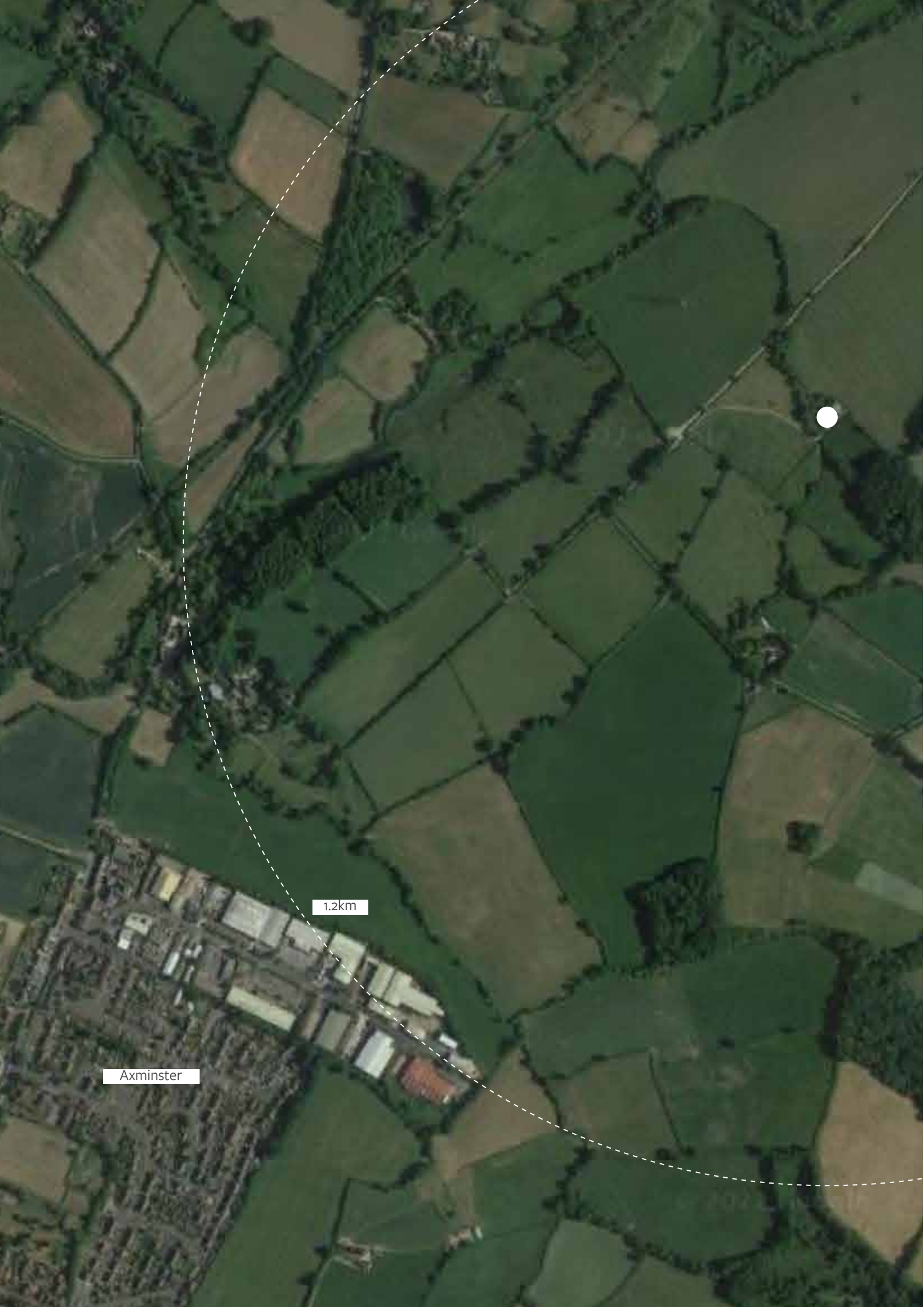


New Dwelling at Pinneywood, Axminster

Design and Access Statement

In support of a full planning application for the demolition of an agricultural building and erection of a new detached dwelling, access and associated works

January 2024



Axminster

1.2km

Introduction

This Design and Access Statement has been prepared in support of a full planning application for; Demolition of an existing agricultural building and erection of 1 no. detached dwelling. The application is for the replacement of 1 no. existing dwelling that has previously been granted under Class Q of the GPDO, and can be considered as a Class Q fallback application.

This statement provides a description of the site and proposed development and an analysis of all relevant planning policy and legislation, and any other relevant material planning considerations. The report ends with a balanced conclusion.

This statement describes the nature and extent of the proposal and complies with the guidance on Design and Access Statements from CABE.

Previous Application

This application is submitted following the refusal of application reference 22/0611/FUL. The decision notice states the sole reason for refusal as:

Insufficient information has been submitted to assess whether the proposal would result in an unacceptable increase in phosphate levels within the foul water discharge affecting the current unfavourable status of the River Axe SSSI and SAC catchment area and as such fails Regulation 63 of the Habitat Regulations 2017. Furthermore, the development therefore conflicts with Strategy 3 (Sustainable Development), Strategy 5 (Environment), Strategy 47 (Nature Conservation and Geology) and Policy EN5 (Wildlife Habitats and Features) of the adopted East Devon Local Plan 2013-2031 and the National Planning Policy Framework.

In response to this refusal the applicant submits the following reports in support of the new application.

- Shadow Habitat Regulation Assessment (HRA)
- Phosphorous Credit Report

The HRA concludes that that the project will not adversely affect the integrity of the River Axe SAC, subject to the mitigation identified in section 3.6.1.2 being secured in perpetuity.

