

**Agenda for Planning Committee
Tuesday, 20th December, 2022, 1.00 pm**



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, E Rylance, P Skinner and T Woodward

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(or group number 01395 517546)

Issued: Thursday, 8 December 2022; Re-issued Monday, 12 December 2022

[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 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) on the Friday before the meeting. 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, 12 December 2022 up until 12 noon on Thursday, 15 December 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.

1 **Speakers' list and revised running order for the applications**

Speakers' list removed.

2 **Minutes of the previous meeting** (Pages 4 - 8)

Minutes of the Planning Committee meeting held on 29 November 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 9 - 16)

Update from the Service Lead – Planning Strategy and Development Management.

Applications for Determination

8 **22/0990/MFUL (Major) WHIMPLE & ROCKBEARE** (Pages 17 - 95)

Land at Marsh Green Farm, Marsh Green, EX5 2EU.

9 **22/0873/FUL (Minor) EXMOUTH WITHYCOMBE RALEIGH** (Pages 96 - 110)

Olleston, St John Road, Exmouth, EX8 5EG.

10 **21/1990/FUL (Minor) BUDLEIGH & RALEIGH** (Pages 111 - 124)

Higher Hawkerland Farm, Sidmouth Road, Aylesbeare, EX5 2JW.

- 11 **21/1546/FUL (Minor) EXMOUTH LITTLEHAM** (Pages 125 - 136)
British Red Cross Society, South Street, Exmouth, EX8 2SA.
- 12 **22/1197/FUL (Minor) FENITON** (Pages 137 - 150)
Curlditch House, Gittisham, Honiton, EX14 3AE.
- 13 **22/1547/FUL (Minor) DUNKESWELL & OTTERHEAD** (Pages 151 - 160)
Turbury Farm, Stamps Coaches, Dunkeswell, EX14 4QN.

Under the Openness of Local Government Bodies Regulations 2014, members of the public are now allowed to take photographs, film and audio record the proceedings and report on all public meetings (including on social media). No prior notification is needed but it would be helpful if you could let the democratic services team know you plan to film or record so that any necessary arrangements can be made to provide reasonable facilities for you to report on meetings. This permission does not extend to private meetings or parts of meetings which are not open to the public. You should take all recording and photography equipment with you if a public meeting moves into a session which is not open to the public.

If you are recording the meeting, you are asked to act in a reasonable manner and not disrupt the conduct of meetings for example by using intrusive lighting, flash photography or asking people to repeat statements for the benefit of the recording. You may not make an oral commentary during the meeting. The Chairman has the power to control public recording and/or reporting so it does not disrupt the meeting.

[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 meeting of Planning Committee held at Council Chamber, Blackdown House, Honiton on 29 November 2022****Attendance list at end of document**

The meeting started at 10.26 am and ended at 4.00 pm. The Committee adjourned at 12:48 pm and reconvened at 1.20 pm and again at 3.08 pm and reconvened at 3.17 pm.

64 Minutes of the previous meeting

The minutes of the Planning Committee held on 25 October and 15 November 2022 were confirmed as a true record.

65 Declarations of interest

Minute 67. 22/0990/MFUL (Major) WHIMPLE & ROCKBEARE.

Councillor Richard Lawrence, Affects Non-registerable Interest, Ward Member and had attended presentations held by the applicant and Rockbeare Parish Council. Advised he came to the meeting with an open mind.

Minute 67. 22/0990/MFUL (Major) WHIMPLE & ROCKBEARE.

In accordance with the code of good practice for Councillors and Officers dealing with planning matters as set out in the Constitution Councillors Eileen Wragg, Sarah Chamberlain, Kim Bloxham, Colin Brown, Olly Davey, Bruce De Saram, Mike Howe, David Key, Richard Lawrence, Geoff Pratt, Philip Skinner advised lobbying in respect of this application.

Minute 68. 21/3243/MFUL (Major) CLYST VALLEY.

Councillor Mike Howe, Affects Non-registerable Interest, Ward Member and owns a shop in the village.

Minute 70. 22/0864/FUL (Minor) BUDLEIGH & RALEIGH.

Councillor Richard Lawrence, Affects Non-registerable Interest, Spouse attends a health spa run by the applicant.

Minute 70. 22/0864/FUL (Minor) BUDLEIGH & RALEIGH.

In accordance with the code of good practice for Councillors and Officers dealing with planning matters as set out in the Constitution Councillors Sarah Chamberlain, Kim Bloxham, Mike Howe, Philip Skinner and Bruce De Saram advised lobbying in respect of this application.

Minute 71. 22/0873/FUL (Minor) EXMOUTH WITHYCOMBE RALEIGH.

Councillor Eileen Wragg, Affects Non-registerable Interest, Known to the agent for this application as a neighbour.

Minute 71. 22/0873/FUL (Minor) EXMOUTH WITHYCOMBE RALEIGH.

In accordance with the code of good practice for Councillors and Officers dealing with planning matters as set out in the Constitution Councillors Sarah Chamberlain, Kim Bloxham, Colin Brown, Olly Davey, Bruce De Saram, Mike Howe and Geoff Pratt advised lobbying in respect of this application.

66 Planning appeal statistics

The Committee noted the Service Lead – Planning Strategy and Development Management’s report setting out 10 appeal decisions notified which reported that 7 decisions had been dismissed, 2 allowed and 1 withdrawn.

Members’ attention was drawn to the dismissed appeal relating to Hornshaynes Farm, Stockland, against an enforcement notice served for the unauthorised use of a caravan. The Service Lead – Planning Strategy and Development Management advised that the Inspector had dismissed the appeal due to it being a new dwelling within the catchment area of the River Axe which would have an impact on the phosphate levels in the river.

67 **22/0990/MFUL (Major) WHIMPLE & ROCKBEARE**

Applicant:

Mr Phil Cookson (Low Carbon Alliance)

Location:

Land at Marsh Green Farm, Marsh Green, EX5 2EU.

Proposal:

Construction and operation of a ground mounted solar farm and associated landscaping and ecological habitat with permission being required for 40 years, comprising solar arrays, equipment housing, sub-station, fencing, ancillary equipment and associated development; temporary change of use of land for construction compound (off-site).

RESOLVED:

Deferred for a site inspection to consider the landscape impact of the proposed solar farm including the cumulative impact with others granted consent and already constructed in the area.

68 **21/3243/MFUL (Major) CLYST VALLEY**

Applicant:

St Austell Brewery Limited

Location:

Cat and Fiddle Inn, Sidmouth Road, Clyst St Mary, Exeter, EX5 1DP.

Proposal:

Re-submission of application 17/2336/MFUL full planning permission for the reconfiguration of the existing public house and construction of a two storey, 33 bed hotel with associated infrastructure in line with the subsequent variation of conditions approval (reference 18/0223/VAR).

RESOLVED:

1. Approved as per officer recommendation with delegated authority to the Service Lead in consultation with the Chair and Ward Member to require the provision of electric vehicle charging points and cycle parking facilities within the site.
2. The appropriate assessment under the Habitats Regulations be adopted.

69 **22/1547/FUL (Minor) DUNKESWELL & OTTERHEAD**

Applicant:

Mr Kevin Crudge.

Location:

Turbury Farm Stamps Coaches, Dunkeswell, EX14 4QN.

Proposal:

Static home to provide managers accommodation.

RESOLVED:

Deferred to allow further discussion between the applicants and officers regarding alternative ways of meeting their housing needs on the site.

70 **22/0864/FUL (Minor) BUDLEIGH & RALEIGH**

Applicant:

Dr. Ros Debenham.

Location:

34 The Creamery, Fore Street, Budleigh Salterton, EX9 6NH.

Proposal:

Conversion of Fore Street (No.34 and No.34A) to a single 5 bed dwelling house with a single storey rear extension and reduction of stone wall, installation of passenger lift and alterations to fenestration.

RESOLVED:

Approved contrary to officer recommendation.

Members considered that the proposal would conserve the character and appearance of the conservation area and would not harm the setting of the adjacent listed building and therefore would comply with the requirements of policies EN7 and EN10 of the adopted Local Plan.

71 **22/0873/FUL (Minor) EXMOUTH WITHYCOMBE RALEIGH**

Applicant:

Mr Eric Biddulph.

Location:

Olleston, St Johns Road, Exmouth, EX8 5EG.

Proposal:

Erection of a detached dwelling with associated parking and amenity space, vehicular access and landscaping.

RESOLVED:

Deferred for a site inspection to consider the impact of the proposal on the adjacent trees and the impact of the trees on the amenity of the proposed dwelling. Tree Officer to also attend the site inspection.

72 **22/1513/FUL (Minor) FENITON**

Applicant:

Mr D Jenkins & Ms K Holvey.

Location:

Otters Pocket, Weston, Honiton, EX14 3PF.

Proposal:

Siting of a temporary rural workers dwelling and rural building.

RESOLVED:

Approved as per officer recommendation.

73 **21/3308/RES (Minor) NEWTON POPPLEFORD & HARPFORD**

Applicant:

Mr S Tucker (OFAH)

Location:

Waterleat, High Street, Newton Poppleford, EX10 0DU.

Proposal:

Reserved matters application, pursuant to outline planning permission reference 16/0218/OUT for the approval of details of appearance, landscaping, layout and scale for the construction of 9 dwellings including the discharge of conditions 7, 10, 11, 12, 13 and 19 of planning permission reference 16/0218/OUT.

RESOLVED:

1. Approved as per officer recommendation but with the discharge of conditions 11, 12 and 13 of the outline permission under reference 16/0218/OUT to be included within condition 1.
2. The appropriate assessment under the Habitats Regulations be adopted.

74 **22/1407/FUL (Minor) SIDMOUTH RURAL**

Applicant:

Mr J Birch (Heartstone Inns Limited).

Location:

Hare and Hounds Inn, Putts Corner, Sidbury, EX10 0QQ.

Proposal:

Proposed demolition of barn and the erection of an extension to provide 11 guest bedrooms and associated landscape and car parking.

RESOLVED:

1. Approved as per officer recommendation but with delegated authority to the Service Lead in consultation with the Chair and Ward Members to include an additional condition requiring the submission of details of electric vehicle charging points and cycle storage facilities and their retention.
2. The appropriate assessment under the Habitats Regulations be adopted.

Councillors present:

E Wragg (Chair)
S Chamberlain (Vice-Chair)
K Bloxham
C Brown
O Davey
B De Saram
M Howe
D Key
R Lawrence
G Pratt
P Skinner

Councillors also present (for some or all the meeting)

C Burhop
A Dent
P Faithfull
G Jung
T Wright

Officers in attendance:

Ed Freeman, Service Lead Planning Strategy and Development Management
Gavin Spiller, Principal Planning Officer (West)
Anita Williams, Principal Solicitor (and Deputy Monitoring Officer)
Wendy Harris, Democratic Services Officer

Councillor apologies:

A Colman
S Gazzard
G Pook
E Rylance
T Woodward

Chairman

Date:

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

Ref: 20/2653/FUL **Appeal Ref:** 22/00028/REF
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.
Decision: **Appeal Dismissed** **Date:** 14.11.2022
Procedure: Written representations
Remarks: Delegated refusal, ecology reasons upheld (EDLP Policy EN5).
BVPI 204: **Yes**
Planning APP/U1105/W/22/3300692
Inspectorate Ref:

Ref: 20/2701/FUL **Appeal Ref:** 21/00072/REF
Appellant: Mr Martin Jackson
Appeal Site: 18 Hartley Road Exmouth EX8 2BQ
Proposal: Construction of a dwelling
Decision: **Appeal Dismissed** **Date:** 15.11.2022
Procedure: Written representations
Remarks: Officer recommendation to approve, Committee refusal.

The Inspector overruled the amenity objection to the proposal, however, dismissed the appeal on the basis of insufficient habitat mitigation measures, as there had been an increase in the habitat mitigation charges since the application was submitted.

Whilst the applicant made a payment to the Council for the additional amount during the appeal process, the payment was not secured through a legal agreement and, as such, the Inspector was not satisfied that sufficient mitigation measures had been secured.

BVPI 204: **Yes**
Planning APP/U1105/W/21/3287929
Inspectorate Ref:

Ref: 21/3187/FUL **Appeal Ref:** 22/00021/REF
Appellant: Mr R Pearcey
Appeal Site: The Store Little Bicton Place Exmouth EX8 2SS
Proposal: Proposed change of use from store to dwelling
Decision: **Appeal Allowed** **Date:** 15.11.2022
(with conditions)
Procedure: Written representations
Remarks: Delegated refusal, loss of employment reasons overruled (EDLP Strategy 32 & ENP Policy EE3).

The Inspector acknowledged that that the site could be used for any number of purposes under Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended).

He considered that, whilst the flexibility of use could be beneficial to future employment prospects, there were readily identifiable practical constraints that could have serious impacts on the area which is largely residential in nature with a close knit pattern of development, and the site itself has existing space and infrastructure constraints.

The Inspector concluded that there was a reasonable likelihood of the site coming into an incompatible employment use and without sufficient control over the nature or intensity of future Class E uses, the loss of an employment use would be acceptable in this location. The proposal would comply with Strategy 32 of the East Devon Local Plan 2016 which sets out that planning permission will not be granted unless continued use would significantly harm the quality of a locality whether through traffic, amenity, environmental or other associated problems.

BVPI 204: **Yes**
Planning APP/U1105/W/22/3298012
Inspectorate Ref:

Ref: 21/1714/FUL **Appeal Ref:** 22/00026/REF
Appellant: Bodenham (B & H Developments Ltd)
Appeal Site: The Old Workshop Kerslakes Court Honiton EX14 1FL
Proposal: Construction of 5 bedroom house in multiple occupation (Use Class C4).
Decision: **Appeal Dismissed** **Date:** 02.12.2022
Procedure: Written representations
Remarks: Officer recommendation to approve, Committee refusal. Amenity reasons upheld (EDLP Policy D1).

BVPI 204: **Yes**
Planning APP/U1105/W/22/3300099
Inspectorate Ref:

East Devon District Council List of Appeals in Progress

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: 21/0876/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: Hearing
Questionnaire Due Date: 10 June 2022
Statement Due Date: 8 July 2022
Hearing Date: 7 February 2023

App.No: 20/F0319
Appeal Ref: APP/U1105/C/22/3298710
Appellant: Mr & Mrs Barnes And Operators
Address: Stogate 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:
Hearing
Questionnaire Due Date: 10 June 2022
Statement Due Date: 8 July 2022
Hearing Date: 7 February 2023

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: 22/0276/FUL
Appeal Ref: APP/U1105/W/22/3303968
Appellant: Mr Simon Lancaster
Address: 18 Minifie Road Honiton EX14 1NF
Proposal; Erection of a semi-detached dwelling
Start Date: 20 September 2022
Procedure:
Written reps.
Questionnaire Due Date: 27 September 2022
Statement Due Date: 25 October 2022

App.No: 21/0293/TRE
Appeal Ref: APP/TPO/U1105/8517
Appellant: Mrs Elaine Bancroft
Address: 22 Highbury Park Exmouth EX8 3EJ
Proposal; Lime - Fell to ground level.
Start Date: 21 September 2022
Procedure:
Written reps.
Questionnaire Due Date: 28 September 2022

App.No: 21/3265/FUL
Appeal Ref: APP/U1105/W/22/3301525
Appellant: Singleton & Manning
Address: Land Adjacent To Leighton Cottage Longmeadow Road
Lympstone
Proposal; Erection of a two-bedroom semi-detached cottage.
Start Date: 26 September 2022
Procedure:
Written reps.
Questionnaire Due Date: 3 October 2022
Statement Due Date: 31 October 2022

App.No: 22/0318/FUL
Appeal Ref: APP/U1105/W/22/3301884
Appellant: Mr Andrew Vickery
Address: Oak Tree House Old Ebford Lane Ebford Exeter EX3 0QR
Proposal; Erection of replacement dwelling.
Start Date: 26 September 2022
Procedure:
Written reps.
Questionnaire Due Date: 3 October 2022
Statement Due Date: 31 October 2022

App.No: 22/0262/FUL
Appeal Ref: APP/U1105/W/22/3301943
Appellant: Gerry Bird
Address: Stanzita King Edward Road Axminster EX13 5PP
Proposal; Formation, laying out and construction of a means of access
to a highway.
Start Date: 26 September 2022
Procedure:
Written reps.
Questionnaire Due Date: 3 October 2022
Statement Due Date: 31 October 2022

App.No: 21/2531/FUL
Appeal Ref: APP/U1105/W/22/3303671
Appellant: Mr Michael Huxtable
Address: Land South Of Treetops Toadpit Lane West Hill
Proposal; Two storey detached dwelling, and change of use of land to residential curtilage.
Start Date: 26 September 2022
Procedure:
Written reps.
Questionnaire Due Date: 3 October 2022
Statement Due Date: 31 October 2022

App.No: 21/1837/FUL
Appeal Ref: APP/U1105/W/22/3302272
Appellant: Russell and Julie Payne
Address: 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
Start Date: 6 October 2022
Procedure:
Written reps.
Questionnaire Due Date: 13 October 2022
Statement Due Date: 10 November 2022

App.No: 21/0103/FUL
Appeal Ref: APP/U1105/W/22/3303990
Appellant: Mr D Crocker
Address: Chestnuts 65 Salterton Road Exmouth EX8 2EJ
Proposal; Demolition of existing buildings and construction of 9 no. apartments with associated parking, cycle and bin stores and creation of new vehicular access onto Salterton Road.
Start Date: 6 October 2022
Procedure:
Written reps.
Questionnaire Due Date: 13 October 2022
Statement Due Date: 10 November 2022

App.No: 22/0352/OUT
Appeal Ref: APP/U1105/W/22/3304675
Appellant: Mr and Mrs Mears
Address: 77 Seaton Down Road Seaton EX12 2HA
Proposal; Construction of a single storey dwelling accessed from Marlpit Lane following demolition of an existing car port; and construction of a parking bay accessed from Seaton Down Road. (Outline application with all matters reserved.)
Start Date: 6 October 2022
Procedure:
Written reps.
Questionnaire Due Date: 13 October 2022
Statement Due Date: 10 November 2022

App.No: 21/2781/FUL
Appeal Ref: APP/U1105/W/22/3303190
Appellant: Mr. D Brazendale
Address: Sceat Cottage Colyton EX24 6DP
Proposal; Change of use from holiday cottage to unrestricted residential dwelling (Use Class C3)
Start Date: 7 October 2022
Procedure:
Written reps.
Questionnaire Due Date: 14 October 2022
Statement Due Date: 11 November 2022

App.No: 22/0817/FUL
Appeal Ref: APP/U1105/W/22/3303809
Appellant: Mr & Mrs R & H Bennett
Address: Land At SY 22647 92588 Colyton Hill Colyton (Landfill Site At Whitwell Farm, Seaton)
Proposal; Siting of shepherd's hut for holiday accommodation.
Start Date: 11 October 2022
Procedure:
Written reps.
Questionnaire Due Date: 18 October 2022
Statement Due Date: 15 November 2022

App.No: 21/2332/FUL
Appeal Ref: APP/U1105/W/22/3308364
Appellant: A & S Barnes Sons
Address: Stopgate Farm Yarcombe Honiton EX14 9NB
Proposal; New farm access
Start Date: 2 November 2022

Procedure:
Hearing

Questionnaire Due Date: 9 November 2022
Statement Due Date: 7 December 2022
Hearing Date: 7 February 2023

App.No: 22/0758/FUL
Appeal Ref: APP/U1105/D/22/3307905
Appellant: Mr Barnaby Griffith
Address: 43 Halsdon Avenue Exmouth Devon EX8 3DW
Proposal; Single storey front extension, single storey rear extension and first floor extension with rear balcony with alteration to fenestration.

Start Date: 9 November 2022
Procedure:
Householder

Questionnaire Due Date: 16 November 2022

App.No: 22/0721/FUL
Appeal Ref: APP/U1105/D/22/3309277
Appellant: Mr Michael Anaman
Address: 16 Windsor Square Exmouth Devon EX8 1JX
Proposal; Removal of garden wall to rear garden, creation of off street parking with electric charging points, replacement of outbuilding, restoration of steps to rear door and associated landscaping.

Start Date: 11 November 2022
Procedure:
Householder

Questionnaire Due Date: 18 November 2022

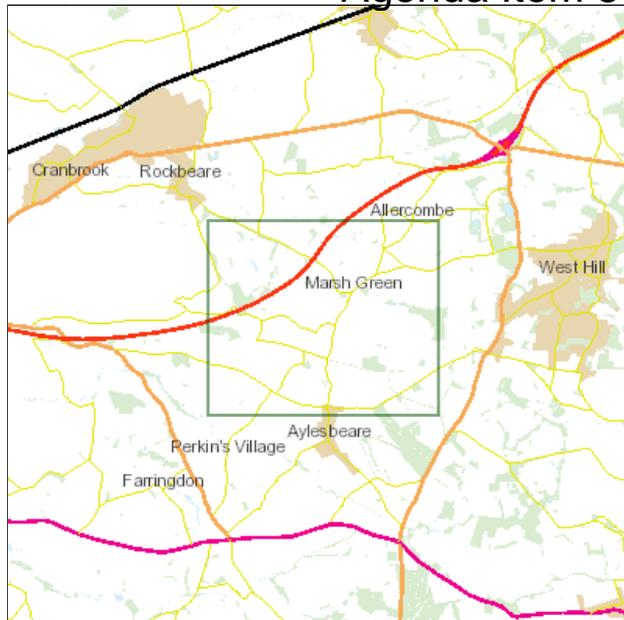
Ward Whimble And Rockbeare

Reference 22/0990/MFUL

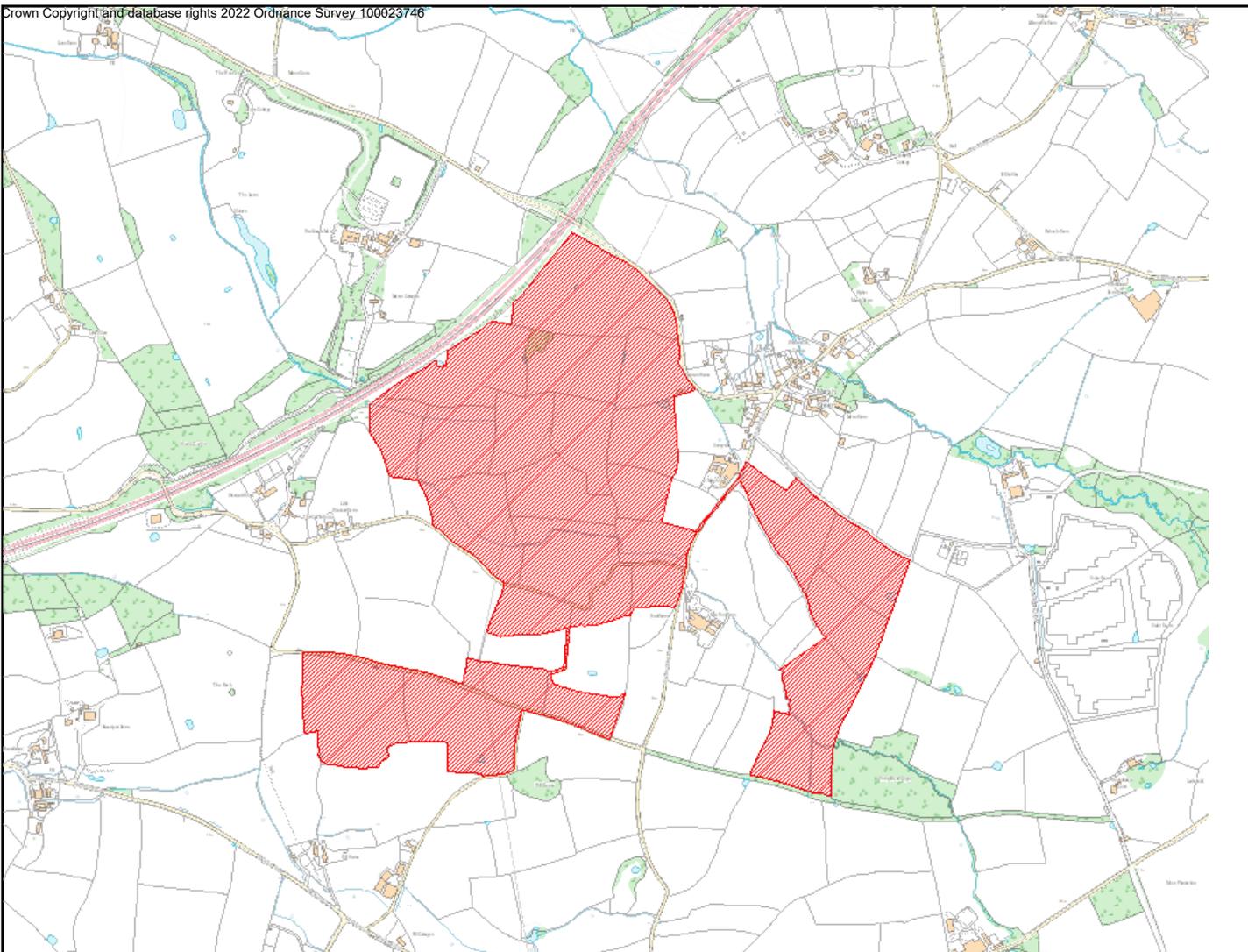
Applicant Mr Phil Cookson (Low Carbon Alliance)

Location Land At Marsh Green Farm Marsh Green EX5 2EU

Proposal Construction and operation of a ground mounted solar farm and associated landscaping and ecological habitat, with permission being required for 40 years, comprising solar arrays, equipment housing, sub-station, fencing, ancillary equipment and associated development; temporary change of use of land for construction compound (off site)



RECOMMENDATION: Approval with conditions



		Committee Date: 29.11.2022
Whimble And Rockbeare (Rockbeare)	22/0990/MFUL	Target Date: 18.08.2022
Applicant:	Mr Phil Cookson (Low Carbon Alliance)	
Location:	Land At Marsh Green Farm Marsh Green	
Proposal:	Construction and operation of a ground mounted solar farm and associated landscaping and ecological habitat, with permission being required for 40 years, comprising solar arrays, equipment housing, sub-station, fencing, ancillary equipment and associated development; temporary change of use of land for construction compound (off site)	

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 30MW 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. The application site also includes a separate agricultural field at Clyst Honiton to provide a temporary construction traffic reception area.

This proposal is one of two solar developments currently under consideration in this part of the District at different stages of consideration. Clearly though, whilst the cumulative impact, if one or more of the other developments were approved and implemented alongside this application, is a material consideration, the key focus of this report is on the impacts from the solar farm proposal at Marsh Green, and the recommendation therefore relates only to this planning application.

Whilst the site is located within the open countryside, the principle of development is supported by Strategy 39- Renewable and Low Carbon Energy Projects of the Local Plan. This strategy supports and encourages renewable energy projects with the reasoned 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'.

This 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. Applicants are also required to 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 appropriate mitigation.

The application site for the solar farm refers to approximately 74 hectares of 27 individual agricultural field parcels to the east and south of the settlement of Marsh Green and to the east of Rockbeare and the A30. The field parcels are located within a low lying, undulating part of the area where the predominant land-use is agricultural with scattered isolated farms and small settlements. The site is located within the countryside and is not the subject of any national or local landscape designations.

The proposed solar farm would introduce a large scale industrial development into the countryside which would result in a change to the rural landscape and character and appearance of the area the harm from which has to be weighed within the overall planning balance against the benefits that would be provided from this significant renewable energy scheme. However, due to the land form and the topography of the site, this landscape impact would be largely localised in terms of views from surrounding rural roads, through field gates and from a public footpath and would not be significantly harmful in terms of its wider landscape impact or its cumulative impacts with other constructed or consented solar schemes. The visual impact can be further mitigated through additional landscaping, ecological enhancements and future management of existing hedgerows and trees.

The proposal would result in the loss of 7 ha of grade 3a agricultural land with the remaining 80 ha classified as grade 3b. Officers are satisfied that this proposal would not result in a significant loss of BMV agricultural land and that the benefits of the development justify the loss of the limited amount of higher quality agricultural land. The proposal would comply with the provisions of policy EN13-Development on High Quality Agricultural Land of the Local Plan.

The proposal would be on the periphery of the setting of a number of grade II listed buildings which would result in less than substantial harm as a result of a change to the surrounding landscape that would be introduced to the setting of these designated heritage assets. The less than substantial harm identified is considered to be outweighed by the public and environmental benefits 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.

Furthermore, in the absence of any technical objections, the lack of wider amenity impacts in terms of traffic and highways impacts, ecology, flood risk and drainage and impacts on residential amenity, on balance, it is considered that the proposed 30 MW solar installation complies with both Local Plan Strategy 39 which supports the principle of development and National policy.

The substantial public benefit to be derived from this significant renewable energy proposal would support the government's national strategy and policy requirement to be net zero by 2050 which should be afforded a significant amount of weight within the overall planning balance.

It is therefore recommended that this application is approved for a temporary period of 40 years.

CONSULTATIONS

Local Consultations

Whimble And Rockbeare - Cllr Richard Lawrence

I am extremely concerned that the DCC Flood Risk SuDS Consultation raises objections because the scheme does not conform to EDDC Policy EN22 (Surface Run-off Implications). There are already serious flood risks in this area and this proposal will most certainly exacerbate the problem. The response from the Environmental Consultants employed by the applicant states that the proposed SuDS features "may" reduce the velocity of waters flowing downstream to Rockbeare. I am afraid that the word "may" does precious little to alleviate the very real fears of Residents, particularly in view of the increased propensity of adverse weather conditions predicted for the future.

The combination of proposed filter drains, leaky dams and swales is admirable but needs continuous maintenance in order to operate with any degree of success, but I see no plans a maintenance regime. Building and walking away from responsibility is not acceptable.

The Environment Agency has also requested that the application is not determined until the applicant has provided information to confirm that the proposal be amended to ensure that the development avoids the areas of highest flood risk and do not lead to an increase in flood risk elsewhere.

Devon Highways have approved the Construction Traffic Management Plan but in light of the fact that DCC own some of the land in question there is a very serious financial conflict of interest and I would want to see an Independent TMP. To this end I would propose a site visit in order for the Planning Committee to see first hand the complexity of (in my view and that of Residents) the totally unsuitable lanes proposed to be incorporated in this plan.

I cannot support this application until I have further information and reserve my final decision until I am in possession of all relevant arguments for and against.

Parish/Town Council

On 19th May 2021, Low Carbon Alliance (hereinafter referred to as 'the Applicant'), submitted a planning application for the installation and operation by a Japanese company of a solar farm and associated infrastructure, in accordance with application reference number 22/0990/MFUL.

Rockbeare Parish Council, the appropriate body for the proposed development area, hereby articulates its desire to object to the application, in the strongest terms. The grounds for the objection are set out in the following sections of this document.

The Parish Council's objection is based on many factors, all of which highlight the unsuitability of the area for the proposed development. The reasons are addressed in the following submission.

Policy and Statutory Considerations

In the matter of the Lightsource SVP 114 Ltd and North Hertfordshire Council Application reference 14/02360/1), Secretary of State for Communities and Local Government upheld the decision of the Planning Inspectorate, which overturned the decision of North Hertfordshire Council, which approved the siting of a Solar Farm, and associated infrastructure in the North Hertfordshire area.

Within his summary, the Secretary of State clearly referred the parties to the National Planning Policy Framework (hereinafter referred to as 'the Framework'), which highlights the factors to be considered, when an application for the installation of a Solar Farm, and associated infrastructure, is being considered.

In his written statement, The Right Honourable Sir Eric Pickles, provided that, inter alia, 'any proposal for a solar farm, involving the use of Agricultural land that is capable of growing crops would need to be justified by the most compelling evidence.

The proposed development area falls within Rockbeare Parish. The proposed development area is open country and comprises mainly grades 3a and 3b arable farmland.

Grade 3 agricultural land is classed as being 'good to moderate quality agricultural land' with Grade 3a falling into the classification designated as 'the best and most versatile land' by Government policy guidance. This is the land, which is most flexible, productive, and efficient in response to inputs, and which can best deliver future crops for food and non-food uses such as biomass, fibres, and pharmaceuticals.

Current estimates are that Grades 1 and 2 together form about 21 per cent of all farmlands in England - Subgrade 3a contains a similar amount 20%. Grade 3b 60% of UK productive land.

Natural England (TIN049) states:

'Most of our land area is in agricultural use. How this important natural resource is used is vital to sustainable development. This includes taking the right decisions about protecting it from inappropriate development.'

Policy to Protect Agricultural Land Policy EN13)

Government policy for England is set out in the National Planning Policy Framework (NPPF) published in March 2012 (paragraph 112). Decisions rest with the relevant planning authorities who should consider the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of higher quality. The Government has also re-affirmed the importance of protecting our soils and the services they provide in the Natural Environment White Paper 'The Natural Choice': securing the value of nature (June 2011), including the protection of best and most versatile agricultural land (paragraph 2.35).

The proposed development is therefore at odds with Government Policy. 'A Green Future' is the Government's Plan to improve the Environment. This document sets out the government's 25-year plan to improve the health of the environment by using natural resources more sustainably and efficiently, the plan aims to:

- o protect the best agricultural land
- o put a value on soils as part of our natural capital
- o manage soils in a sustainable way by 2030

The National Planning Policy Framework (NPPF), Chapter 15, clearly sets out the requirement for Local Planning Authorities (LPA's) to make decisions about the natural and local environment, using the NPPF, to:

- o protect and enhance landscapes, biodiversity, geology, and soils
- o recognise soils as a natural capital asset that provide important ecosystem services
- o consider the economic and other benefits of BMV agricultural land, and try to use areas of poorer quality land instead of higher quality land
- o prevent soil, air, water, or noise pollution, or land instability from new and existing development.

The solar farm proposal sets out to remove approximately seventy-five acres of arable farmland from food production purposes, 600 acres in the immediate area . Apart from the fact that, in October 2021, MAFF published a report highlighting the overall loss of land suitable for food production, in recent years (refers).

The current global impact of the Russian invasion of Ukraine, a major producer of grain for Europe, the destruction of crops, farms, and machinery, are all likely to impact further than at present on the ability to produce food. The increased price of grain, [Wheat Futures are £350 in November 2022] resulting from this action is already impacting adversely on food prices in this country, with the poorest sectors of society being hardest hit. Recovery of the market is likely to take a considerable period. It is, therefore, incumbent upon Planners to ensure that arable farmland is not unnecessarily removed from the agricultural land bank.

