

Application Report

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

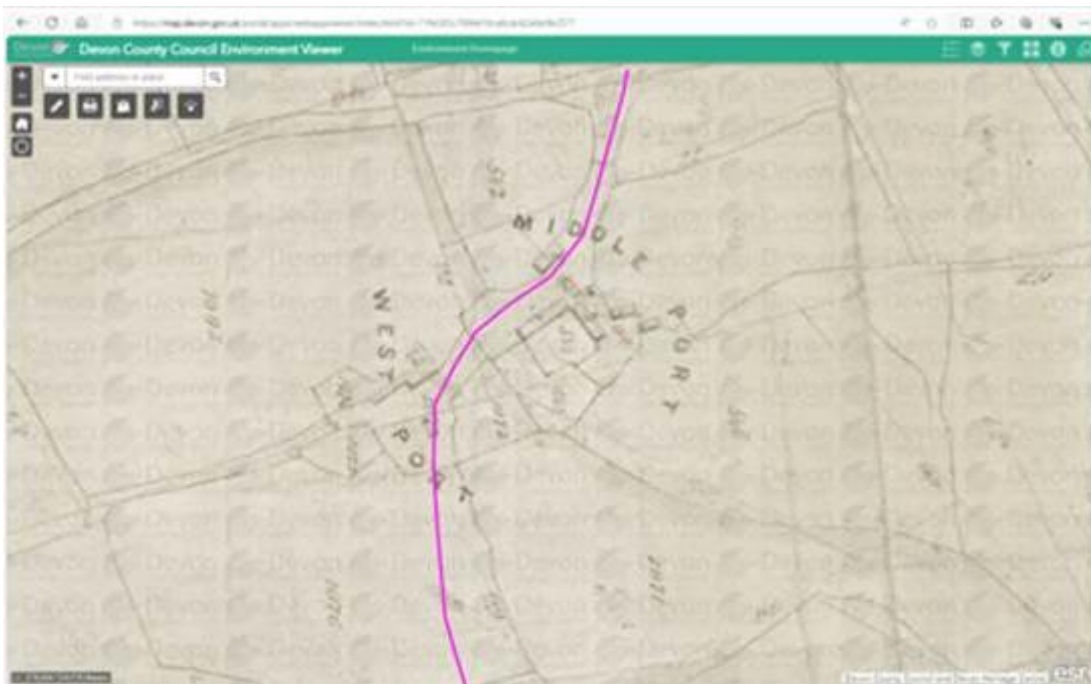


Application No:	79047
Application Type:	Prior Approval Class Q
Application Expiry:	9 October 2024
Extension of Time Expiry:	
Publicity Expiry:	7 October 2024
Parish/Ward:	BISHOPS NYMPTON/BISHOPS NYMPTON
Location:	The Roundhouse Port Cross South Molton Devon EX36 4DX
Proposal:	Prior approval for change of use of agricultural building to dwelling house (Class Q(a&b))
Agent:	Mr Mike Kelly
Applicant:	Mr M Bushell
Planning Case Officer:	Miss S. May
Departure:	N
EIA Development:	
EIA Conclusion:	Development is outside the scope of the Regulations.
Decision Level/Reason for Report to Committee (If Applicable):	Committee – Applicant is a District Councillor

Site Description

The application site is situated within the countryside to the northeast of the village of Bishops Nympton. The building is situated on the edge of an agricultural field, with the southern elevation opening onto a small lane which forms the access to this and several other properties, including a working farm and several residential dwellings. Agricultural fields surround the site and the A361 link road is within close proximity, around 800 metres to the west.

The building has evolved over a number of years as can be seen from the Tithe Map and First Edition mapping from 1880. Whilst this is not a listed building, they represent historic vernacular structures and are therefore considered Non-Designated Heritage Assets under the National Planning Policy Framework.



A - Tithe Map – Bishops Nympton map date 1840



B - First edition OS1880

The threshing barn is built of cob and the main structure appears on the 1842 Tithe Map as can be seen above. The round-house (horse engine house) and the cart house (north-east element) then appear on the 1880 OS map, so were later additions. The round-house will have been built as an extension to serve the threshing barn and there will have been a connection between the two for the gearing mechanism. The round-house has stone masonry with the roof clad in profiled steel sheets and the floor is compacted earth.



C - Threshing barn built of cob



D - Later addition to threshing barn built with stone and cob



E - Northwest elevation



F - Roundhouse attached to original structure



G - Threshing barn – gable end covered in ivy



H - Application site seen in context of other buildings at Middle Port



I - Aerial imagery



J - Location Plan

Recommendation

APPROVE

Legal Agreement Required: No

Planning History

No relevant history

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 90 metres in height.	Within constraint
Class III Road	
Landscape Character is: 3A Upper farmed and wooded valley slopes	Within constraint
Public Right of Way: Footpath 206FP8	Within constraint
USRN: 27503119 Road Class:C Ownership: Highway Authority	3.74
USRN: 27505409 Road Class:YFP Ownership: Highway Authority	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
Within:Culm Grasslands, SAC 10KM Buffer if agricultural development consider need for AQIA	Within constraint
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

Consultees

Name	Comment
Bishops Nympton Parish Council Reply Received 26 September 2024	Bishops Nympton Parish Council generally supports planning application 79047 and would like the following concerns/points to be considered by the District Planning Officer:- 1. The main concern is maintaining 24/7 access for users of the access road during and after construction of the Roundhouse. The road running alongside the property is a shared access road leading to dwellings and to a busy farm, all of whom have a right of access. It should be noted that the lane is currently single vehicle width and narrows when passing the barn proposed for conversion, there is also very little curtilage for the delivery of building materials during construction. Points to be considered:- a. The ability to ensure 24/7 access along the road to existing dwellings and the farm, including provision for wide agricultural vehicle access, during and on completion of the construction phase. b. Ensure delivery vehicles and deliveries of materials do not block any right of access. c. Provision by the applicant to provide adequate storage of building materials during construction that will not impede the access road. 2. There is a public footpath which may be impacted during construction and again the Parish Council would like to see mitigation for this to maintain access during construction. 3. The proposed first floor elevation includes several Velux windows, raising concern that the adjacent properties at Middle Port may have their privacy impacted. To alleviate that, the Parish Council suggests that the Velux windows could be restricted to just the north easterly side of the property. 4. The Parish Council believe that it would be appropriate for an autumn bat survey to be carried out as the two previous ones were carried out within a month of each other, eg May and June 2024. This would provide a more accurate picture of the level of the bat population prior to any proposed construction work.
Councillor R Milton Reply Received	No response received at time of writing report.
DCC - Development Management Highways Reply Received	Standing advice applies.

