

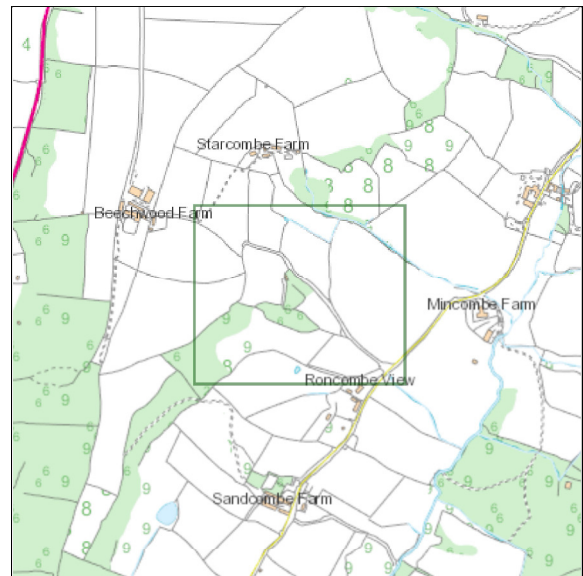
Ward Sidmouth Rural

Reference 19/0597/FUL

Applicant Mr Upchurch

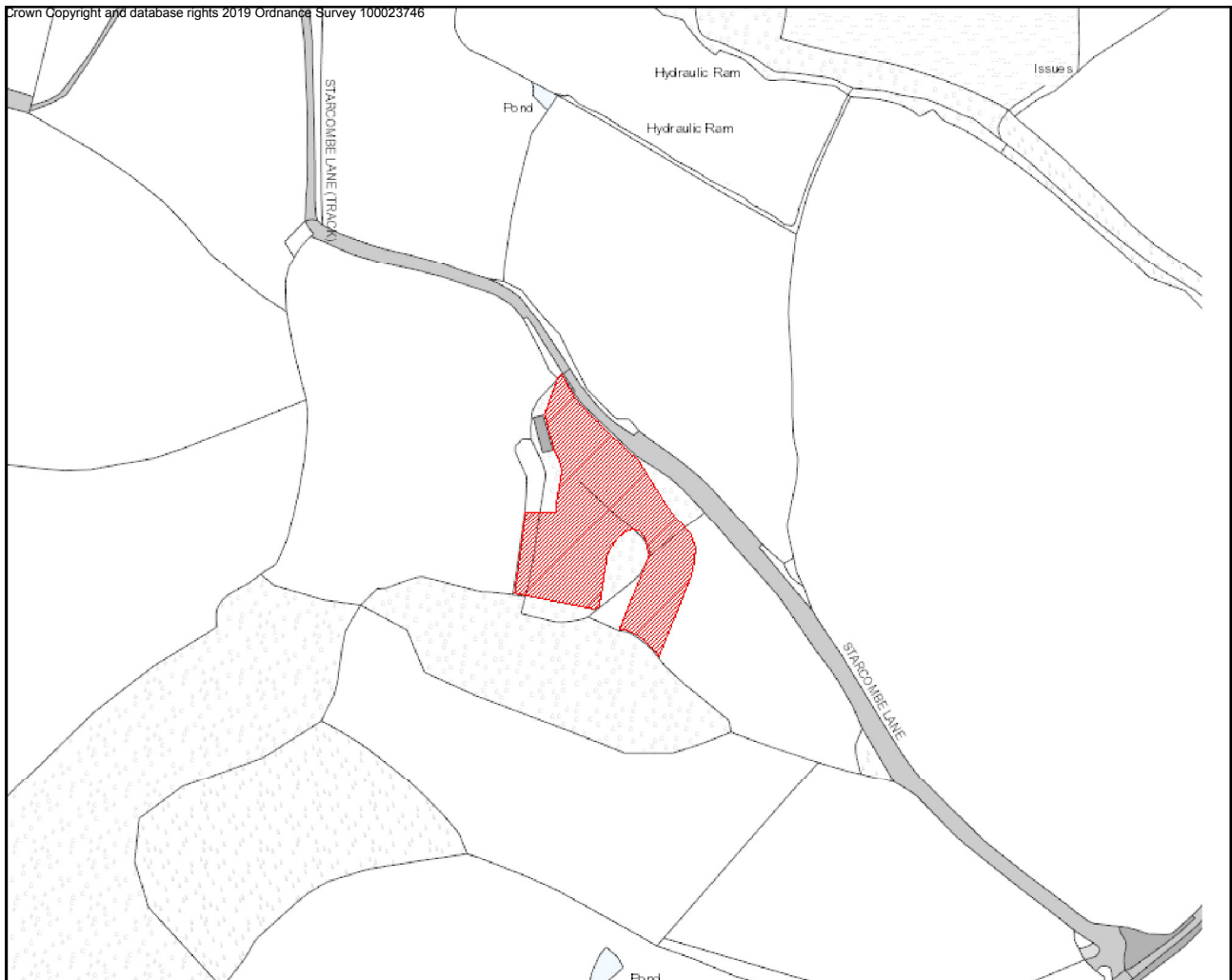
Location Partridge Hill Sidbury

Proposal Construction of agricultural building, access track and widened access and depositing of soil excavated from the side of the building



RECOMMENDATION: Refusal

Crown Copyright and database rights 2019 Ordnance Survey 100023746



		Committee Date: 29th October 2019	
Sidmouth Rural (Sidmouth)	19/0597/FUL	Target Date:	24.05.2019
Applicant:	Mr Upchurch		
Location:	Partridge Hill Sidbury		
Proposal:	Construction of agricultural building, access track and widened access and depositing of soil excavated from the side of the building		

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

This application was deferred from the 1st October 2019 Committee for a Site Inspection to assess the visual impact of the proposals on the AONB and trees within the site.

The application was originally before Members as the officer recommendation differs from the view of the ward member.

The proposal involves the construction of a two storey agricultural building at Partridge Hill Farm, a modest holding occupying a site within the Roncombe Valley to the north east of Sidbury within the designated East Devon Area of Outstanding Natural Beauty. It is accessed off Starcombe Lane, a private road that is also a public bridleway.

The farm comprises a small scale mixed enterprise with a particular emphasis on the rearing of free range turkeys. The proposed building would be designed to facilitate the rearing of turkey chicks up to ten weeks old, whereupon they would be allowed to free range on the holding, whilst also providing storage space for machinery, fuel and feed.

The proposal also involves engineering operations in the form of the significant excavation of the site, in order to both dig the building into the hillside and allow for the laying out of an associated yard area, together with a raising of the level of a length of an existing track in order to improve access to the building and yard. It is intended that spoil from the required excavations would be deposited over a significant part of the surrounding area, both within an existing copse of protected trees and on part of an adjacent field. These operations would themselves involve a significant increase in the height of the present levels of the land.