The proposed development site is a valuable national resource. Research conducted highlights that the site has the potential to provide the following yields
: Crop Yield (Total) Wheat 1400 tonnes Barley 1800 tonnes Potatoes 6600 tonnes
Maize 12000 tonnes

The benefit of Maize production is key. Maize will grow well in poorer (grade 3b) soil and, apart from producing flour, it can be used as cattle feed. Maize in cattle feed had been shown to increase milk yield by up to 25%, it also provides for a substantial (20%) increased growth in beef cattle - thus providing farmers with an option of reducing herd sizes/ carbon emissions without a reduction in yields.

The proposed site is currently surrounded by fields planted to wheat, there is therefore no reason the site cannot be similarly utilised.

It is claimed by Low Carbon Alliance that the land, if developed, will be suitable for the grazing of sheep. That contention is disputed by professionals . Once covered in solar panels, the grass beneath the same will be starved of light and will be unlikely to be nutritious to animals. Further to this, the area is prone to serious flooding. It is the contention of the Environment Agency that where areas are prone to flooding, it is advisable to keep the grass long, to assist with drainage/ ground water dispersal. Long grass disperses water, whereas shortened grass will exacerbate the flooding issues. It is also noted that, although the applicant has stated that sheep could graze, no evidence of a definite agreement for grazing has been provided.

The Parish Council objects to the application made by Low Carbon Alliance, on the grounds that the proposal conflicts with the stated objectives of Government Policy EN13.

Chapter 15 of the NPPF places the following obligations upon LPA's

Conserving and enhancing the natural environment

Paragraphs 174 and 175

174. Planning policies and decisions should contribute to and enhance the natural and local environment by:

- (a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan).
- (b) recognising the intrinsic character and beauty of the countryside, protect the hedgerows and ancient OAK TREES and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.
- (c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate.
- (d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

(e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality.

(f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

175. Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework (numbered 58) , take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.

It is the contention of the Parish Council, and majority of residents, that the proposed development will not enhance and contribute to the natural and local environment.

In the first instance, the proposed development does not enhance the area, which lies mainly to farmland and hedgerows. The proposed mitigation will not detract from an installation that will be incongruous to the area. The topography of the land will ensure that successful screening of the panels will not be meaningfully achieved.

The villages of Marsh Green/ Westcott have been a small rural/ agricultural community for hundreds of years, with no major industrial development having been undertaken in the area. The impact of the proposed development will change the character of the villages indefinitely.

Within the villages are several substantial Grade 2 listed buildings which, in common with building methods many years ago, do not have the benefit of foundations. The proposed transportation of equipment/ materials by road is likely to undermine the stability of at least one of these properties as it is lies within 6 feet of the wheels of HGV vehicles that would use the proposed transportation route. it is possible that the constant vibration could split the brickwork and collapse the dwellings, with RISK TO LIFE , No provision appears to have been made by the applicant to compensate for any such damage.

It is proposed that the Westcott Village Green will be removed to allow the HGVs to pass, Whilst a small area of land, it is nonetheless a village amenity. The proposal has been made without consultation with the owners and village residents.

The proposed development site, and its surrounding area, is rich in wildlife. However, the development of the area, in the manner proposed, will result in the extant wildlife being dispersed and, thus, lost to the community. At present, deer and raptors are seen in the area. Those would likely disappear.

The 'environmental enhancements' vaunted by the developer are minimal and would do little to address the flooding issues currently experienced by the area. Indeed, it is

likely that the proposal, in its entirety, will exacerbate an already fundamental problem.

The Parish Council objects to the proposed development on the grounds that it does not enhance the natural / local environment but, rather, will detract from it. No consideration has been given to the environmental damage that will be sustained to wildlife, the flora and fauna of the area and, potentially, to properties in the area.

The proposals put forward for the transportation of equipment and materials is unacceptable. As previously stated, the proposed development site is rural and served by narrow lanes and roads. At present, the road structure cannot cope with large vehicles and, frequently, it has been necessary for smaller vehicles to reverse for up to a quarter of a mile, when encountering a heavy vehicle. Apart from the dangers faced when reversing for long distances, the time lost to residents caught up in such 'traffic jams' has proved to be substantial over the past few years. In particular, the Planning Officer's attention is drawn to the Parish Council discussions with both EDDC (via Cllr Lawrence) and Devon County Council Highways Department, relating to the congestion in the area. We respectfully invite the Planning Officer to visit the area to inspect the nature of the access roads to the proposed site.

Long Lane / Westcott Road, and the hamlet of Westcott, are unsuitable for HGV vehicles . Devon County Council Highways Department currently has a sign in place, stating that the road is ' NOT SUITABLE FOR HGV' . The road is too narrow and has few passing places. HGV 's will, most likely, encroach onto banks and hedges, damaging/ destroying the same. Walkers are also likely to be at risk due to the lack of footpaths and the narrowness of the lane.

The hamlet has only one way in and out and would be closed for many days / weeks at a time shutting off the residents of Westcott from daily life , children to and from school , adults to and from work and other essential journeys . This situation arguably increases the risk to human life as emergency services would likely be delayed.

Notwithstanding the unsuitability of the access roads/ lanes, the development will result in increased numbers of workers vehicles in an area that has no suitable parking facilities. On road parking is not deemed to be an option as this will result in congested/ blocked access roads to and from the area. Neither is it permissible for workers to park their vehicle on private roads/ driveways/ verges.

The proposed transportation of vehicles/ equipment is a matter for concern. The area is currently used by cyclists and horse riders, who have no off-road tracks available to them. The noise from heavy vehicles, and from the construction site, is highly likely to breach the terms and conditions, as set out in the Environmental Protection Act 1990

In short, the proposed development will damage the character of the area, destroy current wildlife habitats, create a danger to other road users and cause extreme congestion in the area. The propensity for damaging trees on the access route is

also a cause for concern as the character of the area is defined by its indigenous flora and fauna.

The Parish Council objects to the development on the grounds that the area will be irreparably altered, with substantial damage to trees, wildlife, verges, and humans being (on the balance of probabilities) likely.

Other Matters for Consideration

- o Other matters of concern arise from the dubious sustainability of the material to be used in the construction of the solar panels. It has not been proven that these are environmentally acceptable.
- o The decommissioning of the site is unlikely to return it to its original condition, thus rendering it unusable for food production. No method statement for such decommissioning has been provided.
- o The manufacture of the panels is not being undertaken locally/ UK. These are being shipped into the country from China / Japan. Therefore, British Industry will not benefit.
- o The carbon footprint of the mining and manufacturing, plus transportation, of the panels arguably offsets any perceived green energy benefit .
- o No local employment will arise from the development, therefore there is not local benefit to be derived.
- o Proximity to the village of Marsh Green and the dwellings therein is a major issue and , arguably, presents a risk to children, should they manage to gain access to the site . Solar sites previously approved have generally been outlying from dwellings. The proposed development lies in close proximity to the village and dwellings .
- o Constant noise from the generators, estimated at 45dcb, is deemed to have the potential to constitute a noise nuisance (EPA 1990).
- o The application submitted contravenes the Rockbeare Neighbourhood Plan.
- o Solar panels often fail after 5 to 10 years, and cannot be recycled , potentially creating future EDDC landfill issues .

In conclusion, it is hoped that this matter will be placed before the EDDC Planning Committee, and that full and frank discussions and consideration is given to the inappropriate nature of the proposal submitted by Low Carbon Alliance, which is intent on selling the project to another developer, should planning permission be granted.

Adjoining Parish

Aylesbeare Parish Council broadly supports this project because of the need for generation of renewable energy and the need for farms to diversify. Aylesbeare Parish Council also supports the significant level of biodiversity and the amount of land given to wildlife and nature. However, the Council does have significant concerns which it hopes the Planners will address. They are:-

Construction phase

The route planned for the goods to arrive on site follows roads that flood frequently due, in part, to old drains that regularly get damaged. Aylesbeare Parish Council is concerned that road surveys will only address the surface of the route to and from the compound near the airport. The Council believes that a camera survey of the

drains should be required before and after the project to ensure that the drains are left in as good or, hopefully, better condition after the construction has finished. The project will inevitably lead to mud being left on the public highways of the transport route. Aylesbeare Parish Council hopes that the Planners will include a condition that the roads are suitably cleaned immediately after use to avoid this obvious accident risk.

The hard surfaces throughout the project (including the lanes will need drainage that does not rely on percolation as the soil is clay.

The road to be used does have a DCC Highways sign saying "Unsuitable for HGVs". Aylesbeare Parish Council trusts that the roads will be made suitable for the heavy construction traffic without damage to Devon banks and hedgerows leaving a permanent benefit for the community.

Aylesbeare Parish Council hopes that, should the project go ahead, Highways will take the opportunity to impose a sensible speed limit on Marwood Road which is continually used as a high-speed 'rat run' by commuters and delivery drivers.

The Parish Council also hopes that consideration is given to the possibility of a vehicle breakdown during a convoy. This would surely block the road and arrangements for rapid recovery should be made.

Once the construction is complete Aylesbeare Parish Council hopes it will be a condition to restore the area to original conditions wherever possible.

Ongoing

The footpath from which a viewpoint is given in the plans is marked incorrectly on the map - the view in reality will be almost completely of PV panels on the actual path. The tree shielding that is planned will need planting with semi-mature trees rather than whips as it will take a decade or more before the whips provide an acceptable level of shielding.

The water attenuation will be fundamental to the success of the site in a locality where flooding is common. Footpath 7 towards Aylesbeare, Marwood Road, Marsh Green play area and many other smaller areas flood easily.

The Landscape areas in Aylesbeare have been reduced from earlier (unsubmitted) plans. These areas will be needed as the hedgerows are in 3rd party ownership. The fencing of the panelled fields will need to allow wildlife passage between the fields. Aylesbeare Parish Council hopes such fencing is compatible with sheep grazing.

Aylesbeare Parish Council hopes the Planners are satisfied that enough consideration has been given to the SSSI only one field to the east away from the project boundary.

Aylesbeare Parish Council trusts that the Planners will place conditions that, should the PV panels be removed after the 40-year life of the project that the then owners must return the site to agricultural use only.

Aylesbeare Parish Council had hoped that the applicants would give firmer details of the Community Benefit Fund including an approximate amount of funding and specifications of the uses to which it can be put.

Finally, Parish Council is surprised that the RSPB has not been consulted by EDDC on this major project and there are no details of consultation with the gas transmission company as a high-pressure gas main runs directly across the site.

Technical Consultations

Devon County Highway Authority

The Transport Statement takes a detailed review of the three best routes to provide for construction access to the site.

I agree with the general consensus that the Long lane/route A option, would be the best route due to it being the most direct with the most strategic network available from the holding compound, in addition to utilising the widening and improvements that Long lane is currently undergoing.

The traffic management and temporary works to make this route acceptable including a shuttle notification and one way system, seem reasonable and minimise the impact upon the carriageway.

The acceptance in avoiding through-route traffic in the village of Marsh Green has been established and is appreciated.

I recommend the provision of a Construction and Environment management plan (CEMP) to further mitigate construction disruption with elements such as contractor car sharing and wheel washing facilities to avoid debris being brought onto the carriageway.

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.

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

Exeter & Devon Airport - Airfield Operations+Safeguarding – 22.08.2022

The updated Glint / Glare study together with the accompanying Glint / Glare addendum have been studied from an aerodrome safeguarding perspective with the following findings.

- o The study shows that for 08/26 arrivals overall there will be no significant impact on either of the assessed areas and therefore acceptable.
- o The study together with a site survey shows that the solar panel area would not be visible to the Air Traffic Control Tower, so no solar reflections are predicted and therefore acceptable.
- o The Addendum relating to circuit traffic operating at Exeter Airport shows that the times of potential solar reflections, which are outside of the airports usual operating hours, which together with the overall conclusions within section 5.3 of the report show no operational issues and therefore acceptable.

Accordingly, based on the findings and evidence within the studies which addresses the previously raised concerns Exeter Airports Safeguarding objection can now be removed.

Exeter & Devon Airport - Airfield Operations+Safeguarding 24.05.2022

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 it does have the potential to conflict with safeguarding criteria.

There are 2 areas of safeguarding concern that have been raised by the Air Traffic Control department at Exeter Airport in relation to the Pager Power Glint Glare study.

1. There is no mention or regard to aircraft in the circuit or joining left base for runway 26. This would need confirming to ensure there was no adverse effects or issues.
2. Concerning reflections visible by the Visual Control (VCR) room section 8.2.1 of the study states,
"The results of the geometric modelling have shown that solar reflections towards the ATC Tower from the proposed solar development are possible. However,

considering a review from a high-level determination of the zone of theoretical visibility (ZTV) from Google Earth, it appears that views of the reflecting solar panel areas are not possible from the ATC Tower.

Figure 18 14 on the following page shows the areas of the proposed solar development from where the solar reflections originate. The yellow areas show the reflecting solar panel areas from the Pager Power results, the orange and yellow areas combined show the reflecting solar panel areas from the Forge results. The green areas show the land which is theoretically visible from the ATC Tower considering a tower height of 10m above ground level. There appears to be minor overlap between the reflecting solar panel areas and zones of theoretical visibility. No visibility of the ATC Tower from the site was subsequently confirmed by the landscape team. If there is no visibility to the reflecting solar panel areas, then no impact is possible.

8.2.1.1 Overall Conclusions for the ATC Tower In accordance with the methodology presented in Section 4 and Appendix D, no impact upon ATC operations is expected based on this desk-based analysis and a site survey conducted by the landscape team."

The study shows that solar reflections towards the VCR are possible but goes on to state that there is no visibility of the VCR from the site. Figure 18 shows that areas of the site are theoretically visible including yellow and orange reflecting solar panel areas. It is further stated that there is no visibility of the VCR confirmed by the landscape team. Further evidence is required by the airport showing the visibility of the site and whether the site is visible or not as there seems to be a discrepancy. Vegetation would not be a suitable screening as it can be very sparse in the winter months or removed completely when required.

The Air Navigation Order 2016 PART 8 states,
"Aerodromes and lighting CHAPTER 2 Lights and lighting
Lights liable to endanger

224. (1) A person must not exhibit in the United Kingdom any light which
(a) By reason of its glare is liable to endanger aircraft taking off from or landing at an Aerodrome; or
(b) By reason of its liability to be mistaken for an aeronautical ground light is liable to Endanger aircraft.

Lights which dazzle or distract

225. A person must not in the United Kingdom direct or shine any light at any aircraft in flight so as to dazzle or distract the pilot of the aircraft.

Accordingly, Exeter Airport object to the proposal on the grounds of aviation safety, until further evidence is supplied, and suitable mitigation measures if required are proposed and approved.

National Highways

Council's Reference: 22/0990/MFUL

National Highways Ref: 95029

Referring to the notification of a planning application referenced above, for the construction and operation of a ground mounted solar farm and associated landscaping and ecological habitat, with permission being required for 40 years, comprising solar arrays, equipment housing, sub-station, fencing, ancillary equipment and associated development; temporary change of use of land for construction compound (off site), at land at Marsh Green Farm, Marsh Green, EX5 2EU, notice is hereby given that National Highways' formal recommendation is that we:

- a) offer no objection (see reasons at Annex A);
- b) recommend that conditions should be attached to any planning permission that may be granted (see Annex A - National Highways recommended Planning Conditions & reasons);
- c) recommend that planning permission not be granted for a specified period (see reasons at Annex A);

d) recommend that the application be refused (see reasons at Annex A)

Highways Act 1980 Section 175B is/is not relevant to this application.¹

This represents National Highways' formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should the Local Planning Authority not propose to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, via transportplanning@dft.gov.uk and may not determine the application until the consultation process is complete.

Annex A National Highways recommended Planning Conditions

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

Highways England was renamed National Highways in August 2021. Prior to April 2015 the organisation was known as the Highways Agency. National Highways is a government owned company responsible for operating, maintaining and improving the SRN.

Statement of Reasons

The application seeks permission for the construction and operation of a ground mounted solar farm and associated landscaping and ecological habitat, with permission being required for 40 years, comprising solar arrays, equipment housing, sub-station, fencing, ancillary equipment and associated development; temporary change of use of land for construction compound (off site), at land at Marsh Green Farm, Marsh Green, Devon. The 75ha site is located immediately south of the A30 trunk road boundary and approximately 3.5km east of M5 Junction 29. The temporary construction traffic reception Compound covering 1.26ha is located

immediately south of the A30/B3184 Exeter Airport junction and 1.6km east of M5 Junction 29.

Impact on the Strategic Road Network

Traffic Impact

Once constructed the level of traffic associated with the operation and maintenance of the site is considered unlikely to result in a material impact on the safe operation of the A30 trunk road.

It is envisaged that the reception compound will generate up to 12 HGVs deliveries per day (24 two-way trips) over a temporary 10-month period only. All development traffic would then be escorted in convoys of 4 vehicles to the construction compound.

The Construction Management Plan states that the all convoys would take place out of the network peak periods to minimise any distribution on the local highway network. National Highways requests that the measures proposed to restrict development traffic during the network peak hours (0800-0900 and 1700-1800) are formalised by planning condition or other appropriate mechanism to be determined by the Local Planning Authority.

On the basis that HGV convoys to the construction compound will be prohibited during the AM and PM network peak hours and given the temporary duration of the construction traffic impact we are satisfied the development is unlikely to result in an unacceptable impact on the safe operation of the A30.

Drainage

The drainage documents make reference to a National Highways drainage culvert which heads through the upper part of the development north westerly under the A30.

Section 6.1.3 of the FRA states the requirement to keep volume and flow rates of runoff matching existing or better. 5.2.2 and 6.4 of the FRA provides appropriate measures to contain the surface water risk from the development and Construction phase measures and maintenance commitments within the FRA are also considered acceptable.

As set out in Paragraph 50 of DfT Circular 02/2013 "The Strategic Road Network and the Delivery of Sustainable Development", National Highways will not accept any water run off arising from any change of use into our highway drainage systems, or any new connections into those systems from third party development drainage systems. We therefore require the submission of a detailed drainage strategy to ensure that the filter drain layouts remain clear of our highway drainage asset and to ensure the construction of a proposed 'scrape' to increase floodplain capacity in the proximity of the A30 culvert will not result in an adverse impact on our drainage assets. The drainage strategy must include the drainage plan design and the overland flow routing to ensure surface water will be managed and not result in any

adverse impact on our assets. It must also confirm details of all proposed discharge locations.

Landscaping and Boundary Treatment

The Planning Statement states in para 7.9.7 that "while solar reflections are geometrically possible towards the A30, the solar reflections will be screened by existing vegetation, which will be subsequently supplemented with additional proposed vegetation as part of the proposed development." However, the Landscape Strategy Plan shows no additional screening proposed alongside the site boundary adjacent to our estate. It is therefore unclear how glare from the site, and particularly DC02a, will be screened from the A30 eastbound carriageway. We therefore require the submission of a boundary treatment plan which details in full the proposed measures to ensure the development will be adequately screened from the A30 trunk road.

It should be emphasised that National Highways soft estate must not be relied upon to contribute any mitigation to the development as the management of our estate may from time to time affect any real or perceived benefits. Our soft estate management includes cyclical maintenance and periodic renewal, either of which could involve significant reduction in any available screening benefit until new planting is well established. We are also needing to consider removal of all dead, dying and diseased trees affected by ash dieback (*Chalara*), where these are on National Highways estate and where they present a safety risk to our assets, neighbours and all road users.

As such the developer must ensure that all required and desired mitigation is provided within the development or by a site boundary feature proposed as part of the development. We would encourage the use of native and naturalised species planting to provide or support visual screening mitigation, with an evergreen component to sustain this all year round. Any fences, screening and other structures must be erected on the developer's land, and far enough within the developer's land to enable maintenance to take place without encroachment onto highway land, as set out in Annex A, paragraph A1, of DfT Circular 02/2013 "The Strategic Road Network and the Delivery of Sustainable Development".

We also require a detailed Landscape Plan and associated Planting Schedule for our review to ensure there will be no adverse impact on our soft estate.

We should advise the developer that the following species must not be planted within 10m of our estate:

1. Blackthorn (*Prunus spinosa*)
2. Goat willow (*Salix caprea*)
3. Crack willow (*Salix fragilis*)
4. Dogwood (*Cornus sanguinea*)
5. Italian alder (*Alnus cordata*)
6. Bird cherry (*Prunus avium*)
7. Quaking Aspen (*Populus tremulans*)
8. Wild Privet (*Ligustrum vulgare*)

In addition, the following trees must not be planted in a position where at maturity they would be within falling distance of the carriageway or any significant National Highways asset:

9. Silver Birch (*Betula pendula*)
10. Austrian Pine (*Pinus nigra*)
11. Poplar (*Populus alba*, *Populus hybrid*, *Populus lombardii*)
12. English Oak (*Quercus robur*)

Recommendation

National Highways has no objection in principle to application 22/0990/MFUL subject to planning conditions being attached to any consent the planning authority is minded to grant to the effect that:

1. Prior to the commencement of the development hereby permitted, a Detailed Drainage Strategy shall be submitted to and approved in writing by the local planning authority (in consultation with National Highways). This must include full details relating to the maintenance of the assets that will control the flows of water on and around the site. Reason: in the interest of the safe and efficient operation of the strategic road network, and to protect the integrity of the National Highways drainage asset.

2. Prior to the commencement of the development hereby permitted, a Boundary Treatment Plan including details for the site boundary with the A30 trunk road shall be submitted to and agreed in writing by the Local Planning Authority (in consultation with National Highways). Reason: in the interest of the safe and efficient operation of the strategic road network and to protect the National Highways soft estate.

3. Prior to the commencement of the development hereby permitted, a revised Landscape Plan and associated Planting Schedule be submitted to and agreed in writing by the Local Planning Authority (in consultation with National Highways). Reason: in the interest of the safe and efficient operation of the strategic road network and to protect the National Highways soft estate.

EDDC Landscape Officer 14/09/2022

1 INTRODUCTION

This report is an addendum to the previous EDDC landscape response to the full application for the above site following review of further/ amended landscape related information submitted by the applicant.

2 REVIEW OF ADDITIONAL / AMENDED INFORMATION

2.1 Removal of panels

a) The reduction of panels in fields D2b and D3 as recommended in landscape response dated 15.7.22 is noted.

b) Reviewing the amended photomontage for viewpoint 09, mitigation tree planting shown to the southern boundary of field D2 is not included on the Landscape Strategy

Plan (LSP). The LSP should be amended to include for this. Tree planting should extend adjacent to the hedge annotated on the plan as not being in control of the applicant.

c) In respect of field D7 the reduction in panels is not considered sufficient and all arrays in this parcel should be omitted as previously recommended.

2 Field access gates

a) The applicants response to previous concerns raised regarding security gates by replacing the previously proposed 2m high solid gates with 2m high weldmesh gates is not acceptable in terms of landscape and visual impact and does not reflect existing constructed or consented schemes where security gates are set back from the field boundary in line with the security fence, as illustrated in the photograph below taken at the site to the north of Cranbrook.

b) Although the proposed development plan and construction plan keys include symbols for field and security gates, it is very unclear from the actual plans where these are proposed. For the avoidance of doubt the plans should be amended to clearly show gate locations and distinguish between the two types proposed.

c) Additionally the applicant should confirm the following field access arrangements and amend plans accordingly:

DC01 – Applicant to confirm access to be as per fig. 2 of landscape response dated 15.7.22

D2 and D3 – Applicant to confirm from existing entrance to D2. Existing field gate to be retained.

D4 – Applicant to confirm access to be as per fig. 3 of landscape response dated 15.7.22

D5, D6N and D6S – Applicant to confirm to be taken from D4.

D6N – Access to be via D7. Existing field gate to D7 to be retained.

D8 and D9 – Access via existing access off Quarter Mile Lane. Existing field gate retained.

D10-13 – Access off existing green lane via ecological enhancement area. Access to ecological enhancement area off green lane to retain existing field gate.

Details of any proposed gateway amendments should be submitted for approval prior to determination of the application.

3 Additional comments

It is noted that construction details of proposed access tracks have not been submitted. These should be provided for both construction and operational phase prior to determination or by condition prior to commencement of site works.

EDDC Landscape Officer 15/07/2022

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.

The application site extends over an area of up to 2.4x 1.4km which includes a total fenced developed area of some 55Ha and a further 19 Ha to provide ecology enhancement outside of the fenced enclosures.

The proposals comprise arrays of ground mounted solar panels and associated infrastructure including inverters, substations, access roads, fencing and CCTV as described clearly in the DAS p.16. These are arranged in three distinct groupings:

- The main development site has a predominantly southeasterly aspect and comprises 16 fields of PV arrays extending from the A30 on its northwest boundary southwards to Westcott Lane and eastwards towards the edge of Marsh Green.
- The eastern area lies to the east of Marsh Green and comprises four fields of PV arrays (D10-D13) and additional ecology area (D14).
- The southern area comprises four fields of PV arrays (D2-D6) on a ridgetop and south facing upper slope.

Principal access points are taken from Rockbeare Lane to the north of the site and Withybed Lane towards the southern end. The eastern parcel is accessed via the entrance to an old drove track off Quarter Mile Lane.

2 REVIEW OF SUBMITTED INFORMATION

2.1 Landscape and visual impact assessment (LVIA)

Methodology

The LVIA methodology as described in the appendices is in accordance with industry standard guidance. The methodology, and scope of the LVIA are clear and defined.

The study area, extends to 2.5km which is considered appropriate for the type of development proposed.

There are some discrepancies in sensitivity given for particular receptors in section 3 of the LVIA compared with those given for the same receptors in section 6-Visual impact assessment, notably in respect of Westcott Lane and Aylesbury footpath 7.

Assessment of significance of effect for visual receptors in section 6, table 3, assesses many as **minimal adverse** although a minimal adverse category is not included in the Significance criteria of visual impacts, table F of the methodology. For the purpose of this review such instances shall be taken to be equivalent to **slight adverse**, which is defined in table F.

Landscape Baseline

Published landscape character assessments - The LVIA considers National Character Area assessment and District level Landscape Character Type assessments, but County level Landscape Character Areas (Clyst Lowland Farmlands and Pebble Bed Heaths and Farmlands) are not considered.

The Devon Historic Landscape Characterisation should also have been considered. This indicates that the northern and eastern site areas comprise medieval enclosures based on strip fields with 17% and 24% boundary loss respectively. The southern field parcels are described as post-medieval enclosure based on strip fields with 47% boundary loss.

Landscape character - The LVIA assessments of sensitivity of the host landscape character types (LCT3B and 3E) are questionable. In both instances the LVIA finds them to have **low to medium** value. The landscape comprises rolling farmland in generally good condition with well-maintained hedges and large trees both in hedge lines and within open fields. Published LCA and LCT descriptions recognise its attractive qualities away from large built-up areas. The landscape has a strong structure of hedgerows, many of medieval origin, and mature trees, particularly oaks. There are a few pylons but their visual impact is limited due to landform and the frequency of large trees. The A30 is generally not visible but audible. Accounting for the above, in accordance with the criteria in Table C, LVIA appendix B, landscape sensitivity for both LCT 3B and 3E should be considered to be **medium** – *‘Consisting primarily of valued landscape components combined in an aesthetically pleasing composition with low levels of disruptive visual detractors exhibiting a distinguishable structure. Some landscape elements remain intact and in good repair. Limited potential for substitution.’*

Individual landscape receptors – The assessment of individual receptors (LVIA paras. 3.8-3.13) regarding the AONB, open access land and listed buildings as being unaffected by the proposed development is accepted.

In consideration of site landscape character, Use/ Landcover is assessed in the LVIA as being of **low-medium** Sensitivity. This should be **medium** sensitivity as land use is currently 100% farmland. The A30 has extremely limited visual impact and the few pylons present are not dominant being partially screened by landform and large tree cover. Proposed development would introduce extensive modern infrastructure into the site at odds with the prevailing rural character and which could mask the existing pattern of field hedgerows.

For Landform the LVIA assesses sensitivity as **low**. As the landform comprises both hidden, lower, lying areas and some more visible slopes sensitivity to change should be considered to be **medium**.

The LVIA assesses susceptibility of trees and hedgerow as low. As there is potential for development to adversely impact these important landscape elements sensitivity should be considered at least as **medium**.

Visual baseline

Viewpoints were agreed with EDDC at pre-app stage. Presentation of baseline photographs complies with relevant guidance. Photographs are generally of reasonable quality although photos 3, 4 and 11 a-c are taken in hazy/ misty conditions resulting in some loss of detail. Photography is taken in winter conditions when trees and hedgerows are bare, to represent worst case scenario and in most cases visual

effects can be expected to reduce in summer. Baseline photographs include clear indications of the extent of proposed development in each view.

The LVIA's findings that the effects of the development do not extend beyond the A30 is accepted. There is some intervisibility with Ashclyst Forest and Paradise Copse to the north but these are well beyond the study area boundaries and, particularly as the pv arrays will be facing away from them, it is doubtful whether any effect would be discernible from these locations.

It is accepted that there is no intervisibility between the site and publically accessible areas within the AONB to the east and southeast.

In addition to the submitted ZTV, a Zone of Visual Influence (ZVI) plan is also submitted to represent actual visible extent of the development. This does not account for views from the minor lane to the south (Marwood Road), from which fields D2 and D3 in the southern development parcel are visible in glimpse views over a length of some 200m to the west of Rill Corner. Field D5 has some visibility from Westcott Lane and in a glimpse gateway view from Quarter Mile Lane. Additionally, fields D4 and D6, while not visible in the immediate locality except from the access gates into them off Withybed Lane, can be seen from a few locations on higher ground towards West Hill to the northeast, including viewpoints 3 and 4. Notwithstanding the above, it is accepted that visual effects are largely limited to the site and local surroundings extending southwards to Marwood Road, eastwards to Quarter Mile Lane, westwards to Aylesbeare footpath 7, Rag Lane and the A30 and northwards to Rockbeare Lane. Apart from viewpoint 11, which affords partial glimpse view of fields D11 and D12, the eastern field parcels are effectively screened from publically accessible locations. As noted in the LVIA the settlement of Marsh Green itself is also unaffected.

The LVIA identification of visual receptors is sufficiently comprehensive, but it's assessment of their sensitivity is too low in the following instances:

- Minor lanes - Only motorists are considered. The assessment of their sensitivity as **low-medium** is accepted but these lanes are frequently used by pedestrians and cyclists for whom sensitivity should be considered **medium**.
- Westcott Lane is something of an anomaly as it is a county road currently closed due to flooding issues. The LVIA assesses receptor sensitivity as **low-medium** on the basis of use by 4WD vehicles. However, as flagged in pre-app advice, the lane is most used as a recreational route by local residents whose sensitivity should be considered **medium**.
- Sensitivity for residents of directly affected dwellings should be considered **medium-high**.

Cumulative effects

In consideration of visual amenity impacts for viewpoint 11 the LVIA should have noted that, albeit at a distance, the existing Strete solar installation would be seen adjacent to the site and will slightly add to the perceived extent of solar arrays. For viewpoint 1 there is a sequential effect with the Strete solar site visible from the A30 over-bridge to the northwest and field DC01 of the proposed development visible to the southeast.

Overall, however, due to the lack of visibility of the existing and consented sites at Great Houndsbeare Farm and Rockbeare Hill, and no intervisibility between them and the proposed development site, the findings of the LVIA that cumulative effects of the development would be **low**, is accepted.

Assessment of proposed development

Design - Design proposals and landscape strategy as set out in the LVIA are generally acceptable. (See detail comments at section 2.2 below.)

Primary mitigation measures listed in the LVIA should include the specification of panels that minimise reflectivity including surrounding framing elements.

Potential effects are generally comprehensively listed but Effects at completion and during operation should include also the closure and restriction of views due to changes in hedgerow management and erection of solid gates at a number of field entrances. The predicted loss of 43m of hedgerow identified in the Ecological assessment should also have been noted in the LVIA.

Landscape Impact Assessment

Section 5 of the LVIA considers Landscape impact. The results are presented in table 1: Summary of predicted effects. There is no explanation of the headings in the table. It appears that the 3rd column, Magnitude of change, is based on assessment of effects at completion and that the 4th column, headed Mitigation, is shorthand for Magnitude of effect after proposed mitigation has been implemented/ established. The explanatory notes should have indicated the expected time for mitigation measures to take full effect.

The LVIA assessment of magnitude of change on land-use/ landcover within the site as **high** initially, reducing to **medium** as mitigation develops with **moderate adverse** significance of effect is accepted.

In respect of landform **moderate adverse** rather than the **slight adverse** effects identified in the LVIA, are likely to occur on the steeper parts of the site (fields DC15 and D2 and D3) due to their greater prominence.

The LVIA assesses significance of effect of the development on the host landscape character types (LCT 3B and 3D) as **slight adverse**, based on a **medium** magnitude of change at completion, reducing to **low adverse** after mitigation establishes. This seems an underestimate and magnitude of change within the site and immediate surrounds is more likely to be **high** initially reducing to **medium** after mitigation establishes, resulting in residual **moderate adverse** significance of effect, defined in the LVIA methodology table D as '*Noticeable direct change to landscape feature/character over localised area.*'

Visual impact assessment

Accompanying photomontages are clear and give a fair representation of the expected visual impact of the proposals for the selected viewpoints at completion and following establishment of mitigation measures.

Para. 6.2 of the LVIA should have noted that there are views of field parcels D2 and D3 from Aylesbeare footpath 7 and Marwood Road and for a short distance from the

minor lane running north from Marwood Road to Withy Bed Lane. Reference should have been made to impact on residents particularly at Westcott and also on Marwood Road.

The LVIA assessment of residual significance of effect for VP1, 2 and 4 as **slight adverse** is appropriate although for VP 2 magnitude of effect at completion is more likely to be **medium** initially, rather than **low-medium** as stated in the LVIA, due to the proximity of development to the viewer.

For VP3 the LVIA identifies residual significance of effect for road users as **slight adverse**. For residents of Houdsbear Farmhouse this is likely to be **slight-moderate** adverse due to higher sensitivity of residential receptors.

For VP5, magnitude of change at completion should be considered to be **high** rather than **low-medium** as stated in the LVIA. This is due to the prominence and proximity of development to the viewer and the loss of an attractive view beyond due to the siting of the panels and new high, solid access gate which is clearly illustrated in the photomontages. This is likely to reduce to **medium** after mitigation with a **medium adverse** residual effect.