Name	Comment
<p>Environmental Health Manager</p> <p>Reply Received</p>	<p>Thank you for your consultation in respect to an application for prior approval for change of use of an agricultural building to a dwelling house at The Roundhouse, Port Cross, South Molton.</p> <p>I note from your letter inviting comments that responses (for Prior Approval Class Q applications), relevant to this office, are to be restricted to noise impacts from the development and to contamination risks on the site. If my understanding is incorrect please let me know.</p> <p>On reviewing our records there is no information to suggest the presence of land contamination on this site. I recommend the following condition be included on any permission however, to address the possibility of unexpected contamination being encountered during development works: -</p> <p><u><i>Contaminated Land (Unexpected Contamination) Condition</i></u> Should any 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>I do not consider there are any significant noise impacts likely from this development to others, and there does not appear to be any existing notable noise sources within the area likely to cause complaint to prospective occupiers.</p>
<p>Heritage & Conservation Officer</p> <p>Reply Received 19 September 2024</p>	<p>Thank you for consulting me on this Class Q application. The barn in question is built of cob and the main structure does appear on the 1842 Tithe Map. The round-house (horse-engine house) and the north-east element then appear on the 1880 OS map, so were later additions. The round-house will have been built as an extension to serve the threshing barn and there will have been a connection between the two for the gearing mechanism. I am not clear what the purpose of the south-eastern extension originally was. As they stand, the buildings have significance as historic vernacular structures and are considered Non-Designated Heritage Assets under the NPPF.</p> <p>In this light, in terms of the proposed plans, I would not necessarily have an issue with the conversion, but would suggest, in line with best practice, that the minimum of alterations to the external envelope are carried out, in order to maintain the character. This would mean reducing the number of new openings in the walls, and making use of apertures where they exist. It does seem to me</p>

Name	Comment
	<p>that if roof-lights and fully glazed doors are provided for the kitchen in the round-house, for example, then the additional windows could be omitted. The balcony and roof-light/window detail on the north is also not entirely in character.</p> <p>As the walls are cob, the repairs should be carried out using cob (mass or block) and any pointing or rendering carried out using lime mortar as cement will cause long term damage.</p>
<p>Heritage & Conservation Officer</p> <p>Reply Received 20 September 2024</p>	<p>It's an either or in my view. If the windows are put in this means removing the cob, which is historic fabric so not good. If the roof panel is put in this doesn't affect historic fabric, but does look a little incongruous. They will need some extra light in there so will need one of the two, but stable doors in the existing openings are also a good idea. The removal of the balcony and rooflight/window detail on the north elevation is welcomed.</p>
<p>Historic Environment Service</p> <p>Reply Received 19 September 2024</p>	<p>The proposed development involves the conversion of a historic agricultural building. A single building is shown on the mid-19th century Tithe Map which has been extended northward by the construction of another building in the later part of the century, while a circular horse engine was added to the south-west elevation of the older agricultural building at the same time. These buildings represent part of the county's diminishing stock of historic agricultural buildings that are not suited to modern farming practices, but the supporting information contains no consideration of these buildings as heritage assets.</p> <p>As such, the Historic Environment Team do not consider that the information submitted in support of this application is sufficient to enable an understanding of the significance of these historic agricultural buildings as heritage assets or of the impact of the proposed development upon these heritage assets.</p> <p>Given the absence of sufficient heritage information, the Historic Environment Team objects to this application. If further information on the impact of the development upon the significance of the heritage assets affected by the proposed conversion works is not submitted in support of this application then I would recommend the refusal of the application. This would be in accordance with Policy DM07 in the North Devon and Torridge Local Plan (2018) and paragraphs 200 and 201 of the National Planning Policy Framework (2023).</p> <p>The additional information required to be provided by the applicant would be the results of a historic building appraisal which will enable the significance of any heritage assets affected by the proposed development area to be understood as well as the potential impact of the development upon them, and enable an informed and reasonable planning decision to be made by your Authority.</p>

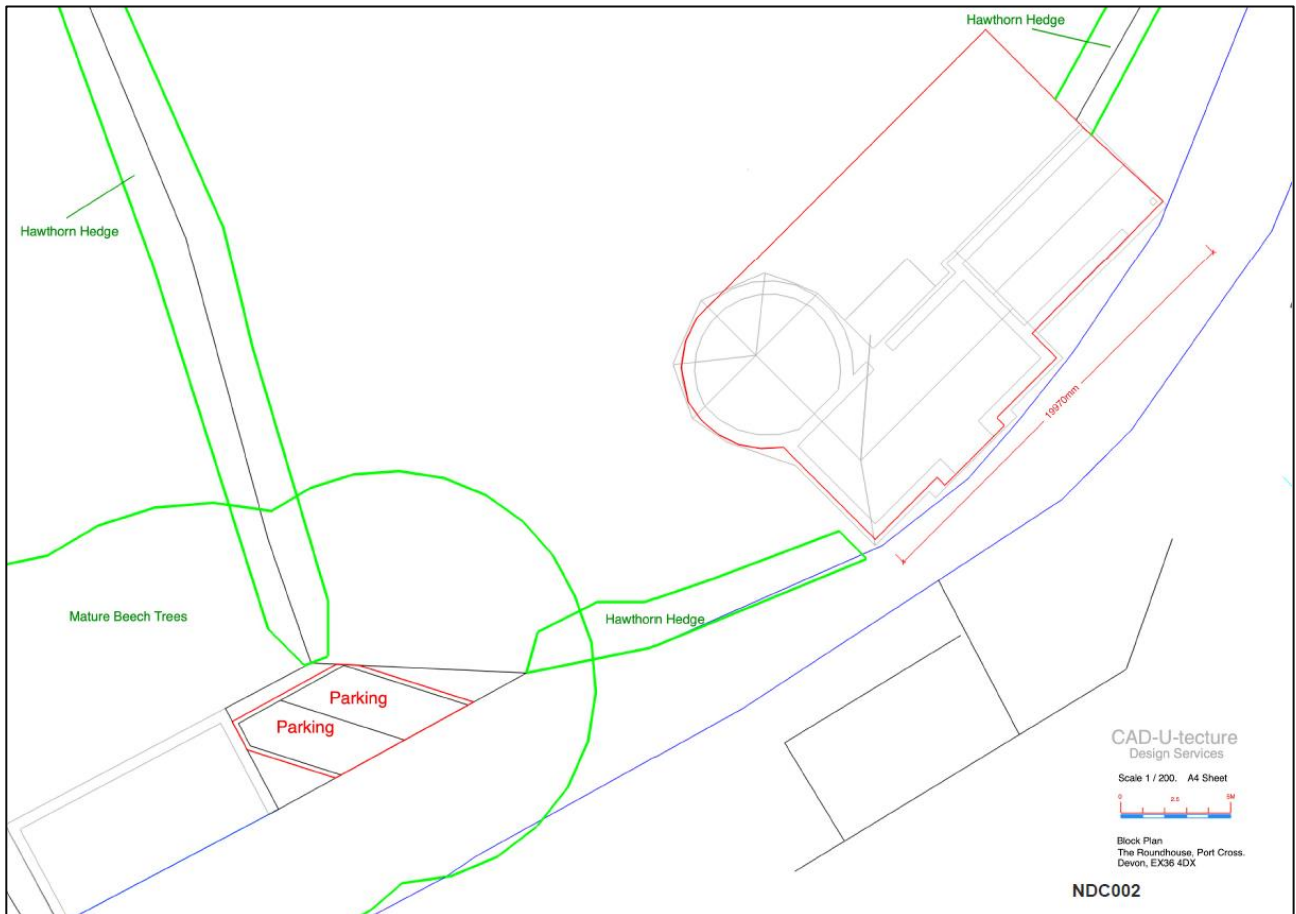
Name	Comment
	<p>I will be happy to discuss this further with you, the applicant or their agent. The Historic Environment Team can also provide the applicant with advice of the scope of the works required, as well as contact details for historic building specialists who would be able to undertake this work. Provision of detailed advice to non-householder developers may incur a charge. For further information on the historic environment and planning, and our charging schedule please refer the applicant to: https://new.devon.gov.uk/historicenvironment/development-management/.</p>
<p>Sustainability Officer</p> <p>Reply Received 13 September 2024</p>	<p>The submitted Ecological Impact Assessment (EA) and subsequent emergence surveys conclude that the existing structure is day roost for common pipistrelle and two day roosts for brown long-eared bats. No further survey effort is considered necessary, however a Natural England licence will be required before any works commence. The EA makes appropriate recommendations for a bat loft and access in the eastern gable end, three building integrated bird boxes, tree mounted barn owl perch, two tree mounted bat boxes and two tree mounted bird boxes.</p> <p>The submitted Site Plans and Elevations do not clearly illustrate the EA recommendations p5.2.3. Detailed cross sections of the eastern gable should be submitted clearly illustrating internal loft dimensions (4.5m by 4.5m, and 2.9m height) and access points. All building and tree mounted habitat features should also be illustrated on revised Elevations and Site Plans.</p> <p>The application is for Class Q development which is permitted development and therefore mandatory biodiversity net gain does not currently apply.</p>
<p>Building Control</p> <p>Reply Received 13 September 2024</p>	<p>While clearly the site and barn structure has evolved over a number of years.</p> <p>Given the information provided and in particular the photographs of the roof structure it is clear that there are elements of the building that are connected and rely upon each other for support.</p> <p>In my opinion, as there are elements of the structure which do rely upon one another for support I would consider the condition it met.</p>

