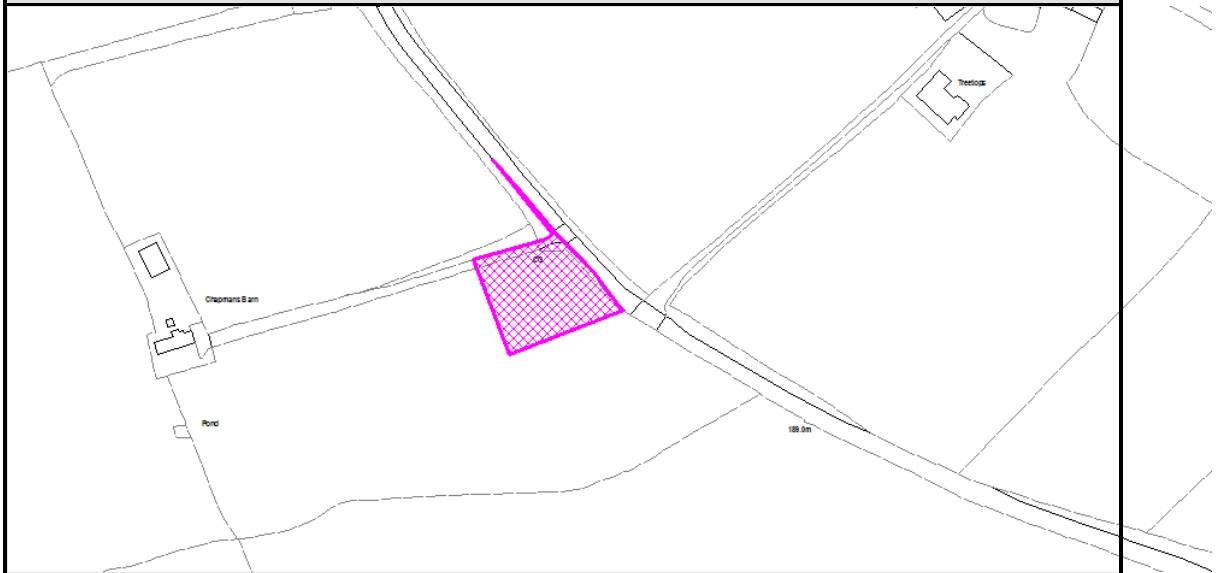


Committee Report – 2nd February 2023

Application Number:	1/1000/2022/FUL
Registration date:	18 October 2022
Expiry date:	13 December 2022
Applicant:	Giffords LLP
Agent:	
Case Officer:	Sarah Boyle
Site Address:	Chapmans Barn, Stibb Cross, Torrington, EX38 8LN,
Proposal:	Proposed business premises
Recommendation:	Refuse



Reason for referral:

Councillor McGeough has called in the application as a Plans Committee member for the following reason:

'Economic benefit for rural enterprise - Rural Employment.'

Relevant History:

Application No.	Description	Status	Closed
1/1171/1984	CONVERSION OF BARN INTO DWELLING WITH ACCESS AND SEPTIC TANK DRAINAGE	PER	07.02.1985
1/0975/1985	HIGH VOLTAGE OVERHEAD LINE, CHAPMANS, STIBB CROSS,	PER	11.09.1985
GE/0598/2019	Queries relating to agricultural occupancy condition	XPE	03.10.2019
1/1036/2021/FUL	Proposed extension and alterations to dwelling	PER	07.07.2022
1/1192/2021/FUL	Proposed business premises (amended plans and documents)	WDN	14.03.2022

Site Description & Proposal

Site Description

The proposed site is located in the open countryside to the northwest of Stibb Cross which is designated as a Schedule B: Village in the North Devon and Torridge Local Plan (NDTLP). The site allocated for the proposed building is to the east of the associated dwelling and sits right next to the access off of the classified highway. The site is surrounded by open fields and the nearest third-party dwelling is over 200 metres to the northeast.

Proposed Dwelling

The application seeks full planning permission for a business premises for the Applicant's accountancy business.

The building proposed will measure 20 metres x 10 metres with a ridge height of 6.2 metres and an eaves height of 3.2 metres and will create a new access off the access track which leads to the house known as 'Chapmans Barn' where the applicant resides.

The materials to be used for the construction of the building will be timber cladding for the elevations, metal profile sheeting for the roof with four roof lights on the west elevation, and aluminium/upvc for the windows and doors. The roof will also include pv panels on the west elevation.

The proposed plans include a new hedge to the south of the building and then a post and rail fence to the west, the access road will be to the north and to the east there will be a new hedgebank.

