

Ward West Hill And Aylesbeare

Reference 24/1203/COU

Applicant Mr Sam Slade

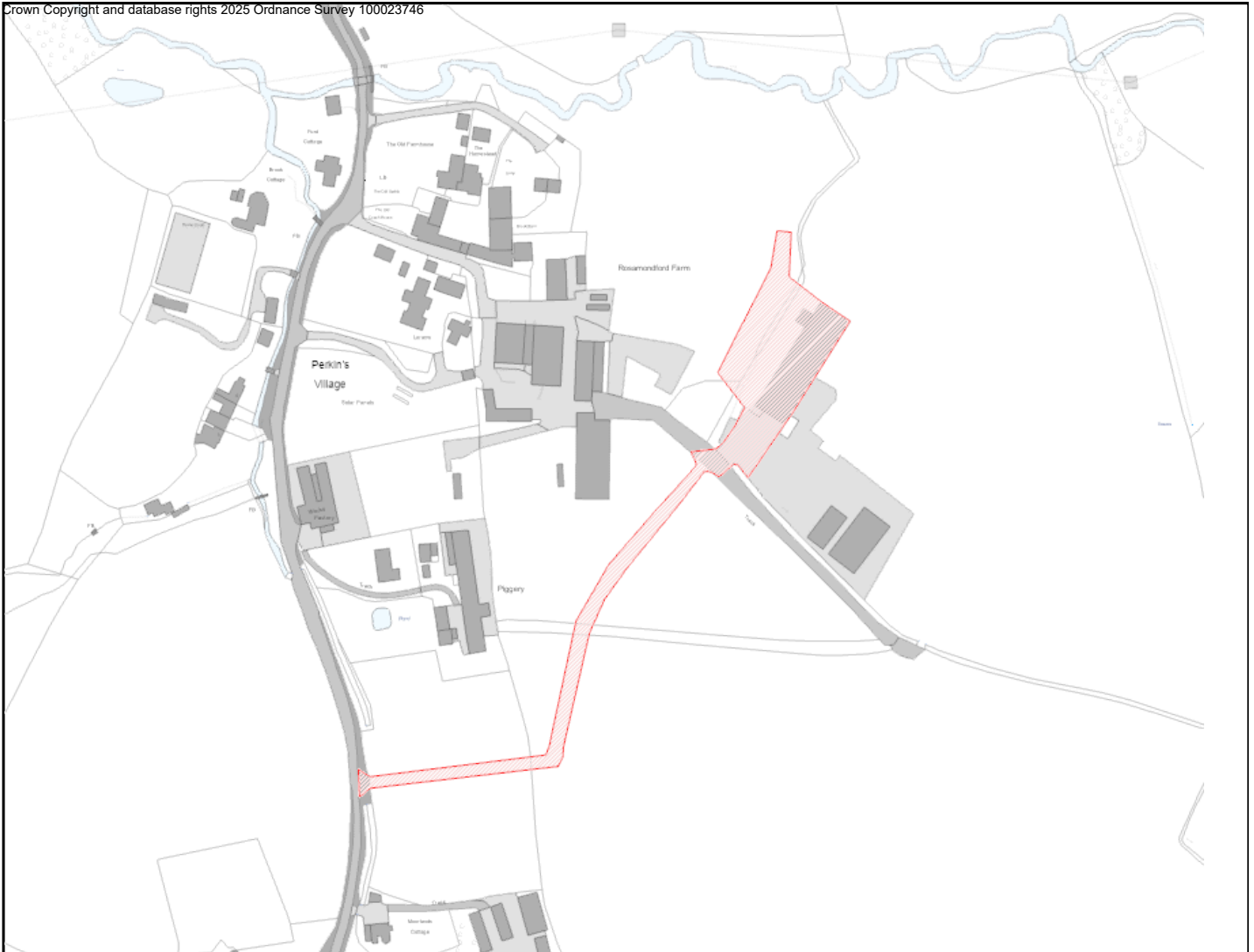
Location Vacant Chicken Shed Rosamondford Farm
Perkins Village Exeter EX5 2JG

Proposal Change of use from agricultural to commercial
storage (Class B8)



RECOMMENDATION: Approval with conditions

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		Committee Date: 28.01.2025
West Hill And Aylesbeare (Aylesbeare)	24/1203/COU	Target Date: 20.08.2024
Applicant:	Mr Sam Slade	
Location:	Vacant Chicken Shed Rosamondford Farm	
Proposal:	Change of use from agricultural to commercial storage use (Class B8)	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before members as the Ward Member's view is contrary to that of officers.

The site lies in the open countryside and relates to a former poultry unit on Rosamondford Farm, a large mixed farm complex located within a small settlement known as Perkins Village.

Planning permission is sought to change the use the former poultry unit into six storage units along with a vehicle parking and turning area.

The site lies in the open countryside where special attention is required to protect the character and appearance of the area under Strategy 7 of the EDDC Local Plan, however, that does not represent a bar on all development as where specific policies of the plan support certain developments the proposal is acceptable in principle. The principle of the proposed development is considered to be acceptable in terms of Policies D8- Re-Use of Rural Buildings Outside of Settlements and E5- Small Scale Economic Development in Rural Areas of the East Devon Local Plan.

