



# EXMOOR

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## NATIONAL PARK

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26 January 2023

### 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, 7 February 2023 at 10.00am.**

**Please Note:** The Authority is currently trialling a new meeting format to better manage Authority business, so Agenda items relating to the Authority's role as sole **local planning authority** for the National Park area, including determination of planning applications, will commence at **1.00 pm.**

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](mailto: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](http://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 6 December 2022 ([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.

6. **Asset Disposal:** To consider the report of the Rural Surveyor ([Item 6](#))

7. **Exmoor Consultative and Parish Forum:** To receive and note the meeting notes from the Exmoor Consultative and Parish Forum held on 17 November 2022 ([Item 7](#))

### 8. Personnel Update

#### Starters:

06/01/2023 – Charlotte Spiers – Planning Officer (Permanent position)

20/02/2023 – Joseph Rose – Planning Officer (Permanent position)

#### Leavers:

01/01/2023 – Catherine Dove – Conservation Advisor (Historic Environment) – resignation

### 9. Any Other Business of Urgency

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**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 commence at 1.00 pm and 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.

### 10. Appeals

- 10.1 To note the **decision** of the Secretary of State for Levelling Up, Housing and Communities in relation to the Appeal against a listed building enforcement notice - Beach Cottage, Porlock Weir, TA24 8PE

- 10.2 To note the **decision** of the Secretary of State for Levelling Up, Housing and Communities to allow the Appeal and quash the enforcement notice - Cliffe House, 7 Tors Park, Lynton, Devon, EX35 6NB

- 10.3** To note the **decision** of the Secretary of State for Levelling Up, Housing and Communities to dismiss the Appeal, uphold the corrected enforcement notice and refuse planning permission – Culbone Stables Inn, Porlock, Minehead, Somerset, TA24 8JW
- 10.4** To note the **decision** of the Secretary of State for Levelling Up, Housing and Communities to dismiss the Appeal against the refusal of planning permission for a wooden garden summer house in accordance with Application 62/41/21/034 – Garson House Care Home, No 7 Lee Road, Lynton, Devon, EX35 6HU
- 11. Development Management:** To consider the report of the Head of Planning and Sustainable Development on the following:-

<b>Agenda Item</b>	<b>Application No.</b>	<b>Description</b>	<b>Page Nos.</b>
11.1	6/25/22/104	Proposed extension to the existing campsite to include 6 new electric hook-up pitches and 6 new camping pods – Cloud Farm Camping, Oare, Lynton, EX35 6NU	1 – 22
11.2	62/41/22/035	Proposed change of use of commercial bed and breakfast to domestic dwellinghouse. Retrospective. – Hillside House, 22 Watersmeet Road, Lynmouth, EX35 6EP	23 – 32
11.3	6/14/22/108	Application under Regulation 3 of The Town & Country Planning General Regulations 1992 for proposed installation of Flue for Biomass Boiler – Pinkery Centre for Outdoor Learning, Simonsbath, Minehead, TA24 7LL	33 – 42
11.4	6/14/22/107	Application under Regulation 3 of The Town & Country Planning General Regulations 1992 for the proposed construction of 2no. footbridges – Ashcombe Gardens and Plantation, Simonsbath, TA24 7SH	43 - 53

- 12. Application Decisions Delegated to the Chief Executive:** To note the applications determined by the Chief Executive under delegated powers (Item 12).
- 13. Site Visits:** To arrange any site visits agreed by the Committee (the reserve date being Friday, 3 March 2023 (am)).

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, 6 December 2022 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 D Elson	Mr J Patrinos
Mr S Griffiths	Mrs F Smith
Mr J Holtom	Miss E Stacey
Dr M Kelly	Mr N Thwaites
Mr E Ley	Mrs P Webber

Apologies for absence were received from Mr M Kravis, Mrs C Lawrence, Dr S Warren, Mr V White, Mr J Yabsley

#### 88. DECLARATIONS OF INTEREST:

- In relation to Item 12.1 – Application 62/41/22/001 - Proposed siting of 5 no. timber and canvas glamping safari tents, permeable parking / turning area with 6 no. parking bays, with a double EV charging point, recycling / waste facilities, associated footpaths, landscaping, composting toilets and an underground water treatment plant for drainage treatment – Manor Farm, Lynton, Devon, EX35 6LD, Dr Kelly advised that following the site visit on 2 December, he had been contacted by a member of Lynton & Lynmouth Town Council.

#### 89. CHAIRPERSON'S ANNOUNCEMENTS:

- The Authority's condolences and best wishes were given to Mrs Christine Lawrence and her family on the sad loss of her husband, Mr Stuart Lawrence.
- The Authority also noted the recent passing of Anthony Trollope-Bellew, a Somerset West & Taunton Councillor who was the long-term Chair of the Quantock Hills Joint Advisory Committee and whose father had been a well-known member of the ENPA Committee.

#### 90. MINUTES

- Confirmation:** The **Minutes** of the Authority's meeting held on 1 November 2022 were agreed and signed as a correct record.
- Matters arising:** There were no matters arising

#### 91. PUBLIC SPEAKING: Mrs Alison Kent – Chair of Exmoor Local Access Forum

On behalf of the Exmoor Local Access Forum, Mrs Kent raised concerns regarding the potential for the National Park Authority to hand back management of the Rights of Way on Exmoor to Devon and Somerset County Councils. Whilst the LAF clearly understood that the Authority needed to make major financial



cutbacks, they considered losing control of the ROW would be a retrograde and radical step to take. Given the severe funding difficulties also being experienced by the County Councils, the LAF urged Members to consider the consequences of handing back Exmoor's first-rate Rights of Way network to such an uncertain future.

See also Minutes 99, 100 and 101 for details of further public speakers

## **92. CHARGING FOR EXMOOR NATIONAL PARK AUTHORITY SERVICES 2023/24**

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

### **The Authority's Consideration**

Members were grateful for the detail contained within the report and recognised that the charging policies and strategies set out would evolve over time. It was suggested that it may be helpful in future to reflect whether charges were inclusive or exclusive of VAT.

It was acknowledged that there may be some disparity between the charges outlined for car parking and other services such as Development Management, when compared against neighbouring local authorities. In the case of carparking, the current charges were based on publicly available information and could be amended if needed.

In relation to Development Management charges, some benchmarking had taken place however it was not possible to make direct comparisons due to the differing offers of individual Local Authority's. The National Park Authority wanted to establish the principle of charging for services and would monitor the situation over the coming months and reflect on the charges put forward if necessary.

The Committee were keen to ensure that the Authority clearly explained the proposed portfolio of charges to the local community and to the Parish and Town Councils and confirmation was provided that a communications plan would be put in place.

### **RESOLVED:**

- (1) To approve the charging strategy for 2023/24 as set out in Section 2 of the report.
- (2) To note the charging policies and practice in operation.
- (3) To authorise the changes to charging in rights of way, car parks and Planning.

## **93. PROGRESS IMPLEMENTING THE CORPORATE PLAN 2022-23**

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

### **The Authority's Consideration**

The Authority Committee expressed their thanks to all members of staff for their continuing efforts to deliver the work of the Authority over the last 12 months. Specific thanks were given to Peter Hoyland for his work in successfully promoting the Plastic Free Exmoor initiative.

It was noted that donations to CareMoor had increased by 15% and a request was made to include a summary in the next report detailing where the majority of

donations came from. It was also suggested that it would be helpful to include reference to the planning function under the People and Prosperity headings, in order to highlight its importance to the local community and show how it was successfully supporting them, in addition to it being one of our key Corporate Priorities.

In relation to the Staff Survey results mentioned in the report Miss Davis, as the nominated Member, requested a meeting with Officers to discuss the findings from this piece of work and the subsequent staff focus group discussions.

**RESOLVED:**

- (1) To note the progress in implementing the Authority's key commitments set out in the Corporate Plan 2022-2023.
- (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 2023.

**94. EXMOOR NATIONAL PARK AUTHORITY MEETING ARRANGEMENTS, REVIEW OF STANDING ORDERS AND SCHEME OF DELEGATION, AND REVIEW OF FINANCIAL REGULATIONS**

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

**The Authority's Consideration**

In relation to the amendments recommended by the Standards Committee to Standing Orders and the Financial Regulations, as detailed in Appendix 1 and Appendix 2 to the report, Members noted that most of the amendments were fairly minor in nature to bring them in line with best practice and to ensure the efficient running of the Authority.

With regards to the recommendation to facilitate a permanent change to the order of business of Authority meetings, the majority of Members were in full agreement with the proposal. They considered that the trial in which Authority business was considered from 10am, with the Planning section of the meeting commencing at 1.30pm, had improved how the Authority worked immeasurably.

However, not all Members felt this way and Mrs Nicholson wished to place on record that she strongly questioned the propriety of the change to put Planning towards the end of the day, given that it was the one area of the Authority's work which affected more people within the local community.

A Member discussion then took place regarding the potential for making further changes to Standing Orders, including to the Scheme of Delegation. A number of differing views were expressed by Members; however, it was noted that this was not a matter that was detailed in the Officer report before the Committee for a decision. Miss Davis therefore proposed that the Authority vote on the substantive item. Miss Davis's proposal was seconded by the Chairperson and was unanimously agreed. The Authority then moved to vote on the substantive item.

**RESOLVED:**

- (1) To adopt the proposed amendments to Section 6 of Standing Orders in order to facilitate a permanent change to the order of business of Authority meetings.

- (2) To adopt the proposed amendments to the Standing Orders and the Scheme of Delegation recommended by the Standards Committee (Appendix 1 to the report).
- (3) To adopt the proposed amendments to the Financial Regulations recommended by the Standards Committee (Appendix 2 to the report).

**95. REVIEW OF EXMOOR NATIONAL PARK AUTHORITY STATEMENT OF COMMUNITY INVOLVEMENT**

The Authority considered the **report** of the Head of Strategy and Performance

**The Authority's Consideration**

In response to a question from Mrs Nicholson about what changes related to engagement with the local population around planning, the following clarification was provided:

- The removal of reference to Planning Surgeries at Lynton and Porlock which were suspended during Covid and had not been reinstated.
- A practical change to request that members of the public make an appointment if they wished to visit Exmoor House to discuss planning applications, to ensure the relevant Officer was available.
- The Weekly List, which detailed new planning applications that had been registered, would now be available on the Authority's website for Parish and Town Councils to view.
- That planning neighbour notifications by letter would be sent to immediately adjoining residential neighbours.

**RESOLVED:**

- (1) To adopt the updated Statement of Community Involvement (SCI), noting the changes made including those following the ending of Coronavirus pandemic restrictions.
- (2) To delegate to the Chief Executive any amendments following Member discussion and minor changes, factual updates or typographical corrections.
- (3) In the event that national Coronavirus pandemic restrictions are reintroduced which mean that the Authority's procedures for consultation and engagement cannot be followed, to delegate to the Chief Executive a temporary replacement of the proposed 2022 version of the SCI with the 2020 Interim Version and the reinstatement of the proposed 2022 version once these restrictions are lifted

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

**97. ANY OTHER BUSINESS OF URGENCY:** There was none

The meeting closed for recess at 11.25 am

**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)**

The meeting reconvened at 1.30 pm

## **DEVELOPMENT MANAGEMENT**

### **98. Application No: 62/41/22/001**

**Location: Manor Farm, Lynton, Devon, EX35 6LD**

**Proposal: Proposed siting of 5 no. timber and canvas glamping safari tents, permeable parking / turning area with 6 no. parking bays, with a double EV charging point, recycling / waste facilities, associated footpaths, landscaping, composting toilets and an underground water treatment plant for drainage treatment**

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

#### **The Authority's Consideration**

Following deferral of this application at the November Authority meeting, a Site Visit had taken place on 2 December to enable the Authority Committee to gain a greater understanding of the scale of the proposed development and its impact on the surrounding landscape and scenic beauty of the National Park.

Notes taken at the Site Visit had been circulated to Members, and an update had been tabled from the Future Landscapes Officer. During the Planning Officer's presentation, it was confirmed that should Members be minded to approve the application, it was recommended that two additional conditions relating to materials and additional planting should be added to the grant of planning permission.

Those Members who had attended the Site Visit confirmed they had found it very helpful to view the application site both up close and from across the valley from Station Road. Whilst Members considered the southern part of the application site to be acceptable, given its proximity to the well-managed, established part of the campsite, they did not hold the same view in relation to the scrubland area in the northern part of the site.

It was considered that this scrubland area would be clearly noticeable from across the valley, particularly once excavation works had taken place.

Furthermore, it was suggested that the proposed development in this location would conflict with the Authority's first statutory purpose to conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park and would also be contrary to Local Plan policies CE-S1, RT-S1, RT-D5 and RT-D9.

On the basis that the Committee considered that the location of two of the five proposed glamping pods were unacceptable due to the reasons outline above, it was proposed and agreed by a majority of the Committee to refuse planning permission.

<p><b>RESOLVED:</b> To refuse planning permission as the Authority considered the proposed development was in conflict with the Authority's first statutory purpose to conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park and was also contrary to Local Plan policies CE-S1, RT-S1, RT-D5 and RT-D9.</p>
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**99. Application No: 6/27/22/118**

**Location: Keal Rise, Hawkcombe, Porlock, Minehead, TA24 8QW**

**Proposal: Proposed variation of conditions 2 and 4 of approved application 6/27/16/102 for the installation of external Cedral fibre cement cladding in place of red cedar timber cladding**

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

**Public Speaking:**

- 1) Mr T Burton, Planning Consultant
- 2) Mr M Keal, Applicant

**The Authority's Consideration**

Following deferral of this application at the November Authority meeting, a Site Visit had taken place on 2 December to enable the Authority Committee to gain a greater understanding of the impact of the fibre cement weatherboarding upon the setting of the Conservation Area. Notes taken at the Site Visit had been circulated to Members.

During his presentation, the Case Officer advised that three additional letters of support for the application had been received from members of the public. It was confirmed that it was still the recommendation of Planning Officers that the application should be refused as they considered it was contrary to Policy CE-S6 and Policy CE-D3 of the Exmoor National Park Local Plan 2011-2031.

Dr Kelly advised that he had found the Site Visit very useful as it had been able to show the relationship between the application site and the adjacent Conservation Area, and to also clarify the circumstances for the change in cladding material. Consequently, Dr Kelly considered that the impact of the cedral fibre cement cladding was minor only, and not such as to result in material harm to the appearance and character of the designated Conservation Area. He clarified that he had reached this conclusion due to the small scale of the development, the muted colouring of the cladding, the wooded backdrop to the dwelling and its peripheral siting on the edge of the conservation area.

A number of other Members expressed similar views and before putting the matter to the vote, the Head of Planning shared his concerns that the material considerations being put forward were not, in his view, significant enough to warrant going against the policies contained in the Local Plan.

However, when put to the vote, the majority of Committee Members did not consider that the cedral fibre cement cladding caused significant harm to the setting and appearance of the Conservation Area and resolved to grant planning permission.

It was confirmed that this grant of planning permission was subject to a Deed of Variation to apply the S106 Agreement from the original permission to the new consent, and also to the inclusion of a number of planning conditions imposed on the previous approval being applied to the new consent. The Head of Planning provided the meeting with a summary of the conditions that would be required, however requested that Members delegated the final wording of the conditions to Officers to agree.

In resolving to grant planning permission, the Authority Committee were aware that a Decision Notice detailing all final conditions applicable to the consent would

not be issued until such time as the Deed of Variation to the S106 Agreement had been signed by the Applicant.

**RESOLVED:** To grant planning permission, subject to the signing of a Deed of Variation to apply the S106 Agreement from the original planning permission to the new permission and to the inclusion of a number of planning conditions imposed on the previous approval being applied to the new consent, the final wording of which to be delegated to Officers to agree. It was proposed to include the following draft conditions when the Decision Notice was ready to be issued, but further amendments may still be required.

- (1) The development hereby permitted shall be carried out and maintained strictly in accordance with the approved plans numbered 1870/100, 1870/310A, 1870/311A and 1870/320A date stamped by the local planning authority on 22 September 2022.

**Reason:** In the interests of clarity and to ensure the development is maintained as approved.

- (2) Within 6 months of the date of this permission, the biodiversity enhancement details approved by the local planning authority by letter dated 20 October 2016, pursuant to the applicant's reference Somerset Porlock.2 + 6/27/16/102 and the drawing referenced 1870/301C. The biodiversity enhancement measures shall be retained in perpetuity.

**Reason:** In the interests of conserving wildlife and to enhance biodiversity, in accordance with Policy CE-S3 of the Exmoor National Park Local Plan 2011-2031.

- (3) The construction of the roof of the dwelling hereby approved shall be maintained in accordance with the sample of natural slate submitted on 22/08/2016 to the local planning authority in support of application 6/27/16/102 and shall remain in accordance with the approved material thereafter.

**Reason:** To safeguard the visual amenity and landscape character of the National Park and the setting of the conservation area, in accordance with Policies GP1, CE-S1, CE-D1 CE-S4 and CE-S6 of the Exmoor National Park Local Plan 2011-2031.

- (4) Prior to commencement of the garden store, hereby approved, details including samples of the timber cladding to be used in the construction of the walls of the garden store, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

**Reason:** To safeguard the visual amenity and landscape character of the National Park and the setting of the conservation area, in accordance with Policies GP1, CE-S1, CE-D1 CE-S4 and CE-S6 of the Exmoor National Park Local Plan 2011-2031.

- (5) Within 6 months of the date of this permission, the development shall be carried out in accordance with the landscaping scheme approved by the local planning authority by letter dated 03 November 2016, pursuant to the applicant's reference Somerset Porlock.3 + 6/27/16/102 and the drawing referenced 1870/301C. The landscaping scheme shall be maintained for a period of 10 years, such maintenance to include the replacement of any trees or shrubs that die within that period.

**Reason:** To safeguard the visual amenity and landscape character of the National Park and the setting of the conservation area, in accordance with Policies GP1, CE-S1, CE-D1 CE-S4 and CE-S6 of the Exmoor National Park Local Plan 2011-2031.

- (6) Prior to its installation on site large scale (1:20) drawings of the sedum / green roof of the garden store building hereby permitted shall be submitted to and be approved in writing by the Local Planning Authority. The drawings shall show any edging detail and plant management/maintenance details. Once agreed the works shall take place in accordance with the approved details.

**Reason:** To safeguard the visual amenity and landscape character of the National Park and the setting of the conservation area, in accordance with Policies GP1, CE-S1, CE-D1 CE-S4 and CE-S6 of the Exmoor National Park Local Plan 2011-2031.

- (7) Within 6 months of the date of this permission, a properly consolidated and Surfaced access shall be constructed (not loose stone or gravel), details of which shall have been previously submitted to and approved in writing by the Local Planning Authority. The access shall be constructed in accordance with the agreed details and shall be maintained in the agreed form thereafter at all times.

**Reason:** In the interests of highway safety pursuant to Policy AC-S2 of the Exmoor National Park Local Plan 2011-2031.

- (8) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway. These details should include the location and sectional drawing of the soakaway and details of the drain which shall be submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before any part of the building is beneficially occupied and thereafter maintained at all times.

**Reason:** In the interests of highway safety pursuant to Policy AC-S2 of the Exmoor National Park Local Plan 2011-2031.

- (9) Within 1 month of the date of this permission, the mobile home as shown on plan 1870/306 date stamped 6 April 2016 shall be removed along with all ancillary works and structures associated with it.

**Reason:** To prevent an additional residential unit on this site and to retain control over its future use, in the interests of the character and appearance of the locality, pursuant to Policies GP1, GP2, HC-D3 CE-S1, CE-D1, CE-S4 and CE-S6 of the Exmoor National Park Local Plan 2011-2031.

- (10) The windows and doors of the development hereby permitted shall be timber framed and thereafter timber framed windows and doors shall be retained unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure that the character and appearance of the windows and doors are sympathetic to this building within the National Park and accords with policies for the use of sustainable materials and the setting of designated heritage assets, pursuant to Policies GP1, GP2, HC-D3 CE-S1, CE-D1, CE-S4 and CE-S6 of the Exmoor National Park Local Plan 2011-2031.

- (11) All external frames shall have a minimum 100 mm (4") reveal, unless otherwise agreed in writing by the Local Planning Authority.



**Reason:** To safeguard the visual amenity and landscape character of the National Park and the setting of the conservation area, in accordance with Policies GP1, CE-S1, CE-D1 CE-S4 and CE-S6 of the Exmoor National Park Local Plan 2011-2031.

- (12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no extensions to the dwelling hereby permitted shall be erected without the prior permission, in writing, of the Local Planning Authority.

**Reason:** To safeguard the visual amenity and landscape character of the National Park and the setting of the conservation area, in accordance with Policies GP1, CE-S1, CE-D1 CE-S4 and CE-S6 of the Exmoor National Park Local Plan 2011-2031.

- (13) Any gas, electricity, water, sewage, telephone and cabling services to the development the subject of this application shall be placed underground.

**Reason:** To safeguard the visual amenity and landscape character of the National Park and the setting of the conservation area, in accordance with Policies GP1, CE-S1, CE-D1 CE-S4 and CE-S6 of the Exmoor National Park Local Plan 2011-2031.

- (14) No floodlights or other forms of external lighting shall be installed on the site without the prior permission, in writing, of the Local Planning Authority.

**Reason:** To safeguard the visual amenity and landscape character of the National Park and the setting of the conservation area, in accordance with Policies GP1, CE-S1, CE-D1 CE-S4 and CE-S6 of the Exmoor National Park Local Plan 2011-2031.

- (15) The garden store building hereby approved shall only be used as domestic storage ancillary to the dwelling within the red line area of the site on plan 1870/301 date stamped 6 April 2016 and shall not be used at any time as residential accommodation. It shall specifically not be used as a separate dwellinghouse or for any commercial purposes and shall not be let, sold or otherwise disposed of separately from the existing residential unit.

**Reason:** To prevent an additional residential unit on this site and to retain control over its future use, in the interests of the character and appearance of the locality, pursuant to Policies GP1, GP2, HC-D3 CE-S1, CE-D1, CE-S4 and CE-S6 of the Exmoor National Park Local Plan 2011-2031.

**100. Application No: 6/42/22/109**

**Location: East Hollowcombe, Hawkridge, Dulverton, TA22 9QL**

**Proposal: Proposed erection of dormer to provide additional head height to existing bedrooms and associated works**

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

**Public Speaking:**

- 1) Mrs M Silverlock, Local Resident

**The Authority's Consideration**

The Committee noted that Planning Officers recommended the application be refused as they considered the proposed dormer window would appear

incongruous to the vernacular design of the host dwelling and that, being in very close proximity to the public highway, it would give rise to an alien form of development that would be harmful to the character and appearance of the area.

Mrs Nicholson took a contrary view and considered that whilst it was important to be able to read the history of older buildings, it was also important to see how they had grown with use and function over time. The functionality the proposed dormer window would add to the building, the way the building was set down from the highway, and the fact the local community did not object to the proposals led Mrs Nicholson to consider that the application was appropriate.

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 were in agreement with the conclusions reached by Officers and a subsequent motion to refuse planning permission in line with the recommendations 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.

Mr D Elson left the meeting room during Item 12.4

**101. Application No: 6/14/22/106**

**Location: Pinkery Centre for Outdoor Learning, Simonsbath, Minehead, TA24 7LL**

**Proposal: Application under Regulation 3 of The Town & Country Planning General Regulations 1992 for the proposed erection of a Bronze Age Roundhouse for educational purposes to be used in conjunction with the Pinkery Centre**

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

**Public Speaking**

- 1) Mr B Totterdell, Applicant

**The Authority's Consideration**

The Meeting was reminded that the public consultation regarding this application had still been live at the time the Committee Report was published. This had now concluded, and an update had been tabled at the meeting detailing the additional consultee representations received. In order to address some of these responses, Planning Officers proposed that three additional Conditions be added to those contained within the original report, should Members be minded to approve the application.

Committee Members were supportive of the proposals, however they were keen to ensure there would be ongoing maintenance of the structure to maximise the durability of the materials used in its construction. The Committee therefore requested that a further condition be added to ensure the structure would be removed if it were not used for an extended period of time.

**RESOLVED:** To grant planning permission for the reasons set out in the report, and subject to the four conditions detailed in the report, together with the four

additional conditions referred to during the Member debate. All relevant conditions are detailed below:

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

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

- (2) The works hereby approved shall be carried out strictly in accordance with drawings numbered 2306.2/100, 2306.2/200, 2306.2/201 & 2306.2/202 date stamped by the Local Planning Authority on 02 November 2022.

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

- (3) No lighting shall be permitted during the construction period and for the duration of the development unless otherwise authorised in writing by the local planning authority.

**Reason:** In the interests of the strict protection of European protected species and the character and appearance of the National Park landscape, including its dark night sky in accordance with policies GP1, CE-S1, CE-D1, CE-S6, CE-S2 and CE-S4 of the Exmoor National Park Local Plan 2011-2031.

- (4) The use of the roundhouse hereby permitted shall be limited to activities of a recreational and education nature in conjunction with the operation of the Pinkery Centre.

**Reason:** For the avoidance of doubt, and the interests of conserving and enhancing the landscape and scenic beauty of the National Park, pursuant to the NPPF and policies GP1, GP3, CE-S1, CE-D1, RT-D10 and CE-S4 of the Exmoor National Park Local Plan 2011-2031. 5. With regard to

- (5) Precautionary methods of working shall include:

- The grassland should continue to be managed as existing prior to the start of works to ensure that it does not become more suitable for foraging reptiles;
- The log pile should be moved by hand during the active season and if any reptiles, amphibians or small mammals (e.g. hedgehog) are discovered then they must be allowed a safe escape. Please note, there is a chance of adder being present so this should be undertaken with extreme caution and wearing gloves. Do not handle adder. A log-pile should be re-sited elsewhere within the application site to continue to provide refuge opportunities; and.
- Pollution prevention methods must be in place to avoid dust or run-off or pollution incidents affecting the adjacent SSSI, and if necessary details of such measures shall be made available to the local planning authority upon request.

**Reason:** In the interests of conserving wildlife and to enhance biodiversity, in accordance with Policy CE-S3 of the Exmoor National Park Local Plan 2011-2031.

- (6) One bird box and one bat box shall be installed in separate locations within the woodland.

**Reason:** In the interests of conserving wildlife and to enhance biodiversity, in accordance with Policy CE-S3 of the Exmoor National Park Local Plan 2011-2031.

- (7) The 2no Sitka Spruce trees affected by the proposal and as marked on the plan included within the consultation response dated 1 December 2022 from the Senior Conservation Officer – Woodlands shall be removed (outside of the bird nesting season of 1st March to 30 August inclusive); and a landscape scheme, which includes replacement planting with a broadleaf tree and shrub and Scots Pine mix, shall be submitted to and approved in writing by the local planning authority prior to the first use of the development hereby permitted.