Consultee representations:

Langtree Parish Council:

No response received.

Environmental Protection Officer:

Second Response:

Thank you for forwarding the revised foul drainage scheme in relation to the above application.

The percolation test results indicate that the ground has sufficient permeability to accommodate the proposed drainage field in the new location to the west of the building. The calculations suggest 133 metres length of trench is required although the drawing shows only 120 metres. However, sufficient land is available.

The Environmental Protection Team considers the revised proposal to be a satisfactory foul drainage provision.

First Response:

The following consultation response is provided by the Environmental Protection Team in relation to the above application.

The proposed development is to be served by a non-mains foul drainage provision consisting of a treatment plant discharging to a drainage field. The site plan provided shows the proposed location of the drainage field is, in part, sited beneath the access road. BS6297 states that access roads, driveways or paved areas should not be located within the disposal area. Subsequently, the foul drainage provision does not accord with relevant guidance.

It would appear that there is insufficient land to accommodate a drainage field, of dimensions required in the submission, avoiding the access road and maintaining recommended separation distances to the site boundary and water distribution pipe, as well as allowing a minimum 1 metre of undisturbed ground between infiltration trenches. However, it is noted that the applicant has land available to the south that may be used to accommodate a drainage providing suitable percolation can be demonstrated.

At this time, the Environmental Protection Team is not satisfied that an adequate foul drainage provision, in accordance with BS6297, will serve the proposed development. The applicant will need to review and revise the provision after which the Environmental Protection Team will provide further comments.

Devon County Council (Highways):

Observations:

I note that this planning application is a resubmission of the previously submitted 1/1192/2021/FUL. The access and visibility splays were agreed at that point and the access proposal for this application is very similar. As a result, I am satisfied that the application offers 'safe and suitable' access, as is the test of the National Planning Policy Framework (NPPF).

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, RECOMMENDS THAT THE FOLLOWING CONDITIONS SHALL BE INCORPORATED IN ANY GRANT OF PERMISSION

1. Visibility splays shall be provided, laid out and maintained for that purpose at the site access in accordance with the attached diagram 08213-TDA-DR-PL-0014 where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 1.05 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.4 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be 140 metres in a north-west direction and 125 metres in the other direction.

REASON: To provide adequate visibility from and of emerging vehicles.

2. Provision shall be made within the site for the disposal of surface water so that none drains on to any County Highway

REASON: In the interest of public safety and to prevent damage to the highway

Representations:

Number of neighbours consulted:	3	Number of letters of support:	0
Number of representations received:	1	Number of neutral representations:	0
Number of objection letters:	1		

One objection comment has been received for the application detailing the following reasons:

- Environmental
- Local Needs Requirement
- This is not an area that needs business development of this type, agricultural area and land should be kept for that purpose.
- Opens the door for further offices to be built on the same parcel of land.
- Could encourage infill development.
- Developments of this type belong in urban areas and not on agricultural land.

Policy Context:

North Devon and Torridge Local Plan 2011-2031:

ST07 (Spatial Development Strategy for Northern Devon's Rural Area); ST11 (Delivering Employment and Economic Development); DM14 (Rural Economy); ST04 (Improving the Quality of Development); DM04 (Design Principles); DM08A (Landscape and Seascape Character); DM01 (Amenity Considerations); DM05 (Highways); DM06 (Parking Provision); DM08 (Biodiversity and Geodiversity); ST14 (Enhancing Environmental Assets); ST03 (Adapting to Climate Change and Strengthening Resilience); DM02 (Environmental Protection);

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 planning considerations if a planning application was to be submitted for the proposed development are:

1. Principle of Development
2. Impact on Character and Appearance
3. Impact on Amenity
4. Access and Parking
5. Drainage
6. Ecology
7. Conclusion

1. Principle of Development

The proposed site is located in the open countryside to the north-west of Stibb Cross which is designated as a Schedule B: Village in the North Devon and Torridge Local Plan (NDTLP). The application site lies outside and detached from the settlement development boundary. Therefore, in planning terms the site is in a rural countryside location, and therefore development is guided by Policy ST07 (4) of the NDTLP. Policy ST07 (4) states: *'Within 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.'

The proposed development is to re-locate an existing accountancy business to the application site, where it is proposed to erect a new purpose-built building which caters for the needs of the employees and clients of the business. The building is to be located on a parcel of land which is associated with, but detached from, the applicant's dwelling that sits to the west.

