

Plans List No. 1 (Planning Committee 17 June 2020)

Application No. 19/01862/FULL

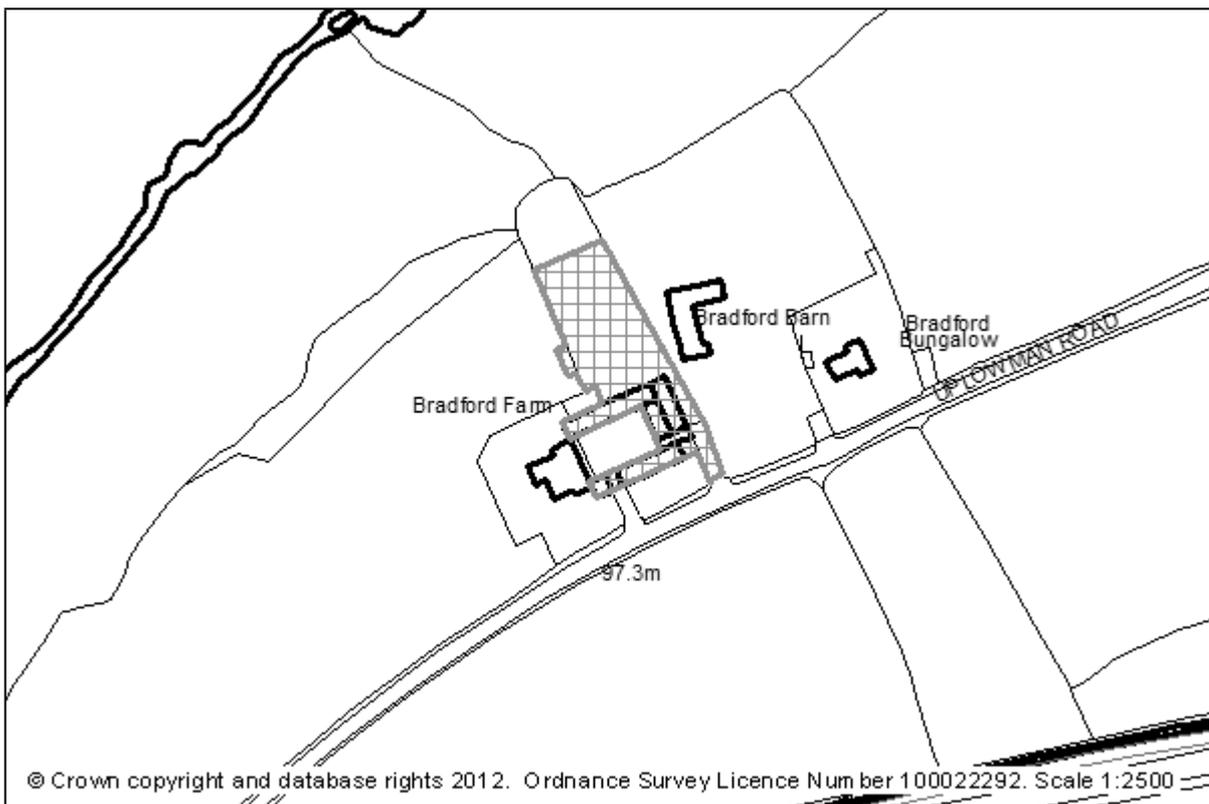
Grid Ref: 299326 : 114323

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.