

PLANNING COMMITTEE AGENDA - 7th January 2026

Applications of a non-delegated nature

<u>Item No.</u>	<u>Description</u>
01.	25/01453/FULL - Variation of Condition 10 of Planning Permission 24/00039/FULL (Erection of 7 affordable dwellings with car parking, landscaping and other minor works following demolition of existing garages) to allow substitution of approved plans to reflect revised landscaping strategy, and parking areas at Land at NGR 303611 111116, Somerlea, Willand. RECOMMENDATION Permitted with Conditions to Discharge
02.	25/01301/FULL - Erection of 4 dwellings following demolition of 2 barns utilising the Class Q fallback position (24/01248/PNCOU) at Land and Building at NGR 307803 108310, Lower Moneysland, Kentisbeare. RECOMMENDATION Permitted with Conditions to Discharge
03.	25/01364/HOUSE - Erection of extensions to North East and South West elevations at Ashfield, Seven Crosses Road, Tiverton. RECOMMENDATION

Application No. 25/01453/FULL

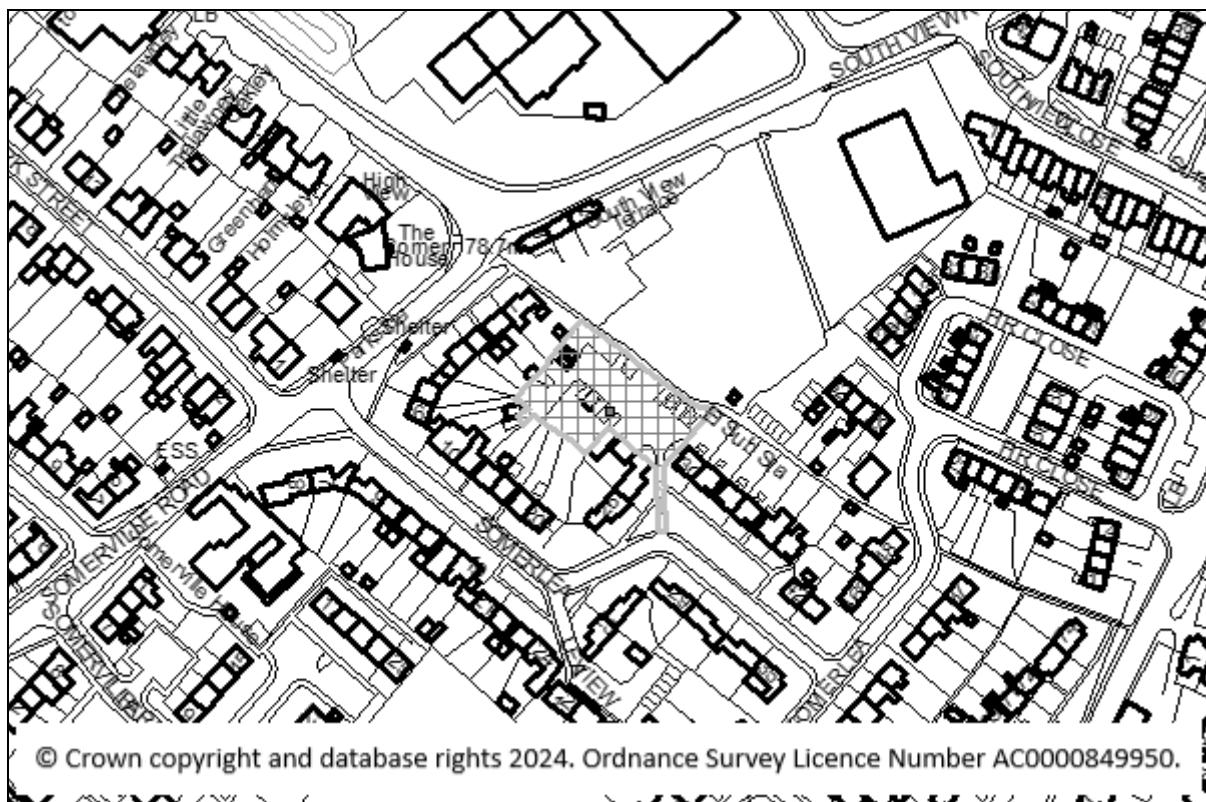
Grid Ref: 303611 : 111116

Applicant: Mr Mike Lowman, Mid Devon District Council

Location: Land at NGR 303611 111116
Somerlea
Willand
Devon

Proposal: Variation of Condition 10 of Planning Permission 24/00039/FULL (Erection of 7 affordable dwellings with car parking, landscaping and other minor works following demolition of existing garages) to allow substitution of approved plans to reflect revised landscaping strategy, and parking areas

Date Valid: 20th October 2025



APPLICATION NO: 25/01453/FULL

REASON FOR REFERRAL TO COMMITTEE

This application is required to be considered by the Planning Committee, in line with the Council's adopted Scheme of Delegation, as Mid Devon District Council is the land owner and the houses will form part of the Council's affordable rented housing stock.

RECOMMENDATION

Grant permission subject to conditions

PROPOSED DEVELOPMENT

The proposed development relates to a site within the defined settlement limit of Willand and is located on land between Somerlea and Somerville Road. There is a former commercial site to the north east, which is now used as car parking in association with a nearby commercial premises. A Public Right of Way (PROW), public footpath no. 4, Willand, runs along the north east boundary of the site, providing access between Somerlea/Fir Close and Somerville Road.

Planning permission was granted under 24/00039/FULL for the erection of 7 affordable dwellings on this Council-owned land off Somerlea, Willand. The site is approximately 0.17ha and comprises a mix of hardstanding and poor quality grassed areas. The site contained several shed and garage structures, however these have since been demolished with planning permission 24/00039/FULL having been commenced.

The approved dwellings are to be a terrace of seven 3 bed/4 person houses. The approved terrace of houses is to run parallel with the north east boundary. All properties are to be provided with their own private gardens, while the site will also include some additional landscaped areas. A palette of materials is proposed comprising rendered to the walls and metal standing seam roof. Solar PV panels would be installed on the roof slopes of the building.

All of the units are to be built to be national space standard compliant, in respect to both overall floor area and bedroom sizes. Each property will include 2 double bedrooms with a floor area of 11.5 square metres and a third single bedroom measuring 8.9 square metres. The scheme also provides for the storage of waste and recycling through the provision of a secured communal refuse storage area. Provision is also made for secure cycle storage within the gardens of each property.

This application seeks to amend the condition 10 of the approved planning permission, which requires the provision of parking in accordance with the previously approved site plan.

The application as submitted also included a request to vary the wording of condition 7 of 24/00039/FULL, noting the revised landscaping strategy provided. It is however noted that condition 7 does not reference a plan number specifically and does not therefore require varying. As such, reference to condition 7 has been removed from the description of development.

The proposed changes include a revised parking layout and landscaping scheme that responds to a correction to the land ownership plan, with land in neighbouring ownership mistakenly shown

within the applicant's ownership in the original scheme. The revised layout allows better access to neighbouring parking spaces, which are accessed through the site and revises the landscaping strategy accordingly. The revised plans also indicate the position of the bicycle storage required, as well as realignment of the proposed refuse storage area.

With the exception of these changes detailed, the scheme will otherwise remain as approved.

APPLICANT'S SUPPORTING INFORMATION

Application form, covering letter, amended plans

RELEVANT PLANNING HISTORY

24/00039/FULL - PERCON date 7th March 2025

Erection of 7 affordable dwellings with car parking, landscaping and other minor works following demolition of existing garages

DEVELOPMENT PLAN POLICIES

Mid Devon Local Plan 2013 – 2033

S1 - Sustainable development priorities
S2 - Amount and distribution of development
S3 - Meeting housing needs
S4 - Ensuring housing delivery
S5 - Public open space
S9 - Environment
S13 - Villages
DM1 - High quality design
DM2 - Renewable and low carbon energy
DM3 - Transport and air quality
DM4 - Pollution
DM5 - Parking

Willand Neighbourhood Plan 2020 to 2033

SD1 - High quality design in new developments
SD2 - Sustainable design in new developments
GI4 - New trees and planting
TAC1 - Improving Transport, Accessibility and Connectivity
TAC2 - Protecting the Footpath, Bridleway and Cyclepath Network

National Planning Policy Framework

National Planning Practice Guidance

CONSULTATIONS

WILLAND PARISH COUNCIL

Willand Parish Council, in considering this variation application, has referred back to the original application - 24/00039/FULL - and is mindful of the concerns which the Parish Council raised at

that time. It has also taken account of events since that time which have caused concern and led to a complaint being made that the conditions placed on the original application have not been dealt with correctly which in its view has shown a lack of due diligence and attention to detail.

