

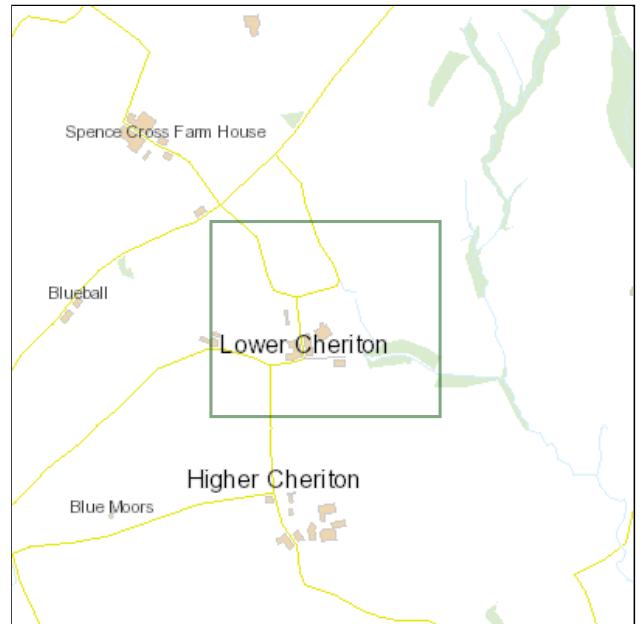
Ward Tale Vale

Reference 22/1371/FUL

Applicant Messrs Pugh and Colemon

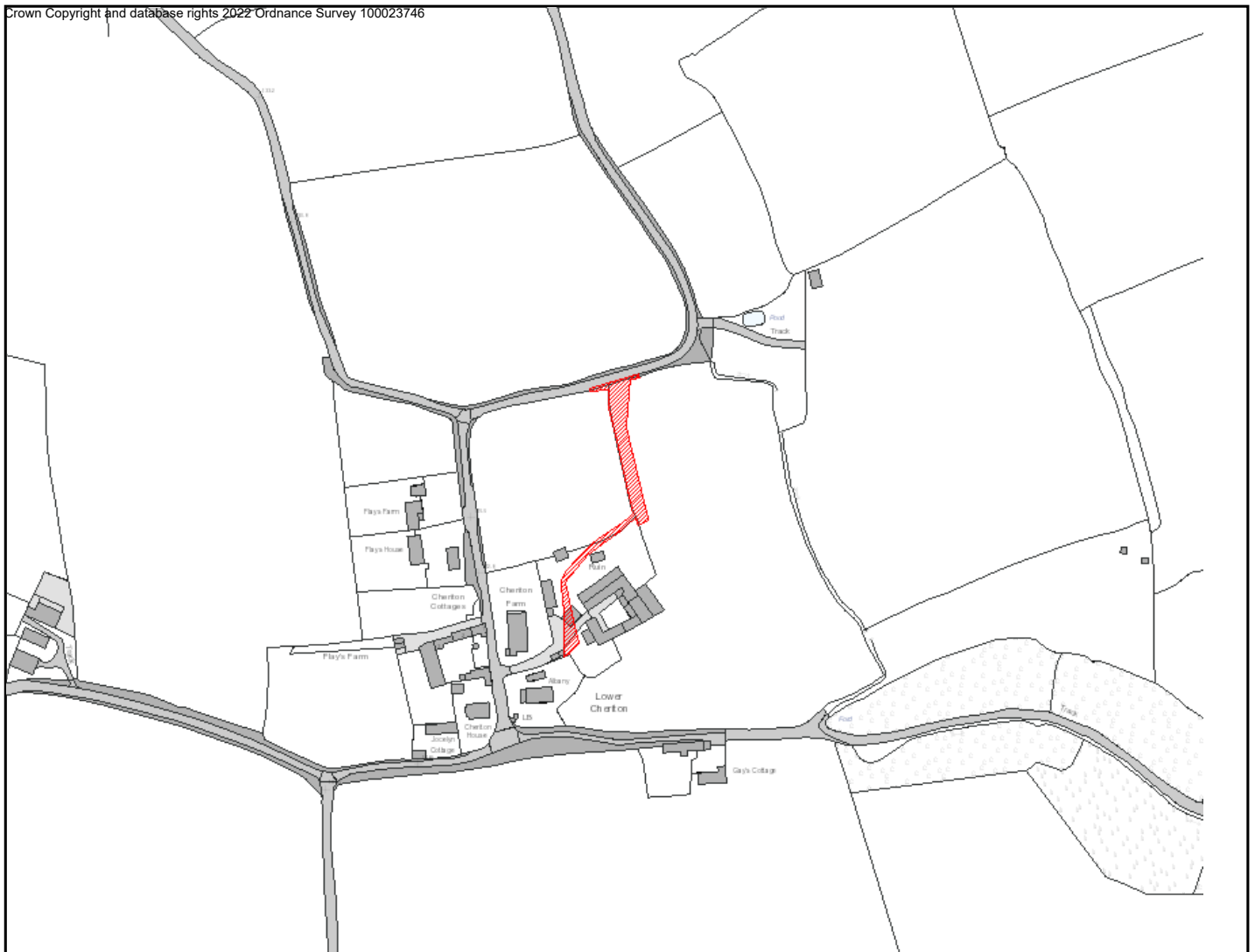
Location Cheriton Farm Payhembury Honiton EX14 3JJ