Neighbours / Interested Parties

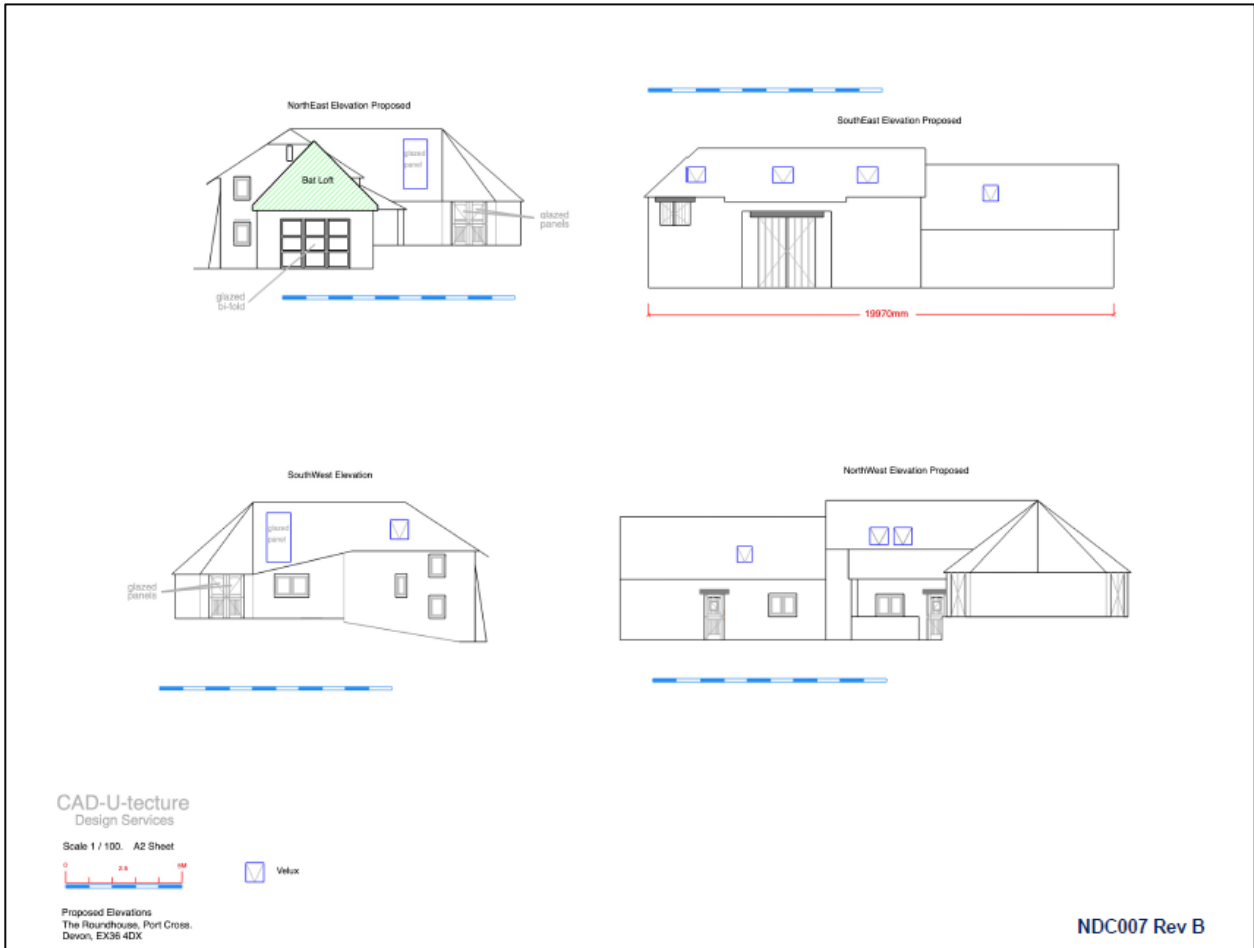
Comments	No Objection	Object	Petition	No. Signatures
0.0	0.0	0.0	0.0	0.0