There are no changes to the design proposals submitted under application 22/0611/FUL.

Site Location and Description

The site is located approximately 1.2km north east of Axminster within the administrative boundary of East Devon. The immediate context is characterised by open fields with scattered residential and agricultural development presenting a countryside environment.

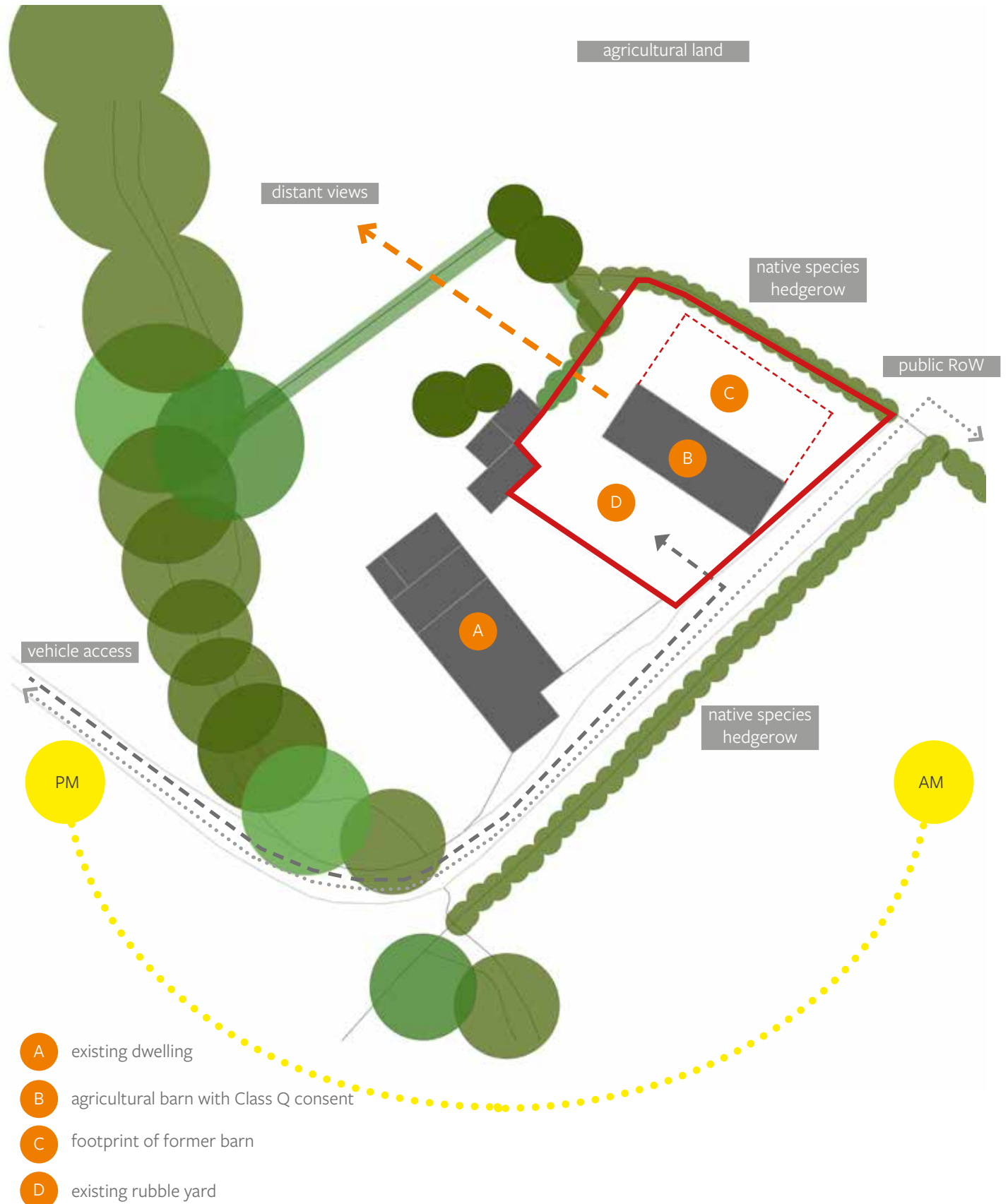
Access to the site is via an access track from the highway (Lodge Lane) adjacent to the eastern boundary of the site which also serves the existing dwelling known as Pinneywood south of the application site.

With regards to the topography, the site rises to the north and east boundaries giving distant views in a westerly direction.

The existing barn at the site comprises of a modern, corrugated metal-clad portal-framed steel framed structure with open elevation to the north. The perimeter of the east and north boundaries is defined by established native species hedgerow. The barn was historically significantly larger (as seen in the aerial photo below) with an additional building being demolished in 2020.



