



Application Report

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

Application No:	77837
Application Type:	Full Application
Application Expiry:	15 January 2024
Extension of Time Expiry:	15 January 2024
Publicity Expiry:	7 December 2023
Parish/Ward:	CHULMLEIGH/CHULMLEIGH
Location:	Higher Leyton Nr Elstone Chulmleigh Devon EX18 7AF
Proposal:	Conversion of sheep barn to dwelling with associated works
Agent:	Mr Kevin Davies
Applicant:	Mr D Smith
Planning Case Officer:	Mr D. Jeffery
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 application site is located around 1.5 miles north of Chulmleigh. There is an existing agricultural building located just inside the access, which measures around 22.75m in length and 6.5 m in width.

The site is not located within a Flood Risk Zone as identified by the Environment Agency nor a Critical Drainage Area.

The site is not located near to any listed buildings / heritage assets. The site is not located within a conservation area or designate landscape. Landscape Character is: 1F Farmed Lowland Moorland and Culm Grassland

Recommendation

Approved

Legal Agreement Required: No

Planning History

Reference Number	Proposal	Decision	Decision Date
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Constraints/Planning Policy

Constraint / Local Plan Policy	Distance (Metres)
Advert Control Area Area of Special Advert Control	Within constraint
Burrington Radar Safeguard Area consultation required for: All buildings, structures, erections & works exceeding 45 metres in height.	Within constraint
Landscape Character is: 1F Farmed Lowland Moorland and Culm Grassland	Within constraint
Unclassified Road	
USRN: 27506612 Road Class:C Ownership: Highway Authority	4.97
Within Adopted Unesco Biosphere Transition (ST14)	Within constraint

DM01 - Amenity Considerations

DM02 - Environmental Protection

DM04 - Design Principles

DM05 - Highways

DM06 - Parking Provision

DM08 - Biodiversity and Geodiversity

DM08A - Landscape and Seascape Character

DM27 - Re-use of Rural Buildings

ST01 - Principles of Sustainable Development

ST04 - Improving the Quality of Development

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

ST14 - Enhancing Environmental Assets

Consultees

Name	Comment
Building Control Manager	No comment received.
Reply Received	
Chulmleigh Parish Council	Chulmleigh Parish Council wishes to recommend approval of this application, with a condition that Swift nest bricks are used in the building works.
Reply Received	
Councillor K Davies	No comment received.
Reply Received	
Environmental Health Manager	I have reviewed this application in relation to Environmental Protection matters and comment as follows: 1 Land Contamination

Name	Comment
<p>Reply Received 16 November 2023</p>	<p>I do not expect land contamination issues to arise in relation to the proposals. However, given the sensitivity of residential developments, I recommend the following condition be included on any permission to cover the possibility that unexpected contamination is discovered during development work:</p> <p>- Contaminated Land (Unexpected Contamination) Condition Should any suspected contamination of ground or groundwater be discovered during development of the site, the Local Planning Authority shall be contacted immediately. Site activities within that sub-phase or part thereof shall be temporarily suspended until such time as a procedure for addressing the contamination is agreed upon with the Local Planning Authority or other regulating bodies.</p> <p>Reason: To ensure that any contamination existing and exposed during the development is assessed and remediated as necessary.</p> <p>2 Advisory Note: Private Water Supplies If the intention is to provide a private potable water supply to the dwelling it will need to comply with the Private Water Supplies Regulations. The applicant should contact North Devon Council's Environmental Protection team if they are in any doubt as to ensuring a safe drinking water supply or compliance with regulatory requirements.</p> <p>3 Advisory Note: Foul Drainage The proposed installation of a private system for treatment and disposal of foul drainage will need to comply with Building Regulations and the Environment Agency's General Binding Rules for small sewage disposal systems (or Permitting requirements where applicable).</p>
<p>Sustainability Officer</p> <p>Reply Received 3 November 2023</p>	<p>The submitted Ecology Report concludes that the existing structure is of negligible value for protected species and no further survey effort is considered necessary. The recommended building integrated bat/bird/bee boxes are appropriately illustrated on submitted Elevations.</p> <p>The indicative Landscape Plan is insufficiently detailed and does not clearly demonstrate an appropriate delivery of boundary treatments to the east and south boundaries. An Landscape Plan with detailed planting specifications should be secured clearly illustrating landscaped boundaries in accordance with https://devonhedges.org/wp-content/uploads/2015/11/8_Hedge-Creation-1.pdf</p> <p>Update: Revised drawing now submitted detailing enclosure of the site using a Devon Hedge bank. Ecologist has confirmed this is acceptable. 6/12/2023.</p>

