

Exmoor National Park Planning and Enforcement 'Allowed' Appeals 2017-2022

Reference	Appeal Type	Site address	Appeal Decision	Appeal Decision Date	Type of development / application; Description	Main reasons for appeal being allowed	Commentary (if available)	Main policies cited in appeal decision
GDO 17/01	GDO	Higher Court Farm, Court Lane, Treborough, Somerset TA23 0QW	Allowed	22/09/2017	Prior notification for proposed agricultural storage building (18m x 12.4m max height 6.2m) (GDO)	<p>Main issue: the effect of the development on the character and appearance of the area.</p> <p>Reasons</p> <ul style="list-style-type: none"> - Re-erection of part of an existing building rather than creation of new. Part of existing building used as at Treborough. The profiled metal sheeting of the existing building would have the same appearance. - Previous permission for a barn at Higher Court Farm with a galvanised steel sheeting roof (pre-dates LP adoption). - Principle of the development established via the GPDO, but LP policies relevant in respect of character and appearance: CE-S1, CE-D1, CE-S6 and SE-S4 require that development integrates appropriately with landscape character, including siting, scale, design and materials. - ENP Design Guide 1995 is relevant - explains the form, colour and finish of materials helps new buildings blend into the landscape. Recommends materials which emulate traditional forms, darker colours and non-reflective finishes. Fibre-cement roof sheeting blends into its natural surroundings. - Profiled metal sheeting has a more industrial form and is more reflective than traditional corrugated sheeting but at Treborough, weathering has moderated its engineered appearance. - Colour and tone of the roof would not be dissimilar to the material permitted via application GDO 17/04 and would be more 		GP1, CE-S1 CE-D1 CE-S2 CE-S6 SE-S1 - SE-S4

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						<p>muted than the corrugated metal roofs of several Higher Court Farm buildings (more consistent with surrounding natural environment).</p> <ul style="list-style-type: none"> - Building views primarily in conjunction with Higher Court Farm buildings and only partially visible from public vantage points at a significant distance - a barely perceptible element of the landscape. - Policy CE-S6 refers to the design of buildings complementing the locality by using 'traditional and natural sustainable building materials. Fibre-cement sheeting assimilates in the landscape better than profiled metal. The particular nature of the development and context mean no detrimental effect to landscape character. - The design, siting and external appearance of the building would suitably conserve local and landscape character, and, accordingly, no conflict arises with the LP policies. 		
62/11/16/010	Full	Groom's Cottage, Wellfield, Countisbury, Lynton	Allowed	29/11/2017	The incorporation of former stable and hay-loft with existing accommodation building to make a two-bedroom dwelling	<p>Groom's Cottage and attached stables are a traditional stone building. The development would retain its outward appearance and many original features.</p> <ul style="list-style-type: none"> - Additional windows would harmonise with the original pattern of openings. - A timber-panelled garage would be of similar style and proportions to the attached timber outbuilding. It would be subservient and sympathetic to the character of the building. - Overall, the character and form of the building would be maintained. The development would constitute a carefully considered and very well- 		CE-S5, CE-D1 and GP1

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						<p>designed re-use of this traditional building and would sit comfortably within its surroundings.</p> <ul style="list-style-type: none"> - Outdoor amenity space and planting ensure no additional overlooking or reduction in privacy. - The proposal would meet the objectives of Local Plan Policy CE-S5 - the conversion or structural alteration of traditional buildings reflects the character and significance of the building, and conserves its traditional appearance through sensitive design and the use of traditional materials, Policy CE-D1, that the visual impact of development is minimised through high quality design that reflects local landscape character, and Policy GP1 - that development should be consistent with the National Park's statutory purposes and duty. <p>Conditions</p> <ul style="list-style-type: none"> - Retention of timber doors and window frames; the removal of Permitted Development Rights; and the prior approval of any external lighting. - The proposal would not create a "new" dwelling, no principal residence condition should be attached. 		
ENF/0046/17	Unauthorised development Household	Martinhoe Old School House, Martinhoe,	Allowed	14/12/2018	Erection of a single storey rear extension	<p>Main Issue The effect of the development on the character and appearance of the building and surrounding area.</p> <p>Reasons</p> <ul style="list-style-type: none"> - A traditional stone and slate detached former school with pitched roofs and entrance porch. - The rear extension is a substantial and prominent timber-clad flat roof structure. The timber is a bright yellowy-brown accentuating the modernity and bulk of the structure and UPVC windows and doors add to the contrasting modern appearance in contrast to the stone and 		GP1, CE-S6, CE-D4, HC-D15

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						<p>slate main building and traditional stone and residential/agricultural buildings nearby.</p> <ul style="list-style-type: none"> - The previous extension has been removed but has substantial weight as a material consideration. Although prominent, it was of natural stone with a lower flat roof. - The unauthorised extension is harmful to the character and appearance because of the materials used - UPVC and timber cladding compared to stonework. The harm would be overcome by the replacement of current cladding with stonework to match the original building and a change to traditional joinery. - A planning condition will require the submission of further details. If, upon submission of a scheme, it becomes apparent it is not feasible the structure would remain unauthorised. - With the change in external materials, given the substantial weight to the existence of the previous extension, the development will not have a harmful impact upon the character and appearance of the building and surrounding area. With revisions, there would be no harm to the older part of the former school building than the previous extension. This would comply with Local Plan Policies GP1, CE-S6, CE-D4, HC-D15. 		
6/9/18/109	Householder	3 The Paddock, Dulverton, Somerset	Allowed	05/04/2019	Erection of a rear dormer extension to a dwelling.	<p>Main Issue The effect of the proposed development on the character and appearance of the area.</p> <p>Reasons</p> <ul style="list-style-type: none"> - Although the dormer is not typical of traditional style dormers elsewhere in the National Park and none similar in the vicinity, it is in quite a discreet location to the rear of the house, does not take up the whole roof slope and is set in 		GP1, CE-S6, CE-D4 and HC-D15