VPs 6-8 are representative views along Westcott Lane. For VP6 magnitude of change should be considered **low-medium adverse** on completion reducing to **low adverse** after establishment of mitigation, due to loss of views and sense of openness. Similarly for VP8 the loss of attractive views and sense of openness post mitigation magnitude of effect should be **medium** resulting in **moderate adverse** residual effect.

For Westcott Lane, while in summer development would be well screened along much of the lane, pv arrays and fencing will remain visible in some views especially in the initial few years following completion. There will be an overall loss of some currently attractive views out and where medium/ long distance views remain, distinctive field patterns in the foreground are likely to be masked due to the uniform cover of the pv arrays or as a result of the increase in height of field boundary hedgerows. In summer conditions users of the lane are likely to be aware of the solar farm along most of the length of Westcott Lane albeit in glimpsed, filtered and partial views. These will inevitably be more apparent in winter.

Visual impact of proposals on residents at Westcott is not assessed in the LVIA. Residents of only two or perhaps three properties are likely to be directly affected. Effects are likely to be similar to those identified for VP 8.

For VP 9 the LVIA assessment of residual significance of effect as **moderate adverse** is considered appropriate.

For VP 10 the magnitude of change post-mitigation should be considered **low**, rather than **negligible** as stated in the LVIA, as an attractive extensive view will be lost due to the proposed infilling of the gateway.

LVIA assessments of visual impact for the A30 and Rag Lane as **slight adverse** are accepted.

The LVIA does not consider visual impact on users of Marwood Road. Receptor sensitivity should be considered **medium** with magnitude of change **medium-high** initially, reducing to **medium** after establishment of mitigation with resultant **moderate adverse** residual effect.

Walkers, cyclists and motorists using the local lanes are likely to experience sequential effects as they will perceive the extent of development behind higher hedges and solid field gates or occasional views to the development site. In Devon, due to high hedgebanks, field gates provide welcome stopping points for walkers to enjoy wider views such as those presently obtainable at VP11 and VP 10 on Withybed Lane and several of the other field gateways that are proposed to be replaced with high solid gates or otherwise blocked up. The cumulative loss or alteration of such views due to development has not been considered in the LVIA but is likely to have **low-moderate adverse** residual effect.

2.2 Review of development plan

For field D7 where a moderate adverse visual effect is considered likely (contrary to LVIA assessment) it is recommended that this parcel is removed entirely from the proposed development as its limited extent is disproportionate to the likely level of visual impact.

For field D2b removal of the relatively narrow strip of panels in the southwest field corner (see fig. 1 below) would help to reduce visual impact from Aylesbeare footpath 7 particularly, as shown in the photomontages the potential for mitigation from perimeter screening is limited.

Figure 1 - Omission of arrays in field D2b to reduce visual impact from footpath 7

2.3 Review of landscape proposals plan

Additional tree planting is required to the southern boundary of fields D2 and D3 to help screen the pv arrays on this prominent part of the site.

Proposed management of hedges to either side of Westcott Lane indicates their general management at a height of 3-4m. This should be changes to leave sections of hedge low where impacts of pv arrays on views beyond are slight or negligible in order to retain views out.

2.4 Field gateway treatments

High solid gates as indicated on drawing no. LOA1001-214 are proposed for security reasons. This treatment is not typical of other pv sites in the district where gates with wire mesh are used instead. A revised detail for at least wire mesh in the upper panels would be less industrial looking, less noticeable and allow some views over.

For the gate at the northern site entrance in to field D001 the existing roadside gate could be retained and a new security gate installed out of sight further along the proposed access track and a short length of new hedge provided in front of the security fence to screen views of the panels from the road (see figure 2 below). Similarly security gates to fields D4 could also be set back from the roadside gateway so as to be less intrusive (figure 3).

High steel gates proposed to field D6S from Withybed Lane and field D5 from Westcott Lane seem unnecessary as access to these fields could be taken from D4. Therefore

it would be better for the existing gateways in these instances to be blocked up by extending hedgerow across them.

For field D3A where it is proposed to block up the existing gateway this would lead to the loss of a fine view. It would be preferable to omit some of the pv arrays in the northeast corner and set back the security fence a bit from the field entrance to enable retention of the view.

3 CONCLUSION AND RECOMMENDATIONS

3.1 Acceptability of proposals

Despite the scale of the proposed development and the proximity of two existing solar sites and a further consented scheme, due to the generally rolling landform with numerous trees and hedgerows, the cumulative effects of the development are considered to be very limited.

Nevertheless the proposed development will have notably greater landscape and visual impact than the existing and consented sites at Strete, Houndsbeare and Rockbeare Hill due to the larger scale of the proposed development, the inclusion of pv arrays on some higher slopes, the presence of a greater number of valued landscape features within the site and a larger number of visual receptors.

Identified effects will be noticeable within a localised area of the site including some moderate adverse landscape effects on the site and its immediate surroundings. Moderate adverse visual effects are likely to occur particularly for users of Westcott Lane and Aylesbeare footpath 7 and some residents at Westcott. These will be manifest as changes in landscape character through the introduction of extensive power infrastructure alien to its strongly rural setting and the closing off of several attractive views into the site and across the wider landscape. The omission of field D7 and partial removal of arrays in fields D2, D3 together with reconsideration of security gate design and location as noted above would substantially reduce such perceived effects.

The eastern development area is low set and benefits from existing vegetation screening and consequently the only publically accessible viewpoint identified is from one field gateway (VP11) where there are partial views of field parcels D11 and D12.

Overall subject to minor amendments as noted the scheme could be considered acceptable in terms of landscape and visual impact.

3.2 Conditions

Should the application be approved 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) 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
- b) Details of proposed colour finishes to housings for inverters, storage units and substations.

- c) Details of proposed under and over ground cable routes together with method statements for taking underground cables through any hedgebanks.
- d) Details of the locations of security cameras.
- e) Details of finishes of framing elements of proposed pv panels.
- f) Notwithstanding the landscape details submitted, no site works shall begin until a site specific Landscape and Ecology Management and Maintenance Plan has been submitted to and approved in writing with the Local Planning Authority. This shall set out responsibilities for maintenance within the site and cover the construction establishment, management and ongoing maintenance of landscape elements and bio-diversity measures. The Plan shall set out the landscape and ecological aims and objectives for the site along with the specific management objectives for each landscape/ ecological component, and the associated maintenance works required on an Annual and Occasional basis. Details of inspection, monitoring and reporting arrangements shall also be provided.

The plan 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 and expected number of trees to be let up within each identified section.

The Plan shall cover a period of not less than 25 years following the substantial completion of the development and shall be reviewed every 5 years and updated to reflect changes in site conditions and management prescriptions in order to meet the stated aims and objectives.

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

- 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) of the East Devon Local Plan.

Conservation – 31.08.2022

Case Officer to assess against the previous comments from Conservation and Historic England to ensure that all issues have been resolved.

Conservation – 05.07.2022

The following comments concur with those made from Historic England and are in addition to them. They are as follows;

Overall I concur with the comments submitted by Historic England.

I would disagree with their method of assessment and limiting it to an area of 2km radius. It is made clear within the NPPF that the extent of the setting of a designated asset "is not fixed and may change as the asset and its surroundings evolve". (NPPF 21, Annex 2 Glossary). Although in the heritage assessment, in para 2.2 (method of assessment), makes reference to the "Zone of Theoretical Visibility - (aka ZTV, ref: Historic England GPA Note3, s.21), it is considered that this lacks sufficient evidence and justification.

The highly significant historic, complex of Rockbeare is disregarded due to the distance, the A30 and mature planting. This assessment fails to fully assess that the A30 is at a much lower level to the landscape either side of it and that the "ZTV" is disregarded due to vegetation. There is no assessment of views or settings in relation to impact of the proposed minimal height of the solar panels (approx height minimum of 3.14m & 2.9m, along with the 2m high perimeter security fencing either. There are distinct viewpoints. For example, from the Marsh Green bridge that crosses over the A30, which will also be used for the initial construction traffic.

There has been satisfactory evidence for the archaeological potential and its impact, however, it is strongly recommended that further investigation includes the potential for any buried unexploded ordnance. There are large areas already mapped just to the East of the reception site.

The design and access statement makes reference to the decommissioning of the site, however it does not include how or to what extent all of the proposed materials to be added to the sites, can be recycled or re-used.

In conclusion, there remains insufficient evidence to support the justification of the proposal, against the negative impact on the designated heritage assets. This includes a cumulative impact on the setting with respect to existing solar arrays and associated built form in this area. There is less than substantial harm to the setting of the designated heritage assets, in particular, all those at Rockbeare.

Addendum; the grade II listed buildings and their curtilage listed buildings, in the village of Marsh Green that are immediately to the East of the site are significant by virtue of their aesthetic, communal and historic interest. The aesthetic interest is derived from the vernacular architecture of these modest rural buildings built from local materials such as; cob, stone, thatch and timber. They create the form of these distinctive buildings and local distinctiveness, which in turn forms the sense of place that is experienced.

The historic interest is in part, by the former uses of the buildings. The Knoll a former farmhouse, Yeomans Cottage which was the former post office and Rose Cottage are now all dwellings in the historic settlement of Marsh Green. The Knoll Farmhouse, derives much of its significance from its rural agricultural setting. They are illustrative of aspects of past lives, social positions and industry as evidenced by

the former uses of the building, but in particular, farming and thatching. The master craftsmanship and supply of thatching continues for future generations and holds archaeological interest in its own right.

Overall the impact on the setting of the significance of these listed buildings of Marsh Green, is considered to be less than substantial harm due to the loss of views and the adverse harm that the proposed changes to the surrounding landscape will introduce to the setting of these designated heritage assets.

Historic England – 02.09.2022

Thank you for your letter of 18 August 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

The most recent information included amendments included the Historic Environment Assessment Addendum Ford Oaks Solar and Green Infrastructure Facility, Marsh Green, Devon (Heritage Archaeology). The document was produced in response to advice provided regarding Historic England and EDDC Conservation Officer. This letter should be read in conjunction with our previous advice (dated 7 July 2022).

We are pleased to see a more robust assessment being undertaken in respect of the historic complex at Rockbeare (Mix of grade II* and II listed buildings as well as as the grade II Registered Park and Garden (RPG)). The documents maintains that the impact of the works will have no impact on the historic core of the site, which forms the focus of Historic England's interest. This is due to the topography and the tree cover. There is the potential for some intervisibility from the northern extent of the RPG.

In the consideration of the application, you, the local Planning Authority, should ensure that you are confident of the proposed impact on the historic environment, and be guided in your advice by your conservation specialist.

Recommendation

In light of the latest information, your authority should ensure you are satisfied of the potential impacts on Rockbeare's diverse historic environment prior to making your determination, and be guided by the advice of your conservation, archaeological and placemaking specialists.

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.

Historic England – 07.06.2022

LAND AT MARSH GREEN FARM, MARSH GREEN, EX5 2EU
Application No. 22/0990/MFUL

Thank you for your letter of 19 May 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 proposed application site is in close proximity to the historic complex of Rockbeare. The core of the estate contains both a grade I listed house of the same name and the associated grade II* listed stable block with the surrounding landscape containing a number of other grade II* and grade II listed buildings. The assets are set within as designed parkland setting which has been designated as a grade II registered park and garden. The south- eastern boundary of the designated landscape almost abuts the application site, only being separated by the A30.

The application is for a large ground mounted solar farm, covering a substantial area. As part of the scoping exercise, Historic England raised the need for the impact of the development on the historic complex of Rockbeare to be robustly assessed as part of the supporting documentation.

The Landscape Visual Impact Assessment (Steel Landscape Design, May 2022) and the Heritage Impact Assessment report (Heritage Archaeology, April 2022) have drawn the conclusion that the proposed development will not impact on the significance the Rockbeare estate derives from its setting. This is due to the intervening vegetation and the cutting of the A30.

No supporting documentation in terms of photographs, montages or wire frames have been provided to provide absolute confidence that the development would avoid any impact on the setting of the Rockbeare and its associated heritage assets. The over reliance on tree cover to provide screening is a concern as it has a finite life span and also suffers from seasonal variations. A solution that avoids or minimises the harm rather than relying on mitigation, should be encouraged.

Therefore, in the consideration of the application, you, the local Planning Authority, should ensure that you have sufficient information to be confident of the proposed impact and/or be guided by the advice of your conservation specialist.

Recommendation

Historic England has concerns regarding the application on heritage grounds.

These concerns relate to the potential impact of the proposed development on the multi and highly designated Rockbeare complex.

We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs Para 194 and 195 of the NPPF. You should also seek the views of your conservation specialist.

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.

Devon County Archaeologist 18.08.2022

I refer to the above application and your recent re-consultation regarding amended information submitted. Previous archaeological investigations have demonstrated that the archaeological potential of the proposed solar farm site is low and its construction will not impact upon any significant heritage assets with archaeological interest.

The Historic Environment Team has no comments to make on this planning application.

Devon County Archaeologist -07.06.2022

Application No. 22/0990/MFUL

Land At Marsh Green Farm, Marsh Green, EX5 2EU - Construction and operation of a ground mounted solar farm and associated landscaping and ecological habitat, with permission being required for 40 years, comprising solar arrays, equipment housing, sub-station, fencing, ancillary equipment and associated development; temporary change of use of land for construction compound (off site): Historic Environment

My ref: ARCH/DM/ED/37714a

I refer to the above application and your recent consultation. A programme of archaeological work has just been completed within this application area. The Historic Environment Team is awaiting the receipt of the report setting out the results of the fieldwork.

As such, I would advise that this application is not determined until this office has received a copy of the report setting out the results of the archaeological investigations and is able to provide an informed response to the Planning Authority.

Natural England – 12.09.2022

Thank you for your consultation and for agreeing to our requested extension of time.

Natural England has previously commented on this proposal and made comments to your authority in our letter dated 15 June 2022, Reference number 394472.

We have reviewed any new/amended documents available and maintain the advice provided in our previous response where we made no objection to the original proposal, subject to mitigation. The proposed amendments to the original

application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered.

Natural England – 15.06.2022

Thank you for your consultation email dated and received on 19 May 2022 relating to the above proposal. Based on the information provided we have the following comments

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:

- 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.
- A Landscape and Ecology Management Plan (LEMP) including management of biodiversity habitats for a minimum of 40 years.
- To require the site to be decommissioned and restored to agriculture when planning permission expires.

Natural England's detailed advice on this and other natural environment issues is set out below.

Designated sites

The proposed main site is located approximately 1.9km to the north west of the East Devon Pebblebed Heaths Special Area of Conservation (SAC), and the East Devon Pebblebed Heaths Site of Special Scientific Interest (SSSI). Natural England have reviewed the ecological evidence provided and have not identified a pathway by which impacts from the development would affect the interest features of the aforementioned sites. We advise that impacts on any national and international protected sites can be screened out from Habitats Regulations Assessment.

Protected Landscapes

The proposed development is for a site near to the **Blackdown Hills Area of Outstanding Natural Beauty (AONB)** and the **East Devon AONB**, both nationally designated landscapes, and has triggered Natural England's Impact Risk Zones for solar developments greater than 10ha.

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 paragraphs 176 and 177 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. For major development proposals paragraph 177 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 your development plan, or appropriate saved policies.

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 their AONB statutory management plans, 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 the AONB 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.

You may also find useful the Devon Landscape Policy Group Advice Note No. 2: 'Accommodating Wind and Solar PV Developments in Devon's Landscape' particularly with reference to cumulative impacts and siting and design.

Biodiversity net gain

Development provides opportunities to secure a net gain for nature as outlined in paragraphs 174, 179 and 180 of the NPPF, the Defra 25 year Environment Plan and the Environment Bill.

We advise you first to follow the mitigation hierarchy as set out in paragraph 180 of the NPPF and consider what existing environmental features on and around a site can be retained or enhanced before considering what new features could be incorporated into a development proposal.

An evidence-based approach to biodiversity net gain can help LPAs demonstrate compliance with their duty to have regard for biodiversity in the exercise of their functions² (under Section 40 NERC Act, 2006). Biodiversity metrics are available to assist developers and local authorities in quantifying and securing net gain. Local Authorities can set their own net gain thresholds, but the Environment Act sets a minimum 10% threshold.

When delivering net gain, opportunities should be sought to link delivery to relevant plans or strategies e.g. Local Nature Recovery Strategies where they are being developed, Green Infrastructure Strategies or biodiversity action plans.

Natural England's Technical Information Note Solar parks: maximising environmental benefits (TIN101)³ includes advice on requirements for safeguarding the natural environment. You may also wish to note the industry guidance 'Solar farms and biodiversity opportunities'⁴

There may also be the potential for the development to have a wider positive impact by financially contributing to local environmental / social initiatives in the Parishes affected to help connect people and wildlife and we note that a community fund is proposed.

Soils and Agricultural Land Quality

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 total development site is approximately 74ha with 8% of the land being subgrade 3a land, and the remainder (92%) at subgrade 3b land. We consider that the proposed development, if temporary as described, is unlikely to lead to significant permanent loss of BMV agricultural land, as a resource for future generations. This is because the solar panels would be secured to the ground by steel piles with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality likely to occur, provided the appropriate soil management is employed and 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 production 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.

Paragraph 174b and footnote 53 of the National Planning Policy Framework (NPPF) states that:

'Planning policies and decisions should contribute to and enhance the natural and local environment by:

recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.'

Footnote 53: Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.

We would also draw to your attention to Planning Practice Guidance for Renewable and Low Carbon Energy (March 2015) (in particular paragraph 013), and advise you to fully consider best and most versatile land issues in accordance with that guidance.

Local planning authorities are responsible for ensuring that they have sufficient information to apply the requirements of the NPPF. The weighting attached to a particular consideration is a matter of judgement for the local authority as decision maker. This is the case regardless of whether the proposed development is sufficiently large to consult Natural England.

Should you have any questions about ALC or the reliability of information submitted with regard to BMV land please refer to Natural England's 'Guide to assessing Development proposals on Agricultural Land'. This document describes the ALC system including the definition of BMV land, existing ALC data sources and their relevance for site level assessment of land quality and the appropriate methodology for when detailed surveys are required.

Soil is a finite resource which plays an essential role within sustainable ecosystems, performing an array of functions supporting a range of ecosystem services, including storage of carbon, the infiltration and transport of water, nutrient cycling, and provision of food. It is recognised that a proportion of the agricultural land will experience temporary land loss. In order to both retain the long term potential of this land and to safeguard all soil resources as part of the overall sustainability of the whole development, it is important that the soil is able to retain as many of its many important functions and services (ecosystem services) as possible through careful soil management and appropriate soil use, with consideration on how any adverse impacts on soils can be avoided or minimised.

Consequently, Natural England would advise that any grant of planning permission should be made subject to conditions to safeguard soil resources and agricultural land, including a required commitment for the preparation of reinstatement, restoration and aftercare plans; normally this will include the return to the former land quality (ALC grade).

General guidance for protecting soils during development is also available in Defra's Construction Code of Practice for the Sustainable Use of Soils on Construction Sites, and should the development proceed, we recommend that relevant parts of this guidance are followed, e.g. in relation to handling or trafficking on soils in wet weather.

The British Society of Soil Science has published the Guidance Note Benefitting from Soil Management in Development and Construction which sets out measures for the protection of soils within the planning system and the development of individual sites, which we also recommend is followed.

Protected Species

We have not assessed this application and associated documents for impacts on protected species.

Natural England has produced standing advice⁵ to help planning authorities understand the impact of particular developments on protected species. We advise

you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances. The Institute of Lighting Professionals has produced practical guidance on considering the impact on bats when designing lighting schemes - Guidance Note 8 Bats and Artificial Lighting⁶. They have partnered with the Bat Conservation Trust and ecological consultants to write this document on avoiding or reducing the harmful effects which artificial lighting may have on bats and their habitats. Where security fencing is proposed it should be permeable allow the continued movement of species through the wider landscape.

Local sites and priority habitats and species

Your authority should ensure it has sufficient information to fully understand the impact of the proposal on any Local Sites such as County Wildlife Sites (CWS). Withybed CWS (Withybed Copse) is situated on land adjacent to the south western edge of the site (adjacent to field D13b). Withybed CWS is important specifically for its ancient and semi-natural woodland, which is likely to be made up of trees and shrubs native to the site, arising from natural vegetation.

Natural England and the Forestry Commission have produced Standing advice⁷ for making planning decisions on developments that may affect ancient woodland on or near a proposed development site. This advice sets out that measures should firstly be taken to avoid negative effects on ancient woodland, and secondly mitigate any harm – by using buffer zones for example. Such buffer zones should contribute to wider ecological networks, and should consist of semi-natural habitats such as woodland, a mix of scrub, grassland, heathland and wetland.

It is noted that the current proposals include the retention and protection of hedgerows (and compensation where necessary) along with trees, woodland and pond enhancements. In the proposal around 0.2ha of new woodland is to be located adjacent to the CWS, and a section of undeveloped land/grassland to act as a further buffer between the sites. This buffer zone will help to protect the adjoining ancient woodland and also provide further habitat for bats and birds. A Landscape and Ecological Management Plan (LEMP) would be necessary to ensure any such retained and created habitats are managed favourably, to maximise their benefit to wildlife.

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.

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

- A Construction Management Plan (CEMP) which will set out the measures to protect retained features through appropriate fencing and reference best practice measures to avoid impacts to off-site receptors, such as from contaminated run-off.
- A Landscape and Ecology Management Plan (LEMP) to ensure retained and created habitats are managed favourably to maximise their benefit to wildlife
- When planning permission expires the site shall be decommissioned and restored to agriculture

If you have any queries relating to the advice in this letter please contact me on the details below.

EDDC District Ecologist - Rory Chanter

EDDC welcomes the biodiversity enhancements proposed within this application. The site falls within the River Clyst catchment, within which the Clyst Canopy Project is currently running. One aim of the project is to try to increase the canopy cover of the catchment to 30% by 2050. A range of mechanisms are being used to achieve increase tree cover, but the contribution of woodland creation by development proposals is an important part of this. To this end, in order to maximise the contribution of the proposal to specific local objectives, the applicant is encouraged to explore the potential for creating more woodland on the site. A good potential area for woodland creation would be in place of or surrounding/supplementing the proposed wetland creation. Woodland creation in these areas would be simpler to achieve than wetland, or could simply supplement the wetland through riparian/adjacent planting, which ties in better with specific tree targets in the area. This could also provide more compensatory habitat for dormice in the area if provided in an appropriate location. The Biodiversity Net Gain assessment proposes that the three fields adjacent to the watercourses would be seeded and cut once a year with arisings removed, and that this would result in the creation of lowland meadow in "good" condition. Lowland meadow is very hard to create and requires serious concerted effort, typically involving a regime of soil testing, soil nutrient reduction, careful seeding and aftercare, monitoring, removal of injurious weeds and dominant grasses etc. The proposals for this area would increase the ecological value of these fields, but is not considered to result in creation of lowland meadow of good condition without a nutrient removal regime.

It is recommended that the applicant review the capacity to increase tree canopy cover within the application, as well as reviewing the likelihood of achieving creation of lowland meadow with the current management prescriptions

DCC Flood Risk SuDS Consultation 04/11/2022

Our objection is withdrawn and we have no in-principle objections to the above planning application at this stage, assuming that the following pre-commencement planning conditions are imposed on any approved permission:

No development hereby permitted shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:

(a) A detailed drainage design based upon the approved Ford oak Solar and Green Infrastructure Facility Flood Risk Assessment and Drainage Strategy a(Report Ref. CRM.2035.001.HY.R.001.B, Rev. -, dated July 2022) together with the detailed design of the proposed drainage for the T junction improvements, transformers and substations.

(b) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.

(d) Proposals for the adoption and maintenance of the permanent surface water drainage system.

(e) A plan indicating how exceedance flows will be safely managed at the site.

No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (g) above.

Reason: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.

DCC Flood Risk SuDS Consultation – 08.09.2022

Recommendation:

At this stage, we object to this planning application because we do not believe that it satisfactorily conforms to Policy EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan (2013-2031). The applicant will therefore be required to submit additional information in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

Observations:

Our previous consultation response FRM/ED/0990/2022 dated 09th September 2022 remains the same.

The applicant would need to submit the detailed design of the proposed drainage strategy for our consideration.

It is observed that the applicant is currently proposing the watercourse to be culverted next to the A30 at the proposed 4.2ha Ecological Enhancements Area. This is against DCC Cuvlerting Policy and should culverting is necessary, the applicant would need to justify its reason.

DCC Flood Risk SuDS Consultation – 10.06.2022

At this stage, we object to this planning application because we do not believe that it satisfactorily conforms to Policy EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan (2013-2031). The applicant will therefore be required to submit additional information in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

Observations:

We are pleased to see that a combination of filter drains, leaky dams and swales are proposed to drain the proposed development. Due to the steep nature of the site, we

would require swales to be situated within the areas with gradient 1 in 10 or steeper not just at the downslope end of these areas.

The applicant should submit a plan clearly illustrating a buffer zone of at least 5m adjacent to the ordinary watercourse which flows through the site. We would require information on the proposed drainage for the T junction improvements and would require information on how the transformers and substations will be drained.

We would be happy to provide a further response if additional information is submitted to the local planning authority. We would require information on how the runoff from the transformers, substation and roads will be drained for the design standard event.

We would be happy to provide a further response if additional information is submitted to the local planning authority.

Environment Agency – 02.09.2022

Thank you for re-consulting us on the above planning application.

Environment Agency position

On the basis of the revised Flood Risk Assessment (FRA), we can remove our objection to this application provided that a condition is included within any permission granted in respect of the detailed design of the scrapes and ecological enhancement areas within Flood Zones 2 and 3.

The suggested wording for this condition and associated advice is set out below.

Condition - Design of scrapes and ecological enhancement areas

No development approved by this permission shall commence until details of scrapes and ecological enhancement areas within Flood Zones 2 and 3, over and above those details included within the applicants Flood Risk Assessment and Drainage Strategy July 2022 CRM.3025.001.HY.R.001.B, have been submitted to, and approved in writing by, the local planning authority.

The scrapes and ecological enhancement areas shall be fully implemented in accordance with the agreed details and subsequently maintained for the lifetime of the development.

Reason: To maximise the flood risk management benefits that these intervention measures will provide.

Advice - Flood Risk

We have reviewed the applicants revised Flood Risk Assessment and Drainage Strategy July 2022 CRM.3025.001.HY.R.001.B. We are satisfied that clarity regarding the issues we raised in our initial formal consultation response has been provided and that in overall terms the proposal complies with the overarching policy aims of the NPPF.

With regard to the proposed location of panel units within Zones D8 and D9 we feel that this can be accepted in this instance given there is scope to provide floodplain scrapes adjacent to these zones thus providing scope to provide additional functional floodplain, and given the shallow nature of flood waters that risk affecting the zones in question. We consider that the above-mentioned condition is necessary to secure the detailed design and implementation of these scrapes so as to achieve a reasonable betterment in floodplain storage capacity.

Please contact us again if you require any further advice.

Environment Agency – 08.06.2022

Environment Agency position

We recommend that the application is not determined until the applicant has provided information to confirm that the proposal can be amended slightly to ensure development avoids the areas of highest flood risk and no increase in flood risk elsewhere. The reasons for our position are set out below.

Reason - Flood risk

The proposal broadly satisfies the overriding flood risk policy aims of the National Policy Framework in terms. However, whilst the majority of the proposed panels and associated infrastructure will be located within Flood Zones 1 and 2 (low and medium probability flood zones respectively) there are some elements proposed within Flood Zone 3 (high probability flood zone) adjacent to receptors to flooding (e.g. Westcott Lane), which have the potential to locally increase flood risk.

It is for this reason that we advise that some minor alterations should be made, and assurances provided. In particular we advise the following:

- o Minor alterations being made to the proposed placing of some of the panelling units in zones D8, D9 (proximity to Westcott Lane) so as to preclude units within areas of Flood Zone 3 ('high' probability of flooding)
- o Any vulnerable infrastructure being located in areas such that they would remain safe and operational in times of flooding. The sequential approach should be given with regard to this.
- o There being a minimum 8m unobstructed buffer left between any watercourse and infrastructure associated with the development sought so as to retain access.

Notwithstanding our request for amendments to the scheme, we very much support the principle of providing 'scrapes' at strategic locations, and the localised management of land for ecological enhancement. These features have the potential to encourage localised short-term storage of flood waters thus helping reduce downstream flood risk. We note the proposed provision of various measures as shown on plan 'Suds Drainage Features/Betterment Features' (CRM.3025.001 HY D 012 E) which was submitted within the applicant's Flood Risk Assessment. Likewise, we endorse the provision of 'leaky dams' and we note the proposed development includes such. Consideration should also be given to implementing riparian planting and buffer strips, to encourage out of bank flow and thus short-term inundation of the areas of floodplain within the site.

Please reconsult us once the applicant has confirmed the amendments advised above so that we can recommend appropriate conditions. We will seek inclusion of

a condition regarding provision of 'scrapes' and 'ecological enhancement areas' within areas of Flood Zone 3 and Flood Zones 2.

South West Water

I refer to the above application and would advise that South West Water has no objection or comment.

Environmental Health – 13.09.2022

The noise levels from the development are considered to be classed as 'No Observed Effect Level'. The inverters and transformer stations have been positioned in locations that allow for suitable distance attenuation thus, ensuring that the sound produced from any of the inverters and substations will be below the background sound level when measured from any non-connected noise sensitive property. It should also be noted that the dominant noise source within the locality is traffic noise from the A30. This will have an impact of on the local acoustic environment by raising the areas background sound level.

Environmental Health – 26.05.2022

I recommend approval with conditions:

A Construction and Environment Management Plan (CEMP) 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, and Monitoring Arrangements. Any equipment, plant, process or procedure provided or undertaken in pursuance of this development shall be operated and retained in compliance with the approved CEMP. 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 and 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.

Police Crime Prevention Officer

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.

1. I appreciate that deer fencing will be used for the site boundary which I understand is standard for such a scheme. Can it be confirmed that the security fence and gate to the secure DNO compound will be certificated to a nationally recognised security standard such as LPS 1175?
2. I note that a CCTV system will be installed which is supported. Can it be confirmed if the system will cover the perimeter of the scheme and will it be monitored? Without any form of active monitoring or a monitored intruder detection

system, the site will be vulnerable to unauthorised access, theft, damage etc. A monitoring capability enabling a proactive response to incidents as they occur would be beneficial.

I would appreciate it if further information on the two points above could be provided. Thank you for forwarding on the agent's comments and I am grateful to them for confirming the below. If a planning condition can be included to the effect of point 2 in relation to CCTV to aid in the detection and prevention of crime, I would appreciate it.

Other Representations

70 letters of objection have been received at the time of writing this report raising concerns which can be summarised as:

- Loss of high grade agricultural land
- Harmful visual impact on the countryside
- Impact on highway safety
- Country lanes are unsuitable for construction traffic
- Loss of habitat
- Increased flood risk and surface water run off
- Glare from solar panels
- The benefit does not outweigh the harm
- Impact of solar reflection on residential amenity
- Cumulative impact of solar farms
- Brownfield land and sites has not been considered
- Construction impacts on the community from noise and traffic
- Carbon footprint of the panels offsets green energy benefits
- Heritage impacts
- What are the energy benefits?
- Contravenes Local Plan and Neighbourhood Plan
- Landscaping will be ineffective
- Background noise from equipment
- Industrialisation of the countryside
- Damage to hedgerows and banks
- Impact on archaeology
- Will ring fence the community
- Devaluing property
- Loss of views of the countryside
- No benefits to the community
- No provision of Green Infrastructure
- Danger of death risk
- Impact on privacy from CCTV
- Leaching of chemicals from solar panels
- The agricultural land classification report cannot be relied upon

24 letters of support have also been received at the time of writing this report.

PLANNING HISTORY

None relevant to the determination of this application.

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)

EN6 (Nationally and Locally Important Archaeological Sites)

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)

Rockbeare Neighbourhood Plan

Rock01 Local Woodlands, Trees and Hedgerows

Rock03 Public Rights of Way and Bridleways

Rock04 Flood Defence

Rock 05 Important Views and Vistas

Rock 09 Flood Avoidance

Government Planning Documents

NPPF (National Planning Policy Framework 2021)

NPPG (National Planning Practice Guidance)

Site Location and Description:

The site refers to approximately 74 hectares of individual agricultural field parcels (27) to the east and south of the settlement of Marsh Green and to the east of Rockbeare and the A30. The field parcels are located within a low lying, undulating part of the area where the predominant land-use is agricultural with scattered isolated farms and small settlements. Many of the fields feature hedgerow boundaries interspersed with, mainly oak and ash trees. The land is undulating and is comprised of a shallow valley which rises to north towards the A30 dropping towards a water course to the north of Westcott Lane before rising again to the southern land parcels. The A30 forms the northern and western boundary of the site.

The nearest settlements to the site are the small hamlet of Westcott, located immediately to the west of the site and the village of Marsh Green which borders the site to the northeast. Quarter Mile Lane is orientated north to south through the village of Marsh Green which effectively divides the site into two main areas. Westcott Lane intersects the development site and is accessed from Quarter Mile Lane to the east and connects with Withybed Lane and Rag Lane to the west.

Aylesbeare is located circa 0.75km to the south of the site. To the east, the settlement edge of West Hill is circa 2km from the site boundary beyond which is the larger settlements of Ottery St Mary approximately 6km from the site. Approximately 3.9km to the west of the site is Exeter International Airport.

There are a number of residential dwellings in close proximity to the site, which include a number of grade II listed buildings and an important cluster at Rockbeare Manor, which includes the grade I listed house, the grade II* listed stable and numerous other grade II* and grade II listed buildings as well as the grade II registered park and garden that covers the site.

The application is located within the countryside and is not the subject of any national or local landscape designations. The East Devon Area of Outstanding Natural Beauty is located approximately 1.2km to the east of the development site. Part of the site nearest the watercourse is designated as flood zones 2 and 3 by the Environment Agency. A public footpath runs through a parcel of land to the south west. Immediately west and east of the southern land parcels are County Wildlife Sites at Beautiport Farm and Withybed Copse.

The application site also includes an agricultural field at Clyst Honiton to provide a temporary construction reception area. The construction traffic reception compound is approximately 1.26 hectares and is located adjacent to the south west of runway 08 of Exeter Airport. The site is accessed from the B3184 which crosses the A30 north of the site.

