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PLEASE NOTE: Members of the public wishing to speak to a planning application are requested to contact the Committee Administrator before the meeting starts.

MID DEVON DISTRICT COUNCIL

PLANNING COMMITTEE

A MEETING of the **PLANNING COMMITTEE** will be held in the Phoenix Chamber, Phoenix House, Tiverton on Wednesday, 6 February 2019 at 2.15 pm

The next ordinary meeting of the Committee will take place on Wednesday, 6 March 2019 at 2.15 pm in the Phoenix Chamber, Phoenix House, Tiverton

STEPHEN WALFORD
Chief Executive
29 January 2019

Councillors: Mrs F J Colthorpe (Chairman), Mrs H Bainbridge, Mrs C Collis, Mrs G Doe, P J Heal, D J Knowles, F W Letch, B A Moore, R F Radford, J D Squire and R L Stanley

A G E N D A

MEMBERS ARE REMINDED OF THE NEED TO MAKE DECLARATIONS OF INTEREST PRIOR TO ANY DISCUSSION WHICH MAY TAKE PLACE

1 **APOLOGIES AND SUBSTITUTE MEMBERS**
To receive any apologies for absence and notices of appointment of substitute.

2 **PUBLIC QUESTION TIME**
To receive any questions relating to items on the Agenda from members of the public and replies thereto.

Note: A maximum of 30 minutes is allowed for this item.

3 **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT**
Councillors are reminded of the requirement to declare any interest, including the type of interest, and reason for that interest at each item.

4 **MINUTES OF THE PREVIOUS MEETING** *(Pages 5 - 14)*
Members to consider whether to approve the minutes as a correct record of the meeting held on 9 January 2019.

5 **CHAIRMAN'S ANNOUNCEMENTS**
To receive any announcements the Chairman may wish to make.

6 **DEFERRALS FROM THE PLANS LIST**
To report any items appearing in the Plans List which have been deferred.

7 **THE PLANS LIST** *(Pages 15 - 22)*
To consider the planning applications contained in the list.

8 **MAJOR APPLICATIONS WITH NO DECISION** *(Pages 23 - 26)*
List attached for consideration of major applications and potential site visits.

9 **APPEAL DECISIONS** *(Pages 27 - 28)*
To receive for information a list of recent appeal decisions.

10 **APPLICATION 18/01598/FULL - ERECTION OF A SELF SUPPORTING TREE HOUSE, REPLACEMENT OF EXISTING SUMMERHOUSE WITH CABIN ON STILTS AND CHANGE OF USE OF EXISTING SHED/ADJOINING GARDEN FOR THE SITING OF ONE CABIN ALL FOR HOLIDAY USE - LAND AT NGR 295315 124977 (WHITEHALL FARM) MOREBATH** *(Pages 29 - 50)*
To consider an implications report of the Head of Planning, Economy and Regeneration regarding the above application. Members at the meeting on 9 January 2019 were minded to refuse planning permission but a final decision was deferred pending consideration of this implications report.

11 **PLANNING PERFORMANCE AGAINST TARGETS QUARTER THREE 1ST OCTOBER- 31ST DECEMBER 2018** *(Pages 51 - 56)*
To receive a report of the Head of Planning, Economy and Regeneration providing the Committee with information on the performance of aspects of the planning function of the Council for Quarter 3 of 18/19.

The Human Rights Act 1998 came into force on 2nd October 2000. It requires all public authorities to act in a way which is compatible with the European Convention on Human Rights. The reports within this agenda have been prepared in light of the Council's obligations under the Act with regard to decisions to be informed by the principles of fair balance and non-discrimination.

Anyone wishing to film part or all of the proceedings may do so unless the press and public are excluded for that part of the meeting or there is good reason not to do so, as directed by the Chairman. Any filming must be done as unobtrusively as possible from a single fixed position without the use of any additional lighting; focusing only on those actively participating in the meeting and having regard also to the wishes of any member of the public present who may not wish to be filmed. As a matter of courtesy, anyone wishing to film proceedings is asked to advise the Chairman or the Member Services Officer in attendance so that all those present may be made aware that is happening.

Members of the public may also use other forms of social media to report on proceedings at this meeting.

Members of the public are welcome to attend the meeting and listen to discussion. Lift access to the first floor of the building is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are also available. There is time set aside at the beginning of the meeting to allow the public to ask questions.

An induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, or

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 9 January 2019 at 2.15 pm

Present Councillors Mrs F J Colthorpe (Chairman)
Mrs H Bainbridge, Mrs C Collis, Mrs G Doe, P J Heal, D J Knowles, F W Letch, B A Moore, R F Radford, J D Squire and R L Stanley

Also Present Councillor(s) D R Coren and F J Rosamond

Present Officers: David Green (Group Manager for Development), Kathryn Tebbey (Group Manager for Legal Services and Monitoring Officer), Alison Fish (Area Team Leader), Adrian Devereaux (Area Team Leader), Chris Shears (Economic Development Officer) and Sally Gabriel (Member Services Manager)

93 **APOLOGIES AND SUBSTITUTE MEMBERS**

There were no apologies.

94 **PUBLIC QUESTION TIME**

Mr Briden referring to Item 2 on the Plans List (Whitehall farm, Morebath) asked the following questions:

Have detailed scaled plans been submitted in terms of location, profile and specific structures and identification of units proposed?

Based on the existing S106 agreement for the existing approved planning permission, what restrictions are proposed on limited future development of the site and change of use/ownership?

The site entrance alteration plan dated 17 December 2018 submitted by the applicant conforms to guidance given for the previous approved planning permission, however it is misleading as it only shows a flat plan. The plan does not give any indication of the steep roadside bank up to the entrance, the height of Wyvern wall or the width of the entrance or the width of the narrow lane. Those factors appear to have been overlooked when the original application was granted and have the Highway Authority visited the site?

Ms. Hagenbrock again referring to Item 2 on the Plans List asked a series of questions:

Did you consider the impact that the 2 storey high building will have on the privacy of at least 13 houses facing all the proposals on the site?
Did you consider the pipe work under the entrance?
Did you consider the interference it will have on people who will always see the light from cars coming up and down the hill?
What will happen if there is no hedge?
Did you consider that 3 cabins on a hill, surrounded by people who live there all year round is not a good location for a tourist site?
Did you consider those who had bought houses for private reasons and for reasons to live in a rural hamlet so you know each other, so you can be relaxed and that children can play outside will lose all those advantages?

Mrs Shipperley again referring to Item 2 on the Plans List asked: assuming the planning application is approved and our quiet village gets possibly a bit noisier, what would the council's response be to residents complaints about noise and anti-social behaviour.

Cllr Hatton representing Morebath Parish Council and referring to Item 2 on the Plans List asked as a point of information whether the 2 written questions which were sent to the Planning Officer which he had responses to, were these responses added to the agenda pack?

He then referred to the questions:

How does the existing S106 agreement impact this application?

The application suggests dependence on grant funding and partnerships beyond the application can this be clarified?
He then asked a further question with regard to the lack of clarity of the application as the report implied that this was a continuation of the previous permission one example is the site access, the fact that it was agreed that a holiday home and workshop could be put on the site. Other parts of the application states that this is a new application, so are we starting with a blank sheet of paper and looking at a completely separate application or are we piggybacking on some agreement on the previous approval.

The Chairman indicated that answers to questions would be provided when the item was discussed.

95 DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT

Members were reminded of the need to declare any interests when appropriate.

96 MINUTES OF THE PREVIOUS MEETING (00-10-18)

The minutes of the meeting held on 5 December 2018 were approved as a correct record and signed by the Chairman.

97 CHAIRMAN'S ANNOUNCEMENTS (00-11-11)

The Chairman had the following announcements to make:

- She reminded Members of the Self Build workshop that was taking place the next day.
- She welcomed Adrian Devereaux who had replaced Simon Trafford as Area Team Leader for the west of the district.
- She informed Members that application number 18/01381/LBC 45 Perter Street, Tiverton for two uPVC windows fascia's and a lean to was considered by this committee in October of last year. Members resolved that the application be deferred to allow further discussion to take place between the Conservation Officer and the applicant with regard to finding a scheme (with suitable design and materials) that would be acceptable to both parties. The officers had now negotiated and the application amended to timber windows and the other uPVC elements had been replaced by timber. The Town Council supported the revised application. The Ward Member was happy for the application to be a delegated approval and she had agreed that the application be a delegated approval as all parties were now in agreement.

98 **DEFERRALS FROM THE PLANS LIST (00-13-44)**

There were no deferrals from the Plans List.

99 **THE PLANS LIST (00-14-06)**

The Committee considered the applications in the plans list *.

Note: *List previously circulated; copy attached to the signed Minutes.

(a) No 1 on the Plans *List* ***(18/00171/FULL – Change of use of agricultural land for the erection of a dwelling with associated garden area and access, formation of ponds, and creation of access track – land at NGR 316200 113609 (Adjacent to Carlingwark), Clayhidon)***

The Area Team Leader outlined the contents of the report highlighting by way of presentation the location of the site set within the Blackdown Hills, the access to the site, the existing site plan, detailed area plans for the proposals, a plan of the current dwelling including the garden area, floor plans for the various levels and elevations and sections plans. Members also viewed illustrative sections which identified the fall of the land, perspectives of the application, the landscape masterplan and photographs from various aspects of the site and from across the valley which included perspectives from a distance. The Officer highlighted paragraph 79 of the National Planning Policy Framework which required any development in the countryside to be of exceptional quality, truly outstanding or innovative.

Consideration was given to:

- The view of the applicant who believed that the proposed design was of exceptional quality, the use of beech was innovative, the fact that local residents and the Parish Council supported the development.
- The views of the Parish Council who had been involved in the proposal from an early stage, the design was exciting and innovative and the thoughts of local residents who supported the application.

- The views of the Ward Member who supported the proposal, it had the support of local people and had gained the support of the AONB Team, he felt that the application was sensitive to the area, the project would involve local traders and that this was a one off innovative proposal.
- Whether the proposal was of exceptional quality
- The thoughts of the Design Panel
- The use of timber across the whole of the project.

RESOLVED that planning permission be refused as recommended by the Head of Planning, Economy and Regeneration.

(Proposed by Cllr R L Stanley and seconded by Cllr Mrs C A Collis)

(Vote: 6 for; 5 against)

Notes:

i) Ms Annett (Applicant) spoke;

ii) Cllr Kallaway spoke on behalf of Clayhidon Parish Council;

iii) Cllr F J Rosamond spoke as Ward Member;

iv) A proposal to approve the application was not supported.

(b) No 2 on the Plans *List* ***(18/01598/FULL – Erection of a self-supporting tree house, replacement of existing summerhouse with cabin on stilts and change of use of existing shed/adjoining garden for the siting of one cabin all for holiday use – land at NGR 295315 124977 (Whitehall Farm) Morebath).***

The Area Team Leader addressed the meeting highlighting the additional condition proposed on the update sheet. He provided answers to questions prior to outlining the application:

With regard to the plans that had been submitted, these had dimensions and site positions for the holiday accommodation. This was a full planning application recommended for approval with conditions and a phasing additional condition which would ensure that permission 16/00422/OUT could not be implemented in addition to any permission granted under the current application.

With regard to the 2 written questions that he had previously replied to, he reiterated his response: with regard to the S106 agreement, he referred to the current committee report and with regard to the S106 agreement as part of the previous approval on part of the site, this was a planning application for a different proposal and therefore a S106 agreement would not be required with this development which is considered to be policy compliant with planning conditions to be imposed to restrict the use of the holiday accommodation. With regard to the grant funding, in terms of the proposal being reliant on grant funding, the economic viability of the project was not a planning consideration for this type of application as there was no policy requirement for this to be provided for holiday accommodation. However, it is noted from discussions with the applicant and the Economic Development Department that

there was no guarantee that grant funding would be given to the proposal with the applicant still submitting the planning application in any event. If the application was to be dependent on the grant funding and this was not received, then the case could be made that any planning permission approved for holiday accommodation would not be implemented as a result.

The Highways officer had visited the site and had been involved in all of the applications on the site, the access had been addressed in the previous application and the proposed scheme would use the same access. He explained that there was an extant permission on the site which was a material consideration. With regard to the impact on neighbouring properties, he provided a plan which showed the nearest neighbours to the site. With regard to reference to the local amenities, the pipework such as the drainage system would be similar to any other development, the access arrangements would be a civil matter between interested parties. The impact of lights from passing traffic had been considered and it was felt that there would not be any additional noise issues with no objections raised from the Public Health Department. With regard to the loss of hedges, whilst the vegetation could not be relied on to screen a development, the setting on site of the holiday accommodation and distances involved were considered to be acceptable. With regard to opening times and whether this would be a good site for holiday accommodation, a business case and marketing strategy had been provided and with regard to any impact on the neighbours amenity, this had been addressed in the report.

The Officer then informed the meeting of the planning history on the site and outlined the contents of the report by way of presentation, highlighting the site location plan on the western edge of the village of Morebath, the elevations of the building that had been approved and the block plan of the current proposals for the tree houses and replacement of the existing summerhouse, the entrance plan, sewage plan, the elevations and proposed floor plans of the holiday units, the detailed plans of the tree houses and a plan identifying the nearest neighbours and the distances between those properties and the development site.

