



## PLANNING STATEMENT

ERECTION OF A SINGLE DWELLING AND ASSOCIATED WORKS

AT

LAND AT BARY CLOSE

Cheriton Fitzpaine  
Devon  
EX17 4JY

On behalf of

Ms White and Mrs Roland

Dated 22 November 2022

## Contents

1.0	Introduction	Page 1
2.0	Site Location and Description	Page 2
3.0	The Proposal	Page 3
4.0	Relevant Planning History	Page 4
5.0	Policy Context	Page 5
6.0	Other Relevant Material Considerations	Page 8
7.0	Development Considerations	Page 10
8.0	Planning Balance and Conclusion	Page 13

## 1.0 INTRODUCTION

- 1.1 This Planning Statement has been prepared by Stags on behalf of Ms White and Mrs Roland. The statement relates to land at Bary Close, Cheriton Fitzpaine and has been prepared to support an application for the erection of a single residential dwelling within an underutilised plot.
- 1.2 This statement provides an assessment of the proposals against the relevant planning policy framework and development plan. The statement focusses on the provisions of Section 38(6) of the Town and Country Planning Act 1990, which requires decisions to be made in accordance with the Development Plan unless material considerations indicate otherwise. Such material considerations include the National Planning Policy Framework and National Planning Practice Guidance.
- 1.3 This statement should be read in conjunction with the supporting information submitted with the planning application.

## 2.0 SITE LOCATION AND DESCRIPTION

- 2.1 The site measures approximately 350 square metres and occupies an L-shaped plot on the eastern side of Bary Close. The land has direct vehicular access on to Bary Close itself and currently comprises of the gardens of 'Petronella' and 'Holes' which are located to the south and are within the ownership of the applicants.
- 2.2 To the north of the site are a significant number of modern bungalows which are arranged around Bary Close. Both opposite the site entrance and to the south of the site are older, two-storey dwellings. As such, the site lies within an area that is primarily characterised by residential development and associated activities and the wider character of the area is predominantly residential.
- 2.3 Cheriton Fitzpaine benefits from a number of facilities and services including; a convenience store and post office, two public houses, a church, a primary school and football and cricket clubs. There is also a bus service serving the village.
- 2.4 Approximately half of the site lies within Cheriton Fitzpaine Conservation Area and the site lies within Flood Zone 1 confirming there is a very low risk of flooding. The site is not subject to any other statutory designations.
- 2.5 The village contains a large number of listed buildings, though none are in particularly close proximity to the proposal site.

### 3.0 THE PROPOSAL

- 3.1 The application seeks full planning permission for the erection of a single detached residential dwelling and associated works.
- 3.2 The dwelling is proposed as a chalet bungalow with three double bedrooms of circa 134 sq metres of gross internal floor area. The key external materials and finishes incorporated within the design are white render; a slate roof; horizontal timber cladding; and white UPVC windows, doors, fascias & soffits (black SBD entrance door). These are in keeping with the existing properties that surround the site.
- 3.3 The proposal includes use of an existing access on to Bary Close as illustrated by the submitted plans. Two dedicated parking spaces are provided.
- 3.4 The drawings submitted demonstrate that the dwelling will be constructed to provide a high-quality unit of residential accommodation, within a substantial plot, which is currently underutilised. The block plans demonstrate that appropriate provision is allowed for amenity space, with the garden primarily extending to the south and east, with additional circulation / maintenance space around the property's other boundaries.
- 3.5 The application has proposed a chalet bungalow in order provide a step between the modern bungalows to the north and the more traditional two-storey properties to the south. This design will also preserve the privacy of the dwellings surrounding the site with the orientation of the building and positioning of openings mindful of residential amenity and neighbours.
- 3.6 All foul drainage will be to the mains system with surface water either being to soakaways, if ground conditions permit, or to attenuation before final discharge to the mains drainage network if not.

#### 4.0 RELEVANT PLANNING HISTORY

- 4.1 There is no known planning history on the site which is specifically relevant to these proposals.
- 4.2 Pre-application advice was obtained in early 2022. This advice confirmed that the provision of new dwellings in this location is potentially supportable in principle, however this is subject to demonstrating that the detailed design of the proposal would achieve an acceptable scheme having regard in particular to the considerations of policies DM1 and DM25. The scheme submitted at the pre-application stage included provision for two dwellings, however noting the comments that were made in by the Planning Officer, this has been reduced to a single dwelling in order to ensure that future occupants are afforded sufficient amenity space.

## 5.0 POLICY CONTEXT

5.1.1 The Planning and Compulsory Purchase Act 2004 (Section 38(6)) provides that planning decisions shall be taken in accordance with the Development Plan (DP) unless other material considerations indicate otherwise. The DP in this case comprises: -

- Mid Devon Local Plan 2013-2033

5.1.2 Emerging plans have the status of material considerations, the weight to be attached to them dependent upon the stage of their preparation.

