and/or as a farm office ancillary to the operation of the farming enterprise operated at Springwater Farm, Elworthy. The office space shall not be used as primary living accommodation (including additional sleeping accommodation and extra living space) and shall not be let, sold, or disposed of separately from the dwelling.

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Committee Report

Application Number:	6/43/21/104
Registration Date:	14-Jun-2021
Determination Date:	27-Jul-2021
Applicant	Mr David Preston & Mrs Anna Bamford
Agent:	Mr. B Dinnis, Acorn Rural Property Consultants
Case Officer:	Joe White
Site Address:	RIDGEWOOD COTTAGE, WOOTTON COURTENAY, MINEHEAD, TA24 8RF
Proposal:	Proposed demolition of existing buildings and erection of replacement building for stables, tack room and store, and construction of access drive, yard and associated works. (Amended Plans).
Recommendation:	Approve planning permission subject to conditions
Reason for bringing before Authority Committee:	Wootton Courtenay Parish Council maintain concern in relation to the proposal, which is considered contrary to the Officer recommendation

Relevant History

6/43/07/110 Erection of single storey extension. As per amended plans dated
4/12/07. Approved 12/07/2007

6/43/18/105 Proposed change of use of existing ancillary building into
residential dwelling. Refused
11/09/2018

6/43/19/104 Proposed change of use of ancillary accommodation to a two bed
dwelling. Resubmi Refused 08/30/2019

6/43/21/105 Proposed installation of ground source heat pump system.

6/43/99/107 Proposed single storey building for domestic swimming pool, store,
family room a Approved 08/10/1999

Site Description & Proposal

Ridgewood Cottage is located to the south of Wootton Courtenay and to the north of the hamlet of Burrow. It is accessed to the eastern side of Burrow Road. The site consists a detached two-storey dwelling and various outbuildings including a single storey, ancillary outbuilding and a detached garage. The property has large gardens, which surround the dwellinghouse. The nearest residential property is Silvertrees, which is located over 80 metres (as the crow flies) south west of the site of the

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proposed building and to the opposite side of Burrow Road. There is a public footpath (ref WL32/6) to the north east of the site.

The application site lies within the Dark Sky Reserve Critical Buffer Zone. There is a large Oak tree to the southern side of the access to the site from Burrow Road, which is subject of Tree Preservation Order (TPO).

The planning application proposes the erection of a new stables building, including tack room, stores and open sided shelter. The proposals also involve the construction of access drive and yard to serve the proposed new building, which would lie to the north of the dwellinghouse. The existing access from Burrow Road is proposed to be widened by 0.95 metres.

The proposed building would replace an existing stable building, which is smaller in size (approximately 91sqm) than the proposed building and is of mixed construction, comprising timber cladding, rendered masonry and metal cladding, as well as large glazed sections. The existing stable building accommodates 4 stables, a tack room and also a greenhouse/garden room. The new building would be positioned immediately adjacent to the site of the existing building.

The proposals also include the removal of a garden shed, which lies adjacent to the existing stable building. The garden shed has a floor area of approximately 14sqm and is constructed with corrugated metal.

A field barn, which lies approximately 120 metres to the east of the dwelling and accommodates two stables and a field shelter, is also proposed to be removed as part of the application. That building has a floor area of approximately 40sqm.

The proposed plan shows that the new building would accommodate four stables, a hay store, a machinery store, a tack room and an open fronted shelter. The building would have a floor area of approximately 200sqm (including the open fronted shelter but excluding the space beneath the roof overhang) and would be cut into the slope of the land.

A feature of the building is to have a deep roof overhang at the eaves over the stables. The roof line is stepped and is proposed to be finished with a living wildflower turf. This would provide a deep roof structure and, the application papers explain, this will provide a warmer internal environment during the winter and cooler environment during the summer. The walls would be either stone faced or timber clad. Doors and stable windows would be timber.

The proposed yard area around the building would be cut into the slope and surfaced with gravel. The applicant explains that the yard is designed to provide space for vehicles to manoeuvre and is to be used as a turnout area for horses during the winter months, with access from the open fronted shelter within the building.

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The proposed new access drive would pass over the existing area of garden, from the end of the existing access drive in front of the dwelling and beside the annexe building, sloping up to the stable building.

New hedge banks are proposed as part of the proposed development. The hedge banks would be formed using material excavated from the site. A hedge would be formed to the north east side of the proposed yard, and three new hedgerows would be formed over the applicants farmland to the south, creating smaller paddocks. Two of the proposed hedgerows would be along existing fence lines.

The application papers explain that the proposal is for private equestrian use, not commercial. The proposals do not include the installation of exterior lights.

The application has been amended (on 17 August 2021) since its initial submission. The amendments include change to the proposed widening of the access from Burrow Lane. The access is now proposed to be widen to the north west side, rather than the south east side as initially proposed, to avoid the need to carry out development within the Root Protection Zone (RPZ) of the Oak tree at the entrance which is subject of TPO.

In addition, the roof pitch for the proposed building has been reduced from 19 degrees to 15 degrees. Altering the roof pitch of the building provides ridge heights of approximately 4.55 metres and 4.15 metres above ground level.

Consultee Representations

Wootton Courtenay Parish Council – (9 September 2021) The applicant has tried to address some of Wootton Courtenay Parish Council's concerns. However, the councillors are still concerned about the overall size of the building even though it has a lower roof height and if the Section106 agreement is signed and is appropriate for controlling the future use of the building this will all help to ameliorate the points raised in our original email on 19th July.

(22 July 2021) The Parish Council have serious concerns with the size and visual impact of the proposed stable buildings in the landscape. The scale of the building is badly out of context with the setting and its relationship with the existing house, which is in close proximity.

The stables themselves are far larger than would be needed (ref: British Horse Society) even for large horses, and the two pairs of stables positioned back to back is unusual and not as recommended by British Horse Society. The substantial construction with full height stone walls, steel frame and insulated grass topped roof lends itself more to a residential specification. It is also thought that the materials would be contrary to those usually required by ENPA where timber cladding for instance has been insisted upon in the past.

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The overhanging roof footprint of the building exaggerates the size of the building, which would be in the order of 294 m², the equivalent of three small dwellings, and as well as this the raised ridge height would be significantly higher than the ridge of the existing house. It will, therefore, be quite prominent in the landscape and could be seen from the surrounding hills, even though mitigated by the grass roof. The larger than necessary stables coupled with the large overhang, the result is the very high roofline (5.5m when scaled).

It is felt that the building would lend itself to a variety of alternative uses and in particular residential or possible commercial/business use and could be open to abuse at some time in the future such as by a future property owner. Due to the nature of the construction, it would also be difficult to make a case for its removal.

Despite the fact that the applicant has given much thought to the impact of the building on the environment and the welfare of the horses the parish council would ask that ENPA take a careful look at the innovative design and overall size and particularly the height of the proposed building to ensure that it is appropriate to the proposed use. However, the parish council are happy to have an improved replacement of the existing buildings of a more appropriate scale and height.

Trees and Woodlands Officer – (17 August 2021) Protected tree TPO Ref 14_5_62 “Oak Tree at Ridgewood Cottage” stands close to the proposed modified access from the adjacent road.

The proposed modified access appears to pass within the rooting zone of the protected tree. The applicant should provide details showing the precise position of the tree in relation to the development and plot the extent of the theoretical Root Protection Area following the guidance in BS 5837 2012 BS 5837 (2012) – Trees in Relation to Design, Demolition and Construction.

The applicant should provide details prepared by an Arboricultural Consultant which show how the proposals will impact upon the Root Protection Area and the implications on the health of the tree. Alternative proposals or mitigation measures should be provided as appropriate based on the findings.

The applicant should also show how the tree will be protected from any damage at all stages of the development which may include the erection of a protective fence which follows BS 5837 guidance.

All the above should be supplied in a report for approval by ENPA including plans and images as necessary all prepared by an Arboricultural Consultant following all the industry accepted procedures.

Landscape Officer – (6 August 2021) The proposed location is well considered in terms of its relationship to the dwelling, existing boundaries, trees and topography.

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The position will minimise the length of new access track required, which passes through a garden area rather than an open field.

The footprint is larger than the existing outbuilding to be removed, with a considerably larger roof plan. The split ridge will break up the mass and the living turf roof will help reduce potential visibility as long as incongruous species such as sedum are avoided.

The width (front to back) of the building and large area of manoeuvring / turn out space will require a large amount of ground to be lowered at the rear, cutting into the slope. Whilst this will make the building sit low in the landscape, a steep bank will be formed to the rear. A longer, narrower building along the contours would reduce the amount of cut required and provide a better arrangement than back-to-back stables.

The building will not be visible from the road or the footpath to the north west (without stepping on a bank and peering through vegetation). In views from the higher ground towards Dunkery Beacon to the south west, the proposed building will be less visible than the existing outbuilding because of its darker, natural materials and living turf roof. With a hedgerow planted on top of the bank, the building will be well contained.

The site lies in the Farmed and Settled Vale landscape character type, which is characterised by a pattern of small irregular fields surrounded by hedgebanks. The proposal includes the formation of several new hedgebanks from the excavated material, which is in keeping with the character. There will be some gain in removing dilapidated field shelters and sheds.

It would be preferable if the drive was widened it on the opposite (northern) side to avoid any impact on a large oak tree on the hedgebank.

The site is within the Dark Skies buffer zone and therefore any external lighting should be kept to a minimum and to be detailed and approved, in accordance with Policy CE-S2.

Public Rights of Way Officer – (21 June 2021) Public footpath WL32/6 runs approximately 70 metres north-east of the development site.

The development has no direct impact on the public footpath and the view of it from those using the public footpath is largely shielded by a mature hedge as well as the planned new one in the application.

Somerset County Council Highways – (15 June 2021) Standing advice on the basis the use is ancillary to the main dwelling and not for any business/commercial use.

No other comments received from consultees.

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Representations

NB It is noted that the amendments are relatively limited in extent and, whilst the representations set out below have been separated into comments received before and after the receipt of amended plans, the limited extent of the amendments is acknowledged.

1 letter of OBJECTION has been received following the receipt of the amended plans. The letter raises concern including that:

- The amended plans do not address in any meaningful the issues previously raised.
- The fact that the house has a steeply pitched roof with a narrow ridge and that the amended ridge to the 'stable' building will now be at a similar level is not material. The fact remains that the floor slab level to the proposed building is only 1.0 metre below the eaves of the house and the eaves to the stables will therefore be well above, (varying between 1.5 and 2.0 metres) the eaves of the house.
- No arboricultural report has been submitted and whilst your Tree Officer has expressed concern about the widening of the driveway and the potential impact on an Oak tree near the entrance (now subject to a TPO).
- Concern that other valuable trees are at risk with hard surfacing constructed far too near an Oak Tree and a Horse Chestnut Tree. A full Arboricultural Report and impact assessment should have been produced.
- The building is of excessive size for its' stated use. This leads to concerns about future use of the building which are heightened not just by the size of the building but by the nature of its construction and design. The hay store, for example, which has a substantial floor area is to be constructed with 450mm thick solid stone walls but with an access door which is so small you could not get a loaded hay trailer in and out of the building.

3 letters of OBJECTION have been received in relation to the proposals as initially submitted. The letters raise concerns including that:

- The proposed development at Ridgewood Cottage will be a blot on our local landscape as it is far too large and high.
- It seems that instead of building the usual type of stables for four horses, the owner is building a structure which in the near future will be transformed into a housing or even an industrial complex.
- The comments made by the Parish Council are endorsed.
- The proposed building is over sized and over engineered and its impact too great to be to be justified for the hobby of one family put against the visual impact on the village vista and surrounding views that the local and visiting public should be able to enjoy in a National Park.

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- A more traditional wood structure could still have a living roof and be set inline and on a level with the field contours.
 - There is an existing hay store with good road access.
 - The removal of existing and probably unconsented buildings is a positive. However if the intent is to provide shelter for four horses we feel a proposal that has less impact on the visual environment and has no other potential uses would be viewed more positively.
 - The 'roofed in' footprint is approximately 294 sq.m and will be clearly visible, not just close-by but from a distance, including from Grabbist Hill.
 - The building is in an elevated position with a stated FFL (floor slab) level of 125.5m against a ground level adjacent to the house of 121.4. The slab level will therefore be only 1.00m (approximately) below the eaves of the house and at 130.8 the ridge.
 - Whilst root protection measures are shown the applicant has not provided a full BS 5837 compliant Arboricultural Report/Impact Assessment and I question whether the proposal is acceptable in Arboricultural terms.
 - Whilst innovative in design the materials are not consistent with 'usual' planning requirements where the ENPA has in other cases insisted on fully timber clad elevations and (for this type of building) Marley Eternit Farmscape roof sheeting.

Policy Context

EXMOOR NATIONAL PARK LOCAL PLAN
GP1 Achieving National Park Purposes and Sustainable Development
GP4 The Efficient Use of Land and Buildings
GP5 Securing Planning Benefits – Planning Obligations
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-D2 Green Infrastructure Provision
CE-S6 Design & Sustainable Construction Principles
CC-S1 Climate Change Mitigation and Adaptation
CC-D1 Flood Risk
RT-D11 Equestrian Development
AC-S1 Sustainable Transport
AC-D2 Traffic and Road Safety Considerations for Development
RT-D12 Access Land and Rights of Way
CC-D2 Water Conservation
CC-S6 Waste Management
CC-S7 Pollution

The NPPF is a material planning consideration.

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Planning Considerations

The main material planning considerations in this case are considered to be the principle of the development, its impact on the character and scenic beauty of the landscape and potential impact on trees, including the tree subject of a TPO. Other considerations include impact on residential neighbouring amenity, ecology and highway safety.

PRINCIPLE OF DEVELOPMENT AND IMPACT ON LANDSCAPE CHARACTER AND SCENIC BEAUTY

The Local Plan acknowledges that owning and riding horses are traditional and popular activities on Exmoor for residents and visitors alike, and horse related development can be compatible with National Park purposes.

The Local Plan advises that, managed well, visual intrusions or other potential impacts from associated buildings and other equestrian related development and paraphernalia can be minimised to an acceptable level in the environment.

Policy RT-D11 applies to horse related development. In accordance with the Local Plan, para. 8.86, horse related development should always be close to the property it is intended to serve. This contributes to minimising adverse landscape effects on the National Park.

Ridgewood Cottage is a small holding with approximately 9 acres of land that is enclosed by hedgerows. The holding is where the applicants proposed to graze their own horses and have sheep graze the land. The property appears to have a historic use of grazing and keeping horses and the proposal would replace existing equestrian development at the holding. Having regard to Policy RT-D11 and the location of the proposed building close to Ridgewood Cottage and existing development at the property, the proposal is considered to be acceptable in principle and as assessment of the environmental impact of the proposed development is required.

In terms of impact on landscape, Policy CE-D1 advises that development will be permitted where it can be demonstrated that it is compatible with the conservation and enhancement of Exmoor's landscape. Policy CE-S2 refers to Exmoor's dark night sky and advises that, among other things, the tranquillity and dark sky experience of the Exmoor National Park Dark Sky Reserve and the National Park as a whole, will be maintained and improved.

Policy CE-S6 requires that development proposals deliver high quality sustainable designs that conserve and enhance the local identity and distinctiveness of Exmoor's built and historic environment.

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These policies are consistent with the National Planning Policy Framework and the protection of the National Park and have regard to the purposes of designated National Parks and their status.

Policy RT-D12 relates to safeguarding access land and Rights of Way in terms of their condition, users' interests and character and appearance. Where proposal would adversely affect the network it will be necessary to meet a number of criteria including that there is a need for the development, that there is no appropriate alternative location and any harm will be kept to a minimum.

Policy RT-D11 supports equestrian development where, among other things, they:

- a) do not adversely affect the natural environment, amenity of the surrounding area, or neighbouring properties either directly or indirectly including through pollution;
- b) re-use existing traditional buildings or, where appropriate, non-traditional buildings in accordance with CE-S5. Where the need for a new building is clearly demonstrated, siting should be well related to existing buildings;
- c) do not cause unacceptable levels of traffic in terms of the environmental or physical capacity of the road network, and do not prejudice road safety interests;
- d) are sited sensitively in terms of visual impact and the landscape setting of the area, and in terms of the intensity of use or activity;
- e) are of an appropriate scale, well designed and, unobtrusive in their form, in terms of their height, position and materials including by means of enclosure. Proposals should reflect the character and form of existing traditional development;
- f) have adequate and suitable grazing land to support the development proposed;
- g) are well related to suitable networks of equestrian routes which are capable of supporting the additional use in accordance with RT-D12 Access Land and Rights of Way. Where appropriate, horses will be regulated to a number which will not cause harm to equestrian routes, the landscape or nature conservation; and
- h) ensure the site is managed in accordance with an agreed land management plan.

The landscape at the application site is clearly manmade in respect of field patterns, with hedgerows and trees. The horse is also reasonably prevalent. The application site lies in Farmed and Settled Vale landscape character type, which is characterised by a pattern of small irregular fields surrounded by hedge banks.

Whilst there is some local objection to the proposal in terms of its scale, design and impact on landscape, as well as the potential for the proposed building to be used for other uses due to its substantial construction, the proposal is for equestrian development for the applicant's own benefit. The building is located near to the applicant's dwelling and close to the existing garden and, although the proposed stables are larger in area than might typically be the case and the building is of substantial construction, there is no reason in principle why this may be considered unacceptable. It is possible to condition the use of the building and an alternative use would require planning permission. Furthermore, it is the scale, design and impact of the building in the landscape that must be considered, rather than necessarily the

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whether the stables are larger than the British Horse Society (BHS) recommendations (the BHS recommends, as a minimum, that stables for large horses are approximately 3.65m by 4.25m – the stables proposed are approximately 3.9m by 4.9m).

However, having received the objections through the consultation exercise, officers have discussed the potential to consider a smaller scale building with the applicant, on the basis that a smaller building could reasonably be anticipated likely to have a reduced landscape impact. The applicant has however explained that they keep large horses and are keen to have the size building proposed.

It is the case that the proposed building is not typical of a number of equestrian buildings on Exmoor. However, the building would be constructed with stone and timber cladding which are traditional and natural materials in accordance with Policy CE-S6. The proposed wildflower turf roof will help reduce potential visibility of the building and soften its appearance. The split ridge roof will break up the mass of the building. The proposal to form hedge banks is in keeping with landscape character and the proposed removal of existing field shelters and sheds provides some mitigation for the proposed building, as well as consolidates development close to the existing dwelling, removing the more sporadic development that has occurred.

It is acknowledged that the building sits on a higher ground level than the dwelling, with the proposed floor level of the building being approximately 4 metres higher than the floor level of the dwelling. However, this accounts for the natural change in level between the position of the dwelling and that of the proposed building.

The Authority Landscape Officer considers the proposed location is well thought through in terms of its relationship to the dwelling, existing boundaries, trees and topography. The position of the proposed building minimises the length of new access track. The Landscape Officer advises that the building will not generally be visible from the road or the footpath to the north west. And that, in views from the higher ground towards Dunkery Beacon to the south west, the proposed building will be less visible than the existing outbuilding because of its darker, natural materials and living turf roof. The proposed hedgerow to be planted on top of the bank to the north of the proposed stables will ensure the building will be well contained. The Landscape Officer considers that overall, the proposal has generally responded to the setting.

The building would sit relatively low in the landscape and whilst there would be some landscape impact, this is contemplated by Policy RT-D11. The proposal would be read in the context of the existing house, its garden and associated development. There would also be a backdrop of ground and vegetation and the wildflower roof and natural facing materials on the side elevations of the building, as well as the large roof overhangs, will contribute to breaking up and softening the appearance of mass within the building.

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Taken together, and with particular regard to the views of the Landscape Officer, the proposals are considered to have an acceptable impact on landscape character and the scenic beauty of the area.

TREES

In accordance with Policy CE-S1 development proposals should have regard to, and be appropriate in terms of impact, with the conservation of important trees and tree groups.

There is a large Oak tree to the southern side of the access to the site from Burrow Road which is subject of TPO. There are also notable trees near the site of the proposed building, including an Oak and Horse Chestnut, which are not subject of TPO.

