

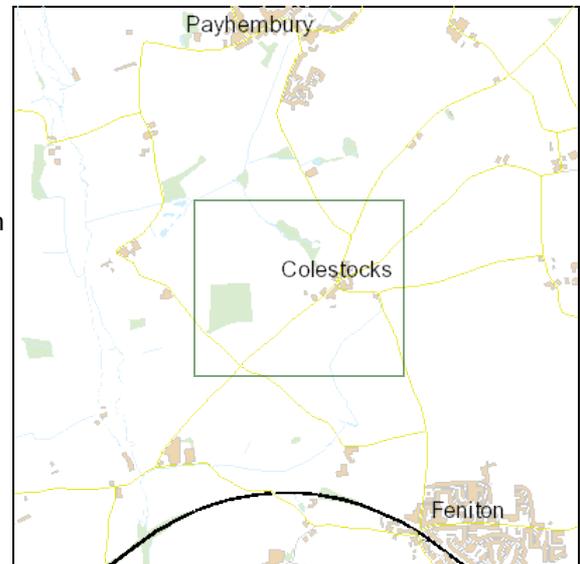
Ward Tale Vale

Reference 21/0019/FUL

Applicant Mr Johnson-Sabine

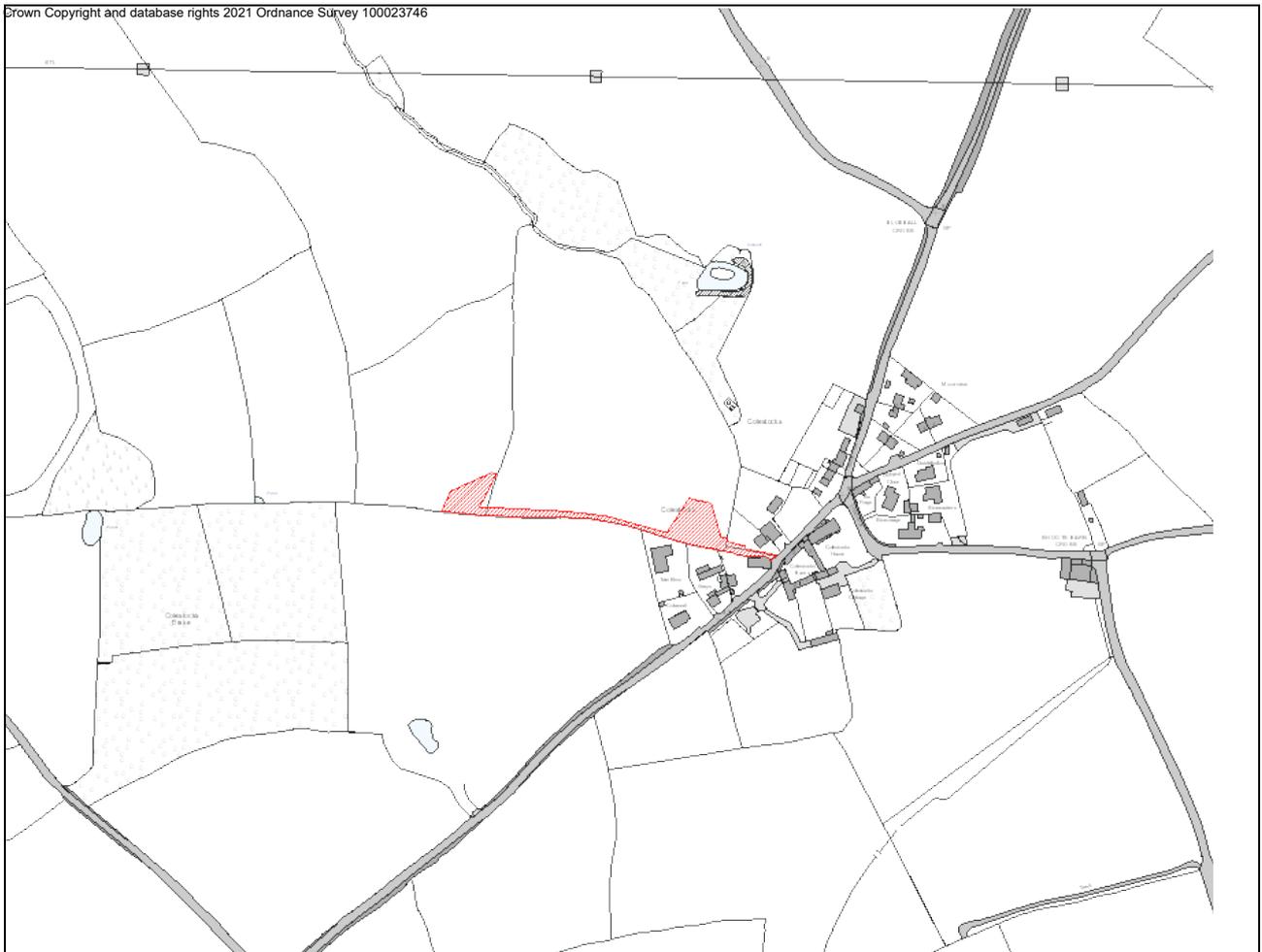
Location Colestocks Farm Cottage Colestocks Honiton
Devon EX14 3JR

Proposal Alterations to vehicular access, widening and re-alignment of access track and provision of 2no parking spaces and turning area for Colestocks Farm Cottage; construction of polytunnel; provision of 3no shepherds huts for tourist accommodation, including laying out of associated parking area (comprising 6no spaces) and turning area.



RECOMMENDATION: Approval with conditions

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		Committee Date: 15th December 2021	
Tale Vale (Payhembury)	21/0019/FUL	Target	Date:
		19.03.2021	
Applicant:	Mr Johnson-Sabine		
Location:	Colestocks Farm Cottage Colestocks		
Proposal:	Alterations to vehicular access, widening and re-alignment of access track and provision of 2no parking spaces and turning area for Colestocks Farm Cottage; construction of polytunnel; provision of 3no shepherds huts for tourist accommodation, including laying out of associated parking area (comprising 6no spaces) and turning area.		