It has been noted that at the time of this consultation Condition 7 has not been discharged, or if it has it has not been placed on the Planning Portal. It therefore follows that, in the public domain, Condition 7 has not been completed in accord with Planning Permission 24/00039/FULL as stated in the proposal.

The Covering Letter submitted with the application states:

"The proposed amendments are designed to achieve the following improvements to the development;

- Revised landscaping Strategy in response to an updated site boundary. Z47-ZP-A1-XX-DR-A-050-S01-P02
- Revised access for neighbouring properties, Z49-ZED-AR-ST-DR-A-0010-P04"

This appears to show that the original application was not presented correctly as the boundary of the site was wrongly shown which is concerning as the site is owned by Mid Devon District Council who were the applicant. They have applied through an agent who is also the supplier and builder of the dwellings.

The rear access to neighbouring properties was also raised by the Parish Council in one of their earlier submissions which was ignored.

The Parish Council also raise concern as to the apparent lack of due diligence and attention to detail being shown on the current application.

On inspection of the Application Form it shows that the works were commenced on 15/08/2025 and there is a commencement notice on the Portal for 15/08/25. That date is not correct as the works on site started on or about 21/07/25 and they were concrete pouring into the foundations all day and late into the evening on 14/08/25, which was the subject of a complaint made to MDDC by the Parish Council Chairman.

In the Covering Letter seven (7) Proposed drawings are listed. The drawing numbers submitted in the Covering Letter do not match the numbers of the submitted drawings in two (2) instances.

The Covering Letter states: "Revised landscaping Strategy in response to an updated site boundary. Z47-ZP-A1-XX-DR-A-050-S01-P02." The drawing number is not correct as it does not appear on the Proposed Drawings list nor does it appear on the submitted drawing of this title. In fact it looks to refer to another site completely.

The drawing submitted shows an area between the tarmac and the rear accesses to the privately owned properties which has a different shading. Although the area is not marked with a 'D', as the same shaded areas around the dwellings, this appears to be of pebbles for drainage. Will this be a suitable surface and of the correct levels to allow vehicle access to the rear of the privately owned dwellings? These points need to be clarified before a decision is made.

There is no suggested change in the wording for Condition 7.

The Covering Letter also states: "Revised access for neighbouring properties, Z49-ZED-AR-ST-DR-A-0010-P04." That is not the number on the submitted plan which has the arrows on showing the access to the rear of adjoining properties. The plan quoted does not show any access to adjoining properties.

The suggested word change for Condition 10 appears to refer to a drawing where the suggested new parking layout is shown.

Willand Parish Council is unable to make an informed response to the proposed changes until the discrepancies raised above have been resolved and clarified.

HIGHWAY AUTHORITY

The Highway Authority has considered this application and has no comments to make.

SOUTH WEST WATER

With reference to the planning application at the above address, the applicant/agent is advised to contact South West Water if they are unable to comply with our requirements as detailed below.

Asset Protection

Please find enclosed a plan showing the **approximate** location of a public 150mm sewer in the vicinity. Please note that no development will be permitted within 3 metres of the sewer, and ground cover should not be substantially altered.

Should the development encroach on the 3 metre easement, the sewer will need to be diverted at the expense of the applicant.

[Please click here to view the table of distances of buildings/structures from a public sewer.](#)

Further information regarding the options to divert a public sewer can be found on our website via the link below:

<https://www.southwestwater.co.uk/building-and-development/services/sewer-services-connections/diversion-of-public-sewers>

Surface Water Services

The applicant should demonstrate to your LPA that its prospective surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable (with evidence that the Run-off Destination Hierarchy has been addressed, and reasoning as to why any preferred disposal route is not reasonably practicable):

1. Water re-use (smart water butts, rainwater harvesting, grey flushing toilets)
2. Discharge into the ground (infiltration); or where not reasonably practicable,
3. Discharge to a surface waterbody; or where not reasonably practicable,
4. Discharge to a surface water sewer, highway drain, or another drainage system; or where not reasonably practicable,
5. Discharge to a combined sewer. (Subject to Sewerage Undertaker carrying out capacity evaluation)

No surface water strategy details were provided with this planning application. Please note that a discharge into the ground (infiltration) is South West Water's favoured method and meets with the Run-off Destination Hierarchy. Should this method be unavailable, SWW will require clear evidence to demonstrate why the preferred methods listed within the Run-off Destination Hierarchy have been discounted by the applicant.

For Highway run off please contact the Highway Authority to agree disposal method.

I trust this provides confirmation of our requirements, however should you have any questions or queries, please contact the Planning Team on 01392 442836 or via email: DeveloperServicesPlanning@southwestwater.co.uk.

REPRESENTATIONS

This planning application has been advertised by means of a site notice erected by the Planning Officer, by notifying immediately adjoining neighbours in writing and by advertising in a local newspaper in accordance with the legal requirements for publicity on planning applications, and the Council's Adopted Statement of Community Involvement July 2020.

At the time of writing this report, letters of objection have been received from two local residents. The main points raised are summarised below:

Concerns raised about the material finish of a section of the parking area between existing tarmac and the rear access of adjoining neighbours. It has been questioned what material will be used for the finish of this area, whether it will be suitable for regular vehicle use and whether the ground levels allow for adequate vehicular access to the adjoining parking areas.

Concerns are also raised as to whether there is sufficient space to allow vehicular access to the properties to the rear, when all parking spaces are in use

MATERIAL CONSIDERATIONS AND OBSERVATIONS

- 1.1 This application is made to vary condition 10 of planning permission 24/00039/FULL, a condition that references the site plan, submitted in relation to this approved scheme.
- 1.2 The proposal is made to substitute several of the approved plans, with condition 10 to be amended to reflect these revised plans. The revisions are as a result of changes to the parking layout to allow better access to neighbouring parking areas, which are accessed through the site, and associated changes to the landscaping strategy that has been amended to accord with the revised parking layout. The revised plans also include details of the location of cycle storage areas, which weren't shown on the original plans, and revised position of the bin and recycling box storage areas.
- 1.3 As a starting point, the principle of the development as a whole has already been established so consideration needs only be given to the potential impact of the proposed changes to the original planning permission 24/00039/FULL.
- 1.4 In assessing the changes, it is considered that the revisions are acceptable. The changes are considered to be minor in nature, and while there are changes to the position of some of the parking spaces and the landscaping strategy, the overall scale and appearance of the proposed development will remain similar to that previously approved. The approved properties will remain within the same footprint and there is no increase in size, or change in design. Similarly, the number of units will remain the same and there are no changes considered likely to be detrimental to the amenity of existing neighbouring residents.
- 1.5 Willand Parish Council have commented, raising a number of points in regard to inconsistencies in the information contained within the application form and covering letter,

and the plans submitted. The Parish Council considered that they were unable to make an informed response until those discrepancies had been resolved and clarified.

- 1.6 The discrepancies noted revolve mainly around some errors made in the application covering letter, which on some occasions differ from plan numbers submitted. This is acknowledged, however the plans submitted are correct and able to be reviewed, allowing proper consideration to be given to the proposed changes. The applicant has clarified that the submitted plans are correct.
- 1.7 The Parish Council have highlighted that the date of commencement referenced in the application form seems to be different from the date that the scheme actually commenced. This is noted, however has no bearing on the determination of this application. It is relevant however to note that the scheme has commenced, as this will have an impact on the conditions to be retained from the original planning permission.
- 1.8 It is also noted that the Parish Council have sought further clarification on the surfacing of an area of the car park, on the south west boundary, adjoining neighbouring parking areas. This is shown as being 'decorative pebbles used for drainage purposes', where the Parish Council have asked for confirmation that this will be a suitable surface and correct levels to allow vehicular access to neighbouring land. Comments received by two neighbours have also queried this point. In response, the applicant has confirmed the following:

"Just to clarify, the revised layout has been proposed to minimise cuts to the edging and to avoid an erratic finish. This layout will result in a much cleaner and more refined overall appearance.

