



# EXMOOR

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## NATIONAL PARK

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25<sup>th</sup> June 2026

### 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> July 2026 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 Democratic 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> June 2026 (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. Appeal Decisions

#### 6.1 To note the decision of the Secretary of State in relation to the enforcement appeal relating to Caravel, 14 Lynmouth Street, Lynmouth, Devon, EX35 6EH. Ref:APP/F9498/C/24/3353696 (Item 6.1)

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

Agenda Item	Application No.	Description	Page Nos.
7.1	EXM/26/013/FULL	Proposed erection of steel frame building (14.6m x 30.6m) – Amended description – Land North of Chibbet Post, Exford	1-22
7.2	EXM/26/026/FULL	Proposed conversion of barn to provide extended family dwelling with disabled access (Retrospective) - Rose Cottage, Simonsbath to Lynton Road, Exmoor, Minehead, TA24 7SH	1-16
7.3	62/49/25/003	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 – Heasley Mill Methodist Chapel, Road from Lower Fyldon Cross to Heasley Mill, North Molton, Devon, EX36 3LE	1-39

- 8. Schedule of Section 106 Agreements:** To note the Schedule of Section 106 Agreements being undertaken by Devon County Council on behalf of Exmoor National Park Authority (Item 8).
- 9. Application Decisions Delegated to the Chief Executive:** To note the applications determined by the Chief Executive under delegated powers (Item 9).
- 10. Site Visits:** To arrange any site visits agreed by the Committee (the next 2 reserve dates being *Friday, 31<sup>st</sup> July 2026 (am) and Friday, 28<sup>th</sup> August 2026 (am)*).

Further information on any of the reports can be obtained by contacting the National Park Authority at the address and telephone numbers at the top of the agenda. Details of the decisions taken at this meeting will be set out in the formal Minutes which the Committee will be asked to approve as a correct record at its next meeting. In the meantime, details of the decisions can be obtained by emailing [Committees@exmoor-nationalpark.gov.uk](mailto:Committees@exmoor-nationalpark.gov.uk)

## 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 June 2025 at 2.00pm in the Committee Room, Exmoor House, Dulverton.

#### PRESENT

Mr S J Pugsley (Chairperson)  
Dr M Kelly (Deputy Chairperson)

Mr A Bray  
Mr T Butt Philip  
Mr B Geen  
Mr J Holtom

Mr R Hopley  
Mrs F Nicholson  
Mr J Patrinos  
Mrs F Smith

In attendance: Miss A V Davis, Mr M Kravis

1. **ELECTION OF CHAIRPERSON:** Mr S J Pugsley was re-elected Chairperson of the Planning Committee for the ensuing year.

Mr Pugsley thanked Miss Stacey for her service on the Planning Committee ending in June 2026.

2. **ELECTION OF DEPUTY CHAIRPERSON:** Dr M Kelly was re-elected Deputy Chairperson of the Planning Committee for the ensuing year.

3. **APOLOGIES FOR ABSENCE:** Miss E Stacey and Miss L Williams

4. **DECLARATIONS OF INTEREST/LOBBYING OF MEMBERS/  
UNACCOMPANIED SITE VISITS:** None

5. **MINUTES:**

- i. **Confirmation:** The **Minutes** of the Committee's meeting held on 5 May 2026 were agreed and signed as a correct record.
- ii. **Matters arising:** There were no matters arising.

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

7. **PUBLIC SPEAKING:** None.

## DEVELOPMENT MANAGEMENT

**8. Application No: EXM/26/077/FULL**

**Location: Driver Farm, Simonsbath, Minehead, TA24 7LH**

**Proposal: Application Under Regulation 3 of The Town & Country Planning General Regulations 1992 for the proposed installation of PV array, battery storage and new generator, replacement of asbestos slate roof with natural slate and replacement windows and doors, and erection of rear porch, gable end lean-to, together with, installation of package treatment plant.**

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

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

It was noted that the application is from Exmoor National Park Authority. Officers outlined plans showing how the house would be altered. There is an additional live planning application at Driver relating to proposals to convert farm buildings that will come to the Committee at a later date.

Members discussed the merits of the proposals for the solar panel positioning and that TV aerials will be removed.

<p><b>RESOLVED:</b> To approve planning permission subject to the conditions set out in the report.</p>
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**9. APPLICATION DECISIONS DELEGATED TO THE CHIEF EXECUTIVE:** The Committee noted the **decisions of the Chief Executive determined under delegated powers.**

**10. SITE VISITS:** If there were any site visits to arrange, these would take place on the morning of Friday 3<sup>rd</sup> July 2025.

The meeting closed at 2.25pm

(Chairperson)



## Appeal Decision

Site visit made on 28 April 2026

by **R Curnow MA(TCP), BSC(Hons), CMS MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 May 2026

**Appeal Ref: APP/F9498/C/24/3353696**

**Caravel, 14 Lynmouth Street, LYNMOUTH, Devon, EX35 6EH**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr John Loveless against an enforcement notice issued by Exmoor National Park Authority.
- The notice was issued on 9 September 2024.
- The breach of planning control as alleged in the notice is Without planning permission, the replacement of \*5\* timber windows and \*2\* French doors on the first floor and \*2\* timber windows on the second floor on the north-eastern (Riverside Road) elevation from timber to uPVC windows and doors.
- The requirements of the notice are: Remove the uPVC windows and doors at first and second floor levels on the north-eastern (Riverside Road) elevation from the above named property and replace them with windows and doors that are constructed from natural timber and match the design, size, colour, moulding form, glazing layout and manner of opening as the existing timber windows and doors in the building timber framed windows and French doors to match the specifications of the previously removed windows and French doors. Planning consent will be required for the replacement windows doors and, as such, an application for the work must be submitted to Exmoor National Park Authority and consent obtained before the work is undertaken.
- The periods for compliance with the requirements are: 6 months to make a planning application for the replacement windows and doors; and 6 months to install the replacement windows and doors.
- The appeal is proceeding on the ground[s] set out in section 174(2)(a) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

### Decision

1. The notice is found to be a nullity and no further action will be taken in connection with the appeal. In the light of this finding, the local planning authority should consider reviewing the register kept under section 188 of the 1990 Act as amended.

### The Notice

2. Section 173 of the Act sets out the statutory requirement for the contents and effect of an enforcement notice. S173(2) states that it must enable any person on whom a copy of a notice is served to know what the matters alleged in the Notice are. Amongst other things, s173(3) requires the notice to specify the steps which the local planning authority require to be taken; and s173(9) requires that a notice specifies the period at the end of which any steps are required to have been taken.
3. In this case, the allegation is clear. This is the replacement of timber doors and windows with uPVC windows and doors on one of the building's elevations.
4. The steps that the NPA require to be taken are set out in section 5 of the Notice, 'What you are required to do'. These are set out in my Header, above, so need not

be repeated in full here. In brief, firstly, there is a requirement to remove the windows that have been installed; this is clear and accords with s173.

5. Thereafter, section 5 requires the replacement of the doors and windows removed with *“windows and doors that are constructed from natural timber and match the design, size, colour, moulding form, glazing layout and manner of opening as the existing timber windows and doors in the building”* but immediately goes on to say *“timber framed windows and French doors to match the specifications of the previously removed windows and French doors”*.
6. Thus, two requirements are given there. In the absence of the word ‘or’, there is not a choice of options for the recipients of the Notice. There is nothing before me to show whether the requirements are compatible; that is to say, that the existing windows had the same specifications as those that were removed.
7. Further, section 5 refers to the need to make a planning application for the replacement windows. This adds to the confusing and vague nature of the Notice. It should clearly set out what is required to remedy the breach of planning control without the need for an application to be made. The Notice is unacceptable because of the uncertainty this introduces.
8. The problem with the requirement for a planning application to be made is compounded by the open-ended nature of the time for compliance. It requires an application to be made within a certain period and the works to be undertaken likewise. It does not, however, give a period for the determination of the application. Whilst this might be varied without injustice, it provides further evidence of the lack of precision in the Notice.
9. Overall, the Notice is vague, confusing and uncertain to its recipients; it is insufficiently precise and fails to meet the test in *Miller-Mead v MHLG* [1963] 2 WLR 225 that recipients of a Notice know what they are required to do from its four corners.

## Conclusion

10. I conclude that the notice is a nullity. In these circumstances, the appeal on the ground set out in section 174(2)(a) of the 1990 Act as amended and the application for planning permission deemed to have been made under section 177(5) of the 1990 Act as amended does not fall to be considered.

*R Curnow*

INSPECTOR

## EXMOOR NATIONAL PARK AUTHORITY 7 July 2026

### Application EXM/26/013/FULL – Proposed erection of steel frame building (14.6m x 30.6m). Amended description.

#### Land North of Chibbet Post, Exford

#### 1.0 Introduction

- 1.1 This update report refers to the planning application referenced above, which was reported to Planning Committee in May 2026 and following a Committee visit to the site. The original Committee report is appended for Members' information. At that meeting, Members resolved to defer the application to allow the applicant to revise the drawings and provide further clarification on the proposal.
- 1.2 Revised drawings and further information have been received. The Authority has undertaken a further round of consultation on these details, and the application is now being reported back to Members.
- 1.3 The amended plans show a reduction in the length of the proposed building, through the removal of one bay, from 36.5m to 30.6 metres, thereby reducing the floor area by approximately 86m<sup>2</sup> to 446.8m<sup>2</sup>. The proposed building has also been moved approximately 12.1 metres further to the north west (closer to the existing building on site), and the building would be cut into the slope of the ground so that it would sit approximately 0.08 metres higher than the existing building at the site.
- 1.4 The plans also show the formation of a compacted stone storage yard to the south west of the building, infilling between the proposed building and the existing hedgerow. The agent says that the hardstanding is proposed in this position so that the building would obscure the view of the items stored from the highway, therefore, allowing an element of security and offering protection from inclement weather.
- 1.5 The plans omit the proposal for a grassland bund and, instead, propose a new hedgebank running in a north-south direction adjacent to the new access track and across the field.
- 1.6 The agent has provided a floor plan to show how the storage space would be used by the applicant, and listed the machinery and equipment owned. The

external hardstanding would provide storage provision when the building is at capacity.

1.7 The external and internal items that require storage are said to include:

2no. Hedge trimmers	Plough
Power Harrow and Drill	Mini Digger
Square Baler	Round Baler
Fertiliser Spreader	Sprayer
2no. Snow Plough	2no. Snow Blower
Quad Bike	Grass Harrows
5no. Mowers	Hay Turner
2no. Rake's	Cambridge Rollers
2no. Dung Spreaders	Digger
2no. Bale Trailers	3no. Tipping Trailers
2no. Concrete Mixers	Topper
Rotavator	Cultivator
Bike Trailer	Link Box
8no. Bale Grabs	6no. Bale Spikes
5no. Loader Buckets	2no. Dung Grabs
3no. Pallet Forks	2no bale wrappers
2no vintage tractors	3no tractors with loaders
1no tractor without loader	1no telehandler
2no lfor Williams Trailers	

1.8 The applicant has also said that annually he would be storing circa 100 large bales of hay (1.2m x 0.9m x 0.9m) and 50 large bales of straw (1.2m x 0.9m x 0.9m).

1.9 For the avoidance of doubt, Officers maintain their recommendation that planning permission should be refused. The reason for refusal is set out at the end of this update report.

## 2.0 Updated consultation responses

The **Exmoor Society** has commented on the scheme considered at the Planning Committee meeting in May 2026. As those comments were received later, they were not included in the original Committee report but were reported verbally at the meeting. For completeness, their comments are set out below:

*The Exmoor Society, a charity promoting the protection of Exmoor National Park for the benefit of all, has noted the application for planning permission for the proposed erection of a steel framed building for an agricultural contracting business.*

*The Society notes that the proposed site of the barn is a sensitive and visible location in relatively open countryside and that there are already agricultural buildings on the site, though in a less prominent location than the building now proposed. The Society is conscious of the 2018 Landscape Character Assessment for Exmoor National Park which points to the construction of larger agricultural sheds in elevated and prominent positions as one of the forces of incremental change to the Exmoor landscape.*

*The Exmoor Society objects to the size and siting of the proposed building as it will have a negative effect on the landscape. If ENPA is minded to grant permission, the Society requests that a condition is applied requiring the hedge to be allowed to grow up to screen the barn from view.*

The following comments are comments that have been received following consultation on the amended plans and details:

**Future Landscapes Officer – 17/06/2026:** *The revised proposals further reduce the size of the building by a bay in length (6m) and move it closer to the existing building. Additional detail is provided on levels, the yard and track, which help clarify the extent and nature of the proposed works following the site visit made by the planning committee.*

*The proposed building would be set into the ground, with finished levels reduced to correspond with the floor level of the existing building. The building would sit approximately 2.32m below the adjacent field level at the northern corner and approximately 2.63m below at the eastern corner. This difference in level would be accommodated with a bank. There is a discrepancy between section B-B and the existing site levels plan, so it is not clear if the building would sit at existing ground level at the southern corner or be set into the ground by over 1m. The ridge height of the building would be marginally higher than that of the existing building.*

*The lowering of the building into the site would assist in reducing its visibility from the adjacent road, where views would largely be limited to the upper parts of the structure above the existing hedgerow. Wider views of the site are otherwise constrained by intervening vegetation and local topography. The principal public view would be from the approach road to the south-east. In this view, the proposed hedgebank, which replaces the previously proposed bund, would be more characteristic of the local landscape and would provide appropriate mitigation for the visual effects of the development.*

*The proposed hardstanding would be located between the building and the hedgebank. The revised plans also indicate that a single access track would serve*

*both the existing and proposed buildings, which would reduce the need for separate vehicle routes within the field.*

**Exford Parish Council – 19/06/2026** - *Exford Parish Council met on the 16th June 2026 to discuss application EXM/26/013/FULL. Unfortunately, the applicant Mr Vigars could not attend the meeting due to work commitments. Councillors had a number of queries concerning the amended and additional details.*

*Councillors stated that the new drawings provided did not show a true reflection of how the building would be sunk into the ground. Discussions were based around the document entitled 'Proposed Elevations' uploaded on the 4th June 2026, which show a straight line, rather than the actual topography of the ground.*

*The new plans, do however, show the entrance track and yard area, which the parish council requested in their previous comments. Parish councillors raised the question about outdoor lighting in this area. Concerns were also raised about the roof lights.*

*The parish council would like to question the need for a roller door on the South East side of the building, next to three open bays on the South West.*

*Finally, it was stated that the Parish Council would like to include a condition, that the new building will only be used for agricultural purposes.*

### 3.0 Additional Observations

- 3.1 Local Plan Policy SE-S4 refers to Agricultural and Forestry Development. The Policy is set out below:

#### SE-S4 Agricultural and Forestry Development

1. Permission will be granted for new or replacement buildings, tracks and structures or extensions required for agriculture or forestry purposes where:
  - a) it can be demonstrated there is a functional need for the extension, building, structure or track and its size and scale is commensurate with the demonstrated need;
  - b) the building, track or structure is designed for the purposes of agriculture or forestry;
  - c) in the case of new buildings, the site is related physically and functionally to existing buildings associated with the business;
  - d) buildings, tracks or structures are sited appropriately in the context of local topography and of an appropriate design that responds to and reinforces landscape character in terms of size, scale, massing, layout, external appearance and materials – if a landscaping scheme is required it should be in accordance with policy CE-D1;
  - e) proposals do not generate a level of activity or otherwise detrimentally affect the amenity of surrounding properties and occupiers including through loss of daylight, overbearing appearance, or conflict with neighbouring land uses;
  - f) appropriate measures are taken to ensure proposals do not, including through the level of activity, have an adverse impact on biodiversity and cultural heritage (in accordance with CE-S3 and CE-S4) or cause other unacceptable environmental impacts; and
  - g) it can be demonstrated that opportunities have been taken for:
    - i) the integration of passive design and sustainable construction methods to improve energy efficiency;
    - ii) the integration of appropriate renewable energy technologies to reduce carbon emissions in accordance with CC-S5; and
    - iii) minimising surface water run-off to avoid impacts on water quality (CC-D1).
2. New isolated buildings will not be permitted unless it can be demonstrated that there are exceptional circumstances relating to an overriding functional need for a more isolated location, and where:
  - a) they do not replace existing agricultural buildings that have been subdivided away from the holding; and
  - b) the requirement for them does not result from a change of farming practices, such that could adversely affect the management of the traditional landscape character of the National Park.
3. Where new agricultural buildings with a floorspace of 500sqm or less are granted planning consent, permitted development rights may be withdrawn in respect of agricultural buildings and any land within its curtilage to alternative uses.

