

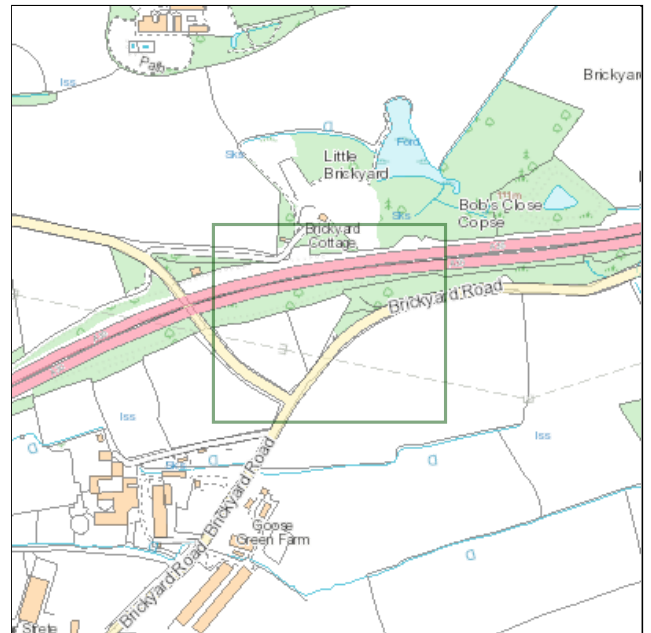
**Ward** Whimble And Rockbeare

**Reference** 20/2896/FUL

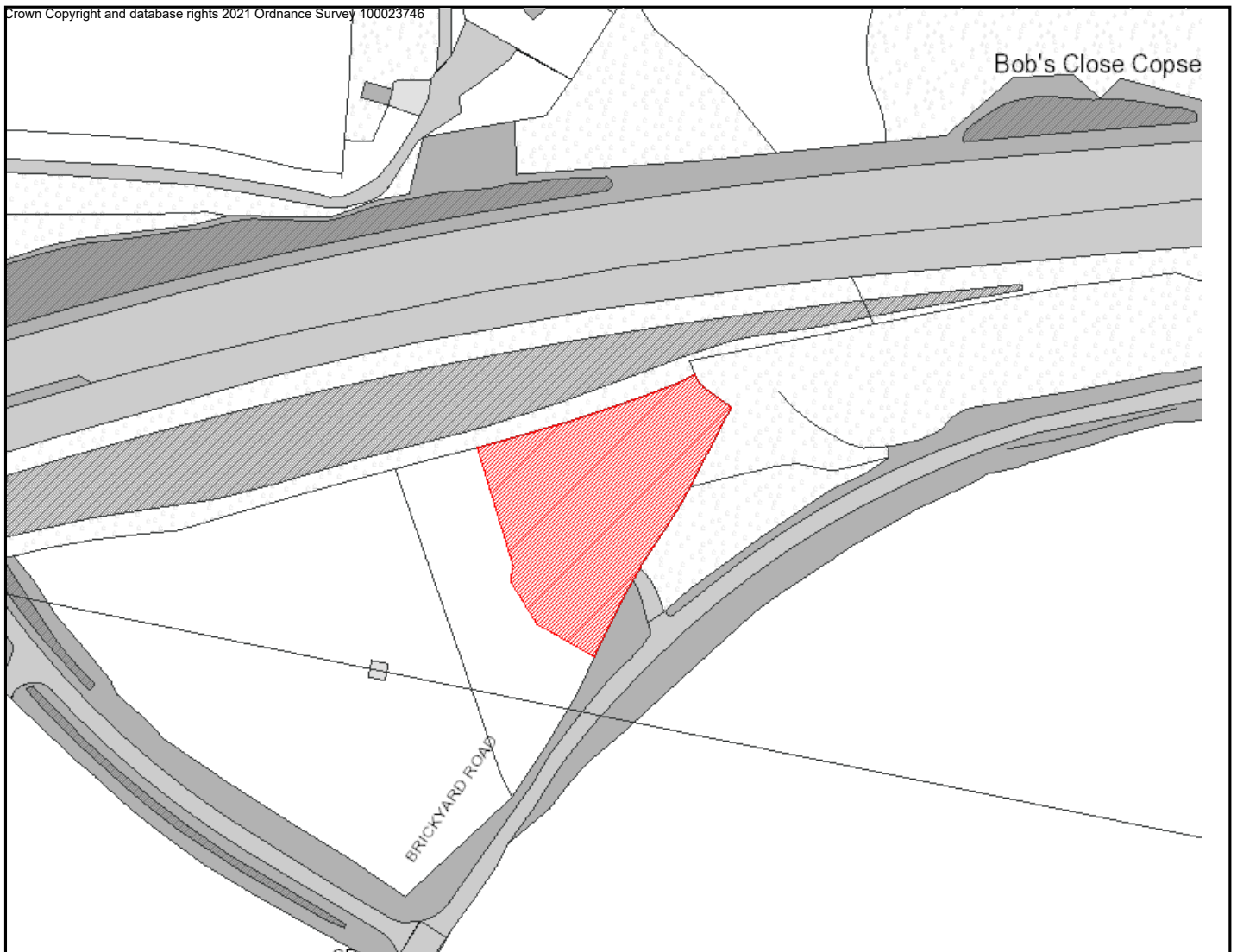
**Applicant** Mr Simon Hart (Hartwood Treeworks Ltd)