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						<p>from the sides of the house. It would not be a prominent feature.</p> <ul style="list-style-type: none"> - Design, form and scale of the dormer would be a subservient feature to the existing house. The sloping roof, tiles and materials will be visually sympathetic and complement the host dwelling, thereby a good standard of design. - Being of modest scale, it would not have any adverse effect on the National Park and the protected wider landscape - overall, it would not be harmful to the character or appearance of the house or street scene and would preserve the character of the Conservation Area. - The proposal accords with policies GP1, CE-S6, CE-D4 and HC-D15 of the ENP Local Plan which seek to ensure high quality design which conserves and enhances the local identity and distinctiveness of the built and historic environment. 		
6/26/18/102	Full	Leighland House, Ham Lane, Roadwater	Allowed	15/08/2019	Change of use of agricultural land to equestrian together with the erection of a timber stable building, tack room and field shelter together with a post and rail wooden fence	<p>Main Issue The effect of the development on the character and appearance of the area, including whether it conserves and enhances the natural scenic beauty of the landscape within the National Park.</p> <p>Reasons Close to neighbouring dwelling and given the modest separation from the main built form of the settlement, the development is neither remote or isolated and is viewed within the context of the nearest buildings.</p> <ul style="list-style-type: none"> - The distance from the Appellant's residential property is not excessive. A degree of separation from residential dwellings minimises potential nuisance through odour / noise. 		GP1, CE-S1, CE-D1 RT-D11

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						<ul style="list-style-type: none"> - The development is in an elevated position, but within rolling landscape and set against a hedge of a similar height to roof level. Selected localised views of the development are possible. - The cumulative effects of the natural screening, simple appearance, modest scale and the use of natural traditional materials ensure it does not have a significant visual impact within the wider area, nor an unacceptable adverse harm on landscape character and natural scenic beauty. - Policies GP1, CE-S1, CE-D1 of the ENP LP 2011-2031 require proposals to conserve and enhance the distinctive characteristics of the landscape, minimising visual impact through high quality design that reflects local landscape character with particular regard to scale, siting, materials & colour. - Policy RT-D11 supports equestrian development subject to criteria that development will not harm the natural environment, landscape setting, amenity of the surrounding area, or neighbouring properties and is of an appropriate scale, unobtrusive in form, in terms of height, position and materials and sited close to the host dwelling. - The development has an acceptable effect upon the character and appearance of the area and surrounding landscape. It complies with Policies GP1, CE-S1, CE-D1 and RT-D11 of the LP. <p>Conditions</p> <ul style="list-style-type: none"> - Restricting the use of the buildings in the interests of highway safety and to protect living conditions, control external lighting in interests of visual amenity, wildlife conservation and to protect Exmoor's dark night sky. 		

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ENF/0065/15	Enforcement Unauthorised development Householder	Monkham House, Exford	Split decision: Appeal A allowed Appeal B dismissed	06/01/2020		<p>Main issue Whether the sub-division of the existing dwelling is acceptable in principle and the effect on the safe, convenient and efficient movement of highway users.</p> <p>Reasons</p> <ul style="list-style-type: none"> - Policy HC-D14 and HC-S5 of the Local Plan state that the sub-division of existing buildings will be permitted in specific circumstances, including where the new dwelling will be principal residence housing which will require a suitably worded condition to restrict occupancy. - The appellant is agreeable to a condition to ensure the property is used only as a principal residence and not as a second home or as holiday accommodation. On that basis, the principle of the development is acceptable in accordance with the Local Plan. - The access is narrow with restricted visibility onto the highway. Additional vehicle movements from a new independent dwelling are not likely to be significant. The development would not result in harm to highway users. 		
ENF/0067/18	Unauthorised development - other	Upcott Farm, Land at Quarme Bridge, Winsford	Allowed	29/02/2020	Creation of a track and parking / turning area	<p>Main Issue The effect of the development on the character and appearance of the area, having regard to the statutory purpose of the National Park to conserve and enhance the natural beauty, wildlife and cultural heritage of the area, and to promote opportunities for the understanding and enjoyment of the special qualities of National Parks by the public.</p> <p>Reasons</p> <ul style="list-style-type: none"> - The track leads to the parking/turning area, for the siting of livestock feeders accessible from other parts of the farm. and a short distance 	In this case the Inspector accepts there is a reasonable agricultural need and the proposal is allowed on landscape grounds.	CE-S1, GP1, CE-S1, CE-D1, CES6 and SE-S4

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						<p>beyond allowing a firm access for machinery and livestock to an adjacent field.</p> <ul style="list-style-type: none"> - The development is reasonably necessary for agriculture. - Their size, nature, siting and form are logical in terms of the agricultural use and respond well to the topography. The scale and agricultural appearance of the track and parking / turning area do not appear as prominent, incongruous or harmful features in the landscape. - It is informed by and complements the distinctive character of the NP and LCTG in accordance with Policy CE-S1 of the Local Plan. - It reflects local character and does not have a harmful effect on this or the appearance of the area in accordance with Policies GP1, CE-D1, CES6 and SE-S4. <p>Conditions</p> <ul style="list-style-type: none"> - Compliance with a strict timetable to change the level of the track within the floodplain to make the development acceptable. If the condition is not met, planning permission falls away. 		
6/9/20/102	Householder	2 Perry Cottages, Dulverton	Allowed	19/10/2020	First floor extension over existing living room to provide third bedroom.	<p>Main issue is the effect of the proposed development on the character and appearance of the host building.</p> <p>Reasons</p> <ul style="list-style-type: none"> - Policy HC-D15 of the ENP Local Plan provides that extensions to dwellings must not be disproportionate to the scale of the original building or increase the external floorspace of the original building by more than 35%. - The increase in external floorspace would not be significantly above or below the 35% limit in Policy HC-D15. 	The appellant considered the proposal within the 35% allowance. Concern was raised in relation to proportions, size and position. The extension equates to c.39% increase in the	HC-D15 CE-S6 and CE-D4

