

## PLANNING APPLICATION REPORT

**Case Officer:** Verity Clark

**Parish:** Sourton **Ward:** Bridestowe

**Application No:** 2205/20/FUL

**Agent/Applicant:**

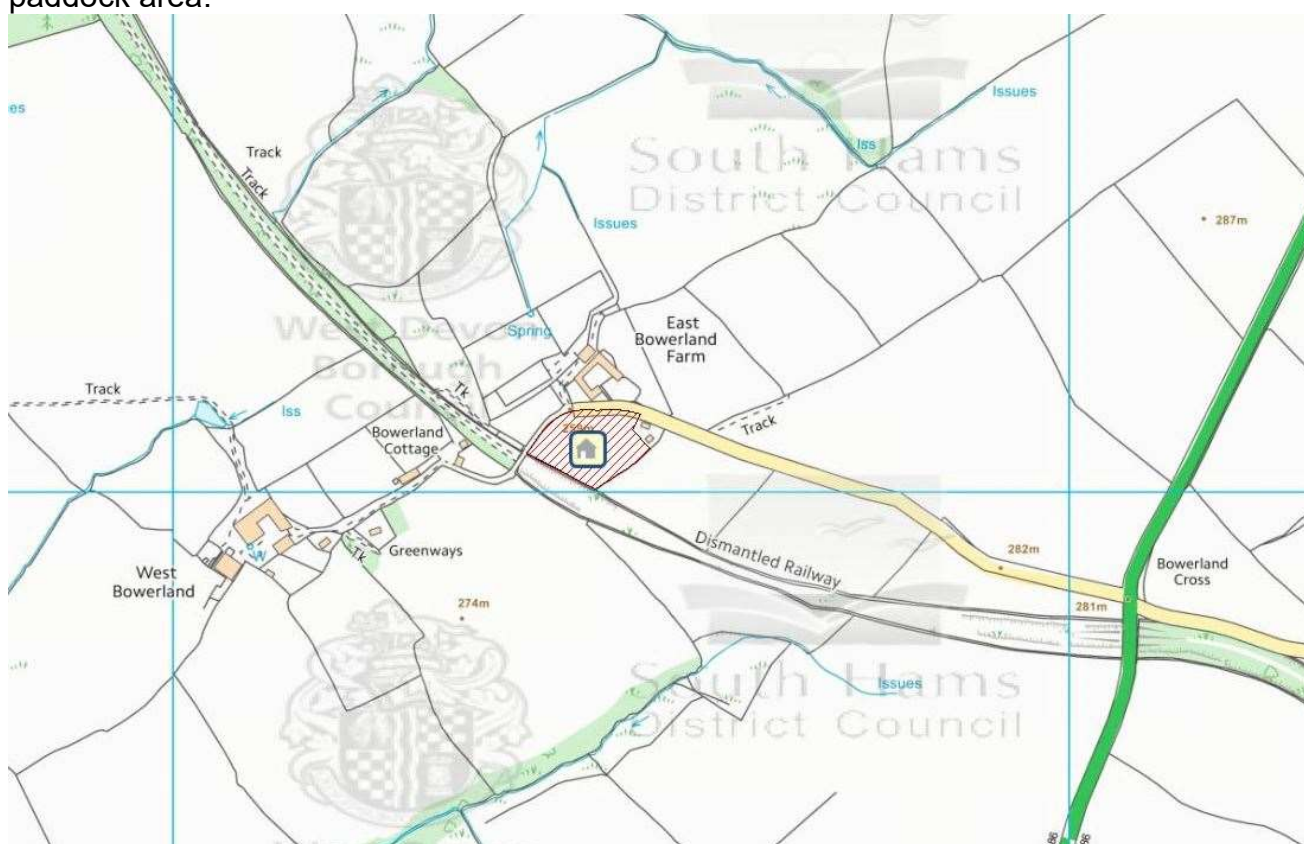
Mr I Little - Exbourne Planning Services  
Fenlea  
Exbourne  
Okehampton  
EX20 3QS

**Applicant:**

Mr M Rouse  
The Stables  
East Bowerland Farm  
EX20 4LZ

**Site Address:** The Stables, East Bowerland Farm, Okehampton, EX20 4LZ

**Development:** READVERTISEMENT (revised plans and description) Erection of stables and change of use of land to paddock and (in part) a separate dog training and paddock area.



**Reason item is being put before Committee:**

Cllr Mott - Residents and the Parish Council have expressed concerns over the extent of the dog training facilities and possible associated noise given the extensive area already available to them.

