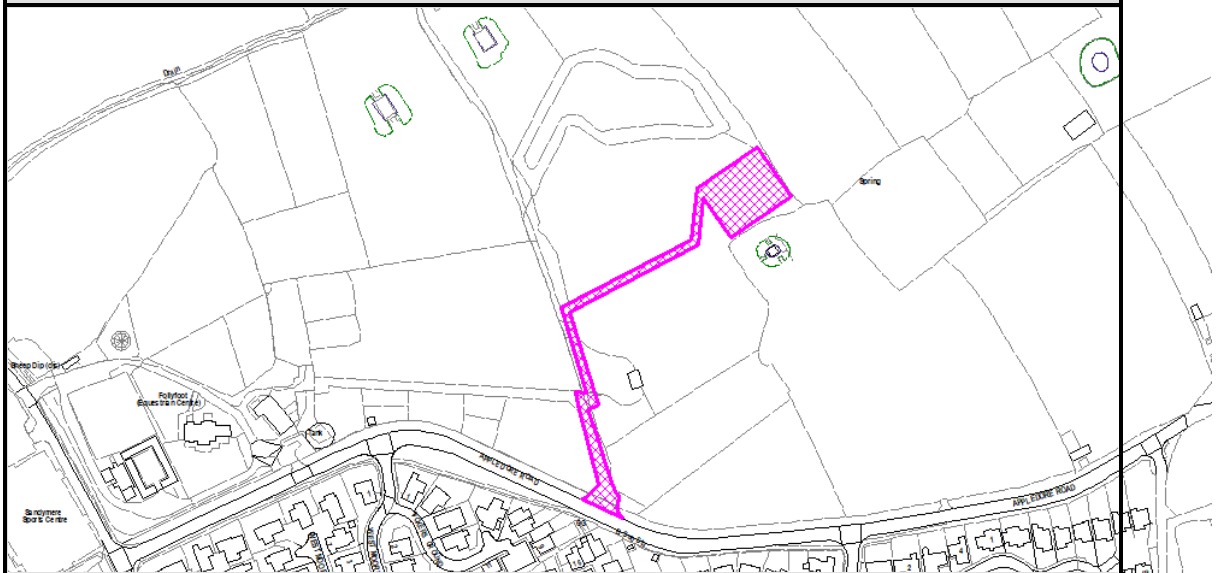


Committee Report – 1st February 2024

Application Number:	1/0838/2023/FUL
Registration date:	20 November 2023
Expiry date:	15 January 2024
Applicant:	Miss Sally Jobson-Scott
Agent:	Fearnley Lott Architects
Case Officer:	Ryan Steppel
Site Address:	Land At Grid Reference 244858 129911, Northam, Devon,
Proposal:	Part retrospective application for all weather turnout
Recommendation:	Refuse



Reason for referral:

Cllr Ford called in the application if the case officer was minded to refuse, on the basis that the location has evolved to be mainly an equine area.

Relevant History:

Application No.	Description	Status	Closed
1/1068/2021/FUL	The erection of two barns for continued equestrian use and associated works	REF	16.02.2022

Site Description & Proposal

Site Description:

The application site comprises a section of agricultural land approximately 200m north of Appledore Road. In addition, the site is approximately 170m south of Northam Burrows. Overall, the land which surrounds the application site can be characterised by its open and broadly levelled appearance. As a result, the wider site is visible to long-distance views from much of Appledore Road and Northam Burrows. The application site currently comprises of an extensive area of excavated land with large earth constructed bunds located on the northern, eastern and southern borders of the turnout (consent for these works are sought retrospectively). The proposed plans indicate further bund/banks to be provided to the west of the turnout. The all-weather turnout is approximately 46m x 35m in size.

The application site is surrounded by surviving remnants of the Chain Home Station and RAF Northam.

For context, Chain Home, or CH for short, was the codename for the ring of coastal early warning radar stations built by the Royal Air Force (RAF) before and during the Second World War to detect and track aircraft. Chain Home was the first early warning radar network in the world and the first military radar system to reach operational status.

