



# EXMOOR

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## NATIONAL PARK

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25<sup>th</sup> September 2025

### EXMOOR NATIONAL PARK AUTHORITY PLANNING COMMITTEE

**To: The Members of the PLANNING COMMITTEE of the Exmoor National Park Authority**

A meeting of the Planning Committee will be held in the **Committee Room, Exmoor House, Dulverton** on **Tuesday, 7<sup>th</sup> October 2025 at 1. 30pm.**

The meeting will be open to the press and public subject to the passing of any resolution under s.100(A)(4) of the Local Government Act 1972.

There is Public Speaking at this meeting, when the Chairperson will allow members of the public two minutes each to ask questions, make statements, or present a petition relating to any item on the Agenda. Anyone wishing to ask questions should notify the Corporate Support Officer as soon as possible, or at the latest by 4pm on the working day before the meeting of the agenda item on which they wish to speak, indicating a brief summary of the matter or matters to be raised (contact [Committees@exmoor-nationalpark.gov.uk](mailto:Committees@exmoor-nationalpark.gov.uk)).

The meeting will be **recorded**. By entering the Authority's Committee Room and speaking during Public Speaking you are consenting to being recorded. We will make the recording available via our website for members of the public to listen to and/or view, within 72 hours of the meeting taking place.

Members of the public may use forms of social media to report on proceedings at this meeting. Anyone wishing to film part or all of the proceedings may do so unless the press and public are excluded for that part of the meeting or there is good reason not to do so. As a matter of courtesy, anyone wishing to film proceedings is asked to advise the Chairperson so that those present may be made aware.

(The agenda and papers for this meeting can be downloaded from the National Park Authority's website [www.exmoor-nationalpark.gov.uk](http://www.exmoor-nationalpark.gov.uk)).

Sarah Bryan  
Chief Executive

As set out above, the Authority welcomes public engagement with its work and believes that everyone attending a meeting of Exmoor National Park Authority or one of its Committees has the right to be treated with respect and to feel safe at all times, including before, during and after the meeting they attend.

The Authority understands that some situations can be difficult and lead to frustration; however, the Authority is committed to promoting an environment where everyone feels listened to and respected and is not subjected to unacceptable behaviour. Further guidance is provided in our Customer Notice, available on our [website](#).

## AGENDA

### 1. Apologies for Absence

### 2. Declarations of Interest/Lobbying of Members/Unaccompanied Site Visits

Members are asked to declare:-

- (1) any interests they may have in relation to items on the agenda for this meeting;
- (2) any lobbying by anyone concerned with a planning application and any unaccompanied site visits where contact has been made with any person concerned with a planning application.

### 3. Minutes

- (1) To approve as a correct record the Minutes of the meeting of the Planning Committee held on 2<sup>nd</sup> September 2025 (Item 3)
- (2) To consider any Matters Arising from those Minutes.

### 4. Business of Urgency: To introduce any business which by reason of special circumstances the Chairperson, after consultation with the Chief Executive, is of the opinion should be considered as a matter of urgency and to resolve when such business should be ordered on the Agenda.

### 5. Public Speaking: The Chairperson will allow members of the public to ask questions, make statements, or present a petition on any matter on the Agenda for this meeting or in relation to any item relevant to the business of the Planning Committee. Any questions specific to an agenda item can be posed when that item is considered subject to the discretion of the person presiding at the meeting.

### 6. Development Management: To consider the report of the Head of Climate, Nature & Communities on the following:-

Agenda Item	Application No.	Description	Page Nos.
6.1	62/49/25/003	Proposed conversion of redundant Methodist Chapel & School House to 1no Principal Residence dwelling and reinstatement of former miners cottages to 1no affordable local needs dwelling at Mineswood, Heasley Mill - Heasley Mill Methodist Chapel, Road From Lower Fyldon Cross To Heasley Mill, North Molton, Devon, EX36 3LE	1 - 30
6.2	62/41/25/007	Application under Regulation 3 of the Town & Country Planning General Regulations 1992 for the proposed erection of extract unit and vertical flue on rear elevation - The Pavillion, Esplanade, Lynmouth, Devon, EX35 6EQ	31 - 44

### 7. Application Decisions Delegated to the Chief Executive: To note the applications determined by the Chief Executive under delegated powers (Item 7).

### 8. Site Visits: To arrange any site visits agreed by the Committee (the reserve date being Friday, 31st October (am))

## ITEM 3

### EXMOOR NATIONAL PARK AUTHORITY PLANNING COMMITTEE

**MINUTES** of the Meeting of the Planning Committee of Exmoor National Park Authority held on Tuesday, 2 September 2025 at 2pm in the Committee Room, Exmoor House, Dulverton.

#### PRESENT

Mr S J Pugsley (Chairperson)

Dr M Kelly (Deputy Chairperson)

Mr T Butt Phillip

Mr M Ellicott

Mr B Geen

Mr J Holtom

Mr R Hopley

Mrs F Nicholson

Mr J Patrinos

Mrs F Smith

Miss E Stacey

Mr T Butt Philip was welcomed to their first Planning Committee meeting.

**14. APOLOGIES FOR ABSENCE** were received from Mr A Bray, Mr D Elson

**15. DECLARATIONS OF INTEREST/LOBBYING OF MEMBERS/  
UNACCOMPANIED SITE VISITS:**

None.

**16. MINUTES:**

i. **Confirmation:** The **Minutes** of the Committee's meeting held on 3 June 2025 were agreed and signed as a correct record.

ii. **Matters arising:** There were no matters arising.

**17. BUSINESS OF URGENCY:** There was none.

**18. PUBLIC SPEAKING:** None.

**19. APPEAL DECISIONS:** The Committee noted the **decisions** of the Secretary of State to dismiss the following appeals:

- Appeal Ref: APP/F9498/W/24/3350731 – Unit 6, Middle Burrow, Burrow Road, Timberscombe, Minehead, Somerset, TA24 7UD. Proposed change of use of the barn known as North Barn (ancillary use) to holiday accommodation.

It was clarified that whilst this decision was made, matters are still unresolved.

## DEVELOPMENT MANAGEMENT

20. **Application No: 6/14/25/004**  
**Location: Pinkery Centre for Outdoor Learning, Simonsbath, Minehead, TA24 7LL: Application under Regulation 3 of the Town and Country Planning General Regulations 1992 for the proposed replacement of existing artificial roof slate with natural slate, erection of 2 No. Flues for a burning stove, together with, the creation of a ground-floor external doorway where a window currently exists.**

The Committee considered the **report** of the Head of Climate, Nature & Communities.

### **The Committee's Consideration**

It was confirmed planning permission was previously granted for these works in October 2021, and that two flues have been installed with the intention that this was done under the previous permission. However, as a pre-commencement condition was not satisfied before starting these works, that permission had lapsed, and a fresh planning application has been required.

Alterations were minor and would bring benefit to the building. It was noted that the proposed changes would be carried out without any harm to bats that are resident in some sections of the building.

The removal of a sun tube and a window was queried for energy saving and light giving levels, however officers advised this was difficult to compare these levels. Natural slate would be used to replace the roof; this was part of the application. The use of solar panels in the roof was suggested, it was confirmed that the site already had a solar array and a wind turbine.

A typo within the Ecologist's comments which referenced the Updated Bat Roost and Breeding Bird Assessment as dating to '2025' rather than '2024' was noted. However, the main body and analysis within the report records the correct date for the assessment.

**RESOLVED:** To approve planning permission subject to the conditions set out in the report.

## 21. **THE LOCAL LIST OF REQUIREMENTS FOR THE SUBMISSION OF PLANNING AND OTHER APPLICATIONS.**

The Committee considered the **report** of the Head of Climate, Nature & Communities

The report was welcomed to update the committee on the position of the Local List, to agree the contents of the draft Local List of Information Requirements and proceed to consultation. The document should be reviewed every two years, otherwise it would be out of date. Following a review, the most significant changes are with statutory requirements in Biodiversity Net Gain and introducing a requirement for Simple Calculation of Atmospheric Impact Limits assessment in relation to Livestock buildings within Impact Risk Zones.

It was noted that there was capacity to expand information regarding Visual Impact Assessments. It was advised that currently this is proportionate to the local requirements on a case-by-case basis. It was agreed that a new paragraph should be added to give clarity to this matter.

2 September 2025

It was confirmed that the layout of the document is currently in draft format and layout of captions and placement of images and headings will be re-assessed. There will be a period of public consultation followed by final approval of the Local List document at this Planning Committee.

**RESOLVED:** To recommend that the Committee agrees the contents of the draft Local List of Information Requirements and instruct officers to proceed to consult on the draft document.

- 22. APPLICATION DECISIONS DELEGATED TO THE CHIEF EXECUTIVE:** The Committee noted the **decisions of the Chief Executive determined under delegated powers**.

A discussion took place regarding the Committee viewing the end result of proposals and reflection of decisions with a site visit 1 year on.

Miss E Stacey left the meeting 2.40pm

- 23. SCHEDULE OF SECTION 106 APPLICATIONS:** The Committee noted the **schedule** of Section 106 Applications being undertaken by Devon County Council on behalf of Exmoor National Park Authority.
- 24. SITE VISITS:** If there were any site visits to arrange, these would take place on the morning of Friday 3 October 2025.

The meeting closed at 2.53pm

(Chairperson)



**Committee Report**

Application Number:	62/49/25/003
Registration Date:	03-Apr-2025
Target Determination Date:	26-May-2025
Extension of Time:	10-Oct-2025
Applicant	Mr R Richards
Agent:	Mr. M Kelly, Planning Partnership Ltd
Case Officer:	Yvonne Dale
Site Address:	Heasley Mill Methodist Chapel, Road From Lower Fyldon Cross To Heasley Mill, North Molton, Devon, EX36 3LE
Proposal:	Proposed conversion of redundant Methodist Chapel & School House to 1no Principal Residence dwelling and re-instatement of former miners cottages to 1no affordable local needs dwelling at Mineswood, Heasley Mill, North Molton
Recommendation:	Refuse
Reason for bringing before Authority Committee:	This application is brought before Committee in accordance with the Approved Scheme of Delegation because the recommendation of the Officer is contrary to the view of North Molton Parish Council who support to the application.

**Relevant History**

62/49/02/001 Conversion of disused chapel to three bedroomed dwelling Refused 04/29/2003

62/49/07/005 Proposed conversion of redundant chapel into one residential unit (2 bed). Withdrawn 11/15/2007

62/49/08/001 Conversion of redundant chapel to 1 no local needs affordable residential unit. Approved 11/01/2011

62/49/17/004 Proposed change of use of former Methodist Church to two holiday lets together w Withdrawn 02/01/2018

62/49/18/005 Proposed change of use of former Methodist Church to two holiday lets together w Refused 10/02/2019

62/49/20/003 Proposed change of use and conversion of former Methodist's chapel to 1 no. loca Withdrawn 11/30/2020

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NM 1690 Proposed site for one no. bungalow Refused 11/04/1966

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## Site Description & Proposal

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The application site is located within Heasley Mill. Heasley Mill lies approximately 2.4km north east of North Molton. The settlement of Heasley Mill is an item on Exmoor's Historic Environment Record (MEM23891). The record states that Heasley Mill is the site of a medieval mill mentioned in documents of 1314 and 1316 and that much mining activity around Heasley Mill in the 19th Century.

The application site consists of the Heasley Mill Methodist Chapel and the ruins of former miner's cottages to the western side of the Chapel itself. The Methodist Chapel is a single storey, stone and render building with a slate roof and a stone porch on the front elevation. The site is separated from other buildings in Heasley Mill. The site has no cemetery area and the boundaries are fairly tight around the building.

The Methodist Chapel is also recorded on Exmoor's Historic Environment Record (MEM23931). The record states that the Chapel is a Wesleyan Methodist Chapel and dates to 1867.

There is currently a single width vehicular access up to the chapel from the lane in front of the site. The access is sloped due to the chapel being situated on higher ground level than the lane. There is parking and turning space in front of the building. The south west section of the building is an entrance hall with the majority of the building being the formal chapel area. These two parts of the building are subdivided.

Planning permission was previously granted in 2011 for the use of the former chapel as a local needs affordable dwelling (ref. 62/49/08/001). This permission was never implemented and expired in November 2014. The Officer report for that application explained that the chapel closed in December 2000 because of decreasing attendance. That application was approved with five conservation style rooflights in the elevation facing away from the lane and a single flue in the same elevation.

