

**Agenda for consultative meeting of the
Planning Committee
Tuesday, 26th July, 2022, 9.30 am**



Members of Planning Committee

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

East Devon District Council
Border House
Heathpark Industrial Park
Honiton
EX14 1EJ
DX 48808 HONITON
Tel: 01404 515616
www.eastdevon.gov.uk

Venue: Online via zoom

Contact: Wendy Harris, Democratic Services Officer
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(or group number 01395 517546)

Issued: Thursday 14 July 2022; reissued: Friday 22 July 2022

**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/UCmNHQruge3LV4hcgRnbwBw>

[Speaking on planning applications](#)

In order to speak on an application being considered by the Planning 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, 18 July 2022 up until 12 noon on Thursday, 21 July 2022 by leaving a message on 01395 517525 or emailing 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 or by phoning 01395 517525. A member of the Democratic Services Team will only contact you if your request to speak has been successful.

Until 31st October 2022, the Council has delegated much of the decision making to officers. Any officer decisions arising from recommendations from this consultative meeting will be published on the webpage for this meeting in due course. All meetings held can be found via the [Browse Meetings](#) webpage.

1 **Speakers' list and revised order for the applications** (Pages 5 - 7)

The speakers' list and revised order for the applications.

2 **Minutes of the previous meeting** (Pages 8 - 14)

Minutes of the Planning Committee meeting held on 14 June 2022.

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 15 - 29)

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 **21/3120/MFUL (Major) TALE VALE** (Pages 30 - 102)
Land adjacent to Peradon Farm, Clyst Hydon.
- 9 **21/1656/MOUT (Major) NEWBRIDGES** (Pages 103 - 138)
Land off Doatshayne Lane, Doatshayne Lane, Musbury.
- 10 **22/0571/FUL (Minor) BUDLEIGH & RALEIGH** (Pages 139 - 148)
1 Rolle Road, Budleigh Salterton, EX9 6JZ.
- 11 **22/0616/ADV & 22/0587/FUL (Minor) OTTERY ST MARY** (Pages 149 - 165)
Sainsburys Supermarkets Ltd., Hind Street, Ottery St Mary, EX11 1BW.
- 12 **22/0605/FUL (Minor) OTTERY ST MARY** (Pages 166 - 173)
Woods Farm, Bowd, Sidmouth.
- 13 **21/2246/FUL (Minor) OTTERY ST MARY** (Pages 174 - 189)
The Barn Annexe, 2 Lower Court Cottages, Fluxton, Ottery St Mary, EX11 1RL.
- 14 **21/0354/FUL (Minor) WOODBURY & LYMPSTONE** (Pages 190 - 203)
Blue Haze, Church Path, Lympstone.
- 15 **21/1860/FUL (Minor) OTTERY ST MARY** (Pages 204 - 222)
Barrack Farm, Exeter Road, Ottery St Mary, EX11 1LE.
- 16 **22/0757/FUL (Minor) COLY VALLEY** (Pages 223 - 236)
Elmwood Residential Home, Swan Hill Road, Colyford, EX24 6QJ.
- 17 **22/1117/FUL (Minor) DUNKESWELL & OTTERHEAD** (Pages 237 - 241)
Higher Northcott Farm, Blackborough, Cullompton, EX15 2JF.
- 18 **22/0991/FUL (Minor) WOODBURY & LYMPSTONE** (Pages 242 - 247)
7 Long Meadow, Woodbury, EX5 1JA.

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

EAST DEVON DISTRICT COUNCIL**Minutes of the consultative meeting of Planning Committee held online via zoom on 14 June 2022****Attendance list at end of document**

The meeting started at 9.30 am and ended at 4.00 pm. The meeting was adjourned at 1.20 pm and reconvened at 1.50 pm

1 Minutes of the previous meetings

Members accepted the minutes of the consultative Planning Committee on 13 April and 27 April 2022.

2 Declarations of interest

8. 21/2235/MRES (Major) CLYST VALLEY.

Councillor Mike Howe, Affects Non-registerable Interest, Bishops Clyst Parish Councillor.

8. 21/2235/MRES (Major) CLYST VALLEY.

In accordance with the code of good practice for Councillors and Officers dealing with planning matters as set out in the Constitution Councillor Mike Howe advised lobbying in respect of this application.

9. 22/0249/MRES (Major) SIDMOUTH RURAL.

Councillor Geoff Pratt, Affects Non-registerable Interest, Member of the East Devon AONB Partnership.

11. 21/3201/FUL (Minor) DUNKESWELL & OTTERHEAD.

In accordance with the code of good practice for Councillors and Officers dealing with planning matters as set out in the Constitution Councillors Bruce De Saram, Mike Howe, Eileen Wragg and David Key advised lobbying in respect of this application.

11. 21/3201/FUL (Minor) DUNKESWELL & OTTERHEAD.

Councillor Colin Brown, Affects Non-registerable Interest, Dunkeswell & Otterhead Ward Member.

11. 21/3201/FUL (Minor) DUNKESWELL & OTTERHEAD.

Councillor David Key, Affects Non-registerable Interest, Dunkeswell & Otterhead Ward Member.

14. 21/2835/FUL (Minor) WEST HILL & AYLESBEARE.

In accordance with the code of good practice for Councillors and Officers dealing with planning matters as set out in the Constitution Councillor Mike Howe advised lobbying in respect of this application.

15. 22/0549/FUL (Minor) BROADCLYST.

Councillor Eleanor Rylance, Affects Non-registerable Interest, Broadclyst Parish Councillor.

19. 22/0216/COU (Minor) EXMOUTH TOWN.

Councillor Bruce De Saram, Affects Non-registerable Interest, Adjoining Ward Member.

19. 22/0216/COU (Minor) EXMOUTH TOWN.
Councillor Eileen Wragg, Affects Non-registerable Interest, Exmouth Town Ward Member.

19. 22/0216/COU (Minor) EXMOUTH TOWN.
Councillor Olly Davey, Affects Non-registerable Interest, Exmouth Town Ward Member and Exmouth Town Councillor.

19. 22/0216/COU (Minor) EXMOUTH TOWN.
Councillor Steve Gazzard, Affects Non-registerable Interest, Exmouth Town Councillor.

19. 22/0216/COU (Minor) EXMOUTH TOWN.
Councillor Tony Woodward, Affects Non-registerable Interest, Exmouth Town Councillor.

20. 22/0601/FUL (Minor) DUNKESWELL & OTTERHEAD.
Councillor Colin Brown, Affects Non-registerable Interest, Dunkeswell & Otterhead Ward Member.

20. 22/0601/FUL (Minor) DUNKESWELL & OTTERHEAD.
Councillor David Key, Affects Non-registerable Interest, Dunkeswell & Otterhead Ward Member.

Non Committee Member

9. 22/0249/MRES (Major) SIDMOUTH RURAL.
Councillor John Loudoun, Affects Non-registerable Interest, Sidmouth Rural Ward Member and a Member of the Sid Vale Association.

3 Planning appeal statistics

The Committee noted the planning statistics report setting out five appeal decisions, five had been dismissed and one allowed.

The Development Manager updated Members on the appeal allowed which related to application 20/1799/FUL – 105 Victoria Road, Exmouth, advising that the Inspector determined that the proposed development would not be out of character with its surroundings and would not affect neighbouring properties.

Members' attention was drawn to application 21/0811/FUL – Land and buildings opposite Hembury Close, Broadhembury, where the applicant appealed delegated refusal. The Development Manager clarified that the Inspector's decision to uphold the appeal indicated a slight shift in the Inspectorates decisions giving more weight to the impact of design on an AONB.

4 21/2235/MRES (Major) CLYST VALLEY

Applicant:
Mr Steve Billings.

Location:
Winslade Park, Clyst St Mary.

Proposal:

Reserved matters application pursuant to outline application 20/1001/MOUT seeking details of layout, appearance, scale and landscaping for a residential development of 38 dwellings (Zone A).

RECOMMENDATION:

Of approval as per officer recommendation but subject to an additional condition as follow:

Prior to any development above damp proof course of any dwelling hereby approved and following the completion of the SAP assessments for each dwelling, details of the position and design of solar panels to the roofs of dwellings shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter the solar panels shall be provided in accordance with the approved details.

(Reason: to ensure a sustainable design and construction of the dwellings in accordance with Strategy 38 of the adopted East Devon Local Plan).

5 **22/0249/MRES (Major) SIDMOUTH RURAL**

Applicant:

OG Holdings Retirement Benefit Scheme.

Location:

Land East of Two Bridges, Two Bridges Road, Sidford.

Proposal:

Reserved matters application seeking approval of appearance (pursuant to outline permission 18/1094/MOUT – outline application accompanied by an Environmental Statement (with scale and appearance reserved) for the change of use of agricultural land to employment land (B1, B8 and D1 uses) to provide 8,445sqm of new floorspace, new highway access, cycle and footway, improvements to flood attenuation, building layout and road layout, new hedgerow planting and associated infrastructure).

RECOMMENDATION:

Of approval as per officer recommendation.

6 **21/2875/VAR (Minor) SIDMOUTH TOWN**

Applicant:

Mr Spencer Brinton (East Devon Estates Ltd.).

Location:

55 Peaslands Road, Sidmouth, EX10 9BE.

Proposal:

Variation of Condition 2 (approved plan) and Condition 4 (landscaping) of planning application 21/1148/FUL (construction of a two storey dwelling).

RECOMMENDATION:

Of approval as per officer recommendation.

7 **21/3201/FUL (Minor) DUNKESWELL & OTTERHEAD**

Applicant:

Mr & Mrs Steve & Clare Harvey

Location:

Bennettshayes Farm, Awliscombe, Honiton, EX14 3PY

Proposal:

Erection of agricultural workers dwelling and associated works.

RECOMMENDATION:

Of deferral for a site inspection and to assess the impact from the proposal on the AONB and to seek further information from the applicant regarding why this, rather than any other site adjacent to the farm, has been selected and considered to have the least impact on the AONB.

8 **21/2523/FUL (Minor) TALE VALE**

Applicant:

Mr W Light.

Location:

Courtlands (Edenvale Turf) Dulford, Cullompton, EX15 2EQ.

Proposal:

Construction of dwelling in place of conversion of existing agricultural building to form one of dwellings (Unit B) subject of prior approval reference 19/0967/PFQ)

RECOMMENDATION:

Of refusal as per officer recommendation.

9 **22/0302/FUL (Minor) TALE VALE**

Applicant:

Mr & Mrs Hutchings

Location:

Larkbeare Grange, Talaton, EX5 2RY.

Proposal:

Two detached buildings for use as holiday accommodation.

RECOMMENDATION:

Of refusal as per officer recommendation.

10 **21/2835/FUL (Minor) WEST HILL & AYLESBEARE**

Applicant:

Mr Greg Vooght.

Location:

Halfway Inn, Aylesbeare, Exeter, EX5 2JP.

Proposal:

New equestrian shop within existing building with alteration to fenestration. New storage building, parking, landscaping and external works. Use of ancillary building as a dog grooming business.

RECOMMENDATION:

Of approval as per officer recommendation subject to the rewording of Conditions 3, 4 and 5 to reflect retrospective permission being granted.

11 **22/0549/FUL (Minor) BROADCLYST**

Applicant:

Mr Gary Moore.

Location:

The Gardens, Blackhorse, Exeter, EX5 2FT.

Proposal:

Construction of three bungalows with associated access, parking and landscaping.

RECOMMENDATION:

Of approval as per officer recommendation.

12 **22/0269/FUL (Minor) HONITON ST MICHAELS**

Applicant:

Ms & Messrs C, G & J Beament.

Location:

Land adjacent Crosslyn, Exeter Road, Honiton, EX14 1AU.

Proposal:

Erection of a detached dwelling.

RECOMMENDATION:

Of approval as per officer recommendation.

13 **21/2747/FUL & 21/2748/FUL (Minor) YARTY**

Applicant:

Ellis.

Location:

Alston Farm, Alston, Axminster, EX13 7LG.

Proposal:

21/2747/FUL – Detailed application for the erection of a livestock building.

21/2748/FUL – Detailed application for the erection of a livestock building and installation of four rainwater harvesting tanks.

RECOMMENDATION:

Of approval as per officer recommendations (21/2747/FUL & 21/2748/FUL)

14 **22/0344/FUL (Minor) NEWTON POPPLEFORD & HARPFORD**

Applicant:

Mr & Mrs Kevin & Marianne Howe.

Location:

Little Holme, Back Lane, Newton Poppleford, EX10 0EY.

Proposal:

Single storey side extension with alteration to fenestration and installation of terrace to front.

RECOMMENDATION:

Of approval as per officer recommendation.

15 **22/0216/COU (Minor) EXMOUTH TOWN**

Applicant:

Miss Caitlin Davey.

Location:

Beach Gardens, Exmouth.

Proposal:

Temporary change of use of land for siting of 28m observation wheel for three years.

RECOMMENDATION:

Of approval as per officer recommendation.

16 **22/0601/FUL (Minor) DUNKESWELL & OTTERHEAD**

Applicant:

Mr & Mrs N Chapman.

Location:

Higher Northcott Farm, Blackborough, Cullompton, EX15 2JF.

Proposal:

General purpose lean-to extension.

RECOMMENDATION:

Of approval as per officer recommendation.

Attendance List

Councillors present:

E Wragg (Chair)

C Brown

O Davey

B De Saram

S Gazzard

M Howe

D Key

R Lawrence
G Pratt
E Rylance
P Skinner
T Woodward

Councillors also present (for some or all the meeting)

P Arnott
J Bailey
J Bonetta
P Hayward
J Loudoun
V Ranger
M Rixson

Officers in attendance:

Wendy Harris, Democratic Services Officer
Amanda Coombes, Democratic Services Officer
Nicola Cooper, Solicitor
Chris Rose, Development Manager
Shirley Shaw, Planning Barrister

Councillor apologies:

S Chamberlain
K Bloxham
A Colman
G Pook

Chairman

Date:

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

Agenda Item 7

Ref: 21/3011/FUL **Date Received** 01.06.2022
Appellant: Mr & Mrs Clements
Appeal Site: 3 Spring Meadow Jackson Meadow Lympstone Exmouth
EX8 5DF
Proposal: Proposed single storey rear extension - revised scheme.
Planning APP/U1105/D/22/3300303
Inspectorate Ref:

Ref: 20/2653/FUL **Date Received** 06.06.2022
Appellant: Mr Aldam
Appeal Site: 87 Sidford High Street Sidford Sidmouth EX10 9SA
Proposal: Demolition of the existing dwelling and redevelopment of the
site to provide four dwellings and a new vehicular access.
Planning APP/U1105/W/22/3300692
Inspectorate Ref:

Ref: 21/3265/FUL **Date Received** 21.06.2022
Appellant: Singleton & Manning
Appeal Site: Land Adjacent To Leighton Cottage Longmeadow Road
Lympstone
Proposal: Erection of a two-bedroom semi-detached cottage.
Planning APP/U1105/W/22/3301525
Inspectorate Ref:

Ref: 22/0318/FUL **Date Received** 25.06.2022
Appellant: Mr Andrew Vickery
Appeal Site: Oak Tree House Old Ebford Lane Ebford Exeter EX3 0QR
Proposal: Erection of replacement dwelling.
Planning APP/U1105/W/22/3301884
Inspectorate Ref:

Ref: 22/0262/FUL **Date Received** 27.06.2022
Appellant: Gerry Bird
Appeal Site: Stanzita King Edward Road Axminster EX13 5PP
Proposal: Formation, laying out and construction of a means of access
to a highway.
Planning APP/U1105/W/22/3301943
Inspectorate Ref:

Ref: 22/0479/FUL **Date Received** 01.07.2022
Appellant: Mr Christopher Timms
Appeal Site: Blue Ridge Elm Way Sidford Sidmouth EX10 9SY
Proposal: Raising of roof to provide first floor accommodation.
Planning APP/U1105/D/22/3302246
Inspectorate Ref:

Ref: 21/1837/FUL **Date Received** 01.07.2022
Appellant: Russell and Julie Payne
Appeal Site: Lucehayne Cottage Widworthy Honiton EX14 9JS
Proposal: Change of use of annexe building, approved under permission 18/2546/FUL, for use as either an annexe and/or for holiday accommodation purposes
Planning Inspectorate Ref: APP/U1105/W/22/3302272

Ref: 22/0489/FUL **Date Received** 05.07.2022
Appellant: Mr Andrew Walters
Appeal Site: 9 Old Home Farm Rousdon Lyme Regis DT7 3YL
Proposal: Construction of second parking space, demolition of part of front garden wall and lower kerb on private road
Planning Inspectorate Ref: APP/U1105/D/22/3302507

Ref: 20/1775/OUT **Appeal Ref:** 21/00070/REF
Appellant: A & H Bullivant & Roberts
Appeal Site: Land South Of 97 Beer Road Beer Road Seaton
Proposal: Outline planning application for the construction of 1 no. dwellinghouse including the construction of new access (matters of appearance, landscaping layout and scale reserved)
Decision: **Appeal Dismissed** **Date:** 17.06.2022
Procedure: Written representations
Remarks: Delegated refusal, countryside protection and landscape reasons upheld (EDLP Policy D1 and Strategies 7 & 44).
BVPI 204: **Yes**
Planning APP/U1105/W/21/3286468
Inspectorate Ref:

Ref: 19/0078/FUL **Appeal Ref:** 19/00075/REF
Appellant: Mr & Mrs Raggio
Appeal Site: Lily Cottage Goldsmith Lane All Saints Axminster EX13 7LU
Proposal: Demolition of former cottage and construction of new dwelling.
Decision: **Appeal Dismissed** **Date:** 22.06.2022
Procedure: Hearing
Remarks: Delegated refusal, accessibility, countryside protection and habitat mitigation reasons upheld (EDLP Policies EN5, TC2 and Strategies 1 & 7).
BVPI 204: **Yes**
Planning APP/U1105/W/19/3242773
Inspectorate Ref:

Ref: 21/2341/FUL **Appeal Ref:** 22/00002/HH
Appellant: Mr & Mrs B Yard
Appeal Site: 7 Nurseries Close Exton Exeter EX3 0PG
Proposal: Installation of front dormer and Sun lounge
Decision: **Appeal Dismissed** **Date:** 24.06.2022
Procedure: Written representations
Remarks: Delegated refusal, amenity reasons upheld (EDLP Policy D1).
BVPI 204: **Yes**
Planning APP/U1105/D/22/3293118
Inspectorate Ref:

Ref: 20/1115/COU **Appeal Ref:** 21/00034/REF
Appellant: Mr Mark Perry
Appeal Site: Building North Of Harbour Close Combyne
Proposal: Proposed change of use of 1 no existing structure from agricultural to B1 and B2 use
Decision: **Appeal Withdrawn** **Date:** 27.06.2022
BVPI 204: **No**
Planning APP/U1105/W/21/3277838
Inspectorate Ref:

Ref: 21/F0079 **Appeal Ref:** 21/00046/ENFAPP

Appellant: Mr Mark Perry
Appeal Site: Building North Of Harbour Close Combyne
Proposal: Appeal against an enforcement notice served in respect of the unauthorised change of use of a building from agricultural to B1 and B2 use
Decision: **Appeal Withdrawn** **Date:** 27.06.2022

BVPI 204: **No**
Planning APP/U1105/C/21/3278461
Inspectorate Ref:

Ref: 20/2887/FUL **Appeal Ref:** 21/00071/REF
Appellant: Chris Hammett
Appeal Site: Land Adjacent Harepath Hill Seaton EX12 2TF
Proposal: Proposed agricultural storage building and associated works, including new access (resubmission of planning application 19/1141/FUL)
Decision: **Appeal Dismissed** **Date:** 30.06.2022
Procedure: Written representations
Remarks: Delegated refusal, countryside protection and amenity reasons upheld (EDLP Policies D1 & D7 and Strategy 7).
BVPI 204: **Yes**
Planning APP/U1105/W/21/3287477
Inspectorate Ref:

Ref: 21/0875/FUL **Appeal Ref:** 21/00077/REF
Appellant: Mr & Mrs Bere
Appeal Site: Barns North Of Luton Lane Farm Payhembury
Proposal: Demolition of the existing and redundant barns and construction of a single dwellinghouse, annexe and garage (alternative to change of use of agricultural building to dwellings under class Q approval reference 19/0285/PDQ)
Decision: **Appeal Allowed** **Date:** 29.06.2022
(with conditions)
Procedure: Written Representations
Remarks: Delegated refusal, countryside protection, accessibility and best and most versatile agricultural land (BMV) reasons overruled (EDLP Policies EN13 & TC2 and Strategies 5B & 7).

The Inspector agreed that the proposed dwelling would have poor access to services and facilities, contrary to Strategy 5B and Policy TC2 of the EDLP which support developments which promote sustainable modes of travel and minimise car travel. He also acknowledged that the appeal proposal would have a harmful effect on available BMV land, contrary to the requirement of EDLP Policy EN13 and that the fallback would result in the loss of less agricultural land.

The Inspector considered that against the harm caused by the appeal proposal, the fallback would result in more dwellings at the site's location. Furthermore, each separate dwelling and its occupants would have their own day-to-day requirements and associated movements. Therefore, the fallback would generate greater movements, with a pattern of development more intensive than the appeal proposal. Bearing in mind EDLP Policy TC2 and Strategy 5B, this means that the fallback would result in significantly greater harm than the appeal proposal.

The Inspector concluded that although the fallback of four dwellings would cause less harm in respect of Grade 2 agricultural land and to the area's character and appearance, it would have significantly greater harm in respect of access to services and facilities than the proposed single dwelling and annexe.

The Inspector found conflict with the Development Plan and with the Framework, however, considered that the greater harm caused by the fallback justified a decision otherwise than in accordance with the Development Plan.

BVPI 204: **Yes**
Planning APP/U1105/W/21/3288638
Inspectorate Ref:

East Devon District Council List of Appeals In Progress

App.No: 20/2701/FUL
Appeal Ref: APP/U1105/W/21/3287929
Appellant: Mr Martin Jackson
Address: 18 Hartley Road Exmouth EX8 2BQ
Proposal; Construction of dwelling.
Start Date: 18 January 2022
Procedure:
Written reps.

Questionnaire Due Date: 25 January 2022
Statement Due Date: 22 February 2022

App.No: 20/2298/FUL
Appeal Ref: APP/U1105/W/22/3290996
Appellant: Linda Quinn
Address: Land Adjacent Heather Bell South Common Axminster
Proposal; Proposed conversion of existing building to form 1 no. unit of holiday accommodation
Start Date: 14 March 2022
Procedure:
Written reps.

Questionnaire Due Date: 21 March 2022
Statement Due Date: 18 April 2022

App.No: 21/1612/FUL
Appeal Ref: APP/U1105/W/21/3288154
Appellant: Miss Sophie Watkiss
Address: Brampford House Brampford Speke Exeter EX5 5DW
Proposal; Erection of a single storey sun room, with retractable glass windows, and pocket doors
Start Date: 24 March 2022
Procedure:
Written reps.

Questionnaire Due Date: 31 March 2022
Statement Due Date: 28 April 2022

App.No: 21/1980/LBC
Appeal Ref: APP/U1105/Y/21/3288966
Appellant: Miss Sophie Watkiss
Address: Brampford House Brampford Speke Exeter EX5 5DW
Proposal; Single storey sun room with retractable glass windows and pocket doors
Start Date: 24 March 2022
Procedure:
Written reps.
Questionnaire Due Date: 31 March 2022
Statement Due Date: 28 April 2022

App.No: 21/0236/ADV
Appeal Ref: APP/U1105/Z/21/3286343
Appellant: Mr Mohammad Sherbaz
Address: A303 Services Yarcombe Honiton EX14 9ND
Proposal; Retention of 1 no. internally illuminated totem pole sign
Start Date: 25 March 2022
Procedure:
Written reps.
Questionnaire Due Date: 01 April 2022

App.No: 21/0463/FUL
Appeal Ref: APP/U1105/W/22/3294817
Appellant: Miss Dawn Bradbury
Address: Hornshayes Farm Stockland EX14 9BX
Proposal; Retain residential use of the static caravan situated on the site located at Hornshayes Farm.
Start Date: 29 March 2022
Procedure:
Hearing
Questionnaire Due Date: 12 April 2022
Statement Due Date: 10 May 2022
Hearing Date: To be confirmed

App.No: 20/F0432
Appeal Ref: APP/U1105/C/22/3295289
Appellant: Mrs Dawn Bradbury
Address: Hornshayes Farm Stockland EX14 9BX
Proposal; Appeal against enforcement notice served in respect of the unauthorised siting of a residential caravan
Start Date: 29 March 2022
Procedure:
Hearing
Questionnaire Due Date: 12 April 2022
Statement Due Date: 10 May 2022
Hearing Date: To be confirmed

App.No: 21/F0364
Appeal Ref: APP/U1105/C/22/3295011
Appellant: Stuart Partners Ltd
Address: Land at Hill Barton, Sidmouth Road, Clyst St Mary, EX5 1DR
Proposal; Appeal against enforcement notice served in respect of the change of use of the land from agriculture to a mixed use of agriculture and commercial parking area used by lorries, commercial vehicles, cars, plant and machinery and the siting of skips and shipping containers.
Start Date: 29 March 2022
Procedure:
Written Reps.
Questionnaire Due Date: 12 April 2022
Statement Due Date: 10 May 2022

App.No: 21/2683/FUL
Appeal Ref: APP/U1105/D/22/3296282
Appellant: Andrew Hill
Address: Abbots Cottage Combe Raleigh Honiton EX14 4TQ
Proposal; Removal of existing shed and greenhouse and replacement with a summerhouse.
Start Date: 25 April 2022
Procedure:
Householder
Questionnaire Due Date: 2 May 2022

App.No: 21/1748/FUL
Appeal Ref: APP/U1105/W/22/3292273
Appellant: Mr and Mrs Daffin
Address: Stable And Store At Higher Road Woodbury Salterton
Proposal; Change of use from equestrian stable and store building to residential dwelling and annexe with minor alterations
Start Date: 3 May 2022
Procedure:
Written Reps.
Questionnaire Due Date: 10 May 2022
Statement Due Date: 7 June 2022

App.No: 21/1753/FUL
Appeal Ref: APP/U1105/D/22/3295682
Appellant: Mrs Ruth Jones
Address: 10 Fairfield Close Exmouth EX8 2BN
Proposal; Single storey detached annexe to front of main dwelling
Start Date: 17 May 2022
Procedure:
Householder
Questionnaire Due Date: 24 May 2022

App.No: 22/0273/FUL
Appeal Ref: APP/U1105/D/22/3298947
Appellant: Mr & Mrs J Donald
Address: Garden House Bonfire Lane Woodbury Exeter EX5 1HT
Proposal; First floor garage extension, to provide additional incidental use room
Start Date: 25 May 2022
Procedure:
Householder
Questionnaire Due Date: 1 June 2022

App.No: 21/0876/FUL
Appeal Ref: APP/U1105/W/22/3295861
Appellant: Mr Barnes
Address: Stopgate Farm Yarcombe Honiton EX14 9NB
Proposal; Retention of a cement silo, water silo, site office and additional concrete area.
Start Date: 27 May 2022
Procedure:
Written Reps.
Questionnaire Due Date: 10 June 2022
Statement Due Date: 8 July 2022

App.No: 20/F0319
Appeal Ref: APP/U1105/C/22/3298710
Appellant: Mr & Mrs Barnes And Operators
Address: Stopgate Farm Yarcombe Honiton EX14 9NB
Proposal; Appeal against enforcement notice served in respect of the construction of a cement silo, water silo, site office and additional concrete area.
Start Date: 27 May 2022
Procedure: Written Reps.
Questionnaire Due Date: 10 June 2022
Statement Due Date: 8 July 2022
Hearing/Inquiry Date:

App.No: 21/2946/FUL
Appeal Ref: APP/U1105/D/22/3299269
Appellant: B Wright
Address: Woodside 6 Millford Road Sidmouth EX10 8DR
Proposal; Removal of the Front Garden Flint Rubble wall and replace with wooden gates
Start Date: 27 May 2022
Procedure: Householder
Questionnaire Due Date: 3 June 2022

App.No: 20/2363/FUL
Appeal Ref: APP/U1105/W/22/3294916
Appellant: Ms Carey
Address: The Cottage 11 Douglas Avenue Exmouth EX8 2EY
Proposal; Demolition of existing property and construction of 3 residential dwellings
Start Date: 30 May 2022
Procedure: Written Reps.
Questionnaire Due Date: 6 June 2022
Statement Due Date: 4 July 2022

App.No: 21/2137/FUL
Appeal Ref: APP/U1105/W/22/3294600
Appellant: David Mortimer
Address: Greenhayes Shute Axminster EX13 7QE
Proposal; Conversion of agricultural building to form 2x dwellings for holiday accommodation and provision of associated parking area
Start Date: 6 June 2022
Procedure: Written Reps.
Questionnaire Due Date: 13 June 2022
Statement Due Date: 11 July 2022

App.No: 22/0041/FUL
Appeal Ref: APP/U1105/W/22/3294599
Appellant: David Mortimer
Address: Greenhayes Shute Axminster EX13 7QE
Proposal; Proposed conversion of redundant agricultural building to form 1 no. dwellinghouse; demolition of adjacent metal shed; provision of associated parking area and planting of new native hedgerow.
Start Date: 6 June 2022
Procedure: Written Reps.
Questionnaire Due Date: 13 June 2022
Statement Due Date: 11 July 2022
Hearing/Inquiry Date:

App.No: 21/1625/FUL
Appeal Ref: APP/U1105/W/22/3295698
Appellant: Mr Nicholas Arrow
Address: The Old Reading Room Axminster Road Musbury Axminster EX13 8AZ
Proposal; Change of use from artist studio (sui generis) to hobby room ancillary to 'The Beeches' (use class C3)
Start Date: 14 June 2022
Procedure: Written Reps.
Questionnaire Due Date: 21 June 2022
Statement Due Date: 19 July 2022

App.No: 21/2901/FUL
Appeal Ref: APP/U1105/W/22/3296021
Appellant: Mr Charlie Howard
Address: Chadacres Hawkchurch Axminster EX13 5XB
Proposal; Extension of existing implement shed.
Start Date: 14 June 2022
Procedure:
Written Reps.
Questionnaire Due Date: 21 June 2022
Statement Due Date: 19 July 2022

App.No: 21/3011/FUL
Appeal Ref: APP/U1105/D/22/3300303
Appellant: Mr & Mrs Clements
Address: 3 Spring Meadow Jackson Meadow Lymstone Exmouth EX8 5DF
Proposal; Proposed single storey rear extension - revised scheme.
Start Date: 21 June 2022
Procedure:
Householder
Questionnaire Due Date: 28 June 2022

App.No: 21/3021/FUL
Appeal Ref: APP/U1105/W/22/3293939
Appellant: Caroline Campbell
Address: Valley View Woodhouse Lane Uplyme Lyme Regis DT7 3SX
Proposal; Demolition of garage and construction of single storey timber frame building to provide holiday accommodation.
Resubmission of application 20/1535/FUL.
Start Date: 23 June 2022
Procedure:
Written Reps.
Questionnaire Due Date: 30 June 2022
Statement Due Date: 28 July 2022

App.No: 21/2474/FUL
Appeal Ref: APP/U1105/W/22/3298314
Appellant: Mr & Mrs P & A Stansell
Address: Goldcombe Farmhouse Gittisham Honiton EX14 3AB
Proposal; Change of use of holiday let to dwelling
Start Date: 27 June 2022
Procedure:
Written Reps.

Questionnaire Due Date: 4 July 2022
Statement Due Date: 1 August 2022

App.No: 21/3022/PDQ
Appeal Ref: APP/U1105/W/22/3295913
Appellant: Mr Eric Eveleigh
Address: Greenfields Sidmouth Road Aylesbeare Exeter EX5 2JJ
Proposal; Change of use of 2no. existing, agricultural barns to 3no. dwellings under Class Q
Start Date: 29 June 2022
Procedure:
Written Reps.

Questionnaire Due Date: 6 July 2022
Statement Due Date: 3 August 2022

App.No: 21/1512/FUL
Appeal Ref: APP/U1105/W/22/3296441
Appellant: Mr and Mrs Rob and Claire Hilton
Address: Land North East Of Atlantis Sowden Lane Exmouth
Proposal; Erection of a sustainable zero carbon live/work development to include creation of a productive landscape rich in biodiversity.
Start Date: 29 June 2022
Procedure:
Written Reps.

Questionnaire Due Date: 6 July 2022
Statement Due Date: 3 August 2022

App.No: 21/3187/FUL
Appeal Ref: APP/U1105/W/22/3298012
Appellant: Mr R Pearcey
Address: The Store Little Bicton Place Exmouth EX8 2SS
Proposal; Proposed change of use from store to dwelling
Start Date: 5 July 2022
Procedure:
Written Reps.

Questionnaire Due Date: 12 July 2022
Statement Due Date: 9 August 2022

App.No: 21/1714/FUL
Appeal Ref: APP/U1105/W/22/3300099
Appellant: Bodenham (B & H Developments Ltd)
Address: The Old Workshop Kerslakes Court Honiton EX14 1FL
Proposal; Construction of 5 bedroom house in multiple occupation (Use Class C4).
Start Date: 6 July 2022
Procedure:
Written Reps.
Questionnaire Due Date: 13 July 2022
Statement Due Date: 10 August 2022

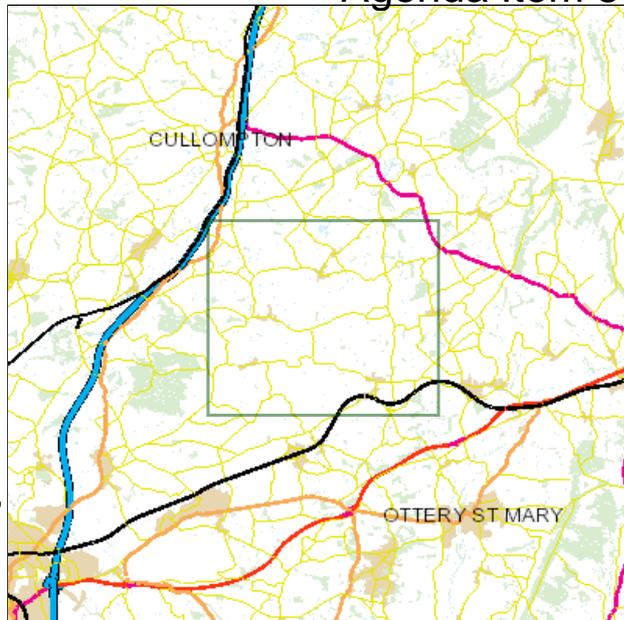
Ward Tale Vale

Reference 21/3120/MFUL

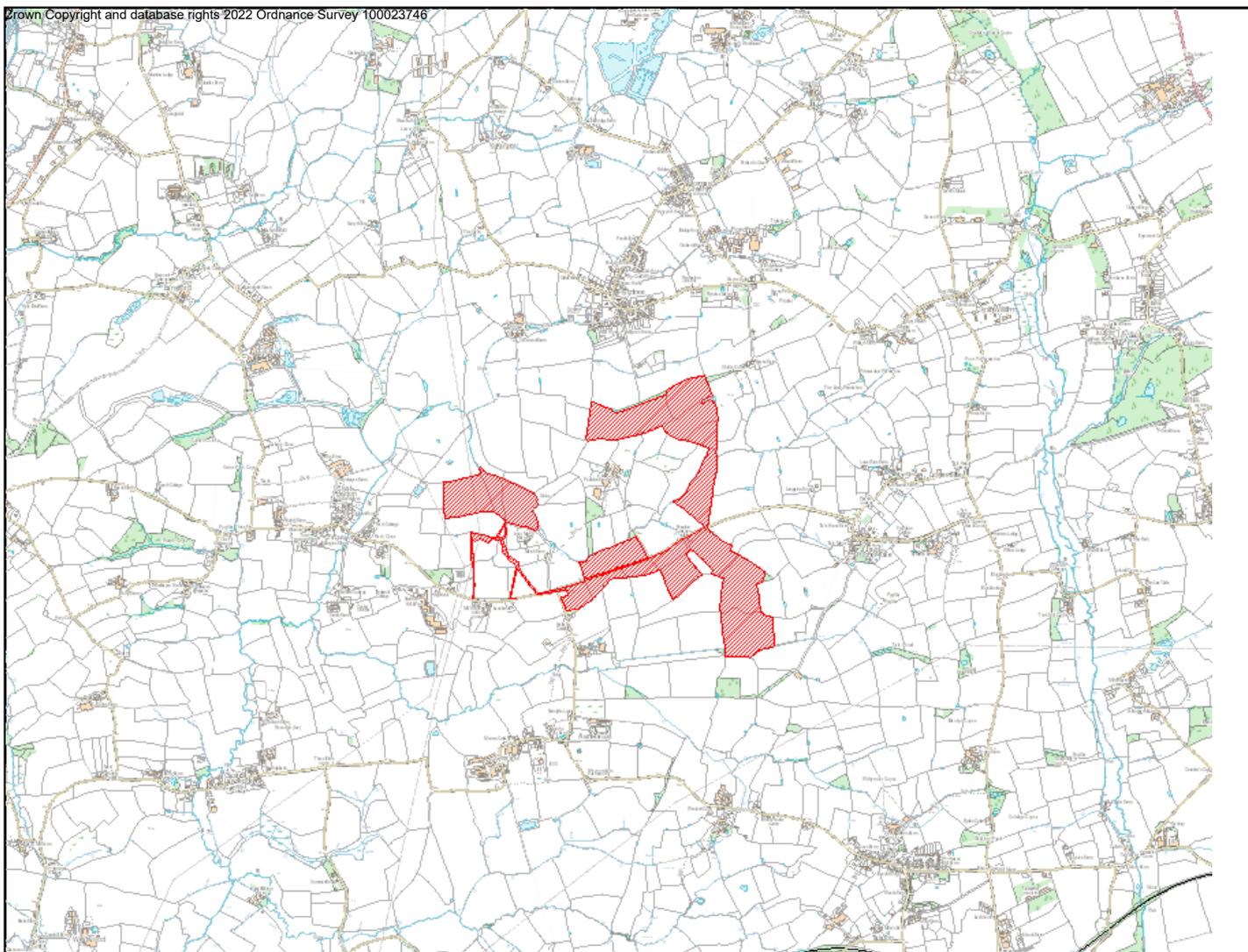
Applicant Lightrock Power Ltd (Mr Christopher Sowerbutts)

Location Land Adjacent To Peradon Farm Clyst Hydon

Proposal Construction of 49 MW solar farm, with permission being required for 40 years, comprising solar arrays, equipment housing, sub-station, fencing, CCTV, ancillary equipment, and associated development.



RECOMMENDATION: Approval with conditions



		Committee Date: 26th July 2022
Tale Vale (Plymtree) & Broadclyst	21/3120/MFUL	Target Date: 15.03.2022
Applicant:	Lightrock Power Ltd (Mr Christopher Sowerbutts)	
Location:	Land Adjacent To Peradon Farm Clyst Hydon	
Proposal:	Construction of 49 MW solar farm, with permission being required for 40 years, comprising solar arrays, equipment housing, sub-station, fencing, CCTV, ancillary equipment, and associated development.	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before the Development Management Committee as it is a major application, where a view contrary to the recommendation has been expressed by the Ward Member and Parish Council.

Planning permission is sought for the construction of a 49MW solar farm comprising of solar arrays, equipment housing, sub-station, fencing, CCTV and ancillary equipment. The application seeks to retain this use for 40 years.

This proposal is one of four solar development currently under consideration in this part of Devon, all currently at different stages of consideration. Clearly though, whilst the cumulative impact, if one or more of the other developments was approved alongside this application, is for consideration, the key focus of this report is on the impacts from the proposal at Peradon Farm, and the recommendation relates only to that application.

The application relates an area of land to the east of Clyst Hydon, which is centred around Peradon Farm. The land is agricultural in nature, and the fields are, on the whole, bounded by hedges. There are some copses in the area, in addition to some individual trees. The majority of the land within the site is relatively flat or gently undulating, contained within the Clyst watershed. Although there are some parts of the site which are on modest slopes. Some of the areas closest to water courses within the site are designated as flood zones by the Environment Agency (EA). There are no landscape designations which impact the site. A public footpath and a C Class Road run through the site. The area is sparsely populated, although there are some dwellings in the vicinity of the site, including some listed

buildings. However, these properties do not immediately adjoin the site boundary; on all sides, the site adjoins fields or woodland.