**Location** Land North Of East Strete Farm Strete Raleigh Whimble

**Proposal** Erection of a storage and workshop building, and an office building to facilitate the change of use of the land to commercial.



**RECOMMENDATION: Refusal**



		<b>Committee Date: 9<sup>th</sup> June 2021</b>
<b>Whimble And Rockbeare (Whimble)</b>	<b>20/2896/FUL</b>	<b>Target Date: 03.03.2021</b>
<b>Applicant:</b>	<b>Mr Simon Hart (Hartwood Treeworks Ltd)</b>	
<b>Location:</b>	<b>Land North Of East Strete Farm Strete Raleigh</b>	
<b>Proposal:</b>	<b>Erection of a storage and workshop building, and an office building to facilitate the change of use of the land to commercial.</b>	

**RECOMMENDATION: Refusal**

### **EXECUTIVE SUMMARY**

**This application is before the Planning Committee because the Officer view differs to that of the Ward Member.**

**The application relates to a site situated approximately 1000 metres west the 'Daisymount' junction on the A30. However, access to the site through an existing vehicular entrance off a narrow unclassified road, known as Brickyard Lane, which runs along the southern boundary of the site. To the north, the site is adjoined by woodland on the embankment of the A30. There is also woodland adjoining the site to the east. To the west, the site is bounded by an open field. The site currently appears to be used for the storage of various vehicles and other equipment, which it is presumed relates to the applicants business.**

**Planning permission is sought for the erection of two buildings on the site; a storage and workshop building, and an office building. Furthermore, consent is also sought to change the use of the land to commercial.**

**The applicants seek to justify the proposal on the grounds that:**

- The existing site, near Awliscombe, is no longer large enough.**
- The application site is more conveniently located in terms of access to the highway network, their work locations, and where their current staff reside.**
- The company plans to expand.**

**The application site is located outside of any built-up area boundary. There is no settlement immediately adjoining the site, with West Hill being the nearest residential area, the built-up area boundary of which is approximately 1.5 kilometres from the site, when measured in a straight line. Consequently, the**

overriding Local Plan strategy under which this proposal must be considered is Strategy 7 (Development in the Countryside). This states that development in the countryside will only be permitted where it accords with a specific local or neighbourhood plan policy, and where it would not harm the character and appearance of the area. There is no 'made' Neighbourhood Plan for the area in which the site is located. Consequently, the key policy under which this proposal must be considered is Local Plan Policy E5 (Small Scale Economic Development in Rural Areas).

