

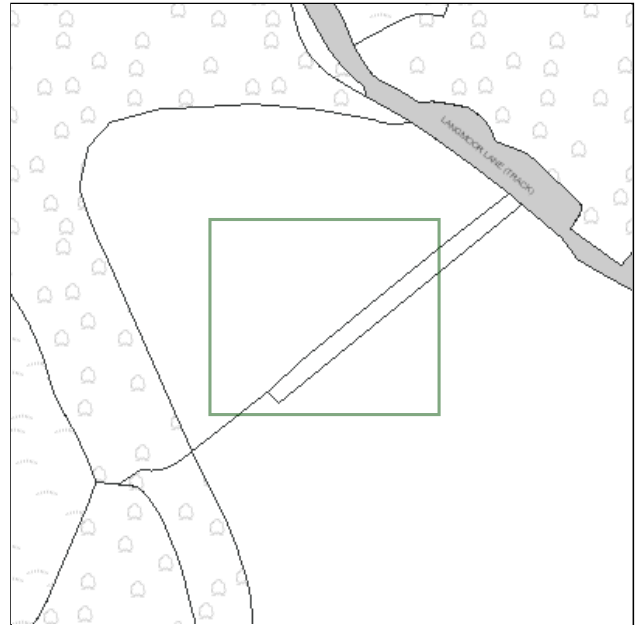
**Ward** Yarty

**Reference** 22/2281/FUL

**Applicant** Laura Joyce

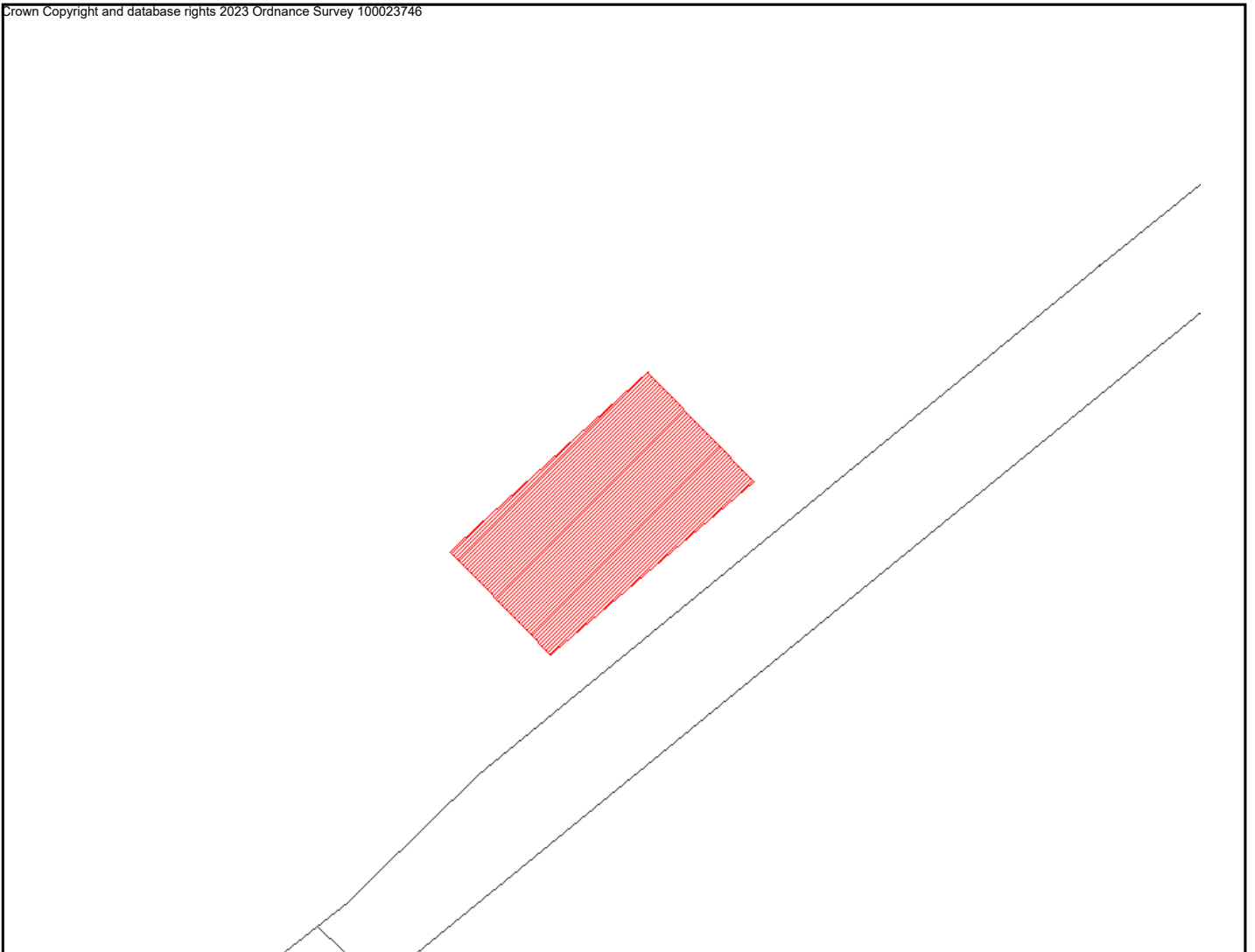
**Location** Land To NE Of Woodhouse Farm Stables  
Woodhouse Lane Hawkchurch EX13 5UF