5.1.3 Material considerations include amongst other matters the National Planning Policy Framework (the Framework).

### 5.2.0 Mid Devon Local Plan 2013 - 2033

5.2.1 **Policy 13: Villages** states:

*"The following rural settlements will be designed for limited development: Bampton, Bow, Bradninch, Chawleigh, Cheriton Bishop, **Cheriton Fitzpaine**, Copplestone, Culmstock, Halberton, Hemyock, Holcombe Rogus, Kentisbeare, Lapford, Monchard Bishop, Newton St Cyres, Sampford Peverell, Sandford, Silverton, Thorverton, Uffculme, Willand and Yeoford.*

***Development will be limited to proposals within their defined settlement limits and to allocations for:***

- a) **Small scale housing**, employment, tourism and leisure;*
- b) **Services and facilities serving the locality; and***
- c) **Other limited development which enhances community vitality or meets local social or economic need.**"*

(own bold)

5.2.2 **Policy S3: Meeting Housing Needs** states:

- a) **"The diverse housing needs of Mid Devon will be met through the provision of a minimum of 7,860 dwellings between 1st April 2013 and 31st March 2033. In line with the predicted continuing need for new housing the expected rate of new housing development will be 393 dwellings per annum."***

(own bold)

### 5.2.3 Policy DM1: High Quality Design states:

*"Designs of new development must be of high quality, based upon and demonstrating the following principles:*

- a) Clear understanding of the characteristics of the site, its wider context and the surrounding area;*
- b) Efficient and effective use of the site, having regard to criterion (a);*
- c) Positive contribution to local character including any heritage or biodiversity assets and the setting of heritage assets;*
- d) Creation of safe and accessible places that also encourage and enable sustainable modes of travel such as walking and cycling;*
- e) Visually attractive places that are well integrated with surrounding buildings, streets and landscapes, and do not have an unacceptably adverse effect on the privacy and amenity of the proposed or neighbouring properties and uses, taking account of:*
  - i. Architecture*
  - ii. Siting, layout, scale and massing*
  - iii. Orientation and fenestration*
  - iv. Materials, landscaping and green infrastructure*
- f) Appropriate drainage including sustainable drainage systems (SUDS), including arrangements for future maintenance, and connection of foul drainage to a mains sewer where available;*
- g) Adequate levels of daylight, sunlight and privacy to private amenity spaces and principal windows;*
- h) Suitably sized rooms and overall floorspace which allows for adequate storage and movement within the building together as set out in the Nationally Described Space Standard with external spaces for recycling, refuse and cycle storage"....*

### 5.2.4 Policy DM25: Development Affecting Heritage Assets states:



*“Heritage assets and their settings are an irreplaceable resource. Accordingly, the Council will:*

- a) Apply a presumption in favour of preserving or enhancing all designated heritage assets and their settings;*
- b) Require development proposals likely to affect the significance of heritage assets, including new buildings, alterations, extensions, changes of use and demolitions, to consider their significance, character, setting (including views to or from), appearance, design, layout and local distinctiveness, and the opportunities to enhance them;*
- c) Only approve proposals that would lead to substantial harm or total loss of significance of a designated heritage asset where it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss or the requirements of the National Planning Policy Framework are met;*
- d) Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use; and*
- e) Require developers to make a proportionate but systematic assessment of any impact on the setting and thereby the significance of heritage asset(s). “*

**5.2.5 Policy S9: Environment** states:

*“Development will sustain the distinctive quality, character and diversity of Mid Devon’s environmental assets and minimise the impact of development on climate change through:...*

- g) The preservation and enhancement of Mid Devon’s cultural and historic environment, and the protection of sites, buildings, areas and features of recognised national and local importance such as listed buildings, conservation areas, scheduled monuments and local heritage sites.”*

## 6.0 OTHER RELEVANT MATERIAL CONSIDERATIONS

### 6.1 National Planning Policy Framework (2021)

6.1.1 The National Planning Policy Framework was most recently revised in July 2021 and sets out the Government's planning principles and policies for England and how these are expected to be applied.

6.1.2 The Framework's message is clear in that it provides a clear "*presumption in favour of sustainable development*" (paragraph 10).

6.1.3 **Paragraph 69** states that "*Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should:*

- a) *identify, through the development plan and brownfield registers, land to accommodate at least 10% of their housing requirement on sites no larger than one hectare; unless it can be shown, through the preparation of relevant plan policies, that there are strong reasons why this 10% target cannot be achieved;*
- b) *use tools such as area-wide design assessments and Local Development Orders to help bring small and medium sized sites forward;*
- c) ***support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes; and***
- d) *work with developers to encourage the sub-division of large sites where this could help to speed up the delivery of homes."*

(Own bold)

6.1.4 **Paragraph 120** refers to planning policies and decisions and recommends the following for local planning authorities;

*"Planning policies and decisions should:*

- a) *encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside;"*

- b) *recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production;*
- c) *give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;*
- d) ***promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure);...***  
(Own bold)

## 6.2 Mid Devon Design Guide 2020

6.2.1 The Mid Devon Design Guide Supplementary Planning Document was adopted on 29 October 2020. The SPD provides detailed guidance on urban, village and rural design issues in Mid Devon and it includes a compendium of District Design.

