



Application Report

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

Application No:	77801
Application Type:	Full Application
Application Expiry:	12 January 2024
Extension of Time Expiry:	
Publicity Expiry:	20 December 2023
Parish/Ward:	COMBE MARTIN/COMBE MARTIN
Location:	Manleigh Lodge Manleighs Kiln Lane Combe Martin Ilfracombe Devon EX34 0LY
Proposal:	Retrospective application for replacement of timber framed outbuilding/shed together with reinstatement of retaining wall to driveway
Agent:	Mr Kirk Dyer
Applicant:	Mr & Mrs Lethaby
Planning Case Officer:	Mr K. Webster
Departure:	N
EIA Development:	
EIA Conclusion:	NO EIA REQUIRED
Decision Level/Reason for Report to Committee (If Applicable):	Committee - Applicant is Councillor

Site Description

The site forms a large area of shared curtilage associate with Manleighs that can be accessed via Kiln Lane. Manleigh, the main house, has been subdivided into flats and is elevated above the area subject to this application.

The area subject to this application has a large gravel parking area, with a sloped drive up to the main building/flats. The sloped driveway has a newly constructed retaining wall, made from breeze blocks and rendered with concrete. It is unfinished mostly with some parts topped with slabs around shed area to finish.

The main house has a small elevated parking area in front of it, accessed via a short drive behind the newly constructed retaining wall. Below that is a larger parking area being used to store vehicles, boats and caravans.

A shed has already been demolished and replaced with a timber-cladded outbuilding that is 6 x 5 x 3 metres and apparently constructed within the regulations set by Building Control. The shed has been used for storage of car parts and other items/tools and at the time of the site visit had a van parked within it. It was indicated that it would be shared on an ad hoc basis between the occupants of the flats/apartments.

The site has a much better appearance compared to the last site visit as part of ENQ/0226/2023 in spring 2023. The area behind the fence was cleared for use and storage of equipment associated with the owners building business, but is now lawn/grass. Some trees/planting have been provided against the retaining wall and along the fence next to the outbuilding. The banking next to the outbuilding is also green and has plants growing.

The hardstanding and retaining wall looked very bare in comparison to their present appearance, so the greening of the site has improved the appearance of the site, which is within the AONB.



Original Outbuilding (before 2023)



Proposed Outbuilding (April 2023)



Embankment Area (April 2023)



Rear of Proposed Wall (April 2023)



Entrance to site (November 2023)



Parking area (November 2023)



Parking area & grass area beyond (Oct 2023)



Parking area & grass area beyond (Nov 2023)



Planting in front of retaining wall (October 2023)



Outbuilding as viewed from Kiln Lane (Nov 2023)



Hedge screening along Kiln Lane (Nov 2023)



View from the other side of the valley, showing lawn/grass area as proposed (Nov 2023)



Parking/hardstanding as proposed (Nov 2023)



Comparison with Parking/hardstanding (April 23)



Planting of Lawn Area, Embankment and Planting in front of the Retaining Wall (October 2023)

Recommendation

Approved

Legal Agreement Required: No

Planning History

Reference Number	Proposal	Decision	Decision Date
32048	Change of use of existing residential home to form private dwelling at Manley, Kiln Lane, Combe Martin, Ilfracombe, EX34 0LY	Full Planning Approval	25 February 2002
38692	Retrospective Application for formation of domestic pond at Manleigh, Kiln Lane, Combe Martin, Ilfracombe, EX34 0LY	Full Planning Approval	18 November 2004
40120	Erection of garage / workshop / store with recreation area over (Amended Plans) at Manleigh, Kiln Lane, Combe Martin, Devon, EX34 0LY	Full Planning Approval	6 July 2005
74818	Retrospective renewal of a retaining wall at Manleigh, Kiln Lane, Combe Martin, Ilfracombe, Devon, EX34 0LY	Approved	27 June 2022
76322	Regularising the use of an existing residential dwelling at Manleigh Lodge, Kiln Lane, Combe Martin, Ilfracombe, Devon, EX34 0LY	Declined to determine	11 January 2023