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EXECUTIVE SUMMARY

This application is brought before the Committee as the officer recommendation is contrary to the view of the Ward Member.

Colestocks Farm Cottage occupies a location in the hamlet of Colestocks, between Feniton and Payhembury. Aside from the main property, the applicant also owns a further 16 acres of agricultural land to the west that is accessed off the road through the hamlet via an unmade farm lane of single vehicle width that extends alongside the southern boundary of the curtilage on one side and Money Glass Cottage, a Grade II listed property, and the northern boundary of its curtilage on the other for a length of just under 40 metres. The junction of the lane with the road is currently substandard in terms of visibility for, and of, emerging vehicles, more particularly to the south west where this property almost abuts the edge of the carriageway.

The proposal involves two principal elements in the form of (i) the provision of a 'glamping' site, comprising 3no shepherds huts for use for holiday accommodation purposes, within part of the central of three fields in the applicant's ownership and approximately 200 metres from the main dwelling, and (ii) the construction of a polytunnel within the field adjacent to it to facilitate expansion of the applicant's flower growing business.

Associated operations involve the removal, realignment and reconstruction of part of a stone and brick wall along the front garden boundaries of the property to create a new widened and splayed entrance to the farm lane with improved visibility, together with the laying out of 2no parking spaces for private use by the

occupants of Colestocks Farm Cottage within the rear garden and a further parking facility, comprising 6no spaces within part of the field just beyond the rear curtilage boundary, for use by persons occupying the shepherds huts, all of which are to be accessed off of the farm lane.

The scheme has also been amended to incorporate the addition of a passing bay for vehicles adjacent to the 2no spaces for Colestocks Farm Cottage.

Much of the lane and the proposed parking and passing facilities would be surfaced with a 'green' cellular permeable grass reinforcement system to seek to retain the rural character and appearance of the present lane.

In terms of the criteria set out in Policy E19 (Holiday Accommodation Parks) of the Local Plan, the 'glamping' element of the proposals is considered to be acceptable.

However, amidst a number of areas of concern expressed by the parish council, ward member and interested third parties is the anticipated increase in the use of the existing substandard access that would result from the operation of the 'glamping' facility and the use of the polytunnel and expanded flower growing business that the latter would facilitate. However, with the inclusion of the proposed passing bay, the County Highway Authority is now satisfied, having originally expressed objection, that any such increase would be offset by the ability for vehicles to be able to both pass along the lane, enabling simultaneous access and egress, and turn around within both of the parking facilities without the need to reverse back onto the highway. Taken together with the removal of on-road parking for the existing property that the proposed private parking facility would enable and the modest visibility improvements that would result from the proposed alterations at the entrance to the lane, there would be no overall reduction in highway safety.

This key matter apart, whilst the other issues raised are acknowledged, it is not thought that any amount to material issues of concern that would carry sufficient weight in support of a refusal of permission in this case.

Approval is therefore recommended subject to conditions to control the use of the shepherds huts and to ensure the provision and retention of the access improvements and vehicle parking, passing and turning facilities. Further conditions are also required to seek the provision of outstanding landscaping details and to control ancillary operations required in connection with the 'glamping' accommodation.

CONSULTATIONS

Local Consultations

Parish/Town Council (Original comments)

Planning Application 21/0019/FUL for Colestocks Farm Cottage

Following a site visit, on Wednesday 10th February, Payhembury Parish Council discussed the application and decided to object to this planning application for the following reasons:

1. No Listed Building impact survey has been carried out as part of this application:

The proposed changes to the lane directly behind Moneyglass Cottage (which the applicant has access rights over but does not own) will have a direct impact on the cottage, which is a listed building. No Listed Building impact survey has been undertaken to assess the level and detail of this impact. The public view of the listed building and privacy for the inhabitants will be substantially changed if the proposed access changes are implemented. A hardcore lane with a concrete kerb and a necessary screening fence will replace the green lane adjoining the property. The proposal to widen the lane will enable at least eight cars (based on the proposed number of car parking spaces) to be using this lane on a regular basis, potentially several times a day. In addition, a wider lane would enable larger, heavier delivery vehicles to access the rear of the applicant's property for their fledgling horticultural business. Currently there are no vehicle movements past the back of Moneyglass Cottage, which directly abuts the lane, and the potential structural impact of multiple daily vehicle movements on the property needs to be assessed. Like many old properties it has no foundations. In addition, the oil tank for Moneyglass Cottage is situated along the lane and allowing vehicle and pedestrian movement past it increases the risk of an environmental issue.

An impact assessment on the listed building (including its visibility, enjoyment by occupants, structure, aspect and drainage) is required.

2. Dangerous access from the lane onto the highway:

The proposal does include widening the exit of the lane using part of the applicant's garden to make traffic access easier. These changes (if legally agreed) will improve access down the lane. However, visibility from the lane onto the highway is poor, especially from the right where the view is blocked by the corner of Moneyglass Cottage. Vehicles travelling into Colestocks down the hill at speed from the southwest will not be able to see vehicles emerging from the lane until they are very close to the exit. Likewise, vehicles emerging from the lane will be unable to see vehicles approaching from the southwest. The proposed widening will add very little to the visibility from that direction due to the proximity of Moneyglass Cottage, although it may improve visibility slightly when travelling from the northeast. Increased vehicle movements around this exit will also pose additional dangers for pedestrians.

3. No ecological survey has been carried out as part of this application:

There are believed to be protected species living close to the site of this planning application, including Horseshoe Bats and Dormice. No ecological survey has been carried out to establish the potential impact on these and other species of a potentially large increase in noise and disturbance. The applicants have stated their intention of planting hundreds of new trees and more than 100m of new hedging, which is not included in the detail of the planning application. The ecological impact of this new

planting could be positive, but also needs to consider the biodiversity of the area to support the protected species.

An ecological survey of the whole site due to presence of protected species is required.

