

## PLANNING COMMITTEE AGENDA - 14th July 2021

### Applications of a non-delegated nature

<u>Item No.</u>	Description
01.	20/01631/FULL - Erection of a dwelling and construction of new vehicular access at Land and Building at NGR 305693 110454, (East Of Butsons Farm), Stenhill. <b>RECOMMENDATION</b> Refuse permission.
02.	21/00229/FULL - Erection of a dwelling and demolition of existing agricultural building at Rosemount, Kentisbeare, Cullompton. <b>RECOMMENDATION</b> Grant permission subject to conditions.
03.	21/00443/FULL - Change of use of land for the siting of 2 glamping tents and associated facilities at Land at NGR 303735 119592, The Deer Barn, Hockworthy. <b>RECOMMENDATION</b> Grant permission subject to conditions.
04.	21/00471/FULL - Erection of new reinstated stone wall and entrance gates and retention of part of rebuilt stone wall at The Deer Barn, Hockworthy, Devon. <b>RECOMMENDATION</b> Grant permission subject to conditions.
05.	21/00461/FULL - Erection of extensions to existing agricultural storage building 660sqm at Land at NGR 288288 107120, Redyeates Cross, Cheriton Fitzpaine. <b>RECOMMENDATION</b> Grant permission subject to conditions.
06.	21/00709/FULL - Change of use from public house (sui generis) to offices and canteen facility (sui generis) at Buccaneers Bar, 3 Cinema Buildings, East Street. <b>RECOMMENDATION</b> Grant permission subject to conditions.

Application No. 20/01631/FULL

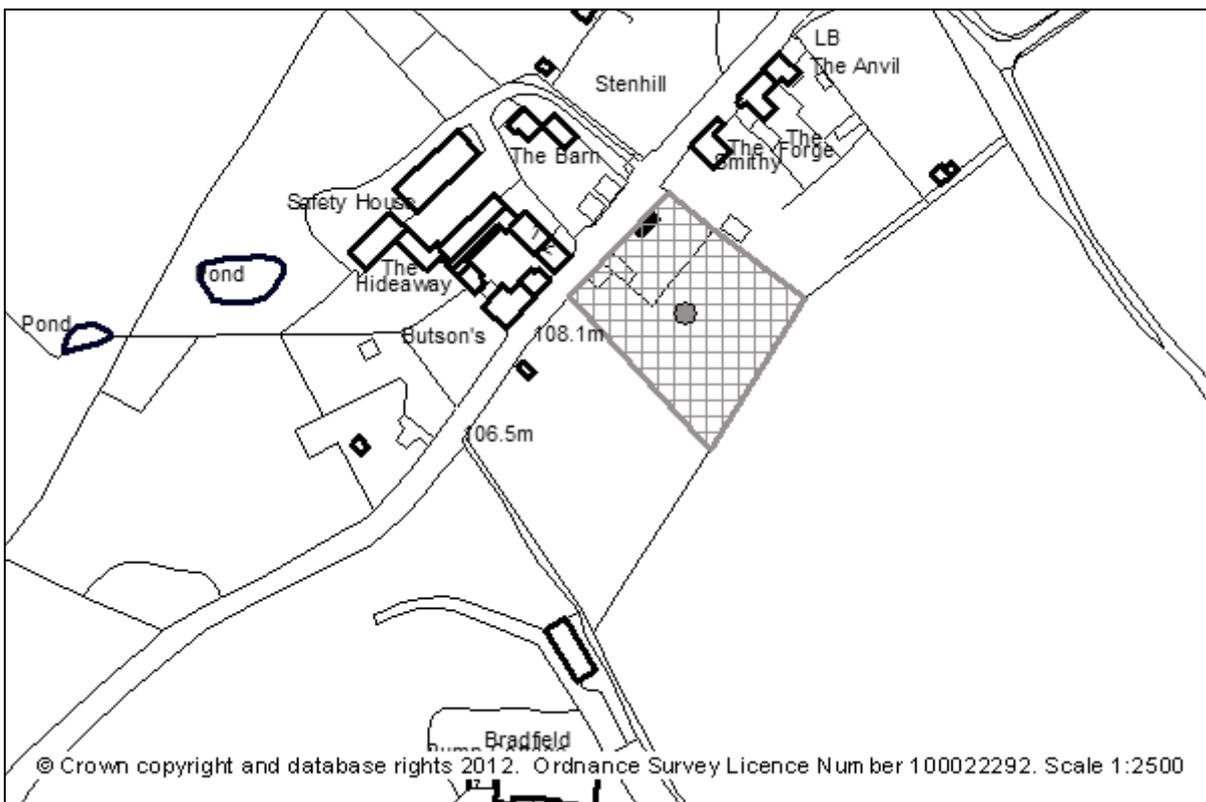
Grid Ref: 305668 : 110423

Applicant: Mr M Delamain

Location: Land and Building at NGR 305693 110454  
(East Of Butsons Farm)  
Stenhill  
Uffculme

Proposal: Erection of a dwelling and construction of new vehicular access

Date Valid: 19th October 2020



APPLICATION NO: 20/01631/FULL

Site Visit: Yes Date of Site Visit: 23 June 2021

Decision Delayed Reason: (if applicable)

## MEMBER CALL-IN

The application has been called in by Cllr Bob Evans to consider whether:

1. This is the type of innovative house building approach which should be encouraged and supported by the Local Authority;
2. The applicant's local connections, housing need and desire to fulfil their own housing need through self-build is an approach which should be encouraged and supported by the Local Authority; and
3. The eco-credentials of this application is an approach which should be encouraged and supported by the Local Authority.

## RECOMMENDATION

Refuse permission

## PROPOSED DEVELOPMENT

Erection of a dwelling and construction of new vehicular access. The site comprises agricultural land and is located east of Butsons Farm, separated by the public highway. There are a number of residential properties located to the north and west and the site is bordered by a mix of existing trees, hedge and fencing along the north and west boundaries and fencing along the eastern and southern boundaries. The site slopes slightly to the south.

The application seeks consent for the erection of a dwelling and construction of new vehicular access. The proposed dwelling is two storey, with two bedrooms. It is proposed to be accessed via the west corner of the site with two parking spaces and a separate garage structure for three vehicles. The material palette comprises lime render (off white) and durable timber cladding (self-colour), with a galvanised corrugated steel roof and wood (with varnished finish) windows and doors.

## APPLICANT'S SUPPORTING INFORMATION

Application Form  
Plans  
Design and Access Statement  
Planning Policy Statement  
Wildlife Survey  
Wildlife Trigger List  
Illustration  
Foul Drainage Assessment

## **RELEVANT PLANNING HISTORY**

20/01631/FULL - PCO date Erection of a dwelling and construction of new vehicular access

## **DEVELOPMENT PLAN POLICIES**

### **National Planning Policy Framework**

#### **Mid Devon Local Plan Review 2013 – 2033**

Policies:

S1 – Sustainable Development Priorities

S3 – Meeting Housing Needs

S8 – Infrastructure

S9 – Environment

S14 – Countryside

DM1 – High Quality Design

DM6 – Rural Exception Sites

### **Mid Devon Design Guide Supplementary Planning Document**

## **CONSULTATIONS**

#### **Highway Authority – 30<sup>th</sup> October 2020**

Standing advice applies

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

#### **UFFCULME PARISH COUNCIL – 20<sup>th</sup> November 2020**

The Council opposes the application.

The application site is in open countryside and would see good agricultural land lost for housing. The design of the house is very imposing in a prominent position and is not in keeping with other neighbouring properties or the general vernacular of the hamlet.

#### **PUBLIC HEALTH - 21<sup>ST</sup> OCTOBER 2020**

Contaminated Land: No objection to this proposal. (21.10.20).

Air Quality: No objection to this proposal. (21.10.20).

Environmental Permitting: No objection to this proposal. (21.10.20).

Drainage: No objection to this proposal. (21.10.20).

Noise & other nuisances: No work shall be carried out on the site on any Sunday, Christmas Day or Bank Holiday or other than between the hours of 08.00 and 1800 hours on Monday to Fridays and 08.00 and 1300 on Saturdays.

Reason: To ensure that the proposed development does not prejudice the amenities of neighbouring properties. (21.10.20).

Housing Standards: The stairs descend to the main living space which is a high risk area with no obvious safe route out of the property in the event of a fire. The bedrooms are inner rooms, although there may be secondary escape from the balcony in bedroom 1. (30.10.20).

Licensing: No comments. (21.10.20).

Food Hygiene: No comments. (21.10.20).

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. (21.10.20).

Health and Safety: No Comments. (21.10.20).

### **NATURAL ENGLAND – 10<sup>TH</sup> NOVEMBER 2020**

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>

### **FORWARD PLANNING –20<sup>th</sup> November 2020**

Note:

This Forward Planning response discusses the policy context around the principle of a self-build dwelling in this location. All other matters associated with the application have not been addressed but will be considered by the case officer in the process of determining the application.

## Policy Context

### National Planning Policy Framework

The NPPF defines self-build and custom-build housing as 'housing built by an individual, a group of individuals, or persons working with them or for them, to be occupied by that individual. Such housing can either be market or affordable housing. Paragraph 61 makes clear that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including but not limited to)...people wishing to commission or build their own homes.

Paragraph 77 states that Local Planning Authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs. Paragraph 79 stipulates that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- There is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
- The development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
- The development would re-use redundant or disused buildings and enhance its immediate setting;
- The development would involve the subdivision of an existing residential dwelling; or
- The design is of exceptional quality, in that it:
  - Is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
  - Would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

### The Adopted Local Plan 2013 - 2033

The Local Plan was adopted on 29 July 2020. Policy S14 stipulates that development outside of the settlements defined by Policies S10-S13 will be required to preserve and where possible enhance the character, appearance and biodiversity of the countryside while promoting sustainable diversification of the rural economy. With regards to housing, Clause a) permits affordable and low cost housing to meet local needs.

Policy DM6 'Rural Exception Sites' stipulates that the development of a site for predominately affordable or low-cost housing, including self-build housing, to meet proven local need in rural areas will be permitted where:

- a) There is up to date evidence of housing need secured through a housing need survey, or in the case of a self-build proposal, evidence of eligibility for shared ownership housing through 'Help to Buy' or an equivalent scheme;
- b) Each house will be occupied by at least one person with a strong local connection to the parish
- c) The site adjoins a settlement and is in a suitable location which takes account of the potential for any visual impact and other relevant planning issues;
- d) The type and scale of affordable or low-cost housing is appropriate to the proven need;

e) The affordable or low-cost housing will remain affordable for and available to local people in perpetuity, limited to no more than 80% of its market value upon resale.

#### Assessment

This application proposes the erection of one self-build dwelling east of Butsons Farm, Stenhill, Uffculme. Stenhill is not a defined settlement under Policy S13 of the Local Plan. It is therefore defined as 'countryside' under S14 where development is permitted subject to appropriate criteria, as applied through detailed development management policies. The appropriate criteria in this instance are defined within Policy DM6 'Rural Exception Sites' which includes specific considerations for low cost housing (including self-build housing) in the countryside.

Clause a) requires up-to-date evidence of housing need secured through a housing need survey, or in the case of a self-build proposal, evidence of eligibility for shared ownership through 'Help to Buy' or an equivalent scheme. The supporting text for Policy DM6 applies the following criteria:

- Cannot afford to purchase a home suitable for their housing needs within a reasonable travel distance of their work place and have a household income not exceeding £60,000;
- Have savings or sufficient funds to pay, if required, a deposit (which may be 5% or more of the purchase price), legal fees, stamp duty and other costs of moving;
- Can sustain home ownership in the longer term;
- Are not already a home owner or named on a home mortgage;
- Have a good credit history.

The Planning Statement accompanying the application demonstrates that the applicants meet the above eligibility criteria.

Clause b) requires that each house will be occupied by at least one person with a strong local connection to the parish. As both prospective occupiers are local residents, having lived and worked in the area for a number of years, the requirements of this clause have been met.

Clause c) requires that the site adjoins a settlement and is in a suitable location which takes account of the potential for any visual impact and other relevant planning issues. Stenhill does not have a defined settlement limit, although paragraph 4.22 of the supporting text makes clear where parishes do not contain a defined settlement but may have an affordable housing need, a broader interpretation of 'settlement' will be appropriate, as long as there would be reasonable access to local services and infrastructure. The case officer is best placed to determine whether this test has been met, having visited the site and surrounding locality.

Clause d) requires that the type and scale of affordable or low cost housing is appropriate to the proven need. Advice from the Council's Housing Department will confirm whether the proposal is appropriate to housing needs in Stenhill. It is acknowledged that this self build proposal will be tailored to the needs of the applicant, although it is still expected that the proposal is of a modest size that reflects the principles of affordability for those in housing need.

Finally, Clause e) requires that the affordable or low-cost housing will remain affordable for and available to local people in perpetuity, limited to no more than 80% of its market value upon resale. Paragraph 4.25 of the supporting text makes clear that whilst low-cost housing does not meet the definition of affordable housing in terms of tenure, the Council will require the same controls over the housing to ensure that it remains available for people with a local connection who cannot afford open market housing in their area.

## Conclusion

The principle of whether a self-build dwelling would be appropriate in this location is contingent on demonstrating that the requirements of Policy DM6 have been met. Whilst it is considered that the eligibility and local connections criteria have been met, the case officer will need to establish whether the application complies with clauses c) and d). Should these requirements be met, there is a need to secure appropriate controls over the housing to ensure that it remains available for people with a local connection who cannot afford open market housing in their area.

Arron Beecham  
Forward Planning Officer

## REPRESENTATIONS

The application has been advertised by means of a site notice and a direct consultation to the nearest neighbouring properties in accordance with the Council's adopted Statement of Community Involvement and the legal requirements for publicity on planning applications, as set out in the Town and Country Planning (Development) (Development Management Procedure, Listed Buildings and Environmental Impact Assessment) (England) (Coronavirus) (Amendment) Regulations 2020.

The Council has received a number of representations in relation to the proposal. These are summarised below:

### Comments in support:

- This is exactly the sort of small, scale, local, low impact dwelling that should be encouraged at every level.
- High degree of sustainability and will sit well in its environment
- Use of modern alternative technology for energy efficiency and environmentally friendly benefits.
- There is a housing need for the applicants who both have a strong local connection to the parish.

The objections raised concerns in regards to the following:

- Significant development in a rural setting which would be visually intrusive and detrimental to the character of the area.
- Development would comprise privacy.
- The existing properties are already capable of meeting the needs suggested by the applicant.
- Concerns that should this development be allowed, it may encourage other neighbours with pockets of land to re-submit their plans.

## MATERIAL CONSIDERATIONS AND OBSERVATIONS

### Introduction

The proposal relates to a plot of land which is around 0.33ha in size and is currently being used for agricultural purposes. The application seeks planning permission for the erection of one dwelling and construction of a new vehicular access. The proposed self-build dwelling will be approximately 160 square metres and will have 2 bedrooms.

**The main issues in the determination of this application are:**

- **Principle of the development**
- **Design, impact of the development on the character and appearance of the area and impacts upon privacy and amenities of neighbouring properties**
- **Other issues**

### **Principle of the development**

This application proposes the erection of one self-build dwelling east of Butsons Farm, Stenhill, Uffculme. Stenhill is not a defined settlement under Policy S13 of the Local Plan. It is therefore defined as 'countryside' under S14 where development is permitted subject to appropriate criteria, as applied through detailed development management policies. The appropriate criteria in this instance are defined within Policy DM6 'Rural Exception Sites' which includes specific considerations for low cost housing (including self-build housing) in the countryside.

Policy DM6 states that development of a site for predominately affordable or low cost housing that will meet local need will be permitted provided that the following are met:

1. There is up-to-date evidence of housing need secured through a housing survey or, in the case of a self-build proposal, evidence of eligibility for shared ownership through 'Help to Buy' or an equivalent scheme;
2. Each house will be occupied by at least one person with a strong local connection to the parish;
3. The site adjoins a settlement and is in a suitable location which takes account of the potential for any visual impact and other relevant planning issues;
4. The type and scale of affordable or low-cost housing is appropriate to the proven need;
5. The affordable or low-cost housing will remain affordable for and available to local people in perpetuity, limited to no more than 80% of its market value upon resale.