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						<ul style="list-style-type: none"> - Even if the increase in external floorspace was 39%, the overall increase would only be very marginally greater than the limit under Policy HC-D15 and the overall increase in area would be so limited as to not be perceptible. - The proposed extension materials would match and compliment the appearance of the existing building. Whilst the scheme would increase the overall volume and massing of the building, the proposal would appear subservient and would not dominate or overpower the character or appearance of the dwelling. - The neighbouring dwelling has previously been significantly extended and altered - the properties are already unbalanced in terms of their scale and appearance. The design and position of the proposal would not compete with or further unbalance the character or appearance of the dwellings. - The scheme would not conflict with Local Plan Policy HC-D15 and would comply with Policies CE-S6 and CE-D4 which requires that extensions compliment the form, character and setting of the original building and that the extension is appropriate in terms of scale and massing and makes use of materials that are sympathetic to the original building. <p>Conditions</p> <ul style="list-style-type: none"> - The reinstatement of access points, the amount and positioning of external lighting to not disturb or prevent bats using the site, and the provision of bird, bee and bat boxes. 	size of the dwelling. The Inspector considered that, a 39% increase, would not be significantly above the percentage increase permitted and found the scale and design acceptable.	
6/34/18/101	Outline (all matters)	East Harwood Stables, Harwood	Allowed	30/10/2020	Erection of a dwelling for racehorse trainer	Appeal determined on the basis of the second reason for refusal -the effect on landscape. Main Issue	A rural worker dwelling in connection with a	CE-S1 CED1 HC-D8

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	reserved except access)	Lane, Timberscombe			and associated works.	<p>The effect of the proposed development on the character and appearance of the area.</p> <p>Reasons</p> <ul style="list-style-type: none"> - A new dwelling alongside the existing barn represents an anomaly at this elevation in this location. The dwelling would be visible in long distance views from the surrounding countryside. From some perspectives it would be seen in the foreground of Dunkery Beacon and moorland to the west. - The local topography and tree cover means the dwelling would only be seen in the context of the surrounding countryside from some distance away. From these remote vantage points, the dwelling would be perceived as a relatively small and inconspicuous feature within the wider landscape. - Although the dwelling would be physically separated from the main barn, it would not appear unduly prominent. Sensitive design and potential use of landscaping may further reduce any visual impact. - The Council has suggested positioning the dwelling closer to the existing barn to consolidate built development. For the above reasons, the dwelling would have an acceptable impact on the landscape in the location currently proposed. The potential for cumulative landscape harm would be a matter for consideration were similar proposals to be advanced elsewhere in this area in the future. - the development would have an acceptable effect on the character and appearance of the area. There would be no conflict with Local Plan Policies CE-S1 or CE-D1 which aim to protect 	<p>business training and breeding race horses.</p> <p>The functional need for a dwelling was previously agreed</p> <p>The site of the proposed dwelling was considered to cause landscape harm. The Inspector acknowledged the proposed development would represent an irregularity in the landscape, but considered most views of the site would be from a relatively long distance where the dwelling would be inconspicuous and sensitive design and potential use of landscaping, could further mitigate visual impact. The</p>	

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						landscape and scenic quality. There would also be no conflict with Policy HC-D8 (rural workers dwellings in the countryside) and aims to ensure such dwellings are well related to other buildings on the holding	Inspector acknowledged there was a site that could accommodate a dwelling next to the main building that would work in the landscape but concluded that the proposed site is acceptable	
6/34/20/102	Householder	Combe House, Jubilee Terrace, Timberscombe	Split decision	27/11/2020	Replacement of existing windows and doors throughout the building with UPVC or white aluminium frames and double glazed windows.	<p>Appeal dismissed for proposed replacement windows and doors in the front elevation. Appeal allowed for windows and doors in all the other elevations for replacement UPVC double glazed windows and doors</p> <p>Main issue</p> <p>The effect of the proposed development on the character and appearance of the host property and the wider area.</p> <ul style="list-style-type: none"> - The front of the property is a traditional design constructed of local red sandstone with a slate roof. It is mainly in use as a dwelling but part of the ground floor operates as the village Post Office with a traditional style shop front. - Although the main rear wall is also local sandstone, the rear elevation is dominated by a mostly later, largely rendered two storey flat roof rear projection. - Owing to the dominance of the more modern rear projection and as only the two first floor windows at the far end are visible in public views, the works to the rear do not harm the 	A split decision following refusal of replacement of timber with uPVC / aluminium windows at this building in the centre of the village. The Inspector found that replacing the windows on the rear elevation of the building, which has "modern" elements - dominated by a two-storey flat roof extension and largely inconspicuous from the public	GP1, CE-S4, CE-D3 CE-S6 and CE-D6

