

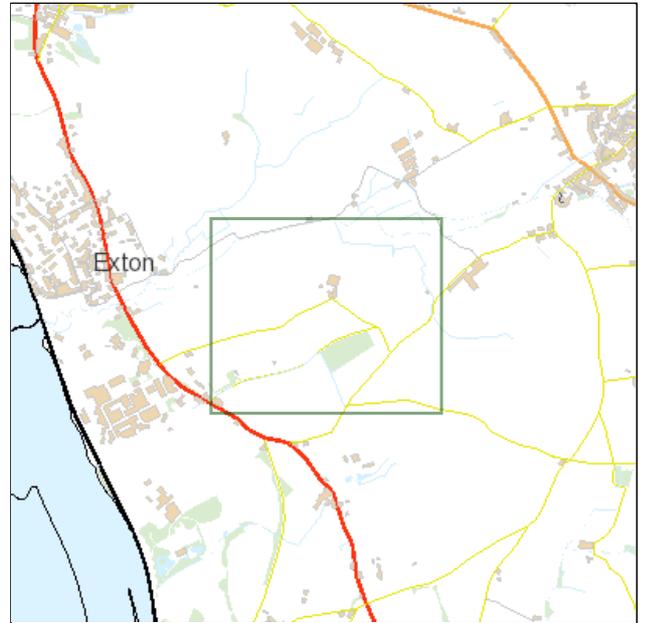
**Ward** Woodbury And Lymstone

**Reference** 22/1091/FUL

**Applicant** Mr Nigel Lee

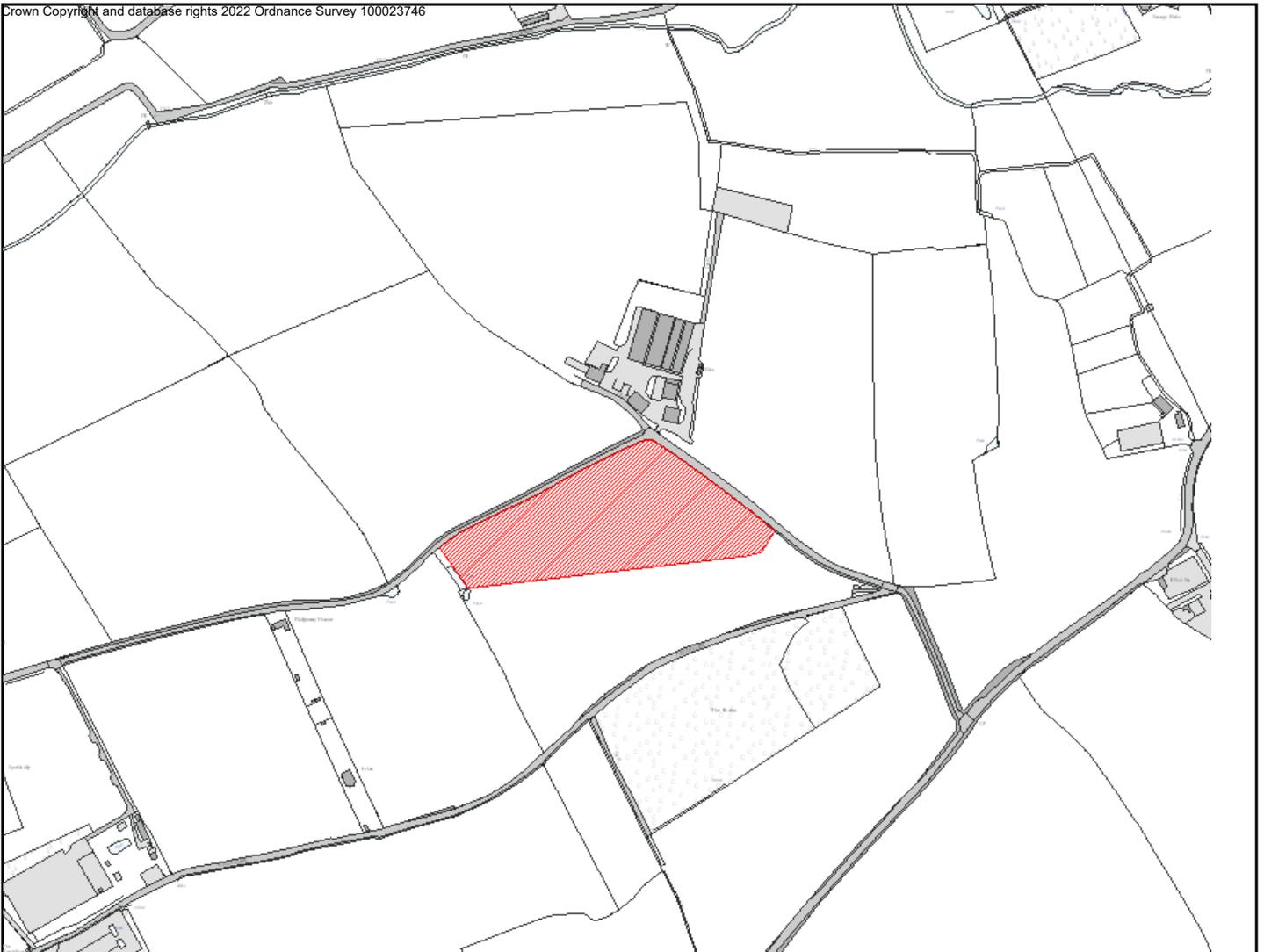
**Location** Land At Home Farm Nutwell Lymstone

