

**Agenda for Planning Committee  
Wednesday, 5th May, 2021, 10.00 am**



**Members of Planning Committee**

Councillors E Wragg (Chair), S Chamberlain (Vice-Chair), J Bailey, K Bloxham, C Brown, A Colman, O Davey, B De Saram, S Gazzard, M Howe, D Key, G Pook, G Pratt, P Skinner, J Whibley and T Woodward

East Devon District Council  
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Heathpark Industrial Park  
Honiton  
EX14 1EJ

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[www.eastdevon.gov.uk](http://www.eastdevon.gov.uk)

**Venue:** Online via the Zoom App.

**Contact:** Wendy Harris, Democratic Services Officer  
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wharris@eastdevon.gov.uk

(or group number 01395 517546)

Issued: Thursday, 22 April 2021

**Important - this meeting will be conducted online and recorded by Zoom only.**

**Please do not attend Blackdown House.**

**Members are asked to follow the [Protocol for Remote Meetings](#)**

This meeting is being recorded by EDDC for subsequent publication on the Council's website and will be streamed live to the Council's Youtube Channel at <https://www.youtube.com/channel/UCmNHQruge3LVI4hcgRnbwBw>

**[Speaking on planning applications](#)**

In order to speak on an application being considered by the Development Management Committee you must have submitted written comments during the consultation stage of the application. Those that have commented on an application being considered by the Committee will receive a letter or email detailing the date and time of the meeting and instructions on how to register to speak. The letter/email will have a reference number, which you will need to provide in order to register. Speakers will have 3 minutes to make their representation.

The number of people that can speak on each application is limited to:

- Major applications – parish/town council representative, 5 supporters, 5 objectors and the applicant or agent
- Minor/Other applications – parish/town council representative, 2 supporters, 2 objectors and the applicant or agent

The day before the meeting a revised running order for the applications being considered by the Committee and the speakers' list will be posted on the council's website (agenda item 1 – speakers' list). Applications with registered speakers will be taken first.

**Parish and town council representatives wishing to speak on an application are also required to pre-register in advance of the meeting.** One representative can be registered to speak on behalf of the Council from 10am on Monday 26 April 2021 up until 12 noon on Thursday 29 April 2021 by leaving a message on 01395 517525 or emailing [planningpublicspeaking@eastdevon.gov.uk](mailto:planningpublicspeaking@eastdevon.gov.uk).

#### Speaking on non-planning application items

A maximum of two speakers from the public are allowed to speak on agenda items that are not planning applications on which the Committee is making a decision (items on which you can register to speak will be highlighted on the agenda). Speakers will have 3 minutes to make their representation. You can register to speak on these items up until 12 noon, 3 working days before the meeting by emailing [planningpublicspeaking@eastdevon.gov.uk](mailto:planningpublicspeaking@eastdevon.gov.uk) or by phoning 01395 517525. A member of the Democratic Services Team will only contact you if your request to speak has been successful.

- 1 **Speakers' list and revised order for the applications** (Pages 4 - 5)  
Revised order for the applications and speakers' list.
- 2 **Minutes of the previous meeting** (Pages 6 - 11)  
Minutes of the Development Management Committee meeting held on 7 April 2021.
- 3 **Apologies**
- 4 **Declarations of interest**  
Guidance is available online to Councillors and co-opted members on making [declarations of interest](#)
- 5 **Matters of urgency**  
Information on [matters of urgency](#) is available online
- 6 **Confidential/exempt item(s)**  
To agree any items to be dealt with after the public (including press) have been excluded. There are no items that officers recommend should be dealt with in this way.
- 7 **Planning appeal statistics** (Pages 12 - 19)  
Update from the Development Manager

#### **Applications for Determination**

**PLEASE NOTE - If required the meeting will be adjourned at approximately 1pm for a 30 minutes break**

- 8 **21/0302/FUL (Minor) - BEER & BRANSCOMBE** (Pages 20 - 39)

Bumbles Locker, Fore Street, Beer, Seaton, EX12 3JB.

- 9 **20/1680/FUL & 20/1677/FUL (Minor) - EXE VALLEY** (Pages 40 - 60)  
Bridge Farm, Stoke Hill, Stoke Canon, Exeter, EX5 4EE.
- 10 **21/0344/OUT (Minor) - WOODBURY & LYMPSTONE** (Pages 61 - 70)  
Merrivale, Exton, Exeter, EX3 0PP.
- 11 **20/2133/FUL (Minor) - YARTY** (Pages 71 - 86)  
Myrtle Farm, Chardstock, Axminster, EX13 7DD.
- 12 **20/2393/FUL (Minor) - EXMOUTH TOWN** (Pages 87 - 94)  
27 Parade, Exmouth, EX8 1RH.
- 13 **20/1999/VAR (Minor) - WEST HILL & AYLESBEARE** (Pages 95 - 104)  
North Cottage, Alyesbeare, Exeter, EX5 2DB.
- 14 **21/0241/FUL (Minor) - BROADCLYST** (Pages 105 - 117)  
Clystside, Blackhorse Lane, Blackhorse, Exeter, EX5 2AR.

**Please note:**

Planning application details, including plans and representations received, can be viewed in full on the Council's [website](#).

[Decision making and equalities](#)

**For a copy of this agenda in large print, please contact the Democratic Services Team on 01395 517546**

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**EAST DEVON DISTRICT COUNCIL****Minutes of the meeting of Planning Committee held at Online via the Zoom App on 7 April 2021****Attendance list at end of document**

The meeting started at 10.02am and ended at 3.20pm. The meeting was adjourned at 1.25pm and reconvened at 1.45pm.

**243 Apology from a Planning Committee Member**

The Chair gave a brief introduction to this agenda item of an apology from a Planning Committee Member. The Chair advised a letter had been sent to the Exmouth Journal in August 2020 by Councillor Philip Skinner expressing his concerns about the withdrawal of the Greater Exeter Strategic Plan in which he had made some unwelcomed personal comments about the Chair. The Chair asked for an apology from Councillor Skinner for these defamatory comments.

Councillor Skinner openly and sincerely apologised for the comments he had made.

**244 Minutes of the previous meeting**

The minutes of the meetings held on 10 March and 17 March 2021 were agreed as true records.

**245 Declarations of interest**

Minute 250. 20/1799/FUL (Minor) - EXMOUTH TOWN.

Councillors Andrew Colman, Bruce De Saram, Joe Whibley, Olly Davey, Steve Gazzard and Tony Woodward, Personal, Exmouth Town Councillor.

Minute 250. 20/1799/FUL (Minor) - EXMOUTH TOWN.

Councillors Bruce De Saram, Personal, Lobbied on this application.

Minute 250. 20/1799/FUL (Minor) - EXMOUTH TOWN.

Councillor Eileen Wragg, Personal, In accordance with the code of good practice for Councillors and Officers dealing with planning matters as set out in the Constitution, Councillor Wragg, as Ward Member, stepped down from the Committee and the Vice Chair chaired the item.

Minute 250. 20/1799/FUL (Minor) - EXMOUTH TOWN.

Councillor Eileen Wragg, Personal, Lives seven doors away from the property with the planning application.

Minute 25r1. 20/2834/COU (Minor) - EXMOUTH TOWN.

Councillors Andrew Colman, Bruce De Saram, Joe Whibley, Steve Gazzard, Olly Davey, Tony Woodward, Personal, Exmouth Town Councillor.

Minute 251. 20/2834/COU (Minor) - EXMOUTH TOWN.

Councillors Bruce De Saram, Eileen Wragg, Kim Bloxham, Steve Gazzard, Tony Woodward; Joe Whibley, Personal, As district councillors the land for this application is owned by EDDC.

Minute 251. 20/2834/COU (Minor) - EXMOUTH TOWN.  
Councillors David Key, Eileen Wragg, Kim Bloxham, Olly Davey, Philip Skinner, Tony Woodward, Personal, Lobbied on this application.

Minute 251. 20/2834/COU (Minor) - EXMOUTH TOWN.  
Councillor Eileen Wragg, Personal, In accordance with the code of good practice for Councillors and Officers dealing with planning matters as set out in the Constitution, Councillor Wragg, as Ward Member, stepped down from the Committee and the Vice Chair chaired the item.

Minute 251. 20/2834/COU (Minor) - EXMOUTH TOWN.  
Councillor Joe Whibley, Personal, Lobbied on this application and had two telephone conversations with a resident

Minute 251. 20/2834/COU (Minor) – EXMOUTH TOWN.  
Councillor Joe Whibley, Chair of Licensing Committee which this application could come before Committee at a future date.

Minute 251. 20/2834/COU (Minor) - EXMOUTH TOWN.  
Councillors Kim Bloxham & Tony Woodward, Personal, Members of the Licensing Committee which this application could come before Committee at a future date.

Minute 254. 20/2825/COU (Minor) - YARTY.  
Councillor Kim Bloxham, Personal, Member of the East Devon Traveller Forum.

## 246 **Planning appeal statistics**

The Committee received and noted the Development Manger's report setting out nine appeal decisions notices, of which seven had been dismissed and two allowed.

The Development Manager drew Members' attention to the two appeals allowed and advised the appeal of application 20/0848/FUL which related to an educational facility in Poltimore had been allowed as the Inspector felt the applicant had justified the location for the school. The appeal of application 20/0411/LBC for the removal of an existing rear porch and construction of an extension to the rear elevation was also allowed as the Inspector determined the importance of maintaining the building would outweigh the harm to the listed building.

The Committee noted an end of year report would be going to Strategic Planning Committee shortly to outline the Local Planning Authority's performance with regard to appeals for last year.

## 247 **20/2875/OUT (Minor) - AXMINSTER**

**Applicant:**  
Ms D Day.

**Location:**  
Land East of Fairacre, Lyme Road, Axminster, EX13 5BH.

**Proposal:**  
Outline application for the demolition of a garage and erection of a dwelling, all matters reserved except access.

**RESOLVED:**

Approved as per officer recommendation but with a change to Condition 8 to read as follows to ensure space is provided on site for construction vehicles and deliveries:  
Condition 8. As part of any reserved matters application relating to layout, details of the following shall be provided:

- An area for on-site parking and loading and unloading area during the whole construction period to prevent the use of/blocking of the shared access lane during construction; and,
- An area for on-site parking and associated turning provision for a minimum of 2 no. cars post construction to serve the dwelling.

Thereafter at all times the parking and turning areas shall be kept free of obstruction and available for use for these purposes.

(Reason - To ensure adequate and safe provision is made for the occupiers and in the interests of highway safety in accordance with Policies TC7 - Adequacy of Road Network and Access and TC9 - Parking Provision in New Development of the Adopted East Devon Local Plan 2013-2031.)

248 **21/0030/FUL (Minor) - DUNKESWELL & OTTERHEAD**

**Applicant:**

Mr & Mrs S Cannon.

**Location:**

Hunthayes Barn, Hunthayes Farm, Awliscombe, EX14 3QB.

**Proposal:**

Conversion of existing brick barn and stone barns to form one dwelling.

**RESOLVED:**

Approved contrary to officer recommendation.

Members considered the proposal to be in a sustainable location and of an acceptable design. Conditions delegated to the Development Manager in consultation with the Ward Members and Chair of Planning Committee.

249 **21/0372/FUL (Minor) - DUNKESWELL & OTTERHEAD**

**Applicant:**

Jo & Mathew Davis.

**Location:**

Barn at Otter View Farm (NE of Shaugh Cottage), Luppitt, Honiton, EX14 4TP.

**Proposal:**

Proposed conversion of agricultural building to form residential dwelling and associated works.

**RESOLVED:**

Approved contrary to officer recommendation.

Members considered the proposal to be in a sustainable location with the building no longer required for agricultural use. Conditions delegated to the Development Manager in consultation with the Ward Members and Chair of Planning Committee.

250 **20/1799/FUL (Minor) - EXMOUTH TOWN**

**Applicant:**

Mrs K Rowsell

**Location:**

105 Victoria Road, Exmouth, EX8 1DR.

**Proposal:**

Proposed new one bed annexe with under-croft for two vehicle parking.

**RESOLVED:**

Refused contrary to officer recommendation.

Members considered that:

1. By reason of its design, scale, height and bulk the proposed building would create a visually intrusive and discordant feature within the streetscene which would be out of character and detrimental to the character and appearance of the area. The proposal would be contrary to the provisions of Strategy 6 (Development within Built-Up Area Boundaries) and policy D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan 2013-2031 and EB2 of the Exmouth Neighbourhood Plan.
2. The proposed development by reason of its height, bulk, massing and proximity to the site boundaries would result in an unacceptable relationship with the surrounding properties with an unduly harmful overbearing and over dominant impact which would be to the detriment of the residential amenities of the occupiers of surrounding properties. The proposal is considered to be contrary to the provisions of policy D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan 2013-2031).

251 **20/2834/COU (Minor) - EXMOUTH TOWN**

**Applicant:**

Nick Christo (EDDC Streetscene)

**Location:**

Land adjacent to Manor Hotel, The Beacon, Exmouth.

**Proposal:**

Change of use of area of land adjacent Manor Hotel for the siting of tables and chairs until 30 September 2021.

**RESOLVED:**

Refused contrary to officer recommendation.

Members considered that:

1. By reason of the close relationship of the site with residential properties, the proposed use would result in a detrimental loss of amenity to the residents with the benefits from the proposal failing to outweigh the harm contrary to policies D1 and EN14 of the Local Plan.
2. That the proposal would result in a harmful visual impact on the Conservation Area

contrary to Strategy 49 and Policies D1 and EN10 of the Local Plan and policies EB1 and EB2 of the Exmouth Neighbourhood Plan.

252 **20/1647/MFUL & 20/1648/LBC (Major) - OTTERY ST MARY**

**Applicant:**

Mr Chris Riley (PCR Homes Ltd.)

**Location:**

Salston Manor Hotel, Ottery St Mary, EX11 1RQ.

**Proposal:**

Construction of 13 dwelling houses within the grounds of Salston Manor and construction of single and two storey extensions to listed building to form two dwellings and enlargement of two previously approved apartments.

**RESOLVED:**

(20/1647/MFUL)

Approved as per officer recommendation.

(20/1648/LBC)

Approved as per officer recommendation.

253 **20/1316/FUL (Minor) - OTTERY ST MARY**

**Applicant:**

Mr N M Eyres.

**Location:**

The former Colbert Hall, Mill Street, Ottery St Mary, EX11 1AD.

**Proposal:**

Conversion of rear section of vacant part retail premises into three town houses (class use C3a).

**RESOLVED:**

Approved as per officer recommendation.

254 **20/2825/COU (Minor) - YARTY**

**Applicant:**

Ms Charmaine Lee.

**Location:**

Hawkwell Park, Wareham Road, Hawkchurch.

**Proposal:**

Retrospective application for retention of use of land as a residential caravan site without restricting the occupation to gypsies and travellers only.

**RESOLVED:**

Refused as per officer recommendation.

**Attendance List**

**Councillors present:**

E Wragg (Chair)  
S Chamberlain (Vice-Chair)  
K Bloxham  
C Brown  
A Colman  
O Davey  
B De Saram  
S Gazzard  
D Key  
G Pratt  
P Skinner  
J Whibley  
T Woodward

**Councillors also present (for some or all the meeting)**

P Arnott  
D Bickley  
S Bond  
P Faithfull  
P Hayward  
S Jackson  
V Johns  
A Moulding

**Officers in attendance:**

Chris Rose, Development Manager  
Shirley Shaw, Planning Barrister  
Wendy Harris, Democratic Services Officer  
Sarah Jenkins, Democratic Services Officer  
Nicholas Christo, Area Manager West

**Councillor apologies:**

J Bailey  
M Howe  
G Pook

Chairman .....

Date: .....

**EAST DEVON DISTRICT COUNCIL  
LIST OF PLANNING APPEALS LODGED**

**Ref:** 20/2177/FUL                      **Date Received** 26.03.2021  
**Appellant:** Mr & Mrs R and M Banks  
**Appeal Site:** Devenish Pitt Farm Farway Colyton EX24 6EG  
**Proposal:** Change of use of a rural building and erection of an extension to form 3 no. holiday lets, with associated works.  
**Planning Inspectorate Ref:** APP/U1105/W/21/3271915

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**Ref:** 20/0191/FUL                      **Date Received** 31.03.2021  
**Appellant:** Cladir Limited  
**Appeal Site:** Home Farm Clyst Honiton Exeter EX5 2LX  
**Proposal:** Construction of 1 no. warehouse building, renovation of brick building, construction of hammerheads and site entrance, installation of pallisade fencing, vehicular and pedestrian gates, 2.1m high wall, covered cycle store and refuse store and lockable road barrier  
**Planning Inspectorate Ref:** APP/U1105/W/21/3272290

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**EAST DEVON DISTRICT COUNCIL  
LIST OF PLANNING APPEALS DECIDED**

**Ref:** 20/0078/CPE                      **Appeal Ref:** 20/00065/LDC  
**Appellant:** Mr Colin Bloomfield  
**Appeal Site:** Stream Wood Land NW Of Yawl Cross St Marys Lane  
Uplyme  
**Proposal:** Certificate of Lawfulness for an existing use and operation  
consisting of the erection of 2no. buildings and their use for a  
mixed residential, workshop and storage use in connection  
with management of surrounding woodland  
**Decision:** **Appeal Dismissed**    **Date:** 09.04.2021  
**Procedure:** Written representations

**Remarks:** The Inspector considered that the evidence was imprecise  
and not sufficiently robust to demonstrate on the balance of  
probabilities that the structures and uses subject to the  
appeal have been substantially completed and been in use  
continuously to satisfy the periods of immunity from  
enforcement action required by s171b of the Act.

He concluded that the Authority's refusal to grant a lawful  
development certificate was well-founded.

**BVPI 204:** **No**  
**Planning** APP/U1105/X/20/3263779  
**Inspectorate Ref:**

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**Ref:** 18/F0494                      **Appeal Ref:** 20/00064/ENFAPP  
**Appellant:** Malcolm John Burrough  
**Appeal Site:** Thorn Park Family Golf Centre Salcombe Regis Sidmouth  
EX10 0JH  
**Proposal:** Appeal against the serving of an Enforcement Notice in  
respect of the carrying out of a material change of use of the  
land from Assembly and Leisure use (D2 Use Class) to a  
mixed use as Assembly and Leisure Use (D2) and residential  
use (C3) by the placing on the land of two caravans  
**Decision:** **Enforcement**                      **Date:** 13.04.2021  
**Notice nullified**

**Procedure:** Written representations  
**Remarks:** The Inspector determined that the Notice was defective and  
could not be corrected without causing injustice to the  
appellant.

**BVPI 204:** **No**  
**Planning** APP/U1105/C/20/3262840  
**Inspectorate Ref:**

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## East Devon District Council List of Appeals In Progress

**App.No:** 19/0078/FUL  
**Appeal Ref:** APP/U1105/W/19/3242773  
**Appellant:** Mr & Mrs Raggio  
**Address:** Lily Cottage Goldsmith Lane All Saints Axminster EX13 7LU  
**Proposal:** Demolition of former cottage and construction of new dwelling.  
**Start Date:** 8 January 2020  
**Procedure:** Hearing  
**Questionnaire Due Date:** 15 January 2020  
**Statement Due Date:** 12 February 2020  
**Hearing Date:** To be arranged

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**App.No:** 18/F0034  
**Appeal Ref:** APP/U1105/C/19/3238383  
**Appellant:** Natalie Jones  
**Address:** Otter Valley Golf Centre, Rawridge  
**Proposal:** Appeal against the serving of an enforcement notice in respect of the material change of use of the land from that of agriculture to a mixed use of the land for siting of a mobile home for residential purposes, use of the land as an equine stud farm and use of the agricultural barn for livestock, without planning permission.  
**Start Date:** 6 July 2020  
**Procedure:** Inquiry  
**Questionnaire Due Date:** 20 July 2020  
**Statement Due Date:** 17 August 2020  
**Inquiry Date:** 16 March 2021

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**App.No:** 19/F0187  
**Appeal Ref:** APP/U1105/F/20/3258749  
**Appellant:** Mr S Broom  
**Address:** Court Place Cottage, Court Place Farm, Wilmington  
**Proposal:** Appeal against the serving of a listed building enforcement notice in respect of replacement windows and door.  
**Start Date:** 5 October 2020  
**Procedure:** Written reps.  
**Questionnaire Due Date:** 19 October 2020  
**Statement Due Date:** 16 November 2020  
**Site visit:** 5 January 2021

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**App.No:** 15/F0020  
**Appeal Ref:** APP/U1105/C/20/3248557  
**Appellant:** Ms Charmaine Lee  
**Address:** Hawkwell Park, Hawkchurch  
**Proposal;** Appeal against the serving of an enforcement notice in respect of the non - compliance with a condition on a planning permission restricting the occupation of caravans on the site to gypsies and travellers.  
**Start Date:** 8 December 2020  
**Procedure:**  
**Inquiry**  
**Questionnaire Due Date:** 22 December 2020  
**Statement Due Date:** 19 January 2021  
**Inquiry Date:** 6 July 2021

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**App.No:** 19/2283/COU  
**Appeal Ref:** APP/U1105/W/20/3264784  
**Appellant:** Mr I Chubb  
**Address:** The Big Office Chubbs Yard Chardstock Axminster EX13 7BT  
**Proposal;** Change of use from office to dwelling (retrospective)  
**Start Date:** 22 February 2021  
**Procedure:**  
**Written reps.**  
**Questionnaire Due Date:** 1 March 2021  
**Statement Due Date:** 29 March 2021

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**App.No:** 20/1149/FUL  
**Appeal Ref:** APP/U1105/W/20/3264705  
**Appellant:** Mrs N Bayliss  
**Address:** Land Opposite Exton Lane Exmouth Road Exton  
**Proposal;** Construction of two dwellings and creation of new vehicular access  
**Start Date:** 23 February 2021  
**Procedure:**  
**Written reps.**  
**Questionnaire Due Date:** 2 March 2021  
**Statement Due Date:** 30 March 2021

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**App.No:** 20/2043/VAR  
**Appeal Ref:** APP/U1105/W/21/3268125  
**Appellant:** Philip and Christine Potter  
**Address:** April Rise Crewkerne Road Axminster EX13 5SX  
**Proposal;** Variation of condition 3 of permission 18/1425/FUL (Retention of garage as built, and change of use to create holiday accommodation) to allow building to be used as an unrestricted dwelling

**Start Date:** 2 March 2021

**Procedure:**  
**Written reps.**

**Questionnaire Due Date:**

9 March 2021

**Statement Due Date:**

6 April 2021

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**App.No:** 20/0912/VAR  
**Appeal Ref:** APP/U1105/W/21/3267313  
**Appellant:** Mr & Mrs Peter & Ann Stansell  
**Address:** Goldcombe Farmhouse Gittisham Honiton EX14 3AB  
**Proposal;** Conversion Of Existing Buildings To Holiday Dwellings (application for removal of Condition 5 of planning permission 84/P0792 to allow year round occupancy of the holiday dwellings and variation of Condition 6 of planning permission 84/P0792 to allow The Cider Barn to be used as an unrestricted residential dwelling)

**Start Date:** 4 March 2021

**Procedure:**  
**Written reps.**

**Questionnaire Due Date:**

11 March 2021

**Statement Due Date:**

8 April 2021

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**App.No:** 20/1251/TEL  
**Appeal Ref:** APP/U1105/W/21/3268338  
**Appellant:** Telefonica Limited  
**Address:** Stantyway Recreation Ground Otterton  
**Proposal;** The erection of an 18m high lattice tower supporting 3no. antennas and 1no. microwave dish, the installation of 1no. equipment cabinet and 1no. meter cabinet on new concrete base and the installation of ancillary equipment

**Start Date:** 4 March 2021

**Procedure:**  
**Written reps.**

**Questionnaire Due Date:**

11 March 2021

**Statement Due Date:**

8 April 2021

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**App.No:** 20/1481/FUL  
**Appeal Ref:** APP/U1105/W/21/3267933  
**Appellant:** Ms A Cole  
**Address:** 18 Fore Street Seaton EX12 2LA  
**Proposal;** To demolish the later read additions and erect a three storey building to form 3 x 1 bedroom apartments; carry out internal alterations to existing property to create additional 1 bedroom dwelling  
**Start Date:** 16 March 2021  
**Procedure:**  
**Written reps.**  
**Questionnaire Due Date:** 23 March 2021  
**Statement Due Date:** 20 April 2021

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**App.No:** 20/2054/VAR  
**Appeal Ref:** APP/U1105/W/21/3269783  
**Appellant:** Mr & Mrs G & S Bowey  
**Address:** Apple Barrel Barn Orchard Cottage Dunkeswell Abbey  
**Proposal;** Change of use of redundant barn to holiday cottage  
**Start Date:** 19 March 2021  
**Procedure:**  
**Written reps.**  
**Questionnaire Due Date:** 26 March 2021  
**Statement Due Date:** 23 April 2021

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**App.No:** 20/1406/FUL  
**Appeal Ref:** APP/U1105/D/21/3269729  
**Appellant:** Timothy Phillips  
**Address:** Ridge Cottage Stockland Honiton EX14 9EN  
**Proposal;** Construction of single storey side extension and external steps  
**Start Date:** 19 March 2021  
**Procedure:**  
**Written reps.**  
**Questionnaire Due Date:** 26 March 2021  
**Statement Due Date:** 23 April 2021

