



EXMOOR

NATIONAL PARK

EXMOOR NATIONAL PARK AUTHORITY
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21 February 2019

EXMOOR NATIONAL PARK AUTHORITY

To: All Members of the Exmoor National Park Authority

A meeting of the Exmoor National Park Authority will be held in the Committee Room, Exmoor House, Dulverton on **Tuesday 5 March 2019 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 Chairman 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 by 4pm on the working day before the meeting of the agenda item on which they wish to speak, indicating a brief summary of the matter or matters to be raised (contact Judy Coles on 01398 322250 or email jcoles@exmoor-nationalpark.gov.uk).

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

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 Chairman so that those present may be made aware.

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

Sarah Bryan
Chief Executive

A G E N D A

The first section of the meeting will be chaired by Mr R Milton, the Chairman of the Authority. If the Chairman is absent, the Deputy Chairman 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. Chairpersons's Announcements

4. Minutes (1) To approve as a correct record the Minutes of the meeting of the Authority held on 5 February 2019 (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 M Dewdney (Deputy Chairperson (Planning)). If the Deputy Chairperson (Planning) is absent, the Deputy Chairperson of the Authority shall be preside.

6. Appeals:

A. To note the decision of the Secretary of State for Housing, Communities and Local Government to dismiss the appeal against refusal to vary Condition 11 to allow for the apartments to be occupied as either a holiday let or as a principal residence dwelling – Applications 62/41/17/028 and 62/41/16/016 - Units A to D, Lynton Cottage Seaview Apartments, North Walk, Lynton.

B. To note the decision of the Secretary of State for Housing, Communities and Local Government to dismiss the appeal against refusal to vary Condition 8 to allow for the apartments to be occupied as either a holiday let or as a principal residence dwelling – Applications 62/41/17/029 and 62/41/16/027 - Units E to J, Lynton Cottage Seaview Apartments, North Walk, Lynton.

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

Agenda Item	Application No.	Description	Page No's.
7.1	6/14/17/103	Proposed replacement of two semi-detached dwellings with a single farm manager's dwelling (Full) – Wintershead Cottages, Simonsbath, Somerset	1 - 14
7.2	6/10/18/116	Proposed erection of detached annex to provide ancillary accommodation (Householder) – Dunstercombe, Old A39 Ellicombe, Dunster, Somerset	15 - 24

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

9. Site Visits: To arrange any site visits agreed by the Committee (the reserve date being Friday 29 March (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. Authority Meetings Schedule 2020: To consider the report of the Head of Strategy and Performance (Item 10).

11. Personnel Update

Starters

11 February 2019 – Rosie Wilson – Assistant Ranger – 1 year Fixed Term Contract (Maternity Cover).

12. Any Other Business of Urgency

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

ITEM 4

EXMOOR NATIONAL PARK AUTHORITY

MINUTES of the Annual Meeting of the Exmoor National Park Authority held on Tuesday, 5 February 2019 at 10.00am in the Committee Room, Exmoor House, Dulverton.

PRESENT

Mr R Milton (Chairperson)	
Miss A V Davis (Deputy Chairperson)	
Mr M Dewdney (Deputy Chairperson (Planning))	
Mrs L Blanchard	Mrs F Nicholson
Mr R C Edgell	Mr J Patrinos
Mr M Ellicott	Mr B Peacock
Mr B Heywood	Sir Richard Peek
Mr N Holliday	Mr S J Pugsley
Mr J Hunt	Mr M Ryall
Mr I Jones	Mrs E Stacey
Mrs C Lawrence	Mrs P Webber
Mr E Ley	Mr V White

An apology for absence was received from Mr B Revans.

97. DECLARATIONS OF INTEREST:

In relation to Agenda Item 7.2 – Application No. 6/15/18/108 – Proposed agricultural building for the housing of livestock and storage of fodder, farm machiner and equipment (23m x 20m) (Full) – Howe Hill Farm, West Howetown Lane, Winsford, Somerset, Mr B Heywood declared a personal interest as a relative of the applicant.

In relation to Agenda Item 14 – Dulverton, Lynton and Parracombe Conservation Area Appraisals the following interests were declared:

- Mrs L Blanchard declared a personal interest as she lives in Parracombe Conservation area, although her property is not affected by the proposals.
- Mr B Peacock declared a personal interest as a member of Lynton & Lynmouth Town Council.
- Mr M Ryall declared a personal interest as he was acquainted with one of the Public Speakers.

98. CHAIRPERSON'S ANNOUNCEMENTS: There were no Chairperson's announcements.

99. MINUTES

- Confirmation:** The **Minutes** of the Authority's meeting held on 8 January 2019 were agreed and signed as a correct record, subject to amendment to reflect that Mr M Ryall attended the meeting
- Matters arising:** There were no matters arising.

100. PUBLIC SPEAKING: See minutes 104, 105, 106 and 113 for details of public speakers.

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

APPEALS

101. The Committee noted the **decision** of the Secretary of State for Housing, Communities and Local Government to allow the appeal against the Enforcement Notice in relation to unauthorised development (rear extension) at – Martinhoe Old School, Martinhoe, Devon.

102. The Committee noted the **decision** of the Secretary of State for Housing, Communities and Local Government to dismiss the appeal and uphold the Enforcement Notice in relation to unauthorised change of use – caravan (ancillary use) used for holiday letting at – land at Blackgate Cottage, Challacombe, Devon.

103. The Committee noted the **decision** of the Secretary of State for Housing, Communities and Local Government to dismiss the appeal against the Lawful Development Certificate for the existing unrestricted use as a dwelling (in breach of agricultural occupancy condition) at – Moorlyn Farm, Furzehill, Barbrook, Lynton, Devon.

Mrs E Stacey joined the meeting.

DEVELOPMENT MANAGEMENT

104. Application No. 6/14/17/103

Location: Wintershead Cottages, Simonsbath, Somerset

Proposal: Proposed replacement of two semi-detached dwellings with a single farm manager's dwelling (Full)

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

Public Speaking:

- (1) A statement from Mr B Dinnis, the Applicant's agent, was tabled
- (2) Mr K Dyer, Applicant's agent
- (3) Ms C Floyd, Applicant's daughter

The Authority's Consideration

The meeting noted the opinion of Planning Officers that the application constituted a departure from policies contained within the adopted Exmoor National Park Local Plan 2011-2031.

To ensure adherence with best procedural practice, Members therefore resolved to defer determination of the application for one cycle, to allow for the advertisement of the Application as a departure from the Local Plan.

RESOLVED: To defer determination of the application to allow for the advertisement of the application, as it represented a departure from the Exmoor National Park Local Plan 2011-2031.

The meeting closed for recess at 10.55am and re-convened at 10.59am

Mr B Heywood joined the meeting.

105. Application No. 6/15/18/108

Location: Howe Hill Farm, West Howetown Lane, Winsford, Somerset

Proposal: Proposed agricultural building for the housing of livestock and storage of fodder, farm machinery and equipment (23m x 20m) (Full)

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

Public Speaking:

- (1) A statement from Mrs R Thomas, Exmoor Society, was tabled
- (2) Ms S Bosley, Applicant's agent
- (3) Mr P Govier, Contractor

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

106. Application No. 6/9/18/122

Location: Old School House, School Lane, Dulverton, Somerset

Proposal: Proposed siting of 3no Shepherd's Huts for additional tourist accommodation (Full)

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

Public Speaking:

- (1) A statement from Mrs R Thomas, Exmoor Society, was tabled
- (2) Mr I Firth, Applicant's agent

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

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

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

The meeting closed for recess at 12.00pm and re-convened at 1.32pm

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

109. PINKERY CENTRE FOR OUTDOOR LEARNING: INDEPENDENT REVIEW

The Authority considered the [report](#) of the Head of Information and Communication.

The Authority's Consideration

The meeting noted that the Independent Review Report identified a potential risk in relation to staffing levels at Pinkery Centre. Members instructed the Chief Executive to take note of the risk factors mentioned and take any appropriate action deemed necessary.

RESOLVED:

1. To note the contents of the Review.
2. To note the timetable for future consideration of potential resourcing of Pinkery Centre for Outdoor Learning.
3. To use the Review report to inform debate and discussion at the Authority meeting in June 2019.
4. To instruct the Chief Executive to take note of any risk factors mentioned in the report and take any appropriate action deemed necessary.

110. MEDIUM TERM FINANCIAL PLAN 2019/20 TO 2023/24 AND BUDGET 2019/20

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

RESOLVED:

1. To adopt the attached Medium Term Financial Plan at Appendix 1 and agree the financial strategy that underpins the MTFP and Budget as set out in Section 7 of the report.
2. To approve the Core and Programmes, Partnerships and Contributions to Reserves Budgets for 2019/20 as summarised in Appendices 2 and 3 to the report.
3. To approve the Capital Investment Strategy shown in Section 6 of the report.
4. To note the position on reserves as detailed in Appendix 4 to the report.

111. TREASURY MANAGEMENT STRATEGY STATEMENT 2019/20

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

RESOLVED:

1. To note the report of the Chief Finance Officer.
2. To approve the proposed Treasury Management Strategy for 2019-20 as set out in Sections 2 and 3 of the report.

3. To note the Prudential Indicators for 2019-20 to 2021-22 as set out in Section 4 of the report.

112. SCHEME OF MEMBERS' ALLOWANCES 2019/20

The Authority considered the [report](#) of the Head of Finance and Operations.

RESOLVED: To adopt the Scheme of Members' Allowances 2019/20 as set out in Appendix 1 to the report, subject to future adjustments to Members' Allowances as linked to staff cost of living pay awards and automatic updating of subsistence allowances in line with the agreed indices.

113. DULVERTON, LYNTON AND PARRACOMBE CONSERVATION AREA APPRAISALS

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

Public Speaking:

- (1) A statement from Mrs R Thomas, Exmoor Society, was tabled
- (2) Ms H Hodgson, Dulverton resident
- (3) Mr R Watts, Dulverton resident
- (4) A statement from Mr P Reilly, a resident of Lynton, was tabled

RESOLVED: To approve the draft Conservation Area Appraisal documents for the Conservation Areas listed below, so that they may be brought into formal effect and use by the Authority:

- Dulverton
- Lynton
- Parracombe

114. DRAFT RURAL WORKER AND SUCCESSION FARM DWELLING GUIDANCE REPORT

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

RESOLVED:

1. To approve the draft Exmoor National Park Rural Worker and Succession Farm Dwelling Guidance.
2. To agree to formal public consultation on the draft.

115. **EXMOOR CONSULTATIVE & PARISH FORUM:** The Authority received and noted the [draft minutes](#) of the Exmoor Consultative & Parish Forum meeting held on 17 January 2019.

5 February 2019

116. PERSONNEL UPDATE: The Authority noted the recent staff changes as set out on the Agenda. It was suggested and agreed that a letter of thanks be sent to Charlotte Thomas expressing Members' appreciation for her excellent work in delivering the Historic Signpost Project.

117. ANY OTHER BUSINESS OF URGENCY: There was none.

118. CONFIDENTIAL BUSINESS

Pursuant to Section 100A(4) of the Local Government Act 1972 that the press and public be excluded from the remainder of the meeting on the grounds that publicity would be prejudicial to the public interest by reason of the confidential nature of the business arising in Item 20 – National Working and National Parks Partnership Limited Subscription Request and that the following information would be considered which is exempt information as presented in Schedule 12A of the Act (as amended):-

Information relating to the financial or business affairs of any particular person (including the authority holding that information).

119. NATIONAL WORKING AND NATIONAL PARKS PARTNERSHIP LIMITED SUBSCRIPTION REQUEST.

The Authority considered the confidential report of the Chief Executive.

RESOLVED: The Authority Committee resolved to adopt 5 out of the 6 recommendations that were contained in the report, and further resolved to include an additional recommendation.

The meeting closed at 3:53 pm

(Chairperson)



Appeal Decisions

Site visit made on 3 January 2019

by **K Taylor BSc (Hons) PGDip MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7 February 2019

Appeal A Ref: APP/F9498/W/18/3201815

Units A to D, Lynton Cottage Seaview Apartments, North Walk, Lynton EX35 6ED

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr & Mrs W Garfield against the decision of Exmoor National Park Authority.
- The application Ref 62/41/17/028, dated 1 November 2017, was refused by notice dated 22 December 2017.
- The application sought planning permission for the proposed conversion of part of hotel into four holiday apartments without complying with a condition attached to planning permission Ref 62/41/16/016, dated 12 July 2016.
- The condition in dispute is No 11 which states that: The holiday lets hereby approved as part of this permission shall not be used otherwise than for the provision of short let holiday accommodation. The properties shall not be occupied as a permanent dwelling and shall not be occupied by any person for a period exceeding 28 days in any calendar year. The owner or operator shall maintain a register of occupants for each calendar year. This shall be made available on request for inspection by any duly authorised officer of the Local Planning Authority.
- The reason given for the condition is: To ensure that the development is occupied as holiday accommodation thereby according with the policies of the Development Plan, protecting the amenities of the area and promoting the local economy.

