

PLANNING APPLICATION REPORT

Case Officer: Oliver Gibbins

Parish: Thrushelton **Ward:** Bridestowe

Application No: 3384/20/FUL

Agent/Applicant:

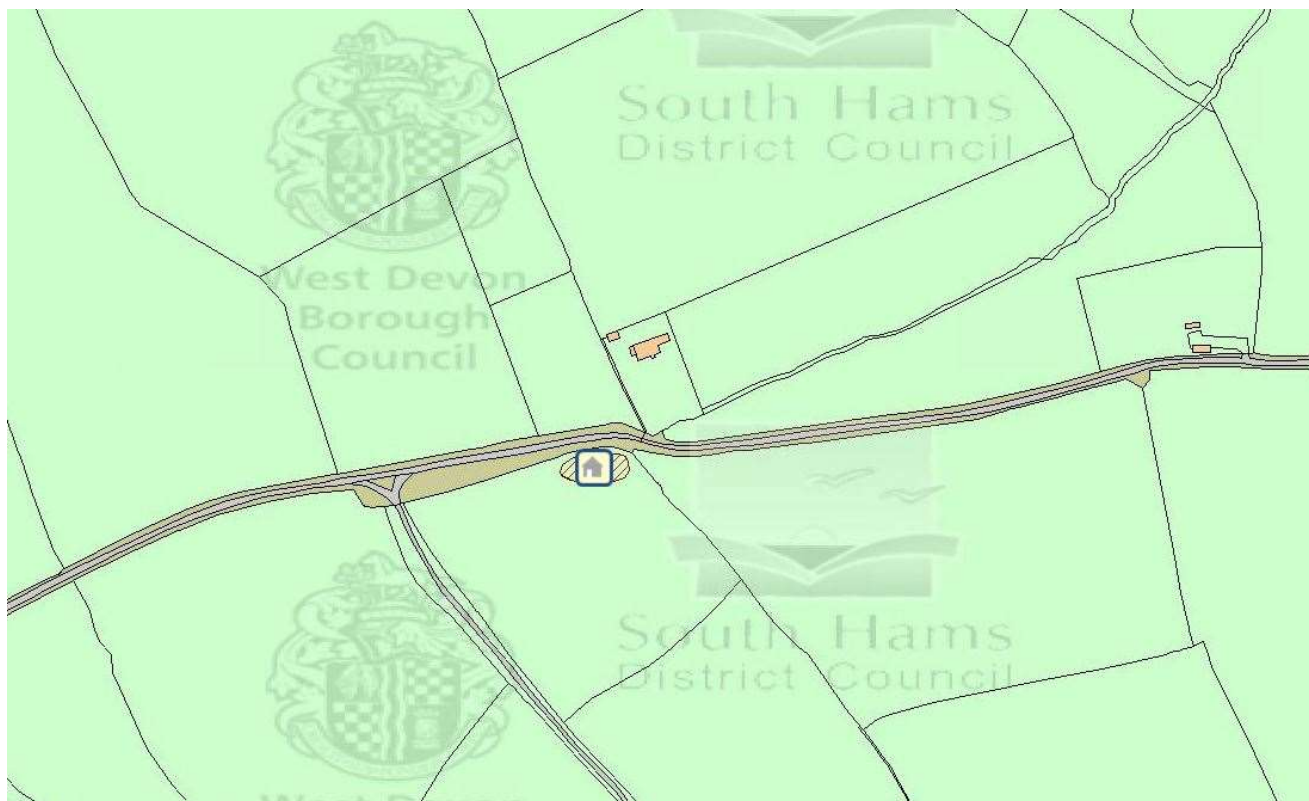
Mrs A Clarke
Rosefield
2 Elmfield Meadow
Northlew
EX20 3BN

Applicant:

Mrs A Clarke
Rosefield
2 Elmfield Meadow
EX20 3BN

Site Address: Land to the East of West Headson Farm, Bratton Clovelly, Okehampton, EX20 4JP

Development: READVERTISEMENT (Revised description) Retrospective change of use from agricultural to mixed agricultural/equestrian use, with hardstanding and earth banks



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. 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:

Detrimental impact on the landscape.