The site was chosen due to the availability of, and an agreed connection to, the grid and due to its accessibility, the agricultural classification of the land, and as the land is not subject to and land designations.

The submitted Land Classification report shows that proposal site consists of land which falls within agricultural land classifications 3a, 3b or 4; with 17% of the site being grade 3a, 69% falling in grade 3b, and 13% classed as grade 4. 1% of the site area was not surveyed in the submitted report, but this constitutes just 0.5 hectare of a 71 hectare site. Grade 3a land is considered to be 'good', 3b land is deemed to be 'moderate', and grade 4 land is poor quality. Policy EN13 (Development on High Quality Agricultural Land) of the East Devon Local Plan 2013 - 2031 (EDLP) states that land within classes 1, 2 and 3a shall be protected, and may only be developed where lower grade land is not available, or where the benefits of a scheme outweigh the loss. The combination of land usage is echoed across the other sites also currently being considered; where the majority of the land in the application boundaries is grade 3b or below.

Some fields contain a mixture of grade 3a and grade 3b land. In the past - most specifically in the approval of application 19/2832/MFUL - the Council's Development Management Committee has been of the view that, it would be impracticable to only develop the 3b areas of a field, but that it is also unreasonable to only allow development on grade 3b land downwards. The same argument is made again, given the small amount of grade 3a land within the application site.

Furthermore, whilst the presence of solar panels would prevent the land being used for the purpose of crops, they would not prevent the land being used for grazing purposes, so the land would not be completely lost to agriculture should this development take place. The submitted Design and Access Statement confirms that it is intended to continue using the land for agricultural purposes.

Additionally, as the proposal is to retain the panels for 40 years, it is feasible that the land can be returned for full agricultural use following removal of them. Especially so, as it is generally accepted that the installation of solar panels is not detrimental to the agricultural quality of the land. Indeed, Natural England supports this view in its comments to the Council regarding this proposal.

A critical issue impacting the world at the current time is climate change and, whilst food supply is an issue linked with that, a key part of addressing the climate emergency is reducing the reliance on fossil fuels. This is recognised in the EDLP, through Strategy 39 (Renewable and low Carbon Energy Projects), which makes provision for renewable energy projects. Clearly, this does lend some support to the scheme. However, that support must be balanced against the impact on the agricultural land, in order to ascertain whether the benefits of the scheme outweigh the temporary and partial loss of the land to agriculture.

The National Planning Policy Framework 2021 (NPPF) is balanced with regard to the issue of using agricultural land for renewable energy, with some paragraphs supporting agriculture and others supporting renewable energy. Given that the NPPF balances the two issues, it is considered that the proposal, which seeks permission for 40 years, and would not be considered to harm the quality of the land and would comply with the NPPF.

Therefore, it is considered that, on balance, there is sufficient policy support for the proposal.

Concerns about the impact of the proposed solar farm on residential amenity have been raised by a number of people residing in the vicinity of the site. However, the proposal site would not immediately adjoin the curtilage boundary of any residential property, and the hedges on the boundary would be enhanced as part of the works. Consequently, given those factors, it is considered that the development would not have an overbearing impact on the residents of any property. The distance between the various solar developments currently under consideration is such that there would be few, if any, properties, from which clear views of a substantial amount of one or more solar developments will be possible.

In terms of the visual impact of the proposal, the existing landscaping, which would be enhanced, is sufficient to ensure that the scheme would not be visually harmful to the area, or users of the public highways and footpaths within the vicinity of the site. From wider views at higher altitudes, it is accepted that it will not be possible to completely screen the development. However, the nature of the proposal layout, and the surrounding landscape, is such that any longer distance views of the development would not be of the whole site at any time. Given that, and balancing the proposal against issues such as the climate emergency, the cost of living crisis and the use of lower grade land, it is considered that the proposal is acceptable in terms of its visual impact.

Similar arguments are made with regard to the potential for a cumulative impact with other proposed solar farms in the area. The nearest of those would be 1 kilometre from the site to which this report relates, so harmful inter-visibility between the sites is unlikely when at any of the sites. From higher locations, the landscape would ensure that developments would be seen within the context of a rural setting.

It is considered that the proposed landscaping, and the distance of the site from them, is sufficient to ensure that the development would result in a less than substantial harm to listed buildings in the vicinity of the site.

Natural England has confirmed that the site and proposal is acceptable in terms of its impact upon the area and biodiversity.

The proposal is considered acceptable in terms of its impact on heritage, as there are no listed buildings located immediately adjacent to the site. Furthermore, there are none which are close to more than one of the solar developments currently being considered.

The County Highway Authority has considered the proposal to be acceptable from a highway safety impact. Also, there would be limited overlap between the access routes used by construction traffic should more than one of the solar developments currently being considered eventually be approved. This can be controlled through a CEMP.

A CO2 report submitted indicates that the development would offset the carbon emissions caused by it within the first one to three years of operation.

With regards to other key considerations, the relevant consultees have indicated that the proposal is acceptable in terms of:

- Flood risk.**
- Aviation safety.**
- Arboricultural impact.**
- Archaeological impact.**

Given the above factors, which are reported in full detail in the main report, it is considered that the proposal is acceptable. Therefore, it is recommended that this application is approved.

CONSULTATIONS

Local Consultations

Clerk To Clyst Hydon Parish Council

Background Information

Clyst Hydon is a small parish situated in East Devon. It is mentioned in the Domesday Book along with the hamlet of Aunk which indicates that it has been a settlement for over 2000 years. The field boundaries within the Parish have fundamentally been the same for hundreds of years. Farming and working of the fertile land has up until now been the main occupation within the Parish, should the planning proposal be constructed this will end. The parish will become mainly an industrial site producing electricity for the cities.

If this planning application is imposed on the parish it will impose the biggest change within the parish since the ice age. Although the actual planning application spans three parishes, Payhembury, Plymtree, and Clyst Hydon all the construction and maintenance traffic, storage and services will be served through the centre of Clyst Hydon parish and not the other two parishes.

The recent planning application is of an industrial scale in terms of size, 70.4ha. The majority of parishioners are supportive of the principal of solar energy but are strongly opposed to the destruction of fertile farmland to install the Solar panels instead of using local Industrial or Agriculture buildings. Government policy seems to be out of step with public demand and the change in lifestyle induced by the Covid 19 pandemic;

where green areas have been shown to be vitally important to improve mental health and wellbeing.

The Parish Council Concerns

Clyst Hydon Parish Council has consulted with its Parishioners and as a result has a number of major objections to and concerns about this Planning Application.

Production Efficiency

We question the validity of the calculations to estimate the number of houses that can be served from this one 174 acre Solar Farm. In winter and at night when it is dark the Solar farm will not produce any or much energy. Using formulae supplied by Dr Phil Bratby of CPRE it can be shown that the developers claim an exaggerated figure and they report their supply as a number of homes to end up with a higher number, for the proposed site 15,000 homes. This is a theoretical maximum for the size of the solar arrays. However using the correct equation to calculate capacity the figure comes to 8,874 homes.

Capacity Calculation

Total capacity (power) is 49MW. The typical capacity factor for a solar farm in the SW is about 10%, so the average power is about 4.9MW. Over a year (8,760hours) the electricity (energy) produced is therefore 42,924MWh. The latest data I have to hand for homes in East Devon (2019) is an average consumption of 4,837kWh per year. This would then mean that the solar farm could supply the equivalent of 8,874 homes. Using this practical capacity figure means that the overall CO2 saving is reduced by 41%.

Clyst Hydon Parish Council request that the developers produce a full carbon (CO2) saving assessment before agreeing to the development based on the actual production figures not the theoretical maximum yield.

So to be clear the 15,000 home claim is materially inaccurate due partly to the capacity factor.

For example: On January 3rd 2022 a private solar array based in the village produce zero electricity all day due to the thick cloud cover.

Although for the purposes of planning financial capability is not our concern we would argue that the benefit to the community at large is.

We believe the data supporting this application is flawed and over optimistic. It is not simply that this solar Installation will produce energy at the times when it is least required, summer and middle of the day but the fact that the energy production forecasts are based on an unachievable theoretical maximum.

The parish Council therefore object to the planning proposal on the grounds that the green credentials (CO2) reduction has not been adequately calculated to prove the project is carbon saving.

Traffic

Within the planning application all the construction traffic, delivery lorries, quarry lorries will be directed through the centre of Clyst Hydon village. This will mean they will have to pass over our listed single track grade 2 listed bridge over the river Clyst and right past our primary school. Where there has always been congestion at the beginning and end of the school day and the pupils regularly walk across and along the road over the narrow bridge to access the cricket pitch for games, during school hours. There is also a school coach that takes students to and from Cullompton every day, turning just beyond the Old Post Office and almost opposite to one of the proposed site entrances. It is not just school student that regularly walk the route proposed by the contactors for all their vehicles, but there is also regular pedestrian traffic through the full length of the village, from Marsh Cross to the Village Hall and pub. The route is very popular with cycle clubs from as far away as Sidmouth and horse riders use the route from the stables based in the centre of the village.

The road condition is currently poor with many pot holes and local repairs. The proposed massive increase in usage by heavy weight lorries can only increase the speed of the roads deterioration.

If this planning application is imposed on the parish we would request that due to potential Health and safety concerns that the 20mph speed limit that the Parish Council had previously requested is imposed. At least for the duration of the solar farm build. It is simply a neglect of responsibility to wait for a fatality before imposition.

The parish Council therefore object to the planning proposal on the grounds that the increased traffic volume, mainly of large HGVs, is

- 1) A danger to the village primary school students and other pedestrians, cyclists and horse riders.
- 2) The damage to the road surface throughout the village.
- 3) Potential damage to the villages Grade 2 listed bridge.

Listed buildings

The proposed site is close to several listed buildings namely Marsh Farm, Inner Marsh Farm, Barretts Cottage, Half Acre Cottage, Farranthayes Farm and are of significant important to both their Owners and the Nation. In neighbouring Mid Devon a similar planning application has recently been refused and 1 of the reasons stated was the visual impact the development would have on a single listed building, namely Langford Court. The proposed site would surround 2 listed buildings Marsh farm and Inner marsh farm and be close to 3 other listed properties.

Should the solar farm be constructed it is imperative that the views from these properties must be preserved at all cost. Any intrusion on their amenities would be against national planning provision. We therefore ask the planning department to ensure that any development has an agreed screening proposal in place as a legal standalone document. The Parish Council would ask that it was involved in the legal process.

The parish Council therefore object to the planning proposal on the grounds that the proposed development is detrimental to the maintenance of 5 listed dwellings.

Access

There are two specified points of entry from the council road to the construction area. If this planning application is imposed on the parish; the Parish Council would insist that the entry point near the Old Post Office and close to Irelands have a pre agreed time window of operation. After which the contractor returns the entry sites to as they were before their conversion for site access; as both entry points are close to residential properties.

Impact on the Landscape

Section 15 of the NPPF-2021 is titled 'Conserving and enhancing the natural environment'. It states that " Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes....
- b) recognising the intrinsic character and beauty of the countryside...."

The East Devon Local Plan 2013-2031 conforms to the NPPF-2021. It states that East Devon will "conserve and enhance its outstanding natural environment". Strategy 46 (Landscape Conservation and Enhancement and AONBs) states that "development will only be permitted where it conserves and enhances the landscape character of the area and does not undermine the landscape quality". Strategy 7 (Development in the Countryside) states that "Development in the countryside will only be permitted where it would not harm the distinctive landscape". Strategy 39 (Renewable and Low Carbon Energy Projects) states that renewable energy or low-carbon energy schemes will be supported where the applicant has "taken appropriate steps in considering the options in relation to location, scale and design, for firstly avoiding harm"

The proposed solar farm, of area of 70.4ha (174 acres), is over four times the minimum size of a Very Large solar farm and thus the proposal would have a huge impact on the key characteristics and qualities of the landscape.

The proposal would not conserve or enhance the local areas valued landscape, nor would it recognise the intrinsic character and beauty of the countryside. Thus the proposal conflicts with the NPPF-2021, and with Strategy 7 (Development in the Countryside), Strategy 39(Renewable and Low Carbon Energy Projects) and Strategy 46 (Landscape Conservation and Enhancement and AONBs) of the East Devon Local Plan 2013- 2031.

A comment from a parishioner should make those making the decision take time for reflection; "What would councillors in the centre of a city think if there was a planning proposal to remove 174 acres of houses, shops, offices, roads etc., and turn it in to agricultural land?"

He thought they would think someone was having a laugh. This development is proposing to turn an area larger than the combined built up area in the parish and turn it in to an industrial site. So what is the difference?

The parish Council therefore object to the planning proposal on the grounds that the scale of the proposed development is contra to EDDC and National planning guidelines.

Footpaths

To ensure there is no potential contrivance of Public access due to this planned development the Parish Council request a full written report from the Devon Country Footpath Officer. As custodians of public rights of way, the Parish Council, ask that suitable screening such as coppices of trees are planted to ensure the foot paths keep their rural nature.

Community Fund

There is currently no proposal for the developers to contribute to a local community fund. However, in a recent approved planning application at Litchardon Cross near Barnstable in North Devon a community Fund was offered, supported by a legally binding contract, for monies to be paid, index linked, for the duration of the operation of the site. The capacities of the North Devon and the one proposed here in East Devon is identical. The Parish Council would ask EDDC Planning Dept. to assist the Parish of Clyst Hydon and the two adjoining Parishes to help set up this type of Community Fund. It would require the Community Fund to be Legal condition of planning enforceable by Law.
https://www.solarpowerportal.co.uk/news/aura_power_gains_planning_permission_for_50m_w_north_devon_solar_farm

Request for Section 106

Should EDDC planning department approve planning application 21/3120/MFUL for a Solar farm the Parish Council request that EDDC prepare a section 106 to be attached to the planning permit covering the following items:- If the planning application 21/3120/MFUL is granted the parish council request that a section 106 is produced for the developers to undertake at their expense covering the following points:-

- Before commencement of work a comprehensive carbon assessment is prepared taking in to account the following points:-
 - “ The CO2 released during production and transport of the panels
 - “ The CO2 released during the production of the required infrastructure, e.g.; steel production of frames and fences, aggregate mining, concrete production etc.
 - “ The CO2 released during construction, mainly from the large number of diesel journeys.
 - “ The CO2 released during decommissioning of the site.
- Before commencement of work a comprehensive traffic management schedule is prepared by Devon Highways, to take into account of
 - “ Village Primary School drop off and collection times

- “ Agricultural vehicle requirements at peak harvesting times
 - “ Parking for residents in the centre of the village
- Following erection of the Solar Farm the roads on the route of the construction traffic are inspected by Devon highways and made good of all potholes and other wear and tear created by the construction traffic.
- Ditches alongside the roads are cleaned from any debris/ land fill caused by construction traffic. · All biodiversity proposals are fulfilled.
- Screening of the Solar Farm and all related structures is implemented to minimise visual impact from roads, footpaths and residential properties.
- Construction is undertaken using methods that minimise impact on soil, water and vegetation.
- Wildlife corridors are provided where continuity of historic hedgerows are broken.
- After the time of the project (40 years) all the land is returned to agricultural use and not converted to a brownfield site, by:-
 - “ Removing all site components, including but not exclusive to; solar panels, frames of the solar farm, all hard core, sunken piles, fencing, lighting and CCTV posts and equipment, substation buildings and foundations.
 - “ Replacement of soil with agricultural grade top soil.
 - “ Make good all land drains.
 - “ Replant any breaks in hedgerows created during construction or maintenance of the farm.
 - “ Following removal of the Solar Farm the roads on the route of the construction traffic are inspected by Devon Highways and made good of all potholes and other wear and tear created by the construction traffic.
 - “ Ditches alongside the roads are cleaned from any debris/land fill caused by construction traffic.

Irony

EDDC have insisted that the Village of Cyst Hydon is unsustainable, yet the Parish now finds itself having to defend itself against industrialisation of its rural landscape.

Footnote

Clyst Hydon Parish Council would like to appeal directly to its elected Councillors and East Devon District Council. It cannot be fair, by any measurement, for a developer to spend many months preparing an application on 150 acres of Agricultural Farmland to then submit a Full planning application just before Christmas leaving a matter of weeks over a national Bank holiday for Full perusal and comments. Fortunately an extension was applied for and granted by EDDC.

Conclusion

Clyst Hydon Parish Council Strongly objects to the proposal to build a 49MW Solar Farm in the Parish on the following grounds.

1. The development will destroy the rural community that has evolved in the Parish over more than 2000 years.
2. The green credentials (CO₂) reduction has not been adequately calculated to prove the project is carbon saving.

3. The electricity production has not been calculated so the benefit analysis cannot be determined.
4. The parish Council therefore object to the planning proposal on the grounds that the increased traffic volume, mainly of large HGVs, is
 - a) A danger to the village primary school students and other pedestrians, cyclists and Horse riders.
 - b) The damage to the road surface throughout the village
 - c) Potential damage to the villages Grade 2 listed bridge
5. The parish Council therefore object to the planning proposal on the grounds that the proposed development is detrimental to the maintenance of 5 listed dwellings.
6. The parish Council therefore object to the planning proposal on the grounds that the scale of the proposed development is contra to EDDC and National planning guidelines

Clerk To Payhembury Parish Council

Payhembury Parish Council have arranged a public meeting with LightRock Power to take place on 21st January. LightRock Power will be presenting and explaining their planning application to the people of Payhembury parish and answering questions.

Therefore, please can we request an extension to the end of January to respond to this planning application to give us time to hold this public meeting and to process the feedback from it.

Payhembury Parish Council object to planning application 21/3120/MFUL for the construction of 49W solar farm on land adjacent to Peradon Farm, Clyst Hydon and ask East Devon District Council Planning to refuse permission for the planning application.

The key areas of concern are:

- o Loss of quality agricultural land
- o Lack of demonstrable socio-economic benefit and impact on existing businesses and tourism
- o Misleading figures for production efficiency and site capacity
- o Contrary to guidelines
- o Scale of this proposal and the other two proposals very nearby
- o Likelihood and scale of further potential developments in the wider Clyst Valley if these developments are permitted

Loss of quality agricultural land

According to the applicant's own agricultural survey 17% of the land earmarked is grade 3a (good quality), 69% is grade 3b (medium quality) and only 13% is grade 4 (poor quality). 87% of the land is therefore acknowledged by the applicant to be land of an agricultural standard capable of producing moderate to high yields of a wide range of crops. The recent pandemic and the effects of Brexit have shown that the UK needs to ensure its ability to continue to produce sufficient food and crops. It therefore makes no sense to remove quality agricultural land from food production just to enable the production of green energy, when alternative sites are available. The production

of solar power is better served by placing solar panels in areas that are not valuable for other purposes, eg on rooftops of buildings.

Lack of demonstrable socio-economic benefit and impact on existing businesses and tourism

The development of a solar farm on this site will lead to the loss of local farming jobs and their associated skills. Although a few new jobs to support the solar farm may be created these are unlikely to be suitable for local people. The result will be an increase in unemployment in the parishes affected and an increase in the number of car journeys for people travelling to work at the solar farm from outside the area (which is against EDDC guidelines). The solar farm will bring no income to the parishes, but lead to a reduction in income to business already there, for example in the reduction in tourism. Holiday lets, B&B's, local pubs etc will suffer as fewer people will want to visit or holiday in an area overlooking a solar farm. The impact of potentially three solar farms in close proximity is likely to have a very serious impact on the appeal of the area for holiday makers and the outcome will be that local businesses see a reduction in visitors and therefore these businesses may eventually fail and increase local unemployment further.

Misleading figures for production efficiency and site capacity

1) the proposal states the solar farm has a capacity of 'up to 49MW', suggesting that this is considered the peak generation rate, which is assumed to be at midday in mid-summer with cloudless skies. Therefore, at all other times the production would be less than this. It is therefore misleading to use this figure of 49MW to calculate any quantities of carbon dioxide offset or number of houses to be powered. The applicant should be requested to provide more meaningful 'average' production figures to be used in these calculations and to show how that varies across an annual cycle. It would also be useful for the applicant to provide projections for what proportion of the year would fall below 10% of peak production and when that would occur, so that it can be demonstrated whether the power is being produced when it is needed.

2) A full lifecycle carbon audit, including manufacture, transport, installation, use and disposal of the solar panels and associated infrastructure and support needs to be provided by the applicant, together with a validated estimate of total energy production over the lifetime of the facility, taking into account degradation of the panels over time and the anticipated climatic conditions over the next forty years. It is anticipated that this will show that the true figures will be substantially less than the unsubstantiated carbon offsetting claims included in the current proposal.

Contrary to guidelines

1) The development of this site as a solar farm would encourage travel from place of residence to place of work for any new jobs created, which would be in contradiction to EDDC sustainability objectives.

2) The proposal would not conserve or enhance the local areas valued landscape, nor would it recognise the intrinsic character and beauty of the countryside. The proposal therefore conflicts with the National Planning Policy Framework (NPPF) 2021

and with Strategy 7 (Development in the Countryside), Strategy 39 (Renewable and Low Carbon Energy Projects) and Strategy 46 (Landscape Conservation and Enhancement and AONBs) of the East Devon Local Plan 2013- 2031.

3) Recent Government papers including, but not limited to, the Energy White Paper (2020), The 10-point plan for a Green Industrial Revolution (2020) and the Net Zero Strategy: Build Back Greener (2021) all stress the need for renewable green energy but not at the expense of the environment they are trying to protect. Solar power from roof-tops is encouraged by the Government.

Scale of this proposal and the other two proposals very nearby

Three separate solar farms are being proposed by different developers all within a few miles of each other. Each of these proposals is huge, in each case just below the size required for it to be considered as a Nationally Significant Infrastructure Project (NSIP) within England and Wales. Combined the three proposals cover an area of more than 450 acres, all within a small area of East Devon. The close proximity of these three proposals will multiply the adverse impact on the local area and its economy.

Likelihood and scale of further potential developments in the wider Clyst Valley if these developments are permitted

The three current solar farm proposals have all selected land that is close to a specific high-capacity line with links into the sub-station at Broadclyst. The Parish Council has the following questions for EDDC Planning:

- 1) what is the total capacity of the sub-station at Broadclyst?
- 2) what is the current capacity used at the sub-station at Broadclyst (ie how much spare capacity is there)?
- 3) how many more ~50MW solar farms could the sub-station support?

If any or all of the current proposals are given the go-ahead and there is spare capacity at the Broadclyst sub-station, then it would seem likely that other solar farm proposals would also be given the go-ahead if they were applied for. Consideration needs to be given to the precedent that would be set by approving any of these three applications with regard to future applications and the impact on the wider Clyst Valley.

Payhembury Parish Council support green renewable energy sources, but believe that this proposal will not deliver what has been claimed, will have an overall detrimental effect to the area and that there are better alternatives for producing the green renewable energy that is required. The Parish Council asks that East Devon District Council Planning refuse permission for this planning application.

Clerk To Payhembury Parish Council

Payhembury Parish Council's comments on the amended planning application 21/3120/MFUL

There are now four solar farm planning applications being submitted in close proximity to each other, covering an area approaching 600 acres of farmland - Langford,

Paytherden, Horton and Half Moon. Three of these are in the East Devon and one in Mid Devon and each of these is being submitted by a different applicant. Each will be considered as a stand-alone application, however the impact of all four, so close together, will be huge.

Only two of the planning applications have so far been submitted formally, but East Devon District Council planning department will be aware of the other impending two applications. Payhembury Parish Council ask that East Devon and Mid Devon planning departments work together to assess the overall impact of all four applications before making a decision on any of them. Allowing any one of the applications would set a precedence to allow others to be approved and the impact of so many potential solar farms in such a small area would be immense. The loss of so much good-quality farmland, the impact on tourism, the impact on local job opportunities in farming, tourism and other areas would be devastating. The parishes of Payhembury, Clyst Hydon, Plymtree, Talaton and Whimble are small and would be hugely adversely affected by these proposed developments.

With regard to the amendments put forward by LightRock Power to planning application 21/3120/MFUL, Payhembury Parish Council feel that these amendments are only minor cosmetic tweaks to the original planning application and that they do not address the fundamental concerns that the Parish Council raised back in January 2022.

Payhembury Parish Council therefore continue to object strongly to this planning application.

Parish/Town Council

Plymtree Parish Council submits the following response to the planning application 21/3120/MFUL - Land Adjacent To Peradon Farm Clyst Hydon

With apologies for the lateness of the response due to the Parish Council not being quorate and then needing to seek local feedback.

PC response: Object

The Plymtree Councillors are aware that there are strong feelings against this development in the village. In particular

1. It is not in a development area as defined in the local plan;
2. There are concerns with the electricity generation figures quoted with the 10% load factor;
3. There are several similar applications in the area, which if approved would have a significant negative visual impact;
4. Loss of farmland and impact on biodiversity;
5. The potential for considerable disruption to the local area with poor roads, which already suffer from mud, potholes and flooding.

Should the Planning Authority be minded to grant the application the following comments should be noted:

1. Permission should only be granted for the stipulated duration, i.e. 40 years and only for the express purpose stated, in the application;
2. No permanent change of use should be considered. At the end of the stated period the land should automatically revert to its current status of agricultural land and all equipment suitably removed without detriment the land;
3. No additional land owned by either the current applicants or other landowners be considered for future development with respect to ground-mounted solar pv panels or similar technologies;
4. That wildlife is considered and prioritised when deciding whether to grant or deny the applicant permission;
5. This application does not set a precedent for future, similar developments.

Clerk To Talaton Parish Council

Talaton Parish Council objects to proposal 21/3120/MFUL Construction of 49 MW solar farm on land adjacent to Peradon Farm, Clyst Hydon.

Comprehensive reasons for objection have been laid out eloquently and succinctly in other responses. In particular, we associate with and support the objections laid out by CPRE Devon and Tom Devine amongst others. Rather than repeat those arguments in our submission we shall emphasise the specific concerns raised at our Parish Council meeting on the 5th January 2021 when this proposal was discussed, with many local residents present.

1. Access of Construction Traffic To The Site

The initial routing plans via Talaton were demonstrated to be completely unfeasible as recognised in the applicant's proposal. The alternative proposed routing via Clyst Hydon is similarly completely unfeasible with the same challenges as presented for large industrial vehicles driving through Talaton present for those same vehicles driving through Clyst Hydon. We are concerned that if the proposal is approved then there will no way of enforcing the routing of vehicles which will still attempt to come through our village especially if, as we suspect, the route through Clyst Hydon will prove to be equally impractical. There is also no routing plan for the staff mini-buses which are planned to make a large number of journeys.

It must be recognised and accepted that the transport infrastructure in ours and adjoining Parishes of narrow lanes which are in constant need of repair with existing traffic loads cannot cope with the traffic associated with the construction of, what would be, a major industrial facility in the middle of the Devon countryside. If this proposal is approved we can expect this traffic will cause further damage to our local roads leading, ultimately, to increased costs to the local taxpayer.

2. Loss of Quality Agricultural Land

Food security is as important as energy security for the UK. Energy generation can occur in a wide range of environments - food can only be produced on quality farmland. For every acre of farmland that is taken out of production, more food will need to be imported into the UK with the associated transport carbon emissions. The site in question is, according to the applicant's own commissioned agricultural survey, 69% Grade 3b land and 17% Grade 3a land. Only 13% of the land in question is classified as Grade 4. The applicant's statement in section 3.1.1 of their Design and Access Statement that the land "is of lower agricultural land quality...predominantly Grade 3b (moderate quality) and 4 (poor quality) soil" is completely misleading and counter to their own submitted agricultural survey. This leads us to question the veracity of all other information presented in the applicant's proposal.

3. Scale of Proposal and Impact on Countryside

This is not a "solar farm" - this is a proposal to construct a major industrial facility in the middle of the Devon countryside covering 70 hectares of which over 40 hectares will be covered in 2.5m high solar panels, alongside 21 inverters, substation facilities, access tracks, fencing and "temporary" storage compound. The topography of the site and local area means this will be visible from our Parish. It is notable that the application states that there will be "limited or negligible views into the Site from Plymtree, Clyst Hydon, and Higher and Lower Tale" but does not mention Talaton in this regard.

4. Lack of Demonstrable Benefit

The only "benefits" associated with this proposal is the generation of "up to 49MW" of renewable electricity. Noting that the proposal specifies only a generation rate, rather than a generation quantity in MWh, suggests that the 49MW is the peak generation rate at midday in mid-summer in cloudless skies. It both misleading and meaningless to apply that figure to suggest any quantity of carbon dioxide would be offset or any number of homes would be powered by this facility. As has been pointed out in other submissions, the applicant needs to provide a full lifecycle carbon audit including manufacture, transport and disposal of the solar panels and associated infrastructure; and provide a validated estimate of total energy production over the lifetime of the facility taking into account degradation of the panels over time and the anticipated climatic conditions over the next forty years. Once that assessment has been done we suspect that the true figure will be far short of the unsubstantiated carbon offsetting claims included in the proposal.

Clerk To Clyst St Lawrence Parish Meeting

As a consultee Clyst St Lawrence Parish Meeting objects to proposal 21/3120/MFUL Construction of 49MW solar farm on land adjacent to Peradon Farm Clyst Hydon.

Key areas of concern put forward by local residents include:

1. Loss of farmland. This country needs to maximise its green spaces in terms of food production. There is a concern that any loss of farmland would have an incremental negative effect on other land use.

2. Visual amenity impacts: in particular in conjunction with the Clyst Valley Regional Park. Quoting from the Clyst Valley report <https://eastdevon.gov.uk/media/3722704/cvrp-masterplan.pdf> "The landscape around the villages of Clyst Hydon, Clyst St Lawrence, Aunk and Westwood is very intimate. There are thatched cottages and Barton farms, and beautiful, tranquil river valleys. There is great potential for more natural habitat here and throughout the river system, and for greater public access along the footpaths that link up the villages." Also "The master plan will be a material consideration in assessing planning applications within the Clyst Valley Regional Park policy boundary." Part of the plan is to provide spaces for nature to thrive and move. Given its proximity to Ashclyst Forest and other plan areas there is concern that this proposal could have a detrimental impact on the aims of the Clyst Valley Regional Park.

3. Construction traffic. Construction traffic is an issue that needs wider consideration and would require an extensive mitigation plan as the proposal would disrupt local traffic over a long period and will increase the use of other less suitable roads as existing traffic will seek alternative routes or be diverted. The impact on Clyst St Lawrence - and increased danger from traffic to residents - is evident from recent road closures in Clyst Hydon for utility repairs. Mitigation should also take into account that the same roads may be used for similar construction traffic for another Solar scheme near Whimble for which planning is expected to be sought imminently.

4. Archaeology. This has largely been covered in the county archaeologist report but there is a concern that the installation of deep piles to support photovoltaic units in the areas of the site where there were finds, especially around the exploratory trenches 8, 9, 10 and 13,14,15 could damage/destroy valuable archaeology. Deep pilings in these areas of the site should be avoided.

5. Impact on wildlife. There is a concern that the installation of deer fencing would have an adverse impact on wildlife corridors - for example the herd of deer lead by a locally-well-known white stag which roams the area.

Further comments:

I refer to your recent communication relating to a revised application in respect of proposal 21/3120/MFUL Construction of 49MW solar farm on land adjacent to Peradon Farm Clyst Hydon. As a consultee Clyst St Lawrence Parish Meeting objects to the proposal. Key areas of concern as put forward in our earlier response of January 14th still remain.

Broadclyst - Cllr Eleanor Rylance

I am in two minds about this application.

On the one hand, with a looming climate crisis and growing uncertainty of fuel supplies, it is imperative that as a country we produce as much power from renewables as we possibly can. On that basis I utterly support renewables per se.

However, Clyst Hydon is a very small community that lives on farming, hospitality and tourism, and being a rural idyll for people working from home and those who commute alike.

There are very real concerns among the people of Clyst Hydon that a solar farm on such a scale would completely dwarf their community and produce only negative effects for them.

-Traffic is one such concern. How would construction site traffic access the site along tiny medieval sunken roads bordered by hedges, round very tight bends, and over weak bridges? What controls would be in place to stop such traffic from passing the village primary school? There are no street lighting and no pavements in Clyst Hydon- people walk everywhere on the road. Many cyclists and runners use the roads about the village because they are relatively quiet and free from traffic.

-Another concern is the loss of visual amenity. People are concerned at the visual effect on them and on their businesses of very tall fencing and ugly site offices in the landscape.

-A third concern is the loss of good farmland in a village economy that relies very heavily on farming. They do not think that traditional farming is possible beneath PV arrays and that the farmland would suffer badly, and degrade. They believe that PV arrays should be fitted to every roof of every new house in East Devon- effectively not removing twice as much good farming land from the food chain as is strictly necessary to produce the houses needed.

-A fourth concern is the loss of habitat and damage to the environment that covering tens of acres of farmland would represent. In particular people are concerned about damage to trees and hedgerows, and disruption caused to existing wild animal habitats.

In summary, much of the community of Clyst Hydon, whilst being generally supportive of renewables, feels very threatened by this project. They perceive that they will have little to no say in shaping any such scheme, endure only negative effects from its construction and presence, the loss of the peace and enjoyment of their environment that brings tourists to Clyst Hydon's various holiday lets, B&Bs and pub and absolutely no benefits would come to them. These are very real and legitimate concerns which I believe should form part of your decision-making.

20/01/2022

Tale Vale – Councillor P Skinner

Dear Planning West Team

I am responding to the planning application of the solar farm application at Peradon Farm, Clyst Hydon.

Where do we start.....

I have followed this application now for several months and seen and been aware of the views of many.

I feel I need to be proactive in my response to pull in the understanding of many whom feel this application is going to be a blight on the landscape v the green energy agenda of which I believe we all 'buy in to' its just a case as to where and on what scale.

This is a huge subject of which there is lots of information culminating from both sides of the debate.

Rather than fall in to the trap of each and every argument I feel I am going to be brief.

The conclusion I have come to is to ask for a DEFERMENT of this application for the very simple reason that I cannot support this application in isolation to the other applications in this relatively small area.

We have (including the Mid Devon application, which has just gone to the planning Inspectorate on the 14th, June) which is adjacent to this site and the other 2 sites which have now been validated as I speak, approximately 600 acres of farmland...with more potentially on the way, this cannot be either right or proper without a considered opinion of discussing these sites as a collective and not as individual sites on a first past the post system....I cannot except this as an acceptable approach to planning.

I firmly believe that the reasoning behind this approach is that we face an impasse between I and many others wanting to very much support green energy but we must take on the size and scale of what is for all intense and purposes the industrialisation of green farmland in the countryside.

I am convinced that we as a planning authority must consider all of these applications viewed through the prism of the collective, so as to manage the size and scale from a 'best option' outcome.

The other huge issue and why I have left my deliberations so late in the day is the 'ever moving' political sand as to which these planning policies are built.

Since the inception of this scheme Russia has invaded the Ukraine and food security is 'punching its weight' on the political spectrum again....we need to understand the ever emerging food strategy so as our decisions are well informed and we deliver the long term outcomes for the benefit of all.

I am fully aware of a letter that has been sent to Michael Gove's office to ask for some guidance just at a time when I do believe the sand is likely to shift again...but we must have the overarching strategy and I will not support an application by application approach when quite clearly we need to just draw breath with an overall green energy plan.

I will have much more to add to the planning meeting, so my comments are 'just for starters'.

Technical Consultees

EDDC Landscape Architect

1 INTRODUCTION

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

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

2 BACKGROUND

2.1 Location and access

The site is situated south of Plymtree and east of Clyst Hydon in East Devon and is centred around Peradon Farm. Proposed access is from various points off Tale Lane, a minor county road which crosses the site in an east-west direction, via existing field gates or access tracks.

2.2 Proposals

The proposal is for the construction of a very large scale solar farm and associated infrastructure including solar arrays, inverters, substation, access tracks, security fencing and cameras and mitigation planting. The application site extends to 74Ha over 20 fields of which, 42.4 Ha will be covered with solar panels over 18 field parcels. Of the remaining two fields, one (to the south of field 1) will accommodate the proposed substation in its northwest corner and the other (field 19) will be used as a construction phase compound.

Solar panels will be mounted on screw or mini piles orientated to the south at a fixed angle of 20 degrees to the horizontal. They will be arranged in rows 3.2m apart and will stand some 2.5m high at their highest side.

The substation will contain plant up to 6m high and the surrounding fenced compound will have an overall footprint of 25x62m (refer application dwg. GCS0019-1 Rev 3). An inverter will be provided within each field parcel. These are to be housed in shipping style containers measuring 6x2.4x2.6m high, standing on concrete plinths.

Security fencing will generally comprise 2m high deer netting mounted on timber posts. Security cameras mounted on 2.5m high columns are proposed at 70m intervals around the perimeter of fields containing solar arrays. 2.4m high welded mesh panels are proposed around the substation.

Electrical connections from the outlying fields to the substation are proposed to be undergrounded.

2.3 Site description and context

The site comprises agricultural land, predominantly improved grassland with some arable, within a gently rolling landform ranging between 44 and 65m AOD. A knoll to the east of the main farm complex, topped with pines along its southwest-northeast running ridge, is a prominent local landmark. The application site is somewhat dispersed and forms three distinct groupings comprising fields 4-11 to the northeast, fields 12-20 to the south and southeast and fields 1-3 to the west. These are arranged in a broken circle around the main farm complex and adjacent knoll in a wide arc extending clockwise from the north through to the northwest.

Landform varies within some field parcels and generally across the site. Field parcels 11, 15, 17, 18 19 and 20 are essentially flat. A low ridge runs north-south through the middle of fields 1 and 5 with ground sloping gently to east and west either side. Field parcels 2 and 3 have a gentle northeasterly slope. Field parcel 6 slopes gently to the northwest, while field parcels 8 and 10 have a relatively steep slope in the form of a natural amphitheatre with an overall southeasterly aspect. Field 16 rises gently to a

central highpoint. Ground levels drop relatively steeply to the northwest and southwest from a high point mid-way along the eastern boundary of field 13.

Local landscape character and scenic quality.

The western field parcels and land to the north and south have a more open and intensively farmed character, while the eastern field parcels are more enclosed by landform and vegetation.

Fields within the site and surrounding landscape generally range in size from medium to large with a mix of irregular and straight boundaries, mostly comprising mature hedgebanks or hedgerows. Hedges are generally dense and close cut to about 2m height. Many of the hedges have trees growing within them including mature oak with some ash and there are several tree lines and scattered copses around the site which include, poplars, non-native pines and other conifers. These provide a degree of screening and help to define the site extent within the surrounding landscape.

Apart from the small villages of Plymtree and Clyst Hydon, nearby settlement is limited to the hamlets of Lower and Higher Tale to the east, Little Silver and Aunk to the south and occasional scattered dwellings and farms. The village of Talaton is situated on a low ridge 1.5m to the south. Two overhead 132kV power lines cross the western part of the site in a north-south direction. Otherwise the site and surrounding landscape is undeveloped and tranquil with a strong rural character.

Scenic quality varies across the site with the knoll to the east of Peradon Farm being particularly attractive. Scenic quality is lower in the western part of the site due to the more open and intensively farmed landscape and the prominence of HV power lines.

There are views from the site southwards to Talaton, (particularly from fields 8, 13, 14 and 16) and extending to high ground at Rockbeare Quarry 5.5km distant. Lower and Higher Tale are visible from the eastern and southern field parcels situated on a low ridge 600m to the east, with the Blackdown Hills AONB visible beyond on the far horizon 4.5km distant. The southeastern edge of Plymtree is just visible from field 6, 400m to the north. To the west, a north-south running ridge from Ashclyst Forest to Langford, 2.5-3.5km distant, is visible from most of the site and forms the western horizon. There is a clear view southwards across the western site area from the Langford Plymtree road down to Little Silver.

The knoll at Peradon Farm which is publically accessible affords views over much of the site to the east and southeast as well as fields 4 and 5 to the north.

There is no public access within the site application area apart from Plymtree/ Clyst Honiton footpath 8 which crosses fields 4 and 5 (currently a single large field). However, a number of surrounding footpaths provide opportunities for views over some of the field parcels, particularly Plymtree/ Clyst Hydon footpath 8, which passes over the knoll to the east of Peradon Farm affording views over field parcels to the northwest, east and south. Clyst Hydon footpaths 7 and 8 afford views over the southern field parcels and the proposed substation. There is a view over the southern site fields from a very short stretch of Clyst Hydon footpath 12 (refer Appendix A, fig. 1).

