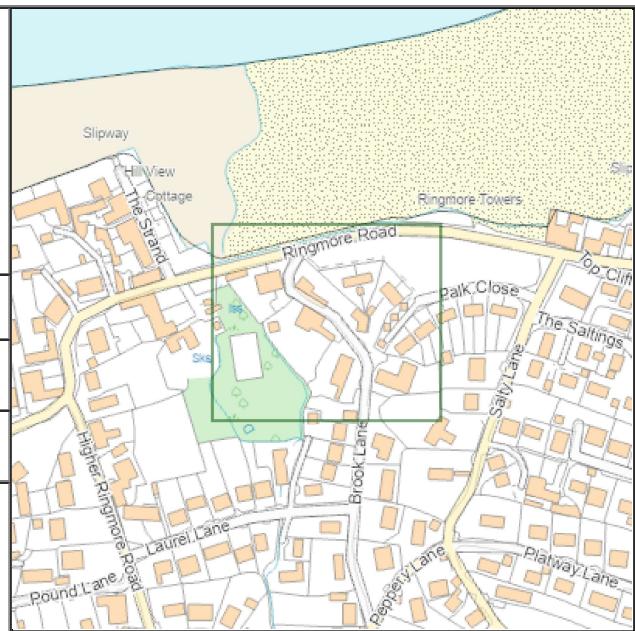


**Planning Committee Report**

**Chair: Cllr Suzanne Sanders**

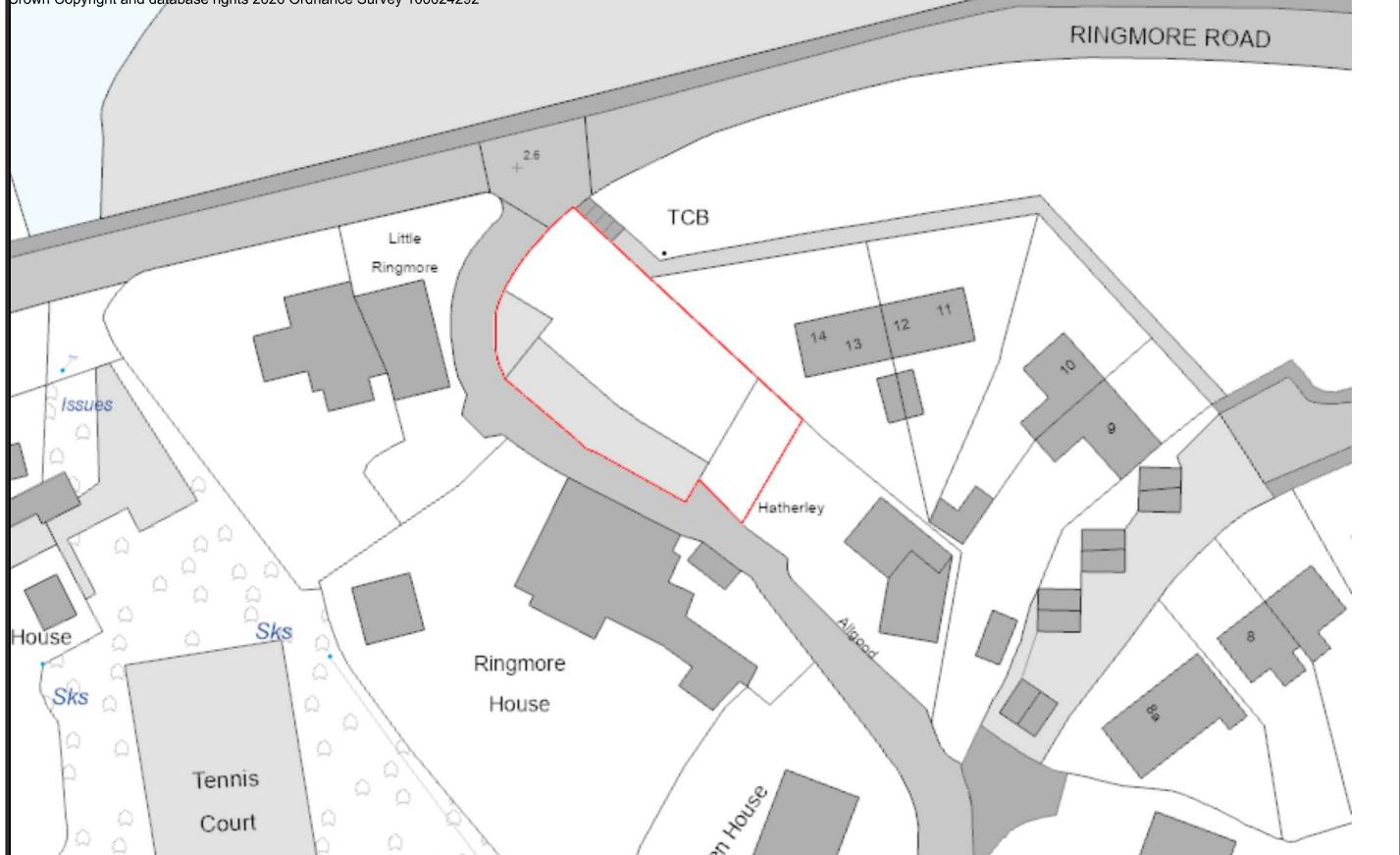
<b>Date</b>	27 January 2026
<b>Case Officer</b>	Gary Crawford
<b>Location</b>	Barn At Ngr 292596 72290 Brook Lane Shaldon Devon TQ14 0AJ
<b>Proposal</b>	Variation of condition 2 on planning permission 25/00409/VAR (Variation of condition 2 on 22/01214/FUL (barn conversion and extension) to provide a chimney flue instead of a full stack for the central hearth, remove the requirement for obscure treatment to a single window facing Brook Lane and additional roof lights) to remove the requirement for obscure treatment to windows facing the Brook Lane (south west elevation)
<b>Applicant</b>	Mrs J Ashton
<b>Ward</b>	Shaldon And Stokeinteignhead
<b>Member(s)</b>	Cllr Chris Clearance
<b>Reference</b>	25/01629/VAR