All planting contained in the approved details of the landscape scheme shall be carried out in the first planting season after the felling of the Sitka Spruce trees unless otherwise previously agreed in writing by the local planning authority.

Any trees which die, are removed, or become seriously damaged, or diseased within a period of 5 years from the completion of the development shall be replaced in the next planting season with others of a similar size and species unless the local planning authority gives written consent to any variation.

**Reason:** In the interests of conserving wildlife and to enhance biodiversity, in accordance with Policy CE-S3 of the Exmoor National Park Local Plan 2011-2031.

- (8) If the roundhouse hereby permitted is not used for a period of 12 months, it shall be removed from the land, with the site restored in accordance with a remediation scheme that shall have been previously submitted to and approved in writing by the local planning authority.

**Reason:** For the avoidance of doubt, and the interests of conserving and enhancing the landscape and scenic beauty of the National Park, pursuant to the NPPF and policies GP1, GP3, CE-S1, CE-D1, RT-D10 and CE-S4 of the Exmoor National Park Local Plan 2011-2031.

Mr D Elson returned to the meeting room prior to Item 12.5

- 102. ORDER OF BUSINESS:** In relation to Agenda Item 12.5 - Application No. 6/14/22/107 – Application under Regulation 3 of The Town & Country Planning General Regulations 1992 for the proposed construction of 2no. footbridges - Ashcombe Gardens and Plantation, Simonsbath, TA24 7SH, the Head of Planning advised the meeting that he recommended the application be withdrawn to enable outstanding ecology matters to be addressed.

Authority Members unanimously voted to defer Application 6/14/22/107 until such time as the outstanding ecology matters had been resolved.

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

- 104. SITE VISITS:** There were no Site Visits to arrange.

The meeting closed at 3.00 pm

(Chairperson)

## EXMOOR NATIONAL PARK AUTHORITY

7 February 2023

### ASSET DISPOSAL

#### Report from the Rural Surveyor

**PURPOSE OF THE REPORT:** To seek the Authority's consent in principle, subject to valuation and any issues being resolved, to progress the disposal of seven of the Authority's property assets. The assets include Cosgate Hill, East Anstey Common, Hawkridge Ridge Wood, Timberscombe Wood, Tudball Platts, Weir Cleeve and the school playing field at Exford.

**RECOMMENDATION:** The Authority is recommended to approve this body of work to enable rationalisation of the Authority's Estate and ease fiscal pressures.

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

**Legal Implications:** Devon County Council Legal have confirmed there are no legal reasons as to why the Authority may not dispose of the assets mentioned in this paper.

**Equality Implications:** 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

**Climate Change Response:** There are not considered to be any climate change mitigation implications from this paper.

**Financial Implications:** The proceeds from the sale of these assets will allow the Estate to fund its own capital investment rather than rely upon National Park Grant. These assets are valued at around £300,000 for accounting purposes; market value is yet to be assessed. There will also be costs of sale.

**Risk Implications:** The disposal of these assets has the potential to prompt both a local and national response. The Authority will be seeking best market value in all circumstances.

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## 1. Background

Exmoor National Park Authority is currently suffering from considerable financial constraints, and it is prudent, as part of a range of necessary responses, to review the Estate portfolio.

In May 2019 an Acquisitions and Disposals Policy was adopted by Exmoor National Park Authority. Below are excerpts from the policy which relate specifically to retention and disposal.

## **1.1 Retention and Disposal**

When considering what to do with an existing asset, the Authority's starting point will be to presume disposal unless there is a compelling case for retention. The following questions need to be considered when making this assessment:

- Does it have a core value in delivering National Park purposes?
- Is there potential for enhancement or unlocking latent value in the future?
- Does it generate significant income or have the potential to do so?
- Is it essential to the operational function of ENPA?
- Are there legal constraints on disposal?
- Does it represent a net liability to the Authority, in terms of cost, risk or difficulty of management?
- Has the reason for acquisition/ownership become invalid? e.g. the asset is no longer under threat because of statutory protection

There are also practical considerations to take into account:

- Complexity of disposal, including covenant issues, and whether the returns would be worth the effort and the need for due diligence
- Determining best value: transparency versus commercial sensitivity; market value versus maximum benefit (wider economic, environmental and social value factors); the presence of special purchasers; clawback and overage clauses
- Likelihood of finding a purchaser
- Whether a potential purchaser might threaten the special qualities of the asset
- Whether prudent investment prior to disposal might result in a higher net return
- Market context: is it a good time to sell?
- Reputational risk: will we be criticised for disposing? Could this criticism be justified?

## **1.2 Use of the Policy**

The policy was the foundation of the 2018/19 asset review: a framework for considering the future of each and every property on the asset register. It was anticipated that the asset review process would be repeated at 5-yearly intervals.

All matters of property acquisition and disposal which arise between 5-year reviews will be determined by reference to this policy.

## **1.3 Estate Strategy**

An Estate Strategy is currently being drafted. The strategy will provide vision, ambition and objectives across the Estate ensuring retained assets will deliver the National Park's purposes.

Whilst the Estate Strategy is emerging and in the context of the current financial situation, a high-level review of the Estate has revealed the following assets, the retention of which, is not consistent with the adopted Retention and Disposal Policy. Please refer to Appendix 1 for additional information about the properties and Appendix 2 for their location within the National Park.

**i) Cosgate Hill**

This property which extends to approximately 58.56 acres (23.7ha) comprises an area of moorland, the top of which forms a ridge between Ashton Cleeve and Coscombe.

**ii) East Anstey Common**

This property, which extends to approximately 138.38 acres (56ha) comprises an area of grazing land.

**iii) Hawkrige Ridge Wood**

This property, which extends to 3.70 acres (1.5ha) comprises a small parcel of woodland, located in the parish of Withypool, that makes up part of the larger Hawkrige Ridge Wood.

**iv) Timberscombe Wood**

This property, which extends to approximately 7.37 acres (3.1ha), comprises a narrow band of woodland, part of a larger wood, near Timberscombe.

**v) Tudball Platts**

This property, which extends to 2.7 ha comprises a small parcel of land which includes a former field boundary of probable post-medieval date.

**vi) Weir Cleeve**

This property, which extends to approximately 13.74 acres (5.56 ha), comprises an area of woodland on the outskirts of Dulverton, running along Northmoor Road.

**vii) School playing field at Exford**

This property which extends to approximately 0.32 acres (0.13ha), comprises a small area of maintained grass, located opposite ENPA's depot in Exford.

**2. Proposal**

Assuming consent is granted in principle by the Authority, the proposal will be to progress the disposal of the assets identified within this report. This will involve preparing the necessary groundwork prior to marketing the assets. Preparations would include:

- gaining independent valuations of each asset;
- further discussion with Devon County Council legal services (including an estimate of costs of sale);
- consideration towards reactive press statements together;
- initial discussions with potential purchasers; and
- Obtaining fee quotes and marketing proposals from selling agents.

**2.1 Best Value**

It is important to note that the Authority will be looking to secure best value on the sale of these assets.

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.

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 completely independent opinions of value will be sought.

At the time of writing the District Valuer (DV) has not been instructed to prepare valuations of the mentioned properties.



### **3. Conclusion**

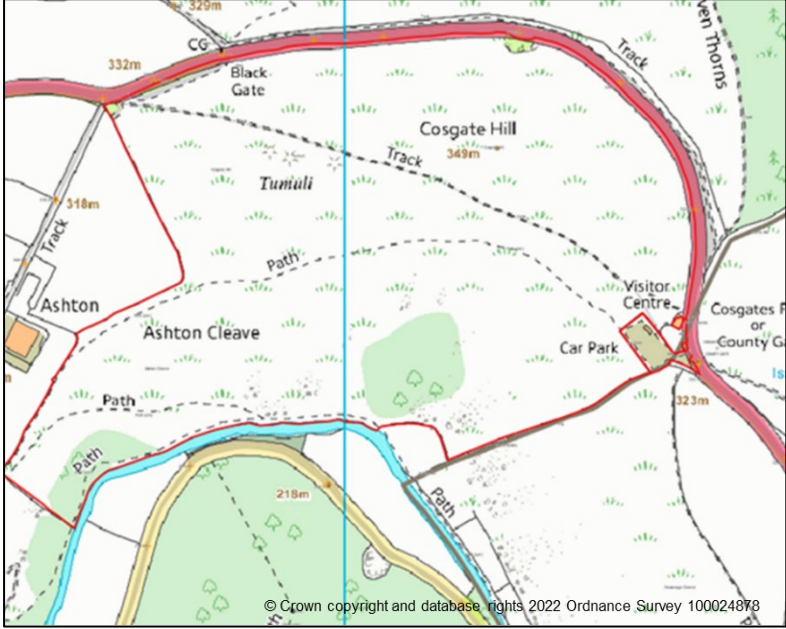
It is unlikely that the retention of the assets identified in the paper will deliver the purposes of the National Park or provide significant annual income. Therefore, disposal of the assets will minimise ongoing liabilities and produce a necessary capital receipt.

### **4. Recommendation**

It is recommended that the Authority consents in principle to progress these disposals, subject to valuation and resolving any potential issues.

## APPENDIX 1: ENPA SUGGESTED DISPOSALS

COSGATE HILL	
<b>Description</b>	<p>Area of moorland, the top of which forms a ridge between Ashton Cleeve and Coscombe. Ashton Cleeve falls sharply through a wooded fringe to the East Lyn River. Bounded on the north side by the A39. Open moorland dominated by gorse. Ungrazed at present (used to be managed by swaling).</p> <p>Popular as a starting point for walks, with outstanding views into the river valley.</p> <p>Hunting rights reserved.</p>  

	
<b>Area Size</b>	23.7 ha
<b>Contributions to Park Purposes</b>	Minimal at present as this area is not actively managed or in any land management plan.
<b>Designations</b>	Exmoor Coastal Heath SSSI.
<b>Enhancement</b>	<p>The roadside is unfenced which makes it impossible to graze. Fencing has been resisted on landscape grounds, but it probably could be done sensitively. Grazing would improve the sward and might permit access to agri-env funding.</p> <p>Invisible fencing could be operable here once technology more reliable.</p>
<b>Income generating</b>	No.
<b>Liabilities</b>	Provides access to private water supply.
<b>Complexity of disposal</b>	Legal have confirmed there are no issues in disposing of this title.
<b>Reason for recommendation</b>	Under utilised.

## EAST ANSTEY COMMON

### Description

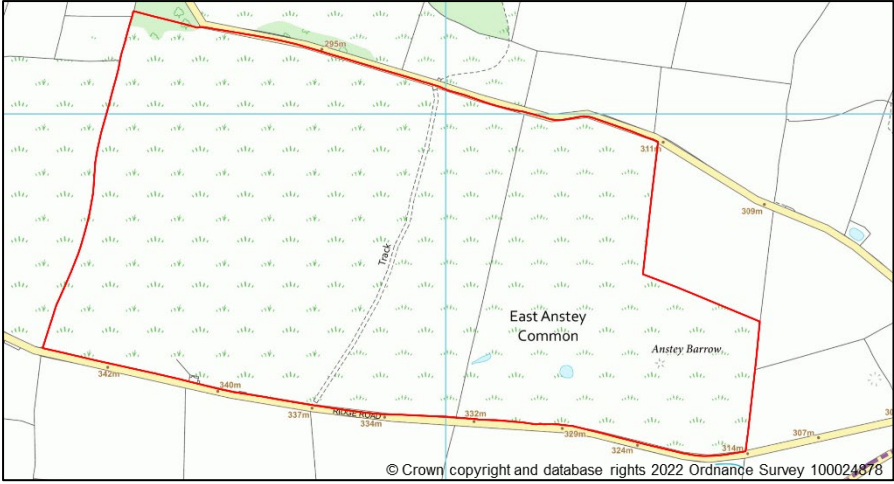
Despite the name, the land is not believed to be a common. In the 2007 Estate Review, this parcel of land was identified as one which might be considered for disposal at the end of the tenancy. The tenant was subsequently served a NTQ in 2012.

Disposal of the land never took place, and it is assumed this was done due entering the land into a Higher Level Stewardship Scheme.

Hunting Rights with Badgworthy Land Company.





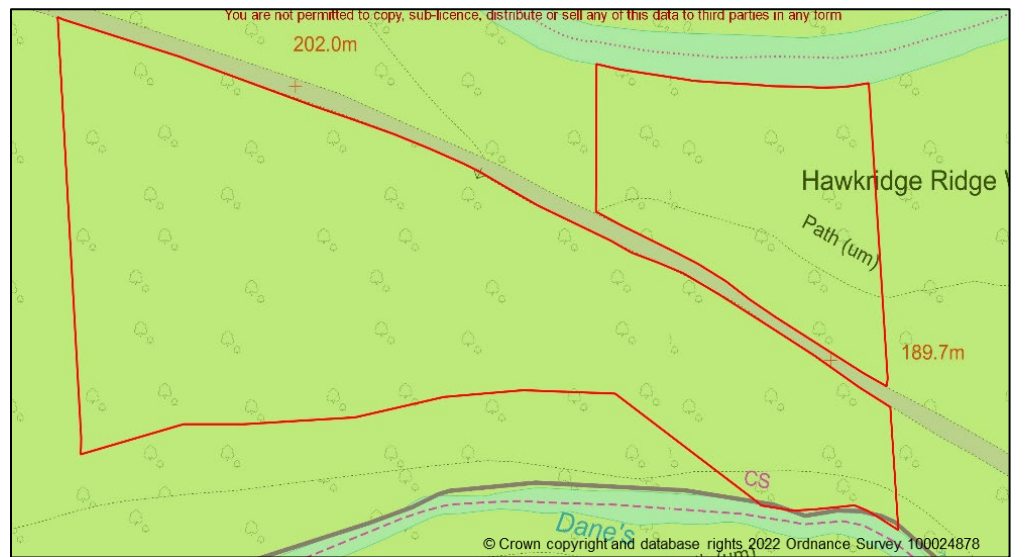
	
<b>Size</b>	56ha.
<b>Contributions to Park Purposes</b>	Features, such as barrows, appear in this landscape contributing to the sites historical value.
<b>Designations</b>	South Exmoor SSSI.
<b>Enhancement</b>	There is potential for this land to be let on an FBT or grazing licence. It is unclear why this was never pursued after the end of the last FBT, and disposal was not advanced.
<b>Income generating</b>	HLS Scheme - £3,212.52 pa.
<b>Liabilities</b>	N/A.
<b>Complexity of disposal</b>	Legal have confirmed there are no issues in disposing of this title.
<b>Reason for recommendation</b>	Outlier on the Estate, in an isolated location.

## HAWKRIDGE RIDGE WOOD

### Description

A small parcel of woodland, located in the parish of Withypool, that makes up part of the larger Hawkridge Ridge Wood.

Sporting rights including fishing in-hand.



### Size

Approx. 1.5ha

### Contributions to Park Purposes

This parcel connected areas previously within the Barle Valley Lease, which sought better woodland management for nature.

However, the Barle Valley lease ended April 2022.

### Designations

Barle Valley SSSI.

### Enhancement

Effectively no, as this is no as such a small area. It is also no longer part of a larger area in the management control of the Authority, making enhancement less viable

<b>Income generating</b>	No.
<b>Liabilities</b>	No.
<b>Complexity of disposal</b>	Legal have confirmed there are no issues in disposing of this title.
<b>Reason for recommendation</b>	Small, isolated location and now no longer part of a wider woodland management plan.



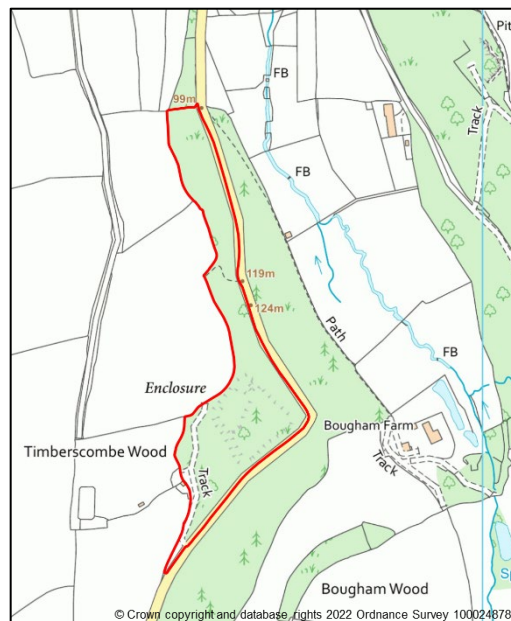
## TIMBERSCOMBE WOODS

### Description

The site is a narrow band of woodland, part of a larger wood, from which it is separated by the Timberscombe – Heath Poulth Cross road. The land has a north westerly aspect and is steeply sloping in parts.

Some of the mature, well-spaced larch are attractive but the majority of the plantation is dense and un-thinned with very little variety or diversity within the crop. From the southern entrance of the wood there is a wide path enclosed by trees leading to the archaeological site, Timberscombe Hill Fort.

The sporting rights are in hand.



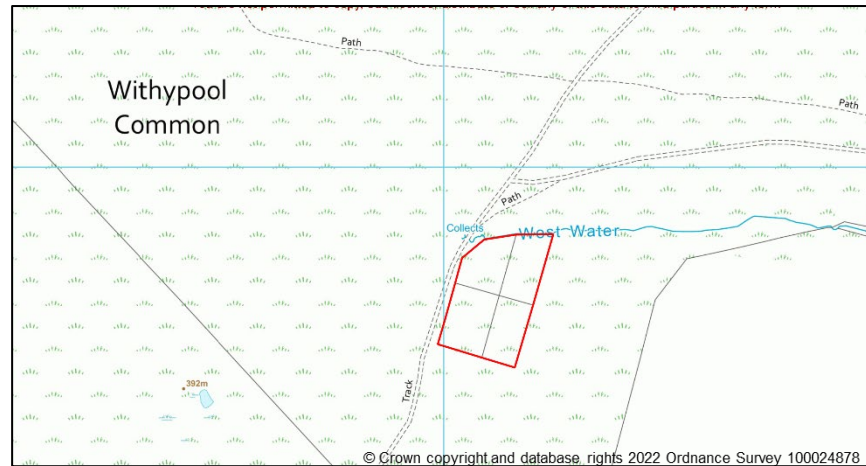
<b>Size</b>	3.1 ha.
<b>Contributions to Park Purposes</b>	1 <sup>st</sup> purpose – ongoing woodland management.
<b>Designations</b>	Section 3 Woodland, PAWS. Historic Hill Fort
<b>Enhancement</b>	Ongoing woodland management plan (2012-2032). The overall objective is to convert the woodland to a native broadleaf character whilst causing the minimum of damage to the landscape and to wildlife habitats. it is proposed to carry out thinning operations over a number of years and allow natural regeneration to develop to convert the woodland to a broadleaved character. Where natural regeneration is insufficient (less than 1100 trees per hectare) re-planting will be carried out.
<b>Income generating</b>	CS agreement – £300 pa (£100 per ha). ENPA retrieves Larch from the site which is used for Estate purposes.
<b>Liabilities</b>	N/A.
<b>Complexity of disposal</b>	None that aware of.
<b>Reason for recommendation</b>	Small, isolated location.

## TUDBALL PLATTS

### Description

Small parcel of land, home to a former field boundary of probable post-medieval date. The boundary is visible on aerial photographs as an earthwork centred on the northeast facing slopes of Worth Hill, Withypool and Hawkridge parish.

The sporting rights are in hand.



### Size

2.7 ha

### Contributions to Park Purposes



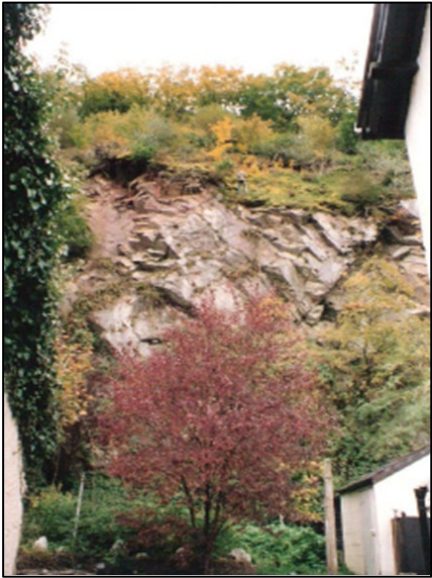
1<sup>st</sup> purpose – conserving cultural heritage.

### Designations

South Exmoor SSSI.

<b>Enhancement</b>	<p>This small plot could be let on an FBT agreement with a neighboring landowner if it was deemed useful to their objectives.</p> <p>Looking to the future, this plot could be included in a wider environmental scheme with neighboring landowners. However, the area is small.</p>
<b>Income generating</b>	No.
<b>Liabilities</b>	No.
<b>Complexity of disposal</b>	None that aware of. However, historical and cultural relevance should dictate protective covenants if deemed necessary.
<b>Reason for recommendation</b>	Isolated location, small area, adding little to no value to Estate and Park purposes.



<b>WEIR CLEEVE</b>	
<p><b>Description</b></p>	<p>Area of woodland on the outskirts of Dulverton, running along Northmoor Road. Rights of way through, offering locals a quite walk along the ridge and through the woodland.</p> <p>The roadside boundary is made up of steep, rocky cliffs, that have previously had stone boulders fall, endangering those that live below.</p> <div style="display: flex; justify-content: space-around;">   </div> 
<p><b>Size</b></p>	<p>5.56 ha.</p>
<p><b>Contributions to Park Purposes</b></p>	<p>1<sup>st</sup> purpose - woodland management.</p>
<p><b>Designations</b></p>	<p>Barle Valley SSSI</p>
<p><b>Enhancement</b></p>	<p>Ongoing woodland management plan (2012-2032).</p>

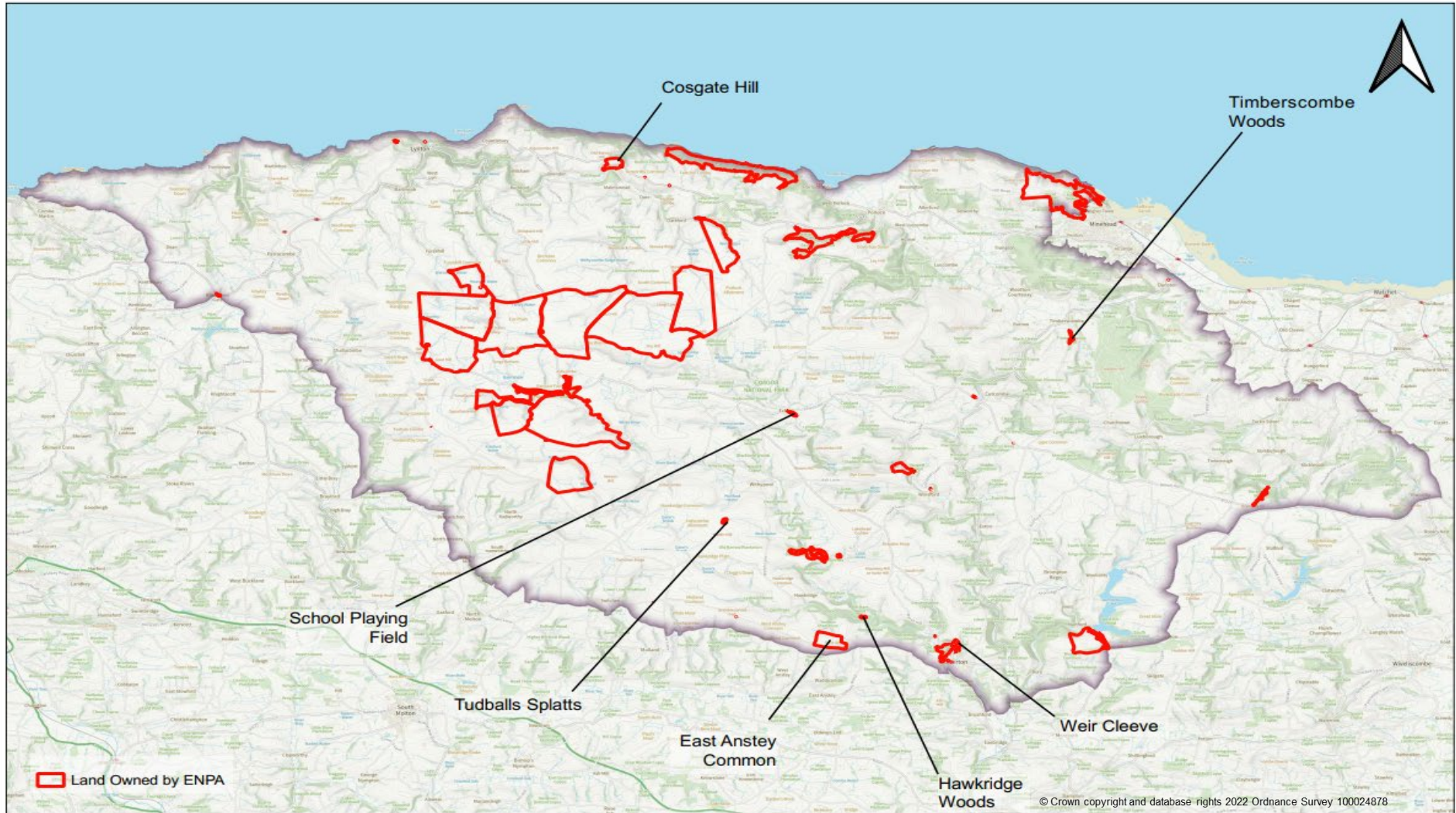
<b>Income generating</b>	CS Agreement - £550 pa (£100 per ha).
<b>Liabilities</b>	High levels of risk and liability. Rock face instability along Northmoor Road. Needs professional condition surveys and works at 'regular' intervals – this work has been ongoing since 2017.
<b>Complexity of disposal</b>	Complex in terms of inherit liability of dangerous slope. ENPA own the woodland, but there were queries over the ownership of the slope. In May 2017, ENPA sought legal counsel which offered the view that <i>"It is very likely that ENPA would be found responsible for the rock face"</i> Therefore, ENPA took responsibility of management and works with David Roche GeoConsulting to ensure ongoing safety.
<b>Reason for recommendation</b>	Inherent liability of site

<b>SCHOOL PLAYING FIELD</b>	
<p><b>Description</b></p>	<p>Small area of well-maintained grass, which sits opposite ENPAs depot in Exford.</p> <p>It is offered on licence to the local primary school.</p>  
<p><b>Size</b></p>	<p>0.13 ha.</p>
<p><b>Contributions to Park Purposes</b></p>	<p>Potential 2<sup>nd</sup> purpose contributions, but this is stretching the interpretation of promoting opportunities for understanding and enjoyment of the special qualities of the National Park</p>
<p><b>Designations</b></p>	<p>No.</p>
<p><b>Enhancement</b></p>	<p>No.</p>
<p><b>Income generating</b></p>	<p>£150 per annum.</p>



<b>Liabilities</b>	No.
<b>Complexity of disposal</b>	Legally none identified, but potential sensitivities as involves local community and local amenity.
<b>Reason for recommendation</b>	Does not strictly contribute to park purposes and would offer long term security to school and removes costs (fiscal and time) for ENPA.