Constraints/Planning Policy

Constraint / Local Plan Policy	Distance (Metres)
Advert Control Area: Area of Special Advert Control	Within constraint
Chivenor Safeguard Zone Consultation Structure or works exceeding 91.4m	Within constraint
Landscape Character is: 4C Coastal Slopes and Combes with Settlement	Within constraint
Unclassified Road	
USRN: 27500545 Road Class: R Ownership: Highway Authority/Private	3.14
Within: 100m of Adopted Heritage Coast	Within constraint
Within: Adopted AONB (ST09 & ST14)	Within constraint
Within: Adopted Coast and Estuary Zone	Within constraint
Within: Adopted Unesco Biosphere Transition (ST14)	Within constraint
Within: SSSI 5KM Buffer in North Devon (Exmoor NP), consider need for AQIA if proposal is for anaerobic digester without combustion plant	Within constraint
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Constraint / Local Plan Policy	Distance (Metres)
Within: Exmoor and Quantock Oakwoods, SAC 10KM Buffer if agricultural development consider need for AQIA	Within constraint
Within: Exmoor Heaths, SAC 10KM Buffer if agricultural development consider need for AQIA	Within constraint
SSSI Impact Risk Consultation Area	Within constraint
DM01 - Amenity Considerations DM04 - Design Principles DM05 - Highways DM06 - Parking Provision DM08 - Biodiversity and Geodiversity DM08A - Landscape and Seascape Character DM25 - Residential Extensions and Ancillary Development ST03 - Adapting to Climate Change and Strengthening Resilience ST04 - Improving the Quality of Development ST09 - Coast and Estuary Strategy ST14 - Enhancing Environmental Assets	

Consultees

Name	Comment
Combe Martin Parish Council	No comments received at the time of writing.
Councillor B Lethaby	No comments received at the time of writing.
North Devon AONB Service	No comments received at the time of writing.
Sustainability Officer	No comments received at the time of writing.

Neighbours / Interested Parties

Comments	No Objection	Object	Petition	No. Signatures
1	0.00	0.00	0.00	0.00

It is considered that the 1no comment received at the time of writing regards Manleigh Lodge, an ancillary building to Manleigh House, which was the subject of an enforcement notice as it was converted to a residential use without approval. This building has subsequently been vacated, and the enforcement notice complied with. It is not related to this application.

Proposal Description

This application seeks detailed retrospective Planning Permission for the demolition and replacement of a timber outbuilding, the replacement of a retaining wall and other associated landscaping around the site.

The outbuilding would be timber-clad with a corrugated sheet-metal roof, and would measure approximately 6 x 5 x 3 metres. The previous outbuilding was of concrete block and asbestos construction.