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						<p>character and appearance of the host property or the wider area and are acceptable.</p> <ul style="list-style-type: none"> - The UPVC window frames would have a bulkier profile than timber and although a sash design, they lack the glazing bar details of the existing frames. The UPVC and aluminium frames would also have a more modern shiny and reflective appearance. - As a result, they would fail to harmonise with the traditional character of the building. The mix of materials, including the composite door, would also eliminate the existing coherent appearance. - the proposed changes to the front elevation would cause significant harm/have an unacceptably harmful effect on the character and appearance of the host property and the positive contribution it makes to the locality / wider area. The identified harm is not outweighed by other considerations. The changes would conflict with Local Plan Policies GP1, CE-S4, CE-D3 and CE-S6. These policies seek to ensure development conserves the local identity and distinctiveness of Exmoor’s built and historic environment. - It would conflict with Policy CE-D6 of the LP, as the changes to the shop front would not conserve the character and appearance of the host building and the wider streetscape. 	<p>domain was acceptable and the appeal decision has been allowed in respect of those works. The ‘appeal is dismissed and planning permission is refused for the proposed replacement of the timber windows and door to the front / street elevation of the building. The existing timber windows on the front elevation are considered to harmonise with the traditional character of the building and make a positive contribution to the locality. The proposed replacement windows and doors, because of</p>	

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							their material and appearance, are considered to weaken this and to harm the character and appearance of the building and its positive contribution to the locality.	
6/8/20/110LB	Listed Building	Edbrooke Farm, Acland Lane, Cutcombe, Wheddon Cross	Allowed	16/06/2021	Extension of existing dwelling to provide a home office and utility room and associated works.	<p>The appeals relate to the same proposal under different legislation. Appeal A is made in respect of the planning application and Appeal B in respect of the listed building consent. I have considered each appeal on its own merits.</p> <p>Main Issue Appeal B</p> <p>The effect on the significance of the listed building, known as Edbrooke Farm.</p> <p>Reasons</p> <ul style="list-style-type: none"> - Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) requires the decision maker to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest. - Edbrooke Farm is a grade II listed building. The building's simple vernacular appearance, its plan form, historic fabric and remote setting, are significant contributors to its special interest. - The proposal would see a modest linear utility extension to the rear of the building. It would adopt a simple form with limited openings and would represent a subtle addition to the rear of the building that would not be harmful. 	Householder and listed building applications for extension to dwelling (principally for a home office). The listed building appeal is allowed. The Inspector considers the extension would not appear at odds with the Listed Building – it does not engage Policy HC-D15 and issues around increases to dwelling houses in the same way as the planning appeal.	

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						<ul style="list-style-type: none"> - The office extension would be larger and more prominently positioned but not visible from the main approach. It would be separated from the historic parts of the existing building by the large and prominently positioned 1990s extension. - The traditional pitched roof would reflect the proportions of the existing building and its vernacular agricultural character. A large area of glazing would be visually contained by the solid roof and masonry gable of the extension. It would be adjacent to full height glazing on the west side of the existing extension. - The extension would not appear out of place with the form and appearance of the existing building and would not be prominent in the context of the principal historic elevations. - From more distant views the office extension would be seen as a continuation of the linear form of the historic building, of a subservient single storey scale that would not be dominant. - The proposal would not harm the significance of the listed building. It would accord with the requirements of the LBCA and paragraph 193 of the Framework that great weight should be given to the conservation of heritage assets. - Although development plan policies do not strictly apply to applications for listed building consent the proposal would also accord with the policies in the officer report and decision insofar as they relate to the application for listed building consent. 		
6/8/20/109	Householder	Edbrooke Farm, Acland Lane,	Dismissed	16/06/2021	Extension of existing dwelling to provide a home	Main Issue Appeal A Whether the proposal is acceptable in relation to the cumulative enlargement of a dwelling within the	The planning appeal is dismissed,	HC-D15

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		Cutcombe, Wheddon Cross			office and utility room and associated works	<p>Exmoor National Park, in the context of the adopted Policy.</p> <p>Reasons Appeal A</p> <p>Cumulative enlargement of a dwelling</p> <ul style="list-style-type: none"> - Policy HC-D15 of the Exmoor National Park Local Plan establishes that proposals for residential extensions will be permitted where they satisfy certain criteria. This includes the requirement that they are not disproportionate to the original dwelling and in any case do not increase the external floorspace of the original dwelling by more than 35%. - Incremental extensions can cause an imbalance to the range and mix of housing stock within the National Park. The existing building is a large 6-bedroom farmhouse. The unmanaged extension of larger dwellings would have an effect upon the rest of the housing stock within the National Park, where occupiers of smaller homes would seek to create bigger dwellings to fill the gap left in the market. I am satisfied that managing housing stock in this way within the National Park accords with paragraph 172 of the National Planning Policy Framework (the Framework), which places great weight on conserving and enhancing the landscape and scenic beauty in National Parks. - The existing building was extended significantly following permissions in 1995 resulting in an increase in external floorspace of approximately 98-99%; the difference is immaterial. The proposal would see further extensions to the building in two areas, which would result in a further increase to the floor area as it existed in 	<p>whereas the listed building appeal is allowed. The planning appeal is a test of the extensions policy, The Inspector considers the extension would not appear at odds with the Listed Building as it does not engage Policy HC-D15 (extensions) and issues around unmanaged increases to dwelling houses in the same way the planning appeal does.</p>	

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						<p>1974 of approximately 125%. The proposal would therefore be contrary to LP Policy HC-D15</p> <ul style="list-style-type: none"> - Although the increase in floor area would be less than the large 1990s increase, it is still a substantial further addition. The Policy exists to prevent further unmanaged cumulative extensions, so the presence of an existing extension does not automatically render further additions acceptable. - The ENPA has advised that a proposal for a detached office extension would mean it would have the potential to fall outside this Policy, because it would no longer be a residential extension. I must determine the appeal on the merits of the proposal for an attached home office for which Policy HC-D15 does apply. - It is suggested a condition could limit the office extension to be only used for the administration of the farming business. It could however be easily used for other office functions such as for family admin, or to carry out homework, and it may be difficult to differentiate between such functions. The office extension would attach to the existing living accommodation. It would thus suit a wide range of domestic uses including additional living space. With reference to paragraph 55 of the Framework, such a condition would not be reasonable and would be difficult to enforce. - LP Policy HC-D15 was the most important Policy in an allowed appeal. Even the greater increase would only have been very marginally over the limit provided by the Policy. This would be very different to this proposal which would see a 		