- 3.2 In this case, it is the proposal's ability to comply with Clause 1.a) and Clause 1.d) of the Policy that are particularly in dispute.
- 3.3 The application site lies within the 'Enclosed Farmed Hills with Commons: Southern' landscape character type. The Landscape Character Assessment (LCA) explains that one of the defining qualities of this landscape character type is the isolated pattern of farmsteads on middle valley slopes, tucked into landform (e.g. below break of slope, or nestled within combes) and associated with shelter planting.
- 3.4 The LCA further states that the perceived threats and issues to this quality are farm expansion (including new built form) onto more exposed slopes.
- 3.5 The proposal in this case would sit in an elevated position, which would be visible from surrounding roads and viewpoints. Moreover, whilst there is an existing building at the site, which was approved in 2024, the proposal is for a significantly larger building.
- 3.6 In terms of Clause 1.a) of Policy SE-S4, the applicant only owns 3.5 acres of land at Chibbet Post (at the application site) and rents around 80 acres (Chibbet Farm and Buckworthy Farm, Exford). They are also in the process of purchasing a further 30 acres of land at Sandyway.
- 3.7 Whilst the applicant has outlined an extensive list of machinery to be stored on the holding, (in the form of the proposed building), it has been Officers' experience that substantially less machinery or equipment is required on typical sheep farms of similar scale.
- 3.8 As set out in the original Committee report, the farm business comprises approximately 95 breeding ewes. However, the building proposed is stated not to be required to house livestock but would be a machinery and feed storage building for agricultural purposes.
- 3.9 Furthermore, it is noted that in November 2024 retrospective planning permission was granted for a livestock building (ref 6/13/24/002) which had a floor area of 119sqm. Within that application, the applicant explained that a shed of 119sqm was justified to support the applicant's operational activities.
- 3.10 Whilst the applicant has since 2024 taken on 40 more acres of rented land, there is little substantive evidence that this would result in the need for another building that is nearly four times the floor area of the building approved in 2024.
- 3.11 Whilst there might be a functional need for a building to house some machinery on the holding, Officers are not convinced that the scale and size of the building proposed is justified or commensurate with that need. For example, Officers are not satisfied that a functional need has been demonstrated in relation to a need to store two bale wrappers, a telehandler

and seven tractors on a sheep holding comprising approximately 95 breeding ewes over approximately 85 acres. Therefore, the proposal conflicts with Clause 1.a) of Policy SE-S4.

- 3.12 In terms of Clause 1.d) of Policy SE-S4, the proposed building would lie in an elevated position. Although, the applicant has reduced the size of the building, proposes to lower it within the site and move it closer to the existing building, it would not reinforce a defining quality of the landscape character type, which relates to a pattern of farmsteads on middle valley slopes, tucked into landforms.
- 3.13 Moreover, the building would not relate well to the existing site boundary, leaving a large area of hardstanding for further external storage between the building and boundary. Due to a combination of its siting and size, it would accentuate the perceived threat of new built form onto more exposed slopes.
- 3.14 As such, due to its sitting, design and scale, the proposal would fail to conserve and enhance the landscape, would not be sensitive to its surroundings and would thus fail to conserve and enhance the landscape and would fail to accord with Local Plan Policies GP1, CE-S1, CE-D1 and SE-S4, which amongst other things requires new development to be consistent with National Park purposes and to conserve and enhance the existing landscape.
- 3.15 There may be some public benefits associated with the proposed building including benefits to allow the existing business to develop and prosper and allow the landscape to be traditionally maintained, which are afforded reasonable weight. However, in accordance with the National Planning Policy Framework great weight is given to conserving and enhancing landscape and scenic beauty in National Parks, which have the highest status of protection in relation to these issues and the public benefits associated with the scheme would not outweigh the harm
- 3.16 Overall, it has not been demonstrated that the size and scale of the proposed building is commensurate with the needs of the holding outlined, resulting in harm to the character and appearance of the landscape. The proposed development is therefore not acceptable under Policies GP1, CE-S1, CE-D1 and SE-S4 of the Local Plan.

#### **4.0 Recommendation**

- 4.1 The application is therefore recommended for refusal for the following reason:
  - 1. The development proposed, by virtue of the siting, design and scale, would harm the scenic beauty and character of this part of the National Park and would not be sensitive to its surroundings. Moreover, it has not been demonstrated that the size and scale of the proposed building is commensurate with the needs of the farm holding. The development would

not therefore accord with the National Park's first purpose, Policies GP1, CE-S1, CE-D1 and SE-S4 of the Local Plan or accord with Paragraphs 189 and 89 of the National Planning Policy Framework.



### Committee Report

Application Number:	EXM/26/013/FULL
Valid Date:	29 January 2026
Target Determination Date:	26 March 2026
Extension of Time:	8 May 2026
Applicant:	Mr R Vigars
Agent:	Ms Stacey Bosley
Case Officer:	Yvonne Dale
Site Address:	Land North of Chibbet Post Exford Minehead TA24 7ND
Proposal:	Proposed erection of steel frame building (14.6m x 36.5m).
Recommendation:	Refusal
Reason for bringing before Planning 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 Exford Parish Council who support the application.
Pre-commencement conditions agreed:	n/a

### Relevant History

6/13/24/002 - Proposed erection of steel framed livestock building and minor alteration to the field access. Part Retrospective on Land North of Chibbet Post, Exford, Minehead, Somerset.  
Approved 15/11/2024

### Site Description & Proposal

The application site lies adjacent to and south west of the B3223, approximately 400 metres north west of Chibbet Post junction, and approximately 1.5km south west of the centre of Exford.

There are public rights of way to the south west of the site (approximately 503 metres) – DU 4/11 Footpath, to the north of the site (approximately 586 metres) – DU 4/10 Footpath, and to the east of the site (approximately 381 metres) – DU/4/9 Footpath. The site lies within the dark sky reserve critical buffer zone.

The application building would be used in conjunction with the applicants farming enterprise. The application papers indicate that the applicant owns the 3.5 acres at Chibbet Post (which is concurrent with the application site) and rents around 80 acres for grazing at Chibbet Farm and Buckworthy Farm near Exford. The applicant is also in the process of purchasing a further 30 acres of land at Sandyway.

The farm business comprises approximately 95 breeding ewes (along with 35 replacements) and the applicant hopes this season to have approximately 120 lambs.

There are buildings on or adjacent to some of the land that the applicant rents, but the agent has confirmed that these buildings are not available to the applicant for use. Nevertheless, the applicant already has a building on the land at the application site, with retrospective planning permission having been granted for a 119sqm building in November 2024. That building was for livestock.

**Proposal:**

The application building was originally submitted for the storage of machinery, equipment and materials used in connection with the applicant's agricultural contracting business. The agent sets out that the reason for the application is wholly authentic and can be evidenced by the loss of the applicant's current business premises by termination of their lease. The correct fee for this type of application was not paid and consequently, the applicant changed the proposal to an agricultural building.

As such, the proposal is considered on the basis that it would be solely for agricultural purposes.

The application seeks to erect a building constructed of a steel portal frame with concrete panels at 2m in height with timber cladding to the eaves. The building would have a fibre cement sheeting roof, anthracite grey in colour. The agricultural doors would be constructed in metal sheeting, and the personnel door would be finished in anthracite grey colour.

The building would measure 14.6 metres by 36.5 metres providing 532.9m<sup>2</sup> of internal floor area for storage. It would be 6.1 metres to the ridge and 4.5 metres to the eaves.

The agent confirms that the building would be for the purposes of storage of fodder, machinery, and equipment only. The building would store approximately 100 bales of hay per annum which will be fed to the applicant's stock during the winter months. Along with storing the hay the remainder of the building would be used for housing machinery and equipment such as tractors, bailers, maintenance equipment etc used to manage and maintain the land owned and leased by the applicant. It is understood that some of these items are currently stored outside.

The proposal also includes a compacted stone track from the existing access and terminating to a yard area to the south east elevation of the proposed building.

**Consultee Representations**

**ENPA Future Landscapes Officer – 18/02/26** - A pre-app site visit was made in September 2025 to discuss the draft proposal as it was at the time. From a landscape point of view this is not an ideal location, but it is understood that it is policy compliant in terms of need and mitigation measures will help to reduce the impact within the wider landscape. At field scale, the stockpiled materials, trailers and machinery have created a level of visual clutter in the upper half of the field which detracts from the visual amenity and erodes landscape character. The storage building would rationalise this.

The recommendations to minimise landscape and visual impact were:

Reduce the size and mass of the building. The application building has been reduced from over 1100m<sup>2</sup> to 532m<sup>2</sup> (24.38 x 45.72m down to 14.6 x 36.5m). Use recessive colours and materials including timber cladding to the walls and fibre cement to the roof. Box profile sheet walls have been changed to timber cladding with fibre cement roofing. Concrete panels form the lower 2m of the walls, which is higher than usual, and I wonder why it is so?

Mitigate visual impact by incorporating a hedgebank to provide screening in views on the approach from higher ground to the south-east. A grassland bund is proposed instead, planted with primarily small growing trees, rather than a hedgebank. It would be more in keeping with the landscape character and setting for a hedgebank to be formed from excavated material and planted with a native species hedge.

Keep the building close to the boundary and to existing buildings. The application building is set further from the boundary hedge by approx. 14m. It would be preferable for the building to be closer to the boundary. It would also then benefit more from the screening effect of the planted hedgebank/bund if it were set closer to the hedge.

The new track doesn't appear to link to the existing buildings, so the assumption is that it would not replace the route currently used.

**ENPA Future Landscapes Officer – 01/04/2026** - To clarify my previous comments, whilst the size of the building has been reduced, it remains a relatively large building and the position of the building within the site does not reflect the recommendations given at the site visit. It does not relate well to the boundary, leaving a large area between the building and boundary, nor does it relate well to the existing building. There is also no hedgebank for screening, as recommended. The track does not appear to service both the existing and proposed buildings, requiring the current route to be retained. Putting these factors together, the proposal does not reflect the recommendations made and is poorly sited in relation to existing features. The proposal doesn't give adequate regard to the landscape character and therefore would cause landscape harm.

**ENPA Ecologist – 12/03/2026** - The Exmoor Biodiversity Trigger List was incorrectly filled out as the Red Line Boundary is greater than 0.1ha. Therefore, we would normally expect to receive an Ecological Impact Assessment with the planning application. However, given that the BNG assessment only identified modified grassland habitat and an artificial unvegetated, unsealed surface (track) to be present, I think for this proposal there is unlikely to be harm to ecologically valuable habitats. A Biodiversity Net Gain Statement, existing and proposed

habitat plans and Small Sites Metric (dated 08/01/26) were provided by Bateman Hosegood with this application.

The baseline habitat survey (conducted 05/12/25) identified modified grassland and artificial unvegetated, unsealed surface on the site of the proposed building. This is not the optimal time of year for surveying grasslands but as the Small Sites Metric tends towards overestimating habitat condition, it will be accepted in this situation. Biodiversity Net Gain will be achieved by the creation of a modified grassland bund in moderate condition with 22 small trees and 2 medium trees. This should be achievable; however, no detail is provided as to how this habitat will be created which will need to be provided in the Habitat Management and Monitoring Plan when this condition is discharged.

In addition to BNG and in line with Local Plan Policy CE-S3 and Appendix 1 of the Exmoor Biodiversity Net Gain Technical Guidance Note we would expect to see enhancements for biodiversity. The Exmoor Biodiversity Net Gain Technical Guidance Note includes some recommendations and suggestions for the applicant to consider those appropriate for their site but examples of what could be included are: at least three bat boxes on the timber paneling on the south west elevation and at least three swallow cups within the structure. These should be secured by condition.

Best practice measures should be followed to reduce entrapment 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. To reduce risk of harm to common reptile species, should the vegetation grow to >10cm in height then any vegetation removal should be carried out with a phased approach to allow any reptiles present to disperse. A first cut down to 10cm and then a rest period of 24 hours before a cut down to ground level.

Due to the site's location within the Impact Risk Zone for the South Exmoor Site of Special Scientific Interest it is important that we ensure that the development cannot be used to increase livestock numbers in the future. Otherwise, a Simple Calculation of Atmospheric Impact Limits (SCAIL) would need to be conducted. Any permission granted should be conditioned to restrict the use of the development.

There is no external lighting proposed and this should be secured by condition. Given the size of the site and the scale of the BNG works it is probable that the applicant will be able to achieve 10% BNG onsite.

In addition to the statutory biodiversity gain condition (for which an informative should be added to any decision notice) and the HMMP condition please apply conditions to any permission granted:

- to restrict the use of the structure so that it cannot be used to increase livestock numbers,
- to secure enhancements as detailed above,

and for the following for which I have provided some suggested wording below:

- Prior to the installation of any additional 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.

**Exford Parish Council – 04/02/2026** - Exford Parish Councillors wish to encourage a young, working family who contribute to village life to be able to stay on Exmoor, although they expressed concerns of over developing the site, which is in a high and open location meaning the proposal would have an impact visually. However, during the site visit the applicant stated that the proposed building would be sunk into the ground taking into consideration the visual impact, this is not made clear in the planning documents. The applicant also stated that the entrance to the building on the Southwest side would be a track to allow for vehicle access, this is not shown on the plans. All parish councillors voted to support the proposal with concerns as mentioned.

**ENPA PROW & Access Officer** – No Response

**Somerset Council** – No Response

**ENPA Senior Ecologist** – No Response

**Somerset Highways Authority** – No Response

### Representations

Total – Objections	Total – Support	Total – No Objections
0	0	0

### Summary of comments:

No public letters of representation have been received.

## **Planning Context**

Exmoor National Park Local Plan 2011-2031 (inclusive of minerals and waste policies):

GP1 Achieving National Park Purposes and Sustainable Development

GP3 Spatial Strategy

SE-S4 Agricultural and Forestry Development

SE-S3 Business Development in the Open Countryside

RT-D12 Access Land and Rights of Way

CE-S1 Landscape and Seascape Character

CE-D1 Protecting Exmoor's Landscapes and Seascapes

CC-D1 – Flood Risk

CE-D2 Green Infrastructure Provision

CE-S2 Protecting Exmoor's Dark Night Sky

CE-S3 Biodiversity and Green Infrastructure

CE-S6 Design & Sustainable Construction Principles

AC-D2 - Traffic and Road Safety Considerations for Development

AC-S3 - Traffic Management and Parking

AC-D3 - Parking Provision and Standards

The National Planning Policy Framework (NPPF) is a material planning material consideration for all applications.

## **Planning Considerations**

The key planning considerations for this proposal are whether the location of the development can be supported under the Local Plan, impact on the character and appearance of the landscape, impact on the historic environment, and the impacts on protected species and habitats.