Consideration was given to:

- The number of visitors per unit and whether a register would be kept and inspected

- The pathway to the lower units

- The views of the objector who raised issues of concern with regard to the impact of the development on nearby residents, the height of the units were not suitable for the area and they would impact on the privacy of the neighbouring properties, there would be overlooking issues, traffic and parking problems and road safety issues. Morebath did not have a shop or a pub and there was also concern with regard to the behaviour of the tourists.

- The views of the applicant with regard to the peaceful retreat that he was trying to create, there would be little impact on neighbouring properties as there would be additional screening and no light pollution, the development would be good for local employment and good for tourism in the area.

- The views of the Parish Council with regard to the proposed and additional conditions, the history of the site, the environmental impact of the

development on the local community, over development of the site, whether the site could grow into an unregulated campsite, the narrow roads in the area, noise issues, how the groundwork would be retained and whether the site/business was sustainable.

- The views of the Ward Members with regard to the entrance to and the steepness of the site, the lack of business plans available, the height of the tree houses and the impact on local residents, possible noise issues, the lack of control set out in the previous applications, whether the business would work for the community in the long term and whether it was sustainable and whether the proposal fitted with the historic location.

- Whether further information was required

RESOLVED that Members were minded to refuse the application and therefore wished to defer the application for consideration of an implications report to consider the following issues:

- The impact of the proposal on the environment
- General traffic issues
- Design issues
- The economic impact of the development and whether it was sustainable
- Possible overdevelopment of the site
- The impact of the proposal on adjacent properties.

(Proposed by Cllr R L Stanley and seconded by Cllr Mrs H Bainbridge)

Notes:

i) Cllrs B A Moore and R L Stanley made declarations in accordance with the Protocol of Good Practice for Councillors dealing with Planning Matters as they knew several of the objectors;

ii) Cllr B A Moore declared a personal interest as his property had a building with a holiday let, this was not used and there was no intention to use it;

iii) Cllr Mrs H Bainbridge declared a personal interest as she owned a holiday letting business 8 miles from the site;

iv) Mr Veltink spoke in objection to the application;

v) Mr Reynolds (applicant) spoke;

vi) Cllr Hatton spoke on behalf of Morebath Parish Council;

vii) Cllrs B A Moore and R L Stanley spoke as Ward Members;

viii) The following late information was reported: 9 January 2019: a further proposed condition - the phasing of the development hereby approved shall ensure that no works to construct Treehouse 2 and the site 3 cabin as shown on Block Site Plan 1 and Block Site Plan 2 shall begin until Treehouse 1 is

fully constructed, together with completion of the site access, parking and turning area as shown on Block Site Plan 1.

Reason:
To prevent overdevelopment of the site and to allow for further assessment of the traffic generation to the site through any alternative proposal in the interest of highway safety and to ensure that adequate on-site facilities are available for traffic attracted to the site.

(c) No 3 on the Plans *List* ***(18/01685/FULL – Change of use of agricultural land for the siting of 3 safari tents, formation of car park and formulation of the site – land at NGR 278407 93548 (adjacent to Chimneys Cottage, Cheriton Bishop).***

The Area Team Leader outlined the contents of the report highlighting by way of presentation the site location plan close to the A30, the proposed block plan which showed the proposed access and parking facilities, the proposed landscaping bunds and location of the safari tents and photographs from various aspects of the site. There had been no objections from the Conservation Officer with regard to the impact on the adjacent listed building and a full business case had been submitted.

Consideration was given to:

- A management plan for the site and any noise impact and how this could be monitored
- The views of the agent with regard to the pre application liaison with planning officers, screening and landscaping of the proposal, the market research that had taken place and the fact that the Highway Authority had no issues with the proposal.
- The views of the Parish Council with regard to the loss of agricultural land, the site was outside the settlement limit, the scale of the proposed tents, the impact on the countryside and the need for a landscaping plan and effective screening, possible increase in traffic in the area and the impact of any commercial vehicles accessing the site.
- The views of the Ward Member with regard to some of the concerns raised which had been answered within the report, proposed screening, the need for semi-mature planting to the north of the site, whether low level lighting could be conditioned and refuse and recycling on the site.
- The views of the Economic Development Officer

RESOLVED that planning permission be granted subject to conditions and informative notes as recommended by the Head of Planning, Economy and Regeneration subject to an amendment to Condition 7 to consider low level lighting, an amendment to Condition 9 with regard to the planting of semi- mature trees as part of the landscaping plan and an additional condition (11) to consider details of recycling storage on site.

(Proposed by Cllr B A Moore and seconded by Cllr F W Letch)

Notes:

i) Cllr P J Heal made a declaration in accordance with the Protocol of Good Practice for Councillors dealing with Planning Matters as he had been at the parish Council meeting when the item had ben discussed;

ii) Ms Bailey (Agent) spoke;

iii) Cllr Milton spoke on behalf of Cheriton Bishop Parish Council;

iv) Cllr P J Heal spoke as Ward Member;

v) Cllr R L Stanley requested that his vote against the decision be recorded;

vi) Cllr Mrs H Bainbridge requested that her abstention from voting be recorded;

vii) The following late information was reported: Response from Cheriton Bishop Parish Council – 7th January 2019

Cheriton Bishop Parish Council met on the 10th December and resolved to object to this application because there were already several similar sites in the area and this would represent over development in a rural area. Concern was expressed about screening not being provided for the surrounding countryside views. Should this application be passed the Council would wish the following conditions to be attached: That the glamping site stayed as one unit with the house (i.e. could not be sold separately) and that the site was limited to the three tents that are shown on the application. So that it does not increase in size.

100 **MAJOR APPLICATIONS WITH NO DECISION (2-29-37)**

The Committee had before it, and **NOTED,** a list * of major applications with no decision.

It was **AGREED** that:

Application 18/02019/MOUT – Silverdale, Silverton be brought before the committee if minded to approve and if that was the case then a site visit take place.

Application 18/01935/MFUL – Joseph Locke Way, Crediton – be brought before committee for determination, no site visit required.

Application 18/01814/MFUL – Crown Hill, Halberton - be brought before the committee if minded to approve and if that was the case then a site visit take place.

Application 18/01634/MFUL – Linhay Close Culmstock - be brought before the committee if minded to approve and if that was the case then a site visit take place.

Note: *List previously circulated; copy attached to the Minutes.

(The meeting ended at 4.50 pm) **CHAIRMAN**

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PLANNING COMMITTEE AGENDA - 6th February 2019

Applications of a non-delegated nature

Item No.	**Description**
01.	18/01467/LBC - Listed Building Consent for the replacement of 11 windows with new hardwood timber windows at Wistaria House, Fore Street, Morchard Bishop. **RECOMMENDATION** Refuse Listed Building Consent.

Plans List No. 1

Application No. 18/01467/LBC

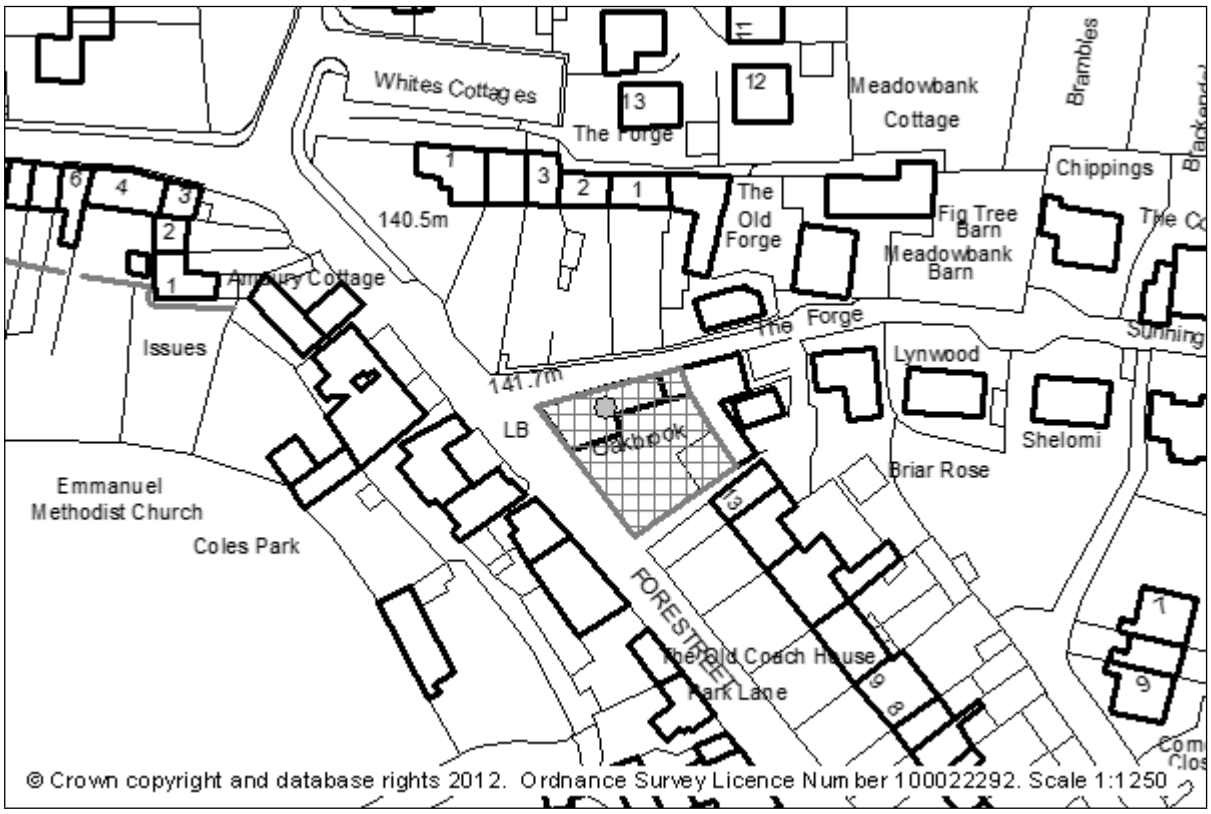
Grid Ref: 276844 : 107718

Applicant: Dr R E & Mrs S Manning

Location: Wistaria House
Fore Street
Morchard Bishop
Crediton

Proposal: Listed Building Consent for the replacement of 11 windows with new hardwood timber windows

Date Valid: 20th September 2018



APPLICATION NO: 18/01467/LBC

MEMBER CALL-IN

RECOMMENDATION

Refuse Listed Building Consent

PROPOSED DEVELOPMENT

Listed Building Consent for full replacement of 11 (eleven) 19th and early 20th century single glazed timber casement windows with glazing bars to new hardwood timber slim lite double glazed casement windows.

Wisteria House is located on a junction of Fore Street and a village lane at the centre of the village of Morchard Bishop. It is orientated with the principle elevation to the south onto the enclosed garden. The west flank wall with hipped roof is located onto Fore Street and it backs onto the lane.

The list description advises that the property is mid-19th century two storey rendered cob and rubble stone plinths with rubble stacks and brick chimney shafts and slate roof. The windows are symmetrical 3-window front with late 19th century and early 20th century casements with glazing bars.

APPLICANT'S SUPPORTING INFORMATION

The proposed windows are to be a handmade quality product made in a painted hardwood in a traditional casement style, with flush fitting casements. The proposed glazing is a 14 mm slim lite double glazed unit with warm edge spaced double glazed units with soft coat insulation and argon filled space providing enhanced thermal insulation. The glazing bars are traditional through glazing bars. The glazing will be held in place with putty.

The applicant has submitted additional information on the condition of each window. It is acknowledged that the timber is 95 % sound to the windows but the applicant considers that the 5 % of damage to the window is generally in the most sensitive elements including bottom rails, glazing bars and joints have suffered more substantial damage from paint lifting and some water penetration.

RELEVANT PLANNING HISTORY

00/00431/FULL - PERMIT date 27th November 2000
Conversion of outbuildings to a dwelling and formation of a new vehicular access
00/00545/LBC - PERMIT date 27th November 2000
Listed Building Consent for the conversion of outbuildings to a dwelling
03/00329/FULL - PERMIT date 15th April 2004
Conversion of outbuildings to dwelling and formation of a new vehicular access (Revised Proposal)
03/00330/LBC - PERMIT date 12th September 2003
Listed Building Consent for conversion of outbuildings to dwelling (revised proposal)
04/01989/FULL - PERMIT date 11th January 2005
Erection of dwelling and annexe incorporating some elements of the existing outbuildings to be replaced and formation of new vehicular access
04/01990/LBC - PERMIT date 11th January 2005

Listed Building Consent for erection of dwelling and annexe incorporating some elements of the existing outbuildings to be replaced
07/02347/LBC - DELETE date 4th March 2008
Listed Building Consent for external alterations
18/00389/LBC - DELETE date 4th June 2018
Listed Building Consent for the replacement of existing boiler with external boiler and erection of a fire wall - DELETED
18/01467/LBC - PCO date
Listed Building Consent for the replacement of 11 windows with new hardwood timber windows

OTHER HISTORY

INFORMATIVES

DEVELOPMENT PLAN POLICIES

National Planning Policy Framework 2018

191. Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.

193. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).

194. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification

196. 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, where appropriate, securing its optimum viable use.

Mid Devon Core Strategy (Local Plan 1)

Mid Devon Local Plan (Core Strategy) COR2 - Local Distinctiveness
Mid Devon Local Plan (Core Strategy) COR18 - Countryside

Mid Devon Local Plan Part 3 (Development Management Policies)

Mid Devon Local Plan Part 3 (Development Management Policy) DM27 – Development Affecting Heritage Assets

CONSULTATIONS

MORCHARD BISHOP PARISH COUNCIL - Morchard Bishop Parish Council FULLY supports the application: Proposed Phil Stott, Seconded Roger Field. UNANIMOUS.

REPRESENTATIONS

None

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:
Section 16 of the Town and Country Planning (Listed Building and Conservation Areas) Act 1990 require local planning authorities to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'

The proposals are for the replacement of all the existing windows to this listed building with new hardwood slim lite double glazed units. The existing traditional flush fitting single glazed casement windows are considered to be significant fabric that has a very important role in providing the special architectural and historic interest of the building.

The proposed windows would be visually different from the existing windows. They have significantly thicker glazing bars than the existing windows to house the double glazed units requiring a 24 mm rather than the existing approximately 16 mm – 20 mm glazing bars for the single glazing. In addition the double glazed units would have a double reflective quality and noticeable inner profile with the visible black rubber seal between the units.

When considering such proposals the starting point is national planning policy guidance in the National Planning Policy Framework (NPPF) which advises the principle approach to dealing with alteration to the listed buildings stating at:

Paragraph 193. 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.'

And

Paragraph 194. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification

The proposals have come from a specific assessment of the condition of each of the windows in the property which has shown that while there is some weathering and water damage to the bottom rails of the windows which are areas normally most affected by weathering, none have gone beyond a point where they could satisfactorily be repaired. The applicant however has not looked to repair the existing window fabric.

The application lacks a thorough understanding of the historic significance of the existing 19th and early 20th century casement windows and their part in the significance of the building and has dismissed this approach by proposing to replace all windows without a substantive justification required by the planning policy.

The applicant's justification is that the current windows offer little by way of insulation or comfort to the rooms which they serve.

In response to the justification. It is recognised that the slim lite double glazing would offer an improvement on thermal performance and reduce condensation in comparison with the single glazed units. However there is no evidence provided as to the longevity of the double glazed units or cost and benefit assessment of improving insulation across

the property in other areas where it is significantly more effective to insulate, such as in the roof space or through an improved heating systems.

The windows in vernacular historic buildings are small as the glass technology restricted the use of large openings before the mid nineteenth century. The loss of heat through the window is much less than through the roof or walls which make up the bulk of the building fabric in a vernacular property.

Each new casement window costs around £1000 while the improvement to energy bills is estimated to be in the order of £5 - £10 per window about £50 - £100 per annum for the property (source: www.thegreenage.co.uk). This would mean it would take around 100 years to achieve a return on the costs for installing the windows.

It should also be noted that in guidance from the Centre for Sustainable Energy advises:

'The typical lifetime of double glazing is around 20 years, however this can vary from 10-35 years based on quality of materials, installation and where the windows are situated. Over time, the gas within the panes will gradually leak out. When around 25% of the gas has escaped, the thermal performance of the windows will be reduced and replacing the windows or installing a secondary glazing measure should be considered.' (Source: - www.cse.org.uk)

It should also be noted that Part L of the Building Regulations regarding Conservation of fuel and power in existing dwellings paragraph 3.6 advises that listed buildings and buildings in Conservation Areas are exempt from energy efficiency requirements that may apply to building work to existing dwellings where:

'the energy efficiency requirement would unacceptably alter the character or appearance of such existing buildings.'

The evidence indicates that replacement of sound single glazed windows with double glazing of windows in vernacular buildings offers no substantial cost effective thermal benefits and substantially refutes the applicants justification based on thermal improvement.

The applicant has made no attempt to preserve the existing windows or recognise their contribution to the significance of the listed building. In addition the applicant offers no recognised alternatives such as draught proofing, secondary glazing, shutters, blinds and curtains which have potential to improve thermal performance without the loss of significant fabric.

There are also questions about the longevity of the long term thermal effectiveness of double glazed units or understanding of the established sustainable benefits of retaining the existing single glazed windows with their recognised longevity supported by the age of the existing windows which are in general good order and function and potential for repair as required.

In addition the applicant partly justifies the replacement of the current softwood windows as they are 'poorly maintained'. Paragraph 191 of the NPPF advises that where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.

While the existing windows are all in generally good condition their neglect should not be used to support the removal of traditional fabric.

The principle issue in this case is that of the ‘Conservation Approach’ which underpins the established process for the repair and alterations of Heritage Assets and the supporting policy that seeks that ‘great weight’ in decision making be accorded to the conservation of the heritage asset and its fabric.

The proposal involves the whole scale replacement of all the existing 18th century and early 19th century windows to the building recognised as making a contribution to the significance of the building, and it is considered that this will lead to less than substantial harm to the significance of a designated heritage asset.

The proposed double glazed windows are considered to have a definable visual harm to the external appearance of the property from having thicker glazing bars and double reflective qualities of the double glazed units with visual black rubber bead to the double glazed unit.

On balance the conservation of the existing fabric should be given great weight and the less than substantial harm attributed from the proposed replacement of these windows is not justified by the evidence of the alleged thermal benefits of slim lite double glazing.

In addition the applicant has not shown a process of assessment of the benefits of conserving the windows or looked at the alternative approaches to improving the thermal performance around the existing windows which could be achieved with less or no harm to the significance of the building

The proposed replacement of the existing single glazed, timber, flush fitting casement windows of the 19th and early 20th century, with similar timber windows with double gazed units are considered have a less than substantial harmful impact on the existing fabric of the building and its external appearance. This proposal has not provided sufficient justification to show a public benefit would be achieved through the replacement windows that would outweigh the great weight attributed to the Conservation of the heritage asset and fabric or the preservation of the significance of the building in accordance with Mid Devon Local Plan Part 3 Policy DM27

REASON FOR REFUSAL

The proposed replacement of the existing single glazed, timber, flush fitting casement windows of the 19th and early 20th century, to Wisteria Cottage Morchard Bishop with similar windows in painted hardwood flush fitting with slim 14 mm units with enlarged 24 mm glazing bars to retain the glazing units has not been sufficiently justified to outweigh the less than substantial harm through the loss of existing fabric and visual impact on the character and appearance of the buildings elevations. The development is therefore contrary to the provision of policy DM27 of the Local Plan part 3 (Development Management Policies) and paragraph 196 of the NPPF.

The Human Rights Act 1998 came into force on 2nd October 2000. It requires all public authorities to act in a way which is compatible with the European Convention on Human Rights. This report has been prepared in light of the Council's obligations under the Act with regard to decisions to be informed by the principles of fair balance and non-discrimination.

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Major Applications with no Decision

Members are asked to note that some major applications will be dealt with under the delegation scheme. Members are also requested to direct any questions about these applications to the relevant case officer. It was resolved at the meeting of Planning Committee on 21st March 2018 that with the exception of small scale proposals, applications for ground mounted solar PV arrays recommended for approval be brought before the Committee for determination.

Item No.	Weeks	TARGET DATE	REFVAL	PROPOSAL	LOCATION	NAME	Expected Decision Level Delegated	Expected Decision Level Committee
1	2	10/04/2019	19/00038/MOUT	Outline for a mixed use development of approximately 40 dwellings, 600 sq. m. of B1 employment space, public open space, access, and associated works, following demolition of existing poultry sheds	Land and Buildings at NGR 314051 113316 (Culmbridge Farm) Culmbridge Road Hemyock Devon	Mrs Alison Fish	DEL	
2	6	15/03/2019	18/02019/MOUT	Outline for the erection of up to 20 dwellings and associated access	Land at NGR 295508 103228 (Silverdale) Silverton Devon	Miss Lucy Hodgson	DEL	
3	8	01/03/2019	18/01659/MFUL	Erection of a cow cubicle building (1054 sqm)	Land and Buildings at NGR 295161 114081 (Rix Farm) Bolham Devon	Miss Lucy Hodgson	DEL	
4	8	01/03/2019	18/01666/MFUL	Erection of a poultry house (2) (1561sqm)	Land and Buildings at NGR 295161 114081 (Rix Farm) Bolham Devon	Miss Lucy Hodgson	DEL	
5	8	01/03/2019	18/01668/MFUL	Erection of a poultry house (1) (1561sqm)	Land and Buildings at NGR 295161 114081 (Rix Farm) Bolham Devon	Miss Lucy Hodgson	DEL	
6	8	26/02/2019	18/01935/MFUL	Erection of 2-storey GP Practice	Land at NGR 284429 99439 Joseph Locke Way Crediton Devon	Mr Adrian Devereaux	DEL	
7	9	20/02/2019	18/01814/MFUL	Change of use of agricultural land for the siting of 6 holiday lodges and alterations to existing access	Land at NGR 299541 113262 Crown Hill Halberton Tiverton Devon	Mrs Alison Fish	DEL	COMM
8	9	22/02/2019	18/01930/MARM	Reserved Matters for residential development of 30 dwellings (appearance, landscaping, layout and scale) pursuant to APP/Y1138/17/3178479 in relation to 17/00300/MOUT and discharge of outline planning conditions	Land at NGR 305578 112053 Uffculme Road Uffculme Devon	Miss Hannah Cameron	DEL	DEL
9	10	12/02/2019	18/01634/MFUL	Erection of 19 dwellings (6 affordable)	Land at NGR 310020 113953 Linhay Close Culmstock Devon	Mrs Alison Fish	COMM	COMM

Item No.	Weeks	TARGET DATE	REFVAL	PROPOSAL	LOCATION	NAME	Expected Decision Level Delegated	Expected Decision Level Committee
10	10	15/02/2019	18/01800/MFUL	Construction of an on-farm anaerobic digestion plant and associated infrastructure	Land at NGR 285024 100245 (East of Lords Meadow Industrial Estate) Crediton Devon	Mr Daniel Rance	DEL	COMM
11	11	08/02/2019	18/01739/MARM	Reserved Matters for the erection of 60 dwellings (Revised Scheme)	Land at NGR 305658 112080 (Harvesters) Uffculme Devon	Miss Hannah Cameron	DEL	
12	15	08/01/2019	18/01711/MFUL	Formation of an open clamp (4630m2) for the storage of silage and provision of new access	Land and Buildings at NGR 288069 117081 (Gibbet Moor Farm) Rackenford Devon	Miss Hannah Cameron	DEL	COMM
13	22	22/11/2018	18/00742/MOUT	Outline for the erection of 8 industrial units, access road, with parking and recycling areas	Land at NGR 284328 100184 Commonmarsh Lane Lords Meadow Industrial Estate Crediton Devon	Mr Simon Trafford	DEL	
14	28	09/10/2018	18/01091/MOUT	Outline for the erection of up 10 dwellings including alterations to existing vehicular and pedestrian access	Land at NGR 300172 112650 West of Fishers Way Pethertons Halberton Devon	Mrs Alison Fish	DEL	
15	30	26/09/2018	18/00915/MFUL	Erection of Lidl food store (Class A1) and non-food unit (Class A1) with associated parking, landscaping and access arrangements following demolition of existing buildings	Foundry Estate Blundells Road Tiverton Devon	Mr Adrian Devereaux	COMM	COMM
16	34	29/08/2018	18/00786/MOUT	Outline for the erection of up to 65 dwellings, public open space, ancillary works and associated infrastructure, including access	Land at NGR 282727 100936 Higher Road Crediton Devon	Mr Adrian Devereaux	COMM	COMM
17	38	01/08/2018	18/00680/MFUL	Extension and re-landscaping of car park, and alterations to hole 10 fairway and hole 12 tee and fairway	Land at NGR 284947 98978 (Downes Crediton Golf Course) Hookway Devon	Mr Adrian Devereaux	DEL	DEL
18	41	12/07/2018	17/02061/MFUL	Remodelling and modernisation of existing garden centre following demolition of existing structures, to include erection of retail areas, cafe, and warehouse, formation of new vehicular access, provision of parking areas, and landscaping	Crediton Garden Centre Barnstaple Cross Crediton Devon EX17 2ER	Mr Simon Trafford	COMM	COMM
19	41	12/07/2018	18/00518/MFUL	Erection of 40 dwellings, conversion of barns to 7 dwellings, formation of new accesses and car parking areas, with associated works including access and landscaping	Halberton Court Farm High Street Halberton Tiverton Devon EX16 7AW	Mr Daniel Rance	DEL	COMM

