

Application Report

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



Application No:	78424
Application Type:	Non-Material Amendment
Application Expiry:	3 May 2024
Extension of Time Expiry:	3 May 2024
Publicity Expiry:	
Parish/Ward:	BURRINGTON/CHULMLEIGH
Location:	Bedport Poultry Farm - Plot 1 Burrington Umberleigh Devon EX37 9LE
Proposal:	Application for a non-material amendment to planning permission 75220 (demolition of an existing agricultural building and erection of 4 no. two storey houses with amenity space, car parking and landscaping) to allow raising of the roof by 300mm, amendments to porch, fenestration, external materials and re-positioning of solar panels and to Plot 1
Agent:	Mr Kevin Davies
Applicant:	Mr and Mrs Georg van den Berg
Planning Case Officer:	Miss S. May
Departure:	
EIA Development:	
EIA Conclusion:	Development is outside the scope of the Regulations
Decision Level/Reason for Report to Committee (If Applicable):	Committee – Agent is District Councillor

Site Description

The application site lies within the countryside and originally consisted of an agricultural building comprising redundant poultry housing and what was associated sorting, packing and storage area associated with the poultry enterprise. The pitched roof of the former agricultural building was substantial. It comprised of a timber framed structure with intermediate posts internally and a taller steel portal framed addition, separated by a block wall. The building was enclosed on all sides, with full height walls comprising full height steel cladding and a lower section of blockwork with timber cladding above, a concrete floor, and profiled steel sheet roofing.

The land rises from east to west and is at a higher level. The site is situated at the end of a private road which links to the public highway. The adjoining highway is un-named and is approx. 1.5 miles to the B3271 to the northwest of the site. The village of Burrington is approximately 2 miles to the southeast of the site. A second redundant poultry building is located adjacent to the approach road to the south of the existing buildings. This does not form part of this application. Three other houses are served by the same access and are located to the south-east as well as the applicant's own residence to the north-west. The

track in front of the building extends to the south west, passing a turning head and a second redundant chicken shed, before joining a hard surfaced access drive.



Gable end of original building facing northwards



Eastern elevation of original building



Eastern elevation of original taller steel portal framed addition



Original buildings when viewed from the west



Excavated bank to rear of original Buildings



Existing track towards buildings



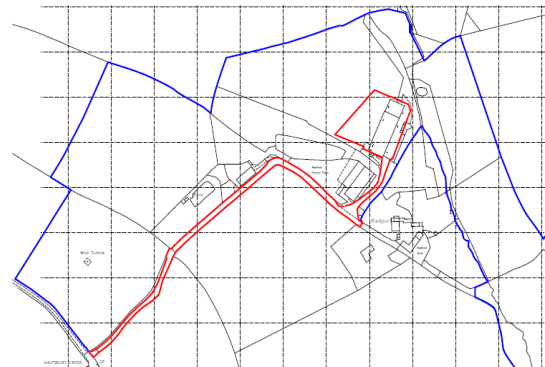
Buildings to south of site



Buildings have now been demolished



Aerial imagery showing former redundant poultry buildings to north



Location Plan

Recommendation

Approved

Legal Agreement Required: No

Planning History

Reference Number	Proposal	Decision	Decision Date
19756	AGRICULTURAL BUILDING NOTIFICATION IN RESPECT OF PROPOSED ERECTION OF LAYING SHED FOR FREE RANGE POULTRY. at LAND PT OS 5658, BEDPORT FARM, BURRINGTON, UMBERLEIGH, EX37 9LE	Prior Approval Required	20 December 1994
22646	PROPOSED ERECTION OF POULTRY LAYING SHED at BEDPORT FARM, , BURRINGTON, UMBERLEIGH, EX379LE	FULL PLANNING APPROVAL	18 October 1996

