

## PLANNING APPLICATION REPORT

**Case Officer:** Oliver Gibbins

**Parish:** Bratton Clovelly **Ward:** Bridestowe

**Application No:** 2295/20/FUL

**Agent/Applicant:**

Mrs Anna Clarke  
Rosefield  
2 Elmfield Meadow  
Northlew  
EX20 3BN

**Applicant:**

Mrs Anna Clarke  
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2 Elmfield Meadow  
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**Site Address:** Land At SX 445 910, East of West Headson Farm, Bratton Clovelly

**Development:** Retrospective application for gate to field for access to livestock



**Reason item is being put before Committee**

**Recommendation: Approval**

Cllr Southcott has requested that this application is determined by the Committee for the following reason:

Due to the objections to this application from the neighbouring parish council of Bratton Clovelly and the local neighbours I believe it would be best if this application be considered by the planning committee. There are issues that need an airing, in particular the retrospective nature

of the planning applications and the issues involved. If for no other reason I believe your decision deserves the support of the committee.

Cllr Mott has requested that this application is determined by the Committee for the following reason:

Loss of ancient hedgerow and impact on the wider landscape

**Conditions:**

Approved plans  
Detail of the gate  
Landscape plan  
Ecological mitigation.

**Key issues for consideration:**

The impact of the development on the character and appearance of the area and highway safety.

**Site Description:**

The site is a 4 acre piece of land located on the southern side of the road between Broadwoodwiger and Bratton Clovelly and approximately 1.2km south west of Bratton Clovelly.

The site is located in the open countryside with the site enclosed by field boundaries, with the roadside northern boundary of the site being formed of a Devon Bank with significant trees. Adjacent the site is a grade II listed cottage known as South Hill.

The site is not within a designated or protected landscape and the area is characterised by rural development.

**The Proposal:**

This application, which is retrospective in nature is for the retention of an access and gate to the site.

The access has been gained through cutting through a Devon Bank and providing visibility splays. The surface has been gravelled.

**Consultations:**

- County Highways Authority - There are no objections from a highway safety point of view.
  
- Town/Parish Council – Object
  - 1) The overbearing nature of the entrance. The entrance gate itself is wide but this is exacerbated by the widening of the total gap. For such a small parcel of land, this entrance

is overly large and its design and appearance is not in keeping with other field gates in the area. 2) Loss of ecological habitat – This gate has caused the destruction of a large piece of Devon Bank which has been present for hundreds of years. The unnecessary size has led to even more damage. This habitat is vital to the survival of many small mammals and the higher feeding chain. The turning circle at roadside is also impacting on the verge opposite due to the size of vehicles using such a large gate. 3) Access and Highways - We do not believe this gate is sited in a safe position for entering and exiting the field. It is on a bend in the road and on a hill and is dangerous for the, quite speedy, traffic that uses the road, as well as those using the gate.

4) Vehicles using the gateway, being very close to a residential property, are causing excessive noise and disturbance where one was tranquillity and the oversized gate allows for very large and noisy vehicles to take advantage of the access point. 5) The road the proposed gate is on is one of only three main roads to Bratton Clovelly village. It is a quaint and historic village and this road is the A30 link that takes in beautiful and bucolic views reroute. The proposal deeply affects the visual amenity enjoyed by those driving or cycling to and from the village. 6) The proposed gateway is very close to a grade II listed building, South Hill Cottage, and it is the council belief that it is closer than building requirements allow, impacting greatly on the site of this property.

- Conservation Officer – No harm to the setting of the listed building, would recommend some landscaping to soften the impact.

**Representations:**

6 letters of objection are reported identifying:

- Impact on the character and appearance of the areas;
- Impact on listed building
- Highway safety
- Loss of ecology
- Amenity
- Drainage.

7 letters of support are reported identifying:

- Safe access;
- Compatible with the character and appearance of the area.