The submission follows two previous attempts to secure permission for a similar building on the unit. The first of these (application ref. 16/2507/FUL), involving a site at the lower end of a field below the present application site, was refused in February 2017 on grounds relating to the lack of justification for the design, scale, form and agricultural need for the development and the harmful visual impact as a result of the prominent and elevated position of the building and the proposed engineering operations required in order to provide access to it. The second application, relating to the same site as the current proposal and submitted last year (application ref. 18/1856/FUL), was withdrawn in the light of officer concerns largely centred around the same issues.

Although the stated justification for the building and the associated engineering works is more robust than before, and there is recognition that the site probably represents the least intrusive location on the holding for the development in terms of the wider landscape impact upon the AONB, there remains concern that the various engineering works, in relation to both excavation and raising of land/ground levels, would result in a harmful impact upon the character and appearance of this part of the AONB landscape. Furthermore, the intended raising of ground levels within the copse would, through compaction, also represent a threat to the rooting systems of the trees with the potential for longer term damage to their health. Any loss of the screening that this group would otherwise provide for the development would expose it and its effect upon the landscape to wider public view from a number of roads and rights of way to the detriment of the AONB.

The prospective benefits of the building to the applicant are acknowledged. However, it is not thought that compelling evidence has been provided to demonstrate that it is essential to the fundamental viability of the enterprise, to which greater weight could otherwise possibly be given in the overall planning balance. Indeed, it remains officers' view that this is outweighed by the harm to the AONB that would result from it and the threat to the trees and the screening effect that they provide.

In this regard, the objections raised to the proposal by the town council are entirely supported.

CONSULTATIONS

Local Consultations

Parish/Town Council

UNABLE TO SUPPORT

Reasons: Members considered that the building would be obtrusive and damaging in the natural landscape. They did not agree that the agricultural requirement for the building in the Area of Outstanding Natural Beauty outweighed the damage caused and therefore could not be justified. The proposal was therefore contrary to East Devon Local Plan Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Sidmouth Rural - Cllr John Loudoun

Ward Member comments in support of this planning application.

