

PLANNING COMMITTEE AGENDA - 17th June 2020

Applications of a non-delegated nature

<u>Item No.</u>	<u>Description</u>
01.	19/01862/FULL - Change of use of farm buildings to mixed B1/B8 use and retention of external works at Land and Buildings at NGR 299326 114323, Bradford Farm, Uplowman. RECOMMENDATION Grant permission subject to conditions.
02.	19/01430/FULL - Erection of an office building and change of use of land from agriculture to groundworks depot at Land at NGR 286163 123831, (Highfield Farm), Oakford. RECOMMENDATION Grant permission subject to conditions.
03.	18/01711/MFUL - Formation of an open clamp (4630m2) for the storage of silage and provision of new access at Land and Buildings at NGR 288069 117081 (Gibbet Moor Farm), Rackenford, Devon. RECOMMENDATION Grant permission subject to conditions.
04.	20/00111/FULL - Variation of condition (2) of planning permission 16/01007/FULL to allow the holiday lodge to be used as a permanent dwelling at Gilberts Lodge, Morebath, Tiverton. RECOMMENDATION Subject to the provision of a Section 106 Agreement grant permission.

Application No. 19/01862/FULL

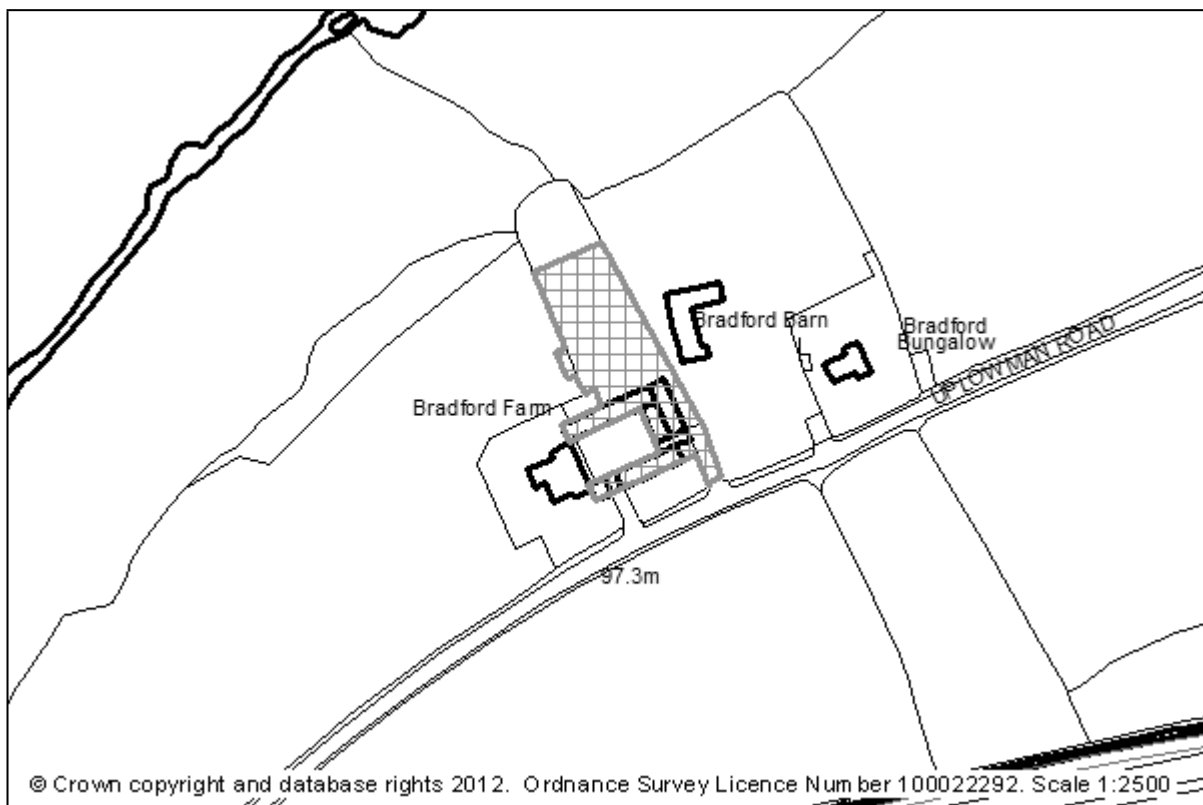
Grid Ref: 299326 : 114323

Applicant: Mr and Mrs A Fields

Location: Land and Buildings at NGR 299326 114323
Bradford Farm
Uplowman
Devon

Proposal: Change of use of farm buildings to mixed B1/B8 use and retention of external works

Date Valid: 12th November 2019



APPLICATION NO: 19/01862/FULL

Update

This application was considered on the 11th March 2020, where it was resolved that the application be deferred to allow a site visit to take place by the Planning Working Group to consider:

- The location, condition and proposal in relation to the container
- The entrance and visibility from the public highway
- The surface of the entrance and the car park
- The relationship between the car park and the effect on the adjoining property in relation to noise and visual impact

The site visit of the Planning Working Group has now taken place with the notes taken as follows:

PLANNING WORKING GROUP – 20TH MARCH 2020

APPLICATION – 19/01862/FULL – Change of Use of farm buildings to mixed B1/B8 use and retention of external works – Bradford Farm, Uplowman

There were 5 members of the planning working group present.

Also present: The Applicant, Agent for the Applicant, the Objector, Agent for the Objector, Case Officer and Committee Clerk

The Planning Working Group had been requested to visit the site to consider:

- The location, condition and proposal in relation to the container
- The entrance and visibility from the public highway
- The surface of the entrance and the car park
- The relationship between the car park and the effect on the adjoining property in relation to noise and visual impact

The Chairman welcomed everyone to the site visit and introductions took place.

The Principal Planning Officer outlined the application stating that the application was a change of use of farm buildings to mixed B1/B8 use and retention of external works. The application was to establish an agricultural storage facility in a container and that the container would be cladded and a slate roof added.

The group moved to the east of the rear car park to observe the container in its setting and they were informed that the building was to be used to store bee keeping equipment. The Principal Planning Officer explained that the building would be a permanent structure.

Questions were raised in relation to:

- The existence of services already installed to the building
- Other building work on the main building

The objector's agent explained that the objections centred on the location and condition of the container and that further storage space was not deemed to be required at the property. He stated that it would be better to have a new building rather than to refurbish the existing container.

Mr Fields (applicant) stated that the container would be used by two bee keeping clubs and that there were no alternative buildings on the site which could be utilised for this purpose.

The group then moved back to the car park and the Principal Planning Officer explained that the potential issues were of noise impact if permission was granted but a condition had been set that either the surface was replaced with a resin bound material or that a noise reduction fence was to be installed on the border with the neighbouring property. He explained that the Environment Agency had no concerns with the existing surface. He explained that the fence would be 2 metres high.

Questions were raised in respect of:

- Use of permeable resin
- Adequate drainage
- On what side of the boundary was the fence to be installed

The objector's agent stated that there were expected to be at least 30 vehicle movements a day and that the objector was seeking to have both the surface replaced and a 2 metre high fence installed. He highlighted Policy DM11 and that there were concerns about the number of vehicle movements.

The agent for the applicant stated that the applicant had proposed the installation of the fence to screen out car headlights and that they had agreed with the objector the current surface of the car park before it was installed. He explained that the car park would be used to service the offices in the adjoining courtyard and that traffic movements would be up to 15 twice a day.

The agent for the objector stated that there were concerns that the end user of the car park had not been identified.

The Principal Planning Officer informed members that the Highways Authority had not expressed any concerns with regard to the application.

The group then exited the car park and observed the entrance to the site from the public highway. The Principal Planning Officer explained that an existing wall would be reduced to 1 metre in height to aid visibility. He explained that transport assessments had not been provided but the Highways Officer had visited the site and had expressed no concerns.

The group then proceeded through the courtyard to observe the second entrance and the Principal Planning Officer explained that the high wall to the left of the entrance as you exited was also to be reduced to 1 metre which would increase visibility for both entrances.

The group was then invited to view the site from the objector's property and they observed the difference in height of the car park which was higher than the neighbouring properties patio.

Members questioned why the fence needed to be 2 metres in height and on what side of the boundary it was to be installed.

Members observed the heavy traffic noise from the A361.

Returning to the application site, members discussed the issues that they had been requested to consider. They had observed the current condition of the existing container and had noted that this would be improved with new cladding and a slate roof and that if approved it was to be a permanent structure. They understood that the building was to keep bee keeping equipment for two bee keeping clubs and they observed the existing hives on site. There was a concern with regard to the noise levels of the existing surface of the car park and the effect that this had on the neighbouring property and members felt that any replacement surface would have to be adequately drained and permeable. Members questioned the need to have a 2 metre fence between the two properties and that a shorter fence may be adequate and where it would be installed. Members felt that the entrance into the car park would be adequate if the wall height was reduced as recommended by the Highways Officer.

Members agreed that they would voice their views regarding the application at the next meeting of the planning committee.

Following the site visit, further objections were received from the neighbouring occupier, advising that the visibility splay to the east of the access, and forward of the neighbouring site, was over land in their ownership and not that of the Highway Authority, and as such they were entitled to block it should they wish. This would result in obstruction of the required visibility splays. Further comments from the Highway Authority are included in the main report below, as is further discussion within the 'parking and access' section of the considerations.

MEMBER CALL-IN

Called in by Cllr Colin Slade, in order to consider the potential impact of the proposed development on the living qualities of the neighbouring occupiers due to intensification of the existing use leading to increased vehicle movements, noise and light pollution.

RECOMMENDATION

Grant permission subject to conditions

PROPOSED DEVELOPMENT

Change of use of farm buildings to mixed B1/B8 use and retention of external works.

The applicant seeks planning permission for the change of use of a range of existing barns to form six units of flexible commercial space falling within use classes B1 and B8, as well as retrospective planning permission for the retention of external works already carried out in association with the proposed change of use, the retention of car park area, and the retention and refurbishment of a porta cabin for the storage of bee keeping equipment.

The buildings that are the subject of these applications are a group of buildings originally in agricultural use. They are located to the west of an existing dwelling house occupied by the applicant, and form a horseshoe type barn complex around a central courtyard. The buildings immediately adjoining the dwelling house are to be retained for domestic purposes in connection with this property, those to the far east of the site are to be retained for agricultural storage purposes, while the remainder would form six units, over two floors, for the proposed use.

APPLICANT'S SUPPORTING INFORMATION

Application form, site location plan, block plan, existing and proposed floor plans and elevational drawings, planning statement, wildlife trigger list, foul drainage assessment, flood map for planning

RELEVANT PLANNING HISTORY

94/00536/FULL - PERMIT date 3rd November 1995

Conversion of redundant farm buildings into four dwellings and formation of new access

94/02187/FULL - PERMIT date 26th January 1995

Erection of two storey extension comprising of sitting room, bedroom and bathroom

00/01037/FULL - PERMIT date 31st January 2001

Conversion of barn to dwelling (amended scheme to that approved for unit 4 under planning permission reference number 4/52/94/536)

18/00657/FULL - WDN date 16th October 2018

Retention of change of use of an existing agricultural building to office with parking

18/02050/PNCOU - PNP date 23rd April 2019

Prior notification for the change of use of an agricultural buildings to 3 dwellings under Class Q

18/02071/FULL - PERMIT date 4th April 2019

Retention of Log store

19/00652/PNCOU - CLOSED date 24th April 2019

Prior Notification for the change of use of agricultural building to Class R (Flexible Business Use)
(Under 150sqm)

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan Part 1): COR1, COR2, COR4, COR9, COR12, COR18

Mid Devon Local Plan Part 3 (Development Management Policies): DM1, DM2, DM7, DM8, DM11, DM20

National Planning Policy Framework

CONSULTATIONS

TIVERTON TOWN COUNCIL - Support

HIGHWAY AUTHORITY - 27th January 2020 - Observations:

I have visited the site and have no objections to the proposal, however the inter visibility between the two accesses is substandard and an improvement to provide visibility 2.4m back along the centre line of both accesses and parallel between the two with no obstruction greater than 1.0m should be imposed. Therefore I would advise the following conditions be imposed:

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

1. Visibility splays shall be provided, laid out and maintained for that purpose at the site accesses where the visibility splays provide inter visibility between the two accesses at a height of 1.0m metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway shall be 2.40 metres and Parallel between the two.

REASON: To provide adequate visibility from and of emerging vehicles.

29th April 2020 - Further to my previous comments and observations I have been able to view the land registry documents and discuss the situation with Mr Blackmore. From a Highway Authority position the land between the public highway and the dwarf wall is unregistered and my previous comments apply. However Mr Blackmore could seek to apply for the land under possessory title and the obstruction, should that be granted, could be a prospect, notwithstanding this he is currently able to erect a fence that would block visibility within his land which would terminate within 800mm of the public highway and would impact on the visibility to the left. The existing access would have a traffic generation but this would be small given its previous use and while the Highway Authority would be unreasonable in refusing a new use which would be equal to or less than the current use it is for the applicant to demonstrate such generations. Given the lack of control of the visibility to the left of the access demonstrated by Mr Blackmore and confirmed through the investigations. The current applied for use, should seek alternative parking arrangements and service access, either utilising the existing central access or improvements to

the field access to the west of the farm. Such improvements would necessitate improved radii, visibility to the west, construction and drainage.

The applicant also has the opportunity to vary the use for that area to a use of equal traffic generation to the current use.

