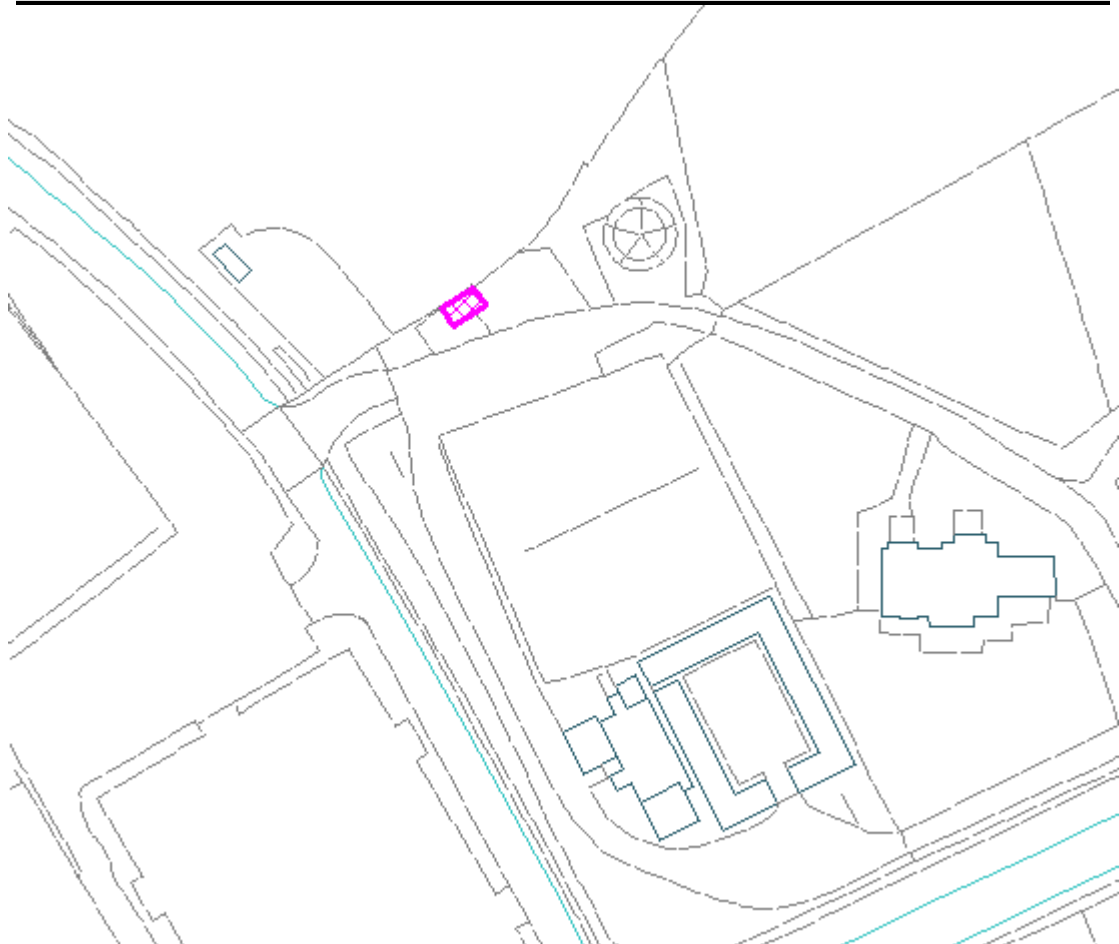


Committee Report – 25.07.2024

Application Number:	1/0411/2024/FUL
Registration date:	21 May 2024
Expiry date:	16 July 2024
Applicant:	Mr. and Mrs. Gregory and Melinda Stacey
Agent:	
Case Officer:	Debbie Fuller
Site Address:	Ancillary Building at Grid Reference 244555 129799 Follyfoot Equestrian Centre Sandymere Road Northam Devon
Proposal:	Demolition of existing office building and erection of replacement office building
Recommendation:	Grant



Reason for referral:

In line with the Council's Constitution, the application has been referred to Plans Committee because the Applicants are parents of a Torridge District Council employee.