Proposed Development:

Planning permission is sought for the construction of a 30 MW solar farm, comprising circa 60,000 solar panels across 29 hectares of agricultural land which would include solar arrays, transformers, equipment housing and sub-stations, switch rooms, security fencing, CCTV, ancillary equipment, and associated development, such as

access roads/tracks for maintenance. A temporary planning permission sought for a period of 40 years.

In total, the proposed Development consists of 27 field parcels (not all of these are identified for solar array development) which have all been provided by the applicant with a field reference number for identification purposes. Given the extent of site coverage of the solar farm, it is considered that the site can be best understood and assessed by adopting these field parcels numbers and by splitting the application site and development area into three parts as follows:

Northern Area: The main development area has a predominantly south easterly aspect and comprises 16 fields of PV arrays extending from the A30 on its north west boundary, southwards to Westcott Lane and eastwards towards the edge of Marsh Green (labelled as DC01, DC02, DC03, DC04, D8, D9, D14, D15, D16, D17, D18, G4, G5, and G6).

Southern Area: The southern area comprises four fields of PV arrays (D2-D6) on a ridgetop and south facing upper slope on land between Westcott Lane and fields to the North and South of Withybed Lane (labelled as D2, D3, D4, D5, D6 and D7).

Eastern Area: The eastern area lies to the east of Marsh Green and includes land to the east of Quarter Mile Lane comprising four fields of PV arrays (D10, D11, D12 and D13) and additional ecology area (D14).

The proposals also include circa 26 hectares of enhanced species-rich grassland and stream habitats and 19 hectares of woodland, wet meadow, stream and hedgerow ecological habitat.

Principal access points would be taken from Rockbear Lane to the north of the site and Withybed Lane towards the southern end. The eastern parcel would be accessed via the entrance to an existing track off Quarter Mile Lane.

The proposal also includes a single field, 4 km to the west of the solar farm site, adjacent to Exeter Airport which would be used during the construction phase of the development as a reception compound for construction traffic. Access into the site would be taken from the existing vehicular entrance, which would be widened by 6.3 metres and include temporary road plates in the verge which would necessitate 3.0 metres of hedgerow removal

Issues and Assessment:

The main issues to consider in determining this application are in terms of the following:

- The policy context ;
- The principle of development;
- The landscape and visual impact;
- The loss of agricultural land;
- The impacts on heritage and archaeology;
- The traffic impacts and highway safety;

- The impact on the residential amenity;
- The impact on road network and highway safety;
- The ecological and arboricultural impacts;
- Flood risk and drainage;
- The aviation impact;
- The impact on the gas pipeline;
- Community Benefit Fund; and
- Conclusions and Planning Balance

ANALYSIS

Policy Position:

The National Planning Policy Framework (NPPF) states that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The Council formally adopted the East Devon Local Plan 2013-2031 on 28th January 2016 and the policies contained within it are those against which applications are being determined and carry full weight. The site falls within the parish of Rockbeare which has a 'made' Neighbourhood Plan area where the policies within the NP carry full weight alongside the East Devon Local Plan.

Principle of Development:

In planning terms, the site is located in the open countryside, as it is not within a built-up area boundary as defined by the East Devon Local Plan (referred to as the EDLP for the remainder of this letter). Development outside of built-up area boundaries falls to be considered under the provisions of Strategy 7- Development in the Countryside of the EDLP which states the following:

The countryside is defined as all those parts of the plan area that are outside the Built-up Area Boundaries and outside of site specific allocations shown on the Proposals Map. Development in the countryside will only be permitted where it is in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits such development and where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located, including:

1. Land form and patterns of settlement.
2. Important natural and manmade features which contribute to the local landscape character, including topography, traditional field boundaries, areas of importance for nature conservation and rural buildings.
3. The adverse disruption of a view from a public place which forms part of the distinctive character of the area or otherwise causes significant visual intrusions.

The principle of development is however supported by Strategy 39- Renewable and Low Carbon Energy Projects of the Local Plan. This strategy supports and encourages renewable energy projects with the reasoned 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'.

This support is subject on 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 appropriate mitigation.

The applicant has addressed this in paragraph 3.1.3 of the submitted Design and Access Statement where it is stated:

- *'The site has appropriate solar irradiation levels, is south facing and is free of any buildings or landscape features that could cause overshadowing;*
- *The site lies within close proximity to a suitable and viable point of connection;*
- *It is a relatively enclosed sheltered landscape characterised by fields which are generally surrounded by wide hedgerows, often with mature hedgerow oaks and small woodlands that provide screening from surrounding views (the proposed landscaping plan will further screen and enclose the site);*
- *Encouraging the effective use of land, a greenfield site is necessary and the site has been identified as not being 'best and most versatile' agricultural land;*
- *An access with appropriate highway capacity for the construction phase;*
- *There are a relatively limited number of dwellings in the local area; and*
- *An available and suitable parcel of land of the correct size and orientation to host a 30MWp solar farm'.*

On the basis of the above, whilst 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 the need to avoid and mitigate any impacts, not all of the headline points should be taken at face value and will therefore be examined in detail during this report. Officers are content with the site selection process, which takes into account the availability of a grid connection (which has been secured), agricultural land grading (discussed in detail later within the report), the site's accessibility, visual impact, and the avoidance of designated landscapes and is considered to be sound, in principle, in its approach.

Notwithstanding this, and notwithstanding the support in principle provided by Strategy 39 of the Local Plan, 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.

Landscape and Visual Impact:

Whilst the application site is located in open countryside, it is not the subject of any national or local landscape designations. The proposed site lies within a low lying, undulating rural area south of Rockbeare and the A30 and to the east, south and west of Marsh Green. The predominant land-use is agricultural with scattered isolated farms and small settlements. The site itself is predominantly grazing land with traditional hedgerows and numerous mature trees, predominantly oak, both within hedge-lines and as solitary specimens or small groups within fields.

The proposal, and its various amendments, has been considered by the Council's Landscape Officer who accepts the accompanying Landscape Visual Impact's Assessment findings that the effect of the development would not extend beyond the A30. The Landscape Officer accepts that whilst there is some intervisibility with Ashclyst Forest and Paradise Copse to the north these are well beyond the study area boundaries and, particularly as the pv arrays would be facing away from them, it is doubtful whether any effect would be discernible from these locations. It is also accepted that there is no intervisibility between the site and publically accessible areas within the AONB to the east and southeast.

The Council's Landscape Officer accepts that visual effects would be largely limited to the site and local surroundings extending southwards to Marwood Road, eastwards to Quarter Mile Lane, westwards to Aylesbeare footpath 7, Rag Lane and the A30 and northwards to Rockbeare Lane. As noted in the LVIA the settlement of Marsh Green would be unaffected.

Notwithstanding the fact that the proposal would not have a wider landscape impact, it is accepted that as a result of the large scale of the proposed solar installation and the extent of its coverage, the inclusion of pv arrays on some higher slopes, the presence of a greater number of valued landscape features within the site and a larger number of visual receptors, the identified effects would be noticeable within a localised area of the site including some moderate adverse landscape effects on the site and its immediate surroundings.

In particular, moderate adverse visual effects would occur particularly for users of Westcott Lane and Aylesbeare footpath 7 and some residents at Westcott. These would be manifest as changes in landscape character through the introduction of extensive power infrastructure alien to its strongly rural setting and the closing off of several attractive views into the site and across the wider landscape.

For Westcott Lane, while in the summer development would be well screened along much of the lane, the Landscape Officer notes that the pv arrays and fencing would remain visible in some views especially in the initial few years following completion. There would be an overall loss of some currently attractive views out and where medium/ long distance views remain, distinctive field patterns in the foreground are likely to be masked due to the uniform cover of the pv arrays or as a result of the increase in height of field boundary hedgerows. In summer conditions users of the lane are likely to be aware of the solar farm along most of the length of Westcott Lane albeit in glimpsed, filtered and partial views. These will inevitably be more apparent in winter.

The eastern development area is low set and benefits from substantial existing vegetation screening and consequently the only publically accessible viewpoint identified is from one field gateway where there would be partial views of field parcels D11 and D12.

Concerns originally expressed by the Landscape Officer in relation to the visibility of certain parts of the site, the design of the security gates, additional planting and landscaping have been addressed through the submission of amended plans which have seen a reduction in the number of panels in the most prominent fields (D7, D2 and D3), the addition of additional mitigation planting and the removal of the solid security gates onto the highway which are to be replaced by agricultural field gates in a design and form to be agreed by the Local Planning Authority. These changes are supported by the Landscape Officer in reducing the perceived visual and landscape effects of the development.

Despite a request from the Landscape Officer to completely remove the arrays from field D7 which occupies a prominent corner plot position at the junction of Westcott Lane, arrays are remain in this field albeit they have been set back further from the road junction which would lessen the prominence and visual impact at this particular public vantage point. Officers are satisfied that the arrays would be set far enough back from the junction when coupled with allowing the existing hedgerows to grow and be maintained so as not to result in significant visual intrusion.

The application is accompanied by a landscape strategy which sets out a number of proposed mitigation measures to reduce the visual impact of the development from local vantage points to include Westcott Lane which includes allowing the poorly managed hedgerows to regenerate and be maintained at a height of 3-4 metres to help screen the PV arrays, the planting of additional trees and hedges to reinforce the existing boundary hedges. This will help to reduce the visual impact of the development over its lifetime.

It is acknowledged that there are already a number of solar schemes constructed or consented to the north of Marsh Green (a 13 ha solar farm at Strete Farm, Whimble) and to the east of Marsh Green (a constructed 10 MW, 22ha solar farm at Great Houndbeare, Aylesbeare ref 17/0011/VAR and a 15MW consented 30 ha solar farm on Land to the south of Rockbeare Hill ref 19/2832/MFUL). The Landscape Officer has considered the potential cumulative impact of this proposal with other solar schemes in close proximity to the site and concludes that despite the scale of the proposed development and the proximity of the two existing solar sites at Great Houndbeare and Strete Farm and a further consented scheme at Rockbeare Hill, due to the generally rolling landform with numerous trees and hedgerows, the cumulative effects of the development are considered to be very limited. It is also acknowledged that a number of other large scale solar schemes have been permitted elsewhere in the District (a consented 71 ha, 49MW solar farm at Peradon Farm ref 21/3120/MFUL and a pending application for a 26ha, 49.9 MW solar farm at land east of Rutton Farm, Whimble and a site near Langford in Mid Devon District Council's area (recently heard at an appeal inquiry, but no formal decision at the time of writing this report) however given the distance of this application site from these consented schemes or those which are still under consideration by the Council, coupled with its separation by

landform and vegetation, it isn't considered that this proposal would result in any significant cumulative visual impacts with these schemes.

To conclude on landscape impact, the proposed solar farm would result in a change to the rural landscape and character and appearance of the area the harm from which has to be weighed within the overall planning balance against the benefits that would be provided from this significant renewable energy scheme. Due to the land form and the topography of the site this landscape impact would be largely localised in terms of views from surrounding rural roads, through field gates and from a public footpath and would not be significantly harmful in terms of its wider landscape impact or its cumulative impacts with other constructed or consented solar schemes.

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.

Therefore, whilst it is acknowledged that there will be some visual impact as a result of the proposal, it is considered that the visual impact from the development 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 being considered by the Council were approved and implemented. On balance, the proposal is considered acceptable in terms of its visual impact on the countryside.

Loss of Agricultural Land:

The submitted Land Classification report carried out by Soil Environmental Services Ltd as part of this application found that the application site consists of land which falls within agricultural land classifications 3a and 3b. Through testing the wetness of soils throughout the site and its associated colouration, the report concludes that 92% of the site is composed of Grade 3b soils (a wet medium or heavy Clay Loam) with the remaining 8% found to be grade 3a, located alongside the stream which runs across the site. Grade 3a land is considered to be 'good' and 3b land is deemed to be 'moderate'.

Annex 2 of the NPPF defines land designated as grades 1, 2 and 3a to be the best and most versatile. The agricultural land classification report that has been submitted with this application demonstrates that there would be no significant loss of BMV agricultural land with 80 hectares on the site being classified as 3b land and 7 ha (within the flood plain) as 3a. It should be noted that this report has been undertaken by testing the soils across the site which found the grade of the land to be limited by wetness due to the inability of the soil to drain water. It is understood that this effects the workability of the soil with machinery getting bogged down and crops not being able to be planted in wetter times of the year. This in-turn effects the quantity and quality of the harvest. It is understood that the depth to what is known as a Slowly Permeable Layer (SPL) is critical as the shallower this is, the worse the waterlogging or wet soil conditions at the surface will be. In order to determine the SPL, it is understood that there are key soil profile features that need to be identified during the ALC assessment, of which soil colour and structure are paramount.

The validity of the ALC report, its findings and the widespread classification of the site as subgrade 3b has however been challenged by Reading Consultants Ltd, as instructed by an occupier of a dwelling in East Devon, who have suggested that the findings of the report should not be accepted as a true statement of the site's agricultural land quality. The report raises concerns regarding the methodology associated with sampling in places (the type of pit used) and also the interpretation of the results particularly associated with the colours of the soil (which is an important indicator for determining the soil profile as explained above).

This matter has been raised with the original consultants who have stated:

'The fundamental point to note is that we have been to the site and carried out a site-specific land classification survey which examined the soils in depth across the site, as we do for all our surveys, to collect the required data as set out in the guidance. Hence the report details a true and accurate reflection of the current conditions at the site. In comparison the third-party reviewer has not been to the site and is using general published data from large scale maps and literature to compare to site specific collected survey information. Given the variability and complexity of soils the use of generic information cannot be compared to site specific gathered data when dealing with the finer point details as we are in this case.'

This is clearly a technical matter however having regard for the fact that the consultants who undertook the examination of the soils in depth across the site it is considered that the results of the survey are based on quantitative data which officers have no reason to dispute. The challenge to the validity of the survey is noted however no quantitative data or additional survey work has been provided by this consultancy to substantiate their claim or that the soil grading has not been undertaken in accordance with the MAFF guidelines and criteria for grading the quality of agricultural land. It is understood that the applicant has commissioned a further independent ALC survey to verify the findings of their report which will be verbally updated to the members of the Planning Committee.

Policy EN13- Development on High Quality Agricultural Land of the East Devon Local Plan 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 case, in respect of the first criterion of the policy, the small amount of grade 3a land that would be lost from this development is land which is located alongside the stream which runs across the site in the flood plain. No part of the installation is proposed on this land which would form part of the drainage plan and ecological and landscape enhancement areas.

Natural England have considered the ALC report and whilst noting that the development would not lead to the loss of over 20ha of BMV agricultural land which would make them a statutory consultee, have advised that the proposed development, if temporary as described, is unlikely to lead to significant permanent loss of BMV agricultural land, as a resource for future generations. This is because the solar panels would be secured to the ground by steel piles with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality likely to occur, provided the appropriate soil management is employed and 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.

Natural England do however acknowledge that during the life of the proposed development it is likely that there will be a reduction in agricultural production over the whole development area and therefore there is a need to 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.

The above comments alone, however, are not sufficient for the proposal to be considered to comply with Policy EN13 of the Local Plan. It is considered that the justification for the site coupled with the evidence to demonstrate that the proposal would not lead to a significant loss in BMV agricultural land 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 Local Plan, 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.

On balance, officers are therefore satisfied that this proposal would not result in a significant loss of BMV agricultural land and that the benefits of the development justify the loss of high quality agricultural land. The proposal would comply with the provisions of policy EN13- Development on High Quality Agricultural Land of the Local Plan.

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, approved application 21/3120/MFUL at Peradon Farm, 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.

Heritage Impact:

This proposal has the potential to impact upon the a number of designated and non-designated heritage assets that are proximate to the application site, in such circumstances Section 66(1) of 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 site is in close proximity to the historic complex of Rockbeare Manor. The core of the estate contains both a grade I listed house of the same name and the associated grade II* listed stable block with the surrounding landscape containing a number of other grade II* and grade II listed buildings including the grade II listed Manor Cottages and the Shrubbery Garden Walls. These assets are set within as designed parkland setting which has been designated as a grade II registered park and garden. The south- eastern boundary of the designated landscape is located to the north west of the application site, separated by the A30.

In respect of the assessment of the impact on the setting of Rockbeare Manor and its grade II registered park and garden, Historic England originally raised concern about the supporting documentation that had been submitted in terms of photographs, montages or wire frames which could be provided to provide absolute confidence

that the development would avoid any impact on the setting of the Rockbeare and its associated heritage assets. Historic England raised concerns about the applicant's over reliance on tree cover to provide screening as it has a finite life span and also suffers from seasonal variations.

In response to these concerns, the applicant submitted a Historic Environment Assessment Addendum which is considered by Historic England to be a more robust assessment being undertaken in respect of the historic complex at Rockbeare (Mix of grade II* and II listed buildings as well as the grade II Registered Park and Garden (RPG)). The addendum maintains that the impact of the proposed solar installation will have no impact on the historic core of the site, which forms the focus of Historic England's interest. This is due to the topography and the tree cover.

Officers are satisfied that the Heritage Impact Assessment does robustly demonstrate that the proposal solar farm would have no impact on the significance of heritage assets at Rockbeare Manor or its registered parkland and garden on account of the fact that there is very limited inter-visibility between the development site and the heritage assets and the contribution made by the setting of the assets heritage value would be unchanged. The applicant has successfully demonstrated through the submission of additional photographs and assessment that there would be no inter-visibility between Rockbeare Manor or the registered park and garden and that due to intervening topography and mature trees within the parkland and the landscape screening along the A30 that the proposed solar installation would not harm the setting or significance of the identified heritage assets.

The Heritage report submitted with the application also identifies that the proposed solar farm development has the potential to affect the contribution made by setting to the heritage value of six grade II listed buildings within the vicinity of the proposed development. These assets comprise:

- Grade II listed Westcott Farmhouse
- Grade II listed Barn approximately 20m south of Westcott Farmhouse
- Grade II listed The Knoll
- Grade II listed Westcott House
- Grade II listed Rose Cottage
- Grade II listed The Old Post Office

The report provides an assessment of the heritage values of these assets, the contribution made by setting to those values, and the surroundings in which they are experienced and concludes that given the distance of separation, local topography, intervening mature trees and hedgerows and the mitigation measures embedded into the design of the proposed development, there would be no impact on the heritage values of these assets as a result of development within their settings. The grade II listed buildings character, appearance and settings would be preserved. The residual effect is none.

The Council's Conservation Officer has advised that the grade II listed buildings and their curtilage listed buildings, at Marsh Green to the east of the site are significant by virtue of their aesthetic, communal and historic interest. The aesthetic interest is derived from the vernacular architecture of these modest rural buildings built from local

materials such as; cob, stone, thatch and timber. They create the form of these distinctive buildings and local distinctiveness, which in turn forms the sense of place that is experienced.

The historic interest is in part, by the former uses of the buildings. The Knoll a former farmhouse, Yeomans Cottage which was the former post office and Rose Cottage are now all dwellings in the historic settlement of Marsh Green. The Knoll Farmhouse, derives much of its significance from its rural agricultural setting. They are illustrative of aspects of past lives, social positions and industry as evidenced by the former uses of the building, but in particular, farming and thatching. The master craftsmanship and supply of thatching continues for future generations and holds archaeological interest in its own right.

Having regard for the distance of the solar installation from the heritage assets, coupled with the topography and intervening vegetation, the Conservation Officer concludes that overall the impact on the setting of the significance of these listed buildings at Marsh Green, would be less than substantial due to the loss of views and the adverse harm that the proposed changes to the surrounding landscape will introduce to the setting of these designated heritage assets.

It is also accepted the proposal would introduce a solar farm close to the setting of the grade II listed buildings and their curtilage listed buildings, at Westcott to the west of the site. These listed buildings are currently experienced in a rural context in this small hamlet surrounded by enclosed fields.

The listed buildings are set back from the road and set within private gardens with mature trees surrounding providing a strong sense of enclosure. It is accepted that there are limited views of these heritage assets within the wider landscape and that owing to the distance of the solar arrays coupled with existing vegetation and surrounding topography that the degree of inter visibility with the proposed solar installation would be limited. The solar arrays would be separated from the heritage assets by undeveloped field parcels which would provide a buffer of agricultural land and ensure that the heritage assets would continue to be experienced, where visible, in a rural context and that the understanding and appreciation of these as a group of assets associated with the surrounding farmland would be largely unaltered as a result of the proposed landscape mitigation and existing mature trees and hedgerows.

The conclusions of the Heritage Assessment accompanying the application that the heritage asset's aesthetic value would be preserved, as would their illustrative and associative historic value is accepted. However, officers disagree with the conclusion that there would be no harm to the significance of the grade II listed buildings. As a result of the size and scale and relative proximity of the solar farm to the heritage assets and the fact that the solar installation would alter the rural character of the immediate surroundings within which these assets are currently experienced, officers consider that the development would result in 'less than substantial harm' to the significance of the heritage assets.

This conclusion has been reached by officers on the basis that whilst no listed building immediately adjoins the site and the topography and intervening vegetation means there is a general lack of inter visibility between the site and the aforementioned

heritage assets, the proposal would nevertheless introduce a large scale solar installation at the periphery of the rural setting of the aforementioned heritage assets and as such will have a limited degree of impact upon their significance. As acknowledged within the heritage assessment, the understanding and appreciation of the buildings would be 'largely unaltered' which in itself implies that the development would result in some, albeit less than substantial harm to the heritage assets.

In identifying 'less than substantial harm', paragraph 202 of the NPPF is engaged which requires the harm to be weighed against the public benefits of the proposal. 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).

Archaeological Impact:

The County Council's Historic Environment Team has considered the report setting out the results of the archaeological field evaluation undertaken at the site. This has demonstrated that the archaeological potential of the proposed solar farm site is low and its construction will not impact upon any significant heritage assets with archaeological interest.

In the light of this information it is not considered that any further archaeological mitigation is required and the Historic Environment Team has raised no objection to the application. Accordingly the proposed development would have no archaeological impact.

Traffic Impacts and Highway Safety:

In respect of assessing the impact of the proposal on highway safety, there are considered to be two principle issues; that of the impact of the development on the strategic road network- noting the proximity of the application site to the A30 and the traffic impacts associated with the construction phases of development on the local highway network. Each will be considered in turn:

Strategic Road Network:

National Highways are satisfied that once constructed the level of traffic associated with the operation and maintenance of the site is considered unlikely to result in a material impact on the safe operation of the A30 trunk road.

It is envisaged that the reception compound will generate up to 12 HGVs deliveries per day (24 two-way trips) over a temporary 10-month period only. All development traffic would then be escorted in convoys of 4 vehicles to the construction compound.

The Construction Management Plan states that the all convoys would take place out of the network peak periods to minimise any distribution on the local highway network. National Highways requests that the measures proposed to restrict development traffic during the network peak hours (0800-0900 and 1700-1800) are formalised by planning condition or other appropriate mechanism to be determined by the Local Planning Authority.

On the basis that HGV convoys to the construction compound would be prohibited during the AM and PM network peak hours and given the temporary duration of the construction traffic impact, National Highways are satisfied the development is unlikely to result in an unacceptable impact on the safe operation of the A30.

Drainage: In respect of drainage, National Highways have advised that the drainage documents make reference to a National Highways drainage culvert which heads through the upper part of the development north westerly under the A30. Section 6.1.3 of the FRA states the requirement to keep volume and flow rates of runoff matching existing or better. 5.2.2 and 6.4 of the FRA provides appropriate measures to contain the surface water risk from the development and Construction phase measures and maintenance commitments within the FRA are also considered acceptable.

National Highways raise no objection on drainage ground subject to the submission of a detailed drainage strategy to ensure that the filter drain layouts remain clear of their highway drainage asset and to ensure the construction of a proposed 'scrape' to increase floodplain capacity in the proximity of the A30 culvert will not result in an adverse impact on their drainage assets. National Highways have advised that the drainage strategy must include the drainage plan design and the overland flow routing to ensure surface water will be managed and not result in any adverse impact on their assets and must also confirm details of all proposed discharge locations.

Landscaping and Boundary Treatment: National Highways have note that the Planning Statement states in para 7.9.7 that "while solar reflections are geometrically possible towards the A30, the solar reflections will be screened by existing vegetation, which will be subsequently supplemented with additional proposed vegetation as part of the proposed development."

However, the Landscape Strategy Plan shows no additional screening proposed alongside the site boundary adjacent to their estate. It is therefore unclear how glare from the site, and particularly from field DC02a, will be screened from the A30 eastbound carriageway. National Highways have therefore requested the submission of a boundary treatment plan and planting schedule for their review which details in full the proposed measures to ensure the development will be adequately screened from the A30 trunk road.

Subject to the imposition of conditions which require the submission of a details drainage strategy, a boundary treatment plan to include details for the site boundary with the A30 trunk road and a revised landscape plan and associated planting schedule, National Highways are satisfied that the development would not adversely affect safe operation of the Strategic Road Network.

Impact on Local Highway Network:

Once operational, solar farms are generally benign in terms of their transport impacts where traffic movements are minimal and generally limited to small maintenance vehicles occasionally visiting the site. The proposal does however have the potential to impact upon traffic and highway safety during the construction and de-commissioning phases of the development.

An important aspect of this application in terms of minimising the traffic impacts from the solar installation is the inclusion of the off-site reception compound located off Bishop's Court Lane to the southwest of the A30, approximately 4.5 km west of the application site.

A Construction Traffic Management Plan has been submitted with the application which 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 construction routes that have been put forward provides a detailed review of the three best routes to provide construction access to the site.

The Transport Statement takes a detailed review of the three best routes to provide for construction access to the site detailed as follows:

Route A: The primary construction route approaching the site from the A30 via the B3184, Marwood Lane and Quarter Mile Lane to the onsite construction compound. The route between the reception compound and construction compound would be a one-way system to avoid two HGV's meeting on the narrow lanes. Vehicles would exit the construction compound and return to the reception compound via Wescott, Exeter Airport and the B3184.

Route B: The development would also generate a limited amount of transformer and crane trips to the site and to cater for this, it is proposed to enter and exit the site via the B3180, passing through Marsh Green to the east.

Route C: A limited amount of transformer deliveries and a crane would enter and exit via the B3174 to the north.

Route A is proposed as the main construction route with Routes B and C only required to accommodate the transformer deliveries and a crane. These routes would be two way.

The Transport Statement has been considered by the County Highway Authority who accepts that the route A option (approaching the site from the A30) would be the best route due to it being the most direct with the most strategic network available from the holding compound, in addition to utilising the widening and improvements that Long lane is currently undergoing.

The traffic management and temporary works to make this route acceptable including a shuttle notification and one way system, seem reasonable and would minimise the impact upon the carriageway.

The applicant's desire to avoid through-route traffic in the village of Marsh Green is acknowledged and welcomed and with the exception of limited traffic using routes B and C to transport transformers and cranes would reduce the likely impact of construction traffic on the residents within the village. Subject to the imposition of a condition that requires the development to be carried out in accordance with the Construction Traffic Management Plan which includes details traffic routes, the use of signage and banksmen and the temporary widening of some areas of highway, it is considered that the development can take place without causing harm to the highway network, or the safety of those using it.

The applicant has also provided a further Highways Technical note which provides further clarification on the logistics of delivering equipment from the centralised construction compound on the site (field parcel D6) to the wider site. This technical confirms that all deliveries would arrive at the eastern access on Withybed Lane and unload within the centralised construction compound at parcel D6, then depart via the western access onto Withybed Lane, thus adhering to route A- the one way routing strategy between the reception compound and construction compound. It is then proposed to transport the equipment to smaller compounds within the application site by quad bikes and tractors.

The technical note clarifies that the majority of the routes between the on-site construction compound and wider site parcels contained within fields with no additional impact on the local highway network. There will be a limited number of tractor and quad movements on the local highway (Westcott Lane and Quarter Mile Lane) that would be utilised for transporting equipment which would have the potential to impact on traffic and congestion. These are generally short sections of public highway where banksmen at the respective accesses would be in place to control the release of vehicle movements such that it is not considered that it would give rise to any significant highway safety concerns.

Subject to this and the imposition of a condition that requires the submission of a Construction Environment Management Plan to further mitigate construction disruption to include information such as contractor car sharing and wheel washing facilities to avoid debris being brought onto the carriageway, 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 and constructed, those applications being the one to which this report relates, the approved solar farm at Rockbeare Hill ref 19/2832/MFUL and at Peradon Farm ref 21/3120/MFUL and pending application 22/0783/MFUL to the east of Talaton.

It should be noted that the Marsh Green site is some distance from the location of the Peradon Farm and Talaton 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 (Bendarroch Road and Rockbeare Hill) as the main access to the approved 19/2382/MFUL (Rockbeare Hill) solar farm.

In the event that the Rockbeare Hill solar farm and Marsh Green solar farm were under construction at the same time, then there is the potential for traffic congestion on a short section of Rockbeare Hill from the B3180 which is the main construction and access route to the Rockbeare Hill site. This route is shared with proposed Route B which would be used for a small number of transformer and crane trips to the site. However given the fact that this is not the primary construction route for the proposed solar farm and given the proposed infrequent use of route B, it isn't considered that in the event that this application is approved, that it would have a detrimental cumulative impact on the highway network.

The proposal is therefore considered to be acceptable in accordance with Policy TC7 of the EDDC Local Plan and advice contained in the NPPF.

Residential Amenity:

There are a number of residential properties that have the potential to be affected by the proposed development and the representations received raising concern about the impacts of the proposed solar farm on residential amenity in respect of noise, glint and glare and construction traffic are noted. It is important to note that the solar arrays and equipment have been positioned on the site so that they do not adjoin or abut any residential property or curtilage. It is however accepted that parts of the solar installation will be visible from residential properties however this in itself does not amount to harm to amenity and in any event, 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.

Concerns in respect of the impacts from glint and glare have been addressed by the applicant who has prepared a Glint and Glare Study which identifies 52 dwelling receptor locations for assessment. The report concludes that at 6 dwelling receptor locations (Marsh Green Farm and Sunnyside the east and Little Westcott Farm, Holly Tree House, Little Westcott Hayes and Westcott Farmhouse to the west) solar reflection is possible. The report concludes that at all six dwelling receptor locations, solar reflections would last for more than three months per year and for less than 60 minutes per day. The resulting impact significance is considered to be moderate which requires consideration to be given to mitigation.

Of the 6 receptors identified, the report concludes that the greatest impact of the development in terms of glint and glare is likely to be on the occupiers of Little Westcott Farm, the nearest of the residential properties to the solar installation where views may be possible from the ground floor of the property. The report concludes that mitigation for the remaining 5 dwellings is not required due to the distance from the panels, views from first floor windows only and solar reflections coinciding with sunlight.

The report acknowledges that whilst there is some existing screening towards the solar panels, this is unlikely to be sufficient owing to the raised elevation of the dwelling relative to the reflecting panel areas. Following a detailed modelling exercise that was undertaken for the two solar panels areas nearest Little Westcott Farm, the mitigation proposed is effectively to alter the angle that the solar panels are facing (known as the Azimuth angle) and the tilt angle of the panels in the nearest fields which demonstrates that it would result in solar reflections that would last for less than 3 months of the year and for less than 60 minutes of the day, with no consideration of existing screening.

Effectively, the report demonstrates that through layout optimisations varying the geometric characteristics of the solar panels it is possible to reduce the duration of solar reflection which would in-turn reduce glint and glare effects to acceptable levels such that no further mitigation will be required. Subject to a condition that requires the development to be carried out in accordance with the layout optimizations contained within the report, it is considered that the impacts from glint and glare on residential amenity will be acceptable.

The proposal has been considered by the Council's Environmental Health Officer who has advised that the noise levels from the development are considered to be classed as 'No Observed Effect Level'. The inverters and transformer stations have been positioned in locations that allow for suitable distance attenuation thus, ensuring that the sound produced from any of the inverters and substations will be below the background sound level when measured from any non-connected noise sensitive property. It should also be noted that the dominant noise source within the locality is traffic noise from the A30. This will have an impact of on the local acoustic environment by raising the areas background sound level.

Given the distance of the installation from residential properties and the lack of objection from the Council's EHO on noise grounds, it isn't considered that the proposal would result in any significant harm to the amenities of the occupiers of surrounding residential properties.

It is accepted that the construction and de-commissioning phases of the development have the potential to impact on amenity through construction noise, traffic, dust etc. and therefore it is considered necessary and reasonable to impose a condition that requires the submission of a Construction Environmental Management Plan to ensure these impacts are minimised. Once the solar farm is operational, its impacts are relatively benign with only a minimal number of traffic movements required for maintenance.

On balance, it is considered that the proposal is acceptable in terms of its impact on the occupiers of residential properties, in accordance with Policies D1- Design and Local Distinctiveness and EN14- Control of Pollution of the Local Plan.

Ecological Impact:

The proposed main site is located approximately 1.9km to the north west of the East Devon Pebblebed Heaths Special Area of Conservation (SAC), and the East Devon Pebblebed Heaths Site of Special Scientific Interest (SSSI). Natural England have

reviewed the ecological evidence provided and have not identified a pathway by which impacts from the development would affect the interest features of the aforementioned sites. They advise that impacts on any national and international protected sites can be screened out from Habitats Regulations Assessment.

The application is accompanied by ecological surveys that have been undertaken which concludes that the site comprises improved and species-poor semi-improved cattle pasture and arable fields bound by hedgerows and woodland habitats.

Further ecological surveys have been undertaken including badger; further botanical assessment; great crested newt; potential bat roosting assessment; bat activity and wintering bird surveys. The surveys reveal that the site is utilised by commuting/foraging and roosting bats, breeding birds and commuting/foraging badgers. The scheme has been designed to retain and protect impacts on habitats which are of higher ecological value. No hedgerow or tree removal is proposed as part of the scheme and a number of construction compliance measures have been put forward to mitigate the potential effects of construction on protected species which can be conditioned.

Natural England note that the Withybed County Wildlife Site (CWS) (Withybed Copse) is situated on land adjacent to the south western edge of the site (adjacent to field D13b). Withybed CWS is important specifically for its ancient and semi-natural woodland, which is likely to be made up of trees and shrubs native to the site, arising from natural vegetation. Therefore it is important to assess the likely impacts of the development on ancient woodland on or near a proposed development site.