Appeal B Ref: APP/F9498/W/18/3201814

Units E to J, Lynton Cottage Seaview Apartments, North Walk, Lynton EX35 6ED

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr & Mrs W Garfield against the decision of Exmoor National Park Authority.
 - The application Ref 62/41/17/029, dated 1 November 2017, was refused by notice dated 22 December 2017.
 - The application sought planning permission for the proposed conversion of part of hotel into six holiday apartments without complying with a condition attached to planning permission Ref 62/41/16/027, dated 1 September 2016.
 - The condition in dispute is No 8 which states that: The holiday lets hereby approved as part of this permission shall not be used otherwise than for the provision of short let holiday accommodation. The properties shall not be occupied as a permanent dwelling and shall not be occupied by any person for a period exceeding 28 days in any calendar year. The owner or operator shall maintain a register of occupants for each calendar year. This shall be made available on request for inspection by any duly authorised officer of the Local Planning Authority.
 - The reason given for the condition is: To ensure that the development is occupied as holiday accommodation thereby according with the policies of the Development Plan, protecting the amenities of the area and promoting the local economy.
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Decisions

1. Appeal A is dismissed and Appeal B is dismissed.

Preliminary matters

2. During the site visit I was unable to access all the apartments, however I did view several of them as well as the communal areas and the grounds. I am satisfied that this was sufficient to gain a proper understanding of the site. I have noted the wider planning history of the site, the background information, and the reasoning for the evolution of the various proposals at the site provided by the appellants. However, I will only make express reference to this where it is critical to the main issues in these appeals.
3. Two signed Unilateral Undertakings have been submitted. I have taken account of these, although, in view of my decision, I have not scrutinised the detailed wording.

Background

4. In July 2016 planning permission was granted for the conversion of part of the hotel to four holiday apartments (Appeal A) and in September 2016 planning permission was granted for the conversion of another part of the hotel to six holiday apartments (Appeal B). The conditions in both refer to the owners' accommodation and together the two permissions have allowed for the conversion of the entire building to ten holiday apartments, an apartment for an employee at the site, and some communal facilities. At the time of my site visit the conversion works had been completed for most of the apartments although some work was on going.
5. Both permissions are subject to a condition which require the holiday apartments to only be used as short term holiday accommodation limited to a maximum occupation period of 28 days by any person in each calendar year. The appellants wish to have planning permissions granted with the wording of these conditions changed so that the holiday apartments can be used as a principle residence dwelling or as a holiday let. If in use as a principle residence dwelling the apartment could not be used as a second home, and if in use as a holiday let the apartment would be subject to a 28 day restriction similar to the existing conditions. The Unilateral Undertakings would secure a contribution towards the provision of affordable housing off-site. This would be for £24,000 in respect of Appeal A and £36,000 in respect of Appeal B.
6. The issues are identical for both appeals and, as such, I will deal with both together.

Main issue

7. The main issue is whether the conditions are reasonable and necessary having regard to the policies in the development plan and any other material considerations.

Reasons

Planning policy

8. Having regard to the appellants' case, particularly that made through the final comments, it is worth briefly setting out the correct approach to the application of policy.

9. Section 38(6) of the Planning and Compulsory Purchase Act 2004 is clear that the determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise. Section 38(5) sets out that where any policy in a development plan conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan. In decision making the development plan has primacy and in this case if there were to be any conflict between the Exmoor National Park Local Plan 2011-2031 (the Local Plan) and the Lynton & Lynmouth Neighbourhood Plan 2013-2028 (the Lyn Plan) the policy in the Local Plan would take precedence as it became part of the development plan more recently.
10. In its second paragraph the National Planning Policy Framework (the Framework) reiterates the primacy the development plan has, as set out in Statute, and confirms that the Framework is a material consideration in planning decisions. The correct approach to decision making is first to consider whether the proposals would accord with the development plan. Then, if they do not, to have regard to any other material considerations, including the content of the Framework, in order to reach a view as to whether these would indicate that planning permission should be granted despite the lack of compliance with the development plan.
11. The reasons for refusal refer to a number of development plan policies and several of these cross-refer to one another. In addition another policy has been brought to my attention. I will deal with these policies in an order I consider to be logical given the nature of the appeals and the cases of both parties, starting with Policy HC-D13 of the Local Plan.
12. This Policy allows for permission to be granted for the replacement of a holiday occupancy condition with an agreement limiting occupancy to local persons in affordable housing need or to persons meeting the requirements of extended family accommodation.
13. The supporting text to this Policy states that the majority of self-catering holiday accommodation has been provided through converting traditional buildings outside settlements and that utilising these for affordable housing may be particularly valuable in the open countryside. However, there is nothing in the policy or supporting text which limits the application of this policy to rural areas or to suggest that it is not intended to deal with buildings containing multiple units. Indeed, express cross reference is made to Policy HC-D2 which deals with conversions to dwellings in settlements. Although the wording of the conditions would retain the option to use the apartments as holiday lets, it would allow any and all of the apartments to be occupied as principal residence housing full time. Therefore, this Policy is relevant to the decision.
14. There is no doubt that the proposals do not comply with Policy HC-D13 as none of the apartments would be affordable housing. The policy does not provide for contributions in lieu of this or for any form of cross-subsidy.
15. Policy HC-S4 of the Local Plan allows for principal residence housing where it is required to enable the delivery of affordable housing. This policy requires that such schemes be in compliance with clauses 3 a) or b) of Policy HC-S1.

16. Policy HC-S1 of the Local Plan sets out that housing development will be to address the needs of local communities which is principally for affordable housing with local community ties. It requires that new housing development be limited to affordable homes to be occupied by local people, homes for rural workers, or an extended family dwelling. Clause 3 states that provision will not be made for housing to solely meet open market demand. It allows for principal residence market housing only where it is a) essential to deliver local need affordable housing or b) the proposal relates to a vacant building.
17. The building is not vacant so clause 3 b) is not relevant. The proposals would not deliver any on-site affordable housing nor would any off-site affordable housing be delivered directly. The contributions proposed could be used to assist in delivering an affordable home, but in view of the scale of the combined contributions it is unlikely that even a single unit could be funded. I have no evidence that there is a scheme for which the contributions are required in order to ensure it is adequately funded so that there would be delivery on the ground within a reasonable period of time. It seems to me that the contributions could go some way to enabling a future affordable housing development. However, it would not meet the policy test that the appeal schemes are, themselves, *essential* to allow for affordable housing to be delivered.
18. The appellants have suggested that, in lay terms, the development relates to the conversion of a non-residential building and thus would be compliant with development plan policy. The relevant policies would be HC-S4 and HC-D2 of the Local Plan with the former requiring compliance with the latter. The intention should be that 100% of the accommodation be affordable housing. An element of principal residence market housing is permissible where it is required to enable the viable delivery of the affordable housing. This must be the minimum number required to support the delivery of the affordable housing.
19. In planning terms each of the ten apartments is a dwelling, albeit with an occupancy restriction. I am therefore not convinced that it is appropriate to apply policy that relates to the change of use of non-residential buildings. I appreciate that the appellants were not aware of the change in status that occurred with the implementation of the planning permissions. However, this does not alter the current lawful use of the building in planning terms.
20. Setting aside my misgivings as to whether this is appropriate, if I were to take the view that the proposal should be considered as the change of use of a non-residential building then it seems to me the only logical means to assess the proposal would be to consider it at the point in time when the hotel use was still in operation.
21. The viability assessment submitted by the appellants' is structured to compare the market value (GDV) of the building under various restrictive occupancy conditions. This includes its current use as holiday apartments, with the conditions as sought under these appeals, and as affordable housing. It was not designed to set out the costs involved in the conversion or the related viability issues. In this regard the appellants have been clear that the assessment was never intended to fulfil that purpose. That being the case I do not have the evidence that would show whether a 100% affordable housing scheme would have been viable and, if not, what the minimum proportion of principle residence market housing would be necessary to allow for a viable

- scheme. In these circumstances I could not conclude that the developments would comply with Policy HC-D2, and by extension the relevant part of Policy HC-S4, of the Local Plan.
22. Policy H3 of the Lyn Plan supports proposals for principal residences in two specific cases. Either, a) it is necessary to provide cross subsidy for affordable housing or other development directly benefiting the community on the same site or elsewhere within the parish. Or b) the proposal would either meet the housing needs of local people or bring greater balance and mixture to the local housing market by creating new opportunities for people to live and work in the area.
 23. Similar to my conclusions in respect of clause 3 a) in Policy HC-S1 of the Local Plan I have no evidence that the contributions which would arise would be *necessary* to allow an affordable housing led scheme to actually be delivered.
 24. Under this Lyn Plan Policy principal residence housing could be acceptable where it would bring a greater balance and mixture of housing to the market. I have little cogent evidence that the types of properties the appeal schemes would deliver would bring this about. However, I accept that the majority of the units would be smaller and so may be suitable for those wishing to downsize and thus assist in freeing up larger dwellings.
 25. However, the circumstances under which principal residence housing is to be provided is set out in the Local Plan. Given that it was adopted more recently I must give this more weight. The circumstances are included in Policy HC-S4 and the relevant policies that are cross-referred to in it. Either these are not relevant to the appeal developments or, for the reasons I have set out above, the proposals would not comply with them. While the Local Plan does make mention of accommodating those wishing to downsize, the appeal scheme would not meet with the Policies which would allow for principal residence housing. I will return to the general benefits that would arise from the provision of smaller units later in my decision.
 26. When considered in the round the appeal proposals would not accord with Policies HC-S1, HC-S4, HC-D2, or HC-D13 of the Local Plan. As the tenure of housing would not accord with the strategy in the development plan there would also be conflict with Policy HC-S2 of the Local Plan which requires a mix of dwellings that meet the needs of present and future generations. When taken alongside the occasions where principal residence housing is permitted under the Local Plan there would also be conflict with Policy H3 of the Lyn Plan.
 27. Policy GP3 of the Local Plan sets out the spatial strategy for the National Park. When considered in the round the development plan seeks to secure a balance of uses. This includes self-catering holiday apartments and the planning history indicates that the current use of the building, with its occupancy conditions, accords with the development plan. The appeal schemes would result in a move to a form of occupancy that would not fully do so. I therefore conclude that the proposals would not accord with the development plan.

Material considerations

28. The appellants' case includes the view that, rather than the narrow application of specific policies, the proposals should be considered having regard to the

particular circumstances of the case, the wider strategic aims of the development plan and the Framework, and the benefits that would arise.

29. The appellants' have identified a number of main benefits to the proposals. Firstly, that a contribution to the provision of off-site affordable housing would be provided which could partly fund the provision of an affordable home. Secondly, the dual use would allow for increased occupation of the apartments, extending this into the winter months, thus providing social and economic benefits to the local area. Thirdly, that the dual use is a more viable option than the current use and possibly the optimum viable use which has benefits in safeguarding the future of the property which is a listed building. Finally, that use of the apartments as principal residences could allow for existing residents to downsize freeing up larger properties.
30. In its current use as holiday apartments there is no affordable housing either on-site or through a contribution for off-site provision. The current use of the building was granted planning permission. Those decisions would have been made having regard to the development plan. This allows for self-catering holiday apartments and the application of the relevant policy would not require the provision of affordable housing in such circumstances. In itself this is not a disbenefit but the proper functioning of the policies in the Plan.
31. Nevertheless, the provision of the contributions would be a benefit of the appeal developments. The appellants have sought to justify the amount of contribution through identifying the degree of uplift in GDV from the current situation with the holiday occupancy conditions compared to the value with the proposed dual use, allowing for some developer profit. Assisting in providing affordable housing is an important benefit, however the scale of the contributions is modest. Also, as I set out above, there is no evidence that there is a current scheme, or that additional funding is available, which could ensure an affordable housing scheme is delivered within a reasonable period of time. Therefore, I give this benefit limited weight.
32. The conversion of the hotel to holiday apartments has taken place recently and not all apartments have been completed. Currently there is no evidence as to the typical levels of occupation and, importantly, whether they remain empty for significant periods outside of the main holiday season. However, it is self evident that the use of the apartments as a principal residence would increase occupation but there is no cogent evidence as to the extent this is likely to be. I accept that any apartments that would be occupied as a principal residence is likely to result in more consistent spending in the local economy and more consistent general support for the local services and facilities that are important for day-to-day living.
33. There would be some cross over, but patterns of spending and support to the local economy from those on short term holidays would be different to full time residents. The tourism economy is an important part of the local economy for the Park. This is borne out by the strategy in the development plan which seeks to support a range of uses in addition to the provision of housing. Therefore, allowing the apartments to also become principal residences is not an overriding consideration which would automatically outweigh the benefits associated with holiday accommodation. Consequently, I give limited weight to the benefits that would arise from allowing the apartments to be used as principal residences.

