

## **Application Report**

Planning, Housing and Health  
North Devon Council  
Lynton House, Commercial Road,  
Barnstaple, EX31 1DG

<b>Application No:</b>	75003
<b>Application Type:</b>	Full application
<b>Application Expiry:</b>	15 July 2022
<b>Extension of Time Expiry:</b>	15 July 2022
<b>Publicity Expiry:</b>	7 June 2022
<b>Parish/Ward:</b>	KINGS NYMPTON/CHITTLEHAMPTON
<b>Location:</b>	Bidgoods Barn Kings Nympton Umberleigh Devon EX37 9SS
<b>Proposal:</b>	Extensions and alterations to dwelling and associated works
<b>Agent:</b>	Robert Davies John West Ltd
<b>Applicant:</b>	Mr P Platts Martin
<b>Planning Case Officer:</b>	Miss C Roissetter
<b>Departure:</b>	N
<b>EIA Development:</b>	
<b>EIA Conclusion:</b>	Development is outside the scope of the Regulations.
<b>Decision Level/Reason for Report to Committee (If Applicable):</b>	Report to Committee – Agent is a Councillor

### **Site Description**

Bidgoods Barn is located within Kings Nympton and is within the Development Boundary and Conservation Area. The site is also situated within the Listed Building Curtilage of Grade II Listed Building known as Bidgoods. The dwelling is finished with a slate tiled roof, render stone & timber walls, timber windows, and timber doors. The site is neighboured by Brewers House and Varykino to the north, Bidgoods House to the east, and Coopers Cottage to the west, with the fields of Brewer's Farm to the west.

### **Recommendation**

**APPROVE**

Legal Agreement Required: No

## Planning History

<b>Reference Number</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
<b>29377</b>	Conversion of outbuildings to form annexe at Bidgoods, Kings Nympton, Umberleigh, EX37 9SS	Full Planning Approval	8 August 2000
<b>34311</b>	Removal of condition 3 (annexe occupancy restriction) attached to planning consent 29377 to allow use of annexe as separate unit of accommodation and improvements to access (amended description) at Bidgoods Barn, Kings Nympton, Umberleigh, EX37 9SS	Full Planning Approval	22 September 2003
<b>44297</b>	Conversion of outbuilding to form 1 dwelling together with erection of garage at Bidgoods, Kings Nympton, Umberleigh, EX37 9SS	Full Planning Approval	15 June 2007
<b>44665</b>	Listed Building Application for proposed demolition of existing store & erection of 1 residential dwelling at outbuildings at Bidgoods, Kings Nympton, Umberleigh, EX37 9SS	LB (Execution Works) Approval	3 September 2007
<b>45671</b>	Variation of condition 2 (approved plans) of planning permission 34311 to allow relocation of parking area at Bidgoods Barn, Kings Nympton, Umberleigh, EX37 9SS	Full Planning Approval	25 January 2008
<b>48146</b>	Approval of details reserved by condition 4 (windows) attached to planning permission 44297 & condition 3 (windows) attached to listed building consent 44665 at Bidgoods Barn, Kings Nympton, Umberleigh, Devon, EX37 9SS	Approved	30 March 2009
<b>48369</b>	Erection of sun lounge, boundary wall with gate & satellite dish at former outbuilding at Bidgoods, Kings Nympton, Umberleigh, EX37 9SS	Full Planning Approval	22 June 2009
<b>48384</b>	Listed building application for erection of sun lounge, boundary wall with gate & siting of satellite dish at former outbuilding at Bidgoods, Kings Nympton, Umberleigh, EX37 9SS	LB (Execution Works) Approval	22 June 2009

## Constraints/Planning Policy

<b>Constraint / Local Plan Policy</b>	<b>Distance (Metres)</b>
Adjacent to Conservation Area: 20 Kings Nympton Adopted 01/02/1976;	Within constraint
Advert Control Area Area of Special Advert Control	Within constraint

