

Application Report

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

Application No:	77308
Application Type:	Listed Building Consent
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:	Listed building consent for 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 and within a designated conservation area.

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
77307	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 Shaplands, 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
DM07 - Historic Environment
DM08 - Biodiversity and Geodiversity
ST14 - Enhancing Environmental Assets
ST15 - Conserving Heritage Assets

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	No comments received The Sustainability Officer commented 'no comment' of the associated full application 77307

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

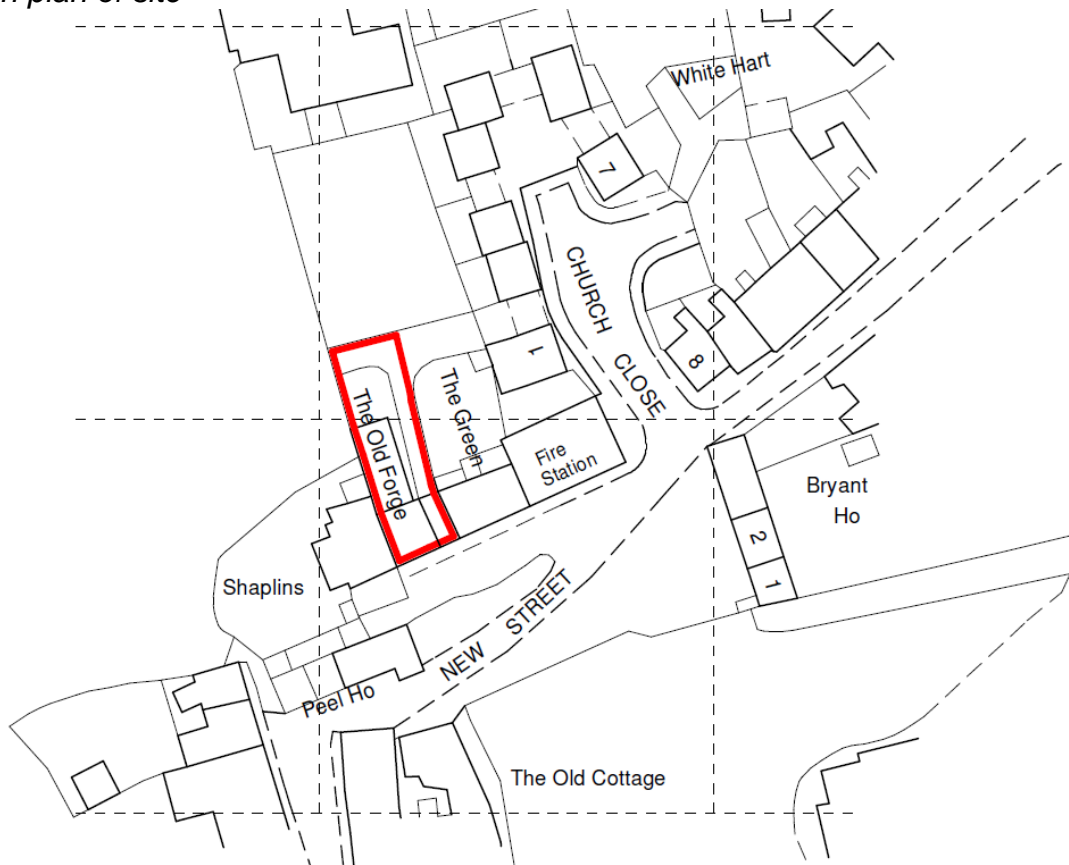
This application seeks listed building consent for the installation of photovoltaic panels to the single storey rear wing of the property.

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.

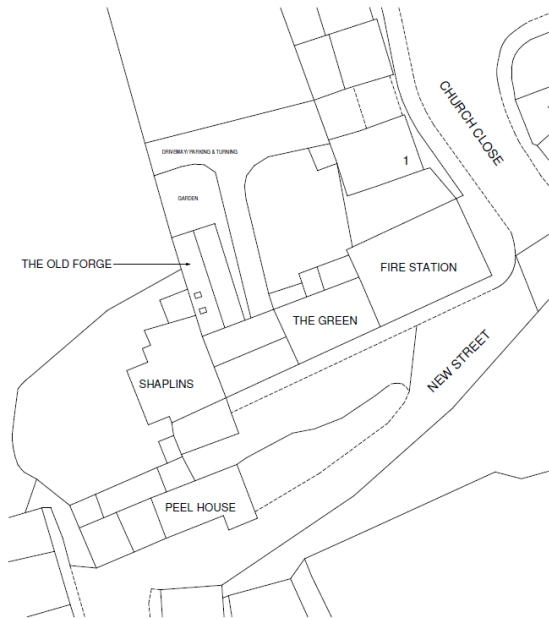
Aerial image of site and surrounding area



