

Ward Newton Poppleford And Harford

Reference 20/2901/FUL

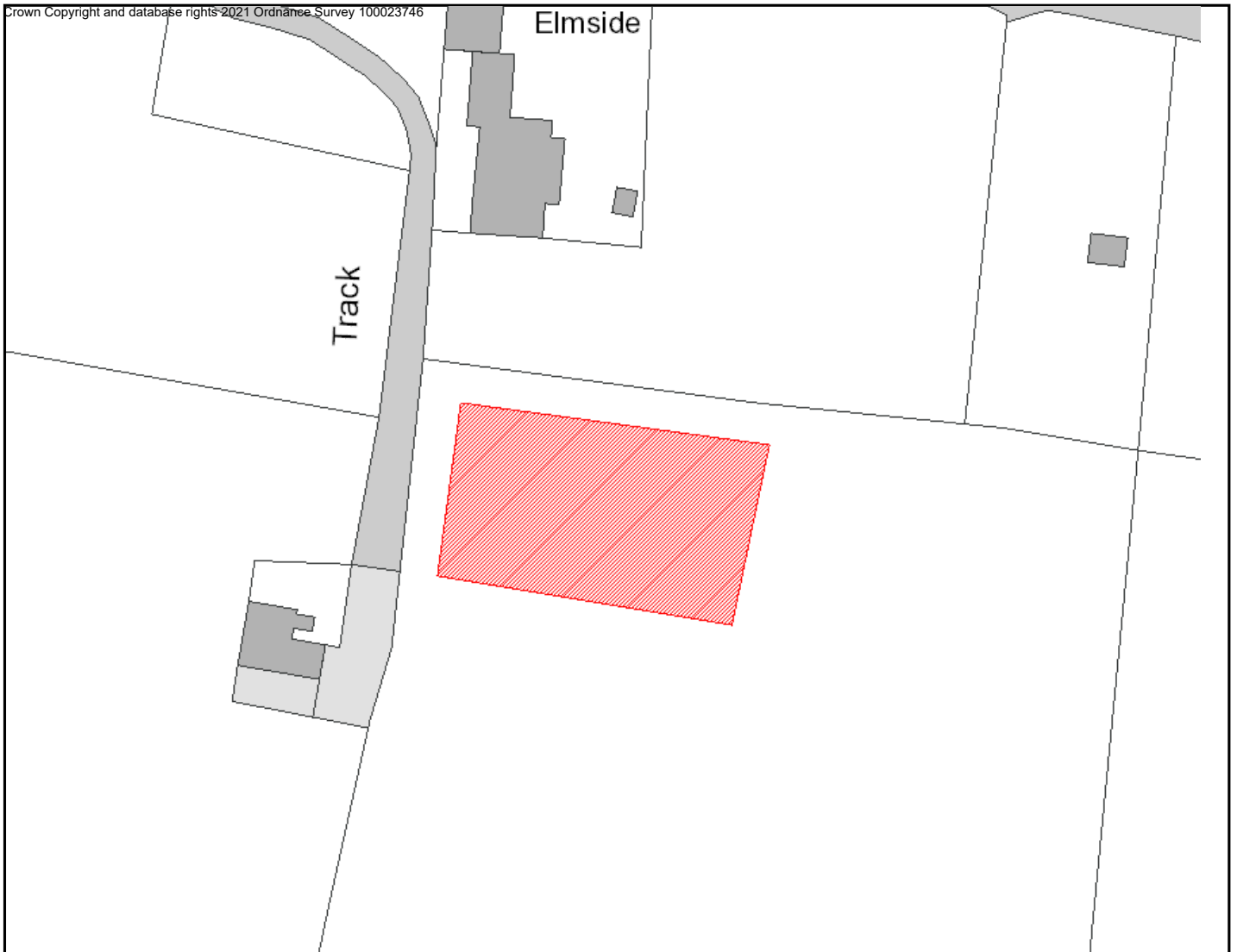
Applicant N. Cochrane

Location Grange Farm Newton Poppleford Sidmouth
EX10 0BY

Proposal Change of use of agricultural land to equestrian
and construction of a menage