The applicant is known to me as he lives nearby.

I am aware of the small farming business that Ben Upchurch operates and I have discussed with him his intentions for the site that he is seeking planning permission for. I believe that the small-scale agricultural business that Mr Upchurch has is one that should be encouraged in the Sid Valley.

I have looked at Mr Upchurch's planning application, visited the site to discuss his plans and business intentions, as well as discussing the matter with a planning officer and speaking to a couple of Mr Upchurch's neighbours.

Mr Upchurch operates his farm over 60 acres in the Roncombe Valley. This site, which he owns, covers 10 of those acres. On the remaining 50 acres he operates as a tenant farmer.

I understand that this application is Mr Upchurch's third one for this site. He informs me that he has amended previous applications in order to seek to meet the concerns, particularly regarding less engineering and excavation, that officers have expressed over previous applications. I believe that Mr Upchurch has engaged positively with the planning officer and his latest proposals seek to meet, as best as the site allows him, to meet the concerns of the officer.

The site is clearly not an easy one to operate from and to build on. It is relatively well hidden and in my opinion the site and the proposed building would not disturb the views within the Roncombe Valley. Indeed, I understand that there remain concerns from officers about the view of the site and the proposed building from the track that passes on side of the site. As this is a track that is very infrequently used by vehicles or walkers and given that there already is a building on site, I would have thought that setting a condition that a fence, hedging or trees should be erected or planted would allow this concern to be overcome.

It is my understanding that in order to erect the proposed building the site will require some excavation as the location is on a slope, as is the whole of the site that Mr Upchurch operates from.

As with any construction there will be an element of noise from the build and excavation. However, in my opinion given the relatively small nature of the proposed new building I believe that the negatives associated with this will be short term and that the positives for the growth of a small local business would outweigh them. After all this application is for an agricultural building to be built in an agricultural setting

In summary, I support Mr Upchurch in his intentions to grow his farming business from this site and through his planning application, and in doing so I would recommend that

members of the Committee make a site visit in order to more fully understand the site and its location.

Technical Consultations

EDDC Trees

I have concerns over this development and the effects on the tree population for the following reasons,

- Although the tree report states individual trees are not significant in the landscape, the overall tree cover is significant and this should be protected by protected all specimens of trees
- The track improvements have level changes both by excavation and infill, it appears within the RPAs of the trees
- There is no clear detail on the 'Tree Protection Plan of RPA's, tree loss or sufficient fencing

Environmental Health

I have considered this application and do not anticipate any Environmental Health Issues with this application, therefore I have no objections to this application

Other Representations

Four representations of support and two 'neutral' representations have been received.

Summary of Grounds for Support

1. An agricultural barn will greatly assist the applicant in the management of his land and the care of his livestock; it will provide much needed accommodation in order to rear turkeys from day-old chicks instead of buying them in at 10-week-old poults and to store machinery for which there is no accommodation at the moment.
2. Barn would occupy a well screened site and would have little or no impact on the area.
3. Encouraging to see a young hard working farmer having the initiative to establish a farming business in the valley, bring back some traditional farming ways and make use of land that has been sparingly used.
4. A great deal of the beauty of the AONB comes about by the land being farmed.
5. The development would not adversely affect any local residents.
6. The applicant has behaved with an exemplary and conscientious respect for the countryside and with courtesy towards Roncombe Lane residents.
7. The applicant has established a niche market for his hardy grass fed lamb, his woodland pork and the raising of free range traditional breed turkeys.

Summary of Other Comments

1. Increased continual and intrusive noise from larger numbers of turkeys to the detriment of enjoyment of neighbouring residential property.
2. Concern if slaughtering is ever conducted on the site.
3. Increased potential traffic up Sandcombe Lane; would wish for assurances that there would never be any direct sales to the public or visitors.
4. Cannot see how detritus is to be disposed of year round.
5. Over-intensification of use on what is a small non-residential smallholding, with difficult access, unsuited to upscaling.

