

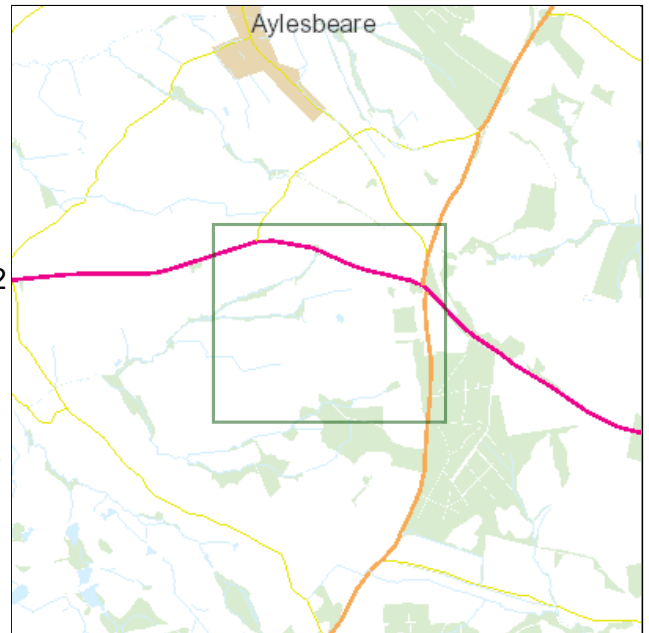
Ward Budleigh And Raleigh

Reference 20/1582/FUL

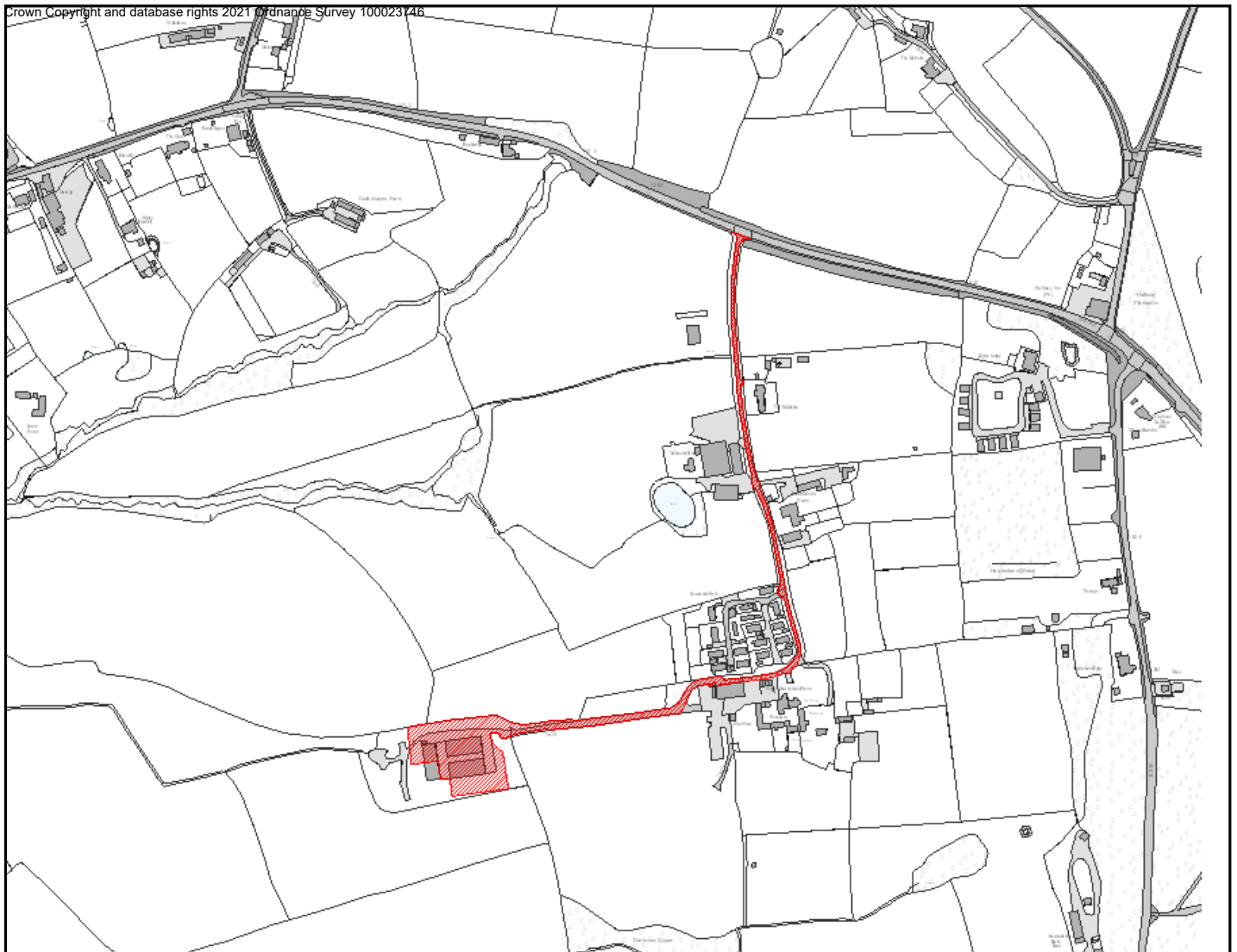
Applicant Wyatt

Location Barns At Higher Hawkerland Farm Sidmouth Road Aylesbeare Exeter EX5 2JW

Proposal 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)



RECOMMENDATION: Refusal



		Committee Date: 17th February 2021
Budleigh And Raleigh (Colaton Raleigh)	20/1582/FUL	Target Date: 18.11.2020
Applicant:	Wyatt	
Location:	Barns At Higher Hawkerland Farm Sidmouth Road	
Proposal:	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)	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

This application is before Members because the recommendation is contrary to the views of one of the Ward Members.

Retrospective planning permission is sought for the use of three former calf-rearing buildings as ten storage and distribution units for rent. The conversion took place without permission in 2019 and most of the units have been occupied since early 2020.

The Local Plan supports rural enterprises that are appropriate in scale and type for their surroundings. Subject to those considerations it also supports the reuse of redundant farm buildings and activities which support the continuation of farming in the area.

In this case there is little evidence that the development is supporting agriculture as there appears to be little agricultural activity following the cessation of calf-rearing. Moreover there is no evidence of a business plan for the agricultural land demonstrating how income would be invested in farming. It is unclear therefore whether this is a genuine diversification project or a departure from farming. This weighs against the scheme.

The site is accessed off of a private single track road which provides access to 27 dwellings, 18 of which are park homes. Around 11 of the dwellings are adjacent or close to the road leading to the storage units. Evidence has been provided that the development has resulted in a substantial increase in the volume of traffic