The Trees and Woodlands Officer has advised that, in relation to the TPO tree, the applicant should provide details prepared by an Arboricultural Consultant which show how the proposals will impact upon the Root Protection Area (RPA) and the implications on the health of the tree. He also requires the applicant to provide details to show how the tree will be protected from any damage at all stages of the development.

The application has been amended in respect of the changes to the property access, which is adjacent to the TPO tree. Whereas the proposal initially submitted was to widen the access to its south west extent, and closer to the TPO tree, the amendment is now to extend the access to the north east extent. The proposal does not involve works closer to the tree and the amended plans show the entrance widened on the side furthest away from the Oak tree. The existing drive is tarmac and to its north side (between the drive and the annexe) the ground surface is concrete. The proposal therefore appears unlikely to impact on the tree, including its RPA. However, there is insufficient detail on the plan to be reassured that any works to complete this widening will not impact detrimentally on the tree.

Plant and machinery need to be prevented from moving over the RPA and the storage of materials would need to avoid the RPA. It is also likely that some form of protective fence will be needed to ensure plant or materials will not be stored or stacked within the RPA.

Similarly, with the trees further into the site, whilst it appears likely that the trees can be protected, there is insufficient detail to confirm the works will not detrimentally impact on the trees identified.

This is a matter that has been raised with the agent and it is understood that an arboricultural report is being prepared.

Given the amendments to the proposals and the consideration that the trees can be safeguarded through the development, however, it is considered that a condition of

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planning permission is sufficient in this case to ensure suitable protection of the trees is provided through the development.

OTHER MATTERS

The application site lies within the Dark Sky Reserve Critical Buffer Zone. In accordance with Policy CE-S2 the tranquillity and dark sky experience of the Exmoor National Park Dark Sky Reserve and the National Park as a whole, will be maintained and improved.

In this regard the applicant has confirmed that no external lighting would be installed on the building. The proposals are not therefore considered likely to cause material impact on the character of the dark sky, and in determining the application it is possible to apply condition of planning permission to ensure that external lighting cannot be installed without prior agreement of the Local Planning Authority.

Policy CE-S6 requires that development proposals should not detrimentally affect the amenities of surrounding properties and occupiers.

The closest residential neighbour to the application site is Silvertrees, which is located over 80 metres (as the crow flies) south west of the site of the proposed building and to the opposite side of Burrow Road.

There are existing buildings, hedgerows and a public road between the application site and neighbour. Given the juxtaposition of buildings and distance of separation, the proposal is not considered to cause material impact on the residential amenity enjoyed at the neighbouring residential property.

Policy AC-D2 advises that development which will cause unacceptable levels of traffic in terms of environmental or physical capacity of the local road network, or would prejudice road safety interests, will not be permitted.

Policy RT-D12 relates to safeguarding access land and Rights of Way in terms of their condition, users' interests and character and appearance. Where proposal would adversely affect the network it will be necessary to meet a number of criteria including that there is a need for the development, that there is no appropriate alternative location and any harm will be kept to a minimum.

The proposed works would not obstruct use of public rights of way and are not considered to compromise the existing level of access to permitted.

The proposal is considered unlikely to have a severe impact on the local highway network. The proposal makes use of an existing access that serves the property. The proposal is for the applicant's private use and officers consider that, given the nature of the road, the development proposed, being non-commercial equestrian development, would likely have an acceptable impact on highway safety.

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In accordance with CE-S3 the conservation and enhancement of wildlife and habitats will be given great weight and development likely to cause harm to legally protected species, or lead to the loss of or damage to their habitats, will not be permitted unless this can be mitigated or then offset so that local populations are at least maintained.

The buildings to be removed are of mixed construction, including corrugated metal and Perspex sheets. Some are open fronted and appear to be of negligible suitability for bats.

The proposed provision of additional hedgerows and the “living” roof for the proposed building would provide beneficial impact for biodiversity. The proposals are not considered to harm the favourable conservation status of species and habitat.

Whilst the Parish Council and others have raised concern in relation to the overdone design or over engineered specification for the proposed equestrian building and its potential to be used for residential accommodation or other uses in future, a planning permission for an equestrian building would run with the land, irrespective of the circumstances of the intended occupiers. Furthermore, the proposal before Authority in this application is for an equestrian building. If planning permission was granted and the building was not used as proposed, or there was a material change of use in the future to create a separate use, then a separate grant of planning permission would be required, and the use of the building would be at risk of enforcement action if such permission were not granted.

CLIMATE EMERGENCY

In May 2019 the UK government declared a climate emergency, Exmoor National Park followed this by declaring a Climate Emergency in October 2019. To help meet this challenge the Local plan includes policies which seek to influence, contribute and challenge development to help meet the Climate Emergency. GP1 ‘Achieving National Park Purposes and Sustainable Development’ 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 ‘Climate Change Mitigation and Adaption’ 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. Furthermore,

Policy CC-S5 ‘Low Carbon and Renewable Energy Development’ 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 ‘Design and Sustainable Construction Principles’ seeks to incorporate sustainable construction methods which future proof against climate change impacts, including flood risk.

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Paragraph 152 of the National Planning Policy Framework requires 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.

There would be an impact on the climate from the construction process and sourcing of construction materials. There is also benefit in provide a “living” roof to the building and in keeping spoil arising from the development on the holding and using this to create hedge banks. Officers consider that the impact on the climate resulting from the proposal would not be such that a reason for refusal would be justified on this basis.

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

Planning applications have to be decided in line with the Local Planning Authority’s Local Plan, unless there is very good reason not to do so. This is in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires planning applications to be determined in accordance with the development plan unless material considerations indicate other.

At its core, planning is about comparing the benefits of a proposed development with the harm it would cause. Very rarely are developments entirely without harm, or entirely without benefit. The starting point for deciding any planning application is however the development plan.

The principle of development is acceptable under Policy RT-D11. The proposed building would be closely sited to the existing dwelling. The site presented is considered to be an acceptable site for development and the impact on landscape is considered to be acceptable. There is considered to be no material harm to neighbouring residential amenity and the level of highway safety along the local highway network. The proposal, subject to condition, is considered likely to safeguard existing trees at the site, including the protected Oak tree.

On balance, the proposal is judged to comply with the relevant Local Plan policies, and it is recommended that planning permission be granted subject to the following conditions.

Recommendation

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Approve subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990, (as amended by the Planning and Compulsory Purchase Act 2004).

2. The development hereby approved shall not be carried out other than in accordance with the following schedule of plans, as amended,

- The location plan, drawing number ARPC 1,
- The amended "site plan as proposed", drawing number RWC-21-101C,
- The amended "Elevations A/Section as Proposed" plan, drawing number RWC-21-104A,
- The amended "Elevations B as Proposed" plan, drawing number RWC-21-105A,
- The "Buildings to be removed" plan, drawing number ARPC 2,
- The "Floor and Roof Plans as Proposed" plan, drawing number RWC-21-103,
- The "Sections Through Drive as Proposed" plan, drawing number RWC-21-102, and
- The "Proposed Hedgebanks" plan, drawing number ARPC 3.

Reason: To ensure the development accords with the plans as amended.

3. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting those Orders with or without modification), no external lighting shall be installed on the building hereby approved unless details have first been submitted to and approved in writing by the Local Planning Authority. The details shall include a lighting design scheme to demonstrate how potential illumination of surrounding habitats would be mitigated. The external lighting shall thereafter be installed and operated fully in accordance with the approved scheme.

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

4. The building hereby approved shall not be used other than for private recreational equestrian use in association with Ridgewood Cottage (shown within the blue outline on approved location plan) and/or for agricultural purposes, and shall not be used for livery letting or other commercial purpose without the prior grant of planning permission from the Local Planning Authority.

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Reason: In the interest local amenity and to control the character and nature of traffic attracted to the site in the interests of highway safety.

5. All external doors, window frames and external joinery in the development hereby approved shall be timber.

Reason: In the interests of the character and appearance of the building and to accord with CE-S6 of the Exmoor National Park Local Plan 2011 – 2031.

6. Prior to installation on the application site, a sample of the natural stone and timber to be used for external cladding to the building in accordance with the approved plans, shall be submitted to and agreed in writing by the Local Planning Authority. Once the stone and timber is agreed, the development shall thereafter be carried out in accordance with the agreed details.

Reason: To confirm details not already clearly provided in the interests of the character and appearance of the building and locality.

7. Prior to its installation on site, a detailed planting specification and edging detail for the roof of the building hereby approved shall be submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the agreed details.

Reason: To confirm details not already clearly provided in the interests of the character and appearance of the building and locality.

8. The buildings to be removed, as confirmed on during number ARPC 2, shall be removed no later than within a period of 1 month following the substantial completion or first use of the building hereby approved, whichever is the sooner, unless an alternative timescale is agreed in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance the locality and having regard to the package of proposed development leading the Authority to consider the proposals are acceptable.

9. No development, hereby approved, above floor slab level shall commence until details of plant species, species mix, density and specification of plants to be planted on the hedge banks shown on approved drawing number ARPC 3 have been submitted to and agreed in writing by the Local Planning Authority.

Once agreed, the hedge banks shall be provided in accordance with the agreed/approved details no later than in the first planting and seeding seasons (15 September to 15 March) following the occupation of the building or its substantial completion, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become

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seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of the character and appearance the locality and having regard to the package of proposed development leading the Authority to consider the proposals are acceptable.

10. No development shall commence on site in connection with the development hereby approved (including demolition works, tree works, fires, soil moving, access widening or any operations involving the use of motorised vehicles or construction machinery) until a detailed Arboricultural Method Statement (AMS) in accordance with BS5837:2012 Trees in relation to design, demolition and construction – Recommendations has been submitted to and approved in writing by the Local Planning Authority and the protective fencing is erected as required by the AMS. The AMS shall include full details of the following:

- a) Timing and phasing of Arboricultural works in relation to the approved development.
- b) Details of a tree protection scheme in accordance with BS5837:2012: which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site which are shown to be retained on the approved plan and trees which are the subject of any Tree Preservation Order.
- c) Details of any construction works required within the root protection area as defined by BS5837:2012 or otherwise protected in the approved Tree Protection Scheme
- d) Details of the location of any underground services and methods of installation which make provision for protection and the long-term retention of the trees. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) Order, 2015 (as Amended), no services shall be dug or laid into the ground other than in accordance with the approved details
- e) Details of any changes in ground level, including existing and proposed spot levels required within the root protection area as defined by BS5837:2012 or otherwise protected in the approved Tree Protection Scheme.
- f) Details of the arrangements for the implementation, supervision and monitoring of works required to comply with the arboricultural method statement

Reason: To ensure the continued wellbeing of the trees in the interests of the amenity and environmental quality of the locality.

Informatives

CONDITIONS AND INFORMATIVES

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

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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. It will be necessary to adopt a formal approach and that if changes to approved plans are proposed then it will be necessary to make a new planning application. Please ensure that works comply with the approved plans so as to avoid the possibility that works are unauthorised and liable for enforcement action.

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 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.

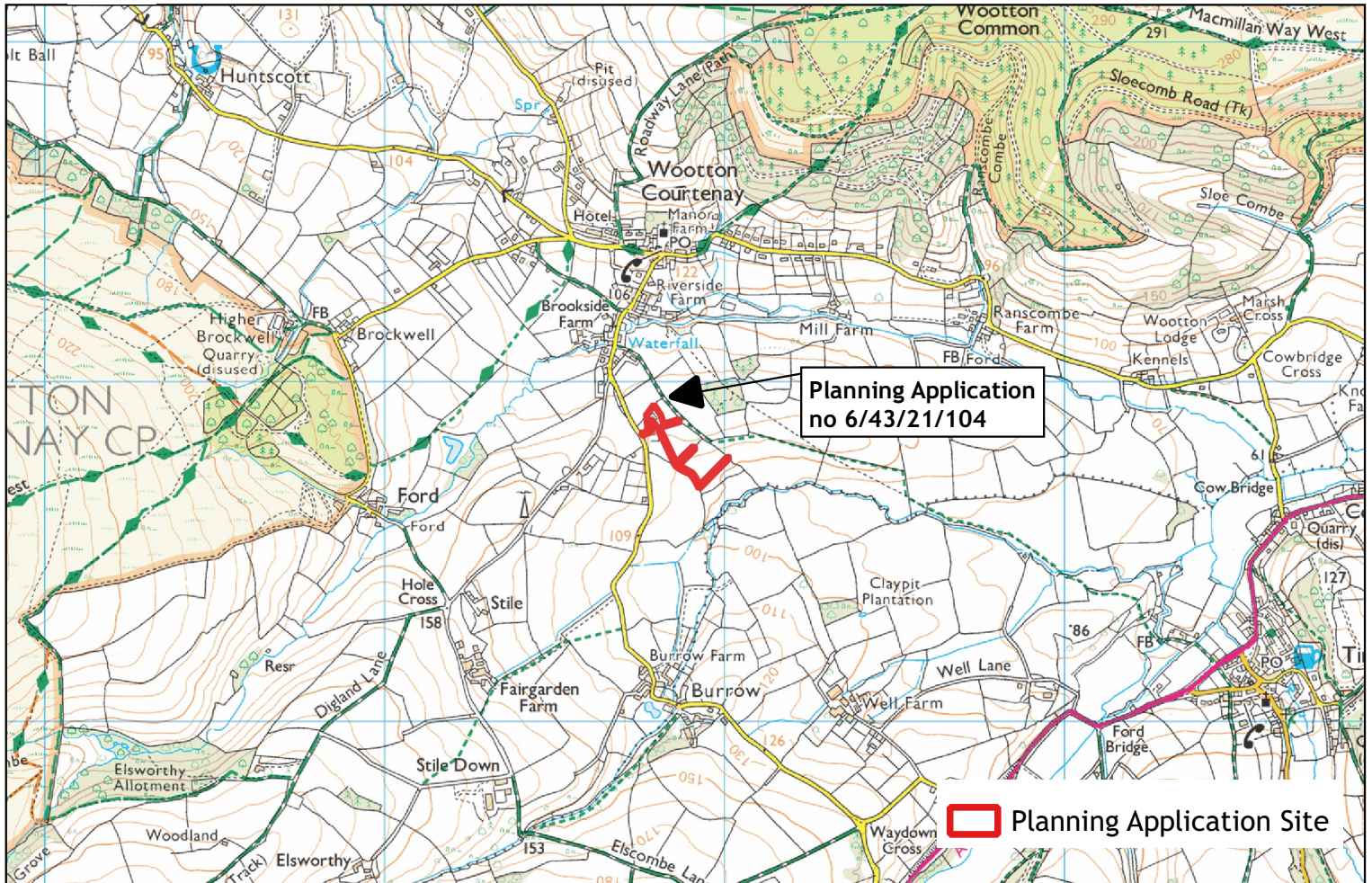
POSITIVE & PROACTIVE STATEMENT

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.



Site Map
Scale 1:2,500

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Committee Report

Application Number:	62/41/21/019
Registration Date:	05-Jul-2021
Determination Date:	26-Aug-2021
Applicant	Mr D Barnett
Agent:	Mr. Adam Elston, Architectural Studio
Case Officer:	Joe White
Site Address:	Valley Of Rocks Picnic Site, Road From Hollerday Gate To Castle Rock, Lynton, EX35 6JH
Proposal:	Application under Regulation 3 of the Town and Country Planning General Regulations 1992 for proposed alterations to site, including the relocation and replacement of existing car parking machine, installation of a second car parking machine, formation of new parking bays, widening of vehicular entrance track and construction of grass banks.
Recommendation:	Approve subject to conditions
Reason for bringing before Authority Committee:	Exmoor National Park Authority is the applicant. Additionally, the officer recommendation is contrary to the view of the Town Council.

Relevant History

62/41/08/003 - Regulation 3 application for Restoration of picnic area located between Lynton – Approved - 02/06/2008

62/41/76/004 - New track for vehicular access to centre of picnic area – Approved - 03/02/1976

NE 709 - Proposed use of land as picnic site - Approved - 03/16/1971

Site Description & Proposal

The application proposes alterations at the Valley of Rocks Picnic Site. The proposed development includes the relocation and replacement of existing car parking machine, installation of a second car parking machine, formation of new parking bays, widening of vehicular entrance track and formation of grass banks.

The Valley of Rocks is a dramatic and well visited landscape, significant for its rugged and scenic beauty. The application site lies next to the West Exmoor Coast and

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Woods Site of Special Scientific Interest (SSSI), which is important for its flora and rich bird population. The SSSI also contains important geological features.

The valley includes a Registered Common, which encompasses the north western end of the application site, and a Village Green. There are a number of twentieth century developments that contrast with the wild character of the valley, including two areas of public car parking (the picnic site, owned by ENPA, and the car park owned by Lynton Town Council, which lies further to the east), the road through the valley, mini roundabout, fencing and the cricket pitch.

The site lies within the Heritage Coast. There are a number of public rights of way close to the application site and the picnic site is clearly visible in the valley.

The application site is designated as important open space under the Local Plan – as recreational space.

By way of background in terms of planning status, the site is a former caravan park within a walled enclosure. It would appear that the land became a “picnic site” following a grant of planning permission in 1971 (appli ref NE 709). That planning permission brought the “recreational” use of the land, for which the site is designated under the Local Plan. Application ref 62/41/76/004 proposed a “new track for vehicular access to centre of picnic area” and was granted planning permission in 1976. That included some additional parking areas.

The most recent planning application for the site, prior to this proposal, is application ref 62/41/08/003. That is a “Regulation 3 application for restoration of picnic area”. The proposal saw the removal of the northern loop road (introduced in the 1970s) to reduce the overall visual impact and to provide a larger informal grass area for public enjoyment. Existing informal parking areas remained and two additional pull-ins were created at the ends of the old loop road, which was removed. The ticket machine was provided/relocated. The proposals were considered to bring a small loss of parking, but a gain in grass recreational area.

The permitted use of the land is as a “picnic” site, which is designated as important open space under the Local Plan. The site has and does accommodate vehicle parking, which supports its use as recreational space, and that parking was rationalised through development approved under application ref 62/41/08/003 in February 2008.

The proposal now involves the resurfacing of some of the informal parking areas, with compacted aggregate, together with additional parking spaces to provide a surface more suitable for all weather use. The proposals also include the provision of low earth banks, to be finished with grass, and introduction of additional stones placed along the inside edge of the access track to manage parking and the use of the more central area of the site. The existing payment machine for the car park is to be

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replaced and relocated and a second payment machine is proposed. The parking spaces would mainly be provided perpendicular to the access road.

Following comments made through the initial consultation exercise for the application, the proposal has been amended (on 3 September). The amendments to the proposal are limited in extent and relate to clarification of details, including surface material, and involve the lowering of the height of the proposed earth banks to be formed, to a maximum height of 30cm, and the omission of 4 parking spaces proposed to the north east extent of the access road.

Consultee Representations

North Devon Council – 14 Sept 2021 – No observations

Landscape Officer – 17 August 2021 – The proposal increases the capacity of the car park for all-weather use in an informal arrangement arranged along the existing track. To allow more control of vehicular access onto the grass picnic area, low grass banks and large stones are proposed along the track edge. Two access points are located at opposite ends for seasonal parking on the grass and maintenance. The arrangement will direct vehicles onto the grass, rather than unrestricted access as at present, and would enable access to the grass to be restricted if necessary.

It is recommended that the low banks are constructed with subtle, curved profiles to enable grass mowing and that their height is kept to a minimum to inhibit access but not be prominent. Likewise, the stones used along the track edge should be local stone, using those already on site, and set low into the ground so they too are not prominent.

The widening of the track at the western entrance to allow two-way traffic will require some minor modification of a low bank. Along with repairs to the stone wall on the opposite side, the appearance of the entrance will be improved and entry / exit by cars will be safer. All new parking bays will be in compacted, crushed stone to match the existing so that the surface materials used remain as existing.

In such an open valley landscape there is a need to balance visitor management with the sense of place. The proposal maintains an informal layout and appearance whilst enabling a greater number of all-weather parking spaces, greater control of access onto the central grass picnic area and an upgrade of one of the entrances. Attention to detail in carrying out the works will be important to ensure the resulting scheme is subtle in its appearance and blends into the valley landscape.

