



Application Report

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

Application No:	77307
Application Type:	Full Application
Application Expiry:	15 December 2023
Extension of Time Expiry:	15 December 2023
Publicity Expiry:	2 November 2023
Parish/Ward:	CHULMLEIGH/CHULMLEIGH
Location:	The Old Forge New Street Chulmleigh Devon EX18 7BZ
Proposal:	Installation of photovoltaic panels to the single storey rear wing of the property
Agent:	Mr Kevin Davies
Applicant:	Mr and Mrs H Fudge
Planning Case Officer:	Miss C Roissetter
Departure:	N
EIA Development:	
EIA Conclusion:	Development is outside the scope of the Regulations.
Decision Level/Reason for Report to Committee (If Applicable):	Committee – The agent is a district councillor

Site Description

The Old Forge is a two storey terrace dwelling located in Chumleigh. The dwelling has an exterior finished of a natural slate tiled pitched roof, paint rendered elevations, timber/upvc windows, timber doors.

The site is neighboured by The Green to the east and Shaplands to the west. To the north of the site is the local golf club, to the east is 'The Green' a residential dwelling, to the south is the local highway 'New Street' and a small public parking area adjacent to St Mary Church, to the west is 'Shapland' a residential dwelling, and to the north-west is the local golf course.

The dwelling is Grade II listed, within the development boundary for Chulmleigh and is within a designated conservation area. The site is within a flood risk 1 zone and is not within a critical drainage area.

The proposal is for the installation of solar PV panels on the east and west roof elevations of the rear wing which is relatively new and is not a historic element, as previously described by the Heritage & Conservation Officer.

Image of principle elevation



Image of street scene facing west



Image of rear wing facing north-west



Image of rear wing facing south-west



Image of rear wing facing south



Image of rear wing facing south-west



Image of rear wing facing south-east



Image of rear wing facing east



Recommendation

Approved

Legal Agreement Required: No

Planning History

Reference Number	Proposal	Decision	Decision Date
77308	Listed building consent for installation of photovoltaic panels to the single storey rear wing of the property at The Old Forge New Street, Chulmleigh Devon EX18 7BZ		
30174	Proposed conversion of existing dwelling to form 2 no. dwellings together with internal alterations & demolition of rear leanto & formation of new access & parking at, The Green, New Street, Chulmleigh, EX18 7DA	Full Planning Approval	18 December 2000
30175	Listed Building Application in respect of proposed conversion of existing dwelling to form 2 no. dwellings together with internal alterations & demolition of rear leanto & formation of new access & parking at, The Green, New Street, Chulmleigh, EX18 7DA	LB (Execution Works) Approval	18 December 2000

Constraints/Planning Policy

Constraint / Local Plan Policy	Distance (Metres)
Adjacent to Conservation Area: 12 Chulmleigh Adopted 13/12/2011;	Within constraint
Advert Control Area Area of Special Advert Control	Within constraint
Ancient Woodland: DARTRIDGE WOOD Ancient & Semi-Natural Woodland	154.70
Burrington Radar Safeguard Area consultation required for: All buildings, structures, erections & works exceeding 45 metres in height.	Within constraint
Conservation Area: 12 Chulmleigh Adopted 13/12/2011;	Within constraint
Landscape Character is: 3A Upper Farmed & Wooded Valley Slopes	Within constraint
Listed Building Adjacent: 1167.0 EH Ref 1106720 Peel House, The Green, Chulmleigh	7.22
Listed Building Adjacent: 1168.0 EH Ref 1152743 Shaplads, New Street, Chulmleigh	Within constraint
Listed Building Adjacent: 1169.0 EH Ref 1325753 The Green, New Street, Chulmleigh	Within constraint
Listed Building Curtilage (Adjacent to)	Within constraint
Listed Building Curtilage (within)	Within constraint
Listed Building: 1169.0 EH Ref 1325753 The Green, New Street, Chulmleigh	Within constraint
Unclassified Road	

Constraint / Local Plan Policy	Distance (Metres)
USRN: 27502041 Road Class:R Ownership: Highway Authority	12.74
Within adopted Development Boundary: Chulmleigh DM04	Within constraint
Within Adopted Unesco Biosphere Transition (ST14)	Within constraint
Within Surface Water 1 in 100	Within constraint
Within Surface Water 1 in 30	Within constraint