When considering a new business in the countryside, Policy DM14 of the NDTLP is relevant and states:

DM14: Rural Economy

To support the rural economy, new small scale economic development at Rural Settlements and in the Countryside will be supported on the following basis:

- (a) change of use or conversion of a permanent and soundly constructed building; or
 - (b) sites or buildings adjoining or well related to a defined settlement or a Rural Settlement; or
 - (c) the proposed employment use has a strong functional link to local agriculture, forestry or other existing rural activity;
- provided that:
- (d) there is no adverse impact on the living conditions of local residents;
 - (e) the scale of employment is appropriate to the accessibility of the site and the standard of the local highway network; and
 - (f) proposals respect the character and qualities of the landscape and the setting of any affected settlement or protected landscape or historic assets and their settings and include effective mitigation measures to avoid adverse effects or minimise them to acceptable levels.

In light of the above policy, it is considered that as the application is for a new building then it would not comply with part (a) and after reviewing the information submitted it is not justified that the business would have a strong functional link to local agriculture, forestry or other existing rural activity for the proposal to comply with (c). The proposed building is to accommodate an accountancy business which offers a range of standard accountancy services and therefore the need to be in this countryside location has not been justified as there is no strong functional link with local agriculture, forestry or other existing rural activity to result in the business having to be located on this parcel of land. The fact some of the applicant's clients may be employed in these industries does not in itself mean the development should be enabled in this location under Policy DM14.

Therefore, to comply with Policy DM14, the proposal would need to comply with part (b). The site is outside of and detached from the development boundary for Stibb Cross, which is considered a Schedule B: Village, although there are main road links to Bideford and Torrington which are Strategic and Main Centres respectively. However, after reviewing the information submitted and assessing the proposal on site, it is considered that the application site is not well related to Stibb Cross both in terms of location and physical relationship but also the nature of the business that is being proposed. There is no evidence that has been submitted which can justify the essential need for the business to be located on this site and, with it currently operating elsewhere on an employment site in Bideford, why this is not a continued option for the business, rather than introducing a new built form in an open countryside location.

NDTLP Policy ST11 (7) states that '*proposals for economic development and diversification of the rural economy will be supported where they do not conflict with other Local Plan policies.*' In this case, conflict has been identified with Policies ST07 and DM14.

Paragraph 84 of the National Planning Policy Framework (2021) (NPPF) requires planning decisions to enable: '*a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings; b) the development and diversification of agricultural and other land-based rural businesses.*' The proposal does not relate to the growth or expansion of an existing rural business nor does the proposed use accommodate an agricultural or other land-based rural business. Whilst Paragraph 85 of the NPPF requires decisions to recognise that sites to meet local business and community needs in rural areas may have to be

found adjacent to or beyond existing settlements, and in locations that are not well served by public transport, it is your Officer's view that the proposed development fails meet a local business or community need.

The development is located in the countryside where the landscape is safeguarded by Policy DM08A from unwanted development, irrespective of whether the landscape is subject to any particular protective designation. The business proposed is not dependent on a countryside location and could be sited within a town or built-up area. The proposed operation is not likely to meet any local or social needs which would outweigh the harm of locating the business on this site and the consequent conflict with the spatial strategy set out in the NDTLP. As such it is considered that the application is contrary to Policies ST07 (4) and DM14 (a – c) of the NDTLP and therefore unacceptable as a matter of principle. Parts (d – f) of the NDTLP are considered under the relevant headings below.

2. Impact on Character and Appearance

Policies ST04 (improving the quality of development) and DM04 (design considerations) of the NDTLP, require new developments to be of a 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.

NDTLP Policy DM08A concerns landscape and seascape character and states in part (1) that *'development should be of an appropriate scale, mass and design that recognises and respects landscape character of both designated and undesignated landscapes and seascapes; it should avoid adverse landscape and seascape impacts and seek to enhance the landscape and seascape assets wherever possible'*. Policy ST14 (g) seeks to protect and enhance local landscape character.

The application seeks full planning permission for a business premises for the Applicant.

The building proposed will measure 20 metres x 10 metres with a ridge height of 6.2 metres and an eaves height of 3.2 metres and will create a new access off the access track which leads to the house known as 'Chapmans Barn' where the applicant resides.

The materials to be used for the construction of the building will be timber cladding for the elevations, metal profile sheeting for the roof with four roof lights on the west elevation, and aluminium/upvc for the windows and doors. The roof will also include pv panels on the west elevation.

The proposed plans include a new hedge to the south of the building and then a post and rail fence to the west, the access road will be to the north and to the east there will be a new hedge bank.

