

		Committee Date: 15th July 2020
Axminster (Axminster)	19/2799/FUL	Target Date: 13.02.2020
Applicant:	Mr Jonathan Christopher	
Location:	Land At Pidgeons Lane Axminster	
Proposal:	Erection of multi-purpose building to provide storage for agricultural machinery and haystore, lambing space and stable	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

The planning application is before Members as the officer recommendation is contrary to the view of a Ward Member.

The proposal seeks planning consent for the creation of an agricultural and storage building.

It is a policy requirement of D7 of the local plan that there is a genuine agricultural need for agricultural buildings within the countryside.

Although the applicant owns the land, it is rented out to a tenant who has two horses. The extent of the agricultural holding is the small parcel of land extending to 0.4ha only in which the building would sit. It is recognised that there is some equipment required to tend to the site but that does not justify the size and scale of the building proposed which is linked more with the activities of the tenant.

In addition, the proposed building is centrally placed within the field parcel and could be seen from public vantage points. As there is a lack of genuine agricultural need for the size and scale of the building proposed there would be unnecessary development to the detriment of the visual amenity of the area and existing undeveloped character of the countryside.

As such the application is recommended for refusal.

CONSULTATIONS

Local Consultations

Parish/Town Council:
14.01.20 and 10.03.20

AXMINSTER TOWN COUNCIL SUPPORTS THIS APPLICATION

Ward Member - Axminster - Cllr Sarah Jackson

19/2799/FUL - I support this application, perhaps subject to the condition of agricultural use only

18.02.2020 - I am still minded to support the application as an agricultural building within a rural area within the context of promoting the rural economy. I understand that similar applications, supported by officers, have gone to DMC before being ultimately approved. That said, I also recognise the comments made regarding the Local Plan and very valid points made by officers in their recommendation to refuse the application. I, therefore, would welcome this coming before DMC for proper debate and I trust the committee will find the most appropriate decision given all evidence and the wider context.

Technical Consultations

EDDC Trees

Although I have no objection in principle to the development and there is an arboricultural survey, there is no TPP or AMS included

Other Representations

2 letters of objection have been received (in summary);

- No further development should be permitted without the provision of a hammer head turning bay.
- Precedent for living accommodation
- Visual impact
- Size of building not justified
- Soakaway issues.
- Conflict with strategy 7 and policy TC2
- Unsustainable location
- Conflicts with Inspector comments with regard to planning app 18/0700/OUT

1 further letter of objection has been received in relation to additional justification submitted by the applicant (in summary);

- Recommended guidelines for the keep of horses is 1 1/2 acres per horse, Currently there are 2 horses on .7 acre and food is having to be brought in on a regular basis.
- the positioning of his proposal clearly shows the unsuitability of the land to house such a building, He states that it sits in a natural levelling of the land (This piece of land has no natural levelling). This piece of land is very exposed and any form of shelter for the horses

- .7 of an acre (Greatly reduced if his application was successful) does not require this level of machinery to maintain, 3 sides of this land is fenced using a 3 bar wooden fence and the remaining side is not owned by Mr Christopher

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

D1 (Design and Local Distinctiveness)

TC2 (Accessibility of New Development)

Strategy 7 (Development in the Countryside)

D7 (Agricultural Buildings and Development)

TC9 (Parking Provision in New Development)

TC7 (Adequacy of Road Network and Site Access)

D3 (Trees and Development Sites)

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

Government Planning Documents

NPPF (National Planning Policy Framework 2019)

Site Location and Description

The application site lies in open countryside to the southeast of Axminster and southwest of Raymonds Hill. It relates to part of an agriculture field laid to pasture and subdivided with post and rail fencing. The land on site is elevated slightly above the level of Pidgeons Lane and slopes down from south to north. The boundary of the site with Pidgeons Lane is formed by a native hedge with a number of larger hedgerow trees within it.

The site is located at the southwestern end of Pidgeons lane, an un-adopted private lane serving a line of detached properties along its south side. Pidgeons Lane links with Cooks Lane approximately 350 meters from the site access, Cooks Lane then runs west to link with Lyme Road and east to Crewkerne Road. Beyond the adjoining garden land to the south of the site runs the A35 from which pedestrian access is achieved via an existing section of bridleway which links to Pidgeons Lane.

The site falls outside of the AONB.

Proposal

The proposal seeks planning consent for a multi-purpose building to provide storage for agricultural machinery and haystore, including a stable area. The timber building is proposed to measure approximately 12m by 6m at a height of 4m.