These remnants include but are not limited to:

- an existing bunker which has been stripped of its previous earth mound approximately 80m south-west of the application site
- A transformer kiosk block 10m south of application site separated by an existing hedgerow/treeline
- Concrete base for Radar Mast and foundations of two military structures/buildings associated with RAF Northam/the Chain Home Station within 200m of application site

All the above features are Listed individually (Grade II) but also form part of a wide group of listed war-related infrastructure connected with RAF Northam and the Chain Home Station.

The application site is located within the Coast and Estuary Zone. The site is located 170m south of the Northam Burrows which form part of the Area of Outstanding Natural Beauty (AONB) designation and is designated as a Site of Special Scientific Interest (SSSI).

Development:

This application seeks full planning permission (part retrospective) for an all-weather turnout and associated earth banks/bunds. The Site Plan indicates that a proposed French drain is to be installed on the perimeter of the turnout area to feed into existing land drainage.

Consultee representations:

Northam Town Council:

Northam Town Council recommended that this proposal be granted permission.

Conservation Officer:

This is another development proposal on a visually sensitive margin between Northam and the Northam Burrows. The application follows the refusal of a stable block on the adjoining field and has highlighted the cumulative nature of development now sought in this area. It is now understood that this is not an expansion to the Follyfoot riding stables but seeks a new independent facility. While the officer can only comment on the proposal submitted the additional pressure on this fringe land forming the buffer between the wild landscape of the burrows and the urban expansion of Northam causes challenges to officers. In this case the potential harm to the landscape is exacerbated by the designation of the area as 'listed'. The actual area of RAF Northam was more widely spread than realised when the development areas were designated but the land on which Follyfoot stables was eventually granted permission was always considered to be rural. The business on site has urbanised the approach to the burrows and the new proposal continues this process along the Appledore road.

In terms of the setting of the listed structures the introduction of modern features such as fencing, structures and the uncovering of the listed type 'C' receiver block have catastrophically altered the views across the site and to the burrows park beyond. This is not helped by the storage of paraphernalia such as a caravan, vans including a horse transporter and assorted domestic items such as gas canisters.

In the consideration of this proposal for a turnout of dimensions 46 metre by 35 metres together with works to level the area which has resulted in bunds of over 3.5 metres on the south east boundary of the site has resulted in visual and operational intrusion into this part of the site which at the south eastern edge of the designated area which includes structures related to the Northam Chain Home station.

The proposal will cause harm to the setting of this heritage asset in that it introduces an urbanised feature within an area which is currently experienced as an undeveloped rural area on the fringe of a country park. While at the time of operation RAF Northam would have been a busy station the appearance of this area (and its success) was that apart from the towers, the paraphernalia was covert and assimilated into the landscape in this coastal fringe area.

The proposal is required to be considered under guidance set out in paragraphs 194-202 (200 -214 of amended version) of the NPPF and paragraph 66 of the Planning (Listed Buildings and Conservation areas) Act 1990.

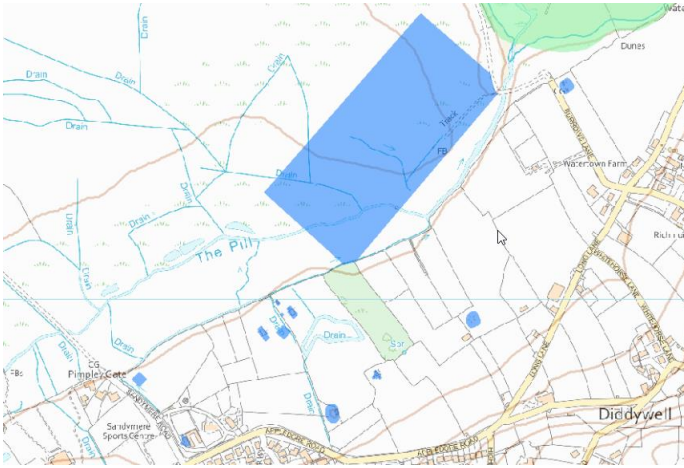
The level of harm is considered to be less than substantial, but the cumulative visual harm associated with the creation of a new separate equestrian business on site does make this at the higher level of less than substantial.

The officer has to consider whether the proposal would be outweighed by any public benefit which in this case has not been demonstrated or quantified.

The proposal is also considered at odds with section 66 of the Planning (Listed Buildings and Conservation areas) Act 1990 the local planning authority *shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*

The introduction of a large flat area surfaced with a non-native material is considered to harm the wider setting of the listed assets on the RAF Northam Chain Home Station and as such considered to be contrary to section 66.