**Proposal** Construction of barn (retrospective)



**RECOMMENDATION: Approval with conditions**

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		<b>Committee Date: 28<sup>th</sup> February 2022</b>
<b>Yarty (Hawkchurch)</b>	<b>22/2281/FUL</b>	<b>Target Date: 07.12.2022</b>
<b>Applicant:</b>	<b>Laura Joyce</b>	
<b>Location:</b>	<b>Land To NE Of Woodhouse Farm Stables Woodhouse Lane</b>	
<b>Proposal:</b>	<b>Construction of barn (retrospective)</b>	

**RECOMMENDATION: Approval with conditions**

#### **EXECUTIVE SUMMARY**

**This application is before the Planning Committee because the recommendation is different to the view of the Ward Member.**

**The proposal is to retain and adapt for agricultural use a building that has been constructed in an isolated field in the countryside between Hawkchurch and Raymonds Hill.**

**The existing building has four bays but three of them have a raised floor and are partially enclosed to provide a room measuring about 9.1m by 3.5m. This room has windows on three sides and patio doors opening out onto a veranda. The exterior walls are clad in timber, except for the sheet metal rear wall, and the roof is covered in the same sheeting. Internally there is a range cooker and insulation to the ceiling.**

**The proposal is to reduce the enclosed part of the building to one bay which would be used for secure storage and drying. The remaining three bays would then form a conventional open-fronted barn suitable for housing animals or for dry storage.**

**Planning policies do not support the retention of the building in its present form as it is not designed for agricultural use and its isolated location means that it is not suitably located for other uses. However, the application before us is to adapt the building and use it for agricultural purposes. As set out in this report, the altered building would serve a genuine agricultural purpose, would be of a suitable scale and design and would be compatible with the character and appearance of the area. Therefore, subject to a condition to ensure that the alterations take place in a timely manner, the retention and adaptation of the building for agricultural use is acceptable.**

## **CONSULTATIONS**

### **Local Consultations**

Yarty - Cllr Paul Hayward

23/11/2022 Unable to support. Refusal recommended.

25/11/2022 I regret that I am unable to support this application as I believe that the design, size and scale of the building is out of keeping with the landscape. I also question the need for a building of this size given the proposed use as set out in the supporting planning statement - it has been built too big by the applicants own admission. I also deeply regret seeing yet another retrospective application in the Yarty ward when our planning rules are clear to see, are well publicised and available 24/7 for all applicants to read and comply with. I know that "retrospection" is not a valid reason for refusal but I feel it needs remarking upon yet again.

### **Other Representations**

None received.

### **Technical Consultations**

None

## **PLANNING HISTORY**

None

## **POLICIES**

A neighbourhood plan has not been prepared for Hawkchurch.

### **Adopted East Devon Local Plan 2013-2031 Policies**

Strategy 7 (Development in the Countryside)

Strategy 47 (Nature Conservation and Geology)

D7 (Agricultural Buildings and Development)

EN14 (Control of Pollution)

### **Government Planning Documents**

NPPF (National Planning Policy Framework 2021)

National Planning Practice Guidance

### **Site Location and Description**

This application concerns a building that has been constructed in a field in an isolated location between Hawkchurch and Raymonds Hill. The site is not within an AONB (the nearest being the Dorset AONB 1.2km to the south) but is set in attractive rolling countryside with scattered farms and patches of woodland and hedgerow trees giving it a well-treed character.

The building is situated close to the southern hedgerow boundary of a 0.65ha field and adjacent to a gateway which leads into the next field. The land slopes down to the north and a belt of trees wraps around the remaining boundaries of the field. Notwithstanding the tree cover, there are views out of the site to the wooded hillside to the west and to an open hilltop 750m away where there is a public footpath.