Additional comments:

The planning application deals with two separate plans within the one application - one for the development of a permanent caravan site, using 'Shepherd Hut' style caravans, and the second for the growth of a horticultural business. There is concern that treating this as one overall ground-plan would allow the applicant the flexibility to swap the functionality of the two main areas or to use the area currently used for horticulture (although not marked on the plan as such) for future caravans. This was not the intention of the applicants, but the ambiguity needs to be removed. Should this application be successful, the site may require a caravan site licence. If that is the case it is hoped that the local authority will impose restrictions on the site to minimise the impact on local residents of the hamlet (e.g. no car movements after 9pm, no open fires etc.).

The Parish Council felt that the planning application lacked detail in a number of areas, not just the lack of a Listed Building survey or ecological survey. For example, the lane has service pipes for neighbours sewage and water running under it at a relatively shallow depth, with some of the pipes believed to be more than a hundred years old. No detail is given as to how these will be protected from the increased pressure caused by multiple vehicle movements, some fairly heavy, over the top. No indication is given on how refuse from the 'Shepherds Hut' caravans will be dealt with. The Colestocks Shoot, which uses this land throughout the year, for pheasant shooting in season and for the control of vermin during the rest of the year, is not mentioned in the application. The potential safety issues for individuals staying in the 'Shepherds Hut' caravans whilst the shoot takes place has not been addressed. The proposed car park is 500m from the 'Shepherds Hut' caravans and it is proposed to use a quad bike for transfers between the car park and the huts, although this is not stated in the planning application. The impact of regular quad bike journeys down the green lane and back has not been addressed ' either in terms of noise disturbance or ecological impact. It is good to see the applicant include a proposed polytunnel within scope of this application. However, the visual impact of this (> 3x height of the existing rabbit fencing) would need further action to avoid an eyesore in the hamlet (which would be visible from some distance) as there is minimal screening and none to the required height.

These, and other details, have not been adequately dealt with in the planning application. The applicants are keen to have minimal environmental impact, which is commended, however they have not formally surveyed the impact of their proposals. The potential impact on the view of and from a listed building and impact on privacy and structure of that building (Moneyglass Cottage) which has a window directly overlooking the lane, and the increase in noise and light disturbance as a result of these proposals needs to be addressed. Finally, the proposal to make changes to a lane which the applicants do not own is of concern.

In the opinion of the Council, without legal agreements of the landowner and those with rights over the lane planning permission for this site is irrelevant (though outside the consideration of this Council). If an alternative and suitable access route was available to the applicants then the ecological survey would still be required, but the impact on listed building would be minimal.

Parish/Town Council (Further comments in response to amended plan showing addition of passing bay along farm lane):

Payhembury Parish Council consider that the amended planning application for the proposed horticultural business and holiday lets (Shepherds Huts) at Colestocks Farm Cottage has not substantially changed from the original plans issued back in January. The very serious issues that were raised previously have not been addressed and therefore the Parish Council continues to object to this planning application. All of the issues previously raised are still relevant and require attention. The addition of a passing place approximately half way along the lane does not address any of the concerns raised.

The access from the lane to and from the public highway still suffers from very poor visibility, especially from the Crowders Cross / Talaton direction and this has been highlighted by DCC Highways as a major concern.

The applicants are not the owners of the lane that they are proposing making fundamental changes to. As previously stated, the permission of the landowner and those with rights over the lane should be obtained before any consideration is given to the proposed changes.

The plans show a number of inaccuracies and the agents have not taken sufficient care when producing them. For example, the outline of Moneyglass Cottage does not show the buttresses that support the building and which create a major obstruction for access to the lane. The dotted line on the Moneyglass Cottage side of the lane states that it denotes the edge of the grass buffer/hardcore lane, however the area is not a grass buffer but a concrete apron needed to allow runoff from the listed building which has no foundations (no protection for this apron or the oil tank for Moneyglass Cottage have been included in the plans). The first two plans have a date of Nov 20, but the latest plan, showing the proposed passing place on the lane and therefore clearly recently changed, is also dated Nov 20. This lack of care and attention to detail is concerning.

The Heritage Report, produced by the agents for the applicants, does not give an independent assessment of the potential impact of the proposed changes on the Grade 2 listed Moneyglass Cottage. An independent assessment is required.

The four-fold increase in the area to be used for polytunnels represents a huge increase in the visibility of the site and suitable screening needs to be incorporated into the plans. Honeysuckle Cottage, in particular, will be adversely affected by this proposed change. This increase in the size of the currently quite small horticultural business is disproportionate to the size of the property and to the hamlet of Colestocks. An increase of that size is likely to result in more movements of larger vehicles such

as 3-tonne trucks. Neither the access into the lane, nor the proximity of Moneyglass Cottage to the lane, are suitable for these sort of vehicle movements.

Finally, the agents have stated in their letter dated 3rd March that a cart with all terrain wheels will be used to transfer luggage from the car park to the holiday lets. However, at the Parish Council site visit in late January the applicants themselves stated that a quad bike would be used.

Tale Vale - Cllr Philip Skinner

I have taken many points of view over quite a long time now from all sides.

I have always been very supportive of farm diversification and want to encourage growth within are communities providing it is of course in the right place.

The definition of right place must be taken on board if already existing residences could be likely to be affected in a settlement environment. Other considerations are equally important, such as highways.

I have visited the site and passed it on several occasions and cannot 'get away' from the highways issue. I fully appreciate the applicant has worked with highways whom have now overcome the highways issue. Although this has been achieved through negotiation (and all credit to the applicants for working a scheme through) it really appears to me that it is still extremely dangerous.

It is a difficult balance but one I must 'land with, either one way or another'. I feel with multiple considerations, that I need to REFUSE this application as I just don't feel it sits right on its highways grounds issue.

I would like this application to go to the planning committee for the planning members to debate and come to their own conclusions.