Proposal

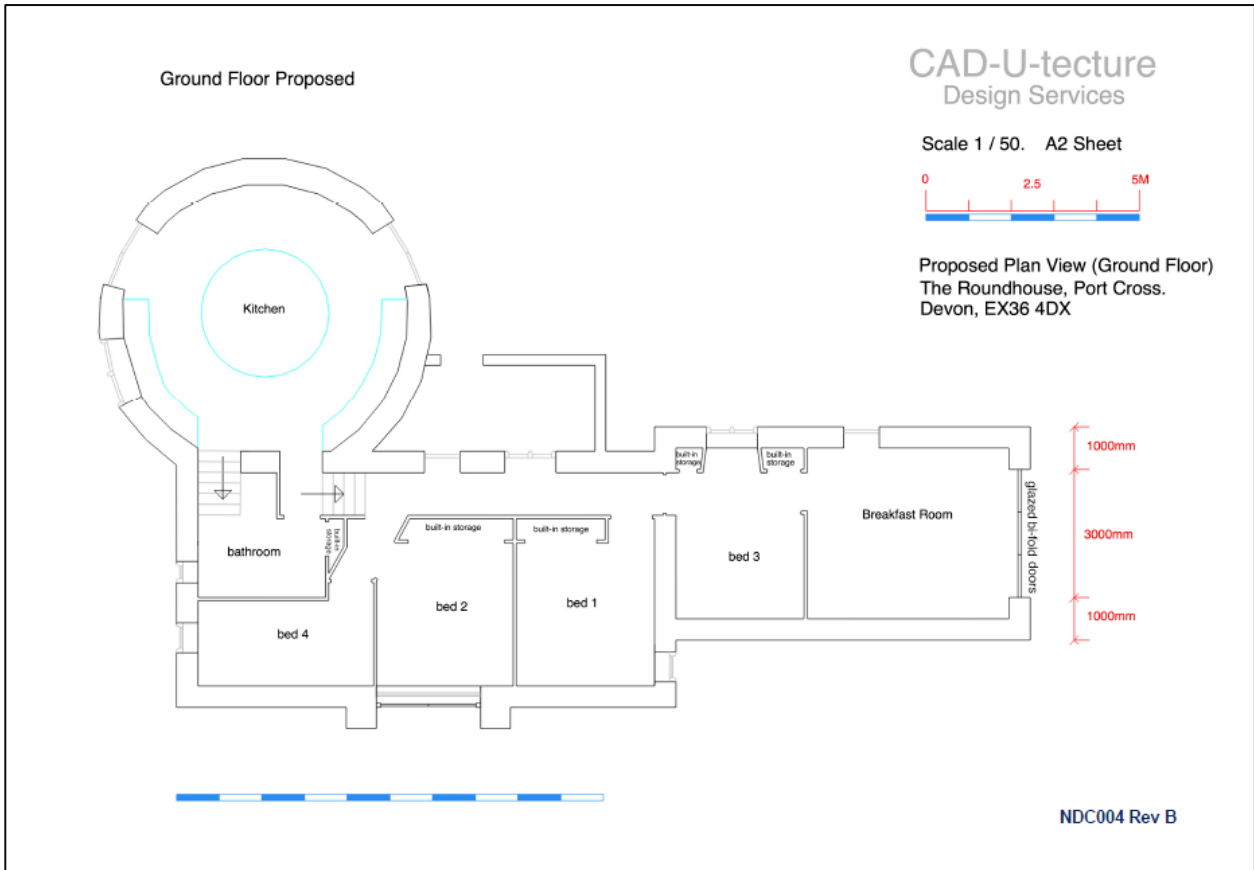
The applicant seeks to convert the building into a dwelling under the provision of Class Q(A) and (B) of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). The proposal is to convert this building to a four bedroom dwelling with breakfast room, kitchen and bathroom at ground floor level with living room, office, reading and music room and baft loft at first floor level. The accommodation would provide for two storey accommodation in the threshing barn and cart house with single storey accommodation elsewhere.