Reference Number	Proposal	Decision	Decision Date
45890	EXTENSION TO POULTRY SHED at BEDPORT POULTRY FARM, , BURRINGTON, UMBERLEIGH, EX379LE	FULL PLANNING APPROVAL	22 February 2008
53311	ERECTION OF POULTRY SHED WITH SOLAR PANELS ON ROOF TOGETHER WITH ERECTION OF FEED BIN AND EGG PACKING ROOM at BEDPORT POULTRY FARM, , BURRINGTON, UMBERLEIGH, DEVON, EX37 9LE	Withdrawn Invalid	6 March 2012
58095	PRIOR APPROVAL OF PROPOSED CHANGE OF USE OF AGRICULTURAL BUILDING TO 2 DWELLINGHOUSES at POULTRY HOUSE 2, BEDPORT FARM, , BURRINGTON, UMBERLEIGH, DEVON, EX37 9LE	WITHDRAWN	27 October 2014
65295	PRIOR APPROVAL FOR CHANGE OF USE OF AGRICULTURAL BUILDING TO 5 DWELLINGHOUSES (2 LARGER DWELLINGS & 3 SMALLER DWELLINGS) (CLASS Q (A&B)) at BUILDING AT BEDPORT FARM, BURRINGTON, UMBERLEIGH, DEVON, EX37 9LE	PRIOR APPROVAL REFUSED	21 December 2018
70804	Prior Approval for Change Of Use Of Agricultural Building To 5 Dwellinghouses (2 Larger Dwellings & 3 Smaller Dwellings) (Class Q (A&B)) at Bedport Barn, Burrington, ,Umberleigh Devon, EX37 9LE	Withdrawn	9 January 2020
71463	Prior approval for change of use of agricultural building to three smaller and two larger dwellinghouses at Bedport Farm, Burrington, Umberleigh Devon, EX37 9LE	Approved	12 June 2020
71852	Approval of details in respect of discharge of condition 2 (phase one (desktop) survey ground contamination) attached to planning permission 71463 (prior approval for change of use of agricultural building to three smaller and two larger dwellinghouses) at Bedport Farm Burrington, Umberleigh, Devon EX37 9LE	Approved	16 October 2020
73965	Change of use of from agricultural land to extension to domestic curtilages at Bedport Poultry Farm Burrington, Umberleigh Devon , EX37 9LE	Approved	28 February 2022
75220	Demolition of an existing agricultural building and erection of 4 no. two storey	Approved	14 April 2023

Reference Number	Proposal	Decision	Decision Date
	houses with amenity space, car parking and landscaping at Bedport Poultry Farm Burrington, Umberleigh Devon, EX37 9LE		
77858	Variation of condition 2 (approved plans) attached to planning permission 75220 (demolition of an existing agricultural building and erection of 4 no. two storey houses with amenity space, car parking and landscaping) in respect of raising the roof height and design amendments at Bedport Farmhouse Burrington, Umberleigh Devon, EX37 9LE	Withdrawn	4 December 2023
78065	Application for a non-material amendment to planning permission 75220 (demolition of an existing agricultural building and erection of 4 no. two storey houses with amenity space, car parking and landscaping) to allow raising of the roof by 300mm and amendments to glazing, materials, porch and configuration of solar panels to Plot 4 at Bedport Farm - Plot 4 Burrington, Umberleigh Devon, EX37 9LE	Approved	12 February 2024

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 15 metres in height.	Within constraint
Landscape Character is: 3A Upper farmed and wooded valley slopes	Within constraint
Public Right of Way:Footpath 212FP13	Within constraint
Unclassified Road	
USRN: 27503370 Road Class:R Ownership: Highway Authority	5.79
USRN: 27505557 Road Class:YFP Ownership: Highway Authority	Within constraint
USRN: 27506544 Road Class:R Ownership: Highway Authority	12.68
USRN: 27506746 Road Class:R Ownership: Highway Authority	5.62
Within Adopted Unesco Biosphere Transition (ST14)	Within constraint
Within Surface Water 1 in 1000	Within constraint
Within:, SSSI 5KM Buffer in North Devon,consider need for AQIA if proposal is for anaerobic digester without combustion plant	Within constraint

Constraint / Local Plan Policy	Distance (Metres)
SSSI Impact Risk Consultation Area	Within constraint
SSSI Impact Risk Consultation Area	Within constraint

Consultees

Name	Comment
Reply Received	

Neighbours / Interested Parties

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

Considerations

Proposal Description

This application seeks a non-material amendment to planning permission 75220.