RECOMMENDATION: Approval with conditions



		Committee Date: 14th June 2021
Newton Poppleford And Harpford (Newton Poppleford And Harpford)	20/2901/FUL	Target Date: 01.03.2021
Applicant:	N. Cochrane	
Location:	Grange Farm Newton Poppleford	
Proposal:	Change of use of agricultural land to equestrian and construction of a ménage	

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EXECUTIVE SUMMARY

This application is before members as the officer recommendation differs from the views of a Local Ward Member.

The application seeks permission for the construction of a ménage at Grange Farm. The construction of the main farmhouse was allowed at appeal in 1987 with the tie being removed in 1988. It is understood that horses have been stabled at Grange Farm for over 20 years and, in light of approval of 19/1999/FUL on appeal, that includes the removal of the existing ménage, the construction of a new facility is sought.

The main issue for consideration is the loss of Grade 1 agricultural land. This particular issue has prompted objections from both the Local Ward Member and Parish Council.

The National Planning Policy Framework states that Local Authorities should protect the most versatile (BMV) agricultural land from significant, inappropriate or unsustainable development proposals and manage soils in a sustainable way. This particular part of the NPPF is reflected within the provisions of EN13 (Development on High Quality Agricultural Land of the Local Plan.

The applicant has emphasized that the need for an all-weather surface to be available at all times of the year to ride and exercise horses stabled at the site. Furthermore, the applicant's daughter is described within the application as a talented young rider who has achieved success at various dressage competitions from grassroots to national level and the site does not appear to be in agricultural use.

In this instance the loss of Grade 1 agricultural land is considered minor and would not cause any harm to the productive output of an existing agricultural enterprise. However it is acknowledged that permission would result in the permanent loss of some of the best and most versatile agricultural land within the district. Despite this, in light of the justification given for the development, the historic use of the site for equine purposes and the modest area of land to be developed, it is not considered reasonable for the application to be refused on the grounds of loss of grade 1 agricultural land.

The application is considered acceptable on all other regards as detailed within the main body of the report. As such, the application is recommended for approval subject to conditions listed.

CONSULTATIONS

Local Consultations

Parish/Town Council

The Parish Council met on 25th January to consider this application and, as a result, is NOT in support of this application for the reasons outlined below, as per the relevant policies of our Neighbourhood Plan which (whilst not yet 'made' due to CV19 delays) does carry weight in planning terms:

Council asserts that this application is in contravention of Policies EP1 and EP7:

Policy EP1 - Conservation and enhancement of the East Devon AONB and Natural Environment

The AONB and natural environment is very important to residents so conservation must be a primary planning consideration. This includes the protection and enhancement of the East Devon AONB, areas classed as SSSI, SPA and SAC, the biodiversity, existing habitats, protected and priority species, ancient or species-rich hedgerows, grasslands and the landscape and the rural character of the village.

All developments, including for agriculture and extensions to existing buildings, should:

- a) give great weight to conservation and enhancement of the natural environment;
- b) not encroach upon, interfere with, or lead to the deterioration of existing rare or important habitats or watercourses, or degrade the visual quality, natural beauty, wildlife and cultural heritage of the rural landscape;
- c) not include the netting of trees and hedges;
- d) contribute towards the ecological network of the area with appropriate measures to enhance bio-diversity;
- e) safeguard open countryside and cherished public views from inside and outside the parish as identified on Map 9;
- f) not protrude above, or appear dominant when viewed against skylines or significant lines or groups of large, mature trees;
- g) maintain and where appropriate, extend tree cover;
- h) avoid causing damage from leisure use (e.g. equestrian, motorbikes, etc.)