### **LOCATION OF THE DEVELOPMENT AND THE IMPACT ON THE CHARACTER AND APPEARANCE OF THE LANDSCAPE**

The primary aspect of this application is to erect a new building to be used for agricultural purposes.

Policy SE-S4 states permission will be granted for new buildings, tracks and structures or extensions required for agricultural purposes where:

1.
  - a) it can be demonstrated that there is a functional need and its size and scale are commensurate with that need;
  - b) the structure is designed for the purposes of agriculture;
  - c) in the case of new buildings, the site is related physically and functionally to existing buildings associated with the business;
  - d) structures are sited appropriately and of an appropriate design;

- e) proposals do not generate a level of activity or otherwise detrimentally affect the amenity of surrounding properties and occupiers;
- f) appropriate measures are taken to ensure that proposals do not have an adverse impact on biodiversity or cultural heritage or cause other environmental impacts; and
- g) it can be demonstrated that opportunities have been taken to improve energy efficiency, reduce carbon emissions and minimise surface water run-off.

Policy GP1 of the Local Plan relates to achieving National Park Purposes and sustainable development and states that sustainable development for the National Park will conserve and enhance the National Park, its natural beauty, wildlife and cultural heritage and its special qualities; promote opportunities for their understanding and enjoyment by the public, and in so doing, foster the social and economic wellbeing of local communities.

Policies CE-S1 and CE-D1 of the Local Plan seek to conserve, enhance and protect Exmoor's landscapes and seascapes. Policy CE-D1 states that development will be permitted where it can be demonstrated that it is compatible with the conservation and enhancement of Exmoor's landscapes and seascapes.

Policy CE-S6 of the Local Plan outlines that development proposals should deliver high quality sustainable designs that conserve and enhance the local identity and distinctiveness of Exmoor's built environment, and that all new build development should positively contribute in terms of siting, massing, scale, height, orientation density and layout.

The proposed site lies within the 'Enclosed Farmed Hills with Commons: Southern' landscape character type. The Landscape Character Assessment of Exmoor (LCA) sets out that the landscape comprises a patchwork of green fields, peppered with grazing sheep and cattle. On lower slopes, lush hedges create an irregular and smaller-scale field pattern, whilst on higher land where farm land and commons have been 'carved out' of the surrounding moorland, the fields are more geometrically-shaped and bounded by beech hedgebanks or fences. The beech hedgebanks, and the contrast between the fields and the moorland, are defining features of Exmoor.

The LCA sets out the defining qualities to protect, the perceived threats and issues to this landscape character type and guidance on proposed development.

One of the defining qualities to protect within this landscape character type, relates to the isolated pattern of farmsteads on middle valley slopes, tucked into landform (e.g. below break of slope, or nestled within combs) and associated with shelter planting. The LCA states that the perceived threats and issues to this quality are farm expansion (including ancillary activity e.g. storage, as well as new built form, associated agricultural dwellings, surfaced tracks and widened gateways) onto more exposed slopes.

The proposal building, as submitted, will sit in an elevated and exposed position which would be visible from surrounding roads and viewpoints.

Policy CE-S6 of the Local Plan requires the use of natural, traditional and sustainable materials in new development. However, the preamble to the Policy states in paragraph 4.167 that Policy CE-S6 applies to all types of development except agricultural and forestry buildings, the design aspects of which will be considered under Policy SE-S4.

The design of the building and its construction materials, through the use of timber cladding, concrete panels and fibre cement sheeting, are typical of modern agricultural buildings on Exmoor. The development consists of the erection of a new agricultural building, which is required for agricultural purposes.

The Authority's Future Landscapes Officer has commented on the application and noted the reduction in size from the pre-application enquiry and the use of recessive colours and materials. However, the height of the proposed building was queried alongside the introduction of a grassland bund rather than a hedgebank, which would be more in keeping with the landscape character. The Future Landscapes Officer also noted that the proposed building is approximately 14 metres away from the boundary hedge and stated that it would be preferable for the building to be sited closer to the boundary and this would also benefit more from the screening effect of the planted hedgebank/bund if set closer to the hedge.

The Future Landscapes Officer further clarified their comments and noted that *'whilst the size of the building has been reduced, it remains a relatively large building and the position of the building within the site does not reflect the recommendations given at the site visit. It does not relate well to the boundary, leaving a large area between the building and boundary, nor does it relate well to the existing building. There is also no hedgebank for screening, as recommended.'*

*The track does not appear to service both the existing and proposed buildings, requiring the current route to be retained. Putting these factors together, the proposal does not reflect the recommendations made and is poorly sited in relation to existing features. The proposal doesn't give adequate regard to the landscape character and therefore would cause landscape harm.'*

Officers offered the applicant the opportunity to amend the submitted plans to better reflect the comments made by the Future Landscapes Officer. The applicant provided a statement indicating that he is happy to replace the proposed bund with a hedge. However, he further sets out the applicant's reasons for keeping the proposed building away from the hedge and in its current proposed location. These include the ability to *'use some of this area on the lower side to store machinery, trailers and other farm related equipment that does not need to be stored under cover. This means it will be tucked away tidier, more secure and less visible from the road. Not allowing for this means the equipment will be stored towards the top of the field, closer to the road, where it will be clearly visible and look untidier. Personally, this is not what I want as I do not like to see fields with machinery and other things all over them, nor is it in keeping with the overall image of Exmoor.'*

*The second reason for not putting the shed closer to the hedge is that I can then also use the lower area to enter and exit the building with large equipment. However, by putting it close to the hedge, I will have to make the access on the top side, meaning the ground works for this area will be visible from the road. I had planned it so that what faced the road would be the side of the shed so as to blend in better and enclose it all below. Additionally, by forcing me to have the open side facing outwards, I am concerned that when it snows it will blow right into the shed and fill it up. As someone with 30 years experience as a council-registered snow clearer (plus my father longer than that), and having lived within 3 miles of the shed all of my life, I know where it blows and have considered this when planning the shed site.*

*As for the size of the shed, for context, I am currently renting an under cover area of approximately 700m<sup>2</sup>. I have sadly already had to significantly reduce this dry storage for this application and so asking me to further reduce this, is going to result in more of my equipment being stored outside'.*

Exford Parish Council have commented on the application and expressed concerns of over developing the site, which is in a high and open location meaning the proposal would have an impact visually. They further note that during the site visit the applicant stated that the proposed building would be sunk into the ground taking into consideration the visual impact, this is not made clear in the planning documents.

The proposed plans, as submitted, do not appear to show that the building would be set into the ground. The plans appear to show that the building would be sat on the ground, level with the existing building on site and that no excavation is required.

The National Planning Policy Framework (NPPF) is clear (paragraph 189) that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks. That great weight should be weighed against any public benefit the proposed development may provide.

Paragraph 88 of the NPPF relates to supporting a prosperous rural economy and states that planning decisions should enable, amongst other things the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, new building and the development and diversification of agricultural and other land-based rural businesses.

Paragraph 89 of the NPPF states that planning decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable.

The Landscape Character Assessment advises that new farm buildings should sit in folds of the landscape and be associated with mitigation planting comprising of native species.

The proposed use of the building has been amended from that originally submitted, however the plans submitted indicating the size and scale of the proposed building have not been amended.

Whilst there might be a functional need for a building, Officers are not convinced that the scale and size of the building proposed is justified or commensurate with that need nor is the proposed building sited physically or functionally to existing buildings on site.

Overall, it has not been demonstrated that the size and scale of the proposed building is commensurate with the need outlined. The proposed development is therefore not acceptable under Policy SE-S4 of the Local Plan.

Part of the justification for the proposed building is to remove the items which are stored on the site including equipment and machinery and to store them within the proposed building as this would reduce the visual impact. However, part of the reasons the applicant has given for not moving the building closer to the boundary hedge, which would also help to reduce the visual impact includes the ability to use some of the area between the hedge and the building to store machinery, trailers and other farm equipment that does not need to be stored under cover.

The proposed building does not sit within a fold in the landscape, but rather it would sit in an elevated, exposed position. The building would not relate well to the existing site boundary, leaving a large area between the building and boundary, nor would it relate well to the existing building on site.

As a result, the proposed development would cause harm to the character and appearance of the landscape through its siting, design and scale. It would therefore fail to conserve and enhance the landscape and would thus fail to accord with Local Plan Policies GP1, CE-S1, CE-D1 and SE-S4, which amongst other things requires new development to be consistent with National Park purposes and to conserve and enhance the existing landscape.

## HERITAGE ASSETS

Policy CE-S4 relates to cultural heritage and 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.

Approximately 25m to the north east, and outside the red line area, of the proposed location of the building is an item on the Historic Environment Record – MSO12596 (World War Two Royal Ordnance Corps observation post west of Chibbet Post).

Given the positioning of the proposed building, the impact of the new development is considered minimal in terms of its effect on the non-designated heritage asset. Therefore, it is deemed compliant with policies CE-D3 and CE-S4, which aim to preserve and enhance Exmoor's local distinctiveness, cultural heritage, and historical environment.

## 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 proposed building is to be used for the purposes of storage of fodder, machinery and equipment. The building would store approximately 100 bales of hay per annum which will be fed to the applicants' stock during the winter months. Along with storing the hay the remainder of the building would be used for housing machinery and equipment such as tractors, bailers, maintenance equipment etc. used to manage and maintain the land owned and leased by the applicant.

The site lies within the impact risk zone for the South Exmoor Site of Special Scientific Interest (SSSI) and it is important to ensure that the development cannot be used to increase livestock numbers in the future. If the proposed structure was to be used for housing livestock (and thereby assisting in increasing livestock numbers), a Simple Calculation of Atmospheric Impact Limits (SCAIL) would need to be conducted to ascertain any impacts from air pollution on the SSSI and its reason(s) for designation.

The Authority's Ecologist has commented on the application and has not raised an objection subject to the imposition of conditions in relation to statutory biodiversity net gain, habitat management monitoring plan, restriction of the structure so that it cannot be used to increase livestock numbers, secure enhancements in the form of at least 3 bat boxes on the timber panelling on the south west elevations and at least 3 swallow cups within the structure together with a lighting design strategy for bats.

The proposed development, subject to appropriate conditions, is considered to comply with policy CE-S3 of the Local Plan and statutory legislation and that the conservation status of protected species would be conserved and enhanced.

## OTHER MATTERS

The application building was originally submitted for the storage of machinery, equipment and materials used in connection with the applicant's agricultural contracting business. The agent sets out that the reason for the application is wholly authentic and can be evidenced by the loss of the applicant's current business premises by termination of their lease.

The application now proposes a solely agricultural building. In the event planning permission was granted and the building was used for a different material use, it would be at risk of enforcement action if the relevant planning permission had not been secured.

Officers also raised that should the building be used to accommodate livestock or increasing livestock numbers, a SCAIL assessment would need to be conducted and submitted due to its location with the impact risk zone for the South Exmoor Site of Special Scientific Interest and that Natural England would need to be consulted.

The agent subsequently confirmed that the use of the building would not be used for housing livestock and would be used for the reasons set out earlier in this report and would therefore be for agricultural purposes.

While there may be some limited views of the building from the nearby footpaths considering the site's context, existing built structures and the distance between the proposed site and the footpaths, the new building is not considered to negatively impact the enjoyment of public rights of way or adversely affect the condition of the access network, users interests or their character and appearance in accordance with Policy RT-D12.

### **Human Right**

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.

### **Planning Balance & Conclusion**

It has not been demonstrated that the size and scale of the proposed building is commensurate with the need outlined within the application papers that would satisfy Clause 1(a) of Policy SE-S4 of the Local Plan.

The proposed building would not sit within a fold in the landscape, but rather it would sit in an elevated, exposed position. It would not relate well to the existing site boundary, leaving a large area between the building and boundary, nor would it relate well to the existing building on site.

As a result, the proposed development would cause harm to the character and appearance of the landscape through its siting, design and scale. It would therefore fail to conserve and enhance the landscape, would not be sensitive to its surroundings and would thus fail to accord with Local Plan Policies GP1, CE-S1,

CE-D1 and SE-S4, which amongst other things requires new development to be consistent with National Park purposes and to conserve and enhance the existing landscape or the National Planning Policy Framework.

Taking into account the issues noted above and all other relevant material considerations, the proposed building would harm the character and appearance of the landscape, contrary to the Local Plan. There may be some public benefits associated with the proposed building including benefits to allow the existing business to develop and prosper and allow the landscape to be traditionally maintained, which are afforded reasonable weight.

However, in accordance with the National Planning Policy Framework great weight is given to conserving and enhancing landscape and scenic beauty in National Parks, which have the highest status of protection in relation to these issues and the public benefits associated with the scheme would not outweigh the harm.

As such it is recommended that planning permission be refused.

### **Recommendation**

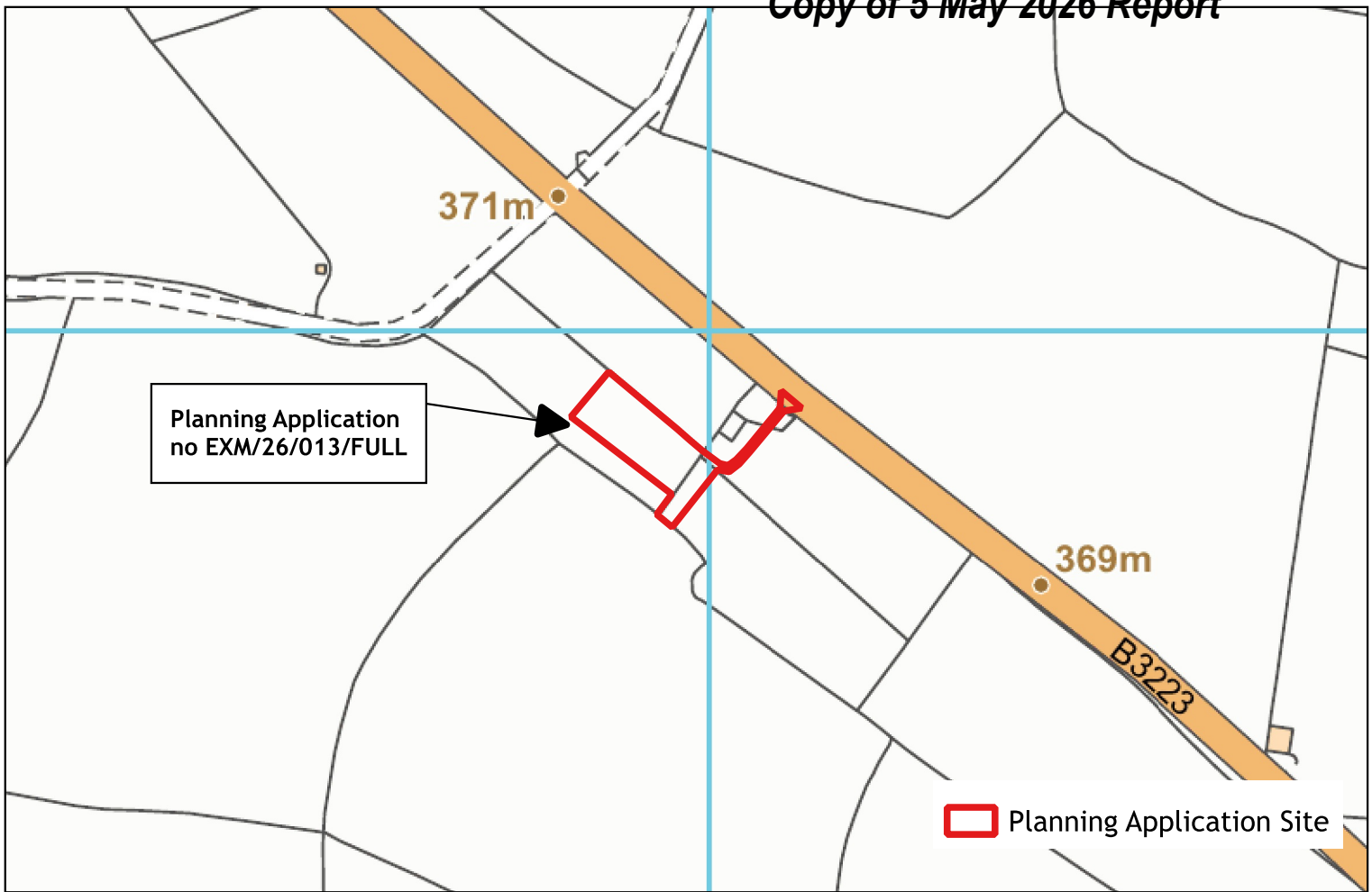
Refused for the following reason:

1. The development proposed, by virtue of its siting, design and scale, would harm the scenic beauty and character of this part of the National Park and would not be sensitive to its surroundings. Moreover, it has not been demonstrated that the size and scale of the proposed building is commensurate with the need outlined within the application papers. The development would not therefore accord with the National Park's first purpose, Policies GP1, CE-S1, CE-D1 and SE-S4 of the Local Plan or accord with Paragraphs 189 and 89 of the National Planning Policy Framework.

