

Date: 18.09.23  
Direct phone: 01395 571597  
Direct email: [planningeast@eastdevon.gov.uk](mailto:planningeast@eastdevon.gov.uk)  
Our ref: 23/0080/PREAPP



Mr Steve Boundy  
Stags

\*EMAIL ONLY\*

Dear Mr Boundy

**Proposed conversion of a redundant rural building to a dwelling at Holcombe Granary, Holcombe Lane, Uplyme, Lyme Regis, DT7 3SN**

I refer to your pre-application enquiry received 8<sup>th</sup> August 2023 I have not been able to view the site but am familiar with the area and note that the proposal site is not readily visible from the local road network or public rights of way in the immediate vicinity of the site. I note your letter is seeking a response to the principle of the proposed development at this stage.

Site and Context

Your photographs show the application building to be a single storey barn of steel frame construction with lower elevations of concrete blockwork. The building is clad in vertical timber boarding (with some stone cladding to the lower parts of the elevation) under a fibre cement clad roof.

Your letter describes the wider site, land ownership and the planning history relating to the building so I shan't repeat that here, save to note the location lies in open countryside and within the designated East Devon Area of Outstanding Natural Beauty.

Uplyme village centre is located approximately 900 metres (as the crow flies) to the west of the site. The building and surrounding land lie in Flood Zone 1 but the initial

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part of the site access at its junction with Cannington Lane lies within Flood Zone 3.

### Proposed Development

The proposal seeks to convert the barn to form a single dwellinghouse, your letter explains that the building was originally granted permission in 2006 (06/0231/FUL) for agricultural machinery storage, in association with adjoining land use. It is understood that until recently that is how it has been used. Your letter goes on to explain that as the building owners now let the majority of their land to neighbouring farmers that the building is 'largely' redundant for its original purpose. Whether the building is redundant or not is an important consideration that I will address further below.

I have not been provided with any plans to indicate the design and method of conversion proposed but your letter envisages conversion of the building to a two bedroomed property and includes a proposal for a small porch extension. It is suggested that the elevation material would be retained but with potential to upgrade the roof cladding to natural slates.

The red line includes land surrounding the building primarily to its north, south and east sides. Aerial photographs and those submitted with your enquiry show this land to comprise of a combination of garden to the north and external yard area (former silage pit) to the south and west. The surrounding land slopes up from north to south.

The site is accessed via a separate spur to the private drive which serves Holcombe Granary and which is also in your client's ownership.

### Principle of development

The development plan for the area consists of the East Devon Local Plan 2013-2031 (EDLP) and the Uplyme Neighbourhood Plan 2017-2031 (UNP). You have made reference to a number of policies in your covering letter and I would agree that these are relevant to the consideration of the development proposed. I have not therefore repeated policies in detail here but have referenced individual policies as necessary below. The full wording of the Local Plan policies can be found on the Council's website through the following link:

<https://eastdevon.gov.uk/planning/planning-policy/local-plan-2013-2031/>

The Uplyme Neighbourhood Plan can be accessed here:

[UNP-final-Plan.pdf \(uplymeparishcouncil.org\)](https://uplymeparishcouncil.org/UNP-final-Plan.pdf)

The site falls outside of any designated built-up area boundary as defined in the development plan and as such is considered to fall within the open countryside. The key policy consideration in the EDLP in relation to the principle of the development is therefore Strategy 7 (Development in the Countryside) of the EDLP. This strategy

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states that development in the countryside is only permitted where it would be in accordance with a specific local or neighbourhood plan.

In terms of the EDLP, Policy D8 (Re-use of redundant rural buildings) potentially offers support for such development, subject to a number of criteria relating to the design and method of conversion; structural condition of the building; impact of traffic movements, parking and storage and on the viability of any existing agricultural enterprise. It also includes further criteria to be addressed in relation to residential proposals. The proposal is considered in further detail in respect of this policy below.

The Uplyme Neighbourhood plan, policy UHG5, establishes that the conversion of rural buildings, other than those in isolated locations with no nearby built development, are considered acceptable for both residential and business purposes, subject to standard planning criteria being met. No restriction has been placed on what type of residential accommodation is permissible and so this is taken to include open market residential homes, such as the current proposal.

In relation to national policy paras. 78-80 of the NPPF cover rural housing. In this regard paragraph 78 indicates that support should be given to developments that reflect local needs, placing particular emphasis on affordable housing; paragraph 79 states that in rural areas housing should be located where it would enhance and maintain the vitality of rural communities; and paragraph 80 seeks to restrict isolated homes in the countryside, setting out the circumstances in which their provision is acceptable.