As no conversion of buildings is proposed, and the site is not on previously developed land, the proposal cannot comply with some elements of that policy. However, when the site is green field, which is the case in this instance, Policy E5 allows development which is "well related in scale and form and in sustainability terms to the village and surrounding areas". This is to ensure that development is located close to services and facilities and to prevent development into the countryside away from existing development. The applicants feel that the proposal meets that criteria. However, officers hold a different view, and the key reasons for this are:

- The site is in an unsustainable location. The nearest access to public transport is at least 1.2km from the site, and some sections of a walk from that to the site would be along unlit and/or narrow or busy highways, upon which many people would consider it undesirable to walk. The site cannot therefore be described as being well related to the village or surrounding area;
- The site is accessed off a narrow, unclassified, rural lane, and the proposal would increase traffic on this. This is considered unsuitable.
- It is noted that a cycle route runs past the site, which uses the aforementioned minor road. Whilst this may encourage some staff to cycle, it is considered that this factor would not lead to the site being sustainable.
- The applicants highlight that the location of the site would enable staff to car share. However, this would still involve the use of private vehicles, and the staff working for the company is likely to change over time, which could impact on the practicality of car sharing. Again, it is considered that this factor would not lead to the site being sustainable.
- The applicants highlight that the location of the site would enable some staff to walk to work. However, there is no guarantee that these staff will always work for the company so, again, it is considered that this one factor would not lead to the site being sustainable.
- No objections relating to trees or highway safety have been received. However, the increase in traffic could be considered detrimental to the safety of other users on narrow parts of Brickyard Lane.

Given the comments above, it is considered that there are no factors sufficient to overcome the fact that the site is located in a rural location, away from services, with a narrow and rural access. It remains the case that, in all likelihood, the site

would be most often accessed by vehicle. When this is combined with the rural location, and the factors considered, the site cannot be seen as sustainable. Consequently, it is considered that the proposal does not meet criteria 3 of Policy E5. Therefore, it is considered that there is no policy of principle support for the proposal from the Local Plan. Also, as the site is unsustainable, it also fails to comply with the NPPF.

## **CONSULTATIONS**

### **Local Consultations**

#### Parish/Town Council

Whimble Parish Council has no objection to this application. The site is surrounded by trees and hedges. The new build could offer 4 additional local employment opportunities and would also save unnecessary travel from the current 'set up'.

#### Whimble and Rockbeare – Cllr Richard Lawrence

As the new Councillor for the Ward I wish to make the following comments regarding this application.

With regard to the site it is in Brickyard Road not Lane and there are a number of neighbouring businesses not least a substantial construction company and a poultry farm.

I have it on good authority that the site in question is not a greenfield site as wrongly stated by the applicant's agent, more an overgrown brownfield site which was the original brickyard.

The applicant is under notice to vacate his existing premises in Awliscombe and without a suitable alternative site could be in danger of losing his ARB approval which could have serious ramifications when attempting to procure larger contracts such as Local Authority work. He is so concerned about this point that he may have to seriously consider scaling back his organisation or indeed closing down, with the subsequent loss of employment this would bring about.

I am in favour of this application.

#### Whimble And Rockbeare - Cllr Mike Howe (Substitute)

Support - Relevant planning observations on the planning application to support my recommendation:

I believe the evidence to show that the relocation of the business and that this location hidden from view allows me to support this as it will protect the jobs that this company supports.

### **Technical Consultations**

#### Environmental Health

I have considered the application 20/2896/FUL and do not anticipate any environmental health concerns.

## 1 INTRODUCTION

This report forms the EDDC's landscape response to the full application for the above site.

The report provides a review of landscape related information submitted with the application in relation to adopted policy, relevant guidance, current best practice and existing site context and should be read in conjunction with the submitted information.