The proposal is considered to be a modest conversion scheme to a redundant agricultural building that would result in no harm to the character and appearance of the area, residential amenity, ecology or heritage.

Concerns regarding the impact of the proposed uses on the local road network and highway safety have been addressed within this report, however given the size of the units coupled with the nature of the uses proposed (storage), it isn't considered that the proposal would generate a significant increase in traffic movements to and from the site or a significant change in the type and nature of

traffic movements to sustain an objection or where the highway impacts would be severe- a key test within the NPPF. In the absence of any objection from the County Highway Authority, it isn't considered that an objection could be sustained on highway grounds and conditions restricting the use of the units to storage only coupled with preventing amalgamation of the units would help to further reduce any highway impact.

On balance, the proposal is considered to comply with the provisions of policies D8 and EN5 of the Local Plan and would meet the requirements of paragraph 88 of the NPPF by supporting a prosperous rural economy through the conversion and re-use of an existing building.

The proposal complies with the NPPF and Local Plan when taken as a whole and the application is therefore recommended for approval with conditions.

CONSULTATIONS

Local Consultations

West Hill And Aylesbeare - Cllr Jess Bailey

I wish to register my OBJECTION to this planning application. The key policy for the determination of this application is Local Plan policy D8. This application does not comply with policy D8 (Re use of agricultural buildings outside settlement) for numerous reasons.

First, the new use must be sympathetic to and enhance the rural setting and character of the building and surrounding area and be in a location which will not substantively add to the need to travel by car. This proposed commercial flexible use does not enhance the rural setting, it is at odds with it, and will definitely add to the need to travel by car. It will substantially increase car use along the rural lanes in the vicinity.

Second, the proposed use is required not to harm the countryside by way of traffic. In my capacity as both the district and county councillor I believe that the proposed use will harm the countryside by way of traffic.

Finally, it is a requirement that any such proposal does not undermine the viability of an existing agricultural enterprise or require replacement buildings to fulfil a similar function. I am concerned that the applicant has not complied with this part of the policy because there have been repeated applications for replacement agricultural buildings such as 23/2186 "cattle shed".

In addition, I have seen no evidence of either avian flu or blackhead infestation which is presented as justification of this latest application.

Finally, as ward member I am particularly concerned about the industrialisation of the countryside and the cumulative impact that this application (if approved) will have when taken in the context of previous applications including 22/0355 PDQ change of use of poultry rearing shed.

This application should therefore in my view be REFUSED.

Cllr Jess Bailey

Parish/Town Council

Aylesbeare Parish Council supports this application and trusts that the planners will set conditions for storage only and not allow distribution or manufacturing due to the traffic this would generate on the narrow lane to the property.

Parish/Town Council

Farringdon Parish Council have major concerns regarding this application.

There need to be suitable restrictions on the B8 which protects the surrounding roads from heavy traffic and further expansion being allowed on site. Farringdon does not want this to be the start of another Hill Barton Industrial Site.

We note that the original plan for a chicken shed on this site in 2004 was agreed for agricultural use only and if unused for 6 months regulations required it to come down (conditions section 3)

The parish council undertook a site visit for previous applications (22/1678/PDR/22/0355/PDR/21/1719/PDR all deemed unsuitable and refused) and have looked at the size and suitability of the proposed area.

The lane is totally inadequate in size and cannot cope with more large vehicles in addition to the permitted agricultural traffic. The road is a B road classification and is not suitable for large commercial vehicles or an increase in traffic. Both the parish council and Highways currently receive regular complaints regarding congestion on this lane and it is an ongoing frequent problem. The narrowness of the lane is suitable in parts for only single flow vehicles. It is totally unviable for a new transport hub for vehicles.

Farringdon has stated in its recently adopted Farringdon Neighbourhood Plan that no more bad neighbour industries should be permitted. The community already has 3 major industrial sites in the parish, Hill Barton, Greendale and Waldron. Farringdon has suffered enough and is still enduring loss of amenity from the sites already in the parish.

To conclude Farringdon Parish Council cannot support this application and has major concerns. It does not comply with the Farringdon Neighbourhood Plan (below) and should be refused.

Under Policy Farr 6 this clearly states.

All Business /Commercial Development should:-

- a) respect the character of its surroundings by way of its scale and design
- b) not harm the surrounding landscape
- c) not adversely affect any listed building, heritage asset or setting
- d) not have an adverse effect on the living conditions of its neighbours

- e) not have an unacceptable adverse impact on the transport network or parking provision
- f) safeguard residential amenity and road safety
- g) promote access on foot, bicycle, or by public transport
- h) mitigate any adverse effects of noise, air pollution and light pollution
- i) ensure there is no increase in flood risk

Farringdon Parish Council cannot support this application and it should be refused.