The proposal should be resisted.



<https://historicengland.org.uk/listing/the-list/list-entry/1425450?section=official-list-entry>



**DCC Archaeology Section:
First Response**

The Historic Environment Team objects to this planning application.

The proposed development lies adjacent and to the north of the grade II listed WWII military structure – a transformer kiosk block - (List Entry Number: 1425450) associated with the Northam Chain Home Radar Station. Despite this proximity the heritage statement is lacking in any detailed consideration of the significance of the Radar Station as a whole, the setting of the monument itself and the impact of the creation of an all-weather turnout and associated boundaries in this location. There are no views towards or from the listed structure to the south or from any of the other elements of the radar station complex. Nor is there any consideration of the impact of the groundworks with any below-ground archaeological deposits associated with the WWII radar station or any earlier archaeological deposits that may be present.

Of particular concern with regard to this proposed development is that the proposed access track runs adjacent and to the south of the radar receiver block at NGR 244856,129791 to the south. The radar receiver block, despite being protected as a listed building, has recently had its protective earth traverse removed without listed building consent by the applicant which has exposed the (formerly)

subterranean structure. The proposed access road is located within the area formerly occupied by the earth traverse and in an area protected by the designated nature of the monument here. The construction of an access track here will have an impact upon the setting of this designated heritage asset and will to all intents and purposes prevent the reinstatement of the earth traverse and bitumen lining that the applicant has stated they intend to undertake as set out in the appellant's final comments with regard to the dismissed appeal against the refusal of planning application 1/1068/2021/FUL (reference APP/W1145/W/22/3304623 – appeal decision appended to this agenda item). The construction of an access track here will cause further substantial harm to this designated heritage asset. Despite the statutory protection of the WWII structure here the supporting information for this planning application contains no consideration of the significance of this designated heritage asset or of the impact of the proposed development upon its significance.

In the absence of an adequate heritage impact assessment and the impact upon the nearby receiver block the Historic Environment Team would therefore advise that this application refused by your Authority being contrary to part (b) Policy ST15 of the North Devon and Torridge Local Plan where:

Great weight will be given to the desirability of preserving and enhancing northern Devon's historic environment by:

(b) conserving cultural, built, historic and archaeological features of national and local importance and their settings, including those that are not formally designated;

It is also contrary to the following National Planning Policy Framework paragraphs:

- Para 194 (200 of amended NPPF) that requires: "... an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary."
- Para 200 (207 of amended NPPF) that requires: "Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of: a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;"
- and 201 (208 of amended NPPF) where: "Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply: a) the nature of the heritage asset prevents all reasonable uses of the site; and b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and d) the harm or loss is outweighed by the benefit of bringing the site back into use."

Should the applicant wish to pursue this application and/or the proposed development I would advise that further heritage information is required to support any revised or new planning application. This should consist of: i) The rerouting of the access track is rerouted to minimise any impact upon any designated heritage assets here; ii) The provision of construction details for the proposed access track to enable the below-ground impact to be understood; iii) A detailed heritage impact (including visual impact) assessment report - undertaken to understand the impact upon the setting of nearby elements of the RAF Northam Radar Station and including an archaeological assessment of the groundworks already undertaken to determine what, if any, archaeological and artefactual material has been affected by the groundworks undertaken to date;

As it stands the proposed development has elements that are unacceptable, and the information submitted in support of this application is not sufficient to enable an understanding of the significance of the heritage assets within or adjacent to the application area or of the impact of the proposed development upon these heritage assets.

I will be happy to discuss this further with you, the applicant or their agent. The Historic Environment Team can also provide the applicant with advice of the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work. Provision of detailed advice to nonhouseholder developers may incur a charge. For further information on the historic environment and planning, and our charging schedule please refer the applicant to: <https://new.devon.gov.uk/historicenvironment/development-management/>.

Second Response:

The Historic Environment Team objects to this planning application.

Thank you for sending through the revised red line for the above planning application. While this amendment removes the application area from the area protected by the WWII Northam Chain Home Radar Station the information submitted in support of this application still does not include an adequate consideration of the impact of the scheme upon the setting of this nationally important designated heritage asset.