The NAM application relates to:

- Raising the roof by 300mm
- Amendments to glazing
- Porch removed and replaced with continuation of front wall as per approval on plot 4 under reference 78065
- Change in materials –
 - Natural stone in addition to render for ground floor walls
 - Bridge to access garden – ballustrades vertical metal railings (previously approved as structural glass)
- Re-positioning of solar panels and mounted on timber framing system
- Revised internal layout

Planning Considerations

This application for a 'non-material amendment' removes the need for an entirely new planning application to be submitted as only very small changes are sought. This application would form an amendment to the original planning permission and would be subject to the conditions and time limit of the original permission. It does not form a new planning permission.

The sole consideration in respect of the application is whether the proposed amendments to the extant full planning approval are considered to be non-material.

Section 96A(1) of the Town and Country Planning Act 1990 provides that: A local planning authority may make a change to any planning permission, or any permission in principle (granted following an application to the authority), relating to land in their area if they are satisfied that the change is not material.

Section 96A(3) clarifies that: The power conferred by subsection (1) includes power to make a change to a planning permission-

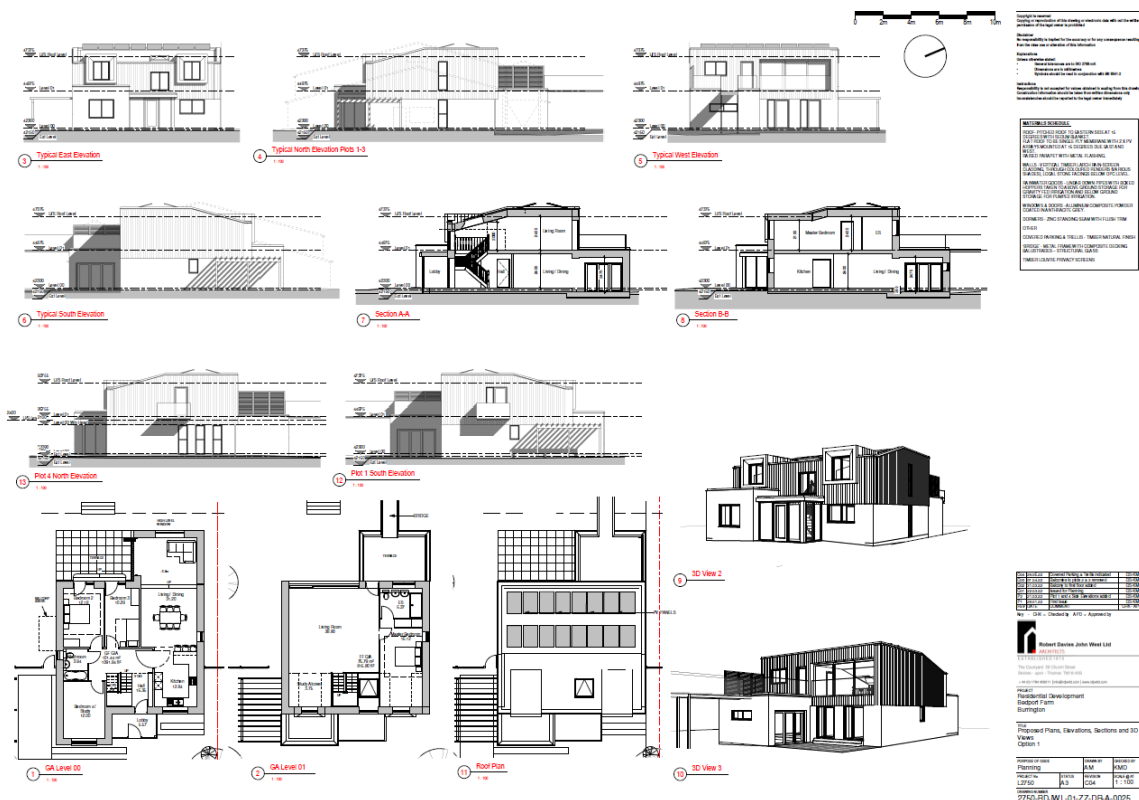
- (a) to impose new conditions;
- (b) to remove or alter existing conditions.

The government’s Planning Practice Guidance (PPG) establishes that: ‘There is no statutory definition of ‘non-material’. This is because it will be dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another. The local planning authority must be satisfied that the amendment sought is non-material in order to grant an application under section 96A of the Town and Country Planning Act 1990.’

There is no statutory definition of ‘non material’ as it dependant on the context of the overall scheme. Whether or not a change can be considered as a ‘non-material amendment’ is defined according to established legal concepts of materiality and is normally only a very small change to the development (what is referred to as ‘de-minimus’).