Technical Consultations

Devon County Highway Authority (Original comments)

Observations:

The location is sited on a C-Road, our policy requires all A, B and C roads have the ability to turn off-carriageway and re-enter the carriageway in a forward facing motion, this proposal fits that criteria with the provision of dedicated off-carriageway parking and sufficient space for vehicles to turn.

However the drive width is only 3m wide and therefore only one car width wide, with vehicles unable to see each other from either end of the drive, this may cause disruption to the highway network. To increase the use of the drive with 3 Shepherds huts would require either a passing place in the drive or the drive width to be increased to 4.8m wide.

Additionally, the visibility is particularly poor at this development and whilst I appreciate it is an existing access, the intensification of the use of this access would increase the safety risk of the highway network in the vicinity.

Therefore I recommend refusal of this planning application.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, RECOMMENDS THAT PERMISSION BE REFUSED FOR THE FOLLOWING REASONS

1. The increased use of the access onto the Public Highway, resulting from the proposed development would, by reason of the limited visibility from and of vehicles using the access, be likely to result in additional dangers to all users of the road contrary to page 32 of the National Planning Policy Framework.
2. The inadequate width of the access is likely to cause congestion, with consequent risk of additional danger to all users of the road contrary to page 32 of the National Planning Policy Framework.

3 May 2021

Devon County Highway Authority (Further comments in response to amended plan showing addition of passing bay along farm lane):
Addendum 21/09/2021:

The applicant has come forward with a potential passing bay along the farm track, this would allow the access to accommodate for simultaneous access and egress with the increased trip generation from this application.

Through the safety improvements of the access wall being lowered to the east increasing visibility in that direction, the ability for vehicles to pass along the access track and not reverse onto the highway and the removal of on-street parking, I believe the safety concern of the increased use of the access track with the 3 shepherds huts has been at least equalised and therefore the County Highway Authority stance is now one of no objection.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, RECOMMENDS HAS NO OBJECTION TO THE PROPOSED DEVELOPMENT

Conservation (Original comments)

The proposal is assessed against the setting of the grade II listed building that is a=ited to the immediate south of the site.

Comments are as follows;

- o The boundary to Colestocks Farm Cottage appears on the 1888-1890 historic maps.
- o Part of the significance of the listed building is derived from its setting The setting is of a rural settlement that is surrounded by the natural landscape. The immediate setting to the listed building is characterised by its historic built environment

of vernacular dwellings most of which are detached but all are bordered by a stone or brick boundary wall.

- o The proposal seeks to demolish the front and side walls and move into the garden to make the side access wider. The re-use of existing materials and the duplication of the bound/course must form part of the works and could probably be set as a condition.

- o The proposal is not overly explicit with the detailing of the entire scheme and seeks to split elements e.g. interior drawings of the holiday accommodation (and not external measurements) that do not necessarily give the full impression of the actual overall scheme(s).

- o Will there be any energy generation on site too? Any vehicle electrical charging points?

- o In general the widening of historic tracks is not uncommon with the pressures of modern agricultural vehicles. In this case this is not really a main access track for big agriculture and is also required for modern day parking.

- o There remains concern with regards to the lack of investigation of the herniate impact. Assessment. There is little to no supporting evidence with regards to the historic asset including the large buttresses on the gable/roadside end. There appears or be an oil tank on the border of the lane but behind the house that I presume requires access and additional concern with regards to not just the safety of actual physical impacts to the corner of the house but the actual physical protection of impact to the oil tank.

- o It would be preferable for the boundary to remain in the original position as this would retain the historic boundary line. It is recommended that there are conditions for details of surface treatment of the lane and edges. There should be minimal intervention and no modern edges such as kerbs. The materials from the walls must be re-used and re-built like for like with a lime based mortar.

- o It is considered that although there will be change to the alignment of the boundary wall to the cottage, the degree of negative impact to the setting of the listed building could be partially mitigated by a minimal and sympathetic landscape solution and the rebuilding of the walls like for like. A more detailed solution including materials needs to be submitted. This could be set as a condition.

Conservation (Further comments in response to amended plan showing addition of passing bay along farm lane):

In addition to initial comments made and in response to the amendments:

- o There continues to be concern with regards to the lack of investigation regarding the impact of the proposal on the setting of the listed building.

- o The digital landscaping views lack details and are too generic to provide any more information than a plan drawing would do.

- o There must be a sympathetic, detailed and defined solution to the boundary treatment of Money Glass Cottage and not one that necessarily is a standard highway solution.

Environmental Health

I have considered the application 21/0019/FUL and do not anticipate any environmental health concerns.

Campaign to Protect Rural England

Devon CPRE would like to raise the following concerns and objection.

A heritage statement has been submitted which has not been undertaken by a specialist but by the agent. Are the Local Planning Authority content that this assessment is robust enough to make sure that the applicant has taken the significance of the historic asset (Moneyglass Cottage) into account when developing and designing their proposals for change. It is a core part of the design process, which tests whether a proposal is appropriate by assessing its impact on a heritage asset's significance. It helps to ensure that what is important about a historic asset is sustained or even enhanced.

Much of the information in support of the proposal appears somewhat insufficient to support this proposal moving forward:

- * There is no specific information on the need for this type and scale of development in this locale;

- * There are no detailed references as to how the site is linked to public transport and how it will promote the use of sustainable modes of travel other than the private car e.g. where is the nearest bus stop and how frequently does the bus run; what is the relationship of the site to the green infrastructure within the area to facilitate walking and where do the routes lead; cycling storage facilities?

"...walking offers the greatest potential to replace short car trips, particularly those under 2 km." (Manual for Streets, para 4.4.1, page 45, DCLG, 2007).

- * There is no justification for the design principles of the scheme in relation to the historic context e.g. tents/polytunnel. What additional facilities/built form will be required in addition e.g. bin storage, washroom facilities, hard surfacing (and materials), amenity areas etc. The applicant appears willing for some of these details to be conditioned at a later date, but these details are crucial in considering the scale and impact of the proposal at this stage. The car parking area appears somewhat urban in form.