Therefore the Highway Authority has no objection in principle, and the uses off the central access are acceptable, the uses off the eastern access is unacceptable given that the visibility to the east is not in the control of the applicant and there is a real prospect of the splay being obstructed and not suitable, the said obstruction not interfering with Mr Blackmores own visibility. Therefore the Highway Authority would advise that the planning Authority seek alternative access arrangements which can be delivered from a new access to the west or utilise the central access or seek alternative uses of a traffic generation equal to that of the existing uses.. Should the application be separated into two applications with the uses accessed from the central access on one this be acceptable. However as it stands I would recommend a refusal based on the investigations and advice as that lack of information that an access would be suitable.

Following the above comment, the Highway Officer also confirmed that they would raise no objections to all traffic being directed through the central access of the site i.e. into the courtyard. It was also confirmed that no further visibility improvements would be required to the west of that access, only to the east as already advised. Subject to detail of the visibility splays, there may not be a requirement to lower the wall to gain the required visibility.

7th May 2020 - This site is accessed off a C Classified County Road which is restricted to 60 MPH.

The number of personal injury collisions which have been reported to the police in this area between 01/01/2014 and 31/12/2018 is none.

The Applicant has submitted the number trips the existing use of the farm buildings could create if it was bought to its full potential without further Planning Permission. This number of trips is slightly higher than the trips estimated for this proposed use which is taken from TRICS database which is a nationally accepted database.

There has been discussion regarding the visibility splays and ownership of an area to the left of the existing access, and it has been concluded that this area is unregistered. As the number of trips for this proposal would be lower than existing use, the County Highway Authority considers that this access can achieve the suitable visibility required, and it is not considered that the number of trips this proposal could generate will be severe impact on the highway or that there will be any highway safety concerns with the proposal.

Therefore 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, HAS NO OBJECTION TO THE PROPOSED DEVELOPMENT

19th May 2020 - I note your concerns regarding the applicant's traffic figures and your intention to employ a traffic consultant. I am happy to consider anything you may then wish to submit in making my recommendation to the Local Planning Authority. You will of course be aware that any challenge to submitted information would need to be evidence based.

I have already visited the site so am familiar with the arrangements, therefore another site visit would not be necessary.

Note: These comments were provided directly to the neighbouring landowner's Planning Consultant, following concerns raised in respect to the traffic figures supplied by the applicant.

PUBLIC HEALTH –

Contaminated Land: No objection to the proposals. (16.01.20).

Air Quality: No objection to the proposal. (22.01.20).

Environmental Permitting: No objection to the proposal. (22.01.20).

Drainage: No objection to the proposals. (16.01.20).

Noise & other nuisances: No objection to the proposals. (16.01.20).

Housing Standards: No comment. (15.01.20).

Licensing: No comments. (13.01.20).

Food Hygiene: No comments. (16.01.20).

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. (13.01.20).

Health and Safety: No comments. (16.01.20).

While raising no objections to the proposal, as submitted, and not requesting any further improvements, the Environmental Protection Officer has agreed that the replacement of the existing drive and car park surface with a solid material such as resin bound surface, or the erection of an acoustic fence (12kg mass), would certainly address concerns relating to noise. In respect to a request to impose an hours of operation condition up to 19:00hours on weekdays, the Environmental Protection Officer also advised that this would raise no concerns in respect to disturbance to neighbouring amenity, however a restriction to 12:00 hours on Saturdays, with no operation on Sundays and Bank Holidays

REPRESENTATIONS

At the time of writing this report, two letters of objection has been received, the first being from the occupiers of the neighbouring property of Bradford Barn with the objections being summarised as follows:

- The objection is not on the basis that development is taking place, there is an expectation that they will be converted someday. It is however felt that the proposed use is the wrong type of use for this location, particularly on the scale proposed, which is twice as large as the previous application.
- The application does not identify how much use will be for office, storage or distribution. As such, this leads to uncertainty as to what is actually happening with these buildings, as well as raising further questions in respect to the impact of potential traffic movements, and associated impact on living conditions with the close proximity of the track and car park, which is immediately next to the house, its sitting room and bedroom windows, and outside living space.
- It is advised that 15 staff are expected to be employed, which would lead to a minimum of 30 additional vehicle movements passing by the neighbouring property. This does not include deliveries and any visitors. This level of vehicle movements is considered to be excessive in a rural location, impacting adversely on neighbouring living conditions.
- If the buildings were intensively farmed, the traffic movements would likely be limited to a couple of tractors and possibly livestock passing by. This would be much less than the proposed levels of traffic.
- Why can't car parking be located in the existing courtyard? This would not affect neighbouring amenity. It appears that the applicant's want traffic movements affecting their property as far away as possible.
- Policy DM20 states that this type of development should only occur where insufficient alternatives are available. There is no formal business plan indicating why this site is necessary for their business or why other sites are unsuitable. There should be a details assessment of other available sites.
- Hours of work could be conditioned, however it is unlikely that these times will be adhered to, especially at weekends. Such a condition is realistically unenforceable as no enforcement officers work at weekends or on bank holidays.
- There is no mention of external lighting. If uncontrolled, this could adversely impact on neighbouring amenity.
- The works that have taken place are detrimental to the character of the barns with the use of inappropriate materials both on the building and the landscape. This has changed the setting drastically.
- The application should have been supported by a wildlife survey. The council has a duty to discharge its obligation under the Wildlife Act to make sure any development will not impact on protected species. The barns are ideal for bat roosts and a report should have been provided.

The other letter of objection was received from a Planning Consultant (XL Planning) acting on behalf of the objector Mr M Blackmore of Bradford Barn with the objections summarised as follows:

- Our client's objection to the proposal still stands from the previous application (18/00657/FULL), which was withdrawn following a recommendation of refusal by the Council's Planning Committee.

- The new agents explanations with regard to policy justification on the location being suitable for the proposed change of use, is minimal at best and provides no robust information with which to consider against policy DM20.
- The planning statement sets out potential uses of B1, A2 and B8, stating that are no more than 32 anticipated vehicle movements per day, with only 16 parking spaces being required. The statement, however does not address the likely potential, within its traffic calculations, that the buildings could be used solely for B8 (storage and distribution use). The application does not set out the areas of use within the buildings or specify quantities within its plans. The B8 use class is a much more intensive use and has the potential to generate many more trips than B1a (office). The applicant may argue that this is not the intention, however the planning statement sets out that they are looking to offer potential users flexible B1/A2/B8 uses. The calculated figure does not take into consideration potential visitor numbers to the building and also does not facilitate parking provision within its layout for any visitors. There is no specific Transport Assessment, the calculated 32 trips should be considered the minimum daily movements, not the maximum. It is felt that the proposal has failed to adequately demonstrate that the change of use meets with criteria a) of Local Policy DM20.
- The statement refers to there being no building within the locality as justification for the location, however it can be clearly demonstrated (as it was in the previous objection letter) that there are sufficient employment locations within Tiverton which would suit this new enterprise. Tiverton Town centre is less than 2 miles from the application site and Tiverton's settlement limit is now only less than one mile away and this would be considered as immediate in policy terms. Having briefly reviewed the commercial property for sale website www.rightmove.co.uk. It shows six properties within Tiverton available for rent or sale which would be suitable and more appropriate than the proposed location at Bradford Farm.
- The location is considered to be inappropriate for this size and type of development. The rural setting has been significantly eroded by the unauthorised works that have taken place, and still not regularised. It is contended that the development proposed will clearly impact upon the barns themselves and their associated heritage values, both physically and visually. The barns have the potential to be considered important unlisted Heritage Assets.
- It is stated in the planning statement that the proposal is an improvement on the "previously unkempt nature of the former 'yard'." Photos of the site taken prior to works taking place show the form and shape of the immediate surrounding land being very much in keeping with the rural character of the location, with the 'yard' in question being a field, which is now domesticated through unauthorised works.
- Overall, it is considered that the impact of the proposed development is greater than that of previous application in that this application is for the change of use of all of the barns, not part of the site, and this will cause a significant and detrimental level harm to the historic and aesthetic values of the buildings due to changes to the setting and the erosion of integrity is unacceptable. The further domestication of the barns will erode their integrity and authenticity and will be irreversible. The proposal to convert these buildings to offices is not considered to be in line with Local Plan Policy DM11 or DM20 and therefore should be refused.

Further correspondence has been received from the Planning Consultant acting on behalf of the objector Mr M Blackmore requesting that in the event of planning permission being approved, the following conditions be applied:

1. The drive and car park area be tarmac, not loose clipping, in order to reduce noise impacts of vehicles next to the residential property.

2. To protect the light and privacy of neighbouring ground floor windows, a solid shiplap fence be erected some 5 metres back from the beech edge and a series of tree planting in the 5m area to re-establish the previous rural aspect of the original paddock and protect the amenity of the neighbouring property.
3. The removal of the shipping container which is not necessary given the amount of buildings available to be converted through the change of use.

Further correspondence was received from Mr Blackmore and his Planning Consultant following the Planning Working Group site visit, relating to access and visibility. The main points raised are as follows:

- The land to the east of the application site and access, that being forward of Bradford Barn, between the existing dwarf and the carriageway edge is in the ownership of the neighbour and not the Highway Authority. As such, this could be obstructed by new hedge planting, obstructing the required visibility splay and rendering any condition unenforceable.
- The applicant has given traffic movement calculations relating to the existing use, which are ambiguous and unrealistic for the size of the holding. Bradford Farm is a 6 acre farm with no livestock, arable, tractors, bailers or general far machinery. During the last 17 years, the farm track has not been used more than twice a week. It has been suggested that if the permission is not granted, it will be necessary to use the land for more intensive agricultural, with anywhere between 18-24+ vehicle movements per day. This is considered to be an unrealistic prospect. It is felt that the lawful use would generate less traffic movements than the proposed use, which coupled with concerns over the access visibility, should lead to a recommendation of refusal, as indicated by the Highway Officer.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main material considerations in respect of this proposal are:

- 1) Principle of development
- 2) Parking and access
- 3) Design and impact on the character and appearance of the surrounding area
- 4) Impact on residential amenity
- 5) Other issues

- 1) Principle of development

The proposed development is for the change of use of existing redundant former agricultural barns to business use comprising six flexible commercial units (Use Classes B1 and B8). The proposal also includes retrospective consent for alterations carried out to the buildings, primarily being small scale external works, and for the creation of a gravelled parking area to the rear of the buildings. The proposals also include the retention of an existing temporary cabin for the storing of bee keeping equipment. This also involves timber cladding the structure and providing a pitched roof with slate covering.

This planning application follows an enforcement investigation relating to unauthorised works with the outcome being the submission of previous planning application 18/00657/FULL, which was for the retention of the change of use of a smaller part of these barns to office with parking at Bradford Farm. That application was ultimately withdrawn following a resolution of the Planning Committee that Members were minded to refuse planning permission and therefore wished to defer the application for consideration of an implications report to consider the following issues:

- Whether the proposal had an unacceptable impact on the neighbouring property (especially the car parking area) and therefore did not comply with policies DM11 and DM20
- The intensification of the use of the premises
- Whether this was an inappropriate location for the proposal
- Was there more appropriate facilities nearby
- The impact of the development on the amenity of the neighbouring property especially with regard to lighting issues

This latest application is submitted to regularise the existing unauthorised works and the status of the building, with consideration given to the concerns raised during the previous application. The applicant contends that they have appropriately addressed these concerns so as to allow the application to be granted planning permission.

In determining this application, 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 (the NPPF), is noted as one such material consideration.

Of the six units identified on the submitted plans, one of these (Suite 3A) is already in use as flexible commercial use B1/B8, being so permitted by rights exercised under Schedule 2 Part 3 Class R of the Town and Country (General Permitted Development) (England) Order 2015 (the GPDO). The business being carried out within this part of the building is the applicant's own business. The other five proposed suites would be newly created with the intention to provide opportunities for businesses carrying out B1 and B8 operations. This may be an office for a designer/architect, financial advisor, or similar 'professional' user, light industrial use, or a low-key storage use such as storage of documents, antiques, household items, seasonal goods, etc. Following further discussions with the applicant, it is agreed that it would be appropriate to limit any B8 use to storage, without associated distribution, to encourage a smaller scale use than may be potentially operated under a full B8 use.

As a starting point, the site is located to the north east of Tiverton, to the north of the A361, and approximately 400m from the most north easterly edge of the Tiverton Eastern Urban Extension allocated site. As this is an open countryside location, Policy COR18 of the Mid Devon Local Plan (Core Strategy) applies. This seeks to restrict development to that which would enhance the character, appearance and biodiversity of the countryside whilst promoting sustainable diversification of the rural economy. Furthermore, COR18 states that detailed development control policies will permit agricultural and other appropriate rural uses, subject to appropriate criteria, which includes: *"appropriately scaled retail, employment, farm diversification and tourism related development (including conversion of existing buildings)."*

Policy DM20 of the Development Management Policies (Part 3 of the Mid Devon Local Plan) supports the principle new-build employment development or expansion of existing businesses, provided that the development is of an appropriate use and scale for its location. It is stated that 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."*

This particular policy consideration is referred to in the objections received, which raise concerns over the suitability of the site for new employment use, also questioning whether it has been appropriately demonstrated that there are no alternative sites that could provide for the need identified, as required by policy DM20. This matter was also raised in consideration of the previous application, being one of the reasons members were minded to refuse.