## 2 LOCATION, SUMMARY PROPOSALS, SITE DESCRIPTION AND CONTEXT

### 2.1 Location and brief description of proposals and means of access

The site is situated off Brick Lane south of A303 and east of the A303 over bridge at East Strete. Access is from an existing gateway off Brick Lane.

### 2.2 Site description and context

The site is a roughly triangular plot comprising paddock area with trees and an area of hard standing by the entrance. It is surrounded by established boundary hedgebanks along adjacent roads which limit views in and out.

The site is gently sloping with a westerly aspect. Surrounding land use is predominantly agricultural. A block of woodland to the east separates the site from the existing timber yard.

Modern detractors include a pylon within the paddock and road noise from the A303 which lies immediately to the north.

### 2.3 Landscape, conservation and planning designations

There are no landscape, conservation or other planning designations within the site or nearby that would be effected by the proposals.

## 3 CONCLUSIONS & RECOMMENDATIONS

### 3.1 Acceptability of proposals

The scheme is considered acceptable in terms of landscape and visual impact. Should the application be approved the following conditions should be imposed:

### 3.2 Landscape conditions

1) No development work shall commence on site until the following information has been submitted and approved:

a) Surface water drainage scheme incorporating appropriate SuDS features and details of proposed foul drainage and incoming water and electricity supply routes.

b) Details of locations, heights and specifications and means of control of proposed external lighting.

c) Planting plan(s) showing locations and number of new tree and shrub planting and notes on planting, staking and protection and 5 year maintenance schedule.

d) Measures for protection of existing perimeter trees during construction phase in accordance with BS5837: 2012 together with Arboricultural Method Statements covering works to trees and within RPAs including no-dig construction methods where necessary. Approved protective measures shall be implemented prior to commencement of construction and maintained in sound condition for the duration of the works.

2) The works shall be executed in accordance with the approved drawings and details and shall be completed prior to first use of the proposed buildings with the exception of planting which shall be completed no later than the first planting season following first use.

3) Any new planting which fails to make satisfactory growth or dies within five years following completion of the development shall be replaced with plants of similar size and species to the satisfaction of the LPA.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Strategy 3 (Sustainable Development), Strategy 5 (Environment), Policy D1 (Design and Local Distinctiveness), Policy D2 (Landscape Requirements) and Policy D3 (Trees and development) of the East Devon Local Plan. The landscaping scheme is required to be approved before development starts to ensure that it properly integrates into the development from an early stage.)

#### Other Representations

One third party representation has been received. This is in support of the proposal for the following reasons:

- The site is well screened.
- The site is tidy.
- The proposal would support a local business.

#### **PLANNING HISTORY**

None.

#### **POLICIES**

##### Adopted East Devon Local Plan 2013-2031 Policies

Strategy 7 (Development in the Countryside)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

E5 (Small Scale Economic Development in Rural Areas)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

#### Government Planning Documents

NPPF (National Planning Policy Framework 2019)

### **Site Location and Description**

This application relates to an area of land to the north of Brickyard Lane. This site is located outside of any built-up area boundary, and is situated approximately 1000 metres west the 'Daisymount' junction on the A30. However, access to the site through an existing vehicular entrance off a narrow unclassified road, known as Brickyard Lane, which runs along the southern boundary of the site. To the north, the site is adjoined by woodland on the embankment of the A30. There is also woodland adjoining the site to the east. To the west, the site is bounded by an open field. The site currently appears to be used for the storage of various vehicles and other equipment, which it is presumed relates to the applicants business.

### **Proposed Development:**

Planning permission is sought for the erection of two buildings on the site; a storage and workshop building, and an office building. Furthermore, consent is also sought to change the use of the land to commercial.

The storage and workshop building would be 18 metres in length, and 9 metres wide. It would be just over 6.3 metres high.

The office building would be 8 metres in length and 6 metres wide. It would be on stilts, so its overall height above the current ground level would vary.