Planning permission is sought for the proposed conversion of the redundant Methodist Chapel & School House to 1no Principal Residence dwelling and re-instatement of former miners cottages to 1no affordable local needs dwelling at Mineswood, Heasley Mill, North Molton.

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## Consultee Representations

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### North Devon Housing Team – 04/04/2025

Affordable housing policy (and the requirements for tenure, property size, allocation, etc.) is as per the Exmoor National Park Local Plan.

Devon Home Choice (DHC) shows there are 27 households living in the parish of North Molton registered as being in need of affordable housing for rent as of January

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2025. Not all households tend to register themselves on the housing register as they don't think that they will have the opportunity to be housed so this figure is often significantly higher. It should be noted that although DHC data identifies the number of households living within the parish in housing need, it does not always provide sufficient information to firmly establish how long households have been resident in the parish or if they wish to remain in the parish; it is a snap shot in time and people's circumstances can change extremely quickly. In addition, some households may seek affordable home ownership options (shared ownership/discounted sale). We don't hold data on numbers of households requiring some form of affordable housing for sale.

### **North Devon Housing Team – 10/06/2025**

Thank you for your consultation,

Please refer to my previous response from 04.04.25.

### **North Molton Parish Council – 10/04/25**

North Molton Parish Council voted to support this application at their meeting on the 9th April 2025. The chapel is a beautiful building and in a poor state of repair because permission has not been given to do something positive with it. It is part of the architectural heritage of Heasley Mill, which should be an overriding factor in allowing for sensitive development of the site, as well as of great value for the people and cultural heritage of the area.

### **North Molton Parish Council – 10/07/25**

North Molton Parish Council voted to support this application at their meeting on the 9th July 2025. The comments remain the same as for the April submission: the chapel is a beautiful building and in a poor state of repair because permission has not been given to do something positive with it. It is part of the architectural heritage of Heasley Mill, which should be an overriding factor in allowing for sensitive development of the site, as well as of great value for the people and cultural heritage of the area.

### **South West Water – 10/04/25**

Location: Heasley Mill Methodist Chapel, Road From Lower Fyldon Cross To Heasley Mill, North Molton, Devon, EX36 3LE

Your ref: 62/49/25/003

Our ref: PC100425EX363LE

Proposal: Proposed conversion of redundant Methodist Chapel & School House to 1no Principal Residence dwelling and re-instatement of former miners cottages to 1no affordable local needs dwelling

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With reference to the planning application at the above address, the applicant/agent is advised to contact South West Water if they are unable to comply with our requirements as detailed below.

## Surface Water Services

The applicant should demonstrate to your LPA that its prospective surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable (with evidence that the Run-off Destination Hierarchy has been addressed, and reasoning as to why any preferred disposal route is not reasonably practicable):

1. Water re-use (smart water butts, rainwater harvesting, grey flushing toilets)
2. Discharge into the ground (infiltration); or where not reasonably practicable,
3. Discharge to a surface waterbody; or where not reasonably practicable,
4. Discharge to a surface water sewer, highway drain, or another drainage system; or where not reasonably practicable,
5. Discharge to a combined sewer. (Subject to Sewerage Undertaker carrying out capacity evaluation)

Having reviewed the applicant's current information as to proposed surface water disposal for its development, please note that method proposed to discharge into the ground and/or into a surface water body is acceptable and meets with the Run-off Destination Hierarchy.

For Highway run off please contact the Highway Authority to agree disposal method.

[www.southwestwater.co.uk/building-and-development/services/pre-development-services](http://www.southwestwater.co.uk/building-and-development/services/pre-development-services)

I trust this provides confirmation of our requirements, however should you have any questions or queries, please contact the Planning Team on 01392 442836 or via email: [DeveloperServicesPlanning@southwestwater.co.uk](mailto:DeveloperServicesPlanning@southwestwater.co.uk).

### **South West Water – 13/06/25**

Location: Heasley Mill Methodist Chapel, Road from Lower Fyldon Cross to Heasley Mill, North Molton, EX36 3LE

Your ref: 62/49/25/003

Our ref: PC130625EX363LE

Proposal: Proposed conversion of redundant Methodist Chapel & School House to 1no Principal Residence dwelling and re-instatement of former miners cottages to 1no affordable local needs dwelling at Mineswood, Heasley Mill, North Molton

With reference to the planning application at the above address, the applicant/agent is advised to contact South West Water if they are unable to comply with our requirements as detailed below.

## Surface Water Services

The applicant should demonstrate to your LPA that its prospective surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable (with evidence that the Run-off Destination Hierarchy has been addressed, and reasoning as to why any preferred disposal route is not reasonably practicable):

1. Water re-use (smart water butts, rainwater harvesting, grey flushing toilets)
2. Discharge into the ground (infiltration); or where not reasonably practicable,
3. Discharge to a surface waterbody; or where not reasonably practicable,
4. Discharge to a surface water sewer, highway drain, or another drainage system; or where not reasonably practicable,
5. Discharge to a combined sewer. (Subject to Sewerage Undertaker carrying out capacity evaluation)

Having reviewed the applicant's current information as to proposed surface water disposal for its development, please note that method proposed to discharge into the ground (infiltration) and/or surface water body is acceptable and meets with the Run-off Destination Hierarchy.

[www.southwestwater.co.uk/building-and-development/services/pre-development-services](http://www.southwestwater.co.uk/building-and-development/services/pre-development-services)

I trust this provides confirmation of our requirements, however should you have any questions or queries, please contact the Planning Team on 01392 442836 or via email: [DeveloperServicesPlanning@southwestwater.co.uk](mailto:DeveloperServicesPlanning@southwestwater.co.uk).

## **North Devon Council - Environmental Health and Housing – 17/04/2025**

I have reviewed this application in relation to Environmental Health matters on behalf of North Devon Council's Environmental Protection service and comment as follows:

### 1 Foul Drainage Proposals

The proposals include use of an existing private system for treatment and disposal of foul drainage from the two dwellings.

The plans include reference to a "Kingspan Bioficient" sewage treatment plant. However, no details of the system have been provided and the FDA form includes contradictory information in relation to how discharges from the treatment plant are to be dealt with - the form states no drainage field is to be used but also states a compliant drainage field will be used. If a drainage field is proposed, it is not clear that the site would have sufficient space or appropriate ground conditions to accommodate it.

Ultimately, private systems must comply with building regulations and the Environment Agency's General Binding Rules for small sewage disposal systems (or

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Permitting requirements where applicable). Based on the information provided, it is not clear whether acceptable provisions can be made for dealing with foul drainage from the proposed development.

I recommend the Applicant be asked to provide additional information with a view to demonstrating that suitable and sufficient foul drainage provisions can be made for the development in compliance with regulatory requirements. This information should be prepared by a suitably qualified person and take account of relevant site conditions and circumstances.

## 2 Land Contamination

Based on the proposed Site Plan, I do not expect land contamination issues to arise in relation to the proposals. However, given the sensitivity of residential developments, I recommend the following condition be included on any permission to cover the possibility that unexpected contamination is encountered during development work:

### - Contaminated Land (Unexpected Contamination) Condition

Should any suspected contamination of ground or groundwater be encountered during development works, 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 exposed during development works is assessed and remediated in accordance with National Planning Policy Framework guidance.

## 3 Construction Phase Noise

In order to reduce the risk of nearby residents being significantly impacted by noise during development works I recommend the following condition be included:

### - Construction Hours Condition

During the site clearance and construction phases of the development no machinery shall be operated and no noisy processes shall be undertaken outside the following times:

- a) Monday - Friday 08.00 - 18.00,
- b) Saturday 08.00 - 13.00
- c) nor at any time on Sunday, Bank or Public holidays.

Reason: To protect the amenity of local residents

## 4 Advisory Note: Asbestos

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The existing building is of an age where asbestos containing materials (ACMs) could be present. A check for ACMs should be carried out by a suitably qualified competent person prior to commencing any works that might disturb these materials. ACMs must be dealt with in accordance with asbestos regulations and health and safety guidance.

### **North Devon Council - Environmental Health and Housing – 17/04/2025**

I refer to my emailed comments of 17 April 2025.

#### Foul Drainage Proposals

The amended plans and information do not address the concern I raised previously concerning whether it will be possible to provide suitable and sufficient foul drainage provisions for the proposed dwellings in compliance with regulatory requirements.

My previous comments and recommendations stand.

### **North Devon Council - Environmental Health and Housing – 16/09/2025**

Affordable housing policy (and the requirements for tenure, property size, allocation, etc.) is as per the Exmoor National Park Local Plan.

Devon Home Choice (DHC) shows there are 38 households living in the parish of North Molton registered as being in need of affordable housing for rent as of July 2025. Not all households tend to register themselves on the housing register as they don't think that they will have the opportunity to be housed so this figure is often significantly higher. It should be noted that although DHC data identifies the number of households living within the parish in housing need, it does not always provide sufficient information to firmly establish how long households have been resident in the parish or if they wish to remain in the parish; it is a snap shot in time and people's circumstances can change extremely quickly. In addition, some households may seek affordable home ownership options (shared ownership/discounted sale). We don't hold data on numbers of households requiring some form of affordable housing for sale.

### **ENPA Ecologist – 01/05/25**

Based on the proposal it is good to have received an ecology report: Ecological Impact Assessment, Lakeway Ecological Consultancy, dated 9th January 2025. The EclA report details the findings of a desk study, a field survey (on 09/05/2024) and bat emergence surveys (dates 21/05/24 and 17/06/24). The methods, presentation of results and recommendations within the report are satisfactory.

These most recent bat emergence surveys confirmed the house as a day roost for a single soprano pipistrelle bat. It was noted that previous surveys at the site (Orbis Ecology, 2019) had recorded larger numbers of soprano pipistrelles as well as two other species of bats; however, there was no evidence to suggest the continued

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presence of other species or more significant roosts. However, it is understood that the loft void collapsed due to water ingress and a large portion of the roof was replaced during winter 2023. This roost will be impacted by the proposal and therefore a licence from Natural England will be required prior to works commencing.

As recommended in the report, as the project will be delayed past April 2025 an updated walkover and repeat emergence surveys will need to be undertaken. It is good to see the provision of bat compensatory roosts including access to wall tops and eaves; ridge features; and bat boxes. It has also been suggested that a section of bitumen felt is framed off around the ridge access to prevent bats from coming into contact with breathable membranes. This should all be secured by condition.

Evidence of historical bird nesting was found in the building and the surrounding vegetation provides good nesting habitat; therefore, works should be carried out outside of the breeding bird season (March to August). If this is not possible then the building and vegetation should be surveyed by a suitably qualified ecologist immediately prior to the commencement of works. Active birds' nests that are found should be retained in-situ and a buffer of at least 5m left around the nest until the chicks have fledged and left the nest. The barn owl box must be checked by an ecologist with a barn owl licence prior to the commencement of works and if there is no evidence of current use it may be temporarily removed to facilitate works before being replaced as shown in the plans. However, if current use is suspected the box must remain and works may not commence in the area until the barn owls have left of their own free will. If nesting is observed the box must remain undisturbed until an ecologist is satisfied that there will be no disturbance to barn owls. The provision of 3 additional sparrow terraces has been recommended by the ecologist and included in the plans. This should all be secured by condition.

The ecology report concluded that the presence of hazel dormice on site is highly likely but there is not sufficient habitat to support a breeding population in isolation. Mitigation methods have been listed to ensure no adverse effects occur to dormice, these are:

- During construction all retained hedgerows will be protected with weld mesh fencing for the duration
- Vegetation removal will be overseen by a licensed ecologist following a contractor briefing
- All suitable habitat will be fingertip searched by an ecologist with a dormouse licence. Vegetation will only be removed in September to March when dormice are least likely to be present on Site (hibernation potential is low)
- If a dormouse or dormouse nest is discovered or suspected at any time, all work will cease and a derogation licence will be secured from Natural England prior to recommencement

It is expected that hazel dormice will disperse through the landscape once works commence and therefore no adverse effects are predicted.

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There are further recommendations within the report with regards to sensitive vegetation removal to reduce the risk of adverse effects on reptiles, these methods should be followed prior to works to the northern bank. Also, best practice measures should be followed to reduce the risk to wildlife, including hedgehogs and badgers, as a precaution any open trenches or pits or large pipes (>200mm diameter) should be covered at night; and any open excavations should have a means of escape, for example by way of a sloped plank or sloped end to allow any animals to escape. Please secure by condition.