### **Informatives**

#### **1. POSITIVE & PROACTIVE STATEMENT**

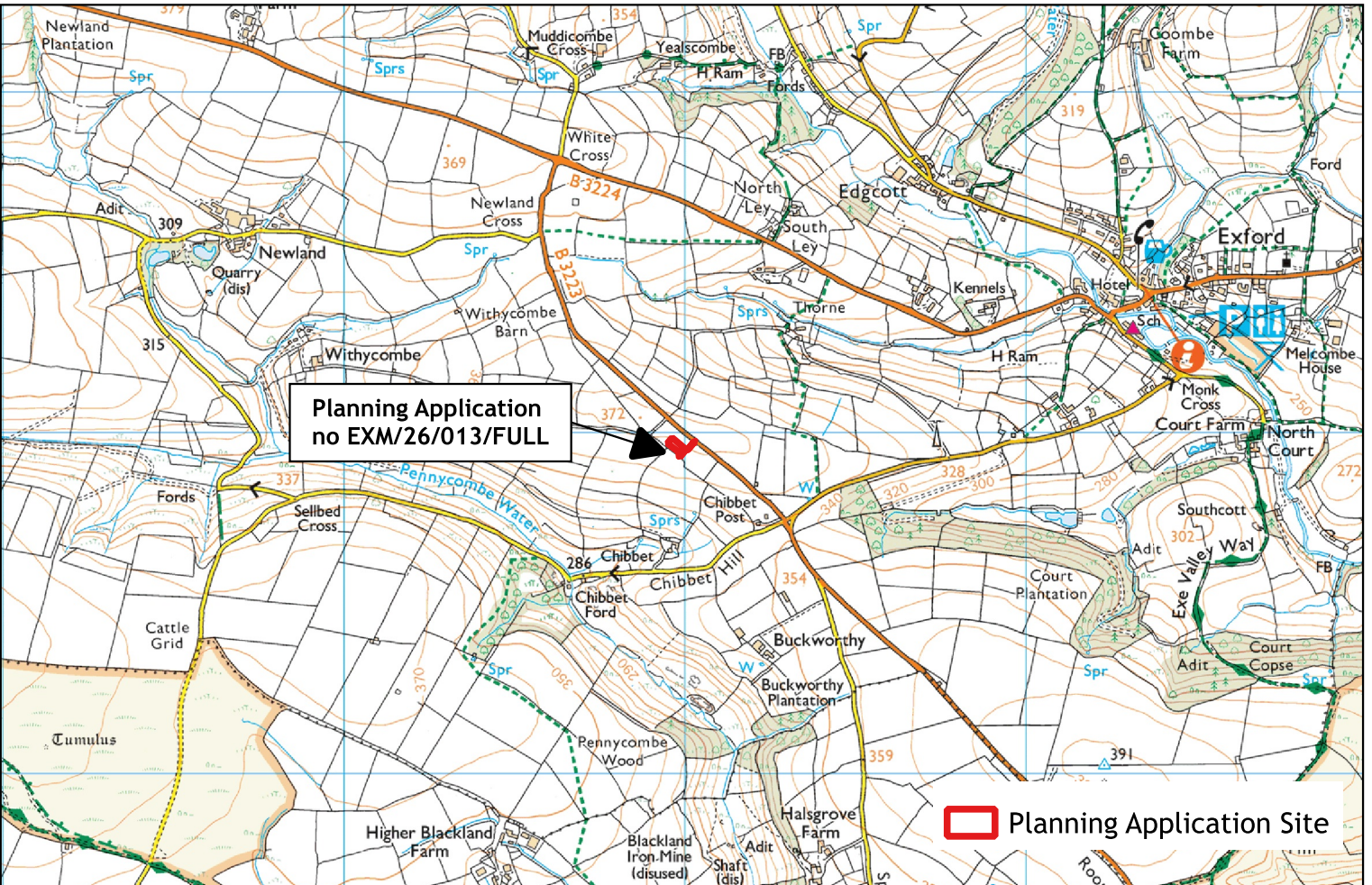
This Authority has a proactive approach to the delivery of development. Early preapplication engagement is always encouraged. In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, in determining this application, Exmoor 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. However, in this instance the relevant planning considerations have not been addressed and the application has therefore been refused.



Site Map

Scale 1:2,500

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Overview Map

Scale 1:20,000.00002

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### Committee Report

Application Number:	EXM/26/026/FULL
Valid Date:	20 February 2026
Target Determination Date:	17 April 2026
Extension of Time:	12 July 2026
Applicant:	Ms Schott Sandy Schott
Agent:	Mr Day-Robinson
Case Officer:	Emma Giffard
Site Address:	Rose Cottage, Simonsbath To Lynton Road, Exmoor, Minehead, TA24 7SH
Proposal:	Proposed conversion of barn to provide extended family dwelling with disabled access. (Retrospective)
Recommendation:	Refuse
Reason for bringing before Planning Committee:	The Officer recommendation is contrary to the view of Exmoor Parish Council who support the application.
Pre-commencement conditions agreed:	n/a

#### Relevant History

75331

Decision: Approved

Decision Date: 09/07/1969

Proposed erection of a general purpose agricultural store building, tractor and implement shed at Exmoor House Farm, Simonsbath, as described in the plans and drawings submitted

75331/A

Decision: Approved

Decision Date: 14/06/1972

Proposed erection of a general purpose agricultural store building, tractor and implement shed at Exmoor House Farm, Simonsbath, as described in the plans approved on 9 July 1969

6/14/11/102

Decision: Approved

Decision Date: 14/04/2011

Proposed conservatory together with the conversion of outbuildings to additional living accommodation (amended description).

## Site Description & Proposal

The site comprises an existing agricultural building located within a small group of buildings associated with Rose Cottage, positioned on the edge of the settlement of Simonsbath within Exmoor National Park.

The barn is constructed from concrete blockwork with corrugated metal cladding. Despite its utilitarian form and materials, it is a feature in the backdrop of the settlement and reflects the area's established agricultural character.

The site lies to the west of the village, with agricultural land to the north, residential properties to the south-east, and open fields extending further west. Access is taken from the main road, leading into a private courtyard which provides vehicle parking. The building is single storey in form.

The application seeks planning permission for the conversion of an existing agricultural storage barn located next to Rose Cottage, to form an extended family dwelling. The proposal includes internal alterations, external changes, installation of rooflights, and associated access, parking, and drainage arrangements. As the sewage treatment plant, which also serves Rose Cottage, has already been installed, the application has been submitted retrospectively.

## Consultee Representations

ENPA Ecologist – Object:

*I am objecting to this application on the basis that it has wrongly been stated that the development is not subject to Biodiversity Net Gain due to the de minimis exemption. The installation of the sewage treatment plant and associated pipework would cause impact to habitat over 25m<sup>2</sup> (unless it can be demonstrated otherwise but the patio area will need to be included in the total area calculation) and although these would likely be temporary impacts the Planning Advisory Service Navigation BNG, Exemptions: De-Minimis advice note clearly demonstrates that there is no interaction between the de minimis exemption and the temporary impacts guidance. Therefore, we would expect to see documents submitted that support an application where BNG applies, the Exmoor Biodiversity Net Gain Technical Guidance Note contains further information.*

*Based on the proposal it is good to have received an Ecological Assessment for Bats and Breeding Birds: Wildlife Surveying, ref: KB24/157v2.0, dated 21 January 2026 has been submitted. The report details the findings of a desk study and field surveys (carried out 23/09/24 and 16/01/26). The methods, presentation of results and recommendations within the report are satisfactory.*

*No bats or evidence of bats was found during the survey. Overall, the structure was assessed as offering negligible suitability for roosting bats. Therefore, no impacts are predicted to bats from the proposed development but a precautionary approach should be taken during the works; a precautionary working method*

*statement is provided in the ecology report. Due to the opportunistic behaviour of bats, along with the site's location close to habitats that will support bats, please attach the following informative to any planning permission granted: The applicant and their contractors are reminded 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.*

*Two sycamore trees to the north of the barn were assessed as having low/moderate potential to be used by roosting bats. There are currently no works proposed to these trees; however, if this were to change, further bat surveys would be required.*

*There was evidence of breeding barn swallow recorded within the building and it was considered that it would be suitable for used by robin and barn owl; however, there is currently no suitable access for barn owl. There is at least one barn owl using the adjacent stone barn but there was no evidence of nesting. To prevent impacts to nesting birds works should be carried out outside of the breeding bird season (which is March to September inclusive). If this is not possible, then the site should be surveyed by a suitably qualified ecologist immediately prior to works. If active nests are found, then works cannot continue until young have fledged. A breeding bird check should also include checking for barn owls in the stone barn as disturbance to them could be caused by increased noise or vibration during construction.*

*To compensate for the loss of the barn swallow nest in the building a swallow nest cup must be erected inside the stone barn prior to works commencing. This should be installed at least 3m above the ground and approximately 60mm below the ceiling. A robin/wren nest box should be installed on the eastern aspect of the building following works, at least 2m above the ground.*

*The ecology report recommends that at least one bat box is installed on the southern aspect of the building as enhancement. In line with Local Plan Policy CE-S3 and Appendix 1 of the Exmoor Biodiversity Net Gain Technical Guidance Note we would expect to see at least 5 enhancements provided for biodiversity. 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. This could include tree planting, wildflower meadow creation and installation of a rainwater butt. Please secure by condition once agreed.*

*There is light pruning works planned for the line of trees to the north, this should only take place outside of bird nesting season (which is March to September*

*inclusive) and ideally prior to hazel dormice hibernation season which is November to April. If any trees are to be felled, then further bat surveys will be required.*

*There is no new external lighting proposed and the Design and Access statement states that the roof lights on the northern elevation will be installed with blackout blinds. This should be secured by condition.*

*Please apply conditions to any permission granted to secure enhancements as detailed above and for the following for which I have provided some suggested wording below:*

*The works hereby approved shall not commence between 1st March and 30th September inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the works to the buildings 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 Section 5 of the Ecological Assessment for Bats and Breeding Birds (Wildlife Surveying, January 2026).*

*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.*

Exmoor Parish Council – Support

*Exmoor Parish Council has discussed the proposed plans for the conversion of a barn to provide an extended family dwelling with disabled access at Rose Cottage,*

*Simonsbath. Councillors agreed to support the application subject to the usual restrictions ensuring the extended family dwelling can not be sold off separately and will remain tied to the main house (as stated by the applicant in the Planning Statement).*

Exmoor Rural Housing Enabler Officer –

*“The applicant seeks permission to create a 3-bedroom dwelling with disabled access through the conversion of an existing barn and, on the application form, has stated that this will be a ‘market’ dwelling. They assert the need for the extended family of the existing resident to live in close proximity in order to receive support.*

*The ‘combined design and access and planning statement’ relies on Local Plan Policy HC-D5 to justify the granting of permission and states (2.2, page 4):*

*“Evidence can be provided which demonstrates that the applicant and their family fulfil all three of the criteria contained within HC-D5.”*

*I cannot see whether such evidence has been provided, and nor would I expect to see information of a personal or sensitive nature published on the planning portal ‘in public domain’.*

*My observation is that should the applicant be unable to provide such evidence to the satisfaction of the planning authority, then such a dwelling would only normally be permitted within the Local Plan if it were provided as an Affordable dwelling for a qualifying person.*

*I hasten to add here that it may be that the intended occupants satisfy the local connection criteria that would otherwise apply for such a self-build dwelling and that permission could be considered on this basis, but as an Affordable dwelling with an appropriate s106 Agreement restricting to principal residence, enforcing a suitable discount on resale and capturing the local connection criteria in perpetuity.”*

- ENPA PROW & Access Officer - No Response*
- Wessex Water Authority - No Response*
- ENPA Future Landscapes Officer - No Response*
- ENPA Conservation Manager - No Response*
- Somerset Council - Planning (West Team) - No Response*
- Somerset Highways Authority - No Response*
- Environmental Health - Somerset - No Response*
- ENPA Senior Heritage Officer - No Response*

**Representations**

<b>Total – Objections</b>	<b>Total – Support</b>	<b>Total – No Objections</b>
0	0	0

**Summary of comments:**

No letters of representation have been received.

## Planning Context

Exmoor National Park Local Plan 2011-2031 (inclusive of minerals and waste policies):

GP1 National Park Purposes and Sustainable Development

GP3 Spatial Strategy

GP4 Efficient Use of Land and Buildings

GP5 Securing Planning Benefits – Planning Obligations

CE-S1 Landscape Character

CE-D1 Protecting Exmoor's Landscapes and Seascapes

CE-S2 Protecting Exmoor's Dark Night Sky

CE-S3 Biodiversity and Green Infrastructure

CE-S5 Principles for the Conversion or Structural Alteration of Existing Buildings

CE-S6 Design & Sustainable Construction Principles

CC-D1 Flood Risk

CC-D5 Sewerage Capacity & Sewage Disposal

HC-D2 Conversions To Dwellings In Settlements

HC-D5 Extended Family Dwellings Criteria

AC-S1 Sustainable Transport

AC-D2 Traffic and Road Safety Considerations for Development

AC-S3 Traffic Management and Parking

The National Planning Policy Framework (NPPF) is a material planning material consideration for all applications.

## Planning Considerations

The main planning considerations are:

- Whether the proposal would be a suitable form of development having regard to the development plan policy in respect of Extended Family dwellings;
- The effect of the proposed development on the character and appearance of the locality, including the dark night sky;
- The effect of the proposal on the living conditions of residential neighbours;
- The effect of the proposal on highway safety;
- The effect of the proposed development on ecology; and
- Flood risk and sewerage considerations; and
- If there is any conflict identified under the main planning considerations listed above, whether such conflict is outweighed by the personal circumstances put forward by the applicant.

### Extended Family Dwellings Policy

Policy GP1 of the Local Plan sets out that development within the National Park should support the function and resilience of communities by providing for a size, type and tenure of housing to address local affordable needs and help create a balanced community. Policy GP3 aims to ensure that communities across the National Park continue to thrive so that they are economically resilient, environmentally sustainable, socially mixed and inclusive. Policy GP4 encourages

the efficient use of land and buildings through, among other things, the reuse of existing buildings within farmsteads.

The housing policies of the Local Plan provide the framework to address the housing needs of the National Park's local communities and to ensure that the level of housing development is compatible with the conservation and enhancement of Exmoor. 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 the National Park's housing stock, as a whole, meets the needs of all sections of the local community. This is achieved through a need led rural exceptions approach in order to maximise the ability to deliver affordable housing. The Local Plan also makes provision for rural workers and accessible and adaptable homes for older people, as well as "extended family dwellings".

