

PLANNING COMMITTEE AGENDA - 13th August 2014

Applications of a non-delegated nature

<u>Item No.</u>	<u>Description</u>
1.	14/00556/FULL - Part conversion/demolition of garage to sun room and glazed link and construction of terrace - HOUSEHOLDER at The Barton, Neopardy, Crediton. RECOMMENDATION Grant permission subject to conditions.
2.	14/00557/LBC - Listed Building Consent for part conversion/demolition of garage to sun room and glazed link and construction of terrace at The Barton, Neopardy, Crediton. RECOMMENDATION Refuse Listed Building Consent.
3.	14/00703/FULL - Erection of two storey extension - HOUSEHOLDER at 24 Churchills Rise, Hemyock, Cullompton. RECOMMENDATION Refuse permission.
4.	14/00772/FULL - Extension to car sales area at West Country Car Sales, Five Bridges, Willand Road. RECOMMENDATION Grant permission subject to conditions.
5.	14/00801/FULL - Erection of agricultural livestock building at Land at NGR 299569 112886, Red Linhay, Crown Hill. RECOMMENDATION Grant permission subject to conditions.
6.	14/00952/FULL - Conversion of redundant workshop (class B2) to a dwelling (73.76 sqm) and work unit (19.20sqm) including art gallery with alterations to existing access (Revised Scheme) at Land and Buildings at NGR 277271 106701(Rixey Lane), Morchard Bishop, Devon. RECOMMENDATION Refuse permission.

Application No. 14/00556/FULL

Plans List No. 1

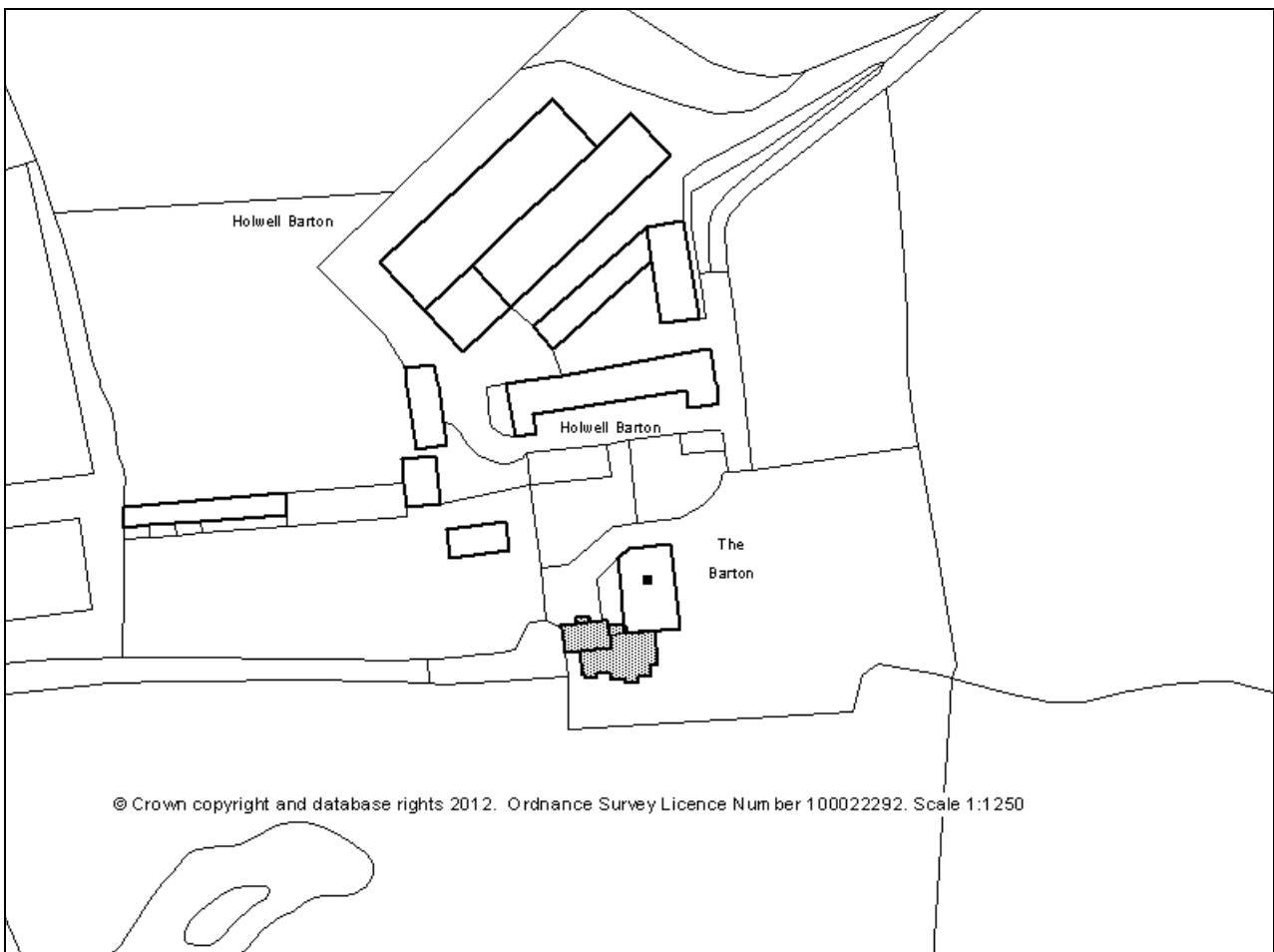
Grid Ref: 279768 : 98959

Applicant: Mr & Mrs P West

Location: The Barton Neopardy
Credon

Proposal: Part
conversion/demolition
of garage to sun room
and glazed link and
construction of terrace
- HOUSEHOLDER

Date Valid: 14th April 2014



Application No. 14/00556/FULL

RECOMMENDATION

Grant permission subject to conditions.

MEMBERS ARE ASKED TO NOTE THAT THIS IS A HOUSHOLDER APPLICATION

NB - This planning application runs in parallel to the current listed building application ref 14/00557/LBC (also reported to this committee) for the same development. However the 2 cases must be treated separately on their merits in the context of planning and listed building policies respectively - which have some different considerations. It is important to note that the acceptability threshold for listed buildings is higher than for planning applications in terms of impact on the fabric and setting (both design and proximity) of the listed building. This is evident in the policy requirements that need to be met as described in this report. It will be noted that the recommendations for these applications are different - again reflecting the policy considerations. The LBC case attracts very strong reasons for refusal whereas on balance the determining issues in the planning application are more marginal. This means that the applicants cannot implement the planning permission due to the absence of Listed Building consent for the works. In the event of an appeal against the LBC decision then Mid Devon District Council will only defend its decision for strong heritage policy based reasoning.

PROPOSED DEVELOPMENT

Planning Permission for part conversion/demolition of garage to sunroom and glazed link and construction of terrace at The Barton Neopardy, Crediton Hamlets.

The proposal is to provide new projecting gable extensions to the existing modern garage and utility building at the rear of the listed house to enlarge an existing garage /utility building to create a new sunroom attached to the farmhouse.

Alterations to the form and function of the detached garage building are proposed so that it becomes attached to the main dwelling by way of a timber framed link way which leads into a garden room with a single bay garage attached. Alterations are proposed to the building to introduce new window openings and a new timber framed glazed section in the middle that runs through and past the width of the building (projection each side 1.3m). The roof of the existing building will be replaced with a new roof with a higher ridge height - 0.6 metres higher than the existing ridge line and with the current hipped roof to become a gable end roof form. The apex of the new gable projection will be 0.8 metres higher than the new roof replaced ridge line. The palette of materials is render, slate roof tile and timber framing for the glazed sections

A raised terrace is to be provided across a large area of the southern aspect of the main dwelling and the proposed garden room. This helps manage the step down from the building to its apron and accommodate a pump room and associated facilities to serve the swimming pool listed house and the proposed sun room. Materials are to be stone and fencing but exact details not provided. The scheme will increase the ground level beyond the apron of the building by 4-5m with a stone faced surface treatment and railings around the perimeter as indicated.

APPLICANT'S SUPPORTING INFORMATION

Application Form
Plans

PLANNING HISTORY

92/01287/FULL Installation of a combined septic tank & package pre-treatment plant for effluent disposal, to replace existing septic tank serving Holwell Barton and three additional associated landscaping works - PERMIT - OCTOBER 1992

00/01352/LBC Listed Building Consent for the installation of replacement windows throughout; conversion of French doors to window; internal alterations; restoration of original fireplaces; renewal of lean-to roofs (2 no's) - PERMIT - OCTOBER 2000

03/00668/FULL Construction of pitched roof to replace flat roof to detached garage - PERMIT - APRIL 2003

08/01280/FULL Erection of garage, workshop and store with ancillary accommodation over - WITHDRAWN AUGUST 2008

08/01281/LBC Listed Building Consent for the erection of garage, workshop and store with ancillary accommodation over - WITHDRAWN - SEPTEMBER 2009

09/00503/LBC Listed Building Consent for the repairs and alteration to roof - PERMIT - MAY 2009

09/00553/FULL Erection of garage, workshop and store and associated landscaping works - PERMIT - JUNE 2009

09/00554/LBC Listed Building Consent for the erection of garage, workshop and store and associated landscaping works - PERMIT - JUNE 2009

11/00607/FULL Erection of porch and installation of additional window - PERMIT - JUNE 2011

11/00608/LBC Listed Building Consent for internal and external alterations, including erection of porch and installation of additional window - PERMIT - JUNE 2011

11/00955/FULL Installation of 16 ground mounted solar photovoltaic panels - PERMIT - AUGUST 2011

13/01627/FULL Erection of single storey extension and construction of terrace - WITHDRAWN - JANUARY 2014

13/01630/LBC Listed Building Consent for erection of single storey extension and construction of terrace - WITHDRAWN - JANUARY 2014

The two immediately above applications were withdrawn as the proposed scheme would not enhance or protect the setting of the listed building due to its style and large expanse of timber decking.

14/00557/LBC Listed Building Consent for part conversion/demolition of garage to sun room and glazed link and construction of terrace - PENDING

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1) Mid Devon Core Strategy (Local Plan 1)

COR2 - Local Distinctiveness

COR18 - Countryside

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 - Presumption in favour of sustainable development

DM2 - High quality design

DM13 - Residential extensions and ancillary development

DM27 - Development affecting heritage assets

CONSULTATIONS

CREDITON HAMLETS PARISH COUNCIL - 13th May 2014 - No objection.

HIGHWAY AUTHORITY - 17th April 2014 - Standing advice applies please see Devon County Council document <http://www.devon.gov.uk/highways-standingadvice.pdf>

REPRESENTATIONS

None.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The primary material considerations in assessing this application are:

- 1. Policy**
- 2. Layout, design and visual impact**
- 3. Highways**
- 4. Impact on neighbouring residents**
- 5. Impact on Heritage asset (The Barton)**

1. Policy

The site is in the open countryside where Policy requires that development be strictly controlled. The relevant policies associated with this application are

Mid Devon District Council's Core Strategy Policies COR 2 Local Distinctiveness and COR18 Countryside development these will be strictly controlled.

Local Plan Part 3 (Development Management Policies)

Policy DM1 of the Local Plan Part 3 (Development Management Policies) seeks to encourage sustainable development. Policy DM2 states development must be of high quality and identifies a number of criteria which planning application proposals should normally comply

Policy DM2 of the Local Plan Part 3 (Development Management Policies) seeks high quality design based upon and demonstrating the following principles, a clear understanding of the site, efficient and effective use of the site, positive contribution to local character, creation of safe and accessible places, visually attractive places which are well integrated with surrounding buildings, etc.

Policy DM13 of the Local Plan Part 3 (Development Management Policies) states that ancillary development and extensions will be permitted provided they respect the character, scale, setting and design of the existing dwelling, will not result in overdevelopment and will not significantly impact on the living conditions of occupants of neighbouring properties.

Policy DM27 of the Local Plan Part 3 (Development Management Policies) considers the impact development will have on Heritage assets and their setting; accordingly the council will apply a presumption in favour of preservation, and require development proposals likely to affect heritage assets and their setting, including new buildings, alterations, extensions, changes of use and demolition.

National Planning Policy Framework

2. Layout, design and visual impact

Does the proposal harm the character, scale, setting, design and appearance of the dwelling to be extended or its surroundings? (Mid Devon Local Plan Part 3 (Development Management Policies) DM2; DM13; DM27 and National Planning Policy Framework

As the property is a listed building consideration has to be made to the impact the proposal will have on the setting of the main listed building.

In terms of the alterations to the current garage building to form an integrated garden room, the footprint of the building will be enlarged only slightly with an additional glass link with slate roof back to the main house and thus retain an element of notional separation between the principal listed building and subservient 'out building'

Although the alterations to the form and design of the building will alter its appearance, the building will remain subservient.

The application scheme will not result in the loss of historic and important fabric as this building was refurbished in 2003. It is believed that the garage building was constructed in the 1940s. The materials palette is considered to be appropriate for the setting of the listed building.

In summary the proposals will not result in the loss of historic fabric and although the proposals will change the appearance of the outbuilding, the introduction of the glazed oak gabled screen through the building will maintain a building form that is subservient to the main building.

In terms of the alterations to the apron of the building, this element of the scheme has been amended since the application was first submitted

The initial proposal was to provide for a large expanse of decking with associated railing which at the time was considered not to be appropriate in terms of its size materials and potential impact on the listed building. Further discussions have been undertaken and new drawings show the area more as a terrace rather than a raised deck area without the need for the railings along the majority of its length which previously adversely affected the setting of the listed building.