Each of these points are addressed below:

There is up-to-date evidence of housing need secured through a housing survey, or in the case of a self-build proposal, evidence of eligibility for shared ownership through 'Help to Buy' or an equivalent scheme.

Clause a) requires up-to-date evidence of housing need secured through a housing need survey, or in the case of a self-build proposal, evidence of eligibility for shared ownership through 'Help to Buy' or an equivalent scheme. The supporting text for Policy DM6 applies the following criteria:

- Cannot afford to purchase a home suitable for their housing needs within a reasonable travel distance of their work place and have a household income not exceeding £60,000;
- Have savings or sufficient funds to pay, if required, a deposit (which may be 5% or more of the purchase price), legal fees, stamp duty and other costs of moving;
- Can sustain home ownership in the longer term;
- Are not already a home owner or named on a home mortgage;
- Have a good credit history.

The Planning Policy Statement accompanying the application confirms that the applicants meet the above eligibility criteria.

Each house will be occupied by at least one person with a strong local connection to the parish.

As both prospective occupiers are local residents, having lived and worked in the area for a number of years, the requirements of this criterion have been met. However, this matter would also need to be controlled via the provision of a section 106 agreement to ensure that only individuals with a strong local connection will be able to purchase the home should it be marketed for sale.

The site adjoins a settlement and is in a suitable location which takes account of the potential for the visual impact and other relevant planning issues.

Stenhill does not have a defined settlement limit, although paragraph 4.22 of the supporting text makes clear where parishes do not contain a defined settlement but may have an affordable housing need, a broader interpretation of 'settlement' will be appropriate, as long as there would be reasonable access to local services and infrastructure. Stenhill is a small hamlet with no existing services or facilities. The nearest services are located at Uffculme which is located approximately two miles away and therefore it is likely that most trips will necessarily be conducted by private car. Accordingly, in this instance a broader interpretation of 'settlement' would not be appropriate as the proposed development would not have reasonable access to local services and infrastructure. The proposal would therefore conflict with criterion c) of Policy DM6.

The type and scale of affordable or low cost housing is appropriate for the proven need.

Current data from Devon Home Choice indicates that there is a demand for two bedroom dwellings in the parish. It is acknowledged that a self-build proposal will need to be tailored to the needs of the applicant, although it is still expected that the proposal is of a modest size that reflects the principles of affordability for those in housing need. The proposed development is for a straw bale eco home incorporating a repurposed grain silo, with two bedrooms measuring at 160 square metres, together with a separate garage space measuring at 45 square metres. The proposal significantly exceeds the average dwelling size for a two bedroom home and does not therefore reflect the principles of affordability for those in housing need in the local area.

The affordable or low cost housing will remain affordable for and available to local people in perpetuity, limited to no more than 80% of its market value upon resale.

The supporting text for Policy DM6 makes clear that whilst low-cost housing does not meet the definition of affordable housing in terms of tenure, the Council will require the same controls over the housing to ensure that it remains available for people with a local connection who cannot afford open market housing in their area. However, this matter could be dealt with via a section 106 agreement. The applicant has provided confirmation that they would be happy and willing to enter into a Section 106 agreement to this effect.

### **Design, impact of the development on the character and appearance of the area and impacts upon privacy and amenities of neighbouring properties**

Policy S9 states that development will sustain the distinctive quality, character and diversity of Mid Devon's environmental assets and minimise the impact of the development on climate change through high quality sustainable design which reinforces the character and distinctiveness of Mid Devon's historic built environment, mitigates and adapts to climate change and creates attractive

places.

Policy DM1 requires designs to be of high quality based upon and demonstrating the following principles:

- a) *Clear understanding of the characteristics of the site, its wider context and the surrounding area;*
- b) *Efficient and effective use of the site, having regard to criterion (a);*
- c) *Positive contribution to local character including any heritage or biodiversity assets and the setting of heritage assets;*
- d) *Creation of safe and accessible places that also encourage and enable sustainable modes of travel such as walking and cycling;*
- e) *Visually attractive places that are well integrated with surrounding buildings, streets and landscapes, and do not have an unacceptably adverse effect on the privacy and amenity of the proposed or neighbouring properties and uses, taking account of:*
  - i. *Architecture*
  - ii. *Siting, layout, scale and massing*
  - iii. *Orientation and fenestration*
  - iv. *Materials, landscaping and green infrastructure*
- f) *Appropriate drainage including sustainable drainage systems (SUDS), including arrangements for future maintenance, and connection of foul drainage to a mains sewer where available;*
- g) *Adequate levels of daylight, sunlight and privacy to private amenity spaces and principal windows;*
- h) *Suitably sized rooms and overall floorspace which allows for adequate storage and movement within the building together as set out in the Nationally Described Space Standard with external spaces for recycling, refuse and cycle storage; and*
- i) *On sites of 10 houses or more the provision of 20% of dwellings built to Level 2 Part M 'access to and use of dwellings'.*

The site falls within the 'Lower Culm' Settlement Character Area set out within the Mid Devon Design Guide Supplementary Planning Document which is characterised by generally linear settlements with long reaching views across lowlands, but therefore prominent within the wider landscape. Whilst Stenhill is not a designated settlement, the existing arrangement of residential properties in the hamlet does resemble a linear typology whereby the primary objective of design is to maintain the continuity of the built form along the main route. The layout and orientation of the dwelling as proposed sets back the dwelling from the main road with the principal elevation facing towards the north. The proposal also includes a detached garage which faces towards the main dwelling and is angled away from the main road, albeit screened by a new bank and hedge. The Design Guide also applies further guidance for developments in open countryside and makes clear that it is important to consider the orientation of buildings according to any roads or other buildings (buildings are generally parallel or perpendicular to roads and lanes to one another) and in response to climate conditions, creating or avoiding exposure and shelter as well as affecting the buildings performance e.g. optimising passive solar gain. Whilst it is recognised that the proposed dwelling is orientated to take advantage of natural solar gain, this is at the expense of the development's relationship with existing surrounding buildings. Having regard to the gentle sloping nature of the site to the south, together with the siting and layout of the proposal, it is also considered that the development would be a single, dominant feature in the wider landscape. It is therefore not considered that the development would be well integrated with surrounding buildings and is not based on a clear understanding of the characteristics of the site, its wider context and the surrounding area. It is therefore contrary to Policy DM1.

Concerns were also raised through representations that the proposed development would impact upon the privacy of nearby residential properties. Whilst there would inevitably be some overlooking onto and across the proposed development site from nearby residential properties, the existing treeline and hedging marking the northern boundary of the site and proposed new bank and hedging along the western boundary of the site would help screen the development and mitigate against loss of privacy. Therefore, it is considered that the proposed development would not have an unacceptable impact on the privacy of nearby residential properties.

Policy S9 sets out that development will minimise the impacts on climate change including through measures to reduce the risk of flooding and requiring sustainable drainage systems including arrangements for future maintenance. Policy DM1 reiterates the expectation that developments should include sustainable drainage systems. The Design and Access Statement states that the driveway and paths will be permeable, constructed from local stone, or ground protecting grid system to mitigate run off. Guttering on both buildings will collect rainwater which will be directed into a rain water harvesting system to reduce potential run-off. The hedges and planned landscaping will ensure no water run of from the site onto the main road. With regards to foul drainage, it is proposed that this would be disposed of through botanical cells with no effluent output to ground or water courses, which would require a permit from the Environment Agency although they have identified that they do not anticipate there would be an issue with obtaining a permit. Accordingly, these provisions are considered to be appropriate in accordance with Policy DM1.

## **Other Issues**

### Self-build

The National Planning Policy Framework is supportive of people wishing to commission or build their own home and the Council has a duty to grant suitable development permission to enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding. Equally important is the requirement under S38(6) of the Planning and Compulsory Purchase Act 2004 which makes clear that if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise. Therefore, whilst the provision of custom and self-build housing in Mid Devon does carry weight in the planning balance, it also remains the case that such self-build proposals need to be considered in accordance with the wider development strategy and associated development management policies of the Local Plan 2013 – 2033, as assessed within this report. On this basis, the principle of providing a self-build dwelling in this location would not outweigh the wider conflicts of the proposal as assessed against Policy DM6.

### Low carbon design and construction

It is recognised that the proposed development would be low carbon and energy efficient in its design and construction. The Design and Access statement states that the development will be cement free, carbon neutral and near Passivhaus standard and the orientation of the house will reduce the need for a traditional heating system. In addition, large south facing windows will assist with passive solar gain, active ventilation will help regulate temperature, PV and solar thermal panels will provide electricity and hot water and rain water harvesting will provide water for toilet flushing and outside use. The building construction also seeks to utilise materials and labour sourced locally.

However, notwithstanding the environmental credentials of the development itself, it is important to recognise that development location is the single most important factor in determining potential emission arising from a new development. It is for this reason that the development strategy and

Policy S14 (and DM6) in particular of the Local Plan 2013 – 2033 is more restrictive over the provision of housing in rural areas. In the absence of public transport and local services and facilities, the development proposal will be highly reliant on use of the private car to access employment, education, health and recreational facilities which in turn, would result in considerable transport emissions arising from the development.

### Ecology

The site lies within a Devon Great Crested Newt Consultation Zone although there are no waterbodies located within the site or within 250m of the site that could be identified as potential habitat sites. Having regard to the submitted wildlife trigger list and wildlife survey it is considered unlikely that the proposal will generate impacts beyond its site boundary but construction and use of the site may have some potential to disturb commuting bats as bat species are present within the local area. These matters could be address through suitable planning conditions which seek to manage safe and sensible working practices.

### Public Sector Equality Duty

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

## **REASONS FOR REFUSAL**

- 1. The proposal does not adjoin a settlement and would have poor access to local services and infrastructure. Consequently, development of the site would be highly reliant on private car use to access local services and facilities. In addition, the dwelling as proposed, by virtue of its size would not be appropriate to the proven housing need of the area and does not reflect the principles of affordability for those in housing need. The proposal would therefore conflict with the requirements of Policy DM6 of the Mid Devon Local Plan 2013 – 2033.**
- 2. The provision of a dwelling in this location, by virtue of its scale, layout and orientation and its relationship with surrounding development would fail to provide a positive contribution to local character and would not be well integrated with surrounding buildings. On this basis, it is considered that the proposal would conflict with the requirements of Policy DM1 of the Mid Devon Local Plan 2013 – 2033.**

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

Application No. 21/00229/FULL

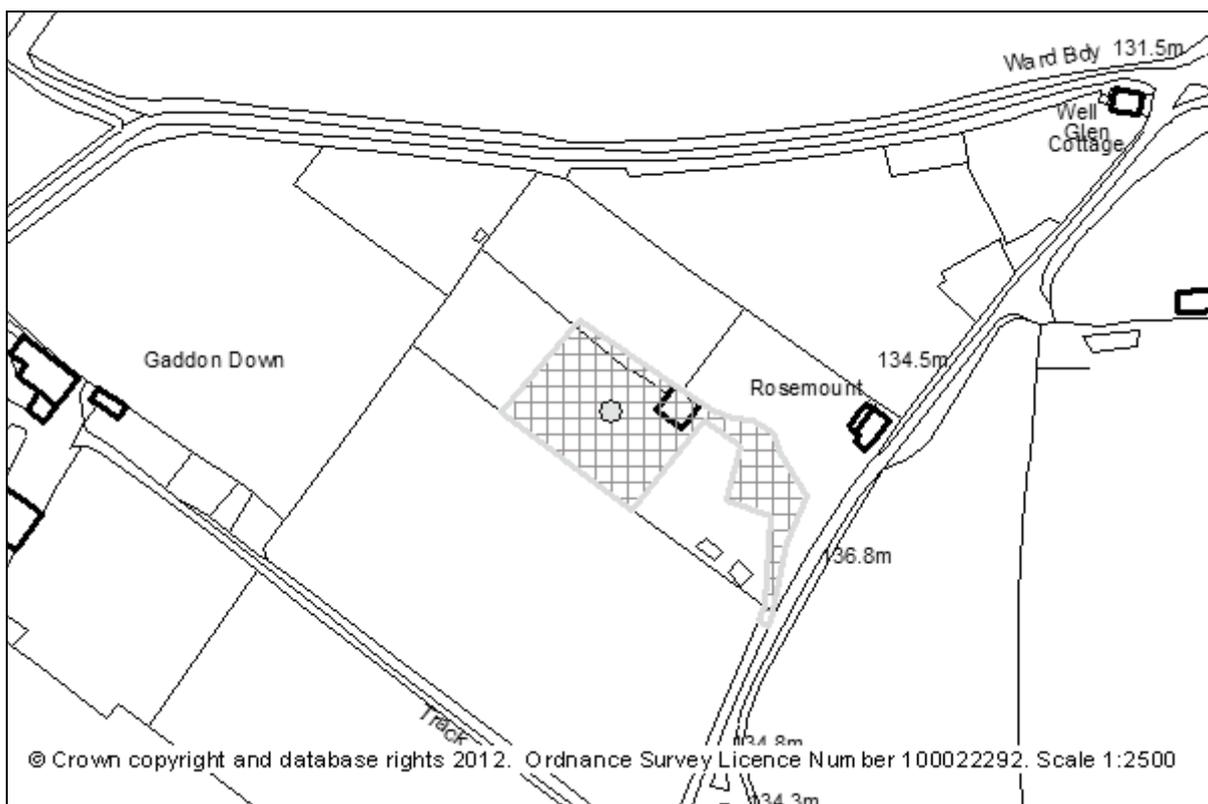
Grid Ref: 307576 : 111201

Applicant: Mr and Mrs Miller

Location: Rosemount  
Kentisbeare  
Cullompton  
Devon

Proposal: Erection of a dwelling and demolition of existing agricultural building

Date Valid: 11th February 2021



## **APPLICATION NO: 21/00229/FULL**

### **MEMBER CALL-IN**

Councillor Simon Clist has called this planning application to Planning Committee so Members can consider:

- The principle of the development which would result in a new residential dwelling in the countryside
- The impact on the landscape from the new position of the dwelling in comparison to the existing building on site
- Whether the access for the development is adequate

### **RECOMMENDATION**

Grant permission subject to conditions

### **PROPOSED DEVELOPMENT**

The proposed development is for the erection of a dwelling and demolition of an existing agricultural building at Rosemount, Kentisbeare, Cullompton. The proposal comes following application reference 19/01497/PNCOU which was a Class Q conversion that was approved under delegated authority. Given the approval of the dwelling under Class Q, this application has been submitted on the basis of a fall-back position of a dwelling being established and the main issue in determining this application is whether the proposal demonstrates a clear planning betterment compared with what was approved under Class Q.

The site is in the open countryside approximately 1 kilometre west of the settlement of Ashill. It falls outside of any Conservation Areas and does not fall within the setting of any listed buildings. The site is in Flood Zone 1 which represents the lowest probability of flooding as classified by the Environment Agency.

The proposed dwelling itself is a single storey, two bedroom dwelling in a rectangular shape. It measures approximately 140 square metres internally and comprises a pitched roof design with a significant area of glazing on the gable ends and south-west elevation to allow natural light into the building. There is limited glazing on the north-east elevation which also consists of bat boxes whilst solar panels are proposed on the south-western roof.

A modest storage shed measuring approximately 4.4sqm is also proposed. It measures approximately 3.3 metres to the ridge and includes a bat entrance.

### **APPLICANT'S SUPPORTING INFORMATION**

Design and Access statement, 3D imagery, photographs, site location plan, block plan and proposed plans.

