



EXMOOR
NATIONAL PARK

EXMOOR NATIONAL PARK AUTHORITY
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20 January 2022

EXMOOR NATIONAL PARK AUTHORITY

To: All Members of the Exmoor National Park Authority

A meeting of the Exmoor National Park Authority will be held in the **Committee Room, Exmoor House, Dulverton** on **Tuesday, 1 February 2022 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

AGENDA

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 December 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 Levelling Up, Housing and Communities to dismiss the Appeal in relation to Application 6/8/20/115 – Thorne Farm, Thorne Lane, Cutcombe, Wheddon Cross, TA24 7EZ
 - 6.2 To note the **decision** of the Secretary of State for Levelling Up, Housing and Communities to allow the Appeal and delete Condition 2 of Application 6/10/21/119 and insert revised wording – 39 West Street, Dunster, Minehead, TA24 6SN
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	62/41/21/030	Proposed first floor roof terrace to rear of building and associated development – 19 Grattons Drive, Lynton, EX35 6LW	1 – 6
7.2	6/26/21/111	Proposed replacement of timber windows and 2no doors with uPVC – 5 Watersmeet Close, Roadwater, Watchet, TA23 0QT	7 - 14

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, 25 February 2022 (am)).
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The remaining section of the meeting will be chaired by Mr R Milton, Chairperson of the Authority. If the Chairperson is absent, the Deputy Chairperson of the Authority shall preside.

10. **County Gate:** To consider the report of the Head of Finance and Operations (Item 10)
11. **Arrangements for the Appointment of External Auditors:** To consider the report of the Head of Finance and Operations (Item 11)
12. **Exmoor National Park Authority Meeting Arrangements:** To consider the report of the Chief Executive (Item 12)
13. **Personnel Update**
Starters:
03/01/2022 - Julian Gurney – Centre Manager (Lynmouth NPC)
04/01/2022 - Ali Cockburn – Conservation Officer (Wildlife) – 1-year fixed term contract
17/01/2022 - Lynn Henderson – Corporate Support Assistant – 2-year fixed term
Leaver:
23/01/2022 – Kieran Reeves – Planning Officer – resignation
14. **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 December 2021 at 10.00am in the Committee Room, Exmoor House, Dulverton.

PRESENT

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

Mrs L Blanchard	Mr A Milne
Mr M Ellicott	Mrs F Nicholson
Mr J Holtom	Mr J Patrinos
Mr J Hunt	Mr N Thwaites
Dr M Kelly	Dr S Warren
Mr M Kravis	Mr V White
Mrs C Lawrence	Mr J Yabsley
Mr E Ley	

Apologies for absence were received from Mr D Elson, Mr B Revans, Miss E Stacey and Mrs P Webber

92. DECLARATIONS OF INTEREST: There were none

93. CHAIRPERSON'S ANNOUNCEMENTS: There were none

94. MINUTES

- i. **Confirmation:** The **Minutes** of the Authority's meeting held on 2 November 2021 were agreed and signed as a correct record.
- ii. **Matters arising:** There were no matters arising

95. PUBLIC SPEAKING: See Minute 97 for details of public speakers

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

96. APPEALS

The Committee noted the **decision** of the Secretary of State for Levelling Up, Housing and Communities to allow the Appeal and grant planning permission in relation to Application 62/41/21/012 – Lynton Church of England Primary School, Market Street, Lynton, EX35 6AF

Mr M Kravis joined the meeting

DEVELOPMENT MANAGEMENT

97. Application No. 6/14/21/103

Location: The Old Vicarage, Simonsbath, Minehead, TA24 7SH

Proposal: Proposed construction of a private equestrian sand school (60m x 20m) with landscape planting.

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

Public Speaking

- (1) Mr A Chapman, Exmoor Parish Council
- (2) Miss L Polley, Clark Landscape Design
- (3) Mr A Preston, Agent to Applicant
- (4) Ms T Gowlland, Applicant

The Authority's Consideration

The Committee noted that Planning Officers recommended the application be refused as they considered the isolated and elevated position of the proposed manège would lead to notable landscape harm and would also cause harm to the setting of the Grade II listed Church of St Luke.

A site visit had recently taken place to enable Members to appreciate the setting of the application site within the wider landscape, to note its elevated location and its relationship with the Old Vicarage and the Grade II listed Church.

Some Members of the Committee took a contrary view to Officers and felt that in this instance the development would not cause noticeable landscape harm and, in relation to the proximity to the listed Church, that the site represented a suitable compromise in terms of its relationship to the dwelling with which it would normally be expected to be closely associated.

It was therefore proposed and seconded that planning permission should be granted, contrary to the recommendation of Planning Officers. When put to the vote this motion was not carried.

Other Members of the Committee considered that the substantial groundworks that would be required to level the site would have an adverse impact on the character and appearance of the landscape and noted that the principle of the development was not considered to be compliant with a number of policies within the adopted Local Plan.

Therefore, a subsequent motion to refuse planning permission in line with the recommendation contained within the report was then proposed and seconded, and the motion was carried by a majority of the Authority Committee.

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

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

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

Before closing this section of the meeting, the Deputy Chairperson (Planning) noted that Mr Kieran Reeves would be leaving his role as Planning Officer for the Authority in the New Year. On behalf of all Members, Mr Reeves was thanked for all his hard work on behalf of the Authority and was wished well in his future role.

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

The meeting closed for recess at 11.19 am and reconvened at 11.35am.

100. PROGRESS IMPLEMENTING THE CORPORATE PLAN 2021-22

The Authority considered the [report](#) of the Head of Strategy and Performance

The Authority's Consideration

Members of the Committee recognised the extraordinary volume and breadth of work that, as a small organisation, the National Park Authority carries out and wished to thank all members of staff for their continuing efforts, particularly in light of the pandemic which has necessitated different ways of working.

RESOLVED:

- (1) To note the progress in implementing the Authority's key commitments set out in the Corporate Plan 2021-2022.
- (2) To delegate to the Finance and Performance Advisory Panel and Leadership Team further scrutiny of Authority performance across all the Corporate Plan actions for the next reporting period to 31 March 2022.
- (3) To note the progress with delivering the Partnership Plan and wide range of partnership working.

101. VISITOR MANAGEMENT AND ENGAGEMENT DURING 2021

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

The Authority's Consideration

In addition to the report of the Head of Conservation and Access, the Committee received a presentation by Mr Tim Parish, a member of the Ranger Team, who provided a summary of the "on the ground" work carried out by Authority staff during the Covid pandemic.

Once again Members wished to thank all staff who had helped with visitor management and engagement during the 2021 season and looked forward to receiving details of the approach for the 2022 season.

RESOLVED: To note the contents of the report.

Mr M Kravis left the meeting prior to the vote on Item 11 above

102. NATIONAL WORKING UPDATE

The Authority considered the [report](#) of the Chief Executive

The Authority's Consideration

The Authority Committee understood the importance of collaborative working at the national level and were pleased that it appeared to be working well in relation to National Parks Partnership and UK Communications and were supportive of the proposal to combine the commercial and communications services into one subscription.

In relation to National Parks England, Members were concerned about whether the NPE subscription represented value for money, bearing in mind previous discussions on this subject. There was collective disappointment that greater consideration had not been given to ENPA's request for subscriptions to be proportionate to the financial turnover of each National Park Authority.

Considering the discussions surrounding the two previous agenda items relating to implementation of the Corporate Plan and Visitor Management, the Committee were mindful that the proposed level of allocation to NPE would put pressure on the wider service delivery of the Authority. As a small organisation with a limited budget, Members were keenly aware of what other important work the National Park Authority could deliver for £20,000.

It had been explained that there was no option to pay a lower subscription to NPE (as had happened in 2021/22) and a motion was therefore put forward to amend the recommendations contained within the report, such that corporate subscriptions be approved at a level of £21,000 in order to fund NPP and the Communications Unit and other partner organisations but, subject to the absence of National Parks England subscriptions being proportionate to the financial turnover of each National Park Authority, to withdraw from that organisation.

RESOLVED:

- (1) To approve corporate subscriptions at a level of £21,000.
- (2) Subject to the absence of National Parks England subscriptions being proportionate to the financial turnover of each National Park Authority, withdraw funding for National Parks England.
- (3) Support the combining of UK Communications and National Parks Partnership over the three-year Business Plan 2022-2025.

Mr N Thwaites and Dr S Warren left the meeting prior to the vote on Item 12 above

103. REVIEW OF MEMBER CODE OF CONDUCT, DISPENSATIONS AND AMENDMENTS TO STANDING ORDERS FOR REGULATION OF CONTRACTS

The Authority considered the [joint report](#) of the Head of Strategy and Performance, Monitoring Officer and Chief Finance Officer

The Authority's Consideration

In relation to the Member Code of Conduct, the meeting noted that two amendments were required to be made to the wording contained in Appendix 1:-

- **Paragraph 4.3 should read:** *“Whether or not an interest within paragraphs 4.6 and 4.7 below has been entered on to the Authority’s register, you must disclose any interest to any meeting at which you are present in any matter being considered, in line with **paragraph 4.13** below, where the matter is not a ‘sensitive interest’ (see **paragraph 4.10** below)”*
- **Paragraph 4.13 (a) should read:** *“disclose to that meeting the existence and nature of that interest, but where your interest is sensitive you are not required to disclose the interest but merely the fact that there is a disclosable interest in the matter concerned”*

In addition, it was proposed and agreed by Members that amendments be made to the following clauses:-

- **In Paragraph 4.8**, remove reference to “other council tax payers, rate payers and residents” such that the paragraph should read: *“A non-registerable interest may arise where a decision might reasonably be regarded as affecting the well-being or financial position of a significant person to a greater extent than the majority of **any other persons** affected by the decision. A significant person means a close member of your family or any person with whom you have a close association. In this instance you must declare to the meeting the existence and nature of that interest and withdraw from the decision making process by stepping outside the meeting room”*
- **That Paragraph 4.9 (c)** reflect the wording in paragraph 4.9 (b) such that it should read: *“register **within 28 days** any gift or hospitality **to the value of more than £50** that you are offered but have refused to accept”*

RESOLVED:

- (1) To agree the proposed amendments to the Code of Conduct recommended by the Standards Committee (Appendix 1 to the report), subject to the amendments to paragraphs 4.3, 4.8, 4.9 (c) and 4.13 (a).
- (2) To note the dispensations agreed by the Standards Committee (Section 2 of the report).
- (3) To agree the proposed amendments to Standing Orders for the Regulation of Contracts recommended by the Standards Committee (Appendix 2 to the report).

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

105. ANY OTHER BUSINESS OF URGENCY: There was none

The meeting closed at 1.32pm

(Chairperson)

Appeal Decision

Site visit made on 27 September 2021

by Mr S Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 January 2022

Appeal Ref: APP/F9498/W/21/3276840

Thorne Farm, Thorne Lane, Cutcombe, Wheddon Cross, Somerset TA24 7EZ

- 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 and Mrs Sanders (MA & SS Sanders) against the decision of Exmoor National Park Authority.
 - The application Ref 6/8/20/115, dated 18 November 2020, was refused by notice dated 14 January 2021.
 - The development proposed is the conversion of traditional buildings to two principal residence dwellings.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are (1) the effect of the development on the delivery of housing need within Exmoor given its location within the countryside and type of housing proposed, and (2) whether the proposal includes a suitable foul drainage system.