Policy EP7 - Development on Farmland for Agricultural Purposes

Where existing buildings cannot be used or adapted, proposals for development of new agricultural buildings excluding residential uses, on working farmland which require planning permission should be of a scale and form:

- a) which do not compromise or have adverse impacts on the quality of the environment and the special landscape character of the East Devon AONB;
- b) that does not cause soil compaction and increase run-off into watercourses;
- c) which do not result in the loss of and help to retain and reinforce local agricultural practices traditional to the Parish and the East Devon AONB, such as:
 - i. the protection of Devon banks and hedgerows, small areas of coppice and wildlife corridors;
 - ii. the provision of buildings to support livestock principally to be kept outside;
- d) which retain the integrity of historic farm buildings; and
- e) where any increase in traffic movement including HGVs can be safely accommodated on the rural road network and, provide solutions to mitigate increases in traffic caused by the development.

A Landscape and visual impact assessment, proportionate to the scale of development, will be required to demonstrate that the siting and design of the new development is appropriate and that any landscape and visual impacts are appropriately mitigated. Farmers, landowners and developers are encouraged to engage with the local community and Parish Council at the earliest opportunity.

EP7 ' Policy Overview

Planning permission will be refused for development on the best and most versatile agricultural land, meaning land in grades 1, 2 and 3a of the Agricultural Land Classification, unless it involves development for the purposes of agriculture and forestry. East Devon Local Plan Strategy 6 and Policy EN13 will be applied to safeguard the best and most versatile land. The Parish of Newton Poppleford and Harpford contains much agricultural land which gives it much of its character. Unfortunately, this land can be considered by developers as prime land for development so every effort must be made to ensure the agricultural category of the land is not downgraded in order to make development permissible.

Newton Poppleford And Harpford - Cllr V Ranger

I do echo the parish councils concerns about the Change of use and thus further loss of prime quality designated agricultural land. As well as the Local Plan and AONB considerations I also refer to the Neighbourhood Plan which carries considerable weight in planning applications.

Newton Poppleford and Harpford neighbourhood Plan

EP7 ' Policy Overview Planning permission will be refused for development on the best and most versatile agricultural land, meaning land in grades 1, 2 and 3a of the Agricultural Land Classification, unless it involves development for the purposes of agriculture and forestry. East Devon Local Plan Strategy 6 and Policy EN13 will be applied to safeguard the best and most versatile land. The Parish of Newton Poppleford and Harpford contains much agricultural land which gives it much of its character. Unfortunately, this land can be considered by developers as prime land for development so every effort must be made to Referendum Version ' 30 September 2020 ensure the agricultural category of the land is not downgraded in order to make development permissible.

I therefore object to this application.

Technical Consultations

Devon County Archaeologist

Grange Farm Newton Poppleford Sidmouth EX10 0BY - Change of use of agricultural land to equestrian and construction of a menage: Historic Environment

My ref: Arch/DM/SH/36215a

I refer to the above application. The proposed development lies in an area of archaeological potential with regard to known prehistoric activity in the surrounding landscape. The Historic Environment Record indicates the presence of prehistoric activity by records of findspots of flint tools from nearby fields as well as the presence of a prehistoric or Romano-British ditched enclosure some 200m to the north-east. In addition, historic fieldname evidence indicates the potential presence of prehistoric funerary monuments in this area. As such, groundworks for the construction of the proposed development have the potential to expose and destroy archaeological and artefactual deposits associated with these heritage assets. The impact of development upon the archaeological resource here should be mitigated by a programme of archaeological work that should investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development.

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

If a Written Scheme of Investigation is not submitted prior to determination the Historic Environment Team would advise, for the above reasons and in accordance with paragraph 199 of the National Planning Policy Framework (2019) and Policy DEV21 in the Plymouth and South West Devon Joint Local Plan 2014 - 2034, that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

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

Reason

'To ensure, in accordance with Policy DEV21 in the Plymouth and South West Devon Joint Local Plan 2014 - 2034 and paragraph 199 of the National Planning Policy Framework (2019), that an appropriate record is made of archaeological evidence that may be affected by the development'

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

I would envisage a suitable programme of work as taking the form of the archaeological monitoring and recording of all groundworks associated with the proposed development to allow for the identification, investigation and recording of any exposed archaeological or artefactual deposits. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report, and the finds and archive deposited in accordance with relevant national and local guidelines.