- * There is no mention of the quantifiable net gains to biodiversity as a result of the proposal, how can the scheme respond to this issue without a preliminary ecological appraisal to not only steer the scheme but any conditions that may be necessary to ensure appropriate mitigation and enhancement? The Local Planning Authority should be aware of the emerging Environment Bill and 10% net gain drive.

- * The highway authority has yet to comment on the proposal and the concerns raised by the community re access, increased traffic movements remain unaddressed. Where are the details in respect of anticipated trips (referencing both the horticultural business and tourism offer e.g. number of deliveries, type of vehicle to be used, number of employees etc. to justify the statement that potential movement is insignificant). Without some sort of technical transport note, how can the implications on highway safety be fully considered based on the current level of detail?

Conclusion

In accordance with the National Planning Policy Framework, development should deliver gains across the objectives of sustainable development; economic, social and environmental. This scheme does not accord with national policy. There is insufficient detail to ensure that the proposal meets local and national planning policy criteria.

Other Representations

A total of ten representations of objection have been received across two rounds of consultation.

Summary of Grounds of Objection

1. Increased vehicle movements, with additional safety risks to pedestrians, cyclists and horse riders at a dangerous entrance on a blind bend with inadequate visibility with sole access for both planned business activities via a very narrow shared farm lane.
2. Noise and disturbance from vehicles, headlights, etc. driving at all hours along farm lane which historically has had very little vehicular use.
3. Impact upon privacy of Money Glass Cottage and garden from passing pedestrians and cars.
4. Destruction and rebuilding of ancient stone wall, between two listed buildings to the detriment of the street scene.
5. Increased traffic would result in a considerable impact upon the hamlet.
6. Car park would be a visual blight upon area and the level of parking provision suggests future expansion.
7. No provision made for a track for clients to carry luggage and provisions over potentially muddy fields.
8. Noise and light disturbance/pollution from activity generated by journeys to and from the huts and from their occupation, dogs, barbeques, etc.
9. Lack of ecological information, particularly in relation to bats' foraging and commuting corridors and the impact of lighting upon bats and dormice.
10. Disturbance caused by the huts would present a threat to the breeding and raising of pheasants in the nearby woods.
11. Possible subsidence to Money Glass Cottage from weight from vehicles.
12. Risk of damage to sewage drains from weight of increased traffic.
13. Domestic oil tank at the side of the lane would be vulnerable to damage from passing vehicles and vandalism.
14. Lack of practical details relating to supply of services such as light, heat, water, drainage, etc.
15. Size of polytunnel implies future planning for a substantial expansion of the flower growing business.
16. Proposed widening of the track to accommodate 'all types of vehicles' will almost certainly include trailers and delivery vans with greater weight and restricted manoeuvrability, posing greater risk of damage.
17. No mention of waste and recycling storage and disposal for the shepherd huts and the horticultural business.
18. The applicant does not own the farm lane, which has unregistered title with the Land Registry.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 5B (Sustainable Transport)

Strategy 7 (Development in the Countryside)

Strategy 33 (Promotion of Tourism in East Devon)

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)

D7 (Agricultural Buildings and Development)

EN5 (Wildlife Habitats and Features)

EN9 (Development Affecting a Designated Heritage Asset)

EN14 (Control of Pollution)

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

EN22 (Surface Run-Off Implications of New Development)

E4 (Rural Diversification)

E19 (Holiday Accommodation Parks)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Made Payhembury Neighbourhood Plan 2017-2031 Policies

There are no neighbourhood plan policies that are material to the application proposals.

Government Planning Documents

NPPF (National Planning Policy Framework 2021)

ANALYSIS

Site Location and Description

Colestocks Farm Cottage is a semi-detached residential property that forms part of the hamlet of Colestocks, located approximately midway between Feniton and Payhembury.

The property and its rear garden back onto an open field, one of three extending to the west of Colestocks that are also within the applicant's ownership and amount to around 16 acres in area in total. The nearest field to the property (i.e. immediately to the west) is sub-divided by a stockproof post and wire fence running from north to south.

Access to these is principally available via an unmade, mainly grass, lane of single vehicle width, approximately 38 metres in length, off of the County highway. This lane separates the southern boundary of the residential curtilage of the property, defined by a stone wall and hedge and a run of timber panel fencing and trellis, from the northern boundary of that of Money Glass Cottage, a Grade II listed building. This boundary is defined in part by a concrete block wall, where it borders the rear garden of the property, but is otherwise open to the rear wall of the dwelling itself. An oil tank serving this property occupies a recess where this wall steps in is positioned immediately adjacent to the lane.

The principal road frontage boundary of the curtilage of Colestocks Farm Cottage is defined by a brick wall, again backed by a hedge. A pedestrian entrance to the property is positioned at the junction of the lane with the road.

The area is not the subject of any landscape designations or other material constraints. However, the land occupied by the three fields is classified, under the Agricultural Land Classification, as Grade 3 agricultural land.

Proposed Development

The application proposal involves six principal elements, centred upon two enterprises, as follows:

1. Widening of the access lane and the creation of an improved splayed entrance, with enhanced visibility, through the removal, realignment and reconstruction, to the north of its current position, of the existing boundary wall of the curtilage of Colestocks Farm Cottage with the lane and the frontage boundary wall with the highway, both to a height of 975mm. These operations would involve the re-use of the existing stone and brick respectively.
2. Removal of the timber fencing and trellis from the remainder of the boundary of the property with the lane and the formation of an access to, and laying out within the rear garden of, both a parking and turning facility for the use of the property - comprising 2no spaces - and a splayed passing bay for vehicles using the lane. The 'new' realigned boundary to the rear garden of Colestocks Farm Cottage at the rear of these would consist of a 1.8 metre high fence to match the existing. This element of the scheme has been amended to incorporate the addition of the proposed passing bay in the light of objections to the original proposals that were raised by the County Highway Authority.

