

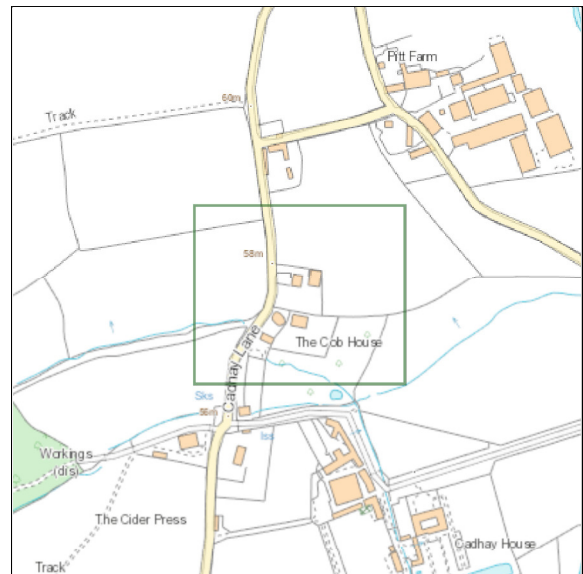
Ward Ottery St Mary Rural

Reference 18/1442/FUL

Applicant Mr Christopher Gooding

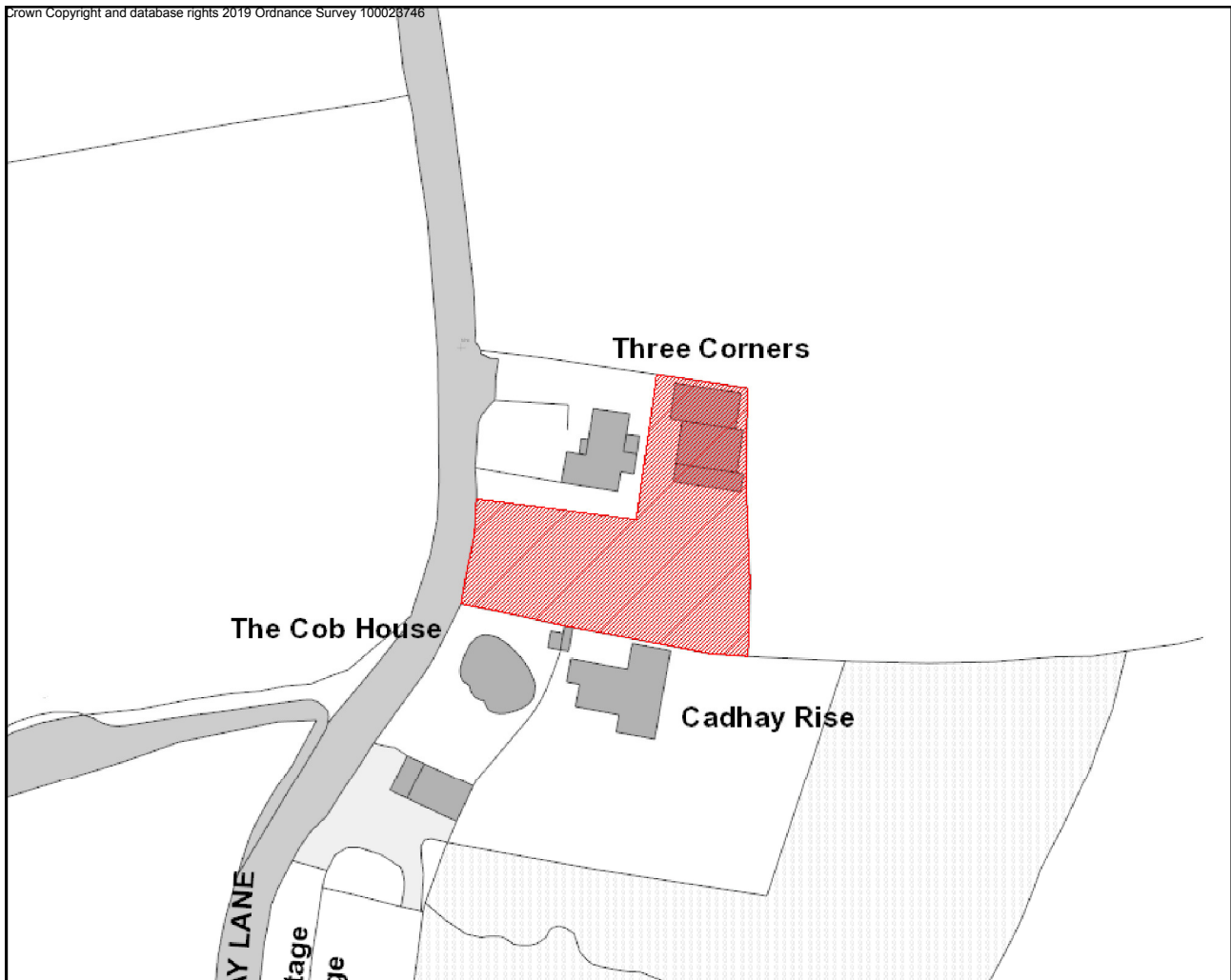
Location Three Corners Coombelake Ottery St Mary
EX11 1NW