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**App.No:** 20/1983/FUL  
**Appeal Ref:** APP/U1105/D/21/3266284  
**Appellant:** Mrs Clements  
**Address:** 1 Orchard Close Lympstone Exmouth EX8 5LA  
**Proposal;** Change of material on south elevation of garage to render to reflect adjacent properties.  
**Start Date:** 23 March 2021  
**Procedure:**  
**Written reps.**  
**Questionnaire Due Date:** 30 March 2021

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**App.No:** 20/1380/PDQ  
**Appeal Ref:** APP/U1105/W/21/3267702  
**Appellant:** Mr Braddick  
**Address:** Land North Of Hamlet House Hamlet House Weston  
**Proposal;** Conversion of agricultural building to dwelling  
**Start Date:** 23 March 2021  
**Procedure:**  
**Written reps.**  
**Questionnaire Due Date:** 30 March 2021  
**Statement Due Date:** 27 April 2021

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**App.No:** 20/2410/MFUL  
**Appeal Ref:** APP/U1105/W/21/3270077  
**Appellant:** Churchill Retirement Living  
**Address:** Honiton Cattle Market Silver Street Honiton  
**Proposal;** Demolition of existing structures and redevelopment to form 57 retirement living apartments for older persons including communal facilities, parking and landscaping.  
**Start Date:** 29 March 2021  
**Procedure:**  
**Inquiry**  
**Questionnaire Due Date:** 5 April 2021  
**Statement Due Date:** 3 May 2021  
**Inquiry Date:** 15 July 2021 (Provisional)

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**App.No:** 20/1510/FUL  
**Appeal Ref:** APP/U1105/D/21/3267759  
**Appellant:** Mr and Mrs Kerr  
**Address:** Highfield Higher Way Harpford Sidmouth EX10 0NJ  
**Proposal;** Construction of dormer windows to front and rear, raising of roof to provide additional 1st floor accommodation, veranda and render finishes (revision of 20/0784/FUL)  
**Start Date:** 15 April 2021  
**Procedure:** Written reps.  
**Questionnaire Due Date:** 22 April 2021

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**Ward** Beer And Branscombe

**Reference** 21/0302/FUL

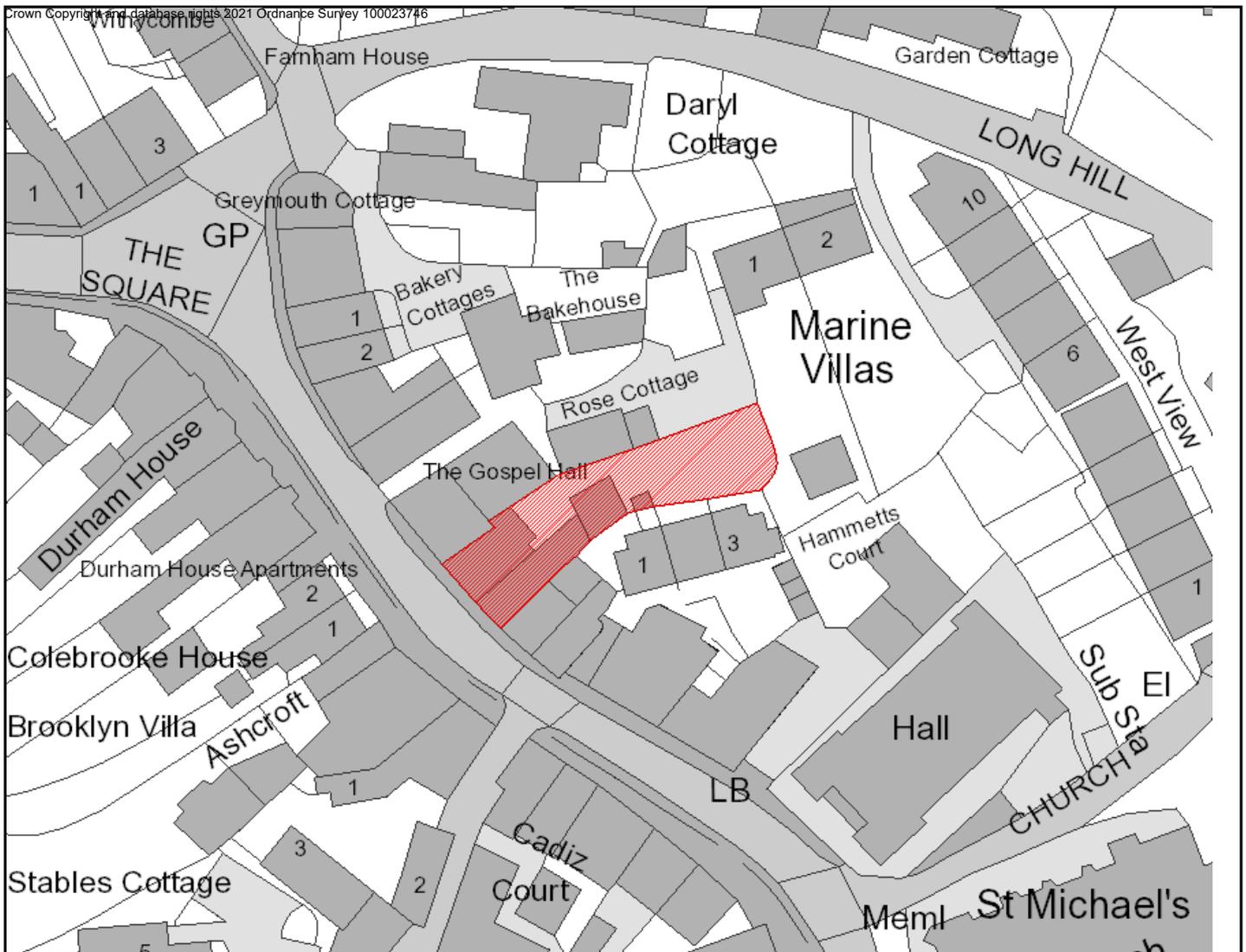
**Applicant** Mr & Mrs Reid

**Location** Bumbles Locker Fore Street Beer Seaton EX12 3JB

**Proposal** Proposed change of use of shops (A1) to living accommodation (C3) associated with a multi bedroomed self catering holiday let, alterations to the shop fronts, the conversion of existing attic space with the addition of two dormer windows and rear two storey extension to form a new stairwell



**RECOMMENDATION: Approval with conditions**



		<b>Committee Date: 5<sup>th</sup> May 2021</b>
<b>Beer And Branscombe (Beer)</b>	<b>21/0302/FUL</b>	<b>Target Date: 01.04.2021</b>
<b>Applicant:</b>	<b>Mr &amp; Mrs Reid</b>	
<b>Location:</b>	<b>Bumbles Locker Fore Street</b>	
<b>Proposal:</b>	<b>Proposed change of use of shops (A1) to living accommodation (C3) associated with a multi bedroomed self catering holiday let, alterations to the shop fronts, the conversion of existing attic space with the addition of two dormer windows and rear two storey extension to form a new stairwell</b>	

**RECOMMENDATION: Approval with conditions**

#### **EXECUTIVE SUMMARY**

The application is presented to committee as the officer recommendation differs from that of the ward member.

The proposal relates to a mixed use property located in the centre of Beer within the defined built-up area boundary and village centre and the designated Beer Conservation Area. The ground floor of the front part of the property has a lawful commercial use, most recently for retail purposes but currently vacant. It is subdivided into 2 no. units a larger unit to the left and smaller unit to the right. The remainder of the ground floor and the first floor of the building are in residential use as a single unit. To the rear of the property is an enclosed garden area and adjoining parking area.

The proposal seeks to change the use of the existing commercial/retail units to residential use as part of an expansion of the existing residential unit, which also includes proposals to provide an extension to the rear and to convert the loft space into additional bedroom accommodation. It is intended to utilise the resulting enlarged residential unit as a larger holiday let. It should be noted though that there is currently no restriction on the occupancy of the existing residential unit.

The proposal would result in the loss of existing commercial floor space within the village centre and where policies in both the Local and Neighbourhood Plan seek to resist such loss unless marketing evidence demonstrates that there is no longer a market for such uses. The application is accompanied by marketing

information to show that the property was marketed for sale for the minimum 12 month period and that no purchasers were found interested in continuing the commercial use of the site. The applicant has also provided some additional economic assessment seeking to demonstrate that a commercial use of the units are no longer viable. The marketing information provided is the minimum required to satisfy policy requirements but it is acknowledged that there are other limitations on the commercial re-use of the premises and that wider trends are likely to continue to provide challenges to maintaining all existing commercial space in town/village centres. The intended use would provide some, albeit less direct, economic benefits through helping to support a year round tourism economy and on balance the principle is considered to be acceptable.

In terms of design and impact on the conservation area the proposal would result in the loss of the right hand side shopfront which is contrary to criteria in relevant development plan policies but is not specifically resisted by the more up to date Neighbourhood Plan policies. There is evidence to suggest that this side of the property was not originally in commercial use and in terms of design the proposed more domestic frontage is considered to be in keeping and the replacement of first floor windows with one of more traditional design to be of modest benefit. The changes to the rear of the property are considered acceptable subject to detailing.

In other respects including flood risk management, amenity impact and access and parking issues and taking into account the location of the site and impact of existing lawful uses the proposal is considered to be acceptable.

Taking all of the above into account whilst the loss of the commercial units is considered to be regrettable, on balance and subject to conditions, the proposal is considered to be acceptable and is recommended for approval.

## **CONSULTATIONS**

### **Local Consultations**

#### **Parish/Town Council**

##### **03.03.21**

The Committee noted the additional information relating to the marketing of the property but agreed that their original objections remained.

##### **17.02.21**

The Committee objected to the change of use application subject to the clarification of and compliance with Local Plan and Neighbourhood Plan policy. However, should a change of use be shown to be justified and legitimate, the Committee has no issues with the design and is supportive of the fact that the design would enable the building to be re-used as a shop in the future.

#### **Beer And Branscombe - Cllr Geoff Pook**

I cannot support this application until I am assured that all efforts to market the units for commercial use have been exhausted in accordance with the EDDC local plan and Beer PC neighbourhood plan. I would also like planners to confirm the approved use of the second shop which is currently used as domestic accommodation. I would also like officers to clarify if marketing of the property by previous owners can qualify for new owners?

If it is satisfactorily evidenced that the unit has been marketed at market rates and there has been no appetite by the market to take the unit on then I accept that in policy terms the conditions have been satisfied and further objection on these grounds is not justified. I do however want to point out that I regret the loss of any commercial premises as this inevitably detracts from the vibrancy of the village and is something to be regretted.

I would prefer the street elevation to retain its commercial appearance as much as possible. The windows and door of the left hand shop do retain this and if anything enhance it. The same cannot be said for the right hand unit that is converted to a domestic appearance.

The rear elevations I have no issue with save confirmation that overlooking of existing properties is not increased.

Until I have clarification on the marketing I object to the application and object to the change in appearance of the right hand shop front.

Further comments:

I do not agree with the recommendation to approve as suggested by the report the marketing exercise was minimal and therefore should be not considered evidence of no demand justifying the loss of the retail unit. Aspects of the marketing do concern me in that the unit was offered for sale not rental and much of the period was during covid lock down so again hardly significant.

I appreciate what the applicants care trying to achieve but the loss of two shops at the top of the village when real marketing and commercial opportunities have not been fully explored is something that should be resisted.

There are possible compromises, indeed the applicants agent did mention that the left hand unit could easily be returned to commercial without impacting on the other use. I object to the application as it stands and ask for further realistic marketing before any decision can be made.

This application should come to committee or be resubmitted with amendments. One idea could be to retain the left hand 'shop front' unit as commercial.

### **Technical Consultations**

Devon County Highway Authority  
Observations:

The County Highway Authority (CHA) has looked at the site's vehicular access onto Fore Street and it is clear that this narrow alley, similar to others in Beer, serves several properties and the CHA is also aware of application 20/2899/FUL Land to the rear of Bumbles Locker which also proposes the use of the alley to access rear parking.

It would appear that vehicles accessing The Meeting Room and Bumbles Locker can simultaneously use the access alley and that there is sufficient room for them to turn so that they can exit and join the public highway in a forward gear.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, HAS NO OBJECTION TO THE PROPOSED DEVELOPMENT

Officer authorised to sign on behalf of the County Council  
17 February 2021

### Conservation

This site is within the historic settlement core of Beer. It is recognised in the Beer Conservation Area Appraisal as; "...and has an intricacy of scale, compactness and a rich mixture of cottages of different styles and ages..." (section 3.2). The existing buildings add value to the significance of the Conservation Area by virtue of their architectural form and materials, historic value by virtue of the development of the settlement and the activities and commerce of the local people. The natural slate roof adds to the roofscape in this area. The subsequent rear extensions and outbuilding are proportionate and subservient in scale and massing that characterises the historical development of the heart of Beer.

The additional comments with regards to the proposal are as follows;

- o The loss of the shopfront is generally not supported as it retains some traditional shop front features, however in this case there seems to be sufficient evidence from the internal features in the shop that indicate use as a former dwelling. Care should be taken to ensure scope for reversal back to a retail unit.

- o The change of the existing first floor windows from Upvc to timber is supported. The design and access statement makes reference to "conservation quality sash" windows, however this remains a little ambiguous but could be detailed in a condition. The style of the windows should be informed by the architectural style of the building.

- o The new stair extension is clumsy in proportion and loses the subservience and gradual reduction in ridge heights of the rear outshot structures. These are characteristic of the historical development. The retention of the staircase within the existing form of the building would be considered best practice.

- o The dormer windows on the front roof is not supported. It breaks the simple roof form and detracts from the character of the area. The addition of the over scale extension to the rear and the dormers on the front have a cumulative and negative effect on the simple character of the roof.

Overall there is a cumulative negative impact on the significance of the conservation area that would create less than substantial harm.

### Other Representations

20 no. representations have been received in relation to the application, of which 18 raise objections to/concerns with the application and one is in support. The objections raised are summarised below:

- The analysis of retail demand is questioned both in terms of the 'seasonal location' description of the village and lack of local knowledge/understanding of the village centre and how it functions.
- A compromise of retention of the existing retail space with provision of holiday accommodation above is suggested.
- The marketing of the retail units is questioned.
- The rental price offered is too high to attract tenants.
- The suggestion that the ground floor of the building could revert back to retail use, if market conditions changes, is unrealistic/unviable.
- Inappropriate design and impact on the streetscene.
- Overdevelopment of the site
- Impact of use of the garden by large numbers of holiday makers on the amenity of nearby/overlooked neighbours
- Lack of/Inadequate parking provision
- There is a shortage of retail space in Beer village
- The suggestion that a continued retail use is unviable is questioned.
- The current use of the smaller retail area is questioned.
- The loss would set a precedent for the conversion of other retail premises in the village.
- Poor access and visibility leading to potential pedestrian/vehicular conflict.
- Lack of need for additional holiday accommodation in the village
- Loss of privacy arising from the proposed 2 no. dormer windows
- Too much tourism accommodation already in the village which leads to a 'ghost town' in winter.
- Affordable housing for locals, not more holiday lets is what is needed.
- The property was offered for sale not let for commercial purposes.

### **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
76/C1032	CHANGE OF USE FROM CHEMISTS SHOP TO CAFE	Approval with conditions	23.11.1976
82/P1264	Change Of Use From Chemists To Cafe.	Approval with conditions	27.10.1982
00/P0125	Change Of Use From Dress Shop To Tea Rooms With Kitchen & Extension To Living Accommodation	Approval with conditions	15.03.2000

17/2544/FUL	Conversion of meeting room into annexe for use by the owners including addition of rooflights to south roof elevation	Approval with conditions	12.02.2018
20/2899/FUL	Conversion of existing outbuilding to form one bedroomed holiday let with removal of existing lean-to side extension and creation of private courtyard	Approval with conditions	18.03.2021

## **POLICIES**

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

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 32 (Resisting Loss of Employment, Retail and Community Sites and Buildings)

Strategy 33 (Promotion of Tourism in East Devon)

D1 (Design and Local Distinctiveness)

EN10 (Conservation Areas)

EN21 (River and Coastal Flooding)

E14 (Change of Use of Village Shops or Services)

E16 (Proposals for Holiday or Overnight Accommodation and Associated Facilities)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

### EDDC Villages Plan 2018

Policy VP02 (Village Centre Vitality)

### Beer Neighbourhood Plan (Made)

Policy B1 (Existing Employment Land and Buildings)

Policy H4 (Change of Use from Commercial to Residential Use in the Village Centre)

T3 (New Holiday Accommodation)

HBE2 (High Quality Design)

TP2 (Car Parking)

#### Government Planning Documents

NPPF (National Planning Policy Framework 2019)

National Planning Practice Guidance

### **Site Location and Description**

The application site relates to a two storey terrace property with a render finish under a slate roof. The ground floor of the premises is currently vacant but has formerly housed retail uses. There are 2 no. timber shopfronts with separate accesses from the street. The right hand unit extends to 15 sq. m in area with the larger/ main (left hand) unit measuring 33.5 sq.m in floor area. The remainder of the ground floor and first floor of the building are in residential use forming a single residential unit. To the rear of the property is a narrow enclosed garden area extending northeast from the building. This garden area adjoins at its eastern end an open parking area surrounded by residential development to the rear of Fore St. This area is accessed via a covered way to the north of the site frontage. The site is situated on the northeast side of Fore St. within the village centre.

The site lies within the centre of the village within the defined built-up area boundary and the designated conservation area. The majority of the building footprint (apart from a small area at its north-eastern end lies within Flood Zone 2/3. The building falls within the village centre, as defined through the Beer Neighbourhood Plan 2014-2031.

### **Proposed development**

The application seeks permission for the change of use of the retail parts of the ground floor of the building to form part of the existing residential unit on site.

As part of the development it is intended to remove the right hand side shopfront and replace this with a more domestic façade featuring pedestrian entrance door and window. The left hand side shopfront would be retained. At first floor level new timber sliding sash windows would replace existing UPVC units. Within the front roof slope 3 no. conservation rooflights are proposed to serve additional bedroom space within the roof void.

At the rear of the property again replacement timber windows are proposed together with a 2 storey height gabled extension to provide a new staircase to serve the upper floors of the building and 2 no. mono-pitch dormers in the rear roof slope.

### **ANALYSIS**

The main issues in the determination of the application are considered to be:

- Principle and policy compliance
- Impact on vitality and viability of Beer Village Centre
- Flood Risk
- Impact on the character and appearance of the area/Conservation Area
- Highways and Access Issues
- Amenity Impact
- Other Issues

### **Principle and policy compliance**

The Development Plan for the site comprises of the East Devon Local Plan 2013-2031 (EDLP) and the Beer Neighbourhood Plan 2014-2031.

The application site lies within the built-up area boundary of the village as defined in the East Devon Villages Plan (EDVP) and which forms part of the EDLP. As such the principle of development is considered to be acceptable subject to compliance with other policies of the Local and Neighbourhood Plan and taking other material planning consideration into account.

#### East Devon Local Plan (EDLP)

The site lies within the built up area boundary of the village where, in accordance with Strategy 6 (Development Within Built-up Area Boundaries) of the Local Plan, the principle of development is accepted subject to a number of criteria being met and compliance with other policies of the Plan. The listed criteria include, amongst other things: compatibility with the character of the site and surroundings; consideration of townscape and historic interests and highway safety, these criteria are considered below.

Strategy 27 (Development at the Small Towns and Larger Villages) lists Beer as one of the settlements for which a built up area boundary will be defined, this has subsequently occurred through the adoption of the East Devon Villages Plan.

Strategy 32 (Resisting Loss of Employment, Retail and Community Sites and Buildings) this policy seeks to protect existing employment, retail and community facilities where there loss would result in harm to social, community, business or employment opportunities unless specified criteria are demonstrated to be met.

Strategy 33 (Promotion of Tourism in East Devon) seeks to promote the growth of sustainable all year-round tourism within the district

Policy E14 (Change of Use of Village Shops or Services) Seeks to maintain existing such provision and in the case of total or significant loss of such services within the community only where evidence has been provided to demonstrate such uses are no longer viable.

Policy E16 (Proposal for Holiday or Overnight Accommodation and Associated Facilities) is supportive of conversion of buildings to self-catering accommodation within built-up area boundaries of villages subject to: the scale and intensity of

development being compatible with the character of the area; being acceptable in amenity terms; providing appropriate parking provision and being accessible by alternative modes of transport.

Policy TC9 (Parking Provision at New Development) seeks to ensure that adequate parking provision is made in new developments.

#### East Devon Villages Plan (EDVP)

Policy VP02 (Village Centre Vitality) permits main town centre uses that would maintain/enhance the character and diversity of the centre and its viability and vitality. Where other uses are proposed it needs to be demonstrated that the property has been marketed appropriately for at least 12 months without success, including offer to the local community for their acquisition/operation. If permission is granted it is a requirement that the shopfront is retained.

#### Beer Neighbourhood Plan (BNP)

Policy B1 (Existing Employment Land and Buildings) Seeks to resist the loss of such uses other than where they are no longer viable; they would have no adverse effect on residential amenity or the natural environment

Policy H4 (Change of Use from Commercial to Residential Use in the Village Centre) seeks to restrict such changes to circumstance where, it is demonstrated that such uses are no longer viable and where the property has been offered to the local community for their acquisition or operation, and; where such a change would not adversely change the character of the of building and its setting. Engagement with the local community is encouraged.

Policy T3 (New Holiday Accommodation) seeks to support new visitor accommodation where they demonstrate that they are primarily for holiday purposes; there is a need for additional accommodation of the type proposed and they will not be occupied for residential purposes including as a second home.

#### National Planning Policy Framework (NPPF)

Para. 85 of the NPPF seeks to support the role that town centres play at the heart of local communities.

Para. 92 seeks to, amongst other things, '*...ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community.*'

In consideration of the above policies it is recognised that there is general policy support for new tourist accommodation proposals, subject to demonstration of need for that type of accommodation. However, where proposals result in the loss of existing retail units these require clear demonstration that such uses are no longer viable; have been clearly marketed for continued use without success and that opportunity for a continuation of the existing use by the local community has been made available.

In relation to demonstration of need for tourism accommodation it is noted that the proposal is put forward as a large holiday let and as such would represent a tourist accommodation use. However such a use would remain a (C3) residential use and unless restricted by condition could be occupied as a permanent residential unit or as a holiday let, or both. Given the existing lawful residential use of the upper floor and part of the ground floor of the property as an unrestricted residential unit and the sustainable location within the village centre it would need to be considered whether or not there would be sufficient justification for seeking to restrict the way in which the property could be occupied.

The other issues raised above, as well as other relevant planning issues are considered separately below.

Consideration must also be given to recent changes to the Use Classes Order which allow retail uses to change to other commercial, business and service uses (Class E uses) without planning permission. As a result of these changes there is less control over changes from retail use within the village centre as the retail unit could change to other commercial uses within Class E (restaurant, professional services, office, assembly and leisure uses etc.) without the requirement for planning permission. However, whilst these legislative changes have been made, to allow town centres to adapt to the changing retail environment the National Planning Policy Framework still aims to ensure the vitality of town centres, by meeting the anticipated needs for retail, leisure, office and other main town centre uses. This recognises that other commercial and leisure uses make an important contribution to town centre vitality and viability and the use of the premises for a Class E use would not, necessarily be harmful to the vitality and viability of the village centre. Furthermore whilst such a change would be permitted, this would not extend to the external alterations proposed and loss of shop front. It is considered that the relevant Local and Neighbourhood Plan policies remain in line with legislation in seeking to retain commercial uses in the village centre.

### **Impact on vitality and viability of Beer Village Centre**

The proposal represents the loss of retail premises within the centre of the village and their replacement with a residential use for holiday letting purposes. The loss of the retail function has the potential to impact on footfall within the village centre, the attractiveness of Beer to visitors, the local economy, local employment opportunities and the facilities available to the local community.

The NPPF states that planning decisions should enable the retention of accessible local facilities and services and encourage strong neighbourhood centres in order to help support the rural economy, and to make places healthy and inclusive and that they should “guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs” and “ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community”. However, the NPPF also recognises the important role that residential development can play in ensuring the vitality of centres.

Local Plan Strategies and Policies, including Strategy 32 and Policy E14 together with Policy VP02 (Beer - Village Centre Vitality) seek to achieve similar aims by retaining

employment and local facilities to help communities to be self-contained and preserve their vitality. Policy VP02 specifically seeks to retain 'town centre uses' (which are defined within the NPPF and include shops) within the Beer Vitality and Shopping Area defined in that plan.

In terms of the Neighbourhood Plan, Policy B1 seeks to resist the loss of employment uses and policy H4 seeks to retain retail, commercial and business premises within the defined village centre. Taken together these policies indicate that the loss of retail use from this site should be resisted unless certain criteria are met. Those criteria, and an assessment of how the application has addressed them, are set out below.

Strategy 32 indicates the exceptions, where a change of use that would give rise to harm through the loss of employment, retail or community uses, may be acceptable. In relation to criterion of that policy, criteria 1, 2 and 4 are not considered to apply. Criteria 3 requires options for the retention of the site for its current or similar use to have been fully explored without success for at least 12 months (and up to 2 years depending on market conditions) and that there is clear demonstration of surplus supply of land or provision in a locality. Policy E14 similarly only allows the significant or total loss of a shop within a village where this is no longer viable and there is no market for the business as a going concern. It requires evidence to be provided which shows the site has been actively marketed for at least 12 months at a sound, realistic and viable price for the type of commercial uses that the type of use can command. It also requires that a vigorous economic assessment be undertaken to establish the potential and viability of any specific concern and that the marketing of any property or business includes offering it to the local community for their acquisition/operation. In relation to this policy it is noted that the proposal would not result in a total loss of shops in the village. What might constitute a significant loss is not defined but it is accepted that, in the case of Beer, there would remain a relatively high number of retail units in the village centre in comparison to its population size.

