

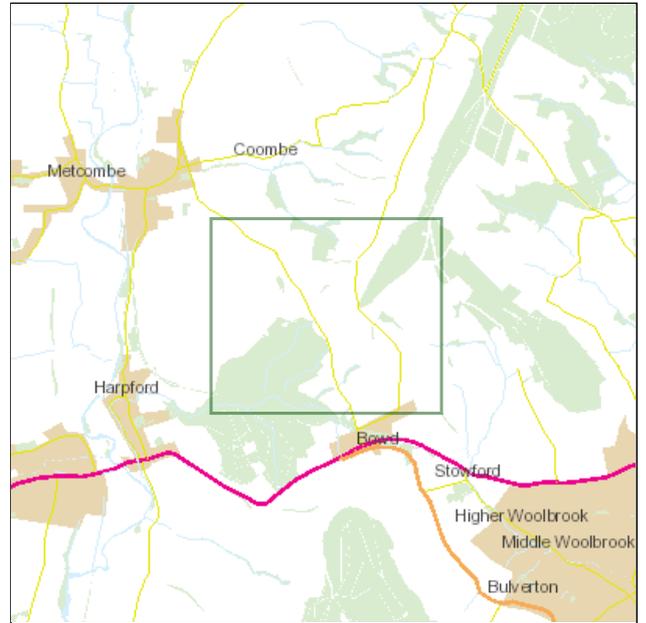
Ward Ottery St Mary

Reference 22/0605/FUL

Applicant Mr Carlo Bove

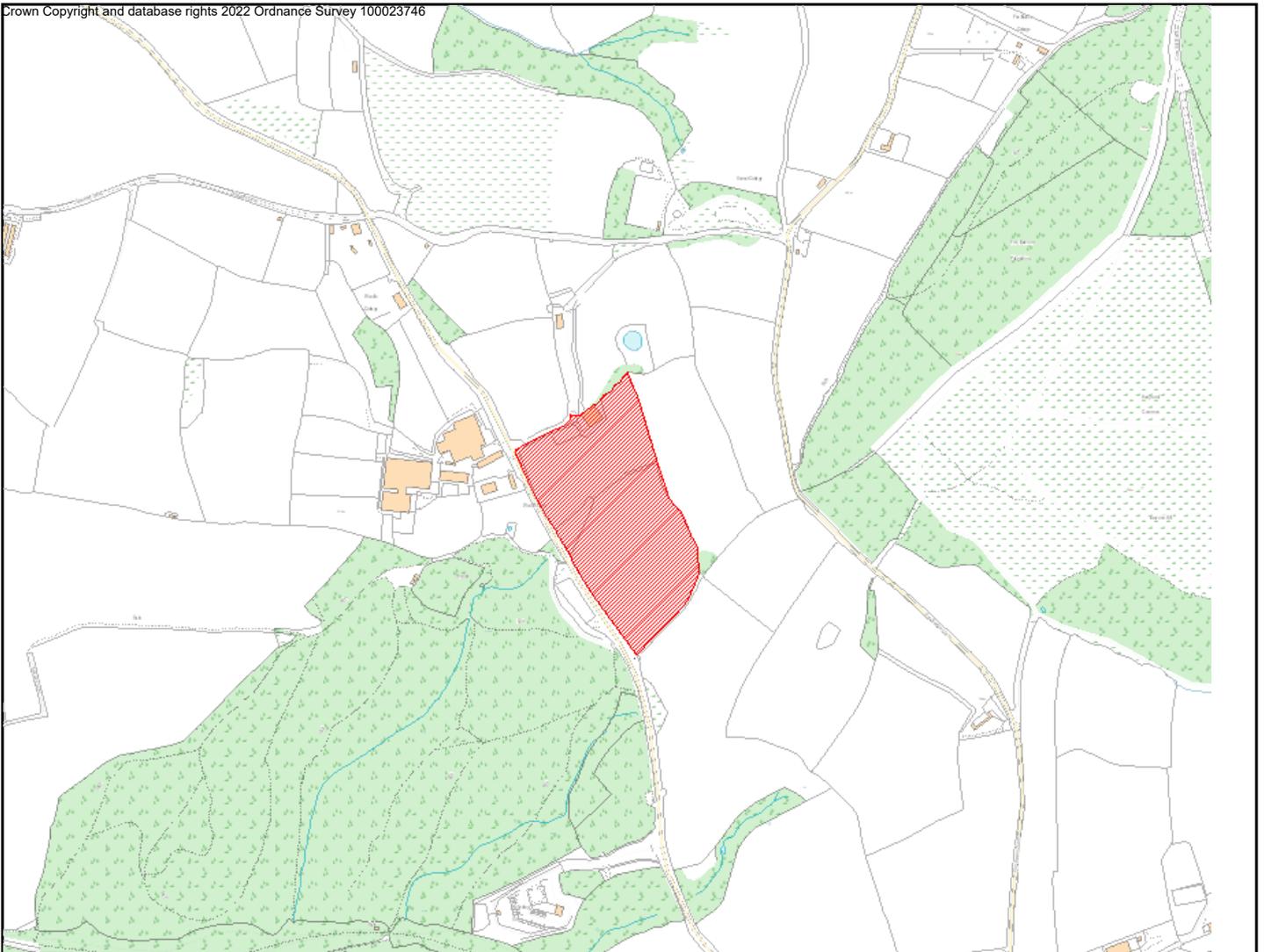
Location Woods Farm Bowd Sidmouth

Proposal Provision of donkey tracks to Beaver Barn field and Tip Field.



RECOMMENDATION: Approve

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		Committee Date: 26th July 2022
Ottery St Mary (Ottery St Mary)	22/0605/FUL	Target Date: 13.05.2022
Applicant:	Mr Carlo Bove	
Location:	Woods Farm Bowd	
Proposal:	Provision of donkey tracks to Beaver Barn field and Tip Field	

RECOMMENDATION: Approve

EXECUTIVE SUMMARY

This application is before Committee as the officer recommendation differs from the view of the Local Ward Members.

The application seeks permission for the construction of a track to run through Beaver Barn Field into Tip Field. The track would comprise of concrete sleepers which would be largely enclosed by a timber and post fence. Seven galvanised steel gates would also be constructed at various points. The application site is owned by the Donkey Sanctuary.

The aim of the proposed track is to ensure donkeys can access the full extent of their grazing pasture safely without causing damage to the land or injuries to themselves. Currently, the grassland shows signs of compaction, poaching and soil erosion. Construction of the track shall enable the implementation of a rotational grazing system to ensure the fields are suitable grazed and rested.