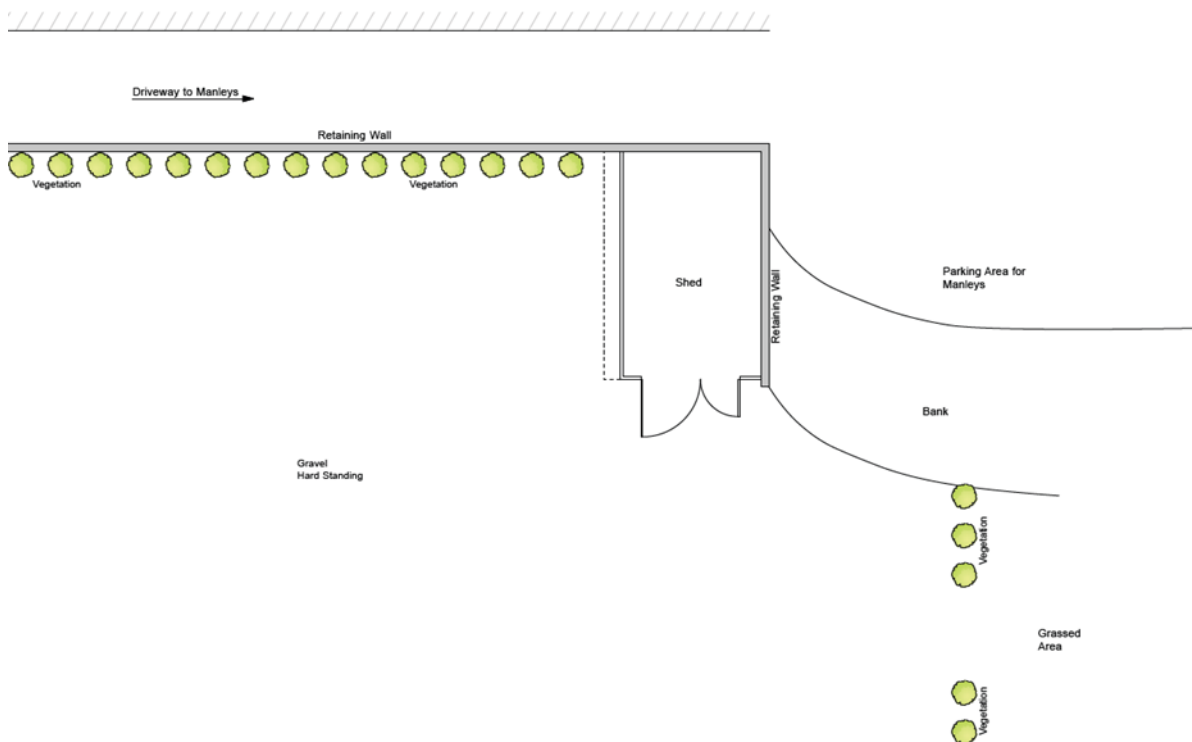
The retaining wall would be stepped and constructed with concrete block and rendered to finish. It would be topped with slabs to finish.

The wider site would have a more natural appearance through the planting of trees in front of the retaining wall and around the parking area, as well as the creation of a lawn/grass area to replace a hardstanding area in front of Manleigh.

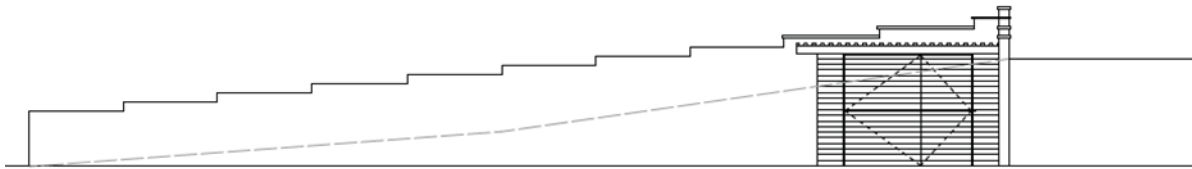
Pre-Application advice (ENQ/0226/2023) was provided in May 2023 regarding the outbuilding and the wider site as a whole, as there were concerns at the time over the appearance and use of the site in the context of the AONB. At that time, the site had been looking increasingly bare due to the creation of extensive hardstanding areas, the storage of various vehicles and building materials/equipment, the clearance of vegetation and the use of concrete/cement. As this is a retrospective application, the development of the site has mostly been completed at this time, so it is possible to assess improvements to the appearance of the site based on a site visit on 28th November 2023.

