

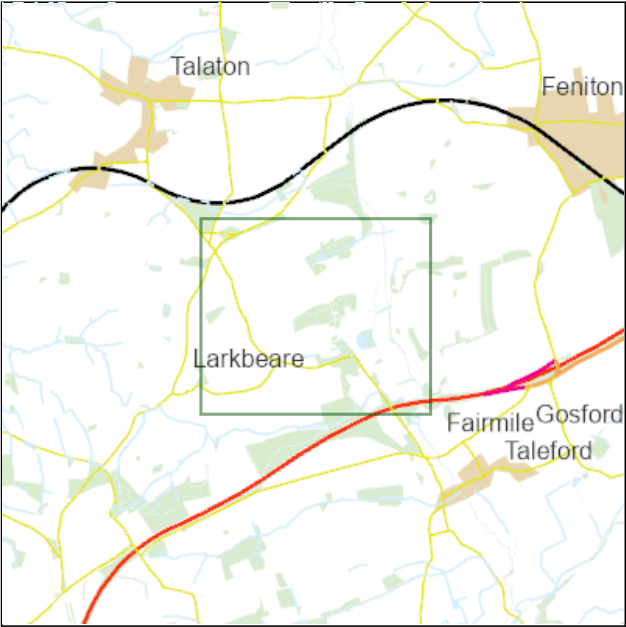
**Ward** Tale Vale

**Reference** 21/2045/FUL

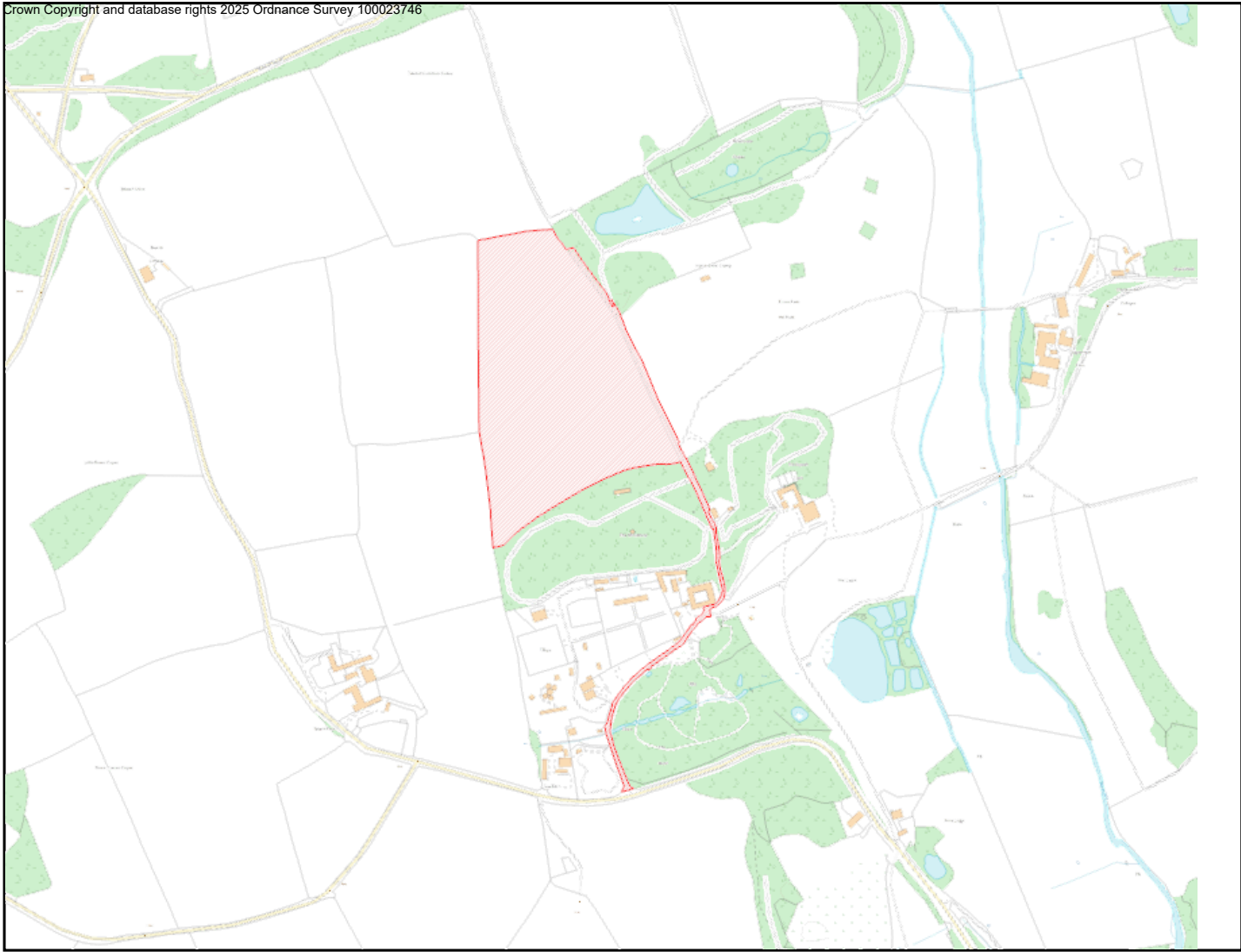
**Applicant** C/O Agent

**Location** Land North Of The Shrubbery Escot Park Ottery St Mary

**Proposal** Change of use from agricultural land to outdoor leisure pursuits and associated operational development.



**RECOMMENDATION: Approval retrospective (conditions)**



		<b>Committee Date: 16.12.2025</b>
<b>Tale Vale (Talaton)</b>	<b>21/2045/FUL</b>	<b>Target Date: 24.09.2021</b>
<b>Applicant:</b>	<b>C/O Agent</b>	
<b>Location:</b>	<b>Land North Of The Shrubbery, Escot Park</b>	
<b>Proposal:</b>	<b>Change of use from agricultural land to outdoor leisure pursuits and associated operational development (retrospective)</b>	

**RECOMMENDATION: Approval (conditions)**

### **EXECUTIVE SUMMARY**

**This application is before the Planning Committee as it is classified as a major, and the view of the Parish Council is contrary to that of the Planning Officer recommendation.**

**Retrospective planning permission is sought to change the use of the agricultural field to allow outdoor leisure pursuits to take place in the field. The activities taking place in the field are clay shooting, air rifle shooting, axe throwing, archery, laser tag, foot golf, karting and an assault course. There are also some other ancillary structures associated with these activities.**

**This application relates to a field within the Escot Estate and is situated to the north of an area of woodland known as The Shrubbery. Prior to the use which this application relates to, part of the field in question was in use for quad biking and segway riding. That use is part of a wider area, which was granted planning consent under application 16/0517/COU.**

**There are no landscape designations impacting the site, which lies outside of a built-up area boundary. However, the parkland adjoining the site to the east is designated as a County Wildlife Site (CWS). The site is adjoined by fields to the north and west, and by woodland to the south. No trees or close to the site are protected by a Tree Preservation Order (TPO).**

**Escot House, along with some associated outbuildings are grade II listed structures. None of these buildings are within or directly adjoining the application site. Talaton Farm, situated approximately 250 metres south-west of the site, is a grade II\* listed building. There are also some grade II listed structures close to Talaton Farm.**

With regard to visual impact, there are open views of the field from the west and north. In other directions, the site is screened by woodland, hedges or the topography of the area.

It is considered that the woodland and hedges provide sufficient screening from the east and south, but that the open nature of the landscape to the north and west is such that there is visual harm when viewing the site from those directions, despite the strong hedge/tree boundary on the northern edge of the site.

With that in mind, the applicants have proposed additional landscape planting along the western boundary of the site, in order to increase screening of the site from that direction. The Council's Landscape Architect supports the principle of the proposed landscaping but seeks some additional details to supplement the submitted detail. Given that, it is considered that it is possible to screen the site from the west, subject to the imposition of a condition to seek the additional details sought by the Landscape Architect, should the application be approved.

Whilst the landscaping would not eliminate views of the site altogether, it is considered that it would improve the situation to an extent where the impacts would not be significant. This accords with Strategy 7 (Development in the Countryside) and Policies D1 (Design and Local Distinctiveness) and D2 (Landscape Requirements) of the Local Plan.

In terms of impact on the listed buildings, without formally objecting to the application, Historic England has raised some concerns about the potential for the proposal to have a detrimental impact upon the setting of Talaton Farm.

The Council's Conservation Officer is of the view that the proposal *"leads to slight harm to the setting"* of Talaton Farm, due to the structures on the site. However, the Conservation Officer states that *"the impact on the setting of the Grade II\* listed farmhouse is negligible as the ancillary buildings and hedgerow create a buffer between the two sites"*. The Conservation Officer acknowledges that the previously mentioned landscaping would provide further screening of the site from Talaton Farm.

With regard to listed buildings in the Escot Estate, the Conservation Officer states that there would be *"negligible harm to the Escot Estate as the Grade II listed Escot House is set behind a woodland and there is a good degree of separation, so there is no intervisibility between the two"*.

When considering other possible impacts on the listed buildings, such as noise and dust, the comments of the Council's Environmental Health Officer (EHO) are important. The EHO has not raised concerns about noise from the karting (due to background noise from the A30) or dust.

