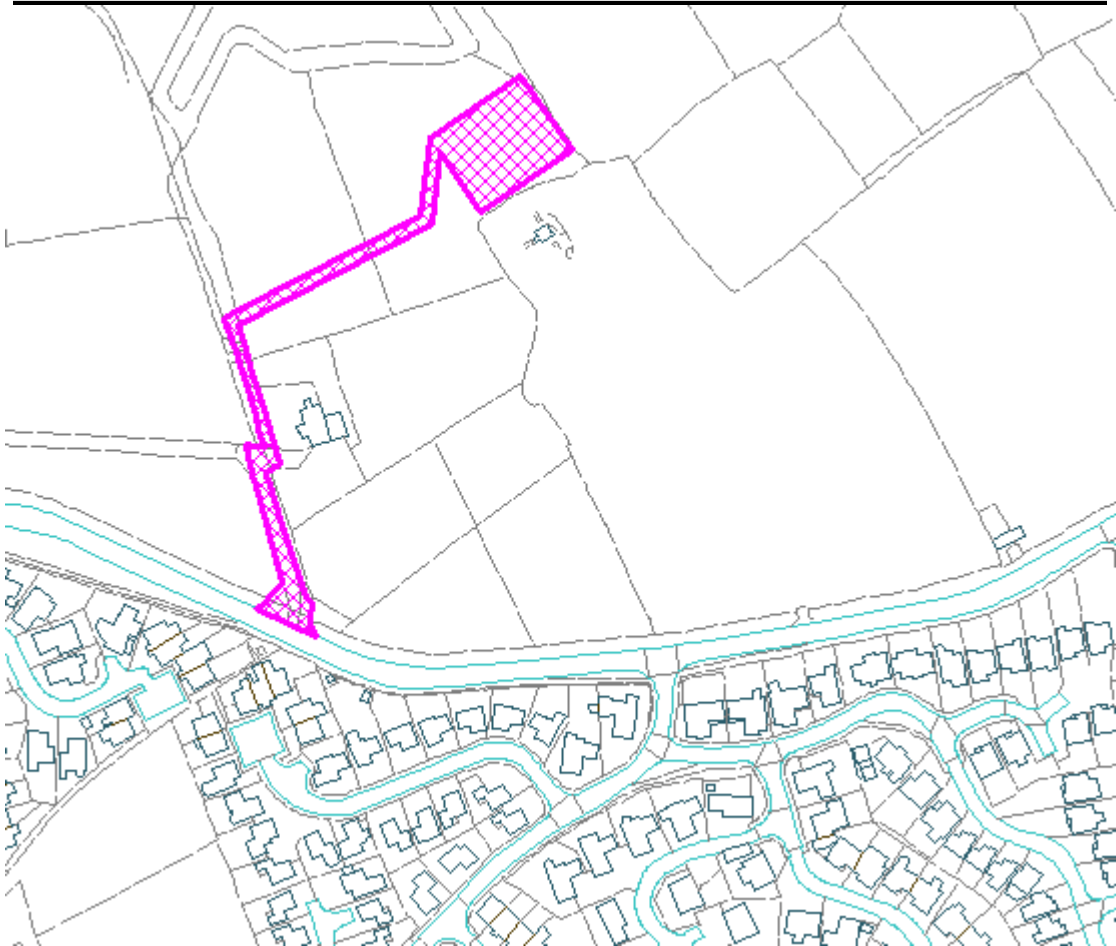


## Committee Report – 11.07.2024

<b>Application Number:</b>	1/0433/2024/FUL
<b>Registration date:</b>	13 May 2024
<b>Expiry date:</b>	8 July 2024
<b>Applicant:</b>	Miss Sally Jobson-Scott
<b>Agent:</b>	Tree Tops Planning
<b>Case Officer:</b>	Ryan Steppel
<b>Site Address:</b>	Land At Grid Reference 244858 129911, Northam, Devon,
<b>Proposal:</b>	Part retrospective application for all weather turnout (Variation of Condition 7 of planning permission 1/0838/2023/FUL) (Amendment to Wording)
<b>Recommendation:</b>	Refuse



## Reason for referral:

The application has been called in by Cllr Ford as Ward Member, for the following reason:

*'I wish to call in if officer is minded not to remove Condition 7 as set out. I believe there has been undue time spent on this application and it seems to me mainly in a negative manner.'*

## 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
1/0838/2023/FUL	Part retrospective application for all weather turnout	PER	26.02.2024
1/0040/2024/DIS	Discharge of conditions 2 & 3 of planning approval 1/0838/2023/FUL (Landscaping Plan and Written Scheme of Investigation)	PCO	

## Site Description & Proposal

### Site Description:

The application site comprises a section of former agricultural land approximately 200m north of Appledore Road. The site sits approximately 170m south of Northam Burrows. Overall, the land is 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 sand school. The 'all weather turnout' measures 46m x 35m.

The application site is surrounded by a significant amount of heritage associated with the Chain Home Station and RAF Northam. These heritage features are listed individually (Grade II) but also form part of a wider group of listed war-related infrastructure connected with RAF Northam and the Chain Home Station. In addition, the application site is located within the Coast and Estuary Zone. The site is located 170m south of the Northam Burrows which forms part of the Area of Outstanding Natural Beauty (AONB) designation and is a Site of Special Scientific Interest (SSSI).

The Council consented the retrospective erection of an 'all-weather turnout' in 2024 subject to planning conditions. Condition 7 of 1/0838/2023/FUL states:

*No jumps, mobile or temporary structures or buildings shall be placed within the all-weather turnout area.*

*Reason: To protect the character and appearance of the surrounding area, which is designated as Undeveloped coast, and nearby heritage assets.*

### Development:

This application seeks to vary condition 7 to remove 'jumps, mobile or temporary structures' from the wording of the condition.

## Consultee representations:

### **Northam Town Council:**

Northam Town Council recommended that the proposal be granted permission.

### **Conservation Officer:**

In this case the previous comments for the application remain relevant and will be reproduced below for completeness.

The current proposal seeks to introduce equipment that is not of a natural form and could be brightly coloured into an area of natural landscape on the fringe of Northam Burrows Park. The proposal should be refused as being harmful to the setting of the listed landscape of RAF Northam which includes features within a 400-metre radius around the site. The level of harm is less than substantial as the harm can be reversed when the equipment is removed but as there is no authorised storage on site the equipment will remain in situ. The balance remains with the officer as there needs to be public benefit demonstrated to offset any harm to a heritage asset. (paragraph 205-208 of the NPPF)

The concerns from the previous application are demonstrated by this application in that it is creeping domestication of a wild landscape area and that the cumulative harm caused by introducing equestrian provision in the form of a stable has already been refused at appeal.

This application seeks to vary a permission that members debated keenly and allowed with provisos which made the scheme acceptable. The scheme now wishes to remove this control which the members considered made the application acceptable.

### Previous response to 1/0838/2023.

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 officers 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 sand school 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 and has resulted in visual and operational intrusion into this part of the site which is at the south eastern edge of the designated area.( which includes structures related to the Northam Chain Home station).

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 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.

The proposal should be resisted.

**DCC Archaeology Section:**

I refer to the above application and your recent consultation. The all-weather turnout lies in an area of heritage sensitivity within the area occupied by the WWII Northam Chain Home Radar Station. The surviving buildings that formed this radar station are protected as listed buildings.

The information submitted in support of this variation of condition application does not contain any information on the nature, scale and location of any proposed “jumps, mobile or temporary structures” that might be required here. In addition, the application does not include any detail on the landscaping of the site as required by condition 2 applied to the consent granted for application 1/0838/2023/FUL which will mitigate the impact upon the designated heritage assets and surrounding landscape. In the absence of this information and given the heritage landscape sensitivity of the site I would advise that this application is not determined until information on the on the nature, scale and location of any proposed “jumps, mobile or temporary structures” that might be required, and the landscaping mitigation is made available for consideration to enable an informed and reasonable planning decision to be made.

**Natural England:**

No response.

**AONB Team:**

No response.

**The Environment Agency:**

No response.

**Devon County Council (Highways):**

Standing Advice.

**Environmental Protection Officer:**

The Environmental Protection Team has no objections.

## Representations:

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

Number of letters of support:	3
Number of neutral representations:	0

No objections received.