## APPENDIX 2: ENPA OWNERSHIP MAP WITH PROPOSED DISPOSALS HIGHLIGHTED



## EXMOOR NATIONAL PARK AUTHORITY EXMOOR CONSULTATIVE AND PARISH FORUM NOTES

of the meeting of the Exmoor Consultative and Parish Forum held  
on Thursday 17 November 2022 at 10:30am at Exmoor House, Dulverton.

### PRESENT

Mike Ellicott	Exmoor National Park Authority and Chairman of the Forum
Vivian White	Exmoor National Park Authority and Deputy Chair of the Forum
Alan Collins	Withypool and Hawkridge Parish Council
Kevin Connell	Winsford Parish Council
Roger Foxwell	Cutcombe Parish Council
Ron Buckingham	Elworthy Parish Council
Robin Milton	ENPA Member
Steven Pugsley	ENPA Member
Frances Nicholson	ENPA Member
Susan J May	Exmoor Trust
Richard Peek	North Molton Parish Council
Mark Arnold	Resident
Peter Pilkington	Timberscombe Parish Council
Sarah Cookson	Brushford Parish Council
Bill Hodson	Minehead Town Council
Julian Soltau	Withypool and Hawkridge Parish Council
Polly Soltau	Withypool and Hawkridge Parish Council
Richard Partington	Resident
James Wilmoth	Wootton Courtenay Parish Council
Matt Barrow	Devon County Council
J Levenson	Cutcombe Parish Council
Mel Mileham	Winsford Parish Council
M Lock	Resident
E Knights	Resident
Faye Cross	Airband
John Asscott	Resident
Kate O'Sullivan	Exmoor Society

### 1. Apologies for absence were received from:

Louise Crossman	Business Owner
Andrea Davis	ENPA Member
Jeremy Holtom	ENPA Member

### National Park Authority staff in attendance:

Sarah Bryan	Chief Executive
Dan James	Rural Enterprise Manager
Caroline Cook	Communications Officer
Hazel Malcolm	Business Support Officer (Note Taker)

## 2. MINUTES:

The minutes of the Forum meeting held on 15 September 2022 were agreed as a correct record.

**Matters Arising:** There were no matters arising

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

### Fibre Broadband rollout across Exmoor:

- Q.** This rollout has been a disaster from start to finish with never-ending delays and in some cases overbuilding properties already served by fibre. This is all on a background of having to overbuild fibre on top of Airband fixed wireless in for example Bury because whilst Airband fixed wireless was meant to serve pretty much all of Bury, planners failed to account for the fact there was a conifer plantation in the way which meant that only a third (if that) of properties in Bury would actually ever be able to order the service. I was extremely happy when it was announced that Bury would be included in this Gainshare clawback rollout but delays have made the process extremely frustrating. Work essentially only started in March/April 2022 despite the whole project's original completion date being by the end of 2021. Whilst Winsford has been connected, it looks like this was mostly part of an Openreach commercial rollout (if the Openreach website is to be believed) – not to mention that most of Winsford already had FTTC going back years whilst other areas are still on painfully slow ADSL lines. As for the ongoing work, in Bury, we have had fibre installed on all of the telegraph poles to the end of Dyehouse Lane since April, only for the fibre spool to be left in a hedge ever since due to encountering “unexpected problems”. In summary, it's rather frustrating. We have lived through almost 3 years at this point of COVID and had to continue with incredibly slow internet connectivity - when is this Gainshare build going to actually yield a result that makes a difference to the community?

The communication from both Openreach and CDS is appalling and there seems to be no real visibility into what is causing such delay over the original proposed timeline

- A.** This question will be answered during agenda item 4.

## 4. FIBRE BROADBAND ROLLOUT ACROSS EXMOOR.

Matt Barrow, Connecting Devon and Somerset Engagement Officer of Devon County Council and speakers from Openreach and Airband attended to talk about fibre broadband rollout across Exmoor. The Connecting Devon and Somerset Partnership programme exists to bring superfast broadband to parts of the region that wouldn't normally receive superfast broadband. The presentation can be found [here](#)

For any issues connected to the fibre build in the Dulverton area please contact Shaun at [shaun.3.omahoney@openreach.co.uk](mailto:shaun.3.omahoney@openreach.co.uk)

## 5. NATIONAL PARKS UK NATIONAL CONFERENCE:

Sarah Bryan, Chief Executive Exmoor National Park and Dan James, Rural Enterprise Manager for Exmoor National Park provided a summary of the National Parks UK Conference this year hosted by Exmoor NPA at Dunster. The Conference was a big success and staff involved were thanked for their hard work in organising and running

the event, specifically Dan James, Katrina Munro and Judy Coles. Exmoor NPA hosted the conference in a less formal style and at no cost to Exmoor NPA due to Sponsorship. The study tours served to showcase Exmoor; this years National Parks Conference was a grounded conference with some good speakers.

Information about the conference including a summary film can be found on the website [Exmoor - UK National Parks' Conference 2022 \(exmoor-nationalpark.gov.uk\)](https://www.exmoor-nationalpark.gov.uk)

## **6. EMERGING ISSUES OR TOPICS FOR WIDER DEBATE**

These future agenda items were suggested by the Forum:

- Partnership Plan for Exmoor National Park

Forum Members were reminded to send any issues for discussion at future Forum meetings to Hazel Malcolm [hamalcolm@exmoor-nationalpark.gov.uk](mailto:hamalcolm@exmoor-nationalpark.gov.uk)

## **7. DATE AND TIME OF NEXT MEETING**

The next meeting will be TBC.

## **8. OTHER BUSINESS OF URGENCY**

There was none.



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## Appeal Decision

Hearing held on 2 November 2022

Site visit made on 2 November 2022

**by AJ Steen BA(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 24 November 2022**

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### **Appeal Ref: APP/F9498/F/22/3290861**

### **Beach Cottage, Porlock Weir TA24 8PE**

- The appeal is made under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended (the Act).
- The appeal is made by Mr Rupert Lywood against a listed building enforcement notice issued by Exmoor National Park Authority.
- The enforcement notice was issued on 20 December 2021.
- The contravention of listed building control alleged in the notice is without listed building consent, unauthorised removal of render and limewash from listed building exposing the stonework.
- The requirements of the notice are:
  1. Render the property using Natural Hydraulic Lime (NHL 3.5) to all elevations but not to chimney stacks above eaves level.
  2. Limewash the walls using White limewash, at least 4 coats to provide even covering.
- The period for compliance with the requirements is nine months.
- The appeal is made on the grounds set out in section 39(1)(e) and (g) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

**Summary Decision: The appeal succeeds in part and listed building consent for that part is granted, but otherwise the appeal fails, and the listed building enforcement notice is upheld as varied in the terms set out below in the Formal Decision.**

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### **Preliminary Matters**

1. The appeal was made on ground (g). However, the supporting evidence demonstrates that the appellant is seeking to retain the building in its current state, without carrying out the requirements of the notice. That is, in effect, an appeal under ground (e). That was discussed at the hearing and it was agreed that the appeal could proceed on ground (e).
2. My attention has been drawn to the Listed Building Consent granted under reference 6/27/18/103LB for the application of limewash to previously painted elevations. That has expired, but the National Park Authority have confirmed that they would support those works as an alternative to that specified on the listed building enforcement notice.
3. The contravention of listed building control alleged in the notice relates to the removal of render and limewash. Consequently, removal of limewash forms part of the works enforced against. On that basis, I could issue a split decision to require the removal of the render, but require the building be limewashed. I will take this into account in coming to my decision.



**The Appeal on Ground (e)**

4. An appeal on this ground is that listed building consent ought to be granted for the works.
5. Beach Cottage is a Grade II listed building within Porlock Weir Conservation Area. Consequently, the main issue is whether the works preserve the listed building or any features of special architectural or historic interest (or significance) which it possesses and whether the character or appearance of the conservation area has been preserved or enhanced.
6. The previous render and limewash were unsuitable for the listed building and had caused or exacerbated problems with damp within the building. I understand that this has been rectified as far as possible and issues with damp have been minimised. The condition of the building has been stabilised and it is now well maintained. The lack of white limewash or render does not affect the structure of the building. I am able to allow the appeal and grant listed building consent insofar as it relates to the removal of the previous render for that reason.
7. Any effect on the special architectural or historic interest of the building, and on the character and appearance of the conservation area, has arisen from the change to the appearance of the building. The stone and mortar are now exposed rather than covered in render, paint or limewash.
8. Porlock Weir is a small village around a harbour on the Bristol Channel. The land rises behind the harbour. A group of buildings including houses, public house and hotel are located around the harbour and a short distance up the hill are more houses, in particular the terrace at Lane End Cottages. Most of the buildings fronting the harbour are painted or limewashed, predominantly white. I understand that historically the public facing sides of houses in villages in the area tended to be painted or limewashed.
9. Porlock Weir is approached along the coast road from Porlock. There are a few houses set back from the road facing the sea. Beach Cottage is located close to the road and, as such, is prominent on the approach into the village. Combined with Gibraltar Cottages located diagonally opposite on the road, it signals the entrance into the historic centre of the village. The front and side elevations of Gibraltar Cottages are also coloured white. The rear, facing the sea, is unpainted. When coloured white Beach Cottage would stand out in this location, reflecting the appearance of other historic development in the conservation area and contributing to the character of the area. In unpainted stone it recedes into the background to some extent such that it appears somewhat incongruous in relation to most of the other historic development in the village.
10. An historic photograph dating from 1912 or earlier shows a boat on the beach and includes the front of Beach Cottage and Lane End Cottages, and the rear of Gibraltar Cottages in the background. Of the elevations visible, only Beach Cottage and the end cottage at Lane End Cottages were painted white or limewashed. It has been suggested that these two buildings were in line with what was then the entrance to the harbour, so they may have helped guide boats through that entrance. Such a need is no longer required as the harbour entrance has moved since the photograph was taken and as a result of modern lighting and navigation systems. This reason for the colour of the building is no



more than speculation but is possible and supports the fact that the building was white at the time the photograph was taken.

11. The colour of buildings can change over time. Whilst the evidence suggests this building has been white for a substantial part of its history, it isn't necessarily the case that it has always been that colour; it may well not have been painted when first built and I have been referred to photographs when it wasn't white. It is not necessary to consider whether the period of time to which it would be most authentic to return would be when the building was constructed or later. In this case, the white colour of the building was authentic for a significant period prior to its restoration in recent years.
12. I consider that the white colour was significant in terms of the architectural and historic importance of the building. In addition, the white colour is important in the building's contribution to the character and appearance of the conservation area in this prominent position at the main vehicular entrance to the centre of the village. In this regard, I note that remnants of previous white paint remain on stones on the building.
13. However, I note that there are concerns about the appropriateness of limewashing and its effect on the condition of the building. Over time, any limewashing is likely to be stained or washed off by rain, particularly given how the thatched roof has retreated up the building. That is natural and common with limewashed buildings. The building will need regular limewashing in order to maintain its appearance. There are issues with damp within the building but provided appropriate materials are used, this is unlikely to be exacerbated by limewash which does not normally cause material harm to the building. On balance, I consider that any minimal risk does not outweigh the benefits of colouring the building white.
14. The National Park Authority suggest that limewashing would be an acceptable alternative to the requirements of the notice. This would be a less onerous requirement on the appellant. I see no reason to disagree and can take this into account as an alternative. I will, therefore, grant listed building consent for the removal of the render and will take account of the need to limewash the building, that formed part of the development subject of the enforcement notice, in the appeal on ground (g).
15. For the above reasons, I conclude that the removal of the white limewash from the building has not preserved features of special architectural or historic interest which the listed building possesses. In addition, it has harmed the character and appearance of Porlock Weir Conservation Area. However, the removal of the render has benefitted the condition of the listed building.
16. The removal of the white limewash does not, therefore, comply with Policies CE-S4 and CE-D3 of Exmoor National Park Local Plan and paragraphs 194-200 of the National Planning Policy Framework (the Framework) that seek to conserve and enhance the historic environment of Exmoor National Park, including the character or appearance, special interest, integrity and significance of heritage assets. However, removal of the render does comply with those policies.
17. The Framework advises at Paragraph 199 that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

Accordingly, while less than the 'substantial harm' referred to in Paragraph 201 of the Framework, the harm to the listed building and conservation area from the removal of the white limewash is nevertheless a matter of considerable importance in this case.

18. Paragraph 202 of the Framework establishes that, where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The only public benefit in this instance is the removal of the inappropriate render that has benefitted the condition of the listed building. However, that benefit to the material of the building cannot outweigh the identified harm to the character and appearance of the listed building and conservation area from removal of the white colour provided by the limewash.

#### Conclusion

19. For these reasons, I conclude that the appeal under ground (e) should succeed to the extent that listed building consent can be granted for the removal of the previous render. However, as I have concluded that the building should remain limewashed, I will not quash the enforcement notice but will alter the requirements to enable it to be limewashed without the application of render.

#### **The Appeal on Ground (g)**

20. An appeal on this ground is that the requirements of the listed building enforcement notice exceed what is necessary for restoring the building to its condition before the works were carried out. The requirements of the notice clearly seek to restore the appearance of the building to its condition before the works were carried out, albeit using more appropriate materials that will better protect the structure of the building.
21. However, it has been agreed that the alternative scheme of limewashing the building in white would have essentially the same effect on the appearance of the building and would be less onerous to the appellant. I have already concluded under ground (e) that the notice should be amended to enable that work to take place.
22. For these reasons, I conclude that the appeal under ground (g) should succeed to that extent.

#### **Formal Decision**

23. The appeal is allowed insofar as it relates to the unauthorised removal of render and listed building consent is granted for the removal of render at Beach Cottage, Porlock Weir TA24 8PE.
24. It is directed that the listed building enforcement notice be varied by deletion of the requirements at section 5 of the notice and substitution of:
- Limewash the walls on all elevations but not to chimney stacks above eaves level using white limewash, at least 4 coats to provide even covering.*
25. The appeal is dismissed and the listed building enforcement notice is upheld as corrected and varied, insofar as it relates to the unauthorised removal of limewash, and listed building consent is refused for the retention of the works

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carried out in contravention of section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

*AJ Steen*

INSPECTOR

**APPEARANCES**

**FOR THE APPELLANT:**

Rupert Lywood      Appellant

Malcolm Thorman    Contractor

**FOR THE LOCAL PLANNING AUTHORITY:**

Thomas Thurlow      Historic Buildings Officer, Exmoor National Park Authority

Trevor Short          Planning Investigations Officer, Exmoor National Park Authority

Dean Kinsella        Head of Planning, Exmoor National Park Authority

**DOCUMENTS SUBMITTED AT THE HEARING/INQUIRY:**

Document 1:    Drawing stamped by the local planning authority "ENPA Planning File No. 2 A1" and received by them on 13 February 2018



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## Appeal Decision

Site visit made on 9 November 2022

**by Andy Harwood CMS MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 28 November 2022**

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**Appeal Ref: APP/F9498/C/22/3290823**

**Cliffe House, 7 Tors Park, Lynton, Devon, EX35 6NB**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr Anthony Glover against an enforcement notice issued by Exmoor National Park Authority (the Park Authority).
  - The notice was issued on 10 December 2021.
  - The breach of planning control as alleged in the notice is without planning permission and within the last 10 years: A change of use of land from agriculture/forestry to a mixed use comprising agriculture/forestry and the storage of items not associated with that use including metal storage containers timber, a trailer, pipes, tyres and an engine.
  - The requirements of the notice are to: Discontinue the use of the land for purposes unconnected with agriculture/forestry and remove the items stored there including metal storage containers, temporary metal fencing, a tractor, timber, a trailer, pipes, tyres, and an engine.
  - The period for compliance with the requirement is: 3 months.
  - The appeal is proceeding on the ground set out in section 174(2)(d) of the Town and Country Planning Act 1990 as amended.
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### Decision

1. The appeal is allowed and the enforcement notice is quashed.

### Preliminary Matters

2. I have used the address of the site from the notice. Whilst 'Lynmouth' may be a more precise location for the site, the address is not entirely wrong or inaccurate and is clarified by the plan. I have not corrected the notice.
3. The appellant has clarified in writing before the closing date for the submission of appeal statements, that ground (d) is being pleaded rather than ground (b) as set out on the appeal form. It is not therefore disputed that the matters as alleged on the notice have occurred as a matter of fact.
4. There was a single storage container on site when I visited. Due to the limitations of the evidence provided to me, I do not know if the reference to storage containers in the plural within the allegation and requirement is an error or not. I saw inside this storage container and it was being used for storing various items that I will describe further below, rather than the site being used to store the container.

### The Appeal on ground (d)

5. This ground of appeal is that at the time the notice was issued, it was too late to take enforcement action. By reason of S171B(3) of the Act, for a material change of use of land, no enforcement action could have been taken after the end of the period of 10 years beginning with the date that the use commenced.

- The onus in these matters is upon the appellant to demonstrate that the use has been continuous for 10 years, so at least since 10 December 2011. The relevant test is on the balance of probabilities.
6. The appeal site is a parcel of land located on the steep valley side to the north of Lynmouth. It is accessed via the steep, narrow and meandering road up from the village centre that is used to access the Tors Park area. There is a wooden gate and alongside it, the metal storage container which along with fencing separates the land from the road. It appears that the land may have been levelled by cutting into the hillside with the storage container being positioned close to the vertical face of the hillside at this point. The site narrows towards the eastern end which also appears to have been levelled with rocky material being used to build it up on the downhill side. The level of the land therefore drops substantially to the southern edge of this small plateau. I have no evidence before me regarding any of those physical changes to the site or when they were undertaken. I am dealing here with the use of the land.
  7. The appellant doesn't dispute the Park Authority's submissions that describe how in 2017, a metal container was stationed on the site. The Park Authority also refer to a lack of engagement by the appellant when they sought further information from them about the site at that time.
  8. When I visited, I noted a range of items that were being stored in the open to the side and to the rear of the storage container. At that time, some metal site-fencing sections were stacked in a couple of piles, there were timber-planks, pallets and some large drainage pipes. A tractor was parked centrally within the site as well as some other machinery including a pallet-truck. On a trailer towards the rear of the site was what I thought may be a large boiler but the appellant mentioned to me and Park Authority representative that it was in fact an old torpedo. Some maritime related items such as large coiled ropes were outside with others inside the storage container which also had some boat engines, hoses, electric tools, paperwork, tins of paint, coiled wiring, a stack of plastic storage boxes amongst other things. The container also has a corrugated metal sheet across the top of it. Between the top surface of the container and this metal sheet are what appear to be a number of timber oars.
  9. Not much indicates agriculture or forestry activities on site but my visit only gave me a snapshot. There is no dispute about the description of the current mixed-use as alleged. The storage element does not appear to relate to any individual industrial or commercial activity as far as I could tell or from what I can understand from the submissions. It is a generalised storage use. The site does not appear on the Park Authority's records prior to the bringing onto the site of a storage container. Prior to that apart from asking the now appellant for evidence, I am not provided with any details of other investigations about the historic use of the site. The Park Authority state that when they investigated, no evidence was provided to show other items being stored but I am not provided with any letters or formal documents as part of the investigation and do not know what questions were asked of the landowner at that or at any other time over the 10 years before the notice was issued.
  10. The appellant has provided limited evidence to back up their assertion that the site, or 'compound' as they refer to it, was an established storage area from when their family took ownership of the nearby Cliff House in the late 1960s. Their statement was accompanied by 2 letters from local people who refer to

the enforcement notice and I am satisfied from this and the context of what is said, that the writers have understood what site is being referred to. Although these letters do not come with the additional legal safeguards of statutory declarations or affidavits, the writers provide their home addresses and these letters have been presented in evidence with the Park Authority and members of the public having the ability to comment upon their veracity. I am prepared to give these letters limited weight although cannot give them the degree of weight that more legally robust documents would normally get.

11. One of the letters submitted along with the appellant's appeal statement explains that the writer was a Town Councillor between 2011 and 2015, has had businesses in the area and was a delivery driver between 2017 and 2021. This person states that the appeal site "has always been a storage area."
12. Another letter also submitted with the appellant's appeal statement is from a person who lived in the nearby property of Cheswood from 1991 to 1994 with their parents. At that time and after, this person ran the local Post Office until 2000 when they then became a postal worker in the area. They say that the site has been used to store various items such as machinery, car trailers and tractors. They also refer to parking taking place on the site although the degree of that is not clarified.
13. In addition to letters that accompanied the appellant's statement, 2 other people have submitted letters. One of those is a signed and addressed letter from somebody who has known the area since around 2004 and who says they remember the land in question being used for storage since at least 2011 when they started working "up there". Another third-party email which doesn't provide a home address is from somebody who says that they have been leading walks on Exmoor for over 30 years, have known the site in that time and that it has been used for storing machinery and maritime paraphernalia. There are no comments from anyone disputing the appellant's case.
14. There is therefore evidence of the use of the land for general storage of a similar nature to of what I saw at my site visit. That evidence corroborates the appellant's assertion and although the parts of the evidence have limited weight, together they are confirmative of the what the appellant is arguing and is sufficiently precise and unambiguous. Conversely the Park Authority has no evidence to dispute the evidence of the history of storage use on the site. Bringing the container onto site does not appear to have involved a new primary use changing the character of the mixed-use but has enabled storage of items in the dry rather than just outside. I consider therefore on the balance of probabilities that the use as alleged has taken place for more than 10 years prior to the issuing of the enforcement notice.

### **Conclusion**

15. I conclude on the balance of probabilities that the alleged material change of use took place more than 10 years prior to the issue of the enforcement notice and so, at the date that the enforcement notice was issued, the time for taking enforcement action as set out in section 171B(3) of the 1990 Act as amended had expired. The appeal succeeds on ground (d) and the notice must therefore be quashed.

*Andy Harwood*

INSPECTOR



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## Appeal Decision

Site visit made on 9 November 2022

by **Andy Harwood CMS MSc MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 28 November 2022**

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**Appeal Ref: APP/F9498/C/22/3297708**

**Culbone Stables Inn, Porlock, Minehead, Somerset TA24 8JW**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended (the Act). The appeal is made by Mr Rupert Martin against an enforcement notice issued by Exmoor National Park Authority (the Park Authority).
  - The notice was issued on 18 March 2022.
  - The breach of planning control as alleged in the notice is without planning permission: Within the last four years, the replacement of timber windows and timber doors with uPVC windows and doors.
  - The requirements of the notice are to:  
Remove the uPVC windows and uPVC doors and replace them with windows and doors that are only constructed from natural timber and match the design, size, colour, moulding form, glazing layout, manner of opening and ironmongery as the existing timber windows and doors in the building.
  - The period for compliance with the requirement is: 6 months.
  - The appeal is proceeding on the grounds set out in section 174(2)(a), (f), (g) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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### Decision

1. It is directed that the enforcement notice is corrected by:
  - At section 3, deletion of the matters which appear to constitute the breach of planning control and their replacement with:  
  
Within the last 4 years, the replacement of 3 windows in the north-eastern elevation, 1 window in the south-eastern elevation and a door and window in the porch attached to the north-eastern elevation from timber to uPVC windows and door.
  - At section 5, delete each reference to 'doors' and replace each of them with 'door'.
2. Subject to the corrections, the appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

### Preliminary Matters and Getting the Notice in Order

3. The allegation refers broadly to the replacement of timber windows and doors without specifying which ones. An enforcement notice should be precise so that the person in receipt of it knows what they have done wrong, with the requirements then needing to ensure that they know what the need to do to achieve the purpose of the notice. As it stands the notice is insufficiently



precise but I have broad powers to correct any defect, error or misdescription in an enforcement notice or can vary the terms under the provisions of s176(1)(a) and (b) of the Act, if I am satisfied it would not cause injustice to the appellant or the local planning authority.

4. It is reasonable to consider that the appellant who still occupies the building knows what windows and door they have changed without planning permission. The Park Authority has visited the site and will know what the alterations are but have unfortunately framed the terms of the notice too broadly and non-specifically. My concern about the lack of precision is due partly due to how it could affect future action for non-compliance and also because of the deemed application for planning permission.
5. I have canvassed the views of the main parties who have confirmed more precise terms. I am satisfied that it would not cause injustice to the appellant or the Park Authority to frame the notice in reduced terms making it clear which windows have been changed and which should be changed back. It is the windows within the north-eastern elevation and 1 window in the south-eastern elevation and a single door and window in the porch on the north-eastern elevation that the Park Authority has confirmed the notice should be directed against. Accordingly, I will correct the allegation. I will also correct the requirement to refer to 'door' in the singular.

### **The Appeal on ground (a)**

6. I have to consider whether planning permission should be given for what is alleged on the enforcement notice, as corrected.

#### *Main Issues*

7. The main issue is the effect of the development on the character and appearance of the main building on the appeal site and surrounding area.

#### *Reasons*

8. The appeal site is a 2-storey detached building which is positioned close to the A39 with a narrow, raised grassed verge between the north and north-east side of it and the carriageway of the road. To the south and south-east of the building, a bridleway leads around the back of the building and the car park that is open with few physical obstructions of views toward the building. This is a very rural area. Attractive, rugged moorland is interspersed with the occasional buildings such as that on the appeal site and the property on the opposite side of the road.
9. The officer report leading to the issuing of the notice refers to the building being a former public house which is present on 19<sup>th</sup> century 1<sup>st</sup> edition Ordnance Survey maps. The Inspector who dismissed the previous appeal on this site to retain uPVC windows and doors that had been installed by that time in November 2020<sup>1</sup>, refers to evidence that they had been given regarding the building being on the Park Authority's Historic Environment Record. These matters are not disputed by the appellant. In my view the traditional basic form of the building does contribute positively to the character and appearance of the area in a prominent position close to the road and the bridleway. The

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<sup>1</sup> APP/F9498/W/20/3257315

building is distinctive and has some significance in terms of the cultural heritage of Exmoor National Park.