Reasons

Housing Matters

3. The proposal would form two dwellings as part of the conversion of a 19th Century traditional stone agricultural building. The site is part of a farm and is in the open countryside. Policy HC-D7 considers proposals for conversions to dwellings in the open countryside and so is particularly relevant to this appeal. However, the proposal does not meet with the restrictive criteria for the types of dwellings that would be permissible under this policy. The dwellings would be 'principal residence dwellings', which could not be used as 'second homes', but they would not be a form of local need affordable housing, extended family dwellings, or rural worker dwellings/succession farm dwellings. Therefore, the proposal does not comply with Policy HC-D7 of the Exmoor Local Plan.
4. Policy HC-S4 of the Local Plan relates to principal residence housing, but the policy states this should only be permitted through the change of use of non-residential buildings to housing in settlements, and/or where it is required to enable the delivery of affordable housing to meet local needs. The site is not within a settlement and it does not form an enabling development for affordable housing. As such, the proposal does not comply with this policy.
5. The thrust of the Exmoor housing policies is clear that its focus is to provide for affordable housing with local occupancy ties, with some exceptions such as

- principal residence housing subject to criteria (policy HC-S1). The proposal does not meet with these criteria.
6. It could be that the proposed dwellings would provide housing for local people if developed. However, there would be no restriction on whether they would be occupied by local people as there would be no local occupancy ties. The dwellings would be relatively modest in size, but there is no substantive evidence to demonstrate that they would be 'relatively affordable' for local people, even if there was some condition or legal agreement tying them to the ownership of the farm and for them to be rented accommodation, for example.
 7. Policy GP1 of the Local Plan sets out the aim for sustainable development within Exmoor National Park. This includes a requirement to provide for housing to address local affordable needs and help create a balanced community. It is my view that the two principal residence housing units would not address local affordable housing needs, as they would not necessarily accommodate local people or be affordable. As such, in this regard, the development would not contribute towards sustainable development in Exmoor.
 8. The proposals would therefore be contrary to policies GP1, HC-S1, HC-S2, HC-S3, HC-S4 and HC-D7 of the Exmoor National Park Local Plan 2011 – 2031. These policies set out the housing strategy and primary purposes of housing development within Exmoor through the Local Plan period, amongst other things.
 9. The emphasis on providing affordable local needs housing also reflects the National Planning Policy Framework (the Framework) which states that in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs (Paragraph 78). The Local Plan makes clear that the need is for affordable housing with local occupancy ties. As principal residence housing they would not be fully unrestricted, but they would not meet with the housing needs of Exmoor where the demand is primarily for local affordable need housing.
 10. Furthermore, although each case should be assessed on its own merits, there are likely to be many other similar examples of old traditional agricultural buildings of some heritage value across Exmoor which could use a similar case to depart from housing policy. This could cumulatively undermine the strategic objective of the Local Plan to address local housing needs, which is also an important aim of the Framework.

Drainage

11. The proposal was to incorporate the use of a septic tank for foul drainage, with there being no possible sewer connection. However, policy CC-D5 (which considers sewerage disposal) has a set criteria (1c) which requires that proposals for non-mains sewerage should first consider a combined sewage treatment system. Only if this is not feasible should there be a consideration of septic tanks.
12. The appellant has set out some reasons why a septic tank would be beneficial, such as for maintenance purposes and to avoid nitrates/phosphates entering the watercourse nearby. However, the use of a sewer treatment plan is sequentially preferable and I am not convinced from the evidence that a treatment plant cannot be used without pollution risks.

13. Policy CC-D5 is part of an adopted Local Plan and foul drainage is a material consideration. There is no substantive reason before me why the sequentially preferable sewer treatment system could not be used. However, the appellant has stated that they are willing to reconsider this and suggested a condition to resolve the issue. A condition could be drafted to ensure that the development was effectively in accordance with policy CC-D5 with regards to drainage and so this issue is not a reason for dismissal of the appeal.

Other Considerations

14. There is no dispute between the parties that the existing buildings are locally listed on the Historic Environment Register (HER). This conveys that these buildings have a degree of heritage value, even if not to the extent of a listed building for example. Indeed, I understand that the former agricultural buildings are from the 19th Century and from my observations appear to be traditional farm buildings that are characteristic of their time and location. I would therefore agree that the buildings subject to this appeal are non-designated heritage assets.
15. Paragraph 203 of the Framework sets out that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. Also, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Furthermore, Paragraph 197 of the Framework requires that the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation should be taken into account.
16. The appellant has also included in their statement the relevance of Paragraph 80(b), which relates to isolated homes in the countryside, which should be avoided unless the development would represent the optimal viable use of a heritage asset or would be appropriate as enabling development to secure the future of heritage assets. There is no enabling development as part of this proposal, but it would bring the currently unused buildings back to a viable use.
17. Furthermore, the development generally accords with heritage policies such as CE-S4 and CE-D3, which seek to conserve and enhance the historic environment, such as these former agricultural buildings which are a non-designated heritage asset. These policies also encourage the re-use of redundant heritage buildings to bring them back to viable use.
18. Whilst not a listed building, these buildings have clearly been vacant for some time and their preservation could be of benefit to the historic environment of this area of Exmoor.
19. The appellant also states that the buildings are not now agricultural and that their last use was equestrian. There is no planning permission for this that I have seen, but some evidence to this effect has been submitted. If this were the case, then the site would be considered as previously developed land. The efficient use and development of previously developed land is supported generally in the Framework and also with Local Plan policy GP4, which allows for the re-use of existing buildings within farmsteads. Furthermore, within Framework Paragraph 80 under Criterion (C) the policy allows for the re-use of redundant or disused buildings which also enhance their immediate setting.

The development would re-use a currently disused building in this isolated location.

20. These are the primary considerations (among others) that weigh in favour for the development. These matters will now be considered with a planning balance.

Planning Balance

21. As set out in the 'housing' section above, the proposal is not in accordance with the housing policies of the adopted Local Plan. Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that if a proposal is contrary to the development plan it should be dismissed unless material considerations indicate otherwise. I have set out the main other material considerations above.
22. Whilst the proposal would provide two additional dwellings to the local housing stock, the appellant has acknowledged a conflict with housing policies. However, the appellant has set out that the development would not be viable if the proposed dwellings were a form of affordable housing and so it would be likely that they would be undeliverable. Furthermore, the development would result in the restoration of much of these former agricultural buildings, which is stated to be a non-designated heritage asset and so would benefit from a viable use, thereby helping to preserve the cultural landscape of the Exmoor National Park.
23. However, these are buildings which did not appear on site as in particularly poor condition. Indeed, the submitted Structural Survey suggests a structurally sound building. Furthermore, although viability information has demonstrated that the buildings could not be reasonably converted to affordable housing there is no substantive evidence to demonstrate that there could not be any other form of policy compliant use that could be undertaken from these buildings to aid their long term maintenance. Nonetheless, it is possible that they would deteriorate over time and could remain largely vacant if this appeal was not allowed.
24. There is also the provision of two additional dwellings which would not be for 'second homes', which could have social and economic benefits for the local community. They would be relatively small dwellings to add to the housing mix. These proposed dwellings, if they were to be kept as rental properties, would help support the farm business.
25. The efficient and viable use of these buildings, particularly as they are non-designated heritage assets and stated to be previously developed land, therefore weighs in favour of the development to some degree.
26. I acknowledge that the proposal is not, in my opinion, contrary to Paragraph 80 of the Framework as the proposals generally accord with some of the circumstances where it states that such development in the countryside may be permissible. However, not being in conflict with this policy does not in itself weigh significantly in favour of the proposed development.
27. The appellant has drawn my attention to other cases, including appeal decisions, where similar considerations have been part of a decision. However, all these other cases have clear differences from the appeal case before me

and also most are not subject to Exmoor National Parks Development Plan policies. As such, I give these other example cases minimal weight.

28. Overall, there is a balance where the proposal conflicts with the housing policies of the Development Plan, though is also supported by other policies, particularly related to the use of previously developed land and viable uses of heritage assets. It is my conclusion when weighing up all considerations that this conflict with the housing policies of the Local Plan and the harm to the housing strategy results in substantial weight against the proposals, as the proposed dwellings would not satisfactorily meet or reflect the identified housing needs of present and future generations. I consider that the benefits such as providing a viable use for the former agricultural/equestrian buildings, even as a non-designated heritage asset, do not outweigh this harm identified. The proposed restriction for the dwellings to be used as principal residence dwellings is not sufficient to overcome this conflict with the housing policies or to meet housing needs satisfactorily, with the principal community identified need being for affordable housing with local occupancy ties.
29. As such, there is conflict with the housing policies of the Development Plan, with the other material considerations not of sufficient weight to indicate a decision other than in accordance with the Development Plan.

Conclusion

30. For the reasons given above I conclude that the appeal should be dismissed.

Mr S Rennie

INSPECTOR



Appeal Decision

Site visit made on 1 December 2021

by Alison Fish BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 January 2022

Appeal Ref: APP/F9498/W/21/3280583

39 West Street, Dunster, Minehead, Somerset TA24 6SN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
- The appeal is made by Mr David Hall against the decision of Exmoor National Park Authority.
- The application Ref 6/10/21/119, dated 6 May 2021, was approved on 1 July 2021 and planning permission was granted subject to conditions.
- The development permitted is proposed widening of opening in barn attached to dwelling to enable pedestrian access and storage. Resubmission of refused application 6/10/20/109. Retrospective.
- The condition in dispute is No 2 which states that: The north facing wall of the application building, i.e. the elevation wall facing the A39/West Street, shall be reinstated to its former condition with matching sand stone within 6 months of the date of failure to meet the following requirement: Within 3 months of the date of this decision, the pillar proposed to be installed within the opening that has been created within the north facing elevation of the building, shall be constructed and installed in accordance with the approved plans.
- The reason given for the condition is: To safeguard the highway safety of the National Park in accordance with Policies AC-S2 and AC-D2 of the Exmoor National Park Local Plan 2011- 2031.

Decision

1. The appeal is allowed and the planning permission Ref 6/10/21/119 for proposed widening of opening in barn attached to dwelling to enable pedestrian access and storage. Resubmission of refused application 6/10/20/109. Retrospective at 39 West Street, Dunster, Minehead, Somerset TA24 6SN granted on 1 July 2021 by Exmoor National Park Authority, is varied by deleting condition 2 and substituting for it the following condition:
 - 2) The works carried out, as shown on the approved drawings listed in condition 1, shall be hereby retained.

Preliminary Matter

2. I observed during my site visit that the proposed works to install a timber pillar within the opening fronting the A396 (West Street) had been completed. I have dealt with the appeal on this basis.

Main Issue

3. The main issue is whether the condition is reasonable in the interests of the safety of users of the adjacent highway.

Reasons

4. The Inspector, in an earlier appeal (Ref: APP/F9498/D/20/3262039) found that the widening of the barn's opening facing the A396 (West Street) would allow it to be used for the parking of vehicles which would have a harmful effect on highway safety. The appeal was dismissed.
5. Subsequently, the appellant sought permission to retain the open front of the barn but to erect a timber pillar in the centre of the 3.6m wide opening to prevent the barn's use for the parking of vehicles. The local planning authority accepted that this would overcome the concerns about highway safety and granted planning permission, imposing a condition requiring the work to install the pillar to be carried out before 1st October 2021.
6. The appellant does not dispute the need for a condition requiring the installation of the pillar (and this is borne out by the fact that when I visited the site, the work had been completed) but considered the time period imposed by the local planning authority was too short.
7. Given the conclusions of the previous Inspector and what I observed during my site visit, I am satisfied that it is necessary to restrict the width of the opening to the barn and prevent its use for vehicles, who would be manoeuvring onto the highway with extremely restricted visibility, resulting in harm to highway safety. The timber pillar achieves this.
8. Given my findings on this point, I also conclude that in order for this to be achieved in the long term, it is necessary to require the retention of the works which have been carried out. Condition 2 only requires the implementation of the approved works and not their retention. S79(1) of the Town and Country Planning Act 1990 allows an Inspector to deal with the application as if it had been made to them in the first instance. Therefore, I am permitted to add any conditions as I see fit.
9. Subject to the imposition of a condition requiring the retention of the works, I am satisfied that the proposal complies with Policies AC-S2 and AC-D2 of the Exmoor National Park Local Plan 2011-2031 which seeks to take account of, and prevent development, which would prejudice road safety interests.

Conclusion

10. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be allowed and condition 2 should be deleted and replaced with revised wording as set out above.

