

Committee Report – 7th October 2021

Application Number: 1/0031/2021/FULM

Registration date: 1 February 2021

Expiry date: 3 May 2021

Applicant: Mr Antony Harper

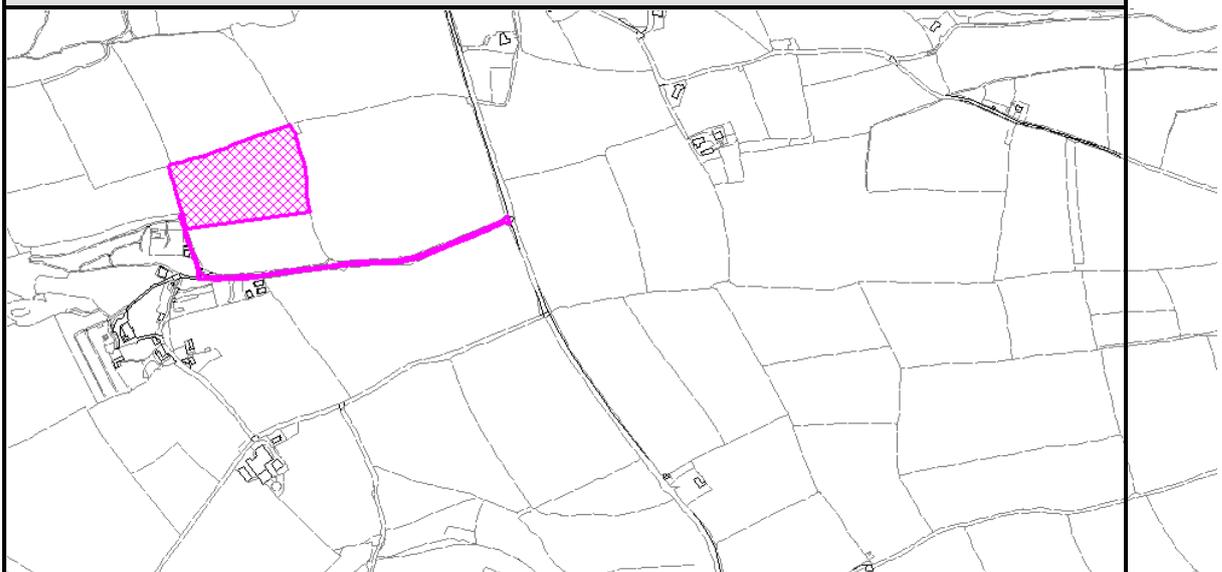
Agent:

Case Officer: Kristian Evely

Site Address: Land At Smytham Manor Leisure,
Little Torrington,
Devon,

Proposal: Change of use from agricultural land to
Caravan/holiday park to extend existing holiday
park

Recommendation: Grant



Reason for referral:

Richard Wiseman, elected member, is related to the applicant, and is employed by the company.

Relevant History:

Application No.	Description	Status	Closed
1/0720/1979	CONTINUED USE OF LAND AS CARAVAN/CHALET SITE, SMYTHAM CARAVAN PK, LT TORRINGTON	PER	16.10.1979
1/0676/1998	VARIATION OF CONDITION TO ALLOW USE OF SITE & HOLIDAY PARK FOR 12 MONTHS OCCUPANCY	PER	07.07.1998
1/0677/1998	VARIATION OF CONDITION TO ALLOW INCREASE OF UNITS ON SITE	PER	23.06.1998
1/0076/2016/FUL	Change of use from agricultural land to leisure	PER	18.04.2016

Site Description & Proposal

Site Description:

The existing site comprises of an agricultural field which is adjoined to an existing caravan/holiday park. The site slopes downwards from north to south and is surrounded on the north, northwest and east by hedgerow. From the top of the site there are long distance views of the surrounding landscape, especially to the west and south. The existing holiday park sits lower than the site, within the valley to the east and south. Access to the site is gained from a lane to the south, which leads east onto the A386.