### **RELEVANT PLANNING HISTORY**

**84/00740/FULL** - PERMIT date 8th June 1984  
Alterations and extension

**13/01141/FULL** - PERMIT date 3rd October 2013

Erection of 2 storey extension

**19/01497/PNCOU** - PDA date 25th October 2019

Prior notification for the change of use of an agricultural building to a dwelling under Class Q

## **DEVELOPMENT PLAN POLICIES**

### **Mid Devon Local Plan 2013 – 2033**

S1 – Sustainable Development

S9 – Environment

S14 – Countryside

DM1 – High quality design

DM5 – Parking

### **National Planning Policy Framework**

### **National Planning Practice Guidance**

## **CONSULTATIONS**

### **Highway Authority, 19<sup>th</sup> February 2021:**

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

### **Highway Authority 16<sup>th</sup> June 2021**

The County Highway has no further comments to make

### **Public Health, 3<sup>rd</sup> March 2021:**

Contaminated Land - No concerns 26.02.21

Air Quality - No concerns 26.02.21

Environmental Permitting - No objection to this proposal 16.02.21

Drainage - The applicant proposes a package treatment plant discharging to a soakaway drainage field which will meet the requirements of BS6277.2007. However they have not provided an explanation of why connection to the public sewer is not possible, or the required map showing the location of the nearest sewer. They have also replied yes to the question of whether this is part of a phased development. Percolation tests do not appear to have been carried out to date. We would request that the additional information is provided or the form amended so that it accurately reflects what is intended in order to prevent a future public health issue. 26.02.21

Noise & other nuisances - No concerns 26.02.21

Housing Standards - Recommend a door between the hallway and the open plan kitchen/living space to provide safe primary means of escape from the bedrooms in the event of a fire. 2/3/21

Licensing - No comments 16/02/21

Food Hygiene - No comments 16.02.21

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

You must also register with the Local Authority (Mid Devon District Council) any private water supply. Failure to do so may result in a Section 85 Notice, with which failure to comply is an offence. Please contact Public Health at Mid Devon District Council on completion of proposal. IF MAINS WATER IS TO BE USED, WOULD HAVE NO COMMENT. 16.02.21

Health and Safety - No objection

Advisory note: Prior to any demolition, a work plan and risk assessment of all potentially hazardous materials should be completed. This activity is enforced by The Health & Safety Executive. 16.02.21

#### **Uffculme Parish Council, 8<sup>th</sup> June 2021:**

The Parish Council endorses its previous submission. The scale and design of the building is not in keeping with the local area. The Council opposes the application.

## **REPRESENTATIONS**

A total of 13 letters of objection have been received at the time of writing this report. Some of the letters come from the same households but at different stages of the application process where revised plans were received. A summary of the concerns raised across the objection letters is set out below:

- Future loss of Ash would result in privacy concerns
- Future extensions to the dwelling
- View that the Class Q permission should not have been granted
- Loss of agricultural land and character
- Design and scale not in-keeping with area
- Concerns around safety of access
- Unsustainable location
- Noise pollution from air source heat pump
- Requirement and affordability of dwelling
- A precedent will be set
- Impact on AONB
- Disruption during construction phase
- Visual impacts
- Increased traffic and highways/access concerns
- It seems odd to reduce the number of bedrooms in this iteration, whilst seemingly arguing that more space is necessary, when the original class q applications had more bedrooms.

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

The main issues in the determination of this application are:

- 1. Principle of development**
- 2. Impact upon the character and visual amenity of the area**
- 3. Impact on residential amenity**
- 4. Ecology and Biodiversity**

5. Drainage and Flood Risk
6. Highway Safety
7. Other Matters
8. Planning Balance

## 1. Principle of Development

The site is located in the countryside where policy S14 seeks to control development to enhance the character, appearance and biodiversity of the countryside whilst promoting sustainable diversification of the rural economy. In this case the application seeks to demolish an existing building and erect a single dwellinghouse in its place on the basis that the existing building could be converted via a Class Q conversion where permitted development rights are utilised. A Court of Appeal decision *Mansell v Tonbridge and Malling BC* concluded that a fall-back position could be considered whereby permitted development rights, in that case those under Class Q of part 3 of Schedule 2 of the Town and Country (General Permitted Development) (England) Order 2015 (as amended), could be considered as a material consideration.

In considering this proposal, it is noted that recent case law and appeals establish that *permission for a residential conversion gained through Class Q can establish a fall-back position for a replacement dwelling in general terms*. The case law does not make it clear how much weight should be applied, as it is clearly a matter for the decision maker to interpret on a case-by-case basis. The case law merely establishes the general principle that such a fall-back position can be given weight.

Given that a Class Q proposal was approved under application reference 19/01497/PNCOU, there is the real prospect of a dwelling being brought forward on the site and a fall-back position can be given weight in the planning balance. It is noted that some of the letters of objection raise concern with regards to the original Class Q decision but given that this has since been approved, weight can be attributed to the fall-back position.

On this basis, consideration for this application will be given to the overall impact of the proposed development, with appropriate weight given to the fall-back position. Generally, it is expected that the proposed replacement development should represent a real and positive enhancement, or betterment, to the original scheme allowed under Class Q. As such, the principle of the development is considered to be broadly acceptable subject to consideration of the details in line with other relevant local and national policy.

## 2. Impact upon the character and visual amenity of the area

Policy DM1 of the Local Plan (2013-2033) seeks high quality design upon a number of principles including a clear understanding of the site, efficient use of the site, making a positive contribution to local character, and creating visually attractive places that are well integrated with surrounding buildings, streets and landscapes, taking account of factors including architecture, siting, layout, scale, massing, orientation, fenestration, materials and landscaping.

The Class Q scheme previously approved under reference 19/01497/PNCOU would result in a square, single storey building. Whilst it would blend into the landscape owing to its modest scale, the materials would be basic, not resulting in a particularly attractive dwelling. Similarly, it would provide little in the way of architectural interest and does not necessarily conform to the local vernacular despite it being a conversion.

Initially, the fall-back proposal sought to erect a large two storey dwelling which would have increased the visual impact of the development in the landscape and as such it was considered

that it would not have sat comfortably within the landscape. However, revised plans were received and the latest plans show a rectangular single storey building with the principal elevation facing to the north east. It comprises a pitched roof design measuring approximately 4.8m to its highest point and has an internal floor area of approximately 140 square metres. Whilst the proposal is approximately 1m taller than the previously approved conversion, owing to its single storey nature and revised siting, it is still considered to sit comfortably in the landscape. The proposed dwelling features glazing on the gable ends which, whilst modern, is considered to be an attractive feature and will allow for improved amenity for future occupiers by virtue of increased natural light. It is considered that the materials and design of the dwelling respond to the vernacular of the area and overall the design is considered acceptable in accordance with policy DM1.

It is noted that concerns have been raised with regards to the visual impacts given that Ash trees nearby may be removed in the future and due to the reduction in scale compared with the initial plans, concern has also been raised with regards to future extensions. In terms of the latter, if approved, it is recommended that a condition is imposed on the planning permission removing permitted development rights. The Council would therefore have control of any future extensions that may be proposed. In terms of the visual impacts, it is considered that the site is well contained and due to the modest height, the building would not be overly obtrusive for the countryside location. It is noted that trees may be removed in the future, however, it is not considered that this is something that constitutes a material planning consideration in this instance given that it does not fall within the constraints of this application.

On balance, the design of the dwelling is considered to be acceptable in accordance with policy DM1. It responds to local vernacular and to the rural location with modern additions that allow for greater amenity for future occupiers. This is considered to be an improvement on what could be achieved via Class Q. Additional improvements are also suggested in order to meet the threshold of a 'planning betterment' and these are discussed later in this report.

### **3. Impact on residential amenity**

As set out above, the design of the proposed dwelling is considered to result in improved amenity for any future occupiers of the dwelling. In addition to the amenity of occupiers of the development, the impacts on the amenity of neighbours has also been considered in the assessment undertaken for this development.

It is considered that the site is well contained and the building will be reasonably well screened from public view. The building is to be single storey and therefore outlook from proposed windows will not result in significant overlooking. The proposed dwelling is to be sited approximately 60m from the nearest dwelling, Rosemount, but will be well screened by existing planting in the area. Rosemount itself is well contained by existing boundary treatments. The next nearest dwellings are Dad's View Farm / Gaddon Down to the west and Well Glen Cottage to the north east. These are both approximately 175m from the site. Given the separation distances between the proposal site and neighbouring dwellings, any amenity impacts are considered to be very limited. Additionally, it is not expected that there would be any increased impacts compared with what is already established via the Class Q scheme.

It is noted that noise impacts from the construction phase of a development on site and from the air source heat pump proposed have been raised as matters of objection and such impacts have been considered. In terms of the heat pump, owing to the separation distance set out above, this is considered to be a very minimal adverse impact. There may be some disruption caused from the building phase of the development, however, this may occur anyway by virtue of the Class Q scheme and in any event the erection of one dwelling represents a reasonably small development

so impacts are not considered to be substantial. Overall, any adverse amenity impacts are not considered to be significant enough to warrant refusal of the scheme.

#### **4. Ecology and Biodiversity**

Policies DM1, S1 and S9 seek to protect biodiversity and the environment. An ecology survey has been submitted with the application which did find some evidence of protected species, namely bats. The survey suggests mitigation to avoid harming protected species and a condition is suggested to ensure the development accords with the recommendations of the ecology survey.

The submitted plans show a number of bat boxes both on the proposed dwelling and on the associated storage building. It is considered that these measures in terms of ecology and biodiversity will be an improvement on what could be secured via the Class Q development and therefore contribute to the proposal being a betterment in planning terms. As such, it is also suggested that the bat boxes are secured by condition.

#### **5. Drainage/Flood Risk**

The site is within Flood Zone 1 which represents the lowest probability of flooding as per the Environment Agency. Given that the proposed building will replace the agricultural building already on site and they have similar roof areas, it is not expected that there will be a significant increase in surface water run-off. Water will be directed to a field soakaway which Public Health have acknowledged is likely to be compliant with legislation. However, Public Health do raise the matter that it is unclear whether mains drainage could be connected to and whilst they do not object to the scheme, they note that there may be future issues if this is not addressed. Therefore, a condition is suggested to secure a Surface Water and Foul Drainage strategy including percolation testing prior to development of the dwelling proceeding above damp course level.

#### **6. Highway Safety**

The local Highway Authority have not objected to the proposal and have issued standing advice. It is noted that the submitted plans show enough space for the parking and turning of two vehicles on the site which is in accordance with policy DM5 of the local plan. Similarly and in accordance with the Highway Authority's standing advice, vehicles can therefore enter the highway in forward gear.

The existing access point will be used and leads to the nearest highway which is an unclassified road. The visibility and safety is considered to be acceptable and this has previously been found to be the case under the Class Q application. It is not expected that the erection of one dwelling will significantly increase traffic movements in the area and overall the local highway network and highway safety is considered to be protected.

#### **7. Other Matters**

Other matters raised during the assessment of this application that have not already been addressed in this report are; loss of agricultural land, unsustainable location, affordability of the dwelling, precedent and potential impact on the AONB.

Firstly, in terms of the loss of agricultural land, whilst the surrounding area is typically agricultural in character, the amount of agricultural land to be lost as a result of the development is considered to be minor. The floor area of the dwelling is similar to the existing building on site and there are existing dwellings in the vicinity so the immediate area is already fairly domesticated. Overall, the

impacts of this is negligible and it is not considered appropriate or reasonable to refuse the scheme on this basis.

With regard to the location and affordability of the dwelling, the site is approximately 5 kilometres from Cullompton which has good access to the M5. It is also one of the 3 main towns of Mid Devon which represents employment and leisure opportunity. There are villages such as Ashill and Willand within closer proximity to the site with the latter providing a good range of services i.e. pub and shops. In any event, the principle of a dwelling on site has already been established via the previous Class Q proposal. Given the type of application where a fall-back position has already been established, the affordability is not considered to be a material planning consideration in this instance.

In terms of precedent, this has already been set by the case law discussed above and it is considered that the proposal complies not only with the case law but is comparable to other fall-back schemes recently approved in Mid Devon. It is not considered that this proposal sets a new form of precedent.

Finally, the AONB is some 1.6km from the site at its closest point and therefore will not be impacted upon as a result of the development.

## **8. Planning Balance**

It has been established that there is a real possibility of a Class Q conversion scheme being brought forward on this site. The application scheme is for a new dwelling which will be built following removal of the existing agricultural building. The new dwelling is considered to have an improved design both in terms of visual amenity and in terms of the amenity of potential future occupiers. In addition, there will be ecological and environmental enhancements which otherwise would not have been brought forward by any Class Q proposal. The proposal complies with local policy in terms of design, neighbourhood amenity and highway safety. It is therefore considered, on balance, that the scheme demonstrates a planning betterment compared with what could be achieved via Class Q and permission should be granted.

The case officer has not carried out a site visit in the determination of this application due to Covid-19 travel and social distancing restrictions which are currently in place. The officer has instead considered the application using google maps and photographs and considers that to determine the application without a site visit would not prejudice any interested party.

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.

## **CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.

3. Unless otherwise agreed in writing by the Local Planning Authority, the development hereby permitted shall be implemented strictly in accordance with the recommendations and requirements of the ecological survey report carried out by Western Ecology and dated May/June 2020.
4. Notwithstanding the provisions of Article 3 of The Town and Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development of the types referred to in Classes A, AA, B, C and E of Part 1, or Class A of Part 2 of Schedule 2 relating to the enlargement, improvement or other alteration of a dwellinghouse, addition or alteration to the roof, provision within the curtilage of the dwellinghouse of any building or enclosure, swimming or other pool, container for domestic heating purposes for storage of oil of liquid petroleum gas or the erection of a gate, fence wall or other means of enclosure, shall be undertaken within the application site without the Local Planning Authority first granting planning permission.
5. Construction works shall not take place outside 07.30 hours to 19.00 hours Mondays to Fridays and 07.30 to 13.00 hours on Saturdays and at no time on Sundays, Bank Holidays and Christmas Day.
6. Prior to occupation of the development hereby approved, details of the bat boxes shown on the approved plans shall be submitted to and approved by the Local Planning Authority. Such bat boxes shall be implemented and so retained in accordance with the approved details.
7. No development above damp proof course shall take place until details of the proposed foul and surface water drainage strategy including percolation testing and any arrangements for future maintenance have been submitted to and approved in writing by the Local Planning Authority. The foul and surface water drainage systems approved shall be constructed in accordance with the approved details prior to first occupation of the dwellings hereby approved.

## **REASONS FOR CONDITIONS**

1. In accordance with provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt in the interests of proper planning.
3. To safeguard statutorily protected species in accordance with the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010).
4. To safeguard the visual amenities of the area in accordance with policy DM1 of the Mid Devon Local Plan (2013-2033).
5. To ensure that the proposed development does not prejudice the amenities of neighbouring occupiers in accordance with policy DM1 of the Mid Devon Local Plan (2013-2033).
6. To ensure the scheme is a planning betterment in terms of ecological enhancements and to safeguard statutorily protected species in accordance with the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010).

7. To ensure a satisfactory and sustainable surface water drainage system is provided before habitation of the dwelling.

## **INFORMATIVES**

1. Prior to any demolition, a work plan and risk assessment of all potentially hazardous materials should be completed. This activity is enforced by The Health & Safety Executive.
2. 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.

## **REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT**

The proposed development for the erection of a dwelling and demolition of an existing agricultural building at Rosemount, Kentisbeare, Cullompton is considered acceptable. The proposed development by virtue of its high quality design and ecological enhancement measures is considered to be a planning betterment compared with what could be achieved via a permitted development, Class Q conversion. It is considered that it would cause no demonstrable harm to the character and appearance of the surrounding area and its rural context, would have no adverse impact on highway safety or increase the risk of flooding beyond the site. It is therefore 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 is in accordance with policies S1, S9, S14, DM1 and DM5 of the Mid Devon District Council Local Plan (2013-2033) and guidance in the National Planning Policy Framework.