**Recommendation:** Conditional Approval

## Conditions:

1. Time limit
2. Accord with plans
3. Sustainable form of drainage for stables
4. The total number of dogs utilising the existing training barn, existing outdoor training area and proposed land shall not exceed 11 at any time
5. Notwithstanding the details of the noise management plan, the use of the land for dog training shall not operate outside the hours of 8am to 8pm Monday to Saturday and 10am to 4pm on Sundays. A maximum of 3 hours of training classes can take place on Sundays between the hours of 10am and 4pm. For the avoidance of doubt the use of the land for the training of dogs shall not take place on Bank Holidays.
6. Dog training use ancillary to existing dog training facilities of East Bowerland Farm
7. Dog training shall only take place in area noted on site location plan
8. No external lighting without consent
9. Adherence to noise management plan
10. Adherence to management strategy
11. No burning of waste or manure
12. No parking on the site
13. Equine use for domestic purposes only – not commercial
14. No permanent dog training equipment on the site
15. Equine and dog training use only

## Informative:

Wildlife informative

## Key issues for consideration:

Principle of Development/Sustainability  
Design/Landscape  
Neighbour Amenity  
Highways/Access  
Flood Risk/ Drainage  
Ecology/ Biodiversity

---

## Site Description:

East Bowerland Farm is a former agricultural holding that has a number of residential units/ holiday cottages and an associated dog training business. The business address is East Bowerland Farm whilst the applicant lives in 'The Stables, East Bowerland Farm'. The site is owned and occupied by one family and the business runs from East Bowerland Farm. The site is accessed via a long country lane that also services a nearby farm and other residential dwellings.

Prior approval was granted under 01109/2015 for the conversion of two agricultural buildings to 2 dwellinghouses on the land directly adjacent to the application site. The applicant has stated the intention is to use these as holiday lets however they are not restricted by any such conditions.

The site is considered to be in the countryside for the purposes of policy assessment.

### **The Proposal:**

The proposal seeks to change the use of an existing agricultural field to a mixed use of equine and dog training. A stables with capacity for 3 horses is proposed measuring approximately 21.3m x 5m with a maximum height of 3.25m. The stables would feature vertical timber boarding to all elevations with merlin grey coloured roof sheets.

### **Consultations:**

- County Highways Authority:

No highways implications.

- Environmental Health Section

Response received 26/10/20 (Full comment can be read online):

- Existing consent for large barn used for dog training and an adjacent area used for outside agility. Maximum number of dogs on site at any one time is 11. The applicant has not applied for an increase in this number, and neither have they set out the typical arrangements in terms of frequency and duration of dog training and agility classes
- The new application is primarily for stabling for horses and an adjacent horse paddock. We have no concerns regarding this although do consider that a condition prohibiting the burning of horse bedding and the like should be included in any approval.
- The application was varied to include dog training on the horse paddock. We do have concerns about this. Typical noises associated with training and agility are excited barking and loud human vocalisation. Both of these types of noises can affect residential amenity when happening loudly and regularly because in certain weather conditions they can carry some distance. There is no attenuation that the applicant could suggest or provide which would ameliorate this.
- The applicant states in the supporting information that there would be "no noise or other nuisance" and we do not agree with this because residents already report hearing dog barking, sometimes at annoying levels, even with the restriction on numbers to 11.
- There is plenty of space already permitted in which to do this with an appropriate level of management. We therefore do not see any justification for providing more land for this particular activity.

Response received 18/11/20 following query about impact on foul drainage system:

As it's a private piped system it will be fine, it's not in their interests to locate the building anywhere which would restrict access for repairs etc but the pipes connect with a contained treatment/storage system so the building will not impact on that.

Response received 19/11/20 following submission of noise management plan:

Updated Environmental Health comment: The applicant has now submitted a comprehensive noise management plan which sets out how they manage their business and the dogs under training in such a way that barking is unlikely to occur to any extent likely to affect people living nearby. The plan includes management of the number of people and dogs on site at any time and the way in which both staff and owners must behave in order to minimise the potential for excessive barking. We are satisfied that this is sufficient to demonstrate that there is unlikely to be an unreasonable impact on the amenity of nearby residents if this application site is used for dog training as well as a grazing paddock for horses

- Joint Local Plan Team (Full comment can be read online):
  - Standards in terms of acreage relate to horses that are actively and exclusively feeding on the pasture.
  - If the feeding is done within a stable (as is actually the case a lot of the time in the UK over winter) then there is less of a correlation between the size of grazing land and the number of horses at the facility.
  - The final bullet point of TTV26 is applicable – the proposal should be supported by a management plan and exit strategy to manage and mitigate landscape degradation over the lifetime of the facility.

