



EXMOOR

NATIONAL PARK

EXMOOR NATIONAL PARK AUTHORITY
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26 August 2020

EXMOOR NATIONAL PARK AUTHORITY

To: All Members of the Exmoor National Park Authority

A meeting of the Exmoor National Park Authority will be held via Video Conferencing software on **Tuesday 8 September 2020 at 10.00am.**

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

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

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

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

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

Sarah Bryan
Chief Executive

AGENDA

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

1. Apologies for Absence

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

Members are asked to declare:-

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

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

3. Chairperson's Announcements

4. **Minutes**
 - (1) To approve as a correct record the Minutes of the meeting of the Authority held on 4 August 2020 ([Item 4](#)).
 - (2) To consider any Matters Arising from those Minutes.

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

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

6. Appeals

- 6.1 To note the **decisions** of the Secretary of State for Housing, Communities and Local Government in respect to Appeals relating to Land at Four Acre, Broomstreet Lane, Oare, Somerset:-

Appeals A and B – to correct and vary the Enforcement Notice on ground (f) prior to upholding it (ENF/0083/16)

Appeal C – to dismiss the appeal against refusal to grant a certificate of lawful use or development in respect of the use of land as a caravan site (Application 6/25/18/102)

- 6.2 To note the **decision** of the Secretary of State for Housing, Communities and Local Government to dismiss the Appeal against the inclusion of Condition 3 in relation to Application No. 62/41/19/026, which provides control over the materials for the window and door openings to be incorporated in the permitted extension - Saffron Cottage, Lydiate Lane, Lynton, Devon.

6.3 To note the [decision](#) of the Secretary of State for Housing, Communities and Local Government in dismiss the Appeal against the refusal to grant proposed change of use of agricultural building to two holiday lets - Application No. 62/19/19/008 - Strawberry Fields (Collings Ball), Shute Lane, Combe Martin, Ilfracombe, Devon

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

Agenda Item	Application No.	Description	Page Nos.
7.1	6/15/20/104	Proposed agricultural building (20m x 15m) – West Howe Barn, West Howetown Lane, Exton	1 – 28
7.2	6/31/20/101	Proposed first floor extension to agricultural building to provide office space to be used ancillary to the main dwellinghouse together with timber cladding and construction of first floor bridge – Springwater Farm, Elworthy, Lydeard St Lawrence, Taunton	29 - 42

8. Application Decisions Delegated to the Chief Executive: To note the applications determined by the Chief Executive under delegated powers ([Item 8](#)).

9. Site Visits: To arrange any site visits agreed by the Committee (the reserve date being Friday 2 October (am)).

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

10. Income Generation and Charging for Services: To consider the report of the Chief Executive ([Item 10](#))

11. 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.

EXMOOR NATIONAL PARK AUTHORITY

MINUTES of the Meeting of the Exmoor National Park Authority held on Tuesday, 4 August 2020 at 10.00am via Lifesize Video Conferencing software.

PRESENT

Mr R Milton (Chairperson)	
Mr S J Pugsley (Deputy Chairperson (Planning))	
Mrs L Blanchard	Mr E Ley
Mr R Edgell	Mrs F Nicholson
Mr M Ellicott	Mr J Patrinos
Mr D Elson	Mr P Pilkington
Mr J Holtom	Mrs E Stacey
Mr J Hunt	Mr N Thwaites
Dr M Kelly	Dr S Warren
Mr M Kravis	Mr V White
Mrs C M Lawrence	

Apologies for absence were received from Miss A V Davis, Mr B Revans and Mrs S Takle

164. DECLARATIONS OF INTEREST:

In relation to Item 6.2 - Application No. 62/50/20/006 – Proposed Succession Farm Workers dwelling and farm office (Full) – Land to the North West of Holworthy Farm, Parracombe, Barnstaple, Devon, Mr J Holtom declared a pecuniary interest as he had acted in his capacity as Land Agent in relation to this Application. He indicated he would therefore withdraw from the meeting when this item was discussed.

165. CHAIRPERSON'S ANNOUNCEMENTS:

- The meeting was advised that from 7 July 2020, three new members had been appointed to Exmoor National Park Authority by the Secretary of State. Mr Dominic Elson, Dr Mike Kelly and Dr Susan Warren were welcomed to the Authority.
- The Authority also congratulated Miss Evelyn Stacey on her reappointment to the Authority for a further 4-year term by the Secretary of State.
- Laura James was welcomed to her first meeting, having been appointed by Devon County Council to provide legal support to the Authority.

166. MINUTES

- i. **Confirmation:** The **Minutes** of the Authority's meeting held on 7 July 2020 were agreed and signed as a correct record.
- ii. **Matters arising:** There were no matters arising.

167. PUBLIC SPEAKING: There were no public speakers.

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

DEVELOPMENT MANAGEMENT

168. Application No. 62/11/20/009

Location: Brendon Barton Farm, Lynton

Proposal: Proposed replacement barn (167sqm) (Full)

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

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

Mr R Milton did not vote on Agenda Item 6.1 above, as he was not present for the duration of the item.

Before the officer presentation Mr J Holtom left the meeting.

169. Application No. 62/50/20/006

Location: Land to the North West of Holworthy Farm, Parracombe, Barnstaple, Devon

Proposal: Proposed Succession Farm Workers dwelling and farm office (Full)

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

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

Mr R Milton did not vote on Agenda Item 6.2 above, as he was not present for the duration of the item.

After the vote, Mr J Holtom returned to the meeting.

170. SITE VISITS: It was anticipated that a site visit would be held on Friday, 4 September in respect of the decision at the July Authority meeting to defer Application No. 6/25/20/101. A further site visit to view the proposed location for a telecommunications mast in Winsford is likely to be held on the same date.

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

171. CORPORATE PLAN REPORT 2020-21 IMPACT OF BUDGET CUTS AND COVID-19

The Authority received the **report** of the Chief Executive and Head of Strategy and Performance

4 August 2020

The Authority's Consideration

The Authority Committee wished to make a public record of thanks to all staff for their work during the Covid-19 pandemic. Mrs F Nicholson paid special tribute to the work carried out by the Authority's Ranger and Education teams. In addition to their many other duties, the Ranger team have worked with schools to ensure that food for children who normally receive free school meals, and who live in isolated areas, has still been received and at the same time have provided them with some socially distanced interaction.

The Education team has worked closely with the outdoor education teams at Somerset County Council and the West Somerset Opportunity Area to produce a primary outdoor curriculum which has enabled the use of outdoor space for parts of the day for many more children than usual. This has had an impact across not only Somerset but has been picked up by schools in Wales and other areas of the country.

<p>RESOLVED: To note the impact on delivery of the Corporate Plan 2019-2020 arising from the lower than anticipated National Park Grant settlement and the impact of the Covid-19 pandemic.</p>
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172. ANY OTHER BUSINESS OF URGENCY: There was none

The meeting closed at 11.56am

(Chairperson)

Appeal Decisions

Site visit made on 13 July 2020

by **P N Jarratt BA DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 4 August 2020

Appeal A: APP/F9498/C/19/3242096

Appeal B: APP/F9498/C/19/3242097

Land at Four Acre, Broomstreet Lane, Oare, Somerset, TA24 8JR

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - Appeal A is made by Mr D Druiff and Appeal B by Ms J Murray against an enforcement notice issued by Exmoor National Park Authority.
 - The enforcement notice, numbered ENF/0083/16, was issued on 24 October 2019.
 - The breach of planning control as alleged in the notice is the unauthorised creation of a dwelling of timber construction, the erection of a wooden shed attached to the dwelling, a wooden staircase and a roof balcony/timber decking (the structure) and a concrete base with associated waste facilities (concrete base) as shown in the photographs attached to the notice.
 - The requirements of the notice are;
 - a) Remove the structure from the land
 - b) Remove the concrete base and associated waste water supply
 - c) Remove all associated fixings and supports
 - d) Reinstate the land to be contiguous with that on site, reinstate the levels of the land with soil so that the reinstated land is level with the adjoining land on either side and reseed the land.
 - The period for compliance with the requirements is 6 months.
 - The appeals are proceeding on the grounds set out in section 174(2) (b), (c), (f) and (g) of the Town and Country Planning Act 1990 as amended.
 - **Summary of decisions: notice corrected and upheld with variations**
-

Appeal C: APP/F9498/X/19/3242095

Land at Four Acre, Broomstreet Lane, Oare, Somerset, TA24 8JR

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mr D Druiff by Ms J Murray against the decision of Exmoor National Park Authority.
 - The application Ref 6/25/18/102, dated 15 June 2018, was refused by notice dated 14 October 2019.
 - The application was made under section 191(1)(a) of the Town and Country Planning Act 1990 as amended.
 - The use for which a certificate of lawful use or development is sought is as a caravan site.
 - **Summary of decision: appeal dismissed.**
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Procedural Matters

1. I carried out an unaccompanied site inspection with the agreement of the parties. This took place on 13 July as I was in the vicinity of the site, rather than on 27 July as scheduled. I was aware of the matters raised by the appellants in their email of 22 July from other submissions and prior to the site visit. Although it was pointed out that access to the caravan would not be possible, it is not necessary for me to carry out an internal inspection in any event. Nevertheless, I was able to view its interior through the large windows.
2. Where legal grounds are pleaded, the onus of proof rests with the appellants and the level of proof is the balance of probability.
3. An application for costs was made by the appellants against the Authority. This application is the subject of a separate Decision.

The site and relevant planning history

4. The site is a small triangular area of land within the Exmoor National Park. The site is accessed over a parking space and through a gate from the lane. The site is bounded by fencing and hedgerows. Within the site is a timber clad and glazed structure of contemporary design which is described by the appellants as a caravan. It is situated on a concrete hard standing which extends beyond the structure by about 3 metres at its maximum extent. A small timber storage shed/wood store is adjacent to the north elevation and at the rear is a timber staircase of about 18 treads with metal handrail and used to access the roof of the structure. There is timber decking over about half of the roof.
5. In January 1996 an LDC was issued for an existing use for the retention of a mobile home (6/25/95/103). This certificate confirmed that it is lawful to station a caravan on the land known as Four Acre for holiday purposes. A caravan sites licence dated 7 November 1996 was transferred to the appellants on 17 March 2014 following their purchase of the site.
6. Following an enforcement investigation and the serving of a Planning Contravention Notice, an LDC application was made in June 2018 (6/25/18/102) for the existing use of the land as a caravan site incorporating the caravan with incidental storage facility and other infrastructure. This is the subject of Appeal C.

Appeals A and B: the appeals on ground (b)

7. An appeal on this ground is that the alleged breach has not occurred as a matter of fact.
8. The appellants state that there has not been the unauthorised creation of a dwelling or erection of a building as there is no unauthorised development. An existing caravan has been replaced and operational development associated with caravan site licence conditions carried out. They state that whilst the caravan may have the appearance of a building it falls within the statutory definition of a caravan.
9. The description of the breach is clear on its face and from my inspection of the site I am satisfied that there exists a timber clad dwelling, a shed, staircase, decking etc. Whether the development represents the creation of a dwelling and other operational development as alleged, or whether what has occurred

comes within the scope of the lawful use of the site is considered under ground (c).

10. The breach as alleged has taken place as a matter of fact and consequently the appeal on this ground fails.

Appeals A and B: the appeals on ground (c) and Appeal C

11. An appeal on this ground is that there has not been a breach of planning control. The main issue to be determined is whether the development represents the construction of a building and other operational development or whether what has occurred comes within the scope of the lawful use of the site for the stationing of a caravan.
12. The appellants state that the structure was designed by Mr Richard Shone (of Boutique Modern Ltd) in two sections to fall within the definition of a caravan in the Caravan Sites Act 1968 (CSA) and the Caravan Sites and Control of Development Act 1960 (CS&CDA). In November 2015 the sections were craned onto the land and bolted together. Services were attached. Subsequently, a set of steps and a roof deck were constructed, with the roof having been strengthened at the factory to accommodate this. Although Appendix 4 of the appellants' evidence shows design drawings of the structure, which sits on short legs, there is no indication of how and where the roof was strengthened.
13. The appellants refer to an email from Mr Robert Clout on 18 April 2018 (Appendix 5 of the appellants' statement) stating that he fitted the access steps and decking and that 'the access steps and decking are not attached to the main unit' and that the decking is laid on proprietary adjustable legs on a geo-textile material to protect the integrity of the roof'. Richard Shone in a statutory declaration dated 3 July 2018 (Appendix 7 of the appellants' statement), states that 'On top of the caravan roof, decking was laid over the existing surface. This was not fixed to the caravan and could very easily be lifted without any tools at all'. It is not clear to me how Mr Shone can be certain about this. The appellants refer to Figure 11 of their statement which shows a photograph of the top of the steps with a small separation between the landing of the stairs and the roof decking.
14. However, the photographs in Appendix A of the Authority's statement clearly show that on 20 February 2018, the landing of the staircase and the decking on the roof of the structure formed a single entity as the decking planks are continuous. The photograph dated 22 November 2018 clearly shows that the decking planks forming the landing had been sawn through such that the top of the staircase was detached from the decking on the roof (and as shown in the Appellants' Figure 11). This has removed any structural integrity that the staircase may have had as I was aware that there was considerable movement of the staircase on rising up it.
15. It is evident therefore that at some time during the Authority's enforcement investigations physical changes were carried out to the structure involving the separation of the staircase landing from the decking. The appellant accepts that these boards were sawn through at the point of the stairs and this was done in part to minimise the effects of expansion and also to 'reinforce the clear separation of the stairs and the caravans, so that there could be no element of dispute with the LPA over the question of connection between the caravan and the stairs'. It is also stated that this was done approximately a

ITEM 6.1

year before the notice was served. I can only conclude that this was in an attempt to make the structure achieve technical compliance with the definition of a caravan and thereby avoid enforcement action. The effect of this work has been to reduce the structural integrity of the staircase which has been left with only flimsy support through wooden posts concreted into the ground.

16. Prior to its separation, the staircase and decking were physically attached to the structure, offering a degree of permanence to the structure as a whole and to the structural integrity to the staircase. Whilst the decking may not be physically attached to the roof, this does mean that it is not part of the structure nor does it materially affect the degree of permanence of the structure. It is understood that the decking had both timber and metal railings but these had been removed at the time of my visit.
17. Mr Stone also refers to the storage shed in his statutory declaration, which he states is 'not attached to the caravan and does not rely on the caravan for its structural integrity'. He refers to a power cable being the only link between the two. However, it appears that Mr Shone did not construct the shed which the appellant states was brought onto the land in May 2016 along with the decking and the steps. I noted that the Authority requested further information and closer inspection of the connection between the shed and the main structure through the removal of some cladding but this was not forthcoming. At my inspection a section of cladding had been removed which indicated a gap between the shed and the main structure although the shed abutted it at roof level and the sides also would have abutted the main structure had the cladding not been removed. The appellants state the shed is attached to the ground by metal screws.
18. The appellants usefully set out the definition of a caravan in the CS&CDA and the CSA, and refer to the definition sometimes including chalets or cabins, and reference is made to case law in support. It is argued that the stairs and shed are not intrinsically built into the structure and are capable of being separated and the unit moved.
19. The statutory tests for a caravan refer to a 'structure' and the application of the tests depends on what the structure is considered to be. In this case I consider the structure to comprise the main unit with the decking and staircase. It excludes the shed, which although it may not be physically attached to the main unit it abuts it and has the visual characteristic of being part of it.
20. When assembled the unit should be physically capable of being moved as a whole by road and not moving the component parts by it being dismantled¹. Even having concluded that the shed does not form part of the structure, it is evident that the structure is composed of more than two sections and as such fails to meet the definition of a caravan in the CSA. It would also have exceeded the maximum height dimension of a caravan by virtue of the railings on the decking which have subsequently been removed with the exception of the safety railing at the top of the staircase.
21. The courts have held that the three primary factors considered to be relevant to the question of what constitutes a building: size, permanence and physical attachment to the land although no one factor is determinative. In this case, I

¹ Tyler v SoS & Woodspring BC [1990] and Carter & Another v SoS & Carrick DC [1994].

am satisfied that as a matter of fact and degree the structure is a building within the meaning of s336.

22. The appellant refers to the site licence and that anything required by the conditions constitutes permitted development pursuant to Class b of Part 5 of the Town and Country Planning (General Permitted Development) (England) Order 2015. However as site licence conditions only apply on land being used as a caravan site and as I have concluded that the works constitute a building and not a use of land, the relevant PD rights cannot apply. Furthermore I note that the Authority draws a distinction between the date the hardstanding was laid (October 2015) and when the decking, staircase and shed were erected in May 2016, which is before the site licence was varied and the conditions upon which the appellants rely came into being.
23. I remain to be convinced that the staircase, bearing in mind its size and purpose, could conceivably be considered as falling within Condition 4.2 of a site licence when, by their very nature, caravans have a single floor.
24. I have had regard to the appellants' references to case law regarding to attachments to mobile homes and the capability of caravans being transported but the unique circumstances in this case have led me to the conclusions reached.
25. The appellants have not demonstrated on the balance of probability that the structure on the site meets the lawful use of the site for the stationing of a caravan. As the structure represents a building operation for which planning permission is required and has not satisfied the period of immunity from enforcement action specified in s171B(a), the development is unlawful.
26. The appeals on this ground fail.