Neighbours / Interested Parties

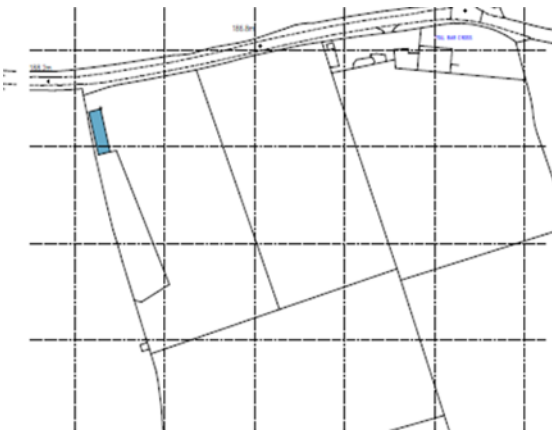
Comments	No Objection	Object	Petition	No. Signatures
0.00	0.00	0.00	0.00	0.00

No representations received

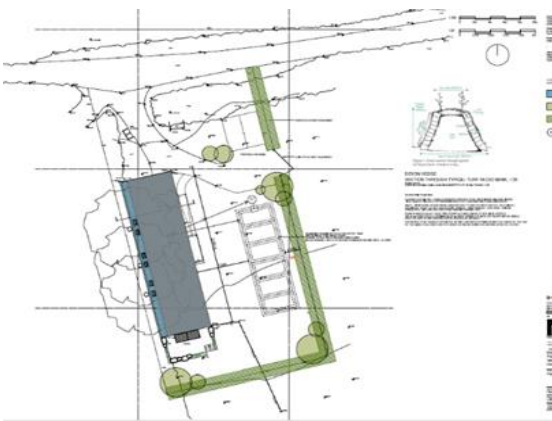
Considerations

Proposal Description

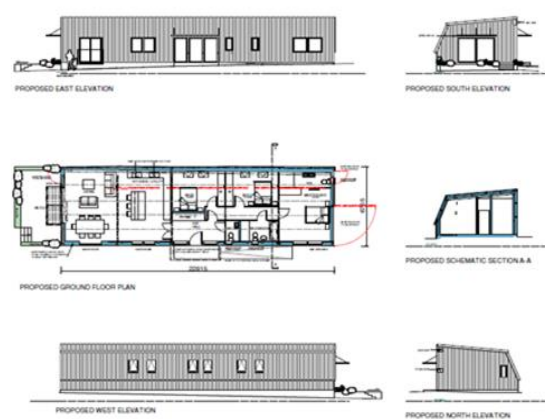
The application proposes the conversion of an existing single storey barn to a three bed dwelling with associated works.



Site Location



Existing



Proposed Site Plan

Proposed

Planning Considerations Summary

- Principle of the development and design
- 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.

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

Principle of Development and Design

The site lies outside of any identified, sustainable settlement and given its open and rural nature, is deemed to fall within the open countryside. In such locations, Policy ST07 would usually prohibit new dwellings. However, as the application relates to the conversion of an existing building, the starting point for this application is that of LP Policy DM27, which states:

“Policy DM27: Re-use of Disused and Redundant Rural Buildings:

The conversion of redundant and disused rural buildings will be supported where:

- a) such conversion would not harm any intrinsic qualities and historic interest of the building;*
- b) the proposal will have a positive impact on the immediate setting of the building and the wider rural character is protected;*
- c) development can be achieved without significant external alteration, extension or substantive rebuilding;*
- d) suitable highway access can be provided and the surrounding highway network can support the proposed use(s); and*
- e) any nature conservation interest within the building or wider site is retained”.*

In response to DM27:

- a) The existing structure is not considered to be of any historical merit, nor does it affect the setting of any historic structures/Listed buildings.
- b) The proposed conversion is considered to be sympathetic to the rural character of the building with minimal domestic features such as porches and chimneys. No excessive new openings are proposed and the applicant has provided a revised site plan showing that the site will be delineated using Devon Hedgebanks. These hedgebanks will help to soften the appearance of the building and assist it in assimilating into its rural setting.
- c) A structural note by Simon Bastone Associates dated 12 October 2023 has been submitted to accompany the application. This along with observations on site conclude that the building is of solid construction and suitable for conversion.