However, there were initially concerns regarding noise from the clay shooting. Although a condition to resolve those – which restricts the hours of operation for that activity and also the cartridge type to a quieter .410 cartridge – has been suggested. This condition is considered to be reasonable for three reasons: firstly, to reduce the noise impact on the occupiers of properties in the area,

**secondly to reduce noise in the countryside and, finally, to reduce the impact of noise on the setting and experience of the listed buildings.**

**With that condition in place, it is considered that the proposal is acceptable in terms of the noise impact on listed buildings. This condition would also ensure that noise levels for the occupiers of any properties in the area are kept to a level which is acceptable and not considered to be a nuisance. Therefore, amenity would be retained, especially as the nature and location of the use is such that amenity loss through matters such as overlooking do not arise.**

**Therefore, it is considered that the proposal would not have a detrimental impact on listed buildings, or their setting and the experience of them, or result in a loss of amenity to the occupiers of other properties. Consequently, the proposal is considered to comply with relevant local plan policies; in particular D1 (Design and Local Distinctiveness), EN8 (Significance of Heritage Assets and Their Setting), EN9 (Development Affecting a Designated Heritage Asset) and EN14 (Control of Pollution).**

**Additionally, the noise condition will ensure that the proposal does not have a detrimental impact on the countryside in terms of noise. This is in accordance with the provisions Strategy 7 (Development in the Countryside) and Policies D1 (Design and Local Distinctiveness) of the Local Plan**

**It is acknowledged that the site uses grade 2 agricultural land (which is considered to be high quality). However, Policy EN13 (Development on High Quality Agricultural Land) of the Local Plan does allow some flexibility on the use of such land, and it is considered that the proposal does comply with those flexibilities. This is on the basis that:**

- No part of the use is permanent, so the land can be used for agriculture again.**
- There are benefits to the local economy from the use to which this report relates.**
- The nature of the use is such that some elements need to take place in a rural area.**
- The site is accessible to its customers.**
- As detailed above, the use is not considered to be harmful to heritage, the rural character of the area or the amenity of residents.**

**It is, therefore, considered that the proposal is acceptable in this regard.**

**As alluded to above, it is recognised that the proposal does give rise to benefits. This is in terms of a contribution to the local economy by virtue of providing employment and also by supporting a local business which, given the nature of the activities it provides, is most logically situated in a rural environment. This is an important point when considering the planning balance.**

**The proposal is considered to be acceptable in all other regards.**

**Given the above factors, it is considered that any harm caused by the proposed use can be adequately mitigated by conditions relating to noise and landscaping.**

**Therefore, since the nature of the activities taking place is such that they are best suited to a rural location, and as there are benefits from the use in terms of employment provision and contributions to the local economy, it is, on balance, considered that the benefits outweigh any harm which could be caused (especially as the harm can be mitigated by condition).**

**Consequently, it is recommended that this application is approved with conditions.**

## **CONSULTATIONS**

### **LOCAL CONSULTATIONS**

No comments from the current Ward Member for the Tale Vale Ward have been received. However, the following comments have been received from Talaton Parish Council during the process of considering this application:

#### **Parish/Town Council**

18/08/21 - Talaton Parish Council strongly object to this proposal. Yet again, Devon Country Pursuits (DCP) are applying for planning permission retrospectively, showing complete disregard for the planning system or consideration for the residents.

The activities in the proposal do not support biodiversity or the welfare of wildlife and the noise levels are disruptive for residents, particularly from the karting, quad bikes and clay pigeon shooting. Residents have reported several occasions when the quad bikes have exceeded their permitted operating hours and the clay shoot has been operating well in excess of the number of days allowed annually, before permission is required.

The application clearly fails to meet several points in both the National Planning Policy Framework and the East Devon Local Plan. These failures are outlined here as referenced in the Planning Support Statement submitted with this application.

4.1.1 c The Environmental Objective. This application does not improve biodiversity, minimise waste or pollution, mitigate or adapt to climate change and certainly does not move towards a low carbon economy

4.1.3 c "which respect the character of the countryside'. The site is a blot on the landscape with piles of tyres and shipping containers throughout the field

4.1.4 a and b refers to achieving net environmental gains such as creating new habitats for wildlife or improving public access to the countryside. This proposal does not achieve either

4.2.4 Policy E4 of the East Devon Local Plan states that all seven criteria must be met in full. This proposal fails to meet points 1, 2, 5 and 6

4.2.6 This proposal does not meet points 1, 2, 4 and 5 of Policy E20 in the East Devon Local Plan

Talaton Parish Council question the veracity of the statement (3.1.2) which claims that the karting activity only started as recently as June 2021. Nor do we understand or accept the statement 3.1.5 in which the applicant expects that the 'precise construction and position' of the storage facilities should NOT be a part of the planning approval process. Where are the controls to prevent more of the shipping containers and sheds being allowed onto the field if this were the case?

6.1.5 States that all tenants and interested parties have been informed of the application but we had residents of Talaton Farm Barns (some of the closest neighbouring property's) attend our PC meeting who had not been informed.

The public comments submitted for this application are overwhelmingly against it and these views were strongly expressed at our PC meeting on 11 August, with many residents losing faith in the planning system because DCP have historically been granted planning permission despite it always being a retrospective application.

Concern was also expressed about the proximity of the clay pigeon shoot to the public footpath, with shooting taking place in the direction of it.

Should this application be successful, we trust that it would be subject to appropriate planning conditions, which would need to be proactively monitored and enforced.

#### Parish/Town Council

06/02/22 - Talaton Parish Council still objects to this application as there is nothing in the new documents submitted by the applicant, that addresses the issues we raised; therefore, our previous comments stand.

However, we would like to add the following observations from our meeting on 2 Feb 2022, when 14 members of the public, the applicant and his landlord participated in the public open forum.

We saw the applicant engaging with the community when he outlined the positive contribution DCP makes to the local economy and explaining the steps they had taken to reduce noise levels.

Residents reiterated their objection to the intrusive noise levels they were exposed to for long periods every day. They also expressed their concerns about the positioning of the test equipment used in the noise survey. It was located close to Talaton Farm Barns which doesn't consider the residential areas of Lashbrook or Bittery Cross, who seem to be more affected by the noise since the clay pigeon shoot was moved away from the vicinity of Talaton Farm Barns.

We are confident that Environmental Health will take an impartial view of the report to establish the facts and we defer to their expertise.

We should like to see conditions imposed on any planning approval, that reflect the promised reduction in noise levels that were given to us verbally by the applicant.

The Parish Council would also like to see the inclusion of natural screening in the form of trees and hedges, to mitigate the problem of noise pollution, dust, and the visible impact of the site from the road.

#### Parish/Town Council

18/10/22 - Talaton PC object to this planning application. We agree completely with Chris Hariades, EDDC Landscape Architect, whose report confirms that this retrospective application fails to meet EDDC Local Plan strategy 3 and 7, and policies D1, D2 and D3. The appearance of the site has been of great concern to us and our residents, many of whom have submitted their views on this application.

With regard to the updated noise survey, the very nature of the sound of shooting is intrusive and there is no guarantee that the quieter cartridges 410/420 will be used.

#### Parish/Town Council

27/10/22 - Talaton PC do not support this planning application. We agree completely with Chris Hariades, EDDC Landscape Architect, whose report confirms that this retrospective application fails to meet EDDC Local Plan strategy 3 and 7, and policies D1, D2 and D3. The appearance of the site has been of great concern to us and our residents, many of whom have submitted their views on this application.

With regard to the updated noise survey, the very nature of the sound of shooting is intrusive and there is no guarantee that the quieter cartridges 410/420 will be used.

### **TECHNICAL CONSULTATIONS**

In addition to the above, comments from other consultees have been received. These are summarised in the table below, and are shown in full in appendix 1 at the end of this report.

<b>Consultee.</b>	<b>Summary of comments.</b>
Conservation Officer.	Acknowledgement that some mitigation measures are in place, and that there would be negligible harm to Escot House, as it is screened from the site by woodland. However, the proposal is considered to have slight harm to the setting Talaton Farm, although ancillary buildings and the existing hedge create a buffer.  Some concern about the piecemeal structures on site, but overall the proposal must be considered in the wider planning balance.
County Footpath Officer.	The proposal does not impact upon a right of way. No objection.
EDDC Landscape Architect.	The principle of the proposed landscaping is acceptable, but further

	amendments/enhancements to it are required.
EDDC Trees.	No objections.
Environmental Health.	Initial concerns about the clay shooting. However, additional information submitted, combined with the use of different cartridges for the shooting are satisfactory, subject to a condition limiting hours of operation and the cartridges used to the .410 type.  No concerns about the karting, due to background noise from the A30
Gardens Trust.	Some concerns about the impact of the proposal on adjoining parkland and/or listed buildings.
Historic England.	Some concerns about the impact of noise and visual on the setting of listed buildings. Recommend that the Council seeks advice regarding such matters from relevant Officers.
Natural England	No objections.

It should be noted that many of the above consultation replies were received in response to the information initially submitted with this application and that, in some cases, no further comments have been received in response to consultations regarding additional, updated or amended details. However, the report and conclusions below do take full account of the most recent information submitted by the applicants, or those acting on their behalf.

### **OTHER REPRESENTATIONS**

A total of 32 third party comments have been received. Of those, 30 are objections, 1 is in support of the proposal, and one is neutral.

The objectors raise the following points/concerns:

- Noise.
- Dust.
- It is a retrospective application.
- Visual Impact.
- Shouldn't be open 7 days a week.
- Loss of farmland.

The letter of support states that, in the view of the author, the site is not too noisy, and can only be heard when the wind is blowing in a particular direction.



## **PLANNING HISTORY**

Whilst the wider Escot Estate has an extensive planning history, the only application which is relevant to this site of this application is 16/0517/COU, which sought permission for the '*Change of use of existing tracks for controlled quad biking and segway activities*'. That application was approved on 9th January 2018, and related to some land which is also within the site for the proposal to which this report relates (in addition to other land in the wider Escot Estate).