Proposed Development:

The application seeks a change of use from agricultural land to a caravan/holiday park.

The proposal would result in an extension to the existing holiday park. Because the land is sloping, there are also engineering works which are proposed to provide level areas for vehicles. The section drawings indicate that the field will include grassed banks where land has been excavated.

Additional landscaping is proposed, in the form of new hedgerows and tree planting.

An area to the top of the field, which is already level but very prominent, is proposed to be utilised for camping only.

Consultee representations:

Little Torrington Parish/Town Council:

I am writing on behalf of Little Torrington Parish Council after consulting with Parish councillors, no objections were raised to these applications, so therefore the Parish council recommends approval.

Devon County Council (Highways):

I note that previous attempts have been made to improve the visibility splays for the access onto the A386. As a result, at a distance of 2.4 metres from the edge of carriageway, good sight lines can be established in either direction. Good forward visibility is also achievable for approaching vehicles. The access drive is sufficiently wide to accommodate two-way vehicle movements so there is no realistic risk of confronting motorists having to reverse onto the 'A' road.

Therefore, I have no highway objections to raise.

Environmental Protection Officer:

Update 09/09/2021:

The septic tank must have adequate capacity for the total loading it is subjected to. Overloading a septic tank will cause increased levels of suspended solids reaching the outfall which in turn, will increase the risk of the soakaway silting up prematurely and failing. More frequent emptying of an insufficient septic tank would require cleansing the tank every time it fills to prevent increased levels of suspended solids transferring to the soakaway which is not practicable. The sizing of septic tanks is included in Building Regs but the 180 litres/person figure can be substituted for the British Water Flow & loads figures for caravan/camping site.

Original Comment 03/02/2021:

In relation to the above application, it is noted that the proposed development is to be served by an existing non-mains foul drainage provision that discharges to a drainage field. Given the additional loading resulting from the proposed development, it is unclear whether the existing provision is capable of accommodating such a substantial increase, especially having regard for the age of the provision. Further detailed information will be required to demonstrate that the existing provision is satisfactory.

note - Discussions currently ongoing and a update will be provided at committee.

DCC Archaeology Section:

I refer to the above application and your recent consultation. Assessment of the Historic Environment Record (HER) and the details submitted by the applicant do not suggest that the scale and situation of this development will have any impact upon any known heritage assets.

The Historic Environment Team has no comments to make on this planning application.

Natural England:

Natural England has no comments to make on this application.

Conservation Officer:

The proposal seeks to extend the area for holiday use into an adjoining field to the existing park and facilities. The listed building complex is to the southwest of the proposal and screened by the existing landscaping and facilities on site. The visual impact will be minimal given the changes already undertaken to the setting of the listed manor house.

The proposal is considered to be acceptable in terms of paragraph 202 of the NPPF as the significance of the property is not affected over and above the existing situation.

Representations:

Number of neighbours consulted:	7	Number of letters of support:	0
Number of representations received:	1	Number of neutral representations:	0
Number of objection letters:	1		

3rd party letters of representation are summarised below:

- The loss of agricultural land which can be used for food production to a holiday park is not acceptable.
- The proposal may result in the loss of farmland birds, which should be protected.

Policy Context:

North Devon and Torridge Local Plan 2011-2031:

ST03 (Adapting to Climate Change and Strengthening Resilience); ST04 (Improving the Quality of Development); ST07 (Spatial Development Strategy for Northern Devon's Rural Area); ST10 (Transport Strategy); ST13 (Sustainable Tourism); ST14 (Enhancing Environmental Assets); DM01 (Amenity Considerations); DM02 (Environmental Protection); DM04 (Design Principles); DM05 (Highways); DM06 (Parking Provision); DM07 (Historic Environment); DM08 (Biodiversity and Geodiversity); DM08A (Landscape and Seascape Character); DM18 (Tourism Accommodation);

Government Guidance:

NPPF (National Planning Policy Framework); NPPG (National Planning Practice Guidance); NERC (Natural Environment & Rural Communities); WACA (Wildlife & Countryside Act 1981);

Planning Considerations

The main considerations with this application are:

- Principle of Development
- Character and Appearance
- Residential Amenity
- Biodiversity
- Highways
- Drainage
- Heritage
- Conclusion

1. Principle of Development

- 1.1. This site is within the countryside and therefore Policy ST07 of the North Devon and Torridge Local Plan (NDTLP) is relevant. Policy ST07 of the NDTLP sets out the spatial development strategy for northern Devon's rural area, and clarifies that in the countryside, beyond Local Centres, Villages and Rural Settlements, development will be limited to that which is enabled to meet local economic and social needs, rural building reuse and development which is necessarily restricted to a Countryside location.
- 1.2. Policy ST13 is also relevant, which sets out the overarching approach to tourism development within the district and states 'High quality tourism development that promotes a year-round industry will be supported. Tourism growth should be sustainable and should not damage the natural or historic assets of northern Devon.'
- 1.3. Policy ST07 and ST13 should be read in conjunction with policy DM18, which relates specifically to Tourism Accommodation. Policy DM18 of the NDTLP sets out the local planning policy context in relation to the provision of tourism accommodation. Part 2 of the policy relates to development in the countryside, and notes:

Outside the Sub-regional, Strategic, Main and Local Centres, the development of new and the expansion or rationalisation of existing tourism accommodation will be supported where it:

- (a) is related directly to and compatible in scale with an existing tourism, visitor or leisure attraction; or

- (b) reuses or converts existing buildings; or
- (c) improves facilities for or diversifies the range or improves the quality of existing tourism accommodation;

- 1.4. This proposal is directly related to the existing tourism facilities on site and will improve the range of existing tourism accommodation at the park via an increase in the number of pitches. In terms of scale, the proposed site covers a large area, however, the existing park is also large and benefits from a variety of facilities such as a reception, shop, bar, swimming pool, play area and games room. There is also public access to the Tarka Trail. The proposal is compliant with DM18 (2) (a)/(c) in this regard.
- 1.5. Policy DM18 (d) reiterated that the scale of the proposal shall be appropriate to the size of the existing settlement or attraction. As previously noted, the increase in the number of plots is considered to be commensurate with the size of the park. In addition, and caravans will not be sited over the entire site area, reducing the scale of the scheme. In support of the scheme, the applicants have produced a Planning Statement which provides a clear outline of the scale of the existing park, provides details of the economic benefits that tourism facilities can provide, and gives justification for the proposal. Overall, the scale of this scheme is considered appropriate, whilst the potential economic benefits from increased tourism are noted.
- 1.6. The remaining criterion in DM18 require the proposal to have an acceptable impact on the character and appearance of the area, acceptable highways impact, cause no significant harm to heritage assets or important landscapes and have an environmental enhancement. These points will be considered in the remaining report.
- 1.7. Third party representation notes that the proposal will result in the loss of an agricultural field. This is true, and whilst generally the policies in the NDTLP and NPPF seek to avoid the spreading of development in the countryside, for the reasons discussed above, this proposal has policy support. Therefore, in principle the development is acceptable.

2. Character and Appearance

- 2.1. Policy ST04 of the NDTLP encourages improved design quality, and notes: development will achieve high quality inclusive and sustainable design to support the creation of successful, vibrant places. Designs will be based on a clear process that analyses and responds to the characteristics of the site, its wider context and the surrounding area, taking full account of the principles of design found in Policy DM04.
- 2.2. Policy DM04 then proceeds to detail 14 design principles which should be taken into consideration within any new development. The crux of DM04 requires new developments to be of high-quality design, including being well related to their surroundings, be of an appropriate scale, include quality materials, and to be sympathetic to the character and appearance of the local area.
- 2.3. Policy DM08A is also relevant which relates to landscape impacts and seeks to ensure that proposals do not cause undue landscape harm.
- 2.4. One of the key considerations when reviewing applications for new or extended caravan parks is the impact on the surrounding landscape/character and appearance of the area. Because of this, and the prominence of the site, the planning officer required additional landscaping information and a basic LVIA was produced.
- 2.5. The LVIA selected a variety of viewpoints by which the impact of the development was assessed, however, did not include any viewpoints from the west. There are long distance views of the site from this location.