Site History

There is one recent application on the site (by the same applicant). 18/0700/OUT was submitted for the 'Construction of (self build) dwelling and garage, outline application with means of access to be considered'. This application was refused by the Development Management Committee on the 10 August 2018 for the following reasons:

1. The application site lies in open countryside outside of any designated Built up Area Boundary or Strategic allocation within the Adopted East Devon Local Plan or emerging Villages Plan and where there are no other Local or Neighbourhood Plan policies that would support the development. Residential development in this location would be unsustainable due to the distance to essential services and facilities required for daily living and access to transport links to further afield settlements and where, as a result, future occupiers would be heavily reliant on the use of private transport for the majority of journeys. As such, the proposal would be contrary to the provisions of Strategy 5B (Sustainable Transport), Strategy 7 (Development in the Countryside) and Policy TC2 (Accessibility of New Development) of the East Devon Local Plan 2013-2031 and the guidance within the National Planning Policy Framework.
2. The proposal would result in the extension of the existing ribbon development along the southeast side of Pidgeons Lane into the open countryside. This would result in visual harm to the open and undeveloped appearance of the site and erosion of its undeveloped and rural character, it would therefore be contrary to Strategies 7 (Development in the Countryside) and 46 (Landscape Conservation and Enhancement and AONBs) and policies D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031 and the guidance within the National Planning Policy Framework and accompanying Planning Practice Guidance.

ANALYSIS

The main issues for consideration are the principle of development, visual impact and highway safety.

Principle of Development

The Development Plan for the area consists of the East Devon Local Plan 2013-2031 (EDLP). There is currently no Neighbourhood Plan in place that covers the site although a plan is being prepared for the parish of Axminster within which the site lies. In policy terms the site lies in countryside and therefore falls to be considered under Strategy 7 (Development within the Countryside).

Strategy 7 states:

'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 goes on to say,

'and where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located'.

Although the local plan does not specifically cater for stables, such structures form a part and parcel of the character of the countryside within East Devon. A large proportion of the building would be dedicated to agricultural uses. In this respect policy D7 would be considered a relevant policy and this states:

'New agricultural buildings and/or buildings intended for intensive agricultural activities that could give rise to adverse amenity, landscape, environmental or other impacts will be permitted where there is a genuine agricultural need for the development and the following criteria are met:

- 1. It is well integrated with its surroundings and closely related to existing buildings, being of appropriate location, scale, design and materials so as not to harm the character, biodiversity and landscape of the rural area particularly within the AONB.*
- 2. It will not be detrimental to the amenity of nearby residents on grounds of smell, noise or fly nuisance.*
- 4. It has been established that there are no other suitable buildings on the holding or in the vicinity which could meet the reasonable need.*
- 5. It will not lead to an unacceptable increase in traffic on the local highway network*
- 6. All clean roof and surface waters will be drained separately from foul drainage and foul drainage will not discharge to any watercourse in order to prevent pollution of the water environment.*

Proposals for the development of new large scale buildings for livestock or for other use that could have polluting impacts should be accompanied by a Waste Management Plan.'

As demonstrated by the submitted location plan the red edge of the holding is not of a large size and furthermore there is no other land within the applicant's ownership that would form part of an agricultural enterprise or rented. Indeed it has been clarified that this application site itself would be rented out. The field was let out in September 2019 to the owner of one horse and one pony.

It is a policy requirement that there must be a *'genuine agricultural'* need to justify development in the countryside.

In terms of storage of equipment the applicant has clarified that a loader tractor and topper would be stored, a ride on tractor for collecting horse droppings (which belongs to current tenant) and hedge cutting tools. The building would provide security against theft of these tools.

Whilst the requirement for small stable facilities for the horses is understood, the building is also proposed to provide shelter for livestock (potentially sheep) but neither the applicant nor current tenant have livestock. The field being rented for the grazing of one horse and one pony. As such an area for livestock is not justified.

Whilst the applicant has advised that a building is required to store the loader tractor and topper, the size of the site is very small and it is not considered that the equipment needs to be stored on site to permanently service such a small area of land. It is therefore questioned whether the equipment is required to be stored on site at all times given its value, limited use on the application site, and given its wider use for grazing. In addition, it is assumed that the tenants ride on tractor would be removed when the tenancy comes to an end.

In the absence of any on-going agricultural enterprise on the land, and given the relatively small size of the plot, it is not considered that a genuine agricultural need for the size of building and proposed uses has been demonstrated. It is also noted that the current income of £20 per week, projected to rise to £40 per week with the building, would not appear to justify or demonstrate the need for the building or cover the costs of the building or equipment and as such this raises questions regarding the need for a building of this scale.

It is not therefore considered that the applicant has demonstrated a genuine agricultural need for a building, and particularly of in relation to the size proposed. A small stable to provide shelter for two horses may be justified, but this could be considerably smaller than the building proposed.

Impact on the character and appearance of the countryside

The site lies at the end of the existing residential development along the south side of Pidgeons Lane, at present the land is open and undeveloped and slopes upwards away from the boundary with Hornbeam House. The adjoining land to the north forms part of the property known as Norwyn, this property sits adjacent to The A35 but is accessed via a long drive from Pidgeons Lane.

The proposed building would be centrally positioned within this field parcel meaning that it is arguably more prominent within this landscape compared to most agricultural buildings/stables which are positioned adjacent to field boundaries to minimise their prominence and visual impact. There is an existing access point with Pidgeon's Lane from which the building would be viewable. There is a difference in ground levels between Pidgeon's Lane with the lane being lower than that of the ground levels of the field, and more specifically the site upon which the building is proposed thereby adding to its prominence.

