

## PLANNING APPLICATION REPORT

**Case Officer:** Oliver Gibbins

**Parish:** Harberton **Ward:** West Dart

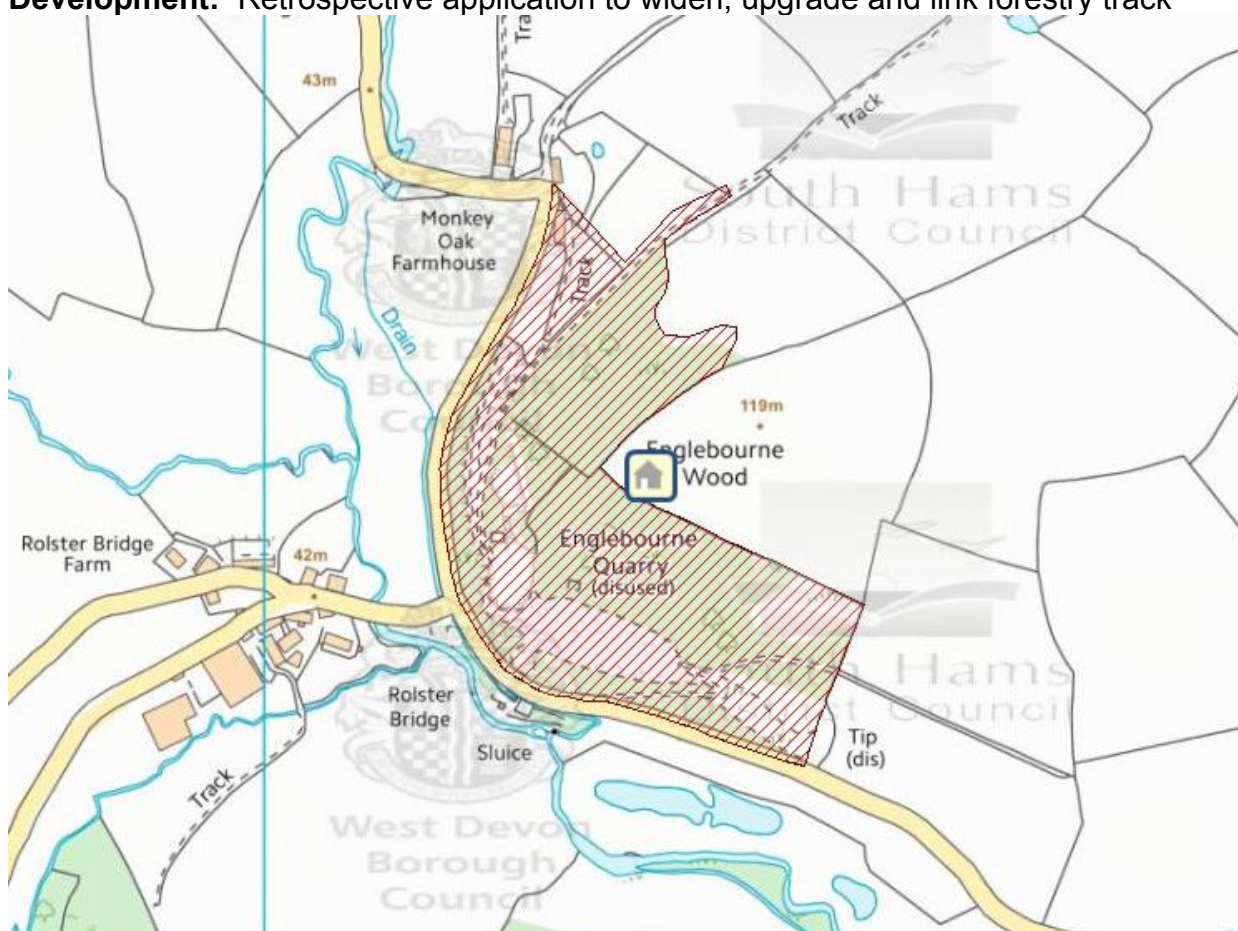
**Application No:** 2151/20/FUL

**Agent/Applicant:**  
Mr A McGuinness  
Monkey Oak Barn  
Harberton  
Totnes  
TQ97SS

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**Site Address:** Land At Sx 772 562, Englebourne Woods, Harberton, Totnes, TQ9 7SS

**Development:** Retrospective application to widen, upgrade and link forestry track



### Reason item is being put before Committee:

Cllr McKay has requested this is called to committee for the following reason:

This development poses a substantial risk to protected species and habitats.