To reiterate my previous comments, amended in the light of the revised red edge to the application: The proposed development lies adjacent and to the north of the grade II listed WWII military structure - a transformer kiosk block - (List Entry Number: 1425450) associated with the Northam Chain Home Radar Station. Despite this proximity the heritage statement is lacking in any detailed consideration of the significance of the Radar Station as a whole, the setting of the monument itself and the impact of the creation of an all weather turnout and associated boundaries in this location. There are no views towards or from the listed structure to the south or from any of the other elements of the radar station complex. Nor is there any consideration of the impact of the groundworks with any below-ground archaeological deposits associated with the WWII radar station or any earlier archaeological deposits that may be present.

In the absence of an adequate heritage impact assessment and the impact upon the nearby receiver block the Historic Environment Team would therefore advise that this application refused by your Authority being contrary to part (b) Policy ST15 of the North Devon and Torridge Local Plan where:

Great weight will be given to the desirability of preserving and enhancing northern Devon's historic environment by:

(b) conserving cultural, built, historic and archaeological features of national and local importance and their settings, including those that are not formally designated;

It is also contrary to the following National Planning Policy Framework paragraphs:

- Para 194 (200 of amended NPPF) that requires: "... an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary."
- Para 200 (206 of amended NPPF) that requires: "Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of: a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;"

- and 201 (207 of amended NPPF) where: “Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply: a) the nature of the heritage asset prevents all reasonable uses of the site; and b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and d) the harm or loss is outweighed by the benefit of bringing the site back into use.”

Should the applicant wish to pursue this application and/or the proposed development I would advise that further heritage information is required to support any revised or new planning application. This should consist of a detailed heritage impact (including visual impact) assessment report - undertaken to understand the impact upon the setting of nearby elements of the RAF Northam Radar Station and including an archaeological assessment of the groundworks already undertaken to determine what, if any, archaeological and artefactual material has been affected by the groundworks undertaken to date;

As it stands the proposed development has elements that are unacceptable, and the information submitted in support of this application is not sufficient to enable an understanding of the significance of the heritage assets within or adjacent to the application area or of the impact of the proposed development upon these nationally important heritage assets.

I will be happy to discuss this further with you, the applicant or their agent. The Historic Environment Team can also provide the applicant with advice of the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work. Provision of detailed advice to nonhouseholder developers may incur a charge. For further information on the historic environment and planning, and our charging schedule please refer the applicant to: <https://new.devon.gov.uk/historicenvironment/development-management/>.

Natural England:

No objection.

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Natural England’s generic advice on other natural environment issues is set out at Annex A.

AONB Team:

No response received.

The Environment Agency:

No response received.

Devon County Council (Highways):

Standing Advice

Environmental Protection Officer:

The Environmental Protection Team has no objections to the proposed development.

Representations:

Number of neighbours consulted:	23	Number of letters of support:	3
Number of representations received:	3	Number of neutral representations:	0
Number of objection letters:	0		

No objection comments received. The application has attracted 3 letters of support, which raise the following matters:

- The land has been used for horse breeding and equestrian purposes for many years.
- The land can become waterlogged, and an all-weather turnout would be beneficial for the horses' health and wellbeing.
- The Applicant sold the main part of Follyfoot Equestrian Centre in 2021, which is the riding school and livery yard, she is still using their stabling which creates risks around spread of disease.

Policy Context:

North Devon and Torrington 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); ST09 (Coast and Estuary Strategy); ST10 (Transport Strategy); ST14 (Enhancing Environmental Assets); ST15 (Conserving Heritage 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); DM16 (Equine Development);

Government Guidance:

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

Planning Considerations

Main Planning Considerations:

1. Principle of Development
2. Impact on Character, Heritage and Landscape
3. Impact on Residential Amenity
4. Highways, Access and Parking
5. Drainage Provision
6. Ecology

1. Principle of Development:

Paragraph 2 of the National Planning Policy Framework (NPPF) states that planning law (namely Section 38(6) of the Planning & Compulsory Purchase Act 2004 and Section 70(2) of the Town & Country Planning Act 1990) requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.

The application site is located in the Countryside outside of the designated settlement of Northam as identified on the Proposals Maps to the North Devon and Torrington Local Plan (NDTLP). As a result, the provisions of part (4) of Policy ST07 of the NDTLP are relevant which state:

'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'.