We are proposing a substantial build-up in the gravel area, consisting of 350mm of Type 3 permeable sub-base topped with 130 mm of 20 mm gravel. Both layers will be thoroughly compacted, as this is essential for achieving a durable and long-lasting driveway.

This specification will make the area fully suitable for vehicular access, and I trust it will help address any concerns raised by the council."

On this basis, it is considered that this section of the parking area will be suitably finished to accommodate access to neighbouring parking spaces.

- 1.9 The changes made to the parking layout reposition the parking spaces within the site, however the amount of parking remains as approved. On this basis, the changes would not lead to any change in regard to highway safety.
- 1.10 A couple of neighbours have queried whether there will be sufficient space to access existing neighbouring parking spaces, if the proposed parking spaces are in full use. A review of the proposed parking layout indicates that the neighbouring parking spaces will remain accessible.
- 1.11 Following the original submission of this application, amended plans have been received, superseding the originally submitted plans. The changes are minimal in the context of the scheme, introducing an extended area of kerb within the site and a slight increase in grassed area. It is noted however that the kerb to be introduced within these amendments will prevent access to the garage door of a neighbouring property. The applicant has however advised that the neighbouring resident in this case has no legal rights of access to this garage, across the application site. Ultimately this is not a material planning consideration. Rights of access are a civil matter and preventing access in a case such as this does not constitute a reason

for refusing planning permission. It is important to bear in mind however that the grant of planning permission does not override any existing covenants or other legal rights.

- 1.12 The amended landscaping strategy does include a reduction in the amount of tarmac on site and increases the amount of permeable paving and native planting, with the planting areas revised slightly. The previous proposal was submitted before mandatory Biodiversity Net Gain (BNG) came into force so there is not a need to provide 10% BNG. Nonetheless, like the approved scheme, this proposal will still provide sufficient levels of improvements to exceed this 10% BNG figure.
- 1.13 There are no other changes beyond those identified above. As such, the proposed variation of condition 10 is considered to be acceptable.
- 1.14 As well as varying the requested condition, it will be necessary to remove condition 1, the original time limit for commencement condition, as the scheme has commended. Otherwise, the other conditions will be repeated as per the original decision, albeit with slight changes, where relevant, to reflect any conditions discharged and where there is reference to documents submitted in relation to the original planning permission but not included within this submission.
- 1.15 The original scheme was also subject to a S106 agreement, dated 5th March 2025, requiring planning obligations of £2,453.85 to be secured for the provision of secondary school transportation. The S106 agreement includes provision for those obligations to be carried over to any subsequent scheme agreed under an application made in respect to Section 73 of the Town and Country Planning Act 1990 (variation of conditions). As such, those obligations will apply equally to this permission should it be granted.

Section 149 of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between different people when carrying out their activities. This is called the Public Sector Equality Duty or "PSED". No persons that could be affected by the development have been identified as sharing any protected characteristic.

REASON FOR RECOMMENDATION OF APPROVAL

The proposed variation of condition 10 of planning permission 24/00039/FULL would result in minor and acceptable changes to a previously approved scheme. The proposed development comprising the erection of 7 affordable dwellings with associated parking, landscaping and other minor associated works is considered to be acceptable. The site is located within the defined settlement limit of Willand, therefore the principle of residential development on this site is accepted. The overall design, scale and layout of the residential development is acceptable in this location not resulting in a significant detrimental impact on the landscape. The application should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF, taken as a whole. There are no technical reasons why the application should not be approved subject to appropriate mitigation secured through condition, whereby drainage measures, biodiversity and landscape can be adequately mitigated and enhanced. The proposal will lead to the delivery of seven new homes, of which all would be affordable dwellings weighs in favour of approval of the application providing public benefits and the site is considered to be a sustainable location within walking distance of service and facilities. Taking all the above into consideration, the application is considered to be acceptable meeting the requirements of policies S1, S2, S3, S4, S9, S13, DM1, DM2, DM3, DM4 and DM5 of the Mid Devon Local Plan 2013-2033, policies SD1, SD2, GI4, TAC1

and TAC2 of the Willand Neighbourhood Plan 2020-2033 and the aims and objectives of the National Planning Policy Framework.

CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice, being those approved in connection with planning permission 24/00039/FULL and as amended by this planning permission.
2. The development hereby permitted shall be carried out strictly in accordance with the approved '*Combined Construction Phase Plan, Construction Environmental Plan and Site Management Plan Ref. Z49_001 Combined_CPP_CEMP_SMP March 2025 - Revision Date 16/09/2025*'.
3. Prior to the dwellings hereby permitted being first occupied, final detailed design for surface water drainage, including measures to prevent the discharge of surface water onto the highway, shall be installed in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority. Such detailed drainage scheme shall demonstrate that the prospective surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable (with evidence that the Run-off Destination Hierarchy has been addressed, and reasoning as to why any preferred disposal route is not reasonably practicable). BRE 365 infiltration testing shall be carried out to determine the suitability of infiltration techniques. Following its installation the approved drainage scheme shall be permanently retained and maintained thereafter.
4. The development hereby permitted shall be carried out in accordance with the details approved by discharge of conditions decision letter, dated 30th July 2025, in relation to condition 5 of planning permission 24/00039/FULL, in relation to the investigation of contaminated land and subsequent remediation strategy.

Following completion of the approved remedial works, as detailed in the *Remediation Method Statement (ref. P24-404rms - March 2025)*, approved in relation to planning permission 24/00039/FULL, a remediation validation report shall be submitted to the Local Planning Authority for approval in writing. Occupation on the site, or parts of the site affected by land contamination, shall not take place until approval of the validation report has been granted.

5. The development, hereby approved, shall be for affordable housing and retained as such. The affordable housing shall be provided in accordance with the approved scheme, detailed within the *Affordable Housing Statement, dated 04/07/2025*, approved by discharge of conditions decision letter, dated 26th March 2025, in relation to condition 6 of planning permission 24/00039/FULL.
6. Notwithstanding the landscape strategy submitted, prior to above ground works of the development hereby approved, a final scheme of landscaping and planting shall be submitted to and approved in writing by the Local Planning Authority. This shall include details on tree species type, planting design and aftercare. All planting, seeding, turfing or earth reprofiling comprised in the approved details of landscaping shall be carried out within 9 months of the substantial completion of the development or first planting season (whichever is sooner). Any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased,

shall be replaced in the next planting season with others of similar size and species. Once provided, the landscaping scheme shall be so retained.

7. The development, hereby approved, shall be carried out in accordance with Section 6 'Mitigation and Recommendations' of the Preliminary Bat Roost Assessment and Preliminary Ecological Appraisal carried out by Aval Consulting Group and dated 29th November 2023, submitted in relation to planning permission 24/00039/FULL. The development shall also be carried out in accordance with the Biodiversity Net Gain Assessment prepared by Aval Consulting Group dated 21st December 2023, submitted in relation to planning permission 24/00039/FULL.
8. Details of secure cycle storage facilities shall be submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall not be occupied until the approved cycle storage has been provided in accordance with the approved details. Following their provision these facilities shall be maintained and retained for the lifetime of the development.
9. The development hereby permitted shall not be occupied until the parking areas have been provided in accordance with the approved 'Proposed Site Plan', drawing number 'Z49-ZED-AR-ST-DR-A-0010-P05'. Following their provision these facilities shall be maintained and retained for the lifetime of the development.
10. The materials to be used for all the external surfaces of the building shall be in accordance with the details outlined within the Design and Access Statement submitted in relation to planning permission 24/00039/FULL. Details for any proposed changes to the materials outlined would need to be submitted to and approved in writing by the Local Planning Authority, with the development carried out in accordance with the approved materials and shall be so retained.