Does the proposal harm the future amenities and services of the dwelling to be extended or result in over-development of the dwelling curtilage? (Mid Devon Local Plan Part 3 (Development Management Policies) DM2, DM13)

The property is set within a large curtilage with generous south facing gardens. Whilst the application links the outbuilding to the host dwelling and provides additional living space (37 square metres) as opposed to garaging, it is not considered that this change to the use of this building represents overdevelopment and/or would be harmful to the general amenities of the area.

Does the proposal result in any car parking or access issues? (Mid Devon Local Plan Part 3 (Development Management Policies) DM2, DM8)

There is no car parking issues. The existing building is presently used for storage not the parking of vehicles.

Does the proposal result in any other planning impacts? (MDLP)

There are no other planning issues.

Does the proposal affect any protected landscape? (DM29)

No

3. Highways

There are no issues with regard to highways with no intended alterations to the access of the property from the highway. Traffic generation from the site is not considered to significantly change as a result of the proposal.

4. Impact on neighbouring residents

The proposal is to be located to the rear and side of the property and will have no impact on privacy, amenity or living conditions of neighbouring properties due to the relatively isolated location of the application site, the nature and scope of the alterations and the location of the changes within the context of the curtilage - adjacent to open fields.

5. Impact on Heritage asset (The Barton)

The existing building the subject of this application has little or no historic fabric, having been altered in 2003 and of generally modern construction. The alterations to the main listed building are minor and include the

replacement of a window with a door and the attachment of the glazed link. This impact on the listed building is considered in detail in the context of the parallel Listed Building application reported to this Committee.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. No development shall begin until samples of the materials to be used for all the external surfaces of the building(s) have been submitted to, and approved in writing by, the Local Planning Authority. Such approved materials shall be so used and retained.
4. The roof covering of the development hereby permitted shall be of natural slate, a sample of which shall be submitted to, and be approved in writing by, the Local Planning Authority prior to its use on the building. Such approved slate shall be so used and retained.
5. Prior to the first use of the sun room, the flue hereby approved shall be painted with a matt black finish where on the outside of the building, and shall be so retained.
6. Full details of materials to be used for the raised deck/terrace including details of any railings proposed shall be submitted to and approved in writing by the Local Planning Authority prior to their use. Such approved materials shall be so used and retained.

REASONS FOR CONDITIONS

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. To ensure the use of materials appropriate to the development in order to safeguard the character and appearance of the listed building in accordance with:
Mid Devon Core Strategy (Local Plan 1) COR2
Local Plan Part 3 (Development Management Policies) DM2, DM13, DM27
4. To ensure the use of materials appropriate to the development in order to safeguard the character and appearance of the listed building in accordance with Mid Devon Core Strategy (Local Plan Part 1) policy COR2 and the policies DM2, DM13 and DM27 of Mid Devon Local Plan Part 3 (Development Management Policies) and the National planning Policy Framework
5. To ensure the use of materials appropriate to the development in order to safeguard the character and appearance of the listed building in accordance with Mid Devon Core Strategy (Local Plan Part 1) policy COR2 and policies DM2, DM13 and DM27 of Mid Devon Local Plan Part 3 (Development Management Policies) and the National planning Policy Framework
6. To ensure the use of materials appropriate to the development in order to safeguard the character and appearance of the listed building in accordance with Mid Devon Core Strategy (Local Plan Part 1) policy COR2 and policies DM2, DM13 and DM27 of Mid Devon Local Plan Part 3 (Development Management Policies) and the National planning Policy Framework

INFORMATIVE NOTE

1. This planning application cannot be implemented unless Listed Building Consent is first consented for the proposed works.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The proposed alterations to the existing out building to form a linked garden room with a single garage bay, and the creation of a raised stone faced terrace, platform by virtue of its scale, massing, design and location is not considered to harm the privacy or amenity of the occupiers of another dwelling, the future amenities and services of the dwelling to be extended or its surroundings. In these respects the proposal is considered acceptable in planning terms against policies DM2, DM13 and DM27 of Mid Devon Local Plan Part 3 (Development Management Policies).

Application No. 14/00557/LBC

Plans List No. 2

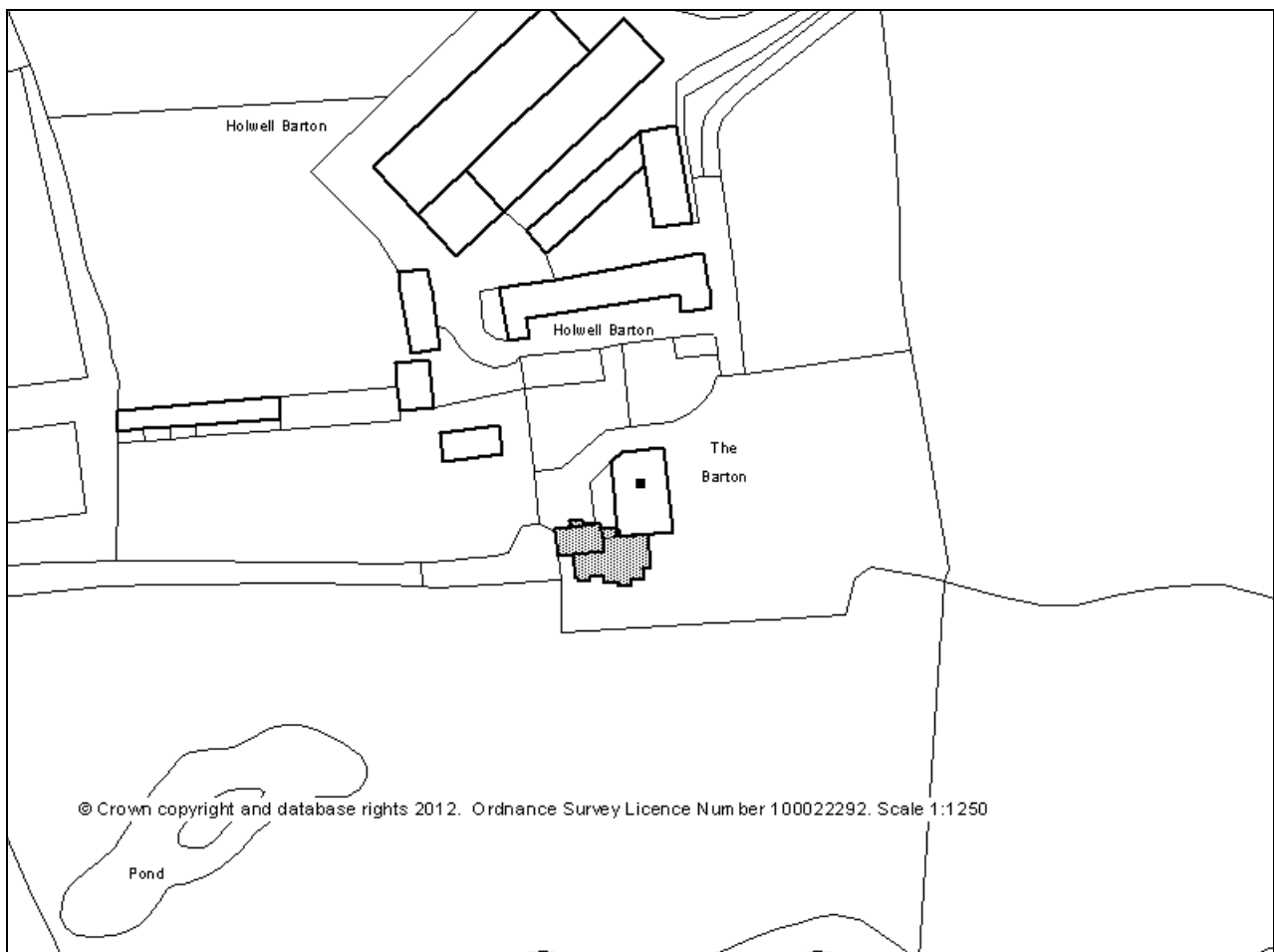
Grid Ref: 279768 : 98959

Applicant: Mr & Mrs P West

Location: The Barton Neopardy
Credton

Proposal: Listed Building
Consent for part
conversion/demolition
of garage to sun room
and glazed link and
construction of terrace

Date Valid: 14th April 2014



Application No. 14/00557/LBC

RECOMMENDATION

Refuse Listed Building Consent.

NB This listed building application runs in parallel to the current planning application ref 14/00556/Full (also reported to this committee) for the same development. However the 2 cases must be treated separately on their merits in the context of planning and listed building policies respectively - which have some different considerations. It is important to note that the threshold for listed buildings is higher than for planning applications in terms of impact on the fabric and setting (both design and proximity) of the listed building. This is evident in the policy requirements that need to be met as described in this report.

Listed Building Consent for part conversion/demolition of garage to sunroom (also referred to Garden Room in the plans) and glazed link and construction of terrace at The Barton Neopardy, Crediton Hamlets.

The proposal is to provide new projecting gable extensions to the existing modern garage and utility building at the rear of the listed house to enlarge an existing garage/utility building to create a new sunroom/garden room attached to the farmhouse.

Alterations to the form and function of the detached garage building are proposed so that it becomes attached to the main dwelling by way of a timber framed link way which leads into a garden room with a single bay garage attached. Alterations are proposed to the building to introduce new window openings and a new timber framed glazed section in the middle that runs through and past the width of the building (projection each side 1.3m). The roof of the existing building will be replaced with a new roof with a higher ridge height - 0.6 metres higher than the existing ridge line and with the current hipped roof to become a gable end roof form. The apex of the new gable projection will be 0.8 metres higher than the new roof replaced ridge line. The palette of materials is render, slate roof tile and timber framing for the glazed sections.

A raised terrace is to be provided across a large area of the southern aspect of the main dwelling and the proposed garden room. This helps manage the step down from the building to its apron and accommodate a pump room and associated facilities to serve the swimming pool listed house and the proposed sun room. Materials are to be stone and fencing, but exact details not provided. The scheme will increase the ground level beyond the apron of the building by 4-5m with a stone faced surface treatment and railings around the perimeter as indicated.

APPLICANT'S SUPPORTING INFORMATION

Application Form
Plans
Heritage Statement
Method Statement
Design and access statement

PLANNING HISTORY

00/01352/LBC Listed Building Consent for the installation of replacement windows throughout; conversion of french doors to window; internal alterations; restoration of original fireplaces; renewal of lean-to roofs (2 no's) - PERMIT - 30.10.05

03/00668/FULL Construction of pitched roof to replace flat roof to detached garage - PERMIT - 23.04.08

92/01287/FULL Installation of a combined septic tank & package pre-treatment plant for effluent disposal, to replace existing septic tank serving Holwell Barton and three additional dwellings - PERMIT - 01.10.92

08/01280/FULL Erection of garage, workshop and store with ancillary accommodation over - WITHDRAWN - 29.08.08

08/01281/LBC Listed Building Consent for the erection of garage, workshop and store with ancillary accommodation over - WITHDRAWN - 05.09.08

09/00503/LBC Listed Building Consent for the repairs and alteration to roof - PERMIT - 27.05.09

09/00553/FULL Erection of garage, workshop and store and associated landscaping works - PERMIT - 08.06.09

09/00554/LBC Listed Building Consent for the erection of garage, workshop and store and associated landscaping works - PERMIT - 08.06.09

11/00607/FULL Erection of porch and installation of additional window - PERMIT - 15.06.11

11/00608/LBC Listed Building Consent for internal and external alterations, including erection of porch and installation of additional window - PERMIT - 15.06.11

11/00955/FULL Installation of 16 ground mounted solar photovoltaic panels - PERMIT - 24.08.11

13/01627/Full Erection of single storey extension and construction of terrace - WITHDRAWN - 21.01.14

14/00556/FULL Part conversion/demolition of garage to sun room and glazed link and construction of terrace - PENDING

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR2 - Local Distinctiveness

Mid Devon Local Plan Part 3 (Development Management Policies)

DM27 - Development affecting heritage assets

CONSULTATIONS

CREDITON HAMLETS PARISH COUNCIL - 30th July 2014

No response received to date.

REPRESENTATIONS

None.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The primary material considerations in assessing this application are:

- 1. Policy**
- 2. Impact on Heritage Asset (The Barton)**

Policy

National Planning Policy Framework

Paragraph 132 requires that 'great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification'.

Paragraph 134 states that 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.'

Mid Devon Council Core Strategy Policy - COR2 Local Distinctiveness

Policy DM27 of the Local Plan Part 3 (Development Management Policies) considers the impact development will have on Heritage assets and their setting. This policy was created in direct response to the above NPPF paragraphs and therefore reinforces the strength of the overall policy aims. The paragraphs relevant to this case are as follows:-

- 'Apply a presumption in favour of preservation in situ in respect of the most important heritage assets
- Require development proposals likely to affect heritage assets and their settings, including new

buildings, alterations, extensions, changes of use and demolitions, to consider their significance, character, setting and local distinctiveness, and the opportunities to enhance them.

- c) Only approve proposals that would be likely to substantially harm heritage assets and their settings if substantial public benefit outweighs that harm or the requirements of paragraph 133 of the National Planning Policy Framework are met.
- d) Where a development proposal would lead to less than substantial harm, that harm will be weighed against any public benefit, including securing optimum viable use.
- e) Require developers to make a proportionate but systematic assessment of the impact on setting as set down in the guidance from English Heritage: The Setting of Heritage Assets.