Recommendation: Conditional approval

Conditions

1. Approved plans
2. No commercial equine use
3. Manure management
4. Lighting

Key issues for consideration:

The key issues relate to the principle of the development, the impact on residential amenity, the character and appearance of the area and nearby listed building.

Site Description:

The site is a 4 acre piece of land located on the southern side of the road between Broadwoodwider 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 retrospective application is for the change of use of the land from agriculture to a mix of agriculture and equine, as well as the provision of a hard standing and earth banks.

The site is used for grazing of sheep and raising of pheasants as well as containing stabling for horses.

The earth banks are 1.43m high, located in the northern section of the site and contain the development of the site to form a small "compound".

The hard standing is provided in the northern section of the site and formed of compacted stone.

Consultations:

- County Highways Authority - No highway implications.
- Bratton Clovelly Parish Council - Object

Councillors were concerned that the application is for change of use of buildings that didn't exist until very recently and that it should have been for erecting the buildings in the first place.

They also objected on the following grounds:

1. The over bearing nature and design and appearance of the proposed hard standing is out of keeping with the rural aspect.

It is very visible from the road and a joining properties, one of which is a grade two listed building. According to TTV28 the "new track should follow the contours of the land" and be a "darker material" but the actual track is very a light colour and very obvious, running across the middle of the open land and visible from the road. "Artificial mounding of soil should be avoided" new banks form a big part of the application.

This road is one of the main ways into Bratton Clovelly (a conservation area) and is a gateway to the village. This change of use and hard standing development is detrimental to the visual amenity of visitors to Bratton Clovelly and local residence.

2. There is a disturbance from smells to nearby properties from waste heaps near the gate that are not disposed of as described in the application

3. The layout and density of the buildings do not relate well to the pasture land surrounding it and have a detrimental impact on the listed building nearby. TTV28 suggests that developments should be grouped near existing features such as farm buildings, but there were none prior to this development and that "Open fields and remote corners should be avoided". Prior to this application this field was both open grazing and remote from any farm buildings.

There has been a huge increase in traffic as a result of horses needing to be checked on 2-3 times a day. Previously this field was rarely visited by vehicles and the access was not from the road, so caused little disturbance.

- Lewdown Parish Council – Object. The proposal was thought to be detrimental to the surrounding local environment. It was also thought that it was too close to a listed building. A section of Devon bank hedgerow has been removed.
- Conservation Officer – No harm to the setting of the listed building. The scheme could benefit from some landscaping to assist in the naturalisation of the entrance.

Representations:

2 letters of objection, summarised as follows:

- Increased traffic generation and transport impacts
- Detrimental impact on the character and appearance of the area and impact on the landscape
- Excessive development that is out of keeping with rural area
- Development isn't meeting an agricultural need and is contrary to TTV26
- Not an appropriate location as it is isolated
- The siting of the pens and stables are not mobile and require permission
- Concerns over waste generation and pollution
- Piecemeal applications should be refused and submitted in a single comprehensive application
- Adverse impacts upon nearby residential properties
- Inadequate room for all the uses
- Note that both Parish Councils object

1 letter of support has been received, summarised as follows:

- Sensible action to take to bring the parcel of land more in to line on paper for its actual usage
- Still an agricultural tie to the land in regards to the livestock kept at said field and with any activity for example the act of making hay for the livestock and horses

Relevant Planning History

2295/20/FUL - Retrospective application for gate to field for access to livestock – 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:

It is understood that the applicant purchased the site from a local landowner in July 2018. It fronted onto the highway and was the only frontage able to provide access as the original access was not available.