<b>Constraint / Local Plan Policy</b>	<b>Distance (Metres)</b>
Burrington Radar Safeguard Area consultation required for: All buildings, structures, erections & works exceeding 15 metres in height.	Within constraint
Conservation Area: 20 Kings Nympton Adopted 01/02/1976;	Within constraint
Landscape Character is: 3A Upper Farmed & Wooded Valley Slopes	Within constraint
Listed Building Adjacent: 1250 EH Ref 1304434 Bidgoods, Kings Nympton	1.08
Listed Building Curtilage (Adjacent to)	Within constraint
Listed Building Curtilage (within)	Within constraint
Unclassified Road	
Within adopted Development Boundary: King's Nympton Development Boundary ST07	Within constraint
Within Adopted Unesco Biosphere Transition (ST14)	Within constraint
Conservation Area: KINGS NYMPTON	
DM01 - Amenity Considerations DM04 - Design Principles DM05 - Highways DM06 - Parking Provision DM07 - Historic Environment DM08 - Biodiversity and Geodiversity DM25 - Residential Extensions and Ancillary Development ST07 - Spatial Development Strategy for Northern Devon's Rural Area ST14 - Enhancing Environmental Assets ST15 - Conserving Heritage Assets	

### **Consultees**

<b>Name</b>	<b>Comment</b>
Councillor R Jenkins	No comments received.
Heritage & Conservation Officer	13/04/2022 - As far as I am aware this is a curtilage listed building through its relationship to Bidgoods farmhouse, which is grade II. It is also within the Kings Nympton Conservation Area. Both would require the submission of a Heritage Statement, and the former an application for Listed Building Consent. I have not been able to find either. For guidance, the addition of dormer windows is not normally appropriate for this type of vernacular building. Dormers are a very domestic feature, and do not maintain the agricultural character which contributes to the interest of the building in its own right, and its contribution to the significance of other heritage assets.
Heritage & Conservation Officer	06/06/2022 - Previous correspondence has confirmed that we are not treating this building as curtilage listed. The proposals generally relate to the secluded western elevation and are unlikely to affect the character of either the listed building to the east, or the Conservation Area.
King Nympton Parish Council	Kings Nympton Parish Council have no objection to this application.

## **Neighbours / Interested Parties**

<b>Comments</b>	<b>No Objection</b>	<b>Object</b>	<b>Petition</b>	<b>No. Signatures</b>
0	0	0	0	0

No representations received

## **Considerations**

### **Proposal Description**

This application seeks detailed planning permission for extensions and alterations to dwelling and associated works.

### **Planning Considerations Summary**

- Principle of Development
- Design and Impact on Heritage Asset
- Amenity
- Ecology
- Flood Risk and Drainage
- Highways and Parking

### **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 (NDTLP). 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.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states a general duty of a Local Planning Authority as respects conservation areas in exercise of planning functions. In the exercise, with respect to any buildings or other land in a conservation area special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

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

### **Principle of Development**

Policy DM25 (Residential Extensions and Ancillary Development) of the NDTLP supports the development of residential extension to a dwelling and other ancillary development where:

- (a) the form, scale, setting and design of the proposal respecting existing development, its context, setting and surroundings;
- (b) adequate residential amenity space and parking provision being maintained; and
- (c) there being no significant adverse impact on the amenity of the occupants of neighbouring properties.

The proposed development is considered acceptable in principle provided the proposal complies with relevant planning consideration and development management policies of the NDTLP.

### **Design and Impact on Heritage Asset**

Policy DM04 (Design Principles) of the NDTLP requires development to be appropriate and sympathetic to setting in terms of scale, density, massing, height, layout appearance, fenestration, materials and relationship to buildings and landscape features in the local neighbourhood.

Policy DM07 (Historic Environment) of the NDTLP states all proposals affecting heritage assets should be accompanied by sufficient information, in the form of a Heritage Statement, to enable the impact of the proposal on the significance of the heritage asset and its setting to be properly assessed. As part of such an assessment, consideration should be given, in order of preference, for avoiding any harm, providing enhancement, then minimising and mitigating any harm.