Impact on Heritage Asset (The Barton)

From this policy background it will be noted that there are essentially 2 determining issues.

1. That the overriding aim is the conservation of not only fabric but also the setting of listed buildings with the awareness that the significance of a building can be harmed by impact on setting as much as loss of fabric.
2. That consideration needs to be given to the nature and extent of the harm i.e. is it 'substantial' or 'less than substantial'?

The evolving interpretation of these recently introduced terms through appeal decisions shows that the term 'substantial harm' is generally considered to accompany proposals involving a considerable degree of loss of historic fabric. Whereas the term 'less than substantial harm' applies more commonly to impact on the setting of the listed buildings. This latter determinant is considered to apply to this case. Although on the face of it the policy seems to be weaker than the notion of 'substantial harm' there is nevertheless the same clear requirement that the harm must be weighed against 'public benefits'. The question of the nature and extent of harm is analysed as follows:

The alterations/removal of historic fabric are relatively minor and involve the removal of a section of cob wall in the west elevation of the house sufficient to create a doorway from the proposed sunroom to the existing sitting room in the house. This work on its own is not considered to be particularly objectionable in terms of the above policies. This leaves the chief concern being the impact of the proposed new work on the setting of the listed farmhouse.

The applicant's design and access statement makes much of the fact that the proposals will only be visible from the side of the house and rear courtyard. However it is important to acknowledge the fact that whether or not proposals affect the principal elevation of a listed building or even that they can't be seen from any public vantage point is not a reasonable justification. Listed buildings are listed for their intrinsic merit. For example there are Grade 1 listed country houses in this district that are not visible from a public vantage point and yet enjoy the highest degree of statutory protection internally and externally. Indeed all listed buildings enjoy statutory protection of their internal character, construction and appearance even though these are not normally accessible to the public.

The existing building that is proposed to become the new garden room is a modern construction - there is also a record of permission being granted in 2003 to extend the height of the original flat roofed structure and to erect a low profile slate pitched roof. The design of the proposed work, that is, the increase in the height of the roof and in particular the large new projecting gable extensions is considered to result in a strident impact on the listed house, which is closely related visually. The applicants have rejected officer's advice to keep the new accommodation within the envelope of the existing building. It is the firm view that this simple alternative solution would be an acceptable alternative, subject to elevation detailing. If this option were to be pursued the loss of floor space relative to the current proposal would be merely the internal footprint of the extensions i.e. 1.2 metres by 3.4 metres on each side. This would still allow a clear internal floor area of 6.3 metres by 4.6 metres. This is a very generous area given the current large floor space available in the house. By comparison it is similar in size to the large lounge at the front of the house which measures 3.9 metres by 7.0 metres.

Strong conservation advice from relevant officers is that the extent of harm that would be caused by creating the gable projections is beyond reason compared to the gain that would be achieved in useable space.

Added to this issue of the extent of the projection in floor plans terms is the impact of the design of the gables themselves. The height of the gable in the centre from ground level to apex would be approximately 6.2 metres. That is nearly 2 metres higher than the current ridge height of the existing structure.

Visually these gable projections would present themselves as very strong architectural statements attached to what is currently a modest ancillary traditional looking garage/utility structure. The concern is that when

viewed towards the west facing house elevation from the rear courtyard (this being a principal elevation because it provides a primary access from the parking area to the house via a new porch), 'the eye' will be drawn away from that principal elevation and directed towards the proposed new structure. This is an inappropriate outcome. It is important the house remains the dominant focus of attention. Ancillary new structures must be respectful of historic buildings rather than taking on a new competitive 'attitude' themselves. The proposed architectural treatment of the ancillary building with the visually strong gable projections could be said to be an attempt to make it appear as a contemporary interpretation of a tithe barn. This architectural confusion is wholly inappropriate.

The impact on the south facing side elevation of the house will be equally dramatic. The proposal here too will take 'the eye' away from the well-formed traditional composition of the original house towards the new 'tithe barn', and it will dominate that scene. This view to the west elevation is further harmed by the proposed landscaping /ground works. The new raised platform along this side is designed to assist with access externally between the new garden room and the existing outdoor swimming pool and the existing French door access to it. This is extensive work that involves not only raising the ground level to achieve access to the new gable projecting door entrance but also to extend the hard landscaped area to 17 metres by approximately 8 metres in area. The works include new steps and also railing for health and safety reasons. The choice of paving is stone - so far unspecified. This very large hard surfaced area would be alien to the rural character of the current scene which is predominantly grass. It would appear suburban. The new railings would also appear as a cluttered alien suburban element detracting rather than enhancing the traditional setting of the farmhouse.

Returning to the justification for this proposal, the stated aim in the applicant's listed building appraisal is to 'bring the benefit of both the sun path and the views across the valley to the occupants of the house'. There already exists a French door opening to the sitting room in this south elevation which affords good light into the room and a good view to the garden and the landscape beyond.

That denotes a very specific personal preference. The key question is whether this preference should override the long term conservation of the house.

The policy requirements above state that in the circumstances of 'less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use'.

The applicants have not referred to any of the above mentioned policy considerations in the statements accompanying the application and has therefore not addressed the determining question viz. what are the public benefits of the proposal including securing its optimum viable use? Clearly the optimum viable use is not at stake here. This house would continue to be a desirable rural family house with or without the proposed works. It is not at risk. Similarly the existing utility structure is a modern construction and has nil architectural or historic value per se.

The public benefits of the proposed works are not obvious. If the structure were an historic curtilage building then its conservation/alteration by finding a new use would be a valid consideration (albeit without the proposed gable projections). But this is not the case here and in that absence of the applicants' putting forward any 'public benefits' accruing from this proposal, it is the view that the planning policies have not been satisfied, neither have the relevant tests in the NPPF.

For all the above reasons there is a strong recommendation that this application be refused.

Summary

The proposed new projecting gables to the existing utility building together with the extensive new raised paving areas attached to the listed building will have a dominant, strident negative visual impact on the listed farmhouse and will cause demonstrable harm to the setting of the house. It is the view that these works are not in accordance with National Planning Policy Framework paragraphs 132 and 134 or Mid Devon Core Strategy (Local Plan Part 1) policy COR2 or Mid Devon Local Plan Part 3 (Development Management Policies) policy DM27.

It is material to this case that the agent/applicants have not followed our advice to keep the new accommodation within the envelope of the barn. This would achieve the applicant's desired aim without conflicting with/drawing attention away from the setting of the house. This is clear advice that the applicants and agent have declined to heed.

REASON FOR REFUSAL

1. The proposed extension and associated paving by reason of its location, scale, massing and relationship with the existing listed farmhouse is considered to cause significant unacceptable harm to the character, appearance and setting of this listed building. In the opinion of the Local Planning Authority there is little public benefit arising from the proposal and that this does not outweigh the harm and the applicant has not offered any contrary evidence. For these reasons the proposal is contrary to policy COR2 of the Mid Devon Core Strategy (Local Plan Part 1), DM27 of the Local Plan Part 3 and the National Planning Policy Framework paragraphs 132 and 134.

Application No. 14/00703/FULL

Plans List No. 3

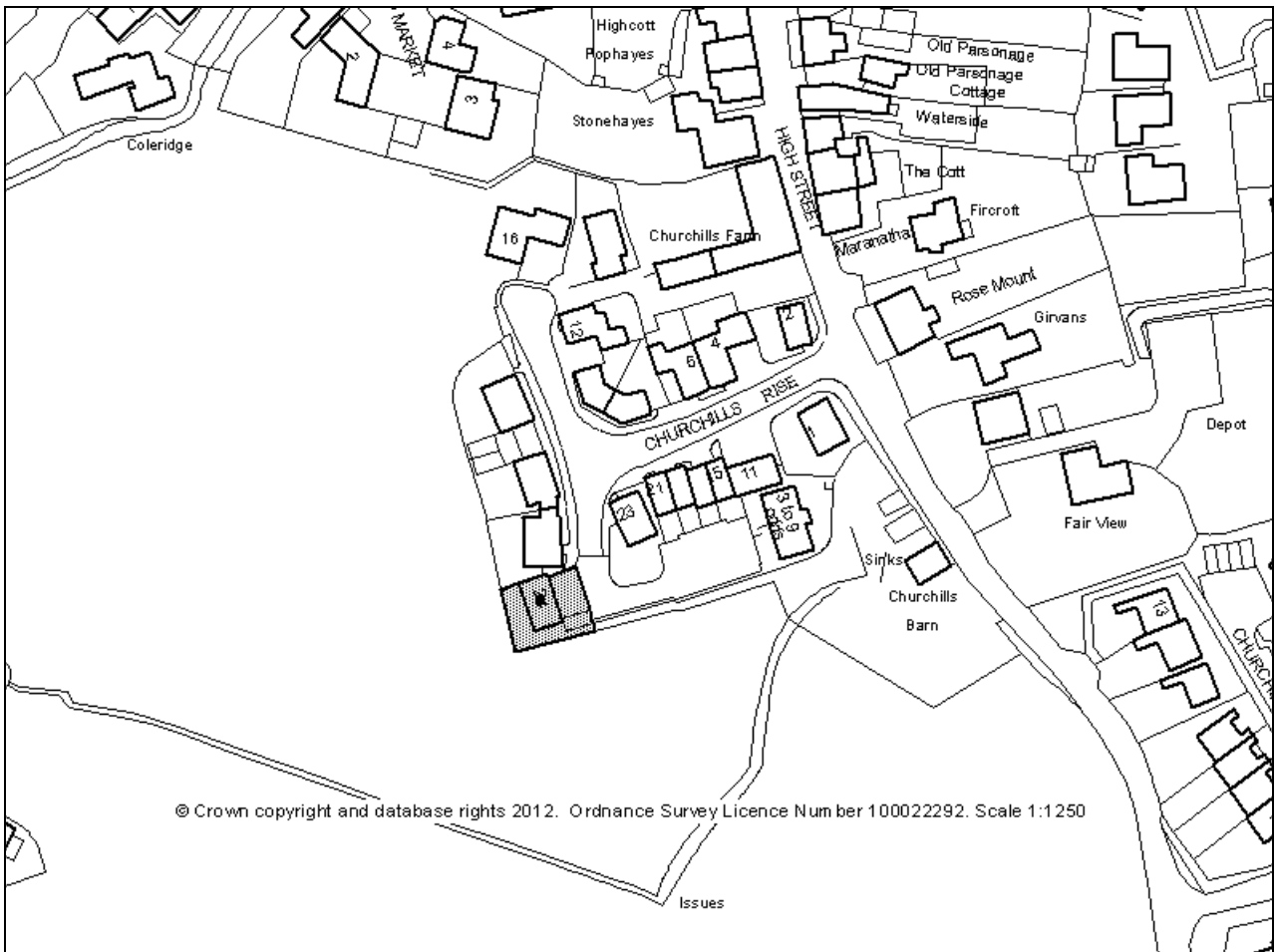
Grid Ref: 313604 : 113077

Applicant: Mr D Powell

Location: 24 Churchills Rise
Hemyock Cullompton

Proposal: Erection of two storey
extension -
HOUSEHOLDER

Date Valid: 12th May 2014



Application No. 14/00703/FULL

RECOMMENDATION

Refuse permission.

MEMBERS ARE ASKED TO NOTE THAT THIS IS A HOUSEHOLDER APPLICATION

CLLR FRANK ROSAMOND HAS REQUESTED THAT THIS APPLICATION BE DETERMINED BY THE PLANNING COMMITTEE FOR THE FOLLOWING REASON:

To consider whether the proposed extension constitutes overdevelopment of the dwelling's curtilage

PROPOSED DEVELOPMENT

This application seeks planning permission for the erection of a rear two storey extension at 24 Churchills Rise, Hemyock. This is a 2 bedroom property with a 'coach house' design, incorporating garages on the ground floor with living accommodation above. The house was approved as part of a major application in 2007 for 23 new dwellings to form the wider Churchills Rise development (ref 07/01005/MFUL) to the south of the main settlement.

The building has yellow painted render walls, white uPVC casement windows and a light grey slate tile roof. Internally, at ground floor level the building is comprised of 2 garages and a new kitchen dining room, with a central staircase. Originally a third garage space existed however the garage door has been removed and has been internally converted into the ground floor kitchen and dining room. The first floor consists of two bedrooms, a bathroom, store and open plan kitchen/dining/living room. At present, there is no use of the roof space as living accommodation.

There are 3 outdoor parking spaces within the curtilage, that are forward of the principle elevation. There is a side gate leading to a small area of rear garden, albeit the garden space to the side and rear is separated across two ground levels by a wooden retaining wall. The result of this ground level separation is a very slim area of patio (1-2 metres in width) at the lower level which immediately wraps around the side and rear elevations. At the higher ground level there is a stretch of narrow garden, abutting the side and rear fences onto the agricultural field behind. This area is covered with woodchip and there is vegetation planted along the boundary with the field. There is an approximate ground level difference of 2 metres between the lower and higher rear garden area.

It is proposed to excavate the existing retaining wall and erect a rear extension projecting from the lower ground level on the west elevation. The extension is stated to be two storey although the extension will not only provide additional accommodation at the ground floor and first floor but also in a newly created second floor area which is achieved through the conversion of the roof space. The new ground floor and first floor levels will create a store/gym and conservatory. The submitted drawings show the dwelling is also to be enlarged by removing the existing roof and raising the ridge by approximately 0.5 metres, and by accommodating a new flat roofed dormer on the same rear elevation. At the new second floor level this will provide a bedroom, dressing room and ensuite bathroom. Three rooflights are proposed to be installed in the roof slope of the principle west elevation to serve the newly created roof space.