Policy HC-D5 of the Local Plan refers to "Extended Family Dwellings". The policy sets out criteria to assess proposals for the re-use of an existing traditional building as a dwelling for extended family. The intention of the Policy is to provide opportunities for the re-use of an existing traditional building to enable families to provide support for each other by living close by.

Policy HC-D5 requires that extended family dwellings will only be acceptable through the re-use of an existing traditional building within the curtilage of a dwelling in a settlement or in an existing group of buildings on a farmstead. The Policy requires the occupants to be 'immediate family' as a direct descendent or antecedent. Occasionally, relatives who do not meet the definition of immediate family may be considered due to an essential need relating to care. In all cases, the occupier of the associated existing dwelling or the new dwelling should have a local connection of 10 years or more residence in the parish or adjoining parish. Where permission is granted for an extended family dwelling, occupancy will be controlled through a local occupancy tie.

Policy HC-D5 says:-

1. *An Extended Family dwelling will only be permitted through the change of use of an existing traditional building in accordance with CE-S5 Principles for the Conversion or Structural Alteration of Existing Buildings, and in close association with an existing dwelling:*
  - a) *in settlements within the curtilage of an existing dwelling; or*
  - b) *a farmstead within an existing group of buildings.*
2. *The dwelling size will be in accordance with HC-S2 A Balanced Local Housing Stock.*
3. *Extended Family dwellings will be occupied by a person(s) (and their dependents) who can demonstrate that:*
  - a) *the occupier of the associated existing dwelling or the new dwelling has a minimum period of 10 years or more in the last 30 years permanent and continuous residence in the parish or an adjoining parish; and*

- b) *they are immediate family by virtue of being a direct descendent or antecedent of the permanent occupier of the associated existing dwelling;*  
*or*
- c) *exceptionally, they are a dependent relative who has an essential need to live close to another person, the need arising from age, family or medical reasons.*
- 4. *A planning obligation will be secured to ensure that the intended occupants meet the requirements of the Extended Family occupation in this policy and to tie the dwelling(s) to the main house to ensure that they are not sold off separately.*
- 5. *The variation of a planning obligation which restricts the occupancy of an Extended Family dwelling as set out in this policy will only be permitted where the occupancy of the dwelling is limited by agreement to local persons as defined in HC-S1 Housing, and HC-S3 Local Occupancy Criteria for Affordable Housing, or as a holiday let where the proposal is in accordance with HC-D13 Replacement of Holiday Occupancy Conditions and Extended Family Ties.*
- 6. *Where permission is granted a condition will be attached removing permitted development rights in accordance with HC-S2 A Balanced Local Housing Stock.*

The applicant has identified a genuine need to accommodate immediate family members, including individuals with accessibility requirements.

The building does appear to be of substantial construction, it relates well to Rose Cottage and the wider settlement of Simonsbath, within a farmstead.

Having said this, the building is not necessarily what one would typically consider to be a 'traditional building', and the Policy clearly envisages that such proposals would come forward through the conversion of traditional buildings.

Nevertheless, the Local Plan Glossary defines traditional buildings as "*mostly older buildings of solid wall construction built of natural and often local materials (e.g. stone, cob, brick, lime mortar and render). On Exmoor, these usually predate World War II*".

In this case, whilst the building is not built from natural materials, it is of solid wall construction and rendered. Moreover, the available evidence, which includes an aerial photograph from 1946, appears to suggest that the building pre-dates World War II. It is traditional by way of its use as an agricultural building and has been built to a reasonable standard portraying itself in good condition overall, and it is capable of conversion without substantial reconstruction, thereby satisfying the requirements of Policy CE-S5 in this regard.

The proposed dwelling would have a gross internal area of approximately 100 sqm, which exceeds the 93 sqm allowance set out in the Local Plan. However, in accordance with paragraph 6.68 of the Local Plan, exceptionally, a floor space

greater than 93 sqm can be acceptable where the proposal is for the conversion and change of use of an existing building to a dwelling and the existing building is larger than 93 sqm (but not large enough to accommodate more than one dwelling), which is the case here.

In accordance with clause 4 of Policy HC-D5, a planning obligation (a Section 106 Agreement) would be required to ensure that the intended occupants meet the requirements of the Extended Family occupation set out under clause 3 of the Policy.

Exmoor Parish Council has expressed support for the proposal, subject to the imposition of appropriate restrictions to ensure that the extended family dwelling remains tied to the main dwelling and is not sold off separately, as confirmed by the applicant in the submitted supporting papers.

Whilst the applicant was initially content to proceed with a Section 106 Agreement and Officers instructed the DCC lawyer accordingly, they have since advised that a planning condition could be applied to control the use and occupation of the dwelling, and they believe that the requirement for a Section 106 Agreement conflicts with paragraph 58 of the NPPF and Regulation 122 of the Community Infrastructure Levy Regulations.

Paragraph 58 of the NPPF (which reflects the statutory tests in Regulation 122 of the Community Infrastructure Levy Regulations) says:

Planning obligations must only be sought where they meet all of the following tests:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

Moreover, Officers have taken advice from the DCC lawyer, who has advised that a condition is not an appropriate method of securing the occupancy and the future occupancy of the dwelling in accordance with the Policy.

Consequently, a Section 106 Agreement would be necessary to ensure the development complies with Policy HC-D5 and, in other words, to make the development acceptable in planning terms. It would be directly related to the development proposed, because it would control the occupancy of the dwelling and prevent the Extended Family dwelling being sold separately from Rose Cottage to ensure it accords with the Policy, and, as such, it would be fairly and reasonably related in scale and kind to the development.

The Section 106 Agreement would provide strict legal certainty in relation to controlling occupancy and to tie the dwelling to the main house to accord with Policy HC-D5. Unlike conditions, the Section 106 Agreement would run with the land and bind future owners and occupiers of the proposed dwelling and Rose Cottage.

In the absence of a Section 106 Agreement to ensure that the intended occupants meet the requirements of the Extended Family occupation and to tie the dwelling to the main house to ensure that it is not sold separately, the proposal conflicts with Policy HC-D5 of the Local Plan. This conflict is afforded significant weight.

### Character and Appearance

Policy CE-D1 advises that development will be permitted where it can be demonstrated that it is compatible with the conservation and enhancement of Exmoor's landscape. Policy CE-S2 refers to Exmoor's dark night sky and advises that, among other things, the tranquillity and dark sky experience of the Exmoor National Park Dark Sky Reserve and the National Park as a whole, will be maintained and improved.

Policy CE-S6 requires, amongst other things, that development proposals deliver high quality sustainable designs that conserve and enhance the local identity and distinctiveness of Exmoor's built and historic environment.

These policies are consistent with the NPPF and the protection of the National Park and have regard to the purposes of designated National Parks and their status.

Policy CE-S5 of the Local Plan sets out the principles for the conversion or structural alteration of existing buildings. The Policy requires, as well as other things, that the building is capable of conversion without substantial reconstruction.

The proposal retains the existing building footprint and form, with limited external alterations. The building is relatively discreet within the landscape and is largely screened from public viewpoints. The materials proposed are to match the existing in part along with the use of blockwork and render which will harmonise with the residential properties that the building is related to, thus improving the visual aesthetic of the site.

The proposal accords with Policy CE-S5, as the building can be converted without substantial reconstruction. A structural report by Nova Surveyors (11 February 2026), submitted with the application, confirms that the building is structurally capable of accommodating the proposed use without external rebuilding. Any required works are largely internal, and do not affect the building's external appearance. A structural report has been submitted indicating that the building can be converted with largely internal works, as such it is considered the scheme is in accordance with Policy CE-S5.

The proposed conversion adopts a simple, restrained design that reflects the agricultural character of the host building. New windows and doors, including those on the east elevation, are modest in scale and clearly subservient to the original structure.

The proposed metal framed windows and doors reflect the materials historically associated with the building and are therefore considered acceptable within this context.

The proposal includes installation of four solar thermal or photovoltaic panels on the south-facing roof. These panels are discreetly positioned and do not harm the character of the building or the wider protected landscape.

The design retains the existing rural, appearance of the building, with minimal new openings and no external lighting proposed as part of the scheme. The replacement

of two existing windows on the south elevation with a larger single window which forms the entrance is inset within the façade, reducing outward light emission.

Accordingly, is the proposal is considered to conserve the character and appearance of the landscape, including the dark night sky in accordance with Policies CE-S1, CE-D1 and CE-S2, and to comply with policies CE-S5 and CE-S6.

### Living Conditions

Policy GP1 of the Exmoor National Park Local Plan outlines how the development plan seeks to achieve and adhere to the National Park Purposes and states that Sustainable development for Exmoor National Park will conserve and enhance the National Park, its natural beauty, wildlife and cultural heritage and its special qualities; promote opportunities for their understanding and enjoyment by the public, and in so doing, foster the social and economic wellbeing of local communities.

In addition to the above, Policy CE-S6 of the Local Plan requires development to achieve a high standard of design, including appropriate relationships between buildings to ensure that the amenity of existing and future occupiers is not adversely affected.

The site is located within a farmstead; however, given the close functional relationship between the buildings and their use as an extended family dwelling, the level of noise and activity is not considered to give rise to unacceptable living conditions for future occupiers.

Furthermore, the proposed location is sited with good distance between any neighbouring residential properties and is therefore considered to not give rise to harmful impact on the amenity.

Accordingly, the proposal is considered to comply with Policies GP1 and CE-S6 of the Local Plan.

### Highway Safety

Policy AC-D2 of the Exmoor National Park Local Plan 2011–2031 relates to Traffic and Road Safety Considerations for Development and outlines that the Exmoor Route Network will be taken into account in the determination of development proposals to ensure that the capacity of the roads serving the development is adequate for the level of traffic likely to be generated. The Policy then goes on to state that development which would result in unacceptable levels of traffic, either in terms of the environmental or physical capacity of the local road network, or which would prejudice highway safety, will not be permitted.

Policy AC-D3 of the Exmoor National Park Local Plan 2011–2031 outlines that development proposals will be permitted where they make appropriate provision for parking, including for bicycles, motorcycles, disabled users and car sharing, guided by the relevant standards set out within the Local Plan. The Policy then goes on to require that parking provision takes into account environmental constraints and is well designed and integrated within a high-quality environment. It also outlines that developments in more sustainable locations, which are well served by public transport or benefit from good walking and cycling links, may be appropriate for

lower levels of car parking provision, and in some cases, no provision at all. In addition, proposals which provide higher levels of cycle parking will be favourably considered.

The proposal accords with Policies AC-D2 and AC-D3. Vehicular access will be taken from the existing farm driveway, which safely serves Rose Cottage and the farmyard buildings and provides adequate capacity for the proposed use. The existing hardstanding offers more than sufficient off-street parking and turning space for occupants and visitors, with no adverse impact on highway safety or local character.

### Ecology

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 ENPA Ecologist has reviewed the submitted Ecological Assessment for Bats and Breeding Birds (January 2026) and is satisfied with the survey methodology and conclusions. No bats were recorded and the building is assessed as having negligible bat roost potential, subject to precautionary working methods and controls over any future lighting or tree works.

Evidence of a breeding barn swallow nest was recorded, with potential for other nesting birds and indirect disturbance to nearby barn owls. To avoid harm to nesting birds, works should take place outside the breeding bird season (March–September inclusive) or be subject to a pre-commencement nesting bird check by a qualified ecologist. Compensatory nesting provision, including a replacement swallow nest and additional bird boxes, is required and can be secured by condition.

The Authorities Ecologist objects on the basis that the application states it is exempt from Biodiversity Net Gain (BNG) due to the de minimis threshold, noting that habitat impacts associated with the sewage treatment plant may exceed 25m<sup>2</sup>. However, it is confirmed that the sewage treatment plant is retrospective development and is therefore not subject to the mandatory BNG requirements.

Subject to the imposition of conditions to secure the recommended ecological mitigation, precautionary measures and enhancements, the proposal is considered acceptable in ecological terms.

### Flood Risk and Sewerage

Policy CC-D1 addresses flood risk management within the National Park and requires that, where appropriate, proposals be supported by a site specific Flood Risk Assessment.

The site is located in an area of very low flood risk, as such an FRA is not required and it is considered that the proposal accords with Policies CC-D1.

Policy CC-D5 requires development to be supported by adequate sewerage capacity that does not harm public health, amenity or the environment. Proposals should connect to the public mains sewer where possible, or otherwise demonstrate

appropriate non-mains solutions with full mitigation. Sewerage infrastructure must be suitably designed, in place before occupation, and not exceed capacity, with residential development avoided where proximity to sewerage infrastructure would result in unacceptable impacts.

In this case, connection to the public mains sewer is not available. The proposal instead connects both the main dwelling (Rose Cottage) and the proposed dwelling to a new replacement package sewage treatment plant, which has been installed to replace a failed and leaking septic tank that had been condemned.

The proposed infrastructure is retrospective and does not result in unacceptable impacts to public health, amenity or the environment. It is considered that the development complies with the requirements of Policy CC-D5.

### Personal Circumstances

The applicant has outlined that the proposed dwelling would meet the needs of disabled persons, with widened internal corridors and wheelchair turning areas.

Even though the applicant was initially content to proceed with a Section 106 Agreement, they have said that their mortgage company has advised them that they would not enter into/agree the Section 106 for the Extended Family dwelling.

These are personal circumstances.

Planning legislation states that to the extent that development plan policies are material to an application for planning permission the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise. Planning Practice Guidance comments that the scope of what can constitute a material consideration is very wide but in general the courts have taken the view that planning is concerned with land use in the public interest, rather than the protection of purely private interests. Provided regard is had to all material considerations, it is for the decision maker to decide what weight is to be given to the material considerations in each case.

The personal circumstances referred to by the applicant do amount to a material consideration in the application, and Officers afford them weight in favour of the proposed scheme.

Officers have noted the applicant's reference to "Disability" as a "relevant protected characteristic" set out in The Equality Act 2010, the Public Sector Equality Duty set out by that Act and to Articles 1 and 8 of the European Convention on Human Rights as enshrined within the Human Rights Act 1998.

However, in weighing the personal circumstances in the balance, even though the applicant has advised their mortgage lender would not agree to a Section 106 Agreement, Extended Family dwellings that have previously been permitted in the National Park have been subject to Section 106 Agreements (which is in accordance with Policy HC-D5). In the majority of those cases, a mortgage lender has been involved and is party to the Agreement. It is therefore possible for a lender to be party to the Section 106 Agreement.

In having regard to the personal circumstances, this must be considered against the conflict with the development plan. In this regard, a refusal of planning permission is a proportionate and necessary approach to the legitimate aim of ensuring that the proposed dwelling is secured as an Extended Family dwelling in accordance with the housing strategy of the adopted Local Plan.

A planning condition as suggested by the applicant would not ensure occupancy of the development is acceptable in planning terms and deliver the Extended Family accommodation that is legally binding and enforceable in the public interest. Nor would it comply with the requirements of Policy HC-D5.

The protection of the public interest cannot be achieved by means that are less interfering of the applicant and their family member's human rights. Overall, the personal circumstances put forward in this instance do not outweigh the conflict with the development plan.

### **Human Rights**

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.

### **Conclusion**

Overall, the proposed development has demonstrated compliance with a number of relevant policies of the Exmoor National Park Local Plan, including those relating to design, landscape impact, highways, flood risk, dark skies, and ecology, subject to appropriate planning conditions. The scheme is considered to represent an acceptable conversion of an existing building, with no significant adverse impacts identified in respect of visual amenity, highway safety, or environmental considerations.