It is understood that the applicant has been in consultation with the West County Rivers Trust, Devon Wildlife Trust and the Environment Agency who have recommended the installation of gateways and tracks in order to alleviate the effects of grazing pressure and trampling. Furthermore the application details that currently the donkeys risk serious injury from slips and falls and foot health is also at risk. As such, the application is justified in the interests of effective land management and for the benefit of the donkey's health.

However the subsequent visual impact and perceived landscape harm to the East Devon Area of Outstanding Natural Beauty has prompted an objection from a Local Ward Member. This is considered the main issue for consideration.

The section of track that runs through Beaver Barn Field would be visible from Fire Beacon Lane at points where breaks in the hedgerow allow. The creation of

post and rail fence here would also effectively subdivide what is currently an open field.

The track extends into Tip Field through an existing break in the hedgerow that subdivides the two fields. However the track only extends approximately 30 metres and largely follows the existing boundary line to the north. Whilst this particular part of the scheme is not so visible from Fire Beacon Lane, it would be visible, albeit briefly, to road users of the adjacent public highway and individuals exiting the Newton Poppleford and Harpford footpath to the east.

It is considered that the provision of the track and post and rail fence would have a degree of impact on the character of Beaver Barn field and to a lesser extent Tip Field, however, it is not thought that this would amount to visual landscape harm significant enough to warrant refusal of the application.

