



EXMOOR

NATIONAL PARK

EXMOOR NATIONAL PARK AUTHORITY
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2 July 2021

EXMOOR NATIONAL PARK AUTHORITY

To: All Members of the Exmoor National Park Authority

A meeting of the Exmoor National Park Authority will be held **at Dulverton Town Hall, 27 Fore Street, Dulverton TA22 9EX on Thursday 15 July 2021 at 10.00am.**

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

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

The meeting will be **recorded**. By entering the Authority's Committee Room and speaking during Public Speaking you are consenting to being recorded. We will make the recording available via our website for members of the public to listen to and/or view, within 72 hours of the meeting taking place.

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

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

Sarah Bryan
Chief Executive

AGENDA

The first section of the meeting will be chaired by the 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. Public Speaking:

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

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

5. Appeals:

- A. To note the decision of the Secretary of State for Housing, Communities and Local Government to dismiss the Appeal in relation to Application 6/8/20/109 – Edbrooke Farm, Acland Lane, Cutcombe, Wheddon Cross, TA24 7EL
- B. To note the decision of the Secretary of State for Housing, Communities and Local Government to allow the Appeal in relation to Application 6/8/20/110LB – Edbrooke Farm, Acland Lane, Cutcombe, Wheddon Cross, TA24 7EL

6. Development Management:

To consider the report of the Head of Planning and Sustainable Development on the following:-

Agenda Item	Application No.	Description	Page Nos.
6.1	6/3/20/123	Proposed conversion of traditional farm buildings to single Principal Residence dwelling (Use Class C3) and associated works including refurbishment of waterwheel and wheel pit – Gupworthy Farm, Wheddon Cross, Minehead, TA24 7DA	1 – 22
6.2	62/36/21/002	Proposed retention of existing agricultural barn (406.3 sqm). Retrospective – Silkenworthy Farm, Down Lane, Kentisbury, Barnstaple, Devon	23 – 30
6.3	6/27/21/110	Application under Regulation 3 of the Town & Country Planning General Regulations 1992 for proposed establishment of England Coast Path – Worthy Toll Road, Porlock, TA24 8JL	31 – 42

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|-----|--------------|---|---------|
| 6.4 | 62/19/21/002 | Application under Regulation 3 of the Town & Country Planning General Regulations 1992 for proposed improvements to footpath at Cobblers Park – Cobblers Park, Hangman Path, Combe Martin, EX34 0DL | 43 – 52 |
| 6.5 | 6/29/21/109 | Application under Regulation 3 of the Town & Country Planning General Regulations 1992 for proposed improvements to current footpath at Henners Combe, North Hill as part of general improvements to create the England Footpath – Land to the East of Hurlstone Point, Henners Combe, North Hill, Easting 291900 and Northing 148600 | 53 – 60 |
| 6.6 | 62/62/20/005 | Proposed Succession Farm Workers dwelling and ancillary outbuilding – Town Farm, Road From Trentishoe Down to Trentishoe Coombe, Trentishoe, EX31 4QD | 61 - 80 |
- 7. Application Decisions Delegated to the Chief Executive:** To note the applications determined by the Chief Executive under delegated powers (Item 7).
- 8. Site Visits:** To arrange any site visits agreed by the Committee (the reserve date being Friday, 30 July 2021 (am)).
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The remaining section of the meeting will be chaired by the Chairperson of the Authority. If the Chairperson is absent, the Deputy Chairperson of the Authority shall preside.

9. Any Other Business of Urgency

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



Appeal Decisions

Site Visit made on 8 June 2021

by **A Tucker BA (Hons) IHBC**

an Inspector appointed by the Secretary of State

Decision date: 16 June 2021

Appeal A Ref: APP/F9498/W/21/3267931

Edbrooke Farm, Acland Lane, Cutcombe, Wheddon Cross TA24 7EL

- 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 & Mrs MA & SS Sanders against the decision of Exmoor National Park Authority.
 - The application Ref 6/8/20/109, dated 10 July 2020, was refused by notice dated 18 January 2021.
 - The development proposed is extension of existing dwelling to provide a home office and utility room and associated works.
-

Appeal B Ref: APP/F9498/Y/21/3267929

Edbrooke Farm, Acland Lane, Cutcombe, Wheddon Cross TA24 7EL

The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.

- The appeal is made by Mr & Mrs MA & SS Sanders against the decision of Exmoor National Park Authority.
 - The application Ref 6/8/20/110LB, dated 10 July 2020, was refused by notice dated 18 January 2021.
 - The works proposed are extension of existing dwelling to provide a home office and utility room and associated works.
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Decision A

1. The appeal is dismissed.

Decision B

2. The appeal is allowed, and listed building consent is granted for extension of existing dwelling to provide a home office and utility room and associated works, at Edbrooke Farm, Acland Lane, Cutcombe, Wheddon Cross TA24 7EL in accordance with the terms of the application, Ref: 6/8/20/110LB, dated 10 July 2020, and the plans submitted with it, subject to the conditions in the attached schedule.

Applications for costs

3. Applications for costs in relation to both appeals were made by Mr & Mrs MA & SS Sanders against Exmoor National Park Authority. These applications are the subject of separate Decisions.

Preliminary Matter

4. The appeals relate to the same proposal under different legislation. Appeal A is made in respect of the planning application and Appeal B in respect of the listed building consent. I have considered each appeal on its own merits.

Main Issue Appeal A

5. Whether the proposal is acceptable in relation to the cumulative enlargement of a dwelling within the Exmoor National Park, in the context of the adopted Policy.

Main Issue Appeal B

6. The effect on the significance of the listed building, known as Edbrooke Farm.

Reasons Appeal A*Cumulative enlargement of a dwelling*

7. Policy HC-D15 of the Exmoor National Park Local Plan 2011-2031 (LP) establishes that proposals for residential extensions will be permitted where they satisfy certain criteria. This includes the requirement that they are not disproportionate to the original dwelling and in any case do not increase the external floorspace of the original dwelling by more than 35%.
8. Incremental extensions can cause an imbalance to the range and mix of housing stock within the National Park. The existing building is a large 6-bedroom farmhouse. The unmanaged extension of larger dwellings would have an effect upon the rest of the housing stock within the National Park, where occupiers of smaller homes would seek to create bigger dwellings to fill the gap left in the market. I am satisfied that managing housing stock in this way within the National Park accords with paragraph 172 of the National Planning Policy Framework (the Framework), which places great weight on conserving and enhancing the landscape and scenic beauty in National Parks.
9. The Exmoor National Park Authority (ENPA) advise that the original dwelling is defined in the preamble to the Policy as the floorspace that existed on 1st April 1974. The existing building was extended significantly following the grant of relevant permissions in 1995. This resulted in an increase in external floorspace of approximately 98-99%; the main parties disagree over the exact amount, but the difference is immaterial. The proposal would see further extensions to the building in two areas, which would result in a further increase to the floor area as it existed in 1974 of approximately 125%. The proposal would therefore be contrary to Policy HC-D15 of the LP.
10. Although the increase in floor area would be less than the large increase in the mid-1990s, it is still a substantial further addition. It is not clear what the policy position was at the time that these extensions were approved in 1995, or what considerations led to the grant of planning permission. The appellants suggest that the Policy should be applied to the current dwelling, which would include the 1990s extension, however such an approach would not be in accordance with the wording or aims of the Policy. The Policy exists to prevent further unmanaged cumulative extensions, so the presence of an existing extension does not automatically render further additions acceptable.
11. The office extension would be in the area of a large two storey barn that was removed to make the site safe. The details of this former structure before me are limited to historic maps and a plan from 1994 that sets out the footprint of the building only. Although it may have been used for some ancillary domestic functions it was detached from the dwelling and is referred to on the plan as a stone barn. As such, I am not satisfied that the existence of this former barn is

- relevant to my consideration of the proposal in the context of Policy HC-D15 of the LP.
12. The ENPA has advised that a proposal for a detached office extension would mean that it would have the potential to fall outside this restrictive Policy, because it would no longer be a residential extension. Although I am mindful of the appellants views on this matter, I must determine the appeal on the merits of the proposal before me, which is for an attached home office for which Policy HC-D15 does apply.
 13. It is suggested that a condition could be imposed that would limit the use of the office extension so that it is only used for the administration of the farming business. It could however be easily used for other office functions such as for family admin, or as a place for children to carry out homework, and it may be difficult to differentiate between such functions. Furthermore, the office extension would attach to the existing living accommodation, accessed through a pair of double doors with a pleasant outlook over the garden and a part glazed roof. It would thus be an attractive space that would suit a wide range of domestic uses including additional living space. For these reasons, with reference to paragraph 55 of the Framework, I am of the view that such a condition would not be reasonable and would be difficult to enforce.
 14. I have before me a recent appeal decision where Policy HC-D15 of the LP was the most important Policy in the determination of the appeal¹. The appeal was allowed. I note that there was dispute between the parties as to the exact percentage increase that the proposal would create, however the Inspector clarifies that even the greater increase would only have been very marginally over the limit provided by the Policy. This would be very different to the proposal before me, which would see a huge cumulative percentage increase to the size of the original dwelling. As such, the decision at Dulverton does not cause me to come to a different view on the acceptability of the proposal at Edbrooke Farm.
 15. I am mindful of the submissions that seek to demonstrate the appellant's need for the proposed office extension. However, the existing farmhouse is large and there is no information before me to explain why space for an office could not be found within the existing building.
 16. In summary, the proposal would be contrary to Policy HC-D15 of the LP, which seeks to ensure that residential extensions are not disproportionate to the original dwelling. There are no other material considerations before me that are of sufficient weight to indicate that the decision should be made other than in accordance with the development plan.

Reasons Appeal B

Listed building

17. Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) requires the decision maker to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

¹ APP/F9498/D/20/3246061

18. Edbrooke Farm is a grade II listed building, known as 'Edbrook' on the list entry. The building's historic core is defined by two large rubble stone chimneys with a date stone of 1607 and comprises two rooms either side of a cross passage. It has a simple linear form and vernacular appearance, which is enhanced by leaded iron casement windows to the first floor. It sits in a rural setting, away from other built form other than associated agricultural buildings, with rising agricultural land to the rear. The building's simple vernacular appearance, its surviving plan form and historic fabric as well as its remote setting, are significant contributors to its special interest.
19. The proposal would see a modest linear utility extension added to the rear of the building. It would be accessed from the existing rear door and would take the roof pitch of the existing covered walkway, extended to terminate with a low eaves. It would adopt a simple form with limited openings and would represent a subtle addition to the rear of the building that would not be harmful.
20. The office extension would be larger and would be more prominently positioned at the west end of the house, facing out over the garden. However, it would be separated from the historic parts of the existing building by the large and prominently positioned 1990s extension. The main approach to the listed building is from the lane to the east. The office extension would not be visible from this important perspective, where the principal elevation of the original building, its historic extension and the attached barn can be viewed in their entirety.
21. As one moves around the garden area to the south the office extension would come into view. It would adopt a traditional pitched roof form, of a depth that would reflect the proportions of the existing building and its vernacular agricultural character. The roof would feature a large area of glazing where it would connect with the existing building, to which the ENPA objects, however I find that this would be visually contained by the solid roof and masonry gable of the western part of the extension. Furthermore, it would be adjacent to full height glazing on the west side of the existing extension that is spread over two floors. For these reasons I am satisfied that the extension would not appear out of place or at odds with the form and appearance of the existing building, and neither would it be prominent to view in the context of the building's principal historic elevations.
22. From the rising land to the south the building can be viewed in its remote rural setting, as evidenced by figure 2 of the appellants' heritage assessment. From these more distant views the office extension would be seen as a continuation of the linear form of the historic building, adopting a subservient single storey scale that would not be dominant.
23. In summary, the proposal would not harm the significance of the listed building. It would thus accord with the requirements of the LBCA and paragraph 193 of the Framework, which states that great weight should be given to the conservation of heritage assets. Although development plan policies do not strictly apply to applications for listed building consent the proposal would also accord with the policies set out in the ENPA's officer report and decision insofar as they relate to the application for listed building consent.

Conditions

24. I have had regard to the conditions that have been suggested by the ENPA, so far as they relate to the application for listed building consent. I have imposed conditions to ensure that the extensions are appropriately detailed and finished to avoid causing harm to the special interest of the listed building.
25. I have revised the wording of the condition suggested by the ENPA relating to rainwater goods to require the submission of details of such, rather than specify that they must be formed in a particular material. This is because the appellants suggest that PVCu fittings would be appropriate as they already exist at the building, however the ENPA has questioned whether these are permitted. Without further evidence it is not possible for me to conclude on this matter, and I am therefore satisfied that the less prescriptive wording of the condition I have imposed would allow the parties to explore the matter further to reach agreement.

Conclusion

26. Accordingly, for the reasons above, Appeal A should be dismissed and Appeal B should be allowed.

A Tucker

INSPECTOR

Schedule of Conditions**Appeal B Ref: APP/F9498/Y/21/3267929**

- 1) The works authorised by this consent shall begin not later than 3 years from the date of this consent.
- 2) Prior to their implementation, samples of the stone clad exterior of the office extension and retaining wall shall be submitted to and approved in writing by the local planning authority. The sample shall include a sample board of at least 1m x 1m, showing the stone and mortar finish. Once approved the work shall be carried out in accordance with the approved details.
- 3) Prior to their implementation, details of the slates to be used on the roofs of the extensions hereby approved shall be submitted to and approved in writing by the local planning authority. Details shall include type, size and method of fixing. Once approved the work shall be carried out in accordance with the approved details.
- 4) Prior to their installation, details of the rainwater goods for the extensions hereby approved shall be submitted to and approved in writing by the local planning authority. Once approved the work shall be carried out in accordance with the approved details.
- 5) Prior to their installation, details of the window frames, rooflights and timber doors for the extensions hereby approved shall be submitted to and approved in writing by the local planning authority. Details shall include 1:20 drawings showing the profile of glazing bars and sealed units, methods of opening, reveal details and finished colour and treatment. Once approved the work shall be carried out in accordance with the approved details.

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Committee Report

Application Number:	6/3/20/123
Registration Date:	25-Nov-2020
Determination Date:	11-Jan-2021
Applicant	Mr & Mrs R S & C M Webber, Webber Holdings (Exmoor) Limited
Agent:	Mr. B Dinnis, Acorn Rural Property Consultants
Case Officer:	Joe White
Site Address:	GUPWORTHY FARM, WHEDDON CROSS, MINEHEAD, TA24 7DA
Proposal:	Proposed conversion of traditional farm buildings to single Principal Residence dwelling (Use Class C3) and associated works including refurbishment of waterwheel and wheel pit.
Recommendation:	Refuse planning permission
Reason for bringing before Authority Committee:	The Officer recommendation is contrary to the view of Brompton Regis Parish Council

Relevant History

None Relevant

Site Description & Proposal

Gupworthy Farm lies in the Parish of Brompton Regis to the north west of Withiel Florey and approximately 3.5 miles (6km) north east of Brompton Regis.

The property consists of a traditional farmhouse and range of traditional farm buildings, together with more modern farm buildings that mainly lie to the south of the traditional range of buildings.

The application proposes the conversion of a traditional farm building to a three-bedroom dwelling, which is proposed as a Principal Residence market dwelling, and the use of an adjoining single storey traditional barn for undercover parking and storage. The proposals include the use of part of the roof space of the single storey barn for a bat loft and the proposals also include the refurbishment of a waterwheel and wheel pit, which is proposed to be retained for aesthetic purposes and historic interest.

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The proposed dwelling, excluding the garage and store, would have a gross internal floor space of approximately 168 square metres. Foul drainage is proposed to be managed via a private package treatment plant that would discharge into the water course to the south west. The local access road to the site is a minor single width unclassified road. Vehicle parking would be accommodated within the existing walled courtyard to the east of the building. A garden is also proposed within the walled area to the west side of the building.

Gupworthy Farm (including the house and traditional farm buildings) and the waterwheel are both identified in the Exmoor National Park Historic Environment Record. These are non-designated heritage assets.

There are residential neighbours to the north and south of the main building range.

A public footpath (DU 1/14) passes through the building complex and application site.

Consultee Representations

Brompton Regis Parish Council – (March 2021) The BRPC, having been asked by the applicant's agent to consider its consultation response of 'no objection', Brompton Regis has again considered this application.

The majority of parish councillors decided to support the application on the grounds that: the proposal offers a sensible use, and protection, of a now redundant traditional farm building; the proposal will have no adverse impacts on neighbouring properties; and that the refurbishment of any locally designated buildings or monuments such as the water wheel and pit should be encouraged.

The BRPC does not wish the public right of way to be affected adversely by any works on the site while appreciating that, in the interests of safety, short term alterations may be required during works. Any such short term changes should be clearly signed and managed as such and the recorded right of way should be reinstated as soon as possible.

(December 2020) – No objection.

Historic Buildings Officer - The buildings are absent from the c1840 tithe map but appear to be in much their present form on the 1880s 1st edition Ordnance Survey Map. Both farm and the water wheel have entries on Exmoor's Historic Environment Record. The HER entries and map progression are both reviewed in the planning statement.

The conversion appears to be generally well considered with minimal alterations to existing openings. The reduction of the sill height to the south east gable is less desirable but given the height of the existing window above 1st floor level is a justifiable alteration to improve the functionality of the space. The structural engineers

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report suggests that the roof structure will be retained. This is welcome. The retention of the water wheel is also welcome, however, there is little information provided as to what the refurbishment of the wheelpit and waterwheel will involve. I would suggest that a detailed method statement on this element of works is provided. The reinstatement of the water supply to the wheel is not proposed in this application but the planning statement does make reference to this being a future possibility. If the water supply to the wheel is to be reinstated this may impact the functionality of the living space in the adjacent room and this requires some further thought.

There is some internal ground floor walling which is to be removed. This appears to be a mixture of blockwork and stone. The original function of this walling is not clear but may be an important developmental phase of the buildings function.

I support the comments made by the Conservation Officer for the Historic Environment in that there is a need for an archaeological and historic buildings survey to be undertaken to inform the determination of the application.

Conservation Officer (Historic Environment) - Gupworthy may be a settlement of some antiquity as the place name 'worthy' is often an indication of a Saxon settlement or farmstead. The farm buildings proposed for conversion date to the second half of the 19th century at a time when the Brendon Hills Iron Ore Company was very active. The structural survey and the planning, heritage, design and access statement provide a useful outline of some of the history, the structure and condition of the building. It is appreciated that the applicants have a desire to retain historic fabric and potentially re-use the water wheel, and would like to look into the feasibility of this.

There is more that needs to be explained about these handsome buildings and I recommend that an archaeological and historic buildings survey is undertaken to inform the determination of the application. The understanding gained through this process would enable any significant features to be identified and for the design to be adapted where appropriate at this early stage.

In particular how the design of the building relates to its function (farming and water power) needs addressing. The position of the wheelpit is shown on the OS 1st Edition map of around 1888/9. It may be that water power was an integral part of the design of the building. There may be indications in the fabric of where the machinery was housed and surviving features associated with its operation. The significance of the internal ground floor wall to be removed also needs to be established. The position of the serving leat and tail race is not identified, although the HER and the submitted documents suggest this was fed by a leat from the Gupworthy level to the north west. The incoming leat is likely to be near the openings on the west side blocked by infilling and an understanding of the leat structure is required to inform any proposed removal of material here. The tail race may be crossed by the proposed drainage.

The purpose of a prior archaeological assessment or evaluation and building recording is to examine the evidence to enable an appropriate planning response.

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This is a standard process as outlined in the National Planning Policy Framework paragraph 189 and supported in the Exmoor National Park Local Plan 2011-2031

I would be happy to discuss the brief for this work and /or approve a Written Scheme of Investigation (WSI) prepared by a specialist contractor.

Wildlife Officer - Richard Green Ecology Ltd undertook ecological surveys at the farm building to be converted at Gupworthy Farm. The surveys were comprised of preliminary ecological appraisal, consisting of a daytime visual inspection for bats and nesting birds, undertaken on 26th June 2019, and Bat emergence surveys of the building, undertaken in July and August 2019. The results of the surveys were as follows:

- It is considered that the barn is used as a day roost by common pipistrelle, soprano pipistrelle and Natterer's bats.
- It is also considered to be a night/feeding roost by greater horseshoe, lesser horseshoe and long-eared bats.
- From the number of greater horseshoe bat calls recorded and the frequency of calls being recorded, i.e., being recorded on each night of the recording period on several occasions over the evening, the barn is considered to be an important night/feeding roost for greater horseshoe bats.
- Evidence of nesting swallows, pigeon (Columba sp.) and wren were found in the barn.

Recommendations

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

Bats

As bat roosts will be affected and common pipistrelle, soprano pipistrelle, Natterer's bats, long-eared bats spp, greater horseshoe and lesser horseshoe potentially harmed the following is required to be conditioned in order that ENPA fulfils its legal duty of 'strict protection' of European protected species under the provisions of the Habitats Regulations 2017 (and the Crime and Disorder Act 1998)

- Works to the main house shall not in any circumstances commence unless the Local Planning Authority has been provided with either:
 - a) a copy of the licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the development to go ahead; or
 - b) a statement in writing from the licensed bat ecologist to the effect
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that he/she does not consider that the specified development will require a licence.

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

The following condition is also required to ensure that the LPA fulfils its legal duty of strict protection of European protected species:

- Works will not commence until:
 1. Construction operatives have been inducted by a licensed bat ecologist to make them aware of the possible presence of bats, their legal protection and of working practices to avoid harming bats. Written confirmation of the induction will be submitted to the Local Planning Authority by the licensed bat ecologist within one week of the toolbox talk
 2. Two Beaumaris Woodstone Bat Box to provide a suitable alternative roosting location, to accommodate any discovered bat(s), will be hung on a suitable tree or building on or adjacent to the site at a minimum height of 4 metres as directed by a licensed bat ecologist. Any such box will be maintained in-situ thereafter. Photographs showing their installation will be submitted to the Local Planning Authority
 3. Works potentially affecting bats will then proceed under the supervision of the licensed bat ecologist

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

- Long term mitigation, including bat boxes, access provisions to internal features and designed and retained roof void roost will be included in the development proposals will be accommodated, as identified within the Protected Species Survey at Gupworthy Farm, Wheddon Cross (Richard Green Ecology, 2019). Any areas that are accessible to bats must be lined with traditional black bitumen felt (type 1F) to avoid the risk of entanglement of bats. Modern roofing membranes will not be permitted in areas which are accessible to bats. Any timbers that are to be retained and requiring remedial timber treatment should only be treated with 'bat friendly' chemicals (see <https://www.gov.uk/guidance/bat-roosts-use-of-chemical-pest-control-products-and-timber-treatments-in-or-near-them>). A scheme must be submitted to and approved in writing by the Local Planning Authority prior to work commencing
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on site. The roosts will be implemented in strict accordance with the agreed scheme and maintained for the exclusive use of bats thereafter.