## **POLICIES**

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

Strategy 7 (Development in the Countryside) Adopted

Strategy 33 (Promotion of Tourism in East Devon) Adopted

Strategy 46 (Landscape Conservation and Enhancement and AONBs) Adopted

Strategy 49 (The Historic Environment) Adopted

D1 (Design and Local Distinctiveness) Adopted

D2 (Landscape Requirements) Adopted

D3 (Trees and Development Sites) Adopted

EN8 (Significance of Heritage Assets and their setting) Adopted

EN13 (Development on High Quality Agricultural Land) Adopted

EN14 (Control of Pollution) Adopted

E20 (Provision of Visitor Attractions) Adopted

RC4 (Recreation Facilities in the Countryside and on the Coast) Adopted

TC4 (Footpaths, Bridleways and Cycleways) Adopted

TC7 (Adequacy of Road Network and Site Access) Adopted

### **Draft East Devon Local Plan 2020-2042 Policies**

Strategic Policy SP06 (Development beyond Settlement Boundaries) Draft

Strategic Policy DS01 (Design and local distinctiveness) Draft

Strategic Policy OL01 (Landscape features) Draft

Policy OL09 (Control of pollution) Draft

Policy OL10 (Development on high quality agricultural land) Draft

Strategic Policy HE01 (Historic environment) Draft

Policy HE02 (Listed buildings) Draft

Policy SE10 (Sustainable tourism) Draft

### Government Planning Documents

NPPF (National Planning Policy Framework 2023)

## ANALYSIS

### Site Location and Description

This application relates to field situated to the north of an area of woodland known as The Shrubbery. The quad biking and segway track referred to above uses part of the field, and there are a number of other structures and areas used to facilitate other activities which take place in the field. These structures vary in size from modest sheds to a larger building and a tower which is part of the obstacle course. There is also a cart racing track within the field.

The field slopes gently downwards from its high point in the south-eastern corner of it. The aforementioned woodland forms the southern boundary of the field, with hedges forming the other field boundaries. There are some trees within the hedges, most notably on the eastern and northern field boundaries. The land to the north and west of the site is agricultural, whilst the land to the east of it is part of the parkland associated with Escot House.

There are no landscape designations impacting the site, which lies outside of a built-up area boundary. However, the aforementioned parkland is designated as a County Wildlife Site (CWS), due to the presence of 58 veteran trees, 8 ancient trees and a Water Vole population. None of those trees, or those in the hedgerows are protected by a Tree Preservation Order.

Escot House, along with some associated outbuildings are grade II listed structures. Although none of these buildings are within or adjoining the application site. Talaton Farm, situated approximately 250 metres south-west of the site is a grade II\* listed building. There are also some grade II listed structures close to Talaton Farm.

No public highways adjoin the site. However, there is a public footpath which runs adjacent to the eastern edge of the field, on the opposite side of the hedge to the site.

### Proposed Development

Retrospective planning permission is sought to change the use of the agricultural field to allow outdoor leisure pursuits to take place in the field. The activities taking place in the field are clay shooting, air rifle shooting, axe throwing, archery, laser tag, foot golf,

karting and an assault course. There are also some other ancillary structures associated with these activities. These are as follows:

- Air rifle shooting shed.
- Axe throwing shed.
- Archery shed.
- Laser Tag shed.
- Clay shooting shed.
- Karting control shed.
- Karting viewing area shed.
- Karting storage shed.
- Storage container (shipping container).
- Assault course.
- Toilets.
- Segway shed.
- Footgolf shed.

### Consideration and Assessment

#### 1. Principle and policy.

The Adopted East Devon Local Plan 2013 - 2031 (referred to as the Local Plan for the remainder of this report) is the key policy document against which this application must be determined. Within there are a number of strategies and policies which are particularly relevant. These are as follows:

- Strategy 7 (Development in the Countryside), which seeks to ensure that any development in the countryside does not result in a detrimental impact on the rural setting of the site. Of particular note, is the fact that this Strategy 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"*. In this instance, the parish of Talaton, in which the site is located, does not have a Neighbourhood Plan. Therefore, to accord with this Strategy, the Local Planning Authority (LPA) must be satisfied that the proposal complies with a policy within the Local Plan.
- Strategy 49 (The Historic Environment) and Policy EN8 (Significance of Heritage Assets and Their Setting), which both seek to protect and recognise the cultural heritage of East Devon, and ensuring that development is not detrimental to heritage assets.
- Policy D1 (Design and Local Distinctiveness), which seeks to ensure that development is not detrimental to the area in which it is situated.
- Policy EN14 (Control of Pollution), which seeks to ensure that development do not lead to harmful levels of pollution.

- Policy EN13 (Development on High Quality Agricultural Land), which seeks to protect high quality agricultural land.
- Policy E20 (Provision of Visitor Attractions), which seeks to ensure that new or extended visitor attractions are not detrimental to the area in which they are located.
- Policy RC4 (Recreation Facilities in the Countryside and on the Coast), which seeks to ensure that such facilities are not detrimental to their location.

Relevant paragraphs within the National Planning Policy Framework 2024 (NPPF) will also need to be taken into account.

Regarding the matter of principle, the key policy to consider is Policy RC4 (Recreation Facilities in the Countryside and on the Coast) which states that planning permission will be granted for outdoor recreation facilities in the countryside and on the coast provided that the nature of the activities undertaken or the space requirements of the proposal require a countryside or coastal location and:

- A. The facilities or development proposals are in scale with the character, environmental characteristics and setting of the area and do not conflict with countryside, nature or landscape policies, nor detract from the amenities of the area.
- B. The proposals allow for safe access and discreet parking arrangements, particularly in environmentally sensitive areas, and do not result in the loss of or cause unacceptable disruption to existing public rights of way.
- C. On site facilities should be appropriate to meet the needs of the proposal and links with adjacent footpaths and bridleways should be suited to any proposed site uses.

If the use requires a countryside location and the criteria A to B listed above can be met then Policy RC4 gives explicit policy support for this recreational use such that it would also accord with Strategy 7, Development in the Countryside. Compliance with criteria A to C will be assessed below.

## 2. Countryside/visual impact.

The application site relates to an open field, which benefits from open views to the west and north. In other directions, screening is provided by either the adjoining woodland (to the south) or a hedge on the site boundary (to the east), combined with the topography of the area. Therefore, views of the site from the east and south are well screened, and the proposal is not considered to give rise to any detrimental visual impact when viewed from these directions. This is despite the occasional glimpse

views from the public footpath running close on the opposite side of the hedge to the eastern site boundary - views through this hedge are occasional, and not considered to be overly harmful in terms of the visual amenity of the path, especially considering the nature of the countryside to the east of the path.

In contrast, from the north and west, the site is more visible, due to the topography of the site and the open nature of the landscape in those directions, despite the strong hedge/tree boundary on the northern edge of the site. Whilst some of the buildings/structures are modest in size, and are seen in conjunction with the woodland to the south of the site, the appearance of the field when viewed from the north and west is different to that of the agricultural fields surrounding the site. Consequently, without mitigation, the scheme gives rise to visual amenity concerns when viewed from the north and west. With that in mind, a landscaping scheme has been submitted to the Council. This shows some additional planting on the western field boundary, and also includes details about enhancing the boundary hedge.

The Council's Landscape Architect has confirmed that there is no objection to the principle of the submitted landscaping. However, some amendments, clarifications and additions are required. The landscaping is important in terms of screening the site to a level where its visual impact is reduced to an acceptable degree. Therefore, should this application be approved, it is considered important, appropriate and reasonable to impose a condition which not only secures installation of landscaping, but also the amendments to it requested by the Landscape Architect.

Notwithstanding the proposed condition, there will still be some modest landscape harm which will need to be weighed in the planning balance.

### 3. Heritage impact.

There are a number of listed structures within Escot Park, including Escot house - these are all grade II buildings, and are separated from the site by the woodland area to the south of it. In contrast, Talaton Farm, which is situated approximately 250 metres to the south-west of the site is a grade II\* listed building, which also has some other Grade II listed buildings within its curtilage.

Historic England has raised some concerns about the potential for the proposal to have a detrimental impact upon the setting of Talaton Farm, (although they have not formally objected to the proposal), from both visual, dust and noise impacts.

The Council's Conservation Officer has also considered the proposal and has confirmed that there would be *"negligible harm to the Escot Estate as the Grade II listed Escot House is set behind a woodland and there is a good degree of separation, so there is no intervisibility between the two"*. This would be in terms of visual impact; other possible impacts on the experience of Escot House are considered later in this section of the report.

In terms of the visual impact on the setting of Talaton Farm, the Council's Conservation Officer is of the view that the proposal *"leads to slight harm to the setting"*. This is on

the basis of the structures which have been constructed on the site. However, the Conservation Officer states that *“the impact on the setting of the Grade II\* listed farmhouse is negligible as the ancillary buildings and hedgerow create a buffer between the two sites”*.

In addition to the above, and as detailed elsewhere in this report, landscaping is proposed (and will be conditioned, should the application be approved), which will provide further screening of the site. This is acknowledged by the Conservation Officer in their assessment of the proposal.

In terms of the potential for noise and dust impacts on heritage assets, it is noteworthy that the Council's Environmental Health Officer has not raised any concerns with regard to these matters. With reference to noise, this is for two reasons:

- With regard to the karting, the background noise from the A30, which is around 800 metres south of the site, will mean that any noise from the karting will not exceed the existing road noise levels.
- With regard to the shooting, the cartridges used for this have been altered/improved since the use first commenced on the site. The .410 cartridges which are now used have been shown to generate acceptable noise levels in the submitted noise report, which the Council's Environmental Health Officer concurs with the findings of. The use of those cartridges can be conditioned if this application is approved.

Given these factors, and the lack of an objection from the Environmental Health Officer regarding the impact on the amenity of nearby residents, it is considered that the noise generated by the proposal is also unlikely adversely impact the setting of Talaton Farmhouse, or any other listed building in the vicinity of the site. This is on the basis that if the noise would not be to a level where it would be detrimental to the residents of these properties, any noise generated will also be at a level where it would not be detrimental to the rural setting of the listed buildings, over and above any harm caused by existing levels of noise in the area (such as that from the A30). Therefore, the proposal is considered acceptable in this regard.