Due to the large amount of vegetation clearance that is required for the proposed works, and the potential for it to contain protected species, I would like to see a Construction Environmental Management Plan (CEMP) submitted with a view to protect and retain as much habitat as possible around the construction site. I am concerned about the clearance of scrub and trees which appears to be required to facilitate the works to the Miner's Cottage. Please seek the advice of our Woodlands Officer to get their opinion on the retention and protection of trees where possible on site.

From the photos of the site and google street view it appears that there is Monbretia present on the bank next to the roadside. This species is listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) which means that it is an offence to plant or allow it to spread onto adjacent land and into the wild. The disturbance from the proposed works could cause the Monbretia to be spread to surrounding areas or further afield carried by equipment used on site. Because of this risk I would like to see a control plan prior to the commencement of works which outlines how the applicant proposes to control and prevent the spread of Montbretia during works.

It is good to see the bat and bird boxes included in the plans for the buildings; however, in line with Local Plan Policy CE-S3 and Appendix 1 of the Exmoor Biodiversity Net Gain Technical Guidance Note more enhancements would be expected. Appendix 1 provides some suggestions for the applicant/agent to consider those most appropriate for their site. I am happy to advise on the suitability and siting of these, if required. Please secure by condition once agreed.

I cannot see any external lighting proposed and this should be secured by condition. However, please also remind the owner of the importance of the use of blackout blinds on the new windows and rooflights to prevent additional light spill. I suggest conditions are applied to any permission granted to secure enhancements as detailed above and for the following for which I have provided some suggested wording below:

- The development hereby approved shall not in any circumstances commence unless the Local Planning Authority has been provided with either: a) a copy of the licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the development to go ahead; or

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b) a statement in writing from a licensed bat ecologist or Natural England to the effect that the specified development will not require a licence.

- The works hereby approved shall not place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the works to the buildings or vegetation commences and provides written confirmation to the Local Planning Authority that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. In no circumstances shall netting be used to exclude nesting birds.
- The development hereby approved shall be carried out in strict accordance with all ecological measures as set out in Sections 7 and 8 of the Ecological Impact Assessment (Lakeway Ecological Consultancy, January 2025), unless any variation is recommended by Natural England.

Prior to the installation of any external lighting on site, a "lighting design strategy for bats" shall be submitted to and approved in writing by the local planning authority. The strategy shall: a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their resting places, foraging habitat and commuting routes; and b) show how and where external lighting will be installed (for example through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their resting places. all external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

- No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

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## **ENPA Senior Heritage Officer – 13/05/25**

Thank you for consulting me. As the application is largely similar to the withdrawn application (62/49/20/003). I have amended the wording of the then Conservation Officer for the Historic environment for my comment. The proposals affect two historic assets recorded on Exmoor's Historic Environment Record, the Methodist Chapel (MEM23931) and the ruins of former miner's cottages within the historic settlement core of Heasley Mill (MEM23891). Both lie within the Bampfylde and New Florence Mines Principal Archaeological Landscape (No 45).

The Methodist Chapel is recorded as being built in 1867. If the conversion of the building is permitted I recommend that a historic building record is undertaken and that the following condition is applied: Condition: Prior to the commencement of the works a scheme for the recording of the building shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented as approved unless otherwise agreed in writing by the Planning Authority.

This work should include a collation of any available information or old photographs providing information on the original fixtures and fittings and historic use of the Chapel. Reason: To record the architectural and historic fabric of the building. The proposed local needs affordable dwelling is sited on the ruins of former miners cottages which are significant to Heasley Mill's industrial past.

A row of presumed surviving miner's cottages in the hamlet, to the south, are designated as Listed Buildings (Exmoor Historic Environment Record MEM22697). The truncated ruins are now heavily overgrown with scrub. Historic photographs survive which show the cottages as a two storey terraced row and later as a single storey mono-pitched building in the second half of the twentieth century. Historic maps indicate that the cottages date to the second half of the 19th century and that they were likely to be built on a new site.

The ruins are regarded as locally important historic assets. Exmoor National Park Local Plan 2011-2031 policy 4.97 states: In considering applications likely to affect locally important assets, their significance and the desirability of their preservation will be assessed. Applicants will be required to provide adequate information to enable the National Park Authority to assess the significance of a site or feature. Harm to heritage assets of local importance should be avoided and development will only be permitted where the archaeological/historic interest is capable of being preserved in situ. Where, in exceptional circumstances, an application is approved which will result in the loss (wholly or in part) of heritage assets, then developers must record and make publicly available this information to advance understanding of the significance of the assets. However, the ability to record evidence of the assets will not be a factor in deciding whether loss of the asset should be permitted.

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The National Planning Policy Framework states: 216. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

217. Local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.

218. Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

It is wholly exceptional for sites of this type to be demolished for redevelopment within the National Park. However, the ruins are in a declining state and not clearly visible. Given their location in the heart of the hamlet and their current condition and likely further deterioration, if the development of the site is supported by the authority and community I recommend that this is considered to be one of the rare circumstances when the site is fully recorded to allow the development to take place.

It is recommended that any development of the site is in sympathy with the character of the original cottages and that historic fabric is retained where possible. The record should include the standing remains (to be undertaken after vegetation has been cleared) and excavation of the site to record fully the ground floor plan and related features such as floor surfaces and method of construction. If the application is approved I recommend that the following condition is applied:

Condition: No development shall take place until the applicant or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The condition will not be discharged until a final report has been submitted and the Local Planning Authority has agreed that it accords with the Written Scheme of Investigation.

Reason: To ensure that a full record of a locally significant historic asset is made prior to loss in accordance with paragraph 218 of the National Planning Policy Framework and the supporting text in paragraph 4.97 of the Exmoor National Park Local Plan 2011-2031.

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## Representations

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Five public letters of representation have been received (from two different properties); all letters are objecting to the proposed development.

The letters raise concerns in relation to the development on the two former miners cottages and in particular; biodiversity and the destruction of the area of wilderness to be cleared to facilitate the development, highway safety, lack of public transport links, inadequate infrastructure as there is only single phase electricity, limited broadband and no mobile phone signal, overdevelopment of the site through the placement of a three bedroom house with no garden, and that the Chapel would be much more appropriate to convert to an affordable dwelling.

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## Policy Context

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Exmoor National Park Local Plan 2011 – 2031 (including minerals and waste policies)

GP1 – General Policy

CE-S2 – Protecting Exmoor’s Dark Night Sky

CE-S3 – Biodiversity and green infrastructure

CE-S4 – Cultural Heritage and Historic Environment

CE-D3 – Conserving Heritage Assets

CE-S5 – Principles for the conversion or structural alteration of existing buildings

CE-S6 – Design and sustainable construction principles

CC-S1 – Climate Change Mitigation and Adaptation

HC-S1 – Housing

HC-S2 – A Balanced Local Housing Stock

HC-S3 – Local Occupancy Criteria for Affordable Housing

HC-S4 – Principal Residence Housing

HC-D1 – Vacant Buildings

HC-D6 – Custom/Self Build Local Need Housing

HC-D7 – Conversions to Dwellings in the Open Countryside

HC-D8 – New Build Dwellings in the Open Countryside

AC-S2 – Transport Infrastructure

AC-D2 – Traffic and Road Safety Considerations for development

AC-D3 – Parking Provision and Standards

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

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## Planning Considerations

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The main material planning considerations in this case are whether the proposed development would be appropriate taking account of the housing strategy of the Local Plan, the character and appearance, impact on protected species and habitats, impact on the heritage assets, impact on highway safety and the impact on living conditions.

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## HOUSING STRATEGY

Policy GP3 states that the spatial strategy aims to ensure that communities across the National Park continue to thrive so that they are economically resilient, environmentally sustainable, socially mixed and inclusive. To facilitate sustainable development across the National Park, development proposals should accord with the spatial strategy.

For the purposes of this Policy, the application site lies within Open Countryside (Clause 4 of GP3). It is considered that Heasley Mill is a rural community for the purposes of the Local Plan as it has a village hall.

Paragraph 6.1 of the adopted Local Plan states that the housing policies provide the framework to address the housing needs of the National Park's local communities and that 'the focus is on addressing the needs of those people who live and work in the area, prioritising the need for affordable housing and ensuring that the National Park's housing stock as a whole meets the needs of all sections of the local community'.

Paragraph 6.52 of the Local Plan states that 'within the National Park, policies provide for new housing as an exception to normal policies of restraint'. Paragraph 6.53 states that 'the limited number of opportunities for new housing development emphasises the importance of concentrating on the identified local need for affordable housing within the National Park'.

Paragraph 6.96 states 'all housing must meet an identified local need for affordable housing and be lived in by people who meet the requirements of the local occupancy criteria in perpetuity'. The emphasis of the housing strategy for the National Park is the provision of Local Needs Affordable housing on a rural exceptions approach.

Clause 1 of Policy HC-S1 (Housing) states, amongst other things that:

'The purpose of housing development will be to address the housing needs of local communities. The principal community identified need is for affordable housing with local occupancy ties. Exceptionally, new housing development will be permitted where it addresses an identified local housing need for; a) affordable homes that remain affordable in perpetuity, and which will be occupied by local persons in proven housing need in accordance with the local occupancy definition in HC-S3'.

Clause 3 of HC-S1 states that 'consistent with an exceptions approach to housing, provision will not be made for housing solely to meet open market demand and housing land will not be allocated in the development plan. The Policy goes on to say that Principal Residence market housing will only be permitted where:

- a) it is essential to deliver local need affordable housing in a Local Service Centre or Village to meet an identified local need and it accords with Policy HC-S4; or
- b) the proposal relates to a Vacant Building in a Local Service Centre or Village (HC-D1)'.

The Local Plan, therefore, seeks that all new housing must meet an identified local need for affordable housing and be lived in by people who meet the local occupancy criteria in perpetuity. The Plan must be read as a whole. Policies HC-S1, HC-S4, HC-D2 and HC-D3 require that market dwellings would only be acceptable where they deliver affordable housing in a local service centre or village. As outlined above Heasley Mill does not lie in a Local Service Centre or Village.

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Nevertheless, it is a rural community but in an open countryside location. Therefore, Policy HC-D7 of the Local Plan is applicable as it relates to conversions to dwellings in the Open Countryside.

While Policy HC-D7 refers to dwellings in the open countryside, with regards to this proposal, the Policy would only permit a conversion to a local needs dwelling in a hamlet or farmstead with an existing dwelling. The Policy is broader including proposals for rural worker dwellings, succession farm dwellings etc. but these do not apply to this proposal.

Policy HC-S4 of the Local Plan refers specifically to Principal Residence Housing. The Policy says, amongst other things:

1. Any new market housing development will be Principal Residence housing and will only be permitted, through the change of use of non-residential buildings to housing in settlements, and/or where it is required to enable the delivery of affordable housing to meet local needs in accordance with policy HC-S1 Housing, clause 3 a) or b).

Clauses 3a) and 3b) of Policy HC-S1 state:

Consistent with an exceptions approach to housing, provision will not be made for housing solely to meet open market demand and housing land will not be allocated in the development plan. Principal Residence market housing will only be permitted where:

- a) it is essential to deliver local need affordable housing in a Local Service Centre or Village to meet an identified local need and it accords with Policy HC-S4; or
- b) the proposal relates to a Vacant Building in a Local Service Centre or Village (HC-D1).

Policy HC-D1 of the Local Plan relates to Vacant Buildings and Clause 1 states that exceptionally, Principal Residence market housing may be permitted through the change of use or redevelopment of an existing Vacant Building subject to set criteria and includes where the building is within a Local Service Centre or Village; or Clause 2 states a change of use of a vacant building to Principal Residence will only be permitted where the existing building is able to accommodate two or more dwelling units of 93m<sup>2</sup> each and is considered worthy of conservation.

Heasley Mill Chapel is not located within a Local Service Centre or Village and does not seek to convert the property to two or more dwelling units. The proposed development does not, therefore, accord with Policy HC-D1 of the Local Plan.

Policy HC-D8 of the Local Plan relates to new build dwellings in the Open Countryside and clause 1 states, amongst other things: new dwelling(s) in the open countryside will only be permitted where: a) the accommodation is designed to meet a proven need for a rural worker in accordance with HC-D9 or Succession Farm worker in accordance with HC-D10.

The proposed development seeks to deliver a local needs affordable dwelling that is neither a rural workers dwelling nor a succession farm dwelling. The proposal does not therefore accord with Policy HC-D8.