In addition to Policy ST07, Policy ST09 is considered relevant due to its location within the Undeveloped Coast. The application site is located within a close distance to the Area of Outstanding Natural Beauty. Policy ST09 (7) states that development within the Undeveloped Coast will be supported where it does not detract from the unspoilt character, appearance and tranquillity of the area, nor the undeveloped character of the heritage coasts, and it is required because it cannot reasonably be located outside the undeveloped coast and estuary. NDTLP Policy ST14 requires the Council to have regard to conserving and enhancing the AONB (e), ensuring development conserves

and enhances northern Devon's local distinctiveness including its tranquillity (f) and recognising the importance of the undeveloped coastal, estuarine, and marine environments (g). Furthermore, recent planning appeals (APP/W1145/W/21/3283161 - Land at Bloody Corner) have referenced the Undeveloped Coast as a finite resource and thus should be accordingly protected from the proliferation of development which could erode such qualities.

The site and its wider surroundings also share a significant relationship with heritage assets of cultural and historical importance. As such, NDTLP Policies DM07 and ST15 are relevant which require the conservation of heritage assets and their landscapes, noting the importance of the historic dimension of the surrounding landscape. The surrounding area is host to remnants from the Northam RAF Chain Home Station, which in close proximity includes the receiver block (south of proposal) by 18m, the foundations of the mast, and an existing bunker (now stripped of its traversal mound). All of these assets are individually listed but also form part of a wider grade II listing, underpinned by a report undertaken by Historic England submitted to DCMS (Department for Culture, Media and Sport) in 2015.

The location plan originally submitted encompassed land (near the access/adjacent the listed bunker) within the red edge where development is considered to have occurred in the form of a hardcored track without planning permission. Upon consultation with the DCC Archaeology Officer, the application area fell upon land which would have originally comprised of the traversal mound over the existing bunker. As such, the Planning Agent was advised of these implications who was keen to assert that such an application was only made for the turnout and therefore, the location plan was amended to change the route of the red edge to avoid the hardcored access. Following this exercise, the application was re-started with a full re-consultation taking place.

The impact upon the heritage assets is to be considered further later in the report.

In addition, Policy DM16 supports equine development on the basis that attempts have been made to re-use existing buildings, and where not possible, development is well related to existing buildings. The turnout is not well related to existing buildings and thus is considered contrary to Policy DM16.

It is noted that the applicant has confirmed the nature of the requirement in needing an all-weather turnout for her stallion, youngstock and brood mares in a safe enclosed environment. However, such isolated requirements would be considered contrary to the local policies which prevent development of that nature (ST07, ST09, ST14, DM16) in this protected location. Such policy conflicts are compounded as it is in a location that would be harmful against the qualities of the area, including its sense of tranquillity and openness.

The perspectives gained towards the site from Appledore Road would encompass not only the site subject of this application, but the Northam Burrows and the uninterrupted coast beyond. Policy ST09 requires that there be a suitable reason as to why the development could not be located elsewhere (outside of the protected landscape), and no such information has been provided which satisfactorily justifies the location of the development and the harm the development causes.

Thus, the justification provided is not considered to be sufficient to justify the identified harm which arises. Therefore, the proposal is considered to be in conflict with Policies ST07, ST09, ST14, ST15, DM07 and DM16 of the NDTLP.

2. Impact upon Character, Heritage and Landscape:

Policy DM04 of the NDTLP sets out key design principles for proposed development stating that these should be appropriate and sympathetic to their setting in terms of scale, density, massing, height, layout appearance, fenestration, materials and their relationship to buildings and landscape features within the local area. Policies ST09, ST14 and DM16 are also relevant.

In addition, Policy DM08A of the NDTLP recognises the value of designated and undesignated landscapes, taking account of the sensitivity of such landscapes and evaluating impact, utilising guidance from the Joint Landscape and Seascape Character for North Devon and Torridge (LCT).

Furthermore, Policies ST09, ST14 and DM16 require any development to be appropriately located, with tranquillity and openness a key factor in the consideration of any harm.