Tale Lane affords views over the southern fields to either side of the road on the approaches in both directions, through adjacent field gates and occasional glimpsed views over/ through adjacent hedgebanks. Fields 8 and 10 are also likely to be visible in glimpsed views from the eastern approach due to their sloping southeasterly aspect.

There are a number of residential properties which have views over parts of the site particularly properties at Higher and Lower Tale, Little Silver and Peradon Cottages. A limited number of properties on the northeastern edge of Clyst Hydon may have views over field parcel 1 and similarly few to the southeast side of Plymtree over field 6.

While it is difficult to pick out the site from publically accessible locations within Talaton, it is likely that the solar arrays will be visible from a number of dwellings within the village.

There are also occasional longer distance views from higher ground below the ridge to the west, such as the minor road leading down from Paradise Copse to Clyst Hydon in which fields 1, 4, 5, 13, 14, 18 and 20 are visible. (refer Appendix A fig. 2).

3 REVIEW OF SUBMITTED INFORMATION

3.1 Landscape and Visual Impact Assessment (LVIA)

Methodology

The methodology at section 3 is appropriate and clearly described.

At section 3.7.1 it is noted that desk study and field work were undertaken in September 2020 and July 2021. At these times trees and hedgerow would have been in full leaf. There does not appear to be any reference in the LVIA to, or allowance for, increased scale of visual effect during the 5-6 month winter period when vegetation is not in leaf. Contrary to GLVIA 31 guidance (para. 6.28) and EDDC pre-application advice, the assessment of visual effects appears to be based on a best case summer-time scenario. Consequently during the winter months effects are likely to be more severe than stated.

Planning policy and guidance

Section 4 sets out relevant planning policy and guidance. The list of relevant EDDC Local Plan Policies at section 4.2.1 should have included policy TC4 - Footpaths, Bridleways and Cycleways which states

'Development proposals will be required to include measures to provide, improve and extend facilities for pedestrians and cyclists commensurate with the scale of the proposal. Footways and routes for pedestrians and cyclists within and through new development schemes will be encouraged. These measures may include both shared and exclusive surfaces to provide safe, convenient and attractive routes, and must be designed to take account of the needs of persons with restricted mobility. Wherever possible the opportunity should be taken to join, upgrade and extend existing or proposed networks.

Development which would result in the loss, or reduce the convenience or attractiveness of an existing or proposed footpath, cycleway or bridleway, will not be permitted unless an acceptable alternative route is provided.'

The list of references at section 4.3 - Local Guidance - should have included Devon Landscape Policy Group Advice Note 2 Accommodating Wind and Solar PV Developments in Devon's Landscape, LUC 2013. Also of relevance are Mid Devon DC SPD- Solar PV developments in the Landscape, LUC 2016 which covers. Although the site lies outside the study area 50% of landscape character type 3E, which is assessed in detail in the study lies within East Devon and covers the entirety of the site. The Killerton Setting Study, LUC 2013 is also of relevance, although this confirms that the site lies outside of the landscape setting of the Killerton Estate.

Baseline assessment

Section 5.3 describes the review process of the computer generated zone of theoretical visibility (ZTV) where development may be visible and the establishment of an actual zone of visual Influence (ZVI) around the site where development would be visible. Both are illustrated in figure 4 of the Assessment. This shows the ZVI tightly drawn to within some 300m of the site boundaries and excluding Clyst Hydon and Plymtree. My winter field visits suggest that this should be extended to the eastern edge of Clyst Hydon and southeastern edge of Plymtree. Furthermore there is likely to be a second band of visual influence particularly from the Talaton/ Westcott ridge to the south and higher ground below the Ashclyst to Langford ridge to the west from which noticeable visual effects may arise.

In view of comments above regarding winter assessment and the limitations of the ZVI, further consideration is needed in respect of visual effects on receptors on the edge of Clyst Hydon and Talaton, and on high ground towards Ashclyst/ White Down, which are dismissed at section 5.6 as being negligible.

Section 5.4 of the LVIA deals with landscape character by reference to published National, county and district character areas/ types. However, in accordance with GLVIA 3 para. 5.16 a local landscape appraisal and analysis of the site and its immediate surroundings should have been included, noting any variations across the site and variance from published assessments.

Proposed development

Section 6.1 states that the solar panels are non-reflective. However, this is contradicted at section 6.3.1 which quotes reflectance values of 5-30%. Reflection effects of solar panels are considered in DLPG advice note 2 which states at para. iii) p36 - 'Solar panels on mass tend to reflect the sky - for example on a sunny day they can appear blue while on a cloudy day they can appear a metallic grey - this can make them stand out from their landscape context.' Clarification should be provided based on manufacturer's data for typical percentage reflectivity of the proposed solar panels. It would also be helpful to know whether panel reflectivity is likely to be comparable to nearby pv installations such as Winham Farm.

The fourth paragraph of section 6.1 states that a 2m high welded steel mesh with steel posts will be provided around the perimeter of the solar farm. This is contrary to what

is stated in the DAS and the submitted fencing detail which is for 2m high deer netting on timber posts and this apparent contradiction should be clarified.

Effects on Landscape Character

The assessment of effects on landscape character identifies large scale adverse impacts on the application site itself and medium scale adverse effects within the identified ZVI.

At para. 7.2, the overall assessment of effect on the Clyst Lowland Farmlands DCA and LCT 3E is stated as moderate to slight. This is based on an assessment of sensitivity as medium to low contrary to advice in 'Solar PV developments in the Landscape' which assesses the sensitivity of LCT 3E as at least medium and potentially high for very large PV schemes. In considering the magnitude of effect on this DCA and LCT, the assessment of extent is based on a range of 300-600m between the site boundaries and the identified ZVI. However, this overlooks the fact that the site is very extensive and should itself be included in the calculation of extent. On this basis the extent of effects covers an area approximately 2.48 x 2.7km, and in accordance with the given methodology should be considered intermediate, resulting in at least a medium magnitude of effect. Allowing for a medium sensitivity and medium magnitude of effect, the overall effect of the development for this LCA and LCT should be considered to be at least moderate adverse on completion.

The LVIA considers that effects on other LCAs/ LCTs are negligible, however, there is likely to be some adverse effect on LCT 1E: wooded ridges and hill tops to the west of the site which should have been considered further.

Effects on visual receptors

The assessment of visual effects considers effects on residents, road and rights of way users within a number of receptor group areas. This approach misses a number of receptors outside of these areas such as residents of Little Silver and users of Clyst Hydon footpath 7 to the north of this who will have views of the proposed substation area which have not been considered.

As noted above, the ZVI appears to have been drawn too tightly. Figures 1- 3 in Appendix A of this report provide a better indication of the extent and degree of visual impact on likely visual receptors.

Additionally visual receptors should be considered on higher ground to the west and south west of Clyst Hydon for example in the vicinity of Hoop Farm and on the minor road to the southeast of Sherway Farm.

In a number of instances I consider the scale of visual effects will be greater than stated in the LVIA. This is likely to be due at least in part to my wintertime site observations. Differences in the scale of visual effect between the LVIA and my field observations are summarised in the table below:

****See scanned document on documents tab for table****

Viewpoint photography

Contrary to advice in GLVIA3, LI Technical Guidance Note 06/19 and EDDC pre-app advice, all photography has been taken in summer with trees and hedgerow in full leaf. It is likely that in most instances winter conditions will reveal more of the site than visible in the summer photographs. Examples of corresponding winter photographs taken during my field visits are given in Appendix B.

A 28-80mm zoom lens was used for LVIA photography. Technical Note 06/19 advises that a fixed lens should be used with 50mm (or equivalent) focal length. This may explain some of the apparent differences in scale between the LVIA photographs and my photographs at Appendix B.

Photographs accompanying the LVIA are presented in a variety of formats with horizontal field of views ranging from 40-270 degrees. Panoramic views are presented on separate A3 sheets with up to four sheets per view. In most instances this is unnecessary. The range of image formats and number of pages generated makes reviewing cumbersome and particularly difficult for those without training or the necessary printing equipment to comprehend. For example the essence of the view from VP2 could easily be captured in a single frame image as shown in Appendix B fig. 3, possibly supported by a smaller panoramic image to provide context. Similarly with VP 7.

For viewpoint E the photograph occupies only a quarter of an A3 page which greatly underrepresents the likely scale of the site. This together with the poor image quality makes it difficult to pick out any detail such as the many pylons in the scene. A winter time view at A3 size is included for comparison at Appendix B together with an illustration of the potential visibility of the proposed solar farm, which could be extensive from this location.

Visualisations

Visualisations are helpful in understanding the extent of infrastructure in selected views. A concern in the representations is that in all instances panels are rendered a uniform dark grey. The reality is likely to be that there will be a variation of colour and reflection across the arrays and that they will frequently appear much brighter and more conspicuous in the landscape. The visualisation rendering should be adjusted to better illustrate this.

Cumulative effects

The cumulative assessment notes that there is very limited potential for inter-visibility between the application site and proposed PV sites at Langford solar farm to the north or Horton solar farm to the south. This is accepted but there is some scope for both the application site and Horton solar farm to be seen together from viewpoints on high ground to the southwest and similarly to the northwest in respect of Langford solar farm. In accordance with guidance given on DLPG advice note 2: Accommodating Wind and Solar PV developments in Devon's Landscape a cumulative ZTV should have been provided. It is, however, accepted that these other sites may not come forward and their consideration is somewhat speculative.

Mitigation

Proposed mitigation measures are considered as part of the overall scheme proposals and described in general terms at section 6.3 of the assessment. Mitigation proposals

are indicated on the LEEP plan. However, further consideration should be given to field specific measures to address particular effects identified. In a number of instances there is scope for additional mitigation that would help to reduce the visual impact of the proposals, such as appropriate planting along the boundaries and within the field containing the proposed substation, and closing off the field access gate to field 20 with hedging to screen views in from Tale Lane.

Proposed orchard planting to the west of field 20 would provide only limited screening of the developed fields to the east. A woodland planting mix would provide a better screening effect that is arguably more in keeping with landscape character in this instance.

Due to limited space allowed, proposed mitigation orchard planting along the right of way between fields 4 and 5 is more likely to end up as a fruit tree avenue than a traditional orchard.

Some consideration should have been given to the impact of mitigation measures on the wider landscape and views, particularly from the increase in hedge heights which are characteristically maintained low as noted in relevant LCA/ LCT descriptions.

It should also be noted that successful establishment of mitigation measures is dependent on good implementation and subsequent management as well as various environmental factors, and as such there is always some uncertainty as to their effectiveness.

3.2 Landscape and Ecology Management Plan (LEMP)

At section 3 management objectives - Objective 1 should include for additional tree planting within or adjacent to existing hedgerow to enhance biodiversity value and improve screening. Objective 2 references the creation of new permissive access routes. Details of these should be provided.

The 3rd bullet point of objective 6 states the retention of at least 20m wide footpath corridors either side of PROW to minimise any perceived channelling. This is contradicted at the 2nd para. of section 4.3.1 which stated the PROW corridor between fields 4 and 5 will be 15 to 20m wide. The PROW corridor shown in the Landscape and ecology enhancement plan (LEEP) scales 20m wide between proposed fence lines. The intended width should be checked and amended as necessary so as to be consistent.

Para. 4.3.2.1 describes woodland creation measures. Stated planting densities are considered to be too low and should be increased to 2.5m centres for large tree species and 1.5m centres for woodland edge mix planting.

At para. 4.3.2.2 Structure planting and hedgerow enhancement – management prescription for existing hedges are to cut on a 3-5 year rotation. However, notes on the Landscape and Ecology Enhancement Plan (LEEP) shows most hedgerow is to be maintained at 2-3m height which, given the existing cut height of approximately 2m, would require them to be cut annually.

Hedgerow management should be based on a detailed hedgerow condition survey and management plan identifying areas for gapping up and providing a rotational cutting sequence and indication of maximum intended size and cutting height/ width for each hedgerow. Where necessary cutting frequency (eg along road frontages) may need to increase to prevent encroachment over the highway. Management should be in accordance with the Hedgeline - hedge management cycle and include for cyclical laying where basal growth becomes leggy.

In para. 4.3.2.3 - Traditional Orchards - proposed fruit trees are stated to be planted as half standards on MM106/ St Julien A rootstocks. These typically result in bush trees with a mature height of 2.5 -4.5 metres which is uncharacteristic of traditional Devon orchards and unlikely to provide adequate screening of adjacent solar arrays. Where proposed, fruit trees should be supplied as full standards on traditional, vigorous rootstock.

It is noted in the LEMP that there will be three orchard areas between fields 4 and 5. These appear on the LEEP to be limited to narrow, short strips within the margins to the north and south of field 4 where they will have limited impact.

In para. 4.3.2.4 proposals for establishment of 48Ha neutral grassland within fields 'under and around solar arrays' appears unrealistic. It is unclear if this is intended to be carried out prior to erection of the panels or after. If the former, the ground will be subject to disturbance during construction, if the latter it will be very difficult to access beneath the panels to undertake ground preparation and seeding. In any case it is most unlikely that any grass type will develop a good sward in the heavy shade and dry conditions beneath the panels. As noted at section 3.3 below, successful species rich grassland establishment also requires low soil fertility and this also needs consideration. If, as seems likely, establishing neutral grassland is not possible beneath the solar arrays this is likely to have a significant reduction in the bio-diversity net gain calculation for the development.

Further detail is required of proposed species rich grassland establishment methods to demonstrate that they are viable.

Section 5 - Management programme

Management operations should include mulching and weed control during the establishment period. Allowance should also be made for annual replacement of new planting and grass areas that dies, is diseased or failing to make satisfactory growth within the first five years following completion of planting works.

Checking of fencing should include ensuring that proposed small mammal gates are clear of obstruction and working effectively.

Detailed planting plans, schedules and specifications for ground preparation, plant supply, sowing and establishment of wildflower/ tussock grassland areas, mulching, means of tree/ shrub staking, protection and 5 year maintenance schedules should be required by condition should the application be approved.

Proposals in the LEMP for provision of interpretation boards around the site seem unnecessary given that PV farms have been around for some time now and are

familiar to most people, while existing and proposed habitat adjacent to public rights of way is of rather limited biodiversity interest.

Consideration should be given to transferring management responsibilities for the LEMP, together with an appropriate commuted sum to cover the cost, to the parish council, wildlife trust or other locally accountable body, as experience of other sites suggest that management prescriptions are not followed with a resulting failure to achieve the expected outcomes.

3.3 Ecological assessment

The ecological assessment states that the development proposals will result in a 22.9% biodiversity net gain for area habitats and 1.79% for hedgerows based on DEFRA Biodiversity Metric 3.0. However, this includes the establishment of 48.1 Ha of neutral grassland for the entire area within fenced solar array enclosures. As noted at section 3.2 above, ground beneath the solar panels is likely to be too shady and dry to support healthy plant growth and a dense sward can only realistically be expected to develop in the aisles between panels. On this basis, as the panels themselves occupy 52% of available field area the maximum area of neutral grassland that can be expected to be created would be 23Ha.

Details should be provided of phosphate testing results within each field parcel, as species rich grassland is unlikely to develop in soils with a phosphate index greater than 1, due to competition from more vigorous grasses. In areas where the phosphate index exceeds 1 the area of species diverse grassland creation used in the net gain calculations should be further reduced accordingly.

3.4 Detail Plans

3.4.1 Landscape and ecology enhancement plan

The western boundary of field 1 is presently open and will require new hedgerow and tree planting rather than management of existing as indicated on the plan. Similarly the southwestern boundary of field 11.

The proposed orchard area to the western end of field 20 will provide limited screening in views from the west and would be better planted as woodland.

Mitigation planting is required in/ around the field hosting the substation. This would be a better location for orchard planting within the field with additional native tree planting within the southern boundary hedge to help screen the substation from the footpath and properties at Little Silver to the south.

A typical field planting plan should be provided to show in detail the extent of reseeding within the perimeter enclosure and proposed marginal tussock seeding, location of security fence in relation to field boundary hedgerow and means of access for maintenance.

Detailed planting plan(s) and specifications will be required to cover new tree, hedgerow and scrub planting and wildflower/ tussock grassland.

3.4.2 Access tracks

Detail construction drawings are provided for new access tracks. Dwg SD-09 rev. 01 shows a tarmac roadway and dwg. SD-06 rev. 01 shows a self-binding gravel track. It is not clear from the site layout plan where the two different surfacings will be provided and this should be clarified.

Both drawings give minimum path width dimensions. Maximum widths should also be confirmed.

Discharge of surface water run-off from paved surfaces also needs to be considered, particularly in respect of proposed tarmac surfacing, and details should be provided by condition should the application be approved.

If the plans were to be approved as proposed then the route of the existing PROW between fields 4 and 5 should be surfaced, as the confined path corridor will concentrate footfall to a narrow line that is otherwise likely to become poached and muddy in winter, much as the adjoining path section to the north.

3.4.3 Security fencing

It is not clear what the minimum offset will be between the proposed field security fencing and the adjacent boundary hedges. This should be confirmed.

Details of proposed access gates including location and design and any associated signage should also be provided.

3.4.4 Cable routing

Proposed underground cable routing is indicated to some degree on the Site Layout and Landscape and Ecology Enhancement plans but the information is too faint to be fully legible. A separate plan showing all cable routing should be provided. Details should also be provided of how cables will be taken through hedgebanks and any associated hedge/ tree impacts. Cabling details could be provided by condition should the application be approved.

4 LANDSCAPE AND VISUAL EFFECTS

As noted at section 3.1 above the assessment of landscape and visual effects are considered to be greater in a number of instances than indicated in the submitted LVIA particularly in respect of the impact on the host Landscape character area and type and also in relation to identified viewpoints.

Overall the proposals are likely to cause some harm to local landscape character and to views from local rights of way which could be reduced by reducing the extent of proposed development.

As indicated in figs. 1-3 in Appendix A below, landscape and visual effects are likely to be much greater for some fields than others. Field 4 and the western side of field 5 are of particular concern due to their proximity to and visibility from footpath 8 and also in the wider landscape. Field 8 has particular prominence in views from Higher and Lower Tale and Tale Lane and development on the higher parts of field 13 will be difficult to screen. These areas should be removed the scheme and further consideration given to mitigation measures that could reduce landscape and visual effects on the remainder of the scheme.

5 GREEN INFRASTRUCTURE CONSIDERATIONS

Overall the habitat enhancement proposals appear rather piecemeal and poorly thought through with regards to establishment of species diverse grassland.

There is an opportunity to create a significant wildlife corridor along the watercourse between the northeast corner of field 1 and northeast corner of field 20 utilising leaky dams, and where possible natural regeneration, to create a mosaic wetland habitat which could greatly increase biodiversity and provide landscape character enhancement. It may be better to focus on this and elsewhere to limit species diverse grassland creation to field margins.

There is also opportunity for improvement of existing woodland/ copses particularly the low quality coniferous plantation to the south of Peradon Farm.

The limited extent and location of proposed orchards in vicinity of fields 4 and 5 will make an insignificant contribution to landscape character or mitigation of development impacts and should be further considered. The proposed orchard to the west of field 20 would be better planted as a native copse. As noted above, the field in which the substation is proposed would be a good location for a new orchard which would screen it from receptors identified to the south.

Consideration should be given to creation of a permissive footpath route linking Clyst Hydon footpaths 5 and 7, following the water course between, to provide community benefit and help compensate for adverse impacts on rights of way elsewhere.

In a number of places where narrow gates or styles provide access for path users between fields eg along Clyst Hydon footpaths 7/8, ground in winter is very muddy and localised surfacing/ drainage improvements should be carried out to improve accessibility.

6 CONCLUSIONS & RECOMMENDATIONS

6.1 Acceptability of proposals

On the basis of the details submitted the scheme is likely to give rise to adverse landscape and visual effects that will harm local landscape character and adversely affect amenity of local public rights of way. As such the proposals should be considered contrary to following local plan policies:

Strategy 39 - Renewable Energy, item 1 due to the harm it will cause to local landscape character

Strategy 46 - Landscape Conservation and Enhancement – item 2 due to undermining of landscape quality

Policy TC4 – Bridleways footpaths and cycle routes – due to a loss of amenity particularly in respect of Plymtree footpath 8.

However, subject to a reduction in the scale of development by removal of those parts that have highest landscape and visual impact and better provision for mitigation as outlined above, proposals could be considered acceptable.

6.2 Landscape conditions

In the event that satisfactory amended information as noted at section 3 above is secured and approval is granted, the following conditions should be imposed:

- 1) No development work shall commence on site until the following information has been submitted to and approved by the LPA:
 - a) Measures for protection of existing perimeter trees/ undisturbed ground during construction phase in accordance with BS5837: 2012. Approved protective measures shall be implemented prior to commencement of construction and maintained in sound condition for the duration of the works.
 - b) A full set of soft landscape details including:
 - i) Planting plan(s) showing locations, species and number of new trees and native hedge/ shrub planting and extent of new grass areas, together with existing trees, hedgerow and habitat to be retained/ removed.
 - ii) Plant schedule indicating the species, form, size, numbers and density of proposed planting.
 - iii) Soft landscape specification covering clearance, soil preparation planting and sowing; mulching and means of plant support and protection during establishment period and 5 year maintenance schedule.
 - iv) Tree pit and tree staking/ guying details
 - v) Method statement for creation and maintenance of species rich grassland habitats.
 - c) Details of proposed colour finishes to inverter housings.
 - d) Details of proposed under and over ground cable routes together with method statements for taking underground cables through any hedgebanks.
 - e) Details of proposed drainage to deal with surface water discharge from proposed trackways and hardstandings.
 - f) Notwithstanding the submitted LEEP a detailed hedgerow management plan shall be provided. This shall include an as existing condition survey for each length of hedge, identifying its position on the Hedgelink - hedge management cycle ,any initial works required to bring to good condition, such as gapping up, removal of invasive species etc. and requirements for cutting including intended height range and cutting height and frequency.
 - g) A detailed decommissioning plan covering the removal of all temporary infrastructure from the site and identifying any areas of new habitat creation and any tracks and hardstandings which are to be retained. The plan should show how the site will be returned to agricultural use and shall include a demolition and restoration programme.
- 2) The works and subsequent management shall be carried out in accordance with the approved details. Any new planting or grass areas which fail to make satisfactory growth or dies within five years following completion of the development shall be replaced with plants of similar size and species to the satisfaction of the LPA.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Strategy 3 (Sustainable Development), Strategy 5 (Environment), Policy D1 (Design and Local Distinctiveness), Policy D2 (Landscape Requirements) and Policy D3 (Trees in relation to development) of the East Devon Local Plan.

See scanned document under documents tab for appendices

Further comments:

There is no intervisibility between any of the sites that I have been able to identify.

I think Marsh Green is too far to the west and separated by landform and vegetation to be visible in any views with any of the other sites.

It may be possible that the Horton and Peradon sites can be seen in glimpse views from some locations on the eastern edge of Ashclyst and the minor road running between Clyst St Lawrence and Paradise Copse. Both sites may be visible also in a gateway view from the minor road to the north side of Rockbeare quarry.

There is also a point on the northwestern edge of Plymtree where a glimpse view of both the Peradon and MDDC site may be obtained.

Historic England

Thank you for your letter of 25 January 2022 regarding the above application for planning permission. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

Historic England Advice

The application is for a solar farm located around Peradon Farm, situated to the east of Clyst Hydon and to the south of Plymtree. To the north of the site is Plymtree Manor. Built in the early 18th century, it has a substantial seven bay brick façade with classical detailing including two striking ionic pilasters extending 2 floors articulating the central bay. Due to Plymtree Manor's more than special architectural and historic interest the property is listed at grade II*.

Plymtree Manor falls within the ZTV of the proposed solar, is located approximately 600m from the site's boundary, and as shown from VP4, on elevated ground above the site.

The house is set within formal gardens to the east and although this appears to be relatively contained, its wider landscape setting is defined by its strong agricultural character.

The site has not been the subject of a thorough assessment through the Heritage Impact Assessment, being scoped out at an initial stage due to intervening trees, buildings and topography. The council need to ensure that they are confident that the proposed development will not result in harm to the significance Plymtree Manor derives through its setting. The council may wish to seek further information to support the assessment, such as visualisations and viewpoints, to satisfy themselves of the potential impact of the proposals, fulfilling the requirements of Para 194, NPPF. If any impact is identified then the council will need to consider whether there are any opportunities by which this impact can be avoided or minimised (Para 195, NPPF) and any remaining harm should be consider in line with Chapter 16, NPPF.

Recommendation

Historic England has concerns regarding the application on heritage grounds.

These concerns relate to the potential impact of the solar array on the significance of the grade II* listed Plymtree Manor as derived from its setting. The council need to be confident that the impact on Plymtree Manor is fully understood in order to satisfying the requirements of Para 194, NPPF and where necessary ensure that opportunities are taken to avoid and minimise any harm that may be identified (NPPF, Para 195).

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

Reference: Historic England (2015) Farmstead Assessment Framework Informing sustainable development and the conservation of traditional farmsteads.

Further comments:

Thank you for your letter of 7 April 2022 regarding further information on the above application for planning permission. On the basis of this information, we offer the following advice to assist your authority in determining the application.

Historic England Advice

Historic England provided advice on the proposed solar farm around Peradon Farm in a letter dated 14th February 2022. This set out concerns regarding the impact of the development on the grade II* listed Plymtree Manor, which is only 600m away from the boundary of the proposed site and falls within the ZTV. In our response, we highlighted that the council needed to be confident that sufficient assessment had been undertaken to ensure that the proposed development would not result in harm to the significance of the asset as derived from its setting. The amended information has provided no further assessment on Plymtree Manor and therefore it is not clear what the level of impact might be and if there are opportunities by which to avoid and minimise any potential harm (NPPF, Para 194 and 195). Therefore, the points raised in our previous response remain extant and this letter should be read in conjunction with that earlier correspondence.

Recommendation

Historic England has concerns regarding the application on heritage grounds.

These concerns relate to the potential impact of the solar array on the significance of the grade II* listed Plymtree Manor as derived from its setting. The council need to be

confident that the impact on Plymtree Manor is fully understood in order to satisfying the requirements of Para 194, NPPF and where necessary ensure that opportunities are taken to avoid and minimise any harm that may be identified (NPPF, Para 195).

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

Conservation

CONSULTATION REPLY TO

PLANNING APPLICATION AFFECTING HERITAGE ASSETS SETTING.

21/3120/MFUL

Land Adjacent To Peradon Farm, Clyst Hydon

Proposal: Construction of 49 MW solar farm, with permission being required for 40 years, comprising solar arrays, equipment housing, sub-station, fencing, CCTV, ancillary equipment, and associated development.

Background

An archaeology and heritage desk-based assessment (DBA) was prepared in November 2021 by AB Heritage Archaeology Consultancy (AB) to support the application which comprises a site that covers a total area of 64.6 hectares. The identified site is split into three areas encompassing pastoral fields, located south and west of Peradon Farm, straddling either side of Tale Lane.

Due to the character of the landscape and potential for built heritage within the area, a scoping exercise within a 5km radius of the site was undertaken, which identified 247 designated heritage assets within the study area. However the majority of these heritage assets are not inter-visible from the site and their settings will remain unaltered as a result of the proposal, these assets have therefore not been considered as part of the assessment.

Those heritage assets that do have inter-visibility and considered at risk of potential harm as a result of the development have been identified as;

- o The non-designated Inner Marsh Farm, located c. 300m to the west of the site of the proposed substation;
- o The Grade II Listed Outer Marsh Farmhouse, located immediately to the south of the cable route and c. 200m from the west end of Area 3;
- o The Grade II Listed Farrantshayes Farmhouse & Courtyard of Farm Buildings c.250m to the south;
- o The Grade II Listed Cottage called 'Barrats', situated c. 110m to the south of Area 3; and

- o The non-designated Peradon Farm c. 180m to the south-west of Area 1.
Assessment of Harm

Due to the nature of the proposal there will be no physical intervention into the built fabric of the identified buildings. The following assessment of harm has therefore focused on setting and the contribution this makes to the significance of the identified assets, this includes the context in which they are experienced.

In this respect Policy 206 of The National Planning Policy Framework (NPPF21) has been identified and provides the criteria on which the potential harm to the identified settings have been assessed; Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

For ease of reference the identified heritage assets have been addressed in turn, following a similar sequence to the accompanying AB report.

Inner Marsh Farm - non designated heritage asset

Inner Marsh Farm is identified as a non-designated heritage asset, that has been subject to much reconstruction work following a fire in the 1980's (AB report), which has resulted in the loss historic fabric that contributes to the built significance. Notwithstanding these restoration works, the historic footprint which is identified as a loose courtyard planform continues to contribute to the significance of the asset through setting, as it allows for an understanding of the historic relationship between the farmhouse and the visual character of the wider landscape.

The identified historic footprint is primarily characterised by single or double yards flanked by buildings and is mostly associated with arable farming which in this instance, is supported by the surrounding character and appearance of the agricultural landscape and to the understanding of the context in which Inner Marsh Farm as a non-designated heritage asset is experienced.

In this respect, the inter-visibility between the farmstead and wider landscape is of value. However wider views of the landscape are limited to the confines of the farmsteads immediate setting, as a result of the presence of dense vegetation within the surround.

Therefore the impact of harm on the significance of the non-designated heritage asset through setting as a result of the proposal is mostly indirect, as the visual change in landscape will mostly be experienced through glimpsed, elevated (first floor windows) and longer views of the agricultural landscape that supports the context in which the historic setting is experienced and makes a contribution to the significance of Inner Marsh Farmstead.

In conclusion the experience of the aesthetic connection between the farmstead and visual experience of the surrounding landscape, as a result of proposed change of use, will be compromised by the development.

Marsh Farm - Grade II listed (Outer Marsh Farmhouse)

Marsh Farm is a Grade II listed building of high aesthetic, historic (illustrative and associative) value, once associated with a regular courtyard planform footprint arrangement commonly associated with livestock farming. However the historic farm buildings that supported the farmsteads historic function within the landscape have subsequently been removed, which has resulted in the heritage asset now representing itself as a farmhouse with little built context.

The inter-visibility between the farm and wider landscape, in a similar manner to Inner Marsh Farm is limited to the confines of the immediate setting as a result of the presence of dense vegetation within the surround. Although there would be inter-visibility with the solar panels in views south-east of the farmhouse this visual harm is proposed to be mitigated through a planting scheme to provide additional screening. In conclusion, the impact of harm on the setting of Marsh Farm as a result of the proposal would be mitigated by additional planting.

Farranthayes Farmhouse & Courtyard of Farm Buildings - Grade II listed

Farranthayes Farmhouse and stead is Grade II listed of high aesthetic, historic (illustrative and associative) value. The planform originally associated with the stead was a double yard rectangular courtyard, the eastern part of the yard now removed. However the remaining footprint continues to hold value in that it contributes to the understanding of the historic functional relationship between the built form and the wider landscape.

The historic footprint is primarily characterised by formal courtyard layouts, where the barns, stables, feed stores and cattle shelters are arranged around a yard and carefully placed in relation to each other. Further supported by the surrounding character and appearance of the landscape, which is considered to make a valuable contribution to the understanding of the context in which Farranthayes Farmhouse and Courtyard as a designated heritage asset is experienced.

The inter-visibility between the historic courtyard and wider landscape and proposal, is limited as a result of a linear arrangement of later buildings sited to the north within the immediate setting.

Therefore the impact of harm on the significance of the non-designated heritage asset through setting as a result of the proposal in a similar manner to Inner Marsh Farm is indirect, as the visual change in landscape will mostly be experienced through glimpsed, elevated (first floor windows) and longer views of the agricultural landscape that supports the context in which the historic setting is experienced and makes a contribution to the significance of Farranthayes Farmhouse and Courtyard.

In conclusion the experience of the aesthetic connection between the farmstead and visual experience of the surrounding landscape, as a result of proposed change of use, will be compromised by the development.

Barratts Cottage - Grade II

Originally two cottages now amalgamated. A standalone dwelling not directly associated with a historic farmstead or agricultural planform, its aesthetic and historic

value is therefore mostly found in its vernacular construction and appearance set within a domestic curtilage within a wider agricultural landscape.

The inter-visibility between the cottage and the development, in a similar manner to identified farmhouses and associated steads, is limited to the confines of the immediate setting, as a result of the presence of dense vegetation within the surround. Although there would be inter-visibility with the solar panels in views from the cottage, these views are proposed to be mitigated by a planting scheme to provide additional screening.

In conclusion, the impact of harm on the setting of Barratt Cottages as a result of the proposal would be mitigated by additional planting.

Peradon Farm - Non Designated

Peradon Farm is identified as a non-designated heritage asset, which has been subject to substantial re-building following a fire in 1908. The significance of the building is found in a building appraisal of its structural condition undertaken by Martin Watts in 2019. In respect of its setting this retains the historic loose courtyard planform footprint located to the north and identified through the siting and orientation of the farm buildings their historic relationship with the farmhouse and function with the wider landscape.

As already identified this planform is primarily characterised by single or double yards flanked by buildings and is mostly associated with arable farming which in this instance is supported by the surrounding agricultural landscape that is considered to make a valuable contribution to the understanding of the context in which the non-designated heritage asset is experienced.

Therefore the impact of harm on the significance of the non-designated heritage asset through setting as a result of the proposal in a similar manner to Inner Marsh Farm and Farranthayes Farmhouse and Courtyard is indirect, as the visual change in landscape will mostly be experienced through glimpsed, elevated (first floor windows) and longer views of the agricultural landscape that supports the context in which the historic setting is experienced and makes a contribution to the significance of Peradon Farm as a non-designated heritage asset.

In conclusion the experience of the aesthetic connection between the farmstead and visual experience of the surrounding landscape, as a result of proposed change of use, will be compromised by the development.

Conclusion

In conclusion any potential harm associated with the development on views from within the immediate setting of the identified heritage assets, will be reduced through mitigation proposals to provide additional planting, which will assist with preserving the contribution the settings make to the significance of the individual heritage assets.

However as a result of the scale of the development, the cumulative impact of the solar panels on the character and appearance of the wider agricultural landscape and the contribution this makes to the setting of the heritage assets, would inevitably result

in visual harm when experienced from elevated, glimpsed and longer views. In this respect the proposed change of use of the agricultural landscape fails to enhance, preserve or better reveal the significance of the identified heritage assets through setting.

On balance the agricultural landscape which provides the context in which the significance of the identified heritage assets is understood and experienced, would be visually compromised by the proposed development as a result of its scale. Resulting in a High Magnitude of Impact on the wider setting when considered against the Medium Level of Significance attached to the identified heritage assets and in turn provides a Moderate Level of Harm to the wider setting when considered against the Magnitudes of Effects used to measure the degree of impact.

Recommend refusal

Reasons for refusal

The development proposed for the construction of 49 MW solar farm, with permission being required for 40 years, comprising solar arrays, equipment housing, sub-station, fencing, CCTV, ancillary equipment, and associated development, results in a Medium Level of Impact and in turn a Moderate Level of Harm to the wider setting and fails to satisfy Policy 206 of NPPF21.

Devon County Archaeologist

. The archaeological investigations undertaken in support of this application have demonstrated the presence of Neolithic archaeological deposits within Areas 18 and 24 - as annotated in the geophysical survey and field evaluation reports prepared by AB Heritage and submitted in support of this planning application. As such, the setting out of solar panels in these area have the potential to impact upon buried archaeological and artefactual deposits associated with the known prehistoric activity here. The impact of development upon the archaeological resource should therefore be mitigated by a programme of archaeological work that should investigate, record and analyse the archaeological evidence that will otherwise be affected by the proposed development.

The Historic Environment Team recommends that this application should be supported by the submission of a Written Scheme of Investigation (WSI) setting out a programme of archaeological work to be undertaken in mitigation for the loss of heritage assets with archaeological interest. The WSI should be based on national standards and guidance and be approved by the Historic Environment Team.

If a Written Scheme of Investigation is not submitted prior to determination the Historic Environment Team would advise, for the above reasons and in accordance with paragraph 205 of the National Planning Policy Framework (2021) and Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan, that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

'No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.'

Reason

'To ensure, in accordance with Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan and paragraph 205 of the National Planning Policy Framework (2021), that an appropriate record is made of archaeological evidence that may be affected by the development'

This pre-commencement condition is required to ensure that the archaeological works are agreed and implemented prior to any disturbance of archaeological deposits by the commencement of preparatory and/or construction works.

I would envisage a suitable programme of archaeological work as taking the form of the targeted area excavation of the two areas shown to contain Neolithic archaeological deposits to ensure an appropriate record is made of these heritage assets. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report, and the finds and archive deposited in accordance with relevant national and local guidelines.

I will be happy to discuss this further with you, the applicant or their agent. The Historic Environment Team can also provide the applicant with advice of the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work. Provision of detailed advice to non-householder developers may incur a charge. For further information on the historic environment and planning, and our charging schedule please refer the applicant to: <https://new.devon.gov.uk/historicenvironment/development-management/>.

Natural England

Thank you for your consultation on the above dated 15 December 2021.

SUMMARY OF NATURAL ENGLAND'S ADVICE NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

The following measures should be secured through appropriate conditions or obligations:

- o A Construction Management Plan (CEMP) to safeguard soil resources, detail how hedgerows and trees will be protected and to ensure no impacts on the quality of water courses or bodies during construction.

- o A Landscape and Ecology Management Plan (LEMP) including management of biodiversity habitats for a minimum of 40 years.

o To require the site to be decommissioned and restored to agriculture when planning permission expires.

Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

Internationally and nationally designated sites

We advise that impacts on national and international protected sites can be screened out from Habitats Regulations Assessment.

Protected Landscapes

The proposed development is for a site near nationally designated landscapes, namely the Blackdown Hills and East Devon AONB's. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below.

Your decision should be guided by paragraph 176 of the National Planning Policy Framework 2021 (NPPF) which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. For major development proposals paragraph 177 of the NPPF sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape. Alongside national policy, you should also apply landscape policies set out in the East Devon Local Plan.

We also advise that you consult the Blackdown Hills and East Devon AONB Partnerships. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's statutory management plan, will be a valuable contribution to the planning decision. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

The statutory purpose of AONBs is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose. Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (S85 of the Countryside and Rights of Way Act, 2000). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

Protected Species - Species protected by the Wildlife and Countryside Act 1981 (as amended) and by the Conservation of Habitats and Species Regulations 2017 (as amended)

Natural England has updated it's standing advice for protected species which includes links to guidance on survey and mitigation.

Net Gain

We advise you to follow the mitigation hierarchy as set out in paragraph 175 of the NPPF and firstly consider what existing environmental features on and around the site

can be retained or enhanced or what new features could be incorporated into the development proposal.

In accordance with paragraphs 174 & 179 of the NPPF, opportunities to achieve a measurable net gain for biodiversity should be sought through the delivery of this development. Note however this metric does not change existing protected site requirements.

In the Chancellor's 2019 Spring Statement, the government announced that it "...will mandate net gains for biodiversity on new developments in England to deliver an overall increase in biodiversity".

Accordingly, and to future proof the proposed development, we advise that the proposals are reviewed in light of this commitment towards the delivery of biodiversity net gain. In July 2021, Natural England released the updated and improved Biodiversity Metric 3.0 and accompanying guidance.

Solar Parks

For additional information relating to Solar Parks please refer to the archived Technical Information Note at the link below, which provides a summary of advice about their siting, their potential impacts and mitigation requirements for the safeguarding of the natural environment.

Solar parks: maximising environmental benefits (TIN101)

Climate Change and solar

Natural England recognises that climate change represents the most serious long-term threat to the natural environment because of the damage it will cause to ecosystems, the biodiversity, landscape value, and services to society which they support. Solar energy developments have an important role to play in meeting national targets to reduce UK contributions to greenhouse gases. The present challenge is to move to a low carbon economy without unacceptable impacts on the natural environment (NPPF para 155).

Best and Most Versatile Agricultural Land

Under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO) Natural England is a statutory consultee on development that would lead to the loss of over 20ha of 'best and most versatile' (BMV) agricultural land (land graded as 1, 2 and 3a in the Agricultural Land Classification (ALC) system, where this is not in accordance with an approved plan. From the information contained in the submitted Agricultural Land Classification report the site contains 12.5 ha of subgrade 3a land, with the remainder at subgrade 3b or 4.