ENPA Archaeologist – 11 August 2021 – The Valley of Rocks contains an exceptional prehistoric landscape including prehistoric settlement and burial remains likely to date to the Bronze Age period and locally designated as a Principal Archaeological Landscape (PAL No 5). The area of proposed development lies within the Valley of Rocks (recorded on Exmoor Historic Environment Record as site

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MDE20928) although no specific archaeological sites are recorded on this site and the area lies outside the PAL. The proposal area does have archaeological potential for buried archaeological remains through its proximity to the PAL and accounts from the 19th century that upstanding archaeological remains had been removed suggesting that the prehistoric landscape may have been more extensive than is visible today. For this reason I recommend that an appropriate programme of archaeological work is undertaken and that the following condition is applied to any consent:

Condition: No development hereby approved shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.

Reason: To help protect the archaeological heritage of the district.

Public Rights of Way Officer – 6 August 2021 – Several public footpaths run close to the development site including footpath 241FP43 which runs just outside and parallel to the south west boundary of the site. Several other footpaths overlook the site from hills in all directions. Footpath 49 leaves the road directly opposite the east access to the site – this public footpath is slightly ‘offline’ as it ascends the hill (see red line shown on the plan below). The site is surrounded by open access land to the north, east and west. The access land in yellow is designated under the CROW Act 2000 whilst that shown in green is section 15 land (access land designated under previous acts and agreements). Part of this section 15 land overlaps with the western end of the development site.

The proposals do not appear to have any direct impact on the public rights of way – it is good to see that the direct access to public footpath 241FP43 is retained at the rear of the car park. The site is very visible to members of the public on foot from numerous rights of way and from large areas of access land.

Whilst it is unlikely that, if planning consent is granted, there will be any issues with the public rights of way, please see below for our general advice on development in the vicinity of public rights of way

– please ensure that all public rights of way remain unobstructed at all times.

Public rights of way should be open (easy and safe to use) at all times.

Please note the following:

Care should be taken to avoid obstructing or interfering with the public rights of way or creating a hazard for users.

If it is impossible to avoid interference or potential danger, the appropriate legal steps (e.g. path closure application) should be taken in advance of any works. If this is likely to be necessary, please contact ENPA (who act on behalf of the Highway Authority) or seek legal advice as soon as possible.

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Any disturbance to the surface of rights of way should be avoided but if any such disturbance does occur due to the owner/occupier or their agents' use of the way, the surface should be reinstated.

Where planning permission is granted, this does not authorise any person to stop up or divert any public right of way. Separate legal steps are needed for this.

The driving of a vehicle is only permitted on a public bridleway/footpath where the driver has lawful authority to do so.

Parking on the public right of way may be deemed to constitute an obstruction.

Changes to the surface/drainage of a public right of way require prior authorisation from the Highway Authority (in this case ENPA as its agent).

New furniture (e.g. gates) being needed along a public right of way require prior authorisation from the Highway Authority (in this case ENPA as its agent).

Where an increase in vehicular traffic or other alteration in the private use of a public right of way this route is expected as a result of the development, there will be other considerations such as the impact on the maintenance requirements of the right of way.

Exmoor Society – 2 August 2021 – The Exmoor Society responded to the ENPA general consultation on the future management of their car parking site with the emphasis on keeping it as naturalistic as possible. The ENPA responded positively to most of our concerns. However, we wish to raise one or two others:

- reduce the increase of banks and stones on the site.
- remove a bank on the road edge nearest to Lynton.
- make the compacted stone green over faster
- reduce the number of formal spaces and not installing a second payment meter.

The Valley of Rocks is a landscape of two halves; a rugged, steeper, heathy valley sides contrasting sharply with a flatter lower floor with much human influence. Since 2007, much work has been done to reduce the visual impact of the floor funded through the Moorland Landscape Heritage Lottery Fund. It would be irresponsible to undo much of this work by urbanizing and extending the ENPA owned car park.

Natural England – 21 September 2021 – The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal.

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

22 July 2021 – No objection. Based on the plans submitted, Natural England considers that the proposed development will not have a significant adverse impacts on statutorily protected nature conservation sites.

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Lynnton Town Council – 22 September 2021 – Resolved to refuse the application as it is still contrary to the first purpose of Exmoor National Parks and of landscape harm. The amended plans do not address this adequately.

22 July 2021 – Resolved to object for the reason of the first purpose of National Parks and that of landscape harm. The vote was unanimous.

Sport England – 21 July 2021 – The proposed development does not fall within either our statutory remit (Statutory Instrument 2015/595), or non-statutory remit (National Planning Policy Guidance (PPG) Par. 003 Ref. ID: 37-003-20140306), therefore Sport England has not provided a detailed response in this case, but would wish to give the following advice to aid the assessment of this application.

General guidance and advice can however be found on our website:

https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#planning_applications

If the proposal involves the loss of any sports facility then full consideration should be given to whether the proposal meets Par. 97 of National Planning Policy Framework (NPPF), link below, is in accordance with local policies to protect social infrastructure and any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place.

If the proposal involves the provision of a new sports facility, then consideration should be given to the recommendations and priorities set out in any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority may have in place. In addition, to ensure they are fit for purpose, such facilities should be designed in accordance with Sport England, or the relevant National Governing Body, design guidance notes:

<http://sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/>

If the proposal involves the provision of additional housing (then it will generate additional demand for sport). If existing sports facilities do not have the capacity to absorb the additional demand, then new and/or improved sports facilities should be secured and delivered in accordance with any approved local policy for social infrastructure, and priorities set out in any Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place.

In line with the Government's NPPF (including Section 8) and PPG (Health and wellbeing section), consideration should also be given to how any new development, especially for new housing, will provide opportunities for people to lead healthy lifestyles and create healthy communities. Sport England's Active Design guidance can be used to help with this when developing or assessing a proposal. Active Design provides ten principles to help ensure the design and layout of development encourages and promotes participation in sport and physical activity.

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NPPF Section 8: <https://www.gov.uk/guidance/national-planning-policy-framework/8-promoting-healthy-communities>

PPG Health and wellbeing section: <https://www.gov.uk/guidance/health-and-wellbeing>

Sport England's Active Design Guidance: <https://www.sportengland.org/how-we-can-help/facilities-and-planning/design-and-cost-guidance/active-design>

Please note: this response relates to Sport England's planning function only. It is not associated with our funding role or any grant application/award that may relate to the site.

No other comments received from consultees

Representations

It is noted that the amendments are relatively limited in extent and, whilst the representations set out below have been separated into comments received before and after the receipt of amended plans, the limited extent of the amendments is acknowledged.

1 letter of OBJECTION has been received following the receipt of the amended plans. The letter raises concern including that:

- There are no facilities for cycle parking,
- Concern around what is meant by "local stone" and it is considered that no stone should be imported to the site from outside Valley of Rocks,
- There is plenty parking nearby and ENPA could have taken the opportunity to remove parking and demonstrate a step change in attitudes towards carbon.

11 letters of OBJECTION have been received in relation to the proposals as initially submitted. The letters raise concerns including that:

- Existing car parks are an eyesore – this will contribute to landscape harm,
- The proposal more than doubles the parking available and, having regard to other locally available car parks, this is not necessary,
- Ticket machines are an eyesore,
- This is a waste of ENPA money,
- Picnic benches are already available at Mother Meldrums car park – we don't need more,
- The site should be returned to nature,
- This will increase traffic,
- The valley doesn't need a picnic area,
- This will be harmful to landscape and destroy nature – it is inappropriate

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- urbanisation,
 - This will be harmful in views from the surrounding public rights of way,
 - Why is a second payment machine needed?
 - This will end up looking like a car park carbuncle at the entrance to Valley of Rocks,
 - Regimenting vehicles as proposed would change the informal feel of the picnic area,
 - There hasn't been a concern in the past with the use for parking in the winter,
 - The grass banks will be an attraction for children on bikes.

Policy Context

EXMOOR NATIONAL PARK LOCAL PLAN 2011-2031

GP1 Achieving National Park Purpose and Sustainable Development

CE-S1 Landscape Character

CE-D1 Protecting Exmoor's Landscapes and Seascapes

CE-S2 Protecting Exmoor's Dark Night Sky

CE-S4 Cultural Heritage and Historic Environment

CE-D3 Conserving Heritage Assets

CE-S3 Biodiversity and Green Infrastructure

CE-D2 Green Infrastructure Provision

CE-S6 Design and Sustainable Construction Principles

CC-S1 Climate Change and Mitigation and Adaption

CC-D1 Flood Risk

CC-S2 Coastal Development

HC-S6 Local Commercial Services and Community Facilities

HC-D19 Safeguarding Local Commercial Services and Community Facilities

AC-S1 Sustainable Transport

AC-D2 Traffic and Road Safety Considerations for Development

RT-D12 Access Land and Rights of Way

LYN PLAN 2013-2028

P1 Overall Objectives for New Development

ENV1 Location of Development & Enhancement of the Local Environment

E10 Parking

S1 Loss of Services and Facilities

S2 Improving Existing Services and Facilities and the Provision of New Services and Facilities

The National Planning Policy Framework is a material consideration.

Planning Considerations

The main planning issues are considered to be the impact on character and scenic beauty of the landscape, archaeological interests, whether the proposal would

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adversely impact on the West Exmoor Coast and Woods SSSI and ecology and impact on highway safety. The impact of the proposals on the site as important open space for recreation is also a principal matter.

LANDSCAPE CHARACTER AND SCENIC BEAUTY

Policy GP1 advises that sustainable development will conserve and enhance the National Park, its natural beauty, wildlife and cultural heritage and its special qualities. Development should promote opportunities for their understanding and enjoyment by the public and, in doing so, foster the social and economic wellbeing of local communities. Policy CE-D1 advises that development will be permitted where it can be demonstrated that it is compatible with the conservation and enhancement of Exmoor's landscape. Policy CE-S6 requires that development proposals deliver high quality sustainable designs that conserve and enhance the local identity and distinctiveness of Exmoor's built and historic environment.

The application site lies within the Heritage Coast designation. The national purposes of Heritage Coasts are compatible with the statutory purposes of National Parks and reflect the socio-economic duty. Policies CE-S1, CE-D1 and CC-S2 aim to ensure that development proposals retain the character of the predominantly undeveloped nature of the Heritage Coast and are consistent with national purposes.

These policies are consistent with the National Planning Policy Framework and the protection of the National Park and have regard to the purposes of designated National Parks and their status.

The application site has a historic use for parking and there are some areas of hardstanding, including at the western end of the site near the toilet building, and areas of hardstanding further into the site and besides the access road at the southern extent, where parking takes place. There is a small area of hardstanding beside the road near the eastern access for the site. During busy times, vehicles do park on the grass areas, including the central area, where vehicle access is readily achieved.

The proposal seeks to improve the parking areas within the site, with the further provision of more formalised parking bays, which would be surfaced with stone, and the widening of the west end entrance road. The existing payment machine would be replaced and relocated to a position at the western end of the site, but south of its current position and beside the access road. A second payment machine is proposed further to the east and to the south side of the access road. Additional banking and placing of stones are proposed along the inside edge of the access track to control vehicle access onto the central area of grass (the picnic area), with vehicle access points retained to the east and west ends.

The proposals increase the areas of hardstanding within the site and provide payment machines, although these are focused to positions beside the existing access track and also affect existing areas of hardstanding. The result would however be an

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increase in more formal parking spaces within the site and an additional payment machine. The application details advise that there are 20 existing spaces and the proposed plan shows a total of 43 parking spaces, a net gain of 27 spaces.

The proposals, with additional banking and the placing of stones, would allow greater control of vehicle access onto the grass picnic area and it is considered likely that users of the site would be encouraged to use the parking bays, when they are available, rather than the grass areas.

The application has been amended since its initial submission, with the earth banks now proposed with lower and curved profiles, which would enable grass mowing and provide a consistent appearance with the management of the adjacent grass area.

The payment machines would be positioned beside the access road and near the south west boundary of the site, where they would have a backdrop of vegetation and rising ground.

The Landscape Officer considers that the proposal maintains an informal layout and appearance to the site whilst enabling a greater number of all-weather parking spaces, greater control of access onto the central grass picnic area and an upgrade of one of the entrances.

The applicant has explained that organic material will be rolled into the surfaces around the parking bays. This would help speed up the natural process of grass colonisation and soften the appearance of the development.

The development would introduce permanent change to the appearance of the site with the introduction of formalised parking bays, which would be clearly visible from areas within the public domain, including public footpaths around the site that typically have views looking down onto the area. However, the visual impact of the development would be limited by the low-lying nature of the development and use of materials. The proposal supports the existing use of the site and public access to it. The parking bays relate, in part, to existing areas of hardstanding and the new parking bays and payment machines are closely related to the access road. In addition, the proposal protects the central grassed area which is characteristic of the site.

IMPORTANT OPEN SPACE

The application site is identified as important open recreation space under the Local Plan.

Paragraph 6.201 of the Local Plan advises that, whilst guarding against their loss, services and facilities should be able to develop and modernise in a sustainable way so that they can be retained for the benefit of the community. The Local Plan advises (para.6.203) that the need to improve and provide open space and recreation facilities in communities is evident. The Local Plan, in particular through HC-D19, seeks to

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safeguard existing community facilities, including land identified as important open space.

The Exmoor National Park Open Space Strategy considers that the picnic area is good quality open space. The strategy notes that the site scores lower in the facilities category, compared to other open space areas, and considers improvements could be made, including with the introduction of benches because the site is quite a large picnic area.

The site already has vehicular access and parking, which is positive in terms of the site's accessibility.

The proposal is to see more formalised provision for the parking that already takes place on the site through the provision of additional parking bays surfaced with stone. It is considered that this would support the use of the space as open space, particularly during times when parking is not so intensive, because those vehicles accessing the site would likely occupy the more formalised spaces rather than see ad hoc or sporadic parking over the site.

The provision of the parking spaces proposed, beside and perpendicular to the access road, are not considered to comprise the use of the site for recreation or to diminish its value and quality as open space.

The site currently has use for car parking, not only for those visiting the application site, but also for those visiting the Valley of Rocks. The proposal for additional hard surfaced parking areas besides the access road is not considered to compromise the existing recreational value of the open space. The parking spaces have the potential to reduce parking that takes place within the central grass area by encouraging users to occupy more formal spaces that would be available.

ECOLOGY

In accordance with CE-S3 the conservation and enhancement of wildlife and habitats will be given great weight and development likely to cause harm to sites designated for their international, national or local importance will not be supported. Development should also not lead to harm to legally protected species or lead to the loss of or damage to their habitats.

The application site lies next to the West Exmoor Coast and Woods Site of Special Scientific Interest (SSSI), which is important for its flora and rich bird population. The SSSI also contains important geological features.

The works relate to the existing use of the site and areas beside the existing access road and is related to the management of the site.

7.2

In accordance with the advice of Natural England, the proposals are considered unlikely to have significant adverse impacts on statutorily protected nature conservation sites, including the SSSI.

A condition of planning condition requiring that no removal of tall ruderal herbs and scrub shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a detailed check for active birds' nests would be sufficient to protect nesting wild birds.

ARCHAEOLOGY

Policy CE-S4 of the Local Plan advises that, among other things, Exmoor National Park's local distinctiveness, cultural heritage, and historic environment, will be conserved and enhanced to ensure that present and future generations can increase their knowledge, awareness and enjoyment of these special qualities. The Policy advises that development should make a positive contribution to the local distinctiveness of the historic environment and ensure that the character, special interest, integrity, and significance of any affected heritage asset and its setting is conserved and enhanced. Where development proposals are likely to cause significant harm to, or loss of, designated heritage assets or assets of national significance, permission should be refused in accordance with CE-S4.

Policy CE-D3 advises that development should demonstrate a positive contribution to the setting, understanding and enjoyment of the heritage asset.

The Valley of Rocks comprises a prehistoric landscape with prehistoric settlement and burial remains likely to date to the Bronze Age period. The Archaeologist notes that the area of proposed development lies within the Valley of Rocks which is recorded on Exmoor Historic Environment Record as site MDE20928, but that no specific archaeological sites are recorded on this site and the area lies outside the Principal Archaeological Landscape (PAL No 5).

Due to the potential for buried archaeological remains as a consequence of the proximity to the PAL and potential for archaeological remains to be discovered through the works, however, it is recommended that an appropriate programme of archaeological work is undertaken. Given the potential for archaeological deposits at this site, should planning permission be granted, it is considered reasonable to require condition of permission securing the submission of a written scheme of investigation in the interests of understanding and protecting potential heritage assets in accordance with Policy CE-D3.

HIGHWAY SAFETY

Policy AC-D2 advises that development which will cause unacceptable levels of traffic in terms of environmental or physical capacity of the local road network, or would prejudice road safety interests, will not be permitted.

7.2

Policy RT-D12 relates to safeguarding access land and Rights of Way in terms of their condition, users' interests and character and appearance. Where proposal would adversely affect the network it will be necessary to meet a number of criteria including that there is a need for the development, that there is no appropriate alternative location and any harm will be kept to a minimum.

The proposed works would not obstruct use of public rights of way and are not considered to compromise the existing level of access to permitted areas of parking.

The proposal supports the existing use of the site and is not considered to cause material increase in traffic parking or to impact on the character and nature of traffic attracted to the site. The proposal to widen the west end entrance to the site supports the free flow of traffic and is considered to enhance existing levels of highway safety.

CLIMATE EMERGENCY

In May 2019 the UK government declared a climate emergency, Exmoor National Park followed this by declaring a Climate Emergency in October 2019. To help meet this challenge the Local plan includes policies which seek to influence, contribute and challenge development to help meet the Climate Emergency. GP1 'Achieving National Park Purposes and Sustainable Development' 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 'Climate Change Mitigation and Adaption' 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. Furthermore, Policy CC-S5 'Low Carbon and Renewable Energy Development' 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 'Design and Sustainable Construction Principles' seeks to incorporate sustainable construction methods which future proof against climate change impacts, including flood risk.

Paragraph 152 of the National Planning Policy Framework requires 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.

There would be an impact on the climate from the construction process and the sourcing of construction materials. The papers submitted explain that the applicant will use locally sourced materials in the construction. Officers consider that the impact on the climate resulting from the construction of the proposed development would not be such that a reason for refusal should be given.

7.2

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 works proposed support the existing use of the site and, although additional parking infrastructure is proposed, the proposals maintain an informal layout and appearance to the site whilst enabling a greater number of all-weather parking spaces, greater control of access onto the central grass picnic area and an upgrade of one of the entrances. The provision of the parking spaces proposed, beside and perpendicular to the access road, are not considered to comprise the use of the site for recreation or to diminish its value and quality as open space. On balance the proposals are considered to have an acceptable impact on the character and scenic beauty of the landscape.

The proposals are not considered to cause harm to the special interests of the SSSI and it is considered that a likely significant effect can be ruled out in accordance with the advice of Natural England.

A planning condition is required to ensure potential archaeological deposits can be recorded and the proposals are considered to have an acceptable impact on highway safety and on users enjoyment of public rights of way.

In having regard to the above, the impacts of the proposed development are considered to be acceptable and the proposal is judged, on balance, to comply with the relevant development plan policies. The recommendation is therefore one of Approval.

Recommendation

Approve subject to the following conditions

1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990, (as amended by the Planning & Compulsory Purchase Act 2004).

2) The development hereby permitted shall not be carried out except in complete accordance with the details shown on the amended submitted plans; drawing numbered 2264/201F and 2264/202A, both date stamp received 3 September 2021.

Reason: For the avoidance of doubt and to ensure the development accords with the amended plans.

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3) No removal of tall ruderal herbs and scrub 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 and provided 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 and agreed in writing by the Local Planning Authority prior to vegetation removal works commencing.

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

4) No development hereby approved shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.

Reason: To help protect the archaeological heritage of the district.

Informatives

THE COMMONS ACT 2006

Please note that before implementing the planning permission separate consent may be required from the Secretary of State for Environment, Food and Rural Affairs under s38 of the Commons Act 2006 for works on common land.

PUBLIC RIGHT OF WAY NOTE

Public rights of way should be open (easy and safe to use) at all times. Please note the following:

Care should be taken to avoid obstructing or interfering with the public rights of way or creating a hazard for users. If it is impossible to avoid interference or potential danger, the appropriate legal steps (e.g. path closure application) should be taken in advance of any works. If this is likely to be necessary, please contact the Highway Authority or seek legal advice as soon as possible.