History relating to site

Application – 75220 - Demolition of an existing agricultural building and erection of 4 no. two storey houses with amenity space, car parking and landscaping) at Bedport Poultry Farm, Burrington - Approved 14 April 2023 and was subject to a S106.

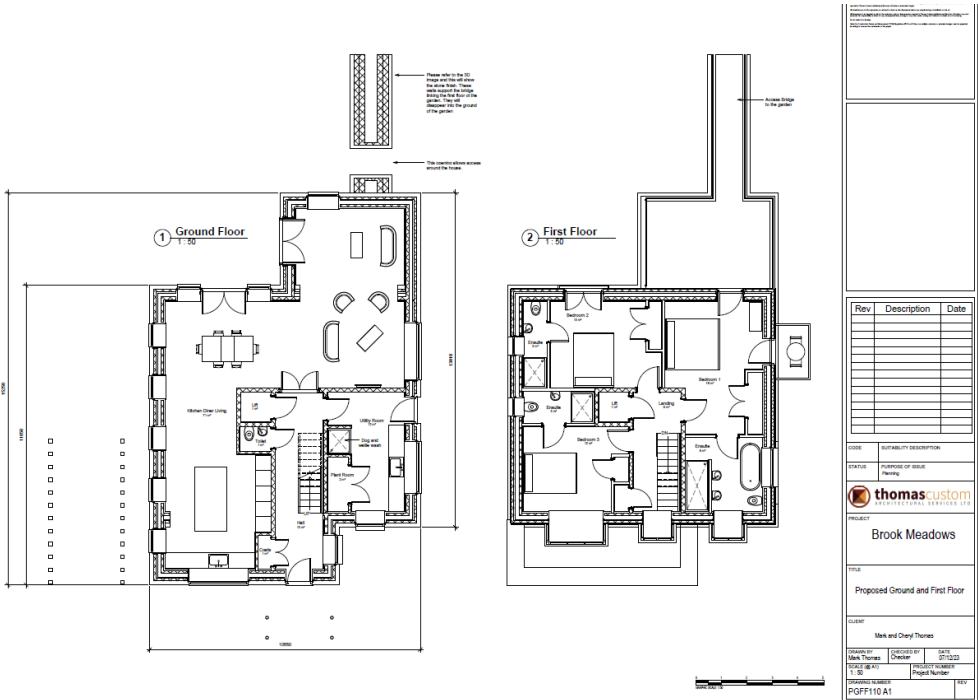


Plans as originally approved

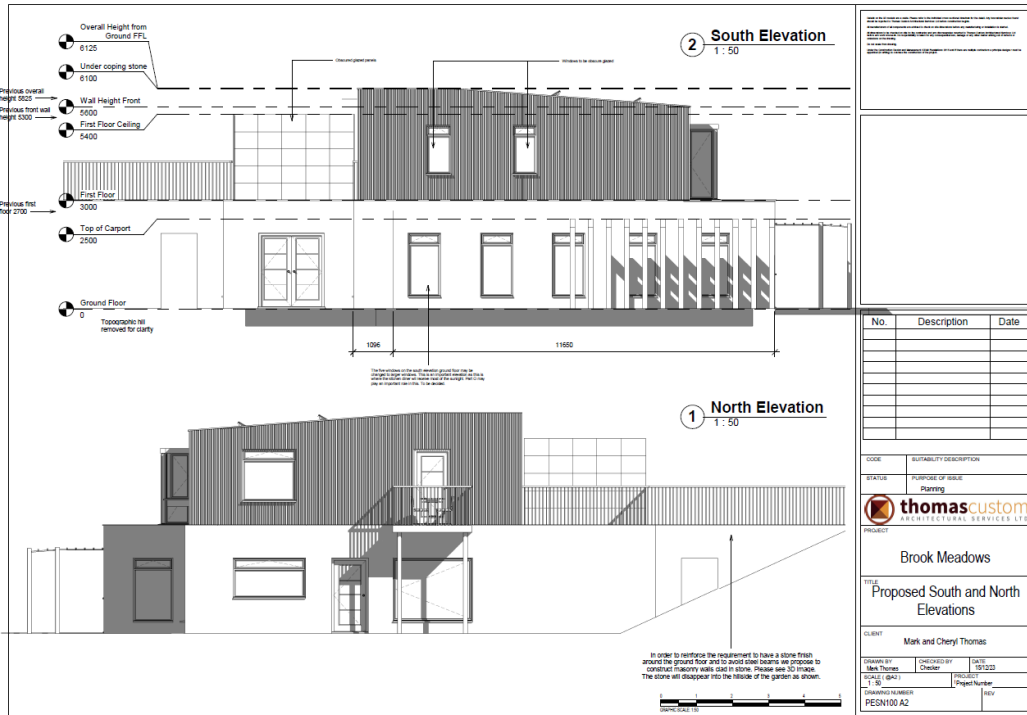


Combined elevations and typical cross section as originally approved