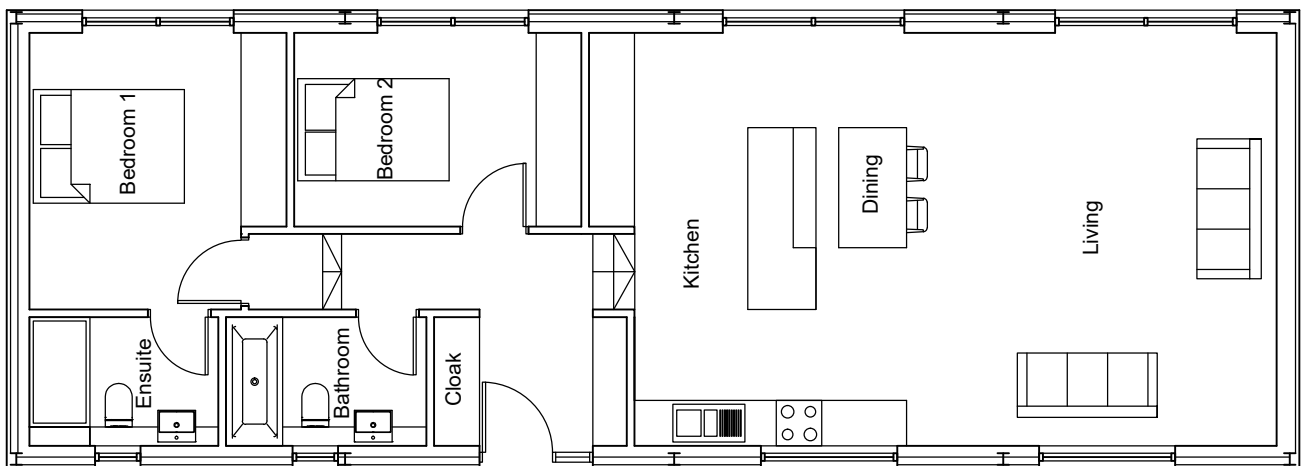
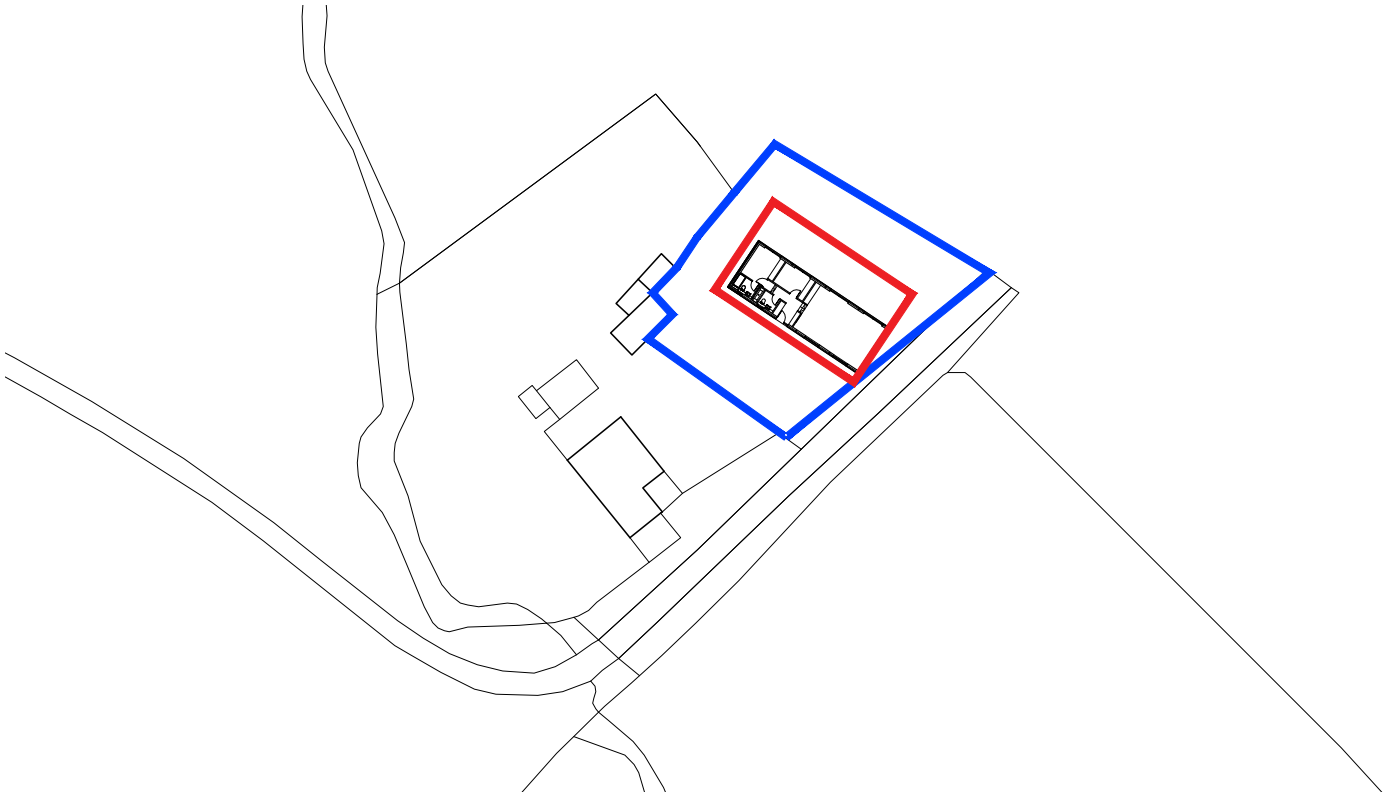
Site Constraints & Opportunities