With regard to dust, again, there have been no objections from the Environmental Health Officer. Given that, and the distance between the site and the listed buildings, it would be unreasonable to argue that there would be any detrimental impact on the setting of Talaton Farm or any of the other listed buildings resulting from dust which would warrant refusal of the application. Again, this is on the basis that, if the Environmental Health Officer is of the view that dust would not cause an issue for the residents of the listed properties, then it would be extremely unlikely that any dust resulting from the activities on the site would be detrimental to the rural setting of the listed buildings.

Consequently, it is considered that the level of harm caused to the setting and experience of the listed buildings is minimal. The proposal would provide benefits, in terms of employment provision, supporting a local business, and contributing to the local economy. This factor is acknowledged by the Council's Conservation Officer in their assessment of the proposal, and must be taken into account when considering the heritage impact in the wider planning balance.

In that regard, given the limited harm to heritage assets, including the experience and setting of them, it is considered that these public benefits (the provision of employment and contributing to the local economy) outweigh any minimal harm caused to the setting and experience of listed buildings. However, this is only with sufficient mitigation in place – in the form of landscaping and controls over noise, discussed elsewhere in this report – and, therefore, it is important that those matters are suitably conditioned, should this application be approved.

Given the above comments, and subject to the conditions mentioned in the previous paragraph, the proposal is considered to be acceptable in terms of its impact on any listed building within the vicinity of the site, in accordance with the provisions of Strategy 49 (The Historic Environment) and Policies D1 (Design and Local Distinctiveness) and EN8 (Significance of Heritage Assets and The Setting) of the Local Plan, in addition to the Paragraphs 195 to 214 of the National Planning Policy Framework 2023.

#### 4. Pollution.

Policy EN14 (Control Of Pollution) of the Local Plan seeks to ensure that development does not lead to unacceptable levels of pollution. In the case of the proposal under consideration, the pollution most likely to arise is from noise, and the creation of dust. With this in mind, the Council's Environmental Health Officer has considered the proposal, and has concluded that any harmful impacts can be mitigated by condition.

As detailed above, this is by virtue of the proximity of the A30 with regard to noise from the karting.

With regard to the shooting, the applicants have changed the cartridges used during the time that this application has been under consideration and now use .410 gauge cartridges which are quieter than those previously used. The Environmental Health Officer has considered these to be acceptable in terms of the noise they produce. Therefore, in the event that this application is approved, the use of these cartridges will need to be secured by condition.

However, the use of the .410 cartridges is not considered to be appropriate for all the hours which the site is currently open. Consequently, the Environmental Health Officer recommended restricting the hours during which shooting can take place to being as follows:

- 0900hrs to 1700hrs Monday to Friday;
- 1000hrs to 1400hrs on Saturdays;
- With no shooting on Sundays or Bank Holidays.

However, the applicant, through his agent, advised the Council that such restrictions would make the business unviable, as the shooting is a key part of it and weekends are popular for that activity. Therefore, it was agreed with the agent that the hours could be extended beyond those advised by the Environmental Health Officer to be as follows:

- 1000hrs to 1630hrs Monday to Saturday;
- 1000hrs to 1430hrs on Sundays and Bank holidays.

However, these additional hours were only agreed on the basis that the quieter .410 cartridges are the only cartridges which can be used, and that their use would be controlled by condition in the event that the application was approved. This approach would enable a key element of the business to operate as, without it, the proprietor and his agent had stated that the business may not be viable. Mindful of the need to support rural businesses, as required by paragraph 88 of the National Planning Policy Framework (NPPF) 2024, the Environmental Health Officer was consulted on the agreed amended hours for shooting and the cartridges to be used. The Environmental Health Officer agreed that they are acceptable, subject to an additional clause in any condition relating to this matter to state:

*“The mean Shot Noise Level (SNL) must not exceed a maximum A-weighted sound pressure level of 55 dB(A), when measured or determined at the boundary of any noise sensitive property during a continuous measurement period of 30 minutes.*

*For information, the SNL will be obtained by using the 25 loudest shot level readings taken within the continuous measurement period (30mins) using the maximum A-weighted sound pressure level caused by the firing of the shot.”*

This additional text would enable to the Council to ascertain whether the shooting is causing a noise nuisance, should a complaint be received, and would mean that the noise generated by the shooting can be controlled through a clear and enforceable condition to a level which the Environmental Health Officer considers to be acceptable.

Given that, it is considered that the shooting could take place without giving rise to unacceptable noise levels having a detrimental impact on residential amenity, heritage assets or the rural setting of the site, subject to the relevant condition being in place.

Noting that the quad bike activities on the site have had permission since 2016, the Environmental Health Officer has concluded that there are no other matters of concern with the proposal, including from any creation of dust.

Through Talaton Parish Council, some reports have been received the Council that shooting can be heard close to Talaton, in the vicinity of Bittery Cross (approximately 1500 metres from the site). Planning Officers have raised this matter with the Council's Environmental Health Officer, who provided the following response in an email:

*“Looking at the noise levels in the applicants NIA [Noise Impact Assessment] they reported average short noise levels at Talaton Farm Barns of 42, 49 & 54 dB(A). Going on the guidance document ‘Clay Target Shooting: Guidance on the Control of Noise’ Annoyance is less likely to occur at a mean shooting noise level (mean SNL) below 55 dB(A) which is why EH [Environmental Health] have recommended a condition specifying the following:*

*The mean Shot Noise Level (SNL) must not exceed a maximum A-weighted sound pressure level of 55 dB(A), when measured or*



*determined at the boundary of any noise sensitive property during a continuous measurement period of 30 minutes.*

*If the shot noise levels are controlled below 55 dB(A) at Talaton Farm Barns at a distance of around 450m, any increase in distance will result in lowering of the shot noise level. At a distance of 1400m the shot noise level (for the same tests) would equate to 32, 39 and 44 dB(A). Well below the 55 dB(A) EH recommendation and the level where it is considered for community annoyance to occur.”*

On this basis, it is considered that there would be no reasonable grounds for the Local Planning Authority (LPA) to object to the proposal because shooting can be heard in the Bittery Cross area. In any case, there is no evidence before the LPA to demonstrate that any shooting being heard at Bittery Cross is taking place at the site to which this report relates.

Therefore, given the above comments, it is considered that the proposal is acceptable from a pollution perspective, in accordance with Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the Local Plan, subject to the inclusion of the relevant conditions detailed in this section of the report.

## 5. Amenity.

A number of objections have been received from local residents, with the concerns most frequently raised relating to noise and the hours of operation. Those concerns are also echoed in the Parish Council's comments. Whilst these concerns are understood, it is noteworthy that these concerns can be overcome, as detailed in earlier sections of this report. Consequently, the Council's Environmental Health Officer has not objected to the proposal in terms of noise and hours of operation, subject to the imposition of the condition referred to elsewhere in this report.

In terms of the concerns raised by third parties about dust, it is noted that this issue is not raised as a concern by the Council's Environmental Health Officer. Therefore, it would not be reasonable for the Council to object to the application on these grounds.

In terms of the concerns raised about visual impact, this has been considered earlier in this report and considered to be acceptable, subject to condition.

It is noted that some third parties have raised concerns about the application being retrospective. Planning law allows applicants to submit retrospective applications. Therefore, the proposal cannot be refused for being retrospective.

In terms of planning policy relating to amenity, Policy D1 (Design and Local Distinctiveness) of the Local Plan is the main policy relating to this matter. Given the comments raised above, it is considered that the proposal complies with the relevant elements of Policy D1, subject to the conditions relating to the cartridges used, hours of operation and improved landscaping. Therefore, the proposal is considered acceptable in terms of its impact on amenity.

## 6. Trees.

There are a number of notable trees on the site boundaries; either in the hedge or forming part of woodland. However, the proposal would not impact these trees in any way. Consequently, the Council's Arboricultural Officer has confirmed that there are no objections to the proposal in terms of the impact on trees. The scheme is, therefore, considered to be acceptable in terms of Policy D3 (Trees and Development Sites) of the Local Plan.

## 7. Use of agricultural land.

Clearly, the proposal is utilising agricultural land. In this instance, the land in question is grade 2 agricultural land, which means it is considered to be of high quality. Policy EN13 (Development on High Quality Agricultural Land) of the Local Plan seeks to protect the highest quality agricultural land from development. However, the policy does allow for some flexibility on this where there are advantages to developing or using the land for purposes other than agriculture. With these factors in mind, it is considered that key points to take into account in this instance are:

- None of the development/use to which this application relates is permanent. Therefore, it can be argued that the land isn't being developed and that it will be feasible for the land to be used for agriculture again should the current use cease.
- The current use of the land provides benefits for the local economy, as staff are employed by the operators and customers will contribute to the local economy by spending money on the activities offered at the site (as well as then potentially visiting other parts of the estate, such as the cafe).
- It is understood that the business in question leases the land in question from the Escot Estate. Consequently, the business makes a contribution to the overall viability of the Escot Estate which, in turn, also contributes to the local economy and helps to secure the future viability of the listed building
- A use of the land of the nature proposed needs to take place where it is accessible to customers, which is achieved at the site in question.
- As detailed elsewhere in this report, it is considered that the proposal is not harmful in terms of its impact on heritage, the rural character of the area, amenity residents in the vicinity, or create unacceptable levels of noise or dust.

Clearly, this demonstrates that the proposal complies with some elements of Policy EN13. However, it must also be acknowledged that the land in question is considered to be high quality agricultural land and that, with the activities in question taking place on the site, this land is lost to agriculture.

## 8. Other considerations.

The field to the east of the site forms part of a County Wildlife Site (CWS) which encompasses most of the parkland associated with Escot House. However, the field

to which this application relates is not within that designation. All the activity to which this application relates would take place in the application field (noting that the quad biking which takes place in other parts of the estate was approved under a different application). Furthermore, with regard to the CWS, it is noteworthy that:

- There is no objection on noise and dust grounds from the Environmental Health Officer
- Natural England has not objected to the proposal.
- The Council's Ecologist has informally advised Officers that, in his view, the proposal would not have a detrimental impact on the CWS.