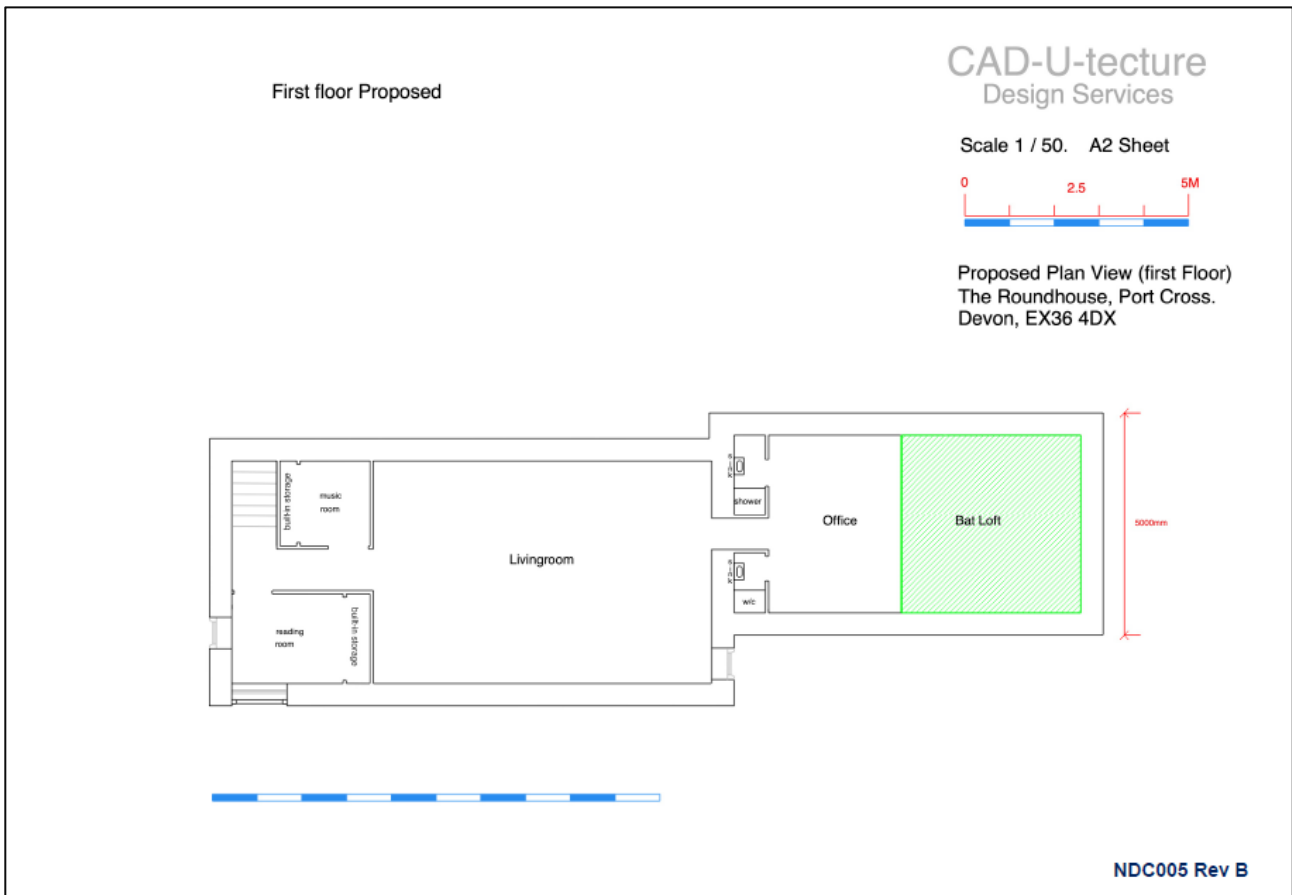
K - Proposed site plan – NDC002



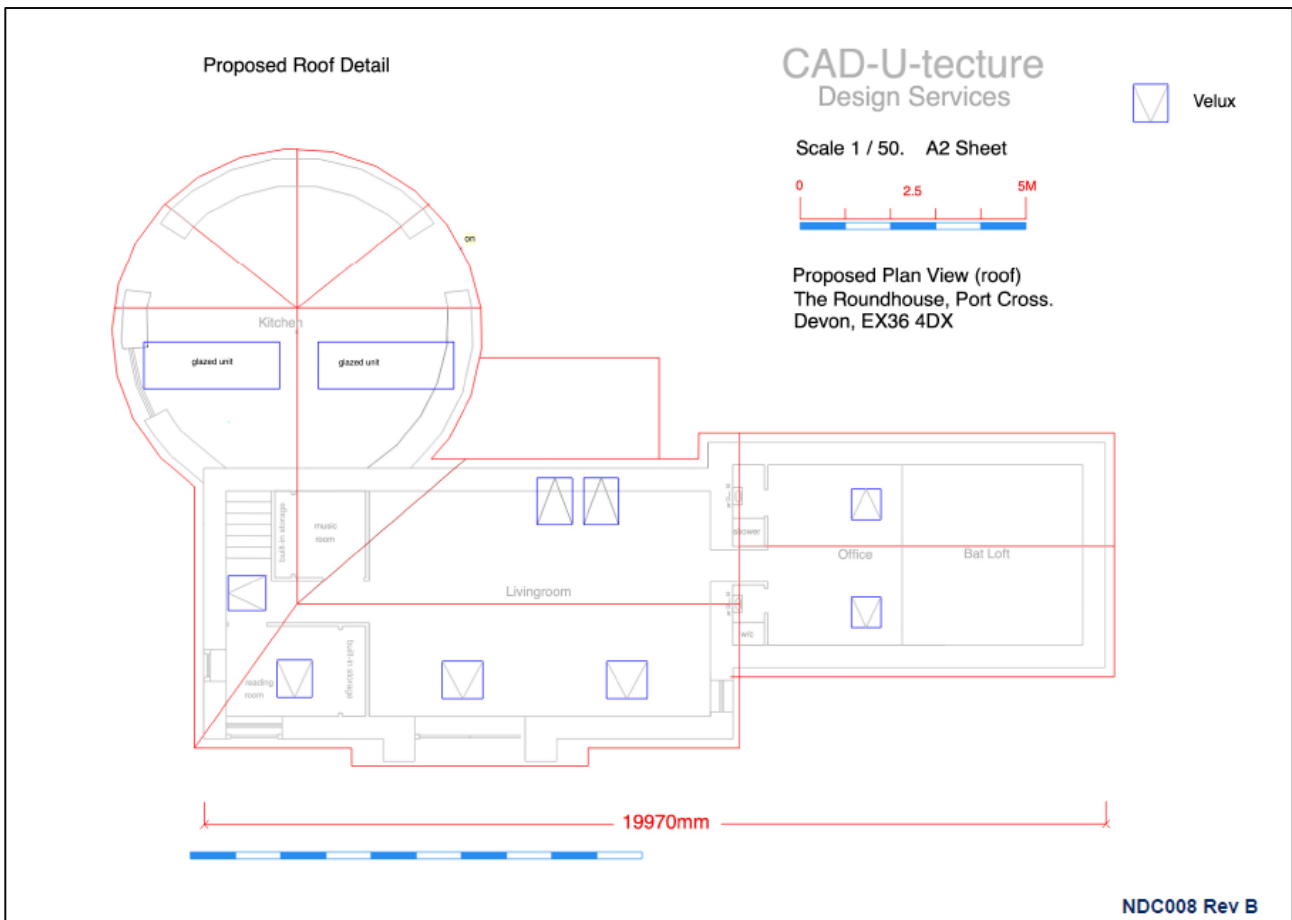
L - Proposed elevations – NDC007B



M - Proposed ground floor plan – NDC004B



N - Proposed first floor plan – NDC005B



O - Proposed roof plan – NDC008B

The permitted development right was amended on 21 May 2024 to broaden the range of building that could be converted to dwellings, allow extension to building and to increase the total number of dwellings from 5 to 10.

There is an Eligibility section within the application form that was originally submitted with the application but it transpires the old form had been submitted.

The LPA asked the agent to provide clarification of the eligibility. In light of this an amended application form along with declaration and supporting document (as specified in the eligibility section) has now been submitted. The agent has confirmed that they are wishing to use the permitted development right as it stood prior to 21 May 2024 and therefore using the transitional arrangements.

Permitted Development Considerations

The proposals must be assessed against the requirements of Class Q of the Town and Country Planning (General Permitted Development) Order (GPDO) 2015 (as amended). The proposals are assessed against the GPDO prior to its amendment on 30th April 2024. The legislation explicitly allows for any applications for prior approval prepared to comply with the previous limitations to be submitted and decided against the GPDO prior to its recent amendment. This is on condition that any such application is received by the local authority by 20 May 2025.

Permitted Development

Q. Development consisting of—

- a) a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; or
- b) development referred to in paragraph (a) together with building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.

Whether the Roundhouse constitutes 'a building' with regard to Paragraph Q.(a)

Planning appeal APP/J3530/W/18/3198202 at Low Barn, Wood Lane, Badingham, Suffok, IP13 8LB discusses what constitutes 'a building' in paragraphs 7-12 as detailed follows:

Whether Low Barn constitutes 'a building', with regard to Paragraph Q.(a)

7. Paragraph Q.(a) of the GPDO refers to 'a building' and 'an agricultural building', which means that to benefit from permitted development, it must be a single structure. This is reinforced by Paragraph Q.1.(h) which states that development is not permitted if it would extend beyond the external dimensions of the existing building, which would otherwise be necessary if it was intended to physically connect two buildings together that were separated by gaps.

8. The GPDO definition of a building states that it includes any structure or erection and any part of a building; and does not include plant or machinery, gate, fence, wall or other means of enclosure. Section 336 of the 1990 Town and Country Planning Act (as amended) defines building as including any structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in a building.
9. Although the 3 buildings of Low Barn were constructed at different times, I recognise that farmyards evolve over time and that it is common for existing agricultural buildings to be extended. I also recognise that the three buildings are open to each other and form a combined single function.