10. Policy GP1 of the Exmoor National Park, Local Plan 2011-2031 (including minerals and waste policies), adopted July 2017 (LP) sets out what is required to achieve the duty to have regard to conserving and enhancing the cultural heritage of the National Parks<sup>2</sup>. The National Planning Policy Framework (the Framework) states that as well as great weight needing to be given to conserving and enhancing landscape and scenic beauty in National Parks, the same should apply to cultural heritage. In addition, LP Policy CE-S6 states that development proposals should deliver high quality sustainable designs that conserve and enhance the local identity and distinctiveness of Exmoor's built and historic environment.
11. The uPVC windows that have been installed within the appeal building are the same light green colour as the remaining timber windows. When compared with the casements of the remaining timber windows, the replacement windows have a similar vertical emphasis. The casements and top windows together also have a similar 8 light arrangement. There are therefore some similarities between the broad design of the replacement windows with the timber windows that remain. I have no evidence about the precise windows that have been replaced but there seems no dispute that they were of a similar design as those that remain.
12. As well as the broad similarities to the remaining wooden windows, the uPVC windows and doors have a very different appearance with chunkier, wider frames and glazing bars, less simple joinery with obvious mitred joints and moulding details. Even though finished in the same hue of green, the uPVC windows have a glossier finish which I recognise may in part be due to the decoration being newer but the smooth unnatural surfaces are also a distinctive characteristic of uPVC without the more organic, less uniform texture of timber.
13. Whilst the building retains its traditional general form and appearance, its significance to the character and appearance as well as cultural heritage of the area has been undermined by the replacement windows and door. The details of the changes that undermine the integrity of the building are noticeable primarily from the road but the changes on the south eastern in particular are also noticeable from the bridleway. Drivers of cars travelling quickly past the site on the A39 may have limited opportunity to notice the changes. However, the modern alterations are very obvious and would be noticed by more cautious drivers as well as other people walking and cycling along the road or using the bridleway and even by the passengers of those passing vehicles enjoying the scenic beauty of the National Park.
14. I have been provided with very limited details of other developments within the National Park where uPVC windows, facias and doors have been allowed by the Park Authority. One of the descriptions indicates 'lawful development' which implies that it was not an application for planning permission. However, I have no evidence about what the key issues were in these cases or how the decisions were reached. These sites do not provide an overriding influence upon the character and appearance of Exmoor National Park even if one of them at 1 Forge Cottages is prominent and another is a community building, they do not alter the physical or policy context within which I am considering

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<sup>2</sup> Environment Act 1995, Part III, s62

this appeal or the specific building I am dealing with here. Furthermore, as the Park Authority clarify, there are circumstances when they do accept alternatives to traditional materials, that is generally when it involves non-traditional buildings unlike in this case.

15. In relation to the main issue, the development as alleged has had a harmful effect upon the character and appearance of the main building on the appeal site and upon the surrounding area. This does not conserve or enhance the cultural heritage or special qualities of the Exmoor National Park, its historic environment and natural beauty and does not reflect traditional vernacular architecture or local distinctiveness. LP Policies GP1, CE-S1, CE-D1, CE-S4 and CE-S6 would not be complied with. Accordingly, I give great weight to the harm to the scenic beauty and cultural heritage of the National Park as required by the Framework.

#### *Other matters*

16. The appellant draws attention to the environmental benefits of the windows as installed which are 'A' rated. I have not been provided with any Energy Performance Certificate to demonstrate the comparative energy efficiency benefits once installed of uPVC windows in comparison with those that preceded them or whether new timber windows or repairs to the replaced windows could have achieved similar benefit. I also have no evidence about the relative energy related benefits of the different materials over the lifetime of the alternatives from manufacture to disposal once their useful life ends. I have insufficient information therefore to reach a view about whether the uPVC windows and door contribute positively to the Park Authority's pledge toward carbon neutrality, in comparison with timber replacement windows of an appropriate design or whether the development future proofs climate change impacts that exceed the Building Regulations as required by LP Policy CE-S6 sections 2(c) and 3 or suitable climate change mitigation as required by Policy CC-S1. The appellant uses the term "sustainability" as a title for this topic area in their statement but in the context of planning decisions, the Framework makes it clear that the environmental objective is just 1 of 3 objectives which together form the overarching sustainability objective of the planning system.
17. Other investment in the Lillycombe Estate and the high standard of workmanship in various projects is not in dispute in this case. What is not demonstrated by any evidence is how critical this development has been to enabling or assisting in those other improvements to the estate or what the public interest benefits are, as a result, that should weigh in favour of this development. I also have no evidence of the effect of the costs of compliance with the notice would be upon the appellant's overall business.
18. The appellant has expressed concerns about how the previous planning application was considered by the Park Authority due to Covid-19 measures limiting attendance at the planning committee meeting that led to that refusal. It is not for me to review that matter and even if some members of the committee were not able to vote, this would not alter my view of the merits of the case. It was also a separate decision to issue an enforcement notice and it is well established that an Inspector has no jurisdiction to review the expediency to issue an enforcement notice by a Local Planning Authority.
19. These other matters do not outweigh my conclusion on the main issue.

*Conclusion*

20. For the reasons set out above, having had regard to the development plan as a whole and all other material considerations, I conclude that the appeal on ground (a) fails.

**The Appeal on ground (f)**

21. The appeal on this ground is that the steps required exceed what is necessary to achieve the purpose of the notice. The notice requires the installation of new windows rather than the insertion of the previous windows. This in my view can only therefore be interpreted as having the purpose of remedying injury to amenity caused by the breach.

22. The appellant has repeated much of their arguments about the planning merits of the case within this ground. I have considered those merits under ground (a) and do not consider that it is necessary to repeat them here. I have not been provided with an alternative requirement for the notice that would achieve the same purpose other than the retention of the unauthorised windows and door.

23. The appeal on ground (f) therefore fails.

**The Appeal on ground (g)**

24. The appeal on this ground is that any period specified in the notice falls short of what should reasonably be allowed.

25. The appellant cites difficulties in obtaining construction materials and other construction industry problems for requesting 24 months to require rather than the existing 6 months. That would be an exceptionally period. I have no specific evidence to show that 6 months is not going to be sufficient time.

26. Given the date on which this decision is issued, 6 months would require compliance prior to the height of the summer tourist season. I have no evidence about how safety plans during the construction work would result in disproportionate and inconvenient highway measures. The appellant does have experience in changing the windows closest to the road and I have not been told for example what measures were required when they undertook that work.

27. I have reached the conclusion that the unauthorised windows and door cause harm to the character and appearance of the area which is within a designated National Park. I give great weight to the harm to the scenic beauty and cultural heritage of the National Park as required by the Framework.

28. I consider that 6 months strikes a reasonable and proportionate balance and the appeal on ground (g) therefore fails.

**Conclusion**

29. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with corrections and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

*Andy Harwood*

INSPECTOR



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## Appeal Decision

Site visit made on 16 November 2022

**by Juliet Rogers BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 05 January 2023**

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**Appeal Ref: APP/F9498/W/22/3291591**

**Garson House Care Home, No 7 Lee Road, Lynton, Devon, England  
EX35 6HU**

- 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 Russell Boundy of Garson House Care Home against the decision of Exmoor National Park Authority.
  - The application Ref 62/41/21/034, dated 29 September 2021, was refused by notice dated 13 January 2022.
  - The development is a wooden garden summer house.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The application form confirms that the development was been completed prior to submission and that the Council have assessed the scheme retrospectively. Whilst I observed that the summer house had been stained a dark brown colour, this has been acknowledged in the Council's statement of case. Therefore, I do not consider either main party will be prejudiced by determining the appeal scheme retrospectively.
3. Within my decision, I have taken into account that age is a relevant protected characteristic for the purposes of the Public Sector Equality Duty contained in Section 149 of the Equality Act 2010 (the PSED). The PSED requires due regard to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and to foster good relations between persons who share a relevant protected characteristic and persons who do not share it. I refer to this matter further in the Planning Balance section below.

### Main Issue

4. The main issue of this appeal is the effect of the summer house on the character and appearance of the area, taking into account its location with the Lynton Conservation Area (LCA) and nearby heritage assets.

### Reasons

5. The appeal site is located within the LCA on Lee Road and close to three listed buildings. As a result, I am required by Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to pay special attention to the desirability of preserving or enhancing the character or

- appearance of that area and preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.
6. Covering the extent of the town from the early twentieth century, the significance of the LCA, as set out in the Lynton Conservation Area Appraisal Document (2019) "is rooted in the transition from medieval village to a 19th century holiday resort and small town with a strong civic focus." Within the LCA, and particularly along Lee Road, there is a variety to the massing and height of the built form and a sloping topography with a contrasting openness and enclosure of the streets. On the appeal site side of Lee Road the built form of Garson House, Lynton Town Hall and the buildings beyond are set back from the highway creating a sense of openness in this part of the LCA.
  7. The appeal site comprises a substantial two storey detached former residential building, now the Garson House Care Home (Garson House). Garson House is identified within the Council's Officer Report as a Locally Important Unlisted Building and is therefore an undesignated heritage asset. Although alterations, including modern window frames, have been made to it, I consider its significance to be mainly derived from its substantial form, an octagonal double height turreted bay and an elevated relationship to Lee Road.
  8. Also on Lee Road, adjacent to the site, are three listed buildings comprising; the Town Hall (Grade II\*); the former Methodist Church (Grade II\*); and boundary wall, rails and war memorial (Grade II).
  9. From the evidence before me, including the listing descriptions, I consider the significance/special interest of the Town Hall is largely derived from its age, the quality of its Art Nouveau detailing and its civic function. I also consider the significance/special interest of the adjacent former Methodist Church to be largely derived from its age, the quality of its Art Nouveau detailing, and its civic function connected to its past use. Although separately listed, the boundary wall, rails and war memorial are located to the front of the Town Hall and, as such, they are experienced together. Therefore, their significance/special interest is largely derived from their association with the Town Hall and, in relation to the memorial, its function as a focal point for commemoration.
  10. The significance/special interest of these listed buildings is experienced in views in both directions along Lee Road and within their curtilages. The grand Town Hall creates a striking landmark feature which, combined with the former Methodist Church, provide contrasting architecture in the streetscene. Both buildings are set back from Lee Road, in elevated positions, further emphasising their prominence and civic importance. In these respects, the setting provided by the setback and elevated positions of the listed buildings makes a positive contribution to their significance/special interest. The architectural quality and civic importance of the listed buildings also make a significant contribution to the character and appearance of the area.
  11. Due to the sloping topography, the frontage of the appeal site is bounded by a stone retaining wall that has ground cover spilling over it. The elevated grassed area behind, including the mature trees within it, create a verdant character and appearance in this part of Lee Road. That verdant character softens the vistas towards the Valley of the Rocks Hotel, where the narrowed highway is enclosed by buildings, and towards the group of listed buildings in the opposite direction. Combined with their elevated position, the spacing of the trees provides pedestrians along Lee Road clear views into the garden area and



- Garson House beyond. From vehicles immediately adjacent to the site, this view would be restricted by the height of the boundary wall.
12. The summer house is sited close to Lee Road, within the open garden area and set in a short way from the side boundary nearest to the Town Hall. It is predominately constructed from wood that has recently been stained a dark brown colour similar to the barge boards on the Town Hall, with dark felt roofing. It is not attached to Garson House and has a functional design with a typical summer house appearance. As such, I consider that is not an uncommon feature to a residential setting and therefore find that the significance of the Garson House is preserved. Nevertheless, the summerhouse is sited in close proximity to Lee Road. Moreover, even though a timber summer house is a common feature in a residential setting it contrasts with the built form in the immediate vicinity and appears incongruous in the street scene.
  13. Given the timing of my site visit in November, the deciduous trees and bushes had lost some of their foliage and therefore only partially screened the summer house, particularly on the side boundary closest to the Town Hall. During other months of the year, when the existing trees and bushes are in full bloom, the summer house would be screened further, particularly to its rear. However, its elevated location and the curvature of Lee Road means that the summer house is clearly apparent in the vista towards the group of listed buildings, which includes the Town Hall, from outside the Valley of the Rocks Hotel when the landscaping is not in full leaf. Even during the summer months, it would be apparent in this vista, visible between the trunks of the trees on the frontage of the appeal site. As a result, the summer house introduces a built form feature into the verdant and lush part of Lee Road which materially erodes the contribution that its verdant and open character makes to the character and appearance of the area.
  14. The incongruity of the summer house in the street scene also distracts from the architectural quality, civic importance and communal value of the group of listed buildings in the vista from Lee Road. The level of intervisibility would alter during the year due to the landscaping on the appeal site but as stated previously the summer house is apparent in the vista towards the listed buildings. Consequently, I consider that it harms the contribution that setting makes to the special interest/significance of the listed buildings. The special interest/significance of those listed buildings is therefore not preserved.
  15. Whilst the garden is not devoid of structures, with a concrete service chamber/tool shed located close to the summer house, as this structure is set further away from the front boundary and of a significantly smaller scale, it is less prominent in the streetscene. Furthermore, I have limited information before me providing details of the age of the tool shed or the planning regime in place at the time of its construction.
  16. I appreciate that the orientation of Garson House allows the garden area to form part of the care home service provision. Whilst the appellant considers there to be no level ground adjacent to the house which would provide an alternative location for the summer house, this does not justify unacceptable development. Additionally, the minimal use of glazing does not alter the prominence or visibility of the summer house.

17. Although a condition could be imposed requiring planting along the frontage to screen the summer house, this would take time to establish and also reduce the openness of this part of the LCA. Whilst the appellant may have discussed this approach with a Council officer, this does not bind the Council to a particular outcome. Given the proximity of the summer house to the road frontage and the isolated location of the structure away from Garson House, removing the veranda would not significantly change its effect on the streetscene.
18. I have found that the summer house preserves the significance of the undesignated heritage asset. However, I have found that it harms the character and appearance of the LCA and the special interest/significance of the listed buildings. In the language of the National Planning Policy Framework (the Framework), the development results in less than substantial harm to the significance of the designated heritage assets on the basis that the development would harm only part of their significance. In those circumstances, paragraph 202 of the Framework states that this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. I have attached great weight to the desirability of avoiding any such harmful effect. I will return to this matter below.

### **Planning Balance and Conclusion**

19. As advised by paragraph 202 of the Framework, less than substantial harm should be weighed against the public benefits of the development. It is a positive consideration that the summer house provides additional space for residents of the care home, their families and the staff. However, this does not amount to a public benefit that is available to the wider community, even considering the positive feedback from the community and medical professions about the service the care home provides. Additionally, although not as large, flexible nor desirable as the summer house, other indoor spaces where similar activities could be undertaken are available in the care home. Furthermore, any indirect public benefit from the reduced pressure on local NHS services due to the summer house is limited given the small scale of the care home. Therefore, I attach modest weight to the public benefits arising from the development.
20. Nevertheless, in my view, the weight attributed to the public benefits identified above does not outweigh the great weight to be given to the harm to the heritage assets. As a result, the summer house does not satisfy the requirements of the Act, paragraph 197 of the Framework and it conflicts with policies GP1, CE-S1, CE-S4, CE-S6, CE-D1 and CE-D3 of the Exmoor National Park Local Plan 2011-2031 (2017) (the Local Plan). These policies, amongst other aspects, require development to complement the distinctive character of the area, and conserve or enhance the significance of the Authority's heritage assets.
21. I also find conflict with Chapters 12 and 16 of the Framework in respect to the need for new development to be sympathetic to the character and appearance of its surroundings, including the historic environment.
22. On the decision notice, the Authority refers to Policy GP4 of the Local Plan. As this relates to the efficient use of land and buildings it is not determinative in this appeal. Similarly, Policy HC-S7 is not determinative as it refers to

- proposals for new residential institutions and extensions to existing buildings, rather than standalone structures.
23. Section 38(6) of the Planning and Compulsory Purchase Act 2004 indicates that if regard is to be had to the development plan for the purpose of any determination to be made under the planning acts the determination must be in accordance with the plan unless material considerations indicate otherwise. For the reasons set out above, the development proposed is contrary to the development plan. It is therefore necessary for me to consider whether there are any material considerations of sufficient weight to indicate that determination should be made otherwise than in accordance with the development plan.
24. The PSED explains that, advancing equality of opportunity involves having due regard, in particular, to considerations including the need to remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; and to take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it.
25. Clearly the Government restrictions and guidelines imposed as a result of the coronavirus pandemic have impacted on the daily operations of the care home and caused distress to residents, staff and their families. Given that Garson House is not a purpose built care home, I recognise the challenges the appellant has experienced to accord with the aforementioned restrictions. I therefore acknowledge that the summer house provides important operational, wellbeing and health benefits to the residents of the care home, their families and the staff working there. These benefits weigh in favour of the grant of planning permission.
26. However, this must be balanced against the harm I have identified above. Furthermore, I cannot be certain that these benefits could not be achieved by alternative means. Moreover, whilst the restrictions on the operation of the care home could change over time, the harm I have identified above would remain and could not be overcome through the imposition of conditions.
27. Having had due regard to the PSED and all matters raised, the harm I have identified above outweighs the benefits of the summer house in terms of eliminating discrimination against persons with the protected characteristic of age, advancing equality of opportunity for those persons and fostering good relations between them and others. Consequently, it is proportionate and necessary to determine the appeal in accordance with the development plan and to dismiss the appeal.

*Juliet Rogers*

INSPECTOR

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## Committee Report

Application Number:	6/25/22/104
Registration Date:	23 Mar 2022
Determination Date:	07 Feb 2023
Applicant	Ms A Marsden, National Trust
Agent:	
Case Officer:	Mr Curtis Badley
Site Address:	Cloud Farm Camping, Oare, Lynton, EX35 6NU
Proposal:	(Amended Description) Proposed extension to the existing campsite to include 6 new electric hook-up pitches and 6 new camping pods
Recommendation:	Application Approved
Reason for bringing before Authority Committee:	The application has been referred to committee as the officers recommendation of approval is contrary to the Lynmouth & Lynton Town Council and the Brendon & Countisbury Parish Council views to refuse the application.

### Relevant History

6/25/20/107 Lawful development certificate for the use of the property as a caravan and camping Approved - 03/09/2021

6/25/21/104 Proposed replacement of overhead power lines with underground 3 phase electrical wire - Approved with Conditions 10/18/2021.

6/25/22/101 Advertisement consent for the proposed erection of 4 no. signs. Approved with Conditions 04/28/2022

### Site Description & Proposal

Cloud Farm is located to the south of Malmsmead and is accessed via a long track that also serves Badgeworthy Cottage. The 1.8ha site includes a camping and caravanning site, farmhouse, several holiday cottages, and a range of agricultural buildings. The National Trust purchased the site in early 2020 and as part of its running of the site, opens the campsite between the months of April and October each year.

Prior to National Trust ownership, it is understood that the campsite and caravan site operated at a maximum capacity of 110 tents and 10 caravans/motorhomes throughout the year without the benefit of planning permission. Upon purchase, the

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National Trust submitted and were granted a certificate of lawfulness (reference: 6/25/20/107) for the siting of up to 50 tents and up to 8 caravans/motorhomes all year round.

The site currently operates with a maximum capacity of 82 pitches, up to 50 tents and 8 caravans/motorhomes throughout April to October. A further 24 tents are sited on land to the north-eastern part of the campsite for up to 60 days (no longer than 42 days consecutively) within the same period. These additional 24 tents are provided for camping under an exemption certificate granted by Natural England (exempted under section 269 of the Public Health Act 1936) and are sited upon land outside of the Lawful Development Certificate but indicated to have also been used for camping under the historic ownership.

The application site (as amended) concerns several camping fields to the north-eastern part of the existing campsite and this area is used for up to 60 days per year as detailed above. The current application seeks planning permission for the proposed extension to the existing campsite to include 6 new electric hook up pitches and 6 new camping pods. The scheme has been amended and reduced to address comments received during the initial public consultation period. In addition to these amendments, additional information has been compiled and submitted in support of the application.

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## **Consultee Representations**

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### **Responses received based upon the original planning submission for 6 new camping pitches, 10 new electric hook up pitches and 6 new camping pods.**

#### **Somerset County Council Highways Authority:**

Further consideration is required as the red line of the application site does not extend to the adopted public highway, on the Rights of Ways

#### **Somerset County Council Highways Development Control:**

Comments received which outline the scope of the application and the sites access served by a no through road (which is a Public Right Of Way) and extends to a classified road named Hookway Hill. Concerns are raised to the use of the 'largely of single width with very limited passing areas that also involved navigating over two narrow bridges, which would not be suitable for larger vehicles' along the access road. A note is provided which recommends directional signage to promote the primary route via Hookaway Hill/New Road to the A39 to the North.

Further concerns are raised within these comments upon the potential for the 10 pitches to be utilised by larger motorhomes/caravans and the associated potential increase in 'activity and interaction of such larger vehicles on a local highway network

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with limited passing areas that would have the capacity to accommodate safe passing for such vehicles.'

The comments advise that any favourable decision notice should be carefully conditioned to ensure limitations on the level of visitors at the site at any one time, with particular regard to pitches that can lawfully accommodate larger associated vehicles and that any future applications will be considered (subject to a site visit) in future.

## **Brendon & Countisbury Parish Council:**

The Council objected to this Planning application for the following reasons.

1. The camp site is already big enough.
2. More Caravans, Tents and Camping pods will further destroy the outstanding natural beauty of the Valley.

## **Exmoor National Park Authority Wildlife Conservation Officer:**

Comments received which acknowledge the proposed development and inclusion of an ecology report (Preliminary Ecological Appraisal, Seasons Ecology, reference SET\_387.01, January 2022). The comments acknowledge and respond to the methods, presentation of results and recommendations of the report which are satisfactory and should be adhered to through condition.

The comments also acknowledge the sites location adjacent to Exmoor Heaths SAC, North Exmoor SSSI, Cloud Farm Moor LWS and Oare Water LWS and also within the Impact Risk Zone of North Exmoor SSSI. A Habitats Regulations Assessment (HRA) screening is recommended to be agreed with Exmoor National Park Authority.

## **Exmoor National Park Authority Future Landscapes Officer:**

Comments requesting additional detail upon the type of electric hook ups proposed to assess their potential impact relating to their location, frequency, size and colour.

The camping pods will be of natural materials but will be a year-round presence in the landscape. The camp site is particularly visible from the bridleway on the opposite side of the combe and the pods will be exposed to these views. The conifer hedgerows currently provide screening, but with their eventual removal and replacement with deciduous species they are likely to be more visible from the surrounding landscape during winter when the rest of the campsite is unoccupied.

Whilst tourism in the valley has a strong presence, and the camp site at Cloud Farm is extensive, measures to mitigate the impact on the setting and the adjacent landscape would be welcomed, as this is a remote and sensitive location. The existing conifers are incongruous within the landscape and their eventual replacement with native species hedgerows would be beneficial. The inclusion of native species



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trees within hedgerows and across the site as appropriate, would also provide additional screening and containment of the campsite.

## **Lynnton and Lynmouth Town Council:**

The LLTC objects to the application for the following reasons: The proposal site is in an area that has not been used for camping and is fenced-off scrub, and not related to existing buildings - see policy RT-D10, 8.75 and 8.78. The following we do not feel are policy compliant:

- Policy RT-D5, referencing paragraph 8.45;
- Policy CE-S2 – light from footpaths and fixed tents;
- Policy CE-D1 – impact on landscape and seascape; and
- Policy RT-D9 – does not comply with paragraph 8.64 drainage and 8.67 parking.

## **Environment Agency:**

Comment of objection submitted due to the inadequate assessment of flood risk and absence of a specific flood risk assessment (FRA) report. Whilst the majority of the site lies on high ground, the western site edge lies within Flood Zone 3 with a high probability of flooding and parts of the access track is at risk of flooding which pose a risk and danger to life. A flood risk assessment is advised to be submitted that highlights the risks to the site, and access road, the potential effects of climate change, flood risk management, and satisfaction of the NPPF.

## **ENPA Public Rights of Way & Access Officer:**

Public footpath WL17/2 runs through the development site and also largely coincides with the access track to Cloud Farm. Public footpath WL17/14 also runs through the campsite as is also slightly offline. Public bridleway 211BR6 runs north to south on the western bank of the river and there is a large area of Access Land giving a right of open access on foot to the south of the campsite. The site is just under a mile from the Coleridge Way promoted walking route and 1 ½ miles from the South West Coast Path / England Coast Path National Trail. It is very well located in terms of excellent public access to the countryside.

Resulting from pre-application liaison with the applicant and National Park Authority, a footpath diversion is to be submitted to align the legal line to the used line of the public footpath WL17/2 which has been used for many years and address the slight anomalies between the used line and the legal line on the access track and on the path as it continues further to the east. Once this diversion is implemented, no objection to the application from a public access point of view is raised.

## **Consultee Representation made upon amended plans for 6 new electric hook-up pitches and 6 new camping pods**

## **Somerset County Council Highways– Development Control:**

Further Consideration

### **Somerset County Council Highways – Development Control:**

Comments received which acknowledge the receipt of amended plans and accompaniment of an updated Highways and Access Technical Note with a review of traffic generation demonstrating the busiest period for the site.

The Technical Note has provided clarity in respect of our previous concerns and confirmed that the 6 proposed electric hook-up pitches would be for tented camping only and would not be used for caravans or motorhomes. On this basis it is accepted that the proposed development would not give rise to any intensification in traffic generation during peak periods or any increase in larger vehicles to the site over and above the current extant use. It can be concluded therefore that the development would not give rise to any new severe traffic impact on the local highway network in accordance with para. 111 of the NPPF. For the reasons set out above, the Highway Authority would have no objection to this amended application provided any grant of consent includes a condition that restricts the use of the 6 new electric hook-up pitches to tented camping use only and not to be used by any caravans or motorhomes at any time.

### **Environment Agency:**

No objections are raised upon the amended plans from a flood risk perspective. Further signage warning users of the access track of the danger flood waters pose is advised.

The revised plans exclude the lower area of land adjacent to Flood Zones 3/2 and the red line boundary area is situated within Flood Zone 1 i.e. 'low' risk of flooding. As demonstrated within the FRA, the site is elevated and your authority should be confident that the effects of climate change are such that the risk to the revised red line area would remain in effect unchanged over its lifetime based upon current climate change flow increase predictions.

It is noted that parts of the access road are at risk of flooding, are deemed 'unpassable' in times of flood and the Environment Agency does not comment on nor approve Flood Risk Emergency Plan as they would not carry out these roles during a flood and their role is stated to be limited to delivering flood warnings to occupants/ users covered by our flood warning network.

### **Brendon & Countisbury Parish Council:**

The Council objects to this application for the following reasons:

1. Increase traffic, especially Caravans and RVs.

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2. The pods will be an eyesore in a beautiful valley.
  3. This campsite is already big enough and there is already plenty of camping facilities in this valley.
  4. Increase sewage close to the river.

### **ENPA Public Rights of Way & Access Officer:**

'Further to my submission which largely covered the technical issue of the proposed diversion in association with this application, I would like to add some further comments in relation to the impact of the application on the public right of way which coincides with the access track to Cloud Farm.

The track is generally at least 2.5 metres wide (and wider in parts) with some passing places and has been used as an access to the campsite for many years. I am not aware of any issues with walkers and the campsite traffic sharing this access over the years. The proposed development will lead to an increase in the level of traffic using the access track although the excellent location with good access to public rights of way and access land will certainly encourage those staying at the campsite to walk and ride without using their cars. I do have some concerns that more motorhomes/campervans may be encouraged as a result of this application as these are usually wider vehicles which will be more difficult for the public to pass easily on the access track. If this application is successful, consideration should be given to improvements to the signage to alert vehicle drivers that they are sharing the track with walkers, and they should drive slowly.