Furthermore, the applicant has provided a reasonable justification for the need for extended family accommodation, which weighs positively in the planning balance.

However, Policy HC-D5 requires that extended family dwellings are secured through a planning obligation to ensure that occupancy remains restricted to qualifying persons and that the accommodation remains tied to the principal dwelling. In the absence of a completed Section 106 agreement to secure these requirements, the Local Planning Authority cannot guarantee that the development would function as an extended family dwelling.

As such, the proposal conflicts with the development plan as a whole and there are no material considerations identified that would be of such weight to indicate that the decision should be made other than in accordance with the development plan. Therefore, the application is recommended for refusal.

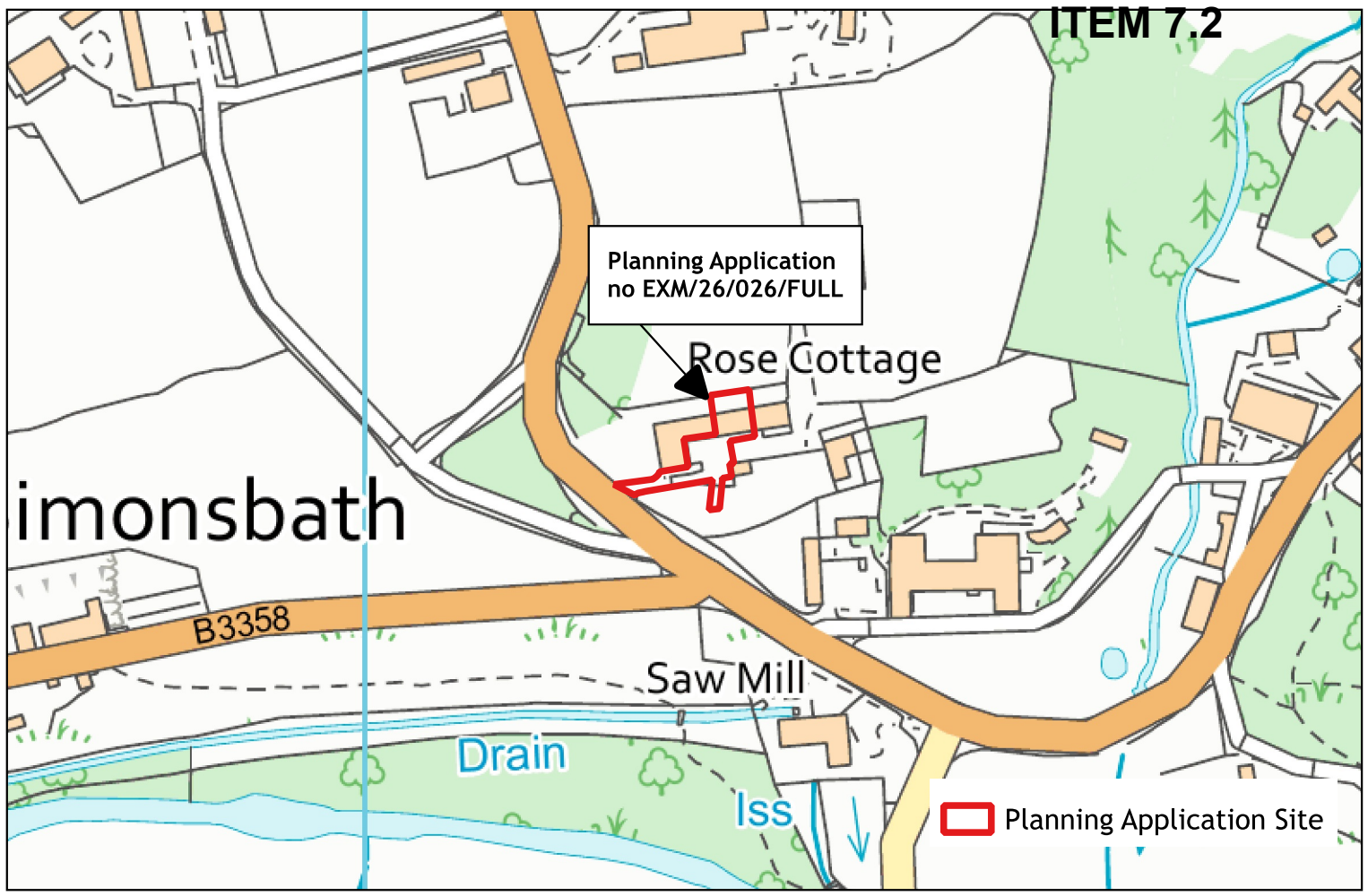
### **Recommendation**

Planning Permission is refused for the following reason:

1. The Exmoor National Park Local Plan 2011-2031 sets out a clear strategy to assist local communities with the provision of local need housing. Clause 4 of

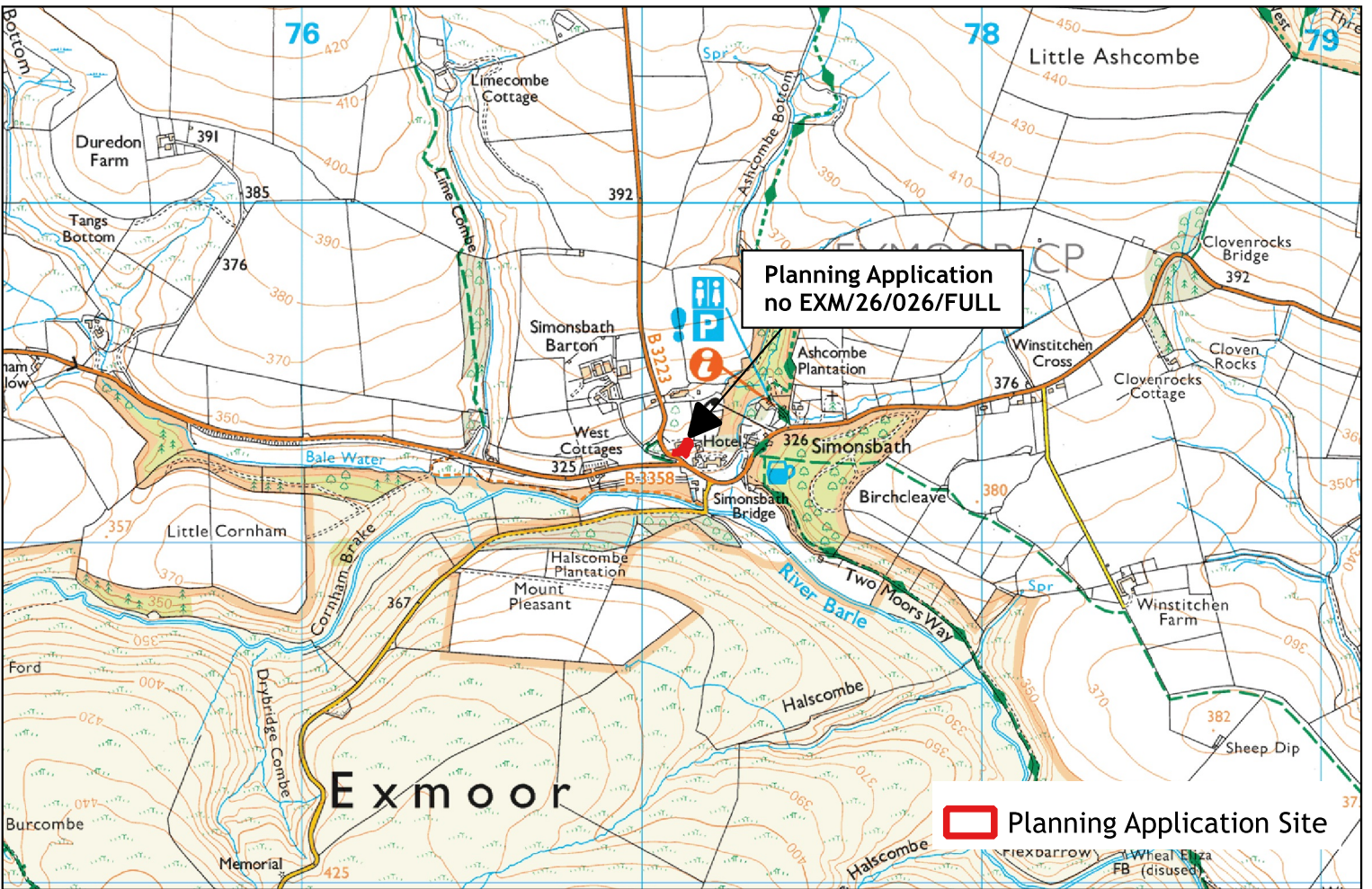
Policy HC-D5 of the Local Plan specifically states that a planning obligation will be secured to ensure that the intended occupants meet the requirements of the Extended Family occupation in this policy and to tie the dwelling(s) to the main house to ensure that they are not sold off separately. In the absence of a completed planning obligation (Section 106 Agreement), the Local Planning Authority cannot secure the occupancy restrictions required to ensure that the proposed dwelling remains for extended family use, functionally linked to the principal dwelling at Rose Cottage. As such, the proposal fails to comply with Policy HC-D5 of the Exmoor National Park Local Plan 2011–2031.

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Site Map  
Scale 1:2,500

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Overview Map  
Scale 1:20,000.00002

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## EXMOOR NATIONAL PARK AUTHORITY 7 July 2026

**Application 62/49/25/003 – 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**

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

### **1.0 Introduction**

- 1.1 This updated report refers to the planning application referenced above, which was reported to the Planning Committee on 7 October 2025. The original Committee Report is appended for Members' information. At that meeting, Members resolved to defer the application to allow the applicant to provide additional information relating to viability.
- 1.2 In doing so, the applicant also submitted amended plans. The Authority has undertaken a further round of consultation on the amended details, and the application is now being reported back to Members accordingly.
- 1.3 Viability information has been submitted and is reflected in the update report below.
- 1.4 The amended plans now propose painted timber windows rather than aluminium, and the scheme includes an additional vehicle parking space.
- 1.5 For the avoidance of doubt, whilst the recommended reasons for refusal have been revisited having regard to the amended details that have been provided, Officers maintain their recommendation that planning permission should be refused. The revised reasons are set out later in this report.
- 1.6 The Committee is reminded that where (as in this case) regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

### **2.0 Further Consultee Comments**

**North Devon Council - Environmental Health and Housing – 13/05/2026**

I do not wish to add anything to my previous comments, which stand.

## **South West Water – 06/05/2026**

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 into a surface water body is acceptable and meets with the Run-off Destination Hierarchy.

## **North Molton Parish Council – 21/05/2026**

North Molton Parish Council supported this application at their meeting on the 20th May 2026.

## **North Devon Council – Housing – 29/04/2026**

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 26 households living in the parish of North Molton registered as being in need of affordable housing for rent as of Jan 2026. 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.

## **Further Public Representations**

Seven public letters of representation have been received from five different properties; all letters are objecting to the proposed development.

The letters raise concerns in relation to the development of the former miners cottages and in particular; biodiversity and the destruction of the area of wilderness to be cleared to facilitate the development, flood risk and drainage, highway safety, parking, lack of public transport links, limited broadband and no mobile phone signal, construction impact, overdevelopment of the site through the placement of a three bedroom house with no garden, inadequate amenity space and the floor area of the proposed Chapel conversion.

## **3.0 Additional Observations**

- 3.1 The proposed scheme, as amended, now includes timber windows. As such, Officers are satisfied that the materials within the development accord with Policy CE-S6 of the Local Plan where it requires that materials complement the local context through the use of traditional and natural sustainable building materials, as well as other things. The proposed scheme would conserve the character and appearance of this part of the National Park. As such, Officers are satisfied that the fourth reason for refusal as set out in the previous Committee Report is no longer necessary.
- 3.2 The amended plans for the proposed new build local need affordable dwelling now show a dwelling with a floor area of 93 sqm. Thereby ensuring that the dwelling would accord with Policy in terms of its floor area.
- 3.3 The previous Committee Report recommended that planning permission be refused because adequate parking provision for the scheme could not be achieved, as well as other things. The amended scheme includes one additional parking space, to provide each of the dwellings proposed with two vehicle parking spaces.
- 3.4 Policy AC-D3 sets out the minimum requirements for parking spaces and states that for a 3 or more-bedroom house, 3 car parking spaces are required. It also says that for development in more sustainable locations, which are well served by public transport or have good walking and cycling links, lower levels of car parking provision will be considered.

- 3.5 The application site is a relatively remote position, and the use of a private car would be necessary. However, whilst only 2 formal spaces can be achieved for each dwelling within the site, bearing in mind the permitted use of the site as a Chapel and having regard to the character and nature of the local roads, which would likely involve vehicles at low speed, and it is likely that highway users would be well used to vehicles exiting accesses within the settlement, the access and parking provision to the site would be unlikely to result in an unsafe impact on the local road network.
- 3.6 The development as amended would not give rise to any unacceptable highway safety impact and the residual cumulative impacts of the development on the local highway network would not be severe. Accordingly, the proposal would not conflict with Local Plan Policies AC-S2, AC-D2 and AC-D3, where together these policies seek to ensure new development does not cause unacceptable levels of traffic or prejudice road safety, and provides adequate parking.
- 3.7 The housing policies of the Local Plan provide the framework to address the housing needs of the National Park's local communities and to ensure that the level of housing development is compatible with the conservation and enhancement of Exmoor. 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 the National Park's housing stock, as a whole, meets the needs of all sections of the local community. This is achieved through a need led rural exceptions approach in order to maximise the ability to deliver affordable housing. The Local Plan also makes provision for rural workers and accessible and adaptable homes for older people, as well as "extended family dwellings".
- 3.8 Policy HC-S1 explains 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 affordable homes, occupied by local persons, rural worker homes or extended family homes occupied by local persons. The Policy advises that Principal Residence market housing will only be permitted where it is essential to deliver local need affordable housing (and accords with HC-S4) or relates to a Vacant Building in a Local Service Centre or village (HC-D1).
- 3.9 As the housing strategy for the National Park seeks to ensure, new housing should be affordable housing to meet local needs. Principal Residence housing will, in accordance with HC-S4, only be permitted in very specific circumstances where it can be demonstrated to be essential to enable the delivery of affordable housing schemes in identified

settlements or where new dwellings are created through the subdivision of existing dwellings or where provided through the conversion of a hotel to a dwelling, in accordance with the relevant policy tests.

- 3.10 Principal Residence housing is not permitted in open countryside locations. Even though Heasley Mill is defined as a rural community, in accordance with the Local Plan, it is an open countryside location and not identified in the settlement strategy.
- 3.11 Policy HC-D6 of the Local Plan refers to “Custom/Self Build Local Need Housing” and is therefore an important Policy relevant to this scheme. The Policy says:

## HC-D6 Custom/Self Build Local Need Housing

1. Exceptionally, new build including custom/self-build housing will be permitted where:
  - a) it is in a named settlement or in a rural community in the open countryside (proposals in a named settlement will be determined in accordance with HC-D2 Conversions to Dwellings in Settlements, or HC-D3 New Build Dwellings in Settlements, as appropriate);
  - b) the site is well related to existing buildings, any development is proportionate in scale and it would conserve or enhance the traditional pattern of the rural community, landscape character and the appearance of the site and its surroundings;
  - c) there is a proven local need for the dwelling(s) which will meet an affordable local need, and the intended occupants meet the requirements of the local need occupancy criteria which will be secured in perpetuity through a planning obligation in accordance with HC-S3 Local Occupancy Criteria for Affordable Housing; and
  - d) the dwelling(s) will be affordable by size and type to local people and will remain so in perpetuity in accordance with HC-S2 A Balanced Local Housing Stock.
2. Where permission is granted, a condition will be attached removing permitted development rights in respect of extensions in accordance with HC-S2 A Balanced Local Housing Stock.
3. In rural communities, housing schemes that require cross subsidy 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.