Proposal Construction of dwelling and use of workshop
for storage and distribution of animal feed



RECOMMENDATION: Refusal

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		Committee Date: 2nd April 2019
Ottery St Mary Rural (OTTERY ST MARY)	18/1442/FUL	Target Date: 08.10.2018
Applicant:	Mr Christopher Gooding	
Location:	Three Corners Coombelake	
Proposal:	Construction of dwelling and use of workshop for storage and distribution of animal feed	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

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

Planning permission is sought for a dwelling on a haulage yard in the countryside to the north of Ottery St Mary. This is a revised scheme following withdrawal of an application just prior to consideration at the April 2018 Committee.

The site is outside the Built-up Area Boundary and close to Cadhay, a grade I listed manor house and its grade II registered gardens. The proposal also involves the loss of part of the haulage yard. These concerns formed the basis for the recommendation of refusal of the previous application. To address these concerns the dwelling has been reduced from two stories to a bungalow and it has been moved away from the boundary nearest Cadhay. In this way a large enough yard would be retained for the business to function and the impact on the setting of Cadhay had been addressed. The current proposal has therefore overcome two of the earlier concerns.

The remaining concern, however, has not been addressed. In countryside locations dwellings are only permitted in exceptional circumstances and where there is specific Local or Neighbourhood Plan support. In the absence of a relevant Neighbourhood Plan policy, the only policy that may offer support is Policy H4 (Dwellings for Persons Employed in Rural Businesses). In this case however it is questioned whether Policy H4 is relevant as the business, whilst in a rural area, is not a rural business in terms of needing to be located in a rural area. In addition, even if Policy H4 were to apply, there is still insufficient evidence of a functional need to live on site. While the applicant claims a need for an on-site security presence, the Local Plan states: "Concerns relating to security will not, on their own, be sufficient to justify a new dwelling." Moreover, there is

already a dwelling on site occupied by the applicant's parents and various measures could be put in place to improve security, such as putting a gate across the entrance.

In the absence of a policy to support the proposal, given the unsustainable location of the site, and lack of demonstrable need to live at the site should Policy H4 be considered to be applicable, there is no justification for the provision of a dwelling and therefore refusal is recommended.

CONSULTATIONS

Local Consultations

Ottery St Mary Rural - Cllr P Carter

I would like to support this application with the view of supporting local businesses. Being able to live onsite, this application will allow the enhancement and further the sustainability of a family business.

With the reductions in daily car journeys to and from work, increasing security onsite and allowing the different family generations to continue and grow this long standing and successful family business.

Parish/Town Council

21/08/2018 - Ottery St Mary Town Council supports this application as it is a better revised application with a single storey and not in view of Cadhay House which is a listed building.