Technical Consultations

County Highway Authority

Addendum 03/01/2025

The County Highway Authority (CHA) has received consultation of the document – Transport Statement, cumulative impact of traffic. This is based on the peak hours fitting this type of development, 07:00-08:00 and 17:00-18:00, using TRICS data, which is trip generations from previous similar developments/uses, within a similar location and setting. Using the table from this document, it can be seen that from all the recent completed or approved applications on this site, a peak cumulative trip generation of 12 in the am peak hour and 13 in the pm peak hour is produced. I am therefore satisfied that the cumulative effect from this development will not create a trip generation problem.

Addendum 21/10/2024

Having been re-consulted from East Devon District Council upon this application with the presentation of both the applicants Transport Statement and Callidus Transport and Engineering Transport Statement, the cumulative trip generation numbers from both this proposed change of use and the recent committed and/or approved developments/Change of uses within this vicinity create a predicted 209 daily two way trips, this figure over a 12 hour period still only produces 3 two-way trips within any 10 minute period. I therefore believe this will not create an unacceptable trip generation impact, particularly as this does not account for the currently existing fully permitted agriculture trip generation that both this application site and the recent permitted neighbouring sites could have re-enacted at anytime.

County Highway Authority

Observations:

I have visited the site and reviewed the planning documents.

Further to the previous planning application on this site, 23/0430/FUL, the visibility for the access onto the B3184 has been improved, additionally, this application, in line with the previous two Permitted Development Right (PDR) applications, 21/1719/PDR and 22/1678/PDR, includes a proposal for smaller storage/business start up units, which in turn will result in smaller modes of transport, particular in comparison to its previous permitted agricultural use.

Therefore I have no objection to this planning application.

Recommendation:

THE DIRECTOR OF CLIMATE CHANGE, ENVIRONMENT AND TRANSPORT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, HAS NO OBJECTION TO THE PROPOSED DEVELOPMENT

Officer authorised to
sign on behalf of the County Council 20 August 2024

Environmental Health

I have considered the application and I recommend approval with conditions:

No deliveries shall be accepted or despatched to or from the site except between the hours of 07:00 until 19:00 Monday to Friday, or 07:00 until 17:00 on Saturdays, and not at all on Sundays or Bank Holidays.

Reason: To protect the amenities of local residents from noise.

Contaminated Land Officer

No development approved by this planning permission shall commence until a remediation strategy to deal with any identified risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
 - I. all previous uses
 - II. potential contaminants associated with those uses
 - III. a conceptual model of the site indicating sources, pathways and receptors
 - IV. potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

5. In the event that unexpected contamination is found at any time during the approved development works that was not previously identified, the findings must be

reported in writing immediately to the Local Planning Authority. A new investigation and risk assessment must be undertaken in accordance with the requirements of condition 1 & 2 and where remediation is necessary a new remediation scheme must be prepared in accordance with the requirements of condition 3. This must be subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification plan must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 4.

6. Where long term monitoring and maintenance has been identified as necessary, a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period to be agreed with the LPA, and the provision of plans on the same must be prepared, both of which will be subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency Land Contamination Risk Management (LCRM) guidance.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land, together with those to controlled waters, property and ecological systems, are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN16.

Conservation

On the basis of the information provided through this application, the works as proposed to introduce the change of use, of a vacant chicken shed to a flexible commercial use (Class B). Would, on account of the location of the shed and nature of the works, continue to preserve the setting of The Old Farmhouse and The Homestead, resulting in no harm to the heritage value (significance) of these Grade II listed heritage asset. In this respect conservation do not wish to offer any further comment. Case Officer to assess on planning merit.

12.08.2024 SLG

EDDC Ecology:

The building is surrounded by suitable foraging and commuting habitat for bats and is adjacent to a hedgerow providing a connectivity corridor within the wider landscape. The wooden cladding on the exterior of the building has potential to provide gaps and crevices for roosting bats.

However, given the small scale of the development and only minor changes to the exterior in the form of additional ground floor glazing and access doors on the western elevation, an ecology report would not be necessary.

I would suggest a condition that during removal of exterior wooden cladding a precautionary working method is undertaken and that any external lighting be in accordance with bats and artificial lighting guidance (BCT & ILP, 2023) including any security lighting be motion activated on short timers and directed away from hedgerows and boundary vegetation.

Other Representations

22 letters of objection have been received at the time of writing this report raising concerns which can be summarised as:

- Highway safety from increased traffic, congestion and the type of vehicles
- Increased noise from traffic and commercial uses affecting amenity and wildlife
- Impact on rural character
- Loss of agricultural building
- Danger to pedestrians and cyclists
- Lack of need for commercial units
- Poor sustainability of the site
- Fall back position not proven
- No evidence has been provided that building cannot be re-used for agricultural purposes.

