

**Application Report**  
**Strategic Development & Planning**  
**Place Services**  
**North Devon Council**  
**Lynton House, Commercial Road,**  
**Barnstaple, EX31 1DG**



**Application No:** 73451  
**Application Type:** Full application  
**Parish/Ward:** SATTERLEIGH & WARKLEIGH/CHITTLEHAMPTON  
**Location:** Barn adjacent Holtgate  
Chittlehamholt  
**Proposal:** Erection of 2 double garages  
**Agent:** Mr Nigel Polkinghorne  
**Applicant:** Mr G Lane  
**Planning Case Officer:** Mrs D. Butler  
**Application Expiry:** 6 July 2021  
**Ext Of Time Expiry:**  
**Publicity Expiry:** 15 July 2021  
**Departure:** N  
**EIA Development:**  
**EIA Conclusion:** Development is outside the scope of the Regulations  
**Decision Level/Reason for Report to Committee:** Applicant is a Councillor

**Site Description**

The site comprises two independent units of accommodation approved under Class Q, application reference 64939. Permission was subsequently granted for an extension of the curtilage area to provide parking and turning.

The land is to the North East of Chittlehamholt and is accessed via a private farm track serving the approved dwellings. The land slopes steeply down to the south and east, with a more level area of ground cover abutting the northern boundary. The site is surrounded by open agricultural fields to the north east and east. To the south of the site are woodlands.

With regards to site constraints, the site benefits from minimal flood risks as it lies outside of Environment Agency Flood Risk Zones 2 and 3, and is not situated within an identified Critical Drainage Area. Additionally, the site does not feature any areas of land within a SSSI or indeed within an identified AONB. There is a listed building in proximity.

**Recommendation**

**APPROVED**

Legal Agreement Required: No

## Planning History

Reference Number	Proposal	Decision	Decision Date
52942	Erection of one agricultural building for hay / straw / implements & livestock at Holtgate, Chittlehamholt, Umberleigh, Devon, EX37 9PD	Withdrawn Invalid	15 December 2011
53206	Erection of agricultural building for storage & livestock at land adj Holtgate, Chittlehamholt, Umberleigh, Devon, EX37 9PD	Full Planning Approval	20 February 2012
64939	Prior Approval for change of use of agricultural building to two dwellinghouses (Class Q(A)(B)) (Amended Plan) at Barn South East Of Holtgate, Chittlehamholt, Devon, EX37 9PD	Prior Approval Granted	17 July 2018
71957	Change of use of land to create additional curtilage, installation of treatment plant and one flue at Barn Adjacent Holtgate, Chittlehamholt, Devon	Approved	12 November 2020

## Constraints/Planning Policy

### **Constraint / Local Plan Policy**

Advert Control Area Area of Special Advert Control  
 Burrington Radar Safeguard Area  
 Landscape Character is: 5D Estate Wooded Farmland  
 Listed Building Curtilage (Adjacent to)  
 Within Adopted Unesco Biosphere Transition (ST14)

### **Distance (Metres)**

Within constraint  
 Within constraint  
 Within constraint  
 Within constraint  
 Within constraint

DM01 - Amenity Considerations  
 DM04 - Design Principles  
 DM05 - Highways  
 DM06 - Parking Provision  
 DM07 - Historic Environment  
 DM08 - Biodiversity and Geodiversity  
 DM08A - Landscape and Seascape Character  
 DM25 - Residential Extensions and Ancillary Development  
 ST01 - Principles of Sustainable Development  
 ST07 - Spatial Development Strategy for Northern Devon's Rural Area  
 ST15 - Conserving Heritage Assets

## **Consultees**

<b>Name</b>	<b>Comment</b>
Councillor R Jenkins	No comments received.
Heritage & Conservation Officer  Reply Received 25 June 2021	I do not consider that this proposal will cause harm to the significance of the heritage asset.
Satterleigh & Warkleigh Parish Council	No response received.

## **Neighbours**

<b>Comments</b>	<b>No Objection</b>	<b>Object</b>	<b>Petition</b>	<b>No. Signatures</b>
1	0.00	0.00	0.00	0.00

Points raised:

- Impact of light spill on the hedge.
- The garages should be restricted to prevent future use as an annexe.
- The design is not in keeping with the rural setting.

## **Considerations**

### **Proposal Description**

This application seeks detailed planning permission for the erection of two detached garages to be used in association with the two residential barn conversions.

### **Planning Considerations Summary**

- Design
- Heritage Impact
- Landscape and setting
- Amenity
- Ecology
- Highways
- Flood Risk

### **Planning Considerations**

In the determination of a planning application Section 38 of the Planning & Compulsory Purchase Act 2004 is relevant. It states that for the purpose of any determination to be

made under the planning Acts, the determination is to be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for this area includes the Devon Waste Plan and North Devon and Torridge Local Plan. The relevant Policies are detailed above.

In considering to grant planning permission which affects a listed building or its setting the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses in accordance with Section 66 of the Listed Building Act.

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

## **Design**

Policy DM25 of the Local Plan supports residential extensions where the form, scale, setting and design respects the existing development. Extensions that are unduly dominant or overbearing will not be acceptable.

The proposal is for two detached double garages sited to the north east and north west of the two barn conversions. The proposed garages would be 6m by 6m and 4.8m in height with a slate covered pitched roof and rendered walls. The orientation of the roof has been amended so that it reflects the roofs of the barn conversions. The proposed garages are a typical scale, design and materials for such buildings and reflects those found in the locality.

## **Heritage Impact**

The application site lies to the south east of a Grade II listed building, namely 'Holtgate'. The Heritage and Conservation Officer has advised that the development would not result in any harm to the significance of the heritage asset. The development would therefore accord with policy DM07.