Alison Fish

INSPECTOR

Application decisions delegated to the Chief Executive

Ref and Grid Ref	Applicant & Location	Decision and Date
6/43/21/107DC	Mr & Mrs K Busby - Discharge of conditions 3 (bat licence), 4(Bat Box and induction), 5 (bat mitigation strategy) & 6 (stone sample) of approved application 6/43/20/105. (Discharge of Condition) - THE OLD PARLOUR, WOOTTON COURTENAY, MINEHEAD, TA24 8RE	Approved 14-Dec-2021
6/15/21/105	Mr G Thomas-Everard - Proposed change of use of part of farm building to washing up and toilet facility, together, with the creation of door and windows to recreation area. (Full) - Exmoor Bunk Barn, Bridgetown, Somerset, TA22 9JP	Approved with Conditions 17-Dec-2021
62/50/21/012	Mr R Rawle - Proposed change of use of land from agriculture to domestic, together with erection of single storey extension to dwelling, creation of associated domestic garden area and alterations to vehicular and field access. (Full) - HIGHER BODLEY FARM, PARRACOMBE, BARNSTAPLE, EX31 4QN	Approved with Conditions 20-Dec-2021
62/41/21/028	A and P Braunton Ltd - Proposed change of use of guest house to 3 no. residential dwellings. (Full) - Riverlyn View, 26 Watersmeet Road, Lynmouth, EX35 6EP	Approved with Conditions 09-Dec-2021
6/9/21/132DC	P Govier - Discharge of Conditions 3 (stone sample) and 12 (external lighting) of approved application 6/9/21/121 (Discharge of Condition) - DUXHAMS, 41, JURY ROAD, DULVERTON, TA22 9EJ	Approved 08-Dec-2021
6/40/21/117DC	The Home Office - Discharge of Condition 2 of Approved application 6/40/19/101 (details of external finishes) as per amended/additional plans and details 29.11.21 (Discharge of Condition) - HALSE FARM, WINSFORD, MINEHEAD, TA24 7JL	Approved 02-Dec-2021
WTCA 21/21	Mr. M Butcher - Works to Trees in a Conservation Area: To fell 3 Ash trees that have Ash Dieback as confirmed by a tree surgeon and tree officer. Tree number 1 on the plan is very close to our holiday	Approved 10-Dec-2021

Application decisions delegated to the Chief Executive

Ref and Grid Ref	Applicant & Location	Decision and Date
	cottages and the road to Horner and would cause considerable damage to cottages if it fell. Tree numbers 2 and 3 on the plan are on the boundary of our property and the field behind. (WTCA) - MANOR HOUSE, LUCCOMBE, MINEHEAD, TA24 8TE	
6/13/21/108	Mr & Mrs Welchman - Proposed erection of new agricultural storage barn. (Full) - CASTLE FARM, EXFORD, MINEHEAD, TA24 7NL	Approved with Conditions 29-Nov-2021
62/41/21/026	Mr J Loveless - Proposed extension to rear of shop. (Full) - The Caravel, 14 Lynmouth Street, Lynmouth, EX35 6EX	Approved with Conditions 14-Dec-2021
6/10/21/130LB	Olde World Inns (Dunster 2012 Ltd) - Listed building consent for the proposed change of use and internal alteration of ground floor of Hotel domestic area to form a Hair and Beauty Salon together with the retention of 1no. painted sign/mural. Retrospective. (Listed Building Consent) - LUTTRELL ARMS HOTEL, 32-36, HIGH STREET, DUNSTER, MINEHEAD, TA24 6SG	Approved 17-Dec-2021
6/10/21/129	Olde World Inns (Dunster 2012 Ltd) - Proposed change of use and internal alteration of ground floor of Hotel domestic area to form a Hair and Beauty Salon. Retrospective. (Full) - LUTTRELL ARMS HOTEL, 32-36, HIGH STREET, DUNSTER, MINEHEAD, TA24 6SG	Approved with Conditions 17-Dec-2021
62/11/21/017	Andrew Way - Proposed replacement of link extension structure, together with demolition of porch and external alterations including roof design along with internal redesign. (Householder) - Wellfield Cottage, Countisbury, Lynton, EX35 6NG	Approved with Conditions 16-Dec-2021
WTCA 21/20	Ian Kelham - Works to Trees in Conservation Area - works to elm, oak, elder, holly, beech, hawthorn, privet and ash in hedge surrounding land at West Lynch Cottage, Allerford. Trees have mainly 15cm dbh but some elm and ash are larger. Ash appears to have ash dieback and elms are suffering from Dutch elm disease. The proposal is to layer the hedge and fell the larger diseased trees which may be posing a danger to the public. (WTCA) - WEST LYNCH COTTAGE, ALLERFORD, MINEHEAD, TA24 8HJ	Approved 01-Dec-2021

Application decisions delegated to the Chief Executive

Ref and Grid Ref	Applicant & Location	Decision and Date
WTCA 21/19	Sam Glover - Works to Trees in a Conservation Area - T57 Sessile Oak- Fell to ground level, The said Oak is located adjacent to the affordable homes they will be building on the top car park. This Oak will be causing access issues, felling of this tree is required to enable progress with construction of these properties. (WTCA) - Tor Park Apartments, Countisbury Hill, Lynmouth, EX35 6NB	Approved 01-Dec-2021
6/26/21/110	Mr T White - Proposed erection of domestic polytunnel (4.2 m x 9.1 m). Retrospective. (Householder) - PITT FARM, ROADWATER, WATCHET, TA23 0QS	Approved with Conditions 17-Dec-2021
6/27/21/125	Mrs Eastwood - Proposed demolishing of existing garage and erection of a single storey side extension (Householder) - Seahawk, Villes Lane, Porlock, TA24 8NQ	Approved with Conditions 08-Dec-2021
6/27/21/124	Mr & Mrs R Vowles - Proposed variation of condition 2 of approved application 6/27/14/113, to redesign replacement house, garage and associated parking, and landscaping. (Alteration/Lift Condition) - Swiss Lodge, Hawkcombe, Porlock, Minehead, TA24 8QN	Approved with Conditions 06-Dec-2021
6/25/21/107	Ms. M Lane, National Trust - Proposed installation of four air source heat pumps. (Full) - Cloud Farm, Oare, Lynton, EX35 6NU	Approved with Conditions 06-Dec-2021
62/43/21/004	Mr. Matthew Wakeham - Proposed demolition of shed and replace with extension to main house (Householder) - Mannacott Barn, Mannacott Farm, Martinhoe, EX31 4QS	Approved with Conditions 08-Dec-2021
6/8/21/111	Mr D Butt - Proposed replacement veranda to the rear of the property. (Householder) - LITTLE HAWKWELL, WHEDDON CROSS, MINEHEAD, TA24 7EF	Approved with Conditions 26-Nov-2021
6/3/21/117	Mr. David Mather - Proposed replacement of existing timber storage shed used to store Sailing Club equipment. (Full) - Wimbleball Sailing Club,	Approved with Conditions 29-Nov-2021

Application decisions delegated to the Chief Executive

Ref and Grid Ref	Applicant & Location	Decision and Date
	Wimbleball Lake, Brompton Regis, Dulverton, TA22 9NU	
6/40/21/116	Mr J Cooper - Proposed erection of car port (7m x 5m). (Full) - Pitcott House, Winsford, Minehead, TA24 7JE	Approved with Conditions 20-Dec-2021
WTCA 21/18	Mrs Clinch - Works to Trees in Conservation Area: T1, Common Ash- Inonotus hispidus (Shaggy polypore) fungal bracket adjacent to the main stem on the Large limb overhanging the garden - Target pruning of this large limb T2, English Oak - tree canopy heavily weighted over the garden - reduction of the lateral growth by circa 4 metres to re-balance (WTCA) - 1, WEST STREET, DUNSTER, MINEHEAD, TA24 6SN	Approved 01-Dec-2021
6/29/21/118LB	Mr D Raymond - Listed building consent for proposed installation of secondary glazing. (Listed Building Consent) - Dunkery View, New Road, Wootton Courtenay, TA24 8SU	Approved with Conditions 10-Dec-2021
6/29/21/117LB	Dr Sarah Webb - Listed building consent for the proposed replacement of roof, 4 no. windows, and fireplace and surround. (Listed Building Consent) - GATE COTTAGE, ALLERFORD, MINEHEAD, TA24 8HJ	Approved with Conditions 01-Dec-2021
6/9/21/130LB	Mr. C Gray, Radleys Cottage - Proposed installation of 5 no. external PIR down lighting on main house and outhouse. (Listed Building Consent) - Radleys Cottage, 1 Battleton, Dulverton, TA22 9HT	Approved with Conditions 14-Dec-2021
6/9/21/129	Mr. C Gray, Radleys Cottage - Proposed erection of garden shed. (Householder) - Radleys Cottage, 1 Battleton, Dulverton, TA22 9HT	Approved with Conditions 16-Dec-2021
6/41/21/104	Ms N Merton-Richards - Proposed conversion of ground floor workshop to ancillary sleeping accommodation (resubmission of refused application 6/41/21/103). (Householder) - Greenland, RODHUIISH, MINEHEAD, TA24 6QS	Approved with Conditions 30-Nov-2021
62/11/21/013LB	Mr. Christopher Turner, National Trust - Listed building consent for proposed demolition of rear lean-to extensions and reroofing of retained section of lean-to	Approved with Conditions 20-Dec-2021

Application decisions delegated to the Chief Executive

Ref and Grid Ref	Applicant & Location	Decision and Date
	extension, reroofing the main building, replacement of all PVC windows in building to timber and replacement of all PVC rainwater goods on building to cast metal. (Amended description) (Listed Building Consent) - Lorna Doone Farm, Oare, Lynton, EX35 6NU	
62/11/21/012	Mr. Christopher Turner, National Trust - Proposed demolition of rear lean-to extensions and reroofing of retained section of lean-to extension, reroofing the main building, replacement of all PVC windows in building to timber and replacement of all PVC rainwater goods on building to cast metal. (Amended description) (Full) - Lorna Doone Farm, Oare, Lynton, EX35 6NU	Approved with Conditions 20-Dec-2021
GDO 21/15	Mr. McKenzie, N McKenzie & Sons - Prior notification for works to existing agricultural track (600m x 2.8m). (GDO - Agricultural/Forestry) - Track from Sanctuary Lane to Lower Foxhanger Farm & New Mill Farm, Easting 294707, Northing 132403	GDO - Prior Approval Not Reqd 15-Dec-2021
GDO 21/14	Mr J Croft & Miss F Murray - Prior approval for proposed erection of agricultural building (22.86m x 18.29m). (GDO - Agricultural/Forestry) - Muxworthy Farmhouse, Lane To Muxworthy Farm, Brayford, EX32 7QP	GDO - Prior Approval Approved 24-Nov-2021
6/35/21/102	Mr S Marsh - Proposed establishment of rare breed poultry farm and horticultural business involving temporary siting of caravan and erection of 2 no. polytunnels and 3 no. buildings (including chicken brooder house, vegetable washing and handling facility, and storage and workshop building), together with installation of solar panels and construction of 2 no. dew ponds. (Full) - Little Acres, Brendon Hill, Treborough, TA23 OLG	Refused 20-Dec-2021
6/25/21/103	Mr T Burge - Proposed replacement agricultural livestock building (27.4m x 12.1m). (Full) - Oaremead Farm, Oare, EX35 6NU	Approved with Conditions 08-Dec-2021
GDO 21/09	Mr & Mrs S & R Coates - Prior notification for proposed erection of 2 no. agricultural buildings comprising poultry building and egg sorting house,	GDO - Prior Approval Approved 08-Dec-2021

Application decisions delegated to the Chief Executive

Ref and Grid Ref	Applicant & Location	Decision and Date
	erection of feed bin, installation of egg conveyor and widening of track. (GDO - Agricultural/Forestry) - Land at Blagdon Lane, Brompton Regis, Dulverton, Somerset	
GDO 20/10	Mr J Richards - Prior notification for proposed replacement livestock building (36.57m x 22.86m). (GDO - Prior Approval) - Silcombe Farm, Silcombe Lane, Porlock, TA24 8JN	GDO - Prior Approval Approved 30-Nov-2021
6/43/20/108	Mr & Mrs C Walker-Blair, Appledore Barn - Certificate of Lawfulness for construction of residential dwelling. (CLEUD) - Appledore Barn, Appledore, Huntscott, Wootton Courtenay, Minehead, TA24 8RR	Withdrawn 26-Nov-2021
6/40/20/107	Mr B Felce - Proposed change of use of Old Village Hall to camping barn. (Full) - The Old Village Hall, Ash Lane, Winsford, Somerset, TA24 7JE	Withdrawn 24-Nov-2021
6/27/18/117	Mr, J, Tout - Outline application for proposed demolition of existing buildings and construction of up to 11 new dwellings to include road and drainage infrastructure, parking and landscaping. Provision of bat roost building. All matters reserved except means of access to the site. As per additional information. (Outline) - Former Porlock Abattoir, Porlock Hill Road, Porlock, Somerset	Approved with Conditions 03-Dec-2021