[Case officer note – ‘standards’ refer to The British Horse Society recommendation of a ratio of two horses per hectare on permanent grazing (1-1.5acres per horse) stated in paragraph 11.74 of the Adopted SPD]

- Sourton Parish Council:

Response received 9/9/20 to original proposal only seeking to change the use of the field to equine with associated stables:

The parish council support the use of the site, both stables and paddock, for equestrian use only and the condition attached that it is not then used for dog training.

Response received 7/10/20 following re-advertisement altering application to include use for dog training and relocation of proposed stables:

The Parish Council object with the following comments:

The council object to the application as a whole. The application constitutes an overdevelopment of the business in that area and the supporting statement is inaccurate and contradictory. The council also feel that the past history of this site regarding non-adherence to previous planning conditions is also relevant in this case. In addition to this, the amended site for the stables now makes it visible from public areas.

## **Representations:**

5 letter of objection received, including a noise impact technical review. (Full details of the comments received can be read online). Issues raised:

- Visual appearance
- Noise impacts

- Visibility of site
- Lighting
- Size of stables
- Over dominance
- Increased traffic
- Impact on agricultural/ rural feel of area
- Commercial overdevelopment
- Elevated position
- Management of site
- Lack of justification for additional space
- Siting of stables
- Justification for stables
- Parking
- Blue land ownership
- Breaches of planning
- Planning history
- Impacts on amenity
- Impact on character of area
- Impact on bridle path/ Pegasus trail
- Alternative location for use
- Lack of public facilities
- Enforcement of conditions
- Drainage
- Lack of land to support 3 horses/ponies
- Noise management plan does not cover agility training
- Existing restriction on hours of operation

2 letters of support submitted by the agent were also received. (The full comments can be read online). Issues raised:

- The sound assessment report submitted with the original planning application and the site management plan confirm no noise
- No statutory noise nuisance
- Manure will not be burnt
- Sufficient space for horses as food is supplemented
- Noise assessment report submitted with original application correct

### **Relevant Planning History**

Extensive history, most relevant:

- 1837/19/FUL Change of use of paddock to garden area. The Stables, East Bowerland Farm. Conditional approval 7 Aug 19
- 1836/19/FUL Continued use of outside space for dog training on land adjoining the existing training facility barn. Conditional approval 7 Aug 19
- 0366/19/VAR Removal of condition 8 of planning consent 00648/2013 (Erection of building over existing sand school for equestrian and dog training) to allow the

retention of security light facing car park for pedestrian safety. Conditional approval 25 June 19

- 3850/17/FUL Application for continued use of outside space for dog training, on land adjoining the existing training facility barn and parking area. East Bowerland Farm, Okehampton. Refusal: 20 Dec 18
- 3851/17/FUL Continued use of land for dog training by holiday cottage users and main house occupier only. Refusal: 20 Dec 18
- 2456/16/FUL Extension of existing dog training arena, replacing existing timber structure. Conditional approval: 24 Aug 17
- 1433/17/VAR Application for removal of condition 7 (use restriction) following planning consent 00648/2013 (Erection of building over existing sand school for equestrian and dog training). Conditional approval: 24 Aug 17
- 01109/2015 Application for change of use of agricultural buildings to 2 dwelling houses. Prior approval given 21 Dec 15
- 00055/2015 Erection of building for use as dog exercise pool and health facilities. Conditional approval: 13 Feb 15
- 00648/2013 Erection of building over existing sand school for equestrian and dog training. Conditional approval: 15 Aug 13
- 01356/2011 Replacement of building with new indoor animal exercise area. Conditional approval: 17 May 11

## **ANALYSIS**

### Principle of Development/Sustainability:

In terms of the history of the dog training facility within the wider site, the use of the large barn for equestrian and dog training was established by application ref: 00648/2013 in August 2013. This permission restricted the use to between the hours of 07:00 and 22.30, and it was also stated the use was to be ancillary use to the principle dwelling/holiday lets on East Bowerland Farm to limit the intensification of the site.

In August 2017 a further application was approved (ref: 1433/17/VAR) that removed the condition that required the equestrian and dog training facility to be ancillary. However, further conditions relating to noise were imposed that restricted the total number of dogs to 11 and excluded the barn to be used as boarding kennels. An application to extend the existing barn (ref: 2456/16/FUL) was consented with conditions on acoustic rooflights and acoustic cladding within the extension and the total number of dogs within the extended barn to be maintained at no more than 11.