passing these dwellings, much of which is vans and lorries. Prior to the development the dwellings had enjoyed a relatively quiet rural setting interrupted only by the activity and sounds which can be expected in a farming environment. The commercial traffic associated with the storage units gives rise to noise and dust throughout the day and into the evening which is harmful to the living conditions of those who live alongside the access. This harm to a significant number of properties attracts substantial weight.

Although there are economic benefits associated with the development, given the substantial harm to living conditions, the development is not appropriate in this location and therefore the proposal is recommended for refusal.

CONSULTATIONS

Local Consultations

Budleigh And Raleigh - Cllr Alan Dent

At the request of the owner of Higher Hawkerland Farm, I visited the site today, 25 November 2020 to discuss this planning application.

Background.

Until March this year the farm grew and nurtured some 500 head of calves from a few weeks old until ready for sale to retailers for meat. Under developing government policies and the considerable efforts to eliminate TB the movement of calves has been gradually discouraged. To this end the farmer was advised in early 2020 that no more calves would be delivered.

This created a major setback to the viability of the farm's operation and alternative uses for the barns where the calves were housed had to be found quickly. As there is a need for storage in the area it was decided to convert the barns from cattle sheds into secure storage units. To achieve this the existing units were cleaned out, timber cladding was applied, and large roller shutter doors installed. This is the situation today with 10 individual units available to individual customers to rent for storage. Some of the items currently in store include high value scrap metal; mobile traffic signals; small items of plant for building contractors; electrical goods and other assorted items.