Proposal Formation of entrance, access road and associated works.



RECOMMENDATION: Refusal

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		Committee Date: 30.09.2022
Tale Vale (Payhembury)	22/1371/FUL	Target Date: 15.08.2022
Applicant:	Messrs Pugh and Colemon	
Location:	Cheriton Farm Payhembury	
Proposal:	Formation of entrance, access road and associated works.	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

This application is before Members because officer's recommendation is contrary to the views of the Ward Member.

Planning consent has been granted to convert a number of barns at the application site into three dwellings. The approved drawings listed on the decision notice for application ref: 20/0199/FUL communicate that, for prospective occupants, access and egress to the site shall be provided through an existing entrance to the west between the properties of Cheriton Farm and Albany.

This application seeks permission for the construction of a track around the northern boundary of the site, into an adjacent field to the north east and out through an existing access onto the lane to lower Cheriton. This would provide the development with an additional access which is also proposed to be utilised during the construction phase of the barn conversions.

The County Highway Authority were heavily involved during the assessment of application ref: 20/0199/FUL and in particular provided insight into the suitability of the site's existing entrance. Their comments stated that lawful use of the site for agricultural purposes and the associated intensity and type of traffic generated by such a use formed a benchmark. As such, it was deemed that the provision of three dwellings would not unduly increase the level of traffic or cause harm to the safety of the local highway network. It was concluded that an objection on highway safety grounds could not be sustained and that the existing access was acceptable.

Whilst the impact of the development would lead to limited localised visual harm, the works would alter and remove uninterrupted expanses of hedgerow and introduce a long stretch of hardstanding and fencing across two fields. It would also lead to the loss of small area of high grade agricultural land. The

application has not demonstrated any material planning benefits that would outweigh the identified harm to the area.

A number of third parties have supported the scheme on the basis that utilising the proposed track during the construction phase and by prospective occupants would prevent harm to the amenity enjoyed at their respective properties. However these impacts are short term and not considered to be significant while the construction of the proposed access track would impact on this in itself while some third parties have commented about noise from the proposed gravel surface.

As such, despite support from third parties, the Parish Council and a Local Ward Member the identified harm would not outweigh the benefits of this application and it is recommended for refusal.

CONSULTATIONS

Local Consultations

Parish/Town Council

Payhembury Parish Council have no objections to this planning application

Parish/Town Council

Having considered this planning application and, taking into consideration concerns raised by residents immediately affected, Payhembury Parish Council would like to raise the following points:

- 1) No time scale has been given for the construction of the road. The Parish Council ask that this new road is built first so that construction traffic for the rest of the development could use it.
- 2) The road surface is stone/sand in the application which will result in noise issues, whereas the rest of the roads are of concrete construction. The Parish Council ask that the new road is also constructed of concrete to avoid unnecessary noise pollution.

Subject to the 2 issues raised above, Payhembury Parish Council have no further objections to the planning application.

Tale Vale - Cllr Philip Skinner

Dear Central Team

I am writing regarding the application at Cheriton Farm, Payhembury which consists of the formation of an entrance through an existing field gate to gain access to the already secured development toward the farm buildings.

I remember this application well as I had a meeting with the residents when this application first appeared 2 or 3 years ago.

I thought it was all passed then as if my memory serves me correctly it would take the traffic away from going in to the hamlet and thus a few (and I mean a few) less traffic movements.

The detrimental effect of a road and the associated works is negligible and in fact I believe I would encouraged it.

I have had a look on site for myself, as I know this area well and do not see a downside.

I would go further and would actually have encouraged the applicant to pursue this entrance and road for the benefit of everybody else including the associated works traffic.

I would consider that if I had any observation, if this is going to be approved we ask for the road to be completed prior to works commencing on the already approved development.