Further comments 25/09/2018 - As requested, please find below a list of comments in response of the Town Council's support of the above application:

- o This proposed dwelling will be the same height as the existing bungalow and has been relocated as to be in line with the existing.
- o The business has three lorries and there is adequate space still available to park them after the proposed new dwelling is built.
- o Mr. & Mrs Gooding at present live in Rockbeare, Mr. Gooding travels to Three Corners every day as it is his place of work. If the proposal is approved he will be working on site. We understand that Mr. Gooding Snr. will still live in the existing bungalow and this will enable his son to look after him and ensure the security of the site.
- o Mrs. Gooding owns a busy cafe in Ottery St. Mary and travels the 5 miles each way to the cafe 6 days a week, this will reduce less than a mile each way.
- o Both of the above factors will improve the sustainability of the proposed dwelling due to the reduced travel distance.
- o As regards the view from Cadhay House, we are unsure if the proposed dwelling would be seen from Cadhay as there are many mature trees blocking the view and this proposed dwelling would be partially if not totally obscured by The Cob House. The existing vehicle workshops are more likely to be seen as they are further west of the proposed dwelling.
- o As regards the Conservation Officer's report, the Planning Committee has not discussed this as it came to us some four weeks after our Planning meeting.

o With regards to the Neighbourhood Plan Policy NP1 "there will be not be development in the Countryside without exceptional circumstances". We consider there are exceptional circumstances as this is a brownfield site with an existing thriving business that needs on site attendance.

Please do not hesitate to contact me if you need anything else of course.

Further comments 02/01/2019 - The Town Council supports this application as this further reduces the roofline and hopefully should alleviate any objections from Cadhay House.

Further comments 11/03/2019 – The Town Council supports this application.

Other Representations

One letter of objection has been received raising the following concerns:

- Dwelling would impact on Cadhay.
- It should be no higher than the existing bungalow.
- There is already a dwelling associated with the business.
- The scale of the business does not justify another dwelling.
- Both dwellings should be tied to the business.
- A new access should not be built in future.

Technical Consultations

Conservation

18/01/2019 - CONSULTATION REPLY TO
LISTED BUILDING CONSENT/ CONSERVATION AREA
PLANNING APPLICATION AFFECTING LISTED BUILDING

ADDRESS: Three Corners, Coombelake, Ottery St Mary, EX11 1NW

GRADE: Setting of Grade I building and grade II garden.
APPLICATION NO: 18/1442/FUL - AMENDMENT

CONSERVATION AREA: n/a

PROPOSAL: Construction of dwelling

BRIEF DESCRIPTION OF HISTORIC CHARACTER/ ARCHITECTURAL MERIT:

The location for the construction of the dwelling is identified as being within the wider setting of Cadhay House. A 2 storey, C16th Grade I mansion with attics, constructed on the site of an earlier mansion. Set within a beautiful garden although not formal its character is found in its informal, and natural design, including a wall kitchen garden, a wealth of mature vegetation and medieval fish ponds.

Excerpt taken from listing description;

LOCATION, AREA, BOUNDARIES, LANDFORM, SETTING Cadhay is situated c 1km north-west of the town of Ottery St Mary to the west of the B3176 running from Ottery

St Mary to the hamlet of Fairmile c 1.75km north-west. The 8ha site comprises c 1ha of formal and informal gardens, c 0.75ha of kitchen gardens and c 6.25ha of ornamental paddock. The site is bounded to the north-east by hedge banks and pines along the B3176, while to the north, north-west and south-east it adjoins agricultural land and is enclosed by hedges and fences.

PARK Ornamental grass paddocks lie to the north, north-east and east of the House. The eastern boundary of the larger paddock north of the drive is planted with mature Scots pines.

In context of which the site identified for development, is located to the north-west, beyond the curtilage and more immediately tree lined routes which define the approach to Cadhay.

HOW WILL THE PROPOSED ALTERATIONS AFFECT THE HISTORIC CHARACTER OF THE BUILDING AND ITS SETTING:

In assessing the amended proposal to construct a dwelling, within the wider setting of Cadhay, a Grade I medieval mansion and the grade II historic Park and Gardens, the following comments are made;

Due to the natural character and appearance of the landscape, which includes mature vegetation between the proposed site and heritage asset. The historic maps identify the proposed area as former agricultural land adjoining orchards and the Cadhay estate.