6. Would want assurances that at no time generators would be used on the site due to noise.
7. Believe only acceptable compromise to be a smaller barn with a limit to the number of turkeys kept outside or limited to the keeping of turkeys inside.
8. Hoped that a single storey building would suffice as this, and the existing shed, would meet needs as described; concern that scale of enterprise could become disproportionate to the size of the holding.
9. Would like entrance to be constructed and finished with scalplings, rather than brick rubble at present in use, and satisfactorily drained.
10. The submitted Renewable Energy Feasibility Study does not make sense.

POLICIES

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

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

D7 (Agricultural Buildings and Development)

EN14 (Control of Pollution)

EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment System)

EN22 (Surface Run-Off Implications of New Development)

TC7 (Adequacy of Road Network and Site Access)

Government Planning Documents

NPPF (National Planning Policy Framework 2019)

Site Location and Description

Partridge Hill (Farm) is a registered agricultural holding comprising around 7.7 acres (3.12 hectares) of mainly pastoral and steeply sloping land that occupies an elevated situation on the western side of the Roncombe valley approximately 2.5 km. to the north east of Sidbury. It is located within the designated East Devon Area of Outstanding Natural Beauty (AONB).

The holding, which is owned by the applicant, principally consists of three fields and two areas of woodland on the south western side of Starcombe Lane which, although essentially a private single vehicle width lane off Roncombe Lane that serves Starcombe Farm, is also a public bridleway (no. 73). It is a small scale mixed farming

enterprise producing rare breed pork, hill sheep lamb, hogget, mutton and traditionally bred free range turkeys (the main source of income) for the Christmas market.

The only building within the holding (there is no dwelling or any other form of accommodation on the unit) is a relatively basic single storey agricultural shed that is used for general storage purposes, which is positioned just off the public bridleway adjacent to the only vehicular access to the holding off Starcombe Lane around 270 metres north west of its junction with Roncombe Lane. This access serves an unmade track which, together with the building itself skirt the edge of a small copse of mainly Alder trees. Beyond the building the track is cut into the hillside and flanked by trees on both sides. Just beyond the copse to the south is a steeply sloping grass area that forms part of one of the fields which is, to all intents and purposes, positioned centrally within the land holding, around 50 metres south of Starcombe Lane.

Proposed Development

The application proposal relates to the construction of a two storey agricultural building within this area of the farm together with the laying out of a levelled yard area alongside it at the same level as that of the building itself. A short new length of access track, extending south off of the existing track, is also proposed in order to provide access to the yard whilst an adjacent section of the existing track is to be raised to meet the intended yard level in order to facilitate vehicular access to it.

The submitted details show that the proposed building would incorporate a machinery and feed storage area on the ground floor with a poultry loft above. It would exhibit a gabled form and would measure 17.8 metres in length by a width of 5.9 metres with a shallow pitched roof with a ridge height of 8 metres above yard level. The design/external appearance shows vertical batten and timber board cladding over a blockwork plinth with a series of ten top-opening stable doors/hatches at the proposed upper level around all four elevations of the building, which is intended to provide rapid ventilation of the poultry loft. The roof would be finished in profiled metal sheeting.

An external staircase would be added at the northern end of the building to provide access to both the poultry loft and a path alongside the rear elevation at loft level that would itself access the proposed hatches.

The development of both the building and the yard alongside it would necessitate significant engineering operations in the form of the excavation of the hillside in order to cut them into the steeply sloping hillside and create an appropriate level such that vehicular access via the existing track off Starcombe Lane can be achieved. Section details accompanying the application indicate, for example, that the rear part of the building would be excavated into the hillside by up to almost 6 metres.

It is also proposed that the spoil from the excavated area is deposited around an area of approximately 0.15 hectares within the adjacent copse and the higher part of a field alongside it to the south east. Section details have again been supplied with the application to illustrate the extent of the various level changes that this would entail. These suggest that they would largely vary between 1 and 2m. It is also presumed that this spoil would be used to undertake the work relating to the increase in the level of the section of the existing length of track referred to above.

Further work is envisaged to widen the present entrance to the holding off Starcombe Lane from its current width of around 4 metres to 10 metres and lay out a double gated entrance. This would also necessitate some increase in the ground levels in order to create a suitable gradient for vehicular access given the present quite significant fall in level towards the lane.

The proposed lengths of extended and heightened track would be finished in compacted hard core.

The work to create the proposed levels for the building and yard and the length of raised track would necessitate the felling of seven of the Alder trees within the copse. However, it is intended that this loss would be compensated for by new tree planting within two areas of the field to the south east of the copse and a further area immediately to the north of the building and yard themselves. Whilst these have been shown indicatively on the submitted plans, no further details as to the species, numbers, planting intervals, etc. of the proposed planting itself have been provided.