## **Landscape and setting**

Policy DM25 Plan which states that new extensions should respect the existing development, its context, setting and surroundings. The site is not in a designated landscape but sits within the Estate Wooded Farmland Landscape Character Area.

Some of the key characteristics of this landscape which relate to the site are:

- Higher land affords long views across the landscape
- Well-wooded character, with frequent mixed and broadleaved plantations (often beech and oak), estate woodlands, wet woodland lining streams, historic wood pasture and conifer blocks.
- Fields enclosed by wildflower-rich Devon banks often topped with closely cut mixed thorn, beech and sycamore hedges. Some use of fencing
- Traditional local vernacular of whitewash and cream cob/render cottages with slate or thatched roofs, as well as some buildings of local stone.

The site is to the south of the lane and accessed by a private track. There is limited visibility from the north as the land slopes down to the south. There is a mature hedge

along the north boundary which will be retained. There are long distance views to the south however the garages will be viewed in association with the existing barn conversions. Due to the siting, scale and proposed materials it is not considered that there would be any significant impact on the character of the surrounding landscape.

### **Amenity**

Policies DM01 and DM27 of the NDTLP seek to protect the amenity of any neighbouring property. Holtgate is around 65m to the North West of the site. The separation distance and intervening hedges and fields will ensure there is no resulting impact on amenity.

### **Ecology**

Local Planning Authorities have a statutory duty to ensure that the impact of development on wildlife is fully considered during the determination of a planning application under the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, The Conservation of Habitats and Species Regulations 2017 (Habitats Regulations 2017).

Policy DM08 of the Local Plan states that Adverse impacts on European and UK protected species and Biodiversity Action Plan habitats and species must be avoided wherever possible and that they must be adequately and proportionately mitigated, if full mitigation cannot be provided, compensation will be required as a last resort.

The development has not raised the need for a wildlife survey however there have been objections raised in relation to light spill and the impact on the adjacent hedge. The Sustainability Officer has commented that the very minor light spill from the windows and/or open doors would be unlikely to result in significant illumination on the hedgerow to the north or open grassland to the south. The garages will be sited mainly on the existing hard surfaces thereby resulting in a very minimal amount of grassland being lost. Two bird boxes will be placed on the north elevations of the garages. It is not considered there would be any biodiversity or wildlife harm.

### **Flood Risk and Drainage**

The site is not located within a designated Environment Agency Flood Risk Zone or within an identified Critical Drainage Area (CDA). Surface water runoff is to be directed and discharged into the existing soakaway system on site. Consequently, there are no identified surface water drainage concerns associated with the development.

### **Highways**

Policy DM05 of the Local Plan states that all development must ensure safe and well designed vehicular access and egress, adequate parking and layouts which consider the needs and accessibility of all highway users including cyclists and pedestrians.

Parking provision and turning within the site was improved by the gravel driveway and turning area and the proposed garages would not impact on this. There would not be any increase in movements to and from the site. Consequently, there are no known

highways risks or parking issues associated with this proposal that would warrant a refusal of the application. The proposals are therefore considered to comply with adopted Local Plan policies DM05 and DM06.

**Other matters**

Comments have been received regarding the future use of the garages and potential for being converted into annexed accommodation. Any use ancillary to the properties would be permitted. Should the owners at any point wish to convert them into separate units of accommodation planning permission would be required and it assessed at that time.

**Conclusion**

The proposed garages by virtue of their design, scale, siting and materials would not result in any significant impact on the wider area or nearby properties. The application is considered to accord with the adopted development plan. Approval of the application is therefore recommended subject to the imposition of planning

**HUMAN RIGHTS ACT 1998**

The provisions of the Human Rights Act and principles contained in the Convention on Human Rights have been taken into account in reaching the recommendation contained in this report. The articles/protocols identified below were considered of particular relevance:

Article 8 – Right to Respect for Private and Family Life  
THE FIRST PROTOCOL – Article 1: Protection of Property

**Recommendation**

**APPROVED**

Legal Agreement Required: No

**Conditions**

- 1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason

The time limit condition is imposed in order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

- 2. The development hereby permitted shall be carried out in accordance with the following approved plans/details:

602 01B  
602 20 Rev D  
602 35 Rev A

Reason

To ensure the development is carried out in accordance with the approved plans in the interests of proper planning.

3. The proposed development shall be constructed in accordance with the following schedule of materials:

Roof - Slate  
Walls - render

Reason

In the interests of the appearance of the development and locality in accordance with Policy DM04 of the North Devon and Torridge Local Plan.

4. Prior to the building being brought into use a the bird boxes shall be sited as shown on the approved plans and shall be retained thereafter.

Reason

To achieve net gains in biodiversity in compliance with Policy ST14 of the North Devon and Torridge Local Plan and paragraph 170 of the National Planning Policy Framework.

5. No additional external lighting shall be installed unless otherwise agree in writing by the LPA.

Reason

In order to protect any wildlife which may be using the adjacent hedgerow in accordance with Policy DM08 of the North Devon and Torridge Local Plan.

6. The garages hereby permitted shall only be used ancillary to the existing barn conversions and shall not be used as a separate unit of accommodation.

Reason

The permitted development is not suitable to be occupied as a separate unit of accommodation due to their location and size and therefore would be contrary to Policies ST07 of the North Devon and Torridge Local Plan.

### **Informatives**

1. Statement of Engagement

In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant and has negotiated amendments to the application to enable the grant of planning permission. This has included consideration of layout, design and impact on the wider area.

### **Inserts**

1. Location Plan