Natural England note that the current proposals include the retention and protection of hedgerows (and compensation where necessary) along with trees, woodland and pond enhancements. In the proposal around 0.2ha of new woodland is to be located adjacent to the CWS, and a section of undeveloped land/grassland to act as a further buffer between the sites. Natural England advise that the buffer zone will help to protect the adjoining ancient woodland and also provide further habitat for bats and birds. A Landscape and Ecological Management Plan (LEMP) would be necessary to ensure any such retained and created habitats are managed favourably, to maximise their benefit to wildlife.

It is important to note that the scheme has been designed with a number of ecological and biodiversity enhancements across the site which includes the retention, enhancements and buffering of existing woodland, field trees, hedgerows and riparian habitat. The key ecological and biodiversity enhancements and improvement areas are set out as follows:

- Woodland - A new wooded area will be created within the ecological mitigation area to the south of field D13 within the narrow field bordering the Withybed Copse County Wildlife Site.
- Wetlands, Watercourses and Standing Water - Leaky dams will be installed along the length of the Ford Stream. Watercourses will be sown with pond edge seed mix in Fields D9 and G4. Along D9 and G4 a 5m buffer strip of tussocky

grass mix will be sewn. This will reduce pollution entering the stream from the north.

- Scrapes - Small scrapes will be dug in areas nearby the stream to hold excess flood water. These will improve more invertebrate biomass and diversity on site as well as providing breeding opportunities for amphibians.
- Ponds – Several ponds are present on site, the majority of these are heavily shaded. Thinning of vegetation around these will take place to increase light levels and increase perennial diversity via seed sowing. grassland types are currently heavily modified and species poor. A variety of seeding regimes will be undertaken across the site to create a variety of well-connected grassland types.
- Trees – The proposed development does not require the removal of any trees during both the construction or operational phases. Significant enhancement measures proposed will lead to a greater level of protection to the existing trees which will result in a highly beneficial impact on these important landscape and ecological features.

The ecological enhancements have been considered by the Council's ecologist who welcomes the biodiversity enhancements proposed within this application. The site falls within the River Clyst catchment, within which the Clyst Canopy Project is currently running. One aim of the project is to try to increase the canopy cover of the catchment to 30% by 2050. A range of mechanisms are being used to achieve increase tree cover, but the contribution of woodland creation by development proposals is an important part of this. At the request of the Council's ecologist, further woodland creation has been included within field 13.

Schedule 14 of the Environment Act 2021 requires a minimum 10% Biodiversity Net Gain (BNG) and the current wording in policy EN5- Wildlife Habitats and Features of the Local Plan simply requires 'enhancement where possible'. The ecological improvements offered through this application significantly exceed the 10% requirement and are stated by the applicant to equate to 121% BNG through on site mitigation. It should be noted that Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection to the proposal 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. The environmental benefits from biodiversity net gain are considered to weigh in favour of the application within the overall planning balance.

Arboricultural impact:

No comments have been received by the Council's Arboricultural Officer however officers consider that the proposals which propose no felling of mature trees which positively contribute to the rural landscape and character of the area to be acceptable. This is subject to, in the event that this application is approved, a pre-commencement condition that 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 and protected during construction 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 and Drainage:

There are flood zones (2 & 3- high probability of flooding), designated by the Environment Agency (EA) within the red line for the proposed development on land alongside the watercourse which runs through the northern part of the site which the EA have advised has the potential to locally increase flood risk.

The EA originally objected to the development on the basis that some elements were proposed within Flood Zone 3 (high probability flood zone) adjacent to receptors to flooding (e.g. Westcott Lane), which have the potential to locally increase flood risk.

The EA requested some minor revisions to the scheme and assurances provided. In particular they advised the following:

- Minor alterations being made to the proposed placing of some of the panelling units in zones D8, D9 (proximity to Westcott Lane) so as to preclude units within areas of Flood Zone 3 ('high' probability of flooding)
- Any vulnerable infrastructure being located in areas such that they would remain safe and operational in times of flooding. The sequential approach should be given with regard to this.
- There being a minimum 8m unobstructed buffer left between any watercourse and infrastructure associated with the development sought so as to retain access.

Following receipt of a revised FRA and Drainage Strategy the EA have advised that they are satisfied that clarity regarding the issues raised in their initial formal consultation response has been provided and that in overall terms the proposal complies with the overarching policy aims of the NPPF.

Specifically the EA have advised that with regard to the proposed location of panel units within Zones D8 and D9, this can be accepted in this instance given there is scope to provide floodplain scrapes adjacent to these zones thus providing scope to provide additional functional floodplain, and given the shallow nature of flood waters that risk affecting the zones in question. The EA consider that the above-mentioned condition is necessary to secure the detailed design and implementation of the scrapes so as to achieve a reasonable betterment in floodplain storage capacity.

Following withdrawal of the EA's objection and their support for the revised proposals, the development is considered to be acceptable from a flood risk perspective.

With regards to surface water drainage, the County Council's Flood Risk Management Team originally objected to the application because they did not believe that the

scheme satisfactorily conformed to Policy EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan. DCC have now withdrawn their objection and advised that the applicant will be required to submit additional information in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered. This can reasonably be secured by an appropriately worded pre-commencement condition for a detailed drainage strategy.

Accordingly, the proposal is considered to accord with Policy EN22 of the EDDC Local Plan.

Aviation impact:

Despite an original objection to the application from Exeter Airport, the updated Glint / Glare study together with the accompanying Glint / Glare addendum have been studied from an aerodrome safeguarding perspective with the following findings.

- The study shows that for 08/26 arrivals overall there will be no significant impact on either of the assessed areas and therefore acceptable.
- The study together with a site survey shows that the solar panel area would not be visible to the Air Traffic Control Tower, so no solar reflections are predicted and therefore acceptable.
- The Addendum relating to circuit traffic operating at Exeter Airport shows that the times of potential solar reflections, which are outside of the airports usual operating hours, which together with the overall conclusions within section 5.3 of the report show no operational issues and therefore acceptable.

Accordingly, based on the findings and evidence within the studies which addresses the previously raised concerns Exeter Airport's Safeguarding objection to the application has been removed. Therefore, it is considered that the proposal is acceptable with regard to its impact upon aviation safety.

Reception Compound:

The proposal includes the construction of a traffic reception compound on an agricultural field around 1.26 hectares in size which is bordered by a band of vegetation to the north before leading to the A30. Bishops Court Lane runs along the eastern and southern boundary and is bordered by a farm track to the west and fields beyond. Marlborough Cottages lie to the north west of the site.

This area will act as a reception and holding compound where vehicles will be registered and held awaiting escorted convoys. It is stated that the site will not be used for the storage of construction materials. It is proposed to position a pre-fabricated temporary office and welfare building on the site which would be no greater than 3.0 metres in height.

The existing vehicular access would be widened by 6.3 metres and include temporary road plates in the verge which would necessitate 3.0 metres of hedgerow removal. Ground protection matting would be spread across the relevant parts of the field needed for the access road and parking areas and office and welfare compound.

Whilst using this field would have a degree of visual harm arising from its proposed use, this would be temporary and only required during the construction phase of the solar farm. The removed hedgerow would be reinstated on completion of the works and the site would be restored back to its previous condition with reseeded if necessary.

It is proposed to manage traffic in and out of the site which would include stop and go boards and banksmen who will be used to control vehicles entering and existing the site to minimise the impact on the local highway network, in the interests of highway safety.

Use of the field as a holding compound and vehicle movements on the field would have a degree of impact on the amenities of the occupiers of the nearest properties (1 and 2 Marlborough Cottages) to the north west of the site. This would be for a temporary period and the impacts on amenity can be minimised through the imposition of a condition requiring the submission of a CEMP which covers this part of the site as well as the solar farm.

Impact on Gas Pipeline:

A high pressure gas main runs along Withybed Lane within the site albeit outside of the security fencing. The inner, middle and outer zones of the pipeline do fall within the development site however having regards for the Health and Safety Executive's land use planning methodology and guidance on assessing planning applications for development type's within these zones, on the basis that the proposal is for a solar installation and not therefore a 'sensitive' development type with no visiting members of the public, the advice is to 'do not advise against development'. Accordingly, it is considered that the proposal would cause no harm to the pipeline infrastructure or to any members of the public.

Grid Connections:

Whilst not a material planning consideration, 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 Benefit Fund:

This proposal also puts forward a community fund whereby community groups can apply for funding of community led projects. From a planning perspective there is a wider national benefit from renewable energy production and no requirement for any local benefits to be provided, although officers do recognise the benefits to the local community in such a fund. However the planning system cannot secure such financial

contributions for the local community as officers do not consider that a community fund would meet the tests within the Planning Practice Guidance on planning obligations which states:

Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms. They must be:

- *necessary to make the development acceptable in planning terms;*
- *directly related to the development; and*
- *fairly and reasonably related in scale and kind to the development.*

A community fund does not meet the aforementioned tests and as such should carry no weight as a material planning consideration in the assessment of this planning application. Any such agreement would need to be made outside of the planning application between the applicant and the local community.

CONCLUSION

This proposal is one of a number of solar developments currently under consideration, together with those already permitted in East Devon and in Mid Devon. Clearly, this report relates primarily to the application at Marsh Green. However, the potential cumulative impact in the event that any other of the proposals are approved/implemented has also been considered and this proposal would not lead to any cumulative impact with other developments.

As detailed in the main body of the report, the proposal has been carefully considered with regard to all relevant material planning considerations and technical issues and, following negotiations with the applicant who has made amendments to the proposals to address some of the original objections that had been received to the proposal, the development is now considered to be acceptable in terms of its impacts.

Whilst the following weigh against the proposal:

- Loss of some Grade 3A agricultural land (7ha);
- The visual impacts, although localised and limited
- Temporary impacts during construction and de-commissioning;
- The less than substantial harm to the significance of heritage assets

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;
- Insignificant loss of BMV land
- Wider environmental, social and economic public benefits of renewable energy production helping to support the government's national strategy and policy requirement to be net zero by 2050.

- Potential to power up to 18,500 homes

Having regard for the above and the detailed assessment within this report, officers consider that significant weight should be afforded to the wider environmental, social and economic benefits of this particular solar farm proposal which has the potential to power 18,500 homes using 100% renewable energy and that these benefits outweigh the identified limited landscape and heritage harm that would arise from the proposal. The harm identified can be suitably mitigated through the imposition of conditions pertaining to landscaping, planting and hedgerow management, controlling construction traffic and the environmental impacts arising during construction, and as the limited amount of Grade 3a agricultural land that will be lost, will still be available for grazing and could be returned to agricultural use in the future.

Furthermore, in the absence of any technical objections, the lack of wider amenity impacts and lack of highway safety impact, on balance, it is considered that the proposed 30 MW solar installation complies with both Local Plan and National policy. The substantial public benefit from this renewable energy proposal would support the government's national strategy and policy requirement to be net zero by 2050 which should be afforded a significant amount of weight within the overall planning balance. It is therefore recommended that this application is approved for a temporary period of 40 years.

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. A Construction and Environment Management Plan shall be submitted and approved by the Local Planning Authority in writing 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, site compound location, extent and expected duration, 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.

In addition, a Soil Resource Plan shall be provided either as part of the CEMP or as a stand-alone document. The Soil Resource Plan shall provide the following information:

- An analysis of the existing soil resource across the site including a plan showing topsoil and subsoil types based on trial pitting and laboratory analysis and an assessment of vulnerability of site soils to loss of structure/ fertility due to construction operations including soil stripping, handling and storage and trafficking by machinery
- A methodology for soil stripping, storage and replacement required for construction of site compound, haul routes, cable trenches and other site excavations.
- Identification of haul routes within the site including those required for the operational life of the development as well as temporary trackways and unsurfaced routes during the construction phase.
- Measures to prevent compaction of soils such during construction such as avoiding working when ground is excessively wet, the use of tracked vehicles, cordoning off areas not required for construction machinery access etc.

- Identification of person responsible for supervising soil management.

(Reason - To protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution, to preserve the integrity and fertility of site soils and support the return of the land to agricultural on the expiry of the consent; to prevent additional surface water run-off due to soil compaction and to comply with the provisions of Policies D1 (Design and Local Distinctiveness), EN13(Development Affecting High Quality Agricultural Land) and EN14 (Control of Pollution); of the East Devon Local Plan 2013 - 2031.)

6. In relation to Construction Traffic Management and Construction routing, the development hereby approved shall be carried out in accordance with the Construction Traffic Management Plan Rev C prepared by Sustainable Development and Delivery dated August 2022 and the Technical note prepared by Sustainable Development and Delivery ref DV5045PD-TN01 dated September 2022. The approved Construction Traffic Management Plan and construction routing contained therein shall be adhered to throughout the development.

(Reason: in the interest of the safe and efficient operation of the local road network in accordance with policy TC7- Adequacy of Road Network and Site Access of the East Devon Local Plan 2013-2031).

7. Prior to the commencement of the development hereby permitted, a detailed drainage strategy shall be submitted to and approved in writing by the local planning authority (in consultation with National Highways). This must include full details relating to the maintenance of the assets that will control the flows of water on and around the site.

(Reason: in the interest of the safe and efficient operation of the strategic road network, and to protect the integrity of the National Highways drainage asset in accordance with policy TC7- Adequacy of Road Network and Site Access of the East Devon Local Plan 2013-2031).

8. Prior to the commencement of the development hereby permitted, a boundary treatment plan including details for the site boundary with the A30 trunk road shall be submitted to and agreed in writing by the Local Planning Authority (in consultation with National Highways).

(Reason: In the interest of the safe and efficient operation of the strategic road network and to protect the National Highways soft estate in accordance with policy TC7- Adequacy of Road Network and Site Access of the East Devon Local Plan 2013-2031).

9. Notwithstanding the submitted details and prior to the commencement of the development hereby permitted, a revised Landscape Plan and associated Planting Schedule be submitted to and agreed in writing by the Local Planning Authority (in consultation with National Highways).

(Reason: In the interest of the safe and efficient operation of the strategic road network and to protect the National Highways soft estate in accordance with policy TC7- Adequacy of Road Network and Site Access of the East Devon Local Plan 2013-2031).

10. Notwithstanding the submitted details and prior to the commencement of the development hereby permitted a detailed AMS shall be submitted to and approved in writing by the Local Planning Authority. The AMS will include all relevant details to protect the retained trees, including a detailed Tree Protection Plan. 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).

11. Notwithstanding the submitted details, no development shall commence on site until the following information has been submitted to and approved by the Local Planning Authority:
 - a) A full set of soft and hard 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 and wetland habitats
 - b) Details of proposed colour finishes to housings for inverters, storage units and substations.
 - c) Details of proposed under and over ground cable routes together with method statements for taking underground cables through any hedgebanks.
 - d) Details of the locations of security cameras.
 - e) Details of finishes of framing elements of proposed pv panels.
 - f) Details of proposed gates and alterations to existing gateways. This shall include an overall site plan(s) showing the locations of new and replacement gates and any existing gateways to be infilled with new hedging. The plan should clearly distinguish between different gate types. Elevation details of each proposed gate type shall also be provided.
 - g) Construction details for proposed hardstandings, trackways and associated drainage provision including location, extent, associated grading and specification for material finishes.

The development shall thereafter be carried out in accordance with the approved details. In relation to the soft landscaping, 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 Local Planning Authority.

(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) of the East Devon Local Plan 2013-2031).

12. Notwithstanding the submitted landscape details, no site works shall begin until a site specific Landscape and Ecology Management and Maintenance Plan has been submitted to and approved in writing with the Local Planning Authority. This shall set out responsibilities for maintenance within the site and cover the construction, establishment, management and ongoing maintenance of landscape elements and bio-diversity measures. The Plan shall set out the landscape and ecological aims and objectives for the site along with the specific management objectives for each landscape/ ecological component, and the associated maintenance works required on an Annual and Occasional basis. Details of inspection, monitoring and reporting arrangements shall also be provided. The plan 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 and expected number of trees to be let up within each identified section. The Plan shall cover a period of not less than 25 years following the substantial completion of the development and shall be reviewed every 5 years and updated to reflect changes in site conditions and management prescriptions in order to meet the stated aims and objectives. Management, maintenance inspection and monitoring shall thereafter be carried out in accordance with the approved plan for the duration of the operational phase of the development.

(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) of the East Devon Local Plan.

13. Prior to the commencement of the development hereby permitted a detailed decommissioning plan covering the removal of all temporary infrastructure from the site and identifying any areas of new habitat creation/ planting and any tracks and hardstandings which are to be retained shall be submitted to and approved in writing by the Local Planning Authority. The plan should show how the site will be returned to agricultural use and shall include a demolition and restoration programme. The development shall thereafter be carried out in accordance with the approved details.

(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) of the East Devon Local Plan 2013-2031).

14. The development hereby approved shall be carried out in accordance with the recommendations and mitigation measures set out within Section 4 of the Ecological Appraisal, prepared by Devon Wildlife Consultants, dated May 2022 ref 21/3754.01.
(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).
15. No development approved by this permission shall commence until details of scrapes and ecological enhancement areas within Flood Zones 2 and 3, over and above those details included within the applicants Flood Risk Assessment and Drainage Strategy July 2022 CRM.3025.001.HY.R.001.B, have been submitted to, and approved in writing by, the local planning authority. The scrapes and ecological enhancement areas shall thereafter be fully implemented in accordance with the agreed details and subsequently maintained for the lifetime of the development.
(Reason: To maximise the flood risk management benefits that these intervention measures will provide in accordance with policy EN22- Surface Run-Off Implications of New Development of the East Devon Local Plan 2013-2031).
16. No permanent external lighting shall be installed on the site until details of the lighting have been submitted to and approved in writing by the Local Planning Authority. The lighting shall thereafter be carried out in accordance with the approved details and no further lighting 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.)
17. Notwithstanding the submitted details and prior to the commencement of their installation, details of the CCTV cameras to include their design, exact siting, angle of direction and operational monitoring shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the agreed details.
(Reason - To demonstrate to the satisfaction of the Local Planning Authority that the CCTV cameras will not impinge upon the privacy and amenities of the occupiers of adjacent properties in accordance with Policy D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan 1995-2011.)
18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order amending, replacing or re-enacting that Order), no photovoltaic panels, fences, walls, or other means of enclosure or fixed plant or machinery, buildings, structures other than those expressly authorised by this permission shall be erected within the boundaries of the site.

(Reason - To ensure ancillary development is not harmful to the rural character of the area in accordance with Strategy 7- Development in the Countryside of the East Devon Local Plan 2013-2031).

19. No development hereby permitted shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:
- (a) A detailed drainage design based upon the approved Ford oak Solar and Green Infrastructure Facility Flood Risk Assessment and Drainage Strategy a(Report Ref. CRM.2035.001.HY.R.001.B, Rev. -, dated July 2022) together with the detailed design of the proposed drainage for the T junction improvements, transformers and substations.
 - (b) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.
 - (d) Proposals for the adoption and maintenance of the permanent surface water drainage system.
 - (e) A plan indicating how exceedance flows will be safely managed at the site.
- No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (g) above.

(Reason: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed in accordance with policy EN22- Surface Water Implications of New Development of the East Devon Local Plan 2013-2031).

20. In accordance Section 8.5.3 of the Solar Photovoltaic Glint and Glare Study prepared by Pager Power ref 10705A-C dated May 2022, the solar panels in field parcels DC04 and G5 hereby approved shall be installed in accordance with the mitigation and layout optimisation measures/ conclusions listed. These layout optimisation measures shall thereafter remain in place in perpetuity for the lifetime of the development.

(Reason: To protect the occupiers of residential dwellings from unacceptable levels of glint and glare in the interests of residential amenity in accordance with the provisions of policies D1- Design and Local Distinctiveness and EN14- Control of Pollution of the East Devon Local Plan 2013-2031).

Plans relating to this application:

DV5045PD-R1 rev C	Transport Statement	12.08.22
DV5045PD-R2 rev C :	General Correspondence	12.08.22
construction traffic management plan		

archaeological trenching evaluation (2097 June 2022)	Archaeological Report	12.08.22
historic environment assessment - addendum (P00100.04.0 1)	General Correspondence	12.08.22
glint + glare assessment addendum (10705 D)	General Correspondence	12.08.22
glint + glare assessment : (10705 A-C)	General Correspondence	12.08.22
TPS FO-001-005 I : propped construction phase (northern fields)	Other Plans	12.08.22
TPS FO-001-006 I : propped construction phase (southern fields)	Other Plans	12.08.22
TPS FO-001-007 I : propped construction phase (eastern fields)	Other Plans	12.08.22
TPS FO-001-008 I : propped construction plan complete site	Other Plans	12.08.22
DV5045PD-001 G : review of existing local highway network	Other Plans	12.08.22

DV5045PD-002 F : proposed construction routing on local roads	Other Plans	12.08.22
21/3574 01-17: EMMS east (May 2022)	Other Plans	12.08.22
21/3574 01-15 : EMMS north (May 2022)	Other Plans	12.08.22
21/3574 01-16 : EMMS south(May 2022)	Other Plans	12.08.22
TPS FO 001 004 REV I : Eastern Fields	Other Plans	20.09.22
DV5045PD-003 D L consturction routing to principal road network	Other Plans	12.08.22
TPS FO 001 001 REV I : Complete Site	Other Plans	20.09.22
TPS FO 001 002 REV I : Northern Fields	Other Plans	20.09.22
TPS FO 001 003 REV I : Southern Fields	Other Plans	20.09.22
DV5045PD-TN01	Other Plans	13.09.22
LOA1001-209 C : substation details	Other Plans	16.05.22
PL.D.010 : reception site	Layout	16.05.22

10705A-C : glint+glare study	General Correspondence	16.05.22
21/3754.01	Ecological Assessment	16.05.22
LOA1001-200.1 C : PV array (2 portrait) details	Other Plans	06.05.22
LOA1001-200.2 C : PV array (3 portrait) details	Other Plans	06.05.22
LOA1001-208 C : transformer details	Other Plans	06.05.22
LOA1001-212 C : spare parts container details	Other Plans	06.05.22
LOA1001-215 C : CCTV details	Other Plans	06.05.22
PL.D.001	Location Plan	06.05.22
PL.D.002 : planning boundary (reception site)	Other Plans	06.05.22
PL.D.003 : planning boundary (main site)	Other Plans	06.05.22
PL.D.004 : field reference	Other Plans	06.05.22

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.

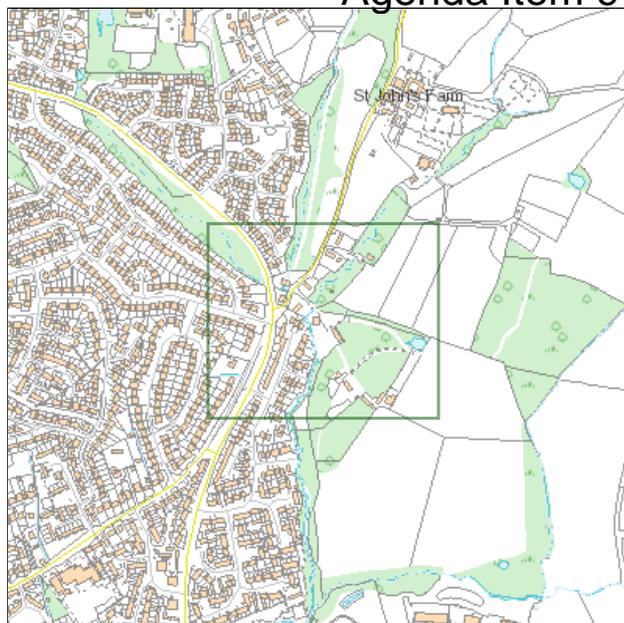
Ward Exmouth Withycombe Raleigh

Reference 22/0873/FUL

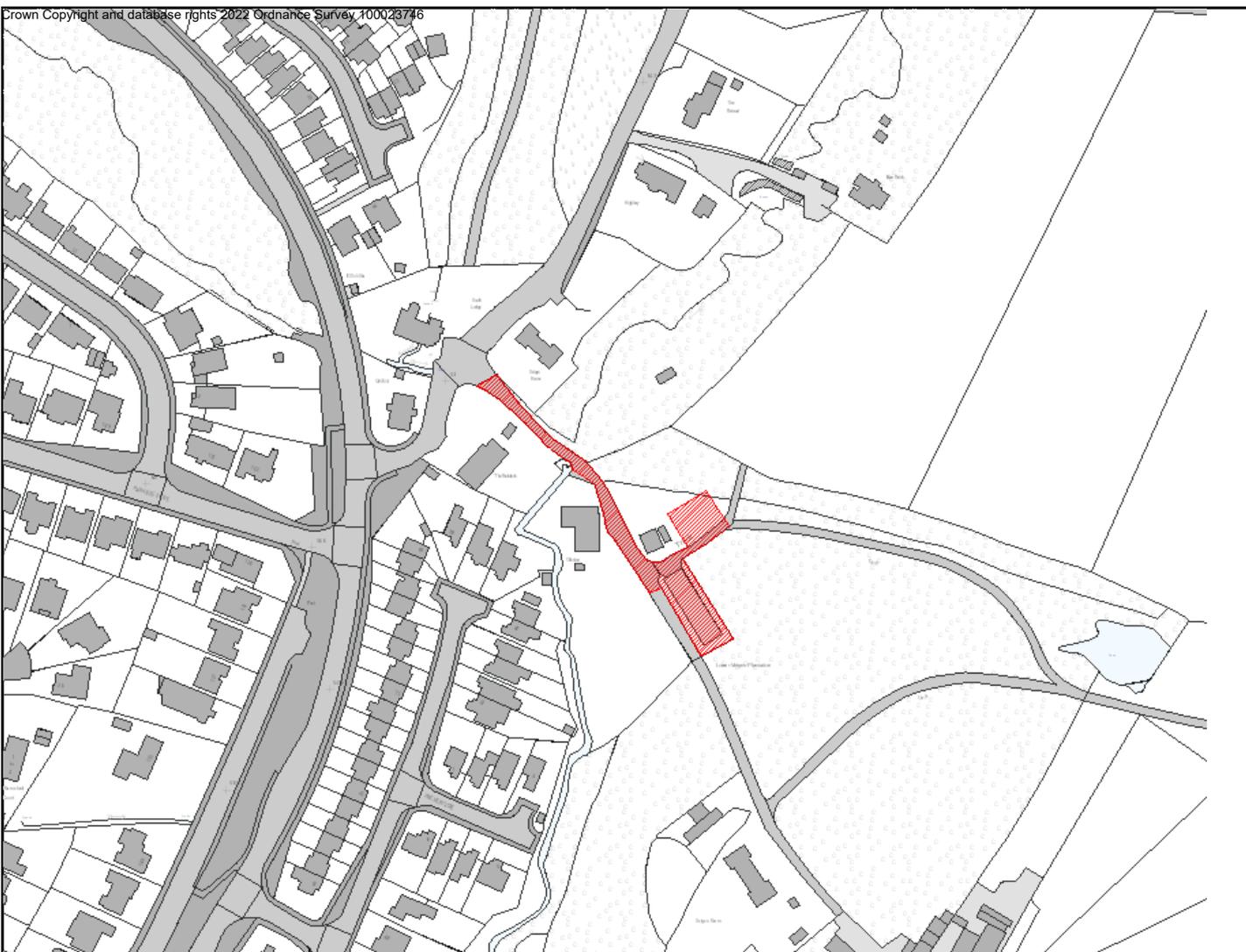
Applicant Mr Eric Biddulph

Location Olleston St Johns Road Exmouth EX8 5EG

Proposal Erection of a detached dwelling with associated parking and amenity space, vehicular access and landscaping.



RECOMMENDATION: Refusal



		Committee Date: 29 November 2022
Exmouth Withycombe Raleigh (Exmouth)	22/0873/FUL	Target Date: 21.06.2022
Applicant:	Mr Eric Biddulph	
Location:	Olleston St Johns Road	
Proposal:	Erection of a detached dwelling with associated parking and amenity space, vehicular access and landscaping	

RECOMMENDATION: REFUSE

EXECUTIVE SUMMARY

This application is before the Development Management Committee as Ward Members have expressed a contrary view to officers.

Planning permission is sought for the construction of a detached dwelling with associated parking and amenity area on the site of a former storage/agricultural building.

The site is located outside of, but adjacent to the built-up area boundary and within reasonable walking and cycling distance to existing services and facilities in Exmouth such that it is considered to be in an accessible and sustainable location. The provision of a new dwelling on previously developed land would make a limited but positive contribution to the Council's delivery of housing, on a site which is considered to be sustainably located, and would contribute to the District's 5 year housing land supply.

The proposed dwelling, although of a reasonable design, is considered to occupy a significant part of the site which is heavily constrained due the presence of substantial protected trees within close proximity of the site boundaries. The proximity of the trees is such that the main habitable rooms, and the majority of the dwelling would receive no sunlight and be shaded throughout the day. In this respect the relationship between the dwelling and the trees is such that the living conditions of any future residents would be dominated by the presence of the trees, particularly as they grow and mature.

Whilst a further area of land is proposed to provide an external amenity area for the dwelling, this is divorced from the dwelling, and also heavily shaded by the protected trees.

As a consequence, it is considered that there would be mounting pressure to remove or fell the trees as a result of the worsening amenity for any future residents which would be difficult to resist.

Notwithstanding the fact that the Council can no longer demonstrate a 5 year housing land supply and that the site is reasonably located in terms of sustainability, it is considered that the proposed development would fail to provide an acceptable level of residential amenity for future occupiers due to the presence of the protected trees.

On the basis of the poor levels of residential amenity the application is therefore recommended for refusal.

CONSULTATIONS

Local Consultations

Exmouth Withycombe Raleigh - Cllr Brenda Taylor

I would like this application to go to committee, my colleague Cll Steve Gazzard and I would approve this application, as we visited the site some months ago, and asked for a habitat survey.

The agent would like to speak

Parish/Town Council

Objection, the proposal was outside the Built-up Area Boundary for Exmouth and therefore considered to be development in the countryside. The proposal would further erode the rural character of the historic woodland and detrimental to the environmental setting. The application was considered to be contrary to policy EN1 of the Exmouth neighbourhood Plan which states development will only be permitted where it would not harm the distinctive landscape, and environmental qualities within which it is located. It was noted that DCC Highways had so far not commented, and the application was accompanied by an independent transport assessment. Members did not agree with the assessment that there will not be any increase in traffic. Even though the proposal was for a single dwelling it was for a very large property. The site has been subject to many previous planning applications which have refused due to concerns over Highway safety due to the substandard access to the site.

Parish/Town Council

Meeting 20.06.22

Objection sustained; the amended plans did not mitigate previous concerns raised. Members were concerned to prevent felling of the woodland and noted that a TPO had recently been served.

Technical Consultations

Devon County Highway Authority

Observations:

This site has had two reasonably recent applications in which the County Highway Authority (CHA) has had concern for;

- 19/0401/FUL, B1 and B8 use
- 17/1723/FUL, 4 New dwellings

The CHA is minded that both of these applications would have seen a material increase in trip generation compared to that of the existing permitted use.

However, the current proposed use, will be in placement of the former workshop unit and therefore although of course not operating now, has to be taken as the benchmark trip generation in comparison, with regards to this proposed use.

Therefore I believe, in this regard, the trip generation will not be greater from one dwelling to that of when the workshop was last in use, pre-2006.

As such although the visibility onto St Johns Road in the right direction is substandard, the use of the existing established access is not being increased in terms of permitted development, though this does require the hedge to be maintained to a similar level to that previously.

Therefore, in line with our pre-application site visit and report BTC21055, The CHA 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

Natural England

see comments under "document" tab

Natural England

Dear Sir/Madam,

Application ref: 22/0873/FUL

Our ref: 392166

Thank you for your consultation.

Natural England has previously requested further information on this proposal in our letter dated 16 May 2022, reference 391468.

The information is still needed by Natural England to determine the significance of impacts on designated sites. Without this information Natural England may need to object to the proposal.

Please note we are not seeking further information on other aspects of the natural environment, although we may make comments on other issues in our final response.

Please re-consult Natural England once this information has been obtained. On receipt of the information requested, we will aim to provide a full response within 21 days of receipt.

Natural England

Natural England has previously requested further information on this proposal in our letters dated 16/05/2022 & 18/05/2022.

The information is still needed by Natural England to determine the significance of impacts on designated sites. Without this information Natural England may need to object to the proposal.

Please note we are not seeking further information on other aspects of the natural environment, although we may make comments on other issues in our final response.

Please re-consult Natural England once this information has been obtained. On receipt of the information requested, we will aim to provide a full response within 21 days of receipt.

EDDC Trees

In principle construction of a building on the existing footprint is possible without being detrimental to the health of the trees remaining on site. However, due to the proximity of large woodland trees it is considered that the current proposal would lead to significant pressure to prune or fell trees due to safety concerns, which would be detrimental to the character of the area. The scheme should therefore be refused as it is contrary to our local planning policies D1, D2 and D3.

Comparisons of aerial images from 2016 and most recent show significant tree felling on the plot. The site immediately adjacent to the old workshop was a dense area of trees and formed a distinct part of the woodland edge. During this relatively short period of time, the character of the plot has changed. This includes part of the woodland which is proposed as a garden. I have significant concerns regarding pressure to prune / remove further trees which are within falling distance of the proposed property due to concerns over safety / perceived risks of failure. As noted within the arb report the trees are located 13m to the south east and 17m to the east of woodland trees which are up to 28m in height and therefore within easy falling distance. Many of these trees are described as 'etiolated specimens' and with the recent removal of neighbouring sheltering trees it is considered a dwelling would be inappropriate and detrimental to the long-term character of the woodland area. I do not agree that with the AIA that the density of trees is 'relatively low' nor that the proposal is sustainable.

It should be noted that permission was granted in October 2021 for the felling of five large of Ash trees due to ash die back within the neighbouring property of Olleston. A number of photos have been used by the applicant to show the relative close proximity of existing neighbouring residential dwellings. However, prior to the felling of the trees, the character of the neighbouring property was very much 'treed' which restricted views of the neighbouring properties. Five replacement trees are conditioned including Lime and Oak to ensure the 'woodland character' of the area immediate area is maintained which will be located directly to west of the proposed development.