The site is isolated from other dwellings and farm buildings and is in a location just off a track which receives little pedestrian or other traffic. The nearest dwellings are a small cluster around Woodhouse Farm, which is about 200m uphill to the south east, and Langmoor Farm (grade II listed), which lies in the bottom of the valley about 270m to the north.

The sunken track adjacent to the north east boundary of the field is a public right of way (or 'green lane', according to the DCC designation) which connects the metalled parts of Woodhouse Lane and Langmoor Lane. It is not suitable for most motor vehicles and does not provide direct access into the field. In the absence of any road leading to the site, it appears that the building is accessed across adjoining fields.

### Background

It is understood that the applicant believed that an agricultural building could be constructed without the need for planning permission and gave materials to a 'young festival construction crew' and an overview of what she was looking for. The building that was constructed, we are led to understand, was more than she had originally asked for and is more akin to a lodge or cabin.

Whilst anyone engaged in the construction of this building may only have been acting on instructions, the design and specification are so unlike an agricultural building that there can have been no misunderstanding as to what was being constructed. In its unfinished state it is not entirely clear to what purpose the building would ultimately have been put (perhaps a leisure use or for overnight accommodation), but the applicant has acknowledged her error and is now seeking to adapt and retain the building for agricultural purposes.

### ANALYSIS

#### Proposal

The existing building has four bays but three of them have a raised floor and are partially enclosed to provide a room measuring about 9.1m by 3.5m. This room has windows on three sides and patio doors opening out onto a veranda. The exterior walls are clad in timber, except for the sheet metal rear wall, and the roof is covered in the same sheeting. Internally there is a range cooker and insulation to the ceiling.

The proposal is to remove two thirds of the raised area, leaving a smaller storage room and an outside platform within one bay of the building. The western edge of the platform would also be enclosed and the window in that elevation filled in. The remaining three bays would then form a conventional barn suitable for housing animals or for dry storage.

## Assessment

As the application is seeking consent for an agricultural building it falls to be considered against Policy D7 (Agricultural Buildings and Development) of the Local Plan.

Policy D7 first requires that a genuine agricultural need for the building is demonstrated. The applicant has explained that they require the building for four main purposes:

- To primarily house goats / animals
- To store tools and machinery
- For drying, processing and storage of wildflower seeds
- For seasoning of logs.

The supporting statement goes on to explain that:

"The applicant's total land holding measures approximately 14.5 acres. There are no other buildings on the land and consequently nowhere which could accommodate animals, the feed and fodder for animals and/or the equipment needed to maintain the land holding.

The applicant lives some distance from the site and all equipment and animal feed needed to be taken to site each time they visited.

The applicant needs a building to house animals in the inclement months, dry wildflower seeds which are being produced on the site, season logs which are being felled in the woodland and store equipment needed to maintain the land.

The proposed alterations to the building would provide a space in which to store tools, machinery and equipment used to maintain the land and to provide shelter for animals, namely goats."

These are all valid reasons for needing a building and, following the proposed alterations, the building would be well suited to these purposes in form and scale. Accordingly it is concluded that there is a genuine agricultural need for the building.

The remainder of the policy sets out five additional criteria that need to be satisfied (numbered 1, 2, 4, 5 and 6). These are addressed in turn below.

**1. It is well integrated with its surroundings and closely related to existing buildings, being of appropriate location, scale, design and materials so as not to harm the character, biodiversity and landscape of the rural area particularly within the AONB.**

Although not closely related to any other buildings, it is not prominent in the landscape owing to the extent of tree cover and the undulating land form. From the track adjacent to the field any views of the building are at a distance of at least 55m, are filtered by boundary trees and are partially obscured as a result of the difference

in ground levels. To the casual passer-by the building may go unnoticed, particularly in view of the materials used which blend well with the surroundings.

The only distant view that has been identified is from Axminster Bridleway 12 which links Lodge Lane to Stammer Hill. For a length of about 200 metres where the path passes to the east of Paynes Place Farm it is possible to identify the building sitting on one side of a small clearing in the wooded hillside. Whilst it is a very small component of a wider panorama, even at a distance of about 750 metres the non-agricultural features of the building, such as the windows and the veranda, can be seen and give it a domestic rather than agricultural character.

Although the building is not conspicuous in the landscape, the proposed alterations are necessary to make it compatible with the character of the area, as well as for functional reasons. Removing most of the veranda, fully enclosing the west elevation and removing the window in that elevation would result in a building that would be much as one would expect to see in a rural location such as this. Although some windows would be retained, they would not be visible from public vantage points and their removal is not necessary to facilitate the agricultural use.