Appeals A and B: the appeals on ground (f)

27. An appeal on this ground is that the steps required are excessive and that lesser steps would overcome the objections. The appellants consider that in the event that the unit is not regarded as a caravan, the situation could be reversed by the removal of those items attached to it.
28. Enforcement action is not to be punitive and in this case it is clear that a caravan has been stationed on the land quite lawfully for many years. Setting aside the shed, had the current unlawful structure not had a staircase and roof deck, the issue of its lawfulness would have been much clearer.
29. The purpose of the requirements of a notice is to remedy the breach by discontinuing any use of the land or by restoring the land to its condition before the breach took place or to remedy an injury to amenity which has been caused by the breach. It is necessary for the requirements to match the matters alleged and therefore I consider that the requirements of the notice are excessive but can be varied to remedy the breach by the removal of those elements that are contentious.
30. Accordingly I shall vary the requirements by deleting (a), (b), (c) and (d) and replacing them with a requirement to remove the roof decking, staircase and safety railings in their entirety and for the resultant materials to be removed permanently from the site. Although the extent of the concrete hardstanding exceeds would normally be necessary to achieve its primary purpose, its

retention would not undermine the purpose of the notice. Similarly, the shed might otherwise have been considered as PD in different circumstances and its retention would not compromise the notice bearing in mind the lawful use of the site. I consider that the varied requirements represent a proportionate response to the harm that is caused by the development and recognises the lawful use of the site.

31. The requirements do not preclude the appellants doing what they are lawfully entitled to do in the future once the notice has been complied with.
32. The appeals on this ground succeeds.

Appeals A and B: the appeals on ground (g)

33. An appeal on this ground is that the time for compliance is too short. However, as I intend to vary the requirements of the notice, they are not as onerous as they otherwise would have been. I see no reason why the varied requirements cannot be implemented well within the specified 6 month compliance period, notwithstanding the distance of the site from the appellants' main residence.
34. The appeal on this ground fails.

Conclusions

35. For the reasons given above I conclude that in respect of Appeals A and B that the notice is incorrect in its reference to the attachment of the shed and that the requirements are excessive. I am correcting and varying the enforcement notice accordingly, prior to upholding it. The appeals under ground (f) succeed to that extent.
36. In respect of Appeal C, for the reasons given above I conclude that the Authority's refusal to grant a certificate of lawful use or development in respect of the use of the land as a caravan site was well-founded and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act as amended.

Decisions

Appeal A: APP/F9498/C/19/3242096

Appeal B: APP/F9498/C/19/3242097

37. The appeal is allowed on ground (f), and it is directed that the enforcement notice be:
 - i) corrected by the deletion of the words 'the erection of a wooden shed attached to the dwelling' in the allegation and their replacement with the words 'the erection of a wooden shed,'; and
 - ii) varied by the deletion of (a), (b), (c) and (d) in the requirements of the notice and the substitution of the following requirements:
 - (a) Remove the roof decking, staircase and safety railings in their entirety, and;
 - (b) Remove the resultant materials permanently from the site.

Subject to these variations the enforcement notice is upheld.

Appeal C: APP/F9498/X/19/3242095

38. The appeal is dismissed.

P N Jarratt

Inspector



Appeal Decision

Site visit made on 18 August 2020

by A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 21 August 2020

Appeal Ref: APP/F9498/W/20/3253010

Saffron Cottage, Lydiat Lane, Lynton, Devon EX35 6AJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr T Badham against the decision of Exmoor National Park Authority.
 - The application Ref: 62/41/19/026, dated 28 May 2019, was approved on 25 February 2020 and planning permission was granted subject to conditions.
 - The development permitted is the erection of extension to dwelling, retrospective.
 - The condition in dispute is No 3 which states that: *"Prior to 31 August 2020, all the windows and door currently in the extension hereby approved shall be replaced with natural timber windows and doors, and shall be retained as such thereafter. Any subsequent replacement windows and doors in the extension shall comply with the requirements of this condition."*
 - The reason given for the condition is: *"To ensure that remedial works are carried out in the interests of conserving the historic significance of the Lynton Conservation Area and to ensure compliance with Policy CE-S6 of the Exmoor National Park Local Plan 2011 - 2031, which requires traditional and natural sustainable construction materials to be used, particularly within conservation areas."*
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. The planning condition in dispute was attached to the grant of permission 62/41/19/026 to provide control over the materials for the window and door openings to be incorporated in the permitted extension. The Appellant wishes to retain the uPVC windows and door within the permitted extension, rather than the timber windows and door as required by Condition 3.
3. Given the above, the main issue is the effect of uPVC door and window frames on the character and appearance of the Lynton Conservation Area (the Conservation Area).

Reasons

4. The appeal site is located within the Conservation Area. Under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. The Conservation Area is characterised by its close knit dwellings and network of interlocking narrow lanes which, in this part of Lynton, are set on steep slopes, with the

significance of the area being defined, in part, by the dense townscape with buildings of architectural merit and historical value.

5. Policy CE-S6 of the Exmoor National Park Local Plan 2011 – 2031 (the Local Plan), amongst other things, seeks to ensure that development is complementary to the local context through the use of traditional and natural sustainable building materials. The supporting text to this policy expands on this, confirming that the use of uPVC for openings are, for the most part, limited in terms of being effective replacements for traditional timber designs and, furthermore, that use of such materials may only be permissible on certain forms of development that are located outside the Conservation Area.
6. The permitted extension was approved in relation to a retrospective application. The extension appeared to have been fully built as at the time of my site visit, with the extension having incorporated uPVC windows and a uPVC door into its design. Despite the heavily contrasting materials used in the construction of the extension, given its scale and position relative to the host dwelling, it somewhat has the appearance of a subservient extension.
7. However, the use of uPVC windows and, in particular, the incorporation of a white uPVC door within the extension, highlights the contrasting appearance of the extension when compared to the host building and surrounding development, and would, in my view, exacerbate the harm that would be caused by the contrasting materials used in this extension to the character and appearance of the Conservation Area.
8. From the evidence before me and from observations made on my site visit, I conclude that the use of timber windows and doors would be necessary to ensure that the extension would remain, in terms of its character and appearance, as a subservient addition to the host dwelling. The use of uPVC in the windows and door would, in my view, further accentuate the contrasting nature of the extension and, by reason of the form and design of the uPVC openings, would result in an extension that would draw the eye and appear incongruous within its surroundings. The use of timber would soften this appearance and would be necessary in order to preserve the character and appearance, and thereby the significance, of the Conservation Area.
9. The Appellant has put it to me that there are numerous examples within the Conservation Area of buildings which have successfully used uPVC for windows and doors, and that the host building itself also exhibits such detailing. Whilst it was noted on my site visit that a relatively significant proportion of dwellings within the surrounding area had uPVC doors and windows, the use of such materials was complementary, in terms of form, design and appearance, to the relevant host buildings and did not significantly contrast with the external materials used in the construction of those buildings.
10. In respect of the permitted extension, the use of uPVC would not be complementary, in terms of form and design, to the appearance of the host building or the surrounding built environment, but rather would further accentuate the contrasting nature of the extension within its surroundings, thereby calling attention to the extension.
11. The use of timber would soften the appearance of the extension and would be required in order that the extension could successfully assimilate into the character of the area. I therefore consider that the retention of the disputed

condition would be both reasonable and necessary in order to preserve the character and appearance of the Conservation Area. Whilst I acknowledge that views of the extension would be very limited from within the wider Conservation Area, it nonetheless would be visible from the nearby buildings and dwellings which are located close to the site on steeply sloping land.

12. By reason of the limited views of the proposed extension within the surrounding area, in terms of the advice in the National Planning Policy Framework (the Framework) the harm to the significance of the Conservation Area would be 'less than substantial', affecting only its immediate surroundings. As such the Framework sets out the need to address 'less than substantial harm' in a balanced manner against benefits associated with such schemes. However, no public benefits are put forward by the Appellant which I can consider and weigh against the identified harm to the Conservation Area.
13. For the above reasons, I conclude that the condition is reasonable and necessary in the interests of preserving the character and appearance of the Conservation Area. The removal or variation of the condition to allow the use of uPVC would conflict with Policies GP1, HC-D15, CE-S4 and CE-S6 of the Local Plan and Policies P1 and ENV1 of the Lynton and Lynmouth Neighbourhood Plan 2013-2028 which, together and amongst other matters, requires that development such as extensions integrate within its surroundings and preserves or enhances the character and appearance of heritage assets such as the Conservation Area. Furthermore, the removal of the disputed condition would be contrary to the provisions of Section 16 of the Framework which concerns conserving and enhancing the historic environment.

Conclusion

14. For the reasons given above, I conclude that the appeal should be dismissed, and the condition retained in its present form.

A Spencer-Peet

INSPECTOR



Appeal Decision

Site visit made on 18 August 2020

by A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 21 August 2020

Appeal Ref: APP/F9498/W/20/3251691

Strawberry Fields (Collings Ball), Shute Lane, Combe Martin, Ilfracombe, Devon EX34 0HW

- 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 Turner against the decision of Exmoor National Park Authority.
 - The application Ref 62/19/19/008, dated 21 October 2019, was refused by notice dated 26 March 2020.
 - The development proposed is described as the proposed change of use of agricultural building to two holiday lets.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. In the interests of accuracy, I have used the address for the appeal site as provided on the appeal form, and the description of development as provided on the National Park Authority's decision notice, in the banner heading above.

Main Issues

3. The main issues in this appeal are:
 - The effect of the proposed development on the host building;
 - The effect of the proposed development on the character and appearance of the surrounding area, having particular regard to whether the proposal would conserve and enhance the landscape and scenic beauty of Exmoor National Park;
 - Whether the proposed development would be in a suitable location, having regard to local and national planning policies; and,
 - The effect of the proposed development on highway safety.

Reasons

Host Building

4. The National Park Authority (the NPA) maintain that the appeal proposal would require significant alteration to the existing agricultural building and thereby would result in a building which would not reflect its intended original use as an agricultural building.

ITEM 6.3

5. Policy CE-S5 of the Exmoor National Park Local Plan 2011 – 2031 (the Local Plan), amongst other matters, requires that the conversion or structural alteration of existing buildings will only be permitted where it has been clearly demonstrated that the building is capable of conversion without substantial reconstruction and, furthermore, is suitable in terms of the intended use and the intensity of that use, in relation to its capacity, structure and character without substantial alteration.
6. The existing building is single storey in height and comprises a number of pens arranged within different areas of this modern agricultural building. On the southern elevation of the existing building, there is an attached structure which comprises a low block wall and is predominately enclosed with metal sheeting that, in parts, does not reach the level of the roof. Whilst the main parties disagree as to whether this attached structure forms part of the overall existing building, it is apparent from the information before me that in order for this structure to be used in forming part of an external wall within the proposed building, a substantial amount of reconstruction and alteration would be required.
7. Furthermore, whilst I note that, once alterations have been made to remove a substantial section of the attached structure described above, there would be no significant increase in the overall number of openings when compared to the existing position, the proposal would nonetheless require that a considerable number of the existing openings be enlarged to a significant degree.
8. It is further noted that the plans provided indicate that the steps on the western elevation of the existing building would be altered in order to provide an area of decking and outdoor amenity space and that additional steps, into the building, would be constructed on the north elevation. Whilst it is acknowledged that the structural survey has found that the building is structurally sound for conversion, these factors, in combination with the above matters regarding the removal and reconstruction of walls and the significant enlargement of windows, leads me to the conclusion that the appeal scheme would require substantial reconstruction and alteration of the existing building.
9. Irrespective of the materials to be used in the construction of the proposal, the scope of alterations to the existing building as described above would be significant. I, therefore, conclude that the appeal scheme would conflict with the provisions of Policy CE-S5 of the Local Plan with regards to the suitability of the existing building for conversion into the proposed accommodation.
10. The NPA refer to conflict with the National Planning Policy Framework (the Framework) within their reason for refusal. However, I have not been provided with any submissions or supporting information as to why the NPA consider the appeal scheme, with regards to the alterations, would conflict with any specific provision contained within the Framework. Nonetheless, the proposal's conflict with the development plan policy weighs significantly against the proposed scheme in the determination of this appeal.
11. The Appellants have put it to me that further adjustments can be made to the proposal, such as the removal of the steps that would be positioned adjoining the north elevation of the proposed building. However, I have not been provided with any plans or additional details as to the degree and form that such proposed changes would make to the proposal. Annexe M of The Procedural Guide, Planning Appeals – England clarifies that the appeal should

not be used to evolve the application. Consequently, the determination of this appeal has been concluded on the basis of the application, which was made to the Local Planning Authority, and upon which the opportunity for consultations has been provided.

Character and Appearance

12. The appeal site is located within a picturesque area of countryside and within the boundary of the National Park. The surrounding area exhibits a strong rural character, with fields and scatter of agricultural buildings contributing positively to the intrinsic beauty and character of the surrounding countryside. This character is reinforced by the appeal site and existing building which contribute to the overriding agricultural character and appearance of the setting of the site and the appeal building, and the wider landscape.
13. The appeal site is located adjacent to Shute Lane, with the land towards the north of the appeal site sloping steeply away downhill from the site, forming one side of a steeply inclined valley. Given its location on a terrace towards the top of the valley side, the appeal site is highly visible from within the surrounding landscape.
14. The existing agricultural building is unassuming and visually unremarkable within the landscape, given its simple utilitarian design and modest scale. The existing building appears to be entirely typical in relation to its original agricultural purpose and is consistent with the countryside character and appearance of the surrounding area and National Park.
15. The size and shape of the building would remain relatively unchanged by the appeal proposal. However, as noted above, the proposal would include the addition of new steps which are substantial in terms of their bulk and would include several domestically sized windows on the northern elevation of the proposed building. While the overall form of the original building would largely be retained and, following the proposed demolition of part of the attached structure, the number of new window openings would be limited, the proposed alterations would nonetheless lead to the building taking on a more domestic appearance. This would be most apparent when viewed from the north and, consequently, the agricultural character and appearance of the existing building, and its contribution to the rural setting, would be diminished.
16. The domestic use of the site, albeit restricted for holiday use as proposed, including the likely use of garden furniture on the proposed decking area and external rotary dryer to be positioned adjacent to the eastern elevation of the appeal building, would also alter the character of activity on the site, in comparison with the existing agricultural building.
17. Whilst I acknowledge the submissions of the Appellants with regards to changes in ground levels around the appeal building, there is relatively little information provided in relation to the proposed position of a sewage treatment plant which the plans indicate would be located north of the appeal building. In this respect, and given the limited amount of information available, I cannot conclude whether such works would further alter or erode the character and appearance of the building or affect its setting within the picturesque landscape as described above.

18. I note the comments from the NPA with regards to the need for additional fencing at the appeal site for matters of health and safety and in this regard, given the steeply sloping nature of the land north of the appeal site, I agree that it is likely that such arrangements would be necessary in order to protect the health and safety of visitors. However, in my experience, it is not uncommon that agricultural buildings used for the accommodation of livestock would have some fencing around the building and, through the application of appropriate conditions regarding the materials to be used, I consider that some additional fencing at the appeal site would not necessarily alter or adversely affect the agricultural appearance of the building or the site.
19. Notwithstanding the conclusion regarding additional fencing, for the reasons given above I conclude that the appeal scheme would significantly alter the character and appearance of the site from agricultural to domestic. In my view, the proposed development would, thereby, be harmful to the intrinsic character and beauty of the countryside and would be harmful to the landscape and scenic beauty of Exmoor National Park.
20. Consequently, the appeal scheme would conflict with Policies GP1, CE-S1, CE-D1, CE-S5, CE-S6, RT-S1 and RT-D4 of the Local Plan which, amongst other things, requires that development proposals in the National Park conserve and enhance the distinctive characteristics of the landscape, minimising visual impact through high quality design that reflects local landscape character and does not result in harm to the character of the building or its setting. Furthermore, the appeal proposal would conflict with paragraphs 170 and 172 of the Framework which, amongst other matters, requires that great weight be given to conserving and enhancing landscape and scenic beauty in National Parks, which have the highest status of protection in relation to these issues.

Location of Development

21. Policy RT-D4 of the Local Plan provides that the conversion of buildings to non-serviced accommodation will be supported where it will, amongst other matters, relate to the diversification of a rural business with the existing building being "well-related to an existing grouping of buildings". The supporting text of this policy confirms that consideration of the proposal against Policy SE-S5 of the Local Plan is also required which, in this instance, as the existing building can properly be described as non-traditional, requires that proposals must be well related to an existing group of buildings on a farmstead. The glossary to the Local Plan provides a definition of 'farmstead' as being a "clear grouping of farm buildings with an existing dwelling".
22. The NPA maintain that by reason of the changes in land levels, presence of screening vegetation and a narrow single track lane which separates the appeal site from Strawberry Fields, the proposal would not be well-related to an existing farmstead.
23. In this regard, and in my experience, the rural areas of North Devon provide a number of examples of farming enterprises where the buildings that form the core of the farmstead are arranged either side of a highway and, in this respect, such arrangements somewhat contribute to the character and appeal of the area. From the observations made on my site visit, whilst it was noted that the appeal site was separated from the group of existing buildings at Strawberry Fields by Shute Lane, by reason of the close physical proximity and visual association of the site to the group of agricultural buildings on both sides

of the lane, in my view the site is inextricably linked to the farming enterprise and would form part of the farmstead.

24. In relation to the appeal scheme and this main issue, I conclude that the appeal site is well-related to an existing farmstead within the context of the Local Plan. Consequently, the proposed development would not conflict with criterion 1. of Policy RT-D4 or conflict with Policy SE-S5 of the Local Plan with regards to the appeals site's location forming part of the farmstead. Furthermore, the proposal would comply with the provisions of the Framework with regards criterion b) of paragraph 83 of the Framework.

