

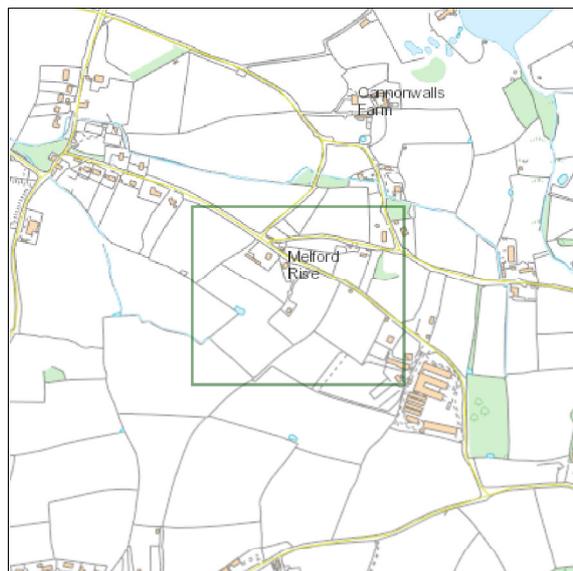
**Ward** Woodbury And Lympstone

**Reference** 19/0208/FUL

**Applicant** Ms Miles

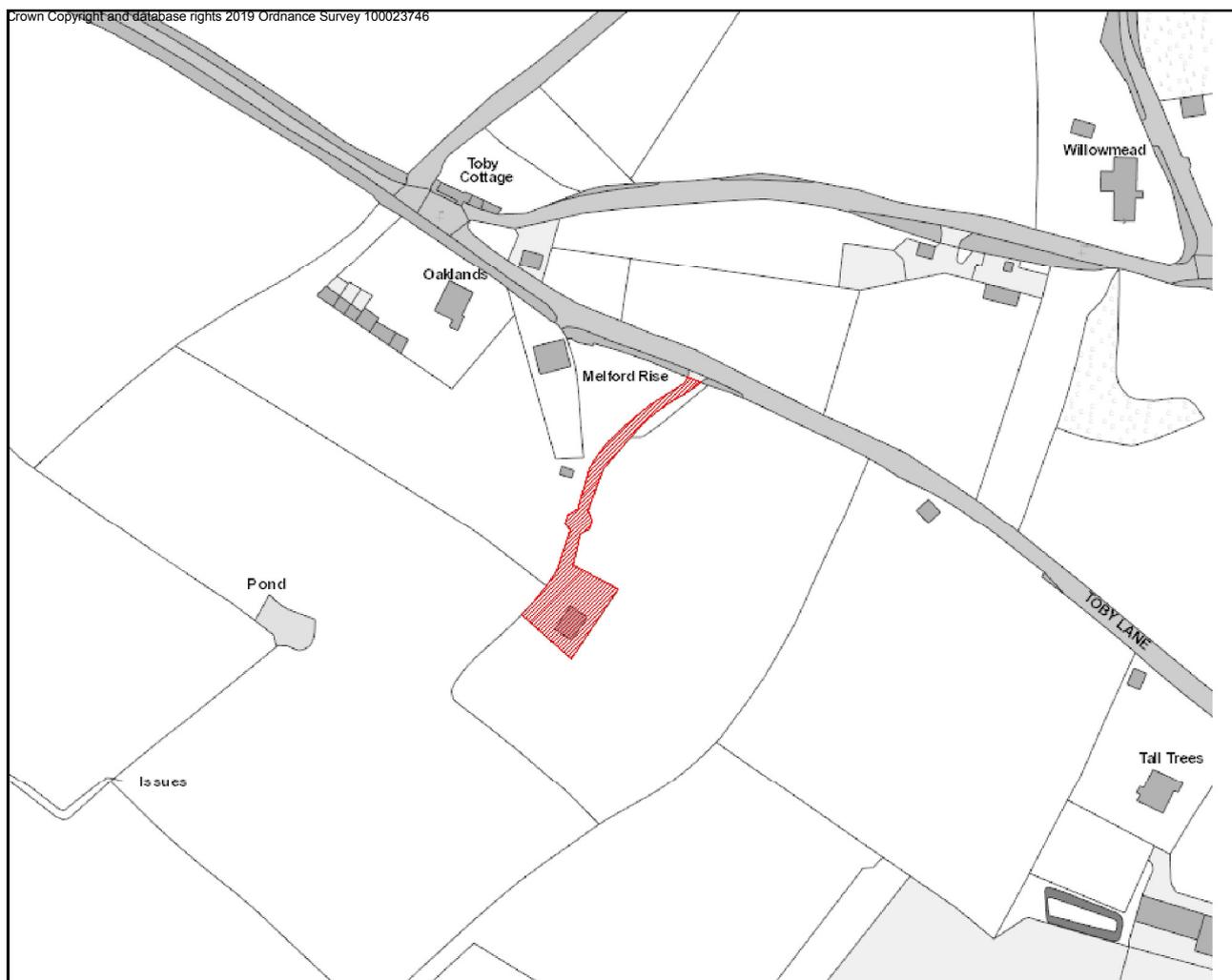
**Location** Land Adjacent To Melford Rise Toby Lane  
Woodbury Salterton