From the documents accompanying the consultation we consider this application falls outside the scope of the Development Management Procedure Order (as amended) consultation arrangements, as the proposed development would not appear to lead to the loss of over 20 ha 'best and most versatile' (BMV) agricultural land.

For this reason, we do not propose to make any detailed comments in relation to agricultural land quality and soils, although sustainable soil management should aim to minimise risks to the ecosystem services which soils provide, through appropriate site design. Natural England would advise that any grant of planning permission should be made subject to conditions to safeguard soil resources, including the provision of soil resource information in line with the Defra guidance Construction Code of Practice for the Sustainable Use of Soils on Construction Sites. e.g. in relation to handling or trafficking on soils in wet weather.

Further guidance is available in The British Society of Soil Science Guidance Note Benefitting from Soil Management in Development and Construction which we recommend is followed in order to safeguard soil resources as part of the overall sustainability of the development. If, however, you consider the proposal has significant implications for further loss of BMV agricultural land, we would be pleased to discuss the matter further.

We consider that the proposed development is unlikely to lead to significant long-term loss of best and most versatile agricultural land, as a resource for future generations. This is because the solar panels would be secured to the ground with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality likely to occur, provided the development is undertaken to high standards. Although some components of the development, such as construction of a sub-station, may permanently affect agricultural land this would be limited to small areas.

However, during the life of the proposed development it is likely that there will be a reduction in agricultural productivity over the whole development area. Your authority should therefore consider whether this is an effective use of land in line with planning practice guidance which encourages the siting of large scale solar farms on previously developed and non-agricultural land.

We would also draw to your attention to guidance on Renewable and Low Carbon Energy (June 2015) and advise you to fully consider best and most versatile land issues in accordance with that guidance.

Suggested conditions

We would advise your authority to apply conditions to secure appropriate agricultural land management and biodiversity enhancement during the lifetime of the development, and to require the site to be decommissioned and restored to agriculture when planning permission expires.

The following measures may need to be conditioned in the planning permission:

- o A Construction Management Plan (CEMP) to detail how hedgerows and trees will be protected and to ensure no impacts on the quality of water courses or bodies.

- o A Landscape and Ecology Management Plan (LEMP).

If you have any queries relating to the advice in this letter, please contact me on Alison.Slade@naturalengland.org.uk.

We would not expect to provide further advice on the discharge of planning conditions or obligations attached to any planning permission.

Please note that for EIA planning applications, we give responses within 30 days, or longer if agreed in writing.

Our offices are closed between the 24 December and 4th January. We will advise you if we will need to respond later than the 14th January.

Further to my comments above, having checked, I note the proposal is not an EIA development. However we will still require additional time to respond because of our office closure.

Further comments:

Thank you for your email received 7 April 2022, requesting Natural England's consultation on an amendment to the above application.

We have considered the amended documents submitted since our January response (attached again for information) and advise we have no additional comments to make on the amendments.

Environment Agency

Thank you for consulting us on this application.

Environment Agency position

In the absence of an adequate flood risk assessment (FRA), we object to the proposed development. Specifically, the FRA does not account for the effect of climate change over the lifetime of the development. The reason for this position and advice is provided below, following advice regarding the Sequential and Exception Tests.

Sequential test - advice to LPA

What is the sequential test and does it apply to this application?

In accordance with the National Planning Policy Framework (NPPF) (paragraph 162), development in flood risk areas should not be permitted if there are reasonably available alternative sites, appropriate for the proposed development, in areas with a lower risk of flooding. The sequential test establishes if this is the case.

Development is in a flood risk area if it is in Flood Zone 2 or 3, or it is within Flood Zone 1 and your strategic flood risk assessment shows it to be at future flood risk or at risk from other sources of flooding such as surface water or groundwater.

The only developments exempt from the sequential test in flood risk areas are:

- o Householder developments such as residential extensions, conservatories or loft conversions
- o Small non-residential extensions with a footprint of less than 250sqm
- o Changes of use (except changes of use to a caravan, camping or chalet site, or to a mobile home or park home site)

o Applications for development on sites allocated in the development plan through the sequential test, which are consistent with the use for which the site was allocated.

Avoiding flood risk through the sequential test is the most effective way of addressing flood risk because it places the least reliance on measures such as flood defences, flood warnings and property level resilience.

Who undertakes the sequential test?

It is for you, as the local planning authority, to decide whether the sequential test has been satisfied, but the applicant should demonstrate to you, with evidence, what area of search has been used. Further guidance on the area of search can be found in the planning practice guidance here .

What is our role in the sequential test?

We can advise on the relative flood risk between the proposed site and any alternative sites identified - although your strategic flood risk assessment should allow you to do this yourself in most cases. We won't advise on whether alternative sites are reasonably available or whether they would be suitable for the proposed development. We also won't advise on whether there are sustainable development objectives that mean steering the development to any alternative sites would be inappropriate. Further guidance on how to apply the sequential test to site specific applications can be found in the planning practice guidance here.

Exception test - advice to LPA

The 2021 revision to the NPPF identified Solar Farms to be considered as Essential Infrastructure and, in accordance to Table 3 of the Flood Risk and Coastal Change section of the Planning Practice Guidance, the Exception Test is required. The application is partly located within Flood Zone 3 and must therefore demonstrate that the proposal is designed and constructed to remain operational and safe in times of flood. Our comments on the proposals relate to the part of the exception test that demonstrates the development is safe. The local planning authority must decide whether or not the proposal provides wider sustainability benefits to the community that outweigh flood risk.

Reason for position - The proposal site is located partially in Flood Zone 3, identified by Environment Agency flood maps as having a high probability of flooding. Whilst we do not raise an in-principle objection to the proposal, the currently submitted FRA does not adequately consider all of the flood risks posed to the site. There are areas within the site boundary which are currently mapped as Flood Zone 1 (low risk) but which would be at higher risk of flooding by the end of the development's lifetime. It is therefore important that the future risk is assessed, including the existence, position and size of the areas at risk in the future, to be able to fully consider the Sequential and Exception Tests. The assessment of future flood risk may also influence whether there is a more appropriate layout for the development.

The NPPF is quite explicit in that development should take into account the impacts of climate change of their lifetimes. Of note is section 2.4.4 of the submitted FRA which states that 'Due to the nature of the proposals and the development areas being outside of the current flood zones, no climate change has been accounted for in fluvial flood levels.' In this instance, the sensitivity of land outside the current published flood maps for planning, namely Flood Zone 2 'Medium' risk and Flood Zone 3 'High' risk, to increased fluvial flows, has not been appraised. This is important because whilst

the majority of the areas of floodplain at 'high' and 'medium' risk are well defined, there are low lying areas adjacent to Flood Zone 2 and 3 that may fall within such at the end of the lifetime of the development proposed.

Overcoming our objection

The applicant may overcome our objection by submitting further information to cover the issues raised in this letter. Specifically, the applicant should provide clarification on the effects of climate change on the risk of flooding to the areas outside the published extents of Flood Zone 2 and 3 within which built development is proposed, and that the FRA be revised to demonstrate such, before determination of the application. We advise that this additional information does not necessarily require detailed modelling and could, for example, be demonstrated by reference to topographical survey and a site walkover.

Please contact us again if you require any further advice.

Further comments:

Thank you for your consultation of 07 April 2022 following submission of further information in respect of this planning application.

Environment Agency position

We have reviewed the Flood Risk Assessment and Drainage Strategy (FRA) dated February 2022 and we are satisfied that the consequences of climate change on the proposed development over its potential lifetime have now been adequately addressed and demonstrated. We are therefore able to withdraw our objection.

Reason

The findings of the revised FRA identify that the areas proposed for the location of panels would primarily be within the low probability Flood Zone 1 even when consideration is given to predicted climate change allowances on fluvial flows after the 2080s. However, we note that a sizable part of Plot 20 will be sensitive to flooding from higher flows as a consequence of climate change later in its lifetime. This is shown in Appendix H of the applicant's revised FRA (February 2022).

In light of the above we consider that your authority is now in a position to make a fully informed decision about the proposal. Given the future risks your authority may be mindful to seek a minor revision to plot 20 (in accordance with the spirit of the sequential approach). However, we are satisfied that the proposal is broadly in accordance with the requirements of the National Planning Policy Framework. For example, the proposal will not increase flood risks elsewhere and all transformers are to be located on higher ground as detailed in para 2.4.6 of the revised FRA.

DCC Flood Risk SuDS Consultation

Although we have no in-principle objection to the above planning application at this stage, the applicant must submit additional information, as outlined below, in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

Observations:

The applicant has proposed swales with filter drains in places. However, these features should cover the downslope areas across the site.

Within the Flood Risk Assessment and Drainage Strategy (Rev. P5; dated 5th November 2021), the applicant has discussed the use of gravel trenches around buildings. The applicant should depict these trenches on a plan.

The applicant has noted that the works to install the photovoltaic panels could compact the soil. The applicant should clarify whether this could be avoided. If this cannot be avoided, will the applicant be able to remediate the soil?

The applicant should design an appropriate easement along the existing watercourses (this includes field ditches).

Any works within any of the Ordinary Watercourses (including field ditches), such as to provide access, will require Land Drainage Consent from Devon County Council's Flood and Coastal Risk Management Team.

The proposals to form a connection into an Ordinary Watercourse, including the connection from the proposed Tale Lane surface water storage area, may require Land Drainage Consent.

Concentrated runoff from the panels is likely to lead to erosion of the ground surface below, contributing significantly to water quality issues downstream/downslope.

Tussock grasses should dominate around and beneath the photovoltaic panels to limit soil erosion caused by runoff from the panels. Allowing the site to naturally colonise is likely to leave the soil surface significantly vulnerable to erosion, particularly during intense precipitation events. It is also imperative that these grasses are maintained regularly when the site is operational as the soil structure and the quality of the downstream watercourse or agricultural land will greatly depend on this.

It is strongly advisable that the reader consults Natural England's Technical Information Note (TIN101), 'Solar Parks: Maximising Environmental Benefits', for further information on the vegetation and soil quality issues associated with these developments. The above document can be accessed through the National Archives at the following address: <http://publications.naturalengland.org.uk/publication/32027>.

Further comments:

Recommendation:

At this stage, I am unable to withdraw our objection, but would be happy to provide a further substantive response when the applicant has formally submitted the additional information requested below to the Local Planning Authority.

Observations:

Following my previous consultation response (FRM/ED/3120/2021; dated 21st January 2021), the applicant has submitted additional information in relation to the

surface water drainage aspects of the above planning application, for which I am grateful.

The applicant could consider swales, instead of filter trenches, for managing surface water flows across the site. Unlined swales could provide opportunities for biodiversity and still allow infiltration into the ground. These swales could be designed as 'cut-off ditches' and contain check dams to 'slow the flow'.

The applicant should discuss the proposed drain beneath Tale Lane with Devon County Council's Highways Team. The applicant will need to consider how the existing highway ditches along Tale Lane will be affected by the construction of this drain. Erosion control should be considered at the outlet of this drain.

The applicant should confirm where soakaway tests could be conducted after construction has been completed. The applicant could aerate soils after construction has finished.

Devon County Highway Authority

This project was presented to the County Highway Authority (CHA) in pre-application form in 2020, where we recommended a Construction and Environment plan (CEMP), swept path analysis and route plan was submitted as part of any formal planning application. I do not have a record of seeing a suggested route plan at that stage.

Reviewing the planning application, I am pleased to see mitigation measures such as a pre and post highway condition survey of the bend prior to Clyst Hydon, reinforcing the major run-over point in the delivery route and the banksmen at the Tale Lane crossing point.

The ultimate point for the CHA is that for the 26 weeks of construction, an average of 6 construction deliveries (12 trips) is expected per day, there is nothing to stop these journeys being taken up by any member of public, as long as they are adhering to weight restrictions.

Once constructed solar farms require minimal maintenance trips during their life. I believe the CEMP could provide a few more details to be clearer, which can easily be resolved, the mini-bus of employee transport is appreciated, however it was not made clear if these trips would be using the same route as the construction traffic and where the mini-bus will be travelling from. Additionally, the working hours are described as 'Expected to be between 8:00-18:00', we would hope to ensure this, to avoid untimely traffic movements.

Finally, the CEMP aims to avoid deliveries during peak hours, I propose a delivery booking system, so that the Clyst Hydon Primary school commute times can be avoided, especially for pedestrians.

In summary, I believe with some essential adjustments to the CEMP and conditioning of the construction routing plan, a safe and amenable delivery of this planning application can be undertaken.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, IS LIKELY TO RECOMMEND REFUSAL OF PLANNING PERMISSION, IN THE ABSENCE OF FURTHER INFORMATION

Further comments:

Addendum 28/01/2022

The client for this planning application has sent me details of the routeing to be used for the mini-bus contractor transportation and has ensured that the working hours on the site will be stipulated between 08:00-18:00.

Additionally, the applicant has agreed to instil a delivery booking system in which Clyst Hydon primary school commuter times will be avoided.

Therefore, with the above information in mind, the County Highway Authority is now happy to drop its stance of objection.

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

Further comments:

Addendum 11/05/2022

The CHA has been re-consulted upon amended plans for this application and has no further comments to add.

Environmental Health

Due to a risk of low frequency noise further plans/information is required on the locations of all the sub-stations. This information is required before I can make any recommendation.

I have reviewed the submitted documentation together with the locations of the inverters/transformers and main substation and I have no Environmental Health concerns. These comments update my comments made on the 21st December.

Further comments:

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

EDDC Trees

The application is supported by an arboricultural report prepared by Aspect Tree Consultancy (10.11.2021) including an Arboricultural Impact Assessment and Tree Protection Plan. Together this information demonstrates that the proposal will have

minimal impact on the trees at the site and therefore I have no objection to this development with the following pre-commencement condition:

No works will take place at the application site, until a detailed AMS has been submitted to the LPA and approved in writing. The AMS will include all relevant details to protect the retained trees, including a detailed TPP. Relevant details may include but are not limited to construction methods, construction traffic management, demolition methods, finished levels, ground protection, landscaping methods and materials, material storage, service runs and tree protection barrier fencing. The AMS will also include details of a clerk of works schedule that specified arboricultural supervision at appropriate stages of the development process. Any variations to the details of the AMS must only be undertaken after the proposed variations have been agreed in writing by the LPA.

(Reason - To ensure retention and protection of trees on the site prior to and during construction 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 New East Devon Local Plan 2013-2031).

Exeter & Devon Airport - Airfield Operations+Safeguarding

I acknowledge receipt of the above planning application for the proposed development at the above location.

This proposal has been examined from an Aerodrome Safeguarding aspect and does not appear to conflict with safeguarding criteria.

Accordingly, Exeter Airport have no safeguarding objections to this development provided there are no changes made to the current application.

Kindly note that this reply does not automatically allow further developments in this area without prior consultation with Exeter Airport.

Police Architectural Liaison Officer - Kris Calderhead

Thank you on behalf of Devon and Cornwall Police for the opportunity to comment on this application.

Due to the somewhat isolated nature of the location, the risk of theft and damage is significant given that a determined effort can be made to gain access to the site with little chance of detection. Therefore, it is important that crime prevention measures are considered and embedded into the design.

I note that 'The Proposed development will be enclosed by deer fencing attached to wooden posts, with CCTV and trigger lighting providing security.'

1. I am unsure whether such fencing is security rated? Unless it is certificated to a nationally recognised security standard such as LPS 1175, it will offer little protection to prevent unauthorised access.
2. Will the CCTV system be monitored? Without any form of active monitoring or a monitored intruder detection system, in my view CCTV will not be effective at

preventing unauthorised access or crime. A monitoring capability enabling a proactive response to incidents as they occur would be more beneficial.

I would appreciate it if further information on the two points above could be provided.

Further comments:

Good morning,

Thank you for further consultation in relation to this planning application.

I note and appreciate the comments from the applicant with regards to the queries I raised in my initial response.

I have no further comments at this time.

Other Representations

At the time of writing this report, a total of 488 third party representations have been received. Of those, 144 are in support of the proposal, and 344 are objections.

The planning matters raised in support of the proposal are:

- Production of renewable energy.
- Any disruption during construction will be short term and can be managed.
- Would not be visually obtrusive.
- The land could still be farmed.
- Wildlife benefits.
- Insufficient brownfield land available.

A considerable number of the comments in support have been submitted via an online form/via the applicant's website and are of a very similar nature and format. Whilst this method of submitting comments is less commonly used, it is considered to be legitimate and this form of commenting is valid.

Officers are however aware that some of the authors of these comments in support have subsequently advised various parties that they have not written in support of the proposal. This adds some considerable doubt to the validity of a number of those representations in support of the proposal.

Many of the objections are in the form of a standard template letter. The planning considerations detailed in that are:

- Detrimental impact on the countryside.
- Cumulative impact.
- Use of best and most versatile farm land.
- Flood risk.
- Impact on heritage assets.
- Ecological harm.
- Highway safety implications.
- Contrary to the NPPG

- Contrary to the Local Plan.

The objections which are not in the form of the template letter raise the following additional planning considerations:

- Pollution of the land.
- Loss of amenity/disruption during construction.
- Negative impact on tourism.
- Detrimental to public footpaths.
- Noise and light pollution.
- The scale of the proposal.
- Impact on trees.

PLANNING HISTORY

None.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 3 (Sustainable Development)

Strategy 7 (Development in the Countryside)

Strategy 39 (Renewable and Low Carbon Energy Projects)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)

EN14 (Control of Pollution)

EN21 (River and Coastal Flooding)

EN22 (Surface Run-Off Implications of New Development)

TC7 (Adequacy of Road Network and Site Access)

EN6 (Nationally and Locally Important Archaeological Sites)

Government Planning Documents

NPPF (National Planning Policy Framework 2021)

Site Location and Description

This application relates an area of land to the east of Clyst Hydon, which is centred on Peradon Farm. The land is agricultural in nature, and the fields are, on the whole, bounded by hedges. There are some copses in the area, as well as some individual trees in the aforementioned hedgerows - none of which are the subject of a Tree Preservation Order. The majority of the land within the site is relatively flat or gently undulating, contained within the Clyst watershed. Although there are some parts of the site which are on modest slopes, with fields 4, 5, and 6 being on a spur, and fields 8 and 9 being reasonably steeply sloping. Some of the areas closest to water courses within the site are designated as flood zones by the Environment Agency (EA). There are no landscape designations which impact the site.

The C class road between March Cross and Higher Tale runs through the site, with some fields to the north of this, and others to the south. There are some public footpaths which run through, or close to the site. In particular, Clyst Hydon footpath 8, which links Marsh Cross with Plymtree, runs through part of the site, between fields 4 and 5. Clyst Hydon footpath 7 crosses over the proposed access to the substation.

Although the area is sparsely populated, there are some dwellings close to the application site. A small number of those are listed buildings.

Proposal

Planning permission is sought for the construction of a 49 MW solar farm. The development would include solar arrays, equipment housing, sub-station, fencing, CCTV, ancillary equipment, and associated development, such as access roads/tracks for maintenance. It is proposed that the development would remain in place for 40 years.

This proposal is one of four solar development currently under consideration in this part of Devon, with application 22/0783/MFUL to the east of Talaton, application 22/0990/MFUL near Marsh Green, and a site near Langford in Mid Devon District Councils area, all currently at different stages of consideration.

Clearly though, whilst the cumulative impact, if one or more of the other developments was approved alongside this application is for consideration and assessed below, the key focus of this report is the proposal at Peradon Farm. The recommendation made in this report relates only to the proposed development at Peradon Farm.

The farm has been the subject of farm diversification projects with the farm being modernised over the last 15 years with new dairy facilities, repair to cottages, letting for AIRBNB, running catering at shows and the proposal is to now diversify further through the solar farm which will help to support the farm going forward through the extra income.

ANALYSIS

The key considerations in the determination of this application are:

1. Principle and justification for site selection;
2. Impact on agricultural land;
3. Visual impact;
4. Highway safety;
5. Impact on public footpaths;
6. Impact upon heritage assets;
7. Impact upon residential amenity;
8. Impact upon trees;
9. Flood Risk/Drainage;
10. Aviation impacts;
11. Ecological impacts;
12. Cumulative impacts;
13. Carbon impacts;
14. Grid connections.

Principle and justification for site selection.

Strategy 39 (Renewable and Low Carbon Energy Projects) of the adopted Local Plan supports and encourages renewable energy projects. This provides support for the proposal with the reason justification to the policy stating that 'Significant weight will be given to the wider environment, social and economic benefits of renewable or low-carbon energy projects whatever their scale'.

Strategy 39 states that such support is subject to there being no adverse impacts on features of environmental and heritage sensitivity, including any cumulative landscape impacts and visual impacts, being satisfactorily addressed. It further states that applicants should demonstrate that they have taken appropriate steps in considering the options in relation to location, scale and design, avoiding harm and then reducing any harm through mitigation.

The applicant has addressed this through paragraph 3.1.1 of the submitted Design and Access Statement states that:

" the decision to position the Proposed Development in the location identified has been informed by a balanced approach to minimising the impact of the proposals upon local receptors and constraints with wider and longer range impacts. The following factors have been taken into account:

- Proximity of the Site to a point of connection to the electricity grid - 132kV overhead lines (OHL) cross the Site allowing direct connection to the grid via an existing tower;
- Proximity of the Site to roads and points of access - the Site benefits from direct access to Tale Lane via a series of existing gates;
- Potential landscape and visual impact - the Site does not fall within an Area of Outstanding Beauty (AONB) or other landscape designation;
- Identification of land that is of lower agricultural land quality - the Site is predominantly Grade 3b (moderate quality) and 4 (poor quality) soil;
- Impact on the amenity of local residents - the Site is rural and the Proposed Development has been designed in such a way to minimise visual impacts on surrounding settlements and PRow; and

- Ecological suitability - the Site is outside and not close to environmental designations."

On the basis of the above, it is considered that the applicants have sought to address Strategy 39 by assessing and choosing the site in terms of its suitability for solar development and need to avoid and mitigate any impacts.

Officers are satisfied with the process undertaken to select the site to which this application relates. However, it is noted that some objectors feel that the site is not appropriate, or have indicated a preference for the development to take place elsewhere. Those comments are understood, but it is the job of the Local Planning Authority to assess planning applications as submitted, rather than to direct development to alternative sites.

Officers are content with the site selection process, which takes into account the availability of a grid connection, agricultural land grading, accessibility, visual impact, and the avoidance of designated landscapes and is sound in its approach. Notwithstanding this, and notwithstanding the support in principle provided by Strategy 39, the proposal must be considered in detail against all other relevant policies and potential impacts. The remainder of this report will focus on assessing those areas.

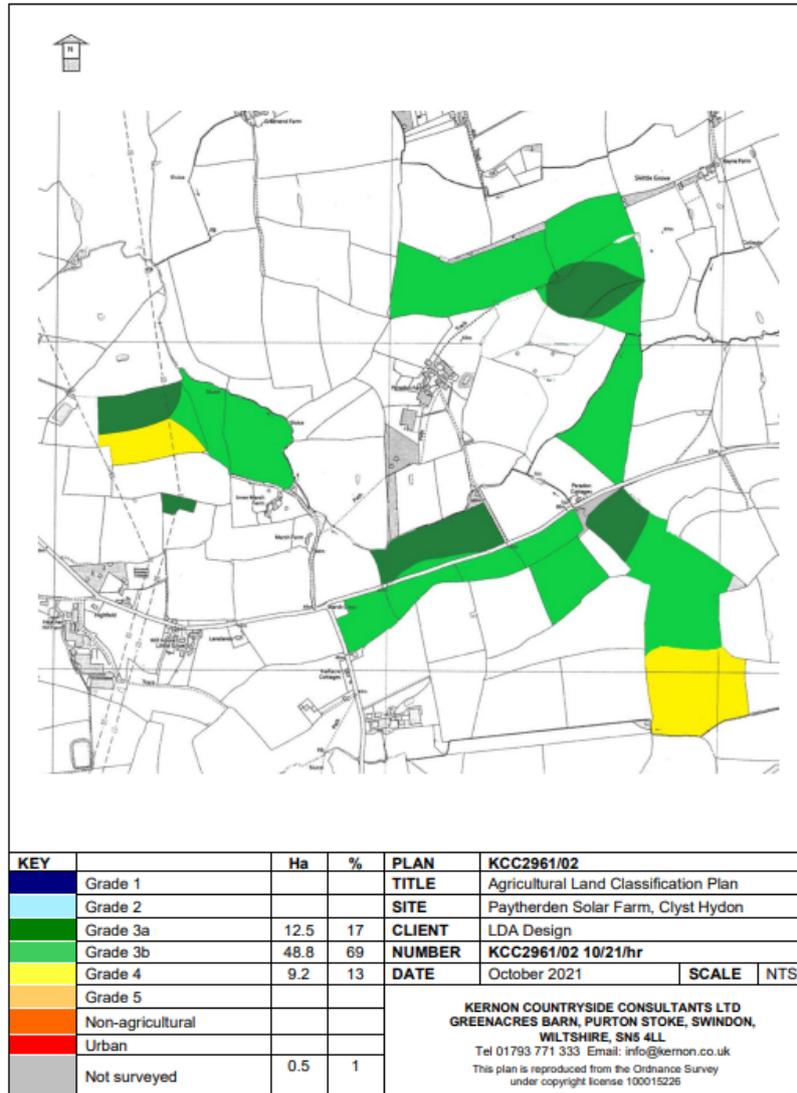
Impact on agricultural land

The submitted Land Classification report shows that proposal site consists of land which falls within agricultural land classifications 3a, 3b or 4; with 17% of the site being grade 3a, 69% falling in grade 3b, and 13% classed as grade 4. 1% of the site area was not surveyed in the submitted report, but this constitutes just 0.5 hectare of a 71 hectare site. Grade 3a land is considered to be 'good', 3b land is deemed to be 'moderate', and grade 4 land is poor quality.

Policy EN13 (Development on High Quality Agricultural Land) of the East Devon Local Plan 2013 - 2031 (EDLP) states that land within classes 1, 2 and 3a shall be protected, and may only be developed if the following criteria are met:

- Sufficient land of a lower grade (Grades 3b, 4 and 5) is unavailable or available lower grade land has an environmental value recognised by a statutory wildlife, historic, landscape or archaeological designation and outweighs the agricultural considerations. Or
- The benefits of the development justify the loss of high quality agricultural land.

In this instance, the submitted report indicates that the site is a mixture of grades 3a, 3b and 4, and some fields within the proposed site contain areas of more than one class, as shown below:



The land classifications shown above broadly concur with the information owned by the Council relating to that matter. Given that, it is considered that there is no reason to doubt the findings of the submitted land classification report.

The fact that some fields contain land of more than one class presents a minor issue. This being, if it is considered that the grade 3a area cannot be developed in any way, it is necessary to question whether it would be practicable to develop only the grade 3b or 4 areas within those fields, or whether the two classes can be farmed differently when they are in the same field. Certainly, in the past, it has been considered that dividing a field by its land classification would not be a practical way to farm. Indeed, the Council's Development Management Committee approved application 19/2832/MFUL, which also related to a solar development, when that argument was made. It is considered that no strong case has been made to alter that view. Therefore, given that 82% of the site is not the Best and Most Versatile (BMV) land, with the 17% in Grade 3a within part of existing fields, it is considered that it would be difficult for the Council to refuse the proposal on the grounds that a small amount of grade 3a land is proposed to be developed

Furthermore, whilst the presence of solar panels would prevent the land being used for the purpose of growing crops, they would not prevent the land being used for grazing purposes, so the land would not be completely lost to agriculture should this development take place. This argument is supported by section 4.1 of the Design and Access Statement which says:

"Peradon Farm will continue to operate as a working farm while the solar farm is in place. The Site, including the areas between panels, will be used for sheep grazing for conservation purposes."

Additionally, as the proposal is to retain the panels for 40 years, it is feasible that the land can be returned for full agricultural use following removal of them. Especially so, as it is generally accepted that the installation of solar panels is not detrimental to the agricultural quality of the land. Indeed, Natural England supports this view where, in its comments to the Council, it states:

"We consider that the proposed development is unlikely to lead to significant long-term loss of best and most versatile agricultural land, as a resource for future generations. This is because the solar panels would be secured to the ground with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality likely to occur, provided the development is undertaken to high standards. Although some components of the development, such as construction of a sub-station, may permanently affect agricultural land this would be limited to small areas."

The above comments alone, however, are not sufficient for the proposal to be considered to comply with Policy EN13 of the EDLP. It is considered that the justification for the site is sufficient to meet criteria 1 of that policy, but criteria 2 remains unanswered in terms of whether the benefits from the development outweigh the loss of grade 3a agricultural land.

However, a critical issue impacting the world at the current time is climate change and, whilst food supply is an issue linked with that, a key part of addressing the climate emergency is reducing the reliance on fossil fuels; renewable energy has a vital role to play in that. This is recognised in the EDLP, through Strategy 39 (Renewable and low Carbon Energy Projects), which makes provision for renewable energy projects. The pre-amble to that strategy states that:

"significant weight will be given to the wider environmental, social and economic benefits of renewable or low carbon energy projects, whatever their scale".

Clearly, this does lend some significant support to the scheme. However, that support must be balanced against the impact on the agricultural land, in order to ascertain whether criteria 2 of policy EN13 has been met.

In this instance, planning permission is sought for 40 years. This would mean that, whilst, the land would be lost to all agricultural activity other than grazing for that period of time, it could be used again for agriculture upon expiry of the permission. Information supplied indicates that the presence of the solar panels would not be detrimental to the quality of the land. Consequently, taking into account those factors, as well as the

climate emergency and the environmental benefits offered by solar parks, it is considered, on balance, that the proposal would meet criteria 2 of policy EN13, as there is sufficient justification for the partial and temporary loss of the land for agricultural purposes.

The National Planning Policy Framework 2021 (NPPF) is balanced with regard to the issue of using agricultural land for renewable energy. In paragraph 174 the NPPF states that planning decisions should take into account the impact of development upon BMV. However, in paragraphs 152 to 158, the NPPF recognises the challenges posed by climate change and seeks to encourage planning decisions which allow renewable energy projects. Given that the NPPF balances the two issues, it is considered that the proposal, which seeks permission for 40 years, and would not be considered to harm the quality of the land, would comply with the NPPF. This is on the basis that it retains the quality of the land, and would also provide renewable energy.

Natural England, in their comments about this proposal, states that the Council should consider whether the development is an effective use of the land. It is acknowledged that, Natural England, notwithstanding their quoted comment above, highlights that it is "likely" a reduction in agricultural productivity would arise during the lifetime of the development. However, given all the comments above, it is considered, on balance, that the proposal is a suitable use for the land; the use would be temporary, would not completely prevent the site being used for agricultural purposes, and would produce renewable energy.

Notwithstanding the above, it is also important to consider the cumulative impact on agricultural land in the event that all of the four major solar developments in the vicinity of the site were approved (those applications being the one to which this report relates, application 22/0783/MFUL to the east of Talaton, application 22/0990/MFUL near Marsh Green, and a site near Langford in Mid Devon District Councils area). The agricultural land classification reports for those developments in East Devon show the land involved to be as follows:

Agricultural Land Grade	Area of land in hectares		
	21/3120/MFUL (Peradon Farm)	22/0783/MFUL (East of Talaton)	22/0990/MFUL (Marsh Green)
1	0	0	0
2	0	0	0
3a	12.5	7.9	7
3b	48.8	46.1	80
4	9.2	2.7	0
5	0	0.4	0
Other/unsurveyed	0.5	0	0

The application within Mid Devon District Council does not give the hectares in any classification, but it does clearly state that no field has a grade above 3b.

Given the above, it is clear that the majority of the land to which these applications relate is 3b or below. Land above grade 3b is generally considered to be of higher quality and, therefore, not suitable for development. However, as described earlier in this report, the use of some land of a higher grade, provided it is a small amount, can

be considered acceptable if excluding it from the site would not be practicable. The same principle can be used when considering the cumulative impact in the event that all four of the current applications were approved. Therefore, given the details above, it is considered that the cumulative impact of this proposal on the loss of higher quality agricultural land would be limited, and would be acceptable given the renewable energy benefits proposed.

Finally it is pertinent to note that whilst there are extensive areas of agricultural land available across the district and across the country that can be farmed, and farmed more productively to address current food prices, there is a need to transition to renewable energy production and this necessitates the use of undesignated landscapes that are near to grid connections and which do involve the loss of significant amounts of BMV agricultural land.

The visual impact of the proposal

The proposal has been considered by the Council's Landscape Architect, who questioned the visibility of some parts of the site. In response, the applicants have supplied amended details. The updated information includes enhanced landscaping, such as growing hedges to a greater height to improve screening and expanded areas of planting; both on and off site. It is considered that these changes are sufficient to ensure that the proposal would not be overly visually harmful in the immediate setting of it.

The Landscape Architect identified that the site may be visible from wider views on higher ground. The highway between Clyst Hydon and Paradise Copse is one such place. The amendments to the proposal would not completely remove this impact, but it is considered that they would result in some reduction on the visibility of the site from such locations. Furthermore, the layout of the site is such that from longer views it would be seen as a number of smaller solar developments set among the wider landscape. With the enhanced landscaping now proposed, it is considered that the impact of the development from higher viewpoints would be at a level where, when the benefits of the proposal are considered - in particular the production of renewable energy during the climate crisis - the modest visual impact is considered acceptable on balance.

It is recognised that some concerns have been expressed regarding the proposal changing the nature of the landscape and countryside, but solar farms in rural areas are now more common and will likely become even more common as we switch to energy production from renewable energy and address high energy prices. Whilst there will be some impact from construction, this is short term and following this solar farms are quiet generating little activity and if well screened can be assimilated into the countryside to an acceptable degree.

Given the distance between the application site the other proposed solar developments, it is considered that there would be limited locations where parts of more than one development could be seen if they were all approved. Certainly, closer to the sites, the nature of the highways, often with high hedges beside them, and the patchwork of hedges crossed by public footpaths, the view of more than one site would be very limited.

From higher locations, any views of more than one site would be distant and broken by the topography and other landscape features. The Council's Landscape Architect considers that there are few locations where any harmful view of one or more solar farm would be possible, and has stated:

"There is no intervisibility between any of the sites that I have been able to identify.

I think Marsh Green is too far to the west and separated by landform and vegetation to be visible in any views with any of the other sites.

It may be possible that the Horton and Peradon sites can be seen in glimpse views from some locations on the eastern edge of Ashclyst and the minor road running between Clyst St Lawrence and Paradise Copse. Both sites may be visible also in a gateway view from the minor road to the north side of Rockbeare quarry.

There is also a point on the northwestern edge of Plymtree where a glimpse view of both the Peradon and MDDC site may be obtained."

Officers have visited the above-mentioned gateway, and are satisfied that any views of the proposed solar developments to the north would be screened by trees.

Therefore, given the above comments, whilst it is acknowledged that there will be some visual impact as a result of the proposal, it is considered that the level of impact would be at a level where it is outweighed by the benefits of the scheme, even if more than one of the proposed solar schemes was approved. Consequently, the proposal is considered acceptable in terms of its visual impact on the countryside.

The impact of the proposal on highway safety

It is clear that the impact of the proposal upon local highways is an area of concern for local residents. The times at which the proposal would have the greatest impact upon the highways would be during the construction and decommissioning stages. Outside of those times, vehicle movements to/from the site would be limited.

A Construction Traffic Management Plan has been submitted with the proposal. This details the route which vehicles would travel to the site, the type of vehicles to be used, when they can travel and other related matters. Adherence to this document can be secured by condition in the event that this application is approved.

The County Highway Authority has assessed the proposal and is satisfied that the development can take place without causing harm to the highway network, or the safety of those using it. Given this, it is considered that the proposal is acceptable in terms of its impact on the highway network.

Notwithstanding the above, it is also important to consider the cumulative impact on highways in the event that all of the four major solar developments in the vicinity of the site were approved (those applications being the one to which this report relates,

application 22/0783/MFUL to the east of Talaton, application 22/0990/MFUL near Marsh Green, and a site near Langford in Mid Devon District Councils area).

The Marsh Green site is some distance from the location of the other sites. The details submitted with the Marsh Green application show that the traffic generated by the proposal would only share routes with any of the other proposed developments whilst on the A30, M5 and for a very short section of the former A30, close to Daisymount junction, where a small amount of Marsh Green related traffic would use the same road as the main access to the 22/0783/MFUL (Horton) proposal. Therefore, it is considered that if the Marsh Green site were approved, it would not have a detrimental impact on the highway if another of the developments in question was also approved.

The submitted traffic details relating to the Peradon Farm site, to which this report relates, show that the main access to the development would not overlap with the access to the site in Mid Devon. However, there would be an overlap with part of the access route to the 22/0783/MFUL (Horton) site. It is noteworthy though, that the overlap is with the route to the connection compound for the Horton site, rather than to the main area of development. The traffic plan for the Horton proposal shows that there would be a total of 16 vehicle movements which would overlap with the proposed access into the Peradon Farm site. A short section of the access route to the Horton connection compound would also overlap with the proposed route into the Mid Devon site.

Despite this overlap, given the small number of vehicle movements associated with the Horton site which would overlap with another development, it is considered that the additional impact if a combination of, or all of, the Peradon, Horton and Mid Devon sites were approved, would be negligible.

Aside from the above, as none of the main routes to the sites overlap, it is considered that the cumulative impact on highways, if the Peradon Farm site was approved alongside the sites at Horton, Marsh Green and in Mid Devon, would be minimal.

The impact of the proposal on public footpaths

There is one public footpath which runs directly through the site, as well as a small number of others in the vicinity. Clearly, the path which runs directly through the site would be the one most impacted by the proposal. The submitted plans show that a buffer would be left either side of the path, and that the land within that would be landscaped to reduce the visibility to the site from that path. Despite this, the character of that area of path would change, and it is possible that solar panels may be visible from the path. This, however, would not impact upon the ability to use the path. Given that, with the visual impact of the proposal considered to be acceptable, and noting that the County Council Rights of Way Officer has not objected to the proposal, it is the view of the Local Planning Authority that the proposal is acceptable in terms of its impact on public footpaths.

Conservation and Archaeology impact

The proposal has the potential to impact upon a number of designated and non-designated heritage assets that are proximate to the application site, in such

circumstances the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) imposes a duty on Local Planning Authorities to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The updated guidance in the NPPF takes this further (Paragraph 199) by stating:

'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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'

Therefore it is incumbent on Local Planning Authorities to assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) and then consider whether the proposal is likely to have any harm to the significance of the asset that is being considered taking into account available evidence and any necessary expertise.

The proposal has been assessed by Historic England (HE) and the Council's Conservation Officers.

The latter of those has raised concerns about the cumulative impact of the development on the setting of listed buildings within the vicinity of the site. This is on the basis that the original setting of those buildings is that of agricultural land. However, the Conservation Officer does concede that some of this impact can be mitigated through enhancements to the proposed landscaping. It is acknowledged that the change in landscape would have a degree of impact on the setting of some of the designated heritage assets surrounding the site, however, the setting in the majority of circumstances is not the significance of the asset or why that asset was designated in the first place, the architectural or historic form of the assets are their most significant factor. With that in mind, the amended proposals for the development included enhancements to the landscaping, including allowing hedges to grow higher, in order to reduce the visual impact of the development as a whole. In turn, these changes would reduce the impact on the listed buildings and their wider landscape setting.

However, it is notable that Historic England has provided comments on the amended plans, but has not objected to the proposal. Rather, they have drawn the Council's attention to the potential impact of the proposal on Plymtree Manor, a grade II* listed building (one of the more important assets in the local landscape) located around 500 metres north of the site.

With regard to Plymtree Manor, the Council notes the distance between the property and the northern edge of the application site. It is also noteworthy that Plymtree Manor is situated in a wooded curtilage, and has its main elevation facing east, not south towards the proposed development. Furthermore, there would be three hedgerows between the asset and proposed development, which contain trees, the last of which forms the boundary of the site, so it is proposed that this hedge will be allowed to grow higher (up to 5-6 metres, according to the updated Landscape and Ecology Management Plan). Given these factors, and as it would be the rear of the panels which would face in the direction of Plymtree Manor, it is considered that the impact

of the proposal on the significance of the asset will be sufficiently mitigated to ensure that no harm is caused to the setting of that property.