3. Re-surfacing of the majority of the length of the access lane with a permeable cellular grass reinforcement system utilising recycled plastic. This would be designed to allow for the ongoing growth of grass so as to seek to retain the present appearance of the grassed surface of the lane. The first section off the highway would be surfaced with a permeable hardcore, similar to the existing informal treatment. A low timber edging board would be laid along the southern edge of the lane adjacent to the rear of Money Glass Cottage while a short 3 metre length of 1.8 metre high timber screening would seek to screen and protect the oil tank that serves that property.
4. The provision of a 'glamping' site comprising 3no shepherds huts within the south eastern part of the central of the three fields to the rear of the property. These would each measure 7.32 metres by 2.44 metres.
5. The provision and laying out of a parking and turning facility, comprising 6no spaces, for use by occupiers of the proposed shepherds huts, within the south eastern corner of the field immediately to the rear of the property; i.e., just beyond the end of the lane and an existing gated entrance into the field.
6. The construction of a polytunnel within the same field for use to facilitate the applicant's intention to expand an existing flower growing enterprise. This would measure 20.12 metres in length by a width of 6.1 metres with a maximum height of 2.84 metres.

Considerations/Assessment

The main issues for consideration are the principle of development, visual impact, highway safety, impact upon heritage assets, ecology and residential amenity.

Principle

The proposals relating to the realignment of the curtilage boundary of Colestocks Farm Cottage, alongside the alterations to the access lane and the provision of the parking spaces and passing place for vehicles, whilst requiring consideration as to their respective merits (which are discussed later in the report), are essentially proposed as a means of servicing the proposed glamping site.

It is therefore considered appropriate that the principle of this element of the scheme should be considered at the outset.

The provisions of Policy E19 (Holiday Accommodation Parks) of the adopted Local Plan permit proposals for new sites, such as that proposed in this case, where various criteria are met.

These are discussed in turn as follows.

1. The proposal relates sensitively in scale and siting to the surroundings and includes extensive landscaping and visual screening to mitigate against adverse impacts. They do not affect habitats or protected species

The proposed shepherds huts would be positioned a considerable distance from any public vantage points, of either shorter or longer range, within a very gently undulating pastoral landscape interspersed with established hedges and areas of woodland. As such, and provided that the materials, colours, etc. employed in their design and appearance is appropriately sympathetic, they would not be readily apparent in wider landscape views to the extent that they would appear visually intrusive and therefore unduly detrimental to the rural character and appearance of the area.

Indeed, the comparative isolation from public vantage is such that it is not considered necessary for the addition of mitigating screen planting that might otherwise itself appear uncharacteristic of the surrounding landscape, to be introduced.

Equally, it is not thought that the development would not result in any adverse effect upon, or loss of, any significant areas of habitat, or otherwise affect protected species. The accommodation would occupy a comparatively modest part of a field laid to pasture with no requirement to demolish any buildings or remove any ancient/traditional, or indeed any, hedgerows that might provide a habitat for protected species.

The applicant has expressed a willingness to undertake the implementation of any biodiversity enhancement measures that may be considered necessary by the Council.

2. They are within, or in close proximity, to an existing settlement but would not have an adverse impact on the character or setting of that settlement or the amenities of adjoining residents

The site is in close proximity to Colestocks and near to Feniton and Payhembury where there are a range of amenities, including a main line station at Feniton. Although these amenities may be regarded as being too far away for daily living and for regular access by means other than private car, for tourists it is considered that walking or cycling would be an attractive option and reduce the need to travel by car.

In addition, the ready accessibility of footpath connectivity to Payhembury and its village shop and public house has been highlighted by the applicant's agents in support of the suitability of the location of the site when assessed against this criterion.

However, the accommodation would be sufficiently physically and visually separated from Colestocks as to avoid any adverse impact upon the character or setting of the hamlet itself or the amenities and living conditions of the occupiers of the nearest residential properties to the site within it.

The level of accommodation is also considered to be appropriately modest, at three units, as to restrict the likely level and regularity of activity, both vehicular and pedestrian, that would be generated by its use together with that of the proposed vehicle parking facility to serve it and the farm lane that in turn would serve this. (This is discussed further later in the report.)

3. They would not use the best and most versatile agricultural land

Although utilising Grade 3 agricultural land, it is unclear whether it is Grade 3a, which is among that categorised as being among the best and most versatile land (BMV), or Grade 3b, which is not regarded as being BMV land.

In any event, it is accepted that the scale and level of impact upon the availability of such land that would result from the siting of the proposed shepherds huts would be small scale and would therefore be unlikely to compromise agricultural productivity to any significant degree that objection to the proposal on this ground would be justified.

4. They will be provided with adequate services and utilities

There is no evidence to suggest that any absence of utility provision would be a point of concern. In relation to services, the intention is to provide a modest low impact tourist facility with no associated or ancillary uses or structures.

5. Traffic generated by the proposal can be accommodated safely on the local highway network and safe highway access to the site can be achieved

With some justification, this represents a major point of concern with the parish council and ward member, as well as among interested third parties, and is therefore addressed within this part of the report.

It principally relates to the likely increase in vehicle movements in and out of the farm lane to the proposed parking facilities for both Colestocks Farm Cottage itself and the shepherds huts, the inadequacy of the standard of visibility both for, and of, vehicles emerging onto the highway from the lane owing to Money Glass Cottage almost physically abutting the former to the south west of the entrance and the narrowness of the lane, in practical terms, to accommodate this increase without resulting in harm to the amenities of the occupiers of this property.

Observations made on the applicant's behalf by the agents state the following:

'At present the applicant's property does not benefit from any formal off-road parking facilities, and they are forced to park up against the adjacent listed building (space for one car) at the entrance to the track to their land, and on the public highway for their secondary and any visiting vehicles. Whilst smaller vehicles can fit down the track, they are forced to pass very close to the listed building.

The width between the listed building and Colestocks Farm Cottage garden wall is less than 2.4 metres at its narrowest point.

Deliveries for the horticultural business (including, for example, tonne loads of compost) are forced to be dropped at the top of the track, not only close to the listed building, but also potentially impacting on passing traffic.