Finally, I wish to mention that the site is quite visible from the surrounding access land and the bridleway on the opposite bank of Badgeworthy Water.'

### **ENPA Public Rights of Way & Access Officer: (Revised Response to Amended Plans)**

I can report that since the initial application and my comments about the legal line of the public footpath dated 26th April 2022, we have successfully diverted the public footpath as proposed in my response – a copy of the diversion order is attached and this was confirmed with no objections on 30th September 2022.

I note the SCC Highways response dated 18th November 2022 and support their final comment about restricting the use of the hook-ups to tented camping only as this will address my concerns about motorhomes sharing the public footpath which were outlined in my response of 9th May 2022.

### **Exmoor National Park Authority Wildlife Conservation Officer:**

Further to the recent re-consultation request, in which we received a satisfactory shadow HRA screening report (Seasons Ecology, SET\_387.02, 23 September 2022), please find attached an HRA screening report which I have drafted on behalf of the

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Authority and which concludes no Likely Significant Effect as a result of the proposal. Please let me know if you have any comments or queries.

## **ENPA Future Landscapes Officer:**

The reduction in the number of pitches by the removal of 10 electric pitches for tents on the more exposed, sloping field is welcomed. This will reduce the visual impact of the proposal, particularly from the rights of way to the west.

The landscape mitigation proposals submitted are now clearer and more comprehensive. The replacement of the leylandii hedge with a mixed species native hedgerow will be more in keeping with the landscape character and will provide containment and screening once established, especially given the pods are permanent features which will be visible across the seasons. The inclusion of native trees within the hedgerow alongside the camping pods is a positive addition and the inclusion of a scrub margin at the northern end and areas of grass overseeded with a wildflower mix is also beneficial. The proposed hedgerow tree and scrub species are suited to the site, with the variety of species increasing resilience and biodiversity and the specification of stock and balance of species is appropriate. It is pleasing to see that plastic free, compostable spiral guards will be used.

More information is provided on the hook-ups, which will be small units mounted on posts. With the reduced number of electric hook-ups and their location only within the narrow strip of ground between hedgerows, they will not be intrusive and therefore the type proposed are acceptable. Overall, this is now a more considered and appropriate scheme in this setting, in terms of scale, character and visual amenity.

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## **Representations**

Seven representations have been made from seven addresses objecting to the proposed development for the following reasons:

- Increase in traffic
- Potential pollution arising from traffic and site usage
- Litter
- Hazards to users of paths and surrounding areas
- Validity of supporting traffic count/surveys
- Impact upon setting and tranquillity
- Maintenance of surrounding land
- Lack of dog waste facilities
- Lack of recycling facilities
- Inadequacy of waste and sewage management systems
- Lack of highways signage
- Visual landscape harm
- Overdevelopment of historic landscape

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- Business competition

One representation has been made from a single address supporting the proposed development for the following reasons:

- Sensitive and good design
- Supporting Local Economy
- Land availability

## **Public representation made upon amended plans**

One representation has been made from a single address commending the improvement upon the original planning submission whilst raising concern to the congestion upon the local road infrastructure, inadequacy of waste and water treatment and lack of facilities for camp users and their dogs.

One representation has been made from a single address objecting to the proposed scheme for the following reasons:

- Landscape Harm
- Overdevelopment of an iconic and historic Exmoor valley
- Potential pollution to the river, ecology and the environment
- Excessive traffic movements on a single track road

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## **Policy Context**

Exmoor National Park Local Plan 2011 – 2031 (including minerals and waste policies)

GP1	Achieving National Park Purposes and Sustainable development
CE-S1	Landscape and Seascape Character
CE-D1	Protecting Exmoor's landscape and seascape
CE-S2	Protecting Exmoor's Dark Night Sky
CE-S3	Biodiversity and Green Infrastructure
CE-D1	Green Infrastructure Provision
CE-S6	Design & Sustainable Construction Principles
CC-S7	Pollution
CC-D1	Flood Risk
CC-S1	Climate Change Mitigation and Adaption
CC-S6	Waste Management
AC-D1	Transport and Accessibility Requirements for Development
AC-D2	Traffic and Road Safety Considerations for Development
AC-D3	Traffic Management and Parking
AC-S1	Sustainable Transport
RT-D5	Tented Camp Sites
RT-D9	Alternative Camping Accommodation
RT-D12	Access Land and Rights of Way

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

## Planning Considerations

The key issues are the principle of development, landscape and visual impact, flood risk, highways, and biodiversity.

### **Principle of Development:**

Policy GP1 of the Local Plan sets out criteria for achieving National Park Purposes and Sustainable Development. These include criteria that seek to protect the amenities of local residents and conserve or enhance the quiet enjoyment of the National Park.

RT-D5 allows small extensions to tented camp sites where they would provide environmental benefits and be sensitively sited to ensure there are no adverse impacts on landscape character, visual amenity or sensitive wildlife species and habitats. The extension will be permitted where there is existing sufficient road access and capacity to serve the development and not located within an area at risk of flooding.

The proposed development of six electric hook-up pitches for tented camping during the camping season from April to October appears to be acceptable in accordance with this policy with full assessment provided below regarding the visual and landscape impacts, impacts and enhancements to ecology, highways and flooding.

RT-D9 allows small-scale, low impact alternative camping accommodation where the units would:

- only be used for the purposes of holiday accommodation;
- be small-scale in terms of area and number of units and will not require additional permanent residential accommodation to manage the site;
- have a net floor space of each unit is less than 25sqm and not connected to a foul drainage system;
- achieve high quality sustainable design and demonstrate that the siting and landscaping strongly relate to the landscape and historic character of the area;
- be appropriate to the setting
- have low environmental impact through limited physical connection with the ground by ensuring that any hard-standing and site works are minimal to complement the natural topography and landscape character of the area; avoiding extensive alteration to ground levels and fencing;
- need for additional facilities is clearly demonstrated and commensurate with the level of anticipated need, are provided within an existing building or as a modest extension to existing facilities; and
- where the need for additional parking is demonstrated, provision should reflect



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the minimum level of need.

The proposed six camping pods provide holiday accommodation which is limited to two beds in each pod within a 13.5m<sup>2</sup> floor space. The internal space is limited to sleeping only and no provision is made for additional facilities where the pods rely on the existing camping facilities for use and on this basis, a connection to foul drainage is not required. The location of the pods is spread along the North-eastern field with bunds in between limiting access to pedestrians with vehicles retained within off road parking below. The proposed development of six camping pods for year-round use appears to be acceptable in accordance with this policy and a full assessment upon its landscape and environmental impact will be considered below.

Policy CC-S6 requires that waste and sewage facilities for storage and disposal should ensure are appropriate in terms of its location, scale and design to avoid adverse impacts on the National Park and surrounding area.

The existing campsite waste and recycling facilities are located within a screened compound area adjacent to the main car park. The new contract which has been agreed with North Devon Commercial Waste Services which (from March 2023 onwards) allows the collection on site of separated cardboard, glass, metal, plastic and general waste on site within the existing waste storage area using smaller vehicles more suited to this remote setting.

Policy CC-D5 seeks to ensure that sewerage capacity and sewage disposal poses no unacceptable harm to public health, amenity or environmental quality. Policy requires appropriate location, scale and design of the infrastructure; the use of necessary mitigation measures (including climate change resilience measures), to avoid impacts on surrounding areas including noise, air, soil and water pollution, odour, litter, visual intrusion, and other disturbances; and connection to a public mains sewer, where available and physically possible. Where this is not the case, proposals for non-mains sewerage should first consider a combined sewage treatment system, or if this is not feasible, a system incorporating septic tank(s). Proposals which require non-mains sewerage must demonstrate that the proposal cannot be connected to a public mains sewer; satisfactory arrangements should be made to ensure the public sewerage infrastructure can appropriately manage the additional required capacity of the proposal before the development is occupied or activated.

The proposals do not create additional waste or sewage water provision within the proposed camping fields or camping pods. It is considered that the existing waste and sewage water facilities on site are of a sufficient standard and capacity to accommodate the proposed development in consideration of the existing permanent toilets on site and relative reduction in site occupancy.

Policy CC-S7 requires that applicants should first seek to avoid pollution where possible. Where pollution cannot be avoided development proposals will be expected to demonstrate that there will be no unacceptable adverse impacts individually or

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cumulatively on the environment (including groundwater source protection zones, natural resources), public health, communities, quality of life, amenity and neighbouring land uses including areas outside of the National Park by:

- a) minimising any residual impacts to an acceptable level;
- b) storing materials including agricultural slurry/by-products in a way that will not pollute the surrounding environment and natural resources including in flood events; and
- c) remediating contaminated land before development proceeds (in the case of proposals on or affected by contaminated land).

Proposals which seek to reduce pollution and include measures to improve the quality of the surrounding environment and resources will be encouraged.

A Habitats Regulation Assessment (HRA) Stage 1 Screening has been submitted by Season Ecology on behalf of the applicants. The Assessment considers the potential impacts from spills, dust emission or run-off during the construction phase and it has been resolved and agreed by the ENPA Wildlife Conservation Officer that given the small scale and short duration of works that no significant effects identified. The proposals during operation will unlikely to create a significant impact upon noise pollution in consideration of the use of the existing site and soil degradation is considered to be minimised in consideration of the use of the active footpath network which is in use on site, which are clearly marked by signage and interpretation boards.

It is the view of the Planning Officer that the proposal is acceptable in principle, consideration is required with respect to other material considerations; in particular the impacts upon the setting and landscape character, impacts and enhancements to ecology, highways and flooding.

### **Design, Scale and Appearance:**

The ENPA issued, on the 9th March 2021, a Lawful Development Certificate for the use of the property, Cloud Farm Camping as a caravan and camping site with associated facilities within the fields to the West of the site. The certificate allows for the siting of up to 50 tents and up to 8 caravans/motorhomes all year round.

The current scheme seeks to site six camping pitches within the 'butterfly' field and six camping pods within the 'dragonfly' field, both to the Northeast side of the site, to the east of the access lane and outside of the Lawful Development Certificate area. The current proposals have been amended and the overall scheme has been reduced to omit the 'Exmoor Pony' camping field, to the western side of the access lane. This amended scheme seeks to address flooding concerns raised by the Environment Agency and address public and landscape concerns by reducing the visual impact from nearby public rights of way.

## 11.1

The proposed six new electric hook-up pitches are located within the 'Butterfly' camping field directly to the east of the access track and are situated either side of the access path, adjacent to the new native planted hedgerow to the East and West. The tented camping pitches are provided in response to an indicated 'growing demand from guests to provide them with additional electricity for personal use with small item equipment.' The use of these pitches would remain temporary and seasonal in nature with only the hook ups retained as a permanent feature. A condition is attached to ensure that these electric hook-up camping pitches are not for proposed use by motorhomes or caravans which ensures a suitable visual impact is retained. Within this field currently, eight tent pitches are provided under the '60 day' site exemption. Whilst considered to be an increase in the potential timeframe of use, the moderate nature of the hook ups and temporary nature of tented camping is considered to be in line the overall use and management of the site. The timeframe of proposed use is to be in accordance with the current opening season (April to October) and this accords with policy RT-D5 of the Local Plan and is secured by condition to help protect the local environment and allow the site to recover from any intensive camping use through the holiday season.

The 'Dragonfly' camping field is located to the East of the field containing the proposed hook up pitches, near the North-eastern boundary of the site. This camping field is narrow, and the proposal seeks to place 6 'camping pods' in the field, with four evenly spaced above the footpath access to the North and two below to the South, providing occupation from March to November. The proposed camping pods are sought to provide an alternative to the traditional tented camping offer which would attract new audiences. The camping pods are to be built of timber with a double entrance door to the front and small vent window to the rear. The windows and doors are to be built of wood with double glazed clear safety glass openings. They have two curved walls forming the sides which curve inwards to meet at a central ridge which is at 2.67 metres in height. The camping pods are approximately 13.5m<sup>2</sup> in floor space, providing two bunk beds for the occupation of up to four people. They do not contain bathrooms and no sewerage is required on this basis with the expectation that guests will use the shared facilities already in place.

It is considered that the proposed operational development does not involve an adverse increase in the intensity of use or activity of the site which is ongoing and as demonstrated in the lawful development certificate for all year-round use as a camping site. Further, the site is governed by existing park rules which prohibit party groups and any form of unacceptable or anti-social behaviour which ensures the suitable use of the site. Whilst it is not intended to be used for long term lease / permanent residents, a condition has been attached to limit occupation to short term holiday let.

### **Impact upon Landscape:**

## 11.1

The visual impact of the proposals has been significantly reduced by the omission of the 10 electric pitches for tents on the more exposed, sloping field which has now been removed from the application proposals. The visual impact of the proposed tents and pods from the rights of way to the West are significantly reduced as a result. The proposals have been presented in two fields to the Northeast of the site which are separated by an existing leylandii hedgerow also separates the proposed pitches and pods from the access road. These existing hedgerows are proposed to be replaced with new native hedgerow including some trees and a new native tree and shrub planting is also proposed along the northern boundary of the site.

Once established, the proposed hedgerow and tree planting is considered to provide suitable containment and screening of the proposals and the proposed shrub margin at the Northern end and areas of grass overseeded with a wildflower mix is also beneficial. The ENPA Future Landscapes Officer has reviewed the comprehensive landscaping proposals and confirms that the 'proposed hedgerow tree and scrub species are suited to the site, with the variety of species increasing resilience and biodiversity and the specification of stock and balance of species is appropriate.'

The hook-ups are to be small units on posts and have been reduced in their number, evenly spaced as six units within a single narrow field amongst hedgerows. The pods, whilst a permanent feature within the landscape are to be built mainly of natural wood and are suitably screened as part of another narrow field which is to be well landscaped through hedgerow and tree replacement. By virtue of their low number and position between hedgerows, they will not be intrusive within the surrounding natural environment and the proposed development is considered to preserve qualities of the surrounding landscape setting. The proposal is therefore unlikely to create an adverse impact upon the surrounding area on this basis.

### **Impact upon Ecology:**

Cloud Farm is adjoined by the Exmoor Heaths Special Area of Conservation (SAC) and the North Exmoor Site of Special Scientific Interest (SSI) to the south west and adjacent to the Cloud Farm Moor Local Wildlife Site (LWS) which runs along the eastern boundary of the site. It is also noted that the site is within the Impact Risk Zone of North Exmoor SSSI.

A Habitats Regulation Assessment (HRA) Stage 1 Screening has been submitted by Season Ecology on behalf of the applicants as a result of the proposals location within and adjacent to sites of special conservation. The HRA considers the potential impacts from spills, dust emission or run-off during the construction phase and it has been resolved and agreed by the ENPA Wildlife Conservation Officer that given the small scale and short duration of works that no significant effects identified.

## 11.1

A Preliminary Ecological Assessment (PEA) (reference: SET\_387.01, January 2022) has been submitted by Seasons Ecology in association with this application and the methods, presentation of results and recommendations within the report have been appraised by the Exmoor National Park Wildlife Conservation Officer and considered to be generally satisfactory. A condition to ensure the recommendations for wildlife enhancement including the provision of habitat piles and boxes for bats, birds and invertebrates and planting is attached. Further recommendations include consideration with regard to timings and construction methods are to be adhered to in respect of the nesting bird season and risk avoidance measures with respect to dormice (which must be adhered to when undertaking work to the hedges) and reptiles (which must be adhered to when undertaking work to tussocky grassland). It is therefore considered that appropriate biodiversity enhancement can be secured as part of this application and the proposed development is considered to meet the requirements of Policy CE-S3 and of the NPPF.

Policies CE-S1, CE-D1 and CE-S2 seek to protect the landscape and Exmoor's Dark Night Sky from inappropriate development. The proposed lighting scheme has been omitted in order to protect the dark sky and tranquillity of the surrounding area and the proposed development is not considered to adversely impact upon the dark night sky. A condition is applied that no additional lighting is installed without the express consent of the ENPA to ensure these qualities are retained.

### **Impact upon Highways and Parking:**

Policy AC-D1 and Policy AC-D2 of the Local Plan require that the design and details of highway works are appropriate in scale to the development and contribute to the conservation or enhancement of the area; and do not prejudice highway safety.

The proposed development is served by an existing access road leading from Hookway Hill consisting of a tarmac and gravel single lane track with passing places. The access road leads directly to the two fields, firstly to the Western field containing the six hook up pitches, then towards the Eastern field access which allocates six off road parking spaces for cars to enable direct pedestrian access through the field to the camping pods. This provision effectively restricts cars from entering the field and does not impede upon the access route which leads further into the site and the open gravel car park to the South.

A further traffic count has been completed by AWP in response to public concerns raised regarding the time of year of the original traffic survey. This new survey considers the traffic volumes during the peak summer period and is considered in addition to the existing traffic counts and highways assessment provided.

## 11.1

A condition has been attached which restricts the 6 proposed EHU tent pitches from being used by motorhomes or caravans. This is considered to both help reduce the perceived landscape impact of the site and also seeks to address comments of Somerset County Council Highways Authority and public concerns regarding the potential for increased number of larger vehicles.

On this basis, it is accepted by the Highways Authority that the proposed development would not give rise to any intensification in traffic generation during peak periods or any increase in larger vehicles to the site over and above the current extant use. It can also be concluded therefore that the development would not give rise to any new severe traffic impact on the local highway network in accordance with para. 111 of the NPPF.

In consideration of the spaces provided, limited number of proposed hook up pitches and pods and linkage to the existing internal road network and access, the proposal is not considered to create an adverse impact upon highway safety or parking. The proposal is therefore considered to accord with policies AC-D1 and Policy AC-D2 of the Local Plan.

### **Impact upon Rights of Way and Public Access:**

Public footpath WL17/2 runs through the development site and also largely coincides with the access track to Cloud Farm. The footpath legal line has been amended to match the track which is in use and has been used for many years. This track, providing site access is generally at least 2.5 metres wide (and wider in parts) with some passing places and has been used as an access to the campsite for many year and the ENPA Public Rights of Way & Access Officer is not aware of any issues with walkers and the campsite traffic sharing this access over the years. Whilst the proposed development may lead to an increase use of the access track, the development is located within a position served by a number of public footpaths and access land – encouraging users to access it by foot or cycle.

A condition has been attached to restrict the use of motorhomes/campervans from the electric hook up pitches which is considered to alleviate concerns of larger vehicles sharing access as well as visual impact from the surrounding access land and pathways. A further informative has been attached to signage improvements to alert vehicle drivers that they are sharing the track with walkers and they should drive slowly.

In consideration of the levels of public access to the site, use of the existing internal road network by existing site users and restrictions placed on larger vehicles, an adverse impact upon public rights of way and access is not expected.

### **Other matters**



# 11.1

## **Climate Emergency**

In May 2019 the UK government declared a climate emergency, Exmoor National Park followed this by declaring a Climate Emergency in October 2019. To help meet this challenge the Local plan includes policies which seek to influence, contribute and challenge development to help meet the Climate Emergency. GP1 'Achieving National Park Purposes and Sustainable Development' Sets out that the need to consider future generations, through sustainability and resilience to climate change and adapting to and mitigating the impacts of climate change. Policy CC-S1 'Climate Change Mitigation and Adaption' states that climate change mitigation will be encouraged, development which reduces demand for energy, using small scale low carbon and renewable energy, looks to situate development which avoids sites that would put wildlife at risk together with measures which avoids the risk of flooding. Furthermore, Policy CC-S5 'Low Carbon and Renewable Energy Development' seeks to support small scale renewable energy schemes that assist in contributing towards reducing greenhouse gas emissions and moving towards a carbon neutral National Park and policy CE-S6 'Design and Sustainable Construction Principles' seeks to incorporate sustainable construction methods which future proof against climate change impacts, including flood risk.

Paragraph 152 of the National Planning Policy Framework requires that the planning system should support the transition to a low carbon future in a changing climate taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

There would be an impact on the climate from the construction process and the sourcing of construction materials for the pods which are to be constructed off site. However, the limited form and construction type as well as the ongoing use as low-scale tourist accommodation is considered to weigh in favour of the proposal. On this basis, officers consider that the impact on the climate resulting from the construction and ongoing use of the proposed development would not create an adverse impact upon the climate.

## **Waste**

Waste will be managed as per the existing campsite management system. The maximum occupancy of the campsite will be slightly reduced so there is very little change and therefore the proposals are considered to accord with Policy CC-S6.

## **Flood Risk**

# 11.1

A flood risk assessment has been provided in support of the planning submission which identifies the site outside of flood zone 2 and 3, excluding the lower area of land adjacent to flood zones 2/3 within the omission of the Western camping field. The proposal is now set entirely within an area at 'low' risk of flooding (Zone 1) and therefore whilst campsites are considered to be 'more vulnerable' in accordance with the Planning Practice Guidance, the proposals meet the consequential test as it is within the lowest flood risk classification. No additional drainage is required as the proposed pods do not have water sources or drainage. The limited roof area of the pods enables water to drain naturally into the adjacent ground, presenting a negligible effect upon existing surface water drainage.

It is noted that parts of the access road are at risk of flooding which can be deemed 'unpassable' in times of flood. This has been considered and a potential emergency route in times of flood has been presented through the East of the site and the Farm Combe plantation to the village of Oare in the Northeast. A Flood Risk Emergency Plan has been prepared and provided and further signage warning users of the access track of the danger flood waters pose is advised and this has been attached as an informative for the attention of the applicant.

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## Human Rights

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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.

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## Conclusion

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The proposed development comprises of six electric hook-up camping pitches and six camping pods set among landscaping improvement proposals within an existing campsite. The proposals are considered to provide a suitable diversification to the existing offer onsite whilst retaining a suitable impact upon the surrounding landscape character. The proposals are therefore considered to meet the expectations set out within policies RT-D5 and RT-D9 of the Local Plan. The proposals are acceptable subject to the conditions attached below which seek to protect the night sky, the landscape and to secure biodiversity enhancement.

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## Recommendation

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Approved with conditions:

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

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

# 11.1

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2. The development hereby approved shall be carried out strictly in accordance with the approved plans stamped by the Local Planning Authority as:

- Location Plan (Reference CFC -002 Revision B) (ENPA stamped 27th October 2022, File No.8)
- Site Plan (Reference CFC -001 Revision D) (ENPA stamped 27th October 2022, File No.9)
- Proposed Pitch and Pod Locations (Reference CFC -003 Revision C) (ENPA stamped 27th October 2022, File No.10)
- Proposed Pod Plans, Section and Model View (Reference POD – 02D 001 Revision B) (ENPA stamped 23rd March 2022, File No.7)
- Proposed Pod Elevations (Reference POD – 02D 002 Revision B) (ENPA stamped 23rd March 2022, File No.6)
- Proposed Pod Ground Layout (Reference CFC -101) (ENPA stamped 23rd March 2022, File No.5)
- Planning Statement
- Landscape Plan (Reference 2218-01 Revision A) (ENPA stamped 27th October 2022, File No.11)
- Preliminary Ecological Appraisal (September 2022) – (Report Reference: SET\_387.01) (ENPA stamped 27th October 2022)
- Habitat Regulations Assessment (HRA) – Stage 1 Screening Assessment (Report Reference: SET\_387.02) (ENPA stamped 27th October 2022)
- Flood Risk Assessment (Prepared by: Awcock Ward Partnership (AWP)) (ENPA stamped 27th October 2022)
- Flood Risk Emergency Plan (Prepared by: Awcock Ward Partnership (AWP)) (ENPA stamped 27th October 2022)
- Highways and Access Technical Note (Prepared by: Awcock Ward Partnership (AWP)) (ENPA stamped 27th October 2022)

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

3. The proposed electric hook-up pitches hereby approved shall not be used by motorhomes, campervans or caravans.

Reason: To ensure a suitable level of activity is undertaken on site and protect the local environment.

4. The proposed camping pitches and camping pods hereby approved shall be used only between the months of April and October (inclusive).

Reason: To protect the local environment and allow the site to recover from any intensive camping use through the holiday season

## 11.1

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5. The proposed camping pitches and camping pods hereby approved shall only be used in association with the camping facilities at Cloud Farm and shall not be used for any other purposes.

Reason: To ensure that the development is used for the purpose that has been applied for, in the interests of protecting the landscape, neighbouring amenity and highway safety.

6. The parking spaces shall continue to be provided in accordance with the Proposed Landscape Plan (Reference 2218-01 Revision A) (ENPA stamped 27th October 2022, File No.11). These spaces and access shall be properly consolidated and surfaced and shall thereafter be kept clear of obstruction at all times and not used other than for the parking of vehicles or for the purpose of access.

Reason: To ensure safe and suitable off-street parking space is provided, in accordance with Policy AC-D3 of the Development Plan.

7. The development hereby permitted shall not be used or occupied other than for the provision of short let holiday accommodation and shall not at any time be used, let, sold or otherwise occupied as a separate unit of accommodation. No person, couple, family or group shall occupy or use the accommodation hereby permitted for a single period or cumulative periods exceeding 28 days in any calendar year.

Reason: To ensure that the development is only used and occupied as short let holiday accommodation and to prevent the creation of an unjustified separate dwelling in the Exmoor National Park, in accordance with Policy RT-D9 of the Development Plan.

8. The owner/operator of the holiday accommodation hereby approved shall maintain an up-to-date register of the names and main home addresses of all occupiers and shall make this register available to the Authority for inspection upon request.

Reason: To ensure that the development is only used and occupied as short let holiday accommodation and to prevent the creation of an unjustified separate dwelling in the Exmoor National Park, in accordance with Policy RT-D9 of the Development Plan.

9. The development hereby approved shall be carried out in accordance with the Preliminary Ecological Appraisal, Seasons Ecology (reference: SET\_387.01, January 2022) and its recommendations made in section 7.

Reason: To enhance wildlife and habitats on site.

# 11.1

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10. The development hereby approved shall be carried out in accordance with the approved planting and maintenance as set out within the associated Landscape Plan (Reference 2218-01 Revision A) (ENPA stamped 27th October 2022, File No.11)

Reason: To improve the visual amenity of the surrounding area and enhance wildlife and habitats on site.

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## **Informatives**

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### MONITORING OF DEVELOPMENT

The applicant/developer is reminded that it is their responsibility to ensure that the requirements of each planning condition are met and that the works are undertaken in accordance with the approved plans. Any failure to meet the terms of a planning condition or work which does not accord with the approved plans leaves the applicant/developer liable to formal action being taken. The National Park Authority endeavours to monitor on site the compliance with conditions and building works. This has benefits for applicants and developers as well as the National Park. To assist with this monitoring of development the applicant/developer is requested to give at least fourteen days notice of the commencement of development to ensure that effective monitoring can be undertaken. The Planning Section can be contacted at Exmoor National Park Authority, Exmoor House, Dulverton, Somerset, TA22 9HL or by telephone on 01398 323665 or by email [plan@exmoor-nationalpark.gov.uk](mailto:plan@exmoor-nationalpark.gov.uk).