34. Lyndon Cottage Seaview Apartments is a Grade II Listed Building and the site is located within a conservation area. The Framework addresses the need to consider securing an optimal viable use of a heritage asset in two scenarios. Firstly, in relation to the provision of isolated homes in the countryside which is not relevant to the appeal schemes. Secondly, where there would be less than substantial harm to the significance of a designated heritage asset, this should be weighed against the public benefits of the proposal including securing an optimum viable use.
35. No alterations to the building are proposed and the use of the apartments as principal residences, in addition to a holiday use, would not change the character of the building and it would not affect its setting or the character and appearance of the conservation area. This being so, there would be no harm to the significance of the designated heritage assets and the balancing exercise in the Framework would not be engaged.
36. Nevertheless, safeguarding the long-term future of the building is a material consideration. I accept the appellants' evidence that the dual use would increase the market value of the asset. Some of the apartments have been sold on a leasehold basis. There is a ground rent, service charge, and a management company. This allows for funds to be secured for the maintenance of the building on an on-going basis. The appellants' evidence suggests that this structure would continue if the appeals are allowed and the apartments can be put to a dual use.
37. The evidence also shows that a significant number of apartments have been sold and there is no evidence to suggest that the current occupancy conditions are unduly limiting sales. Therefore, the benefits in terms of securing the long-term maintenance of the building would accrue regardless of the appeal proposals and so, in itself, this is not a factor that can weigh positively in the planning balance to any significant degree. The conversion of the building to holiday apartments appears to be viable and will allow for the significance of the heritage asset to be sustained.
38. The uplift in the market value would not have any significant benefits in terms of safeguarding the designated heritage asset. However, it is still a factor that requires consideration. Two benefits derive from this, firstly allowing for a contribution towards the provision of affordable housing, which I have discussed above and secondly the provision of a degree of developer profit. This latter factor would have some wider benefits for the economy, but it is largely a private one for the appellants and so I only give this very limited weight.
39. The majority of the apartments are smaller properties and so, if occupied as a principal residence, there may be an opportunity to allow existing residents of the Park to downsize and thus freeing up larger houses. Providing smaller homes to allow for downsizing is mentioned in the development plan. However, having regard to the policies in the round, this is to be achieved through other means and not by utilising existing self catered holiday accommodation. I do give weight to the benefits that would arise, but this cannot have the weight of adopted policy. The contribution to the principal residence housing stock would be fairly modest and so I give moderate weight to these benefits.

Planning balance

40. The development plan seeks a balance of uses within the Park and sets out the strategy for how this is to be achieved. The proposals would not comply with the development plan when it is considered as a whole. In view of the primacy of the development plan in decision making, conflict with it should not be set aside lightly. The benefits, even when considered in combination, would not outweigh the harm from this conflict. The proposals would not amount to sustainable development and so it would not accord with Policy GP1 in the Local Plan, Policy P1 in the Lyn Plan, or the Framework.

Other matters

41. The Framework sets out that there should be a positive and creative approach to decision making. This must be considered in the context that the planning system is to be genuinely plan led. For the reasons I have set out above, taking all factors into account, the benefits of the proposals would not outweigh the conflict with the development plan.
42. There is a need to ensure that planning obligations are reasonably related in scale and kind to the development and the Framework does allow for an appropriate financial contribution towards off-site provision of affordable housing where this can be robustly justified. The submitted viability assessment seeks to evidence a reasonable contribution in view of the uplift in market value that would be achieved. It also indicates a significant reduction in the GDV if the apartments were restricted to affordable housing. In these circumstances it would be understandable that the appellants' would not pursue such a scheme.
43. However, the building is in a use, and subject to occupancy restrictions, that were recently granted planning permission and complies with the development plan. The evidence indicates that this is viable. In these circumstances, even if an alternative policy compliant occupancy (affordable housing) would not be an attractive option for the owners, it is not a matter that I give significant weight to. I also reach this view because any cross-subsidy that the appeal proposal would bring about would be modest.
44. Reference has been made to the policy in respect of entry-level homes in the 2018 Framework. However, the appeal developments would not meet the criteria for such housing and, in any event, footnote 34 is clear that entry-level exception sites should not be permitted within National Parks.

Conclusion

45. For the reasons given above, I conclude that the appeals should be dismissed.

K Taylor

INSPECTOR

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Application No:	6/14/17/103	Grid Ref.	277439	136767
Applicant	Mr & Mrs R Rowe, R.J & S.A Rowe Farms Limited, Horsen Farm Wintershead, Simonsbath, Somerset			
Location	Wintershead Cottages, Simonsbath, Somerset			
Proposal	Proposed replacement of two semi-detached dwellings with a single farm manager's dwelling. (As per amended description and plans and additional information). (Full)			
Introduction	<p>This update report refers to the planning application referenced above, which was reported to the Authority Committee on 5 February 2019 and deferred to allow public consultation to take place in order to advertise the application as a departure from the adopted development plan (the Exmoor National Park Local Plan 2011 – 2031).</p> <p>Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 set out that development plan policies are material to an application for planning permission and that the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise.</p> <p>Article 32 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 prescribes that the Local Planning Authority have the power to depart from development plan policy where material considerations indicate that the plan should not be followed.</p> <p>The application has been re-advertised in accordance Article 15(3) of the Development Management Procedure Order to safeguard a potential decision by the Authority Committee to approve the application. The consultation period will expire on 8th March 2019 and Members shall be updated with any consultation responses received between the time of writing this report and the Committee meeting.</p>			

Planning Considerations:

Policy HC-D17 of the Exmoor National Park Local Plan refers to replacement dwellings. This sets out the criteria for such development to be compliant "in principle". The policy provides a set of criteria that needs to be met for the existing dwelling(s) to be considered acceptable for demolition. It states that the existing dwelling(s) must:

- a) not be listed or considered to be of historic or architectural importance worthy of conservation;
- b) have an adverse impact on the character and visual amenity of the area; and
- c) have an existing residential use that has not been abandoned.

As set out in the original Committee report, the proposal is considered to meet this criteria and, therefore, the proposed replacement of the two dwellings is acceptable in principle.

Should it be established that it is acceptable under Policy HC-D17 to replace an existing dwelling, then the policy provides criteria that needs to be met in terms of the proposed replacement. The policy states that the proposed replacement dwelling should:

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- a) be sited on or close to the footprint of the existing dwelling; unless alternative siting would provide benefits for the landscape, wildlife or cultural heritage;
- b) be no larger in size than the original dwelling or 93 square metres gross internal area, whichever is the larger;
- c) reflect the massing and scale of the original dwelling; and
- d) accord with the design and sustainable construction requirements of Policy CE-S6.

In terms of criteria (b) and (c) of Policy HC-D17, the policy seeks to manage the size of a replacement dwelling and requires that a replacement dwelling is no larger than the original dwelling or 93 square metres, whichever is the larger. Part of the reason for doing this is to protect the existing stock of housing within the National Park and, in particular, where a dwelling is a smaller dwelling, as in this case, to help ensure that a stock of smaller, more affordable dwellings remain in the National Park in the interests of the sustainability of the local communities.

This proposal would see the two existing smaller dwellings replaced with a single dwelling, which would have the same net internal floorspace as the two existing dwellings combined, but would be significantly larger than one of the existing dwellings.

Further to concerns over the scale of the proposed replacement dwelling, it has been confirmed that the windows and doors are proposed to be composite windows, timber with an aluminium external face. Policy CE-S6 requires the use of materials in new buildings to complement the local context through the use of traditional and natural sustainable building materials. The overall design concept is a traditional farmhouse and it is considered that the aluminium finish of the windows and doors would not be congruent with this character of development. This is a proposed replacement dwelling within the open countryside, on a site that is significantly visible from open access land. Furthermore, the submitted application form states that the windows and doors in the existing dwellings are timber. Officers consider that the proposed use of aluminium faced windows and doors would not be not policy compliant.

Recommendation:

The Officer recommendation remains that planning permission be refused for the reasons set out on the earlier Committee report, which are:

1. The proposed development seeks a replacement dwelling that is significantly larger than the dwelling being replaced and involves the removal of smaller and more affordable dwellings from the stock of housing within the Exmoor National Park. This would cause harm to the sustainability of the local communities and the proposed development is contrary to Policies GP1, HC-S1, HC-S2 and HC-D17 of the Exmoor National Park Local Plan 2011 - 2031 (including minerals and waste policies), and the National Planning Policy Framework.
2. The proposed use of composite windows and doors instead of timber windows and doors would not reinforce the traditional form and character of the proposed replacement dwelling, and would not reflect the context of traditional built form situated near the application site. As such, the application does not comply with Policies GP1, CE-S6 and HC-D17 of the Exmoor National Park Local Plan 2011 - 2031 (including minerals and waste policies), and the National Planning Policy Framework.

Taking into account that the re-consultation period will not expire until 8th March, a decision notice cannot be issued until 11th March 2019. If Members are minded to approve or refuse the planning application, then Officers seek the authority to formally issue the decision of Members following the expiry of the re-consultation period and having regard to further comments that may be received in that timescale, unless comments are received that Officers consider are necessary to report to Members at the next Committee meeting.

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Application No: **6/14/17/103**

Grid Ref. 277439 136767

Applicant: Mr & Mrs R Rowe, R.J & S.A Rowe Farms Limited, Horsen Farm
Wintershead, Simonsbath, Somerset

Location: Wintershead Cottages, Simonsbath, Somerset

Proposal: **Proposed replacement of two semi-detached dwellings with a single farm manager's dwelling. (As per amended description and plans and additional information). (Full)**

Introduction: Planning permission is sought for the replacement of two dwellings with a single dwelling. The existing dwellings are known as Wintershead Cottages and are situated in open countryside between Wintershead Farm and Horsen Farm. They are two storeys with a single link, thereby making them semi-detached. The external walls are finished in painted render and the roofs are clad in cement tiles. The planning history shows that they were constructed in the late 1970s/early 1980s and have occupancy restrictions in the form of agricultural ties. The site is accessed via a single width lane that also serves Wintershead Farm and Horsen Farm.

The proposed replacement dwelling would be two storeys and would have a net floor area that matches the combined net floor area of the two existing dwellings, approximately 233 square metres. It would be constructed on a similar footprint within the application site. The external walls would be clad in natural stone and the roof would be clad in natural slate. The windows and doors would be composite, timber with an external aluminium face. The new dwelling would provide three bedrooms. The parking area would be retained and the access to the site would not be altered.

The application was originally submitted as two replacement dwellings with a combined net floorspace that would have exceeded the combined net floorspace of the existing dwellings. The application has been amended to a single replacement dwelling with a net floorspace that would match the combined net floorspace of the two existing dwellings.

Consultee Response:

WEST SOMERSET COUNCIL: No comments to make on this application.

SCC - ENVIRONMENT DIRECTORATE: CONSULTATION RESPONSE DATED 26.09.17: Standing advice applies.

RE-CONSULTATION RESPONSE DATED 04.09.18: Standing advice applies.

FARMING AND WILDLIFE - ENPA: No comment received

WILDLIFE CONSERVATION OFFICER - ENPA: RE-CONSULTATION RESPONSE DATED 25.09.18: Thank you for forwarding the protected species report, which summarised that:

- A protected species survey, consisting of a bat and bird survey of the buildings, was undertaken on 27 April 2018 by Richard Green Ecology Ltd.
- Bat emergence surveys of the buildings were undertaken in August and September 2018. Two common pipistrelle bats were seen to emerge from the buildings during each bat emergence survey. Therefore demolition of the buildings would result in the loss of

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two common pipistrelle bat roosts and could also potentially result in bats being disturbed, injured or killed during works.

- Several hundred barn owl pellets of varying ages and a large amount of faecal white wash were found in both loft spaces of the houses. A barn owl was also present in a small void above a dormer in the east roof during the preliminary survey. Two barn owls were seen to emerge from the east building during the bat emergence survey in September 2018. From the amount of evidence found, and the fact that two owls emerged, it is likely that the buildings are used for nesting.

ENPA conditions

Due to the impacts to protected species and the site biodiversity the following conditions should be applied to any granted planning permission.

Bats:

The demolition of the buildings would result in the loss of two common pipistrelle bat roosts and could also potentially result in bats being disturbed, injured or killed during works. The proposed works would therefore require a European protected species licence (EPSL) from Natural England. An EPSL can only be applied for once planning permission has been granted.