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						<p>huge cumulative percentage increase to the size of the original dwelling.</p> <ul style="list-style-type: none"> - The existing farmhouse is large and there is no information to explain why space for an office could not be found within the existing building. - The proposal would be contrary to Policy HC-D15 of the LP, which seeks to ensure that residential extensions are not disproportionate to the original dwelling. There are no other material considerations that are of sufficient weight to indicate that the decision should be made other than in accordance with the development plan. 		
6/14/20/104	Full	Simonsbath Barton, Simonsbath	Allowed	26/07/2021	The development permitted is the proposed conversion of storage rooms in stables to disabled accessible one bedroom flat for dual use of holiday accommodation and dependant relative annex. The condition in dispute is No 11	<p>Main issue Whether the disputed condition is necessary and reasonable in the interests of ensuring that when used for self-catering accommodation the permitted development is retained to support the agricultural activities on Simonsbath Barton, and in the interests of preventing an unrestricted occupation contrary to the policies of the Exmoor National Park Local Plan.</p> <p>The appeal was allowed and planning permission varied by deleting and substituting Condition 11.</p> <p>Reasons</p> <ul style="list-style-type: none"> - The original planning application was considered by the Planning Authority as a farm diversification. Planning permission was granted which included the disputed condition. The Appellants consider the condition is unnecessary and unreasonable - in particular the inclusion of the term "and shall not be sold or otherwise disposed of separately from Simonsbath Barton". 	The appeal was against a condition –in particular the requirement that the holiday let / dependant relative annex is not sold off or disposed of separately from the main dwelling. This has been a typical requirement. The proposal in this case is slightly unusual in that it proposes a barn to be converted for use as either a holiday let or as a	

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						<ul style="list-style-type: none"> – The main farmhouse and the application building are in separate ownership from the extensive farm holding. The wider farm holding and separate main farmhouse and application building, are both known separately as ‘Simonsbath Barton’. Whilst the disputed condition ties the use of the application building when in use as an annex to the main house at Simonsbath Barton, the effect of the condition is that the application building cannot be sold separately from the wider farm holding. – Consequently, in its current form, the disputed condition would not tie the annex to the main farmhouse at Simonsbath Barton but to the wider farm holding in relation to any sale or disposal. The condition would not ensure the annex could not be disposed of separately from the property that it is ancillary to, given that the annex is not ancillary to the wider farm holding. – The condition in its current form would not be sufficiently precise and a term that expressly prevents the separate sale of the application building from the main house at Simonsbath Barton, is unreasonable and unnecessary. Such a term is not required by policies of the development plan and the condition is clear in that when the building is in use as an annex, it shall not be used other than as ancillary accommodation for a dependant relative associated with the occupiers of the main house at Simonsbath Barton. Such wording alone would ensure that the use of the application building as an annex remained tied to the occupation of the main house at Simonsbath 	<p>dependant relative annex for the main dwelling. Whilst the appeal is allowed in this case, the Inspector has applied a reworded condition, which he considers is more precise and although the specific wording seeking to prevent the annex building being sold away has been removed, the reworded condition ensures that the use of the building as an annex is tied to the occupation of the main house. If it is sold away it cannot become a separate dwelling unless there is further grant of planning permission, and</p>	

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						<p>Barton, thereby preventing its use as an unrestricted dwelling.</p> <ul style="list-style-type: none"> The disputed wording of the condition in respect of “and shall not be sold or otherwise disposed of separately from Simonsbath Barton” is not reasonable nor necessary in the context of the Local Plan. The disputed condition should be removed and replaced with a condition that omits the disputed wording. 	could therefore only be used only as holiday accommodation in accordance with the condition.	
6/40/19/101	Full	Halse Farm, Halse Lane, Winsford	Allowed	06/08/2021	Installation of 15m telecommunication mono pole mast and associated equipment together with twin wheel access track	<p>Main Issue The planning application was not determined before it was appealed. From the Council’s Appeal Statement of Case and the other evidence submitted I would regard the main issue as the effect of the development on the landscape and scenic beauty of this part of the Exmoor National Park.</p> <p>Reasons</p> <ul style="list-style-type: none"> The 2021 National Planning Policy Framework (NPPF) states “great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks” (Paragraph 176). There is no doubt that the mast would be visible from many different vantage points within this part of the NP. Being 15m in height, towards the top of a hill, it would at least be partially visible from some short and many long range views. There are other poles or similar features of various infrastructure near the site, though these are not of the same height as the mast, which therefore would be more prominent. The mast would, due to its size and prominence, have a clear visual impact within this area, on the side of a smooth hillside. This visual impact would be negative as it would be a modern utilitarian feature with vertical prominence, 	The appeal is technically against “non-determination” of an application for the mast at Halse Farm. That application is deemed refused. This was presented to Committee with a recommendation that planning permission be refused because of its adverse landscape impact. The application was deferred. The inspector agrees there is landscape harm but considers the benefit through the contribution	GP1 CE-S1 CE-D1 CE-S6 AC-S4 AC-15 SE-S1