Listed Building Grade: 2

Conservation Area: CHULMLEIGH

DM01 - Amenity Considerations

DM04 - Design Principles

DM05 - Highways

DM07 - Historic Environment

DM08 - Biodiversity and Geodiversity

DM08A - Landscape and Seascape Character

ST02 - Mitigating Climate Change

ST03 - Adapting to Climate Change and Strengthening Resilience

ST07 - Spatial Development Strategy for Northern Devon's Rural Area

ST14 - Enhancing Environmental Assets

ST15 - Conserving Heritage Assets

ST16 – Delivering Renewable Energy and Heat

Consultees

Name	Comment
Chulmleigh Parish Council	2/11/2023 - Chulmleigh Parish Council wishes to recommend approval of this application.
Councillor K Davies	No comments received – Councillor Davies is the Agent for the application
Heritage & Conservation Officer	31/10/2023 - I do not consider that this proposal will cause harm to the significance of the heritage asset.
Sustainability Officer	13/10/2023 - No comment
The Forestry Commission	No comments received

Neighbours / Interested Parties

Comments	No Objection	Object	Petition	No. Signatures
0.00	0.00	0.00	0.00	0.00

No representations received

Considerations

Proposal Description

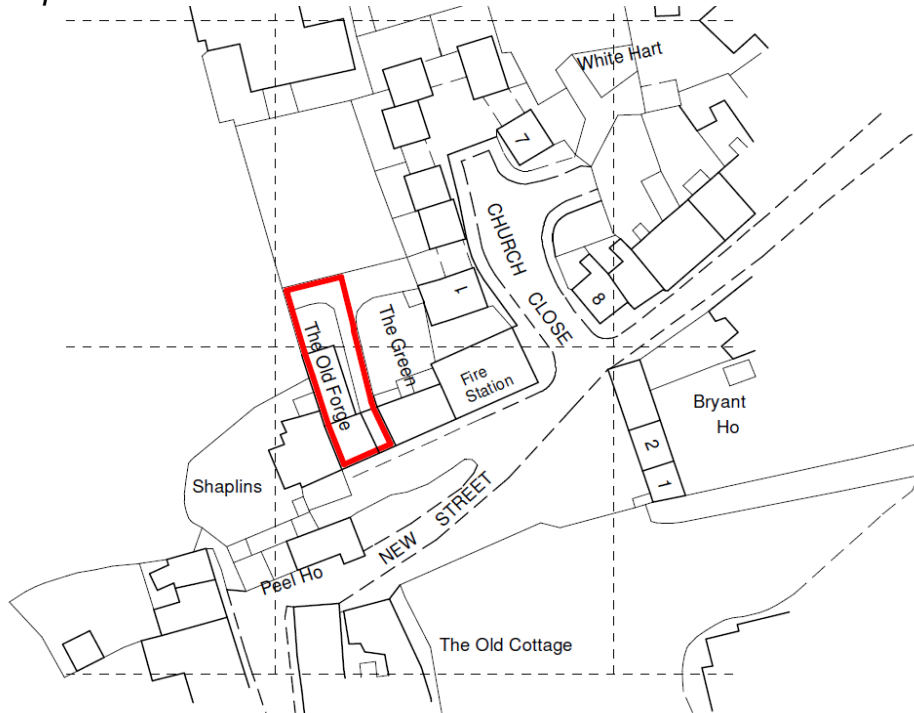
This application seeks detailed planning permission for the installation of photovoltaic panels to the single storey rear wing of the property.

The proposal is for the installation of 16no solar panel on the existing single storey rear wing of the dwelling. 8no panels, laid out in 2 rows of 4no, would be fitted to each roof elevation facing east and west. The panels will be mounted on shallow rails above the roof slates.

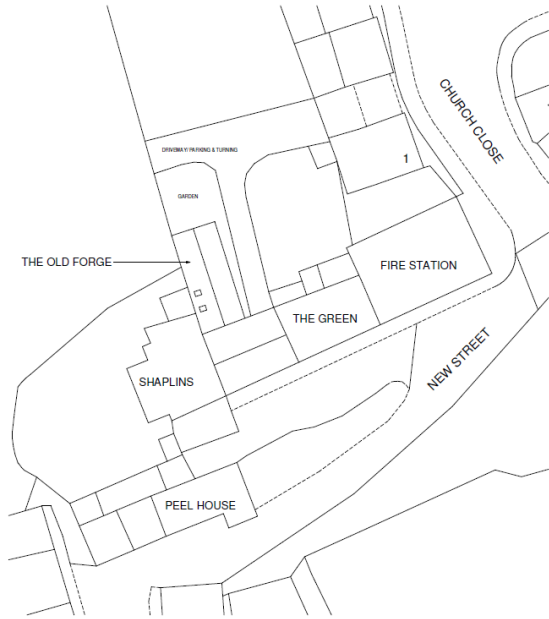
Aerial image of site and surrounding area