Therefore, it is considered that the proposal would not have a detrimental impact on the CWS designation.

With regard to Biodiversity Net Gain (BNG), the application was submitted before BNG became mandatory. However, the Council's Ecologist has informally advised Officers that the site is likely to have been of a relatively low ecological value prior to its current use commencing, and that, if the scheme were assessed using the BNG criteria (which is not necessary for this application) it would likely be considered neutral to negative. Notwithstanding this, as some landscape planting is required (as detailed earlier in this report), there will be an ecological gain from that, which is considered to be a positive of the proposal.

The proposal would not have any impact on existing public highways. Existing entrances and exits to the Escot Estate would be used, along with existing parking. Therefore, there would be no detrimental impact on highway safety.

The public footpath running close to the eastern edge of the site would not be impacted by the proposal. The County Council Footpath Officer has not raised an objection to the proposal.

The comments of the Parish Council are noted and have been considered in this report. Comments have not been received from the current Ward Member for the Tale Vale Ward, with the only Ward Member comments being from the previous Ward Member. As it is only possible to consider comments from a sitting Ward Member, there are no Ward Member comments to take into account in the determination of this application.

## 9. Benefits of the scheme.

It is recognised that the proposal does give rise to benefits. This is in terms of a contribution to the local economy by virtue of providing employment and also by supporting a local business which, given the nature of the activities it provides, is most logically situated in a rural environment. The development will also help to secure the long term future of the listed Escott House. This is an important point when considering the planning balance.

## 10. Policy Assessment.

As detailed in the various sections of the report, above, it is considered that the proposal complies with the following key local plan strategy and policy:

- Strategy 49 (The Historic Environment) and Policy EN8 (Significance of Heritage Assets and Their Setting), which both seek to protect and recognise the cultural heritage of East Devon and ensuring that development is not detrimental to heritage assets.
- Policy D1 (Design and Local Distinctiveness), which seeks to ensure that development is not detrimental to the area in which it is situated.
- Policy EN14 (Control of Pollution), which seeks to ensure that development do not lead to harmful levels of pollution.

Policy EN13 (Development on High Quality Agricultural Land) seeks to protect high quality agricultural land from development. As detailed above, the proposal takes place on Graded 2 land, which is considered to be high quality agricultural land. That weighs against the proposal. However, on the other hand, the use of the site makes a positive contribution to the economy of the local area, by virtue of employing staff and customers paying to visit the site. Additionally, the activities taking place at the site are most suited to a rural environment.

Whilst the site lies on grade 2 agricultural land, any land in the vicinity which is of a lower quality would be less accessible than the current site and/or would be within the County Wildlife Site designation which covers land within the Escot Estate, and would, therefore, not be suitable for the activities to which this application relates. It is considered that these factors and benefits outweigh the loss of the agricultural land in this instance.

Also, the proposal does not result in the construction of any permanent structures on the site. Therefore, the land is not permanently lost to agriculture as, should the business move away from the site, the land could be used for agricultural purposes again.

There is some limited flexibility within Policy EN13 to allow development on high quality agricultural land. This extends to situations where developments are, on balance considered to provide benefits which outweigh the use of the land. For the reasons detailed above, this is considered to be the case in this instance, so, whilst there is a use/loss of high-quality agricultural land, this is considered acceptable in the case of this application.

With regard to Policy E20 (Provision of Visitor Attractions), which seeks to ensure that new or extended visitor attractions are not detrimental to the area in which they are located, it is considered that the proposal would comply with all elements of that policy. With regard to point 4, relating to accessibility, this is on the basis that the proposal relates to an existing tourist attraction which, whilst not directly accessible by public transport, is within a reasonable cycle distance from Feniton railway station, which is

also served by some buses. It is also adjacent to the existing tourist attraction of Escot House and Park which allows for joint visits.

Policy RC4 (Recreation Facilities in the Countryside and on the Coast), lists three key criteria which must be met by such facilities when they need to be located in the countryside or on the coast (as detailed above, it is considered that the activities to which this application relates are best suited to a rural location). These criteria are as follows:

- D. The facilities or development proposals are in scale with the character, environmental characteristics and setting of the area and do not conflict with countryside, nature or landscape policies, nor detract from the amenities of the area.
- E. The proposals allow for safe access and discreet parking arrangements, particularly in environmentally sensitive areas, and do not result in the loss of or cause unacceptable disruption to existing public rights of way.
- F. On site facilities should be appropriate to meet the needs of the proposal and links with adjacent footpaths and bridleways should be suited to any proposed site uses.

It is considered that the proposal meets these requirements because:

- A. As detailed above, the proposal is not considered to be detrimental to the rural nature of the area or to conflict with any policies relevant to that.
- B. The parking arrangements for the proposal utilise existing parking at Escot and, therefore, will have no further impact.
- C. The facilities on site are considered to be suitable for the nature of the proposal, and are also temporary in nature.

Therefore, it is considered that the proposal complies with Policy RC4.

With regard to the NPPF, it is considered that the proposal is supported by this. In particular, by Paragraph 88, which states that decisions should enable *"the development and diversification of agricultural and other land-based rural businesses"*, without specifically stating that this should be an agricultural business, before then continuing to give support to *"sustainable rural tourism and leisure developments which respect the character of the countryside"*.

Given these comments, it is considered that the proposal is acceptable in terms of policy considerations.

## 11. Emerging Local Plan assessment.

The draft emerging East Devon Local Plan 2020 – 2042 is due to enter its final Regulation 19 consultation period. Therefore, it is necessary to consider this proposal against the policies proposed in that plan. However, given the stage that the plan is at, the weight attributed to the policies is limited, with some policies, where large numbers of objections/comments have been received to date, having extremely limited weight at the current time. Nevertheless, the Emerging Local Plan policies which are

considered to be most relevant to the proposal to which this report relates are as follows:

- Strategic Policy SP06: Development beyond Settlement Boundaries
- Strategic Policy DS01: Design and local distinctiveness
- Strategic Policy OL01: Landscape features
- Policy OL09: Control of pollution
- Policy OL10: Development on high quality agricultural land
- Strategic Policy HE01: Historic environment
- Policy HE02: Listed buildings
- Policy SE10: Sustainable tourism

As the wording and principle of those policies is similar to the equivalent version in the Adopted Local Plan, and notwithstanding the limited weight attributed to the Emerging Local Plan currently, it is considered that the proposal is in compliance with the current draft of the Emerging Local Plan, for the reasons detailed earlier in this report.

## **CONCLUSION**

Whilst the proposal could result in some harm in terms of noise and visual impact, these impacts can be sufficiently mitigated to ensure that the level of any harm is low and at an acceptable level

There are clear benefits to the scheme, as it contributes to the local economy by virtue of creating employment and also as customers will be spending money at the site. It will also help to secure the long term viability of the listed Escot House.

Given that the harm will be minimal as it will be mitigated, it is considered that the benefits of the scheme outweigh the limited harm which could arise once the mitigation is in place (which can be secured by condition).

Consequently, on balance, it is considered that this application is acceptable. Therefore, it is recommended that this application is approved with conditions.

## **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. Notwithstanding the submitted landscaping plan and notes, prior to the installation of any landscaping, an updated landscaping plan and notes shall be submitted to, and approved in writing by, the Local Planning Authority within two months of the date of this decision notice. The updated details shall retain at least the same area of planting shown on drawing number 23.457.02, dated January 2025 (and the notes to accompany that drawing), but shall be amended to include at least the following:

- A standard tree mix of *Quercus robur*, *Acer campestre*, *Prunus padus* (bird cherry), *Crataegus monogyna* and *Ilex aquifolium*.
- A reduction in the proportion of hawthorn and an increase in the proportions of hazel and blackthorn.
- Hedging plants shall be supplied as 1+2 transplants size 600-900mm and fitted with appropriately staked Rabbit guards.
- Planting notes to include for ground preparation by mechanical stripping of weed growth or treatment with systemic herbicide in 1.5m width strip along proposed hedgeline.
- Notes to show that, after planting and watering, a composted bark mulch shall be laid beneath the planting in a 1.5m width strip to a depth of 75mm
- Hedge maintenance notes to specify a minimum height once established of 3m, with cutting height raised by 100-150mm at each cut to prevent formation of pruning knuckles.

The landscaping shall be undertaken in accordance with the approved details in the first full planting season after the approval of the updated details, and shall then be maintained for a minimum period of 10 years in accordance with the agreed maintenance details. Any specimen planted as part of the landscaping which subsequently dies within 10 years of being planted shall be replaced with specimen of the same size.

(Reason - To provide enhanced screening of the site in order to protect the visual amenity of the countryside and in the interests to maintaining the rural setting of listed buildings within the vicinity of the site, in accordance with Strategies 46 (Landscape Conservation and AONB's) and 49 (The Historic Environment) and Policies D1 (Design and Local Distinctiveness), D2 (Landscape Requirements) and EN8 (Significance of Heritage Assets and Their Setting) of the Adopted East Devon Local Plan 2013 - 2031), in addition to guidance contained within the National Planning Policy Framework 2024).

3. With regard to the Clay Shooting activities, or any other shooting activities permitted by this permission, the following shall apply:

A) The mean Shot Noise Level (SNL) must not exceed a maximum A-weighted sound pressure level of 55 dB(A), when measured or determined at the boundary of any noise sensitive property during a continuous measurement period of 30 minutes.

For information, the SNL will be obtained by using the 25 loudest shot level readings taken within the continuous measurement period (30mins) using the maximum A-weighted sound pressure level caused by the firing of the shot. Any measurements and calculations shall be carried out in accordance with the CIEH 'Clay Target Shooting: Guidance on the Control of Noise'.