A primary objective of the applicant's proposal is to enhance the protection of the listed building, allowing a wider berth from the building and including a minimum 1.5 metre buffer.

It is suggested that passing vehicles are unlikely to significantly adversely affect the listed building (structure or foundations if present), and it is an improvement to provide a wider distance from the building and cease parking cars adjacent to it.

It is noted that the area at the top of the track closest to the listed building and the public highway is surfaced with hardcore to provide a suitable base of vehicle access.'

Whilst the appearance of the surface of the farm lane at the time of the officer visit did not appear to reflect any constant, or even regular, use, it is acknowledged that it is an established point of access to the applicant's agricultural land and is potentially capable of being used more intensively in connection with such use for agricultural or horticultural purposes without any need for planning permission.

The poor standard of visibility at the junction of the lane with the highway, more particularly in the south westerly direction, is also duly recognised, as is the fact that this is unlikely to be addressed, or capable of being addressed, without significant intervention.

The proposed realignment of the first section of the lane off the highway and the existing curtilage boundary wall to Colestocks Farm Cottage is intended to move the existing point of emergence for vehicles seeking to exit the farm lane onto the road slightly further to the north east than at present so as to create a wider splayed entrance and open up slightly greater visibility in both directions.

(The assessment as to the impact of these operations upon the street scene and character of the setting of Money Glass Cottage and other listed buildings is considered later in the report.)

Whilst these proposed modifications initially failed, in the view of the County Highway Authority (CHA), to improve the level of visibility sufficiently to avoid objection on the grounds of inadequate visibility at the farm lane entrance, with attendant failure to improve safety standards for users to an acceptable degree, the subsequent inclusion of a passing facility along the lane to allow for an overall improvement to the standard of access and egress, given the increased levels of vehicle movement anticipated, is now considered by the CHA to tip the overall balance in favour of the proposals from a highways perspective.

As such, and taken together with the likely slightly greater distance of such movements from Money Glass Cottage, the ability for vehicles to turn and emerge from the lane in a forward gear that the inclusion of the passing bay - together with the parking spaces - would facilitate, the slightly improved visibility in both directions at the entrance and the potential to remove the need for on-road parking, it is the view of the CHA that there would be no overall worsening of safety concerns connected to the increased use of the farm lane.

Moreover, in broader terms, it is not thought that the level of additional traffic movements that would be generated by the proposals would be such as to risk

compromising safety standards on the wider local highway network. Although it is accepted that the roads in the locality are essentially rural lanes with limited footway provision for pedestrians, it is not felt that the net addition of the three shepherds huts (given that the lane could already be lawfully used in connection with the occupation of Colestocks Farm Cottage and agricultural use of the land beyond it) would result in general levels of safety for road users being materially adversely affected, again to the extent that objection would be justified.

In the circumstances therefore, whilst the continued objections held by the parties listed above are understood it is not considered that they could reasonably be upheld in support of a refusal of the proposal on highway safety grounds provided that the access improvements, including the provision of the passing bay and parking facilities for the existing property and users of the shepherds huts, are implemented before the latter are made available for use.

Turning to the impact of the proposed alterations to the farm lane entrance upon the character and appearance of the street scene and the character of the setting of Money Glass Cottage, whilst it is appreciated that these would represent a not insignificant intervention in the character and appearance of the boundary treatment to the curtilage of Colestocks Farm Cottage it is nevertheless considered that it would not be unduly unacceptable provided that the reconstruction of the boundary walls is handled sensitively.

It is also recognised that, whilst the hedge contributes towards the rural appearance of the site boundaries with the highway and the farm lane and the wider rural character of the hamlet, and screens much of the existing property from view from the road while also providing the applicant with a considerable degree of privacy, this could itself be removed without the need for any approval from the Council. In this regard, it is also duly noted that the property does also have the benefit of a larger private rear garden area that would continue to be retained in spite of the proposed parking spaces and passing bay for vehicles.

The boundary alterations aside, it is considered to be important that the lane retains its rural character and appearance so far as possible. To this end, it is thought that the intended 'green' surface treatment of the majority of its length, excepting for the retention of the length of permeable hardcore for the first section (which would be consistent with the Highway Authority's standing advice in relation to the treatment of agricultural field entrances), would be acceptable.

There are however some outstanding matters of detail in relation to the landscaping proposals for the lane and parking areas that remain to be provided. It is recommended that the submission of these for approval be secured by condition.

The proposed polytunnel would be of a size, form, design and external appearance typical of such structures and, whilst positioned in relative isolation within the field to the rear of Colestocks Farm Cottage, would not be readily visible within the wider public domain or, even in the event that it were, sufficiently divorced from the existing built form of the hamlet or visually intrusive as to materially detract from the rural landscape character or appearance of the surrounding area such that objection to it could reasonably be supported on this basis.

Other Matters

There is an acceptance that the proposals would likely increase general levels of pedestrian and vehicular activity along the farm lane relative to that currently - and possibly for some time - experienced with some attendant impact upon the living conditions of the occupiers of Money Glass Cottage. However, part of the existing concrete block wall that separates the lane from the rear garden of this property is of sufficient height to screen views towards, and into, a conservatory attached to its rear. Furthermore, while the remaining length of this wall is lower, and does allow for a view into the garden, it should be recognised that the lane is an established means of access to the field to the rear of the applicant's property and could, in any event, and in the absence of the current application proposals, generate far greater levels of activity and movement of vehicles than it would appear it has done for some time with comparable impact upon the adjacent occupiers.

In much the same manner that it is felt that the levels of additional activity that may be generated by the proposals would not have an adversely compromising effect upon highway safety, it is also considered that they would not result in the unacceptable levels of noise and general disturbance that are anticipated by the parish council and a number of the interested third parties. Indeed, when taken in the overall planning balance, it is again not agreed that these concerns could reasonably be substantiated in the event of a refusal.