Any disturbance to the surface of rights of way should be avoided but if any such disturbance does occur due to the owner/occupier or their agents' use of the way, the surface should be reinstated.

Where planning permission is granted, this does not authorise any person to stop up or divert any public right of way. Separate legal steps are needed for this

The driving of a vehicle is only permitted on a public bridleway/footpath where the driver has lawful authority to do so.

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Parking on the public right of way may be deemed to constitute an obstruction
Changes to the surface/drainage of a public right of way require prior authorisation from the Highway Authority (in this case ENPA as its agent).

New furniture (e.g. gates) being needed along a public right of way require prior authorisation from the Highway Authority (in this case ENPA as its agent).
Where an increase in vehicular traffic or other alteration in the private use of a public right of way this route is expected as a result of the development, there will be other considerations such as the impact on the maintenance requirements of the right of way.

CONDITIONS AND INFORMATIVES

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. It will be necessary to adopt a formal approach and that if changes to approved plans are proposed then it will be necessary to make a new planning application. Please ensure that works comply with the approved plans so as to avoid the possibility that works are unauthorised and liable for enforcement action.

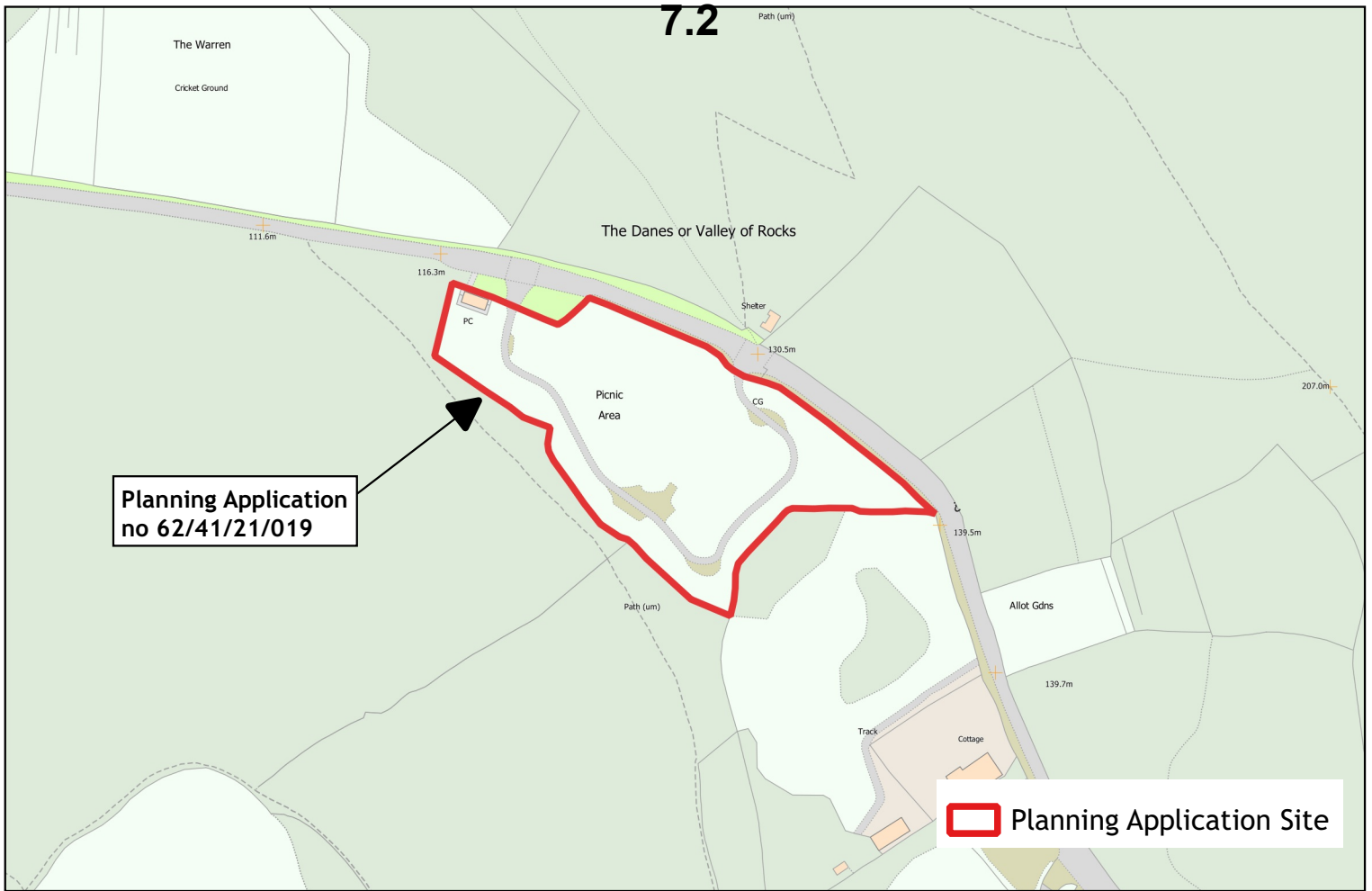
MONITORING OF DEVELOPMENT

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 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.

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SUMMARY OF REASON FOR GRANTING PLANNING PERMISSION

The Local Planning Authority, having regard to all planning considerations material to the determination of this application, including particularly impact on amenity, design, highway safety, flood risk, archaeology and impact on the character and appearance of the designated landscape and wildlife, and all consultations and representations made in connection with the application, conclude that the proposal accords with the provisions of the development plan as applicable to it, including the policies and proposals noted below, and there are no grounds which justify its refusal.



Site Map
Scale 1:2,500

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Overview Map
Scale 1:20,000

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Committee Report

Application Number:	6/14/21/104
Registration Date:	13-Aug-2021
Determination Date:	05-Oct-2021
Applicant	Mr M Harley
Agent:	
Case Officer:	Joe White
Site Address:	PINKERY CENTRE FOR OUTDOOR LEARNING, SIMONSBATH, MINEHEAD, TA24 7LL
Proposal:	Application Under Regulation 3 of The Town & Country Planning General Regulations 1992 for proposed replacement of artificial slate with natural slate, insertion of 2no. rooflights together with installation of 2no. flues for wood burning stoves and alteration of existing window to doorway.
Recommendation:	Approve subject to conditions
Reason for bringing before Authority Committee:	Exmoor National Park Authority is the applicant.

Relevant History

6/14/01/102 - Erection of 6kw wind turbine on 9m mast, extension to generator shed - Approved - 03/13/2001

6/14/79/008 - Proposed erection of a store and drying room - Educational at Pinkery Farm - Approved - 10/05/1979

6/14/80/006 - Proposed dining room extension and resiting of fire escape at Pinkery Farm – Approved - 08/20/1980

6/14/84/103 - Proposed erection of replacement classroom at Pinkery Farm Exploration Centre, Approved - 06/21/1984

6/14/84/107 - Proposed retention of Store and Drying Room at Pinkery Farm Exploration Centre, Approved - 10/15/1984

6/14/87/109 - Proposed redevelopment of teaching , sleeping and storage accommodation - Approved - 02/02/1988

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6/14/89/103 - Proposed construction of timber sheds for storage at Pinkery Farm, Simonsbath, Approved - 04/26/1989

6/14/89/113 - Proposed retention of store and drying room at Pinkery Farm Exploration Centre, Approved - 11/27/1989

Site Description & Proposal

The application site is Pinkery Outdoor Education Centre near Simonsbath. The Pinkery Centre is owned and run by Exmoor National Park Authority and accommodates groups of up to 36 students with 8 staff on a self-catered or fully catered basis. Accredited training courses in a number of outdoor activities and special interest courses are also provided throughout the year. The accommodation is predominantly in bunk rooms. Each bunk room sleep around for 4-6 people and there are communal areas including a large common room, classroom, dining room, drying and boot room.

The application site is remote and isolated, and the landscape is dramatic and sensitive. The North Exmoor Site of Special Scientific Interest (SSSI) is close by and within approximately 90 metres of the application site.

The Pinkery Centre is set in the heart of Exmoor National Park between the villages of Challacombe and Simonsbath. The site lies within the Dark Sky Reserve Core Zone.

The centre essentially comprises a grouped quadrangle of buildings and adjacent buildings. Pinkery is historically a Knight farm, and although its exact date of construction is not known, it is thought not to have been completed until around 1864. The former farmstead is shown on the 1st and 2nd Edition Ordnance Survey maps, when it comprised a long building, orientated northeast to southwest, with a yard on its south eastern side and two small structures on the north eastern side.

It is not clear how much fabric of the historic buildings remain on the site and within the buildings now present, but the buildings do occupy largely the same positions. The western range of building is likely part of the original group and is likely to have historically been a barn.

The planning application proposes works to the western building range. The existing roof covering over the building is artificial slate. These slates are considered to be near to the end of their serviceable life and the proposal is that these be replaced with natural slates. The proposals also include the removal of an existing sun tube, which lies in the west facing roof slope of the historic building, and its replacement with 2 roof lights, which would be installed to fit flush with the external plane of the west facing roof slope.

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As part of the works, whilst not strictly requiring planning permission, a satellite dish would be removed from the east elevation of the building.

The existing class/meeting room over the first floor of the building will be refurbished and the roof lights proposed would provide natural light to the first-floor space. A wood burning stove is also proposed to be installed and the flue for this would exit the building near the ridge of the roof at the northern end of the building.

A second wood stove is proposed to be installed in the lounge of the single storey range of building at the northern end of the building complex. The flue for that stove would protrude from the north facing roof slope. There is an existing flue within the same roof slope, which is now redundant and this would be removed as part of the works.

A new external door access is proposed to be installed within the historic barn. That would be installed on the west elevation of the building and would be formed at the position of an existing window.

Consultee Representations

NB At the time of writing this report the consultation period, in relation to the site notice, is live. Any further comments that are received prior to the Authority Committee meeting will be presented verbally and may require further consideration of the recommendation.

Natural England – No objection. Based on the plans submitted, Natural England considers that the proposed development will not have a significant adverse impacts on statutorily protected nature conservation sites.

SCC Highways – No observations.

No other comments received from consultees

Representations

NB At the time of writing this report the consultation period, in relation to the site notice, is live. Any further comments that are received prior to the Authority Committee meeting will be presented verbally and may require further consideration of the recommendation.

No comments received

Policy Context

EXMOOR NATIONAL PARK LOCAL PLAN 2011-2031
GP1 Achieving National Park Purpose and Sustainable Development

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CE-S1 Landscape Character
CE-D1 Protecting Exmoor's Landscapes and Seascapes
CE-S2 Protecting Exmoor's Dark Night Sky
CE-S4 Cultural Heritage and Historic Environment
CE-D3 Conserving Heritage Assets
CE-S3 Biodiversity and Green Infrastructure
CE-D2 Green Infrastructure Provision
CE-S6 Design and Sustainable Construction Principles
CC-S1 Climate Change and Mitigation and Adaption
CC-D1 Flood Risk

The National Planning Policy Framework is a material consideration.

Planning Considerations

The main planning issues are considered to be the impact on character and scenic beauty of the landscape, including its dark sky, the character and appearance of the historic building and whether the proposal would adversely impact on the North Exmoor SSSI and ecology.

LANDSCAPE CHARACTER AND SCENIC BEAUTY

Policy GP1 advises that sustainable development will conserve and enhance the National Park, its natural beauty, wildlife and cultural heritage and its special qualities. Development should promote opportunities for their understanding and enjoyment by the public and, in doing so, foster the social and economic wellbeing of local communities. Policy CE-D1 advises that development will be permitted where it can be demonstrated that it is compatible with the conservation and enhancement of Exmoor's landscape. Policy CE-S6 requires that development proposals deliver high quality sustainable designs that conserve and enhance the local identity and distinctiveness of Exmoor's built and historic environment.

In accordance with Policy CE-S2 the tranquillity and dark sky experience of the Exmoor National Park Dark Sky Reserve and the National Park as a whole, will be maintained and improved.

These policies are consistent with the National Planning Policy Framework and the protection of the National Park and have regard to the purposes of designated National Parks and their status.

The proposed development is limited in its extent in the context of the site. The external changes requiring planning permission are the insertion of two flues within the building group, which would serve two wood fire stoves, the insertion of two roof lights, a new access door and the replacement of artificial slates on the west building roof with natural slate. The proposals also include the removal of a satellite dish, sun tube and a redundant flue.

7.3

The flues are proposed with a matt black finished and the roof lights are proposed to be installed flush fitting within the roof. The roof lights and new door would be on the west facing elevation of the building at the western side of the building group. A flue is also proposed on this elevation and on the north facing roof slope of the building to the north side of the group. The elevations affected are “outward” facing elevations and, therefore, have the potential to be viewed from wider areas. There is a tree/shelter belt plantation to the west side of the buildings and rising land to the north side, which would provide some screening. In addition, the development is small scale in the context of the site, and it is considered to have a negligible impact on scenic quality and landscape character. The proposal to provide natural slate on the roof and remove a sun tube, redundant flue and satellite dish are works of some enhancement.

The application does not include proposal for external lighting and the roof lights are proposed to be installed with electronic blinds to minimise light spill through the roof lights during dark evening hours.

CHARACTER AND APPEARANCE OF THE BUILDING AND HERITAGE ASSET
Policy CE-S4 of the Local Plan advises that, among other things, Exmoor National Park’s local distinctiveness, cultural heritage, and historic environment, will be conserved and enhanced to ensure that present and future generations can increase their knowledge, awareness and enjoyment of these special qualities. The Policy advises that development should make a positive contribution to the local distinctiveness of the historic environment and ensure that the character, special interest, integrity, and significance of any affected heritage asset and its setting is conserved and enhanced. Where development proposals are likely to cause significant harm to, or loss of, designated heritage assets or assets of national significance, permission should be refused in accordance with CE-S4.

Policy CE-D3 advises that development should demonstrate a positive contribution to the setting, understanding and enjoyment of the heritage asset.

The development proposed in this application includes works to the west end building, which is the earliest section of the farmstead and is likely to have historically been a barn. The roof of the building is clad with artificial slate. This detracts from the historic character of the building and the proposal to replace the roof cladding with natural slate would enhance the appearance of the building. The sun tube is a modern intervention, and its removal is encouraged.

The proposed roof lights and flue in this part of the building would represent modern interventions into the building. This is mitigated to some extent by the proposed removal of the sun tube and satellite dish that appear on the building. The roof light and flue, which is required for the stove, are proposed to improve the condition within the meeting/class room, to the benefit of users experience.

7.3

The door proposed on the west elevation is to improve access from the dining room to the grass area adjacent to the building. The door would be at the position of an existing window opening, which contributes to minimising the loss of historic wall fabric.

The flue to the north facing roof slope would serve a stove in the lounge, which is accommodated within a more modern section of the building. The proposal includes the remove of a redundant flue within the same roof slope.

The development proposed supports the on-going use of the building group and retains the site in a viable use. The building group is not a designated heritage asset but is a low grade heritage asset given its historical contention with the Knight family on Exmoor. The package of development includes the removal of late twentieth century developments, which are considered to be of benefit to the overall appearance of the building and this also contributes to mitigating the impact of the proposals for new flues and a roof lights in the building. The change to natural slate on the roof is positive and overall, the package of development is considered to be acceptable.

NORTH EXMOOR SSSI AND ECOLOGY

In accordance with CE-S3 the conservation and enhancement of wildlife and habitats will be given great weight and development likely to cause harm to sites designated for their international, national or local importance will not be supported. Development should also not lead to harm to legally protected species or lead to the loss of or damage to their habitats.

The application site lies near to the North Exmoor Site of Special Scientific Interest (SSSI), which is nationally important for its lowland heath communities and for transitions from ancient semi-natural woodland through upland heath to blanket mire. The site is also of importance for its breeding bird communities, its large population of the nationally rare heath fritillary butterfly.

The works relate to the existing building and in themselves are not considered to impact on the significance of the SSSI. In accordance with the advice of Natural England, the proposals are considered unlikely to have significant adverse impacts on statutorily protected nature conservation site.

The proposed development does impact on the roof of the building and there is potential for the development to impact on bat species and nesting birds.

An ecological survey report has been submitted in support of the application. The survey identified that the western end of the building range has moderate suitability for roosting bats and the report confirms that the building supports summer day roosts for low numbers of common pipistrelle bats. There is no evidence of a maternity roost, and the presence of a hibernation roost is considered unlikely. There was evidence of nesting birds.

7.3

The report considers that unmitigated the proposed works pose a risk of disturbance through noise, light and vibration, injuring or killing bats. The report advises that a licence will need to be obtained from Natural England once planning permission has been obtained and prior to works affecting bats and/or their roosts commencing.

Mitigation is also proposed, including:

- Provision of alternative bat roosting opportunities
- A 'toolbox talk' for all site contractors
- A licenced bat handler to oversee all works that affect roosting opportunities
- Sensitive timing of works
- Sensitive lighting strategy
- Habitat enhancement.

CLIMATE EMERGENCY

In May 2019 the UK government declared a climate emergency, Exmoor National Park followed this by declaring a Climate Emergency in October 2019. To help meet this challenge the Local plan includes policies which seek to influence, contribute and challenge development to help meet the Climate Emergency. GP1 'Achieving National Park Purposes and Sustainable Development' 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 'Climate Change Mitigation and Adaption' 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. Furthermore, Policy CC-S5 'Low Carbon and Renewable Energy Development' 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 'Design and Sustainable Construction Principles' seeks to incorporate sustainable construction methods which future proof against climate change impacts, including flood risk.

Paragraph 152 of the National Planning Policy Framework requires 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.

There would be an impact on the climate from the construction process and the sourcing of construction materials. The application includes development to improve heating within the building and to provide more natural light to the first floor class/meeting room to reduce the need for use of artificial lighting within the building.

7.3

Officers consider that the impact on the climate resulting from the construction of the proposed development would not be such that a reason for refusal should be given.

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

In terms of the character and scenic beauty of the landscape, the development proposed is of limited extent and closely related to the existing building complex. The proposals are such that they are considered to have a negligible impact on the character and scenic beauty of the landscape. No external lighting is proposed. Two roof lights are proposed in the west elevation roof slope of the west end building. A plantation lies to the west side of the building group and the roof lights are proposed with electronic blinds, which contribute to minimising the risk of artificial lighting spilling out through the roof lights in accordance with CE-S2.

The development proposed supports the on-going use of the building group and retains the site in a viable use. Overall, the package of development is considered to conserve the significance and interest within the building and to have an acceptable impact on its character and appearance in accordance with CE-D3 and CE-S4.

The proposals are not considered to cause harm to the special interests of the SSSI and it is considered that a likely significant effect can be ruled out in accordance with the advice of Natural England. Through the recommendations and advice of suitably qualified professionals it is considered that impacts to protected species and priority habitats from the proposed works would be acceptable subject to the use of conditions to ensure the development is carried out in accordance with the recommendations of the ecological survey report to protect bat and nesting bird interests at the site.

At the time of writing the report the consultation period for the application in connection with the site notice is live. Comments that are received prior to the Authority Committee meeting will be verbally reported at the meeting. In having regard to the above and subject to further comments that may be received and may require further consideration at the Authority meeting, the impacts of the proposed development are considered to be acceptable and the proposal is judged, on balance, to comply with the relevant development plan policies. The recommendation is therefore one of Approval.

Recommendation

Approve subject to the following conditions

7.3

1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990, (as amended by the Planning & Compulsory Purchase Act 2004).

2) The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans; drawing numbers PC002, PC001, PC006, PC005 and PC007.

Reason: For the avoidance of doubt and to ensure the development accords with the approved plans.

3) Prior to the commencement of the development hereby approved in respect of works to replace the roof cladding, to install roof lights or flues, shall not take place until the Local Planning Authority has been provided with either:

- a) a copy of the licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the approved development to go ahead; or
- b) a statement in writing from a licensed bat ecologist or Natural England to the effect that that the approved development will not require a licence.

Reason: A pre-commencement condition in the interests of the strict protection of European protected species and in accordance with ENPA Local Plan: Policy CE-S3 (Biodiversity and Green Infrastructure).