All species of bats and their resting places are afforded strict protection under the Habitats Regulations 2017 and individuals from reckless and intentional disturbance under the Wildlife and Countryside Act (WCA) 1981 (as amended). I would therefore recommend that the following is conditioned given the scope for mitigation measures:

- Prior to the commencement of any works a Bat Mitigation and Compensation Strategy, comprised of timing of works and number, type and location of roost compensation features, shall be submitted to and approved in writing by Exmoor National Park Planning Authority. The Strategy shall be based on up to date survey information of potential roost sites. In summary it is considered that mitigation measures will be comprised of providing alternative roosting provision for bats, minimising any potential disturbance to acceptable levels and maintaining the favourable conservation status of the species present. Recommended mitigation measures include: carrying out works under an ecological watching brief and providing alternative roosting provision for common pipistrelle bats within the new dwellings, e.g., through use of integrated bat boxes/bat tubes or use of bat slates. Under no circumstances should a breathable roofing membrane (BRM) be used to line the roofs of the new dwellings if bat roosting provision is provided in these roofs. The long fibres that make up BRMs have a tendency to be pulled out by roosting bats and pose an entanglement threat to them.

- A copy of the European protected species licence will be submitted to Exmoor National Park Authority prior to work commencing on site.

Reason: Pre-commencement conditions in the interests of the strict protection afforded to European protected species.

I am aware of recent legislation which requires the applicant to agree to pre-commencement condition. However, without it in place I cannot be confident that no

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harm would come to roosting bats. The Habitats Regulations requires a system of "strict protection" for European protected species including through the planning system effectively preventing harm occurring to such protected wild animals. As the 'competent authority' under the Habitats Regulations we are obliged to assess the Favourable Conservation Status (FCS) of populations of European protected species affected by development as one of 'three tests' (The other two are consideration of alternatives and over-riding public interest). In my consideration it is likely that other sites within the area will support a similar suite of bat species and that the strategy proposed by Richard Green Ecology would mitigate and compensate for roosting provision lost when carrying out the proposed development.

Nesting birds:

The demolition of the buildings would result in the loss of a swallow and jackdaw nest site.

- The works will be scheduled to commence outside of the bird nesting season, which is from March to August inclusive, although, depending upon the species, geographical area and the weather conditions, it should be noted that nesting can extend outside this period. If this timing restriction is not possible, a nesting bird check will be required immediately prior to any works, undertaken by a suitably experienced ecologist/ornithologist. Any nesting birds discovered will be buffered by an exclusion zone, determined by the ecologist/ornithologist, which will remain in force until the chicks have fledged.

- As an enhancement measure, and in accordance with National Planning Policy Framework (NPPF), two RSPB artificial swallow nesting cups (<https://shopping.rspb.org.uk/garden-bird-nestboxes/swallows-terracotta-nestbox.html?ClickType=Image&ListType=&ListName=&Position=19>) will be erected onto the external wall surface under the eaves on the north or east elevation of the new dwelling.

- As an enhancement measure and in accordance with National Planning Policy Framework (NPPF) a large open sided nest box, suitable for jackdaws, built to RSPB specifications (https://ww2.rspb.org.uk/Images/Largeopenfrontnestbox_tcm9-226496.jpg) will be erected on to a mature tree on the eastern edge of the woodland copse directly to the west of the new dwelling.

Reason: Nesting birds are afforded protection under the Wildlife and Countryside Act 1981 (as amended). Although this is a legal obligation the law does not specify a time period – some species can breed outside the time frame given. To ensure the proposal meets the requirement within the National Planning Policy Framework 2018 (NPPF)*, allowing the development to contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.

*NPPF 2017 Section "170. Planning policies and decisions should contribute to and enhance the natural and local environment by: d) minimising impacts on and providing net gains for biodiversity".

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Barn owl:

The demolition of the buildings would result in the loss of a barn owl nest site.

- A permanent barn owl nesting provision will be provided in one of the new dwelling lofts, following design specification set out within Section 4.3.3 and Annex D of the Protected Species Survey, Wintershead Cottages, September 2018, Richard Green Ecology".

- A barn owl nest box, following Barn Owl Trust specifications, will be installed by an experienced ecologist or barn owl worker onto a mature tree located within the stand of trees directly to the east of the new dwelling, at least 30 days prior to demolition works.

- Demolition works should be avoided between March and August and a check should be made for any nesting barn owls (or other birds) prior to demolishing the buildings. Barn owls have been recorded nesting in all months of the year in the UK. If nesting birds are found the work must be delayed until the birds have fledged.

Reason: Barn owls are a Schedule 1 species that is afforded protection under the Wildlife and Countryside Act 1981 (as amended). To ensure the development contributes to the Government's target of no net biodiversity loss and to provide gain as set out in the National Planning Policy Framework 2018.

ARCHAEOLOGIST - ENPA: The proposed development lies immediately to the north west of cottages shown on the Ordnance Survey Map of 1891, the site of which appears to have been avoided by the current development. Care should be taken not to damage any ruins or below ground remains of these cottages in any future development.

LANDSCAPE OFFICER - ENPA: No comment received

EXMOOR PARISH COUNCIL: CONSULTATION RESPONSE TO ORIGINAL PROPOSAL FOR TWO REPLACEMENT DWELLINGS (DATED 09.10.17): The Exmoor Parish Council have no objection to the above plan and fully support it as they feel it will be a much needed development of the properties which will in turn improve the area.

NB - No response received from Parish Council for proposal to replace the two existing dwellings with a single dwelling.

Public Response:

None to date.

RELEVANT HISTORY

6/14/77/001 **The erection of two agricultural dwellings with garages, provision of turning bays and formation of vehicular access.**

Full **Approved** **07 September 1977**

Same Site

Most Relevant Development Plan Policies:

EXMOOR NATIONAL PARK LOCAL PLAN 2011 - 2031

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

GP2 - General Policy: Spatial Strategy

CE-S1 - Landscape and Seascape Character

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CE-D1 - Protecting Exmoor's Landscapes and Seascapes
CE-S2 - Protecting Exmoor's Dark Night Sky
CE-S3 - Biodiversity and Green Infrastructure
CE-S6 - Design & Sustainable Construction Principles
CC-D5 - Sewage Capacity and Sewage Disposal
HC-S1 - Housing
HC-S2 - A Balanced Housing Stock
HC-D8 - New Build Dwellings in the Open Countryside
HC-D9 - Rural Workers
HC-D17 - Replacement Dwellings
AC-D2 - Traffic and Road Safety Considerations for Development
AC-S3 - Traffic Management and Parking
AC-D3 - Parking Provision and Standards

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

Observations:

The main material planning considerations in this case are considered to be the principle of replacing the existing dwellings, the scale, design and materials of the replacement dwelling, and the impact of the proposed development on the landscape, neighbouring amenity, biodiversity and highway safety.

PRINCIPLE OF REPLACING EXISTING DWELLINGS

The enabling policy for the replacement of dwellings on Exmoor is Policy HC-D17 of the Exmoor National Park Local Plan 2011 - 2031 and this sets out the criteria for such development to be compliant "in principle". The policy provides a set of criteria that needs to be met for the existing dwelling(s) to be considered acceptable for demolition. It states that the existing dwelling(s) must:

- a) not be listed or considered to be of historic or architectural importance worthy of conservation;
- b) have an adverse impact on the character and visual amenity of the area; and
- c) have an existing residential use that has not been abandoned.

The two existing dwellings on this site were erected in the late 1970s/early 1980s following the granting of planning permission for two agricultural workers dwellings (ref. 6/14/77/001). The Historic England database confirms that these two dwellings are not listed. Given that the dwellings were erected in the late 20th Century and that they are of limited prepossessing architectural form or of a particular traditional vernacular, criterion (a) can be considered to be satisfied.

The site is within the open countryside and is visible from the wider landscape, in particular, from the open access land to the south. From afar the buildings on the site can be seen in the context of the farmstead at Wintershead Farm. However, their rendered finish leads to an appearance that heightens the visibility of the existing built form. Furthermore, the form of the dwellings, which consists of two storey elements bookending a single storey link between the two dwellings, is not particularly in keeping with the traditional form and character of dwellings on Exmoor. It is considered that a more sympathetically designed alternative, with recessive finishing materials could provide a more appropriate development for the context of the site. It is considered that

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the existing dwellings do cause some harm to the character and visual amenity of the area, and there is an opportunity to provide replacement residential accommodation that would be more suitable and aesthetically acceptable.

In terms of whether the residential use has been abandoned. From the aerial photographs it appears that the residential occupation of the existing dwellings potentially ceased between 2006 and 2010. The two existing dwellings are considered to be in a poor state of repair, but there is no reason to consider that their physical condition effectively renders the residential use of them impossible. With renovation the buildings could be brought up to a condition where they could be continued to be occupied as dwellings.

Since being unoccupied it is understood that they have not been used for any other purposes and this is evidential by the layout of the internal rooms at the time of visiting the site in 2017. It appears that the current owners have always intended to use the site for residential purposes.

Given the above, it is considered that the use of the two dwellings for residential purposes have not been abandoned.

Taking the above analysis into account, it is considered that the criteria for replacing dwellings, as set out in Policy HC-D17, have been met and the principle of replacing these dwellings with new accommodation is acceptable, subject to other material planning considerations, including other criteria under the policy, being satisfied.

SCALE

Should it be established that it is acceptable under Policy HC-D17 to replace an existing dwelling, then the policy provides criteria that needs to be met in terms of the proposed replacement. The policy states that the proposed replacement dwelling should:

- a) be sited on or close to the footprint of the existing dwelling; unless alternative siting would provide benefits for the landscape, wildlife or cultural heritage;
- b) be no larger in size than the original dwelling or 93 square metres gross internal area, whichever is the larger;
- c) reflect the massing and scale of the original dwelling; and
- d) accord with the design and sustainable construction requirements of Policy CE-S6.

In terms of criteria (b) and (c) above, the policy seeks to manage the size of a replacement dwelling and requires that a replacement dwelling is no larger than the original dwelling or 93 square metres, whichever is the larger. Part of the reason for doing this is to protect the existing stock of housing within the National Park and, in particular, where a dwelling is a smaller dwelling, as in this case, to help ensure that a stock of smaller, more affordable dwellings remain in the National Park in the interests of the sustainability of the local communities.

This proposal would see the two existing dwellings replaced with a single dwelling. The two existing dwellings have individual gross internal areas of 116.5 square metres. The proposed replacement dwelling would have a gross internal area of 233 square metres. The applicants have ensured that the replacement dwelling has the same gross internal area as the two existing dwellings combined. However, it is considered that the size

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restrictions set out in Policy HC-D17 relate to the dwellings individually as it states that “the replacement dwelling should be no larger in size than the original dwelling”, singular. Officers are of the opinion that the policy requires the two individual dwellings to be replaced with two individual dwellings of the same gross internal area.

The two dwellings at Wintershead Cottages are both tied as agricultural workers dwellings. The proposed replacement of the two cottages, with a single dwelling, would result in a large property that would be twice the size of one of the existing dwellings. This is contrary to Policy HC-D17 and the proposal removes smaller more affordable dwellings from the local housing stock.

Although an agricultural appraisal has been submitted with the application, this is not considered to provide justification for a significantly larger dwelling, of 233 square metres, against the consideration of the Local Plan policy.

DESIGN AND MATERIALS

The windows and doors are proposed to be composite windows, timber with an aluminium external face. This is a proposed replacement dwelling within the open countryside, on a site that is significantly visible from open access land. The submitted application form states that the windows and doors in the existing dwellings are timber. Policy CE-S6 requires the use of materials in new buildings to complement the local context through the use of traditional and natural sustainable building materials. The overall design concept is a traditional farmhouse and it is considered that the aluminium finish of the windows and doors would not be congruent with this character of development. Officers consider that the proposed use of aluminium faced windows and doors would not be not policy compliant.

While the design of the replacement dwelling is generally considered to be acceptable, the proposed use of composite window and door frames does not respect the traditional building vernacular of the locality and is contrary to Policy CE-S6.

IMPACT ON LANDSCAPE

The application site is situated in an isolated position within open countryside. There is open access land to the south of the site. From this public viewpoint, the existing dwellings are visible and prominent within the landscape. Their white painted render finish amplifies their prominence within the landscape. The proposed development provides an opportunity to replace these two dwellings, that are of limited architectural character, with residential accommodation that would sit more comfortably within the setting of the site. It is acknowledged that this is difficult to achieve due to the fact that any development on the site would be noticeable and visible to users of the open access land. However, it is considered that the proposed replacement is well designed and is more akin in character and form to the nearby historic farmsteads of Wintershead Farm and Horsen Farm. Further to this, it is considered that the proposed use of natural stone to clad the proposed replacement dwelling would help the development to bed in more with the setting of the site, and the use of stone that has a darker tone could help to assimilate it within the rising backdrop of land. Overall, it is considered that the proposed development would be an improvement over the existing development in terms of visual impact, and would not cause material harm to the landscape having regard to the existing development.