Planning Considerations Summary

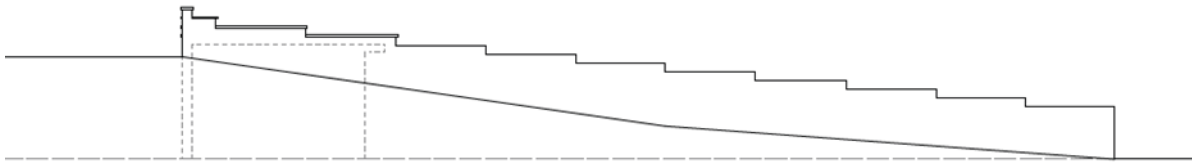
- The Principle of Development
- Design and Impact on the AONB
- Amenity Considerations
- Impact on Ecology
- Highways and Parking Provision
- Drainage



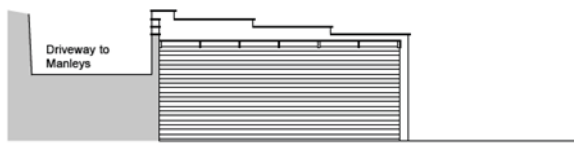
Site Plan showing Floor Plan of Outbuilding and Planting Provided



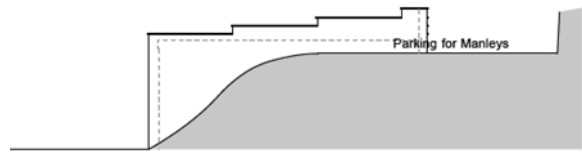
Front (North-East) Elevation of Outbuilding and Retaining Wall



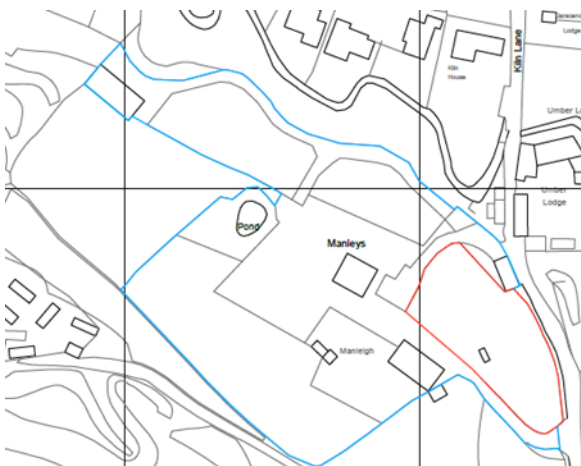
Rear (South-West) Elevation of Retaining Wall (Outbuilding Behind)



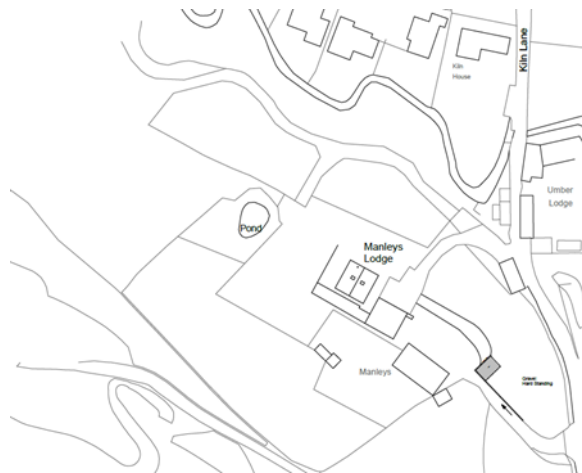
Side (South-East) Elevation



Side (North-West) Elevation



Location Plan



Block Plan

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.

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

The Principle of Development

Policy ST07 of the NDTLP restricts new development in the countryside unless it provides for local social/economic needs, building conversion or where it necessarily requires a countryside location. The development is a replacement of an existing structure which had become dilapidated therefore its replacement is justified in the context of its location.

The replacement outbuilding is considered to be of a form, scale and appearance that is appropriate to the setting. The replacement outbuilding is clad with timber, a more appropriate material for the setting of the AONB in comparison with concrete blockwork and asbestos outbuilding that would be demolished.

The retaining wall would have a row of planting and trees in front of it to reduce its impact on the setting. The area of hardstanding beyond the outbuilding in front of the main house would be turned into a lawn/grass area which would ensure the site has a natural appearance and would be respectful to the setting of the AONB.