In addition to the 'two storey' rear extension it is proposed to add a ground floor extension with raised terrace which will be accessible from the new first floor conservatory, and both would overlook the fields to the rear. This ground floor extension and terrace are connected to the main extension. Underneath the proposed terrace there is a utility room to be accessible through the ground floor kitchen.

Proposed materials include a powder coated metal flashing, vertical timber cladding on the dormer, white uPVC windows, facing brickwork on the main and ground floor extension, with a natural slate to match the existing roof. Overall the proposed extension is contemporary in design, with a large glass gable facing fields to the rear, and surrounded by a frame of the metal flashing.

APPLICANT'S SUPPORTING INFORMATION

Statement in Support of Planning Application April 2014
Supporting statement from the applicant
Supporting statement dated 28th June 2014

PLANNING HISTORY

07/01005/MFUL Erection of 23 dwellings with access, garaging, parking and associated works - PERMIT - 16th August 2007

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR2 - Local Distinctiveness

COR17 - Villages

Mid Devon Local Plan Part 3 (Development Management Policies)

DM2 - High quality design

DM13 - Residential extensions and ancillary development

DM29 - Protected landscapes

CONSULTATIONS

BLACKDOWN HILLS AONB PARTNERSHIP - 26th June 2014 - The AONB Partnership reserves detailed responses to cases that may have a significant impact on the purpose of AONB designation. I can confirm that on this occasion we do not wish to submit any detailed comments in respect of impact on the AONB, but would expect local and national development management policies to apply to such householder applications in settlements.

Please note that the absence of detailed comments should not be taken as either approval of, or objection to, a given application.

HIGHWAY AUTHORITY - 21st May 2014 - Standing advice applies please see Devon County Council document <http://www.devon.gov.uk/highways-standingadvice.pdf>

HEMYOCK PARISH COUNCIL - 6th June 2014 - Support.

REPRESENTATIONS

2 Letters of representation:

1 Letter of support summarised as follows:

1. The scheme will enhance the current appearance of the property
2. The ground floor extension will be almost subterranean due to the higher field to the rear meaning it won't be visible to the immediate neighbour
3. The main visible part is a small sun roof tied to the existing roofline
4. The parish council are in full support of the application
5. The property was looking bland but is now looking like a proper home
6. The applicant is looking to make every effort to improve and enhance the existing property
7. The proposal will be an asset to the village
8. The proposal will make the most of an awkward space to the rear at present

1 Letter of objection summarised as follows:

1. Overdevelopment of a small dwelling originally designed as a 2 bedroom coach house on a small village development
2. The extension will be within 2 feet of the property boundary, and it will be overbearing, and overshadow the neighbouring rear garden causing a detrimental loss of sunlight and outlook
3. The site is within the Area of Outstanding Natural Beauty and the extension is not in keeping with the overall look of the existing development
4. The rear extension will be visible on the Dunkerswell Road
5. The surrounding windows are comparatively small with multi-framed panes
6. The enlargement of the property, alongside the removal of a garage, will create a 3 bedroomed home which will worsen an existing parking problem - there is not enough parking in Churchill's Rise

7. There are restrictive covenants limiting works which can be carried out on the property

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

- 1. Impact on the dwelling's curtilage**
- 2. Design**
- 3. Impact on neighbouring properties**
- 4. Impact upon the wider setting and the Area of Outstanding Natural Beauty**

1. Impact on the dwelling's curtilage/overdevelopment

The two bedroom dwelling is currently served by a relatively thin strip of garden, wrapping around the side of the house and split across two ground levels; the result of which is an awkward garden space, with a lower patio which is shaded for most of the day. The applicant and agent have argued that an extension is desirable, to increase the internal living accommodation whilst remodelling the external space which is underused. The Authority acknowledges the difficulty in utilising this compact rear space but is also concerned that the proposed extension stretches across almost the full length of the existing house at 9.7 metres with a maximum depth of 3.25 metres from the existing rear elevation. The ground floor extension and two storey extension will occupy a footprint of approximately 26.8 square metres, which is considered to be a large reduction in the amount of remaining garden space within the curtilage. It is noted that the proposal incorporates a raised terrace of 13 square metres, to maintain a larger proportion of external space. However there is concern that the remaining garden space shall not be proportionate to the total amount of living accommodation created. Upon the completion of works, the plans show the dwelling would consist of 13 rooms which is more akin to a moderate sized three bedroom property, served by an area of approximately 40 square metres of private garden, as opposed to the current 79.5 square metres to the side and rear. This is therefore considered contrary with parts a) and b) of policy DM2, and part b) of policy DM13 of the Local Plan Part 3 (Development Management Policies) which require new developments to demonstrate a clear understanding of the characteristics of the site, the wider context and to avoid overdevelopment of the dwelling curtilage.

The supporting statement dated 28th June infers that the Authority's argument for the change from a 2 bedroom to 3 bedroom house is flawed because the applicant can already convert the roof space without planning permission, thus being able to create additional living accommodation anyway. The internal works to form living space in the roof can already be achieved without planning permission however it would not be permitted development to insert dormer windows or raise the ridge of the roof as is proposed to achieve more internal headroom. This is because the property is within the Blackdown Hills Area of Outstanding Natural Beauty (Article 1(5) land) where such roof extensions are subject to an additional level of scrutiny in terms of design scale, massing and materials; and are consequently not permitted development. Therefore, notwithstanding the addition of a third bedroom, it is still considered that the proposed works to extend the dwelling would create a significant expansion of what is currently a modest sized two bedroom property with a very small garden space. It is also noted that existing three bedroom properties within the Churchills Rise development are afforded a moderately sized area of garden either to the side or to the rear, which is more proportionate to the amount of internal living accommodation.

It is argued that the Local Planning Authority has underestimated the amount of land within the dwelling's curtilage and therefore the concern relating to overdevelopment of the dwelling's curtilage is flawed. The supporting statement highlights that as well as there being rear garden space within the curtilage, there is also parking to the front of the property. The Authority argues that whilst land to front of the dwelling is within its curtilage, it is to be interpreted differently as it is intended solely for the purposes of parking, and would not be sufficient to form an area of private garden (as is intended for garden to the rear). The Authority has considered the use of all of the land around the building in its conclusions regarding the overall impact of the proposed works.

Design

The coach house is of a simple rectangular design, with a limited array of materials including a slate tile roof, painted render walls and white uPVC casement windows. The shape is also a simple rectangular shape with garages originally running along the extent of the ground floor, and framed with a simple dual pitched roof. The rear elevation is more private but is equally simple in design scale and materials. Rooflights are proposed.

The design of the rear extension is contemporary, to which there is no objection in principle to this design style approach. It proposes a wide range of materials, many not currently found on the existing building. It is proposed to use a grey slate on the main rear extension. The existing roof is to be raised from an existing 40 degree angle to a 45 degree angle, in order to accommodate sufficient internal headroom at the third floor level. The ridge will be raised by approximately 0.6 metres from the existing height and the new ridge of 6 meters in length is to be 0.3 metres lower in height.

The Local Planning Authority is concerned at the cumulative effect of the design with a large number of component elements will be overly 'busy' on the simple rear elevation and with a number of new materials including a metal flashing, wooden cladding and brick render is thought to over complicate the external appearance of the existing building and to not respect the character, of the coach house, contrary to policy DM2 of the Local Plan Part 3 (Development Management Policies) and part a) of DM13 of the Local Plan Part 3 (Development Management Policies). It is noted that there is only a limited view of the rear elevation from a field entrance along the Dunkerswell Road. The applicant's agent has stated a willingness to negotiate with the Authority regarding the use of materials to blend more sympathetically with the existing building, although no changes have been made to the drawings.

3. Impact on neighbouring properties

Whilst the loss of a private view is not a material consideration in the determination of planning applications, the development is considered to have an overbearing impact upon the neighbouring property. From the neighbouring garden at present, there is approximately 1.6 metres visible of the side elevation of 24 Churchills Rise. The two properties are situated in an off-kilter position to one another, and 24 is recessed back from the more forward position of 22 Churchills Rise. Upon completion there would be an additional 2.6 metre projection almost directly abutting the boundary with the neighbouring property. Whilst there is some garden separation between the two dwellings, this is thought to overbear the rear garden of the neighbouring property when considered together with the height of the proposed extension.

The height to the existing ridge (shown in red on the proposed plans) is 7.7 metres, and this is to be increased to a proposed ridge height of 8.5 metres. The new ridge on the main extension also measures 8.3 metres. This will add to the overall massing of the dwelling with a greater sense of enclosure as a result of what is considered to be a three storey addition. The proposed extension also has a new ridge length of 6 metres which adds to the cumulative impact. Overall, the extension will form a much wider side elevation at a ridge height of 8.3 metres, immediately adjacent to the boundary of neighbouring garden. This is considered to be contrary to policy part a) of DM2 in failing to show clear understanding of the characteristics of the site, its wider context and the surrounding area.

Overall, it is considered that the cumulative effect of rebuilding the roof at a raised ridge height in conjunction with the provision of an extension of equivalent of three storeys in relatively close proximity to the neighbouring dwelling will have a detrimental impact upon the amenity of the neighbouring residents, by virtue of dominant and overbearing impact. This is exacerbated by the position of the application site to the south of the neighbouring property. The extension will therefore, reduce sunlight levels within the adjacent garden at the rear of that property.

This overbearing effect is deemed to constitute harm to the living conditions of neighbouring property and is therefore contrary to parts a), b) and e) of policy DM2 and also part c) of policy DM13 of the Local Plan Part 3 (Development Management Policies).

4. Impact on the wider setting and the Area of Outstanding Natural Beauty

A neighbouring objector has argued that the extension will constitute harm to the character of the Blackdown Hills Area of Outstanding Natural Beauty. The applicant has responded to this point, arguing that there are some disjointed views of the rear of the house from a gated field entrance on Dunkerswell road, although no

strategic views are affected and therefore this is not a valid point of objection. The case officer has examined the immediate and wider impacts, and overall it is thought that there is no significant or wide ranging harm to the character of the Area of Outstanding Natural Beauty.

The National Planning Policy Framework states that authorities should grant permission for designs which will function well and add to the overall quality of the area. The Framework also states that a proposal should respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. Policy DM29 of the Local Plan Part 3 (Development Management Policies) seeks to ensure that development proposals within protected landscapes such as the Blackdown Hills Area of Outstanding Natural Beauty are without harm to the special qualities of their setting. For example Part a) states that new development must demonstrate that cultural heritage and character, appearance, setting and other sequential qualities of the landscape will be conserved, or where possible enhanced.

Householder development within the Blackdown Hills is guided by the Blackdown Hills Area of Outstanding Natural Beauty Design guide for houses published March 2012. This states that an extension to an existing house should generally fit in with the character of the existing building and should not overpower it. This also states that construction materials may be the same or may complement the existing structure with windows which generally be of similar size and proportion to the existing house. The proposal is not considered to follow these principles, particularly because the cumulative effect of a rear extension, raising of the roof and dormer feature are thought to significantly alter the modest proportions of the rear elevation. The Authority recognizes this document is guidance only, however it sets out important principles for acceptable development within the Area of Outstanding Natural Beauty. The immediate impact of the design is largely considered under part 2 of this report.

Given the visual impact is not wide ranging, it is not thought there is significant harm to the Area of Outstanding Natural Beauty through this proposal, although the overall design is very distinctive from the wider vernacular of the Churchills Rise development. No objection is therefore raised in relation to the potential impact upon the Area of Outstanding Natural beauty.

REASONS FOR REFUSAL

1. The proposed rear extension is considered to constitute overdevelopment of the dwelling's curtilage, by virtue of there being a loss of rear garden space, leaving an amount of approximately 40 square metres to support what would become a significantly enlarged 3 bedroom property. Following completion of the works it is considered that the amount of outdoor space would not be commensurate with the scale of the dwelling, or with the pattern of housing across the wider Churchills Rise site, contrary to policies COR2 of the Mid Devon Core Strategy (Local Plan Part 1), DM2 and DM13 of the Local Plan Part 3 (Development Management Policies), and the National Planning Policy Framework.
2. The proposed development by reason of the range of component design elements with the associated wide range of materials is considered out of keeping and to detract from the simple design and appearance of the existing dwelling and its immediate surroundings contrary to policy COR2 of the Mid Devon Core Strategy (Local Plan Part 1), policies DM2 and DM13 of Mid Devon Local Plan Part 3 (Development Management Policies) and part 7 of the National Planning Policy Framework.
3. The proposed extension consisting of a ridge height of 8.3 metres accompanied with a protrusion of a further 2.6 metres from the rear wall of the existing house, in conjunction with the raising of the existing ridge by 0.8 metres is considered to have a detrimental overbearing impact upon the occupants of the neighbouring property contrary to COR2 of the Mid Devon Core Strategy (Local Plan Part 1), policy DM2 and DM13 of the Local Plan Part 3 (Development Management Policies) and Part 7 of the National Planning Policy Framework.

