

Public Document Pack

Committee Administrator

Carole Oliphant

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PLEASE NOTE: - this meeting will take place at Phoenix House and members of the Public and Press are encouraged to attend via Zoom wherever possible. The attached Protocol for Hybrid Meetings explains how this will work. Please do not attend Phoenix House without contacting the committee clerk in advance, in order that numbers of people can be appropriately managed in physical meeting rooms.

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MID DEVON DISTRICT COUNCIL

PLANNING COMMITTEE

A MEETING of the **PLANNING COMMITTEE** will be held in the Phoenix Chamber, Phoenix House, Tiverton on Wednesday, 6 October 2021 at 2.15 pm

The next ordinary meeting of the Committee will take place on Wednesday, 3 November 2021 at 2.15 pm in the Phoenix Chamber, Phoenix House, Tiverton

STEPHEN WALFORD

Chief Executive

28 September 2021

Councillors: Mrs F J Colthorpe, G Barnell, E J Berry, S J Clist, L J Cruwys, Mrs C P Daw, R J Dolley, C J Eginton, P J Heal (Chairman), F W Letch and B G J Warren

A G E N D A

MEMBERS ARE REMINDED OF THE NEED TO MAKE DECLARATIONS OF INTEREST PRIOR TO ANY DISCUSSION WHICH MAY TAKE PLACE

- 1 **APOLOGIES AND SUBSTITUTE MEMBERS**
To receive any apologies for absence and notices of appointment of substitute.
- 2 **ELECTION OF VICE CHAIRMAN**
To elect a Vice Chairman for the remainder of the municipal year.
- 3 **HYBRID MEETINGS PROTOCOL** *(Pages 5 - 12)*
Members to note the Hybrid Meetings Protocol
- 4 **PUBLIC QUESTION TIME**
To receive any questions relating to items on the Agenda from members of the public and replies thereto.

Note: A maximum of 30 minutes is allowed for this item.
- 5 **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT**
Councillors are reminded of the requirement to declare any interest, including the type of interest, and reason for that interest at each item.
- 6 **MINUTES OF THE PREVIOUS MEETING** *(Pages 13 - 22)*
Members to consider whether to approve the minutes as a correct record of the meeting held on 22nd September 2021.
- 7 **CHAIRMAN'S ANNOUNCEMENTS**
To receive any announcements the Chairman may wish to make.
- 8 **DEFERRALS FROM THE PLANS LIST**
To report any items appearing in the Plans List which have been deferred.
- 9 **THE PLANS LIST** *(Pages 23 - 88)*
To consider the planning applications contained in the list.
- 10 **MAJOR APPLICATIONS WITH NO DECISION** *(Pages 89 - 90)*
List attached for consideration of major applications and potential site visits.
- 11 **APPEAL DECISIONS** *(Pages 91 - 92)*
To receive for information a list of recent appeal decisions.

Covid-19 and meetings

From 7 May 2021, the law requires all councils to hold formal meetings in person. However, the Council is also required to follow government guidance about safety

during the pandemic. The Council will enable all people to continue to participate in meetings via Zoom.

You are strongly encouraged to participate via Zoom to keep everyone safe - there is limited capacity in meeting rooms if safety requirements are to be met. There are restrictions and conditions which apply to those in the building and the use of the building. You must not attend a meeting at Phoenix House without complying with the requirements in the new protocol for meetings. You must follow any directions you are given.

Please read the new meeting protocol which is available here: [Hybrid Protocol - September 2021.pdf \(middevon.gov.uk\)](#)

If you want to ask a question or speak, email your full name to Committee@middevon.gov.uk by no later than 4pm on the day before the meeting. This will ensure that your name is on the list to speak and will help us ensure that you are not missed – as you can imagine, it is easier to see and manage public speaking when everyone is physically present in the same room. Notification in this way will ensure the meeting runs as smoothly as possible.

If you would like a copy of the Agenda in another format (for example in large print) please contact Carole Oliphant on:

E-Mail: coliphant@middevon.gov.uk

Public Wi-Fi is available in all meeting rooms.

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Mid Devon District Council – Hybrid Meeting Protocol

1. Introduction

Remote meetings via Zoom have been used during the Covid-19 pandemic in accordance with the temporary legislation. That legislation ceases to apply from 7 May 2021. However, Covid-19 legislation and guidance continues in place and this places specific requirements for meetings in relation to health and safety, risk assessments and related matters.

The Council has therefore put in place temporary arrangements which will enable meetings to take place in compliance with legislation, whilst providing alternative participation opportunities to maintain a Covid-19 safe environment. All are asked to remember that the Council's offices at Phoenix House are not just meeting rooms – they are the place of employment for many and there are implications beyond just how the meetings are held.

The arrangements set out in this Protocol will apply to meetings from 7 May 2021 until further notice. At the date of this Protocol, it is expected that arrangements may change later this year – because the Government may change the law, the Covid- 19 pandemic may have further receded and/or the Council makes alternative arrangements.

2. Hybrid arrangements – how will they work?

The primary objective is to ensure that meetings can continue as safely as possible and that the rights of Members and the Public are not diminished simply because the meeting is being held through a mix of online and face-to-face means. The Chairman will retain control and discretion over the conduct of the meeting and the Zoom host will provide administrative support to facilitate the meeting.

Please note that, exceptionally, meeting arrangements may change – in response to legislation, court decisions, or risk. This may include a meeting being postponed, or the hybrid arrangements changing or being withdrawn. We ask that you check the arrangements in advance of joining or attending the meeting.

(a) Members (councillors) entitled to vote

All Members entitled to vote in a meeting must be present in the same room – if they are to be classed as 'present' (count towards the quorum) and to cast a vote. If a Member entitled to vote is not in the room, they may still participate via Zoom (see below), but they will not be present (quorum) nor be able to vote.

(b) Other Members, Officers and the Public

The Council will use Zoom to enable all other Members, officers and the Public to attend and participate in meetings safely. Zoom will be enabled in all public meetings. Those attending the meeting physically will be able to see and hear Zoom participants via the existing large TV/monitor screens in the meeting rooms.

Those on Zoom will be able to hear Members in the room and see them – although this will be a whole room view and there will be no zooming in on individual members. It is essential therefore those Members present in the room use the microphones at all times and identify themselves before speaking.

There will be some Officers in the room – the Committee Administrator, the Zoom host and, at times, an additional support officer. There may also be a meeting room host to manage the safety of the meeting. All other Officers should use Zoom, unless they are specifically invited into the room by the Chairman of the meeting.

3. Zoom

Zoom is the system the Council will be using for those attending Hybrid meetings remotely. It has functionality for audio, video, and screen sharing and you do not need to be a member of the Council or have a Zoom account to join a Zoom meeting.

4. Access to documents

Member Services will publish the agenda and reports for committee meetings on the Council's website in line with usual practice. Paper copies of agendas will only be made available to those who have previously requested this and also the Chair of a meeting.

If any other Member wishes to have a paper copy, they must notify Member Services before the agenda is published, so they can arrange to post directly – it may take longer to organise printing, so as much notice as possible is appreciated.

The Public should continue to access agendas via the Council's website - and are encouraged to do so even after the offices at Phoenix House are fully open again.

5. Setting up the Meeting for Zoom attendance

This will be done by Member Services. They will send a meeting request via Outlook which will appear in Members' Outlook calendar. Members and Officers will receive a URL link to click on to join the meeting. The Public will use the Zoom details on the front of the agenda. The telephone dial-in via Zoom will also be available.

6. Public Access and Participation

(a) Public Access:

Members of the Public will be able to use a web link and standard internet browser. This will be displayed on the front of the agenda. Members of the Public should attend a meeting via Zoom, unless there are circumstances justifying attendance in person.

If any member of the Public still wishes to attend in person, they must notify Member Services **at least 3 working days before the meeting**. Notifications must be sent by email to:

Committee@middevon.gov.uk

Day of meeting	Notice given by
Monday	Previous Wednesday
Tuesday	Previous Thursday
Wednesday	Previous Friday
Thursday	Monday
Friday	Tuesday

This will ensure that the meeting rooms do not become overcrowded.

(b) Public Participation (speaking):

Public questions will continue in line with the Council's current arrangements as far as is practicable. However, to ensure that the meeting runs smoothly and that no member of the public is missed, all those who wish to speak must register **by 4pm on the day before the meeting**. They should email their full name to Committee@middevon.gov.uk. If they wish to circulate their question in advance, that would be helpful.

At public question time, the Chair will ask each registered person to speak at the appropriate time. In the normal way, the public should state their full name, the agenda item they wish to speak to **before** they proceed with their question. Unless they have registered, a member of the public may not be called to speak, except at the discretion of the Chairman.

If a member of the public wishes to ask a question but cannot attend the meeting for whatever reason, there is nothing to prevent them from emailing members of the Committee with their question, views or concern in advance. However, if they do so, it would be helpful if a copy could be sent to Committee@middevon.gov.uk as well.

7. Arrangements for any person attending meetings at Phoenix House

Anyone attending a meeting in person must observe the following requirements:

- (a) For non-voting members, officers and the Public – are there exceptional circumstances to justify attending? If so, please notify in advance and in paragraph 6 above. It is essential that the Council knows who is attending and how many will be in the room.

- (b) Do not attend if you: have any symptoms of Covid-19; are self-isolating (with or without a positive Covid-19 test); or are in a period of post-travel quarantine.
- (c) Use the hand sanitiser which is available in the building.
- (d) Follow the directions for entering, moving around and exiting the building. Follow the instructions of any Officer present to manage the safety of the meeting and/or the Chairman.
- (e) Sign into the meeting if requested to do so – you may be asked to leave contact details
- (f) Enter and leave the building promptly – do not gather inside after the meeting has finished, or during any break in the meeting
- (g) Bring your own water/refreshments, as these will not be available for the time being.

8. Starting the Meeting

At the start of the meeting, the Member Services Officer will check all required attendees are present and that there is a quorum. If there is no quorum, the meeting will be adjourned. This applies if, during the meeting, it becomes inquorate for whatever reason.

The Chair will remind all Members, Officers and the Public attending via Zoom that **all microphones must be muted**, unless and until they are speaking. This prevents background noise, coughing etc. which is intrusive and disruptive during the meeting. The Hosting Officer will enforce this and will be able to turn off participant mics when they are not in use.

9. Declaration of Interests

Members should declare their interests in the usual way. A Member with a disclosable pecuniary interest is required to leave the room. If they are attending via Zoom, they will be moved to the waiting room for the duration of the item.

10. The Meeting and Debate

- (a) For Members and Officers physically present

Each member should raise their hand to indicate a request to speak. When called, they must identify themselves for the recording and for the benefit of those attending via Zoom. The microphone must be used when speaking – standing will make it difficult for those on Zoom to hear and is discouraged, including at meetings of Full Council.

- (b) For any person attending via Zoom

The Council will not be using the Chat function. The Chairman will call speakers

in accordance with the usual rules i.e. either at Public Question Time, or for Members and Officers, when they raise their Zoom hand to speak.

No decision or outcome will be invalidated by a failure of the Chair to call a member to speak – remote management of meetings is intensive and the Hybrid arrangements are likely to be more so. It is reasonable to expect that some requests will be inadvertently missed from time to time.

When referring to reports or making specific comments, Members and Officers should refer to the report and page number whenever possible. This will help all present or in attendance to have a clear understanding of what is being discussed.

11. Voting

Voting for meetings in person is normally through a show of hands. The Member Services Officer will announce the numerical result of the vote for the benefit of those attending via Zoom.

12. Meeting Etiquette Reminder for Zoom attendees

- Mute your microphone – you will still be able to hear what is being said.
- Only speak when invited to do so by the Chair.
- Speak clearly and please state your name each time you speak
- If you're referring to a specific page, mention the page number.

13. Part 2 Reports and Debate

There are times when council meetings are not open to the public, when confidential, or “exempt” issues – as defined in Schedule 12A of the Local Government Act 1972 – are under consideration.

If there are members of the public and press attending the meeting, then the Member Services Officer will, at the appropriate time, remove them to a waiting room for the duration of that item. They can then be invited back in when the business returns to Part 1.

Please turn off smart speakers such as Amazon Echo (Alexa), Google Home or smart music devices. These could inadvertently record phone or video conversations, which would not be appropriate during the consideration of confidential items.

14. Interpretation of standing orders

Where the Chairman is required to interpret the Council's Constitution and procedural rules and how they apply to remote attendance, they may take advice from the Member Services Officer or Monitoring Officer prior to making a ruling. However, the Chair's decision shall be final.

15. Disorderly Conduct by Members

If a Member behaves in the manner as outlined in the Constitution (persistently ignoring or disobeying the ruling of the Chair or behaving irregularly, improperly or offensively or deliberately obstructs the business of the meeting), any other Member may move 'That the member named be not further heard' which, if seconded, must be put to the vote without discussion.

If the same behaviour persists and a Motion is approved 'that the member named do leave the meeting', then (if attending via Zoom) they will be removed as a participant by the Member Services Officer.

16. Disturbance from Members of the Public

If any member of the public interrupts a meeting the Chairman will warn them accordingly. If that person continues to interrupt or disrupt proceedings the Chairman may ask the Member Services Officer to remove them as a participant from the meeting.

17. Technical issues – meeting management

If the Chairman, the Hosting Officer or the Member Services Officer identifies a problem with the systems from the Council's side, the Chairman should either declare a recess while the fault is addressed or, if the fault is minor (e.g. unable to bring up a presentation), it may be appropriate to move onto the next item of business in order to progress through the agenda. If it is not possible to address the fault, the meeting will be adjourned until such time as it can be reconvened.

If the meeting was due to determine an urgent matter and it has not been possible to continue because of technical difficulties, the Chief Executive, Leader and relevant Cabinet Member, in consultation with the Monitoring Officer, shall explore such other means of taking the decision as may be permitted by the Council's constitution.

Where any Member, Officer or the Public experience their own technical problems during the course of a meeting e.g. through internet connectivity or otherwise, the meeting will not be automatically suspended or adjourned.

18. Technical issues – Individual Responsibility (Members and Officers)

Many members, officers and the Public live in places where broadband speeds are poor, but technical issues can arise at any time for a number of reasons. The following guidelines, if followed, should help reduce disruption.

- Join public Zoom meetings by telephone if there is a problem with the internet. Before all meetings, note down or take a photograph of the front page of the agenda which has the necessary telephone numbers. Annex 1 to this protocol contains a brief step-by-step guide to what to expect
- Consider an alternative location from which to join the meeting, but staying safe and keeping confidential information secure. For officers, this may mean considering whether to come into the office, subject to this being safe and practicable (childcare etc.)

- Have to hand the telephone number of someone attending the meeting – and contact them if necessary to explain the problem in connecting
- Officers should have an 'understudy' or deputy briefed and on standby to attend and present as needed (and their telephone numbers to hand)

Phone only access to zoom meetings

(Before you start **make sure you know the Meeting ID and the Meeting Password**) – Both of these are available on the agenda for the meeting

Call the toll free number either on the meeting agenda or on the Outlook appointment (this will start with 0800 -----)

(Ensure your phone is on 'speaker' if you can)

A message will sound saying *"Welcome to Zoom, enter your meeting ID followed by the hash button"*

- **Enter Meeting ID followed by #**

Wait for next message which will say *"If you are a participant, please press hash to continue"*

- **Press #**

Wait for next message which will say *"Enter Meeting Password followed by hash"*

- **Enter 6 digit Meeting Password followed by #**

Wait for the following two messages:

"You are currently being held in a waiting room, the Host will release you from 'hold' in a minute"

Wait.....

"You have now entered the meeting"

Important notes for participating in meetings

Press ***6** to toggle between **'mute' and 'unmute'** (you should always ensure you are muted until you are called upon to speak)

If you wish to speak you can **'raise your hand'** by pressing ***9**. Wait for the Chairman to call you to speak. The Host will lower your hand after you have spoken. Make sure you mute yourself afterwards.

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 22 September 2021 at 2.15 pm

Present

Councillors

Mrs F J Colthorpe (Chairman)
G Barnell, E J Berry, S J Clist, L J Cruwys,
Mrs C P Daw, R J Dolley, C J Eginton,
P J Heal, F W Letch and B G J Warren

Present

Officers:

Andrew Jarrett (Deputy Chief Executive (S151)), Maria De Leburne (Operations Manager Legal and Monitoring), Dean Emery (Corporate Manager for Revenues, Benefits and Recovery), Angharad Williams (Interim Development Management Manager), Nick Hill (Interim Planning Solicitor), Adrian Devereaux (Area Team Leader), Myles Joyce (Consultant Development Management Manager), Jake Choules (Planning Assistant), Carole Oliphant (Member Services Officer) and Sally Gabriel (Member Services Manager)

90 **ELECTION OF CHAIRMAN**

Councillor L J Cruwys **MOVED**, seconded by Councillor E J Berry that Councillor P J Heal be elected Chairman of the Planning Committee for the remainder of the municipal year.

As there were no other proposals, Councillor P J Heal was duly elected Chairman of the Planning Committee for the remainder of the municipal year.

91 **APOLOGIES AND SUBSTITUTE MEMBERS (00-02-10)**

There were no apologies for absence.

92 **PROTOCOL FOR HYBRID MEETINGS (00-02-22)**

The Committee had before it, and **NOTED**, the *Hybrid Meetings Protocol.

Note: *Protocol previously circulated and attached to the minutes.

93 **MINUTES OF THE PREVIOUS MEETING (00-02-32)**

Subject to an amendment to the title of the 4th speaker in public question time – removing 'Mr' and replacing with 'Dr', the minutes of the meeting held on 8 September 2021 were agreed as a true record and duly signed by the Chairman.

94 **PUBLIC QUESTION TIME (00-07-41)**

Mr Matthews referring to Item 10 (Langford PV Solar Array) on the agenda stated that: The officer states the supposed benefits to the local population. But there are none. Most of the money will be spent in China and specialist contractors will be brought in to do the work. Do you agree that there will be very few, if any, local jobs, that there will be a loss of agricultural land and farming, a loss of our beautiful landscape, a loss of tourism, wildlife disruption, and an impact on deer?

Mr Matthews (speaking on behalf of this wife) and again referring to item 10 asked: Do you agree that poor quality, low nutritional grass and weeds will grow under and between the solar panels and that, as experience has shown, sheep grazing will not be continued and in fact grass mowing and use of herbicides will become necessary? Photos showing sheep in solar farms are just for propaganda purposes.

Dr Bratby again referring to item 10 asked 2 questions:

1. Can you provide an update on the investigation into how the two words "high grade" appeared in the minutes of the meeting of 14th July?
2. The Implications Report gives a warning about the implications for Mid Devon District Council of an appeal if the committee refuses this application. Are you aware that Devon CPRE has considerable experience at appeals, whether by public inquiry, hearing or by written representation and Devon CPRE would support MDDC in the event of an appeal?

Mrs Wheeler referring to the same application stated: In its submission of November 22nd 2019 Devon Wildlife Trust (DWT) recommended to guarantee bio diversity impact and soil improvement a fully qualified habitat restoration ecologist should be involved throughout. Mid Devon's welcome conditioning of an ecological clerk of works does not of itself meet that criterion. Can we be assured that should the application be accepted DWTs specific stipulation will be adopted and if not why not?

Mr Roland Smith referring to the same application stated that: We are all very well aware of the current energy crisis, which stems from gas price hikes and an increasing reliance on gas-fired power stations to cover for the poor performance of unreliable renewables such as wind and solar. Do you not consider it madness to build more solar farms and make the energy crisis in the future even worse?

The report states "The social and economic benefit of providing for the average electrical needs of 10,077 homes in the Mid Devon area. Do you not agree that this is not true as the solar farm will be supplying to the distribution network, not specifically to Mid Devon? It will contribute to the national demand for electrical energy to the paltry extent of 0.016% of average demand and absolutely zero after sunset when demand is at its highest?

A question asked before but which remains unanswered: can you tell us why the Officer maintains that the development will cut greenhouse gas emissions when a life cycle analysis has not been performed when the mining, manufacture and transport of panels from forced-labour factories in China will produce huge emissions of carbon dioxide.

Mrs Janice Jones referring to the same application stated:

Langford Court is a Grade 2*, not Grade 2, listed building as stated in the Implications Report. Are you aware that a Grade 2* listed building is afforded great protection against visual impacts from a development?