Application decisions delegated to the Chief Executive

Ref and Grid Ref	Applicant & Location	Decision and Date
GDO 21/16	Daniel Bishop - Prior notification for the proposed erection of agricultural storage building (27.43m x 12.19m). (GDO - Agricultural/Forestry) - Brookdale, Wingate Farm, Countisbury, Lynton, EX35 6NQ	GDO - Prior Approval Not Reqd 17-Jan-2022
62/41/21/036	Mr. D James, Coast & Country Parks Limited - Proposed erection of decking area for use as base for single bell tent. (Full) - Lynmouth Holiday Retreat, West Lyn, Manor Farm, Barbrook, Lynton, EX35 6LD	Approved with Conditions 12-Jan-2022
6/8/21/114LB	Mr J Lippiatt - Listed Building Consent for the demolition and reinstatement of chimney stack. Retrospective. (Listed Building Consent) - 2 NORMANS COTTAGES, WHEDDON CROSS, MINEHEAD, TA24 7DX	Approved with Conditions 18-Jan-2022
6/8/21/113	Mr J Lippiatt - Proposed demolition and reinstatement of chimney stack. Retrospective (Householder) - 2 NORMANS COTTAGES, WHEDDON CROSS, MINEHEAD, TA24 7DX	Approved with Conditions 18-Jan-2022
6/13/21/111	Mrs A Howard - Proposed variation of Condition 3 of approved application 6/13/86/103 to allow agricultural and equestrian use (including commercial livery). (Alteration/Lift Condition) - Riscombe House, Highermill Farm Lane, Exford, TA24 7NN	Approved with Conditions 13-Jan-2022
6/40/21/119	Ms N Spiers - Proposed change of use of art studio into 1 bedroom holiday accommodation. (Full) - Exe Vale House, Edbrook Road, Winsford, TA24 7JE	Refused 12-Jan-2022
6/27/21/127	Mr. P Board, Housing 21 - Proposed removal of existing concrete tiles and re-roof entire block of flats with new concrete tiles, together with the replacement of aluminium fascias with uPVC, 3 no. existing Velux windows and existing GRP dormer side cladding with lead. (Full) - Flats 1-25, John Barnes Court, Englands Road, Porlock, Minehead, TA24 8QR	Approved with Conditions 17-Jan-2022
62/41/21/034	Mr R Boundy - Proposed erection of wooden garden summer house. Retrospective. (Full) - GARSON HOUSE CARE HOME, 7, LEE ROAD, LYNTON, EX35 6HU	Refused 13-Jan-2022

Application decisions delegated to the Chief Executive

Ref and Grid Ref	Applicant & Location	Decision and Date
6/8/21/112	Miss. Athena Clinkscales - Proposed erection of freestanding timber framed pergola (amended plans) (Householder) - 4 , Meadow Close, Wheddon Cross, TA24 7AU	Approved with Conditions 07-Jan-2022
6/10/21/132LB	Mrs N Dodd - Listed building consent for the proposed upgrading of existing shop ceiling for fire protection and installation of fire door to replace existing. (Listed Building Consent) - 30, HIGH STREET, DUNSTER, MINEHEAD, TA24 6SG	Approved with Conditions 13-Jan-2022
6/10/21/131LB	Mr J Moore - Listed building consent for the proposed replacement of 2 no. first floor windows. (Listed Building Consent) - 10, HIGH STREET, DUNSTER, MINEHEAD, TA24 6SG	Approved with Conditions 10-Jan-2022
6/20/21/104DC	EE Limited - Discharge of Conditions 3 (stone sample) and 6 (hardstanding material details) of approved application 6/20/21/102 (Discharge of Condition) - Land east of West Slowley Farm, Luxborough, Watchet, Somerset, TA23 0SY	Approved 21-Dec-2021
62/41/21/033	Mr. S Glover, Tors Park Estate Ltd - Proposed erection of bin storage area and installation of electrical sub-station. (Full) - The Tors Hotel, Tors Park, Lynmouth, Devon, EX35 6NA	Approved with Conditions 05-Jan-2022
6/40/21/118	Dr D Newman - Lawful development certificate for the proposed replacement of wooden front door and conservatory French doors with PVCu double glazed doors. (CLOPUD) - South Higher Combe, Exford, Minehead, TA24 7PD	Approved 05-Jan-2022
6/34/21/107	Mr H Harries - Lawful development certificate for the proposed replacement of uPVC windows with timber windows. (CLOPUD) - 1 Forge Cottages, Timberscombe, Minehead, TA24 7TT	Approved 06-Jan-2022
WTCA 21/22	Mr M Butcher - Works to Trees in a Conservation Area: reduce the overall canopy height and mass of a Magnolia Grandiflora by 1/3rd in order to reduce canopy sail effect and remove risk of damage to	Approved 04-Jan-2022

Application decisions delegated to the Chief Executive

Ref and Grid Ref	Applicant & Location	Decision and Date
	adjacent building. (WTCA) - MANOR HOUSE, LUCCOMBE, MINEHEAD, TA24 8TE	
62/41/21/029LB	Mr & Mrs I Cleave - Listed Building Consent for the installation of secondary glazing to all windows (Listed Building Consent) - 3, CASTLE HEIGHTS, LYNTON, EX35 6JD	Approved with Conditions 05-Jan-2022
6/34/21/106	Mrs S Brown - Proposed replacement of 3no. garage windows together with the replacement of garage door with French doors and full-length side window and installation of Velux window to rear elevation of pitched roof. Retrospective. (Householder) - RIVER STEEP, CHURCH STREET, TIMBERSCOMBE, MINEHEAD, TA24 7TP	Refused 12-Jan-2022
62/41/21/027	Mr R Appleyard - Proposed extension to roof, replacement of rear porch and other works. (Householder) - Mole End, Lydiate Lane, Lynton, EX35 6HE	Approved with Conditions 23-Dec-2021
6/13/21/107	Mr & Mrs Colwill - Proposed agricultural livestock building. (Full) - Combe Farm, Combe Lane, Exford, TA24 7QQ	Approved with Conditions 21-Dec-2021
6/35/21/105	Ms J Herrick - Proposed erection of an agricultural storage building and use of land as a domestic ménage with 1.4m timber rail fence surround and associated landscaping. (Full) - FOXFIELD, ROADWATER, WATCHET, TA23 0QL	Approved with Conditions 23-Dec-2021
6/9/21/127	Mr & Mrs Rose - Proposed conversion of meeting hall/event space to 2 no. residential dwellings. (Full) - Land at Liscombe Farm, Tarr Steps, Dulverton, TA22 9QA	Refused 23-Dec-2021
6/3/21/116LB	Mr & Mrs Steer - Listed building consent for proposed conversion and extension of disused chapel for use as holiday let accommodation, together with removal of adjacent log store and general-purpose store, and associated works. (Listed Building Consent) - Zion Methodist Chapel, Brompton Regis, Dulverton, TA22 9NW	Approved with Conditions 23-Dec-2021

Application decisions delegated to the Chief Executive

Ref and Grid Ref	Applicant & Location	Decision and Date
6/3/21/115	Mr & Mrs Steer - Proposed conversion and extension of disused chapel for use as holiday let accommodation, together with removal of adjacent log store and general-purpose store, and associated works. (Full) - Zion Methodist Chapel, Brompton Regis, Dulverton, TA22 9NW	Approved with Conditions 23-Dec-2021
6/27/21/121	Mr M Breakwell - Proposed demolition of garages and erection of 2 no. 1 bedroom dwellings with carports. (Full) - Garages, Villes Lane, Porlock, TA24 8NW	Withdrawn 12-Jan-2022

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Committee Report

Application Number:	62/41/21/030
Registration Date:	11-Nov-2021
Determination Date:	03-Jan-2022
Applicant	Mr Bacon
Agent:	Mr K Dyer, KD Architectural Services
Case Officer:	Kieran Reeves
Site Address:	19 Grattons Drive, Lynton, EX35 6LW
Proposal:	Proposed first floor roof terrace to rear of building and associated development.
Recommendation:	Refusal
Reason for bringing before Authority Committee:	Lynton and Lynmouth Town Council has a view that is contrary to the recommendation of Officers

Relevant History

No planning history relevant to this planning application.

Site Description & Proposal

19 Grattons Drive is a residential property that is located in the settlement of Lynton. It consists of a detached two storey dwelling that is set amongst an estate of residential properties, which was constructed in the 1970s. There is a neighbouring property adjacent to the south western boundary, 18 Grattons Drive.

Planning permission is sought to remove the pitched roof on an existing rear addition and to replace it with a roof terrace. The roof terrace would have a wall on the south western side that would have obscure glazing on top. The other sides would have glass balustrades. An external staircase would provide access from the terrace into the garden.

Consultee Representations

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

Lynton and Lynmouth Town Council – Support the application.

Representations

No public representations have been made in relation to this application.

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Policy Context

Exmoor National Park Local Plan 2011 – 2031

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

CE-S6 – Design and Sustainable Construction Principles

Lyn Plan 2013 – 2028

P1 – Overall Objectives for New Development

ENV1 – Location of Development and Enhancement of the Local Environment

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

Planning Considerations

The main material planning considerations are the principle of development, the design, scale and materials, and the impact on neighbouring amenity.

Principle of Development

The proposal is for the alteration to an existing dwelling to create a roof terrace that would be used as part of the residential use of the property. The proposal is therefore compliant in principle with the adopted development plan, subject to other material planning considerations being satisfied.

Design, Scale and Materials

The proposal would see the loss of a pitched roof and its replacement with a flat roof to form a roof terrace. This type of development can be seen as a retrograde step as the pitched roof would be more in keeping with the style and appearance of the dwelling. However, it is noted that the dwelling is unremarkable in terms of its architectural and historic merits and the proposed development would be positioned in a discreet position at the rear of the property. In addition, the site is outside of an area that is historically sensitive, such as a conservation area, and the material used to construct the low wall on one side of the terrace would match the rest of the building. When taking into account these factors, it is considered that the design, scale and materials are acceptable given the context of the building and the wider character and appearance of the housing estate that it is located within.

Impact on Neighbouring Amenity

Officers are satisfied that the proposed development would not lead to an increase in massing and bulk where harm to neighbouring amenity would occur as a result of overbearing or loss of light.

However, Officers are concerned about the increase in overlooking of 18 Grattons Drive that would occur as a result of the proposed development. The applicant is only offering screening on one side of the terrace that would face directly towards the

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neighbour's own extension. The issue arises from the open nature of the rear end of the terrace. The non-screened side of the terrace would have a glass balustrade, and this means that there is no screening of any kind. The orientation and position of the terrace in relation to the neighbour's garden means that there is a significant possibility of people standing or sitting on the terrace having an intrusive view into the neighbour's garden. The Case Officer has stood in the garden of the neighbouring property, and it is notable how many positions within the garden would be overlooked by the terrace. It is acknowledged that there are windows in the rear elevation of the application property that have some views into the neighbouring garden, but it is considered that someone stood or sat on the terrace would have a more intrusive view into the garden due to the open and raised nature of the terrace. Officers have raised with the applicant the possibility of screening that side, but the applicant has not been willing to amend the proposal. The proposed terrace is considered to cause an unacceptable increase in overlooking of the neighbouring property and therefore it would lead to harm to neighbouring amenity.

The other element of the proposal that causes concern in terms of overlooking is the external staircase that would provide access from the terrace to the garden. The stairs are open on both sides and someone using the stairs would have a significantly raised intrusive view over the neighbouring property for an extended period of time. Someone stood on the stairs or walking up or down them would have a more open view of the neighbouring garden than the terrace. This element of the proposed development is considered to exacerbate the harm to neighbouring amenity. Again, Officers have asked the applicant to omit this element of the proposal, but the applicant wants to retain it.

Human Rights

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

Conclusion

The principle of the proposed development is considered to be compliant with the adopted development plan and the design, scale and materials are considered to be acceptable in the context of the site and the surrounding built form. However, the proposed development would lead to a level of overlooking that is not acceptable and would cause material harm to neighbouring amenity. The application is therefore recommended for refusal for the reason set out below.