Relevant History:

Application No.	Description	Status	Closed
1/0053/1976	LAND AS GO-CART CIRCUIT WITH CAR PARK AND TOILETS PIMPLEY ROAD NORTHAM	PER	05.04.1976
1/0897/1994	PROPOSED OUTDOOR MENAGE AND CONVERSION OF DISUSED TOILET BLOCK TO STABLES FOR USE AS TRAINING CENTRE FOR EQUESTRIAN ACTIVITIES	PER	21.09.1994
1/0446/1999	SUPERVISORY MANAGERS DWELLING & SEPTIC TANK, STABLES, YARD & DRIVE	PER	01.07.1999
1/1475/2000	SUPERVISORY MANAGERS BUNGALOW, STABLES & YARD	PER	24.08.2001

Site Description & Proposal

Site Description

The application site is an existing structure, that forms part of 'Follyfoot Equestrian Centre,' on Sandymere Road, and is used as an office (reception), and general storage, (fire/first aid etc), for the riding centre.

There is no planning permission for the building, but there is a preliminary enquiry, in 2011, about erecting an agricultural building on the same location, and on the plan submitted for that enquiry, '*siting of existing caravan*' is labelled. The response from the planning officer at that time stated, '*consideration should be given to the visual impact on the open countryside and from the adjacent Burrows. Consideration should perhaps be given to landscaping the site?*'

The submitted Existing plans are incorrect, as half the structure is not present, but a platform is. Its use is immune from enforcement due to the length of time it has been present. And, in 1976, (planning reference 1/0053/1976), there was approval for a building in this location, (toilets for a Go-Kart facility), about 12 metres in length, shown on the approved plans.

The application site is located on the edge of Northam, being outside of the settlement boundary in the North Devon and Torridge Local Plan, (Policies Map 8A: Northam & Westward Ho!), approximately 100 metres north of Appledore Road, and the development boundary. The site is therefore within land that is technically classed as Countryside. The site is also within the Coast & Estuarine Zone (ST09), and approximately 200 metres from the edge of Northam Burrows Country Park, which forms part of the North Devon Coast National Landscape, (Area of Outstanding Natural Beauty (AONB)) designation and is designated as a Site of Special Scientific Interest (SSSI).

The site has been acquired by the Applicant in the last two years and is in separate ownership to the land with equine uses, to the east, which had a planning application brought at the last Plans Committee, (planning reference 1/0838/2023/FUL).

Proposed Development

The planning application seeks full planning permission for the demolition of an existing office building, and the erection of a replacement building for office, lockers, teaching and a store.

The proposed building is single storey, and measures 12 metres in length, 3.2 metres in width, (3.8 metres with the overhang), and 2.5 metres in overall height, (2.4 metres at the rear elevation).

The proposed materials are, 'Timber frame, insulated and cladded with Marley Weatherboard cladding for the walls,' and 'Flat roof covered in box profile galvanized roofing sheets, in black' with 'Double glazed UPVC doors and windows in white.'

Consultee representations:

Northam Town Council:

Northam Town Council recommended that the proposal be granted permission.

Conservation Officer:

Demolition of existing office building and erection of replacement office building. Follyfoot Equestrian Centre.

The building is sited within the former RAF station known as RAF Northam and this area is now designated as a heritage asset.

The proposal seeks to replace a structure with a newer but similar structure and as such there will be no new ground broken nor will the site be extended into unused land.

As such there are no objection to the scheme as no additional harm will be caused to the site or views of the site by intensification of use. The current prefabricated structure will be upgraded.

The proposal is considered acceptable under paragraphs 205- 208 of the NPPF.

Devon County Council (Highways):

Refer to Standing Advice.

DCC Archaeology Section:

The proposed development involves the demolition of a late 20th century prefabricated building and in an area already subject to development associated with the Follyfoot Equestrian Centre. As such, the Historic Environment Team has no comments to make on this planning application.