Reason: A pre-commencement condition in the interests of the Favourable Conservation Status of populations of European protected species and in accordance with ENPA Local Plan: Policy CE-S3 Biodiversity and Green Infrastructure.

Condition End Note:

Advice has been given by the Association of Local Government Ecologists on the required use of EPS conditions. The condition for a copy of an EPS licence is a standard one from BS42020 'Biodiversity — Code of Practice for Planning and Development'. Before inclusion the condition, as worded in BS42020, was consulted on for legal advice by the BS's authors and by Natural England.

Public Rights of Way Officer - Public footpath DU1/14 passes through the farmyard of Gupworthy Farm. I was pleased to see that the line of the public footpath had been clearly marked onto the block plans for the application.

The proposed development will be very visible to members of the public using the public footpath as it passes within 10 metres of the buildings. I do not consider that the conversion of the building will have any significant impact on traffic movements over the public footpath as it is already in regular use for both the existing dwelling and for agricultural use.

It is important that the public footpath remains open and easy to use at all times during construction works. Our standard advice on development in the vicinity of public rights of way is below.

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*
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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.

Exton Parish Council - The Parish Council have reviewed the above Application noting that it was in Brompton Regis Parish although the land is adjacent to Exton Parish. The Council has no objection to the redundant farm buildings being re-purposed as accommodation for the farm manager. The Councillors were pleased that the water-wheel reportedly built in Bridgetown was to be retained.

Somerset County Council Highways – Standing advice

Wessex Water - Wessex Water has no comments to make on this application. Our records indicate the existing and surrounding properties are on private water supply systems.

The waste providers for this area is South West Water.

South West Water - I refer to the above application and would advise that Wheddon Cross does not fall within the South West Water area.

Representations

A letter of OBJECTION has been received commenting that the application doesn't comply with policy HC-D7. The writer asks the Authority to enforce policy CE-S3 and NPPF paragraph 174 and 175a (habitats and biodiversity) and says that the previous owner kept calf's and reared turkeys in these barns.

Policy Context

EXMOOR NATIONAL PARK LOCAL PLAN
GP1 Achieving National Park Purposes and Sustainable Development
GP3 Spatial Strategy
GP4 The Efficient Use of Land and Buildings

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GP5 Securing Planning Benefits – Planning Obligations
CE-S1 Landscape and Seascape Character
CE-D1 Protecting Exmoor’s Landscapes and Seascapes
CE-S2 Protecting Exmoor’s Dark Night Sky
CE-S3 Biodiversity and Green Infrastructure
CE-S4 Cultural Heritage and Historic Environment
CE-D3 Conserving Heritage Assets
CE-S5 Principles for the Conversion or Structural Alteration of Existing Buildings
CE-S6 Design & Sustainable Construction Principles
CC-S1 Climate Change Mitigation and Adaptation
CC-D1 Flood Risk
CC-D2 Water Conservation
CC-S6 Waste Management
CC-D5 Sewerage Capacity and Sewage Disposal
HC-S1 Housing
HC-S2 A Balanced Local Housing Stock
HC-S3 Local Occupancy Criteria for Affordable Housing
HC-S4 Principal Residence Housing
HC-D7 Conversions to Dwellings in the Open Countryside
AC-S1 Sustainable Transport
AC-D1 Transport and Accessibility Requirements for new development
AC-D2 Traffic and Road Safety Considerations for Development
AC-S3 Traffic Management and Parking
AC-D3 Parking Provision and Standards

The NPPF is a material planning consideration.

Planning Considerations

The main planning considerations are the principle of development, the matter of conversion and the impact on the landscape, wildlife, residential neighbouring amenity and highway safety.

Principle of development

The application proposes the conversion of traditional agricultural building to a residential dwelling, which is presented as a “Principal Residence” market dwelling, together with the use of an adjoining single storey traditional building for parking and storage ancillary to the proposed dwelling.

Policy GP1 of the Local Plan sets out that development within the National Park should support the function and resilience of communities by providing for a size, type and tenure of housing to address local affordable needs and help create a balanced community. Policy GP3 aims to ensure that communities across the National Park continue to thrive so that they are economically resilient, environmentally sustainable, socially mixed and inclusive. Policy GP4 encourages the efficient use of land and

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buildings through, among other things, the reuse of existing buildings within farmsteads.

The housing policies of the Local Plan provide the framework to address the housing needs of the National Park's local communities and to ensure that the level of housing development is compatible with the conservation and enhancement of Exmoor. The focus is on addressing the needs of those people who live and work in the area, prioritising the need for affordable housing and ensuring the National Park's housing stock, as a whole, meets the needs of all sections of the local community. This is achieved through a need led rural exceptions approach in order to maximise the ability to deliver affordable housing. The Local Plan also makes provision for rural workers and accessible and adaptable homes for older people, as well as "extended family dwellings".

Policy HC-S1 explains the purpose of housing development will be to address the housing needs of local communities. The principal community identified need is for affordable housing with local occupancy ties. Exceptionally, new housing development will be permitted where it addresses an identified local housing need for affordable homes, occupied by local persons, rural worker homes or extended family homes occupied by local persons. The Policy advises that, consistent with an exceptions approach to housing, provision will not be made for housing solely to meet an open market demand. The Policy advises that Principal Residence market housing will only be permitted where it is essential to deliver local need affordable housing (and accords with HC-S4) or relates to a Vacant Building in a Local Service Centre or village (HC-D1).

Policy HC-S3 of the Local Plan includes criteria for local need affordable dwellings, and an occupancy tie is required by Policy HC-S2. Policy HC-S4 aims to ensure that new market housing is prevented from being a second or holiday home.

Policy HC-S4 refers to Principal Residence Housing. As explained at paragraph 6.91 of the Local Plan, Principal Residence housing is a form of market housing controlled by a mechanism, usually an occupancy condition of planning permission, which ensures it can be lived in by anyone, but only as their principal residence. The aim of this is to prevent any new market housing being used as a second or holiday home given the existing high percentage of homes in the National Park with no permanent residents and its impact on the social well-being of a number of communities.

As the housing strategy for the National Park seeks to ensure, new housing should be affordable housing to meet local needs. Principal Residence housing will, in accordance with HC-S4, only be permitted in very specific circumstances where it can be demonstrated to be essential to enable the delivery of affordable housing schemes in identified settlements. Principal Residence housing is not permitted in open countryside locations. Principal Residence housing is only permitted in settlements where this is essential to enable the delivery of affordable housing or where new dwellings are created through the subdivision of existing dwellings or where provided

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through the conversion of a hotel to a dwelling, in accordance with the relevant policy tests.

The application site lies outside a Local Service Centre or village and, for the purposes of the Local Plan, is in open countryside. In accordance with Policy HC-D7, in the open countryside the change of use of a non-residential building(s) to a dwelling will be permitted where:

- a) *The need for the dwelling(s) cannot be met within the existing housing stock, from sites/buildings already with planning permission or through the acceptable extension and/or subdivision of an existing dwelling; and*
- b) *It is in accordance with CE-S5 Principles for the Conversion or Structural Alteration of Existing Buildings; and*
- c) *In the case of local need accommodation, the building is located in a hamlet or farmstead where there is an existing dwelling. The intended occupants will meet the local need criteria in HC-S3 Local Occupancy Criteria for Affordable Housing, and a planning obligation will be secured to ensure that occupancy of the dwelling(s) is confined to persons in local housing need in perpetuity; or*
- d) *In the case of Extended Family accommodation, the building is located in a farmstead within an existing group of buildings, in close association with an existing dwelling and the proposal otherwise accords with HC-D5 Extended Family Dwellings Criteria; or*
- e) *In the case of a rural worker or Succession Farm dwelling, the building is well related to existing buildings on the holding. The occupancy of a rural worker dwelling will be limited to a person(s) able to demonstrate a proven essential need for the accommodation in accordance with HC-D9 Rural Workers or, for Succession Farm dwelling, the occupancy requirements in HC-D10 Succession Farming – Second Dwelling on Established Farms.*

Policy HC-D7 also requires that for buildings within an existing agricultural use, it should be demonstrated that the agricultural use of the existing building to be reused is redundant.

The proposed dwelling would not meet an identified local affordable need for housing and would not be local need affordable housing (under HC-S3), nor would it be extended family accommodation (under HC-D5), or rural worker or succession farm accommodation (under HC-D9 or HC-D10). The application seeks a Principal Residence open market dwelling that would lie in open countryside and would not enable the delivery of affordable housing to meet local need.

The proposal for a Principal Residence dwelling is therefore contrary to the housing strategy of the adopted Local Plan. The applicant agrees that this application proposal does not come within any of the qualifying housing types/approaches under Policy HC-D7.

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However, the applicant considers that there are overriding material considerations that outweigh Local Plan policy. The applicant explains that these considerations include national planning policy in the National Planning Policy Framework (NPPF) for the residential re-use of redundant or disused buildings, and the first statutory purpose of the National Park.

The applicant refers to paragraph 79 of the NPPF, which is relevant to rural housing and advises that planning policies and decisions should avoid the development of isolated homes in the countryside unless particular circumstances apply. In this case the applicant argues that the relevant circumstances that would apply are:

- *The development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; (NPPF para. 79 b) and,*
- *The development would re-use redundant or disused buildings and enhance its immediate setting. (NPPF para. 79 c).*

The applicant identifies the existing buildings as heritage assets. While they are not Listed buildings they are, together with the farmhouse and adjacent traditional buildings, identified on the Historic Environment Record. In addition, the waterwheel and wheel pit that lie on the west elevation of the bank barn is identified on the Historic Environmental Record. The waterwheel was powered by a leat from the adit of Gupworthy Iron mine, which lies to the north west of the site.

The buildings subject of the application are traditional buildings of historic merit. It is agreed that these are considered to be non-designated heritage assets for the National Park.

In this regard the applicant refers to Policy CE-D3 of the Local Plan, which refers to conserving heritage assets and in particular point 5.a) of the Policy, which says:

Development proposals that seek to bring heritage assets, that are redundant or at risk, into a viable use in ways that are consistent with their long-term conservations will be encouraged.

The applicant also refers to national policy guidance relating to viability and the delivery of affordable housing as a set of principles to be applied in assessing what may be considered a “viable use” for the application buildings.

A basic viability assessment is provided that considers three scenarios namely, a) conversion to an unrestricted open market dwelling; b) conversion to a principal residence dwelling, and c) conversion of part to a local need affordable dwelling with a floor space of 93 square metres. The two scenarios a) and b) are for a dwelling with a floor space of 168 square metres. The viability assessment includes an existing use value of the site of £50,000 and a landowner premium of £50,000.

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The applicant's own viability assessment considers that the projected annualised return on investment is negative for scenarios b) and c) and that "on this standard measure of viability, the proposals would not be considered viable as an annualised return of 1.5%", and that the return is below what an investor or a developer would expect to receive. The applicant explains however that the proposed development and its financial aspects as a Principal Residence dwelling are acceptable to them and the applicant considers this to meet the objective of Paragraph 79(b) of the NPPF.

In addition, the applicant refers to Paragraph 79(c) of the NPPF and the matter that the proposal would re-use redundant or disused buildings and enhance its immediate setting, and so thereby meeting this objective.

The applicant has explained that the bank barn, that would accommodate the proposed dwelling, is disused and that the single storey barn, that would provide garaging and storage, is considered redundant. The proposals also seek to refurbish the waterwheel and wheel pit, cobbled yard and its boundary wall, and the stone wall adjacent to the rear yard.

The applicant has referred Officers to a planning appeal decision made in March 2021 and where the Planning Inspector granted planning permission for the construction of a new open market dwelling in the New Forest National Park. The appeal considers the proposed erection of single dwelling, outbuildings and landscaping of the site, together with the demolition of existing equestrian buildings. One of the main issues in that case was whether there is adequate justification for the proposed dwelling, in light of development plan policies which seek to restrict development in open countryside and the statutory purposes of the National Park, having regard to advice in the NPPF.

That scheme conflicted with the housing strategy for New Forest National Park. The proposal however would see the removal of large equestrian related development and its removal was considered to enhance the landscape character and improve the appearance of the area and the cessation of that use was considered to be of benefit in terms of reducing traffic, pollution and noise associated with such use. The Inspector commented that the site lies close to a settlement on previously developed land and that the development would remove visually prominent non-agricultural buildings, which have been and would be likely to be used for purposes harmful to the character of the area and to ecological interests. In considering the development plan as a whole, the Inspector concluded that the benefits of the scheme outweighed the conflict with the housing strategy and laid in favour of the statutory purposes of conserving and enhancing the natural beauty, wildlife and cultural heritage of the New Forest. The appeal was allowed accordingly.

Manner of Conversion

Policy CE-S5 (principles for the conversion or structural alteration of existing dwellings) advises, among other things, that the conversion of existing buildings will

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be permitted where the building is capable of conversion without substantial reconstruction and maintains or replaces existing bat and barn owl roosts.

The policy requires that for traditional buildings proposals for conversion should ensure the historic fabric, and architectural interest of the building and its setting including the retention of existing traditional and historic features are conserved and enhanced; and the proposal reflect the character and significance of the building.

Policy CE-S4 (cultural heritage and historic environment) seeks to ensure that present and future generations can increase their knowledge, awareness and enjoyment of these special qualities. The Policy expects development to make positive contribution to the local distinctiveness of the historic environment. The Policy advises that development proposals likely to affect heritage assets should be supported by a desk-based assessment appropriate to their significance.

Policy CE-D3 (conserving heritage assets) advises that development proposals affecting a heritage asset and its setting should demonstrate a positive contribution to the setting through sensitive design and siting and promote understanding and enjoyment of the heritage asset. The Policy advises that development proposals that seek to bring heritage assets, that are redundant or at risk, into a viable use in ways that are consistent with their long-term conservation will be encouraged.

The application papers include a structural survey of the buildings confirming that they are capable of conversion.

The applicant explains that the design of the proposed conversion has been formulated to respect and defer to the appearance, scale and architectural importance of the building. The proposed works include localised repairs and refurbishment work to the existing stone walls; retaining a natural slate roof; installing timber joinery items; and installing powder coated black metal rainwater goods. There is no requirement for rebuilding of external walls. Existing openings are retained and previously blocked up openings are reinstated. The stonework of the wheel pit is proposed to be refurbished. The king post trusses and timber beams supporting the intermediate floor are proposed to be retained.

Notwithstanding the information submitted in support of the application, the Conservation Officer has advised that there is more that needs to be explained about these buildings and she recommends that an archaeological and historic buildings survey is undertaken to inform the determination of the application. She explains that the understanding gained through this process would enable any significant features to be identified and for the design to be adapted where appropriate at this early stage. The Conservation Officer advises that, in particular, how design of the building relates to its function (farming and water power) needs to be addressed. There may also be indications in the fabric of where the machinery was housed and surviving features associated with its operation – including the significance of the internal ground floor

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wall to be removed. The detail would also provide deeper understanding of the leat structure and potential for that to be crossed by the proposed drainage.

Paragraph 189 of the NPPF under “proposals affecting heritage assets” advises that, in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

The applicant has explained that, in this regard, considering that the buildings are not listed and that the application includes supporting information already with reference to the HER, the request for an archaeological assessment or historic building evaluation is not reasonable pre-determination of the application, but that this could be secured through condition of planning permission.

This is acknowledged, however, although low grade heritage assets, the applicant seeks to argue that the merits include the optimal viable use of the buildings and that the benefits of the scheme outweigh the disbenefits, including the conflict with the Local Plan housing strategy. Having said this, the proposal clearly have the potential to safeguard the longer term future of traditional buildings, although there is also limited information to explain this or how the waterwheel could be conserved or whether there is surviving fabric or evidence of where machinery was install to better reveal the buildings significance, and deepen understanding of the significance of the building.

Landscape Character and Appearance

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

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

These polices are consistent with the NPPF and the protection of the National Park and have regard to the purposes of designated National Parks and their status.

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

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The application site lies within the enclosed farmed hill with commons Landscape Character Type (LCT). The landscape within this character type comprises a patchwork of green fields, peppered with grazing sheep and cattle. Long views, often encompassing adjacent landscape types, are a key feature of this LCT and this landscape character is often seen in the context of contrasting woodland, incised valleys or open water of Wimbleball. The landscape feels managed, but is not densely settled, giving it a peaceful and tranquil feel. Settlement is limited to scattered farms, which tend to nestle in sheltered locations. The industrial heritage of the area is relatively prominent within this landscape, with surviving features including Burrow Farm engine house, abandoned buildings at Gupworthy, and the top part of the incline, cutting and trackbed of the West Somerset Mineral Railway. There are also a number of remains of water management schemes. Land to the north of the application site is designated a Principal Archaeological Landscape due to its significance in the West Somerset Mineral Railway, and associated mine workings.

In terms of landscape impact of the proposals, the application site is well related to the farmhouse and traditional building group of Gupworthy Farm. While the buildings and application site do back onto the farmland to the south west, which is more open to view, and although the application site does lie immediately adjacent a public footpath, which passes along the northern side of the buildings, the proposals do not involve extension of the buildings, the associated external amenity area is contained to an existing courtyard and existing enclosed areas closely associated with the building.

The proposals are considered to have a limited impact on the character and appearance of the landscape, which would be conserved through the proposed development.

Wildlife

In accordance with CE-S3 the conservation and enhancement of wildlife and habitats will be given great weight and development likely to cause harm to legally protected species, or lead to the loss of or damage to their habitats, will not be permitted unless this can be mitigated or then offset so that local populations are at least maintained. Policy CE-S5 requires that proposals maintain or replace any existing bat and barn owl roosts.

A protected species survey has been submitted in support of the application. The survey has identified that the building is used as a day roost by common pipistrelle, soprano pipistrelle and natterers bats. The survey considers that the building is used as a night/feed roost by greater horseshoe bats, lesser horseshoe bats and brown long-eared bats. Evidence of nesting swallows, pigeon and wren were found in the barn. Considering this, the survey report recommends mitigation measures that are required, including the provision of alternative roosting provision for bats, to minimise potential disruption and to maintain the favourable conservation status of the species present. The proposal include the provision of a bat loft in part of the roof space of the

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single storey building, which would otherwise be used as a store and garaging under the proposals.

Subject to the mitigation measures proposed and conditions of planning permission as recommended by the Authority Wildlife Officer, the proposals are considered to maintain the favourable conservation status of species and habitat present within the application site.

Amenity of Residential Neighbours

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

The closest residential neighbour to the application site is Gupworthy Farmhouse, which lies to the north and about 50 metres from the application building. Gupworthy Farmhouse is in the applicant's ownership and the proposals are not considered to cause material harm to the residential amenity enjoyed at that property.

The neighbour to the north, Beech Croft, lies approximately 70 metres away and occupies higher ground. There are existing farm buildings and vegetation between the application site and neighbour. The neighbour to the south, Lyddonscroft, lies more than 100 metres from the site and there are modern farm buildings separating the sites.

Given the juxtaposition of buildings and distance of separation, the proposals are not considered to cause material impact on the residential amenity enjoyed at the neighbouring properties.

Highway Safety

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

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

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

The proposal is considered unlikely to have a severe impact on the local highway network. The proposal makes use of an existing access that serves the farm. Officers consider that, given the nature of the road, the development being a single dwelling and the depth of highway verge to the entrance, the proposal would likely have an acceptable impact on highway safety.

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

There would be an impact on the climate from the construction process and sourcing of construction materials, however the proposals involve the retention and re-use of existing buildings and utilises the embodied energy already within the buildings effectively. Officers consider that the impact on the climate resulting from the conversion scheme would not be such that a reason for refusal would be justified on this basis.

Human Rights

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

Planning Balance and Conclusion

Planning applications have to be decided in line with the Local Planning Authority's Local Plan, unless there is very good reason not to do so. This is in accordance with

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Section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires planning applications to be determined in accordance with the development plan unless material considerations indicate other.

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

The principal issue in this case is the nature of the proposed dwelling and the matter that it is proposed as Principal Residence market housing, which is contrary to the housing strategy of the adopted Local Plan. The proposed dwelling would not deliver local affordable housing that would address an identified local need and it does not come within any of the provisions permitted under Policy HC-D7 (Conversions to Dwelling in the Open Countryside) of the Local Plan.

The proposed development is therefore contrary to the Local Plan and its housing strategy.

In other respects, however, the proposal is considered to maintain the favourable conservation status of species and habitat present within the application site; to conserve the scenic beauty and character of the National Park landscape; to have an acceptable impact on highway safety and local amenity; and, is considered to have the potential to safeguard the longer term future of non-designated heritage assets, subject to consideration of a more detailed archaeological and historic buildings survey, as well as make good use of embodied energy already within the buildings.

The applicant accepts that the proposal does not comply with the housing policies of the Local Plan, but considers that there are material considerations and benefit that outweigh the harm and conflict with the Local Plan.

The NPPF is a material consideration and the applicant argues that the proposals represent the optimal viable use of the heritage assets and is appropriate enabling development to secure the future of the assets, thereby complying with para. 79(b) of the NPPF. The applicant also considers that development reuses a redundant or disused building and enhances its immediate setting, thereby complying with para. 79(c) of the NPPF.

In terms of the development representing the optimal viable use of the heritage asset or being appropriate enabling development to secure the future of the heritage asset, paragraph 202 of the NPPF is applicable. Para. 202 advises that “local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies, but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.”

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In addition to this, the NPPF, under para. 77, makes clear that in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs.