The amended drawings have responded to comments made in a positive way. It is recommended that better quality materials are used to respond to the vernacular, such as a natural slate roof. The ridge has been lowered and the roof reduced in volume. Despite the previous comments still standing, it is acknowledged that the location and height of the proposed development would result in minimal harm to the immediate or wider setting of Cadhay.

PROVISIONAL RECOMMENDATION - PROPOSAL UNACCEPTABLE

Further comments 18/09/2018:

BRIEF DESCRIPTION OF HISTORIC CHARACTER/ ARCHITECTURAL MERIT:

The location for the construction of the dwelling is identified as being within the wider setting of Cadhay House. A 2 storey, C16th Grade I mansion with attics, constructed on the site of an earlier mansion. Set within a beautiful garden although not formal its character is found in its informal, and natural design, including a wall kitchen garden, a wealth of mature vegetation and medieval fish ponds.

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In context of which the site identified for development, is located to the north-west, beyond the curtilage and more immediately tree lined routes which define the approach to Cadhay.

HOW WILL THE PROPOSED ALTERATIONS AFFECT THE HISTORIC CHARACTER OF THE BUILDING AND ITS SETTING:

In assessing the proposal to construct a dwelling with all matters reserved, within the wider setting of Cadhay, a Grade I medieval mansion and the grade II historic Park and Gardens, the following comments are made;

Due to the natural character and appearance of the landscape, which includes mature vegetation between the proposed site and heritage asset. The historic maps identify the proposed area as former agricultural land adjoining orchards and the Cadhay estate.

In continuation of the previous amended comments made (Ref: application no. 17/1931/OUT amended comments dated 20.02.17, SLG), the concerns remain essentially the same.

It is unfortunate that in; section 9. Responding to the principle of development and its effect on the setting of Cadhay House, within the "Planning Design and Access Statement, May 2018, has not been updated since the January 2018 version (section 3). It has also not taken into account the amended comments.

The concerns remain with the addition to the existing roofscapes and the height of the proposed ridge line and how this sits within the context of an historic parkland, its vistas and the wider agricultural setting.

The materials are modern, i.e. brick plinth and rendered walls, however, it is recommended that more detail is focused on the roof covering (and its design), as it is this that would have the greatest impact.

The location and height of the proposed development would result in some harm to the immediate or wider setting of Cadhay.

PROVISIONAL RECOMMENDATION - PROPOSAL UNACCEPTABLE

Further comments 18.01.2019:

HOW WILL THE PROPOSED ALTERATIONS AFFECT THE HISTORIC CHARACTER OF THE BUILDING AND ITS SETTING:

In assessing the amended proposal to construct a dwelling, within the wider setting of Cadhay, a Grade I medieval mansion and the grade II historic Park and Gardens, the following comments are made;

Due to the natural character and appearance of the landscape, which includes mature vegetation between the proposed site and heritage asset. The historic maps identify the proposed area as former agricultural land adjoining orchards and the Cadhay estate.

The amended drawings have responded to comments made in a positive way. It is recommended that better quality materials are used to respond to the vernacular, such as a natural slate roof. The ridge has been lowered and the roof reduced in volume. Despite the previous comments still standing, it is acknowledged that the location and height of the proposed development would result in minimal harm to the immediate or wider setting of Cadhay.

PROVISIONAL RECOMMENDATION - PROPOSAL UNACCEPTABLE

Historic England

Dear Sir/Madam East Devon Planning Team

T&CP (Development Management Procedure) (England) Order 2015
& Planning (Listed Buildings & Conservation Areas) Regulations 1990

THREE CORNERS , COOMBELAKE , OTTERY ST MARY , EX11 1NW
Application No. 18/1442/FUL

Thank you for your letter of 14 August 2018 regarding the above application for planning permission. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

Garden History Society

Thank you for consulting The Gardens Trust on the above application which affects Cadhay, an historic designed landscape of national importance included by Historic England on the Register of Parks and Gardens of Special Historic Interest at Grade II. There are only 56 Registered sites in Devon and only 8 in East Devon on this highly selective list.