[Online Details and Documents](#)

**RECOMMENDATION: VARY CONDITION APPROVAL**

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## 1. REASON FOR REPORT

This has been called in by the Ward Member / Parish Council for the following reasons:

- Impact on privacy and loss of amenity to the residents opposite the property.

## 2. RECOMMENDATION

PLANNING PERMISSION be granted subject to the following conditions:

- The development hereby permitted shall be carried out in accordance with the application form and the following approved plans/documents:

Under application 22/01214/FUL:

Date Received	Drawing/reference number	Description
21 Jun 2022		Site Location Plan
21 Jun 2022	1680/012	As Proposed - Site Layout Plan
21 Jun 2022	1680/015	As Proposed - Upper Parking Area
21 Jun 2022	1680/017	As Proposed - Proposed Section B-B
30 Aug 2022	3001 REV B	Conceptual Drainage Plan
02 Nov 2022	1680/016A	As Proposed - Proposed Section A-A
20 Apr 2023	1680/014 REV B	As Proposed - Lower Ground Floor Plan

Under application 25/00409/VAR:

Date Received	Drawing/reference number	Description
10 Mar 2025	TLF-VGB-0213-2003	Velux Sun Tunnel
11 Mar 2025	1680/018 REV A	As Proposed - Proposed North-West Elevation
11 Mar 2025	1680/019 REV A	As Proposed - Proposed North-East Elevation
11 Mar 2025	1680/020 REV B	As Proposed - Proposed South-East Elevation

Under application 25/01629/VAR:

Date Received	Drawing/reference number	Description
01 Oct 2025	1680/021 REV D	Proposed South-West Elevation
26 Nov 2025	1680/013 REV B	Proposed Upper Ground Floor Plan

REASON: In order to ensure compliance with the approved drawings.

- The works shall proceed in strict accordance with the precautions, measures and enhancements described in the Preliminary Ecological Appraisal, the Bat Emergence/Activity Survey and the Reptile Presence/Likely Absence Survey (all by Green Lane Ecology, dated August 2021, see especially section 4 of each report).

REASON: For the protection of legally protected roosting bats and to provide biodiversity net gain.

3. The development hereby approved shall proceed in strict accordance with the flood mitigation measures set out in Section 5.0 of the Flood Risk Assessment by Engineering & Development Solutions, dated May 2022. Flood resilience measures shall be incorporated prior to first occupation of the dwelling and notwithstanding Section 55(2) of the Town and Country Planning Act 1990 shall thereafter be maintained as installed for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

REASON: To minimise impacts on the building and its occupants in the event of a flood event.

4. There shall be no habitable accommodation on the lower ground floor of the building hereby approved.

REASON: In the interests of flood risk.

5. The workshop, stores, garage and boat store and working / boating courtyard proposed at lower ground floor (as shown on approved drawing 1680/014B) shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling hereby approved and shall not be used, let, leased, used for commercial purposes, or otherwise disposed without the prior granting of consent in writing by the Local Planning Authority.