The applicant has explained that if the building was located further to the south the visual impact on Norwyn House would be greater and sit more proudly on the ground. Further that if it was closer to the north then this would impact upon Hornbeam House and that if further to east then it would be further away from the access. From a planning perspective a position closer to a field boundary, as is common practice with agricultural and stable buildings, is preferred in order to reduce prominence. The prominence can be further reduce through a smaller scale of building. Given the

distances to neighbouring properties, and single-storey nature of a building, it is likely that this can be achieved without harming amenity of neighbouring occupiers, for example through its re-positioning further to the east nearer the access.

Were the position, size and scale of the building all justified then this would help to justify some visual impact from the development. Whilst it should be noted that the applicant is not against re-positioning of the building, as the need for the building has not been justified, there is no reason to justify the location of the building proposed which would clearly have a visual impact on the character and appearance of the countryside. Therefore as the building is not justified, the visual impact is not justified. Given the size and location of the building, it will result in a harmful visual impact on the countryside.

As noted under the previous planning application in 2018 by the applicant for a dwelling (in a similar location on the site), visual harm and would be clearly visible in the public realm from Pidgeon's Lane and the bridleway linking with this with the A35.

Access and highway issues

Under the previous planning application concern was raised with regards to the feasibility for vehicular turning given the restricted width of the lane.

However, there is no reason why suitable turning for agricultural vehicles could not take place within the field parcel. Presumably these would be agricultural machines and so hardstanding would not be a necessity.

Other matters

It has been suggested by the Ward Member that a condition be imposed to restrict the building to purely an agricultural use. Should planning permission be granted, a condition restricting the use to that being applied for could be added, although as identified above, it is not considered that the size of the field justifies a building for agricultural use.

The comments of the tree officer are noted, however, the distance to this tree would appear reasonable and unlikely to affect its health or longevity.

Parallels of this planning application have been drawn with planning consent granted for a lambing shed/stable at New House, Wambrook under planning reference 19/2443/FUL. However, in that instance that parcel of land was part of a larger agricultural holding which dealt with approximately 900 lambs at peak times. Further, the siting of that building was justified as being suitable close to the main house for supervision of livestock. The two proposals are not therefore comparable.

Third parties have raised concerns regarding this proposal being a step towards a proposed dwelling on the land given the applicant's recent application for a dwelling on the site was refused. Whilst this application needs to be judged on its merits and is not for a residential use, the granting of a building of a greater size than required, and in a position that could be harmful to the visual amenity of the area, would be a material

consideration in terms of assessing any visual impact from a future application for a dwelling on the site.

With regard to the potential for the building to be converted in the future to residential use under Permitted Development rights, there are no such rights at present and this could in any case be further prevented through the use of conditions removing any future permitted development rights.

CONCLUSION

The proposal seeks planning consent for the creation of an agricultural and storage building and it is a policy requirement of the local plan that there is a genuine agricultural need for agricultural buildings within the countryside. This is to ensure that the need is justified and to ensure that the countryside is not harmed from the introduction of unjustified building that would have a harmful visual impact.

Although the applicant owns the land, it is very small and is currently rented out to a tenant who has two horses.

Whilst it is recognised that there is some equipment required to tend to the site, it is not considered that the size of the building proposed is required or justified. Whilst a small stable may be justified, given the lack of any agricultural business on the site, the scale of building proposed would appear disproportionate.

In addition, the proposed building is centrally placed within the field parcel and could be seen from public vantage points. As there is a lack of genuine agricultural need for the size and scale of the building proposed there would be unnecessary development to the detriment of the visual amenity of the area and existing undeveloped character of the countryside.

As such the application is recommended for refusal.

RECOMMENDATION

REFUSE for the following reasons:

1. The proposed building, due to its size and scale, is considered to result in a prominent building for which there has not been a genuine agricultural or other justified need demonstrated. The resulting building, by virtue of its size and prominence therefore result in the extension of the existing ribbon development along the southeast side of Pidgeons Lane into the open countryside. This would result in visual harm to the open and undeveloped appearance of the site and erosion of its undeveloped and rural character. The proposal therefore conflicts with the requirements of Strategy 7 (development in the Countryside) and policies D1 (Design and Local Distinctiveness) and D7 (Agricultural Buildings and Development) of the adopted East Devon Local Plan.

NOTE FOR APPLICANT

Informative:

In accordance with the aims of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 East Devon District Council works proactively with applicants to resolve all relevant planning concerns; however, in this case the application was deemed acceptable as submitted.

Plans relating to this application:

R10 : site projections	Combined Plans	10.12.19
	Block Plan	10.12.19
R1	Proposed Elevation	10.12.19
R2	Proposed Elevation	10.12.19
R3	Proposed Elevation	10.12.19
R4	Proposed Elevation	10.12.19
R5	Proposed Elevation	10.12.19
R6	Proposed Elevation	10.12.19
R7	Proposed Floor Plans	10.12.19
R8	Proposed roof plans	10.12.19
R9	Sections	10.12.19
R11	Proposed Elevation	10.12.19
	Location Plan	19.12.19
Site projections	Combined Plans	19.12.19

List of Background Papers

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