With reference to other listed buildings in the vicinity of the site, it is again noted that there would be a degree of separation between them and the proposed development, as none of them immediately adjoin the red line. In all instances, the boundary treatment facing toward a listed property would consist of either a hedge (shown on the landscaping plan to be either 2-3 metres high, or 5-6 metres high), or an area of new woodland.

Given the above comments, and noting the lack of formal objection from Historic England, it is considered that should the proposed development take place, it would have a less than substantial harm on the listed buildings in the vicinity of the site. This is on the basis that no listed building immediately adjoins the site, consideration of the significance of each individual asset, and that the proposed landscaping would overcome the concerns relating to the overall landscape setting which were raised by the Council's Conservation Officer. Accordingly, it is considered that the public and environmental benefits (explained in more detail elsewhere in this report) of providing renewable green energy, especially given the current climate crisis and the fact that the loss of high grade agricultural land would be limited, would outweigh any less than substantial harm to the significance of heritage assets, in accordance with Paragraph 202 of the NPPF.

The proposal is therefore considered acceptable in relation to Policy EN9 of the EDDC Local Plan, Paragraphs 195, 199 and 202 of the NPPF and the duty under Section 66 of the Town and Country Planning (listed Buildings and Conservation Areas) Act 1990 (as amended).

Notwithstanding the above, it is also important to consider the cumulative impact on listed buildings in the event that all of the four major solar developments in the vicinity of the site were approved (those applications being the one to which this report relates, application 22/0783/MFUL to the east of Talaton, application 22/0990/MFUL near Marsh Green, and a site near Langford in Mid Devon District Councils area).

The site at Marsh Green is considered to be significantly detached from the other sites, to ensure that there would be no cumulative impact if that site was approved alongside one or more of the others. With regard to the other sites, which are situated closer to each other, the sparsely populated nature of the area results in there being a small number of buildings located close to each of the sites. Of those, only some are listed, or are other heritage assets, and none are located in close proximity to more than one site. Consequently, the cumulative impact on listed buildings or heritage assets, should all the above-mentioned developments be approved, would be negligible or non-existent.

With regard to archaeology, the County Archaeologist has observed that the setting out solar panels in some parts of the proposal site has "the potential to impact upon buried archaeological and artefactual deposits associated with the known prehistoric activity here". With that in mind, the County Archaeologist has recommended that, should the application be approved, a condition requiring a Written Scheme of Investigation is imposed. With such a condition in place, and as the County

Archaeologist has not objected to the proposal, it is considered that the proposal can be undertaken in accordance with relevant policies relating to archaeology.

Residential amenity

Concerns about the impact of the proposed solar farm on residential amenity have been raised by a number of people residing in the vicinity of the site. However, the proposal site would not immediately adjoin the curtilage boundary of any residential property, and the hedges on the boundary would be enhanced as part of the works. Consequently, given those factors, it is considered that the development would not have an overbearing impact on the residents of any property. In terms of the visual impact on residential properties, it is possible that parts of the site may be visible from some dwellings. However, the loss of, or impact on, a view cannot be taken into account when determining a planning application. Furthermore, it has been established earlier in this report that the landscape impact of the proposal is acceptable.

With regard to lighting around the site, only infra-red cameras/lighting would be used. The light from these is not visible to the human eye.

In terms of other possible impacts on neighbours, the Council's Environmental Health Department has confirmed that the proposal is acceptable from their perspective. Furthermore, the County Highway Authority has also found the proposal to be acceptable to them.

Given the above, it is considered that the proposal is acceptable in terms of its impact on the occupiers of residential properties, in accordance with Policy D1 (Design and Local Distinctiveness) of the EDLP as well as other related policies.

Arboricultural impact

The Council's Arboricultural Officer has assessed the proposal and has confirmed that the development is acceptable in terms of its impact upon trees. However, the Arboriculturalist has recommended a condition to be imposed in the event that this application is approved. The condition would relate to the submission of an Arboricultural Method Statement (AMS), and a Tree Protection Plan (TPP) which would be required before any works take place on site.

It is considered that such a condition is reasonable to ensure that trees are retained, in order to preserve the character and appearance of the area, and also accord with Policies D1 (Design and Local Distinctiveness) and D3 (Trees and Development Sites) of the Local Plan.

Flood Risk/Drainage.

There are flood zones, designated by the Environment Agency (EA) within the red line for the proposed development. However, no solar panels would be installed in those areas, and very few other elements of the development would be located in those zones. Nevertheless, the EA and the County Council Flood Risk Department have assessed the application and provided comments.

The EA initially had concerns about the proposal, as they considered that the submitted Flood Risk Assessment (FRA) did not *"account for the effect of climate change over the lifetime of the development"*. Given those concerns, the applicants supplied an amended FRA. Following examination of the amended FRA, the EA confirmed that they were *"satisfied that the consequences of climate change on the proposed development over its potential lifetime have now been adequately addressed and demonstrated"* and, consequently, withdraw their objection to the proposal.

Despite the above, the EA did observe that a part of field 20 may be vulnerable to flooding later in the lifetime of the development, when climate change is taken into account. This observation did not result in an EA objection to the proposal. The Council notes that during consideration of application 19/2832/MFUL, for a solar development near Rockbeare, the EA was content that some solar panels can be positioned in a flood zone without leading to an increased flood risk. Given that, and the lack of EA objection to this proposal, whilst the observation regarding field 20 is noted, it is not considered that any further amendments to the proposal are required.

With regard to drainage, the County Flood Risk Department has never had an in principle objection to the proposal. In response to the initial submission, they requested some additional detail. This was provided and, consequently, the County Council has confirmed that it is content with the proposal from a drainage perspective. However, that is subject to the provision of additional information relating to the provision of swales, rather than filter trenches, and confirmation of where soakaway tests will be carried out. It is considered that this information can be adequately obtained through a condition, in the event that this proposal is approved.

It is also noted that the County Flood Risk Department refers to a section of road which could flood. However, given the lack of objection to the proposal from the County Highway Authority, it is considered that it would not be reasonable to seek amendments which may impact upon the highway where no concern has been raised by the Highway Authority.

Given the comments above, it is considered that the proposal could proceed without giving rise to flooding or drainage concerns, in accordance with the relevant planning policy.

Aviation impact

A Glint and Glare report was submitted with the application. That report, any other relevant parts of the proposal, have been assessed by Exeter Airport Safeguarding, which has confirmed the following:

"The amendments have been examined from an Aerodrome Safeguarding aspect and do not appear to conflict with safeguarding criteria. Accordingly, Exeter Airport have no safeguarding objections to this development provided there are no changes made to the current application."

Therefore, it is considered that the proposal is acceptable with regard to the impact upon aviation safety.

Ecology

There is no evidence submitted with the application, or available to the planning department, to demonstrate that the proposal would have an adverse impact upon wildlife, particularly given the retention of trees and hedges on the site. In addition, there is the possibility of enhancement through the landscaping proposed. Indeed, the submitted Ecological Assessment, on pages 21 and 22, highlights that the proposal would result in a 22.9% biodiversity net gain, and a hedgerow gain of 1.7%. The 22.9% Biodiversity net gain will be achieved through the introduction of, amongst other things, the planting of 602m of new hedgerows, 10,245m of boundary hedgerow enhancement, 0.4 ha of new orchard, 2 ha of new traditional and wetland woodland, and 8.4ha of tussocky grassland with wildflowers. These features should provide improved foraging habitat for barn owl and kestrel, a winter food source for farmland birds, and in areas of enhanced grassland where there is only light or no grazing and are away from panels, space for skylark to potentially colonise. Other features being installed to benefit biodiversity will include 10 bat boxes to increase roosting opportunities and 4 reptile and amphibian hibernation sites. Gaps in deer fencing will be created for mammals. Furthermore, no trees will be felled as a result of the development. This is a significant environmental gain.

Natural England have been consulted on the application, and have confirmed that they have no objection, subject to the imposition of conditions relating to a CEMP, LEMP and decommissioning, in the event that the application is approved. Such conditions are considered reasonable, to ensure that the proposal is not harmful to ecology.

Furthermore, Natural England has confirmed that, in this instance, an Appropriate Assessment is not required. This is on the basis that the impacts of the proposal on any European protected site can be screened out.

Given these comments, and the lack of objection of Natural England, it is considered that the proposal can be undertaken without harm to ecology.

Cumulative impact

Whilst the main focus of this report has been the development to which it relates, it is a relevant consideration that other solar developments in the vicinity of the site are proposed; most notably, an application to the north of the development in question (in the Mid Devon District) was recently refused, which is now the subject of an appeal, and an application to the south of site to which this report relates has recently been submitted to EDDC and is under consideration. Furthermore, a solar development at Marsh Green has now also been submitted and is under consideration by EDDC.

The Marsh Green site is a considerable distance from the area where the other sites are located, so it is considered that the cumulative impact of this in comparison to the others is limited. The sites at Horton and in Mid Devon are at least 1 kilometre from the site to which this report relates. Given the landscaping proposed, and the nature

of the existing landscape, it is considered that it would be unlikely that views between the sites, when in close proximity to the developments, would be possible.

When viewed from higher vantage points, it is possible that there may be some vantage points where it is possible to see more than one of the proposed solar developments. However, the Council's Landscape Architect has indicated that the nature of the existing landscape (being undulating with hedgerows trees and buildings), and with landscaping proposed, is such that it is unlikely that the whole of any of the development would be visible from any such vantage point. This would serve to minimise the cumulative impact in the event that all three of the proposals are granted permission as, even though it is not reasonable expect such a development to be completely screened, the landscape would soften and obscure any views which are possible.

Other cumulative impacts are discussed in detail elsewhere in this report.

Carbon Impact

Some objectors to the scheme have questioned the extent to which solar developments are sustainable. With that in mind, the applicants commissioned a report to assess the impact. That report notes that, unsurprisingly, carbon emissions are produced during all phases of the development (construction, operation and decommissioning). However, the report clearly demonstrates that the operation of the development would offset the carbon impacts of it – concluding that the development would offset the carbon emissions produced by it in the first one to three years.

Some objectors have also questioned the applicant's statement that the development could power some 15,000 homes stating that this is incorrect and unlikely to power much more than half of this. In any case, the benefits from energy production, even for 7,500 homes is significant and weighs in favour of the proposal.

Grid Connections

Details of the confirmed grid connection for this proposal have been provided to the Council. Although some detail in that is confidential (due to commercial sensitivities), the details provided are sufficient for Officers to be sure that a grid connection is confirmed for the development to which this report relates. This means that, should this development be approved, it would be able to connect to the grid and contribute to energy production.

Furthermore, it is understood that each of the other currently proposed solar developments have agreed/confirmed grid connections.

Community Fund

The lack of any direct benefits for those local residents most affected by the proposal has been raised.

From a planning perspective there is a wider national benefit from renewable energy production and no requirement for any local benefits to be provided. The planning

system cannot secure any financial benefits for the local community as this would be akin to buying a planning permission and as such is unlawful. Any such agreement would need to be outside of the planning process between the applicant and the local community.

CONCLUSION

This proposal is one of a number of solar developments currently under consideration in East Devon and close-by within Mid Devon. Clearly, this report relates primarily to the application at Peradon Farm. However, the potential cumulative impact in the event that any other proposal are approved has also been considered.

A detailed in the main body of the report, the proposal has been considered with regard to many aspects and, following amendments to the proposals, the development is now considered to be acceptable in terms of all of those proposals.

Whilst the following weigh against the proposal:

- Loss of some Grade 3A agricultural land (12.5ha);
- The visual impacts, although limited;
- Temporary impacts during construction and de-commissioning;

the following weigh in favour of the proposal:

- Environmental benefits from renewable energy production and support from Strategy 39 of the Local Plan;
- Environmental benefits from biodiversity net gain;
- Lack of landscape designation and availability of a grid connection;
- Benefits to the future of the farm.

In considering the above, it is clear to Officers that the benefits proposed significantly outweigh the harm created by the proposal. Particularly bearing in mind given that the harm identified can be mitigated through conditions related to planting and the control of construction, and as the Grade 3A agricultural land will still be available for grazing and could be returned to agricultural use in the future.

In light of this, the lack of wider amenity impacts, lack of highway safety concerns, lack of harmful visual impacts and lack of other harm, it is considered that the proposal complies with policy, and 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. Within 40 years and six months following completion of construction of development, or within six months of the cessation of electricity generation by the solar PV facility, or within six months following a permanent cessation of construction works prior to the solar PV facility coming into operational use, whichever is the sooner, the solar PV panels, frames, foundations, inverter modules and all associated structures and fencing approved shall be dismantled and removed from the site. The developer shall notify the Local Planning Authority in writing no later than five working days following cessation of power production. The site shall subsequently be restored in accordance with a scheme, the details of which shall be submitted and approved in writing by the LPA no later than three months following the cessation of power production. Note: for the purposes of this condition, a permanent cessation shall be taken as a period of at least 24 months where no development has been carried out to any substantial extent anywhere on the site.
(Reason -To ensure the achievement of satisfactory site restoration in accordance with Strategies 7 (Development in the Countryside), 39 (Renewable and Low Carbon Energy Projects) and 46 (Landscape Conservation and Enhancement and AONB's) and Policies D1 (Design and Local Distinctiveness) and D2 (Landscape Requirements) of the East Devon Local Plan 2013 - 2031.)
4. The site, including the land around and beneath the solar panels, shall remain available for agricultural purposes, which shall include ecological purposes such as wildflower margins, hedgerow and tree maintenance, and conservation grazing. (Reason - To ensure the continuation and retention of the land for agricultural purposes in addition to the solar farm, to safeguard countryside protection policies in accordance with Strategies 7 (Development in the Countryside) and 39 (Renewable and Low Carbon Energy Projects)of the East Devon Local Plan 2013- 2031.)
5. No lighting, other than the infrared lighting detailed in the approved documents, shall be installed without a grant of express planning permission from the Local Planning Authority.
(In order to retain the rural character of the area and to prevent light pollution, in accordance with Strategies 7 (Development in the Countryside) and 46 (Landscape Conservation and Enhancement and AONB's) and Policies D1 (Design and Local Distinctiveness) and D2 (Landscape Requirements) of the East Devon Local Plan 2013 - 2031.)
6. No works will take place at the application site, until a detailed AMS has been submitted to the LPA and approved in writing. The AMS will include all relevant details to protect the retained trees, including a detailed TPP. Relevant details may include but are not limited to construction methods, construction traffic management, demolition methods, finished levels, ground protection, landscaping methods and materials, material storage, service runs and tree protection barrier fencing. The AMS will also include details of a clerk of works schedule that specified arboricultural supervision at appropriate stages of the

development process. Any variations to the details of the AMS must only be undertaken after the proposed variations have been agreed in writing by the LPA. (Reason - To ensure retention and protection of trees on the site prior to and during construction 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 New East Devon Local Plan 2013-2031).

7. No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.
(Reason - To ensure, in accordance with Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan and paragraph 205 of the National Planning Policy Framework (2021), that an appropriate record is made of archaeological evidence that may be affected by the development).
8. A Construction and Environment Management Plan must be submitted and approved by the Local Planning Authority prior to any works commencing on site, and shall be implemented and remain in place throughout the development. The CEMP shall include at least the following matters : Air Quality, Dust, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, delivery routes and booking system, contractor mini-bus transport, and Monitoring Arrangements. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site. There shall be no high frequency audible reversing alarms used on the site.
(Reason - To protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution, and to comply with the provisions of Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan 2013 - 2031.)
9. No development work shall commence on site until the following information has been submitted to and approved by the Local Planning Authority:
 - a) Measures for protection of existing perimeter trees/undisturbed ground during construction phase in accordance with BS5837: 2012. Approved protective measures shall be implemented prior to commencement of construction and maintained in sound condition for the duration of the works.
 - b) A full set of soft landscape details including:
 - i) Planting plan(s) showing locations, species and number of new trees and native hedge/shrub planting and extent of new grass areas, together with existing trees, hedgerow and habitat to be retained/ removed.
 - ii) Plant schedule indicating the species, form, size, numbers and density of proposed planting.

iii) Soft landscape specification covering clearance, soil preparation planting and sowing; mulching and means of plant support and protection during establishment period and 5 year maintenance schedule.

iv) Tree pit and tree staking/ guying details.

v) Method statement for creation and maintenance of species rich grassland habitats

c) Details of proposed colour finishes to inverter housings.

d) Details of proposed under and over ground cable routes together with method statements for taking underground cables through any hedgebanks.

e) Details of proposed drainage to deal with surface water discharge from proposed trackways and hardstandings.

f) Notwithstanding the submitted LEEP a detailed hedgerow management plan shall be provided. This shall include an as existing condition survey for each length of hedge, identifying its position on the Hedgeline - hedge management cycle ,any initial works required to bring to good condition, such as gapping up, removal of invasive species etc. and requirements for cutting including intended height range and cutting height and frequency.

The works and subsequent management shall be carried out in accordance with the approved details. Any new planting or grass areas which fail to make satisfactory growth or dies within five years following completion of the development shall be replaced with plants of similar size and species to the satisfaction of the LPA.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Strategy 3 (Sustainable Development), Strategy 5 (Environment), Policy D1 (Design and Local Distinctiveness), Policy D2 (Landscape Requirements) and Policy D3 (Trees in relation to development) of the East Devon Local Plan 2013 - 2031).

10. No development shall take place until a landscape and ecology management plan (LEMP) has been submitted and approved in writing by the Local Planning Authority which should include the following details:

- Extent, ownership and responsibilities for management and maintenance.
- Inspection and management arrangements for existing and proposed trees and hedgerows and proposed bio-diversity measures
- Initial establishment of new planting and species rich grassland
- A schedule of existing hedgerows and supporting plans identifying each length and noting location, species composition, current condition and hedge management cycle stage together with any initial work required to bring into good order.
- 25 year hedgerow maintenance schedule covering each length of hedge
- 25 year woodland management schedule
- Proposals for management of biodiversity features, species rich grassland and further enhancement of bio-diversity value including wildlife corridors.

Management and maintenance shall be carried out in accordance with the approved plan.

(Reason: In the interest of amenity and to enhance the landscape character and biodiversity value of the site and surrounding areas in accordance with Strategies 3 (Sustainable Development) and Strategy 47 (Landscape Conservation and Enhancement and AONBs) of the East Devon Local Plan 2013 - 2031.)

11. Prior to the commencement of the development hereby approved, details of the following shall be submitted to, and approved in writing by, the Local Planning Authority:

- The locations where soakaway tests will be undertaken following completion of the development.
- Details of swales within the site.
- Details of drainage to prevent flooding and erosion in the vicinity of Tale Lane.

Work shall be undertaken in accordance with the approved details.

(Reason - To ensure suitable drainage measures are in place, in accordance with Policy En22 (Surface Run-off Implications of New Development) of the East Devon Local Plan 2013 - 2031).

12. The development hereby approved shall be carried out in accordance with the Ecological Assessment, produced by BSG Ecology, dated 12th November 2021, and the Bat Assessment, also produced by BSG Ecology, and dated 1st December 2021.

(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).

NOTE FOR APPLICANT

Informative: Confirmation - No CIL Liability

This Informative confirms that this development is not liable to a CIL charge.

Any queries regarding CIL, please telephone 01395 571585 or email cil@eastdevon.gov.uk.

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:

bat report	Protected Species Report	02.12.21
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landscape/ecological mgt	General Correspondence	29.11.21
7451_007	Location Plan	29.11.21
SD-03 REV 01 : indicative CCTV	Other Plans	10.12.21
SD-05 REV 01 : cable trench	Sections	10.12.21
SD-06 REV 01 : access track	Sections	10.12.21
SD-07 REV 01 : deer fencing with mammal gates	Other Plans	10.12.21
SD-08 REV 01 : updated inverter elevations/dimensions	Other Plans	10.12.21
SD-09 REV 01 : DNO track	Sections	10.12.21
SD-12 REV 03 : panel	Sections	10.12.21
DBA/heritage impact	Archaeological Report	29.11.21
	Ecological Assessment	29.11.21
APPENDIX 4 : confidential badger results	Protected Species Report	29.11.21
4398-DR-PRE- 0002 REV 0 : indicative site	Layout	06.04.22
Feb 2022	Flood Risk Assessment	04.04.22
summary addendum : APRIL 2022	Landscape Visual Impact Appraisal	04.04.22
05574.TPP REV E : 1 of 6	Tree Protection Plan	04.04.22

05574.TPP REV E : 2 of 6	Tree Protection Plan	04.04.22
05574.TPP REV E : 3 of 6	Tree Protection Plan	04.04.22
05574.TPP REV E : 4 of 6	Tree Protection Plan	04.04.22
05574.TPP REV E : 5 of 6	Tree Protection Plan	04.04.22
05574.TPP REV E : 6 of 6	Tree Protection Plan	04.04.22
05574.AIA.Rev E : arb impact assessment	Arboriculturist Report	04.04.22
05574.LIP. 1 OF 1 : layout impact plan	Layout	04.04.22

List of Background Papers

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

Ward Budleigh And Raleigh

Reference 22/0571/FUL

Applicant Mr Clayton

Location 1 Rolle Road Budleigh Salterton EX9 6JZ

Proposal Change of use of ground floor from use class E(b) (sale of food and drink for consumption on the premises) to use class C3 (dwelling house) including installation of 2no flues and extractor fan cowl.



RECOMMENDATION: Refusal



		Committee Date: 26th July 2022
Budleigh And Raleigh (Budleigh Salterton)	22/0571/FUL	Target Date: 17.05.2022
Applicant:	Mr Clayton	
Location:	1 Rolle Road Budleigh Salterton	
Proposal:	Change of use of ground floor from use class E (b) (sale of food and drink for consumption on the premises) to use class C3 (dwelling house) including installation of 2no flues and extractor fan cowling.	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

This application is brought before the Committee as the officer recommendation is contrary to the view of two of the ward members.

1 Rolle Road, located on the corner of its junction with Queen Street, is a two storey building comprising a currently vacant commercial unit, formerly a cafe/bistro, with residential accommodation, in the form of a two bedroom flat, above. Access to both is shared with the staircase up to the flat effectively splitting the commercial space into two areas.

The premises do not form part of the town's Primary Shopping Frontage or Town Centre Shopping Area but are located within the designated Budleigh Salterton Conservation Area.

Planning permission was granted in January this year for external alterations to the premises, including the partial removal of a rear single storey lean-to element that formerly housed the kitchen for the cafe/bistro use.

The current application proposal involves the change of use of the ground floor to create additional living accommodation to that existing at first floor level alongside the retention of two flues and extractor fan cowling that have been installed on the roof of the building.

The proposal mainly turns on the extent to which it complies with Local Plan Strategy 32 and the extent to which all options for the retention of the premises in their current lawful use have been fully explored without success for a sufficient

time period and it being demonstrated that there is a clear demonstration of surplus supply of provision in the locality.

In this case, the premises had been marketed for around 20 months prior to being purchased by the applicant as opposed to the more common scenario where the selling party is seeking permission for change of use having failed to market a premises for its current use for the requisite time period (in line with Strategy 32). The marketing carried out did not comply with the Council's marketing guidance.

However, in spite of the applicant's intentions to seek a residential use for the former commercial unit, seemingly off the back of an informal telephone conversation with a Council officer during which it is claimed that advice was provided to the effect that permission would be likely to be forthcoming in the event of an application being made, the fact remains that the building was sold with no permission in place for change of use and without adequate marketing in accordance with the relevant planning policy.

As such, taken together with the absence of any evidence to demonstrate that the premises were no longer viable as a cafe/bistro, and that there is a surplus of provision of these uses within the town centre, it is not accepted that these fundamental policy requirements can be regarded as having been properly satisfied at the present time. Moreover, whilst there is no reason to question the accuracy of the series of events claimed in this case, it is possible that they could be repeated, and accepted, elsewhere in the future without robust assessment against the provisions of Strategy 32 having been undertaken, thereby undermining its objectives and the Local Plan more generally.

Despite the support for the proposal offered by the town council and ward members therefore - and notwithstanding the third party objection on the basis of smell nuisance from smoke emitted from a wood burning stove via one of the flues which it is not considered could reasonably form the basis for objection - it is recommended that permission be withheld under the current circumstances.

CONSULTATIONS

Local Consultations

Parish/Town Council

This Council supports the application.

Budleigh Salterton – Cllr. A. Dent

Thank you for letting me have sight of this report.

I do not agree with the recommendation to Refuse for the following reasons:

1. This building housed the 'Slice of Lyme' restaurant for a number of years. It was popular locally but when the owners decided to retire there was no interest in taking on the business. The attempts to market the business spread over at least two years.

2. The officer report relies heavily on Strategy 32 in the current Local Plan. This focuses on 'Resisting Loss of Employment... Sires and buildings.
 - a. As the Slice of Lyme has been closed for nearly a year, the employees have now found other jobs.
 - b. In its existing configuration the ground floor premises were unsatisfactory for the customers: the kitchen staff and an expensive relay would have been needed to be practical for a new owner.
 - c. The officer's report says that Budleigh is under provisioned with cafes/restaurants. At the time of writing there are 19 such outlets in the immediate area as well as shops selling ice creams. The officer's remark in this respect indicates a lack of proper research and is misleading for the report reader.
3. My understanding from the report was that the new owner received pre-planning advice that encouraging him to believe the conversion to a dwelling would be looked upon favourably by the planning team. As a result, the building work has been largely completed and the building has been much improved both visually and in practical terms. For a formal report to be submitted at this stage reflects badly on the council and the recommendation to refuse is unreasonable under the circumstances.

In line with the town council, I support this application and if necessary, would be happy to present my reasons at a full Planning Committee meeting.

Budleigh Salterton – Cllr. T. Wright

Thank you for sight of the report. I do not agree with the recommendation to refuse. I know the premises well having been a regular customer. The previous owners have been trying to sell it for a number of years and due to its very limited space and tiny kitchen it is not able to provide what present day customers expect.

If it is not converted to a home it will not have a viable future. The town council know the circumstances very well and support the application as they are aware of the current situation in their town.

Technical Consultations

Environmental Health

I have considered the application and note that this site is close to nearby residents who may be impacted during the construction process. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site. We would request the applicant to consult and follow the council's Construction Sites Code of Practice prepared by Environmental Health and adopted by the council in order to ensure that any impacts are kept to a minimum. This is available on the council's website.

Other Representations

One representation has been received.

Summary of Comments

1. No objection in principle although concerned at the chimney for a wood burning stove in the lounge as there is a possibility of smoke entering the conservatory, hall, lounge, kitchen and top bedroom of neighbouring property.

PLANNING HISTORY

Reference	Description	Decision	Date
21/2684/FUL	External alterations including partial removal of rear lean-to	Approval - standard time limit	31.01.2022
77/C1190	PROPOSED CHANGE OF USE FROM RESTAURANT WITH DWELLING OVER TO WHOLLY AS ONE DWELLING	Approval with conditions	06.10.1977

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 21 (Budleigh Salterton)

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

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 50 (Infrastructure Delivery)

D1 (Design and Local Distinctiveness)

EN9 (Development Affecting a Designated Heritage Asset)

EN10 (Conservation Areas)

Made Budleigh Salterton Neighbourhood Plan 2017-2031 Policies

B1 (Identity of Town and Seafront)

B3 (Heritage Assets)

Government Planning Documents

NPPF (National Planning Policy Framework 2021)

Site Location and Description

1 Rolle Road comprises a two storey building positioned on the corner of the junction of Queen Street with Rolle Road approximately 40 metres to the south of the

crossroads junction of the latter with High Street, Fore Street and Chapel Street and between the town centre and Coast Path. It is located within the designated Budleigh Salterton Conservation Area while the whole of the town is within the East Devon Area of Outstanding Natural Beauty (AONB). However, the building is not listed as being of special architectural or historic interest.

Its principal two storey section is oriented north/south with gable and hip ends, to north and south respectively, to a pitched slate roof over painted roughcast render walls. Its principal elevation abuts Rolle Road while the northern end gable abuts Queen Street. Attached to the rear (west) was, until recently, a single storey lean-to that extended the entire length of the building, the southern end of which abutted a neighbouring residential property to the south, no. 1 Cliff Terrace. This part of the building was also rendered and painted and incorporated a felt roof with a series of roof lights. A flue, positioned towards the northern end of the lean-to, also extended out of this part of the building.

Background

The premises latterly housed a cafe/bistro on the ground floor, incorporating a kitchen housed within the single storey lean-to element, with a two bedroom flat above. However, the ground floor premises are now vacant and were marketed, along with a detached single garage to the rear accessed off Queen Street, since November 2019 via two sales agents (at different times; i.e. not concurrently) until being purchased by the applicant in 2021.

Planning permission (ref. 21/2684/FUL) has since (Jan. 2022) been granted for a series of external alterations to the building, including the partial removal of the single storey rear lean-to element, retaining only the section at the southern end of the building that is connected to the rear of no 1 Cliff Terrace, to create an outside courtyard space accessed via a new arched pedestrian doorway to be created within the retained end wall of the lean-to abutting Queen Street.

The application originally included proposals for the change of use of the ground floor commercial space to create additional living accommodation to enable the whole building to be used as a two storey three bedroom dwelling. However, for CIL-related reasons these were omitted from the scheme, leaving only the external operations to be approved.

Proposed Development

This current application seeks to re-introduce the intended change of use of the ground floor of the building to form living accommodation to be used in addition to that existing at first floor level. This would comprise a combined kitchen/dining room, bedroom and en suite bathroom with a new, repositioned staircase at the southern end of the building enabling access to an enlarged living room at first floor level; an existing study above the present staircase would be removed to also facilitate this enlargement. The retained section of the rear lean-to would house an entrance porch and a toilet.

The proposals also include further external alterations to the building in the form of the retention of a flue serving a wood burner installed in the southern hip end of the roof and a boiler flue and extractor fan cowl in the roof of the retained rear lean-to.

Considerations/Assessment

The principal issue that is material to consideration of the proposal in this case is the loss of the commercial floor space/use of the building and its effect upon the viability and vibrancy of the adjacent town centre and wider community.

In this regard, the provisions of Strategy 32 (Resisting Loss of Employment, Retail and Community Sites and Buildings) of the adopted East Devon Local Plan form the key policy consideration for assessment. These fundamentally resist the loss of employment, retail and community uses and only allow for change of use where it would avoid harming, among other things, business and employment opportunities unless one or more of four specified criteria are satisfied.

Although three of these would not be applicable in this case, it is thought that the potential loss of the cafe/bistro use would have a harmful effect upon business and employment opportunities within the town and therefore it would be necessary to engage the remaining criterion.

This requires that "all options for the retention of the site or premises for its current or similar use have been fully explored without success for at least 12 months (and up to 2 years depending on market conditions) and there is a clear demonstration of surplus supply of land or provision in a locality".

In this case, it has been advised that the premises were initially marketed at a valuation of what is understood to have been £495,000 by Stonemiths commercial property agents from November 2019 until June 2020 whereupon Ware Commercial took on the marketing effort, initially with an asking price of £475,000. This was then reduced, in August 2020, to £450,000 and then again, in April 2021, to £419,000.

During this period, six viewings were carried out with three offers ranging from £330,000 - £350,000 - each for slightly different set ups to that being sold - tabled and rejected by the former owners.

However, the current applicant's offer of £372,000 was eventually accepted in July 2021 with the sale completing in September 2021.

Officer enquiries have established that only the freehold of the whole building was offered during the entire marketing exercise, as opposed to various other options in relation to the commercial floor space alone, owing to the inability to separate it off from the residential accommodation above and the shared nature of the access arrangements for customers of the former and occupiers of the latter. In other words, the flat could only be accessed via the entrance to the former cafe/bistro and a staircase to it that splits the commercial space into two separate dining areas.

As such, following a substantial drop in value between the initial valuation and the eventual sale price for the premises, which is stated by the applicant's agent to have

been agreed following favourable informal verbal enquiries made to the Council as to the likelihood of a planning permission being granted for a residential use of the ground floor, the premises were purchased by the applicant. Planning Officers have no record/recollection of this verbal conversation with the applicant, and in any case such conversations are non-binding and officers would in no way encourage the purchase of a property for a change of use on the basis of a telephone conversation only if this did occur due to the risks involved and need for consultation on such applications.

Notwithstanding the above however, the fact remains that the sale proceeded following the premises having being marketed for mixed business and residential accommodation only and, clearly, without any planning permission in place for the change of use of the commercial ground floor space to residential; hence this current application. It is also relevant that a considerable amount of the marketing took place during the COVID19 pandemic which one of the Agents states had an impact upon interest being received in the premises. The premises have not been marketed for a year during the time when the impact from the pandemic lessened.

As such, irrespective of any understanding that may have been received or provided as to the likelihood, or otherwise, of securing permission for such a change prior to this present submission being made, the premises sold as a cafe/bistro. There has been no subsequent marketing for other potential uses of/for the premises, including residential.

It cannot therefore be concluded that the remaining criterion of Strategy 32 has been met, regardless of any information that might have been received - on any basis - suggesting that planning permission might be forthcoming for any change of use of the ground floor of the building for residential purposes.

Indeed, it may be regarded as proceeding with more than an element of risk to complete on a purchase of property in the belief that permission could be secured for an alternative use thereafter purely on the strength of a telephone enquiry, particularly given the importance of Strategy 32 and the emphasis that it places upon the retention of employment, retail and community uses without robust evidence that all options for ensuring the same have been explored over a sensible time period.

Furthermore, despite an officer request, no additional evidence has been provided to demonstrate that the cafe/bistro use of the premises had itself become unviable as a means of bolstering the duration of the marketing effort (noting that the previous owner retired), the reduction in the valuation of the premises during this time or the level of interest received as strands of an argument in favour of the loss.

The current scenario is therefore one that could, without a more detailed and robust demonstration as to the non-viability of the former use, be readily repeated elsewhere, thereby undermining the objectives of Strategy 32.

In addition, no evidence has been provided to demonstrate that consideration has been given to the second part of the Strategy 32 criterion, namely that there is a surplus supply of land or provision of current or similar uses within the town. Whilst it may be that this might be a relatively straightforward case to put together, with the comments from the Ward Member with regard to 19 premises appreciated, it has not

been made to the Council in support of the proposal and officers are reluctant in the absence of adequate information to accept the loss of a commercial use simply because there are other units in a town as this does not reflect what demand they may be for new/additional premises and simply results in the loss of more units and potential harm to commercial and job opportunities. In the absence of information to address this criterion of the Strategy, therefore, officers consider there to be no option but to seek to resist the proposal at this stage.

The proposal therefore fails against the Strategy 32 test and therefore, as a matter of principle, it is considered that any change of use to residential should be resisted, on this ground, at this time.

Visual Impact

Turning to the effect of the proposed external alterations upon the character and appearance of the building and the wider conservation area, it is considered that these would be minor in nature and would not result in any material harm justifying objection to the proposal on this ground. Although the site and building have a degree of visual prominence within the street scene, this is essentially localised and the positioning and sizes of the various flues and cowl relatively discreet so as to avoid any significant visual intrusion. In addition, the flue on the southern hip end, whilst of a height that extends above the ridge of the roof of the application building, is both slender in profile and black in colour and has a limited effect upon the building and surrounding area. The other proposed interventions to the roof of the single storey rear lean-to element would be barely visible from Queen Street given the shallow nature of the roof and the screening provided by the retained end wall and nearby outbuildings, including the garage within the site.

Equally, whilst the issues and concerns raised by the interested third party, the occupier of no. 1 Cliff Terrace, are acknowledged, again it is not considered that they amount to a material or sustainable ground upon which to resist the proposals. Indeed, the Council's Environmental Health officers have been consulted on the application with particular regard to these elements of the scheme and raise no objections on the basis of adverse nuisance to neighbours from smell, fumes, etc. As such, no further concerns are considered to be justified in this regard.

RECOMMENDATION

REFUSE for the following reason:

1. In the opinion of the Local Planning Authority, the proposal would involve the loss of a business premises that would harm business and employment opportunities in the town. It has not been satisfactorily demonstrated that the use of the premises for their current lawful use or other appropriate business or commercial uses is, or would be, no longer viable or that there is a surplus supply of provision of such uses within the town. The proposed change of use of the premises to residential use would therefore be contrary to the provisions of Strategies 21 (Budleigh Salterton) and 32 (Resisting Loss of Employment, Retail and Community Sites and Buildings) of the adopted East Devon Local Plan 2013-

2031 and guidance contained in Section 2 of the National Planning Policy Framework (2021).

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:

AHA-05	Proposed Floor Plans	22.03.22
AHA-01	Location Plan	11.03.22
AHA-02	Block Plan	11.03.22
AHA-06	Proposed Elevation	07.04.22

List of Background Papers

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

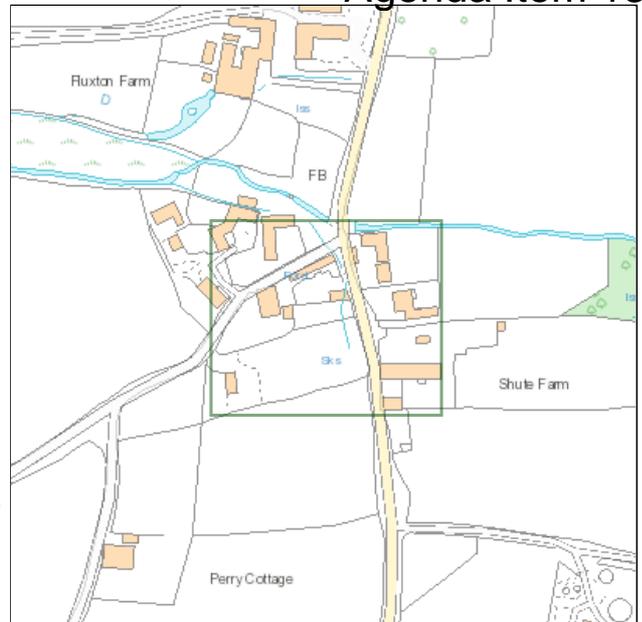
Ward Ottery St Mary

Reference 21/2246/FUL

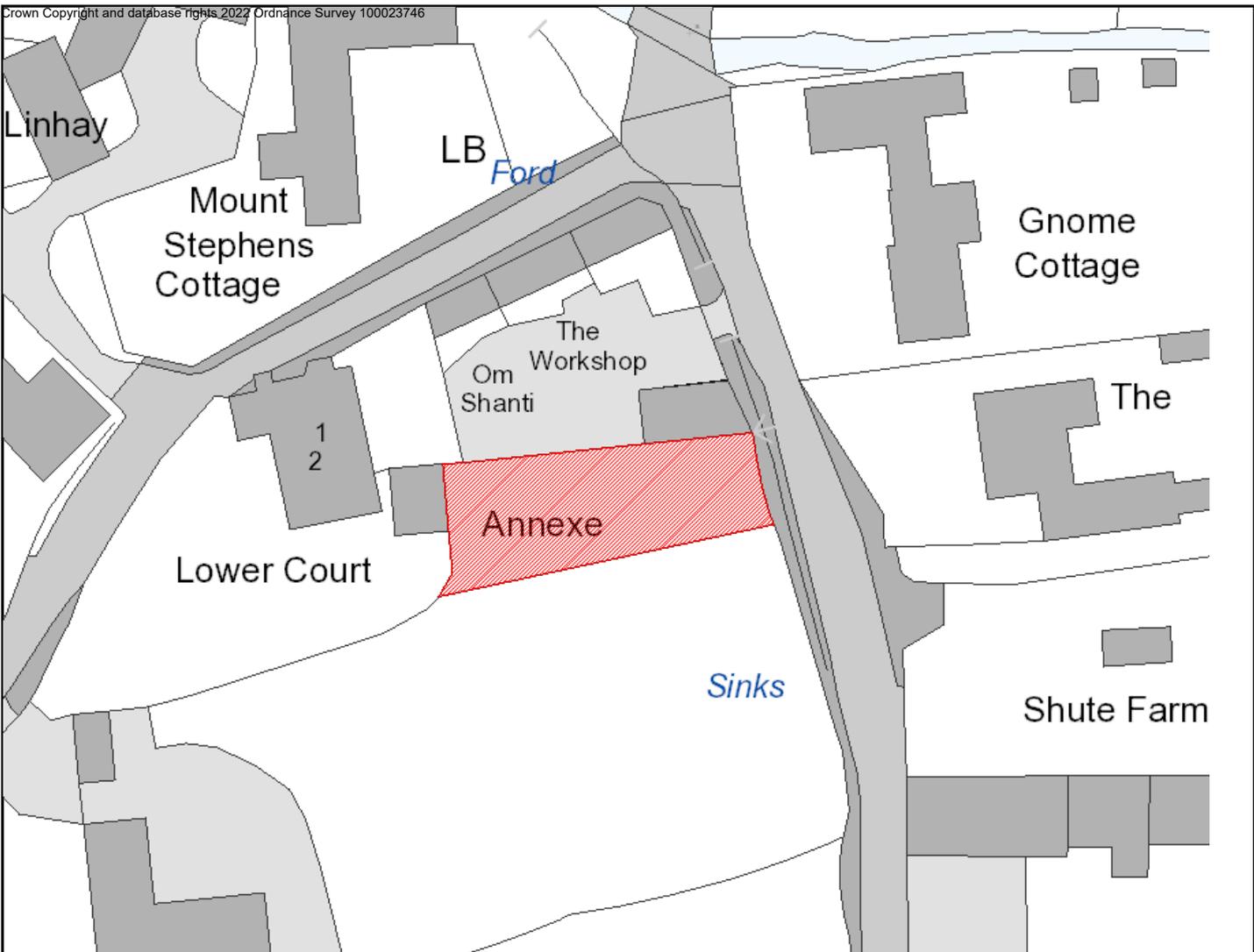
Applicant Mrs Elaine Paget

Location The Barn Annexe 2 Lower Court Cottages
Fluxton Ottery St Mary EX11 1RL

Proposal Change of use of annexe to form independent dwelling and formation of new vehicular access, parking/turning area and path.