- 2.6. The LVIA document concludes, "It is clear from this document that the site is within an important natural environment. It can however be argued that the expansion of the existing holiday park can be achieved without being detrimental to the wider landscape. The very nature of a development is minimal in terms of its long term impact. The proposed site's location means that the development would be read as a mere expansion to the existing facilities and not as a new standalone development in the countryside."
- 2.7. As detailed in the Joint Landscape Character Assessment for North Devon & Torridge Districts (Land Use Consultants 2010), this site is defined as Upper Farmed Wooded Valley Slopes (3A). A summary of the special qualities which make up this landscape type are set out below:
- i. Open landscape with important vantage points and uninterrupted vistas.
 - ii. Narrow sunken lanes and species-rich hedge banks.
 - iii. Corpses, woodlands and tree clumps.
 - iv. Cob, thatch and whitewashed buildings, including traditional linhays.
 - v. Little or no light pollution resulting in starlit skies.
- 2.8. A simplistic way to assess landscape impact is to consider whether the proposal would impact on the special qualities of the landscape type. On the Planning Officers site visit, it was observed that the existing park is set within an existing valley/low point within the land and is well screened by the existing topography. This extension to the site would be on an area of land which is much more prominent, meaning that some harm may be caused to the open nature of the landscape as a result of the park becoming more visible.
- 2.9. To limit the impacts of the development, the planning officer requested that the top of the site would remain undeveloped, as caravans in this location would likely extend above the hedgerow and would be prominent from a variety of surrounding locations (resulting in landscape harm). By keeping the development off the top of the hill, the development would be screened by the existing topography and would be more consistent with the existing parks character. In addition, it was requested that the site be for touring caravans only, which would limit the amount of landscape harm, especially in winter months when the hedgerow screening surrounding the site would be lessened.
- 2.10. The planning officer also required drawings showing how the site would be engineered (bearing in mind the levels). Formal plans were produced including a layout and section. The plans detail additional hedgerow and tree planting, which will assist in screening the development site. The engineering works will cause some harm to the landscape character; however, the use of grass banks will limit this, along with the landscaping.
- 2.11. Based upon the submitted LVIA document and the Planning Officers' observations, subject to the development being undertaken in accordance with the approved plans, the site being restricted to touring caravans, there being no development on the ridge (except tents), and tree and hedgerow planting being provided, there are not considered to be any significant landscape impacts which will arise from this scheme in the long term.

3. Residential Amenity

- 3.1. Policy DM01 of the NDTLP confirms that development will be supported where it would not significantly harm the amenities of neighbouring occupiers or uses or result in harm to the future occupiers of the development from existing or allocated uses.
- 3.2. This proposal is well distanced from any neighbouring dwelling and as a result it is considered that the proposal does not result in any residential amenity concerns and accords with DM01 of the NDTLP.
- 3.3. Policy DM02 of the NDTLP relates to Environmental Protection and seeks to ensure proposals have an acceptable impact with regards to hazards and pollution. The Council's

Environmental Protection team was consulted on this application and raise no objections with regards to noise or nuisance (they do mention drainage which is considered in section 6).

- 3.4. Overall, the proposal is considered to have an acceptable impact on residential amenity. Policies DM01 and DM02 are satisfied.