PLANNING HISTORY

The application follows two previous attempts to obtain permission for the construction of an essentially very similar building on the holding.

The first of these, submitted under application ref. 16/2507/FUL, involved the development of lower land at the very south eastern edge of the field to the south east of the present site. Aside from the agricultural building, this proposal also included the formation of a new access off Starcombe Lane and the laying of a hardstanding for vehicles.

However, the proposal was refused in February 2017 on the following grounds:

1. Inadequate justification has been provided in relation to the design, scale, form and agricultural need for the building proposed and as such it would represent unnecessary and inappropriate development in the countryside contrary to Strategies 7 (Development in the Countryside) & 46 (Landscape Conservation and Enhancement and AONBs) and Policies D1 (Design and Local Distinctiveness) & D7 (Agricultural Buildings and Development) of the Adopted East Devon Local Plan 2013-2031).

2. The proposed development by virtue of the design, form and external appearance of the building, its prominent and elevated position above adjoining road level and the additional visual impact of the engineering operations that would be required to provide access to it, would have a harmful impact on the character and appearance of the area and would fail to conserve or enhance the landscape character of the surrounding Area of Outstanding Natural Beauty. The proposal is therefore contrary to Strategies 7 (Development in the Countryside) & 46 (Landscape Conservation and Enhancement and AONBs) and Policies D1 (Design and Local Distinctiveness) & D7 (Agricultural Buildings and Development) of the Adopted East Devon Local Plan 2013-2031).

More recently, application ref. 18/1856/FUL proposed a largely similar development to that subject of the current application in much the same location (which had also been suggested informally during the course of application 16/2507/FUL but not considered since it related to a different site on the holding). Although involving less excavation into the hillside than the scheme now being proposed, together with a smaller and differently configured yard, it did incorporate the laying out of an entirely new access track, off a widened entrance off Starcombe Lane very similar to that currently proposed, to run almost alongside the existing track up to a point where it crossed it. Beyond this, it was shown with a loop before reaching the proposed yard.

That proposal generated significant officer concerns similar to those raised in relation to the proposals that were the subject of application ref. 16/2507/FUL as well as issues regarding the visual impact of the engineering operations required in order to create the access track and the harmful effect that it was perceived these would cause upon the landscape character and appearance of the AONB together with its consequential failure to conserve or enhance this.

In the light of these, the application was withdrawn in December 2018. The current submission therefore represents an attempt to address these, but in relation to the same site, which is clearly different to the site to which the original 2016 application related.

ANALYSIS

Considerations/Assessment

In essence, the current proposal falls to be considered having regard to the extent to which it overcomes the grounds for refusal of application 16/2507/FUL, albeit that it relates to a different site within the farm holding, and the very similar reasons for officer concern regarding the proposals for the revised site subject of withdrawn application 18/1856/FUL.

The main issues therefore relate to the principle of development, visual impact upon the AONB and highway safety.

Principle of development

Strategy 46 (Landscape Conservation and Enhancement) of the adopted Local Plan requires that development be undertaken in a manner that is sympathetic to, and helps to conserve and enhance the quality and local distinctiveness of, the district's natural landscape character, especially within AONBs. This reflects relevant guidance set out at paragraph 172 of the National Planning Policy Framework (NPPF) which confers upon AONBs, and other designated landscape areas, the highest status of protection in relation to the conservation and enhancement of its landscape and scenic beauty.

The provisions of Policy D1 (Design and Local Distinctiveness) of the Local Plan in part reflect this as, among other things, they only permit proposals that respect the key characteristics and special qualities of the area and do not adversely affect important landscape characteristics or trees worthy of retention.

In addition, Policy D7 (Agricultural Buildings and Development) permits new agricultural buildings where there is a genuine agricultural need for them and where various criteria are met. Principal among these is the requirement that they are well integrated with their surroundings, closely related to existing buildings and of appropriate location, scale, design and materials so as not to harm the character and landscape of the rural area, particularly within the AONB.

It is considered that these criteria are key to the assessment of the planning balance in this case.