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

Other Representations

None

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)

D2 (Landscape Requirements)

EN13 (Development on High Quality Agricultural Land)

RC4 (Recreation Facilities in the Countryside and on the Coast)

Newton Poppleford Neighbourhood Plan (Made)

Policy T2 (Traffic Calming)

Policy EP1 (Conservation and Enhancement of the East Devon AONB and Natural Environment)

Policy EP6 (Local Amenity)

Policy EP7 (Development on Farmland for Agricultural Purposes).

Planning History

- 87/P0755 (OUTLINE) Farmhouse & Outbuildings. REFUSED (appeal allowed)
- 88/P0686 House & Garage. APPROVED
- 95/P1155 - Change Of Use Of Machinery Store & Workshop To Class B1,b2 Or B8. REFUSED

- 97/P1516 - Change Of Use To Equestrian & Erection Of Eight Stables. REFUSED Appeal Dismissed
- 19/1999/FUL - Conversion of barn to dwelling including external alterations, change of use of equestrian arena to residential curtilage, formation of access driveway, and installation of package sewage treatment plant. APPROVED (appeal allowed)

Site Location and Description

The application site is located half a mile north of the settlement boundary for Newton Poppleford. The area of land where the proposal relates forms part of a larger holding that extends north past the road from Badgers Hill to Brooklands Cross. The applicant resides at the former farmhouse known as Grange Farm and is accessed off the public highway immediately to the north.

The application site is located within the East Devon Area of Outstanding Natural Beauty. Whilst the immediate landscape is characterised by lower rolling farmed and settled slopes, the application site is situated on fairly flat land largely obscured from public view by established hedgerows that enclose individual fields or border adjoining highways.

Proposed Development

The application seeks permission for the construction of a ménage, measuring 45 x 25 metres, on land that has historically been used as a paddock. The submitted sections indicate that, to facilitate construction, a degree of cut and fill shall be required. The ménage would largely consist of fibre sand upon a crushed stone layer, encased with a membrane layer to provide drainage. The area would be enclosed by low level kick boards.

Analysis

The main issues for consideration are the principle of development, visual impact and loss of agricultural land.

Principle of Development

The site lies outside of any built up area boundary and is therefore located within the open countryside, where Strategy 7 (Development in the Countryside) states that development in the countryside will only be permitted where it is in accordance with a specific Local or Neighbourhood plan policy that explicitly permits such development and where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located.

Policy RC4 - (Recreation Facilities in the Countryside and on the Coast) supports the principle of recreation facilities in association with uses such as horse riding within the countryside where these can be accommodated safely and are not detrimental to the landscape. The policy is worded in full below:

RC4 - Recreation Facilities in the Countryside and on the Coast

Planning permission will be granted for outdoor recreation facilities in the countryside and on the coast provided that the nature of the activities undertaken or the space requirements of the proposal require a countryside or coastal location and:

1. The facilities or development proposals are in scale with the character, environmental characteristics and setting of the area and do not conflict with countryside, nature or landscape policies, nor detract from the amenities of the area.
2. The proposals allow for safe access and discreet parking arrangements, particularly in environmentally sensitive areas, and do not result in the loss of or cause unacceptable disruption to existing public rights of way.
3. On site facilities should be appropriate to meet the needs of the proposal and links with adjacent footpaths and bridleways should be suited to any proposed site uses.

Where indoor areas are required use should be made of existing buildings. Any new buildings and necessary extensions should be limited in scale and be in close proximity to existing groups of buildings or an existing settlement. Where it is proposed to extend or intensify an existing use the cumulative effect of the use will be considered in the interests of the character of the area.

As such, the principle of development is accepted subject to criteria 1, 2 and 3 being satisfied. The requirements of Policy RC4, in addition to other policy within the Local Plan and Neighbourhood Plan, shall be discussed in further detail below.