Item No.	Weeks	TARGET DATE	REFVAL	PROPOSAL	LOCATION	NAME	Expected Decision Level Delegated	Expected Decision Level Committee
20	43	27/06/2018	18/00504/MOUT	Outline for the erection of 3 dwellings	Land at NGR 307538 116626 (North of Town Farm) Burlescombe Devon	Mr Adrian Devereaux	COMM	DEL
21	43	27/06/2018	18/00414/MFUL	Erection of extension to brewery to include alterations to provide additional restaurant/bar floorspace, amended entrance arrangements and outdoor dining area, and erection of 11 holiday lodges	Yellow Hammer Brewing Limited Hanlons Brewery Hill Farm Newton St Cyres Devon	Miss Helen Govier	COMM	COMM
22	52	24/04/2018	17/01904/MFUL	Change of use and refurbishment of house to hotel and spa with 24 letting rooms, Piazza garden, 36 letting rooms in Pavilion (60 letting rooms in total) with Botanical Gardens, restoration of walled garden with new orchard and amphitheatre, erection of 7 detached dwellings, all associated car parking and erection of bat house	Blackborough House Blackborough Cullompton Devon EX15 2HJ	Mr Daniel Rance	COMM	COMM
23	55	03/04/2018	17/02020/MFUL	Erection of building comprising 44 retirement apartments with associated communal lounge, manager's office, guest suite, rechargeable electric buggy store, car parking, sub-station, and landscaping	Astra Printing and Crown Works Site Willand Road Cullompton Devon EX15 1AP	Mrs Alison Fish	COMM	COMM
24	66	17/01/2018	17/01660/MOUT	Outline for the erection of 10 dwellings	Land at NGR 287219 106314 Barnshill Close Cheriton Fitzpaine Devon	Mr Simon Trafford	COMM	COMM
25	72	04/12/2017	17/01359/MOUT	Outline for the erection of 60 dwellings and construction of new vehicular access onto highway to the West of the site	Land and Buildings at NGR 302469 114078 Higher Town Sampford Peverell Devon	Mr Daniel Rance	COMM	COMM
26	75	05/12/2017	17/01346/MOUT	Outline hybrid planning application for the erection of 200 dwellings together with associated infrastructure and public open space and Full permission for portion of Link Road (land comprising southern portion of Phase 1 of North West Cullompton Urban Extension)	Land at NGR 301536 107900 North of Tiverton Road Cullompton Devon	Ms Tina Maryan	COMM	COMM
27	77	22/11/2017	17/01178/MFUL	Erection of 200 dwellings, formation of new access, provision of phase of link road, primary school site, open space, landscaping and associated works	Land at NGR 302103 108277 (West Of Willand Road) Cullompton Devon	Ms Tina Maryan	COMM	COMM
28	80	03/11/2017	17/01170/MOUT	Outline application for the erection of up to 200 dwellings, together with associated infrastructure and other works, including vehicular access, on land comprising northern portion of Phase 1 of the North West Cullompton Urban Extension	Land at NGR 302186 108607 North of Rull Lane and to The West of Willand Road Cullompton Devon	Ms Tina Maryan	COMM	COMM

Item No.	Weeks	TARGET DATE	REFVAL	PROPOSAL	LOCATION	NAME	Expected Decision Level Delegated	Expected Decision Level Committee
29	98	05/06/2017	17/00348/MOUT	Residential development of up to 257 dwellings and upto 5 Gypsy and Traveller pitches; 8.6 hectares of land made available to facilitate the relocation of Crediton Rugby Club; up to 1.1 hectares of land safeguarded for the delivery of a primary school; access arrangements from A3072 (Exhibition Way); pedestrian and cycle access on to Pounds Hill/Stonewall Cross junction, Old Tiverton Road and Pedlerspool Lane; landscaping and area of public open space; and other associated infrastructure and engineering operations	Land at NGR 284185 101165 (Creedy Bridge) Crediton Devon	Mr Simon Trafford	COMM	COMM
30	114	15/02/2017	16/01772/MOUT	Outline for the erection of upto 40 dwellings (including affordable housing), public open space and associated infrastructure	Land at NGR 313382 113489 Culmstock Road Hemyock Devon	Ms Tina Maryan	COMM	COMM
31	116	01/02/2017	16/01707/MOUT	Outline for the erection of 41 dwellings and formation of vehicular access	Land at NGR 295527 113644 (South Of Lea Road) Tiverton Devon	Ms Tina Maryan	COMM	COMM

LIST OF APPEAL DECISIONS FROM 20 November 2018 to 24 January 2019

Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
18/00348/ADVERT	Advertisement consent for the display of an externally illuminated sign	Marshalls Fish Bar 37 High Street Cullompton Devon EX15 1AF	Refuse Advertisement Consent	Delegated Decision	Refuse permission	Commercial Appeal	Appeal Allowed
17/00160/COU	Appeal against	NGR 300441 125017 Land Lying to The North of Petton Cross Shillingford Tiverton Devon				Written Representations	Appeal Dismissed
18/00027/OUT	Outline for the erection of a bungalow with access	Little Chace Uplowman Tiverton Devon EX16 7DW	Refuse permission	Delegated Decision	Refuse permission	Written Representations	Appeal Dismissed

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Application No. 18/01598/FULL **Agenda Item 1**

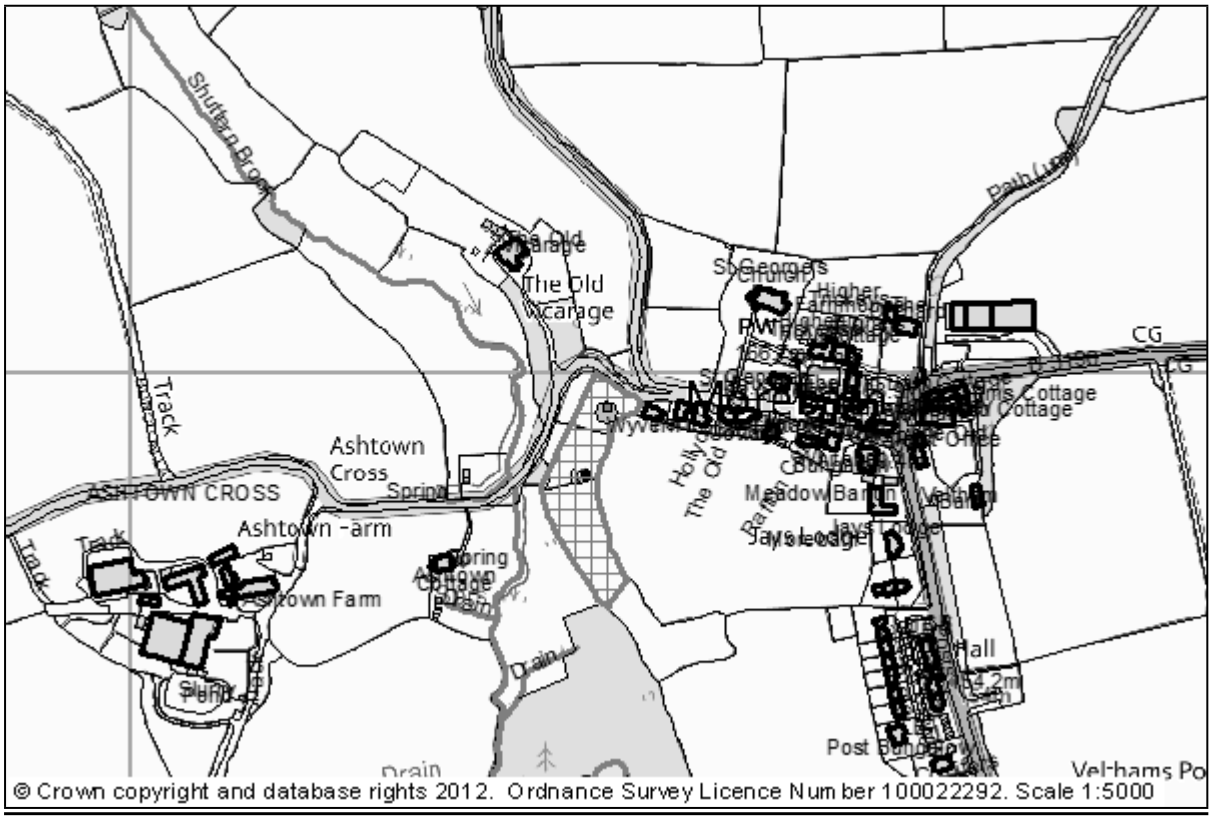
Grid Ref: 124977 : 295315

Applicant: Mr & Mrs Reynolds

Location: Land at NGR 295315 124977 (Whitehall Farm) Morebath Devon

Proposal: Erection of a self supporting tree house, replacement of existing summerhouse with cabin on stilts and change of use of existing shed site/adjoining garden for the siting of one cabin all for holiday use

Date Valid: 12th October 2018



AGENDA ITEM

PLANNING COMMITTEE
6 February 2019

REPORT OF THE HEAD OF PLANNING AND REGENERATION

18/01598/FULL - ERECTION OF A SELF SUPPORTING TREE HOUSE, REPLACEMENT OF EXISTING SUMMERHOUSE WITH CABIN ON STILTS AND CHANGE OF USE OF EXISTING SHED SITE/ADJOINING GARDEN FOR THE SITING OF ONE CABIN ALL FOR HOLIDAY USE - LAND AT NGR 295315 124977 (WHITEHALL FARM) MOREBATH DEVON

Description of Development:

The applicant seeks planning permission for the erection of a self supporting tree house, replacement of existing summerhouse with cabin on stilts and change of use of existing shed site/adjoining garden for the siting of one cabin all for holiday use on land at NGR 295315 124977 (Whitehall Farm), Morebath. The proposal scheme is outlined as an alternative holiday use on site to the existing planning permission for a holiday let/workshop/therapy room (Outline permission 16/00442/OUT and reserve matters permission 17/01062/ARM).

The proposal is outlined as the construction of low scale, high quality, unique holiday accommodation development. There would be a bespoke tree house design which has been influenced by the geography of the site and surrounding woodland, designed independently of any trees and would be supported by timber stilts. The timber support posts would be secured in concrete pad foundations with the structure being constructed of timber, cedar tiles with willow made 'bird nest' style roof. The proposal to replace the existing summerhouse situated on decking would be with a cabin style structure on timber stilts, constructed from natural woods with the cabin to incorporate a small star gazing pod / snug, accessed from a mezzanine bedroom floor in the main structure of the cabin. At the southern end of the site, there would be the replacement of an existing shed with a temporary removable timber cabin/structure for holiday let use.

Reason for Report:

At the meeting on 9th January 2019, it was resolved that Members were minded to refuse the application and therefore wished to defer the application for consideration of an implications report setting out suggested reasons for refusal and the associated implications.

RECOMMENDATION(S)

Grant permission subject to conditions

Relationship to Corporate Plan:

Economy
- Business development and growth

Environment
- Protecting the natural environment

Financial Implications: An appeal may require the appointment of planning consultants to assist in the defence of the reasons for refusal. The applicant may make an application for costs on any appeal against the Council and such costs claims are made by demonstrating that there has been unreasonable behaviour. That being the case, Members must be able to clearly justify each and every reason for refusal in line with the development plan and all other material considerations.

Legal Implications: The report identifies the risks in proceeding with an appeal based on the reasons given by the Committee on 9th January 2019 – both in terms of outcome of an appeal and the risk of a costs decision. The Council will still need to prepare draft planning conditions for the appeal.

Risk Assessment:

If Committee decide to refuse the application for reasons that cannot be sustained at appeal there is a risk of a successful appeal costs claim against the Council for reasons of unreasonable behaviour.

REASONS FOR REFUSAL AND IMPLICATIONS:

At the Planning Committee held on 9th January 2019, Members gave consideration to:

- The number of visitors per unit and whether a register would be kept and inspected
- The pathway to the lower units
- The views of the objector who raised issues of concern with regard to the impact of the development on nearby residents, the height of the units were not suitable for the area and they would impact on the privacy of the neighbouring properties, there would be overlooking issues, traffic and parking problems and road safety issues. Morebath did not have a shop or a pub and there was also concern with regard to the behaviour of the tourists.
- The views of the applicant with regard to the peaceful retreat that he was trying to create, there would be little impact on neighbouring properties as there would be additional screening and no light pollution, the development would be good for local employment and good for tourism in the area.
- The views of the Parish Council with regard to the proposed and additional conditions, the history of the site, the environmental impact of the development on the local community, over development of the site, whether the site could grow into an unregulated campsite, the narrow roads in the area, noise issues, how the groundwork would be retained and whether the site/business was sustainable.
- The views of the Ward Members with regard to the entrance to and the steepness of the site, the lack of business plans available, the height of the tree houses and the impact on local residents, possible noise issues, the lack of control set out in the previous applications, whether the business would work for the community in the long term and whether it was sustainable and whether the proposal fitted with the historic location.
- Whether further information was required.

Members of Planning Committee resolved that they were minded to refuse the above application contrary to officer recommendation and therefore wished to defer the application for consideration of an implications report to consider reasons for refusal to include:

- The impact of the proposal on the environment
- General traffic issues
- Design issues

- The economic impact of the development and whether it was sustainable
- Possible overdevelopment of the site
- The impact of the proposal on adjacent properties.

The suggested wording for reasons for refusal

The Committee was minded to refuse the application on the grounds listed above. Set out below are the reasons for refusal which would appear on the planning decision notice to address the six issues raised:

1. The design, scale and 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 and the visual amenity of the area in general representing overdevelopment of the site. The proposal is therefore considered to be contrary to policies COR2 of the Mid Devon Core Strategy (Local Plan Part 1), DM2 and DM24 of the Mid Devon Local Plan part 3 (Development Management Policies) and the objectives of the National Planning Policy Framework.

