

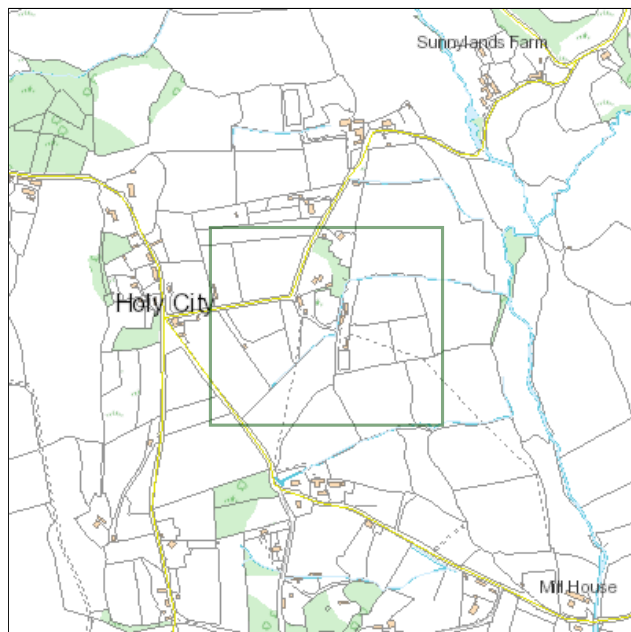
**Ward** Yarty

**Reference** 20/2133/FUL

**Applicant** Mrs Carinna Parsons

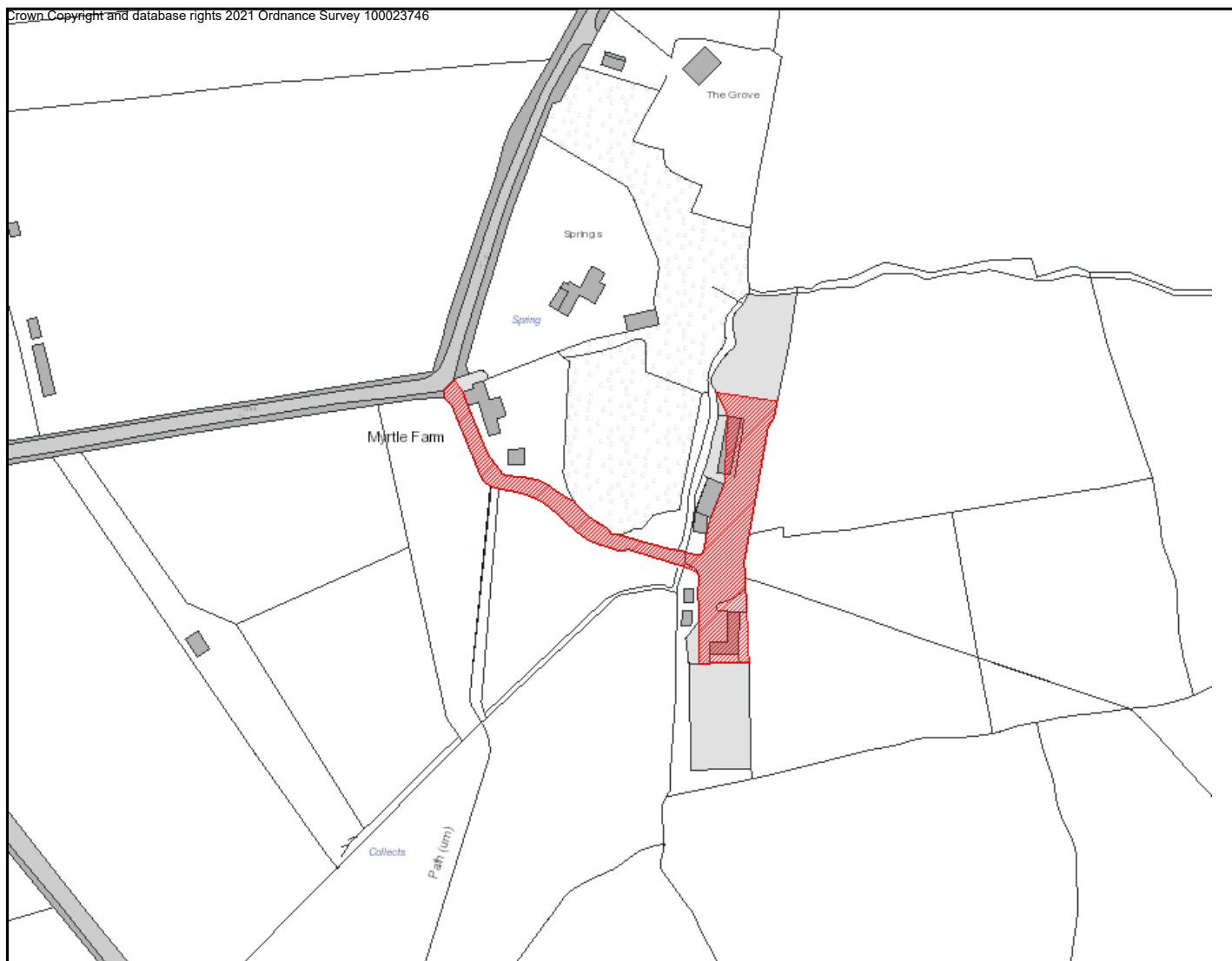
**Location** Myrtle Farm Chardstock Axminster EX13 7DD