PLANNING HISTORY

Reference	Description	Decision	Date
08/1664/FUL	Erection of poultry house, feed silos and ancillary works	Approval with conditions	13.08.2008
12/0457/AGR	Agricultural building	Agr Notification approval	09.03.2012
20/0911/FUL	Portal framed agricultural building for the storage of straw, hay, feed, agricultural machinery	Approval with conditions	17.07.2020
21/1469/FUL	Erection of portal framed calf rearing agricultural building	Approval with conditions	16.07.2021

21/1719/PDR	Change of use from agricultural to flexible commercial use (class B8)	Prior approval Refused	06.09.2021
21/3140/FUL	Erection of agricultural building (retrospective)	Refusal	18.05.2022
22/0355/PDR	Change of use of the existing poultry rearing agricultural building to flexible commercial use being Class B8 - Storage or distribution.	Decision Quashed by High Court	02.08.2022
22/1678/PDR	Change of use of the existing poultry rearing agricultural building to flexible commercial use being Class B8 - Storage or distribution (subsequent application as decision issued under 22/0355/PDR was quashed by the High Court)	Prior approval granted	06.10.2022
22/1699/FUL	Proposed barn/portal frame structure for the housing of refrigeration unit for the storage of hung fowl	Approval with conditions	25.11.2022
22/2796/PDQ	Conversion of agricultural barn to residential (permitted development rights Q class)	Prior approval granted	14.02.2023
<u>23/2186/FUL</u>	Proposed new Agricultural Building (cattle shed)	<u>Approval with conditions</u>	<u>26.01.2024</u>
23/2743/FUL	Retrospective new agricultural building for storage and workshop	Approval with conditions	12.02.2024

POLICIES

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

E5 (Small Scale Economic Development in Rural Areas)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D8 (Re-use of Rural Buildings Outside of Settlements)

EN5 (Wildlife Habitats and Features)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

EN14 (Control of Pollution)

EN22 (Surface Run-Off Implications of New Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2021)

National Planning Practice Guidance

Site Location and Description:

The application relates to a former poultry unit on Rosamondford Farm which is a large mixed farm complex located within a small settlement known as Perkins Village. The building in question is single storey with timber clad walls under a corrugated metal roof. It is located to the north east of the farmstead.

The site consists of a number of modern agricultural buildings, one of which has recently been converted to industrial uses under Class R of the General Permitted Development Order.

The site is accessed via a recently constructed access drive which exits onto the Road past Clarendon Farm, an unclassified public highway. The site is surrounded on two sides by existing hard surfacing, agricultural buildings and land.

The site is located within the open countryside and is not the subject of any national or local landscape designations and falls within an area designated as flood zone 1 (low probability of flooding).

Proposed Development:

Planning permission is sought for a change of use of the former poultry unit from agricultural to a storage use (Class B8).

The building would be sub-divided internally to provide, six individual commercial units with an internal floor area of 137 sqm. In total, the conversion would provide a total of 819 sqm of commercial floor space. The proposed units would be used for storage purposes only.

External alterations to the building would consist of the addition of new doors and windows to each of the units.

Vehicular access to the commercial units would be taken from the existing access drive which exits onto an unclassified road.

Issues and Assessment:

The main issues to consider in determining this application are in terms of the following:

- The Policy Context
- The principle of development
- Fallback position
- The impact on the character and appearance of the area
- The impact on highway safety
- The impacts on residential amenity
- Contaminated Land
- The impacts on ecology & BNG
- The impacts on heritage

ANALYSIS

Policy Context:

The National Planning Policy Framework (NPPF) states that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The sites does not fall within an area with a made Neighbourhood Plan. For the avoidance of doubt, the site does not fall within the made Farringdon Plan area.

Principle of Development:

NPPF

Paragraph 88 of the NPPF states that planning policies and decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, beautiful new buildings;
- b) the development and diversification of agricultural and other land-based rural businesses.

Paragraph 89 of the NPPF states that planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport).

Local Plan:

The site lies in the open countryside where all development must be strictly controlled so that it does not detrimentally impact upon the character and appearance of its surroundings, however, that does not represent a bar on all development, as Strategy 7 of the EDDC Local Plan does allow some development but only where it would be in accordance with a specific policy contained in the plan.

In this instance the conversion of the buildings to alternative uses would fall to be considered under Policy E5 of the Plan which states the following:

In villages and rural areas small scale economic development (not including retail use classes/other uses in Classes A1 - A4) and expansion of existing businesses designed to provide jobs for local people will be permitted where:

- 1. It involves the conversion of existing buildings. Or*
- 2. If new buildings are involved, it is on previously developed land. Or*
- 3. If on a Greenfield site, shall be well related in scale and form and in sustainability terms to the village and surrounding areas.*

Provided that the following criteria are met: a safe highway access, the local highway network is capable of accommodating the forecast increase in traffic established by a Traffic Assessment, no detrimental impact upon the amenities of neighbouring properties, wildlife, landscape or historic interests.

In addition policy support for the proposal is offered by policy D8- Re-use of Rural Buildings Outside of Settlements of the Local Plan which states:

The re-use or conversion of buildings in the countryside outside of Built-up Area Boundaries will be permitted where:

- 1. The new use is sympathetic to, and will enhance the rural setting and character of the building and surrounding area and is in a location which will not substantively add to the need to travel by car or lead to a dispersal of activity or uses on such a scale as to prejudice village vitality.*
- 2. The building is structurally sound and capable of conversion without the need for substantial extension, alteration or reconstruction and any alterations protect or enhance the character of the building and its setting;*

- 3. The form, bulk and general design of the building and its proposed conversion are in keeping with its surroundings, local building styles and materials;*
- 4. The proposed use would not harm the countryside by way of traffic, parking, storage, pollution or the erection of associated structures;*
- 5. The proposal will not undermine the viability of an existing agricultural enterprise or require replacement buildings to fulfil a similar function*

These matters will be discussed under the relevant material planning considerations within the remainder of this report.