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						<p>thereby incongruous with the NP agricultural / rural landscape.</p> <ul style="list-style-type: none"> - The proposed mast would have a negative visual impact and would not conserve the scenic beauty of this part of the NP, but the extent of this harm is limited primarily by the fact it would be a slim singular mast. The fencing and cabinets to the base would not be particularly noticeable within the landscape and would be screened by field hedgerows from many vantage points. - There are also the benefits the mast would bring. The NPPF (paragraph 114) states “Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks.” - The proposed mast is needed for the Emergency Services Network (ESN). Although within the NP, there is the need for communication technology for the emergency services. - Some masts built for ESN will also be available for other mobile operators. - The appellant has considered other alternative sites in the area. A new application for a mast of 20m has been submitted to the Planning Authority, but this would not “provide as much geographical coverage as the appeal site”, according to the appellant. - In my judgement, the other potential alternative sites `would not be discernibly better than the appeal site in terms of landscape impacts. The 	<p>the development would provide to those living and visiting the area, primarily due to the enhanced modern communication technology for the emergency services, outweighs that harm.</p> <p>There was considered by officers to be a better site or more than one site, for smaller less conspicuous developments.</p>	

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						<p>mast needs a prominent location and sufficient height to allow for suitable coverage</p> <ul style="list-style-type: none"> - I note Council concerns that if the planning application at 'Point K' is approved then there could be two masts, but this seems unlikely given that one mast would probably provide the coverage needed. I do not share such concerns. - There is an approved proposal for an antenna in Winsford in 2018, it would improve local 4G coverage and benefit the emergency services. The appellant has explained why an elevated position for greater coverage is required and it seems likely the appeal proposal would have significantly greater benefit than that approved. - In terms of the justification for the mast, the reasons such as the provision of the ESN are of great importance to those living or visiting this part of the NP. This must be balanced against the visual harm of the mast in the NP landscape. - The mast does not conserve the natural beauty of the NP. Therefore, the proposal conflicts with policies GP1, CE-S1, CE-D1 and CE-S6 of the Exmoor National Park Local Plan (2011-2031), which require development to conserve and enhance the NP. Policy RT-D12 relates to safeguarding public rights of way. There is an extensive network in the area - the mast would be at least partially visible from some routes. As such, this would affect the landscape people would pass through. - In terms of Local Plan telecommunication infrastructure policies, policy AC-S4 requires that whilst development to improve the telecommunications networks will be encouraged, "great weight will be given to 		

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						<p>ensuring that the National Park and its special qualities are conserved and enhanced". I would not regard the proposed mast as conserving the NP qualities, even though it would improve the telecommunications networks.</p> <ul style="list-style-type: none"> - Policy AC-15 states that the design of mobile telecommunications development should have an acceptable appearance in the landscape. As such, I conclude that the proposal would not strictly comply with these policies due to the impact of the mast, but these policies do show a recognition of the importance to Exmoor of mobile telecommunications development. - Included with the policies stated by the Council which conflict with the proposal is policy SE-S1, which relates to Exmoor's economy, but this mast would have the primary function of providing emergency services with modern communications they now require. It could also benefit local businesses if shared to provide better coverage. - Planning law requires that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the proposal would not conserve the scenic beauty of the NP, although the level of harm is minimal due to the mast being essentially a singular slim structure within the landscape. Whilst I give any harm to the NP great weight, in this case it is outweighed by the very important contribution this infrastructure would provide to those living and visiting this area of Exmoor, primarily due to the enhanced modern communication technology for the 		

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						<p>emergency services. As such, even with the conflict with development plan policies, there are particularly important and persuasive material considerations that indicate that this development should be approved.</p> <p>Conditions</p> <ul style="list-style-type: none"> - details of the finish of the antenna. - removal of the mast when redundant 		
62/62/20/001	Full	The Dairy, Middle Dean Farm, Road from Coulsworthy Crook to Dean, Parracombe	Allowed	11/08/2021	Retention of timber cabin for use as ancillary accommodation to main dwelling".	<p>Whether the building is ancillary to the host dwelling.</p> <p>Reasons</p> <ul style="list-style-type: none"> – The appeal relates to a small building within the grounds of a residential barn conversion in the countryside. – The cabin is capable of being occupied as an independent unit of accommodation, it is necessary to consider whether it would also be capable of being occupied as an annexe: the Dairy and the cabin share the same access, the cabin is within the private garden of the main residence -removal of the fence means the garden would become shared amenity space, they share the water and electricity meter. Taken as a whole, these lead me to conclude that the cabin is capable of be occupied as an annexe to the main dwelling. – The Dairy has been rented out as a holiday let while the cabin has been separately occupied. The intention is for the appellant and her son to live together on property – Even though the cabin could be used as a separate dwelling, the proposal is for a residential annexe. If planning permission was granted and the cabin was not used as proposed, or there was a material change of use 	Follows a previous dismissed enforcement appeal related to the erection of the building for use as a dwellinghouse. The Inspector, in that case, found, on balance of probability, the building is a separate dwelling and not an annexe. It would not comply with the Local Plan housing strategy and policies. This appeal to retain the building as an annexe has been allowed subject to removal of an existing fence.	GP1, HC-S1, HC-S2, HC-D8