Paragraph 6.7 of the NDTLP recognises the importance of the North Devon's landscape considerations such as its topography, geology, soil, climate and cultural heritage which should be highly regarded when making decisions that impact character. The key characteristics of all landscape character types are defined in the Joint Landscape Character Assessment updated in 2023. Within this document, areas are grouped by their characteristics which reinforce local decision making to ensure that proposals seek to conserve or enhance those characteristics. The site subject of this proposal is classified as 5B: Coastal Undulating Farmland.

The key features of this particular landscape are as follows:

- Wide, uninterrupted sea views evoke a strong sense of openness.
- Strong field patterns (including medieval fields) with frequent crooked hedgerow trees provide a sense of time depth in the landscape.
- A working agricultural landscape of productive rolling farmland, with a strong rural character.
- Important coastal habitats valued for their nature conservation interest.
- The peaceful and tranquil qualities, with low levels of development.

As such, Members must consider whether the impact associated from the proposal would have an adverse impact upon these qualities. This is further underpinned by Policies ST09 (7) which ensures the protection of the Undeveloped Coast from such harm which could affect the tranquillity, peace, rural character, and appearance of the surrounding landscape. The site is visible to uninterrupted views because of the contiguous, flat topography where the emergence of any key features, say, the collection of earth bunding or a large turnout, which is not typical of this location, is likely to appear alien. Furthermore, the land subject of this application is read as part of a wider congregation of fields, and part of an open, undeveloped coast where practically no development has occurred. This matter was also discussed within a recently dismissed appeal for an equestrian building proposed to the immediate south of the application site (appeal reference APP/W1145/W/22/3304623 – appeal decision appended to this agenda item) where the Inspector stated the following:

‘Although the site is close to a road with the suburban edge of Northam extending up to the other side of the road, it is seen as part of an open, wild and tranquil landscape that is characterised by a significant lack of development. Existing development in the area is limited to the isolated and visually discrete defence structures, which include the Receiver Block. The site is outside the North Devon Coast Area of Outstanding Natural Beauty (AONB), but forms part of its setting and shares characteristics with it. The broad and expansive open landscape around the appeal site extends from the developed edge of Northam to the sea and over the AONB.

Vegetation in the area is limited, low lying and windswept, which adds to its wild appearance. Significant additional planting that would be sufficient to meaningfully reduce the visual impact of the building by thickening up the existing hedge and planting to the south and east would not accord with the area's character and appearance. Thus, the proposal would harm the openness and tranquil character and appearance of the area. It would draw development presence out from the well defined edge of the settlement into the open and wild landscape to the north of the road. In this context the building would be prominent to view and incongruous within an area that is characterised by broad and expansive vistas and a lack of significant development.’

It is within this context and policy basis which seeks to protect the unspoilt character, openness, and tranquillity, where it is considered that the development is likely to have direct and significant harm, including any measures to screen or limit the impact of the turnout, such as the proposed earth bunds, upon these qualities. The proposal is therefore accordingly read to conflict with policies which relate to character, tranquillity and landscape merits (Policies ST04, ST09, DM04 and DM08A).

The site is also notably characterised by its relationship with a network of heritage assets which collectively comprise the remnants of the RAF Northam Chain Home Station. The surrounding

heritage assets form part of a group listing (Grade II) but are also listed individually. It is important to recognise the rationale of the original listing, to understand whether the development proposal hereby submitted affects those very qualities. The primary reasons for the listing are as follows:

- *Degree of survival: as a substantially intact Chain Home radar station which retains its principal buildings, tower and mast bases, and other related structures; which allow a clear understanding of how the site functioned;*
- *Historic interest: as a physical manifestation of tensions and fears during the Second World War, which resulted in the establishment of a chain of radar stations to protect Britain's coast;*
- *Group value: for its strong visual and spatial relationship with two associated decoy targets (recommended for scheduling).*

In addition, some of the features (such as the bunker/receiver block) were characterised by their ability to remain largely covert in nature, and thus key to be hidden from plain sight. In reviewing the submitted application, the Devon County Council Archaeological Officer considers that there has been an inadequate heritage assessment to review the impact upon the heritage assets.

'Despite this proximity the heritage statement is lacking in any detailed consideration of the significance of the Radar Station as a whole, the setting of the monument itself and the impact of the creation of an all weather turnout and associated boundaries in this location. There are no views towards or from the listed structure to the south or from any of the other elements of the radar station complex. Nor is there any consideration of the impact of the groundworks with any below-ground archaeological deposits associated with the WWII radar station or any earlier archaeological deposits that may be present.