REASONS FOR CONDITIONS

1. For the avoidance of doubt as the development hereby proposed and in the interests of proper planning.
2. In the interests of public health and highway safety, in accordance with policies S9, DM1, DM3 and DM4 of the Mid Devon Local Plan 2013-2033 and the aims and objectives of the National Planning Policy Framework. This pre-commencement condition is required to ensure that the Construction and Environmental Management Plan is agreed prior to any construction works.
3. In order to ensure that the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017), national policies, including NPPF and PPG, and policies S9 and DM1 of the Mid Devon Local Plan 2013-2033. The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.
4. In the interests of building integrity and public safety to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in

accordance with Policy DM4 of the Mid Devon Local Plan 2013-2033 and the aims and objectives of the National Planning Policy Framework. This is a pre-commencement condition as any issues found following the intrusive investigation and risk assessment would need to be addressed prior to construction of the development.

5. To retain the use of these residential units for affordable housing in accordance with guidance in the National Planning Policy Framework, and in accordance with policy S3 of the Mid Devon Local Plan 2013 - 2033.
6. To ensure that the development makes a positive contribution to the character and amenity of the area in accordance with policy DM1 of Mid Devon Local Plan 2013-2033
7. To enable biodiversity net gain within development in accordance with Mid Devon Local Plan 2013-2033: Policy S9 Environment and national policy and to ensure the protection of endangered species, under the European Habitats Directive and the Conservation of Natural Habitats and of Wild Fauna and Flora [Council Directive 92/43/EEC] which is implemented in the UK by the Conservation [Natural Habitats & Conservation] Regulations 1994 [Statutory Instrument No 2716] amended in 2007 and in accordance with policy DM1 of Mid Devon Local Plan 2013-2033.
8. To promote sustainable travel and in the interests of highway safety, in accordance with policies DM3 and DM5 of the Mid Devon Local Plan 2013 and the aims and objectives of the National Planning Policy Framework.
9. In the interests of highway safety and to ensure adequate on-site parking facilities are available for traffic attracted to the site, in accordance with policies DM3 and DM5 of the Mid Devon Local Plan 2013 and the aims and objectives of the National Planning Policy Framework.
10. To ensure the use of materials appropriate to the development in order to safeguard the visual amenities of the area in accordance with Mid Devon Local Plan 2013-2033 Policies S9 and DM1.

INFORMATIVES

The applicant/developer is reminded that this development is subject to a Section 106 agreement dated 5th March 2025, signed in relation to original planning permission 24/00039/FULL. The planning obligations imposed apply equally to this grant of planning permission.

The applicant/agent is reminded of the comments received from South West Water (SWW), dated 10th January 2024, in relation to planning permission 24/00039/FULL, and as repeated in comments dated 29th October 2025, advising of the presence of a public sewer, in the vicinity of the development, as well as detailing the developer's obligations in respect to development in close proximity to these assets. The developer is advised to contact South West Water if they are unable to comply with their requirements. Should the development encroach on the 3 metre easement, these assets will need to be diverted at the expense of the applicant.

The developer is reminded of the comments of Devon County Council Rights of Way Officer, in their response of 16th January 2024, in relation to planning permission 24/00039/FULL, which notes the presence of public footpath No.4, Willand running adjacent to the application site. The applicant must ensure that the path remains open and available for the public to use during site preparation and construction. If a temporary closure is required the applicant would

need to apply to the County Council for a Temporary Traffic Regulation Order – see below – but please note that a temporary closure will not be granted to enable construction on the line of the right of way unless a permanent diversion order has been made and confirmed.

POSITIVE WORKING STATEMENT

In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.

BNG - BIODIVERSITY NET GAIN

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Mid Devon District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply.

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
 - (i)the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or
 - (ii)the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.
4. The permission which has been granted is for development which is exempt being:
 - 4.1 Development which is not ‘major development’ (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:
 - i) the application for planning permission was made before 2 April 2024;
 - ii) planning permission is granted which has effect before 2 April 2024; or
 - iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).

4.2 Development below the de minimis threshold, meaning development which:

- i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A “householder application” means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

- i) consists of no more than 9 dwellings;
- ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

4.5 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

* “original planning permission means the permission to which the section 73 planning permission relates” means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

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.

Plans List No. 2

Application No. 25/01301/FULL

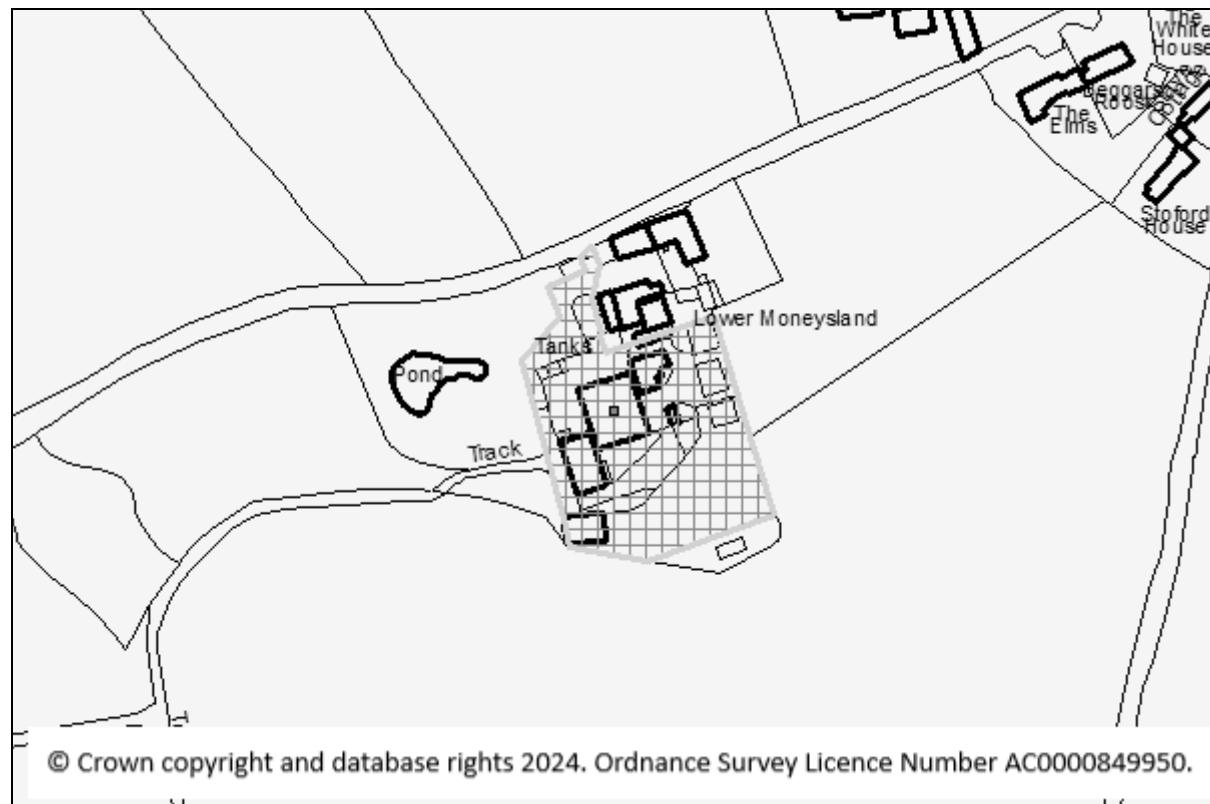
Grid Ref: 307803: 108310

Applicant: A Lobjoit

Location: Land and Building at NGR 307803 108310
Lower Moneysland
Kentisbeare
Devon

Proposal: Erection of 4 dwellings following demolition of 2 barns utilising the Class Q fallback position (24/01248/PNCOU)

Date Valid: 26th September 2025



APPLICATION NO: 25/01301/FULL**Site Visit: No****COMMITTEE REASON**

This application is required to be considered by the Planning Committee, in line with the Council's adopted Scheme of Delegation, as the land is held under the Power of Attorney of one of the District Councillors.