Appeal Decision APP/J3530/W/18/3198202

10. However, based on the evidence before me and my observations on the ground, it is my view that each of the 3 buildings are structurally independent of each other, with narrow gaps in-between. I recognise that there are small sections of timber fencing between each building, but these do not have a structural purpose and neither do they join the roofs together or fully enclose the space.
11. The appellant states that Low Barn's name implies that it is a single building, but to my mind, this is likely to have originated because: (a) there was only 1 building to begin with; (b) the extremely close physical proximity to each other of all 3 buildings that now exist; and (c) the combined single function of the 3 buildings. It does not alter my view that the buildings are independent of each other.
12. In view of the above, it is my view that Low Barn consists of 3 separate buildings and not a single agricultural building. As a consequence, the development would not satisfy the requirements of Paragraph Q.(a) of Schedule 2, Part 3, Class Q of the GPDO, having regard to the associated guidance within the Planning Practice Guidance, and is not therefore permitted by it.

P - What constitutes a 'building'

From looking at the above appeal decision it would seem the main thrust would be if each of the buildings were structurally independent of each other they would count as separate single structures.

As can be seen from the consultation responses, Building Control have commented that whilst the barn structure has evolved over a number of years, given the information provided and in particular the photographs of the roof structure it is clear that there are elements of the building that are connected and rely upon each other for support. They are therefore of the opinion, that as there are elements of the structure which do rely upon one another for support that it meets the criteria of the regs in respect of 'a building'.

Given that there are no gaps between the different elements of this building and that each structure is reliant on the other structurally, the LPA have concluded that in this instance, this is one building.

Last use of the building was for agriculture.
The use of the building:

Paragraph W, which interprets Part 3 of the GPDO, states that for the purposes of Part 3 'agricultural building' means a building being used for agriculture and which is so used for the purposes of a trade or business. It also states that, for the purposes of Part 3, Class Q an 'established agricultural unit' means agricultural land occupied as a unit for the purposes of agriculture on or before 20 March 2013.

Agriculture is defined by Section 336(1) of the Town and County Planning Act 1990 as including:

'Horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock, the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that land is ancillary to the farming of land for other agricultural purposes.'

Q.1 Development is not permitted by Class Q if:

(a) The site was not used solely for an agricultural use as part of an established agricultural unit –

(i) on 20th March 2013, or

(ii) In the case of a building which was in use before that date but was not in use on that date, which it last in use, or

(iii) in the case of a site which was brought into use after 20th March 2013, for a period of at least 10 years before the date development under Class Q begins.

The applicant has confirmed that the building has never been used for any purpose other than from agriculture The Local Planning Authority have no evidence to demonstrate a non-agricultural use of this building.

(b) In the case of

(i) a larger dwellinghouse, within an established agricultural unit –

(aa) the cumulative number of separate larger dwellinghouses developed under Class Q would exceed 3 or

(bb) the cumulative floor space of the existing building or buildings changing use to a larger dwellinghouse or dwellinghouses under Class Q exceeds 465 square metres;

(ba) the floor space of any dwellinghouse developed under Class Q having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeds 465 square metres;

One larger dwellinghouse is proposed. The cumulative number of separate larger dwellinghouses will therefore not exceed 3. The floor space of larger dwellinghouses does not exceed 465sqm

(c) In the case of-

(i) a smaller dwellinghouse, within an established agricultural unit—

(aa) the cumulative number of separate smaller dwellinghouses developed under Class Q exceeds 5; or

(bb) the floor space of any one separate smaller dwellinghouse having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeds 100 square metres;

The proposals include no smaller dwellinghouses.

- (ii) will the floor space of any one separate smaller dwellinghouse having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceed 100 square metres

No

- (d) The development under Class Q (together with any previous development under Class Q) within an established agricultural unit would result in either or both of the following—
 - (i) a larger dwellinghouse or larger dwellinghouses having more than 465 square metres of floor space having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order;
 - (ii) the cumulative number of separate dwellinghouses having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeding 5;

The development under Class Q (together with any previous development under Class Q) would not result in larger dwellinghouses having more than 465sqm of floor space having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Class Order and the cumulative number of separate dwellinghouses will not exceed 5.

- (e) The site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;

The site is held freehold with no agricultural tenancy occupancy. No other evidence is before the council to suggest otherwise.

- (f) Less than 1 year before the date development begins—
 - (i) an agricultural tenancy over the site has been terminated, and
 - (ii) the termination was for the purpose of carrying out development under Class Q, unless both the landlord and the tenant have agreed in writing that the site is no longer required for agricultural use;

Within the last year there has been no termination of an agricultural tenancy for the purpose of carrying out the proposed development under Class Q. No other evidence is before the council to suggest otherwise.

- (g) Development under Class A(a) or Class B(a) of Part 6 of this Schedule (agricultural buildings and operations) has been carried out on the established agricultural unit—
 - (i) since 20th March 2013; or

- (ii) where development under Class Q begins after 20th March 2023, during the period which is 10 years before the date development under Class Q begins;

There has been no development, under Class A(a) or Class B(b) of Part 6 of the GPDO, carried out at the agricultural site since 20 March 2013 or within 10 years before the date of this proposed development under Class Q. No other evidence is before the council to suggest otherwise.

- (h) The development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point;

The balcony and solar panels as originally detailed on the plans have been removed. The development will not result in the external dimensions of the building being extended beyond the dimension of the existing building at any given point.

- (i) The development under Class Q(b) would consist of building operations other than—
 - (i) the installation or replacement of—
 - (aa) windows, doors, roofs, or exterior walls, or
 - (bb) water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwellinghouse; and
 - (ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i);

The Planning Practice Guide was updated on the 5th March 2015 and advises that it is only where the existing building is structurally strong enough to take the loading which comes with the external works to provide for residential use that the building would be considered to have the permitted development right.

A structural Survey Report has been submitted. This concludes the main building envelope is in a structurally robust condition and is deemed suitable for conversion.

- (j) The site is on article 2(3) land;

The site is not sited on Article 2(3) land

- (k) The site is, or forms part of—
 - (i) a site of special scientific interest;
 - (ii) a safety hazard area;
 - (iii) a military explosives storage area;

The site does not form part of any of the aforementioned designations.

- (l) The site is, or contains, a scheduled monument; or
- (m) The building is a listed building.

The site does not contain a Scheduled Ancient Monument nor is the building listed.

Proposed curtilage: There is a statutory definition for curtilage in Schedule 2, Part 3, Paragraph X of the General Permitted Development Order which states:

- (a) the piece of land, whether enclosed or unenclosed, immediately beside or around the agricultural building, closely associated with and serving the purposes of the agricultural building, or
- (b) an area of land immediately beside or around the agricultural building no larger than the land area occupied by the agricultural building, whichever is the lesser.

Paragraph X: The plans submitted with the application indicate garden / amenity areas for the dwellings do not exceed an area the same size of the footprint of the existing building.