The change of use would result in an extension of the surfaced area within the site.

### **ANALYSIS**

The main issues for consideration are the principle of development, visual impact and highway safety.

#### **Principle**

The key justification provided by the applicants for the proposal is as follows:

- The proposal relates to a development which would be utilised by Hartwood Treeworks Ltd. Information supplied with the application indicates that the company currently operates from a site in Awliscombe. Although the same

information also states that the company already "store some of their agricultural and forestry machinery and a limited amount of timber and woodchip at the Brickyard Lane site." There is no planning permission for this and it would appear that the existing hardstanding is left over from the use of the site in relation to the construction of the A30 and historically a former brickyard (again for which there is no record of any planning permission).

- The application states that the Awliscombe base is not large enough for the needs of the company, and that using the Brickyard Lane site in addition to the Awliscombe site is impractical. The company considers that there is no scope to extend their current base. The applicants state that the Brickyard Lane site offers better access to the road network, which they consider important, as the company undertakes work covering a large area.
- Additionally, it is stated that the company is intending to expand staffing levels. Therefore, more space will be required to accommodate this.
- The supporting statement argues that the proposed site is more sustainable than the current site in Awliscombe. This is considered in more detail below.

The application site is located outside of any built-up area boundary and, therefore, is considered to be in the open countryside. There is no settlement immediately adjoining the site, with West Hill being the nearest residential area, the built-up area boundary of which is approximately 1.5 kilometres from the site, when measured in a straight line. Consequently, the overriding Local Plan strategy under which this proposal must be considered is Strategy 7 (Development in the Countryside). This states that development in the countryside will only be permitted where it accords with a specific local or neighbourhood plan policy, and where it would not harm the character and appearance of the area. There is no 'made' Neighbourhood Plan for the area in which the site is located. Consequently, the key policy under which this proposal must be considered is Local Plan Policy E5 (Small Scale Economic Development in Rural Areas), which states the following:

*"In villages and rural areas small scale economic development (not including retail use classes/other uses in Classes A1 - A4) and expansion of existing businesses designed to provide jobs for local people will be permitted where:*

- 1. It involves the conversion of existing buildings. Or*
- 2. If new buildings are involved, it is on previously developed land. Or*
- 3. If on a Greenfield site, shall be well related in scale and form and in sustainability terms to the village and surrounding areas.*

*Provided that the following criteria are met: a safe highway access, the local highway network is capable of accommodating the forecast increase in traffic established by a Traffic Assessment, no detrimental impact upon the amenities of neighbouring properties, wildlife, landscape or historic interests. All new buildings shall be designed to blend into their location and shall meet sustainable construction and on site renewable energy production. In order to ensure that land is retained for the benefit of the local economy, permitted development rights allowing changes to alternative uses will be withdrawn."*



In the case of the proposal in question, no conversion of buildings is proposed and the site is not on previously developed land. So, it is clear that the proposal does not meet the first two criteria. With reference to the third criteria, the site is greenfield and, therefore, it is necessary to assess whether the proposal would be well related in scale and form and in sustainability terms to the village and surrounding areas. The applicants have provided a statement detailing why they feel that the development, and site, would meet that criteria. However, the officers hold a different view, and the key reasons for this are:

### Sustainability

As the site is located outside a built-up area boundary, in the countryside and a considerable distance from any settlement, it is considered to be in an unsustainable location. The applicants have drawn officer's attention to the bus routes which run along the B3180 and B3174. The presence of those bus routes is noted. Although, it is also noteworthy that none of those services run past the site, and the applicants own suitability statement details the following with regard to their location:

"The closest bus stop is at Daisymount roundabout, only an 11 minute walk from the proposed site. There is also the bus stop at the Hand & Pen on the London Road, which is a 20 minute walk, and one in Marsh Green, which is a 26 minute walk. These times are all taken from Google Maps and would be average times that could be reduced with a brisk walk."