The visual landscape impact when weighed against the benefits with regards to land management and health of the donkeys is considered to weigh in favour of the application. The application is therefore recommended for approval.

CONSULTATIONS

Local Consultations

Parish/Town Council

Town Council Comments:'

The Town Council does not support this application'due to serious adverse visual intrusion on the landscape and the inappropriate choice of material.

Councillor Vicky Johns

I object to the work being put forward due to the reasons as explained by Ottery Town Council, this work falls within the AONB and would stand out quite significantly. I also question why the Sid Valley Neighbourhood plan is being quoted as justification when this area falls within the Ottery & West Hill Neighbourhood plan and not Sid Valley. I would prefer to see something that was less intrusive to the landscape, in my opinion the fact that you can 'only' see it from certain areas is not a good enough reason to allow a planning application to go through.

Councillor Peter Faithful

This application is in my ward and my view, based on the information presently available to me is that it should be refused.

My main concern in relation to this application is it's visual appearance within the East Devon AONB. I would prefer a field bank and hedge along the length of the track so that the track fits into the setting of the landscape.

I would also like to point out that the site is in Ottery Parish, not Sidmouth and is therefore covered by the Ottery and West Hill Neighbourhood Plan not the Sid Valley one.

These are my views based on the information presently available to me. I reserve my right to change my views in the event that further information becomes available to me.

Councillor Geoff Pratt

First I should declare that I am the Council's representative on the East Devon AONB Partnership whose officers manage the AONB. It would be helpful for a report from the East Devon AONB.

I accept that the sleepers will provide a better footing for the donkeys and have noted that the metal fencing used does not require planning permission. However the metallic colour of the fencing stands out badly against the green setting of the AONB land. I am sure the applicants can obtain similar fencing coloured green in order to match the setting.

Technical Consultations

EDDC Trees

The proposed route for the donkey track utilises an existing gap with a hedgerow separating Beaver Barn Field and Tip Field.

Aerial photography shows that the proposed route is already heavily used as indicated by worn paths. This is likely to have already caused compaction and sub-optimal rooting conditions.

I therefore have no objections to the proposal as it is formalising an already well used route and will have a minimal impact on existing trees.

Other Representations

None

PLANNING HISTORY

20/0929/FUL - Provision of donkey tracks – WITHDRAWN

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 7 (Development in the Countryside)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 47 (Nature Conservation and Geology)

D1 (Design and Local Distinctiveness)

Ottery St Mary and West Hill Neighbourhood Plan

NP1 Development in the Countryside

NP2 Sensitive, High Quality Design

Site Location and Description

Woods Farm is owned by the Donkey Sanctuary and used as a welfare and care facility for donkeys. The site comprises of a number of fields across the farm that have shelters and yard areas. The site is located entirely within the East Devon Area of Outstanding Natural Beauty and is inherently rural in character. The land falls from east to west towards the Ottery St Mary Road, past here the land then rises again. There is a network of public rights of way that cut through Woods Farm up to Fire Beacon Plantation that provide long reaching views over the surrounding landscape.

Proposed Development

The application seeks permission for the construction of a track to run through Beaver Barn Field into Tip Field. The track would comprise of concrete sleepers and enclosed by a timber and post fence. Seven galvanised steel gates would also be constructed at various points.

ANALYSIS

The main issues for consideration are as follows;

- Need for the development
- Impact of the development on character and appearance of the area and AONB.

Justification for Development

A Design and Access Statement has been submitted in support of the application and paragraph 8.0 seeks to justify the provision of the fence and track. The document details that the development would provide the donkeys with a clean and suitable surface to walk over to get from their shelters to areas to graze. The D&A states that the development is needed in the interests of best practice land management and donkey welfare. The submission gives a number of additional reasons why the tracks are needed;

- Deterioration of main pinch points within the fields.
- Over grazing can be managed.
- Avoid poaching and soil compaction.
- Reduce risk of donkeys slipping on wet muddy areas.
- Maintain foot health of donkeys.
- Ensures donkeys can continue to exercise during the winter months.