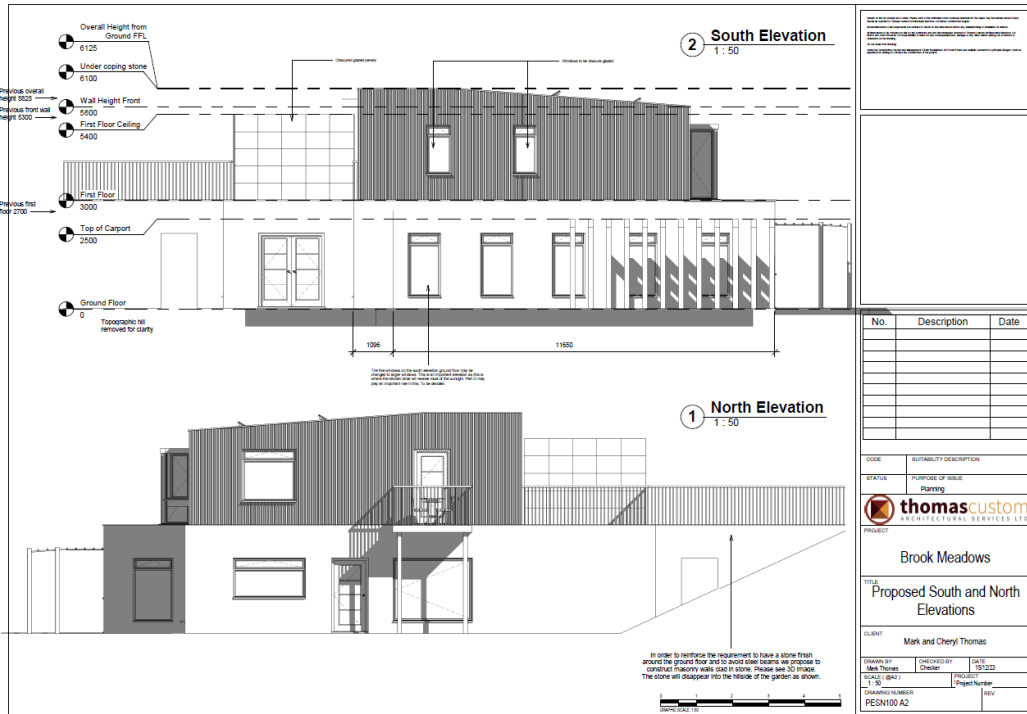
78065 - Application for a non-material amendment to planning permission 75220 (demolition of an existing agricultural building and erection of 4 no. two storey houses with amenity space, car parking and landscaping) to allow raising of the roof by 300mm and amendments to glazing, materials, porch and configuration of solar panels to Plot 4 – Bedport Farm – Plot 4 – Approved 12 February 2024