The government has recently stated that it is concerned at the increasing loss of farmland and that with a rapidly expanding population we should be producing more food instead of importing food from countries which produce it using unsustainable methods? Do you agree that we should be using Mid Devon's farmland to produce top quality meat and dairy products rather than low grade energy such as solar power?

Mrs Jones asked a question on behalf of Mandy Willis: Did the committee ever carry out a site visit and are the members fully aware of the huge scale of the proposal and its visual impact on the landscape and surrounding properties?

Mr Michael Jones asked the following questions:

Do you realise that considerable maintenance of solar farms is necessary? This includes mowing the grass under and between the panels at least twice a year, applying weedkiller at least once a year to kill pernicious weeds and prevent scrub from growing, and cleaning the panels at least twice a year. Do you know that heavy machinery is required to carry out all this maintenance and that after 40 years of such activity the soil will be compacted and severely degraded?

I am sure the Committee members are aware of nearby solar farms at Westcott, Willand and Burlescombe which total 81 acres. There is another proposal for a 158 acre solar farm 1.2km away at Clyst Hydon. Are the Committee happy with another massive installation of 152 acres in Mid Devon with the potential of these areas being reclassified as a brownfield site in 40 years or less.

Mrs Winterson again referring to Item 10 on the agenda stated: Have the developers provided a detailed and realistic forecast of what the solar farm would likely generate under different conditions and if so what model is this based? If the solar farm should be approved would its ongoing energy contribution and efficiency be public knowledge?

The Chairman indicated that responses to questions would be provided when the item was debated.

95 **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (00-20-55)**

Members were reminded of the need to declare any interests when appropriate.

96 **CHAIRMAN'S ANNOUNCEMENTS (00-21-03)**

The Chairman paid tribute to the outgoing Chairman and thanked her for her tremendous work as chairman of the committee and he was grateful that she had decided to remain as a member of the committee.

97 **DEFERRALS FROM THE PLANS LIST (00-21-55)**

There were no deferrals from the Plans List.

98 **PLANS LIST (00-22-00)**

The Committee considered the applications in the *Plans List.

Note: *List previously circulated and attached to the minutes.

Applications dealt with without debate.

In accordance with its agreed procedure the Committee identified those applications contained in the Plans List which could be dealt with without debate.

RESOLVED that the following applications be determined or otherwise dealt with in accordance with the various recommendations contained in the list namely:

- a) Application 21/00787/FULL – Erection of 2 residential flats – adjacent to 24 and 24A Siddalls Gardens Tiverton** be approved subject to the conditions as set out in the report.

(Proposed by the Chairman)

Note: Cllr L J Cruwys requested that his vote against the decision be recorded.

Reason for the decision – As set out in the report

- b) Application 21/00787/FULL – Installation of concrete ramp and railings to front access – 49 Bilbie Close, Cullompton** be approved subject to the conditions as set out in the report.

(Proposed by the Chairman)

Reason for the decision – As set out in the report

99 **APPLICATION 19/01679/FULL - CONSTRUCTION OF GROUND MOUNTED SOLAR PV PANEL TO GENERATE UP TO 49.9MW (SITE AREA 60.78HA) AND BATTERY STORAGE FACILITY TOGETHER WITH ALL ASSOCIATED WORKS, EQUIPMENT AND NECESSARY INFRASTRUCTURE - EAST OF LANGFORD MILL AND TYE FARM, LANGFORD (00-27-00)**

At the meeting of 14 July 2021, the Committee were minded to refuse the application and requested that an *implications report be produced to consider the reasons for refusal.

The Consultant for Development Management recapped on the history of the application and the previous reports that the committee had considered and the reasons for deferral. He requested that members consider the update sheet: the proposed amended reasons for refusal and a further representation.

He then supplied responses to questions raised in public question time:

- With regard to the investigation, this was ongoing and expected to be completed by the end of the month
- With regard to the CPRE offering assistance should an appeal be lodged, he thanked them but advised them as a third party they could apply to the Planning Inspectorate as a rule 6 party.
- With regard to the site visit – some members did visit the site and that all members had taken account of all the issues raised within the report and were familiar with the site
- With regard to the visual impact of the proposal, this had been addressed within the report
- With regard to sheep grazing – sheep did graze fields with PV arrays
- With regard to supposed benefits to the local population – the bullet points in the report covered all of the objections, however the officer had looked at the benefits as part of the planning balance
- With regard to the loss of agricultural land and whether farmland should be used to produce top quality meat and dairy products rather than low grade energy – he referred to the report and the high carbon footprint of meat.
- With regard to questions from Mr Smith, he stated that the application had been assessed in line with the latest planning policy and guidance and that the report highlighted the benefits of the proposal
- With regard to a detailed and realistic forecast of what the solar farm would likely generate in different conditions, this was not required in support of this application and for further information the applicant may be able to assist with this
- He informed the meeting all the other information requested was available within the report.

The officer then outlined the contents of the report highlighting by way of presentation the site location and layout of the proposal which included plans of the siting of the panels, and the plant and battery storage. He provided photographs from various aspects looking towards the site and existing and photomontage views of the site. He then outlined the 3 reasons for refusal outlined within the implications report and revised in the update sheet.

The officer then explained in detail the following:

- The possible adverse impact on the landscape, explaining the contents of the Landscape Visual Impact Assessment submitted by the applicant and how this had been considered against the Council's Supplementary Planning Document on Solar PV Developments in the Landscape (2016).
- The possible adverse impact on the Grade II* listed property - Langford Court and the response received from Historic England and the Conservation officer
- The additional loss of agricultural land, highlighting Paragraph 13 of the NPPG and policies S1, S9 and DM2 of the Local Plan
- In addition, the report also summarised public benefit of the scheme the planning balance- looking at both the benefits and disadvantages of the scheme.

Consideration was given to:

- Concerns with regard to social and economic benefits of the scheme
- Whether there really were employment opportunities for local people
- The responses of Cullompton Town Council
- The lack of analysis of the implications for refusal within the report
- Page 51 of the report which highlighted the reasons for deferral and the removal of 'high grade' from those reasons for deferral
- The lack of a layout plan for the containers and batteries area
- Whether there were any financial contributions to the local parishes as stated on page 55 of the pack
- Whether it was necessary to re-open the discussion on the application when members should be considering the implications report
- The need to include 'adverse impact on the landscape' within reason for refusal 1
- The lack of analysis with regard to the climate issues

It was therefore:

RESOLVED that planning permission be refused on the following grounds:

1. The proposed development due to its scale, location, layout and appearance fails to understand the local visual adverse impact on the landscape and as such is contrary to Policies DM1, DM2 and S9 of the Local Plan and the Council's Supplementary Planning Document (SPD) –Solar PV Developments in the Landscape (2016) and paragraphs 174, 176 and 177 of the National Planning Policy Framework 2021.

2. The proposed development due to its scale, location and appearance would have an unacceptable adverse impact on the setting of the Grade II* Listed Langford Court, contrary to Policies S9 DM2 and DM25 of the local plan and the provisions of paragraph 199, 200 and 202 of the National Planning Policy Framework 2021.
3. The proposed development due to its scale and layout would result in the additional loss of agricultural land contrary to Policies S1 and S9 and DM2 of the Local Plan and paragraph 174 of the National Planning Policy Framework 2021.

(Proposed by Cllr C J Eginton and seconded by Cllr F W Letch)

Notes:

- (i) Cllrs G Barnell, E J Berry, S J Clist, Mrs F J Colthorpe, L J Cruwys, Mrs C P Daw, R J Dolley, C J Eginton, P J Heal, F W Letch and B G J Warren made declarations in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as they had received correspondence from objectors to the application;
- (ii) Cllr R J Dolley declared a personal interest as he knew some of the objectors and others involved in the application;
- (iii) Cllr E J Berry declared a personal interest and he also knew people involved in the application and as the local DCC member for the area;
- (iv) Cllrs E J Berry, Mrs F J Colthorpe, Mrs C P Daw and P J Heal requested that their vote against the final decision be recorded;
- (v) In the event of an appeal, it was agreed that Cllrs G Barnell, C J Eginton and B G J Warren would defend the decision;
- (vi) The following late information was reported:

That the first reason for refusal suggested by amended as follows

1. The proposed development due to its scale, location, layout and appearance fails to understand the local visual context and as such is contrary to Policies DM1, DM2 and S9 of the Local Plan and the Council's Supplementary Planning Document (SPD) –Solar PV Developments in the Landscape (2016) and paragraphs 176 and 177 of the National Planning Policy Framework 2021.

Officers note the contents of Cynthia Chattey's email below and apologise for any misclassification. However, it is considered that the implications report can be read in this context within its relevant section and it would not have changes the argument put forward in the implications report.

Dear Sally and others,

Yesterday I received an invitation to the upcoming planning session, frustratingly falling on Wednesday 22 September when I will be on a work visit to Dubai. I will do my best to attend, but considering I would once again be rearranging my schedule, I would like a level of assurance that the discussion of the solar farm at Langford Court will in fact take place. I have yet to receive a response on my previous email as to the technicalities which prohibited the conversation earlier.

I am rightfully aggrieved at the flagrant and continued MISCLASSIFICATION of UPDATES to Langford Court as a Grade 2 listing (as stated in your invitation letter and in the Implications Report). Grade 2* buildings are particularly important buildings of **more than special interest**. Less than 5.8% of listed buildings are Grade 2*. Considering it is in fact Planning who have oversight of this listing, I am confused as to how this has consistently been quoted wrongly.

It should be reiterated to EVERYONE on the panel and the audience that Langford Court is a Grade 2* (STAR) listing. It is, in fact, the STAR which requires extra sensitivity and consideration in spoiling our outlook and situation. It is that STAR which presents TREMENDOUS COSTS and HURDLES to our family, in our upkeep and maintenance of our HOME in order to meet and comply with council standards as to how it should be maintained. That same STAR should equally protect Langford Court when OTHERS are attempting to encroach on the property.

I would expect future references and documentation, particularly the Implications Report, to be updated to reflect the correct listing information and the level of diligence it should require. I would appreciate your help in incorporating this further complaint into my objection.

Any questions, I'm happy to be reached by reply email.
Thank you,
Cynthia Worley Chattey

Modifications in red -update

1. The proposed development due to its scale, location, layout and appearance fails to understand the local visual context and as such is contrary to Policies DM1, DM2 and S9 of the Local Plan and the Council's Supplementary Planning Document (SPD) –Solar PV Developments in the Landscape (2016) and paragraphs 174, 176 and 177 of the National Planning Policy Framework 2021.

2. The proposed development due to its scale, location and appearance would have an unacceptable adverse impact on the setting of the Grade II* Listed Langford Court, contrary to Policies S9 DM2 and DM25 of the local

plan and the provisions of paragraph 199, 200 and 202 of the National Planning Policy Framework 2021”.

3. The proposed development due to its scale and layout would result in the additional loss of agricultural land contrary to Policies S1 and S9 and DM2 of the Local Plan and paragraph 174 of the National Planning Policy Framework 2021.

- (vii) *Report previously circulated copy attached to minutes.

(The meeting ended at 3.39 pm)

CHAIRMAN

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PLANNING COMMITTEE AGENDA - 6th October 2021

Applications of a non-delegated nature

<u>Item No.</u>	Description
01.	<p>20/01588/MFUL - Erection of storage building with first floor office (512sqm) following demolition of barn and erection of grain store (498sqm) and change of use of land to car and lorry park at Crediton Milling Co Ltd, Fordton Mill, Crediton.</p> <p>RECOMMENDATION Grant permission subject to conditions.</p>
02.	<p>21/00855/FULL - Erection of a workshop and store for woodland and land management at Posbury Clump, Posbury, Devon.</p> <p>RECOMMENDATION Grant permission subject to conditions.</p>
03.	<p>21/00617/FULL - Erection of a general purpose agricultural building at Land at NGR 282822 101624 (Creedy Park), Crediton, Devon.</p> <p>RECOMMENDATION Refuse permission.</p>
04.	<p>21/00191/FULL - Conversion of outbuilding to holiday let and siting of 2 holiday cabins at Land at NGR 290204 109476 (Home Farm), Cadeleigh, Devon.</p> <p>RECOMMENDATION Grant permission subject to conditions.</p>

Application No. 20/01588/MFUL

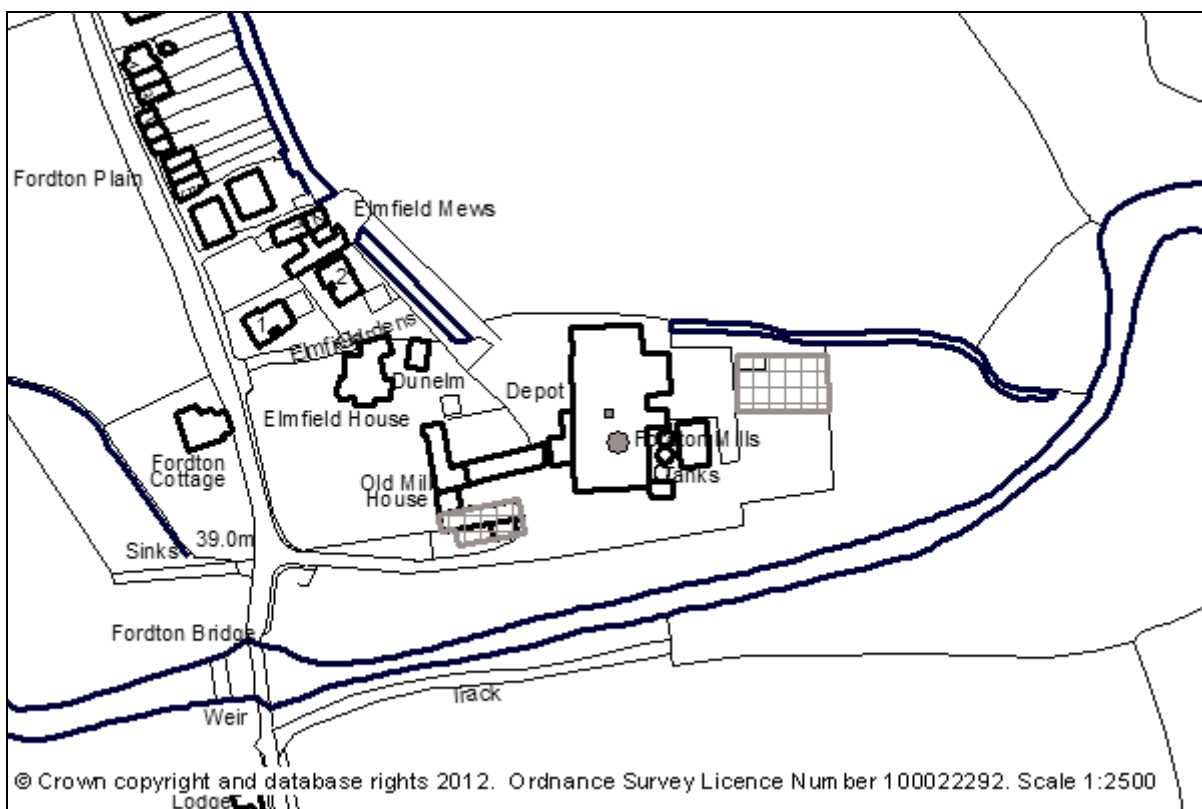
Grid Ref: 284109 : 99106

Applicant: Mr K Hopkins

Location: Crediton Milling Co Ltd
Fordton Mill
Crediton
Devon

Proposal: Erection of storage building with first floor office (512sqm) following demolition of barn and erection of grain store (498sqm) and change of use of land to car and lorry park

Date Valid: 12th November 2020



APPLICATION NO: 20/01588/MFUL

MEMBER CALL-IN

It was agreed by Members at Planning Committee on the 2nd December 2020 that:

20/01588/MFUL Crediton Milling Co Ltd, Fordton Mill, Crediton, Devon EX17 3DH:
Erection of storage building with first floor office (512sqm) following demolition of barn and erection of grain store (498sqm) be brought before the committee for determination and that a site visit take place if the officer recommendation was one of approval.

RECOMMENDATION

Grant permission subject to conditions

PROPOSED DEVELOPMENT

The applicant seeks planning permission for the erection of storage building with first floor office (512sqm) following demolition of barn and erection of grain store (498sqm) and change of use of land to car and lorry park at Crediton Milling Co Ltd, Fordton Mill, Crediton

The site is owned and operated by Crediton Milling Company Ltd. (CMC) being a long established B2/B8 feed mill in Crediton providing a collection and distribution point for animal feed. They employ more than 80 people, with 45 members of staff being on site at any one time. The site is located on the edge of the Crediton Settlement Area, at Fordton with the main part of the site within the recognised settlement limit whereas the site of the car park and proposed grain store would be outside.

The proposals relate to a new office/warehouse building replacing an existing building and a new grain store located further to the rear of the site at CMC and regularisation and improvement of the parking area further to the east. It has been outlined that the proposals are to provide a significant upgrade to the existing office/storage facilities on site and provide a significant upgrade of necessary welfare facilities for all office staffing. The new build office/warehouse would be sited on the footprint of the existing building, with the first floor element set away from an existing tree close to the boundary with a neighbouring property. The new grain store would be located to the east of the existing bulk export building with high level conveyor link so the overall building height of the grain store will be similar to the tall bulk export building on site. It is outlined that the new grain store on site would result in a reduction of traffic movements given the ability to store more crop/feed on site.

APPLICANT'S SUPPORTING INFORMATION

Plans, Design and Access Statement, Wildlife Trigger List, Ecology Assessment, Bat emergence survey, Flood Risk Assessment and Flood Management Plan

RELEVANT PLANNING HISTORY

85/01263/FULL - PERMIT date 11th October 1985 Erection of storage building

87/01399/FULL - PERMIT date 2nd November 1987 Erection of agro chemical store

88/00702/FULL - PERMIT date 18th May 1988 Erection of mill building

98/01340/FULL - PERMIT date 15th October 1998 Construction of four storage bins on a steelwork entablature to hold animal feed

08/01198/FULL - PERMIT date 27th August 2008 Change of use of land to access and parking in association with Crediton Milling Company

11/00410/FULL - PERMIT date 10th May 2011 Change of use of land to provide a service road and for the siting of 12 bulk outloading bins and car parking

16/00523/FULL - PERMIT date 1st June 2016 Erection of extension to intake pit over existing workshop and extension to new mesh/meal bins

DEVELOPMENT PLAN POLICIES

Mid Devon Local Plan Review 2013 – 2033

Policy S1 -Sustainable development priorities
Policy S2- Amount and distribution of development
Policy S6 – Employment
Policy S8 – Infrastructure
Policy S9 – Environment
Policy S12 – Crediton
Policy S14 – Countryside
Policy CRE11 - Crediton Infrastructure
Policy DM1 - High quality design
Policy DM2 - Renewable and low carbon energy
Policy DM3 - Transport and air quality
Policy DM4 – Pollution
Policy DM5 – Parking
Policy DM18 - Rural employment development
Policy DM19 - Protection of employment land
Policy DM25 - Development affecting heritage assets

National Planning Policy Framework

National Planning Practice Guidance

CONSULTATIONS

Crediton Town Council - 03.12.2020

It was resolved that whilst Crediton Town Council had no objection to the proposals in principle, the impact of the business to residents in relation to noise, traffic and congestion must be considered.

Crediton Town Council – 12.04.2021

It was resolved to recommend no objection but request that the impact of noise traffic be considered particularly for local residents.

Public Health - 02.12.2020

Contaminated Land: See end of document for details. (27.11.20).

Air Quality: The proposed development will involve the demolition of existing premises or structures, which may contain hazardous liquid or solid materials (including asbestos). Therefore, the following condition is recommended if permission is granted.

Demolition should be carried out in such a manner as to minimise the potential for airborne nuisance, additional land contamination and/or the creation of additional contamination pathways either on the site or at adjacent properties/other sensitive receptors.

Prior to demolition commencing, a works plan and risk assessment shall be submitted for approval to the Local Planning Authority for consultation with Environmental Health Services. This plan and assessment should identify and risk-assess any potential hazardous material in above or below ground structures that will be removed or disturbed during demolition and measures to deal with these safely. All potentially hazardous materials should be assessed.

Reason: In the interests of public health and protection of the environment. (27.11.20).

Environmental Permitting: No objection to this proposal. (16.11.20).

Drainage: No comments. (27.11.20).

Noise & other nuisances: No comments. (27.11.20).

Housing Standards: No comments. (27.11.20).

Licensing: No comments. (16/11/20).

Food Hygiene: No comments. (16.11.20).