As the proposed development would not meet a specified local need, and would not provide affordable housing, it would not help to deliver either of the objectives set out in paragraph 78 of the Framework. In relation to paragraph 79 of the Framework, future occupants of the development could potentially support the existing services and facilities in Uplyme. Although there are a handful of residential properties to the north of the site these are not considered to form a settlement and as such in terms of its interpretation for the purposes of para. 80 the site is considered to be isolated.

Given the above the proposal could be considered to find some in principle support under policy UHG5 of the UNG where the definition of 'isolated' differs to the court's interpretation of isolated in respect of para. 80 of the NPPF. In relation to policy UHG5 there is nearby built development and as such in relation to this policy the site is not considered to be isolated. Policy D8 of the EDLP has its own criteria to be met for residential conversions in terms of accessibility to services and these are discussed further below.

I would point out that common to both the relevant Local and Neighbourhood Plan

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policies and Para. 80 of the NPPF is the requirement for the building to be converted to be redundant. I would therefore suggest that you clarify that this would be the case in any application and provide further information on how any ongoing storage requirements associated with the upkeep of the land would be met.

On the matter of principle there are therefore policies in the Local and Neighbourhood Plans and at national level in the NPPF that potentially support the principle of development. The proposal is considered in detail against the relevant policies below.

#### Design, suitability for conversion and impact on the character and appearance of the area

Policy D8 of the Local Plan provides a framework by which to consider the suitability of the proposed conversion scheme and where it has similar aims to policy UHG5 of the UNP. It seeks to support proposals for the re-use of redundant rural buildings where a number of criteria are met. Measuring the proposal against the listed criteria of policy D8 I would offer the following comments:

1. The proposed use would alter the character of the building/site from a low key storage use to a residential use which would be evident through changes in the appearance of the building and adjoining land. The proposal would also be likely to increase activity at the site and in terms of travel, future occupiers being likely to be car reliant. The scale of activity for a single dwellinghouse would however be likely to be relatively low key. Were an application to be brought forward, how the rural setting of the site would be enhanced would need to be demonstrated (*see further comments below*).
  2. From the photographs provided of the building and the fact that it is relatively modern it appears to be in relatively good condition. However, as part of any application it would be expected that a structural survey would be provided confirming that the building is '*structurally sound and capable of conversion without the need for substantial extension, alteration or reconstruction*'. I note the proposal would include a small extension and I have commented on this below. This criteria common to para. 80 c) of the NPPF requires that enhancement to the setting of the building is demonstrated. Any application would need to demonstrate how this would be achieved with options appearing to be limited to appropriate landscaping of the site/removal of existing yard area.
  3. At this stage there is no detail on the design or method of conversion but I would suggest that this should seek to retain the existing character and appearance of the barn as far as possible. This should include the use/re-use of timber cladding to the elevations but the upgrading of the roofing materials to natural slate is considered to be appropriate. Re-use of existing openings and careful design of any new openings would be encouraged so as to maintain the simple rural character of the building. Similarly, any extension should be limited in scale and in character, a simple lean-to may be the best approach. Other additions to the building that would highlight its
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residential use i.e rooflights, flues, extract vents etc. should be kept to a minimum and located to limit their impact.

4. It appears that any traffic and parking associated with the use of the building(s) could be accommodated within the site and close to the existing building. I would also suggest that the erection of new structures elsewhere on the site should be avoided and that any storage provision for garden equipment/cycles etc. should be provided for within the building proposed for conversion to avoid the need for later additions/outbuildings.
5. As above, it would need to be evidenced that the building is redundant for agricultural purposes and that its loss for this purpose would not require a replacement building (or external yard area) to be constructed.

Policy D8 sets out further criteria to be met for residential proposals.

Criteria a) reflects point 5 above.

Criteria b) contains similar aims to points 1 and 2 in that it requires active enhancement to be demonstrated as opposed to just showing that a lack of harm would arise. I would suggest that any proposal should include detailed landscaping proposals (including provision of native species hedge planting to demonstrate how enhancement might be achieved and to offset any harm to the building's setting that could arise through the construction of any external parking areas and creation of residential curtilage.

With regards to criteria c) this relates to the proximity of the site to a range of accessible services and facilities to meet the everyday needs of residents, this is discussed further in the following section.