The Gardens Trust, formerly The Garden History Society, is the Statutory Consultee on development affecting all sites on the Historic England Register. The Devon Gardens Trust is a member of The Gardens Trust and responds to consultations in the County of Devon.

We have visited Cadhay in response to this application and have studied the planning application documents on your web site. We previously objected to an outline planning

permission for the construction of a dwelling with all matters reserved at Three Corners, Coombelake, Ottery St Mary, reference 17/1930/OUT

The current application is for a 'dormer bungalow', to be sited in a different position to the previous outline application. It would be on elevated ground between two existing dwellings, which would screen the proposed building from views from Cadhay, to some extent. However, the higher part of the roof of the proposed dwelling would still impact on the views from Cadhay. We would suggest that you negotiate a revised scheme and ask the applicant to submit revised plans for the proposed dwelling with a ridge height no higher than the existing bungalow.

County Highway Authority

Observations:

The site is based on the C127 in a national speed limit area. The existing access will be utilised for this development, The existing access has good visibility with a wide splay. The layout includes an off-carriageway turning area to ensure vehicles can enter and egress the carriageway in forward gear. Dedicated parking is also provided for with acceptable geometry.

I would promote the provision of cycle parking facilities to encourage sustainable travel and reduce the impact of any additional traffic movements from this additional dwelling. Overall, however the County Highway Authority have no objections to this proposed dwelling.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, MAY WISH TO RECOMMEND CONDITIONS ON ANY GRANT OF PLANNING PERMISSION

No development shall take place until details of secure cycle/scooter storage facilities have been submitted to and approved in writing by the County Planning Authority. The development shall be implemented in accordance with the approved details.

REASON: To promote sustainable travel in accordance with policy 5B of the East Devon Local Plan 2013-2031.

POLICIES

Ottery St Mary and West Hill Neighbourhood (Made)

Policy NP1: Development in the Countryside

Policy NP2: Sensitive, High Quality Design

Policy NP3: Infill, Backland and Residential Garden Development

Policy NP14: Demonstrating Infrastructure Capacity

Policy NP18: Supporting Ottery St Mary as the Economic Focus for the Parish

Policy NP21: Working from Home

Adopted East Devon Local Plan 2013-2031 Policies
Strategy 7 (Development in the Countryside)

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

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 47 (Nature Conservation and Geology)

Strategy 48 (Local Distinctiveness in the Built Environment)

Strategy 49 (The Historic Environment)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

EN9 (Development Affecting a Designated Heritage Asset)

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

EN22 (Surface Run-Off Implications of New Development)

H4 (Dwellings for Persons Employed in Rural Businesses)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2019)

National Planning Practice Guidance

SITE LOCATION AND DESCRIPTION

The site is located in the countryside about 1.25 miles by road from the centre of Ottery St Mary. It is currently used as a haulage yard for a livestock transportation business and is part of a larger site which comprises large areas of hardstanding, office and storage/workshop buildings, one of which is let to a tenant. Adjacent to the site is a detached bungalow which is occupied by the applicant's parents, who are now retired from the business. Beyond the site boundaries there is open countryside to the west, north and east but to the south there are two properties adjoining the site which are known as 'The Cob House' and 'Cadhay Rise'.

The grade I listed Cadhay House lies just over 200 metres to the south east of the site and its grade II registered gardens/paddocks come to within 65 metres of the site.

PROPOSAL

Full planning permission is sought for the construction of a detached 3-bed bungalow on part of the haulage yard. Access would be via the existing driveway which would be shared with the business and the existing bungalow, Three Corners. Garden would extend to the rear (west) of the dwelling but the front would face directly into the yard, which would be retained for lorry turning and parking. The yard would also provide parking and turning space for the applicant's cars and any staff vehicles.