RECOMMENDATION: Refusal



		Committee Date: 26th July 2022	
Ottery St Mary (Ottery St Mary)	21/2246/FUL	Target 26.10.2021	Date:
Applicant:	Mrs Elaine Paget		
Location:	The Barn Annexe 2 Lower Court Cottages		
Proposal:	Change of use of annexe to form independent dwelling and formation of new vehicular access, parking/turning area and path.		

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

This application is brought before the Committee as the Officer recommendation is contrary to the view of a ward member.

It relates to a modest two storey outbuilding positioned within the curtilage of 2 Lower Court Cottages, a semi-detached Grade II listed property formed from the sub-division of a former farmhouse, located at Fluxton, to the north of Tipton St. John.

It is currently used as a one bedroom annexe, planning permission having been granted for conversion of the building for this purpose in 1985. A legal agreement was also entered into to secure its ancillary use as well as it being secured by a condition on the related planning permission.

Permission is now sought to remove the annexe occupancy condition to enable the accommodation to be used and occupied as a wholly independent dwelling. It is also proposed to sub-divide the curtilage attached to the main host dwelling in order to provide the prospective new dwelling with its own separate amenity space and form a new vehicular entrance off of the Class 3 road connecting Fluxton and Tipton St. John so as to facilitate separate access and parking provision.

The provisions of Policies D8 and TC2 of the adopted Local Plan are of particular relevance to the proposal and are, in this case, complementary to each other. The former requires, among other things, that new residential development is located close to a range of accessible services and facilities to meet residents' everyday needs while the latter stipulates that new development should be located so as to be accessible by pedestrians, cyclists and public transport and also well related to compatible land uses so as to minimise the need for car travel.

It is considered that the proposal fails against these key criteria. The site occupies a comparatively remote rural location with poor pedestrian and cycle connectivity with other settlements. Furthermore, the bus service through the hamlet is infrequent.

The proposal would also fail when considered against another key criterion of Policy D8 owing to the absence of any enhancement to the setting of the building that would result from its 'conversion'; there being no works necessary owing to it already being in use for annexe purposes.

Although the nature of the objections raised by the town council are duly acknowledged, it is not agreed that the proposed hedge removal would result in material harm to the rural character or appearance of the lane or the wider hamlet as to justify opposition to the scheme on the basis of the extent of loss that would be incurred while the point raised regarding the absence of a listed building consent application is not readily understood as no works are proposed to the building.

Equally, the provisions set out in the National Planning Policy Framework that permit the development of 'isolated' dwellings in the countryside through the sub-division of existing dwellings to which reference is made by the ward member are not considered applicable. Case law has established that 'sub-division' only relates to the principal dwelling and not to the separation of ancillary buildings as independent buildings. There is therefore no alternative 'fallback' position in this regard.

In conclusion therefore, having regard to the balance of the above material considerations it is considered that the proposed development would be unacceptable on the grounds of the unsustainable location of the site and therefore its conflict with Local Plan Policies D8 and TC2 and guidance set out in the NPPF.

CONSULTATIONS

Local Consultations

Parish/Town Council

Town Council Comments:

The Town Council does not support this application based on the following;

Proposed removal of a hedge based on DCC highways recommendation.

In the absence of a Listed Building Consent application which has historically been associated with this property.

Ottery St Mary - Cllr Geoff Pratt

I attach below:

- 1. Planning Approval 7/45/85/P0692/00979 dated 8th October 1985**
- 2. Approved plans**

3. Agreement between Antony John Kent Paget and EDDC DATED 30th September 1985

I also refer you to the letter to EDDC planning dated 30th September 2021 from Elaine Paget as shown in the documents section of the planning portal, from which you can see that this application follows pre-application advice.

It is accepted that the 1985 documents restrict the Annexe for independent use but for the reasoning the interest of the amenities of those occupying the converted buildings and Lower Court.

However following the decision in Wiltshire Council Secretary and Secretary of State for Housing, Communities and Local Government 2020 where it was held that from the NPPF para 79d that local planning authorities should support the development by sub division of properties suitable for first time buyers or tenants I feel that the Planning Authority should consider approval of this application.

I note the Ottery St Mary Town Council planning committee recommend refusal based on the proposed removal of a hedge as recommended by DCC Highways and the lack of a listed building application. DCC only require work on the hedge line. There will be no removal of the hedge however. Although Lower Court is a listed building there will be no building works carried out to the buildings and it is therefore submitted that a Listed Building application is not required.

I would be grateful if you would kindly consider this matter further.

Technical Consultations

Devon County Highway Authority
Observations:

I have visited the site and reviewed the planning documents.

I appreciate the proposed works on the hedge boundary to achieve the required visibility splay.

The no-dig method statement for the access over the culvert channel seems to work well.

The site layout includes a turning head for vehicles to turn off-carriageway and re-enter the carriageway in a forward facing motion.

I do recommend the provision of a Construction and Environment Management plan (CEMP), due to the additional engineering works required for this application as opposed to a typical scheme of this type of application.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, MAY WISH TO RECOMMEND CONDITIONS ON ANY GRANT OF PLANNING PERMISSION

1. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;
- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and
- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (k) details of wheel washing facilities and obligations
- (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (m) Details of the amount and location of construction worker parking.

Officer authorised to sign on behalf of the County Council
4 April 2022

EDDC Trees

The submitted arboricultural information demonstrates that by implementing the proposed tree protection measures, shown on the tree protection plan, and following the processes described in the associated "no dig" method statement, the proposed development can be carried out without significant impact on the retained trees.

I am satisfied on arboricultural grounds with the condition to be -

Prior to commencement of any works on site (including demolition), Tree Protection measures shall be carried out as detailed within the plans submitted within this application and shall adhere to the principles embodied in BS 5837:2012 and shall remain in place until all works are completed, no changes to be made without first gaining consent in writing from the Local Authority.

In any event, other than what has been shown in the submitted documents as part of this application, the following restrictions shall be strictly observed:

- (a) No burning shall take place in a position where flames could extend to within 5m of any part of any tree to be retained.

(b) No trenches for services or foul/surface water drainage shall be dug within the crown spreads of any retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority. All such installations shall be in accordance with the advice given in Volume 4: National Joint Utilities Group (NJUG) Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees (Issue 2) 2007.

(c) No changes in ground levels or excavations shall take place within the crown spreads of retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority.

(d) No trees, shrubs or hedges within the site which are shown as being planted or retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within five years from the occupation of any building, or the development hereby permitted being brought into use shall be replaced with trees, shrubs or hedge plants of similar size and species unless the Local Planning Authority gives written consent to any variation.

(Reason - To ensure retention and protection of trees on the site prior to and during construction 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 East Devon Local Plan 2013-2031).

Other Representations

No representations relating to the application proposal have been received from any interested third parties.

PLANNING HISTORY

Reference	Description	Decision	Date
85/P0692	Conversion of Barn to Annexe	Approved	8/10/85

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 1 (Spatial Strategy for Development in East Devon)

Strategy 5B (Sustainable Transport)

Strategy 7 (Development in the Countryside)

Strategy 43 (Open Space Standards)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 47 (Nature Conservation and Geology)

Strategy 50 (Infrastructure Delivery)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

D8 (Re-use of Rural Buildings Outside of Settlements)

EN9 (Development Affecting a Designated Heritage Asset)

EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment System)

EN22 (Surface Run-Off Implications of New Development)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Made Ottery St Mary and West Hill Neighbourhood Plan 2017-2031 Policies

NP1 (Development in the Countryside)

NP2 (Sensitive, High Quality Design)

NP3 (Infill, Backland and Residential Garden Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2021)

Site Location and Description

No. 2 Lower Court Cottages is one of two residential properties formed from the subdivision of the former Lower Court Farmhouse, a Grade II listed building located within the hamlet of Fluxton, approximately 1 km. to the north of Metcombe Vale at Tipton St. John.

The properties are set back from the class C public highway that connects the two and oriented at right angles to an unmade track that extends west off of it and connects Fluxton with the southern edge of West Hill.

No. 2 itself is housed within the southern part of the former farmhouse with the neighbouring property, no. 1 Lower Court Cottages, occupying the northern part of the building. A shared pedestrian access from the track to the north extends across the front of both properties.

A separate two storey outbuilding, oriented at right angles to the front of the principal dwelling but physically connected to it by way of a short length of garden wall containing a door, is positioned to the east. It exhibits a simple gabled form and comprises a pantile pitched roof, itself with a west/east oriented ridge, over roughcast rendered and painted walls on its western, and much of the southern and northern, elevations. The eastern elevation, facing towards the road, is recessed beneath a deep roof overhang that incorporates a first floor level balcony with timber balustrade that extends the entire width of the elevation over a patio. Timber-framed French doors/windows feature at both levels in this elevation, allowing access to both. There are also a further 3no windows and a door in the north elevation of the building and a small lancet-style window at first floor level in the south elevation.

Currently used as annexe accommodation (planning permission 85/P0692 refers) in conjunction with the occupation of the main property, the building houses combined kitchen/dining and living space, together with a toilet/bathroom, on the ground floor with a combined bedroom/'living' area above.

The building effectively splits the curtilage area attached to the property into two, with part to its west (and south of the southern elevation side wall of the main dwelling) and part to its east where it falls gently towards the public highway, the frontage with which is defined by a fence, hedge and trees at the rear of a roadside brook. This area is separated into two levels by a short flight of four steps with the lower level, nearer to the roadside boundary, featuring a pond and a small number of trees and the slightly higher level mainly laid to grass.

A smaller 'front garden' area, comprising a single space with the front garden of no. 1, is physically separated from a parking area to the east that is used in conjunction with holiday letting/guest accommodation formed from the conversion of a linear range of former farm buildings (originally functionally connected with Lower Court Farmhouse) that lines the southern side of the track down to the junction with the highway.

Proposed Development

The application proposal incorporates two principal elements as follows:

1. The change of use of the annexe accommodation to form an independent dwelling, entirely separate from no. 2 Lower Court Cottages, together with the sub-division of the curtilage to create a separate garden area; this comprising the part of the existing garden to the east of the building.
2. The formation of a new vehicular access/entrance off the highway and associated parking (for two vehicles) and turning area provision to be used in conjunction with the proposed independent use and occupation of the annexe building.

The western portion of the existing curtilage area attached to no. 2 would be retained with that property. The existing pedestrian access arrangements serving nos. 1 and 2 would be retained and effectively 'extended' to serve the proposed additional dwelling.

No works to the building, either external or internal, are proposed. A separate application for listed building consent (ref. 21/2247/LBC) was submitted to the Council alongside the planning application. (Owing to its physical connection to the principal building it is regarded as forming part of the listed building, albeit that it is not known

when it was constructed). However, in the light of clarification received as to the absence of any planned works to the building in conjunction with the change of use, this application was not acted upon by the Council and returned to the applicant's agent.

The creation of the new entrance envisages the culverting and bridging of the roadside brook alongside the laying of a tarmac driveway, beyond which the proposed parking and turning areas would be surfaced in loose gravel. These have been laid out so as to avoid the loss of any significant trees within this part of the site. To this end, the application is accompanied by a method statement, incorporating a 'no dig' specification that includes details of measures for the construction of protective fencing together with the laying of geotextile matting across the width of the proposed access and a Geocell cellular confinement system, together with a tree protection plan.

The parking and turning facility would occupy much of the lower level of this part of the garden with a new path to be laid out at the top of the existing steps across the higher level to connect it to the prospective dwelling.

Considerations/Assessment

The proposal falls to be considered having regard to the following material issues that are discussed in turn.

Principle of Development

The site occupies a location within the countryside outside of the built-up area boundary of any town, village or other settlement as defined in the adopted Local Plan or Villages Plan. As such, the provisions of Strategy 7 (Development in the Countryside) of the former apply. These only permit development where in accordance with a specific local or neighbourhood plan policy and where it would not harm the area's distinctive landscape, amenity or environmental qualities.

In relation to proposals for the change of use or conversion of buildings in the countryside, those set out in Policy D8 (Re-Use of Rural Buildings Outside of Settlements) are especially relevant.

Principal among its criteria, in the context of the application proposal, is that which requires that the new use is "sympathetic to, and will enhance the rural setting and character of the building and surrounding area and is in a location which will not substantively add to the need to travel by car".

In addition, the policy requires that, for residential change of use/conversion proposals, it must be established, among other things, that conversion will enhance the setting of the building; for example, through removal of modern additions and materials or outside storage, or through landscaping, and that development is located close to a range of services and facilities to meet residents' everyday needs.

Regarding the first of these, as stated above no alterations to the building are intended, or indeed necessary, to facilitate its 'conversion' to independent residential use. Furthermore, there are no benefits to its setting that would result from the proposal

since it is almost entirely surrounded by the residential curtilage of no. 2 Lower Court Cottages and there is no requirement, or indeed any opportunity, to further enhance the setting through the removal of modern and/or unsightly additions, materials, etc., the discontinuation of any external storage use of the land or by other means. In addition, the presence of an informally landscaped garden around the building is such that, again, there is no realistic opportunity to improve the character of the setting through the introduction of any further landscaping.

The 'conversion' scheme would not therefore result in any enhancement of the setting of the building relative to the existing character of the same.

Moreover, and more importantly, the site occupies a location that could not reasonably be considered to be located close, or well-related in relation to, a sufficient range of services and facilities to meet prospective occupiers' everyday needs.

Fluxton is essentially a hamlet of no more than a residential character with no such facilities or services or any regular public transport service that would readily facilitate means of access to those elsewhere other than by private car. It is also not within easy, convenient or especially safe walking or cycling distance of either Tipton St. John/ Metcombe - which, in any event, are not recognised in the adopted local Plan as a settlement with strong sustainability credentials through being assigned a Built-up Area Boundary (BuAB) - or West Hill (which does have a BuAB) or Ottery St. Mary.

Furthermore, the roads connecting Fluxton with all three are all largely typical rural Devon lanes with no footways or street lighting and, although reasonably direct in providing links to Tipton St. John/Metcombe and Ottery St. Mary, is not so in relation to West Hill. In addition, although not necessarily generally subject to excessive traffic speeds on a regular basis, there are significant lengths of these roads where the national speed limit applies, adding to their lack of appeal or attractiveness as a walking or cycling route.

It is therefore considered that the proposal would also fail to meet this fundamental test of Policy D8 in relation to residential change of use/conversion proposals.

In so doing, it would also be contrary to the provisions of Local Plan Policy TC2 (Accessibility of New Development) that require that "new development should be located so as to be accessible by pedestrians, cyclists and public transport and also well related to compatible land uses so as to minimise the need to travel by car".

These are largely complementary to those of Policy D8 cited above and also in line with relevant guidance contained within the National Planning Policy Framework (NPPF) which has a presumption in favour of sustainable development at its heart.

The proposal would also fail to meet with the Policy D8 requirement that conversion of the building should enhance its setting (for example, through the removal of modern extensions and materials or outside storage or through landscaping).

There are therefore no particular heritage gains to be derived from the proposal given that the building has been in lawful use for annexe purposes and is therefore in good repair/condition. Moreover, there is no evidence to suggest that it would be at any

significant risk of falling into disrepair were the proposal to be resisted. As such, any case that it would be more likely to be maintained as such in perpetuity as a result of approving the development would carry very little weight in its favour.

Although these considerations are thought to be of sufficient weight to justify opposing the principle of the proposed change in the use of the building, it is worth recording that, in relation to the other main generic criteria set out in Policy D8, it is thought that the proposed change of use may otherwise be regarded as being largely compliant.

The use of the building for independent residential purposes, coupled with the absence of any proposed alterations to it that form part of the scheme, would be such as to make it difficult to conclude that the use would not be sympathetic to the rural character and setting of the building or that the conversion scheme itself would be out of keeping with its surrounding or local building styles or materials.

Moreover, the building is structurally sound and readily capable of accommodating an ongoing residential use without the need for any enlargement, alteration or reconstruction while there are no alterations proposed that could otherwise fail to protect or enhance its character or that of its setting.

The absence of any agricultural use of the building at present is also a mitigating factor against any argument that a re-use would undermine the viability of any existing agricultural enterprise operating from the site (in any event there is none) or likely require the need for the construction of replacement buildings to serve such a purpose in the future.

The remaining criterion, namely that the development should avoid harm to the countryside by way of, among other things, traffic and/or parking, is considered in the next section of the report.

Local Plan policy aside, it is also considered that the proposal would be in line with the requirement, set out in paragraph 197 of the NPPF, that local planning authorities should, in relation to proposals affecting heritage assets, take account of the desirability of sustaining and enhancing their significance and out them to viable uses consistent with their conservation.

Although the building has been in use for residential occupancy purposes, unlike many other such listed or 'curtilage listed' buildings that are not put to viable use, there could be no guarantee that an ongoing annexe use would be maintained or that any income could be generated towards its ongoing maintenance and upkeep.

It is therefore felt that there are modest benefits in this regard that, when weighed with the absence of any impact upon the significance of the building (as forming part of a designated heritage asset) and the perceived absence of any wider material planning conflict for the reasons set out above, carry some weight in favour of an acceptance of the principle of the scheme. However, it is not thought that they in any way outweigh the fundamental conflict with Policies D8 and TC2 set out above.

The reference made by the ward member to provisions within the NPPF that enable the development of 'isolated' dwellings in the countryside in circumstances where,

among other things, the sub-division of existing residential properties is involved is duly acknowledged. However, there is case law from 2020 that provides significant clarification as to the circumstances when this can be applied. This established that the policy concession only applies to the sub-division of main dwellings themselves. It cannot be applied to 'sub-division' proposals where separate annexe or other outbuildings, such as in this case, are proposed to be converted to independent dwellings.

The pre-application advice to which the ward member refers pre-dated this judgment.

As such, it is not accepted that there is any alternative 'fallback' position in this case and therefore little weight can be given to the ward member's comments in this regard.

Other Issues

Although no material operations involving the conversion scheme for the building itself form part of the submitted proposals, the proposed formation of the new vehicular entrance and laying of the parking and turning facility within the lower portion of the existing curtilage area to its east would clearly amount to such operations with some attendant impact upon the character and appearance of the site and wider area as well as highway safety matters and, as such, demand consideration.

Having regard to the character/appearance issue first off, there is little doubt that the creation of the proposed access/entrance would represent a significant intervention in what currently bears the appearance of an established hedged frontage to the site, to the rear of the roadside brook.

However, the reality is that the depth and thickness of the 'hedge' is constrained by the presence of a vertical timber fence immediately behind it that appears, from within the site, to extend the entire length of the frontage.

Moreover, the length of this frontage (i.e. within the control of the applicants), at around 10 metres, is thought to be comparatively modest.

As such, and also taking into consideration the position of the frontage boundary within close proximity of a number of road frontage boundaries of other residential properties - along both sides of the highway - that are defined by walls and fences, many of which are breached by vehicular and pedestrian entrances, it is not considered that the extent of work that would be required in order to create the proposed entrance would materially adversely impact the rural character of either the site frontage itself or the wider hamlet to a degree that would justify support for the objection raised by the town council on this ground.

The position and alignment of the hedge and fence set back from the road, created by the intervening presence of the brook, allows for adequate visibility for drivers of emerging vehicles in both directions. It also enables sufficient forward visibility of emerging vehicles for drivers of vehicles on the road itself. As such, there is no requirement for any further operations, involving third party land beyond the application site, involving the formation of visibility splays, unlike many other situations within rural areas where potentially more intrusive and detrimental interventions are

necessary with consequentially greater harm to their character. By comparison, the level of intervention in the road frontage of the site in this case would be limited and, taken together with its position within the hamlet and its slightly more built-up character, less harmful.

Equally, subject to the tree and ground protection measures and 'no dig' construction methodology for construction that have been provided with the application being complied with in full to ensure no loss of any visually significant trees, it is not anticipated that the introduction of the proposed parking and turning facility would detract from the character or appearance of the site or surrounding area.

In terms of highway safety, no objections are raised to the access proposals by the County Highway Authority.

The juxtaposition of the building, at right angles to the principal dwelling, provides an obvious physical separation between the prospective garden area that would be attached to the dwelling nearer to the road and that to the west to be retained with no. 2 Lower Court Cottages. The independent use of both would be capable of being carried on without any mutually adverse or detrimental effect upon the living conditions enjoyed by the respective occupiers of both units; more particularly if an existing fence, gate and planting abutting the southern side of the application building were to be retained as a physical definition of the boundary between the two areas.

Furthermore, whilst the windows in the north elevation of the building would afford a direct and very close outlook upon the front gardens attached to both nos. 1 and 2, resulting in a spatial relationship that prima facie would not appear especially desirable in amenity terms, these are of less private character in any event. They accommodate the shared access path to both properties, with it passing directly in front of no. 1 whilst allowing for access to no. 2. Furthermore, both properties would - as alluded to above in relation to no. 2 above - retain the use of separate more private rear gardens from which greater amenity benefit would continue to be derived, irrespective of the acceptance or otherwise of the proposed development.

The town council's point regarding the absence of an application for listed building consent is not readily understood. In any event however, for the reasons set out at the outset of this report the submission of such an application has not been necessary.

Habitat Regulations Assessment and Appropriate Assessment

The nature of this application and its location close to the Pebblebed Heaths and their European Habitat designation 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 Pebblebed Heaths through impacts from recreational use. The impacts are highest from developments within 10 kilometres of the designation. 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.

CONCLUSION

The provisions of Policies D8 and TC2 of the adopted Local Plan are of particular relevance to the proposal and are, in this case, complementary to each other. The former requires, among other things, that new residential development is located close to a range of accessible services and facilities to meet residents' everyday needs while the latter stipulates that new development should be located so as to be accessible by pedestrians, cyclists and public transport and also well related to compatible land uses so as to minimise the need for car travel. It is considered that the proposal fails against these key criteria. The site occupies a comparatively remote rural location with poor pedestrian and cycle connectivity with other settlements. Furthermore, the bus service through the hamlet is infrequent.

The proposal would also fail when considered against another key criterion of Policy D8 owing to the absence of any enhancement to the setting of the building that would result from its 'conversion'; there being no works necessary owing to it already being in use for annexe purposes.

Although the nature of the objections raised by the town council are duly acknowledged, it is not agreed that the proposed hedge removal would result in material harm to the rural character or appearance of the lane or the wider hamlet as to justify opposition to the scheme on the basis of the extent of loss that would be incurred.

Equally, the provisions set out in the National Planning Policy Framework that permit the development of 'isolated' dwellings in the countryside through the sub-division of existing dwellings to which reference is made by the ward member are not considered applicable. Case law has established that 'sub-division' only relates to the principal dwelling and not to the separation of ancillary buildings as independent buildings. There is therefore no alternative 'fallback' position in this regard.

In conclusion therefore, having regard to the balance of the above material considerations it is considered that the proposed development would be unacceptable on the grounds of the unsustainable location of the site and therefore its conflict with Local Plan Policies D8 and TC2 and guidance set out in the NPPF.

RECOMMENDATIONS

1. That the Habitat Regulations Appropriate Assessment be adopted.
2. That the application be REFUSED for the following reason:
 1. The site is located 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 proposal, 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, which would not be physically or functionally well related to the built form of any defined settlement. 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 Policies D8 (Re-use of Rural Buildings Outside of Settlements) and TC2 (Accessibility of New Development) of the East Devon Local Plan 2013-2031 and guidance within the National Planning Policy Framework (2021).

NOTE FOR APPLICANT

Informative: Confirmation - No CIL Liability

This Informative confirms that this development is not liable to a CIL charge.

Any queries regarding CIL, please telephone 01395 571585 or email cil@eastdevon.gov.uk.

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:

2021_901_01 Rev 0	Combined Plans	13.09.21
2021_901_01 Rev 0: Elevations	Combined Plans	14.09.21
2021_901_01 Rev 0	Location Plan	09.02.22
2021-901-01 rev 0	Tree Protection Plan	23.11.21
method statement for "no dig" parking area	General Correspondence	23.11.21

List of Background Papers

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

		Committee Date: 26th July 2022
Woodbury And Lympstone (Lympstone)	21/0354/FUL	Target Date: 20.04.2021
Applicant:	Mr & Mrs Mullen	
Location:	Blue Haze Church Path	
Proposal:	Change of use of land from agricultural to residential to provide a driveway to Blue Haze, construction of an agricultural storage building and hardening of public footpath	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before Committee as the officer recommendation is contrary to the views shared by both ward members.

Permission has recently been granted for a replacement dwelling on the edge of the Lympstone built up area boundary, this dwelling does not/has never benefitted from any off street parking and cannot be accessed by a vehicle. During the determination of the previous application 18/0903/FUL part of the proposal for an access track and parking area was removed as officers had concerns regarding the impact on the green wedge with no public benefits being put forward.

This application proposes a similar access route, using two strips of concrete, laid onto the existing surface with a small foundation, spaced an axle width apart, leading to a parking area and agricultural building, however, this time it also proposes to harden the public footpath which is in the ownership of the applicant. Policy 3 of the Lympstone Neighbourhood Plan indicates that where development causes no harm to the purpose of the green wedge (coalescence) developments that provide a community benefit will be permissible in the designated area; it is considered that the hardening of the footpath, so that it can be used all year round (at present the footpath is very muddy and wet through some of the year, particularly the winter months), would be a community benefit.

The impact of the development on highway safety (including surface water run off onto the highway) has been found to be acceptable together with the visual impact and impact of the agricultural building on its surroundings.

Accordingly, the proposed development is not considered to undermine the purpose of the green wedge or lead to the loss of identity of Lypstone leading to settlement coalescence and is therefore recommended for approval subject to conditions.

CONSULTATIONS

Local Consultations

Parish/Town Council

Recommendation: OBJECT

Lypstone Parish Council (LPC) point out that the original planning permission for the development at Blue Haze was granted on the proviso that the field was used only for access to and from the house during the building works. Once the development had been completed, the field would be returned to its original state as an agricultural field. And, despite the owners openly promising the reinstatement of the field at a public meeting, it is believed that the hard core chosen to be used and laid as the temporary access seemingly proves that this was never the intention.

LPC fears that if this application were approved it would set a precedent for other agricultural fields. Although the housing development is inside the BUAB, the agricultural field is outside the BUAB, in the green wedge and in the coastal preservation area. It would ultimately be detrimental to the flora and fauna habitats; change the character and destroy the ever-diminishing green wedge.

The proposed agricultural building is substantial and far too big for the requirements set out in the planning application. Being on the skyline it goes against green wedge principles and could be seen from the Exe Estuary and surrounding areas both near and far.

The entire planning application contravenes the objectives set out in the East Devon Local Plan especially regarding sustainability, the conservation area and environment. And contradictory to the Lypstone Village Design Statement and Objectives: 2, 4, 5, 6, CA22 and CA24 of the Lypstone Neighbourhood Plan.

LPC have concerns of the proposed removal of an established Oak tree due to its 'poor condition' recorded on the plans but this conflicts with the arboricultural report that the Oak tree should be protected. At the request of LPC, Lypstone tree warden has viewed and made the following comments about the tree: 'This Oak tree is approximately 50 years old. The lower branch has been broken down and it needs to be removed. It is a typical hedgerow Oak tree which are too often being removed from hedges around Devon. I would recommend that the EDDC tree officer places a pending TPO on this tree so that a complete assessment can be made before any work proceeds on this tree.' LPC kindly asks that EDDCs tree Officer also view and comment on this Oak tree.

Issues surrounding the ownership of the hedge and bank between the new development at Blue Haze and the agricultural field need to be legally established.

The footpath needs to be kept in line with Devon County Council policies and recommendations.

Woodbury And Lympstone - Cllr Ben Ingham

At this time, with the facts as I understand them, I recommend this application for refusal for the following reasons:

- A change of usage, even if only for the drive, will have a dramatic effect on the field and its usage. The field will no longer be used for agricultural purposes. This we have seen over the last couple of years already, which is wrong.
- The considered site is clearly visible from the footpath within the field so is already intrusive and the rubble track must be removed when the building work is completed.
- This site is in the green wedge, so anything that encourages the coalescence of Lympstone and Exmouth should be refused, however minor, if against policy.
- The strategy to protect this land and adjacent fields is a valid one, set some time ago. As a planning authority, we must protect that intent vigilantly, not compromise it. The Coastal Preservation Area and Green Wedge must be preserved and protected.

I recommend refusal

Further comments:

I continue to recommend refusal.

Woodbury And Lympstone - Cllr Geoff Jung

21/0354/FUL

I have viewed the Planning Application 21/0354/FUL for a change of use of land from agricultural to domestic to provide a driveway to Blue Haze and construction of an agricultural storage building at Blue Haze Church Path Lympstone

The property Blue Haze has recently been transformed to a substantial dwelling 18/0903/FUL in 2018. According to the application documents there is no parking allocated to Blue Haze. Vehicles currently park on the street on Underhill, Underhill Crescent or in the Council car park, however it is well known (and recognised within the Neighbourhood Plan) that spaces are very limited in these areas. There is also no emergency access to the property. Ambulances, fire crews and other emergency services cannot access the property and must park at the bottom of the path. This has had a significant impact on response times and limited the extent of equipment that they could bring to site.

This earlier application was originally submitted with a proposed access in the same location as this latest line following the temporary permitted access. However following concerns raised regarding the impact on the agricultural field which is protected as a Green Wedge and within the Coastal protection area the proposal for the drive was withdrawn and the development agreed without vehicle access.

Therefore, the lack of access was accepted and agreed prior to the development going ahead and I cannot see a justification to override the earlier concerns and objections and therefore I cannot support this application.

I reserve my final views on this application until I am in full possession of all the relevant arguments for and against.

Further comments:

21/0354/FUL

I have viewed the documents in relation to 21/0354/FUL for a change of use of land from agricultural to residential to provide a driveway to Blue Haze, for the construction of an agricultural storage building and hardening of public footpath at Blue Haze Church Path Lymptone.

This proposal is in the protected Green wedge and outside the Built-up Area Boundary for the Village of Lymptone and therefore not supported by the East Devon Local Plan Reviewing the previous application which also included this access but later withdrawn suggests that the previous application would not have been approved with the driveway. However, a temporary driveway was agreed with a condition this would be removed once construction was completed. I see no reason why this should be considered now and therefore cannot support this application.

I reserve my final views on the application until I am in full possession of all the relevant arguments for and against

Technical Consultations

Devon County Highway Authority

The project leads on from the approved application 18/0903/FUL, The proposed plan leaves at least the first 15m with a compacted surface to avoid debris being brought onto Sowden Lane. Sowden Lane is the best option for visibility to allow a vehicular access to this property.

It may be good to consult the Public Right of Way team on their thoughts on the interaction of the adjacent footpath from this planning application.

Overall however the County Highway Authority has no objection to this planning application.

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

Further comment:

Devon County Highways has been contacted regarding potential for increased surface water run-off from the development onto Sowden Lane. The access onto the road is existing and there has been a gravel surface evident here for a number of years, the use of the access for a different purpose is not going to encourage water to act any differently that it does currently.

Should planning officers consider a condition necessary something along the following lines may aid in allaying any local concerns:

Prior to its first use for residential purposes the access with Sowden Lane shall be constructed in such a way as to prevent surface water leaving the application site and entering the public highway.

Reason: To ensure that any increase in surface water resulting for the proposed development does not enter the public highway in the interests of highway safety in accordance with Policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan).

EDDC Landscape Architect - Chris Hariades

12/07/21 - Having reviewed the details submitted for the above application I comment as follows:

The proposed small barn parking area and trackway are likely to be visible from Lympstone footpath 4 to the east, especially in winter when the adjacent hedgerow is not in leaf but are likely to have limited landscape and visual impact. However I would make the following recommendations for conditions should the application be considered for approval:

- o The barn roof should be clad in cedar shingles rather than profile metal sheeting in order to prevent glare effects that may otherwise arise due to its elevated southerly aspect. Timber wall cladding should be dark stained.
- o The proposed 'tramway' track which is to be formed in concrete should utilise dark aggregate to help it blend with the surrounding red soil.
- o The proposed parking area and hardstanding to the front of the barn should be formed in permeable self-binding gravel. Details of proposed gravel source should be submitted for approval prior to construction.
- o Detailed proposals for improvements to the surface of the public footpath (Lympstone footpath 4) should be submitted for approval including details of proposed aggregate which should be a suitable dark colour together with details of proposed drainage measures and future maintenance.
- o There is opportunity to provide biodiversity benefits through appropriate management of the field boundary hedgerows including additional tree planting within/ adjacent to them and management of the grass sward by appropriate cutting and removal of arisings to promote summer flowering and seeding of wildflower species. A 10 year landscape and ecology management plan should be submitted for approval prior to commencement of works.

Other Representations

13 letters of representation have been received as a result of this application, 10 raising objections, 2 in support and 1 neutral comment.

The 10 objections raise the following concerns:

- extending the curtilage and an access through the green wedge would create a dangerous precedent;
- loss of amenity to local residents;
- deviates from the local plan;
- the applicants knew there was no access or parking area when they purchased the property;

- the barn will become a domestic garage;
- better places on the land to site the agricultural building;
- hardening of the path is not a community benefit - just the landowners duty;
- access removed from previous application;
- field should remain solely for agricultural purposes;
- current drive is for construction purposes only and should be removed when no longer required;
- protect the green wedge at all costs.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 7 (Development in the Countryside)

D1 (Design and Local Distinctiveness)

TC7 (Adequacy of Road Network and Site Access)

Strategy 8 (Development in Green Wedges)

D7 (Agricultural Buildings and Development)

EN14 (Control of Pollution)

EN22 (Surface Run-Off Implications of New Development)

Neighbourhood Plan

Lympstone Neighbourhood Plan (Made) – Policy 3

Government Planning Documents

NPPF (National Planning Policy Framework 2019)

National Planning Practice Guidance

Relevant Planning History

18/0903/FUL - Replacement dwelling - Approved

This application had originally been submitted with a sunken parking area and access driveway from Sowden Lane, however, following concerns raised by officers regarding the impact on the green wedge and coastal preservation area and the absence of a public benefit, the applicant has decided to withdraw this element of the proposal.

Site Location and Description

The site for the proposed access, driveway, parking area and agricultural storage building lie adjacent to the built up area boundary of Lympstone as defined in the Villages Plan DPD which is echoed in the Lympstone Neighbourhood Plan. The field is accessed from Sowden Lane and rises steadily up before levelling out where it meets with the public footpath on its northern boundary. The area where the parking

and agricultural storage building are proposed is relatively flat. The applicant's dwelling, which is currently under construction, lies immediately to the north of the proposed parking area.

The site is located within the Green Wedge and Coastal Preservation Area.

Proposed Development

This application seeks full planning permission for the change of use of part of an agricultural field to provide a driveway and parking area for the property known as 'Blue Haze', it also proposes to erect an agricultural storage building.

During the application process the application was amended to include hardening of the public footpath which runs along the northern boundary of the site and is in the applicant's ownership.

ANALYSIS

The main considerations in the determination of this application relate to:

- The principle of the proposed development;
- Development in the green wedge;
- Impact on residential amenity;
- Impact on highway safety;

Principle of the proposed development

The site lies outside of the built up area boundary of Lympstone as defined by the Villages Plan DPD referenced in Strategy 27 of the East Devon Local Plan and is therefore considered to be in the countryside in policy terms. Strategy 7 of the East Devon Local Plan does not put a bar on any development form taking place in the countryside, however, any development proposed must be in accordance with another policy contained in the Local Plan, in this instance there is no policy in the local plan that would allow for the extension of residential curtilage (to provide the access track and parking area).

Furthermore Strategy 8 (Development in Green Wedges) of the East Devon Local Plan states within Green Wedges, as defined on the Proposal Map, development will not be permitted if it would add to existing sporadic or isolated development or damage the individual identity of a settlement or could lead to or encourage settlement coalescence. The Green Wedge designation is described as land west of the A376.

Planning law requires that applications for planning permission must be determined in accordance with the development plan (foot note 2 states this includes local and neighbourhood plans that have been brought into force) unless material considerations indicate otherwise. Paragraph 12 of the NPPF states that the presumption in favour of development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any

neighbourhood plans that form part of the development plan), permission should not usually be granted.

The Lymptstone Neighbourhood Plan (LNP) is 'made' and therefore its policies are a material consideration and should be afforded full weight.

In this regard it is important to note the provision of Policy 3 of the Lymptstone Neighbourhood Plan which states that:

Development will not normally be permitted within the Green Wedge or Coastal Preservation Area unless it can be demonstrated that no harm to the character or purpose of these areas will occur and development is:

- o Justified on agricultural, horticultural or forestry grounds; or*
- o Within a residential or employment site curtilage; or*
- o Justified on sustainability grounds; or*
- o Will provide a community facility or recreation route.*

This NP policy does not support residential dwellings in the Green Wedge and clearly sets out the development types that would be considered acceptable subject to no harm. In the case of this application, the agricultural building is justified on agricultural, horticultural or forestry grounds and is therefore acceptable in principle. The access track to the dwelling would be justified based on the fourth criteria as it would harden the public footpath and make it useable all year round, the existing public footpath, which is in the ownership of the applicants albeit fenced off from the rest of the field to prevent ease of access across all of their land, is inaccessible for a fair proportion of the year, chiefly the winter months as it is often wet and boggy. At the time of the officer visit in early March of this year the footpath was barely useable, certainly for people with physical disabilities. Accordingly the hardening of the public footpath would be seen as a community benefit/facility.

Accordingly it is considered that the proposal is acceptable in principle providing that no harm to the character and purpose of the green wedge is found and the impacts of the proposal are acceptable in relation to other policies contained in the development plan.

Green Wedge and Coastal Preservation Area

The proposal lies in the Green Wedge and Coastal Preservation Area and therefore must comply with Strategies 8 and 44 of the EDDC Local Plan and Policy 3 of the LNP which states that development will not be permitted if it would harm the open area, add to existing sporadic or isolated development or damage the individual identity of a settlement or could lead to or encourage settlement coalescence.

In this instance the access track to the dwelling would consist of two lines of concrete, an axle width apart, laid onto the existing surface (with appropriate foundation), therefore the track would not be overly visible from the public domain especially given the surrounding topography, the track would be more visible as it gets closer to the built up area boundary as it is overlooked by a handful of dwellings and would be visible from the public footpath. Accordingly as the track would be agricultural in

appearance and could not be said to add to sporadic or isolated development or damage the identity of Lympstone and is therefore considered acceptable in terms of its impact on the green wedge.

The parking area would be more visible and would be required to be screened to soften its impact through an appropriately worded landscaping condition and removal of permitted development right under Class E to ensure no structures are placed within it without the prior granting of planning permission, the area itself is not considered to harm the purpose of the Green Wedge or the identity of Lympstone.