The conversion can be achieved without extension and will provide accommodation of an adequate size and standard for future occupants. The plans detail a three bedroom, six

person single storey dwelling of around 150 m², which exceeds the relevant space standards.

d) The site is served by an existing access taken off of the adjacent highway. The access is of a suitable standard to allow for the dwelling and adequate space is proposed within the site to allow for parking and turning.

e) Any issues relating to ecology are covered in more detail below. However, the Council's ecologist has been consulted and has confirmed that subject to the provision of Devon hedge banks to delineate the site, there are no objections to the proposals on ecological grounds. Appropriately amended plans have been received in this respect.

The proposed conversion of the building is therefore considered to be in compliance with NDTLP Policy DM27 and is therefore acceptable in principle subject to more detailed consideration against other relevant provisions of the Development Plan.

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 DM08A states that development should be of an appropriate scale, mass and design that recognises and respects landscape character of both designated and undesignated landscapes

The conversion would result in a dwelling of a utilitarian agricultural character and will not increase built form on the site. It will however result in a change in character for the site due to the introduction of a residential use and the associated increase in glazing and domestic paraphernalia. However, with the introduction of Devon hedge banks, which will help to screen the site to the south and east and existing trees to the west, visual impacts associated with the conversion are likely to be minimal and will respect landscape character.

Proposed materials include corrugated sheet metal for the roof and walls as per existing and the additional of slate blue/grey aluminium windows and doors. Officers have no concerns with the proposed material palette, which is defined by the existing building.

A condition is proposed to remove permitted development rights to ensure longer term compliance with the criteria set out in Policy DM27, avoid the spread of uncontrolled development in this countryside location and also to limit any likely impacts on protected species through additional light spill and activity.

The proposal is considered to comply with policies ST04, DM04, DM08A and DM27 of the NDTLP.

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 has no immediate neighbours and as such, gives rise to no significant concerns regarding impacts on neighbour amenity. The proposals will provide an adequate standard

of amenity for the intended occupiers of the dwelling. The proposals exceed requirements of the Nationally Described Space Standards.

The proposals 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 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.

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.

The Council's ecologist has been consulted and has commented as follows:

"The submitted Ecology Report concludes that the existing structure is of negligible value for protected species and no further survey effort is considered necessary. The recommended building integrated bat/bird/bee boxes are appropriately illustrated on submitted Elevations. The indicative Landscape Plan is insufficiently detailed and does not clearly demonstrate an appropriate delivery of boundary treatments to the east and south boundaries. A Landscape Plan with detailed planting specifications should be secured clearly illustrating landscaped boundaries"

Amended plans have been received accordingly detailing the necessary boundary treatments to address the above comments. These details have been confirmed as acceptable by the Council's ecologist.

Subject to conditions requiring the delivery of the above mitigation, the proposals are considered to be in accordance with NDTLP Policy DM08.

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.

Surface water is proposed to be managed through use of a soakaway.

The application proposes that a Package Treatment Plant and soak away will be provided within the site to manage surface and foul water drainage. This is suitably sited away from the proposed dwelling and provides for adequate means of servicing / access.

The proposal complies with NDTLP Policy DM02.

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 works will utilise an existing agricultural access serving the application site and no concerns are raised in respect of its use to serve a residential dwelling. The works will not likely generate a significant increase in the amount of vehicular trips to and from the site. Suitable off-street car parking provision is indicated within the site. The proposal is considered to comply with NDTLP Policies 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

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:

2829-RDJWL-XX-XX-DR-A-0015C1 Location Plan received on the 19/10/23

2829-RDJWL-XX-XX-DR-A-0016C2 Existing & Proposed Block Plans received on the 03/11/23

2829-RDJWL-XX-XX-DR-A-0020C4 Proposed Site Layout received on the 05/12/23

2829-RDJWL-XX-XX-DR-A-0025C1 Proposed Floor Plans, Elevations & Section received on the 19/10/23 ('the approved plans').