The statement then highlights that, in the authors opinion, the route from the bus stop to the site would be on quiet rural roads. Whilst that may be the case, it is considered that the time and distance (around 1.2km to Daisymount) would be sufficient to prevent most people from accessing the site by bus, especially if the weather was poor or in winter months when dark given the lack of footpaths and street lighting. Therefore, it is not considered that the presence of these bus services is, in itself, sufficient for the site to be deemed sustainable.

The aforementioned statement, then draws attention to the use to trains to access the site. The nearest railway station to the site is in Whimple (around 3.3km from the site, and along some roads on which it would be undesirable to walk or cycle). Clearly, this distance, and the nature of the route to the site, is such that it is highly unlikely anyone would chose to access the site via the train.

The applicant's sustainability report also indicates the proximity of the site to the A30 and the possibility to car sharing. The presence of the A30 is noted, but it is not clear how close access to a major highway serves to make the site more sustainable, simply because the vehicular access to within around 1.2km of the site is easy. Whilst car sharing may be possible depending upon where staff are based, this cannot be relied on to consider a site sustainable, as staff, and there they reside, is likely to change over time. It is also relevant to note that the reason for the policy requiring a location close to a settlement is to reduce travel and to aid the possibility of shared trips (for example combining a trip to work with shopping or the school run).

The sustainability report also mentions that, currently, there are some staff who could walk to the proposal site, from home, within around 30 minutes. Again, there is no guarantee that these staff would work for the company in the very long term and, in any case, it would seem unlikely that they would wish to walk for around 60 minutes as part of every working day on unlit roads with limited footways. Therefore, it is considered that this factor also cannot be relied upon for the site to be deemed sustainable.

Also mentioned in the sustainability report is the possibility of cycling to the site. This may be possible for some people, and would reduce the need for those individuals to travel by vehicle. However, the possibility of some people cycling to the site is not sufficient for it to be considered acceptable.

The applicants also state that the location of the site would provide better, and easier, access to the areas that they work, and that it is more central to where their current staff reside. Whilst this may be the case, the staff may change over time and, while the advantages in terms of access to their work areas are understood, it is not considered that these factors are sufficient to consider the site sustainable. Travel to the site could not be easily combined with other trips.

Given the comments above, it is clear that there are many factors which the applicants feel make the site sustainable. Whilst these are noted, it is considered that none of those factors is sufficient to overcome the fact that the site is located in a rural location, away from services, with a narrow and rural access. It remains the case that, in all likelihood, the site would be most often accessed by vehicle. When this is combined with the rural location, and the factors considered, the site cannot be seen as sustainable and there is a concern that granting consent by stating that this site is sustainable in terms of Policy E5 would be difficult to defend should other development come forward in equally unsustainable locations.

The applicant is therefore encouraged to find a site at the edge of an existing settlement with a range of services and facilities, or seek to locate to an existing employment site or allocation.

Whether the development is 'small scale'.

A total floor area of 210 square metres is proposed, and the largest of the buildings would have a ridge height of just over 6.3 metres. Whilst this is not a large proposed floor area, it is also not a modest floor area given the rural nature of the area. The overall site area is around 1600 square metres. On balance, this is considered to be fairly small scale.

Vehicular access.

The applicants highlight that the site is located close to the A30 with the Daisymount junction around 1.2 kilometres from the site. This fact is not contested by the Council. However, the road from which the site is accessed is unclassified; it is rural and narrow in nature (except for a short distance at either end, where the road was realigned when the A30 dual carriageway was constructed), and not considered suitable as an access

to a business premises. Especially so as the location of the site away from any settlements would result in additional vehicle movements to and from the site.

Despite this, it is noted that there is an established vehicular access into the site from Brickyard Lane, which appears to provide sufficient visibility given the nature of the highway at that point.

Overall assessment of criteria 3 of policy E5.