B) The use of the clay target shooting hereby permitted shall be carried out only between the following hours:

o Monday to Saturdays: 10:00hrs to 16:30hrs

o Sundays or any Public or Bank Holidays: 10:00hrs to 14:30hrs.

C) Only the firing of .410 gauge cartridges is permitted within the site unless otherwise agreed in writing by the Local planning Authority

D) No more than two people may simultaneously fire shots (for the avoidance of doubt, this number does not relate to the overall group size, only to the number of people who can fire a shot at the same time) within the application site.

(Reason - To ensure that the noise produced by shooting activities on the site is not harmful to the amenity of local residents, the setting of near-by listed buildings or to the rural setting of the site, and to accord with the provisions of Strategies 46 (Landscape Conservation and AONB's) and 49 (The Historic Environment) and Policies D1 (Design and Local Distinctiveness), EN8 (Significance of Heritage Assets and Their Setting) and EN14 (Control of Pollution) of the East Devon Local Plan 2013 - 2031) of the Adopted East Devon Local Plan 2013 - 2031), in addition to guidance contained within the National Planning Policy Framework 2024).

4. Visitors to/customers of the business to which this planning permission relates may only park in the locations highlighted on the parking plan received by the Local Planning authority on 16th April 2025.

(Reason - To ensure that vehicle parking of the business does not expand into other parts of the wider Escot Estate, in order to protect the character and appearance of the countryside and the listed buildings within the vicinity of the site, in accordance with the provisions of Strategies 46 (Landscape Conservation and AONB's) and 49 (The Historic Environment) and Policies D1 (Design and Local Distinctiveness), EN8 (Significance of Heritage Assets and Their Setting) and EN14 (Control of Pollution) of the East Devon Local Plan 2013 - 2031) of the Adopted East Devon Local Plan 2013 - 2031), in addition to guidance contained within the National Planning Policy Framework 2024).

5. Only the specific activities shown on drawing number A01.03 (Block Plan), dated 12/03/25, and received by the Local Planning Authority on 28/03/25, may take place on the site. Furthermore, those activities may only take place in the locations shown on the aforementioned plan.

(Reason - To clarify the permission and to ensure that only activities which have been considered through this application may take place on the site, in order to protect the amenity of the occupiers of properties in the vicinity of the site, and to protect the setting, character and appearance of the countryside and heritage assets, in accordance with the provisions of Strategies 46 (Landscape Conservation and AONB's) and 49 (The Historic Environment) and Policies D1 (Design and Local Distinctiveness), EN8 (Significance of Heritage Assets and Their Setting) and EN14 (Control of Pollution) of the East Devon Local Plan 2013 - 2031) of the Adopted East Devon Local Plan 2013 - 2031), in addition to guidance contained within the National Planning Policy Framework 2024).

6. 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), no further buildings or structures shall be installed on the site to which this permission relates without the prior written consent of the Local Planning Authority.

(Reason: In order to protect the amenity of the occupiers of properties in the vicinity of the site, and to protect the setting, character and appearance of the countryside and heritage assets, in accordance with the provisions of Strategies 46 (Landscape Conservation and AONB's) and 49 (The Historic Environment) and Policies D1 (Design and Local Distinctiveness), EN8 (Significance of Heritage Assets and Their Setting) and EN14 (Control of Pollution) of the East Devon Local Plan 2013 - 2031) of the Adopted East Devon Local Plan 2013 - 2031), in addition to guidance contained within the National Planning Policy Framework 2024).

## NOTE FOR APPLICANT

### 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.

### Biodiversity Net Gain

Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 means that this planning permission is deemed to have been granted subject to "the biodiversity gain condition" (BG condition).

The Local Planning Authority cannot add this condition directly to this notice as the condition has already been applied by law. This informative is to explain how the biodiversity condition applies to your development.

The BG conditions states that development may not begin unless:

- (a) a Biodiversity Gain Plan (BG plan) has been submitted to the planning authority, and
- (b) the planning authority has approved the BG plan.

In this case the planning authority you must submit the BG Plan to is East Devon District Council.

There are some exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply.

In this case, exemption 1 from the list below are considered to apply:

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
  - (i) the original planning permission to which the section 73 planning permission relates was granted before 12 February 2024; or
  - (ii) the application for the original planning permission to which the section 73 planning permission relates was made before 12 February 2024.
4. The permission which has been granted is for development which is exempt being:
  - 4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:
    - (i) the application for planning permission was made before 2 April 2024;
    - (ii) planning permission is granted which has effect before 2 April 2024; or
    - (iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates\* was exempt by virtue of (i) or (ii).
  - 4.2 Development below the de minimis threshold, meaning development which:
    - (i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
    - (ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).
  - 4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

- (i) consists of no more than 9 dwellings;
- (ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- (iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

#### Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

#### Plans relating to this application:

A01.03	Block Plan	28.03.25
Car parking locations	Other Plans	16.04.25
	Location Plan	30.07.21
A01.01	Proposed Site Plan	24.01.22
A02.01 : clay shooting shed	Proposed Combined Plans	24.01.22
A02.02 : air rifles shooting shed	Proposed Combined Plans	24.01.22

A02.03 : archery shed	Proposed Combined Plans	24.01.22
A02.05 : karting view area	Proposed Combined Plans	24.01.22
A02.04 : axe throwing/karting control shed	Proposed Combined Plans	24.01.22
A02.06 : football/golf/segway shelter	Proposed Combined Plans	24.01.22
A02.07 : karting store	Proposed Combined Plans	24.01.22

#### 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.

## **Appendix 1 – Technical Consultation Responses in full.**

### Conservation

01/09/21 - Overall I concur with the comments submitted by Historic England. There has been no assessment with regards to the impact of the setting of the designated heritage assets including all the curtilage listed heritage assets. This includes Rose Cottage that shares the access lane to the site. There is additional concern with regards to the fluid siting of the buildings on the site, however it would be appreciated if there was more detailed submitted with regards to maximum heights required and materials proposed. More information required.

### Conservation

21/08/25 - Significance and background

The proposal site is a large open field which is now being used as an outdoor pursuit venue. It is within a rural agricultural landscape of gently rolling hills and open fields, mature trees, small woodlands and hedgerows, and to the south and east is the Escot House estate and Park, with the Grade II listed house and ancillary buildings separated from the site by a woodland. There is no apparent historic relationship with Escot Park.

Across the fields to the south-west is a group of farm buildings including the Grade II\* listed Talaton Farm and the Grade II listed Talaton Farm Barns, along with curtilage listed ancillary buildings within the same group.

### Assessment

This retrospective application is for the change of use of agricultural land to space for outdoor leisure pursuits. This includes shooting, go-karting and archery, with cabin structures associated with this use located around the site and cluttering a previously rural open space, and a go-kart track on the sloping south-west corner which creates quite a visual intrusion. The new use of the site, the change in visual appearance of the land and the associated noise all have an impact on the rural character.

The proposal leads to slight harm to the setting of the nearby Talaton Farm, which is on the same gently sloping hillside as the centre, with the activity sheds and structures in front of the tree line slightly visible from the farm group, although the impact on the setting of the Grade II\* listed farmhouse is negligible as the ancillary buildings and hedgerow create a buffer between the two sites.

Some mitigation measures have been submitted to reduce the noise from the site, and visual screening is proposed in the form of native hedge and tree planting on the west boundary of the proposal site which will go towards reducing the visual impact over time, although given the nature of the use the harm cannot be fully eliminated. There are public benefits in the form of employment and supporting the local economy and these need to be weighed up in the wider planning balance, particularly with regards to the visual impact and noise.

My concern is with the large number of piecemeal structures on the site, some of which are not shown on the block plan, as well as their design. Low structures such as the go kart track barriers will be largely obscured by the proposed hedge and planting, and this could be mitigated against quite easily. Taller structures such as the

castellated sheds are completely out of character in this setting and do not appear in the application.

The proposal leads to negligible harm to the Escot Estate, as the Grade II listed Escot House is set behind a woodland and there is a good degree of separation, so there is no intervisibility between the two.

The proposed works have been assessed on heritage grounds, particularly with regards to our statutory duties under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, policies EN8 and EN9 of the East Devon Local Plan and paragraphs 212, 213 and 219 of the NPPF (December 2024 as amended). It has also been assessed in relation to emerging policies HE01 and HE02 of the East Devon Local Plan 2020-2042 Regulation 19 Publication Draft February 2025.

The activity site leads to slight harm to the setting of Talaton Farm as assessed above, and the proposed mitigation will go some way towards reducing this harm. To reduce it further I would suggest that the number of structures is reduced, with consideration given to their siting, grouping and design, including the removal of the castellated structures which appear to have been added since the application was submitted.

Recommendation: Some concerns - assess as part of the wider planning balance

#### DC Footpath Officer

03/08/21 - The Public Rights of Way Team has a duty to assert and protect the rights of the public to the full and free enjoyment of public rights of way and to maintain the network. In addition it is also responsible for the maintenance of recreational trails and unsurfaced roads.

Government guidance considers that the effect of development on a public right of way is a material planning condition (Rights of Way Circular 1/09 - Defra October 2009, paragraph 7.2) and that public rights of way and access should be protected and enhanced with opportunities sought to provide better facilities for users by adding links to existing networks (National Planning Policy framework paragraph 98).

Devon County Council's Rights of Way Improvement Plan policy states that, working closely with LPAs, opportunities will be sought for improvements to the rights of way network through planning obligations where new developments are occurring.

It is also the County Council's policy that a holding objection will be made against any planning application which fails to take account of an existing public right of way until the matter is resolved.

#### Response

The proposal as submitted does not appear to affect Talaton Footpath No.4, which is partly within the site boundary as shown on the location plan.