The agricultural building has been designed to be functional to enable a storage solution for vehicles and implements required to maintain the field, its modest form and sympathetic materials would be read against the backdrop of existing hedging and the applicants dwelling, the building is considered reasonably necessary on the land and would not lead to or encourage settlement coalescence or harm the individual identity of Lympstone. There are similar, albeit much larger, agricultural storage buildings on the opposite side of Sowden Lane serving a property called 'Atlantis' which are much more readily visible in the surroundings.

The Council's Landscape Architect considers that the track and building would have a limited landscape and visual impact but does consider it necessary to impose suitably worded conditions to ensure that the track and building would assimilate well into their surroundings.

In respect of green wedge policy, given the site surroundings, with existing housing to the north and east, the low level of the development is considered to assimilate well into its surroundings and as such would not add to existing or sporadic development, while the low scale and density of the proposal would not damage the individual identity of Lympstone village in accordance with Strategy 8 of the EDDC Local Plan and Policy 3 of the LNP. This is a similar circumstance to the recent appeal against the refusal of application 20/0933/OUT (albeit for a dwelling and not an access track), where the Inspector commented the following in relation to impact on the green wedge

'The development would read as infill and would relate very well to surrounding housing, falling inside a notional building line across this southern extent of the village. It is bound by a substantive hedgebank along its south perimeter. If this feature is retained, and if the dwelling were to maintain a low-profile design as suggested, the proposal would have a negligible presence within the Green Wedge in views from the public footpaths and the highway network to the south. On this basis, the scheme would consolidate the pattern of development at this village edge without harm to the character and appearance of the Green Wedge and without any semblance of encroachment towards Exmouth'.

Comments have been made by the District Councillor, Parish Council and 3rd parties stating that the applicant withdrew the track from the previous application on this site which granted planning permission for the replacement dwelling and the development has been implemented so the applicants were aware that they may not gain permission for a driveway and parking area and therefore this permission should not be granted. However, since consideration of the original application, the applicants have offered the hardening of the public footpath on the northern and part of the

eastern boundary of the site which is in their ownership to enable the footpath to be used year round and accords with the Lympstone Neighbourhood Plan which has been recently made and follows the wishes of the local community.

Impact on residential amenity

The applicant's dwelling lies at the end of Church Path which runs up hill from the centre of Lympstone, none of the dwellings are served by access or dedicated parking and are required to either use on street parking in the area or the public car park, access for emergency services is difficult. Being the end property there are no other immediate neighbours that have the potential to be impacted upon as a result of the proposal other than through car headlights in the shining form the track, which would be in excess of 30 metres, the proposal is not considered to have a detrimental impact on residential amenity in accordance with Policy D1 of the EDDC Local Plan.

Impact on highway safety

The proposal seeks to use the existing field access onto Sowden Lane, the access track would be hardened for 15 metres back from the junction similarly to as it has been in the past, although details of its exact materials would be required by condition and follow the hedgeline boundary on the eastern boundary of the site. The field access has been used by agricultural vehicles for a number of years and has been used by the applicants as a temporary construction access (under permitted development) while the replacement dwelling is being constructed. The access is on the inside of a bend where traffic speeds are low and affords good visibility in either direction. Devon County Highways Engineer raises no objections to the proposed development.

Concerns have been expressed locally regarding the potential for increased surface water run-off from the proposed use of the access and driveway for residential purposes, however as there has been an access here for a number of years together with a gravelled access way into the field it is considered that there is unlikely to be any increased surface water run off entering the public highway. Devon County Highways Officer concurs with this view, however for the avoidance of doubt they suggest a condition if Members consider it necessary, this is provided below as condition 11.

Accordingly, the proposed access is considered acceptable in relation to Policy TC7 of the EDDC Local Plan.

Devon County Council's Footpath Officer has been consulted on the planning application and chanced for comments on many occasions, but despite seeking a response for almost 12 months no comments have been forthcoming. This is taken as a lack of objection to the proposal,

Conclusion

The proposal represent a form of development that would be a departure from the East Devon Local Plan, however, it is one of the types of development that is supported by the Lympstone Neighbourhood Plan by providing a community benefit

through the hardening and maintenance of the public footpath so that it can be use all year round and is a form of development that is not considered to harm the individual identity of Lympstone or lead to or encourage settlement coalescence. As such it will not harm the Green Wedge of Coastal Preservation Area and is therefore recommended for approval.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development of the access track and parking area hereby permitted shall be begun within 3 months of 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) to remove the temporary track that is currently in place on the land.
2. The development of the agricultural building shall be begun before the expiration of three years from the date of this permission hereby permitted shall be begun 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)
3. 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.)
4. Notwithstanding the details provided, within 3 months of the commencement of development a landscaping scheme shall have 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 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.)
5. Within 6 months of the commencement of development, the public footpath located on the northern and eastern boundary of the site and within the applicant's ownership shall be hardened in accordance with a scheme that shall previously have been submitted to and approved in writing by the Local

Planning Department. The footpath shall thereafter be maintained in a hardened form so that it can be used throughout the calendar year.
(Reason: To ensure the public benefit from the proposal can be secured for the long term benefit of the community in accordance with Policy 3 of the Lympstone Neighbourhood Plan).

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 Class E for the provision within the curtilages of the dwellinghouses hereby permitted of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouses as such in the area edged red on the planning application.
(Reason - To protect the character and appearance of the area in accordance with Policy D1 – Design and Local Distinctiveness of the Adopted New East Devon Local Plan 2016.
7. The access track and parking area shall only be used by the occupiers of the property known as Blue Haze and their visitors unless required to be used by emergency services.
Reason: To minimise the use of the access track and the visual impact of vehicles using the track and parking area in accordance with Policy D1 – Design and Local Distinctiveness of the East Devon Local Plan
8. Notwithstanding the details provided no development above foundation level on the agricultural building hereby approved shall take place until samples of the materials to be used in the construction of the external surfaces of the building have been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the roof shall be clad in shingles rather than metal sheeting. Development shall be carried out in accordance with the approved details.
(Reason - To ensure that the materials are considered at an early stage and are sympathetic to the character and appearance of the area in accordance with Policy D1 – Design and Local Distinctiveness of the Adopted New East Devon Local Plan 2016.)
9. Within 3 months of the commencement of development, the access track shall be hardened for the first 15 metres back from its junction with Sowden Lane as indicated on drawing number SK101A received on 23rd February 2021 and thereafter retained and maintained in a hardened condition.
(Reason: To prevent mud and other debris from entering the public highway in accordance with Policy TC7 – Adequacy of Road Network and Site Access of the East Devon Local Plan).
10. Notwithstanding the details provided, no construction of the access tracks and parking area shall commence until details of their materials and finish have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the agreed materials and finishes only.

(Reason - To ensure that the materials are considered at an early stage and are sympathetic to the character and appearance of the area in accordance with Policy D1 – Design and Local Distinctiveness of the Adopted New East Devon Local Plan 2016.)

11. Prior to its first use for residential purposes the access with Sowden Lane shall be constructed in such a way as to prevent surface water leaving the application site and entering the public highway.

(Reason: To ensure that any increase in surface water resulting for the proposed development does not enter the public highway in the interests of highway safety in accordance with Policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan).

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:

SK101 A : proposed driveway	Other Plans	23.02.21
PP11 B : north/west	Proposed Elevation	23.02.21
PP01 A	Proposed roof plans	23.02.21
PP01 B : south/east	Proposed Elevation	23.02.21
PPLP A	Location Plan	16.03.21

List of Background Papers

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

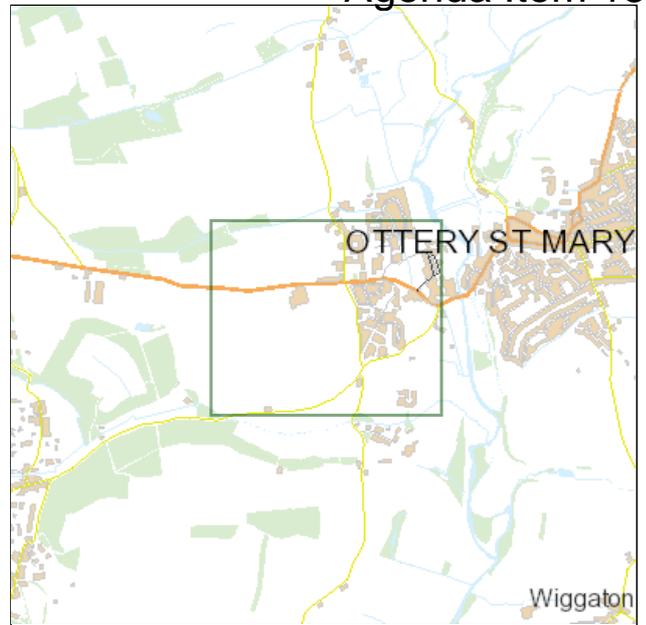
Ward Ottery St Mary

Reference 21/1860/FUL

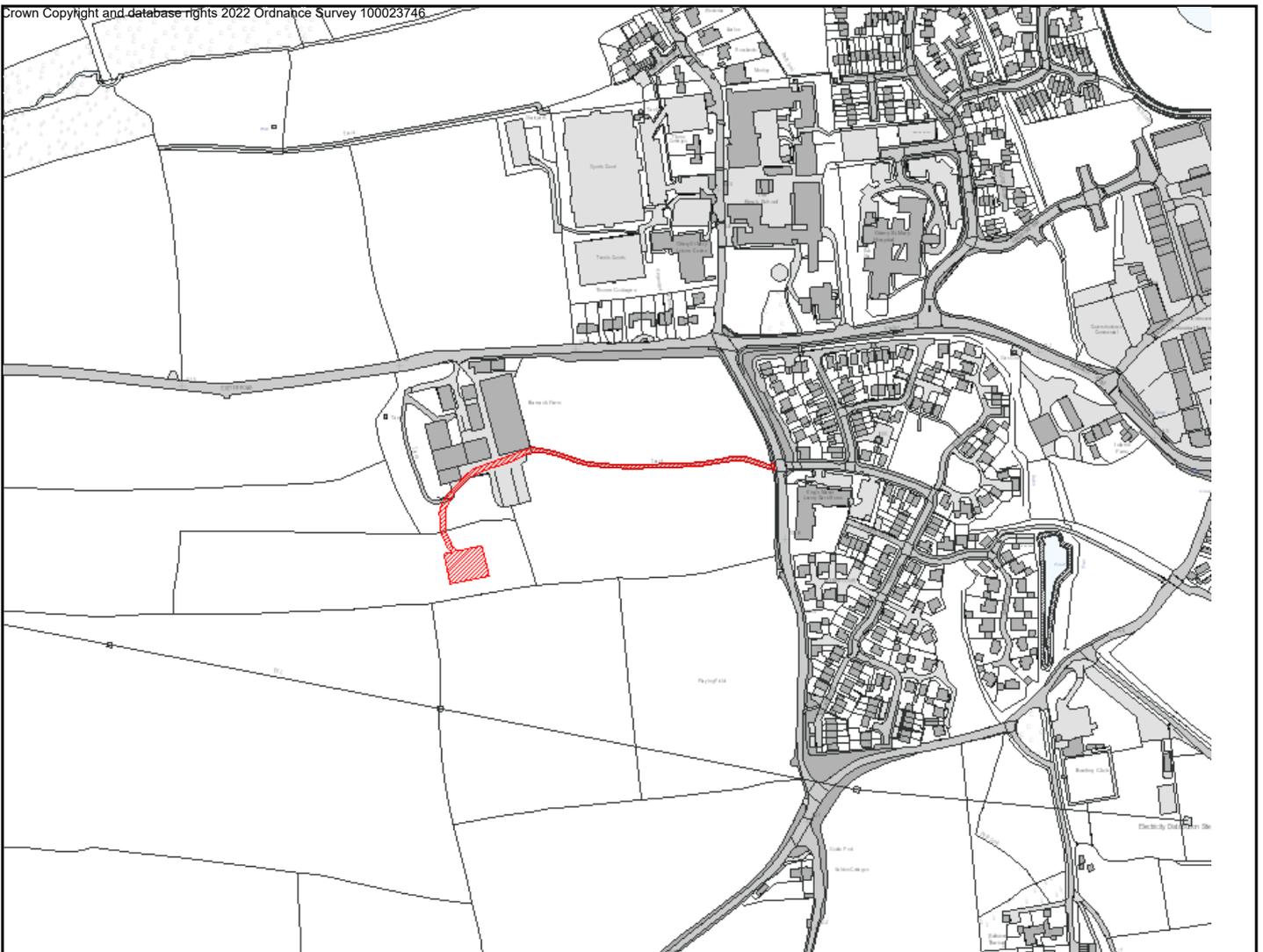
Applicant Mr Martin Nancekivell

Location Barrack Farm Exeter Road Ottery St Mary EX11 1LE

Proposal Two storey, 4-bed, detached, principle farm house with associated parking and amenity space.



RECOMMENDATION: Approval with conditions



		Committee Date: 26th July 2022
Ottery St Mary (Ottery St Mary)	21/1860/FUL	Target Date: 13.10.2021
Applicant:	Mr Martin Nancekivell	
Location:	Barrack Farm Exeter Road	
Proposal:	Two storey, 4-bed, detached, principle farm house with associated parking and amenity space.	

RECOMMENDATION: Approval (conditions)

UPDATE REPORT

This application was considered at the virtual Planning Committee on 13th April 2022 where Members determined to adopt the Appropriate Assessment but defer the item for further negotiation by officers to reduce the size of the dwelling.

The original report to Committee in April is attached and contained an officer recommendation to refuse for the following reason:

“On the basis of the information submitted, the Local Planning Authority is not satisfied that the size of the proposed dwelling would be commensurate with the established functional requirement of the agricultural unit that it would serve. As a consequence, the proposal would be contrary to the provisions of Policy H4 (Dwellings for Persons Employed in Rural Businesses) of the East Devon Local Plan.”

Following the Committee meeting officer have negotiated with the applicant to achieve a dwelling size that is commensurate with the essential need identified within the submitted agricultural appraisal.

Revised drawings have been submitted proposing a dwelling approximately 100sqm smaller and under 200sqm (199sqm) of ‘living floorspace’ which was the level of dwelling accommodation discussed as appropriate at the April Committee.

No further consultee comments have been received in response to the amended plans.

There is an additional 64sqm of ‘working floorspace’ that consists of a boot room, meeting room and office space and such supporting accommodation to run the farm has always been accepted by officers. The application also proposes a double garage but this is detached from the dwelling.

The dwelling would still take on the appearance of a traditional residential property with a pitched roof and series of gable ends. The alterations to the design does not harm the character and appearance of the area and the conclusions drawn from the report taken to Planning Committee on the 13th April, with regards to landscape and other impacts, are still applicable.

It is felt that the plans now detail a scheme that is commensurate with the identified need and provide a level of accommodation that enables the applicant's family to live at the site. As such the applicant has addressed the previous reason for refusal. The application is now considered acceptable and recommended for approval.

RECOMMENDATION

1. 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 occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture (as defined in Section 336 of the Town and Country Planning Act 1990) or forestry, or a widow or widower or surviving civil partner of such a person, and to any resident dependants.
(Reason - The dwelling is justified only by agricultural need and should remain available for this purpose in accordance with Policy H4 (Dwellings for Persons Employed in Rural Businesses) of the East Devon Local Plan 2013-2031.)
4. The development hereby approved shall be carried out in accordance with the Programme of Archaeological Work as detailed within the report prepared by Simon Hughes dated May 2022.

(Reason - To ensure that features of archaeological or architectural importance are recorded before their destruction or concealment and to ensure that an appropriate record is made of archaeological evidence that may be affected by the development in accordance with Policy EN7 (Proposals Affecting Sites which may potentially be of Archaeological Importance) of the adopted East Devon Local Plan 2013-2031.)

5. No development above foundation level shall take place until details of materials to be used externally shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be built in the materials approved.

(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.)

6. Notwithstanding the approved plans, 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 of hardstanding. 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.)

7. Notwithstanding the provisions of Schedule 2 Part 1 Classes A and E and Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), the dwelling hereby permitted shall not be enlarged and no building or enclosure, swimming or other pool, fence, wall or other means of enclosure (other than hereby permitted or approved as part of the required landscaping scheme) shall be provided with the curtilage of the dwelling without the prior express consent of the Local Planning Authority.

(Reason - To protect the character and appearance of the area in accordance with Policy D1 - Design and Local Distinctiveness and to ensure the size of the dwelling remains commensurate with scale and needs of business and that the development remains affordable to an agricultural worker/the business in accordance with policy H4 - Dwellings for Persons Employed in Rural Businesses 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:

Location Plan

18.08.21

	Proposed Floor Plans	31.05.22
North/South	Proposed Elevation	31.05.22
East/West	Proposed Elevation	31.05.22
	Proposed roof plans	31.05.22

ORIGINAL REPORT

		Committee Date: 13 th April 2022	
Ottery St Mary (Ottery St Mary)	21/1860/FUL	Target 13.10.2021	Date:
Applicant:	Mr Martin Nancekivell		
Location:	Barrack Farm Exeter Road		
Proposal:	Two storey, 4-bed, detached, principle farm house with associated parking and amenity space.		

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

This application is before Members as the officer recommendation differs from that of two ward members.

The application site relates to land at Barrack Farm. The holding is located on the western side of Ottery St Mary and accessed off Exeter Road and the road from Kings School to Salston Corner. The farm operates alongside Gosford Pines Farm as part of the Luxton's Dairy business.

The application seeks permission for the construction of dwelling located south of the existing cluster of agricultural building to be occupied by the applicant to assist in the day to day running of the agricultural unit at Barrack Farm.

Policy H4 (Dwellings for Persons Employed in Rural Businesses) of the East Devon Local Plan 2013 - 2031 sets a strict set of criteria that proposals must fully satisfy in order to be granted permission. As such the principle of development is accepted subject to the application meeting the various requirements of Policy H4.

The submitted agricultural appraisal details the herd consists of 650 individuals. Approximately 400 of these are located at Barrack Farm and comprise of mixture of young calves, young dairy stock, dairy heifers and beef finishers. The applicant has sought to emphasize that Barrack Farm, although connected to Gosford Pines Farm under the umbrella of Luxtons Dairy, it is operated as a separate farm, has a significant amount of livestock on site and associated infrastructure to accommodate them.

The Local Authority has had the applicant's agricultural appraisal independently assessed by an agricultural consultant. The appraisal has identified a number of

requirements for the day to day management of the herd at Barrack Farm in addition to a number of benefits to the running of the dairy business that an onsite dwelling would provide.

In addition, Criteria 1 of Policy H4 (Dwellings for Persons Employed in Rural Businesses) requires that dwellings should be commensurate with the established functional requirement of the unit. Dwellings that are unusually large in relation to the agricultural needs of the unit, or unusually expensive to construct in relation to the income that it can sustain in the long term should not be permitted. The Local Planning Authority also has a duty of care to ensure that if any tied dwellings permitted were ever sold on that these should be financially obtainable to a farmer wishing to take on the site.

The submitted floor plans indicate a build with an overall floorspace of 361m². The four bedroom dwelling allocates space to assist in the day to day running of the farm including a boot room (5.3sqm), farm office (8.5sqm) and meeting room (20sqm). However omitting this space from the dwelling still results in a large property.

Despite ongoing discussions with the applicant, it is the position of officers that the application has failed to justify the size of the proposed dwelling in terms of the needs of the agricultural unit itself or to demonstrate that the scale would be commensurate with the functional requirement of the farm.

On the basis of the information submitted, the Local Planning Authority is not satisfied that the size of the proposed dwelling would be commensurate with the established functional requirement of the agricultural unit that it would serve. As a consequence, the proposal would be contrary to the provisions of Policy H4 (Dwellings for Persons Employed in Rural Businesses) of the East Devon Local Plan.

CONSULTATIONS

Local Consultations

Parish/Town Council

Town Council Comments:

The Town Council supports this application subject to following the advice of Stephen Reed, DCC Senior Historic Environment Officer. The request for a Written Scheme of Investigation (WSI) was added to the Planning Portal on the day of the Ottery Town Council Planning Meeting and had not been seen by the applicant or by the Councilors except Cllr Richard Grainger. The applicant was present at the meeting and agreed to obtain a report.

The Town Council would require the imposition of an agricultural tie as per the application.

Ottery St Mary – Cllr Geoff Pratt

This matter will go before the planning committee on 13th April and is recommended for Refusal which differs from the recommendations by two Ward members.

Your recommendation is based on the provision contained in Policy H4 of the current Local Plan (page189) under para 1 due to the size of the proposed dwelling not being commensurate with the scale of the established functional need.

In addition to para 1 above under para 2 of Policy H4 the Rural business must demonstrate it has clear prospects for remaining commercially viable. However the site of Barrack Farm has been assessed under a HELAA submission by the applicant to consider its scope for accommodating future development..The proposed site at Barrack Farm is for 200 hundred homes and 1ha of employment land . Further, planning officers working on the forthcoming Local Plan have confirmed the site at Barrack Farm as offering realistic potential to provide for the future growth of the town. It would appear that the applicant has development plans for the future at Barrack Farm which do not fully satisfy the provisions of Policy H4 para 2.

I believe that the above provisions of Para 2 as they relate to the above Development proposals should be mentioned in your report and I would be grateful if you would consider this as there are a number of members of the Planning Committee who are also members of the Strategic Planning Committee who will be aware of this matter of future development.

Ottery St Mary - Cllr Peter Faithfull
Dear Planning Central Team

This application is in my ward and my preliminary view, based on the information presently available to me is that it should be approved.

This application is for a farm house next to a substantial number of farm buildings. I support the application on the condition that the house is tied to the farm and not an individual house in its own right. I also support the comments regarding archeology, but am not aware of any historic structures on that site, the farm buildings all being relatively recent and not showing on early Ordnance Survey maps.

These are my views based on the information presently available. I reserve my right to change my views in the event that further information becomes available to me.

Ottery St Mary - Cllr Vicky Johns

With the information I have been provided I support this application on the proviso that an agriculture tie is put in place for the property to ensure that the property can not be sold off separately and will need to be used only for people working on the farm. I would also like to ensure that the archeological guidelines are followed to ensure that no significant sites are damaged. I withhold my right to change my view if further information comes to light.

Technical Consultations

DCC Historic Environment Officer
Dear Sir/Madam,

Application No. 21/1860/FUL

Barrack Farm Exeter Road Ottery St Mary EX11 1LE - Two storey, 4-bed, detached, principle farm house with associated parking and amenity space: Historic Environment

My ref: Arch/DM/ED/36880a

I refer to the above application. The proposed development lies in an area of archaeological potential with regard to prehistoric activity recorded in the county historic environment record in the surrounding landscape. In addition, there is the potential for the site to contain archaeological and artefactual evidence associated with the early 19th century army barracks thought to have occupied this area and indicated by the "barrack" place name here. As such, groundworks for the construction of the proposed development have the potential to expose and destroy archaeological and artefactual deposits associated with these heritage assets. The impact of development upon the archaeological resource should be mitigated by a programme of archaeological work that should investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development.

The Historic Environment Team recommends that this application should be supported by the submission of a Written Scheme of Investigation (WSI) setting out a programme of archaeological work to be undertaken in mitigation for the loss of heritage assets with archaeological interest. The WSI should be based on national standards and guidance and be approved by the Historic Environment Team.

If a Written Scheme of Investigation is not submitted prior to determination the Historic Environment Team would advise, for the above reasons and in accordance with paragraph 205 of the National Planning Policy Framework (2021) and Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan, that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

'No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.'

Reason

'To ensure, in accordance with Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan and paragraph 205 of the National Planning Policy Framework (2021), that an appropriate record is made of archaeological evidence that may be affected by the development'

This pre-commencement condition is required to ensure that the archaeological works are agreed and implemented prior to any disturbance of archaeological deposits by the commencement of preparatory and/or construction works.

I would envisage a suitable programme of work as taking the form of the archaeological supervision of all groundworks associated with the construction of the proposed development to allow for the identification, investigation and recording of any exposed archaeological or artefactual deposits. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report, and the finds and archive deposited in accordance with relevant national and local guidelines.

I will be happy to discuss this further with you, the applicant or their agent. The Historic Environment Team can also provide the applicant with advice of the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work. Provision of detailed advice to non-householder developers may incur a charge. For further information on the historic environment and planning, and our charging schedule please refer the applicant to: <https://new.devon.gov.uk/historicenvironment/development-management/>.

Other Representations

None

PLANNING HISTORY

Reference	Description	Decision	Date
91/P0169	Improve existing slurry store construct dirty water storage install irrigation system	Approval with conditions	09.04.1991
10/0827/FUL	Extension to cattle barn and demolition of existing barns.	Approval with conditions	21.06.2010

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 7 (Development in the Countryside)

D1 (Design and Local Distinctiveness)

H4 (Dwellings for Persons Employed in Rural Businesses)

EN7 (Proposals Affecting Sites which may potentially be of Archaeological Importance)

EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment System)

EN22 (Surface Run-Off Implications of New Development)

TC2 (Accessibility of New Development)

TC9 (Parking Provision in New Development)

Ottery St Mary and West Hill Neighbourhood Plan

NP2 Sensitive, High Quality Design

NP4 Settlement Containment

Site Location and Description

The agricultural holding at Barrack Farm is run by Luxton's Dairy which first established as a pig farm in the 1950s. The dairy business has expanded considerably since and now covers an area of 600 acres and comprises of two farm units, the other at Gosford Pines which is located approximately 2 Km north of Ottery St Mary. The business now handles a herd of 650 cattle of various ages some used for dairy stock the other as beef stock.

The application site is located approximately 1.3km west of Ottery St Mary Town Centre and is accessed off Exeter Road. The application is located outside the Built-Up Area for Ottery St Mary, however the land itself is not subject of any special designation.

For information, this part of the farm and wider site have been put forward for residential development as part of the Call for Sites for the New Local Plan. However, as this is at a very early stage of production, it carries no weight in the decision making process on this application.

Proposed Development

The application seeks permission for the construction of dwelling located south of the existing cluster of agricultural building to be occupied by the applicant to assist in the day to day running of the agricultural unit at Barrack Farm. The build would be two storey in height with pitched roofs and gable ends. The build would be finished in brick and render with a tiled roof and UPVC openings and rainwater goods.

ANALYSIS

The following issues are considered material in the assessment of this planning application;

- Principle of Development.
- Impact on character and appearance of the area.

These shall be discussed in turn below.

Principle of Development

The spatial strategy for development is focused around the seven main towns and larger villages with built up area boundaries, as described by Strategy 27, will form focal points for development. However, the proposed site is not included within such a settlement and therefore is not considered to have an appropriate level of services and facilities to support residential development. Therefore, for planning purposes, the proposal takes place within a countryside location and therefore subject to restrictive rural policies.

Strategy 7 (Development in the Countryside) of the East Devon Local Plan states that development in the countryside will only be permitted where it is in accordance with a specific Local Plan or Neighbourhood Plan policy that explicitly permits such development and where it would not harm the distinctive landscape qualities within which it is situated.

Policy H4 (Dwellings for Persons Employed in Rural Businesses) of the East Devon Local Plan 2013 - 2031 sets a strict set of criteria that proposals must fully satisfy in order to be granted permission. As such the principle of development is accepted subject to the application meeting the various requirements of Policy H4, these shall be considered in turn below.

- 1. There is a proven and essential agricultural or forestry or rural business need for the occupier of the proposed dwelling to be housed permanently on the unit or in the specific rural location for functional reasons and the size of the proposed dwelling is commensurate with the scale of the established functional need. Where this need is unproven or a new business is being established a temporary dwelling (such as a mobile home) may be permitted to allow time to establish that there is a genuine functional and financial need for a permanent dwelling. A temporary dwelling will normally be permitted for a period of three years, subject to meeting relevant criteria detailed below.*

An Agricultural Appraisal has been submitted in support of the application that states the herd consists of 650 individuals. Approximately 400 of these are located at Barrack Farm and comprise of mixture of young calves, young dairy stock, dairy heifers and beef finishers. The applicant has sought to emphasize that Barrack Farm, although connected to Gosford Pines Farm under the umbrella of Luxton's Dairy, it is operated as a separate farm, has a significant amount of livestock on site and associated infrastructure to accommodate them.

The Local Authority has had the applicant's agricultural appraisal independently assessed by an external consultant. The appraisal has identified a number of requirements for the day to day management of the herd at Barrack Farm in addition to a number of benefits to the running of the dairy business that an onsite dwelling would provide.

To attend the welfare of the animals in order for the applicant to meet the legal responsibilities of the farm owner. At Barrack Farm these are summarised as follows;

- General Husbandry of livestock
- Checking water troughs
- Checking oestrus cycles in breeding heifers
- Feeding
- Pushing in feed
- Routine vet visits.

An on-site presence would also reduce incidences where individuals have been lost due to accidents or sickness. Further losses to the herd would also be avoidable through increased monitoring of young calves. Being able to identify animals on heat and an

early stage leads to improved performance of the herd and is considered to be something only achievable with a 24 hour onsite presence.

Whilst improved security is not a reason to justify the need for worker's dwelling, in this case it has been identified that the applicant has experienced loss of fuel, tools and instances of arson on three separate occasions. It is felt by the applicant that the proposed dwelling would act as a deterrent to these types of acts and also improve biosecurity.

Owing to the significant number of livestock, the day to day requirements of the herd and general needs of the holding it is accepted that there is a need for a full time worker on site and therefore the need for additional accommodation is accepted.

Despite this, criteria 1 also requires that dwellings should be commensurate with the established functional requirement of the unit. Dwellings that are unusually large in relation to the agricultural needs of the unit, or unusually expensive to construct in relation to the income that it can sustain in the long term should not be permitted. The Local Planning Authority also has a duty of care to ensure that if any tied dwellings permitted were ever sold on in the future that these should be financially obtainable to a farmer wishing to take on the site.

The submitted floor plans indicate a build with an overall floorspace of 361m². The four bedroom dwelling allocates space to assist in the day to day running of the farm including a boot room (5.3sqm), farm office (8.5sqm) and meeting room (20sqm). However omitting this space from the dwelling still results in a large property.

Concerns over the size of the dwelling were relayed to the applicant who, in rebuttal, has emphasized the sheer scale of the operation at Barrack Farm and the value of fixed tangible assets and livestock. However there has been little attempt to justify the size of the proposed dwelling in terms of the needs of the agricultural unit itself or to demonstrate that the scale would be commensurate with the functional requirement of the farm.

It is acknowledged that throughout the submission and subsequent conversations with the applicant that the house would also accommodate his two children who are the fifth generation in line to take on the business. Whilst it considered reasonable to entertain a scale of dwelling that would allow the applicant to accommodate room for his immediate family, the resulting floor space is excessive for a four bedroom property for the purposes of meeting the stated functional need.

As a general guide, a maximum of 200sqm is usually accepted for additional agricultural workers dwelling, a not inconsiderable size in itself and adequate to house the applicant and his family.

As stated above, allowing a dwelling of the scale proposed is not justified, and would make it very difficult for the dwelling to be passed on to other agricultural workers should it no longer be required at this farm. This size of dwelling is far in excess of something commensurate with the functional need established for 1 additional worker on site.

This is a principal consideration in assessing the merits of agricultural dwelling size and, in the absence of any strong evidence or case to support a dwelling of the size proposed, it is thought that the proposal is poorly justified and therefore objectionable on this ground.

2. *In the case of a permanent dwelling, the rural business has been operational for a minimum of three years, it is demonstrable that it is commercially viable and has clear prospects for remaining so.*

Business accounts from Luxton's Dairy have been submitted for consideration. The business is clearly profitable and the accounts suggest that it will remain to do so for the foreseeable future. Additionally it is also the position that the business could support the construction of a dwelling. It is pertinent to note here that construction of a dwelling at 361sqm will be considerably more costly than a 200sqm dwelling and therefore add un-necessary additional pressure on the farm finances.

Whilst a Ward Member has rightly pointed out that the wider site has been put forward for residential development as part of the New Local Plan, this carries no weight at present, and whilst this may indicate that there will not be a need for a second dwelling at the farm should the land be developed, the decision needs to be made on the basis of the current planning situation and policies.

3. *In the case of a temporary dwelling, a financial assessment, specifically in the form of a business plan setting out projected future operations, must demonstrate future operational viability.*

The application is proposing a permanent dwelling. No business plan required.

4. *The qualifying test of occupancy must involve at least one occupant being employed full time in the relevant rural business. Two occupants in partnership can meet the condition so long as their joint weekly hours equate to a full working week*

It is understood that Mr Nancekivell, the applicant, and his family would occupy the dwelling. Additionally it is stated on page 16, at Appendix B, that the number of cattle housed at Barrack Farm equates to 2.14 labour units. As such this criteria is considered to be met.

5. *There are no buildings on the operational holding suitable for conversion to meet the residential need or exiting dwellings available now or likely to be available within a nearby location or settlement. Sale within the last three years of any dwellings or buildings suitable for conversion will be taken into account and will count against 'need' in the assessment carried out.*

All current agricultural buildings are currently utilised for the running of the dairy business. There are none on site that are disused. In this case, owing to the various roles under criteria 1, there is considered to be an identified functional need for the presence of a worker onsite.

The applicant was prompted to demonstrate why the essential need could not be met by his current residence at Gerway Farm. The response detailed that currently the application site is left unattended for 14 hours a day. During night time hours issues crop up like bullying, breaking drinkers, getting stuck in gates/barriers, monitoring pregnant heifers, calving, pushing up feed, breaking out and illness. Regular inspections at the quietest ends of the day are the best times to observe and take note of this and finding out which heifers are showing signs of heat for getting the timing right for breeding.

Owing to the level of livestock present at Barrack Farm and the associated day to day requirements of the herd it has been established that there is a functional need to meet the equivalent of 2.14 labour units. As such, in order for the business to maintain a high standard of welfare the applicant argues that the need could only be met by an onsite dwelling. Whilst it is concluded that the applicant's current residence at Gerway Farm is not suitable, and that there are no other buildings on the farm to meet the need, officers are not convinced that there are no properties available within Ottery St Mary that could meet this need given how close the site is to the built-up area boundary. However, on balance, and given that Officers are unsure that they would be able to justify a refusal of permission on this ground, the benefit of the doubt in terms of needing to be on site is being given to the applicant.

6. Any permission granted will be subject to an occupancy condition tying it to the relevant business on the proposed dwelling and where appropriate, any existing dwelling on the farm holding

A willingness to accept an agricultural occupancy restriction condition, in the event of a resolution to grant permission for the proposed dwelling, has been indicated by the applicants' agent.

However on the basis of the information submitted, the local planning authority is not satisfied that the dwelling would be commensurate with the established functional requirement of the agricultural unit it would serve and as such the proposal is contrary to Policy H4.

Impact on Character and Appearance of the Area

The proposed dwelling is proposed to be sited south of the existing group of agricultural buildings. Further correspondence submitted by the applicant has emphasized that the chosen location provides good visibility over the main working areas whilst provided a degree of relief from the existing cluster of existing barns and silage clamps to enable further expansion of the farm and to allow large machinery to navigate through the site. The applicant has also noted that machinery is also parked and stored at this end of the farm when not in use.

The Location Plan indicates that the dwelling would utilise an existing access and track off the road between Kings School Cross and Salston Corner. From here the existing farm buildings and silage clamps are visible. The application building would be located south of the silage clamps and be offered some screening by a mature hedgerow immediately to the east. However the land does gently rise to the south and therefore

the roof pitch and upper part of the gable end of the east elevation may protrude slightly above the height of the hedgerow.

Views of the site and application building from West Hill Road are largely unavailable due to the local topography. However as you travel east towards 2 Salston Cottages and Strawberry Lane partial views of the large livestock building at Barrack Farm are available. Despite this, the application building is to be sited south west of this barn where a number of large mature trees would offer the dwelling a degree of screening.

Exeter Road is subject to high footfall of traffic and is an arterial route into Ottery St Mary. However the road is tightly bordered by established devon banks and hedgerow. In particular the hedgerow that borders the southern side of the road is significant in height, dense and prevents any direct sight of the farm buildings owned by the applicant and it is anticipated that road users would be unable to see the proposed dwelling.

The application form indicates that the dwelling shall be constructed of brick and render with a slate or tile roof. Whilst the use of such materials is considered acceptable, further information and samples shall need to be submitted prior to commencement.

Overall, despite the proposed build being located on slightly elevated land within the site, owing to limited public view of the build, the subsequent visual impact is considered to be very low.

Habitat Regulations Assessment and Appropriate Assessment

The nature of this application and its location close to the Pebblebed Heaths and its 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 Pebblebed Heaths through impacts from recreational use. The impacts are highest from developments within 10 kilometres of this designation. 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.

Archaeology

The proposed development lies in an area of archaeological potential in a landscape containing evidence of prehistoric activity as well as iron extraction industry that operated on the Blackdown Hills from the Roman and medieval periods. The Historic

Environment Records indicates the site lies in proximity to earthworks that may be indicative of either prehistoric funerary activity or may represent later mining activity associated with the iron ore mining industry here. As such, groundworks for the construction of the proposed development have the potential to expose and destroy archaeological and artefactual deposits associated with these heritage assets. The impact of development upon the archaeological resource should be mitigated by a programme of archaeological work that should investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development.

Other Matters

- Surface Water shall be dealt with via a soakaway. There is considered ample space on site in order to install this.
- Foul sewage shall be dealt with via a septic tank. The submitted FDA1 form indicates this shall be a new system shall discharge into a drainage field.
- Occupants shall utilise an existing access. Parking and turning shall be provided within the site.

CONCLUSION

Whilst the functional need for an onsite worker has been accepted, the local planning authority is not satisfied that the dwelling size would be commensurate with the established functional requirement of the agricultural unit it would serve.

The applicant is aware of these concerns and in response has highlighted a number of planning applications that have secured permission for the provision of dwellings, in some cases larger than the current proposal, on other farms. However, without going into specific detail on each case, some of the scheme's put forward benefited from permitted development rights under Class Q of the General Permitted Development Order. Subsequent to the findings of the judge in *Mansell v. Tonbridge* it has been established that the prior approval process can be considered a realistic fall-back and be given weight in determining a planning application. The current scheme does not benefit from a Class Q fall-back.

Some applications were also considered against Policy D8 (Re-use of Rural Buildings Outside of Settlements) of the Local Plan as the proposal was a conversion rather than the construction of a new build subject of an agricultural tie under Policy H4. These policies, whilst allow residential growth in countryside locations, have very different criteria to satisfy and therefore are not directly comparable.

The applicant has also provided two examples at sites within the locality where a second agricultural workers dwelling has been approved on the basis of fewer livestock at the respective farms. One of the applications at New Park Farm, whilst technically for a second dwelling, the agricultural appraisal put forward in that case that a new dwelling was required as the existing occupants within the existing house were in the stages of retiring. There is case law on the matter of whether or not a dwelling can reasonably be considered to be available. The key High Court judgments regarding this are *Keen v. Secretary of State for the Environment and Aylesbury Vale District Council* (1996), the approach within which was confirmed in *JR Cussons and*

Son v. Secretary of State for Communities and Local Government (2008). Both judgments made it clear that it is necessary to test whether there is accommodation which is both suitable and available and, where there is existing accommodation, it must be subject to scrutiny as to whether it can reasonably be held to be available. It is insufficient for accommodation to merely exist. At New Park Farm, whilst they secured permission for a second dwelling, this was to meet an existing functional need that could no longer be met by the existing occupants of the exiting farmhouse.

Another application at Barnfield Farm obtained consent for a provision of a caravan for an agricultural worker in addition to the existing farmhouse. However, in this case the justification for a second dwelling was based on the farms evident expansion and also in part on the basis that the applicant's children would no longer be assisting in the day to day running of the farm. Additionally, whilst the number of livestock at the farm is slightly below the number at Barrack Farm the level of floor space proposed for the caravan and the existing farmhouse is still substantially below that of the application proposal.

Whilst it is considered that the above applications are not considered directly comparable to the current application, it is also relevant that each application should be determined on its own merits.

As such, despite the application being considered acceptable on all other grounds, the proposal fails to meet the requirements of Policy H4 owing to the proposed development's excessive scale. It is the position of officers that the application should be refused.