Recommendation

Refuse for the following reason:

1. The proposed roof terrace and associated external staircase by reason of their raised position, orientation in relation to the neighbouring property (18 Grattons

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Drives) and proximity to the boundary, would cause material harm to neighbouring amenity by overlooking to such an extent that the level of intrusion and loss of privacy would be unacceptable and detrimental to the occupiers of the neighbouring property. The application is therefore contrary to Policies G1 and CE-S6 of the Exmoor National Park Local Plan 2011 – 2031, Policy P1 of the Lyn Plan 2013 – 2028, and the National Planning Policy Framework.

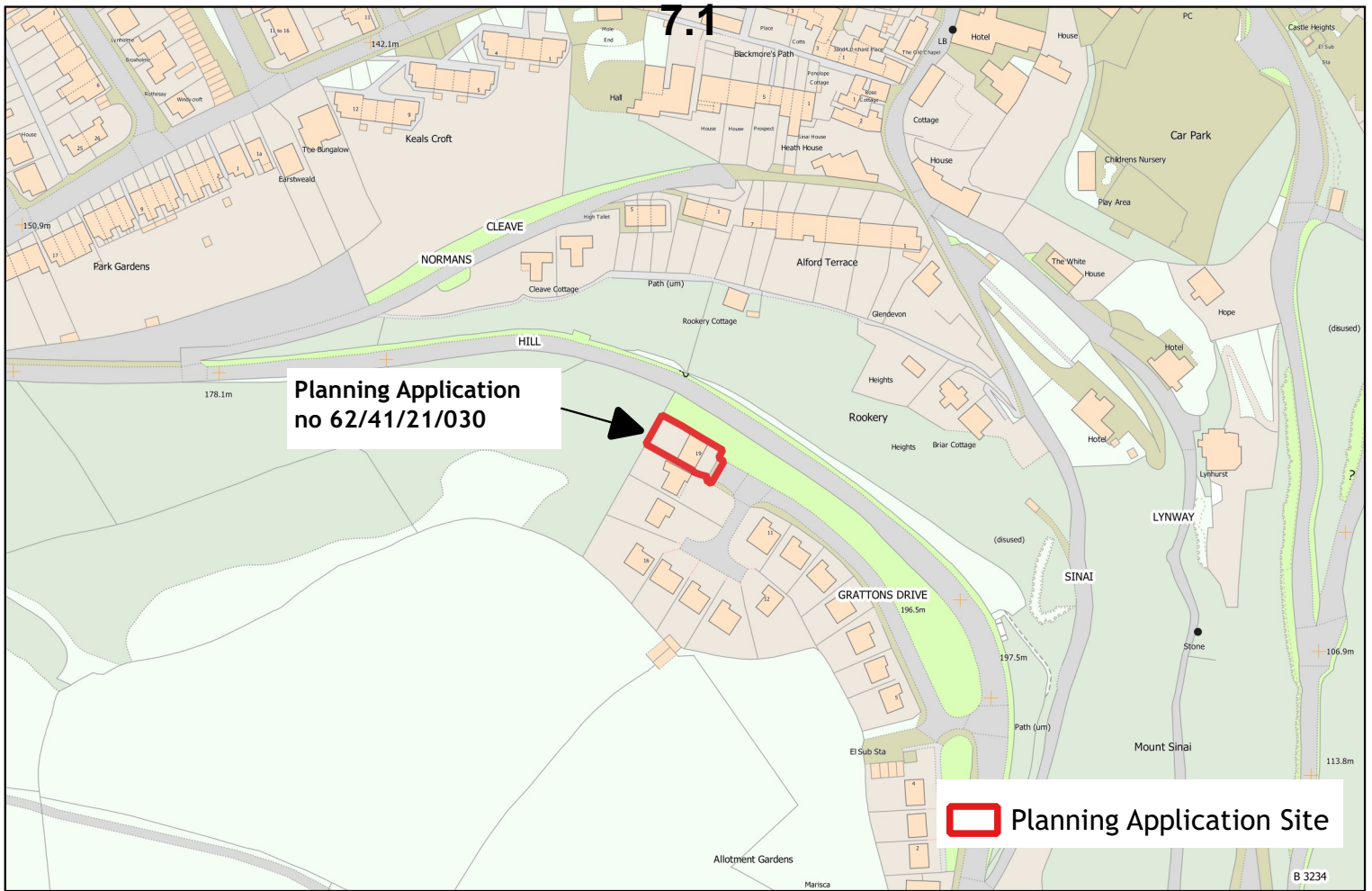
Informatives

Positive and Proactive Statement

This Authority has a pro-active approach to the delivery of development. Early preapplication 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 or 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. In this case, the planning objections to the proposal could not be overcome.

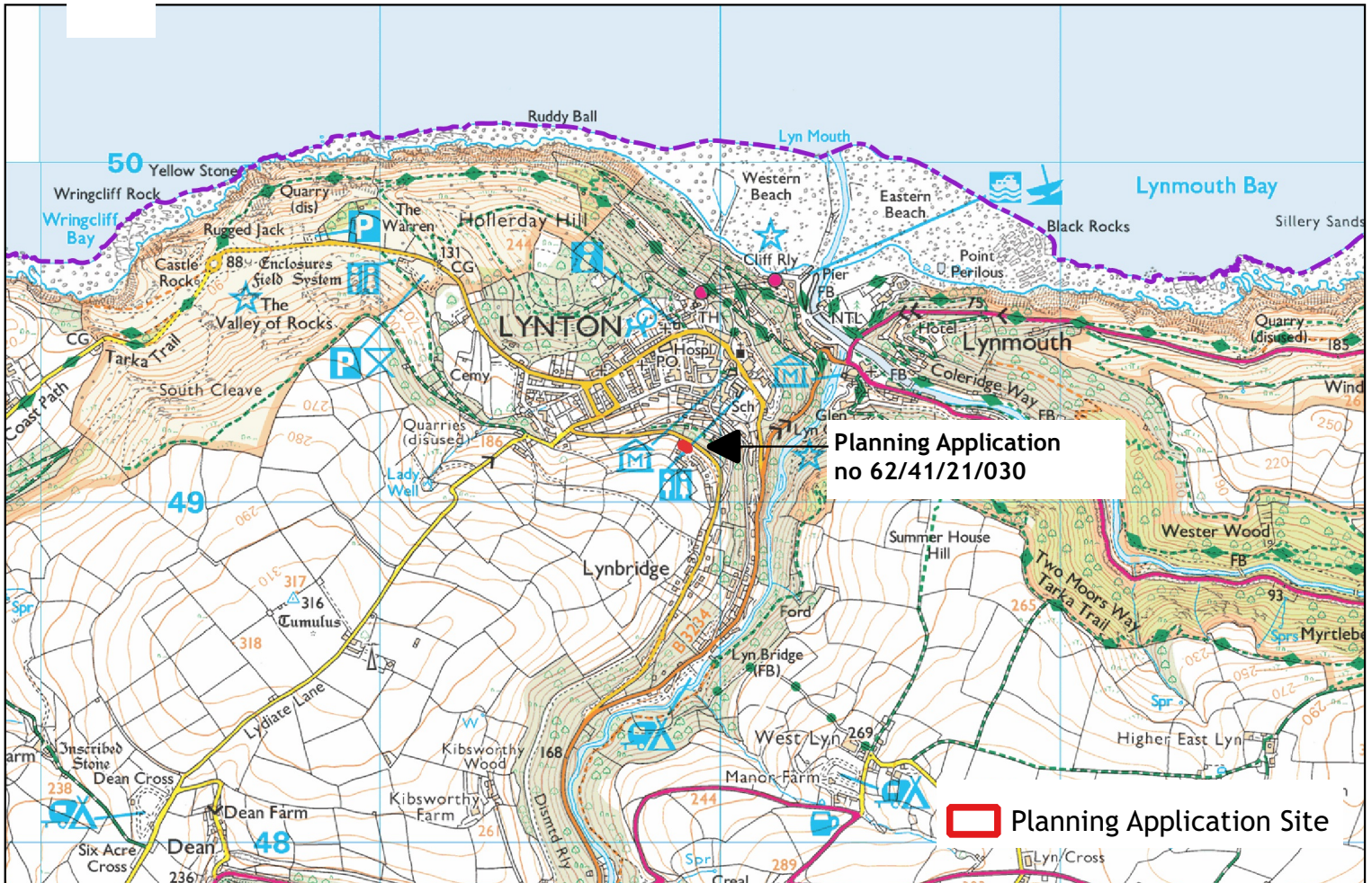
Appeal to the Secretary of State

If you want to appeal against your Local Planning Authority's decision then you must do so within 6 months of the date of this notice.



Site Map
Scale 1:2,500

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Overview Map
Scale 1:20,000

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7.2



Committee Report

Application Number:	6/26/21/111
Registration Date:	22-Oct-2021
Determination Date:	16-Dec-2021
Applicant	Mr R Ware
Agent:	
Case Officer:	Dean Kinsella
Site Address:	5, WATERSMEET CLOSE, ROADWATER, WATCHET, TA23 0QT
Proposal:	Proposed replacement of timber windows and 2no doors with uPVC.
Recommendation:	Refusal
Reason for bringing before Authority Committee:	The Head of Planning and Sustainable development considers it necessary for the merits of the application to be considered by the Planning Committee.

Relevant History

6/26/97/107 - Proposed residential development of twelve dwellings with ancillary works – Approved - 02/02/1999

Site Description & Proposal

The application site is located within a small development of residential dwellings within the village of Roadwater. 5 Watersmeet Close is a detached two storey property with rendered wall, timber doors and windows and slate roof. To the west of the site is a row of two blocks of single storey garages with residential dwellings surrounding the application site.

The application seeks planning permission to replace all the timber windows and doors in the dwelling with upvc. Planning permission is required due to the inclusion of the following condition on planning permission 6/26/97/107:

'All external doors and window frames shall be of timber construction and shall have a minimum 4" (100mm) reveal, and shall be retained thereafter.

Reason: To safeguard the character and appearance of the locality.'

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Consultee Representations

Historic Buildings Officer - These buildings are a post war development and not considered to be 'traditional' buildings under the current Local Plan and therefore the use of uPVC windows would appear to be acceptable under the Local Plan policies. I would however state that the production of uPVC windows is more damaging to the environment than timber windows and timber should be considered whenever possible.

Old Cleeve Parish Council - The above application was reviewed by Old Cleeve Parish Council at the monthly meeting held on November 15th 2021. It was agreed that as the Exmoor National Park planning authority had imposed the original conditions and are the sanctioning authority, the Parish Council have no comments or observations to make regarding the proposals.

Somerset County Council Highways – No observations

Representations

Three letters have been received raising the following comments:

- We fully support this application. From our experience the windows fitted on properties in Watersmeet Close were of poor quality and fit, requiring constant maintenance.
- This is a welcomed change that should have been made a long time ago. I have lived at this address for over 3.5 years now and the windows and doors have always been sub standard in terms of heat losses and carbon footprint of the property produced.
- It does surprise me that such a stipulation was put on these properties. When you look at the rest of the village the majority have PVC windows and doors. When stipulating keeping within keeping of the village I would say there should be no real reason to object to this as the majority of the village already have PVC windows and doors. However, you can still keep within keeping of PVC window and doors that still be keeping of looking like timber framed one.
- I also would like to make a key point. We live on a national park where renewable energy and carbon footprint of a property should be more paramount than anywhere else. Yet we live with less energy efficient methods due to a stipulation put on our buildings. It's time to get with the times as they say and let us as a community become more energy efficient protecting the environment around us.

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- My conclusion is that I would find it very difficult that anyone could reject this planning. It environmentally makes sense and would be a shocker if the National Park found some kind of reason against that alone.

Policy Context

Exmoor National Park Local Plan 2011-2031

GP1 General Policy

CE-S4 Cultural Heritage and Historic Environment

CE-S6 Design and Sustainable Construction Principles

CC-S5 'Low Carbon and Renewable Energy Development'

National Planning Policy Framework is also a material consideration

Planning Considerations

The main planning consideration is whether the proposed replacement of the windows and doors from timber to Upvc are acceptable with regards to the character and appearance of the existing building and the surrounding area.