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

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

Application No. 21/00443/FULL

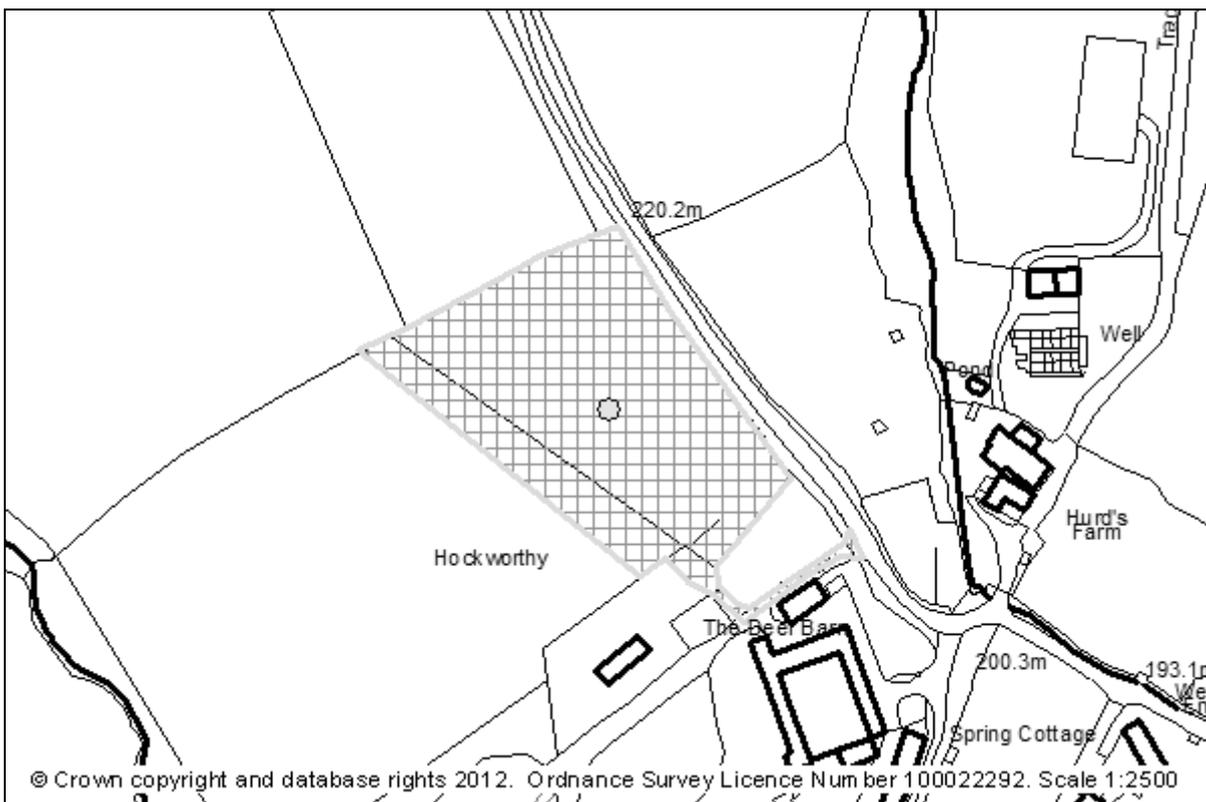
Grid Ref: 303735 : 119592

Applicant: Mr J Taylor

Location: Land at NGR 303735 119592  
The Deer Barn  
Hockworthy  
Devon

Proposal: Change of use of land for the siting of 2 glamping tents and associated facilities

Date Valid: 1st April 2021



## **APPLICATION NO: 21/00443/FULL**

### **MEMBER CALL-IN**

This application has been called in by Cllr J Norton:

To consider the impact the proposed change of use of land to provide two Glamping tents and associated items will have on the character of the rural landscape, adjacent heritage assets along with the potential impact on highway safety and the enjoyment of the level of amenity by villagers due to potential noise and light pollution.

### **RECOMMENDATION**

Grant permission subject to conditions

### **PROPOSED DEVELOPMENT**

The applicant seeks planning permission for the change of use of land for the siting of 2 glamping tents and associated facilities on land at NGR 303735 119592, The Deer Barn, Hockworthy

### **APPLICANT'S SUPPORTING INFORMATION**

Ecological Appraisal  
Supporting statement  
Viability appraisal  
Plans

### **RELEVANT PLANNING HISTORY**

16/01931/PNCOU Prior Notification for the change of use of agricultural building to dwelling under Class Q – Approved  
91/00934/FULL Conversion of barn to dwelling house - Permitted  
91/00941/LBC Conversion of barn to dwelling house - Permitted

### **DEVELOPMENT PLAN POLICIES**

#### **Mid Devon Local Plan 2013 – 2033**

S9 - Environment  
S14 - Countryside  
DM1 - High quality design  
DM2 - Renewable and low carbon energy  
DM5 - Parking  
DM18 - Rural employment development  
DM22 - Tourism and leisure development  
DM25 - Development affecting heritage assets

National Planning Policy Framework

## CONSULTATIONS

NATURAL ENGLAND – 20.04.2021:

Natural England has no comments to make on this application.

PUBLIC HEALTH – 27.04.2021

Contaminated Land - No concerns 22.04.21

Air Quality - No concerns 22.04.21

Environmental Permitting - No objection to this proposal 07.04.21

Drainage - The applicant has submitted a foul drainage assessment form but it is incomplete because there is no explanation as to why the toilets and ablution facilities on the site will not be connected to the public sewer. Compost toilets are proposed and we would support these only in exceptional circumstances where they are to be used by the occupier only, because there is a likely hygiene risk, particularly when used by multiple users not familiar with the correct use of these systems, and to the staff required to empty them. This is of particular concern during the covid pandemic when very high standards of hygiene in leisure sites is so important. No details have been provided about the proposed system, where the solid matter will be disposed of, or how the separate liquid will be managed. These toilets only work if they are kept dry which is not easy for the general public to achieve. It is likely that some contaminated water will enter the drainage systems serving the washing up areas and showers and there is no clear information about how this will be managed. A better solution would be for campers to use facilities provided by the adjacent associated residence if connection to the mains is not shown to be feasible. We would be pleased to comment on updated information in due course. 22.04.21

Noise & other nuisances - No concerns 22.04.21

Housing Standards - No comment 19/4/21

Licensing - This will require a tent site licence ' Please contact the licensing team for further information licensing@middevon.gov.uk 06.04.21

Food Hygiene - No comments 07.04.21

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

You must also register with the Local Authority (Mid Devon District Council) any private water supply. Failure to do so may result in a Section 85 Notice, with which failure to comply is an offence. Please contact Public Health at Mid Devon District Council on completion of proposal. IF MAINS WATER IS TO BE USED, WOULD HAVE NO COMMENT. 06.04.21

Health and Safety - No comments 07.04.21

Highway Authority - 08.04.2021

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

## REPRESENTATIONS

There have been 15 representations 9 of which are in support and 6 objecting to the proposal. Set out below is a résumé of the information submitted.

Support

- It will deliver valuable tourism and leisure benefits to a small rural community.
- Sustainable and low impact

- The limited number will protect nearby residents
- Staple cross inn within walking distance of the site.
- Impact on traffic will be minimal
- The site has operated informally for 2 years with no impacts on local properties.
- Any impacts can be controlled via legislation

#### Objections

- The site is adjacent to Burnt Lane, Public Footpath No. 2.
- Burnt Lane forms part of the boundary of Hockworthy Conservation Area.
- Glamping by its very nature gives rise to outdoor activity and noise, firepits, outside loos etc., and usually music.
- It would severely impact on the natural peace, beauty and character of this rural landscape adjoining a conservation area, and it will detract from Hockworthy's attributes to the detriment of future generations.
- The principle of this type of holiday accommodation and associated infrastructure within this isolated rural location is unacceptable due to the requirement to rely on the motor vehicle;
- The proposal would have an impact on the setting of adjacent heritage assets;
- It would encourage greater car use on this part of the highway network that would lead to an impact on highway and public safety;
- It would have an unacceptable impact on the level of amenity enjoyed by villagers through an increase in noise and light pollution;
- It would impact negatively on the biodiversity interests at the site and the adjoining conservation area;
- It provides no financial or employment or amenity gain for the locals;
- There is no waste management plan or fire safety plan;
- It is inaccessible for people with disabilities;
- Wildlife report required.

### **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

The application seeks planning permission for the change of use of agricultural land for the siting of 2 glamping tents and associated facilities for holiday use NGR 303735 119592 The Deer Barn, Hockworthy, Devon. The application site is located in open countryside to the North of Hockworthy and south of Staple Cross. The application site comprises part of a wooded field with the rest laid to open pasture with well-established boundaries of mature hedgerows containing some trees.

The application site is to be accessed from the south via the access track and public right of way with associated parking set within the site at the gate entrance.

#### **The main issues in the determination of this application are:**

- 1. Policy and procedure**
- 2. Need for the development**
- 3. Highway matters**
- 4. Design of holiday accommodation**
- 5. Impact on the character of the area**
- 6. Impact on amenity of occupiers of residential property**
- 7. Other planning matters**

## 1. Policy and procedure

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 Framework], published by the Government in March 2012 and revised in 2018 and later in 2019, is noted as one such material consideration.

Therefore in light of the above, the Local Authority needs to determine this proposal on the basis of a number of policies contained within the Local Plan 2013-2033. In this instance, the relevant policies are S9 (Environment), S14 (Countryside), DM1 (High quality design), DM2 (Renewable and low carbon energy), DM5 (Parking), DM18 (Rural employment development) DM22 (Tourism and leisure development) and DM25 (Development affecting heritage assets) of the Local Plan Review 2013 – 2033.

Policies S9 require development to sustain the distinctive quality, character and diversity of Mid Devon's environmental assets through high quality sustainable design which reinforces the character and legibility of Mid Devon's built environment and creates attractive places. Policies S14 seeks to control development outside defined settlement limits to appropriate rural uses. Within the NPPF, paragraph 83 with respect to supporting a prosperous rural economy outlines that:

'Planning policies and decisions should enable:

- 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.'

It is considered that there is no objection in principle to the creation of a tourist facility in this location as outlined within the supporting documentation submitted subject to the scale and design of the development and the provision of a robust marketing strategy and business plan demonstrating the suitability of the location for the venture and demonstrating how the development will achieve a high quality tourism product that meets demand. These matters are considered below. The Local Authority has approved a number of planning applications for various types of holiday accommodation within the District. The forms of holiday accommodation have included numerous barn conversions, log cabins, shepherds huts, yurts, safari tents, to name but a few.

## 2. Need for the development

In rural areas of the district, the strategy as outlined within the Local Plan 2013-2033 is that whilst there is to be strict control over development, the emphasis will be on promoting environmental enhancement including landscape and biodiversity and encouraging appropriate economic diversification with eco-tourism highlighted. Therefore subject to the development being justified through a sound business case and any impact on the landscape kept to a minimum with appropriate mitigation provided where required; a case to support this proposal could be made.

As far as policies within the Local Plan 2013-2033 are concerned, Policy S14 states that 'development outside the settlements defined by S10-S13 will preserve and where possible

enhance the character, appearance and biodiversity of the countryside while promoting sustainable diversification of the rural economy. Criteria 'C' outlines that any development needs to be of an appropriate scale.

With regard to the Local Plan 2013-2033, Policy DM22 (Tourism and leisure development) states: Proposals for new or expanded tourism, visitor or leisure facilities will be supported within or adjacent to defined settlements. Elsewhere, the nature of the proposed development must justify a countryside location and minimise environmental impacts, avoiding an unacceptable traffic impact on the local road network. Development proposals must:

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

The supporting text to this policy outlines that the justification for the development will be provided through a marketing strategy and business plan to explain how the development will achieve a high quality tourism product that meets demand. Proposals must demonstrate that their benefits outweigh any harm and that they do not cause an unacceptable impact to traffic on the local road network. Tourism and leisure developments should benefit local businesses, the environment, communities and visitors in the long-term, so the Council will seek the right form of development in the right location, with evidence that the need is not already being met by existing provision. In demonstrating unmet need for tourism proposals outside of settlement limits, applicants should have regard to the Council's Tourism Study.

The business proposal for the 2 Glamping tents for holiday use has been provided.

Over the past two years, the applicants have tested the market and the viability of the business by utilising permitted development rights under Schedule 2, Part 4, Classes A and B of the General Permitted Development Order (2015) (as amended) for the temporary change of use of the land for 28 days (which was extended to 56 days in 2020) to trial the use of the land as a camping site which provided to be highly popular and successful.

Currently accredited as Airbnb 'Superhosts', and with their hospitality recognised and rated as being of an excellent standard, the applicants are well experienced in dealing with and hosting guests on site.

The ethos of the applicant's glamping site business and the crux of the business plan is for the glamping pitches to be off grid, low impact, and sustainable. The applicants seek to use local businesses as suppliers, and the selling point of the experiences will be for guests to enjoy peace and quiet, seclusion, the dark night skies and a unique stargazing opportunity amongst the idyllic Mid Devon countryside which will be marketed as a special feature of the site.

In order to remain off grid, low impact and sustainable the site will only use solar to generate power and minimal external lighting will be used. There will be a no amplified music policy on site, with minimal noise to ensure that there is no loss of residential amenity for the applicants and any neighbouring dwellings. The kitchen area for each bell tent will comprise of a sink, BBQ, and a gas stove.

The proposed use of the site for glamping will support local craftsmen, forestry workers, cleaners and general helpers. Local produce packs to be given to guests, and the applicants have links with local businesses who will be supported.

The applicant has continued to undertake market research to assess whether the additional proposed bell tents are suitable given the current business landscape, and the applicant's business plan demonstrates that the proposal is viable and will sustainably supplement their rural income over the coming years. As reiterated within the Local Plan and Tourism Study (2014)

undertaken by the LPA, tourism plays an important role in generating income for local residents, with Devon a very popular tourist destination. However, it is less developed than other parts of the country, and therefore rural tourism development should be welcomed to supplement rural incomes and support economic growth.

Extensive research has been carried out to assess the range of visitor accommodation types already available in the area locality. Whilst there are a few accommodation options available a few miles away in the form of B&B's, holiday cottages and a lodge, there are no glamping options available nearby in the area of Hockworthy and the immediate surrounding villages.

The applicants have devised a marketing strategy for the proposed bells tents which will aim to attract a diverse range of guests from all walks of life, from individuals, couples, small families and groups of friends who will all be welcome on site. The glamping pitches will be advertised and will be targeted at both the weekend short break market and week-long summer holiday market with all the key facilities and amenities to be provided on site to meet their requirements.

Marketing of the glamping site will predominately take place online and will be linked to the applicant's existing marketing platforms which are branded under name of 'The Deer Barn'. The applicants currently run social media pages on Facebook and Instagram for advertising and marketing purposes, utilising the paid 'boost' functions to encourage a wider additional reach to potential target markets. This was the main source of bookings for the applicants when the site was trialled as a camping site under the GDPO Permitted Development Rights for the temporary change of use of the land.

### **3. Highway matters**

Due to the location of the development visitors will be predominantly reliant on the use of motor vehicles. No objections have been received from the Local Highway Authority noting standing advice should be used. The existing access has ample advance visibility and enables vehicles to sit clear of the highway. Within the site, manoeuvring and visitor parking will be provided adjacent the field entrance. Visitors will then be transferred with their luggage on arrival and departure to the tents. It is considered that the parking provision would be in accordance with Policy DM5 of the Local Plan 2013-2033.

Issues have been raised with regard to Transport and access to the site by objectors and the Ward member who has called the application in to committee. It is agreed there will be further traffic on the highways, however the number of trips are minimal and are unlikely to cause undue harm to the area or the highway network. The nature of rural activities such as these do necessitate the need for visitors to access them by way of the Motor vehicle it is a requirement where sites are away from any public transport, and a fact of rural living.