Application No. 14/00772/FULL

Plans List No. 4

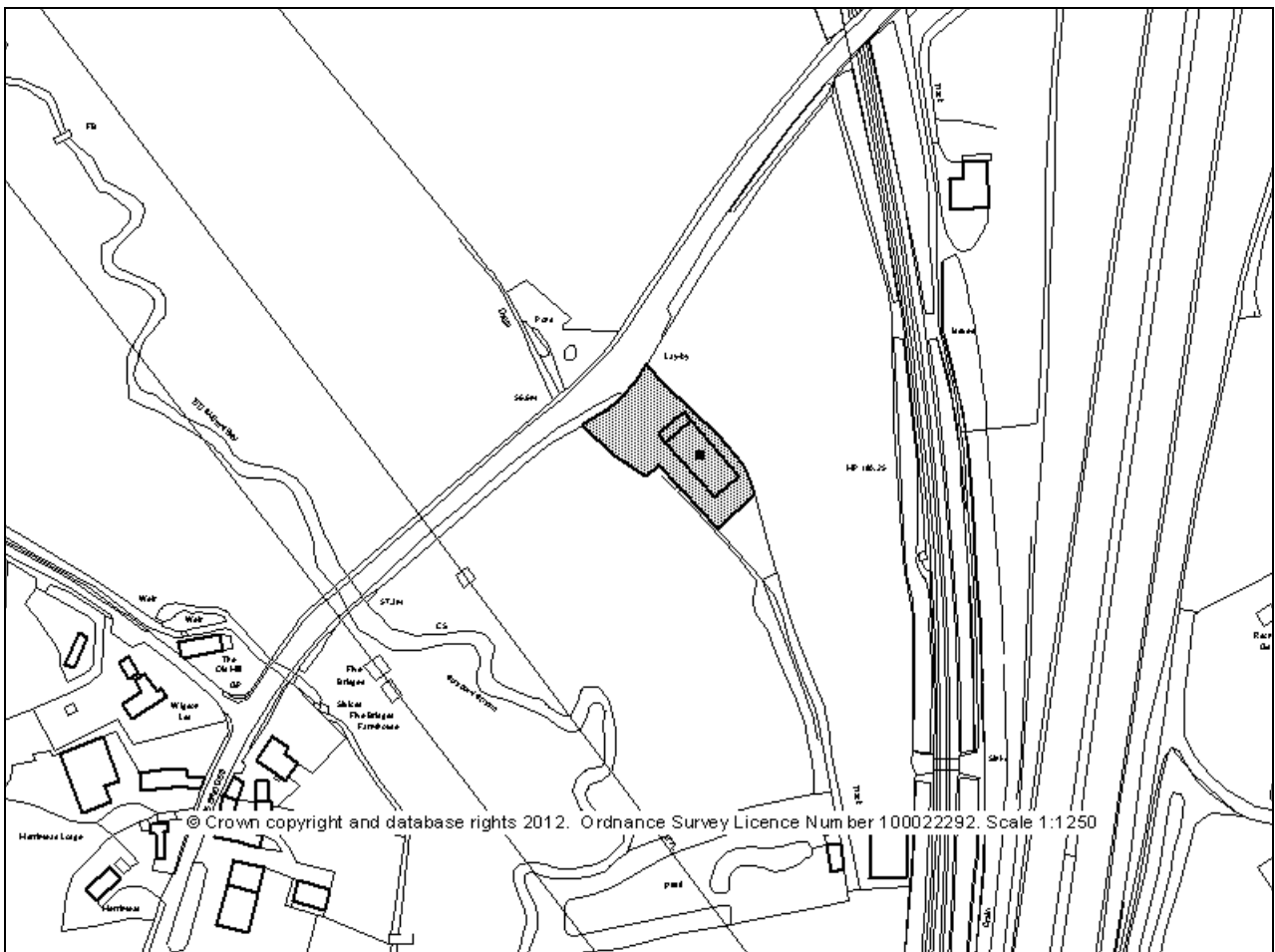
Grid Ref: 302755 : 109621

Applicant: Mr R Payne

Location: West Country Car
Sales Five Bridges
Willand Road

Proposal: Extension to car sales
area

Date Valid: 29th May 2014



Application No. 14/00772/FULL

RECOMMENDATION

Grant permission subject to conditions.

PROPOSED DEVELOPMENT

Planning permission was granted in November 2013 for the change of use of this former farm shop to car sales. The permission covered the former car sales building together with the surrounding yard for parking and drainage. The current application seeks to extend the external car sales area onto a strip of land on the north-eastern side of the sales building. The width of the area of land in question varies between 8m at the front of the building, 10m adjacent to the building and a maximum of 16.7m at the rear. It is currently in agricultural use, being part of a larger field.

Details submitted with the application indicate that the additional car sales area sought to be surfaced in grey crushed stone over a geotextile membrane and will also act to drain surface water.

An area to the south west of existing building, outside the area with planning permission has been used as an additional car sales area without planning permission. This is the subject of a separate, but associated enforcement report in conjunction with other issues at the site. The proposed additional area sought in this application is intended to replace this and regularise the car sales area.

APPLICANT'S SUPPORTING INFORMATION

Flood risk assessment.

PLANNING HISTORY96/01590/FULL Retention of two 7.9 metre (26ft) lengths of roadside boundary wall, varying in height from 1.5 metres (5ft) to 1.8 metres (6ft) GRANTED JANUARY 1997
01/01650/FULL Alterations to front elevation to install shopfront GRANTED NOVEMBER 2001
13/00608/CLU Certificate of Lawfulness for use as shop GRANTED JULY 2013
13/00813/FULL Change of use from A1 shop to building and farm supplies merchant - WITHDRAWN AUGUST 2001
13/01425/FULL Change of use from shop to car sales GRANTED NOVEMBER 2013

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR11 - Flooding
COR18 - Countryside

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 - Presumption in favour of sustainable development
DM2 - High quality design
DM19 - Rural shopping

CONSULTATIONS

HIGHWAY AUTHORITY - 10th June 2014 - Standing advice applies please see Devon County Council document <http://www.devon.gov.uk/highways-standingadvice.pdf>

ENVIRONMENT AGENCY - 3rd June 2014 - This application is for a commercial extension in the flood risk area and does not appear to include an FRA, which is a reason for refusal. Minor extension in the flood risk area dealt with are dealt with by standing advice and do not require bespoke comment from the EA.

WILLAND PARISH COUNCIL - 17th June 2014 - Willand Parish Council recommend refusal of this application in its present form for the following reasons:

1. The proposal extends the site outside of the original approved site into open countryside which was very productive food producing land.
2. The current appearance of the site is considered unsightly and not in keeping with its location and immediate surrounding area.
3. There are concerns that the current operation is not being operated within the conditions and boundaries of the current planning approval. Evidence is available of parking and car surveys/inspections being carried out in the public lay-by at the front of the property. Advertising signs are on the roadside fences outside of the approved business area.
4. Adjacent land and buildings to the rear of the approved site for some considerable distance down the valley appear to be being used as part of the business yet do not appear to be part of any approval, notification or application.
5. There are anomalies and inconsistencies within the application papers and plans which are confusing and not consistent with allowing a clear and unambiguous planning consent to be given and any conditions enforced in the future.

The concerns and inconsistencies with the current application papers are as follows:

The Application Form

Section 3. It is not clear from the plans as to what area is being applied for to extend. The site plan shows a larger area than the current CLU approved area and the area approved for car sales. Part of the area on the right is already being used and the section all down the left hand side is new. On the larger plan only the left hand side is shown as 'new'.

Section 5. The recorded pre application advice received is not clear.

Section 9. Current lighting is listed but shown as 'not applicable'. The current lighting for security and lighting the business sign on the building are in addition to what was there when the CLU and change of use was approved. The lighting has been the subject of complaint and as far as can be ascertained is not approved. There also appears to be security cameras installed which have not been seen to be approved.

Section 10. The original application form for current approval showed 23 cars. This is now increased by 14 to 37 on the current application. This is an application for a 61% increase in vehicles for sale. A press advertisement stated 'over 60 quality pre owned cars on site' - a 161% increase. This has been raised with Planning Enforcement Officer who stated that there was no condition limiting number of cars for sale. Caravans, mobile home and a boat have been seen displayed on the site. The position needs clarification to avoid further or future confusion.

Section 15. The answers do not appear to be correct as there are trees adjacent to the currently used area and a section of hedge has already been removed to facilitate current vehicle display outside of the approved area.

Section 19. Does not show any additional job creation and current number is low.

The Site Plan

It is noted that this plan has two date stamps on it from MDDC some 10 days apart and a written note. The size of the 'red line' area and the building do not appear to match the scale given for the drawing when compared with other plans submitted.

The current approved site plan shows a blue lined area to the rear of the approved site. It is not clear if this is still applicable on the current plan but it is certainly being used currently. There is a section on the rear right of the site which has blue and red lines around. This area is not approved currently but is being used with the hedge having been removed yet it is not shown on the existing plan [WCS-JS-1405-004B] or the proposed extended Area for Car Sales Business [WCS-JS-1405-005B]

Plan of Site - Existing [WCS-JS-1405-004B]

This is a copy of the current approved plan but the gates shown are not in situ and the hedge to the right has been removed and the whole area to the right of the building and beyond is being used for display of 'for sale' vehicles.

Plan of Site - Proposed [WCS-JS-1405-005B]

This is a copy of the current approved plan but the gates are not in situ and the hedge to the right has been removed and the whole area to the right of the building and beyond is being used for display of 'for sale' vehicles but not shown. The applied for extension to the left and rear of the building is shown.

Design and Access Statement

The 'Statement of Need' in relation to job creation/retention should be clarified. The DAS does not correspond to what is actually taking place on the site currently or the 'Site Location Plan' nor do the words match the drawings in relation to 'Layout'. The comments as to the appearance and visual impact of the site are strongly disputed.

If Officers are minded to grant approval to this application in its present form our District Councillors have been asked to call the application in for Committee consideration.

REPRESENTATIONS

None

MATERIAL CONSIDERATIONS AND OBSERVATIONS

This application seeks planning permission for an extension to the car sales area in association with an existing car sales business operating at the site. The planning history is considered relevant in that the principle of this use on the site is already established. A certificate of lawful use for the use of the building as a shop and the use of the surrounding area for associated parking and storage was issued in 2013 and followed by planning permission (13/01425/FULL) for a change of use to car sales. The assessment of the current proposal is therefore limited to the extension of the car sales area.

Material considerations in the determination of this application are considered to be:

- 1. The expansion of an existing commercial use.**
 - 2. Visual impact.**
 - 3. Flooding.**
 - 4. Link with a breach of planning and the associated enforcement report.**
-
- 1. The expansion of the existing use**

The site is located in the open countryside where policy COR18 of the Core Strategy confirms that development will be strictly controlled to that enhancing the character, appearance and biodiversity of the countryside while promoting sustainable diversification of the rural economy. The policy allows for appropriately scaled retail and employment related development. Policy DM19 of Local Plan Part 3 (Development Management policies) allows for retail development in the open countryside subject to the scale and location not harming the vitality and viability of town centre or village shopping, that there not be an unacceptable impact upon the local road network and safeguarding the character and appearance of the countryside. The use of the site for car sales is not strictly a retail use as it is regarded as 'sui generis' or a use in its own right for planning purposes. On application 13/01425/FULL for this use it was concluded that car sales is not traditional retailing and although there are other car sales enterprise in Willand, the use would be less likely to have an impact upon the vitality or viability of the village than an A1 retail use. The proposal therefore accorded with criterion a) of policy DM 19. This analysis is considered equally applicable to the current application which is not considered to have additional impact upon the viability or vitality of the village.

The National Planning Policy Framework supports sustainable economic growth in rural areas and allows for the sustainable growth and expansion of all types of business and enterprise in rural areas. Taking the policy background into account there is no objection in principle to the expansion of the car sales area. The use is compatible with its location and associated with an existing operation.

The Highway Authority applies standing advice to this application. The additional sales display area is not considered to have any significant impact upon the traffic generation associated with the site. The existing access onto the public highway is good. Criterion b) of policy DM19 is considered to be met.

2. Visual Impact

The area in question is located on the north eastern side of the existing site and involves the change of use of a strip of land currently forming part of the adjacent agricultural field. The boundary between the existing car sales operation and the field on this side is currently open, with no screening or means of enclosure between them. Beyond the application site the field level rises slightly. When approaching the site from the adjacent road from the Willand direction, this change in level of the field reduces views of the application site from the NE as the site is at a lower level. Unlike the car sales site as a whole, the application area is not considered to be widely visible until nearly at the site.

The application area is located away from the road approach to the building from Cullompton, from where it will mainly be behind the existing building. The car sales building and associated land is visible from this direction above the boundary hedge between the field and the road.

Taken in context with the existing site, the application site area is not considered to be so visible, prominent nor to affect the character of the area such as to warrant refusal. A new boundary will need to be created between the expanded car sales area and the adjacent field in order to clearly define it and prevent piecemeal expansion further into the field. Submission and approval of details of this new boundary/ means of enclosure is to be required by condition. Criterion c) of policy DM19 is considered to be met.

3. Flooding

The site is located within flood zones 2 and 3. A flood risk assessment has been submitted in support of the application. The proposal is considered a minor extension to a commercial use in a flood risk area and as such is low vulnerability / risk. The existing sustainable urban drainage arrangement will be extended to deal with the surface water from the parking area. The proposed permeable surface will achieve this.