Design and Appearance

Policy CE-S4 states that development proposals should positively reinforce the historic character of Exmoor's settlements through reflecting the traditional vernacular architecture and enhancing local distinctiveness

Policy CE-S6 Design and Sustainable Construction Principles, sets out the principles guiding the design and construction of development. It states that – 'the use of traditional, natural materials is critical in ensuring that the appearance of new developments conserves and enhances the quality and character of the built environment'. The National Park Authority will therefore expect the use of traditional vernacular materials, including timber window and door frames.

This application seeks to install Upvc windows and doors in contradiction to this. Policy CE-S6 states that the use of Upvc is not considered an appropriate material for aesthetic reasons.

Within the pre-amble to policy CE-S6 it states that "However, uPVC window frame / conservatory design has improved and some products now have a closer resemblance to the character, profile and appearance of a traditional timber window. Alternative materials may be considered in certain circumstances for non-traditional buildings in areas outside conservation area (e.g. some minor extensions to, or replacement windows in, post-war/non-traditional buildings where existing materials and the age, form and setting of the building may indicate such consideration).

7.2

Particular attention will be paid to the fenestration of the principal elevation of any building as well as any elevations which are publicly visible.“

The application site forms part of a small development that was approved in 1999. The overall design of the development sought to ensure traditional materials were used throughout, including stone, render, slate and timber and the reason for this was to safeguard the character and appearance of the area. The existing development is well related to the surrounding area and sits within the village having clearly taken reference from these surroundings. The use of non-traditional materials will erode the character and appearance of the dwelling and lead to harm to the setting and appearance of the area. Furthermore, it is considered that approving this proposal would set a precedent for other dwellings to replace timber windows for upvc in the immediate area.

Considering relevant material planning considerations there has recently been two appeal decisions which is of relevance that are worthy of consideration in the context of this application. The first relates to Combe House, Timberscombe. The Planning Inspector in this case resolved to dismiss the appeal in relation to the windows and doors to the front of the building and allow the appeal for the windows and doors to the rear. In coming to a decision the inspector stated *“The UPVC window frames would have a bulkier profile than timber and although they would be a sash design, they would lack the glazing bar details of the existing frames. The UPVC and aluminum frames would also have a more modern shiny and reflective appearance. As a result, they would fail to harmonise with the traditional character of the building. The mix of materials, including the composite door, would also eliminate the existing coherent appearance. Consequently, there would be significant harm to the character and appearance of the property and the positive contribution it makes to the locality.”*

A further appeal decision relates to the retrospective replacement of timber windows at The Culbone. In dismissing the appeal the inspector stated that *“As shown in the submitted images, the uPVC windows and door therefore read as poorer quality. While painting may have made their profiles appear slimmer than when they were unpainted, their painted state does not prevent them from being of noticeably lesser quality and of a non-natural form. Accordingly, the uPVC replacements, although only replacing some of the building’s many windows, detract from the character and appearance of the traditional building and the surrounding area, and harm the site’s setting within the wider Exmoor landscape and the cultural heritage of the National Park. In coming to this view, I have taken account of the condition of the previous timber windows that have been replaced.”* In concluding, the inspector also stated that *“Although the main parties agree that the building is a traditional building as per the ENPLP definition, I note that there is a dispute about its status as a locally listed, non-designated heritage asset. However, whether it is or is not a non-designated heritage asset does not affect my conclusion above, and it is clear to me that the replacement fenestration, made of non-natural materials, harms the character and appearance of the traditional building and the locality. Similarly, whether uPVC or timber can be considered more sustainable, including in relation to the type of material and its effect*

7.2

from a climate change and low carbon perspective, does not lead me to a different conclusion.”

Officers note with particular interest the comments of the inspector when considering the decision of The Culbone where it was stated that the replacement fenestration made of non-natural materials, harms the character and appearance of the area. Clearly this needs to be taken in the context of the current application. As stated above the current application forms part of a development built in the 1990's, with considerable care given on the materials used. It is recognised that Upvc windows have improved, and the windows shown with the application appear to be a good example. However, the loss of traditional materials is considered to have a detrimental impact and this harm is considered to outweigh any private benefit of reducing maintenance of timber windows. The increased sheen and profile within the opening all contribute to changing the character and appearance of the dwelling and in turn, in your officer's view, harm the character and appearance of the wider area and therefore is considered contrary to policies CE-S4 & CE-S6 of the Exmoor Local Plan.

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.

7.2

There would be an impact on the climate from the construction process and the sourcing of construction materials regardless of whether a replacement window is timber framed or Upvc. While there are many reports debating the merits of UPVC and timber doors and windows your officers consider that the use of good quality timber windows provide a good carbon efficient solution while protecting the character and appearance of the area. No evidence has been provided to show the efficiency of the windows proposed nor whether the existing timber windows could be repaired and improved. Overall, it is considered that the use of Upvc weighs against the development.

Other Matters

Three letters of support have been received stating that the use of Upvc is similar to other properties in the village, the benefits of the proposal to the Carbon Footprint of the dwelling and the need for the National Park to be taking a lead on carbon reductions. For the reasons set out above it is considered that the original condition is still valid and therefore Upvc windows would not be appropriate in this context.

Old Cleeve Parish Council raised no comment or observation.

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 original planning permission for the dwelling sought to control materials on the development to protect the character and appearance of the area. The current planning policies seek to ensure that traditional materials are predominately used in development throughout the National Park. Consideration has been given the case put forward regarding the efficiency and sustainability of UPVC from third parties. However, there are a number of conflicting reports around the benefits of timber vs Upvc. The current application does not seek to justify the proposal on this basis and regardless of the sustainable merits of the case the use of traditional materials is clearly encouraged within Exmoor. It is therefore considered that the proposal would be contrary to GP1, CE-S4 & CE-S6 of the Exmoor Local Plan.

Therefore, officers recommend that the application be refused.

Recommendation

Recommendation of refusal for the following reason:

7.2

1. The proposed works by virtue of its materials, mechanical sheen and appearance, is not considered to be an acceptable form of development as it detracts from, and is incongruous with the character and appearance of the dwelling and the surrounding area and fails to conserve the special qualities of the historic character and appearance of this part of the village. It is, therefore, contrary to Policies GP1, CE-S4 & CE-S6 of the Exmoor National Park Local Plan 2011 - 2031, and the National Planning Policy Framework.

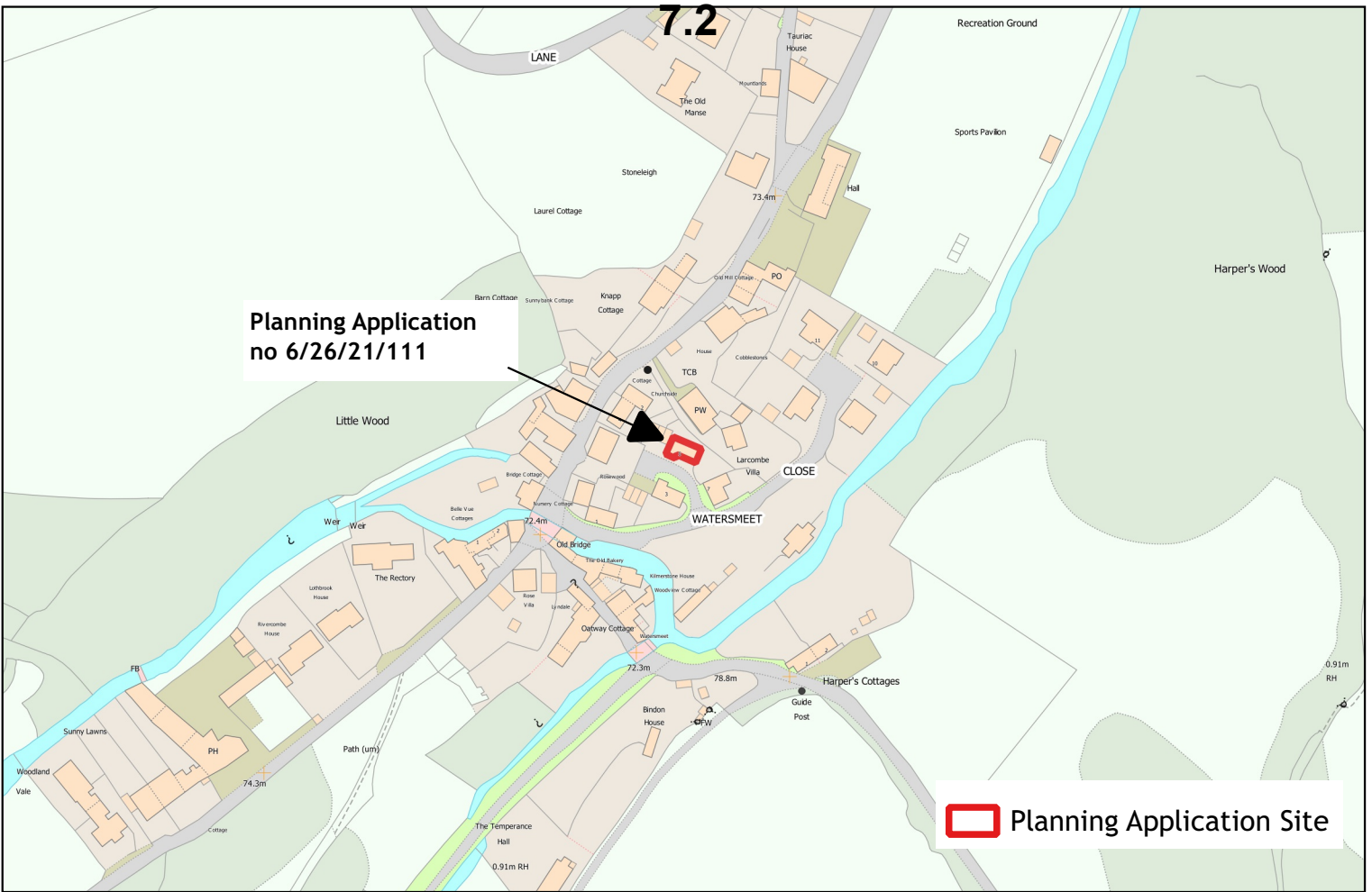
Informatives

Positive and Proactive Statement

This Authority has a pro-active approach to the delivery of development. Early pre-application engagement is always encouraged. In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, in determining this application, Exmoor National Park Authority has endeavoured to work positively and proactively with the applicant, in line with the National Planning Policy Framework, to ensure that all relevant planning considerations have been appropriately addressed to try and achieve a positive outcome. Unfortunately, this was not possible as the applicant wished the application to be considered as submitted rather than considering alternative materials.