Notwithstanding the above concern, the proposed development is not proposing 'new build' commercial development, in this case seeking to make use of existing redundant buildings, which is supported in principle by policy DM11 of the Local Plan Part 3 (Development Management Policies). Policy DM11 is worded as follows:

"The conversion of redundant or disused rural buildings of substantial and permanent construction which positively contribute to an area's rural character for residential, tourism or employment uses will be permitted where:

- a) A suitable access to the building is in place or can be created without damaging the surrounding area's rural character and the road network can support the proposed use;*
- b) The building can be converted without significant alteration, extension or rebuilding;*
- c) The design will retain the original character of the building and its surroundings;*
- d) The development will retain any nature conservation interest associated with the site or building, and provide net gains in biodiversity where possible."*

In this case, the buildings are a range of stone built barns in excellent condition, which can be viewed prominently from the public highway to the south. They are of very substantial and permanent construction and do contribute to the area's rural character. As such, they are buildings suitable to be considered in accordance with policy DM11. The above criteria will be considered in the more detailed assessment of the scheme below.

The retention of the existing temporary building is submitted as part of this application, however is not proposed for commercial purposes. It is currently used for the storage of bee keeping equipment by a local bee keeping group. This is used in connection with bee keeping activities taking place on land immediately to the north of this building. On the basis that this is a small scale non-commercial activity, there are no objections in principle subject to assessment of the impacts of this element of the development against relevant local and national planning policy considerations. The contributor has objected on the grounds that this building has been sited without the necessary planning consent, and therefore should be removed, however the purpose of this application is to seek to regularise this unauthorised development, in which case any harm will be assessed.

2) Parking and access

The proposed development seeks to make use of an existing former agricultural access, which leads to the car park area. In addition, limited parking will be made available for electric car charging within the existing courtyard, which is accessed via a second access point to the west. Otherwise the courtyard parking will be restricted to use of the applicant's household.

In considering the proposed use, the Highway Authority initially advised that Standing Advice should be applied. Noting the sensitivity of the site, previous and current concerns raised, more detailed comments were requested. As a result, the Highway Officer has visited the site and provided further comment. In this response, no objections were raised from a highway safety point of view, with the access and parking arrangements, including sufficient parking provision, considered to be appropriate subject to improvements to visibility. Specifically it is requested that

there is no obstruction to visibility above 1 metre, set back 2.4m between the two existing access. The applicant has agreed to these improvement, which would be required to be provided proper to any of the new units being occupied, should planning permission be required. Consideration will also need to be given to the visual impact of these works, which will be discussed in more detail below.

Since the site visit by the Planning Working Group, the neighbouring landowner has advised that the existing visibility splay, to the east of the access serving the main parking area, strays into land under their ownership rather than the Highway Authority. As such, they have argued that they could obstruct the visibility splay, which would not allow safe access. The Highway Authority initially did not raise any further concerns as it was felt that the visibility could still not be obstructed as the land was outside of the neighbour's ownership. Having further considered information provided by the neighbouring landowner, further consulted their own records, and having taken their own legal view, the Highway Officer advised that the land between the roadside wall, and the carriageway edge, is in fact unregistered and neither in the ownership of the Highway Authority, or the neighbour. It is acknowledged however that should Mr Blackmore be successful in applying for the land under possessory title, obstruction could be a prospect. Under permitted development rights, no wall, fence, gate or other means of enclosure would be able to exceed 1m in height adjoining the carriageway, however the growing of a hedge, or other obstructing vegetation is not development and could not be controlled. Having checked the planning history, there are also no restrictive conditions preventing obstruction of the access to Bradford Barn.

On the basis of the above, the Highway Officer has advised that there would be some vehicle movements associated with the existing access, so it would be unreasonable to refuse a new use, where that would be equal to or less than the existing use. It is advised that it is for the applicant to provide details of traffic generation. Otherwise it is suggested that alternative provision is sought via the central access to the site, through the barns courtyard, or via a new access to the west of the site, if appropriate. The Highway Officer has confirmed that they would be content with all the vehicle movements associated with the proposed use going through the central access, with no further improvements to visibility beyond those already requested.

In response, the applicant has confirmed that it would not be practical to use the central access, as there is insufficient room to provide all the necessary parking within the courtyard, and there is no onward route available through to the car park at the rear. They are also of the view that the existing agricultural use, if brought back into its full usage, which could be done without requiring any planning permission, would generate movements of anywhere between 18-24+, together with outdoor machinery storage, which would be considerably more than proposed in this application. It is acknowledged that the agricultural use of the site has been limited in recent times, but this extant use could be operated in a much more intensive way. It is advised that if no alternative use for the buildings can be found, as applied for, there would be no option but to use these buildings and associated land more intensively than it has been in the past.

The previous Highway Officer has since retired, and therefore a new Highway Officer has considered this argument, as well as visiting the site. Having considered the extant use and compared potential vehicle movements with trips estimated from the TRICS database for the proposed use, they concluded that the extant use could generate a slightly higher number of trips than the proposed use. On the basis that the proposed number of trips would be less than the existing use, the Highway Authority do not consider that the proposed use would have a severe impact on the highway or that there would be any highway safety concerns with the proposal. As such, they maintain no objection to the proposal.

The neighbouring landowner, and their Planning Consultant have responded, commenting that the submitted vehicle movements associated with the extant use are ambiguous and unrealistic for a

holding the size of Bradford Farm. The Highway Officer has responded that they would be happy to consider any further information submitted by the objector in regard to traffic figures, however that would need to be evidence based. At the time of writing this report, no further correspondence has been received by the Planning Officer from either the objector, or the Highway Authority, in which case the recommendation of no objection stands at this point.

In order to ensure that the parking numbers remain appropriate for the proposed uses, and that there isn't a further increase in usage of the access, it is considered necessary to impose conditions restricting the type of uses that may be carried out. These would be limited to B1 use and B8. In respect to B8, as discussed earlier, this would be limited to storage use only, with distribution from site restricted to encourage small scale storage use rather than a larger distribution-based enterprise. A2 use, which would have visiting members of the public is not included within the use recommended for approval.

Taking the comments of the Highway Authority into account, and noting that appropriate conditions can be imposed to require necessary improvements to visibility, as well as limiting the type of business that can be carried out

Overall, the proposed development is deemed to be acceptable from a highway safety point of view, according with policy COR 9 of the Core Strategy and policies DM8 and DM11 of the Development Management Policies (Local Plan Part 3).

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

The commercial element of the development involves the reuse of the existing buildings, with some minor external alteration consisting primarily the replacement of existing windows and provision of roof lights facing into the central courtyard, in addition to the formation of the car parking area to the rear of the site.

The works that have been carried out to the building are considered to be acceptable. No new windows openings have been created with the new frames inserted into already present openings. New roof lights have been added to serve the first floor areas, however these are discreetly located within the enclosed courtyard area where they are not readily visible from public vantage points. The buildings are not listed, or identified as being locally listed heritage assets on the Devon Historic Environment Record. Nonetheless they are of very high quality. Overall the works have been carried out sensitively, respecting the key characteristics of these traditional buildings.

The creation of the gravelled car parking area is one of the primary concerns of the contributor, with objections principally citing its visual impact and the impact on living conditions of the occupiers of the neighbouring house, Bradford Barn, as a result of vehicle movements close to this property. In considering wider visual impact of the proposal, this does represent a change to the adjoining agricultural land, however it is not considered cause demonstrable harm so as to warrant recommending refusal. These works are now complete, with landscaping works carried out on the land immediately to the north, which include grassing and tree planting, with the car park edge defined with rail stock fencing with shrub planting in front. This will create defined boundary between the car park and adjoining countryside. In terms of the spread of development, this is noted but is not readily perceivable from wider public views. Similarly, it is noted that it does not extend as far as the built development comprising the converted barn and wider residential site immediately to the north east (Bradford Barn). Due to the close proximity of the two sites, and the presence of similar gravel drive and parking areas present at this adjoining property, it is not considered that the car park works adequately respect the character of the surrounding area, without harming the rural context.

The drive and access point are existing and despite the change in appearance due to the resurfacing, which in itself would not require planning permission, there is no change proposed that would be harmful to visual character. In discussing highway safety issues above, it is noted that the Highway Authority requested improvements to visibility between the two existing access on to the site by removing any obstruction higher than 1 metre above the adjoining carriageway, at a point 2.4m back from the carriageway edge. At present the existing roadside wall is approximately 1 metre in height, with higher sections of stonework adjoining the accesses. There would be a need to lower the higher sections and possibly a small part of the roadside wall to provide this visibility, however this is not considered to be harmful to the character of the area, or the traditional character of the building and wider site. With the exception of the higher sections, the roadside boundaries of both the application site, and adjoining residential property, are characterised by their low stone walls. The required alterations would have a limited visual impact, respecting the existing character sufficiently. It is considered appropriate to impose a condition requiring details of these works, including details of repointing, coping stones, etc., to be provided and agreed prior to the works being carried out.

In considering the existing temporary building, which is proposed to be retained, this is closely related to the existing buildings and also does not represent a significant expansion of built form into adjoining countryside that would be considered reasonable to recommend refusal. The building at present is clearly in a state of deterioration and does not respect the character of the area. It is however proposed to clad in timber and roof in slate, which would significantly improve its appearance. These materials would match those used in an adjoining wood store building, thereby appropriately mitigating against the current harm caused by this building. In order to ensure a satisfactory outcome and speedy resolution to this current enforcement issue, it is considered appropriate to impose a condition requiring these works to be carried out in a reasonable period of time, say 3 months following any approval.

The use of the bee keeping storage building is a very small-scale use with very limited vehicle movements associated with it. A condition would be sensible to exclude its use for business purposes, thereby limiting its use in connection with a higher intensity use on site. A condition is proposed to limit the use to those uses ancillary to the keeping of bees or for agricultural purposes only.

Overall, the works as carried out and proposed, are considered to be acceptable, complying with policy DM2 (high quality design) and criteria c) of policy DM11 of the Local Plan Part 3 (Development Management Policies).

4) Impact on residential amenity

The site is in a sparsely developed countryside location just beyond the edge of Tiverton, with two neighbouring properties to the east, Bradford Bungalow that is well separated from the site, and Bradford Barn, which immediately adjoins the access track and car parking area. The occupier of Bradford Barn has objected to the development for several reasons, however one of the main reasons for objecting to this particular scheme, is the impact that the use, particularly as a result of vehicle movements close to their property, will have on their living conditions. Concerns include the generation of noise disturbance as a result of vehicles moving close to the property, especially over the loose gravel, and headlights shining into the main sitting room and some bedrooms. There are also concerns about the potential for increased vehicle movements depending on the use of the buildings as there is some ambiguity over the end use with 'flexible use' referred to in the planning statement, which could potentially include B1, A2 and B8.

In respect to the use of the units, this has been clarified, and discussed further in the '*parking and access*' section of this report. With the exception of Suite 3A, which already benefits from a flexible

use, which includes full B1 and B8 use, it is proposed to limit the use of the other five units to a B1 use, which would include office, light industrial, and research and development, and B8 storage, with distribution use excluded. This would allow for 'professional' users such as a designer/architect, financial advisor, etc., or a low-key storage use such as storage of documents, antiques, household items, seasonal goods, etc. Such uses are considered to be acceptable and would be compatible with a residential setting. As such, the actual use of the buildings is not considered to be harmful to residential amenity. It is also noted that the buildings nearest the neighbouring property are not included within the change of use application, allowing a degree of separation between the two sites.

In respect to disturbance from vehicle movements, the Public Health team have raised no objections to the proposal. Further discussion have taken place with the Council's Environmental Protection Officer, specifically in relation to the comments received from the neighbouring occupier. Despite the increase in scale of development from the previous application (18/00657/FULL), the Environmental Protection Officer has advised that he does not consider the level of usage proposed would cause such disturbance that this would be sufficient to represent an unacceptably adverse impact on neighbouring amenity to justify refusing planning permission. No improvements are considered necessary, however it is suggested that the installation of an acoustic fence along the neighbouring boundary would adequately address the concerns in relation to noise from the car park, and light from headlights. The replacement of the gravel with a hard surface such tarmac or resin bound gravel would also reduce noise from vehicles accessing the site and manoeuvring in the car parking area.

While it is noted that improvements are not considered necessary, the applicant has agreed to make improvements in the form of replacement of the gravel or the installation of an acoustic fence, in accordance with the Environmental Protection Officer's suggested specification. A condition to this effect may be imposed on any consent granted. It is also noted that it is the applicant's own desire that any users of the site are limited in the time that they can work on the site. As such, they are agreeable to a condition limiting hours of operations. Following consultation with the Environmental Protection, a condition restricting hours to between 8am to 7pm on weekdays and 8am to 1pm on Saturdays, with no operation on Sundays or Bank Holidays. Such a condition would limit the use of the site in unsociable hours, also restricting how late any business could operate, thereby removing the opportunity for headlights to cause disturbance through shining into the adjoining house at unreasonable times. It is also noted that there is a planted boundary between the two properties that would further reduce this impact.

Taking the above into account, it is not considered that the living conditions of occupiers of Bradford Barn, or other nearby properties, would be unacceptably harmed as a result of the proposed development. The proposal is therefore considered to comply with policy DM2 of the Local Plan Part 3 (Development Management Policies), in respect to not having an unacceptably adverse effect on the privacy or amenity of neighbouring properties.

5) Other issues

In regard to other planning matters, with respect to ecology, there is an objection that the application should have been supported by a wildlife survey as the barns are ideal for bat roosts. Despite these concerns, this is not something that is necessary for this application. The works to the roof space of these buildings has already been carried out. With the exception of the change of use, for which this application seeks permission, internal works are also not classed as development and therefore can be carried out without the need for planning permission. This does not relieve the applicant of their legal obligations in respect to protected species and other wildlife, however this is dealt with outside of the planning process as these works have already taken place. When these works were considered in the previous application, it was noted at the time that

a survey had been carried out prior to works being carried out and no protected species were noted.