The proposal also seeks to reinstate use of the workshop/store for the storage and distribution of animal feed. This use is presumed to have ceased in the late nineties when Dalgety restructured and sold their animal feed business. A new feed supplier has now approached the applicant to use their site as a place for distribution of bagged animal feed to farmers. This use does not in itself require planning permission.

During the course of the consideration of this application and in response to feedback received from consultees, the dwelling has been reduced in scale by removing the dormers, lowering the roof and replacing the gable ends with hips. The bungalow has also been moved closer to the road to increase space in the yard and move it further from Cadhay.

The current application seeks to address concerns raised on a previous application (see Site History below) by a reduction in the scale of the dwelling and by positioning it nearer to the road (further from Cadhay). Some additional information has also been provided regarding the sustainability of the location, the business need, and the functioning of the retained yard.

SITE HISTORY

A previous application for outline planning permission for a similar proposal (excluding the feed distribution) was recommended for refusal but was withdrawn by the applicant shortly before the April 2018 Development Management Committee meeting. The recommended reasons for refusal were:

1. The proposed dwelling would be situated at the eastern end of the plot where it would be prominent in important views from the grounds the Grade I listed Cadhay House and its Grade II registered park and garden. By virtue of its prominent siting, excessive scale and unsympathetic proportions, the proposed dwelling would appear intrusive and out of character with its surroundings and fail to conserve the setting of designated heritage assets of great importance. In the absence of any public benefits to offset the harm, development would be contrary to Policy EN9 (Development Affecting a Designated Heritage Asset) of the East Devon Local Plan 2013-2031 and guidance in the National Planning Policy Framework.

2. The proposed dwelling would be located in the countryside where development is restricted in the interests of countryside protection and

sustainable development. The proposal has failed to demonstrate that there is a functional requirement for the applicant to live at the site and therefore development would be contrary to Policy H4 (Dwellings for Persons Employed in Rural Businesses) of the East Devon Local Plan 2013-2031. Furthermore, it has not been demonstrated that development would be compatible with the provisions of Policy NP21 (Working from Home) of the emerging Neighbourhood Plan for the Parishes of Ottery St Mary and West Hill 2017-2031. In the absence of any policy support for the provision of a dwelling in this countryside location, development would be contrary to Strategy 7 (Development in the Countryside) of the East Devon Local Plan 2013-2031.

3. The proposal would result in the loss of land which is currently used for business purposes in connection with a haulage business. It has not been demonstrated that there is a surplus of employment land in the locality nor that the retained employment land would be viable as a site for the continued operation of a haulage business. In the absence of any marketing of the property and any evidence of traffic, amenity or environmental problems associated with the existing use, the proposed development would be contrary to Strategy 32 (Resisting Loss of Employment, Retail and Community Sites and Buildings) of the East Devon Local Plan 2013-2031.

ANALYSIS

The key issues for consideration relate to the principle of development and need for a rural worker's dwelling, loss of related employment land to provide the dwelling, and impact upon heritage assets.

Principle

The site lies beyond the built-up area of Ottery St Mary and therefore a new dwelling in this location would only be acceptable in principle if there were specific support in the Local Plan or Neighbourhood Plan.

In the Local Plan, the only policy that could be relevant, although not mentioned by the applicant, is Policy H4 which supports the provision of dwellings in the countryside for people employed in rural businesses or activities. This policy applies a number of tests, the most significant of which is the requirement for there to be a functional need for the rural worker to live at their place of work. However, it is not considered that this policy is relevant as it is aimed at dwellings for people employed in rural businesses. It is not considered that the policy relates to all businesses in a rural area, but relates to people whose work is within, and related to, the countryside. The reason justification to the policy at paragraph 23.3 of the Local Plan clarifying this stating that 'Rural workers are those people whose place of work is located in, and related to, the countryside, typically comprising farm workers, forestry workers and others involved in rural-based enterprise.

The proposal is contrary to Policy TC2 – Accessibility of New Development as the location is not accessible by pedestrians, cyclists and a good range of public transport. As such the location would be reliant upon the use of the car.