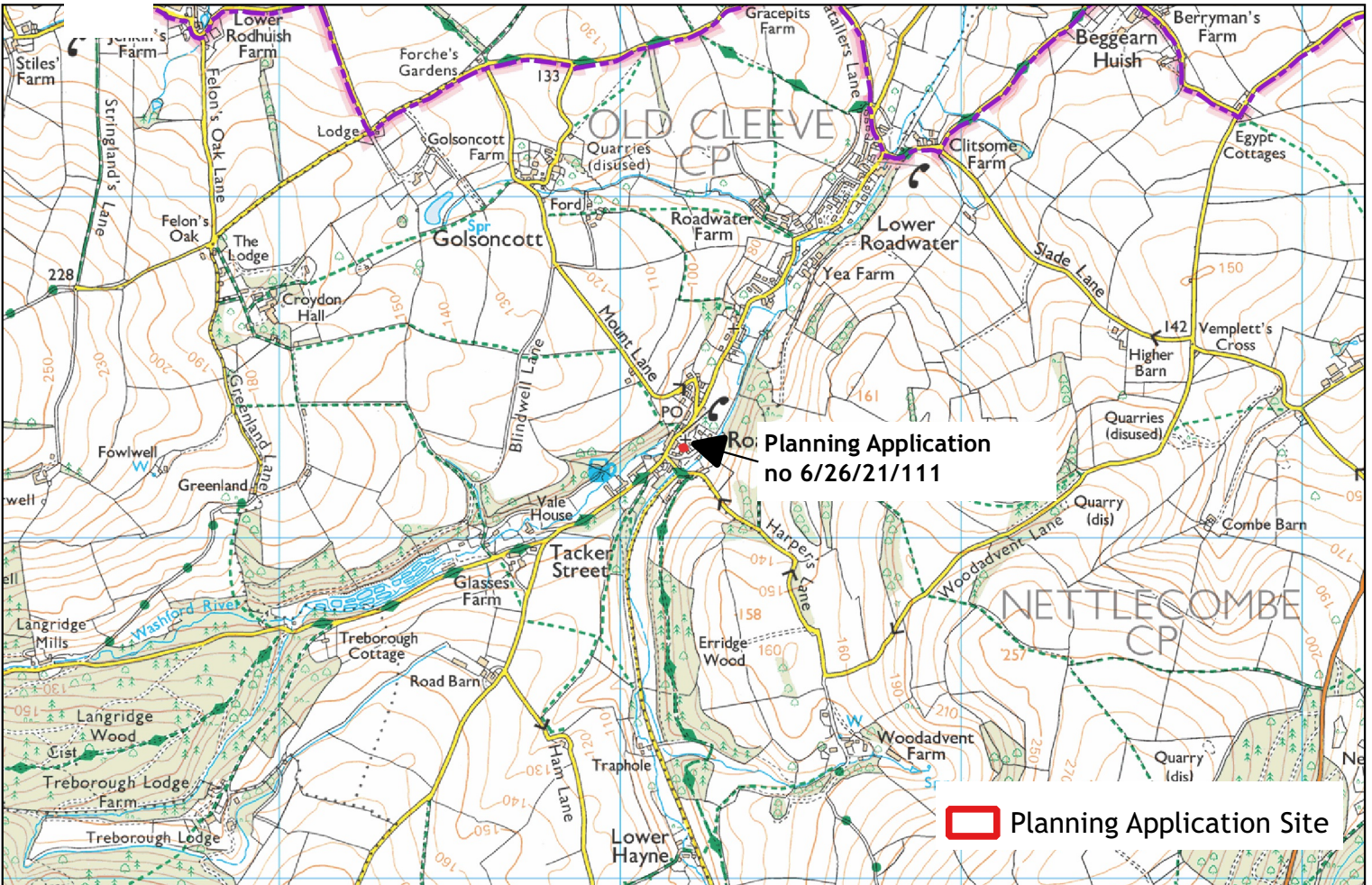
Planning Application no 6/26/21/111

Planning Application Site



Site Map
Scale 1:2,500

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Overview Map
Scale 1:20,000

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EXMOOR NATIONAL PARK AUTHORITY

1 February 2022

COUNTY GATE

Report of the Head of Finance and Operations

Purpose of Report: To inform Members of the progress achieved in disposing of the ex-Visitor Centre, Walkers' Shelter (incorporating the public toilets) and car park at County Gate to the National Trust.

RECOMMENDATION: The Authority is recommended to NOTE the disposal of the ex-Visitor Centre, Walkers' Shelter and car park at County Gate to the National Trust.

Corporate Ambition: Manage the Authority's Estate and operations to support delivery of National Park purposes.

Legal Implications: The legal impact of the recommendation(s) of this report has been assessed as follows: None

Equality Implications: The equality impact of the recommendation(s) of this report has been assessed as follows:

- No disadvantage will be incurred as a result of belonging to a protected group as defined within the Equality Act 2010
- The recommendations have no implications under the provisions of the Human Rights Act 1998

Financial and Risk Implications: The financial and risk implications of the recommendation(s) of this report have been assessed as follows:

- Financial: The financial implications of this disposal are (i) the expenditure of £30,000 from the Programmes & Partnership reserve (as an endowment) and (ii) the release of £60,000 from the same reserve.
- Risk: This disposal would alleviate the long-term reputational risk posed to the Authority by the decline of a Grade II listed building in a very visible location.

Climate Change Response: It has been assessed that this report does not have an adverse impact on our ability to respond to climate change.

1. Progress on Implementation

- 1.1 In March 2020 a report was brought before the Authority that sought approval to dispose of the ex-Visitor Centre, Walkers' Shelter and car park at County Gate to the National Trust. This report is shown as an appendix and contains the relevant history to the site, proposal, and recommendation.

- 1.2 The Authority agreed to dispose of the site but, *'it was suggested that consideration should be given to the inclusion of an overage clause before the final agreement was negotiated with the National Trust'*. As such the Land and Property Manager undertook a negotiation. This paper publicly reports on progress achieved. The March 2020 paper was confidential as talks were ongoing.
- 1.3 Staff have been progressing negotiations with the National Trust and we are now in a position where the property can be transferred. As recommended by Members an overage clause has been included and this ensures that if the site is in future disposed of for an enhanced sum, that this will be shared between the two bodies in line with an agreed method.
- 1.4 There are no other adverse material changes to inform Members of from the negotiations. The disposal is as described by the Land and Property Manager in the March 2020 paper and as noted in the minutes.
- 1.5 Transferring the site to the Trust continues to be the best option. The Authority has spent many years looking at a variety of ways that we could use the asset productively without ever reaching a workable solution. The National Trust has the logistical and marketing infrastructure to use the asset productively, and it serves other assets in close proximity.
- 1.6 Public facilities have been secured and it will marginally assist us in bringing obligations in line with resources available while relieving us of a liability.

Gordon Bryant
January 2022

EXMOOR NATIONAL PARK AUTHORITY

3 March 2020

COUNTY GATE

Report of the Land and Property Manager

Purpose of Report: To seek Members' approval to the disposal of the ex-Visitor Centre, Walkers' Shelter (incorporating the public toilets) and car park at County Gate to the National Trust.

RECOMMENDATION: The Authority is recommended to APPROVE the disposal of the ex-Visitor Centre, Walkers' Shelter and car park at County Gate to the National Trust on the terms set in the report.

Corporate Ambition:

- Manage the Authority's Estate and operations to support delivery of National Park purposes.

Legal Implications: The legal impact of the recommendation(s) of this report has been assessed as follows: None

Equality Implications: The equality impact of the recommendation(s) of this report has been assessed as follows:

- No disadvantage will be incurred as a result of belonging to a protected group as defined within the Equality Act 2010
- The recommendations have no implications under the provisions of the Human Rights Act 1998

Financial and Risk Implications: The financial and risk implications of the recommendation(s) of this report have been assessed as follows:

- Financial: The financial implications of this disposal are (i) the expenditure of £30,000 from the Programmes & Partnership reserve (as an endowment) and (ii) the release of £60,000 from the same reserve.
- Risk: This disposal would alleviate the long term reputational risk posed to the Authority by the decline of a Grade II listed building in a very visible location.

1. Background

1.1 The former Information Centre at County Gate is a Grade II listed building. It stands in an isolated but prominent position alongside the A39 and on the boundary between Devon and Somerset. Built between 1842 and 1862, probably as a gate keeper's or estate worker's house. The stone building comprises an L shaped single storey, together with a small flat-roofed rear extension.

- 1.2 The building known as the Walkers' Shelter is of similar stone construction and was added between 1862 and 1888, almost certainly as an outbuilding. Part was adapted by the Authority to house three public toilet cubicles in 2010.
 - 1.3 The car park covers an area of about 1,700 sqm and is surfaced with tarmac. It was the subject of a conveyance to Devon County Council in 1965. There is currently no charge for parking.
 - 1.4 The ex-Visitor centre passed into SCC's hands in 1977 and operated as a National Park Visitor Centre from 1978 until 2008, when a review of visitor services led to its closure. It was let as an information centre (serving refreshments as an ancillary use) in 2010; however, the venture made a loss and the tenant did not renew his lease on expiry in 2015. It has been unused, empty and boarded up since May of that year.
 - 1.5 A marketing exercise in 2015 resulted in only one viable proposal, which was to convert the building back to residential use.
 - 1.6 This idea was explored in some detail and £90,000 earmarked from reserves for the work. However, in addition to concerns over the landscape implications, it became apparent there would be insurmountable legal difficulties in letting the building as a dwelling.
 - 1.7 At the Authority meeting on 3 April 2018 Members were briefed on these issues and as a result, the Land and Property Manager was authorised to explore alternative uses for the County Gate site, including the disposal of the freehold.
 - 1.8 Consequently, a neighbouring landowner and the National Trust were both asked if it might be of interest. The neighbour declined, but discussions with the Trust were positive. They were based initially on a three-year lease of the building, with a view to the Trust acquiring the freehold if the project was successful. Their outline proposals were to:
 - use the ex-NPC as a bunkhouse, with some provision of local information
 - put some picnic benches on the grass area by the building
 - create up to 5 pitches for caravans/motor homes in part of the car park
 - charge for parking in the rest of the car park
 - for a roving refreshment 'van' to use the car park (in addition to other NT car parks along the Exmoor coast)
- This was reported to FAPAP in October 2018 and to all Members in the 2017/18 Estate Review (November 2018). It was resolved that any firm proposals would be brought forward in a separate paper at a later stage.
- 1.9 In March 2019 the Trust's General Manager for North Devon asked if the Authority would consider gifting the site with an endowment. The rationale for this was that the NT could not make an investment case based on a short lease, even at a very low rent.

- 1.10 This question was discussed with the Chief Executive and an indication given to the Trust that this might be possible, subject to Member approval. Some guidance on the planning policy aspect was also given.
- 1.11 As part of last year's Estate Review the Land & Property Manager reported that NT staff were taking an acquisition proposal to its SW Property Investment Board and that an update was awaited.
- 1.12 The Trust's Regional Board approved the proposal in November 2019 and in January this year the acquisition was signed off by its National Board.

2. Proposal

2.1 The details of the proposal approved by the NT governance boards are:

- The gift of the County Gate building, Walkers' Shelter (public toilets) and car park, from the National Park Authority to the National Trust.
- An endowment of £30,000 (from the £90,000 County Gate reserve).
- The Trust regards this as an opportunity to acquire a further tourism/visitor 'touchpoint' in a key location, engaging new audiences and providing an accessible view, facilities and car parking. It also fits with their strategy for connecting people with nature.
- It is not planning any changes to the toilet facilities but expects to invest approximately £50k on repairs and improvements to the ex-Visitor Centre.
- The proposal for this building is to split it into two parts, with one part becoming a Bothy and the other a leased seasonal catering facility.
- Car park charging will be introduced (pay & display) and the Trust plans to improve signage for orientating visitors.

2.2 The single biggest risk identified by the Trust is that of the Authority failing to grant the change of use approval necessary for the scheme to progress. Acceptance of the gift would therefore be conditional on the grant of planning consent.

The Authority's solicitors are content that it can enter into a conditional contract provided that:

- i) the planning application, when it arrives, goes to Committee, and
- ii) it is made clear at the meeting that ENPA has an interest in the application and that Members must make their decision based on planning merits only.

The planning advice received (and passed on to the NT) is that policies within the Local Plan could, most probably, accommodate the necessary change of use.

2.3 The key risks of disposal to the NT from the Authority's perspective are:

- The NT deciding to close the public toilets.
- The NT concluding that it no longer wants to pursue the project and offering the site to the open market.

The first of these can be dealt with by restrictive covenant and the Trust is content with this principal.

The most straightforward way of covering the second is to use a time limited pre-emption clause, where the Authority has first refusal on the site for, say, 5 years. The re-acquisition price would be the increase in market value since the transfer to the NT, less the £30,000 endowment. This approach would require an arm's length valuation of the site before transfer to the Trust, which the District Valuer Service has been commissioned to carry out.

3. Best Value

- 3.1 The Local Government Act 1972: General Disposal Consent 2003 removes the requirement for authorities to seek specific consent from the Secretary of State for any disposal of land where the difference between the unrestricted value of the interest to be disposed of and the consideration accepted ("the undervalue") is £2,000,000 (two million pounds) or less. Generally, it is expected that land should be sold for the best consideration reasonably obtainable. However, it is recognised that there may be circumstances where an authority considers it appropriate to dispose of land at an undervalue. The terms mean that specific consent is not required for the disposal of any interest in land which the authority considers will help it to secure the promotion or improvement of the economic, social or environmental well-being of its area.
- 3.2 In determining whether or not to dispose of land for less than the best consideration reasonably obtainable, and whether or not any specific proposal to take such action falls within the terms of the Consent, the authority should ensure that it complies with normal and prudent commercial practices, including obtaining the view of a professionally qualified valuer as to the likely amount. In this case, despite the fact that the Land & Property Manager is a qualified valuer, a completely independent opinion of value has been sought.
- 3.3 At the time of writing the District Valuer (DV) has not completed his valuation, however the Land & Property Manager will be able to share the figure with Members at the Authority meeting on 3rd March.
- 3.4 In assessing the market value of the property to be transferred the DV will have taken a number of factors into account, including the implications of the 'keep open provision' attached to the public toilets and 'prudent lotting'. Given these things, it seems likely that the only element of the three to have any value will be the former Visitor Centre.
- 3.5 On the basis of the above (and without the benefit of the valuation report at time of writing), the most likely outcome is that, in strict terms, the Authority will be making a disposal at an undervalue. However, Members have ever been mindful of other factors in play at County Gate, which the DV will not have been required to contemplate:
 - The capital cost of putting the former Visitor Centre into usable condition.