Policy ST15 (Conserving Heritage Assets) of the NDTLP states great weight will be given to the desirability of preserving and enhancing northern Devon's historic environment by: conserving the historic dimension of the landscape; conserving cultural, built, historic and archaeological features of national and local importance and their settings, including those that are not formally designated; identifying and protecting locally important buildings that contribute to the area's local character and identity; and increasing opportunities for access, education and appreciation of all aspects of northern Devon's historic environment, for all sections of the community.

The proposed development is for the conversion of an existing storage area to provide a utility room on the ground floor with a wet room and study/bedroom on the first floor. Additionally, the works would include the creation of 3 dormer windows on the rear (west) elevation. The proposed development would be finished in materials to match the existing dwelling with a slate tiled roof, stone render & timber walls, timber windows, and timber doors. The proposal is not considered to result in harm to the adjacent Listed Building or its setting. Following correspondence the Heritage & Conservation Officer has confirmed that the site is not considered to be curtilage listed and therefore Listed Building Consent is not required. As such, the proposed development is considered to comply with policies DM04, DM07, and ST15.

### **Amenity**

Policy DM01 (Amenity Considerations) of the NDTLP states development will be supported where it would not significantly harm the amenities of any neighbouring occupiers or uses; and the intended occupants of the proposed development would not be harmed as a result of existing or allocated uses.

The site is neighboured by Brewers House and Varykino to the north, Bidgoods House to the east, and Coopers Cottage to the west, with the fields of Brewer's Farm to the west.

The proposed development would not result in any significant overlooking or overbearing implication on any neighbouring properties. As such the proposal is considered to comply with policy DM01.

## **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 (Biodiversity and Geodiversity) of the NDTLP requires development should conserve, protect and, where possible, enhance biodiversity and geodiversity interests and soils commensurate with their status and giving appropriate weight to their importance.

Policy ST14 (Enhancing Environmental Assets) of the NDTLP aims to protect and enhance northern Devon's natural environment by ensuring that development contributes to providing a net gain in biodiversity where possible.

Given the information received, the development would not result in any harm to protected species and their habitat. To accord with statutory and local plan requirements the scheme will provide a biodiversity net gain through the installation of a bird and bat box on the development. Therefore, the proposal is considered to comply with policies DM08 and ST14.

## **Flood Risk and Drainage**

The site is not located within a Flood Zone 2 or 3 and is not located within a Critical Drainage Area. Therefore, flooding and surface water drainage are not considered to be constraints.

## **Highways and Parking**

Policy DM05 (Highways) of the NDTLP states 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.

Policy DM06 (Parking Provision) of the NDTLP requires development proposals to provide an appropriate scale and range of parking provision to meet anticipated needs.

The proposed works would not impact on the safety or function of the highways and would not impact on the parking provision for the site. Therefore, the proposal would comply with DM05 and DM06.

## **Conclusion**

The application is considered to accord with the adopted development plan. Approval of the application is therefore recommended subject to the imposition of planning conditions.

## **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

Section 149(1) 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 (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it (the Public Sector Equality Duty or 'PSED'). There are no equality implications anticipated as a result of this decision.

## **Recommendation**

### **APPROVE**

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:  
2753-RDJWL-XX-XX-DR-A-0015C1 Location Plan received on the 16/03/22  
2753-RDJWL-XX-XX-DR-A-0016C1 Existing & Proposed Block Plans received on the 16/03/22  
2753-RDJWL-01-ZZ-DR-A-0026C1 Proposed Elevations Floors & Sections received on the 16/03/22  
(‘The approved plans’).

Reason:

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

3. The development hereby approved shall be constructed in accordance with the following schedule of materials:  
Roof - Slate  
Walls - Stone, Render, and Timber  
Windows - Timber  
Doors - Timber

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 hereby approved being brought into first use, a bat and bird box shall be sited on either the south or west elevation of the building hereby approved and shall be maintained and retained thereafter.

Reason:

To achieve net gains in biodiversity in compliance with Policies DM08 and ST14 of the North Devon and Torridge Local Plan and paragraph 174 of the National Planning Policy Framework.

### **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 and has imposed planning conditions to enable the grant of planning permission. This has included design, impact on heritage asset, and amenity.

### **Inserts**

- 1) Location Plan