Highway Safety

25. The appeal site is accessed from Shute Lane, being a narrow, single track lane, which is steeply inclined in places close to the site. The NPA express concern that the proposal would have an adverse effect on highway safety, due to restricted visibility available to drivers when emerging from the site onto Shute Lane.
26. From the evidence before me and from the observations made on my site visit, Shute Lane is relatively lightly trafficked and, by reason of the winding nature of the lane and the steep incline uphill from Combe Martin, vehicles approaching and passing the site from that direction are likely to be travelling at very slow speeds and with care. With regards vehicles which are travelling in the direction of Combe Martin, the lane is formed of a long straight section as it approaches the proposed point of access to the appeal site.
27. On my site visit, I saw that vehicles emerging from the appeal site would have sufficient and adequate visibility towards the east and uphill within Shute Lane. Furthermore, whilst it is acknowledged that visibility to the west would be more restricted, given the circumstances described above in relation to the narrow and steeply inclined nature of the lane and due to the level of visibility that was available, I found that I was able to safely egress from the site without the need to employ a 'peep and creep' method. I therefore conclude that the appeal site currently provides sufficient visibility in both directions and, accordingly, in such circumstances I am not persuaded that the proposal would have an unacceptable effect on highway safety in this regard.
28. The NPA has indicated that works have been carried out by the Appellants to the banks which are located either side of the proposed access, without planning permission and after the appeal scheme was refused by the NPA. In this regard, whilst the concerns of the NPA are noted, based on the evidence that is before me and from observations made, as at the date of my visit, use of the point of access would not have a detrimental impact on highway safety with regards to visibility. With regards to whether any works that were carried out would require consideration and planning permission, this is not a matter for my determination under this section 78 appeal.
29. The proposed use of the site would not, in my view, have a severe residual impact on the road network. Therefore, in combination with the above reasons, I conclude that the proposal would not be harmful to highway safety. Accordingly, the appeal scheme would comply with the requirements contained within Policies AC-D2, RT-S1 and RT-D4 of the Local Plan which, amongst other matters, seeks to ensure that development provides safe access and would not

prejudice highway safety. Furthermore, for the reason given above, the appeal proposal would also comply with paragraph 109 of the Framework.

Other Matters

30. The Appellants have referred to an appeal decision which, from the very limited amount of information before me, appears to relate to a site in Bedfordshire and concerns an application for costs. The appeal before me does not appear to include a costs application and there is no information before me to suggest that the Appellants are seeking a full or partial award of costs on any particular grounds that would be supported by the brief details given in relation to the referenced appeal decision. The matters do not appear, from the very limited amount of information provided, to be comparable and, in any event, this appeal decision has been determined on its own merits and based on the evidence that is before me.
31. The Framework provides that the concept of sustainable development comprises three dimensions – being the economic, social and environmental elements of the proposal. In these regards, I acknowledge that the proposal would have some economic benefits including in respect of the diversification of the existing farming enterprise. I also appreciate that tourism enterprise in rural areas is important to support a prosperous rural economy, including in terms of supporting jobs. However, these benefits are limited by the scale of the proposal and, consequently, I attach moderate weight to these factors in the determination of this appeal.
32. In terms of social benefits, where education of visitors in relation to farming practices is provided, the benefit may be considerable. However, in this instance whilst I acknowledge the Appellants' intention to provide experience of farming, there is no evidence before me which confirms how this would be achieved in practice. I therefore attach moderate weight to this consideration in the determination of this appeal.
33. Against these benefits, for the reasons given above, the proposal would result in harm to the intrinsic beauty of the countryside and would fail to conserve and enhance the landscape and scenic beauty of Exmoor National Park. Furthermore, whilst I note that there are services and facilities within Combe Martin, access to that settlement would be along unlit, very steeply inclined narrow lanes and, therefore, visitors to the proposed holiday accommodation would be likely to be heavily reliant on private motor vehicles when accessing the wider area, thereby causing environmental harm as a result of increased car journeys and hence carbon emissions.
34. By reason of the importance that the Framework places on the conservation of the environment, the preservation of the intrinsic character and beauty of the countryside and the conservation of National Parks, I attach significant weight to these considerations in the determination of this appeal. Consequently, in light of the above, I conclude that the benefits of the appeal scheme would be outweighed by the harm identified above.
35. The Appellants submitted the proposed development following pre-application advice from the NPA. The Framework stresses the benefits of early engagement and of good quality pre-application discussion. Whilst it is not binding, it is clearly unfortunate if proposals are initially supported but then the final outcome is an adverse one. Nevertheless, at appeal the proposal is

considered afresh and, as a consequence of this, the positive feedback given at pre-application stage does not warrant allowing the appeal.

36. Further to the above, it is with regret that I note the Appellants' frustrations with the National Park Authority's communication and the way in which it handled the application. However, in this regard such matters do not impact on the planning merits of the proposal and consequently are not matters that are for my consideration in relation to this appeal.

Conclusions

37. For the reasons given above, I conclude that the appeal scheme conflicts with the development plan and the Framework when taken as a whole. There are no material considerations that would lead me to reach a determination other than in accordance with the development plan. As such, the appeal should be dismissed.

A Spencer-Peet

INSPECTOR

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Committee Report

Application Number:	6/15/20/104
Registration Date:	07-May-2020
Determination Date:	01-Jul-2020
Applicant	Mr B Ayre
Agent:	Mr. M Kelly, Planning Partnership Ltd
Case Officer:	Joe White
Site Address:	West Howe Barn, West Howetown Lane, Exton, TA24 7EX
Proposal:	Proposed agricultural building (20m x 15m) (amended plans).
Recommendation:	Approve with conditions
Reason for bringing before Authority Committee:	The application comes before Authority Committee, in accordance with the Scheme of Delegation, because a Member of the authority is personally involved in the application – acting as planning agent.

Relevant History

6/15/18/108 Proposed agricultural building for the housing of livestock and storage of fodder Refused 02/06/2019
6/40/17/113 Retention of concrete track (190m). Retrospective. As per additional informatio Approved
6/15/15/101 Erection of agricultural building (528sqm).
Refused 12/05/15 Appeal dismissed 08/01/16

Site Description & Proposal

The application site is located in open countryside approximately one kilometre from Winsford and accessed by a track, leading over farm land, from the hamlet of West Howetown. The application site lies near the summit of a hill, within enclosed farmland and within a small historic farm building enclosure. There are remains of the historic buildings on the site, although these are in a ruined state.

The site is open in the south east and views, including from Exton, are achieved from wider locations. There is a public footpath (DU6/8) passing the site approximately 120 metres to the north east.

The application seeks planning permission for a new agricultural building. The detail of the proposed development has been amended through the course of the application. The proposed building measures approximately 20 metres by 15 metres

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and would be sited in a small historic, earth banked, enclosure with derelict traditional buildings. The buildings are noted as “West Howe Barn” on ordnance survey mapping.

There are a number of mature Beech trees to the enclosure boundary, including to the north east and south east of the site of the proposed building.

The existing traditional building comprises an ‘L’ shape building range. Much of the roof structure to the building range is missing and walls have collapsed. There are some round stone columns to what appears to be an old linhay building and vegetation growing in the building.

The proposed building would be positioned over part of the linhay, the remains of which would be removed. The proposal retains the part of the building that lies to the south west and occupies part of what appears likely to have been the historic yard area. The proposed building would be cut into the site in a similar fashion as the linhay building, with a retaining wall constructed along the north boundary to retain the land to the field beyond.

The building would have an eaves height of approximately 4 metres and a roof ridge height of approximately 6.5 metres. It would be constructed with stained timber boarding above concrete panels to the side elevations. The roof would comprise anthracite grey fibre cement sheeting, with opaque roof sheets only to the north west roof slope. The south east roof slope is proposed without opaque roof sheets to provide an unbroken roof of a muted colour finish.

The application papers explain that the building is intended to replace an agricultural building that was sited elsewhere on the applicant’s land, but which had to be demolished in 2015 following storm damage. The details explain that the holding extends to approximately 64.7 ha (160 acres) and operates as a livestock farm and its sheep rearing enterprise centres on 500 ewes and associated annual lambing. It is also advised that the original proposal for the applicant was to construct a building to house livestock and also to store fodder and associated farm machinery and equipment, but in response to comments received throughout an extended negotiation process with ENPA officers leading to the present application, the present building has been reduced in size to reflect the constraints of the proposed site and will in practice meet the need to accommodate livestock only. It has been explained that the applicant does not at present have any internal livestock accommodation on the farm with the consequence that sheep have to be wintered outside and, at times of adverse weather, livestock suffer and ewes and lambs are lost each year.

The application papers advise that the proposed building would result in sheep remaining on the farm from birth to being sold or entering the flock as breeding ewes, and a building to accommodate the livestock is essential for welfare of the livestock as well as the general management of the farm holding and maintenance of its land. The details explain that it follows that, in terms of the support of the enterprise and its

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continued viability, the present building is essential to meet the functional requirements of the enterprise.

The planning history also shows that the application follows earlier planning applications for a farm building on the holding. In particular, in 2015 under application reference 6/15/15/101, a proposal was made for the erection of an agricultural building with a floor area of approximately 528 sqm and maximum ridge height of 7.5 metres. The building was proposed on land approximately 30 metres to the north west of the site now proposed and in a slightly more elevated position, outside the enclosure to the historic building group. That application was refused planning permission on 12 May 2015 and a subsequent appeal was dismissed.

A further planning application was submitted in 2018, application reference 6/15/18/108. That application involved a proposal for a building on the north west facing slope of Howe Hill overlooking West Howetown. That proposal was for a building with a floor area of approximately 460 sqm. The application was refused planning permission on 6 February 2019, following the decision of the Authority Committee at its meeting on 5 February 2019, for the following reason:

The proposal by virtue of its prominent position and scale would detrimentally alter the appearance, character and nature of the rural landscape and will adversely affect people's enjoyment of the National Park. Furthermore, the use of metal sheeting to clad two of the external elevations and the associated landscaping would exacerbate the detrimental impact. The need for the proposed building asserted by the applicant has not been demonstrated to a level which would override the detrimental impact on the landscape and scenic beauty. Therefore, it is considered that the proposed development would be contrary to Policies GP1, CE-S1, CE-D1, CE-S6, SE-S1, SE-S4 and RT-D12 of the Exmoor National Park Local Plan 2011 - 2031 (including minerals and waste policies) and the National Planning Policy Framework.

Consultee Representations

Winsford Parish Council – 6 August 2020 - Further to the revised details of this application, Winsford Parish Council agree with the recommendations made by the tree officer and support the application, subject to their previous comments – below.

26 May 2020 – Council register support for the application but raise concerns over the size and volume of traffic which will use the minor lane from Winsford village centre to access the site, and anticipate that SCC Highways will be encouraged to monitor this with particular ref to damage to road surface, speed and the old bridge.

Somerset County Council Highways – 21 July 2020 – No further observations.

12 May 2020 – No observations.

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Exton Parish Council – 21 July 2020 – All Exton parish councillors have viewed the additional information and have responded back to me that they feel no need to alter their original decision not to object.

25 June 2020 – The Parish Council are of the view that their concerns re screening have been met and therefore withdraw their previous objection.

22 June 2020 – On receipt of further information from the Applicant, Exton Parish Council wish to withdraw their objection to the above development and now support it.

20 May 2020 – Exton Parish Council has reviewed this Application. The Council noted that the proposed barn would be visible from Exton and Bridgetown and also from the grave yard of Exton Church. Howe Hill Farm is a block of bare land, the farmhouse and buildings having been sold off some years ago by the Applicant's family. Given the intention that up to 500 ewes will be using this barn, the Parish Council are concerned that within a short time there will be a further application for a residential farm worker's dwelling. The Council therefore objects to this Application.

ENPA Senior Landscape Officer – June 2020 – Site Context:

The application site is a hill top location (267-270m AOD), approximately 1.2km to east of the village of Winsford. Access to the site is via West Howetown Lane linking and then extending across the holding via a recently installed concrete track across an open field, and then continuing across existing grass pasture. The site lies within a remnant traditional stone building group identified on the Exmoor Historic Environment Record as a former barn and linhay. Bordered to the north and south by existing hedgebanks, the site is open, elevated and exposed. Existing mature trees are sited to the south and east of the application site. The surrounding fields to the holding are steeply sloping, and largely enclosed by mature hedging with specimen hedgerow trees.

Landscape Character:

The site lies within Landscape Character Type (LCT) F 'Enclosed Farmed Hills with Commons', a landscape of broad rolling terrain of rounded hills and ridges where typical land use is of pastureland and rough grazing. Key features of this LCT include irregular field patterns of medium sized fields, defined by dominant beech and mixed hedge banks, with the rural lanes narrow and deep. The distinctive patterns of enclosure, smaller scale and mixed green colours of this LCT form a contrasting setting to the adjacent lower wooded slopes.

Settlement tends to be nucleated to scattered hamlets and villages typically in sheltered positions on valley and hillsides. The application site is typical of the managed and farmed landscape of this LCT, sited to the top of a ball shaped hill.

The surrounding Landscape Character Type is LCT G 'Incised Wooded Valleys'. This extends from an elevation of 240m AOD down to the River Exe in the valley bottom.

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Key features of this LCT are steep wooded valley sides, dark and enclosing in character.

Visual Amenity:

The site is visible from a number of publicly accessible points including the A396 at Copleham Cross, Edbrooke Road leading to Winsford and from Exton Church and the public rights of way radiating from this. The site would appear skyline from Copleham Cross and would close to the skyline when viewed from the graveyard of Exton Church. The wider visual setting is one of a highly attractive and managed farmed hill landscape as approached from the Exe Valley.

Comments:

The application outlines a 20m x 15m structure, sited on levelled ground, with an additional area of regraded ground to the eastern end of the proposed building. It is noted that the planning statement outlines a series of revisions and adjustments that have been made to the proposal following on from the pre application discussions held with ENPA. However, there are a number of landscape related concerns that remain relevant to the proposed development of an isolated, single new building and its associated service requirements in this exposed, elevated and open countryside location.

The loss of a proportion of the remaining remnant historic building fabric with no proposed inclusion or re-use of the structures within the proposed development does not contribute to either conversing or enhancing the character and visual amenity of the National Park landscape. It also represents the loss of habitat opportunity for those species reliant on the built environment. The change in scale of the replacement structure will impact further on the wider landscape.

The proposals require the removal of the remains of the historic linhay, and the excavation of existing ground for the entirety of building footprint, extending to the existing field boundary on the southern side and extending out on the eastern elevation. This eastern most excavation would all be within the rootzone of the existing mature beech tree. The north east corner of the proposed building will require excavation of existing ground levels in excess of 3m depth in very close proximity to the existing mature tree which has the potential to significantly impact if not result in the loss of this large specimen. The tree forms part of an informal grouping that currently provide a degree of screening to the site when viewed from Exton Church and from Edbrooke Road. Guidance should be sought in accordance with BS 5837 Trees in Relation to Design, Demolition and Construction to ensure all factors have been fully addressed.

The proposed building will appear as an isolated skyline development when viewed from Copleham Cross. Noting that existing vegetation currently provides some mitigation to either extent of the proposed building when viewed from this location, this is an elevated and exposed site where the beneficial impact of proposed new planting on the southern boundary will take a considerable length of time to provide

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any additional screening, leaving the building visible on the otherwise undeveloped skyline.

It is noted that the application proposes no additional servicing or access provision to this elevated site to help lessen the impacts of the development on the wider undeveloped setting.

Acknowledging the outlined needs of the applicant and the current lack of any building on the holding, the proposal to site a new agricultural building and associated yard area in this elevated, exposed and visible skyline location is harmful to the high quality National Park setting and its distinctive character.

ENPA Wildlife Officer – 19 June 2020 – The proposed development site has the potential to support nesting birds and reptiles, commuting and foraging badgers, with the mature trees having a low-moderate potential to support roosting bats.

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.

- To avoid negative impacts to potential summer bat roosting features within the mature trees surrounding the proposed development, demolition and ground works will be undertaken during the bat hibernation period (November - February), when bats are likely to be absent from the surrounding trees.

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.

Bats and lighting

Due to the presence of the 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.

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.

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Birds

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

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

Trees

- All trees and hedgerow retained will be protected during the works, including groundworks, by the establishment of Root Protection Areas in accordance with BS 5837:2012. No materials or plant should be allowed within the buffer zone.

Reason: In accordance with BS 5837:2012, NPPF 2018 and ENPA Local Plan: Policy CE-S3 Biodiversity and Green Infrastructure.

Reptiles

To mitigate for potential impacts for reptiles, please attach the following condition:

- Any vegetation in the construction area should initially be reduced to a height of 10 centimetres above ground level by hand, brushings and cuttings removed and the remainder left for a minimum period of 48 hours of fine warm weather (limited rain and wind, with temperatures of 10°C or above) before clearing to minimise the risk of harming/killing any reptiles that may be present and to encourage their movement onto adjoining land. This work may only be undertaken during the period between March and October under the supervision of competent ecologist. Once cut vegetation should be maintained at a height of less than 10cm for the duration of the construction period. A letter confirming these operations and any findings will be submitted to the Local Planning Authority by the ecologist responsible.

Reason: In the interests of UK protected and priority species and in accordance with ENPA Local Plan: Policy CE-S3 Biodiversity and Green Infrastructure.

Biodiversity Enhancement (Net Gain)

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

- The following will be integrated into the design of the buildings and site plans:
 1. A [Beaumaris Woodstone maxi bat box] or similar will be mounted under the apex of the west elevations of barn and maintained thereafter.
 2. Installation of 4 x Schwegler No. 10 swallow nesting cups, or similar, to be erected on a main beam within an open side section of the new barn, at a height above 3m.

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3. One log pile as a resting place for reptiles and or amphibians constructed on the western boundary.
 4. The new hedgerow along the southern boundary will be planted with native woody species that support nuts, berries and nectar for foraging wildlife species. A minimum of 5 of the following species will be planted: Hawthorn, Blackthorn, Honeysuckle, Dogwood, Elder, Holly Hazel, Dogrose, Field rose, Spindle, Clematis, Cherry, Yew, Crab apple and Wild raspberry. The hedgerow will be laid on reaching maturity, with long term management to include cutting on a 3 year rotation
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

Badgers

Please attach the following informative

The developers are reminded of the legal protection afforded to badgers and their resting places under the Protection of Badgers Act 1992 (as amended). It is advised that during construction, excavations or large pipes (>200mm diameter) must be covered at night. Any open excavations will need a means of escape, for example a plank or sloped end, to allow any animals to escape. In the event that badgers or signs of badgers are unexpectedly encountered during implementation of this permission it is recommended that works stop until advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.