4. The development hereby approved, shall be carried out in accordance with the details contained in Section 6 – considerations and recommendations of the Bat Surveys report undertaken by Seasons Ecology for Pinkery Outdoor Centre, Simonsbath and dated May-June 2021, submitted in support of the application.

Reason: To ensure the proposal meets the requirements within the National Planning Policy Framework 2021, allowing the development to contribute to and enhance the natural and local environment by minimising impacts on and providing net gain for biodiversity, and in accordance with Policy CE-S3 of the Exmoor National Park Local Plan 2011-2031.

5. Within one month or sooner, or other such timescale agreed in writing by the Local Planning Authority, of the installation of the flue within the north facing roof slope of the building, the existing flue, as identified on drawing number PC006 shall be removed from the roof where it extends beyond the external plane of the roof.

Reason: In the interests of the character and appearance of the building.

7.3

6. Within one month or sooner, or other such timescale agreed in writing by the Local Planning Authority, of the installation of the roof lights hereby approved, the sun tube and satellite dish identified in the photographs on page 3 of the Planning Statement submitted in support of the application shall be removed from the building.

Reason: In the interests of the character and appearance of the building.

7. The roof lights hereby approved shall be of a conservation type, being fitted flush within the external plane of the roof.

Reason: In the interests of the character and appearance of the building.

Informatives

CONDITIONS AND INFORMATIVES

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. It will be necessary to adopt a formal approach and that if changes to approved plans are proposed then it will be necessary to make a new planning application. Please ensure that works comply with the approved plans so as to avoid the possibility that works are unauthorised and liable for enforcement action.

MONITORING OF DEVELOPMENT

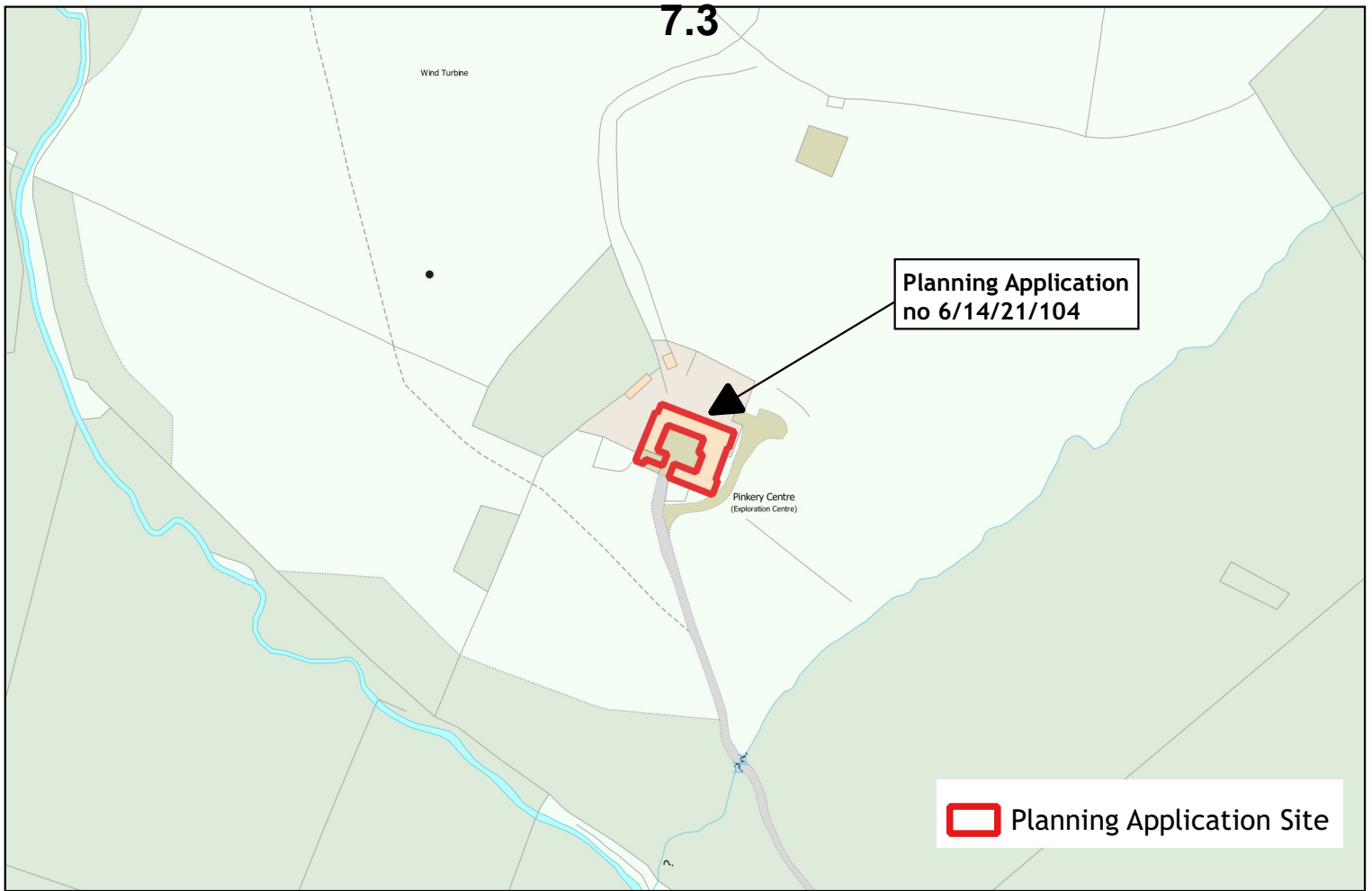
The applicant/developer is reminded that it is their responsibility to ensure that the requirements of each planning condition are met and that the works are undertaken in accordance with the approved plans. Any failure to meet the terms of a planning condition or work which does not accord with the 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

7.3

fourteen days notice of the commencement of development to ensure that effective 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.

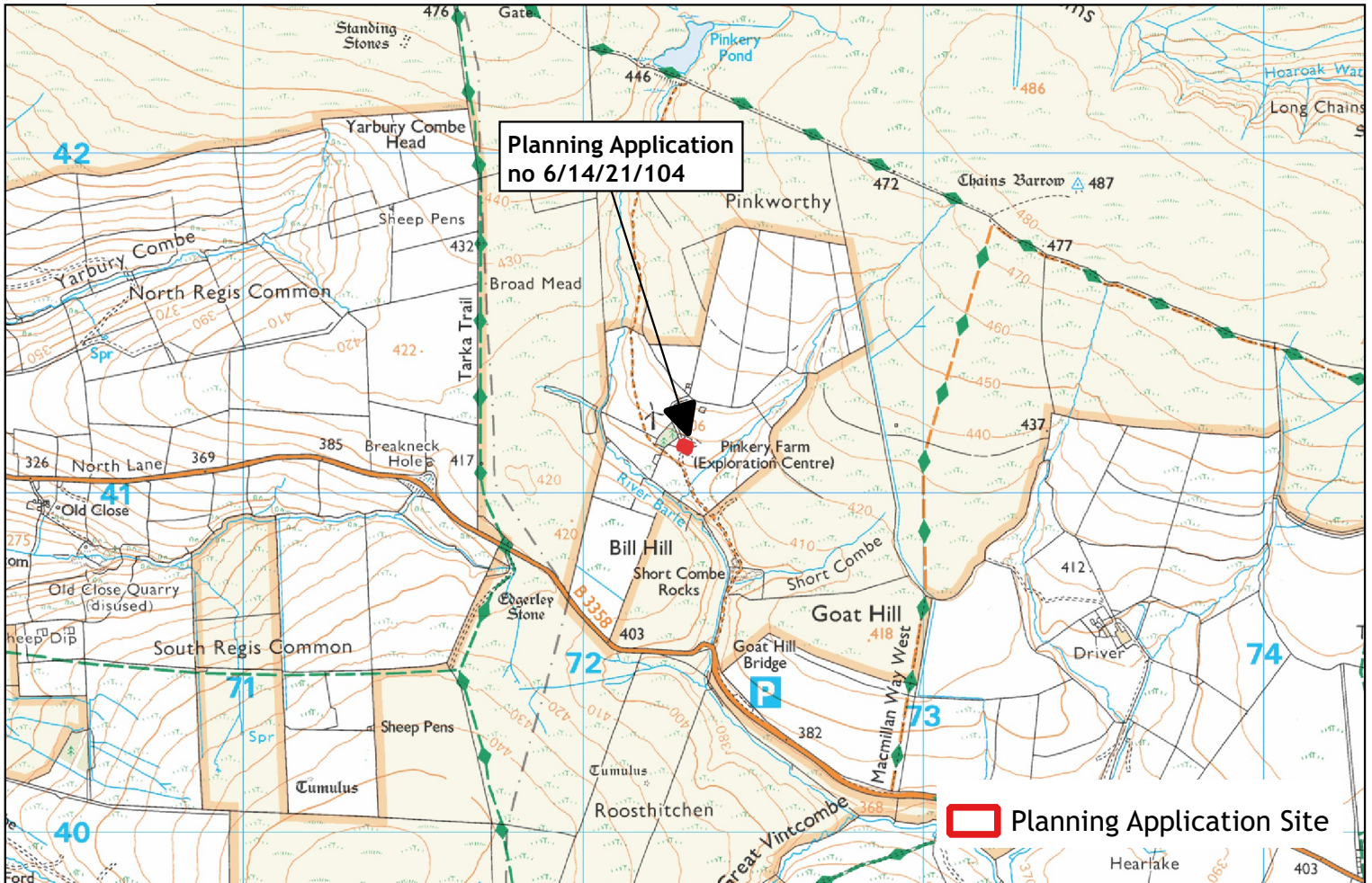
SUMMARY OF REASON FOR GRANTING PLANNING PERMISSION

The Local Planning Authority, having regard to all planning considerations material to the determination of this application, including particularly impact on amenity, design, highway safety, flood risk, archaeology and impact on the character and appearance of the designated landscape and wildlife, and all consultations and representations made in connection with the application, conclude that the proposal accords with the provisions of the development plan as applicable to it, including the policies and proposals noted below, and there are no grounds which justify its refusal.



Site Map
Scale 1:2,500

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Overview Map
Scale 1:20,000

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7.4



Committee Report

Application Number:	6/9/21/126LB
Registration Date:	18-Aug-2021
Determination Date:	12-Oct-2021
Applicant	Mr M Harley
Agent:	
Case Officer:	Matthew Colleybanks
Site Address:	EXMOOR NATIONAL PARK AUTHORITY, EXMOOR HOUSE, DULVERTON, TA22 9HL
Proposal:	Application Under Regulation 3 of The Town & Country Planning General Regulations 1992 for Listed Building Consent for the installation of secondary glazing and draft proofing to doors and windows.
Recommendation:	Approve with conditions
Reason for bringing before Authority Committee:	Exmoor National Park Authority is the applicant

Relevant History

WTCA 17/07 - Works to Tree in Conservation Area: Removal of branch from birch tree in the garden - Approved - 05/05/2017

WTCA 21/05 - Work to trees in Conservation Area: Felling to ground level of 15 trees: T1 Sycamore Approved - 04/20/2021

WTCA 21/11 - Works to Trees in Conservation Area: Felling to ground level of T1 (ash) - 09/07/2021

Site Description & Proposal

The application site is a building, Exmoor House, Listed Grade II under the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) for reason of its special architectural or historic interest (LEN: 1263901/Legacy System Number 429310 (4/8/1986)) located at Central Grid Reference SS912279 E:291215 N:127964, within the Conservation Area in Dulverton, Somerset, postcode TA22 9 HL.

7.4

The buildings comprising Exmoor House owned by and serving as the offices of the Exmoor National Park Authority, extend to circa 692m² located on the western side of Kemps Way, Dulverton in grounds of circa 0.5 acres.

Exmoor House is described in the relevant Listing:

“Union work house, now council offices. 1855, converted early C20. Random rubble local stone, dressed voussoirs and jambs, slate roofs, overhanging eaves, stone stacks gable ends. T-plan facing south, central block with flanking wings and long range at rear. To storeys, single storey wings, 3:7:3 bays, central 3 bays break forward slightly with open pediment, first floor 9-pane sash windows, ground floor 12-pane to central entrance, panelled door, square headed entrance end bay left blocked. Wooden lantern centre above pediment, shallow pyramid roof, arched louvred openings on each face. Nine bay rear wing with plastic sashes”.

The planning statement supporting the application queries the reference to ‘plastic sashes’ which are not present today.

The Proposal

The proposal is one to introduce secondary glazing to 65 windows and 12 doors in the building, completing works previously undertaken under App Ref: 6/9/15/118LB approved 5.2.2016. To this end, secondary glazing is affixed magnetically to the existing opening element of the windows/doors identified. Beading to the sashes is removed and replaced with brush strips (draught excluder) as necessary. The result preserves the historic fabric of the windows/building whilst reducing heat loss, achieving carbon savings (circa 17.2 tons CO₂ annually) and other economies.

Consultee Representations

Somerset County Council Highways – No observations

No other comments from consultees received.

Representations

No comments received

Policy Context

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan is the Exmoor National Park Local Plan 2011-2031. The National Planning Policy Framework is a material consideration in planning decisions.

7.4

This is a Listed Building application and therefore the proposed works must be considered under the Planning (Listed Buildings and Conservation Areas) Act 1990. In particular regard under Section 16 and 66 the Local Planning Authority has a statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural interest which it possesses.

Exmoor National Park Local Plan 2011-2031

GP1 Achieving National Park Purposes and Sustainable Development

CE-S1 Landscape and Seascape Character

CE-D1 Protecting Exmoor's Landscapes and Seascapes

CE-S4 Cultural Heritage and Historic Environment

CE-D3 Conserving Heritage Assets

CE-S6 Design & Sustainable Construction Principles

CC-S1 Climate Change Mitigation and Adaptation

Planning Considerations

The proposal accords with National Park Purposes and Sustainable Objectives in particular those in relation to mitigating the impacts of climate change in achieving carbon savings and energy efficiency (Policy GP1(3)(i)), further improving energy efficiency in accordance with Policies CE-S6 and CC-S1(1)(a). The proposals accord with NPPF (July 2021) at paragraphs 8(c) and 20(d) in this regard. Appropriate information has been furnished by the applicant in accordance with NPPF at paragraph 194 to enable the Exmoor Park Authority to evaluate any potential for harm to the listed building for the purposes of NPPF at paragraph 195 to a finding that the proposals will preserve the fabric of the historic building whilst similarly delivering public benefits in annual savings of 17.2 tons of CO2 emissions and other economies.

The proposed works are judged to cause very low level minor harm to the listed building, but there is public benefit in terms of provision of secondary glazing as a means to reduce energy use within the building and CO2 emissions. The proposed works, which would support the continued use of the building, are judged on balance to have an acceptable impact on the historic character and architectural interest of the building thereby satisfying s.16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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 proposal is for the introduction of a system of secondary glazing to windows and doors in a listed building within the Conservation Area in Dulverton. The objectives

7.4

underlying the proposed works are efficiency, achieved in savings of CO2 emissions and heating costs. The proposal is a sensitive response ensuring the preservation of the fabric of the Listed Building within the heritage setting, whilst achieving environmental and other savings, in accordance with the Development Plan. The proposal is therefore in accordance with the Development Plan and suitable for approval.

Recommendation

Approve subject to the following conditions:

1. The works hereby consented to shall be begun before the expiration of three years from the date of this consent.

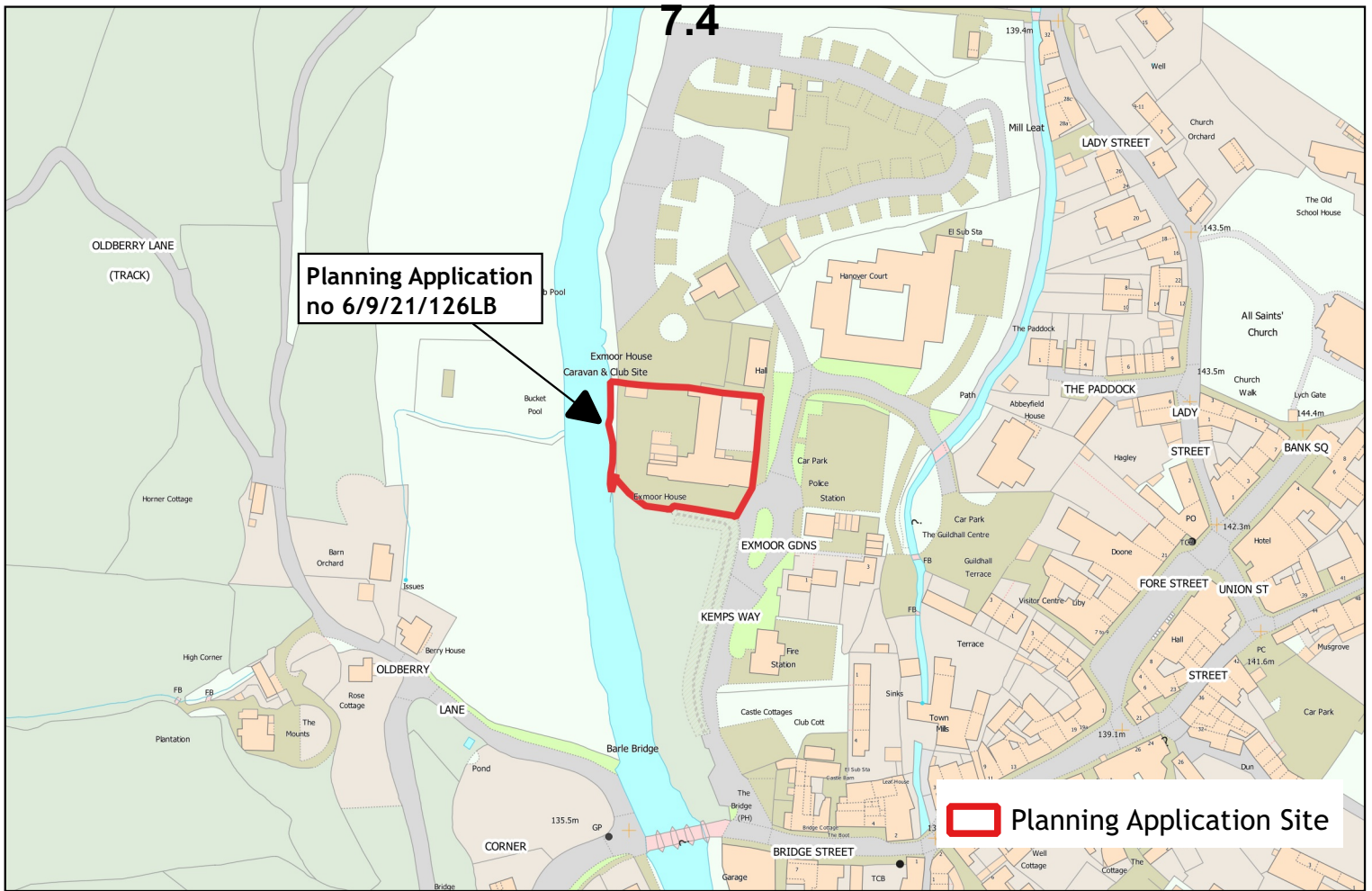
Reason: To comply with Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. The works hereby approved shall be carried out in accordance with the plans submitted as part of the application and date stamped received 13th August 2009.