2. In the opinion of the Local Authority, the proposed development would prejudice road safety due to the proposed widening of the access and level changes involved resulting in a steep gradient and through the increase in traffic travelling along a narrow congested lane without a public footpath. The development is therefore considered to be contrary to Policy COR9 of the Mid Devon Core Strategy and DM2 and DM24 of the Mid Devon Local Plan part 3 (Development Management Policies).

3. Insufficient information has been submitted to demonstrate a business case has been justified for holiday accommodation on this site which would provide economic benefits to the community and represent sustainable development. Therefore the development is considered to be contrary to DM24 of the Local Plan Part 3 (Development Management Policies).

4. The proposed development would result in a detrimental impact on the amenity of occupiers of neighbouring property through overlooking and increased disturbance through noise and light pollution. The development is therefore considered to be contrary to Policy DM2 of the Local Plan Part 3 (Development Management Policies).

The implications of refusing the application

Reason for refusal 1

The first ground of refusal relates to Members concerns regarding to the visual impact on the character of the area through the design, scale and appearance of the proposed development and whether the development would represent overdevelopment of the site. The impact on the visual amenity and character of the area in general is subjective and therefore this reason for refusal is robust in planning terms. However it should be noted that planning permission has already been approved for a holiday let/workshop/therapy room on the upper part of the site, that had a similar overall height to the proposed Treehouse 1 (6.5m) and a footprint greater than that of that the proposed Treehouse 1. The previous approval was also to be sited closer to the entrance and neighbouring poperies. This planning approval is a material consideration when considering the impact of the holiday accommodation on the character of the area.

The site is also surrounded by vegetation along the northern and western sides with hedgerows along the eastern and southern boundaries to the site. It should also be noted

that the ground slopes down to the south away from the village with Treehouse 2 replacing an existing summerhouse and the cabin (site 3) replacing an existing shed towards the lowest part of the site. It is also a consideration that in the summer month's views would be partially screened to the development due to the existing vegetation.

With design and appearance being a concern, Policy DM2 is included in the refusal reason and as such there should be a clear understanding of the characteristic of the site, its wider context and the surrounding area. The case being made is that the development including associated works would result in a change to the rural character of this historic village through the creation of the three units of holiday accommodation, access works, parking area and the associated traffic movements.
The committee will need to be satisfied that the changes to the site through the introduction of the buildings and associated works would be sufficient to demonstrate a significant detrimental impact to the appearance or the visual amenity and character of the area. As part of this assessment consideration should be given to the location and the topography of the site and whether the existing boundary treatments would help assimilate the development into the landscape.

With regard to the concerns raised on the density of the development, the site area is 1.26 acres and the siting three units of holiday accommodation of the dimensions shown on the submitted plans would not be considered to a dense development. The Public Health Team has raised no concerns to the proposals and no objections were received from the Local Highway Authority in terms of traffic generation and parking facilities. Therefore if Members were minded to refuse on the basis of reason 1, it is advised that wording relating to overdevelopment of the site is removed.

Reason for refusal 2

In respect of the determination of planning applications, the planning Acts (section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004) state that they should be determined in accordance with the development plan unless material indications indicate otherwise. The development plan is therefore the primary consideration and the NPPF acts as non-statutory guidance which should be taken as a material consideration. In this instance, the relevant policies of the Development Plan relating to concerns of highway safety are considered to be those of COR9 (Access) of the Mid Devon Core Strategy (Local Plan 1) and DM2 (High quality design), DM8 (Parking) and DM24 (Tourism and Leisure development) of the Mid Devon Local Plan Part 3 (Development Management Policies).

On the matter of the impact on the surrounding highway network, the previous approved scheme on the site which allows for a holiday let/workshop/therapy room has an approved plan showing 5 parking spaces with works to the widen the existing access. Within the application form for this development, it is stated that there would be three allocated parking spaces for the holiday accommodation although there is room for additional parking on site if required. The proposal is in accordance with Policy DM8 and a case can be made that parking along the lane outside of the site would not be required.

The Local Planning Authority take advice on highway safety matters from the statutory consultee, which in this case is Devon County Council as the Highway Authority. No objections have been received from the Local Highway Authority noting standing advice should be used. They have informally commented that 3 Holiday lets will generate an average of between 9 -15 movements per day which is unlikely to be a change to traffic generations from the existing use allowed through the previous permission. The advice given on the previous permission was that the access should have a width of 4.1m for a distance of 6 metres and hard surface with surface water drainage at the entrance. These details

were incorporated into the approved plans and the applicant has confirmed that these arrangements to the access would be implemented as part of their proposal.

Following the concerns raised by the Planning committee your officers have sought further clarification from DCC Highways. They have advised that in 2016 they saw the outline application and there was a requirement for the access to be detailed and approved. These details were submitted and approved in 2017 however the gradients on the access scheme approved could be further improved to enhance the access.
Therefore in light of this a further condition could be imposed to provide details of an access gradient with a more gradual slope into the site. Therefore in considering the acceptability or otherwise of the access arrangements in terms of highway safety, Members need to consider whether this access as designed or with a condition imposed to improve its design could address their highway safety concerns. In making this decision Members should be mindful that the Highway Authority has raised no objections to the proposed access arrangement to serve the development.

One implication of a reason for refusal on the ground of highway safety is that in the event of an appeal being made, the Planning Inspector even if minded to dismiss the appeal could award a partial award of costs where they believe a party has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense. There are appeal decisions whereby the Inspector has concluded that sufficient evidence has not be provided in light of adopted development plan policies other than beyond very generalised assertions and therefore did not substantiate the reason for refusal and thus put the applicant to the unnecessary expense of preparing grounds of appeal and then final comments to rebut the reason. This stance as referred to above was viewed by the Inspector as unreasonable behaviour resulting in unnecessary expense, as described in the national Planning Practice Guidance. A similar view could be taken here and for the reasons given above it is strongly advised that such a reason for refusal is not included on any refusal of planning permission for this site.

Reason for refusal 3

The third ground of concern to Members relates to the business case for the development being justified for holiday accommodation on this site which would provide economic benefits to the community and represent sustainable development. With regard to the Development Management Policies, Policy DM24 (Tourism and leisure development) states:

‘Proposals for new or expanded tourism, visitor or leisure facilities will be supported within or adjacent to defined settlements. Elsewhere, the nature of the proposed development must justify a countryside location and minimise environmental impacts, avoiding an unacceptable traffic impact on the local road network. Development proposals must:
a) Respect the character and appearance of the location;
b) Where possible, involve conversion or replacement of existing buildings; and
c) Demonstrate that the need is not met by existing provision within nearby settlements.’

The supporting text to this policy outlines that the justification for the development will be provided through a marketing strategy and business plan to explain how the development will achieve a high quality tourism product that meets demand. Proposals must demonstrate that their benefits outweigh any harm and that they do not cause an unacceptable impact to traffic on the local road network. Tourism and leisure developments should benefit local businesses, the environment, communities and visitors in the long-term, so the Council will seek the right form of development in the right location, with evidence that the need is not already being met by existing provision. In demonstrating unmet need for tourism proposals outside of settlement limits, applicants should have regard to the Council’s Tourism Study.

The first point to make is that the application included a Marketing Strategy and Tourism Statement and a Business Plan. These outline that the luxury glamping project proposed would be operated by Sawday's Canopy & Stars in a growing market for this type of holiday accommodation and what the expected revenues will be. The research for the need of this development has been provided and the Council's Economic Development Section is supportive of this proposal.

It is considered that the creation of three units of holiday accommodation is supported by policy and that there is no policy requirement for a full viability report for holiday accommodation. The evidence required by Policy has been assessed using the expertise of colleagues in the Economic Development team.
In terms of benefits to the local community, the applicant has commented that the project would benefit Morebath parish, with direct and indirect employment opportunities through the creation of jobs in relation to gardening and cleaning of the units. In terms of the wider community, there are a number of services within Bampton (2 miles to the south) which could be supported by additional visitors to the area.

If the Planning Committee were minded to refuse on this issue, it is important to only do so in relation to what is required by policy. In the event of an appeal being made, the Planning Inspector could award costs where they believe the Authority has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense. There are appeal decisions where the Inspector has concluded that policies have been applied incorrectly and therefore did not substantiate the reason for refusal and thus put the applicant to the unnecessary expense of preparing grounds of appeal and then final comments to rebut the reason. A similar view could be taken here given that a business case and marketing strategy has been provided and which is supported by the Economic Development Department and for the reasons given above it is advised that such a reason for refusal is not included on any refusal of planning permission for this site.

Reason for refusal 4

The final reason for refusal relates to the impact on the amenity on the occupiers of the neighbouring property and addresses the issues raised by objectors and Members referring to whether the proposal would have an unacceptable impact on the occupiers of the neighbouring property (especially from overlooking, noise and light disturbance).

Given the distances involved from the proposed holiday units to neighbouring residential properties is 30 metres at the closest point, it is not considered that there would be a significant detrimental impact on the amenity of neighbouring residents through overlooking or overbearing impact. Concerns were raised in relation to noise and light pollution but the Public Health Team has assessed the application and has raised no objections on these issues. It is also possible to impose controls on these matters with conditions to agree a suitable lighting scheme and management plan.

The applicant outlines that the intention is to offer a quiet retreat for couples who wish to relax without being in a noisy environment. Amended plans were received which relocates the Tree House (Unit 1) slightly further west, further away from the only nearby dwelling known as 'Wyvern'. In terms of overlooking, the applicant has commented that have already planted additional new trees to screen Unit One with existing trees/hedges on site to be retained.
Conditions were recommended within the officer report to Planning Committee which included the use being restricted to holiday accommodation only and for the provision of details for external lighting.

In considering the acceptability or otherwise of the development on the impact of amenity of neighbouring properties members need to consider whether conditions could be imposed which would protect the amenity of the occupiers of a neighbouring property.

Therefore consideration needs to be given to the weight of harm this development will have on the impact of amenity and whether any harm can be mitigated against through specific planning controls.

Conclusion:

Your officers have set out their advice in relation to the suggested reasons for refusal. It is felt that a refusal reason 1, relating to the impact on the character of the area, is the most robust reason for refusal as this is a subjective assessment on the level of harm. It is considered that the other reasons for refusal, when the comments received from statutory consultees and Economic development officer are taken into consideration, would be difficult to defend at appeal.
If Members are minded to refuse the application, it is recommended that Members refuse the application on the ground of the suggested reason for refusal 1 as set out earlier within this report. However approval remains the recommendation of officers for the reasons set out in the earlier Officer report to Planning Committee attached.

Contact for any more information	Mr Adrian Devereaux, Area Team Leader 01884 234267
Background Papers	Committee report
File Reference	18/01598/FULL
Circulation of the Report	Cllrs Richard Chesterton Members of Planning Committee

Application No. 18/01598/FULL

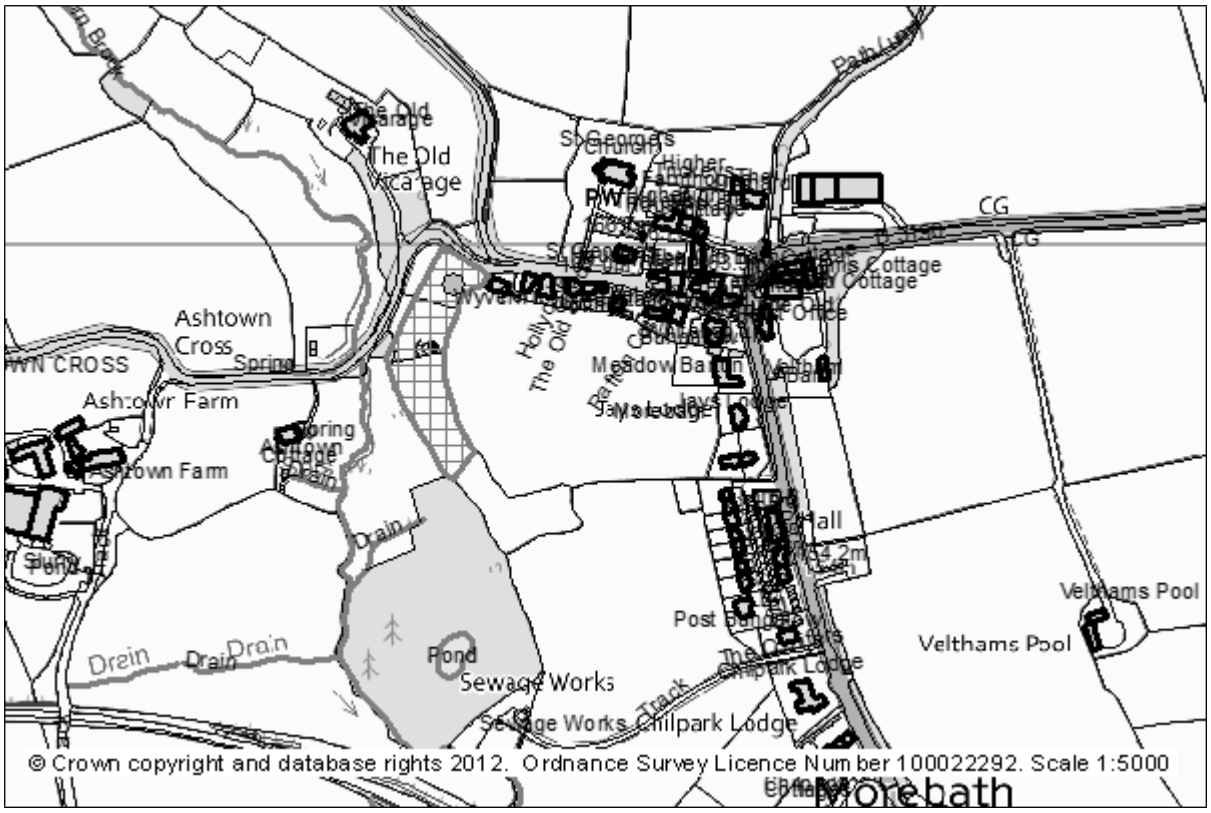
Grid Ref: 295315 : 124977

Applicant: Mr & Mrs Reynolds

Location: Land at NGR 295315 124977 (Whitehall Farm)
Morebath
Devon

Proposal: Erection of a self supporting tree house, replacement of existing summerhouse with cabin on stilts and change of use of existing shed site/adjoining garden for the siting of one cabin all for holiday use