On the other hand, Policy VP02 of the EDVP is specific to Beer and states that non town-centre uses (as defined by the NPPF – and which includes tourism development) will not be permitted within the defined Beer Vitality and Shopping Area (which the site lies within) unless it has been clearly demonstrated that the site has been marketed without interest for all appropriate main town centre uses at a realistic price for at least 12 months (and up to two years depending on market conditions) and has been offered to the local community for their acquisition/operation.

Policy B1 of the BNP requires similar marketing evidence to Strategy 32 of the EDLP, whereas policy H4 of the plan indicates that a change from a commercial to a residential use will only be supported in the village centre where it is surplus to local economic need and demand and the commercial use is no longer viable. This policy requires similar marketing evidence and economic assessment to policy E14 and also requires the marketing of the property business to the local community for their acquisition or operation. The policy also requires that the proposal would not adversely change to the character of the building or its setting in the built environment.

In response to the above policy requirements the application is supported by:  
- an Economic Statement prepared on behalf of the applicant;

- Additional marketing information/Sales Particulars contained in a subsequent letter from the applicant dated 15.02.21
- A letter from Carter Jonas dated 11.03.21
- A Holiday Letting Demand Analysis report received 17.03.21

The first two documents indicate that the property was marketed for sale in October 2019 at a price of £620,000, no offers were received and the asking price was subsequently reduced in March 2020 to £575,000 and ultimately was sold in October 2020 for an undisclosed fee. Marketing was by a sole local agent Harris and Harris but was also advertised on the national property website Rightmove. Information on expressions of interest received for the property have not been provided by the marketing agent but the applicant has indicated that they have been advised that there were only 2 no. prospective purchasers throughout the marketing period. The marketing particulars provided indicate that the property contains residential and commercial uses and whilst price comparisons are difficult to make there is no reason to consider that the asking price was inaccurate to reflect these mix of uses.

The submitted information suggests that evidence of the previous retail use of the premises and turnover of businesses demonstrates a lack of viability and reflects national trends affecting 'the High Street'. It has further been suggested that a number of factors including the following, would make continued retail use unviable:

- the very small footprint of the smaller unit
- limited footfall at the northern end of the 'high' street
- lack of independent wash and toilet facilities (smaller unit)
- Lack of parking facilities

It has further been suggested that having the shop units vacant in the long-term would be more harmful to the appearance of Fore St and that the high turnover in the number of businesses that have occupied the units since 2011 is reflective of the unviable nature of continued retail use. Although reference is made to the closure of other businesses in the village it is also suggested that there would be no 'actual loss of retail provision' albeit there would be a loss of retail floor space.

The more recent letter from Carter Jonas provides a suggested marketing rate for both units but suggests that there are currently restrictions on their ability to be let including for unit 1, lack of kitchen or WC facilities and for unit 2 lack of bin storage or heating. In terms of demand for retail units it goes on to suggest that this is limited due to the seasonal nature of Beer and that the operation of other commercial uses would present difficulties due to lack of facilities/floorspace and proximity to residential properties. It goes on to suggest that the location at the top of Fore St. is likely to deter occupiers who are more likely to favour nearby larger towns. The letter also discusses the wider decline in the retail market and the effect this has had in forcing many smaller retailers online.

In terms of economic benefits of the proposal the applicant suggests that these would accrue in terms of letting services, garden services, cleaning services, building and maintenance services as well as the benefits that further year round guest accommodation would bring through support of existing businesses.

It must be considered firstly whether the policy requirements have been met and if not whether there are other material considerations that need to be taken into account.

The marketing campaign that has been carried out relates to the sale of the property only and appears to cover 12 months, this being the minimum period required to comply with the relevant EDLP and BNP policies and where a marketing requirement of up to 2 years is referred to, dependent on market circumstances. It is unfortunate that the marketing period has coincided with the Covid-19 pandemic as this will undoubtedly have had a significant impact on the market for retail/commercial units with prospective purchasers unlikely to want to (or be able to) open a business in the current situation. It is unclear what the longer term impacts of the pandemic will be and whilst it is tempting to consider that the market will return and that opportunities for new commercial uses will arise there is no guarantee that this will be the case. It is worth noting that there have been similar applications relating to the loss of retail units elsewhere within the village, where marketing took place pre-Covid 19 but where there was a similar recorded lack of demand for the continued commercial use of the premises (19/1254/FUL – The Treasure Chest).

Policies E14 of the EDLP and H4 of the BNP also require engagement with the local community and whilst there is no evidence that this has been specifically undertaken it is recognised that the marketing of the property is unlikely to have gone unnoticed. In this case there is/was no existing business operating in order to understand the viability of this but the applicants have pointed to the high turnover in tenants in the last 10 years as evidence of lack of viability. They have also indicated that in respect of those previous tenanted businesses all have either ceased trading or moved their business online, reference is also made to other business closures in the village.

Although the marketing exercise undertaken is the minimum requirement and there is a lack of information relating to how the premises were marketed prior to the sale of the property, there is no current business and has not been since 2019. The property has been marketed for sale and has been purchased by the current applicant who has undertaken some research into the viability of the premises and sought professional advice in this regard. It is suggested that ongoing retail/alternative commercial uses would be unlikely to prove viable for a number of reasons. Not all of the reasons given are considered to hold weight, for example the letting of both units as a single unit might increase the appeal of the scheme and there are alternative commercial (E class) uses that could be accommodated within the premises without the space requirements or impacts of a café/restaurant etc.

The view of a number of local residents is also shared in relation to the location forming part of the village centre and not, as suggested by the applicant being 'away from the main shopping area'. It has also been questioned whether the marketing of the site by a former owner can be taken into account and the reasons for this are understood. Nonetheless, provided the marketing exercise was in itself sufficient, in terms of period of time and content this should not be relevant. If the previous owner at the end of the marketing period had not sold the property the result would be the same.

Taking into account the evidence presented as a whole, the wider economic and local circumstances with regards to other similar applications it is, on balance, accepted

that that the case has been made that an ongoing commercial use of the premises is no longer viable.

Where such changes of use are permitted it is a requirement of policies E14 of the EDLP and policy VP02 of the Villages Plan that the shopfront is retained to help facilitate a change back to economic use in the future should circumstances alter. However there is no such requirement in policy H4 of the BNP which is the more recently adopted plan and therefore takes precedence over the other policies. Policy H4 does though require any proposal to not adversely change the character of the building and its setting in the built environment and to meet the requirements of the Beer Design Statement, this issue is considered below.

### **Impact on the character and appearance of the area/Conservation Area**

Policy D1 (Design and Local Distinctiveness) seeks to ensure that development is well designed in the context of its surroundings and does not harm the amenity of the occupiers of other dwellings.

Policy EN10 (Conservation Areas) seeks to ensure that development is not harmful to conservation areas.

Policy HBE2 (High Quality Design) seeks to secure development that is sympathetic to the historic built character of the settlement, of high quality design and would enhance the visual amenity of the site and reference is made to the Beer Village Design Statement.

The National Planning Policy Framework (NPPF) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 134 of the NPPF states that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

In terms of external changes at ground floor level on the Fore St. elevation these relate to the loss of the right hand side shop front and replacement with a 'residential frontage' including the building up of the elevations and insertion of domestic scale window and door at ground level. These changes would result in some harm to the character of the area by removing elements that indicate the historic use of the property but the replacement of the shop front is considered to be relatively well detailed and appropriate in design terms and use of materials and in this regard is considered to conform to the Beer Design Statement.

Other changes to the Fore St. elevation include the replacement of existing first floor UPVc windows with timber sliding sash and subject to further detailing this element is considered to represent an enhancement. Within the principal roof slope it is proposed to introduce 3 no. conservation rooflights, in lieu of the dormers previously proposed, whilst it would be preferable to keep the roofslope unaltered the proposed rooflights would have a minimal impact overall and there is evidence of similar additions in the immediate vicinity of the site.

At the rear of the property a new two storey height extension is proposed primarily as a means of providing access to the upper floors and to enable its conversion to additional bedroom accommodation. This extension would be on the rear and less prominent elevation of the building where public views of the building are limited and where the extension has been scaled back from that originally proposed. The extension is now considered to be suitably subservient to the main building and appropriate in terms of its design and appearance. The dormers to the rear roof slope are proposed as mono-pitch design set within the roofslope and well proportioned. It is noted that the Beer Design Statement seeks to ensure dormer windows have pitched roofs and are subordinate in size and scale to the main roof. The latter requirements are met and whilst not pitched roof the proposed dormers are of a traditional design and where located on a rear roofslope between existing buildings would have limited visibility within or impact on the surrounding conservation area.

Overall in terms of impact on the conservation area it is considered that the proposal would have a neutral impact, or at worse slight negative impact resulting in less than substantial harm, this harm would, in accordance with para. 196 need to be considered against any public benefits that would arise from the scheme. In this regard where the continued commercial use of the ground floor of the premises has been demonstrated to be no longer viable the proposal would bring about an alternative use that would secure the long term maintenance of the building within the conservation area and provide some wider albeit more limited economic benefits, as such these benefits are considered to outweigh any less than substantial harm.

## **Flood Risk**

The footprint of the building falls within the designated Flood Zone 3 as such it is necessary to assess the flood risk arising from the development. Policy EN21 of the EDLP following the guidance set out in the NPPF and accompanying Planning Practice Guidance seeks to ensure that a sequential approach is taken to new development in order to minimise flood risk. However the sequential approach does not need to be applied to changes of use and minor development.

The current application proposes some operational development but this predominantly works within the footprint of the existing building save for the enlarge footprint of the 'stairwell' extension. In relation to the application of the flood risk guidance the proposal is considered to constitute a change of use with some minor development. A site specific flood risk assessment has been provided to demonstrate how flood risk would be managed throughout the lifetime of the development. This identifies the principal flood risk as fluvial (associated with the stream), the risk is described as moderate. The proposal would increase the flood risk vulnerability of the parts of the building to which the change of use relates and as such flood mitigation measures are proposed. These measures have considered raising internal floor levels but it is advised that this would not be practical or appropriate given the works this would require and the potential impact on the conservation area of these. Instead recommendations are made for improved flood resistance measures, including demountable door and window guards, air brick covers and non-return valves to any outlet points. In addition, it is advised that any flood events would be forecastable and it would be possible for the owner/operator to sign up to alerts to make occupants aware of any imminent flood risk. It is recognised that as the application proposes a

single residential unit there would be access by occupants to refuge areas on the upper floors of the building.

### **Highways and Access Issues**

Policy TP2 (Car Parking) of the BNP seeks to ensure that developments do not result in the loss of car parking, and also that developments should generate how any additional parking requirements will be met. The application form indicates that 2 no. parking spaces will be retained for occupiers of the enlarged property. Whilst these parking spaces are indicatively shown on the site plan they fall outside of the red line site area, they do however fall within the area indicated to be within the applicant's control and could therefore be conditioned for retention for use in association with the development. Although the increased size of the residential unit could give rise to increase parking demands this is likely to be offset by the parking requirements associated with the existing retail units. Taking this into account and the availability of public car parks relatively close to the site and the lack of objection from the local highways authority it is not considered that it would be reasonable to oppose the development on highways grounds.

### **Amenity Impact**

Potential impact to residential amenity could arise through increase noise and activity associate with the proposed use; overlooking or loss of privacy resulting from the introduction of any new windows or other openings, and; overbearing impact from extensions to the building.

In the first regard the proposal could give rise to a more intense use of the building by increasing the living accommodation and potential occupancy levels within it. The proposal would double the number of bedrooms within the property but there is an existing residential use of the upper (and part of the ground floor) of the building and there is no reason to consider that the intensification of the residential use would give rise to any particular harm. There is currently no restriction on the use of the rear garden and whilst the comments of adjoining neighbours are noted it would therefore not be possible to substantiate an objection on amenity grounds. In arriving at this view there is awareness of the site's location within an area of fairly tight knit development.

In relation to overlooking/loss of privacy representation has been received from residents opposite the site to the southwest concerned in relation to the potential for loss of privacy to rooms in the first floor of their property through the introduction of the previously proposed dormers being able to look down into their living space, these have now been removed and the proposed conservation rooflights would not give rise to the same perceived impact.

Finally, in terms of impact from the proposed extension to the rear this would be set sufficiently in from the site boundaries and would not project far enough from the rear elevation to cause overbearing impacts and the proposed dormers would not give rise to new or unacceptable levels of overlooking or otherwise lead to a loss of amenity.

### **CONCLUSION**

The proposal seeks to change the use of the ground floor of the property from commercial (most recently retail) use to incorporate it into the residential use of the rest of the property for holiday letting purposes.

The loss of commercial uses from town/village centres is almost always regrettable and development plan policies seek to resist this unless it has been clearly demonstrated that the property has been rigorously marketed and there is no demand for its continued as such. In this case the minimum marketing period has been undertaken without success in finding a purchaser wishing to continue the commercial use of the property. The applicant has also provided their own analysis as well as evidence from a property consultant relating to the local and wider commercial markets and issues that are likely to affect the ability to support alternative commercial uses of the premises. Taken as a whole it is considered that the case has been made and that resisting the principle of the change of the use of the premises could not be substantiated.

In terms of the external changes proposed to the building, these are considered to be appropriate and would result in, at worst less than substantial harm to the significance of the conservation area although the changes to the principal elevation are considered to have a neutral impact. Overall the benefits of securing an alternative and long term use for the premises represents a public benefit in terms of supporting the local economy which is considered to outweigh any limited harm.

In all other respects including flood risk, amenity impact and highway safety/access issues the proposal is, subject to conditions found to be acceptable. In relation to restricting the use of the enlarged unit to holiday accommodation use there is not considered to be sufficient justification to do so given the location of the site and the unrestricted nature of the current residential use.

## **RECOMMENDATION**

APPROVE subject to the following conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.  
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.  
(Reason - For the avoidance of doubt.)
3. All new windows and doors indicated on the approved plans shall be made of timber only and shall be painted in a colour to be submitted to and approved in writing by the Local Planning Authority prior to their installation and maintained as such, unless any alternative has previously been agreed in writing by the Local Planning Authority.

(Reason - In the interests of the character and appearance of the building and the preservation and enhancement of the surrounding conservation area in accordance with Policies D1 - Design and Local Distinctiveness and EN10 - Conservation Area of the Adopted East Devon Local Plan 2013-2031 and policy HBE2 - High Quality Design of the Beer Neighbourhood Plan 2014 -2031.)

4. Prior to their installation in relation to the relevant elements of the development the following details shall be submitted to and approved in writing by the Local Planning Authority:

- Size, type and manufacturers model of all roof lights, including method of flashing.

- New/Replacement windows including sections, mouldings, profiles and paint colour. Sections through casements, frames and glazing bars should be at a scale of 1:2 or 1:5.

- New/Replacement doors/door frames including sections, mouldings, profiles and paint colour. Sections through panels, frames and glazing bars should be at a scale of 1:2 or 1:5.

- Replacement doors including sections, mouldings, profiles and paint colour. Sections through panels, frames and glazing bars should be at a scale of 1:2 or 1:5.

- Type of render including proportions of mix, method of application and finishes.

Development shall be carried out in accordance with the approved details and specification.

(Reason - In the interests of the character and appearance of the building and the preservation and enhancement of the surrounding conservation area in accordance with Policies D1 - Design and Local Distinctiveness and EN10 - Conservation Area of the Adopted East Devon Local Plan 2013-2031 and policy HBE2 - High Quality Design of the Beer Neighbourhood Plan 2014 -2031.)

5. The 2no. parking spaces to serve the unit, as indicated on the proposed site plan drawing P2015:02, shall henceforth be retained and maintained for that purpose in association with the occupation of the residential unit hereby permitted.

(Reason - To ensure appropriate parking provision is provided and retained for use of future occupiers in accordance with policies TC2 - Parking Provision in New

Development of the East Devon Local Plan 2013-2031 and Policy TP2 - Car Parking of Beer Neighbourhood Plan 2014 -2031.)

6. Development shall proceed in accordance with the recommendations and mitigation measures as set out in the submitted Flood Risk Assessment prepared by Tumu Consulting and dated 31st January 2021.

(Reason - In the interests of appropriate management of flood risk in accordance with policy EN21 (River and Coastal Flooding) of the East Devon Local Plan 2013-2031 and guidance set out in the National Planning Policy Framework and Planning Practice Guidance.)

NOTE FOR APPLICANT

**Informative:**

In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 in determining this application, East Devon District Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved.

Plans relating to this application:

P2015:04 REV B	Proposed Floor Plans	17.03.21
P2015:05 REV B	Proposed Elevation	17.03.21
P2015:01	Location Plan	02.02.21
P2015:02 : site	Combined Plans	02.02.21

List of Background Papers

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

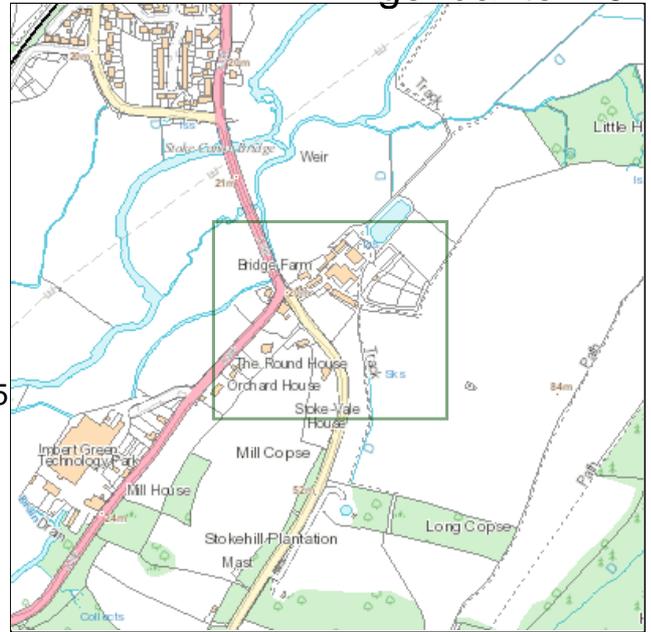
**Ward** Exe Valley

**Reference** 20/1680/FUL &  
20/1677/FUL

**Applicant** Mr R H Parr

**Location** Bridge Farm Stoke Hill Stoke Canon Exeter EX5  
4EE

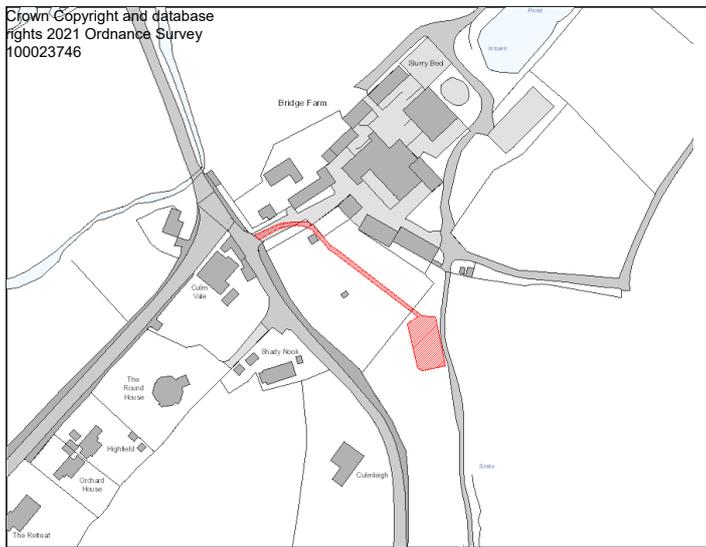
**Proposal** Construction of general purpose secure farm  
building (west) and associated ground works



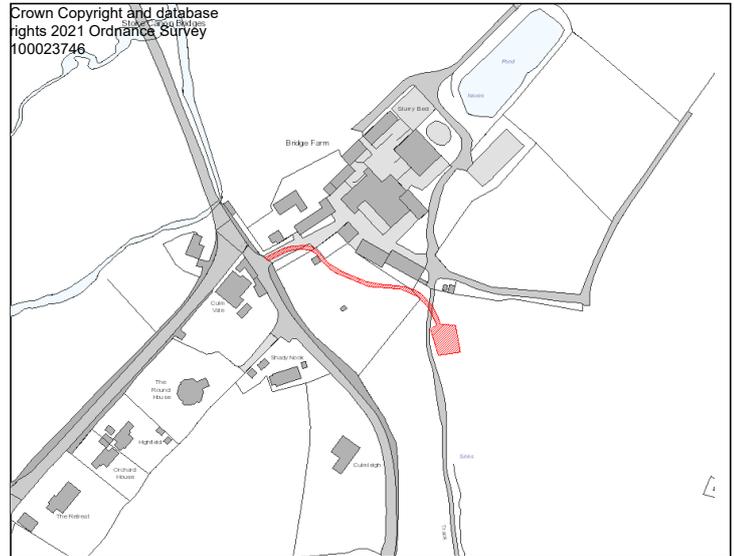
**RECOMMENDATION 20/1680/FUL: Approval with conditions**

**RECOMMENDATION 20/1677/FUL: Approval with conditions**

20/1680/FUL



20/1677/FUL



		<b>Committee Date: 5<sup>th</sup> May 2021</b>
<b>Exe Valley (Stoke Canon)</b>	<b>20/1680/FUL</b>	<b>Target Date: 07.10.2020</b>
<b>Applicant:</b>	<b>Mr R H Parr</b>	
<b>Location:</b>	<b>Bridge Farm Stoke Hill</b>	
<b>Proposal:</b>	<b>Construction of general purpose secure farm building (east) and associated ground works.</b>	

**RECOMMENDATION: Approval with conditions**

		<b>Committee Date: 5<sup>th</sup> May 2021</b>
<b>Exe Valley (Stoke Canon)</b>	<b>20/1677/FUL</b>	<b>Target Date: 07.10.2020</b>
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<b>Location:</b>	<b>Bridge Farm Stoke Hill</b>	
<b>Proposal:</b>	<b>Construction of general purpose secure farm building (east) and associated ground works.</b>	

**RECOMMENDATION: Approval with conditions**

### **EXECUTIVE SUMMARY**

**These two related applications are before the Planning Committee as the officer recommendation is contrary to the view of the Ward Member.**

**The applications relates to an area of land on the southern edge of the farm complex at Bridge Farm, Stoke Canon. The land rises to the east of the site, with that land forming part of fields associated with the farm. The site is visible from the road known as Stoke Hill. There are some trees/hedging in the vicinity of the site. Access to the farm is off Stoke Hill Road. There are some listed buildings situated beyond the farm boundaries, and Stoke Canon Bridge, which is a listed building and a scheduled ancient monument is also located, close to, but outside,**

**the farm complex. The sites are located outside of any built-up area and have no immediately adjoining properties.**

**Planning permission is sought for the erection of two adjoining general purpose agricultural buildings and the associated ground works.**

**Information submitted with the applications detail that the buildings are required as the existing buildings are not suitable for modern farming practices and machinery, and as dry and secure storage is required. Some concerns have been raised about the size of the buildings and the various other impacts which could result from the buildings. In response to these concerns, officers have discussed the proposal with the agent in order to obtain clarification about how the buildings would be used. This resulted in an updated justification/statement being submitted by the agent, which confirms the uses as being that described above. Additionally, the agent has confirmed, in an email to Officers, that the buildings would not be used for the storage of digestate from Enfield AD plant, and also that the applicant is agreeable to conditions restricting the use of the buildings to the storage of straw, other dry goods and machinery for use at Bridge Farm only.**

**With such assurances in place, in addition to the aforementioned condition, it is considered that the use of the buildings would be suitable, and compatible with, the agricultural use of the site, and the proposal is considered to be justified.**

**The application sites are within the area adjacent to the main farm complex. Consequently, it is considered that the presence of new buildings would not result in significant visual harm to the area, and would not appear out of character; some screening would be provided by the topography of the area, and near-by vegetation. Whilst two applications have been submitted, and can be implemented independently, it is considered that the scale and nature of the buildings are such that the presence of both would not be visually detrimental. Notwithstanding this, it is considered that a landscaping condition would be necessary in order to further minimise the impact on both applications.**

**The proposals have been considered by both the Council's Conservation Officers as well as Historic England, and neither has raised any objection to the proposals. The works would not take place in close proximity to any listed building or ancient monument, and would not be visually harmful to those structures. The developments, are therefore, considered to be acceptable in this regard.**

**The proposal would not alter the access onto the highway, and would not result in an increase in vehicles using the access. No objections have been raised by the County Highway Authority. Issues relating to accusations of farm vehicles breaking traffic regulations are not a planning consideration.**

**The proposal sites are not located close to any other residential property.**

**The sites lies outside a flood zone.**

**No Environmental Health concerns have been raised.**

**Given the above, it is considered that both proposals would provide more modern additions to the farm complex at Bridge Farm, which will enable to the business to operate to current standards and provide better storage for important feed and equipment.**

**As the use of the building can be conditioned to that related only to Bridge Farm, and as there would be no use connected to the Enfield AD plant, a concern raised by local residents and the Ward Member, it is considered, that both proposals are acceptable for the reasons discussed above. Consequently, both applications are recommended for approved.**

## **CONSULTATIONS ON 20/1680/FUL**

### **Local Consultations**

#### Parish/Town Council

These are very large buildings, particularly in relation to the size of the farm, providing some 18000 sq ft of extra space. There is concern about traffic generation and the impact this would have on local residents and traffic using these very narrow lanes. There is already increasing concern about the amount and speed of tractors through the High Street, and large tractor and tanker rigs travelling to and from Bridge Farm via Huxham at speed has already damaged verges and hedge lines as well as private property. Finally the large concrete platforms on which these building will be based are also likely to have repercussions on local flooding and associated pollution.