RECOMMENDATION

Grant permission subject to:

- (i) The prior completion of a Section 106 planning obligation (in a form acceptable to Devon County Council's solicitor(s)) before the decision notice granting planning permission is issued, to secure the following:
 - a) Secure a contribution of £2,718 towards secondary school transport costs;
- (ii) Conditions, as set out at the end of this report.

PROPOSED DEVELOPMENT

Erection of 4 dwellings following demolition of 2 barns utilising the Class Q fallback position (24/01248/PNCOU).

The application seeks full planning permission for the demolition of four agricultural barns and the construction of four dwellings at Lower Moneysland Farm, located in the countryside to the east of Blackborough.

The site comprises a farmyard area containing four barns of varying size and condition, surrounded by modified grassland and hardstanding. The wider landholding includes agricultural fields and woodland beyond the red line.

The proposed development would replace the existing barns with four detached dwellings (Plots 1–4), broadly reflecting the footprint and general arrangement of buildings approved under a recent Class Q prior approval. The dwellings vary in size between three and four bedroom units and adopt a simple agricultural vernacular using stone, render, timber cladding and slate roofs. Each plot includes private gardens, on-plot parking, and landscaping. Existing access to the farmyard would be retained, with a shared entrance track leading to individual driveways.

The scheme incorporates a drainage strategy with a proposed detention basin, new hedgerow planting, tree planting, wildlife buffer zones, ecological mitigation, integrated bat/bird features, and Biodiversity Net Gain (BNG) habitat creation as set out in the Post-Intervention Plan.

The dwellings would be sited entirely within the developed farmyard footprint, avoiding encroachment into surrounding agricultural fields.

APPLICANT'S SUPPORTING INFORMATION

- Application form
- Existing and proposed plans
- Design and Access Statement
- Ecological Impact Assessment (Lakeway Ecology)
- Wildlife Trigger List
- Baseline and Post-Intervention Habitat Plans
- Biodiversity Net Gain calculation (metric and assessment)
- Flood Risk Assessment
- Foul and Surface Water Drainage Strategy
- Foul Drainage Assessment
- Climate Emergency Statement
- Land Charges plan

RELEVANT PLANNING HISTORY

24/01248/PNCOU - APA date 13th February 2025

Prior notification for the change of use of 2 agricultural buildings to 4 dwellings under Class Q

DEVELOPMENT PLAN POLICIES

Mid Devon Local Plan Review 2013 – 2033

- S1 – Sustainable development priorities
- S2 – Amount and Distribution of Development
- S3 – Meeting Housing Needs
- S4- Ensuring Housing Delivery
- S9 – Environment
- S14- Countryside
- DM1 – High quality design
- DM3 – Transport and air quality
- DM4 – Pollution
- DM5 – Parking
- DM27 Other protected sites

National Planning Policy Framework

National Planning Practice Guidance

CONSULTATIONS

Kentisbeare Parish Council
No objection

DCC Highway Authority
No comments and no objection. Access arrangements acceptable given existing farm access and low traffic generation relative to historic agricultural use.

South West Water
Provided standard advisory comments regarding foul connections and discharge hierarchy. No objection.

DCC Ecology

No objection subject to conditions requiring:

- Ecological Mitigation & Enhancement Plan
- Sensitive lighting strategy
- Bat licence mitigation acknowledgement
- Net Gain delivery and 30-year management

DCC Minerals and Waste

No objection; development does not constrain mineral safeguarding area further than existing buildings.

DCC Pupil Place Planning

Request £2,718 towards secondary school transport (being £4.77 x 190 days in the academic year x 5 years at secondary school x 0.60 secondary pupils).

REPRESENTATIONS

No representation received from neighbour or the general public

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main material considerations are:

1. Principle and policy
2. Design and impact on the rural character
3. Highway safety and access
4. Ecology, biodiversity and protected species
5. Flood risk and drainage
6. Residential amenity
7. Planning Obligation
8. Planning balance

1. Principle and policy

1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise. Policies S1 and S14 guide the consideration of development in the countryside, restricting new residential development unless specific circumstances apply.

1.2 In this case, there is a material fall-back position through the extant Class Q prior approval for the conversion of two existing barns to four dwellings. The fall back is recent, implementable, and relates to the same quantum of residential development now sought. The current proposal does not depart from the principle of four dwellings on the site; rather, it introduces a coordinated layout of new-build units that continue to utilise the existing farmyard footprint. This is given significant weight.

1.3 Policy S14 permits residential development in the countryside where it is well-integrated with the local landscape, retains the appearance of rural buildings or clusters, and avoids unacceptable impacts. The proposal is confined strictly within the established farmyard and does not spread into the adjoining fields. The replacement of agricultural sheds with well-

designed dwellings represents a logical and contained redevelopment of a previously developed area within a wider agricultural holding.

1.4 Taking the fall-back position, the contained nature of the development, and the lack of identified harm, the principle of development is considered acceptable.

2. Design, layout and impact on the rural character

2.1 Policy DM1 requires development to demonstrate high quality design that reinforces local character, creates visually attractive places, and respects the form, scale and pattern of surrounding development. The site currently contains several agricultural sheds of poor visual quality. Their removal offers the opportunity for a substantial visual enhancement.

2.2 The proposed dwellings adopt a simple and contemporary agricultural vernacular with pitched roofs, stone and render walls, and natural slate finishes. This restrained palette aligns well with the rural setting and avoids suburbanising influences. Each dwelling has been designed to read as a modern agricultural building reinterpretation, rather than a suburban estate form.

2.3 The layout follows the established pattern of the existing farmyard, retaining an open central space and ensuring the dwellings sit comfortably within the yard. Garden areas have been positioned to maintain separation from the surrounding agricultural land and to avoid harm to the wider landscape. The block plan demonstrates clearly that the development will remain visually contained.

2.4 The proposed landscaping incorporates substantial new hedgerow planting, tree planting, and wildlife buffer areas. These features soften the built form and provide a coherent transition between the development and the wider countryside. The Design and Access Statement emphasises the importance of maintaining the perception of the site as a farm cluster; the proposal achieves this through scale, spacing and materials.

2.5 Longer views of the site are limited owing to topography and boundary vegetation. Where visible, the proposed dwellings would reduce visual clutter compared to the existing sheds and achieve a more harmonious appearance.

2.6 It is considered that the development meets the requirements of DM1 and S9, delivering a notable improvement to the appearance of the site and preserving the rural character of the area.

3. Highway safety and parking

3.1 The existing access track, historically used for agricultural purposes, will serve the new dwellings. The Highway Authority raises no objection, noting that expected vehicle movements remain low and likely to be lower than when the farm operated more intensively.

3.2 The development utilises the existing farmyard entrance, which has previously been accepted as suitable under the class Q prior approval. The Highway Authority raises no objection to its continued use, noting that the access arrangements remain safe and appropriate for the anticipated level of residential traffic. No alterations to the entrance are required.

3.3 Parking provision meets the standards of Policy DM5, and the internal layout allows safe turning for vehicles, ensuring forward gear egress onto the lane.

3.4 No harm to highway safety has been identified.

4. Ecology, biodiversity and protected species

4.1 The Council, as the competent authority, has a statutory duty under Regulation 9 of the Conservation of Habitats and Species Regulations 2017 (as amended) to have regard to the requirements of the Habitats Directive in the exercise of its functions. Where a development proposal affects a European Protected Species (EPS), the Local Planning Authority must consider whether the three licensing tests are likely to be met, even though the decision to grant an EPS licence rests with Natural England.

4.2 A comprehensive Ecological Impact Assessment (Lakeway Ecology, dated 24th September 2025) has been submitted. Survey work confirmed the presence of a whiskered bat day roost within one of the agricultural buildings proposed for demolition. The roost consists of a maximum of two individuals and is assessed as being of low conservation significance. No other bat roosts were identified within the remaining buildings. A range of other species, including pipistrelle, brown long-eared, serotine and Myotis species, were recorded foraging or commuting in the wider area, but with no additional roosts identified.