I am in full SUPPORT of this application.

Technical Consultations

EDDC Trees

The submitted arboricultural information demonstrates that by implementing the proposed tree protection measures, shown on the tree protection plan, and following the processes described in the associated arboricultural method statement, the proposed development can be carried out without significant impact on the retained trees.

I am satisfied on arboricultural grounds with the condition to be -

Prior to commencement of any works on site (including demolition), Tree Protection measures shall be carried out as detailed within the plans submitted within this application and shall adhere to the principles embodied in BS 5837:2012 and shall remain in place until all works are completed, no changes to be made without first gaining consent in writing from the Local Authority

Conservation

CONSULTATION REPLY TO CENTRAL TEAM
PLANNING APPLICATION AFFECTING LISTED BUILDING

ADDRESS: Cheriton Farm, Payhembury

GRADE: II/curtilage APPLICATION NO: 22/1371/FUL

PROPOSAL: Formation of entrance, access road and associated works

BRIEF DESCRIPTION OF HISTORIC CHARACTER/ ARCHITECTURAL MERIT:

Cheriton Farm is listed Grade II.

The farm group is located to the east of the farmhouse. Some of the farm buildings appear to date from as early as pre-1839 and the remainder at some point up to 1889/90 and more recent modern buildings post war. The buildings are laid out in a courtyard arrangement and comprise a number of structures referred to, described and labelled A-I in the submitted application. The Planning, Heritage, and Design

and Access Statement suggest that the farm buildings are not curtilage listed, but that they are considered to be non-designated heritage assets para 30.

With regards curtilage, until recently the farm group would certainly have been considered to be curtilage listed. However, in the light of the most recent Historic England guidance and as detailed within Appendix 2, they are most likely not to be considered as curtilage listed, despite the obvious connection of farmhouse to farm buildings in terms of ownership and occupation.

The significance of this farm group derives from their age and traditional agricultural appearance, the typical courtyard arrangement and the mix of traditional vernacular construction and materials, their simple form and general lack of openings. In conjunction with the principal listed building, the farmhouse they make a positive contribution to the rural landscape.

Permission has recently been granted under 20/0199/FUL for the conversion of the redundant farm buildings to residential dwellings.

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

This application relates to the formation of an entrance, access road and associated works to the north of the farm group. It is proposed to re-use an existing overgrown gateway in the hedgerow onto the lane.

This can be seen most clearly on the 1999 aerial photograph and certainly later dates. Few track marks can be seen showing minimal use. However, it is now overgrown and has not been used in recent years. The 1947 aerial photograph is less clear and it is possible that there was a farm entrance here at that time. However, the historic OS maps show no indication of an access at this point dating from 1888 through to 1951, nor to any access from one field to the other, tracks and paths often being shown.

The supporting letter does not appear to offer any clear justification for the new access other than the separation of access to the farmhouse and to the development. The parking area is to the south west of the farm group on the farmhouse side, creating a longer and more indirect route to the farm group. However, it is appreciated that the existing access is limited and relatively narrow.

Due to its location, the new access and associated works will have no direct visual impact on the setting of the farmhouse (Listed Grade II). However, it is considered that there is no historic evidence on which to base the new access and that it will inevitably alter the surrounding context of the farm group and its wider rural setting. The plans show widening of the access, re-alignment of the hedgerow, new gravel track, new post and rail fence, and Devon bank will inevitably visually alter the immediate surrounding fields. This does not appear to be fully justified, in relation to the farm group and its positive contribution to the rural landscape.

National Highways

Thank you for consulting National Highways on the above application, the site of which is located approximately 2.4km north of the A30 trunk road.

Given the scope, scale and proximity from our network we have no comments to make on the application.

Other Representations

Three comments have been made by third parties in support of the scheme. All of which live in close proximity to the application site. They raise the following points:

- Welcome the new access
- It would reduce traffic in the hamlet and on the current farm driveway reducing associated risks and noise to residents adjacent to the existing farm drive
- Concerns about the use of gravel on the proposed driveway and the noise this would generate. Would prefer a concrete surface
- There are a number of difficulties with the existing farm entrance ie limited visibility, narrowness of the lane being accessed, increased number of vehicles etc. and daily use of the lanes, by horses and riders from the stables at Payhembury.
- The new proposal for accessing the building site, whilst welcomed, by the residents of Lower Cheriton, will cause much concern when local residents and others are confronted by the construction vehicles in such limited space, for what could be a considerable length of time.