Application 3851/17/FUL was subsequently submitted in November 2017 for the continued use of land for dog training by holiday cottage users and main house occupier on land south of the barn adjacent to the road and on the opposite side of the road from the current

application site. This application was subsequently refused as the proposal was considered to significantly adverse impact to the amenities of the neighbouring residential properties by virtue of noise and disturbance. This application was not supported by a management plan or noise report.

A further application (ref: 1836/19/FUL) was approved in August 2019 to use an additional area of outside space adjacent to the barn for dog training. This also included a condition which limited the total number of dogs on this and the existing barn to 11. This application was supported by a noise report and management plan.

The proposal seeks to change the use of existing agricultural land to a mixture of equine and dog training. The dog training will be linked to the existing dog training use at East Bowerland Farm. JLP Policy TTV26 concerns development in the countryside and states the following:

The LPAs will protect the special characteristics and role of the countryside. The following provisions will apply to the consideration of development proposals:

1. Isolated development in the countryside will be avoided and only permitted in exceptional circumstances, such as where it would:
  - i. Meet an essential need for a rural worker to live permanently at or near their place of work in the countryside and maintain that role for the development in perpetuity; or
  - ii. Secure the long term future and viable use of a significant heritage asset; or
  - iii. Secure the re-use of redundant or disused buildings and brownfield sites for an appropriate use; or
  - iv. Secure a development of truly outstanding or innovative sustainability and design, which helps to raise standards of design more generally in the rural area, significantly enhances its immediate setting, and is sensitive to the defining characteristics of the local area; or
  - v. Protect or enhance the character of historic assets and their settings.
2. Development proposals should, where appropriate:
  - i. Protect and improve public rights of way and bridleways.
  - ii. Re-use traditional buildings that are structurally sound enough for renovation without significant enhancement or alteration.
  - iii. Be complementary to and not prejudice any viable agricultural operations on a farm and other existing viable uses.
  - iv. Respond to a proven agricultural, forestry and other occupational need that requires a countryside location.
  - v. Avoid the use of Best and Most Versatile Agricultural Land.

vi. Help enhance the immediate setting of the site and include a management plan and exit strategy that demonstrates how long term degradation of the landscape and natural environment will be avoided.

In response to Policy TTV26, the proposal is not considered isolated development by virtue of its relationship with the existing surrounding buildings. The application site is noted as comprising agricultural land of grade 4 which is considered to be poor quality and the proposed change of use therefore avoids the best and most versatile agricultural land and is not considered to prejudice any existing viable operation. Although the proposed dog training use is not linked to agriculture or forestry it is linked to an existing use on land adjacent to the application site. The supporting statement notes that the primary use of the land will be for equine purposes however a section of the land will be used for overspill dog training. Sourton Parish Council have raised a concern that the proposal represents an overdevelopment of the business in the area. The application site land is currently used for dog training under temporary use permitted development and has been utilised to facilitate social distancing during Covid19. The applicant has also noted that separation of dogs on the different parcels of land facilitates improved training in some instances. It is therefore considered reasonable to consider this use to be acceptable within the countryside in this instance as it relates to an existing use and the small area proposed for additional dog training is not considered to result in an overdevelopment of the use in the wider area.

Policy TTV28 of the JLP relates to horse related development in the countryside and states the following:

Horse related developments will be supported where:

1. There is adequate land and, for commercial uses, adequate off-road riding facilities available for the number of horses to be kept on the land.
2. Existing buildings are reused where possible but where new buildings are necessary, these are well-related to existing buildings, commensurate in size with the number of horses to be kept on the land and the amount of land available for use by those horses.
3. There is an agreed comprehensive scheme of management for any ancillary development including hardstanding, access roads, parking, fencing, lighting, storage, waste disposal, manèges and sub division of fields.
4. The proposal, either on its own or cumulatively, with other horse related uses in the area, is compatible with its surroundings and adequately protects water courses, groundwater and the safety of all road users.