On this basis, with no physical works proposed to the building and only the proposed change of use being considered, it is not necessary to require an ecology survey. In carrying out the works however, it is noted that some biodiversity improvements have been implemented, including the provision of a range of nesting boxes for birds.

Questions have been raised about the efficiency of the enforcement process in dealing with existing breaches, however this application is received in response to those investigations, seeking to regularise all of the outstanding matters. Should permission be granted, these will have been appropriately resolved. If refused, a decision will need to be taken about proceeding with the next stages of the enforcement process.

CONCLUSION

Overall, despite the objections received, the proposed change of use of these traditional buildings and the associated works to the site, and the retention and improvement of the temporary building, are considered to be appropriate in this location, will have no adverse impact on local landscape character or highway safety and will cause no unacceptable harm to residential amenity.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The change of use and conversion of this existing range of buildings for business purposes is considered to be acceptable as the works involve an existing building of satisfactorily substantial and permanent construction which positively contributes to the area's rural character, and which has been converted without significant alteration, extension or rebuilding. The associated works, including the retention of the car parking area, and the other part of the scheme comprising the retention of the temporary building for use in connection with bee keeping activities is considered to be acceptable too, appropriately respecting and relating to the character of the site and its surroundings. Notwithstanding the relationship with a neighbouring property, it is not considered that the development would lead to an unacceptably adverse effect on the amenity of the occupiers of this or any other property. Furthermore the site is of sufficient size to accommodate adequate parking and turning facilities, as necessary, and is served by a suitable access. It is considered appropriate to recommend approval with conditions necessary to ensure the success of the development in this location. As such, it is considered that the proposed development satisfactorily accords with policies DM1, DM2, DM7, DM8, DM11 and DM20 of the Mid Devon Local Plan Part 3 (Development Management Policies), COR1, COR2, COR4, COR9 and COR18 of the Mid Devon Core Strategy (Local Plan Part 1) and the aims and objectives of the National Planning Policy Framework.

CONDITIONS

1. The date of commencement of this development shall be taken as 12th November 2019, the date the application was registered by the Local Planning Authority.
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 business use hereby permitted shall not be operated outside of the hours of 08:00 to 19:00 Monday to Friday and 0800 to 13:00 Saturday and shall not be operated on Sundays and Bank Holidays.
4. The areas allocated for parking on the approved plans shall be kept clear of obstruction and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.
5. No means of external illumination/lighting shall be installed within the application site unless details have first been submitted to and agreed in writing by the Local Planning Authority. Any external lighting installed shall be in accordance with the agreed details.
6. Visibility splays shall be provided, laid out and maintained for that purpose between the two accesses serving Bradford House and the application site, where the visibility splays provide inter visibility between the two accesses at a height of 1.0 metre above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway shall be 2.40 metres and parallel between the two. Such visibility shall be fully provided before any of the business units hereby permitted are first occupied and shall thereafter be maintained at all times. Prior to any works being carried out on in relation to the provision of the visibility splays, details of the works required in relation to the lowering of the existing stone boundary wall shall first be submitted to and approved in writing by the Local Planning Authority. Such details shall include identification of the area of wall requiring removal and details of making good including the specification of mortar mix and capping. The works shall thereafter be constructed in accordance with the approved details.
7. The bee keeping storage building hereby approved, comprising the retained temporary building, shall be clad and roofed in accordance with the details indicated on the approved plans, within five months of the date of this decision.
8. Prior to any of the business units hereby permitted first being occupied, noise reduction and mitigation measures shall be provided in the form of the erection of an acoustic fence (2m high with a mass of at least 12kg) along the eastern boundary of the site, forming the boundary with the neighbouring property (Bradford Barn), or the replacement of the existing gravel track and car park serving the development hereby permitted with a properly consolidated surface (not loose stone or gravel), as agreed in correspondence dated 12th February 2020 (email from Ian Firth to John Millar). Prior to their installation, details of the noise reduction and mitigation measures shall be submitted to and agreed in writing by the Local Planning Authority. Such measures shall be carried out in accordance with the agreed details and shall thereafter be maintained at all times.
9. The business unit referred to as 'Suite 3A' on the approved plans shall be used for purposes falling within Use Classes B1 and B8 only and for no other purpose (including any other purpose in any Use Class of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification), or any other use permitted under 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).

10. The business units referred to as 'Suites 1, 2A, 2B, 2C and 3B' on the approved plans shall be used for purposes falling within Use Classes B1 and B8 (storage) only and for no other purpose (including for use as a B8 distribution place or other purpose in any Use Class of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification), or any other use permitted under 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).
11. The bee keeping storage building hereby approved shall at all times be used for purposes ancillary to the bee keeping or agricultural activities taking place on site and shall not be used for any non-agricultural activity.

REASONS FOR CONDITIONS

1. In order to establish a legal commencement date for the development to enable the development to be monitored by the Local Planning Authority.
2. For the avoidance of doubt in the interests of proper planning.
3. In the interests of residential amenity in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies), and the aims and objectives of the National Planning Policy Framework.
4. In the interests of highway safety, in accordance with policies DM2, DM8 and DM11 of the Local Plan Part 3 (Development Management Policies), and the aims and objectives of the National Planning Policy Framework.
5. In the interests of residential amenity in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies), and the aims and objectives of the National Planning Policy Framework.
6. In the interests of highway safety, in accordance with policies DM2, DM8 and DM11 of the Local Plan Part 3 (Development Management Policies), and the aims and objectives of the National Planning Policy Framework.
7. To safeguard the visual amenities of the area, in accordance with policies COR2 of the Mid Devon Core Strategy 2007 and DM2 of the Local Plan Part 3 (Development Management Policies) and the aims and objectives of the National Planning Policy Framework.
8. In the interests of residential amenity in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies), and the aims and objectives of the National Planning Policy Framework.
9. In the interests of residential amenity and in the interest highway safety and of assuring adequate parking remains available for any alternative use to accord with policies DM2, DM8 and DM11 of the Local Plan Part 3 (Development Management Policies), and the aims and objectives of the National Planning Policy Framework.

10. In the interests of residential amenity and in the interest highway safety and of assuring adequate parking remains available for any alternative use to accord with policies DM2, DM8 and DM11 of the Local Plan Part 3 (Development Management Policies), and the aims and objectives of the National Planning Policy Framework.
11. In the interests of residential amenity and in the interest highway safety and of assuring adequate parking remains available for any alternative use to accord with policies DM2, DM8 and DM11 of the Local Plan Part 3 (Development Management Policies), and the aims and objectives of 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.

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.

Application No. 19/01430/FULL

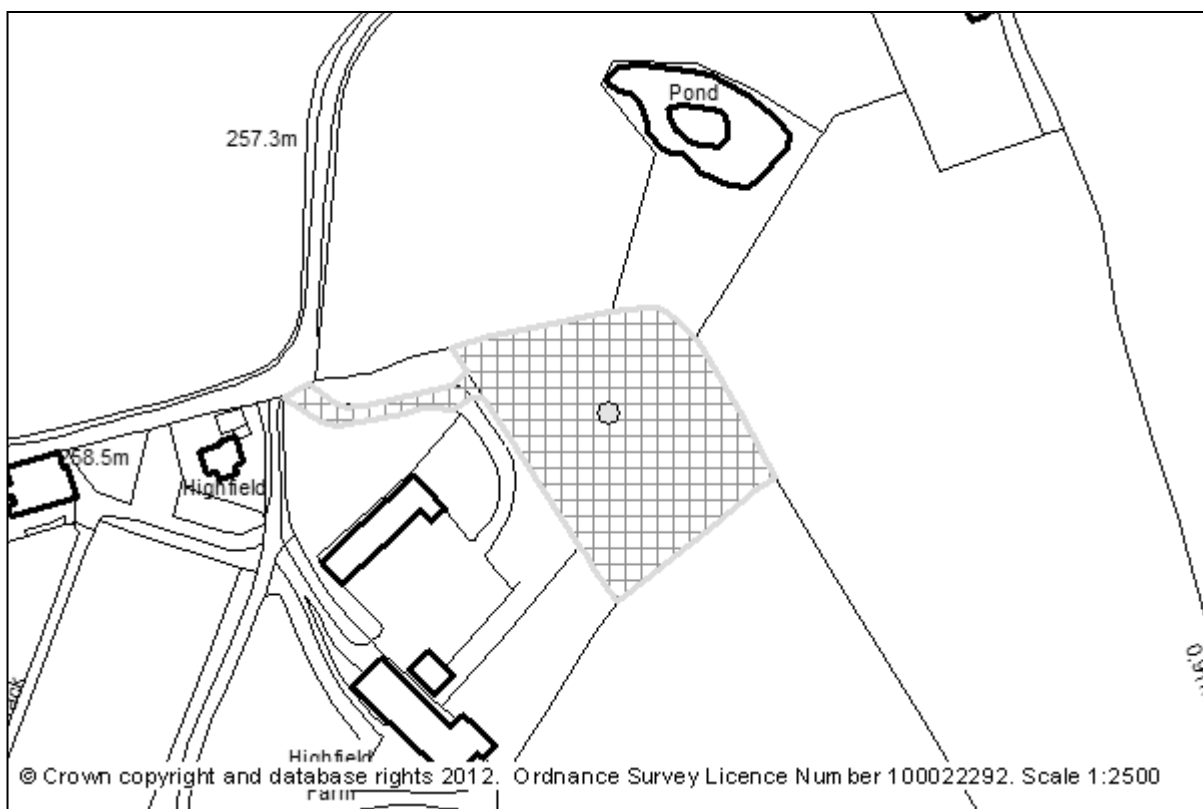
Grid Ref: 286163 : 123831

Applicant: Mr I Friend

Location: Land at NGR 286163 123831
(Highfield Farm)
Oakford
Devon

Proposal: Erection of an office building and change of use of land from agriculture to groundworks depot

Date Valid: 6th November 2019



MEMBER CALL-IN

Cllr Moore - This is a wholly inappropriate, industrial development in deepest rural countryside. The immediate impact will be on local property amenity through additional activity, noise and traffic. The cumulative impact of this application is unacceptable given the nature of the proposed development in this location.

RECOMMENDATION

Grant permission subject to conditions

PROPOSED DEVELOPMENT

Erection of an office building and change of use of land from agriculture to groundworks depot

RELEVANT PLANNING HISTORY

12/01144/PNAG - NOBJ date 30th August 2012

Prior notification for the erection of an agricultural storage building

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR2, COR4, COR18

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1, DM2, DM7, DM8, DM20

CONSULTATIONS

PUBLIC HEALTH

Contaminated Land: No objection to these proposals. (12.11.19).

Air Quality: No objections to the proposal. (12.11.19).

Environmental Permitting: No objections to the proposal. (12.11.19).

Drainage: No objection to these proposals. (12.11.19).

Noise & other nuisances:

I have reviewed the lighting report and I have no further objections in relation to light nuisance.

I have reviewed the information within the noise assessment and this has confirmed that the proposals are purely for the erection of an office building to serve the existing business and that no additional plant and/or machinery will be operating on the site under this application. Taking this into consideration I have no objection to the proposals as long as the suggested hours of operation are conditioned (11.03.20).

Recommending approval with conditions:

No machinery installed in the building(s) or on the site shall be operated on any Sunday, Christmas Day or Bank Holiday or other than between the hours of 0730 and 1900 hours on Mondays to Fridays and 0730 and 1300 on Saturdays.

Reason: To ensure that the proposed development does not prejudice the amenities of neighbouring properties.

Noise from operations conducted on the premises shall not exceed 50 dB _(LAeq 1hr) as measured at point A, point B and point C on the boundary of the site, as shown on the attached plan, between the hours of 0730 and 1900 on Mondays to Fridays and 0730 and 1300 on Saturdays.

Reason: To ensure that the proposed development does not prejudice the amenities of the locality by reason of noise (12.03.20)

Housing Standards: No comment. (19.11.19).

Licensing: No comments. (12.11.19).

Food Hygiene: Not applicable. (12.11.19).

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. (12.11.19).

Health and Safety: No objection to this proposal. (12.11.19).

OAKFORD PARISH COUNCIL

There are matters which the Parish Council believes should be addressed before MDDC choose to grant consent.

Access - whilst this seems adequate for the existing development there are concerns that intensification of the use of the site should be catered for by improved access arrangements.

Noise - The PC Supports the proposal by Public Health that there should be a noise assessment & any resulting conditions should limit the use of machinery between certain hours

Lighting - the lighting should be controlled so while being appropriate for the site needs is not excessive in what is a very rural area (10.2.20)

HIGHWAYS

I have visited the site where the access has suitable visibility and radii and the approach roads are of sufficient width to cater for two cars passing and there are sufficient passing opportunities to cater for the number of commercial vehicles the site would attract therefore I have no objection to the proposal (12.03.20)

REPRESENTATIONS

1 letter of objection received: Summary of issues raised below:

- . Overdevelopment of site and inappropriate use of agricultural land in a very rural area
- . Establishment of a heavy industrial groundworks site would be a complete desecration of this very rural area
- . The vehicular access is very difficult and dangerous
- . There have been several near missed with neighbours cars and passing traffic and three incidents of damage to adjacent property
- . The proposed office accommodation is an agricultural barn on agricultural land

3 letters of support received. Summary of comments received:

- . The increase in noise since the agricultural use ceased has been minimal
- . The traffic increase has not been noticeable
- . Socio-economic considerations important
- . Applicants employ locally which helps local economy
- . There are a number of HGV's which use the access road as a cut through from the link road to the B3227

MATERIAL CONSIDERATIONS AND OBSERVATIONS

SITE DESCRIPTION

The site comprises a broadly rectangular shaped field. The site slopes north to south. The site is enclosed by hedge banks with vegetation growing above. There is a drainage ditch running along the southern boundary. The vehicular access is located in the north-west corner.