**Recommendation:** Approval

### **Conditions**

Approved plans  
Forestry Commission Management Plan  
Surface treatment.

### **Key issues for consideration:**

The principle of the development and the impact of the track on the character and appearance of the area.

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### **Site Description:**

The application site is an existing woodland known as Englebourne Woods, which is located approximately 1.5km west of Harberton Ford.

The site is not in the South Devon AONB or Ancient Woodland.

The site was historically a quarry but had not been actively managed for many years.

### **The Proposal:**

The application is for retrospective planning permission for forestry tracks, to enable the applicant to actively manage the land. The works would most likely have been permitted development under Part 6 of the General Permitted Development Order 2015 had the applicant submitted an application for Prior Approval.

The historic layout of the site provided for a number of forestry/mineral working tracks for the historic use of the site as quarry. This application has sought to increase the width of the tracks in places as well as the provision of a new section of track to provide access to the highway.

### **Consultations:**

- County Highways Authority – None
- Forestry Commission - I can confirm that the land shown in the planning application is covered by the current Felling License which was issued 25/7/19 which covers the entirety of the wood. It is linked to a 10 year Management Plan and will expire 25/7/29.
- Town/Parish Council - It was RESOLVED that the Parish Council STRONGLY OBJECT to the application on the grounds that the application is incomplete due to the wildlife trigger table not been completed correctly, concerns about the lack of geology report and potential landslips. The Parish Council has no knowledge of 20 car parking spaces on the site and would object to 20 car parking spaces being added. A full landscaping report should be required for the site. The Parish Council hasn't seen the report to require the felling of any ash trees and question the rationale for felling healthy oak and beech in the same vicinity. The necessity in seeing the full paperwork before any work continues is relevant if not prudent. The Parish Council would like the applicant to confirm that the work is not part of

any commercial operation. The Parish Council would like to request Natural England be consulted.

- Tree Specialist - No objection on arboricultural merit noting a requirement for consultation response from the Forestry Commission.
- Landscape - No objection in landscape and visual terms subject to confirmation that no more remedial works will be necessary as outlined above.

### **Representations:**

16 letters of objection are reported which identify the following objections:

Impact on ecology concern in relation to the loss of the trees and habitat.  
Retrospective nature, as this is seen as not complying with the rules.  
Loss of trees and the impact that this has on the landscape and the environment.  
Provision of car parking spaces, there is a concern that this is to do with future development.  
Impact of works on the lane in terms of mud etc, as the works are extensive and give rise to safety concerns,  
Land stability and drainage.  
Suitability of access.

### **Relevant Planning History**

None

### **ANALYSIS**

Principle of Development/Sustainability:

The site is located in the countryside outside of any defined settlement within the Joint Local Plan. The site is therefore in the Countryside, where Policy TTV1 (4) identifies that development will only be permitted to support the principles of sustainable development, including as provided for under Policy TTV26 and 27. TTV27 is not relevant to this application.

In terms of Policy TTV26 the applicant has a Tree Felling License from the Forestry Commission to fell trees on the site. This is outside the scope of this application meaning that permission is not required to fell any trees. The track which is the subject of this application clearly does respond to a proven forestry need that requires this countryside location.

As a result it can be concluded that this development can be supported in principle through Policy TTV26 (2iv), as this development responds to a proven forestry need that requires this specific location.

Design/Landscape:

The site is a large piece of land which is on steeply sloping land above the road. The topography makes the site highly visible in the local landscape. The site has an historic use as a quarry and this is evident from the site visit and the rock material on the site as well as

the historic rock faces. It is understood that the site has lied dormant for a significant period of time until the current owners brought the site 4 years ago.