#### Accessibility/Location of development

The application site is located where future occupiers would be likely to be reliant on private transport for most if not all of their journeys, as such there is concern that they would be reliant on an unsustainable mode of transport.

Criterion 1 and c) of Policy D8 of the EDLP seeks to ensure development does not substantively add to the need to travel by car and is located where it is close to a range of accessible services and facilities to meet the everyday needs of residents.

In relation to this locational requirement of policy D8 I note your reference to a recent appeal decision elsewhere in the district <sup>1</sup> and where the appointed Inspector found

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<sup>1</sup> (APP/U1105/W/22/3294600 Greenhayes, Road from Little Pacehayne to Park Cottage, Shute EX13 7QE)

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this aspect of policy D8 to be out of conformity with the NPPF as para. 80 does not include any similar requirements. This being the case it is considered that criteria c) and the relevant part of criteria 1 of policy D8 can no longer be relied upon.

Having said this it is still necessary to consider the policies of the Development Plan as a whole and where policies TC2 and Stgy 5B of the EDLP seek respectively to minimize the need to travel by car and promote the use of sustainable modes of transport. Whilst it is recognized that para. 105 of the NPPF acknowledges that opportunities to maximize sustainable transport solutions will vary between urban and rural areas in this instance such opportunities appear limited. Whilst there are opportunities to walk or cycle to access the limited range of service in Uplyme nature of these routes would not make them suitable for all potential occupiers and in all conditions. Nevertheless, appeal Inspector's in a number of recent appeal decisions have taken into account the distance by car to nearby settlements from where services might be accessed and where this is a relatively short distance and the proposal otherwise meets the relevant policy tests, have allowed such development. In this instance the proximity by car to Uplyme and Lyme Regis is noted. Whilst the site is not considered sustainable in accessibility terms, taking into account paras. 80 and 105 of the NPPF and recent appeal decisions for similar forms of development it is not considered that the location of the development and distance from services/facilities would be sufficient reason to object to a proposal provided it was otherwise found to be in accordance with the other criteria of policy D8 in particular and other relevant policies of the development plan.

#### Five Year Housing Land Supply

It is acknowledged that the Council are currently unable to demonstrate a 5 year housing land supply and that as such the presumption in favour of sustainable development, set out at para. 11 of the NPPF is triggered. Whilst the benefits of providing an additional housing unit are recognised and weigh in favour of the scheme these would be limited in scale and a balancing exercise still needs to be undertaken including any impact on the designated Area of Outstanding Natural Beauty.

#### Landscape and visual impact

It is recognised that as a conversion scheme the potential for landscape harm to occur would be reduced. It is also noted that the location of the site does not appear to be particularly prominent in the landscape. Nevertheless, the proposal would result in a change of use of the building by introducing a residential use which could erode the current agricultural character of the site. Any application would need to demonstrate how, overall, the requirements of Development plan policies, insofar as they relate to appropriate design and use of materials and impact on landscape character have been addressed. In this regard the following are relevant: Policy D1

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and Strategies 7 & 46 of the EDLP and UHG2, UEN2 and UEN5 of the UNP.

In order for the proposal to accord with these requirements it would need to demonstrate that it both conserves and enhances the landscape quality and character of the site; would respect the key characteristics and special qualities of the area; would ensure that, amongst other things fenestration and materials are appropriate for their context, and utilises appropriate landscape planting. As there are no detailed plans at this stage it is not possible to pass further comment.

### Ecology

Conversion of the buildings and other development associated with the proposal has the potential to impact on protected species that may be present on, or using the site and as such a preliminary ecological appraisal should be provided to accompany any application. In addition and where identified as necessary the results of any follow-up survey should also be provided. Policy EN5 of the EDLP applies.

In this regard you are advised that the site lies within the bat consultation zone associated with the Beer Quarry and Caves Special Area of Conservation (SAC) which has been designated for its important population of hibernating greater horseshoe bats (*Rhinolophus ferrumequinum*), lesser horseshoe bats (*Rhinolophus hipposideros*) and Bechstein's bats (*Myotis bechsteinii*). The Council has in association with Devon County Council and the East Devon AONB Partnership published 'Habitats Regulations Assessment Guidance' in relation to the Beer Quarry and Caves SAC, this is available on the Council's website here:

### [Beer Quarry and Caves SAC Guidance - East Devon](#)

The application site lies within the identified landscape connectivity zone associated with Lesser Horseshoe Bats. The guidance indicates that it is only likely to be large scale developments, with a 'landscape scale' impact that could give rise to a likely significant effect. Nevertheless, your client would be advised to have regards to this document, in association with their ecological consultant, in providing any Ecological appraisal report.