### **4. Design of holiday accommodation**

In terms of this planning application, the proposal is for the creation of two units of holiday accommodation whereby the land use is supported by adopted policy and it would represent a small scale tourism proposal across the site. As referred to earlier, a number of different types of holiday accommodation have been approved within the district with safari/Glamping tents being one, although not at significant numbers.

In terms of character and appearance, the proposed tents will utilise the traditional, natural timber strut frame and canvas exterior walls. The tents follow a simple, utilitarian traditional style of design which is typical of other, existing, similar, glamping developments and minimises potential visual, landscape and environmental impact. The use of natural canvas to all exterior walls will

provide a muted tone and allow a natural weathering, ageing/silvering of external finishes, increasing the settled character of the new structures within the rural landscape.

The proposal would change the appearance of the field through the introduction of the glamping tents which are semi-permanent structures with permanent ancillary infrastructure. In terms of sustainability, the proposed tents position takes best advantage of natural solar gain to ensure natural daylight within the accommodation is maximised, reducing any demand on electricity for lighting. The addition of the timber decks and social area around each tent is considered to be acceptable and of minimal impact.

It is considered that a case can be made that the development would comply with policies DM1 (High quality design), and DM2 (Renewable and low carbon energy) of the Local Plan 2013-2033. The scale of development for a total of 2 holiday units is considered to be in accordance with Policies DM18 (Rural employment development) and DM22 (Tourism and leisure development) of the Local Plan 2013-2033.

## **5. Impact on the character of the area**

In terms of the site area for the tents itself and the impact on the wider area, the existing field boundary hedges are to remain untouched with new specimen planting proposed. The applicant has explained that the location for the proposed tents has been selected so that any impact is kept to a minimum with the only vantage points where direct views of the proposed tents will be available are from the southern extremity of the site, adjacent the access, from a short section of the public right of way and the owners/applicants home.

A consideration of this development is in respect of the visibility of the development in the immediate locality. In the wider locality and based on the information provided when viewed in the context of these features the presence of the glamping tents is unlikely to result in significant adverse impacts to the wider landscape. Landscaping is proposed for the site with native species which is to be conditioned.

It is understood that a number of the ash trees in the location of the proposed site are suffering from ash die back and will need to be removed, they are not allowed to remain and will need to be burnt due to the nature of the disease. Alternative trees will be planted.

## **6. Impact on amenity of occupiers of residential property**

Given the distances involved from the proposed holiday units to neighbouring residential properties, it is not considered that there would be a significant detrimental impact on the amenity of neighbouring residents. A condition is recommended for any low level lighting scheme to be submitted and approved. The Public Health Team has assessed the application and has raised no objections to the proposals but recommend that the composting wc's are replaced with facilities connected to the existing system or for the provision of a septic tank. Following discussions with the applicant the proposal now will connect to the existing system located close to the new dwelling near the access point to the field. A condition requiring the approval of a management plan for the development is to be included to ensure the operation of the site provides a degree of certainty for local residents.

## **7. Other planning matters**

In terms of drainage, the roof of the proposed structures will be of canvas, accordingly the surface water run-off from same will be tempered compared to a hard, impervious roofing material. No guttering is possible and thus what rainwater does shed from the roof will shed naturally onto the

surrounding pasture in a dispersed and irregular pattern allowing natural greenfield percolation and run-off to be maintained.

The applicant has confirmed that all foul and grey water, will be dealt with by the existing on site systems, and it is noted that the site of the tents is located within flood zone 1 where this type of development is acceptable. The development therefore complies with Policy Policies S9 (Environment) and DM1 (High quality design) of the LP13-33.

An Ecological Appraisal Report by Richard Green Ecology has been submitted which outlines that no protected species would be impacted through the tents within the grassland habitat area. Although only a small area of Low ecological value habitat would be lost to the proposal, opportunities are identified as follows:

The planting of fruit trees within the grassland area. The trees chosen for planting should preferably be native fruit varieties of apple, plum, and pear and there should be two new trees for every ash die back tree removed.

The conclusion of the report is that enhancement measures which are proportional to the habitat being lost, and which are in keeping with the proposal, have been recommended. Where instigated these should ensure that the biodiversity value of the site is enhanced. A condition is recommended to ensure this happens.

The site also does not contain any protected or known features of archaeological interest.

Concern has been raised with regard to possible impact on the nearby heritage asset of the conservation area and the listed building at Court Hall and Home farm. The proposed units are located outside the conservation area and will have no negative impact on the special character of the conservation area. The listed buildings of Court Hall and Home Farm are some 200m and 220m from the proposed site with no direct line of vision from the properties to the site. Looking back from the site to the two listed buildings only the roofs are visible.

Section 66 General duty as respects listed buildings in exercise of planning functions:

- (1) In considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- (2) Without prejudice to section 72, in the exercise of the powers of appropriation, disposal and development (including redevelopment) conferred by the provisions of sections 232, 233 and 235(1) of the principal Act, a local authority shall have regard to the desirability of preserving features of special architectural or historic interest, and in particular, listed buildings.

It is considered that the proposed will not have a detrimental impact on the setting of the listed buildings and as such the setting of the listed buildings will be preserved.

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.

## 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. (i) The holiday accommodation units (safari tents) shall be occupied for holiday purposes only.  
(ii) The holiday accommodation units (safari/glamping tents) shall not be occupied as a person's sole, or main, place of residence.  
(iii) The owners/operators shall maintain an up-to-date register of the names of all occupiers of the holiday accommodation units on the site and of their main home addresses and the period(s) of their occupation of the unit for such purposes (i.e. the dates of commencement and the end of each period of occupation), and shall make this information available at all reasonable times to the Local Planning Authority.
4. The development for the 2 glamping tents hereby approved shall only be occupied for holiday purposes only, limited to 2 units of holiday accommodation on site with any further Glamping tents requiring subsequent planning approval. On the holiday units becoming redundant for such purposes, they shall be demolished and all resultant materials removed from the site within 3 months of them becoming redundant for their approved use.
5. The development of the 2 holiday units hereby approved shall not be occupied until such time as the parking and turning area indicated on the approved site layout plan have been provided on site and made available for use by holiday visitors. Following their provision, these facilities shall be so retained.
6. Prior to the first occupation of the holiday accommodation hereby approved, details of any external lighting within the application site shall be submitted to and agreed in writing by the Local Planning Authority. Any external lighting installed shall be in accordance with the agreed details.
7. The holiday accommodation hereby approved shall be operated in adherence with the approved Noise Management Plan (Deer Barn - Noise Management Plan received on the 10<sup>th</sup> June 2021), at all times, unless otherwise agreed in writing by the Local Planning Authority.
8. All planting, seeding, turfing or earth reprofiling comprised in the approved details of landscaping shall be carried out within 9 months of the substantial completion of the development or within the first planting season following completion (whichever is sooner) and any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species. Once provided, the landscaping scheme shall be so retained.
9. The development hereby approved shall be carried out in accordance with the recommendations outlined within the Ecological Appraisal Report dated March 2021 and prepared by Richard Green Ecology covering avoidance of harm to protected species and nesting birds, mitigation, compensation and enhancement, unless otherwise approved in writing by the Local Planning Authority.

## **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 in the interests of proper planning.
3. The use of the holiday let accommodation as a separate dwelling would require planning permission whereby the location, relationship to surrounding dwellings, parking facilities and areas of amenity would need to be considered further. However the application for holiday let accommodation is considered to be in accordance with DM22 of the Local Plan 2013 – 2033.
4. To ensure removal of the holiday units if no longer required for holiday occupation in order to protect the character, appearance and general amenity of the area of countryside in accordance with Policy S14 of the Local Plan 2013 – 2033.
5. In the interest of highway safety and to ensure that adequate on-site facilities are available for traffic attracted to the site in accordance with DM5 (Parking) of the Local Plan 2013 – 2033.
6. In the interests of preserving the character and visual amenity of the rural area in accordance with policy DM1 of Local Plan 2013 – 2033.
7. In the interests of residential amenity and to safeguard the amenities and character of the area, in accordance with policies S9, S14, DM1, DM2, DM5, DM18, DM22 of Local Plan 2013 – 2033, and the aims and objectives of the National Planning Policy Framework.
8. To ensure that the development makes a positive contribution to the character and amenity of the area and to protect the setting of the listed building in accordance with policy DM1 of the Local Plan 2013 – 2033.
9. To ensure the protection of endangered species, under the European Habitats Directive and the Conservation of Natural Habitats and of Wild Fauna and Flora [Council Directive 92/43/EEC] which is implemented in the UK by the Conservation [Natural Habitats & Conservation] Regulations 1994 [Statutory Instrument No 2716] amended in 2007 and in accordance with policy DM2 of Mid Devon Local Plan Part 3 [Development Management Policies].

## **INFORMATIVES**

1. This development may require a tent site licence. Please contact the licensing Team for more information [licensing@middevon.gov.uk](mailto:licensing@middevon.gov.uk)
2. If food or drink is provided, stored, processed this is considered a food business. All new food businesses are required to register with their Local Authority 28 days prior to opening. The appropriate form can be found in this link.  
<https://www.middevon.gov.uk/media/114739/foodregistrationform.pdf>  
Free advice on requirements can be given by Environmental Health. For structural requirements this is ideally sought before works start. The Food Standards Agency's website is also a useful source of information <https://www.food.gov.uk/> .
3. 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.

## **REASON FOR APPROVAL OF PERMISSION**

The proposals for the change of use to allow for the siting of two glamping tents for holiday let accommodation is considered to be acceptable with the tourism use being acceptable not resulting in a detrimental impact to the rural character of the area. It is not considered that the proposal would have an unacceptable impact on the environment or nearby heritage assets and the proposal is considered to be suitably designed and any impact on amenity of neighbouring occupiers is not considered significant given the existing boundary treatment, proposed planting and degree of separation involved. The development complies with the requirements of relevant Mid Devon Local Plan 2013 – 2033 Policies S9, S14, DM1, DM2, DM5, DM18, DM22 DM25 and the National Planning Policy Framework.

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

Application No. 21/00471/FULL

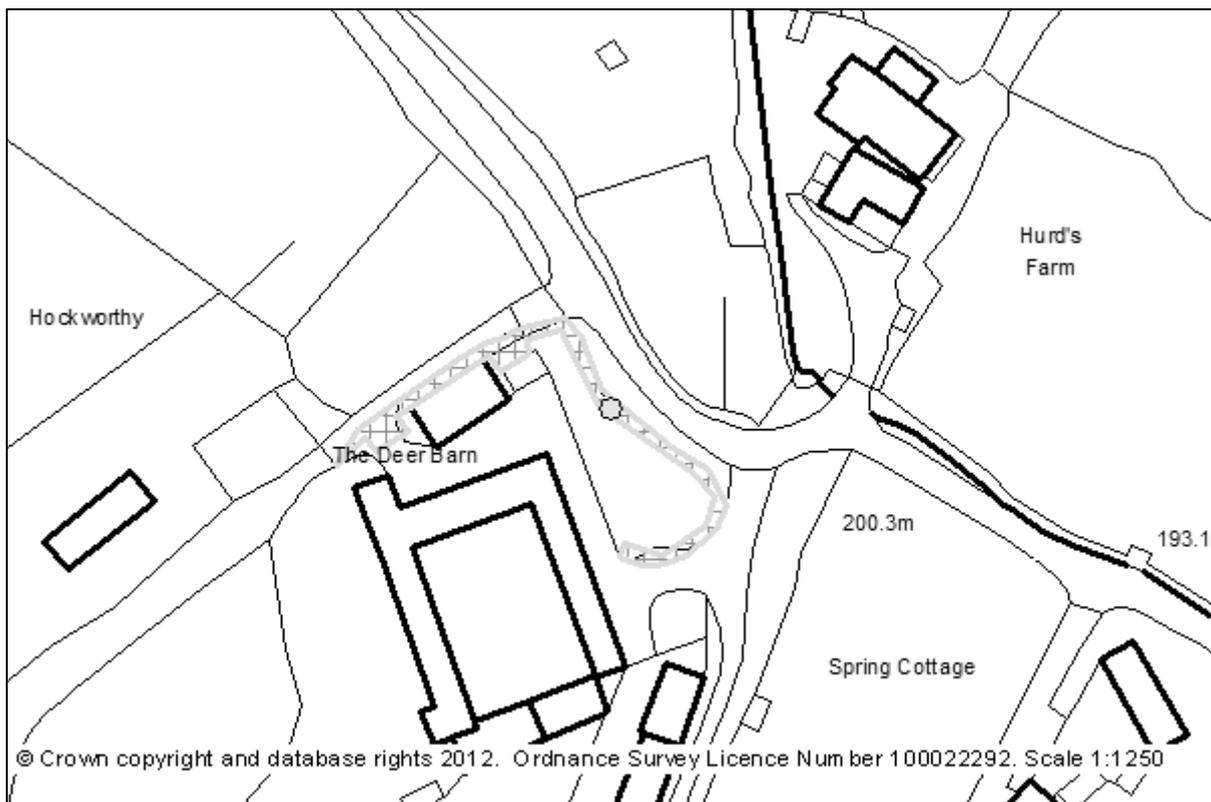
Grid Ref: 303785 : 119518

Applicant: Mr J Taylor

Location: The Deer Barn  
Hockworthy  
Devon  
TA21 0NW

Proposal: Erection of new reinstated stone wall and entrance gates and retention of part of rebuilt stone wall

Date Valid: 5th March 2021



## **APPLICATION NO: 21/00471/FULL**

### **MEMBER CALL-IN**

This application has been called in by Cllr J Norton:

To consider the impact the removal of the hedge has with its replacement wall along with the loss of biodiversity in this area.

### **RECOMMENDATION**

Grant permission subject to conditions

### **PROPOSED DEVELOPMENT**

The applicant seeks planning permission for the erection of new reinstated stone wall and entrance gates and retention of part of rebuilt stone wall at The Deer Barn, Hockworthy

### **APPLICANT'S SUPPORTING INFORMATION**

Plans  
Information with regard to previous wall.

### **RELEVANT PLANNING HISTORY**

91/00934/FULL - PERMIT date 21st January 1992  
Conversion of barn to dwelling house

91/00941/FULL - PERMIT date 21st January 1992  
Listed Building Consent for the conversion of part of barn complex to dwelling.

19/01246/CAT - NOBJ date 29th August 2019  
Notification of intention to fell 4 Ash trees within the Conservation Area

19/01255/5DAY - CLOSED date 26th July 2019  
Five Day Notification to fell 3 Ash trees within the Conservation Area

### **DEVELOPMENT PLAN POLICIES**

#### **Mid Devon Local Plan 2013 – 2033**

S9 - Environment  
S14 - Countryside  
DM1 - High quality design  
DM25 - Development affecting heritage assets

### **CONSULTATIONS**

Natural England – 19.04.2021  
Natural England has no comments to make on this application.

Highway Authority – 16.03.2021

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

Conservation Officer – 01.06.21

You will be aware that the site is in Hockworthy conservation area. The site is also close to three listed buildings: The grade 2\* Court Hall Farmhouse, the grade 2 ice house and the barn approx. 3 metres to the north east of Court Hall Farm House. Other historic buildings within the curtilage will also be protected. On the basis of the information we have it remains unclear if there was a wall on this site historically or not, but Streetview shows bushes and undergrowth (laurel) before the wall which we see now.

Hockworthy conservation area is a centred on a small hamlet centred on the Church. What is notable is the amount of stone walls to adjacent to the road in the local stone.

As you are aware we have special duty to have regard to preserve or enhance the conservation area and to have special regard to the setting of listed buildings.

Having walked through the settlement and seen the wall I am of the view that, in this context, the wall which is of local stone and well built to match the traditional style of coursing, is not harmful to the conservation area or to the setting of any of the listed buildings.

Hockworthy Parish Council - No response from Hockworthy Parish Council was received

Rights of Way officer - No response from the Rights of Way officer was received

## **REPRESENTATIONS**

One representation of objection which is set out below.