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. The sale of the land to the applicant, a small-holder, has necessitated the requirement for structures and development that would have otherwise been serviced through the main farmstead.

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.

The principle of using the land for agriculture is already existing and is clearly supported through Policy TTV2, Delivering sustainable development in the Thriving Towns and Villages Policy Area. Under parts 3 and 4, this policy supports the objectives of rural sustainability, the growth and expansion of rural business and enterprise as well as supporting the development and diversification of agricultural and other land based rural businesses.

Furthermore Policy DEV15 (6) identifies that development will be supported which meets the essential needs of agriculture. As a result this development can be supported through Policy DEV15.

Turning to the second element of the application, the equine use, it is noted that this is a much smaller part of the operation on the site; this application however, is just for the land use and not any other structures. Policy TTV28, Horse related developments in the countryside, identifies that horse related development 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.*

The site is considered to be adequately sized to accommodate the scale of equine development proposed, with just 2 horses. There is no commercial equine use taking place, and a condition is imposed to ensure no commercial use occurs in the future, given this could increase traffic generation and noise disturbance.

There are no existing buildings on the site which could be reused and subject to conditions for waste management and lighting, the site is laid out in a way as to provide an acceptable layout.

Concerns raised in terms of there not being any justification for this proposal are noted, but the change of use from agriculture to a mixed agriculture/equine use are not deemed to conflict with any policy, nor result in harmful impacts (discussed later in this report). The proposal is therefore considered to be acceptable in principle, in line with the aforementioned policies.

Design/Landscape/Heritage:

The site is well screened by a Devon Bank and the use for equine, which is not uncommon across the borough, can be accommodated within the landscape without causing harm to the character and appearance of the area. The earth banks and hard standing are not prominent features within the landscape.

The proposal is therefore consistent with Policy DEV23 of the Joint Local Plan which requires development to be sited to respect the quality of an area, conserve and enhance features such as trees and hedgerows and to mitigate or secure landscape enhancements where necessary.

In so far as heritage impacts, 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 change of use of land and minimal works required to form the hardstanding and earth banks has no impacts on the nearby listed building.

Neighbour Amenity:

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.

Concerns have been raised regarding waste management and potential nuisance from manure storage. A planning condition is imposed to secure details of how waste will be stored and disposed of.

Highways/Access:

A new access to the site has already been created and is subject to a retrospective application (2295/20/FUL, also in this Committee agenda). There are no objections from a highway safety point of view from the Highways Authority.

There will undoubtedly be vehicle movements as a result of this proposal, however, with the imposition of the condition preventing commercial use, these will be minimal.

Other matters:

Concerns raised in terms of waste management are addressed by condition.

The Council has no powers to insist the applicant submit one single application for all elements under consideration but it is not considered dealing with these individually affects the acceptability, or otherwise of the proposals.

Finally, in respect to the pheasant pens and stables, these do not form part of this application. An initial judgement was made that they did not need planning permission. Should their use become permanent, permission would be required. An informative is attached accordingly.

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 83, and section 16, 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 in all respects be retained in accordance with the following drawings: Site Location Plan received 11/05/21 and "Site Sections" and "Block Plan" received 15/10/20

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. The equine use hereby approved shall not be for commercial purposes or nay trade or business.

Reason: The site is not suitable for a commercial scale of activity in relation to neighbouring amenity.

3. Within 2 months of this decision, details of how waste will be managed and disposed of 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.

Reason: To minimise the impact of the development on the environment.

4. Details of any external lighting shall be submitted to and approved and in writing by the Local Planning Authority, prior to its installation. The development shall be carried out in accordance with the approved details and maintained in perpetuity.

Reason: The site is in a rural location and it is important that sensitive lighting is considered in order to conserve the landscape

INFORMATIVE

The application relates to the change of use of land, hardstanding and earth banking. It does not relate to any bird pens, shelters or stables. Should these be deemed permanent structures, an application for planning permission will be required.