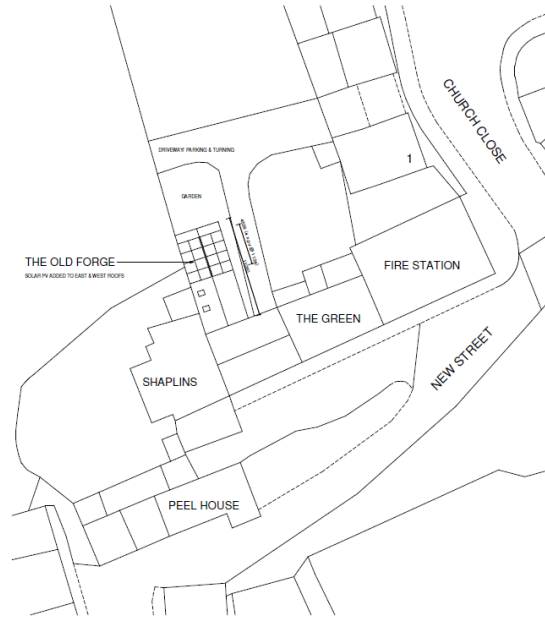
Location plan of site



Existing and proposed site plans



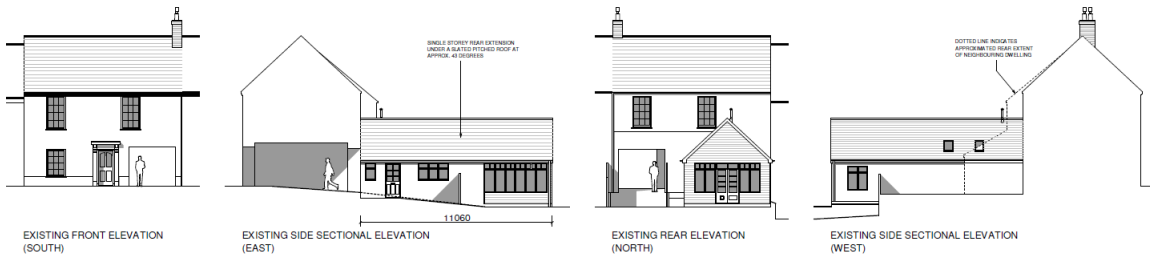
EXISTING SITE PLAN



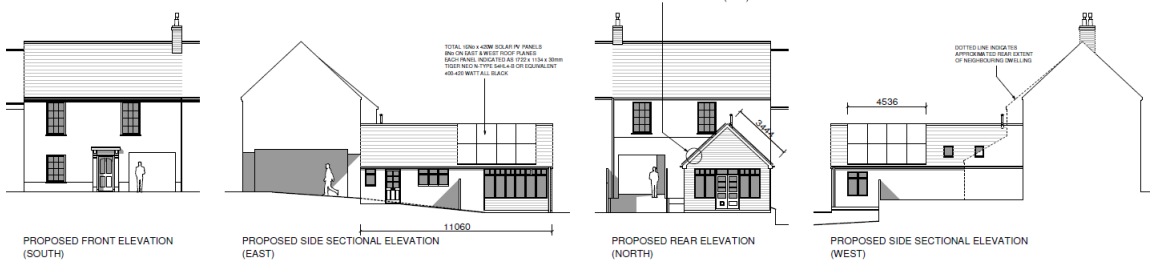
PROPOSED SITE PLAN

Existing and proposed elevations

EXISTING



PROPOSED



Planning Considerations Summary

- History relating to site
- Principle of development
- Design and Impact on listed building and conservation area
- 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. 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

The proposed development is located within the development boundary for Chulmleigh therefore, Schedule A of Policy ST07 (Spatial Development Strategy for Northern Devon's Rural Area) of the North Devon and Torridge Local Plan (NDTLP) is relevant. Which supports development, in accordance with the following hierarchy, to achieve an economically resilient and active rural area. In addition, development will be enabled within development boundaries and on allocated sites defined on the Policies Map, and within the principal built form of settlements without development boundaries.

Policy ST02 (Mitigating Climate Change) of the Local Plan states development will be expected to make a positive contribution towards the social, economic and environmental sustainability of northern Devon and its communities while minimising its environmental footprint by (amongst other matters) promoting opportunities for renewable and low-carbon energy generation whilst conserving and enhancing the natural and built environment.

Policy ST03 (Adapting to Climate Change and Strengthening Resilience) of the Local Plan states development will be supported where it would (among other things) make effective use of renewable resources.

Policy ST16 of the NDTLP aims to support renewable and low carbon energy and heat generating development (other than wind energy) where appropriate provided it's sensitive to the landscape, no significant impact on local amenities, and no significant harm towards biodiversity and/or the environment.

The Local Plan policies aim to reduce greenhouse gas emissions and increase resilience to climate change through the sustainable provision and location of high quality design proposals. This would include proposals such as the provision of renewable or low-carbon energy as proposed with this application.

The solar panels would be sited on a Grade II Listed Building within the Chulmleigh

Conservation Area, therefore the economic and environmental benefits would have to be balanced with the potential harm the development would have on the character of the listed building and the local setting.

As such, the recommendation of this proposal will be made bearing in mind other relevant planning considerations and development management policies of the Local Plan.