In the absence of an adequate heritage impact assessment and the impact upon the nearby receiver block the Historic Environment Team would therefore advise that this application refused by your Authority being contrary to part (b) Policy ST15 of the North Devon and Torridge Local Plan

...As it stands the proposed development has elements that are unacceptable and the information submitted in support of this application is not sufficient to enable an understanding of the significance of the heritage assets within or adjacent to the application area or of the impact of the proposed development upon these nationally important heritage assets. (full response within consultee section of report)'

In addition, the Conservation Officer similarly raises concern with the level of adverse impact, particularly where it has not been demonstrated that there is a public benefit associated with the proposal. Part of the response is provided below:

'The proposal will cause harm the setting of this heritage asset in that it introduces an urbanised feature within an area which is currently experienced as an undeveloped rural area on the fringe of a country park. While at the time of operation RAF Northam would have been a busy station the appearance of this area (and its success) was that apart from the towers, the paraphernalia was covert and assimilated into the landscape in this coastal fringe area.

The proposal is required to be considered under guidance set out in paragraphs 194-202 (now 205-214) of the NPPF and paragraph 66 of the Planning (Listed Buildings and Conservation areas) Act 1990.

The level of harm is considered to be less than substantial, but the cumulative visual harm associated with the creation of a new separate equestrian business on site does make this at the higher level of less than substantial.

The officer has to consider whether the proposal would be outweighed by any public benefit which in this case have not been demonstrated or quantified.

The proposal is also considered at odds with section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The introduction of a large flat area surfaced with a non-native material is considered to harm the wider setting of the listed assets on the RAF Northam Chain Home Station and as such considered to be contrary to section 66.’ (full comments in consultee comments section of report).

Paragraph 200 of the NPPF states:

‘In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.’

Paragraph 208 of the NPPF states:

‘Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.’

It should also be stressed that the onus is on the application to submit an adequate heritage assessment to inform the proposal, as specifically required by Policy DM07 of the NDTLP.

In conclusion, the turnout results in a visually intrusive addition upon the landscape views of the Undeveloped Coast and is not justified in this location. Furthermore, the application is supported by insufficient evidence to demonstrate the impact upon nearby heritage assets, and there is considered to be no public benefit arising out of the proposal to offset the less than substantial heritage harm (upper end), as required by the NPPF.

Therefore, your Officer considers the application to be contrary to policies ST04, ST09, ST14, DM04, DM07 and DM16 of the NDTLP.

3. Impact on Residential Amenities:

Policy DM01 notes that development will be supported where it would not significantly harm the amenities of any neighbouring occupiers or uses or future occupants. Policy DM02 further notes that development will be supported where it would not cause an unacceptable risk to public health and safety or in terms of pollution.

The Environmental Protection Team has no objections to the proposed development. The proposal is accordingly considered compliant with regard to the above-mentioned policies.

4. Highways, Access and Parking:

Paragraph 115 of the NPPF advises that development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highways safety, or the residual cumulative impacts on the road network would be severe.

Policy ST10 of the NDTLP, sets out the transport strategy for Northern Devon. It aims to reduce the environmental and social impact of transport by ensuring that access to new developments is safe and appropriate.

Policy DM05 of the NDTLP relates to highways and states:

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

In addition to this, Policy DM06 of the NDTLP relates to parking provision and states:

- (1) Development proposals will be expected to provide an appropriate scale and range of parking provision to meet anticipated needs, having regard to:
 - (a) Accessibility and sustainability of the site;
 - (b) Availability of public transport;
 - (c) Provisions of safe walking and cycle routes; and
 - (d) Specific sale, type and mix of development.
- (2) Proposals must encourage the use of sustainable modes of transport through careful design, layout and integration of the existing built form.

The site is served by an existing access to serve the land holding. On this basis, no objection is raised to the site being served by the existing access.

5. Drainage Provision:

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'.

The supporting text of Policy ST03 states that 'all developments will seek to minimise flood risk through the use of Sustainable Drainage Systems and appropriate integration with green infrastructure. Controls to manage surface water runoff should be located as close as possible to where the rainwater drains, providing varying degrees of treatment for surface water through natural processes of sedimentation, filtration and biological degradation.