Immediately to the west of the site is a commercial site which is currently occupied by a timber frame building company. Agricultural fields lie to the north, east and south.

In 2012 a prior notification application was submitted and approved for an agricultural storage building on the northern boundary of the site. A building has been recently constructed on this site to a different design. There is no evidence that the building has ever been occupied or used for agricultural purposes.

The building is proposed to be retained and used as offices for the groundworks business. The remainder of the site is proposed to be used as a groundworks depot

The site levels have been adjusted through the importation of hard core which has resulted in the upper part of the land being raised.

PRINCIPLE OF DEVELOPMENT

Paragraph 83 of the National Planning Policy 2018 supports a prosperous rural economy through:

- 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.

Policy DM20 of the MDDC Local Plan supports new build employment development or expansion of existing businesses in countryside locations subject to the following criteria being met:

- 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.

The site in question immediately adjoins an existing employment site known as Wedgewood Buildings. This site has a lawful mixed use under ref: 12/00146/FULL for agricultural engineering and the manufacture of timber framed buildings with ancillary timber storage and treatment. As part of the 2012 a plan identified a small parcel of land within the site as 'groundworks storage and distribution place'. The applicant states that the proposed development has grown from this operation. It is now proposed to expand the groundworks business through occupation into the adjoining site, which is the subject of this application.

The proposed development comprises the erection of an office building on the northern boundary and the formation of a large open storage depot to the south (approx. 0.4 hectares). The depot would be used to store a range of building materials and construction equipment and as well as construction site welfare structures such as cabins and bunkabins. The equipment would be stored on the site awaiting dispatch to the construction sites.

While the site is described as being an expansion of an existing groundworks business it is for all intents and purpose a new combined B1 (office) and B8 (storage and distribution) business on a greenfield site in open countryside. It is therefore necessary under policy DM20 (c) to consider whether there are suitable alternative sites within the 'immediate' area to meet the needs of the proposal. To this end applicant has provided an email from a rural property and land valuation firm stating that at the time of the application there were no suitable alternative sites near to East Anstey for the B1 and B8 uses being proposed. No alternative sites have been presented by other parties. On the basis of this and property searches performed by officers through Right Move and Prime Location for commercial sites within a three mile radius of the site officers at the time of this report (16 March 2020) officers are satisfied that there are no suitable sites or premises in the immediate area to meet the needs of the proposal; therefore criterion (c) is considered to have been met.

The applicant states that the proposed office would require two full-time staff and three part-time staff to run operations. The Council's Economic Development Officer supports the proposed development on the basis that the provision of new employment would have a modest but welcome contribution to the local rural economy.

HIGHWAYS

Policy DM20 (a) states that rural employment development must demonstrate that it would not lead to an unacceptable impact on the local road network.

The access to the site would be shared with the access to the Wedgewood Buildings site to the west. The access junction with the public road is on the outside of a bend which is considered to provide adequate visibility in both directions for vehicles emerging from the site. A transport statement has been submitted which details the expected vehicle movements to and from the site including staff working in the office building and operational vehicle movements to service the groundworks depot. The highways engineer has appraised these details and carried out a site visit and has concluded that the access has suitable visibility and radii and the approach roads are of sufficient width to cater for two cars passing and there are sufficient passing opportunities to cater for the number of commercial vehicles the site would attract.

There is a residential access lane which emerges immediately adjacent to the site access on the same bend of the road and provides vehicular access to three residential properties. While there may appear some conflict with this and the site access the highways engineer has not raised any objection to this continued arrangement to serve the proposed development.

On-site parking for five vehicles would be provided to the west of the office building on a newly formed tarmac surface. The parking levels proposed meet the threshold set out in Policy DM8 for the proposed B1 office use.

LANDSCAPE AND VISUAL IMPACT

Policy COR2 states that development should preserve and enhance the distinctive qualities of Mid Devon's natural landscape, supporting opportunities identified within landscape character areas. Policy DM20 (b) permits rural employment development which would not have an unacceptable adverse impact on the character and appearance of the countryside.

The site is within Landscape Character Type 1F (Farmed lowland moorland and Culm grassland). This LCT is characterised by flat to gently rolling moorland plateau with regular field patterns and areas of unenclosed moorland heath.

The site is enclosed by hedge banks on all sides. There are rows of trees however the eastern boundary is less dense and the vegetation is less established. There are views into the site from the surrounding farmland and glimpsed views from the certain sections of the B3227 however from these points the field is viewed in the context of the existing industrial development on the site to the west.

The building constructed on the site (and proposed to be retained) is a one and half storey with a dual pitched roof structure. It is entirely timber clad with a dark grey sheet profile metal roof. The building has a simple vernacular appearance and is sited immediately adjacent to the northern boundary. There is no external lighting proposed. Having regard for its siting, design and external appearance the building is not considered to have an adverse impact on the surrounding countryside.

The proposed use of the site as a groundworks depot introduces the possibility of the storage of a variety of items. The transport assessment lists these to include ...'building materials such as steel work, cladding, geotextiles, drainage pipes and fittings externally'...and... 'equipment not being used on work sites such as fuel bowsers (bundled), equipment trailers, excavator attachments'. An area approximately 450 square metres adjacent to the western boundary is

shown on the layout plan as being dedicated for the storage of welfare equipment such as containers/caravans and bunkabins).

The nature of groundworks depots are such that the items stored on site are transitory and individually do not have a permanent landscape impact however as an overall land use there are potential negative visual implications. While it is accepted that the storage of the type of groundworks equipment listed does not general compliment a countryside location the site is outside of any recognised landscape designation and is reasonably well enclosed with limited public views in. There are gaps in the vegetation on the eastern side of the site which currently provide some distant views in however officers consider that with additional planting on the eastern boundary (secured through condition) that the proposed use and development can be accommodated without an unacceptable impact on the character and appearance of the surrounding countryside.

No lighting is proposed to serve the depot.

IMPACT ON RESIDENTIAL AMENITIES

Paragraph 127 of the NPPF states that local planning authorities should make planning decisions which create places that are safe, inclusive and assessable and which promote health and well-being, with a high standard of amenity for existing or future users.

Policy DM2(e) requires new development not to have an unacceptably adverse effect on privacy and amenity of neighbouring properties and uses.

The site is in a countryside location where the expectation for tranquillity and quiet enjoyment is generally higher than in an urban area. The nearest residential property (Highfield Bungalow) is approximately 80m from the western boundary of the site. This property is located at the junction with the site access drive and therefore is sensitive to increase in traffic entering the site as well as from activity within the site itself.

There are further residential uses to the south-west in the form of a gypsy-traveller pitch approximately 150m to the south west of the site.

A noise assessment has been submitted with the application to help to understand the impact of the proposed development on the amenities currently enjoyed by the nearby occupiers of residential properties. This report has been appraised by public health who have advised that in order to protect against disturbance from external activity within the site that a condition be attached to any permission limiting the noise levels on the boundaries of the nearby noise sensitive dwellings.

A lighting report has also been produced and there are no concerns raised in respect of light nuisance.

ECOLOGICAL IMPACT

The site is within a field. It does not fall within any designated site for wildlife interest and there are no statutory designated sites within 500m of the site.

The site has been appraised and an ecological report submitted. The report advises that the proposed development would not affect the favourable conservation status of any local bat population and no further survey work is deemed necessary. The hedge banks around the site provide limited dormouse and bird breeding habitat. The hedge banks are not proposed to be affected by the proposals.

Surface water for the building and hardstanding areas is proposed to drain into the existing ditch via a hydro brake chamber which would be located in the south-eastern corner of the field. The site is not within a critical drainage area or within an area identified at risk of surface water flooding. Subject to details of the hydro brake/attenuation to be submitted (secured through condition) it is considered the surface water strategy is acceptable.

Foul drainage from the office would be via an existing sewage treatment plant and soakaway.

SUMMARY/REASON FOR APPROVAL

The proposed office building and groundworks depot are considered supportable in policy terms. Although a greenfield site in the countryside it immediately adjoins an existing commercial site and it has been demonstrated that there are no alternative suitable sites in more sustainable locations within the immediate area. It is considered that the proposed development can be accommodated on the site without significant harm to the character and appearance of the locality. It is not considered that the proposed development would result in harm to privacy or amenity of the occupiers of nearby dwellings or lead to an unacceptable traffic impact on the local road network. As such the proposal is considered to comply with policies COR2 and COR18 of the Mid Devon Core Strategy (Local Plan Part 1), DM2, DM7, DM8, and DM20 of the Mid Devon Local Plan Part 3 (Development Management Policies) and the advice contained in the National Planning Policy Framework.

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.

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.

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. The use of the site (excluding the building) hereby approved shall be as a groundworks depot and for no other purpose falling within B8 as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended).
4. The building hereby approved shall be as B1 (Office) only.
5. No machinery on the site shall be operated on any Sunday, Christmas Day or Bank Holiday or other than between the hours of 0730 and 1900 hours on Mondays to Fridays and 0730 and 1300 on Saturdays.

6. No external lighting shall be installed on the building or within the site.
7. Within one month of the date of this permission a scheme of landscaping to include additional planting on the eastern boundary of the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be carried out in the first planting season following approval. Any trees, shrubs or plants that die within a period of five years from the completion of each development phase, or are removed and/or become seriously damaged or diseased in that period, shall be replaced (and if necessary continue to be replaced) in the first available planting season with others of similar size and species, unless the Local Planning Authority gives prior written permission for any variation.
8. The area shown as car parking for the office on the approved block plan shall be drained and surfaced within 2 months of the date of approval of planning permission and that area shall not thereafter be used for any purpose other than the parking of vehicles for the office building hereby approved.
9. Noise from operations conducted on the site hereby approved shall not exceed 50 dB_(LAeq 1hr) as measured at point A, point B and point C on the boundary of the site, as shown on approved drawing MDDC 01, between the hours of 0730 and 1900 on Mondays to Fridays and 0730 and 1300 on Saturdays.

REASONS FOR CONDITIONS

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. To ensure that the development
4. To allow the Local Planning Authority to retain control over the future use of the building, in the interests of residential amenity, in accordance with policy DM2.
5. To protect the residential amenities of the occupiers of nearby properties, in accordance with policy DM2.
6. In the interests of visual and residential amenity, in accordance with policies COR2, DM2 and DM20.
7. To mitigate the impact of the approved development in the interests of visual amenity and in accordance with policies DM2 and DM20.
8. To ensure that the approved development is satisfactorily served by vehicle parking, in accordance with policy DM8.
9. To protect the residential amenities of the occupiers of nearby properties, in accordance with policy DM2.

Application No. 18/01711/MFUL

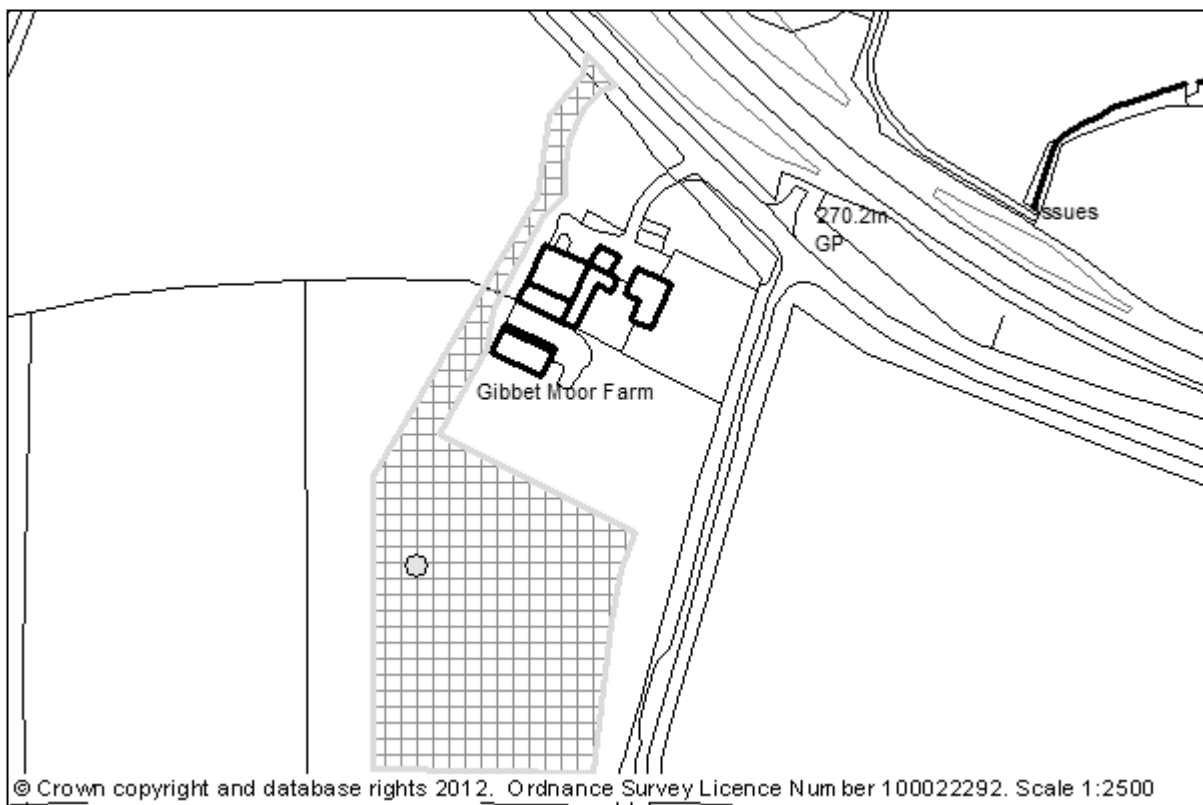
Grid Ref: 288069 : 117081

Applicant: Mr W Reed

Location: Land and Buildings at NGR 288069 117081 (Gibbet Moor Farm)
Rackenford
Devon

Proposal: Formation of an open clamp (4630m²) for the storage of silage and provision of new access

Date Valid: 9th October 2018



APPLICATION NO: 18/01711/MFUL

MEMBER CALL-IN

This application has been called in by Cllr Ray Stanley and Cllr Andrew Moore in order for the Planning Committee to consider: whether the transport movements associated with the use of the proposed silage clamp will have an unacceptable impact on the amenity of the surrounding rural area, whether the size of the silage clamp is acceptable and whether the development would result in an unacceptable risk of pollution.