Date Valid: 12th October 2018



APPLICATION NO: 18/01598/FULL

MEMBER CALL-IN

COUNCILLOR STANLEY HAS REQUESTED THAT THIS APPLICATION BE DETERMINED BY THE PLANNING TO CONSIDER WHETHER:

a) **the development will have environmental and amenity impact given its scale and adjacency to the village**
b) **access and traffic concerns have been properly assessed**
c) **the proposal is economically sustainable, and the likely benefits to the local community.**

RECOMMENDATION

Grant permission subject to conditions

PROPOSED DEVELOPMENT

The applicant seeks planning permission for the erection of a self supporting tree house, replacement of existing summerhouse with cabin on stilts and change of use of existing shed site/adjoining garden for the siting of one cabin all for holiday use on land at NGR 295315 124977 (Whitehall Farm), Morebath. The proposal scheme is outlined as an alternative holiday use on site to the existing planning permission for a holiday let/workshop/therapy room (Outline permission 16/00422/OUT and reserve matters permission 17/01062/ARM).

The proposal is outlined as the construction of low scale, high quality, unique holiday accommodation development. There would be a bespoke tree house design which has been influenced by the geography of the site and surrounding woodland, designed independently of any trees and would be supported by timber stilts. The timber support posts would be secured in concrete pad foundations with the structure being constructed of timber, cedar tiles with willow made 'bird nest' style roof. The proposal to replace the existing summerhouse situated on decking would be with a cabin style structure on timber stilts, constructed from natural woods with the cabin to incorporate a small star gazing pod / snug, accessed from a mezzanine bedroom floor in the main structure of the cabin. At the southern end of the site, there would be the replacement of an existing shed with a temporary removable timber cabin/structure for holiday let use.

APPLICANT'S SUPPORTING INFORMATION

Application Form and Plans
Marketing Strategy and Tourism Statement
Business Plan

RELEVANT PLANNING HISTORY

04/02414/FULL - WD date 17th December 2004
Retention of a sectional timber shed

05/00845/CLU - PERMIT date 13th July 2005
Certificate of Lawfulness for continued use of land as garden

15/01588/OUT - WDN date 30th November 2015
Outline for the erection of a holiday let/therapy workshop

16/00442/OUT - PERMIT date 12th May 2016
Outline for the erection of a holiday let/workshop/therapy room

17/01062/ARM - PERMIT date 2nd October 2017
Reserved Matters for the erection of a holiday let/workshop/therapy room following Outline approval 16/00442/OUT

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)
DM3 (Sustainable design)
DM5 (Renewable and low carbon energy)
DM8 (Parking)
DM20 (Rural employment development)
DM24 (Tourism and leisure development)
DM27 (Development affecting Heritage Assets)

NPPF

CONSULTATIONS

Morebath Parish Council – 23rd November 2018

This application came before a public meeting of the (Morebath) PC on the 20th November and it was unanimously agreed that based on a number of critical issues (supported by parishioners) the PC opposes approval.

Background. Whist approval has been granted for a specific scheme on part of the site with a detailed section 106 agreement the objections to this new proposal and change of use can be summarized as follows:
1. The application proposes a change of use resulting in considerable expansion and over development of the small site, disproportionate in its location in the ancient and historically important settlement of Morebath, with many listed buildings, potentially to create an unregulated campsite.
2. The environmental impact on the local community is considered disproportionate in terms of the projected activity, the resulting noise (relative to structures, traffic) and light/ fuel emissions affecting privacy and residents enjoyment of their domicile, the lack of onsite management exacerbates the issue.
3. The formulation of the business case does not satisfy either the benefit to the local economy or the projected employment claimed.
4. Considerable concerns have been expressed, supported by the PC, as to the safety of access to the site and the volumes of proposed activity, both in construction traffic and its later use, suggesting the need for an onsite review of this aspect, considering the change of use proposed.

Highway Authority – 26th October 2018

Standing advice applies please see Devon County Council document
http://www.devon.gov.uk/highways-standingadvice.pdf

The following informal response was received after additional comments were sought:

3 Holiday lets will generate an average of between 9 -15 movements per day, I would anticipate the existing consent would be a similar number. Access should comply to Manual for streets for visibility, I would suggest a minimum width of 4.1 for 1st 6.0m and hard surfaced but if it is a replacement to the existing permission there is unlikely to be any change to traffic generations and it would be unreasonable to expect further junction improvements over those required by the original consent.

Economic Development - 29th November 2018

MDDC's Economic Development service supports the application for the erection of 3 tourism units at Whitehall Farm, Morebath. The Economic Development Officer has worked extensively with the applicant to develop their business idea and to apply for grant funding to support the development of the structures.

The grant application has been scrutinised by DEFRA's RDPE team, who assessed the business proposal as eligible for grant funding. As part of this process the Economic Development Officer scrutinised the business before agreeing to support the project, including in its grant application, and agreed that it would provide benefits to the wider local economy (not just to be considered as Morebath, but to the wider district) and would add to the tourism offer within the district. It is worth noting that if the project is refused planning, the business will lose out on the possibility of obtaining Government grant funding which is available to support developing tourism businesses.

The Heart of the South West LEP identifies tourism as a strategically significant part of the South West Economy, and is a sector which should be nurtured and supported across the region. There is potential for growth within the sector, particularly in relation to those offering unique and different experiences to visitors.

Locally, Mid Devon has identified tourism as an area with growth potential, as the district currently attracts a lower than expected proportion of the visitor economy to the South West. It also attracts a low proportion of overnight visitors to the area in relation to the other local authority areas in Devon and Somerset. By supporting businesses in the tourism sector, particularly those which are trying to attract more affluent visitors to the district (with greater spending power), the whole of the economy should benefit, including the retail sector and the food and drink industry.

The USP for the business is that it will provide rural retreats for people wishing to get away from the hustle and bustle of daily life, providing them with a high quality, tranquil setting in which to relax and rejuvenate. It would be counterproductive for the business to attempt to attract parties and large volumes of guests into their premises, as this would undermine the USP. Mid Devon's tourism offer differs to the offers provided by the rest of the county. Other areas promote their coastline, or offer weekend city breaks and a thriving night time economy. Mid Devon's offer is much more focused on getting in touch with nature, a peaceful, relaxing experience with opportunities to explore the countryside. This proposal is entirely complimentary to this experience, and would be more likely to fail if it tried to create a "remote party" atmosphere, which people don't search for when considering Mid Devon as a destination.

The business is going to be marketing itself to potential visitors from a number of Acorn Marketing categories (these are categories of people who marketing companies use when

determining who their target audience will be). These marketing groups are more likely to seek out a high quality experience and countryside breaks:

Affluent Greys
Wealthy Executives
Prosperous Professionals
Educated Urbanites
Aspiring Singles

The structures will be situated so that they are not facing towards the nearby residential premises, and have been designed instead be pointed towards the idyllic countryside views that Morebath provides. The one unit with the potential to look out towards the existing residential properties is proposed to be facing perpendicular to them, and would be located approximately 30m down a hill from them.

Concerns have been raised about the number of visitors (and car movements) to the village on an annual basis. While the total number of visitors over the course of a year could be as high as 600, according to the business plan it is more likely that there would be up to 6 extra people in the village at any one time, a gross increase of 3%.

Public Health – 2nd November 2018

Contaminated Land - No objection to the proposal
Air Quality – No objection to the proposal
Environmental Permitting – No objection to the proposal
Drainage – No objection to the proposal
Noise & other nuisances – No objection to the proposal
Housing Standards – No comment
Licensing – No Comments
Food Hygiene – No objection to this proposal.

Informative: If food or drink is provided, stored, processed this is considered a food business. All new food businesses are required to register with their Local Authority 28 days prior to opening. The appropriate form can be found in this link.
https://www.middevon.gov.uk/media/114739/foodregistrationform.pdf
Free advice on requirements can be given by Environmental Health. For structural requirements this is ideally sought before works start. The Food Standards Agency's website is also a useful source of information https://www.food.gov.uk/.

Private Water Supplies – If a private supply is to be used by more than one property or has a commercial function, The Private Water Supply (England) Regulations 2016 as amended will apply. A risk assessment and sampling regime will be necessary. The supply must not be used until the Local Authority (Mid Devon District Council) is satisfied that the supply does not constitute a potential danger to human health, including single domestic use.
Please contact Public Health at Mid Devon District Council on completion of proposal.
If mains water is to be used, would have no comment.

Health and Safety – No objection to this proposal.

REPRESENTATIONS

At the time of writing this report, 13 letters of objection (with 2 letters being received in response to additional information submitted) have been received with the grounds of objection summarised as follows:

- There is no mention of secure fencing separating the properties on adjoining land as there is only a low sheep fence which is not sufficient.
- The proposed siting of the septic tank appears to be very close to the boundary of neighbouring land which is not well draining. Has the Environment Agency being consulted?
- The proposed development is inappropriate for this small rural hamlet on the grounds of environmental impact noise and disturbance to local residents, road safety aspect of traffic and access to site from narrow country lane, size of proposed development in relation to nearby properties and inappropriate character of proposed buildings.
- There is a real risk of creating a precedent with this development.
- The application suggests a blanket use of the area as a campsite thus placing no restriction on its growth and occupancy.
- There are examples of holiday accommodation been refused consent in the local vicinity.
- The prior approval for use of the site is based on Section 106 Agreements suggesting special consideration of an individual case, there is a risk that this carried forward to a subsequent application compromises the planning process.
- The proposed site sits within close proximity to existing residences and will result in noise considerations and loss of privacy from the single point of access.
- The suggested use is in conflict with the existing settlement and proposes over development of the area with Morebath being a tiny rural hamlet.
- The number of units suggests considerable traffic activity with intrusive parking in an area of AONB.
- The site is distant from services and facilities, and public transport services are infrequent. Occupiers of the development are likely to be dependent on private vehicles. There is limited off road parking or public amenity to the site.
- The Ancient settlement of Morebath consists of a large number of listed properties not least the parish church of St George which is in close proximity to the site.
- The site exit has a poor sight line to the east and suggests traffic will have to enter the narrow lane to obtain vision, questioning the safety aspect of the access proposed.
- The design of units proposed will have limited sound insulation and use suggests external activity /wood fires thus carrying noise and smoke with the prevailing wind into The Valley View area of the village.
- The proposal outlines that each unit will accommodate 2 people, with typical stays of around 2-3 days, and projects high levels of occupancy; assuming 80% occupancy, this would see circa 600 tourists (transported in 300 cars) drawn to the tiny community.
- The impact on local residents and their peaceful way of life will surely be considerable.
- The village network of tiny single lane roads cannot support the proposal with the site being located off a dangerous bend on top of a steep hill.
- The design of accommodation is incongruous with the local architecture.
- There are currently few glamping sites in mid-Devon with there already being a vast number of holiday-lets of other natures in the area, so question the claims made for need.
- Whilst it is noted that some economic benefit may be derived for nearby settlements like Bampton and Dulverton it must be noted that Morebath has no shops, pubs or local amenities, nor is it a good place from which to walk, with very limited access to footpaths.
- There would be the prospect of loud music and other antisocial behaviour late at night which would be clearly audible to the whole village.
- Unit 1 & 2 can each comfortably accommodate 4 people maybe even more. Lodge no. 3 is advertised on the website as being able to accommodate up to 30 people for ‘lively parties’ and can sleep more than 4 people comfortably.