REASON: In the interests of clarity given that the application has been made for a residential dwelling and that alternative uses that are not ancillary to that dwelling have not been justified or assessed as part of this application.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) no development of the types described in Classes A, AA, B, C, D, E and G of Part 1 of Schedule 2, Class A of Part 2 of Schedule 2 and Classes H and I of Part 14 of Schedule 2 shall be constructed (other than those expressly authorised by this permission).

REASON: To ensure that the character and appearance of the locality are protected and to avoid overdevelopment in the interests of local amenity.

## 7. DESCRIPTION

### Planning history

- 3.1 98/03308/COU: Demolish barn and erection of a dwelling at land opposite. Approved 2/8/1999.
- 3.2 04/02751/COU: Renewal of planning permission 98/3308/50/4 to demolish barn and erect dwelling opposite. Approved 6/5/2004.

3.3 16/01276/CLDE: Certificate of Lawfulness for confirmation that planning permission 2004/2751/50/04 has been implemented. Approved 4/8/2016.

3.4 17/00078/VAR: Variation of conditions 2 & 4 on planning permission 04/02751/COU to permit alternative access. Approved 17/5/2017.

3.5 21/01316/PE: Proposed barn conversion and extension. Advised on 11/11/2021 that the proposed conversion and extension of the barn was considered to be a positive improvement upon the dwelling that was previously approved under application 98/03308/COU.

3.6 22/01214/FUL: Barn conversion and extension. Approved 5/5/2023.

3.7 22/01214/AMD1: Non-material amendment (addition of solar panels) to planning permission 22/01214/FUL for barn conversion and extension. Approved 3/12/2024.

3.8 25/00409/VAR: Variation of condition 2 on 22/01214/FUL (barn conversion and extension) to provide a chimney flue instead of a full stack for the central hearth, remove the requirement for obscure treatment to a single window facing Brook Lane and additional roof lights. Approved 29/4/2025.

3.9 25/01246/VAR: Variation of Condition 1 on 25/00409/VAR (barn conversion and extension) to provide improved access to/from the highway for cars and boats and to remove the requirement for obscure treatment to windows facing the Brook Lane (south west elevation). Refused 17/9/2025 for the following reason

- 1. The proposed works to the vehicular access, by reason of the removal of a section of the stone boundary wall, the creation of the apron and the installation of the 1.8m high solid timber gates, would result in the partial loss of a significant feature which contributes significantly towards the special interest and character of the Ringmore Conservation Area, introducing an overly suburban and obtrusive form of development which would result in harm to the character and appearance of the street scene and Conservation Area, and the setting of the Grade II listed Ringmore House. As such, the proposal would be contrary to Policies S1 (Sustainable Development Criteria), S2 (Quality Development) and EN5 (Heritage Assets) of the Teignbridge Local Plan 2013-2033, Policy EN17 (Heritage Assets) of the emerging Teignbridge Local Plan 2020-2040 and paragraphs 212, 213 & 215 of the NPPF.*

3.10 6001351: Appeal against the refusal of planning application 25/01246/VAR. Appeal in progress.

#### The site

3.11 The site relates to a former barn opposite Ringmore House, Brook Lane, Shaldon. In terms of planning policy, the site falls within the settlement limit of Shaldon. The site is located within the Ringmore Conservation Area and partly within Flood Zones 2 and 3.

3.12 Planning permission was previously granted for the conversion and extension of the barn to form a dwelling under reference number 22/01214/FUL in May 2023. A non-material amendment to planning permission 22/01214/FUL to install solar panels on the south western roof slope of the barn was approved in December 2024.

3.13 A variation of condition to vary condition 2 (approved plans) of planning permission 22/01214/FUL to provide a chimney flue instead of a full stack for the central hearth, to remove the requirement for obscure treatment to a single first floor window facing Brook Lane and for the installation of additional two sun tubes on the south western roof slope was approved under application 25/00409/VAR in April 2025.