PLANNING HISTORY

Reference	Description	Decision	Date
20/0199/FUL	Proposed conversion of redundant farm buildings to three residential dwellings; demolition of attached and adjacent buildings; and associated works.	Approval with conditions	21.07.2021

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 7 (Development in the Countryside)

D1 (Design and Local Distinctiveness)

D3 (Trees and Development Sites)

EN14 (Control of Pollution)

EN13 (Development on High Quality Agricultural Land)

EN5 (Wildlife Habitats and Features)

Payhembury Neighbourhood Plan (Made)

No relevant policies.

Site Location and Description

The site is located in Lower Cheriton, a hamlet of 11 houses within the parish of Payhembury. The village of Payhembury is the nearest settlement with amenities and is about a mile to the north-west (in a straight line). The barns are associated with a grade 2 listed farmhouse but are not listed or curtilage listed themselves (having regard to Historic England's advice on curtilage listing). The barns form a courtyard and there are a number of modern structures joined to or near to the barns.

Proposed Development

Planning approval has been granted for the conversion of the existing barns to three dwellings. On the approved drawings access and egress to the site is provided through an existing opening to the west between the properties of Cheriton Farm and Albany. This application seeks permission for the construction of a track around the northern boundary of the site, into an adjacent field to the north east and out through an existing access onto the lane to lower Cheriton.

Existing hedgerows either side of the existing gate would be cut and realigned to provide sufficient visibility for occupants exiting the site. A passing bay would be constructed in close proximity to the access and from thereon in a dual track would run parallel to the existing hedgerow for approximately 60 metres before punching through into the adjacent field. The track would be enclosed either side with post and wire fencing.

ANALYSIS

The main issue for consideration is the impact of the development on the character and appearance of the area. Any harm would need to be weighed against the justification for the development and any material benefits.

Justification for Development

The agent has sought to emphasize that the proposed access provides a more logical route for delivery of machinery, equipment, materials and for heavy goods vehicles needing to access the site off of the Road from Spence Cross to Hembury Fort Cross during the construction phase of the barn conversions authorised under planning permission 20/0199/FUL.

The submitted Planning Statement also puts forward the argument that the new access would provide an improved level of visibility for vehicular traffic exiting the site

compared to that of the existing arrangement to the west of the barns between Albany and Cheriton Farm.

Impact on Character and Appearance of the Area

The most publically visible alteration would be the creation of the visibility splays either side of the existing access and realignment of the hedgerow. Immediately forward of the access, the track, the fencing and the partial removal of the subdividing hedge would also be visible. However, owing to the mature vegetation that encloses the eastern field the subsequent impact would be localised. Once the track 'breaks through' into the field immediately north of the barns the track would not be readily visible from public vantage points.

Whilst the impact of the development would lead to limited localised visual impact, the works would alter an uninterrupted expanse of hedgerow and introduce a length of hardstanding and fencing. Whilst the applicant has amended the proposals to reduce the development's impact upon the character and appearance of the area, a level of harm still remains.

Impact on adjacent Heritage Assets

Some of the farm buildings appear to date from as early as pre-1839 and the remainder at some point up to 1889/90 and more recent modern buildings post war. The buildings are laid out in a courtyard arrangement and comprise a number of structures referred to, described and labelled A-I in the submitted application. The Planning, Heritage, and Design and Access Statement suggest that the farm buildings are not curtilage listed, but that they are considered to be non-designated heritage assets.

The significance of this farm group derives from their age and traditional agricultural appearance, the typical courtyard arrangement and the mix of traditional vernacular construction and materials, their simple form and general lack of openings. In conjunction with the principal listed building, the farmhouse they make a positive contribution to the rural landscape.

Due to its location, the new access and associated works will have no direct visual impact on the setting of the farmhouse (Listed Grade II). However, it is considered that there is no historic evidence on which to base the new access and that it will inevitably alter the surrounding context of the farm group and its wider rural setting.

Loss of Grade II Agricultural Land

Upon a site visit it was noted that the land is currently left as grassland although aerial imagery available to the Local Authority indicate that the land has been actively farmed within recent years. The land is classed as Grade II agricultural land and therefore is considered some of the district's Best and Most Versatile Land (BMV)

The National Planning Policy Framework states that Local Authorities should protect the most versatile agricultural land from significant, inappropriate or unsustainable development proposals and manage soils in a sustainable way. This particular part of the NPPF is reflected within the provisions of EN13 (Development on High Quality Agricultural Land) of the Local Plan. EN13 states that the most versatile land (Grades 1, 2 and 3a) will be protected from development not associated with agriculture and forestry.

However, in this case, it is acknowledged that the extent of land to be lost due to construction of the track is low and there is no other land in the applicant's control at a lower grade.