- Three parking spaces are identified on plans which will not be sufficient resulting in parking on the public highway.
- Safety issues as emergency vehicles need to get past the narrow street where houses have no off-road parking spaces. Visibility in the junction is already limited also.
- Morebath is a small village which is built in an L shape, surrounded by green fields with the listed church at the top of the Hill overlooking the village. The new buildings will take this charm away as they are not fitting in with the wider landscape.
- Prior plans were for only a single building, of single story, and with a grass roof to as much as possible blend in with the landscape.
- Cabins 1 and 2 are for two story buildings which will have a significant visible impact to the wider landscape, viewed above the existing hedgerow and will overlook neighbouring gardens.
- There will be light pollution associated with the development from parking areas, access ways and from the accommodation.
- Concerns the development could block existing water services running across field.
- The proposal could lead to further accommodation in the future.
- Low level lighting on site would not work in this location still resulting in light pollution.
- The development would be overdevelopment compared to the existing permission for one unit.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The application seeks planning permission for the erection of a self supporting tree house, replacement of existing summerhouse with cabin on stilts and change of use of existing shed site/adjoining garden for the siting of one cabin all for holiday use on land known as Whitehall Garden in Morebath to establish a holiday business which would operate all year round. Following concerns raised to the cabin structure proposed to the lower part of the site which was shown as a Reindeer Lodge (given the numbers of people who could occupy it), this has been amended to a Koto Cabin which contains only a double bed and shower room.

The application site is situated on the western edge of the village of Morebath, which lies about 2 miles north of Bampton. The site extends to approximately 1.26 acres and contains some existing development in the form of sheds with the site being well screened by established hedgerow and trees. The land slopes downhill from the north eastern corner to the south and west. The site is not located within any landscape designation. It should be noted that the site already has planning permission for holiday accommodation approved as part of 16/00442/OUT and 17/01062/ARM.

The main issues in the determination of this application are:

1. Policy and procedure
2. Need for the development
3. Highway matters
4. Design of holiday accommodation
5. Impact on the character of the area
6. Impact on amenity of occupiers of residential property
7. Other planning matters

1. Policy and procedure

S.38[6] of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The National Planning Policy Framework,

published by the Government in March 2012 and revised in 2018, is noted as one such material consideration.

In addition to the NPPF, the Local Authority needs to determine this proposal on the basis of a number of policies contained within the Development Plan. In this instance, the relevant policies are considered to include COR2 (Local Distinctiveness), COR16 (Bampton), COR18 (Countryside) of the Core Strategy and DM2 (High quality design), DM3 (Sustainable design), DM5 (Renewable and low carbon energy), DM8 (Parking), DM20 (Rural employment development) and DM24 (Tourism and leisure development). Policy COR2 requires development to sustain the distinctive quality, character and diversity of Mid Devon's environmental assets through high quality sustainable design which reinforces the character and legibility of Mid Devon's built environment and creates attractive places. Policy COR18 seeks to control development outside defined settlement limits to appropriate rural uses.

Within the NPPF, paragraph 83 with respect to supporting a prosperous rural economy outlines that:

'Planning policies and decisions should enable:
a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
b) the development and diversification of agricultural and other land-based rural businesses;
c) sustainable rural tourism and leisure developments which respect the character of the countryside; and
d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.'

It is considered that there is no objection in principle to the creation of a tourist facility in this location as outlined within the supporting documentation submitted subject to meeting other adopted policy criteria which is considered below. The Local Authority has approved a number of planning applications for various types of holiday accommodation within the District. The forms of holiday accommodation have included numerous barn conversions, log cabins, shepherds huts, yurts, safari tents, a treehouse (13/00003/FULL – Fox & Hounds Country Hotel, Eggesford) and a tree tent (17/00317/FULL - Dunscombe Farm, Cheriton Fitzpaine).

2. Need for the development

In rural areas of the district, the strategy as outlined within the Core Strategy is that whilst there is to be strict control over development, the emphasis will be on promoting environmental enhancement including landscape and biodiversity and encouraging appropriate economic diversification with eco-tourism highlighted. Therefore subject to the development being justified through a sound business case and any impact on the landscape kept to a minimum with appropriate mitigation provided where required; a case to support this proposal could be made.

As far as policies within the Core Strategy are concerned, COR 18 (Countryside) states that 'development outside the settlements defined by COR13 -COR17 will be strictly controlled, enhancing the character, appearance and biodiversity of the countryside while promoting sustainable diversification of the rural economy.' Criteria 'B' outlines that any development needs to be of an appropriate scale. Whilst the site is located outside of the Market Town of Bampton, it is noted that COR 16 comments that Bampton will provide a focal point for housing and employment development and local services and facilities to serve the nearby rural area, encouraging greater local self-sufficiency, social provision and economic

regeneration. Criteria ‘E’ of this policy states that there is a requirement of development to enhance the tourism role of the town and area at the gateway to Exmoor.

With regard to the Development Management Policies, Policy DM24 (Tourism and leisure development) states:

‘Proposals for new or expanded tourism, visitor or leisure facilities will be supported within or adjacent to defined settlements. Elsewhere, the nature of the proposed development must justify a countryside location and minimise environmental impacts, avoiding an unacceptable traffic impact on the local road network. Development proposals must:
a) Respect the character and appearance of the location;
b) Where possible, involve conversion or replacement of existing buildings; and
c) Demonstrate that the need is not met by existing provision within nearby settlements.’

The supporting text to this policy outlines that the justification for the development will be provided through a marketing strategy and business plan to explain how the development will achieve a high quality tourism product that meets demand. Proposals must demonstrate that their benefits outweigh any harm and that they do not cause an unacceptable impact to traffic on the local road network. Tourism and leisure developments should benefit local businesses, the environment, communities and visitors in the long-term, so the Council will seek the right form of development in the right location, with evidence that the need is not already being met by existing provision. In demonstrating unmet need for tourism proposals outside of settlement limits, applicants should have regard to the Council’s Tourism Study.

The first point to make is that there is an existing permission for a holiday let on site which includes a workshop and therapy rooms and this would be replaced by a smaller holiday unit. As part of the application submission, a Marketing Strategy and Tourism Statement and a Business Plan have been provided which outlines that the luxury glamping project proposed would be operated by Sawday’s Canopy & Stars, outlining the growing market for this type of holiday accommodation and the expected revenues. The research for the need of this development has been provided and the Council’s Economic Development Section has noted that they are generally supportive of this proposal.

The Economic Development Team support these proposals noting that they have discussed the business proposal with the applicant and the amount of money they were looking to invest in the project, and advised them of the Rural Payments Agency (RDPE) grant option which could offer grants of between £35k - £175k to businesses starting up in rural locations within the tourism sector. The Economic Development Officer has worked with the applicant on their grant application to ensure that it met strategic alignment criteria with the LEP and with the Government’s tourism agenda (guidance was provided on the LEP website and on the Gov website highlighting priorities etc.). This includes looking at the viability of the business idea and whether or not it is felt to be realistic that it could receive funding. The Economic Development Officer comments that this is not a case of promoting the business, but rather supporting legitimate business growth. It is noted that confirmation has been provided from the applicant of the application having made for this grant funding and that subject to a planning approval it could be applicable for this funding.

The applicant has commented that they have undertaken extensive research into this sector of the holiday accommodation letting market over a considerable period of time, including speaking with several specialist letting agents and building contractors / suppliers to gain a good understanding of likely income and cost levels. In addition to this, they have commented that they have adopted realistic occupancy rates of 50%, whereas the reality is that these types of holidays achieve much higher occupancy rates. The business is structured around a Partnership Agreement and they have financial backing in place for the

project. Therefore in light of the above, it is considered that a business case for this application can be supported.

In terms of benefits to the local community, the applicant comments that the project would benefit Morebath parish, with direct and indirect employment opportunities with the creation of jobs, as they will be requiring assistance with the gardening and cleaning of the units.

3. Highway matters

On the matter of the impact on the surrounding highway network, the previous approved scheme on the site which allows for a holiday let/workshop/therapy room has an approved plan showing 5 parking spaces. Within the application form it is stated that there would be three allocated parking spaces for the holiday accommodation although the plans show a space for two additional spaces. It is considered that a scheme which could provide up to five parking spaces to serve three units of holiday accommodation would be in accordance with Policy DM8.

No objections have been received from the Local Highway Authority noting standing advice should be used, although they have informally commented that 3 Holiday lets will generate an average of between 9 -15 movements per day which is unlikely to be a change to traffic generations from the existing use allowed through permission. Whilst they would prefer the access to have a width of 4.1m for a distance of 6 metres and hard surface, given the existing permission they note it would be unreasonable to expect further junction improvements over those required by the original consent.

The applicant has confirmed that with regards to the car parking their scheme requires less car parking than the existing consented development and they have sought to position two of the parking spaces further away from the neighbouring property of 'Wyvern' which they believe would have less disturbance on the neighbours. The proposal is for 3 small scale holiday let units, each to sleep 2 people (couples only), as is indicated on the layout plans and the applicant has suggest that they would be prepared to consider a reasonable planning condition restricting occupation to 2 people per unit i.e. 6 guests in total on the site at any one time, and also a restriction on any additional holiday let units on the application site. It is considered that a condition restricting the number of people to six would fail the required tests being difficult to enforce and potentially unreasonable. The layout plans would be conditioned to the three units of accommodation.

In regard to the access arrangements, the applicant has confirmed that they intend to improve, widen and alter this as per the detailed plan submitted with the previously approved reserved matters planning application.

4. Design of holiday accommodation

In terms of this planning application, the proposal is for the creation of three units of holiday accommodation whereby the land use is supported by adopted policy and it would represent a small scale tourism proposal across the site. As referred to earlier, a number of different types of holiday accommodation have been approved within the district and tree houses being one, although not at significant numbers.

The proposal is for a bespoke tree house designed unit of holiday accommodation in the area of the existing planning permission having a reduced scale than that approved, a cabin style structure on timber stilts in the area of the existing summerhouse and a temporary log cabin type structure further down the site in an area of existing sheds. It is considered that a case can be made that the development would comply with policies DM2 (High quality design), DM3 (Sustainable design) and DM5 (Renewable and low carbon energy). The scale

of development for a total of 3 holiday units is considered to be in accordance with Policy DM20 (Rural employment development).

5. Impact on the character of the area

Impact on the character of the area and surrounding countryside is one key consideration. In terms of the impact on the landscape, the Landscape Character Assessment 2011 outlines the Landscape Character Type as 3E Lowland plains. The assessment concludes that a future force for change in these locations would be from an 'increase in domestic tourism with associated demands for new facilities and infrastructure, as well as an increase in traffic levels, farm conversions and the siting of caravan/camping sites'. Given the topography of the site and the existing boundary treatments and adjoining woodland area, it is considered that large areas of the site would be screened from public vantage points.

The site is not within a Conservation Area and whilst it has been noted that there are a number of listed buildings within Morebath such as St George's Church, these are located further way to the east and northeast on higher land with existing residential development in between. Therefore it is considered that the holiday accommodation does not result in harm to the character of the heritage asset, being in accordance with DM27 of the Mid Devon Local Plan Part 3 (Development Management Policies).

6. Impact on amenity of occupiers of residential property

Given the distances involved from the proposed holiday units to neighbouring residential properties, it is not considered that there would be a significant detrimental impact on the amenity of neighbouring residents. Concerns were raised to noise and light pollution but the applicant notes that the accommodation is only to be for couples, with low level illumination for health and safety reasons only operating on sensors as Exmoor Dark Sky Status with Unit 2 marketed for star gazing. A condition is recommended for any low level lighting scheme to be submitted and approved. The Public Health Team has assessed the application and has raised no objections to the proposals.

The applicant outlines that the intention is to offer a quiet retreat for couples who wish to relax without being in a noisy environment. Amended plans were received which relocates the Tree House (Unit 1) slightly further west, further away from the only nearby dwelling known as 'Wyvern'. In terms of overlooking, the applicant comments that have already planted additional new trees to screen Unit One with existing trees/hedges on site to be retained. With regard to outside cooking, the applicant states that there would be a gas BBQ but no other outside cooking facilities for Unit 1.

7. Other planning matters

In respect to other planning matters, concerns have been received with respect to foul and surface water drainage with objectors enquiring whether a septic tank in this location would be suitable giving existing ground conditions and that given the topography water currently runs downhill. The applicant has confirmed that a package treatment plant is proposed and it is noted that the site is located within flood zone 1 where this type of development is acceptable and surface water disposed of by a soakaway. The development therefore complies with Policy COR11 of the Core Strategy and DM2 of the Mid Devon Development Management Policies (Local Plan Part 3).

An Ecological Impact Assessment has been submitted which outlines that no protected species would be impacted but mitigation measures have been outlined which can be conditioned such as bat boxes.

CONDITIONS

1. CD1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. CD7 Approved Plans
3. (i) The holiday accommodation units shall be occupied for holiday purposes only.
   (ii) The holiday accommodation units shall not be occupied as a person's sole, or main, place of residence.
   (iii) The owners/operators shall maintain an up-to-date register of the names of all occupiers of the holiday accommodation unit on the site and of their main home addresses and shall make this information available at all reasonable times to the Local Planning Authority.
4. The development hereby approved shall only be occupied for holiday purposes only, limited to three units of holiday accommodation on site. When the holiday units become redundant for such purposes, they shall be demolished and all resultant materials removed from the site within 6 months of them becoming redundant for their approved use.
5. The development of the three holiday units hereby approved shall not be occupied until such time as the vehicular access, parking and turning areas indicated on the approved location plan have been provided on site, surfaced and drained. Following their provision, these facilities shall be so retained.
6. Prior to the first occupation of the holiday accommodation hereby approved, details of any external lighting within the application site shall be submitted to and agreed in writing by the Local Planning Authority. Any external lighting installed shall be in accordance with the agreed details.
7. The improvements to the access from the highway as shown on the site entrance alteration plan received from the applicant on the 17th December 2018 shall be completed prior to the occupation of the first holiday unit hereby approved and shall be so retained thereafter.