Policy HC-D6 of the Local Plan relates to Custom/Self Build Local Need Housing. The Policy would permit a Custom/Self Build Local Need dwelling in a rural community when delivering local needs affordable housing. However, in accordance with Clause 3, which would apply in this case, housing schemes that require cross subsidy

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through Principal Residence housing or accessible and adaptable housing (HC-D4 Accessible and Adaptable Housing for Exmoor's Communities) whether new build or through the change of use of existing non-residential buildings will not be permitted. Policy HC-S2 of the Local Plan is clear in Clause 6 that for local need affordable dwellings, including custom/self-build (HC-D6), accessible and adaptable housing for Exmoor's communities (HC-D4), and Extended Family dwellings (HC-D5), the gross internal area will be 93 square metres or less.

The existing chapel has a gross internal area of approximately 92.1m<sup>2</sup>. The proposed plans indicate that a mezzanine floor is to be added, and this creates approximately an additional gross internal floor area (GIA) of 27.5m<sup>2</sup> or 36.6m<sup>2</sup> (including the staircase), totalling approximately 119.6m<sup>2</sup> or 128.7m<sup>2</sup> (if the staircase is included).

In terms of the proposed new dwelling, the ground floor would provide 2 no bedrooms, 2 no bathrooms, staircase and an office. The ground floor could have a GIA of approximately 48.6m<sup>2</sup>. The first floor would provide a living/dining room, kitchen, staircase, bathroom and a bedroom. The first floor would have a GIA of approximately 48.6m<sup>2</sup>. The proposed dwelling would therefore provide a total floor area of approximately 97.2m<sup>2</sup>. This would not accord with Policy HC-S2 of the Local Plan which states that Local Needs Affordable Dwellings should have a floor area not exceeding 93m<sup>2</sup>.

In either case, both properties are contrary to Policy in terms of their floor area.

The proposed development seeks to deliver one local needs affordable dwelling on the site of the former miners cottage. Whilst, Policy HC-D6 would offer support for a self-build local needs affordable dwelling. The proposal for a dwelling larger than 93m<sup>2</sup> would not be supported under Policy HC-S2.

The proposed conversion of the Methodist Chapel to a Principal Residence Dwelling would be contrary to the housing strategy, particularly because it would not be within a named settlement and as such; it is considered that it is contrary to policies HC-S1, HC-S4, HC-D6, HC-D7 and HC-D8 of the Local Plan. It would not deliver two or more local needs affordable dwellings nor has it been demonstrated to be necessary to deliver local needs affordable housing.

### CHARACTER AND APPEARANCE

The site is formed of enclosed farmland with traditional hedgebanks and hedgerows. Wider views are well contained within the surrounding vegetation. The surrounding properties are traditional in their design and appearance with natural slate roofs, timber framed windows and doors. The traditional materials and design characteristics contribute to the significance of the area.

Part of the proposed development includes the conversion of the Methodist Chapel to a Principal Residence Dwelling. Policy CE-S5 of the Local Plan relates to Principles for the Conversion or Structural Alteration of Existing Buildings and states that the

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conversion or structural alteration of any existing building will be permitted where the proposal demonstrates that the building is capable of conversion without substantial reconstruction, the building is suitable for its intended use and intensity of that use without substantial alteration. The proposals for traditional buildings should ensure that the historic fabric and architectural interest of the building and its setting are conserved and enhanced and proposals reflect the character and significance of the building and conserve its traditional appearance through sensitive design and the use of traditional materials, detailing and construction principles.

Policy CE-S5 also states that conversion of structural alterations of any existing building will be permitted where the proposal accords with the relevant policies in the Local Plan in terms of its intended use.

The submitted planning statement indicates that 'these include Policy CE-S5 Principles for the Conversion or Structural Alteration of Existing Buildings which allows for conversion of traditional buildings to residential use with no specific reference to 'local needs', affordable, extended family or succession accommodation (paragraph 4.128 refers to 'change to residential use') whilst paragraph 4.129 acknowledges the circumstance that the above noted floor area restrictions may need to be waived in reasonable conversion proposals'.

Whilst CE-S5 might not specifically note types of residential floorspace a building could be converted to, it is clear that the proposed use would need to accord with the 'relevant policies' in the Local Plan in relation to its intended use.

The proposal relates to the conversion of a traditional building. No structural survey has been submitted with this application to demonstrate that the Chapel is capable of conversion. It is noted that a previous proposal was approved for its conversion to a residential use. However, some considerable time has passed since that approval and the Chapel has continued to deteriorate.

The conversion includes the introduction of a double door at ground floor on the north east elevation, the installation of 4 no rooflights and 2 no stainless steel flues to the roof slope of the north west elevation and 3 no rooflights on the roof slope of the south east elevation (roadside). The application proposes no changes to the south west elevation, which is the elevation that faces the road as you approach the Chapel. The internal alterations include the introduction of a mezzanine first floor area to create two bedrooms, a staircase and partition walls at ground floor to form a bedroom, dining/kitchen area and a living room. The conversion seeks to primarily use existing openings with the exception of the double door on the north east elevation and the rooflights.

The proposal includes the installation of 7 rooflights. The proposed sections show that the rooflights would protrude above the roofslope, however, the planning statement indicates that the rooflights would be conservation style (set flush with the roof slates). A condition could be added to any grant of planning permission to ensure this is the case.

The proposal also includes the construction of former Miner's cottage to provide one 3 bed local needs affordable dwelling. The existing site plan indicates the position of the existing footprint of the miner's cottage with stone walls existing on site, with a GIA of

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48.6m<sup>2</sup>. The area is very overgrown with vegetation, and it is not possible to view the stone wall remains from the road or aerial photographs. The Authority's Senior Heritage Officer has commented on the application and states that historic photographs survive which show the position of the Miner's cottages and that the truncated ruins are now heavily overgrown with scrub.

The proposal consists of the construction of a two storey dwelling with a painted render exterior under a natural slate roof with aluminium double glazed windows, painted timber fascia's and painted timber doors. The proposed external appearance of the dwelling includes 4 no dual pane windows, two entrance doors and an open porch with slate roof and dual pane window at ground floor, 6 no dual pane windows at first floor and 10 no flush fitting solar panels on the roof slope of the south elevation (roadside), two single doors, one at ground floor and one at first floor on the north elevation (rear), one dual pane first floor window on the east elevation and a blank west elevation.

Policy CE-S6 of the local plan encourages the use of traditional, natural and sustainable materials to ensure that the appearance of new developments conserves and enhances the quality and character of the built environment and will expect the use of traditional, vernacular materials. The proposed development includes the use of natural stone, natural slate to roofs, rough cast render, painted timber fascia boards and doors. The proposal also includes the use of double glazed aluminium windows. It is considered that the proposed materials are not acceptable within the traditional context of materials and would not comply with policy CE-S6 of the Local Plan.

Although the scale and massing of the design is acceptable, the use of aluminium is not in this case.

It is considered that the design, scale and massing of the proposal is

It is considered that in terms of the impact on the character, appearance or setting of the existing building and the surrounding landscape there would be no unacceptable adverse impact from the proposed development in terms of the design, scale and massing.

The proposed materials, particularly the use of aluminium are not acceptable and therefore do not accord with policy CE-S6 of the Local Plan.

### HERITAGE ASSETS

Policy CE-S4 relates to cultural heritage and the historic environment and states that Exmoor National Park's local distinctiveness, cultural heritage, and historic environment, will be conserved and enhanced to ensure that present and future generations can increase their knowledge, awareness and enjoyment of these special qualities and that development proposals affecting heritage assets and their settings, will be considered in a manner appropriate to their significance.

Policy CE-D3 states that development proposals that affect a heritage asset and its setting should demonstrate a) a positive contribution to the setting through sensitive design and siting; b) promote the understanding and enjoyment of the heritage asset and its setting or better reveal its significance and appreciation of the setting; and c) avoid unacceptable adverse effects and cumulative visual effects that would impact on the setting.

Heasley Mill Methodist Chapel is an historic asset recorded on Exmoor's Historic Environment Record (MEM23931). The Chapel and the ruins of former miner's cottages lie within the historic settlement of Heasley Mill, which is also recorded on the historic environment record (MEM23891). They also lie within the Bampfylde and New Florence Mines Principal Archaeological Landscape (No 45). The Methodist Chapel is recorded as being built in 1867.

The Senior Heritage Officer has commented on the application and says that if the development of the site is supported he would recommend that this is considered to be one of the rare circumstances when the site is fully recorded to allow the development to take place subject to conditions which would secure a historic building record, a programme of archaeological work and a written scheme of investigation.

The Local Plan and the NPPF state that the significance of heritage assets should be assessed and the loss of or harm to heritage assets should be avoided. Where, in exceptional circumstances, an application is approved, which would result in the loss (wholly or in part) of heritage assets, then developers must record and make publicly available this information to advance understanding of the significance of the assets.

Paragraphs 216 and 217 of the NPPF state that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset and that Local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred. Paragraph 218 requires developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

The NPPF is clear (paragraph 212) that great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. That great weight should be weighed against any public benefit the proposed development may provide (paragraph 215).

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Additionally, Paragraph 189 states, amongst other things that the conservation and enhancement of wildlife and cultural heritage are also important considerations in National Parks and should be given great weight.

The existing truncated ruins are in a declining state, are not clearly visible and are regarded as locally important historic assets. Miner's Cottages form a significant part of Heasley Mill's industrial past and a row of presumed surviving miner's cottages in the hamlet, lying to the south of the application site, are designated as Listed Buildings (Exmoor Historic Environment Record MEM22697).

The conversion of the Chapel would preserve the character and appearance of the non-designated heritage asset, however, the proposed development would result in the complete loss of the existing ruins of the former miners cottages, which would harm the significance of this heritage asset contrary to policies GP1, CE-S4 and CE-D3 of the Local Plan. In accordance with the NPPF, this harm to heritage assets must be afforded great weight and should be weighed against the public benefit(s) the proposal provides. This scheme also proposes a sympathetic conversion of the Chapel which would represent a benefit. These matters are considered further in this report.

### IMPACT ON PROTECTED SPECIES AND HABITATS

Policy CE-S3 of the Local Plan relates to biodiversity and green infrastructure and states that the conservation and enhancement of wildlife, habitats and sites of geological interest within the National Park will be given great weight. An Ecological Impact Assessment (EclA) dated January 2025 has been submitted alongside the application.

The EclA concludes that the suitability of the Site has degraded for roosting bats, however, roosts are still present and an EPS (Bats) licence will be needed prior to commencement of works. Additionally, as the project has passed May 2025, updated emergence surveys will be needed prior to applying for a derogation licence should permission be granted.

Strict timing and order of works under licence, coupled with supervision of works at key points and proportionate compensation will ensure that local bat populations are maintained at a Favourable Conservation Status in their natural range.

A careful approach to ground works and vegetation removal is recommended, to avoid/minimise impacts to habitats, nesting birds and dormice. A carefully considered lighting scheme will ensure no adverse effects to foraging and commuting bats.

Enhancement measures have been recommended with the aim of providing a net biodiversity gain, contributing to the aims of NPPF and local policy' and these could be secured by condition should permission be granted.

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This Authority's Ecologist has commented on the application, raises no objection and sets out a list of conditions should planning permission be granted.

## Biodiversity Net Gain

BNG is not required for self-build and custom build applications where the development consists of no more than 9 dwellings, be on a site that has an area no larger than 0.5 hectares and consist exclusively of dwellings that are self build as defined in Section 1(A1) of the Self Build and Custom Housebuilding Act 2015.

It is considered that the proposed development, through the use of appropriate conditions, mitigation and enhancements, would not have an unacceptable adverse impact on protected species and habitats and the proposed development would therefore accord with policy CE-S3 of the Local Plan and the National Planning Policy Framework.

## IMPACT ON HIGHWAY SAFETY

Policies AC-S1, AC-S2, AC-D2 and AC-D3 of the Local Plan relate to transport requirements, traffic levels and parking provision.

Policy AC-D2 of the Local Plan states that development, which will cause unacceptable levels of traffic in terms of the environmental or physical capacity of the local road network, or would prejudice road safety interests, will not be permitted

The site currently consists of a former Chapel. The public use of the building would change to a domestic property that would be conditioned to be occupied only as someone's main or only home. Additionally, the proposal also includes the provision of a three bedroom local needs dwelling. This would result in an increase in vehicle movements associated with the existing property.

The application form indicates that the proposed development does not affect the existing parking provision on site. However, the existing plans submitted show parking for one vehicle for the Chapel and the proposed plans show parking for two cars for the chapel alongside turning space and one parking space for the Local Needs dwelling.