There would remain to be a large area of amenity space available and provision for parking for the occupants as a result of the development. It is considered that there would be no significant adverse impacts on the amenity of the occupants or other nearby residents.

It has been stated in planning Statement that the outbuilding would be used by the owners of the land for the storage equipment and other items necessary for the purposes of maintaining the land at Manleigh. It was suggested that this include the applicant's household items, which is not considered to be acceptable given they do not reside on the site. However its use for storage of equipment required for managing the land and ancillary to Manleighs would be acceptable and is conditioned as such.

As such, the proposed replacement of the outbuilding and retaining wall are considered acceptable in principle provided the proposal complies with relevant planning considerations and development management policies of the Local Plan.

Design and Impact on the AONB

Policy ST04 (Improving the Quality of Development) of the Local Plan states that development will achieve high quality inclusive and sustainable design to support the creation of successful, vibrant places. Design will be based on a clear process that analyses and responds to the characteristics of the site, its wider context and the surrounding area taking full account of the principles of design found in policy DM04.

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

Policy ST09 (Coast and Estuary Strategy) is a consideration as the site is located within the Coast and Estuary Zone and as such, any development in this area will need to ensure that it does not detract from the character, appearance and heritage of the area, while maintaining and enhancing the sustainability of the community.

Policy DM08A (Landscape and Seascape Character) emphasises that great weight will be given to conserving and enhancing the scenic beauty and character of the designated

landscapes and seascapes within the North Devon Coast Area of Outstanding Natural Beauty (AONB).

The original outbuilding was constructed with concrete blockwork and asbestos roof sheets. The appearance of this outbuilding is not considered to be of high value to the setting. The proposed outbuilding would have a similar scale but would have a finish that would be more sympathetic to the setting. It would be finished with timber cladding, a natural material that is considered to be appropriate especially within the context of the AONB.

The retaining wall would support the driveway to the main house behind and would form the rear and side elevation walls of the outbuilding. It would be of blockwork constructed and finished with render and topped with slabs. The shape and finish of the stepped retaining wall would not be considered to be sympathetic to the setting of the AONB, as it would be preferred for natural stone to be used to finish the wall, particularly at the front elevation. As such a condition is included to this effect given the scheme is retrospective.

The appearance of the wider site would be improved through the provision of a lawn area and rows of trees/planting in front of the retaining wall and in front of the lawn. This would enhance the appearance of the site and the setting of the AONB.

At the time of writing, the AONB Service have not raised concern with the development but may wish to provide a comment at a later date.

On balance, considering the improvements that would be made to the appearance of the site overall, the proposal is considered acceptable with regards to the design and its impact on the setting of the AONB. The appearance of the retaining wall would be partially screened with a row of planting a trees in front of it, and there would be an appreciable greening of the site overall.

As such, the development is, subject to condition, considered acceptable in terms scale and design, in accordance with policies ST04, DM04, ST09 and DM08A of the Local Plan.

Amenity Considerations

Policy DM01 (Amenity Considerations) of the Local Plan 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.

It is unlikely that there would be any significant harm to amenity as a result of the development. There would be negligible change to the site in terms of how it is used and the level of potential disturbance. The outbuilding would be shared between the occupants of the apartments at Manleigh and it is unlikely that there would be any noise, pollution or privacy concerns as a result of its replacement.

The proposal therefore would be, subject to condition, considered acceptable and in compliance with policy DM01 of the Local Plan.

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

Policy DM08 (Biodiversity and Geodiversity) of the Local Plan 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.

The proposal generally follows advice provided in Pre-Application ENQ/0226/2023, where concerns were raised over the clearing of vegetation around the site and the associated ecological and visual impacts. The proposal includes plans to plant trees around the parking area, both along the retaining wall and between the parking area and a proposed lawn area. There would be a reduction in hardstanding as a result of the development in favour of lawn and planting. This would not only be beneficial to the appearance of the site, but would contribute towards providing a biodiversity net gain as a result of the development.