4. Biodiversity

- 4.1. Local Planning Authorities have a statutory duty to ensure that the impact of development on wildlife is fully considered during the determination of a planning application under the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, The Conservation of Habitats and Species Regulations 2010 (Habitats Regulations 2010). This is also supported by Policy DM08 of the NDTLP. In addition, Policy ST14 seeks to deliver biodiversity enhancement through development.
- 4.2. The application is accompanied by an Ecological Impact Assessment, produced by Joseph Lane Ecology, dated February 2021. The Impact Assessment identifies that the proposal would be acceptable and would not result in any harm to a protected species. In addition, it confirms that the planting of new hedgerow would result in a long-term biodiversity gain, as required by policies DM08 and ST14.
- 4.3. Subject to conditions to secure the planting of hedgerow, the proposal is considered to accords with policies DM08 and ST14 of the NDTLP.

5. Highways

- 5.1. Policies ST10 and DM05 of the NDTLP seek, among other things, to ensure that development does not adversely affect the local or strategic highway network and that vehicular accesses are safe and well designed. In addition, DM06 of the NDTLP seeks to ensure that appropriate parking provision is delivered as part of development.
- 5.2. The Highways Authority has been consulted and note that the site has good visibility in either direction. No objections are raised.
- 5.3. Based upon the above points, it is considered the proposal complied with ST10, DM05 and DM06 of the NDTLP, along with national policies within the NPPF.

6. Drainage

- 6.1. Policy ST03 of the NDTLP notes that development should 'adopt effective water management including Sustainable Drainages Systems, water quality improvements, water efficiency measures and the use of rainwater'. In addition, policy DM04 notes development should provide effective water management including Sustainable Drainage Systems, water efficiency measures and the reuse of rainwater.
- 6.2. The NPPF and Planning Practice Guidance provide further advice on foul drainage, with a hierarchal approach being used. The PPG notes new development should aim to discharge foul water into the public sewer; however, if this is not possible then a package treatment plant may be used. It proceeds to note if a package treatment plant is not possible to use, then a septic tank will be considered. Justification for the use of alternative drainage systems other than mains drainage is required.
- 6.3. This application proposes to utilise an existing drainage system. The Council's Environmental Protection Team had sought further information to ensure the capacity of the existing septic tank was sufficient. The Planning Officer discussed this with the applicant, who noted: "I spoke to the company that empties our tanks and they said all we need to do is empty them more often."

- 6.4. The Environmental Protection Officer noted that the increased emptying of septic tanks would not be an acceptable solution, and the applicant has since confirmed that in this case the existing septic tank would not be a sufficient size for the increased flows.
- 6.5. The applicant will need to increase the capacity of the foul drainage network on site, and it is considered that this is achievable. A condition (see condition 7) is recommended, seeking further information to be agreed and implemented. If the applicant can agree this prior to committee, this condition can be amended to a compliance condition. Subject to condition, the proposal is acceptable with regards to foul drainage.
- 6.6. The proposal is considered to be acceptable with regards to surface water.

7. Heritage

- 7.1. This application is approximately 175 metres from Smytham Manor, which is a grade II listed building. St Giles Church (Little Torrington), is also grade II listed and is approximately 500 metres to the northeast.
- 7.2. Policies ST15 and DM07 of the NDTLP, and Part 16 of the NPPF requires that great weight is given to the conservation of heritage assets, with any harm caused to the heritage asset or its setting to be outweighed by the public benefits of the proposal. This is reinforced by Sections 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which require the Local Planning Authority to have special regard to the desirability of preserving the building/s, its setting or any features of special architectural or historic interest which it possesses.
- 7.3. Paragraph 199 of the NPPF states: When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 7.4. The Council's Conservation Officer was consulted on this application, and notes:

"The proposal seeks to extend the area for holiday use into an adjoining fields to the existing park and facilities. The listed building complex is to the south west of the proposal and screened by the existing landscaping and facilities on site. The visual impact will be minimal given the changes already undertaken to the setting of the listed manor house. The proposal is considered to be acceptable in terms of paragraph 202 of the NPPF as the significance of the property is not affected over and above the existing situation."
- 7.5. Based on the presence of the existing caravan site, the screening between the site and listed buildings, and the lack of objection from the Conservation Officer, the proposal is considered to cause no harm to the setting of any nearby listed building.
- 7.6. Devon County Council's Historic Environment Team confirm that the proposal is acceptable with regards to below ground heritage.