RECOMMENDATION

Grant permission subject to conditions

PROPOSED DEVELOPMENT

Formation of an open clamp (4630m²) for the storage of silage and provision of new access

RELEVANT PLANNING HISTORY

10/00026/DCC - DCCREF date 22nd July 2010

County Matter for construction of an anaerobic digestion facility with associated landscaping, ground and other works - DCC REFUSAL OF PLANNING PERMISSION - DATED 22ND JULY 2010.

18/00875/FULL - PERMIT date 6th August 2018

Retention of an agricultural access track

18/01711/MFUL - PCO date

Formation of an open clamp (4630m²) for the storage of silage and provision of new access

18/01527/PNAG - PDA date 25th October 2018

Prior Notification for the erection of an agricultural storage building

18/01711/MFUL - PCO date

Formation of an open clamp (4630m²) for the storage of silage and provision of new access

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR2, COR11, COR18

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1, DM2, DM6, DM7, DM22, DM27

CONSULTATIONS

PUBLIC HEALTH -

2 November 2018

Contaminated Land	No objection to the proposal
Air Quality	No objection to this proposal
Environmental Permitting	No objection to this proposal
Drainage	No objection to the proposal
Noise & other nuisances	No objection to the proposal
Housing Standards	No comment
Licensing	No comments
Food Hygiene	Not applicable
Private Water Supplies	Not applicable
Health and Safety	No objection to this proposal enforced by HSE.

RACKENFORD & CREACOMBE PARISH COUNCIL

12 November 2018

The Council has concerns that no evidence is provided to support the claim that there will be no increase in traffic, with no information on what this amounts to at present or the directions in which silage will be moving to and from the site. There is also concern that the proposal is too large to be accommodated on this site and evidently much larger than is necessary to hold the silage taken off the farm itself.

2 August 2019

Rackenford & Creacombe Parish Council would like to re-iterate the comments previously submitted in relation to this planning application as follows:

The Council has concerns that the evidence provided does not allay its fear that there will be an increase in traffic as a result of this proposal. There is still concern that the proposal is too large to be accommodated on this site and evidently much larger than is necessary to hold the silage taken off the farm itself.

20 November 2019

Further to Mrs Clifford's letter dated 13.11.19 inviting comments regarding the above planning application, Rackenford & Creacombe Parish Council would like to make the following observation:

The applicant is submitting piecemeal applications in North & Mid Devon, the cumulative effect of which will result in increased traffic movements at Stonelands Cross. This gives the Council great cause for concern regarding the safety at this junction.

STOODLEIGH PARISH COUNCIL

27 November 2018

This application was considered at a meeting of Stoodleigh Parish Council held last evening.

The Parish Council wish to object to the application as it considered that the industrial scale of the proposed development is wholly inappropriate.

It also has concerns that in the absence of a Pollution Impact Assessment there is potential for the contamination of watercourses leading into the Iron Mill Stream and River Exe.

Philip Talbot

Chairman, Stoodleigh Parish Council.

5 August 2019

We continue to object to this application (previous response 27th November 2018) because the scale of the development suggests industrial use, not agricultural, with the potential for associated consequences. Furthermore, we still have concerns over the environmental impact of the development and draw attention to our original objection which highlighted the potential for the contamination of watercourses leading to the Iron Mill Stream and the River Exe.

18 February 2020

We continue to object to this application (previous responses, 27 November 2018 and 5th August 2019) because the scale of development suggests industrial use, not agricultural. It has also been brought to the council's attention that this planning application is potentially linked to two other large proposals in Devon, again suggesting industrial rather than agricultural use.

At such a scale and size we are very concerned about the risks of contamination to the environment, in particular to water courses leading to Iron Mill Stream and the River Exe. There are also serious concerns from both the council and the public about the considerable increase in traffic; in terms of volume and size, in particular the tractors and heavy lorries using narrow roads and the A 361; which is one of the busiest roads in Devon and has had a number of fatalities over the last decade.

This increase in heavy traffic would also add to the deterioration of the local roads and verges that already are suffering from current usage levels, including excess mud, damaged verges, potholes and other highways issues.

TEMPLETON PARISH COUNCIL

15 November 2018

Templeton Parish Council, as a neighbouring authority, wish to comment as follows:

Will there be a maximum total height restriction for the silage heap, allowed to be above the 3 metre concrete panelled sides?

There is no room for articulated lorries to turn left to approach the site, off the A361 (Stoneland Junction) coming from Tiverton direction without crossing over into the opposite lane of traffic

approaching the junction. Please refer back to the Conditions referenced previous Milk Transfer and Tiverton Energy Centre Planning Permissions.

The plan indicates there is a farm track situated on the very east side of the site boundary, this is in fact a Council maintained road servicing Templeton Bridge known as Shell Lane.

No Night Lighting should be conditioned.

Normal working hours to be observed.

The drive to be concreted and a concrete turning area for articulated lorries.

There is concern regarding surface water run off.

5 August 2019

Templeton Parish Council wish to respond as follows:

1. The silage clamps are huge. Normal clamps are about 600 sq. metres. The question is asked as to where the silage is going to come from to fill the clamps. There are no cattle at Gibbet Moor and it is therefore not understood why a silage clamp is required for the sole purpose of storing winter feed.

2. Vehicle movements. These are likely to be considerable added to which there will be a significant risk of 44 tonne HGV's turning right at Stonelands Cross onto the A361 North Devon Link Road where there is almost a constant stream of traffic in both directions, more so with holidays makers during the harvesting season.

We note that net tonnage figures indicate the filling of the proposed clamp, it does not give the gross weight being carried on the public roads, being also the additional 10 tonnes or so of tractor and trailer, which is the actual road impact that the residents experience.

We note that the totals of trips to the clamp do not include their return journeys.

Furthermore, in addition to an increase of traffic with large vehicles trying to exit and access the site, small country lanes, often single track rural lanes of unsuitable construction, lead to the site which will undoubtedly have a detrimental effect on the condition of the road, where it is known that DCC do not have funding for repairs, and the safety of other road users.

3. It seems strange that this Application states the clamps are required for agricultural use where there are no cattle on the site. This then begs the question as to whether an Application on a commercial basis should be submitted.

If the clamps are required for agricultural use, it must be incorporated into any consent given that an upgrade to commercial use is prohibited and part of the condition of planning approval.

4. Can it be confirmed that the clamp for silage is for animal feed, or is it a storage facility for the anaerobic digester?

If the storage is to be for AD feed, then there will be the requirement to return the resulting digestate back to the grass originating fields in order to be eligible for renewable/sustainable taxpayer subsidies, thus doubling the transport impacts.

5. There will potentially be considerable run-off resulting in environmental risks, given the number of tributaries to multiple rivers in the area.

6. Can it be confirmed where the all the silage will eventually go? If it has to be a source from within a 6 mile radius, is this Application feasible? There is bound to be a significant impact on the area in terms of noise and vehicle emissions.

7. Will this application if granted ensure this operator neither has the ability nor the need for creating any future field heaps specifically as he apparently no longer farms livestock and purely services Willand AD?

8. In view of MDDC responsibility for the local Environment and DCC Highways for road safety - combined with recent statements regarding 'Climate emergency' and future GHG reductions - have the full cumulative effects attributable to this application been assessed; in combination with present daily traffic journeys (approx. 15 miles) already made by this operator to service Willand AD; and the two 'Care in the community' project applications for 'vulnerable adults' presently being considered, all within the same locality and all requiring to walk, drive, cycle utilising the same overcrowded class C infrastructure. We are told by DCC highways workmen that Shell Lane, marked as a 'farm track' on the application, will likely no longer be maintained as 'it has growing in the middle'.

8 February 2020

Templeton Parish Council wish to recommend refusal on the grounds of traffic issues, with resulting pollution that will be created and industrialisation in the countryside.

This is not a conventional silage clamp (a) because of its sheer size and (b) because there are no cattle on the farm.

Templeton Parish Council query what it is going to be used for and if it is to be storage for the digester, then is not agricultural use but commercial energy use and in that case, the incorrect planning application has been made.

TIVERTON TOWN COUNCIL

Not in our parish so unable to comment

WASHFIELD PARISH COUNCIL

28 November 2018

Washfield Parish Council has decided not to comment on this application as it does not affect the parish.

NORTH DEVON DISTRICT COUNCIL

27 November 2018

Thank you for your consultation received on 29 October 2018 and the opportunity to comment on the above application.

I note that your correspondence states that our comments should reach the Head of Planning and Regeneration no later than 13th November 2018 and that if no comments are received within this period it will be assumed that we have no observations to make. I have however looked at your website and note that the application has yet to be determined as it has not been demonstrated

that the application is reasonably necessary for the purposes of agriculture. It would appear that whilst additional information has been submitted in support of the application the planning officer has commented that they are of the opinion that the storage of silage used to feed an anaerobic digester is not an agricultural activity and is an industrial form of development. The use of small quantities of this to feed cattle on the farm holding would be considered ancillary to the primary industrial activity.

Consequently the development cannot be considered under the current application, due to the entirely different policy considerations for an industrial development, along with the requirement of significantly more information to be submitted for considered in the determination of an application. The correspondence states that "entirely changing the nature of the proposal during the current application process would also be prejudicial to the stakeholders involved in the process, including the statutory consultees and other interested parties".

I note that planning officer has advised of the following additional information that would be required in conjunction with an application for an industrial development of this scale:

- A waster audit statement
- A full and detailed surface water drainage strategy
- Ecological survey and report
- Pollution impact assessment and mitigation scheme
- Transport assessment

They have however stated that they are unwilling to receive this additional information for consideration under the current application.

In light of the above, until such matters are addressed North Devon District Council have no comments at this stage.

FLOOD and COASTAL RISK MANAGEMENT TEAM

15 November 2018

Recommendation:

At this stage, we object to this planning application because we do not believe it satisfactorily conforms to Policy DM2, specifically part (f), of Mid Devon District Council's Local Plan (Adopted October 2013), 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:

The applicant has not provided any information in relation to the disposal of surface water from the site to enable me to make observations on the proposal. The applicant must therefore submit a surface water

drainage management plan which demonstrates how surface water from the development will be disposed of in a manner that does not increase flood risk elsewhere, in accordance with the principles of Sustainable Drainage Systems. 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://new.devon.gov.uk/floodriskmanagement/sustainable-drainage/>. It is recommended that the applicant consults the Environment Agency on the pollution risk from the effluent associated with the silage pit.

23 April 2019

The yard area should drain to a separate system as hydrocarbons and metals (coming from rainfall washing off plant and machinery) could be present within this runoff. This surface water drainage system should be sized for the 1 in 100 year (+40% allowance for climate change) rainfall event for the area draining to it. This surface water should be managed via infiltration or discharge to the nearest ordinary watercourse (upon further review of the site, there appears to be a watercourse bounding the south of the site) and should be treated.

The silage clamp should be sized to the 1 in 100 year (+40% allowance for climate change) rainfall event. An overflow system may be needed if the tank is partially full, but it may be that the applicant can demonstrate where the system will overflow from. The area surrounding the overflow point should be designed/planted to ensure that erosion does not occur. A gently falling cut-off ditch (with appropriate planting) may be appropriate for overflows to allow some nutrients within the water to filter out. The overflow from this ditch should be appropriately designed

We wouldn't require any details to be submitted regarding the frequency of emptying the tanks as the frequency will be dependent on a few variables (such as, how much water is in the tank). We would require that an appropriate overflow from the tank is designed in the event that the tank is not empty.

5 June 2019

The Environment Agency guidelines state the minimum storage that should be provided for surface water. However, Devon County Council (Lead Local Flood Authority) requires further storage to be provided as this silage clamp will be large in size.

Devon County Council also require overflow from the system to be assessed. If the tank is overwhelmed by a rainfall event, or the tank has not been emptied before a rainfall event, then the tank will overflow. If the silage clamp is full then there is potential that this water will contain nutrients from the silage that need to be filtered out before the water makes its way to a watercourse.

The yard area requires drainage but I cannot see anything proposed to drain this yard area. The yard area could have a large number of vehicle (including tractor) movements and could pick up sediments from wheels or transporting silage. The surface water from the yard area should be treated to remove sediments and any pollutants.

17 March 2020

No objection, subject to the following condition in respect of drainage of surface water from the hardstanding:

No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system relating to the concrete yard and access track has been submitted to, and approved in writing by, the Local Planning Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Proposed Silage

Clamps, & Access Road with Storm Attenuation (drawing No. DRAWING 1; dated 16th January 2020) and the Surface water storage requirements for sites report (dated 8th November 2019). The details should confirm:

- The proposed construction of the surface water basins (referred to as Attenuation Ditches), including any planting
- The proposed flow control
- The route of the existing ditch (which is understood to be culverted beneath the road) to the eventual stream/spring/river.
No part of the development shall be brought into use until the surface water management scheme serving that part of the development has been provided in accordance with the approved details and the drainage infrastructure shall be retained and maintained for the lifetime of the development.