## **7.0 DEVELOPMENT CONSIDERATIONS**

### **7.1 Principle of Development**

7.1.1 The site is located within the settlement boundary for Cheriton Fitzpaine as defined by the Mid Devon Local Plan. Consequently, in relation to the principle of development, Policy S13 (Villages) applies.

7.1.2 It is clear that the overall strategy of the Development Plan is to support small-scale development within settlement boundaries. This is also explicitly stated in Policy S13 of the Mid Devon Local Plan which confirms that Cheriton Fitzpaine is a village where growth will be supported. There is also strong support within the NPPF for the development of underutilised plots of land for housing. Overall, it is therefore clear that the principle of residential development in this location is acceptable.

### **7.2 Design and Heritage**

7.2.1 The proposed design and palette of materials has been developed following the consideration of the Mid Devon Design Guide and having assessed the design of other properties within Cheriton Fitzpaine and in particular the adjacent dwellings. In particular, full regard has been had to the fact the site lies within the Cheriton Fitzpaine Conservation Area.

7.2.2 As it stands the site is in an untidy and increasingly derelict condition with no likelihood of this changing. It is considered that the site beginning to detract from this edge of Conservation Area location and redevelopment of the site will significantly enhance the site and the contribution it makes to the wider area.

7.2.3 The design of the dwelling will be sympathetic to the character and appearance of the surrounding buildings. It is proposed that the key external materials and finishes incorporated within the design are white render; a slate roof; horizontal timber cladding; and white UPVC windows, doors, fascias & soffits (black SBD entrance door). All these design features will match those of the adjacent buildings and those within the Cheriton Fitzpaine Conservation Area.

- 7.2.4 The new build proposals maximise the site's potential by making efficient use of the space available to create generous, desirable living conditions and ensure the site is fully utilised.
- 7.2.5 Overall it is considered that the proposed design of the dwelling fully accords with Policy DM1 of the Mid Devon Local Plan.
- 7.2.6 In respect of the impact of the proposals upon the Cheriton Fitzpaine Conservation Area, a standalone Heritage Statement has been produced and is submitted in support of this application.

### 7.3 Highways and Transport

- 7.3.1 The site will be accessed by an existing entrance directly off the public highway and which provides sufficient visibility in both directions. Pedestrian access will also be via this existing access.
- 7.3.2 It is noted that the [www.crashmap.co.uk](http://www.crashmap.co.uk) website records no highway incidents in the immediate locality of the site in the past 23 years (the entirety of data available) indicating that there are no significant problems with the layout of the surrounding highway.
- 7.3.3 With the above in mind it is considered that the proposed development of a single three-bedroom residential dwelling will give rise to a negligible increase in traffic over and above the existing situation. Paragraph 111 of the National Planning Policy Framework (NPPF) states that "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe". In this instance, the increase in traffic attributable to a single dwelling is not considered to have an unacceptable impact on highways safety, nor is it considered to have a severe impact on the highways network either alone or in combination with existing development.

### 7.4 Flood Risk and Drainage

- 7.4.1 Based on the Environment Agency's flood map for planning, the site lies outside any area which is at increased risk of flooding. The proposal does not have the potential to increase the risk of flooding on or off the site.

7.4.2 All foul drainage will be to the mains system with surface water either being to soakaways, if ground conditions permit, or to attenuation before final discharge to the mains drainage network if not. This is in accordance with the drainage hierarchy and further detailed design is a matter which can be addressed by way of suitably worded planning condition.

## **7.5 Ecology**

7.5.1 The site is comprised of the rear gardens of Petronella and Holes. It is considered that these have little to no ecological value and as such no ecology report should be required in support of the application.

## **7.6 Residential Amenity**

7.6.1 Given that residential uses border the site on all sides, significant care has been taken to ensure that the property will not overlook adjacent dwellings, in particular those to the north and south which are in relatively close proximity. Due to the closer proximity of the neighbours to the north, amenity areas for the bungalow proposed have been located to the south and east of the property. This will afford future occupiers of the development proposed a greater degree of privacy and amenity in accordance with Policy DM1 of the Mid Devon Local Plan.

7.6.2 In respect of second storey windows, these are predominantly located to the east and west elevations to avoid potential impacts from overlooking. A single, second storey window is located on the southern elevation, however this is a bathroom window and as such would be obscure glazed. Again, this fully accords with Policy DM1.

## **8.0 CONCLUSION AND PLANNING BALANCE**

### **8.1 Policy Compliance**

8.1.2 The site is in a location where new residential development is supported. There is also specific support for the development of underutilised sites within the National Planning Policy Framework and which also directly encourages Local Planning Authorities to promote the delivery of smaller sites.

### **8.2 Benefits**

8.2.1 The scheme will secure the provision of an additional dwelling within the existing built form of Cheriton Fitzpaine, an undoubtedly sustainable location. Additionally, the proposed development will promote the efficient use of an otherwise underutilised site within an existing settlement.

8.2.2 As set out in detail within this planning statement, it is the contention of the applicant that the development of the site in question would not give rise to any significant adverse impacts, environmental or otherwise.

### **8.3 Conclusion**

8.3.1 For the reasons outlined in this report it is respectfully requested that planning permission be granted.