Private Water Supplies: Not applicable. (23.11.20).

Health and Safety: No objection.

Advisory note: Prior to any demolition, a work plan and risk assessment of all potentially hazardous materials should be completed. This activity is enforced by The Health & Safety Executive. (16.11.20).

Public Health – 25.02.2021

We have considered the revised documents and do not wish to update the PH comments submitted on 2nd December 2020 which requested conditions relating to demolition management and contaminated land. If a stage 1 assessment is carried out it may be possible to substitute the contaminated land condition with the "unexpected contamination" condition and I would be pleased to comment on that if a Stage 1 is submitted.

Flood and Coastal Risk Management Team D.C.C – 07.12.2020

Recommendation:

At this stage, we object to this planning application because we do not believe it satisfactorily conforms to Policy S9, specifically part (c), of Mid Devon District Council's Local Plan 2013 to 2033 (Adopted 2020), which requires developments to include sustainable drainage systems. The applicant will therefore be required to submit additional information in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

Observations:

As the proposal comprises the erection of a storage building on an area which was previously developed, we would require that the applicant provides a significant betterment to the surface water runoff regime in the area.

Further information is also required on the proposed surface water arrangements for the site.

The applicant is therefore advised to refer to Devon County Council's draft Sustainable Drainage Design Guidance, which can be found at the following address:

<https://www.devon.gov.uk/floodriskmanagement/planning-and-development/suds-guidance/>.

Flood and Coastal Risk Management Team - 04.08.2021

Recommendation:

Our objection is withdrawn and we have no in-principle objections to the above planning application at this stage, assuming that the following pre-commencement planning conditions are imposed on any approved permission:

No development hereby permitted shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:

(a) Soakaway test results in accordance with BRE 365 and groundwater monitoring results in line with our DCC groundwater monitoring policy.

(b) A detailed drainage design based upon the approved Flood Risk Assessment (NS_0118_06 dated June 2021) and the results of the information submitted in relation to (a) and (b) above

(c) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.

(d) Proposals for the adoption and maintenance of the permanent surface water drainage system.

(e) A plan indicating how exceedance flows will be safely managed at the site.

(f) A detailed assessment of the condition and capacity of any existing surface water drainage system/culvert that will be affected by the proposals. The assessment should identify and commit to, any repair and/or improvement works to secure the proper function of the surface water drainage receptor.

(g) Evidence there is agreement in principle from landowner to connect into their system

No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (f) above.

Reason: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.

Observations:

Following my previous consultation response reference FRM/MD/01588/2020, the applicant has provided the following revised information for which I am grateful:

Flood Risk Assessment, Reference NS_0118_06 Version 2.0 dated June 2021

The applicant has provided a surface water drainage strategy that proposes attenuation via below ground storage with restricted discharge to soakaway for the replacement building and restricted discharge to the River Yeo for the new grain store, which will provide a betterment on the existing drainage arrangement. Water quality will be managed through the use of filter drains and a bypass separator.

Environment Agency - 11.12.20

Environment Agency position

In the absence of an acceptable Flood Risk Assessment (FRA) we object to this application and recommend that planning permission is refused.

Reasons

The submitted document is a Flood Management Plan produced in 2018 to advise on the procedures to take in the event of flood to the site as it currently stands and there not an FRA which complies with the requirements for site-specific flood risk assessments for new development within Flood Zone 3, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the planning practice guidance.

An FRA should adequately assess the flood risks posed by the development.

- consider how people will be kept safe from the identified flood hazards
- consider how a range of flooding events (including extreme events) will affect people and property and provide mitigation measure to address the hazards identified, through the use of flood resistant/resilient construction and an assessment of the flood defences in the area.
- take the impacts of climate change into account as set out within the guidance
- consider the requirement for flood emergency planning including flood warning and evacuation of people for a range of flooding events up to and including the extreme event with appropriate climate change allowance

Overcoming our objection

To overcome our objection, the applicant should submit a revised FRA which addresses the points highlighted above.

Environment Agency – 16.08.2021

Environment Agency position

We object to this proposal.

Reasons

The flood risk assessment prepared by Nicola Sugg, dated June 2021, has been reviewed. Whilst this is seen to be a very comprehensive and thorough assessment, the Environment Agency would wish to highlight the presence of additional flood risk data for the site which will influence the outcomes of the assessment.

The Environment Agency is party to a flood modelling report prepared by RMA Environmental consultants in May 2016 (Ref. RMA-C1574), which provides interactive flood mapping for the site in question. This product usefully looks at the design flood scenario, as well as the 1-in-1000 Year AEP scenario, and it is evident that this data suggests a greater degree of flood risk would be present on the development site than is inferred from the submitted flood risk assessment.

Overcoming our objection

Going forward, it is felt necessary that this additional data should be reviewed as part of the assessment. The applicant should be able to overcome our objection provided they submit further information which addresses the above points and demonstrates that the proposed development will be safe from flooding over its lifetime without increasing flood risk elsewhere.

Environment Agency – 13.09.2021

Environment Agency position

We maintain our objection until the following can be addressed.

Reason

Following our previous objection (dated 16 August 2021, ref: DC/2020/121794/02-L01) the revised flood risk assessment prepared by Nicola Sugg (Ref. NS_0118_06 v4.0) has been reviewed. The Environment Agency is pleased to see that this document now acknowledges the best available modelling for the location.

The assessment introduces some uncertainty with regard to final finished floor levels for both the grain store and replacement building, and it is felt that these should be defined as part of the planning application, rather than being left open-ended and undecided. On this basis, we maintain our objection until this is addressed.

In order to secure the Environment Agency's acceptance of the proposal, there is an expectation that full consideration should be given to raising the finished floor levels of the two buildings to 600mm above the design flood level of 39.5mAOD for the grain store and 40.0mAOD for the replacement building. In the event that this cannot be achieved, then a more limited amount of raising would be expected, rather than retaining existing levels. There is a fine balance regarding the allowable internal depth of flooding which is seen as 'safe' and 'sustainable' going forward.

Overcoming our objection

To overcome our objection we require further information which addresses the above points, demonstrating that the proposed development will be safe from flooding over its lifetime without increasing flood risk elsewhere.

Exeter International Airport – 17.11.2020

This proposal has been examined from an Aerodrome Safeguarding aspect and does not appear to conflict with safeguarding criteria. Accordingly, Exeter Airport have no safeguarding objections to this development provided there are no changes made to the current application. Kindly note that this reply does not automatically allow further developments in this area without prior consultation with Exeter Airport.

Highway Authority – 04.12.2020

Observations:

The proposed development is to alter and rationalise the internal arrangements within the site. The development will not be likely to result in any noticeable increase in vehicle movements to and from the site. Indeed; there may even be a slight reduction in vehicle movements.

There are therefore no objections to the development from a highway point of view

Highway Authority - 17/02/2021

Thank you for the re-consultation on this application which has been passed to me as I am the case officer dealing. I can confirm that my formal response dated 4th December 2020 still applies.

REPRESENTATIONS

No letters of representation were received.

This planning application has been advertised by means of a site notice posted on or near the site, by notifying immediately adjoining neighbours in writing and by advertising in a local newspaper in accordance with the Council's Adopted Statement of Community Involvement (October 2016) and the legal requirements for publicity on planning applications, as set out in The Town and Country Planning (Development) Management Procedure (England) Order 2015, as amended by The Town and Country Planning (Development Management Procedure, Listed Buildings and Environmental Impact Assessment) (England) (Coronavirus) (Amendment) Regulations 2020.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

- 1. Principle of development**
- 2. Proposed uses and need for development**
- 3. Design and layout**
- 4. Impacts on neighbouring residents**
- 5. Highways**
- 6. Flood risk and drainage**
- 7. Other matters such as Ecology, impact on heritage assets and planning obligations**

1. Principle of development

S.38[6] of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The National Planning Policy Framework is noted as one such material consideration. The National Planning Policy Framework outlines three dependant objectives of sustainable development; economic, social and environmental.

Paragraph 81 of the National Planning Policy 2021 supports Building a strong, competitive economy stating:

'Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for

development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.'

At this time the adopted development plan comprises the Mid Devon Local Plan 2013-2033 which was adopted in 2020 and sets out the growth strategy for the District that seeks to balance social, environmental and economic objectives. Policy S1 states that development will be concentrated at Tiverton, Cullompton, and Cridton.

The Cridton Milling Company (CMC) site is mainly located within the settlement limits of Cridton although parts of the site are located outside where it would be deemed as countryside. In terms of other constraints, whilst the site is not within a landscape designation, the site is located within flood zone 3 with the surrounding road infrastructure being substandard in places.

When considering proposals for existing commercial premises Policies S9, S12, DM1 and DM5 of the Mid Devon Local Plan 2013-2033 are particularly relevant. Policy S12 seeks to expand employment opportunities in Cridton and to promote a reduction of traffic congestion and improvements to local air quality by enhancing walking and cycling opportunities around the town and by implementing air quality action plan initiatives. Policy S9 requires development to sustain the distinctive quality, character and diversity of Mid Devon's environmental assets through high quality sustainable design which reinforces the character and legibility of Mid Devon's built environment and creates attractive places

Policy DM1 is concerned with promoting high quality design, it seeks to create visually attractive places taking account of architecture, siting, layout, scale and massing as well as landscaping and green infrastructure. Policy DM5 relates to parking and seeks to ensure that development provides an appropriate level of parking taking into account the accessibility of the site and the type of development taking place.

As part of the site relating to the grain store position on site is outside of the settlement limit, it is viewed as a countryside location where policy S14 (Countryside) of the Mid Devon Local Plan Review 2013-2033 is relevant which is restrictive of new development, outlining that any new development should enhance the character, appearance and biodiversity of the countryside while promoting sustainable diversification of the rural economy.

For sites outside of the settlement limits, Policy DM18 of the MDDC Local Plan supports new build employment development or expansion of existing businesses, provided that the development is of an appropriate use and scale for its location. Proposals must demonstrate that:

- a) The development would not lead to an unacceptable impact on the local road network;
- b) There would not be an unacceptable adverse impact to the character and appearance of the countryside; and
- c) There are insufficient suitable sites or premises in the immediate area to meet the needs of the proposal.

Having regard to the above Local Plan policies the principle of an appropriately scaled and designed employment development which complements the design of the existing industrial buildings on site is considered acceptable.

2. Proposed uses and need for development

CMC is located on the outskirts of Crediton at Fordton Mill. The Mill has been in this location for well over 100 years. CMC is as a key supplier in the modern food chain and CMC buy much of their inputs from the mid-Devon farming community and supply finished feeds back to that farming network and further into the Southwest. Keeping food miles low and a very large local employment contributes to current and future environmental and food standards for CMC. The Mill employs in excess of 80 people, being one of Crediton's largest employers with 45 members of staff being on site at any one time. As part of their ongoing growth and efficiency, reconfiguration and expansion of the facility is necessary.

The proposed store building with first floor office accommodation is to be built on the footprint of the existing barn which is used for pallet storage. Due to the age and deterioration of the old barn a new building is required as the business has already carried out numerous remedial repairs to the old barn, reinforcing the brick and block work to ensure that the building is safe. The rate of deterioration has made it uneconomical and no longer viable to continue to reinforce brick work which is brittle and aging and along with the asbestos roof, to carry out remedial works to the existing is not progressive for the developing business.

With respect to the proposed office accommodation, the existing offices within the business need to be updated and become compliant, with the site space and cost implications surrounding the siting of temporary porta cabins being prohibitive, along with the significant upgrade of existing electricals within the building, whilst the business remains operational, would be too difficult to consider due to the operation running 24hrs per day. Female toilets and welfare facilities are currently minimal on site due to the age of the facility and current space within the existing building. These are a necessity for the future overall welfare which will be incorporated in the new office proposal.

The new building would incorporate a specifically designed Solar Panel system on the flat roof, thus helping to provide power to the offices efficiently. This would also supply the power to charging points for the companies Hybrid vehicles. It has been explained that currently, the Milling site has numerous buildings, some over 150 years old, others dating from the 1960's and 1980's and that staff are situated in various areas with computer systems being housed in old buildings. Employees are having to move from building to building during daily operations, making duties and functions inefficient

With regard to the new bulk crop storage building, it has been stated that currently the Milling site has no facility for bulk storage. At present, various materials and feed must be transported off the site and be stored in facilities elsewhere. This entails lorries and trailers loading up and taking feed/material from the site, for storage and then brought back to the mill or collected to be weighed back at the site for onward delivery to a farm, or if raw material is brought back to site for manufacturing the finished feed. The facility proposed to be able to store bulk material would reduce vehicle movements both to and from the Mill site.

3. Design and layout

The relevant policies within the Mid Devon Local Plan 2013-2033 relating to design and layout of the development are as follows. Policy S1 requires sustainable design that respects local character, creates safe environments, designs out crime and establishes a sense of place, including the provision of green infrastructure and renewable energy, managing flood risk, conserving natural and heritage resources including providing a net gain in biodiversity, and preventing significant harm to soil, air, water, noise and visual quality.

Policy S9 requires development to sustain the distinctive quality, character and diversity of Mid Devon's environmental assets and minimise the impact of development on climate change through

high quality sustainable design. The policy also requires development to support opportunities to enhance habitats and preserve heritage assets. Policy DM1 requires new development to be of high quality making efficient use of the site and based upon a clear understanding of the characteristics of the site and the surrounding area, creating safe and accessible places that encourage walking and cycling. Development should be well integrated with surrounding buildings, streets and landscapes, and not have an unacceptably adverse effect on the privacy and amenity of neighbouring properties.

The total area of the new office and store building would be 512sq.m and as noted earlier, it will be sited on the footprint of the existing storage barn on site, which is a mixture between single storey and two storey in height. The proposed replacement building would be two storeys, being approximately 1.2m higher than the existing building. It would have a similar appearance in that there would be metal profile sheet cladding to the walls which is in keeping with the other buildings on the site.

The proposal for the replacement building is to construct a new steel frame structure, with pre-cast concrete panels for the first floor and roof, all clad in metal profile sheet cladding, to match that used on the rest of the site. The flat roof of the building would be finished in stone chippings, with upstand around.

The new grain store (bulk crop building) would be constructed on an area currently used for lorry parking with the total area of the new building to be 498sq.m. The new building would be used for bulk storage of feed and various materials used in production and has been designed to be able to allow lorries to tip inside the structure, as the produce must be kept dry. Therefore, the eaves height will be 11m high with overall height of 12m. It will look similar, metal profile sheet cladding, as the other buildings on the site.

The main base of the building would be 24m wide by 16m, linked to the existing bulk exporter building by a conveyor bridge. The proposal is to construct a new steel frame structure, with pre-cast concrete panels for walls to 5m high, then clad in metal profile sheet cladding on the walls and roof, to match that used on the rest of the site. Therefore the materials for walls will be pre-cast concrete walls and Colour-coated metal profile metal sheet cladding with the roof covering to be colour coated Metal Profile Roof sheets. A condition is recommended to agree the final details of the external materials to be used.

It is considered that the general design and layout of the buildings will be acceptable with the new buildings viewed in the context of the site and the existing mill buildings not resulting in a detrimental impact on the surrounding landscape, making best use of the land available. Therefore the development is considered to be in accordance with policies S1, S9 and DM1.

4. Impacts on neighbouring residents

Policy DM1 states that development should be well integrated with surrounding buildings, streets and landscapes, and not have an unacceptably adverse effect on the privacy and amenity of neighbouring properties. Policy DM4 requires applications for development that risks negatively impacting on the quality of the environment through noise, odour, light, air, water, land and other forms of pollution must be accompanied by assessments of the impacts and provide appropriate mitigation.

The proposed grain store building whilst being high would be located to the east side of the existing buildings and therefore set further way from neighbouring properties whereas the storage building with first floor office accommodation is to be located on the footprint of an existing barn building to be replaced with the first floor set further away from the boundary with the neighbouring

property. First floor windows to serve the office accommodation would directly face/overlook existing mill buildings on site rather than neighbouring property.

The Public Health Team has considered the proposals and has recommended conditions relating to demolition works and site contamination inspections but has no objection on the grounds of any nuisance or disturbance to occupiers of nearby neighbouring properties. Due to the location of the site, the current scale and use of the site and the proposed building, it is not considered that the proposal will significantly affect the amenity of any nearby residential properties.

Your officers consider that the proposed development has been designed to minimise adverse effects on the living conditions of neighbouring residents, and as such is in accordance with the requirements of policies DM1 and DM4 of the Local Plan.

5. Highways

The site has an existing access from the West, directly off Fordton Mill which will remain without alteration and it is noted that pedestrian access is also gained from Fordton Mill which is level in nature. The access road will be unaffected by the new building and a plan has been submitted to demonstrate swept paths for HGV movements on site.

Policy DM1 of the Mid Devon Local Plan states that new development should be safe and accessible based upon and demonstrating the principle of creation of safe and accessible places that also encourage and enable sustainable modes of travel such as walking and cycling whereas Policy DM5 states that sufficient vehicle parking must be provided. In addition to these policies, any proposal must not adversely affect the safe functioning of the highway in line with policies S8 (Infrastructure) and DM3 (Transport and air quality) of the Mid Devon Local Plan 2013-2033.

The Highway Authority has considered the application and raise no objections noting that the proposals could result in a reduction in traffic to and from the site which would be a benefit. As noted in the description of the development, the proposal includes the change of use of land for car parking and lorry parking.

On the matter of parking and the requirements of Policy DM5, the erection of a grain store with floor area of 498 sqm would require the provision of 10 parking spaces. The storage building with first floor office having a floor area of 512sqm would result in a requirement of 23 parking spaces, although it should be noted that this building would replace an existing storage building on site. The layout plan submitted shows provision for 41 parking spaces to the east of the site with five lorry spaces and the provision of 4 additional parking spaces, 1 disabled parking space and two electric charging point spaces adjacent to the new store with first floor office accommodation. It is considered that this level of parking is adequate and the development would result in two electric charging points.

Notwithstanding concerns raised by the Ward Member and Crediton Town Council to associated traffic levels and consideration to impact on neighbouring occupiers through noise and disturbance, on balance, given that Crediton Milling Company is already in existence and the Local Highway Authority have not raised an objection to the proposal on highway safety grounds with the potential for traffic movements to decrease, the development is considered to comply with the above policies of the Mid Devon Local Plan 2013-2033.

6. Flood risk and drainage

The NPPF states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should take account of advice from the lead local flood authority, have appropriate proposed minimum operational standards, have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and where possible, provide multifunctional benefits.

Policy S9 requires provision of measures to reduce the risk of flooding to life and property, requiring sustainable drainage systems including provisions for future maintenance, guiding development to locations of lowest flood risk and avoiding an increase in flood risk elsewhere. Policy DM1 requires appropriate drainage including sustainable drainage systems (SUDS), including arrangements for future maintenance, and connection of foul drainage to a mains sewer where available.

The site lies within flood zone 3 and as a result a Flood Risk Assessment (FRA) and Flood Management Plan has been submitted by the applicant. The applicant has also noted that there is an existing flood risk assessment and Flood Risk Management and Evacuation protocol in place and that the new construction will not have any effect to the existing document. The applicant has stated within the application form that foul sewage will connect to the mains sewer and surface water will be disposed of by way of a sustainable drainage system. The Public Health Department has raised no objection on drainage grounds. Policy DM1 of the Local Plan requires appropriate drainage including sustainable drainage systems and connection of foul drainage to a mains sewer where available.

The Environment Agency objected to the proposals noting that whilst the FRA acknowledges the best available modelling for the location, the assessment introduces some uncertainty with regard to final finished floor levels for both the grain store and replacement building, and therefore the Environment Agency feel that these should be defined as part of the planning application, rather than being left open-ended and undecided. In order to secure the Environment Agency's acceptance of the proposal, the Environment Agent outlined that there is an expectation that full consideration should be given to raising the finished floor levels of the two buildings to 600mm above the design flood level of 39.5mAOD for the grain store and 40.0mAOD for the replacement building. As a result the layout plan has been amended to show these levels will be achieved which demonstrates that the proposed development will be safe from flooding over its lifetime without increasing flood risk elsewhere.

The Lead Local Flood Authority (Devon County Council) initially raised objections to the development as it did not consider that the drainage issues at the site and in relation to the proposed development had been adequately addressed. The applicant has carried out further assessment work and provided further information to the Lead Local Flood Authority during the course of the application, to address their concerns. The LLFA are now satisfied that with the provision of conditions attached to the planning permission, the development site can be provided with adequate drainage facilities such that it would not increase the flood risk elsewhere as the applicant has provided a surface water drainage strategy that proposes attenuation via below ground storage with restricted discharge to soakaway for the replacement building and restricted discharge to the River Yeo for the new grain store, which will provide a betterment on the existing drainage arrangement. Water quality will be managed through the use of filter drains and a bypass separator.