The existing access will be used for The Chapel and a new, adjoining access is proposed for the local needs dwelling with improved sightlines and vehicle approach from the road.

The existing approach to the Chapel is a narrow, single lane road with few passing places; it does however, serve a number of properties. The proposed use would result in an increase in the number of cars that could use the site as well as increase the number of journeys to and from the site. It is considered that there would likely be low traffic speeds along the lane and that the lane is minor in nature, the proposed

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development is unlikely to produce unacceptable levels of traffic in terms of the environmental or physical capacity of the local road network, or would prejudice road safety interests and would accord with Policies AC-S1, AC-S2 and AC-D2 of the Local Plan.

Policy AC-D3 sets out minimum requirements for parking spaces and states that for a 3, 4 or 4+ bedroom house 3 car parking spaces are required and that development in more sustainable locations that are well served by public transport or have good walking and cycling links will be considered appropriate for lower levels of car parking provision.

The proposed development seeks to provide 2 no 3 bed dwellings and appears to show one dwelling providing one parking space and one dwelling providing two parking spaces. The proposed development does not lie within a more sustainable location and has no public transport links. The proposal does not therefore accord with the parking requirements of the Local Plan.

The proposed site is in a relatively remote location and the use of a private car is necessary. The proposal would equate to a parking space deficit of 3 parking spaces. The existing site arrangements and narrow approach roads are not suitable for off site (i.e. on road) parking and to do so would prejudice road safety interests.

Devon County Council Highways Authority have not commented on the application.

The proposal is not considered to result in severe harm to the safe, convenient and efficient movement of highway users, however adequate parking provision is not proposed. In having regard to this the proposal would prejudice road safety interests and would not accord with Policies AC-S1, AC-S2, AC-D2 and AC-D3 of the Local Plan.

## IMPACT ON LIVING CONDITIONS

Policy GP1 of the Local Plan states that opportunities must be taken to contribute to the sustainable development of the area and particular attention will be paid to the impact on the amenities of local residents or occupiers of neighbouring properties. Policy CE-S6 states that development should not detrimentally affect the amenities of surrounding properties and occupiers including overlooking, loss of daylight, overbearing appearance, or other adverse environmental impacts.

The Chapel is a detached building that lies adjacent to the road that runs through Heasley Mill. There are neighbouring properties to the south west (Heasley Heights, Heasley House and The Mill House). These do not directly adjoin the application site. The proposed development consists of the conversion of an existing building to provide a Principal Residence Dwelling and the provision of a Local Needs Affordable Dwelling. The external changes to the Chapel would be limited. The proposed new

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dwelling would be blank on the west elevation that would face towards neighbouring properties.

Heasley Heights would be the closest neighbour, and lies approximately 20 metres north west of the proposed application site, and, would be separated from the site by existing, mature trees and vegetation.

Five public letters of representation have been received (from two different properties); all letters are objecting to the proposed development.

Given the above, it is considered that there would not be an unacceptable increase in overlooking, the development would cause no adverse effect on the neighbouring occupiers from overbearing, loss of light or other adverse environmental impacts. Therefore, the proposed development would have an acceptable impact on the amenity of neighbouring residents, in accordance with Policies GP1 and CE-S6 of the Local Plan.

### OTHER MATTERS

North Molton Parish Council have commented in support of the application and state that the 'chapel is a beautiful building and in a poor state of repair because permission has not been given to do something positive with it. It is part of the architectural heritage of Heasley Mill, which should be an overriding factor in allowing for sensitive development of the site, as well as of great value for the people and cultural heritage of the area'.

The Environmental Health Team from North Devon Council have commented on the application and state that they have reviewed the application and in relation foul sewage has asked that additional information is submitted with a view to demonstrating that suitable and sufficient foul drainage provisions can be made for the development in compliance with regulatory requirements. This information should be prepared by a suitably qualified person and take account of relevant site conditions and circumstances.

Such information has not been submitted, however, it is considered that a planning condition could be added to any grant of planning permission requiring the submission of this detail.

In relation to land contamination, Environmental Health state that they do not expect any land contamination issues to arise but recommends a condition to be added to any grant of planning permission.

In relation to construction phase noise, Environmental Health state in order to reduce the risk of nearby residents being significantly impacted by noise during development work a construction hours condition is recommended to be added to any grant of planning permission.

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It is recommended an asbestos informative be added to any grant of planning permission.

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## **Human Rights**

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The provisions of the Human Rights Act 1998 and Equality Act 2010 have been taken into account in reaching the recommendation contained in this report.

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## **Conclusion**

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### PLANNING BALANCE AND CONCLUSION

The starting point for any planning decision is Section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires decisions to be made in accordance with the development plan unless material considerations indicate otherwise.

At its core, planning is about comparing the benefits of a proposed development with the harm it would cause. Very rarely are developments entirely without harm, or entirely without benefit. The starting point for deciding any planning application is however the development plan.

The Local Plan seeks that all new housing must meet an identified local need for affordable housing and be lived in by people who meet the local occupancy criteria in perpetuity. The Plan must be read as a whole. Policies HC-S1, HC-S4, HC-D2 and HC-D3 require that market dwellings would only be acceptable where they deliver affordable housing in a local service centre or village.

As outlined above, the application site does not lie in a Local Service Centre or Village. Moreover, it does not seek to convert a vacant building to two or more dwelling units. The proposal would not, therefore, accord with Policy HC-D1 of the Local Plan. Nor would it comply with Policy HC-D8, as it would not deliver a rural workers or succession farm dwelling.

Both the proposed converted chapel and the new build local needs affordable dwelling would exceed the 93m<sup>2</sup> floor space contrary to Policy HC-S2.

The proposed development is therefore contrary to the Local Plan and its housing strategy. The conflict with the Local Plan Housing Policies is afforded great weight. The proposed use of aluminium for the windows is contrary to Policy CE-S6 of the Local Plan.

Although, the proposal would not result in severe harm to the safe, convenient and efficient movement of highway users, adequate parking provision is not proposed. In having regard to this, the proposal would prejudice road safety interests and would

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not accord with Policies AC-S1, AC-S2, AC-D2 and AC-D3 of the Local Plan. This is given significant weight.

The planning statement submitted advises that it would not be viable to convert the Chapel to a local need affordable dwelling. The agent explains that this based on a conversion cost of £3,000 per square metre, the cost of converting the property to a local need affordable dwelling would be £342,000, and at £4,000 per square metre the cost of conversion would be £456,000.

However, no substantive evidence has been submitted to demonstrate that the cost of conversion prices quoted are accurate or relevant to the specific site or building, and an up-to-date viability assessment has not been provided. Consequently, this is given limited weight. Moreover, there have been other buildings within the National Park that have been converted to local need affordable dwellings.

The agent states that the application proposes the delivery of one affordable dwelling cross-subsidised by the conversion of the Chapel to a Principal Residence dwelling, and that this mechanism would be consistent with the provisions of Policy HC-S1 other than the circumstance that Heasley Mill is not a named settlement. However, there is no substantive evidence that a Policy compliant scheme, delivering both dwellings as local needs affordable housing, could not be provided. Therefore, this is afforded only limited weight.

It should be noted that the applicant purchased the Chapel with planning permission to convert it to a local needs affordable dwelling. It should also be noted that repairs to maintain a building do not require planning permission where they do not materially affect the external appearance of the building.

Heasley Mill Chapel is one of the earliest non-conformist places of worship in the Exmoor area. The sympathetic conversion of the Chapel would safeguard the non-designated heritage asset in the longer term. Whilst this is a benefit of the scheme, which is afforded weight in favour of the proposal, it is not certain that this benefit could not be achieved through a policy complaint conversion of the building.

As noted earlier in the report, the proposal also includes the complete loss of the existing ruins which would harm the significance of the heritage assets contrary to policies GP1, CE-S4 and CE-D3 of the Local Plan. In accordance with the NPPF, this harm to heritage assets must be afforded great weight and should be weighed against any public benefit(s) the proposal provides.

There is a general need to support rural housing, be reflective of local needs and support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this (paragraph 82 of the NPPF and guidance in the Local Plan). The proposed development would assist in providing this support.

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The agent also states that an additional material consideration is that in the Planning Committee meeting in October 2019, the Members specifically noted that 'Members were keenly aware of the long planning history associated with the former Methodist Church and were mindful of its current fragile state. The Committee was heartened by the applicant's desire to work with planning officers to submit an alternative scheme that would be more compliant both with planning policy and the applicant's aspirations. Members therefore urged both parties to work together proactively to make best use of the opportunities that existed in order to secure the future of this site'.

It is considered that Members were clear in their comments that any alternative scheme should be more compliant with planning policy and the applicants aspiration. It is considered that the scheme as proposed is not Policy compliant and does not therefore seek to address the comments made by Members at that time. In any case, this is a matter that is afforded only limited weight.

The agent states that a further material consideration is that the application to convert the Chapel to a permanent dwelling was supported by the local community as it would be a permanently occupied dwelling. However, there is little basis to consider that a policy compliant scheme would not deliver such benefits and, as such, this is afforded only limited weight.

Despite the acknowledged benefits, the proposal would fundamentally conflict with the development plan when taken as a whole. The positive factors considered cumulatively, even if an element of affordable housing would be provided, do not indicate a decision other than in accordance with the development plan.

On balance, for the reasons given above, the proposal is not considered to comply with the relevant Local Plan policies and there are no material considerations identified, individually or cumulatively, which are of such weight to indicate a decision should be made other than in accordance with the development plan. Consequently, the application is recommended for refusal

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## **Recommendation**

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Refuse for the following reasons:

1. The proposed development, by virtue of its tenure, location and size would be contrary to Policies HC-S1, HC-S2, HC-S4, HC-D6, HC-D7 and HC-D8 of the Exmoor National Park Local Plan 2011-2031.
2. The proposal would not provide adequate parking provision. In having regard to this the proposal would prejudice road safety interests and would not accord with Policies AC-S1, AC-S2, AC-D2 and AC-D3 of the Local Plan.

3. The proposed development seeks to create a local affordable needs dwelling which would not be secured through a planning obligation as such in perpetuity and does not accord with any of the other exceptional circumstances within the housing strategy. Therefore, the development is considered contrary to Policies HC-S1 and HC-S3 of the Exmoor National Park Local Plan 2011-2031.
4. The proposed development by virtue of its materials, and in particular aluminium is considered to cause unacceptable harm to the character and appearance of this part of the Exmoor National Park contrary to Policy CE-S6 of the Exmoor National Park Local Plan 2011-2031.

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## **Informatives**

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### POSITIVE & PROACTIVE STATEMENT

This Authority has a pro-active approach to the delivery of development. Early pre-application engagement is always encouraged. In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, in determining this application, Exmoor National Park Authority has endeavoured to work positively and proactively with the agent/applicant, in line with the National Planning Policy Framework, to ensure that all relevant planning considerations have been appropriately addressed to achieve a positive outcome. However, in this instance the relevant planning considerations have not been addressed and the application has therefore been refused.

### BIODIVERSITY NET GAIN EXEMPTION

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless: (a) a Biodiversity Gain Plan has been submitted to the planning authority, and (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be Exmoor National Park Authority. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply.