#### Exe Valley - Cllr Fabian King

Comment submitted date: Sat 05 Sep 2020

I have received numerous contributions from Residents in Exe Valley to inform me of the following matters. Unless a site visit resolves the reasons below, I am minded to object to this Application, because:

The increase in farm building capacity seems an excessive increase for the stated activities taking place at Bridge Farm. It is quite out balance when compared with similar farm operations. I suggest it is necessary to know whether the Application actually proposes to support a wider commercial agricultural and/or transport operation. If this were so it might explain the apparent imbalances presented in the Application. It would also present a very different set of issues, concerning Traffic and Highways plus environmental risk assessments, which are only out of scope for so long as we look no further than the text in the Application. However, it has implications of unknown consequences causing harm. A site visit could resolve these issues.

Pollution risk: The Application describes how the increase in surface water run-off, especially with the extra rainfall we have come to expect, will be allowed to flow naturally into the Lagoon. This is within the Floodplain of the Rivers Culm and Exe. Indeed the Lagoon has a Leat into the River Culm and the Farmer is a Riparian Landowner. I fear for the safety of the soil and the river should the Lagoon lose its contents by overflowing or being flooded.

Earthworks and geology: The nature of the hillside with regards to increasing annual storm water and local history of landslips e.g.: A377 at Langford and the loss of Hulk Lane swept away by a "rotational slip" at Thorverton in 2013. Regarding Bridge Farm, is there a confident knowledge of the state of the hillside which is to be excavated for

the groundworks? The soil mechanics must be clearly understood using the hindsight from the above two disasters. The intention is that there should be no room for doubt should there be a later inquiry.

Regardless of the above I have also been asked to request that any approval of this Application should have a condition restricting it to the purposes of the Farm's primary operation.

I have been asked to request that a screen of trees or equivalent be introduced to reduce the visual impact of the higher roofline, over 9 metres!

Further comments:

I was pleased to read how some Conditions are being proposed to address some of the concerns raised by the Stoke Canon Parish Council and myself on behalf of the Exe Valley Ward. Those concerns relate to the digestate (dry and wet) and feedstock for the Anaerobic Digester industry. Mr Richard Parr has the contract for carrying digestate, so has a fleet of trucks, tractors and trailers etc for that purpose. He owns Bridge Farm and has a tractor business in Matford.

Nevertheless, I have outstanding objections, first stated in my original comment as a statutory consultee. Although these objections relate to traffic for the AD industry, please persevere because my conclusion relates it to these new barns, in so far as they could attract further traffic. This fear arises from a simple extrapolation of what is currently occurring, as so frequently reported to me by residents and the Stoke Canon Parish Council.

I read the comment by the agent (penultimate paragraph, page 13 of the draft report) "that on two occasions last year the farm received digestate", and that (top of page 14) "the Applicant was not aware of the restriction of on the AD Plant consent and as such would no longer receive any further digestate."

But, this year, in week commencing 22nd March an HGV tanker delivered digestate to Bridge Farm and the transport company told me over the phone that it was either going into the "Lagoon" or, if it was full, then it would wait to transfer to tanker-trailers for onward distribution/use. This is just one of many digestate movements reported to me concerning Bridge Farm, this year.

In conclusion, I remain concerned by the amount of traffic going in and out of Bridge Farm that is so frequently associated with the AD industry. The fear in the village of Stoke Canon and Huxham is that Bridge Farm is a magnet for this traffic and that **part of the new Barns will be used for storage/maintenance of vehicles for that trade**. Such use of part of these barns, would create a magnet for even further traffic which has been cause for complaint over the last year.

I am quite aware that traffic per se is under the remit of Devon Highways, and much of the Digestate Industry is under the remit of the Environment Agency. I have focussed on the inappropriate use of these barns. Perhaps further conditions would be appropriate.

I hope this response is useful for the conclusion of this report. And I look forward to any further necessary communication.

## **Technical Consultations**

### Conservation

CONSULTATION REPLY TO PLANNING WEST TEAM  
PLANNING APPLICATION AFFECTING LISTED BUILDING & SAM

ADDRESS: Bridge Farm, Stoke Hill, Stoke Canon

GRADE: Adj II\*/ III/ SAM APPLICATION NO: 20/1677/FUL & 20/1680/FUL

PROPOSAL: Erection of agricultural building and associated ground works

### BRIEF DESCRIPTION OF HISTORIC CHARACTER/ ARCHITECTURAL MERIT:

Stoke Canon Bridge is Listed Grade II\* & also Scheduled Ancient Monument is located to the west of Bridge Farm and extends across the river valley from the junction of Stoke Road and Stoke Hill across to the junction of Chestnut Crescent and High Street, Stoke Canon. There are numerous views from and to the bridge, see photographs on I Drive and Bridge Farm can be clearly seen to the south east. It is considered that due to the location of the Bridge and the surrounding topography that there will be some impact on the setting of the Bridge.

The significance of Stoke Canon Bridge derives from its age, visual appearance in conjunction with this engineered structure as a means of access and transportation and the use of traditional local vernacular materials. Located across the River Exe and its associated valley and flood plain, it has a prominent position in the landscape which contributes to its significance.

Culm Vale House is listed Grade II and is located to the south west of Bridge Farm. It is considered that due to the location of the listed building, its proximity to the application site and the surrounding topography that there will be some impact on the setting of the House.

The significance of Culm Vale House derives from its age, visual appearance (re-modelled and extended circa 1863-70) and the use of traditional local vernacular materials. In addition, its prominent corner location at the junction of Stoke Hill, Stoke Road and the Bridge.

These factors therefore require consideration in terms of the proposed works at Bridge Farm.

### HOW WILL PROPOSED ALTERATIONS AFFECT HISTORIC CHARACTER OF BUILDING AND ITS SETTING:

Bridge Farm is a large beef enterprise and the historic farmhouse and wider farm group in a U shaped courtyard to the north east can be seen on the historic OS maps dating from 1889/90. The complex has been extended over many years and comprise a large

number of modern buildings and structures encompassing the original farm group on all sides. There is a slurry bed and large pond to the far north east side of the farm. The applicant has submitted four individual applications to provide additional agricultural accommodation as part of alterations to improve the farm business. Two of the structures are to be located to the north east of the farm group on slightly elevated land adjacent to the existing large slurry lagoon. The other two applications are also in a slightly elevated location, but to the south west of the existing farm group:

20/1677/FUL: provision of a new general purpose farm building

20/1680/FUL: provision of a new general purpose farm building

The structures will be situated next to each other and will be constructed with a steel frame, concrete and steel cladding and a profiled steel roof with rooflights, as is typical for many agricultural buildings.

The setting of the original farm buildings has already been compromised by the modern agricultural buildings and structures on the site. The addition of the proposed structures will certainly have some impact on the farm setting, and in this instance are forward of the original farm group and buildings, closer to the road and therefore the Grade II listed building Culm Vale House.

The site for the 2no. structures is relatively well screened by the mature hedging adjacent to Stoke Hill, but lie in a slightly elevated position relative to the other buildings in the group within a valley formed by significant rises in the landform both to the SW & to the NE. However, they will be partially visible when approaching from higher up Stoke Hill. Views from the entrance to the farm and from Culm Vale House will be restricted due to the existing high boundary hedge and trees. It is noted that they will more distant from the farm group and therefore more remote to the original core of the farm.

Whilst there is some impact on the setting and views in conjunction with Stoke Canon Bridge, the inter-visibility between the Bridge and this site is minimal and therefore any additional harm is considered to be limited. It is considered that due to their location remote from the Bridge that the overall impact on the setting of this principal heritage asset and Scheduled Ancient Monument will be minimal in the context of this working beef farm. With regards Culm Vale House, the location is adjacent to the entrance to Bridge Farm and by proximity has the ability to have an impact. However, due to topography and existing vegetation, any direct impact to its setting and how the House is appreciated in its principal context and setting will be minimal.

See separate comments submitted under 20/1242/FUL & 20/1244/FUL for the provision of a new beef building to house cattle.

**PROVISIONAL RECOMMENDATION - PROPOSAL  
ACCEPTABLE**

Further comments:

Amended plans dated 14th October 2020.

I have no further comments to make relating to the heritage assets.

#### Historic England

Thank you for your letter of 18 August 2020 regarding the above application for planning permission. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

#### Environmental Health

I have considered the application and do not anticipate any environmental health concerns.

Further comments:

#### **AMENDED PLANS RECEIVED 14.10.20: 20/1677/FUL**

Construction of general purpose secure farm building (east) and associated ground works.

I have reviewed the amended plans and have no objection other than the applicant identifies that the buildings may occasionally be used for livestock. Due to the proximity of residential premises to the south this could give rise to potential new disturbance from noise if on a regular basis. I would recommend that a condition requiring the consent of the LPA for use by livestock greater than 28 days a year be required. This allows the applicant to use the buildings occasionally without allowing their regular use without due consideration by the PLA.

Reason To protect the amenity of local residents.

#### Historic England

Thank you for your letter of 14 October 2020 regarding further information on the above application for planning permission. On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

#### Other Representations

One third party objection has been received. The author of this raises concerns about the scale of the development, noise from vehicles, smells and pollution/flooding.

#### **CONSULTATIONS ON 20/1677/FUL**

#### **Local Consultations**

### Parish/Town Council

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PLANNING APPLICATION AFFECTING LISTED BUILDING & SAM

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due to the location of the Bridge and the surrounding topography that there will be some impact on the setting of the Bridge.

The significance of Stoke Canon Bridge derives from its age, visual appearance in conjunction with this engineered structure as a means of access and transportation and the use of traditional local vernacular materials. Located across the River Exe and its associated valley and flood plain, it has a prominent position in the landscape which contributes to its significance.

Culm Vale House is listed Grade II and is located to the south west of Bridge Farm. It is considered that due to the location of the listed building, its proximity to the application site and the surrounding topography that there will be some impact on the setting of the House.

The significance of Culm Vale House derives from its age, visual appearance (re-modelled and extended circa 1863-70) and the use of traditional local vernacular materials. In addition, its prominent corner location at the junction of Stoke Hill, Stoke Road and the Bridge.

These factors therefore require consideration in terms of the proposed works at Bridge Farm.

#### HOW WILL PROPOSED ALTERATIONS AFFECT HISTORIC CHARACTER OF BUILDING AND ITS SETTING:

Bridge Farm is a large beef enterprise and the historic farmhouse and wider farm group in a U shaped courtyard to the north east can be seen on the historic OS maps dating from 1889/90. The complex has been extended over many years and comprise a large number of modern buildings and structures encompassing the original farm group on all sides. There is a slurry bed and large pond to the far north east side of the farm. The applicant has submitted four individual applications to provide additional agricultural accommodation as part of alterations to improve the farm business. Two of the structures are to be located to the north east of the farm group on slightly elevated land adjacent to the existing large slurry lagoon. The other two applications are also in a slightly elevated location, but to the south west of the existing farm group:

20/1677/FUL: provision of a new general purpose farm building

20/1680/FUL: provision of a new general purpose farm building

The structures will be situated next to each other and will be constructed with a steel frame, concrete and steel cladding and a profiled steel roof with rooflights, as is typical for many agricultural buildings.

The setting of the original farm buildings has already been compromised by the modern agricultural buildings and structures on the site. The addition of the proposed structures will certainly have some impact on the farm setting, and in this instance are forward of the original farm group and buildings, closer to the road and therefore the Grade II listed building Culm Vale House.

The site for the 2no. structures is relatively well screened by the mature hedging adjacent to Stoke Hill, but lie in a slightly elevated position relative to the other buildings in the group within a valley formed by significant rises in the landform both to the SW & to the NE. However, they will be partially visible when approaching from higher up Stoke Hill. Views from the entrance to the farm and from Culm Vale House will be restricted due to the existing high boundary hedge and trees. It is noted that they will more distant from the farm group and therefore more remote to the original core of the farm.

Whilst there is some impact on the setting and views in conjunction with Stoke Canon Bridge, the inter-visibility between the Bridge and this site is minimal and therefore any additional harm is considered to be limited. It is considered that due to their location remote from the Bridge that the overall impact on the setting of this principal heritage asset and Scheduled Ancient Monument will be minimal in the context of this working beef farm. With regards Culm Vale House, the location is adjacent to the entrance to Bridge Farm and by proximity has the ability to have an impact. However, due to topography and existing vegetation, any direct impact to its setting and how the House is appreciated in its principal context and setting will be minimal.

See separate comments submitted under 20/1242/FUL & 20/1244/FUL for the provision of a new beef building to house cattle.

#### PROVISIONAL RECOMMENDATION - PROPOSAL ACCEPTABLE

Further comments:

Amended plans dated 14th October 2020.

I have no further comments to make relating to the heritage assets.

#### Environmental Health

I have considered the application and do not anticipate any environmental health concerns.

Further comments:

I have reviewed the amended plans and have no objection other than the applicant identifies that the buildings may occasionally be used for livestock. Due to the proximity of residential premises to the south west this could give rise to potential new disturbance from noise if on a regular basis. I would recommend that a condition requiring the consent of the LPA for use by livestock greater than 28 days a year be required. This allows the applicant to use the buildings occasionally without allowing their regular use without due consideration by the PLA.

Reason To protect the amenity of local residents.

#### Other Representations

No third party representations have been received.

## **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
89/P2024	Livestock Building & Open Silage Clamp For Agric Purposes.	Approval with conditions	11.10.1989
91/P1071	Extension Of Slurry Store	Approval with conditions	19.08.1991
94/P1670	Extension Of Cattle Housing & Feeding Area	Approval with conditions	07.11.1994
02/V0002	Erection Of 12.5m Telecommunication Mast	Approval with conditions	22.05.2002
20/1242/FUL	Erection of agricultural building and associated ground works	Approval with conditions	25.11.2020
20/1244/FUL	Erection of agricultural building and associated ground works	Approval with conditions	25.11.2020

## **POLICIES**

Adopted East Devon Local Plan 2013-2031 Policies  
Strategy 7 (Development in the Countryside)

Strategy 49 (The Historic Environment)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN8 (Significance of Heritage Assets and their setting)

EN21 (River and Coastal Flooding)

D7 (Agricultural Buildings and Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2019)

**Site Location and Description**

The applications relate to adjoining areas of land on the southern edge of the farm complex. The land rises to the east of the site, with that land forming part of fields associated with the farm. The site is visible from the road known as Stoke Hill. There are some trees/hedging in the vicinity of the site.

Access to the farm is off Stoke Hill Road.

There are some listed buildings situated beyond the farm boundaries, and Stoke Canon Bridge, which is a listed building and a scheduled ancient monument is also located, close to, but outside, the farm complex.

The sites are located outside of any built-up area and has no immediately adjoining properties.

**Proposed Development**

Planning permission is sought for the erection of two general purpose agricultural buildings and the associated ground works.

Two separate applications have been submitted but the buildings adjoin each other and as such are considered under this joint report.

Both buildings have a proposed floor area of 456sqm measuring 22.8m long, 20m wide with height to eaves of 7m and height to ridge of 9.2m.

The buildings are proposed with profile steel roof sheeting, concrete panel walls with steel cladding above on concrete bases.

**ANALYSIS**

The key considerations in the determination of both applications are the principle of development and need for the buildings, visual impact, and impact upon heritage assets, highway safety and other amenity impacts.

**Principle**

Policy D7 – Agricultural Buildings and Development of the East Devon Local Plan supports new agricultural buildings where there is a genuine agricultural need for the development and subject to the following:

- It is well integrated with its surroundings and closely related to existing buildings, being of appropriate location, scale, design and material so as not to

harm the character, biodiversity and landscape of the rural area particularly within the AONB;

- It will not be detrimental to the amenity of nearby residents on grounds of smell, noise or fly nuisance;
- It has been established that there are no other suitable buildings on the holding or in the vicinity which could meet the reasonable need;
- It will not lead to an unacceptable increase in traffic on the local highway network;
- All clean roof and surface waters will be drained separately from foul drainage and foul drainage will not discharge to any watercourse in order to prevent pollution of the water environment.

### Need

The following justification is provided in the statement supporting both applications:

*"The buildings are required as new dry and secure storage at Bridge Farm which is a 380 acre mixed holding purchased by the Applicant in 2018. Previously it was let as part of the Church Commissioner Estate - over the years the Landlords failed to invest in modernising the buildings at Bridge Farm Consequently new buildings are required to allow for efficient farming of this as a self-contained unit."*

The statement then continues to describe previous issues with the storage of hay outside, in addition to the size of building required to accommodate modern farm machinery. The statement also states that the existing buildings are not suitable for modern farming, especially so following a lack of investment by the previous owners of the site.

Whilst no evidence, other than the provision of photographs of the existing buildings, has been provided for the above statement, the Council has not been presented with any information to counter this evidence during the course of determining this information and the buildings do appear dated and not fit for the proposed purpose. The applicant has also provided a separate further agricultural justification statement (submitted during the course of the consideration of the applications) for the buildings.

This states that one of the buildings will be required for the covered storage of straw and hay which cannot be stored outside (as was attempted unsuccessfully in the winter of 2019/20) and cannot be stored in the existing older buildings because surface water drains through at floor level. The current requirement is calculated as:

150 sucklers @ 1.0t straw = 150 t/season  
150 stores @ 0.75t straw = 100 t/season .

**Total 250t of straw per season** leaving some capacity for 100t of hay storage and allowing for future expansion given the building capacity of 340 tonnes.

The other building is required as dry storage for bulk & bagged feed stores, short-term grain store and other dry goods store. Allowing for room to access and manoeuvre large vehicles, the building will also be used for the secure storage of farm vehicles &

machinery. Unlike existing farm buildings there will be room for access for the machinery and for the tipping of bulk products etc

- one of several possible layouts will be that the building is divided into three areas:
  - 100 sqm for access to feed stores on one side and machinery on other side
  - 175 sqm for bulk & bagged feed stores, short-term grain store and other dry produce store
  - 175 sqm as a secure machinery store with sufficient room to park and manoeuvre some of the machinery required for this size of mixed holding

There is a requirement on this holding to fully utilise the capacity estimated above.

Furthermore, the reasoning given above is considered to be of a nature which is appropriate, and consistent with the justification presented to the Council with regard to other similar developments within the district. Therefore, it is considered that the applicant has demonstrated a need for the buildings.

With regard to the use of the buildings, some concerns have been raised by the Ward Member and the Parish Council about the size of the buildings and the various other impacts which could result from the buildings (some discussed below). One of the main concerns received by officer however has been in relation to the farm having recently received digestate from the anaerobic digester at Enfield Farm near Clyst St. Mary. On at least 2 occasions last year the farm received digestate from the AD Plant and this was in breach of a condition on the consent for the AD Plant that does not permit digestate to be taken to Bridge Farm (although it does allow digestate to be taken to another of the applicant's holdings near Woodbury). Concerns have been raised that the buildings are proposed in order to serve the AD Plant.

However, in response to this the agent has confirmed, in an email to officers, that the buildings would not be used for the storage of digestate from Enfield AD plant, and also that the applicant is agreeable to a condition restricting the use of the building to the storage of straw, other dry goods and machinery for use at Bridge Farm only. This will prevent the buildings being used in association with the AD Plant. The Agent also stated that the applicant was not aware of the restriction on the AD Plant consent and as such would no longer receive any further digestate.

With such assurances in place, in addition to the aforementioned condition, it is considered that the use of the building would be suitable, and compatible with, the agricultural use of the site with the need justified.

### **The visual and cumulative impact of the proposal.**

The application site is within the area adjacent to the main farm complex and as such in close proximity to the existing farm and its access. Consequently, it is considered that the presence of the new buildings would not result in significant visual harm to the area, and would not appear out of character. It is considered that the scale and nature of the buildings is such that the presence of both would not be visually detrimental.

The site would be screened by rising land to the south and south-east, by existing farm buildings to the north, and by some trees/hedges to the north-west. However, it would be visible from Stoke Hill Road. Therefore, in order to reduce the visual impact from

this public vantage point, it is considered reasonable to request details of a landscaping scheme to be agreed with the Local Planning Authority prior to any works above foundation level taking place.

The agricultural buildings recently approved on another part of the farm would be sufficiently distant from this proposal site to be considered separately in terms of visual impact and were separately justified for occupation by livestock. Despite this, the distance between the two areas of development is such that they would be seen from different angles and would not be seen in the context of each other. Consequently, it is considered that the cumulative impact of all four developments combined is acceptable. The scale of each pair of buildings, when viewed as separate pairs, is considered to be acceptable in terms of the cumulative impact of each pair.

Given the above, the proposal is considered acceptable in terms of its visual and cumulative impact, subject to the aforementioned condition.

### **The impact on listed buildings and the scheduled ancient monument.**

The proposal has been considered by both the Council's Conservation Officers as well as Historic England, and neither has raised any objection to the proposal. The works would not take place in close proximity to any listed building or ancient monument, and would not cause any harm to those heritage assets. The development, is therefore, considered to be acceptable in this regard.

### **Highway considerations.**

The proposal would not alter the access onto the highway, and would not result in an increase in vehicles using the access. No objections have been raised by the County Highway Authority. The comments raised by the Parish Council relating to the speed tractors connected to the farm travel along surrounding roads is not a planning consideration - if farm vehicles are breaking road traffic regulations, that is a matter for the Police to consider, rather than the Local Planning Authority.

It is also noted that the Parish Council has commented about the number of vehicles connected to the farm. However, given the lack of objection from the County Highway Authority, and given that last year there were some unauthorised vehicles in relation to the AD Plant that should have ceased, it would not be reasonable for the Local Planning Authority to object to the proposal on those grounds.

Given the above, the proposal is considered to be acceptable on highway grounds.

### **Other matters.**

The proposal site is not located close to any other residential property. Therefore, it is considered, given the nature of the development, that the proposal is acceptable in terms of its impact on the occupiers of other properties.

The concerns of the Parish Council and ward member relating to flooding are noted. However, the sites lie outside a flood zone, so it would not be reasonable to the Local Planning Authority to object to the proposal on this ground with run-off from the roofs

collected on site. Furthermore, given the nature of the materials which would be stored in the building, it is considered unlikely that pollution would arise from the use of the building.

It is also noted that the ward member has raised concerns about the stability of the land, and the possibility of the proposal causing a land slip. However, the ground levels shown on the existing and proposed plans do not indicate that a significant change in ground levels would arise as a result of the development, or that there would be any major earthworks undertaken. Consequently, it is considered that it would be unreasonable to the Local Planning Authority to object to the proposal on these grounds.

No Environmental Health concerns have been raised although, in their latest comments, Environmental Health have suggested a condition relating to the use of the buildings for the housing of cattle for more than 28 days in a year. The housing of cattle is not given as a proposed use of the buildings in the information supplied with the application. Given that, as no occupiers of properties in the area have objected to the proposal, and as no residential properties are located immediately adjacent to the site, it is considered that the imposition of such a condition would not be reasonable.

## **CONCLUSION**

Given the comments raised above, it is considered that the proposals would provide a more modern addition to the farm complex at Bridge Farm, which will enable the business to operate to current standards and provide better storage for important feed and equipment. As the use of the building can be conditioned to that related only to Bridge Farm, and as there would be no use connected to the Enfield AD plant, it is considered that the proposals are acceptable for the reasons discussed above. Consequently, it is recommended that both applications are approved.

## **RECOMMENDATION 1 FOR 20/1680/FUL**

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.  
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.  
(Reason - For the avoidance of doubt.)
3. No development above foundation level shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority; such a scheme to include the planting of trees, hedges, shrubs, herbaceous plants and areas to be grassed. The scheme shall also give details of any proposed walls, fences and other boundary treatment. The landscaping

scheme shall be carried out in the first planting season after commencement of the development unless any alternative phasing of the landscaping is agreed in writing by the Local Planning Authority and the landscaping shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.

(Reason - To ensure that the details are planned and considered at an early stage in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D2 - Landscape Requirements of the Adopted East Devon Local Plan 2013-2031.)

4. The building hereby permitted can be used for any agricultural use except for the housing of livestock or for the storage of livestock manures, slurry & digestate. The permitted uses shall include storage of straw, feed, other dry goods and machinery and all uses must be associated with the operation of Bridge Farm and other land farmed in conjunction with Bridge Farm.

(Reason - to define the scope of the permission and to comply with the provisions of the provisions of Policies D1 (Design and Local Distinctiveness) and D7 (Agricultural Buildings and Development) of the East Devon Local Plan 2013 - 2031).

#### NOTE FOR APPLICANT

##### Informative:

In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 in determining this application, East Devon District Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved.

##### Plans relating to this application:

TM81M.E.A4	Location Plan	06.08.20
TM81M.E.P6	Proposed Site Plan	06.08.20
TM81M.E.P8	Proposed Elevation	06.08.20

##### List of Background Papers

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

#### **RECOMMENDATION 2 FOR 20/1677/FUL**

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.  
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.  
(Reason - For the avoidance of doubt.)
3. No development above foundation level shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority; such a scheme to include the planting of trees, hedges, shrubs, herbaceous plants and areas to be grassed. The scheme shall also give details of any proposed walls, fences and other boundary treatment. The landscaping scheme shall be carried out in the first planting season after commencement of the development unless any alternative phasing of the landscaping is agreed in writing by the Local Planning Authority and the landscaping shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.  
(Reason - To ensure that the details are planned and considered at an early stage in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D2 - Landscape Requirements of the Adopted East Devon Local Plan 2013-2031.)
4. The building hereby permitted can be used for any agricultural use except for the housing of livestock or for the storage of livestock manures, slurry & digestate. The permitted uses shall include storage of straw, feed, other dry goods and machinery and all uses must be associated with the operation of Bridge Farm and other land farmed in conjunction with Bridge Farm.  
(Reason - to define the scope of the permission and to comply with the provisions of the provisions of Policies D1 (Design and Local Distinctiveness) and D7 (Agricultural Buildings and Development) of the East Devon Local Plan 2013 - 2031).