Subject to conditions, the proposal is considered to be acceptable as regards flood risk and drainage, and to be in accordance with policies S9 and DM1 of the Local Plan.

7. Other matters such as Ecology, impact on heritage assets and planning obligations

Ecology

The initial ecology report submitted with this application identified the need for emergence surveys to check on bats entering/leaving the old barn building to be replaced. Further survey work was carried out in respect of bats where it was found there was no evidence of them using the building to be removed. It has however been identified by the ecologist that there is an opportunity for biodiversity enhancements through this development and therefore there is a condition for the erection of a bat box on either the building or nearby tree.

Impact on heritage assets

Policy DM25 requires development proposals likely to affect the significance of heritage assets, including new buildings to consider the significance of those heritage assets. It is noted that there is a listed building (Fordton Cottage) and bridge (Fordton Bridge) further to the east of the site. In coming to this decision the council must be mindful of the duty as set out in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the listed building, its setting and features of special architectural or historic interest which it possesses, and have given it considerable importance and weight in the planning balance.

In this instance it is considered that the proposed buildings are an adequate distance away to prevent having a detrimental impact on their setting or level of significance and any harm would be less than substantial with the benefits of the development in the form of supporting a local business and employment which introduces renewable energy sources and electric charging points outweighing any harm. The grain store would be located over 160m from the listed bridge and further still to the listed cottage with existing buildings and boundary treatments in between. The proposed store and office building, replacing the existing barn would be over 60m from the listed bridge and further still to the listed cottage although views to the listed cottage are screened by existing vegetation.

The Council's Conservation Officer was involved in pre-application discussions relating to the store and office building, raising no objections to any harm on the setting of listed buildings but rather offering design advice for the proposed building given that historic nature of the mill site. It is considered that the development complies with Local Plan Policy DM25.

Planning Obligations

The application site falls within the Air Quality Management zone within which contributions via Section 106 would generally be sought for developments which would result in new employment and an increase in associated traffic movements to the site. For employment uses, the contribution usually sought would be £1634.00 allocated towards a project to mitigate against a deterioration in air quality to the town. In this case, it has been outlined that the new office/store building is to improve office accommodation and welfare facilities for existing staff which would not result in an increase in staff movements, and with the addition of a grain store, associated vehicle movements would actually reduce from the site. In light of this the case is made that the planning obligation would not apply in this instance. A condition is recommended restricting the use of the buildings to the purposes applied for, therefore any future change which could result in employment to the site would see a requirement for an air quality contribution.

Section 149 of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between different people when carrying out their activities. This is called the Public Sector Equality Duty or "PSED". No persons that could be affected by the development have been identified as sharing any protected characteristic.

There are no other material planning considerations that would mitigate against the grant of planning permission and therefore conditional approval is recommended.

CONDITIONS

1. The development hereby permitted shall begin before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. The grain store building and storage building with first floor office accommodation hereby approved shall be used as office accommodation and store buildings as outlined within the planning submission and for no other purpose (including any purpose in Class B2, B8 and Class E of the Schedule to The Town and Country Planning (Use Classes) Order 1987 (as amended)), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, including that of The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020.
4. Prior to their use on site, details and/or samples of the materials to be used for all the external surfaces of the buildings shall have been submitted to and approved in writing by the Local Planning Authority. Such approved materials shall be so used and retained.
5. Demolition should be carried out in such a manner as to minimise the potential for airborne nuisance, additional land contamination and/or the creation of additional contamination pathways either on the site or at adjacent properties/other sensitive receptors. Prior to demolition commencing, a works plan and risk assessment shall be submitted for approval to the Local Planning Authority for consultation with Environmental Health Services. This plan and assessment should identify and risk-assess any potential hazardous material in above or below ground structures that will be removed or disturbed during demolition and measures to deal with these safely. All potentially hazardous materials should be assessed.
6. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:
 1. A preliminary risk assessment which has identified:
 - i. all previous uses
 - ii. potential contaminants associated with those uses
 - iii. a conceptual model of the site indicating sources, pathways and receptors
 - iv. potentially unacceptable risks arising from contamination at the site
 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

7. In the event that unexpected contamination is found at any time during the approved development works that was not previously identified, the findings must be reported in writing immediately to the Local Planning Authority. A new investigation and risk assessment must be undertaken in accordance with the requirements of condition 6 points 1 & 2 and where remediation is necessary a new remediation scheme must be prepared in accordance with the requirements of condition 6 point 3. This must be subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification plan must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 6 point 4.
8. Where long term monitoring and maintenance has been identified as necessary, a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period to be agreed with the LPA, and the provision of plans on the same must be prepared, both of which will be subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency Land Contamination Risk Management (LCRM).
9. No development hereby permitted shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:
 - (a) Soakaway test results in accordance with BRE 365 and groundwater monitoring results in line with our DCC groundwater monitoring policy.
 - (b) A detailed drainage design based upon the approved Flood Risk Assessment (NS_0118_06 dated June 2021) and the results of the information submitted in relation to (a) and (b) above
 - (c) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.
 - (d) Proposals for the adoption and maintenance of the permanent surface water drainage system.
 - (e) A plan indicating how exceedance flows will be safely managed at the site.
 - (f) A detailed assessment of the condition and capacity of any existing surface water drainage system//culvert that will be affected by the proposals. The assessment should identify and commit to, any repair and/or improvement works to secure the proper function of the surface water drainage receptor.

(g) Evidence there is agreement in principle from landowner to connect into their system

No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (f) above.

10. The proposed finished floor levels of the two buildings hereby approved shall be constructed 600mm above the design flood level, being 39.5mAOD for the grain store and 40.0mAOD for the replacement building as identified on plan drawing no. CMC-001-211 Rev.P01, titled 'Proposed new buildings finished floor levels'.
11. Unless otherwise agreed in writing by the Local Planning Authority, the development hereby permitted shall be implemented strictly in accordance with the recommendations and biodiversity enhancements for bat requirements of the Bat emergence and re-entry surveys produced by BSC ecology, dated 21 June 2021. Prior to the first use of the buildings hereby approved, a bat box shall be installed in accordance with a scheme which shall previously have been submitted to and approved in writing by the Local Planning Authority. Once installed, the approved measures shall be retained indefinitely.

REASONS FOR CONDITIONS

1. In accordance with provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt in the interests of proper planning.
3. In accordance with the submitted details and because the site is located within an established industrial estate and an Air Quality Management Zone where any new employment development would need to contribute towards air quality mitigation in line with policies S12 and CRE11 of the Mid Devon Local Plan Review 2013-2033.
4. To ensure the use of materials appropriate to the development in order to safeguard the visual amenities of the area in accordance with policy DM1 of the Mid Devon Local Plan 2013-2033.
5. In the interests of public health and the protection of the environment.
6. To ensure that risks from land contamination to the future users of the land and neighbouring land, together with those to controlled waters, property and ecological systems, are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
7. To ensure that risks from land contamination to the future users of the land and neighbouring land, together with those to controlled waters, property and ecological systems, are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
8. To ensure that risks from land contamination to the future users of the land and neighbouring land, together with those to controlled waters, property and ecological systems, are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

9. The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.
10. To ensure that the proposal conforms to the aims and policies contained within the National Planning Policy Framework and its associated Planning Practice Guidance relating to the mitigation against flood risk.
11. To ensure the protection of endangered species, under the European Habitats Directive and the Conservation of Natural Habitats and of Wild Fauna and Flora [Council Directive 92/43/EEC] which is implemented in the UK by the Conservation [Natural Habitats & Conservation] Regulations 1994 [Statutory Instrument No 2716] amended in 2007 and in accordance with policy DM1 of Mid Devon Local Plan 2013-2033.

INFORMATIVES

1. Prior to any demolition, a work plan and risk assessment of all potentially hazardous materials should be completed. This activity is enforced by The Health & Safety Executive.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The application for the erection of storage building with first floor office (512sqm) following demolition of barn and erection of grain store (498sqm) and change of use of land to car and lorry park at Crediton Milling Co Ltd, Fordton Mill is considered to be supportable in policy terms. With significant weight placed on the need to support economic growth, together with the overall design and appearance of the proposals including the relative distance between this site and any nearby residential properties, it has been concluded that there is no demonstrable harm to the living conditions of any occupants of nearby residential properties and the visual amenity of the locality would not be harmed as a result of the proposal to an extent that would justify withholding planning permission. Parking can be provided on site and the buildings are considered reasonably necessary for the development of the businesses on site. Having regard to all material considerations the application is in accordance with the requirements of policies S6, S8, S9, S12, DM1 and DM19 of the Mid Devon Local Plan 2013-2033 and the National Planning Policy Framework.

The Human Rights Act 1998 came into force on 2nd October 2000. It requires all public authorities to act in a way which is compatible with the European Convention on Human Rights. This report has been prepared in light of the Council's obligations under the Act with regard to decisions to be informed by the principles of fair balance and non-discrimination.

Application No. 21/00855/FULL

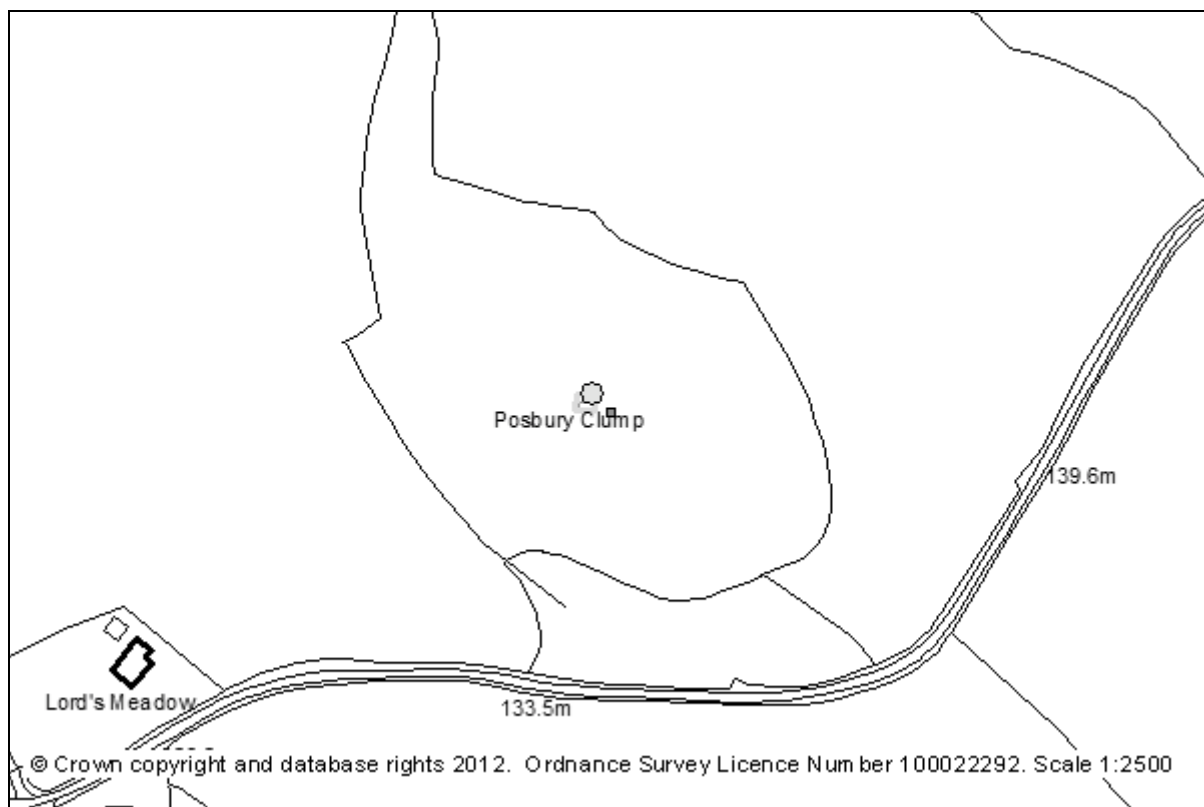
Grid Ref: 281483 : 97793

Applicant: Mr E Burke

Location: Posbury Clump
Posbury
Devon

Proposal: Erection of a workshop and store for woodland and land management

Date Valid: 20th May 2021



APPLICATION NO: 21/00855/FULL

MEMBER CALL-IN

Cllr Coren has called this application before committee to:

- Assess the design and visual impact of the building
- Discuss the impacts on the SSSI

RECOMMENDATION

Grant permission subject to conditions

PROPOSED DEVELOPMENT

The proposed development is for the erection of a workshop and store for woodland and land management at Posbury Clump, Posbury. The site is in the open countryside approximately 700m north west of Venny Tedburn. The site is classified as a Site of Special Scientific Interest which refers to an area of land where Natural England are of the opinion that it is of special interest by reason of any of its flora, fauna, or geological or physiographical features (Wildlife and Countryside Act, 1981).

The proposal itself seeks to erect a timber-based workshop building measure approximately 26 square metres internally. It comprises a pitched roof design measuring approximately 5.2m to its highest point.

Initially a prior notification for the erection of a forestry building was submitted to the LPA, however, following taking this to prior approval stage this application was withdrawn. Subsequently, this full planning application has been submitted.

APPLICANT'S SUPPORTING INFORMATION

Planning statement, tree survey, woodland management plan, ecological impact appraisal, site location plan, block plan and proposed plans.

RELEVANT PLANNING HISTORY

20/02116/PNFG - WDN date 5th February 2021 Prior Notification for the erection of a forestry workshop and store

DEVELOPMENT PLAN POLICIES

Mid Devon Local Plan Review 2013 – 2033

S1 – Sustainable Development

S9 – Environment

S14 – Countryside

DM1 – High Quality Design

DM28 – Other Protected Sites

National Planning Policy Framework.

CONSULTATIONS

Highway Authority, 7th June 2021:

The County Highway Authority recommends that the Standing Advice issued to Mid Devon District Council is used to assess the highway impacts, on this application.

Crediton Hamlets Parish Council, 8th June 2021:

Crediton Hamlets Parish Council supports this application subject to there being a condition that the site can only be used for private purposes (save for visits from interest groups).

Natural England, 8th June 2021:

No objection.

Natural England, 11th June 2021:

The planning statement doesn't affect our response ref: 354619 of 8th June except to acknowledge that reseeded tracks is not proposed and that the applicant appears to be in ongoing discussions with Natural England regarding the geological interest to secure favourable condition - information to be provided before determination - so if you need further input from me let me know.

Natural England, 5th August 2021:

Thank you for your email of 4th August 2021 consulting Natural England on the amended woodland management plan (WMP) and the ecological survey for the above proposal.

Natural England does not have any additional comment further to our advice of 8th June 2021 (ref 354619).

We would recommend that you also give Tom Whitlock (DCC Ecologist) chance to comment on the amended WMP as it principally affects the County Wildlife Site which I understand is designated for the presence of secondary broadleaved calcareous woodland.

We welcome the works done to reinstate the geological interest of the SSSI and an ongoing commitment to this and it's exciting to note the presence of species such as the staghorn beetle.

Devon County Council Ecologist, 19th August 2021:

Further information required prior to determination.

Please see Appendix A of this report for full response.

Devon County Council Ecologist, 1st September 2021:

OK subject to conditions.

Please see Appendix B of this report for full response.

Environment Agency:

No comments received.

REPRESENTATIONS

This planning application has been advertised by means of a site notice erected by the applicant, by notifying immediately adjoining neighbours in writing and by advertising in a local newspaper in accordance with the legal requirements for publicity on planning applications, and the Council's Adopted Statement of Community Involvement October 2016).

Two letters of objection and one general comment have been received at the time of writing this report. The matters raised have been summarised below:

- Design and appearance not suitable for a forestry building
- Siting of the building is not practical or appropriate
- No requirement for a workshop/store building
- Noise impacts
- Ecological impacts
- Visual impacts

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

1. Policy and procedure
2. Design, siting and visual impacts
3. Ecology, biodiversity and the SSSI
4. Other material considerations

1. Policy and procedure

The site is located outside of any defined settlements and is therefore classified as being in the open countryside by the Mid Devon Local Plan (2013-2033). Policy S14 refers to development in the open countryside and seeks to preserve or enhance the character, appearance and biodiversity of the countryside. It allows for sustainable diversification of the rural economy and criterion (b) supports appropriately scaled farm diversification and leisure related development.

Within the Planning Statement, it is stated that the building is proposed for the storage of tools and materials to enable the management of the land, the working of materials sourced from the land and the enjoyment of the land by the owners. The management of the land refers to the ongoing management of the forest and the SSSI. Whilst this may not meet the planning definition of agriculture, it is considered a sustainable diversification of the rural economy given that the land has not been managed for a number of years. Similarly, S14 allows for suitably scaled leisure development and overall the principle of the development is considered to be established subject to the development complying with the relevant development management policies.

2. Design, siting and visual impacts

Policy DM1 of the local plan refers to high quality design, stating that design should demonstrate a number of principles such as:

- '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; and
 - i) On sites of 10 houses or more the provision of 20% of dwellings built to Level 2 of Building Regulations Part M 'access to and use of dwellings'
- A summary assessment against DM1 is set out below:

The proposed building measures approximately 26 square metres internally. It comprises a pitched roof design measuring approximately 5.2m to its highest point. It is to be constructed largely of timber which responds well to its immediate location. It is to be sited in an already flattened area in the centre of the site which is well contained by trees and vegetation. Owing to the modest scale of the building it is not expected to be seen from public view. As such, the building is considered to comply with relevant criteria A, B, C and E of DM1.

Given the reasonably isolated position of the building in the centre of the site, it will need to be accessed on foot, also in accordance with DM1. Criteria G to I are not considered relevant to this proposal so overall the proposal complies with DM1.

The representations regarding the siting and design of the building have been considered. Concern was raised within the letters stating that the building's design was more accustomed to a domestic building as opposed to a workshop. Whilst this may be the case, the building is also proposed for incidental leisure use as allowable by policy S14. Since the design of the building complies with policy DM1 and the principal is established by S14, it is not considered reasonable to refuse the application on this basis.

Concern relating to the visual impact of the building was also raised via the public consultation. As above, the building is well contained by existing trees and vegetation and the siting is such that it will not be seen from public vantage points. There is therefore not considered to be any significant visual impacts on either the countryside or neighbourhood amenity.

3. Ecology, biodiversity and the SSSI

Policy DM28 of the local plan refers to protected landscapes such as Sites of Special Scientific Interest (SSSI). The policy states that the overall benefits of a proposal will be assessed against its impact. It also states that planning permission will be granted where:

- 'a) The benefits of and need for the development clearly outweigh the direct and indirect impact to the protected site and the ecosystem services it provides;
- b) The development could not be located in an alternative, less harmful location; and
- c) Appropriate mitigation measures have been put in place. Where mitigation measures are not possible compensatory measures in some cases may be considered appropriate'

It is considered that the benefits of managing the site do outweigh any impacts caused by the erection of one modest building. A number of ongoing management proposals have been submitted within the Woodland Management Plan and Ecological Appraisal. In Natural England's latest comments, they state that they welcome the proposals and the ongoing commitment to support the SSSI. There are no existing buildings on site and it is considered that the siting is the least impactful. Overall, it is considered that the development complies with DM28.

In terms of ecology, an appraisal has been submitted and comments have been sought from the ecologist at Devon County Council. The county ecologist has raised no objection to the development, only stating that prefer a more traditional coppicing scheme and would recommend native planting as opposed to non-native. The Woodland Management Plan has been updated to reflect this. The mitigation measures set out in the ecological impact appraisal will be secured by way of condition and overall the scheme is acceptable in terms of ecology and biodiversity.

4. Other material considerations

Noise related impacts were raised in one of the letters of representation. However, the works to the land do not necessarily require planning permission and it is not expected that the erection of one modest building will have unacceptable noise impacts. The building is proposed some 150m from the nearest residential dwelling and overall there are no significant concerns relating to noise.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. Unless otherwise agreed in writing by the Local Planning Authority, the development hereby permitted shall be implemented strictly in accordance with the recommendations and requirements of the ecological survey report undertaken by Dartforest dated August 2021.
4. Unless otherwise agreed in writing by the Local Planning Authority, the development hereby permitted shall be implemented strictly in accordance with the Woodland Management Plan undertaken by Dartofrest dated September 2021 and be managed and maintained in accordance with this document for a period no less than 10 years as outlined within the Woodland Management Plan.