Representations:

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

No representations have been received.

Policy Context:

North Devon and Torridge Local Plan 2011-2031:

ST01 (Principles of Sustainable Development); 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); DM07 (Historic Environment); DM08 (Biodiversity and Geodiversity); DM08A (Landscape and Seascape Character) and DM16 (Equine Development).

Government Guidance:

NPPF (National Planning Policy Framework); NPPF (National Planning Policy Framework); NERC (Natural Environment & Rural Communities) and 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. Flooding and Drainage
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 considered in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.

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

'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 the sites location within the Undeveloped Coast. The application site is located within a close distance to the North Devon Coast National Landscape Area of Outstanding Natural Beauty (AONB). 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. Policy ST14 requires the Council to have regard to conserving and enhancing the North Devon Coast National Landscape (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).*

In addition, the site and its wider surroundings share a significant relationship with heritage assets of cultural and historical importance. As such, NDTLP Policies DM07 and ST15 are relevant which require consideration of conserving 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. All these assets form part of a wider grade II listing, underpinned by a Higher-Level Stewardship Archaeological study commissioned and adopted in 2014. The impact upon the heritage assets is to be considered further later in the report.

In addition, NDTLP 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 full policy is below: -

Policy DM16: Equine Development: -

'Horse-related facilities and equestrian enterprises in the countryside will be supported where:

- (a) priority is given to the re-use of existing buildings and where justified new buildings, or ancillary development is well related to existing buildings;*
- (b) well integrated, with the surroundings and is of a scale and design so as not to harm the character and landscape of the rural area;*
- (c) the operation is not detrimental to the amenity of nearby residents; and*
- (d) the development is convenient for suitable existing riding areas where necessary access is acceptable without detriment to the safety of users of the public highway.'*

The proposed is a replacement building, but the existing building is a material consideration, and it is well related to other structures and buildings and is considered to accord with Policy DM16.

Additionally, the Applicant has confirmed the nature of the requirement. A *'Business Information Statement'* has been submitted which states, *'Since purchasing the property and business two years ago the Riding School has seen a huge increase in demand with more than 100 registered local clients. Our lessons are provided to adults and children of all ages and ability. We have seen a big increase in demand from individuals (adults and children) with special educational needs and disability (SEND), where we provide one to one assisted therapeutic sessions and lessons, interacting with the horses and ponies in a calm and natural environment...The purpose for the replacement office building is to ensure we have the right facilities for all our customers. A safe and quiet place for those with SEND and somewhere for parents, guardians and carers to sit inside if the weather is not so favourable, which it often is here! The teaching area will also provide a safe environment for our Children's club to learn away from the horses and sheltered from the weather.'*

The site is within a location that has qualities, including sense of tranquillity and openness, (Policies ST07, ST09, ST14, DM16). Policy ST09 requires that there be a suitable reason as to why the development could not be located elsewhere, (outside of the protected landscape).

However, there is an existing building in that location, there has been an approval for toilets previously in this location (planning reference 1/0053/1976), and the applicant agrees to an appropriate landscaping scheme. The proposal is justified in this location given it relates to an existing operation / business.

The justification provided is sufficient to justify the proposed development and the impact on the landscape will be mitigated via landscape screening. Therefore, the proposal accords 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, NDTLP 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 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, the Council 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 from the Burrows side, because of the contiguous, flat topography.

Vegetation in the area is limited, low lying and windswept, which adds to its wild appearance. Significant additional planting would be sufficient to meaningfully reduce the visual impact of the building by thickening up the existing hedge and planting to the north. With the landscaping, the proposal would have less harm on the openness and tranquil character and appearance of the area. The proposed building could be well screened from the north and be an improvement on the existing structure.

The proposal accords with policies which relate to character, tranquillity and landscape merits (NDTLP 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).