Planning Issues

The Colaton Parish Council considered this application at the meeting on 2 November 2020. Some of the issues raised included:

- Increase in vehicular traffic
- Poor access to the A3052
- Concern over scrap metal dealers
- Noise and disturbance to neighbours (Newlands Park)
- Lack of welfare facilities

During my visit I was able to ascertain that:

- Vehicle movements are infrequent. Storage does not create large traffic movements by the nature of the businesses.
- The access to the A3052 is adequate with good visibility either side of the entrance
- The scrap metal was locked securely away and out of site.
- The nearest neighbours in Newland Park are some 250 - 300 metres away and I do not believe the residents would suffer undue noise or disturbance from traffic movements
- A portable toilet has been installed which is serviced on a weekly basis.

In my opinion this is a well-managed enterprise which benefits not just the owners but also several small businesses in the area and utilises existing buildings which are quite remote from any dwellings. The work carried out to make the barns suitable for secure storage has enhanced them both practically and visually.

I am happy to support this application.

Parish/Town Council

The Parish Council would like to make the following observations with regard to this application.

- It is considered that this proposal will produce a significant increase in vehicular movements over and above the previous agricultural use.
- The junction at which the site access road meets the A3052 is poor and there appear to be no proposals for improvement.
- The sui-generis class use associated with the letting of several units to scrap dealers could leave potential future uses unclear, and lead to more intensive use of the access by heavy vehicles.
- In order to protect nearby residents from any detrimental impact caused by noise and disturbance from vehicles accessing and leaving the site, hours of operation need to be defined and strictly implemented.
- The proposals do not include for any provision of welfare facilities (merely the removal of those already provided).

Other Representations

Two representations in support have made the following comments:

- The traffic is much cleaner, lighter and within more sociable hours than when the sheds were being used for calf rearing, which would often mean articulated lorries coming to and from the farm throughout the night and early hours of the morning.
- The traffic has changed in nature over time from large cattle trucks and farm machinery to a noticeable increase volume of vans and smaller trucks associated with the storage units and home deliveries to residential properties.
- There has been a clear decrease in traffic and most of the vehicles that come in the lane are delivery vans (Yodel, Amazon, etc) for residents and not traffic travelling to or from the units.

- No significant impact on our immediate surroundings with regard to noise, pollution and residential amenity.
- The recent signage and speed limits installed (along with speed humps and 2 passing places already in place) has helped to manage the traffic and improve safety in the lane - this was particularly needed for the blind corner.
- The corner has posed no issues to date.
- The access to and from the A3052 was widened in 2013/14, and is satisfactory with good visibility to oncoming traffic.

One neutral representation has been received:

- Road improvements and resurfacing is needed to cope with the increased traffic where higher Hawkerland lane joins the A3504.

Two objections have been received raising the following concerns:

- The traffic survey detailed in the proposal demonstrates that the impact of the change of use on traffic volume is significant. On average, the site generates 8x the volume of traffic that the equivalent farming operations do. The site causes total traffic to almost double.
- Our own survey shows an average of 6 site vehicles per hour, contrary to the 3 quoted in section 6.2.4 of the WSP transport statement.
- The blind 90-degree bend on the private access lane combined with the significant volumes of site traffic poses a significant safety issue to cyclists,
- The proposed change of use to a commercial storage and distribution site does not respect the quiet residential characteristics of the area.
- It has also been observed that the site traffic operates outside of business hours. This anti-social use of the shared access harms the 28 neighbouring residential dwellings right to enjoy a quiet and safe residential environment.
- We have experienced a detrimental impact in the form of increased traffic volumes and associated noise, disturbance, and air pollution since the change of use.
- Noise, as a result of:
 - The uneven access track surface
 - Speed at which site vehicles travel - unenforceable speed limits of the 10mph and 15mph casual speed limit signage
 - Heavy nature of site vehicles and unsecured contents being transported
- Air pollution:
 - The loose rubble access track generates an amount of dust particulate matter in the surrounding residential area. This may pose health hazards and is a great nuisance.
- The increased volume of commercial traffic will cause a rapid decline in access lane quality.
- The access lane is a single width track with a blind 90-degree bend which has been the cause of several near-miss incidents involving site traffic.
- Over the last year, living at Higher Hawkerland has become a nightmare for many residents.
- Our main objection is to the sheer volume of traffic that travels at high speed.