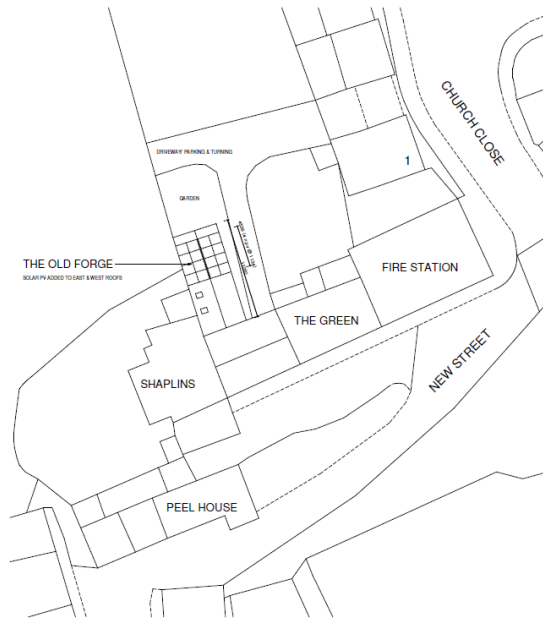
Location plan of site



Existing and proposed site plans



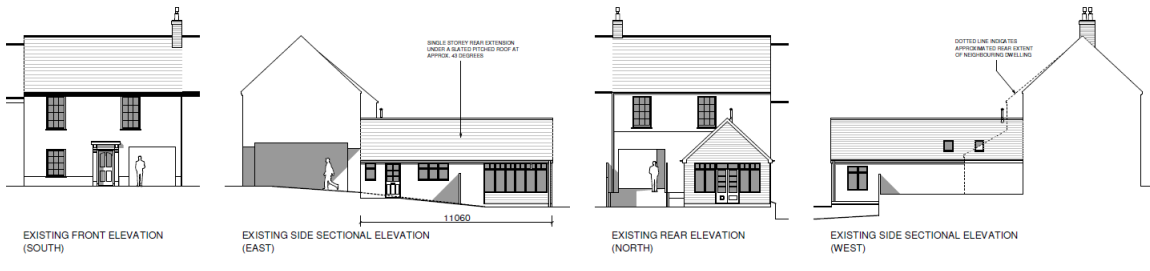
EXISTING SITE PLAN



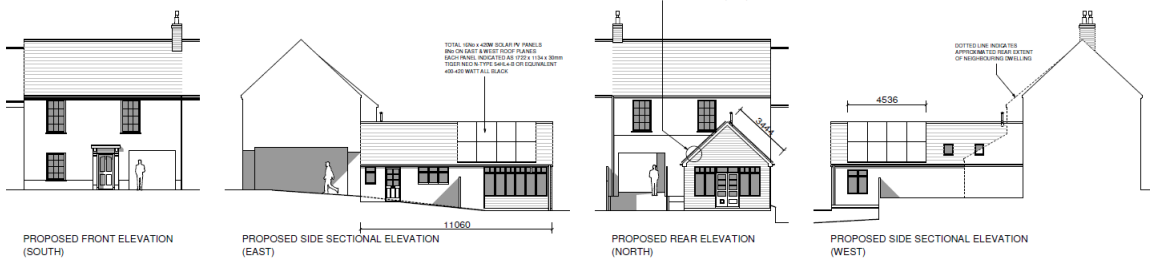
PROPOSED SITE PLAN

Existing and proposed elevations

EXISTING



PROPOSED



Planning Considerations Summary

- Impact on Listed building and Conservation area
- Ecology

Planning Considerations

Section 16 of the Listed Building Act, in considering whether to grant listed building consent for any works the Local Planning Authority shall have special regard to the

desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 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.

Impact on Listed Building and Conservation Area

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 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 view.

In this case the proposal is considered acceptable under paragraph 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the proposal is considered acceptable in terms of the guidance set out in paragraph 202 of the NPPF with the proposal resulting in less than substantial harm to the significance of the asset. The proposal would be in accordance with policies DM07 and ST15 of the Local Plan.

The benefit of the scheme is that it enhances and supports the residential use of property

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.

Conclusion

The application is considered to accord with the adopted development plan and duties. 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 works hereby permitted shall be carried out in accordance with the following approved plans/details:
2820-RDJWL-XX-XX-DR-A-0015 Location Plan received on the 23/06/23
2820-RDJWL-XX-XX-DR-A-0020C2 Existing & Proposed Site Plans 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 works are carried out in accordance with the approved plans in the interests of the heritage asset.

Informatives

1. This decision does not give or convey any form of consent to any other works other than those specified in the submitted and approved drawings / schedule of works or the alteration or removal of any fixtures or fittings which may require separate specific listed building consent. If any other such works are intended the applicant is advised to contact the Local Planning Authority for advice before commencing these on site.
2. The submitted drawings have been numbered as set out in condition 2. Please refer to the planning application tracker on the District Council's website to view the drawings and their allocated numbers, <http://planning.northdevon.gov.uk/search.asp>
3. 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.
4. 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.

5. INFORMATIVE NOTE: -

The Planning [Listed Buildings and Conservation Areas] [England] [Amendment] Regulations 2003

SUMMARY OF REASONS FOR THE DECISION TO GRANT LISTED BUILDING CONSENT.

The Local Planning Authority considers that listed building consent should be granted as it does not consider that permitting the proposed works would conflict with its duty under Section 16 of The Planning [Listed Buildings and Conservation Areas] Act 1990 to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

End of Report