The proposed development is approximately 90 metres south west of the 'Concrete Base for Timber Receiver Tower, RAF Northam' ('A Second World War Chain Home Radar Station receiver mast is visible on aerial photographs of the 1940s at RAF Northam Radar Station. The concrete bases of the timber tower remain clearly visible on aerial photographs of the 1960s onwards.')

The application site itself is on land associated with 'CHAIN HOME STATION; BUNKER; NISSEN HUT' ('A Chain Home (CH) radar station receiver block and associated structures, part of RAF Northam radar station, are visible on aerial photographs of 1945 onwards as an earthwork and structure. The block was covered with earthwork protection until circa 1992').

Given that the structure is existing in an area already subject to development associated with the Follyfoot Equestrian Centre, and the building is a replacement, (where no ground is to be broken or extended into unused land), no objections have been received from Devon County's Archaeology Team or the Council's Conservation Officer.

Therefore, the application accords with policies ST04, ST09, ST14, DM04, DM07 and DM16 of the NDTLP.

3. Impact on Residential Amenities

NDTLP 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.

There are no third-party residences in proximity to the proposed structure. The proposed development accords with policies DM01 and DM02 of the NDTLP.

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. In addition, Paragraph 116 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 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.*

There are no changes to the existing access and parking arrangements.

On this basis, no objection is raised to the proposed development in terms of access and parking arrangements.

5. Flooding and Drainage

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 with 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. There are no proposals for toilets.

It is considered that there is sufficient space within the site that could accommodate any surface water discharge.

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 proposal involves demolition and triggers the need for a wildlife report or statement. The applicant has stated, *'The position of the replacement building will be on the existing building footprint. There will be no changes to the adjacent boundaries or hedgebanks.'*

There will be a net gain as landscaping is proposed.

The proposed development accords with policies ST14 and DM08 of the NDTLP.

Conclusion

The proposed development is a replacement to an existing structure which is immune from enforcement. The proposed design and materials are an improvement on the existing. There are no drainage concerns, highway impacts and no detrimental harm to residents. There are no concerns in relation to archaeology and/or heritage assets. The recommendation is to approve with a detailed landscaping condition attached.

Human rights

Consideration has been given to the Human Rights Act 1998.

Conclusion

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

Recommendation

GRANT subject to the following conditions: -

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

Reason: The time limit condition is imposed in order to comply with the time requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be retained in accordance with the approved plans listed in the Plans Schedule.

Reason: To ensure the development is carried out in accordance with the approved plans.

- 3 Prior to the erection of the new building, full details (including species, type and size at time of planting) of all proposed tree planting and landscaping and the proposed times of planting, have been approved in writing by the Local Planning Authority. The agreed details shall be implemented in accordance with the agreed scheme and at those times specified. If within a period of five years from the date of the planting of any tree, that tree, or any tree planted in replacement for it, is removed, uprooted, destroyed, dies or becomes seriously damaged or defective another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason: In the interests of the visual amenities of the area.

Plans Schedule

Reference	Received
PROPOSED FLOOR PLAN	10.05.2024
LOCATION PLAN	02.05.2024
PROPOSED ELEVATIONS	10.05.2024

Informatives

01. The effect of Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

(a) a Biodiversity Gain Plan has been submitted to the planning authority, and

(b) the planning authority has approved the plan.

The Planning Authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required, would be Torridge District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply.

Based on the information available this proposal is one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements are considered to apply.

The development, is exempt from the requirements set out within Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 [Biodiversity Net Gain] being:

Development below the de minimis threshold, meaning development which:

(i) Does not impact an onsite priority habitat (a habitat specified in a list published under Section 41 of the Natural Environment and Rural Communities Act 2006; and

(ii) Impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

Statement of Engagement

The National Planning Policy Framework (paragraph 38) requires local planning authorities to work positively and proactively with applicants to achieve sustainable development. Throughout the

application process guidance has been given to the applicants and all outstanding issues have been identified.

In this instance the Local Planning Authority (LPA) required further information on the business and the applicant provided this.

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