Design and Impact on Listed Building and Conservation Area

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 DM08A (Landscape and Seascape Character) of the NDTLP requires that:

- (1) Development should be of an appropriate scale, mass and design that recognises and respects landscape character of both designated and undesignated landscapes and seascapes; it should avoid adverse landscape and seascape impacts and seek to enhance the landscape and seascape assets wherever possible. Development must take into account and respect the sensitivity and capacity of the landscape/seascape asset, considering cumulative impact and the objective to maintain dark skies and tranquillity in areas that are relatively undisturbed, using guidance from the Joint Landscape and Seascape Character Assessments for North Devon and Torridge.

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 main concern here is the impact the development would have on the grade II listed building and the Chulmleigh conservation area. Solar panels are not ordinarily considered to enhance Listed Buildings as they can harm the significance of the historic assets due to their modern appearance.

The 16 solar panels would be sited at the rear wing of the dwelling, with 8no panels fitted to each roof elevation, and none sited on the principal roof elevation of the dwelling. This protects the principle features of the main dwelling house and the significance of the street scene along New Street. 8no panels, laid out in 2 rows of 4no, would be fitted to each roof elevation facing east and west.

The Council's Heritage and Conservation Officer has been consulted and left the following comment:

I do not consider that this proposal will cause harm to the significance of the heritage asset.

The solar panels proposed would be well-screened from the local street scene due to their positioning to the rear of the dwelling and other adjacent dwellings blocking views. They would be likely only be seen from the rear of neighbouring dwelling and the local golf course, aside from that they would be largely unsighted from public viewpoints.

The proposal would be in accordance with policies DM04, DM07, DM08A, and ST15 of the Local Plan. As such, the recommendation would be made on balance with the benefits of having renewable energy.

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.

No representations have been received.

The site is neighboured by The Green to the east and Shaplands to the west with the golf club to the north, the local highway to the south, and the golf course to the north-west.

The equipment would not result in noise pollution. Glint or glare due to the reflection of sunlight would be unlikely here due to the small area the solar panels would cover and the angle they would be installed at in the context of the surrounding landscape.

The proposal is not considered to result in harm to the amenity of neighbouring properties or the occupiers of the dwelling in compliance with 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 (Amendment) (EU Exit) Regulations 2019 (Habitat Regulations 2019).

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.

As the proposal includes works to an existing roof, a Wildlife Statement has been submitted in support of the application

The proposed panels would be sited above the existing roof tiles and therefore the proposal is not consider to result in harm any protected species or their habitats.

The provision of solar panels would create an environmental benefit to the site by reducing the reliance on non-renewable energy sources which is considered to be an environmental

gain and as such the development would comply with the requirements of DM08 and ST14.

Flood Risk and Drainage

The site is located within a Flood Zone 1 and is not located within a Critical Drainage Area. Therefore, flooding and surface water drainage are not considered to be constraints.

Highways

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.

The proposed development will not impact of the safety or function of the road network and would not be seen from the local highway. As such, is in accordance with DM05.

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

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:
2820-RDJWL-XX-XX-DR-A0015 Location Plan received on the 23/06/23
2820-RDJWL-XX-XX-DR-A-0020C2 Existing & Proposed Site Plan received on the 25/09/23
2820-RDJWL-01-ZZ-DR-A-0030C2 Existing & Proposed Elevations received on the 25/09/23
(‘the approved plans’).

Reason:

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

3. In the event that the solar panels and associated equipment are no longer producing electricity they shall be removed within 3 months of the cessation of electricity generation and the land affected by the panels, shall be restored to its former condition.

Reason:

The development is justified for the environmental benefits that are considered to result from renewable energy. In the event that these benefits cease then the balance reverts to the original design and character of the countryside in accord with Policies ST14 and DM08A of the North Devon and Torridge Local Plan.

Informatives

1. As the proposed works affect / are in close proximity to the boundary with a neighbouring property, this decision does not convey any other form of consent or agreement that may be necessary in conjunction with these works and does not override or supersede any civil rights, which the neighbour may have. The attention of the applicant is drawn to the information contained in the Guide to the Party Wall etc. Act 1996 booklet. Copies available from the Communities and Local Government website www.communities.gov.uk/publications/planningandbuilding/partywall.
2. Bats and bat roosts are protected by law under Schedule 5 of the Wildlife & Countryside Act 1981 [as amended], Schedule 2 of the Conservation [Natural Habitats, &c] Regulations 1994, the Countryside Rights Of Way Act 2000, and the Conservation of Species and Habitats Regulations 2017. It is an offence to recklessly or deliberately kill, injure or capture [take] bats, recklessly or deliberately disturb bats, damage, destroy or obstruct access to bat roosts. For further advice contact the Bat Helpline 0345 1300 228.
3. 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.

End of Report