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IMPACT ON NEIGHBOURING AMENITY

The nearest property to the application site is Wintershead Farm, approximately 290 metres to the west. It is considered that the distance between the application site and this neighbouring property means that there would be no material harm caused to neighbouring amenity as a result of overlooking, overbearing or loss of light.

IMPACT ON BIODIVERSITY

A protected species report has been submitted to the Local Planning Authority. The report has summarised the following:

- A protected species survey, consisting of a bat and bird survey of the buildings, was undertaken on 27th April 2018 by Richard Green Ecology Ltd.
- Bat emergence surveys of the existing buildings were undertaken in August and September 2018. Two common pipistrelle bats were seen to emerge from the buildings during each bat emergence survey. Therefore, demolition of the buildings would result in the loss of two common pipistrelle bat roosts and could also potentially result in bats being disturbed, injured or killed during works.
- Several hundred barn owl pellets of varying ages and a large amount of faecal white wash were found in both loft spaces of the houses. A barn owl was also present in a small void above a dormer in the east roof during the preliminary survey. Two barn owls were seen to emerge from the east building during the bat emergence survey in September 2018. From the amount of evidence found, and the fact that two owls emerged, it is likely that the buildings are used for nesting.

The demolition of the existing dwellings would result in the loss of two common pipistrelle bat roosts and could also potentially result in bats being disturbed, injured or killed during works. The proposed works would therefore require a European Protected Species Licence (EPSL) from Natural England. An EPSL can only be applied for once planning permission has been granted. All species of bats and their resting places are afforded strict protection under the Habitats Regulations 2017 and individuals from reckless and intentional disturbance under the Wildlife and Countryside Act (WCA) 1981 (as amended). The Wildlife Officer has recommended the attachment of two conditions to ensure the conservation of bats.

As the 'competent authority' under the Habitats Regulations, the Local Planning Authority are obliged to assess the Favourable Conservation Status (FCS) of populations of European protected species affected by development as one of 'three tests' (The other two are consideration of alternatives and over-riding public interest). In the Wildlife Officer's consideration it is likely that other sites within the area will support a similar suite of bat species and that the strategy proposed by Richard Green Ecology would mitigate and compensate for roosting provision lost when carrying out the proposed development. There are no satisfactory alternatives as even renovating the existing dwellings would impact on protected species and there is a public interest to replace these dwellings but providing replacement residential accommodation that would improve in terms of landscape impact and energy efficiency.

The demolition of the existing dwellings would also result in the loss of a swallow and jackdaw nest site. The Wildlife Officer has recommended a condition that would prevent works being commenced during the bird nesting period. It is also recommended that two conditions be attached that provide enhancement measures for nesting birds.

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Lastly, the demolition of the existing dwellings would result in the loss of a barn owl nest site. The Wildlife Officer has recommended conditions that would ensure that compensatory nesting provision for barn owls is secured.

If Members are minded to approve this application, then the conditions recommended by the Wildlife Officer should be attached to ensure the conservation of protected species.

IMPACT ON HIGHWAY SAFETY

The access to the site is off a private lane that serves Wintershead Farm and Horsen Farm as well. Horsen Farm is the only property past the access. As such, the only traffic passing the site is vehicles coming and going from Horsen Farm. The visibility splays in both directions from the existing access are substandard with hedgebanks on both sides obscuring views up and down the lane significantly. The existing two dwellings have three bedrooms each, leading to a total number of six bedrooms across the site. The proposed dwelling itself would have three bedrooms. This means that there is likely to be a reduction in vehicle movements to and from the site associated with personal activities such as shopping, going to the doctors/dentists, taking children to and from school etc. Given that there would be a single dwelling instead of two, there would likely be a reduction in the amount of visits to the property associated with activities such as people visiting and deliveries. Overall, it is considered that there would be a reduction in the use of the existing access as a result of the proposed development. Therefore, there would be a reduction in the likelihood of highway safety issues associated with the use of the existing access.

The site benefits from significant space for off road parking associated with the existing two dwellings. Given that the total number of dwellings at the site would decrease as a result of the proposed development, it is considered that the site could accommodate parking and turning space for vehicles associated with a single dwelling.

It is considered that the proposed development would not cause material harm to highway safety.

CONCLUSION

The proposed replacement dwelling would provide a single dwelling that is significantly larger than the size of the existing dwelling that it is proposed to be replaced and, the proposal would see the loss of smaller more affordable housing stock within the National Park.

While an agricultural appraisal has been submitted, there is no compelling evidence to demonstrate that a dwelling of 233 square metres is essential in this case against the requirement of Local Plan policy.

The proposed replacement dwelling, because of its size and floor space, is contrary to Policy HC-D17 and should be refused.

The proposed development would result in the loss of smaller and more affordable housing stock. The Exmoor National Park Local Plan seeks to retain and, where possible, increase the smaller and more affordable dwelling. The proposed replacement dwelling, because of its scale and because this removes the existing smaller and more

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affordable dwellings, would cause harm to the sustainability of the local communities.

In addition, the use of non-traditional materials for the windows and doors within the development is contrary to Policy CE-S6 and this should be refused.

Recommendation:

Refuse for the following reasons

1. The proposed development seeks a replacement dwelling that is significantly larger than the dwelling being replaced and involves the removal of smaller and more affordable dwellings from the stock of housing with the Exmoor National Park. This would cause harm to the sustainability of the local communities and the proposed development is contrary to Policies GP1, HC-S1, HC-S2 and HC-D17 of the Exmoor National Park Local Plan 2011 - 2031 (including minerals and waste policies), and the National Planning Policy Framework.
2. The proposed use of composite windows and doors instead of timber windows and doors would not reinforce the traditional form and character of the proposed replacement dwelling, and would not reflect the context of traditional built form situated near the application site. As such, the application does not comply with Policies GP1, CE-S6 and HC-D17 of the Exmoor National Park Local Plan 2011 - 2031 (including minerals and waste policies), and the National Planning Policy Framework.

Notes to Applicant:

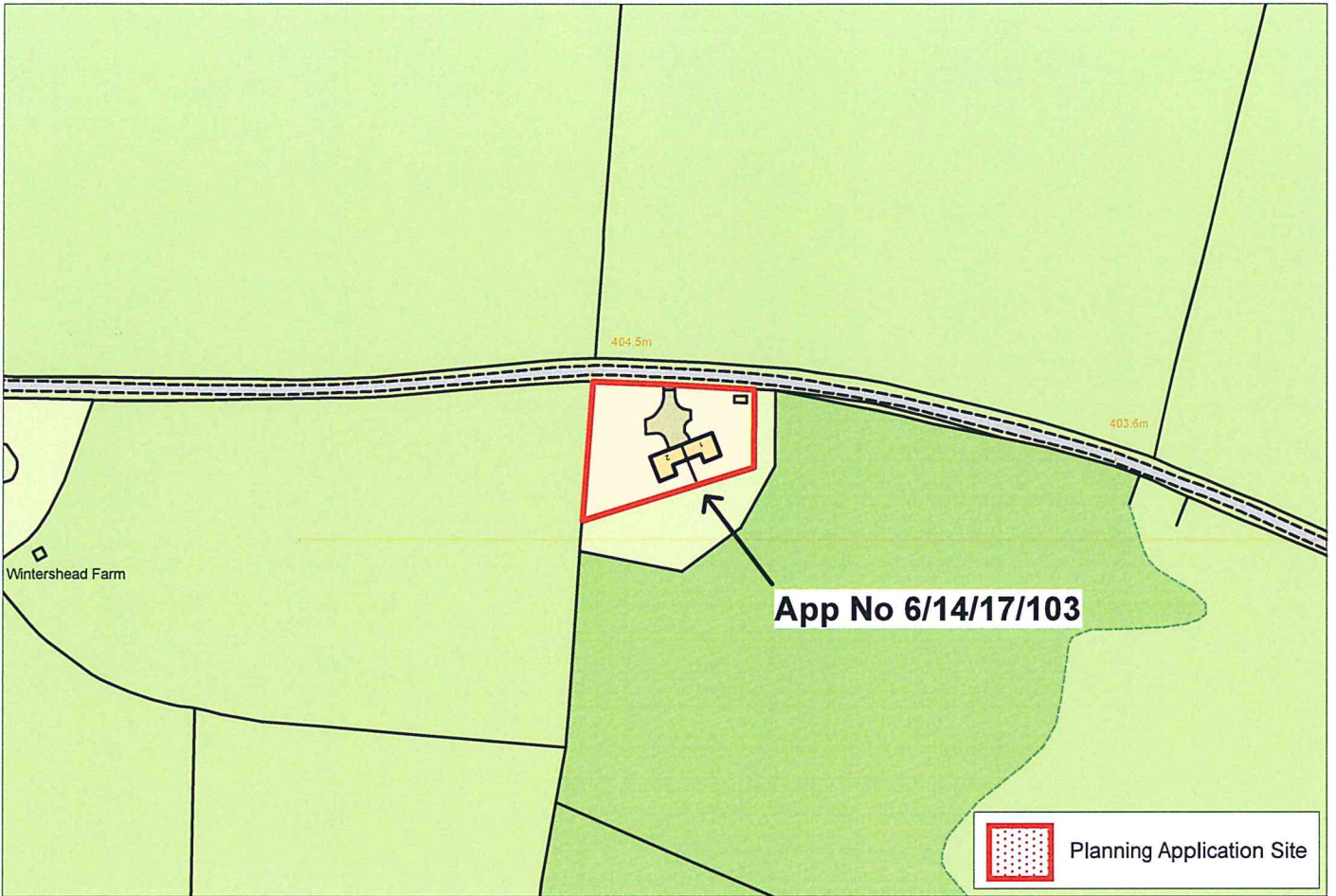
POSITIVE & PROACTIVE STATEMENT

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

APPEAL INFORMATION

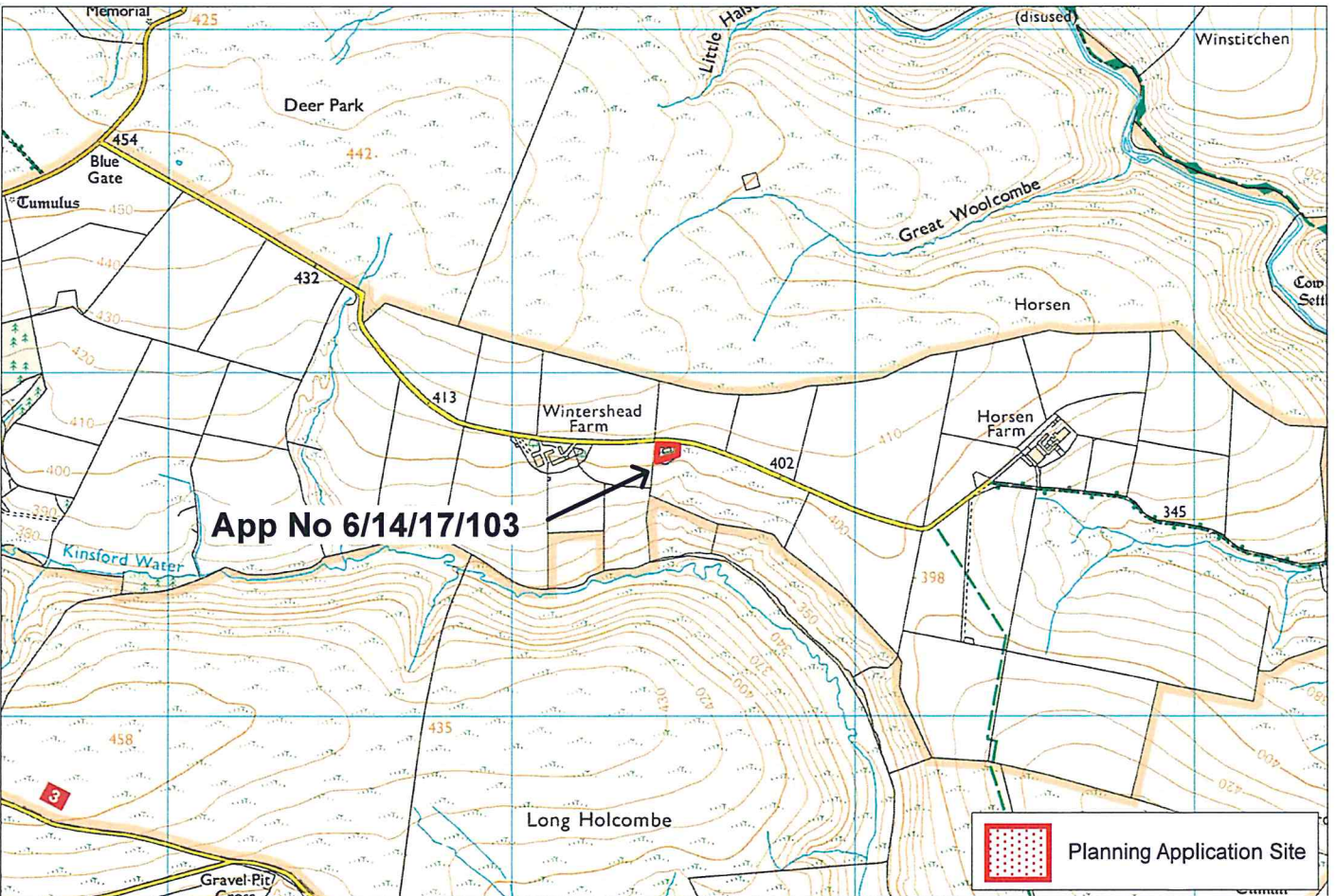
If you want to appeal against your Local Planning Authority's decision then you must do so within 6 months of the date of this notice.