It is understood that the applicant has been in consultation with the West County Rivers Trust, Devon Wildlife Trust and the Environment Agency who have recommended the installation of gateways and tracks in order to alleviate the effects of grazing pressure and trampling. Furthermore the application details that currently the donkeys risk serious injury from slips and falls and foot health is also at risk.

In light of the above, the application is justified in the interests of effective land management and for the benefit of animal welfare.

Impact of the Development on Character and Appearance of the Area and AONB

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

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

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

The Local Planning Authority has entertained similar applications in the past at Trow Farm where the Donkey Sanctuary is based. However, the land at Trow Farm is on a plateau and therefore the subsequent visual impact for such development is usually fairly low. In this case the development would be visible from public vantage points along Fire Beacon Lane with glimpsed views also available along the adjacent C Road from Woods Coombe to the Bowd. The two fields that form the application site already have some lengths of post and mesh fencing present.

The section of track that runs through Beaver Barn Field would be visible from Fire Beacon Lane at points where breaks in the hedgerow allow. The creation of post and rail fence here would also effectively subdivide what is currently an open field.

The agent has confirmed that there will be some localised cut and fill in order to ensure that the sleepers are founded on an even base but largely the track will follow the contours of the land. 6 metal gates would also be installed with two pairs parallel to one another in the Beaver Barn Field with another two in the Tip Field.

The track would be 5 metres wide and alongside the fencing would extend approximately 80 metres through Beaver Barn Field. This part of the development would be visible at certain points along Fire Beacon Lane to the south. From these vantage points where breaks in the hedgerow enable views over to the application site the introduction of the track would, to an extent, alter the open pastoral character of the field. However, from Fire Beacon Lane where the development would be most visible, the track would be viewed in context of the existing cluster of agricultural and office buildings that form a backdrop to the site west of the adjacent highway and the barn and donkey enclosure to the north.

The track extends in to the Tip Field through an existing break in the hedgerow that subdivides the two fields. The track only extends approximately 30 metres into this field and largely follows the existing boundary line to the north. Whilst this particular

part of the scheme is not so visible from Fire Beacon Lane, it would be to road users of the adjacent public highway and individuals exiting the Newton Poppleford and Harpford footpath to the east.

It is therefore considered that whilst the provision of the track and post and rail fence would have a degree of impact on the character of Beaver Barn field and to a lesser extent Tip Field, it is not thought that this would amount to visual landscape harm significant enough to warrant refusal of the application.

It was also noted upon visiting the site and on aerial imagery that Beaver Barn field in particular exhibits signs of grass deterioration from the donkey enclosure in the northwest corner across to the access to the adjacent field. It is stated within the application and discussed further on site that the track, post and rail fence and gates would provide control over the areas of field that are accessed and grazed and therefore gradually restore areas that have lost grass cover. Subsequently there are considered some long term benefits to the landscape value of the AONB and these shall need to be factored into the overall planning balance.

Conclusion

The subsequent visual impact to the AONB is negligible, and, overall, the proposal considered to conserve its landscape value despite concerns raised by the Town Council and Ward Members. However concerns from the Town Council did prompt further information to be sought from the agent regarding the method of installation for the track to assess the level of engineering works required to install the sleepers. It was established that the level of cut and fill to provide footings would be minimal and that the sleepers would be able to work with the contours of the land. The provision of the post and rail fence is not considered harmful as this type of enclosure is already evident throughout Woods Farm and arguably in itself, as it would be below 2 metres in height, does not require planning permission.

In light of the above and the stated need to improve donkey health and anticipated long term restoration of the quality of land at the application site, it is considered on balance, that the application is acceptable and therefore recommended for approval.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)

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:

LHC-XX-00-DR- L-0102	Proposed Site Plan	25.05.22
DR-L- 01.01 REV P4	Location Plan	18.03.22
DR-L-93.03 REV P3: hardworks details	Other Plans	15.03.22

List of Background Papers

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