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

ENPA PUBLIC RIGHTS OF WAY OFFICER – The definitive line of public footpath DU6/8 touches on the access track to this development site – additionally the walked line used by the public on the ground (shown in red below) coincides with around 360 metres of the access track. Finally the definitive lines of restricted byway DU6/19 and public bridleway DU6/16 coincide with the access track for a short distance closer to Winsford. This is shown on the plan below.

The proposed development will lead to a small increase in the amount of agricultural traffic using the access track but I do not consider that there are any serious issues from the public access point of view. The development may be visible from DU6/8 but also from other rights of way further to the east.

It is important during construction work, that the public rights of way remain unobstructed and available for use by the public at all times. Please see below for our standard advice on development in the vicinity of public rights of way.

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

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Please note the following:

- Care should be taken to avoid obstructing or interfering with the public rights of way or creating a hazard for users. If it is impossible to avoid interference or potential danger, the appropriate legal steps (e.g. path closure application) should be taken in advance of any works. If this is likely to be necessary, please contact the Highway Authority or seek legal advice as soon as possible.
 - Any disturbance to the surface of rights of way should be avoided but if any such disturbance does occur due to the owner/occupier or their agents' use of the way, the surface should be reinstated.
 - Where planning permission is granted, this does not authorise any person to stop up or divert any public right of way. Separate legal steps are needed for this.
 - The driving of a vehicle is only permitted on a public bridleway/footpath where the driver has lawful authority to do so.
 - 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.

Representations

A letter of SUPPORT has been received. The comments include:

- That this application is for a replacement of a bigger barn-shed which was situated higher up on the hill and following serious damages due to a storm had to be taken down about 6 years ago.
- That the new site is where old farm-buildings are falling into pieces and that the new building would be midst in and under century old beautiful beech trees and that the building will provide shelter in foul weather conditions during the lambing season and a dry store room for hay and farming equipment.
- The writer advises that, as direct neighbour and country vet surgeon for several decades, the proposal is fully supported under the condition that all the trees on site are preserved and a colouring of the shed is chosen which blends in as naturally as possible.

Policy Context

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

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CE-S1 Landscape Character
CE-D1 Protecting Exmoor's Landscapes and Seascapes
CE-S2 Protecting Exmoor's Dark Night Sky
CE-S4 Cultural Heritage and Historic Environment
CE-D3 Conserving Heritage Assets
CE-S3 Biodiversity and Green Infrastructure
CE-S6 Design and Sustainable Construction Principles
CC-D1 Flood Risk
SE-S1 A Sustainable Exmoor Economy
SE-S4 Agricultural and Forestry Development
AC-S1 Sustainable Transport
AC-D2 Traffic and Road Safety Considerations for Development
RT-D12 Access Land and Rights of Way

The National Planning Policy Framework is a material consideration.

Planning Considerations

The main material planning considerations in this case are considered to be the principle of the development, its impact on the character and scenic beauty of the landscape, impact on wildlife and impact on the historic environment.

PRINCIPLE OF DEVELOPMENT

Policy SE-S4 supports agricultural development where, among other things, it can be demonstrated that there is a functional need for the development and its size and scale is commensurate with the demonstrated need. New isolated farm buildings are not typically supported. SE-S4 advises (under Clause 2) that new isolated buildings will not be permitted unless it can be demonstrated that there are exceptional circumstances relating to an overriding functional need for a more isolated location, and where:

- a) They do not replace existing agricultural buildings that have been subdivided away from the holding; and
- b) The requirement for them does not result from a change of farming practices, such that could adversely affect the management of the traditional landscape character of the National Park.

The planning history is material to the consideration of this application, particularly application reference 6/15/15/101, because it relates to a proposal for a building on land close to the application. That application was refused planning permission 12 May 2015 and dismissed at appeal on 8 January 2016. On appeal the appointed Inspector stated:

"I acknowledge the importance of promoting the economic and social wellbeing of the local communities in the National Park and the part that farming plays in forming the

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distinctive character of the National Park landscape. However, I am not convinced that the appellant has demonstrated that there is an over-riding need for a building of this size and that there is no alternative location” (paragraph 12).

This application follows pre-application discussions and the application provides information in relation to the need for a building. There is no other building available on the holding, which extends to approximately 160 acres of enclosed pasture land. The land holding is mainly steep sloping, elevated and visible from the wider landscape. The applicant runs a sheep rearing enterprise based on 500 ewes and associated annual lambing at the holding. There are currently no functional buildings on the holding. A pole barn near the application site had to be demolished because of storm damage prior to 2015 according to the application papers. It is understood that historically the land holding was managed from a farmstead at Copleham Cross, although that was sold off many years ago.

Officers have explored other potential sites for development with the applicant, but the steep sloping and elevated nature of the holding makes accommodating new development very challenging – as the recent planning history demonstrates. Having said this, the holding does comprise some relatively level fields, but these lie adjacent to the Exe river (notably those to the west of Copleham) and within the functional flood plain – those fields are not therefore considered suitable for the proposed development.

Having regard to the detail of the proposal, the size of the landholding and the nature of farming involved, Officers consider that the applicant has demonstrated that there is a need for a building of the size proposed.

The proposed building would not replace existing agricultural buildings that have been subdivided away from the holding, but a building that has been removed following storm damage. The farming practice is considered to contribute to the management of the traditional landscape character.

Although there are traditional farm buildings at the application site, these are not functional buildings and are in a poor condition. The application site is, therefore, considered to be isolated for the purposes of SE-S4. It is, however, considered that the applicant has demonstrated a need for the proposed building, having regard to the size of the land holding, the farming enterprise involved and welfare of animals managed on the land. In this regard the principle of development is judged to be acceptable and not in conflict with Policy SE-S4.

LANDSCAPE

The site lies within Landscape Character Type (LCT) F ‘Enclosed Farmed Hills with Commons’, a landscape of broad rolling terrain of rounded hills and ridges where typical land use is of pastureland and rough grazing.

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The application site is visible from a number of publicly accessible points including the A396 at Copleham Cross, Edbrooke Road leading to Winsford and from Exton Church and the public rights of way radiating from this. In those views the proposal would be viewed with the context of the ruined barn, which is to be retained and with mature Beech trees, some of which would be seen as taller than the proposed building.

There are two trees in particular to the north and south east of the proposed barn. There are some more mature Beech trees beyond the existing dilapidated barn to the western side.

The proposed site plan shows the new building just within the canopy of those two Beech trees to the north and south east, although the new building would be slightly further from the tree to the north compared to the end gable wall of the existing linhay building.

The position or construction of the new barn itself is not considered likely to cause damage to the longevity of the existing trees and the application details have been amended to avoid the initially proposed “minor grading” works within the root protect zone of the trees. With this amendment, the proposal is not considered likely to damage the trees, which are important features in the landscape and contribute to the site’s capacity to accommodate some development.

The Senior Landscape Officer identifies a number of landscape related concerns relating to the proposed development. These concerns include the loss of a proportion of the remaining remnant historic building fabric and that the proposed building will appear as an isolated skyline development when viewed from Copleham Cross.

It is noted that the existing vegetation currently provides some mitigation to either extent of the proposed building when viewed from this location, but because this is an elevated and exposed site, any beneficial impact of proposed new planting on the southern boundary will take time to provide any additional screening, leaving the building visible on the otherwise undeveloped skyline.

The Senior Landscape Officer advises that the proposal to site a new agricultural building in this elevated, exposed and visible skyline location is harmful to the high quality National Park setting and its distinctive character.

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

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

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

The character of the landscape of this part of the National Park is marked by rounded hilltops and this is distinctive. The landscape is clearly manmade in respect of field patterns, with hedgerows and trees and is strongly linked with sheep farming. The upper levels of the hills are open and generally undeveloped agricultural land, apart from some small scale buildings. Development, including farmsteads tend to occupy more sheltered lower lying positions. The topography of the landscape generally means that long views of the landscape are available from wider areas – these contribute to the beauty and scenic quality of the National Park landscape.

The topography results in the application site being visible from a distance and from a number of public rights of way, as well as the higher parts, including from within the church yard, of the village of Exton across the valley. Closer views from lower lying positions, such as Copleham Cross, are also afforded of the site and the upper elevations of the proposed building would be visible from Copleham Cross against a backdrop of sky. Although in those views the building would be viewed with mature Beech trees, which also break the skyline.

The trees and existing historic enclosure of the site would help to reduce the impact of proposed development. The existing building complex would also contribute to siting the proposed development into the landscape. Further mitigation of the development could also be secured through planning condition to ensure additional planting to the earth bank enclosure is provided. The proposed muted colour to the external elevations of the building and its reduced scale also contribute to limiting the visual impact of development. All the trees on the site are to be retained.

The proposal follows pre-application discussions and details supporting an essential need for the development have been provided. The building supports the continued viability of the farming business and provides housing for livestock managed on the 160 acre land holding, where there is no other functional building space available. Officers are persuaded that there is a need for a building of this size and that there are no other more suitable sites available for development on the land holding. Farming plays an important part in forming and conserving the distinctive character of

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the National Park landscape. In this regard there is public benefit associated with the proposed development and this is a material planning consideration.

There is, nonetheless, landscape harm associated with the proposed development. In accordance with the National Planning Policy Framework this harm is something to which great weight should be given.

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.

The details submitted explain that the proposal does not remove any structure other than a low stone wall at the rear (north west) of the site and standing pillars associated with the possible open fronted lincay on the site. All the trees on the site are to be retained and it is not proposed to undertake any work to the existing trees on site, although depending on the requirements of the building fabrication company, there may be some limited removal of any overhanging branches and only if so required – this is a matter that can be secured by condition of planning permission.

Further to this, the Wildlife Officer has advised that the proposed development site has the potential to support nesting birds and reptiles, commuting and foraging badgers, with the mature trees having a low-moderate potential to support roosting bats. The Wildlife Officer has recommended conditions to be attached to a grant of planning permission to ensure legally protected species interests, which may potentially be at the site, are safeguarded.

HISTORIC ENVIRONMENT

The existing buildings are locally significant historic assets recorded on the Historic Environment Record. The building is described as an L shaped building – a barn and lincay. It is depicted on the Exton Tithe Map and is sited within a small enclosure.

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

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

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The proposed development involves the loss of the remaining historic fabric of the former linhay building and although the ruined barn would be retained through the development, there would be harm to the existing heritage asset with the loss of existing fabric and by virtue of the siting of the proposed building within the historic building setting and enclosure.

The existing building fabric is a locally significant historic asset recorded on the Historic Environment Record and contributes positively to the local environment as a relic of the past.

In accordance with paragraph 192 of the National Planning Policy Framework, in determining applications, local planning authorities should take account of:

- a) The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) The desirability of new development making a positive contribution to local character and distinctiveness.

In accordance with paragraph 193 of the Framework, any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

The agricultural building on the submitted site is the only feasible site available to the applicant to meet the functional requirements of the enterprise for a livestock building. This follows a review of all other sites that could reasonably meet the functional requirements for a livestock building to serve the farm holding. These other sites, including those previously refused planning permission, have been found to be unacceptable in terms of landscape and visual impact, flood risk and practical reasons.

The existing historic buildings, because of their size and shape are not considered suited to modern farming practices and if it were possible to alter the buildings to allow a viable modern farming use, those alterations are themselves considered likely to result in a similar level of harm to the heritage asset as currently proposed.

The National Planning Policy Framework provides support for a 'prosperous rural economy' and the harm identified to existing building has to be weighed up against the public benefit of the development.

There is public benefit as outlined earlier in this report and it is considered that harm to the heritage asset is unavoidable due to other potential sites for accommodating

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the proposed development on the holding causing a greater degree of landscape harm.

The present scheme seeks to retain a large part of the non-listed agricultural buildings on the site. The application also seeks to reinforce existing landscape character through retaining the site's boundaries and field pattern.

The details with the application explain that, while of local significance, the heritage asset is a low grade heritage asset, that part of the existing building group would be retained through the development, that much of the existing linhay building has already been lost and that there is no specific requirement for permission to remove that part of the building that remains. The applicant has also agreed that recording of the existing building fabric can be secured through condition of planning permission, should the Authority be minded to grant permission.

OTHER MATTERS

Exton Parish Council raise no objection against the proposed development. Winsford Parish Council support the application although do raise concern over the size and volume of traffic which will use the minor lane from Winsford village centre to access the site. The Parish Council anticipate that Somerset County Council Highways will monitor this issue.

Somerset County Council Highways have been consulted on the application and advise they have no observations to make.

The proposal supports the continued agricultural use of the land holding and, as such, is not considered to materially impact on the character and nature of traffic that could already potentially access the land.

CLIMATE EMERGENCY

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

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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 the sourcing of construction materials. The papers submitted explain that the applicant will look to incorporate rainwater harvesting and the collection of surface-water for use as livestock drinking water and for washing down/cleaning the building together with other appropriate uses. Officers consider that the impact on the climate resulting from the construction of the proposed development would not be such that a reason for refusal should be given.

Human Rights

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

Conclusion

The proposal is for a new farm building and this application follows two previous refusals of planning permission over the past 5 years – one of those having been dismissed at appeal in January 2016.

The land holding at Howe Hill extends to approximately 160 acres. The applicant runs a sheep rearing enterprise based on 500 ewes. There are currently no functional buildings on the holding. Apparently there used to be a pole barn near the application site, but that had to be demolished because of storm damage prior to 2015. Historically the land holding was managed from a farmstead at Copleham Cross, although that was sold off many years ago, such that it is not considered to purposefully or deliberately force a requirement for new development and, therefore, is not considered to conflict with SE-S4 (2a).

The land holding is mainly steep sloping, elevated and visible from the wider landscape. This makes accommodating new development very challenging – as the recent planning history demonstrates.

A planning application made in 2015 proposed a building just north west of the site now proposed. The detail for that application submission was scant and the proposal in that instance was for a 528sqm farm building. That was refused planning

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permission and the subsequent appeal dismissed. The Inspector, in dismissing the appeal, advised that she considered insufficient information regarding the need for the building had been provided and she was not persuaded that there was the need for the building of the size proposed in the prominent location near the top of a hill. The Inspector acknowledged the importance of promoting the economic and social wellbeing of the local communities in the National Park and the part that farming plays in forming the distinctive character of the landscape, but she was not convinced that the applicant had demonstrated that there was an overriding need for the building of the size proposed, or that there was no alternative location for the development. She concluded that the proposal would cause unacceptable harm to the landscape in general and, more particularly, in respect of the surrounding network of public rights of way.

A more recent planning application for a farm building was refused at Authority Committee in February 2019. That application proposed a building above West Howetown, overlooking Winsford – essentially on the opposite side of the hill to that dismissed at appeal. That was a prominent site, related to a proposal for a building of about 460sqm and required significant ground works. The proposal was no better, if not worse, than that refused and dismissed at appeal.

The fresh application has followed further discussions with officers and a new agent is involved. While no commitment has been given through the pre-application discussions, the building presented in the application has been reduced in size and the design has been tweaked.

The application provides more detail in relation to the need for the building and it is possible to see why a building on 160 acres could be essential to the business in this case. The applicant has explained that the building would be used to house livestock kept on the holding. In practice, should the building be approved, it would seem reasonable to expect the building to be used in a variety of ways, including for storage, as well as for livestock – depending on the time of year and weather. There is public benefit with the proposed development because this would contribute to the success of the farming business and its role in maintaining the farmed landscape and its contribution to conserving the distinctive character of the National Park landscape. The proposal also contributes, albeit in a small way, to the economic and social wellbeing of the local communities in the National Park.

In accepting that there is a need for a building on the holding – and acknowledging that the information around this is now more informed than that available at the time of the appeal – there is now more weight to be given to this matter. That situation is different to that considered through the appeal.

The site proposed under the present application is a relatively level enclosure (shown as West Howe Barn on the OS map), albeit elevated. The site lies just to the south east of that dismissed at appeal and is visible from the wider landscape – with a backdrop of ground in some views, but against the sky line in others. The existing site

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does accommodate the remains of what was West Howe Barn, which appears to include a linhay and yard that have been disused for many years and are in disrepair. These buildings are of historic interest. The agent for the application points out that the barns can be demolished, should the applicant wish to and, while there may be interest, the buildings are not themselves protected nor are they a high grade heritage asset. The planning application itself does provide an opportunity to secure some recording of the barns. The proposal is nonetheless not to remove all of the existing building – but the linhay element, which is in poorest condition.

This site, although elevated, does also benefit from an earth bank enclosure (albeit low) and some mature Beech trees that would provide some existing natural screening/softening. The trees also break the otherwise rounded horizon from a number of public views of the site, which would help the proposed building to “sit in”.

In terms of other potential sites for locating a building – there are lower lying fields in the applicant’s ownership – notably those to the west of Coppleham and next to the Exe – these are, however, in the functional flood plain and, so, are not acceptable sites for such development. Other sites are on the hillside and tend to be steeply sloping and no better visually than the site proposed.

The proposed site does appear to be the least worst site for development. The existing ruined buildings, levelled enclosure and mature trees to the site, does provide some capacity for development and this is different to other areas of the land holding. Nonetheless, the proposed development would not be without harm to the landscape as acknowledged by the Senior Landscape Officer. There would also be harm to the existing locally significant heritage asset through the removal of the remaining part of the linhay building.

This is a difficult land holding to accommodate a building. The site now presented does seem to be the most suitable site for development on the holding balancing the requirements of the applicant with the landscape impact. With the development, however, there would be harm to the historic environment/cultural heritage of the National Park through the loss of some historic fabric. That harm can be mitigated to an extent through recording – which, without the development would unlikely happen and the buildings could be lost anyway.

The development would also cause landscape harm – although the presence of the existing buildings help provide some built context to sit/ground the proposed building. The enclosure and context of mature trees does also help to mitigate the visual impact of the building – particularly where the building would be viewed with a backdrop of sky, but sitting lower than the trees and with those trees providing some break in the rounded nature of the hill side to reduce the impact of the contrasting angular form of the building. The matter that no roof lights are proposed on the southern elevation of the building is also helpful, and the applicant is prepared to stain the timber cladding of the building to provide a darker – more recessive finish. Some additional planting along the earth bank to the south can also be secured.