The conversion of the existing farm building to alternative uses is considered to be acceptable in principle, supported by both the NPPF and Local Plan policies providing it meets the criteria within the policy and accords with other policies contained in the development plan.

Fallback Position:

It is pertinent to note that Class R of the General Permitted Development Order does allow for the change of use of agricultural buildings to flexible uses which include Class B8 (Storage and Distribution) for a floor space of up to 1000 sqm within the planning unit.

It is acknowledged that the applicants have already had a Prior Approval granted under 22/1678/PDR for 487 sqm of commercial floor space, it is important to note that the applicants do have a further 513 sqm of floorspace within Class R which could be utilised for further changes of use on the agricultural unit. It is also accepted that for proposals in excess of 150 sqm, the LPA would still have to provide a determination as to whether Prior Approval would be required for the transport and highways impacts of the development, but the fact that the applicants could apply to use a further 513 sqm of floor space on the unit is considered to be a fall-back position that should be afforded some weight as a material planning consideration.

Character and Appearance:

Policy D1- Design and Local Distinctiveness of the Local Plan requires proposals to respect the key characteristics and special qualities of the area and that the scale, massing, density, height, fenestration and materials of buildings to relate well to their context.

Policy D8- Re-use of Rural Buildings Outside of Settlements requires new uses to be sympathetic to and will enhance the rural setting and character of the building and surrounding area and that the form, bulk and general design and its proposed conversion are in keeping with its surroundings, local building styles and materials.

The existing building would be converted into 6 small units using the existing footprint and form with only minor alterations to the building which include the addition of new doors to allow access into the units. Whilst introducing commercial uses to the building would alter its appearance from agricultural, the site itself is set

well back from the public highway and is well screened from public vantage points outside of the site such that the proposed use and external alterations will result in very little impact to the rural character and appearance of the area and its surroundings.

There are existing views of the building and site from the public footpath (Aylesbeare Footpath 2) which runs through the farm to the south west. There would be an increase in the level of activity in and around the building associated with the proposed storage uses, but given the scale of the operations and the limited external alterations proposed, it isn't considered that the proposal would give rise to any significant visual harm from a limited section of the public footpath.

The proposal is therefore considered to be acceptable and would comply with the provisions of policies D1 and D8 of the Local Plan.

Highway Safety:

Considerable local concern has been raised in respect of increase traffic movements to and from the site from the proposed commercial uses and the impacts this would have on the local highway network and highway safety. Both the applicants and the objectors have commissioned Transport Statements which reach different conclusions in respect of the likely impacts on the local road network from increased traffic generation from the proposed uses for the building.

Policy D8 requires that *the proposed use would not harm the countryside by way of traffic, parking, storage.*

Policy TC7- Adequacy of Road Network and Site Access of the Local Plan states that planning permission for new development will not be granted if the proposed access, or the traffic generated by the development, would be detrimental to the safe and satisfactory operation of the local, or wider, highway network.

Paragraph 116 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The NPPF does not provide a precise definition of what constitutes a "severe" highway impact. However, case law and planning appeals have helped to interpret this term in practice.

One notable case is **High Court judgment in the case of Mayowa-Emmanuel v. Royal Borough of Greenwich** (2015), where it was determined that "severe" should be understood in the context of the overall impact on the road network, considering factors such as safety, congestion, and the capacity of the network to absorb additional traffic.

Another relevant case is **Barwood Strategic Land II LLP v. East Staffordshire Borough Council** (2017), which emphasized that the assessment of severity should be based on evidence and professional judgment, taking into account the specific circumstances of each case.

These cases illustrate that the interpretation of "severe" is context-dependent and requires an analysis of the potential impacts on the highway network.

The site benefits from a recently approved new vehicular access and access track (ref 23/0430/FUL) onto the unclassified road past Clarendon Farm, a typical rural lane with limited opportunities for passing traffic. The road is approximately 560 metres from the access into Rosamondford Farm where it then leads onto the B class road which travels south to join the A3052 and north towards Exeter Airport.

The report commissioned by the objector predicts traffic from the proposal to lead to an increase of 110 vehicle trip movements each day and that the lane through Perkins Village is already at capacity and is unsuitable for the type and quantity of traffic the proposed use would generate. The report highlights the very few passing places and contends that they would be unsuitable for the type and quantity of traffic generated.

The report commissioned by the applicants concludes that the likely amount of traffic generated by the proposal can be comfortably accommodated on the local highway network without harming road safety, given the low volume of traffic on the approach road which has been evidenced by the lack of any personal injury collisions.

The traffic analysis contained within the report concludes that the volume of traffic generated by the scheme would be very low and not severe and that there is no reason to refuse this application on transport grounds.