REASONS FOR CONDITIONS

1. In accordance with provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt in the interests of proper planning.
3. To safeguard statutorily protected species in accordance with the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010).
4. To protect the special characteristics of the SSSI in accordance with policy DM28 of the Mid Devon Local Plan (2013-2033).

INFORMATIVES

In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant and has negotiated amendments to the application to enable the grant of planning permission.

Section 149 of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between different people when carrying out their activities. This is called the Public Sector Equality Duty or "PSSED". No persons that could be affected by the development have been identified as sharing any protected characteristic.

REASON FOR APPROVAL

The proposed erection of a workshop and store for woodland and land management at Posbury Clump, Posbury is considered acceptable in policy terms. The overall scale, design and siting of the building is considered acceptable. It is considered that there will be no significant adverse impacts on the character of the open countryside, the SSSI or on ecology or biodiversity. As such, the scheme complies with policies S1, S9, S14, DM1 and DM28 of the Mid Devon Local Plan (2013-2033) and guidance in the National Planning Policy Framework.

The Human Rights Act 1998 came into force on 2nd October 2000. It requires all public authorities to act in a way which is compatible with the European Convention on Human Rights. This report has been prepared in light of the Council's obligations under the Act with regard to decisions to be informed by the principles of fair balance and non-discrimination.

Appendix 1 – DCC Ecology (August 2021)

LPA Ecological Comments

Headline response as of 19th August 2021: **Further Information Required prior to determination**

LPA Ecologist: Tom Whitlock (DCC Ecologist, on behalf of MDDC)

LPA: Mid Devon District Council

Details: Erection of a workshop and store for woodland and land management

Location: Venny Tedburn, Crediton Hamlets

Applicant's consultant ecologist: Dartforest

LPA Planning Officer: Jake Choules

Relevant documents supplied as part of the application and date documents written: Ecological Impact Assessment, July 2021, Woodland Biodiversity Audit & Environmental, Restoration and Management Plan (2021 – 2031), April 2021

	An overview of the survey and impact assessment (ES) & LPA ecologist comments where needed (red)	An overview of the mitigation proposed (ES) how this be secured & LPA ecologist comments where needed (red)	Condition / S106
Statutory designated sites			
Posbury Clump SSSI	<p>The whole of the proposal area is within the Posbury Clump Site of Special Scientific Interest, designated as a 'Disused quarry showing exposures of potassium-rich lavas of Permian age.</p> <p>Based on the evidence submitted for this application, it is deemed that the proposed development is unlikely to damage or destroy the interest features for which the Posbury Clump Site of Special Scientific Interest</p>	N/A	
	<p>(SSSI) is designated.</p> <p>The chosen site for the workshop will not impact on the SSSI as it is away from the designated interest</p>		
Non-statutory designated sites			
Posbury Clump CWS	<p>The whole of the proposal area is within the Posbury Clump County Wildlife Site, designated as a 'Secondary broadleaved calcareous woodland with disused quarry'</p> <p><u>DCC Ecology Comments:</u></p> <p>The impacts of the scheme on this designated site and the woodland habitat are currently deemed too vague.</p> <p>It is noted that the proposed log store is located within Compartment 4 of the woodland, which is mainly bare ground, however clarification is required from the consultant ecologist on the definitive amount of woodland habitat that requires removal to facilitate this scheme and what impact this will have on the County Wildlife Site (if any).</p>	<p>The remaining broadleaved woodland onsite will be managed to increase its biodiversity value as per the agreed woodland management plan – please see 'Woodland Management Plan section below'</p>	<p>Further conditions may be required on receipt of requested information.</p>
Priority Habitats			
Broadleaved Woodland	<p>See 'Posbury Clump CWS' section above</p>	<p>The remaining broadleaved woodland onsite will be managed to increase its biodiversity value as per the agreed woodland management plan – please</p>	<p>Further conditions may be required on receipt of requested information.</p>

		see 'Woodland Management Plan section below'	
European Protected Species			
Bat roosts in trees	No trees or features onsite suitable in supporting roosting bats. No impacts	It is proposed to install 2 no. bat boxes on trees within the woodland habitat.	<u>Condition:</u> The details of the location of the bat roosting boxes are to be submitted to and agreed with the LPA.
Bat flight lines	No bat activity surveys were carried out to support this application. The woodland habitat is deemed likely to support foraging and commuting bat species. Artificial lighting during construction and operations has the potential to impact bats.	No external lighting will be permitted on the development. Construction lighting will be controlled via the submission of a CEMP document.	<u>Condition:</u> At no times shall any external lighting be installed or used in association with the development hereby approved, unless otherwise agreed in writing by the Local Planning Authority <u>Condition:</u> A Construction and Environmental Management Plan which will include details of environmental protection throughout the construction phase, will be conditioned. This will need to be agreed with the LPA.
Hazel Dormouse	Suitable habitat present onsite with moderate connectivity to offsite habitats – dormice also recorded using boxes within the woodland habitat	<u>DCC Ecology Comments:</u> Dormice are assumed present on the site in all suitable habitat. Clarification is needed from the consultant ecologist what specific mitigation measures (if any) are required to avoid impacting this species.	Further conditions may be required on receipt of requested information.
Other Protected Species			
Badgers	Signs of badgers were checked in	<u>DCC Ecology Comments:</u>	Further conditions may be required on receipt of requested information.
	February 2021 A main sett was recorded in the northernmost part of the woodland.	Clarification is needed from the consultant ecologist what specific mitigation measures (if any) are required to avoid impacting this species.	<u>Condition:</u> Prior to the commencement of any site works, a repeat survey for the presence of badgers on the site and surrounding suitable habitat, with associated mitigation/compensation measures if required, shall be submitted to and approved in writing by the local planning authority
Nesting Birds	Loss of habitats suitable of supporting nesting birds.	Vegetation removal and construction during winter months	<u>Condition:</u> No vegetation clearance or construction shall take place during the bird nesting season (01 March to 31 August inclusive) unless the developer has been advised by a suitably qualified ecologist that the clearance will not disturb nesting birds and a record of this kept.
Reptiles	The presence of relatively common & widespread species such as slow worm utilise the woodland edge is considered likely.	<u>DCC Ecology Comments:</u> Reptiles are assumed present on the site in all suitable habitat. Clarification is needed from the consultant ecologist what specific mitigation measures (if any) are required to avoid impacting these species.	Further conditions may be required on receipt of requested information.
Woodland Management Plan			
	<u>DCC Ecology Comments:</u> It is my opinion that the greatest benefit for the woodland would be the reinstatement of a traditional		

	<p>coppicing regime and see what understorey develops naturally, rather than supplementary plug planting or wildflower seeding – I would welcome the thoughts of the consultant ecologist on this.</p> <p>Further, the woodland management plan should clearly specify UK sourced and grown native trees/shrubs – I believe that non-native trees should be avoided.</p> <p>With the suggested amendments above, the woodland management plan is deemed comprehensive and would improve the biodiversity value of the existing woodland.</p> <p>The above amendments should be made, and the woodland management plan resubmitted so it can made a condition of any planning consent.</p>		
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Appendix 2 – DCC Ecology (September 2021)

LPA Ecological Comments

Headline response as of 1st September 2021: **OK Subject to Conditions**

LPA Ecologist: Tom Whitlock (DCC Ecologist, on behalf of MDDC)

LPA: Mid Devon District Council

Details: Erection of a workshop and store for woodland and land management

Location: Venny Tedburn, Crediton Hamlets

Applicant's consultant ecologist: Dartforest

LPA Planning Officer: Jake Choules

Relevant documents supplied as part of the application and date documents written: Ecological Impact Assessment, July 2021, Woodland Biodiversity Audit & Environmental, Restoration and Management Plan (2021 – 2031), April 2021

	An overview of the survey and impact assessment (ES) & LPA ecologist comments where needed (red)	An overview of the mitigation proposed (ES) how this be secured & LPA ecologist comments where needed (red)	Condition / S106
Statutory designated sites			
Posbury Clump SSSI	The whole of the proposal area is within the Posbury Clump Site of Special Scientific Interest, designated as a 'Disused quarry showing exposures of potassium-rich lavas of Permian age. Based on the evidence submitted for this application, it is deemed that the proposed development is unlikely to damage or destroy the interest features for which the Posbury Clump Site of Special Scientific Interest	N/A	
	(SSSI) is designated. The chosen site for the workshop will not impact on the SSSI as it is away from the designated interest		
Non-statutory designated sites			
Posbury Clump CWS	The whole of the proposal area is within the Posbury Clump County Wildlife Site, designated as a 'Secondary broadleaved calcareous woodland with disused quarry' Impacts will be limited to the loss of bare ground on top of a ridge within compartment 4 of the woodland to make way for the proposed development. The development will result in the loss of 26.04m ² of what is currently bare ground. This will have no adverse impact on the designated features of the CWS.	The remaining broadleaved woodland onsite will be managed to increase its biodiversity value as per the agreed woodland management plan – please see 'Woodland Management Plan section below'	<u>Condition:</u> A Woodland Management Plan for the remaining woodland compartments of Posbury Clump CWS which will be conditioned. This will need to be agreed with the LPA.
Priority Habitats			
Broadleaved Woodland	See 'Posbury Clump CWS' section above	The remaining broadleaved woodland onsite will be managed to increase its biodiversity value as per the agreed woodland management plan – please see 'Woodland Management Plan section below'	See above.
European Protected Species			
Bat roosts in trees	No trees or features onsite suitable in supporting roosting bats.	It is proposed to install 2 no. bat boxes on trees within the woodland	<u>Condition:</u> The details of the location of the bat roosting boxes are to be submitted to and agreed with the

	No impacts	habitat.	LPA.
Bat flight lines	<p>No bat activity surveys were carried out to support this application.</p> <p>The woodland habitat is deemed likely to support foraging and commuting bat species.</p> <p>Artificial lighting during construction and operations has the potential to impact bats.</p>	<p>No external lighting will be permitted on the development.</p> <p>Construction lighting will be controlled via the submission of a CEMP document.</p>	<p><u>Condition:</u> At no times shall any external lighting be installed or used in association with the development hereby approved, unless otherwise agreed in writing by the Local Planning Authority</p> <p><u>Condition:</u> A Construction and Environmental Management Plan which will include details of environmental protection throughout the construction phase, will be conditioned. This will need to be agreed with the LPA.</p>
Hazel Dormouse	<p>Suitable habitat present onsite with moderate connectivity to offsite habitats – dormice also recorded using boxes within the woodland habitat</p> <p>The area of the site to be developed is bare ground due to the removal of a number of ash trees with advanced ash die-back. Adjacent and nearby habitats comprised tree stumps with occasional individual plants of Lords & Ladies.</p> <p>The development area and nearby/adjacent habitats are not considered to have the potential to support dormouse – no impacts</p>	N/A	

Other Protected Species			
Badgers	<p>Signs of badgers were checked in February 2021</p> <p>A main sett was recorded in the northernmost part of the woodland.</p> <p>The area to be developed itself does not support any badger setts or any other direct evidence of badgers, but this species is considered likely to traverse the development site when foraging or commuting.</p>	<p>Precautionary measures will be employed during construction to ensure no badgers are harmed or injured. This will be detailed in a CEMP which will be conditioned.</p>	<p><u>Condition:</u> A Construction and Environmental Management Plan which will include details of environmental protection throughout the construction phase, will be conditioned. This will need to be agreed with the LPA.</p> <p><u>Condition:</u> Prior to the commencement of any site works, a repeat survey for the presence of badgers on the site and surrounding suitable habitat, with associated mitigation/compensation measures if required, shall be submitted to and approved in writing by the local planning authority</p>
Nesting Birds	<p>Loss of habitats suitable of supporting nesting birds.</p>	<p>Vegetation removal and construction during winter months</p>	<p><u>Condition:</u> No vegetation clearance or construction shall take place during the bird nesting season (01 March to 31 August inclusive) unless the developer has been advised by a suitably qualified ecologist that the clearance will not disturb nesting birds and a record of this kept.</p>
Reptiles	<p>The presence of relatively common & widespread species such as slow worm utilise the woodland edge is considered likely – this is located on the western edge of the wider woodland site.</p> <p>Reptile species are not considered to</p>	N/A	

	be present within the woodland itself or, by extension, the development area due to the general dense canopy of the woodland supporting very few basking spots that these species require combined with the general shady and therefore cold nature of woodlands – no impacts		
Woodland Management Plan			
	<p><u>DCC Ecology Comments:</u></p> <p>It is my opinion that the greatest benefit for the woodland would be the reinstatement of a traditional coppicing regime and see what understorey develops naturally, rather than supplementary plug planting or wildflower seeding – I would welcome the thoughts of the consultant ecologist on this.</p> <p>Further, the woodland management plan should clearly specify UK sourced and grown native trees/shrubs – I believe that non-native trees should be avoided.</p> <p>With the suggested amendments above, the woodland management plan is deemed comprehensive and would improve the biodiversity value of the existing woodland.</p> <p>Jake – I am happy for the above</p>		
	amendments to be made and the woodland management plan submitted as a condition of any planning consent. I assume this is not an issue?		

Application No. 21/00617/FULL

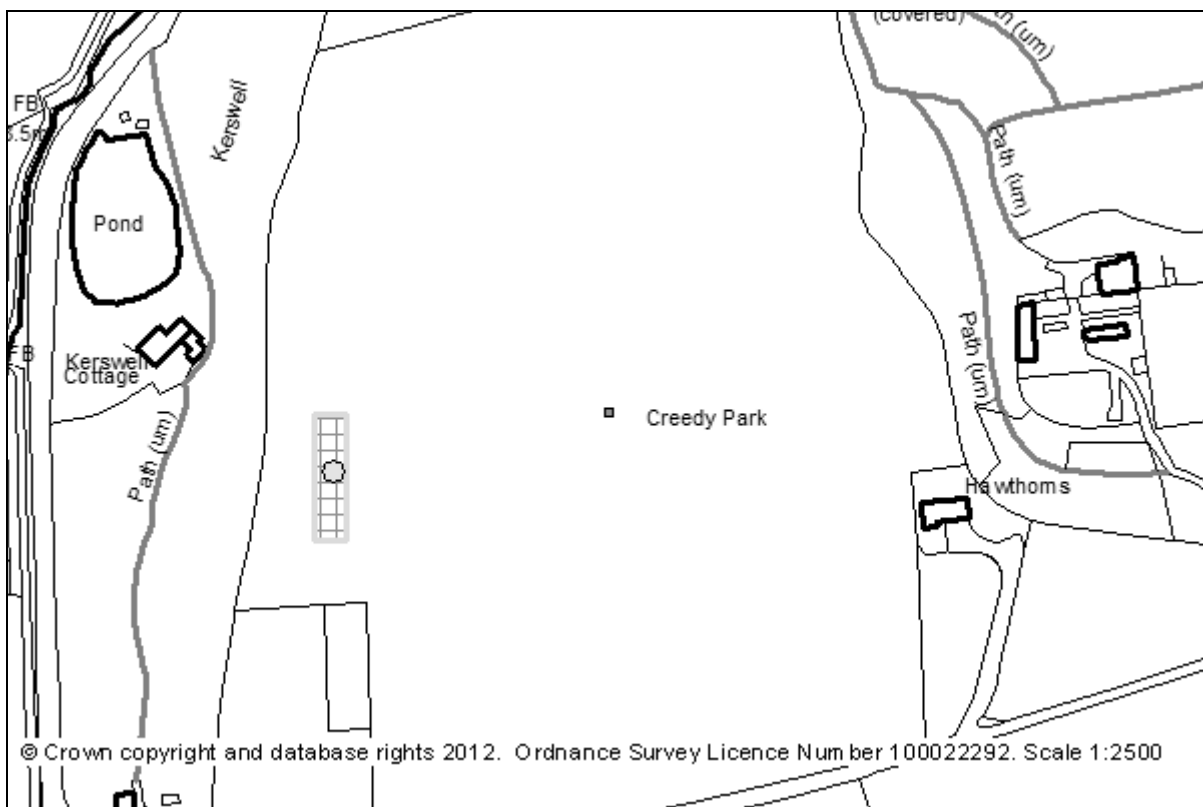
Grid Ref: 282913 : 101644

Applicant: WBC & MW Butterfield

Location: Land at NGR 282822 101624 (Creedy Park)
Credton
Devon

Proposal: Erection of a general purpose agricultural building

Date Valid: 25th March 2021



APPLICATION NO: 21/00617/FULL

MEMBER CALL-IN

The application was called in by Cllr Squires to consider the agricultural need for size of building and the visual impact.

RECOMMENDATION

Refuse permission

PROPOSED DEVELOPMENT

The proposed development is for the erection of a general purpose agricultural building at Land at NGR 282822 101624 (Creedy Park), Credenbury. The site falls within Creedy Park which is a historic park and garden in the open countryside. The site is approximately 600 metres south of the defined settlement of Sandford.

The proposal itself is for an agricultural building relating to the renewable heat installation business section of the applicant's business. The building is proposed to store timber which otherwise would be stored outdoors.

A prior notification application was previously considered to be permitted development under reference 20/00506/PNAG. This building measured 22.5m X 12m with a height of 5.6m. This application relates to the same site and proposes a different larger building on the site measuring 36m X 10.6m with a height of 5.9m.

APPLICANT'S SUPPORTING INFORMATION

Flood map, planting plan, planning statement, site location plan, block plan and proposed plans.

RELEVANT PLANNING HISTORY

20/00506/PNAG - PDA date 20th April 2020 Prior Notification for the erection of an agricultural storage building

20/00679/PNAG - PDA date 19th May 2020 Prior Notification for the provision of an agricultural access track

DEVELOPMENT PLAN POLICIES

Mid Devon Local Plan Review 2013 – 2033

S1 – Sustainable Development

S14 – Countryside

DM1 – High Quality Design

DM20 – Agricultural Development

National Planning Policy Framework

CONSULTATIONS

Sandford Parish Council, 3rd May 2021:

Following a site Meeting the Parish Council have asked me to submit their comments on this application. Sandford Parish Council appreciate the District Council made NO OBJECTION to the previous Prior Approval Not Required (PNAG 20/00506) when the Parish Council were of course not needed to be consulted. However we do not feel we can support the current application, at this location, for the following reasons :-

Concerns from residents at Creedy Park on the creation of heavy agricultural traffic on to the busy Crediton to Sandford main road.

It was considered the height of the proposed building at 6m was excessive and have a larger visual impact on the unique setting of Creedy Park. We feel there is a need to lower the building to 5m and, where possible, have a site dug into the hill with a bank landscape with a variety of trees that compliment the ones that already exist within the area.

There are also concerns over the proximity to the adjoining paddock at West Lodge.

If permission is granted it should only be for agricultural storage purposes and not permitted for other purposes for the future.

Devon Gardens Trust, 23rd April 2021:

This application affects Creedy Park, an historic designed landscape which, as you will be aware, is of particular interest to the Trust, and which is included on the Devon Gazetteer of landscapes of local and regional significance. The park forms the designed setting to Creedy Park, which is Listed at Grade II. We therefore take a serious view of your failure to consult us on this application.

Sites of local and regional significance (non-designated heritage assets) are considered by the National Planning Policy Framework (para 197), which states: "The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application". We note with concern that the applicant in this case has not provided any assessment of the impact of the proposed development on the non-designated heritage asset of Creedy Park: we would advise that without such information, your Authority is not in a position properly to determine this application.

Having reviewed the information on your website, we conclude that the proposed development would have a significant adverse impact upon the historic designed landscape of Creedy Park by reason of:

The visual intrusion of a large agricultural building within the otherwise open parkland landscape, to the detriment and damage of its special historic interest and character;

The permanent fragmentation and sub-division of the parkland by the introduction of a solid barrier in the form of a Devon hedge bank.

We advise that the significantly greater scale of the proposed structure makes any comparison with the existing cricket pavilion inappropriate and misleading in assessing its impact upon the park landscape.

We would also advise that any hope that the proposed Devon hedge bank would be effective in screening or mitigating the adverse visual impact of this building is misplaced.

We therefore object to the present proposal, and respectfully urge your Authority not to grant consent for a scheme which, for the reasons set out above, we consider would cause significant harm to this locally and regionally significant heritage asset.