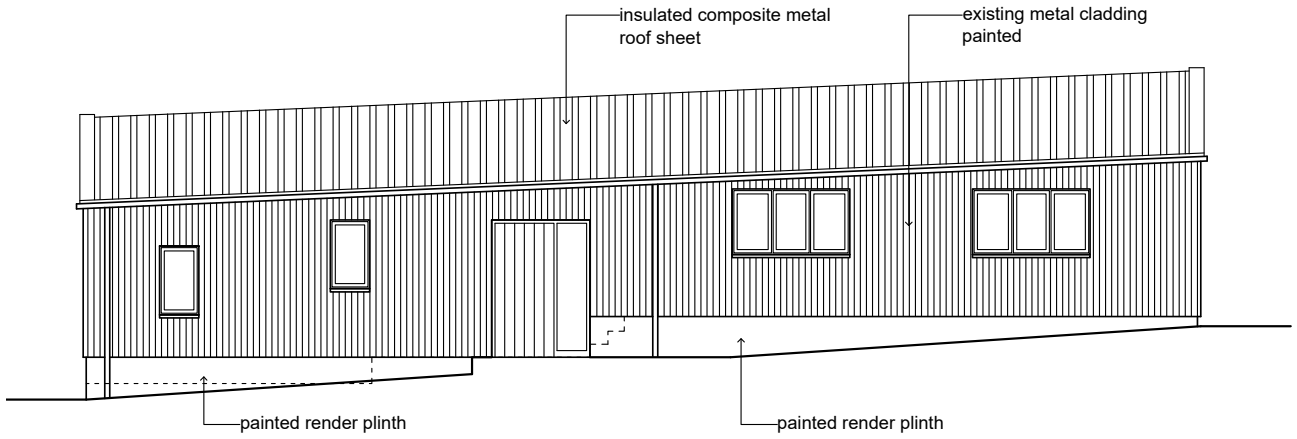
Prior Approval

The existing approval converts the existing barn structure to a single new 2 bedroom dwelling.

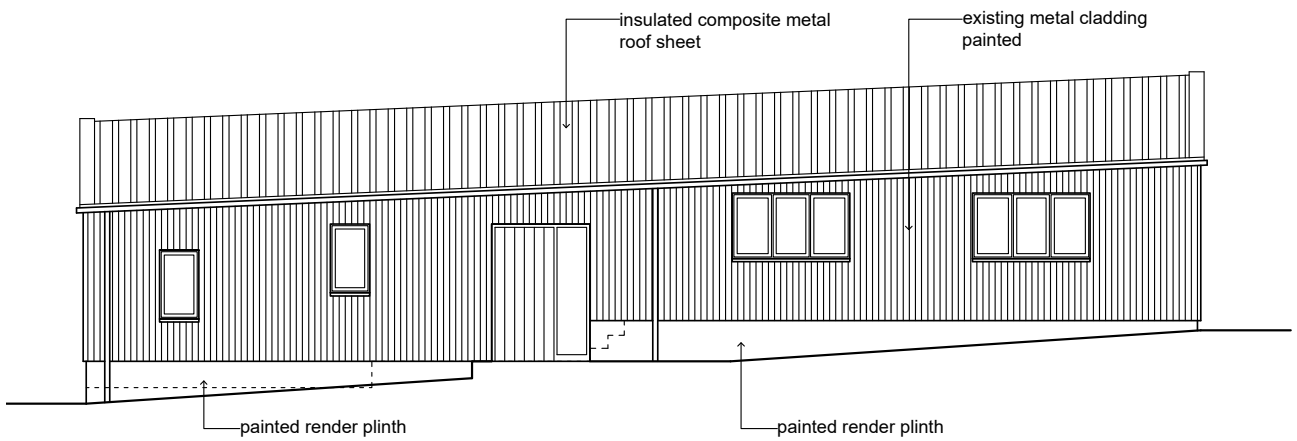
The barn was previously built for agricultural use and has no architectural merit. The consent limits the residential curtilage to within the red line shown below.



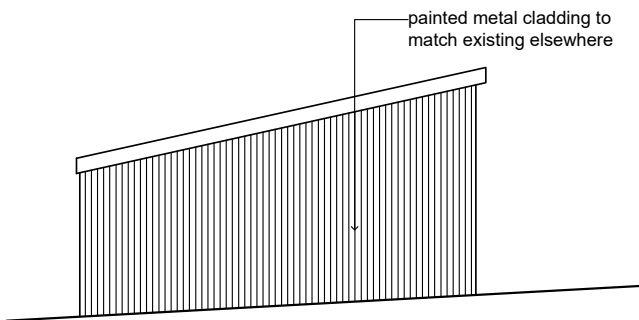
Proposed Ground Floor Plan



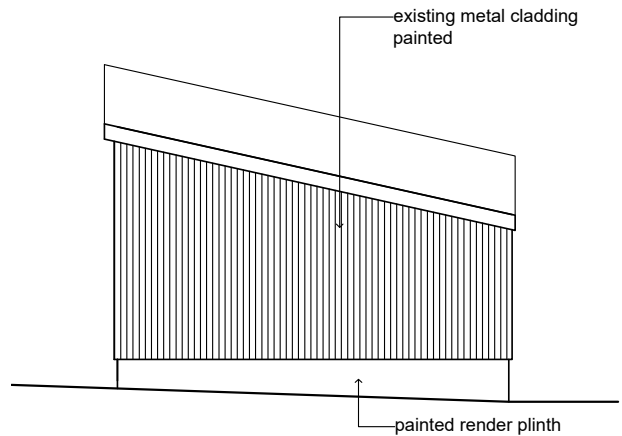
Proposed South Elevation



Proposed North Elevation



Proposed East Elevation



Proposed West Elevation

Proposed Development

Use and Amount

The proposal is for a single 2 bedroom dwelling mirroring that previously granted under Class Q. The GIA will be 128 sq.m.

Layout

The proposed building is orientated on an east west axis to optimise solar gain and natural daylight.

The proposed dwelling largely sits on the footprint of the original agricultural barn, although it is proposed that the dwelling be slightly reorientated such that it has a better relationship to the track to the east and existing dwelling to the south, whilst also maximising the opportunity for private amenity space to the south west and distant views to the west.