Traditional agricultural buildings are not considered to be previously developed land. However, it is recognised that such buildings are part of the important resource of existing redundant or under-used buildings within the National Park that may be appropriate for a range of future uses, including local need affordable homes. In addressing local housing needs, maximum use should therefore be made of the existing stock of accommodation, buildings and previously developed land/buildings. This should help to minimise the level of greenfield housing development within the National Park.

The housing policies of the Local Plan permit housing on this site where is this required to meet an identified local need for affordable housing, as an “extended family dwelling” or to meet an essential need for rural worker accommodation. All these permitted uses have the ability to comply with para. 79(b) and (c) of the NPPF. The issue with the proposal is the proposed type of housing, which would be Principal Residence market housing.

The applicants assessment of “optimal viable use” does not consider other policy compliant uses, under the Local Plan, including as a unit(s) of holiday accommodation (Policy RT-D4), business re-use(s) (Policy SE-S3) or as an extended family dwelling(s) (Policy HC-D5) as the means to secure the future of the heritage asset and provide an optimal viable use. The Local Planning Authority is aware of other recent cases where traditional historic farm buildings have been converted to units of holiday accommodation or extended family dwellings, which are considered reasonable indicators that these are viable reuses.

In addition to and notwithstanding that, whether the proposed development is the “optimal” viable use for the building to secure the future of the heritage asset is less certain. This is because of the limited detail regarding the archaeological and historic assessment of the building and its setting to inform the nature of the proposed development and enable understanding of potential significant surviving features, including the leat system and tail race, which may otherwise be harmed by the proposals.

Although some elements of the proposed development are judged to be acceptable, and the proposed development would represent what the applicant considers a viable reuse of the heritage asset, which are redundant or disused buildings, the benefits associated with the proposal are not considered to outweigh the conflict with the relevant parts of the Local Plan, policies GP1, HC-S1, HC-S2, HC-S3 and HC-D7.

The scheme’s viability is not considered to outweigh the harm of allowing housing that would fail to contribute to identified local affordable housing need.

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In addition to this, Officers are concerned that there are many similar traditional farm buildings/non-designated heritage assets within farmsteads on Exmoor and that this proposal, if approved, could cause a dangerous precedent undermining the National Park housing strategy. While it is recognised that each application must be considered on its own merits, there are likely to be a number of direct parallels that could be argued and repeated across Exmoor on similar traditional farmsteads, thereby further harming and undermining the local housing strategy for Exmoor National Park.

In this regard the applicant has referred the Authority to an appeal decision dating to March of this year, which is a material planning consideration. The appeal, as outlined earlier in this report, includes a proposal for an open market dwelling contrary to the New Forest National Park Local Plan housing strategy. The circumstances of that appeal are, however, considered to be materially different to this case, including because of the scale of the overall proposal, the benefits identified with landscape restoration, the matter that the proposal involved a site close to a settlement on previously developed land, and the matter that the development would remove visually prominent non-agricultural buildings that have been and would be likely to be used for purposes harmful to the character of the area and to ecological interests. The circumstances to that appeal are considered to be distinctly different to this case, such that the appeal decision is afforded little weight.

In conclusion, while there is merit in converting the buildings and benefit in providing a viable reuse for those barns securing their long-term future and protecting non-designated heritage assets, considering the Local Plan as a whole and having regard to the benefits of the scheme, the benefits associated with the development are not considered so convincing or of sufficient weight to outweigh the harm and conflict of the development with the housing strategy of the Local Plan. For these reasons, it is recommended that planning permission be refused for the reason below.

Recommendation

Refuse for the following reason:

1) The Exmoor National Park Local Plan 2011-2031 sets out a clear strategy to assist local communities with the provision of local need affordable housing. Clause 3 of Policy HC-S1 of the Local Plan specifically states that 'consistent with an exceptions approach to housing, provision will not be made for housing solely to meet open market demand' and that Principal Residence market housing will only be permitted where it is essential to deliver local need housing or through a Vacant Building in a Local Rural Centre or Village. The proposed conversion of the application buildings to a single Principal Residence market dwelling is contrary to the adopted housing strategy of the Exmoor National Park Local Plan 2011-2031, which permits the conversion of buildings in the open countryside where the resultant dwelling(s) is secured as local need affordable, Extended Family accommodation or rural workers accommodation. The proposed development is considered to be

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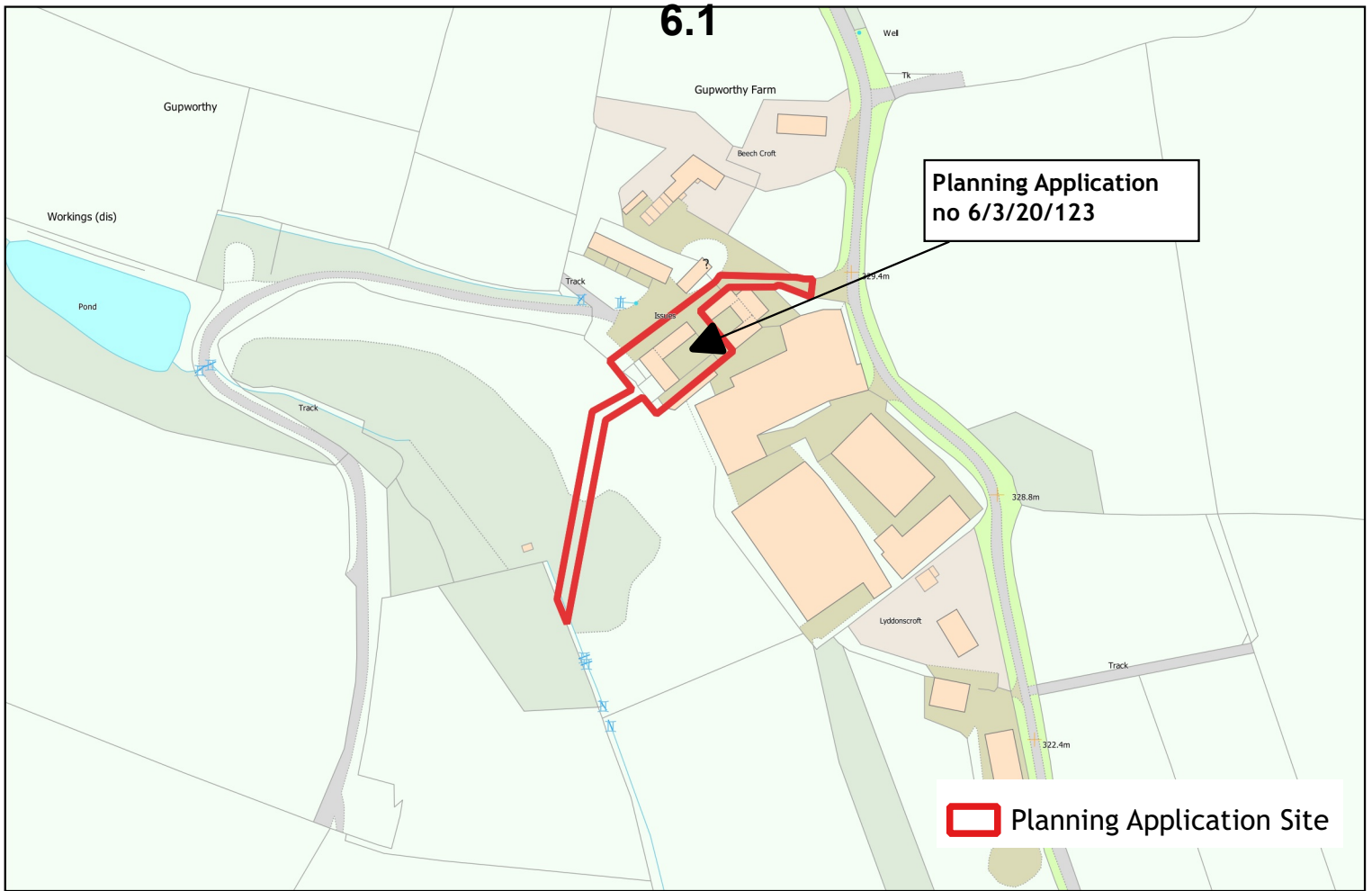
contrary to policies GP1, HC-S1, HC-S2, HC-S3 and HC-S7 of the Exmoor National Park Local Plan 2011-2031. Although there is merit in converting the buildings and benefit in providing a viable reuse for those barns securing their long-term future and protecting non-designated heritage assets, considering the Local Plan as a whole and having regard to the benefits of the scheme, the benefits associated with the development are not considered so convincing or of sufficient weight to outweigh the harm and conflict of the development with the housing strategy of the Local Plan.

Informatives

POSITIVE & PROACTIVE STATEMENT

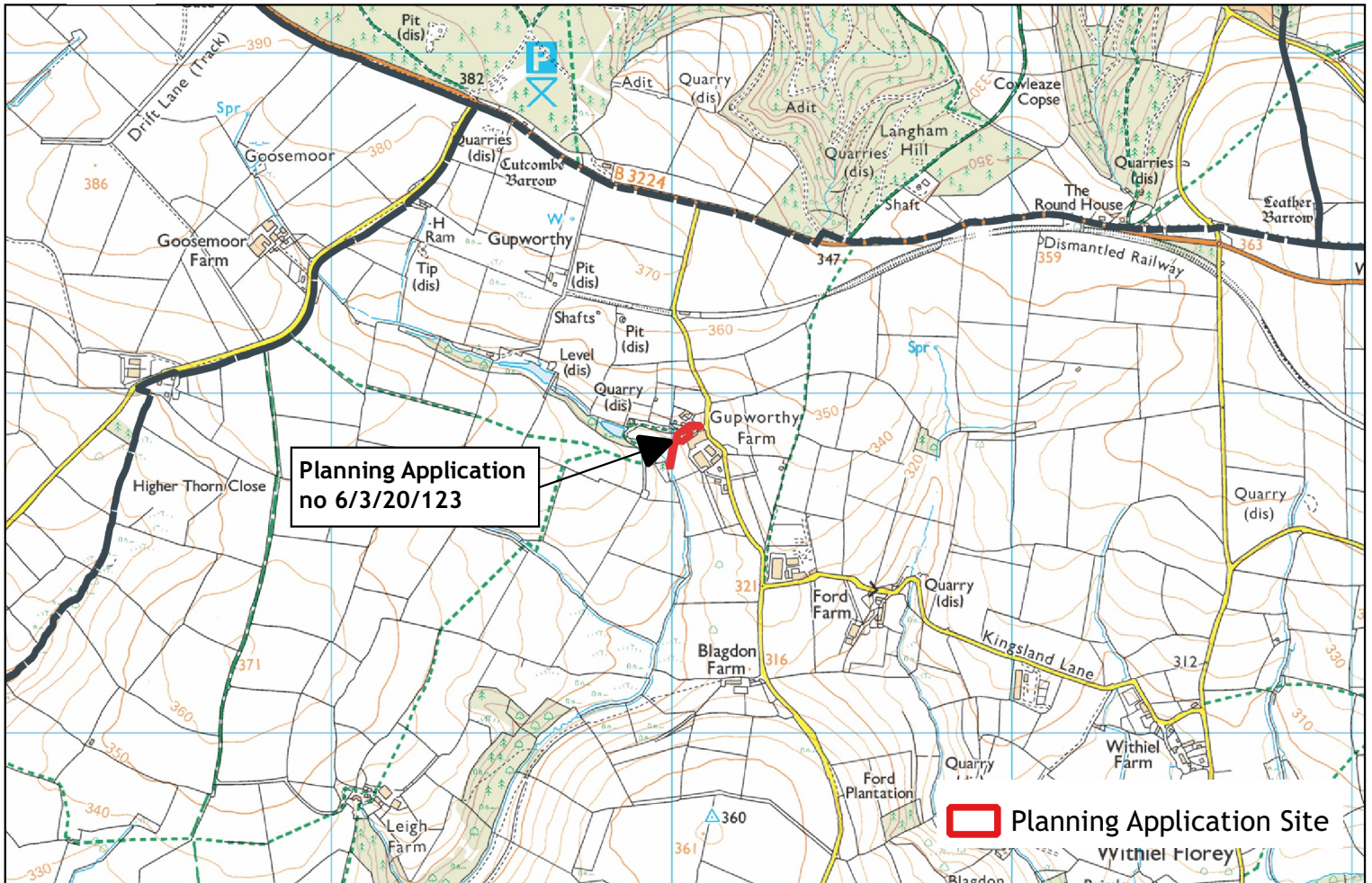
This Authority has a pro-active approach to the delivery of development. Early pre-application engagement is always encouraged. In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, in determining this application, Exmoor National Park Authority has endeavoured to work positively and proactively with the agent/applicant, in line with the National Planning Policy Framework, to ensure that all relevant planning considerations have been appropriately addressed to achieve a positive outcome. However, in this case, matters relating to housing strategy have not satisfactorily been addressed.

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Site Map
Scale 1:2500

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Overview Map
Scale 1:20000

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Committee Report

Application Number:	62/36/21/002
Registration Date:	01-Apr-2021
Determination Date:	25-May-2021
Applicant	Mr K Nicholas
Agent:	Mr G Townsend, Planning Partnership Ltd
Case Officer:	Kieran Reeves
Site Address:	Silkenworthy Farm, Down Lane, Kentisbury, Barnstaple, Devon
Proposal:	Proposed retention of existing agricultural barn (406.3 sqm). Retrospective.
Recommendation:	Refusal
Reason for bringing before Authority Committee:	A Member of the Authority is a partner in the business acting as an agent for the applicant.

Relevant History

GDO 19/09 – Prior approval for proposed agricultural building (32.5m x 12.5m) for the storage of hay and machinery – Planning application required (7th August 2019)

Site Description & Proposal

Silkenworthy Farm is a working farm that is located in open countryside between Kentisbury and the A399. It sits in an isolated location away from residential properties. The main building complex on the holding consists of two agricultural buildings (one of which is the subject of this application) and a farmyard. There is no dwelling located at the main building complex. The applicant lives away from the building complex.

Planning permission is sought for the agricultural storage building that has been erected without planning permission. The applicant submitted a prior notification application for the barn in 2019 and the Local Planning Authority informed his agent at that time that the barn required prior approval. No further response was received from the agent and without apparent clarification from his agent, the applicant misunderstood the situation and erected the barn. As it was deemed that prior approval was required, the erection of the barn prior to the granting of such approval meant that the previous application was no longer determinable, and the barn was unauthorised. It is understood that the applicant did not intend to erect the barn without permission and there has instead been a misunderstanding of the prior

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notification/approval process. The applicant has submitted this application to regularise the breach of planning control that has occurred.

Consultee Representations

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

Kentisbury and Trentishoe Parish Council – Kentisbury and Trentishoe Parish Council wish to submit a response of 'no objections'. It is disappointing that this is a retrospective application and that it has taken such a long time to sort out.

ENPA Conservation Manager – Consultation response dated 4th May 2021 – The application is located at the western edge of National Park which is important in establishing its setting as a traditional and tranquil rural landscape. The building is an extension of a modern farm facility, expanding the infrastructure from one barn to two with approx. 20m width of hardstanding in between. The expansion of this facility considerably increases its prominence in the landscape making it readily observable from the nearby A399, particularly for southeast bound traffic, and from the bridleway (236BW5). Its position near the skyline when viewed from the bridleway makes the building more noticeable as does its orientation with the roof pitch end clearly visible. The position is noticeably not that of a traditional farmstead which are usually in more sheltered locations. The combination of these factors results in significant harm to visual amenity which will not be able to be solved with the suggested screen planting. In my view the enlargement of the pre-existing facility cannot be achieved in this location without causing significant harm to visual amenity.

Consultation response dated 8th June 2021 – I respond to the applicant's comments on my earlier assessment of landscape impact. Whilst the suggestions of additional screen planting and painting of the roof are welcomed I do not consider that either or both will be sufficient to mitigate the clear harm to visual amenity that has resulted from the development. The presence of the original barn is not an indication that additional buildings will cause no harm as the effect is compounded by creating a complex of buildings and associate infrastructure.

Representations

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

Policy Context

Exmoor National Park Local Plan 2011 – 2031

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

CE-S1 – Landscape and Seascape Character

CE-D1 – Protecting Exmoor's Landscapes and Seascapes

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CE-S2 – Protecting Exmoor’s Dark Night Sky
CE-S6 – Design and Sustainable Construction Principles
SE-S1 – A Sustainable Exmoor Economy
SE-S4 – Agricultural and Forestry Development

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

Planning Considerations

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

Principle of Development

Silkenworthy Farm has a holding that extends to 38 acres. Prior to the construction of the application building there was one building on the holding that is understood to have been, and continues to be, used to house livestock. It is further understood that the applicant required an agricultural storage building to serve the holding. This new building has provided space to store hay and agricultural machinery. Without the new building the applicant is unlikely to have sufficient building space to store these items under cover. On this basis, the erection of the barn is considered to be justified and compliant in principle with Policy SE-S4 of the Exmoor National Park Local Plan 2011 – 2031.

Design, Scale and Materials

The application building has the typical form and appearance for a modern agricultural building, where simplicity and practicality take priority over aesthetics. The external materials, timber clad external walls under a fibre cement sheet roof are considered to be congruent with the material palette of modern farm buildings on Exmoor. The use of these material is considered to be compliant with Policy CE-S6 of the adopted Local Plan. Turning to the scale of the building, it is considered to be in keeping with the scale of the other farm building within the yard and a substantial amount of yard space has remained, meaning that its construction does not constitute overdevelopment of the site. In addition, it is considered that the building is not oversized for its intended use and it is commensurate with the likely storage requirements for a holding of 38 acres. Overall, the design, scale and materials of the building are considered to be compliant with the Local Plan policies.

Impact on the Landscape

During the previous prior notification application, no formal comment on the proposed erection of the building was received by the landscape officer. However, the Officer verbally advised the Case Officer that screening should be sufficient to mitigate the harm to the landscape that could be caused by the proposed development. The letter sent to the agent for that application, informing him that prior approval was required, stated that “the Local Planning Authority considers that a planting scheme could be

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secured to sufficiently screen the proposed development and therefore lead to an acceptable siting of the building”.

The application now before Members has allowed Officers to consider the impact with the benefit of having the building constructed and on site. Having assessed the proposal, the Authority’s Conservation Manager has objected to the application and these are set out in full earlier in this report. The Conservation Manager has advised that the site located at the western edge of National Park, which is important in establishing its setting as a traditional and tranquil rural landscape. He has raised concerns with the fact that the erection of the building approximately 20 metres away from the other building on site has led to the visual expansion of the built form of this site in the open countryside and this is noticeable from the A399 and a bridleway (236BW5). In addition, he has commented that its position near the skyline when viewed from the bridleway makes the building more noticeable as does its orientation with the roof pitch end clearly visible. The Conservation Manager has concluded that the combination of these factors results in significant harm to visual amenity which will not be able to be solved with the suggested screen planting. He has taken into account the later suggestions from the applicant’s agent that additional screen planting could be provided and that the roof could be painted, but he has advised that neither would be sufficient to mitigate the harm to visual amenity that has resulted from the development.

The applicant’s agent has provided a response to the Conservation Manager’s comments and this is viewable on the Authority website (Additional Landscape Information dated 21st June 2021). The agent asserts that the application building is related physically and functionally to existing buildings associated with the business. He has explained that the relationship to the existing barn and yard is what is required for efficient farming practices and the orientation has avoided the need for large steel doors to be fitted along the long, currently open, edge. He asserts that turning it through 90 degrees would expose that elevation to prevailing winds requiring greater enclosure and accordingly greater visual prominence. The agent goes on to state that the building is required to manage the holding and there is not a less prominent site for the building to be erected. The agent has referred to the Authority’s comments on the previous application, which are set out at the beginning of the landscape section of this report. In his view, the screening proposed is sufficient to mitigate the harm.

The comments made by the agent are noted, including the comments relating to the Local Planning Authority giving some indication during the determination period of the previous application that the siting of the building may be acceptable by providing screening. However, the Conservation Manager has had the opportunity to view the building as completed development, whereas this was not possible during the determination period of the previous application. With the benefit of being able to see a completed development, the Conservation Manager has objected to the retention of this building on the basis that it causes significant visual amenity and the screening suggested by the applicant’s agent would not be sufficient to mitigate against this harm. The Conservation Manager’s comments on the application must be given due

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weight and it is therefore concluded that the application cannot be supported by reason of its impact on the landscape.

Impact on Neighbouring Amenity

Silkenworthy Farm is situated in an isolated location in the open countryside. It is not located near any residential properties. Its position away from properties is considered to prevent material harm occurring to neighbouring amenity as a result of overbearing, loss of light, noise or odour.

Human Rights

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

Conclusion

Officers are satisfied that the erection of the application building to serve the agricultural holding at Silkenworthy Farm is justified and it is compliant in principle with Policy SE-S4 of the Local Plan. Officers are also satisfied that the design, scale and materials of the development are acceptable and material harm to neighbouring amenity would not occur. However, the Conservation Manager has been clear that the retention of the building would cause material harm to the landscape and visual amenity. Officers have taken this advice and reached the conclusion that the landscape and visual harm means that the application before Members is contrary to Policies GP1, CE-S1, CE-D1, SE-S1 and SE-S4 of the Exmoor National Park Local Plan 2011 – 2031. It is therefore recommended that planning permission be refused for the reason set out below.

Recommendation

Refuse for the following reason:

1. The erection of the application barn has led to the visual expansion of the built form of this isolated site in the open countryside. The development is near the skyline when viewed from the bridleway and this makes the building more noticeable, as does its orientation with the roof pitch end clearly visible. The combination of these factors results in significant harm to the landscape and visual amenity, which will not be able to be mitigated with screen planting. The application is considered contrary to Policies GP1, CE-S1, CE-D1, SE-S1 and SE-S4 of the Exmoor National Park Local Plan 2011 – 2031, and Paragraph 170 of the National Planning Policy Framework.

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Informatives

Positive and Proactive Statement

This Authority has a pro-active approach to the delivery of development. Early preapplication engagement is always encouraged. In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, in determining this application, Exmoor National Park Authority has endeavoured to work positively and proactively with the agent/applicant, in line with the National Planning Policy Framework, to ensure that all relevant planning considerations have been appropriately addressed to achieve a positive outcome. In this case, the planning objections to the proposal could not be overcome.