A management strategy has been provided in support of the application which confirms that the paddock will be used by up to three horses/ponies. The paddock area will be a turn out area connected to a block of three stables. It will not be intensely grazed nor will it constitute the primary feed area for any animals as they will be fed in the stables. The Joint Local Plan Team have confirmed that the standards in terms of acreage, which are noted in paragraph 11.74 of the adopted SPD, relate to horses that are actively and exclusively feeding on the pasture. If the majority of feeding is done within a stable (as is this case) then there is less of a correlation between the size of grazing land and the number of horses at the facility. The management plan submitted is considered to be acceptable and it is considered that there is



sufficient space for three horses/ponies on the proposed mix use land. The agent has confirmed there are no other stables within the ownership of the applicant which can be utilised. Whilst a new stable building is proposed, the siting is considered to relate well to the two existing buildings to the east of the site, which are within the ownership of the applicant and are currently being converted to residential use. The applicant has noted these are intended to be used as holiday accommodation. Whilst these residential dwellings could be sold off separately from the current ownership, the relationship between the stable block and these residential units is considered to be acceptable due to the orientation of the stable blocks openings away from the dwellings.

The principle of the change of use to equine is therefore considered to accord with Policy TTV28 of the JLP.

The principle of the change of use to a mixture of dog training and equine use is therefore considered to be acceptable and in accordance with Policies TTV26 and TTV28 of the JLP.

#### Design/Landscape:

The application site is a steeply sloping field which sits higher than the surrounding road. The primary access to the site is via an existing pedestrian gate. The proposal seeks the addition of a stables with paddock area and a mixed paddock and dog training area set to the south east of the field and separated from the paddock by a post and rail fence.

As noted above, the proposed stables would be adjacent to two existing buildings to the east of the site and when viewed from public vantage points would appear to be grouped in close proximity to these existing buildings. Although the stable will be sited on high land, the design and visual appearance is considered to be that of a typical stables and is considered to be reasonable in size and scale for the size of the land in which it sits.

Having regard to the dog training use, there is potential for the provision of dog agility equipment being placed on the land during training sessions. No details of the types or number of equipment used on the land have been submitted, but these will most likely constitute chattels that are either retained on the land on an effective 'permanent' basis or removed after training sessions. Any permanent structures that could reasonably be regarded as operational development would require the express permission of the Council and, in any event, are not proposed as part of this submission as confirmed within the supporting statement. It is potentially possible that, in a worst case scenario, a proliferation of non-fixed and substantial training structures could effectively be retained on the land on a 'permanent' basis which would, in turn have a deleterious impact on the character and appearance of the rural landscape. On the basis that any such permanent structures could be regarded as operational development in their own right a separate application to enable their acceptability to be formally assessed would be required. An avoidance of doubt condition specifying that no permanent dog training equipment which constitutes operational development shall be erected on the land is therefore recommended.

The proposal is therefore considered to be acceptable from a design and landscape impact standpoint in accordance with DEV23 of the JLP and Policies EH 1 and H5 of the Bridestowe and Sourton Neighbourhood Plan.

Policy DEV2 states that development proposals should limit the impact of light pollution on local amenity, intrinsically dark landscapes and nature conservation whilst Policy H5 of the Bridestowe and Sourton Neighbourhood Plan seeks to minimise light pollution particularly

for developments outside or at edges of existing settlements. No details have been provided clarifying if any external lighting would be required, and it is recommended that a condition be attached preventing lighting being installed unless details have been agreed by the Local Planning Authority to ensure that any lighting installed would not have an adverse impact of light pollution on local amenity, intrinsically dark landscapes and nature conservation/protected species.

It is considered that the proposed stable building and dog training use should assimilate well within the landscape and subject to the recommended condition being imposed would have a negligible impact and be acceptable in planning terms within the wider rural landscape. As such it is considered the proposed development accords with JLP Policies DEV20 and DEV23 and Policies EH 1 and H5 of the Bridestowe and Sourton Neighbourhood Plan.

#### Neighbour Amenity:

It is always necessary for developments to take into account the residential amenity of neighbours and impact on the host environment. As the proposal proposes a mixed use which includes an area for outside dog training the proposal has the potential to impact on neighbouring amenity by way of noise.

The nearest neighbouring property not linked to the site is Bowerland Cottage located to the west of the application site with a distance of approximately 73m between the closest point of the application field and the dwelling and approximately 26m between the closest point of the application field and the end of their garden. The next closest property; Greenways is approximately 173m between the closest point of the application field and the side of their garden.

The Council's Environmental Health Section considered the proposal for a combined mix of equine and dog training facilities and noted the potential for the proposal to impact on residential amenity, specifically with regards to noise. It was noted that the premises has a recent consent for a very large barn which is used for dog training and an adjacent grassed area to the north which is used for outside agility. Nearby residents are somewhat shielded from noise made in this field by the barn, although noise can still be heard at times, as would be expected. The maximum number of dogs on site at any one time associated with this business is 11, and this was established as appropriate for the site during the first application. The applicant has not applied for an increase in this number, and neither have they set out the typical arrangements in terms of frequency and duration of dog training and agility classes.