The proposed dwelling comprises two building elements arranged on an east/west axis connected via a glass fronted link.

The glazed link provides a covered entrance to the dwelling and gives access to the living and bedroom accommodation to either side.

The main element provides open plan kitchen, dining and living accommodation with access to the garden to the south. A modest utility room and bathroom is located on the eastern gable end providing a degree of privacy to the main living spaces from the public footpath to the east. The utility room benefits from an external door giving direct access to the outside.

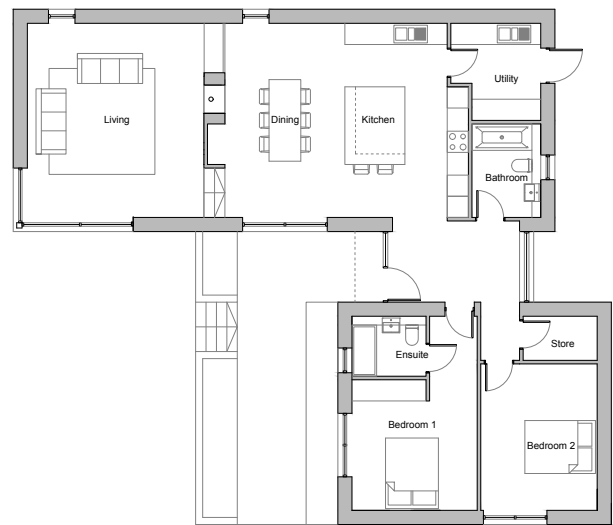
The second building element provides two double bedrooms sized to NDSS standards, the first of which benefits from an ensuite. A small store accessed from the main entrance hall is also provided in accordance with NDSS standards.

Scale

The proposed buildings have been designed so that they are in keeping with the surrounding context of agricultural barns, outbuildings and rural housing in terms of height and scale. The proposed single storey structure with an eaves height of 2.7m and ridge height of 5.6m sits comfortably with the surrounding buildings.

It is proposed that the north east corner of the dwelling be set approximately 1m into the ground with the kitchen, dining and bedrooms being set on a single level. The living area is then set 600mm lower to relate to the existing ground levels, providing

level access onto the proposed garden, whilst also providing additional height to the internal space.



Proposed ground floor plan

Landscaping

The proposed site layout has been developed to ensure an appropriate landscape setting. The existing native species hedgerow to the northern boundary is to be retained, with a new native species hedgerow proposed to the eastern boundary so as to build upon the rural character and be visually unobtrusive. The existing hedgerow and tree planting to the north west boundary is also to be retained.

An area of hard standing to the south of the proposed building provides a parking area with a hard landscaped path leading to the main entrance.



Proposed site plan

Access

Vehicular access to the proposed dwelling remains as existing, with access to be provided from the existing track to the east with in curtilage parking provided for up to 4 no. vehicles. Once entering the site itself, a loose laid permeable gravel drive is provided for parking.

The proposal has been developed to meet the principles of a M4(2) compliant dwelling including the following:

- level approach route without external steps
- ability for one parking space to be 3.3m wide
- level external landing area of minimum width of 1200mm
- covered external landing area (minimum 600mm deep) at the main entrance
- level threshold to all external doors
- all internal doors have an effective clear width of 750mm and 300mm nib to the leading edge
- minimum 1200mm clear space provided between kitchen worktops
- glazing to principle rooms start below 850mm above FFL
- every bedroom has a 750mm clear zone to all sides of the bed
- an M4(2) compliant bathroom is provided on the entrance storey

 HM Government

The Building Regulations 2010



Volume 1: Dwellings

M4(1) Category 1: VISIBLE dwellings

M4(2) Category 2: Accessible and adaptable dwellings

M4(3) Category 3: Wheelchair user dwellings

2015 edition incorporating 2016 amendments –
for use in England*

External Lighting

The external lighting will be minimal and subtle, providing illuminance to the entrances, driveways and landscape. The light fittings will be simple, elegant and understated and be designed to support the simplicity of the houses and the landscape whilst minimising light spill. Lighting will be a combination of bollard lighting to the landscape and driveways and wall mounted downlights to the entrances.

- Wall mounted downlighter
- Bollard lighting



Materials

The appearance of the proposal takes into consideration the rural setting. With this in mind the character and appearance of the proposed dwelling has been informed by traditional barn vernacular to remain in-keeping with the rural setting.

Agricultural materials and finishes have been specified, such as board on board timber cladding to walls.

The proposal utilises a carefully limited palette of well detailed, robust, low maintenance and sustainable materials. With such a limited palette of materials, it is important to get the quality and tones right - we illustrate the palette we envisage:

Wall Panels: vertical timber (larch) board on board cladding

Windows: dark grey aluminium thermally broken windows with high performance double glazed units, low E coatings and argon filled cavities to achieve excellent U values.

Roof (pitched): slate with inset PV panels to living wing

Roof (entrance lobby): flower rich sedum and wildflower roof

Garden wall: gabion baskets filled with local flint stone and backfilled with concrete from site



Sustainability and Energy Use

Low energy in use

The buildings external envelope will be highly insulated and detailed to minimise air leakage. The house has been designed to allow for good levels of natural cross ventilation and day lighting.

Primary heating will be via ASHP (air source heat pump). Power will be generated from Photovoltaic roof panels on the south facing roof to the main building element. A highly efficient wood burner will also be installed to the dining and living room. While low energy LED lighting will be provided wherever possible, smart metering will also be provided to allow residents to properly understand and control their energy usage.