#### NOTE FOR APPLICANT

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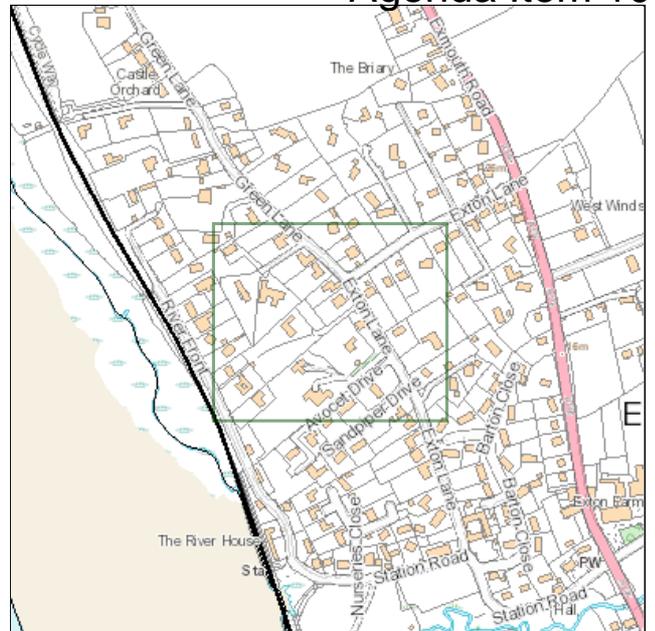
**Ward** Woodbury And Lymptstone

**Reference** 21/0344/OUT

**Applicant** Mr & Mrs B Wood

**Location** Merrivale Exton Exeter EX3 0PP

**Proposal** Outline application with all matters reserved for the construction of a detached dwelling



**RECOMMENDATION: Refusal**



		<b>Committee Date: 05.05.2021</b>
<b>Woodbury And Lypstone (Woodbury)</b>	<b>21/0344/OUT</b>	<b>Target Date: 09.04.2021</b>
<b>Applicant:</b>	<b>Mr &amp; Mrs B Wood</b>	
<b>Location:</b>	<b>Merrivale Exton</b>	
<b>Proposal:</b>	<b>Outline application with all matters reserved for the construction of a detached dwelling</b>	

**RECOMMENDATION: Refusal**

#### **EXECUTIVE SUMMARY**

**This application is before Planning Committee because the officer recommendation differs from that of a ward member.**

**This application seeks outline planning permission with all matters reserved for the construction of a detached dwelling within the rear garden of Merrivale.**

**Whilst it is acknowledged that Exton does have good transport links with the train station, bus services and access to the Exe Estuary cycle path and a public house it does not contain the facilities required for it to be considered a sustainable settlement. Whilst the site is located within the village of Exton, in planning terms it is within countryside where policies of restraint apply. Strategy 7 (Development in the Countryside) of the Local Plan states that development in the countryside will only be permitted where it is in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits such development and where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located.**

**The Council's strategic approach to new residential development is to direct new housing to larger towns within the District and to smaller towns and villages which have a range of services and are therefore considered to be sustainable locations. The smaller towns and villages are listed under the provisions of Strategy 27 (Development at the Small Towns and Larger Villages) of the Local Plan. Exton is not identified as settlement suitable for new residential development under Strategy 27 because it does not contain a range of everyday services or facilities that would prevent over reliance on the use of the private car.**

The application site is located towards the northern end of Exton around 600 metres from Exton train station and 450 metres to the public house, a route along a road with no footpaths. In having regard for the distance of the site from the limited amount and basic range of community facilities on offer within the village, the site is considered to be in an unsustainable location where future occupiers are likely to be overly dependent on the use of the car which would be contrary to the provisions of policy TC2 (Accessibility of New Development) of the Local Plan. On this basis, the principle of a new dwelling in this location is not considered to be acceptable.

Whilst each planning application has to be determined on its own merits, it should be noted that the Council's policy position in relation to residential development in this part of Exton has recently been tested on appeal at a property called Four Acres which is located around 150 metres (4 dwellings) from the application site. Following the Council's refusal of an outline application (ref 19/1104/OUT) for a dwelling in the rear garden of Four Acres, an Inspector dismissed an appeal on the basis that the proposal is located within a settlement which, in policy terms, falls within the countryside and thus outside of an area where new growth and residential development is permissible.

On the basis that the site falls outside of the built up area boundary of any defined settlement or a Strategic allocation within the Adopted Local Plan and is therefore within the open countryside where residential development is restricted, the proposed development by reason of its unsustainable location in the countryside, remote from essential services and facilities required for daily living would result in an unsustainable form of development with reliance upon the use of the motor vehicle to access the services. As such the proposal would be contrary to the provisions of Strategy 7 (Development in the Countryside), Strategy 27 (Development at the Small Towns and Larger Villages) and Policy TC2 (Accessibility of New Development) of the East Devon Local Plan 2013-2031 and the guidance within the National Planning Policy Framework.

The application is therefore recommended for refusal.

## **CONSULTATIONS**

### **Local Consultations**

Woodbury And Lympstone - Cllr Geoff Jung  
21/0344/OUT

I have viewed the Planning Application 21/0344/OUT for outline application with all matters reserved for the construction of a detached dwelling at Merrivale Exton. Exton is considered as a village without a 'built-up area boundary' as it is considered as an unsustainable location without adequate facilities. Therefore, any building within the village is to be considered in the open countryside for planning purposes. However, this has been tested by several Planning Inspector's decisions over the last few years and some dwellings have been approved which were in walking distance to the station.

I can understand the requirements of the applicant to move to a more suitable smaller house for their retirement and because this development is within walking distance to the station, I would support this application although it against Local Plan Policy I reserve my final views on this application until I am in full possession of all the relevant arguments for and against.

Further comments:

I appreciate that this decision is very finally balanced, but the Exton Councillors on the Parish Council were very supportive of this specific infill small development.

I did explain the very specific issues with Exton being excluded from further development, but they believed that some element of infill is appropriate but not expanding into the open countryside was appropriate on this occasion.

Therefore I would appreciate this application to be considered by the committee please, and I would like to speak as ward councillor at the meeting please.

Parish/Town Council

SUPPORT. Viewed as a reasonable infill.

### **Technical Consultations**

None

### **Other Representations**

1 letter of support has been received at the time of writing this report.

### **POLICIES**

Adopted East Devon Local Plan 2013-2031 Policies  
Strategy 7 (Development in the Countryside)

D1 (Design and Local Distinctiveness)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2019)

Government Planning Documents

National Planning Practice Guidance

### **Site Location and Description**

The site refers to Merrivale, a large detached property with a generous sized rear garden. It has its own vehicular access onto Exton Lane and to the south of this access

is a private driveway which serves two additional dwellings. The site is located at the south western end of the garden of Merrivale which is enclosed by a close boarded fence. The site is located within the countryside and is not the subject of any townscape or landscape designations.

### **Proposed Development:**

This application seeks outline planning permission with all matters reserved for the construction of a detached dwelling within the rear garden of Merrivale. Whilst the application is in outline where matters of layout, scale, appearance, landscaping and access are reserved for future consideration it is accompanied by an indicative site plan, floor plan and cross sections which illustrates how the site could be sub-divided, and developed with a chalet style bungalow with driveway and parking off the private drive with access onto Exton Lane.

### **Issues and Assessment**

The main issues to consider in determining this application are in terms of the principle of development, whether the site can accommodate a dwelling without adversely affecting the character and appearance of the area and the residential amenities of the occupiers of surrounding properties, the impact on trees and ecology and on highway safety.

### **Principle of Development**

Whilst the site is located within the village of Exton, in planning terms it is within countryside where policies of restraint apply. Strategy 7 (Development in the Countryside) of the Local Plan states that development in the countryside will only be permitted where it is in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits such development and where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located.

The Council's strategic approach to new residential development is to direct new housing to larger towns within the District and to smaller towns and villages which have a range of services and are therefore considered to be sustainable locations. The smaller towns and villages are listed under the provisions of Strategy 27 (Development at the Small Towns and Larger Villages) of the Local Plan. Exton is not identified as settlement suitable for new residential development under Strategy 27 therefore in planning terms, under the Local Plan, the site is located within the countryside.

Whilst it is acknowledged that Exton does have good transport links with the train station, bus services and access to the Exe Estuary cycle path and a public house it does not contain the facilities required for it to be considered a sustainable settlement. A list of settlements to include in Strategy 27 was considered in detail in the examination of the local plan - the list is based on the Small Towns and Villages Development Suitability Assessment produced by EDDC that was used by the Local Plan Inspector to finalise the list of settlements for Strategy 27. This did not include Exton which whilst rating highly in transportation terms, was considered to be a settlement that lacks everyday facilities and services such as a shop, post office, school etc. such that residents are likely to be overly dependent on the use of the car

to access them. In the absence of any justification for a new dwelling in this location the site is considered to be in an unsustainable location where future occupiers are likely to be overly dependent on the use of the car to access services and facilities which would also be contrary to the provisions of policy TC2 (Accessibility of New Development) of the Local Plan, which weighs against the proposal.

It is noted that there have been two appeal decisions where Planning Inspectors have found that other sites within Exton have been found to be sustainably located, although both of these sites were located on the southern side of the settlement with what was described as unusually good access to a range of non-car options for travel to nearby villages, larger local centres and onwards to national networks. Whilst each application is to be determined on its own merits, the appeal decisions differ from this proposal with one being adjacent to the train station, and the other having lit roads and footpaths to the main road and the station.

The application site in contrast is located towards the northern end of Exton around 600 metres from Exton train station and 450 metres to the public house, a route along a road with no footpaths. In having regard for the distance of the site from the limited amount and basic range of community facilities in offer within the village, the site is considered to be in an unsustainable location where future occupiers are likely to be overly dependent on the use of the car which would be contrary to the provisions of policy TC2 (Accessibility of New Development) of the Local Plan. On this basis, the principle of a new dwelling in this location is not considered to be acceptable. Having regard to the above it is not considered that the site is sustainably located and development of the nature proposed would fail to accord with the principles of sustainable development as recognised in the NPPF and the up to date East Devon Local Plan.

Whilst each planning application has to be determined on its own merits, it should be noted that the Council's policy position in relation to residential development in this part of Exton has recently been tested on appeal at a property called Four Acres which is located around 150 metres (4 dwellings to the north-east) from the application site. Following the Council's refusal of an outline application (ref 19/1104/OUT) for a dwelling in the rear garden of Four Acres, an Inspector dismissed an appeal on the basis that:

'The proposal is located within a settlement which, in policy terms, falls within the countryside and thus outside of an area where new growth and residential development is permissible. As such, the proposal conflicts with LP Strategies 7, 27 and Policy TC2.

The Inspector considered other appeal decisions for residential applications in Exton but gave a significant amount of weight to the current Development Plan policies which preclude new residential development in Exton and other areas of countryside.

In determining the appeal, the Inspector acknowledged that the proposal would generate a small input into the local economy during construction and would introduce new occupiers to the area which would also help to sustain the limited local facilities as a social benefit. However on this issue the Inspector concludes:

'Neither the benefits nor other considerations are of sufficient materiality to indicate that a decision should be made other than in accordance with the Development Plan'.

On the basis that the site falls outside of the built up area boundary of any defined settlement or a Strategic allocation within the Adopted Local Plan and is therefore within the open countryside where residential development is restricted, the proposed development by reason of its unsustainable location in the countryside, remote from essential services and facilities required for daily living would result in an unsustainable form of development with reliance upon the use of the motor vehicle to access the services.

As such the proposal would be contrary to the provisions of Strategy 7 (Development in the Countryside), Strategy 27 (Development at the Small Towns and Larger Villages) and Policy TC2 (Accessibility of New Development) of the East Devon Local Plan 2013-2031 and the guidance within the National Planning Policy Framework and is recommended for refusal on this basis.

### **Character and Appearance**

Policy D1 (Design and Local Distinctiveness) of the Local Plan requires that proposals will only be permitted where they:

1. Respect the key characteristics and special qualities of the area in which the development is proposed.
2. Ensure that the scale, massing, density, height, fenestration and materials of buildings relate well to their context.
3. Do not adversely affect:
  - a) The distinctive historic or architectural character of the area.
  - b) The urban form, in terms of significant street patterns, groups of buildings and open spaces.
  - c) Important landscape characteristics, prominent topographical features and important ecological features.
  - d) Trees worthy of retention.

Whilst the application is in outline with matters of access, appearance, landscaping, layout and scale reserved, it is considered that the site can accommodate a modest sized dwelling without adversely affecting the character and appearance of the area. Exton is defined by a variety of architectural styles of property and whilst a number of properties are large in generous sized plots, there are examples of smaller dwellings in smaller plots such that it isn't considered that there is any discernible character or pattern of development within this part of Exton.

Whilst the proposal would represent a backland form of development, given the position of the site, set well back from the public highway and the pattern of development that surrounds it with dwellings served off the existing driveway, it isn't considered that a proposed dwelling within the rear garden of Merrivale would give rise to any significant harm to the character and appearance of the area. This would be subject to the appearance, layout and scale of the proposed dwelling which would be considered at reserved matters stage.

On balance, the proposal is considered to comply with the provisions of policy D1 of the Local Plan.

### **Residential Amenity**

Policy D1 of the Local Plan requires that proposals do not adversely affect the residential amenities of the occupiers of existing properties.

The site is bounded on its northern, southern and western sides by residential properties and it is accepted that a dwelling within the rear garden of Merrivale would have a degree of impact on the amenities of the occupiers of these properties.

However, as illustrated by the indicative site plan, it is considered that the site is of a modest size in relation to surrounding plots, that it could accommodate a modest sized dwelling without adversely affecting the amenities of the occupiers of surrounding properties. It will however be necessary to carefully assess the layout and scale of the proposed dwelling, its position within the site and the site's boundaries and the relationship it would have with the neighbouring properties, in particular with Orchard Vale to the south of the site which occupies a lowered position in relation to the application site.

This would be considered at reserved matters stage however it is considered that the site can accommodate a dwelling in principle without adversely affecting the amenities of the surrounding properties.

### **Highway Safety**

Policy TC7 (Adequacy of Road Network and Site Access) of the Local Plan requires that proposals are not detrimental to the safe and satisfactory operation of the local, or wider, highway network.

Policy TC9 (Parking Provision in New Development) of the Local Plan requires spaces to be provided for parking of cars and bicycles in new developments. As a guide at least 1 car parking space should be provided for one bedroom homes and 2 car parking spaces per home with two or more bedrooms. At least 1 bicycle parking space should be provided per home.

The application proposes a vehicular access onto the existing private driveway which leads onto Exton Lane an unclassified residential road. Whilst matters of access are reserved for future consideration, it is considered that the principle of a new access onto Exton Lane via the existing driveway which would offer a good standard of visibility is acceptable and would not give rise to any highway safety issues. In addition there is likely to be sufficient space within the site within which vehicles could park and turn so that they can exit the site onto the highway in a forward gear. The proposal is considered to comply with the provisions of policies TC7 and TC9 of the Local Plan.

### **Habitat Mitigation**

The nature of this application and its location close to the Exe Estuary and Pebblebed Heaths and their European Habitat designations is such that the proposal requires a Habitat Regulations Assessment. This section of the report forms the Appropriate Assessment required as a result of the Habitat Regulations Assessment and Likely Significant Effects from the proposal. In partnership with Natural England, the council and its neighbouring authorities of Exeter City Council and Teignbridge District Council have determined that housing and tourist accommodation developments in their areas will in-combination have a detrimental impact on the Exe Estuary and Pebblebed Heaths through impacts from recreational use. The impacts are highest from developments within 10 kilometres of these designations. It is therefore essential that mitigation is secured to make such developments permissible. This mitigation is secured via a combination of funding secured via the Community Infrastructure Levy and contributions collected from residential developments within 10km of the designations. This development will be CIL liable and the financial contribution has been secured. On this basis, and as the joint authorities are working in partnership to deliver the required mitigation in accordance with the South-East Devon European Site Mitigation Strategy, this proposal will not give rise to likely significant effects.

## **RECOMMENDATION**

REFUSE for the following reasons:

1. The site falls outside of the built up area boundary of any defined settlement or a Strategic allocation within the Adopted Local Plan and is therefore within the open countryside where residential development is restricted. The proposed development by reason of its unsustainable location in the countryside, remote from essential services and facilities required for daily living would result in an unsustainable form of development with reliance upon the use of the motor vehicle to access the services. As such the proposal would be contrary to the provisions of Strategy 7 (Development in the Countryside), Strategy 27 (Development at the Small Towns and Larger Villages) and Policy TC2 (Accessibility of New Development) of the East Devon Local Plan 2013-2031 and the guidance within the National Planning Policy Framework.

## 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 listed building 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:

3020.3 + location	Proposed Combined Plans	05.02.21
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List of Background Papers

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

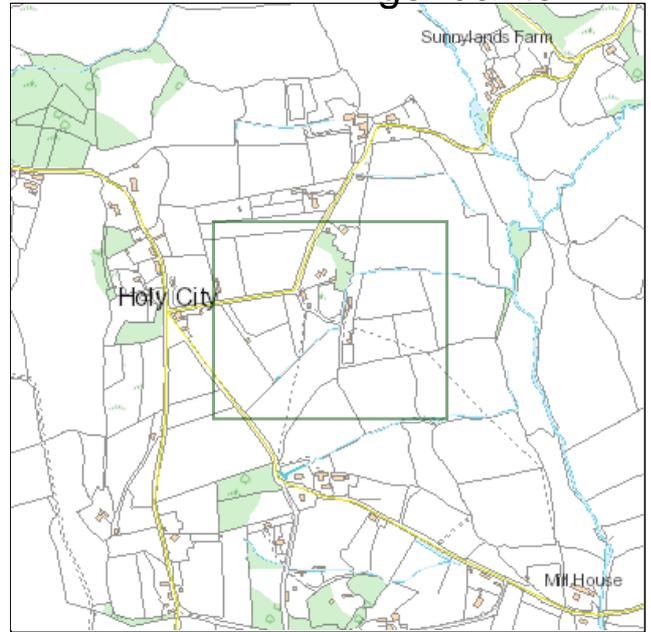
**Ward** Yarty

**Reference** 20/2133/FUL

**Applicant** Mrs Carinna Parsons

**Location** Myrtle Farm Chardstock Axminster EX13 7DD

**Proposal** Replacement farm buildings.



**RECOMMENDATION: Approval with conditions**

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# **UPDATE REPORT**

		Committee Date: 5 <sup>th</sup> May 2021
Yarty (Chardstock)	20/2133/FUL	Target Date: 25.01.2021
Applicant:	Mrs Carinna Parsons	
Location:	Myrtle Farm Chardstock	
Proposal:	Replacement farm buildings.	

**RECOMMENDATION:** Approval with conditions

## **EXECUTIVE SUMMARY**

This application was originally presented at the Planning Committee meeting of 17<sup>th</sup> March 2021. It was recommended for refusal based on the lack of justification submitted to demonstrate a genuine agricultural need for the buildings. At that time, a decision was taken to defer determination of the application to seek further evidence and information from the applicant regarding the agricultural need for the buildings. In particular, justification for the size and scale of the buildings proposed was sought, together with a farm business plan.

The applicant has subsequently provided such additional information and this has been assessed by officers, the application otherwise remains as previously submitted and the original report to committee is provided below.

The main issues for consideration are whether the additional information provided is sufficient to demonstrate that there is a genuine agricultural need for the buildings and, if this is the case, whether such justification sufficiently outweighs the, limited, harm to the character and appearance of the area and designated AONB landscape as identified in the earlier report. In this regard the information provided establishes a need for the buildings in relation to agricultural activities taking place on the site and the proposed expansion of these moving forward.

The information provided also seeks to demonstrate that the proposed expansion of the existing business would also be able to bear the costs of the development. Whilst the agricultural activities undertaken are small scale and would offer only a modest return they are shown to be viable and the case is made that the proposed buildings are required to support the expansion of the business. On

**balance, the proposal is considered to be acceptable with the agricultural need for the buildings outweighing the limited landscape impact of the development and where such impact could be mitigated, over time, through appropriate landscape planting. The application is recommended for approval subject to the conditions set out below.**

## **ADDENDUM REPORT**

### **Background**

This application was referred to the Planning Committee meeting on 17<sup>th</sup> March 2021 where it was deferred to enable the applicant to prepare and submit additional information relating to the need and justification for the proposed buildings

The original Committee report is appended at the end of this addendum.

### **FURTHER CONSIDERATION OF THE ADDITIONAL INFORMATION**

The applicant has submitted additional supporting information as follows: a Farm Business Plan, prepared by a professional agricultural consultant; a floor plan, indicating the current and future space requirements of the business; baseline and projected budgets for the business, and; an additional personal statement. The application is otherwise unchanged from that described in the original report to committee as set out below and as such no further consultation has been undertaken in relation to the submitted information.

### **Agricultural Justification**

At the time of the previous committee there was very limited information provided on the extent of any agricultural operations taking place, or proposed, on the land and as such a lack of agricultural justification for the proposed development. The additional information now provided within the submitted business plan evaluates the existing farm resources (buildings and land available); the farming system undertaken, how this has evolved, and; then examines future intentions and how these are intended to increase profits moving forward. The business plan also sets out the need for the proposed buildings and how the cost of these could be covered by the business.

The applicant owns 10 acres of grassland at the site and has a 5 year farm business tenancy on a further 50 acres nearby, other land in the local area is taken on grass keep arrangements. In terms of buildings the plan makes reference to the existing stables blocks at either end of the yard but not the larger open-fronted barn in the central part of the site. The stables blocks are referred to as being: in a state of 'some disrepair'; being over 40 years of age; poorly ventilated; small, dark and damp and inflexible in their use.

The plan explains the mix of enterprises and income sources undertaken at the site which include: sheep production and the sale of finished lamb; sale of hay and haylage; 'modest' logging activities and chickens producing eggs for sale locally. Reference is also made to some parish maintenance work; small scale grassland

contracting work such as harrowing and rolling and Mr Parsons's work as a mobile farrier.

It is explained that previous small scale lamb production was initially successful but subsequently losses, due first to disease and latterly to dog attacks, have impacted this side of the business. The condition of the existing buildings is referenced in relation to the mortality rate of lambs. The other activities undertaken, as set out above, are also referred to as requiring a base in which to store and house equipment. It is clear that there are a mix of enterprises being undertaken some directly related to the land on site and others less so. The submitted plan suggests that none of the activities 'presents a living on its own' but the combination of the diversified activities presents a viable operation as a whole.

Looking forward, it is the stated intention to expand the ewe flock which together with improved conditions for lambing would increase income from this element of the business. Improvements in storage facilities are also, it is suggested, likely to increase haylage profits. Other benefits of the proposed replacement buildings are also pointed to including secure storage of farm machinery.

Based on the stated improvements it is projected that gross margins are anticipated to double and that these additional profits would be available to repay the cost of the new buildings in just over 4 years. In terms of the size and scale of the building in relation the current and future space requirements of the business this is stated to be currently 313m<sup>2</sup> increasing to 390 - 410m<sup>2</sup> allowing room for future expansion. The combined floor area of the proposed building is 324 m<sup>2</sup> (when the floor area of the existing open barn is included this increases to approximately 420m<sup>2</sup>). Details are also set out of the storage requirements for each element of the business to justify the extent of floor area proposed within the 2 no. proposed buildings.

It is considered that the additional information provides further justification for the need for replacement buildings to support the various activities undertaken. Whilst there remains some ambiguity over the extent of storage for machinery required on the holding and that associated with outside contracting it is accepted that there is likely to be an element of cross-over. The business plan and storage requirements also do not refer to the existing open storage barn which appears to be in use in relation to the logging enterprise and is a matter of separate investigation. However, even were this building to become available and be suitable for alternative storage purposes the overall space available with this and the two buildings proposed would be comparable with the assessed requirements of the holding (including an allowance for future expansion) and which does not include any element for storage related to the log enterprise.

## **CONCLUSIONS**

The additional information provided sets out the various activities undertaken as part of the farming enterprises operating from the site and seeks to establish the current and future storage requirements for those various enterprises. The projected profit margins (excluding any off-site activities) are set out and indicate that if these can be realised the farm business could support the cost of the new buildings in a short number of years. It is clear that the farm enterprises undertaken are multi-faceted and

small scale and on their own would be unlikely to provide a living wage but that is not a requirement that needs to be demonstrated. What does need to be demonstrated is a genuine agricultural need for the buildings and on balance this is considered to be met. Given the justification for the buildings is considered to have been provided this need can be balanced against the identified limited harm on the landscape through their siting. As such harm would be limited and would reduce over time, subject to appropriate mitigatory planting the proposal is considered, as a whole, to be acceptable and the application is recommended for approval subject to the conditions set out below.