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						<p>in the future to create a separate dwelling, then a separate grant of planning permission would be required and the cabin would be at risk of enforcement action.</p> <ul style="list-style-type: none"> - I conclude that, subject to conditions, the building would be ancillary to the host dwelling. Hence there would be no conflict with Policies GP1, HC-S1, HC-S2 and HC-D8 of the Exmoor National Park Local Plan 2011-2013 which, collectively, seek to control the location of new housing development. <p>Conditions</p> <ul style="list-style-type: none"> - the removal of the fencing surrounding the cabin - the cabin to be occupied as ancillary accommodation only to ensure the cabin cannot be used as a separate dwelling. 	The Inspector agrees the building is capable of being occupied as a separate dwelling or an annexe to the applicant's dwelling and is satisfied that renting the main house as holiday accommodation will cease. Enforcement action could be taken if the annexe is occupied independently / separately.	
6/31/20/101	Full	Springwater Farm, Elworthy	Allowed	27/08/2021	First floor extension to agricultural building to provide office space to be used ancillary to the main dwelling house together with timber cladding and construction of first floor bridge.	<p>Main issue The effect of the development on the character and appearance of the dwelling and the surrounding landscape.</p> <p>Reasons</p> <ul style="list-style-type: none"> - Although it is a large two-storey house, significant hedgerows including along the PROW and rising land mean it is not a particularly prominent feature in the landscape. - The agricultural building is a single-storey building of utilitarian appearance, with a mono-pitched profile steel roof cut into the slope of the land. Its low-profile results in it being largely hidden from view by the topography, the 	It is acknowledged that the scheme has the support of the Design Review Panel (gained after the planning decision) and this is perhaps significant in the Inspectors decision.	HC-D16, CE-S6, SE-D1, SE-S4, CE-S1 and CE-D1

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						<p>hedgerow, and the two-storey house. It has little impact on the character of the surrounding countryside.</p> <ul style="list-style-type: none"> - The proposal would result in a substantial increase in the scale and massing of the existing building. However, its footprint would not be extended, the flat, green-roof would limit additional height, its apparent scale would be reduced as it is cut into the slope, resulting in a single storey appearance, it would occupy a very small part of the residential curtilage and it is set against the backdrop of a rising landscape. The scale and massing of the building would not be disproportionate with the existing house or its landscape setting. - The form and design of the building is a departure from the architectural style of the existing house. The flat roof would reduce the scale and, with the contrasting design and materials, contribute to the building retaining a subservient visual relationship to the dwelling. The house is not characteristic of the local vernacular, or of such architectural value that it should dictate the design of an ancillary outbuilding. - Most of the large full-height windows would face towards the boundary hedge, or rising land. One would be seen from the PROW, but in the context of the numerous windows in the house. As an office, it is unlikely to be regularly lit at night and the office use would be ancillary to the dwelling, The net increase in light spill from the site as a whole would not be significant. - Despite its increased height and contrasting design, the building and first-floor bridge would 		

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						<p>still be largely hidden from public view by the trees and hedgerows and by rising land. From nearby, it would only be readily visible from a short stretch of PROW. From here it would be seen in the context of the existing house and its residential curtilage, so would not intrude into views of the National Park landscape. The building would not be a prominent or harmful feature in views from the PROW.</p> <ul style="list-style-type: none"> - The scale, form, and general design of the building would conserve the landscape and scenic beauty of the National Park. - Following the Council's decision, the Design Review Panel's comments were generally supportive of the proposal, and concluded it would not have a detrimental impact on the character and visual amenity of the surrounding landscape. Whilst supportive of the architectural approach, the Panel recommended that simplifying the pattern and extent of the cladding may help to visually soften the building and reduce its perceived massing and scale. Paragraph 133 of the Framework advises that regard should be had to any recommendations made by design review panels. I have therefore imposed a condition to secure the recommended amendments to the detailed design and extent of the cladding. - The development would not have a harmful effect on the character and appearance of the dwelling or the surrounding landscape. The proposal would, therefore, accord with Policies HC-D16, CE-S6, SE-D1, SE-S4, CE-S1 and CE-D1 of the Local Plan. Taken together, these policies seek to conserve the distinct landscapes of the 		

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						National Park; secure high quality sustainable design in developments; and ensure that outbuildings within the curtilage of a dwelling are of a proportionate scale and massing, with no adverse impact on the character, appearance or setting of the existing dwelling or surrounding landscape.		
62/41/21/012	Full	Lynton C of E School, Lynton	Allowed	22/11/2021	Replacement of doors/screens in 3no. locations with new aluminium of style and colour to match existing	<p>Main Issue The main issue is whether or not the proposal would preserve or enhance the character or appearance of the Lynton Conservation Area (the CA).</p> <p>Reasons</p> <ul style="list-style-type: none"> - Lynton Primary School occupies a prominent position within the CA. The significance of the CA is, in part, drawn from the quality of its historic architecture and the prevalent use of traditional materials, the latter under threat by inappropriate modern replacements, such as uPVC. - The school makes a positive contribution to the significance of the CA through the character and appearance of its Victorian core. This part of the building has been shrouded by a series of smaller later additions. Some are utilitarian in form and detract. Others, added around 2002, have a more sympathetic, traditional design. - The doors/screens labelled are within one of the 2002 extensions and are therefore likely modern not original. This extension is very visible from Market Street and Castle Hill. Despite this, its subservient scale, traditional form and finishes, particularly its pitched roof, brick dressings, and timber sashes with vertical glazing bars, ensure it has an inoffensive presence within the CA. 	This relates to a proposal to install aluminium doors, replacing timber doors. The Inspector has found that the difference between the proposed aluminium and the existing timber doors, which are relatively modern and plain in appearance, is of little consequence when considering that they are also set back so as not to be obvious to the public realm. The Inspector has considered the potential impact on the character	GP1, CE-D3, CE-S4 and CE-S6