An electric vehicle charging point will be provided externally to serve the allocated parking.

Sustainable Drainage & Water Use

SuDS systems can be utilised throughout the site along with tree and shrub planting to attenuate surface water run-off. The house will have permeable hard landscaping and water butts.

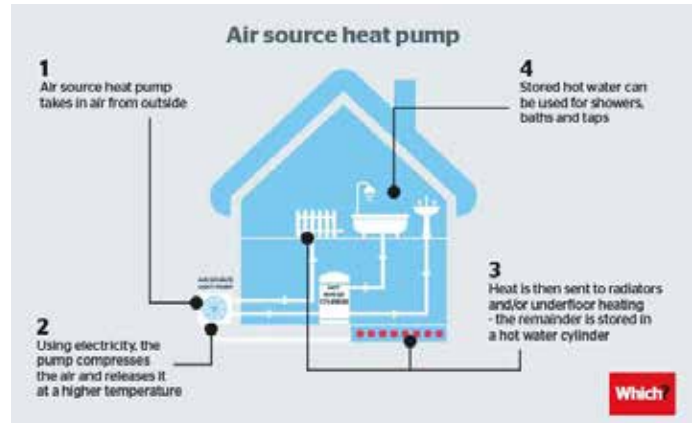
Water supply will be from a nearby borehole. Water is a precious resource and we will reduce the overall consumption of clean water for non potable uses by using the following:

1. Dual/low flush WC's
2. Rainwater storage for garden irrigation
3. Aerators and flow regulators on taps and showers
4. Clear water meter display to drive awareness of usage

Foul drainage from the house will be dealt with by a new mini sewage treatment plant such as a Kingspan Biotec P12. Surface water will be disposed via soakaways.

External Spaces and the Home

The home is designed to enable residents to have a close connection with nature and the outdoors. Large windows will open onto the beautiful rural landscape.



Ecology

No evidence of current/historic use of the interior of the barn by bats, barn owls, other nesting birds, mammals has been found. The site is practically devoid of wildlife and this proposal provides an opportunity to rejuvenate this.

Biodiversity Net Gain (BNG) is an approach to development that leaves biodiversity in a better state than before. Where a development has an impact on biodiversity it encourages developers to provide an increase in appropriate natural habitat and ecological features over and above that being affected in such a way it is hoped that the current loss of biodiversity through development will be halted and ecological networks can be restored.

In relation to the proposed development at Pinneywood, the BNG concept has formed part of the overall design process.

While the agricultural nature of the site means it has little existing value to wildlife, a number of measures for biodiversity not provided under the Class Q consent will be included within any approved scheme:

- Bat and bird boxes to be placed in the external elevation of the proposed building
- Significant area of new native species planting along the eastern site boundary
- Area of new wildflower planting to northern embankment
- Garden with fruit/flowering trees for birds and bees
- Wildflower sedum mix green roof

Details of further information on design and location will be ensured by means of an appropriate planning condition.



Relevant Planning History

The planning history at the site is listed below:

Conversion of existing barn into a single residential unit
Reference: 21/2990/PDQ (Approved)

Partial demolition of existing agricultural building
Reference: 21/1978/FUL (Approved)

Demolition of agricultural barn
Reference: 21/1646/DEM (Withdrawn)

Prior approval for proposed change of use of agricultural building to 1 no. dwelling and associated operational development under Class Q(a) and Q(b)
Reference: 21/0210/PDQ (Refused)

Prior approval for proposed change of use of agricultural building to a dwelling (use class C3) and associated operational development
Reference: 19/2011/PDQ (Refused)

Fallback

The principle of development (use of the barn for residential purposes) was established under prior approval reference 21/2990/PDQ. This application was made under the provisions of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015, which came into force on 15th April 2015. This amends the Town and Country (General Permitted Development) Order 1995 to allow new permitted development rights for the change of use of agricultural buildings to residential use. Limited physical alterations to enable the change of use are also permitted. The prior approval established the use of the barn for residential purposes, for 1 new dwelling. Thus the principle of development with regards to residential use is considered acceptable and the existing Class Q represents a viable fallback position.

The Class Q prior approval at the site (referred to above) granted consent for the barn to be converted to form 1 dwelling. This represents a strong fallback position with regards to the acceptability of new residential development at this site. This position is now widely accepted in planning terms due to what is commonly referred to as the Mansell case, summarised below:

The case commonly referred to as the Mansell fallback is Mansell v Tonbridge and Malling BC [2017] EWCA Civ 1314, in which the leading judgment was given by Lindblom LJ. The LPA had granted planning permission in this case for the demolition of an existing agricultural barn and of a bungalow on the application site and to construct four detached dwellings, with garages and gardens. In recommending

the LPA's committee to grant planning permission, the planning officer had advised them that, in practical terms, the permitted development rights under Class Q meant that the existing agricultural barn could be converted into three residential units up to a limit of 450 sq m. Furthermore, the existing bungalow within the site could be replaced in accordance with an adopted policy in the Local Plan with a new residential building, provided that it was not materially larger than the existing building. He advised that, taken together, these factors could, in effect, give rise to the site being occupied by a total of four residential units (albeit of a different form and type to that proposed by this application). This, the officer observed, provided a realistic fallback position in terms of how the site could be developed. The claimant sought to challenge the grant of planning permission on several grounds. He alleged that the planning officer (and hence the council) had misinterpreted the provisions of Class Q; they had wrongly accepted that there was a real prospect of the fallback development being implemented; and they had also misunderstood or misapplied the "presumption in favour of sustainable development" (as defined by paragraph 14 of the NPPF). The outcome was that the claimants appeal was dismissed and that the Council had determined the application correctly.