## **RECOMMENDATION**

### **APPROVE subject to the following conditions:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.  
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.  
(Reason - For the avoidance of doubt.)
3. The landscaping scheme as set out on approved drawing P-200 Rev. A shall be carried out in the first planting season after commencement of the development unless any alternative phasing of the landscaping is agreed in writing by the Local Planning Authority and the landscaping shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.  
(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D2 - Landscape Requirements of the Adopted East Devon Local Plan 2013-2031.)
4. Development shall be carried out in accordance with the submitted Tree Protection Plan and Arboricultural Method Statement Plan contained within the Tree Report prepared by Advanced Arboriculture and dated 19th November 2020, unless any variation has previously been agreed in writing by the Local Planning Authority.  
(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D3 - Trees and Development Sites of the Adopted East Devon Local Plan 2013-2031.)
5. Notwithstanding the submitted details, as indicated on the plans hereby approved, and prior to their installation, a schedule of materials and finishes,

and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external walls and roofs of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

(Reason - To ensure that the materials are sympathetic to the character and appearance of the area in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

#### NOTE FOR APPLICANT

##### Informative:

In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 in determining this application, East Devon District Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved.

##### Plans relating to this application:

	Proposed Site Plan	30.11.20
P-100	Combined Plans	12.01.21
P-200	Combined Plans	12.01.21
P-202	Existing Elevation	12.01.21
P-203	Proposed Combined Plans	12.01.21
P-201	Combined Plans	12.01.21

##### List of Background Papers

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

# Original Report

		<b>Committee Date: 17<sup>th</sup> March 2021</b>
<b>Yarty (Chardstock)</b>	<b>20/2133/FUL</b>	<b>Target Date: 25.01.2021</b>
<b>Applicant:</b>	<b>Mrs Carinna Parsons</b>	
<b>Location:</b>	<b>Myrtle Farm Chardstock</b>	
<b>Proposal:</b>	<b>Replacement farm buildings.</b>	

**RECOMMENDATION: Refusal**

## **EXECUTIVE SUMMARY**

The application is before committee because the officer recommendation differs from that of the ward member.

The application relates to a collection of timber buildings arranged in a line along the west and southern sides of a yard area situated on the lower slopes of an east facing rise. The buildings are associated with Myrtle Farm that lies to the west of the site. The site lies in open countryside forming part of the Blackdown Hills Area of Outstanding Natural Beauty.

Permission is sought to replace 2 no. equestrian style buildings with 2 no. modern purpose built timber barns. The applicant states that there is the ability to farm 60+ ewes on the land (which extends to over 10 acres) and that the buildings are required to provide suitable accommodation for lambing and for other general agricultural storage. It is further advised that the existing buildings to be removed are no longer fit for purpose and are unsuitable for livestock housing. It is suggested that the lack of suitable buildings has resulted in livestock losses in the past.

In general there is support for agricultural development subject to demonstration of genuine need and the impacts of such development being found to be acceptable in all other respects. In this case there is a lack of supporting evidence relating to the agricultural activity on the land, any agricultural business operating from it or existing stock levels. Furthermore, there is no business plan provided or other clear indication of intention to increase stock levels, or to demonstrate why the size and number of buildings proposed are needed in relation to

**existing/proposed agricultural activity. As such, it is not considered that an agricultural need has been demonstrated.**

**Whilst it is recognised that the proposal would remove existing buildings from the site, which themselves have some landscape and visual impact, these are of a smaller scale and sited so as to be less prominent in public views from the east.**

**On balance, whilst it may be reasonable to permit some form of replacement buildings for those currently on site, the development proposed would result in increased landscape and visual impact within the AONB landscape and where it has not been demonstrated that such harm would be offset by other benefits. This being the case the application is recommended for refusal.**

## **CONSULTATIONS**

### **Local Consultations**

Yarty - Cllr Paul Hayward

**26/01/21** - Having considered the additional information provided by the applicant, and the further comments of the Parish Council and those from neighbours, my position remains unchanged ie. in support of the application but with a request that some conditions be applied:

That the materials used be specifically designed to minimise the appearance of the proposed agricultural buildings against the skyline/landscape.

That a landscaping condition be applied to ensure the planting (and maintenance) of adequate screening to the SE elevation to mitigate the visual impact of the buildings when viewed from below in the valley and wider Chardstock Community. The choice of trees to be used to be discussed and approved in consultation with EDDC Arboriculturalist.

That a condition be applied to commercial forestry and logging activities on site limited these to working hours, Monday to Friday, excluding Bank Holidays.

I believe that a collaborative approach between the applicant, the Parish Council and their neighbours will allow this farm to continue to operate as a viable agricultural business, to thrive and grow thus promoting the rural economy which is very important to Chardstock Parish and to offer protection to this prominent rural location, within the AONB.

**04/01/21** - I am supportive of this application in principle as the proposed replacement buildings will enable some diversification on this agricultural holding in the AONB and prevent the farm falling into disuse. I do share some of the Parish Council's concerns regarding the sparsity of the plans submitted and would welcome the submission of better technical and professionally prepared plans to show the size, scale and position of the proposed buildings in relation to the site. I understand that a new supporting statement has been submitted which provides the economic justification for the replacement barns. Additionally, I would ask that conditions be applied to make the

new buildings blend into the landscape given the prominence of the site on a ridgeline and also the creation of new planting to help shield the site from the valley below, and to provide some noise mitigation from the activities on site. I hope that the proposals allow the applicant to provide better and safer facilities for the livestock on site (and those they wish to keep) and helps improve the viability of the overall business model.

#### Parish/Town Council

**26/01/21** - The Parish Council met recently for an extraordinary session to consider the additional information provided by the applicant (having already met on the 13th January to reconsider the amended plans and submissions. After lengthy discussion, the Council voted unanimously to maintain its objection to the proposals on the following grounds:

That the proposed size and scale of the development was not justified by the agricultural activity proposed within them.

That the proposed size and scale of the barns would be detrimental to the AONB landscape and out of keeping with the existing buildings.

That the activity proposed onsite (should the application be approved) was not conducive to the quiet rural amenity of the parish and would adversely affect the enjoyment of the landscape and area by parishioners.

That the applicant had not clearly demonstrated their intention to provide adequate screening of the proposed structures by way of landscaping and planting.

The Parish Council would encourage the applicant to submit a revised plan for buildings of smaller scale, and footprint, and to provide clearer intentions for landscaping / planting to mitigate the visual impact of the barns on the rural landscape.

**18/12/20** - At the Parish Council meeting held 16th December 2020, the Council resolved unanimously to NOT support this application on the following grounds:

-That the proposed buildings will not - by way of their scale, design and size - be in accordance with Policy D7 of the adopted EDDC Local Plan.

-That the proposed buildings would contravene the Chardstock Parish Neighbourhood Plan, policies CPNP03d) and CPNP 04a).

-That the plans presented for consideration were of a poor standard and did not adequately demonstrate or identify the size, scale and design of the proposed dwellings.

-That the structures proposed were not replacements for the existing buildings onsite but moreover alternatives to those currently in place.

-That the absence of the following reports/plans made proper consideration of the proposals impossible, when taking into account the impact of the proposals on the AONB landscape and immediate habitat;

Ecology Report  
Landscaping Proposal Report  
Drainage and surface water management Plan

Council further directed its Clerk to make additional enquiries as to the planning consents onsite in relation to existing building B, and to seek clarity on the veracity of applicants assertion that activities onsite were agricultural and not simply commercial or of an industrial / manufacturing nature.

Other Representations

6 no. representations have been received in relation to the application 5 of which offer support of the proposal and one of which raises objections. The reasons for support/objection are summarised below:

**Reasons for support**

- Current buildings need replacement
- Replacement buildings will enhance the site and improve conditions for livestock
- The existing buildings are in need of replacement
- The buildings are required for appropriate animal welfare

**Objections**

- The applicants carry out log processing from an existing building on the site which causes intrusive noise impacts
- The proposed demolition of the stable building and removal of earth bank will remove a sound buffer and increase the noise impacts of the log processing operation
- The replacement buildings are considerably larger/taller than existing buildings and therefore the proposal does not constitute replacement buildings.
- Concerns that the new building will be used for log processing and would result in increased noise and traffic movements affecting amenity

**Technical Consultations**

Environmental Health

I have considered the application 20/2133/FUL and do not anticipate any environmental health concerns

DC Footpath Officer

We do not wish to object to this planning proposal but we would like to make the applicant aware that they may need to apply for a closure of the footpath while the work takes place, they can apply for this by contacting the public rights of way - mailbox by emailing, [publicrightsofway-mailbox@devon.gov.uk](mailto:publicrightsofway-mailbox@devon.gov.uk)

Also we would like to remind the applicant that if the surface of the footpath is damaged in any way during the work then it must be reinstated to the same condition.

**POLICIES**

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 3 (Sustainable Development)

Strategy 7 (Development in the Countryside)

Strategy 5 (Environment)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

EN14 (Control of Pollution)

D1 (Design and Local Distinctiveness)

D7 (Agricultural Buildings and Development)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

Chardstock Neighbourhood Plan (Made)

Government Planning Documents

NPPF (National Planning Policy Framework 2019)

**Site Location and Description**

The application relates to a collection of timber outbuildings arranged across a narrow yard area oriented north to south. Myrtle Farm (house) itself is located to the west at the junction of the local road and the private access road which serves the yard. There are other residential properties to the north and northwest of the site with land to the northeast, south and southwest being agricultural in character and comprising of small scale fields generally separated by native hedgerow, The surrounding topography slopes down from west to east.

The site lies in open countryside approximately 2/3 of a mile northwest of the village of Cardstock. The surrounding landscape is designated as part of the Blackdown Hills Area of Outstanding Natural Beauty.

**Proposal**

Permission is sought for the erection of 2 no. timber buildings on a site where existing buildings are proposed to be removed.

The existing buildings on site proposed for removal have a combined floor area of approx. 230 sq.m with the combined floor area of the replacement buildings being 340 sq.m

**Planning History**

It is understood that the application site has in the past operated as a riding school granted permission under 81/P0902 and the existing buildings on site appear to be designed for equestrian purposes. However, it is not clear whether the current buildings on site were granted under that permission or not, although those which are proposed for replacement are equestrian in character. Nevertheless, the riding school is no longer in operation and it appears that the site has defaulted to agricultural use.

## **ANALYSIS**

The main issues in the determination of the application area as follows:

- Principle and policy compliance
- Impact on the character and appearance of the area/wider landscape
- Arboricultural Impact
- Amenity Impact
- Other Issues

### **Principle and policy compliance**

The site lies in the open countryside where Strategy 7 of the East Devon Local Plan (EDLP) only supports development where this is explicitly supported by another policy of the Local Plan, or Neighbourhood Plan where one is in place.

In this instance the Chardstock Neighbourhood Plan (CNP) is made and thus forms part of the development plan for decision making purposes.

In terms of the EDLP the most relevant policy relating to the principle of the proposed development is policy D7 which relates to agricultural development and offers support for such proposals subject to there being a genuine agricultural need and a number of listed criteria being met. In terms of the neighbourhood plan, the CNP does not contain any specific policies that would offer explicit support for the development.

In relation to need, it is acknowledged that the existing buildings on the site are past their best and in need of attention, or replacement. These buildings are also not designed for agricultural use, and appear to have been erected originally for purposes relating to a former equestrian use of the site. The proposal is to replace these buildings with 2 no. purpose built agricultural barns. The replacement barns are of rectangular plan form and have an increased eaves and ridge height making them easier to access for a variety of purposes.

The application was not originally supported by any information relating to the need for the buildings and as such additional information was requested. In response the applicant has advised that the existing buildings are subject to movement due to the unstable nature of the concrete pads on which they are constructed. They go on to advise that they operate a '10+acre farm' and 'have the ability to farm 60+ ewes'. They go on to state that over the past 7 years they have been building up a flock of purebred ewes and lambs and that the current buildings are unsuitable for this purpose. It is suggested that stock has been lost in the past due to inadequate airflow within the building. It is further suggested that the buildings would be used to, '*... house the*

*livestock (including two children's ponies) hay and feed cultivated from the holding and farm machinery.'*

In relation to need it is considered that the evidence presented in terms of the agricultural operations of the holding are limited and appear to include an element of stabling, Whilst the applicant refers to the ability to farm 60+ ewes there is no information on current stocking levels or any other agricultural operations at the site and the specific storage requirements relating to these. Furthermore, there is no information in the form of a farm business plan or similar setting out projections for increasing stock numbers. As a result there is an absence of information to demonstrate a genuine agricultural need for the buildings in question. This conclusion takes into account the increase in overall footprint between existing and proposed buildings but also the presence of an additional existing open-fronted barn on the site which also appears to be available for agricultural use.

In relation to the other criteria of policy D7 the design and landscape impact and amenity, impacts are considered separately below. With regards to traffic there is no reason to consider the proposal, if restricted to agricultural use, would have any greater impact than the current use of the site and it would be possible to ensure that clean roof water was kept separated from any foul/dirty water drainage. Other than those at the site there appear to be no other buildings on the holding.

In terms of national planning policy para. 83 of the NPPF encourages planning policies and decision to, "... enable the sustainable growth and expansion of all types of business in rural areas, both through the conversion of existing buildings and well-designed new buildings". Whilst this support is recognised it relates to business proposals and there has been no evidence submitted to justify the size and number of buildings proposed to support either a new or existing agricultural business.

### **Impact on the character and appearance of the area/wider landscape**

The site sits on a platform of land that has been cut into the natural slope which falls from west to east. A public footpath (Chardstock footpath No.27) climbs up toward the site from the southeast before following the line of the access road to the west. Due to the lack of vegetation screening the existing buildings are likely to be visible on approach from the east, as well as in more distant views from the public footpath and road on the opposite side of the valley to the east. The impact of the existing buildings in such views is likely to be limited due to the scale and design of the buildings and their weathered appearance. They are also seen in conjunction with rising land to the rear and in context with other built form.

Policy CPNP 04 of the Neighbourhood Plan together with Strategies 7 and 46 of the Local Plan seek to ensure that development does not harm the distinctive landscape qualities of the locality and in the case of AONB landscapes conserves or enhances their natural beauty.

The proposed replacement buildings would be slightly larger overall in massing and height and would also in the case of the northernmost building be brought closer to the platform edge. The existing northern building is set back in the site and partially under the canopy of trees to the rear of it, as such the new position would result in this

building being more prominent than the one it replaces. The proposed removal of some of the existing trees to the west of the site whilst unrelated to the application would also expose the site further. It is recognised that the scheme includes proposals to establish a new hedge along the eastern side of the northern part of the site and, that once established, this would assist in providing some screening of the building. The proposed materials would also assist in reducing the impact of the development. However, it remains the case that the construction of 2 no. new buildings on this site would result in some increased landscape and visual impact. Whilst this impact would reduce over time as planting establishes there would still be some increased impact particularly in the short term.

### **Arboricultural Impact**

The application is accompanied by an arboricultural report which considers the impact on trees on or adjoining the site from the development. The conclusion drawn is that the proposals themselves would not be likely to have impact on any important trees although, irrespective of the application there would be a requirement to remove a number of adjoining trees due to the effects of Dutch Elm disease. The report makes suggestions for replacement planting to offset the loss of trees and these and the protection of existing retained trees during the construction phase of development could be conditioned if the development was otherwise found to be acceptable. Subject to development proceeding in accordance with the recommendations set out in the report and suitable replacement planting being provided the proposal could be considered to meet the requirements of policy D3 of the Local Plan.

### **Amenity Impact**

Policy EN14 of the Local Plan seeks to resist development that would lead to unacceptable levels of polluting impacts on local residents or the wider environment. The proposed uses of the building for livestock housing has the potential to give rise to amenity impacts including from odour, flies etc. However, the stated purpose of the building is to house ewes, presumably when lambing as well as for other more general agricultural storage purposes. As such the building would not be in continuous use for livestock purposes and is not considered to give rise to any harmful levels of amenity impact. The environmental health officer has raised no objection to the scheme.

### **Other Issues**

A neighbouring resident has raised complaints about noise resulting from existing activity at the site relating to log processing that takes place. The parish council has also questioned the lawfulness of the existing use of the site and whether this is a commercial activity unrelated to the agricultural use of the land. The neighbour has expressed concerns that the machinery operated and general activity in association with this business is detrimental to their amenity. These concerns are noted and whilst the processing of logs derived from the land is likely to be considered to be ancillary to the agricultural use of the land any commercial activity that goes beyond this would be likely to constitute a change of use for which planning permission would be required. This issue is the subject of separate enforcement investigation and is considered to be unrelated to the current application which is to be considered on its own merits.

## **CONCLUSION**

The proposal would provide two new buildings to replace existing equestrian style buildings on site and which the applicant has suggested are no longer fit for purpose or suitable in association with the agricultural use of the site.

At the present time there appears to be little active agricultural use of the buildings but it is appreciated that may be as a result of their unsuitability for the storage and livestock purposes referenced by the applicant. It has been suggested that the applicant has the ability to farm more than 60 ewes on the land and that the buildings are required for lambing purposes as well as general storage, however reference is also made to housing ponies.

The application is not supported by any information relating to existing livestock levels, or hay, machinery or other storage requirements associated with the holding or to proposals to how and when it is propose to increase stock levels. This being the case it is not possible to conclude that the proposed buildings have been designed to meet a genuine agricultural need. In the absence of such justification the harm to the character and appearance of the area and designated landscape, whilst limited, weighs against the proposal and on balance it is considered that the harm that would arise through the replacement of the existing buildings with large and overall more prominent replacements is not outweighed by any agricultural justification.

## **RECOMMENDATION**

REFUSE for the following reasons:

1. The development is not supported by sufficient justification of agricultural need for 2 no. buildings of the scale proposed and related to the agricultural activity taking place or proposed. In the absence of any explicit justification the proposal represents development that would; cause harm to character and appearance of the area and would fail to conserve or enhance the landscape character of the area, designated as Area of Outstanding Natural Beauty. The development as a result is contrary to Strategies 7 (Development in the Countryside) and 46 (Landscape Conservation and Enhancement and AONBs) and policies D1 (Design and Local Distinctiveness) and D7 (Agricultural Buildings and Development) of the Adopted East Devon Local Plan 2013-2031 as well as policies CPNP04 of the Chardstock Parish Neighbourhood 2013-2031 and National Planning Policy contained in the National Planning Policy Framework.

## **NOTE FOR APPLICANT**

Informative:

In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 in determining this application, East Devon District Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved.

Plans relating to this application:

	Proposed Site Plan	30.11.20
P-100	Combined Plans	12.01.21
P-200	Combined Plans	12.01.21
P-202	Existing Elevation	12.01.21
P-203	Proposed Combined Plans	12.01.21
P-201	Combined Plans	12.01.21

List of Background Papers

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

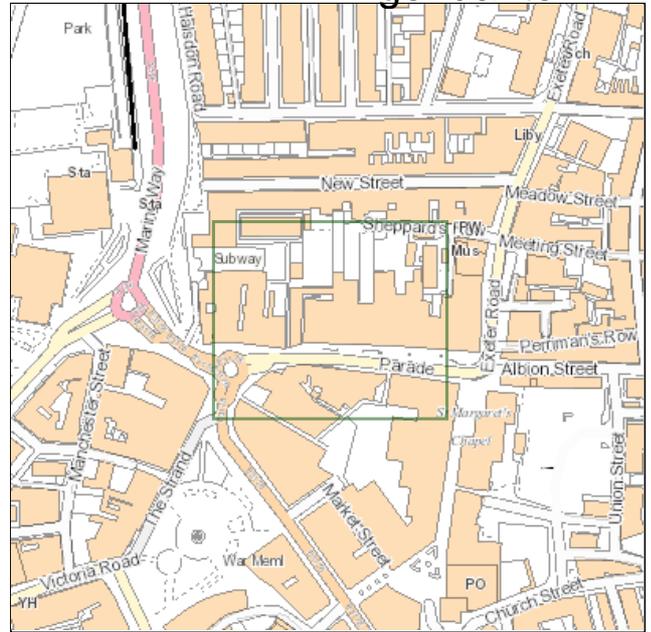
**Ward** Exmouth Town

**Reference** 20/2393/FUL

**Applicant** Mr Pidgeon

**Location** 27 Parade Exmouth EX8 1RH

**Proposal** Subdivision of existing maisonette into two self contained flats, and erection of single storey rear extension.



**RECOMMENDATION: Refusal**



		<b>Committee Date: 5<sup>th</sup> May 2021</b>
<b>Exmouth Town (Exmouth)</b>	<b>20/2393/FUL</b>	<b>Target Date: 17.02.2021</b>
<b>Applicant:</b>	<b>Mr Pidgeon</b>	
<b>Location:</b>	<b>27 Parade Exmouth</b>	
<b>Proposal:</b>	<b>Subdivision of existing maisonette into two self contained flats, and erection of single storey rear extension.</b>	

**RECOMMENDATION: Refusal**

#### **EXECUTIVE SUMMARY**

**This application is before the Planning Committee as the officer recommendation is contrary to the view of a Ward Member.**

**The application relates to 27 Parade, which is a two storey building located close to the centre of Exmouth and within the built-up area of the town. The site also falls within flood 3, as designated by the Environment Agency.**

**Planning permission is sought to sub-divide the existing flat into two self contained flats. A single storey rear extension would also be constructed to increase the space available for the flats.**

**Given the location of the site, within the built-up area, the development is considered to be sustainable and acceptable in principle, subject to the consideration of other factors.**

**In this instance, given the location of the site in flood zone 3, and as the proposal relates to the creation of an additional residential unit, a key consideration is flood risk and the sequential test. Whilst the proposed extension would be modest in size, and it is considered that it would not lead to a significant increase in flood risk, the creation of an additional residential unit raises greater concerns. Due to the proposed creation of a new residential unit, it is expected that the Local Planning Authority undertakes a sequential test. This is to establish whether there would be other locations outside of a flood zone where one additional unit of residential accommodation could be provided.**

**The site is located within an area designated as flood zone 3. The NPPG and NPPF both state that the aim of the sequential test is to steer new development into flood zone 1 (areas with a low probability of flooding). Policies state that only where**

there are no reasonably available sites in flood zone 1 or 2 should the suitability of sites in flood zone 3 be considered.

As such, bearing in mind the policy aim to steer new developments into areas less at risk from flooding, it is considered that this application would not satisfy the sequential test. This is on the basis that there are other areas in the Exmouth, and the wider East Devon district, in sustainable locations, where one new flat could be provided in flood zone 1, or no flood zone at all. Furthermore, the district currently has a 5 year land supply and, therefore, there is no exceptional need to allow development in an area at high risk from flooding.

Consequently, the application is considered to fail the sequential test and is, therefore, unacceptable in this regard. Therefore, the proposal also fails to comply with the provisions of Policy EN21 (River and Coastal Flooding) of the East Devon Local Plan 2013 - 2031.

With regard to other factors, it is considered that the proposal would not have a detrimental impact on the character and appearance of the area, as the only external change (the extension) would be located to the rear of the property and screened from the public domain.

The nature of the proposal, and the design of the extension, is such that the proposal would not be detrimental to the amenity of the occupiers of other properties.

The proposal would not have a direct impact on the highway and, therefore, would not have a detrimental impact on highway safety. no vehicle parking is proposed. However, where a site is located close to services and public transport, this is not required by Policy TC9 (Parking Provision in New Development) of the Local Plan. However, Policy TC9 also states that at least one bicycle parking space should be provided per dwelling. The submitted plans and application form do not indicate that any cycle parking would be provided. Therefore, the development would fail to comply with Policy TC9 of the Local Plan.

Whilst it is noted that the proposal is acceptable in some regards, the failure of the sequential test is a significant issue. Given that, and the lack of cycle parking, it is recommended that this application is refused.

## **CONSULTATIONS**

Parish/Town Council  
Meeting 18.01.21

No objection subject to the provision for cycle storage.

Exmouth Town - Cllr Olly Davey

I was contacted yesterday by the applicant for this alteration, concerned that it is recommended for refusal. My understanding is that it has failed the Sequential Test. I feel I must support this application, which provides much needed accommodation in

a very sustainable location in the town centre, and apart from a very small extension, merely subdivides an existing property. Although it may be technically in a flood zone, the property, like all others in The Parade, is considerably raised above the road level, and any flooding would have to be very deep indeed to reach the property.

I therefore request that if this application is recommended for refusal, that it comes to the Planning Committee for a careful debate. As a member of that committee, I naturally reserve my final position on this application until I have seen the full report and heard all arguments.

I apologise for my late response to this, but as stated above, I was only contacted yesterday by the applicant.

Other Representations

No third party representations have been received.

**PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
89/P0514	Alterations.	Approval - standard time limit	08.06.1989
89/P0517	Change Of Use From Shop To Office Class A2	Refusal	25.07.1989

**POLICIES**

Adopted East Devon Local Plan 2013-2031 Policies  
Strategy 6 (Development within Built-up Area Boundaries)

Strategy 22 (Development at Exmouth)

D1 (Design and Local Distinctiveness)

EN21 (River and Coastal Flooding)

TC9 (Parking Provision in New Development)

Government Planning Documents  
NPPF (National Planning Policy Framework 2019)

Exmouth Neighbourhood Plan 2018 – 2031.  
Policy EN1

**Site Location and Description**

This application relates to 27 Parade, which is a two storey building located close to the centre of Exmouth and within the built-up area of the town. Parade forms part of Exmouth's main shopping area, and part of the ground floor of the property has a commercial use. There is also an apartment which uses part of the ground floor in addition to the first floor. The property is not listed, and there are no listed buildings close-by. Also, the site lies outside the Exmouth conservation area. However, like much of Exmouth town centre, the site falls within flood zone 3, as designated by the Environment Agency.