Whilst the proposal is, on balance, considered to be small scale, it is considered that the site is not sustainable, for the reasons detailed above. The bottom line is that the site is located within the countryside quite a distance from any settlement and not attractive for non-car drivers to access. There is no near-by settlement for the site to relate to. Consequently, it is considered that the proposal does not meet criteria 3 of Policy E5. Therefore, it is considered that there is no policy of principle support for the proposal from the Local Plan.

### **Visual Impact**

The application site is located in a rural location, with few buildings in the immediate vicinity. There is some screening of the site provided to the north and east by existing trees. There is less screening on other directions. However, some landscaping is appears to be shown on the proposed site plan which, if installed would provide additional screening. Given that the site is not located within any landscape designation, and as the buildings proposed, especially the storage building, would be agricultural in appearance, it is considered that the proposal would not be detrimental to the character and appearance of the countryside. The Council's Landscape Architect concurs with this view, and has also recommended a condition to ensure that suitable landscaping is installed. In the event that this application is approved, such a condition is considered reasonable.

### **Highway safety.**

The proposed development would utilise the existing entrance off Brickyard Lane into the site. This entrance is located on the outside of a bend with, given the likely speed of traffic on the highway, reasonable visibility. Despite the relatively wide nature of the highway at the site entrance (due to the reconstruction of the highway when the new A30 was constructed), many sections of Brickyard Lane between the site at the B3180, and the increase in traffic on that section of road which would result from the development could increase the risk to other road users, particularly people using the cycle route which utilises Brickyard Road. No comments from the County Highway Authority have been received.

### **Impact on trees.**

There are some trees on the northern and eastern edges of the site. The most notable of these are those on the eastern boundary, and the submitted tree report indicates that many of these are category A or B trees. The Council's Arboriculturalists have been consulted on this application, and have not objected to the proposal.

## **Impact on other residents.**

There are no domestic or other properties located close to the site. Therefore, the proposal is considered to be acceptable in this regard.

## **CONCLUSION**

Whilst the proposal is considered to be acceptable in some respects and would provide employment benefits, there are considerable concerns relating to the sustainability of the site for the proposed use.

The site is located in the open countryside, and is accessed off a minor unclassified road. There is no public transport available close to the site and, therefore, it is most likely that the site will be accessed by motor vehicle. Consequently, the site is considered to be unsustainable. Therefore, neither Policy E5 or Strategy 7 of the local plan offer support for the development. Given these factors, despite the applicant's case in support of the proposal, it is considered that the application cannot be supported. Therefore, it is recommended that this application is refused.

## **RECOMMENDATION**

REFUSE for the following reasons:

1. The application site is located in an unsustainable rural location, remote from any settlement or built-up area boundary, and is accessed off a narrow, unclassified, highway, with no direct access to public transport. Consequently, the proposal will result in reliance upon the use of the car contrary to criteria 3 to Policy E5 (Small Scale Economic Development In Rural Areas) of the East Devon Local Plan 2013-2031 and, therefore, also contrary to Strategy 7 (Development in the Countryside) of the same plan.

## **NOTE FOR APPLICANT**

Informative:

In accordance with the aims of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 East Devon District Council seeks to work positively with applicants to try and ensure that all relevant planning concerns have been appropriately resolved; however, in this case the development is considered to be fundamentally unacceptable such that the Council's concerns could not be overcome through negotiation.

## **Plans relating to this application:**

8409 : Drainage	Other Plans	24.12.20
2025-24	Proposed Combined Plans	24.12.20

2025-23	Proposed Combined Plans	24.12.20
2025-22	Proposed Floor Plans	24.12.20
2025-21	Proposed Site Plan	24.12.20
002 A : Tree survey	Other Plans	24.12.20
001 A : Tree survey	Other Plans	24.12.20
	Location Plan	24.12.20

#### List of Background Papers

Application file, consultations and policy documents referred to in the report.