Conservation Officer, 2nd June 2021:

It is in a sensitive corner with two listed lodge buildings adjoin the site and views from the cricket ground and road entrance and parkland boundary walls. I think we need to see alternative location options and if they still wish to propose the building in this location a heritage assessment is needed. The woodland to the edge of the parkland currently screens partly the listed buildings but I imagine this relationship I more connected in the winter months without this screen.

Conservation Officer 15th September 2021:

My views are the same – they need to show the impact on setting of the listed buildings and structures with landscape views /photomontage etc. and an assessment of the harm to setting in a heritage assessment otherwise there is no justification. They also need to show the need for this building and that this is the only location they can site such as building.

At the moment the proposal is contrary to NPPF paragraphs

194. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.

199. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).

200. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

202. 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, where appropriate, securing its optimum viable use.

And Local Plan Policy DM 25 Affect on Heritage Assets

Policy DM25

Development affecting heritage assets

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).

Highway Authority, 31st March 2021:

The County Highway Authority have no comments to make on this application.

Environment Agency

Operational development less than 1ha within Flood Zone 1 - No consultation required - see surface water management good practice advice - see standard comment.

REPRESENTATIONS

At the time of writing this report, a total of 9 letters of objection have been received as well as 1 letter of support and 1 general comment. The concerns raised are summarised below:

- Adverse traffic impacts
- Appearance, scale and design of the proposed building
- Siting of the proposed building
- Ecological impacts and lack of ecological survey
- Unnecessary increase in scale compared to 20/00506/PNAG
- Impact on nearby listed buildings and historic parkland
- Noise and light pollution

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

1. Policy and Procedure
2. Conservation
3. Ecology
4. Other Material Considerations
5. Planning Balance/Summary

1. Policy and Procedure

The site does not fall within a defined settlement and is therefore classified as being in open countryside by the Mid Devon Local Plan (2013-2033). Policy S14 (Countryside) is therefore relevant. Policy S14 seeks to control development in the open countryside, allowing for only a limited number of rural uses, this includes agricultural development and diversification of the rural economy.

More specifically, policy DM20 supports agricultural development subject to a number of criteria:

- 'a) The development is reasonably necessary to support farming activity on that farm or in the immediate agricultural community;
- b) The development is sensitively located to limit any adverse effects on the living conditions of local residents and is well-designed, respecting the character and appearance of the area;
- c) The development will not have an unacceptable adverse impact on the environment; and
- d) The development will not have an unacceptable traffic impact on the local road network.'

A summary assessment against these criteria is undertaken below:

- (a) In support of the application, a planning statement was submitted which states that the proposed building relates to a farm holding comprising 114 acres. It was clarified in an

email dated the 16th of September 2021 that 40 acres are owned by the application whilst the remainder are rented. Part of the enterprise includes providing logs for a biomass boiler relating to the wider enterprise. The building is proposed to store the logs to ensure that they remain dry, in an email dated the 23rd of July 2021, the applicant confirmed that this is a legal requirement. This is therefore considered a reasonably necessary function for an agricultural building in order to support the farming enterprise. However, it should be noted that a smaller building was approved via the permitted development legislation and it is not considered that sufficient justification has been provided for a larger building on the site. This is taken into account when determining the planning balance.

- (b) In terms of impacts on local residents, the building is proposed to be sited approximately 45m from the nearest residential dwelling. This is considered sufficient separation distance to prevent any overshadowing or other direct impacts on the amenity of residents. It is noted that some of the letters of objection refer to noise impacts but given that the proposal relates to a storage building as opposed to livestock or suchlike, there are no significant concerns relating to noise.

With regards to the character of the area, it is considered that the building measuring 36m X 10.6m with a height of 5.9m will adversely impact the character and appearance of the area. The location is currently open parkland with sporadically sited dwellings. There will be views of the building from the spine road to the south and the cricket club. Whilst the screening will go some way to hide the building from public view, the insertion of screening will detract from the open parkland feel of the area. It is acknowledged that a building has already been approved on the site however the proposed building is significantly larger in terms of width and is also 0.3m taller. It is therefore considered to have a greater impact.

- (c) The proposal is for a storage building and it is not expected that any trees will be removed as part of the development. The site is not within a flood risk area and overall there are no concerns relating to the immediate environment.
- (d) It is noted that significant concern has been raised relating to an increase in traffic movements and agricultural traffic in particular. However, the Highway Authority have raised no objection. On balance, it is not expected that the erection of one storage building will significantly increase traffic movements in the area. Some farm traffic is to be expected in rural locations and overall the local road network is not considered to be at risk as a result of this development. A point was also raised in the representations about the right of access to the private roads within Creedy Park. It is considered that this is a civil matter and not a material planning consideration.

Overall, it is considered that the development does not fully comply with criteria (A) or (B) of DM20 and therefore isn't supportable on policy grounds.

2. Conservation

The site is within Creedy Park which is identified as a historic park and garden. However, it is not known to have any specific protections in the local plan. The parkland does consist of a number of listed buildings including Kerswell Cottage which is approximately 45m north west of the site and West Lodge, approximately 110m south west of the site.

Given the proximity to the two listed buildings, Policy DM25 (Heritage Assets) has been considered and the Conservation Officer has been consulted on the proposals. Criterion (b) of DM25 states that 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. In this vein, the Conservation Officer requested a heritage impact assessment or alternative options for the siting of the building. Whilst these have not been provided, revised plans were submitted reducing the scale of the building, however, the Conservation Officer retains their concerns.

3. Ecology

A letter of representation was received stating that the site is greater than 0.1 hectares in area and therefore, as per the Council's Wildlife Trigger List, an ecological impact appraisal should have been submitted with the application. However, there is an asterisks next to this point on the trigger list which states; "If you have ticked 'no' to all 1b questions a Wildlife Report will not be required if the LPA confirms in writing that it is reasonably certain that there will be no impact on protected or priority habitats and species."

Given that the proposal is for the erection of an agricultural building on parkland, without the removal of trees or hedgerows, the Council is reasonably certain that there will be no impacts on protected species. In any event, the red line on the submitted plans takes into account previous development such as a farm track and the planting areas so it is likely that the actual development site is less than 0.1 hectares.

4. Other material considerations

The matter of light pollution has also been raised within the letters of representation. The submitted plans do not show any external lighting and therefore there are no concerns with regard to light impacting either the amenity of residents of nearby properties or protected species.

5. Planning Balance/Summary

Policy S14 allows for appropriately scaled agricultural development. Whilst there is some justification for the erection of an agricultural building in this position, it is considered that there has not been sufficient justification for the increase in scale compared with the building previously approved on site. Similarly, the increased scale is considered to adversely impact the character of the area and there has been insufficient information submitted to justify the harm to the setting of the nearby listed buildings. Overall, the scheme is therefore not considered to comply with DM1, DM20 or DM25 of the Local Plan.

INFORMATIVES

Section 149 of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between different people when carrying out their activities. This is called the Public Sector Equality Duty or "PSED". No persons that could be affected by the development have been identified as sharing any protected characteristic.

REASONS FOR REFUSAL

It is recommended that planning permission is refused for the following reasons:

1. The Local Planning Authority is of the opinion that by means of its scale, siting and design, the proposed building is unacceptable for this countryside location within the sensitive historic

setting of Creedy Park which is on the local list for Historic Park and Garden. Insufficient information has also been submitted to assess the potential harm to the two nearby listed buildings currently known as Kerswell Cottage and West Lodge. Therefore the proposal is considered to harm the character of the area without sufficient justification for the development. The proposed development is therefore considered to be contrary to policies S14, DM1, DM20 and DM25 of the Mid Devon Local Plan (2013-2033).

The Human Rights Act 1998 came into force on 2nd October 2000. It requires all public authorities to act in a way which is compatible with the European Convention on Human Rights. This report has been prepared in light of the Council's obligations under the Act with regard to decisions to be informed by the principles of fair balance and non-discrimination.

Application No. 21/00191/FULL

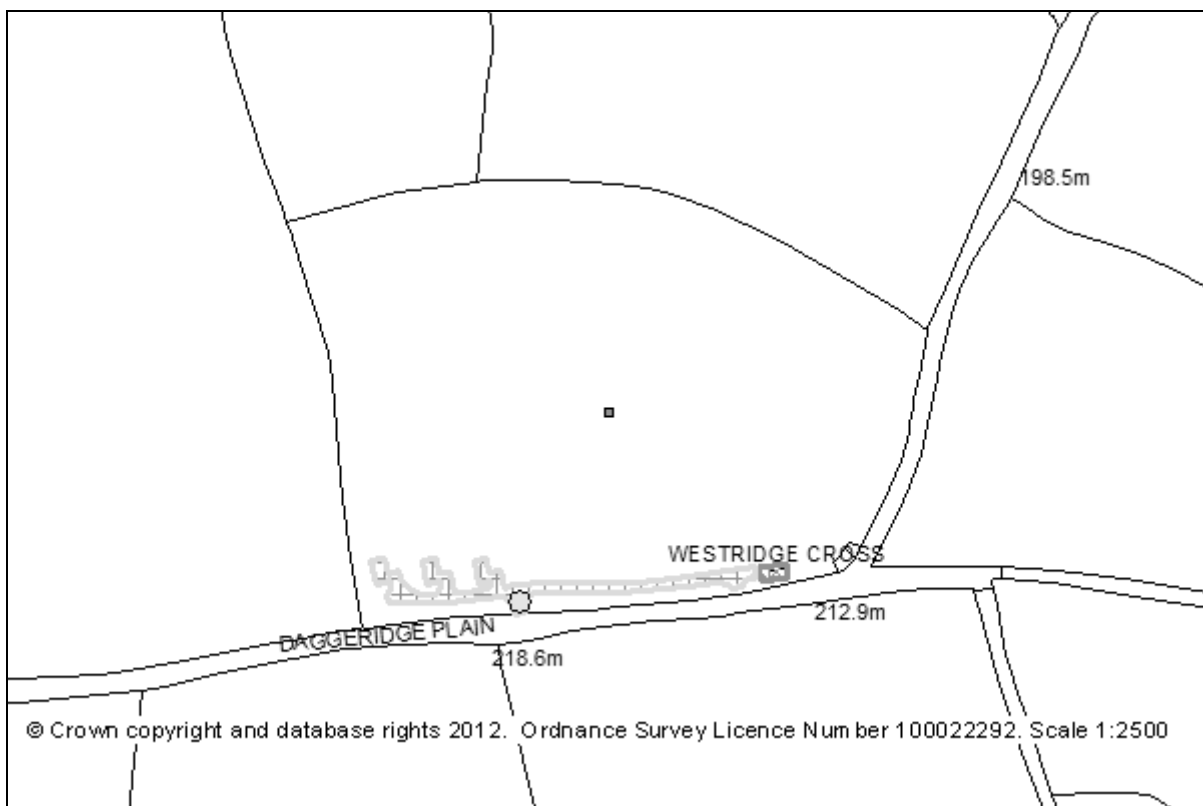
Grid Ref: 290211 : 109532

Applicant: Mr & Mrs Heard

Location: Land at NGR 290204 109476 (Home Farm)
Cadeleigh
Devon

Proposal: Conversion of outbuilding to holiday let and siting of 2 holiday cabins

Date Valid: 5th February 2021



APPLICATION NO: 21/00191/FULL

MEMBER CALL-IN

Called in by Cllr Bob Deed, in order to consider the potential visual impact of the proposed development and the impact on access and traffic in the local vicinity.

RECOMMENDATION

Grant permission subject to conditions

PROPOSED DEVELOPMENT

Conversion of outbuilding to holiday let and siting of 2 holiday cabins

The proposed development relates to an open field to the northern side of Daggeridge Plain. It is approximately 1.8km to the north west of Cadeleigh, close to Well Town. The topography of the site slopes steeply downwards to the north. Home Farm, a recently converted former agricultural building, in which the applicant resides is located at the bottom of the hill, to the north of the site.

The site is currently accessed from an existing field access at south east corner of the field. There are several residential properties and farmsteads dotted around the area, with the nearest being a little over 200 metres away. The application site is currently pastureland used for grazing sheep mainly, with an existing small agricultural shed located towards the south east corner of the field, close to the existing access. The roadside boundaries of the site comprise mature hedgerow.

It is proposed to convert the existing building and provide a further two buildings on the site for use as holiday accommodation. The existing building is currently constructed with a mix of concrete block and timber cladding to three elevation, with a part open front with large metal gate to the remaining elevation to the north. This elevation is proposed to be infilled with timber or Cedar weatherboard proposed, and new windows and doors. The two new buildings are proposed to be constructed with a mix of timber or Cedar weatherboard, and aluminium corrugated sheet with metal roof. These units are proposed to be provided with a timber decking area. The units would be accessed via a new stone internal track running along the inside of the eastern hedge boundary, with access via the existing access to Home Farm, to the north of the site.

The application has been amended since it was originally submitted, with the number of additional units reduced from three to two, their location moved from a more central location within the field, to the eastern edge, and plans for a new vehicular access along the southern boundary omitted in favour of using the existing access to the north.

APPLICANT'S SUPPORTING INFORMATION

Site location and block plans
Elevation and floor plans
Design and access statement

Business case and business revenue projections
Letters of support from holiday cottage agents
Economic appraisal
Wildlife trigger table
Ecological impact assessment
Hedgerow assessment
Foul drainage assessment form

RELEVANT PLANNING HISTORY

No relevant site history

DEVELOPMENT PLAN POLICIES

Mid Devon Local Plan Review 2013 – 2033

S1 - Sustainable development priorities
S9 - Environment
S14 - Countryside
DM1 - High quality design
DM3 - Transport and air quality
DM4 - Pollution
DM5 - Parking
DM22 - Tourism and leisure development

National Planning Policy Framework

CONSULTATIONS

CADELEIGH PARISH MEETING - Due to Covid 19 restrictions, Cadeleigh Parish Meeting have not been able to meet. The following comment has however been received from Mr Richard Gough, The Parish Chairman:

4th March 2021 - As the lockdown has prevented our ability to hold a Parish Meeting, I have canvassed views of residents in Cadeleigh Village and have collated and compressed them to enable me to give an overview as follows.

The Notice of the Application came as a surprise to all the neighbours and has resulted in I believe a pretty unanimous objection.

I set out below the Objections raised :-

The application for the conversion of the new timber sheep shelter to a holiday cottage does not comply with DM9 and the provision of 3 new holiday cottages on a green field site that is currently in use for agriculture and particularly sheep grazing does not comply with DM22.

- The conversion is of a practically brand new timber shelter (erected to assist this Application it would seem) does not comply with the conversion of redundant or disused buildings of a substantial and permanent construction required by MDDC Planning Policy DM9. It is a sheep shelter as advised to the neighbours when in construction.

- The Application for 3 new holiday cottages along the top of an exposed ridge alongside the hedge to Daggeridge Plain does not comply with DM22 because they are not within or adjacent to a defined settlement, they do not minimise their environmental or visual impact being on the top of a hill and visible for miles. They do not involve conversion or replacement of existing substantial buildings and further they do not demonstrate a need not met by existing provision within nearby settlements. Given the new recent permissions granted in the Cadeleigh parish which are yet to come on stream, it is too early to assess any need required whilst current expectations are affected by the Lockdowns restricting all tourism.

Turning to the detailed plans and application statement, there are several errors in the application as follows:-

- It states that no work in relation to the development has started ... this is incorrect. The erection of the new sheep shelter was a deliberate attempt to create the impression that this building could count as a conversion.
- Clause 8. It states no new access is required from the public highway again this is incorrect. The entrance shown on the drawings was newly created ... without Highways permission and therefore cannot be used. This hedge is protected by current statute and damage to it is a criminal offence.
- Clause 10. It states there are no hedges on the site ...because the "site" is drawn tightly to the rear of the cottages where there is a 6' hedge all along Daggeridge Plain shown clearly on the Site Plan
- Clause 10 It states that no work to hedges is required and yet the site plan specifically notes the reduction in height required of the hedges for 43metres either side of the "illegal" site entrance. A 100 yards of a biodiverse hedge to be reduced.
- The reduction in height of the hedges will expose the rear of the 3 new cabins to the public highway again denied in error.
- Clause 12 It denies the existence of any adjacent or near biodiversity conservation and yet on two sides of the property are a neighbours fields and hedges that are the subject of a Countryside Stewardship Scheme.
- Clause 14 it denies there will be any waste created? If the owners have a business that will dispose of the inevitable waste created it will be trade waste ...again denied.
- Clause 16. The units created are additional dwelling units albeit the occupation is not permanent.
- Clause 20. The proposal does include a commercial activity, namely the lettings.

Turning to the Design and Access statement, it describes it having minimal effect as the buildings are screened by the protected hedge ... which is being lowered to create sight lines so they will be in full view of the road users and neighbour and the "existing" shelter is already impacting on the views and is an unwelcomed recent addition.

- It states disturbance to the landscape will be kept to a minimum... not when the hedge is reduced, they will be visible clearly from the lane and the existing shelter is visible from Withleigh at least 2 miles away, as will be the new 3 buildings
- It is "hoped" that there might be planting ...so no planting scheme provided, so none then!
- I note they are an attempt at a Scandinavian look but we are in Devon and this is not appropriate if you are attempting to reduce the impact.
- The access is unavailable and the entrance does not have good visibility unless you create vision by cutting down the biodiverse hedge that is protected.

A particular note regarding the building plans as drawn. All 4 buildings are being designed with integral kennels. Obviously the owners are targeting dog walking owners to these Lettings. The danger to local livestock is clear. Home Farm and this site in particular is next to a deer farm, plus sheep and cattle farms. Lockdown has seen an alarming increase in dog walking followed by increasing reports of sheep and deer worrying resulting in the deaths of the unfortunate animals in the Parish. More dogs particularly not from a farming area are not required or welcomed.

Finally we come to traffic, has it demonstrated an unacceptable traffic impact...on a single track road how is this measured? By the requirement of all the users to be able to reverse on a single carriageway in the dark?? The recent pandemic driven sudden massive increase of delivery vehicles at all times of day and night driven often by drivers who cannot or will not reverse has created chaos at time on Cadeleigh's narrow road network of which Daggeridge Plain is one. This single track lane is used by many horse riders, walkers and sheep are still driven along and across it and the addition of these 4 new properties on such a narrow road is unwelcome. Additional traffic throughout the village is not welcomed nor supported by our roads (nor by their poor maintenance).

We note the owners and their agent declined to use the Pre-application advice provided by MDDC, given the above I strongly suggest this was ill advised and should be arranged without delay.

So in conclusion, I ask the Planning Inspector to require answers to the points raised above and by others who have commented and then for our District Councillor to call the scheme in to be considered fully by the Planning Committee where Highways will be required to not just nod another scheme through but hopefully consider and advise properly how DM22 requirements related to traffic impact on single track roads is measurable.

16th May 2021 - Thank you for the Amended Description and Additional Information letter dated 4th May regarding the above Application for Holiday Cottages at Home Farm.

As our previous comment dated 04 March 2021, I write without the benefit of a Parish Meeting, but following a further canvassing of residents, I write to OBJECT to the Application on behalf of the Parish Meeting on the following grounds:-

I first respond to the matters raised in John Millar's letter dated the 13th April and the response from the Applicants Agent dated 21st April. The Applicant has responded in red on your letter I will use that as the basis for our comments.

Second Paragraph

We too believe and have previously pointed out that the development will be noticeable and we believe extremely (not rather) as even the amendments still leaves 3 new houses on the top of the Daggeridge Plain ridge.

Moving them to the East doesn't improve this and has done nothing to preserve the rural character of the ridge. Further this development continues to use as access a recent breakthrough of an ancient and protected hedge, which I will comment further on later.

We continue to believe 3 new dwellings at this point is excessive and cannot be justified given that Cadeleigh Parish already has over 60 self catering bed spaces already and at least another 20

applied for or with granted permission already'. All these in a parish that isn't large enough for a parish council. These numbers are calculated on the attached note.

This means that Cadeleigh has almost more bedspaces than the Premier Inn has rooms (next to the MDDC offices) and holiday cottages come with living rooms and kitchens so our small parish 'need is met by existing provision ' and the Applicant cannot possibly demonstrate a need (in this locality) for further provision of 4 (8 bed spaces) or even now 3 (6bed spaces). No one could suggest that Cadeleigh with not even one shop would need a Premier Inn!!

Third paragraph.

I can confirm as a witness that the access was created by the Applicant this year without the necessary permission.