Appeal to the Secretary of State

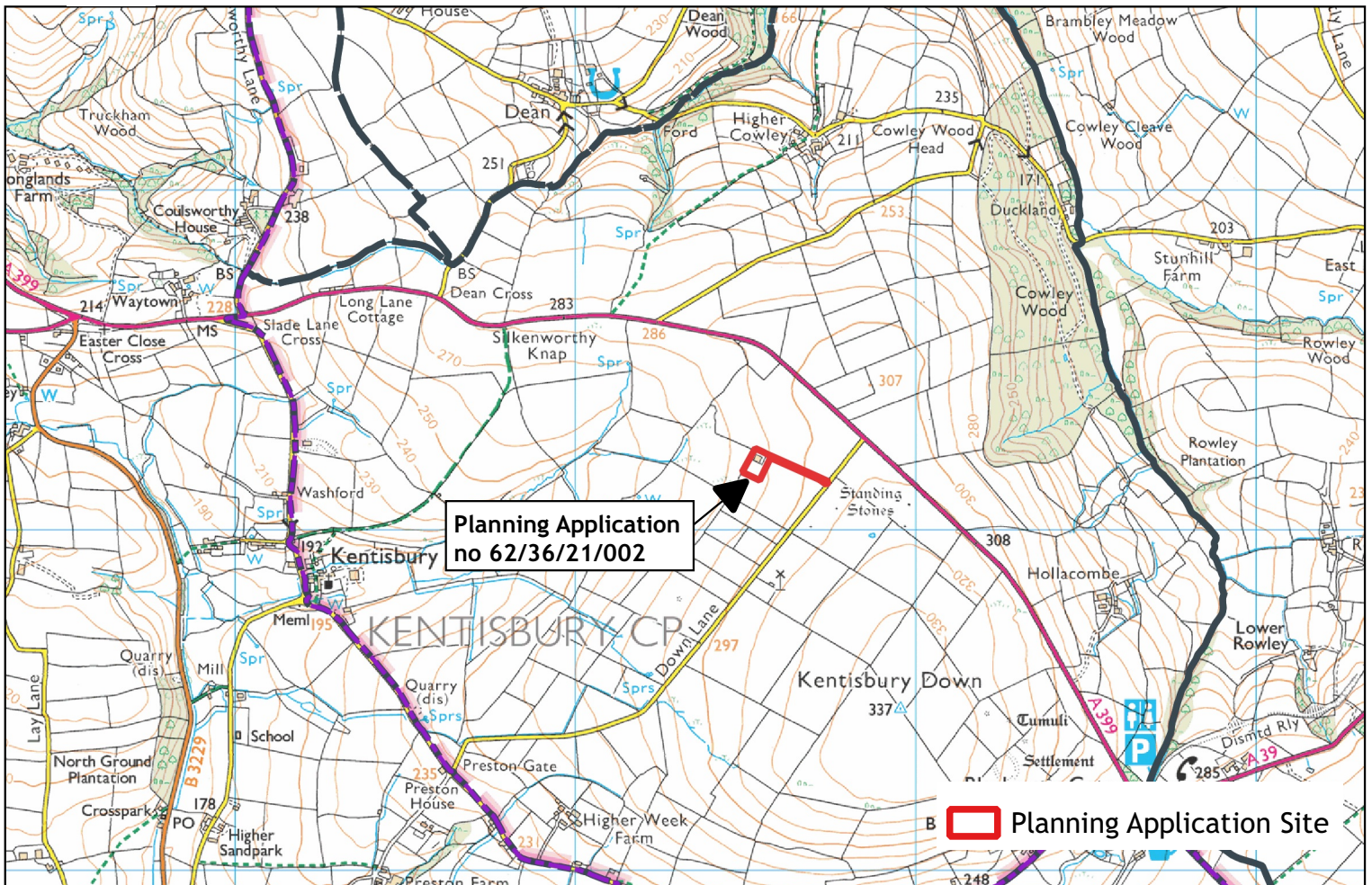
If you want to appeal against your Local Planning Authority's decision then you must do so within 6 months of the date of this notice.



Site Map

Scale 1:2500

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Overview Map

Scale 1:20000

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Committee Report

Application Number:	6/27/21/110
Registration Date:	24-Mar-2021
Determination Date:	10-May-2021
Applicant	Mrs. S Applegate, Exmoor National Park Authority
Agent:	Mr. N Staddon, Staddons Architectural Services
Case Officer:	Dean Kinsella
Site Address:	Worthy Toll Road, Porlock, TA24 8JL
Proposal:	Application under Regulation 3 of the Town & Country Planning General Regulations 1992 for proposed establishment of England Coast Path.
Recommendation:	Approve with conditions
Reason for bringing before Authority Committee:	The application is submitted by Exmoor National Park Authority.

Relevant History

GDO 93/2 - Proposed Track for Cesspool Emptying/Agricultural Access - 4m wide - Approved - 09/15/1993

Site Description & Proposal

Site Description

The application site is located on the northern coast of Exmoor and to the west of Porlock Weir. The proposal would form part of the England Coastal Path. Much of the path follows the line of public bridleway WL19/8. From Gore Point, the route follows the foreshore for 220m to cross the small stream that comes out on the beach at Worthy. From this point the site rejoins the existing South West Coast Path route which runs to the west of Wentworth. It is this area which will involve the formation of the works to provide the path. There are different levels throughout the application site with existing trees and hedges lining various areas of the site. The site also runs through private land and before running through an existed wooded area.

The section of footpath commences by the Old Lime Kiln, which would be protected by a double metal handrail fitted to minimise and prevent walkers entering the building. The land then continues to rise significantly towards a private paddock, access over this level change will be via timber stairs. At the top of the stairs will be a hit and miss fence panel to screen users of the footpath from nearby residents. The

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route through the paddock will be created by lowering the ground level by approximately 60cm and the using the excavated earth to create a hedge bank between the path and private paddock and dwellings beyond. An existing fort structure will be relocated by approximately 1.8m to be sited within the proposed new bank. The path will be no more than 2m in width. The route will then continue to climb through the existing woodland which will be no wider than 1.5m following the natural topography of the area as much as possible. The route then continues along the existing route of the South West Coast Path via timber steps.

Consultee Representations

SCC – Highways Authority – No observations

Porlock Parish Council – No comments received

ENPA – Farming and Wildlife – No comments received

ENPA – Historic Buildings Officer – No comments received

ENPA – Historic Environment Officer – No comments received

ENPA – Historic Environment Advisor – No comments received

ENPA – Wildlife Conservation Officer – No comments received

ENPA – Landscape Officer – No comments received

ENPA – ROW and Access Officer – No comments received

ENPA – Ecologist – No comments received

Environment Agency South West – No comments received

Representations

Three letters of support have been received. The responses set out their support for the principle of the footpath with one response considering that the proposal will enhance the established and increasingly popular South West Coast Path from Porlock Weir to Culbone. It was also stated that the focus and attention to the old limekiln is positive and the soft and hard landscaping of the route is excellent and is entirely sympathetic to its environment.

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Policy Context

Exmoor National Park Local Plan – 2011 – 2031

GP1 - Achieving National Park Purposes and Sustainable Development

CE-S1 – Landscape and Seascape Character

CE-D1 – Protecting Exmoor’s Landscape and seascape

CE-S3 – Biodiversity and Green Infrastructure

CE-S4 – Cultural Heritage and Historic Environment

CE-D3 – Conserving heritage Assets

CE-S6 – Design and Sustainable Construction Principles

CC-S2 – Coastal Development

RT-S1 - Recreation and Tourism

RT-D12 - Access Land and Rights of Way

Planning Considerations

The main material planning considerations are considered to be the principle of development, any impact on the landscape character and appearance, impact on heritage assets and impacts on protected species and habitat.

Background

On 20 June 2017, Natural England (NE) submitted a report to the Secretary of State for the Environment, Food and Rural Affairs setting out the proposals for improved access to the coast between Minehead and Combe Martin.

The primary intention of the new coastal access rights is to create more opportunities for the public to enjoy the natural and cultural environment of the coast and to understand it better. NE’s approach was to find the best outcome that secures these opportunities whilst ensuring appropriate protection for key sensitive features. This principle is in keeping with NE’s statutory purpose to conserve, enhance, and manage the natural environment; and also the National Park purposes. It is also acknowledged that a balance must be struck between the needs of private land owners and benefits to the public.

The creation of a public right of access along the English coast for open-air recreation on foot is provided for by the Marine and Coastal Access Act 2009 (MCA). The Act places a duty on Natural England (NE) to secure this access by means of a route and an associated margin of open access land for the public to enjoy.

The route through the National Park falls into one complete stretch of the England Coast Path – Minehead to Combe Martin. For the entire stretch, the South West Coast Path National Trail already exists. For much of the route, this line is proposed to become the England Coast Path as it fully meets the criteria laid down under the MCA Act. Where the current SWCP route does not meet the criteria, a new route is

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proposed and once the new route is established, the SWCP will also move to follow this new line.

This application seeks to provide a stretch of the trail to replace the existing path which did not meet the criteria under the MCA Act.

Landscape and Seascape

Policy CE-S1 Landscape and Seascape Character & CE-D1 Protecting Exmoor's Landscapes and Seascapes both sets out the need for development conserve and enhance the quality's and characteristics of our landscapes and Seascapes. These policies highlight the need for development to be compatible with their location and consider the culminative impact of development on these sensitive areas.

The application site falls within the landscape character area defined as 'Low Farmed Coast and Marsh' Within this area the landscape represents a striking landscape, unique within Exmoor, and with an exceptionally strong physical and cultural association with the sea. It forms a low arc of flat coastal land which contrasts markedly with the surrounding woods and valleys.

The proposed development will see some local change to the landscape with areas of excavation, and development, including railings, fencing and steps. However, these are considered to have only limited, very localised, impact on the character and appearance of this landscape character area. Much of the development will be hidden from wider public view with the various alterations and developments only viewable by users of the footpath for very short periods of their walk.

The proposed development also will be close to existing trees when leading from the beach and along the path through the paddock area. An Arborcultural Survey, dated June 2018 and a subsequent update, November 2020 have been submitted. The surveys inspected four individual trees and one group of trees. Three of the trees surveys are along the northern edge bounding the shingle beach with the further tree located near the existing limekiln. The group of trees is an area of secondary woodland made up primarily of self-seeded sycamore. The survey highlights the tree near the existing limekiln as the most significant due to its size, form and status. The report in June 2018 states that works to create the path are likely to have an impact on the root protection area of all of the trees within the survey and is likely to see the removal/loss of the trees. The updated appraisal in November 2020 highlighted that one sycamore tree, which was situated close to the limekiln has been removed. Of the three remaining trees, two ash trees have possible signs of ash die back with a final sycamore tree remaining in a fair condition. The group of trees surveyed in 2018 remained in fair conditions. The application does not seek to fell any trees and given their location and different levels it is unlikely that the works proposed would have a significant impact upon the trees. However, even if some of these trees were removed, such as the Ash trees, it is not considered that this would have a significant adverse impact on the character and appearance of the area.

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Therefore, the proposal is considered to conserve the appearance of the landscape and complies with policies CE-S1 and CE-D1 of the Exmoor's Local Plan.

Design

Policy CE-S6 'Design and sustainable Construction Principles' sets out that development should deliver high quality sustainable designs that conserve and enhance the local identity and distinctiveness of Exmoor's built and historic environment. In achieving this, particular attention should be given to the materials used which should complement the local context.

There are two areas, at either end of the application site, where there is a need for the proposed path to navigate a change in land levels. Towards the southern end, the path rises from the shoreline and timber stairs provide access to the Paddock. Likewise, where the footpath re-joins the South West Coast Path route timber steps are proposed. The use of timber is considered appropriate as is the inclusion of stairs in these locations. Other options, including regrading the land, would have a greater visual impact and would remove sections of historic bank and walling.

Furthermore, by the Old Lime Kiln the land slopes up from the foreshore and in order to discourage access to the privately owned Kiln a metal handrail is proposed to guide walkers to the steps. It is recognised that given the footpath will run through private land where public access has not previously been established the principle of a handrail is acceptable. The use of material and the rail's simple design will have a limited impact upon the area and in design terms is a functional response which complies with the local plan policies.

Overall, the proposals are considered to comply with policy CE-S6 of the Exmoor Local Plan.

Historic environment

Policy CE-S4 sets out that Exmoor's local distinctiveness, cultural heritage and historic environment, will be conserved and enhanced to ensure that present and future generations can increase their knowledge, awareness and enjoyment of these special qualities. Development proposals that affect heritage assets will be considered in a manner appropriate to their significance.

Policy CE-D3 also seeks to protect Heritage Assets and their setting through sensitive design and siting and the promotion of the understanding and enjoyment of the heritage asset.

An Archaeological Recording and Evaluation report has been submitted with the application. The report sets out that the limekiln at Worthy was in use in the second half of the 19th century.

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The limekiln at Worthy is one of 17 limekilns situated on Exmoor's coast which were built to use imports of coal and limestone from South Wales.

The limekiln at Worthy is one of only two coastal limekilns ranked as having a good survival/condition score and a high amenity value. In addition, the limekiln at Worthy is highlighted as a 'High Value Priority Site'.

The limekiln at Worthy was cleared of vegetation in early 2018 and the structures are now clearly visible. Its location on the coast and by the proposed route of the new England Coast Path leaves it vulnerable to accidental or deliberate damage, and to deterioration through weathering and vegetation growth.

The limekiln, while firmly rooted in the economy of the Ashley Combe Estate, was incorporated into the 19th-century designed landscape. The round headed archway and stone walls at the end of the track to the limekiln and the beach echo the tunnels and arches found in the vicinity of Ashley Combe House. The track past the limekiln was an easy route to the beach and Rockford Cottage.

As part of the proposed development works are proposed to erect a handrail along the slope leading up beside the limekiln. The rail is proposed to offer protection to the limekiln and ensure that users of the footpath are encouraged to stay on the path and not go into the building. Overall, it is considered that due to its simple and sympathetic design the development will have a minimal impact on the character, appearance and setting of the heritage asset. Also within the setting of the limekiln is a set of timber stairs, providing access up to the paddock. The use of timber and their location some distance from the limekiln also limits the harm to the heritage asset.

To the south of the site are Ashley Combe Stable. The proposed creation of the bank and excavation together with the fence panel will have limited impact upon the setting of this heritage asset. However, once planting matures the impact will be reduced further.

Overall the proposed development is considered to conserve the setting and historic significance of the heritage asset. However, the development would fail to enhance, or have a positive impact on the character and setting and therefore the proposal does not comply fully with the requirements of policies CE-S4 & CE-D3 of the Local Plan.

Protected species and habitat

CE-S3 Biodiversity and Green Infrastructure seeks to conserve and enhance wildlife, habitats and sites of geological interest within the National Park. Development will conserve, create, recreate priority habitat and conserve and increase priority species identified for Exmoor.

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An ecological walkover update has been submitted with the application. A walkover of the site was carried out on the 19th April 2018 and the 18th November 2020.

Following a desktop survey two statutory sites and four non-statutory designated sites were located within 2km of the application site:

- Exmoor Heaths Special Area of Conservation (SAC)
- North Exmoor SSSI
- Laneclose Plantation LWS
- Worthy Wood LWS
- The Parks (west) LWS
- East Culbone Wood LWS

The survey identified the following standard Phase 1 habitat types within the proposed sites:

- Broadleaved woodland – semi-natural
- Scattered trees – broadleaved
- Scrub – dense/continuous
- Bracken – scattered
- Tall ruderals
- Intertidal – shingle/cobbles
- Maritime cliff and slope – soft cliff
- Amenity grassland

The ecology reports sets out that there was no active bat roosts or evidence of bat roosts recorded however, it was recognised that mature broadleaved trees between the northern boundary of the garden of Wentworth and the beach contains moderate potential bat roost features. It is also set out that the kiln, due to its exposure to the prevailing weather and construction would be unlikely to support bat roost potential.

The report also confirms that there was only limited opportunity for other protected species habitat to be present on the site. A number of conditions/informatives have been recommended to mitigate any potential loss of habitat and therefore subject to the inclusion of such conditions it is considered that the proposal would have limited impact upon protected species and their habitat and the proposal is considered to accord with policy CE-S3 of the Exmoor Local Plan.

Public Footpath

RT-D12 Access Land and Rights of Way requires development to protect existing access networks and proposals should safeguard existing rights of way. The development does relate to an existing informal footpath which would be altered to enhance the local network and therefore the development would comply with the above policy.

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

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

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 proposed development does not seek to import materials and utilises the materials on the site. The use of the path will be by walkers enjoying the wider Coastal Path and this has no significant environmental impact. The use of machinery to carry out the construction work will have a limited impact but overall it is considered that the proposal is in accordance with the relevant local plan policies.

Other matters

The proposed development will be in close proximity to the occupiers of Wentworth and a number of other properties in the area. Overall, due to the scale of development, the mitigation included within the development, and the distance between the application site and the dwellings the impact is considered acceptable and unlikely to have a detrimental impact on the amenity of existing residents.

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.

Conclusion

The proposal seeks to create a levelled path which will form part of the wider England Coast Path. Works include excavation to lower the ground levels, creation of a bank, provision of timber steps to allow access across different levels of the site, handrails and privacy fencing. Overall, the development is considered to have an acceptable impact on the character and appearance of the landscape. In design terms the timber stairs, screening panel and railings are considered to be acceptable, and the works do not seek to remove any of the existing trees. The impact on local wildlife habitat can be mitigated through planning conditions.

The proposed development does fail to enhance or make a positive contribution to the setting of the heritage assets close to the application site. However, the impact of the development is considered to be limited and the intervention of the railing is proposed to prevent wider damage to the limekiln which is considered necessary. Therefore, when considering the proposal and the Local Plan as a whole the proposal is considered to represent sustainable development and accords with the Local Plan.

Recommendation

Conditional approval subject to the following conditions:

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

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

2. The works hereby approved shall not be carried out except in complete accordance with drawings numbered File No 1 (Location Plan), File No 2, File No 3, File No 6, File No 7, File No 8, File No 9, File No 14, File No 15, and date stamped 24th March 2021.

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

3. In the event that the removal of scrub, bracken and tall ruderals will be carried outside of the main breeding season in the period from the 1st September to the 28th February, or if this is not possible, a nesting bird check should be completed by a suitably qualified ecologist/ornithologist, or a Ranger with bird survey experience, in the 24 hour period prior to removal. Any nesting birds
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discovered will be buffered by a 5 metres exclusion zone which will remain in force until the chicks have fledged.

scrub, bracken and tall ruderal vegetation should initially be reduced to a height of 10 centimetres above ground level, brushings and cuttings removed and the remainder left for a minimum period of 48 hours of fine warm weather before clearing to minimise the risk of harming/killing any reptiles that may be present and to encourage their movement onto adjoining area. This work may only be undertaken during the period between April and October.

Reason: In the interest of protecting local wildlife and protected species and their habitat in accordance with Exmoor's Local Plan policy CE-S3 Biodiversity and Green Infrastructure.

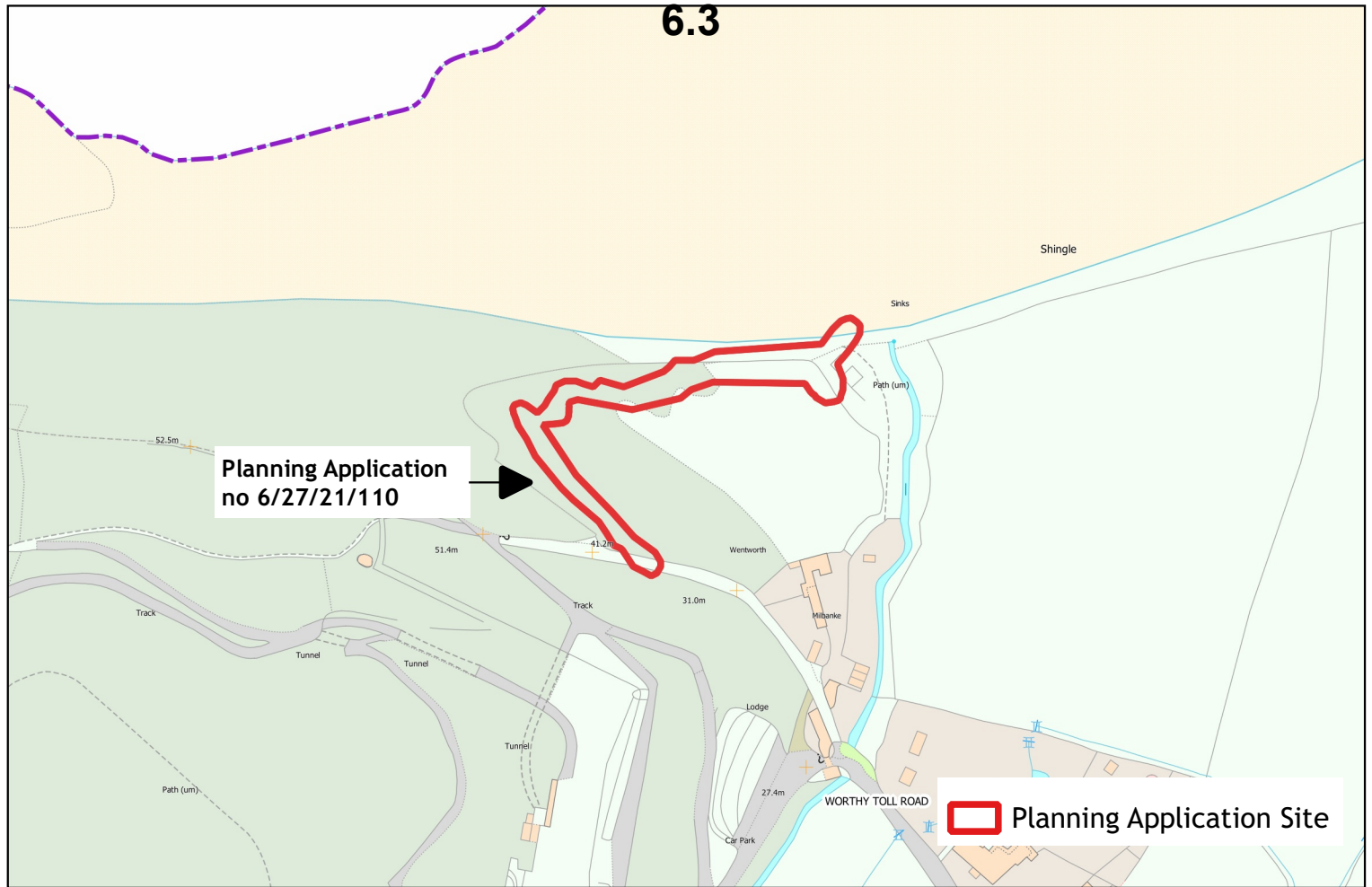
Informatives

Rock and Scree

Any section of exposed rock and scree should be removed or modified should be dismantled by hand, allowing reptile's time to escape to safety. In the event that a reptile is found injured, works must stop, and a qualified ecologist contacted immediately. If the reptile is in danger of further injury or death, then it may be gently collected using a towel of jumper and placed within a sealed container with air holes and taken to the nearest animal rescue centre. Please note, it is not advised to handle an Adder (*Vipera berus*), thus a qualified and experienced ecologist should be contacted in the first instance.