In terms of the stated justification for the proposed building, it is intended that the provision of accommodation would allow the applicant to purchase and rear turkey chicks from a day old for the first ten weeks of their life up to 'off-heat poult' stage. This is not the case at present. As such, the intention would be to use the first floor space within the building as a poultry loft for this process. This would be designed to be insulated sufficiently so that chicks can be kept warm but allowing for ventilation, via the series of hatches, to maintain an optimal atmosphere for growth following this early stage.

Once the chicks reach ten weeks old they are then housed in the woods, or on the pasture land, in mobile shelters for the remainder of their time on the farm.

The proposed floor area of the loft would allow for the accommodation of 200 ten week old turkeys. This represents the projected optimal number to be produced and sold from the enterprise.

It is intended that the ground floor of the building be used to store machinery, fuel and feed; the former being needed to manage the holding and including a tractor, mini digger, grass topper, mower, trailers, a chain harrow and feed, fuel and livestock records stores.

It is considered that the need for a building, to aid the expansion of the business, has been demonstrated.

Visual impact

The submitted supporting statement contends that the topography of the land prevents the creation of a single storey building of adequate floor area for the applicant's requirements and the revised siting is within a wooded area. It is also suggested that the extent of the engineering work proposed has been reduced from that proposed under the scheme subject of application 18/1856/FUL insofar as it predominantly utilises the existing track with only a minor 5.5 metres length of new track directly adjacent to the proposed yard area while the yard level itself has also been reduced by a metre. Moreover, the tree planting scheme proposed would ensure that the building remains screened and unobtrusive in the surrounding landscape 'in keeping with other similar agricultural buildings'.

However, while these points are duly acknowledged and accepted to a degree, the extent of the level of impact upon the landscape that it is considered would result from

the submitted revised proposals would be broadly equivalent and, indeed, potentially worse.

There is an acceptance that, given the relatively modest acreage attached to the holding and its mostly visually exposed valley hillside location within a particularly attractive and unspoilt part of the AONB, the proposed location for the building would probably represent the least harmful and visually prominent and intrusive position for it, owing not least to the proximity of, and screening provided by, the adjacent area of woodland. It is thought that there is no other site within the unit where the development could be positioned where it would appear less harmful to the rural landscape character and landscape and scenic beauty of this part of the AONB.

However, aside from the stated justification for the building summarised above, it is considered that this needs to be balanced against other factors.

Principal among these is the fact that, whilst there would be a considerably reduced length of new track introduced, the current proposals for the creation of the yard and the floor level for the building would involve more substantive excavation of the hillside than those subject of application 18/1856/FUL, bearing in mind that these would be 1 metre lower in comparison. Moreover, the raising of the level of the section of the existing track and the widening of the entrance to the holding off Starcombe Lane would also continue to involve significant engineering interventions in the profile of this part of the landscape.

Coupled with these is the potential effect of the proposed works to the track and widened access and the deposition of the spoil from the excavation operations upon the local landform, the absence of any proposals detailing how the re-profiled land within the affected area would be planted, grass seeded, etc. and, potentially most significant of all, the impact of these works upon the health and well-being of the trees within the copse.

Furthermore, as is evident from the consultation comments made by the Council's Arboricultural Officer, there is concern regarding the proposal in relation to the impact of the development upon these trees, not least that likely to be created by the proposed level changes to part of the track and the deposition of the excavation spoil within their root protection areas where it is considered that compaction of the rooting systems would be caused, leading to eventual decline in their condition.

In the light of these concerns, a tree preservation order has been placed on the group (ref. 19/0045/TPO).

There would therefore ultimately be a threat to the longer term screening of the proposed building that their ongoing retention would otherwise continue to provide.

As stated, the site is on an elevated hillside where, without the screening provided by the tree group, the development would appear particularly visually prominent and intrusive in the landscape, not least given the fact that, the existing single storey building aside, the holding contains no buildings, farmhouse, etc. Moreover, there are a number of public rights of way on the opposite slope of the Roncombe valley from

which the building would be particularly visible in the event that the building were approved and exposed to view as a result of the failure of the tree screening.

This impact would also be emphasised by its two storey height and, notwithstanding that the engineering operations and ground levelling to dig the building into the hillside are intended in part to mitigate its wider landscape impact, these would also themselves be particularly apparent in views of the site and be alien to the landform and landscape.

Although, as stated above, the proposals incorporate areas of replacement tree planting, this is likely to take a number of years to establish and provide the same level of screening of the development as the retention of the existing tree group. Indeed, retention of landscape features is generally the preferred option over the introduction of replacement or additional screen planting. It is not therefore considered to represent an issue to which significant weight can be given in this matter.