**Relevant Planning History**

- 2295/20/FUL - Retrospective application for gate to field for access to livestock – Pending
- 3384/20/FUL - READVERTISEMENT (Revised description) Retrospective change of use from agricultural to mixed agricultural/equestrian use, with hardstanding and earth banks – Pending
- 2926/19/FUL - Agricultural building / dry store for fodder and agricultural implements - Pending

**ANALYSIS**

#### Principle of Development/Sustainability:

The access is required to the site as the existing access from the lane to the west was not available and has been sealed up. It is understood that the original access to the field was not sold with the parcel of land and is not available to the applicants.

The position of the access has been positioned in a part of the road which has good visibility and also not in a part of the hedge bank which was heavily planted with significant trees.

The access is required to provide access into an existing agricultural field and can be supported in principle.

#### Design/Landscape/Heritage:

The site is not located in a nationally protected landscape and the northern boundary is formed by the Class C road which links Broadwoodwiger to Bratton Clovelly. The western boundary is formed by the access to West Headson Farm and the south and eastern boundaries adjoin farm land.

The access has required the removal of a section of Devon Bank. Whilst this does have an impact on the character and appearance of the area it is required for a proven agricultural need as there is no existing access. It is considered that this form of access can be accommodated within the rural landscape and is compatible with the character and appearance of the area.

There is a grade II listed building located to the north of the site known as South Hill. This is a detached dwelling within its own defined curtilage. The plans have been reviewed by the Council's Heritage Specialist who has advised that this development will not result in any harm to the significance of a designated heritage asset.

Given the rural character in this location it is considered that the access could benefit from some softening and as such a landscaping condition is justified.

#### Neighbour Amenity:

This is a small scale rural enterprise and although the activities on the site are activities that require a countryside location. The scale of the activities on the site are relatively small scale given the number of animals and size of the holding. Whilst the comings and goings from and to the site will result in some noise generating disturbance this is not considered to be harmful to the amenity of neighbouring residents.

#### Highways/Access:

The application is retrospective in nature, seeking to formalise the provision of a vehicular access. The highway response was originally categorised as 'Standing Advice' but the further advice was sought following a specific response for the highway authority following the receipt of representations raising concerns about highway safety issues.

The visibility available in the leading traffic direction is adequate and although the visibility in the trailing traffic direction is restricted by the alignment of the adjoining carriageway and vegetation, it is considered adequate having regard to the speed and number of vehicles

passing the site.

There are no objections from a highway safety point of view.

Other Matters:

Policy DEV26 identifies that development is required to result in a net gain in bio diversity. However this development has resulted in the loss of a section of Devon Bank which clearly does not result in a net gain in bio diversity. Whilst the position of the access has resulted in the minimisation of the loss of trees, a planning condition that requires ecological mitigation through the planting and landscaping of the site will be required to deliver a net gain in bio diversity.

The access is gravelled and this is a permeable surface as such surface water drainage is being dealt with on the site.

***This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.***

## **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

DEV21 Development affecting the historic environment

DEV23 Landscape character  
DEV26 Protecting and enhancing biodiversity and geological conservation  
DEV27 Green and play spaces  
DEV28 Trees, woodlands and hedgerows  
DEV29 Specific provisions relating to transport

### **Neighbourhood Plan**

None

Other material considerations include the policies of the National Planning Policy Framework (NPPF) including but not limited to paragraphs 11 and 79 , and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application: JLP 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.

**The development hereby approved shall in all respects accord strictly with drawing number(s) Site Location Plan received 27/01/2021 and Block Plan received by the 27/07/2020.**

**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.**

**Within 28 days of the date of this decision details of the gate to include a elevation plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and maintained in perpetuity.**

**Reason: To details of the gate were provided on the application and it is important that the design of the gate relates well to the rural character.**

**Within 28 days of this decision a landscaping plan shall be submitted to and approved in writing by the Local Planning Authority. The landscaping plan shall show how planting will be used to mitigate the visual impact of the development. The development shall be carried out in accordance with the approved details and maintained in perpetuity.**

**Reason: To ensure that the development is sympathetic to the rural character of the area.**

**Within 28 days of this decision details of how the development will provide ecological mitigation to mitigate the loss of the Devon Bank which is of ecological value shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved plans and maintained in perpetuity.**

**Reason: To ensure that the ecological loss of the Devon Bank can be mitigated on the site.**