- 3.12 Heasley Mill is a rural community. Whilst the proposal would deliver a local need affordable dwelling, which would accord with Policy HC-D6, the proposal to convert the Methodist Chapel to a Principal Residence dwelling would not comply with Clauses 1c), 1d) or 3 of Policy HC-D6.
- 3.13 Clause 1c) requires that the dwellings meet a proven local affordable need and that the occupancy would be secured in perpetuity. The proposal for a Principal Residence dwelling in the Methodist Chapel would not satisfy this Policy requirement.
- 3.14 Clause 1d) requires that dwellings are affordable by size and type to local people. Due to the proposed Principal Residence dwelling exceeding 93sqm it would not be affordable by size and, therefore, it would be contrary to this Policy requirement.
- 3.15 Clause 3 of the Policy is clear that, in rural communities, housing schemes that require cross subsidy through Principal Residence housing, whether new build or through the change of use of existing non-residential buildings **will not be permitted**.
- 3.16 The proposal for a Principal Residence dwelling through the conversion of the Methodist Chapel is therefore contrary to the housing strategy of the adopted Local Plan. The applicant agrees that this application proposal does not come within any of the qualifying housing types/approaches, and that it would not comply with Policy HC-D6.
- 3.17 However, the applicant considers that there are overriding material considerations that outweigh Local Plan Policy. The applicant explains that a Policy compliant scheme can not be achieved on a financially viable basis. The applicant also explains that public benefits would be achieved through the conversion of the Methodist Chapel because it would provide a viable and long-term reuse of a non-designated heritage asset. The scheme would also provide a Local Need Affordable Dwelling through the construction of a new dwelling at the site of the former Miners Cottages. The applicant also notes that the scheme would support the strategic need for the local community and that it has community support. Moreover, it is noted that one third of Heasley Mill falls outside of the National Park boundary, and the applicant considers that, if the scheme was in North Devon Council's administrative planning authority area, it would gain planning permission under the North Devon and Torridge Local Plan.
- 3.18 The weight to be given to the conflict with these matters identified above is considered further in the planning balance below.

## 4.0 The section 38(6) planning balance and conclusion

- 4.1 Planning applications have to be decided in line with the Local Planning Authority's Local Plan, unless there is very good reason not to do so. This is in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.
- 4.2 The main dispute in this case is the nature of the proposed conversion of the Methodist Chapel and the matter that it is proposed as Principal Residence market housing, which is contrary to the housing strategy of the adopted Local Plan and specifically Policy HC-D6.
- 4.3 A viability assessment carried out by Underwood Wright dated February 2026 was submitted on 29<sup>th</sup> April 2026. The viability assessment (assessment) sets out the viability of two separate schemes. These are referred to as Scheme 1 and Scheme 2, which are:

Scheme 1 – Development of Chapel as a single storey 2-bedroomed affordable unit.

Scheme 2 – Development of Chapel as a 2-storey unrestricted 3-bedroom unit together with the proposed re-build of detached 2 storey ex Miners' cottage.

- 4.4 Scheme 1 would be a Policy compliant scheme. Scheme 2 is the applicant's preferred and proposed scheme.
- 4.5 The assessment sets out that Scheme 1 would have a projected loss of approximately **£250,000** and that Scheme 2 would have a projected loss of approximately **£200,000**.
- 4.6 Whilst the assessment considers there could be some variance in these figures depending on the detail of the works, it demonstrates that neither scheme would be viable. Moreover, the assessment is based on a discount from open market for an affordable dwelling that would be less than the discount that is expected in accordance with ARC4 Local Need Affordable Housing Assessment Report. This is therefore likely to further negatively impact on the viability of both schemes.
- 4.7 However, the assessment does not consider the scheme on the basis of a self-build development, whereby the works are carried out on a self-build basis. It does not account for "*sweat equity*" that self-builders contribute nor does it consider that the scheme with a local self-builder is providing a home to live in rather than market profit.

- 4.8 The Authority has dealt with proposals for several local need affordable self-build conversions within the National Park, which includes the conversion of traditional buildings that are non-designated heritage assets. Moreover, the self-build register (2023) includes person(s) that have registered a local connection to North Molton parish and confirmed they would be interested in Heasley Mill.
- 4.9 Given that the applicant's viability assessment shows that the proposal is not viable, the proposed Principal Resident dwelling is not essential to provide cross subsidy to deliver the Local Need Affordable dwelling. Therefore, there is little basis to consider that the self-build local need affordable dwelling could not be delivered by itself. Consequently, only limited weight is given to the viability assessment.
- 4.10 The Chapel and the former Miners Cottages are non-designated heritage assets. The remains of the former Miners Cottages would be removed, and their loss would be harmful. Nevertheless, a condition could be applied to secure a full recording of the buildings in accordance with the Senior Heritage Officer's advice, which would provide some mitigation, and there would be heritage benefits overall through the re-use of the Chapel and the enhancement of its immediate surroundings. However, those benefits could be achieved through a Policy compliant scheme with local need affordable housing. As such, this is a matter that is afforded moderate weight.
- 4.11 It is acknowledged that North Molton Parish Council support the proposal. However, it is also noted that there are local objections to the scheme, and there is little basis to consider that there would not be support for affordable housing that meets the needs of the local community.
- 4.12 Planning applications must be decided in line with the relevant Authority's development plan. North Devon Council have a very different housing strategy, and unlike North Devon Council's administrative area, housing in the National Park is permitted on an exceptions basis where it addresses an identified local housing need for affordable homes. The weight to be given to conflict with Local Plan Policies does not diminish near to the National Park boundary. There is little basis to consider that the proposed scheme would be supported by another Local Plan. In any case, the North Devon and Torridge Local Plan is not part of the development plan in this context and is afforded very limited weight.
- 4.13 Overall, the adverse impact of the proposed development would significantly and demonstrably outweigh the benefits of the scheme when assessed against the Local Plan when taken as a whole. The material considerations do not justify making a decision other than in accordance with the development plan.

- 4.14 The proposal conflicts with the Exmoor National Park Local Plan 2011-2031. There are no material considerations identified of such weight that indicate the decision should be made other than in accordance with the development plan. Therefore, it is recommended that planning permission be refused.

## **5.0 Recommendation**

- 5.1 The Officer recommendation is that planning permission be refused for the following reasons:

1. The Exmoor National Park Local Plan 2011-2031 sets out a clear strategy to assist local communities with the provision of local need affordable housing. Clause 3 of Policy HC-S1 of the Local Plan specifically states that 'consistent with an exceptions approach to housing, provision will not be made for housing solely to meet open market demand' and that Principal Residence market housing will only be permitted where it is essential to deliver local need housing or through a Vacant Building in a Local Rural Centre or Village. The proposed conversion of the Methodist Chapel to a Principal Residence market dwelling is contrary to the adopted housing strategy of the Exmoor National Park Local Plan 2011-2031, which permits the conversion of buildings in a rural community where the resultant dwelling is secured as local need affordable accommodation or rural workers accommodation. The proposed Principal Residence market dwelling is contrary to Policies HC-S1, HC-S2, HC-S4, HC-D6 and HC-D7 of the Exmoor National Park Local Plan 2011-2031.
2. The proposed development seeks to provide a local need affordable dwelling. In the absence of a completed planning obligation (Section 106 Agreement), the Local Planning Authority cannot secure the occupancy restrictions required to ensure that occupancy of the dwelling is confined to persons in local affordable housing need in perpetuity. As such, the proposal fails to comply with Policies HC-S3 and HC-D6 of the Exmoor National Park Local Plan 2011–2031.



# Copy of 7 October 2025 Report



## 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.

## **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.

## 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.

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.

## ***Copy of 7 October 2025 Report***

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.

# Heasley

Planning Application  
no 62/49/25/003

Orchard House

The Mill House

The Old School House

Forge House

Heasley FB

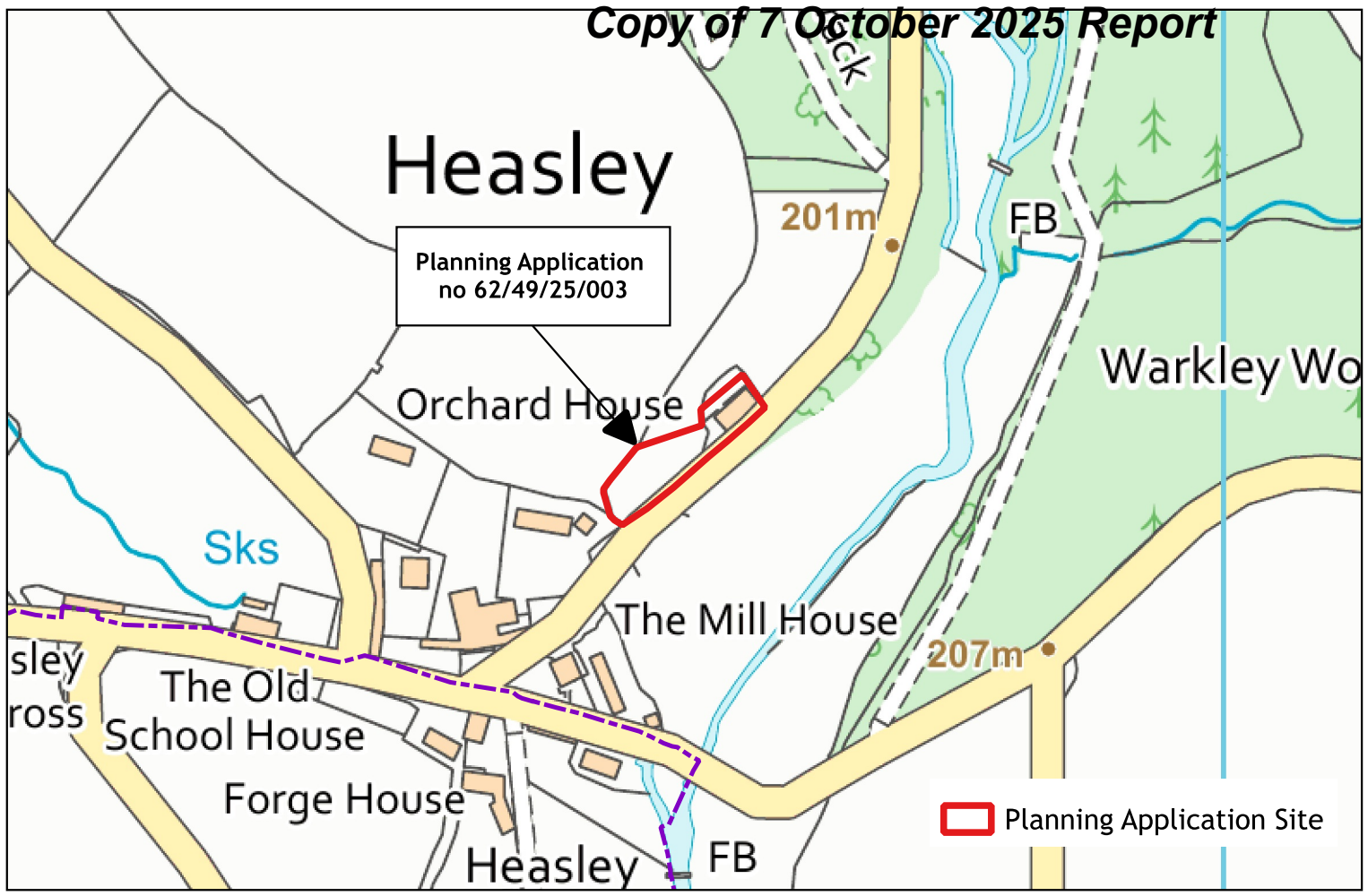
201m

FB

Warkley Wood

207m

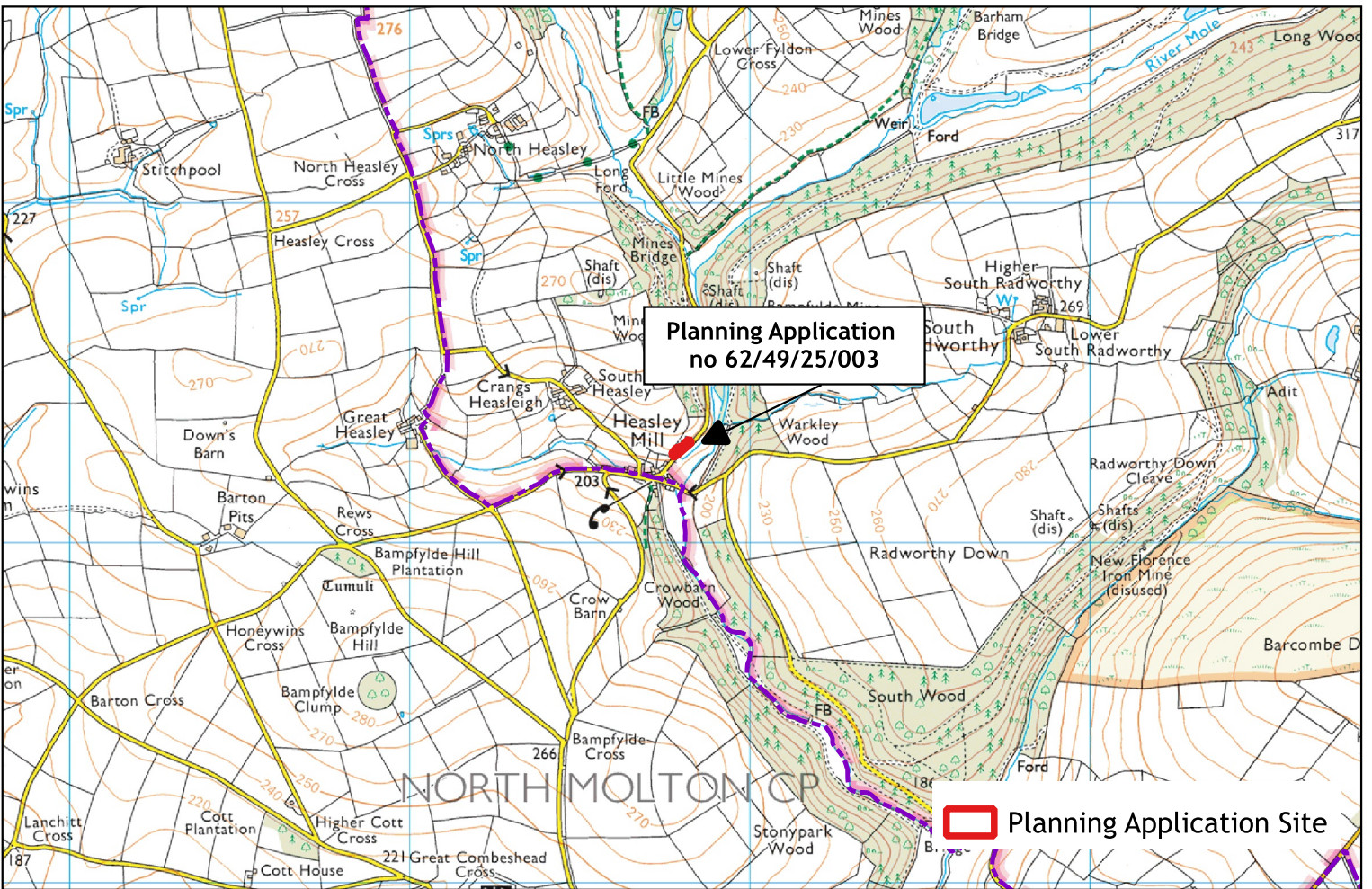
Planning Application Site



Site Map

Scale 1:2,500

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Planning Application  
no 62/49/25/003