We do not believe that the extensive damage to the protected hedge now shown clearly on the revised drawings should be allowed, given the Applicant has an existing large entrance to his property further down the hill towards Worthy Bridge. Destroying nearly a 100metres of protected hedge cannot be called 'minimising the impact'! Any access to any permitted further development to this property (sold as an agricultural field only 12 years ago and already has a large new modern house and a new barn for cattle, should use this entry ' the existing one on the corner which has not been in use for some time (as least 5 years) and is not suitable for vehicle access. The comment regarding near misses on this bend underlines the foolishness of adding more traffic to these single track lanes with many blind bends, vehicle damaging potholes, horses, cyclists, runners (including the Applicants) and pedestrians.

Fourth Paragraph

The access is new as noted above and any new access to this property should continue to be through the existing main access hopefully making full use of the recently added concrete surface. Surely any development would be better suited and (if a single cottage) acceptable if it was in the woodland owned by the Applicant in the north west of the site. However the additional traffic created by new visitors to this single track road particularly at night will be difficult for the existing users to cope with.

Fifth Paragraph

The Applicant changing from sheep to a flower meadow ('over time') and hedge planting will not reinstate the protected hedge. The applicant has not satisfied the requirement to 'avoid an unacceptable traffic impact' on this local road network'. As commented above.

Paragraphs seven, eight, nine

As noted above Cadeleigh is now extremely well served with self-catering bed spaces and whilst this year there is increased demand following the Lockdowns it is our experience that the demand in 2019 was 50% lower and likely to be so once foreign holidays resume meaningfully. The MDDC tourism report was written on the back of a severe recession in 2007-10 and is no longer useful in its guidance to further development in 2021.

Paragraph 10

We do not believe that the responses justify 3 new dwellings and the description of one as a conversion of a 'lambing shelter' as described to neighbours when under construction in 2020 is a laughable attempt to justify the conversion under Policy DM9 and should be considered as straightforward new building.

Finally other points to note

We note that there has been no attempt to improve the quality of the design to enhance the location. The design makes them look like sheds for animals.

Also the inclusion of dog kennels must have been made by an Architect who has no understanding of the idiocy of bringing stranger dogs to a location surrounded by sheep, cattle and deer.

There have been several attacks on sheep and a deer in this area, this last 12 months resulting in the putting down of the savaged animals. There isn't even an area to exercise these dogs securely.

Poor design like the buildings.

2nd July 2021 - Thank you for the Amended Description and Additional Information letter dated 14th June regarding the above Application for Holiday Cottages at Home Farm.

As our previous comments following a further canvassing of residents, I write to OBJECT to the Application on behalf of the Parish Meeting on the following grounds:-

I first respond to the matters raised in John Millar's letter dated the 13th April and the response from the Applicants Agent dated 21st April. The Applicant has responded in red on your letter I will use that as the basis for our comments.

Second Paragraph

We continue to believe and have previously pointed out that the development will be noticeable and we believe extremely (not rather) as even the amendments still leaves 3 new houses on the top of the Daggeridge Plain ridge.

Moving them to the East doesn't improve this and has done nothing to preserve the rural character of the ridge.

We continue to believe 3 new dwellings at this point is excessive and cannot be justified given that Cadeleigh Parish already has over 60 self-catering bed spaces already and at least another 20 applied for or with granted permission already'. All these in a parish that isn't large enough for a parish council. These numbers are calculated as previously supplied.

Third paragraph.

I can confirm as a witness that the access was created by the Applicant this year without the necessary permission.

We note that the extensive damage to the protected hedge has now been withdrawn but there is no offer to repair and reinstate the illegal hedge opening.

We are pleased that Applicant is now using the existing large entrance to his property further down the hill towards Worthy Bridge. But it is still intended to drive all the way back up a steep slope to the proposed development instead of keeping any further development adjacent to the new buildings in the lower field. The comment regarding near misses on this bend underlines the foolishness of adding more traffic to these single track lanes with many blind bends, vehicle damaging potholes, horses, cyclists, runners (including the Applicants) and pedestrians.

Fifth Paragraph

The Applicant offers a sop of a small area of flower meadow along the road hedge which does nothing to offset the Environmental impact. The applicant has not satisfied the requirement to 'avoid an unacceptable traffic impact' on this local road network', as commented previously.

Paragraphs seven, eight, nine

As noted above Cadeleigh is now extremely well served with self-catering bed spaces and whilst this year there is increased demand following the Lockdowns it is our experience that the demand in 2019 was 50% lower and likely to be so once foreign holidays resume meaningfully. The MDDC tourism report was written on the back of a severe recession in 2007-10 and is no longer useful in its guidance to further development in 2021.

Paragraph 10

We still do not believe that the responses justify 3 new dwellings and the description of one as a conversion of a 'lambing shelter' as described to neighbours when under construction in 2020 is a laughable attempt to justify the conversion under Policy DM9 and should be considered as straightforward new building in the middle of the open countryside. This shelter has no planning permission so it too is illegal so it should be removed. It was not constructed in accordance with the current planning controls.

Finally other points to note

We note that there has been no attempt to improve the quality of the design to enhance the location. The redesign makes them look like service station drive-through refreshment units and are not appropriate to this open Devon countryside.

To support the business plan there are two letters from the two largest holiday cottage letting agents (both recently acquired by Private Equity Companies who will be driving profit) so they will back any potential increase in holiday cottages wherever they can get them as they only exist by the commission earned so they are not to be relied on. The Holiday Cottages company didn't even visit the site.

Also there is no repudiation of the dog kennels or are the partnered with the baths under the stars? Baths under the rain are not likely to increase the winter customers.

The inclusion of dog kennels must have been made by an Architect who has no understanding of the idiocy of bringing stranger dogs to a location surrounded by sheep, cattle and tame deer.

There have been several attacks on sheep and a deer in this area, this last 12 months resulting in the putting down of the savaged animals. There isn't even an area to exercise these dogs securely.

Additionally there is no power supply to the proposed location shown which will create further overhead cabling impacting adversely on the views.

Finally we concur with the recommendation of the Economic Appraisal, the development location does not sufficiently respect the Character of the location nor does the additional information justify why this development needs to be in open countryside. This development has little if any benefit to the local economy and will definitely create friction with the neighbours as has already been demonstrated by the level of objection.

COUNTY HIGHWAY AUTHORITY - 29.03.21 - The County Highway Authority recommends that the Standing Advice issued to Mid Devon District Council be used to assess the highway impacts, on this application.

Following the provision of amended plans and a further request for advice due to correspondence received from the Chairman of the Parish Meeting and local residents, the following more detailed response was made:

06.05.21 - The site is accessed off a C Classified County Route which is restricted to 60 MPH although observed traffic speeds are considerably lower.

The number of personal injury collisions which have been reported to the police in this area between 01/01/2016 and 31/12/2020 is none.

The Lanes in this area are traditional Devon Lanes with high hedge banks and narrow in places with no footways or street lighting.

The Applicant has provided a drawing numbered 3a which shows the proposal of an access with visibility plays suitable for 30 MPH, this also shows turning within the site to ensure all vehicles can leave in a forward gear This drawing also shows adequate parking.

It is therefore considered that an access can be achieved with suitable visibility, taking into account estimated speeds at this location, it is not considered that the impact will be severe or that there will be a safety concern with the proposal.

The number of trips this development could generate will not be a severe affect on the Highway

The County Highway Authority has no objections to this application.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, RECOMMENDS THAT THE FOLLOWING CONDITIONS SHALL BE INCORPORATED IN ANY GRANT OF PERMISSION

Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;
- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and
- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (k) details of wheel washing facilities and obligations
- (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (m) Details of the amount and location of construction worker parking.
- (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

In accordance with details that shall previously have been submitted to, and approved by, the Local Planning Authority, provision shall be made within the site for the disposal of surface water so that none drains on to any County Highway.

REASON: In the interest of public safety and to prevent damage to the highway

PUBLIC HEALTH - Contaminated Land: No concerns. (22.02.21).

Air Quality: No concerns. (22.02.21).

Environmental Permitting: No objection to this proposal. (09.02.21).

Drainage: A foul drainage assessment form has been submitted but is not complete; the applicant must identify where the nearest public sewer is and why they cannot connect to it. On the form they have not stated what system is planned instead or how discharge water is intended to be disposed of. A klargester is showing on one plan and there appears to be a large field area for run-off but we do need to see the justification for a non-mains system because connection to the public sewer is always the preferred option. (22.02.21).

Noise & other nuisances: No concerns. (22.02.21).

Housing Standards: No comment. (19.02.21).

Licensing: No comments. (09.02.21).

Food Hygiene: No comments. (09.02.21).

Private Water Supplies: If a private supply is to be used by more than one property or has a commercial function, The Private Water Supply (England) Regulations 2016 as amended will apply. A risk assessment and sampling regime will be necessary. The supply must not be used until the Local Authority (Mid Devon District Council) is satisfied that the supply does not constitute a potential danger to human health, including single domestic use.

You must also register with the Local Authority (Mid Devon District Council) any private water supply. Failure to do so may result in a Section 85 Notice, with which failure to comply is an offence.

Please contact Public Health at Mid Devon District Council on completion of proposal.

IF MAINS WATER IS TO BE USED, WOULD HAVE NO COMMENT. (09.02.21).

Health and Safety: No comments. (09.02.21).

MDDC ECONOMIC DEVELOPMENT OFFICER – The development would offer something slightly different than that which is already provided in the area, however, the demand for such accommodation has not been clearly demonstrated. The business plan does not indicate a clear understanding of the needs of the high-end tourism market, and the number and siting of units may detract from the offer.

I do not believe the development sufficiently respects the character and of the location, contrary to DM22, nor does the additional information justify why this development needs to be in open countryside. The development will have limited benefit to the local economy, and may cause friction with local farmers.

(The Economic Development Officer's full economic appraisal of the proposal is attached to the end of this report as **APPENDIX A**).

21 July 2021 - As it is currently presented, the Economic Development Team are not supporting this application.

The application demonstrates some economic benefits to the wider District as it currently proposes to support businesses within roughly a 5 mile radius (along the Exe Valley). It was also noted that the application mentions a micro shop on site which supplies produce from local small businesses. There are pros and cons to running a shop on site as it will reduce the need for travelling (traffic levels) but it could be seen as a self-sustaining enterprise and may actually reduce visits to nearby businesses, therefore - should this be approved - a sensible balance in the level of goods offered is advised. However, we can find no reference of the micro-shop on the Business Rates Register or in this or another Planning Application therefore additional permissions may be required.

The sample accommodation images provided do not appear in line with the target market being a high-end luxury accommodation offer. The tourism enquiries we tend to receive focus on Mid Devon's remote countryside setting offering privacy and seclusion, which this proposal (as shown on the site plan) does not seem to offer. The site is highly visible from all sides. We would therefore expect to see a greater level of screening and separation between the individual units and between the site and the local area than currently proposed. This would improve the privacy provided to visitors to the site (and neighbours) without compromising the views.

We have seen from the objections to this proposal that local residents believe that the tourism market is saturated in this area. However, our records do not suggest that this is the case. We would be interested to receive further information about accommodation businesses in the area.

The proposal is targeting dog-owners, which does not seem in-keeping with the farming locality. In addition there is minimal information in the proposal to demonstrate how they intend to meet the needs of their target market. Although the applicants offer dog-walking services in their woodland, based on the location, we assume this could only be on-lead walking, which may be a detraction in their offer. We consider this to be market-limiting and suggest a review of target customers and their needs.

The application outlined a 15% return for this project but it was noted that the lifespan of the lodges is only guaranteed for 10 years. There is a business case concern that the break-even point is at 6.5 years, resulting in only 3.5 years of profit assuming that the market doesn't drop following relaxation in COVID and travel restrictions.

Whilst the Economic Development Team are supportive of tourism development in principle, this current proposal does not adequately demonstrate a strong enough business case to justify a tourism development in this countryside location.

However, if the application is approved, then we would be keen to work with the applicant to promote their business through our channels (such as Visit Mid Devon). If the applicant has any questions or support needs relating to their business, we would be happy to deal with these directly.

5th August 2021 - Following our previous comments regarding the application for 2 holiday units at Home Farm in Cadeleigh, Economic Development has undertaken a site visit and met with the applicants. This has provided the opportunity to talk through our concerns, and to provide advice and guidance on their business proposal.

We are now of the opinion that our concerns have been addressed, and that we are therefore able to support the application. We would also be happy to work with the applicants, if approved, to support their business as it develops.

REPRESENTATIONS

This planning application has been advertised by means of a site notice erected by the applicant, neighbour notification and by advertising in a local newspaper in accordance with the legal requirements for publicity on planning applications, and the Council's Adopted Statement of Community Involvement (October 2016).

Letter of objection has been received from eleven local residents in respect to this application. The main areas of concern are summarised below:

- Concerns about the impact on the local road network, which is narrow with few passing places. Increased traffic would be detrimental to road users, including walkers.
- It is not felt that there is a need for more tourist accommodation, with plenty already available in the Parish, including close to the site itself.
- Inadequate justification has been provided to support the proposal in this location. The application should be supported by a marketing strategy and business plan, as required in other similar applications.
- The development is not well related to existing facilities.
- The existing building to be converted is little more than a wood shelter.
- The proposed development is not of an appropriate design and will be very visible and intrusive in the local countryside. This harm will be increased by the inclusion of timber decking, hot tubs and parking/access.
- The proposed access (now omitted) would lead to the removal of a significant length of ancient hedgerow that would be visually detractive to the area and would potentially harm local ecology.
- A new access has already been made in the hedge, without the necessary consent.
- The proposal would lead to an increase in noise, light and air pollution.
- The proposal appears to be targeting dog owners, which will directly impact upon local farming, which includes a nearby stock farm with sheep and cattle.
- The applicants have not carried out prior consultation with local residents.
- There are several errors in the application form.
- The existing building on site has no planning permission. There was a previous field shelter, which was enlarged and altered, apparently for use as a lambing shed.
- The conclusions of the Economic Development Officer, in objecting to the proposal are supported.
- It is not clear why the Economic Development Officer now supports the proposal, having previously objected.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main material considerations in respect of this application are:

- 1) Principle for development in this location
- 2) Design and impact on the character and appearance of the surrounding area
- 3) Highway safety and access
- 4) Impact on residential amenity
- 5) Other issues

- 1) Principle for development in this location

The site is located outside of any defined settlement boundary, in an open countryside location where policy S14 of the Mid Devon Local Plan, restricts development to agricultural and other appropriate rural uses, including 'appropriately scaled retail, employment, farm diversification, tourism and leisure related development.

Policy DM22 supports proposals for new or expanded tourism, visitor or leisure facilities within or adjacent to defined settlements. Elsewhere, the nature of the proposed development must justify a countryside location and minimise environmental impacts, avoiding an unacceptable traffic impact on the local road network. Development proposals must;

- a) Respect the character and appearance of the location;
- b) Where appropriate, involve conversion or replacement of existing buildings; and
- c) Demonstrate that the need is not met by existing provision within nearby settlements.

The supporting text to this policy outlines that the justification for the development will be provided through a marketing strategy and business plan to explain how the development will achieve a high quality tourism product that meets demand. Proposals must demonstrate that their benefits outweigh any harm and that they do not cause an unacceptable impact to traffic on the local road network.

In this case, the proposed development comprises the conversion of an existing agricultural building and the siting of two buildings, finished with a mix of timber or Cedar weatherboard cladding, and part corrugated aluminium. The new buildings would be sited to the eastern edge of the field, close to the existing building. A car parking space is proposed adjacent to each unit.

As the site is not located within or adjacent to a recognised settlement boundary, the proposal is required to justify its countryside location. By way of background, the applicants live at the nearby Home Farm, where they operate a 15 acre smallholding, which they are looking to diversify to provide tourist accommodation, part of which will be incorporated within the building on site.

In respect to seeking to justify how the development will achieve a high quality tourism product, which will benefit local businesses, the environment, communities and visitors in the long-term, as well as fulfilling an unmet need, the applicant has provided additional information in the form of a confidential business case to support their proposal, as well as seeking to answer the concerns raised in the initial Economic Development comments. The business case outlines the opportunity to provide two person lodges, with a very high end finish, which will include modern amenities and facilities, while still benefiting from the tranquillity of the local countryside. The site benefits for excellent, far reaching views, with a private decking area provided, which would include alongside a free-standing bath for bathing under the stars. The facilities would include external washing facilities, and while the accommodation is not aimed at dog walkers, it is to be dog friendly, with a dog sitting service proposed to be offered to customers. It is also proposed to make well-being equipment available, such as bicycles and walking equipment. The accommodation is specifically aimed at couples, however the accommodation is proposed at the more luxurious end of the market than is offered by shepherd's huts or other similar off-grid type accommodation. The proposal includes the provision of new landscaped Devon banks to offer a more secluded experience, while still benefitting from the available views.

Within the submitted business case, the applicants have identified that there has been a growing trend nationally in respect to staycation holidays, with luxury, pet-friendly accommodation popular. This is supported by letters from two leading national marketing and booking agents, in Sykes Holiday Cottages and Travel Chapter, who reference the growing market for this type of holiday accommodation, noting that there is limited availability of similar accommodation locally.

It is also noted that the Mid Devon Tourism Study and Destination Management Plan includes objectives of providing accommodation suited to capitalising on the short break and weekend stays by couples mainly over the age of 35 years old, and without children. The proposal is considered to build upon the identified demand for tourism offerings by providing high end accommodation within a quiet rural location to enjoy the surrounding countryside.

The applicant has also identified good linkages to local businesses such as the Cadeleigh Arms, Cruwys Arms, the Halfmoon and The Ring, in Cheriton Fitzpaine, as well as the facilities available at Bickleigh. The site is well-placed to take advantage of local footpath networks. Additionally, the site has good accessibility to settlements such as Tiverton and Exeter, as well as a variety of rural business in the locality.

It is suggested that the accommodation would be advertised through Travel Chapter holiday cottage agency, which has a good online presence. Financial projections indicate that the proposal would be a viable business opportunity.

It is acknowledged that the Council's Economic Development Officer was unable to initially support the proposal, raising concerns about aspects of the submitted business case, however they have since taken the opportunity to view the site and discuss some of those concerns with the applicant. Consequently, the Economic Development Officer is of the view that those concerns have been addressed and is now able to support the application.

Overall, it is considered that the tourist accommodation is acceptable in principle, and meets the aims and objectives of Local Plan policy DM22 in respect to justifying a countryside location, and demonstrating that the need is not met by existing provision within nearby settlements.

2) Design and impact on the character and appearance of the surrounding area

In addition to the requirements of Local Plan policy DM22 criteria (a) that 'development proposals must respect the character and appearance of the location', Policy DM1 of the Mid Devon Local Plan 2013-2033 requires designs of new development to be of high quality, demonstrating a clear understanding of the characteristics of the site, its wider context and the surrounding area. Development should make a positive contribution to local character, creating visually attractive places that are well integrated with surrounding buildings, streets and landscapes.

Policy S1 of the Local Plan requires good sustainable design that respects local character, heritage, surroundings and materials, creates safe and accessible environments, designs out crime and establishes a strong sense of place. The policy seeks to protect landscapes, visual quality and biodiversity.

The proposed units would be located towards the highest point of the application site. As originally submitted, the proposed units were centrally located in a position that would be quite visible from the adjoining highway, and also visible from local vantage points such as Kingdom's Corner to the north east, and form the entrance to Home Farm. The proposal has however been amended with a reduction in numbers by one unit, as well as the relocation to the eastern edge of the site. By doing so, the views are significantly recused, with the units no longer so readily visible from more distant vantage points. The application is supported by a landscaping plan, which includes the retention of existing roadside boundary hedges, in addition to the provision of new hedge and tree planting within the site to further screen the units from each other, and from public views. The retention of the hedgerows, will further reduce views from the adjoining roadside. Concerns have been raised about the design and appearance of the proposed units, alongside the accompanying decking and parking arrangements, however the buildings are relatively low key in terms of their size and scale, with a suitable mix of materials that are seen in local agricultural development, notwithstanding the modern appearance. It is not considered that the use of Cedar weatherboarding, which is an artificial timber alternative, would be appropriate, however the plans also indicate the use of cedar or larch boarding as an alternative. Timber cladding would be acceptable, although a condition would be imposed to ensure the suitability of the final finishes.

The relocation of the structures, alongside the provision of enhanced landscaping measures would further reduce the impact of the development.