RECOMMENDATION

2. Adopt the Appropriate Assessment
3. REFUSE for the following reasons:

1. On the basis of the information submitted, the Local Planning Authority is not satisfied that the size of the proposed dwelling would be commensurate with the established functional requirement of the agricultural unit that it would serve. As a consequence, the proposal would be contrary to the provisions of Policy H4 (Dwellings for Persons Employed in Rural Businesses) of the East Devon Local Plan.

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:

East & West	Proposed Elevation	18.08.21
	Proposed Floor Plans	18.08.21
	Location Plan	18.08.21
North & South	Proposed Elevation	18.08.21
	Proposed roof plans	18.08.21

List of Background Papers

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

Ward Coly Valley

Reference 22/0757/FUL

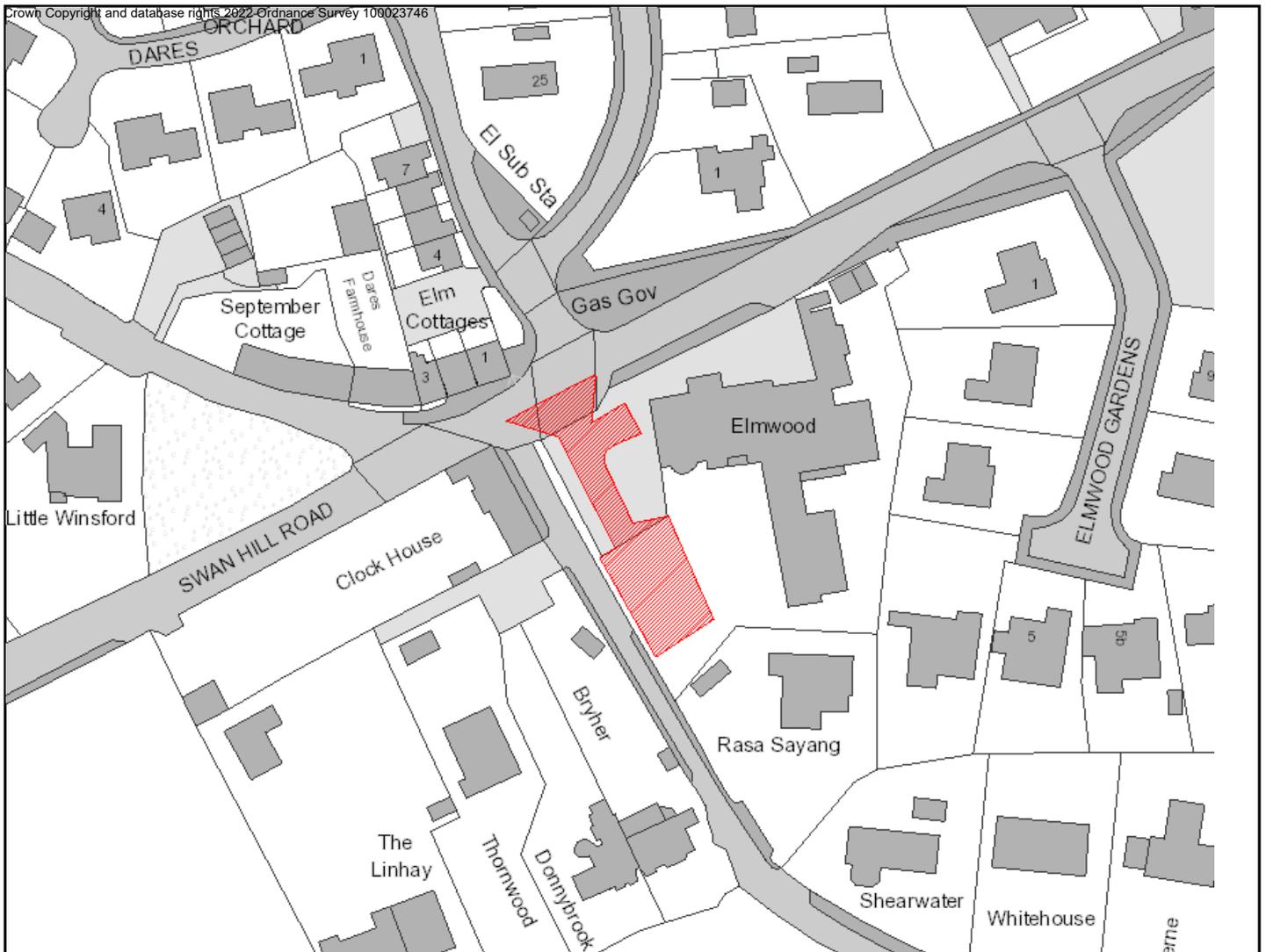
Applicant Mr Soroosh Sadeghi

Location Elmwood Residential Home Swan Hill Road
Colyford Devon EX24 6QJ

Proposal Proposed staff accommodation.



RECOMMENDATION: Approval with conditions



		Committee Date: 26th July 2022
Coly Valley (Colyton)	22/0757/FUL	Target Date: 02.06.2022
Applicant:	Mr Soroosh Sadeghi	
Location:	Elmwood Residential Home Swan Hill Road	
Proposal:	Proposed staff accommodation.	

RECOMMENDATION: Approve subject to conditions

EXECUTIVE SUMMARY

The application is before committee as the development proposed represents a departure from policies of the development plan and has been advertised as such.

Permission is sought for a small unit of accommodation primarily to provide staff accommodation for workers employed in the care home business operating from the site but where flexibility of use is sought to allow alternative use by care home residents or for other ancillary purposes.

Colyford is not a settlement that has a built-up area boundary defined by the adopted Local Plan and nor is one currently proposed in the emerging Local Plan. The application site is therefore not in a location where policies of the Local (or Neighbourhood Plan) seek to support residential development. However, the unit proposed is located within the curtilage of the Care home that operates from the wider site and is closely related to it. The applicant advises that the additional staff accommodation is required to enable the recruitment and retention of appropriate staff, particularly those from outside the local area who have restricted access to local affordable homes.

The accommodation is primarily proposed to allow a care home manager/deputy manager to live on site to provide increased levels of support to deal with issues and emergencies as they arise but flexibility in the use of the accommodation is sought to allow it to be used for alternative purposes linked to the care home, should circumstance change. Although an unrestricted use in this location is not considered appropriate due to the lack of services and facilities available to support everyday needs, this is not a remote or isolated location and a restricted residential use tied to the business, as proposed, would result in limited harm and where any such harm would be outweighed by the benefits to the business.

The proposal is small in scale and not prominent in views from within the conservation area. The building would be read as an outbuilding to the principal

building on site and through the use of matching materials and appropriate detailing, which can be secured by condition, would preserve the character and appearance of the surrounding conservation area.

The existing mature trees on the western boundary of the site and which are subject of a Tree Preservation Order can be retained and suitably protected from the impacts of development by an appropriately worded condition

In other regards including impact on residential amenity and access proposals the scheme is found to be acceptable and is recommended for approval.

CONSULTATIONS

Local Consultations

Parish/Town Council

The Colyton Parish Council would like to support this application.

Technical Consultations

Conservation

This modest sized dwelling sits well back from the historic Roman road and is viewed as within the garden setting of the main house. Elmwood House appears on the 1888-1890 EDDC historic maps and to this day retains a generous verdant garden, or which adds significant interest to the character and appearance of the conservation area. The design and access statement identifies the main house as being a building of historical character; "other key buildings and building groups of architectural importance or which make a significant contribution to the townscape". This in part, can be appreciated by the distinctive architectural features such as the bay windows and the associated quality of the vernacular materials.

In principle this is supported. However, the use of Upvc for the windows, soffit, fascia and rainwater goods is considered to be unsympathetic, not only within the setting of the principle historic house, but the character and setting of the conservation area. It is suggested that materials can be as a condition of any approval.

EDDC Trees

The submitted arboricultural information demonstrates that by implementing the proposed tree protection measures, shown on the tree protection plan, and following the processes described in the associated arboricultural method statement, the proposed development can be carried out without significant impact on the retained trees.

I am satisfied on arboricultural grounds with the condition to be -

Prior to commencement of any works on site (including demolition), Tree Protection measures shall be carried out as detailed within the plans submitted within this application and shall adhere to the principles embodied in BS 5837:2012 and shall remain in place until all works are completed, no changes to be made without first gaining consent in writing from the Local Authority

Other Representations

1 no. representation received

This representation raises no in principle objection to the scheme subject to the appropriate protection of trees along the Pope Lane boundary both during and after completion of the proposed development.

PLANNING HISTORY

Reference	Description	Decision	Date
82/P1728	Change Of Use To Residential Home For The Elderly.	Approval with conditions	04.02.1983
84/P1302	Erection Of Extension To Provide A Total Of Four Rooms With En-Suite Bathrooms.	Approval with conditions	09.10.1984
85/P1574	Single Storey Extension.	Temporary Approval	04.01.1986
92/P0295	Provision Of External Staircase	Approval - standard time limit	01.04.1992
97/P1735	Change Of Use Of Second Floor [Attic] From Storage To Domestic Accommodation For Owner/staff	Refusal	15.01.1998
98/P0169	Renovation Of Attic Floor To Form Staff Accommodation	Approval with conditions	02.06.1998
99/P1165	Internal Alterations	Approval with conditions	26.08.1999
99/P2040	Extns & Alts To Form Additional Bedrooms,eight Sheltered Suites, Conservatories & Car Parking Area	Approval with conditions	28.02.2000

01/P1867	Minor Ammendment To Already Approved Scheme - Application Number 99/p2040	Approval with conditions	24.10.2001
02/P0124	New Corridor & Minor Internal Alterations To Form New Bedroom	Approval - standard time limit	20.03.2002
02/P0769	Extension & Alterations To Form Additional Bedroom	Approval - standard time limit	23.05.2002
03/P2567	Loft Conversion With Dormer Windows	Refusal	06.01.2004
06/3441/FUL	Proposed extension for 5 additional bedrooms and associated day room and W/C	Approval with conditions	05.07.2007
08/1958/FUL	Erection of extension to provide five additional bedrooms, associated dayrooms and facilities	Approval with conditions	12.09.2008
13/1947/FUL	Replacement of two bay windows	Approval - standard time limit	21.10.2013

POLICIES

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

Strategy 3 (Sustainable Development)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN10 (Conservation Areas)

EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment System)

H4 (Dwellings for Persons Employed in Rural Businesses)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Colyton Neighbourhood Plan (Made)

Government Planning Documents

National Planning Practice Guidance

NPPF (National Planning Policy Framework 2021)

Procedural matter

The application is considered as a departure from the development plan and has been advertised as such. This is on the basis that the application proposes residential development outside of a built-up area boundary or specific site allocation and where the proposal is not explicitly supported by another policy of the Local or Neighbourhood Plan.

Site Location and Description

The application site relates to an existing residential car home occupying a corner plot at the junction of Popes Lane with the A3052. The original building is of two storey height and has been variously extended to the northeast (road side) and southeast (rear) with both single storey and two storey extensions. There are car parking areas to the north and west of the building separated from the highway by stone boundary wall of varying height and accessed via a shared pedestrian and vehicular access in the northwest corner of the site. Beyond the western parking area to the south is the main garden area for the home, although there are other areas to the east of the site. The garden is largely laid to lawn with some planting beds and a number of ornamental trees and shrubs, a pergola is located centrally within this space. The boundaries of the garden area are formed by timber fencing to the south a line of mature trees and hedge planting to the west and post and wire fencing to the parking area. The trees on the western boundary are subject of an area Tree preservation Order including a number of trees of different species.

The site lies within the designated Conservation Area of the village but outside of any defined built-up area boundary and as such in planning terms falls to be considered as countryside

Background

As can be seen above there is an extensive planning history relating to changes of use and extensions to the care home.

In relation to provision of staff accommodation and justification for further accommodation the applicant has advised that there are currently two bed/sitting

rooms to accommodate staff on the attic floor of the main home and which both share kitchen and bathroom facilities. Original approval for this accommodation was granted under:

98/P0169 - Renovation of Attic Floor To Form Staff Accommodation

Alterations to the layout were subsequently approved under:

99/P1165 - Internal Alterations

Proposed development

The current proposal seeks to provide a self-contained unit of residential accommodation that would be sited within the existing garden area of the care home and which would be accessed via its car park and existing vehicular access. The unit is proposed as staff accommodation but the applicant has advised that they would wish to be able to utilise the accommodation flexibly so that in the event that it was no longer required for staff accommodation purposes it could be used for residents accommodation or other uses ancillary to the care home.

ANALYSIS

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

- The principle of development (including need and justification for the proposal)
- Design and Impact on the character and appearance of the conservation area
- Arboricultural Issues
- Amenity Impact
- Other issues

Principle of development

The development plan for the area consists of the East Devon Local Plan 2013-2031 (EDLP) and the Colyton Neighbourhood Plan 2020 – 2031 (CNP). The site lies within the village of Colyford but this does not benefit from a built-up area boundary and therefore is classed as open countryside outside any defined built-up area boundary and where Strategy 7 of the EDLP applies.

Strategy 7 is quite specific by stating,

‘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 goes on to say,

‘and where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located’.

In terms of the EDLP, policy H4 potentially permits residential development in the countryside where this is to meet the essential need to house a rural worker at or near their place of work. The proposal is not related to agricultural, forestry or a person employed in a rural business activity and as such the policy is not considered to be relevant.

In this instance the applicant has been requested to provide additional information setting out the existing staff accommodation provided on site and the justification/need for additional accommodation. In response they have advised that, they are seeking to future proof the care home by providing appropriate accommodation for staff. They go on to advise that, the Care sector has severe recruitment problems, which have become more difficult since Brexit and that the proposed accommodation is part of our plan to ensure that the right staff can be attracted and retained. Given the disparity between the affordability of accommodation in the local area and typical salaries in the care sector this is understood.

It is further advised that the existing manager, who lives locally and works long hours, will be difficult to replace when she retires. It is advised that recruitment of staff has been very difficult and is likely to remain so and that the provision of accommodation would assist in future recruitment needs. It is suggested that given the nature of the care business that issues can arise 24/7 and which would require the manager's immediate attention. The provision of on-site manager's accommodation it is suggested would improve the ability to safeguard vulnerable residents.

Whilst the primary justification put forward for the use of the accommodation is as set out above the applicant has requested that any restrictions placed on the occupation of the unit allows some flexibility in its use, so that it could for example be used to provide two staff bed/sitting rooms or sheltered accommodation for one or two disabled occupants.

Policy Coly7 of the Colyton Neighbourhood Plan (CNP) sets out the criteria for development of new housing proposals within the defined built-up area boundary of Colyton but that is not relevant in this case as the site lies outside the boundary and where the CNP contains no specific policies relating to the provision of new residential development.

Policy Coly10 addresses employment uses and seeks to support proposals, '*...to provide employment opportunities in residential areas, including the creation of live-work units*' subject to a number of listed criteria. The proposal is not put forward as a 'live-work' unit but is intended to provide accommodation for a staff member(s) working at the care home, in this respect it would have a similar impact in terms of reduction in traffic movements.

Taking into account the above it is not considered that the proposal derives any direct support from relevant policies of either the Local of Neighbourhood Plan and as such would not comply with Strategy 7 of the EDLP.

However it remains to be considered whether there are other relevant considerations that otherwise might indicate the proposal should be supported. In terms of national

policy guidance this is contained in the National Planning Policy Framework (NPPF) and accompanying Planning Practice Guidance (NPPG).

Para. 47 of the NPPF confirms the Development Plan as the starting point for decision making and that applications for planning permission should be determined in accordance with it, unless material circumstances indicate otherwise. Para. 218 of the NPPF confirms that the framework (NPPF) is itself a material consideration.

Paras. 78 - 80 of the NPPF cover rural housing. In this regard paragraph 78 indicates that support should be given to developments that reflect local needs, placing particular emphasis on affordable housing; paragraph 79 states that in rural areas housing should be located where it would enhance and maintain the vitality of rural communities; and paragraph 80 seeks to restrict isolated homes in the countryside, setting out the circumstances in which their provision is acceptable.

In relation to paragraph 79 of the Framework, future occupants of the development could potentially provide support to the services found within Colyford, these include:

- Hourly bus service (885 Axminster - Seaton - Colyton - Beer)
- Leisure centre
- Less than hourly bus service (20 Seaton - Colyton - Honiton - Taunton)
- One convenience store/shop
- Post office
- Community hall
- Two pubs
- Sports playing pitch
- A 'selective' secondary school

The nearest settlements, Seaton and Colyton, do have built-up area boundaries and offer a wider range of services within a relatively short distance of the site and which can be accessed by alternative modes of transport including by bus/cycle. It is further recognised that in this instance with the proposal restricted to staff accommodation that traffic generation for work related journeys would be reduced and that the scale of the accommodation provided would only be suitable to accommodate an individual or a couple further reducing the potential traffic generation associated with its use.

Para. 84 requires planning policies and decisions to enable the sustainable growth and expansion of all types of business in rural area, whilst, in this instance the proposal is not specifically aimed at supporting the expansion or growth of the business, it would assist in helping to recruit and retain staff if suitable accommodation is provided.

The case put forward by the application is also considered to carry weight in terms of the difficulty in recruiting, low staff costs and the benefits to the business from further employees living on the site/serving the residents.

Taking all of the aforementioned into account, in this instance it is not considered that the development proposed receives the explicit support of any development plan policies as required by Strategy 7 of the Local Plan but that there are other material considerations that weigh in favour of the scheme and where the occupation of any

such accommodation could be strictly controlled by a condition to ensure its retention for use in association with the use of the care home.

Design and Impact on the character and appearance of the conservation area

The site lies within the designated Colyford conservation area and where the general duty of care set out at Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. This requirement to preserve or enhance conservation areas and their '*...setting or views in or out of...*' such areas is also set out within policy EN10 (Conservation Areas) of the East Devon Local Plan 2013-2031.

The proposed unit is single storey, small in scale and set back from the road frontage. Whilst it would not be prominent in the streetscene, views of it from the A3052 and across the car park to the north of the site would be afforded. In such views the proposal would appear as an ancillary and subservient addition to the main building on site.

The principal public view would be of the narrow north elevation of the building which would be finished in render under a natural slate roof, these materials would reflect those used on the care home. Whilst the western end of Elmwood and the building to the west (opposite side of Popes Lane) are recorded in the conservation area appraisal as key buildings the location of the proposed unit set back from the road frontage and the low overall height of the proposal would mean that views of these building would not be significantly impinged and their primacy would be retained within the immediate streetscene. As the boundary trees would also be protected and retained it is considered that the proposal would overall preserve the character and appearance of the conservation area and accord with policies D1 and EN10 of the EDLP.

Arboricultural Issues

The site of the proposed building is located in close proximity to mature trees of amenity value that are protected by a Tree Preservation Order (TPO). The proposal has the potential to cause harm to these trees as a direct result of the development or through impacts arising during the construction phase.

The application is accompanied by an arboricultural report which includes a Tree Protection Plan and Arboricultural Method Statement setting out how the trees would be protected and work carried out to minimise the potential for harm to occur. The Council's arboricultural team has considered the submitted details and are content that subject to work proceeding in accordance with those details that the proposed development can be carried out without significant impact on the retained trees. Therefore subject to an appropriate condition to secure this the proposal can be considered to meet the requirements of policy D3 of the EDLP.

Amenity Impact

The site of the development is within the grounds of the existing care home and set off the boundary with the neighbouring residential property to the south, 'Rasa Sayang'. Given the single storey nature of the proposal, the separation distance to the neighbour and its proposed use related to that of the care home it is not considered that the proposal would give rise to any harmful impact to adjoining residents. To the west the site is separate from the nearest neighbors by Popes Lane and where the existing trees provide screening of views from and of the unit, again no significant amenity harm would result. The proposal is considered to be acceptable in relation to policies D1 of the EDLP and Coly10 of the CNP insofar as these relate to amenity impacts.

Other Issues

Accessibility - Policy TC2 of the Local Plan (Accessibility of New Development) is also relevant, it states that,

'New Development should be located so as to be accessible by pedestrians, cyclists and public transport and also well related to compatible land uses so as to minimise the need to travel by car'

In this instance, the site is located within the physical context of the village of Colyford which does contain a limited number of services and facilities including shop/post office, public houses, café, secondary school, village hall and bus services. The location is not isolated but future residents would need to travel to nearby settlements Seaton, Colyton or beyond to access the full range of services required for everyday living. Although it is recognised though that as staff accommodation the proposal would result in reduced trip generation for journeys to work, these are likely to be offset by other non-work related journeys.

CONCLUSION

The proposal would provide additional staff accommodation for persons employed in the care home business and although the proposed unit is self-contained and is capable of independent occupation its occupation can be controlled by condition. In this regard although the site is located outside of a defined settlement boundary, where new residential development is generally restricted on sustainability grounds, in this instance trip generation would be reduced due to the relationship with the care home and the site is located in a village which does have some services and facilities, where there is a regular bus service and where there are options to access nearby settlements by other alternative modes of transport. Whilst some additional trips by private transport may occur the harm arising would be limited and less than that related to a new unrestricted dwelling. This limited harm when balanced against the benefits to the business are considered to be outweighed.

As the proposal is considered to result in no harm in other regards, or where any impacts could be satisfactorily addressed by appropriately worded conditions, the proposal is considered to be acceptable and is recommended for approval.

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. Notwithstanding the details indicated on approved drawing no. E1c all windows, doors, soffits and fascia shall be constructed in wood and shall be painted in a colour to be previously agreed in writing by the Local Planning Authority.
(Reason - To ensure that the materials are sympathetic to the character and appearance of the area in accordance with policies D1 - Design and Local Distinctiveness and EN10 - Conservation Areas of the Adopted East Devon Local Plan 2013-2031.)
4. The roofs of the building hereby permitted shall be covered in natural slate. No development above foundation level shall take place until samples of the roofing material to be used for the proposed development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved samples
(Reason - To ensure that the materials are considered at an early stage and are sympathetic to the character and appearance of the area in accordance with Policy D1 - Design and Local Distinctiveness and EN10 - Conservation Areas of the Adopted East Devon Local Plan 2013-2031.)
5. Prior to commencement of any works on site (including demolition), tree protection measures, as detailed in the Arboricultural Report letter and accompanying Tree Protection Plan and Arboricultural Method Statement , provided by Advanced Arboriculture and dated 4th April 2022, shall be carried out and shall adhere to the principles embodied in BS 5837:2012. Such measures shall remain in place until all works are completed, with no change to be made without prior written approval of the Local Planning Authority. Provision shall also be made for supervision of tree protection by a suitably qualified and experienced arboricultural consultant and a monitoring log shall be kept to record site visits and inspections along with: the reasons for such visits; the findings of the inspection and any necessary actions; all variations or departures from the approved details and any resultant remedial action or mitigation measures. On completion of the development, the completed site monitoring log shall be signed off by the supervising arboriculturalist and submitted to the Planning Authority for approval and final discharge of the condition.

In any event, unless where otherwise allowed for in the aforementioned approved details, the following restrictions shall be strictly observed:

(a) No burning shall take place in a position where flames could extend to within 5m of any part of any tree to be retained.

(b) No trenches for services or foul/surface water drainage shall be dug within the crown spreads of any retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority. All such installations shall be in accordance with the advice given in Volume 4: National Joint Utilities Group (NJUG) Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2) 2007.

(c) No changes in ground levels or excavations shall take place within the crown spreads of retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority.

(Reason - To ensure retention and protection of trees on the site during and after construction. The condition is required in 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.)

6. The unit of accommodation hereby approved shall be used only in association with the operation of the care home business occupying the site edged blue on drawing no. LP1A and its occupation shall be restricted to one of the following purposes:

(i) by a person or persons solely or mainly employed in the care home business or any resident dependants;

(ii) by a person or persons who are residents of and in receipt of care from the care home business

(iii) for other non-residential purposes ancillary to the use of the site as a care home

(Reason - The accommodation is only justified by the needs of the business and should remain available for those purposes and where the benefits of such provision are considered to outweigh the harm arising from the unsustainable location of the site, in accordance with Strategies 3 - Sustainable Development, 5B - Sustainable Transport & 7 - Development in the Countryside and policy TC2 - Accessibility of New Development 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:

LP 1A	Location Plan	07.04.22
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BPP 1A	Block Plan	05.04.22
S 1A	Sections	05.04.22
E1C	Proposed Elevation	05.04.22
FP 2E	Proposed Floor Plans	05.04.22

List of Background Papers

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

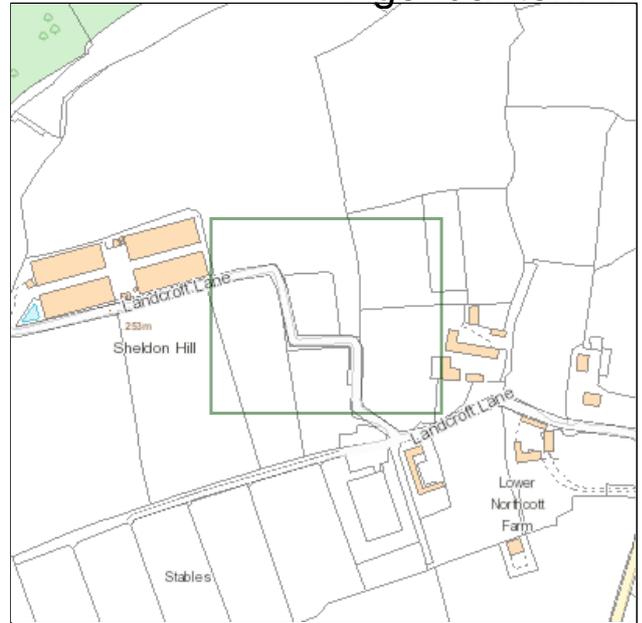
Ward Dunkeswell And Otterhead

Reference 22/1117/FUL

Applicant Mr & Mrs N Chapman

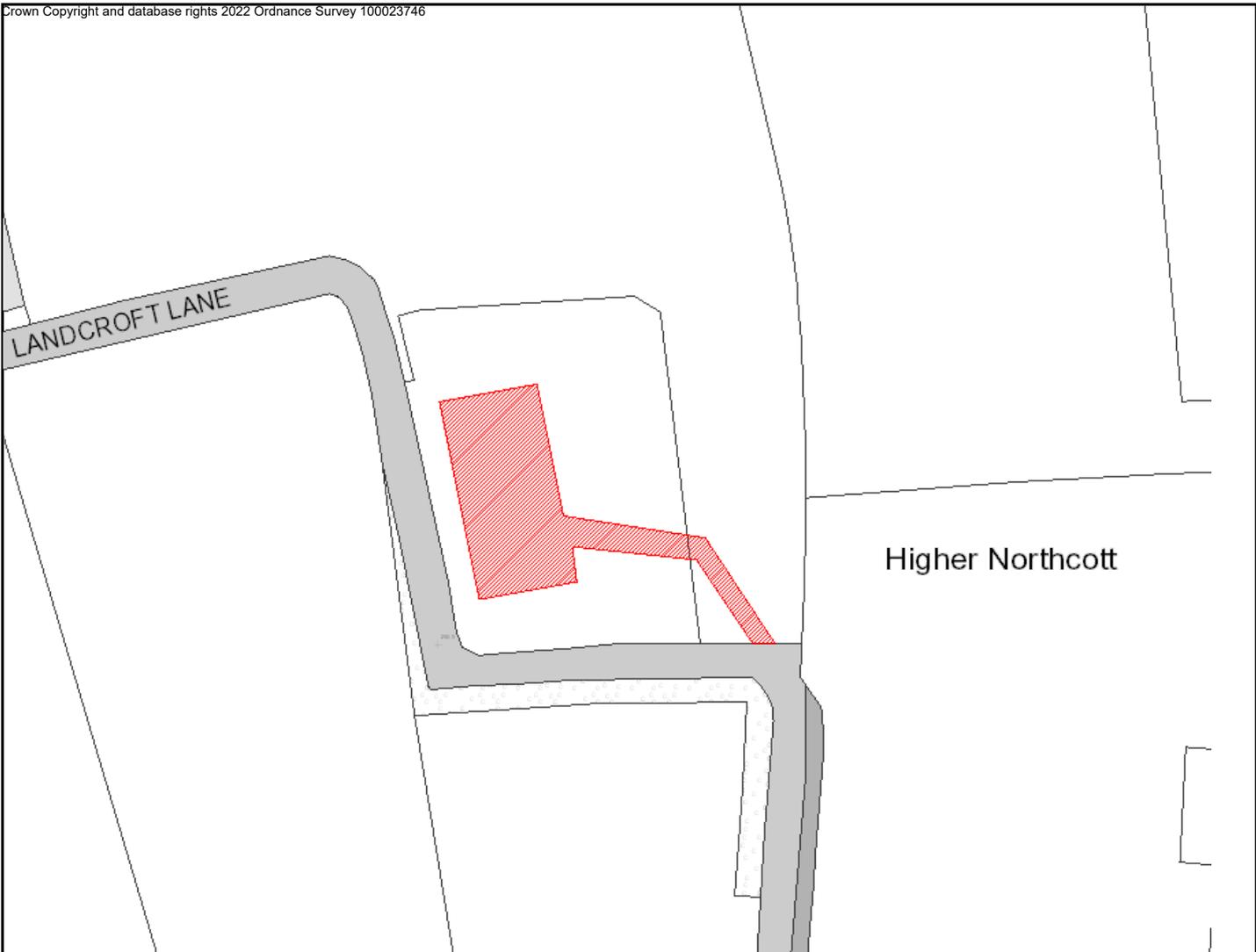
Location Higher Northcott Farm Blackborough
Cullompton EX15 2JF

Proposal Erection of a general purpose agricultural
building.



RECOMMENDATION: Approval - standard time limit

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		Committee Date: 26th July 2022
Dunkeswell And Otterhead (Sheldon)	22/1117/FUL	Target Date: 15.07.2022
Applicant:	Mr & Mrs N Chapman	
Location:	Higher Northcott Farm Blackborough	
Proposal:	Erection of a general purpose agricultural building.	

RECOMMENDATION: Approval - standard time limit

EXECUTIVE SUMMARY

This application is before members as the applicant is a relative of a Member.

Planning permission is sought for the construction of a new agricultural building for the storage of dry fodder, straw, concentrates and machinery.

Policy D7 requires new agricultural buildings to integrate with the area, not have a detrimental impact to residential amenity, not result in an unacceptable increase in traffic and ensure that roof and surface water drains separately. The proposal is considered to meet all these requirements of the policy and is therefore compliant with the Local Plan in this regard.

The application is therefore considered to be acceptable and recommended for approval.

CONSULTATIONS

Technical Consultations

Blackdown Hills AONB Project Partnership

Thank you for requesting the comments of the Blackdown Hills AONB Partnership on the above application.

We do not wish to submit detailed comments on this occasion, but would note that factors such as materials, colour and lighting are important considerations in how readily such proposals will be assimilated into the wider landscape, alongside appropriate protection and management of the surrounding hedgerows and trees.

Other Representations

No third party representations have been received.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D7 (Agricultural Buildings and Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2021)

National Planning Practice Guidance

Relevant Planning History

There have been a number of applications at the site with an application to extend an existing building being approved at the Planning Committee in June 2022 (22/0601/FUL). This building was also required for general purpose agricultural storage of dry fodder, straw, concentrates and machinery.

Site Location and Description

The site is located within the Sheldon parish and is approximately 650m to the north of the village of Sheldon. The site comprises of Higher Northcott Farm and a number of agricultural buildings. The proposed new building is located within an open field to the north west of the existing farmhouse and a collection of agricultural buildings.

The location of the proposed building is within the Blackdown Hills Area of Outstanding Beauty. There are no other constraints on the site.

Proposed Development

This application seeks planning permission for the construction of a detached agricultural building for the storage of dry fodder, straw, concentrates and machinery. The building would have a rectangular plan measuring 27.45 metres by 13.275 metres with a pitched roof which has a total height of 6.7 metres. The materials of the building are to be timber clad walls with a fibre cement roof sheeting with translucent sheets interspersed.

The building is required in addition to the small store granted at the Planning Committee in June.

Consideration and Assessment

The principle of the development is supported by Strategy 7 and Policy D7 of the East Devon Local Plan.

Strategy 7 is an overarching strategy for all development outside of a built up area boundary as defined within the local plan and villages plan. As the site is fully outside any built up area boundary and is therefore in the countryside in planning terms

therefore this strategy applies. The strategy 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"

Policy D7 is the specific local plan policy for new agricultural buildings. This policy states that proposals will be permitted provided there is a genuine agricultural need for the development and the proposal integrates with the area, would not have a detrimental impact upon the amenity of nearby residents, there being no other suitable buildings, there being no unacceptable increase in traffic and all roof and surface water rains separately from the foul drainage.

Although planning permission was granted for a small extension to another agricultural building at the Planning Committee in June, this further building is required to meet the needs of the holding and there are no other buildings available for the use. As such, there is no objection to a further storage building.

Due to the remote location the proposed building would not have a detrimental impact to the amenity of any nearby residents nor would it result in an unacceptable increase in traffic as the use of the area would not change and the road is lightly trafficked in any case. The purpose of the extension is to provide storage of dry fodder, straw and machinery; there would be no additional foul drainage as a result. Therefore the proposal is supported by policy D7 of the East Devon Local Plan.

In terms of how the proposal integrates into the area, the proposed site is very rural and the predominant use of the surrounding land is for agriculture. Additionally, there are other agricultural buildings within a short proximity of the proposed building. Although the height and dimensions of the building are not insignificant, the building is considered to be appropriate for the area and would not have a detrimental impact upon the character of the area or the wider AONB. The application therefore complies with this requirement of policy D7 of the East Devon Local Plan.

CONCLUSION

The proposed lean to extension is considered to comply with Policy D7 of the East Devon Local Plan. Therefore a recommendation of approval is made.

RECOMMENDATION

APPROVE

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.)

NOTE FOR APPLICANT

Informative: Confirmation - No CIL Liability

This Informative confirms that this development is not liable to a CIL charge.

Any queries regarding CIL, please telephone 01395 571585 or email cil@eastdevon.gov.uk.

Plans relating to this application:

3679/02 : Site	Combined Plans	20.05.22
3679/01	Proposed Combined Plans	20.05.22
	Location Plan	20.05.22

List of Background Papers

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

Ward Woodbury And Lymptone

Reference 22/0991/FUL

Applicant Mr & Mrs Colin & Amy Jeans

Location 7 Long Meadow Woodbury EX5 1JA



Proposal Single storey rear extension, single storey front extension, single storey side extension, conversion of the existing garage into a sunroom, conversion of loft space with a rear dormer for a habitable space.

RECOMMENDATION: Approval with conditions



		Committee Date: 26th July 2022
	22/0991/FUL	Target Date: 01.07.2022
Applicant:	Mr & Mrs Colin & Amy Jeans	
Location:	7 Long Meadow Woodbury EX5 1JA	
Proposal:	Single storey rear extension, single storey front extension, single storey side extension, conversion of the existing garage into a sunroom, conversion of loft space with a rear dormer for a habitable space.	

RECOMMENDATION: Approval – With Conditions

EXECUTIVE SUMMARY

This application is before Members as the applicant is an employee of EDDC.

The application seeks permission for the construction of single storey side and rear extensions, and the construction of a dormer window within the rear facing roof slope of 7 Long Meadow, Woodbury.

Given the scale, position and design of the extensions, it is considered that allowing the proposals would not have any detrimental impact upon the character of the surrounding area, nor would there be amenity harm of such a nature that a refusal could be warranted on such grounds.

The application is considered to be acceptable and is recommended for approval.

CONSULTATIONS

Parish Council

Woodbury Parish Council does not support this application as it is an overdevelopment of the site in particular with the side elevation, which could cause light restriction to No 6.

Ward Member – Cllr G Jung

I have viewed the documents provided for the planning application for 22/0991/FUL for a single storey rear extension, single storey front extension, single storey side extension, conversion of the existing garage into a sunroom, conversion of loft space with a rear dormer for a habitable space at 7 Long Meadow Woodbury.

I have concern that the side extension coming forward to include a new garage will appear overbearing to the next-door neighbour because this extension will be above (due to this property being on rising ground) This will reduce light to their 2 side windows a Bathroom and Bedroom.

Therefore, I cannot support however I reserve my final views on this application until I am full possession of all the relevant arguments for and against.

Other Representations

1 x third party objection received from the occupier of number 6 Long Meadow concerned about the impact upon windows in the side of their property from the proposed extension.

POLICIES

Adopted East Devon Local Plan (2013 – 2031)

Strategy 7: Development in the Countryside
Policy D1: Design and Local Distinctiveness

Woodbury Village Design Statement

National Planning Policy Framework
National Planning Policy Guidance

Site Location and Description

The application property is a semi-detached two-bedroom bungalow situated in a residential estate in Woodbury facing the Primary School to the south.

The property is positioned centrally within the plot raised about the level of the non-adjointing neighbouring property at number 6.

The area is characterised by semi-detached bungalows of differing designs with garages adjoining the neighbouring property and set back within the plots.

Proposal

This application seeks permission for the construction of single storey side extension in front of the garage, a full width single storey rear extension, and the construction of a full width dormer window within the rear facing roof slope.

Consideration and Assessment

In assessing the application, there are two principal issues that are material to the consideration of this particular proposal; namely the impact of the development upon the character and appearance of the property itself and the surrounding area, and any amenity impacts upon surrounding properties.

Visual impact

Policy D1 of the East Devon Local Plan states that proposals will only be permitted where they respect the key characteristics and special qualities of the area in which the development is proposed, ensure that the scale, massing, density, height, fenestration and materials of buildings relate well to their context, and do not adversely affect the distinctive historic or architectural character of the area.

In terms of the impact upon the street scene, the enlargements would (in part) be visible from the highway, however, it is not considered that allowing the changes would cause any harmful implications in terms of their visual impact on the character and appearance of the area, and a condition could be added so as to ensure that the finishing materials to be used are further considered prior to their installation.

Whilst the side extension would bring the garage further forward within the plot, it would still be set back a considerable distance from the road and be set back from the front elevation of the host dwelling. At single-storey height, this will not have a harmful visual appearance, particularly given that the front elevations of numbers 6, 7 and 8 are all of a differing design and appearance. Adequate space for parking would remain within the plot.

As the dwelling backs onto other properties, the rear extension and dormer windows will not be highly visible and will not therefore be harmful to the visual amenity of the area, despite the use of cladding for its facing material (which would match the clad front elevation of the bungalow). It is relevant to note that the dormer window to the rear roof slope would fall within the parameters of permitted development had it not proposed the inclusion of cladding as an external finish.

In light of the above the proposal will not harm the visual amenity of the area.

Impact upon the amenity of neighbours

The neighbouring property at number 6 to the west, along with the Ward Member, have raised concerns regarding the single storey side extension and a potential loss of light due to its location on the boundary of the property forward of the existing garage. Number 6 benefitting from 3 windows and a door in its side elevation facing the application site, at a slightly lower level but with driveways to the two dwellings separating the dwellings themselves.

Due to the separation distance that would remain between the two properties via the neighbouring driveway, and given that the extension is proposed to be single storey in form with a flat roof set below the eaves height of the original property, it is not considered that allowing the scheme would result in a detriment loss of light to the east facing windows within the side of number 6 Long Meadow such that a refusal could be warranted on these grounds.

It is appreciated that the extension will be raised slightly above the neighbouring properties level and that the neighbours outlook would change, but given that a suitable separation distances remains, given that a 2m high wall could be built along this boundary without requiring planning permission, and given the lack of windows in the side elevation of the proposed extension, it is not considered that the proposal results in a degree of harm that could justify refusal of planning permission.

RECOMMENDATION

APPROVE with 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. 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 windows, doors or other openings shall be formed in the East elevation of the single storey rear extension hereby approved.
(Reason - To protect the privacy of adjoining occupiers in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)
4. 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 windows, doors or other openings shall be formed in the West elevation of the single storey side extension hereby approved.
(Reason - To protect the privacy of adjoining occupiers in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)
5. Prior to its installation, details (and whereso requested, a sample) of the cladding to be used externally shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be built in the materials approved.
(Reason - To ensure that the materials are considered at an early stage and 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: Confirmation - No CIL Liability

This Informative confirms that this development is not liable to a CIL charge.

Any queries regarding CIL, please telephone 01395 571585 or email cil@eastdevon.gov.uk.

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:

	Location Plan	06.05.22
D014-22-103	Proposed Combined Plans	06.05.22
D014-22-102	Proposed Floor Plans	06.05.22