The views of the above, comments from the County Highway Authority (CHA) have been sought who have considered both transport statements and concluded that:

Having been re-consulted from East Devon District Council upon this application with the presentation of both the applicants Transport Statement and Callidus Transport and Engineering Transport Statement, the cumulative trip generation numbers from both this proposed change of use and the recent committed and/or approved developments/Change of uses within this vicinity create a predicted 209 daily two way trips, this figure over a 12 hour period still only produces 3 two-way trips within any 10 minute period. I therefore believe this will not create an unacceptable trip generation impact, particularly as this does not account for the currently existing fully permitted agriculture trip generation that both this application site and the recent permitted neighbouring sites could have re-enacted at anytime.

A further Transport statement provided by the applicants which provides an assessment of the cumulative impacts of traffic having regard for PDR and PDQ approvals has also been considered by the CHA who have advised that using the table from this document, it can be seen that from all the recent completed or approved applications on this site, a peak cumulative trip generation of 12 in the am peak hour and 13 in the pm peak hour is produced. I am therefore satisfied that the cumulative effect from this development will not create a trip generation problem.

In the absence of an objection from the County Highway Authority it isn't considered that an objection could reasonably be sustained on highway safety grounds. Furthermore, it is important to pay regard to the fact of the limited size and scale of the proposed units which are intended to be used as storage for start up businesses such as builders or electricians. The nature of the uses and the size of the storage units is likely to influence the type of vehicle and nature of vehicle movements to and from the site. The largest of vehicles is most likely to be a transit van and the proposal is unlikely to attract HGV movements which would be likely to have a greater impact on the local highway network given the limited width of the roads. The applicant has agreed to a condition which restricts the use of the units to storage only and not for distribution which would also reduce the number of vehicular movements onto the classified road (A similar approach was adopted with a recent PDR approval granted for industrial uses of adjacent buildings).

A further condition is also recommended which prevents the amalgamation of any of the units into larger storage units (which otherwise wouldn't require planning permission) which is a further safeguard that can be in place to control the nature and type of traffic movements given the limited size of the storage units.

Having regard for the above, whilst local concerns regarding the impact of increased vehicular movements and the type of vehicles are noted, in the absence of any highway safety objections from the CHA coupled with conditions which prevent the amalgamation of units and which restrict the use to storage only, it isn't considered that the residual cumulative impact of the scheme on the local highway network would be 'severe', which is the test set out in the NPPF (paragraph 116) and it is considered that the proposal would be acceptable in accordance with the provisions of policy TC7 and the highway safety requirements set out in policies D8 and E5 of the Local Plan.

Residential Amenity:

Policy D1- Design and Local Distinctiveness requires proposals do not adversely affect the amenity of occupiers of adjoining residential properties.

Policy EN14- Control of Pollution states that permission will not be granted for development which would result in unacceptable levels, either to residents or the wider environment of:

- 1). Pollution of the atmosphere by gas or particulates, including. smell, fumes, dust, grit, smoke and soot.
2. Pollution of surface or underground waters including:
 - a) Rivers, other watercourses, water bodies and wetlands.
 - b) Water gathering grounds including water catchment areas, aquifers and groundwater protection areas.
 - c) Harbours, estuaries or the sea.
3. Noise and/or vibration.
4. Light intrusion, where light overspill from street lights or floodlights on to areas not intended to be lit, particularly in areas of open countryside and areas of nature conservation value.
5. Fly nuisance.

6. Pollution of sites of wildlife value, especially European designated sites or species.
7. Odour

The site is located approximately 135 metres from the nearest residential dwelling to the west between which there is a hedgerow boundary and intervening buildings.

Whilst use of the building and site for storage would intensify the commercial use of the site, given the nature of the uses coupled with the separation from nearest residential dwellings, it isn't considered that there would be any significant harm to residential amenity in respect of noise and disturbance, light and traffic movements to and from the site.

The Council's Environmental Health Officer has considered the application and raised no objections subject to a condition that controls hours of deliveries between 07:00 until 19:00 Monday to Friday or 07:00 until 17:00 on Saturdays, and not at all on Sundays or Bank Holidays to protect the amenities of local residents from noise.

Contaminated Land:

Policy EN16 – Contaminated Land of the Local Plan states where it is anticipated that contamination may be present on or near to a development site, a contaminated land assessment will be required. Whilst no assessment has been provided with this application, the Council's Contaminated Land officer has raised no objections to the subject to a condition that requires the submission of remediation strategy to deal with any identified risks associated with contamination of the site. This is to ensure that risks from land contamination to the future users of the land and neighbouring land, together with those to controlled waters, property and ecological systems, are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN16 of the Local Plan.

Ecological Impact:

Policy EN5- Wildlife Habitats and Features of the Local Plan states that wherever possible sites supporting important wildlife habitats or features not otherwise protected by policies will be protected from development proposals which would result in the loss of or damage to their nature conservation value, particularly where these form a link between or buffer to designated wildlife sites. Where potential arises positive opportunities for habitat creation will be encouraged through the development process.

The application is not accompanied by a protected species survey and it is acknowledged that the building is surrounded by suitable foraging and commuting habitat for bats and is adjacent to a hedgerow providing a connectivity corridor within the wider landscape. The wooden cladding on the exterior of the building has potential to provide gaps and crevices for roosting bats.