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 in the interests of proper planning.
3. The use of the holiday let accommodation as a separate dwelling would require planning permission whereby the location, relationship to surrounding dwellings, parking facilities and areas of amenity would need to be considered further. However the application for holiday let accommodation is considered to be in accordance with Policy DM24 of the Local Plan Part 3 (Development Management Policies).
4. To ensure removal of the holiday units if no longer required for holiday occupation in order to protect the character, appearance and general amenity of the area of countryside in accordance with Policy COR18 of the Mid Devon Core Strategy (Local Plan Part 1).
5. In the interest of highway safety and to ensure that adequate on-site facilities are available for traffic attracted to the site in accordance with DM8 (Parking) of the Local Plan Part 3 Development Management Policies with the National Planning Policy Framework.
6. In the interests of preserving the character and visual amenity of the rural area in accordance with policy DM2 Local Plan Part 3 (Development Management Policies);
7. To ensure a safe and suitable vehicular access to serve the development in accordance with policy COR 9 Local Plan Part 1 and DM24 of the Mid Devon Local Plan Part 3 (Development Management Policies).

INFORMATIVES

1. If food or drink is provided, stored, processed this is considered a food business. All new food businesses are required to register with their Local Authority 28 days prior to opening. The appropriate form can be found in this link.
https://www.middevon.gov.uk/media/114739/foodregistrationform.pdf

Free advice on requirements can be given by Environmental Health. For structural requirements this is ideally sought before works start. The Food Standards Agency's website is also a useful source of information https://www.food.gov.uk/.

2. If a private supply is to be used by more than one property or has a commercial function, The Private Water Supply (England) Regulations 2016 as amended will apply. A risk assessment and sampling regime will be necessary. The supply must not be used until the Local Authority (Mid Devon District Council) is satisfied that the supply does not constitute a potential danger to human health, including single domestic use. Please contact Public Health at Mid Devon District Council on completion of proposal.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The proposals for the holiday let accommodation is considered to be acceptable with the tourism use being acceptable not resulting in a detrimental impact to the rural character of the area. It is not considered that the proposal would have an unacceptable impact on the environment or nearby heritage assets and the proposal is considered to be suitably designed and any impact on amenity of neighbouring occupiers is not considered significant given the existing boundary treatment and degree of separation involved. The development complies with the requirements of relevant policies: COR2 and COR18 of the Mid Devon Core Strategy (LP1), DM2, DM8, DM20, DM24 and DM27 of the LP3 DMP and the National Planning Policy Framework.

The Human Rights Act 1998 came into force on 2nd October 2000. It requires all public authorities to act in a way which is compatible with the European Convention on Human Rights. This report has been prepared in light of the Council's obligations under the Act with regard to decisions to be informed by the principles of fair balance and non-discrimination.

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PLANNING COMMITTEE
6TH FEBRUARY 2019

REPORT OF MRS JENNY CLIFFORD, THE HEAD OF PLANNING, ECONOMY AND REGENERATION

PLANNING PERFORMANCE AGAINST TARGETS QUARTER THREE 1ST OCTOBER-31ST DECEMBER 2018

REASON FOR REPORT:
To provide the Committee with information on the performance of aspects of the planning function of the Council for Quarter 3 of 18/19

MATTERS FOR CONSIDERATION:
Performance against targets, the Government's performance assessment and resources within the Planning Service.

RECOMMENDATION: For information and discussion.

RELATIONSHIP TO CORPORATE PLAN:
The effective operation of the planning function of the Planning, Economy and Regeneration Service including the processing of applications is central to achieving priorities in the Corporate Plan.

FINANCIAL IMPLICATIONS: Planning performance has the potential for significant financial implications in the event that applications are not determined within 26 weeks or an extension of time negotiated. In that instance the planning fee is returned. Through the issue of planning permissions for new dwellings the service enables the award of New Homes Bonus money to the Council.

LEGAL IMPLICATIONS: The Government monitors planning performance in terms of speed and quality of decision making. In the event minimum standards are not met, an authority may be designated as underperforming with special measures applied that allow applicants for major development to apply for permission direct from the Planning Inspectorate and bypassing local decision making.

The speed measure is twofold: firstly the percentage of major applications determined within 13 weeks as measured over a 2 year period and secondly the percentage of non- major applications determined within 8 weeks as measured over a 2 year period. Accordingly it is important to continue to meet these targets.

The quality measure is also twofold: firstly the percentage of all major applications determined over a two year period that have been overturned at appeal and secondly, the percentage of all non-major applications determined over a two year period that have been overturned at appeal. The target for both measures is not less than 10%. It is important to continue to meet these targets.

RISK ASSESSMENT: Financial risk as a result of fee return and the designation of planning authorities in special measures for underperformance is referred to above. These aspects are actively monitored, to allow priorities to be adjusted as required to reduce the risk. The speed and quality of the determination of major applications has been the subject of Government performance indicators for some time.

EQUALITY IMPACT ASSESSMENT: No equality issues identified for this report.

1.0 **PLANNING PERFORMANCE**

1.1 Set out below are the Planning Service performance figures for 2018/19 so far and showing a comparison against those achieved for 2016/17 and 2017/18. Performance data is published quarterly on the Council's website at https://new.middevon.gov.uk/planning/performance-standards/

1.2 Performance is set out below and expressed as a percentage unless marked otherwise and reports against a mix of Government and local performance targets.

Planning Service Performance	**Target**	**16/17**	**17/18**			
				Q1	**Q2**	**Q3**
Major applications determined within 13 weeks	**60%**	90%	82%	75%	71%	60%
Minor applications determined within 8 weeks	**65%**	80%	85%	73%	72%	74%
Other applications determined within 8 weeks	**80%**	89%	90%	87%	77%	88%
Householder applications determined in 8 weeks	**85%**	98%	95%	78%	89%	94%
Listed Building Consents determined in 8 weeks	**80%**	84%	84%	73%	50%	74%
Enforcement site visits undertaken within 15 days of complaint receipt	**87%**	96%	92%	80%	85%	77%
Delegated decisions	**90%**	94%	93%	86%	98%	95%
No of applications over 13 weeks old without a decision	**Less than 45 apps**	29	44	68	75	68
Major applications determined within 13 weeks (over preceding 2 years)	**More than 60%**	82%	74%	86%	95%	77%
Major applications overturned at appeal as % of all major decisions (over preceding 2 years)	**Less than 10%**	7%	4%	3%	3%	3%
Non-major applications determined within 8 weeks (over preceding 2 years)	**More than 70%**	77%	79%	80%	79%	80%
Non-major applications overturned at appeal as % of all non-major decisions over preceding 2 years	**Less than 10%**	<1%	<1%	0%	0%	0%
Determine all applications within 26 weeks or with an extension of time (per annum –Government planning guarantee)	**100%**	100%	99%	100%	99%	99%
Building Regulations Applications examined within 3 weeks	**95%**	88%	93%	95%	92%	87%
Building Regulation Full Plan	**95%**	91%	96%	99%	97%	96%

applications determined in 2 months						

For all applications determined within 8 or 13 weeks, the performance figures now include those where there has been an extension of time. This is in accordance with the methodology for reporting planning application determination set out by the Government.

2.0 APPLICATION PROCESSING-DEVELOPMENT MANAGEMENT.

2.1 As reported on previous occasions, the Government sets a range of additional performance targets for planning authorities in order to drive performance. Those for planning application decision making are used by the Government as indicators of performance in terms of both speed and quality of decision making. They are as follows:

Speed:

- Majors: More than 60% of major applications determined within 13 weeks (over 2 year period). Mid Devon performance on this for the last 2 years is **77%.**
- Non majors: More than 70% of non-major applications determined within 8 weeks (over 2 year period). Mid Devon performance on this for the last 2 years is **80%.**

Quality:

- Majors: No more than 10% of decisions to be overturned at appeal. The Mid Devon figure over the last 2 years is **3%.**
- Non majors: No more than 10% of decisions to be overturned at appeal. The Mid Devon figure over the last 2 years is **0%.**

Authorities not meeting these targets risk being designated as underperforming, resulting in the application of special measures.

2.2 Application determination performance results for Qu 1,2 & 3 18/19 indicate that the national planning performance indicators continue to be met and exceeded by the service in the majority of areas. However this does rely in part upon the agreement of extensions of time with the applicant. There is provision for such agreements in accordance with Government methodology on calculating performance. The number of applications on hand that are over 13 weeks old have been increasing over consecutive quarters but this quarter shows a slight reduction which reflects the efforts of the team. It should be noted that the Development Management team still has two posts vacant and once these are filled the on hand numbers should reduce.

2.3 The ‘planning guarantee’ of 100% of applications determined within 26 weeks was recorded at 99%. Extensions of time are secured which reduces the financial risk to the Council of fee return. Such extensions of time are normally sought in order to secure completion of S106 agreements.

2.4 Over the last 6 months the following posts in the DM team have been vacant at various times

1FTE	Area Team Leader
1.8 FTE	Conservation Officers
1.5 FTE	Principal Planning Officers,
1 FTE	Planning Student

0.5FTE Enforcement Officer
1 FTE Planning Support Officer

To fill these vacant posts we have changed and combined some posts and have looked to provide opportunities to promote suitable existing employees. This has now resulted in the following appointments to vacant posts:

1 FTE Area Team Leader
2 FTE Principal Planning Officers (combining 0.5 PPO and 1 FTE planning Student)
0.7 FTE Enforcement Support Officer
1.8 FTE Conservation Officers
1 FTE Planning Support Officer

Interviews for the two remaining vacant posts in the Development Management team (Planning Assistant/Planning Officer) have now taken place. At the time of writing this report both posts had been offered and accepted, but the new staff members are yet to start.

2.5 Recruitment to vacant posts will allow the service to be back up to full strength and reduce the number of older applications on hand.

3.0 **PLANNING ENFORCEMENT.**

3.1 The Local Enforcement Plan was agreed by Council on 21st February 2018. It sets out prioritisation criteria for compliant investigation together with performance standards. These are now the performance standards we will be monitoring and therefore this is the first quarterly performance report that reflects this agreed approach.

3.2 Activity within the enforcement part of the planning service by quarter is as follows:

Q ref	Details	Q1	Q2	Q3
PE01	Register and acknowledge all written complaints. Indicator – within 3 working days	98%	92%	90%
PE02	Highest priority complaint investigation. Indicator - 90% of first site visits before the end of the next working day following registration.	100%	100%	None reported
PE03	High priority complaint investigation. Indicator - First site visit within 3 working days of registration.	100%	100%	100%
PE04	Medium priority complaint investigation. Indicator - First site visit within 10 working days of registration.	94%	88%	100%
PE05	Low priority complaint investigation. Indicator - First site visit within 15 working days of registration.	97%	89%	76%
PE06	Initial response to complainant setting out progress or informing about a decision in cases where there is no breach. Indicator – within 5 working days of the date of the initial site visit.	92%	92%	91%

PE07	**Notify complainant that Enforcement Notice has been served or decision that 'no action' will be taken. Indicator – within 5 working days of the issue of the notice [or decision to take no further action].**	**92%**	**92%**	**91%**
PE08	**New enforcement cases registered (See PE01)**	**93**	**104**	**111**
PE09	**Enforcement cases closed (in quarter)**	**71**	**77**	**96**
PE10	**Committee authorisations sought**	**1**	**1**	**1**
PE11	**Total Notices Served**	**10**	**3**	**2**
	Planning contravention notices served (PCN)	**5**	**2**	**0**
	Breach of condition notices served	**0**	**1**	**0**
	Section 215 notice (untidy land)	**0**	**0**	**0**
	Section 330 notice (requisition for information)	**4**	**0**	**0**

The total number of open enforcement cases at time of writing this report was 195
30th September 2018: 211.
9th March 2018: 151
20th November 2017: 164
Late September 2017: 160
Early June 2017: 226.

This represents the number of alleged breaches of planning control being investigated at any one time. An administration resource within the enforcement team has recently been recruited following unsuccessful attempts to fill a 0.5 FTE enforcement officer post. This administration support is expected to increase the effectiveness of the two enforcement officers.

4.0 BUILDING CONTROL.

4.1 Building Control performance in the assessment of full plans applications was met for these quarters. Plan checking within 3 weeks in quarters 2and 3 was under target and reflects a fluctuation in staffing. Building Control performance is now primarily reported to the meetings of the Joint Committee which oversees the Building Control Partnership service that is being operated with North Devon Council.

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List of Background Papers:

PS1 and PS2 returns
DCLG Planning performance and the planning guarantee –Government response to consultation. June 2013
HM Treasury 'Fixing the foundations – creating a more prosperous nation' July 2015
Improving Planning Performance: Criteria for Designation, DCLG November 2016

Circulation of the Report:

Cllr Richard Chesterton
Members of Planning Committee

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