Impact Upon Character and Appearance of the Area

Strategy 46 - Landscape Conservation and Enhancement of AONBs states that development must be undertaken in a manner that is sympathetic to and helps conserve the and enhance the quality and local distinctiveness of the natural and historic character of East Devon, in particular Areas of Outstanding Natural Beauty. Development will only be permitted where it:

1. Conserves and enhances the natural landscape
2. Does not undermine landscape quality
3. Is appropriate to the economic, social and wellbeing of the area.

Additionally, paragraph 172 of the National Planning Policy Guidance (NPPF) states that great weight is given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.

The application site is bordered by Elmside, a residential property, to the north. The boundary between the ménage and curtilage of Elmside is defined by a tall beech hedge that consists of a number of trees that would screen views of the development from the adjoining highway. The wider area, between Southerton and Harpford can be accessed through a network of public rights of way. Views of the application site along Footpath 16 to the east are largely screened by established hedgerow that encloses Homefield despite parts of the right of way being significantly above the ground level of the development. The land to the south gradually rises and then falls away providing limited views, if any, of the application site from the road between the allotments and

Nutlea. Potential views from the west along Footpath 21 are also screened by trees along the right of way and the existing western boundary of the application site.

As such, it is considered that the proposed ménage would have limited visual harm upon the character and appearance of the area and aesthetic value of the AONB. In addition, in views toward the site, it is not unusual to see a ménage within the countryside.

Consideration has also been given to the level of engineering works required to facilitate the development. Drawing 2020_193_01 communicates the level of 'cut and fill' required to provide a level surface. The extent of works required, and subsequent visual impact, is not deemed excessive or unduly harmful to the natural profile of the land. Whilst it is acknowledged that there would be a loss of green paddock, that is more characteristic to this countryside location compared to the proposed manmade structure, the magnitude of change is considered low. The subsequent visual impact is also confined to a small area of land and only perceptible from private views.

In light of the above, the proposed construction of the ménage would meet the objectives and provisions of Strategy 46(Landscape Conservation and Enhancement and AONBs) of the Local Plan and Policy EP1 (Conservation and Enhancement of the East Devon AONB and Natural Environment) of the Neighbourhood Plan.

Loss of Agricultural Land

Concerns have been raised by the Parish Council and Local Ward Member over the loss of Grade 1 agricultural land and subsequent conflict with Policy EP7 (Development on Farmland for Agricultural Purposes) of the Neighbourhood Plan that does not permit non-agricultural development on Grade 1 agricultural land.

The National Planning Policy Framework states that Local Authorities should protect the most versatile (BMV) agricultural land from significant, inappropriate or unsustainable development proposals and manage soils in a sustainable way. This particular part of the NPPF is reflected within the provisions of EN13 (Development on High Quality Agricultural Land) of the Local Plan.

The preamble to Local Plan policy EN13 explains that many of the areas of within the district that exhibit the highest quality of agricultural land are in close proximity to settlements where pressures for development are amongst the greatest.

There is an existing ménage located forward of the barn to the south. However application 19/1999/FUL (allowed on appeal), for the conversion of the building to a residential dwelling, would see the removal of this and the land incorporated in to the dwelling's garden area.

Considering this application, there are considered to be good reasons put forward for allowing the development in this instance.

Firstly, the applicant has emphasized that the need for an all-weather surface to be available at all times of the year to ride and exercise horses stabled at the site remains. Furthermore, the applicant's daughter is described within the application as a talented

young rider who has achieved success at various dressage competitions from grassroots to national level. She also currently travels to receive jump training. As part of her continued development there is a requirement for a ménage to be available on site that meets certain size standards in order to replicate facilities used whilst competing at dressage competitions. There is also a need to facilitate jump training from home.

EN13 requires that an 'overriding need' is identified if high quality agricultural land is to be lost. In this case, it is felt reasonable to use a sliding scale to assess the level harm caused, if any, against the need or benefits of the development. In light of the reasons highlighted above, the fact that the applicant does not own any other land in their ownership at a lower grade classification, that the loss of agricultural land relates to a fairly small area, it is felt that the need identified tips the balance in favour of the development.