Reason: To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems.

HIGHWAYS AUTHORITY

5 August 2019

On the basis that Gibbet was being used already we would have no objections.

4 February 2020

The silage clamps would generate less traffic and a more seasonal generation than that of a milk distribution depot which could store and distribute milk from a number of farms before onward journeys so the average daily traffic movements will be more than that of the silage hence the junction requirement for the previous consents. I would agree with your legal advice as the silage can be transported to any destination.

HISTORIC ENVIRONMENT TEAM

25th October 2018

Comments from Stephen Reed, Senior Historic Environment Officer

Devon County Historic Environment Team ref: Arch/DM/MD/33417a

I refer to the above application and your recent consultation. Previous archaeological investigations - excavation and geophysical survey - undertaken in support of earlier applications for this area have demonstrated that there are no significant archaeological deposits or features within the proposed application area and that the site is largely archaeologically sterile, with the exception of several shallow post-medieval features.

The Historic Environment Team has no comments to make on this planning application.

NATURAL ENGLAND

8 August 2019

Natural England has no comments to make on this application.

Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which you can use to assess any impacts on ancient woodland.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

We recommend referring to our SSSI Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>

ENVIRONMENT AGENCY

30 October 2018

Thank you for consulting us on this planning application. Technically, silage storage is outside of the scope of the matters that we request being consulted on as per the advice for local Planning Authorities guidance, however, we provide advice to the applicant below regarding SSAFO regulations.

Advice - SSAFO Regulations

The proposed development must fully comply with the terms of The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) (SSAFO) Regulations 2010 and as amended 2013. These regulations aim to prevent pollution from stores of silage, slurry and agricultural fuel oil. They set out requirements for the design, construction and maintenance of new facilities for storing these substances. Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters.

The applicant must inform the Environment Agency, verbally (Tel: 03708 506 506) or in writing, of a new, reconstructed or enlarged slurry store, silage clamp or fuel store at least 14 days before starting any construction work. The notification must include the type of structure and the proposed design and construction. Please send us a completed WQE3 notification form before you start using the facility.

Further information can be accessed on our website at: <https://www.gov.uk/storing-silage-slurry-and-agricultural-fuel-oil>.

Environmental good practice advice is available in The Code of Good Agricultural Practice (COGAP) for the protection of water, soil and air (produced by DEFRA):

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/268691/pb13558-cogap-131223.pdf

Please contact us again if you require any further advice.

REPRESENTATIONS

15 letters of objection from 8 individuals. Summary of issues raised below:

- . Risk of contamination through effluent from silage
- . Access means removing a Devon bank which has been recently re-instated. The access is also very wide
- . Silage would have to be imported from applicant's other land. Narrow country lanes access to site
- . Increase in heavy lorries will make Stonelands Cross a much more dangerous crossing
- . The proposed silage clamps indicate an industrial unit rather than an agricultural one
- . Allowing such an application would have a detrimental impact on value of surrounding properties
- . The increase in traffic will harm highway safety
- . Concern that the granting could lead to further expansion of site
- . At peak silage making periods there are going to be between 20 and 30 trips per day on narrow country lanes
- . Where is the grass from Gibbet Moor farm going; the 21.5 ha holding would produce 1,000 tonnes. The transport assessment accounts for all of the 20,000 tonne clamp capacity
- . Unclear how the digestate would be dealt with

SITE DESCRIPTION AND PROPOSAL

The site is relatively level with a slight fall from north to south. The field is bounded by a mature hedge to the west and a line of trees to the south beyond a drainage ditch. To the north is the site of the agricultural storage building granted under prior notification (ref: 18/01527/PNAG) but not yet constructed. Beyond is the historic farmstead of Gibbet Moor Farm comprising the old farmhouse and a range of traditional and mid-20C buildings.

The proposed development comprises a silage clamp constructed on a concrete base with concrete panel walls on three sides. A further concrete yard area would be formed between the clamp and the previously approved storage building. Two underground effluent storage tanks are proposed at the north-west corner of the clamp. The clamp would measure 86m/60m long and 63m wide (4630 sqm in area). The walls would be 3m high with a 1.25m safety rail on top. The hardstanding would be 2075 sqm in area.

PRINCIPLE OF DEVELOPMENT

Policy DM22 (a) permits development reasonably necessary to support farming activity on that farm or in the immediate agricultural community. Paragraph 170 of the National Planning Policy Framework states that planning decisions should recognise the economic benefits of the best and most versatile agricultural land. Para 171 states that where significant development of agricultural land is demonstrated to be necessary for development, areas of poorer quality land should be preferred to those of a higher quality. The site falls within Agricultural Land Classification grade 3 (Good-Moderate). The overall land classification grading in the parish of Stoodleigh and adjoining parishes is a mix of grade 3 (Good to Moderate) and grade 4 (Poor). Despite the size of the

proposed clamp officers consider the use of the land for the purpose of storage of silage is an agricultural use. The transport assessment submitted with the application shows the location of the other farm holdings under the ownership of the applicant. All of the farms are within a 1 ½ mile radius of the site which in terms of policy is considered to be within the immediate agricultural community, in line with DM22 (a). The principle of the use of grade 3 land for the purpose proposed is considered to be acceptable.

LANDSCAPE AND VISUAL IMPACT

Policy COR2 states that development should preserve and enhance the distinctive qualities of Mid Devon's natural landscape, supporting opportunities identified within landscape character areas. Policy DM22 (b) permits development which is sensitively located, respecting the character and appearance of the area. The site is within Landscape Character Type 1F (Farmed lowland moorland and Culm grassland). This LCT is characterised by flat to gently rolling moorland plateau with regular field patterns and areas of unenclosed moorland heath. The site is enclosed on two sides by mature vegetation. A hedgerow runs the full extent of the eastern boundary of the field. The hedgerow has been allowed to grow over the years, contains a large proportion of Beech and appears to be in good health with few gaps. There are also a number of mature trees growing within the hedge. The southern boundary is enclosed by a line of trees growing on a small earth bank. To the north is the historic farmstead and the proposed new large agricultural storage building. Beyond the eastern boundary along the lane there is a line of mature trees growing. Despite the site being relatively elevated there are few public vantage points providing opportunities to view the proposed development. There are no public rights of way in the vicinity and no raised common land. Views towards the site from Stoneland Cross are dominated by the farm machinery training site and associated buildings at Highfield Farm (within North Devon District). Silage clamps are a common feature in an agricultural landscape. While the size of the silage clamp proposed under this application and hardstanding would be undoubtedly large, officer visits and photographs demonstrate that the site is remarkably well contained despite its size. The concrete panels which would form the enclosures of the clamp would be utilitarian in appearance. They would not make a positive contribution to the character of the area and no mitigation has been suggested in terms of additional landscaping or ecological enhancement. Notwithstanding their stark appearance and length any impact appreciated by local traffic viewing the panels through existing established hedgerows would be localised to those using the lane immediately to the east of the site. The lane does not form part of any designated recreational route and on the basis of the officer visits is only sporadically used. The new access to the site is proposed at the location of the access approved under 07/01849/FULL and 10/01531/FULL for the milk distribution depot. This access was formed under the 2007 approval but has been subsequently closed up. Re-opening would involve removing a bank with low lying vegetation on-top which has been formed on the boundary. The impact of re-establishing the access would be limited in terms of local character.

While no mitigation is explicitly proposed as part of proposal officers consider that there are visual and ecological enhancement opportunities which would arise as a by-product of the construction of the proposed clamps. Notwithstanding the gentle contours of the site the sheer scale of the proposed development will inevitably result in the excavation of a significant amount of earth. There have been no details submitted as to how this might be dealt with and officers consider this presents an opportunity for a new hedge bank to be formed around concrete panels which would over time help to soften the appearance of the panels and a provide natural habitat for wildlife.

Having regard for the above, and subject to a condition requiring a new hedge bank to be formed around the clamp, it is considered that the proposed development would meet the criteria set out in COR2 and DM22 (b) in respect of protecting local amenity and landscape.

HISTORIC ENVIRONMENT

Policy DM2 (c) seeks a positive contribution to local character including any heritage assets. Paragraph 197 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Gibbet Moor Farm appears on the Devon Historic Environment Record (HER) and is considered a non-designated heritage asset as an historic farmstead of local importance. The farmhouse is shown on the 1841 Tithe map as two cottages; on the 1888 map it had been amalgamated into a single farmhouse. In addition there are other archaeological features/artefacts showing on the HER within the field. The proposed development would be located between 60-80m to the south of the farmhouse. It would be beyond the large storage building granted under 18/01527/PNAG which will form a significant visual break. Having regard for the separation and the continued agricultural use of the site it is not considered that the proposed development would result in harm to the setting the Gibbet Moor Farm heritage asset. The application has been screened by Devon County Council's Historic Environment Team who state that the field is largely archaeologically sterile and have no further comments to make in respect of the proposal.

TRAFFIC

Concern has been raised locally by residents, local Members and relevant Parish Councils regarding the implications of the proposed development on local traffic movements both in terms of the use of narrow country lanes by large vehicles to access the site and the suitability of the junction with the A361 for the types of vehicles anticipated to serve the proposed development. It has also been questioned why the proposed development does not include any specific highways improvements when the previous planning permissions for the milk distribution depot on the same site (refs: 07/01849/FULL and 10/01531/FULL) was required to provide improvements to the A361 junction.

Policy DM22 (d) states that development will be permitted where it will not have an unacceptable traffic impact on the local road network.

It was stated in the applicant's supporting statement submitted 26 April 2019 that there was 15,000 tonnes of material being stored on site in field clamps at Gibbet Moor Farm between April to October. The transport assessment submitted with the application on 29 July 2019 informs the local planning authority that the proposed permanent clamp would have a capacity of 20,000 tonnes. It was later confirmed by email on 6 August 2019 that the capacity of the existing field clamps is 20,000 tonnes and that therefore there would be no additional traffic movements associated with the proposed development.

The Highways Authority has carried out a site visit in light of the above and has commented as follows: 'The silage clamps would generate less traffic and more seasonal generation than that of a milk distribution depot which could store and distribute milk from a number of farms before onward journey so the average daily movements would be more than that of the silage clamps hence the junction requirements for the previous consent'.

On this basis of the Highways Authority has raised no objection to the application and the proposal is considered, on balance to be in accordance with policy DM22 (d) Local Plan Part 3 (Development Management Policies).

IMPACT ON RESIDENTIAL AMENITIES

The nearest residential properties are between 240-280m from the site. Having regard for the type and scale of the proposed development Public Health do not consider that the proposals would give rise to a complaint of statutory nuisance. The proposed access would be onto the class 3 road to the north of the site. It is not considered that the proposed access and traffic movements likely to be associated with the proposed development would have an unacceptably adverse impact on the amenities of the occupiers of neighbouring properties. On this basis officers consider that the proposed development is in accordance with DM2 (e) and DM22 (b).

SURFACE WATER DRAINAGE

Policy DM2 requires new development to demonstrate appropriate drainage including sustainable drainage systems where available. The surface water drainage strategy for the proposed development is proposed to be split into two systems. Effluent emanating from the storage of silage within the clamp would be drained to two underground storage tanks to the north-eastern corner of the site. The proposed tanks would have combined capacity of 226 cubic metres. This is double the capacity required by the Environment Agency to ensure that the storage is not overwhelmed by a rainfall event. Devon County Council's Lead Local Flood Authority (LLFA) is satisfied with this arrangement, subject to proper management of the tank (to be secured through condition). According to the applicant's supporting statement the stored liquid would be taken by tanker onto the applicant's land disposal, in accordance with agricultural best practice.

Surface water from the hardstanding is proposed to be collected and transported to a network of three attenuation ditches each with a capacity of 60 cubic metres which would be located adjacent to the access track immediately to the west of the main group of farm buildings. The ditches would then drain to an existing culvert which crosses the land between the farm and the road. This form of drainage is in line with principles set out in the Devon County Council Sustainable Drainage Guidance and paragraphs 163 and 165 of the NPPF and is supported by the LLFA subject to details of the construction of attenuation ditches (including planting), the proposed flow control mechanisms and the precise route of the culvert where the ditches would drain, to be submitted prior to commencement of works any works on site (secured through condition).

ECOLOGICAL IMPACT

Paragraph 170 (c) of the NPPF states that planning decisions should contribute to enhance the natural environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. Policy DM2 c requires new development to demonstrate a positive contribution to biodiversity assets.

The site is within a field comprising arable land. It does not fall within any designated site for wildlife interest and there are no statutory designated sites within 500m of the site. The site has been appraised and an ecological report submitted. The report advises that habitat loss arising from the proposed development (clamps, hardstanding and associated access) would be no more than a minor ecological impact on a local scale. The formation of the planted hedge bank around the clamp formed using earth from the site (to be secured through condition) will provide a modest contribution to biodiversity, in accordance with the NPPF and policy DM2.

Natural England has no comments to make in respect of the proposal.

CONCLUSION/REASON FOR APPROVAL

The proposal is for a large silage clamp within a field south of the A361. Notwithstanding the public comments in respect of the scale and the potential use of the storage of silage product for anaerobic digestion officers consider the application to be agricultural and therefore appropriate in the countryside location. The use of grade 3 land for the purposes of agriculture is considered acceptable in-line with Government guidance. The land does not fall within a recognised landscape or ecological designation; the site is contained by mature hedgerows and there are limited public views into or across the site. The proposed development is not considered to cause demonstrable harm to the character and appearance of the rural landscape or result in harm to local ecological networks. Drainage of the clamp is through attenuation with the effluent being deposited on the land in accordance with best practice. Highways have raised no objection to the proposal on the basis that there would be no net increase in vehicle movements above those associated with the existing field silage clamps.