7.1



Site Map
1:2500

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Overview Map
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EXMOOR NATIONAL PARK AUTHORITY MEETING

Application No: **6/10/18/116** Grid Ref. 298359 144765

Applicant: Mr D Merson, c/o Agent,

Location: Dunstercombe, Old A39 Ellicombe, Dunster, Somerset

Proposal: **Proposed erection of detached annex to provide ancillary accommodation. (Householder)**

Introduction: This application comes to Committee following a request from Authority Member Christine Lawrence. The request has been agreed by the Deputy Chairperson of the Authority and the Deputy Chairperson (Planning).

Dunstercombe is a large, detached two storey dwelling set within grounds of approximately 0.5 hectares. The site is located to the south of Ellicombe Lane and lies within the parish of Dunster. Dunstercombe has a painted render exterior with a tiled roof and timber framed windows and doors. The dwelling is surrounded by its private residential garden area with existing mature boundaries. The site is accessed via a private, gated access from Ellicombe Lane and has a parking and turning area located to the front (north eastern) elevation of the existing house.

This application seeks permission for what has been described as the erection of a detached annex to provide ancillary accommodation. In June 2018, an application was submitted for the proposed erection of an annex under planning application reference 6/10/18/102. That application was refused in July 2018 for the following reasons:

1The proposal provides a separate unit of residential accommodation in the open countryside where National Planning Policy Framework (July 2018) paragraph 79 refers to the need to avoid new isolated homes in the open countryside unless there are 'special circumstances'. Policies GP3, HC-S1 and HC-D8 require the erection of a new dwelling within the open countryside to address the housing needs of local communities, including identified affordable housing need or to meet an identified need for a rural worker. No robust case has been put forward by the applicant to constitute a strong case sufficient to outweigh the harm by reason of inappropriateness within this open countryside location. The proposal is therefore unacceptable in principle and contrary to Policies GP3, HC-S1 and HC-D8 of the Exmoor National Park Adopted Local Plan (2011-2031).

2Notwithstanding the above, if the proposal is judged to be an extension to the house, the scale of the proposed extension is disproportionate to the original dwelling and its two storey design and juxtaposition is considered to jar and provide a contrived form in relation to the character and appearance of the existing dwelling. Additionally, the proposed extension provides an increase of 48.5% to the original dwelling. The proposal is considered to be a disproportionate addition to the original dwelling, contrary to policies HC-D15 and CE-S6 of the Exmoor National Park Adopted Local Plan 2011-2031.

This fresh application seeks permission for a similar proposal to that already

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refused under 6/10/18/102. Similar to the case before this report will outline that officers are not convinced that the accommodation proposed can be considered an annex of the existing dwelling.

The building proposed would be built with render and timber cladding to the side elevations, with a clay tile roof and timber windows. It would have a proposed floor area of approximately 118m². Having referred to the planning history it appears that the floor area of the existing dwelling is approximately 335.3m².

The maximum ridge height of the building would be approximately 7.1m sloping down to an eaves height of approximately 5.0m on the north west elevation and an approximate eaves height of 2.6m on the south east elevation.

Consultee Response:

WILDLIFE CONSERVATION OFFICER - ENPA: 12/02/19 - The proposed annes looks to be positioned on an area of ground laid to patio and amenity grassland, therefore, I have no ecological concerns.

DUNSTER PARISH COUNCIL: 12/02/19 - Dunster Parish Council have carried out a site inspection and read the Planning, Design and Access Statement that accompanied the Application. DPC are, therefore, mindful of the reasons put forward by the Applicants and we would confirm that DPC are raising no objections to the application.

WESSEX WATER AUTHORITY: 03/01/19 - Wessex Water has no objections to this application and provides further advice relating to drainage

WEST SOMERSET COUNCIL: No comment received

SCC - HIGHWAY AUTHORITY: 03/01/19 - Standing Advice Applies.

Public Response:

No public letters of representation have been received.

RELEVANT HISTORY

6/10/07/140	Use of land for rugby including the erection of 2 goal posts.
	Full Approved 30 January 2008
	Same Site
6/10/74/023	Proposed erection of staff accommodation at Dunstercombe, Dunster, as described in the plans and drawings submitted
	Outline Rejected 09 December 1974
	Same Site
6/10/01/102	Temporary use of land (not exceeding 28 days in any one year) for rugby and erection of 2 temporary rugby goal posts
	Full Approved 20 March 2001
	Same Site
6/10/93/121	Proposed formation of touring park, Part OS Plot 4065, South East of Dunstercombe, Ellicombe, as described in the plans and

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	drawings submitted		
	Full	Refused	01 February 1994
	Appeal lodged: 08/08/1994		Result: Dismissed
	Same Site		
6/10/94/115	Proposed new entrance to field for agricultural purposes, O.S. Plot 4065 Dunstercombe Ellicombe, Minehead, Somerset TA24 6TP, as described in the plans and drawings submitted		
	Full	Approved	03 January 1995
	Same Site		
6/10/95/119	Proposed temporary use of land not exceeding 28 days in any one year for rugby, Pt. O.S. 4065 Dunstercombe Ellicombe, Minehead, as described in the plans and drawings submitted		
	Full	Approved	07 November 1995
	Same Site		
6/10/95/120	Proposed erection of temporary rugby goal posts, Part O.S. Plot 4065 Dunstercombe Ellicombe, Minehead, as described in the plans and drawings submitted		
	Full	Approved	07 November 1995
	Same Site		
6/10/98/110	Change of use of land (not exceeding 28 days in any one year) for rugby and erection of 2 temporary rugby goal posts		
	Full	Approved	04 August 1998
	Same Site		
75522	Proposed erection of a dwellinghouse on land adjoining Dunstercombe at Ellicombe, as described in the plan submitted		
	Outline	Refused	03 May 1972
	Same Site		
6/10/18/102	Proposed erection of Annex		
	Householder	Refused	24 July 2018
	Same Site		
28049	Proposed erection of dwellings on land adjoining A39 Road Minehead - Williton, the Alcombe - Dunster road and Ellicombe Lane at Alcombe, and the formation of vehicular accesses thereto		
	Outline	Refused	17 May 1955
	Same Site		

Most Relevant Development Plan Policies:

Exmoor National Park Local Plan 2011 – 2031 (including minerals and waste policies)
GP1 – General Policy – Achieving National Park purposes and sustainable development
GP3 – General Policy – Spatial Strategy
CE-S1 – Landscape and seascape character
CE-D1 – Protecting Exmoor's landscapes and seascapes
CE-S2 – Protecting Exmoor's Dark Night Sky

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CE-S3 – Biodiversity and green infrastructure
CE-S6 – Design and sustainable construction principles
CE-D4 – Extensions to buildings
HC-S1 – Housing
HC-S2 – A balanced local housing stock
HC-D8 – New build dwellings in the Open Countryside
HC-D15 – Residential extensions
AC-S1 – Sustainable transport
AC-D1 – Transport and Accessibility Requirements for Development
AC-D2 – Traffic and Road Safety Considerations for Development
AC-S3 – Traffic management and parking
AC-D3 – Parking provision and standards

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

Observations:

The main material planning considerations in this case are considered to be the principle of development, the design, scale and materials, the impact on neighbouring amenity and the impact on highway safety.

PRINCIPLE OF DEVELOPMENT

Policy HC-S1 of the Local Plan sets out the context within which new housing development should be provided within the National Park with the focus on addressing the needs of those people who live and work in the area, prioritising affordable housing and ensuring that the National Park provides a mix of housing stock to meet the needs of the local community. This will be achieved through a needs led rural exceptions approach in order to maximise the ability to deliver affordable housing. National guidance states that housing should be located where it will enhance or maintain the vitality of rural communities and that new isolated homes in the countryside should be avoided. Policies in the Local Plan, therefore, focus new build housing within the town and village settlements of the National Park.

The property lies outside the village of Dunster and although close to Ellicombe and near the built form of Minehead, it lies in Open Countryside under Policy GP3.

Within the 'open countryside', any new build dwelling would need to accord with Local Plan Policy HC-D8, and provide accommodation that is required to meet a proven, essential need for a rural worker or succession farm worker in accordance with policies HC-D9 or HC-D10. This is consistent with the approach set out under paragraph 79 of the National Planning Policy Framework.

The Local Plan also provides a further concession to the normal restriction on housing in the open countryside, for example, Policy HC-D7 provides a framework to deliver local affordable housing through the conversion of suitable existing buildings that form part of a farmstead or hamlet where there is an existing dwelling. In addition to this, Policy HC-D14 permits the subdivision of existing residential dwellings whereby any additional units created should be 'Principal Residence' housing (where the occupancy of the dwelling is limited to a person(s) as their only or principal home) in accordance with Policy HC-S4. These circumstances do not apply to this proposal.

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This application seeks planning permission for the erection of what is described in the application papers as a detached annex to provide ancillary accommodation in association with the existing dwelling known as Dunstercombe. The development would provide residential accommodation over two storeys and would be situated to the rear (south west) side of the existing dwelling.

The agent has stated that the proposed development will be occupied by the applicants to enable their extended family members to live in Dunstercombe as those family members are in need of larger accommodation to provide a long-term family home, and the existing property is too large for the applicant's individual need. Additionally, the agent states that the extended family members would wish to take on the role of primary carers for the applicants as they grow older and that Dunstercombe, does not, at present provide suitable accommodation for persons with, potentially limited mobility in the future or provide the right balance of interdependency between the generations.

The proposed accommodation would comprise, at ground floor:

- Kitchenette
- Lounge
- Hallway
- Cloakroom
- Home Study

And, at first floor:

- Two double bedrooms
- Bathroom

The proposed development would be completely detached from the existing dwelling and would be positioned approximately 4m from the south west (rear) elevation of the dwelling. The proposed development is oriented in a south east direction with two windows on the ground floor facing the existing utility room of Dunstercombe. These windows serve the proposed home study and cloakroom. There are no first floor windows in the proposed development that would face the existing dwelling.

Limited information regarding the level of care needed by the applicants, if any, at present, has been provided. Although it is understood that the applicant is preparing for the future by the erection of the proposal, particularly with the proposed inclusion of a downstairs toilet and sufficiently wide staircase to allow the retrofitting of a stair lift, if required.

It is noted that internal alterations do not in themselves amount to development. Notwithstanding this, an internal layout is often a strong indicator of how a space is, or is intended to be used and thus of its planning status. In this case, the proposed plans show that those occupying the development are afforded with the facilities required for day to day private domestic existence, such that there need be no dependence on any of the facilities within the accommodation within the original dwellinghouse. It is also, therefore, considered that the building proposed would have the essential characteristics of a separate dwellinghouse.

It is typical to consider both the physical condition of the premises, such as whether it has been designed or adapted for residential purposes and the manner of the use, such as

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EXMOOR NATIONAL PARK AUTHORITY MEETING

whether it contains the normal facilities associated with use as a dwellinghouse; and is used as a dwelling, whether permanently or temporarily, by a single person or more than one person living together as, or like, a single family, when seeking to determine whether a single dwelling has been formed. Those premises reflecting these considerations would typically be regarded as being in use as a single dwellinghouse for the purposes of the Planning Act.

In this case the occupiers of the proposed building would have space for living and sleeping, kitchenette facilities and bathroom and toilet facilities.

It is the manner in which a building is to be used in practice rather than the uses that it would be able to sustain by reason of its facilities, that is determinative. A fact and degree judgement has to be made in this regard on the specific circumstances of the case, the key issue being whether a separate planning unit would be created.

The proposed accommodation would have a separate entrance and as such, no internal accommodation of the existing dwelling would need to be crossed in order to gain access. This emphasises the potential of the proposed accommodation for independent usage. In addition, no detail has been provided to say that the applicant is dependent on the residents of the main dwelling or at what level the dependency is, and this matter together with the level of accommodation proposed in the new building leads Officers to consider that the proposed accommodation would not be ancillary to the existing dwelling. This level of accommodation and character of the development proposed is considered to comprise a separate dwelling and is similar to that already refused planning permission.