- These are commercial lorries and vans which also operate outside of usual working hours.
- Children and elderly residents use the lane but it has become extremely dangerous to walk along (for example to the bus stop at the end of the lane).

Technical Consultations

The Health & Safety Executive

The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the Consultation Distance of Major Hazard Sites/ pipelines. This consultation, which is for such a development and is within at least one Consultation Distance, has been considered using HSE's planning advice web app, based on the details input on behalf of East Devon District.

HSE's Advice: Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.

Devon County Highway Authority

Observations:

The CHA has visited the site and examined the application details and has the following comments:

The existing access junction of the private road and the A3052 Sidmouth Road has adequate visibility splays for the signed traffic speed on the A3052 as shown in the Transport Statement that accompanies the application. There are also junction warning signs on both approaches on the A3052.

The private road is mainly between 2.5m to 3.0m in width making it a single track road and up to the 90 degree bend is surfaced with a bound material.

At the junction with the A3052, the private road access apron is widened to 6.0m to allow for two vehicles to pass one another, this also gives space for entering vehicles to wait for exiting traffic without obstruction to the main road.

The informal passing places, comprised in some cases of accesses to existing buildings and dwellings, are inter-visible of each other allowing for vehicles to see one another and to wait for a vehicle to pass.

There are speed advisory signs (15mph and 10mph) at many places along the private road and there are two number 'speed humps'.

At the 90 degree bend in the private road there is ample widening to allow vehicles to pass one another. The road from here on is of an unbound compacted surface to the application site.

I believe that the existing access of the private road in terms of its junction with the adopted highway and its horizontal alignment with passing places and the recommended advisory speed signs is adequate for pedestrians and cyclists and for the proposed development and the traffic it would generate.

ADVISORY NOTE FOR APPLICANT

I visited the site when the weather was dry and sunny and therefore I do not know how well the private road drains surface water in a period of wet or inclement weather or how the section of unbound surface would cope with a prolonged period of severe ground frosts and advise the applicant to make suitable drainage and surface repairs if and when it becomes rutted. This being said the CHA has no jurisdiction over this private road only its connection with the adopted highway.

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

PLANNING HISTORY

Reference	Description	Decision	Date
12/2347/FUL	Cattle building, dung store and access track	Approval with conditions	13.12.2012
13/0029/FUL	Proposed agricultural livestock building and access.	Approval with conditions	09.04.2013
13/0030/FUL	Proposed agricultural livestock building and access	Approval with conditions	09.04.2013

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 7 (Development in the Countryside)

Strategy 28 (Sustaining and Diversifying Rural Enterprises)

D1 (Design and Local Distinctiveness)

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

E4 (Rural Diversification)

E5 (Small Scale Economic Development in Rural Areas)

EN14 (Control of Pollution)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2019)

National Planning Practice Guidance

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 from a private road which joins the A3052 about 350m metres west of the Halfway Inn. The road serves a total of 27 residential properties, 18 of which are in a park home development known as Newlands Park. The farmhouse and a number of barn conversion dwellings are located at the end of the private road where the road turns sharply to the west. Continuing west past the dwellings a track leads to the application buildings which are clustered together around a yard and are surrounded by agricultural land. In addition to the application buildings there is an unauthorised mobile home which is the subject of a separate application.

Proposal

Retrospective planning permission is sought for the use of three former farm buildings as ten storage and distribution units, retaining part of one of the buildings in agricultural use. The proposal also includes retention of hardstanding areas beyond the original yard which are for parking and additional outside storage.