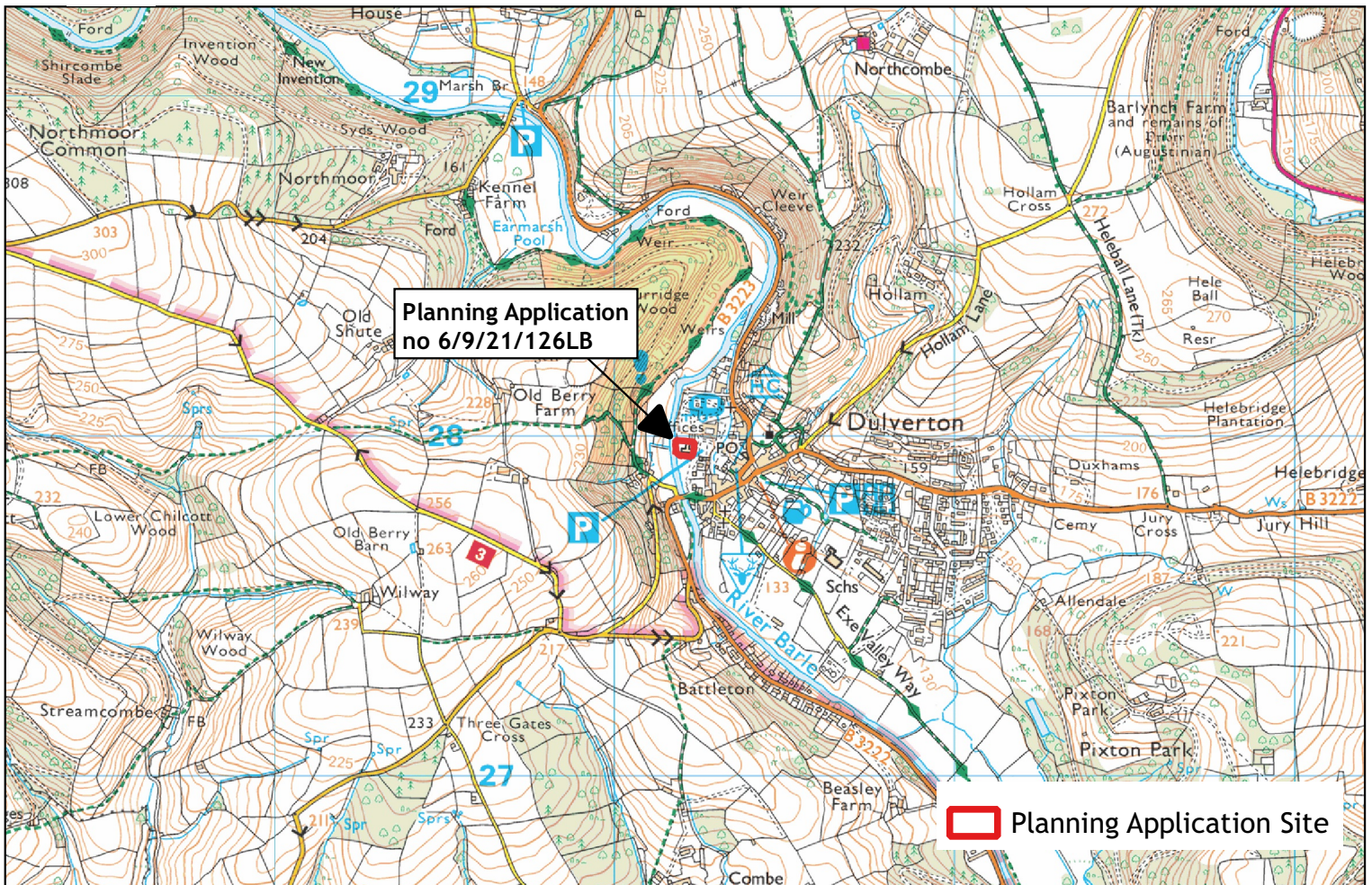
Reason: For the avoidance of doubt and to ensure the works accord with the approved plans.

Informatives

INFORMATIVE NOTE: - The Planning (Listed Buildings and Conservation Areas) (England) (Amendment) Regulations 2003 SUMMARY OF REASONS FOR THE DECISION TO GRANT LISTED BUILDING CONSENT. The Local Planning Authority considers that listed building consent should be granted as it does not consider that permitting the proposed works would conflict with its duty under Section 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.



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7.5



Committee Report

Application Number:	6/9/21/128DC
Registration Date:	08-Sep-2021
Determination Date:	29-Oct-2021
Applicant	Mrs S Bryan
Agent:	
Case Officer:	Julie Norman
Site Address:	Chypleighs, 3 Rosemary Lane, Dulverton, Somerset, TA22 9DP
Proposal:	Proposed part Discharge of Condition 3 of approved application 6/9/21/117LB
Recommendation:	Approve
Reason for bringing before Authority Committee:	The application relates to a property owned by a member of Leadership team.

Relevant History

6/9/21/117LB Listed building consent for the proposed internal and external works to dwelling Approved with Conditions - 08/05/2021

Site Description & Proposal

Chypleighs is a Grade II listed property on the edge of the medieval centre of the town of Dulverton. It is located within the Conservation Area of Dulverton. The property is accessed via Rosemary Lane and is an early 19th century cottage.

Listed building consent was granted on 8 May 2021 for works to the building, including works to provide a new oak floor in the hall and sitting room of the building.

A condition of the listed building consent requires that a sample of the proposed flooring to be used be submitted to and agreed in writing by the Local Planning Authority.

The condition says:

Prior to their use on site, a sample of the proposed flooring to be used in the ground floor hallway and sitting room of the works hereby permitted, shall be submitted to and be approved in writing by the Local Planning Authority.

Reason: To ensure that the details are appropriate to the architectural and

7.5

historic character of the building of special architectural or historic interest and in accordance with policies GP1, CE-S1, CE-S3, CE-D1, CE-S6, CE-S2, CE-S4, CE-D3 of the Exmoor National Park Local Plan 2011-2031.

This discharge of condition application has been submitted with details, including a sample, of the proposed oak flooring to be used in the sitting. The application seeks the partial discharge of the application accordingly. Details of the flooring for the hallway would need to be provided at a later date.

Although typically discharge of conditions do not come before the Authority Committee, in this case the applicant is employed by the National Park Authority and is a member of the Leadership team. Under the approved scheme of delegation, the application is required to be considered by Authority Committee

Consultee Representations

No formal comments received

Representations

N/A

Policy Context

Exmoor National Park Local Plan 2011 – 2031 (including minerals and waste policies)
GP1 – General Policy
CE-S6 – Design and sustainable construction principles
CE-S3 – Biodiversity and Green Infrastructure
CE-S4 – Cultural Heritage and Historic Environment
CE-D3 – Conserving Heritage Assets

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

For Listed Building applications, the proposed works must be considered under the Planning (Listed Buildings and Conservation Areas) Act 1990. Under Section 16, the

Local Planning Authority has a statutory duty to have special regard to the desirability of preserving the building.

Planning Considerations

The condition requires the detail of the timber flooring to be installed in the interests of the architectural and historic character of the building.

7.5

The details provided confirm that the flooring will be Oak, which is sourced locally and from the Haddeo valley.

This is considered appropriate for the building its terms of its special architectural interest and historic character.

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

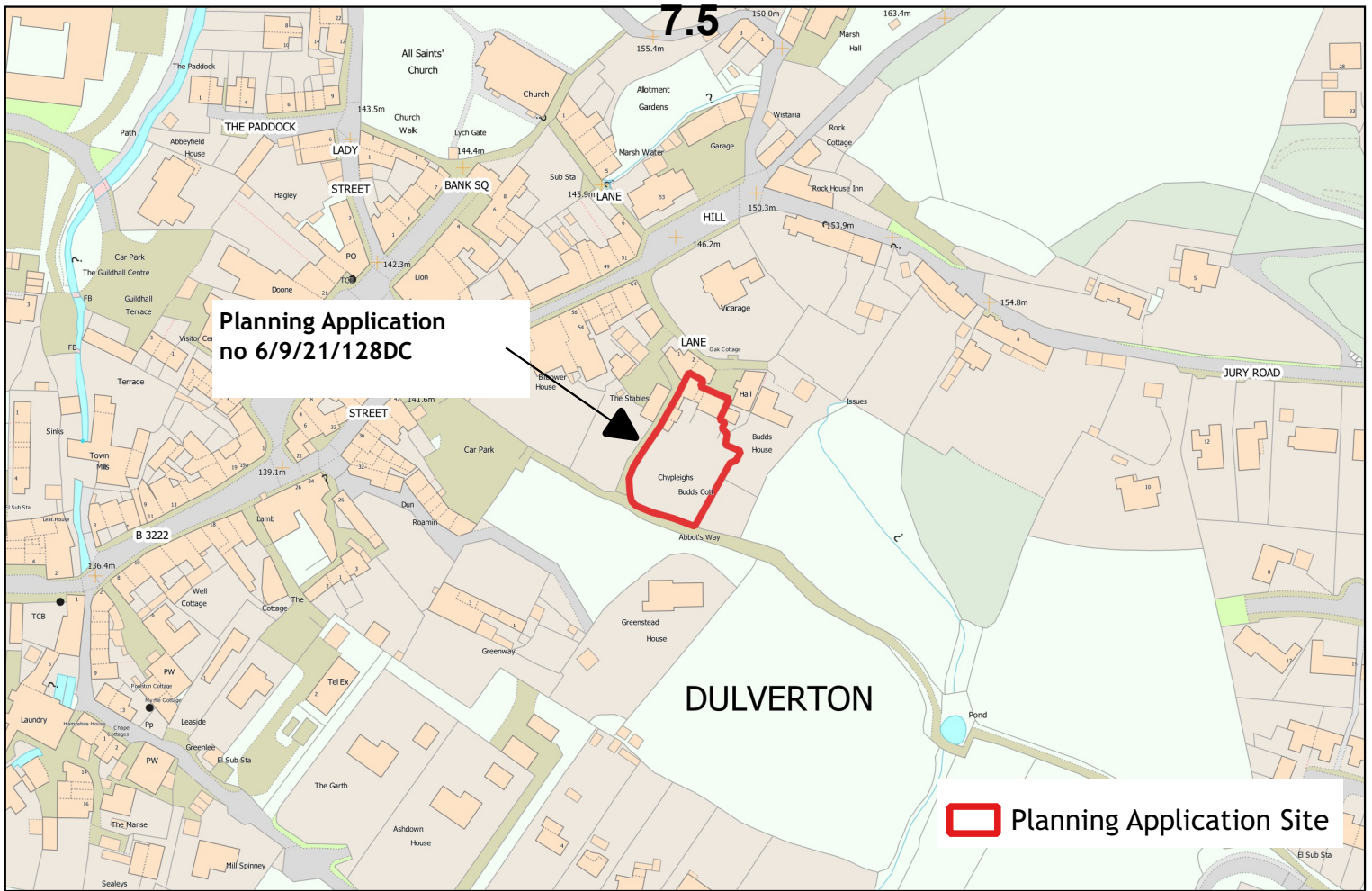
The use of Oak timber boards, sourced from the Haddeo valley, is appropriate to the building.

Recommendation

To approve the details and partially discharge condition 3 of listed building consent reference 6/9/21/117LB.

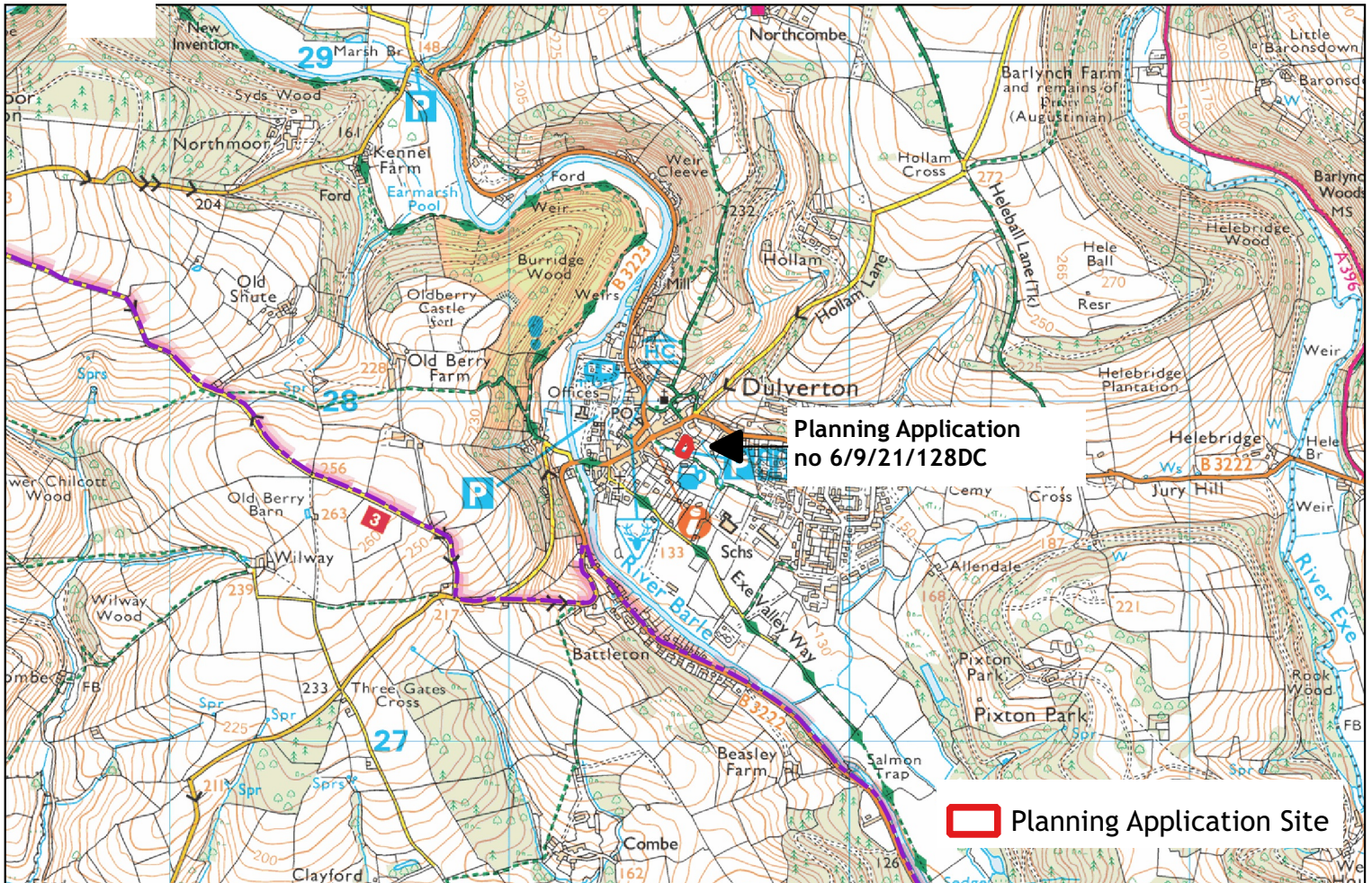
The condition cannot be fully discharge until details for the hallway floor have been agreed.

Informatives



Site Map
Scale 1:2,500

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Overview Map
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Application decisions delegated to the Chief Executive

Ref and Grid Ref	Applicant & Location	Decision and Date
62/19/21/003DC	Mr. R Joules, National Trust - Proposed Discharge of Conditions 3 & 12 of approved application 62/19/20/005 (Discharge of Condition) - WEST CHALLACOMBE MANOR, COMBE MARTIN, ILFRACOMBE, EX34 0DS	Approved 08-Sep-2021
62/11/21/014DC	Peter Hill, Trinity House - Discharge of Condition 5 (method statement for removal of lenses and photographic recording) of approved application 62/11/20/006LB. (Discharge of Condition) - Lynmouth Foreland Lighthouse, Road From Countisbury Hill To Kipscombe Cross, Countisbury, EX35 6NE	Approved 16-Sep-2021
6/40/21/113	Mrs S Neary - Proposed erection of garden shed. (Householder) - Knight House, Royal Oak Court, Winsford, Minehead, Somerset, TA24 7JE	Approved with Conditions 13-Sep-2021
WTCA 21/13	Mrs J Hoare - Proposed cutting to ground level of ash T1 located c 2m away from rear of terraced properties on elevated bank. Clear signs of dieback. Advised by ENP Conservation Officer that works would be permitted given condition and location of tree. (WTCA) - 1, NORTHMOOR ROAD, DULVERTON, TA22 9DF	Approved 21-Sep-2021
62/41/21/021	Mr & Mrs Smith - Proposed demolition of existing single garage and erection of a double garage. (Householder) - Oakhurst, Lynton, EX35 6JT	Approved with Conditions 21-Sep-2021
62/11/21/010DC	Messrs T Bentz and O Luehr - Discharge of condition 3 (written scheme of investigation) of approved application 62/11/21/003LB. (Discharge of Condition) - Glenthorne, Brendon, EX35 6NQ	Approved 21-Sep-2021
6/3/21/113DC	Mr D Mackenzie - Proposed Discharge of Conditions 3, 4 and 5 of approved application 6/3/20/110 (Discharge of Condition) - Hartford Lodge, BROMPTON REGIS, DULVERTON, TA22 9NS	Approved 21-Sep-2021
6/10/21/126LB	Mr P Westlake - Listed Building Consent for proposed damp treatment to internal walls. (Listed Building Consent) - THE STABLES, ST. THOMAS STREET, DUNSTER, MINEHEAD, TA24 6AS	Approved with Conditions 13-Sep-2021

Application decisions delegated to the Chief Executive

Ref and Grid Ref	Applicant & Location	Decision and Date
WTPO 21/03	Brice - Felling five Fraxinus excelsior infected with Hymenoscyphus fraxineus and one Acer pseudoplatanus to thin crowded area. Felling one Fagus sylvatica (T1), a poor form tree infected with Phytophthora bleeding canker. Trees felled are to be replaced with one Quercus robur, two Sorbus torminalis, one Castanea sativa, two Tilia cordata, two Acer campestre. (WTPO) - Doverhay Place, Minehead Road, Doverhay, TA24 8HU	Approved with Conditions 17-Sep-2021
WTCA 21/12	Bossington Hall Ltd - Oak (1) to have 30% crown reduction to reduce windage Pear (2) to be felled due to Bark Disease as identified by Graeme McVittie Both due to danger to public as property is a bed and breakfast and self catering holiday let 10 x saplings of various types (fruit and non-fruit) already planted in vicinity. 1 x Oak sapling to be planted in vicinity (WTCA) - BOSSINGTON HALL, ALLERFORD, MINEHEAD, TA24 8HJ	Approved 27-Aug-2021
6/10/21/124	Mr R Lyon - Advertisement consent for 1no. painted sign/mural. Retrospective. (Advert) - LUTTRELL ARMS HOTEL, 32-36, HIGH STREET, DUNSTER, MINEHEAD, TA24 6SG	Approved with Conditions 01-Sep-2021
6/8/21/110LB	Ms J Schofield - Listed building consent for the replacement of 2 no. timber windows. (Listed Building Consent) - North Hawkwell Farm, Drapers Way, Timberscombe, TA24 7UH	Approved with Conditions 25-Aug-2021
62/50/21/010DC	Mr. J Barton, Lynton & Barnstaple Railway Trust - Discharge of Condition 9 of approved application 62/50/16/003 (Discharge of Condition) - Blackmore Gate, Devon - Easting 648, Northing 430	Approved 01-Sep-2021
62/50/21/009DC	Mr. J Barton, Lynton & Barnstaple Railway Trust - Discharge of Condition 9 of approved application 62/50/16/002 (Discharge of Condition) - Rowley Moor Farm - Easting 647, Northing 432, Blackmore Gate, Devon, EX31 4NP	Approved 01-Sep-2021
62/50/21/008DC	Mr. J Barton, Lynton & Barnstaple Railway Trust - Discharge of Condition 9 of approved application	Approved 01-Sep-2021

Application decisions delegated to the Chief Executive

Ref and Grid Ref	Applicant & Location	Decision and Date
	62.50.16.004 (Discharge of Condition) - Blackmoor Gate, Devon - Easting 647, Northing 432	
6/8/21/109	Mr N Berry - Proposed repair and rebuild of timber wall frame and timber cladding of the Linhay, together with installation of new tiled slate roof. (Full) - Putham Cleeve Barns, Cutcombe, Minehead, TA24 7AS	Approved with Conditions 27-Aug-2021
6/10/21/123	Mr E Stenner - Proposed erection of garden room (amended plans and description). (Full) - 7 , The Ball, Dunster, TA24 6SD	Approved with Conditions 14-Sep-2021
6/3/21/111	Mr. N Herbert, South West Lakes Trust - Advertisement consent for the proposed installation of 6 no. safety display boards (1.28m x 0.61m). Retrospective. (Advert) - Wimbleball Lake, Hill Lane, Brompton Regis, TA22 9NU	Approved with Conditions 25-Aug-2021
6/13/21/104	Mr & Mrs W. G. Winzer - Lawful development certificate for the existing use of dwelling at Winbrook as 2 no. dwellinghouses and occupancy of dwellings without complying with Condition 4 (agricultural occupancy condition) of planning permission 54951/A, and for the existing development of 2 no. porches and alterations to the roof/dormer windows. (CLEUD) - Winbrook, Exford, Minehead, TA24 7QF	Approved 07-Sep-2021
6/34/21/104	Mr T Neilson - Proposed erection of agricultural building (560 square metres). (Full) - TOTTERDOWN BUNGALOW, TIMBERSCOMBE, MINEHEAD, TA24 7TA	Approved with Conditions 07-Sep-2021
6/9/21/119	Mr N Rand - Proposed replacement of existing glass conservatory roof with tiled roof. (Householder) - Holly Tree Cottage, 3 Battleton, Dulverton, Somerset, TA22 9HT	Approved with Conditions 27-Aug-2021
6/9/21/120LB	Mr N Rand - Listed Building Consent for Proposed replacement of existing glass conservatory roof with tiled roof. (Listed Building Consent) - Holly Tree Cottage, 3 Battleton, Dulverton, Somerset, TA22 9HT	Approved with Conditions 27-Aug-2021
6/3/21/109	Ms M Grimaldi - Proposed installation of 18 no. ground mounted solar PV panels and underground cable connection, together with removal of section of	Approved with Conditions 10-Sep-2021