Since the first application was withdrawn, the Neighbourhood Plan for the Parishes of Ottery St Mary and West has been 'made' and now carries full weight. The NP supports the provision of new dwellings within the Built-up Area Boundaries of Ottery St Mary and West Hill and on an allocated site for five houses in Alfington. Policy NP21 also supports the provision of new live-work units and the conversion of existing buildings into live-work units but this application is not for a live-work unit and therefore policy NP21 does not apply. Outside the BUAB there is no specific support for dwellings in the NP, other than on the allocated site in Alfington.

On the above assessment it is considered that there is no policy support for the principle of development.

Even if it were considered that Policy H4 applies, the proposal fails the relevant criteria in terms of there being no functional need to live at the site. This is addressed further in the next section.

Need

The supporting information states that 'a new dwelling is justified for security and economic reasons relating to an existing business'. In support of this it explains that the applicant's parents (who live in the existing bungalow within the haulage yard) are now in their 70s and wish to fully retire from the business without leaving their home of over 40 years. It is understood that they have operated a haulage business from the site since 1963. The applicant is currently employed in the business along with his two brothers and a further employee of long standing.

It is the applicant's contention that if planning permission is refused then the business will decline and could possibly fold, although this is not substantiated in the supporting information.

Notwithstanding the applicant's desire to live at the site, if Policy H4 were relevant, to the policy there has to be a functional need to live there. The supporting information explains that 'In the past there have been instances of security breaches on site', although this is not substantiated by submission of any details or police crime references. It then goes on to say that these breaches represent a risk to the business and also safety of the elderly residents of Three Corners.

Crime, and particularly violent crime, is not known to be prevalent in the area and therefore the risk to the business and the elderly residents is considered to be limited. Furthermore, in the absence of any substantive security measures at the site, any perceived risk could be substantially reduced by other means, such as installing a gate at the entrance and security fencing, CCTV and alarms. The fact that the business has operated up to now without such measures suggests that the risk is low. If this is attributed to their being a dwelling on the site, then this will continue to be the case because the existing bungalow will still be occupied and would continue to act as a deterrent to intruders, particularly if supplemented by physical barriers.

No livestock is kept at the site and therefore the applicant does not need to be on hand day and night. Furthermore, there is no reason why the day-to-day running of the business could not be carried out from the existing buildings.

It has been shown that the need for an additional security presence is tenuous and that there are no other functional reasons for a worker to live at the site. While it may be the applicant's preference to build his own house and live at his place of work, this is not sufficient to meet the tests in Policy H4. The introductory paragraphs to that policy state that 'Concerns relating to security will not, on their own, be sufficient to justify a new dwelling.' In the absence of any other substantiated need to live at the site, the proposal fails the main test of Policy H4. This weighs heavily against the scheme.

Loss of Employment Land

Strategy 32 of the Local Plan resists the loss of current employment land where it would harm business and employment opportunities in the area. Since the last application was withdrawn the proposal has been amended to retain a yard for turning and parking of lorries. The applicant has also provided video evidence that there would be sufficient space within the retained yard for all his vehicles to turn and park, although all the space up to the front of the proposed dwelling is needed.

While there would be some loss of employment land to accommodate the dwelling, it would not prevent the existing business from functioning. On that basis, and subject to the retained yard being kept available for lorries, the proposal would not harm business and employment opportunities in the area.

Setting of Cadhay

Cadhay, being a grade I listed building has the highest status of protection and the LPA is required by law to have special regard to the desirability of preserving its setting. Furthermore, great weight must be given to the conservation of heritage assets, including the grade II registered garden, in accordance with paragraph 132 of the NPPF.

The site is visible from the grounds of Cadhay, including from its driveway directly in front of the house. The dwelling would be situated approximately in line with the front of Three Corners although it would have a deeper footprint and extend further into the site. The reduced height and lack of any first floor accommodation now means it would be no more prominent in views from Cadhay than the dwellings either side. In such views it would add to the existing roofscape but would not have such an urbanising effect as to diminish the landscape setting of Cadhay.