### PUBLIC RIGHTS OF WAY

Public rights of way should be open (easy and safe to use) at all times. Please note the following: Care should be taken to avoid obstructing or interfering with the public rights of way or creating a hazard for users. If it is impossible to avoid interference or potential danger, the appropriate legal steps (e.g. path closure application) should be taken in advance of any works. If this is likely to be necessary, please contact ENPA (who act on behalf of the Highway Authority) or seek legal advice as soon as possible. Any disturbance to the surface of rights of way should be avoided but if any such disturbance does occur due to the owner/occupier or their agents' use of the way, the surface should be reinstated. Where planning permission is granted, this does not authorise any person to stop up or divert any public right of way. Separate legal steps are needed for this. The driving of a vehicle is only permitted on a public bridleway/footpath where the driver has lawful authority to do so. Parking on the public right of way may be deemed to constitute an obstruction. Changes to the surface/drainage of a public right of way require prior authorisation from the Highway Authority (in this case ENPA as its agent). New furniture (e.g. gates) being needed along a public right of way require prior authorisation from the Highway Authority (in this case ENPA as its agent). Where an increase in vehicular traffic or other alteration in the private use of a public right of way this route is expected as a result of the development, there will be other considerations such as the impact on the maintenance requirements of the right of way.

## POSITIVE & 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/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.

## NESTING BIRDS

The developer and their contractors are reminded of the legal protection afforded to nesting birds under the Wildlife and Countryside Act 1981 (as amended). In the unlikely event that nesting birds are encountered during implementation of this permission it is recommended work must stop until the young have fledged and advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.

## BAT INFORMATIVE

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

## VEHICLE SIGNAGE

Consideration should be given to improvements to the signage to alert vehicle drivers that they are sharing the track with walkers and they should drive slowly.

## BUILDING REGULATIONS

If this development involves any building or engineering works, it is the applicant's responsibility to ensure that any consent under the Building Regulations is also obtained before work begins. For further advice contact North and Mid Devon Building Control Partnership on 01884 234974 or by email to [mail@nmdbuildingcontrol.co.uk](mailto:mail@nmdbuildingcontrol.co.uk)





## 11.2



### Committee Report

Application Number:	62/41/22/035
Registration Date:	03 Oct 2022
Determination Date:	7 Feb 2023
Applicant	Mr D Day-Robinson & Miss L Stirrup
Agent:	N/A
Case Officer:	Mr Curtis Badley
Site Address:	Hillside House, 22, Watersmeet Road, Lynmouth, EX35 6EP
Proposal:	Proposed change of use of commercial bed and breakfast to domestic dwellinghouse. Retrospective.
Recommendation:	Application Approved
Reason for bringing before Authority Committee:	The application has been referred to committee as the applicant is a member of staff of the Exmoor National Park Authority.

### Relevant History

62/41/03/039LB Listed Building Consent for re-roofing including use of existing tiles to front of property – Approved - 11/18/2003

62/41/04/014 Change of use from a dwellinghouse, C3 to six bedroomed guest house Approved 05/06/2004

62/41/05/001LB Listed Building Consent for the removal and replacement of internal doors Approved 02/24/2005

62/41/77/027LB The conversion of a hotel into holiday flats Approved 09/30/1977

62/41/88/013 Change of use to guest house.

### Site Description & Proposal

Hillside House (22 Watersmeet Road) is a Grade II listed building dating from the late-18th Century that is situated in the settlement and conservation area of Lynmouth. The property is noted within the Conservation Area Appraisal to be externally one of the best-preserved buildings in Lynmouth and is located in a highly visible location above the southern bank of the East Lyn River.

## 11.2

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The building has a symmetrical central stair hall plan and is set on a high plinth a storey height above the road. It has a central porch under a hipped roof and part glazed twin panelled entrance doors with radial fanlight above. The building is rendered with a slate roof and provides living accommodation over three floors. The central stair provides access from the living accommodation on the ground floor to the four bedrooms on the first floor and further two bedrooms on the second floor which benefit from three dormer windows to the front of the property.

Planning permission is sought for the change of use of Hillside House (22 Watersmeet Road), Lynmouth from a guesthouse (Use Class C1) to a private dwelling (Use Class C3). The proposal is retrospective, and the building has been in use since July 2022 as a principal residence dwelling. No internal or external alterations are proposed as part of this application.

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### Consultee Representations

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#### **Exmoor National Park Authority Wildlife Officer –**

No objections raised from an ecological perspective as no physical change to the building are proposed.

#### **Exmoor National Park Authority Historic Buildings Officer –**

The proposal related solely to the change of use and does not impact on any historic fabric.

#### **North Devon Council -**

No observations.

#### **Lynnton & Lynmouth Town Council –**

Support.

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### Representations

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#### **Mr R Kingston – Resident at 1D Woodside Court:**

I fully support this application, this will add one more massively needed domestic dwelling to the ever dwindling houses available. due to all our coastal towns in the south west being taken over by the air b and b culture which is profit driven and takes home from locals who wish to stay in our local area. its a step in the right direction to save small towns and community's.

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### Policy Context

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#### **Exmoor National Park Local Plan 2011 – 2031 (including minerals and waste policies)**

GP1 – General Policy Achieving National Park Purposes and Sustainable Development

## 11.2

HC-S4 – Principal Residence Housing  
CE-S4 – Cultural Heritage and Historic Environment  
CE-D3 – Conserving Heritage Assets  
RT-D3 – Safeguarding Serviced Accommodation  
AC-D2 – Traffic and Road Safety Considerations for Development  
AC-S3 – Traffic Management and Parking  
AC-D3 – Parking Provision and Standards  
CC-S1 – Climate Change Mitigation and Adaptation

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

### **The Lyn Plan 2013 – 2028**

P1 – Overall Objectives for New Development  
ENV1 – Location of Development and Enhancement of the Local Environment  
E2 – Change of Use of Hotels and Guesthouses  
E10 – Parking  
H3 – Principal Residence Housing

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### **Planning Considerations**

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The main material planning considerations in this case are the principle of development, the impact of the proposed change of use on neighbouring amenity and highway safety.

#### **Principle Of Development:**

Policy RT-D3 of the Exmoor National Park Local Plan 2011 – 2031 states that development proposals that would involve the loss of existing serviced accommodation will only be permitted where:

- a) other employment uses are to be created in the existing building; or
- b) the building is to become a Principal Residence dwelling (Policy HC-S4) and evidence clearly demonstrates that:
  - i. the building was originally built as a single residential dwelling;
  - ii. there has been no excessive alteration or extension; and
  - iii. the existing use does not provide an additional community service or function; or
- c) they accord with the further clauses of the policy.

Hillside House was built in the late-18th Century as a single residential dwelling and was first listed in 1973. There has been no excessive alteration or extension to the dwelling over time and within the listing description it notes: “this is possibly the earliest of a row of hotels here, retaining more original detail than most.”

The property benefits from a grant of planning permission in 2004 (reference: 62/41/04/014) for the change of use from a dwellinghouse (C3) to a six bedroomed



## 11.2

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guesthouse (C1). Within this application, the dwelling is noted to have been a private dwelling with 2/3 letting bedrooms. Further, an additional refusal of planning permission dating back to 7th June 1988 states that the property was a private dwellinghouse, seeking the change of use to bed and breakfast accommodation.

Whilst the current application will be assessed on its individual merits, the previous grant of permission provides an indication of its previous use. Within the list entry (first listed: September 1973 and most recently amended June 1995) the building is referred to as a hotel and whilst understood to have been used as a private dwellinghouse, hotel, and bed and breakfast accommodation in the past, it is considered that the property was originally constructed as a private dwellinghouse and the Local Planning Authority do not have any evidence to suggest a situation that is contrary to the evidence basis above of historic occupation of the property. It is considered that on the balance of probabilities the property was constructed as a single residential dwelling.

The guesthouse provided no additional community function or service. All the facilities at the property were previously for the sole use of the owner of the property and their bed and breakfast guests. Further, it is noted by the applicant that the income received in recent years was very limited and insufficient to be sustainable or to provide outside employment.

Taking the above into account, the property is considered to satisfy the clauses of Policy RT-D3, as set out earlier in the report, for a change of use to a Principal Residence dwelling. As such, it is considered that the change of use of the guesthouse to a Principal Residence dwelling is compliant in principle with Policy RT-D3, subject to other material planning considerations being satisfied and a condition being attached restricting the residential use as a principal residence housing. Policy HC-S4 seeks to support proposals for Principal Residence housing where it is either supporting the delivery of Local Needs Affordable Housing or where it includes, through the change of use of non-residential buildings, the provision of housing within a settlement subject to the proposal satisfying the policy criteria set out above within policy RT-D3. Having considered the above policies, officers conclude that the principle of the change of use would be compliant in principle with the adopted Local Plan, subject to other material planning considerations being satisfied.

Policy E2 of the Lyn Plan (2013 – 2028) supports the change of use from and to hotels and guest houses and also requires that alternative uses bring other benefits to the local economy and community. As previously detailed, no additional community function or service was provided by the bed and breakfast use and all the facilities at the property were previously for the sole use of the owner of the property and their bed and breakfast guests. Further, it is noted by the applicant that the income received in recent years was very limited and insufficient to be sustainable or to provide outside employment. An independent viability assessment is therefore not required in this case. On this basis, the proposed change from guest accommodation to principal residence housing is supported in compliance with this policy.

## 11.2

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### **Impact on Listed Building and Conservation Area:**

Hillside House is a grade II Listed Building (entry number: 1210354) located in the Lynmouth Conservation area. The listing includes the terrace, wall and railings which are unaffected by the current proposals. The proposal related solely to the change of use and no internal or external alterations are proposed as part of this application. The proposal does not impact on any historic fabric and on this basis accords with policy CE-S4 and CE-D3 of the Local Plan which seek to conserve heritage assets and the historic environment.

### **Impact on Neighbouring Amenity:**

The property is set within a residential area where the existing use of the dwelling is residential and has historically been a variation of residential use as either a private dwellinghouse or serviced accommodation. There are no extensions proposed and the internal layout is not amended as part of this application. The proposal is for the property to change to a single residential dwelling and, therefore, there is likely to be less occupants at the property than the former guesthouse use. As such it is considered that there would not be a noise issue as a result of the change of use and the proposal overall, is not considered to cause material harm to neighbouring amenity. The proposal is therefore in accordance with policy GP1 of the Local Plan.

### **Impact on Highway Safety:**

It is not considered that there would be an increase in occupants as a result of the change of use to a single residential dwelling. As such, the proposed development is not considered to increase the demand for parking at the property or on the street and in public car parks, and it is also considered to not increase traffic movements to and from the property.

### **Other Matters:**

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.

Policy GP1 of the Local Plan sets out that the need to consider future generations, through sustainability and resilience to climate change and adapting to and mitigating the impacts of climate change. Policy CC-S1 states that climate change mitigation will be encouraged, development which reduces demand for energy, using small scale low carbon and renewable energy, looks to situate development which avoids sites that would put wildlife at risk together with measures which avoids the risk of flooding. Policy CC-S5 seeks to support small scale renewable energy schemes that assist in contributing towards reducing greenhouse gas emissions and moving towards a



## 11.2

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carbon neutral National Park and Policy CE-S6 seeks to incorporate sustainable construction methods which future proof against climate change impacts, including flood risk.

Paragraph 148 of the National Planning Policy Framework prescribes 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.

The property is located within flood zone 1 which has a low probability of flooding. In consideration of the proposed change of use of the building with no internal or external changes required, no additional information or concern to flooding is created as a result of the proposed development.

There are no proposed changes to the existing parking, drainage and arrangement for waste storage and collection. Further, no changes to lighting and landscaping are proposed. There would be a low impact upon the climate resulting from the change of use from a guesthouse to a private residential dwellinghouse and in consideration of the expected intensity of use. The impact upon climate is considered to be negligible.

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### **Human Rights**

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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.

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### **Conclusion**

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The principle of changing the use of the property from a guesthouse to a single private dwelling is considered to be compliant with Policies RT-D3 and HC-D14 of the Exmoor National Park Local Plan 2011 – 2031. The impact of the change of use is not considered to cause material harm to neighbouring amenity or highway safety. Officers therefore recommend that planning permission be granted, subject to the attachment of appropriate conditions.

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### **Recommendation**

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1. The development hereby permitted shall be carried out strictly in accordance with the following drawings and details, unless otherwise required by condition(s) below:  
Location Plan (Drawing File Number: 1) Date Stamp 03 October 2022  
Floor Plans (Drawing File Number: 2) Date Stamp 03 October 2022

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

## 11.2

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2. The hereby approved dwelling shall not be occupied otherwise than by a person as his or her only or principal home. The occupant(s) shall supply to the Local Planning Authority (within 14 days of the Local Planning Authority's request to do so) such information as the Local Planning Authority may reasonably require in order to determine compliance with this condition. For the avoidance of doubt the dwelling shall not be occupied as a second home or as a unit of holiday letting accommodation.

Reason: In accordance with the policies of the Development Plan, in particular Policies HC-S4 and RT-D3 of the Exmoor National Park Local Plan 2011 - 2031

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### **Informatives**

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#### **Positive & 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/applicant, in line with the National Planning Policy Framework, to ensure that all relevant planning considerations have been appropriately addressed to achieve a positive outcome.

#### **Monitoring of Development:**

The applicant/developer is reminded that it is their responsibility to ensure that the requirements of each planning condition are met and that the works are undertaken in accordance with the approved plans. Any failure to meet the terms of a planning condition or work which does not accord with the approved plans leaves the applicant/developer liable to formal action being taken. The National Park Authority endeavours to monitor on site the compliance with conditions and building works. This has benefits for applicants and developers as well as the National Park. To assist with this monitoring of development the applicant/developer is requested to give at least fourteen days notice of the commencement of development to ensure that effective monitoring can be undertaken. The Planning Section can be contacted at Exmoor National Park Authority, Exmoor House, Dulverton, Somerset, TA22 9HL or by telephone on 01398 323665 or by email [plan@exmoor-nationalpark.gov.uk](mailto:plan@exmoor-nationalpark.gov.uk).

#### **Conditions and Informatives and the Submission of Further Details:**

Please check all the conditions and informatives attached to this Decision Notice. If there are any conditions which require submission of details and/or samples prior to work commencing on site it is vital that these are submitted and agreed in writing by the Local Planning Authority before work starts. Given the High Court's interpretation of the Planning Acts and their lawful implementation it is unlikely that the Local

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Planning Authority will be able to agree to a sample/details after the commencement of works if that sample/details should have been approved prior to commencement. If a sample/detail is not agreed as required prior to commencement and works have started then it is likely that this matter may only be able to be rectified by the submission of another application. To avoid delay, inconvenience and the need to submit a further application, please ensure that all appropriate details/samples are submitted and agreed at the specified time.

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

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

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



## 11.2



# 11.3



## Committee Report

Application Number:	6/14/22/108
Registration Date:	02-Dec-2022
Determination Date:	25-Jan-2023
Applicant	Mr. A Lawes, Exmoor National Park Authority
Agent:	
Case Officer:	Chris Tivey
Site Address:	PINKERY CENTRE FOR OUTDOOR LEARNING, SIMONSBATH, MINEHEAD, TA24 7LL
Proposal:	Application under Regulation 3 of The Town & Country Planning General Regulations 1992 for proposed installation of Flue for Biomass Boiler
Recommendation:	Approve with conditions
Reason for bringing before Authority Committee:	This application comes before Members under the adopted Scheme of Delegation as the application has been submitted by Exmoor National Park Authority, and Exmoor National Park Authority are the landowner.

### Relevant History

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

6/14/13/107 Application under regulation three of Town & Country Planning General Regulation Approved 04/02/2014

### Site Description & Proposal

The application site comprises an existing incidental outbuilding which is located to the north west of the main Pinkery Outdoor Centre complex.

The subject building was built following the grant of planning permission in 2013, and constitutes a simple architectural form with a corrugated tin clad double pitched roof over painted rendered blockwork walls.

The proposal is for the installation of a black steel twin wall flue that would project through the roof of the store 2m above the ridge, in order to comply with building regulations.

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There are no other external changes to the building proposed and the installation of the biomass boiler that the flue would serve does not amount to development, therefore only planning permission for the flue itself is required.

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### Consultee Representations

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**Somerset Highway Authority** – No observations to make.

**Natural England** – No objection. They consider that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

**Exmoor Parish Council** – At the time of writing this report their comments were expected to be received by 26th January 2023. Any comments received will be reported to Members at the meeting.

**Senior Wildlife Conservation Officer** – They have reviewed the submitted application documents including the Preliminary Ecological Appraisal which was produced by ENPA's Wildlife Conservation Officer Ali Cockburn MCIEEM which focused on carrying out a preliminary bat roost assessment of an existing outbuilding. The site lies within very close proximity to four statutory sites including Exmoor Heaths Special Area of Conservation (SAC), Pinkworthy and Driver Farm Site of Special Scientific Interest (SSSI), North Exmoor SSSI and the River Barle SSSI and hence Natural England should be consulted. The site also lies within 2km of four non-statutory designated sites, Pinkworthy Farm Moor Local Wildlife Site (LWS), Driver LWS, Chains Spring LWS and Pinkery Farm Uplands LWS.

The PEA concludes that the building has low suitability to roosting bats and that there was no evidence of nesting birds within the building and very limited opportunities for nesting birds associated with the building. They are happy that whilst there are low suitability bat roosting features on the building, these will not be affected by the proposed works and will neither be lost or modified and that there will be no impact on the nearby Local Wildlife Sites. Provided that the recommendations in the PEA are conditioned including the suggested enhancement of a bat and bird box, they have no ecological concerns.

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### Representations

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None received.

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### Policy Context

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#### EXMOOR NATIONAL PARK LOCAL PLAN:

GP1 Achieving National Park Purposes and Sustainable Development



## 11.3

GP3 Spatial Strategy  
GP4 The Efficient Use of Land and Buildings  
CE-S1 Landscape and Seascape Character  
CE-D1 Protecting Exmoor's Landscapes and Seascapes  
CE-S2 Protecting Exmoor's Dark Night Sky  
CE-S3 Biodiversity and Green Infrastructure  
CE-S4 Cultural Heritage and Historic Environment  
CE-S6 Design and Sustainable Construction Principles  
RT-S1 Recreation and Tourism  
RT-D10 Recreational Development

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

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### **Planning Considerations**

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The main material planning considerations in this case are the principle of the development; and its effects upon the character and appearance of the area.

#### **Principle of Development**

As described above, the proposed development is for the installation of a flue to service a new biomass boiler within an existing outbuilding at the Exmoor National Park Authority's Pinkery Centre, within the heart of the Exmoor.

Policies GP1 and GP3 of the Exmoor National Park Local Plan 2011 – 2031 state that sustainable development for Exmoor National Park will conserve and enhance the National Park, its natural beauty, wildlife and cultural heritage and its special qualities; promote opportunities for their understanding and enjoyment by the public, and in so doing, foster the social and economic wellbeing of local communities. In addition, the former policy states that particular attention will be paid to, inter alia, ensuring high quality design; and the impact on the character and setting of the site and/or buildings.

The above is also reflected within Policy CE-S4, whilst Policy RT-S1 states that opportunities to provide a high quality, inclusive visitor experience on Exmoor through a diverse range of recreation and tourism facilities that actively enhance the understanding and enjoyment of the National Park's special qualities will be encouraged in accordance with a number of principles as set out therein.

The Planning Statement that supports the planning application explains that ENPA has committed itself to be carbon neutral by 2030. ENPA has reduced its carbon emissions by 60% since 2008 and as part of the on-going decarbonisation plans it is necessary to reduce reliance on fossil fuels. To help with this aim and to keep pace with the increasing demands on the building a new biomass boiler is required to

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replace the existing oil system which dates from 1992 and is nearing the end of its serviceable life.

With the proposal falling within the planning unit established by the use of the Pinkery Centre as a residential outdoor education centre, it is considered that the principle of the flue, to enable a sustainable heating system to be employed, is deemed acceptable.

### **Character and Appearance**

The National Planning Policy Framework (NPPF) in paragraph 126 highlights that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable developments, creates better places in which to live and work and helps make development acceptable to communities.

Amongst other things, paragraph 130 of the NPPF states that planning decisions should ensure that developments: will function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and are sympathetic to local character and history, including the surrounding built environment.

Paragraph 84, the NPPF states, inter alia, that planning decisions should enable sustainable rural tourism and leisure developments which respect the character of the countryside.

Policy RT-S1 requires proposals to, amongst other things: be compatible with the quiet enjoyment of the National Park; have no unacceptable adverse effects on the natural and historic environment either individually or cumulatively through levels of activity or use; contribute towards a sustainable future for Exmoor's local economy and communities; support the improved health and wellbeing of people living, working and visiting Exmoor through the benefits of recreation and experience of tranquillity; and respond to opportunities to improve the quality and viability of existing recreation and tourism businesses, through appropriate restoration, extension, expansion or diversification. That is in addition to ensuring that schemes are of a scale compatible with their location and setting, in accordance with the relevant development management policy considerations for tourism and recreation.

Policy CE-S6 (Design and Sustainable Construction Principles) stipulates that development proposals should deliver high quality sustainable designs that conserve and enhance the local identity and distinctiveness of Exmoor's built and historic environment and in doing so applicants will be expected to demonstrate a number of design principles, these include that:

*a) All new build development should positively contribute to its setting in terms of siting, massing, scale, height, orientation, density and layout.*

## 11.3

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*b) The materials and design elements of a new building or conversion of an existing building, should complement the local context through the use of traditional and natural sustainable building materials. The use of locally-sourced sustainable building materials will be encouraged.*

*c) Design should reinforce landscape character and the positive arrangement of landscape features through planting and landscaping schemes, boundary treatments, and surfacing. Existing features such as trees, hedges and stone walls should be retained particularly where they are characteristic of the streetscape and/or the local area.*

*d) Design should have regard to health and well-being and ensure that sufficient public and/or private space is provided or available, and footpaths and cycleways are incorporated where appropriate.*

*2. To incorporate sustainable construction methods, proposals should:*

*a) promote the sustainable use of resources;*

*b) provide adequate access to, and storage for, recycling waste; and*

*c) future proof against climate change impacts, including flood risk, in accordance with CC-S1.*

The proposed flue along with its associated boiler would enhance the 'offer' to visitors of the Pinkery Centre in the sense that it would provide a more ecologically friendly means of heating that would form part of the drive to provide more sustainable low carbon buildings within the National Park. Set against the back drop of the other buildings of the centre and the adjacent woodland the proposal would have a minor impact upon the landscape and scenic beauty of the National Park.

Consequently, it is considered that no harm would be caused to the character and appearance of the surrounding countryside in accordance with the aforementioned policies and the NPPF.

### **Climate Change**

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. Policy GP1 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

## 11.3

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carbon neutral National Park and policy CE-S6 'Design and Sustainable Construction Principles' seeks to incorporate sustainable construction methods which future proof against climate change impacts, including flood risk.

Paragraph 152 of the National Planning Policy Framework requires that the planning system should support the transition to a low carbon future in a changing climate taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

There would be a positive impact on the climate from the installation.

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### Human Rights

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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.

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### Conclusion

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It is considered that the proposed flue protect the character and appearance of the surrounding countryside, in accordance with the aforementioned policies and the NPPF.

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### Recommendation

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

Reason: To comply with Section 91 of the Town & Country Planning Act 1990 (as amended).

2. The works hereby approved shall be carried out strictly in accordance with drawings entitled Pinkery Location Plan, Pinkery Site Plan, Existing Floor Plans, Elevations and Sections (ref. 00/722/09) and Proposed Floor Plans, Elevations and Sections (ref. 00/722/10) date stamped by the Local Planning Authority on 02 December 2022.

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

3. The proposed development shall be carried out entirely in accordance with recommendations set out within the submitted Preliminary Ecological Assessment dated November 2022.

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Reason: In the interests of conserving wildlife and to enhance biodiversity, in accordance with Policy CE-S3 of the Exmoor National Park Local Plan 2011-2031.

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### **Informatives**

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#### **Conditions and Informatives**

Please check all the conditions and informatives attached to this Decision Notice. If there are any conditions which require submission of details and/or samples prior to work commencing on site it is vital that these are submitted and agreed in writing by the Local Planning Authority before work starts. Given the High Court's interpretation of the Planning Acts and their lawful implementation it is unlikely that the Local Planning Authority will be able to agree to a sample/details after the commencement of works if that sample/details should have been approved prior to commencement. If a sample/detail is not agreed as required prior to commencement and works have started then it is likely that this matter may only be able to be rectified by the submission of another application. To avoid delay, inconvenience and the need to submit a further application, please ensure that all appropriate details/samples are submitted and agreed at the specified time. Please also note that due to other decisions of the High Court it is now not normally possible for the Local Planning Authority to agree to minor amendments to approved applications. It will be necessary to adopt a formal approach and that if changes to approved plans are proposed then it will be necessary to make a new planning application. Please ensure that works comply with the approved plans so as to avoid the possibility that works are unauthorised and liable for enforcement action.

#### **Monitoring of Development**

The applicant/developer is reminded that it is their responsibility to ensure that the requirements of each planning condition are met and that the works are undertaken in accordance with the approved plans. Any failure to meet the terms of a planning condition or work which does not accord with the approved plans leaves the applicant/developer liable to formal action being taken. The National Park Authority endeavours to monitor on site the compliance with conditions and building works. This has benefits for applicants and developers as well as the National Park. To assist with this monitoring of development the applicant/developer is requested to give at least fourteen days notice of the commencement of development to ensure that effective monitoring can be undertaken. The Planning Section can be contacted at Exmoor National Park Authority, Exmoor House, Dulverton, Somerset, TA22 9HL or by telephone on 01398 323665 or by email [plan@exmoor-nationalpark.gov.uk](mailto:plan@exmoor-nationalpark.gov.uk).