Trees

Despite the proposal now incorporating construction to withstand strikes from trees, my original concerns still remain about proximity of potentially large woodland trees to the proposal and future pressure to prune / remove these trees. TPO's are only made where there is considered to be a significant threat to the trees. The making of the TPO does give the council a degree of control over the future management of the trees but the construction of a habitable space and associated garden in this locality does increase the perceived risk posed by the trees of either damage to one's property or injury to person, whereas the risk to un-inhabitant space is obviously lower and therefore there is less requirement to manage the trees. A large proportion of the tree teams workload is dealing with concerns from residents over the proximity of trees to properties where consent has been granted to build in close proximity to trees-particularly as trees grow. Furthermore the proposed location for the garden is located in what was until recently a wooded area and it is questionable whether this is a suitable usable space for a garden.

Other Representations

None received

PLANNING HISTORY

Reference	Description	Decision	Date
19/0401/FUL	Demolition of the existing workshops and provision of new workshops/storage utilising the existing footprint	Refuse	04.06.2019
17/1723/FUL	Demolition of workshop and construction of 4 no. dwellings, and change of use of land to provide detached garden areas with associated car parking.	Withdrawn	02.02.2018
04/P2075	Erection Of One Dwelling	Refused Appeal Dismissed	30.09.2004 21.06.2005
03/P0412	Change Of Use From Dairy/stables To Workshop	Approved	01.07.2003

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 6 (Development within Built-Up Area Boundaries)

Strategy 7 (Development in the Countryside)

Strategy 22 (Development at Exmouth)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)
D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)
EN14 (Control of Pollution)
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)

Government Planning Documents

NPPF (National Planning Policy Framework 2021)
National Planning Practice Guidance

Exmouth Neighbourhood Plan (Made)

EN1 Development in Built-up Area Boundary

Site Location and Description

The application site currently comprises a disused and dilapidated former agricultural/storage building set amongst a sylvan plantation setting, though some have recently been felled. To the west of the site lies a residential dwelling, with a more modern storage building to the north, on all other immediate sides the sites is surrounded by plantation trees.

The application site lies adjacent to but outside of the built up area boundary of Exmouth. Access is provided by a single track highway from St Johns Road which also serves the adjacent dwelling and a further property, becoming a private road shortly after the site.

Proposed Development

Planning permission is sought for the demolition of the existing building on the site and the construction of a new detached dwelling with integral garage, parking and a garden/amenity area. The proposed dwelling occupies virtually the whole of the main body of the site. There is a 3m wide strip of garden to the front of the dwelling, a 1metre pathway to the north eastern side of the building and an amenity area measuring around 75 square metres to the south east of the building. A further amenity area is located to the north east of the site.

The dwelling has accommodation on two levels, with the ground floor comprising living accommodation, with four bedrooms and associated bathrooms/en-suite facilities above.

The design of the property takes reference from a more traditional brick and wooden barn, under a slate roof, and incorporates a large glazed full height elevation to the south east, with the main aspect to the north east and a full height entrance to the lane side of the building.

ANALYSIS

The main issues to be considered in the determination of this application relate to the principle of the proposed development, the design, scale and impact of the dwelling on the character and appearance of the area, and any impact on highway safety, trees, or residential amenity.

Policy Context and Principle of the Development

Policy Context

The National Planning Policy Framework (NPPF) states that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The Council formally adopted the East Devon Local Plan 2013-2031 on 28th January 2016 and the policies contained within it are those against which applications are being determined and carry full weight. The Exmouth Neighbourhood Plan (NP) has been 'made' and also carries full weight.

Principle

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. Local planning authorities may take decisions that depart from an up to date development plan where there are material considerations in a particular case which indicate that the plan should not be followed.

The site lies outside of the built up area boundary of Exmouth and is not in an area allocated for development in any neighbourhood plan. Whilst adjacent to the built up area boundary, the site lies, in policy terms, in the open countryside. As such the proposed development falls to be considered under Strategy 7 of the EDDC Local Plan which seeks to protect the character and appearance of the surroundings from development that would have a detrimental impact, though it does not represent a bar on all development as it supports the principle of development if in accordance with other policies contained in the development plan. Strategy 22 relates to development at Exmouth where, within the development boundary, moderate new housing will be promoted.

There are no policies within the Local Plan which support applications for residential development in the countryside unless there is a proven agricultural, forestry or rural worker need and therefore this application is considered to be a departure from the Local Plan and has been advertised as such.

Sustainability and Accessibility

Strategy 7 of the Local Plan defines the countryside as all those parts of the plan area outside of the Built-up Area boundaries for towns and villages shown on the proposals map. This policy seeks to restrict development outside the Built-Up Area Boundaries of defined towns and villages with the intention of ensuring that the majority of new development is situated within established settlements in order to promote sustainable patterns of land use. Although the National Planning Policy Framework is less prescriptive about the location of new housing than the Local Plan, the overarching objective is also to achieve sustainable patterns of land use where the fullest use can be made of public transport, walking and cycling. Therefore, there is consistency between the Framework and the objectives of the Local Plan in this regard. The application site is located in the countryside, outside of the built-up area boundary as defined by the Local Plan.

Policy TC2- Accessibility of New Development of the Local Plan 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. The policy justification states that this is to positively influence travel patterns and movements by promoting development in the most sustainable locations where people can make realistic and viable alternative choices to the use of the car.

Whilst the site is in the countryside, it adjoins Exmouth's built-up area boundary and is considered to be within accessible walking and cycling distance to existing services and facilities in the area and in close proximity to existing public transport links into the town such that it is considered that it would be difficult to argue that the site is not sustainably located. This is particularly pertinent at the present time, when there is some doubt as to the ability to demonstrate that the Council has a five year housing supply.

The principle of new development on the site, given the lack of available housing land supply, and its sustainable location, is therefore considered to be acceptable unless any adverse effects of the proposal would significantly and demonstrably outweigh the benefits when assessed against the policies in the local plan and NPPF taken as a whole.

Design, Scale and Impact on Character and Appearance of Area

The proposed dwelling is on the site of a former large storage building and a derelict dairy building which occupied the site. The footprint of the dwelling would be slightly less than that of the former buildings, with the general design and proposed materials taking reference from the smaller derelict barn which remains on site. The design of the building takes a simple linear form, with the main aspect being to the north east and to the south where a full two storey height glazed gable end wall is proposed. The use of brick, wooden panels and a slate roof are typical of that found on many rural buildings. The overall design concept of the building is not considered to appear unreasonable although it is somewhat constrained by the surrounding trees.

In terms of wider impact, the proposed building would be sited adjacent to the lane, which beyond the site is a private track, with no public right of way. The site has trees to its eastern and southern boundaries, which are the subject of a new blanket tree preservation order. It is only visible from the lane, although it would be seen within the context of the neighbouring property and ancillary storage building. However it would extend virtually the whole width and most of the length of the main body of the site, providing little useable amenity space around it, which is somewhat at odds with the adjacent dwelling. Overall it is considered that the scale and position of the dwelling would appear too large for the size and constraints of the site, although the general design concept of the property is not considered to be unreasonable in this location.

Highway Safety

Policy TC7 - Adequacy of Road Network and Site Access of the Local Plan states that planning permission for new development will not be granted if the proposed access, or the traffic generated by the development, would be detrimental to the safe and satisfactory operation of the local, or wider, highway network.

Previous proposals for the re-development of the site, including that refused planning permission for the replacement of the existing building on the site with a new building accommodating 5 business units, were refused planning permission on the basis of the poor visibility at the junction of the lane onto St Johns Road and the intensification in the use of the site.

The existing building, albeit in a poor state of repair has been previously used as a workshop and store. Whilst this use has not been undertaken in recent years, it is considered that this remains the authorised use, and one which has the potential to generate relatively large vehicular movements. It is considered that this is a material consideration in the determination of the application. The potential traffic generation arising from the revival of the former use of the site, compared with that generated by a single dwelling has been considered by the Highway Authority who have concluded that they would have no objection to the proposal on the basis that it would be likely to result in less conflict with the existing road network. Whilst the junction at St Johns Road lies beyond the control of the applicant, and there is therefore no scope to improve the visibility at this point, the fact that there is an existing authorised use of the site remains, and any reduction in likely trip generation is supported.

Policy TC9- Parking Provision in New Development of the Local Plan states that spaces will need to be provided for Parking of cars and bicycles in new developments. As a guide at least 1 car parking space should be provided for one bedroom homes and 2 car parking spaces per home with two or more bedrooms. At least 1 bicycle parking space should be provided per home. The proposed dwelling, with an integral garage and parking for two cars is considered to comply with this policy.

Bearing the above in mind, no objection is raised on highway safety grounds.

Trees

The application is accompanied by an arboricultural impact assessment, tree protection plan and a site analysis in respect of the relationship between the proposed

dwelling and the surrounding trees, which are now the subject of a blanket tree preservation order. This analysis and the proposed protection details have been considered by the Council's Arboricultural Officer with the conclusion that the proposed dwelling could be constructed without damage to the existing trees surrounding the site.

New development in close proximity to trees can lead to pressure from future residents to lop or fell existing trees and the concerns raised by the Council's Arboricultural Officer in this respect are fully appreciated. Whilst the group of trees to the north west of the site are within the ownership of the applicant, most of the rest are within separate ownership, and therefore beyond the control of any future residents. The trees form part of a larger woodland area known as Lower Vieges Plantation. Whilst it is not clear when they were planted, the arboricultural report identifies the woodland as young/middle aged specimens, varying in growth from less than a third to up to two thirds of life expectancy. As such there is significant potential for further growth as the trees mature.

It is considered that the relationship between the trees and the proposed dwelling is such that notwithstanding the ability to be able to construct a dwelling without causing harm to the trees, the living conditions of any future occupiers would be dominated by their presence.

The imposition of the TPO provides legal protection against the removal of any further trees covered by the area, without approval. Whilst the trees lie outside of the control of the applicant, it is considered that as the trees grow and mature, the negative impact of their presence and the real or perceived threat to the dwelling and future residents would result in requests to cut back, or fell trees to allow more light to the garden and into the dwelling. These works may be difficult to resist given the likely adverse impact on the living conditions of occupiers of the proposed dwelling from the tree.

It is also relevant to note that the felling of 5 Ash trees within the neighbouring property to the immediate south west of the site, approved under reference 21/2367/TRE is conditioned to require replacement planting of 5 trees within the curtilage of the site, which may, over time, have a further impact on the amenity of the occupiers of the proposed dwelling.

Overall, it is considered that the proximity of large woodland trees would lead to significant pressure to prune or fell trees due to safety concerns which would be detrimental to the character of the area and contrary to policies D1 (Design and Local Distinctiveness), D2 (Landscape Requirements) and D3 (Trees and Development Sites) of the local plan.

Residential Amenity

Policy D1 of the Local Plan states that proposals should not adversely affect the amenity of occupiers of adjoining residential properties.

The orientation of the dwelling is such that the main aspect is to the north east and south, with only the entrance porch having an aspect towards the garden of the

existing property, Olleston, to the south west of the lane. Whilst the new building would be relatively close to the garden of the existing property, the lack of windows on the front elevation would ensure that no loss of privacy for the occupiers of the existing property would occur.

Whilst it is not considered that the proposal would have any material impact on the amenities of neighbouring residents, the main area of concern is for any future residents of the proposed dwelling. The submitted details indicate that the front elevation of the building would be to the north east, and that the building would be set at a lower level than the adjacent rising land. This land is outside of the control of the applicant, and with a metre wide strip of land to the boundary of the site, the ground floor windows, including the proposed lounge will face onto a retaining wall with rising land and the woodland beyond.

At the first floor bedroom windows, and proposed balcony on this elevation will similarly be looking over neighbouring land. Notwithstanding this, the shading plan indicates that due to the surrounding trees most of the proposed dwelling would be in shade, with very little sunlight into the building. The lack of natural sunlight and outlook onto a substantial woodland is considered to result in a poor standard of amenity for future residents.

The fully glazed south easterly aspect would allow light into the building, although again little sunlight, with the amenity space adjacent to the living area in constant shade from the adjacent trees. The lack of sunlight, significant shading and constrained rear outlook into the canopies of the trees at close range would fail to provide an appropriate level of amenity.

The proposed garden area to the north of the house would receive some direct sunlight during the day due to the more open south westerly aspect, although again it has large areas shaded. This area is detached from the dwelling, at a raised level and located at the furthest point away from the main living accommodation, and is within the area covered by the TPO, and therefore constrained in terms of providing an attractive and convenient garden space for residents.

Whilst the proposed development would not encroach within any of the root protection areas, the proximity of the trees, with the dwelling sited around 13m from the nearest tree to the south and 17m to the east is such that the dwelling would lie within falling distance of the trees. It has been suggest that appropriate measures, including the provision of a steel portal frame to resist tree strike could be employed to ensure safety, although this would not affect any perceived threat of fall.

Given the size of the dwelling proposed and modest size of the site, notwithstanding the separate amenity space, it is clear that the quality of the scheme has been compromised by the desire to maximise built floorspace without sufficient regard to the area's prevailing character, or the amenity levels of future residents.

Ecology

The application is accompanied by an ecological report which found no evidence of bats on the site although the surrounding woodland is likely to be used for foraging. A

disused wren nest was found within some ivy on the western elevation of the building, but no evidence of other nesting birds.

The report concluded that subject to appropriate mitigation, including the installation of integrated bird boxes, bat tubes, and the use of appropriate external lighting, the proposal would result in ecological enhancement.

Habitat Mitigation

The consultation response received by Natural England is requesting that additional information is required to address the impact of the proposed development on the designated sites, however this information was provided with the submissions and is addressed below.

The site is located in close proximity to the Exe Estuary and the East Devon Pebblebed Heaths Special Protection Areas (SPA's) which provide an important recreational resource for the local community. However, these are sensitive environments which are important to nature conservation and are subject to European wildlife site designations.

Despite the introduction of the Community Infrastructure Levy (CIL) where a proportion of CIL goes towards infrastructure to mitigate any impact upon habitats, contributions towards non-infrastructure mitigation are also required as developments that will impact on a protected habitat cannot proceed under an EU directive unless fully mitigated. Evidence shows that all new dwellings and tourist accommodation within 10 kilometres of the Exe Estuary and/or the Pebblebed Heaths Special Protection Areas (SPA's) will have a significant effect on protected habitats which is reflected in Strategy 47- Nature Conservation and Geology of the Local Plan. This proposal is within 10 km of the Exe Estuary and the Pebblebed Heaths and therefore attracts a habitat mitigation contribution towards non-infrastructure at a rate of £367.62 per dwelling which has been secured as part of this application.

Planning Balance

There are 3 dimensions to sustainable development – social, economic and environmental – which must be considered jointly. The provision of a new dwelling on previously developed land would make a positive but limited contribution to the district's housing supply, over which there is currently some uncertainty, on a site which is considered to be sustainably located, albeit outside of the defined built-up area boundary. Whilst the application would only provide a single dwelling, cumulatively individual plots can make a meaningful contribution to the housing supply, and deliver new properties in a more timely fashion.

The site would bring limited economic benefits to the area during the construction phase, and by the additional contribution arising from additional residents to the local economy

However, whilst the overall principle of development may be considered to be acceptable and there is no highway safety or ecological objections to the proposal, the size and position of the proposed dwelling and its relationship with the surrounding

woodland is not considered to respect the character and appearance of the area, provide an appropriate standard of residential amenity for future residents, and is likely to lead to pressure to fell protected trees.

RECOMMENDATION

To refuse the application for the following reasons:

1. The proposed dwelling by virtue of the limited space available within the plot and close proximity to the boundaries of the site and protected trees would have a restricted outlook and would appear constrained within the plot and lead to significant pressure to prune or fell trees. As such the development would be detrimental to the character and appearance of the area. The proposal would therefore be contrary to policies D1 (Design and Local Distinctiveness) (Design and Local Distinctiveness), D2 (Landscape Requirements) and Policy D3 (Trees and Development Sites) of the East Devon Local Plan, Policy EB2 of the Exmouth Neighbourhood Plan and guidance contained within the National Planning Policy Framework.
2. The presence of nearby protected trees and the relationship with the proposed dwelling, due to the shading and lack of sunlight into the dwelling, particularly in respect of the proposed living rooms, and private amenity area to the south east of the site, would result in a poor standard of residential amenity for future occupiers of the proposed dwelling. This would inevitably lead to otherwise unnecessary and potentially damaging arboricultural works that would detract from the present and future public amenity afforded by the protected trees. The proposal would therefore be contrary to policies D1 (Design and Local Distinctiveness) (Design and Local Distinctiveness), D2 (Landscape Requirements) and Policy D3 (Trees and Development Sites) of the East Devon Local Plan, and guidance contained within the National Planning Policy Framework.

NOTE FOR APPLICANT

Informative:

In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 in determining this application, East Devon District Council has worked proactively and positively with the applicant to attempt to resolve the planning concerns the Council has with the application. However, the applicant was unable to satisfy the key policy tests in the submission and as such the application has been refused.

Plans relating to this application:

8369-002 E	Proposed Block Plan	21.04.22
8369-003 C :	Proposed Combined	21.04.22
floor/roof	Plans	

8369-004 E : front	Proposed Elevation	21.04.22
8369-005 E : elevations/section	Proposed Combined Plans	21.04.22
8369-LP	Location Plan	21.04.22
8369-008 Rev A: Site Analysis Tree Proximity	Other Plans	16.06.22

List of Background Papers

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

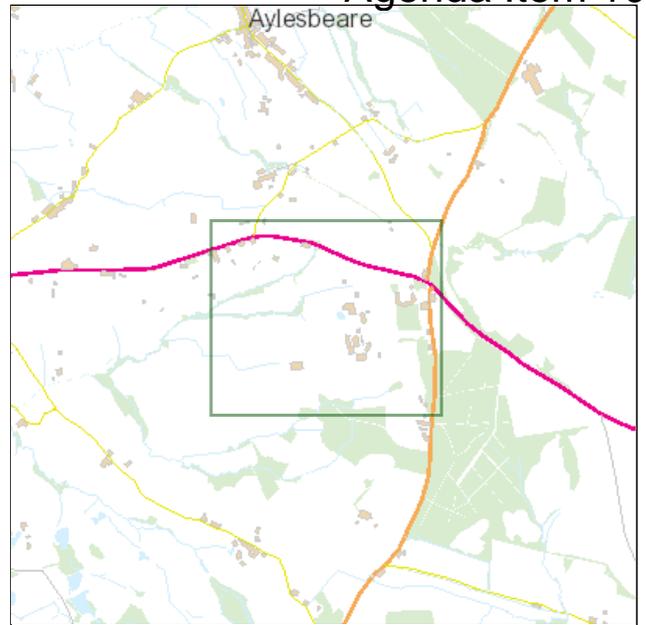
Ward Budleigh And Raleigh

Reference 21/1990/FUL

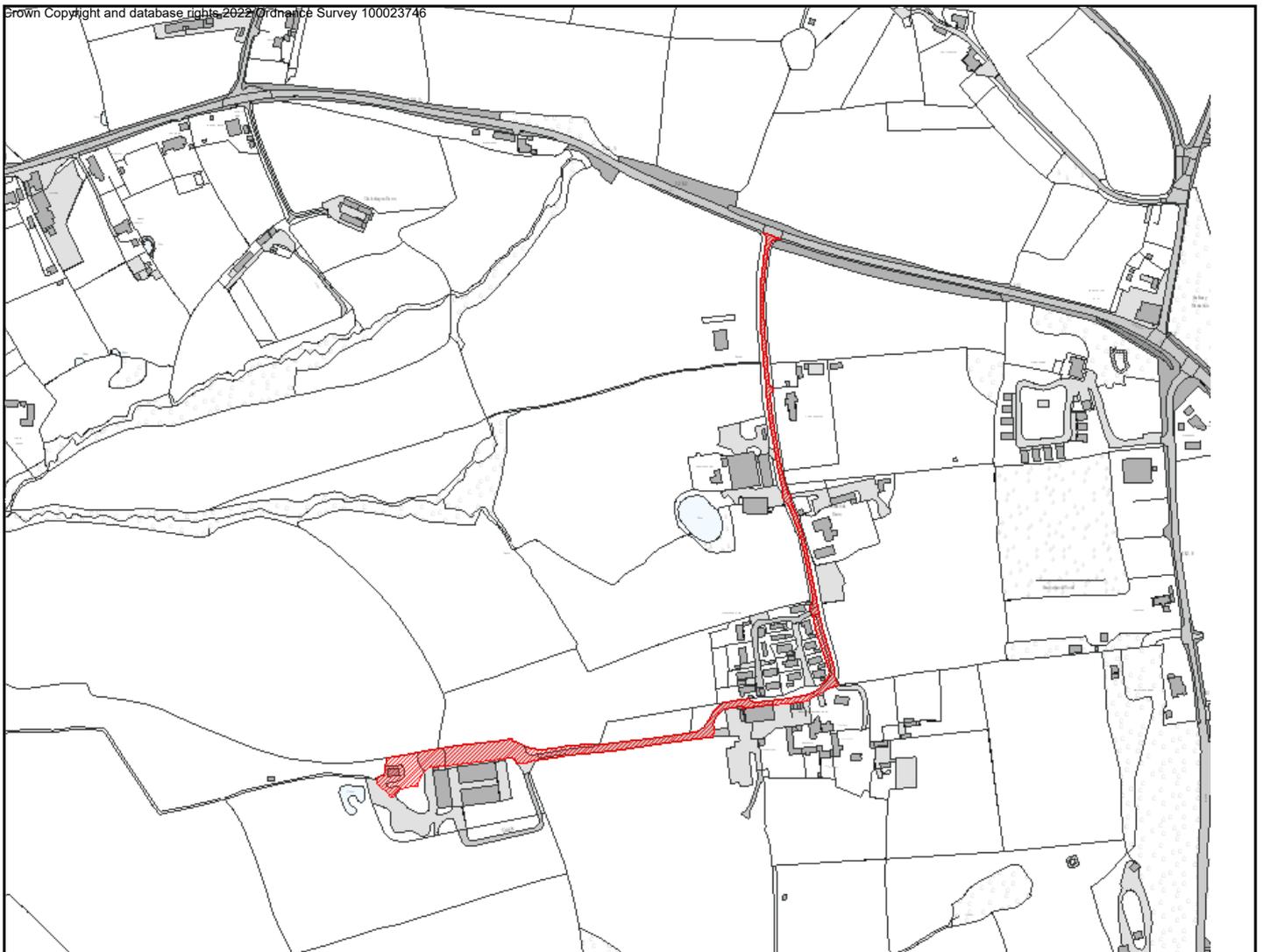
Applicant C.J. Wyatt & Son Richard Wyatt

Location Higher Hawkerland Farm Sidmouth Road
Aylesbeare Exeter EX5 2JW

Proposal Retention of 1-bed temporary mobile home
dwelling for farm worker (retrospective)



RECOMMENDATION: Refusal



		Committee Date: 20.12.2022
Budleigh And Raleigh (Colaton Raleigh)	21/1990/FUL	Target Date: 28.09.2021
Applicant:	Richard Wyatt (C.J. Wyatt & Son)	
Location:	Higher Hawkerland Farm Sidmouth Road	
Proposal:	Retention of 1-bed temporary mobile home dwelling for farm worker (retrospective)	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

This application is brought before the Committee owing to a difference of opinion between officers and the commenting ward member.

The application seeks permission for the retention of an agricultural worker's mobile home that is stationed on land at Higher Hawkerland Farm. The farm is located to the south west of the staggered crossroads junction of the B3180 with the A3052 and accessed off of a private lane shared with a number of residential properties and the park home complex at Newlands Park.

More specifically, it is positioned to the west of a complex of comparatively modern former agricultural buildings to the west of the original farm group around the main dwelling. The majority of the floor space of the former is now let as a series of units used for storage and distribution (use class B8) purposes following a successful appeal, against the Council's refusal of retrospective planning permission, in 2021.

The main agricultural enterprise currently operated from the farm, from which the principal justification claimed for the ongoing need for the accommodation is derived, relates to the management of a flock of breeding ewes and their progeny together with the sale of the lambs. The applicants' intentions are to grow the ewe flock over the next few years.

A second enterprise operated from the holding is an agricultural contracting business and the provision of services to other farmers, including grass silage baling and wrapping, ploughing and the supply of tractors and trailers to support other contractors. The applicants also sell surplus forage.

The proposal has undergone the scrutiny of an independent agricultural consultant on behalf of the Council.

Whilst there is acceptance of a requirement, in functional terms, for an on-site presence in order to manage the breeding ewe flock, this is on a seasonal basis only and it is not considered, particularly in the absence of a detailed business plan, that a functional need for an agricultural worker to be living on site permanently has been adequately proven.

Furthermore, on the basis of the limited information that has been provided, it is not thought that the need for a full-time worker has been justified or, in the absence of any financial forecasts, that the future operational viability of the enterprise has been demonstrated.

Indeed, it is also considered that the letting of the floor space within the farm buildings for class B8 uses is not indicative of significant intent in terms of the re-establishment of farming activity from the holding. Moreover, it has long been accepted that security issues are not in themselves sufficient to demonstrate an essential functional requirement to live on the agricultural unit.

The same also largely applies in relation to agricultural contracting, which is also acknowledged as not requiring an open countryside location from which to operate.

The proposal therefore fails to overcome the strict policy tests that seek to protect the countryside for its intrinsic value and ensure that new dwellings are only provided in such locations when they are truly necessary and would meet with the established functional and financial tests.

It is therefore for this reason, notwithstanding the support offered by the parish council and ward member, that the proposal is recommended for refusal. A supplementary recommendation for the authorisation of the appropriate legal action to secure the cessation of the use of the land for the stationing of the mobile home and its removal is also put forward.

CONSULTATIONS

Local Consultations

Parish/Town Council

Colaton Raleigh Parish Council supports this application. Whilst we understand this is a short term requirement, it is considered essential for the sustainability of this rural business.

Budleigh and Raleigh - Cllr Alan Dent

I wish to register my support for this application.

The farm worker concerned is the farm owner's son who normally would be commuting to this site.

His role is to look after the flock of 150 sheep which is planned to grow to 350.

As the farm owner is waiting for a replacement hip he is physically unable to fulfil all the duties needed to support the lambing season which is happening now. Thus the son's role is crucial to the continued success of this enterprise. The hours of work span a 24 hour period as this is the nature of lambing - hence the need for an on-site presence at all times of the day and night.

Additionally, in order to support the income necessary to sustain the farm the farmer contracts out some of his larger equipment; e.g. tractors, which also need maintenance - again provided jointly by both the farmer and his son.

This is a short term requirement but under current circumstances essential for the continued success of this rural business.

Technical Consultations

None.

Other Representations

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

PLANNING HISTORY

Reference	Description	Decision	Date
20/2732/COU	Siting of a mobile home for a temporary period to provide accommodation for a farm worker (retrospective application)	Withdrawn	10.05.2021

20/1582/FUL	Change of use and subdivision of Barns 1 and 2 and part of Barn 3 from agricultural use to form 10no. storage and distribution units (Use Class B8), including external alterations to provide a roller shutter door and a by-pass door to each unit, provision of infill cladding to the existing hit & miss boarding to the external walls and provision of a gravel finish to the existing earth hardstanding to form Yard 1 and Yard 2 to be used for additional external storage associated with the units (retrospective)	Refusal Appeal allowed	19.03.2021 16.11.2021
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17/1456/PDQ	Prior approval for change of use of agricultural building to form 2no. dwellings (use class C3) and associated operational development under class Q (a) and (b).	PDQB Prior Approval granted	25.08.2017
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13/0030/FUL	Proposed agricultural livestock building and access	Approval with conditions	09.04.2013
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13/0029/FUL	Proposed agricultural livestock building and access.	Approval with conditions	09.04.2013
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12/2347/FUL	Cattle building, dung store and access track	Approval with conditions	13.12.2012
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POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

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)
EN14 (Control of Pollution)
EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment System)
EN22 (Surface Run-Off Implications of New Development)
H4 (Dwellings for Persons Employed in Rural Businesses)
TC2 (Accessibility of New Development)
Strategy 5B (Sustainable Transport)
TC7 (Adequacy of Road Network and Site Access)
TC9 (Parking Provision in New Development)

(There is no neighbourhood plan in force for Colaton Raleigh parish.)

Government Planning Documents

NPPF (National Planning Policy Framework 2021)

ANALYSIS

Site Location and Description

Higher Hawkerland Farm is located on the south side of the A3052 within the parish of Colaton Raleigh. It is accessed via a shared private road that extends south off of the A3052 around 350 metres west of the staggered crossroads junction with the B3180.

The road serves a total of 27 residential properties, 18 of which are in Newlands Park, a park home complex.

The main farmhouse and a number of adjacent dwellings formed from barn conversions are located towards the end of the road where it turns sharply to the west. Continuing west past these dwellings, an unmade track leads to three former agricultural buildings, the majority of the floor space of which was granted planning permission, retrospectively, in November 2021 for conversion to form 10 storage and distribution (Class B8) units (application 20/2582/FUL refers). This followed a successful appeal against the Council's refusal.

The mobile home to which this application relates is positioned to the west of these buildings.

Background

The farmed area is reported to be 115 acres with 25 acres being cut for hay/silage and the balance of 90 acres used as grazing land.

Mr. and Mrs. Wyatt. (Snr.) have farmed at Higher Hawkerland Farm for many years. Mr Laurence Wyatt (Snr.) became a partner with CJ and MD Wyatt in 1976 as part of the farm, which initially ran a dairy herd.

However, the dairy business ceased in 2001 due to the effects of tuberculosis, foot and mouth disease and milk prices.

Around ten years later they decided to return to farming and set up a beef rearing enterprise. To facilitate this, three buildings were granted planning permission in 2012 and 2013 (see Planning History above) and were completed in October 2013. They were immediately brought into use housing cattle. However, the business was not viable and the stock was sold in the summer of 2014.

In September 2015, a calf rearing contract with Blade Farming commenced and, later that year, 200 sheep were purchased to help with the businesses' cash flow. However, with the business struggling, a calf rearing contract with VB Farms began in June 2017. The business improved and the sheep flock was reduced. However, in April 2019 VB Farms gave notice that the contract was to end owing to a change in tuberculosis regulations. The last calves left the farm in August of that year.

Unable to secure a new contract or finance for a new farming enterprise, the applicants converted the farm buildings to storage units. Although a subsequent retrospective application for this development was refused by the Council, in March 2021, an appeal against this decision was successful.

Currently, 225 ewes are also presently lambed on the holding and, within the next three to five years, it is intended to potentially lamb up to 350 to 400 ewes.

Mr. Wyatt, the farm owner, is now stepping back from the running of the farm. His son Mr. Richard Wyatt has therefore taken on an increased responsibility and, around three years ago, became a partner. Most of the physical work around the farm is now required to be carried out by Mr. Wyatt (Jnr.) due to the deterioration of Mr. Wyatt's (Snr.) health.

It is understood that Mr. Wyatt (Jnr.) lives in the proposed temporary dwelling.

The business operated a calf rearing enterprise for many years from the buildings. However, this ceased in 2019, although the retained buildings are still set up for calf rearing, albeit at this time are used in part to support the sheep enterprise.

Proposed Development

Planning permission is sought retrospectively for the retention of the mobile home for occupation by a farm worker, namely Mr. Wyatt (Jnr.).

The application particulars include an agricultural appraisal (incorporated within a design and access statement) and business plan. These have been referred to an independent external consultant for scrutiny.

As referenced above, one of the two main enterprises currently operated from Higher Hawkerland Farm centres upon a flock of around 225 breeding ewes. These are lambed in three groups throughout December, January and February.

Ewes lambled in December are sold with their lambs in January and February. Lambs born in January and February are sold finished in early summer. Lambs are sent to market twice a week when they reach approximately five months old.

The intention is to increase sheep numbers to 300 ewes by 2024 and, as stated above, expand further beyond that.

The second main enterprise operated from the holding is an agricultural contracting business. This is carried out by members of the business and provides a valuable service, assisting other local farmers. Some of the services provided include grass silage baling and wrapping, provision of tractor and trailers to support other contractors and ploughing.

Other enterprises include selling surplus forage and the renting out of sheds (i.e. the storage and distribution units referred to above) on a commercial basis to other local businesses.

Considerations/Assessment

Policy H4 (Dwellings for Persons Employed in Rural Businesses) of the adopted Local Plan permits new dwellings for rural workers in countryside locations subject to a number of criteria being satisfied. These are addressed in turn below and, where relevant, reference the advice provided by the independent consultant.

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

The overarching justification for the development set out in the design and access statement accompanying the application states that "the accommodation will be temporary in nature with the purpose of allowing the farm to regain a sound financial footing. Something that, going forward, would allow further investment in developing the farming activities and additionally to provide a long-term solution to the farm worker accommodation."

Within the statement, and during subsequent communications, the applicants' agents have identified and highlighted a number of reasons in favour of the need for a residential presence on site at Higher Hawkerland Farm in order to meet the essential and functional needs of the enterprises operated on the holding.

These can be summarised as follows:

- i) To attend to the welfare of the animals in order to meet the legal responsibilities as summarised in the five freedoms of animal welfare. At Higher Hawkerland Farm this includes the following:
 - a. Routine inspection of livestock and attending to their needs

- b. Checking water troughs
- c. Difficult lambing
- d. General lambing duties
- e. Feeding
- f. Bedding up
- g. Routine vet visits
- h. Monitoring Flystrike

ii) Security - There appears to be a high risk of sheep rustling as, in 2020, an adjoining farm had a flock stolen. The farm dogs are valuable and as dog theft is a common occurrence, the dogs cannot be left unattended. Additional on-site presence will increase security and deter thieves.

iii) Working sheep dogs - It is vital that the farm dogs are located within a secure residence within a close proximity to the sheep. This was made apparent during an unexpected torrential storm when, in order to maintain high standards of welfare and avoid loss of livestock, the sheep had to be rounded up. This was only possible due to the worker being within close proximity.

iv) Lambing season is a 24/7 operation and the unpredictability means a variety of issues can arise. Difficulties in lambing can include a lamb in breach, fluid in the lungs or a prolapsed ewe. These problems could result in loss of livestock if immediate attention is not received.

v) Monitoring of biosecurity would be significantly improved if the applicants were living on site.

vi) Routine checks of livestock are required from 05:00 and then periodically throughout the day until 00:00 - 01:00.

vii) The agricultural contracting enterprise means that expensive farm machinery is stored at Higher Hawkerland Farm, adjacent to the mobile home. Increased rates of rural theft means that the position of the dwelling will provide the essential security and deter thieves. Damage or theft of such machinery would cause a decrease to income and significantly affect the viability of the business.

viii) During harvest, from May to November, this machinery requires additional responsibilities which start from 05:00 and can continue until 23:00 - 00:00. Overnight repairs and maintenance may also be required in preparation for the day ahead.

ix) The farm is closely located to wedding venues and as a result firework displays are a frequent occurrence. These displays cause significant stress to the sheep and in the past has resulted in the sheep trampling and breaking through fences and suffocation. After the displays the sheep require checking immediately.