**Proposal** Retention of agricultural barn



**RECOMMENDATION: Approval with conditions**

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		<b>Committee Date: 30th April 2019</b>	
<b>Woodbury And Lympstone (WOODBURY)</b>	<b>19/0208/FUL</b>	<b>Target Date:</b>	<b>29.03.2019</b>
<b>Applicant:</b>	<b>Ms Miles</b>		
<b>Location:</b>	<b>Land Adjacent To Melford Rise Toby Lane</b>		
<b>Proposal:</b>	<b>Retention of agricultural barn</b>		

**RECOMMENDATION: APPROVE with conditions**

#### **EXECUTIVE SUMMARY**

**This application is before Members as the officer recommendation is contrary to the view of the Ward Members.**

**Planning permission is sought for the retention of an agricultural barn on the site of a former agricultural building. The new barn has been constructed using the original concrete base and block work plinth of the previous building with new timber clad walls above. The pitched roof of the building has a profiled metal roof over a wooden frame.**

**The application site is located within the open countryside on land that was formerly occupied as a snail farm. The other structures that were associated with the previous use have been removed with only the new building now on site. The site is enclosed by high hedging and a gated access to the site extends from Toby Lane.**

**Supporting information suggests that the site forms part of a 1.9ha holding, with the building being used for the storage of hay cut from the land and associated machinery. The building would also be used in association with the keeping of horses on the land.**

**Some doubt has been raised regarding the permanence of the structure that was previously on the site, and that insufficient justification has been provided to warrant retention of the new building. Concern has also been expressed regarding the future intended use of the building.**

**Whilst these concerns are appreciated, and the specification of the new building is somewhat excessive for the use proposed, justification for the need for a building has been submitted; there is no visual harm from the building and its**

**occupation can be controlled by condition to ensure that its use remains agricultural.**

**Given that the applicant has provided an agricultural justification for the building, and given the lack of any other harm, the proposal is considered to be acceptable and in accordance with Local Plan Policy D7.**

## **CONSULTATIONS**

### **Local Consultations**

#### Parish/Town Council

NOT SUPPORTED. No agricultural justification or supporting statement. Outside of the local plan. WPC do not consider the previous poly tunnel to have been a permanent structure.

#### Woodbury & Lympstone - Cllr B Ingham

I recommend this application is rejected because it does not include a justified agricultural use. Livery or a livery store is not good enough.

#### Woodbury & Lympstone - Cllr R Longhurst

This must have slipped past me - I object on the same grounds as Cllr Ingham.

### **Technical Consultations**

#### Environmental Health

I have considered the application and do not anticipate any environmental health concerns.

#### Other Representations

None received

## **RELEVANT PLANNING HISTORY**

Planning permission was refused in the 1990's for the siting of a mobile home and construction of a dwelling in conjunction with a snail farming enterprise on the site.

The building that previously occupied the site was granted permission in 1993 as part of the snail farming use of the land

## **POLICIES**

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

Strategy 7 (Development in the Countryside)

D1 (Design and Local Distinctiveness)

D7 (Agricultural Buildings and Development)

EN5 (Wildlife Habitats and Features)  
EN14 (Control of Pollution)

### Government Planning Documents

NPPF (National Planning Policy Framework 2019)  
National Planning Practice Guidance

### **Site Location and Description**

The application site is located on the southern side of Toby Lane and accessed from a long driveway. The land on which the building is sited is within the open countryside and enclosed by established trees and planting.

### **Proposed Development**

Planning permission is sought for the retention of a new agricultural building on the site of a former building which was used in conjunction with the neighbouring land as part of a snail farming enterprise.