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						<ul style="list-style-type: none"> - The doors/screens, play little part in this because they are simple and not particularly refined. Given that they are also quite set back from the public realm, their like for like replacement but in aluminium, would do little to alter the current situation. - The doors form the front reception entrance to the school building constructed circa 2002. Their like for like replacement in aluminium would not harm the CA, as the timber doors were likely modern, set within a modern part of the school, and within a discrete position largely away from public view. - The proposal would preserve the character and appearance of the CA. It would accord with the heritage aims of Policies GP1, CE-D3, CE-S4 and CE-S6 of the Exmoor National Park Local Plan 2011–2031 (adopted 2017) and the National Planning Policy Framework. 	and appearance of the Conservation Area and considers that impact acceptable and in accordance with planning policy. The proposal only relates to doors, not the windows which are noted as being more refined in terms of appearance is also factor.	
6/10/21/119	Householder	39 West Street, Dunster	Allowed	14/01/2022	Proposed widening of opening in barn attached to dwelling to enable pedestrian access and storage	<p>Main Issue Whether the condition is reasonable in the interests of the safety of users of the adjacent highway. The condition in dispute is No 2 which states that: The north facing wall of the application building, shall be reinstated to its former condition with matching sandstone within 6 months of the date of failure to meet the following requirement: Within 3 months of the date of this decision, the pillar proposed to be installed within the opening that has been created within the north facing elevation of the building, shall be constructed and installed in accordance with the approved plans.</p> <p>Reasons</p> <ul style="list-style-type: none"> - The Inspector, in an earlier dismissed appeal found that the widening of the barn's opening 	To remove the pillar once installed would create vehicle access to the A road which would require planning permission.	AC-S2 and AC-D2

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						<p>facing the A396 (West Street) would allow it to be used for the parking of vehicles which would have a harmful effect on highway safety.</p> <ul style="list-style-type: none"> - Subsequently, the appellant sought permission to retain the open front of the barn but to erect a timber pillar in the centre of the opening to prevent the barn's use for the parking of vehicles. This was granted permission, imposing a condition requiring the work to install the pillar to be carried out before 1/10/21. The appellant considered the time period was too short. - it is necessary to restrict the width of the opening and prevent its use for vehicles, who would manoeuvre onto the highway with restricted visibility, resulting in harm to highway safety. The timber pillar achieves this. - Subject to a condition requiring the retention of the works, I am satisfied that the proposal complies with Policies AC-S2 and AC-D2 of the Exmoor National Park Local Plan 2011-2031 which seeks to take account of, and prevent development, which would prejudice road safety interests. Condition 2 should be deleted and replaced with revised wording. <p>Condition</p> <ul style="list-style-type: none"> - Varied by deleting condition 2 and substituting for it the following: 2) The works carried out, as shown on the approved drawings listed in condition 1, shall be hereby retained. 		
62/41/21/017	Condition	Sparhanger EX35 6LN	Allowed	03/03/2022	Replacement of staff and welfare / office building, without complying	<p>Main issue Whether condition No. 2 is reasonable or necessary, having regard to the character and appearance of the area, with particular reference to the farmhouse</p>	Relates to a condition of a retrospective planning	CE-S4 CE-S6 and SE-S3.

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					with a condition attached to planning permission Ref 62/41/19/032	<p>as a non-designated heritage asset. Condition No.2 says: 'Prior to 31st March 2021, the windows and doors currently in the application building hereby approved shall all be replaced with replacement windows and doors that are only constructed from natural timber. The replacement windows and doors shall be retained as such thereafter, and any subsequent windows and doors shall only be constructed from natural timber.'</p> <p>Background</p> <ul style="list-style-type: none"> - Sparhanger is an equestrian centre and working farm centred on its farmhouse – assessed as a non-designated heritage asset. - In 2020 permission was granted for the replacement of a portacabin housing Sparhanger's staff and welfare/office facilities with the building which now stands in its place. The building has a mixture of uPVC and aluminium windows and doors and a condition required their replacement in timber. <p>Reasons</p> <ul style="list-style-type: none"> - Policy SE-S3 of the ENP Local Plan considers business development in the countryside. It allows for the replacement of existing buildings where there would be no significant increase in building size, and where there would be enhancement to the site, where necessary to deliver an overall acceptable scheme in landscape terms. - Policy CE-S6 1. b) of the Local Plan states that the materials and design elements of a new building should complement the local context through the use of traditional and natural sustainable building materials. I do not interpret 	<p>permission for a replacement building. The disputed condition requires existing uPVC windows / doors to be replaced with timber frame windows/doors. The Inspector interprets that Policy CE-S6 does not require that each and every finish material must be traditional – rather that the individual merits of each case must be considered. The LP provides flexibility- non-traditional materials are contemplated, but only where this is judged to be acceptable (e.g. in relation to non-traditional buildings outside conservation</p>	

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						<p>this to impose an absolute requirement that each and every finish material must be traditional before a building can be found to be complementary. Rather, site specific circumstances should be taken into consideration, and there are particularly relevant at the appeal site.</p> <ul style="list-style-type: none"> - The portacabin that has been replaced was of a highly utilitarian, prefabricated appearance and of modern construction. The building that has replaced it, even with uPVC and aluminium doors and windows, is much more traditional and sophisticated, being clad in timber, with a pitched roof and a veranda. This leads the development to result in a clearly enhanced design response for Sparhanger, complementary to its farm and equestrian buildings and the farmhouse itself. - Condition No 2 is not reasonable or necessary, having regard to the character and appearance of the area, with particular reference to the farmhouse as a non-designated heritage asset. Without it, the proposal accords with the landscape, heritage and design aims of Policies SE-S3, CE-S4 and CE-S6 of the Local Plan. 	<p>areas). The Inspector considers that the proposed building, which has the uPVC fenestration, is preferable to the highly utilitarian building it has replaced – even with uPVC windows and doors installed. The development (taken as a whole) is an improvement on the previous building.</p>	