Badger Sett

In the unlikely event that badger setts are discovered during the implementation of the proposal, works must stop immediately, and a qualified and experienced Ecologist contacted for further advice.



Site Map

Scale 1:2500

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Overview Map

Scale 1:20000

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Committee Report

Application Number:	62/19/21/002
Registration Date:	24-Mar-2021
Determination Date:	10-May-2021
Applicant	Mrs. S Applegate, Exmoor National Park Authority
Agent:	Mr. N Staddon, Staddons Architectural Services
Case Officer:	Dean Kinsella
Site Address:	Cobblers Park, Hangman Path, Combe Martin, EX34 0DL
Proposal:	Application under Regulation 3 of the Town & Country Planning General Regulations 1992 for proposed improvements to footpath at Cobblers Park
Recommendation:	Approve with conditions
Reason for bringing before Authority Committee:	The application is submitted by Exmoor National Park Authority.

Relevant History

None Relevant

Site Description & Proposal

Site Description

The application site is located to the northern end of Combe Martin, within Cobblers Park and is to the north of the existing car park. The land rises to the north and east significantly with residential properties situated along the northern boundary of the application site. To the south is an existing public car park with the Towns Beach to the west.

Proposal

The proposed development seeks to create a section of public footpath that will form part of the England Coast Path. The proposed new footpath has been designed to utilise an existing pathway and create an easier route with improved views of the sea. The path is proposed to be improved by creating a 1.2 -1.5-metre-wide crushed aggregate path. Cross drains will be added as necessary to take away water run off to the lower side. Also proposed is the relocation of an existing stone pillar at the entrance to the Park to accommodate the track.

6.4

Consultee Representations

Combe Martin Parish Council – Support the application

North Devon Council Planning – No observation

ENPA - Farming and Wildlife – No comment received

ENPA - Historic Buildings Officer – No comment received

ENPA - Historic Environment Officer – No comment received

ENPA - Historic Environment Advisor – No comment received

ENPA - Wildlife Conservation Officer – No comment received

ENPA - Landscape Officer – No comment received

ENPA - ROW and Access Officer – No comment received

ENPA - Trees and Woodlands – No comment received

ENPA – Ecologist – No comment received

DCC – Highways – No comments received

Natural England - No objection

Representations

Two letters of representation have been received. These responses raise disappointment that an alternative route, which was suggested was not taken forward. Also some concerns were raised with regards to the potential for the cutting of the land to provide the path undermining the existing road that runs adjacent to part of the path.

Policy Context

Exmoor National Park Local Plan – 2011 - 2031

GP1 - Achieving National Park Purposes and Sustainable Development

CE-S1 - Landscape and Seascape Character

CE-D1 - Protecting Exmoor's Landscape and seascape

CE-S3 – Biodiversity and Green Infrastructure

6.4

CE-S6 – Design and Sustainable Construction Principles
CC-S2 – Coastal Development
RT-S1 - Recreation and Tourism
RT-D12 - Access Land and Rights of Way

Planning Considerations

The main material planning considerations are considered to be the principle of development, any impact on the landscape character and appearance, residential amenity and any impact on protected species and habitat.

Background

On 20 June 2017, Natural England (NE) submitted a report to the Secretary of State for the Environment, Food and Rural Affairs setting out the proposals for improved access to the coast between Minehead and Combe Martin.

The primary intention of the new coastal access rights is to create more opportunities for the public to enjoy the natural and cultural environment of the coast and to understand it better. NE's approach was to find the best outcome that secures these opportunities whilst ensuring appropriate protection for key sensitive features. This principle is in keeping with NE's statutory purpose to conserve, enhance, and manage the natural environment; and also the National Park purposes. It is also acknowledged that a balance must be struck between the needs of private land owners and benefits to the public.

The creation of a public right of access along the English coast for open-air recreation on foot is provided for by the Marine and Coastal Access Act 2009 (MCA). The Act places a duty on Natural England (NE) to secure this access by means of a route and an associated margin of open access land for the public to enjoy.

The route through the National Park falls into one complete stretch of the England Coast Path – Minehead to Combe Martin. For the entire stretch, the South West Coast Path National Trail already exists. For much of the route, this line is proposed to become the England Coast Path as it fully meets the criteria laid down under the MCA Act. Where the current SWCP route does not meet the criteria, a new route is proposed and once the new route is established, the SWCP will also move to follow this new line.

This application seeks to provide a stretch of the trail to replace the existing path which did not meet the criteria under the MCA Act. Therefore the principle of development is considered acceptable.

Landscape and Seascape

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Policy CE-S1 Landscape and Seascape Character & CE-D1 Protecting Exmoor's Landscapes and Seascapes both sets out the need for development to conserve and enhance the quality and characteristics of our landscapes and Seascapes. These policies highlight the need for development to be compatible with their location and consider the cumulative impact of development on these sensitive areas.

The application site falls within landscape character type 'Enclosed Farmed Hills with Commons'. The landscape comprises a patchwork of green fields, peppered with grazing sheep and cattle. On lower slopes, lush hedges create an irregular and smaller-scale field pattern, whilst on higher land, where farm land and commons have been 'carved out' of the surrounding moorland, the fields are more geometrically shaped, and bounded by beech hedgebanks or fences. The beech hedgebanks, and the contrast between the fields and the moorland, are defining features of Exmoor.

The site also falls within seascape character SCA 10 'Combe Martin and Ilfracombe Bays' which comprises jagged headlands and small bays of grey sand/shingle found between jutting rocky foreshores and a series of cliffs punctuated by limestone caves and secluded coves.

The proposed route of the footpath runs along an existing informal route. Works will be necessary to ensure there is a level surface to help with access and this will involve some excavation and fill. However, given the minor nature of these works, the site's location with the settlement of Combe Martin, the backdrop of residential properties and topography of the site means that the impact upon the wider landscape character is very limited. Disturbance during the construction phase will likely lead to some additional temporary harm to the surrounding area. However, overall, the proposal is considered to comply with policies CE-S1 and CE-D1 of the Local Plan.

Protected species and habitat

CE-S3 Biodiversity and Green Infrastructure seeks to conserve and enhance wildlife, habitats and sites of geological interest within the National Park. Development should conserve, create, recreate priority habitat and conserve and increase priority species identified for Exmoor.

An ecological walkover update has been submitted with the application. A walkover of the site was carried out on the 23rd March 2018 and the 18th November 2020. Following a desktop survey four statutory sites were located within 2km of the application site:

- Hele, Samson's and Combe Martin Bays Site of Special Scientific Interest (SSSI)
- Exmoor Coastal Heaths SSSI
- Napp's Cave SSSI
- Exmoor Heaths Special Area of Conservation (SAC)

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In addition, the survey identifies three standard phase 1 habitat types within the site, these are:

- Scrub – dense/continuous
- Scattered trees - broadleaved
- Tall herb and fern – ruderal
- Amenity grassland

The survey confirms that there has been no evidence of potential bat roost features within the trees present but the amenity grassland and scrub edge may be used by commuting and foraging bats. However, these potential foraging and commuting areas are not considered to affect the application site.

The potential for wider wildlife habitat is considered to be limited, with the exception of hazel dormice where areas of dense scrub do have the potential to support foraging dormouse during the active season. However, the footpath would have minimal impact and limited to the edges of scrub only. Therefore, the ecologist considers the impact of the development to be minimal. Furthermore, the edge of the amenity grassland, scrub and tall ruderal vegetation has the potential to support small numbers of reptiles such as slow worms and viviparous lizard.

The ecological report advised that subject to appropriate conditions/informatives to manage the time of clearance works.

No further evidence has been submitted which would conflict with the advice of the ecologist in this matter and therefore subject to the inclusion of the relevant conditions or informatives suggested by the ecologist the proposal is considered to comply with policy CE-S3 of the Exmoor Local Plan.

Public Footpath

RT-D12 Access Land and Rights of Way requires development to protect existing access networks and proposals should safeguard existing rights of way. The development does relate to an existing informal footpath which would be altered to enhance the local network and therefore the development would comply with the above policy.

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 of the Local Plan sets out that the need to consider future generations,

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

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

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 proposed development does not seek to import materials and utilises the materials on the site. The use of the path will be by walkers enjoying the wider Coastal Path and this has no significant environmental impact. The use of machinery to carry out the construction work will have a limited impact but overall it is considered that the proposal is in accordance with the relevant local plan policies.

Letters of Representation

In total two letters of representation have been received from local residents. One letter raises no objection but reflected their disappointment at the alternative route which was offered by the resident to use part of their garden was not advanced. The second letter raises concerns regarding the ground works that will be required to form the path may undermine the road that is adjacent to the site. The letter also raises concerns regarding the lack of detail in the submitted plans.

It is important that the Planning Authority consider the merits of the proposal submitted with the application. Clearly should the current proposal be deemed unacceptable then further consideration can be given to the merits of any alternative route put forward.

With regards to the level of detail submitted with the application, officers are content that the information submitted is sufficient to be able to consider the planning merits. Within the application a typical cross section of the path is provided which illustrates the limited excavation required and officers are satisfied that this is very unlikely to result in any impact to the structural integrity of the road running adjacent to the application site.

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Human Rights

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

Conclusion

The proposed development seeks to establish a new route which will form part of the England Coastal Path as well as the South West Coastal Path. The works to create such a path have been carefully considered together with the impact the development may have on surrounding ecological habitats and the character and appearance of the wider landscape and seascape character. Overall officers consider the proposal to comply with the relevant policies with Exmoor's Local and the National planning Policy Framework.

Concerns have been raised regarding the level of details submitted with the application together with some concerns that the development could have a detrimental impact on the stability of the nearby road. However, for the reasons set out in this report officers consider the proposal, subject to appropriate conditions, to be acceptable and therefore the proposal is recommended for approval.

Recommendation

Approve the planning application subject to the following conditions:

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

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

2. The works hereby approved shall not be carried out except in complete accordance with drawings numbered File No 1 (Location Plan), File No 2, File No 3, File No 6, File No 7, File No 8, File No 9, File No 14, File No 15, and date stamped 24th March 2021.

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

3. In the event that it is necessary to remove scrub, bracken and tall ruderals these works will be carried outside of the main breeding season in the period from the 1st September to the 28th February, or if this is not possible, a nesting bird check should be completed by a suitably qualified ecologist/ornithologist, or a Ranger with bird survey experience, in the 24 hour period prior to removal. Any nesting birds

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discovered will be buffered by a 5 metres exclusion zone which will remain in force until the chicks have fledged.

scrub, bracken and tall ruderal vegetation should initially be reduced to a height of 10 centimetres above ground level, brushings and cuttings removed and the remainder left for a minimum period of 48 hours of fine warm weather before clearing to minimise the risk of harming/killing any reptiles that may be present and to encourage their movement onto adjoining area. This work may only be undertaken during the period between April and October.

Reason: In the interest of protecting local wildlife and protected species and their habitat in accordance with Exmoor's Local Plan policy CE-S3 Biodiversity and Green Infrastructure.

Informatives

Bat and Badgers

In the unlikely events that bats, and/or their roosts, and newly excavated badger setts are discovered during the implementation of the proposal, works must stop immediately and a qualified and experienced Ecologist contacted for further advice.

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.

6.5



Committee Report

Application Number:	6/29/21/109
Registration Date:	22-Mar-2021
Determination Date:	29-Apr-2021
Applicant	Mrs S Applegate
Agent:	Mr. N Neil Staddon, Staddons Architectural Services
Case Officer:	Dean Kinsella
Site Address:	Land to the East of Hurlstone Point, Henners Combe, North Hill, Easting 291900 and Northing 148600
Proposal:	Application under Regulation 3 of the Town & Country Planning General Regulations 1992 for proposed Improvements to current footpath at Henners Combe, North Hill as part of general improvements to create the England Footpath.
Recommendation:	Conditional Approval
Reason for bringing before Authority Committee:	The application has been submitted by Exmoor National Park Authority.

Relevant History

None Relevant

Site Description & Proposal

Site Description

The application site is on the northern coast of Exmoor at Henners Combe, near to Hurlstone Point. The site is undeveloped coastline with the surrounding area offering steep slopes and cliff edges.

Proposal

The proposal seeks permission to carry out works to form a new, altered route to provide part of the path which makes the England Coastal Path. Works proposed to create a zigzag path which will be 1.2m wide along a path which runs for approximately 175m. The land will be levelled along the path through cut, fill and compaction.

Consultee Representations

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ENPA - Farming and Wildlife – No comment received

ENPA - Wildlife Conservation Officer – No comment received

ENPA - Landscape Officer – No comment received

ENPA - ROW and Access Officer – No comment received

ENPA - Trees and Woodlands – No comment received

ENPA – Ecologist - No comment received

SCC - Highways Authority – No observations

Selworthy & Minehead Without Council – No objection

Natural England – No comment

The National Trust – No comment

Representations

None received at the time of writing the report.

Policy Context

Exmoor National Park Local Plan – 2011 - 2031

GP1 - Achieving National Park Purposes and Sustainable Development

CE-S1 - Landscape and Seascape Character

CE-D1 - Protecting Exmoor's Landscape and seascape

CE-S3 – Biodiversity and Green Infrastructure

CE-S6 – Design and Sustainable Construction Principles

CC-S2 – Coastal Development

RT-S1 - Recreation and Tourism

RT-D12 - Access Land and Rights of Way

Planning Considerations

6.5

The main material planning considerations are considered to be the principle of development, any impact on the landscape character and appearance and any impact on protected species and habitat.

Background

On 20 June 2017, Natural England (NE) submitted a report to the Secretary of State for the Environment, Food and Rural Affairs setting out the proposals for improved access to the coast between Minehead and Combe Martin.

The primary intention of the new coastal access rights is to create more opportunities for the public to enjoy the natural and cultural environment of the coast and to understand it better. NE's approach was to find the best outcome that secures these opportunities whilst ensuring appropriate protection for key sensitive features. This principle is in keeping with NE's statutory purpose to conserve, enhance, and manage the natural environment; and also the National Park purposes. It is also acknowledged that a balance must be struck between the needs of private land owners and benefits to the public.

The creation of a public right of access along the English coast for open-air recreation on foot is provided for by the Marine and Coastal Access Act 2009 (MCA). The Act places a duty on Natural England (NE) to secure this access by means of a route and an associated margin of open access land for the public to enjoy.

The route through the National Park falls into one complete stretch of the England Coast Path – Minehead to Combe Martin. For the entire stretch, the South West Coast Path National Trail already exists. For much of the route, this line is proposed to become the England Coast Path as it fully meets the criteria laid down under the MCA Act. Where the current SWCP route does not meet the criteria, a new route is proposed and once the new route is established, the SWCP will also move to follow this new line.

This application seeks to provide a stretch of the trail to replace the existing path which did not meet the criteria under the MCA Act.

Landscape and Seascape

Policy CE-S1 Landscape and Seascape Character & CE-D1 Protecting Exmoor's Landscapes and Seascapes both sets out the need for development to conserve and enhance the quality's and characteristics of our landscapes and Seascapes. These policies highlight the need for development to be compatible with their location and consider the cumulative impact of development on these sensitive areas.

The site falls within Landscape Character Area A – High Coastal Heaths and is an area that comprises high, rocky cliffs (some of the highest in England) capped with

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coastal heath and grassland. It is interspersed along the coast by the High Wooded Coast, Combes and Cleaves, and Low Farmed Coast and Marsh Settlement. The majority of land cover is characterised by heather moorland, with significant tracts of bracken, gorse and grassland.

The site is also located within the Heritage Coast designation. Policies CE-S1 Landscape and Seascape Character & CE-D1 Protecting Exmoor's Landscapes and Seascapes support the national purpose of Heritage Coasts to:

- Conserve, protect and enhance natural beauty of the coasts, their marine flora and fauna, and their heritage features.
- Facilitate and enhance their enjoyment, understanding and appreciation by the public.
- Maintain and improve the health of inshore waters affecting Heritage Coasts and their beaches through appropriate environmental management measures.
- Taking account of the needs of agriculture, forestry and fishing, and of the economic and social needs of the small communities on these coasts.

The proposed development will see areas of cut and fill and during the construction phase there will disturbance with the movement of vehicles such as diggers to and from the site. This will result in temporary localised impact which would inevitably fail to enhance the enjoyment of the landscape and its character.

However, in a short period of time it is expected that the surrounding area will recover, the established path will blend into its surroundings and therefore, in the longer term, the impact upon the character and appearance of the area is acceptable and would comply with policies CE-S1 Landscape and Seascape Character & CE-D1 Protecting Exmoor's Landscapes and Seascapes

Protected species and habitat

CE-S3 Biodiversity and Green Infrastructure seeks to conserve and enhance wildlife, habitats and sites of geological interest within the National Park. Development will conserve, create, recreate priority habitat and conserve and increase priority species identified for Exmoor.

The application was submitted with an ecological walkover which took place on the 23rd March 2018 and resurveyed on the 18th November 2020 . It has been identified that the site is located within the Exmoor Heaths Special Area of Conservation (SAC) and Exmoor Coastal Heaths Special Site of Scientific Interest (SSSI). Furthermore, there is one statutory designated sites and five non-statutory designated sites located within 2km of the proposed works, comprised of:

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- Porlock Ridge and Saltmarsh SSSI
 - Bossington Wood Local Wildlife Site (LWS)
 - Horner Water LWS
 - Wydon Allotment LWS
 - Upper Grexy Combe LWS
 - Holnicote Estate LWS

The report sets out that the heathland vegetation, comprised of heather and gorse, has the potential to support breeding birds. Heathland vegetation, comprising of heather and gorse, and rock has the potential to support small numbers of reptiles comprised of slow worm (*Anguis fragilis*) and viviparous lizard (*Zootoca vivipara*).

The report further states that there is no evidence of bat roosts as no suitable structures were present, however the heathland vegetation surrounding the site may be used by commuting and foraging bats during the summer months.

Overall, the development is considered to have a limited potential to have a detrimental impact upon the surrounding wildlife and habitat. However, care will need to be taken during the construction phase to ensure that any habitat or wildlife are protected. A number of conditions and informative notes are recommended by the ecology walkover report and these are considered necessary to mitigate any harm. Subject to these being included it is considered that the proposal would comply with policy CE-S3 of the Exmoor National Park Local Plan.

Other Matters

RT-D12 Access Land and Rights of Way requires development to protect existing access networks and proposals should safeguard existing rights of way. The development does relate to an existing footpath which would be altered to enhance the local network and therefore the development would comply with the above policy.

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 carbon neutral National Park and Policy CE-S6 seeks to incorporate sustainable

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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 proposed development does not seek to import materials and utilises the materials on the site. The use of the path will be by walkers enjoying the wider Coastal Path and this has no significant impact. The use of machinery to carry out the construction work will have a limited impact but overall it is considered that the proposal is in accordance with the relevant local plan policies.

Human Rights

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

Conclusion

The proposed development seeks to create an accessible section of footpath which forms part of the wider England Coast Path. The proposed development is not considered to have a detrimental impact upon the character and appearance of the surrounding landscape and have a minimal impact upon surrounding wildlife and their habitat. Suitable conditions will be imposed to ensure protected species are protected and therefore the proposal is considered to comply with the local plan policies.

Recommendation

Approve the planning permission subject to the following conditions:

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

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

2. The works hereby approved shall not be carried out except in complete accordance with drawings numbered File No 1 (Location Plan), File No 5, File No 6, File No 7 and File No 8 and date stamped 22nd March 2021.

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

3. In the event that it is necessary to remove scrub, bracken and tall ruderals these works will be carried outside of the main breeding season in the period from the 1st September to the 28th February, or if this is not possible, a nesting bird check should be completed by a suitably qualified ecologist/ornithologist, or a Ranger with bird survey experience, in the 24 hour period prior to removal. Any nesting birds discovered will be buffered by a 5 metres exclusion zone which will remain in force until the chicks have fledged.

scrub, bracken and tall ruderal vegetation should initially be reduced to a height of 10 centimetres above ground level, brushings and cuttings removed and the remainder left for a minimum period of 48 hours of fine warm weather before clearing to minimise the risk of harming/killing any reptiles that may be present and to encourage their movement onto adjoining area. This work may only be undertaken during the period between April and October.

Reason: In the interest of protecting local wildlife and protected species and their habitat in accordance with Exmoor Local Plan policy CE-S3 Biodiversity and Green Infrastructure.