3.14 A second variation of condition was submitted which sought permission to vary condition 1 (approved plans) of permission 25/00409/VAR to provide improved access to/from the highway and to remove the requirement for obscure treatment to the remaining first floor windows facing the Brook Lane was refused in September 2025 for the following reason:

- 1. The proposed works to the vehicular access, by reason of the removal of a section of the stone boundary wall, the creation of the apron and the installation of the 1.8m high solid timber gates, would result in the partial loss of a significant feature which contributes significantly towards the special interest and character of the Ringmore Conservation Area, introducing an overly suburban and obtrusive form of development which would result in harm to the character and appearance of the street scene and Conservation Area, and the setting of the Grade II listed Ringmore House. As such, the proposal would be contrary to Policies S1 (Sustainable Development Criteria), S2 (Quality Development) and EN5 (Heritage Assets) of the Teignbridge Local Plan 2013-2033, Policy EN17 (Heritage Assets) of the emerging Teignbridge Local Plan 2020-2040 and paragraphs 212, 213 & 215 of the NPPF.*

3.15 An appeal against the refusal of planning application 25/01246/VAR is currently in progress.

#### The application

3.16 The current application also seeks permission to vary condition 1 (approved plans) of permission 25/00409/VAR but this application only seeks permission to remove the requirement for the obscure treatment to the first floor windows facing the Brook Lane and does not include the works to the vehicular access.

#### Main issues

The main issues for consideration are:

- Principle of the development;
- Impact on residential amenity; and
- Other matters.

#### Principle of the development

3.17 The principle of the development has been confirmed by virtue of the planning application 22/01214/FUL which was approved in May 2023 and the installation of a chimney flue, the removal of the requirement for obscure treatment to a single first floor window facing Brook Lane and installation of two sun tubes on the south western roof slope of the dwelling were approved under variation of condition application 25/00409/VAR in April 2025.

3.18 The current application seeks permission to vary the approved plans for permission 25/00409/VAR to remove the requirement for obscure treatment to three first

windows facing Brook Lane (south west elevation). The considerations made under the original applications are still considered to be relevant but have not been fully reiterated in the body of this report.

### Impact on residential amenity

3.19 Representations have been received which have raised concerns with regards to overlooking and loss of privacy impacts from the first floor windows in the south west elevation of the new dwelling upon the properties on the opposite side of Brook Lane. Whilst it is acknowledged that the approved south west elevation drawing for planning permission 22/01214/FUL detailed that the four first floor windows would feature opaque glazing, the officer report for application 22/01214/FUL stated:

*'As the first floor windows in the south west elevation of the new dwelling would be positioned at an oblique angle to the windows in the north east elevation of Ringmore House, it is considered that there is unlikely to be any significantly harmful intervisibility impacts between the new dwelling and Ringmore House'.*

3.20 As such, it was not considered necessary to include a condition on planning permission 22/01214/FUL to require the first floor windows in the south west elevation of the new dwelling to be obscurely glazed.

3.21 A site visit has been undertaken by the case officer during the course of the current application to assess the overlooking and loss of privacy impacts from the first floor windows which have been installed in the south west elevation of the new dwelling.

3.22 Given that the ground floor window in the north east elevation of Ringmore House is located adjacent to the Brook Lane, where anyone walking along the lane could view in, it is considered that the first floor windows in the south west elevation of the new dwelling do not result in any significantly worse overlooking or loss of privacy impacts upon this window than those which could occur already.

3.23 The two most southerly first floor windows in the south west elevation of the new dwelling are located at a lower height than the first floor window in the north east elevation of Ringmore House. Furthermore, the first floor window in the north east elevation of Ringmore House is set physically between the two most southerly first floor windows in the south west elevation of the new dwelling and it was observed during a site visit that when looking straight out of the two most southerly first floor windows of the new dwelling towards Ringmore House, the views are towards a blank wall. It is acknowledged that if you stood directly next to the two most southerly first floor windows in the south west elevation of the new dwelling the windows and looked in a 45 degree angle, there are some views towards the first floor window in the north east elevation of Ringmore House, which serves a bathroom, including a shower cubicle. However, given that the first floor window in the north east elevation of Ringmore House is not a main habitable room, it is considered that if the occupants of Ringmore House are concerned about loss of privacy impacts from the first floor windows in the south west elevation of the new dwelling upon this room, they could take reasonable measures to prevent this such as installing a blind on the bathroom window.

3.24 Due to the distance between the most northerly first floor window in the south west elevation of the new dwelling and both Ringmore House and Little Ringmore, and the angle between the most northerly first floor window in the south west elevation of the new dwelling and both Ringmore House and Little Ringmore, it is deemed that this window does not result in any significantly harmful overlooking or loss of privacy impacts upon any neighbouring properties.

3.25 It is therefore considered that the proposed removal of the requirement for obscure treatment to the three first windows in the south west elevation of the new dwelling is acceptable.