Turning to the grade II registered garden/paddock, the nearest part of the registered area to the site is used as paddock rather than formal garden. Its significance is closely linked with the setting of Cadhay rather than as a formal landscaping feature like other parts of the garden. For that reason, a scheme which protects the setting of Cadhay would be regarded as also protecting the area of the registered garden between Cadhay and the site. The reduced height of the dwelling would bring the dwelling down to a similar scale to its neighbours and therefore in any views from the gardens it would not appear prominent. It is therefore concluded that the setting of the registered garden would not be adversely affected. Although the Gardens Trust has not formally changed

their views, the revised scheme is in line with their advice that the dwelling should be reduced so that it is no higher than the existing bungalow.

In view of the reduced scale and improved siting of the proposed dwelling, there would no longer be an adverse effect on the setting of Cadhay and its gardens. Subject to agreement on materials in accordance with the Conservation Officer's advice (and only reasons for continuing to object to the proposal), the first reason for refusal has been overcome.

Other matters

There is an established access which would be suitable for the development.

Drainage would be provided within the site and there is considered to be sufficient space to do so.

Although the dwelling would be fairly close to the boundaries on each side, owing to its limited height it would not appear dominant or overbearing. Nor would it result in any overlooking or loss of privacy.

The storage and distribution of animal feed is not anticipated to lead to adverse highway impacts although the use should be limited to the building and not extend to storage in the yard. This would ensure that the yard remains available for the haulage business and the vehicle movements associated with the distribution of animal feed would not lead to adverse environmental or highway impacts.

Habitat Regulations Appropriate Assessment

The nature of this application and its location close to the Pebblebed Heaths and its 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 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.

CONCLUSION

The proposal has satisfactorily addressed previous concerns about the supply of employment land and the protection of designated heritage assets. However, there is

still no justification for a dwelling on the site as there is no relevant local plan policy or relevant Neighbourhood Plan policy that supports the development. The proposal being contrary to Strategy 7 and Policy TC2 given its location in the countryside not accessible by pedestrians, cycles or public transport.

Even if it were considered that Policy H4 applies, security and aiding the future of the business are the only reasons the applicant can offer to support the proposal. However, there has been no record of any security issues at the site and no evidence that the business is failing. The presence of the existing bungalow and neighbouring dwellings would continue to act as a deterrent, whether occupied by people involved in the business or not. Furthermore, security measures could be significantly improved on site without resorting to a dwelling. While it may be convenient for the applicant to live on the site, there is no demonstrable need. Moreover, if the applicant and his wife prefer to be closer to their places of work in Ottery St Mary, there are houses available within the town. Living on site may reduce commuting to work, but would be likely to increase other journeys for shopping, leisure etc and this in itself is not adequate justification for a new dwelling in the countryside.

In the absence of any policy support for the proposal, and an absence of any demonstrable need to live at the site, there is no planning justification for the provision of a dwelling and therefore refusal is recommended.

RECOMMENDATION

That the application be REFUSED for the following reason:

1. The proposed dwelling would be located in the countryside where development is restricted in the interests of countryside protection and would result in a dwelling that is not close to a range of services and facilities and not accessible other than by motor vehicle. As such the proposal is contrary to Strategy 7 (Development in the Countryside) and Policy TC2 (Accessibility of New Development) of the East Devon Local Plan 2013-2031. Should it be considered that Policy H4 is applicable, the proposal fails to demonstrate that there is a functional requirement for the applicant to live at the site and as such the proposal would also be contrary to Policy H4 (Dwellings for Persons Employed in Rural Businesses) of the East Devon Local Plan 2013-2031 as well as Strategy 7.

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

18/849/01 Rev D Floor & roof plan	Proposed Combined Plans	07.12.18
18/849/02 Rev D Elevations & Section	Proposed Combined Plans	07.12.18
18/849/04 RevF	Proposed Site Plan	18.02.19
18/849/03B	Existing Site Plan	13.08.18
	Location Plan	13.08.18

List of Background Papers

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