Based on the above, it appears that any occupier of the accommodation proposed would enjoy high levels of independence that, in all likelihood they would merely 'visit' the accommodation in the main dwelling for social reasons. Therefore, it is considered likely to be occupied independently of the main dwelling. Policy provision for the creation of a new dwelling in the open countryside would, therefore, apply and this would permit a new dwelling if it were to meet a proven need for a rural worker or succession farm worker. This would not be applicable to this case, and, therefore, the proposal is considered to be contrary to Local Plan Policy HC-D8.

Notwithstanding this, Policy HC-D14 would allow the subdivision of the existing house to provide a second unit of accommodation at the premises and this is an option open to the applicant.

DESIGN, SCALE AND MATERIALS

Notwithstanding the above and if the proposal is judged an extension to the existing house, regarding the proposal as an extension to the existing habitable accommodation, the criteria of Policy HC-D15 is applicable. The proposed annex extension is set over two storeys with a substantial floor area providing approximately 118 square metres of habitable accommodation.

The original dwelling appears to have a habitable floor area of approximately 335.3 square metres over two floors. The proposed annexe extension would, therefore, increase the habitable floorspace by approximately 35.2%, which accords with the

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EXMOOR NATIONAL PARK AUTHORITY MEETING

percentage increase guidelines under policy HC-D15 of the Local Plan. However, the proposed erection of the annex, which sits away from the two storey element of the main building by approximately 4m, would not appear to be a typical extension to the original dwelling. Its design, scale and massing gives the character and appearance of a dwellinghouse in its own right, competing with the appearance and established character of the original dwelling. The proposal would not, therefore, be considered to be a subservient addition in size and scale to Dunstercombe House contrary to policies HC-D15 and CE-S6.

IMPACT ON NEIGHBOURING AMENITY

Policy GP1 of the Local Plan states that opportunities must be taken to contribute to the sustainable development of the area and particular attention will be paid to the impact on the amenities of local residents or occupiers of neighbouring properties. Policy CE-S6 states that development should not detrimentally affect the amenities of surrounding properties and occupiers including overlooking, loss of daylight, overbearing appearance, or other adverse environmental impacts.

There are no near neighbours on which the proposal would impact and no public representations have been received in respect of this application. It is judged, therefore, 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.

IMPACT ON HIGHWAY SAFETY

The Highways Authority have commented on the application and state that their standing advice applies. The proposal does not propose any changes to the existing access, off road parking or turning arrangements, which cater for a number of vehicles. It is considered that there is good visibility to access and egress the property on to the old A39 and that there is good connectivity to the main road. It is considered in this instance that there would be no unacceptable impact on highway safety from the proposed development.

OTHER CONSIDERATIONS

Dunster Parish Council have considered the proposal and have no objections to the application.

CONCLUSION

The proposal would create a self-contained and independent residential unit that does not appear to be dependent on the main dwelling for essential facilities. National Planning Policy Framework paragraph 79 refers to the need to avoid new isolated homes in the open countryside unless there are 'special circumstances'. Policy HC-S1 and HC-D8 require the erection of a new dwelling within the open countryside to meet an identified need for a rural worker. No robust case has been put forward by the applicant to constitute a strong case sufficient to outweigh the harm by reason of its inappropriateness within this open countryside location. The proposal is, therefore, considered to be unacceptable in principle. The proposal is contrary to policies HC-D15 and CE-S6 and the proposed scale of the extension is disproportionate to the original

dwelling. It is, therefore, recommended that planning permission be refused.

Recommendation:

for the following reasons

1. The proposal provides a separate unit of residential accommodation in the open countryside where National Planning Policy Framework paragraph 79 refers to the need to avoid new isolated homes in the open countryside unless there are 'special circumstances'. Policies GP3, HC-S1 and HC-D8 require the erection of a new dwelling within the open countryside to address the housing needs of local communities, including identified affordable housing need or to meet an identified need for a rural worker. No robust case has been put forward by the applicant to constitute a strong case sufficient to outweigh the harm by reason of inappropriateness within this open countryside location. The proposal is, therefore, unacceptable in principle and contrary to Policies GP3, HC-S1 and HC-D8 of the Exmoor National Park Local Plan (2011-2031).
2. Notwithstanding the above, if the proposal is judged to be an extension to the dwelling, the scale of the proposed extension is disproportionate to the original dwelling and its design and juxtaposition are considered to jar and provide a contrived form in relation to the character and appearance of the existing dwelling. The proposal is considered to be a disproportionate addition to the original dwelling, contrary to policies HC-D15 and CE-S6 of the Exmoor National Park Local Plan 2011-2031.

Notes to Applicant:

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.

EXMOOR NATIONAL PARK AUTHORITY MEETING

CONDITIONS AND INFORMATIVES AND THE SUBMISSION OF FURTHER DETAILS

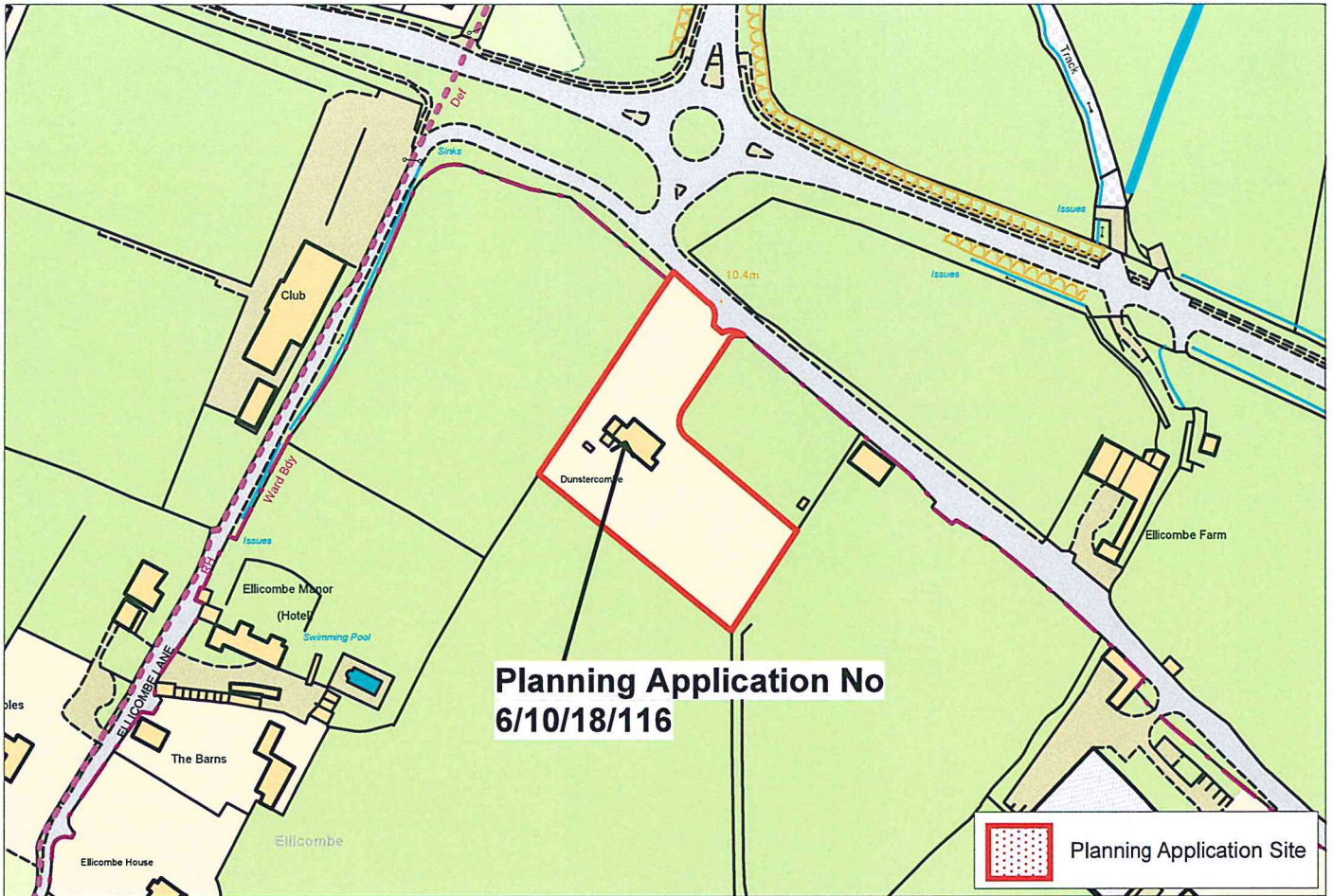
Please check all the conditions and informatives attached to this Decision Notice. If there are any conditions which require submission of details and/or samples prior to work commencing on site it is vital that these are submitted and agreed in writing by the Local Planning Authority before work starts.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

Please also note that due to other decisions of the High Court it is now not normally possible for the Local Planning Authority to agree to minor amendments to approved applications on an informal basis. The Department of Communities and Local Government have introduced a process whereby it is now possible to apply for a non-material amendment to a permission. This can deal with changes to plans which do not fundamentally alter the form of permission but are a variation to the approval. The appropriate form is available by request at Exmoor House or by downloading from the National Park Authority web site. Applications can be made via the Planning Portal.

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

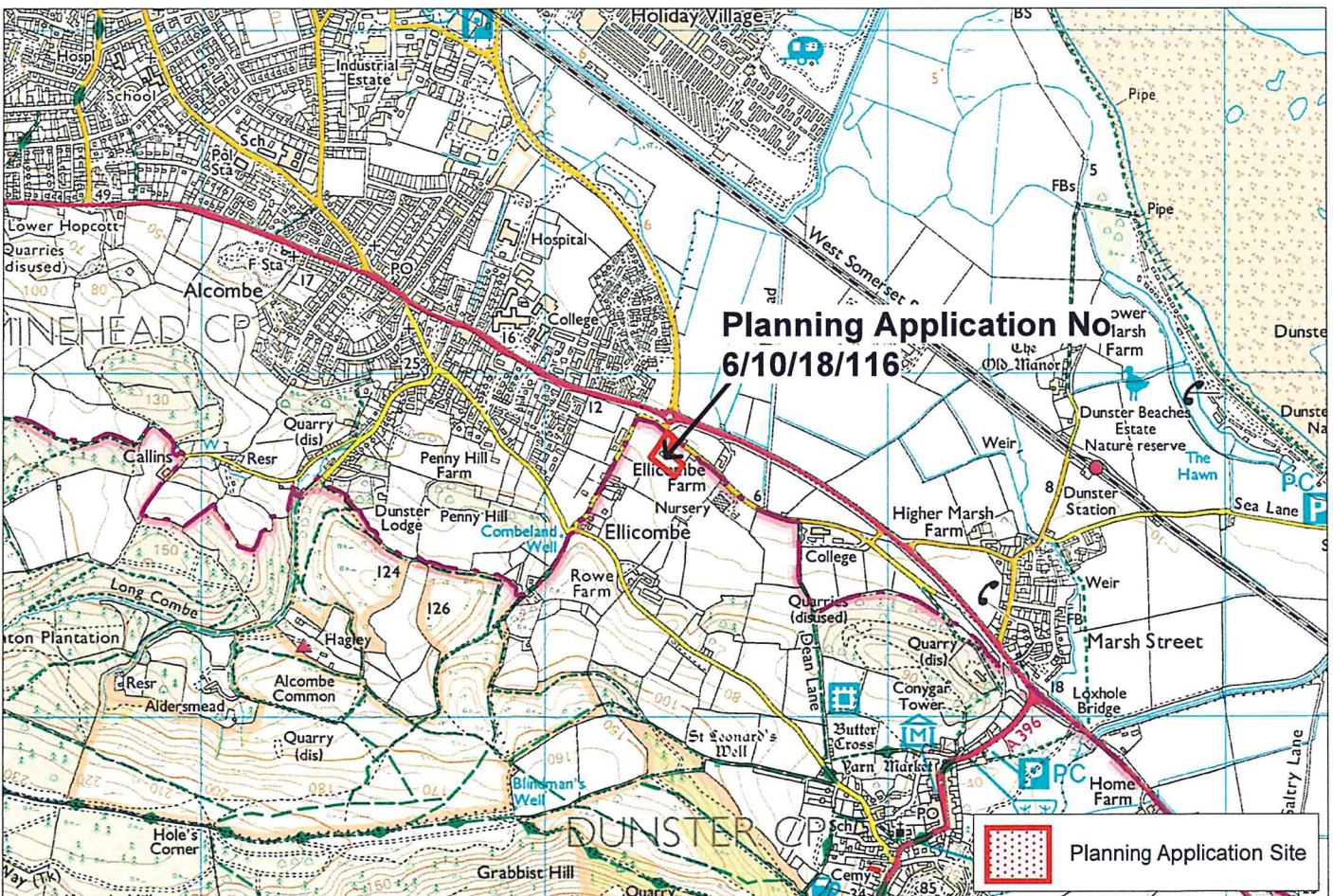
POSITIVE & PROACTIVE STATEMENT

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



Site Map
1:2500

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Overview Map
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EXMOOR NATIONAL PARK AUTHORITY MEETING