Trees

The proposed track would run parallel to the subdividing hedgerow and in close proximity to the Root Protection Area of a Lombardy Poplar (T102) and a Silver Birch (T2) just north of the cluster of existing barns.

The Local Authority's Tree Officer has reviewed the Tree Protection Plan and Arboricultural Assessment and concluded that the submitted arboricultural information demonstrates that the proposed development can be carried out without significant impact on the retained trees.

Ecological Impact

The submitted ecological appraisal concludes that the hedgerow removal works will result in minor negative impact on ecology at a local level. The removal and cutting back or realigning of the hedgerow will not have any significant impact on the commuting, foraging or sheltering ability of any protected species.

To offset potential adverse impacts it is recommended that, if permission is to be granted, a grass strip between the proposed track and existing hedge to the west would be left un-mowed to encourage wildlife to commute and forage.

Conclusion

The development does not provide any material benefits to outweigh the identified harm, albeit minor, to the character and appearance of the area. There is no evidence before the Local Authority to suggest that the proposed access would provide an improvement to highway safety for prospective occupants or existing residents and even if such benefits were identified, subsequent to approval of 20/0199/FUL, there are no controls available to the Local Planning Authority to prevent the existing access to be used.

The proposed access arrangement was considered during the assessment of 20/0199/FUL where the delegated report concluded the following;

“It has also been suggested that an alternative route out of the site by crossing the field to the east/north of the barns should be considered. In response to this the developer has adjusted the plans, allowing three spaces per dwelling, with adequate space on the site for vehicles to park at times of exceptional demand. While the suggestion of a northern driveway has been considered, it is far from clear that it would deliver sufficient public benefits to justify the environmental damage arising from constructing a new driveway through a field when roads already exist. Moreover, the alternative route is not part of the proposal and the existing access has been considered on its merits and has been found to be acceptable. Although the existing access is slightly below standard in terms of visibility and cannot be improved because the necessary land is not within the control of the applicant, the use of the access by three additional households would not give rise to a highway safety concern that would justify refusal.”

It is still the position of officers that there is a lack of public benefit to warrant construction of the track and widening of the existing northern access.

A number of third parties have supported the scheme on the basis that utilising the proposed track during the construction phase and by prospective occupants would prevent harm to the amenity enjoyed at their respective properties. However, planning permission has already been granted for the barn conversions and the minor short term disturbance of these works on adjacent residents could not have formed a reason for refusing that application and nor should it justify approving this one. The developer, if they wished, could still utilise the north eastern access during the construction phase of 20/0199/FUL on a temporary basis perhaps with the use of matting across the field. The creation of a permanent hard surfaced access across about 150m would in itself cause disturbance during its construction somewhat defeating the argument around the impact of construction works anyway.

Furthermore, even if approval were to be forthcoming, the existing access to the west could still be utilised by prospective occupants of the new dwellings and there are no tools at the disposal of the Local Planning Authority to reasonably prevent this. This fact is seen to weaken any highway safety arguments particularly as the existing access is acceptable for serving the consented barn conversions.

Comments in support of the scheme have expressed concerns over the narrowness and state of disrepair of nearby lanes that run through the hamlet and would like to see traffic diverted through the proposed access to the north. However, prospective occupiers of the converted barns are still likely to travel south along the same lanes to access the A30 and M5.

As such, despite support from third parties, the Parish Council and a Local Ward Member the application is recommended for refusal.

RECOMMENDATION

REFUSE for the following reasons:

1. Removal and realignment of the existing hedgerow to facilitate the creation of visibility splays and construction of the track would be detrimental to the intrinsic rural character of the area and lead to a small loss of high grade agricultural land. In the absence of sufficient justification, demonstrable public benefit or need for the proposal, development is contrary to planning policies which seek to protect the countryside, retain the best and most versatile agricultural land and reinforce the key characteristics and special qualities of the area. The proposal is therefore considered to be contrary to the provisions of Strategies 7 (Development in the Countryside) and 46 (Landscape Conservation and Enhancement and AONBs) and Policies D1 (Design and Local Distinctiveness) and EN13 (Development on High Quality Agricultural Land) of the adopted East Devon Local Plan 2013 - 2031 and the National Planning Policy Framework.

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.

Plans relating to this application:

ARPC3 A	Proposed Site Plan	08.08.22
ARPC4 A : fence detail	Sections	08.08.22
ARPC5 A : route for construction traffic	Other Plans	08.08.22
ARPC1	Location Plan	20.06.22

List of Background Papers

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