When considering the landscape type of the land subject to the proposed development it is defined as 1F: Farmed Lowland Moorland & Culm Grassland. This character type details the following special qualities: Distinctive Culm grassland habitats and associated birdlife; Traditional management regimes; Small field patterns enclosed by thick Devon banks and surrounded by open grazing land; Isolated farms and farmstead; and high levels of tranquillity and remoteness. One of the landscape and planning guidelines is to avoid the location of new development on prominent, open ridgelines.

The application is a re-submission of application (1/1192/2021/FUL) where the Applicant was advised that there were concerns with the location of the building within the landscape. This application has not amended the positioning of the building and therefore your Officer still has concerns with the impact the building would have on the landscape which has a very open character. Therefore, a building on this scale close to the highway would create a dominant feature and would not be representative of the building form in this location. After visiting the site and reviewing the location of the proposed building, it is considered that the building will be visually dominant and is not of a scale and form that is justified in this location.

The scale of the building is significant and there has been no evidence submitted during the process of the application to justify the scale of the development for the amount of staff or the practices carried out by the business. The site and surrounding context have minimal buildings adjacent to the highway being very open in character and therefore this proposal would introduce a new built form in a rural

location. Given this, an accountancy business premises and its associated access and parking, which, in planning terms, should be situated within a defined settlement, is incongruous and inappropriate in the context of the surrounding pastureland land, failing to respect its rural setting.

As such the application is considered contrary to policies DM04, DM08A, DM14(f), ST04 and ST14 of the NDTLP.

3. Impact on Amenity

Policy DM01 of the NDTLP relates to amenity considerations and notes, development will be supported where:

- a) It would not significantly harm the amenities of any neighbouring occupiers or uses; and
- b) The intended occupants of the proposed development would not be harmed as a result of existing or allocated uses.

One of the core principles of the NPPF is to secure high-quality design and a good standard of amenity for all existing and future occupants of land and buildings. One objection comment has been received for the application, but it is noted that this predominantly relates to the principle of development rather than an objection in terms of amenity impact. Based on the information provided; it is considered that the proposed development could be designed to have a minimal impact on the amenities of neighbouring occupiers or surrounding uses.

Therefore, it is considered that in light of the surrounding context and distance from any third party dwellings, the position of the building would not significantly harm the amenities of any neighbouring occupiers or uses and therefore the proposal is in accordance with DM01 of the NDTLP.

4. Access and Parking

Paragraph 110 of the NPPF indicates that access should be safe and suitable for all users. Paragraph 111 proceeds to advise that development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. In addition, Paragraph 112 notes that development should minimise the scope for conflict between pedestrians, cyclists and vehicles, respond to local character and design standards, allow for the efficient delivery of goods, and access by service and emergency vehicles.

Policy DM05 of the NDTLP relates to highways, and notes:

- (1) All development must ensure safe and designed vehicular access and egress, adequate parking and layouts which consider the needs and accessibility of all highways users including cyclists and pedestrians.
- (2) All development shall protect and enhance existing public rights of way, footpaths, cycle ways and bridleways and facilitate improvements to existing or provide new connections to these routes where practical to do so.

In addition, policy DM06 of the NDTLP relates to parking provision, and notes that developments will be expected to provide adequate parking depending on the needs of the scheme.

The site will be utilising an existing access off a classified highway and then creating a new access off the existing driveway. Devon County Council have been consulted and have commented the following for the application: *'I note that this application is a resubmission of the previously submitted 1/1192/2021/FUL. The access and visibility splays were agreed at that point and the access proposal for this application is very similar. As a result, I am satisfied that the application offers 'safe and suitable' access, as is the test of the National Planning Policy Framework (NPPF).'*

Devon County Council Highways have recommended two conditions if the application is approved. Considering the above it is considered that the application is in compliance with Policies DM05 and DM06 of the NDTLP.

5. Drainage

NDTLP Policy ST03 notes that development should 'adopt effective water management including Sustainable Drainages Systems, water quality improvements, water efficiency measures and the use of rainwater'. Policy DM02 states that development will be supported where it does not result in unacceptable impacts to pollution of surface or ground water. Policy DM04 requires development to 'provide effective water management including Sustainable Drainage Systems, water efficiency measures and the reuse of rainwater'.

The NPPF and Planning Practice Guidance provide further advice on foul drainage, with a hierarchical approach being used. The PPG notes new development should aim to discharge foul water into the public sewer.

The application originally proposed a soakaway for surface water and a new package treatment plant for foul drainage. The Environmental Protection Officer was consulted and detailed the following:

'The proposed development is to be served by a non-mains foul drainage provision consisting of a treatment plant discharging to a drainage field. The site plan provided shows the proposed location of the drainage field is, in part, sited beneath the access road. BS6297 states that access roads, driveways or paved areas should not be located within the disposal area. Subsequently, the foul drainage provision does not accord with relevant guidance.'