The above ruling gives significant weight to the applicant's proposals and establishes a strong fallback position for the principle of residential development at the site and erection of 1 new residential unit.

The existing Class Q prior approval reference 21/2990/PDQ granted consent for 1 new dwelling. The proposals seek to replace the 1 dwelling allowed under 21/2990/PDQ with 1 new detached dwelling.

Proposals will achieve betterment through the provision of a purpose-built structure which has been designed to reflect the rugged countryside location, having a clear agricultural vernacular aligning with the appearance of rural buildings. Proposals also include the following as betterment upon the existing Class Q consent:

- improved accessibility M4(2) compliant
- ecological betterment
- landscape betterment including native species hedge and wild flower planting
- enhanced energy performance through improved external fabric and air tightness and use of renewable energy

The proposals as set out represent an appropriate fallback position and the construction of 1 new detached dwelling at the site is considered to be acceptable in principle.

The Adopted Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the Development Plan (DP) unless material considerations indicate otherwise. In this instance the East Devon Local Plan 2013 - 2031 (Adopted 2016) provides the adopted DP.

The relevant DP policies are as follows:

Strategy 2 - Scale and Distribution of Residential Development
Strategy 3 - Sustainable Development
Strategy 7 - Development in the Countryside
Strategy 36 - Accessible and Adaptable Homes
Strategy 38 - Sustainable Design and Construction
D1 - Design and Local Distinctiveness
D2 - Landscape Requirements
D8 - Re-use of Rural Buildings Outside of Settlements
EN22 - Surface Run-Off Implications of New Development
H2 - Range and Mix of New Housing Development
H6 - Replacement of Existing Dwellings in the Countryside
TC2 - Accessibility of New Development
TC9 - Parking Provision in New Development

Other Material Planning Considerations

National Planning Policy Framework 2021 (Framework)

Decision Taking

The Framework sets out the Government's planning policies for England and how these are expected to be applied. The Framework is an important material consideration that, on its own, is of such weight that it can justify a decision contrary to the relevant policies of the DP.

Paragraph 8 sets out the three dimensions to sustainable development which are "economic, social and environmental".

Paragraph 11 of the Framework states that there is a:

"presumption in favour of sustainable development...for decision-taking this means:

Approving development proposals that accord with an up to date development plan without delay" (Paragraph 11, the Framework).

Paragraph 60 seeks to significantly boost the supply of homes.

Transport

Paragraph 111 advises 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.."

Making effective use of land

Paragraphs 119 and 120 of the Framework state that planning should:

"Promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment... in a way that makes as much use as possible of previously-developed or 'brownfield' land" (Paragraph 119, the Framework)

[and]

"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" (Paragraph 120, the Framework).

Other Material Considerations

Nationally Described Space Standards

The Nationally Described Space Standards (NDSS) are a material planning consideration and carry some weight in the decision making process.

The proposal exceeds the standards established in the NDSS.

Assessment

The main issues are analysed below.

Main Issues

The main issues raised by the proposals are:

- Whether the principle of development is acceptable;
- Whether the technical details are acceptable;
- Whether the proposals provide for public benefits.

The identified main issues are comprehensively addressed below.

Whether the principle of development is acceptable;

The adopted Local Plan (LP) sets out the overall planning vision and framework for the area for the period up until 2031. The LP includes an outline for delivering strategic development needs for the area's future, including housing, employment, leisure and retail.

It is clear that sustainable development lies at the heart of the spatial strategy, with Strategy 3 setting out how development and change will be managed in accordance with the LP interpretation of sustainable development including the following issues:

- Conserving and Enhancing the Environment
- Prudent natural resource use
- Promoting social well-being
- Encouraging sustainable economic development
- Taking a long term view of our actions

Strategy 27 provides more guidance on achieving sustainable rural communities, indicating that these should be well served by public transport, walking and cycling opportunities; should have a safe and accessible local environment; and should have an appropriate level of services and facilities to meet local needs.

In terms of housing delivery, the delivery of sufficient homes to meet the needs of the plan area is considered to be a priority for the plan period. Strategy 2 (Scale and Distribution of Residential Development) seeks to ensure delivery of a wide choice of quality homes which widen opportunity for home ownership, meet needs for social and rented housing, and creates sustainable, inclusive and mixed communities. It states that the opportunity for people to live in a decent home is fundamental to achieving an inclusive society and is a key aim of housing and planning policy as well as being a priority for the District Council.

The proposals will provide a type and size of property that is appropriate to the area, which in the immediate vicinity is

characterised by open fields in a countryside setting. Whilst the site lies outside of the core built up areas (where local services and amenities are not within walking distance), the existing Class Q permission is of such weight with regards to a fallback position that the sustainability of the site cannot be considered the prime material consideration in this case. Due to the existing Class Q conversion that is already in place, the proposals are considered acceptable in principle.

Whether the technical details are acceptable

Part two of the LP provides development control policies for managing change and development within the plan area. These are topic specific policies and provide the main decision making framework (in association with the National Planning Policy Framework) with regards to the consideration of planning applications and the general assessment of development proposals.

Policy D1 (Design and Local Distinctiveness) addresses the need for new development to not adversely affect the amenity of occupiers of adjoining residential properties.

Notwithstanding the above considerations, new residential development in close proximity to other residential development is in principle acceptable, with obvious land use compatibilities. However, it is always necessary for developments to take into account the residential amenity of neighbours and impact on the environment.