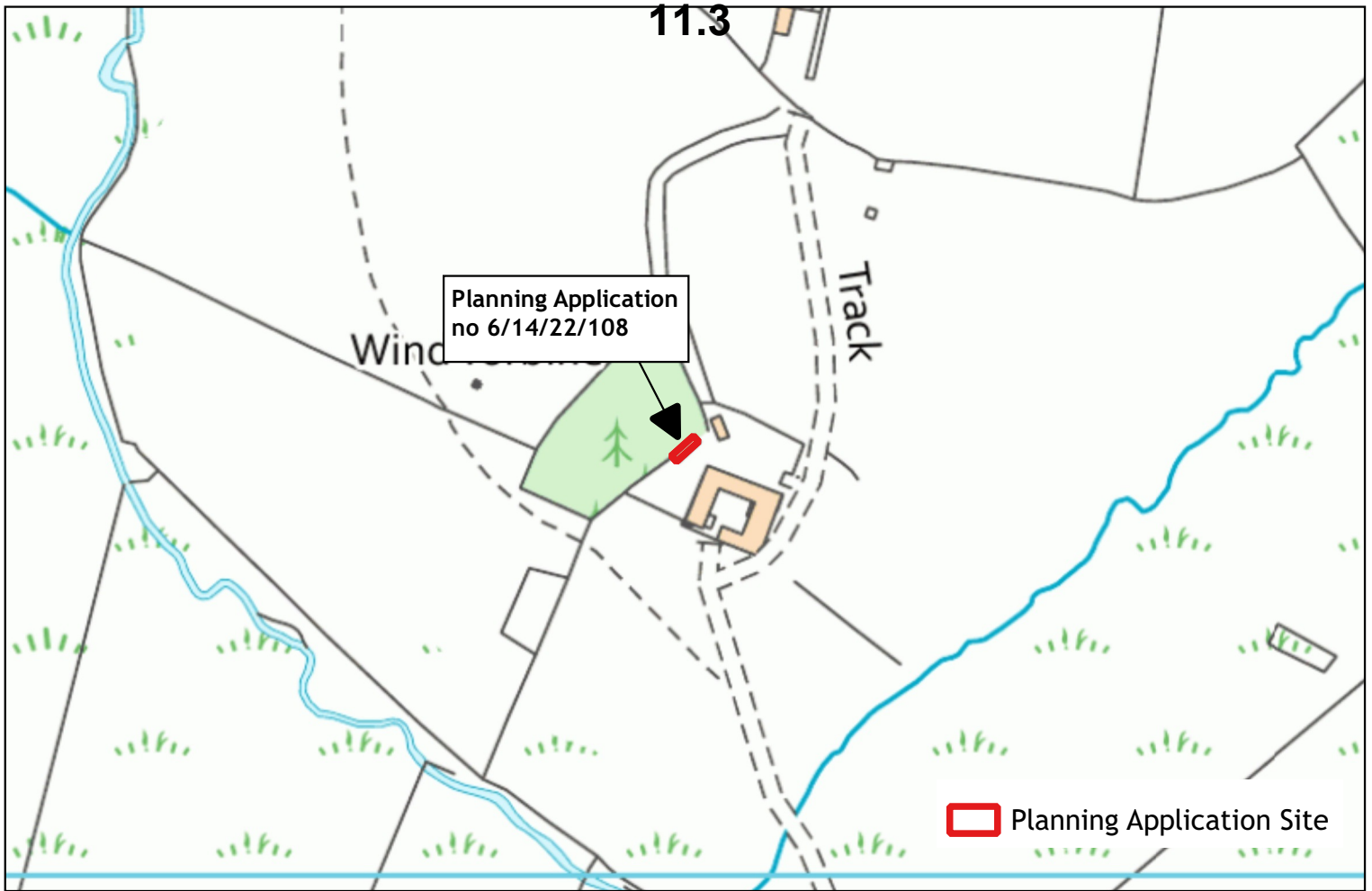
#### **Positive and Proactive Statement**

This Authority has a pro-active approach to the delivery of development. Early

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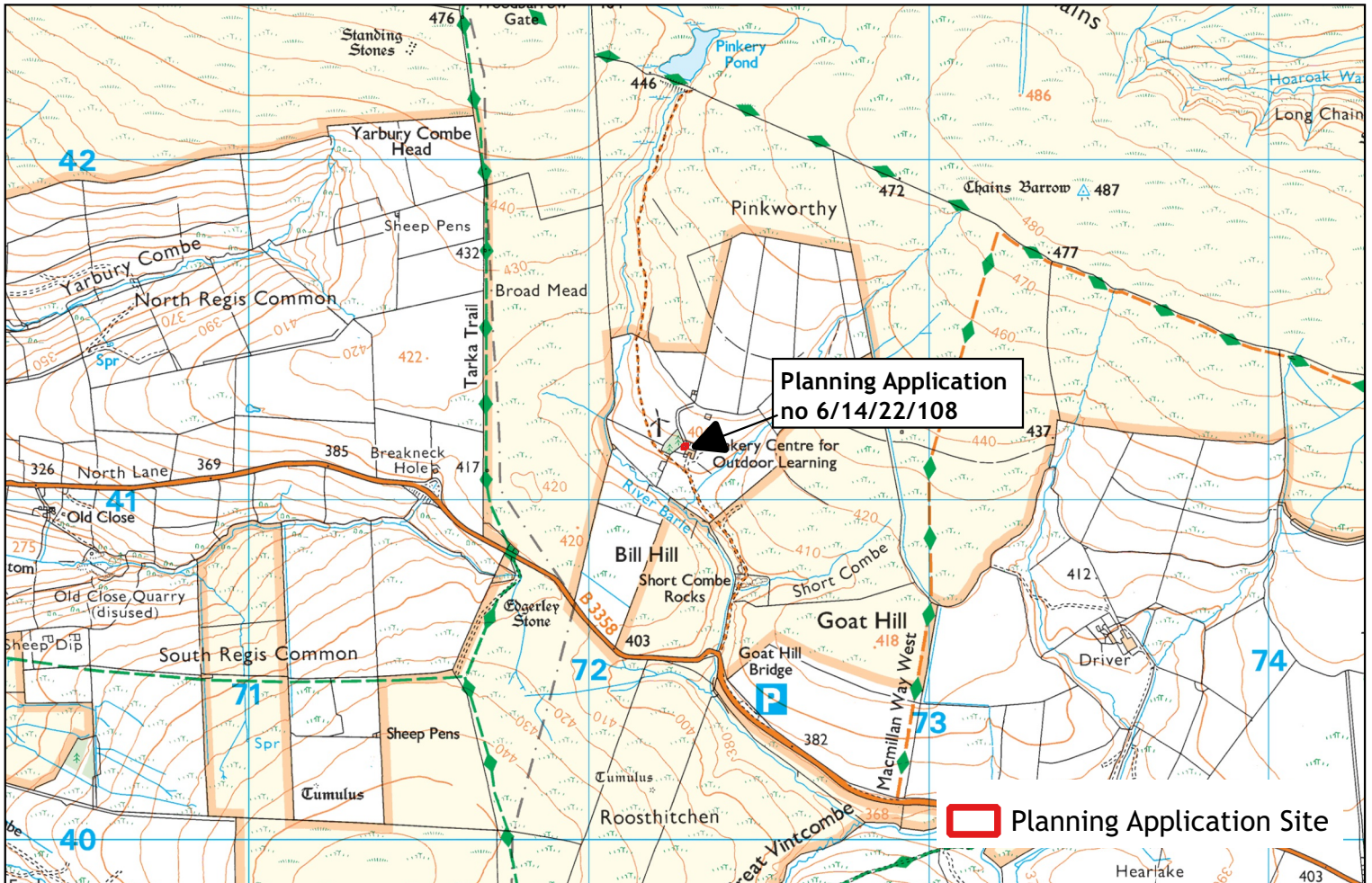
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preapplication engagement is always encouraged. In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, in determining this application, Exmoor National Park Authority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



Site Map  
Scale 1:2,500

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Overview Map  
Scale 1:20,000

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## 11.3

# 11.4



## Committee Report

Application Number:	6/14/22/107
Registration Date:	07-Nov-2022
Determination Date:	30-Dec-2022
Applicant	Mr G McVittie
Agent:	Mr. A Elston, Architectural Studio SW Ltd
Case Officer:	Chris Tivey
Site Address:	Ashcombe Gardens and Plantation, Simonsbath, TA24 7SH
Proposal:	Application under Regulation 3 of The Town & Country Planning General Regulations 1992 for the proposed construction of 2no. footbridges.
Recommendation:	Approve
Reason for bringing before Authority Committee:	This application comes before Members under the adopted Scheme of Delegation as the application has been submitted by Exmoor National Park Authority, and Exmoor National Park Authority are the landowner.

### Relevant History

75403 - Proposed use as a field studies centre and camping base at Exmoor School. Approved 29/06/1970.

6/14/78/001 - Proposed erection of mobile public convenience and car parking for fifteen cars. Approved 03/07/1978.

6/14/85/101 - Proposed conversion of cowshed to public convenience and information display area. Approved 03/05/1985.

6/14/89/114 - Proposed extension to car park at Ashcombe Car Park. Approved 02/06/1990.

6/14/94/109 - Proposed change of use to field office, Part Building at Ashcombe Car Park. Approved 11/08/1994.

6/14/20/105 - Proposed repair and renovation of public toilet, together with the installation of car parking machine. Approved 12/01/2020.

6/14/20/106 - Advertisement consent for the proposed installation of visitor information board and 4 no. pay and display signs. Approved 12/01/2020.

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## Site Description & Proposal

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Ashcombe Gardens were laid out by John Knight in around 1820 to the north of Simonsbath House and up the valley of the Ashcombe Stream. Deciduous trees and conifers were planted, and terraced paths were constructed although the gardens were never completed.

Most of the trees in Ashcombe Gardens were felled in the 1940s, but since then a woodland of mainly oak, ash and sycamore has replaced them. The gardens are currently being restored by Exmoor National Park Authority (ENPA) along with the help of volunteers.

The proposal is to erect two timber footbridges that cross the Ashcombe stream in different locations. They would be constructed of local materials utilising traditional construction methods; and would enable visitors to circumnavigate the gardens safely without crossing through the stream.

The proposal is to install a bridge to the northern end of the gardens (bridge 2) and one to the south (bridge 1). Each bridge would be individually designed to reflect the landscape. There is on site evidence, such as a stone base and plinth, that a bridge once existed to the north of the site, in the same location as Bridge 2.

Ashcombe Plantation is a Local Wildlife Site.

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## Consultee Representations

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**Somerset Highway Authority** – No observations to make.

**Senior Wildlife Conservation Officer** – They have reviewed the submitted application documents including the EclA which was produced by ENPA's Wildlife Conservation Officer Ali Cockburn MCIEEM and the Construction Environmental Management Plan (CEMP) which was written by ENPA's Assistant Woodland Officer Bettina Broadway-Mann.

The two proposed footbridges will sit on very small footprints within areas of semi-natural broadleaved woodland which lies within Ashcombe Plantation Local Wildlife Site (LWS). The report notes that are records of three invasive non-native species within the wider site: montbretia, rhododendron and Himalayan knotweed. There are also records of bluebell, which is protected under Schedule 8 of the Wildlife and Countryside Act, and 10 Somerset notable species of lichen. Suitable opportunities for a range of other protected and notable species have been identified including nesting and foraging birds, roosting and foraging bats, badger, dormouse, otter, hedgehog, common and widespread reptiles and amphibians and widespread invertebrates, though no evidence of these was found. Given the close proximity of the site to two statutory sites of nature conservation interest, the River Barle Site of

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Special Scientific Interest (SSSI) and the North Exmoor SSSI, Natural England should be consulted on this application.

Policy CE-S3 Biodiversity and Green Infrastructure of the Local Plan states that 'Development likely to adversely affect local sites designated for their wildlife will not be permitted, unless it can be demonstrated that the need for, and benefits of, the development clearly outweigh the loss of biodiversity'. The construction of the two footbridges will result in the permanent loss of around 5m<sup>2</sup> of ground flora. Whilst small, loss of habitats within the LWS should be avoided though it is unlikely to have a significant effect on the integrity of the LWS. Comprehensive mitigation has been proposed in the EclA (pages 8-10) and importantly recommends the eradication of montbretia from Ashcombe Plantation LWS over a 5-year period. The presence of montbretia at the top of the Exe catchment is very significant and is likely to have been responsible for the spread of montbretia into the River Barle. Upper reaches of the River Barle Site of Special Scientific Interest (SSSI) are now in unfavourable declining condition partially as a result of the presence of invasive species such as montbretia. Hence this suggested mitigation is to be welcomed and supported. In addition to the proposals for mitigation, enhancements have also been suggested in the form of the erection of two bird and two bat boxes.

In this instance they do not think the LWS will be adversely affected by the proposal subject to the conditioning of recommendations outlined in the EclA consisting of both mitigation and enhancement measures, including adherence to the recommendations in the CEMP.

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### **Representations**

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No representations received at the time of writing the report.

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### **Policy Context**

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#### **EXMOOR NATIONAL PARK LOCAL PLAN:**

GP1 Achieving National Park Purposes and Sustainable Development  
CE-S1 Landscape and Seascape Character  
CE-D1 Protecting Exmoor's Landscapes and Seascapes  
CE-S3 Biodiversity and Green Infrastructure  
CE-S4 Cultural Heritage and Historic Environment  
CE-S6 Design and Sustainable Construction Principles  
RT-S1 Recreation and Tourism  
RT-D10 Recreational Development  
AC-S1 Sustainable Transport  
AC-S2 Transport Infrastructure

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

consideration.

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## **Planning Considerations**

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The main material planning considerations in this case are the principle of the development and its effects upon the character and appearance of the area.

### **Principle of Development**

As described above, the proposed development is for the erection of two timber bridges to facilitate visitor access within the Exmoor National Park Authority's Ashcombe Gardens.

Policies GP1 and GP3 of the Exmoor National Park Local Plan 2011 – 2031 state that sustainable development for Exmoor National Park will conserve and enhance the National Park, its natural beauty, wildlife and cultural heritage and its special qualities; promote opportunities for their understanding and enjoyment by the public, and in so doing, foster the social and economic wellbeing of local communities. In addition, the former policy states that particular attention will be paid to, inter alia, ensuring high quality design; and the impact on the character and setting of the site and/or buildings.

The above is also reflected within Policy CE-S4, whilst Policy RT-S1 states that opportunities to provide a high quality, inclusive visitor experience on Exmoor through a diverse range of recreation and tourism facilities that actively enhance the understanding and enjoyment of the National Park's special qualities will be encouraged in accordance with a number of principles as set out therein.

Therefore, it is considered that the principle of the proposed development is deemed acceptable, subject to an assessment of all material planning considerations.

### **Character and Appearance**

The National Planning Policy Framework (NPPF) in paragraph 126 highlights that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable developments, creates better places in which to live and work and helps make development acceptable to communities.

Amongst other things, paragraph 130 of the NPPF states that planning decisions should ensure that developments: will function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and are sympathetic to local character and history, including the surrounding built environment.

## 11.4

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Paragraph 84, the NPPF states, inter alia, that planning decisions should enable sustainable rural tourism and leisure developments which respect the character of the countryside.

Policy RT-S1 requires proposals to, amongst other things: be compatible with the quiet enjoyment of the National Park; have no unacceptable adverse effects on the natural and historic environment either individually or cumulatively through levels of activity or use; contribute towards a sustainable future for Exmoor's local economy and communities; support the improved health and wellbeing of people living, working and visiting Exmoor through the benefits of recreation and experience of tranquillity; and respond to opportunities to improve the quality and viability of existing recreation and tourism businesses, through appropriate restoration, extension, expansion or diversification. That is in addition to ensuring that schemes are of a scale compatible with their location and setting, in accordance with the relevant development management policy considerations for tourism and recreation.

Policy CE-S6 (Design and Sustainable Construction Principles) stipulates that development proposals should deliver high quality sustainable designs that conserve and enhance the local identity and distinctiveness of Exmoor's built and historic environment and in doing so applicants will be expected to demonstrate a number of design principles, these include that:

- a) All new build development should positively contribute to its setting in terms of siting, massing, scale, height, orientation, density and layout.*
- b) The materials and design elements of a new building or conversion of an existing building, should complement the local context through the use of traditional and natural sustainable building materials. The use of locally-sourced sustainable building materials will be encouraged.*
- c) Design should reinforce landscape character and the positive arrangement of landscape features through planting and landscaping schemes, boundary treatments, and surfacing. Existing features such as trees, hedges and stone walls should be retained particularly where they are characteristic of the streetscape and/or the local area.*
- d) Design should have regard to health and well-being and ensure that sufficient public and/or private space is provided or available, and footpaths and cycleways are incorporated where appropriate.*

*2. To incorporate sustainable construction methods, proposals should:*

- a) promote the sustainable use of resources;*
- b) provide adequate access to, and storage for, recycling waste; and*
- c) future proof against climate change impacts, including flood risk, in accordance with CC-S1.*

The proposal is to install two bridges on the main garden circuit path. This is in line with the first aim of the Ashcombe Gardens Restoration Plan which is to reinstate

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public access around the garden on the original route. The two arched bridges will be made from hardwood timber (sourced from the ENPA estate) and will have rustic balustrades; they have been designed to be in keeping with the Picturesque and take some reference points from the Exmoor landscape (eg the old curved, gate-bracing posts (and from other Picturesque designed landscapes). It is intended that they will be constructed by hand (though some timber may be milled locally). The designs have been developed with a skilled local woodworker and members of the ENPA conservation team. They have also been discussed with the Rights of Way team in terms of accessibility and safety requirements.

It is considered that the proposed bridges would enhance the educational and tourism 'offer' to visitors of the gardens and the wider National Park, but enabling safer and easier access to all users.

Furthermore, the scheme would deliver high quality design bespoke designs that would enhance the local identity and distinctiveness of Exmoor's built and historic environment, through the use of locally-sourced traditional and natural sustainable building materials/resources.

Consequently, it is considered that it would enhance the character and appearance of the surrounding countryside in accordance with the aforementioned policies and the NPPF.

### **Ecology**

The submitted Ecological Impact Assessment has been produced with consideration to all relevant local and national policies and legislation which afford protection to wildlife, including: the Conservation of Habitats and Species Regulations 2017 (as amended), which has been incorporated into UK legislation by domestic provisions; the Wildlife and Countryside Act 1981 (as amended); the Countryside and Rights of Way Act 2000; the National Planning Policy Framework 2012 (as amended); the UK Biodiversity Action Plan 1994 and subsequent Post-2010 Biodiversity Framework; and, the Exmoor National Park Local Plan 2011-2031. With regard to the latter Policy CE-S3 is specifically concerned with Biodiversity and Green Infrastructure.

The two proposed footbridges would sit on very small footprints within areas of semi-natural broad leaved woodland which lies within Ashcombe Plantation Local Wildlife Site. The woodland provides elements of naturalness and diversity, is well connected to similar habitats locally and is considered to be of local to county importance (as recognised by its designation as a LWS).

There are records of three invasive non-native species within the wider site: montbretia, rhododendron and Himalayan knotweed. There are also records of bluebell, which is protected under Schedule 8 of the Wildlife and Countryside Act, and 10 Somerset notable species of lichen. The wider site offers suitable habitat for a range of other protected and notable species including nesting and foraging birds,



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roosting and foraging bats, badger, dormouse, otter, hedgehog, common and widespread reptiles and amphibians and widespread invertebrates.

As referred to by the Senior Wildlife Conservation Officer, Policy CE-S3 of the Local Plan states that 'Development likely to adversely affect local sites designated for their wildlife will not be permitted, unless it can be demonstrated that the need for, and benefits of, the development clearly outweigh the loss of biodiversity'. The construction of the two footbridges will result in the permanent loss of around 5m<sup>2</sup> of ground flora. Whilst small, loss of habitats within the LWS should be avoided though it is unlikely to have a significant effect on the integrity of the LWS.

Comprehensive mitigation has been proposed in the EclA and importantly recommends the eradication of montbretia from Ashcombe Plantation LWS over a 5-year period. The presence of montbretia at the top of the Exe catchment is very significant and is likely to have been responsible for the spread of montbretia into the River Barle. Upper reaches of the River Barle Site of Special Scientific Interest (SSSI) are now in unfavourable declining condition partially as a result of the presence of invasive species such as montbretia. Hence this suggested mitigation is to be welcomed and supported. In addition to the proposals for mitigation, enhancements have also been suggested in the form of the erection of two bird and two bat boxes.

### **Climate Change**

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. Policy GP1 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,

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including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

There would be a limited impact on the climate from the construction process and the sourcing of construction materials. Officers consider that proposed development would not create an adverse impact upon the climate.

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### Human Rights

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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.

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### Conclusion

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It is considered that the proposed bridges, constructed from traditional and natural materials would enhance the character and appearance of the surrounding countryside, in accordance with the aforementioned policies and the NPPF.

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### Recommendation

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Subject to the receipt of any further consultation response and representations, it is recommended that planning permission be granted, subject to the following conditions:

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

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

2. The works hereby approved shall be carried out strictly in accordance with drawings numbered 2627/100, 2627/200, 2627/201 & 2627/202 date stamped by the Local Planning Authority on 07 November 2022.

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

3. No lighting shall be permitted during the construction period and for the duration of the development unless otherwise authorised in writing by the local planning authority.

Reason: In the interests of the strict protection of European protected species and the character and appearance of the National Park landscape, including its dark night sky in accordance with policies GP1, CE-S1, CE-D1, CE-S6, CE-S2 and CE-S4 of the Exmoor National Park Local Plan 2011-2031.

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## **Informatives**

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### **Conditions and Informatives**

Please check all the conditions and informatives attached to this Decision Notice. If there are any conditions which require submission of details and/or samples prior to work commencing on site it is vital that these are submitted and agreed in writing by the Local Planning Authority before work starts. Given the High Court's interpretation of the Planning Acts and their lawful implementation it is unlikely that the Local Planning Authority will be able to agree to a sample/details after the commencement of works if that sample/details should have been approved prior to commencement. If a sample/detail is not agreed as required prior to commencement and works have started then it is likely that this matter may only be able to be rectified by the submission of another application. To avoid delay, inconvenience and the need to submit a further application, please ensure that all appropriate details/samples are submitted and agreed at the specified time. Please also note that due to other decisions of the High Court it is now not normally possible for the Local Planning Authority to agree to minor amendments to approved applications. It will be necessary to adopt a formal approach and that if changes to approved plans are proposed then it will be necessary to make a new planning application. Please ensure that works comply with the approved plans so as to avoid the possibility that works are unauthorised and liable for enforcement action.

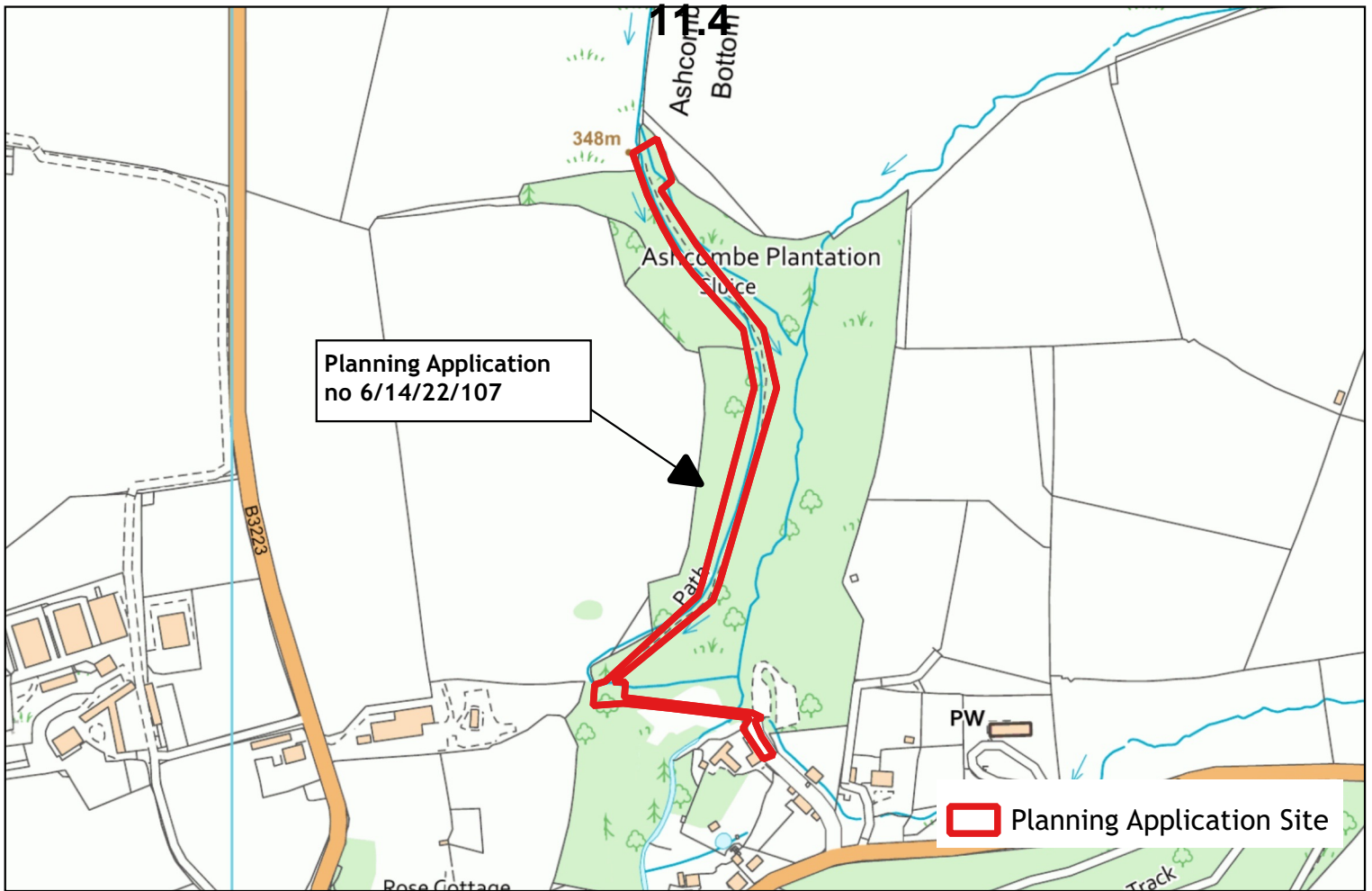
### **Monitoring of Development**

The applicant/developer is reminded that it is their responsibility to ensure that the requirements of each planning condition are met and that the works are undertaken in accordance with the approved plans. Any failure to meet the terms of a planning condition or work which does not accord with the approved plans leaves the applicant/developer liable to formal action being taken. The National Park Authority endeavours to monitor on site the compliance with conditions and building works. This has benefits for applicants and developers as well as the National Park. To assist with this monitoring of development the applicant/developer is requested to give at least fourteen day's notice of the commencement of development to ensure that effective monitoring can be undertaken. The Planning Section can be contacted at Exmoor National Park Authority, Exmoor House, Dulverton, Somerset, TA22 9HL or by telephone on 01398 323665 or by email [plan@exmoor-nationalpark.gov.uk](mailto:plan@exmoor-nationalpark.gov.uk).