### **Proposed Development**

Planning permission is sought to sub-divide the existing flat into two self-contained flats. A single storey rear extension would also be constructed to increase the space available for the flats.

### **ANALYSIS**

The site lies within the built up area boundary of Exmouth, close to the town centre and main shopping area. Therefore, the site is close to essential services, infrastructure and public transport which provides links to further afield settlements. Consequently, the location of the site for the provision of an additional residential unit would be acceptable in principle, and in accordance with both the Local Plan and Neighbourhood Plan, providing the impacts of the proposed development are acceptable in relation to other policies contained in the aforementioned plans, together with any relevant material considerations. Given this, other key considerations are flood risk and the sequential test, impact upon the appearance of the area, impact upon amenity, and impact upon highway safety.

#### **Flood risk and sequential test.**

Whether the proposal would result in an increased flood risk, or would pose a risk to potential occupiers, as a result of its location within a flood zone, is an important factor in the determination of this application.

The proposed extension would be modest in size and, given the nature of the area, which is largely paved, it is considered that the construction of the extension itself is unlikely to lead to a harmful increase in flood risk to other properties, as its construction would only result in this displacement of a small amount of water in the event of a flood. Indeed, it is noteworthy that the Environment Agency has not objected to the proposal, which indicates that there are no concerns in that regard.

Notwithstanding the above, the fact that the proposal seeks the creation of an additional residential unit within a flood zone must also be considered. In this regard, it is expected that the Local Planning Authority undertakes a sequential test, to establish whether there would be other locations outside of a flood zone where one additional unit of residential accommodation could be provided.

The site is located within an area designated as flood zone 3. The NPPG and NPPF both state that the aim of the sequential test is to steer new development into flood zone 1 (areas with a low probability of flooding). The NPPF and Local Plan policies

state that only where there are no reasonably available sites in flood zone 1 or 2 should the suitability of sites in flood zone 3 be considered.

As such, bearing in mind the policy aim to steer new developments into areas less at risk from flooding, it is considered that this application would not satisfy the sequential test. This is on the basis that there are other areas in the Exmouth, and the wider East Devon district, in sustainable locations, where one new flat could be provided in flood zone 1, or no flood zone at all. Furthermore, the district currently has a 5 year land supply and, therefore, there is no exceptional need to allow development in an area at high risk from flooding.

Consequently, the application is considered to fail the sequential test and is, therefore, unacceptable in this regard. Therefore, the proposal also fails to comply with the provisions of Policy EN21 (River and Coastal Flooding) of the East Devon Local Plan 2013 - 2031, which states:

*"A sequential approach will be taken to considering whether new developments excluding minor developments and changes of use (minor development includes non-residential extensions with a footprint of less than 250 square metres, development that does not increase the size of the building or householder development unless it would create a separate dwelling) will be permitted in areas subject to river and coastal flooding.*

*Wherever possible developments should be sited in Flood Zone 1 as defined in the East Devon District Council Strategic Flood Risk Assessment. Only if there is no reasonably available site in Flood Zone 1 will locating the development in Flood Zone 2 and then Flood Zone 3 be considered....."*

The comments of the ward member regarding the proposal and, in particular, the sequential test, are noted. However, it is considered that the key factor to consider is that the proposal would result in the creation of an additional unit of residential accommodation in a flood zone. As detailed above, this clearly fails the sequential test. The applicant has also drawn Officers attention to other developments in the vicinity which have been approved. However, each application must be considered on its own merits, and other developments, such as the development of flats to the north of 27 Parade, may have had other factors which allowed them to pass a sequential or exceptions test – in the case of the New street site, it was the provision of 1-bed units combined with the provision of affordable housing. In the case of this proposal, it is considered that there are no such mitigating circumstances and, therefore, as detailed above, it is considered that the proposal fails the sequential test and is contrary to the Local Plan as a consequence.

### **Impact on the character and appearance of the area.**

The proposed extension would be modest in size, both in terms of its foot print and height. The surrounding buildings are taller than the proposed extension, and the main building would screen the extension from the street scene. Consequently, it is considered that the proposed extension would not have a detrimental impact on the character and appearance of the area.

The creation of an additional unit of residential accommodation would result in internal alterations, with the only external changes being the erection of the extension.

Therefore, it is considered that the proposal is acceptable with regard to its impact on the character and appearance of the area, in accordance with Policy D1 (Design and Local Distinctiveness) of the Local Plan and Policy EN1 of the Neighbourhood Plan.

### **Impact on other occupiers.**

Given the nature of the area, it is considered that intensification in use of the building, through the creation of an additional residential unit, is unlikely to result in harm to the occupiers of other properties, especially when the existing residential use of the building is also considered. The proposed extension would have one window in it, which would face into a courtyard area; this is not considered to give rise to any amenity issues.

Therefore, it is considered that the proposal is acceptable with regard to its impact on the occupiers of other properties, in accordance with Policy D1 (Design and Local Distinctiveness) of the Local Plan and Policy EN1 of the Neighbourhood Plan.

### **Highway impacts.**

The proposal would not have a direct impact on the highway and, therefore, would not have a detrimental impact on highway safety.

It is noteworthy that no vehicle parking provision is proposed. However, given the location of the site in the town centre, close to services and public transport, it is considered that vehicle parking is not required. This is on the basis that Policy TC9 (Parking Provision in New Development) of the Local Plan states the following:

*"In town centres where there is access to public car parks and/or on-street parking lower levels of parking and in exceptional cases where there are also very good public transport links, car parking spaces may not be deemed necessary."*

However, Policy TC9 also states that at least one bicycle parking space should be provided per dwelling. The submitted plans and application form do not indicate that any cycle parking would be provided. Whilst the ground floor flat could utilise the rear courtyard, there is no space for the first floor flat. Therefore, the development would fail to comply with Policy TC9 of the Local Plan.

### **CONCLUSION**

The application site is located in flood zone 3, where there is considered to be a significant risk of flooding. Whilst the proposed extension is not considered to be a cause of concern with regard to flood risk, the creation of an additional unit of accommodation such as an area is. The proposal fails to meet the requirements of a sequential test, and no evidence to indicate why the proposal would pass a sequential test has been provided. Notwithstanding the lack of objection to the proposal with regard to other factors, the failure of the sequential test, in addition to the lack of cycle

parking provided, is sufficient for the proposal to be considered unacceptable and for it to fail to comply with key local and neighbourhood plan policies. Therefore, it is recommended that this application is refused.

## **RECOMMENDATION**

REFUSE for the following reasons:

1. The Environment Agency Flood Map indicates that the site lies in flood zone 3 where there is a high risk of flooding. There are other reasonably available sites within the district of East Devon with a lower probability of flooding than the application site that would be appropriate for the type of 'more vulnerable' residential development proposed. In the absence of a sequential test showing there are no alternative sites for housing development, there is a lack of evidence that the proposal would bring about wider sustainability benefits for the community that would outweigh the flood risks for the buildings and potential occupiers over the lifetime of the buildings on a site in flood zone 3 which is likely to adjust in the future. The proposals are contrary to guidance within the National Planning Policy Framework and National Planning Policy Guidance and Policy EN21 (River and Coastal Flooding) of the East Devon Local Plan.
2. Insufficient cycle parking is proposed. Therefore, the proposal fails to comply with the provisions of Policy TC9 (Parking Provision in New Development) of the East Devon Local Plan 2013 - 2031, which requires at least one cycle parking space per property to be provided.

## 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:

	Location Plan	30.10.20
04:	Proposed Combined	30.10.20
Floor/Elevations	Plans	

### List of Background Papers

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

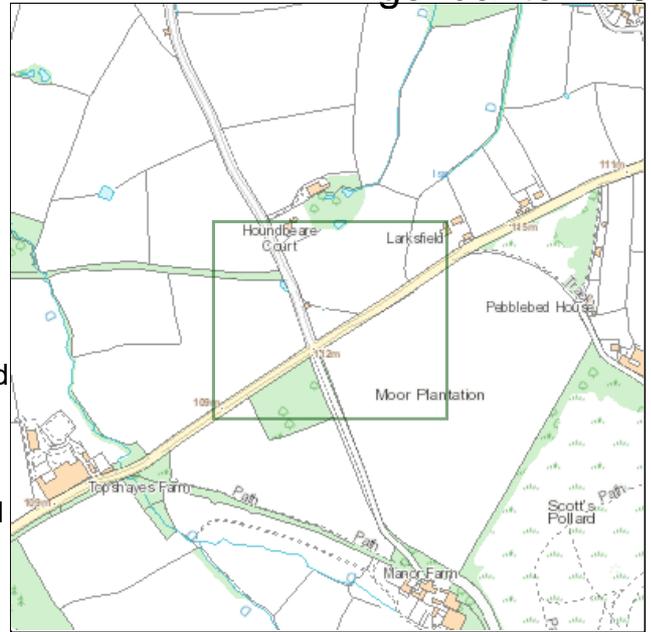
**Ward** West Hill And Aylesbeare

**Reference** 20/1999/VAR

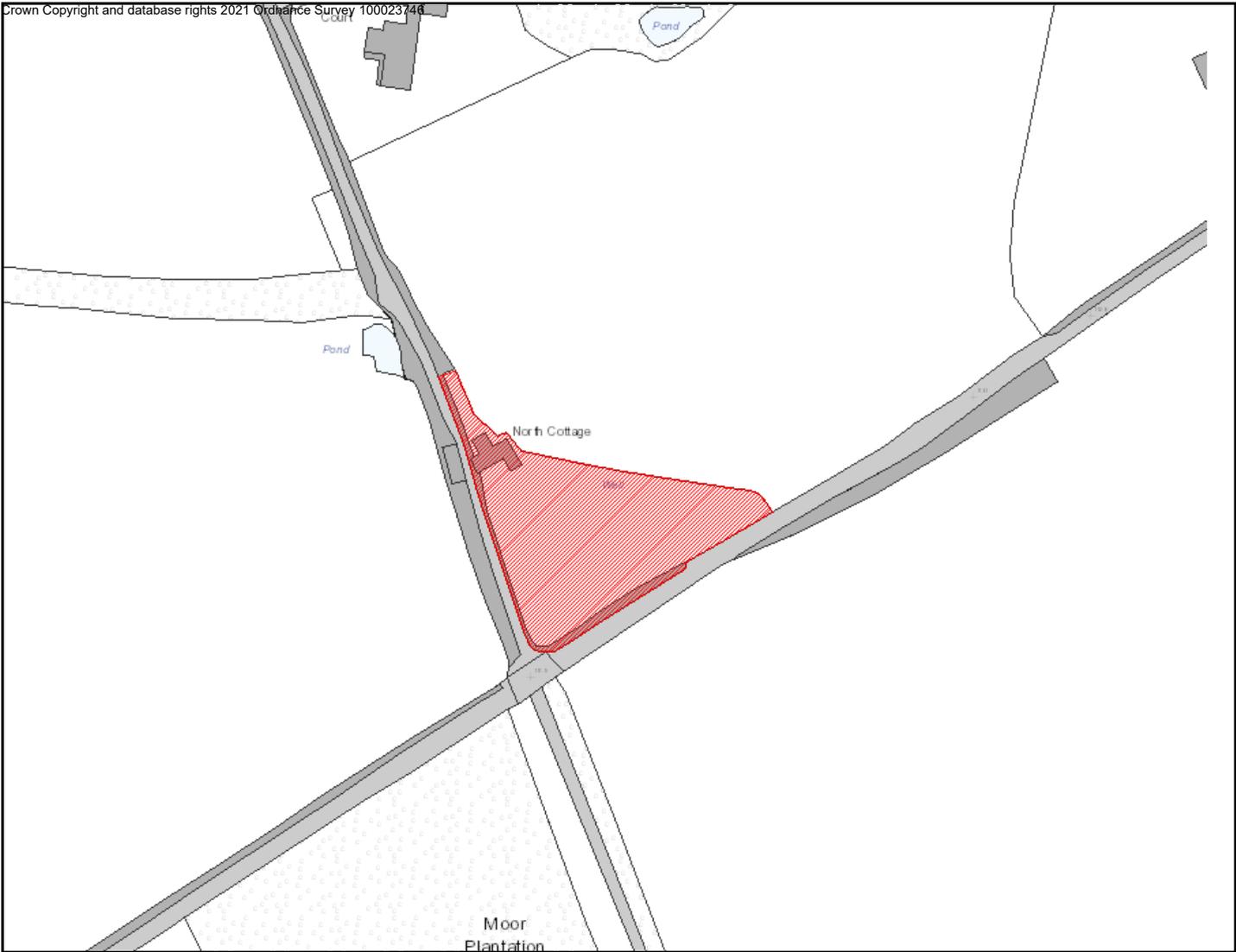
**Applicant** Mr Peter Carhart

**Location** North Cottage Aylesbeare Exeter EX5 2DB

**Proposal** Variation of condition 2 of application no. 19/2803/FUL (Demolition of existing cottage and construction of a new bungalow style dwelling and associated car port, garage workshop/storage out building) to allow amended workshop/storage building design and position



**RECOMMENDATION: Approval with conditions**



		<b>Committee Date: 5th May 2021</b>	
<b>West Hill And Aylesbeare (Aylesbeare)</b>	<b>20/1999/VAR</b>	<b>Target Date:</b>	<b>25.11.2020</b>
<b>Applicant:</b>	<b>Mr Peter Carhart</b>		
<b>Location:</b>	<b>North Cottage Aylesbeare</b>		
<b>Proposal:</b>	<b>Variation of condition 2 of application no. 19/2803/FUL (Demolition of existing cottage and construction of a new bungalow style dwelling and associated car port, garage workshop/storage out building) to allow amended workshop/storage building design and position</b>		

**RECOMMENDATION: Approval with conditions**

#### **EXECUTIVE SUMMARY**

**This application is before Members because the officer recommendation is contrary to the view of the Ward Member.**

**The application seeks to vary planning permission granted under reference 19/2803/FUL for the demolition of an existing property and construction of a new dwelling with associated car port, garage and workshop/storage outbuilding. The proposal seeks an amended design and position for the workshop/storage building. The proposal has been amended since submission to reduce the size of the building.**

**The proposed design of the building is more agricultural than previously approved, and the scale is larger. The siting, albeit still to the front of the proposed dwelling, has also been altered and the building has been turned so that the ridge of the roof runs parallel with the road.**

**Whilst the building is large and visible from the road, it has a functional appearance, which is partially seen within the context of the existing trees and vegetation on the site. It is not unlike many agricultural buildings within the countryside, and within this rural context it is not considered that it would appear unreasonable intrusive, subject to appropriate materials being used, such that planning permission should be withheld.**

**The proposal will result in the loss of one small tree previous shown to be retained but the Devon Bank to the site boundary is proposed to be retained with replacement planting elsewhere within the site.**

**As the proposal is a variation of an earlier permission, and therefore will be a replacement consent, the conditions relating to that approval have been re-imposed, and other necessary conditions relating to the use and materials of the building are recommended.**

## **CONSULTATIONS**

### **Local Consultations**

#### West Hill And Aylesbeare - Cllr Jess Bailey

I wish to register my OBJECTION to this variation for the following reasons:

1. The site is within the open countryside and I believe more than doubling in size this detached building (adding over 100 square metres) will create a building which is excessive in scale. I believe the height, mass and bulk of the building will detract from the rural character of the setting.
2. The proposed siting of the building which directly abuts Oak Lane will mean that the building is highly prominent from Oak Lane and this is unacceptable. I do not believe it can be screened satisfactorily.

#### Parish/Town Council

Aylesbeare Parish Council object to this application.

The Council considers the amended workshop/storage building to be excessive in area and height for a domestic garage. Furthermore there are no plans to replace/restore the vegetation lost by this amendment.

#### Further comments

Aylesbeare Parish Council objects to this application as the size of the proposed garage is significantly out of proportion and an excessive size for a domestic garage.

The proposed garage is more like a commercial building.

The Council is concerned that a mature tree will be lost.

The Council is also concerned that, should the structure be allowed, the drainage has not been adequately considered. The soak away volume is not mentioned in the proposal and the amended proposal does not include the storm overflow that was included in the earlier, first application. It is unclear to where the ditch will drain from the property and the flood risk assessment mentions an infiltration test but does not give the results of this test.

### **Technical Consultations**

None received

### **Other Representations**

None received

## **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
19/2803/FUL	Demolition of existing cottage and construction of a new bungalow style dwelling with associated car port, garage workshop and storage out buildings	Approved	23.04.2020

## **POLICIES**

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

Strategy 7 (Development in the Countryside)

H6 (Replacement of Existing Dwellings in the Countryside)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN14 (Control of Pollution)

### Government Planning Documents

NPPF (National Planning Policy Framework 2019)

National Planning Practice Guidance

### **Site Location and Description**

The site lies in the countryside to the east of the settlement of Aylesbeare. It currently comprises a detached dwelling set in generous grounds, it has a dedicated parking area of the public highway and an overgrown area of vegetation to the south and south east.

### **Proposed Development**

This application seeks to vary the planning permission granted under reference 19/2803/FUL for the demolition of the existing dwelling and erection of a replacement dwelling together with new access from the public highway and enhanced landscaping. It is proposed to replace the previously approved garage/workshop and other outbuildings with a single larger storage/garage/workshop building.

The proposed building has a floor area of 100 square metres, with an overall height of 4m to the ridge, 3m to the eaves. It has been sited adjacent to the hedgebank forming the boundary with Oak Road, with a roller shutter entrance contained within the south western gable.

### **Consideration and Assessment**

The main issues to be considered in the determination of this application relate to the principle of the proposed development and any impact of the siting, scale and appearance of the amended building on the character and appearance of the area, on trees, or on ecology.

## **Principle**

Planning permission has been granted for the replacement of the existing dwelling with an outbuilding/garage in the general position of the current siting. As such it is not considered that there is any objection to the principle of an ancillary building in this general location within the site.

In terms of the size of the building required, the applicant has a collection of vehicles, including classic cars and machinery and is seeking to consolidate the existing outbuildings on the site, and to provide secure storage and shelter.

## **Siting, Scale and Design**

The approved garage/outbuilding was located to the front of the new dwelling, and designed to have the appearance of a large 3 bay garage, being an oak framed building with horizontal cladding under a metal standing seam pitched roof. The floor area was 49 square metres, with an overall height of 4.57m, with the building sited perpendicular to the road.

The current proposal seeks to site a building a much larger building, being 100 square metres occupying part of the original site, although set closer to the road, and extending further to the north east than the approved building. The gable end of the building has a similar width as the previously approved building, with a shallow pitch roof meaning that the overall height is less than that of the approved garage.

The possibility of re-siting the building within a different part of the site has also been explored, however there are a number of constraints within it, in particular the shape of the site, trees, and the position of a major overhead power line meaning that the current siting is the only position available.

During the course of the application, the building has been considerably reduced in size, by over 60 square metres in floor area and reduced in height by 0.7m and its orientation has been amended so that the ridge of the roof runs parallel with the road. It remains a large building, however it is considered that the substantial reduction in scale lessens any impact on the surrounding area. It has the appearance of a small agricultural building, and would, to a certain extent be viewed against the backdrop of existing trees and vegetation. It would still be visible from the road, and whilst also seen within the context of the new domestic dwelling, the design and form would not be out of place with many similar agricultural buildings in the area.

With the use of appropriate materials, with wooden cladding being used for the walls, rather than the more industrial profiled sheeting indicated, it is considered that the building would not appear to be unreasonably dominant within its rural context.

## **Trees**

The amended siting and scale of the building is such that the proposal will result in the loss of one small tree previously shown to be retained. However, the tree is not significant and the landscape plan details replacement tree planting throughout the site as per the previous consent. The road-side Devon Bank will be retained.

## **Ecology**

A further ecological report has been submitted which concludes that the larger building now proposed would result in a negligible increase in habitat loss, above that previously proposed, which would be adequately compensated for by an increase in wildflower and hedgerow planting. It concludes that the proposals would result in a net gain in biodiversity.

## **Drainage/Flooding**

The proposed building is larger than that previously approved with a consequent potential increase in flooding. The previous application was accompanied by a flood risk assessment which addressed the proposed development and found that the site was not at risk of flooding. Whilst this application increases the built site coverage, it is considered that the proposed arrangements within the previous flood risk assessment would be appropriate to accommodate any additional increase in the size of the building. There is substantial vegetation on the site and the previously proposed crated soakaway, or alternative attenuated discharge at a maximum rate of 1.5l/s is considered to be reasonable. The submission of suitable details to cater for the new building can be conditioned to ensure that appropriate drainage arrangements are provided.

## **Conditions**

This application would result in a new planning permission in lieu of that previously proposed and it is therefore considered to be necessary to re-impose those conditions attached to the previous approval. In addition, it is considered further conditions are necessary to ensure that appropriate materials are used for the construction of the building and that the use remains ancillary to the dwelling with which it is associated.

## **RECOMMENDATION**

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the 23 April 2023 and shall be carried out as approved.  
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.  
(Reason - For the avoidance of doubt.)

3. Prior to the commencement of the development hereby approved (including demolition and all preparatory work), the following tree protection measures as identified in the submitted Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) will have been completed:
  - a) The tree protection fencing shall be in place and in accordance with the agreed specification.
  - b) The installed tree protection will have been inspected by an appropriately experience and qualified Arboricultural Consultant commissioned to act as the project Arboricultural Supervisor.
  - c) The findings of the Arboricultural Supervisors initial site inspection shall be forwarded to Local planning Authority prior to the commencement of works on site.

During the development hereby approved, the following tree protections measures identified in the above AMS and TPP will be undertaken:

- d) Ad-hock bi-monthly arboricultural site inspections.
- e) Any departures from the approved TPP and AMS shall be reported to the Local Planning Authority in writing within five working days of the site inspection.

On completion of the development hereby approved:

- f) A completed site monitoring log shall be submitted to the Planning Authority for approval and final discharge of the tree protection condition.

Reason: To satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, in accordance with Policy D3 - Trees and Development Sites of the East Devon Local Plan 2016 and pursuant to section 197 of the Town and Country Planning Act 1990.

4. No other work shall commence on the site (other than for the protection of trees or wildlife) until the access road junction with the county highway, including the visibility splays, has been completed and made available for use in accordance with the plans hereby permitted.

(Reason - To ensure that the access road junction is planned and provided in good time in the interests of highway safety in accordance with the requirements of Policy TC7 - Adequacy of Road Network and Site Access of the Adopted New East Devon Local Plan 2016.)

5. Within 3 months of the first occupation of the dwelling hereby approved the existing dwelling known as North Cottage shall be demolished and all materials removed from the site

Reason: To ensure that there are not two habitable dwellings on the planning unit where any additional dwellings would represent an unsustainable form of development in accordance with Strategy 7 of the East Devon Local Plan

6. Development shall proceed in accordance with Section 4 (Recommendations and Mitigation) of the Ecological Appraisal carried out by Richard Green Ecology dated October 2019, and the conclusions and recommendations in the Addendum Ecological Appraisal carried out by Richard Green Ecology dated November 2020.

Reason: To ensure that the mitigation and enhancement recommendation contained in the report are implemented as part of the proposal in accordance with Policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan and advice contained in the National Planning Policy Framework

7. The landscaping scheme shall be carried out in the first planting season after commencement of the development unless otherwise agreed in writing by the Local Planning Authority and shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.  
(Reason - To ensure that the details are planned and considered at an early stage in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D2 - Landscape Requirements of the Adopted New East Devon Local Plan 2016.)
8. Notwithstanding the submitted details, the walls of the workshop/storage outbuilding shall be clad in timber above the concrete blockwork, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The approved boarding shall be retained thereafter.  
(Reason – To protect the character and appearance of the area, in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031.
9. The workshop/storage outbuilding building hereby permitted shall be used only in conjunction with, and ancillary to, the use of North Cottage as a single dwelling house and shall not be used as a separate dwelling or for any commercial, industrial or business purpose.  
(Reason - The building is unsuitable for independent residential occupation being in an unsustainable/inaccessible location where a separate unit of accommodation would not be adequately served by a range of services and facilities and a commercial use could cause undue noise and disturbance to adjoining occupiers in accordance with the requirements of Strategy 7 (Development in the Countryside), and Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the Adopted East Devon Local Plan 2013-2031.)
10. No development shall take place on site until a drainage scheme, prepared in accordance with the provisions of the Flood Risk Statement prepared by Heighway Field Associates in relation to application 19/2803/FUL and dated December 2019 has been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved scheme.  
(Reason – The details are required prior to commencement to ensure that the fit efficiently within the site layout, protect water quality and minimise flood risk in accordance with Policy EN22 (Surface Run-off Implications of New Development) and the guidance contained within the National Planning Policy Framework).

## NOTE FOR APPLICANT

### Informative:

In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 in determining this application, East Devon District Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved.