8. Conclusion/Recommendation

- 8.1. The principle of holiday accommodation/an extension to the existing park is acceptable. There would be some landscape harm which arises from the scheme; however, this will be mitigated by planting, a restriction of development on the most visually prominent part of the site, and the limitation of the types of caravans allowable. In terms of advantages, the proposal would result in economic benefits to the local area arising from the potential increases in visitor numbers. In addition, the proposal will result in a biodiversity gain

through the planting of new hedgerow. There are no heritage, highways, drainage (subject to condition) or residential amenity impacts. Approval is recommended.

Human rights

Consideration has been given to the Human Rights Act 1998.

Conclusion

It is therefore considered that subject to the compliance with the attached conditions and taking into account all other material planning considerations, including the development plan the proposal would be acceptable.

Recommendation

GRANT subject to the following conditions

- 1 The development to which this permission relates must be begun no later than the expiration of three years beginning with the date on which this permission is granted.

Reason: The time limit condition is imposed in order to comply with the time requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in accordance with the approved plans listed in the Plans Schedule.

Reason: To ensure the development is carried out in accordance with the approved plans.
- 3 The premises shall be used for holiday accommodation only and for no other purpose.

Reason: To ensure that the holiday accommodation is occupied in accordance with the justification for the development provided.
- 4 This development shall be limited to touring pitches only, and not for static caravans. For the avoidance of doubt, no caravan shall remain on the site for a period/s of longer than three months (combined) in any six month period, and shall be removed for the park in its entirety in the intervening times.

Reason: To limit the landscape harm which would arise from the siting of static caravans.
- 5 No development shall take place on the 'top section' of the site (shaded yellow on the proposed site plan). In addition, the top section shall not be used for the siting or parking of caravans, motorhomes, or vehicles, and shall be used only as amenity land in association with the caravan park, or for the pitching of tents. Any tent pitched in the top section area shall not remain for a period of more than two weeks in any calendar month.

Reason: To avoid the spread of development (including caravans, yurts etc) onto this prominent hilltop location, limiting the landscape impact of the scheme.
- 6 The landscaping hereby approved shall be implemented in accordance with the agreed details, including the planting of new native hedgerows as shown on the approved hedgerow plan and proposed site plan, and the planting of a minimum of 11 native trees (indicated on the proposed site plan). The native trees shall be a minimum of three years old when planting. The planting shall be completed within a period of 12 months following the development being brought into use. If within a period of five years from the date of the planting of any tree or shrub, that tree/shrub, or any tree/shrub planted in replacement for it, is removed, uprooted, destroyed, dies or becomes seriously damaged or defective another tree/shrub of the same

species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure that the development assimilates into the surrounding area, in accordance with ST04, ST14, DM04, DM08, and DM08A of the NDTLP.

- 7 The proposed development shall not come into use until upgraded works for the disposal of sewage have been provided on site, in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority

Reason: To ensure that the site is served by adequate foul drainage provision.

Plans Schedule

Reference	Received
LOCATION PLAN	01.02.2021
HEDGEROW PLAN	07.09.2021
2145 P 03 B	07.09.2021
2145 P 02 B	07.09.2021

Statement of Engagement

The National Planning Policy Framework requires local planning authorities to work positively and proactively with applicants to achieve sustainable development. Throughout the application process guidance has been given to the applicants and all outstanding issues have been identified.

In this instance the Council required additional information following the consultation process. The need for additional information was addressed with the applicant and submitted for further consideration.

The Council has therefore demonstrated a positive and proactive manner in seeking solutions to problems arising in relation to the planning application.