- Inappropriate development within the conservation area
- Removal of trees and bank without consent
- Unacceptable impact on biodiversity
- Impact on the setting of heritage assets.

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

The application seeks planning permission for the construction of new walls, gates and retention of a section of wall erected to the side of the road, to create a retaining wall, within the conservation area of Hockworthy and forming part of the access to the grade 2\* listed building. The site is located at Deer Barn Hockworthy Devon. The application site is located on the edge of the village of Hockworthy within its conservation area.

**The main issues in the determination of this application are:**

- 1. Policy and procedure**
- 2. Highway matters**
- 3. Impact on the character of the Grade II\* House and the Conservation area**
- 4. Impact on amenity of occupiers of residential property**
- 5. The loss of biodiversity in this area**
- 6. Other planning matters**

## 1. Policy and procedure

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 Framework], published by the Government in March 2012 and revised in 2018 and later in 2019, is noted as one such material consideration.

Section 66 General duty as respects listed buildings in exercise of planning functions:

- (1) In considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- (2) Without prejudice to section 72, in the exercise of the powers of appropriation, disposal and development (including redevelopment) conferred by the provisions of sections 232, 233 and 235(1) of the principal Act, a local authority shall have regard to the desirability of preserving features of special architectural or historic interest, and in particular, listed buildings.

Therefore in light of the above, the Local Authority needs to determine this proposal on the basis of a number of policies contained within the Local Plan 2013-2033. In this instance, the relevant policies are S9 (Environment), S14 (Countryside), DM1 (High quality design) and DM25 (Development affecting heritage assets) of the Local Plan Review 2013 – 2033.

Policies S9 require development to sustain the distinctive quality, character and diversity of Mid Devon's environmental assets through high quality sustainable design which reinforces the character and legibility of Mid Devon's built environment and creates attractive places. Policies S14 seeks to control development outside defined settlement limits to appropriate rural uses.

In addition to the main policies within the Local Plan consideration needs to be made to section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Listed Buildings Act). This will be considered later in the report.

The application is best split into two sections the proposed new wall to be located to the north of the site along with the provision of the two farm style five bar gates and the retention of the built retaining wall set adjacent to the highway.

- A. The proposed new walls and gates are typical of the area and sufficient local stone is available for the provision of the boundary treatment to the wall. The two double gates are timber and a typical rural style normally found in the area. The proposal will provide suitable enclosure to the property and subject to a suitable condition is unlikely to cause any harm to the conservation area or the nearby listed buildings.
- B. The retention of the section of wall which runs along the side of the road needs to be also considered as to what impacts it may have on the setting of the listed building and the conservation area, however this aspect will be considered later. The undertaking of work which required planning permission is able to be submitted to the Authority after the event. This is the case with this part of the application.

An objection has been submitted concerning the wall along with a supportive comment and additional information. The applicants maintain that the wall is the re-instatement of a previous wall along the line of the highway and indeed the previous owner of the property has indicated that this may have been the case, the objectors claim otherwise and that a hedge and bank has been removed to provide the wall. It is unclear from google maps and anecdotal evidence if there was a wall previously along this stretch of the road which may have formed part of a building. The hedge

that has existed along this stretch of the highway is understood to have been of mainly laurel and brambles with some other self-seeded trees and shrubs. The google map submitted shows a wall to the entrance of the Grade II\* listed property and the applicant has continued this wall to the access further up the road, where previously conservation area consent was granted for the removal of ash trees suffering from Ash Die Back.

The google map does indicate that the majority of the hedging is indeed mainly consisting of Laurel a non-typical Devon hedge species although providing some nesting and wildlife benefits, it would not be a style of hedge encouraged for this part of the Conservation area. With this in mind it is considered that had permission been sought prior to works then it is likely that consent would have been forthcoming as the proposal would remove the non-native hedging and provided a suitable means of enclosure which respects other parts of the village and the immediate area. As such in policy terms it is considered that the proposed wall is acceptable.

## **2. Highways Matters**

The existing access has ample advance visibility and enables vehicles to sit clear of the highway. Within the site, manoeuvring. The provision of the walls will not impede visibility onto the highway and the introduction of gates onto a private lane and right of way will not have any adverse impacts on the safety of this lane.

The present access is already in operation and there will be no changes to this aspect. The wall is set back from the highway and does not restrict the carriage way. The Highways Authority have raised no concerns.

## **3. Impact on the character of the Grade II\* House and the Conservation area**

When considering applications that impact on the setting of not only designated heritage assets but also non designated heritage assets consideration is to be taken with regard to a number of policies and government guidance and policy, these are set out below.

### **Policy DM25**

#### **Development affecting heritage assets**

Heritage assets and their settings are an irreplaceable resource. Accordingly the Council will:

- a) Apply a presumption in favour of preserving or enhancing all designated heritage assets and their settings;
- b) Require development proposals likely to affect the significance of heritage assets, including new buildings, alterations, extensions, changes of use and demolitions, to consider their significance, character, setting (including views to or from), appearance, design, layout and local distinctiveness, and the opportunities to enhance them;
- c) Only approve proposals that would lead to substantial harm or total loss of significance of a designated heritage asset where it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss or the requirements of the National Planning Policy Framework are met;
- d) Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use; and
- e) Require developers to make a proportionate but systematic assessment of any impact on the setting and thereby the significance of heritage asset(s).

Planning (Listed Building and Conservation Areas) Act 1990

16 & 66 General duty as respects listed buildings in exercise of planning functions.

(1) In considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

(2) Without prejudice to section 72, in the exercise of the powers of appropriation, disposal and development (including redevelopment) conferred by the provisions of sections 232, 233 and 235(1) of the principal Act, a local authority shall have regard to the desirability of preserving features of special architectural or historic interest, and in particular, listed buildings.

National Planning Policy Framework 2019

193. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

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

196. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use

The NPPF (para 192) also requires that in determining applications, local planning authorities should take account of:

- a) The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) The desirability of new development making a positive contribution to local character and distinctiveness.

The site is in Hockworthy Conservation Area. The site is also close to three listed buildings: The grade II\* Court Hall Farmhouse, the grade 2 ice house and the barn approx. 3 metres to the north east of Court Hall Farm House. Other historic buildings within the curtilage will also be protected.

On the basis of the information we have it remains unclear if there was a wall on this site historically or not, but Street view shows bushes and undergrowth (laurel) with an element of wall forming part of the access to Court Hall Farmhouse and Deer barn before the wall which we see now.

Hockworthy conservation area is a small hamlet centred on the Church. What is notable is the amount of stone walls adjacent to the road in the local stone.

We have special duty to have regard to preserve or enhance the conservation area and to have special regard to the setting of listed buildings.

The Conservation Officer has walked through the settlement and seen the wall he is of the view that, in this context, the wall which is of local stone and well-built to match the traditional style of coursing, is not harmful to the conservation area or to the setting of any of the listed buildings.

It is therefore considered that taking into account the design and appearance of the wall there is no adverse impact on the setting of the listed buildings or that of the Conservation area, the scheme is considered to be acceptable and compliant with the above policies set out in this section of the report in all respects.

#### **4. Impact on amenity of occupiers of residential property**

The new wall and gates will have no significant adverse impacts on the neighbouring properties.

#### **5. The loss of biodiversity on the area.**

The majority of the hedge was made up of Laurel although unclear which Laurel it was other than Bay Laurel, Laurel is poisonous to Humans, Horses, dogs, sheep and other household pets. Laurel needs to be located in areas where they can be safely controlled and as such this site is not an ideal location for this type of hedge. Although providing some cover for animals a more native species would normally be recommended.

Although the loss of certain biodiversity has been undertaken the introduction of the stone wall provides its own biodiversity, hosting many insects and animal life along its length and in time the establishment of plants within the crevices of the stone.

To say there is a loss of biodiversity is incorrect the different materials provide for a different biodiversity to that previously, there are still an abundance of foliage along this section of road, and an opportunity to be able to plant more appropriate local species for the area.

#### **6 Other planning matters**

The objector's agent has raised an issue with regard to site boundaries and the need to sign section B of the application form if any part of the site falls within another's ownership. It is understood initially an incorrect site plan was submitted however this has now been rectified and the correct plan is now lodge with the Authority, and the Authority have been informed that no part of the development is within somebody else's ownership, and as such certificate A has been correctly signed.

### **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 proposed new walls will be constructed with stone to match that of the existing wall facing the highway the partial subject of this application. The stones are to be laid on their natural beds and be so retained.
4. The two sets of double gates are to be of un-painted timber five bar gates as indicated in the approved plans.

## **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 the design of the walls are in keeping with the area and are compliant with Policy DM1 and DM25 of the Local Plan 2013-2033.
4. To ensure the design of the gates are in keeping with the area and are compliant with Policy DM1 and DM25 of the Local Plan 2013-2033.

## **REASON FOR APPROVAL OF PERMISSION**

The proposal for the retention and creation of a new boundary wall and associated gates is considered to be acceptable not resulting in a detrimental impact to the rural character of the area. It is not considered that the proposal would have an unacceptable impact on the environment or nearby heritage assets and the proposal is considered to be suitably designed given the existing boundary treatments in the area. The development complies with the requirements of relevant Mid Devon Local Plan 2013 – 2033 Policies S9, S14, DM1, DM25 and the National Planning Policy Framework.

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

Application No. 21/00461/FULL

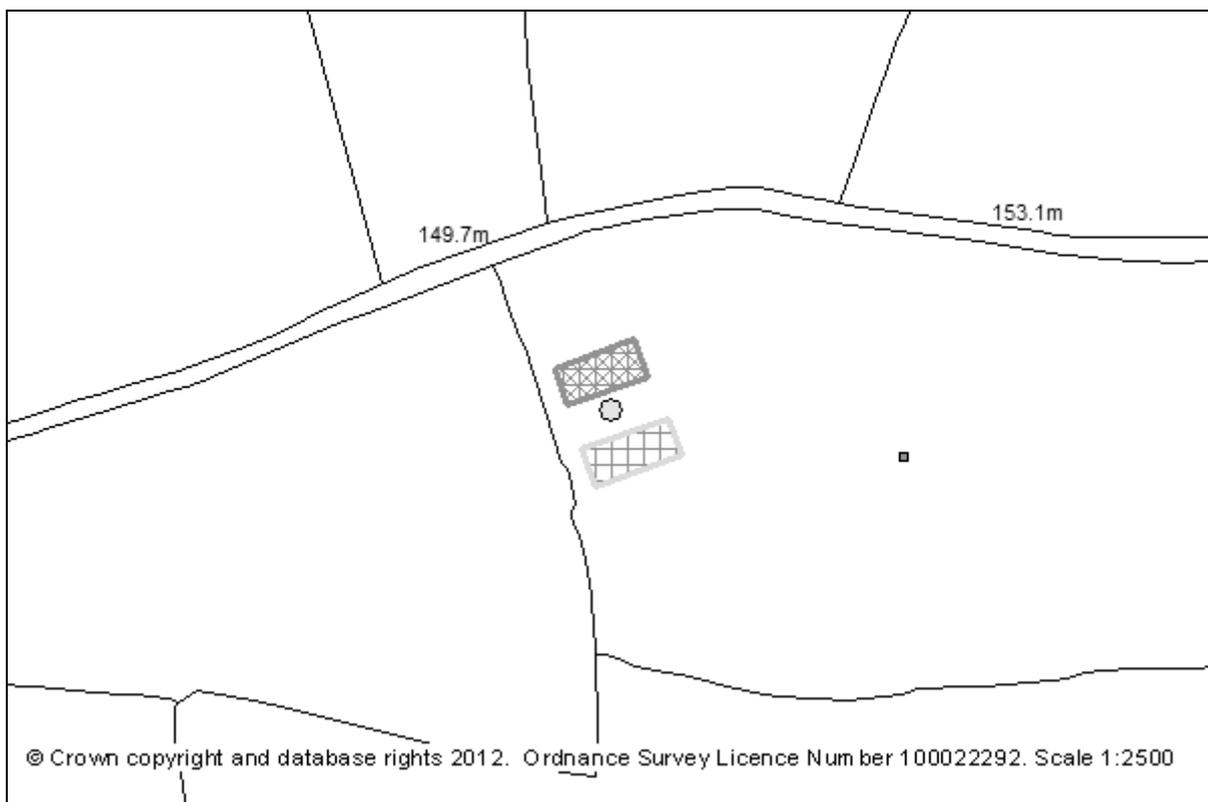
Grid Ref: 288383 : 107104

Applicant: Mr and Mrs Thorne

Location: Land at NGR 288288 107120  
Redyeates Cross  
Cheriton Fitzpaine  
Devon

Proposal: Erection of extensions to existing agricultural storage building 660sqm

Date Valid: 1st March 2021



## **APPLICATION NO: 21/00461/FULL**

### **MEMBER CALL-IN**

Councillor Polly Colthorpe has called this planning application to Planning Committee in order for Members to consider whether the proposed works are suitably scaled, designed and justified and whether there would be any impact on the wider landscape or amenity of neighbouring properties.

### **RECOMMENDATION**

Grant permission subject to conditions

### **PROPOSED DEVELOPMENT**

The applicant seeks planning permission for the erection of extensions to existing agricultural storage building 660sqm on land at NGR 288288 107120, Redyeates Cross, Cheriton Fitzpaine. The proposed extensions would provide livestock housing.

The applicant is a mixed arable and livestock farmer, currently growing fruit, vegetables and cereals, rearing sheep and cattle and operating from Thornes Farm. Planning permission for the erection of an agricultural workers dwelling has recently been approved under 20/01991/FULL in order to a farm worker/manager to oversee the livestock farming element of the agricultural enterprise.

### **APPLICANT'S SUPPORTING INFORMATION**

Completed application form, plans,

### **RELEVANT PLANNING HISTORY**

18/01450/FULL - PERMIT date 13th December 2018

Retention of engineering works for improved site access; construction of access track and hard surfaced yard

18/01530/FULL - PERMIT date 13th December 2018

Erection of an agricultural storage building

20/01991/FULL - PERCON date 28th May 2021

Erection of an agricultural workers dwelling

### **DEVELOPMENT PLAN POLICIES**

#### **Mid Devon Local Plan Review 2013 – 2033**

Policy S1 - Sustainable development priorities

Policy S8 – Infrastructure

Policy S9 – Environment

Policy S14 – Countryside

Policy DM1 - High quality design

Policy DM3 - Transport and air quality

Policy DM18 - Rural employment development  
Policy DM20 - Agricultural development

National Planning Policy Framework

National Planning Practice Guidance

## **CONSULTATIONS**

Cheriton Fitzpaine Parish Council – No response.

Highway Authority – 16<sup>th</sup> March 2021

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

Public Health – 11th May 2021

I have now had a look at this application and the additional information now provided. I have also considered the various concerns raised by people living in the area. My comments on this application are as follows:

I have considered the application for large extensions to an existing storage barn. There is very little information provided with the application, no planning statement for example, and therefore it was not initially clear what the extensions would be used for. However the additional information suggests that it will be used for housing of livestock on straw (so cattle), and this is most likely in the winter. The applicant has not provided detail about where the resultant farm yard manure will be stored prior to spreading, or how long the cattle will be housed. It is common for fym to build up over several months in situ, or to be periodically removed to an off-site storage area. The agent suggests it will be spread locally but this cannot happen throughout the year. The CSF document suggests that part of the application is to provide a covered fym store, which is beneficial, but this is not detailed in the application. Therefore the applicant should provide full details of their intended use and how it will be managed, including responding to the points raised above.

There is available land adjacent to take run off water from the building and also to take liquid waste from the housing, but no details have been provided about how this will be managed in order to ensure that run-off cannot affect the adjacent roadway. We would expect to see details of a proposed field drainage system with a catch pit or similar associated with the livestock or fym storage areas.

If the building is intended to house young stock then it is likely that heat lamps will be needed during the night at certain times of the year and residents are correct to suggest that this could be noticeable from some distance away and therefore impact on the dark sky environment. The applicant should confirm what the building is intended to be used for and if night lighting is intended then they should advise how light pollution will be avoided (for example by installing the wooden slats in a louvre style).