4.3 Evidence of nesting birds was identified within the fabric of existing bonds. Works to demolish the buildings therefore carry a risk of disturbing active nests during the breeding season. A timing restriction will be required to ensure that the demolition or vegetation clearance does not take place between March and August inclusive, unless a pre works check by a suitably qualified ecologists confirms the absence of active nests. This measure safeguards compliance with the Wildlife and Countryside Act 1981.

4.4 To avoid light spill onto key foraging and commuting habitats, external lighting associated with the development will be strictly controlled through a lighting strategy. Directional, low-intensity lighting will be required to maintain light levels below sensitive threshold and to ensure that dark corridors are preserved around boundary vegetation.

4.5 Given the confirmed presence of a whiskered bat roost, demolition of the building will require a European Protected Species licence from Natural England. The Local Planning Authority must therefore consider whether the three derogation tests are likely to be met.

4.6 Regulation 9 (5) of the Conservation of Habitats and Species Regulations 2010 ("the Regulations") provides that, "A competent authority, in exercising any of their functions, must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions". In exercising their duty, the Local Planning Authority should assess the proposal against the three derogation tests of the Habitats Regulations 2010, these being:

- The development must meet a purpose of 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment'
- There is no satisfactory alternative'
- development 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range'

4.7 In assessing the first two of these tests, the proposal satisfies them. The development replaces degraded agricultural barns with four well-designed dwellings, delivering clear environmental and landscape improvements, enhancing energy efficiency, securing ecological enhancements and providing a coherent redevelopment of previously developed land in the countryside. The scheme is directly linked to a lawful fallback position for residential use and represents a one-off proposal specific to this farmyard, with no realistic alternative layout or design that would allow the confirmed roost to be retained within the existing building fabric.

4.8 With regard to the third test, the Lakeway Ecology Ecological Impact Assessment confirms the presence of a small whiskered bat day roost within one of the barns proposed for demolition. The roost supports only two individuals and is of low conservation status. Mitigation and compensation include integrated bat access features within Plot 4, installation of tree-mounted bat boxes, controlled timings of works, the adoption of a sensitive lighting strategy and supervised demolition where required. These measures replace and enhance roosting opportunities and maintain dark corridors across the site. The mitigation package ensures the favourable conservation status of the species will be maintained within its natural range.

5. Flood Risk and drainage

5.1 The site lies in flood zone 1. The Flood Risk Assessment confirms fluvial or surface water flood risk concerns.

5.2 The surface water will be managed via detention basin with controlled discharge, following the drainage hierarchy. The scheme meets requirements of policy DM4. South West Water raised no objection.

5.3 Foul drainage will be managed using package treatment plants, as set out in drainage strategy.

5.4 The proposal are acceptable in respect of flood risk and drainage.

6. Residential Amenity

6.1 The nearest residential properties are some distance from the site, and no impact are expected in terms of overlooking, overshadowing or loss of privacy.

6.2 Each dwelling has an appropriate level of private outdoor space, and the layout avoids conflicts between plots.

6.3 Construction management measures can be secured by conditions to minimize temporary impacts.

7. Planning Obligations

7.1 DCC Pupil Place Planning advise that the four family dwellings are expected to generate an additional 1.0 primary pupil and 0.60 secondary pupils, With a direct impact on Kentisbeare Church of England primary school and Uffculme School. Forecasts Indicate that local primary and secondary schools will have sufficient capacity, so no contribution towards education infrastructure is sought. However, as pupils from the site are entitled to transport to Uffculme school and development will add to those costs, DCC request a financial contribution of £2,718 towards secondary school transport. This figure is based

on the current contract cost of £4.77 per pupil per day, multiple by 190 school days, five years at secondary school and 0.60 secondary pupils, and will be subject to indexation using RPI from the date a section 106 agreement is signed. DCC will also seek recovery of their legal and mood monitoring costs associated with securing an administering the contribution. The agent has confirmed on behalf of the applicant a direct payment will be made to meet DCC's requirements, and contribution will be secured accordingly to ensure the transport impacts of the development are appropriately mitigated.

8. Planning Balance

- 8.1 The proposal represents a coherent and well-designed redevelopment of an existing farmyard, delivering visual enhancement, ecological betterment and contained pattern of rural residential development supported by a credible fall-back position.
- 8.2 No technical objection has been raised, and ecological impact can be effectively mitigated, with significant net gain addressed.
- 8.3 The proposal complies with the Development Plan when considered as whole, and approval is therefore recommended.

REASON FOR APPROVAL OF PERMISSION

The proposed development is considered to be acceptable in principle, reflecting the scale and arrangement of buildings already approved under prior approval, and delivering enhancements in layout, design quality, ecology and landscape integration. The scheme results in no unacceptable impact on the rural character of the area, highway safety, residential amenity, drainage or other technical matters. Ecological impacts have been fully assessed and can be appropriately mitigated with measurable net gain. For these reasons it is considered appropriate to recommend approval subject to conditions. The proposal accords with Policies S1,S2, S3,S4, S9, S14, DM1, DM3, DM4, DM5 and DM27 of Mid Devon Local Plan and the provision of NPPF.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed on the decision notice.
3. Prior to commencement of development, an Ecological Compensation and Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include measures set out in the Ecological Impact Assessment prepared by Lakeway Ecological Consultancy Ltd (dated 11 September 2025, ref: 25-1111-EcIA-ES), including a timber cladding feature on the west elevation of Plot 4 with three bat access slots to compensate for the loss of the whiskered bat day roost, two bat boxes to be installed on trees within the woodland to the east of the site, two integrated bat boxes and two integrated bird boxes suitable for swift to be built into each new dwelling, and hedgehog access holes to be created in any boundary fencing or walls to allow movement between gardens. All features shall be installed in accordance with protected species licencing requirements where necessary, or prior to occupation and retained thereafter.

4. Prior to the installation of any external lighting, a sensitive lighting strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall be in accordance with the Ecological Impact Assessment prepared by Lakeway Ecological Consultancy Ltd (dated 11 September 2025, ref: 25-1111-EcIA-ES) and shall demonstrate how lighting will avoid spill onto site boundaries, retained habitats and bat roost features, and minimise disturbance to wildlife.
5. The development hereby approved shall be undertaken in full accordance with the Post Intervention Habitat Plan and Appendix 1: Creation, Management and Maintenance of the Biodiversity Net Gain Assessment produced by Lakeway Ecological Consultancy Ltd (dated 11 September 2025, report reference 25-1111-BNG-ES). The initial habitat works, including all ground preparation, seeding, planting and protection measures, shall be completed in full prior to the occupation of the development. Notification of the initial habitat works completion date, along with photographic evidence, shall be submitted to and approved in writing by the Local Planning Authority within 30 days of this date to discharge this condition. The Biodiversity Net Gain management and maintenance period shall be no less than 30 years from this date.
6. The surface water drainage scheme shall be implemented in accordance with the approved details on Foul and Surface Water Drainage Strategy dated 22th September 2025 before the development is first brought into use and shall be retained and maintained thereafter
7. Notwithstanding the provisions of Article 3 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development of the types referred to in Classes A, AA, B, C, D and E of Part 1 of Schedule 2 relating to the enlargement, improvement or other alteration of a dwellinghouse, enlargement by construction of an additional storey, addition or alteration to the roof, provision of a porch and provision within the curtilage of the dwellinghouse of any building or enclosure, swimming or other pool, container for domestic heating purposes for storage of oil or liquid petroleum gas, shall be undertaken within the application site without the Local Planning Authority first granting planning permission.

REASONS FOR CONDITIONS

1. In accordance with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. In the interests of biodiversity and protected species in accordance with Policy DM28.
4. To safeguard foraging and commuting routes for bats in accordance with Policy DM28.
5. To ensure delivery and long-term management of Biodiversity Net Gain in accordance with Schedule 7A of the Town and Country Planning Act 1990.
6. To ensure satisfactory foul drainage arrangements and prevent pollution in accordance with Policy DM4.
7. To retain control over future development in this sensitive rural location in accordance with Policies S14.