Background

In 2001 the Wyatt family came out of the dairy industry and rented out their 90 acres of land to another farm. 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 and were completed in October 2013. They were immediately brought into use housing cattle but the business was unviable 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 cash flow. With the business struggling a calf rearing contract with VB Farms began in June 2017. The business improved and the sheep flock reduced but in April 2019 VB Farms gave notice that the contract was to end owing to a change in TB 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 applicant explored whether there would be a market for industrial units. The market response was positive and the buildings were converted without the necessary planning permission. The first tenants moved in during December 2019 at which time all of the units were reserved. In January 2020 the unauthorised conversion came to the attention of the Local Planning Authority and the applicant submitted this retrospective application six months later.

It should be noted at this stage that because the buildings have not been in use for at least 10 years and are within a 'safety hazard zone' owing to their proximity to a gas pipeline, they do not benefit from permitted development rights to convert to a commercial use under Class R of the General Permitted Development Order. Further

requirements that the floor space should not exceed 500 square metres and that prior approval should be sought before carrying out the development confirm that there is no fallback position.

ANALYSIS

The site is not within a defined settlement and is therefore in the countryside for Local Plan purposes. Strategy 7 supports development in such locations only where it is in accordance with a specific Local or Neighbourhood Plan policy. A number of policies in the Local Plan support economic development in rural areas and on farms and the following policies are of particular relevance:

- Strategy 28 - Sustaining and Diversifying Rural Enterprises,
- D8 - Re-use of Rural Buildings Outside of Settlements,
- E4 - Rural Diversification and
- E5 - Small Scale Economic Development in Rural Areas.

There is no Neighbourhood Plan for Colaton Raleigh.

The main issue is whether the location of the site is suitable for ten storage and distribution units. This can be broken down into four component issues:

- Whether the development is compatible with farming activities.
- Whether the development conserves the character and appearance of the area.
- Whether there is safe access to the site.
- Whether the development is appropriately located having regard to the living conditions of the occupants of the dwellings that are accessed from the private road.

Compatibility with farming

Strategy 28 and Policy E4 support farm diversification and Policies E5 and D8 support the re-use of rural buildings for business purposes. Although these policies support business development in rural locations, the support is subject to a number of conditions which reflect the need to protect the natural environment and amenity.

The policy support for farm diversification activity presumes that the new activity will help to sustain an agricultural enterprise. However, as the background information indicates, the applicant has had limited success at farming the land in recent years. Since the ending of the calf rearing enterprise it is believed that the applicant has continued to keep some sheep although, as their own evidence indicates, the land is too wet for keeping large numbers.

Whilst the drawings indicate that part of one of the buildings would be retained for agricultural purposes, the conversion of the majority of the floorspace suggests that the proposal is an alternative to farming rather than complementary to it. The lack of any information about future plans for the farm adds weight to this argument.

In the absence of a business plan setting out how the storage units would support farming activities rather than replace them, it is not clear whether the buildings are truly redundant or whether they could be used for agricultural purposes. As a consequence there is insufficient evidence to conclude that the storage units provide any meaningful support for agricultural activity on this farm and hence that they are

justified in this location. This conflicts with Strategy 28 and Policy E4 and weighs against the proposal.

Character and appearance

The policies also require business development in rural areas to be compatible with local character. Although this site lies outside the AONB, the landscape surrounding the site has an intrinsic character and beauty which is also valued. In contrast, the applicant appears to have little regard for the rural setting of the buildings and has allowed the land to become littered with waste material and scrap. However, much of this is beyond the boundary of the application site and therefore outside the scope of this application.

The land levels indicate that the site is reasonably self-contained by embankments that define the site boundaries. While the evidence suggests that these are not effective in preventing damaging use of the surrounding farm land, they provide a good basis for the provision of additional boundary features, such as fencing and hedges which would have some beneficial effect. Notwithstanding the unsightly waste material beyond the site boundary, the visual impact of the re-purposed buildings and the adjacent yard areas would be acceptable and would have only a minor adverse effect on the rural character of the area by virtue of the commercial activity.