The possibility of amending the proposal to omit the spoil deposition (i.e to take the spoil off site), and therefore better safeguard the trees, has been the subject of discussion with the applicant and his agent. However, officers' view remains that, even if this were to be pursued, the level of engineering and excavation work proposed for the building and amended/widened access is still considered likely to be harmful to the area's landscape character and quality and would therefore fail to conserve or enhance the wider AONB.

It is understood that the need for the building is derived principally from the applicant's intention to rear the turkey chicks from day old which he is unable to do at present in the absence of a building that provides suitable conditions for this purpose. However, it is not considered that it has been demonstrated that this requirement is essential, or indeed fundamental, to the ongoing functioning or viability of the farming enterprise operated from Partridge Hill that it could be argued might add greater weight in favour of an offer of support for the building and the attendant engineering operations. As such, and as was largely the case with the proposal for a similar development lower down the hillside subject of application 16/2507/FUL and the previous withdrawn proposal for the current site, it is maintained that the harm to the AONB that would result from the development outweighs the need for the building in this case.

It is noted that the applicant is a tenant farmer on other parcels of land elsewhere, mostly within the Roncombe valley but also at Coombehayes Farm to the south of Honiton. Although it is recognised that there is no security of tenure in relation to these, unlike the Partridge Hill unit, it is considered that alternative options for accommodating the building, without the level and extent of engineering and excavation work involved, could be explored.

The possible alternative of adapting and enlarging (including heightening) the present single storey building nearer to Starcombe Lane has been discussed at some length with the applicant owing to the avoidance of anything like the level of engineering work required that it would be likely to necessitate, and therefore the reduced impact upon the AONB. However, it has been explained that this building is itself required for further storage purposes and could not therefore be reasonably adapted, enlarged or replaced to provide the space required in order to satisfactorily house the turkey

chicks. The need to access the loft hatches from outside ground level seems to be of particular importance in this regard.

As such, unlike the original proposal to position the building lower down the hillside (subject of application 16/2507/FUL), it is thought that the current proposal has been appropriately justified and is not necessarily therefore itself 'unnecessary' or 'inappropriate' development, notwithstanding the concerns below regarding its AONB impact.

Amenity and Highway Safety

The remaining criteria set out in Local Plan Policy D7 require that agricultural development; is not detrimental to the amenity of nearby residents on grounds of smell, noise or fly nuisance; will not lead to an unacceptable increase in traffic on the local highway network, and involves the separation of clean surface and roof water from foul drainage.

Although the observations made by interested third parties are acknowledged, there is no particular evidence that the development would result in any detrimental effect upon the amenities of nearby residents through nuisance from smell, noise or flies.

The nearest residential properties to the development site, at Starcombe Farm to the north and Roncombe View and Bovetts Farm to the south, are around 300 metres and 250 metres away respectively. Moreover, whilst the increase in the numbers of turkeys could add to general noise levels when allowed to free-range the pasture or woodland, it is not considered that this would itself justify an objection to the proposed development on noise nuisance grounds. Equally, although no details as to how it is intended to deal with the management of waste have been provided, this could be controlled by condition in the event that the proposal were considered acceptable.

Similarly, whilst the shortcomings of Starcombe Lane, in terms of its width and gradient, are recognised, there are no compelling reasons to support a view that the proposal would lead to a material increase in traffic movements. As observed previously in the assessment of application 16/2507/FUL, whilst the proposal may facilitate an increase in livestock on the farm it might also mean that more machinery can be stored on site rather than brought to it as and when required. Furthermore, the applicant is likely to visit the site on a regular basis already, a situation that is unlikely to change.

The application suggests that foul drainage would be disposed of via a septic tank system while surface water would discharge to a sustainable drainage system. Again, although no further details have been provided with the application, in the event that the proposal were otherwise considered to be acceptable these could be suitably conditioned.

The proposal is therefore thought to largely comply with these other Policy D7 criteria.

CONCLUSION

The proposal involves the construction of a two storey agricultural building at Partridge Hill Farm within the designated East Devon Area of Outstanding Natural Beauty.