The applicants have previously advised that the Environment Agency 'early warning' system will be joined so that in the event of a 1 in 100 year event flood evacuation may be managed and controlled on site. The proposal is therefore considered to accord with policies COR11 Core Strategy and DM2 of the Local Plan Part 3 (Development Management policies) in that it is acceptable risk and will not increase flood risk elsewhere.

4. Link with a breach of planning and the associated enforcement report

A separate enforcement report for relating to a range of issues at the car sales site as a whole is being considered at the same meeting of Planning Committee. Comments received from the Parish Council on this application relate in part to these enforcement issues.

One of the current breaches of planning control at the application site is an unauthorised area of land currently being used for car sales. This is outside the area approved under permission 13/01425/FULL and located to the south western side of the site. The current application seeks to regularise this through the approval of an extension to the car sales area. The applicant has indicated that if this application is granted, the currently unauthorised area will no longer be required. The unauthorised area is considered to be more visible than that sought through this application. Granting of planning permission for this scheme will therefore assist in addressing one of the planning breaches identified in the accompanying enforcement report.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. Within three months of the date of this permission details of new boundary treatment to include a

means of enclosure along the boundary of the site with the adjacent agricultural land shall be submitted to and approved in writing by the Local Planning Authority. The new boundary treatment shall be fully implemented in accordance with the approved details prior to the first use of the application site and shall thereafter be retained.

REASONS FOR CONDITIONS

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. In the interests of ensuring that the boundaries of the site are clearly defined and to prevent the use from spilling out beyond the application site.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The application is therefore considered acceptable as an extension of car sales area in connection with the existing authorised use of the site. It is not considered to detract from the viability or vitality of Willand or the surrounding area, does not introduce significant additional traffic generation and will not increase the risk of flooding or present an unacceptable flood risk to users of the site. It is not considered to materially harm the character or appearance of the site or its surroundings. Having regard to material planning considerations the application is considered to meet the requirements of policies COR11 and COR18 Mid Devon Core Strategy; DM1, DM2 and DM19 Local Plan Part 3 (Development Management policies) and the National Planning Policy Framework.

Application No. 14/00801/FULL

Plans List No. 5

Grid Ref: 299384 : 112863

Applicant: Mr J Clapp

Location: Land at NGR 299569
112886 Red Linhay
Crown Hill

Proposal: Erection of agricultural
livestock building

Date Valid: 27th May 2014



Application No. 14/00801/FULL

RECOMMENDATION

Grant permission subject to conditions.

CLLR RAY RADFORD HAS REQUESTED THAT THIS APPLICATION BE DETERMINED BY THE PLANNING COMMITTEE FOR THE FOLLOWING REASONS:

To consider whether there is a need for the building.

PROPOSED DEVELOPMENT

The proposed development is for the erection of an agricultural livestock building at NGR 299569 112886, Red Linhay, Crown Hill, Halberton. This application intends to replace an existing permission 12/00630/FULL also for an agricultural livestock building. This is due to the subsequent grant of permission for an anaerobic digester and associated works, the siting of which compromises the ability to implement permission 12/00630/FULL. The current site for the proposed building is located approximately 35m further north than the previously approved position (the latter now to be occupied by the anaerobic digester granted under 13/01605/MFUL. The current proposal is to the north of the driveway leading to the applicant's dwelling. The current application site lies within land identified in the anaerobic digester proposal as both providing feedstock for the plant and also being a recipient for digestate (Hartnoll Farm). Contrary to the Parish Council's expectation, this application has not been withdrawn by the applicant following the approval of the AD proposal.

The proposed building will be 32 metres long, 14 metres wide, and will have a floor space of 448sqm². The building will be located north west of the existing buildings on site, in the corner of a large agricultural field, adjacent to the site entrance. The proposed building's walling will be constructed using half reinforced concrete panels, and half-timber cladding, with a fibre cement roof. The eaves height will be 4.4 metres and the ridge height 6.6 metres. Both the south west and north east elevations will have enclosed sides using the above materials for 7 metres. In the remaining open area of both elevations there will be a 4.6 metre wide gate. The south east elevation of the building will remain open with cattle feed barriers, and will have a 2.4 metre feed canopy overhang. These materials reflect typical agricultural building materials; the building will be within close proximity with the other buildings on site, and will be seen as part of the farm complex. Site access will remain as existing.

APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement

PLANNING HISTORY

08/00282/PNAG Prior notification for the erection of an agricultural storage building - NOBJ - 7th March 2008

12/00585/PNAG Prior notification for the erection of an agricultural storage building

PRIOR APPROVAL REQUIRED - LETTER SENT 17TH MAY 2012 - NOBJ - 11th June 2012

12/00630/FULL Erection of an agricultural livestock building - PERMIT - 19th June 2012

13/01605/MFUL Erection of a 500kW anaerobic digester and associated works with 4 silage clamps - PERMIT - 10th July 2014

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR2 - Local Distinctiveness

COR18 - Countryside

Mid Devon Local Plan Part 3 (Development Management Policies)

DM2 - High quality design

DM8 - Parking

DM22 - Agricultural development

CONSULTATIONS

HIGHWAY AUTHORITY - 18th June 2014 - Observations - The Highway Authority would raise no objection to the above application, but would raise concern for the drainage of the proposal which may exacerbate an existing issue.

The existing highway to the south of the site is prone to flooding this is due in main to the siltation of the existing soak away sited adjacent to the existing barn to which the Highway Authority has a right of discharge. Prior to the use of this barn being brought into use the soak away should be de-silted so that it functions correctly and is capable of taking any additional water from this proposal.

The Highway Authority would take guidance from the Local Planning Authority as to whether or not they consider this a reasonable condition to impose on this development or whether it should be an advisory notice.

Recommendation: The Local Highway Authority recommends that the following conditions shall be incorporated in any grant of permission:-

1. In accordance with details that shall previously have been submitted to, and approved by, the Local Planning Authority, provision shall be made within the site for the disposal of surface water so that none drains on to or is allowed to back up onto any County Highway

REASON: In the interest of public safety and to prevent damage to the highway.

HALBERTON PARISH COUNCIL - 26th June 2014 - It was the Parish Council's understanding that this livestock building application was to be withdrawn, if the planning for the Anaerobic Digester was approved. If this was not the case then the Parish Council would request an extension of time by Mid Devon District Council in order to consider the application at its next meeting on the 8th July.

ENVIRONMENTAL HEALTH - 16th June 2014 - Contaminated Land - No objections.

Air Quality - No objections.

Drainage - No objections.

Noise and other nuisances - No objections.

Housing Standards - No comments.

Licensing - No comments.

Food Hygiene - Not applicable.

Private Water Supplies - Not applicable.

Health and Safety - No objections.

HISTORIC ENVIRONMENT SERVICE - 1st July 2014 - The proposed development lies in an area of archaeological potential. Archaeological investigations and geophysical survey undertaken to the west showed the presence of two ring-ditches, the ploughed out remains of prehistoric burial sites, within 200m of the application area. Finds of prehistoric flint tools have also been found in the field to the north of the application area. Similar archaeological features and artefacts could be present within this application area. Groundworks for the construction of the new livestock building therefore have the potential to expose and destroy archaeological deposits and artefacts associated with the known prehistoric activity in the vicinity.

For this reason and in accordance with paragraph 141 of the National Planning Policy Framework (2012) I would advise that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

'No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the District Planning Authority.

Reason

'To ensure that an appropriate record is made of archaeological evidence that may be affected by the development'

I would envisage a suitable programme of work as taking the form of the archaeological monitoring and recording of all groundworks associated with the construction of the new livestock building to enable the identification, investigation and recording of any exposed archaeological or artefactual deposits. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report.

I will be happy to discuss this further with you, the applicant or their agent. We can provide the applicant with a Brief setting out the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work.

REPRESENTATIONS

One letter of representation has been received, stating there is no need for an agricultural livestock building due to there not being any cattle on the application site. This is addressed below.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

- 1. Justification for the agricultural building**
- 2. Impact on neighbours and the character and appearance of the area**
- 3. Impact on the environment and local road network**

1. Justification for the agricultural building

The erection of an agricultural building is required in order for the applicant's livestock herd to be accommodated on site. At present the herd are kept elsewhere, however that land is no longer available, creating a need for an agricultural building in this location. The building itself will be used in connection with the business of rearing and keeping cows. The development is reasonably necessary to support the applicants farming activities. It is also important to consider that this application intends to replace an existing permission 12/00630/FULL, due to the subsequent grant of permission for an anaerobic digester and associated works, the siting of which compromises the ability to implement permission 12/00630/FULL for an agricultural building. However, it is recommended that a condition is imposed to allow for the implementation of only one of the livestock agricultural buildings, as it is not considered that there is a need for two agricultural buildings on this site presently. At present, the building allowed under 12/00630/FULL could be implemented if the anaerobic digester proposed does not go ahead.

The site of this application lies within the 62ha at Hartnoll Farm identified in the Anaerobic Digester application (13/01605/MFUL) as providing crop feedstock for the Anaerobic Digester plant and to be in receipt of digestate. The size of this building/site in relation to this 62ha is minimal and is expected to have an insignificant impact upon the operation of the Anaerobic Digester plant. It is not considered that this

would provide reason to refuse the current application.

2. Impact on neighbours and the character and appearance of the area

The proposed agricultural building will be visible from the public highway, however, the building's visual impact is mitigated by the retention of mature hedges that will act to screen the building from the highway, and this will be further mitigated by the planting of a new hedge to the north of the building. There are no houses within close proximity of the site; therefore any impacts on neighbours will be low. The design of the building reflects that of a standard agricultural building, and the building will be viewed in the context of the other buildings on site, forming part of the existing farm complex; consequently any impacts on the wider landscape are considered to be low. As such, the development can be considered to be well-designed and appropriately located, respecting the character and appearance of the area in accordance with policy COR18 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 and DM22 of the Local Plan Part 3 (Development Management Policies).

The proposed site is located approximately 150 metres from the Grand Western Canal and associated Conservation Area. It is further away than both the previously approved position of a livestock building of the same size and height and the Anaerobic Digester scheme. As a proposed new building, an alternative to the previous approval it is not considered to impact upon the canal/the associated conservation area or setting such as to warrant refusal of the application. It will add to the group of buildings in this location, particularly if the Anaerobic Digester plant is implemented. The proposed livestock building would be behind the Anaerobic Digester when viewed from the canal direction. In this respect it is also considered acceptable.

3. Impact on the environment and local road network

The application site is accessed from Crown Hill, Halberton and there is a wide double gated entrance leading onto the main site track and concreted yard. This access will remain unchanged and it is not considered that the development will have an unacceptable traffic impact on the local road network. The Highway Authority has raised concerns about the drainage of the proposal exacerbating an existing flooding problem on the highway that runs north to south past the entrance to the site. It is considered that the siltation of a soak away on the applicant's site is doing little to ameliorate the flooding problems on Crown Hill, to the south of the proposed site. However, firstly, this is an existing problem that will not be caused by the proposal. Secondly, the soak away that the Highway Authority makes reference to is nowhere near the proposed location of the agricultural building subject to this application. This is illustrated by an additional drawing submitted by the applicants demonstrating the location of the soak away. Surface water from the proposed building will drain to an existing watercourse, not the soak away on the opposite side of the site from the proposed agricultural building. Therefore it is considered that the existing flooding issues due to the situation of the soak away will not be exacerbated by this proposal. The Devon County Council suggested condition is therefore not considered to be justified. No objection has been raised from Devon County Highways regarding vehicle movements to and from the site, the proposal is not deemed to be conflict with policy DM8 of the Local Plan Part 3 (Development Management Policies).

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which shall first have been submitted to, and be approved in writing by, the Local Planning Authority.
4. The permission hereby granted shall be implemented only as an alternative to that granted under reference 12/00630/FULL and shall not be implemented in addition to that planning permission.

REASONS FOR CONDITIONS

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. To ensure that an appropriate record is made of archaeological evidence that may be affected by the development in accordance with Policy DM27 of Local Plan Part 3 (Development Management Policies) and guidance in the National Planning Policy Framework (NPPF).
4. There is only a justified need for one agricultural livestock building on the holding.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The proposed agricultural building is considered to be reasonably necessary to be used in connection with the business of rearing and keeping cows at the Red Linhay site, Crown Hill. It is intended the herd will be moved to the site, due the future unavailability of the land where they are currently kept. This Red Linhay site already benefits from planning permission for an agricultural building (12/00630/FULL), at present this permission is unimplemented but the permission does not lapse for another 11 months. The recent approval for an anaerobic digester is proposed to be located where the agricultural building benefiting from the (12/00630/FULL) has permission to be erected, hence the need for an agricultural building in an alternative location. Both consented schemes are a material considerations in determining this application. Additionally, it is not considered the application will have an unacceptable adverse impact on the neighbours, the character of the area including the Grand Western Canal and associated Conservation Area, the environment, or the local road network. Consequently this application is recommended for approval. The proposal is deemed to comply with policies COR2 and COR18 of the Mid Devon Core Strategy (Local Plan 1), policies DM2, DM8 and DM22 of the Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.

Application No. 14/00952/FULL

RECOMMENDATION

Refuse permission.

CLLR MARGARET SQUIRES HAS REQUESTED THAT THIS APPLICATION BE DETERMINED BY THE PLANNING COMMITTEE FOR THE FOLLOWING REASON:

1. To consider if the building is suitable and worthy for conversion to a live/work unit.
2. To consider given the relationship of the building with the residential nature of the adjacent buildings if this is a suitable use of this building.

