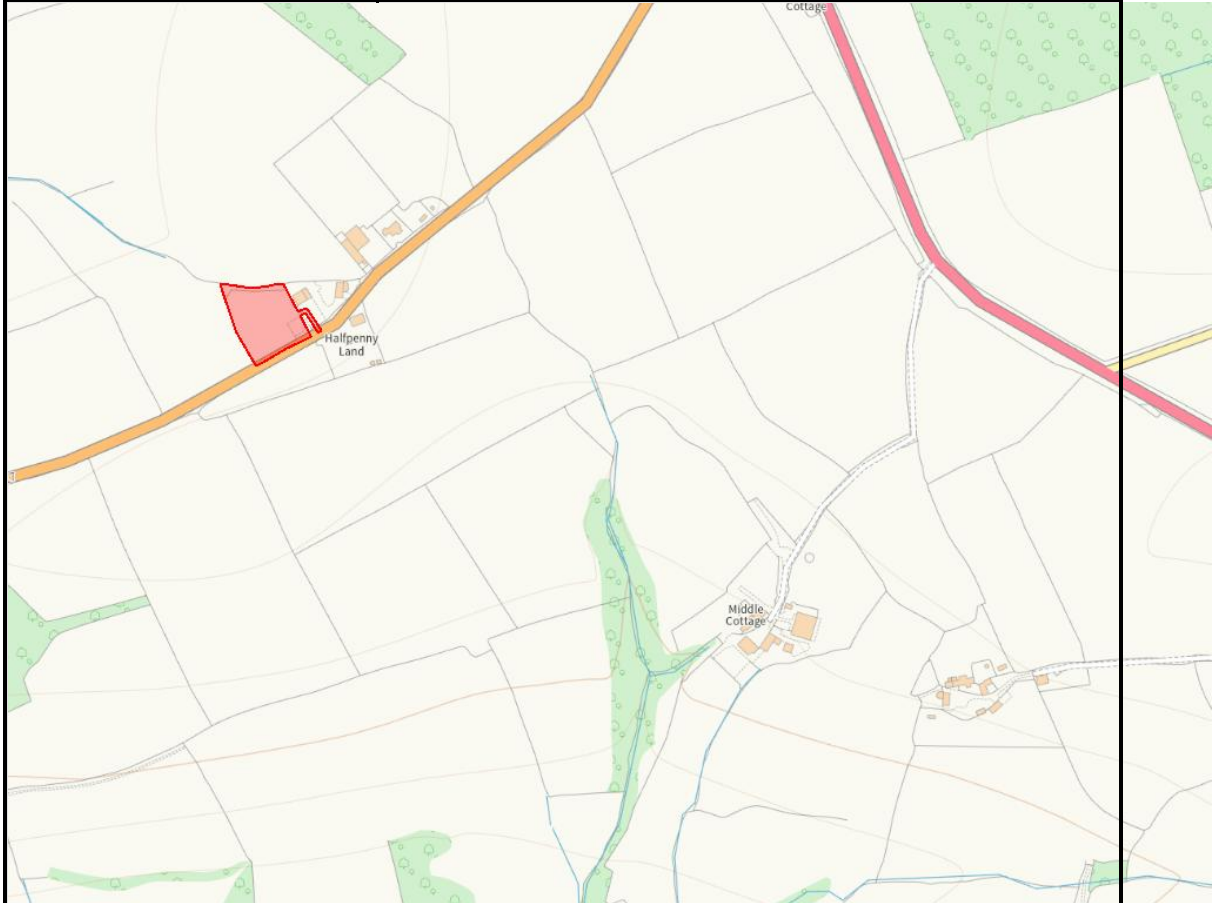


Committee Report – 05.02.26

Application Number:	1/0763/2025/FUL
Registration date:	2 December 2025
Expiry date:	27 January 2026
Applicant:	Mr Harrison & Mr Robson Jennings
Agent:	Collaborative Planning
Case Officer:	Mr Peter Stapley
Site Address:	Land at Halfpenny Yard, Dolton, Devon,
Proposal:	Erection of building for flexible use under use classes B2 and B8
Recommendation:	Refuse



Reason for referral:

The application has been called-in to be heard at Plans Committee by Councillor Lock, siting that the proposed development accords with Policies ST07, ST11, DM14 of the North Devon and Torridge Local Plan and Paragraphs 88 and 89 of the National Planning Policy Framework.