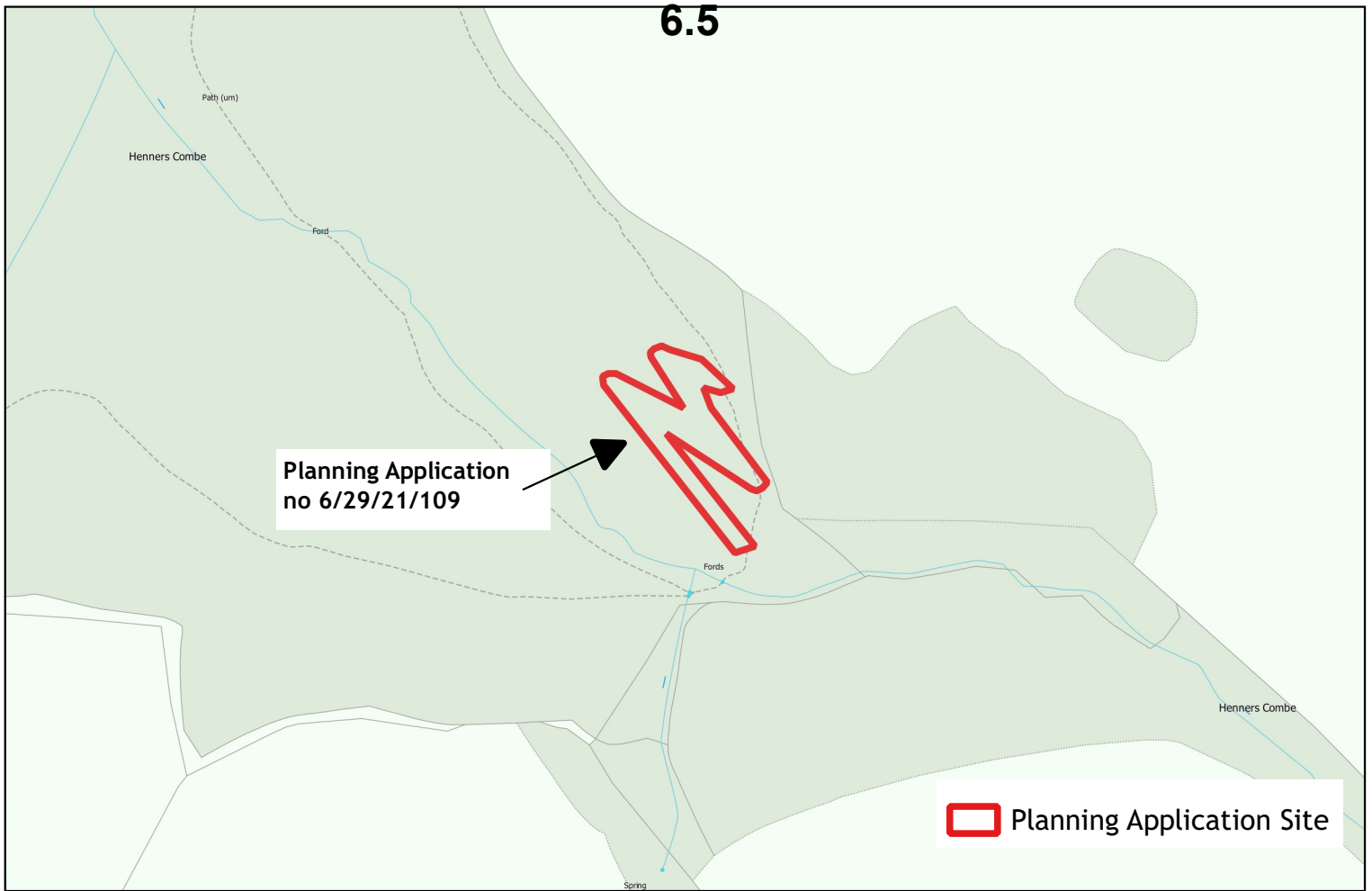
Informatives

Badger Setts

In the unlikely events that bats, and/or their roosts, and newly excavated badger setts are discovered during the implementation of the proposal, works must stop immediately and a qualified and experienced Ecologist contacted for further advice.

MONITORING OF DEVELOPMENT

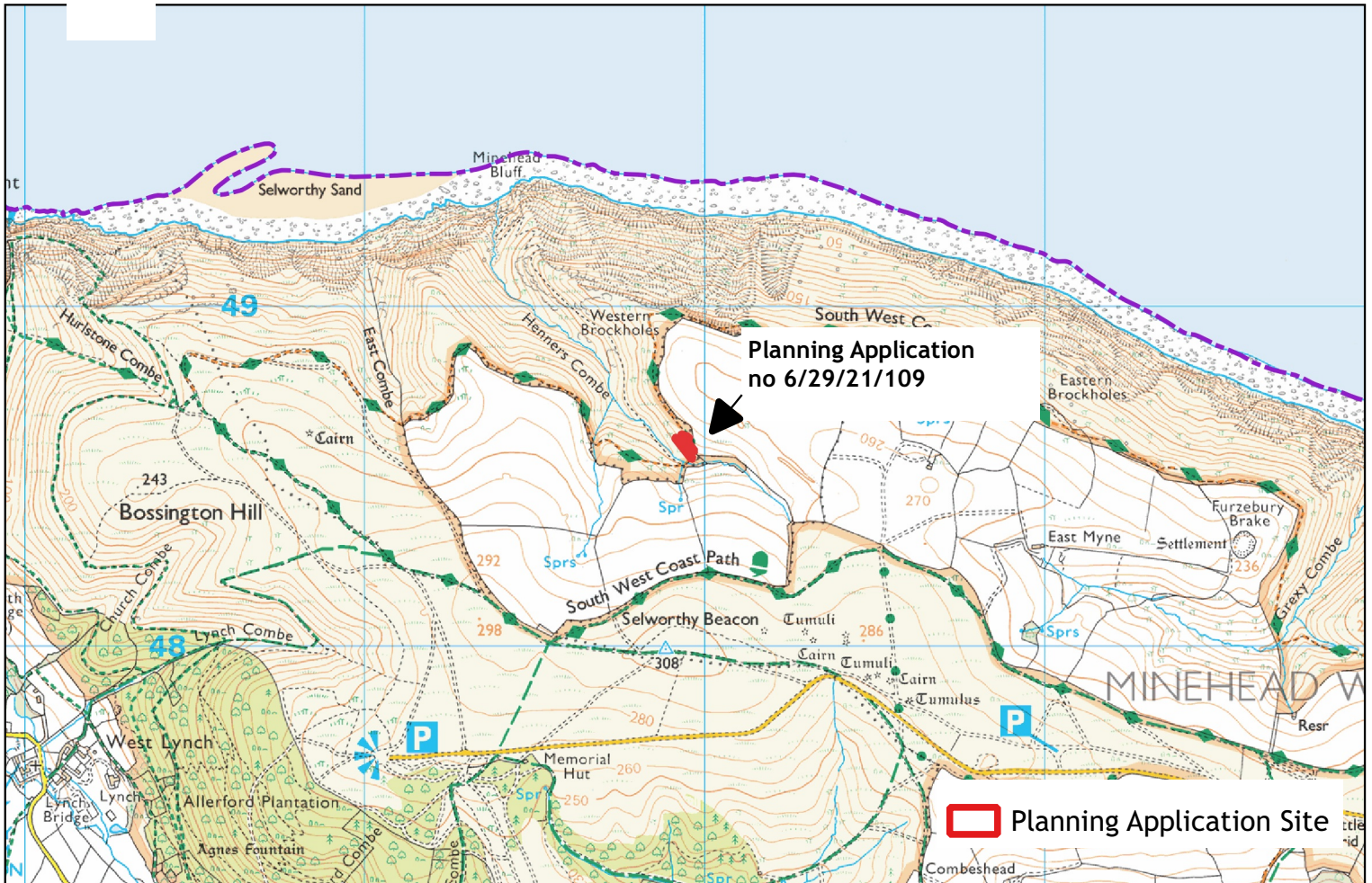
The applicant/developer is reminded that it is their responsibility to ensure that the requirements of each planning condition are met and that the works are undertaken in accordance with the approved plans. Any failure to meet the terms of a planning condition or work which does not accord with the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



Site Map

Scale 1:2500

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Overview Map

Scale 1:20000

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Committee Report

Application Number:	62/62/20/005
Registration Date:	27-Aug-2020
Determination Date:	21-Oct-2020
Applicant	Mr Spry
Agent:	Mr W Bowden
Case Officer:	Kieran Reeves
Site Address:	Town Farm, Road From Trentishoe Down To Trentishoe Coombe, Trentishoe, EX31 4QD
Proposal:	Proposed Succession Farm Workers dwelling and ancillary outbuilding. (Amended description)
Recommendation:	Refusal
Reason for bringing before Authority Committee:	A Member of the Authority has had an involvement in the application.

Relevant History

62/62/05/002 – Erection of agricultural barn (approx. 465 square metres) and related earth movements – Approved on 9th February 2006

GDO 12/11 – Prior approval required for proposed agricultural building (375 square metres) – Prior approval approved on 24th September 2012

Site Description & Proposal

Town Farm is a working farm that is located close to the western edge of Trentishoe. It is understood that the owner of the land, the grandfather of the applicant lives in an agricultural tied bungalow in the centre of Trentishoe. The farmyard where the proposed dwelling would be constructed consists of two large agricultural buildings that have been cut into sloping land. There is another agricultural building that is located next to the application site but this is in different ownership.

Planning permission is sought for the erection of a Succession Farm Workers dwelling on higher land to the west of the agricultural buildings. It would be single storey and the gross internal floorspace would be approximately 93 square metres. The exterior would be rendered walls, a natural slate roof and timber windows and doors. A detached outbuilding would be constructed next to the proposed dwelling to provide space for a garage and an office/workshop.

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Consultee Representations

North Devon Council – Consultation response dated 28th August 2020 – In accordance with the agreed protocol, the District Council, as a consultee to the Exmoor National Park Authority, has no observations.

Consultation response dated 23rd February 2021 – In accordance with the agreed protocol, the District Council, as a consultee to the Exmoor National Park Authority, has no observations.

Kentisbury and Trentishoe Parish Council – Consultation response dated 22nd September 2020 – Recommend approval

Consultation response dated 12th March 2021 – Recommend approval

Natural England – Consultation response dated 16th September 2020 – No objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites.

Consultation response dated 22nd October 2020 – Thank you for your email of 18th October regarding the need for a SCAIL-agriculture assessment for the proposed farm workers dwelling and ancillary outbuilding at Town Farm. The proposal as it stands is for a single dwelling with a separate workshop (ancillary building). This does not trigger any air quality thresholds in Natural England's Impact Risk Zones (IRZs). An increase in the number of animals does not require planning permission unless there is a need for additional livestock housing/slurry storage for example which would represent a point source of ammonia emissions. The provision of a dwelling house (which is not a source of ammonia emissions) before expanding herd numbers isn't the same as putting in a slurry lagoon/larger barn/additional housing first, which would require SCAIL in its own right, and which would then facilitate an increase in animals. The issue of planning applications for increased slurry capacity or livestock sheds after increasing the number of animals on farm has caused issues for some farmers in other districts where the SCAIL-agriculture assessment for a lagoon identifies a risk to designated sites.

Consultation response dated 23rd February 2021 – Natural England has previously commented on this proposal and made comments to the authority in our letter dated 15 September 2020 (our ref: 326512). The advice provided in our previous response applies equally to this amendment. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal. Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again.

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North Devon Council Housing – Consultation response dated 16th September 2020

– The application is for “Proposed farm workers dwelling and ancillary outbuilding”. The applicant stated that there is no proposed affordable housing. Affordable housing policy (and the requirements for tenure, property size, allocation, etc.) is as per the Exmoor National Park Local Plan.

Consultation response dated 22nd February 2021 – I refer to my response dated 16 September 2020. I have no further comments to make regarding these consultations.

ENPA Wildlife Officer – Consultation response dated 13th October 2020 –

Designated sites

The proposed building is positioned approximately 500m from Exmoor Heaths SAC and West Exmoor Coast and Woods SSSI located to the north, with the same SSSI also located approximately 500m to the south. The proposals look to provide accommodation for additional staff to support an increase in flock size. Please can you also confirm if beef stock is to increase as part of the farm operations associated within the new accommodation?

An increase in flock size, and potential beef herd size, indicates that there is the potential for a negative impact to the vegetation associated with the SSSI through increased ammonia deposition. Ammonia is directly toxic to vegetation and especially to lower plants (mosses, liverworts and lichens). It is also a major contributor to the deposition of nitrogen, which reduces habitat biodiversity by promoting the growth of a relatively small number of the more vigorous plant species which then out-compete the other species present.

Therefore, it is my initial view that a SCAIL agriculture air quality screening assessment is required to determine the significance of air quality impacts on designated sites and the need for any mitigation. This will provide the evidence the Local Authority needs to complete a potential Habitats Regulations Assessment which is required, under the provisions of the Habitats Regulations 2017, given the nature of the proposal and the proximity to designated sites sensitive to air pollution.

However, In the first instance, please consult Natural England regarding the requirement for a SCAIL assessment and HRA.

Site ecology

The application provides little information on the sites habitats to be impacted by the proposal. Although the field looks to be comprised of pasture, it is not clear if an access road will lead to the building and if this will cut through any hedgerows to reach the building. Therefore, before i access this element of the proposal further, please can you request that a photo report is issued detailing all areas of the site, including boundary features, to be impacted by the development.

Until the above information is provided, I will need to place a holding objection.

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Consultation response dated 5th November 2020 – It is useful to receive NE advice in respect of an increase in herd size linked to additional accommodation.

I'm satisfied from the further description and photos provided that habitats to be impacted by the development are limited. There is however a potential that bats commute and forage along the hedge banks, with nesting birds and common reptiles also likely to be present within the boundary features.

Recommendations

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

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

- 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.
- The developers 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 that works stop until the young have fledged or then advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.

Bats and lighting

Due to the presence of foraging and commuting habitats for bats, there will be no artificial lighting of the trees or boundary vegetation. If external lighting is proposed, please attach the following condition:

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

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

Biodiversity Enhancement (Net Gain)

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

- The following will be integrated into the design of the buildings and site plans:
 - a. A Habitat 001 bat box or similar will be built into the dwelling at least four metres above ground level and away from windows of the west or south facing elevation.
 - b. Installation of 1 X Schwegler 1SP Sparrow terraces or similar directly under the eaves and away from windows on the north or east elevations of the new dwelling.
 - c. A bee brick built into the wall about 1 metre above ground level on the south or southeast elevation of the dwelling. Please note bee bricks attract solitary bees which do not sting.

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

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

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

North Devon Council Environmental Health – Consultation response dated 9th September 2020 – I have reviewed this application in relation to Environmental Protection matters on behalf of North Devon Council's Environmental Protection service and comment as follows:

1 Residential Amenity

There are three large agricultural buildings in close proximity to the proposed dwelling, to the east and southeast. The details state these buildings are in active agricultural use. I understand the proposals relate to a farm worker restricted dwelling. As such, I do not anticipate significant amenity problems will arise (eg due to odours, flies or noise) as occupiers will have an interested connection to farming activities. I recommend a further permission of the Local Planning Authority be required should there be a desire to occupy the dwelling on an unrestricted 'open market' basis at some point in the future.

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2 Land Contamination

I do not expect land contamination issues to arise in relation to the proposals. However, given the sensitivity of introducing a residential use, I recommend the following condition be imposed on any permission to cover the possibility that unexpected contamination is discovered during development work:

Contaminated Land (Unexpected Contamination) Condition

- Should any contamination of ground or groundwater be discovered during development of the site, the Local Planning Authority shall be contacted immediately. Site activities within that sub-phase or part thereof shall be temporarily suspended until such time as a procedure for addressing the contamination is agreed upon with the Local Planning Authority or other regulating bodies.

Reason: To ensure that any contamination existing and exposed during the development is assessed and remediated as necessary.

3 Advisory Note: Foul Drainage

The proposals include installation of a private system for treatment and disposal of foul drainage. The system, including any drainage field, will need to comply with building regulations and the Environment Agency's General Binding Rules for small sewage disposal systems.

Consultation response dated 1st March 2021 – I have reviewed the amended plans and information for this application in relation to Environmental Protection matters on behalf of North Devon Council's Environmental Protection service. Please refer to my comments of 9 September 2020. I do not wish to add anything to those comments, which stand.

South West Water – Consultation response dated 28th August 2020 – No objection or comment.

Consultation response dated 23rd February 2021 – No concerns or objections.

Representations

Two representations have been received from the same party. The person initially raised concerns that the drainage field for the sewage system of the dwelling has not been shown on the plans and they are concerned that the system may infringe on their borehole. However, they subsequently informed the Authority that they have measured the distance from the borehole to the boundary between their land and the application site, and they have concluded that the sewage system would not infringe on their borehole. They have confirmed that they have no objection to the development.

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Policy Context

Exmoor National Park Local Plan 2011 – 2031

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

CE-S1 – Landscape and Seascape Character

CE-D1 – Protecting Exmoor’s Landscapes and Seascapes

CE-S2 – Protecting Exmoor’s Dark Night Sky

CE-S3 – Biodiversity and Green Infrastructure

CE-S6 – Design and Sustainable Construction Principles

CC-S6 – Waste Management

CC-D5 – Sewerage Capacity and Sewage Disposal

HC-S1 – Housing

HC-S2 – A Balanced Local Housing Stock

HC-D8 – New Build Dwellings in the Open Countryside

HC-D9 – Rural Workers

HC-D10 – Succession Farming – Second Dwellings on Established Farm

AC-D2 – Traffic and Road Safety Considerations for Development

AC-S3 – Traffic Management and Parking

AC-D3 – Parking Provision and Standards

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

Planning Considerations

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

Principle of Development

The proposed dwelling constitutes a new build dwelling in the open countryside.

Policy HC-D8 of the Exmoor National Park Local Plan 2011 – 2031 states that a new dwelling in the open countryside will only be permitted where:

a) the accommodation is designed to meet a proven need for a rural worker in accordance with Policy HC-D9 or Succession Farm worker in accordance with Policy HC-D10 that cannot be met:

- i. within the existing housing stock including through the subdivision of an existing dwelling, from sites/buildings already with planning permission; or
- ii. through the provision of a temporary residential caravan in accordance with Policy HC-D11 (Residential Caravans); or
- iii. the conversion/change of use of an existing building in accordance with Policy CE-S5 (Principles for the Conversion or Structural Alteration of Existing

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Buildings), and Policy HC-D7 (Conversions to Dwellings in the Open Countryside);

- b) the dwelling is well related to existing buildings on the holding such that the dwelling and farm buildings operate as a single entity; and
- c) the design and layout of the development meet the requirements of Policy CE-S6 (Design and Sustainable Construction Principles), and the size will accord with Policy HC-D9 (Rural Workers), or Policy HC-D10 (Succession Farming – Second Dwellings on Established Farms, as appropriate).

The application was originally submitted as a full agricultural worker dwelling under Policy HC-D9 (Rural Workers). However, based on current stocking levels, the applicant considered that they have a stronger case for a dwelling as a Succession Farm Workers dwelling under Policy HC-D10.

Policy HC-D10 states that new housing to meet the needs of succession farmers in the open countryside will be in accordance with Policy HC-D7 (Conversions to Dwellings in the Open Countryside), or Policy HC-D8 (New Build Dwellings in the Open Countryside). A new second dwelling on a single farm holding within the open countryside will only be permitted where:

- a) the accommodation is designed to meet an existing proven functional need for an additional 0.5 or more of a full time agricultural worker to live permanently at their place of work on an established enterprise;
- b) the business is proven to be financially viable in the long term, it is extensive in nature and where the farming activity contributes to the conservation or enhancement of the natural beauty and wildlife of the National Park and is in accordance with the tests set out in Annex 2 of this Plan;
- c) a planning obligation will require that there are secure and legally binding arrangements in place to demonstrate that:
 - i. the farm business is jointly held; or
 - ii. management of the farm business has been transferred to a person younger than the person currently responsible for management; or
 - iii. transfer of management will take place on planning permission being granted for the dwelling;
- d) the need cannot be met in any other way including through the re-organisation of labour responsibilities;
- e) the design and layout of the development meet the requirements of Policy CE-S6 (Design and Sustainable Construction Principles);
- f) the gross internal area will be 93 square metres or less unless, exceptionally, it is demonstrated that a larger dwelling is required, in which case the size of the dwelling will be commensurate with the needs of the holding, and that it can be sustained by the farm business in perpetuity; and

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g) a planning condition is attached to ensure that occupancy of the dwelling(s) is confined to rural workers in accordance with Policy HC-D9 (Rural Workers).

The agricultural appraisal submitted with the application has been carried out by Landsense Professional. The appraisal was commissioned by the applicant's mother, Mrs Spry. It is explained in the appraisal that she currently rents the land at Town Farm under a 1992 verbal agreement falling under AHA 1986 legislation. The landowner is Mrs Spry's father and the applicant's grandfather. He lives in an agriculturally tied bungalow in Trentishoe, which does not form part of the tenancy. Mrs Spry lives in a dwelling that is also in Trentishoe, but this is explained as not forming part of the holding. In addition to the holding there are additional areas held under grazing agreements and short term occupancy agreements.

The appraisal states that the land rented by Mrs Spry at Town Farm extends to approximately 100 acres. The applicant, Liam Spry, would occupy the proposed dwelling and he currently farms a Devon County Council farm at Knowle on a farm business tenancy that is due to end. It is his intention to join his mother in partnership and he would bring his additional stock and his annual grazing arrangements so a larger stocking can be accommodated.

The appraisal explains that Mrs Spry's farm business at Town Farm is an established mixed beef and sheep farm on a holding of 100 acres held under a verbal AHA tenancy agreement with her father, the landowner. There are grazing rights for 130 sheep on Trentishoe Down and a further 100 acres at Coulsworthy is taken under annual grazing agreement. The total area currently farmed is 200 acres with additional commonland grazing rights. The appraisal puts an emphasis on the expansion of the farm through Liam joining the business as he would bring his additional grazing that has been an arrangement for approximately 5 years. This extends to 300 – 400 acres of winter keep for sheep on dairy farms. The future farming area is stated as being 200 acres, with additional all year round commonland grazing rights and up to 600 acres grazing rights in winter.

The current sheep enterprise comprises 600 breeding ewes, 120 replacement ewe lambs, 10 rams and approximately 840 finishing store or fat lambs. The beef enterprise currently run 25 suckler cows and calves at foot, occasional replacements, 1 bull, 10 weaned animals bought in for finishing/growing on for resale and a dairy follower overwintering enterprise. It is anticipated that the stocking levels will increase when Liam joins the business. It is stated that Liam will also continue with his contracting work during the summer months.

The appraisal asserts that the current stocking and cropping has a requirement of between 1.82 and 2.31 farm workers, and should Liam join the farm business and as a result the sheep and suckler cow numbers are increased, the future requirement is stated as being between 2.26 and 3.46 farm workers.