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

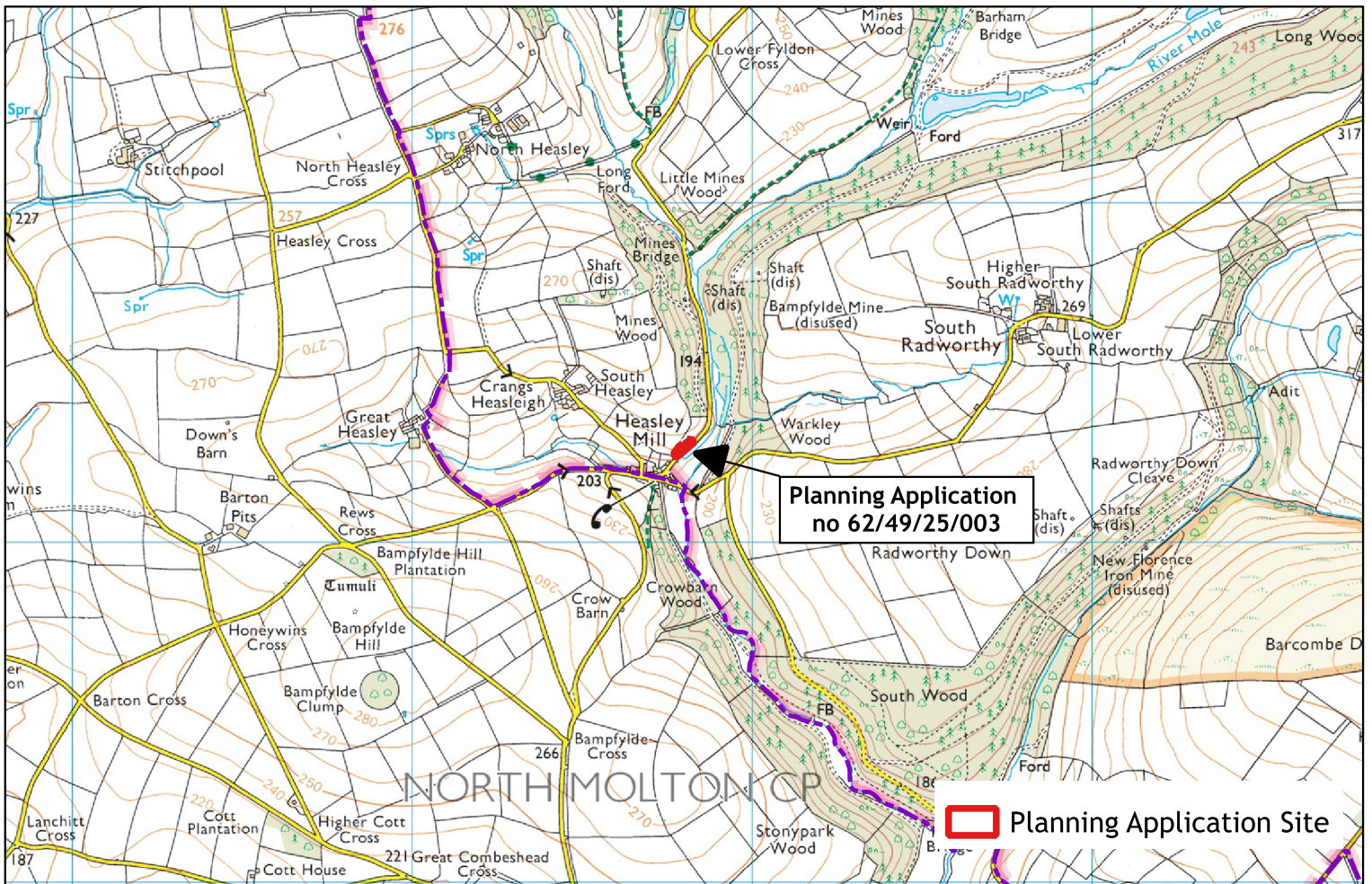
BNG is not required for self-build and custom build applications where the development consists of no more than 9 dwellings, be on a site that has an area no larger than 0.5 hectares and consist exclusively of dwellings that are self build as defined in Section 1(A1) of the Self Build and Custom Housebuilding Act 2015.



Site Map

Scale 1:2,500

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Overview Map

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### Committee Report

Application Number:	62/41/25/007
Registration Date:	04-Jul-2025
Target Determination Date:	26-Aug-2025
Extension of Time:	10-Oct-2025
Applicant	Mrs C Winfield
Agent:	Mr. A Elston, Architectural Studio SW Ltd
Case Officer:	Yvonne Dale
Site Address:	The Pavillion, Esplanade, Lynmouth, Devon, EX35 6EQ
Proposal:	Application under Regulation 3 of the Town & Country Planning General Regulations 1992 for the proposed erection of extract unit and vertical flue on rear elevation.
Recommendation:	Approve subject to conditions
Reason for bringing before Authority Committee:	This application is brought before Committee in accordance with the Approved Scheme of Delegation because the applicant is the National Park Authority.

### Relevant History

62/41/11/035 Application under regulation three of Town & Country Planning General Regulation Approved 03/08/2012

62/41/11/042CA Application under regulation three of Town & Country Planning General Regulation Approved 03/08/2012

62/41/13/002 Application under regulation three of Town & Country Planning General Regulation Approved 04/29/2013

62/41/13/003LB Application for Listed Building Consent for the proposed removal of existing whi Approved 04/29/2013

62/41/13/018 Application under regulation three of Town & Country Planning General Regulation Approved 06/05/2013

62/41/16/040 Application under Regulation 3 of the Town and Country Planning General Regulati Approved 11/01/2016

62/41/22/024 Application under Regulation 3 of the Town & Country Planning General Regulation Approved with Conditions 07/08/2022

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## Site Description & Proposal

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The application site occupies the first floor (café) of the Lynmouth Pavillion, located on the Esplanade in Lynmouth.

The building has two storeys, with the ground floor accessed from the esplanade and the first floor accessed from a yard at the rear of the building. The esplanade frontage was originally open with a central column creating two wide entrances. The ground floor reflects the reuse of the building; it originally consisted of a large open space but has subsequently been subdivided into smaller rooms. The first floor consists of a large multiuse space.

In 2012 the pavilion was largely rebuilt to include a new rear kitchen along with the change of use of the first floor into a café.

Planning permission is sought for the erection of an extract unit and vertical flue on rear (south) elevation of the pavilion building. The proposal is that this new installation would replace the existing ventilation equipment on the building.

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## Consultee Representations

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**NDC - Environmental Health and Housing** – 11/09/2025 - I refer to my emailed comments of 11 July 2025.

Residential Amenity - Noise

Further to my comments of 11 July, I have reviewed the Soundguard Acoustics BS4142:2014+A1:2019 Environmental Sound Impact Assessment dated 21 August 2025. The document describes an assessment of noise impact at nearby residential properties as a result of operation of the proposed kitchen extraction system. The report has regard to relevant standards and guidance and concludes the system is unlikely to create any unacceptable noise impacts at nearby sensitive locations.

I accept the findings of the report and consider that unacceptable noise impacts are unlikely to occur based on the system being installed and operated as described within the report. As such, I have no further comments on this issue.

**NDC - Environmental Health and Housing** – 11/07/2025 - I have reviewed this application in relation to Environmental Health matters on behalf of North Devon Council's Environmental Protection service and comment as follows:

1 Residential Amenity

Commercial kitchen ventilation and extraction systems often produce significant noise and odour emissions that can adversely impact sensitive neighbours if the system is not suitably located, designed and operated.

It appears there may be sensitive receptor locations in the vicinity of the proposed system so consideration should be given to the potential for adverse impacts to occur at these locations. The information submitted with the application is inadequate in terms of judging this possibility.

In general, systems should be designed by a suitably qualified and experienced person having regard to relevant guidance and good practice including that contained in the document – Control of Odour and Noise from Commercial Kitchen Exhaust Systems (EMAQ, 6 May 2022). This document includes guidance regarding the information that should be submitted to support planning applications.

### Recommendations:

I recommend the Applicant be asked to provide a plan showing the location of all sensitive receptor locations in the vicinity of the proposed extraction ducting and emission point (including residential windows and any outside amenity spaces including balconies). Photos may also be helpful in clarifying the proximity of sensitive receptor locations.

Additionally the Applicant should provide the following information, which should be prepared by a suitably qualified person(s):

#### - Odour

The above EMAQ guidance document includes a risk assessment procedure to help in identifying the level of odour control that will be required based on the proposed circumstances.

A completed odour risk assessment following the EMAQ guidance should be submitted along with details of any odour control measures to be incorporated into the proposed system and their location. These details should demonstrate a level of odour control that is appropriate for addressing the identified odour impact risk, having regard to the best practice guidance contained within the EMAQ document.

#### - Noise

Unless it can be clearly demonstrated that adverse noise impacts are unlikely to occur (for example due to a large separation distance to the closest sensitive receptor locations) a noise impact assessment should be provided. The noise assessment must be prepared by a suitably qualified and experienced person (Member of the Institute of Acoustics or equivalent) and should consider hours of proposed operation and noise emitted from all parts of the proposed system including the final emission point. The assessment must have regard to guidance contained within BS4142: 2014 +A1:2019 Methods for Rating and Assessing Industrial and Commercial Sound.

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The aim should be to achieve a BS4142 rating level that is below the typical background (LA90) level at relevant sensitive times (such as quieter evening and night time periods where relevant) when assessed 1m from any facade of a residential property containing windows to habitable rooms and at any outside amenity spaces of residential properties in the vicinity (including balconies). The assessment report should include details to justify any rating or other assumptions made in the assessment and a detailed description of the proposed system including the location and specification of fans and any noise mitigation measures proposed. Where relevant, consideration should be given to potential cumulative impacts as a result of any other external plant operating in the vicinity.

Once the above additional information is provided, I will be able to comment further.

**ENPA - Woodlands Officer** – 15/07/2025 – Thank you for consulting me on the above application. I have considered the submitted information and have no objection to the proposals.

**ENPA - Woodlands Officer** – 03/09/2025 - Thank you for consulting me on the above application. I have considered the submitted information and have no objection to the proposals.

**ENPA - Senior Heritage Officer** – 17/07/2025 – No Objection. The rear of the building is relatively well shielded from view and so little of the flue will be visible. There will be a neutral impact on the conservation area.

**Lynnton & Lynmouth Town Council** – 23/07/2025 – No Objection.

**Lynnton & Lynmouth Town Council** – 12/09/2025 – No Objection.

**ENPA Ecologist** – 11/08/2025 - After having a look at the back of the Pavillion I am happy that there does not need to be an ecology survey carried out so I have attached my consultation response.

No Objection. Thank you for consulting me on this application for the proposed installation of an extract unit and vertical flue on the Pavillion, Lynmouth. After visiting the site to inspect the wood paneling where the extract unit is proposed to be installed, I am satisfied that the paneling is close fitting with no gaps for roosting bat or nesting bird potential. There is low potential for roosting bats as there are gaps where the paneling meets the roof; however, the proposal should not have an impact on this area, caution should be taken during the installation of the unit. If there is any scaffolding being constructed as part of the works then please ensure that any potential bat entry points to the roof are not blocked.

The applicant and their contractors of the legal protection afforded to bats and bat roosts under legislation including the Conservation of Habitats and Species Regulations 2017. In the unlikely event that bats are encountered during works it is

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recommended that works stop and advice is sought from a suitably qualified, licensed and experienced ecologist at the earliest possible opportunity.

The applicant and their contractors are reminded of the legal protection afforded to nesting birds under the Wildlife and Countryside Act 1981 (as amended). In the unlikely event that nesting birds are encountered during works it is required that works stop until the young have fledged and advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.

**DCC – Highways** – No comments received  
**ENPA - Historic Environment Officer** – No comments received  
**ENPA - Senior Ecologist** – No comments received  
**Environment Agency South West** – No comments received  
**ENPA - Farming & Land Management Officer** – No comments received  
**ENPA - Future Landscapes Officer** – No comments received  
**ENPA - PROW & Access Officer** – No comments received  
**ENPA - Senior Woodlands Officer** – No comments received  
**North Devon Council – Planning** – No comments received

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### Representations

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No public letters of representation have been received.

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### Policy Context

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Exmoor National Park Local Plan 2011 – 2031 (including minerals and waste policies)

GP1 – General Policy  
CE-S1 – Landscape and Seascape Character  
CE-D1 – Protecting Exmoor’s Landscapes and Seascapes  
CE-S2 – Protecting Exmoor’s Dark Night Sky  
CE-S6 – Design and Sustainable Construction Principles  
CE-S4 – Cultural Heritage and Historic Environment  
CE-D3 – Conserving Heritage Assets  
CC-D1 – Flood Risk

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

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that the Local Planning Authority has a statutory duty with respect to any buildings or other land in a conservation area that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

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**Planning Considerations**

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The main material planning considerations are whether the proposal would have an acceptable the impact on the character and appearance of the host building and the locality, including the conservation area, whether the proposal would have an acceptable impact on local amenity, and on protected species and habitats.

**CHARACTER AND APPEARANCE**

Planning permission is sought for the erection of an extract unit and vertical flue on rear (south) elevation of the pavilion building.

Policy CE-S6 of the Local Plan relates to Design and Sustainable Construction Principles and states that development proposals should deliver high quality sustainable designs that conserve and enhance the local identity and distinctiveness of Exmoor's built and historic environment and materials and design elements should complement the local context through the use of traditional and natural sustainable building materials.

The proposed extract unit would comprise of a wall mounted 'Power box' at 670mm x 670mm in size with a depth of 670mm. The extraction unit would be accompanied by a vertical flue discharging just above the highest point of the existing flat roof. The proposed extract unit is constructed from pre-galvanised steel. The proposed flue would be finished with stainless steel.