Because the building would only be acceptable after the alterations have taken place, it would be necessary to impose a condition requiring the alterations to be made. Following discussion with the agent, a period of six months to complete the work should be more than adequate. Subject to this requirement being fulfilled, the building would be well integrated with its surroundings and satisfy this criterion. If the works do not take place within the specified time period then the condition would require the removal of the whole building within a further six months.

**2. It will not be detrimental to the amenity of nearby residents on grounds of smell, noise or fly nuisance.**

In the absence of any near neighbours the proposal would not have an adverse effect on amenity.

**4. It has been established that there are no other suitable buildings on the holding or in the vicinity which could meet the reasonable need.**

There are no existing buildings on the applicant's land and there are no suitable buildings available nearby.

**5. It will not lead to an unacceptable increase in traffic on the local highway network**

The small scale of the development would give rise to a low number of traffic movements that would not prejudice highway safety.

**6. All clean roof and surface waters will be drained separately from foul drainage and foul drainage will not discharge to any watercourse in order to prevent pollution of the water environment.**

Conditions can be imposed to ensure that this is the case.

## Other matters

There is no impact on the setting of the listed building 270m to the north.

The building has been constructed close to a hedgerow but there is adequate space to allow for future growth. Furthermore, it has minimal foundations and therefore is unlikely to have had a detrimental effect on tree roots.

The site is within the catchment of the River Axe SAC where development that is likely to raise phosphate levels in the river is subject to advice issued by Natural England in March 2022. This applies to agricultural buildings that are likely to lead to an increase in herd size. However, in this case the proposal is to provide better welfare for existing animals rather than to facilitate an increase in the numbers kept. On that basis an adverse effect is unlikely and a Habitats Regulations Assessment is not required in this case.

## **CONCLUSION**

Planning policies do not support the retention of the building in its present form as it is not designed for agricultural use and its isolated location means that it is not suitably located for other uses. However, the application before us is to adapt the building and use it for agricultural purposes. As set out in this report, the altered building would serve a genuine agricultural purpose, would be of a suitable scale and design and would be compatible with the character and appearance of the area. Therefore, subject to a condition to ensure that the alterations take place in a timely manner, the retention and adaptation of the building for agricultural use is acceptable.

## **RECOMMENDATION**

APPROVE subject to the following conditions:

1. 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.)
2. The alterations to the building necessary to conform with the approved drawings shall have been carried out and completed in full within 6 months of the date of this decision. Within one week of the completion of the approved alterations to the building, written confirmation of the same shall be notified to the Local Planning Authority.  
(Reason - To ensure that the building meets the identified agricultural need and is compatible with the character and appearance of the area in accordance with Strategy 7 - Development in the Countryside and Policy D7 - Agricultural Buildings and Development of the East Devon Local Plan 2013-2031.)
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), the building

shall only be used for agricultural or forestry purposes and for no other purpose (including any other purpose in Classes B8 or C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to those Classes in any statutory instrument revoking and re-enacting that Order with or without modification)) unless planning permission has first been granted by the Local Planning Authority.

(Reason - The building is only justified to meet a specific need and other uses would require full consideration in accordance with Strategy 7 - Development in the Countryside of the East Devon Local Plan 2013-2031.)

4. The site shall be drained on a separate system of foul and surface water drainage, with all clean roof and surface water being kept separate from foul drainage.  
(Reason - To prevent pollution of the water environment in accordance with the requirements of EN14 - Control of Pollution of the East Devon Local Plan 2013-2031.)
5. All foul drainage, including foul surface water run-off shall be disposed of in such a way as to prevent any discharge to a well, borehole or spring or any watercourse, including dry ditches with a connection to a watercourse.  
(Reason - To prevent pollution of the water environment in accordance with the requirements of Policy EN14 - Control of Pollution of the East Devon Local Plan 2013-2031.)
6. The storage of fertiliser, chemicals, pesticides or other hazardous substances shall be within properly constructed bunded areas of sufficient capacity to avoid contamination of any watercourse, surface water drains or groundwater in the event of spillage.  
(Reason - To avoid pollution of the water environment in accordance with the requirements of Policy EN14 - Control of Pollution of the 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 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:

	Location Plan	12.10.22
	Proposed Site Plan	12.10.22
WOOD_PRO 3 of 5 Rev 1.1: N/S	Proposed Elevation	19.01.23
WOOD_PRO 4 of 5 Rev 1.1:	Proposed Elevation	19.01.23
WOOD_PRO 1 of 5 Rev 1.1	Proposed Floor Plans	19.01.23
WOOD_PRO 2 of 5 Rev 1.1	Proposed roof plans	19.01.23

List of Background Papers

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