Planning Application Site

Overview Map

Scale 1:20,000.00002

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## ITEM 8

### SCHEDULE OF SECTION 106 AGREEMENTS BEING UNDERTAKEN BY DEVON COUNTY COUNCIL ON BEHALF OF EXMOOR NATIONAL PARK AUTHORITY 7 July 2026 (completed agreements not included)

**KEY: AH = AFFORDABLE HOUSING**

**AT = AGRICULTURAL/RURAL WORKER**

**OA = OTHER AGREEMENT**

APPLICATION REFERENCE	SITE	TYPE	Committee decision/Officer instruction	CURRENT POSITION	UPDATE COMMENTS	APP CASE OFFICER
6/8/22/106	Thorne Farm, Wheddon Cross	AH – x2 or holiday let	Officer instruction 14/07/23	Draft Agreement	Draft agreement sent to applicant on 10/11/25. Awaiting payment of fees from applicant or a costs undertaking. 05/26 applicant request further copy of draft.	Y Dale
62/50/23/002	Land West of Parracombe Lane, Parracombe	AH – x6	Committee decision 03/10/23	Draft Agreement	DCC sent engrossment 106 Agreement to all parties on 21/10/25. No further progress. Awaiting approval & payment of legal costs.	J White
6/27/22/115	Land West of Sparkhayes Lane, Porlock	AH – x1	Officer instruction 30/11/23	Draft Agreement	Applicant's solicitor confirmed covenant has been released to enable s106 to progress 08/06/26	Y Dale
62/62/22/005	Land at Lower Glebe House, Trentishoe	AH – x1	Officer instruction 01/03/24	Draft Agreement	DCC has prepared a draft 106 Agreement and sent to the applicant's solicitor for approval on 21/10/25. Title document rec'd. Updated costs undertaking also required. Requested on 21/10/25. Chased again 05/26.	Y Dale
6/3/25/001	The Duckhouse, Leigh Farm, Exton	AH – x1 or holiday let	Officer instruction 14/03/25	Draft Agreement	Draft 106 agreement sent to applicant on 10/11/25. Further discussion with applicant May 26 to progress.	J Rose
6/9/25/007	Beech Cottage, Liscombe, Dulverton	AH – x1 or holiday let	Officer instruction 30/06/25	Draft Agreement	First drafts prepared. Waiting for title docs 27.02.26.	J Rose
6/9/25/008	Sycamore Cottage, Liscombe, Dulverton	AH – x1 or holiday let	Officer instruction 30/06/25	Draft Agreement	First drafts prepared. Waiting for title docs 27.02.26.	J Rose
6/8/24/002	Land at Dunkery View Farm and North of Higher Park Lane	AH – x9 (& 7 PR dwellings)	Committee decision 06/01/26	Draft Agreement	Undertaking for legal fees requested on 08/12/2025. Latest draft with applicant for final approval.	J White

## ITEM 8

6/26/25/003	Roadwater Methodist Church, Roadwater	AH – x1	Committee decision 07/04/26		Officer instruction sent. Request for details of solicitor acting to obtain undertaking in respect of legal fees.	J Rose
6/43/25/006	Site incorporates the garage to side of Grove Bank, Wootton Courtenay	AH – x1	Officer instruction 24/04/26		Officer instruction sent. Applicant solicitor has been emailed to request an undertaking in respect of legal fees.	J Rose
EXM/26/026/FULL	Rose Cottage, Simonsbath	OA – Extended Family Dwelling	Officer instruction 11/05/2026		First draft prepared	E Giffard
EXM/26/018/FULL	Butchers Farm, Luxborough	AH – x2	Officer instruction 13/05/2026		Officer instruction sent. Applicant solicitor has been emailed to request an undertaking in respect of legal fees.	J Rose

### Note: Section 106 Agreements resolved since 1 January 2024:

- Tarr Cottage, Castle Hill, Lynton – x1 local needs affordable dwelling (62/41/20/023)
- Barn at Malmsmead, Lynton – x1 local needs affordable dwelling (62/11/22/007)
- Keal Rise, Hawkcombe, Porlock – Deed of Variation in connection with amendments to conditions of previous permission (6/27/22/118)
- 24 Cross Street, Lynton – x1 local needs affordable dwelling (62/41/22/040)
- Land adjacent to Red Cross Farm, Brompton Regis – x1 local needs affordable dwelling (6/3/23/001)
- Old Workshop, Brompton Regis – x1 local needs affordable dwelling (6/3/21/118)
- Long Garden Plot, Ash Lane, Winsford – Deed of Variation in connection with amendments to conditions of previous permission

### Since 1 January 2025:

- Roundhouse to the west of Bentwitchen House, South Molton – x1 local needs affordable dwelling (62/49/23/008)
- Lower Cleeve Barns, Cutcombe – x1 local needs affordable dwelling/holiday let (6/8/21/105)
- Paddock opposite Church of St John, Land at Ashwell Lane, Cutcombe – x1 local needs affordable dwelling (6/8/24/005)

### Since 1 January 2026:

- Knowle Farm, Timberscombe – s106 re amended scheme for rural workers' dwelling (6/34/24/002)
- Sanctuary Lane, Brompton Regis – x1 local needs affordable dwelling (6/3/22/111)

## EXMOOR NATIONAL PARK PLANNING MEETING

Application decisions delegated to the Chief Executive

<b>Application</b>	<b>Applicant</b>	<b>Decision Date</b>	<b>Decision</b>
6/13/25/005	Ms. F Reed	16 Jun 2026	Approved with Conditions
ASHOTT BARTON, EXFORD, MINEHEAD, TA24 7NG			
Proposed extension to existing agricultural barn			

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<b>Application</b>	<b>Applicant</b>	<b>Decision Date</b>	<b>Decision</b>
6/13/25/006	Ms. F Reed	16 Jun 2026	Approved with Conditions
ASHOTT BARTON, EXFORD, MINEHEAD, TA24 7NG			
Proposed extension to existing Agricultural Shed			

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<b>Application</b>	<b>Applicant</b>	<b>Decision Date</b>	<b>Decision</b>
6/3/22/111	Mr C Edwards	19 Jun 2026	Approved with Conditions
Land at Sanctuary Lane, Brompton Regis, Dulverton, TA22 9NL			
Proposed demolition and removal of existing building and construction of custom/self-build local needs dwelling.			

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<b>Application</b>	<b>Applicant</b>	<b>Decision Date</b>	<b>Decision</b>
6/34/24/002	Messrs Lamacraft	05 Jun 2026	Approved with Conditions
KNOWLE FARM, DUNSTER, MINEHEAD, TA24 6TZ			
Proposed rural workers dwelling and garage and associated works without complying with conditions 2, 5 and 17 attached to planning permission Ref 6/34/19/104.			

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<b>Application</b>	<b>Applicant</b>	<b>Decision Date</b>	<b>Decision</b>
6/9/25/015	Mr G Everard	15 May 2026	Approved with Conditions
BROFORD FARM, DULVERTON, TA22 9JH			
Proposed demolition of an existing agricultural livestock building and the erection of an extension to a livestock building (Phase 1)			

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<b>Application</b>	<b>Applicant</b>	<b>Decision Date</b>	<b>Decision</b>
6/9/25/016 BROFORD FARM, DULVERTON, TA22 9JH	Mr G Everard	15 May 2026	Approved with Conditions

Replacement building for cattle housing (Phase 2)

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<b>Application</b>	<b>Applicant</b>	<b>Decision Date</b>	<b>Decision</b>
62/11/25/005 THE BLUE BALL INN, COUNTISBURY, LYNTON, EX35 6NE	St Austell Brewery Co Ltd	02 Jun 2026	Approved with Conditions

Advertisement consent for the proposed installation of new signage.

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<b>Application</b>	<b>Applicant</b>	<b>Decision Date</b>	<b>Decision</b>
62/11/25/006LB THE BLUE BALL INN, COUNTISBURY, LYNTON, EX35 6NE	St Austell Brewery Co Ltd	02 Jun 2026	Approved with Conditions

Listed building consent for the proposed installation of new signage and 5no. lanterns

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<b>Application</b>	<b>Applicant</b>	<b>Decision Date</b>	<b>Decision</b>
EXM/26/007/HH Alderford Cottage Brendon Lynton EX35 6PT	Nick De Cata	15 May 2026	Approved with Conditions

Proposed Installation of new packaged water treatment plant. Retrospective.

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<b>Application</b>	<b>Applicant</b>	<b>Decision Date</b>	<b>Decision</b>
EXM/26/017/LBC THE CROWN HOTEL, MARKET STREET, LYNTON, EX35 6AG	St Austell Brewery	19 May 2026	Approved with Conditions

Listed building consent for the proposed light refurbishment of existing pub & restaurant, full refurbishment of hotel lobby lounge, conversion of existing games/billiards room to 2 new hotel bedrooms, new wrought iron external gate, conversion of existing former library room to 1 new hotel room, full refurbishment of bedrooms 8 and 9, redecoration of hotel corridors and all bedrooms, re-fitting of all hotel bathrooms, external repairs and redecoration of building, conversion of externally-accessed store room into new bin store, new external signage, new exterior lighting and refurbishment of trade area WC's.

<b>Application</b>	<b>Applicant</b>	<b>Decision Date</b>	<b>Decision</b>
EXM/26/045/FULL Fairgarden Farm Elscombe Lane Wootton Courtenay Minehead TA24 8RG	Mr D Dascombe	19 May 2026	Approved with Conditions

Proposed erection of agricultural building to cover the existing concrete yard and silage clamp.

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<b>Application</b>	<b>Applicant</b>	<b>Decision Date</b>	<b>Decision</b>
EXM/26/053/FULL Twitchen Farm Challacombe Barnstaple EX31 4TT	Mr R White	01 Jun 2026	Approved with Conditions

Proposed change of use of building to 1no. unit of holiday accommodation, together with change of use of part of dwelling house to 1no. unit of holiday accommodation and the erection of polytunnel. Retrospective.

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<b>Application</b>	<b>Applicant</b>	<b>Decision Date</b>	<b>Decision</b>
EXM/26/074/HH Willow Coach House Selworthy Minehead TA24 8TW	Mr S Child	05 Jun 2026	Approved with Conditions

Proposed erection of replacement fencing & shed

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<b>Application</b>	<b>Applicant</b>	<b>Decision Date</b>	<b>Decision</b>
EXM/26/075/LBC Willow Coach House, Selworthy By Road, Selworthy, Minehead, Ta24 8Tw	Mr S Child	05 Jun 2026	Approved with Conditions

Listed Building Consent for proposed erection of replacement fencing & shed

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<b>Application</b>	<b>Applicant</b>	<b>Decision Date</b>	<b>Decision</b>
EXM/26/076/FULL The Old Rectory, Challacombe, Barnstaple, Ex31 4Ts	Mrs North	15 May 2026	Approved with Conditions

Proposed redevelopment of existing stables and the formation of a new private horse training area

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<b>Application</b>	<b>Applicant</b>	<b>Decision Date</b>	<b>Decision</b>
EXM/26/078/LBC 1 Stockhill Barbrook Lynton EX35 6PF	Mr Richard Puttick	20 May 2026	Approved with Conditions

Listed building consent for the proposed replacement of 7no. windows

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<b>Application</b>	<b>Applicant</b>	<b>Decision Date</b>	<b>Decision</b>
EXM/26/079/LBC Church Gate Cottage Stoney Street Luccombe Minehead TA24 8TE	Mr Dan Raymond	18 May 2026	Approved with Conditions

Listed building consent for the proposed repair of collapsed section of cob wall to the front elevation.

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<b>Application</b>	<b>Applicant</b>	<b>Decision Date</b>	<b>Decision</b>
EXM/26/087/HH The Old Shop Luckwell Bridge Wheddon Cross Minehead TA24 7EL	Miss Melanie Brown	26 May 2026	Approved with Conditions

Proposed open fronted car port

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<b>Application</b>	<b>Applicant</b>	<b>Decision Date</b>	<b>Decision</b>
EXM/26/089/VOC 4 Millham Lane Dulverton TA22 9HQ	Mr & Mrs P Bryden	20 May 2026	Approved with Conditions

Proposed extension to existing detached private dwelling. Works include internal reconfigurations, external insulation to property, solar panel installation, amendments to landscaping, inclusion of an Air Source Heat Pump, and installation of 3 bay detached garage without complying with condition 2 of approved application 6/9/25/020.

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<b>Application</b>	<b>Applicant</b>	<b>Decision Date</b>	<b>Decision</b>
EXM/26/096/DOC Widlake Farm Exton Dulverton TA22 9JE	Mr O Robins	04 Jun 2026	Approved

Discharge of condition 3 (Joinery details) of approved application EXM/26/002/LBC

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<b>Application</b>	<b>Applicant</b>	<b>Decision Date</b>	<b>Decision</b>
EXM/26/098/DOC Middle Dean Farm Parracombe Barnstaple EX31 4PJ	Ms Virginia Kingshotte	15 Jun 2026	Approved

Discharge of condition 8 (Glazing & Boundary Treatment) of approved application 62/62/24/001

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<b>Application</b>	<b>Applicant</b>	<b>Decision Date</b>	<b>Decision</b>
EXM/26/099/DOC Kedworthy Road From Whitefield Farm To Kedworthy Farm Brayford EX32 7QP	Mr Patrick Crane	27 May 2026	Approved

Discharge of conditions 7 (Slate), 8 (Cladding) and 15 (Ecology) of approved application 62/14/25/001

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<b>Application</b>	<b>Applicant</b>	<b>Decision Date</b>	<b>Decision</b>
EXM/26/102/PNA/CA Westwater Farm, Worth Lane, Withypool, Dulverton, Minehead, Ta24 7Rq	Mr Keith Branfield	03 Jun 2026	Prior Approval Required

Prior notification for the proposed erection of general purpose agricultural building (18.28m x 13.71m).

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<b>Application</b>	<b>Applicant</b>	<b>Decision Date</b>	<b>Decision</b>
EXM/26/104/DOC Land South of Hownel Lane, Brompton Regis, Dulverton, Somerset, TA22 9LQ	Mr Patrick Veale	29 May 2026	Approved

Discharge of condition 7 (HMMP) & Statutory BGP Condition of approved application 6/3/25/009

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<b>Application</b>	<b>Applicant</b>	<b>Decision Date</b>	<b>Decision</b>
EXM/26/105/CLP	Mr and Mrs Gerard and Hellen van den Berg	11 Jun 2026	Certificate of Lawfulness Refused

Orchard House  
Fairgarden Road  
Wootton Courtenay  
Minehead  
TA24 8RE

Lawful development certificate for the proposed change of use of building to 1no dwelling house & 1no flat.

<b>Application</b>	<b>Applicant</b>	<b>Decision Date</b>	<b>Decision</b>
EXM/26/106/LBC	Mr Richard Wolfstrome	12 Jun 2026	Approved with Conditions

Lyn House  
Lynway  
Lynton  
EX35 6AX

Listed building consent for the proposed:

Removal of late c20th thin stud walls internally to largely restore the building to its layout prior to 1969.

Removal of some internal doors installed in the late c20th.

Removal/replacement of non-consented plastic laminate floor coverings.

Removal of a first floor kitchenette and bathroom.

Creation of a new owner's kitchen and utility room.

Create new en-suite bathroom in former bedroom.

<b>Application</b>	<b>Applicant</b>	<b>Decision Date</b>	<b>Decision</b>
EXM/26/110/DOC	Mr E Burton	28 May 2026	Approved

Rose Bank  
Luxborough  
Watchet  
TA23 0SR

Discharge of Condition 4 (Bird Survey) of approved application 6/20/25/002