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The appraisal made by Landsense concludes that they are of the opinion that the tests set out in Policy HC-D10 have been passed and there is a demonstrated need for a second dwelling at Town Farm if the existing bungalow excluded from the current tenancy is regarded as the first dwelling), which is required to enable the proper functioning of the enterprise.

Officers have instructed Acorus Rural Property Services to carry out an independent agricultural appraisal. As part of their appraisal, they noted that since the application was amended, Mrs Spry has served a notice upon the landlord requesting a written tenancy agreement under Section 6 of the AHA Act 1986 in relation to the rented land.

It is advised that the Landsense's appraisal details that the unit is currently run by the Mrs Spry as a sole trader, and day to day work is carried out by her. Assistance is provided out of hours by her husband who works away from the holding during the day, and occasionally also by Liam (in exchange for help given on his current holding). Acorus go on to confirm that it is stated that the intention in the future is that the business will become a partnership and the day to day workload divided by the Mrs Spry and Liam who will have the majority holding. It is also stated that the Mrs Spry will gradually withdraw from the business allowing Liam to take over (although no details of this in terms of timescales or how exactly this will happen etc have been provided). Liam will continue his contracting work over summer for as long as possible. It is also confirmed in the Landsense's appraisal that agricultural contractors are used for lime application, occasional spraying, silage baling and wrapping and hedge trimming.

Acorus have carried out their own labour calculations and these are broadly comparable. They have advised that there is a labour requirement of 1.62 FTE units currently and 2.15 FTE units in the future, if numbers increase as proposed. In considering this is an application for a permanent succession dwelling based on a proven essential need, it is suggested that in considering the labour calculation on the activity as it stands, Acorus are content that the proposed enterprise is of a scale to warrant the need for a full time worker with additional assistance provided by casual labour, paid labour and/or contractors.

In terms of dwellings associated with the business, the landowner lives in the agriculturally tied bungalow in Trentishoe and Mrs Spry lives in another house in Trentishoe. The bungalow is part of the holding and should be counted as the first dwelling on the holding. Mrs Spry's dwelling is a more difficult consideration as it is not part of the holding, but it is associated with the holding by virtue of her being the tenant. Acorus have not commented on this particular matter. Officers are however happy to give the benefit of the doubt by considering that the bungalow is part of the holding but is not available to the applicant, Mrs Spry's dwelling is not part of the holding and therefore is not available to the applicant either. Acorus have advised that a Rightmove search has indicated that there is currently no accommodation in the

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vicinity which is available for rent or purchase which could potentially be suitable to meet any need.

Turning to other matters, Acorus have advised that in this instance, the Mrs Spry has, it is assumed, effectively managed the farm business from her dwelling adjacent to the site. There is no evidence to suggest that this has not been acceptable to date. It is noted that the stocking numbers have increased since the initial appraisal in July 2019, however this has been done without the benefit of a further dwelling on the holding. It is also indicated that stock numbers will increase further once Liam joins the business. However, Officers note that Acorus' appraisal also confirms that there is at least an additional 0.5+(FTE) workers required to be readily available to attend to the needs of the business day and night. Given that Policy HC-D10 only requires there to be a proven functional need for an additional half of a full time equivalent, Acorus' stated current labour requirement of 1.62 FTE units is considered to be sufficient to demonstrate a justified functional need for a Succession Farm Workers dwelling on this holding.

The main issue with the proposal relates to financial viability. The financial test for a permanent dwelling must show that the business is economically viable and there is a clear prospect of remaining so. In this case, accounts have been provided for the business operated by the Mrs Spry at Town Farm and also two years of accounts from Liam's holding. In addition, cashflow budgets have been prepared based on how the applicant expects the farm to perform. The business operated by Mrs Spry has shown low profits in two out of the past 5 years, with three years showing no profit or showing a loss. Whilst accounts have also been provided for Liam's business for the past 2 years, these accounts do not relate to the running and operational costs of the business in question and therefore are largely irrelevant at this point in time. It is accepted that they do show profit in both years, however these remain below that which would be paid to a standard agricultural worker.

Acorus have advised that the cashflow projections which have been provided seek to show the business profits once the partnership has been started, and that they show projected net profits of over £40,000. However, the income includes a significant proportion of contracting services (over 60% of the total income generated). This is a concern as this relies on Liam (who the dwelling is for) to be away from the holding. The income from this element also is stated to increase over the 3 year projections. If the contracting element ceased and therefore the associated income removed from the business, on the evidence provided, the profits would appear to be significantly affected. Given the business would need to fund the dwelling and provide a reasonable return to the two partners, this raises concern. Therefore, whilst the business may be viable and has been in existence for many years (with Mrs Spry operating as a sole trader), the business will in the future be partly reliant on external work and income away from the holding, therefore the justification financially is questioned by Acorus.

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The other issue with the proposal relates to the transfer of the business. There is no legal agreement in place to show how the business would transfer and when this would take place. Clause 1(c) of Policy HC-D10 states that a planning obligation will require that there are secure and legally binding arrangements in place to demonstrate that:

- i. the farm business is jointly held; or
- ii. management of the farm business has been transferred to a person younger than the person currently responsible for management; or
- iii. transfer of management will take place on planning permission being granted for the dwelling.

Mrs Spry has provided a request to have a written agreement with the landlord, and it has been suggested that the landlord is aware that the business will in time be passed to Liam Spry, however, Officers are not satisfied that this is sufficient to comply with the Local Plan. Although, it is noted that it is a matter that could be resolved through the applicant agreeing to the securing of a legal agreement.

Acorus have concluded that they have some concern whether the financial test and the required transfer of the business have been met in full. Given the highlighted concerns, on balance they are unable to support the application for a Succession Farm Workers dwelling until the issues are resolved.

Landsense were provided with an opportunity to respond to the appraisal carried out by Acorus. The response received asserts that as this is the combining of two businesses, then the historic labour requirements and finances of both businesses need to be taken into account. It is stated that this is not an application based on anticipated future needs but upon actual existing enterprises that are ongoing but will combine. It is stated with respect to the finances that there has been some sharing of overheads with Town Farm subsidising Liam's machinery costs with impact upon the bottom line of the Town Farm accounts, and this situation reflects the general state of hill-farming on small acreage units. It is also stated that:

- Liam's DCC holding was a viable business with accounts demonstrating the sustainability of that business;
- The combined business will blend the existing enterprises and bring Liam's cattle 'bed & breakfast' enterprise to Town Farm together with the benefit of his annual grazing arrangements;
- The combined businesses benefit from the reduction of overheads, particularly rental; and
- While the succession progresses, both parties Angela and Liam can benefit from the wages of their partners from other employment, so the business need not provide the sole support. Liam's contracting including expenses for using his own equipment provides a welcome additional income stream but the business is not reliant upon it.

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In terms of the partnership agreement, it is confirmed that the applicant is awaiting the outcome of the application and he is aware of the requirements of the policy for a planning obligation.

In terms of Liam's work, it is confirmed that Liam has since March moved from Braunton and is now residing on the holding in a temporary caravan and carries out 'home' farming tasks starting at first light, before he leaves the holding to carry out contracting tasks (utilising his own tractor etc). No contracting takes place during peak periods as it is restricted to May-September 'harvest' period. Landsense have commented that it should be noted that the business has invested in a high-cost tractor to facilitate its use for contracting work of the holding. However, as the succession proceeds and the full management responsibility transfers to Liam it is recognised that contracting may have to be rationalised.

Acorus were sent the Landsense comments and they responded accordingly. They have stated that in broadly accepting the functional test, the key matter relates to the financial test and, again, noting this is an application for a permanent dwelling, they need to be convinced that the business is viable and has every reason to be sustainable in the future, regardless of whether the business is a small hill farming enterprise or not. For a holding to be considered financially sound, it is necessary to ensure that it can be shown to provide a reasonable return on the land, labour and capital used in the business.

Acorus have reiterated that they have raised concern regarding the profitability of the Town Farm business over the past 5 years. The two profitable years out of the last 5 years show profits of below £10,000 and this appears to be without any labour costs being accounted for. The cashflow projections for the amalgamated business shows projected net profits of over £40,000, however over 60% of the income generated relates to contracting services. As this is anticipated to now diminish in scale, the loss of this income (and the replacement income from the additional livestock on the holding) need to be appropriately costed into the budget. They have asserted that it is important to stress that the financial test is based on an assessment of the business alone and any third party incomes from off the holding must be disregarded i.e. the holding must be sustainable and self-financing. They are of the opinion that the level of profit falls below the minimum wages for 2 farm workers and this cannot be considered viable. Furthermore, they have advised that account should be taken within the budget for the cost of the dwelling and any on-going borrowing. Their concerns regarding the financial test and the future viability of the business therefore remain.

Officers essentially have two different consultants with two different views on the financial aspect of the proposal. Landsense considers that the two businesses should be taken together and when taken together the financial tests are passed. In addition, they have stated that the applicant's contracting work is a welcome additional income stream but the business is not reliant upon it. Acorus on the other hand have stressed that that the financial test is based on an assessment of the business alone and any

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third party incomes from off the holding must be disregarded. They have taken the figures that have been provided for Town Farm and they consider that the business as set out in the financial papers is not viable.

Officers have taken the advice of the Authority's independent consultants and the concerns raised by them in respect of the financial tests is considered to be an issue that means that the proposal is difficult to support under Policy HC-D10. In addition, the absence of a planning obligation ensuring that the business is transferred to the applicant in an appropriate time period is another issue that conflicts with Policy HC-D10. On this basis, the proposed development is not considered to comply in principle with the Succession Farm Workers dwelling policy – Policy HC-D10 of the adopted Local Plan.

Design, Scale and Materials

The proposed design and appearance of the dwelling would be a fairly contemporary take on the simple and typical form and design of an agricultural workers bungalow. The oak frame porch and stone framed bay windows are not considered to create a design that would be unacceptable in this rural setting. The use of traditional and natural materials, such as natural slate roof tiles and timber windows and doors, would help to reinforce the in keeping appearance of the dwelling and these materials would ensure compliance with Policy CE-S6 of the adopted Local Plan. The rendered walls would reinforce local character and reflect the traditional vernacular of residential buildings on Exmoor. The overall design and materials of the proposed dwelling are considered to be acceptable and policy compliant.

The submitted plans indicate that the dwelling would have a gross internal floorspace of approximately 93 square metres. Clause 1(f) of Policy HC-D10 states that the gross internal area will be 93 square metres or less unless, exceptionally, it is demonstrated that a larger dwelling is required, in which case the size of the dwelling will be commensurate with the needs of the holding, and that it can be sustained by the farm business in perpetuity. As the proposed dwelling would be 93 square metres it is policy compliant in terms of its floorspace and there is no requirement to demonstrate that its scale is commensurate with the needs of the holding or that its scale can be sustained by the farm business in perpetuity.

The proposal also includes an outbuilding that would be detached and located adjacent to the eastern elevation of the dwelling. The outbuilding would be constructed to match the design and form of the dwelling, and the external materials would also match. This will ensure that it is seen as a visually related building to the dwelling, and its smaller scale than the dwelling would ensure that it is seen as a subservient ancillary building to the dwelling. The design, massing and materials of the outbuilding are considered to be acceptable and policy compliant.

The outbuilding would have gross internal floorspace of 30 square metres. The outbuilding would provide space for domestic garaging and space to run the farming business. These are not considered to be uses that can be regarded as being part of

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the residential floorspace of the dwelling. Given that prevention of residential use of the outbuilding can be secured through a condition, the floorspace of the outbuilding is not considered to compromise the policy compliant floorspace of the dwelling.

Impact on the Landscape

The application site is located in open countryside. However, it is not visually isolated as it is well related and seen in the context of a farmyard with existing agricultural buildings. The site is on higher ground than the farm buildings but it would be seen in the background of the buildings with rising ground behind. This would help to ground the building within the landscape and it would be seen in the context of existing built form.

In addition, the dwelling would be constructed on the lower part of the field and this would mean that the boundary hedgerow on the lowest part of the field would provide a notable degree of natural screening, softening the proposed development and reducing its visual impact.

There would be an element of cutting into the existing landform to provide a level surface for the dwelling, but this would be predominantly blocked from public view by the dwelling itself.

Taking all these factors into consideration, and also having regard to the traditional and natural construction materials and acceptable design of the dwelling, it is concluded that the proposed development would not cause material harm to the character and appearance of the landscape or visual amenity.

Impact on Wildlife

The Authority's Wildlife Officer has advised that the proposed dwelling would be constructed approximately 500m from the Exmoor Heaths Special Area of Conservation (SAC) and the West Exmoor Coast and Woods Site of Special Scientific Interest (SSSI) located to the north, with the same SSSI also located approximately 500m to the south. The Officer noted that the proposal is for a dwelling that would accommodate a worker to support the increase in flock size. The Officer advised that an increase in flock size, and potential beef herd size, indicates that there is the potential for a negative impact to the vegetation associated with the SSSI through increased ammonia deposition. Ammonia is directly toxic to vegetation and especially to lower plants (mosses, liverworts and lichens). It is also a major contributor to the deposition of nitrogen, which reduces habitat biodiversity by promoting the growth of a relatively small number of the more vigorous plant species which then out-compete the other species present. It was recommended that a SCAIL agriculture air quality screening assessment was required to determine the significance of air quality impacts on designated sites and the need for any mitigation.

Following this recommendation Natural England were consulted. They advised that the proposed erection of the dwelling does not trigger any air quality thresholds in Natural England's Impact Risk Zones (IRZs). They commented that an increase in the

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number of animals does not require planning permission unless there is a need for additional livestock housing/slurry storage for example which would represent a point source of ammonia emissions. They concluded that the provision of a dwelling (which is not a source of ammonia emissions) before expanding herd numbers isn't the same as putting in a slurry lagoon/larger barn/additional housing first, which would require SCAIL in its own right, and which would then facilitate an increase in animals.

In light of this advice the Wildlife Officer reconsidered their position. The Officer advised that he was satisfied that the impacts on wildlife habitats as a result of the proposed development would be limited. It was advised, however, that there is a potential that bats commute and forage along the hedge banks, with nesting birds and common reptiles also likely to be present within the boundary features. Due to the opportunistic behaviour of some bats species, including pipistrelles, and passerine birds, along with the site's location set within habitats that will support bats and birds, the Wildlife Officer has recommended the attachment of informatives that draw the applicant's attention to the legal status of bats and nesting birds, and the action to take should bats and/or nesting birds be discovered during the construction process. The Wildlife Officer has also recommended the attachment of a condition requiring external lighting to be agreed with the Local Planning Authority, and another condition that requires ecological enhancements to be carried out as part of the construction of the dwelling.

Taking the advice of Natural England and the Wildlife Officer, it is considered that with the attachment of the recommended conditions and informatives, the proposed development would not cause material harm to wildlife interests.

Impact on Neighbouring Amenity

The application site is located adjacent to farm buildings, two of which are associated with the application site and the other is owned by a neighbouring land owner. There are no residential properties near to the application site. The separation of the site from residential properties leads Officers to the conclusion that the proposed development would not cause material harm to neighbouring amenity as a result of overbearing, overlooking or loss of light.

Impact on Highway Safety

The application site is accessed by a farm track that passes between the two agricultural buildings that are associated with the application site. This track is accessed from the public highway by a wide entrance off the road that is shared in terms of use with the neighbouring land owner. The entrance off the road has wide visibility splays with relatively little vegetation obscuring views up and down the road. The view to the right is of a straight length of road and the view to the left is reduced somewhat by the location of the entrance to a corner in the road. However, the road to the right includes a steep section of road around the corner that emerges from the edge of Trentishoe. The steep nature of this section of the road will naturally reduce vehicles to very slow speeds that would allow someone to egress from the entrance to the application site without leading to a likely confrontation between vehicles.

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Officers are satisfied that the entrance off the road is sufficient to accommodate the increase in vehicle movements that would result from the proposed development.

Turning to parking provision, the submitted plans show that the proposed dwelling would have a drive that would provide off road parking for occupants of the dwelling. The layout of the drive shown on the plans indicates that the vehicles parked on the drive would be able to reverse on to the farm track, which is not used by another party, and then this would allow the vehicles to travel down the track and egress on to the public road in forward gear. The parking provision shown on the plans is considered to be sufficient to accommodate the size of the proposed dwelling and the arrangement of the drive with the track would remove the need to reverse a vehicle on to the public road.

Overall, the parking and turning provision, and the impact on highway safety, are considered to be acceptable and compliant with Policies AC-S2, AC-S3 and AC-D3 of the adopted Local Plan.

Other Matters

Policy CC-D5 of the Local Plan states that development proposals for, or which require new or extended sewerage infrastructure, will be permitted where it can be demonstrated that the facility will pose no unacceptable harm to public health, amenity or environmental quality. The following criteria must also be satisfied:

- a) the appropriate location, scale and design of the infrastructure (CE-S6) Design and Sustainable Construction Principles);
- b) 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
- c) 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.

Clause (c) above is of particular interest as the proposed dwellings would not be connected to a public mains sewer. Given that the application property is not located near a settlement that would have an existing mains sewer, the provision of a non-mains sewer system is considered to be acceptable in this case. The application papers confirm that the proposed dwelling would be served by a sewage treatment plant. As this is the first choice in the hierarchy of non-mains sewer systems set out in Policy CC-D5, Officers are satisfied that the proposed system is policy compliant. It is considered that with this type of system, the proposed development would pose no unacceptable harm to public health, amenity or environmental quality.

6.6

Human Rights

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

Conclusion

The design, scale and materials (including the gross internal floorspace) of the proposed dwelling and its associated outbuilding are judged to be policy compliant. Officers are also satisfied that the proposed development would not cause material harm to the landscape, wildlife, neighbouring amenity and highway safety.

However, the principle of the development is not considered to be policy compliant with the adopted Local Plan. The advice received from the Authority's agricultural consultants is that the business as shown through the application papers is not financially viable and there is no planning obligation in place to ensure that the business is transferred to the applicant and in an appropriate time period.

The acceptable nature of all other material planning considerations does not outweigh the in principle issues with the proposal.

On this basis, the proposed development is not compliant with the development and the application is recommended for refusal for the reasons outlined below.

Recommendation

Refuse for the following reasons:

1. Based on the information submitted, it is considered that it has not been proven that the farming business at Town Farm is financially viable in the long term. It needs to be demonstrated that the business is viable and has every reason to be sustainable in the future. The proposed Succession Farm Worker dwelling is therefore contrary to Clause 1(b) of Policy HC-D10 of the Exmoor National Park Local Plan 2011 – 2031.
2. Based on the information submitted, it has not been shown that a planning obligation has been secured to ensure that there are secure and legally binding arrangements in place to demonstrate that the farm business is jointly held, or management of the farm business has been transferred to a person younger than the person currently responsible for management, or transfer of management will take place on planning permission being granted for the dwelling. The proposed Succession Farm Worker dwelling is therefore contrary to Clause 1(c) of Policy HC-D10 of the Exmoor National Park Local Plan 2011 – 2031.

6.6

Informatives

Positive and Proactive Statement

This Authority has a pro-active approach to the delivery of development. Early preapplication engagement is always encouraged. In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, in determining this application, Exmoor National Park Authority has endeavoured to work positively and proactively with the agent/applicant, in line with the National Planning Policy Framework, to ensure that all relevant planning considerations have been appropriately addressed to achieve a positive outcome. In this case, the planning objections to the proposal could not be overcome.