In consideration of these matters, it is accepted that for the proper functioning of the sheep enterprise operated at Higher Hawkerland Farm the essential and functional needs can only be fully met with an on-site presence.

However, this need is not all year round. Whilst, during the lambing periods of December through to February, it is essential for somebody to be available in close proximity to the sheep to support the essential needs of the livestock, whilst desirable it is not essential for somebody to be living on site for 12 months of the year.

The key test in this case is whether there is an essential need for a worker to live permanently at the farm. In this regard, while keeping livestock can be demanding, there is nothing in the supporting information to indicate that a permanent presence is required on site or that a worker could not live elsewhere and travel to the farm.

Indeed, if there is a particular need to live on site during the lambing season then permitted development rights already allow for a caravan to be stationed on the land during that season. Based on the evidence provided this should be sufficient to cover the essential need.

Likewise, a high workload and long hours are not in themselves reasons to live on site.

Equally, the security of machinery is not itself considered to represent sufficient justification for a permanent presence on site when other security measures should be put in place first. Indeed, in any event it has long been established that agricultural contracting operations do not need to be located within the open countryside and therefore rarely meet the policy justification for a rural worker's dwelling.

In the absence of convincing justification therefore, it is not accepted that an essential need to live permanently on the site has been demonstrated.

Reference is made in the independent external consultant's appraisal to consideration having been given by the applicants to the re-establishment of the calf rearing enterprise, with the ability to do so supported by the retention of the appropriate infrastructure. However, it has not been referred to within the agents' appraisal and no proposals demonstrating any such intent, backed up by a business plan (see next section of report), have been forthcoming.

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

The application is for the retention of a temporary dwelling and therefore this criterion is not relevant.

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 business has been established at Higher Hawkerland Farm for many years and it has been advised that accounts, which are available to the Planning Authority on request, demonstrate that the business is financially viable.

However, given that the proposal relates to the provision of a temporary dwelling, it is important that there is evidence that the relevant enterprises are planned on a sound

financial basis. To date, and in spite of requests made by the Council's external consultant, financial forecasts that are referred to within the design and access statement/appraisal have not, at the time of writing, been provided.

At this stage therefore it cannot be assumed that the future operational viability of the business has been satisfactorily demonstrated and, as such, the proposal fails to meet with this criterion.

Whilst the farm has been established for a long time, the last twenty years show little evidence of commitment to farming the land or success at running a calf rearing enterprise. Even if the latter was due to reasons beyond the applicant's control, there is little evidence of any plan to establish a viable farming enterprise, particularly in light of the planning permission for the storage units.

In the absence of any plans for the business there can be no confidence that even in the short term a dwelling would be justified.

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

Standard man day calculations (SMDs) supplied by the applicants' agent do not demonstrate that the proposed business relates to a full-time worker. The appraisal confirms that the need of the whole farming operation equates to 263 SMDs, which is only 0.96 of a full time equivalent.

Furthermore, the figures provided by the applicants include operations that do not relate to the essential need activities of the sheep enterprise. The SMDs directly related to the livestock operations are only 153, which is only 0.56 of a full time equivalent.

This further reinforces the case that there is no requirement for a worker to live permanently on the site and, as such, this criterion of Policy H4 is not satisfied.

5. There are no buildings on the operational holding suitable for conversion to meet the residential need or existing 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

The space provided by the complex of farm buildings to the east of the mobile home is primarily rented out on a commercial basis and it is understood will remain so going forward. As referenced above, the majority of it is let for class B8 purposes with very little floor space retained for agricultural use.

Moreover, there are no other known buildings on the holding that are used for agricultural purposes. As such, it is not considered that the present situation represents strong evidence of an intention to continue to re-invest in the farming enterprise(s) going forward.

There are two residential dwellings on the farm. However, both are either fully occupied by long-term tenants or the owners of Higher Hawkerland Farm who are partners in the business.

A barn adjacent to the main farm buildings, which would potentially serve the functional need of the livestock enterprise operated on the holding, has previously had the benefit of prior approval for conversion into 2 dwellings (application 17/1456/PDQ). However, the approval has now expired without being implemented due to the lack of finances available to carry out the building works required to convert the building.

There are therefore buildings on the holding that are suitable for conversion and capable of meeting any need were a functional need and the financial test to be met. Although the applicants comments about the lack of finances to carry out the conversion are noted insufficient financial information has been submitted to demonstrate this and so it is considered that criterion 5 is not satisfied.

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

The applicants accept that any permission granted for the retention of the mobile home as a rural workers dwelling will be subject to an occupancy condition.

In conclusion, the supporting information does not demonstrate that the farming activities justify a permanent presence on site or that the business is planned on a sound financial basis. Although the mobile home is well screened from public vantage points, and as such creates little impact upon the local landscape, this does not in itself justify its presence in the countryside contrary to the overarching strategy of the Local Plan which is to provide homes in sustainable locations and, in cases such as this, where there is a proven need for a rural worker.

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. 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.

RECOMMENDATIONS

1. That the Habitat Regulations Appropriate Assessment be adopted.
2. That the application be REFUSED for the following reasons:
 1. On the basis of the information submitted, the Local Planning Authority is not satisfied that it has been adequately proven that there exists an essential agricultural need for the mobile home to facilitate the functional requirements of the agricultural enterprise that is operated from Higher Hawkerland Farm or that its future operational viability has been demonstrated. It has also not been demonstrated that existing buildings on the holding could not be utilised to meet any need for a dwelling. The proposal therefore represents unjustified residential development within the open countryside. As a consequence, it is contrary to the provisions of Strategy 7 (Development in the Countryside) and Policy H4 (Dwellings for Persons Employed in Rural Businesses) of the adopted East Devon Local Plan 2013-2031 and the guidance set out in paragraph 80 of the National Planning Policy Framework (2021).
 2. In the absence of a proven essential agricultural need for the mobile home the development, by reason of its location in the open countryside, distanced from essential services and facilities required for daily living and where options for alternative modes of transport are extremely limited, constitutes an unsustainable form of development with reliance upon the use of the motor vehicle to access such services and facilities to meet the everyday needs of residents. As such, the proposal is be contrary to the provisions of Strategies 51B (Sustainable Transport) & 7 (Development in the Countryside) and Policy TC2 (Accessibility of New Development) of the adopted East Devon Local Plan 2013-2031 as well as guidance contained in 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:

8081-100 A	Proposed Site Plan	30.07.21
8081-LP	Location Plan	30.07.21

List of Background Papers

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

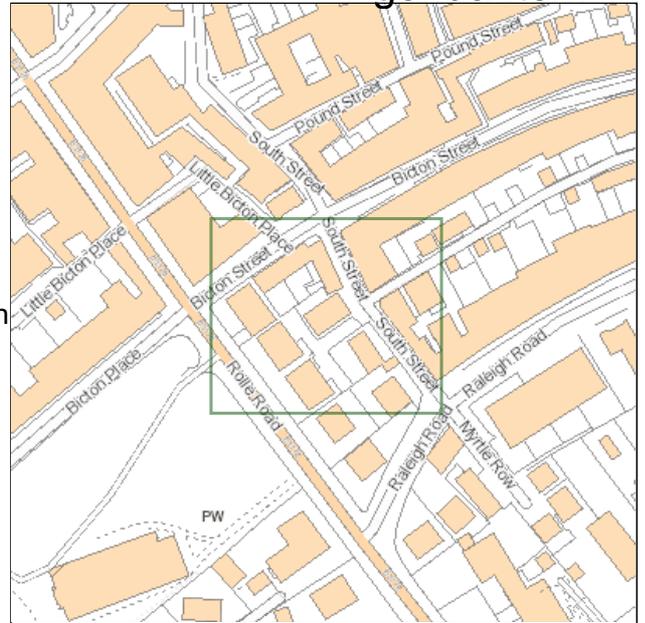
Ward Exmouth Littleham

Reference 21/1546/FUL

Applicant Mr Loveridge

Location British Red Cross Society South Street Exmouth EX8 2SA

Proposal Erection of a three storey building to include 4 x 2 bed flats, office suite, and 2 x front dormers with associated parking and amenity space including demolition of existing hall.



RECOMMENDATION: Refusal



		Committee Date: 20 December 2022
Exmouth Littleham (Exmouth)	21/1546/FUL	Target Date: 15.11.2021
Applicant:	Mr Loveridge	
Location:	British Red Cross Society, South Street, Exmouth	
Proposal:	Erection of a three storey building to include 4 x 2 bed flats, office suite, and 2 x front dormers with associated parking and amenity space including demolition of existing hall	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

This application was originally deferred by Members at the Planning Committee in March to allow further negotiation by officers to seek changes to reduce the bulk of the building, and to amend its design and position to address the concerns raised regarding the impact upon neighbour amenity and the size of the parking spaces.

Since this time further discussion has taken place regarding the design, scale and bulk of the building and its position within the site, however whilst some changes have been made, namely the reduction in the overall height of the building to the same as the neighbouring properties, and the redesign of the second floor elevation and internal room configuration, the position and footprint of the building remains as previously considered. Other amendments include additional solar panels on the roof of the building and the provision of three parking spaces and electric charging points to the front of the building.

Whilst the proposed changes are noted, Officer opinion remains that the building is too large for the site and that the development would still have a detrimental impact on the residential amenity of the occupiers of neighbouring properties.

This report has been amended to reflect the alterations which have been made, and updated with amended consultation responses and additional representations received.

It is before Planning Committee because the Officer recommendation is contrary to Ward Members and Exmouth Town Council.

The brownfield site occupies a sustainable position close to Exmouth town centre and adjacent to the Conservation Area.

There is no objection raised to the principle of development in this location and the retention of a business use within the proposal is welcomed and considered to weigh in favour of the development.

However there is significant concern regarding the scale and form of the proposal which is considered to be too large for the site. Whilst the design details of the frontage of the building is generally reflective of that existing in the immediate vicinity, and the overall height of the building has been reduced by 0.5m, its depth, bulk and overall scale would result in an incongruous and inappropriate development.

The size and layout of the building would have a detrimental impact on the residential amenity presently enjoyed by neighbouring residents in terms of loss of outlook, visual intrusion and loss of privacy.

The proposals would result in less than substantial harm to the character of the Conservation Area and there would be some public benefits, in terms of new office accommodation, relatively affordable new sustainable homes and construction jobs during the building of the development.

However, whilst the benefits of the proposed development are recognised it is not consider that these would outweigh the harm to the character and appearance of the area or the residential amenities of the occupiers of surrounding properties, and the application is consequently recommended for refusal.

CONSULTATIONS

Local Consultations

Exmouth Littleham - Cllr Bruce De Saram (amended plans)

I am able to continue to support these amended plans in principle following various emails with the Team and so I feel it may have to come back to Committee to reach a decision. I remain impartial and will keep an open mind on this matter

Ward Member Cllr Bruce De Saram (original plans)

So my initial observation is that I have No objection to this development but I will await the Officer Report as the Chair has indicated to add in any comments, I make based on the report. I will of course keep an open mind on it and be impartial.

Ward Member Cllr Chris Wright (original plans)

Thank you for the clarification, I do support the application having also visited the site and do believe that it requires further discussion at committee level. As Cllr De Saram was a little clearer in his email this is of course somewhat academic.

Parish/Town Council (amended plans)

No objection to amended plans

Parish/Town Council (original plans)

No objection

Technical Consultations

Environmental Health (amended plans)

As per my previous comments.

Environmental Health (original plans)

The applicant must ensure that sound insulation works are carried out in all adjoining walls & ceilings between the office space and residential units in order to ensure that noise (including low frequency noise) generated within the offices does not disturb the occupiers of the associated residential premises.

Reason: To protect the future residents from excessive noise.

Other Representations (amended plans)

Six additional representations have been received raising objections, summarised below

- Overshadowing and loss of sunlight
- Building is still too high
- Additional traffic
- Parking problems exacerbated
- Proposed building too large
- Too close to properties to the rear
- Loss of privacy
- Lounge and kitchens will overlook houses in South Street
- Density too great

Other Representations (original plans)

Five representations have been received, 1 in support, 3 raising objections and 1 neutral; summarised below

Support

- Proposal will maintain office presence in the building
- Existing building tired and in need of updating
- Will provide much needed affordable housing
- Will provide space for business
- Public parking is available nearby
- Suitable area for mixed use

Objection

- Building too high blocking sunlight to garden and property

- Potential loss of light to rear of building
- New building closer than existing to the rear of existing property
- New building shouldn't be taller than the existing
- Increase in noise nuisance
- Soundproofing will not stop noise from open windows
- Insufficient parking
- Overdevelopment of the site
- Overlooking and loss of privacy

Neutral

- Potential increase in traffic
- Potential loss of light/sunlight

PLANNING HISTORY

Reference	Description	Decision	Date
18/2596/FUL	Demolition of existing hall and construction of 5 no. flats	Withdrawn	18.04.2019

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 22 (Development at Exmouth)

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

D1 (Design and Local Distinctiveness)

EN10 (Conservation Areas)

EN14 (Control of Pollution)

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)

Exmouth Neighbourhood Plan 2018-2031 Policies

EB1 Heritage Assets

EB2 Design

EB3 Loss of Employment Space

Government Planning Documents

NPPF (National Planning Policy Framework 2021)

National Planning Practice Guidance

Site Location and Description

The application site comprises a former British Red Cross Society building located within the built-up area boundary of Exmouth. The building is of single storey construction, with a gable fronted elevation onto South Street, and extending to virtually the full depth of the site. A lean-to extension has been constructed towards the rear of the building on its north-eastern side which accommodates a store and WC facilities. The main body of the building comprises a meeting hall, with office and a kitchen located at the front of the building. Informal parking is provided on a forecourt adjacent to South Street.

The building has residential properties to the north, south and west, with a small theatre located to the north east. The properties to the west comprise a number of flats which front onto Rolle Road, but which have rear access and garages served by a driveway to the immediate south of the Red Cross building, beyond which is a detached bungalow. Other residential properties front onto South Street, with integral garaging on the ground floor with residential accommodation above.

The boundary of the Exmouth Conservation Area lies on the opposite side of South Street.

Proposed Development

Planning permission is sought for the demolition of the existing building on the site and the construction of a three storey development. The submitted layout provides an office suite and a two bedroom flat on the ground floor, 2 two bedroom flats on the first floor with a further 2 bedroom flat on the second floor.

The latest plans indicate parking for 4 vehicles, although the supporting information suggests that parking for 3 vehicles with electric charging points is proposed to the front of the development, together with a bin store, with a side access leading to a rear garden area and a secure cycle store.

The proposed frontage design and materials are generally reflective of the area, using facing brick under a slate roof, with brick soldier course detailing above and below the front windows.

The design of the rear of the building now indicates the second floor having a double gable design, instead of the hipped roof previously proposed.

Internally the layout has been amended with the first and second floor accommodation being switched with the lounge/kitchen areas now at the front of the building with bedrooms to the rear.

ANALYSIS

Having regard to the strategic and management policies in the East Devon Local Plan (Local Plan) and the made Exmouth Neighbourhood Plan (Neighbourhood Plan), the main issues to be considered in the determination of this application are as follows:

- Principle of Development
- Design and Impact on the Character and Appearance of the Area
- Heritage Impact
- Residential Amenity
- Highway Safety and Parking Provision

Principle of Development

The application site is located within Exmouth which is considered to be a sustainable location for new development and where Strategy 6 (Development within Built-Up Area Boundaries) and Strategy 22 (Development at Exmouth) support appropriate additional growth and development, subject to appropriate design and amenity considerations.

Policy EN1 of the Neighbourhood Plan states that proposals for development within the built-up area boundary will generally be supported. Development will only be permitted where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located.

The site is located relatively close to the centre of Exmouth in a reasonably sustainable location with access to shops, services and everyday facilities which are accessible on foot as well as public transport links again accessible on foot. The principle of development in location terms is considered to be acceptable and in compliance with the Strategic policies within the Local Plan and the Neighbourhood Plan.

Since the former use of the building by the Red Cross Society ceased there have been a variety of commercial and business occupants of the building, with the current occupiers using the building for office and storage purposes. Strategy 32 (Resisting Loss of Employment, Retail and Community Sites and Buildings) of the Local Plan and Policy EE3 of the Neighbourhood Plan seek to resist the loss of employment sites and uses unless they are no longer economically viable and have been fully marketed. The previous application for the redevelopment of the site was withdrawn partly due to the loss of a viable employment use. This application seeks to retain an employment use through the inclusion of an office suite, and whilst this would have a reduced floor area it would provide far better quality accommodation than that existing. On this basis, as an employment use is being retained with the benefit of improved facilities, it is considered that the proposed development would be policy compliant.

Design and Character of the Area

The front of the building takes design references from the neighbouring properties, using similar materials, window styles and dormer windows. It is now of the same height as the modern terrace to the north, and other development in South Street, and lower than the properties to the west fronting Rolle Road due to falling ground levels. It has been set back from the rear of the pavement to provide some parking to the front of the building.

The position, scale and bulk of the building with parking to the front is not reflective of that to which it is most closely visually related, namely the northern part of South Street and Bicton Street, much of which is within the Bicton Street Conservation Area.

Neither is it reflective of that to the south, where there are two detached bungalows which sit somewhat awkwardly amidst the other edge of pavement development found within South Street.

It is considered that, despite being set back from the road, the building would appear prominent within the streetscene due to its depth and bulky roof form, and whilst it is appreciated that the full south eastern elevation would only be seen from limited vantage points, the scale is such that it would appear visually intrusive and incongruous within this context. As a result the development would be detrimental to the character and appearance of the area and on this basis the proposal would fail to comply with Policy D1 (Design and Local Distinctiveness) of the Local Plan and EB2 of the Neighbourhood Plan

Heritage Impact

Exmouth Conservation Area lies to the north east of the site, with the Blackmore Theatre on the opposite side of South Street forming the southern boundary of this part of the conservation area.

The site is not prominent within the setting of the conservation area, and the theatre building opposite is actually considered to be a detracting feature within it, although occupying a corner location the frontage is recognised as a key building. The side elevation of the theatre is functional.

Within the context of the conservation area, it is not considered that the position of the building being set back from the proposed pavement and with parking to the front would have any positive impact on its setting. It is, however, recognised that the site is not within the conservation area, and whilst the proposal is considered to have a visually intrusive impact on the immediate character of the area, and this part of South Street, it is considered that overall this would result in less than substantial harm to conservation area itself.

When considering the impacts of a proposed development on the significance of a designated heritage asset paragraph 199 of the NPPF states that 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.

In these circumstances under the provisions of paragraph 202 of the NPPF, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

There are public benefits arising from the proposal including the provision of new housing, and modern purpose-built office accommodation, which weigh in favour of the development, however the design and position of the building is such that it would not make a positive contribution to the setting of the conservation area.

Residential Amenity

The proposed building is significantly larger than the existing single storey structure on the site, although the site coverage is less. Whilst the design has been amended and the overall roof height lowered the proposed floorspace remains as that previously considered. The alterations to the design of the south western elevation, changing from a hipped roof to gables, have the further effect of increasing the mass of the building at the rear.

It is the relationship between the proposed building and the neighbouring properties that remains the most significant concern, with various aspects of the design, position and layout of the building considered to result in a loss of amenity for neighbouring residents.

The distance of 11m between habitable rooms of the proposed flats and the properties in Rolle Road is not considered to be acceptable. This relationship is considered to be inappropriate in this location, resulting in a significant loss of outlook and visual intrusion for the occupiers of the existing flats in Rolle Road, particularly emphasised by the increase in bulk of the proposed building created by the raising of the eaves and alteration to the hipped roof on this elevation.

It is also considered that the relationship between the buildings and layout of the proposed flats would further result in mutual overlooking between the existing and proposed dwellings. The introduction of bedroom windows, rather than the roof lights previously proposed at the second floor level is of particular concern, although there is some improvement at first floor due to the lounges being relocated to the front of the building.

Concerns were previously raised in respect of the loss of amenity in terms of overlooking, loss of privacy and over shadowing for the occupiers of the dwellings whose rear gardens abut the north western boundary of the site. The reduction in size, rearrangement of the internal layout, and use of obscure glazing are now considered to be appropriate to mitigate any potential overlooking. However there remains concerns regarding the increased bulk of the development on the site that will, due to the orientation and size of the building, result in a loss of sunlight to these gardens.

Given the proposed office/business use within the building and its relationship with the residential accommodation, the Council's Environmental Health Officer had suggested an appropriate condition be applied to any grant of permission to ensure that noise generated within the offices does not disturb the occupiers of the associated residential premises.

It is considered that whilst any amenity issues arising from the use of the proposed office can be conditioned, the proposed development, as amended would still have a harmful and detrimental impact on the residential amenity of the occupiers of neighbouring dwellings, and on future occupiers of the proposed flats, and as such the proposal would fail to accord with Policy D1 (Design and Local Distinctiveness) of the Local Plan.

Highway Safety and Parking

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

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

The site is within the vicinity of Exmouth town centre, which has various facilities and services, this together with the near train station, bus services to Exeter and further afield, and the Exe-estuary trail makes this development suitable for non-car sustainable travel.

The development proposes the creation of a pavement across the road frontage, which is currently lacking, which is welcomed. It also now suggests that 3 off road parking spaces will be created. Whilst this is below that normally required for a development of this nature, it is considered that the location is such that it could be considered for a parking free development. There is a full range of services and facilities readily accessible on foot together with good public transport links within easy walking distances.

Overall, and despite the practicalities and restricted parking proposed, and subject to a condition that requires the installation of the cycle storage prior to occupation of the residential units the location of the site is such that no objections are raised in terms of highway safety or parking provision.

Habitats Mitigation

The nature of this application and its location close to the Exe Estuary and Pebblebed Heaths and their European Habitat designations is such that the proposal requires a Habitat Regulations Assessment. This section of the report forms the Appropriate Assessment required as a result of the Habitat Regulations Assessment and Likely Significant Effects from the proposal. In partnership with Natural England, the council and its neighbouring authorities of Exeter City Council and Teignbridge District Council have determined that housing and tourist accommodation developments in their areas will in-combination have a detrimental impact on the Exe Estuary and Pebblebed Heaths through impacts from recreational use. The impacts are highest from developments within 10 kilometres of these designations. It is therefore essential that mitigation is secured to make such developments permissible. This mitigation is secured via a combination of funding secured via the Community Infrastructure Levy and contributions collected from residential developments within 10km of the designations. This development will be CIL liable and the financial contribution has been secured. On this basis, and as the joint authorities are working in partnership to

deliver the required mitigation in accordance with the South-East Devon European Site Mitigation Strategy, this proposal will not give rise to likely significant effects.

CONCLUSION

The proposed re-development of this site would introduce new residential development on a brownfield site close to the town centre in a sustainable location.

However the design, form, height and scale of the proposed building is considered to be excessive for its location, resulting in a development which would be overbearing within its context and which would have a detrimental impact on the amenities of neighbouring residents. It is therefore recommended that the application is refused.

RECOMMENDATION

REFUSE for the following reasons

1. The proposed development, by reason of its scale, massing and design, would constitute an incongruous and visually intrusive form of development that would be contrary to the character and appearance of the area. The proposal is considered to be contrary to Strategy 6 (Development within Built-Up Area Boundaries) and Policy D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan 2013-2031 and Policy EB2 of the Exmouth Neighbourhood Plan and paragraphs 130 and 134 of the National Planning Policy Framework.
2. The proposed development by reason of scale, bulk, form and proximity to the boundaries of the site would be visually intrusive and overbearing, resulting in a loss of outlook and consequent amenity for the occupiers of properties to the south west of the site. It would further result in a loss of amenity in terms of visual intrusion and overshadowing for the occupiers of properties to the north of the site. The proposal would therefore be contrary to Policy D1- Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031 which seeks to ensure the amenities of adjoining residents are not adversely affected by development and paragraph 130 (f) of the National Planning Policy Framework.

NOTE FOR APPLICANT

Informative:

In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 in determining this application, East Devon District Council has worked proactively and positively with the applicant to attempt to resolve the planning concerns the Council has with the application. However, the applicant was unable to satisfy the key policy tests in the submission and as such the application has been refused.

Plans relating to this application:

Location Plan

24.06.21

R11820-1D Proposed Combined 17.10.22
Plans

List of Background Papers

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

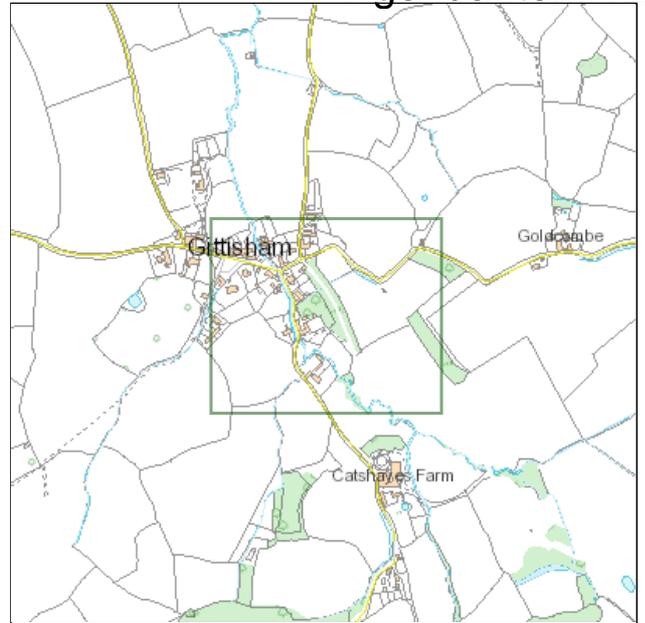
Ward Feniton

Reference 22/1197/FUL

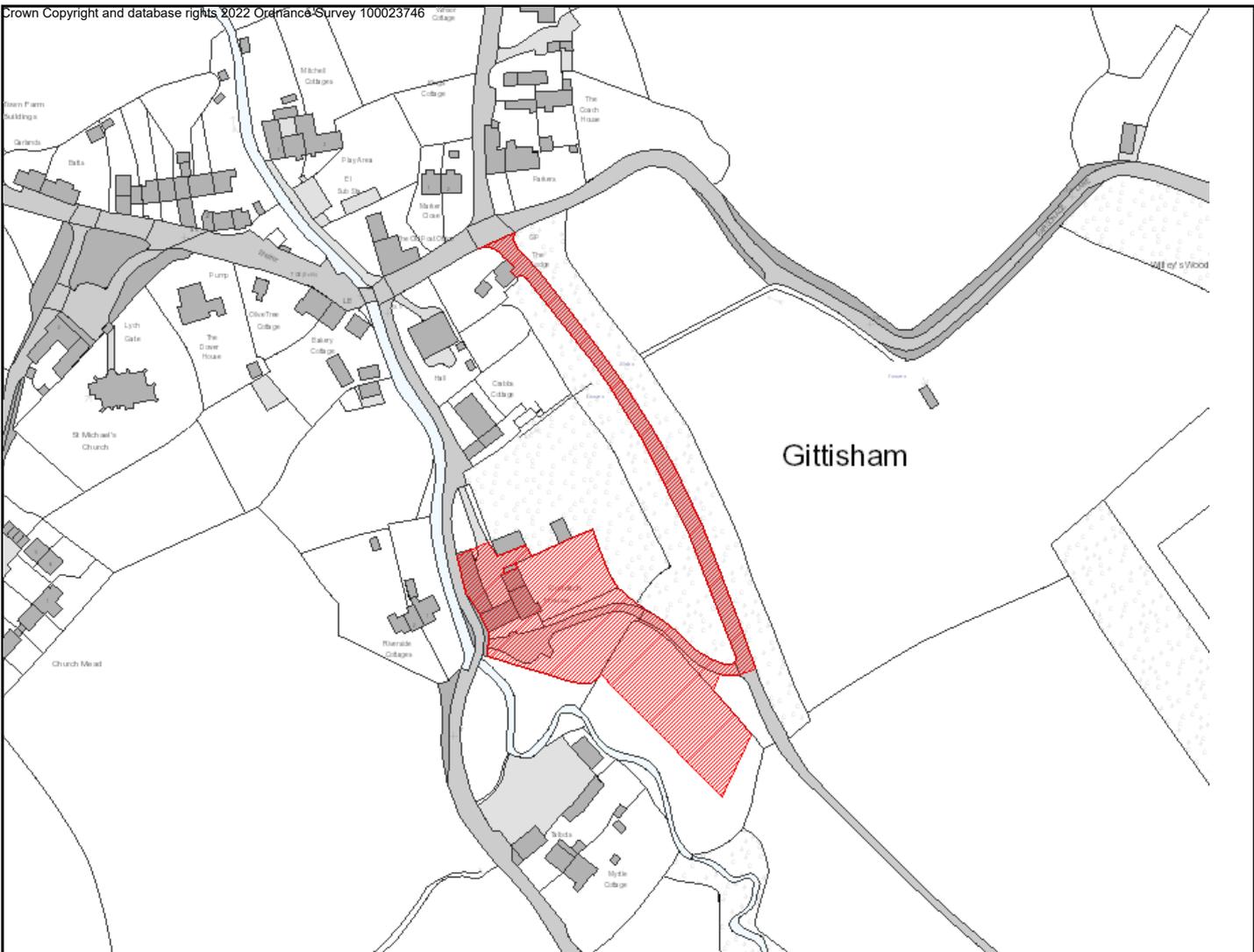
Applicant Mr Robin Hutson

Location Curlditch House Gittisham Honiton EX14 3AE

Proposal Proposed siting of 5 no. Shepherd's Huts in the field southeast of Curlditch House.



RECOMMENDATION: Approval with conditions



		Committee Date: 20.12.2022
Feniton (Gittisham)	22/1197/FUL	Target Date: 01.08.2022
Applicant:	Mr Robin Hutson	
Location:	Curlditch House Gittisham	
Proposal:	Proposed siting of 5 no. Shepherd's Huts in the field southeast of Curlditch House.	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before Members as the officer recommendation is contrary to the views of the Ward Member.

Planning permission is sought for the siting of five shepherds huts on land to the east of Curlditch House to be used as holiday lets.

The site is located outside any built up area boundary and is considered to be in the open countryside. The site is adjacent to the Conservation Area for Gittisham whilst Curlditch House is a grade II listed building. It is also adjacent to two other grade II listed buildings and a grade I listed building. The site is also located within the East Devon Area of Outstanding Natural Beauty.

As the site is located within the countryside Strategy 7 applies. This states that development must have a Local Plan or Neighbourhood Plan policy to support the development to be acceptable.

Policy E16 allows for the provision of holiday accommodation provided that it meets certain criteria. Although the policy states that outside the built up area boundaries the policy only applies to the conversion of existing buildings, the shepherd huts would meet the definition of a caravan and therefore are not considered buildings.

The scale and intensity of the development is considered acceptable and would not have a detrimental impact upon the character and appearance of the area as they would be screened from public views. The huts would not result in a loss of amenity for any neighbouring residents and parking would be provided for each hut. The site is not easily accessible on foot and public transport is limited however, there are links to Honiton which is nearby and has a good standard of public transport. It is not considered that the proposal would harm safe use of

the highway network. Therefore the application is considered to comply with Policy E16.

Due to the presence of listed buildings and the nearby conservation area, the site has strong heritage value. However, it is well screened from any public views by existing trees and would not be significantly visible from the conservation area or in relation to any of the listed buildings. It is therefore considered that any heritage impact would be less than substantial and is outweighed by the public benefits detailed in this report. Therefore, it is considered that the application would comply with Policies EN9 and EN10 of the East Devon Local Plan.

An ecology survey has been submitted with the application and its recommendations are considered necessary for the application to comply with Policy EN5 of the East Devon Local Plan.

Accordingly, the proposal is considered to be acceptable and is therefore recommended for approval.

CONSULTATIONS

Local consultations

Parish/Town Council

Gittisham Parish Council would like to express concerns about the proposed Shepherd Huts at Curlditch House, as part of the Pig Hotel. These concerns have been voiced by parishioners and the Council has also encouraged them to make their own comments on the planning application.

Curlditch House and the cottages at Riverside are part of the Conservation Area and are particularly noted in their Listing (Listed Buildings) for their character and setting as a group of buildings. Disruption to this should not happen and the addition of mobile holiday accommodation in the grounds of Curlditch would affect the character of this area and their setting. The close proximity of the proposed holiday accommodation to the Conservation Area would have an adverse effect on the character and setting. The main house at Curlditch currently enjoys an open view to the grounds in front of it and the proposal would include planting to screen the house from the holiday homes. The Parish Council suggest that the proposed mobile holiday homes could be incorporated within the main area of the Pig Hotel at Combe House, where there are already garden buildings and car parks.

The Parish Council is always aware of the impact of any development on Climate Change. These units will be available year-round and yet there appears to be little to minimise the impact on the climate of heating them. There will hopefully be electric car charging points at the car parks, which is good to hear.

The additional 5 cars visiting the hotel is also significant and the people staying in the huts will want to drive their cars to the hotel to get meals, use the spa facilities, etc.

Sewage capacity has been a problem since the hotel expanded from Combe House Hotel to The Pig. There has been an ongoing sewage leak problem by the village bridge. It is under control now but there is a sensor at the manhole there.

The planning application talks about the area being in use at the moment as access across the area from the staff car park via a footbridge. This is incorrect and implies that there is already regular use of this area, as well as the chickens. There is no staff car park and no footbridge here.

Although the lighting at the huts has been recommended to be restricted because of bats, there will be outside lights and also inside the vans. The village is special in having no street lights and the skies here are jaw droppingly dark. Any extra lighting is a shame.

If the development were to go ahead, the Council would like to see some apple trees planted in that area, as it used to be an orchard.

Parish/Town Council

Gittisham parish council has no further comment to make, following the addition of the heritage statement. The parish council's position remains as before.

Feniton - Cllr Alasdair Bruce

There are many parallels with statements from planning on this application that were raised at another recent application APP/U1105/W/22/3298314 that planning objected to but was won on appeal. So my argument is that if the reasons around access and public transport, to name but two, that are raised in this application were good enough to object to the earlier application nearby in Gittisham (3298314), why are these same reasons not good enough for planning to object to this application. There is a clear lack of consistency here which I would like recognised.