Advice has been sought from the Council's ecologist on this matter who has advised that given the small scale of the development and only minor changes to the exterior

in the form of additional ground floor glazing and access doors on the western elevation, an ecology report would not be necessary.

It is considered necessary and reasonable to impose a condition that to the effect that during removal of exterior wooden cladding a precautionary working method is undertaken and that any external lighting is installed in accordance with bats and artificial lighting guidance (BCT & ILP, 2023) including any security lighting be motion activated on short timers and directed away from hedgerows and boundary vegetation.

Having regard for the advice of the Council's ecologist, it isn't considered that this proposal would give rise to any harm to protected species.

Biodiversity Net Gain:

This proposal is for development that is below a de minimis threshold insofar as it does impact a priority habitat and impacts less than 25 sqm of non-priority on site habitat or 5m for non-priority onsite linear habitats (such as native hedgerows). This exemption is designed to ensure that BNG does not apply to either very small scale development or development which does not impact habitat, through loss or degradation within the red line boundary.

Heritage Impact:

Paragraph 212 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Policy EN9- Development Affecting a Designated Heritage Asset of the Local Plan states

Where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, the harm will be weighed against the public benefits of the proposal, including securing its optimum viable use. Favourable consideration will be given for new development within the setting of heritage assets that enhance or better reveal the significance of the asset, subject to compliance with other development plan policies and material considerations

The building and site is located to the south east of The Old Farmhouse and The Homestead, both of which are grade II listed properties. Given the distance between the site and the heritage assets, intervening vegetation and buildings and the modest scale and nature of the proposal, it isn't considered that the proposal would result in any harm to the setting or significance of the buildings.

The Council's Conservation Officer has raised no objections and have advised that on account of the location of the shed, the nature of the works would continue to preserve the setting of The Old Farmhouse and The Homestead, resulting in no

harm to the heritage value (significance) of these Grade II listed heritage assets. In this respect conservation do not wish to offer any further comment.

The proposal would comply with the provisions of policy EN9- Development Affecting a Designated Heritage Asset and policy guidance contained within paragraph 215 of the NPPF.

Other Issues:

Criterion 5 of policy D8 requires that proposals do not undermine the viability of an existing agricultural enterprise or require replacement buildings to fulfil a similar function.

It is understood that the existing Turkey business is at full capacity and that the farm is expanding into cattle. The applicants have suggested that the former poultry unit is not suitable for further agricultural activity due to its contamination with Blackhead Disease 'Histomonas Meleagridis' which can spread rapidly and be harmful to livestock. The LPA have no evidence to dispute this and therefore it isn't considered that this proposal would undermine the viability of the existing agricultural enterprise as it isn't currently in agricultural use. It is noted that there have been a number of recent planning permissions for new agricultural buildings on the farm. A planning application would be required and assessed on its own merits for a future poultry unit and would have to be robustly justified and evidenced.

In respect of foul drainage, it isn't currently known what the arrangements are and what additional demand would be created from use of the building as storage units. A condition is therefore recommended requiring the submission of a foul drainage scheme before it is installed to meet the provisions of policy EN19- Adequacy of Foul Sewers and Adequacy of Sewage Treatment Systems of the Local Plan.

Conclusion:

The principle of the proposed development is considered to be acceptable in terms of Policies D8- Re-Use of Rural Buildings Outside of Settlements and E5- Small Scale Economic Development in Rural Areas of the East Devon Local Plan.

The proposal is considered to be a modest conversion scheme to a redundant agricultural building that would result in no significant harm to the character and appearance of the area, residential amenity, ecology or heritage.

Concerns regarding the impact of the proposed uses on the local road network and highway safety have been addressed within this report, however given the size of the units coupled with the nature of the uses proposed (storage), it isn't considered that the proposal would generate a significant increase in traffic movements to and from the site or a significant change in the type and nature of traffic movements to sustain an objection or where the highway impacts would be severe- a key test within the NPPF. In the absence of any objection from the County Highway Authority, it isn't considered that an objection could be sustained on highway grounds and conditions

restricting the use of the units to storage only coupled with preventing amalgamation of the units would help to further reduce any highway impact.

On balance, the proposal is considered to comply with the provisions of policies D8 and EN5 of the Local Plan and would meet the requirements of paragraph 88 of the NPPF by supporting a prosperous rural economy through the conversion and re-use of an existing building.

The proposal complies with the NPPF and Local Plan when taken as a whole and the application is therefore recommended for approval with conditions.

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 approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:
 1. A preliminary risk assessment which has identified:
 - I. all previous uses
 - II. potential contaminants associated with those uses
 - III. a conceptual model of the site indicating sources, pathways and receptors
 - IV. potentially unacceptable risks arising from contamination at the site
 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
 3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

5. In the event that unexpected contamination is found at any time during the approved development works that was not previously identified, the findings must be reported in writing immediately to the Local Planning Authority. A new investigation and risk assessment must be undertaken in accordance with the requirements of condition 1 & 2 and where remediation is necessary a new remediation scheme must be prepared in accordance with the requirements of condition 3. This must be subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification plan must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 4.