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With appropriate conditions, in accordance with the recommendations of the Wildlife Officer, the potential interests of legally protected species at the site is considered to be suitably protected in accordance with CE-S3 of the Local Plan.

The application has reached a point where Winsford and Exton Parish Councils raise no objection (the application site lies close to the boundary between the two). The application has been amended to avoid digging the sit down in the interests of the “root protection zones” of the Beech trees.

The harm to the landscape and the harm to the heritage asset require great weight in the determination of the application and this has to be weighed up against the public benefits of the development. The proposal will have countervailing benefit, including that the proposal will support the role farming plays in forming and conserving the distinctive character of this part of the National Park landscape and in supporting the existing farming activity and its contribution to the local economy and community.

With all other potential sites for development exhausted, this site for the building proposed, with mitigation, is on balance considered to be acceptable given the scale of the building and having regard to the public benefit. On balance, the proposal is judged to comply with the relevant Local Plan policies and it is recommended that planning permission be granted subject to the following conditions.

Recommendation

APPROVE subject to the following conditions:

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

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

2. The development hereby approved shall not be carried out other than in accordance with the following schedule of plans, unless otherwise required by condition below:

i. The 1:2500 scale location plan, drawing number 1949_P_001 and date stamp received 7 May 2020;

ii. The proposed site sections plan, as amended, drawing number 1949_P_004 rev no. D and date stamp received 15 July 2020;

iii. The proposed floor plan, as amended, drawing number 1949_P_003 rev no. D and date stamp received 15 July 2020; and

iv. The proposed contextual elevations, as amended, drawing number 1949_P_005 rev no. A and date stamp received 15 July 2020.

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

3. Prior to the commencement of development hereby approved, a record of the existing architectural and historic features of the existing buildings (the barn and linhay) on the site, shall be submitted to and agreed in writing by the Local Planning Authority. The record shall consist of recording the layout and elevations of the buildings and photographs of all elevations of each building, both internal and external elevations of the buildings, and detailed photographs of features and fixtures within the buildings, including designed apertures, mechanicals fixings and built-in feed and water troughs, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To record the architectural and historic fabric of the building in accordance with policies CE-S4 and CE-D3 of the Exmoor National Park Local Plan 2011-2031.

4. No development shall take place until a landscaping scheme including planting of trees, shrubs and areas to be grassed has been submitted to and approved in writing by the Local Planning Authority. The landscaping shall be carried out in the first planting season (15th September - 15th March inclusive) after commencement of the development hereby approved or during a later season, which has been agreed in writing by the Local Planning Authority. Any tree or hedge found to be dying, damaged or diseased within 10 years from the date on which the scheme has been completed shall be replaced with the same species.

Reason: To assimilate the development into the landscape and to safeguard the appearance and character of this part of the National Park in accordance with policies GP1, CE-S1, CE-D1 and CE-S6 of the Exmoor National Park Local Plan 2011-2031.

5. Demolition and ground works of the development hereby approved shall not take place other than during the bat hibernation period, i.e. between 1 November to 28 February, when bats are likely to be absent from the surrounding trees, unless otherwise agreed in writing by the Local Planning Authority and satisfactory evidence has been provided to confirm that bats are not present at the site.

Reason: To avoid negative impacts to potential summer bat roosting features within the mature trees surrounding the proposed development 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.

6. No removal of hedgerows, small trees, scrub and tall ruderal herbs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has checked for active birds' nests immediately before the vegetation is cleared or demolition of buildings commences and provides written confirmation to the Local Planning Authority that no birds will be harmed and/or that there are appropriate

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measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority. In no circumstances should netting be used to exclude nesting birds.

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

7. All trees and hedgerows retained shall be protected during the works, including groundworks, by the establishment of Root Protection Areas in accordance with BS 5837:2012. No materials or plant should be allowed within the buffer zone.

Reason: To safeguard the appearance of this part of the National Park and the interests of mature trees at the site, which help to provide some screening, in accordance with Policies CE-S1, CE-D1, CE-S6 and RT-D12 of the Exmoor National Park Local Plan 2011-2031.

8. Any vegetation in the construction area, above 10 centimetres in height, should initially be reduced to a height of 10 centimetres above ground level by hand, brushings and cuttings removed and the remainder left for a minimum period of 48 hours of fine warm weather (limited rain and wind, with temperatures of 10°C or above) before clearing to minimise the risk of harming/killing any reptiles that may be present and to encourage their movement onto adjoining land. This work shall not be undertaken other than during the period between March and October, unless otherwise previously agreed in writing by the Local Planning Authority. Once cut vegetation should be maintained at a height of less than 10cm for the duration of the construction period.

Reason: In the interests of UK protected and priority species and in accordance with Local Plan: Policy CE-S3 Biodiversity and Green Infrastructure.

9. The following will be integrated into the design of the buildings and site plans, unless otherwise agreed in writing by the Local Planning Authority:

1. A [Beaumaris Woodstone maxi bat box] or similar will be mounted under the apex of the west elevations of barn and maintained thereafter.
2. Installation of 4 x Schwegler No. 10 swallow nesting cups, or similar, to be erected on a main beam within the barn, at a height above 3m.
3. One log pile as a resting place for reptiles and or amphibians constructed on the western boundary.

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.

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10. Prior to being installed on the building details for the finish of the external appearance of the timber boarding on the side elevations of the building hereby approved, including a sample where possible, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the agreed details and the agreed finish to the timber boarding shall be applied to the building prior to its first use.

Notwithstanding the details on the approved plans, the roof of the building hereby approved shall be finished with anthracite grey fibre cement roofs, together with opaque roof sheets where shown on the north west facing roof slope.

Reason: To help assimilate the approved building with the backdrop of ground.

11. The site must be drained on a separate system of foul and surface water drainage, with all clean roof and surface water being kept separate from foul drainage.

Reason: To prevent pollution of the water environment.

12. No farm effluent or contaminated surface water, including wash down water shall be discharged into any watercourses or water sources.

Reason: To prevent pollution of the water environment and to ensure that the development does not increase risk of flooding from surface water discharge.

13. The building hereby approved shall not be used other than for agricultural purposes, as defined under Section 336 of the Town & Country Planning Act 1990.

Reason: To ensure that the development hereby permitted is used solely for the purposes of agriculture and horticulture.

14. Where the development hereby approved ceases to be used for the purposes applied for within ten years from the date of this permission and planning permission has not been granted authorising development for purposes other than those set out under the above condition within three years of the permanent cessation of the authorised uses, and there is no outstanding appeal, the development must be removed unless the Local Planning Authority has otherwise previously agreed in writing.

Reason: For the strict control of development in the countryside and the Local Planning Authority wishes to ensure that the development is used solely for the purposes hereby permitted.

15. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting those Orders with or

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without modification), prior to installation, details of any external lighting to be installed on the application building shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a lighting plan including the location, fixtures/fittings type, angle of light spill, level of shielding and lumens levels and a "lighting design for bats", following Guidance note 8 - bats and artificial lighting (ILP and BCT 2018). The external lighting shall thereafter be installed and operated fully in accordance with the approved scheme.

Reason: To safeguard the visual amenity, landscape character and dark night sky of the National Park in accordance with Policies GP1, CE-S1, CE-D1, CE-S3, CE-S6 and CE-S2 of the Exmoor National Park Local Plan 2011-2031 and 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.

Informatives

WILDLIFE OFFICER NOTE

The developers are reminded of the legal protection afforded to badgers and their resting places under the Protection of Badgers Act 1992 (as amended). It is advised that during construction, excavations or large pipes (>200mm diameter) must be covered at night. Any open excavations will need a means of escape, for example a plank or sloped end, to allow any animals to escape. In the event that badgers or signs of badgers are unexpectedly encountered during implementation of this permission it is recommended that works stop until advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.

PUBLIC RIGHT OF WAY NOTE

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

Please note the following:

- Care should be taken to avoid obstructing or interfering with the public rights of way or creating a hazard for users. If it is impossible to avoid interference or potential danger, the appropriate legal steps (e.g. path closure application) should be taken in advance of any works. If this is likely to be necessary, please contact the Highway Authority or seek legal advice as soon as possible.
- Any disturbance to the surface of rights of way should be avoided but if any such disturbance does occur due to the owner/occupier or their agents' use of the way, the surface should be reinstated.
- Where planning permission is granted, this does not authorise any person to stop up or divert any public right of way. Separate legal steps are needed for this.
- The driving of a vehicle is only permitted on a public bridleway/footpath where the driver has lawful authority to do so.
- Parking on the public right of way may be deemed to constitute an obstruction

7.1

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

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

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

CONDITIONS AND INFORMATIVES

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

Please also note that due to other decisions of the High Court it is now not normally possible for the Local Planning Authority to agree to minor amendments to approved applications. It will be necessary to adopt a formal approach and that if changes to approved plans are proposed then it will be necessary to make a new planning application. Please ensure that works comply with the approved plans so as to avoid the possibility that works are unauthorised and liable for enforcement action.

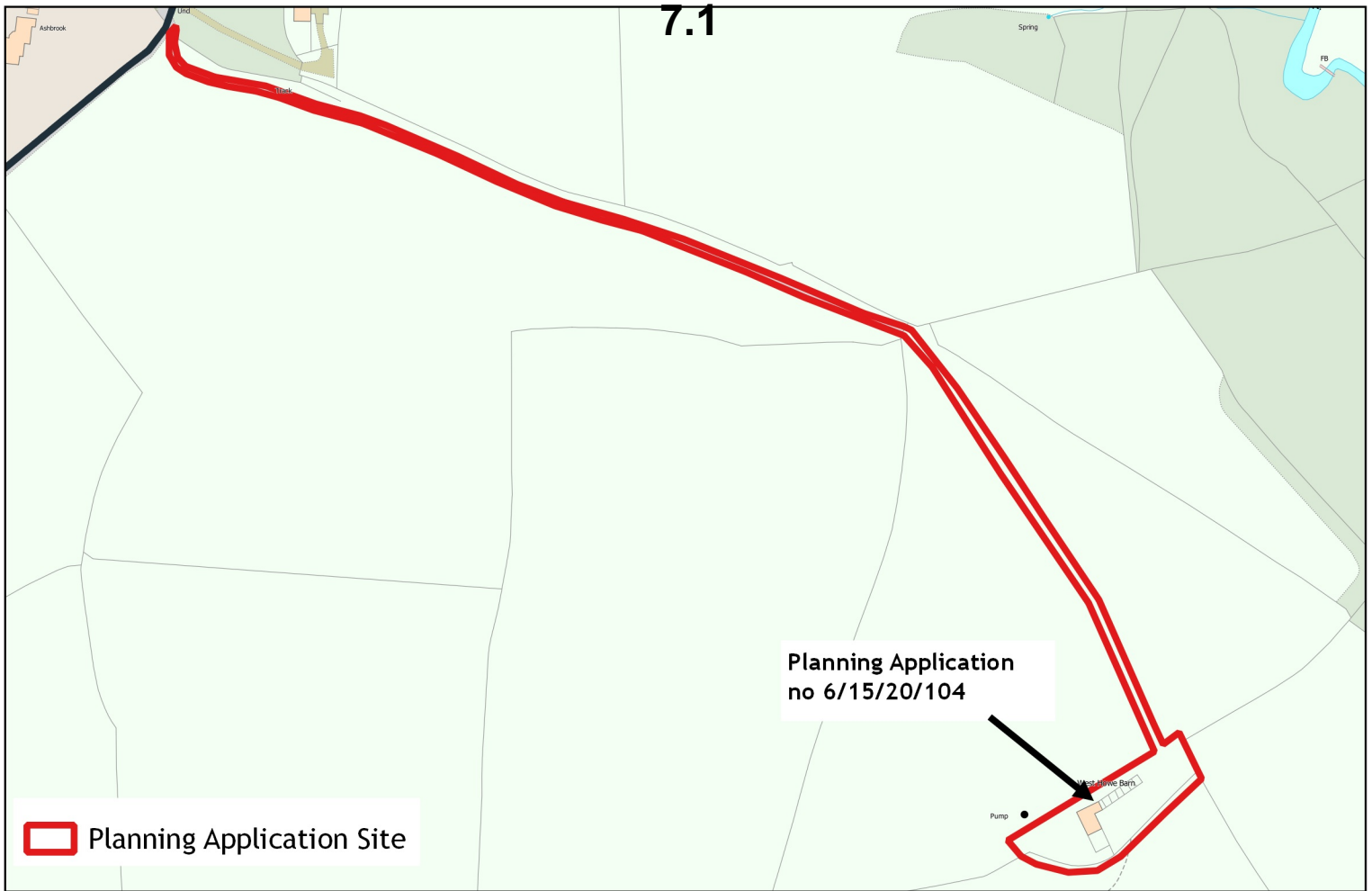
MONITORING OF DEVELOPMENT

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

POSITIVE & PROACTIVE STATEMENT

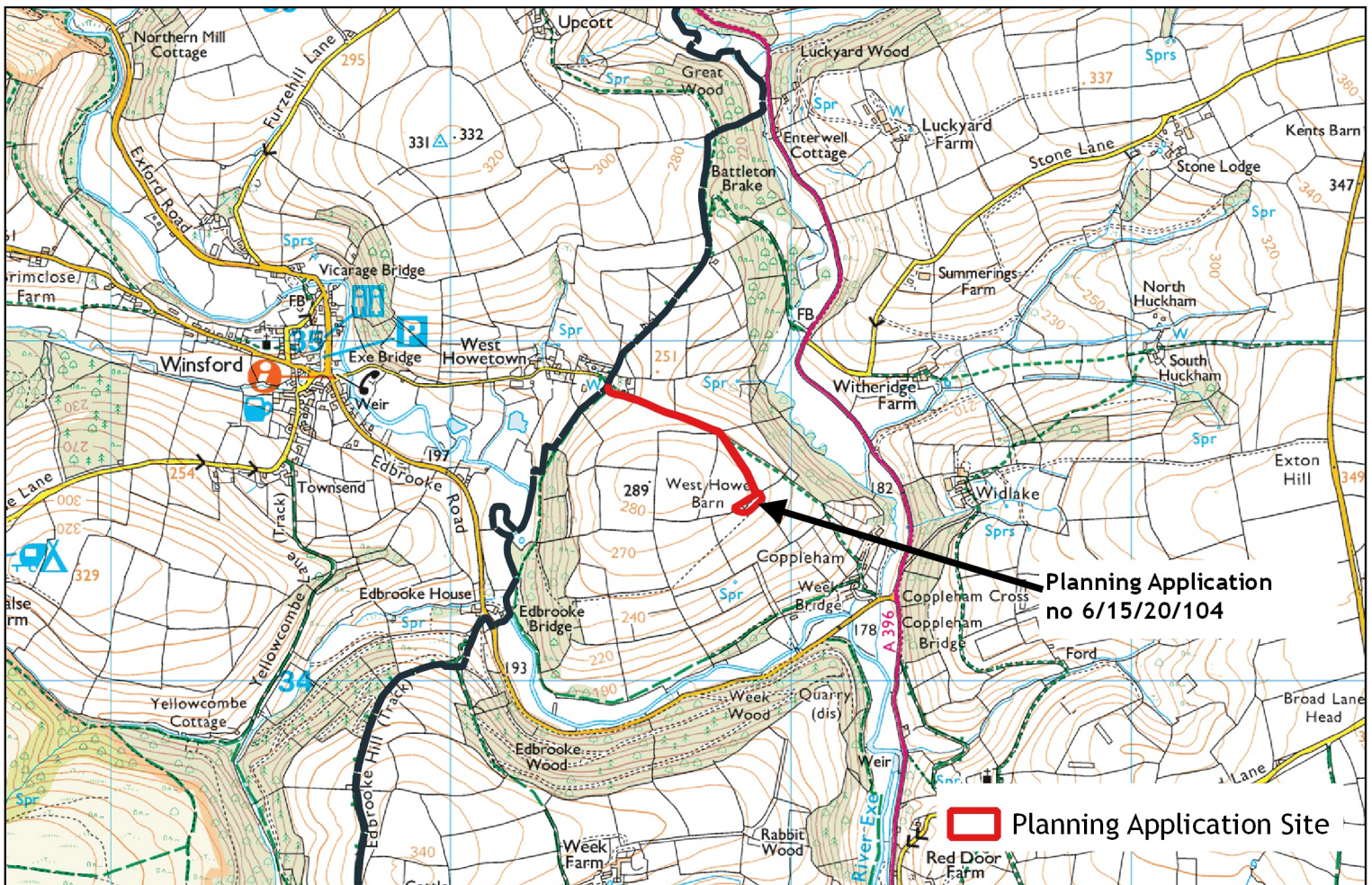
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This Authority has a pro-active approach to the delivery of development. Early pre-application engagement is always encouraged. In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England)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



Site Map
Scale 1:3,000

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Overview Map
Scale 1:20,000

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7.2



Committee Report

Application Number:	6/31/20/101
Registration Date:	08-Feb-2020
Determination Date:	20-Mar-2020
Applicant	Mr A McKelvey, Nanlann Ltd
Agent:	Reed Holland Associates
Case Officer:	Yvonne Dale
Site Address:	Springwater Farm, ELWORTHY, LYDEARD ST. LAWRENCE, TAUNTON, TA4 3PY
Proposal:	Proposed first floor extension to agricultural building to provide office space to be used ancillary to the main dwellinghouse together with timber cladding and construction of first floor bridge. (Amended Description).
Recommendation:	Refuse
Reason for bringing before Authority Committee:	This application is brought before the Committee in accordance with the approved Scheme of Delegation because the Officers recommendation is contrary to the recommendation of Stogumber Parish Council.

Relevant History

6/31/16/102 Lawful Development Certificate for the existing use of dwelling house in breach of agricultural occupancy condition of approved application 6/31/87/101.