Technical Consultations

Historic England

Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.

We suggest that you seek the views of your specialist conservation and archaeological advisers. You may also find it helpful to refer to our published advice at <https://historicengland.org.uk/advice/find/>

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

Historic England

Thank you for your letter of 27 July 2022 regarding further information on the above application for planning permission. On the basis of this information, we do not wish

to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers.

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

Conservation – 05.07.2022

CONSULTATION REPLY TO PLANNING CENTRAL TEAM
PLANNING APPLICATION AFFECTING SETTING OF LISTED BUILDING

ADDRESS: Curlditch House, Gittisham, Honiton, EX14 3AE

GRADE: II

APPLICATION NO: 22/1197/FUL

BRIEF DESCRIPTION OF HISTORIC CHARACTER

Curlditch House is grade II listed including the walls of the walled garden. The house is late medieval origin remodelled in the late 17th/early 18th centuries. It is likely constructed of cob and stone and has been rendered with a thatched roof. Outbuilding north East of Curlditch, gII is part of the historic building group with Curlditch House.

Riverside Cottages is grade II listed of rendered rubble with thatch.

To the south and built close to the road is Talbots and Myrtle Cottage, grade II Combe House is grade I and stables gII the proposed huts lie to the west of the approach drive to Combe House.

Curlditch House lies within the Gittisham Conservation Area boundary, however the conservation area boundary to the east of the building group does not follow the historic boundary of the holding and the site proposed lies outside the conservation area.

HOW WILL PROPOSED DEVELOPMENT AFFECT HISTORIC CHARACTER

Planning permission is sought for the proposed siting of 5 no. Shepherd's Huts and plant room in the field south-east of Curlditch House. The location is close to the approach drive to Combes House grade I listed. There is no heritage statement to accompany the application nor any viewpoints to show how these huts will affect the setting of Curlditch and the experience of arrival at Combe House nor the designated assets above. Although there are well established hedgerows around the site views of the huts with Curlditch House will be harmful to its setting and the experience of the asset. There may be views along the Combe House drive as well.

There is no objection to the design of the shepherds huts.

POLICY

Listed Buildings and Conservation Areas Act 1990 section 66 and 72

National Planning Policy Framework 2021 section 16

New East Devon Local Plan (2013-2031)

Policy EN9 - Development Affecting a Designated Heritage Asset

RECOMMENDATION - PROPOSAL

Holding objection through lack of a heritage statement in accordance with NPPF para 194.

194. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation

Conservation – 25.11.2022

Significance and Setting of Curlditch a Grade II Heritage Asset

Curlditch including walls of walled garden to the east.

Late medieval origin; substantially remodelled circa late C17/early C18. C20 alterations. A large, handsome traditional house of medieval origins, with attached walled garden to the east, forming part of a good group with Crabbs Cottage and Riverside Cottage to the west.

In addition, there is an outbuilding immediately north east - of Curlditch, which is probably late C19 and Grade II listed in its own right. Rectangular outbuilding to the rear (north) of the north-east wing of Curlditch, end on to the courtyard to the north of the house. Included as providing group value with Curlditch.

In setting Curlditch House now hotel and associated group lies within the Gittisham Conservation Area.

Proposed works within the setting

The development works as proposed through this application is for the siting of a plant room and 5 no. Shepherd's Huts in the field located southeast of Curlditch House and the walled garden, the site currently used as a chicken run with 2no chicken houses and perimeter fencing.

Assessment of harm

In considering the development site falls outside the conservation area and setting is not a heritage asset the following assessment has taken into account Para. 206 of the NPPF21.

Local planning authorities should look for opportunities for new development 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.

In context of the proposal, the identified site is found south of the vehicular access road to the heritage asset, enclosed by mature vegetation to the east, south and west with open views towards Curlditch House and garden wall, located to the north. In character and appearance the site is open in nature and currently in use as a chicken run including two chicken houses, which are proposed to be removed to accommodate the development.

The proposed development is to introduce a plant room and five sheppard's huts along the eastern boundary in a linear formation, set within mature vegetation and

accessed separately via an existing gravel lane off the main drive to the south and east of Curlditch House (Hotel).

The handmade traditionally designed sheppard's huts are presented as timber clad, set on cast iron wheels with a curved corrugated profile metal roof, set within individual paved areas with planted screening, following the contours of the landscape which increases in height to the south.

Justification for the huts is as new guest accommodation will be used in conjunction with the hotel to promote tourism in the local area.

In considering the associated harm of the development proposal on the surrounding heritage assets in particular Curlditch House, there will be a visual relationship between the heritage asset and site through direct views from the south of the asset and main drive. In assessing the visual harm through this relationship, this is considered slight when balanced against the existing character and appearance of the site, the alignment, use of materials and form of the proposed huts which will integrate into the mature vegetation along the eastern boundary, with limited visibility of the paved terrace areas which will be screened with planting.

In considering how the heritage asset will be experienced as a result of the activity associated with the use of the sheppard's huts, this is balanced against the current use and relationship of the heritage asset as a hotel and the sheppard's huts both of which are transient in nature.

In summary the development of 5 No. sheppards huts to the south of Curlditch House now hotel, would result in visual harm in respect of views from the heritage asset, however this harm is slight when balanced against the orientation, form and siting of the individual huts, and treatment of the individual plots. In addition, the existing function and transient experience of the heritage asset as a hotel would be similar to that proposed through the sheppards huts, as alternate guest accommodation.

The development works as proposed through this application is therefore considered slight as it continues to preserve the contribution the setting makes to the historic and architectural interest of the heritage asset, satisfying para. 206 of NPPF21. Recommend approval subject to landscape and screening conditions.

Other Representations

One letter of objection has been received. The letter objects to the application on the following grounds

- The proposal is not in keeping with the Gittisham Parish Plan or East Devon Local Plan
- The proposal would be visually detrimental to the natural and built environment
- Significant increase in traffic
- Loss of amenity for neighbours

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 7 (Development in the Countryside)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D1 (Design and Local Distinctiveness)

EN8 (Significance of Heritage Assets and their setting)

EN9 (Development Affecting a Designated Heritage Asset)

EN10 (Conservation Areas)

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

EN5 (Wildlife Habitats and Features)

Government Planning Documents

NPPF (National Planning Policy Framework 2021)

National Planning Practice Guidance

ANALYSIS

Relevant Planning History

There are several applications related to Curlditch House, however, none are considered relevant to the determination of this application.

Site Location and Description

The site refers to a parcel of land located to the south east of Curlditch House. Curlditch House is a grade II listed building located at the southern end of the village of Gittisham. The land is sandwiched between an unnamed road which connects Gittisham to Bellview Plantation to the south and the access track from Gittisham to Combe House.

The site is located outside any built up area boundary as defined within the East Devon Local Plan or the Villages Plan DPD. Curlditch House is a Grade II listed building and is also within the Gittisham Conservation Area, however, the plot of land is located outside it. Adjacent to the land is Myrtle Cottage which is a grade II listed building. The site is also adjacent Combe House is Grade I listed and is designated a Historic Park or Garden. The site is also located within the East Devon Area of Outstanding Natural Beauty.

The south western boundary of the site is bordered by the River Gitt which is located within Flood Zones 2 and 3, however, the development site is located outside it.

Proposed Development

This application seeks planning permission for the siting of five shepherd's huts which would be used in connection with Curlditch House which provides accommodation as three guesthouses.

The shepherd huts would have a traditional appearance with a raised access and on wheels. The external materials are to be black timber cladding and profile roof sheets. Internally the huts contain a bedroom and a bathroom.

A plant room is also proposed. This would have the same external materials as the huts and would contain water heaters and tanks for the huts.

Consideration and Assessment

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 E16 of the East Devon Local Plan supports the provision of holiday accommodation and associated development subject to a number of criteria. Although the policy states that outside the built up area boundaries the policy only applies for the conversion of existing buildings, the shepherd huts would meet the definition of a caravan and therefore they are not considered to be buildings. The criteria are listed below with analysis of the proposal against these criteria.

1. The scale, level and intensity of development is compatible with the character of the surrounding area, including adjoining and nearby settlements.

The character of the area is of a rural village characterised by detached and semi-detached cottages. The proposed shepherd's huts are located approximately 40 metres to the south east of Curlditch House in an open field.

The huts would be sited close together which is more intense than the existing grain of development in the area. However, due to their small size in terms of height, width and depth, it is not considered that this would be sufficiently out of character to refuse planning permission as the overall openness of the site would remain.

In addition, the huts would not be largely visible from public viewpoints. The nearest public highway is the unnamed road which links Gittisham to Bellview Plantation. At the nearest point to this road the site is screened by a series of trees and hedges. These are not proposed to be removed as part of the application and therefore would enable the huts to not have a negative impact upon the character or appearance of the area.

The site is also located within the East Devon Area of Outstanding Natural Beauty (AONB). Strategy 46 of the East Devon Local Plan states that development will only be permitted if it conserves and enhances the landscape character of the area, does not undermine landscape quality and is appropriate to the economic, social and well-being of the area. Due to its lack of visibility as described above it is considered that the development would preserve the landscape character and would not undermine the landscape quality of the area. In addition the provision of holiday lets would be

appropriate to the economic and social well-being of the area as it attracts tourists to the area. Therefore it is considered that the proposal is supported by strategy 46.

2. The proposal does not harm the amenities enjoyed by the occupiers of neighbouring properties.

The site is some distance from any neighbouring properties, the nearest being Talbots Cottage and Myrtle Cottage which are over 60 metres from the application site. Therefore, the proposal is not considered to result in a loss of amenity for any neighbouring properties.

3. On-site servicing and parking facilities are provided commensurate with the level and intensity of the proposed use.

The proposed site plan indicates that parking spaces would be provided for each shepherd hut. These have been provided as two spaces near the first shepherd's hut and the other three by the third shepherd's hut. Due to the shepherd's hut only providing one bedroom it is considered that one parking space for each hut is considered acceptable.

4. The proposal is accessible on foot, by bicycle and public transport and will not impair road safety or the free flow of traffic.

Due to its rural and remote location there is not a large range of public transport readily available close to the site. There is a bus stop within the village of Gittisham linking the village to Exeter and Feniton, however, the service is infrequent and not overly reliable. Although, the site does not have easy public transport links it is proximate to Honiton where there is a train station and other modes of transport such as taxis or bicycle. This would enable visitors to access the site by other means than private car.

The use of private car would not have a detrimental impact on the safety of the site or the surrounding highway network. The site is accessed off a private track which links Combe House with Parsonage Lane which is the public highway. Although Parsonage Lane is a classified C road it is lightly trafficked and the trip generation by the development is not considered to be significant that the proposal would have a detrimental impact on the safety of the public highway network. In addition, the private track enables vehicles to turn within the site and re-enter the public highway in a forward gear.

Due to the above it is considered that the proposal would be compliant with the provisions of Policy E16

Impact on the Conservation Area and Heritage Assets

The site is located adjacent to the Conservation Area for Gittisham and adjacent to Grade I and II listed buildings. Therefore the site has significant heritage value.

Policy EN10 of the East Devon Local Plan states that development which affects the setting or views in or out of the area, will only be permitted where it would preserve or enhance the appearance and character of the area.

The site is well screened by vegetation from public views in and out of the conservation area. In addition, due to the traditional appearance of the shepherd's huts it is not considered to harm views in or out of the conservation area. Therefore, the character of the conservation area would be preserved and the proposal complies with policy EN10.

Policy EN9 of the East Devon Local Plan states that development which results in significant harm to a heritage asset or its setting will not be permitted. Development which results in less than substantial harm will only be supported if there are significant public benefits which outweighs the harm.

Where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, the harm will be weighed against the public benefits of the proposal.

The heritage statement which supports the application indicates that the huts would largely not be viewed in connection with Curlditch House. It states that views from the house would be centred towards Talbots and Myrtle Cottage and therefore there would be no impact upon the significance of the listed building.

However, the heritage statement does not cover the impact to Talbots Cottage, Myrtle Cottage or Combe House.

Talbots Cottage and Myrtle Cottage are two semidetached cottages dating from the mid-17th Century. The significance of the building relates to their rarity as a purpose built cottages in the mi-17th century. The proposal would be located on land to the rear of these dwellings with the River Gitt and a number of trees intervening. Due to the distance and the natural screening, it is not considered that the positioning of the shepherd's huts would result in any harm to the significance of these buildings or their setting.

In regards to Combe House, this is a Grade I listed building and historic garden and park. The significance of this building is its medieval origins and the subsequent alterations through the 17th, 18th and 19th century. The building is situated in large gardens which contribute to its significance. The development would be accessed off the existing access track which leads to Combe House. However, the site is otherwise well screened from the building and its setting such that it is considered that there would not be any harm to its significance.

The Council's Conservation Officer has considered the Heritage Statement submitted by the applicants and has concluded that:

"In summary the development of 5 No. sheppards huts to the south of Curlditch House now hotel, would result in visual harm in respect of views from the heritage asset, however this harm is slight when balanced against the orientation, form and siting of the individual huts, and treatment of the individual plots. In addition, the existing function and transient experience of the heritage asset as a hotel would be similar to that proposed through the sheppards huts, as alternate guest accommodation."

Due to the above, it is considered that the proposal would result in less than substantial harm to the significance of the adjacent listed buildings and would therefore only comply with Policy EN9 where there are significant public benefits. In this case the proposed tourist accommodation provides clear economic benefits while also supporting the economic use of the main hotel and the guest cottages at Curlditch House helping to secure their future.

Other Matters

A number of other concerns have been raised by Gittisham Parish Council and the points they have raised are assessed below.

Climate change

In regards to climate change, as stated above, it is considered that there are sufficient links to the site without the needs for all users to use a private motor vehicle. Although, some of these alternatives would also use fossil fuels, there would be an overall reduction in carbon emissions if these methods were used. Additionally, there would be electric car chargers on site to allow the use of electric vehicles. It is not considered that the impact to climate change would be significant and a sufficient reason to refuse planning permission on this alone.

Sewage capacity

Although no comments have been received from South West Water, it is known that they review submissions to the council and only comment where necessary. Given that the units are for holiday accommodation it is considered that they would not be in permanent use or generate the same amount of waste water as a full time residential unit. Therefore, it is not considered that the proposal would significantly reduce the capacity of the sewerage network such that planning permission could be refused.

Current use of the land as a car park

These comments are noted and during the site visit, the land did not appear to be used as a car park. However, it is considered that the use of the land does not have any bearing on the determination of the application.

Addition of lights

The units would have electricity which could give the potential for light spill. However the units are small and largely surrounded by trees which would screen most light spillage. Due to the small scale of the units, it is not considered that there would be a large amount of light generated by the development and given that there are nearby dwellings it is not considered that there would be a significant increase in light that would harm the character of the area.

Additional trees to be planted.

Comments have requested that further trees are planted should any approval be forthcoming. Although these comments are noted, it is considered that the trees currently on site are of good quality and provide adequate screening of the site from public views. Therefore it is considered that it would not be reasonable to request further trees on site.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. The units of accommodation hereby approved:
 - (i) shall be occupied for holiday purposes only;
 - (ii) shall not be occupied as a person's sole, or main place of residence;
 - (iii) occupation of the unit must not exceed 60 consecutive days and there must be a minimum gap of 30 days before the unit can be re-occupied by the same visitors.
 - (iv) the owners/operators shall maintain an up-to-date register of the names of all occupiers of the holiday accommodation and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority.
(Reason - To reflect the permission sought and as an independent use would be inappropriate due to the close relationship with and proximity to adjacent dwellinghouses, in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)
4. The development shall be carried out in accordance with the recommendations and mitigation measures contained within the Ecological Impact Assessment carried out by OLC Ecological Services dated May 2021.
(Reason - In the interests of ecology in accordance with Policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan.)

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:

Block Plan

30.05.22

1000A	Location Plan	30.05.22
1001 A	Proposed Site Plan	30.05.22
1102A	Sections	30.05.22
2001A	Proposed Combined Plans	30.05.22
2002A	Proposed Combined Plans	30.05.22
3001A	Proposed Elevation	30.05.22
3002A	Proposed Elevation	30.05.22
MATERIALS SCHEDULE	Other Plans	30.05.22
6001A	Proposed Combined Plans	30.05.22

List of Background Papers

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

Ward Dunkeswell And Otterhead

Reference 22/1547/FUL

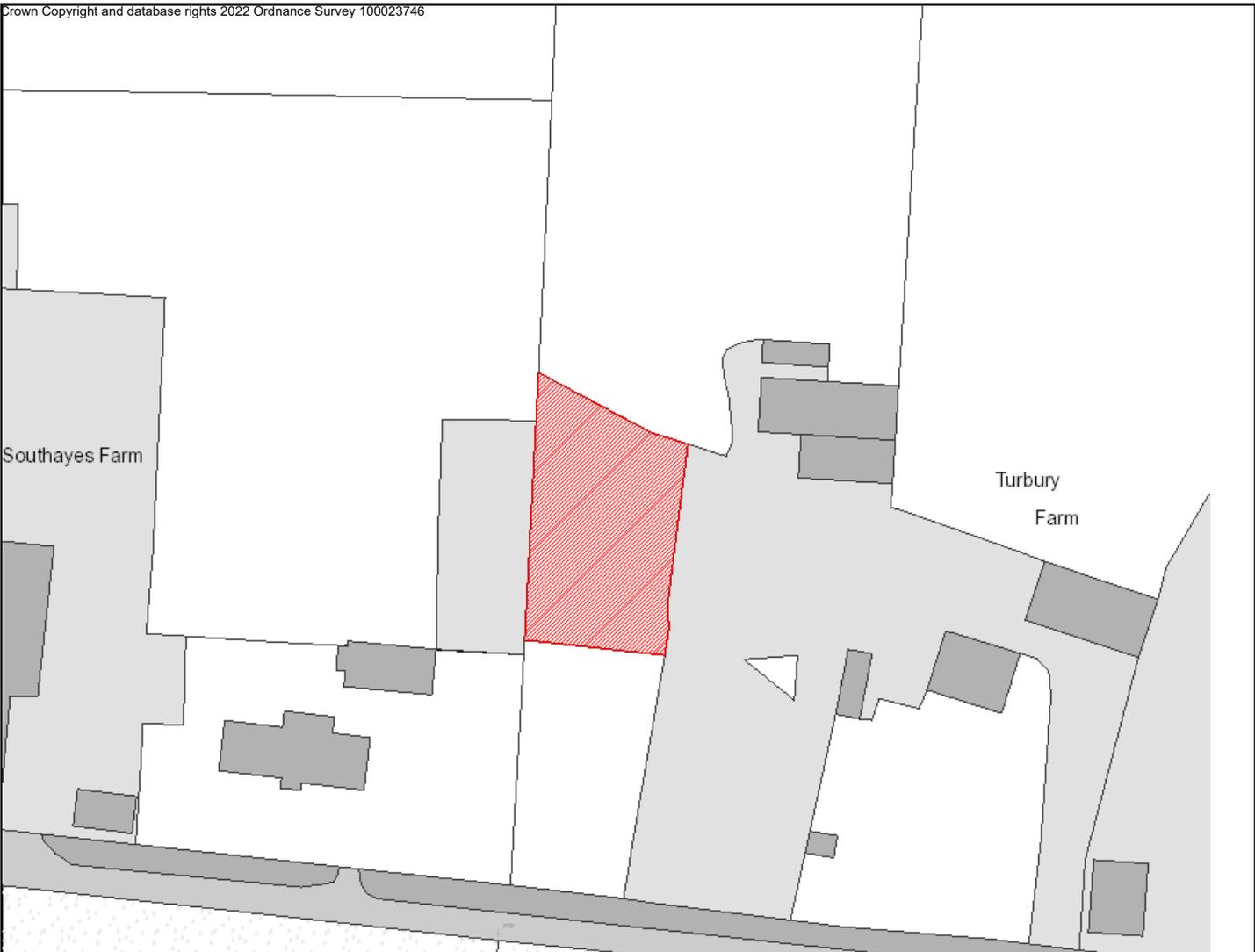
Applicant Mr Kevin Crudge

Location Turbury Farm Stamps Coaches Dunkeswell
EX14 4QN

Proposal Static Home to provide managers
accommodation.



RECOMMENDATION: Refusal



		Committee Date: 20.12.2022
Dunkeswell And Otterhead (Dunkeswell)	22/1547/FUL	Target Date: 09.09.2022
Applicant:	Mr Kevin Crudge	
Location:	Turbury Farm Stamps Coaches	
Proposal:	Static Home to provide managers accommodation	

RECOMMENDATION: Refusal

Further Update

Members considered this application and the following update report at their meeting of the 29th November 2022. Member's resolution was:

“Deferred to allow further discussion between the applicants and officers regarding alternative ways of meeting their housing needs on the site”

Further to this a meeting was held between officers, the applicant, their agent and ward members. Further information was provided about the purported need for an additional dwelling in terms of the quick turn around of coaches that may come back late at night and then be needed for jobs the following day. It is understood that this leads to repairs being undertaken late at night which is more complicated if those involved cannot live on the site. Opportunities for these issues to be addressed by an annex within the curtilage of the existing house were also discussed. An annex would have to have a close functional relationship with the main dwelling and could not form a separate dwelling. There would appear to be potential in terms of the envisaged functional relationship between the proposed unit and the main house given the close relationship between the family members with childcare being provided by the occupants of the main house to their daughter's children who would live in the annex with the daughter and her husband. The potential to provide an annex within the curtilage of the main house is therefore a potential fall-back position in the event that the current application is refused, however the applicants preference is to proceed with the proposal as submitted.

Although these factors do not change the fact that there is no policy support for this proposal they are material considerations that weigh in favour of the application. They do not on-balance overcome officers concerns but they are factors that should be considered by Members.

Update Report

Background

This application was considered by Members at their consultative meeting of the 30th September 2022. According to the minutes of the meeting Members resolved to recommend approval of the application contrary to officer's recommendation for the following reason:

“Members considered that the coach hire business constitutes a rural enterprise under Policy H4 and should be allowed a temporary dwelling for a 3 year period to meet the needs of the business. Conditions delegated to the Service Lead – Planning Strategy and Development Management in consultation with the Chair of Planning Committee and ward members.”

The 30th September meeting was held virtually over zoom and so was held on a consultative basis. Arrangements for these meetings and the delegation of decision making to senior officers had previously been agreed at Council on the 26th July 2021 with those arrangements subsequently extended by senior officer decision on the 10th December 2021 and 4th May 2022. Under the legislation senior officer decisions have to be the decision of the senior officer making it. Regard is clearly had to the views of the committee and in so doing officers have been able to agree the vast majority of the applications presented to Planning Committee in this time in accordance with Members wishes. In this case however senior officers were unable to agree with Members recommendation. As a result no decision on this application has been issued and the matter is brought back for Members to further consider now that meetings have resumed in person such that the committee can now legally make the decision on this matter itself.

Application of Policy H4

In officers opinion the recommendation made by Members on this matter is flawed as it relies on Policy H4 of the adopted Local Plan. Policy H4 relates to dwellings for persons employed in rural businesses. The supporting text to this policy is clear as to its scope and states that “Rural workers are those people whose place of work is located in, and related to, the countryside, typically comprising farm workers, forestry workers and others involved in rural-based enterprise”.

It is accepted that Stamps Coaches is located in a rural area, however the work that they and their staff undertake is not “related to” the countryside as is required for Policy H4 to be applied. The business is not akin to a farming or forestry enterprise which relies on the countryside to operate. In this case the business could just as easily be located in an urban area. The fact that it can legally operate from this site in the countryside is not in dispute but it cannot be classed as a rural enterprise for the purposes of Policy H4 simply because it has decided to locate itself in the countryside. To apply this interpretation to Policy H4 would be clearly contrary to the NPPF and PPG and if applied consistently would leave the council open to a number of businesses located in rural areas to equally argue a need for a dwelling under Policy H4. The consequence of this could be a number of dwellings in unsustainable locations being granted without suitable justification.

Guidance within the governments Planning Practice Guidance helps to provide further clarity on this issue where it refers to considerations relevant to an application for a home for a rural worker and says that they could include:

“evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural, forestry or similar land-based rural enterprise (for instance, where farm animals or agricultural processes require on-site attention 24-hours a day and where otherwise there would be a risk to human or animal health or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products)”

It is therefore considered to be clear that the need in this case does not relate to a land based rural-enterprise and there is not policy support within policy H4 of the Local Plan or within the government guidance related to rural workers dwellings to support this application.

Other matters

In Members consideration of this application on the 30th September reference was made to live/work units in the area and Policy LE1 – live-work workspace, of the made Dunkeswell Neighbourhood Plan. It is acknowledged that a number of live/work units have been granted in the area either as conversions of existing buildings or in some cases new builds under Policy LE1. It is not however considered that this policy is applicable in this case. The wording of the policy is clearly referring to proposals where work space and living accommodation are both proposed in the application at the same time. The proposal here is simply for a dwelling. In this case a dwelling on a site where one already exists.

Although it is understood why a further dwelling here is desired by the applicant there is not considered to be any policy support for a further dwelling at the site. Although it would be more convenient for the applicant's daughter to live at the site this does not form a sound planning reason for granting permission contrary to the policies of the development plan and government guidance.

Appendix 1: Committee report from 30th September 2022

		Committee Date: 30.09.2022
Dunkeswell And Otterhead (Dunkeswell)	22/1547/FUL	Target Date: 09.09.2022
Applicant:	Mr Kevin Crudge	
Location:	Turbury Farm Stamps Coaches	
Proposal:	Static Home to provide managers accommodation	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

This application is before the committee as the view of the officer recommendation differs from that of a ward member.

The site refers to an area of land to the west of Turbury Farm. The site is used for the storage of coaches as part of a business and seeks planning permission for the construction of a dwelling to be used in connection with the business. The current owners are looking to retire and the new dwelling would be for the new managers of the business.

The site is located outside of any built up area boundary, in the open countryside and is not a strategic allocation. Residential development in the countryside is resisted in the Local Plan. Due to its remote and unsustainable location and it is considered that occupiers would not be able to access essential services and facilities required for daily living by any other method of transport other than private motor vehicles. This would be contrary to Strategy 5B, Strategy 7 and Policy TC2 of the East Devon Local Plan.

It is not considered that the dwelling would have a detrimental impact upon the character of the area, residential amenity of neighbouring residents or highways. However, due to the lack of support within the Local Plan it is considered that the caravan is unacceptable in principle and this does not outweigh the relative lack of harm of the dwelling.

Therefore a recommendation of refusal is made.

CONSULTATIONS

Parish/Town Council

There were no objections to this application

Dunkeswell And Otterhead - Cllr David Key

I have no objection to the application and so support.

Blackdown Hills AONB Project Partnership

Static Home to provide managers accommodation

Thank you for seeking observations from the Blackdown Hills AONB Partnership on this application.

I can confirm that we do not wish to comment on this occasion in respect of the AONB; we are content for the planning authority to apply national planning policy and its own development plan policies, including the Dunkeswell Neighbourhood Plan, to this proposal.

Other Representations

No third party representations have been received.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 5B (Sustainable Transport)

Strategy 7 (Development in the Countryside)

D1 (Design and Local Distinctiveness)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Dunkeswell Neighbourhood Plan (Made)

Policy NE1 – Retaining, Conserving and Enhancing the Natural Beauty of our Parish

Policy TA3 – Off-road Parking

Policy TA4 - Vehicular Access and Egress Arrangements

Policy LE1 – Live-work Workspace

Government Planning Documents

NPPF (National Planning Policy Framework 2021)

National Planning Practice Guidance

ANALYSIS

Relevant Planning History

No planning history is relevant to the determination of this application.

Site Location and Description

The site refers to a parcel of land to the west of Turbury Farm. Turbury Farm was previously a farmhouse, however, the site is no longer used for farming. The site is currently used by a coach business which has been at the site since 2004.

The site is located approx. 1 km to the south west of the Highfield estate of Dunkeswell, outside of any built up area boundary. The site is within the Blackdown Hills Area of Outstanding Natural Beauty (AONB) and opposite a County Wildlife Site. The adjacent road, Long Lane, is a classified C road.

Proposed Development

This application seeks planning permission for the change of use of the land for the placement of a static caravan to be used as an independent dwelling. The structure would be single storey and would have three bedrooms, a bathroom, living room and kitchen/diner.

With the proposed covered entrance the structure would be wider than the legal definition of a caravan allowed under the various caravan acts.

The current owners of the business (Mr and Mrs Crudge) plan to reduce their involvement in the running of the business and let their daughter take on a larger role within the company. Therefore, the dwelling is said to be needed as people to remain on site for security purposes and to reduce travelling times between their current residence and the site.

Consideration and Assessment

The main issues for consideration are considered to be:

- Principle of Development
- Impact to the Character and Appearance of the Area including AONB.
- Residential Amenity
- Access and Highways

Principle of Development

The strategic approach set out within the East Devon Local Plan is to direct the majority of new residential development to existing settlements within the district that are considered sustainable. Each town which is considered sustainable is named within the Local Plan whilst other smaller towns and larger villages are also included within Strategy 27 and the adopted Villages Plan DPD. Each sustainable settlement has a designated built up area boundary whereby it is considered that there is a sufficient range of services and facilities needed to meet the everyday needs of residents and reasonable transport connections.

This site is not located within any of these settlements and is considered to be in the open countryside in planning terms. As a result, Strategy 7 applies. This strategy states that only development which accords with a specific local or neighbourhood

Plan Policy shall be permitted and where it does not harm the area's distinctive landscape, amenity and environmental qualities.

Policy H4 of the East Devon Local Plan makes allowances for dwellings for people that work in agricultural, forestry or people employed in rural enterprises or activities. The business is a coach business that provides vehicles for schools and other private hire groups. Although the provision of coach facilities is beneficial for rural communities, it is not considered to be an agricultural, forestry or other rural enterprise or activity as required by policy H4. Therefore, it is considered that the dwelling could not be justified with this policy.

Policy LE1 of the Dunkeswell Neighbourhood Plan allows for the provision of live-work units subject to a number of criteria. This policy is aimed primarily at the industrial estate adjacent to the airfield, although, the policy is not restrictive to the industrial estate. Although the site is not within the industrial estate, it is considered to be in a very separate and remote location which would not relate well to the surrounding area as required by the first criteria. Therefore, it is not considered that this policy would support the proposal.

The mobile home is not considered to be supported by policy H4 and there are no other specific policies within the East Devon Local Plan or the Dunkeswell Neighbourhood Plan which would support additional independent living accommodation outside of a built up area boundary.

Additionally, as the dwelling is located outside of a built up area boundary it is not considered that it would be located in an area that provides the services that meet the needs for everyday living. It is important to note that although the site is only approximately 1km from the Highfield estate this development does not in itself have a BUAB and nor does the main village at Dunkeswell as they were considered not to have a sufficient range of services and facilities to be deemed sustainable and justify a boundary. It is considered that any occupiers of the dwelling would be dependent on private modes of transport in order to access day to day services and facilities. There are no nearby services which can be accessed by walking and there is little public transport within the proximity of the dwelling. This would be contrary to Strategy 5B and Policy TC2 of the East Devon Local Plan.

Therefore it is considered that the principle of residential accommodation is unacceptable and would be contrary to Strategy 5B & 7 and Policy TC2 of the East Devon Local Plan.

Impact to Character and Appearance of the Area

The proposed dwelling is located to the west of the site in an area of land which has its own boundary treatment. The land is adjacent to the existing yard which is used for the storage of vehicles. The main view of the dwelling would be from Long Lane which is approx. 50 metres to the south of the site. From this point of view the dwelling would not be readily visible and would be read alongside the other development nearby. There are no other wider views and subsequently it is considered that the landscape character of the Blackdown Hills AONB would be conserved.

The proposal is therefore considered to comply with Strategy 46 and Policy D1 of the East Devon Local Plan and Policy NE1 of the Dunkeswell Neighbourhood Plan.

Residential Amenity

In regards to residential amenity, the dwelling is located away from any existing dwellings and does not overlook any properties. Therefore the dwelling would not result in a loss of residential amenity in accordance with Policy D1 of the East Devon Local Plan.

Access and Highways

It is shown on the plans that there are two accesses to the site. The first is the existing arrangement which provides access off Long Lane to the south eastern corner of the site. The second access is to the south west of the site. However, historic google streetview images show that this access has been in use for some time and there is no existing hardstanding which would enable this access to be utilised as existing.

In any case the access is considered to provide sufficient visibility splay and space to turn vehicles within the site so that they can re-enter the highway in a forward gear. As a result it is considered that there would not be any highway safety concerns as a result of the proposal in accordance with Policy TC7 of the East Devon Local Plan and Policy TA4 of the Dunkeswell Neighbourhood Plan.

In regards to parking, the site would have two parking spaces, which for a three bedroomed dwelling is considered to comply with Policy TC9 of the East Devon Local Plan and Policy TA3 of the Dunkeswell Neighbourhood Plan.

Conclusion

The dwelling would be located outside of any built up area boundary as defined within the East Devon Local Plan or the Villages DPD. There is no justification for the dwelling that complies with policy within the East Devon Local Plan or the Dunkeswell Neighbourhood Plan and it is considered to be an isolated form of accommodation within the AONB which is not within easy reach of the services and facilities needed for everyday living by other forms of transport other than a private motor vehicle. Therefore the site is in an unsustainable location and is therefore recommended for refusal.

RECOMMENDATION

REFUSE for the following reasons:

1. The application site lies in open countryside outside of any designated Built up Area Boundary or Strategic allocation within the Adopted East Devon Local Plan or Villages Plan and where there are no other Local or Neighbourhood Plan policies that would support the development. Residential development in this location would be unsustainable due to the distance and pedestrian route to access essential services and facilities required for daily living and where, as a

result, future occupiers are likely to rely on the use of private transport for the majority of journeys. As such, and as no essential need has been demonstrated for a residential unit to be located at the site in connection with a rural business, or other justification demonstrated, the proposal would be contrary to the provisions of Strategy 7 (Development in the Countryside) and Policies TC2 (Accessibility of New Development) of the East Devon Local Plan 2013- 2031 and the guidance within the National Planning Policy Framework and accompanying Planning Practice Guidance.

Plans relating to this application:

046/001	Location Plan	12.07.22
046/003	Proposed Site Plan	12.07.22
046/004	Proposed Combined Plans	12.07.22

List of Background Papers

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