Application decisions delegated to the Chief Executive

Ref and Grid Ref	Applicant & Location	Decision and Date
	hedgerow to form 1 no. opening and access (amended description) (amended plans). (Full) - BIDGOODS, BURY, DULVERTON, TA22 9ND	
6/9/21/115	Mr & Mrs S & P Cox - Proposed change of use and extension of existing stables and the construction of a new building to provide a mixed use of equestrian and agriculture within the buildings, including stables, tack store, feed store and vehicle/implement parking, together with the extension of existing enclosed yard and formation driveway (amended plans and description). (Full) - Little Highercombe, Dulverton, TA22 9PT	Approved with Conditions 14-Sep-2021
6/41/21/102DC	Mr & Mrs A Whiteley - Discharge of Conditions 3 (bat licence), 4 (bat mitigation before works commence), 5 (bat mitigation strategy), 6 (architectural and historic features recording) and 9 (bird nesting) approved application 6/41/20/102. (Discharge of Condition) - DRUIDSCOMBE FARM, LUXBOROUGH, WATCHET, TA23 0SE	Approved 08-Sep-2021
6/34/21/102	Dr J Prideaux - Proposed demolition of existing agricultural buildings and construction of replacement general purpose agricultural building (540 sqm). (Full) - Beasley Yard, Croydon House Farm, Timberscombe, Minehead, Somerset, TA24 7BL	Approved with Conditions 06-Sep-2021
6/10/21/114DC	EE Ltd - Discharge of Condition 1 (hedge & bank details) of approved application GDO 20/13. (Discharge of Condition) - Field off A396, Opposite Avill Farm, Dunster, TN24 7TA	Approved 07-Sep-2021
6/3/20/117	Mrs C Cherry - Lawful development certificate for the existing use of the property as a single dwelling house. (CLEUD) - Bruneton House, Brompton Regis Road, Brompton Regis, TA22 9NN	Withdrawn 31-Aug-2021
62/13/15/001	Messrs , Wyatt - Proposed change of use and variation of occupancy condition of the holiday unit to allow its use as a local need affordable dwelling together with garden area. Retrospective. (Amended	Final Disposed of 14-Sep-2021

Application decisions delegated to the Chief Executive

Ref and Grid Ref	Applicant & Location	Decision and Date
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	description). (Full) - GLEBELANDS FARM, CHALLACOMBE, BARNSTAPLE, EX31 4TS	
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EXMOOR NATIONAL PARK AUTHORITY

5 October 2021

RISK MANAGEMENT

Report of the Head of Finance and Operations

Purpose of Report: To report that the review of the risk management arrangements for the Authority that has been carried out.

RECOMMENDATIONS: The National Park Authority is recommended to:

- (1) NOTE that the annual review of Risk Management has been carried out.
- (2) APPROVE the Health, Safety & Welfare Policy set out in Appendix 1.
- (3) APPROVE the Risk Register set out in Appendix 2.
- (4) NOTE that the Business Continuity/Disaster Recovery Plan has been reviewed.

Authority Priority: Achieve by providing core services; getting best value from our resources and improving our performance.

Legal and Equality Implications: The equality impact of the recommendation of this report has been assessed as having no adverse effects regarding equality impact.

Consideration has been given to the provisions of the Human Rights Act 1988 and an assessment of the implications of the recommendation of this report is that there are no adverse impacts on human rights.

Financial and Risk Implications: Provision is made in the annual budget for managing risk, including health and safety requirements. The review has highlighted no additional financial requirement and confirmed that arrangements are in place for the management of risk.

Climate Change Implications: As set out in the report.

1. INTRODUCTION

- 1.1 A review of the risk management arrangements has been carried out. The process of risk management is intended to make sure that those managing an organisation and its work activities are fully aware of the inherent risks and adopt the necessary, balanced precautions. It is not about cultivating a risk averse culture but it is about managing adverse risks. Risk Management can be of increased importance at a time when an organisation could be facing significant change.
- 1.2 The Institute of Risk Managers has produced this definition of risk management:-
“the identification, measurement, control and financing of those risks which threaten the existence, the assets, the income or the personnel of an organisation or the services it provides”.

1.3 Specifically, risk management aims to cover all areas of an organisation's activities including decision making and performance management. In so doing it endeavours to:

- Protect service delivery and its impacts on the general public
- Protect the image and reputation of the Authority
- Secure the assets of the Authority
- Secure the funding and income sources of the Authority
- Secure the well-being of employees and users of services
- Ensure the integrity and resilience of information systems
- Ensure probity and sound ethical conduct
- Avoid criminal prosecution or civil litigation

2. THE AUTHORITY'S CURRENT POSTION

2.1 The possibility of a risk happening, materialising into an adverse event is always a possibility and Exmoor National Park Authority already has a wide range of measures in place to protect itself and prevent the realisation of risks. These include:

- Promotion of a strong health and safety culture.
- There are Health and Safety focus groups covering all areas of work, and any accidents or "near misses" are recorded and investigated so as to prevent any recurrence.
- The Risk Assessment system is working well, having replaced the previous paper based methodology. Fire risk assessments have been updated for Exmoor House and the other corporate properties.
- The Safeguarding policy has been reviewed and DBS clearance guidance produced. The social media policy has also been updated to accord with our Safeguarding Policy. There is a new Physical and Mental Health and Wellbeing page on our intranet and staff are currently undertaking Mental Health awareness training also.
- Financial activities are scrutinised by the Internal and External auditors and annual reports are presented to the Authority. Each year a Treasury Management Strategy Statement is adopted by the Authority and on two other occasions through the year the Authority reports on compliance with it. The Authority prepares a Medium Term Financial Plan covering a five-year period, agrees the Annual Budget and closely monitors all expenditure.
- Annual Governance Statement: an annual statement is produced and audited by the Devon Audit Partnership (DAP) our internal auditors. During 2016/17 a new Code of Corporate Governance was produced and this resulted with the audit opinion showing as High Standard with overall arrangements for generating the Annual Governance Statement being sound and effective.
- Legality: the posts of Chief Executive and Chief Finance Officer are staffed by experienced officers and the Authority procures its Monitoring Officer through Devon County Council. These controls ensure the legality and reasonableness of its activities. Members of the Authority receive regular briefings on specific subjects.

- Insurance: On 1st April 2017 the Authority moved insurers following a tender exercise taken across national parks and led by the South Downs. This gave the Authority the opportunity to reviews its insurance cover to ensure that it is adequate and covers as much of its “transferable” risk as is practicable. The Authority is currently retendering again for its insurance cover. A safety plan is in existence for all its land and property.
- Performance Management: The objectives of the National Park Partnership Plan are linked to budgets and the work plans of all staff. Progress is monitored quarterly, and six-monthly reports are compiled so that the Leadership Team and the Authority are aware of progress and have early warning of any emerging problem areas.
- Condition maintenance surveys have been undertaken at Exmoor House and the Pinkery Centre for Outdoor Learning. The Authority has approved budgets and work has commenced to protect these assets. Funding has also been approved for protection of adits and mines that are on Authority owned land.
- Project Management: The Authority uses a project management framework to help in the completion of a range of projects with which the Authority is involved.
- Conduct: The of Conduct for Members is currently being reviewed based on the Local Government Association Model Code of Conduct. The Standards Committee oversees standards of conduct and an Independent Person is appointed to advise on breaches of the Member Code of Conduct. Members receive regular training to ensure that standards are maintained.
- Business Continuity / Disaster Recovery Plan: This provides a framework for action in the event of the loss of ICT services, the loss of Exmoor House and the Authority’s other premises for an extended period. The investments in ICT capability over recent years has significantly improved resilience in this area.

2.2 Risk Management since March 2020 has been focussed on the Covid-19 pandemic. Significant activity has been focussed on understanding government advice and regulations, establishing Covid-safe working practices and ensuring that staff are fully informed. Meetings are now generally held remotely and Exmoor House is currently open for limited numbers of staff working in a carefully prescribed manner. The National Park Centres, Field Services staff and engagement activities are back up and running. The Outdoor Education Centre is again having overnight visitors. The Authority returned to in person meetings in July and the anticipation is that we will return to Authority meetings in Exmoor House in November.

2.3 It is not practicable to fully brief Members on the work that has been undertaken to produce safe and compliant activities. Members can be reassured that individual risk assessments per work place and an overarching Response and Recovery plan have been produced and are continually being updated. These are available upon request.

2.4 Risk Management forms part of the corporate governance framework. The Corporate Governance arrangements are reviewed annually by the Chief Finance Officer and Solicitor and Monitoring Officer.

The Annual Accounts include a signed declaration by the Chief Finance Officer and the Annual Governance Statement is signed by the Chairman and Chief Executive and included in the audited annual statement of accounts. The Annual Accounts

are given formal approval by the Final Accounts Committee which receives a report from the appointed External Auditor. The audit for the accounts for the year 2020/21 has yet to begin. We do not anticipate significant changes or adaptations.

- 2.5 The annual review of the Health, Safety & Welfare Policy has been carried out and this is attached at [Appendix 1](#) for consideration and approval. This was subject to a redraft in 2019 to improve consistency with other policy documents. In 2021 there were minor formatting changes.

The Cabinet Office has produced a national risk register and regional ones which cover the area of the National Park have been produced by Local Resilience Forums. The Authority's own risk register supplements these and deals with the risks which have the potential to affect the strategic work of the Authority, and this, too, has been reviewed.

An updated version of the Strategic Risk Register is attached at [Appendix 2](#) and the Risk Management Matrix at [Appendix 3](#). This is recommended for approval.

- 2.6 The Strategic Risk Register has been recently reviewed by Leadership Team. In particular:

- Climate Change is now explicitly referred to as a risk in its own right.
- The definition of major incidents affecting service delivery includes the pandemic. The score would be higher but for the fact that service delivery is being maintained.
- The likely impact of the pandemic has been reduced due to the successful roll out of the vaccination programme.
- The Authority is increasingly reliant on new funding streams such as Farming in Protected Landscapes (FIPL) to resource objectives. We may be less able to deliver new projects with others due to funding constraints and/or lack of capacity to deliver the Partnership Plan.
- We are closer to knowing the final cost of the removal of tree affected by Ash Die-Back.
- The U.K's exit from the European Union will impact upon the National Park. In particular there will be changes to agricultural subsidies, funding streams that can be accessed and the environmental legislative framework.
- The Protected Landscapes (National Parks and AONBs): 2018 review has broad and ambitious terms of reference. The known risks to the Authority are that new, insufficiently funded obligations are introduced or that changes to financing or governance weaken the ability of the Authority to meet National Park purposes.

3. BUSINESS CONTINUITY AND DISASTER RECOVERY

- 3.1 The Business Continuity/Disaster Recovery Plan (BCDR) is an integral part of the Authority's Risk Management Strategy. The BCDR Plan provides a framework for action in the event of the loss/disruption for an extended period of ICT Services, key staff, Exmoor House and the Authority's other premises.

- 3.2 In reviewing the Plan the following factors have been taken into account:

- The Authority provides no mission critical or emergency services that require continuous delivery.

- In the event of a major incident, the Authority may have to cope with the loss of ICT Services, Exmoor House and its other premises for up to a week. This would have a detrimental effect on services in the short term.
- Enhancements have been made to the Authorities resilience via the use of Microsoft 365 for Outlook. This enables staff to access e-mail and calendars on-line rather than via the servers based at Exmoor House. Further progress has been made over the use of Share Point 365 and MS Teams is being increasingly integrated with working practices.
- Regular backups and the retention of backup servers will enable the restoration of the ICT systems from a suitable location with sufficient connection speeds within 24-48 hours.
- Vital and unique records including planning records, contracts and land and property documentation will have a third backup at a remote location and/ or via cloud storage.
- The Authority's website, Financial, Payroll and Human Resources systems are hosted by third party service providers.
- Because Exmoor House is in a flood plain, key records are stored digitally or if held in paper form are either housed on the first floor of Exmoor House or raised off the ground. Documents are also held at the Warehouse and at the Town Centre Offices. Over the last twelve months the digitalization of documents continues.
- In the event of the loss of telephone landlines to any of the Authority's premises this would be covered by the use of mobile phones and redirection of numbers.
- Exmoor House incoming calls would be answered in the event of a loss of power by using phones that do not require a power supply or by redirection services.
- The Uninterrupted Power Supply (UPS) at Exmoor House would maintain power supplies to ICT equipment for at least 30 minutes to allow for an orderly shutdown. Out of hours the risks associated with a power failure are accepted.
- An incident information line service has been enabled which will be cascaded to staff to enable them to telephone in and listen to a recorded message providing them with information/instruction.

3.3 The robustness of our systems and processes have been tested as a result of the pandemic. We now have much greater experience in remote working, using video conferencing facilities and accessing the phone systems externally. We have needed to purchase certain additional pieces of hardware but for the most part the IT infrastructure has proved itself reliable.

Gordon Bryant
Head of Finance and Operations
September 2021

Exmoor National Park Authority - Policy

HEALTH, SAFETY AND WELFARE**POLICY STATEMENT**

This policy sets out the Authority's commitment to health, safety and welfare and the responsibilities of its staff and health and safety groups.

The Authority's commitments to health, safety, and welfare

The Authority aims for excellence in the health, safety, and welfare of all its employees and of anyone else affected by its activities. It will achieve this through ensuring awareness, competence, and compliance and by enabling the development and sharing of good practice:

Awareness: All who work with and for the Authority will have an awareness and understanding of potential health and safety risks and their own responsibilities in achieving safe working practices. Identified risks will be assessed, controlled, and monitored.

Competence: All who work with and for the Authority will have the competence to undertake their work with minimum risks to health, safety and welfare. People will be adequately instructed and trained to identify risks and implement safe working practices and will be empowered to raise health and safety concerns with all levels of management.

Compliance: All who work with and for the Authority will be required to report and investigate accidents, incidents and near misses to drive improvement in health and safety management. Managers will actively and openly monitor, and review working practices and implement any changes required to comply with legislation and improve our health and safety performance. We will engage and collaborate with contractors to ensure their working practices fulfil legislative and best practice requirements.

The Authority will allocate adequate resources for health and safety training, equipment and the development of working practices.

CONTENTS

1. Health, Safety, and Welfare Responsibilities
2. Reporting Health, Safety or Welfare Issues
3. Staff Consultative Groups
4. Health, Safety and Welfare Policies and Procedures
5. Officers Referred to in this Policy

HEALTH AND SAFETY POLICY

1. HEALTH, SAFETY, AND WELFARE RESPONSIBILITIES

1.1. Authority Members have a duty to ensure the effective management of health and safety throughout the organisation. Authority Members will liaise with the Chief Executive to monitor delivery of the commitments within this policy and ensure that adequate resources are available to meet the Authority's health, safety, and welfare responsibilities.

1.2. The Chief Executive has overall responsibility for the operation and development of health and safety policy and practice. They are responsible for ensuring, as far as reasonably possible, the health, safety and welfare of all staff and anyone else affected by the Authority's activities, and for:

- Providing strategic leadership in the management of health and safety at work and ensuring the Authority has adequate resources allocated in the annual budget to meet obligations
- Ensuring the Authority is providing and maintaining equipment and systems of work that minimise risks to health, safety, and welfare
- Ensuring the Authority is providing the information, instruction, and supervision necessary for the health and safety of all employees and anyone else affected by the Authority's activities
- Ensuring the Authority's workplaces are in a safe condition and are adequate for the welfare of employees, ensuring there are safe means of leaving these places in the event of an emergency
- Monitoring health and safety performance and establishing any groups that are a statutory requirement, requested by employees, or are necessary to progress aspects of health and safety policy or procedure (see also Staff Consultative Groups).

1.3. The Health and Safety Manager has responsibility for the following:

- Supporting the Chief Executive in the preparation and review of the Authority's health, safety and welfare policies and periodically bringing the Health, Safety and Welfare Policy to the attention of all employees to raise awareness and as a reminder of their responsibilities
- Supporting Section Heads in the development of competence and compliance with safe systems of work, including risk assessments, and the monitoring and review of health and safety performance
- Ensuring the Authority has access to specialist health, safety and welfare advice as required
- Investigating work-related accidents reportable as defined in the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) and to commission external investigations of incidents as required
- Ensuring appropriate fire safety arrangements are made for all the Authority's premises and adequate first aid provisions are in place
- Having staff consultation arrangements in place for the discussion of health, safety, and welfare issues

- Ensuring statutory forms, accident records, statutory inspection records, risk assessment records and other health, safety and welfare records are properly completed and appropriately stored, including filing reports as required by the Health and Safety Executive
- Advising Leadership Team (Section Heads) on relevant health and safety legislation (including Statutory Notices) and policies to ensure compliance in all workplaces under their control
- Ensuring consideration of health and safety issues at Leadership Team meetings and ensuring regular reporting on performance to the Health and Safety Committee

1.4. Sections Heads have a duty, in addition to those duties of a supervisor, to:

- Raise awareness and foster a commitment to, and a culture of, safe and healthy working within their team
- Increase team competence and introduce and update safe systems of work
- Ensure health and safety discipline and compliance
- Ensure the effective communication of health and safety information
- Carry out regular safety inspections of premises and activities including those included in the Public Safety Plan
- Ensure that risk assessments are carried out for all activities for which they are responsible and that these are updated promptly when appropriate
- Ensure compliance with fire safety arrangements in all premises under their control
- Ensure that all workplaces under their control comply with relevant health and safety legislation and with health and safety policies and that relevant statutory notices are displayed
- Ensure that chemical and hazardous material used by their staff are clearly labelled and properly stored and recorded and that adequate information is given to staff
- Maintain their personal competence to manage the health, safety, and welfare of their team, and those affected by Authority activities, through appropriate training as necessary

5.5. A Supervisor is anyone who is required to supervise other people, whether they are employees, volunteers, or contractors. Anyone in a supervisory role has a duty to ensure that all the people being supervised:

- Are aware of all the dangers associated with their workplace or work activity
- Are properly trained and supervised and are competent to carry out their work safely
- Are compliant in following risk assessments, health and safety procedures, safe systems of work, accident reporting, and other guidance issued
- Have all the relevant information about the safe use and storage of the equipment, chemicals, and materials with which they are working or that are present in their working environment
- Are using equipment that is in good condition, fitted with appropriate safety devices and maintained in a safe repair
- Wear any protective clothing required

- Do what they can to ensure the health, safety, and welfare of everyone in the work area
- Are aware of all emergency procedures

Additionally, Supervisors must:

- Set a good example of safe practice
- Monitor practices and follow up compliance issues
- Ensure that risk assessments are carried out for all activities for which they are responsible and that these are updated promptly when appropriate
- Ensure that equipment and facilities for which they are responsible are properly maintained
- Record and investigate any accidents, near misses or potentially dangerous incidents and report them in the appropriate way to the Health and Safety Manager and the appropriate Section Head
- Carry out frequent safety inspections of all work areas and activities under their control and take any necessary action
- Ensure they remain informed by keeping up to date with the findings of the health and safety focus groups/committee and any current/new legislation

1.6. The Land and Property Manager will ensure that regular safety inspections of premises and activities occur, including those in the Public Safety Plan.