Approved 11/11/2016

6/31/17/101 Lawful Development Certificate for the existing construction of an agricultural storage building (11.9m x 9m)

Approved 19/06/2017

6/31/19/002 Proposed new timber cladding and first floor extension within the footprint of the existing garage structure together with the construction of a new first floor bridge connection.

Withdrawn 08/12/2019

6/31/87/101 Proposed erection of agricultural workers dwelling, part Pikes Farm, Maunsborough Lane, Elworthy.

Approved 05/05/1987

6/31/89/101 Proposed erection of agricultural workers dwelling and garage at Springwater Farm, Maunsborough Lane, Elworthy

Refused 06/02/1990

6/31/90/102 Proposed erection of agricultural workers dwelling, Spring Water, Maunsborough Lane, Elworthy

Approved 03/07/1990

7.2

6/31/19/003 Proposed ground floor and first floor extensions together with new sunroom and rear entrance, new balcony and external terrace.

Approved 29/01/2020

6/12/20/101 Proposed new livestock building

Approved 31/07/2020

Site Description & Proposal

Springwater Farm is a detached two storey building with painted render exterior, brown upvc windows and doors and a slate tile roof. The property is accessed via a track, over which a public right of way (restricted byway) WL 22/39 (Maunsborough Lane which turns into (restricted byway) WL 9/6) passes which connects the application property to the B3224. The application site straddles the parish boundary between Stogumber and Elworthy.

The existing dwelling that was granted outline planning permission in May 1987 under application reference 6/31/87/101 and the subsequent granting of the reserve matters application in July 1990 under application reference 6/31/90/102. Condition 7 of 6/31/87/101 states "The occupation of the dwelling shall be limited to persons employed or last-employed full-time locally in agriculture as defined in Section 290 of the Town and Country Planning Act 1971, or in forestry and the dependants of such persons".

A certificate of lawful existing use was granted in November 2016 under application reference 6/31/16/102 for the existing use of the dwelling house in breach of agricultural occupancy condition of approved application 6/31/87/101. The current lawful existing use of the dwelling is, therefore, as an unrestricted dwelling.

Additionally, a certificate of lawful existing use was granted in June 2017 under application reference 6/31/17/101 for the existing construction of an agricultural storage building (11.9m x 9m).

Springwater Farm comprises of the unrestricted dwelling and an agricultural storage building. A new livestock building was granted planning permission on 31/07/2020 under application reference 6/12/20/101.

This application proposes the erection of a first floor extension to the existing agricultural building, subject of the 2017 lawful development certificate, to provide office space to be used ancillary to the main dwellinghouse together with the construction of a first floor bridge giving access to the adjacent higher farm land. The proposed extension would provide an office with a floor area of approximately 116.9m².

The proposed office lies approximately 30m to the north west (rear) of the existing dwelling. The proposed development seeks to alter the layout of the ground floor of

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the existing building from one large room with a W.C. to subdivide to provide at ground floor a workshop, store room, boiler room, W.C., boot space and a garage. The proposed development seeks to provide an office at first floor.

Consultee Representations

ENPA – Ecologist – 11/03/2020 - Nick Thomlinson Ecology carried out a Bat Roost Survey at Springwater Farm, Maunsborough Lane, Elworthy on the 13th May 2019. The results confirmed no evidence of bats was found, either internally or externally, to indicate any use of the building by cavity or crevice dwelling bats, nor was sufficient potential identified to warrant any further surveys.

However, due to the opportunistic behaviour of some bats species, including pipistrelles, and passerine bird species, along with the site's location set within habitats that will support bats and birds, please attach the following informatives 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.

Biodiversity Enhancement (Net Gain)

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

- The following will be incorporated into the site proposal with photographs of the installed features submitted to the Local Planning Authority prior to the completion of construction works:
 - Installation of 1 X Kent bat box, purchased or built, on to a mature tree on site, facing south or west, at a height above 3m.
 - Installation of 1 X standard bird boxes, purchased or built, on to a mature tree on site, facing east or north, at a height above 3m.

7.2

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.

ENPA - ROW and Access Officer – 20/02/2020 - Restricted byway WL22/39 (which then becomes WL9/6) runs immediately adjacent to the development site and coincides with the access to it – see plan below. I am only able to comment from the point of view of public rights of access. I am not able to comment on the existence or otherwise of private rights of access along the public right of way.

I do not consider that the proposed development would lead to an increase in vehicular movements along the section of restricted byway between the site and the road at Ashbeer. The proposed development will be largely shielded from view from those using the public right of way as it is screened from it by the existing hedge.

During construction, it important that the public right of way remains open and usable at all times

ENPA - Landscape Officer – 03/08/2020 -

Site Context and Landscape Character: Open agricultural field bordered by existing mature hedgebanks/ hedgerows. Sloping ground between the elevations 225-230m AOD. Land cover - pasture. Landscape Character Type I– Wooded and Farmed Hills with Valleys.

The proposals seek the replacement of an existing agricultural building to provide a two storey replacement building to be used for office purposes. As presented, the scale and massing of the proposed building is substantially increased from the existing structure and in scale and appearance presents a domestic residential rather than agricultural style of building in this rural location. The proposal to add an additional floor to provide two storeys results in a structure that is prominent in its setting and somewhat unrelated in scale, form and materials to the existing associated dwelling to which it is visually linked in this setting. The introduction of a large flat roof and a first floor bridge structure do not, in my view, propose a development that seeks to nestle into the surrounding wider landscape as stated in the application. There are no landscape measures indicated in the application that seek to address the impacts of the proposed development change.

The external materials choice and associated design details neither relate to the existing dwelling on the site or appear to be are informed by the surrounding vernacular and landscape environment resulting in a proposal that does not seek to enhance the existing character or visual amenity of the surrounding landscape.

The proposed introduction of large window openings as compared to the existing garage/ agricultural building has the potential to increase the external light spill from

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this new building and in the interest of protecting Exmoor's dark skies and biodiversity, this needs to be addressed.

Noting the existing structure is not of any significant merit, there is an opportunity to support a development change here that seeks to reflect and enhance the existing landscape character but is less prominent in scale and form than that which is currently being proposed.

Stogumber Parish Council – 17/02/2020 - Councillors resolved to strongly support the application as the proposed building is eco- friendly and well hidden from view.

SCC - Highways Authority – 11/02/2020 - Standing Advice

Elworthy Parish Meeting – No response received.

Somerset West and Taunton Council – No response received.

Representations

No public letters of representation have been received.

Policy Context

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

GP1 – General Policy

CC-S1 – Climate Change Mitigation and Adaptation

CC-S5 – Low Carbon and Renewable Energy 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-S4 – Cultural Heritage and Historic Environment

CE-D3 – Conserving Heritage Assets

CE-S6 - Design & Sustainable Construction Principles

HC-D16 - Outbuildings

RT-D12 – Access Land and Rights of Way

SE-S1 – A Sustainable Exmoor Economy

SE-S4 – Agricultural and Forestry Development

SE-D1 – Home Based Businesses

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

Planning Considerations

The main material planning considerations in this case are considered to be the principle of development and its suitability in terms of design, scale and materials, and impact on the character and appearance of the landscape.

7.2

Policy HC-D16 of the Exmoor National Park Local Plan 2011 – 2031 (including minerals and waste policies) (the Local Plan) permits in principle the erection of ancillary outbuildings within the domestic curtilage of a dwelling.

Policy HC-D16 states:

1. Proposals for ancillary outbuildings within the domestic curtilage of a dwelling will be permitted where:
 - a. in terms of scale and massing they are proportionate to the dwelling they are to serve;
 - b. there is no unacceptable adverse impact on the character, appearance or setting of the existing dwelling, the surrounding landscape, or the amenity of neighbouring occupiers by reason of their siting and design in accordance with policy CE-S6 Design and Sustainable Construction Principles;
 - c. in the case of the conversion of an existing building, the character and appearance of the building is conserved in accordance with policy CE-S5 Principles for the Conversion or Structural Alteration of Existing Buildings; and
 - d. private amenity space around the dwelling will not be reduced to an unacceptable level.

Paragraph 6.179 of the preamble to this policy states that home offices that may be proposed within the curtilage should accord with policy SE-D1 of the Local Plan.

Policy SE-D1 relates to Home Based Businesses and states:

1. The use of part of a residential property, a small scale extension, the use of ancillary buildings where they are well related to existing buildings or, where no suitable buildings exist new outbuildings within the domestic curtilage, for a home based business will be permitted where:
 - a. There is no unacceptable adverse impact on the landscape or the amenity of the area or on the occupiers of neighbouring properties; and
 - b. Where an extension is proposed the development accords with policy HC-D15 Residential Extensions

Policy SE-S4 states permission will be granted for new buildings, tracks and structures or extensions required for agricultural purposes where:

- a) it can be demonstrated that there is a functional need and its size and scale are commensurate with that need;
- b) the structure is designed for the purposes of agriculture;
- c) in the case of new buildings, the site is related physically and functionally to existing buildings associated with the business;
- d) structures are sited appropriately and of an appropriate design;

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- e) proposals do not generate a level of activity or otherwise detrimentally affect the amenity of surrounding properties and occupiers;
 - f) appropriate measures are taken to ensure that proposals do not have an adverse impact on biodiversity or cultural heritage or cause other environmental impacts; and
 - g) it can be demonstrated that opportunities have been taken to improve energy efficiency, reduce carbon emissions and minimise surface water run-off.

The papers submitted explain that the proposed extension seeks to provide a combined home office and a farm office at first floor. The proposed development consists of the upward extension to an existing agricultural storage building (established through a certificate of lawful existing use in 2017 – 6/31/17/101). The application papers also confirm that the ground floor of the agricultural building will continue to be used for agricultural purposes such as the storage of farm vehicles in relation to the deer farming activity.

The application papers indicate that the office extension is required as the applicant has a number of businesses in which he is involved including the management of an estate in Scotland, his shipping work and the ownership and management of other property interests. The application papers explain that a large office is required for the storage of both current and archived files, modern computer facilities and communication facilities to enable the applicant to communicate with overseas clients and for administrative work to be carried out by the applicant and his wife.

The application papers also indicate that the office will also be used as a farm office in connection with the deer farming enterprise and that having the agricultural building below provides an outdoor clothing and boot room which ensures that the applicant will be able to comply with bio security measures necessary due to the high-health status of the enterprise. There is currently no farm office building on the holding and the application papers indicate that having a larger home office as per the current proposal, would remove the need for a separate building or mobile structure.

Policy SE-S4 allows extensions to existing agricultural buildings where they are reasonably necessary for the purposes of agriculture, where a functional need is demonstrated and that its size and scale are commensurate with that need. A farm office may be acceptable outside of the residential curtilage, but a home office, where it relates to other business use not in connection with the farm, such as estate management, shipping and other property interests, would be difficult to consider as being reasonably necessary for the purposes of agriculture or that there is a functional need for a home office in connection with the existing farming business. Officers consider that there is no compelling evidence to suggest why this cannot be accommodated within the existing dwelling or that a more sensitively designed building could not be provided closer to the existing dwelling.

The existing building is constructed of blockwork with a painted render finish, an aluminium corrugated sheeting roof. The existing floor area of the agricultural building measures approximately 11.9m x 9m, giving a total floor area of approximately

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107.1m². It has a mono-pitched roof with a ridge height of approximately 3.8m and an eaves height of approximately 3.1m.

The first floor extension measures approximately 12.3m x 9.5m with a floor area of approximately 116.9m². The proposed extension will have an external appearance of timber cladding in a chevron pattern which extends to the ground floor on the north, east and south elevations. The proposal also includes the introduction of a green flat roof and the installation of new and replacement of the existing windows with double glazed aluminium framed windows. The timber doors will be double glazed with timber and aluminium frames. The proposed height of the extension is approximately 5.8m and raises the southern elevation by approximately 2m and the northern elevation by approximately 2.7m.

The proposed building would retain the garage style door on the eastern elevation, together with an access door and includes a new large window at first floor. The northern elevation would see the introduction of a new large window at first floor. The western elevation retains the small ground floor window and introduces one new large window and set a of double doors at first floor. The southern elevation removes one of the small ground floor windows and introduces a new large window at first floor. The development proposes three new large windows and a set of double doors at first floor and removes one small window at ground floor.

The proposed development also includes the introduction of a first floor footbridge accessed from the proposed double doors on the western elevation. The footbridge accesses straight onto the agricultural land owned by the applicant. The proposed footbridge has railings constructed of glass and timber posts.

Policy CE-S6 of the local plan encourages the use of traditional, natural and sustainable materials to ensure that the appearance of new developments conserves and enhances the quality and character of the built environment and will expect the use of traditional, vernacular materials.

Policies CE-S1 and CE-D1 of the Local Plan seek to conserve, enhance and protect Exmoor's landscapes and seascapes. Policy CE-D1 states that development will be permitted where it can be demonstrated that it is compatible with the conservation and enhancement of Exmoor's landscapes and seascapes.

The building is sited to the north west of the existing dwelling. To the east of the proposed site lies public right of way (restricted byway) WL 22/39 (Maunsborough Lane which turns into (restricted byway) WL 9/6). The public right of way is in a lower position than that of the proposed development and glimpse views will be seen. The agent considers that the materials of the proposed building reflect those typical of modern rural agricultural buildings on Exmoor and those of the recently approved livestock building.

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It is considered that the proposed development in terms of its scale, form and massing is disproportionate to the dwelling and its surroundings and substantially increases that of the existing building. The first floor addition creates a much more prominent and dominating structure within this rural setting and the introduction of a large flat roof and a first floor bridge does not help to assimilate the proposed development into the surrounding wider landscape. The proposed building would be prominent from the public right of way and would present a stark view, although these would be glimpse views only.

The proposed design is not reflective of the existing dwelling nor informed by the surrounding vernacular and landscape environment and does not seek to enhance the existing character or visual amenity of the surrounding landscape. The introduction of the large window openings is uncharacteristic and has the potential to increase the external light spill, particularly, when compared to the much smaller existing openings on the agricultural building.

This Authority's Senior Landscape Officer has commented on the application. She states that "[the proposal] is somewhat unrelated in scale, form and materials to the existing associated dwelling to which it is visually linked in this setting".

The scale, form and massing of the proposed building is disproportionate within the site. It is considered that the proposed building, by virtue of its scale, form, massing and design, causes harm to the character and visual amenity of the surrounding landscape and the character and appearance of the dwelling. It is considered that the siting, design and scale of the proposed building are not acceptable, and the proposed works are therefore, contrary to policies HC-D16, CE-S6, SE-D1 and SE-S4 of the Local Plan.

It is also considered that the proposed development, by virtue of its scale, design and siting does not seek to conserve, enhance or protect the surrounding landscape environment. The proposed development would result in an unacceptable detrimental impact on the character and appearance of the landscape of this part of the National Park and is contrary to policies CE-S1 and CE-D1 of the Local Plan in this regard.

OTHER MATTERS

In terms of potential impact on wildlife, Policy CE-S3 of the Local Plan relates to biodiversity and green infrastructure and states that the conservation and enhancement of wildlife, habitats and sites of geological interest within the National Park will be given great weight.

This Authority's Wildlife Officer has commented on the application and states that the Bat Roost survey submitted alongside the application confirmed that no evidence of bats was found and there was not sufficient potential identified to warrant further surveys.

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In terms of public rights of way, Policy RT-D12 of the Local Plan states that the access network will be safeguarded by ensuring that development proposals will not adversely affect a) the condition of the access network, b) users' interests and c) character and appearance.

This Authority's Public Rights of Way and Access Officer has commented on the application and states that she does "not consider that the proposed development would lead to an increase in vehicular movements along the section of restricted byway between the site and the road at Ashbeer. The proposed development will be largely shielded from view from those using the public right of way as it is screened from it by the existing hedge".

Turning to matters of neighbouring amenity, there are neighbouring properties on the north and east of the property. The property to the east (Ashbeare Cottage) lies approximately 103m away and is separated from the site by the main road, a field, two mature hedgebanks and the access track to Springwater. The property to the north (Ashbeare House) lies approximately 180m away and is separated from the site by an existing field and mature hedgerows.

It is considered that there would not be an unacceptable increase in overlooking. It is also considered that the proposed development would cause no adverse effect on the neighbouring occupiers from overbearing, loss of light or other adverse environmental impacts.

Stogumber Parish Council have commented on the application and state that Councillors resolved to strongly support the application as the proposed building is eco- friendly and well hidden from view.

SCC Highways Authority have commented on the application and state that their Standing Advice applies, however, the proposed development does not seek to alter the existing parking or access arrangements.

CLIMATE EMERGENCY

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

7.2

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 the sourcing of construction materials but it is noted that proposed development consists of the addition of a first floor extension to an existing building and would not increase the footprint of the building and utilises some sustainable construction materials in the form of natural timber cladding. Officers consider that the impact on the climate resulting from the construction of the proposed development would not be such that a reason for refusal should be given.

Human Rights

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

Conclusion

The proposed development would comprise of the extension of an existing agricultural outbuilding to create a combined home office and farm office. The 'home office' would be in connection with businesses not associated with the activities on the agricultural holding. The office would sit away from the main dwelling and would not relate well to the dwelling in terms of its design, form and scale.

The scale, form and massing of the proposed building is disproportionate within the site and is considered to jar with the character and appearance of the setting and existing built form. It is judged that the proposed building, by virtue of its scale, form, massing and design, causes harm to the character and visual amenity of the surrounding landscape and the character and appearance of the dwelling. It is considered that the siting, design and scale of the proposed building are not acceptable and the proposed works are therefore, contrary to policies HC-D16, CE-S6, SE-D1 and SE-S4 of the Local Plan.

It is also considered that the proposed development, by virtue of its scale, design and siting does not seek to conserve, enhance or protect the surrounding landscape

7.2

environment. The proposed development would result in an unacceptable detrimental impact on the character and appearance of the landscape of this part of the National Park and is therefore, contrary to policies CE-S1 and CE-D1 of the Local Plan.