PROPOSED DEVELOPMENT

Conversion of redundant workshop (class B2) to live/work unit including art gallery with alterations to existing access.

The existing building is of two storey height with a small mezzanine area under a pitched roof with an attached single storey lean-to located to the side of the building, that sits on the edge of the site with an access to the front and side of the building gaining access to the agricultural field behind. The palette of materials comprises of big six corrugated roofing to both roof slopes, unpainted rendered walls. There are currently 3 windows set into the building one under the eaves, another a small window to the eastern gable and a window in the north wall of the lean-to. To the front western gable are separate full height double doors serving both the main building and the lean-to.

Access to the site is via a field gate and direct access onto the highway at a junction. The site is in the open countryside, located to the south and east of Morchard Bishop between a small number of properties.

The floor plan of the main building is 8.5m x 4m and the lean-to 8.5m x 3m. The lean-to is open plan with the main building open plan with a small mezzanine area, with doors in the front elevations. It is presently utilised for the storage of domestic items and assorted other items.

The proposal is to create a 2 bedroom dwelling with 1 x bathroom, in the upper part of the main building with a sitting/dining room and an art gallery to the main building ground floor with stairs to the first floor. In addition an art studio, kitchen and wc/utility are to be provided within the lean-to portion of the building. Twelve new window and door openings are to be formed within the current walling and the existing pair of solid double doors to the front of the building, with 4 roof lights within the roofs.

The concrete apron at the front of the building is to be mainly removed in order to create a paved area. Hedging is to be removed from the front of the site to create a visibility splay with additional hedgerow planting proposed where necessary.

Access to the site is to be altered and moved to provide increased visibility to the site. The plans indicate the proposed provision of 3 parking spaces to serve both the residential and art gallery, art studio users.

Foul drainage is to be managed with a connection to the main sewer, which runs through the field to the rear of the building

APPLICANT'S SUPPORTING INFORMATION

Plans, elevations, block and site plans - existing and proposed.

Supporting planning statement

Bat Roosting Assessment prepared by Mrs P Cox Encompass Ecology LTD October 2013.

Structural report prepared by Stephen Rogers prepared October 2013.

PLANNING HISTORY

04/02213/FULL - Conversion and extension of garage/store to dwelling and change of use of land to form curtilage of dwelling - REFUSE - 25th January 2005

Reasons for Refusal:

1. The site is in open countryside where it is the policy of the Local Planning Authority to resist new housing development unless it is demonstrated that the proposal serves a genuine agricultural or other appropriate need. In the opinion of the Local Planning Authority the proposal does not constitute a genuine agricultural or other appropriate need and would therefore be contrary to Policy ST1 of the Devon Structure Plan 2001 - 2016; Policy S5 of the Mid Devon Local Plan First Alteration Revised Deposit, Policy S1 of the Mid Devon Local Plan and advice contained in Planning Policy Statement 7.
2. It is considered that the degree of physical alteration, extensions and change to the fabric of the building including the installation of new openings and excessive domestic curtilage will introduce and overly residential character to the detriment of the simple function of the building and will in turn have a detrimental impact upon the rural character of the area and is therefore contrary to Policies S7 and H15 of the Mid Devon Local Plan (First Alteration) Revised Deposit and Policy H5 of the Mid Devon Local Plan.
3. In the opinion of the Local Planning Authority the building is not worthy of conversion as it is not of a traditional character, the retention of which is important to the character and appearance of the area is therefore contrary to Policy H15 of the Mid Devon Local Plan (First Alteration) Revised Deposit and Policy H5 of the Mid Devon Local Plan.
4. The design and external appearance of the proposed development would, in the opinion of the Local Planning Authority, be inappropriate to this site and out of keeping with the rural character of the area. The proposal would thus detract from the visual amenity of the area.
5. The proposed development would be located where it is remote from adequate services, employment, education, public transport and will therefore increase the need for travel by private motor vehicles which is none-sustainable and is therefore contrary to Policy ST1 and ST2 of the Devon Structure Plan 2001 to 2016, Policy S9 of the Mid Devon Local Plan (First Alteration) Revised Deposit and Policy TR6 of the Mid Devon Local Plan as well as advice contained in Planning Policy Guidance Note no.13.

05/01469/FULL Conversion and extension of garage/store to dwelling and change of use of land to form curtilage of dwelling (Revised scheme) - REFUSED - 31st August 2005. The decision was appealed. The appeal was dismissed. A copy of the decision letter is appended to this report.

Reasons for Refusal:

1. The site is in open countryside where it is the policy of the Local Planning Authority to resist new housing development unless it is demonstrated that the proposal serves a genuine agricultural or other appropriate need. In the opinion of the Local Planning Authority the proposal does not constitute a genuine agricultural or other appropriate need and would therefore be contrary to Policy ST1 of the Devon Structure Plan 2001 - 2016; Policy S5 of the Mid Devon Local Plan First Alteration Revised Deposit Proposed Modifications, Policy S1 of the Mid Devon Local Plan and advice contained in Planning Policy Statement No.7.
2. In the opinion of the Local Planning Authority the building is not worthy of conversion as it is not of a traditional character, the retention of which is important to the character and appearance of the area, is therefore contrary to Policy H15 of the Mid Devon Local Plan First Alteration Revised Deposit Proposed Modifications and Policy H5 of the Mid Devon Local Plan.
3. The proposed development would be located where it is remote from adequate services, employment, education, public transport and will therefore increase the need for travel by private motor vehicles which is non-sustainable and is therefore contrary to Policy ST1 and ST2 of the Devon Structure Plan 2001-2016, Policy S9 of the Mid Devon Local Plan First Alteration Revised Deposit Proposed

Modifications and Policy TR6 of the Mid Devon Local Plan as well as advice contained in Planning Policy Guidance Note No.13.

4. *The proposal incorporates an excessive domestic curtilage that will, in the opinion of the Local Planning Authority, introduce an overly residential character to the site and will have a detrimental impact on the rural character of the area and is therefore contrary to Policies S7 and H15 of the Mid Devon Local Plan First Alteration Revised Deposit Proposed Modifications and Policy H5 of the Mid Devon Local Plan.*

13/01243/FULL Conversion of redundant workshop (class B2) to live/work unit including art gallery with alterations to existing access - REFUSED - 19th December 2013

Reasons for Refusal:

1. *In the opinion of the Local Planning Authority the building subject of this application is of a design and appearance which does not positively contribute to the rural character of the area and is therefore not suitable for conversion to a dwelling. In addition the building is considered at the moment not to be disused or redundant. The application is therefore contrary to Policy DM11 of the Mid Devon Local Plan Local Plan Part 3 (Development Management Policies).*

2. *It is considered that the degree of physical alteration, and change to the fabric of the building including the installation of new openings and excessive domestic curtilage will introduce an overly residential character to the building as seen in the local context to the detriment of the simple function of it which will in turn have a detrimental impact upon the rural character of the area and is therefore contrary to Policies DM2, DM11, DM14 of the Local Plan Part 3 (Development Management Policies).*

3. *In the opinion of the Local Planning Authority the planning application proposal does not present residential living accommodation which satisfactorily responds to requirements established by Policies DM2 and DM15 of the Local Plan Part 3 (Development Management Policies).*

4. *In the opinion of the Local Planning Authority it is not considered that the building as a B2 use has not been satisfactorily marketed and demonstrated there is no reasonable prospect of the site being used for employment purposes, and therefore is considered that the planning application proposals is contrary to the requirements of Policy DM21 of the Local Plan Part 3 (Development Management Policies).*

Other than the applications referred to above and the three refusals there is no other planning history recorded for the site. Although the applicant has described the lawful use of the building for B2 purposes, the photographs provided by the applicant show the use of the building presently as occasional storage for domestic/agricultural items.

Given the uncertainty about the lawful use of the site, and it's resent use as domestic store it is considered that the building may no longer fall within the commercial use (B2). However the Authority have no reason to doubt the previous use as set out in the planning statement submitted with the application and is content to consider the application as presented.

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR1 - Sustainable Communities

COR2 - Local Distinctiveness

COR9 - Access

COR18 - Countryside

Mid Devon Allocations and Infrastructure Development Plan (Local Plan 2)

AL/IN/3 - Public Open Space

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 - Presumption in favour of sustainable development

DM2 - High quality design

DM8 - Parking

DM11 - Conversion of rural buildings

DM14 - Design of housing

DM21 - Protection of employment land

CONSULTATIONS

MORCHARD BISHOP PARISH COUNCIL - 8th July 2014 - Supported by a majority.

HIGHWAY AUTHORITY - 26th June 2014 - Standing advice applies please see Devon County Council document <http://www.devon.gov.uk/highways-standingadvice.pdf>

REPRESENTATIONS

There are 3 representations in total two objection (both from the same objector) and one in support.

The objector's views are summarised as follows

1. A revised scheme of previous application 13/01243/Full
2. No further evidence of marketing has taken place, minimum of 18 months
3. Site is in open countryside and non-sustainable
4. There will be a considerable change to the appearance of the land
5. The existing 5bar gate has a rural appearance, the alterations to provide a safe access will alter the character of the junction
6. The garden area is the whole field and even with PD rights removed will inevitably become cluttered.
7. No locational reason for the gallery to be there
8. Large garden for a 2 bed house not efficient use of the land
9. The 4 tests in DM11 are not met
10. Policy DM14 requires storage of bicycles etc no provision made.
11. No demonstration under DM24 that the need for the gallery cannot be met within nearby settlements.
12. The highly glazed area to the west will be a strikingly dominant feature, with possible highway issues

Supporter's comments are summarised as follows

1. There are already houses in the area with large gardens
2. It will enhance the look of the area

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The application site forms a stand-alone agricultural style building between Frost and Oldborough at the junction of Rixley Lane and Oldborough, and approximately 50 metres from the Grade II Building of Paradise to the south and Frost Cottages 130m to the north.

The main issued in the determination of this application are:

- 1. Policy**
- 2. Principle of converting the building to a dwelling**
- 3. Loss of Employment Land**
- 4. Housing supply issues**
- 5. Recent Dismissed appeals in Mid Devon District Council area**
- 6. Other matters**

1. Policy.

The site is located in the open countryside where Policy COR18 of Mid Devon Core Strategy (Local Plan Part 1) seeks to strictly control development. However, in respect of this application this policy is in conflict with the National Planning Policy Framework (the NPPF) and the Local Plan Part 3 (Development Management Policies Local Plan Part 3 (Development Management Policies) in that it does not in principle allow for the conversion of redundant or disused buildings.

Paragraph 55 of the NPPF provides a number of examples of where exceptions to the general presumption against new homes in the countryside can be made. One of these exceptions is for proposals where the re-use of redundant or disused buildings would lead to an enhancement of the immediate setting. The NPPF is not part of the statutory development plan but sets out the Government's planning policy and provides guidance to Local Planning Authorities both in drawing up their own distinctive plans which reflect the needs and priorities of their communities and as a material consideration in determining applications (paragraphs 1, 12 and 13). The Local Plan Part 3 (Development Management Policies) has been produced since the publication of the NPPF.

Policy DM11 of the Local Plan Part 3 (Development Management Policies) builds upon the content of paragraph 55 of the NPPF and sets out the criteria to be applied when assessing applications for the conversion of redundant or disused buildings. It requires such buildings to be of a substantial and permanent construction and that positively contribute to the rural character of an area. If a building passes this initial assessment the policy goes on to require it to have or be capable of having a suitable access, to be converted without significant alteration, extension or rebuilding retaining the original character of the building and its surroundings and retain any nature conservation interest associated with the site or building. The Local Plan Part 3 (Development Management Policies) was adopted after the NPPF and is compliant with it.

Policy DM21 establishes a presumption in terms of protecting employment land for employment uses unless it can be demonstrated that there is no reasonable prospect of the site being used for employment uses, and establishes 3 criteria to make that assessment.

Policy DM1 of the Local Plan Part 3 (Development Management Policies) seeks to encourage sustainable development. Policy DM2 states development must be of high quality and identifies a number of criteria which planning application proposals should normally comply with. Policy DM15 goes on to establish space requirements for newly constructed dwellings

Policy AL/IN/3 of the Allocations and Infrastructure Development Plan Document seeks to provide at least 60 square metres of public open space for each new market dwelling.

2. Principle of a converting the building to a dwelling including design criteria

Policy DM11 requires buildings for conversion to positively contribute to the rural character of an area and that would infer that a building has to have a certain level of attractiveness in order to be considered positively for conversion.

The applicant has put forward the following case in terms to support the principle of converting the building to a residential dwelling

"It is considered by the applicant that the application is in accordance with National Planning Policy Framework (NPPF) as the application scheme that development management should be a positive process with approval granted for "sustainable rural communities". That all settlements can play a role in delivering sustainable development in rural areas and so blanket policies restricting housing development in some settlements should be avoided".

It is considered that the building does not positively contribute to the rural character of the area based on its design, materials and appearance in relation to its surroundings. However it is not considered that the building itself is harmful to the rural character of the area, rather it reads as a functional utilitarian building. The building is at present being used as storage of domestic items and other paraphernalia. This conclusion that the building does not positively contribute to the rural character of the area was shared by the appeal

inspector on application 05/01469/FULL. Policy at the time required buildings to be important to the character or appearance of the area. The Inspector stated '....This criterion would not be satisfied as the building is of rendered blocks and corrugated sheets, with timber and metal doors and is of unremarkable appearance'.