### **Positive and Proactive Statement**

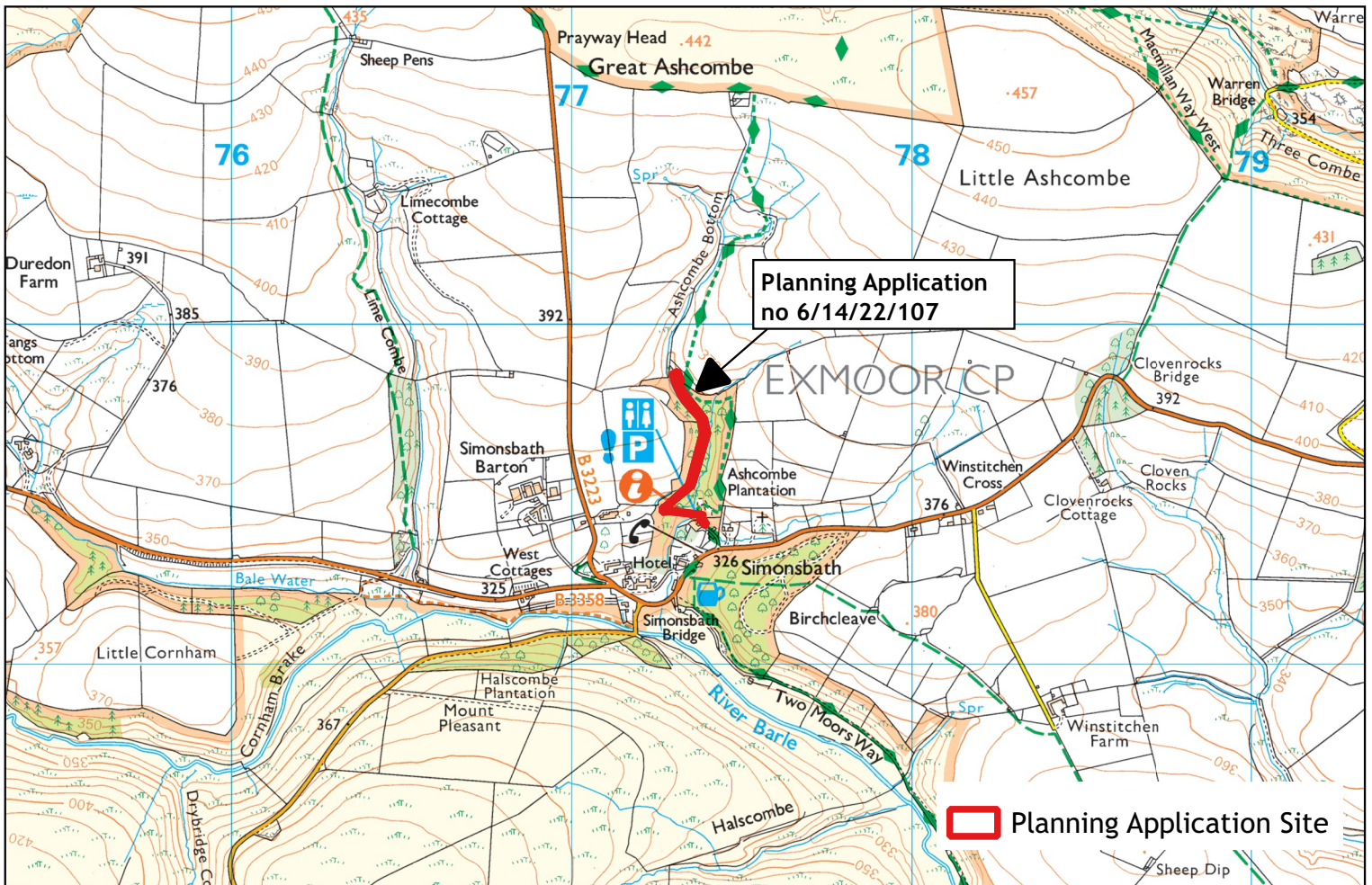
## 11.4

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/applicant, in line with the National Planning Policy Framework, to ensure that all relevant planning considerations have been appropriately addressed to achieve a positive outcome.



Site Map  
Scale 1:5,000

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Overview Map  
Scale 1:20,000

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**Application decisions delegated to the Chief Executive**

<b>Application Ref</b>	<b>Applicant &amp; Location</b>	<b>Decision and Date</b>
6/43/22/117	Ms D Wilbraham - Proposed creation of window and erection of porch canopy. (Householder ) - PEAR TREE COTTAGE, WOOTTON COURTENAY, MINEHEAD, TA24 8RH	21-Dec-2022 Approved with Conditions
GDO 22/20	Mr D Bawden - Prior notification for the drilling of a 60m borehole to supply water to livestock (easting: 285024, northing: 131530) (GDO - Agricultural/Forestry ) - Huntercombe, Hawkridge, Dulverton, TA22 9QP	05-Jan-2023 GDO - Prior Approval Not Reqd
GDO 22/19	Mr. G Vellacott, M G Vellacott - Prior notification for replacement general purpose farm building (18m x 12m) (GDO - Agricultural/Forestry ) - ASHWAY FARM, ASHWICK, DULVERTON, TA22 9QD	16-Dec-2022 Prior Approval Required
6/10/22/134	Mr S Harris - Proposed erection of a detached storage shed. (Householder ) - GRABIST HOUSE, WEST STREET, DUNSTER, MINEHEAD, TA24 6SN	22-Dec-2022 Approved with Conditions
6/40/22/114DC	Mr C Hayes - Discharge of condition 17 (Bat Licence) of approved application 6/40/21/120 (Discharge of Condition ) - LITTLE HAM, WINSFORD, MINEHEAD, TA24 7JF	30-Nov-2022 Approved
6/10/22/133	Mr. Stephen English, National Trust - Proposed replacement of wire and wooden post stock fencing, 2 no. pedestrian gates and 1 no. vehicle access gate, with galvanised and painted metal estate fencing and gates. (Full ) - DUNSTER CASTLE, DUNSTER, MINEHEAD, TA24 6SL	14-Dec-2022 Withdrawn
WTCA 22/20	Dr S Perks Baker - Works to Trees in Conservation Area: T1, 2 and 3 fruit trees - fell. T4, Medlar - prune and reshape. T5 beech - prune to fence height. T6, ash - fell. T7, twisted hazel - fell. T8, dwarf weeping elm - fell. (WTCA ) - 9, Northmoor Road, Dulverton, TA22 9DF	21-Dec-2022 Approved
6/10/22/132LB	Ms S Batten - Listed Building Consent for the proposed installation of chimney pot. (Listed Building Consent ) - 18, ST. GEORGES STREET, DUNSTER, MINEHEAD, TA24 6RX	15-Dec-2022 Approved with Conditions
6/43/22/110DC	Mr R Billson - Discharge of Condition 4 (slate & tile samples) of approved application 6/43/18/106LB	22-Nov-2022 Approved

**Application decisions delegated to the Chief Executive**

<b>Application Ref</b>	<b>Applicant &amp; Location</b>	<b>Decision and Date</b>
	(Discharge of Condition ) - BURROW FARM, BURROW, TIMBERSCOMBE, MINEHEAD, TA24 7UD	
6/29/22/130	Mr R Butlin - Lawful development certificate for the regularisation of replacement garage. (CLEUD ) - FERN COTTAGE, ALLERFORD, MINEHEAD, TA24 8HN	13-Dec-2022 Refused
6/10/22/131LB	Mr J Reeves - Listed building consent for the proposed erection of a replacement rear extension, together with, the creation of balcony, fire escape and alterations to first floor window to form doorway with dormer roof. (Listed Building Consent ) - REEVES RESTAURANT, 20-22, HIGH STREET, DUNSTER, MINEHEAD, TA24 6SG	13-Dec-2022 Approved with Conditions
6/10/22/130	Mr J Reeves - Proposed erection of a replacement rear extension, together with, the creation of balcony, fire escape and alterations to first floor window to form doorway with dormer roof. (Full ) - REEVES RESTAURANT, 20-22, HIGH STREET, DUNSTER, MINEHEAD, TA24 6SG	13-Dec-2022 Approved with Conditions
6/26/22/109	Ms C Hitch - Proposed change of use of existing agricultural barn to equestrian use, together with, the siting of outdoor Horse Walker on concrete pad. Retrospective. (Full ) - HIGHER SMINHAYS FARM, BRENDON HILL, WATCHET, TA23 0LG	05-Dec-2022 Approved with Conditions
62/41/22/045	N Blowey, South West Water - Proposed installation of a new MBR MCC kiosk, new poly kiosk, replacement of kiosks, package inlet plant, sludge thickener, pumps, associated pipework and ancillary equipment (Full ) - Lynmouth Waste Water Treatment Works, Lynmouth, EX35 6EN	03-Jan-2023 Approved with Conditions
6/26/22/108	Mr D Takle - Proposed replacement of 15 no timber windows and 2 no French doors with uPVC, together with, the replacement of front door with composite door (Householder ) - 9, WATERSMEET CLOSE, ROADWATER, WATCHET, TA23 0QT	30-Nov-2022 Approved with Conditions
6/40/22/112	Mr F Flanagan - Proposed installation of sewage treatment plant. (Householder ) - MIDDLE GLEBE, WINSFORD, MINEHEAD, TA24 7JF	02-Dec-2022 Approved with Conditions



**Application decisions delegated to the Chief Executive**

<b>Application Ref</b>	<b>Applicant &amp; Location</b>	<b>Decision and Date</b>
6/29/22/129	Mr J McWilliam - Proposed change of surface of Bossington Car Park, change of surface of overflow car park to tarmac and to include installation of bike racks. (Full ) - National Trust Car Park, Bossington	24-Nov-2022 Withdrawn
62/11/22/022DC	Mr. R Heighes, NJM (UK) Ltd - Discharge of conditions 3 (Construction Environment Management Plan) and 4 (Ecological Mitigation & Enhancement Plan) of approved application 62/11/22/012. (Discharge of Condition ) - MEADOWSWEET, OARE, LYNTON, EX35 6NU	02-Dec-2022 Approved
62/41/22/044LB	Mrs Leworthy - Listed building consent for the proposed re-roofing of dwelling together with the replacement of doors and windows. (Listed Building Consent ) - Shallowford, Ilkerton, Barbrook, Lynton, EX35 6PZ	09-Jan-2023 Approved with Conditions
62/41/22/043	Mrs Leworthy - Proposed re-roofing of dwelling together with the replacement of doors and windows. (Householder ) - Shallowford, Ilkerton, Barbrook, Lynton, EX35 6PZ	09-Jan-2023 Approved with Conditions
62/41/22/042	Mr & Mrs Hopping - Proposed single storey lean-to extension. (Householder ) - BRIAR COTTAGE, SINAI HILL, LYNTON, EX35 6AR	14-Dec-2022 Approved with Conditions
62/11/22/021LB	Nobledean Limited - Listed building consent for proposed extension to provide staff accommodation, together with, the creation of window and door to the west elevation and installation of photovoltaic array. (Listed Building Consent ) - THE BLUE BALL INN, COUNTISBURY, LYNTON, EX35 6NE	15-Dec-2022 Approved with Conditions
62/11/22/020	Nobledean Limited - Proposed extension to provide staff accommodation, together with, the creation of window and door to the west elevation and installation of photovoltaic array. (Full ) - THE BLUE BALL INN, COUNTISBURY, LYNTON, EX35 6NE	15-Dec-2022 Approved with Conditions
6/29/22/127LB	Ms. T Cannings, National Trust - Listed Building Consent for the proposed installation of secondary glazing (Listed Building Consent ) - KNAPP HOUSE, TIVINGTON, MINEHEAD, TA24 8SU	02-Dec-2022 Approved with Conditions

**Application decisions delegated to the Chief Executive**

<b>Application Ref</b>	<b>Applicant &amp; Location</b>	<b>Decision and Date</b>
6/9/22/118LB	Mr C Turner - Listed building consent for the proposed removal of oil tank and installation of air source heat pump, together with, the replacement of existing boiler with hot water cylinder. (Listed Building Consent ) - 45, HIGH STREET, DULVERTON, TA22 9DW	01-Dec-2022 Approved with Conditions
6/9/22/117	Mr C Turner - Proposed removal of oil tank and installation of air source heat pump, together with, the replacement of existing boiler with hot water cylinder. (Householder ) - 45, HIGH STREET, DULVERTON, TA22 9DW	01-Dec-2022 Approved with Conditions
6/29/22/126LB	Ms T Cannings - Listed building consent of the proposed installation of secondary glazing. (Listed Building Consent ) - 4 BOSSINGTON FARM COTTAGES, BOSSINGTON, MINEHEAD, TA24 8HF	24-Nov-2022 Approved with Conditions
6/9/22/116LB	Mr C Turner - Listed building consent for the proposed restoration of original fireplace in kitchen including installation of new timber lintel. (Listed Building Consent ) - 45, HIGH STREET, DULVERTON, TA22 9DW	01-Dec-2022 Approved with Conditions
6/9/22/115DC	Mr D Cleave - Discharge of conditions 3 (flood resistance and resilience measures) and 4 (parking details) of approved application 6/9/22/107. (Discharge of Condition ) - CASTLE BARN, BRIDGE STREET, DULVERTON, TA22 9HJ	23-Nov-2022 Approved
6/9/22/114	Mr A Russell - Proposed erection of single storey front extension and porch. (Householder ) - TOWN MILL STABLE, HIGH STREET, DULVERTON, TA22 9HB	30-Nov-2022 Withdrawn
6/10/22/129LB	Mr & Mrs Quick, The Green - Listed building consent for the proposed installation of PV Panels to inward facing roof pitches and modifications to existing lean-to to accommodate new Gas Boiler and associated flue. (Listed Building Consent ) - The Green, 1 The Ball, Dunster, Minehead, TA24 6SD	01-Dec-2022 Approved with Conditions
6/10/22/128	Mr & Mrs Quick, The Green - Proposed installation of PV Panels to inward facing roof pitches and modifications to existing lean-to to accommodate new Gas Boiler and associated flue. (Householder ) - The Green, 1 The Ball, Dunster, Minehead, TA24 6SD	01-Dec-2022 Approved with Conditions

**Application decisions delegated to the Chief Executive**

<b>Application Ref</b>	<b>Applicant &amp; Location</b>	<b>Decision and Date</b>
62/14/22/002	Mr & Mrs Griffin - Proposed alterations to domestic store to extend the living accommodation of the farmhouse to provide dining room and utility room. Removal of wooden utility area to the front of house and all associated works. (Householder ) - The Old Farmhouse, Muxworthy Lane, Brayford, EX32 7QP	01-Dec-2022 Approved with Conditions
62/14/22/001	Mr & Mrs Griffin - Proposed change of use of outbuilding to form study to main farmhouse and associated works. (Full ) - MUXWORTHY FARM, BRAYFORD, BARNSTAPLE, EX32 7QP	01-Dec-2022 Approved with Conditions
6/29/22/125LB	Mr. D Raymond, National Trust (Gloucestershire and Somerset) - Proposed installation of secondary glazing. (Listed Building Consent ) - SEAVIEW, BOSSINGTON, MINEHEAD, TA24 8HF	24-Nov-2022 Approved with Conditions
6/29/22/124	M Bristow - Proposed erection of a replacement stable building. (Full ) - OLD RECTORY, SELWORTHY, MINEHEAD, TA24 8TW	15-Dec-2022 Approved with Conditions
WTCA 22/16	Mr. J Cordingley, National Trust - Works to Trees in Conservation Area: Felling of 2no Trees in Garden 1x Oak, 1x Gledistia Group, reduction of veteran plane tree and Reduction/Felling of Monterey Pine in Parkland (WTCA ) - Dunster Castle Gardens & Parkland, Minehead, Somerset, TA24 6SL	22-Nov-2022 Approved
6/10/22/127	Mr S Harris - Proposed erection of greenhouse. (Householder ) - GRABIST HOUSE, WEST STREET, DUNSTER, MINEHEAD, TA24 6SN	15-Dec-2022 Approved with Conditions
6/10/22/124	Tithe Barn Commitee, Dunster Tithe Barn Community Hall - Proposed erection of storage shed 5.5m x3.5m. (Full ) - THE TITHE BARN, PRIORY GREEN, DUNSTER, MINEHEAD, TA24 6RY	23-Nov-2022 Approved with Conditions
WTCA 22/15	Mr B Middleton - Works to Tree in Conservation Area: Pruning of willow back to level of last cut. (WTCA ) - 4, LADY STREET, DULVERTON, TA22 9BX	22-Nov-2022 Approved
6/15/22/103	Mr & Mrs N & J Whitford - Proposed two storey extension (Householder ) - Forge Cottage, Week Lane, Exton, Somerset, TA22 9JN	08-Dec-2022 Approved with Conditions

**Application decisions delegated to the Chief Executive**

<b>Application Ref</b>	<b>Applicant &amp; Location</b>	<b>Decision and Date</b>
6/3/22/110	Mr J Shaw - Proposed demolition of existing conservatory and construction of new single storey extension. (Householder ) - KENTS MILL, DULVERTON, TA22 9JJ	13-Dec-2022 Approved with Conditions
6/15/22/102	Mr N Atkinson - Lawful development certificate for the existing use of ground floor of dwelling as residential flat, and land as domestic garden and parking area. (CLEUD ) - 1 SQUASH COURTS, WEEK LANE, BRIDGETOWN, DULVERTON, TA22 9JN	23-Nov-2022 Approved
6/13/22/109	Mr & Mrs Westcott - Proposed conversion of agricultural building to form 1no bedroom annex to holiday let approved under 6/13/22/101. (Full ) - West Ley Farm, Exford, TA24 7NQ	03-Jan-2023 Approved with Conditions
6/3/22/107	Mr J Webber - Proposed erection of two storey extension together with associated works. (Householder ) - LOWER GOOSEMOOR, WHEDDON CROSS, MINEHEAD, TA24 7BY	09-Jan-2023 Approved with Conditions
6/27/22/119	Ms S Masson - Proposed change of use of B&B to residential dwelling. (Full ) - ROSEBANK, HIGH STREET, PORLOCK, MINEHEAD, TA24 8PY	15-Dec-2022 Approved with Conditions
62/11/22/018	Mr R Binding - Proposed subdivision of residential dwelling to two separate residential dwellings; additional car parking; and installation of raised decking (retrospective). (Full ) - WINGATE FARM, COUNTISBURY, LYNTON, EX35 6NQ	15-Dec-2022 Approved with Conditions
62/41/22/032DC	Mr S Glover - Discharge of Condition 2 of approved application 62/41/20/021 (Discharge of Condition ) - The Tors Hotel, Tors Park, Lynmouth, EX35 6NA	22-Nov-2022 Withdrawn
6/43/22/113	Mr R Billson - Lawful development certificate for the existing use of annex known as Burrow End as a self-contained dwelling. (CLEUD ) - BURROW END, BURROW, TIMBERSCOMBE, MINEHEAD, TA24 7UD	30-Nov-2022 Approved
62/41/22/030DC	Mr S Glover, Tors Park Estate Ltd - Discharge of condition 2 (landscaping scheme) of approved application 62/41/20/021. (Discharge of Condition ) - The Tors Hotel, Tors Park, Lynmouth, EX35 6NA	23-Nov-2022 Approved

**Application decisions delegated to the Chief Executive**

<b>Application Ref</b>	<b>Applicant &amp; Location</b>	<b>Decision and Date</b>
6/29/22/113LB	Martin Bristow - Listed building consent for the proposed replacement of windows, removal of internal kitchen wall and conversion of outbuilding to utility with link roof. (Listed Building Consent ) - OLD RECTORY, SELWORTHY, MINEHEAD, TA24 8TW	02-Dec-2022 Approved with Conditions
6/29/22/112	Mr M Bristow - Proposed replacement of windows, together with, the conversion of outbuilding to utility with link roof. (Householder ) - OLD RECTORY, SELWORTHY, MINEHEAD, TA24 8TW	02-Dec-2022 Approved with Conditions
6/34/22/104	Mr A Jones - Reserved matters for the appearance, landscaping, layout and scale of new dwelling, following the grant of outline permission under application 6/34/18/101. (Reserved Matters ) - East Harwood Racing Stables, Harwood Lane, Timberscombe, Somerset, TA24 7UE	16-Dec-2022 Approved with Conditions
6/25/22/105	Mr J Stone - Proposed installation of a 15 panel ground mount solar PV system. (Full ) - PARSONAGE FARM, OARE, LYNTON, EX35 6NU	22-Dec-2022 Approved with Conditions
6/10/22/107LB	Mr D Raymond - Listed Building Consent for the proposed replacement of the roof covering to the front and rear roof slopes and associated repairs including repointing chimney stack. (Listed Building Consent ) - 3, CASTLE HILL, DUNSTER, MINEHEAD, TA24 6SQ	08-Dec-2022 Approved with Conditions
6/25/22/103	B J Woollacott - Lawful development certificate for the proposed stationing of a shepherds hut within residential garden to provide ancillary accommodation. (CLOPUD ) - OAREFORD FARM, OARE, LYNTON, EX35 6NX	20-Dec-2022 Approved

**Application decisions delegated to the Chief Executive**

<b>Application Ref</b>	<b>Applicant &amp; Location</b>	<b>Decision and Date</b>
62/41/23/001	Mr. S Glover, Tors Park Estate Ltd - Non-material amendment - full - of approved application 62/41/20/021 to allow a change of orientation of timber to horizontal and to use cedral timber cladding instead of natural, together with the change of window specification to cedral cladding. (NMA - Full ) - The Tors Hotel, Tors Park, Lynmouth, Devon, EX35 6NA	20-Jan-2023 Refused
6/15/22/106DC	Airwave Solutions Ltd - Discharge of condition 5 (Hardstanding materials) and Condition 6 (Landscaping scheme) of approved application 6/15/21/101 (Discharge of Condition ) - Airwave Site, Luckyard Farm, Exton, TA24 7HF	18-Jan-2023 Approved with Conditions
WTCA 22/24	Mr R Manicom - Works to Trees in Conservation Area: Remove Eucalyptus and Blackthorn to ground level. (WTCA ) - Ketnor Cottage, Luccombe, TA24 8TE	23-Jan-2023 Approved
WTCA 22/23	Mr R Manicom - Works to Trees in Conservation Area: Remove Holly to ground level. (WTCA ) - Coombe Cottage, Luccombe, TA24 8TE	23-Jan-2023 Approved
WTCA 22/22	Mr R Manicom - Works to Trees in Conservation Area: Remove cherry tree to ground level (WTCA ) - Luccombe Knapp, Luccombe, TA24 8TE	18-Jan-2023 Approved
WTCA 22/21	Mr R Manicom - Works to trees in a conservation area - Remove Ash to ground level (WTCA ) - KNAPP COTTAGES, LUCCOMBE, MINEHEAD, TA24 8TE	18-Jan-2023 Approved
6/8/22/107	Mr R Kemp - Proposed creation of additional first floor accommodation, replacing of glazing from side elevation, installation of solar panels to the roof and 2no. roof lights (Householder ) - THE OLD METHODIST CHAPEL, WHEDDON CROSS, MINEHEAD, TA24 7DU	12-Jan-2023 Approved with Conditions
6/27/22/121	Ms K Dean - Proposed erection of a single storey rear extension. (Householder ) - HAWKCOMBE COTTAGE, HAWKCOMBE, PORLOCK, MINEHEAD, TA24 8QW	12-Jan-2023 Approved with Conditions

**Application decisions delegated to the Chief Executive**

<b>Application Ref</b>	<b>Applicant &amp; Location</b>	<b>Decision and Date</b>
62/41/22/049LB	Mr. Clive Taylor, St Vincent Guest House - Listed building consent of the proposed removal, repair and replacement of roof slates on both elevations including lead work, repairs to chimney stacks, repairs or replacements of guttering and downpipes and repairs to 3no dormer's. (Listed Building Consent ) - St Vincent Guest House, Market Street, Lynton, EX35 6AF	12-Jan-2023 Approved with Conditions
62/41/22/048LB	Mark Hanrahan - Listed building consent for the proposed replacement of first floor timber windows and ground floor Upvc windows with painted timber windows. (Listed Building Consent ) - Bonnicott House Hotel, 10, Watersmeet Road, Lynmouth, Devon, EX35 6EP	12-Jan-2023 Approved with Conditions
62/41/22/047	Mark Hanrahan - Proposed replacement of first floor timber windows and ground floor Upvc windows with painted timber windows. (Full ) - Bonnicott House Hotel, 10 Watersmeet Road, Lynmouth, Devon, EX35 6EP	12-Jan-2023 Approved with Conditions
6/34/22/111	Mr R Jeffrey - Proposed change of use from existing Methodist Chapel to Community Hall, together with, the creation of balcony, chimney, disabled access and ramp, installation of rooflights and associated works. (Full ) - Providence Methodist Chapel, Church Street, Timberscombe, TA24 7TR	23-Jan-2023 Approved with Conditions
62/50/22/026DC	Mr. J Barton, Lynton & Barnstaple Railway Trust - Discharge of condition 25 (Habitat Management) of approved application 62/50/16/001 (Discharge of Condition ) - Land between Killington Lane and Blackmoor Gate, Parracombe, Barnstaple, Devon	19-Jan-2023 Approved
62/50/22/022DC	Mr. J Barton, Lynton & Barnstaple Railway Trust - Discharge of condition 15 (Highway Details) of approved application 62/50/16/001 (Discharge of Condition ) - Land between Killington Lane and Blackmoor Gate, Parracombe, Barnstaple, Devon	19-Jan-2023 Approved
6/9/22/113	Mrs J Whiston - Proposed change of use of agricultural land to equine, together with, the erection of field shelter. (Full ) - HIGHERCOMBE WEST, DULVERTON, TA22 9PT	18-Jan-2023 Approved with Conditions



**Application decisions delegated to the Chief Executive**

<b>Application Ref</b>	<b>Applicant &amp; Location</b>	<b>Decision and Date</b>
6/10/22/123LB	Olde World Inns(Dunster 2013) Ltd - Listed building consent for the proposed erection of garden bar, installation of timber decking and timber picket fence, positioning of 2no. seating pods, together with, amendments to the rear link extension. Retrospective. (Listed Building Consent ) - LUTTRELL ARMS HOTEL, 32-36, HIGH STREET, DUNSTER, MINEHEAD, TA24 6SG	12-Jan-2023 Approved with Conditions
6/10/22/122	Olde World Inns(Dunster 2013) Ltd - Proposed erection of garden bar, installation of timber decking and timber picket fence, positioning of 2no. seating pods, together with, amendments to the rear link extension. Retrospective. (Full ) - LUTTRELL ARMS HOTEL, 32-36, HIGH STREET, DUNSTER, MINEHEAD, TA24 6SG	12-Jan-2023 Approved with Conditions
GDO 22/09	Mr B Riddle - Prior notification for the proposed creation of agricultural/forestry track (976m x 3m) (GDO - Prior Approval ) - Tabor Hill Farm, Heasley Mill, South Molton, EX36 3LQ	11-Jan-2023 GDO - Prior Approval Approved
6/10/22/109LB	Mr D Raymond - Listed Building Consent for the proposed replacement of Clay tiles to all roof slopes with new Clay tiles (Listed Building Consent ) - 7, CASTLE HILL, DUNSTER, MINEHEAD, TA24 6SJ	12-Jan-2023 Approved with Conditions