Conditions Q.2

- 1) Where the development proposed is development under Class Q(a) together with development under Class Q(b), development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—
 - (a) transport and highways impacts of the development,
 - (b) noise impacts of the development,
 - (c) contamination risks on the site,
 - (d) flooding risks on the site,
 - (e) whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order,
 - (f) the design or external appearance of the building,, and
 - (g) the provision of adequate natural light in all habitable rooms of the dwellinghouses,

and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

Conditions Q.2 (1) (a-g)

Development is only permitted subject to the condition that before beginning development, the developer shall apply to the local planning authority for a determination as to whether prior approval will be required as to:

(a) Transport and Highways

The additional movements from the conversion would be unlikely to have a significant impact on the safety and functioning of the surrounding highway network. There would appear to be sufficient off road parking provision around the site, within the applicant's ownership.

(b) Noise

The barn is in a rural location which is characterised by isolated farmsteads. The residential use is unlikely to create any more noise than its current agricultural use.

(c) Contamination

The council's environmental health officer has recommended that given the sensitivity of introducing residential uses, a suitable conditions should be used requiring that appropriate measures are taken if unexpected contamination is encountered during the construction process. Subject to conditions, the proposal is considered to accord with Q.2 (1) (c).

(d) Flood Risk

The barn is in flood zone 1 and there are no objections with regard to flood risk or the ability to provide for surface water drainage. Furthermore, the proposals involve no increase in the amount of impermeable surface currently on the site. No significant concerns are raised in relation to flooding, foul or surface water drainage.

(e) Whether the location is unsuitable or impractical

The Planning Practice Guidance states that 'Impractical' reflects that the location and siting would 'not be sensible or realistic', and 'undesirable' reflects that it would be 'harmful or objectionable'. It does not apply to the sustainability of the location.

The examples used in the PPG include: where an agricultural building is located on the top of a hill with no road access, power source or other services then its conversion is impractical; and where the location of the building may be undesirable if it is adjacent to other uses such as intensive poultry farming buildings, silage storage or buildings with dangerous machines or chemicals.

The building is not in a sensitive landscape and it is not widely visible from the surrounding area as it would be seen within the context of existing buildings.

Having regard to the guidance set out within the national Planning Practice Guidance (PPG) the conversion of the building would be neither impractical nor undesirable.

(f) Design

The structural report lists the schedule of materials as follows:

- New roofs clad in slate
- Glazing to open gable end of the cart house
- New window and door openings in the existing masonry and cob would use hard wood timber lintels above

The Structural Report comments that the installation of doors and windows into the existing external walls has no implications in terms of the structural stability of the building.

The original plans submitted with the application detailed the provision of large glazed panels in the roof, velux terrace windows, a balcony, solar panels and a number of new doors and window openings.



Q - Original elevations as submitted

In order to meet the criteria of the regulations, the applicant was advised to remove the balcony, solar panels and 2 no. velux terrace windows. Furthermore, the applicant was advised to remove the 2 no. large glazed panels and reduce the amount of glazing on the bi-fold doors and amend the annotations in respect of north, east, south and west. The original plans also detailed no internal access to the breakfast room.

In light of this, further elevations and floor plans were received which saw the omission of the balcony, solar panels and 2 no. velux terrace windows. However the LPA was uncertain with regards to the gable end under the bat loft as the revised plans were annotated stating glazed as well as solid panels.



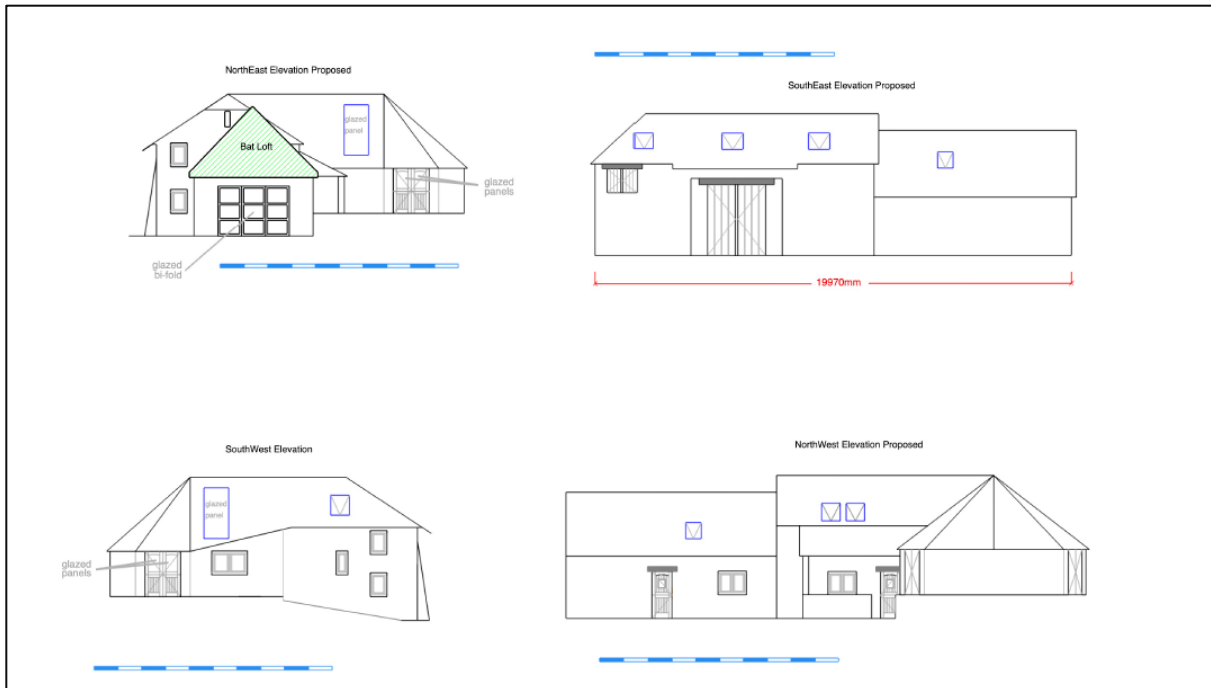
R - Further elevations as submitted

The applicant confirmed that his intention was that the glazing on the gable end would be removed from the two lower rows leaving the top row glazed. Whilst this is the case the LPA advised this would look out of kilter with the historic building. It was suggested that large timber sections with a vertical emphasis would help to reduce the impact of glazing within the opening as this would have an affinity with the structure of the historic building or the applicant may wish to consider for example, full length glazing with timber panelling/shutters. The applicant has instead reverted to the original glazing as detailed on the proposed elevations and sent in a visualisation showing how this would look.



S - Visual of how the northeast gable elevation might look

The Heritage and Conservation Officer has commented that if the roof lights and fully glazed doors are provided for the kitchen in the round-house, for example, then the additional windows could be omitted. In light of this the applicant has now omitted the round-house windows, changed the door openings to stable doors with glazing in the round-house and re-inserted the large glazed panels in the roof as can be seen below. The Heritage and Conservation Officer has commented that if the windows are put in this means removing the cob, which is historic fabric. If the roof panel is put in this would not affect the historic fabric, but does look a little incongruous.