Finally, it is also felt important to note that the land in question has been used as a paddock for a substantial length of time. The applicant claims that the use of the land as a paddock has occurred continuously for a period in excess of 20 years. Aerial imagery available to the Local Authority indicate that the entire parcel of field where the ménage is to be located was last being actively farmed in 1999 and this appears to have ceased at some point prior to 2005. The area of land to be developed is not part of an active working farm and its loss, owing to the significant amount of time the land has been used for equine purposes, is unlikely to have a significant adverse impact on the stock and productive output of Grade 1 agricultural land within the village or wider district.

In light of the need and benefit from the proposal, its small area, lack of alternatives for the applicant, and the land having not been farmed for many years, it is considered that a refusal of planning permission on the grounds of the loss of this small area of Grade 1 agricultural land could not be upheld on appeal.

Impact on Highway Network

The facility shall only be used for private purposes and therefore not substantively add to the footfall of traffic to the local area. No additional parking is thought to be needed. No objections have been raised by the County Highway Authority. Despite this, commercial use of the facility could have an adverse impact on the local highway network and therefore a condition shall be recommended restricting the development's use.

Impact on Neighbouring Amenity

The ménage would be located in close proximity to the northern boundary shared with the residential property of Elmside. Owing to the historical use of the land as a paddock it is unlikely that the use of the facility would give rise to additional adverse impacts. There is a likelihood that during jumping training that the sound of horses and individuals maybe audible from the property. However, owing to the use being for private purposes, it is anticipated that these impacts would only be experienced through short bursts during the day and week. The application has not detailed any installation of floodlighting and therefore use would also be restricted to daylight hours.

Overall there are no concerns over the impact of the development upon the amenity of adjoining residents.

Archaeological Potential

The county Historic Environment Team has identified the potential for archaeological and artefactual deposits. As such a condition has been recommended for the submission of a Written Scheme of Investigation (WSI) setting out a programme of archaeological work to be undertaken in mitigation for the loss of heritage assets with archaeological interest.

CONCLUSION

In this instance the loss of Grade 1 agricultural land is considered minor and would not cause any harm to the productive output of an existing agricultural enterprise. However it is acknowledged that permission would result in the permanent loss of some of the best and most versatile agricultural land. Despite this, in light of the justification given for the development, the need and benefit identified, the historic use of the site and the modest area of land to be developed, it is not considered reasonable for the application to be refused on the grounds of loss of grade 1 agricultural land. As such the application is recommended for approval subject to conditions listed below.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. The development hereby permitted shall be used solely for private use and shall not be used for any equestrian centre, riding school or other business or commercial purpose.
(Reason - To ensure that the Local Planning Authority retains control over the use as commercial uses may give rise to additional planning issues and to comply with Strategy 7 - Development in the Countryside of the East Devon Local Plan 2013-2031.)
4. No external lighting shall be erected to illuminate the ménage hereby permitted.
(Reason: To prevent light pollution and to protect the character and appearance of the AONB in accordance with Strategy 46 Landscape Conservation and Enhancement and AONBs and Policy EN14 Control of Pollution, of the East Devon Local Plan).

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

(Reason: To ensure, in accordance with Policy DEV21 in the Plymouth and South West Devon Joint Local Plan 2014 - 2034 and paragraph 199 of the National Planning Policy Framework (2019), that an appropriate record is made of archaeological evidence that may be affected by the development')

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:

2020-193-01 sheet 5 of 5 : arena construction	Other Plans	04.01.21
2020-193-01 sheet 2 of 5 : existing topographic	Landscaping	04.01.21
2020-193-01 sheet 1 of 5	Location Plan	04.01.21
2020-193-01 sheet 3 of 5	Proposed Site Plan	04.01.21
2020-193-01 sheet 4 of 5 : proposed site	Sections	04.01.21

List of Background Papers

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