**Proposal** Erection of a general purpose farm building



**RECOMMENDATION: Approval with conditions**

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		<b>Committee Date: 30<sup>th</sup> August 2022</b>
<b>Woodbury And Lypstone (Woodbury)</b>	<b>22/1091/FUL</b>	<b>Target Date: 15.07.2022</b>
<b>Applicant:</b>	<b>Mr Nigel Lee</b>	
<b>Location:</b>	<b>Land At Home Farm Nutwell</b>	
<b>Proposal:</b>	<b>Erection of a general purpose farm building</b>	

**RECOMMENDATION: Approval with conditions**

#### **EXECUTIVE SUMMARY**

**This application is before the Planning Committee as the Officer recommendation differs from the views of a Ward Member and the Parish Council.**

**The proposal relates to an agricultural field located approximately halfway between Woodbury and Lypstone. The field is outside any built-up area boundary, but is within the Coastal Preservation Area. There is a collection of agricultural buildings located to the north of the site. The proposed site is close to the north-western edge of the field, and it is proposed to utilise the access in the north-eastern boundary. There are no residential properties located close to the application site.**

**Planning permission is sought for the erection of a general purpose farm building. The proposed agricultural building would be associated with Home Farm at Nutwell. However, the site is located approximately 1.3 kilometres from Home Farm. The Agricultural Justification submitted with the application highlights that the land within the control of the farm is divided by the A376. The building is required as there are no buildings on the eastern part of the farm, and it is not practical to transport equipment/supplies and livestock over the busy A376 on a regular basis. With that in mind, and as the building would provide secure storage for equipment, in addition to livestock housing, it is considered that the proposal is justified.**

**The proposed building would be agricultural in appearance, and situated in a rural area, where such buildings are not out of place. There are existing agricultural buildings located to the north of the site and, whilst these are associated with a different farm, they would mean that the proposed building would not be the only agricultural structure in the vicinity. Views of the building would be obscured or blocked by hedges along the site of the highway, including trees within it, and a copse to the south-east of the field would provide significant screening from that**

**direction. Notwithstanding that, the building would be visible in the countryside. However, given the justification for the building, its design and proximity to other buildings, it is considered, on balance, that the visual impact upon the area is acceptable. Especially so, as a condition to require a landscaping scheme to enhance the screening can be imposed.**

**Given the comments above and in the main body of the report, it is considered that the proposal complies with the relevant elements of Local Plan Policies. Therefore, it is recommended that this application is approved.**

## **CONSULTATIONS**

Woodbury And Lympstone - Cllr Geoff Jung  
22/1091/FUL

I have viewed the documents provided for the planning application for 22/1091/FUL for the erection of a general-purpose farm building on land at Home Farm Nutwell Lympstone. I note that the documents state that 'The aim is to keep cattle permanently on the eastern block of land and use the new modern building, when necessary to house livestock in a building specifically designed for the purpose ,resulting in improved animal welfare and efficiency for this enterprise.' However, I'm concerned that there are no details with drainage and the treatment of animal waste which would be required.

I am also concerned that the location of this barn is separate and distant from the existing farm buildings, and therefore the building of this unit in the open countryside should not be supported.

Therefore, I cannot support this Planning Application until I have further information. I reserve my final views on this application until I am full possession of all the relevant arguments for and against

Woodbury And Lympstone - Cllr Ben Ingham

I recommend approval.

Parish/Town Council

Woodbury Parish Council does not support this application as it is in open Countryside, with in the green wedge and coastal protection area.

Other Representations

No third party representations have been received.

## **PLANNING HISTORY**

None.

