

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

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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

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. 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.

Recommendation: Approval

Conditions:

1. Approved plans
2. Detail of the gate
3. Landscape plan
4. 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, approximately 1.2km south west of Bratton Clovelly.

This field was originally part of the agricultural holding at West Headson Farm, which is located to the south west of the site. This was sold to the applicant who has set up a small scale independent holding.

The site is located in the open countryside, enclosed by field boundaries, with the roadside northern boundary of the site being formed of a Devon Bank with significant trees.

On the northern side of the highway, close to the site access point, 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 to create a gap of approximately 4 m, and providing visibility splays to both directions. The surface has been gravelled.

Consultations:

- County Highways Authority – No objection. Visibility in the leading traffic direction is adequate. Visibility in the trailing traffic direction is restricted by the alignment of the adjoining carriageway and vegetation, but is considered adequate having regard to the speed and number of vehicles passing the site.
- Lewdown Parish Council – No comments to make. The Council does not appreciate applications made retrospectively
- Bratton Clovelly 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 it's 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:

11 letters of objection are reported, summarised as follows:

- Harmful impact on the character and appearance of the area
- Harm to amenity from flies, noise, odour and disturbance
- Loss of agricultural fields
- Impact on landscape
- Agricultural need has not been justified; the field is used for equine purposes and pheasant breeding
- Harmful impacts upon nearby listed building
- Sets a precedent for overdevelopment and small fields to be sold off to be developed, noting this land is now for sale

- Dangerous access on a blind bend and has increased traffic to/from the site
- Contrary to local and national policy
- Hasn't considered trees or ecology
- The gate is huge and out of keeping with the rural area
- Piecemeal applications should be refused and submitted in a single comprehensive application
- The Devon Bank should be restored and the field returned to pasture
- Applicant does not own the land for visibility splays
- There is no public benefit
- The stables and bird pens require planning permission; they are not temporary

7 letters of support are reported identifying:

- The access is safe and there will not be any added disruption
- Compatible with the character and appearance of the area.
- Access is essential to provide care for the animals
- The applicant supplies good quality products and should be supported
- The land was sold as agricultural so can't be maintained without access

Relevant Planning History

3384/20/FUL - READVERTISEMENT (Revised description) Retrospective change of use from agricultural to mixed agricultural/equestrian use, with hardstanding and earth banks – Pending consideration (approval recommended)

2926/19/FUL - Agricultural building / dry store for fodder and agricultural implements - Pending consideration (approval recommended)

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 as part of the sale of the land, 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 access has been positioned in a part of the road which has reasonably good visibility and also not in a part of the hedge bank which was heavily planted with significant trees. It is required to provide access into an existing agricultural field.

The field amounts to approximately 4 acres and the applicant identified that she has 2 horses and 10 rams, as well as pheasant chicks which are kept in a brooder unit and pen. The applicant has advised she purchases 6-10 lambs annually and that there is also a requirement to store hay, dry food and agricultural machinery on the land.

The existing field, at 4 acres, was already used for agriculture as part of a much larger holding, and the use for agriculture is an important part of the rural economy. This is a land use that is accepted and established.

Policy TTV1 of the Joint Local Plan, Prioritising growth through a hierarchy of sustainable settlements, identifies that the site is located in the Countryside. In the Countryside, TTV1

identifies that development will only be permitted if it can be demonstrated that it will support the principles of sustainable development and sustainable communities, including as provided for in Policies TTV26 and 27.

Policy TTV2 supports agricultural and other land-based rural businesses.

Policy TTV26 identifies that the special characteristics and role of the countryside will be protected. As this proposal is not considered to be an isolated development in the countryside, paragraph 2 of Policy TTV26 is key and sub-paragraph (iv) is the main consideration relevant to this application; this requires that development responds to a proven agricultural, forestry or other occupational need that requires a countryside location.

It is therefore considered the provision of the access can be supported in principle through Policies TTV1, TTV2, TTV26 and DEV15.

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 Broadwoodwidge 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, and whilst this does have an impact on the character and appearance of the area it is required to serve the land as there is no other access to it available to the applicant. 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, the access point of which is set approximately 20m away, on the other side of the highway. This is a detached dwelling within its own defined curtilage.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a general duty on Local Planning Authorities to consider whether to grant planning permission which affects listed buildings or their setting, and the desirability of preserving the building or its setting or any features of special architectural or historic interest.

JLP Policy DEV21 identifies that great weight is given to the conservation of the Plan Area's designated heritage assets.

Section 16 of the NPPF concerns the historic environment, requiring decisions to take account of impacts of developments upon heritage assets.

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 that 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 in terms of Policy DEV23, which requires that development is required to conserve and enhance the landscape.

Neighbour Amenity:

This is a small-scale rural enterprise that requires 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:

This is a small-scale rural enterprise, comprising of activities that require a countryside location. The activities on the site are relatively small-scale, given the limited number of animals and size of the holding. Whilst vehicle movements to and from the site will no doubt result in some noise-generating disturbance, this is considered to be limited, typical of rural farming activities and is not considered to be so harmful to the amenity of neighbouring residents that it would warrant refusal of the application.

The response from Devon County Council Highways Authority was originally categorised as 'Standing Advice' but further advice was sought 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 a eastern 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. DCC concluded there are no objections from a highway safety point of view.

A letter of objection has been received from the original landowner, indicating he owns the highway verge and is intending to erect fencing. DCC have checked their records and the verge is shown as highway land maintainable at public expense. It is worth noting that the erection of a fence adjacent to a highway may need planning permission.

The application is considered to comply with JLP Policy DEV29 and the NPPF, particularly paragraphs 108 and 109.

Other Matters:

Policy DEV26 identifies that development is required to result in a net gain in biodiversity. However this development has resulted in the loss of a section of Devon Bank which clearly does not result in a net gain in biodiversity. 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 biodiversity.

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, 83, 108 and 109, and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application: JLP Supplementary Planning Document.

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

1. The development hereby approved shall be retained in accordance with the following drawings: Site Location Plan received 27/01/2021; and Block Plan and Site Plan received 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.

2. Within 2 months of the date of this decision details of the gate to include scaled drawings 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: No 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.

3. Within 2 months 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.

4. Within 2 months 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.