Should planning permission be granted the applicant must ensure that the access to the site which is used by the above public path is kept open and available for the public to use during site preparation and construction. If a temporary closure is required the

applicant would need to apply to the County Council for a Temporary Traffic Regulation Order. It should be noted a temporary closure cannot be seen as an alternative to adequate safety measures to mitigate risk to public users, and furthermore, the suitability of other routes would also be a consideration.

Please note that the grant of planning permission does not grant the right to close, alter or build over a right of way or road in any way, even temporarily, this includes, for example, a change in the surface, width or location. Nothing should be done to divert or stop up a public right of way or road without following the due legal process including confirmation of any order and the provision of any new path. In order to avoid delays this should be considered at an early opportunity.

### EDDC Landscape Architect

01/09/22 -

#### 1 INTRODUCTION

This report forms the EDDC's landscape response to the full application for the above site. The application is retrospective, the site works having been completed.

The report provides a review of landscape related information submitted with the application in relation to adopted policy, relevant guidance, current best practice and existing site context and should be read in conjunction with the submitted information.

#### 2 REVIEW OF SUBMITTED INFORMATION

The application site is prominently situated within an open field on the top of a low ridgeline to the north of Escot Park and forms part of a gently rolling farmed landscape with medium to large rectangular fields under intensive arable production. Boundaries comprise low cut hedgebanks with occasional taller sections and some more open sections.

A mature woodland belt, The Shrubbery, adjacent to the southern site boundary and a hedgebank with tall trees to the eastern boundary provide screening in views from the south and east but there are open views from the north, west and southwest. Visual receptors include users of the Fairmile to Talaton road and Larksbeare road, Talaton footpath 4 and residents of Beacon Cottages and Talaton Farm Barns.

The proposals appear as a random collection of buildings and associated paraphernalia on an open hilltop and represent an uncharacteristic intrusion within a tranquil, rural landscape with otherwise few modern detractors evident. The development has an unacceptable adverse landscape and visual impact and provides no landscape or biodiversity benefit.

The application submission is missing important information required as part of EDDC validation requirements including:

- Topographic survey
- Tree survey and arboricultural impact assessment
- Landscape strategy plan
- Detailed hard and soft landscape proposals
- Drainage details
- Landscape management plan

- Preliminary ecological survey

For the above reasons the application is considered unsatisfactory and should be refused as contrary to EDDC Local Plan strategy 3 and 7, and policies D1, D2 and D3.

EDDC Landscape Architect

15/07/25 - I have reviewed the submitted soft landscape details in respect of the above application and note the following points:

- The principle of a new native hedge with trees is acceptable but some refinement is required in respect of choice of species.
- In respect of the proposed planting of *Prunus avium plena* the planting notes refer to this as bird cherry which is incorrect. It is a cultivated form of gean (wild cherry) with double flowers.
- For proposed standard tree mix I would recommend restricting the palette to *Quercus robur*, *Acer campestre*, *Prunus padus* (bird cherry), *Crataegus monogyna* and *Ilex aquifolium*.
- In respect of the proposed hedge mix I recommended reducing the proportion of hawthorn and increasing the proportions of hazel and blackthorn.
- Hedging plants should be supplied as 1+2 transplants size 600-900mm and fitted with appropriately staked rabbit guards.
- Planting notes should include for ground preparation by mechanical stripping of weed growth or treatment with systemic herbicide in 1.5m width strip along proposed hedgeline.
- After planting and watering a composted bark mulch should be laid beneath the planting in a 1.5m width strip to a depth of 75mm
- Hedge maintenance notes should specify a minimum height once established of 3m, with cutting height raised by 100-150mm at each cut to prevent formation of pruning knuckles.

EDDC Trees

18/08/21 - Having reviewed the application documents I have no objections to the change of use at the site.

EDDC Trees

08/02/22 - Having reviewed the application documents I have no objections to the change of use at the site.

EDDC Trees

23/03/22 - Having reviewed the application documents I have no objections to the change of use at the site.



### Environmental Health

31/08/21 - I have considered the application and I do have concerns in relation to noise from a number of outdoor leisure activities.

This application involves the introduction of a number of outdoor leisure activities including karting and clay target shooting 9am-6pm, 7 days a week. No noise data has been submitted with the application. I am concerned that the noise impact from these outdoor activities has not been fully assessed and therefore, it is not known if they are suitable in this location or whether noise mitigation is required in order to safeguard the external amenity areas of the nearest noise sensitive dwellings. This information is required before I can make a recommendation.

I therefore recommend that the applicant undertakes a full noise impact assessment including the submission of the sound power data for the karting and clay target shooting. Further to this a BS4142:2014+A1:2019 assessment should be undertaken in order to determine the likely noise impact from karting and clay target shooting the on nearby noise sensitive dwellings when measured against the background sound levels.

The purpose of the noise assessment is to determine whether or not residents are likely to be adversely affected by noise from the introduction of these outdoor leisure activities. This information will help the decision making process for this application.

### Environmental Health

08/02/22 - I have considered application 21/2045/FUL in terms of the noise impact from the outdoor karting and clay target shooting separately due to their varying impact on surrounding noise sensitive dwellings.

#### Karting

I do not anticipate any environmental health concerns in relation to noise from karting (due to the raised background noise levels from the A30).

#### Clay Target Shooting

The applicants' noise assessment evaluated a number of survey shoots. The results of the 2nd survey shoot, showed that with using the .410 cartridges the average shot noise level (SNL) at Beacon Cott was 55 dB(A), at Riverwood Fm 56.8 dB(A) and at Lashbrook 59.3 dB(A).

The results of the 3rd survey shoot showed that with using the .410 cartridges the average SNL at Beacon Cott was 48 dB(A) at Riverwood Fm 47 dB(A) and at Lashbrook 49 dB(A).

No explanation has been given to the variation in the SNL's from survey 2 & 3 therefore, the SNL's given in survey 2 will be taken as a representative SNL for the worst case scenario.

I agree with the findings of the noise assessment that SNL's of below 55 dB(A) would be noticeable but not necessarily intrusive at nearby residential properties. However, annoyance is likely to occur at a mean SNL above 55 dB(A). Above 55 dB(A) would

certainly be more noticeable and possibly intrusive. The noise impact from the shooting activity at this SNL lies between LOAEL and SOAEL. Noise from the shooting activities between LOAEL and SOAEL means that on certain days the noise will be noticeable and will have a moderate impact on residential properties i.e., the noise will be heard and will cause changes in behaviour and/or attitude, e.g. not wanting to stay in the garden. Levels of 55 to 59 dB(A) will affect the acoustic character of the area and as such that there may be a perceived change in the quality of life as residents will not want to stay in their gardens. The SNL will likely have an adverse impact on local residents and therefore, mitigation is required to reduce the level of adverse impact to a minimum.

Due to the high number of days where shooting can occur it is appropriate to restrict the times of operation and the number of days per week that shooting may take place. In order to reduce to a minimum the adverse noise impact caused by the clay target shooting, I recommend approval of the application with the following planning conditions:

The use of the clay target shooting hereby permitted shall be carried out only between the following hours:

Monday to Friday: 09:00 to 17:00 with a maximum cumulative duration of 4 hours shooting per day

Saturdays: 10:00 to 14:00 with a maximum cumulative duration of 3 hours shooting per day

No shooting shall take place on Sundays or any Public or Bank Holidays

Only the firing of .410 gauge cartridges is permitted with this permission

08/02/22 - The applicant's noise assessment does not currently contain sufficient information for a final recommendation to be made.

In relation to the applicants noise assessment I have the following comments:

Whilst the boundary of Talaton Farm Barns was a suitable location for the monitoring of the karting noise, it's felt that this location is not a suitable location to be used (due to the shooting direction of the guns) for the clay target shooting.

The noise footprint from a gun being fired is roughly pear shaped with noise levels in the direction of the shooting being much higher than noise levels to the side and the rear. Taking this point into consideration, at least two more appropriate noise sensitive properties should be used for monitoring the impact of the clay target shooting. There are properties to the North and West of the shooting location (Riverwood Farm to the North & Beacon Cottages to the West).

Other information required for the assessment includes:

The cartridges and sizes of the guns being used for the clay target shooting for the period of the noise assessment.

I recommend that a new noise assessment is undertaken using the more appropriate noise sensitive properties that ties in with the directional shooting of the guns. Undertaking the noise assessment in these locations will give a clearer perspective and understanding of the level of impact from the noise generated from the clay target shooting.

### Environmental Health

21/03/22 - Further information is required:

Having reviewed the amended noise assessment, it would be useful to have the background sound levels (LA90) for the 2nd noise assessment at each noise sensitive location in order to compare the SNL against each locations LA90.

21/03/22 - I have considered application 21/2045/FUL in terms of the noise impact from the outdoor karting and clay target shooting separately due to their varying impact on surrounding noise sensitive dwellings.

#### Karting

I do not anticipate any environmental health concerns in relation to noise from karting due to the raised background noise levels (A30 vehicle noise) in the area around Talaton Farm (closest group of noise sensitive dwellings).

#### Clay Target Shooting

I do anticipate environmental health concerns in relation to noise

In order to reduce to a minimum the adverse noise impact caused by the clay target shooting, I recommend approval of the application with the following planning condition attached.

The use of the clay target shooting hereby permitted shall be carried out only between the following hours:

- o Monday to Friday: 09.00 to 18.00 with a maximum cumulative duration of 4 hours shooting per day
  - o Saturdays: 10.00 to 14.00 with a maximum cumulative duration of 3 hours shooting per day
  - o No shooting shall take place on Sundays or any Public or Bank Holidays
- The only permitted types of clay target shooting with this permission is the firing of .410 gauge cartridges

#### Environmental Health

07/11/22 - Further information is required:

Having reviewed the amended noise assessment, it would be useful to have the background sound levels (LA90) for the 2nd noise assessment at each noise sensitive location in order to compare the SNL against each locations LA90.