The extract unit would be wall mounted and would sit approximately 3.2 metres above the floor level. The proposed flue would extend approximately 4 metres above the top of the extract unit itself.

Whilst steel is not a natural material, it is typical for these types of products. The purpose of the rear extract unit is to allow safe access to the flue and ducting for maintenance and cleaning. The current extraction unit is inaccessible, leading to potential oil / grease build up and fire risk.

Policy CE-S1 of the Local Plan relates to Landscape and Seascape Character and states that the high quality, diverse and distinct landscapes and seascapes of the National Park will be conserved and enhanced. Clause 2 of the Policy states that development should be informed by and complement the distinctive characteristic, amongst other things, of the landscape character types and areas.

Policy CE-D1 of the Local Plan relates to Protecting Exmoor's Landscapes and Seascapes and states that the visual impact of development in its immediate and wider setting is minimised through high quality design that reflects local landscape character and that the cumulative and/or sequential landscape and visual effects of development do not detract from the natural beauty of the National Park and the experience of tranquillity, among other things.

The rear of the Pavillion is largely shielded by the surrounding properties and public views of the proposed development would be limited.

Policy CE-S4 (Cultural Heritage and Historic Environment) states:

1. Exmoor's local distinctiveness, cultural heritage, and historic environment, will be conserved and enhanced to ensure that present and future generations can increase their knowledge, awareness and enjoyment of these special qualities
2. Development proposals affecting heritage assets (identified on the Exmoor National Park Historic Environment Record) and their settings, will be considered in a manner appropriate to their significance.
3. Development proposals should make a positive contribution to the local distinctiveness of the historic environment and ensure that the character, special interest, integrity, and significance of any affected heritage asset and its setting is conserved or enhanced.

Clause 3 of Policy CE-D3 (Conserving Heritage Assets) relates to heritage assets and their settings and states:

3. Development proposals affecting a heritage asset and its setting should demonstrate: a) a positive contribution to the setting through sensitive design and siting; b) the promotion of the understanding and enjoyment of the heritage asset and its setting or better reveal its significance and appreciation of the setting; and c) avoidance of unacceptable adverse effects and cumulative visual effects that would impact on the setting.

The property lies within the Lynmouth Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that the Local Planning Authority has a statutory duty with respect to any buildings or other land in a conservation area that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The Authority's Senior Heritage Officer has commented on the proposal and states that 'the proposed unit and flue are located to the rear of the building and not seen from the street elevation or conservation area'.

It is considered that the proposed development would not adversely affect the heritage assets or their settings. The proposal is not out of keeping with the existing surrounding external finishes and therefore it is not considered to cause an unacceptable impact on the character and appearance of the conservation area.

In this case, it is considered that the proposed development, would therefore, preserve the Conservation Area in line with national and local policy.

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Overall, it is considered that the proposal would be seen in context with the existing building and surrounding properties from both close and wider views. It is considered that the proposed development would not result in an unacceptable increase in the visibility of the building or its associated environs in the wider landscape. It is considered that the proposed development would not have an unacceptable impact on the character and appearance of the host building and the locality, including the conservation area. In this regard the proposal would therefore comply with Local Plan Policies CE-S1, CE-D1, CE-S4, CE-D3 and CE-S6.

### IMPACT ON PROTECTED SPECIES AND HABITATS

Policy CE-S3 of the Local Plan relates to biodiversity and green infrastructure and states that the conservation and enhancement of wildlife, habitats and sites of geological interest within the National Park will be given great weight.

The proposal will be sited on an existing building.

This Authority's Ecologist has commented on the application and has stated that there is low potential for roosting bats. In accordance with the advice of the Ecologist, in the event planning permission is granted, informative would be added to confirm the legal protection afforded to bats and nesting birds.

In terms of Biodiversity Net Gain, the proposed size of the extraction unit and flue would fall within the de minimis threshold exemption for providing the statutory, mandatory 10% net gain in biodiversity.

The proposal would impact on a small area of the existing pavilion building. The Ecologist has advised that there is low potential for roosting bats. Consequently, the proposal would not cause harm to statutory protected species or their habitat. The proposal would, therefore, comply with Policy CE-S3 of the Local Plan in that the conservation status of protected species would be conserved.

### IMPACT ON LOCAL AMENITY

Clause 3(f) of Policy GP1 requires that opportunities must be taken to contribute to the sustainable development of the area and particular attention will be paid to the impact on the amenities of local residents, occupiers of neighbouring properties, and visitors, and conserving or enhancing the quiet enjoyment of the National Park. Policy CE-S6 of the Local Plan requires that, among other things, the use and activity of new development should not detrimentally affect the amenities of surrounding properties and occupiers, including by way of overlooking, loss of daylight, overbearing appearance, or other adverse environmental impacts.

The proposed extract unit and flue have limited public views, and no public letters of representation have been received. There are residential neighbours to the site, including within accommodation above adjacent commercial premises.

The Environmental Health and Housing Officer commented on the application and noted that there appears to be sensitive receptors in the vicinity in relation to noise and odour emissions from commercial kitchen ventilation and extraction systems and consideration should be given to the potential for adverse impacts to occur at these locations.

Following these comments, the applicant submitted an environmental sound impact assessment which concludes that the rating level of the proposed extraction design is below the background noise level at the facade of the nearest Noise Sensitive Receivers and this is an indication of low impact, and no further noise mitigation is required.

The Environmental Health and Housing Officer has commented on the sound impact assessment and states that they accept the findings of the report and consider that unacceptable noise impacts are unlikely to occur based on the system being installed and operated as described within the report. As such, they have no further comments on this issue.

No odour assessment has been submitted, and Officers consider that a condition could be added to any grant of planning permission requiring the submission and agreement of an odour assessment prior to the installation of the extract unit and flue.

Given the above, it is considered that there would not be an unacceptable increase in overlooking, the development would cause no adverse effect on the neighbouring occupiers from overbearing, loss of light or other adverse environmental impacts, including noise and odour. Therefore, it is judged that the proposed development would have an acceptable impact on the amenity of neighbouring residents, in accordance with policies GP1 and CE-S6 of the Local Plan.

### OTHER MATTERS

Lynton and Lynmouth Town Council have commented on the application and raise no objection to the proposal.

Policy CC-D1 of the Local Plan states that development proposals will be permitted where they do not increase the risk of flooding elsewhere and use development to reduce the risk of flooding through location, layout and design and incorporate sustainable drainage systems to minimise surface water run-off and avoid pollution.

The site lies partially within Flood Zone 3. However, the proposed equipment would be at first level and would replace existing equipment. It would be at no greater risk of flooding and would lead to no displacement of flood waters or lead to an increase in flood risk elsewhere. The extract unit and flue would not impede any flow rates of water. It is not considered that the proposed development would increase the risk of

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flooding to the property or neighbouring properties and therefore complies with Policy CC-D1 of the Local Plan.

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### Human Rights

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The provisions of the Human Rights Act 1998 and Equality Act 2010 have been taken into account in reaching the recommendation contained in this report.

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### Conclusion

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The proposed installation of an extract unit and flue at Lynmouth Pavillion would be compliant with Policies CE-S6, CE-S1, CE-D1, CE-S4, CE-D3, CC-D1 and CE-S3 of the Local Plan. This report sets out that the design, scale and materials are acceptable and that there would not be material harm to other material planning considerations, such as, the character and appearance of the locality, including the conservation area, protected species and habitats or local amenity, subject to the imposition of conditions.

For the reasons outlined above the proposed development is, on balance, considered to be acceptable and in accordance with the relevant development plan policies. The application is, therefore, recommended for approval subject to appropriate conditions.

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### Recommendation

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Approve subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990, (as amended by the Planning and Compulsory Purchase Act 2004).

2. The development hereby approved shall not be carried out except in complete accordance with the drawings numbered as 3237/100 – Existing Site Plans, 3237/200 – Proposed Site Plans, 3237/202 – Proposed Elevations and 3237/201 – Proposed First Floor Plan dated 4th July 2025.

Reason: For the avoidance of doubt and to ensure the works accord with the approved details, as amended.

3. Prior to the installation of the extract unit and flue, hereby approved, a completed odour risk assessment following guidance contained in Control of Odour and Noise from Commercial Kitchen Exhaust Systems (EMAQ, 6 May 2022) together with proposals for adequately mitigating and controlling the identified odour risk, shall be submitted to and

agreed in writing by the Local Planning Authority. The development shall thereafter be carried in accordance with the agreed details.

Reason: To safeguard local amenity and the surrounding natural environment in accordance with Policies GP1, CE-S6 and CC-S7 of the Local Plan.

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### **Informatives**

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#### POSITIVE & PROACTIVE STATEMENT

This Authority has a pro-active approach to the delivery of development. Early preapplication engagement is always encouraged. In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, in determining this application, Exmoor National Park Authority has endeavoured to work positively and proactively with the agent/applicant, in line with the National Planning Policy Framework, to ensure that all relevant planning considerations have been appropriately addressed to achieve a positive outcome.

#### CONDITIONS AND INFORMATIVES

Please check all the conditions and informatives attached to this Decision Notice. If there are any conditions which require submission of details and/or samples prior to work commencing on site it is vital that these are submitted and agreed in writing by the Local Planning Authority before work starts. Given the High Court's interpretation of the Planning Acts and their lawful implementation it is unlikely that the Local Planning Authority will be able to agree to a sample/details after the commencement of works if that sample/details should have been approved prior to commencement. If a sample/detail is not agreed as required prior to commencement and works have started then it is likely that this matter may only be able to be rectified by the submission of another application. To avoid delay, inconvenience and the need to submit a further application, please ensure that all appropriate details/samples are submitted and agreed at the specified time.

Please also note that due to other decisions of the High Court it is now not normally possible for the Local Planning Authority to agree to minor amendments to approved applications. It will be necessary to adopt a formal approach and that if changes to approved plans are proposed then it will be necessary to make a new planning application. Please ensure that works comply with the approved plans so as to avoid the possibility that works are unauthorised and liable for enforcement action.

#### MONITORING OF DEVELOPMENT

The applicant/developer is reminded that it is their responsibility to ensure that the requirements of each planning condition are met and that the works are undertaken in accordance with the approved plans. Any failure to meet the terms of a planning condition or work which does not accord with the approved plans leaves the applicant/developer liable to formal action being taken. The National Park Authority endeavours to monitor on site the compliance with conditions and building works. This has benefits for applicants and developers as well as the National Park. To assist with this monitoring of development the applicant/developer is requested to give at least fourteen days notice of the commencement of development to ensure that effective monitoring can be undertaken. The Planning Section can be contacted at Exmoor National Park Authority, Exmoor House, Dulverton, Somerset, TA22 9HL or by telephone on 01398 323665 or by email [plan@exmoor-nationalpark.gov.uk](mailto:plan@exmoor-nationalpark.gov.uk).

### BAT INFORMATIVE

The applicant and their contractors of the legal protection afforded to bats and bat roosts under legislation including the Conservation of Habitats and Species Regulations 2017. In the unlikely event that bats are encountered during works it is recommended that works stop and advice is sought from a suitably qualified, licensed and experienced ecologist at the earliest possible opportunity.

### NESTING BIRDS INFORMATIVE

The applicant and their contractors are reminded of the legal protection afforded to nesting birds under the Wildlife and Countryside Act 1981 (as amended). In the unlikely event that nesting birds are encountered during works it is required that works stop until the young have fledged and advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.

### BIODIVERSITY NET GAIN EXEMPTION

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless: (a) a Biodiversity Gain Plan has been submitted to the planning authority, and (b) the planning authority has approved the plan. The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be Exmoor National Park Authority. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more

of the statutory exemptions or transitional arrangements in the list is/are considered to apply.