## **POLICIES**

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

Strategy 44 (Undeveloped Coast and Coastal Preservation Area)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D1 (Design and Local Distinctiveness)

D3 (Trees and Development Sites)

D7 (Agricultural Buildings and Development)

EN14 (Control of Pollution)

Government Planning Documents

NPPF (National Planning Policy Framework 2021)

Site Location and Description

This application relates to an agricultural field located approximately halfway between Woodbury and Lympstone. The field is bounded by hedges, which include some trees, on all sides, with minor roads running along the north-eastern, north-western and southern boundaries. Accesses to the field are in the eastern and north-eastern boundaries. The field is outside any built-up area boundary, but is within the Coastal Preservation Area. There is a collection of agricultural buildings located to the north of the site. The proposed site is close to the north-western edge of the field, and it is proposed to utilise the access in the north-eastern boundary. There are no residential properties located close to the application site.

Proposed Development

Planning permission is sought for the erection of a general purpose farm building.

**ANALYSIS**

1. Justification.

The proposed agricultural building would be associated with Home Farm at Nutwell. However, the site is located approximately 1.3 kilometres from Home Farm. This has been raised as a concern by the Ward Member. The Agricultural Justification submitted with the application highlights that the land within the control of the farm is divided by the A376. The land on the eastern side of that road, currently has no buildings. With that in mind, the Agricultural Justification confirms that, due to the lack of buildings, "the need has arisen for this general purpose building in order to service the livestock enterprise comprising a 100 head/year beef store finishing enterprise which cannot easily be moved either side of the main road." The justification then continues to state:

*"The aim is to keep cattle permanently on the eastern block of land and use the new modern building, when necessary to house livestock in a building specifically designed for the purpose, resulting in improved animal welfare and efficiency for this enterprise".*

In addition, the use of part of the building as a "secure" store for feed fertiliser and machinery will enable this part of the farm to be more efficiently run.

Furthermore, the justification states that the buildings at Home Farm are not secure enough for the storage of fertiliser or other valuable consumables.

It is noted that the A376 is a very busy road, so the logistical issues of moving large numbers of cattle over that would be considerable. Given that, and the other factors detailed above, it is considered that there is sufficient justification for the proposed building.

## 2. Visual impact.

The proposed building would be relatively large; measuring 4.9 metres long, 18.3 metres wide and 7.5 metres high. However, it would be agricultural in appearance, and situated in an rural area, where such buildings are not out of place. There are existing agricultural buildings located to the north of the site and, whilst these are associated with a different farm (on the basis that they fall outside the blue line on the location plan), they would mean that the proposed building would not be the only agricultural structure in the vicinity. Views of the building would be obscured or blocked by hedges along the site of the highway, including trees within it, and a copse to the south-east of the field would provide significant screening from that direction. Notwithstanding that, the building would be visible in the countryside. However, given the justification for the building, its design and proximity to other buildings, it is considered, on balance, that the visual impact upon the area is acceptable. Especially so, as a condition to require a landscaping scheme to enhance the screening can be imposed.

Given the above, it is considered that the proposal can be considered to comply with Criteria 1 of Local Plan Policy D7 (Agricultural Buildings and Development), which states that buildings must be well integrated with their surroundings and existing buildings, and of appropriate design and scale.

Strategy 44 (Undeveloped Coast and Coastal Preservation Area) of the Local Plan seeks to ensure that development in those areas would not be visually harmful or harm the openness of the area. For the reasons detailed above, it is considered that the proposal would comply with this, especially with a condition relating to landscaping imposed.

On this basis of the above, it is considered that the proposal is acceptable in terms of its visual impact on the countryside and Coastal Preservation Area, subject to the aforementioned landscaping condition.

## 3. Impact on trees.

There are some Oak trees in the hedge close to the site. These trees are not the subject of a Tree Preservation Order (TPO), but do add to the rural character of the area. Whilst the proposal would not involve removal of the hedge or the trees, it is important to ensure that the trees are not damaged during the construction phase. Consequently, it is considered reasonable to impose a condition seeking details of tree protection measures and the method of construction of the elements of the development within the root protection area of the trees. This would ensure that sufficient precautions are in place to enable the development to be carried out without harming the trees. With such a condition in place, the proposal would comply with the provisions of Local Plan Policy D3 (Trees and Development Sites), and is considered acceptable in terms of tree impact.

#### 4. Highway impact.

It is proposed to utilise an existing entrance onto the highway. The proposal would not generate a significant number of additional vehicle movements on the highway, and no objections have been received from the County Highway Authority. Therefore, the proposal is considered acceptable in terms of its impact on highway safety.