Policy DM02 of the NDTLP requires that development must not result in unacceptable impacts in relation to the pollution of surface or ground water, whilst Policy DM04 establishes that water management must be addressed by development.

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.

It is noted that the Environment Agency have referred to the need for a Sequential Test though have not objected to the application. The supporting Flood Risk Assessment confirms that the application site falls within flood zones 1 and 3 however suggests that the all-weather turnout is sited within Zone 1. The proposal is a low vulnerability use as per the guidance contained within the National Planning Policy Guidance and is not expected to give rise to any further flood risk when compared with how the land is already used for grazing, i.e. the vulnerability remains the same thus a sequential assessment is not necessary in this case.

The submitted plans identify the installation of a French drain around the circumference of the turnout to appropriately discharge any excess surface water.

Therefore, the proposal is considered to accord with the policies listed above.

6. Ecology and Biodiversity-Net Gain

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 by Policies ST14 and DM08 of the NDTLP which require that development ensures the protection and enhancement of biodiversity.

The Local Planning Authority also has a duty under Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 to have regard to biodiversity in exercising its functions. This duty includes the requirement to have regard to protected species.

Development proposals should avoid adverse impacts on existing features as a first principle and enable net gains by designing biodiversity features and enhancements and opportunities for geological conservation alongside new developments, however where adverse impacts are unavoidable, they must be adequately and proportionately mitigated.

The application is supported by a wildlife trigger list which triggered the need for an ecology report to be submitted. The Applicant provided a Statement to advise that as the application is part retrospective and the main earthworks have taken place, there is no further potential for impacts to protected species. While it is disappointing that the Applicant has undertaken works without following the correct process, it is not considered reasonable or necessary to require an ecology report. Were the application being supported, it would be appropriate to secure additional hedgerow and other planting to restore and enhance habitats on site.

Therefore, the Council can be satisfied that its statutory duties have been met. As such, the proposal is considered in accordance with Policies DM08 and ST14 of the NDTLP.

7. Conclusion

The proposal is not considered to benefit from policy support in relation to the principle of development, on account of it proposing an unjustified turnout within the Undeveloped Coast, being far removed from other buildings and in a location which results in an adverse landscape impact. The application is supported by an inadequate heritage assessment which is required to consider the impact upon heritage assets, and the Council has concluded that there is no public benefit for the works proposed to offset the less than substantial harm, as required by the NPPF. The site is served by suitable access arrangements and there are no concerns with regards to residential amenity, drainage or ecology. Accordingly, the proposal is therefore considered to be unacceptable and is recommended for refusal.

Human rights

Consideration has been given to the Human Rights Act 1998.

Recommendation

REFUSE for the following reasons:

- 1 In the opinion of the Local Planning Authority, the proposal has been supported by insufficient justification for this equine development to be located within the Undeveloped Coast and Countryside. The Local Planning Authority also considers that the proposal constitutes development which would not integrate effectively to the surrounding landscape by directly affecting the special qualities of the area such as tranquillity and openness, and comprising development which is unsympathetic to its setting in terms of location, scale and design. Consequently, the proposed development is contrary to policies ST04, DM04, ST09, ST14, DM16 and DM08A of the North Devon & Torridge Local Plan, and Chapters 12 & 15 of the National Planning Policy Framework.

- 2 The proposed development would result in less than substantial harm (at the upper end) to an existing designated heritage asset and insufficient public benefits have been identified to outweigh this. Furthermore, the application has not been supported by an adequate heritage assessment. As a result, the proposed development is considered contrary to the provisions of Policies DM07 and ST15 of the North Devon and Torridge Local Plan (2018) and national policy guidance contained in Paragraphs 200 and 208 of the National Planning Policy Framework.

Plans Schedule

Reference	Received
PROPOSED SECTION AND ELEVATION	01.09.2023
21212 - 01 G	20.11.2023

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.

In this instance the applicant started works without planning permission. When a planning application was submitted, the applicant was advised and made aware of concerns during an on-site meeting. The applicant was made aware of the likely recommendation, and repeatedly advised to submit further information, such as a heritage assessment. The applicant did not provide this information.