The issue of ownership of the lane has been raised with the applicant's agents and the requisite notice placed in the local press, with appropriate certification of the same provided to the Council, with no response having been generated. As such, officers are satisfied that the statutory duties that are required of applicants in situations where development proposals involve land whose ownership is unknown have been complied with in full in this case.

Various other concerns that have been expressed, such as the risk of potential damage to property and infrastructure from vehicular movements along the lane, cannot be regarded as being material to consideration of the proposals on their planning merits.

Habitat Regulations Assessment and Appropriate Assessment

The nature of this application and its location close to the Pebblebed Heaths and their European Habitat designation is such that the proposal requires a Habitat Regulations Assessment. This section of the report forms the Appropriate Assessment required as a result of the Habitat Regulations Assessment and Likely Significant Effects from the proposal. In partnership with Natural England, the council and its neighbouring authorities of Exeter City Council and Teignbridge District Council have determined that housing and tourist accommodation developments in their areas will in combination have a detrimental impact on the Pebblebed Heaths through impacts from recreational use. The impacts are highest from developments within 10 kilometres of the designation. It is therefore essential that mitigation is secured to make such developments permissible. This mitigation is secured via a combination of funding secured via the Community Infrastructure Levy and contributions collected from

residential developments within 10km of the designations. This development will be CIL liable and the financial contribution has been secured. On this basis, and as the joint authorities are working in partnership to deliver the required mitigation in accordance with the South-East Devon European Site Mitigation Strategy, this proposal will not give rise to likely significant effects.

RECOMMENDATIONS

1. That the Habitat Regulations Appropriate Assessment be adopted.
2. That the application be APPROVED 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 shepherds huts hereby permitted shall only be occupied for holiday accommodation purposes under the supervision and management of the owners or occupiers of the property known as Colestocks Farm Cottage and shall not be occupied as a person's sole or main place of residence. A register (including names and main home addresses) of all occupiers of the accommodation shall be collated and maintained by the owners or occupiers of the property known as Colestocks Farm Cottage and this information shall be made available at all reasonable times upon request by the Local Planning Authority.
(Reason - To ensure that the accommodation hereby permitted is not used for permanent residential occupation in this open countryside location where new development is restricted in accordance with Strategy 7 (Development in the Countryside) and Policy E19 (Holiday Accommodation Parks) of the adopted East Devon Local Plan 2013-2031.)
 4. The shepherds huts hereby permitted shall not be brought into use until the following operations have been completed in full in accordance with the details shown on the approved plans and any other details as may be required to discharge any other conditions attached to the permission hereby granted:
 1. The alterations at the entrance to the access lane off the County highway, including the provision of visibility splays.
 2. The realignment and widening of, and alterations to, the access lane, including its re-surfacing.
 3. The provision, laying out and surfacing of the passing place and parking and turning areas within the curtilage of Colestocks Farm Cottage.
 4. The provision, laying out and surfacing of the parking and turning areas within the field to the west of the curtilage of Colestocks Farm Cottage.
(Reason - To ensure that satisfactory access, visibility and parking and turning facilities are available before the holiday accommodation hereby permitted is used in the interests of highway safety in accordance with the requirements of

Policy TC7 (Adequacy of Road Network and Site Access) of the adopted East Devon Local Plan 2013-2031.)

5. The visibility splays shown on the plans hereby permitted shall be kept permanently clear of all obstructions greater than 600mm high.
(Reason - In the interests of highway safety in accordance with the requirements of Policy TC7 (Adequacy of Road Network and Site Access) of the adopted East Devon Local Plan 2013-2031.)
6. The land indicated on the drawings for the parking, passing and turning of vehicles shall not be used for any other purpose, unless an alternative and equivalent area of land within the site is provided in accordance with details that shall previously have been submitted to, and approved in writing by, the Local Planning Authority. This shall thereafter be kept available for vehicle parking purposes.
(Reason - To ensure that adequate and safe provision is made for the parking, passing and turning of vehicles associated with the occupation of Colestocks Farm Cottage and the use of the holiday accommodation hereby permitted and in the interests of highway safety in accordance with the requirements of Policy TC9 (Parking Provision in New Development) of the adopted East Devon Local Plan 2013-2031.)
7. Notwithstanding the submitted details, no development comprising the provision of the parking, passing or turning areas shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority; such a scheme to include the planting of trees, hedges, shrubs, herbaceous plants and areas to be grassed. It shall also include details as to the surface treatment of the access lane and passing, parking and turning areas shown on the approved plans. The landscaping scheme shall be carried out in the first planting season after commencement of the development, unless any alternative phasing of the landscaping is agreed in writing by the Local Planning Authority, and the landscaping shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.
(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 (Design and Local Distinctiveness) and D2 (Landscape Requirements) of the adopted East Devon Local Plan 2013-2031.)
8. The construction of the walls along the northern side of the realigned and widened access lane and splayed access shown on the approved plans shall be carried out using stone and brick salvaged from the existing walls shown to be removed. In the event that there is insufficient salvaged stone and/or brick, details and, where so required by the Local Planning Authority, samples of the stone and/or brick to be used shall be submitted to, and approved in writing by, the Local Planning Authority. The construction shall be carried out in accordance with the approved details.
(Reason - In the interests of the character and appearance of the boundary treatment to the retained curtilage area of Colestocks Farm Cottage in

accordance with Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan 2013-2031.)

9. No development involving the provision of the shepherds huts shall take place until satisfactory details as to any lighting of any part of the application site and/or any means of directing persons to and from the shepherds huts have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved details.
(Reason - In the interests of the character and appearance of the area and the amenities of the occupiers of neighbouring and nearby residential properties in accordance with Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan 2013-2031.)

NOTE FOR APPLICANT

Informative: Confirmation - No CIL Liability

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

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

Informative:

In accordance with the 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:

200-01 Rev E	Location Plan	04.02.21
rev 2	Proposed Floor Plans	05.01.21
200_04	Proposed Combined Plans	15.01.21
200-05 Rev B	Landscaping	30.11.21
200_06 Rev A	Landscaping	30.11.21

List of Background Papers

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