We will be pleased to comment again once this further information has been provided in sufficient detail that the intended uses and management of the building are clearer.

Public Health – 11th June 2021 (Following receipt of further information from applicant)

Yes that makes it clearer and yes it addresses the matters I raised so we have no further concerns.

Environment Agency - Operational development less than 1 ha within Flood Zone 1 - no EA consultation required - see surface water management good practice advice - see standard comment

## REPRESENTATIONS

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

10 letters of representation have been received at the time of writing the report, with the objections summarised as follows:

- This development does not comply with Policies S14 and DM20 which states that agricultural development must be sensitively located, appropriately scaled and designed and not have an impact on neighbours.
- There is no waste disposal plan has required by policy DM20.
- In Section 15 of the application form, the applicant has answered 'No' to the question 'Does the proposal involve the need to dispose of trade effluence or trade waste' Also in Section 20 of the application form the applicant has again answered 'No' to the question 'Does this proposal involve the carrying out of industrial or commercial activities and processes?'
- Does animal waste not constitute trade effluent or waste? Is this not a commercial activity?
- The original barn application, 18/01530/FULL, was approved on 13/12/2018, with the justification that it was for machinery and crop storage.
- The existing barn is on a hilltop and to significantly enlarge it will create an eyesore in an area of great natural beauty.
- At an increase of 250%, the scale of the proposed building is not appropriate for the area and will be a blot on the landscape.
- I suspect this application is aimed to support the application for a farm workers house as previously there were no facilities for animal breeding.
- There are queries about the amount of breeding that will occur on this site and whether the Stockleigh Pomeroy part of the business would be a more appropriate site.
- There is already a substantial barn at the applicant's Stockleigh Pomeroy site. Why can't this be pressed into service for livestock?
- This application has no justification and should be refused.
- A building of this size will most likely require substantial illumination since the livestock may well need supervision 24 hours a day. This will not only affect the neighbouring properties, but this will also cause major light pollution to an already diminishing dark sky.
- In rural areas like this one, there is a great sensitivity to light pollution for residents as well as for the insects (bees and aphid predators) which are essential for the apple orchards and vines (at neighbouring farms) to thrive in EX17.
- There is no pollution impact assessment as required by DM4.
- In the drawing there are feed barriers along all sides of the barn and to me these look like self locking yokes. These feeding stalls are known to be extremely noisy throughout the day and night:

- The cows put their heads down to feed and the barrier moves across with a bang. The impact of potential noise should be thoroughly investigated.
- Sound travels in these valleys and hills, and the negative impact of continuous banging from this barn on local residents could be considerable, especially those living at Hayne and at the outlying farms of Hayne.
- The Surface Water Drainage Strategy is inadequate. Since the building of the new barn on this site in 2019, the road just to the north of this building is often flooded in the winter months.
- With the extension, which will create a building which is 250% of the original barn size, and with livestock, the risk of flooding on this road is even greater.
- Only 57 acres in this holding is actually in the applicant's ownership; the rest is leased, largely seasonally, and most is in use for vegetable crops. This does not therefore constitute a permanent holding for which there might be some argument for such a massive new building.
- The plans submitted also show the barn floor all on one level. This then is one continuous level surface of around 39 metres by 27 metres. However this is not a level site and no reference appears to have been made to the necessary landscaping to achieve this.
- When this 57 acre land plot was purchased by the applicants around 2017 it was all laid to permanent grassland as was all the other land sold at the break up of Great Hayne Farm. Since that time the greater proportion of this land has been converted from animal pasture to vegetable growing. The evidence then is that the land was not primarily purchased or intended for sheep or cattle pasture but was in fact intended and has been predominately used for vegetable growing.
- No Business Plan has been submitted to justify this barn extension. In a separate application 20/01991/FULL an accompanying Agricultural Appraisal document in which the applicant clearly demonstrates that over 90% of farm activity is non animal related.
- In planning application 20/01991/FULL the same applicant has detailed that 220 sheep and cattle will be housed in this barn extension and on only 33 acres of this site, the remaining 20 acres of the site being drip-fed vegetables.
- The animal breakdown is given as 60 sheep, 60 breeding shorthorn beef cows and 100 young follower cows.
- It is entirely inappropriate to consider housing this number of animals on such a small parcel of land without a considered and published Waste Management Plan or a Pollution Impact Assessment by a 'suitable qualified person'.
- I believe it is appropriate to refer this application back to the Environment Agency for further comment.
- With respect to the comment made about funding from Natural England relating to use of undercover banded dung store, this claim should be explored further. Natural England do not provide funds for this type of project.
- It is possible that the funds referred to are from the Rural Payments Agency under a Countryside Stewardship agreement. This is a system that is administered by Natural England but funded by the Rural Payments Agency. However, in order to secure these funds a number of criteria have to be met including the following.
  - 1) The site has to be in a High Priority Area for water and air quality - the Redyeates Cross site does satisfy this requirement.
  - 2) The project has to be supported by and have the approval of the Catchment Sensitive Farming Officer (CSFO) for the area.
  - 3) The project should have prior planning approval.
  - 4) The project is based on existing animal numbers and not some future planned expansion.
- The submitted proposed plan drawing shows no animal access doorways on either extension. Therefore, how are the animals to access the 'livestock' areas if not through the existing barn entrance and hence through the existing barn.

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

**The main issues in the determination of this application are:**

- 1. Relevant Policies**
- 2. Policy in context**
- 3. Design, Landscape and Visual Impact**
- 4. Impact on amenity of local residents (traffic, noise, odour)**
- 5. Environmental Impact**
- 6. Highways**

### **1. Relevant Policies**

The key policy used to determine the application is policy DM20 (Agricultural development) of the Mid Devon Local Plan 2013-2033. This states that agricultural development will be permitted where:

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

Relevant assessment of the policy is given under Sections 2, 3, 4 and 5 of this report.

Policy DM18 (Rural employment development) is also relevant. This states that in countryside locations, planning permission will be granted for new build employment development or expansion of existing businesses, provided that the development is of an appropriate use and scale for its location. Proposals must demonstrate that:

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

The assessment of this policy is made under Sections 2, 3, 4 and 5 of the report.

Policy S9 (Environment) of the Mid Devon Local Plan 2013-2033 requires development proposals to sustain the distinctive quality, character and diversity of Mid Devon's environmental assets through high quality design and preservation of the distinctive qualities of the natural landscape. This policy also seeks measures to minimise the impact of development on climate change in order to contribute towards national and regional targets for the reduction of greenhouse gas emissions. Design is also measured under policy DM1 of the Mid Devon Local Plan 2013-2033.

Policy S8 (Infrastructure) and Policy DM3 (Transport and air quality) seek to manage travel demand from development and reduce air pollution whilst enhancing road safety. Significant development must be accompanied by Transport plans. Policy S14 (Countryside) seeks to control development outside of settlement limits in order to protect the character, appearance and biodiversity of the countryside while promoting sustainable diversification of the rural economy but is permissive of agricultural buildings in principle.

Reference has been made by objectors to Policy DM4 (Pollution) which states that 'Applications for development that risks negatively impacting on the quality of the environment through noise, odour, light, air, water, land and other forms of pollution must be accompanied by a pollution impact assessment and mitigation scheme where necessary. Development will be permitted where the direct, indirect and cumulative effects of pollution will not have an unacceptable negative impact on health, the natural environment and general amenity.' This matter which be discussed later within this report as the Public Team were consulted on the proposals and made requests for further information which was provided by the applicant.

## **2. Policy in context**

The National Planning Policy Framework (NPPF) affirms three objectives to the principle of sustainable development: economic, social and environmental. The Framework seeks to support a prosperous rural economy through the expansion and diversification of all types of rural business and the NPPF applies a presumption in favour of rural development subject to compliance with local planning policies.

The proposed development is said to be reasonably necessary as it has been outlined that with regard to the current farming enterprise, this extends in total to approximately 250 acres, upon which there can be up to 100 animals (shorthorn beef, calves, ewes and lambs) at any one time. There are proposals to increase the livestock element of the agricultural enterprise and the extensions proposed are to house livestock. As such the extensions to the building are therefore considered reasonably necessary to support the agricultural activity on the holding.

The proposal would allow for the expansion of the farming activity at Thorne Farm and the livestock element on this site. The proposed development is considered to comply with part a) of DM20 and the generation of employment on the site would receive policy support under DM18 of the Mid Devon Local Plan 2013-2033.

## **3. Design, Landscape and Visual Impact**

The development site comprises an agricultural field used for grazing and the growing of crops with an existing agricultural storage building on site which is to be extended. There is an existing access and the applicant owns the adjoining fields. The development site lies outside of any statutory or non-statutory/local landscape designations.

The materials proposed are for metal profile walls and corrugated sheet roof in keeping with the existing building. Whilst the design of the structure is utilitarian, it is considered to be appropriate for the intended use of livestock housing. The extension is proposed at the north and south side of the existing agricultural building on site and would provide an additional 660 sqm of floor area. The extensions do not exceed either the eaves or ridge height of the existing building, instead providing a smaller continuation to either side. As such the extensions would be viewed in this context which is considered to represent a form and a scale which would be acceptable not having an unacceptable impact upon the character and appearance of the area. Having regard to the siting of the works in relation to neighbouring properties it is not considered that the proposal would result in any significant adverse effects to the amenities of neighbouring occupiers due to the distances involved. The development of the site is considered to comply with S9, S14, DM1 and DM20 of the Mid Devon Local Plan 2013-2033.

#### **4. Impact on amenity of local residents (traffic, noise, odour, light pollution)**

In terms of the impact on the amenity of occupiers of neighbouring property, the proposed extensions to the existing agricultural building would be located over 200m away from the nearest residential property. Therefore it is not considered that there would be any significant detrimental impact on amenity of neighbouring occupiers in terms of overbearing impact/overlooking.

Objections have been received on the grounds that there will be a detrimental impact on the amenity of neighbouring properties through noise and light pollution. The Local Planning Authority has consulted Public Health in the determination of the application and whilst they have raised no objection on the grounds of noise disturbance they did question the issue of light as if the building is intended to house young stock then it is likely that heat lamps will be needed during the night at certain times of the year and as such residents would be correct to suggest that this could be noticeable from some distance away and therefore impact on the dark sky environment.

As a result of this, the Public Health Team advised that the applicant should confirm what the building is intended to be used for and if night lighting is intended then they should advise how light pollution will be avoided (for example by installing the wooden slats in a louvre style). The applicant responded to outline that there will be no heat lamps used, they are not required for calving cows. The building would be lit intermittently during the calving period but the outside of the building they have either vent air steel cladding or Yorkshire boarding and therefore little or no light would escape. The Public Health Team are happy with this explanation and raised no objections on the grounds of light pollution.

#### **5. Environmental Impact**

The site is located in the countryside, within Flood Zone 1 and the topography is such that certain views to the proposals will be screened. Objections have been received on the grounds of drainage and pollution to the environment from the proposed livestock use of the building.

The applicant has outlined that there will be no slurry waste. Instead the straw based dung from the livestock building is a valuable commodity and will be ploughed into land used for growing vegetables to improve soil structure, increase organic matter and provide valuable nutrients. There will be no slurry from this straw based system. There was also reference made to Natural England providing some funding to one of the proposed extension "lean to" that is to be used as an undercover bunded dung store (for this straw based system).

The Public Health Team noted that the information provided was that the extensions would be used for housing of livestock on straw (so cattle), and this is most likely in the winter. However the applicant had not initially provided detail about where the resultant farm yard manure will be stored prior to spreading, or how long the cattle will be housed. The Public Health Officer advised that it is common for fym to build up over several months in situ, or to be periodically removed to an off-site storage area.

As a result, the applicant has provided further information informing that the extension on the South side of existing building will be used for housing cattle on straw bedding from November till the end of March, during the spring and summer months it will be used for general storage, fym will be removed if necessary during the winter and stored in the bunded fym store which forms the extension on the North side of the existing building. The bunded fym store is a water tight area used to store excess fym during the winter months until it will be spread on to the arable land at the site prior to ploughing. The Public Health Officer has confirmed that this would be acceptable.

The Public Health Officer commented that there is available land adjacent to take run off water from the building and also to take liquid waste from the housing, but the initial submission contained no details as to how this will be managed in order to ensure that run-off cannot affect the adjacent roadway. A revised plan has been shown showing the drainage arrangement to a soakaway and the applicant outlines that the rainwater from the building will be put into a soakaway on the south side of the building, the bunded dung store ensures that no liquid waste can escape from the fym as no rain will be passing through it, covered straw yards produce little or no liquid.

In light of the above, the Public Health Team have raised no objection to the scheme and overall it is considered acceptable in terms of the likely environmental impacts, being in accordance with Policies DM4 and DM20 of the Mid Devon Local Plan 2013-2033.

## **6. Highways**

The erection of extensions to an existing agricultural building, on land which is already used for grazing of livestock (or adjoining to land being grazed) is not expected to result in a significant increase in traffic movements. The Highway Authority have not objected to the scheme and as such the likely impact to the local highway network is considered to be acceptable.

There are no other materials considerations to weigh against the grant of planning permission, and approval subject to conditions is recommended.

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.

## **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. No external lighting shall be provided unless an application in that regard is first submitted to and approved by the Local Planning Authority.

## **REASONS FOR CONDITIONS**

1. In accordance with provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt in the interests of proper planning.
3. Having regard to the countryside setting and to safeguard the visual amenities of the area in accordance with Policies S9 and DM1 of the Mid Devon Local Plan 2013-2033.

## **REASON FOR/ APPROVAL OF PERMISSION/GRANT OF CONSENT**

The application scheme for the erection of extensions to existing agricultural storage building (660sqm) is considered to be supportable in policy terms. The extensions are considered reasonably necessary for the purposes of agriculture. There will be no significant adverse impacts on the character and appearance of the area, the amenity of residents of nearby properties, the environment or the local road network. As such, the proposal complies with policies S1, S9, S14, DM1 and DM20 of the Mid Devon Local Plan (2013-2033) and the National Planning Policy Framework

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

In accordance with Paragraph 38 of the National Planning Policy Framework, the Local Planning Authority has worked proactively and positively with the applicant. This has included the submission of additional information from the applicant. In accordance with the National Planning Policy Framework, the Local Planning Authority has also involved the community in the consideration of this application.