#### 5. Other matters.

The comments of the Parish Council are noted, and the concerns raised by them have been considered above.

The Ward Members concerns which are not also considered above relate to animal waste and drainage. In response to those concerns, the agent provided the following statement:

"When in use for livestock housing, deep litter (straw) will be used generating solid farmyard manure (FYM) which will then be spread on the land. There will be no scraped concrete utilised so no liquid slurry produced that would require containment and storage. Conserved forage will be stored on site in the form of baled hay and silage (wrapped) which will not generate any effluent requiring containment and storage."

Given the above statement, which describes a practice understood to be frequently used in agriculture, it is considered that there are no concerns relating to the storage of waste or pollution risks from the proposal.

In terms of drainage, it is proposed to use a soakaway. The site is flat, and not in a flood zone, so such an approach is considered acceptable.

The site is located close to a high pressure gas pipeline. However, the Health and Safety Executive has not objected to the proposal, and their standing advice indicates that the nature of the development is such that it is acceptable with regard to the pipeline.

The proposal site is not located close to any domestic dwelling. Given that, and the nature of the proposal, it is considered that the development would not be harmful to the amenity of the occupiers of any domestic property.

## Conclusion.

Given the comments above, it is considered that the proposal complies with the relevant elements of Local Plan Policies D1 (Design and Local Distinctiveness), D3 (Trees and Development Sites) and D7 (Agricultural Buildings and Development). Consequently, the proposal is also considered to comply with Strategy 7 (Development in the Countryside) of the Local Plan. Therefore, it is recommended that this application is approved.

## **RECOMMENDATION**

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.  
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.  
(Reason - For the avoidance of doubt.)
3. No development above foundation level 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. The scheme shall also give details of any proposed walls, fences and other boundary treatment. 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 - To ensure that the details are planned and considered at an early stage in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Strategies 7 (Development in the Countryside), 44 (Undeveloped Coast and Coastal Preservation Areas) and 46 (Landscape Conservation and Enhancement and AONB's), and Policies D1 (Design and Local Distinctiveness) and D2 (Landscape Requirements) of the Adopted East Devon Local Plan 2013-2031.)
4. Prior to commencement of any works on site (including demolition), tree protection details, to include the protection of hedges and shrubs, shall be submitted to and approved in writing by the Planning Authority. These shall adhere to the principles embodied in BS 5837:2012 and shall indicate exactly how and when the trees will be protected during the site works. Provision shall

also be made for supervision of tree protection by a suitably qualified and experienced arboricultural consultant and details shall be included within the tree protection statement. The development shall be carried out strictly in accordance with the agreed details.

In any event, the following restrictions shall be strictly observed:

(a) No burning shall take place in a position where flames could extend to within 5m of any part of any tree to be retained.

(b) No trenches for services or foul/surface water drainage shall be dug within the crown spreads of any retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority. All such installations shall be in accordance with the advice given in Volume 4: National Joint Utilities Group (NJUG) Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2) 2007.

(c) No changes in ground levels or excavations shall take place within the crown spreads of retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority.

(Reason - A pre-commencement condition is required to ensure retention and protection of trees on the site during and after construction. The condition is required in 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 D3 (Trees and Development Sites) of the Adopted East Devon Local Plan 2013-2031.)

5. Full details of the method of construction of hard surfaces in the vicinity of trees to be retained shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of any works on site (including demolition). The method shall adhere to the principles embodied in BS 5837:2012 and AAIS Arboricultural Practice Note 1 (1996) and involvement of an arboricultural consultant and engineer is recommended. The development shall be carried out strictly in accordance with the agreed details.

(Reason - A pre-commencement condition is required to ensure retention and protection of trees on the site during and after construction. The condition is required 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 D3 (Trees and Development Sites) of the Adopted East Devon Local Plan 2013-2031.)

6. No lighting shall be installed at the development hereby approved without the prior consent of the Local Planning Authority.

(Reason - In order to prevent light pollution within the open countryside and Coastal Preservation Area, in accordance with Strategies 7 (Development in the Countryside), 44 (Undeveloped Coast and Coastal Preservation Areas) and 46 (Landscape Conservation and Enhancement and AONB's), and Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) 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](mailto:cil@eastdevon.gov.uk).

## Informative:

In accordance with the aims of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 East Devon District Council works proactively with applicants to resolve all relevant planning concerns; however, in this case the application was deemed acceptable as submitted.

## Plans relating to this application:

TM17B.P2B	Proposed Combined Plans	18.05.22
	Location Plan	18.05.22
TM17B.P1D	Proposed Site Plan	18.05.22

## List of Background Papers

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