Appeal to the Secretary of State

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

Application decisions delegated to the Chief Executive

Ref and Grid Ref	Applicant & Location	Decision and Date
GDO 21/08	Mr. M Leworthy, M D Leworthy - Prior notification for proposed concrete yard (25m x 11m). (GDO - Agricultural/Forestry) - West Porte Cottage, Kentisbury, Nr Barnstaple, Devon, EX31 4NL	GDO - Prior Approval Not Reqd 19-May-2021
6/3/21/104	Mr J Shaw - Lawful development certificate for the lawful erection of conservatory. (CLEUD) - Kents Mill, Dulverton, TA22 9JJ	Approved 25-May-2021
WTCA 21/08	Mr I Chidgey & Mrs M Rooks-Dawson - Works to Trees in Conservation Area: Removal of two cypress trees (A,B) from south boundary; removal of one cypress tree (C) in middle of lawn; pruning and lateral reduction of Monkey Puzzle tree (D); removal of Noble fir from boundary (WTCA) - HILLSVIEW COTTAGE, PARRACOMBE, BARNSTAPLE, EX31 4QH	Approved 28-May-2021
WTCA 21/07	Ms J de Falbe - Works to Trees in Conservation Area: removal of seven trees: 1,2,5: Horse Chestnut suffering heavily from bleeding canker and beginning to collapse (fell to ground level); 3: group of three ash with ash dieback (fell to ground level); 4: Sycamore/Beech with heavy structural decay (fell to ground level); applicants will replace all trees with appropriate species. (WTCA) - HEDDON HALL, PARRACOMBE, BARNSTAPLE, EX31 4QL	Approved 26-May-2021
62/50/21/006	Mr G Nicholls - Proposed replacement agricultural building to be used for the rearing of calves. (Full) - Lower East Middleton, Parracombe, Barnstaple, EX31 4PF	Approved with Conditions 24-May-2021
6/40/21/104DC	Mr M Broadwith - Discharge of Condition 8 (windows) of approved application 6/40/20/113LB. (Discharge of Condition) - Great Nurcott Farm, WINSFORD, MINEHEAD, TA24 7HR	Approved 27-Apr-2021
6/40/21/103DC	Mr M Broadwith - Discharge of Condition 8 (windows) of approved application 6/40/20/112. (Discharge of Condition) - Great Nurcott Farm, WINSFORD, MINEHEAD, TA24 7HR	Approved 27-Apr-2021

Application decisions delegated to the Chief Executive

Ref and Grid Ref	Applicant & Location	Decision and Date
62/41/21/008	Mr A Williams - Proposed installation of underground domestic LPG tank. (Householder) - 25, LEE ROAD, LYNTON, EX35 6BP	Approved with Conditions 17-May-2021
6/43/21/103	Mr. Peter Greenslade - Proposed two storey side extension, including installation of solar panels on southern roof slope. Resubmission of withdrawn application 6/43/20/109. (Householder) - QUARRY FIELD, WOOTTON COURTENAY, MINEHEAD, TA24 8RA	Approved with Conditions 19-May-2021
WTPO 21/02	Mr G Kumm - Works to Tree subject to Tree Preservation Order F14/2/15 to reduce risk of unstable trees to Paddons House and garden after recent tree failures: T1 - Oak tree, fell to near ground level. T2 - Oak tree, remove 1 x lowest primary branches. T3 - Oak tree, remove twin steamed lowest primary. T4 -smaller of the three larch, fell to near ground level. (WTPO) - Paddons, Northmoor Road, Dulverton, Somerset, TA22 9PW	Approved 26-May-2021
GDO 21/07	Ms H Purdey - Prior notification under Schedule 2, Part 3, Class R of the Town and Country Planning (General Permitted Development) Order 2015 for extension to permitted existing café together with the change of use of building to allow the provision of shop. (GDO - Change of Use) - Horner Farm, Horner, Minehead, TA24 8HY	GDO - Prior Approval Approved 14-May-2021
6/43/21/102	Rt.Revd.Dr.B Castle - Proposed single storey rear extension together with the removal of an oil tank. (Householder) - POUND COTTAGE, WOOTTON COURTENAY, MINEHEAD, TA24 8RH	Approved with Conditions 18-May-2021
6/10/21/115	Mr P Sutcliffe - Proposed replacement of existing summerhouse with shepherd's hut. (Householder) - 28, PARK STREET, DUNSTER, MINEHEAD, TA24 6SR	Approved with Conditions 17-May-2021
6/26/21/103	Ms Pat Gubbins - Lawful development certificate for proposed sunroom to replace existing conservatory. (CLOPUD) - ROSE COTTAGE, RODHUIH, MINEHEAD, TA24 6QZ	Approved 10-May-2021

Application decisions delegated to the Chief Executive

Ref and Grid Ref	Applicant & Location	Decision and Date
62/49/21/001	Ms A Barlow - Retrospective change of use of agricultural barn to private equestrian indoor riding arena and stables and associated operational development. (Amended description) (Full) - Tabor Hill Farm, Track To Tabor Hill, Heasley Mill, EX36 3LQ	Approved with Conditions 13-May-2021
62/11/21/002	Mr. Ian Morgan - Proposed erection of outbuilding/garage. (Householder) - Green Tiles, Brendon, Lynton, EX35 6PT	Approved with Conditions 30-Apr-2021
6/14/21/102	Mr & Mrs Rowe, R J & S A Rowe Farms Ltd - Proposed erection of domestic garage. (Householder) - Wintershead, Simonsbath, Minehead, TA24 7LG	Approved with Conditions 23-Apr-2021
6/29/21/110	Mr I Burke - Proposed demolition of existing conservatory and detached garage, and proposed erection of rear extension, side extension and replacement porch. (Householder) - St Elmo, Bossington Lane, Porlock, TA24 8HD	Approved with Conditions 12-May-2021
6/43/21/101	Mr & Mrs A & S Bray - Proposed construction of a 40m x 20m outdoor riding arena. (Full) - WOOTTON KNOWLE FARM, TIVINGTON, MINEHEAD, TA24 8SX	Approved with Conditions 26-May-2021
6/10/21/113DC	Mr J Moore - Discharge of Condition 3 (methodology for photographic recording) of approved application 6/10/21/106LB. (Discharge of Condition) - 10, HIGH STREET, DUNSTER, MINEHEAD, TA24 6SG	Approved 29-Apr-2021
62/41/21/007LB	Mr & Mrs G Shaw - Listed building consent for proposed first floor extension. (Listed Building Consent) - North Furzehill Farm, Road From Moorlyn Farm To The Whim, Barbrook, EX35 6LN	Approved with Conditions 10-May-2021
62/41/21/006	Mr & Mrs G Shaw - Proposed first floor extension. (Householder) - North Furzehill Farm, Road From Moorlyn Farm To The Whim, Barbrook, EX35 6LN	Approved with Conditions 10-May-2021
6/27/21/109	M Fair - Proposed parking space. (Retrospective). (Householder) - BRACKENWOOD, PORLOCK WEIR, MINEHEAD, TA24 8PA	Withdrawn 28-Apr-2021

Application decisions delegated to the Chief Executive

Ref and Grid Ref	Applicant & Location	Decision and Date
6/27/21/108	M Fair - Proposed erection of summerhouse. (Retrospective) (Householder) - BRACKENWOOD, PORLOCK WEIR, MINEHEAD, TA24 8PA	Withdrawn 28-Apr-2021
6/27/21/107	Mr M Pendarves - Proposed change of use of hotel to 1 no. Principal Residence dwelling, together with retention of 1 no. flat as lawful self-catering holiday let, change of use of manager's/staff accommodation to 2 no. self-catering holiday lets and 1 no. dual use flat for self-catering holiday let or accommodation for an employee of the businesses at Porlock Vale House, and variation of the holiday occupancy condition on Vale View. (Full) - Porlock Vale House, Porlock Weir Road, Porlock, Somerset, TA24 8PE	Approved with Conditions 10-May-2021
62/50/21/004DC	Mr. J Barton, Lynton & Barnstaple Railway Trust - Discharge of Condition 16 (Water Resources Risk Assessment Report) of approved application 62/50/16/004. (Discharge of Condition) - Blackmoor Gate, Kentisbury, Barnstaple, Easting 647 and Northing 432	Approved 12-May-2021
62/50/21/003DC	Mr. J Barton, Lynton & Barnstaple Railway Trust - Discharge of Condition 16 (Water Resources Risk Assessment Report) of approved application 62/50/16/003. (Discharge of Condition) - Blackmoor gate, Kentisbury, Barnstaple, Easting 648 and Northing 430	Approved 12-May-2021
62/50/21/002DC	Mr. J Barton, Lynton & Barnstaple Railway Trust - Discharge of Condition 16 (Water Resources Risk Assessment Report) of approved application 62/50/16/002. (Discharge of Condition) - ROWLEY MOOR, KENTISBURY, BARNSTAPLE, EX31 4NP	Approved 12-May-2021
62/50/21/001DC	Mr. J Barton, Lynton & Barnstaple Railway Trust - Discharge of Condition 21 (Water Resources Risk Assessment Report) of approved application 62/50/16/001. (Discharge of Condition) - Land between Killington Lane and Blackmoor Gate, Parracombe, Barnstaple, Devon	Approved 12-May-2021

Application decisions delegated to the Chief Executive

Ref and Grid Ref	Applicant & Location	Decision and Date
WTCA 21/06	Mrs Emma Tucker - Works to Trees in Conservation Area: Fell 2 no Ash Trees (WTCA) - PIMBURY, PARRACOMBE, BARNSTAPLE, EX31 4PR	Approved 20-Apr-2021
6/41/21/101DC	Mr. N Kelly, MHPF (UK) Ltd - Discharge of Conditions 3, 4, 5 & 7 of approved application 6/41/20/101. (Amended description) (Discharge of Condition) - Felons View, RODHUIH CROSS, WITHYCOMBE, MINEHEAD, TA24 6QH	Approved 14-May-2021
6/29/21/108DC	Mr C Williams - Discharge of Conditions 3, 4, 6 and 7 of application 6/29/20/102. (Discharge of Condition) - Brandish Street Farm, Brandish Street, ALLERFORD, MINEHEAD, TA24 8HR	Approved 12-May-2021
62/36/21/001	Mr A Kift - Proposed erection of agricultural building. (Full) - Agricultural Building at Blackmoor Gate, North West of Crossroads between the A399 and A39	Approved with Conditions 30-Apr-2021
62/41/21/005	Mr L Logan - Proposed installation of solar panels. (Full) - The Hayloft, Bakers Court, Bakers Court Lane, Lynton, Devon, EX35 6EW	Approved with Conditions 21-Apr-2021
6/10/21/110	Mr David Smith - Proposed installation of new dormer window and the enlargement/alteration of three existing dormer windows, together with the re-roofing of the dwelling. Retrospective (Householder) - THE HAVEN, ELLICOMBE, MINEHEAD, TA24 6TR	Refused 21-Apr-2021
WTCA 21/05	Mrs. C Dubery, Dulverton Town Council - Work to trees in Conservation Area: Felling to ground level of 15 trees: T1 Sycamore, T2 Ash, T3 Ash, T4 Ash, T5 Willow, T6 Ash, T7 Ash, T8 Ash, T9 Ash, T10 Alder, T11 Ash, T12 Ash, T13 Ash, T14 Ash, T15 Ash. All ash trees are showing signs of dieback; T1, T5 and T10 are either showing signs of decay or instability as the river has gradually undercut their root plates. Works are being carried out to reduce risk to users of the adjacent land and to reduce the risk of trees and debris entering the river and damaging infrastructure. All trees will be left to coppice.	Approved 20-Apr-2021

Application decisions delegated to the Chief Executive

Ref and Grid Ref	Applicant & Location	Decision and Date
	(WTCA) - Exmoor Lawns, Kemps Way, Dulverton, TA22 9HL	
WTCA 21/04	Mr. D Atcherley-Symes - Works to Trees in a Conservation Area: 1- fell group of appx 12 leylandii. 2 Fell ornamental conifer. 3 Fell ornamental conifer. 4. Fell ornamental conifer. (WTCA) - BARN COTTAGE, SELWORTHY, MINEHEAD, TA24 8TL	Approved 20-Apr-2021
6/9/21/106	Co-op - Proposed replacement refrigeration plant and installation of external cold rooms, together with the replacement of existing shop awning, installation of new AC unit and replacement of "goods in" doors. (Amended description) (Full) - Doone House, 17 Fore Street, Dulverton, TA22 9EX	Approved with Conditions 05-May-2021
6/27/21/105	Mr S Pratt - Proposed conversion of the existing integral garage to make a bedroom suite and an additional upstairs bedroom in the roof void of the garage with access from the stairs of the main house. (Householder) - 7 Hurlstone Park, Bossington Lane, Porlock, TA24 8JB	Approved with Conditions 04-May-2021
WTCA 21/02	Mr P Curson - Works to Trees in Conservation Area: fell 4 trees to ground level, two ash and two sycamore, in order to carry out boundary works. (WTCA) - Land embanking route of former railway to east of Hednacott, Easting: 267411 & Northing: 145050	Approved 20-Apr-2021
6/27/21/104	Mr D Blunt - Proposed construction of cedar clad office/observatory. (Householder) - ELTHORNE, TOLL ROAD, PORLOCK, MINEHEAD, TA24 8JH	Approved with Conditions 26-Apr-2021
6/3/21/101	Mr S Mills - Proposed demolition of existing stable block and car shed, together with the erection of agricultural barn (81sqm). (Full) - Keens Cottage, Hill Lane, Brompton Regis, TA22 9NU	Approved with Conditions 07-May-2021
6/10/21/107	Ms A Larter - Proposed change of use of ground floor shop to living accommodation. (Full) - The Horse And Crook, 19 , High Street, Dunster, TA24 6SF	Refused 17-May-2021

Application decisions delegated to the Chief Executive

Ref and Grid Ref	Applicant & Location	Decision and Date
6/9/21/104	Mr. P Hicks, InstaVolt Ltd - Proposed installation of 2 no. rapid electric vehicle charging stations, together with associated equipment. (Full) - Exmoor House Car Park, Kemp's Way, Dulverton, Somerset, TA22 9HL	Approved with Conditions 23-Apr-2021
62/19/21/001	Mr. P James, Combe Martin Coastal Community Team & Combe Martin Parish Council - Proposed extension to existing access ramp together with installation of additional ramp and turning area to allow wheelchair/pushchair access to beach at bottom of footpath (resubmission of application number 62/19/20/003). (Full) - Combe Martin Beach, Combe Martin, Devon	Approved with Conditions 05-May-2021
62/41/20/027	Mr K Ovenden - Proposed removal of high ropes course and low ropes course, together with construction new high ropes course on site of removed low ropes course. (Full) - Lee Abbey, Lee Abbey Fellowship, Road From Castle Rock To Woody Bay, Lynton, EX35 6JJ	Withdrawn 27-Apr-2021
62/41/20/026	Mr K Ovenden - Proposed replacement of zip wire. (Full) - Lee Abbey, Lee Abbey Fellowship, Road From Castle Rock To Woody Bay, Lynton, EX35 6JJ	Approved with Conditions 24-May-2021
6/26/20/112	Mr G Cole - Proposed retention of agricultural field access. Retrospective. Resubmission of refused application 6/26/20/108. (Full) - Land at Batallers Lane - North of Lower Roadwater, Easting: 303652, Northing: 139546	Approved with Conditions 10-May-2021
62/41/20/021	Mr. S Glover, Tors Park Estate Ltd - Proposed re-development of existing hotel site consisting of partial demolition of existing building and construction of 31 no. apartments, incorporation and retention of 3 no. previously converted apartments within retained section of existing building, and construction of 2 no. semi-detached dwellings (as an alternative to previously approved application reference 62/41/17/009). (Full - Major) - The Tors Hotel, Tors Park, Lynmouth, Devon, EX35 6NA	Approved with Conditions 22-Apr-2021

Application decisions delegated to the Chief Executive

Ref and Grid Ref	Applicant & Location	Decision and Date
6/9/20/107LB	Mr & Mrs Gash - Listed Building Consent for proposed alterations to layout, opening up of blocked up former windows, structural modifications, eradication of damp to store room and stairwell, installation of new floor to hallway and installation of new services. Reinstating verandah and removal of current porch. (Listed Building Consent) - Woodliving, 8 Jury Road, Dulverton, Somerset, TA22 9DU	Approved with Conditions 17-May-2021
6/9/20/106	Mr & Mrs Gash - Proposed alterations to layout, opening up of blocked up former windows, structural modifications, eradication of damp to store room and stairwell, installation of new floor to hallway and installation of new services. Reinstating verandah and removal of current porch. (Householder) - Woodliving, 8 , Jury Road, Dulverton, TA22 9DU	Approved with Conditions 17-May-2021

Application decisions delegated to the Chief Executive

Ref and Grid Ref	Applicant & Location	Decision and Date
6/9/21/118DC	Co-op - Discharge of Condition 3 (Colour & Materials) of approved application 6/9/21/106 (Discharge of Condition) - Doone House, 17 Fore Street, Dulverton, TA22 9EX	Approved 22-Jun-2021
6/40/21/108DC	Mr Colin Phippen - Discharge of condition 3 of application 6/40/20/116LB (Discharge of Condition) - Bevins House, Winsford, Somerset, TA24 7JE	Approved 10-Jun-2021
6/40/21/107DC	Mr Colin Phippen - Discharge of condition 3 (chimney) of application 6/40/20/115. (Discharge of Condition) - Bevins House, Winsford, Somerset, TA24 7JE	Approved 10-Jun-2021
GDO 21/10	Gerald Cole - Prior notification for proposed erection of agricultural building (19.6m x 11.6m). (GDO - Agricultural/Forestry) - Huish Farm, Beggearn Huish, Watchet, TA23 0LZ	GDO - Prior Approval Not Reqd 16-Jun-2021
6/27/21/116	Nigel Binding - Proposed erection of porch extension. (Householder) - PLUM TREE COTTAGE, DOVERHAY PLACE, MINEHEAD ROAD, PORLOCK, MINEHEAD, TA24 8HU	Approved with Conditions 21-Jun-2021
GDO 21/09	Mr & Mrs S & R Coates - Prior notification for proposed erection of 2 no. agricultural buildings comprising poultry building and egg sorting house, erection of feed bin, installation of egg conveyor and widening of track. (GDO - Agricultural/Forestry) - Land at Blagdon Lane, Brompton Regis, Dulverton, Somerset	GDO - Prior Approval Required 09-Jun-2021
6/3/21/105LB	Mr & Mrs W Johnston - Listed building consent for retention of internal works to listed building previously carried out and proposed additional internal works to listed building. Part retrospective. (Listed Building Consent) - Chilcotts, Haddon Lane, Bury, Dulverton, Somerset, TA22 9ND	Approved with Conditions 18-Jun-2021
6/29/21/112DC	Mr M King - Discharge of Condition 3 (slate roof tile) and 4 (Ridge tile) of approved application 6/29/21/107LB. (Discharge of Condition) - Winder Cottage, BRATTON, Minehead, TA24 8SL	Approved 11-Jun-2021

Application decisions delegated to the Chief Executive

Ref and Grid Ref	Applicant & Location	Decision and Date
6/29/21/111DC	Mr M King - Discharge of Conditions 3 (slate roof tile) and 4 (Ridge tile) of approved application 6/29/21/106. (Discharge of Condition) - Winder Cottage, BRATTON, Minehead, TA24 8SL	Approved 11-Jun-2021
6/13/21/102	Ms T Lake - Lawful development certificate for existing use as a dwelling without compliance with Condition 2 of planning permission 6/13/89/118, which requires that the grooms accommodation should only be occupied by staff employed at Monks Cleeve. (CLEUD) - Monks Cleeve Bungalow, Monks Cleeve, Exford, TA24 7NA	Approved 18-Jun-2021
6/27/21/115DC	Mr C P Mikulla - Discharge of Condition 4 (Flood Risk Plan) of approved application 6/27/21/103. (Discharge of Condition) - PORLOCK CARAVAN PARK, HIGHBANK, PORLOCK, MINEHEAD, TA24 8ND	Approved 22-Jun-2021
62/13/21/002	Mr & Mrs Upwood - Proposed replacement of uPVC conservatory with oak framed extension. (Householder) - COMBE COTTAGE, CHALLACOMBE, BARNSTAPLE, EX31 4TT	Approved with Conditions 11-Jun-2021
6/27/21/114DC	Mr C P Mikulla - Discharge of Condition 4 (flood risk measures) of approved application 6/27/20/117 (Discharge of Condition) - PORLOCK CARAVAN PARK, HIGHBANK, PORLOCK, MINEHEAD, TA24 8ND	Approved 22-Jun-2021
62/50/21/007	Mr G Nicholls - Proposed construction of roofs over existing farmyard. (Full) - Lower East Middleton, Parracombe, Barnstaple, EX31 4PF	Approved with Conditions 18-Jun-2021
6/10/21/118LB	Mr M Fortune - Listed Building Consent for repair of roof structure, replacement roof covering, installation of 3 no. roof lights and installation of a dormer window, together with rebuilding of chimney stack, repairs of external walls, installation of external soil pipe and carrying out of internal works. (Listed Building Consent) - Fairview, 11 West Street, Dunster, Minehead, Somerset, TA24 6SN	Approved with Conditions 08-Jun-2021
6/10/21/117	Mr M Fortune - Proposed replacement roof covering to part of property together with installation of 3 no. conservation roof lights, installation of a dormer	Approved with Conditions 08-Jun-2021

Application decisions delegated to the Chief Executive

Ref and Grid Ref	Applicant & Location	Decision and Date
	window and rebuilding of chimney stack. (Householder) - Fairview, 11 West Street, Dunster, Minehead, Somerset, TA24 6SN	
6/27/21/112	K Middleton - Proposed erection of summerhouse. Retrospective. (Householder) - 1 MARINERS COMBE, PORLOCK WEIR, MINEHEAD, TA24 8PA	Approved with Conditions 09-Jun-2021
6/26/21/104DC	Miss T Trickett - Discharge of Conditions 4 (lighting), 9 (ecological enhancements), 10 (flood evacuation plan) and 12 (lighting) of approved application 6/26/20/110. (Discharge of Condition) - TRAPHOLE LODGE, ROADWATER, WATCHET, TA23 0RJ	Approved 10-Jun-2021
6/3/21/103	Dr. B Chaffey, BJ & CM Chaffey - Proposed replacement of existing caravan with log cabin. (Full) - SOUTH GREENSLADE FARM, BROMPTON REGIS, DULVERTON, TA22 9NU	Approved with Conditions 09-Jun-2021
62/43/21/001	Mrs. M Lane, National Trust - Proposed installation of ground source heat pump system comprising of 22 boreholes. (Full) - The Hunters Inn, Martinhoe, Barnstaple, EX31 4PY	Approved with Conditions 14-Jun-2021
6/12/21/101	Mr & Mrs M Yandell, Peter Bowker RIBA - Proposed erection of general storage building together with installation of access track and fencing. (Full) - EMSDALE HOUSE, ELWORTHY, LYDEARD ST. LAWRENCE, TAUNTON, TA4 3PX	Approved with Conditions 07-Jun-2021
6/9/21/103	Mr R Jones - Proposed erection of single storey extension, removal of chimney, replacement of windows and doors, replacement of the existing roof with standing seam insulated metal roof, installation of rooflights and extension of decking. (Householder) - Greenstead House, High Street, Dulverton, TA22 9DJ	Approved with Conditions 01-Jun-2021
6/20/21/101	Mr A Dermody - Proposed creation of entrance. (Full) - HAZERY, LUXBOROUGH, WATCHET, TA23 OSD	Refused 18-Jun-2021
6/10/21/103LB	Ms J Sewell - Listed building consent for the proposed conversion of attached stable into habitable accommodation, together with erection of replacement porch and associated alterations. (Listed	Withdrawn 01-Jun-2021

Application decisions delegated to the Chief Executive

Ref and Grid Ref	Applicant & Location	Decision and Date
	Building Consent) - ROWE FARM, ELLICOMBE, MINEHEAD, TA24 6TS	
6/10/21/102	Ms J Sewell - Proposed conversion of attached stable into habitable accommodation, together with erection of replacement porch and associated alterations. (Full) - ROWE FARM, ELLICOMBE, MINEHEAD, TA24 6TS	Withdrawn 01-Jun-2021
6/43/20/110	Mr & Mrs P Storey - Certificate of Lawfulness for the existing use of land for the siting of a mobile home and its use as an independent residential dwelling. (CLEUD) - Mobile home stationed on land at Appledore, Huntscott Road, Wootton Courtenay, Minehead, TA24 8RR	Approved 21-Jun-2021
62/41/20/024	Mr & Mrs Gorst - Proposed raising of roof to create additional floor and alterations to dwelling. (Householder) - 21a Park Gardens, Lynton, EX35 6DF	Approved with Conditions 09-Jun-2021
6/8/18/111	Mr & Mrs M Weil - Proposed change of use from pottery studio to dwelling. (Full) - Pottery Studio, Old Stowey Farm, Wheddon Cross, Minehead, Somerset	Withdrawn 08-Jun-2021