#### Other matters

3.26 Representations have been received which have raised concerns of an increase in flood risk following the installation of new flood gates at the new dwelling and the impact upon the setting of the Grade II listed Ringmore House. This application seeks permission for the removal of the requirement for obscure treatment to the three remaining first windows in the south west elevation of the new dwelling only. As such, this proposal would not result in any increase of flood risk or have an impact upon the nearby listed building. Application 25/01246/VAR previously sought retrospective permission for the flood gates which have recently been installed at the new dwelling and this application was refused and is currently subject to an appeal.

3.27 Representations regarding non-compliance with the approved plans for planning permission 22/01214/FUL are noted and discrepancies between what was shown on the approved plans and what has been built on site, e.g. the structural openings in the south west elevation which were supposed to be retained and infilled with timber screens have not been fully retained and lintels above the openings have not been retained, a new stone wall has been constructed attached to the south west elevation of the building, have been raised with the applicant's agent. It is understood that the applicant is likely to submit a further variation of condition application to reconcile these discrepancies.

#### Conclusion

3.28 The proposed development is considered to be acceptable and therefore it is recommended that planning permission be granted subject to conditions.

## **8. POLICY DOCUMENTS**

### Teignbridge Local Plan 2013-2033

S1A Presumption in favour of Sustainable Development  
S1 Sustainable Development Criteria  
S2 Quality Development  
S7 Carbon Emission Targets  
S21 Villages  
S21A Settlement Limits  
EN2A Landscape Protection and Enhancement  
EN3 Carbon Reduction Plans  
EN4 Flood Risk

EN5 Heritage Assets  
EN8 Biodiversity Protection and Enhancement  
EN9 Important Habitats and Features  
EN10 European Wildlife Sites  
EN11 Legally Protected and Priority Species  
EN12 Woodlands, Trees and Hedgerows

### Emerging Teignbridge Local Plan 2020-2040

The following emerging policies are considered relevant to the proposed development:

GP1: Sustainable Development  
GP2: Development in Teignbridge  
GP3: Settlement Limits and the Countryside  
CC1: Resilience  
DW2: Development Principles  
DW3: Design Standards  
H12: Residential Amenity  
EN4: Landscape Protection and Enhancement  
EN6: Flood Risk and Water Quality  
EN8: Light Pollution  
EN10: Biodiversity and Geodiversity  
EN11: Important Habitats and Features  
EN12: Legally Protected and Priority Species  
EN13: European Wildlife Sites  
EN14: Exe Estuary and Dawlish Warren  
EN15: South Hams SAC  
EN16: Trees, Hedges and Woodlands  
EN17: Heritage Assets

### National Planning Policy Framework

### National Planning Practice Guidance

## **9. CONSULTEES**

9.1 None

## **10. REPRESENTATIONS**

10.1 Publicity undertaken by way of:

- Site notice displayed 9 October 2025

10.2 Four letters of objection have been received which have raised the following concerns:

- Increase in flood risk due to flood gates.
- Overlooking/loss of privacy impacts.
- Harm to setting of a listed building.
- Non-compliance with approved plans

## 11. TOWN / PARISH COUNCIL'S COMMENTS

### 11.1 Shaldon Parish Council:

Have objected to the application due to the impact on privacy and loss of amenity to the residents opposite the property.

## 12. COMMUNITY INFRASTRUCTURE LEVY

12.1 The proposed gross internal area is 365.19 sq m. The existing gross internal area in lawful use for a continuous period of at least six months within the three years immediately preceding this grant of planning permission is 176 sq m. The CIL liability for this development is £56,202.88. This is based on 189.19 net m<sup>2</sup> at £200 per m<sup>2</sup> and includes an adjustment for inflation in line with the RICS CIL index since the introduction of CIL.

## 13. ENVIRONMENTAL IMPACT ASSESSMENT

13.1 Due to its scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA Development.

## 14. BIODIVERSITY NET GAIN (BNG)

14.1 Biodiversity net gain is a legal requirement for planning permissions. Planning applications are required to either provide detailed information proving there will be a biodiversity increase of 10% or explain why they are exempt from doing so. Unless exempt, planning permission is subject to the general Biodiversity Gain Condition (as set out in Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 (as amended)).

14.2 This development is exempt from the general Biodiversity Gain Condition for the following reason:

- Although this is a variation of condition to an existing variation of condition application which was approved after the date that the mandatory requirement for biodiversity net gain for planning permissions was introduced, the works have already commenced.

## 15. CARBON/CLIMATE IMPACT

15.1 The proposal re-uses an existing building and solar panels have been installed on the south west roofslope of the building.

## **16. HUMAN RIGHTS ACT**

16.1 The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests/the Development Plan and Central Government Guidance.

*Ian Perry*

**Head of Development Management**