There have been three letters of support submitted, for the reasons set out below:

- Not part of the Committee discussion
- Prevents use for the '*training young horses*' and the use of the turnout
- The applicant has a successful record with showjumpers and is a successful local business.
- Once the turnout was completed there will be no visual impact
- Use of condition is unpractical

## 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); 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

This application proposes to vary condition 7 of 1/0838/2023/FUL. The relevant material considerations for the overall scheme are the same as those considered under the extant approval, and these are:

- Principle of Development
- Impact on Character, Heritage and Landscape
- Impact on Residential Amenity
- Highways, Access and Parking
- Drainage Provision
- Ecology

The application seeks the removal of '*jumps, mobile or temporary structures*' from the wording of Condition 7, so the planning assessment below focuses on this matter.

The application is supported by a planning statement prepared by Tree Tops Planning and submitted on behalf of the applicants. In accordance with the scheme of delegation, the previous application was considered by the Plans Committee on the 1st February 2024. The agenda and minutes confirm that the application was resolved to be granted subject to the wording of conditions being delegated to officers in conjunction with the Committee's Chair and Vice-Chair. Following that process, the application was subsequently approved subject to seven conditions. The applicant only appears to dispute one of the seven conditions imposed.

The approved application described the proposal as a 'turnout'. The submitted heritage statement did not include any reference to jumps, equestrian infrastructure or temporary buildings. The supporting statement stated:

*'To support her thriving breeding program, she wishes to develop an all-weather turnout area. This will allow her to turn out her stallion, brood mares, and foals separately and in a safe enclosed environment.'*

*The proposal has no 'mass' as it is simply a drained surface surrounded by banks and fence so has no impact upon the listed structure.'*

The application site is located within a sensitive landscape, namely, the Undeveloped Coast, and within the setting of the AONB/National Landscape which sits within 200m of the site. Planning conditions were proposed to reflect the permission/development granted as per the description of development. The Applicant has not been entirely consistent on what the 'turnout' was for, and with the objection to condition 7, appears to seek an all-functioning sand school/arena.

Instead, the applicant has permission for a turnout and intends to use it in a way beyond the remit of what was approved. Normally, such a use would be to simply turnout into a safe and enclosed environment where the horses can be fed. It is not normal practice for turnouts to include jumps or riding equipment. The previous application was assessed in the context of the importance of the historic landscape as well as the open and tranquil location within which it sits.

Policy ST09 (7) of the NDTLP states: *'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.'*

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.

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.

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.

The comments for further information by the Historic Environment Officer are noted. However, the application submitted does not seek to provide detail about the jumps or equipment onsite as instead the application wishes for the limitation on equipment on site to be removed. Therefore, any information about the jumps or equipment provided would be of little benefit and instead, the Local Authority must instead consider whether the use of jumps or equipment is appropriate or not, noting the permission of a turnout.

The Council's Plans Committee has previously decided that a levelled area purely for turning out horses would have a limited effect on wider character. It is considered that the unfettered use of equestrian equipment, 'temporary' buildings and jumps would add visual clutter to a landscape characterised by its openness, lack of development, and tranquillity. The proposed variation would therefore result in the uncontrolled use of equestrian paraphernalia in a sensitive location, and thus have a detrimental impact upon the character of the countryside, protected landscapes and nearby heritage assets.

On this basis, the proposal is considered to be contrary to Policies ST04, ST09, ST14, ST15, DM04, DM07, DM08A and DM16 of the NDTLP.

### Human rights

Consideration has been given to the Human Rights Act 1998.

### Recommendation

REFUSE for the following reasons:

- 1 The proposed variation of condition would result in a development which would not integrate effectively to the surrounding landscape by directly affecting the special qualities of the area such as tranquillity and openness. The unfettered use of equestrian paraphernalia, jumps, and temporary buildings would cause harm the Undeveloped Coast and setting of the AONB/National Landscape and consequently the variation is contrary to policies ST04, DM04, ST09, ST14, DM07, ST15, DM16 and DM08A of the adopted North Devon & Torrridge Local Plan, and Chapters 12 & 15 of the National Planning Policy Framework.

### Plans Schedule

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

### Statement of Engagement

In accordance with Paragraph 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 such concerns. The applicant was made aware of the likely recommendation.