Through the recommendations and advice of suitably qualified professionals it is considered that there is potential for the proposed works to impact on protected species and habitats and the use of informatives and a condition are required to ensure that the proposals can comply with policy CE-S3 of the Local Plan and statutory legislation.

It is considered that the proposed works would not adversely affect the public right of way either through its condition, its users' interests or affect its character and appearance. It is considered that the proposed development accords with policy RT-D12 of the Local Plan.

It is considered that the proposed development would not cause an unacceptable increase in overlooking. It is also considered that the proposed development would cause no adverse effect on the neighbouring occupiers from overbearing, loss of light or other adverse environmental impacts. Therefore, it is judged that the proposed development would have an acceptable impact on the amenity of neighbouring residents, in accordance with policies GP1 and CE-S6 of the Local Plan.

For the reasons outlined above the development is considered to be unacceptable and not in accordance with the relevant development plan policies. The application is, therefore, recommended for refusal.

Recommendation

The application is refused for the following reason:

1. The proposed development seeks to erect a first floor extension to an existing agricultural building to provide office space together with timber cladding and a first floor footbridge. The proposed building, by virtue of its siting, scale, form, massing and design, causes harm to the character and visual amenity of the surrounding landscape and the character and appearance of the dwelling. The proposed development would result in an unacceptable detrimental impact on the character and appearance of the landscape of this part of the National Park. It is considered that the siting, design and scale of the proposed building are not acceptable and the proposed works are therefore, contrary to policies HC-D16, CE-S6, SE-D1, SE-S4, CE-S1 and CE-D1 of the Exmoor National Park Local Plan 2011-2031.

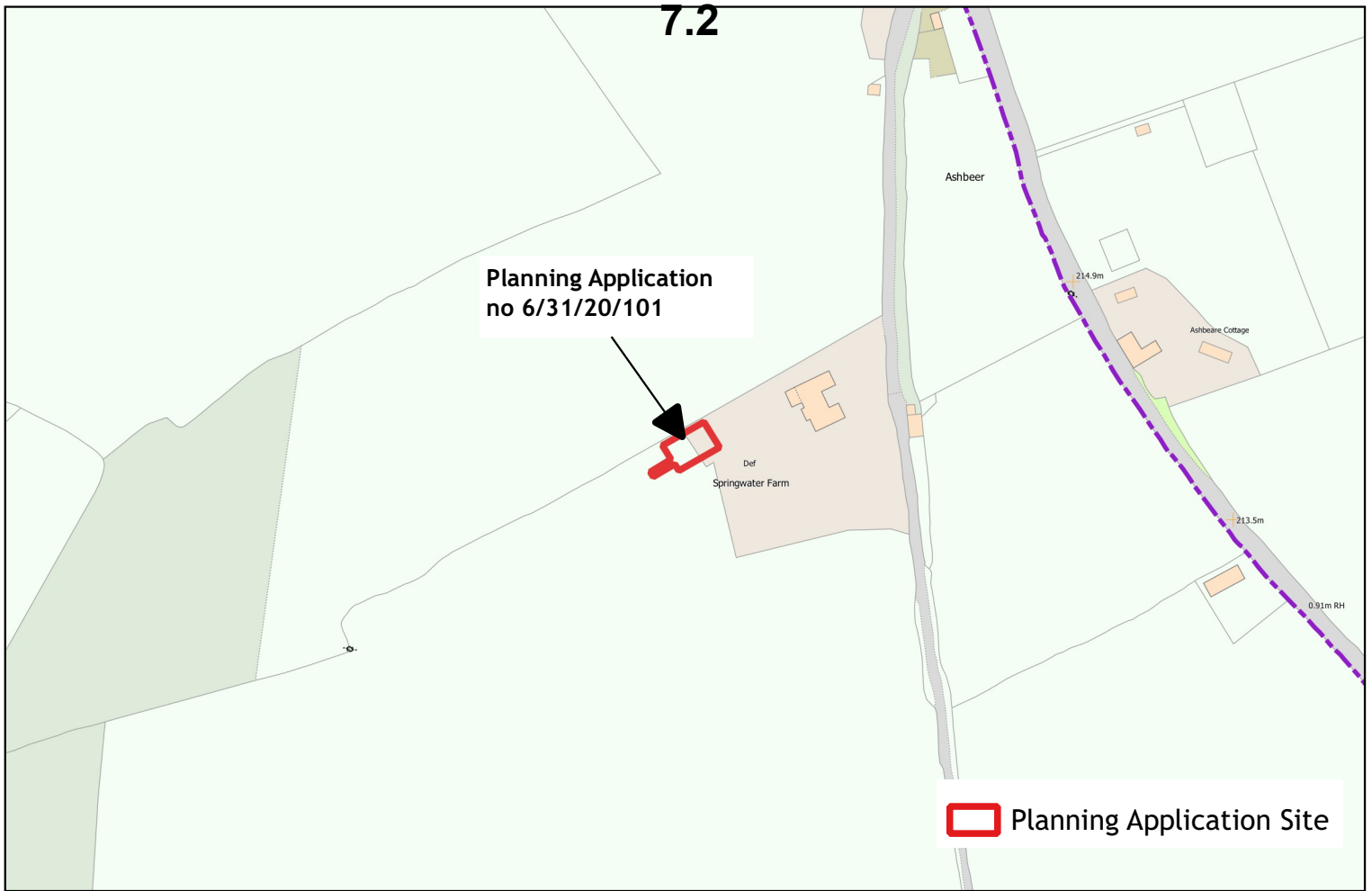
Informatives

POSITIVE & PROACTIVE STATEMENT

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

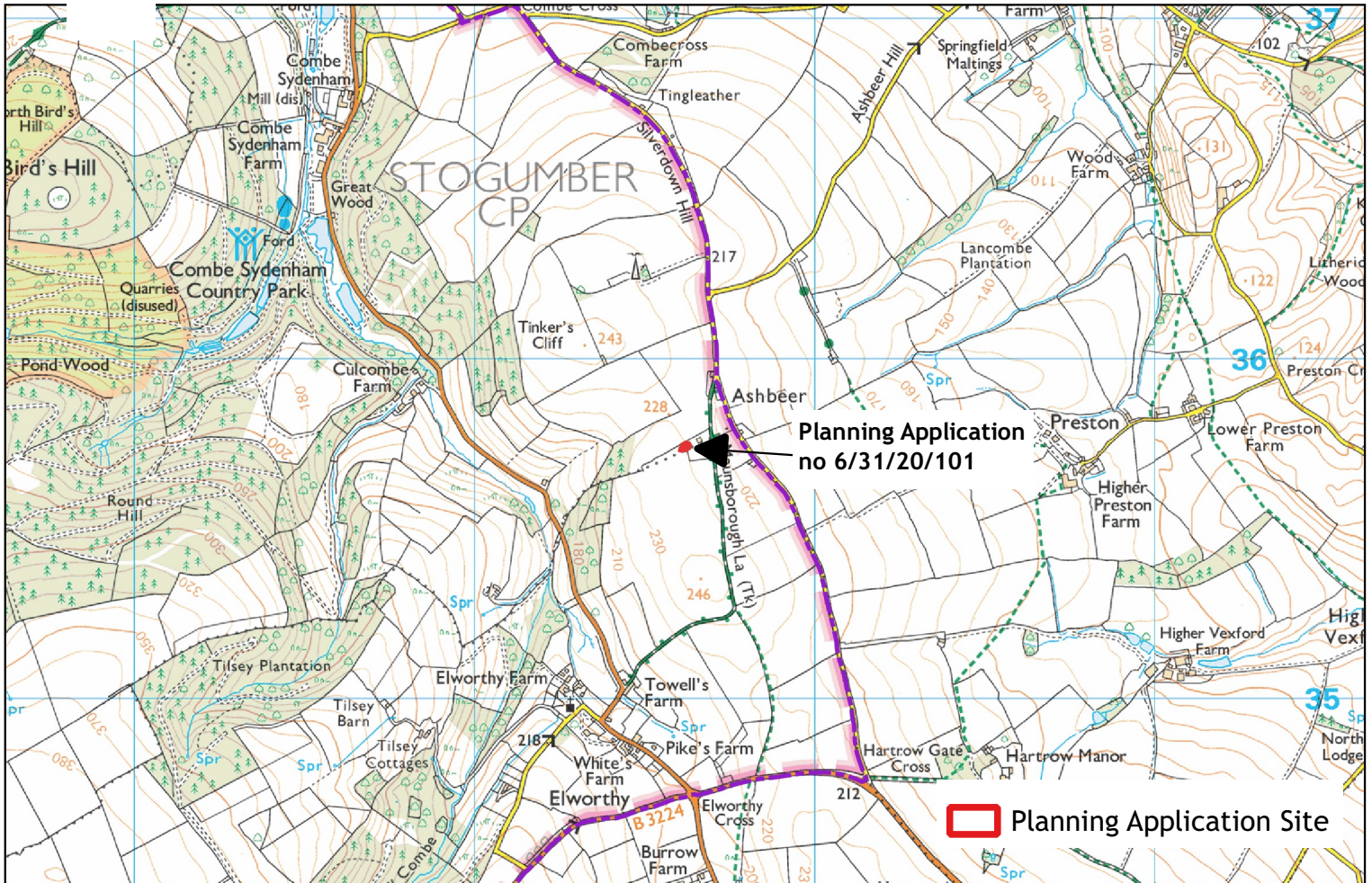
7.2

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 instance the relevant planning considerations have not been addressed and the application has therefore been refused.



Site Map
Scale 1:2500

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Overview Map
Scale 1:20000

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Application decisions delegated to the Chief Executive

Ref and Grid Ref	Applicant & Location	Decision and Date
62/62/20/002	Mr T Thomas - Lawful Development Certificate for the existing use of land around house as a garden (CLEUD) - SOUTH DEAN FARM COTTAGE, TRENTISHOE, PARRACOMBE, BARNSTAPLE, EX31 4QD	Refused 18-Aug-2020
6/20/20/105	Mr C Henson - Non-Material Amendment - Householder - to approved application 6/20/19/104 to alter the size and positions of windows on the rear and side elevations. (NMA - Householder) - SLOWLEY FARM BUNGALOW, LUXBOROUGH, WATCHET, TA23 0SB	Approved 28-Jul-2020
62/41/20/016	Mr & Mrs Lee Bond - Proposed balconies to the southeast elevation (resubmission of application 62/41/20/007). (Householder) - Cleavewood House, Lynbridge, Lynton, EX35 6NR	Refused 18-Aug-2020
62/11/20/010	Mr. Rob Joules, National Trust - Proposed installation of a borehole for the provision of water to the public toilets, café, shop and holiday cottages, together with trenching from the borehole to the water treatment plant and part enclosure of an open fronted barn to house the new water treatment plant. Retrospective. (Full) - Lorna Doone Inn, Oare, Lynton, EX35 6NU	Approved with Conditions 20-Aug-2020
62/13/20/003	Mr. Howcroft, Withycombe Farm Ltd - Proposed change of use and conversion of 2 no. agricultural barns to 2 no. self-catering holiday letting units, together with extension and alterations of the existing dwelling. (Full) - Withycombe Farm, Lane North Of Withecombe Gate, Challacombe, EX31 4TU	Approved with Conditions 14-Aug-2020
6/8/20/106	Mr O Yiend - Proposed change of use of barn attached to residential dwelling as an alternative to planning permission for barn conversion approved under application reference 6/8/86/114. (Full) - Stable Cottage, Wheddon Cross, Minehead, TA24 7BD	Approved with Conditions 10-Aug-2020
6/13/20/103	Mr H Rawson - Proposed separation of ground floor commercial premises and first floor flat, and proposed subdivision of first floor flat to two flats, together with insertion of new external door. (Full) - Exmoor Stores, Exford, Minehead, TA24 7PP	Approved with Conditions 14-Aug-2020

Application decisions delegated to the Chief Executive

Ref and Grid Ref	Applicant & Location	Decision and Date
62/13/20/002	Mrs G Wright - Proposed erection of single storey extension for use as garden tearoom. (Full) - Post Office, Challacombe, Barnstaple, EX31 4TT	Approved with Conditions 05-Aug-2020
6/40/20/104LB	Mrs. Margaret Casely-Hayford - Listed building consent for the proposed construction of greenhouse (6.1m x 2.5m). (Listed Building Consent) - Quarme Mounceaux House, Exford Road, Winsford, TA24 7JF	Approved with Conditions 10-Aug-2020
6/40/20/103	Mrs. Margaret Casely-Hayford - Proposed construction of greenhouse (6.1m x 2.5m). (Householder) - Quarme Mounceaux House, Exford Road, Winsford, TA24 7JF	Approved with Conditions 10-Aug-2020
6/8/20/105	Mr & Mrs M & S Sanders, MA & SS Sanders - Proposed conversion of traditional farm buildings to two dwellings (Use Class C3) and associated works. (Full) - Thorne Farm, Wheddon Cross, Minehead, TA24 7EZ	Refused 31-Jul-2020
6/26/20/107LB	Mr & Mrs J Booth - Listed Building Consent for the proposed modifications to existing outbuilding including extension with new flat lead roof to create new utility and 'wet entrance' (Listed Building Consent) - GLASSES FARM, ROADWATER, WATCHET, TA23 0QH	Approved with Conditions 25-Aug-2020
6/26/20/106	Mr & Mrs J Booth - Proposed modifications to existing outbuilding including extension with new flat lead roof to create new utility and 'wet entrance' (Householder) - GLASSES FARM, ROADWATER, WATCHET, TA23 0QH	Approved with Conditions 20-Aug-2020
6/3/20/114	Ms. Jane Jones-Warner - Alterations to existing extension to remove plastic conservatory roof, replace with raised height natural slate pitched roof (single storey). Replace all windows and doors in extension with timber. Enlarge storm porch to front door. Weatherboard with oak and render some as existing. New small external storm porch to back door. (Householder) - Combe Cottage, Eastcott Lane, Brompton Regis, TA24 7DG	Approved with Conditions 04-Aug-2020
62/41/20/013	Ms J Milne - Proposed construction of new roof and rear dormers on dwelling, conversion of outbuilding to ancillary accommodation and partial demolition of	Approved with Conditions 19-Aug-2020

Application decisions delegated to the Chief Executive

Ref and Grid Ref	Applicant & Location	Decision and Date
	barn to create a walled garden. (Amended description) (Full) - Lower Coombe Park Farm, Lynton, EX35 6LE	
6/25/20/106	Mr. Rupert Martin - Proposed erection of incinerator, and construction of associated concrete pad, for agricultural use and in association with game shoot (14.7sqm). Retrospective. (Full) - Land North of Lillycombe House (Easting 282735, Northing 147483)	Approved with Conditions 31-Jul-2020
6/9/20/108	Mr. S Hall, Exmoor Studios CIC - Proposed change of use from A2 to a mixed use comprised of a community radio station, a recording studio and a black box studio theatre. (Full) - National Westminster Bank PLC, 6, Bank Square, Dulverton, Somerset, TA22 9BU	Approved with Conditions 31-Jul-2020
6/15/20/103	Mr T Stenner - Proposed erection of workshop and storage building (396sqm) together with the creation of track and hardstanding area. (Full) - KENDLE FARM, EXTON, DULVERTON, TA22 9LA	Approved with Conditions 17-Aug-2020
6/14/20/103	Mr Boden - Proposed demolition of existing barns, stables and stores together with the erection of replacement barns and stores. (Full) - Kinsford, Blue Gate To Kinsford Gate, Simonsbath, TA24 7LE	Approved with Conditions 31-Jul-2020
6/3/20/112	Mr & Mrs R Bixby - Proposed change of use of land to residential and the erection of domestic storage/workshop building (10m x 7m). (Amended Description). (Full) - Machine Court, Jury Hill, Dulverton, TA22 9NA	Approved with Conditions 05-Aug-2020
6/29/20/102	Mr & Mrs Williams - Proposed siting of two shepherds huts for glamping and conversion of redundant slaughterhouse to washroom and toilet facility. (Full - Major) - Brandish Street Farm, Brandish Street, ALLERFORD, MINEHEAD, TA24 8HR	Approved with Conditions 29-Jul-2020
6/12/20/101	McKelvey, Nanlann Ltd - Proposed new livestock building (Full) - Springwater Farm, ELWORTHY, LYDEARD ST. LAWRENCE, TAUNTON, TA4 3PY	Approved with Conditions 31-Jul-2020

Application decisions delegated to the Chief Executive

Ref and Grid Ref	Applicant & Location	Decision and Date
6/20/19/106	C Mr, C, Sutton - Proposed 3 single storey extensions together with wood burning stove. (Full) - The Shoot Lodge Building, Langham Farm, Chargot Estate, Nr Luxborough.	Approved with Conditions 19-Aug-2020
6/13/19/107	Mr D Branton - Proposed erection of agricultural building, construction of hardstanding and associated works. (Full) - Land North of Room Hill Road, Exford, Minehead	Approved with Conditions 17-Aug-2020
6/10/19/115LB	Mr. G Gibson, National Trust - Listed Building Consent for proposed repairs of walls and windows (Retrospective) (Listed Building Consent) - Dunster Castle, Castle Hill, Dunster, Minehead, Somerset	Approved with Conditions 13-Aug-2020

EXMOOR NATIONAL PARK AUTHORITY

8 September 2020

Income Generation and Charging for Services

Report of the Chief Executive

Purpose of the report: To update Members with proposals to increase income generation through car park fee income, planning fee income and development of an external project funding strategy.