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

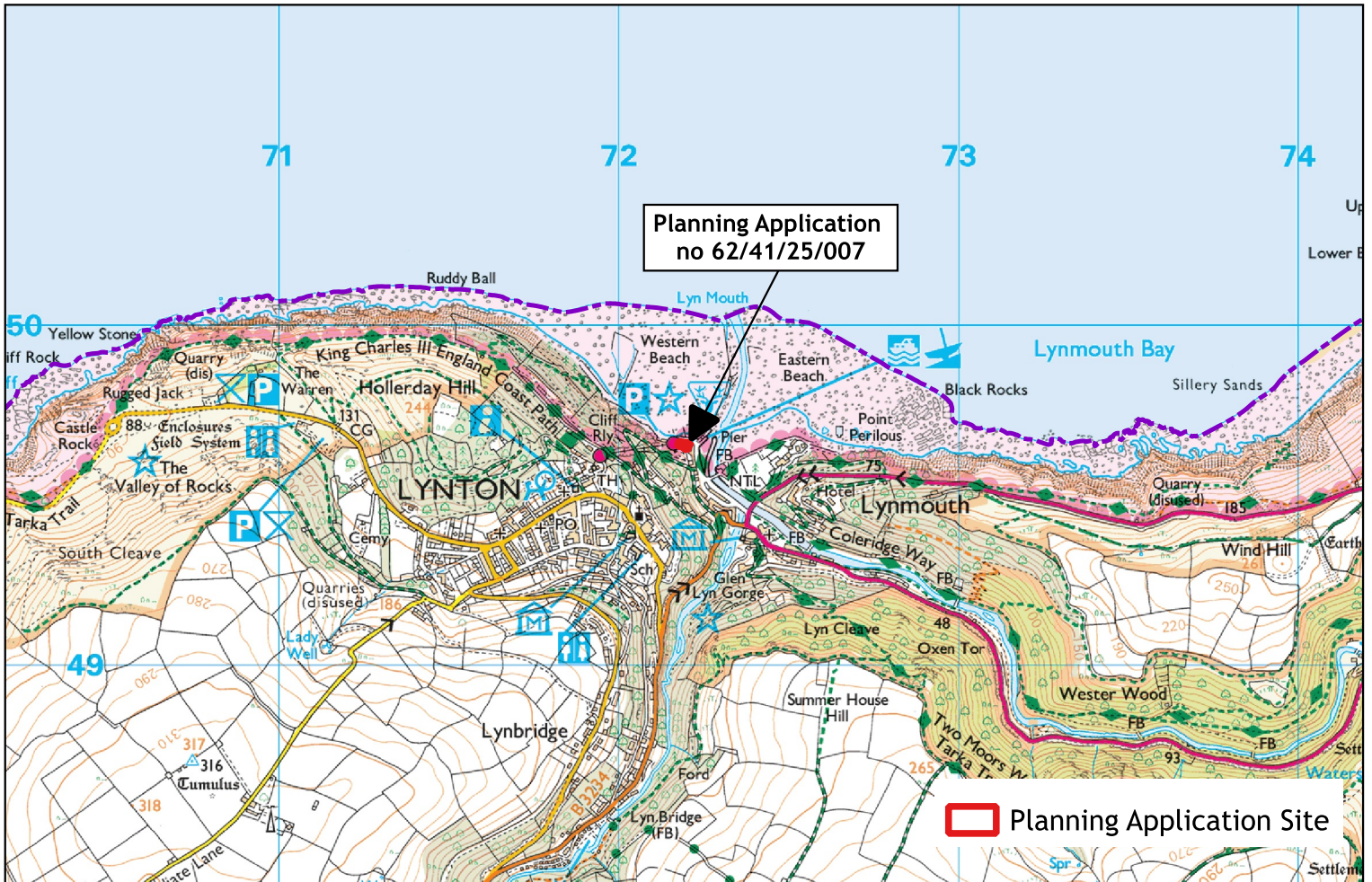
BNG is not required as the development proposed does not impact a priority habitat and impacts less than 25 square metres of on-site habitat



Site Map

Scale 1:2,500

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Overview Map

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**Application decisions delegated to the Chief Executive**

<b>Application Ref</b>	<b>Applicant &amp; Location</b>	<b>Decision and Date</b>
6/40/25/002	Mr M Robinson - Proposed regularisation of works not in accordance with approved application 6/40/13/108. (Householder ) - 1 TOWNSEND COTTAGES, WINSFORD, MINEHEAD, TA24 7JE	19-Aug-2025 Approved with Conditions
6/20/25/002	Mr E Burton - Proposed demolition of existing, single storey lean-to kitchen extension and erection of two storey pitched-roof extension with kitchen on ground floor and en-suite bathroom on first floor. Subterranean extension to existing garage to provide parking for 2-3 cars. (Householder ) - ROSE BANK HOUSE, LUXBOROUGH, WATCHET, TA23 0SR	19-Aug-2025 Approved with Conditions
6/10/25/012	Mr and Mrs D Stone - Proposed demolition of existing garage/store and erection of new playroom and store together with photovoltaic panels on roof. (Householder ) - 2, HANGERS WAY, DUNSTER, MINEHEAD, TA24 6RT	21-Aug-2025 Refused
6/26/23/001	Mr. A White, Messrs P & A White - Proposed erection of agricultural building (300sqm). Retrospective. (Full ) - LEIGH BARTON FARM, ROADWATER, WATCHET, TA23 0QN	21-Aug-2025 Approved with Conditions
6/35/25/004DC	Harding & Cartwright, Exmoor Venison Ltd - Discharge of conditions 3 (consolidation & surfacing of 6m access track and installation of drainage) and condition 4 (creation of two car parking spaces with consolidated and surfaced turning space for vehicles) of approved application 6/35/25/003. (Discharge of Condition ) - Land at Treborough Common (Easting - 301285, Northing – 135516)	22-Aug-2025 Approved
6/14/25/005DC	Sir S Waley-Cohen - Discharge of conditions 4 (Bat Licence Agreement), 6 (Lighting Design Strategy) 7 (HMMP) and part discharge of 5 (Bird Survey) of approved application 6/14/25/002. (Discharge of Condition ) - LLOYDS HOUSE, HONEYMEAD, SIMONSBATH, MINEHEAD, TA24 7JX	22-Aug-2025 Approved
6/3/25/006	Mr M Matthews - Proposed erection of 2no. replacement dwellings over footprint of existing dwellings to be demolished. (Full ) - 1 & 2 Crewses Cottages, Bridgetown to Exebridge Road, Exton, Dulverton, TA22 9NB	28-Aug-2025 Refused

**Application decisions delegated to the Chief Executive**

<b>Application Ref</b>	<b>Applicant &amp; Location</b>	<b>Decision and Date</b>
GDO 25/08	Mr J Bird, Airwave Solutions Ltd - Prior approval for the proposed extension to existing lattice tower from 20.8m to 24.8m in height to accommodate the installation of 3 x new 'Shared Rural Network ('SRN') 4G antennae at 15.7m to the centre line, along with ground based cabinets. (Prior Approval - Part 16 - Class A ) - Existing Airwave Emergency Services Communications, Land at Luckyard Farm, Wheddon Cross, Minehead, Somerset, TA24 7HE	29-Aug-2025 Prior Approval Required-Prior Approval Approved
6/26/25/008	Mr J Reynolds-Kettlewell - Proposed erection of single storey extension, together with, installation of solar panels. (Householder ) - THE STABLES COTTAGE, RODHUIH, MINEHEAD, TA24 6QZ	29-Aug-2025 Approved with Conditions
6/15/25/002DC	Mr P Matravers - Discharge of condition 6 (HMMP) of approved application 6/15/24/003 (Discharge of Condition ) - Bridgetown Cricket Club, Bridgetown, Somerset	01-Sep-2025 Approved
6/3/25/007DC	Ms M Grimaldi - Discharge of condition 4 (landscaping scheme) of approved application 6/3/23/008. (Discharge of Condition ) - BIDGOODS, BURY, DULVERTON, TA22 9ND	02-Sep-2025 Approved
6/41/25/001	Mr D Roberts - Listed Building Consent to create a new back door into the utility room together with the proposed replacement of garage doors with windows without complying with condition 2 (approved plans) of approved application 6/41/13/105LB. (Alteration/Lift Condition ) - Oak, Withycombe, Minehead, Somerset, TA24 6QJ	03-Sep-2025 Approved with Conditions
6/3/25/008DC	MR T Howells - Discharge of condition 3 (Lighting) of approved application 6/3/24/008. (Discharge of Condition ) - LITTLE HICCOMBE FARM, BROMPTON REGIS, DULVERTON, TA22 9NS	05-Sep-2025 Approved
6/43/25/009LB	Mr J Curtis - Listed building consent for the proposed internal alterations to include reversal of recent changes and minor alterations. (Listed Building Consent ) - THE OLD RECTORY, WOOTTON COURTENAY, MINEHEAD, TA24 8RE	05-Sep-2025 Approved with Conditions

**Application decisions delegated to the Chief Executive**

<b>Application Ref</b>	<b>Applicant &amp; Location</b>	<b>Decision and Date</b>
62/43/25/004	Mark Newall - Proposed new solar panels & installation of Velux windows to existing dwelling and new underground storage area under driveway.  (Householder ) - Slattenslade Cottage, MARTINHOE, PARRACOMBE, BARNSTAPLE, Devon, EX31 4QU	05-Sep-2025 Approved with Conditions
6/29/25/005LB	Mr & Mrs Clarke - Proposed Installation of French Doors and replacement of first floor WC window. (Listed Building Consent ) - WEST LYNCH, ALLERFORD, MINEHEAD, TA24 8HJ	08-Sep-2025 Refused
62/43/25/005	Mr C Wiggill - Replacement and enlargement of a pre-existing timber garden room summerhouse, which was destroyed in storm damage in 2024, with a stone-built summerhouse with slate roof tiles. Retrospective.  (Householder ) - WOODWINDS, WOODY BAY, PARRACOMBE, BARNSTAPLE, EX31 4QX	09-Sep-2025 Approved with Conditions
6/24/25/002	Mr. S Ruell, DM SA Ruell and sons - Proposed erection of a steel portal-framed building (20m x 32m) over existing cattle handling yard. (Full ) - Holcombe Water Farm, Raleighs Cross To Elworthy Burrows, Nettlecombe, Watchet, Somerset, TA4 2SL	09-Sep-2025 Approved with Conditions
6/26/25/007LB	Mr A Sandwell - Listed building consent for the proposed Internal and External Alterations, as an alternative to approved application 6/26/17/104 & 6/26/17/105LB (Retrospective). (Listed Building Consent ) - LITTLE STAMBOROUGH, ROADWATER, WATCHET, TA23 0RW	12-Sep-2025 Approved with Conditions
6/26/25/006	Mr A Sandwell - Proposed internal and external alterations, as an alternative to approved application 6/26/17/104 & 6/26/17/105LB (Retrospective). (Householder ) - LITTLE STAMBOROUGH, ROADWATER, WATCHET, TA23 0RW	12-Sep-2025 Approved with Conditions
6/3/24/009	Mr O Matthews & Mr E Matthews - Proposed construction of dwelling and garage and associated works. (Full ) - Land at Higher Ford Farm, [Easting 298105; Northing 134159], Withiel Florey, Minehead	12-Sep-2025 Approved with Conditions

**Application decisions delegated to the Chief Executive**

<b>Application Ref</b>	<b>Applicant &amp; Location</b>	<b>Decision and Date</b>
6/20/25/004	Messrs Wilson & Scott - Proposed construction of rear porch. (Householder ) - MILK HOUSE, NEWCOMBE FARM, LUXBOROUGH, WATCHET, TA23 0SN	15-Sep-2025 Approved with Conditions
62/43/25/006	Mr D Harding and Mrs H Fargher - Lawful development certificate for the existing breach of Condition 2 (agricultural occupancy) of approved application 62/43/87/003 (CLEUD ) - Whistlewind, Lane To Ranscombe Coombe Farm, Parracombe, Devon, EX31 4RA	16-Sep-2025 Approved
6/8/24/005	Mrs J Matravers - Proposed erection of 1no 3 bed local affordable dwelling together with detached workshop, parking, creation of new access and associated change of use of paddock to residential. (Full ) - Paddock opposite Church of St John, Land at Ashwell Lane, Cutcombe, TA24 7AJ	17-Sep-2025 Approved with Conditions
6/10/25/013LB	Mrs A Baker - Listed building consent for the proposed removal of flue, first floor ensuite and replacement of ground floor hallway floor tiles. (Listed Building Consent ) - 2 THE BALL, DUNSTER, MINEHEAD, TA24 6SD	18-Sep-2025 Withdrawn
62/49/25/007DC	Ros Osberg, The Studio - Discharge of condition 3 (slate sample) of approved application 62/49/25/002LB (Discharge of Condition ) - HEASLEY HOUSE, HEASLEY MILL, SOUTH MOLTON, EX36 3LE	18-Sep-2025 Approved
6/9/25/014	Ms K O'Sullivan - Proposed removal of existing metal fire escape, door and frame, replacement of first floor door with window and alterations to ground floor window. (Full ) - EXMOOR SOCIETY, 34, HIGH STREET, DULVERTON, TA22 9DJ	22-Sep-2025 Approved with Conditions