No concerns were raised by the Council's Environmental Health Section in relation to the equine use, subject to the addition of a condition, however concerns were raised in respect of the dog training use on the site due to the likely noise impacts. It was also noted that there is plenty of space already permitted for the use with an appropriate level of management and therefore there does not seem to be any justification for providing more land for this particular activity.

Following receipt of the comments from the Council's Environmental Health Section the case officer communicated these comments to the agent. The agent subsequently responded noting that there was no existing statutory noise nuisance from the existing site and that a noise management plan and sound assessment report had been previously submitted in support of the original planning application 1836/19/FUL. They provided details of the

operation of the use, noting there was no trainer vocalisation beyond talking and subsequently submitted a noise management plan for consideration.

The Council's Environmental Health Section has subsequently reviewed the comments made by the agent and the noise management plan relating to the application site and has noted that the noise management plan is comprehensive and sets out how they manage their business and the dogs under training in such a way that barking is unlikely to occur to any extent likely to affect people living nearby. The plan includes management of the number of people and dogs on site at any time and the way in which both staff and owners must behave in order to minimise the potential for excessive barking. This information was therefore considered to be sufficient to demonstrate that there is unlikely to be an unreasonable impact on the amenity of nearby residents if this application site is used for dog training as well as a grazing paddock for horses.

Having considered the revised comments of the Council's Environmental Health Section it is therefore considered that the proposed dog training use will have an acceptable impact on the amenity of the surrounding occupiers.

It is considered reasonable to add a condition stating that the total number of dogs utilising the existing training barn, existing outdoor training area and the proposed land shall not exceed 11 at any time. This is in accordance with the noise management plan and will ensure that the number of dogs across the wider site is restricted to that considered acceptable by the Council's Environmental Health Section and results in an acceptable level of noise. It is also considered necessary to add a condition specifying that the use of the land for dog training shall not be used outside the hours of 8am to 8pm Monday to Saturday and 10am to 4pm on Sundays. A maximum of 3 hours of training classes can take place on Sundays between the hours of 10am and 4pm and for the avoidance of doubt the use of the land for the training of dogs shall not take place on Bank Holidays. It is also considered reasonable to add a condition stating that the use shall be ancillary to the existing dog training facilities of East Bowerland Farm to ensure that the proposal does not result in a separate business on the site which would not have sufficient facilities to operate as a standalone business. This mimics condition 3 and 4 of approved application 1836/19/FUL and provides a level of cohesion across the wider site and how the outside dog training areas operate.

The Council's Environmental Health Section has also recommended a condition which specifies that there shall be no burning of manure or any other waste materials arising from the use of the stables to protect the amenity of local residents.

With the addition of the recommended conditions the proposal is not considered to lead to any materially harmful impact on residential amenity by way of loss of light, loss of outlook, loss of privacy, noise, odour or overbearing impact. It would therefore accord with JLP Policies DEV1 and DEV2 of the JLP, Policy H5 of the Bridestowe and Sourton Neighbourhood Plan and the requirements of the NPPF.

#### Highways/Access:

DCC Highways have confirmed they do not consider there to be any highways implications from the proposal. The position of the stables has been chosen to make best use of the existing access in this location from the road and is within close proximity to the residential property associated with the use. A condition to ensure the equine use and stables is not used for commercial purposes is considered necessary, as the increase in traffic generation

and need for additional parking which would likely result from commercial use would need to be given due consideration.

The dog training use is linked to an existing business use located opposite the application site which includes parking facilities. As the proposal will maintain the existing number of dogs allowed across both sites to the existing provision of 11, the number of vehicular trips generated from the proposed use will not increase upon the existing amount and therefore no highway safety concerns are raised. It is considered necessary to add a condition stating that parking of vehicles shall not take place on the application site to ensure the existing parking facilities are utilised as the parking of cars on the application site is considered inappropriate from a landscape and visual impact perspective.

With the addition of the recommended conditions the proposal is considered to accord with Policy DEV29 of the JLP and Policy H7 of the Bridestowe and Sourton Neighbourhood Plan.

### Flood Risk/ Drainage

The site is not in a high risk flood zone (i.e. flood zone 2 or 3 or within a critical drainage area on the Environment Agency Maps) and therefore in flood control terms it is an acceptable site for development to be located.

Policy DEV35 states that development should incorporate sustainable water management measures to minimise surface water run-off whilst Policy H5 of the Bridestowe and Sourton Neighbourhood Plan states that new development shall utilise sustainable drainage systems. It is therefore considered reasonable to add a condition requiring details of the surface water drainage to ensure the use of a sustainable form of drainage for the proposed stables.