1.7. All Employees have a duty to work safely to protect the health, safety and welfare of themselves and others. Any breach of this policy and reasonable health and safety procedures/instructions may result in internal disciplinary action. Severe breaches of health and safety procedures/policy may result in dismissal in line with the Authority's disciplinary procedures. You must therefore:

- Read and adhere to the Health, Safety and Welfare Policy and any revised versions issued (the most up-to-date policies are available to view or download from [SharePoint](#))
- Assist with the preparation of risk assessments to achieve safe working systems, and follow risk assessments, approved safety procedures and instructions (the Risk Assessment Library on [SharePoint](#) contains all the Authority's risk assessments)
- Work safely being mindful at all times of your working environment and practices and potential risk to yourself and others
- Use safety equipment and protective clothing provided to you and report any damage/issues with it
- Not bring any item of personal electrical equipment into the workplace, other than mobile phones, tablets, laptops, and associated chargers.
- Know and follow all emergency procedures
- Report any training needs and take part in relevant training – always work within your level of competency
- Promptly report to your supervisor any hazards, incidents, accidents, near misses or anything that might put anyone's health and safety at risk
- Cooperate in incident or accident investigations

2. REPORTING HEALTH, SAFETY OR WELFARE ISSUES

Any incidents, accidents, near misses, safety concerns, or any request for health, safety, and welfare advice, must be via your line manager or the person supervising your work.

3. STAFF CONSULTATIVE GROUPS

3.1. Health, Safety and Welfare Focus Groups meet on a regular basis and at least three times a year to discuss and resolve health, safety, and welfare issues in their areas of work. These meetings will also provide information on any changes in legislation and guidance. Those attending the Focus Group are responsible for cascading information on health and safety to the staff that they represent. There are four Health, Safety and Welfare Focus Groups:

- **Exmoor House** (1 representative from each section working within Exmoor House/Town Centre offices)
- **Access and Recreation and Field Services Team** - Health and Safety is included as an item on each team meeting agenda
- **National Park Centres** (Centre Managers)
- **Support to National Park Users**

3.2. Health, Safety and Welfare Committee meets at least twice a year and is chaired by the Chief Executive. The Committee will discuss any issues identified by the Focus Groups, circulate information about new health and safety legislation or best practice, report on corporate health and safety matters (e.g., accident reporting) and any other relevant health, safety, or welfare issues. Again, it is the responsibility of those attending to cascade information to the staff they represent. Attendees include the Chief Executive, Health and Safety Manager, Section Heads, Land and Property Manager and a representative from each Focus Group.

Note:

Due to the pandemic, since 2020, Focus Groups have not been meeting. More regular meetings of the Health, Safety and Welfare Committee have taken place (2-monthly, then 3 monthly and now quarterly). Liaison between representatives of the Focus Groups and the Health, Safety and Welfare Committee, has been via the HR Advisor. It is hoped to re-establish these meetings once restrictions are lifted.

3.3. External assistance may be required at times when the Authority will identify key, high priority risk areas within its activities and will appoint professional, qualified assessors/advisors to review and monitor the implementation of policies and practices based on an assessment of risk.

4. HEALTH, SAFETY AND WELFARE POLICIES AND PROCEDURES

All the Authority's up-to-date policies and procedures can be found on [SharePoint](#) or requested from the HR Advisor. Some of the key policies include:

- First Aid and Emergency Evacuation (as well as being displayed around Authority buildings)
- Bullying and Harassment
- Whistleblowing
- Lone Working
- Staff Safety Protocol
- Safeguarding

- Safeguarding Disclosure Guidance
- Driving Safely and Driving Authority Vehicles
- Flexible Working Arrangements
- Home Working
- Mental Health and Wellbeing
- Menopause
- Family Support Policies
- Alcohol and Substance Misuse Policy
- Smoke Free Workplaces
- Dogs at Work

5. OFFICERS REFERRED TO IN THIS POLICY

Chief Executive:	Sarah Bryan
Section Heads:	Gordon Bryant (Head of Finance & Operations) Dean Kinsella (Head of Planning & Sustainable Development) Clare Reid (Head of Strategy & Performance) Rob Wilson-North (Head of Conservation & Access)
Land & Property Manager:	Matt Harley
Health & Safety Manager:	Gordon Bryant
Supervisors:	Any employee of the Authority who is required to supervise other employees, contractors, or volunteers
HR Advisor:	Ellie Woodcock

USEFUL LINKS:

HSE Publication: [Workplace health, safety, and welfare](#)

HSE [Website](#)

ENPA POLICIES:

Bullying and Harassment
Whistleblowing
Lone Working
Staff Safety Protocol
Safeguarding
Safeguarding Disclosure Guidance
Driving Safely and Driving Authority Vehicles
Flexible Working Arrangements
Home Working
Mental Health and Wellbeing
Menopause
Family Support Policies
Alcohol and Substance Misuse Policy
Smoke Free Workplaces
Dogs at Work

E-LEARNING:

Mandatory training: Introduction to Health and Safety 2019
Introduction to Health and Safety (Pre-assessment)
Display Screen Equipment
Fire Safety 2019
Fire Safety (Pre-assessment)
Manual Handling 2019
Mental Health Awareness 2019
Safeguarding and Child Protection for Non-Children's Service Workers
Safeguarding for Non-Adult Services Workers

Other health, safety, and welfare modules:

Asbestos Awareness
Control of Substances Hazardous to Health: COSHH
Driving Safely 2019
Drug and Alcohol Awareness
Email Stress
Legionella Awareness
Healthy Lifestyles
Introduction to Meditation
Managing Health and Safety 2019
Nutrition Awareness
Office Safety 2019
Personal Emergency Evacuation Plan (PEEPs)
Personal Safety
The Principles of Risk Assessment 2019
Reporting of Injuries, Diseases and Dangerous Occurrences Regulations: RIDDOR
Safer Recruitment
Smoking Awareness
Stress Awareness
Suicide Prevention Awareness
The 5K Project
Working at Height

Reviewed	By	Amendment	Next review
09/2019	GMB/LT	Adopted: 10/2019	2021
06/2021	EW	Minor changes to formatting. Inserted note regarding meetings during coronavirus pandemic.	2022

EXMOOR NATIONAL PARK AUTHORITY - STRATEGIC RISK REGISTER

RISK	STRATEGIC RISK	DESCRIPTION OF RISK AND POTENTIAL IMPACT	INHERENT RISK			CONTROLS IN PLACE/ MITIGATION ALREADY TAKEN	CURRENT RISK			OWNER	ADDITIONAL PLANS
			LKLHD	IMPACT	SCORE		LKLHD	IMPACT	SCORE		
1	Funding Risk	1.1 The NPG from DEFRA provides 85% of the Authority's core income and so is key to funding services. Reductions in NPG will mean a reduction in services.	3	4	12	Regular communications with DEFRA concerning future NPG levels. The relatively low level of contractual commitments within ENPA's budget, such as staffing, provides some flexibility and ability to respond to a changing financial climate.	2	3	6	Chief Finance Officer	The funding level is linked to the Medium Term Financial Plan. ENPA's Finance and Performance Advisory Panel help to manage the business impact of potential changes in funding.
		1.2 Other external income sources may fluctuate or reduce (RPA, NPC, commercial property, Pinkery or car park income). The risk is that there is little time to react if income falls.	3	3	9	External income sources are varied and not linked to particular funding streams or client groups. Costs may reduce as income falls also. This will reduce the impact.	3	2	6		We will continue to monitor budgets, anticipate outcomes and take action accordingly. We continue to seek out new funding streams to improve resilience.
		1.3 External grants and contributions may fall over time reducing our ability to deliver schemes.	3	3	9	One -off grant monies are not relied upon to fund core costs. ENPA spending commitments are linked to funding stream and so can fall with the external grant.	3	2	6		If funding ends for one-off schemes then the scheme ends also.
		1.4 The U.K's exit from the European Union adversely impacts on direct and indirect funding.	3	3	9	Subsidies are guaranteed until 2022.	3	2	6		We will continue to seek to influence the future direction of agricultural subsidies.
2	Legal Risk Drain on resources due to high legal and other costs, staff diverted from priority commitments	2.1 Unsound decisions expose the Authority to legal and/or regulatory challenges and costs	3	3	9	The Code of Corporate Governance, Annual Governance Statement and audits describe and monitor the governance arrangements.	2	3	6	Monitoring Officer	Annual review of Governance arrangements Legal contingency reserve funds allocated
		2.2 Officers fail to oppose or advise against unsound decisions	3	4	12	Members Code of Conduct. The authority employs experienced members of staff who are able to advise against potentially illegal courses of action.	2	4	8		
		2.3 Legal challenges to decisions of the National Park Authority. Decision making places insufficient weight to National Park purposes.	3	3	9	Experienced Solicitor and Monitoring Officer is employed to provide legal advice.	2	3	6		
3	Financial Risk e.g. Actions outside of the Authorities Financial Regulations, Standing Orders and Code of Conduct	3.1 Officers acting outside of delegated powers and beyond budgetary limits	3	3	9	Standing Orders and Financial Regulations in place, approved and staff are aware of. Budget monitoring reports are distributed on a monthly basis and are discussed with the Head of Finance quarterly. All orders are authorised by the Head of Finance.	2	2	4	Chief Finance Officer	Outturn reports are presented to the Authority. Members also see interim revised budgets at month 6.
		3.2 Officers failing to comply with Contracts and Standing Orders. Risk of legal challenge and financial loss.	3	3	9	Annual letter to staff setting out standards of conduct, Anti-fraud, Corruption and Bribery Policy. Procurement Processes in place and requires segregation of duties for purchasing goods and/or services. Both Internal and External Audit provide reassurance.	2	2	4		Legal contingency reserve funds allocated
		3.3 Financial liabilities related to the land and property holdings such as maintenance or repair costs. We are mid-way through the safe removal of trees affected by Ash Dieback and so are more able to predict the final cost.	3	4	12	Condition maintenance surveys are undertaken and acted upon on a regular basis to ensure that needs are identified. Funds are identified as part of the budget setting process.	3	3	9		Legal contingency reserve funds allocated. There is also the opportunity to set aside funds as part of the mtfp process.
		3.4 The costs of Job Evaluation and future staff pay awards will put pressure on the cost base.	3	4	12	The financial impact of Job Evaluation is now known and we will work to identify cost pressures in advance of them arising.	3	3	9		The budget setting process ensures that pressures are identified and alternative ways of managing the cost are suggested.
4	Service Delivery Risk e.g. disease outbreak and /or other restrictions	4.1 Fire or Flooding of Park premises	3	4	12	Close liaison maintained with neighbouring Authorities. ENPA possesses video conferencing facilities and the ability of staff to work from home.	3	3	9	Chief Executive	The Business Continuity and Disaster Recovery Plan has been developed and is regularly enhanced as technology provides opportunities.
		4.2 Lack of business continuity planning in case of e.g. IT failure (such as via a Ransomware attack), buildings out of action (esp. Exmoor House), prolonged power failure	3	3	9	A Disaster Recovery and Business Continuity Plan in place. Remote working facilities provided. External message line and call cascade system in place.	2	3	6		
		4.3 Major incidents such as a pandemic or a nearby major environmental incident.	3	3	9	ENPA are currently maintaining service provision in the context of a global pandemic. Civil emergencies are not an ENPA responsibility. County and District Civil Contingencies Unit are Cat 1 responders and have Major Incident Plan.	3	2	6		

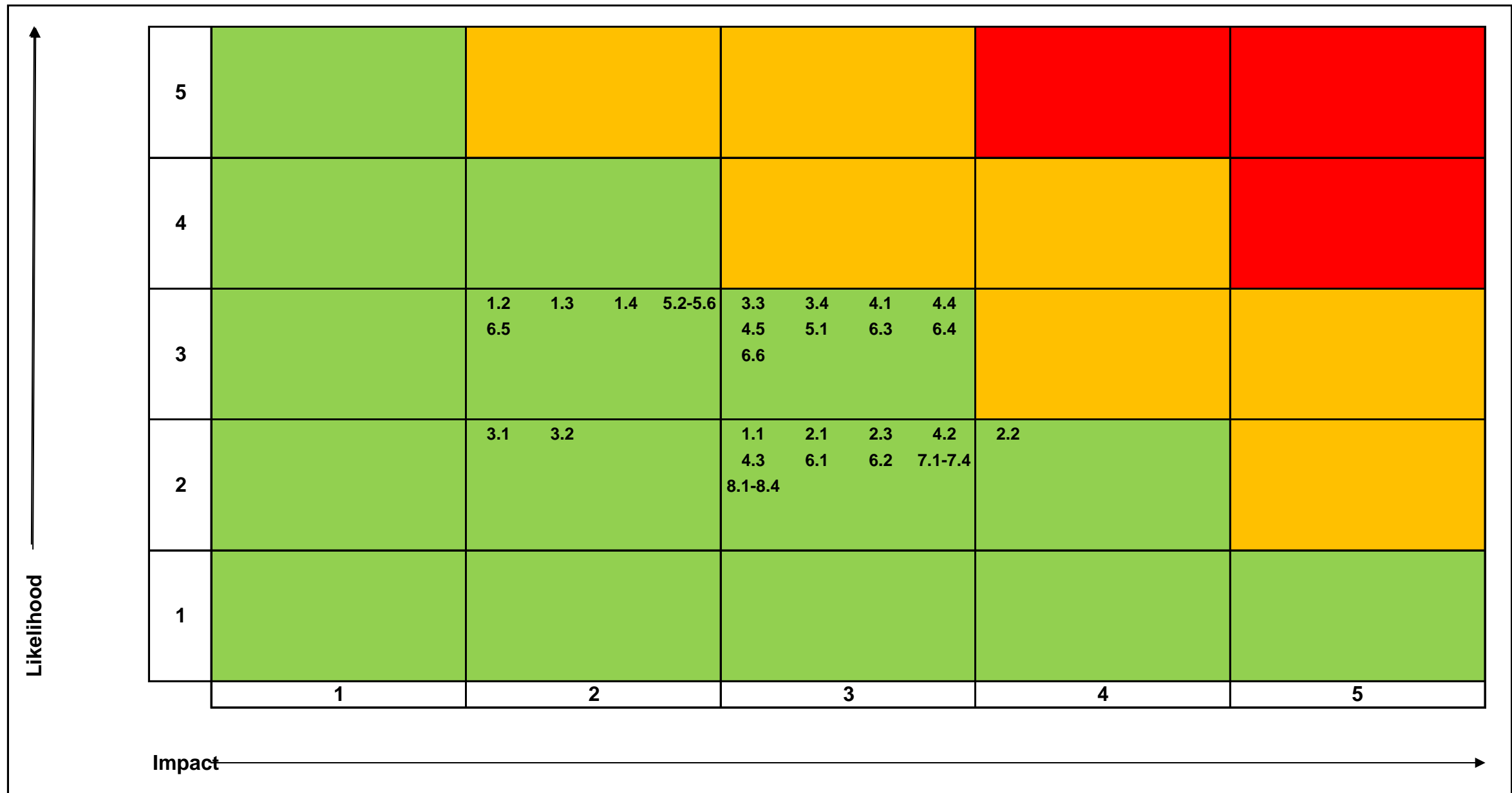
RISK	STRATEGIC RISK	DESCRIPTION OF RISK AND POTENTIAL IMPACT	INHERENT RISK			CONTROLS IN PLACE/ MITIGATION ALREADY TAKEN	CURRENT RISK			OWNER	ADDITIONAL PLANS
			LKLHD	IMPACT	SCORE		LKLHD	IMPACT	SCORE		
		4.4 Members of the public or service users getting hurt impacting on the ability of the Authority to undertake activities.	4	4	16	Certain members of staff are first aid trained, Risk Assessments are produced and incidents are reported to the Health and Safety Board.	3	3	9		
		4.5 Climate Change impacts upon the ability to deliver services, manage the landscape, support nature recovery and local communities.	4	4	16	We will continue to reduce our carbon emissions and invest in projects which support nature recovery and capture carbon.	3	3	9		
5	Recruitment and Retention Risk	5.1 Reliance on certain key staff	3	4	12	Strategies in place for key staff	3	3	9	Chief Executive	Employee Strategy ENPA is exploring opportunities for undertaking work for external organisations, providing a development opportunity for staff and external income opportunities for the Authority.
		5.2 Concentration of knowledge and experience									
		5.3 Difficulties in recruiting and retaining experienced and knowledgeable staff due to disparities in pay between ENPA and comparable bodies.	3	3	9	Reward packages, relocation packages, targeted advertising, Job descriptions include cross cover, cover arrangements with other local authorities.	3	2	6		
		5.4 Lack of career progression opportunities									
		5.5 Remote location – travel difficulties									
		5.6 Availability of suitable housing									
6	Legislative and Regulatory Risk Failure to comply with legislative and legal requirements resulting in criminal and /or civil prosecutions, negligence claims, legal costs and adverse publicity	6.1 Health and Safety Acts	3	4	12	Health and Safety Policy and Health and Safety Officer in place. Risk assessments undertaken and all stored within a central easily accessible repository. Collaboration with external Safety Officer in respect of Health and Safety assurance.	2	3	6	Solicitor / Chief Finance Officer / H&S Manager	Advice on changes to legislation provided via external professional support.
		6.2 Equalities legislation e.g. DDA	3	3	9	Equal Opportunities policy in place.	2	3	6		
		6.3 General Data Protection Regulation and the Freedom of Information and Environmental Information Acts.	4	3	12	All requests monitored by Senior Officer and quarterly reports passed to Leadership Team E-mail protocols and search tools in place ICT Acceptable Use policy in place for staff	3	3	9		
		6.4 Planning process	4	3	12	Professionally qualified planners advise on planning process and there is a programme of training for Authority Members.	3	3	9		
		6.5 Premises	3	3	9	Safety Plan in place with regular inspections. Support & maintenance contracts for plant & equipment in place. Staff Training on core risk areas.	3	2	6		
		6.6 Glover Review introduces new burdens or unfavourable changes to the regulatory regime.	4	4	16	We will respond to the Glover Review after it has been released. Service Planning will provide the opportunity to adapt and the 'New Burdens' doctrine should ensure that new obligations are funded.	3	3	9		
7	Reputational Risk	7.1 Reliance on goodwill, as ENPA only owns 7% of land	3	4	12	A Communications Officer is in place, and staff receive media training and briefings on key issues.	2	3	6	Chief Executive	Engagement Strategy
		7.2 Impact of Staff/public and staff/member behaviour				Code of Conduct in place, annual declaration by staff and members					
		7.3 Incorrect or inappropriate communication				A Communications Officer in post, communications fed out through correct channels					
		7.4 There are reputational risks associated with shooting, climate change, fracking and the future of swaling practices.				We continue to monitor the legislative, environmental, regulatory and cultural landscape to ensure our practices are well supported and defensible.					
8	Risks to Partnership Working e.g. in response to unpopular stance/decision taken by the NPA	8.1 Reliance on goodwill as ENPA only owns 7% of land, and some of that is managed by others	3	4	12	Good consultation processes, Exmoor Consultative Forum, Parish Council Member representation, attendance at Parish meetings and area panels and the Exmoor Hill Farm Network.	2	3	6	Chief Executive	Partnership working is central to our ability to function and influence behaviour in the park. It will always be a priority to the Authority.
		8.2 Non co-operation of landowners and tenants who manage the natural and cultural resources of the area									
		8.3 Non-cooperation of businesses that promote tourism/recreation									
		8.4 ENPA may be less able to deliver new projects with others due to funding constraints and/ or lack of capacity to deliver the Partnership Plan.									

RISK MANAGEMENT MATRIX

Risk Matrix Indicators

Current score for each sub-risk on Strategic Risk Register

Likelihood	
1	Rare
2	Unlikely
3	Possible
4	Likely
5	Very likely
Impact	
1	Negligible
2	Minor
3	Moderate
4	Major
5	Catastrophic



Risk Assessment Matrix						
Likelihood	5	5	10	15	20	25
	4	4	8	12	16	20
	3	3	6	9	12	15
	2	2	4	6	8	10
	1	1	2	3	4	5
		1	2	3	4	5
		Impact				

Risk Assessed Score

- 20-25 Immediate Action
- 10-16 Review Regularly
- 1-9 No Action necessary