INFORMATIVES

The development will result in the loss of a confirmed bat roost. As bats and their roosts are legally protected, works affecting the roost must not commence until a European Protected Species (EPS) licence has been obtained from Natural England. It is the applicant's responsibility to ensure that all necessary licences are in place prior to any works that may affect bats or their roosts.

All nesting birds, their eggs and active nests are protected by law. Vegetation clearance and demolition works should be timed to avoid the bird nesting season (March to August inclusive).

If works are required during this period, a check for active nests must be carried out by a suitably qualified ecologist, and any active nests must be protected until the young have fledged.

BNG – Biodiversity Net Gain

Is BNG Required? Yes

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition") that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Mid Devon District Council.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

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.

Application No. 25/01364/HOUSE

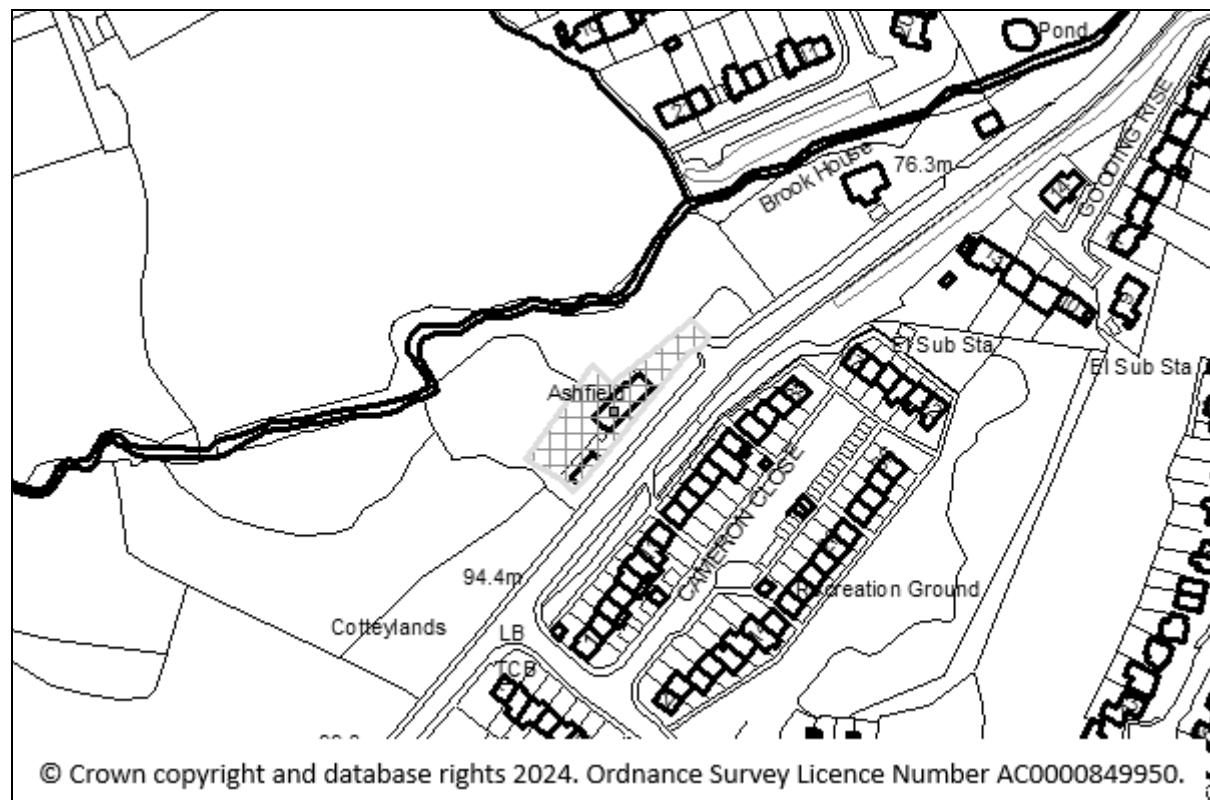
Grid Ref: 294579 : 112514

Applicant: Mr Patrick Hyde

Location: Ashfield
Seven Crosses Road
Tiverton
Devon

Proposal: Erection of extensions to North East and South West elevations

Date Valid: 3rd October 2025



APPLICATION NO: 25/01364/HOUSE**Site Visit: No****COMMITTEE REASON**

This application is required to be considered by the Planning Committee, in line with the Council's adopted Scheme of Delegation, as the applicant is related to a member of staff at Mid Devon District Council

RECOMMENDATION

Grant permission subject to conditions

PROPOSED DEVELOPMENT

The proposed development is for the erection of extensions to the northeast and southwest elevations of an existing detached bungalow.

The application site is located on Seven Crosses Road, Tiverton, approximately 1km west of the town centre, which is within the defined Settlement Limit and comprises a detached single-storey bungalow with gardens to the front and rear. The property is bounded to the east and south by Seven Crosses Road and residential dwellings, with the northern and western boundaries comprising grazed pasture and woodland along the Cottey Brook. The dwelling is not listed and is not located within a conservation area.

The proposal seeks to extend the northeast elevation by approximately 5.8m and the southwest elevation by approximately 7.55m. The extensions would create additional living accommodation including an extended master bedroom with dressing room and en-suite, a second bedroom with en-suite, and extended living/dining areas. The proposed extensions would feature pitched roofs matching the existing dwelling, with concrete block walls finished with brickwork skirt to match existing, concrete roof tiles, and white uPVC windows and doors to match the existing dwelling. The existing chimney on the southwest gable end would be removed as part of the works.

APPLICANT'S SUPPORTING INFORMATION

Application form, existing and proposed plans, ecological appraisal (bats and birds).

RELEVANT PLANNING HISTORY

80/01005/OUT - PERMIT date 19th September 1980Outline for the erection of a bungalow

80/01647/FULL - PERMIT date 24th October 1980Detailed drawings for the erection of bungalow, garage and construction of new vehicular access

80/01955/FULL - PERMIT date 8th December 1980Erection of stable block

81/00465/FULL - PERMIT date 29th April 1981Temporary siting of residential caravan

90/01538/FULL - REFUSE date 13th March 1991Erection of dwelling and garage and construction of new vehicular access

91/00772/FULL - REFUSE date 4th July 1991Erection of dwelling and garage

92/00883/FULL - REFUSE date 11th August 1992Erection of dwelling and garage and construction of new vehicular access

DEVELOPMENT PLAN POLICIES

Mid Devon Local Plan Review 2013 – 2033

S1 - Sustainable development priorities

S9 - Environment

S10 - Tiverton

DM1 - High quality design

DM3 - Transport and air quality

DM11 - Residential extensions and ancillary development

Tiverton Neighbourhood Plan 2020 to 2033

T1 - Location and scale of development in Tiverton

T4 - Character of development

T5 - Design of development

CONSULTATIONS

TIVERTON TOWN COUNCIL

Support. Discussed at the Tiverton Town Council Planning Committee meeting 20th October 2025. The Committee were in support of the application.

DCC HIGHWAY AUTHORITY

The Highway Authority has considered this application and has no comments to make.

SOUTH WEST WATER

Requiring compliance with the infiltration hierarchy

REPRESENTATIONS

This planning application has been advertised by means of a site notice in accordance with the legal requirements for publicity on planning applications, and the Council's Adopted Statement of Community Involvement October 2016.

No letters of representation have been received at the time of writing this report.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main material considerations for this application are considered to be that of:

1. Principle/Policy
2. High quality design
3. Ecology and biodiversity considerations
4. Highway safety and parking

A summary assessment of the scheme against these considerations is set out below:

1. Principle/Policy

1.1 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 is noted as one such material consideration. The National Planning Policy Framework outlines three dependant objectives of sustainable development; economic, social and environmental.

1.2 The Mid Devon Local Plan 2013-2033 was adopted in 2020 and the Tiverton Neighbourhood Plan formally 'made' on the 14th December 2022 following a successful referendum held on the 17th November 2022.

1.3 Policy DM11 of the Mid Devon Local Plan 2013-2033 permits extensions to existing dwellings provided that they:

- a. Respect the character, scale, setting and design of the existing dwelling;
- b. Will not result in over-development of the dwelling curtilage; and
- c. Will not have a significantly adverse impact on the living conditions of occupants of neighbouring properties.