**Proposal** Replacement farm buildings.



**RECOMMENDATION: Refusal**

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

**RECOMMENDATION: Refusal**

### **EXECUTIVE SUMMARY**

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

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

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

In general there is support for agricultural development subject to demonstration of genuine need and the impacts of such development being found to be acceptable in all other respects. In this case there is a lack of supporting evidence relating to the agricultural activity on the land, any agricultural business operating from it or existing stock levels. Furthermore, there is no business plan provided or other clear indication of intention to increase stock levels, or to demonstrate why the size and number of buildings proposed are needed in relation to existing/proposed agricultural activity. As such, it is not considered that an agricultural need has been demonstrated.

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

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

## **CONSULTATIONS**

### **Local Consultations**

Yarty - Cllr Paul Hayward

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

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

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

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

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

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

allow the applicant to provide better and safer facilities for the livestock on site (and those they wish to keep) and helps improve the viability of the overall business model.

#### Parish/Town Council

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

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

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

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

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

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

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

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

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

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

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

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

Ecology Report

Landscaping Proposal Report

Drainage and surface water management Plan

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

#### Other Representations

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

#### **Reasons for support**

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

#### **Objections**

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

#### **Technical Consultations**

##### Environmental Health

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

##### DC Footpath Officer

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

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

#### **POLICIES**

Adopted East Devon Local Plan 2013-2031 Policies  
Strategy 3 (Sustainable Development)

Strategy 7 (Development in the Countryside)

Strategy 5 (Environment)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

EN14 (Control of Pollution)

D1 (Design and Local Distinctiveness)

D7 (Agricultural Buildings and Development)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

Chardstock Neighbourhood Plan (Made)

Government Planning Documents

NPPF (National Planning Policy Framework 2019)

### **Site Location and Description**

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

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

### **Proposal**

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

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

### **Planning History**

It is understood that the application site has in the past operated as a riding school granted permission under 81/P0902 and the existing buildings on site appear to be designed for equestrian purposes. However, it is not clear whether the current buildings on site were granted under that permission or not, although those which are

proposed for replacement are equestrian in character. Nevertheless, the riding school is no longer in operation and it appears that the site has defaulted to agricultural use.

## **ANALYSIS**

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

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

### **Principle and policy compliance**

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

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

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

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

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

In relation to need it is considered that the evidence presented in terms of the agricultural operations of the holding are limited and appear to include an element of

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

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

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

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

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

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

The proposed replacement buildings would be slightly larger overall in massing and height and would also in the case of the northernmost building be brought closer to the platform edge. The existing northern building is set back in the site and partially under the canopy of trees to the rear of it, as such the new position would result in this building being more prominent than the one it replaces. The proposed removal of some of the existing trees to the west of the site whilst unrelated to the application would also expose the site further. It is recognised that the scheme includes proposals to establish a new hedge along the eastern side of the northern part of the site and, that once established, this would assist in providing some screening of the building.

The proposed materials would also assist in reducing the impact of the development. However, it remains the case that the construction of 2 no. new buildings on this site would result in some increased landscape and visual impact. Whilst this impact would reduce over time as planting establishes there would still be some increased impact particularly in the short term.

### **Arboricultural Impact**

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

### **Amenity Impact**

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

### **Other Issues**

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

### **CONCLUSION**

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

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

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

## **RECOMMENDATION**

REFUSE for the following reasons:

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

## **NOTE FOR APPLICANT**

Informative:

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

Plans relating to this application:

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

#### List of Background Papers

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