

From: Development Control
Subject: FW: 22/02102 - Bycott Farm

From: Greg Venn <gvenn@middevon.gov.uk>
Sent: 08 February 2023 10:01
To: Daniel Rance <drance@middevon.gov.uk>
Cc: Development Control <devcon@middevon.gov.uk>
Subject: 22/02102 - Bycott Farm

Dear Daniel

Thank you for consulting me on the above application.

The site of the proposal is outside of the conservation area, and the farm complex itself contains no listed buildings but having been around the site there are heritage issues to address. Which relate to the conservation areas and the setting of listed buildings. As such sections 72 and 66 of the Listed Building Act are engaged, as are Policies S9 and DM25 of the Local Plan.

The starting point for the considering of applications which affects a listed building or its setting is the statutory requirement on 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' (section 66).

Section 72 of the Act requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area.

The Court of Appeal has made it absolutely clear that the statutory duties in relation to sections 66 and 72 do not allow a local planning authority to treat the desirability of preserving the settings of listed building and the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit. When an authority finds that a development would harm the setting of a listed building or character or appearance of a conservation area, it must give that harm considerable importance and weight. Finding of harm gives rise to a strong presumption against planning permission being granted. This presumption is a powerful one, but not irrebuttable. It can only be outweighed by material considerations powerful enough to do so.

Applicants for consent that affects a heritage asset must be able to justify their proposals. The NPPF says that the LPA should require an applicant to describe the significance of any heritage asset affected including any contribution made to their setting. This should be sufficient to understand the potential impact of the proposal on its significance. As a minimum the Heritage Environment Record should have been consulted and the building assessed using appropriate expertise where necessary. When considering the impact of development, **great weight** should be given to the asset's conservation. Any harm or loss should require clear and convincing justification from the applicant. Any harm should be judged against the public benefit, including securing the optimum viable use. (The optimum use is the one that causes the least harm to the significance of the asset).

This approach is reinforced by policy DM25 of the adopted Mid Devon Local Plan and it requires development proposals likely to affect heritage assets and their settings, including new buildings, alterations, extensions, changes of use and demolitions to consider their significance, character, setting and local distinctiveness, and the opportunities to enhance them. It also goes on to state that where a development proposal would lead to less than substantial harm, that harm will be weighed against any public benefit.

It is noted that the applicant lists Policies S9 and DM25 in their Design and Access statement, but fails to address them in the body of the statement.

You will be aware that conservation areas can be impacted by the volume and nature of the traffic them. Harm may come about due to the change in character to that conservation area by a change in the nature or volume of traffic which changes the experience of conservation area. Indeed Cullompton conservation area is on the national at risk register largely due to the nature and volume of traffic. By extension a change in traffic passing a listed building may also impact on the experience of that listed building and hence its setting.

A transport study has been submitted, but this by its nature does not consider how heritage assets may be impacted by the proposal. It does note that Lower Town is lightly trafficked (2.6), and that there will be additional vehicle movements along Lower Town (3.2).

You should request a heritage impact assessment in relation to the change in traffic in the Halberton conservation area and how that might impact it.

To the south of the site are a listed railway bridge (the railway has gone), and a grade 2* house - Herne Place. I have not been to the house, but I have been to the bridge and it is clear that there is an open line of site between the site, the bridge and the grade 2* house. The position of these is noted in the LVIA (4.28), but the views from Herne House are not considered in the section views from the south/south west (4.61 onward).

You should request an addition to the LVIA to include specifically an evaluation of any impacts on the grade 2* Herne Place as this has not been done. The results of this should be incorporated into the Heritage Impact Assessment required above.

The conclusions of the LVIA in relation to heritage assets are that

7.10 Table 3 in section 6 sets out the visual effects that are likely to be experienced by receptors as a result of the development at ten representative publicly accessible viewpoints within the surroundings. The most significant visual effects (Major/Moderate or Moderate adverse) that are likely to occur relate to views from two locations:

- A short section of the GWC towpath at viewpoint 1 (due principally to the High sensitivity of recreational receptors at this location). Proposed mitigation would not lessen this effect over time.*
- The bridge over the disused railway south of Lower Town (viewpoint 5), where the plant would be prominent in the local, albeit the very brief and limited view that would be experienced by walkers from this location. The effect likely to be experienced by these receptors is likely to reduce slightly over time (from Major/Moderate to Moderate) as planting provides a level of screening and assimilation of the plant.*

7.11 Moderate adverse effects have been assessed as likely to be experienced by receptors at the following locations:

- A short section of the GWC towpath east of Rock Bridge (viewpoint 4); proposed planting would not reduce this effect materially over time.*
- The former railway bridge south of Lower Town (viewpoint 5) where road users may experience very brief and limited view of the site crossing the bridge. Planting is predicted to reduce the effect to Minor by year 10.*

These conclusions in the LVIA should be taken forward and used to assess impact on the significance of the heritage assets affected in an Heritage Impact Assessment.

In summary: There is potential impacts on the Halberton Conservation Area, the Grand Western Canal Conservation Area, and the listed railway bridge and Herne Place. Herne Place is omitted from the LVIA. As policy DM25 requires, the applicant should be required to submit a proportionate but systematic assessment of the impact on the setting and thereby the significance of the heritage assets at this time.

Regards

Greg Venn

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