- The reputational damage to the Authority caused by the decline of the County Gate building over the last 5 years.
- The ongoing deterioration of the listed building if decisive action is not taken.
- The amount of Officer time which would be required in pursuing an in-house redevelopment of the site.
- The legal constraints on any future use of the ex-Visitor Centre building by the Authority.
- The benefits of the site being owned by a well-resourced organisation with similar objectives to ENPA.

4. Conclusion

4.1 Members may feel that the other considerations listed above off-set the financial value attached to the site by the DV and that the disposal is not one at an undervalue.

4.2 Even if Members do regard the proposal as a transfer at less than best consideration, they can decide to proceed on the basis that it will help secure the promotion or improvement of the well-being of Exmoor National Park in the following ways:

- Economic

The National Trust currently does not have a presence on the coast between Lynmouth and Holnicote. Its investment at County Gate will provide a valuable tourist destination right on the A39, bringing benefits to the local economy and adding to the overall experience of visitors to Exmoor in that part of the National Park.

- Environmental

The Trust has a proven track record in providing high quality visitor attractions which respect the landscape, history and local distinctiveness of an area. This disposal will enable the commercial but sympathetic re-use of a Grade II listed building which is at risk, whilst retaining a valued public facility and a car park with both far reaching views and direct access to the South West Coast Path. In addition, ownership of the site by the National Trust will safeguard it from the inappropriate development which could occur if the Authority disposed of it to the open market.

5. Recommendation

5.1 Whether or not Members regard this as a disposal at best value, the recommendation of this paper is to approve gifting the former Visitor Centre, car park and public toilets at County Gate to the National Trust, together with an endowment of £30,000.

EXMOOR NATIONAL PARK AUTHORITY

1 February 2022

ARRANGEMENTS FOR THE APPOINTMENT OF EXTERNAL AUDITORS

Report of the Head of Finance and Operations

Purpose of Report: To agree the appropriate mechanism for the appointment of the Authority's next External Auditor.

RECOMMENDATIONS:

- (1) Members approve the Authority opting into the national audit appointment arrangements of Public Sector Audit Appointment (PSAA Ltd) for appointment of the Authority's external auditors for period 1 April 2023 until 2028; and that
- (2) The Head of Finance and Operations is authorised to sign and issue the "notice of acceptance" to the PSAA Ltd on behalf of the Authority.

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: The current cost of external audit is at least £9,000 per year. Future External Audit provision could be greater than this. There will be the opportunity to make budgetary provision for any change in cost before the relevant year's budget is set.

Climate Change Response: It has been assessed that this report does not have an adverse impact on our ability to respond to climate change.

1. Background

- 1.1 Under the Local Audit and Accountability Act 2014, the Authority is required to appoint its own external auditors. This can be achieved in one of the following ways:
- (a) To make a stand-alone appointment;
 - (b) Set up a Joint Auditor Panel/local joint procurement arrangements;
 - (c) Opt-in (again) to a Sector Led Body i.e. PSAA.

The advantages and disadvantages of each option are summarised in Appendix 1.

- 1.2 In December 2016, when the issue was last considered, the Authority formally accepted the invitation from PSAA to opt into the national scheme for auditor appointments. The subsequent procurement process resulted in Grant Thornton being appointed as external auditor to the Authority from 1 April 2018 (expires 31 March 2023).
- 1.3 PSAA has invited the Authority to opt in to its procurement arrangements for the next phase of auditor appointments, which the Authority needs to confirm by 11 March 2022. This will enable PSAA certainty over which local Authorities they will be acting for and enable them to collate the audits into lots for which interested external auditors can bid. The contracts awarded to the successful external auditors will cover the years 2023/24 to 2027/28.
- 1.4 The option to sign up to the PSAA offer is only available if the decision to do so is made by the members of an authority meeting as a whole (Local Audit and Accountability Act 2014, and Regulation 19 of the Local Audit (Appointing person) Regulation 2015).
- 1.5 If Members support the recommendation in this report, PSAA will commence the procurement process and expects to award contracts in August 2022. PSAA will consult with the Authority on the auditor it proposes to appoint. It is unclear what the fees the Authority will pay for the audits, but additional regulatory requirements now placed on external auditors of local authorities mean that fees are likely to rise substantially from the current level.

2. Conclusion and recommendation

- 2.1 Looking at the three options, their advantages, and disadvantages for appointing, it is recommended that the Authority formally accepts the invitation from PSAA to opt into the national scheme for auditor appointments and that the Head of Finance and Operations signs and issues the “notice of acceptance” on behalf of the Authority after this meeting.

Gordon Bryant

Head of Finance and Operations

January 2022

Options, Advantages and Disadvantages

The three broad options open to the Authority under the Local Audit and accountability Act 2014 (the Act):

Option 1 - To make a stand-alone appointment

In order to make a stand-alone appointment the Authority will need to set up an Auditor Panel. This will be in addition to the existing Final Accounts Committee. The members of the Panel must be wholly or have a majority of independent members as defined by the Act. Independent members for this purpose are independent appointees, this excludes current and former elected members (or officers) and their close families and friends. A new independent Auditor Panel established by the Authority will be responsible for selecting the auditor. This means that current members of the Authority will not have a majority input to assessing bids and choosing which firm of accountants to award a contract for the Authority's external audit.

The advantage of this approach is that setting up an Auditor Panel allows the Authority to take maximum advantage of the new local appointment regime and have local input to the decision.

However, the disadvantages are:

- Recruitment and servicing of the Auditor Panel and running the procurement exercise is estimated by the LGA to cost in the order of £15,000 plus on-going expenses and allowances.
- The Authority will not be able to take advantage of reduced fees that may be available through joint or national procurement contracts.
- The assessment of bids and decision on awarding contracts will be taken by independent appointees and not solely by current members.
- Experience in other areas has shown that it may be problematic to appoint the required number of independent members.

Option 2 - Set up a Joint Auditor Panel / local joint procurement arrangements

The Act enables the Authority to join with other authorities to establish a Joint Auditor Panel. Again this would need to be constituted of wholly or a majority of independent appointees. Further legal advice would be required on the exact constitution of such a panel having regard to the obligations of each entity under the Act and the Authority would need to liaise with other local authorities to assess the appetite for such an arrangement.

The advantages of this approach are:

- The costs of setting up the panel, running the bidding exercise and negotiating the contract will be shared across a number of authorities.

- There is greater opportunity for negotiating some economies of scale by being able to offer a larger combined contract value to the firms.
- It might prove easier to appoint the required number of independent members via this approach.

However, the disadvantages are:

- The decision-making body will be further removed from local input, with potentially little or no input from the Authority's members where a wholly independent auditor panel is used, depending on the constitution agreed with the other bodies involved
- The choice of auditor could be complicated where individual Authorities have independence issues. An independence issue occurs where the auditor has recently or is currently carrying out work such as consultancy or advisory work for an Authority. Where this occurs some auditors may be prevented from being appointed by the terms of their professional standards. There is a risk that if the joint auditor panel choose a firm that is conflicted for this Authority, then the Authority may still need to make a separate appointment with all the attendant costs and loss of economies possible through joint procurement.

Option 3 - Opt-in (again) to a Sector Led Body i.e. PSAA

The advantages are:

- The costs of setting up the appointment arrangements and negotiating fees would be shared across all opt-in authorities
- By offering large contract values the firms would be expected to offer better rates and lower fees than are likely to result from local negotiation
- Any conflicts of interest at individual authorities would be managed by the SLB who have several contracted firms to call upon.
- The appointment process would not be ceded to locally appointed independent members. Instead a separate body would be set up to act in the collective interests of the 'opt-in' authorities.

The disadvantages are:

- Individual members will have less opportunity for direct involvement in the appointment process other than through the LGA and/or stakeholder representative groups.
- In order for the SLB to be viable and to be placed in the strongest possible negotiating position the SLB will need Authorities to indicate their intention to opt-in before final contract prices are known.

EXMOOR NATIONAL PARK AUTHORITY

1 February 2022

EXMOOR NATIONAL PARK AUTHORITY MEETING ARRANGEMENTS

Report of the Chief Executive

PURPOSE OF THE REPORT: To agree to trial changes to the running of Authority meetings.

RECOMMENDATIONS: The Authority is recommended to agree the proposals set out in Section 3 of the report that:

- (1) The items listed in Standing Orders paragraph 6.1 (n) (*to consider applications, enforcement issues and other reports in relation to the Authority's functions as sole local planning authority for the area of Exmoor National Park*) and 6.1 (o) (*to consider reports and other business specified in the summons*) will be swapped for a trial period from April 2022 to December 2022, with
 - a) The Authority meeting considering reports and other business running from 10am
 - b) The Planning section of the meeting starting at 1:30pm or on the rising of the Authority section of the meeting, if later
- (2) At the end of the trial, the arrangements will be reviewed by Members and Officers and a paper brought to the Authority

Authority Priority: To develop and maintain effective and efficient services.

Legal and Equality Implications: Section 65(4) Environment Act 1995 – provides powers to the National Park Authority to “*do anything which in the opinion of the Authority, is calculated to facilitate, or is conducive or incidental to:-*

(a) the accomplishment of the purposes mentioned in s. 65 (1) [National Park purposes]

(b) the carrying out of any functions conferred on it by virtue of any other enactment.”

The equality impact of the recommendations of this report has been assessed as follows: There are no foreseen adverse impacts on any protected group(s).

Consideration has been given to the provisions of the Human Rights Act 1998 and an assessment of the implications of the recommendations of this report is as follows: There are no implications for the Human Rights Act.

Financial and Risk implications: No financial or risk implications have been identified.

Climate response: No impact anticipated

1. Background

- 1.1 Further to informal Member discussions over recent months, it is proposed to run a 9 month trial, whereby Authority meetings will commence at 10am and the Planning section of the meeting will commence at 1:30pm or on the rising of the Authority meeting, if later. There will normally be a 1 hour break for lunch.

2. Rationale

- 2.1 The proposal will enable Officers to better manage Authority business, ensure that Members are fully briefed on emerging agendas and enable Members to have a proper break before the Planning meeting in the afternoon.

3. Proposal

- 3.1 The proposal is to amend the running order of business listed under paragraph 6.1 of Standing Orders so that the matters listed in 6.1 (o) '*to consider reports and other business specified in the summons*' will precede 6.1 (n) '*to consider applications, enforcement issues and other reports in relation to the Authority's functions as sole local planning authority for the area of Exmoor National Park*'.
- 3.2 It is suggested that the trial starts at the Authority meeting on 5th April 2022 and runs until 31st December 2022. As currently, Authority business will include items relating to National Park purposes, strategy, consultation responses, progress with the National Park Partnership Plan, Corporate Plan, budgets and other governance matters. If time allows, informal briefings, training and Members Forum will follow the Authority meeting or will be held on the additional "Reserve" meeting date. As is the current practice, these will be informal meetings and will not be open to the public.
- 3.3 It is proposed that the Planning section of the meeting starts at 1:30pm or on the rising of the Authority section of the meeting, if later. No changes are proposed for public speaking and members of the public will be invited to address Members at the start of the relevant planning item.
- 3.4 These temporary changes to the running order are in accordance with paragraph 6.2 of Standing Orders which state that '*The order of business at any meeting of the Authority (other than business set out in Standing Order 6.1(a), (b) and (c)) may be varied either at the Chairperson's discretion or by a resolution passed on a motion duly moved, seconded and put without debate*'.
- 3.7 Once the trial has been completed Officers and Members will discuss the findings and a paper will be brought back to the Authority. If it is proposed to continue with the new arrangements on a permanent basis, a paper will be presented to Members recommending that Standing Orders are amended to reflect the new arrangements.

Sarah Bryan
January 2022