RECOMMENDATIONS: The Authority is recommended to:

- (1) Note progress on the review of facilities and fees charged at Exmoor National Park Authority car parks.
- (2) Approve the release of £45,000 from the Estates Reserve for the repair and refurbishment of Ashcombe toilets and the installation of a contactless pay machine, in order to secure the future of the historic buildings and generate a sustainable income from the site.
- (3) Approve the charging of a fee to process and determine applications for the 'discharge of conditions' associated with a planning approval, in line with the charges set out by the national fee guidance:
 - £34 per request for householder application and £116 for all other requests.
- (4) Note the proposal to explore the feasibility of charging for pre-application advice and to review Land Charge Search fees.
- (5) Note the External Project Funding strategy and nominate up to three Members to work with the Sustainable Economy Manager on its development and implementation.

Authority Priority: Achieve best value from our resources and improve our performance

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

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

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

The equality impact of the recommendation(s) of this report has been assessed as follows: It is not considered there will be any unforeseen adverse impacts on any protected groups.

Consideration has been given to the provisions of the Human Rights Act 1998 and an assessment of the implications of the recommendation(s) of this report is as follows: No impacts are predicted.

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

- **Ashcombe Carpark:** The cost of urgent repairs to the toilet building is £23,000; the cost of repairs to the toilet facilities is £9,000; the cost of installing a contactless pay machine for the carpark is £8,000 (including all legal and administrative costs); it will cost around £300 p/a thereafter to maintain. Costs of ecology survey for the building are up to £1,000; contingency - £4,000. The total cost of up to £45,000 proposed to be taken from the Estates Reserve.

If works to the building are deferred, it will be necessary to protect the roof over the winter months and the estimated cost of this is £3,000. If the works are postponed and the building is not protected, then it is anticipated that this will lead to the ongoing and accelerating loss of the roof covering, increased water ingress and the disintegration of wall heads and roof trusses and the ensuing collapse of the stone walls of the building.

It is anticipated that the carpark income will be c. £5k - £10k p/a based on 50% capacity for half of the year (182 days) at a half-day charge of £2 and a day charge of £3.

- **Discharge of Conditions;** It is anticipated that charging for discharge of conditions will generate £5k - £10k fee income per year. If the Authority fails to provide written confirmation as to whether details submitted discharge the condition, then the Authority will potentially have to refund the application fee. This could have a financial impact on the Authority as well as reputational damage in failing to meet performance targets.

Climate Emergency impact: The External Funding Strategy will help to develop projects that will respond to the climate emergency. It is proposed to assess the potential for installation of electric vehicle charging points as part of the improvements to the carparks, in liaison with the local District Councils and others.

1. INTRODUCTION / BACKGROUND

- 1.1 National Park Authority income is derived from a central Government grant of approximately £3.2m and a further £0.8m generated through fees, rents and charges. Central government grant has reduced substantially since 2010/11 when national park grant was over £1m higher than today.
- 1.2 The Authority generates 80% of its funding from central government and 20% from alternative sources. This is the second lowest of all NPAs in England. This relatively low figure is partly because Exmoor does not have high visitor numbers, partly because it does not charge for all the services that it could and partly because reduced staff capacity has affected opportunities to secure external funding.
- 1.3 Guidance from Government over recent years has encouraged NPAs to secure alternative sources of income. The “*power of competence*” applied to NPAs in the 2016 Localism Bill enabled them to act in more entrepreneurial and innovative ways. The *Landscapes Review* (Glover et al 2019), continued to encourage this approach. It proposed that Management Plans should “*set long-term plans to widen funding sources*”. It recognised the need for core government support and

the need for security over 5 years, but it also suggested that “*the system needs to move away from over-reliance on core grants towards more diverse, larger and more sustainable flows of funds – towards a new funding model*”. This model would create greater long-term financial stability and “*grow commercial and philanthropic giving*.”

- 1.4 In 2020/21 ENPA set a budget based upon a flat cash national park grant. It is likely that the funding situation post Covid-19 will continue to be uncertain, although the Comprehensive Spending Review in the autumn and government’s response to the Landscapes Review may give some clarity. In terms of financial planning it is assumed that reduction in government grant is possible and that ENPA should continue to explore external funding sources including planning fee income, car park charges, grants, charitable giving, rental income, retail, sale of land and property.
- 1.5 Over the coming months, Officers will continue to explore possible funding streams, alongside cuts / efficiencies in service delivery to ensure a balanced budget. Options will be brought to Members as they are developed. The purpose of this paper is to set out proposals for income generation in areas where is considered possible to deliver income streams fairly quickly i.e. car parks and planning fee income, and to outline development of an external project funding strategy. Members will recall that the Asset Review is ongoing and that the Disposals policy was approved in 2019. Authority assets are continuing to be scrutinised to seek opportunities for sale or re–use and any updates will be set out in the end of year Estate Review.

2. CAR PARKS: FEE INCOME AND BRANDING

- 2.1 ENPA currently owns or manages 10 ‘main’ car parks and 9 public toilets as well as a number of smaller sites and lay bays. The cost to provide these facilities is in excess of £100k per annum (excluding staff costs). At present ENPA charges for some car parks but not others, with a mixture of stone cairn cash boxes and coin/contactless pay meters. Income is around £60k per year (Tarr Steps £45 - £50k, Valley of Rocks £5k and Ashcombe £1k).
- 2.2 One of the main themes that emerged from the recent *Land Visioning* exercise, was the need to brand, improve and celebrate the sites that the National Park Authority owns through a combination of better management, improved visitor facilities and appropriate charging.
- 2.3 Officers are now developing a funding and improvement strategy for our main car parks. As each car park is different, specific schemes for each site will be brought to Members for consideration. The first of these is Ashcombe which is set out below. The strategy includes clearer branding of sites, improved design as well as charging where appropriate and cost effective. Specific charging measures in each car park will be designed to meet the needs of users whilst defraying costs (e.g. a day charge transferable between car parks, permits for local people and volunteer concessions).
- 2.4 It is estimated that this could generate up to £60k p/a additional income across the whole Estate. The programme will also encourage use of electric vehicles by working with the District Councils to explore the installation of charging points. The proposed timeframe for the first stage of this work is set out below.

Carpark	Additional Income Potential*	Authority Paper	Planning Application Submission
Ashcombe	£10K	Sept 2020	October 2020
Valley of Rocks	£20k	Nov 2020	December 2020
Tarr Steps	£10k	Jan 2021	February 2021
Exmoor House (w/e)	£2k	Jan 2021	February 2021
Exford	£5k	May 2021	July 2021
Haddon Hill	£5k	June 2021	August 2021

* estimate based on site and number of spaces

- 2.5 Other sites for assessment in 2021/22 are likely to include Robbers Bridge, Simonsbath Sawmill, Blackmoor Gate, Moor Wood and County Gate.

3. ASHCOMBE CARPARK - BACKGROUND

- 3.1 Ashcombe carpark, public toilets and picnic area in Simonsbath were created in the 1980s with funding from the Countryside Commission, as part of a programme to provide public facilities and amenities in National Parks to enable visitors to easily access open countryside.
- 3.2 The carpark is very well used by visitors to Exmoor and is often full during the season (May to October) leading to significant on-road parking in the village, particularly at the present time. In the winter months the carpark is used less, although this is heavily weather dependant. There are therefore broader issues to be addressed separately around on-road parking and potential off-road parking capacity in the village (ENPA Officers are now exploring options to enable off-road parking at Simonsbath sawmill, subject to the various consents).
- 3.3 Ashcombe carpark is ideally situated to enable visitors to explore the beautiful Barle Valley and the landscape of the former royal forest around Simonsbath. It provides the main 'gateway' for visitors to this iconic part of the national park. The Two Moors Way (created in 1976) runs through the carpark providing direct access into the public rights of way network and designated Access Land, including some of the best scenery on Exmoor. More recently we have recognised that Ashcombe valley has further significance as an uncompleted Picturesque garden landscape dating from the 1820s (and taking its cues from nature as part of the English Landscape Movement). White Rock Cottage – lying immediately adjacent - which also forms part of this garden landscape was renovated in 2019 (at a cost of £277,000) with substantial investment from ENPA, Western Somerset LEADER and from CareMoor.
- 3.4 Adjacent to the carpark is the old stable building which now houses the public toilets, an ENPA store and a welfare room/equipment storage area used regularly by ENPA volunteers. It was probably built in the 1820s as part of the original establishment of Simonsbath village, and as such is a historic building of some importance (though, along with most other buildings in Simonsbath, it is not listed).

The building is formed of local stone under a traditional slate roof (a detailed historical survey of the building was completed in 2016). The toilets are very well used.

- 3.5 The stable building is now in very poor condition after a long period without investment, with significant water ingress and damp penetration due to missing/slipping slates, the failure of slate fixings, as well as both missing and malfunctioning rainwater goods. Water ingress is causing damage and rot to at least one of the timber roof trusses which will lead to structural issues if not addressed. Windows are also beyond repair and require urgent replacement.
- 3.6 A survey of public toilet facilities owned by ENPA was carried out in 2020 and found that most were in reasonable condition. Ashcombe was the exception, and the report concludes:
- ‘Condition [of building]: generally sound but external elements including roof coverings, wall finishes, external joinery and rainwater goods require comprehensive repair or replacement...’*
- The report identifies that all sanitary fittings in the public toilets require immediate replacement due to corrosion and wear. ENPA’s Facilities team have carried out an assessment of priority works across ENPA’s assets and recommended that the works to the public toilets in Ashcombe are carried out as soon as possible.
- 3.7 The current carpark arrangements are very informal, over two levels, with spaces unmarked but with capacity for around 25 cars. A stone cairn close to the carpark entrance advises ‘car parking £2’; however, it is not readily obvious to visitors and requires regular checking and emptying by ENPA staff. This returns about £1,000 per year.
- 3.8 There is currently no information provided for visitors (a Countryside Commission funded board, erected c. 2001, collapsed in 2019); a second orientation board was damaged and therefore removed in about 2016.
- 3.9 The picnic benches that were sited on land adjacent to the carpark were removed around 10 years ago. There is currently no plan to replace them, but visitor provision in our carparks is now actively being reviewed as part of our *Land Visioning* programme of the ENPA estate.

4. ASHCOMBE CARPARK - PROPOSED WORKS

- 4.1 The current proposal has four elements:
- Essential repairs to the stable building as recommended in the condition survey (some of these elements will require planning consent which will be the subject of an application currently being submitted)
 - Refurbishment of the public toilets
 - Installation of a contactless pay machine in the carpark to replace the stone cairn cash box
 - Overhaul of the information for visitors
- 4.2 Works to the old stable building will include: stripping the roof, replacing the roof covering (mainly re-using the existing slates), installing new batons and bituminous felt; replacing four timber windows; repairing and refurbishing all rainwater goods; renovating external ledge and brace doors; replacing the planed and varnished gable-end claddings with a more appropriate timber cladding.

- 4.3 Works to the public toilet facility will include the replacement of all sanitary ware, redecoration, upgrade of hand-driers to ensure an appropriate standard and in line with the recommendations of the carparks/public toilets survey of 2020.
- 4.4 The installation of a contactless pay-machine will provide an easier to use alternative to the existing 'stone cairn cash box'. It will also provide the opportunity to offset the significant running costs of the public facility in Ashcombe. It will also remove the need for ENPA staff to collect and process cash on a regular basis. The running costs of the machine are c. £400 p/a. It will be solar-powered (with mains back up) and will use a WiFi connection already housed in Ashcombe building.
- 4.5 The provision of new information boards is separately funded through Interreg Channel region and CareMoor (as a collaboration between North Devon Biosphere and ENPA) which supports the development of Bio-cultural Tourism in the region. Funding is therefore not required as part of this proposal; it is included here for information only and to enable the proposal to be seen in the round.
- 4.6 The provision of an electric vehicle charging point at Ashcombe carpark is being explored with partners as part of a wider development of EV charging points across Exmoor.
- 4.7 The poor state of the Ashcombe building suggests work should start before this winter in order to protect the structure. If Members do not approve the expenditure, then alternative temporary protection works will need to be installed over the building for the winter. These will most likely take the form of tarpaulin coverings (estimated cost: up to £3,000); it is likely, but not certain, that the public toilet facilities will be able to remain open. If consent is obtained for the works, then the building will be reroofed in the autumn and all other works will be completed (subject to planning consent) in time for Easter 2021.
- 4.8 There has been no formal consultation with the local community about installing a parking machine in Ashcombe as there is already a charging mechanism in place. However, informal responses from the Chairman of the Parish Council indicate that there is concern that pay machines will deter visitors using the carpark and will encourage the use of on-road parking in the village. The Head of Conservation & Access has asked to attend a Parish Council meeting to explain the proposal, once the views of Authority Members have been expressed in response to this paper.
- 4.9 Officers do not believe that the carpark charging system being proposed will deter visitors from coming to Simonsbath: most members of the public expect to pay for parking and by explicitly linking this charge to the costs of protecting and enhancing this world-class landscape with its exemplary public rights of way network, the modest charge for parking seems reasonable. Notwithstanding that, it is important that the level of charges and their duration are appropriate and are linked to the specific use of the site. Regular on road parking in Simonsbath is already a cause of local concern. It takes place along the south side of the B3223 on a sharp bend immediately west of Birchcleave. ENPA Officers believe that most people who park here do so as it provides more convenient access to the riverside meadows in Simonsbath and to walks along the Barle valley and is not connected to charges (or otherwise) in Ashcombe. It is proposed that, separately, ENPA Officers engage with local people and with SCC Highways Officers in order to identify possible, and appropriate solutions.

- 4.10 A snapshot visitor survey in 2016 indicates that most visitors to Ashcombe either use the toilet facilities and then leave shortly afterwards or that they use Ashcombe as a convenient base for walking. It is proposed that the charging schedule is £2 per half day and £3 per day. It is proposed that the charging period is 10am until 6pm, 365 days a year.
- 4.11 No overnight parking is currently permitted but Officers intend to review this policy across all Authority carparks over the winter.

5. PLANNING FEE INCOME

- 5.1 The National Park Authority Development Management service determines applications for planning permission, advertisement consent, listed building consent and works to protected trees. It also provides advice and information on planning prior to the submission of an application. Options are currently being explored to charge for a wider range of planning services that are provided. The first of these is charging for Discharge of Conditions. Officers are also considering the scope to charge for pre application advice and to increase charges for Land Charge searches.
- 5.2 There are often conditions attached to planning permissions that need further details to be submitted and approved by the Local Planning Authority. Currently, applicants or agents who wish to discharge planning conditions associated with a planning permission, reserved matters or listed building consent in the National Park, submit details to ENPA. Consultations are carried out as appropriate and a letter is sent to the applicant or agent confirming whether or not the details are acceptable. No charge is currently made for this work.
- 5.3 It is proposed that all applications for the discharge of conditions received from the 1st January 2021 will need to include an appropriate fee. The fee received will be in accordance with the Government guidance, which states:

The local planning authority will charge an application fee for written requests for both:

- *written confirmation of the discharge of conditions; and*
- *written confirmation that one or more of the conditions imposed on a grant of planning permission have been satisfied*

The fee must be paid when the request is made and cannot be paid retrospectively. (<https://www.gov.uk/guidance/use-of-planning-conditions>)

The fees charged will be in accordance with the Government's fee charging schedule as introduced under the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2017. It is considered normal to charge for this service and other Local Authorities in the area including North Devon, Somerset West and Taunton, and Mid Devon currently do so.

- 5.4 It is not proposed to carry out a formal consultation on the proposed changes to fees as these changes are seeking to comply with Government guidance. However, to ensure that the public, applicants and agents are aware of the changes the ENPA website will be updated, letters will be sent to local agents and to Town and Parish Councils, and social media will be used to raise awareness.

5.5 The fee chargeable by the Authority is £116 per request (or £34 where the related permission was for extending or altering a dwelling house or other development in the curtilage e.g. garden of a dwelling house) as set out in Regulation 16 of the 2017 Fees Regulations). A request can cover one or more conditions or limitations. It is estimated that charging this fee is likely to generate £5k to £10k per year which will help to offset the costs of delivering the service.

6. PRE - APPLICATION ADVICE AND LAND CHARGE SEARCH FEES

6.1 Local Planning Authorities can choose to recover the cost of pre-application work by making a charge under the Local Government Act 2003 for providing a discretionary service. The pre application service aims to ensure that development goes ahead efficiently, allows an open exchange of information and brings information and detailed advice to the applicant from specialists and the local community. It is proposed to explore, with agents, stakeholders and the local community, options for a full or partial cost recovery. This will include assessment of how this works in other Authorities and the benefits or otherwise of such an approach. Officers will look particularly at how other NPAs and local councils deliver this service and report to Members in 2021 on any proposed changes to the fees charged.

6.2 The number of land charge searches has significantly increased over recent weeks, currently around 20 per month, reflecting heightened activity in the property market. Carrying out searches can often be a relatively lengthy task, which is not necessarily reflected in the current fee. It is proposed to benchmark against other Local Planning Authorities and bring revised fee proposals to Members in 2021.

7. EXTERNAL PROJECT FUNDING STRATEGY

7.1 As part of the drive for income generation, Officers are also developing a strategy to increase external project income through grants, individual giving (under the CareMoor banner through crowd funding, donations and legacies), and corporate sponsorship. The strategy will help develop project ideas so that ENPA is ready to respond to funding opportunities that arise. The first of the significant post Covid-19 Funding streams which is being explored, is the Green Recovery Challenge Fund, due to be launched in early September 2020. ENPA will work proactively with funders we have used in the past such as National Lottery Heritage Fund, as well as exploring new options.

7.2 In developing this work, ENPA will focus on projects derived from the Partnership Plan, as well as projects that help deliver the 25 Year Environment Plan, respond to the *Landscapes Review* and the climate / ecological emergencies.

7.3 Attracting external funding to 'do more' will not necessarily help sustain the work of ENPA and so in agreeing projects to prioritise for external funding ENPA will look at how core work might be delivered through specific projects and programmes, aiming to adopt a "full cost recovery" process wherever possible.

7.4 Nominations are invited for up to 3 Members to work with Officers on the development of the strategy. Outline projects which will be shared with Members through updates and Members' Forum sessions.

Sarah Bryan
Chief Executive
August 2020