T - Proposed elevations – NDC007B

Whilst there are some changes to the existing barn including the creation of some new openings and repairs to the cob walls, it is considered on balance that the proposed design and external appearance is not likely to give rise to any significant, detrimental visual impacts so as to refuse the prior approval.

As the plans do not list the materials a condition will be imposed on the grant of approval in light of the fact that the building is deemed to be a non-designated heritage asset. In light of the above discussion and on the basis of using traditional materials it is therefore considered that this would be acceptable in terms of design.

(g) The provision of adequate natural light in all habitable rooms of the dwellinghouses

Each habitable room across the dwellinghouses is suitably served for daylight and sunlight for occupation.

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).

The regulations do not explicitly require the consideration of protected species as a prior approval matter, however where suitable habitat is identified for protected species, the LPA have powers under the acts to consider ecology and seek relevant survey work. There are statutory obligations of the applicant to ensure protected species are appropriately considered before development begins, during construction and post construction through mitigation and enhancement.

The barn in question has recently been subject of an ecological assessment. This concluded that the existing structure is day roost for common pipistrelle and two day roosts for brown long-eared bats. No further survey effort is considered necessary, however a Natural England licence will be required before any works commence. The EA makes appropriate recommendations for a bat loft and access in the eastern gable end, three building integrated bird boxes, tree mounted barn owl perch, two tree mounted bat boxes and two tree mounted bird boxes.

A suitable condition shall be attached to the adherence to the Ecology Report as well as a suitable informative will also be added to any consent making the applicant aware of their statutory duties with regards to protected species.

Other Matters

Historic Environment response

The Historic Environment team have commented that they do not consider sufficient information has been submitted in support of the application to enable an understanding of the significance of these historic agricultural buildings as heritage assets or of the impact of the proposed development upon these heritage assets. Given the absence of sufficient heritage information they have objected to the application. They have commented that if further information is not submitted in support of the application they would recommend refusal.

Discussions have been held with the Historic Environment Team with regards to the fact that the application has been submitted as a prior approval application which has to be assessed against the GPDO. The view taken is that the LPA cannot insist on the additional information as this is not required by the regulations.

Conclusion

The proposal is considered to comply with the provisions of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). The National Planning Policy Framework (NPPF) has been considered insofar as it is relevant to the subject matter of the prior approval application. The building is structurally able to be converted and the development is considered to fulfil the necessary objectives of Class Q (a) in terms of highways, flood risk, contamination risks and the practical siting of the building it is therefore considered that the application should 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

APPROVE

Legal Agreement Required: No

Conditions

1. Should any 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.

Reason

To ensure that any contamination existing and exposed during the development is assessed and remediated as necessary in the interest of human health in accordance with Policy DM02 of the North Devon and Torridge Local Plan.

2. The development shall be carried out in accordance with the Mitigation, Compensation and enhancements as detailed in the Executive Summary of the Ecological Impact Assessment (Bats and Birds) by GE Ecology Arboriculture Land Management dated 17th July 2024.

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).

3. Notwithstanding the plans as submitted, the repairs should be carried out using cob (mass or block) and any pointing or rendering carried out using lime mortar. In addition the following materials shall be used:

Elevations - Cob and stone to match that of the existing

Roof - Natural slate

Doors and windows - Timber and/or aluminium

Lintels - Timber

Rain water goods - Cast iron

Soffits and fascia - Timber and/or aluminium

Reason

To ensure traditional materials are used for the non-designated heritage assets and does not impact on the historic vernacular of the traditional building. In addition, cement would cause long term damage to the non-designated heritage assets. In accordance with Policies DM04 and DM07 of the North Devon and Torridge Local Plan.

Informatives

1. A. The development hereby approved must be completed within a period of 3 years starting from the date of the Prior Approval. The time limit is imposed by Q.2 (3) of Class Q, Part 3, Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015 (as amended).
- B. The building is of an age where materials containing asbestos may have been used in its construction or subsequent modification. The building 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.
- C. The applicant is reminded of the provisions of the Wildlife and Countryside Act 1981 and the E.C. Conservation [Natural Habitats] Regulations 1994. Please note all bats and their roosts are fully protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and rights of Way Act 2000) and are further protected by The Conservation of Habitats and Species Regulations 2017. Should any bats or evidence of bats be found prior to or during development, work must stop immediately and Natural England be contacted for further advice. This is a legal requirement under the Wildlife and Countryside Act 1981 (as amended) and applies to whoever carries out the work. All contractors on site should be made aware of this requirement and given the relevant contact number of Natural England, which is via the Bat Conservation Trust on 0845 1300 228.
- D. 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.
- E. The applicant is advised that a separate application for planning permission would be required to use any additional land surrounding the building (not marked as curtilage in the submission) as domestic garden.
- F. The applicant is informed that no development under Schedule 2, Part 6, Class A or B (Agricultural Permitted Development) shall be carried out in the agricultural unit within a period of 10 years from any development under Class Q taking place.
- G. This decision does not grant any other form of approval that may be required as part of any other regulations such as Building Regulations and it should be noted that

any additional development or structural elements required due to Building Regulations or any other requirements may result in the development falling outside of permitted development and planning permission being required.

H. Advisory Note: Foul Drainage

The Environment Agency have advised that any non-mains foul drainage system associated with this development may require an Environmental Permit from the Environment Agency under the Environmental Permitting Regulations 2010, unless an exemption applies. The applicant is advised to contact the National Permitting Service on 03708 506 506 for further advice and to discuss the issues likely to be raised. You should be aware that the permit may not be granted. Additional 'Environmental Permitting Guidance' can be accessed via our main website: <https://www.gov.uk/permits-you-need-for-septic-tanks>.

I. The applicant is advised that development is not permitted under Class Q (b) where it consists of building operations other than:

- i) The installation or replacement of;
 - (aa) windows, doors, roofs, or exterior walls, or
 - (bb) water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwellinghouse; and
- ii) Partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1 (j)(i), and as detailed in the structural information supporting the application.

J. The plan numbers considered during the determination of this application are:-

NDC001 Location Plan and received on the 24/07/24
NDC002 Site Plan and received on the 24/07/24
NDC004B Ground Floor Proposed and received on the 20/09/24
NDC005B First Floor Proposed and received on the 20/09/24
NDC007B Elevations Proposed and received on the 20/09/24
NDC008B Roof Plan Proposed and received on the 20/09/24
Roundhouse Middle Port, Bishops Nympton 2364-EcIA-RR-Barn at Bishops Nympton-Ecological Impact Assessment-17 July 2024

2. The submitted drawings have been numbered as set out in informative I J. 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. Advisory: Bat Mitigation Licence
The applicant is advised that a Bat Mitigation Licence will be required for the destruction of a common pipistrelle and brown long-eared day roosts due to the impacts to the building.
4. Advisory: Public Right of Way
The applicant is advised that the Public Right of Way shall remain unobstructed at all times.