### Transport/Site Access

As advised above, the site is considered to be restricted in accessibility terms and not to meet the requirements of Strategy 5B and policy TC2 of the EDLP. Whilst the findings in the Greenhayes appeal are noted, any application should provide an assessment (proportionate in scale) of the options for access by alternative modes of transport.

Access to the site is currently via the existing shared access with Holcombe Granary and joins Cannington Lane to the east. This access is considered to provide adequate visibility for the type and volume of traffic the development is likely to attract. As referenced above it appears that the site is capable of accommodating parking to serve the proposed unit and of complying with policy TC9 of the Local

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Plan.

### Sustainable Construction and use of renewable energy

All development should be looking to use sustainable design and construction methods and to make new development fit for purpose with respect to the declared Climate Emergency and the Government's stated net zero ambitions, which are now less than 30 years away. Strategy 38 encourages new development (including conversion of existing buildings) to demonstrate through a Design and Access Statement how:

- a) sustainable design and construction methods will be incorporated, specifically, through the re-use of material derived from excavation and demolition, use of renewable energy technology, landform, layout, building orientation, massing, use of local materials and landscaping;*
- b) the development will be resilient to the impacts of climate change;*
- c) potential adverse impacts, such as noise, smell, dust, arising from developments, both during and after construction, are to be mitigated.*
- d) biodiversity improvements are to be incorporated. This could include measures such as integrated bat and owl boxes, native planting or green roofs.*

### Drainage

Details of the means of dealing with foul and surface water drainage would be required. Where non-mains drainage is proposed the reasons for this and details of proposed means of foul drainage will be required, together with completion of an (FDA1) non-mains drainage form. Options for the use of SuDs (Sustainable Drainage Systems) within any scheme should be explored. Further details and information in this respect can be found on Devon County Council's website at:

[SuDS guidance - Flood Risk Management \(devon.gov.uk\)](https://www.devon.gov.uk/development-planning/sustainable-drainage-systems)

### Community Infrastructure Levy

The Council has adopted the Community Infrastructure Levy (CIL) and this applies to residential development. Further details on the charging rates and any exceptions can be found on the Council's website through the following link:

<https://eastdevon.gov.uk/planning/community-infrastructure-levy-cil/>

### Biodiversity Net Gain

I would draw your attention towards the need to consider Biodiversity in any proposals brought forward. At present, national and local plan policies (Stgy 47 of the EDLP and policy UHG2 of the UNP) already encourage development to enhance biodiversity on site but this will become a mandatory requirement for small sites in due course, currently anticipated as April 2024. As such this may affect any application brought forward and dependent on any exemptions applied and the time of secondary legislation.

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## Conclusion

In conclusion, whilst I have reservations about the sustainability of the site in relation to accessibility to services and facilities, I acknowledge that policy UHG5 of the Uplyme Neighbourhood Plan offers some potential support and that policy D8 of the Local Plan has been found to be out of conformity with para. 80 of the NPPF in this respect. Nonetheless, the other requirements of policy D8 are still relevant and any scheme brought forward would need to clearly demonstrate how these would be met. In particular it would need to be shown how any conversion and associated works would, as a whole, enhance the buildings immediate setting. It would also need to be shown that the building for conversion was redundant.

Should your client wish to pursue an application this should be accompanied by the correct forms, fee and application drawings and the following:

- A baseline ecological survey and the results of any follow on surveys identified as necessary.
- A Completed CIL additional information form
- A completed FDA1 (Non-mains drainage form) where non mains drainage is proposed
- A Structural condition report
- Landscaping details

Full details of the Council's adopted validation checklist can be found here:

### General validation advice - East Devon

I hope this advice is helpful to you, in deciding how to proceed.

Please note that the advice tendered above is made on a strict without prejudice basis and represents the informal view of the planning team. This advice will not prejudice a formal consideration of any submitted application taking into account the comments and views of any statutory consultees, interested 3rd parties, policies laid out in the East Devon Local Plan (as well as other policy guidance), and the views of the Assistant Director – Planning Strategy and Development Management and the Planning Committee.

Yours sincerely

Charlie McCullough  
Senior Planning Officer  
On behalf of East Planning Team  
East Devon District Council

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