The proposal also involves engineering operations in the form of the significant excavation of the site, in order to both dig the building into the hillside and allow for the laying out of an associated yard area, together with a raising of the level of a length of an existing track in order to improve access to the building and yard. It is intended that spoil from the required excavations would be deposited over a significant part of the surrounding area, both within an existing copse of formally protected trees and on part of an adjacent field. These operations would themselves involve a significant increase in the height of the present levels of the land.

Although the stated justification for the building and the associated engineering works is accepted, and there is recognition that the site probably represents the least intrusive location on the holding for the development in terms of the wider landscape impact upon the AONB, there remain significant concern that the various engineering works, in relation to both excavation and raising of land/ground levels, would result in a harmful impact upon the character and appearance of this part of the AONB landscape.

Furthermore, the intended raising of ground levels within the copse (by between 1m and 2m) would, through compaction, also represent a threat to the rooting systems of the trees with the potential for longer term damage to their health. Any loss of the screening that this group would otherwise provide for the development would expose it and its effect upon the landscape to wider public view from a number of roads and rights of way to the detriment of the AONB.

The prospective benefits of the building to the applicant are acknowledged. However, it is not thought that compelling evidence has been provided to demonstrate that it is essential to the fundamental viability of the enterprise, to which greater weight could otherwise possibly be given in the overall planning balance. Indeed, it remains officers' view that this is outweighed by significant harm to the AONB that would result from it and the threat to the trees and the screening effect that they provide.

In this regard, the objections raised to the proposal by the town council are entirely supported and the application is recommended for refusal.

RECOMMENDATION

REFUSE for the following reasons:

1. The proposed development, by virtue of the extent and visual impact of the engineering operations that would be required in order to accommodate the construction of the agricultural building and provide access to it, would have an unduly harmful impact upon the character and appearance of the area and would fail to conserve the rural landscape character or landscape or scenic beauty of the designated Area of Outstanding Natural Beauty in which the site is located. As a consequence, the proposal would be contrary to the provisions of Strategies

7 (Development in the Countryside) and 46 (Landscape Conservation and Enhancement and AONBs) and Policies D1 (Design and Local Distinctiveness) and D7 (Agricultural Buildings and Development) of the adopted East Devon Local Plan 2013 -2031 and the guidance contained within paragraph 172 of the National Planning Policy Framework (2019).

2. On the basis of the information submitted the Local Planning Authority is not satisfied that the proposed spoil deposition would not, through the effects of compaction of the ground, represent a threat to the health and well-being of the adjacent group of trees (that are the subject of a tree preservation order) and their rooting systems. These trees currently provide screening for the site for the proposed development within the surrounding landscape and any loss of tree cover would result in both a loss of amenity and expose the development to views from public vantage which, on account of its visually prominent and elevated position within the landscape, would appear intrusive to the detriment of, and fail to conserve or enhance, the landscape and scenic beauty and rural landscape character of the designated Area of Outstanding Natural Beauty in which the site is located. As a consequence, the proposal would be contrary to the provisions of Strategies 7 (Development in the Countryside) and 46 (Landscape Conservation and Enhancement and AONBs) and Policies D1 (Design and Local Distinctiveness), D3 (Trees and Development Sites) and D7 (Agricultural Buildings and Development) of the adopted East Devon Local Plan 2013 -2031 and the guidance contained within paragraph 172 of the National Planning Policy Framework (2019).

NOTE FOR APPLICANT

Informative:

In accordance with the aims of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 East Devon District Council seeks to work positively with applicants to try and ensure that all relevant planning concerns have been appropriately resolved; however, in this case the development is considered to be fundamentally unacceptable such that the Council's concerns could not be overcome through negotiation.

Plans relating to this application:

	Location Plan	25.03.19
18/008/PL01 RevC	Layout	20.03.19
18/008/PL02 RevA	Proposed Floor Plans	20.03.19
18/008/PL03 RevC	Proposed Elevation	20.03.19

18/008/PL04 RevC	Proposed Elevation		20.03.19
18/008/PL05 RevC	Proposed Elevation		20.03.19
18/008/PL06 RevC	Proposed Elevation		20.03.19
18/008/PL07 RevB	Sections		20.03.19
18/008/PL08 RevB	Sections		20.03.19
18/008/PL09 RevB	Proposed Plans	Combined	20.03.19
18/008/PL11	Sections		20.03.19
18/008/PL12	Other Plans		20.03.19
TPP1	Tree Protection Plan		20.03.19
TPP2	Tree Protection Plan		20.03.19

List of Background Papers

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