The historic planning application is referenced under 18/2504/MFUL for which the approved plans were as follows:-

1901-SL1 rev A	Location Plan	08.01.20
1901-101 rev D	Proposed Site Plan	19.12.19
1901-102 rev E : floor/elevations	Proposed Combined Plans	19.12.19
1901-105 rev A : garage floor/elevations	Proposed Combined Plans	19.12.19
1901-106 rev A	Block Plan	08.01.20
CT_5357.19_TC P	Landscaping	19.12.19
CT_5700.20_TP P	Additional Information	09.04.20

### Plans relating to this application:

1901-SL1 REV B	Location Plan	25.09.20
1901-115 Rev C	Proposed Block Plan	17.03.21
1901-111 Rev H	Proposed Site Plan	17.03.21
1901-113 Rev D	Proposed Elevation	17.03.21
1901-114 Rev F	Proposed Combined Plans	17.03.21

### List of Background Papers

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



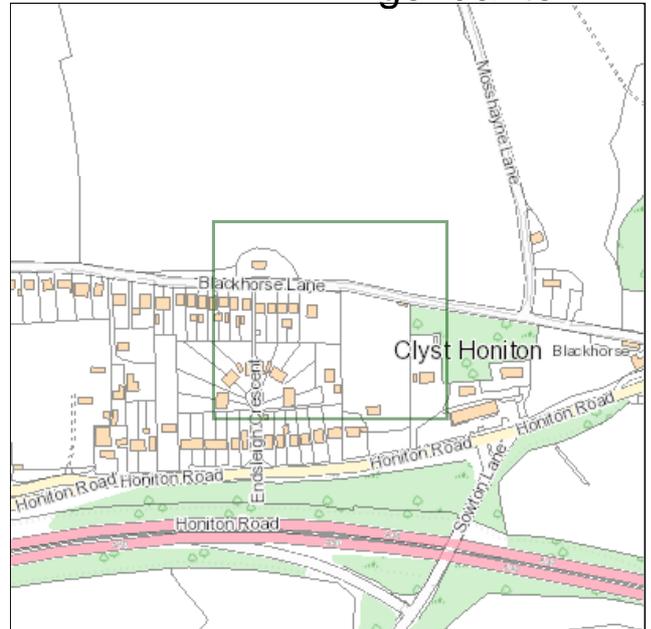
**Ward** Broadclyst

**Reference** 21/0241/FUL

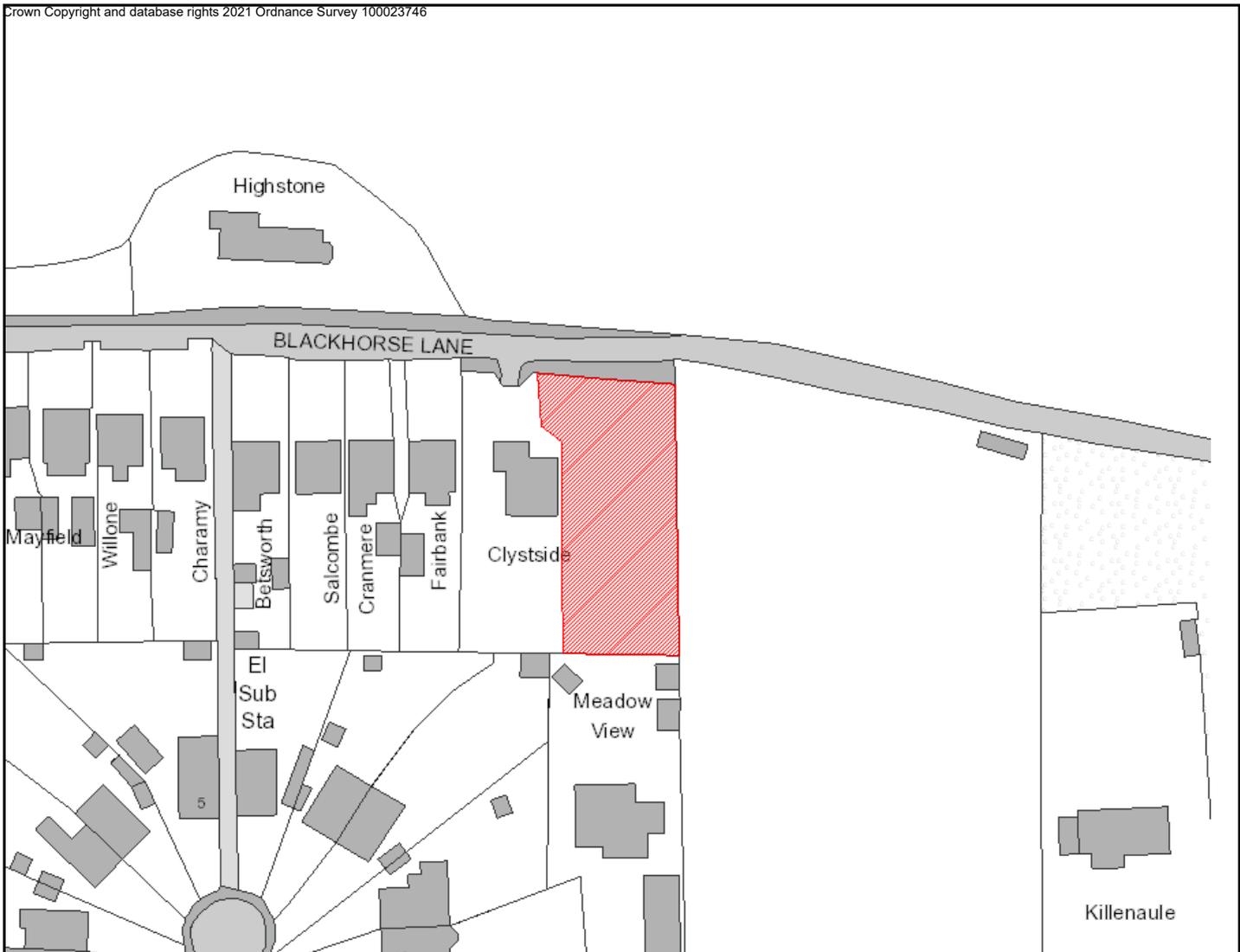
**Applicant** Mr Gary Moore

**Location** Clytside Blackhorse Lane Blackhorse Exeter EX5 2AR

**Proposal** Construction of two detached bungalows with associated parking and vehicular entrance



**RECOMMENDATION: Approval with conditions**



		<b>Committee Date: 5<sup>th</sup> May 2021</b>
<b>Broadclyst (Broadclyst)</b>	<b>21/0241/FUL</b>	<b>Target Date: 29.03.2021</b>
<b>Applicant:</b>	<b>Mr Gary Moore</b>	
<b>Location:</b>	<b>Clytside Blackhorse Lane</b>	
<b>Proposal:</b>	<b>Construction of two detached bungalows with associated parking and vehicular entrance</b>	

**RECOMMENDATION: Approval with conditions**

#### **EXECUTIVE SUMMARY**

**This application is before the Development Management Committee as the proposal is a departure from the Local Plan.**

**Planning permission is sought for the construction of two detached bungalows, and a vehicular entrance to serve the site. The development would take place in the garden area to the east of the existing property on the plot. This is the third recent application on the site; the previous applications, which were for the construction of a single dwelling, were both approved (note, however, that only one of those previous applications, or the proposal to which this report relates, could be undertaken, due to the position of the proposed property/properties in the plot).**

**The site is located within the hamlet of Blackhorse, close to Clyst Honiton, with the site and nearby properties located outside any designated built-up area boundary. However, there is a notable amount of development in the vicinity. In particular, in addition to the existing dwellings to the south and west of the site, the land on the northern side of Blackhorse Lane is part of the Tithebarn/Mosshayne development site, which is currently being developed into a significant area of housing, totalling 1,500 dwellings, including a neighbourhood centre and recreational facilities. Also, the Exeter Science Park is situated a short distance to the west of the site, and several bus services run along the former A30, which is also close to the site. Additionally, close to the bus stop is a public house. Blackhorse Lane, from where the site is accessed is a designated cycle route linking Cranbrook with Exeter and wider cycle networks.**

**In simple planning policy terms, the site is in the countryside and the proposal does not benefit from any planning policy support. However, as detailed above, in this instance, the location of the site is such that there are a number of factors which indicate that the site can be considered to be sustainable. Indeed, once**

those factors are fully considered, it is considered that it would be unreasonable to argue that the development would be unsustainable. It is for these reasons that Committee previously granted the single dwelling on the site.

With regard to the visual impact from the development, the site would be screened by retained trees or existing dwellings from most directions and consists of an existing residential garden, which is differentiated from the adjoining countryside. From directions where there is less screening, it is considered that the proposed dwellings would be read in conjunction with the existing development in the vicinity, which would reduce the visual impact of the proposal.

Whilst the proposal access would again result in the loss of the bank and a slight erosion of the semi-rural appearance of that part of the lane, given the nature of development to the west of the site, with numerous driveway entrances, it is considered that this would not be overly harmful.

The proposed properties would be bungalows, and the nearest neighbouring property would be to the east. Although there is also a neighbouring property to the south, but this is located further from the proposal site. It is considered that no element of the proposal would be sufficiently close to another property, or high enough, to be overbearing. Furthermore, it is considered that the design of the proposed dwellings are such that they would not result in a loss of privacy to the occupiers of existing properties, or the other bungalow within the proposed development site. Certainly, any impacts of that nature would be no greater than the effect of the development already approved on the site.

The proposed dwellings would not, in themselves, have a direct impact on the highway or cycle route. However, a new vehicular entrance is proposed to serve the development. The highway in question is a narrow and lightly trafficked highway, which is now a no through road to vehicles, but is a cycle route. There are a number of vehicular entrances along the stretch of highway to the west of the site. On that basis, and as the propose entrance would be on a wider part of the road, it is considered that the proposed entrance would not have a detrimental impact on highway safety. Notably, the County Highway Authority has not objected to the proposal.

In light of the points raised above, whilst the proposal is a departure from Local Plan policy, there are other material considerations that enable the proposal to be supported on the basis that it is located in a sustainable location, previous consent for a dwelling, and as the visual impact from the proposal is acceptable, being within the garden of an existing dwelling and therefore not resulting in wider visual harm to the countryside.

Consequently, it is recommended that this application is approved.

## **CONSULTATIONS**

### **Local Consultations**

### Parish/Town Council

Thank you for consulting Broadclyst Parish Council.

At Broadclyst Parish full Council meeting 1st March 2021, Broadclyst Parish Council supported the application but would like to ask officers to be aware of the following policies from the emerging Broadclyst Neighbourhood Plan  
Policy D1 High-Quality Design; DC1 Energy efficient; DC3 Sustainable drainage; H6 sites not allocated in the BNP in relation to the site planning application.

### **Technical Consultations**

#### EDDC Trees

The submitted tree related documents demonstrate that the proposed development is not constrained by the existing trees and hedges.

The measures described in the Tree Protection Plan and associated default Arboricultural Method Statement are sufficient to ensure damage is not caused to the retained trees and shrubs during the construction process.

#### Devon County Highway Authority

The proposed access to the site from Blackhorse Lane is similar to that which has approved planning consent ref: 20/1617/FUL and therefore the CHA does not need to comment upon the access.

The proposed layout of parking and turning space is adequate for vehicles to be able to enter and leave both dwellings in a forward gear.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, RECOMMENDS THAT THE FOLLOWING CONDITIONS SHALL BE INCORPORATED IN ANY GRANT OF PERMISSION

1. No part of the development hereby approved shall be brought into its intended use until the access, turning areas, parking space and garage/hardstanding and access drainage have been provided and maintained in accordance with details contained in Drawing No. 49 - LPC - 100 and retained for that purpose at all times.

REASON: To ensure that adequate facilities are available for the traffic attracted to the site.

#### Other Representations

No third party representations have been received.

### **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
85/P1765	Erection Of Detached Bungalow.	Refusal	19.11.1985

88/P2786	Extension.	Approval with conditions	31.03.1989
20/1617/FUL	Construction of bungalow, including detached garage and new vehicular entrance	Approval with conditions at Planning Committee	06.11.2020
20/2535/FUL	Construction of chalet bungalow with integral garage, and new vehicular entrance (amended proposal to that approved under planning application 20/1617/FUL)	Approval with conditions	21.01.2021

## **POLICIES**

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

Strategy 7 (Development in the Countryside)

Strategy 10 (Green Infrastructure in East Devon's West End)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

EN5 (Wildlife Habitats and Features)

### Government Planning Documents

NPPF (National Planning Policy Framework 2019)

## **Site Location and Description**

This application relates to the garden area to the east of a property known as Clystside, which is a bungalow located within the hamlet of Blackhorse, close to Clyst Honiton. Access to the site is off Blackhorse Lane, which is situated to the north. This lane has

a rural feel, and is now a no through road for vehicles, as a result of changes to the highway network to facilitate the near-by Science Park and Tithebarn/Mosshayne developments. However, the lane is a designated cycle route linking the Cranbrook area with Exeter. There is a driveway serving the existing property off the lane.

The site itself is level, but is at a higher level than the aforementioned lane. The site boundaries consist of various trees, fencing and some hedging. The existing dwelling on the plot, a bungalow, is located to the west of the site.

The site is located outside any designated built-up area boundary, but does have a notable amount of development in the vicinity, despite being adjoined by a field to the east. Most notably, there are existing dwellings to the south and west of the site - these are a mixture of bungalows and two storey dwellings. Furthermore, the land on the northern side of Blackhorse Lane is part of the Tithebarn development site, which is currently being developed into a significant area of housing. The Exeter Science Park is situated a short distance to the west of the site. The former A30 is located a short distance from the site; a bus service runs along this road, and there is also a public house situated alongside it.

### **Proposed Development.**

Planning permission is sought for the construction of two detached bungalows and a vehicular entrance to serve both proposed properties. Vehicle parking and turning would take place to the front (north) of the proposed bungalows. The development would take place in the garden area to the east of the existing property on the plot.

Given the nature of the proposal, and the location of the site outside of a built-up area boundary, this development represents a departure from the Local Plan.

### **ANALYSIS**

The main issues for consideration are the principle of development, visual impact, impact upon the amenity of surrounding residents, impact upon trees and highway safety.

#### **Principle and sustainability.**

Planning permission for the construction of a single dwelling on this site has been approved twice in recent months (under applications 20/1617/FUL at Planning Committee and 20/2535/FUL under delegated powers). On both of those occasions, it was considered that, despite the site being located outside a built-up area boundary, the site is in a sustainable location and, consequently, that the development was acceptable in principle. Previously, the following was reported with regard to the principle and sustainability of the site:

*"The application site to which this report relates is located outside any built-up area boundary designated in the East Devon Local Plan. Therefore, in planning policy terms the site is within the countryside in an unsustainable location. As a result, the proposal does not gain any planning policy support from the Local Plan with the proposal being contrary to Strategy 7.*

*However, it needs to be considered whether there are any other material considerations that may support the proposal and outweigh the policy objection.*

*In this instance, the location of the site and its relationship to other development is such that it is a material consideration to weigh into the balance.*

*Whilst it is noted that there are existing dwellings to the west and south of the site, this in itself is not considered sufficient to mean that the site is in a sustainable location. In this regard, there are more notable developments in the area which are considered to give weight to an argument that it would be unreasonable to argue that this site can be considered unsustainable; most notably, these are the Tithebarn/Mosshayne development which is taking place on the northern side of Blackhorse Lane, and will lead to the construction of around 1,500 dwellings in close proximity to the site benefiting from a local centre and recreational facilities, and Exeter Science Park is situated a short distance to the west of the site.*

*In addition, although Blackhorse Lane is now a no through road for vehicular traffic, it is a designated cycle path which provides easy access to Exeter in the west, and also to Clyst Honiton, Cranbrook and Exeter Airport in the east. Additionally, the former A30, a short distance to the south of the site, is served by several bus services serving destinations including Exeter, Exeter St. Davids railway station, Exeter Airport, Cranbrook, Ottery St. Mary, Honiton, Axminster, Woodbury and Exmouth. Furthermore, there is a public house situated adjacent to the former A30, within walking distance from the site.*

*The location of the site close to these services and facilities, benefiting from good access links means that the site can be argued to be well located and close to a range of services and facilities to an extent that could minimise the use of the car.*

*It is also relevant to note in terms of Strategy 7 that the proposal takes place within an existing garden. As such there is no wider visual impact from the proposal (see Key Issue below). If the proposal were to take place within the adjoining undeveloped field, whilst it may represent a fairly sustainable location, the visual change to the landscape would be considerable and therefore fail Strategy 7 that requires development to not harm the landscape qualities of an area.*

*The points raised above highlight a number of reasons why, despite the location of the site outside a built-up area, it can be considered to be in sustainable location and development. When these factors are given consideration alongside the local plan, it is considered that, on balance the development would be in a sustainable location and, therefore, that the proposal is acceptable in principle."*

It is considered that there have been no material changes to the assessment above and that, consequently, the principle and sustainability of the development remains acceptable for the reasons detailed above, even taking into account that the proposal

is now for two dwellings rather than one. Despite this, there are other factors which must be considered before the proposal can be considered acceptable overall. These are as follows:

### **The visual impact of the development on the area.**

There are some trees within the site and also on the curtilage boundary. These provide screening of the site, and would be sufficient to obscure long distance views of the site, especially from the north, as they would be retained. From the east, where there are less trees to screen the site, the single-storey scale, design of the proposed properties (matching the adjoining bungalow) and location of the proposed properties is such that they would be read in a similar way to the existing development, and would not be seen as a visual intrusion into the area/countryside. In other directions existing dwellings would screen the site from longer distance views.

The roadside boundary of the site currently consists of a grass bank. It is proposed to create an entrance through this. Clearly, this would result in the loss of the bank and a slight erosion of the semi-rural appearance of that part of the lane. However, given the nature of development to the west of the site, with numerous driveway entrances, it is considered that this would not be overly harmful or justify refusal of planning permission on its own.

The proposed materials, given those previously approved on the site, which are similar to those now proposed, are considered acceptable.

Given the above comments, it is considered that the proposal is acceptable in terms of its visual impact on the area.

### **The impact of the proposal on the amenity of the occupiers of other dwellings.**

The proposed properties would be bungalows. They have been designed with the main openings on the front and rear elevations (north and south respectively). The closest neighbouring property to the site is to the west, and plot 2 would be the nearest property to that. The eastern elevation of plot 2 would contain two windows and a door; the windows would each serve a toilet/bathroom and the door would be a secondary door allowing access into the kitchen. The plans indicate that the windows, and the glazing in the proposed door, would be obscured. However, to ensure that no loss of amenity to the occupiers of the neighbouring property arises, it is considered reasonable to impose a condition to ensure that the obscure glazing is fitted and retained in perpetuity.

It is considered that the height of the proposed properties is such that, when the distance between them and the neighbouring property to the west is considered, there would not be an overbearing impact on the occupiers of the neighbouring dwelling.

There would be openings on the rear (southern) elevations of the proposed properties, and it is possible that some overlooking into the garden of the property to the west may arise from these. However, given that these would be ground floor openings, and the development already approved on the site, it is considered that any impact of this nature would not be of a harmful level.

Both plots 1 and 2 would have two openings on the site elevations facing each other; this would be the main 'front' door and a window serving a third bedroom. Some mutual overlooking is possible between these openings, although it is considered that the nature of the openings in question, and the distance between them, is such that it would not be harmful to amenity. Additionally, some mutual overlooking may arise between the two properties from the rear (southern) windows; however, it is considered that this would be no worse than the situation considered acceptable in many other locations. Therefore, there are no concerns in this regard.

It is considered that the proposed dwellings would be a sufficient distance away from the neighbouring property to the south to ensure that no overlooking would arise. It is accepted that an intensification in use of the garden areas would arise, although it is considered that the size of the gardens in question (those of the proposed dwellings, and neighbouring dwellings) is sufficient to ensure that a loss of amenity would not arise from this. The same is true with regard to the garden of the property to the west of the site.

It is considered that there would be no overlooking or privacy issues as a result of the development to the east (where the site adjoins a field) and the north (where the site faces onto the public domain).

Given the above, the proposal is considered to be acceptable in terms of its impact on the occupiers of neighbouring properties. However, to ensure that the Local Planning Authority has control over any changes to this, it is considered reasonable to withdraw permitted development rights for the construction of any extensions to the dwellings, or the addition of dormer windows or rooflights.

### **The impact of the development on trees.**

As mentioned above, there are a number of trees, some significant in size, in and around the site. Consequently, the application was accompanied by various Arboricultural reports and plans. These confirm that many trees would be retained, and demonstrate how they would be protected during construction. This information has been assessed by the Council's Arboriculturalist, who has not raised any concerns relating to the trees on the site, or the details provided with the application. Therefore, subject to a condition to ensure that the works are carried out in accordance with the submitted tree protection details, it is considered that the proposal is acceptable in terms of its impact on trees.

### **The impact of the development on the highway and cycle route.**

The proposed dwelling and garage would not, in themselves, have a direct impact on the highway or cycle route. However, a new vehicular entrance is proposed to serve the development. The highway in question is a narrow and lightly trafficked highway, which is now a no through road to vehicles, but is a cycle route. There are a number of vehicular entrances along the stretch of highway to the west of the site. On that basis, and as the proposed entrance would be on a wider part of the road, it is considered that the proposed entrance would not have a detrimental impact on highway safety. Notably, the County Highway Authority (CHA) has not objected to the proposal. However, the CHA has recommended a condition to ensure that the parking

and turning area is constructed before the proposed properties are occupied, and that it is retained thereafter; such a condition is considered reasonable.

Adequate vehicle parking and cycle storage, in relation to the size of the proposed dwellings, is proposed.

Given the above, it is considered that the proposal is acceptable in terms of its highway and cycle route impact, subject to the aforementioned condition.

**Other matters.**

The submitted details of lighting and wildlife details are considered to be suitable and similar to those previously deemed acceptable.

The Parish Council's comments regarding the emerging Broadclyst Neighbourhood Plan are noted. However, as this plan is not yet been considered in a local referendum, and is not a 'made' plan, the policies contained within it currently carry limited weight. Notwithstanding this, on the basis of the latest draft of the plan, it is considered that the proposal would broadly comply with wording of the policies highlighted by the Parish Council.

**CONCLUSION**

Although the proposal represents a departure from local plan policy by proposing a dwelling outside of any BUAB, the site is on the opposite side of a lane to a wider development of 1,500 dwellings that includes a neighbourhood centre and recreational facilities.

In light of this, given the previous consent for a single dwelling on the site, given that the proposal will not result in a harmful visual impact, and as the development would take place within an existing garden, the site is considered to be in sustainable location, and of a form that raises no wider harm or concerns.

It is, therefore, considered that the proposal is acceptable as the material factors outweigh the lack of planning policy support for the proposal.

Consequently, it is recommended that this application is approved.

**RECOMMENDATION**

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.  
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.

(Reason - For the avoidance of doubt.)

3. The development hereby permitted shall be undertaken in accordance with the Tree Protection Plan produced by Aspect Tree Consultancy, dated 27th January 2021, reference number 05493 TPP 27.01.21 and the Arboricultural Impact Assessment Report, produced by Aspect Tree Consultancy, reference number 05493 AIA 27.01.21

(Reason - In order to protect the trees on the site, in the interests of the visual amenity of the area, and to accord with the provisions of Policies D1 (Design and Local Distinctiveness) and D3 (Trees and Development Sites) of the East Devon Local Plan 2013 - 2031.)

4. The development hereby approved shall be undertaken in accordance with the approved Landscaping Plan produced by Land and Planning Consultancy, dated January 2021, with reference number 49-LPC-104. The landscaping scheme shall be carried out in the first planting season after commencement of the development unless any alternative phasing of the landscaping is agreed in writing by the Local Planning Authority and the landscaping shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.

(Reason - In the interests of the visual amenity of the area, and to accord with the provisions of Policies D1 (Design and Local Distinctiveness) and D2 (Landscape Requirements) of the East Devon Local Plan 2013 - 2031.)

5. The development hereby approved shall be undertaken in accordance with the approved Ecology and Lighting Plans produced by Land and Planning Consultancy, dated January 2021, with reference number 49-LPC-105 and 49-LPC-106.

(Reason - To ensure that the development is not harmful to wildlife, in accordance with Policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan 2013 - 2031.)

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no works within the Schedule Part 1 Classes A, B, C or D for the enlargement, improvement or other alterations to the dwellings hereby permitted, other than works that do not materially affect the external appearance of the buildings, shall be undertaken.

(Reason - The space available would not permit such additions without detriment to the character and appearance of the area or to the amenities of adjoining occupiers in accordance with Policy D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan 2013-2031.)

7. No part of the development hereby approved shall be brought into its intended use until the access, turning areas, parking spaces, hardstanding and access drainage have been provided in accordance with details shown on drawing number 49-LPC-100. The access, turning areas, parking spaces, hardstanding and access drainage shall be retained for that purpose at all times.

(Reason - To ensure that adequate facilities are available for the traffic attracted to the site, and to comply with the provisions of Policies TC2 (Accessibility of New Development), TC7 (Adequacy of Road Network and Site Access) and (TC9 Parking Provision in New Development) of the Adopted East Devon Local Plan 2013-2031).

8. The windows and door on the western elevation of plot 2 shall be fitted with obscure glazing, and shall remain so in perpetuity.  
 (Reason - To ensure that the development is no detrimental to the amenities of adjoining occupiers, in accordance with Policy D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan 2013-2031.)

**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 works proactively with applicants to resolve all relevant planning concerns; however, in this case the application was deemed acceptable as submitted.

Plans relating to this application:

arb impact assessment report	Arboriculturist Report	27.01.21
49-LPC105 : bird boxes+hedgehog passes	Other Plans	27.01.21
49-LPC-101 : plot 1	Proposed Combined Plans	27.01.21
49-LPC-102 : plot 2	Proposed Combined Plans	27.01.21
landscape mgt plan	Landscaping	27.01.21
49-LPC-106 : lighting	Other Plans	27.01.21
49-LPC-10	Location Plan	27.01.21
49-LPC-103 : proposed	Sections	27.01.21
49-LPC-107	Proposed Site Plan	27.01.21

05493 TCP 19.8.20 : tree constraints	Landscaping	27.01.21
05493 TPP 27.1.21	Tree Protection Plan	27.01.21
tree survey	General Correspondence	27.01.21

List of Background Papers

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