6. Where long term monitoring and maintenance has been identified as necessary, a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period to be agreed with the LPA, and the provision of plans on the same must be prepared, both of which will be subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency Land Contamination Risk Management (LCRM).

(Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land, together with those to controlled waters, property and ecological systems, are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN16- Contaminated Land of the East Devon Local Plan 2013-2031).

4. No part of the development hereby approved shall be brought into its intended use until the access and parking facilities, have been provided as indicated on drawing number 8836-03 C received on 25th October 2024 and shall thereafter be retained and maintained as such in perpetuity.

(Reason: To ensure that appropriate facilities are available for traffic attracted to the site for the commercial use of the building hereby approved in accordance with Policies TC2 (Accessibility of New Development); TC7 (Adequacy of Road Network and Site Access) and TC9 (Parking Provision in New Development) of the East Devon Local Plan 2013-2031

5. The premises shall be occupied for storage purposes only, and for no other purpose (including any other purpose in Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
(Reason - To protect adjoining occupiers from noise, disturbance and excessive traffic movements in the interests of highway safety in accordance with the requirements of Policy TC7- Adequacy of Road Network and Site Access of the Adopted East Devon Local Plan 2013-2031)
6. The use of the building shall be as indicated on the approved floorplan reference 8836-04 A received on 25th October 2024, for 6 no. B8 (Storage and Distribution) work units, and at no time shall any of the units be amalgamated with other units in the building to create larger units unless varied by a further grant of planning permission.
(Reason: To ensure that the units remain of a size that is justified by the permission and in accordance with the transport statement submitted with the application which indicates use by smaller commercial vehicles on the rural road network in accordance with Policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013-2031).
7. No deliveries shall be accepted or despatched to or from the site except between the hours of 07:00 until 19:00 Monday to Friday, or 07:00 until 17:00 on Saturdays, and not at all on Sundays or Bank Holidays.
(Reason: To protect the amenities of local residents from noise in accordance with policy D1- Design and Local Distinctiveness and EN14- Control of Pollution of the East Devon Local Plan 2013-2031).
8. No external lighting shall be installed until details of the lighting have been submitted to and approved in writing by the Local Planning Authority. This shall include details of locations, heights and specifications of proposed free standing and wall mounted external lighting including means of control and intended hours of operation. External lighting shall be designed to minimize light-spill and adverse impact on dark skies/ bat foraging and commuting in accordance with Institute of Lighting Professionals (ILP) guidance notes GN01 2011 - Guidance notes for the reduction of obtrusive light and GN 08/18 - Bats and Artificial Lighting in the UK. Thereafter, any lighting shall be carried out and maintained in accordance with the approved details.
(Reason: To control light pollution from the site in the interests of the character and appearance of the area and biodiversity in accordance with Policies D1 - Design and Local Distinctiveness, EN5- Wildlife Habitats and Features and EN14 - Control of Pollution of the East Devon Local Plan 2013-2031).
9. A precautionary working method shall be undertaken during the removal of any exterior wooden cladding to include a visual inspection for the presence of roosting bats prior to the removal of cladding by hand. If any bats are found, work is to stop immediately, and a licenced bat ecologist contacted.
(Reason: In the interests of biodiversity and ecology in accordance with policy EN5- Wildlife Habitats and Features of the East Devon Local Plan 2013-2031).

10. No part of the parking area shown on drawing number 8836-03 C received on 25th October 2024 shall be constructed until details of hard surfacing to include colour and finish have been submitted to and approved in writing by the Local Planning Authority. The surfacing materials shall be porous. The development shall thereafter be carried out in accordance with the approved details.
(Reason: In the interests of the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and EN22 (Surface Water Run Off) of the East Devon Local Plan 2013-2031).
11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) Schedule 2, Part 7, Class A, no rooflights shall be installed on the N.W. elevation of the building without the written consent of the Local Planning Authority.
(Reason: To prevent light spill in the interests of the character and appearance of the area and biodiversity in accordance with policies D1- Design and Local Distinctiveness and EN5- Wildlife Habitats and Features of the East Devon Local Plan 2013-2031).
12. Prior to the installation of any toilets, sinks or other equipment which will create foul effluent, a foul drainage scheme shall be submitted to and approved in writing. The foul drainage shall be installed and maintained in perpetuity in accordance with the approved details prior to the equipment being brought into use.
(Reason: To ensure a suitable foul sewage treatment system of adequate capacity and design is available or will be provided in time to serve the development in accordance with policy EN19 - Adequacy of Foul Sewers and Adequacy of Sewage Treatment Systems 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.

Plans relating to this application:

8836-LPA Rev A	Location Plan	09.09.24
8836-04 A	Proposed Combined Plans	25.10.24
8836-03 C	Proposed Site Plan	25.10.24

List of Background Papers

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

Statement on Human Rights and Equality Issues

Human Rights Act:

The development has been assessed against the provisions of the Human Rights Act 1998, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Equality Act:

In arriving at this recommendation, due regard has been given to the provisions of the Equality Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.