It is considered appropriate to remove permitted development rights for the provision of external lighting without having first provided details for approval. It is also considered appropriate to remove permitted development rights to alter or extend the buildings, and for the provision of fencing or other means of physical enclosure

3) Highway safety and access

The site is accessed from an unnamed classified County 'C' road, with most direct routes being from Bickleigh via the village of Cadeleigh to the south or from Tiverton via Seven Crosses to the north east. Concerns have been received from the Chairman of Cadeleigh Parish Meeting, and local residents in respect to an increase in traffic using the local road network. It is suggested that there has been a growing increase in traffic movements along what are predominantly narrow rural lanes, as a result of additional development, including tourist accommodation.

In considering the proposed development, the Highway Officer notes that between 01/01/2016 and 31/12/2020 no personal injury collisions have been reported to the police in this area. While it is noted that the roads in the area are traditional Devon lanes with high hedge banks, which is narrow in places, with no footways or street lighting, the Highway Officer considers that the number of trips generated as a result of the development would not be significant so as to generate a severe effect on the highway, therefore raising no objection. Their comments did include reference to the provision of a new access with Standing Advice compliant visibility splays, however this access has since been omitted as a result of concerns about the impact on the character and appearance of the area as a result of necessary hedgerow removal and realignment works. The scheme has however been amended to provide access from the existing access to the applicant's property, Home Farm, which is a wide, properly consolidated access with good visibility. The Highway Officer has considered the revised proposals and have advised that they have no further comment to make, maintaining their lack of objection to the proposal on highway safety grounds.

4) Impact on residential amenity

Local Plan policy DM1 e) states that new development should create *"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..."*

While some reference has been made to the proposal increasing the likelihood of noise, air and light pollution, the site is in an isolated position at distance from the nearest neighbouring properties, in which case it is not considered that the proposal would result in any significant adverse impacts on the amenity of nearby properties. The proposed development is therefore considered to accord with Local Plan policy DM1, in this respect.

5) Other issues

Local Plan policy DM1 f) states that new development should include *"appropriate drainage including sustainable drainage systems (SuDS), including arrangements for future maintenance, and connection of foul drainage to a mains sewer, where available."*

It is proposed that the foul drainage for the proposed units would be disposed of in a Klargestar package sewage treatment plant to be provided on site. In terms of foul drainage arrangements, it

is first expected that connection should be made to a mains sewer, if available. If not, which is the case here, it is first expected that a package treatment plant is provided, with a septic tank being the next best option. The Council's Environmental Protection Officer initially noted that the submitted Foul Drainage Assessment Form hadn't been completed correctly, with it not demonstrated that a mains sewer was available for connection. It has since been confirmed that there is no mains sewer close to the site, in which case the proposed package treatment plan is acceptable. Any additional surface water will be able to be disposed of in a soakaway to be provided within the large field, which is also considered to be acceptable.

An ecological appraisal was submitted in respect to the application, noting that the building to be converted was not suitable for use as a bat roost, with no nesting birds found either, in which case it would have no impact on local ecology. A more detailed hedgerow assessment was submitted in relation to the earlier proposal to remove and realign a section of hedgerow, however this is now no longer a part of the proposal. Otherwise, the site is grazed pastureland, with no alterations proposed in respect to the existing hedgerows. As such, there is no identified harm to local ecology and the scheme appropriately accords with policies S9 and DM1 of the Local Plan.

SUMMARY

This application for the conversion of an existing building and erection of two new build units to provide tourist accommodation is considered to be acceptable and supportable in policy terms. It is considered that the applicant has satisfactorily demonstrated that the proposal would achieve a high quality tourism product that will provide economic benefits to the local area and that may benefit communities and visitors in the long-term. It is considered, on balance, that sufficient justification has been provided to support the provision of the units in this location. It is not considered that the proposal would have an unacceptable impact on the environment and the proposal is considered to be suitably designed to respect the character of the locality. The likely additional traffic arising from the holiday use is not considered to be significant and unlikely to result in any significant adverse impacts on the local highway network. It is not considered that the proposal would result in any significant adverse impacts on the amenity of neighbouring properties, to public health or to the local water environment. The proposal therefore accords with policies S1, S9, S14, DM1, DM3, DM4, DM5 and DM22 of the Mid Devon Local Plan 2013-2033, and the aims and objectives of the National Planning Policy Framework.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans and supporting information listed in the schedule on the decision notice.
3. The accommodation to be provided within the holiday units hereby approved shall be occupied for holiday purposes only, and shall not be occupied as a person's sole, or main, place of residence.
4. A register shall be kept of persons occupying the holiday units hereby approved for holiday purposes, which shall include their name, the address of their main residence and the period(s) of their occupation of the unit for such purposes (i.e. the dates of commencement and the end of each period of occupation), and the said register shall be made available for inspection by an authorised officer of the Local Planning Authority at all reasonable times.

5. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:
 - (a) the timetable of the works;
 - (b) daily hours of construction;
 - (c) any road closure;
 - (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
 - (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
 - (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
 - (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
 - (h) hours during which no construction traffic will be present at the site;
 - (i) the means of enclosure of the site during construction works; and
 - (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
 - (k) details of wheel washing facilities and obligations
 - (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
 - (m) Details of the amount and location of construction worker parking.
 - (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

6. Details of the following shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of each element of the proposal respectively;
 - a) details of materials (including the provision of samples where appropriate) to be used for the external walls and roofs;
 - b) details of the colour and finish for all new windows and doors;
 - c) details of the material and finish of the access track, parking and turning areas.

Once approved such details shall be fully implemented and thereafter shall not be altered without the prior written consent of the Local Planning Authority.

7. A scheme of landscaping shall be implemented in accordance with the details indicated on the approved plans. All planting, seeding, and earth works comprised in the approved details of

landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwelling or substantial completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

8. Details of foul drainage provision, shall be implemented in accordance with the details indicated on the approved plans. Such approved drainage scheme shall be installed prior to the development hereby permitted being first occupied and shall thereafter be retained and maintained at all times.
9. No means of external lighting or other external illumination shall be installed on any of the buildings hereby approved or operated on any part of the subject land, unless details of such additional new lighting has first been submitted to and approved in writing by the Local Planning Authority. Such approved details, once implemented shall not thereafter be altered without the prior written agreement of the Local Planning Authority.
10. Notwithstanding the provisions of Article 3 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development of the types referred to in Classes A, AA, B, C, D and E of Part 1, or Class A of Part 2 of Schedule 2 relating to the enlargement, improvement or other alteration of a development, enlargement by construction of an additional storey, addition or alteration to the roof, provision within the curtilage of the development of any building or enclosure, swimming or other pool, container for domestic heating purposes for storage of oil of liquid petroleum gas, or the erection of a gate, fence, wall or other means of enclosure, shall be undertaken within the application site without the Local Planning Authority first granting planning permission.

REASONS FOR CONDITIONS

1. In accordance with provisions of Section 51 of the Planning and Compulsory Purchase Act 2004
2. For the avoidance of doubt in the interests of proper planning.
3. The site is outside of defined settlement limits in the open countryside, where permanent dwellings with unrestricted occupation would be contrary to adopted planning policy, however the application is considered to be in accordance with policy DM22 of the Mid Devon Local Plan 2013-2033.
4. The site is outside of defined settlement limits in the open countryside, where permanent dwellings with unrestricted occupation would be contrary to adopted planning policy, however the application is considered to be in accordance with policy DM22 of the Mid Devon Local Plan 2013-2033.
5. In the interests of highway safety, in accordance with policies DM3 and DM22 of the Mid Devon Local Plan 2013-2033 and the aims and objectives of the National Planning Policy Framework. This pre-commencement condition is required to ensure that the Construction Management Plan is agreed prior to any construction works.

6. To safeguard the amenities and character of the area, in accordance with policies S1, S9, DM1 and DM22 of the Mid Devon Local Plan 2013-2033 and the aims and objectives of the National Planning Policy Framework.
7. To safeguard the amenities and character of the area, in accordance with policies S1, S9, DM1 and DM22 of the Mid Devon Local Plan 2013-2033 and the aims and objectives of the National Planning Policy Framework.
8. To ensure that the site is appropriately drained in the interests of public health, in accordance with policies S9 and DM1 of the Mid Devon Local Plan 2013-2033 and the aims and objectives of the National Planning Policy Framework.
9. To safeguard the amenities and character of the area, in accordance with policies S1, S9, DM1 and DM22 of the Mid Devon Local Plan 2013-2033 and the aims and objectives of the National Planning Policy Framework.
10. To safeguard the amenities and character of the area, in accordance with policies S1, S9, DM1 and DM22 of the Mid Devon Local Plan 2013-2033 and the aims and objectives of the National Planning Policy Framework.

INFORMATIVES

If a private water supply is to be used by more than one property or has a commercial function, The Private Water Supply (England) Regulations 2016 as amended will apply. A risk assessment and sampling regime will be necessary. The supply must not be used until the Local Authority (Mid Devon District Council) is satisfied that the supply does not constitute a potential danger to human health, including single domestic use. You must also register with the Local Authority (Mid Devon District Council) any private water supply. Failure to do so may result in a Section 85 Notice, with which failure to comply is an offence. Please contact Public Health at Mid Devon District Council on completion of proposal.

Section 149 of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between different people when carrying out their activities. No persons that could be affected by the development have been identified as sharing any protected characteristic.

The Human Rights Act 1998 came into force on 2nd October 2000. It requires all public authorities to act in a way which is compatible with the European Convention on Human Rights. This report has been prepared in light of the Council's obligations under the Act with regard to decisions to be informed by the principles of fair balance and non-discrimination.

In accordance with Paragraph 38 of the National Planning Policy Framework, the Local Planning Authority has worked proactively and positively with the applicant. This has included carrying out further negotiations/discussions during the application process in order to attempt to resolve issues raised in the course of the application.

In accordance with the National Planning Policy Framework, the Local Planning Authority has also involved the community in the consideration of this application.

APPENDIX 1

21/00191/FULL – HOME FARM, CADELEIGH

ECONOMIC APPRAISAL

Summary

The development would offer something slightly different than that which is already provided in the area, however, the demand for such accommodation has not been clearly demonstrated. The business plan does not indicate a clear understanding of the needs of the high-end tourism market, and the number and siting of units may detract from the offer.

I do not believe the development sufficiently respects the character and of the location, contrary to DM22, nor does the additional information justify why this development needs to be in open countryside. The development will have limited benefit to the local economy, and may cause friction with local farmers.

Business Proposal	
What is the business proposal?	The conversion of a sheep shed to a holiday lodge for use as tourism, and the erection of 3 further holiday cabins, making 4 units in total, targeted at dog-owning couples who enjoy walking and cycling.
Have they provided a sufficiently detailed business plan and marketing strategy?	Although there are many gaps in the business plan, there is sufficient information to form an opinion. <i>The additional information supplied by the applicant refers to three letting units, although the application mentions four (conversion of one building plus three units)</i>
Is this a high-quality tourism development?	It is stated that their intention is to provide 'high end luxury holiday lets', but I do not see much evidence of this. To appeal to this end of the market they would need to provide a certain distinctiveness of offer, seclusion and space, a high quality finish and added-value facilities. The accommodation is limited, being small cabin type units with a single open-plan multiuse space without the distinctiveness of a shepherd's hut or unique design. Even if finished to a high standard this may be of limited appeal to the luxury market. There are no other facilities on site.

	<p>The number and close proximity of the units will detract from the seclusion and rural nature of the units, and reduce their charm.</p> <p>Apart from the Devon hedges used to split up the site, there is little attempt to enhance environmentally the location. The site would benefit from extensive planting and landscaping to make the area more environmentally attractive. It does, however, have fantastic views!</p>
Economic Benefit	
Will the business create any new paid employment?	No new employment is identified in the application form.
Increased revenue	<p>The applicant does give a breakdown of projected income for the proposed development. The occupancy rate is calculated at just over 60%, which is reasonable, and the weekly rental prices are comparable with the shepherd's huts at West Farleigh. However, they have not included any estimations for ongoing costs, which as a broad park figure can be calculated at 40-50% of total rental income. This means the annual net income would be more like £25,000, giving a net yield of 12.5%, rather than the 25% mentioned. This would give an 8 year pay-back period. Over this period the assets would be depreciating (I am not sure what the life of a chalet of this type would be</p> <p>It is worrying that they have not mentioned or estimated the costs for the business.</p>
How will the development benefit the local economy?	This has not been evidenced. There are no shops and very few pubs in the immediate vicinity, and therefore limited local businesses who would benefit from the development. More widely, it would be expected that the local economy would benefit through visitor spend, but its effects would be more diffuse.
Demonstrating Market Need	
Is there any evidence of demand for this product?	<p>No evidence has been provided.</p> <p>Dog-friendly accommodation is always in high demand, but they have not provided any specific evidence to back this up.</p> <p>There has generally been an increase in demand for self-catering accommodation in the</p>

	<p>UK over the last few years as staycations have increased in popularity. The demand for self-catering accommodation in 2021 is expected to be phenomenal. However, whether that will translate to long-term demand is not known</p> <p>Couples made up 41% of the market in 2019 (Sykes Cottages – staycation index 2019)</p> <p>I am not sure how cycling and dog walking go together.</p>
What other holiday accommodation is available in the area?	<p>There are a number of holiday cottages and larger holiday lets in the local vicinity providing accommodation for 4-10 people. West Farleigh also has two shepherd huts, which is the closest equivalent.</p> <p>There are several other glamping opportunities in Bickleigh.</p>
Is there anything distinctive about the proposal which will make it more attractive in the market, or complement the local tourism offer? (e.g. in terms of quality, location, facilities etc.)	<p>The development is specifically catering for dog-owning couples, and with special provision, in the way of equipment supplied, for walkers and cyclists. However, there is nothing distinctive or unique about the construction of the chalets themselves to make them particularly attractive to the high-end market.</p>
Have they demonstrated a qualitative or quantitative gap in the market?	<p>They have not evidenced a demand, but it is known, particularly this year, that demand for self-catering accommodation in all categories will far outstrip supply.</p>
Does the proposed development justify a countryside location?	<p>I don't believe the development respects the character and appearance of the location, contrary to DM22, being largely a new development in an open field in a prominent position on top of a hill.</p> <p>The additional information does not argue why this development needs to be in open countryside, and there is no particular effort to integrate the development into the countryside, visually or environmentally or special reason why it should be there – e.g. proximity to a particular feature or amenity.</p> <p>If the target market is specifically dog-owners then I think there are some concerns about its location.</p>

	<p>The rural lanes in that area are not particularly suited to dog walking, being narrow and subject to heavy farm traffic. There is a good network of footpaths in the area, but very few places where dogs can be let off the lead. The majority of footpaths pass through farmland, which as objectors have commented, is largely used for grazing of livestock, and increased use by dog walkers is likely to cause friction with local farmers.</p>
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Assessment Principles

“The right development in the right location”

There is a presumption in favour economic growth – cf. DM22 *Proposals for new or expanded tourism, visitor or leisure facilities will be supported within or adjacent to defined settlements.*

However,

Proposals for tourism and leisure developments ‘in the countryside’ must demonstrate:

- The *economic* benefits outweigh any potential adverse impacts (*on the character and amenity of the local area*)
- They meet an **identified need**, which is not met by **existing provision**
- The nature of the proposed development justifies a countryside location

Key Questions

- Is this a realistic and sustainable business proposition?
 - Is expected income and expenditure realistic?
 - How are they going to manage and market the property?
 - Is this proposal a diversification from an existing business that will make the main business more sustainable?
- Have they demonstrated a market need?
 - Have they provided evidence of a qualitative or quantitative gap in the market?
 - *Do they demonstrate an understanding of local / national market trends?*
- Have they demonstrated a gap in provision in the local area?
 - What other holiday accommodation is available in the area? – Do they demonstrate a clear understanding of the competition?
 - Is there something distinctive about their offer within the market?
 - How will the development complement the local tourism offer?
- Will the development create a net economic benefit?*
- Does the development justify a countryside location?
 - Integrating the development visually or environmentally into the countryside
 - Proximity to a specific feature or amenity

*Net Economic Benefit (growth – displacement)

Growth	Displacement
New jobs created (direct / indirect)	
Increased revenue	
Potential for market growth? <ul style="list-style-type: none"> ○ Increased overall number of visitors ○ Widen the type of visitors 	Not just taken visitors from another provider
Increased visitor spend	
Benefits to the local economy <ul style="list-style-type: none"> ○ Increased spend in local shops ○ Links to specific attractions 	

Planning Policy

NPPF, paragraph 83

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;*
- b) the development and diversification of agricultural and other land-based rural businesses;*
- c) sustainable rural tourism and leisure developments which respect the character of the countryside; and*
- d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.*

Local Plan Policy S14 - Countryside

Development outside the settlements defined by Policies S10-S13 will preserve and where possible enhance the character, appearance and biodiversity of the countryside while promoting sustainable diversification of the rural economy. Detailed development management policies will permit agricultural and other appropriate rural uses, subject to the following criteria:

- a) Affordable and low cost housing to meet local needs, gypsy and traveller accommodation, residential conversion of appropriate existing buildings, replacement dwellings, housing essential to accommodate a rural worker and accommodation ancillary to a dwelling;
- b) Appropriately scaled retail, employment, farm diversification, tourism and leisure related development (including appropriate conversion of existing buildings);
- c) Appropriately scaled and designed extensions and other physical alterations to existing buildings;
- d) Agricultural and equestrian development;
- e) Community facilities, such as educational facilities, buildings associated with public open space, transportation and infrastructure proposals (including green infrastructure); and
- f) Renewable energy and telecommunications.

DM22 – Tourism and Leisure Development

Proposals for new or expanded tourism, visitor or leisure facilities will be supported within or adjacent to defined settlements.

Elsewhere, the nature of the proposed development must justify a countryside location and minimise environmental impacts, avoiding an unacceptable traffic impact on the local road network. Development proposals must:

- a) Respect the character and appearance of the location;*
- b) Where possible, involve conversion or replacement of existing buildings; and*
- c) Demonstrate that the need is not met by existing provision within nearby settlements.*

Paragraph 4.68 of the policy supporting text states:

“Applications for tourism and leisure development in the countryside will need to be justified by the applicant. The Council will require a marketing strategy and business plan to be submitted, to explain how the development will achieve a high quality tourism product that meets demand. Proposals must demonstrate that their benefits outweigh any harm and that they do not cause an unacceptable impact to traffic on the local road network. Tourism and leisure development should benefit local businesses, the environment, communities and visitors in the long-term, so the Council will seek the right form of development in the right location, with evidence that the need is not already being met by existing provision. In demonstrating unmet need for tourism proposals outside settlement limits, applicants should have regard to the Council’s Tourism Study, available on the Mid Devon District Council website.”

Major Applications with no Decision (Since last Committee Close Date)

Members are asked to note that some major applications will be dealt with under the delegation scheme. Members are also requested to direct any questions about these applications to the relevant case officer. It was resolved at the meeting of Planning Committee on 21st March 2018 that with the exception of small scale proposals, applications for ground mounted solar PV arrays recommended for approval be brought before the Committee for determination.

Item No.	Weeks	TARGET DATE	REFVAL	PROPOSAL	LOCATION	NAME	Expected Decision Level	
							Delegated	Committee
1	1	13/12/2021	21/01754/MARM	Reserved matters for residential development of 125 dwellings (including 35% affordable housing), with public open space, landscaping and associated infrastructure following outline approval 18/00175/MOUT	Land at NGR 303288 110467 Adj Meadow Park Silver Street Willand Devon	Mr Daniel Rance	DEL	
2	1	14/12/2021	21/01748/MFUL	Erection of polytunnels	Land at NGR 288300 107162 (East of Redyeates Cross) Cheriton Fitzpaine Devon	Mr Adrian Devereaux	DEL	
	2	06/12/2021	21/01798/MARM	Variation of condition 1 of planning permission 18/01930/MARM to allow substitution of plans to add 1kw PV unit to each house and minor amendments to boundary treatments north of plot 84 and south of plot 90	Land at NGR 305658 112080 Uffculme Devon	Mr Daniel Rance	DEL	

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LIST OF APPEAL DECISIONS FROM 27/08/21 – 23/09/21

Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
20/00745/MOUT	Outline for the erection of 12 dwellings with all matters reserved	Land at NGR 286628 106169 R/O Barton Close Cheriton Fitzpaine Devon	Refuse permission	Delegated Decision	Refuse permission	Written Representations	Appeal Dismissed

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