Application decisions delegated to the Chief Executive

<u>Ref and Grid Ref</u>	<u>Applicant & Location</u>	<u>Decision and Date</u>
6/3/18/112 SS967301	Mrs L Bengston - Proposed resurfacing of an existing access and feed track to fields. Retrospective. (Full), Harewoods Farm, Brompton Regis, Somerset	Withdrawn 11-Feb-2019
6/3/18/113 SS951325	Dr N McKenzie - Lawful Development Certificate for the proposed rear extension and front porch. As per amended plans. (CLOPUD), New Mill, Sanctuary Lane, Brompton Regis, Somerset	Approved 13-Feb-2019
6/42/18/111 SS858306	Mrs C Harrison - Proposed extension to house and formation of parking bay. (As per amended and additional plans). (Householder), 1 Rose Cottages, Hawkridge, Withypool, Minehead, Somerset.	Approved 07-Feb-2019
6/29/19/101LB SS901476	Mr & Mrs P Kelham - Listed building consent for proposed replacement of window. (Listed Building), West Lynch Cottage, Bossington Road, Selworthy, Somerset	Approved 13-Feb-2019
WTPO 18/05 SS891469	Mr N Brown - Works to trees subject to Tree Preservation Order - T1 Cedrus atlantica 'glauca' - fell as it is of disproportional size for location. Replant with Cedrus atlantica "Horstmann". T2 Cedrus atlantica - fell as it is of disproportional size for location. Replant with one Robinia frisia and one Acer griseum. (Works to trees subject to Tree Preservation Order) (Works to trees subject to Tree Preservation Order), 12 Hurlstone Park, Bossington Lane, Porlock, Somerset	Split Decision 12-Feb-2019
6/24/18/105 ST044395	Mr P Eil - Proposed erection of a summerhouse. (Householder), Berryman's Cottage, Beggearnhuish, Watchet, Somerset	Approved 30-Jan-2019
62/50/18/012 SS671448	Miss J Leworthy - Retrospective erection of domestic garden shed. (Householder), Sunnyside Bungalow, Church Lane, Parracombe, Devon	Refused 12-Feb-2019

05/03/2019

EXMOOR NATIONAL PARK AUTHORITY MEETING

Application decisions delegated to the Chief Executive

<u>Ref and Grid Ref</u>	<u>Applicant & Location</u>	<u>Decision and Date</u>
6/35/18/102 ST012355	Mr M Weatherlake - Lawful Development Certificate for proposed installation of wood chip dryer and associated machinery. (CLOPUD), Land adjoining Treborough Common (south of Cold Harbour), Treborough, Watchet, Somerset	Refused 28-Jan-2019
6/43/18/106LB SS938421	Mr R Billson - Listed building consent for proposed installation of patio doors to replace window of farmhouse together with alterations to roof and elevations of stables outbuilding as per additional plans. (Listed Building), Burrow Farm, Burrow Road, Timberscombe, Somerset	Approved 06-Feb-2019
WTCA 19/02 SS665448	Miss J Jones - Works to trees in Conservation Area: Fell 4 x Leylandii due to excessive shade and fell 1 x Alder to allow light to neighbouring hazel, oak & holly. (Works to Trees in Conservation Area), Highfield House, Parracombe, Devon	Approved 13-Feb-2019
6/14/18/107 SS743372	Mr Boden - Proposed demolition of farmhouse and annexe and erection of replacement dwelling (Part retrospective). As per amended plans. (Full), Kinsford, Simonsbath, Somerset	Approved 15-Feb-2019
6/36/18/102 SS991292	Mr G Thompstone - Proposed removal of existing pair of doors and replace with timber window to match existing. (Householder), Rainsbury House, Upton, Somerset	Approved 29-Jan-2019
6/14/18/106LB SS772392	Simonsbath House Hotel - Listed building consent for the proposed extensions for additional Common Room and Dormitory accommodation. As per additional information and amended plans. (Listed Building), Simonsbath House Hotel, Simonsbath, Somerset	Approved 06-Feb-2019

EXMOOR NATIONAL PARK AUTHORITY MEETING

Application decisions delegated to the Chief Executive

<u>Ref and Grid Ref</u>	<u>Applicant & Location</u>	<u>Decision and Date</u>
6/8/18/104LB SS939402	Mr C Cox - Listed Building Consent for proposed change of use of agricultural building to holiday let. (As per amended plans and additional plan). (Listed Building), Oaktrow Farm, Timberscombe, Somerset	Approved 19-Feb-2019
62/41/18/038 SS687477	Mr J Bryant - Lawful Development Certificate for existing use for the commencement of planning permission 62/41/14/005 without complying with pre-commencement conditions 4, 5 and 6. (CLEUD), South Croscombe Farm, Lynton, Devon	Refused 13-Feb-2019
62/43/19/001 SS673489	Mr C Wiggill - Non-material amendment - Householder - to approved application 62/43/18/005 (Proposed extension and alteration of the existing dwelling and the re-roofing of the existing garage.) to move west facing window; remove east facing glass door and replace with timber cladding; widen panel in north facing window. (Non-Material Minor Amendments - Householder), Woodwinds, Woody Bay, Martinhoe, Devon	Approved 13-Feb-2019
WTPO 19/01 SS890469	Mrs B Howett - Works to Trees subject to Tree Preservation Order: T1 Sycamore, pollard to 4 metres; T2 Sycamore, fell. To allow the planting of young trees whilst maintaining coverage. (Works to trees subject to Tree Preservation Order), Bossington Stables, Bossington Lane, Porlock, Somerset	Approved 13-Feb-2019
6/10/18/114 SS993440	Mr D Coley - Proposed change of use of agricultural workshop/storage building to camping barn. (Full), Land Adjacent to Archer House, The Steep, Dunster, Somerset	Withdrawn 06-Feb-2019
6/8/18/103 SS939402	Mr C Cox - Proposed change of use of agricultural building to holiday let. (As per amended plans and additional plan). (Full), Oaktrow Farm, Timberscombe, Somerset	Approved 19-Feb-2019

05/03/2019

EXMOOR NATIONAL PARK AUTHORITY MEETING

Application decisions delegated to the Chief Executive

<u>Ref and Grid Ref</u>	<u>Applicant & Location</u>	<u>Decision and Date</u>
62/49/18/006 SS730340	Mrs J Morris - Proposed pitched roof single storey side extension. (Householder), Bentwitchen Cottage, Bentwitchen, North Molton, Devon	Approved 07-Feb-2019
6/14/18/105 SS772392	Simonsbath House Hotel - Proposed extensions for additional Common Room and Dormitory accommodation. As per additional information and amended plans. (Full), Simonsbath House Hotel, Simonsbath, Somerset	Approved 06-Feb-2019
62/41/18/037 SS716493	Mr G Ash - Retrospective erection of conservatory. (Householder), 44 Lee Road, Lynton, Devon	Approved 29-Jan-2019
WTCA 19/01 SS939433	Mr M Capel - Works to Trees in Conservation Area: Ash in hedge beside road - fell due to ash dieback; Willow beside road - fell because of proximity to service wires and low amenity value. (Works to Trees in Conservation Area), Manor Farm, Ranscombe Road, Wootton Courtenay, Somerset	Approved 07-Feb-2019
6/27/18/118 SS881465	Mr & Mrs R & A Hanson - Proposed installation of 12 solar panels on roof. (Householder), The Orchard, Redway, Porlock, Somerset	Approved 06-Feb-2019
GDO 19/01 SS707377	Mr M Bament A.J Bament & Sons - Prior notification for extension to general purpose agricultural building for housing livestock (13.7m x 13.1m). As per amended application form (General Development Order), Muxworthy Farm, Brayford, Devon	GDO - Prior Approval Not Reqd 04-Feb-2019

EXMOOR NATIONAL PARK AUTHORITY

5 March 2019

AUTHORITY MEETINGS SCHEDULE 2020

Report of the Head of Strategy and Performance

Purpose of the report: To present to Members a schedule of meetings of the Authority and its Committees for 2020.

RECOMMENDATION: To adopt a schedule of meetings of the Authority and its Committees for 2020 as appended to this report.

Authority Priority: Develop and maintain effective and efficient services.

Legal and Equality Implications: The Authority's Standing Orders provide that each year the Authority shall approve a calendar of meetings of the Authority and its Committees and Sub Committees.

The equality and human rights impact of the recommendation of this report has been assessed as having no adverse impact on any particular group or individual.

Financial and Risk Implications: The Authority's meeting arrangements are intended to make best use of member time and resources while ensuring Authority business is dealt with efficiently and in a manner open to public scrutiny.

1. INTRODUCTION

- 1.1 To aid forward planning, the meetings schedule for 2020 has been prepared, following the usual pattern of Authority meetings, and also setting dates for member study tours and training. This includes a provisional joint meeting with Dartmoor National Park Authority members which is due to be hosted on Exmoor in 2020.
- 1.2 Members will be familiar with the practice that in addition to the formal Authority meeting in the morning, opportunity is taken in the afternoons of the monthly 'Exmoor Tuesday' to provide member training/briefing opportunities and when appropriate to convene meetings of informal member working groups.
- 1.3 Dates for the Exmoor Parish and Consultative Forum will be added following completion of the review being carried out by the Chairman of the Forum and the Head of Planning and Sustainable Development.
- 1.4 As is usual practice, the meeting schedules have been shared with the constituent County and District Councils.

Clare Reid

Head of Strategy and Performance

EXMOOR NATIONAL PARK AUTHORITY
SCHEDULE OF MEETING DATES 2020
(Excluding Exmoor Consultative & Parish Forum meetings)

Day	Date	Time	Meeting
JANUARY			
Friday	3 January	am	Pre-Meeting Planning Site Visit (Reserve Date)
Tuesday	7 January	10.00am	Exmoor National Park Authority meeting (Reserve Date)
Friday	31 January	am	Pre-Meeting Planning Site Visit (Reserve Date)
FEBRUARY			
Tuesday	4 February	10.00am	Exmoor National Park Authority meeting
Friday	28 February	am	Pre-Meeting Planning Site Visit (Reserve Date)
MARCH			
Tuesday	3 March	10.00am	Exmoor National Park Authority meeting
Tuesday	3 March	pm	Member Obligatory Planning Training
APRIL			
Friday	3 April	am	Pre-Meeting Planning Site Visit (Reserve Date)
Tuesday	7 April	10.00am	Exmoor National Park Authority meeting
MAY			
Friday	1 May	am	Pre-Meeting Planning Site Visit (Reserve Date)
Tuesday	5 May	10.00am	Exmoor National Park Authority meeting
Tuesday	19 May	all day	Member Study Tour
Friday	29 May	am	Pre-Meeting Planning Site Visit (Reserve Date)
JUNE			
Tuesday	2 June	10.00am	Exmoor National Park Authority meeting
JULY			
Friday	3 July	am	Pre-Meeting Planning Site Visit (Reserve Date)
Tuesday	7 July	10.00am	Exmoor National Park Authority Annual Meeting
Wednesday	22 July	10.00am	Final Accounts Committee
Friday	31 July	am	Pre-Meeting Planning Site Visit (Reserve Date)
AUGUST			
Tuesday	4 August	10.00am	Exmoor National Park Authority meeting (Reserve Date)
Friday	28 August	am	Pre-Meeting Planning Site Visit (Reserve Date)

SEPTEMBER

Tuesday	1 September	10.00am	Exmoor National Park Authority meeting
Tuesday	1 September	pm	Members' Obligatory Planning Training

OCTOBER

Friday	2 October	am	Pre-Meeting Planning Site Visit (Reserve Date)
Tuesday	6 October	10.00am	Exmoor National Park Authority meeting
Tuesday	13 October	all day	Joint Exmoor/Dartmoor Member Study Tour - TBC
Friday	30 October	am	Pre-Meeting Planning Site Visit (Reserve Date)

NOVEMBER

Tuesday	3 November	10.00am	Exmoor National Park Authority meeting
Tuesday	3 November	pm	Member Business Planning Workshop
Friday	27 November	am	Pre-Meeting Planning Site Visit (Reserve Date)

DECEMBER

Tuesday	1 December	10.00am	Exmoor National Park Authority meeting
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