#### Environmental Health

20/01/25 - With an increase in the hours of operation I think it would be best to have a further safeguard in place i.e., a mean short noise level condition. These are the conditions EH would recommend with the extended hours:

1. Within a continuous measurement period of 30 minutes, the mean shot noise level (SNL) must not exceed a maximum A-weighted sound pressure level of 55 dB(A), when measured or determined at the boundary of any noise sensitive property. For information, the SNL will be obtained by using the 25 loudest shot level readings taken within the continuous measurement period (30mins) using the maximum A-weighted sound pressure level caused by the firing of the shot. Any measurements and calculations shall be carried out in accordance with the CIEH 'Clay Target Shooting: Guidance on the Control of Noise'.

2. The use of the clay target shooting hereby permitted shall be carried out only between the following hours:

- o Monday to Saturdays: 10:00hrs to 16:30hrs
- o Sundays or any Public or Bank Holidays: 10:00hrs to 14:30hrs

3. Only the firing of .410 gauge cartridges is permitted with this permission

The Gardens Trust (Central) And Garden History Society

14/02/22 -

Your ref: 21/2045/FUL

Our ref: E21/0814

Application No: 21/2045/FUL

Change of use from agricultural land to outdoor leisure pursuits and associated operational development

Land North Of The Shrubbery Escot Park Ottery St Mary

Thank you for consulting Devon Gardens Trust on the above application which affects Escot, an historic designed landscape which is included on the Gazetteer of Designed Landscapes of Regional and Local Significance.

The Gardens Trust, formerly The Garden History Society, is the Statutory Consultee on development affecting all sites on the Historic England Register of Parks and Gardens of Special Historic Interest. Devon Gardens Trust is a member of The Gardens Trust and acts on its behalf in responding to consultation in the County of Devon. In addition, and in conjunction with The Gardens Trust, Devon Gardens Trust responds to consultations affecting designed landscapes of regional and local significance, such as Escot.

We have reviewed the information relating to this application on your website, and would highlight several concerns which we would ask your Authority to consider when determining this application.

The designed landscape at Escot is of regional or local significance; it also forms the designed setting of several Listed structures all of which relate to the overall historic Estate. In these circumstances we consider that it is clear that the designed landscape should be treated, for planning purposes, as an undesignated heritage asset. As such, we consider your Authority's request for a full Heritage Statement and impact assessment to be entirely justified and necessary in order properly to fulfil the requirements of the National Planning Policy Framework (para 189). We do not find the Applicant's Agent's email on this subject dated 24th January 2022 to be an adequate or convincing response. Paragraph 197 of the National Planning Policy Framework states that, " In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset"; we do not believe that you have been provided with sufficient information on which properly to make this balanced judgment.

Similarly, we do not find section 5.4 of the Supporting Statement (July 2021) to provide a sufficiently clear or adequate explanation of the significance of the designed landscape at Escot, and the role of the proposed development site within that designed landscape such as to fulfil the requirements of NPPF para 189. We conclude that the Applicant's Agent has failed to provide your Authority with the appropriate level of information to enable you properly to determine it in accordance with the requirements of National Planning Policy Framework

We would ask that these observations be taken into consideration when you determine this application.

Yours sincerely

Jonathan Lovie

Conservation Officer  
Devon Gardens Trust

#### Historic England

31/08/21 - Thank you for your letter of 9 August 2021 regarding the above application for planning permission. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

#### Historic England Advice

Historic England's interest lies in the potential impact of the proposal on the grade II\* listed Talaton Farmhouse, situated to approximately 300m south west of the application site. An assessment of significance should be undertaken, utilising the staged approach set out in Historic Environment Good Practise Advice Note 3: The Setting of Heritage Assets. This should include an assessment of not only the visual impacts but also the environmental factors such as noise, dust and vibration, which can affect our experience of place.

#### Significance of Talaton Farmhouse

Talaton Farmhouse is a late 15th/ early 16th century vernacular cob 4 room cross passage property. It retains several interesting features including a late medieval roof as well as an early example of the use of brick in Devon. The building due to its more that special architectural and historic interest has been designated as grade II\* listed.

The farmhouse and its associated historic farm complex, including a grade II listed Linhay and Barn, is situated within green fields reflecting its agricultural function. This is an integral part of the experience of the house and contributes to its significance.

#### Impact of proposals

The current supporting documentation has not provided any assessment as to the potential impact of the development on the setting of Talaton Farmhouse, which is only approximately 300m away across open fields from the proposed application site.

In assessing the impact of the development within the setting of the listed building, we would recommend that the stepped methodology in the Historic Environment Good Practise Advice Note 3: The Setting of Heritage Assets (2nd edition 2017) (GPA3) is used to undertake the assessment

As the proposal relates to a change of use from agricultural land to outdoor leisure pursuits and associated operational development, including go karts, consideration should be given to the environmental factors that could impact on the experience of place. When considering setting, the National Planning Practise Guide highlights that although "the extent and importance of setting is often expressed by reference to visual considerations ... the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. (013 Reference ID: 18a-013-20190723)."

Therefore, as part of any assessment, consideration needs to be given to the impact of the changing external factors such as noise, vibration and dust as part of the assessment process.

#### Historic England's Position

Historic England considers that the current proposal does not provide adequate assessment to satisfy the requirements of Para 194 (Revised NPPF (2021)). Therefore, it is not possible to ascertain the potential impact of the proposals on the significance of Talaton Farmhouse as derived from its setting. Without understanding the significance, it is not possible to understand whether the potential impacts will result in harm and to address the relevant requirements of the NPPF (Chapter 16).

Any assessment needs to consider the environmental factors as well as any visual impact, in line with the staged approach set out in GPA3.

#### Recommendation

Historic England has concerns regarding the application on heritage grounds.

Further information is required in order to enable an appropriate assessment to be made of the proposals and to satisfy the requirements of Para 194 of the Revised NPPF (2021).

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

Rhiannon Rhys  
Inspector of Historic Buildings and Areas  
E-mail: [Rhiannon.Rhys@HistoricEngland.org.uk](mailto:Rhiannon.Rhys@HistoricEngland.org.uk)

cc:  
Conservation, EDDC

Historic England

15/02/22 - Thank you for your letter of 25 January 2022 regarding further information on the above application for planning permission. On the basis of this information, we offer the following advice to assist your authority in determining the application.

Historic England Advice

No formal heritage statement has been submitted in light of the request set out in our earlier letter (dated 27 August 2021). However, the additional information provided does enable a more rigorous assessment to be undertaken regarding the impact of the proposed development on the grade II\* listed Talaton Farmhouse.

It is recognised that the intervening landscape would limit the visual impact of the proposed development on the setting of the grade II\* listed Talaton Farmhouse.

However, it should be noted that Historic Environment Good Practice Advice in Planning 3: The Setting of Heritage Assets, recognises that the extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places.

We note that there was a previous consent for use of the site for Quad Bikes (16/0517/COU). It is not clear if the current proposals will increase the noise and dust etc produced by the site. The council, utilising relevant expertise, will need to satisfy themselves that the proposed change of use will not adversely affect the experience of Talaton Farm.

Finally, we note that this is one of two applications associated with the Escot Estate that are beginning to encroach into the rural setting of the Talaton Farmhouse. If it is intended to further expand the visitor offer at Escot Park, then consideration should be given to a masterplan. This would assist in forming a robust base line, setting out those areas of sensitivity and those which could present potential development opportunities. By considering the site holistically, greater opportunities to avoid and minimise the potential impact on the various heritage assets could be identified. The council may wish to discuss this further with the applicant.

Recommendation

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

Yours sincerely

Rhiannon Rhys  
Inspector of Historic Buildings and Areas

Historic England

18/03/22 - Thank you for your letter of 10 March 2022 regarding further information on the above application for planning permission. On the basis of this information, we offer the following advice to assist your authority in determining the application.

#### Historic England Advice

Historic England has provided 2 letters of advice on the proposed change of use (dated 27 August 2021 and 15 February 2022) and this response should be read in conjunction with these earlier letters. Historic England's interest relates to the impact of the development on the significance the grade II\* listed Talaton Farmhouse derives from its setting.

The latest information is a noise impact assessment for the proposed change of use. As previously noted, setting can be affected by changes to our experience of place, this is not only visual but also through other environmental factors such as noise and dust (Historic Environment Good Practice Advice in Planning 3: The Setting of Heritage Assets). Therefore, in review of this new information the council, utilising relevant expertise, should consider how any change in environment could adversely affect the significance Talaton Farmhouse's derives from its rural setting, a key characteristic in its experience of place.

#### Recommendation

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

#### Historic England

28/10/22 -

Thank you for your letter of 7 October 2022 regarding further information on the above application for planning permission. On the basis of this information, we offer the following advice to assist your authority in determining the application.

#### Historic England Advice

Historic England has provided 3 letters of advice on the proposed change of use (dated 27 August 2021, 15 February and 16 March 2022) and this response should be read in conjunction with these earlier letters. Historic England's interest relates to the impact of the development on the significance the grade II\* listed Talaton Farmhouse derives from its setting.

We wish to reiterate the advice provided in our letter the 16 March 2022. The latest information is a noise impact assessment for the proposed change of use. As previously noted, setting can be affected by changes to our experience of place, this is not only visual but also through other environmental factors such as noise and dust (Historic Environment Good Practice Advice in Planning 3: The Setting of Heritage Assets). Therefore, in review of this new information the council, utilising relevant expertise, should consider how any change in environment could adversely affect the



significance Talaton Farmhouse's derives from its rural setting, a key characteristic in its experience of place.

## Recommendation

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

## Natural England

25/03/22 - Thank you for your consultation.

Natural England has previously commented on this proposal and made comments to the authority in our letters dated 25 August 2021 and 08 February 2022.

The advice provided in our previous response applies equally to these amended plans, although we made no objection to the original proposal.

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.