It would appear that there is insufficient land to accommodate a drainage field, of dimensions required in the submission, avoiding the access road and maintaining recommended separation distances to the site boundary and water distribution pipe, as well as allowing a minimum 1 metre of undisturbed ground between infiltration trenches. However, it is noted that the applicant has land available to the south that may be used to accommodate a drainage providing suitable percolation can be demonstrated.'

At this time, the Environmental Protection Team is not satisfied that an adequate foul drainage provision, in accordance with BS6297, will serve the proposed development. The applicant will need to review and revise the provision after which the Environmental Protection Team will provide further comments.'

The Applicant provided further information in relation to the drainage proposed on site which was re-assessed by the Environmental Protection Officer who commented the following:

'The percolation test results indicate that the ground has sufficient permeability to accommodate the proposed drainage field in the new location to the west of the building. The calculations suggest 133 metres length of trench is required although the drawing shows only 120 metres. However, sufficient land is available.'

The Environmental Protection Team considers the revised proposal to be a satisfactory foul drainage provision.'

As such the application is considered to be compliant with Policies ST03, DM02 and DM04 of the NDTLP.

6. Ecology

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 further reinforced within the NDTLP through Policies DM08 and ST14 which state that development proposals should conserve and, where possible, enhance biodiversity interests.

An Ecology Survey has been submitted alongside the application. The report states that: *'the site is of low ecological value. Recommendations are made relating to the methodology of removal of a section of earth bank to provide mitigation for the potential disturbance of species supported by the earth*

bank. There are opportunities for ecological enhancements from the creation of hedges to provide boundaries to the roadside east and south of the site. It is considered that if this mitigation strategy is adhered to, and enhancements made, the proposed works are likely to have a negligible impact on protected sites and habitats.'

In light of the above, were the application to be approved, it would be considered reasonable to add a condition to make sure that all mitigation measures and enhancement recommendations are adhered to. Taking this into account, it is considered that the application is in accordance with Policies DM08 and ST14 of the NDTLP.

Conclusion

The proposed building is for an accountancy business and from assessing the documents it is considered that such a use is not dependent on a countryside location and should be sited within a defined settlement. After visiting the site and reviewing the location of the proposed building, it is considered that the building will also be visually dominant and is not of a scale and form that is justified in this location. The scale of the building is significant and is not justified in relation to the practices carried out by the business. The site and surrounding context have minimal buildings adjacent to the highway, being very open in character, and therefore this proposal would introduce a new built form in a rural location that is in conflict with the Spatial Development Strategy set out in the NDTLP. As such, the proposal would be contrary to Policies ST07, ST04, ST11, ST14, DM04, DM08A and DM14 of the NDTLP.

Human rights

Consideration has been given to the Human Rights Act 1998.

Recommendation

REFUSE for the following reasons:

- 1 The proposed development is not considered to be a development that is necessarily restricted to a countryside location; it does not involve rural building reuse, have a strong functional link to local agriculture, forestry or any other existing rural activity, and the site does not relate well to any defined settlement. Consequently, due to the lack of justification for the proposed development to be located in this sensitive countryside location is unacceptable and the proposal is contrary to Policies ST07, ST11 and DM14 of the North Devon and Torridge Local Plan 2011-2031.
- 2 The proposed employment use of the site would not be consistent with the prevailing character of agricultural uses, isolated dwellings and small scale settlements within the surrounding area, thereby detracting from, and causing harm to, the established character of this part of the countryside. The proposal is therefore contrary to ST04, ST14, DM04 DM08A and DM14(f) of the North Devon and Torridge Local Plan 2011-2031.

Plans Schedule

Reference	Received
08213-TDA-DR-PL-0006 P02	27.09.2022
08213-TDA-DR-PL-0014 P01	27.09.2022

Statement of Engagement

In accordance with paragraphs 38 of the National Planning Policy Framework (NPPF) in dealing with this application, the Council has worked with the applicant in the following and positive and proactive manner. We have made available detailed advice in the form of our statutory policies in the Development Plan, Supplementary Planning Documents, Planning Briefs and other informal written

guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably. In such ways the Council has demonstrated a positive and proactive manner in seeking solution to problems arising in relation to the planning application.

The applicant entered into pre-application discussions and a previous application where key issues were identified. The documents submitted have failed to address the issues raised at a pre-application stage therefore no further discussion was deemed necessary at application stage, as these issues has not been adequately addressed.