Highway safety

Associated with the use of the barns for storage purposes there would be regular vehicle movements to each of the ten units, as well as residual traffic associated with any farming activity. The applicant has provided a transport statement prepared by WSP (transport planning) assessing the suitability of the access in relation to highway safety.

The barns are about 800m from the main road along a private road/track and the first 450m are shared with 27 residential properties. The road varies in width but is essentially a single track road with passing places in the form of laybys and accesses with good intervisibility. The road widens at a 90 degree bend near Higher Hawkerland Farm and is wide enough for two way traffic at that point. Visibility at the junction with the A3052 is good. Given these characteristics the Local Highway Authority are content that the road leading to the storage units, as well as the junction with the A3052, are safe for the increased volume of traffic.

Notwithstanding that conclusion, local concerns have been raised about the safety of pedestrians and cyclists. There are no pavements adjacent to the private road and therefore residents walk on the road for exercise or to access the bus stop on the A3052. The road has informal speed limits of 10 and 15 mph and two speed humps but anecdotal evidence suggests that the speed limits, which are not enforceable, are often exceeded. In the absence of street lights and pavements some care is needed when using this road. Notwithstanding the shortcomings, the Local Highway Authority has confirmed that the road is adequate for pedestrians and cyclists.

Although the Highway Authority has no jurisdiction over the private road they have advised that the applicant should make suitable drainage and surface repairs if and

when it becomes rutted. Notwithstanding the lack of Highway Authority jurisdiction, it may be considered reasonable to require an improved surface treatment around the residential areas for reasons of amenity.

Subject to consideration of an improved surface treatment on parts of the road, the proposal satisfies the highway safety requirements of Policy TC7.

Living conditions

While the increased volume of traffic is acceptable in terms of highway safety, the impact on the living conditions of the residents who live alongside the road also needs to be considered. A traffic survey was carried out by the applicant across a 44 day period from 7th July 2020 to 20th August 2020 using a traffic survey counter. The methodology for this survey has not been explained but an account of the vehicle movements has been provided in an appendix to the transport statement. This shows vehicle movements associated with the storage units beginning shortly after 7am and frequently carrying on until after 9pm, although finishing earlier at weekends. The number of traffic movements associated with the units is similar to the number associated with the dwellings at Higher Hawkerland Farm, although cars are the predominant vehicle type associated with the dwellings whereas vans and lorries form the bulk of the traffic associated with the storage units. The survey period therefore shows that there was a substantial increase in the volume of traffic using the private road and a change in the type of traffic compared to the time before the development when there was only residential and farm traffic. This survey is considered to be a more reliable source of information than some of the anecdotal comments provided in the representations.

The survey represents a snapshot in time and since it was undertaken the business which the applicant says generated 40-50% of the vehicle movements has vacated their unit. Furthermore, according to the Transport Statement, the applicant has "agreed that the next occupier of Unit 1 must generate a small number of trips." In practice, this is not easy for the applicant to predict or control and is certainly not enforceable as a planning condition. Although past measurements of traffic are not a guarantee of future numbers, they represent the best source of information available. In view of that, it is reasonable to predict that the substantial change in the character and volume of traffic using the private road would persist as a result of this development.

There are mixed views among the limited number of residents who have commented on the proposal. Some consider that there is no adverse impact on their amenity, whereas others complain about traffic noise, dust, anti-social hours and safety of pedestrians and cyclists. The difference may be explained by their proximity to the road. In this regard it is noted that there are about 11 properties adjoining or close to the road, other than the applicant's dwelling.

Prior to the completion of the storage units the private road served what could reasonably be described as a quiet residential and farming area with no through traffic. Although activity associated the farms that share the access inevitably gives rise to some impacts on amenity, these tend to be periodic and readily tolerated in a rural setting.

In contrast, frequent van and lorry movements throughout most of the day (7am-11pm), continuing at weekends, is out of character with the otherwise tranquil surroundings. Large vehicles transporting goods for storage and distribution, currently including scrap metal, repeatedly generate noise and dust throughout the day and into the evening. This has the greatest adverse effect on the 11 or so properties closest to the private road, some of which are only separated by a boundary fence or hedge. Such activity is uncharacteristic of this residential and farming area and would result in poor living conditions for local residents, particularly those nearest the road.