The building has been sited on the concrete base of the former snail house, with the walls using the blockwork plinth base with new timber cladded walls above. The pitched roof of the building is finished in profiled metal sheeting.

## **ANALYSIS**

### Consideration and Assessment

The main issues are considered to be the principle and justification for the proposed building; and any impact on the character and appearance of the area, on residential or other amenity, or highway issues.

#### Principle

The site is located within the open countryside where under the provisions of Strategy 7 (Development in the Countryside) of the East Devon Local Plan, development is strictly controlled. Strategy 7 states that development in the countryside will only be permitted where it is in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits such development and where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located.

Policy D7 (Agricultural Buildings and Development) of the Local Plan supports new agricultural buildings where there is a genuine agricultural need, it is well integrated and of a suitable design, will not be detrimental to amenity, there are no other suitable buildings on the holding, it will not lead to unacceptable levels of traffic and there is no mixing of surface and foul sewers.

Subject to meeting the criteria to Policy D7, the principle of an agricultural building in this location is considered to be acceptable.

### Justification/Need

Information submitted with the application suggests that the building would be used in conjunction with the applicant's use of the surrounding land for the keeping of horses. In this respect the barn would be used for the storage of hay and feedstuffs, and the storage of machinery and tack. As the keeping of horses is not agriculture, this in itself would not meet the requirement of Policy D7, although on appeal it is likely that an Inspector would give some weight to the need for a store in association with the use of the land for the keeping of horses.

The applicant's agent has subsequently submitted additional information stating that the applicant owns 1.9ha of agricultural holding which was previously used in conjunction with the snail business that operated from the site. Since this enterprise ceased it is understood that the land is used for the production of hay which is cropped twice a year and then sold on. The barn is used for the storage of hay and farm equipment including tractor and hay cutter associated with the business.

There are no other buildings associated with the holding, as the other structures on the site that were associated with the snail farm have been removed.

From the information provided a suitable justification has been put forward to justify the need for a storage building in association with the production of hay (an agricultural use) and for the keeping of feed and equipment for the horses.

### Character and Appearance of Area

The barn is not visible from any public vantage points, it is well screened by existing planting and would not cause any harm to the character and appearance of the area.

The site is not subject to any specific landscape or other designations.

### Amenity

The building will be used to store hay and machinery, and it is not anticipated that its use would have any unreasonable or unacceptable impact on the amenity presently enjoyed by the occupiers of nearby properties.

### Highway Safety

The building would be accessed via an existing farm access from Toby Lane. The site plan indicates that there is sufficient space to allow vehicles to turn and exit the site in a forward gear. No concerns have been raised by the County Highway Authority and it is considered that the proposal complies with policy TC7 (Adequacy of Road Network and Site Access) of the Local Plan.

### Other Issues

Some concern has been raised regarding the quality of the construction of the building and the fact that the build specification of the building far exceeds that required for an

agricultural building. This has led to some speculation regarding the future intended occupation and the possibility of the building being used for residential or other purposes. Whilst the construction is somewhat over specification for a normal agricultural building, its use and occupancy can, and in this instance should, be restricted by appropriate conditions.

There will be no foul drainage required in association with the building and its uses.

## **CONCLUSION**

The proposal is considered to comply with Policy D7 of the Local Plan as an agricultural need for the building has been provided, the building is well integrated and does not have a harmful visual impact, it will not be detrimental to residential amenity, there are no other suitable buildings on the site and the local highway network can cope with traffic associated with the building.

In addition, concerns regard the future use of the building can be controlled through condition and further planning applications.

Having regard for the above observations the proposal is considered to be acceptable and the application is therefore recommended for approval.

## **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 building hereby approved shall be used for the purposes of agriculture or purposes incidental to such a use and shall not be used for any residential, commercial or other business purpose.  
(Reason: To define the permission and in the interests of conserving the character and appearance of the countryside in accordance with Strategy 7 (Development in the Countryside) and D7 (Agricultural Buildings and Development) of the East Devon Local Plan 2013-2031.)

## NOTE FOR APPLICANT

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:

A.03	Proposed roof plans	01.02.19
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T.01	Location Plan	30.01.19
Su.01 Approved Building	Other Plans	30.01.19
A.01	Block Plan	30.01.19
A.02	Proposed Combined Plans	30.01.19

List of Background Papers

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