The property is not within a defined settlement limit and is set within the open countryside to which the National Planning Policy Framework Paragraph 55 states that where the development would re-use redundant or disused buildings and lead to enhancement to the immediate setting then consideration should be made to approval of the scheme.

In summary it is not accepted that the building is currently redundant and disused, and therefore means that the building is not appropriate/available for conversion in accordance with Para 55 of the NPPF. In this instance, the post-war construction of the building which exhibits little architectural merit renders it as a building which does not positively contribute to the rural character of the area and is a type of agricultural style building which does not merit preservation. Accordingly, the application is considered also to be contrary to the requirements of Policy DM11 of the Local Plan Part 3 (Development Management Policies).

In respect of the other requirements of Policy DM11 proposed design with the number of new openings to be formed would be at odds with the utilitarian character and appearance of the building and it is considered that this would be a reason to justify refusing planning permission. The internal structure of the building will require extensive insulation and alteration to comply with building regulations, and the findings as set out in the Bat Report and the Structural Report are noted. Notwithstanding if the building could be converted without affecting any nature conservation interest and without significant structural alteration these considerations do not override the main objection to the scheme which arises from the building not passing the initial test set out in Policy DM11.

The agent and applicant have made some scheme changes that seek to address the refusal of 13/01243/Full. However the proposal still provides a number of additional openings in to the building changing the overall utilitarian character. The design as revised is considered an improvement over 13/01243/FULL but fundamentally still seeks to amend the building to accommodate the uses rather than working with the building in a sympathetic way. No provision has been made to reduce the size of the garden.

3. Loss of Employment Land

In the planning statement submitted to support the planning application the applicant states that the legal use of the building is for the garaging of lorries and associated repairs, falling within use class B2. The applicant has stated that it was marketed in 2005, and since 2006 the building has been used on a sporadic basis. At the time of the site visit the building was in use for storage purposes.

In terms of the planning assessment, the second criterion of policy DM21 is considered most relevant to this part of the assessment process. This part of the policy requires that before alternative uses are considered it is necessary to demonstrate that there is no commercial interest in the re-use of the site for employment, as demonstrated by a suitable marketing campaign at an appropriate price for at least 18 months. Information from the applicant is that efforts to let the building in 2005 failed. No evidence of marketing, its length or parameters have been submitted to support the application despite officer requests following the previous refusal that more information be provided.

In conclusion based on the evidence submitted it has not been satisfactorily demonstrated that there is no reasonable prospect of the site being used for employment purposes again, which is its lawful uses according to the applicant, and therefore does not comply with requirements of policy DM21.

4. Housing supply issues

The applicant has made reference to a recent case *Gallagher vs Solihull* this case relates to an application concerning the development of the sites for housing. The points of contention in this case are:-

Ground 1: The Council adopted a plan that was not supported by a figure for objectively assessed housing

need, contrary to the requirements to (i) have regard to national policies issued by the Secretary of State (section 19(2)(a) of the 2004 Act), and (ii) adopt a sound plan (sections 20 and 23 of the 2004 Act).

Ground 2: The Council adopted a plan without cooperating with other local planning authorities, contrary to the duty to cooperate (section 33A of the 2004 Act).

Ground 3: The Council adopted a plan without regard to the proper test for revising Green Belt boundaries set out in the national policy, again contrary to the requirements to have regard to national policies and adopt a sound plan.

The reference to Gallagher vs Solihull is irrelevant as that judgment refers to a Local Plan being subject to Examination and Mid Devon has an adopted Local Plan. The reference to the East Devon Local Plan is also irrelevant as this also refers to a Local Plan being subject to Examination and Mid Devon has an adopted Local Plan.

The statement correctly indicates that the adopted Mid Devon Local Plan Part 1: Core Strategy contains a target of 340 dwellings per annum as contained in Policy COR3 i.e. 6,800 dwellings across the plan period 2006 to 2026. However the references to a need for 11,250 houses or 562 houses per year and an interim figure of 420 houses per year are irrelevant as those figures are contained in the Local Plan Options Consultation document (January 2014). At such an early stage in the development the new Local Plan the content of the Options Consultation document carries no weight in planning decisions. It should also be noted that the results of the Strategic Housing Market Assessment (SHMA) have not yet been published and reference to them within the agent's statement are therefore inaccurate.

Information submitted to support this application seeks to establish that permission for this scheme should be granted based on a housing shortfall and lack of five year land supply. This proposal is for a single live/work dwelling.

In relation to the shortfall of housing referred to the figures are correct for the years referred to, but it is the shortfall against construction during the plan period which should be used i.e. from 2006. As set out in the Council's 2013 Annual Monitoring Report (AMR) the total number of houses constructed up to April 2013 was 2,306 against a target of 2,380 (340x7). The shortfall is therefore 74 houses not 159 as claimed. To determine whether Mid Devon has sufficient housing supply to meet projected need and the shortfall, a five year supply calculation must be carried out. As set out in the 2013 AMR Mid Devon had 113% of its required five year supply inclusive of the shortfall so there is no justification for releasing further land for housing development on land supply grounds. The shortfall on its own is not sufficient to justify the release of more land for development, nor the granting of this permission.

It is also noted that the statement makes reference to Dartmoor having an exceptions policy as an example of a more pragmatic approach. The Mid Devon Local Plan Part 2: Allocations and Infrastructure DPD which was adopted in 2010 already contains such a policy (AL/DE/6).

5. Recent Dismissed appeals in Mid Devon District Council relating to conversion of redundant rural buildings

Appeal Ref: APP/Y1138/A/14/2214156
Rock Park Farm, Woodland Head, Yeoford, Crediton EX17 5HE

The Inspector considered the main issue is whether the building is appropriate for conversion having regard to local and national policies relating to the re-use of redundant or disused buildings in rural areas. Overall, regardless of whether it could reasonably be converted without significant alteration, extension or rebuilding, for the reasons given the Inspector concluded that this agricultural building is one that merely reflects the rural character of the local area rather than being one that makes any positive contribution to it. Its conversion for residential use would therefore conflict with DMP Policy DM11. None of the arguments that have been put were considered sufficient to outweigh this conflict with development plan policy. The appeal was therefore dismissed.

Appeal Ref: APP/Y1138/A/14/2211253

Tanyard Farm, Willand, Cullompton EX15 2PE

The Inspector identified the main issue in this appeal is whether, having regard to the approach of the development plan and national planning policies relating to the conversion of redundant or disused rural buildings, the appeal building is appropriate for conversion to a residential dwelling. The Inspector considers that there were not material considerations that would outweigh the conflict of the development with Policy DM11 of the Council's Local Plan Part 3 (Development Management Policies) and national planning policies. The appeal building was therefore inappropriate for conversion to a residential dwelling.

It is evident from the details of these two appeals within Mid Devon District Council that the approach of the authority over the suitability of buildings for conversion in relation to the National Planning Policy Framework and the Local Plan as outlined in Policy DM11 is being supported by Appeal Inspectors.

Other matters

Transport Issues: Although remote, access to the site is achievable via country roads, this is likely to be principally by the use of the motor cars, in addition public transport is available by way of busses which pass the site.

Residential Amenity Issues: Amenity levels for the property are more than adequate and will provide a very large garden for the size of property. It is considered the change to the field to domestic garden area will impact on the nature of the surrounding rural character, to its detriment.

Flood Risk and Drainage. There are no flood risk and/or drainage issues arising

Section 106 Issues. A contribution is required towards the provision of new/maintenance of existing open space off site to comply with the requirements of Policy AL/IN/3 of the Allocations and Infrastructure Development Plan (Local Plan Part 2), and Supplementary Planning Document: The provision and Funding of Open Space Through Development (May 2008). The scope of the contributions required would be £1166.00. This has been received and therefore the proposal accords with this policy.

REASONS FOR REFUSAL

1. In the opinion of the Local Planning Authority the building subject of this application is of a design and appearance which does not positively contribute to the rural character of the area and is therefore not suitable for conversion to a dwelling. In addition the building is considered to not to be disused or redundant. The application is therefore contrary to Policy DM11 of the Local Plan Part 3 (Development Management Policies).
2. It is considered that the degree of physical alteration, and change to the fabric of the building including the installation of new openings and excessive domestic curtilage will introduce an overly residential character to the building and its surroundings as seen in the local context to the detriment of its simple functional appearance. This will also have a detrimental impact upon the rural character of the area and is therefore contrary to Policies DM2, DM11, and DM14 of the Local Plan Part 3 (Development Management Policies).
3. In the opinion of the Local Planning Authority it is considered that this building with a B2 use has not been satisfactorily marketed, nor has it been demonstrated there is no reasonable prospect of the site being used for employment purposes, and therefore it is considered that the planning application proposal is contrary to the requirements of Policy DM21 of the Local Plan Part 3 (Development Management Policies).

Jonathan Guscott
Head of Planning and Regeneration



Appeal Decision

Site visit made on 16 December 2005

by **G M Hollington MA, BPhil, MRTPI**

an Inspector appointed by the First Secretary of State

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Date

16 JAN 2006

Appeal Ref: APP/Y1138/A/05/1190651

Garage, Frost, Morchard Bishop, Crediton, EX17 6SG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by D Cox against the decision of Mid Devon District Council.
- The application Ref. 05/01469/FULL, dated 6 July 2005, was refused by notice dated 31 August 2005.
- The development proposed is conversion of existing garage store to dwelling.

Summary of Decision: The appeal is dismissed.

Main Issues

1. I consider the main issues in this appeal to be:
 - (a) whether the proposed dwelling would conflict with policies designed to protect the countryside; and
 - (b) the effect of the proposed development on patterns of travel, particularly car use.

Planning Policy

2. The development plan includes the Devon Structure Plan 2001 to 2016 (2004) and the Mid Devon Local Plan (1998). In the Structure Plan, Policy ST1 sets out sustainable development objectives. The third reason for refusal refers also to Policy ST2, but this was only in earlier drafts of the plan and was formally deleted prior to adoption.
3. In the Local Plan, Policy S1 generally resists development outside defined settlement limits. Proposals to convert rural buildings to residential use are permitted by Policy H5 provided that certain criteria are met. Policy TR6 permits development only where traffic generation does not have an unacceptable impact on road safety.
4. There is an emerging local plan, the Mid Devon Local Plan First Alteration, Revised Deposit (2002). As its policies remain liable to change, I shall give them limited weight. Policy S5 generally resists development beyond defined settlement limits and Policy S7 sets out criteria for the design of new development. Developments are permitted by Policy S9 provided they incorporate measures to minimise car travel generated where possible. Policy H15 resists the conversion of buildings outside defined settlement limits unless certain criteria are satisfied.

Reasons

(a) Whether Conflict with Policies Designed to Protect Countryside

5. The disused appeal building stands in a field of about 0.36ha, with existing dwellings to the south (Paradise Farm) and across the road to the north-west (Brymore). It lies outside the defined settlement limits of Morchard Bishop and so forms part of the countryside where existing and emerging policies resist development in principle, thus according with the Government's aim (expressed in Planning Policy Statement (PPS) 7: *Sustainable Development in Rural Areas*) to protect the countryside. Despite the site's relationship to the dwellings, those houses are some 90m apart and the site visually forms part of the countryside. No agricultural or similar need has been put forward to justify this development in the countryside.
6. I note that both adopted Local Plan Policy H5 and emerging Local Plan Policy H15 allow the conversion of rural buildings outside settlement limits. However, both policies' criteria include reference to the impact on the landscape or rural character. I accept that, with the use of appropriate materials, the building's appearance could be enhanced, but the field's use for residential purposes would harm the rural character of the countryside. While parts could be used to produce food or fuel, and permitted development rights could be removed, any dwelling would be likely to have some associated domestic curtilage and paraphernalia.
7. In addition, Policy H15 requires the building to be of traditional character, important to the character and appearance of the area. This criterion would not be satisfied as the building is of rendered blocks and corrugated sheets, with timber and metal doors, and is of unremarkable appearance.
8. I therefore conclude on this issue that, both in principle and in terms of harm to the surrounding area's character and appearance, the proposed development would conflict with policies designed to protect the countryside. It would not accord with the aims of Structure Plan Policy ST1, Local Plan policies S1 and H5, emerging Local Plan policies S5, S7 and H15, and PPS7.

(b) Effect on Patterns of Travel

9. Although it is outside the defined settlement limits, the appeal site is less than a kilometre from the centre of Morchard Bishop. However, there is no footway and the village has only limited facilities such as a shop/post office, primary school and public house. I have not been informed of any good public transport locally and so it is probable that occupants of the proposed dwelling would be heavily reliant on car transport to gain access to other services and facilities, including employment.
10. My conclusion on this issue, therefore, is that the proposed development would cause unacceptable harm to patterns of travel, particularly car use. This would be contrary to the aims of Structure Plan Policy ST1, emerging Local Plan Policy S9 and national guidance as set out in PPS 1: *Delivering Sustainable Development*, Planning Policy Guidance note (PPG) 3: *Housing* and PPG13: *Transport*.

Other Matters

11. I have taken into account all the other matters raised in the written representations, including the appellant's wishes to use renewable energy, maximise energy efficiency and produce food and fuel. I acknowledge that PPS22: *Renewable Energy* encourages renewable energy projects but I consider these benefits would not outweigh the damage to the environment which I have concluded would arise in respect of the countryside and car use. None of the other matters is of such significance as to affect the views I have reached on the main issues.

Conclusions

12. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Formal Decision

13. I dismiss the appeal.



INSPECTOR

~~SECRET~~

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