Application No. 21/00709/FULL

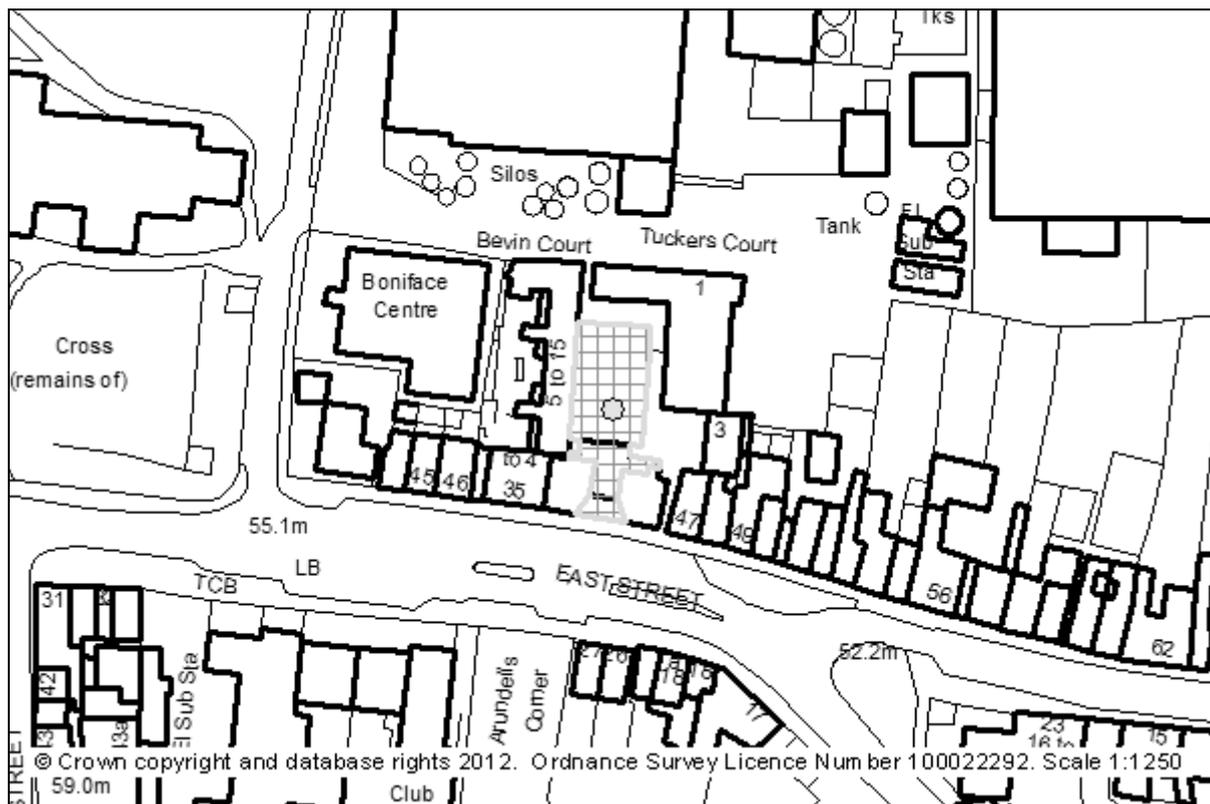
Grid Ref: 283735 : 100150

Applicant: Mr Andy Palmer

Location: Buccaneers Bar  
3 Cinema Buildings  
East Street  
Crediton

Proposal: Change of use from Public house (Sui generis) to offices and canteen facility (Use Class E)

Date Valid: 20th April 2021



## **APPLICATION NO: 21/00709/FULL**

### **MEMBER CALL-IN**

**Cllr Cairney has called this application in to consider the loss of a dedicated music and community facility.**

### **RECOMMENDATION**

Grant permission subject to conditions

### **PROPOSED DEVELOPMENT**

Change of use from public house (sui generis) to offices and canteen facility (sui generis) at Buccaneers Bar, 3 Cinema Buildings, East Street, Crediton.

This site is located on East Street in Crediton and at the rear adjoins the existing Crediton Dairy site. The building was historically a cinema and more recently has been used as a bar and music venue.

It is proposed to change the use of the existing building to provide offices and a canteen. The two residential flats at first floor level are not part of the proposed site.

At this stage permission is sought of the change of use only. The application also indicates that the existing canteen building on the dairy site would be demolished and the area made available to provide 15 parking spaces.

NB: the description of development was amended on 22<sup>nd</sup> June to reflect the current version of the Town and Country Planning (Use Classes) Order 1987 (as amended). This was re-advertised for 14 days and any additional representations received in light of this will be reported to committee as an update.

### **APPLICANT'S SUPPORTING INFORMATION**

Application form

Site location plan

Floor plans

Planning statement

Email from application – confirmation that the application relates only to the change of use and no physical alterations to the building.

### **RELEVANT PLANNING HISTORY**

84/00224/FULL - REFUSE date 13th June 1984 Conversion from cinema to night club

84/01359/FULL - PERMIT date 28th November 1984 Change of use to provide snooker room

85/01756/ADVERT - WD date 8th January 1986 Consent to display a flat sign against existing front wall

86/00875/FULL - PERMIT date 22nd July 1986 Relaxation of condition (c) 4.18.84.1359 i.e. hours of opening between 10 a.m. to 11 p.m. each day

87/00048/FULL - PERMIT date 19th March 1987 Continuation of use without complying with condition (a) of previous planning permission 4.18.86.875 restricting hours of operation

88/00758/FULL - PERMIT date 23rd June 1988 Continuation of use without complying with condition (a) of previous planning permission 4.18.87.48 restricting hours of operation

90/01762/OTHER - DELETE date 17th November 2004 Outline for the erection of first floor for indoor bowls/function room and Managers flat in association with existing Snooker hall  
96/01830/FULL - PERMIT date 17th February 1997 Change of use from a snooker club to a sports and social club  
05/01881/DET - CLOSED date 14th March 2016 Licensing application  
21/00709/FULL - PCO date Change of use from Use Class C4 to offices and canteen facility (Use Class E)

## **DEVELOPMENT PLAN POLICIES**

Mid Devon Local Plan 2013- 2033  
Policy S1 -Sustainable development priorities  
Policy S6 – Employment  
Policy S9 – Environment  
Policy S12 – Crediton  
Policy DM1 -High quality design  
Policy DM3 - Transport and air quality  
Policy DM5 – Parking  
Policy DM15 - Development outside town centres  
Policy DM23 - Community facilities  
Policy DM25 - Development affecting heritage assets

National Planning Policy Framework

National Planning Practice Guidance

## **CONSULTATIONS**

CREDITON TOWN COUNCIL- 4<sup>th</sup> June- It was resolved to recommend that should the case officer be minded to approve the change of use, Cllr Downes be asked to call in the application to be heard by the MDDC Planning Committee. Cllr Brookes-Hocking explained that if this is the case, members of the public will also be able to speak about the application.

PUBLIC HEALTH- 6<sup>th</sup> May-

Contaminated Land: No concerns. (30.04.21).

Air Quality: No concerns. (30.04.21).

Environmental Permitting: No objection to this proposal. (26.04.21).

Drainage: No concerns. (30.04.21).

Noise & other nuisances: No concerns. (30.04.21).

Housing Standards: No comment. (05.05.21).

Licensing: The premises licence should be surrendered if no longer required for licensable activities. (26.04.21).

Food Hygiene: No comments. (26.04.21).

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

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

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

IF MAINS WATER IS TO BE USED, WOULD HAVE NO COMMENT. (28.04.21).  
Health and Safety: No comments. (26.04.21).

HIGHWAY AUTHORITY- 6<sup>th</sup> May-

The site is accessed off the A377 County Primary Route which is restricted to 30 MPH. This application proposes to change the use from a bar to offices and canteen, and part of this proposal it states there will be an increase of 25 employees in the Application Form. Which will be an increase of 21 employees at this location. There is no proposal for additional parking for these employees or visitors numbers this proposal could create. There is no public communal parking in this area and parking is a premium in East Street and the adjacent streets. Therefore the County Highway Authority cannot put forward a recommendation until the further information has been received and assessed.

19<sup>th</sup> May

The Applicant has submitted a Planning Statement which indicates that once the canteen has been moved into the new proposed location, the old canteen will be removed and parking will be provided for 15 additional vehicles.

In principle there is no objection to this but would like to see a condition issued to ensure this car parking area comes forward within a reasonable timescale, as this not part of the application.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, MAY WISH TO RECOMMEND CONDITIONS ON ANY GRANT OF PLANNING PERMISSION

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

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

(n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

MDDC ECONOMIC DEVELOPMENT OFFICER- 15<sup>th</sup> June  
Economic Development is supportive of this proposal.

Crediton Dairy has been present on its current site in the town since the 1940s. It is a strategically significant employer for Crediton with well over 100 employees working at its premises. The business has grown significantly over the past decade and supports over 70 local farms, while providing 1% of the entire UK milk supply.

Crediton Dairy has had to be creative and flexible in order to grow within the constraints of its town centre site. The Economic Development team have struggled to find alternative suitable sites that could provide a longer term base of operation for the Dairy within a sensible distance of its current location. This situation makes the change of use application significant, as approval would enable the Dairy to expand their activities, increase their workforce, and improve the longer term viability of their current location.

The owners of the Buccaneers Bar are on record as stating that the business has not been profitable for the past 4 years. This suggests that the viability of the site as a bar or music venue is relatively low, and that this is not simply due to the pandemic in which we currently find ourselves. This is not surprising given that the bar is located outside of the main high street, has relatively poor vehicle access and has significant competition from other pubs and bars in the area.

It is unfortunate that the application would result in the loss of a music venue, and the Economic Development team would be keen to work with concerned members of the Crediton community to help identify opportunities to enhance the visitor offer within the town.

We understand from recent Crediton Town Council meetings that there has been discussion about submitting an application for the building to be designated as an Asset of Community Value. However, at the time of writing this report, no application has been made.

## **REPRESENTATIONS**

At the time of writing this report 34 letters of representation have been received of which there are 32 objections and 2 letters of support. The key points are summarised below;

1. It is an excellent music venue and Crediton has nowhere else of a suitable size and atmosphere for these types of events
2. The venue is highly valued and jazz events have been popular
3. It is a historic venue, as an old cinema, and should be preserved as an entertainments venue for the benefit of the town
4. It is the only venue of this type in the town
5. Offices or a canteen for private use would not be a benefit to others in Crediton
6. Unlike other venues in Crediton where music is performed, Buccaneers already has disabled access through the main door
7. Buccaneers could be made available to other choirs and musicians
8. The present location of the dairy is unpopular, is an eye sore and causes problems with traffic, air pollution,
9. The dairy should relocate

10. More employees would mean more traffic and more problems with parking
11. Buccaneers has been severely underused
12. Venues such as this are needed for recovery and social inclusion after the pandemic
13. Buccaneers is irreplaceable
14. Buccaneers is perfectly set up as a music venue with a stage, seating on two levels, a bar and exceptional acoustics
15. The building has significant heritage value and has potential for varied community use for the performing arts, cinema or community leisure and recreation.

In support;

1. If Buccaneers can't make it a viable business then lets support Crediton Dairy who employ a lot of people and will employ more when this application is agreed
2. Crediton Dairy is a big asset to Crediton

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

The main issues in the determination of this application are:

- 1. Policy and principle of development**
- 2. Highway and parking**
- 3. Impact on the amenity of neighbouring occupiers**
- 4. Other**

### **1. Policy and principle of development**

Crediton Dairy has been established at the Church Lane site since 1947. It currently employs 160 people. The company is seeking to relocate its administration and head office functions onto the main site. The proposal would enable the dairy site to be expanded onto this adjacent site to expand their activities, increase employment and improve the long term viability of this site.

Policy S12 sets out that Crediton will continue to develop its role as a small and vibrant market town, serving a rural hinterland in the western part of the district. It supports proposals which support the economic regeneration of the town centre including the provision of commercial development.

Policy DM15 allows for office uses in edge of town centre locations where they are well related to the town centre and accessible by public transport, walking or cycling. In this case the location for the proposed office/canteen use is considered to be sustainable, accessible to/from the town centre and driven by its siting immediately adjacent to the dairy site which it is proposed to form part of.

Policy DM23 relates to community facilities and states that *Proposals involving the loss of community facilities such as local shops, public houses, allotments, cultural and recreational facilities and other important local services will not be permitted where this would damage the settlement's ability to meet its day to day needs or result in the total loss of such services to the community.*

The representations that have been received have raised concerns with the loss of Buccaneers Bar particularly in relation to the loss of a venue for music events. Whilst it is unfortunate that the proposal would result in the loss of this venue it is noted that there are other public house facilities

within the town, including one of which advertises as holding regular live music events. The Crediton Arts Centre also offer hire for music gigs. Whilst it is appreciated that these venues may provide a slightly different offering, from a planning perspective the existence of other public houses with music events are considered to provide a comparable offering such that it is not considered that the proposal would result in the total loss of this facility within Crediton. The Council's Economic Development Officer has also queried the viability of the bar particularly given the site location outside of the main high street, poor vehicular access and competition from other pubs and bars in the area.

Crediton Dairy currently operates within the adjacent site and any expansion is constrained by its location. It is noted that the Council's Economic Development Team has sought to work with Crediton Dairy to find alternative suitable sites to provide a longer term base of operation for the Dairy business but as yet this has been unsuccessful. Therefore, the Economic Development Officer is supportive of the proposal which would provide the business with a unique opportunity to expand their activities, increase workforce and improve the longer term viability of the current location. On this basis it is considered that the proposed change of use is supportable in principle in accordance with the aims of S6 and DM15 which are generally supportive of opportunities for employment development in sustainable locations such as this.

## **2. Highway and parking**

It is proposed that access would be provided directly from the main dairy site and the main entrance from East Street would be retained as a fire exit only. The relocation of the office facilities into this building would enable the existing single storey office buildings on the dairy site to be removed and subsequently allow for an additional 15 parking spaces. The proposal would result in an increase in 21 office staff at the site. Whilst it is recognised that the parking is a premium in this area (both on site and off site) the Highway Authority are satisfied, subject to the additional 15 spaces being secured, that they would have no objections to the proposal. The additional parking provision is considered to be sufficient to serve an office space of this size in accordance with policy DM5, particularly having regard to the location of the site and accessibility to public transport provision.

Following further discussions with the Highway Authority they have advised that the suggested construction management plan condition is not likely to be required. As the application is for the change of use only, in this case it is not considered that it is necessary or reasonable to require a construction management plan and therefore this suggested condition is not included.

## **3. Impact on the amenity of neighbouring occupiers**

The site is surrounded by a number of properties containing residential, commercial and community uses. Having regard to the siting and design of the building and its relationship with the adjoining properties, it is considered unlikely that there would be any significant loss of privacy or overlooking to neighbouring occupiers. Having regard to the existing use it is considered unlikely that the proposal would result in any significant impacts in terms of noise. The Council's Public Health Team have not raised any objections to the proposal. Overall it is considered that the proposed change of use is not likely to result in any significant adverse impacts to the amenities of neighbouring occupiers.

#### **4. Character and appearance of the Crediton Conservation Area**

The site is located in the conservation area. The application does not propose any physical alterations to the building and relates to the change of use only.

Section 72 of this Act requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area.

Policy DM25 states that heritage assets and their settings are an irreplaceable resource. Accordingly the Council will:

- a) Apply a presumption in favour of preserving or enhancing all designated heritage assets and their settings;
- b) Require development proposals likely to affect the significance of heritage assets, including new buildings, alterations, extensions, changes of use and demolitions, to consider their significance, character, setting (including views to or from), appearance, design, layout and local distinctiveness, and the opportunities to enhance them;
- c) Only approve proposals that would lead to substantial harm or total loss of significance of a designated heritage asset where it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss or the requirements of the National Planning Policy Framework are met;
- d) Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use; and
- e) Require developers to make a proportionate but systematic assessment of any impact on the setting and thereby the significance of heritage asset(s).

Having regard to the proposed change of use and as no physical alterations are proposed to the building at this time, it is considered that the proposal would preserve the character and appearance of the conservation area in accordance with policy DM25.

#### **5. Other**

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.

#### **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. Within 3 months of the first use of the office and canteen hereby approved, the existing office and canteen building shall be demolished and replaced with additional parking spaces in accordance with the details as shown on drawing reference 'Parking "Proposed" 45 Spaces'.

## **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 the provision of appropriate parking provision in accordance with policy DM5 of the Mid Devon Local Plan 2013- 2033.

## **SUMMARY- REASON FOR APPROVAL**

The application for the change of use from public house (sui generis) to offices and canteen facility (sui generis) is considered to be supportable in policy terms. Having regard to the other available facilities within Crediton, the loss of this community facility is not considered to damage the settlement's ability to meet day to day needs or to result in the total loss of such services to the community. The proposal would enable the existing established dairy business to enhance existing office and canteen space as well as providing additional office space and would therefore expand employment opportunities in this sustainable location. It is considered that the proposal is unlikely to result in any adverse impacts to the local highway network and additional parking provision can be provided on site through removal of the existing office buildings. It is considered that the proposal would not result in any significant adverse impacts to the amenities of neighbouring occupiers. Overall it is considered that the proposal for the change of use to facilitate the enhancement and expansion of the existing business facilities on the adjacent site is supportable in accordance with policies S1, S6, S12, DM5, DM15, DM23 and DM25 and government advice in the NPPF.

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.