Since purchasing the site the applicants have sought to manage the wood land and take over the responsibilities for the stewardship of the site. From the site visit it was clear that this is a significant undertaking and much of the wood land needed to be cleared for safety purposes. The trees where dead or dying, many from Ash Dieback, and this presented a risk to highway users. The site had also been unmanaged and this resulted in site becoming over grown and an established landscape feature.

The felling of the trees has had the greatest impact on the landscape. This has been applied for separately and is outside the planning legislation. Instead the Forestry Commission has granted a Felling License and a 10 year Management Plan. The Forestry Commission have been consulted on this application and advised:

*I can confirm that the land shown in the planning application is covered by the current Felling License which was issued 25/7/19 which covers the entirety of the wood. It is linked to a 10 year Management Plan and will expire 25/7/29.*

*At the time of application the Management Plan identified an issue with roadside safety posed by Ash Die Back and indicated that a clearfell of trees on the roadside would be part of the work. The plan also highlights the requirement for improvement to the infrastructure to undertake the associated forestry activity.*

*The Felling License requires that the area will be restocked with tree species by 30/6/25 and these trees will be tended to ensure successful establishment.*

As a result the loss of the trees are not part of this application and have been permitted and this is an accepted impact on the landscape and part of active wood land management. However there is clearly a Management Plan and this will introduce replacement planting which will soften the impact of the development.

The retrospective nature of the application means that changes to the character and form of the landscape have already taken place. The widening, upgrading and the link of the forest track is considered to be a permanent change to the landscape.

Within the context of the working woodland, the widened forest track is considered to be consistent with the character of the local landscape. The currently stark appearance of the tracks appears to be reflective of the local underlying geology with thin soils above. The site has historically been partially quarried. The removal of significant areas of Ash is a consequence of Ash Dieback. The removal of Ash from the landscape as a response to the Chalara pathogen is now sadly common. There is no expectation that Ash should be replanted. Confirmation has been sought that no further works are required at this stage to the access.

Furthermore the Council's Tree Specialist has raised no objection to this development.

In terms of the track parts of this are plainly visible from the highway. However once the new planting and rewilding establishes this will ensure that the impact on the landscape is mitigated. As a result it is considered that the works will conserve and enhance the landscape character and visual qualities of the landscape character and will comply with Policy DEV23 of the Joint Local Plan.

#### Neighbour Amenity:

The closest residential property is located approximately 150m to the west of the woodland. Given the location of the site away from residential properties it is not considered that the development will give rise to a significant loss of residential amenity.

#### Highways/Access:

The works to the track are away from the public highway. But it is noted that the new track will improve the accessibility and visibility of the site for access. It is also noted that the removal of the trees has improved highway safety as many of the trees were over hanging the highway.

Clarification has been sought by the applicant on the car parking provision. This development is not proposing 20 car parking spaces, it refers to the area of land at the entrance to the track. Whilst it will provide a compound for the works the management of the woodland it will not provide public car parking.

#### Other Matters:

A number of the letters of representation have highlighted that the application was not submitted with an Ecology Report. The majority of the works have been undertaken in accordance with the Management Plan and this is accepted, the felling of the trees and any resultant ecological impact is not a material planning consideration. It is not considered that the works to the track will impact on protected species and an informative will be used to advise the applicant of their duties in terms of protected species.

In terms of stability the works are sited on private land with no public access. The historic nature of the quarry does pose some management issues that need to be monitored by the land owner but this is not considered to be a material planning consideration in this instance. It is also noted that the Ash Trees above the road were posing a roadside safety issue as identified by the Forestry Commission and their removal has improved the situation.

***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  
TTV27 Meeting local housing needs in rural areas  
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  
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 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.

### **Schedule of conditions**

The development hereby approved shall be carried out in accordance with Site Location Plan received 07/08/2020 and AMG S7 Received 12/2/21.

The development hereby approved shall be carried out in accordance with the Forestry Commission Tree License issued 25/07/2019 and Management Plan.

Reason: To ensure that the development replaces planting so that the developments impact on the landscape is mitigated.

The surfacing of the tracks hereby permitted shall be retained as a compressed stone.

Reason: To minimise the visual impact of the track.