At the time of writing, the Council's Sustainability Officer has not provided any comment on this application.

Given the information received, subject to condition, the proposal is considered acceptable with regard to the ecological impact, in compliance with policies ST14 and DM08 along with relevant policies of the NPPF.

Highways and Parking Provision

Policy DM05 (Highways) of the Local Plan 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 Local Plan requires development proposals to provide an appropriate scale and range of parking provision to meet anticipated needs.

There would be a reduction in hardstanding as a result of the development, however there would remain to be a disproportionately large provision for parking on the site considering the number of residents. The site is being used to store other vehicles including caravans and boats. The layout of the parking area provides plenty of space for turning on site and would not impact on the wider highway network.

Considering the betterment the reduction of hardstanding/parking would create in terms of both having a more proportionate provision of parking while improving the appearance and biodiversity of the site, the proposal is, subject to condition, considered acceptable and in accordance with policies DM05 and DM06 of the Local Plan.

Drainage

Policy ST03 (Adapting to Climate Change and Strengthening Resilience) of the Local Plan states development will be supported where it would take account of impacts of climate change and minimise the risk to and vulnerability of people, land, infrastructure and property by (among other things) minimising surface water runoff.

There would be reduction in hardstanding as a result of the development, which would improve the permeability of the site. Surface water runoff would be reduced and slowed as a result of the development, therefore the proposal would be in accordance with policy ST03 of the Local Plan.

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 hereby permitted shall be carried out in accordance with the following approved plans/details:
400/100A Location & Block Plans received on the 17/11/23
400/102 Proposed Plans & Elevations received on the 17/11/23
(the approved plans').

Reason:

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

2. The outbuilding hereby approved shall be used for the storage of equipment necessary for the purposes of managing the land at Manleigh only (outlined in red and blue on the approved plans), or for purposes incidental to the enjoyment of the residents at Manleigh only, and shall not be used for any commercial purposes whatsoever.

Reason:

As its countryside location is only justified on its former use and necessity for the location in accordance with Policy ST07 of the North Devon and Torridge Local Plan and in order that the amenities in the neighbourhood are not detrimentally affected and to prevent a detrimental impact on the amenities of the occupiers of the nearby properties in accordance with policy DM01 of the North Devon and Torridge Local Plan.

3. Notwithstanding the plans hereby approved, within 6 months of the date of this permission, the retaining wall shall be faced with a natural stone, a sample of which shall be submitted to and agreed in writing with the Local Planning Authority prior to its installation.

Reason:

In the interest of the protecting and enhancing the intrinsic character and appearance of the nationally protected Area of Outstanding Natural Beauty in accordance with Policies ST04, ST14, DM04 and DM08A of the North Devon and Torridge Local Plan.

Informatives

1. The outbuilding is of an age where materials containing asbestos may have been used in its construction or subsequent modification. The outbuilding should be surveyed for such materials prior to conversion by a suitably qualified person. Where found, materials containing asbestos should be removed and disposed of in accordance with current legislation and guidance.
2. It is an offence under section 1 of the Wildlife and Countryside Act 1981 (as amended) to intentionally take, damage or destroy the nest of any wild bird while it is in use or being built. It is strongly recommended that any buildings or land where consent for work has been granted are checked for nesting birds prior to any work being undertaken. Where inspection is obscured i.e. Hedgerows, Ivy and in trees of dense foliage it is advised that work is scheduled for outside the nesting season i.e. not undertaken between March and August (inclusive). For further advice please contact the RSPB Southwest Regional Office 01392 432691.
3. 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.
4. **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 The Principle of Development; Design and Impact on the AONB; Amenity Considerations; Impact on Ecology; Highways and Parking Provision; and, Drainage.

END OF REPORT