It has been noted that the two barns with approval to convert to residential use under application 01109/2015 include foul drainage which will be in close proximity to the location of the stable block proposed as part of this application. The agent has confirmed that the stables will not impact on the foul drainage system and that it is set away to the east and the drainage field relies on water percolating away vertically through the soil. The paddock area will not impact on the hydrology as there are no excavations proposed below 600mm. The Council's Environmental Health Section has confirmed that as it's a private piped system it is considered to be acceptable, and it is not in their interests to locate the building anywhere which would restrict access for repairs etc. Also as the pipes connect with a contained treatment/storage system the building will not impact on that arrangement.

With the addition of a condition requiring details of the surface water drainage, the proposal is considered to accord with JLP Policy DEV35 and Policy H5 of the Bridestowe and Sourton Neighbourhood Plan.

### Ecology/ Biodiversity:

JLP Policy DEV26 states 'Development likely to have a harmful impact on locally designated sites, their features or their function as part of the ecological network, will only be permitted where the need and benefits of the development clearly outweigh the loss and where the coherence of the local ecological network is maintained.

Whilst an ecological report has not been submitted with this application it is not considered that survey effort is required in this case due to the existing temporary use of the land and as the existing grass area is kept mown and maintained resulting in little ecological value. It is

concluded that the proposed equine and dog training use with associated stables can be erected/installed without harm being caused to local biodiversity. However as addressed above a condition restricting lighting is also proposed as inclusion of such would necessitate full ecological surveys due to the possible presence of bats utilising the hedgerows or barns.

It is considered reasonable in this instance to add an informative to the application advising to be aware of protected species and the requirements of the Habitats Regulations 1994 and Wildlife and Countryside Act 1981 (as amended).

### Conclusion:

To conclude, the principle of a mixture of equine and dog training use on the site is considered to be acceptable and in accordance with Policies DEV26 and DEV28 of the JLP. The impact of the proposal from a landscape perspective is considered to be acceptable and in accordance with DEV20 and DEV23 of the JLP and Policies EH 1 and H5 of the Bridestowe and Sourton Neighbourhood Plan. Whilst concerns relating to noise were originally raised, the submission of a noise management plan is considered to suitably address this concern and the proposal is therefore considered to have an acceptable impact on the amenity of surrounding occupiers and users in accordance with DEV1 and DEV2 of the JLP and Policy H5 of the Bridestowe and Sourton Neighbourhood Plan. The proposal is also considered to be acceptable from a highways/access, drainage and ecology standpoint.

***This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004.***

### **Planning Policy**

#### Relevant policy framework

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of March 26th 2019, the Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts of South Hams and West Devon within Dartmoor National Park).

The relevant development plan policies are set out below:

**The Plymouth & South West Devon Joint Local Plan was adopted by South Hams District Council on March 21st 2019 and West Devon Borough Council on March 26th 2019.**

SPT1 Delivering sustainable development

SPT2 Sustainable linked neighbourhoods and sustainable rural communities

TTV1 Prioritising growth through a hierarchy of sustainable settlements

TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area

TTV26 Development in the Countryside

TTV28 Horse related developments in the countryside

DEV1 Protecting health and amenity

DEV2 Air, water, soil, noise, land and light

DEV15 Supporting the rural economy

DEV20 Place shaping and the quality of the built environment  
DEV23 Landscape character  
DEV26 Protecting and enhancing biodiversity and geological conservation  
DEV29 Specific provisions relating to transport  
DEV35 Managing flood risk and Water Quality Impacts

### **Bridestowe and Sourton Neighbourhood Plan (Reg 17 examination stage)**

As set out in the 2017 Neighbourhood Planning Act, a LPA must have regard to a post-examination plan when determining planning applications.

Policy H5 Design and Quality of New Development  
Policy H7 Transport and Accessibility  
Policy EH 1. General Landscape

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application:

### **Adopted Plymouth & South West Devon Joint Local Plan SPD**

### **Considerations under Human Rights Act 1998 and Equalities Act 2010**

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.

### **Conditions:**

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: To comply with Section 91 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall in all respects accord strictly with drawing number(s):

Revised Plan (Site Location Plan) received by the Local Planning Authority on the 22<sup>nd</sup> September 2020.

Revised Plan (Dwg Exe/1 Proposed Stable and Floor Plan) received by the Local Planning Authority on the 22<sup>nd</sup> September 2020.