Reason:

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

3. Prior to the building/extension hereby approved being brought into first use, bat and bird boxes shall be installed as detailed on the approved plans (Ref: 2829-RDJWL-01-ZZ-DR-A-0025) and shall be maintained and retained thereafter.

Reason:

To mitigate impacts on protected species and 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.

4. The development shall be carried out in accordance with the recommendations as detailed in the ecological (Bat and Bird) assessment prepared by Orbis Ecology dated 18 October 2023.

Reason:

To safeguard protected species and their habitats and to achieve biodiversity net gains in accordance with Policies ST14 and DM08 of the North Devon and Torridge Local Plan, natural environment objectives of the National Planning Policy Framework at Chapter 15, and to meet the statutory duties of 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).

5. All planting, seeding or turfing comprised in the approved details of landscaping (Drawing 2829-RDJWL-ZZ-ZZ-DR-A-0020 Rev C4) shall be carried out in the first planting and seeding seasons following the occupation or the substantial completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variations.

Reason:

To assimilate the development into the landscape and to safeguard the appearance and character of the area in accordance with Policies ST04, ST14, DM04 and DM08A of the North Devon and Torridge Local Plan.

6. The development hereby approved shall be constructed in accordance with the following schedule of external finishing materials:

Walls: Corrugated steel to match existing

Roof: Corrugated steel to match existing

Windows: Aluminium framed grey

Reason:

In the interests of the appearance of the development and locality in accordance with Policy DM04 and DM27 of the North Devon and Torridge Local Plan.

7. Should any unexpected contamination of soil or groundwater be discovered during development of the site, the Local Planning Authority should be contacted immediately. Site activities within that sub-phase or part thereof, should be temporarily suspended until such time as a procedure for addressing any such unexpected contamination, within that sub-phase or part thereof, is agreed upon with the Local Planning Authority or other regulating bodies.

Reason:

In the interest of human health in accordance with Policy DM02 of the North Devon and Torridge Local Plan.

8. Prior to first occupation of the dwelling, the parking spaces as detailed on approved drawings (ref 2829-RDJWL-ZZ-ZZ-DR-A-0020 C4) shall be constructed in full and be available for their intended use and retained in perpetuity thereafter.

Reason:

To ensure that the site is provided with facilities to accommodate traffic attracted to the site in the interest of highway safety in accordance with Policies DM05 and DM06 of the North Devon and Torridge Local Plan.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order revoking and re-enacting that Order) express planning permission shall be obtained for any development within class(es) A, AA, B, C, D and E of Part 1 of Schedule Two of the Order.

Reason:

To allow the Local Planning Authority to consider the impact of future development on ecology, landscape character, the appearance and character of the development in the area / highway safety in accordance with the requirements of Policies DM08/DM04/DM05/DM27 of the North Devon and Torridge Local Plan

Informatives

1. For the purpose of interpreting the restrictions expressed in condition 8 of this consent, permitted development rights have been removed in respect of the following classes:

Part 1:

Class A The enlargement, improvement or other alteration of a dwelling-house

Class AA Enlargement of a dwellinghouse by construction of additional storeys

Class B The enlargement of a dwelling-house consisting of an addition or alteration to its roof

Class C Any other alteration to the roof of a dwelling-house

Class D The erection or construction of a porch outside any external door of a dwelling-house

Class E E The provision within the curtilage of a dwelling-house of -

- a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwelling house as such, or the maintenance, improvement or other alteration of such a building or enclosure; or
- b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas

Further detailed information can be obtained from the Local Planning Authority, including a guide to householder development, and the Planning Portal at www.planningportal.gov.uk

2. If the intention is to provide a private potable water supply to the dwelling it will need to comply with the Private Water Supplies Regulations. The applicant should contact North Devon Council's Environmental Protection team if they are in any doubt as to ensuring a safe drinking water supply or compliance with regulatory requirements.
3. The proposed installation of a private system for treatment and disposal of foul drainage will need to comply with Building Regulations and the Environment Agency's General Binding Rules for small sewage disposal systems (or Permitting requirements where applicable).
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 design revision to improve landscaping.

END OF REPORT