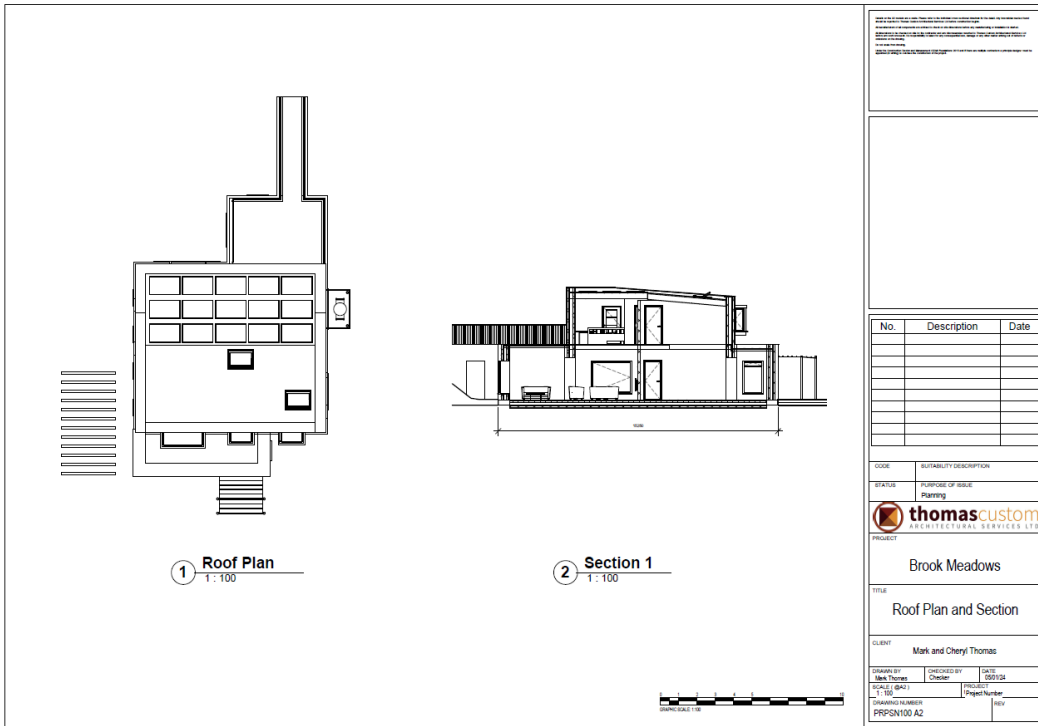
Ground and first floor plan as approved



North and south elevations as approved



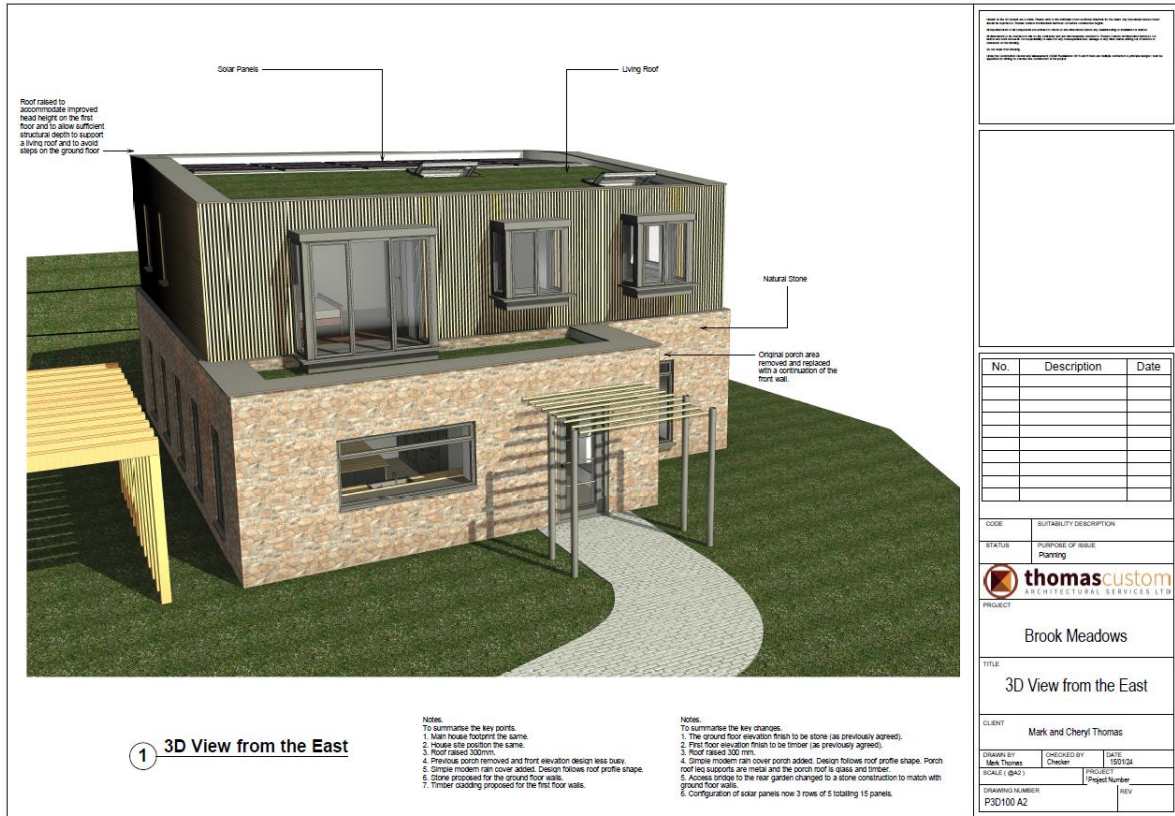
East and west elevations as approved



Roof plan and section as approved



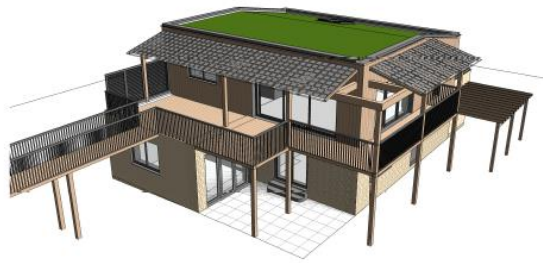
3D view from south west



3D view from the east

Design

Amended plans have been submitted during the determination of the application as the original plans as submitted did not show the covered parking/trellis as originally approved.



1 3D View 1 - Rear



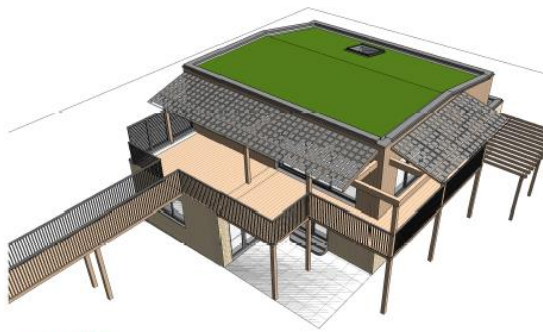
4 3D View 4 - Rear



2 3D View 2 - Rear



5 3D View 5 - Front



3 3D View 3 - Rear



6 3D View 6 - Front

Amended proposed 3D views

The roof design would still appear as proposed, albeit raised by 300mm. Whilst there would be a change in materials these would be natural and considered acceptable within the locality. The solar panels as approved sought for 2 rows of 8; no concerns are raised in respect of the new configuration to provide a total of 14 panels. It is considered the amendments would not alter the original assessment under Policy DM04 of the North Devon and Torrington Local Plan (NDTLP).

Amenity

There would be no impact upon neighbouring amenity due to the orientation and siting. Whilst there would be some changes to the openings including:

- North elevation - removal of opening at first floor level, reduction in size of ground floor window and addition of additional ground floor window
- East elevation – alignment of middle window at first floor level
- South elevation - larger openings introduced at first floor, introduction of further openings at ground and first floor
- West elevation – removal of one opening at first floor level and enlargement of ground and first floor

No issues are raised in respect of the above changes.

In addition the privacy screening on the north facing elevation would increase slightly in height. No unacceptable consequential amenity impacts are therefore identified. As such it would not alter the original assessment under policies DM01 and DM04 of the NDTLP.

Conclusion

The proposals are for very small changes to the development already granted planning permission. The proposed amendments do not alter the development significantly from what was approved on the original planning permission and does not conflict with any of the conditions attached to the extant permission or the Section 106 agreement associated with the permission. No adopted planning policy is breached.

It is the Local Planning Authority's view that the proposal represents a non-material amendment to the extant permission. Accordingly it is recommended that the application be approved

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

Informatives

1. Having now considered the submitted details 2750-RDJWL-02-ZZ-DR-A-0024C02 Proposed Floor Plans, Roof Plan, Elevations & Sections - Plot 1 received on the 04/04/24 the Local Planning Authority have determined that these are acceptable as a non-material amendment to application 75220.

The works are now required to be carried out in accordance with these details.

You are reminded that this decision has to be read in conjunction with application 75220 and the conditions and informatives relating to this previous consent remain applicable.

2. If this development involved any building or engineering works it is the applicant's responsibility to ensure that any other necessary consent under the Building Regulations are also obtained, before work commences.