Reason: To ensure that the proposed development is carried out in accordance with the drawings forming part of the application to which this approval relates

3. The stables hereby approved shall not proceed above slab level until full details of drainage scheme for the surface water have been submitted to and approved in writing by the LPA. Design steps as below:

- Percolation testing in accordance with DG 365 will be required to support the use of an existing soakaway, or justify an alternative option. The report should include the trial logs and calculate the infiltration rate.
- Soakaways design will be required to confirm an existing soakaway have enough capacity to accommodate 1:100 year storm event plus 40% allowance for climate change.
- If the ground conditions are not suitable then a controlled discharge a water course or Sewer can be considered. The surface water should be attenuated for a 1:100 year event plus 40% for climate change. The discharge must be limited to the green field run off rate. If discharging to the sewer written permission from SWW will be required.

If the Local Planning Authority concludes that the method of drainage approved as part of this permission is undermined by the results of the percolation tests, a mitigating drainage alternative shall be agreed with the Local Planning Authority.

The drainage scheme shall be installed in strict accordance with the approved plans, maintained and retained in accordance with the agreed details for the life of the development.

Reason: To ensure surface water runoff does not increase to the detriment of the public highway or other local properties as a result of the development.

4. The total number of dogs utilising the existing training barn and outdoor training area as outlined in red on 'Site Location Plan received by the Local Planning Authority on 10th June 2019' on application 1836/19/FUL, in combination with the site hereby approved, shall not exceed 11 at any time.

Reason: In the interests of amenities of neighbouring residential occupiers.

5. Notwithstanding the details of 'Supporting Information (Noise Management Plan) received by the Local Planning Authority on the 26<sup>th</sup> November 2020' hereby approved, the use of the land for dog training shall not be used outside the hours of 8am to 8pm Monday to Saturday and 10am to 4pm on Sundays. A maximum of 3 hours of training classes can take place on Sundays between the hours of 10am and 4pm. For the avoidance of doubt the use of the land for the training of dogs shall not take place on Bank Holidays.

Reason: In the interests of amenities of neighbouring residential occupiers.

6. The dog training use hereby approved shall only be used/operated ancillary to the existing dog training facilities of East Bowerland Farm.

Reason: To prevent a separate business unit on the site in the interests of the amenity of the surrounding area.

7. The dog training use hereby approved shall only take place in the south east area annotated as 'paddock and dog training' detailed on 'Revised Plan (Site Location Plan) received by the Local Planning Authority on the 22<sup>nd</sup> September 2020'.

Reason: In the interests of amenities of neighbouring residential occupiers and as the primary use of the land is equine.

8. There shall be no external lighting unless details have first been submitted to and approved in writing by the Local Planning Authority.

Any lighting agreed shall be installed in accordance with the approved details and maintained as such thereafter.

Reason: To protect the countryside from intrusive development and in the interests of biodiversity.

9. The use of the land for dog training shall take place in accordance with the hereby approved 'Supporting Information (Noise Management Plan) received by the Local Planning Authority on the 26<sup>th</sup> November 2020', notwithstanding the hours of operation as amended by condition 5.

Reason: In the interests of amenities of neighbouring residential occupiers.

10. The use of the land shall take place in accordance with the hereby approved 'Supporting Information (Management Strategy) received by the Local Planning Authority on the 26<sup>th</sup> November 2020'.

Reason: In the interests of landscape character.

11. There shall be no burning of manure or any other waste materials arising from the use of the stables.

Reason: To protect the amenity of local residents.

12. There shall be no parking of motor vehicles on the application site.

Reason: In the interest of landscape character.

13. The stables and paddock hereby approved shall be for personal/private use only and shall not be used for business or commercial purposes.

Reason: In accordance with the application submission and as further details would be required to consider the acceptability of commercial activities for this use.

14. For the avoidance of doubt there shall be no permanent dog training equipment which constitutes operational development erected on the land.

Reason: For the avoidance of doubt and in the interest of landscape character.

15. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any Order revoking and re-enacting this Order) and the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any



Order revoking and re-enacting this Order) the use of the site shall be for a combined mixed use of equine and dog training use only.

Reason: For the avoidance of doubt and in accordance with the application submission.

**Informative:**

1. You should note that certain wildlife habitats and species are subject to statutory protection under the Wildlife and Countryside Act 1981 (as amended) and/or the Habitats Regulations 1994. It is a criminal offence to breach the provisions of these legal constraints and if your development impacts upon such sites or species you are advised to take advice from a competent ecologist who has experience in the habitats/species involved and, as necessary, any relevant licenses from Natural England.