1.4 The proposal comprises extensions to two elevations that are appropriately scaled to the host dwelling. Both extensions remain single-storey with pitched roofs matching the existing dwelling. The materials proposed (concrete block with brickwork skirt, concrete roof tiles, white uPVC windows and doors) match the existing dwelling. The northeast extension projects approximately 5.8m and the southwest extension approximately 7.55m, which are considered proportionate to the original dwelling and respect its character, scale, setting and design.

1.5 The property sits within a substantial residential curtilage in a semi-rural setting. The extensions would utilise areas currently comprising gardens and hardstanding. The development is considered to be of appropriate scale and does not result in over-development of the dwelling curtilage, maintaining adequate private amenity space to all elevations.

1.6 The extensions are positioned such that they would not result in any adverse impact on neighbouring properties through overshadowing, overbearing impact or overlooking. The northeast extension faces open countryside with the nearest dwelling over 50m away. The southwest extension faces the property's own gardens and road frontage. The single-storey nature and positioning of the extensions ensures adequate separation distances are maintained from neighbouring properties. No objections have been received from neighbouring properties.

2. High quality design

2.1 Policy DM1 of the Local Plan seeks to ensure high quality design according to a number of principles, including ensuring development makes an efficient use of a site and creates safe, accessible and visually attractive places. The policy also seeks to avoid adverse neighbourhood amenity impacts. Policy T5 (design of development) of the Tiverton Neighbourhood Plan also outlines that 'Development proposals should incorporate a high quality of design, which responds and integrates well with its surroundings, meets the changing needs of local residents and minimises the impact on the natural and historic environment'.

2.2 The proposal demonstrates high quality design through its sympathetic approach to the existing dwelling. The use of matching materials (concrete block with brickwork skirt, concrete roof tiles, white uPVC windows and doors), appropriate scale and the continuation of the existing architectural language represents thoughtful design that maintains visual harmony with the existing dwelling and surrounding area. The pitched roofs match the existing roof form and the extensions are subservient to the main dwelling. The development is therefore considered to comply with the above policies.

3. Ecology and biodiversity considerations

3.1 A comprehensive ecological appraisal has been undertaken by Moor to Sea Ecology, a qualified ecological consultancy. The assessment identified two statutory designated sites within a 2km radius (Palmerston Park Wood Local Nature Reserve approximately 0.5km to the southeast, and Grand Western Canal Country Park LNR approximately 1.7km to the east), however due to the distance and nature of the proposed works, the extensions are extremely unlikely to affect the designated sites.

3.2 The desk study identified five European Protected Species Mitigation (EPSM) licences for bats within a 2km radius, indicating an active bat population in the local area. The preliminary roost appraisal identified approximately 25 bat droppings confirmed by DNA analysis to be soprano pipistrelle on the internal southwest gable wall within the loft space. Two dusk emergence surveys undertaken in May and June 2025, together with a period of static bat detector monitoring, confirmed that a single soprano pipistrelle day and night roost is present within the loft space. The bat accesses the roost via a gap in the fascia near the chimney on the southwest gable end.

3.3 As the proposed works include removing the chimney on the southwest gable end, this will destroy the soprano pipistrelle bat roost. Regulation 9 (5) of the Conservation of Habitats and Species Regulations 2017 ("the Regulations") provides that, "A competent authority, in exercising any of their functions, must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions". In exercising their duty, the Local Planning Authority should assess the proposal against the three derogation tests of the Habitats Regulations 2017, these being:

- The development must meet a purpose of 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment'
- There is no satisfactory alternative
- The development 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range'

3.4 In assessing the first two of these tests, it is considered that the proposal satisfies them. The proposed works would provide improved and additional living accommodation for the existing dwelling, maintain a viable family home and support the ongoing use of an existing property within the district. The extensions are domestic in nature and represent a one-off proposal specific to this site, with no realistic alternative means of achieving the improvement without affecting the existing structure.

3.5 With regard to the third test, the Moor to Sea Ecology Ecological Appraisal dated August 2025 confirms that a single soprano pipistrelle day and night roost is present within the loft space, accessed via a gap near the chimney on the southwest gable end. Appropriate mitigation and compensation measures are secured by condition prior to works commencing, ecological supervision during removal of the chimney and tile stripping, installation of temporary bat box and permanent bat roost tube, and the implementation of a sensitive lighting strategy to avoid illumination of bat roosting features, hedgerows, the brook and trees. These measures will offset the loss of the existing roosting habitat and ensure that the favourable conservation status of the bat population will be maintained.

3.6 No evidence of nesting birds was noted within the loft spaces or on the exterior of the bungalow. However, crevices in the roof noted as suitable for roosting bats could also be used

by nesting birds. The ecological appraisal recommends that works avoid the main nesting bird season (March to end of August) or, if not possible, an updated nesting bird check should be undertaken. Enhancement measures include the installation of nest boxes suitable for robins, blue tits and wrens. These measures are secured by condition.

4. Highway safety and parking

4.1 The development is not considered to significantly affect existing parking arrangements or access to the public highway. The Highway Authority has raised no objections to the proposal. The proposal does not encroach on existing parking or access arrangements and therefore has no impact in respect to highway safety.

REASON FOR/ APPROVAL

The proposed development is considered to be acceptable, satisfactorily relating to the character and appearance of the existing property and its surroundings. The extensions are appropriately scaled, use matching materials, and respect the design of the host dwelling. There will be no unacceptable impact on neighbouring living conditions as a result of the proposed development, no adverse impact on highway safety, and appropriate ecological mitigation and enhancement measures have been proposed to address the impact on protected species. The comprehensive supporting information demonstrates that all relevant considerations have been properly addressed. For these reasons it is considered appropriate to recommend approval with conditions necessary to ensure the success of the development in this location. The proposal therefore accords with policies S1, S9, S10, DM1, DM3, and DM11 of the Mid Devon Local Plan 2013-2033 and T1, T4, T5 of Tiverton Neighbourhood Plan 2020 to 2033 and guidance in the National Planning Policy Framework

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. The ecological mitigation and enhancement measures detailed in the Moor to Sea Ecology Ecological Appraisal (Bats & Birds) dated August 2025, including, provision of temporary and permanent bat roosting features, ecological supervision, lighting restrictions, and installation of bird nest boxes, shall be implemented in full in accordance with the submitted Conservation Action Statement prior to first occupation of the extensions and maintained thereafter.
4. Notwithstanding details indicated in the Application Form, prior to the first use of the development hereby permitted, provision shall be made for the reuse of surface water on site or drainage within the curtilage of the dwelling house, in a manner that meets with the Run-off Destination Hierarchy (as detailed in South West Water comments, dated 15th of October, 2025) so that none drains onto the County Highway, or is disposed of into the South West Water mains sewer, unless it has been first demonstrated that disposal higher up the hierarchy of drainage options is not reasonably practicable. Where reuse of surface water on site, or disposal via ground infiltration methods, is not reasonably practicable, details of the proposed drainage scheme, including justification for not using a method higher up the Surface Water Run-off Destination Hierarchy, shall be submitted to and agreed in writing by the Local Planning Authority prior to its installation. Once installed, such drainage provision shall be permanently retained and maintained thereafter.

REASONS FOR CONDITIONS

1. In accordance with 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. In the interests of biodiversity protection and enhancement in accordance with Policies S9 and DM1 of the Mid Devon Local Plan 2013-2033.
4. To ensure that the development provides appropriate drainage and does not increase flood risk elsewhere, in accordance with Policy DM4 of the Mid Devon Local Plan.

CONDITIONS

Biodiversity Duty Action Plan – Yes
Condition 3

INFORMATIVES

In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has granted planning permission.

The case officer has not carried out a site visit in the determination of the application. The officer has instead considered the application using maps, photographs and other information and considers that to determine the application without a site visit would not prejudice any interested party.

The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

BNG – Biodiversity Net Gain

No

Householder development

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be Mid Devon District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply.

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A “householder application” means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building

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.