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.

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.

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. Prior to the development hereby permitted being first brought into use the vehicular access as indicated on the approved plans shall be constructed and completed and thereafter maintained for the duration of the use of the site for the purposes approved.
4. The site access road shall be hardened, surfaced, drained and maintained thereafter for a distance of not less than 6.00 metres back from its junction with the public highway.
5. Prior to their construction, details of the concrete panels and safety railing proposed around the silage clamp shall be submitted and approved in writing by the Local Planning Authority. Only the approved details shall be used in the development.
6. No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system relating to the concrete yard and access track has been submitted to, and approved in writing by, the Local Planning Authority. The design of this permanent surface water drainage

management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Proposed Silage Clamps, & Access Road with Storm Attenuation (drawing No. DRAWING 1; dated 16th January 2020) and the Surface water storage requirements for sites report (dated 8th November 2019). The details should confirm:

- The proposed construction of the surface water basins (referred to as Attenuation Ditches), including any planting
- The proposed flow control
- The route of the existing ditch (which is understood to be culverted beneath the road) to the eventual stream/spring/river.

No part of the development shall be brought into use until the surface water management scheme serving that part of the development has been provided in accordance with the approved details and the drainage infrastructure shall be retained and maintained for the lifetime of the development.

7. The storage tanks and drainage channels as shown on the approved drawings shall be constructed and fully operational prior to the first use of the silage clamp hereby approved.
8. Prior to the first use of the development hereby approved, details of the external lighting and times of its use shall be submitted to and approved in writing by the Local Planning Authority. Lighting shall be installed, operated and retained in accordance with the approved details. No other external lighting shall be erected on site without the prior consent in writing by the Local Planning Authority.
9. Prior to commencement of any groundworks on site details of the finished floor levels of the silage clamp shall be submitted to and approved in writing by the Local Planning Authority. Such level shall be relative to an ordnance datum or such other fixed feature as may be agreed in writing by the Local Planning Authority.
10. A new hedge bank shall be formed around the perimeter of the of the silage clamp in accordance with details to be submitted and approved in writing by the Local Planning Authority prior the commencement of development hereby approved. The details shall include the length, height and width and a specification for the planting on top of the bank. The hedge bank shall be formed and planted up within the next planting season (November to March) following substantial completion of the development.

REASONS FOR CONDITIONS

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. To provide a satisfactory access to the site.
4. To prevent mud and other debris being carried onto the public highway.
5. In the interests of visual amenity, in accordance with policies DM2 and DM22 of the Mid Devon Local Plan.

6. To ensure that the development is appropriately drained and to prevent groundwater pollution, in accordance with policy DM2 of the Mid Devon Local Plan.
7. To ensure that the development is appropriately drained and to prevent groundwater pollution, in accordance with policy DM2 of the Mid Devon Local Plan.
8. In the interest of safeguarding the character and amenity of the rural area and preventing light pollution, in accordance with policy DM7 of the Mid Devon Local Plan.
9. For clarity and in the interests of visual amenity, in accordance with policies DM2 and DM22.
10. To mitigate the impact of the approved development and in the interests of improving biodiversity, in accordance with policy DM2.

Application No. 20/001111/FULL

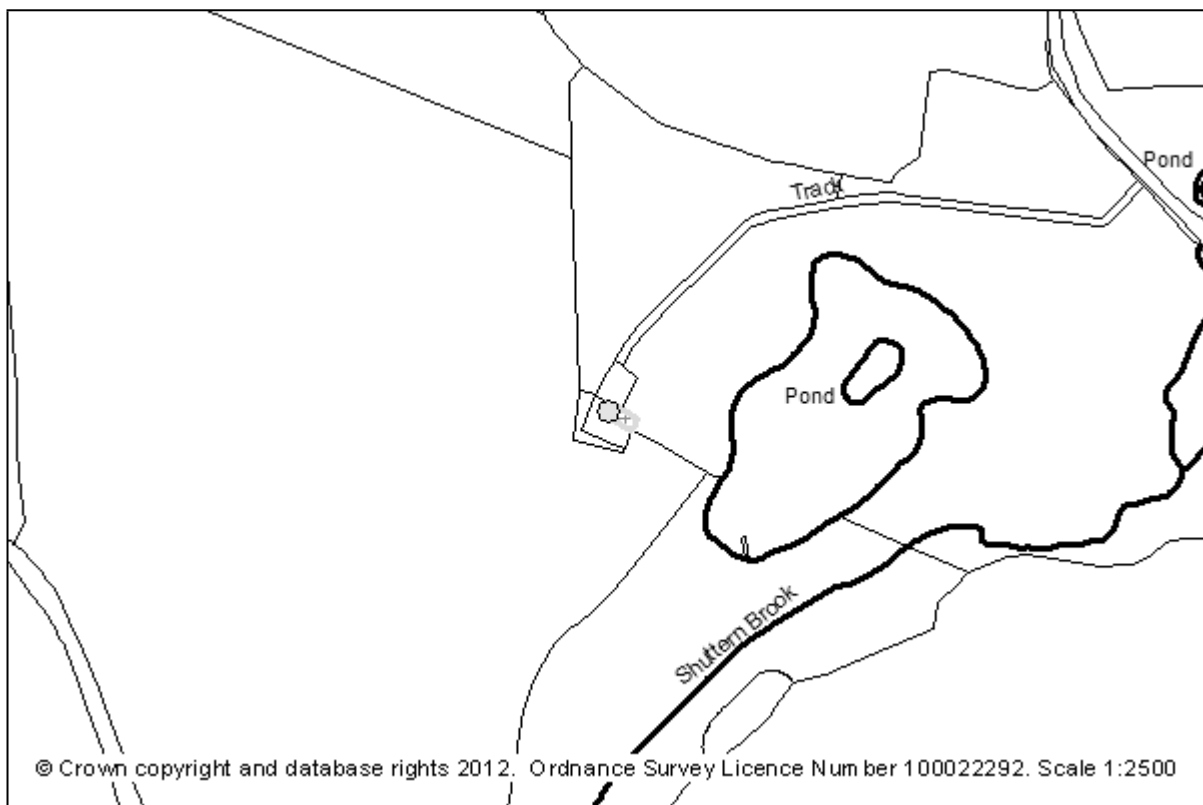
Grid Ref: 295002 : 125471

Applicant: Mr Moore

Location: Gilberts Lodge
Morebath
Tiverton
Devon

Proposal: Variation of condition (2) of planning permission 16/01007/FULL to allow the holiday lodge to be used as a permanent dwelling

Date Valid: 24th January 2020



APPLICATION NO: 20/00111/FULL

REASON FOR REFERRAL TO COMMITTEE

The application is referred to committee as the applicant is a District Councillor.

RECOMMENDATION

Grant permission subject to conditions

The application be approved subject to:-

(i) The prior completion of a Section 106 planning obligation (in a form acceptable to the Council's solicitor(s)), or payment of Public Open Space obligations and completion of a Unilateral Planning Obligation, before the decision notice granting planning permission is issued, to secure the following:

(a) Secure a contribution of £900 towards the provision of an appropriate Public Open Space project (to the satisfaction of the Local Planning Authority);

(ii) Appropriate conditions, as set out below:

PROPOSED DEVELOPMENT

Variation of condition (2) of planning permission 16/01007/FULL to allow the holiday lodge to be used as a permanent dwelling

APPLICANT'S SUPPORTING INFORMATION

Application form, elevation drawing, site map, planning statement

RELEVANT PLANNING HISTORY

00/01534/FULL - PERMIT date 7th December 2000

Renewal of planning permission reference number 4/36/96/252/R, for the formation of a one acre lake and conversion of redundant agricultural building to angling and wildlife lodge and construction of vehicular access

16/01007/FULL - PERMIT date 8th September 2016

Variation of condition (7) of planning permission 00/01534/FULL to allow the holiday lodge to be used as a dwelling from September to April inclusive and remain as a holiday let at all other times

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan Part 1) COR2, COR18

Mid Devon Local Plan Part 3 (Development Management Policies) DM1, DM2, DM8, DM24

National Planning Policy Framework

CONSULTATIONS

HIGHWAY AUTHORITY – 04.02.20

Standing advice applies please see Devon County Council document

<https://www.devon.gov.uk/planning/apply-for-planning-permission/get-help-with-an-application/guidance-for-applicants>

MOREBATH PARISH COUNCIL – No objections

REPRESENTATIONS

None

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The application relates to a former redundant agricultural building that was converted for use as holiday accommodation under planning permission 00/01534/FUL. Occupancy was restricted for holiday purposes only by condition. Further permission was granted under 16/01007/FULL to allow the occupancy condition to be varied to retain the holiday use only between 1st May and 31st August in any year, with use for holiday purposes or short term lets throughout the remainder of the year.

This application is made to remove condition 2 of planning permission 16/01007/FULL, effectively allowing the property to be occupied as unfettered residential use.

In terms of principle, the building is located in a relatively isolated open countryside location to the north of Morebath. Policy COR18 of the Mid Devon Core Strategy (Local Plan Part 1) seeks to control development outside settlement boundaries to enhance the character, appearance and biodiversity of the countryside while promoting sustainable diversification of the rural economy. As such, this policy restricts new dwellings in the open countryside without appropriate justification. The National Planning Policy (NPPF) similarly restricts new open market dwellings in the open countryside, without appropriate justification.

In this case the original conversion scheme was allowed on the basis of complying with relevant Local Plan policies at the time, which supported the conversion of existing redundant and disused buildings, and on the basis that it would support the local economy. The conversion of existing buildings for residential, tourism and business uses is still supported in principle by Local Plan policy DM11 (Part 3 - Development Management Policies) and by the NPPF. Policy DM24 permits tourism accommodation in rural areas, subject to certain considerations, amongst which is the need to demonstrate that the need is not met by existing provision within nearby settlements, in countryside locations not within or adjacent to defined settlements.

The conversion of this building to residential may well have been considered acceptable in principle were the building redundant or disused, and where there would be an enhancement to its setting, however it has been operated as a holiday-let and for short term letting following its conversion. As such, the building is already converted and is neither redundant nor dis-used, thereby not complying with policy DM11. In order to allow the removal of the occupancy condition, which would result in the provision of an unfettered C3 dwelling house, adequate justification would have to be provided to justify its removal. Such justification may be that the demand for the holiday accommodation no longer exists, or the business is no longer viable.

Following the recent variation of conditions to allow the use for short-term lettings in addition to the holiday-let use, the applicant has advised that the property has been occupied by the same tenants throughout the period of September to April, with them paying a retainer for the property whilst resident at another property, visiting from time to time and allowing holiday use by their friends and family. In support of the application, the applicant has also provided a planning statement which includes details of financial viability, in which it is advised that after overheads and other costs, many of which relate to the operation of the property as a mixed use holiday let and residential use. These costs are laid out in a business case, which suggests that the continuing operation of the property over the summer period would lead to an annual loss of approximately £3100 per year. Even continuing as a permanent holiday use would be expected to see an annual loss of approximately £2500.

While the holiday-let does appear to be in a good location for tourist accommodation, having considered the information submitted, and the specific circumstances of this case, which are hampered by the current relaxation of the original occupancy condition, it is considered that there are sufficient grounds to remove the remaining occupancy condition.

Other than the removal of this condition, no other changes are proposed to the approved scheme. The property is located at a reasonable distance from the nearest residential property so there are no changes in respect to impact on residential amenity. Similarly, the property benefits from an access with good visibility and plenty of car parking space, thereby raising no concerns from a highway safety point of view.

Policy AL/IN/3 of the AIDPD concerns requirements for the provision of public open space and play areas that apply to all new residential development. The supplementary planning document entitled "The Provision and funding of Open Space through Development" sets out the level of contribution required to meet this increased demand on public services. In this case, the dwelling is a 4 room unit, which would attract a payment of £900 plus a monitoring fee towards the provision of Public Open Space. This contribution will need to be paid and accompanying Unilateral Planning Obligation signed and returned prior to determination, or a Section 106 Agreement be completed, to cover this planning obligation, in accordance with the requirements of policy AL/IN/3.

As well as removing the requested condition, it will also be necessary to remove the time limit condition as the original permission has been commenced. Other pre-commencement conditions were not repeated on 16/01007/FULL, in which case an existing condition removing permitted development rights for development shall be retained.

Overall, there are no objections to the proposed alterations to the previously approved scheme.

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.

SUMMARY

The proposed variation of condition 2 of planning permission 16/01007/FULL is acceptable in that the applicant has adequately demonstrated that the continued use of the property as a holiday-let in summer months is not viable. There would be no unacceptable impact on the local road network, or character and appearance of the countryside, or on residential amenity. As such, it is considered that the proposed development is in accordance with policies DM2 and DM20 of the Mid Devon Local Plan Part 3 (Development Management Policies), COR2 and COR18 of the Mid Devon Core Strategy (Local Plan Part 1) and the National Planning Policy Framework.

CONDITION

1. 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, B, C, D or E of Part 1 of Schedule 2 relating to alterations or additions to the building or its roof or to buildings and structures within the site, shall be undertaken within the application site without the Local Planning Authority first granting planning permission.

REASON FOR CONDITION

1. To protect the character and appearance of the original barn conversion and the visual amenities of the rural area in accordance with policies COR2 of the Mid Devon Core Strategy (Local Plan Part 1), DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies), and the aims and objectives of 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.