Much has been made of the traffic generated by the former agricultural use of the buildings. It is said that this activity generated significant traffic associated with delivering and collecting calves, delivering animal feed and disposing of waste associated with the rearing. It is also said that these vehicular movements frequently occurred beyond usual working hours and involved large lorries. Though undoubtedly such activity did take place, there is no evidence that it was as intensive as the activity likely to be associated with ten storage units.

Consideration has been given to whether conditions could be imposed on the development to make it acceptable. However, the only means by which the impacts could be controlled is by limiting the hours of operation, such as 8am to 6pm Monday to Friday 8am to 1pm on Saturday and at no time on Sundays and Bank Holidays. This would be highly unusual for an industrial development because good practice dictates that such development should be located where controls are not necessary. Furthermore such a condition would create inflexible terms for the occupants of the units and fail to remedy the adverse daytime impacts on residents. Moreover, although the condition could be enforced, it would be prone to abuse and place a burden on residents to report any breaches.

In the absence of any satisfactory means of control, the adverse impact of the development on local residents weighs heavily against the scheme and means the proposal conflicts with Strategy 7, and Policies E4, E5 and D8, as well as those dealing specifically with amenity impacts, namely D1 and EN14.

Other Matters

As noted above, the buildings are within the consultation distance of a high pressure gas pipeline and therefore consultation with HSE has been undertaken. They have raised no objection, but this is on the assumption that there would be fewer than 100 people working in the units. Given the scale of the development this is a reasonable assumption.

CONCLUSION

The Local Plan supports rural enterprises that are appropriate in scale and type for their surroundings. Subject to those considerations it also supports the reuse of redundant farm buildings and complementary activities which support the continuation of farming in the area. This proposal has failed to demonstrate that it is complementary to farming, that the loss of the buildings would not hinder the future agricultural activities and that the development is of a scale and type that is compatible with

preserving the living conditions of the occupants of dwellings that share the access. These concerns attract substantial weight.

The economic benefits associated with the development only attract modest weight, however. This is because there is no evidence that there is an overriding need for storage buildings in this location nor that other more appropriate sites are not available to meet any need that may be identified.

Given the substantial harm to living conditions, the development is not appropriate in this location and therefore the proposal is recommended for refusal.

RECOMMENDATION

REFUSE for the following reasons:

1. By virtue of the excessive volume and the commercial character of the traffic generated by the development, the proposal would cause persistent harm to the living conditions of residents of dwellings adjacent to the access road by way of noise and dust pollution. Development would therefore be contrary to Strategy 7 - Development in the Countryside and Policies D1 - Design and Local Distinctiveness, D8 - Re-use of Rural Buildings Outside of Settlements, EN14 - Control of Pollution, E4 - Rural Diversification and E5 - Small Scale Economic Development in Rural Areas of the East Devon Local Plan 2013-2031.

NOTE FOR APPLICANT

Informative:

In accordance with the aims of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 East Devon District Council 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:

8081-03 :	Existing Combined	12.08.20
Floor/roof	Plans	
8081-04	Existing Elevation	12.08.20
8081-05 :	Existing Combined	12.08.20
Floor/roof	Plans	
8081-06	Existing Elevation	12.08.20
8081-07	Existing Site Plan	12.08.20

8081-08 : Floor/roof	Proposed Combined Plans	12.08.20
8081-09	Proposed Elevation	12.08.20
8081-10 : Floor/roof	Proposed Combined Plans	12.08.20
8081-11	Proposed Elevation	12.08.20
8081-12 : Floor/roof	Proposed Combined Plans	12.08.20
8081-13	Proposed Elevation	12.08.20
8081-14	Proposed Site Plan	12.08.20
8081-100 B	Combined Plans	12.08.20
8081-LP B	Location Plan	12.08.20
8081-01 : Floor/roof	Existing Combined Plans	12.08.20
8081-02	Existing Elevation	12.08.20

List of Background Papers

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