The site was previously in agricultural use with an existing dwelling located to the south. However, this property is not in close enough proximity to be significantly affected by the proposals, and given that there is an existing Class Q permission at the site granting consent for the existing agricultural building to be converted into a dwelling, it is considered that there is already a baseline position with regards to amenity impact, and the proposals are not significantly different than the existing baseline situation. Indeed it is argued that the proposals offer visual betterment over the extant scheme in addition to a higher standard of residential amenity to occupiers of the dwelling permitted.

The proposal would not lead to any materially harmful impact on residential amenity by way of loss of light, loss of outlook, loss of privacy or overbearing impact. It would therefore accord with LP Policy D1 and the requirements of the NPPF.

Policy H2 (Range and Mix of New Housing Development) seeks to deliver a wide choice of high quality homes which widen opportunities for home ownership. The LP also states development that replaces dwellings tend to increase the size of dwellings which reduces the number of smaller dwellings at the cheaper end of the market creating an imbalance in the

housing stock prejudicial to meeting local needs. The proposed development will offer 1 no. two bedroom house increasing the local choice and providing a much needed smaller dwelling. This will have a positive impact upon the local housing market contribute towards the provision of a balanced sustainable community.

Policy D1 (Design and Local Distinctiveness) sets out the Councils approach to design; to ensure that development helps to shape high quality and locally distinct places and meets good standards of design. This policy confirms that development will only be permitted where the form, scale, and design is not visually intrusive and is well integrated into the landscape. It encourages the use of materials and designs that are resilient to their location; have regard to the local and wider context; achieve a good quality sense of place and character; are locally distinctive; provide appropriate landscaping and make a contribution to community safety.

To ensure the massing respects the setting, the overall scale and massing of the proposed development has been carefully considered to provide a single storey dwelling with varied roofline. The external appearance of the buildings is a response to the countryside setting and is reflective of many traditional rural buildings, with a robust materials palette reinforcing the rugged setting.

This sympathetic design approach, together with the use of a high quality traditional materials palette ensures that the development fully respects the setting. Overall, the proposals represent a much more appropriate solution to the provision of a dwelling at the site than the existing Class Q prior approval, and it is considered that the application will not cause harm to either the immediate or wider landscape setting.

Strategy 38 (Sustainable Design and Construction) and Strategy 47 (Nature Conservation and geology) state that development should conserve the biodiversity value of land and maximise opportunities to enhance natural habitats. A number of features are proposed as part of the development including the provision of integrated bat boxes, native species planting and green roofs ensuring compliance with the strategy 38 and 47.

Policy D3 (Trees and Development Sites) states that permission will only be granted where appropriate tree retention and/or planting is proposed. It is not proposed to remove any trees or hedgerow at the site and there are landscaping improvements proposed through new planting and hedgerows ensuring that the new dwelling sits appropriately within a landscaped setting and that the overall landscape quality of the site is improved through specific planting. This ensures that the proposals are in accordance with policy D3.

Policy TC2 (Accessibility of New Development) and TC9 (Parking Provision in New Development) addresses transport and highways issues. The locational aspect of sustainability is

accounted for by the granting of the existing extant Class Q consent at the site, and therefore the location is acceptable and already established in this location. The proposals are well served by an existing vehicular access that links the site to the wider highway network via Lodge Lane. The dwelling will have 2 dedicated off-road car parking spaces that will provide appropriate levels of car parking for residents and visitors, in accordance with policy TC9.

Minimising the use of natural resources in developments is addressed under Strategy 38 (Sustainable Design and Construction). The proposals include a number of measures to meet this policy requirement, such as;

- installation of high performance internal water saving fitting;
- a natural ventilation strategy;
- insulation of walls and roof exceeding the requirements of part L of the Building Regulations;
- the installation of photovoltaic cells to the roofs of the dwellings and orientation of the building to ensure efficiency;
- biodiversity improvements such as integrated bat boxes, native planting and green roofs.

These measures ensure that the proposals are in accordance with Strategy 38 and minimise the use of natural resources.

Policy EN22 (Surface Run-Off Implications of New Development) addresses surface water run-off in new developments. The site is located in Flood Zone 1 and considered to be at low risk from flooding. There is enough space within the site for a surface water drainage strategy to comprise of on- site soakaways and attenuation if necessary. These technical details can be provided by planning condition to ensure compliance with EN22.

Whether the proposals provide for public benefits

The Framework seeks to boost significantly the supply of housing. The proposals will provide a small contribution towards choice and overall supply of housing within the plan area. This is a social and economic benefit of the proposals.

The proposals will also deliver social and economic benefit through the creation of jobs during the construction phase.

The higher quality design of the buildings also presents an environmental benefit by achieving a clear visual enhancement to the landscape when viewed from public vantage points.

The above-mentioned significant benefits are considered to be of weight and can contribute to a positive determination of the proposals. This is in addition to the clear support afforded by the adopted DP and the fallback position.

Conclusion

In principle, the provision of housing in this location is deemed appropriate and acceptable given the strong fallback position and the extant prior approval consent for conversion of the existing barn to a residential use.

The material planning issues raised are thoroughly analysed above in the Assessment section of this report.

The proposals accord with the DP and therefore are in accordance with paragraph 11 of the Framework. As established in this statement the numerous significant benefits of the proposal weighs in favour of the proposed development and they would constitute as a positive improvement upon the dwelling that was approved under prior approval. The design would be a very substantial improvement on the Class Q approval, to create a built form that would be in keeping with the surroundings and bring significant environmental improvements.

Consequently, the proposals should be approved without delay.