Relevant History:

Application No.	Description	Status	Closed
1/0340/2000	PROPOSED 2 THREE BEDROOM DORMER STYLE BUNGALOWS	REF	18.04.2000
1/0519/1992	ESTABLISHED USE CERTIFICATE STORAGE AND REPAIR OF VEHICLES AND AGRICULTURAL MACHINERY AND EQUIPMENT	WDN	30.06.1992
1/0866/1997	CHANGE OF USE OF LAND FOR THE PARKING OF PRIVATE MOTOR VEHICLES	PER	11.08.1997
1/0579/2004/OUT	Detached 5-bedroom house with attached double garage and workshop/storage building	REF	17.05.2004
1/0916/2020/FUL	Erection of forestry building with new access and closure of two existing accesses	PER	11.01.2021
1/1223/2023/FUL	Erection of forestry building	INVAL	14.12.2023
1/0091/2024/FUL	Erection of commercial building for storage and distribution	PER	27.03.2024

Site Description & Proposal

Site Description

The application site measures approximately 0.44 hectares and is located within the Countryside, approximately 1.12 km (as the crow flies) to the northeast of Dolton, which is designated as a 'Local Centre' in the adopted North Devon and Torridge Local Plan (NDTLP). The site does not fall within any allocated land designation and there are no designated heritage assets within close proximity.

In addition to this, the Landscape Character Type for the application site is 1F (Farmed Lowland, Moorland and Culm Grassland) and 32 (High Culm Ridges); and falls within a Zone 1 Flood Risk and therefore it has less than 1 in 1,000 annual probability of river flooding and is considered a low probability of flooding.

The adjacent site, measures approximately 0.22 hectares, is under the same ownership and consists of a timber storing and process business. The adjacent site was granted planning permission in January 2021 (reference: 1/0916/2020/FUL) for the erection of a building for the storage of timber and

machinery and equipment used in association with the business. The building measures approximately 10 metres in width by 10 metres in length, with an eaves height of 4.7 metres and a ridge height of 6.2 metres.

The site benefits from an extant permission for the erection of a storage and distribution building, to be used in relation to the existing business use of the wider site. The existing business consists of the processing and storage of timber to create dried firewood and the distribution to customers off site. The total footprint of building measured approximately 649 square metres.

The application site is accessed from the Classified (Class B), public highway that forms the southern boundary of the site. The site is neighboured by agricultural land to the north and west; and the closest residential dwelling is located approximately 41 metres to the east of the site.

Proposed Development

The application seeks full planning permission for the erection of a building for flexible commercial use under Use Class B2 (General Industrial) and Use Class B8 (Storage and Distribution). The proposed building will measure approximately 31 metres in width by 20.3 in depth, with a ridge height of 6.8 metres and an eaves height of 5 metres. The total footprint of building will measure approximately 629 square metres. The building will be constructed with the following materials: dark blue steel sheeting elevations; dark blue steel roof sheeting; dark blue steel doors.

The proposed development includes the provision of a hardstanding area to the south of the building measuring approximately 775 square metres.

Consultee representations:

Dolton Parish Council:

No representation received.

Devon County Council (Highways):

Standing advice.

South West Water:

Surface Water Services

The applicant should demonstrate to your LPA that its prospective surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable (with evidence that the Run-off Destination Hierarchy has been addressed, and reasoning as to why any preferred disposal route is not reasonably practicable):

1. Water re-use (smart water butts, rainwater harvesting, grey flushing toilets)
2. Discharge into the ground (infiltration); or where not reasonably practicable,
3. Discharge to a surface waterbody; or where not reasonably practicable,
4. Discharge to a surface water sewer, highway drain, or another drainage system; or where not reasonably practicable,
5. Discharge to a combined sewer. (Subject to Sewerage Undertaker carrying out capacity evaluation)

Having reviewed the applicant's current information as to proposed surface water disposal for its development, please note that method proposed to discharge into the ground (infiltration) is acceptable and meets with the Run-off Destination Hierarchy.

Environmental Protection Officer:

First Representation (received: 08th December 2025)

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

The application site is located in close proximity to neighbouring third party dwellings, in particular Halfpenny Land Cottage to the south east. Having regard for the scale of the proposed building and

the absence of information on the subsequent use, operations and associated plant and equipment, the Environmental Protection Team raises concerns in relation to the potential harm to amenity, contrary to Policy DM01. Subsequently, the Environmental Protection Team is unable to support the application at this time. Should further information be provided that addresses amenity concerns, the Environmental Protection Team will review accordingly.

Second Representation (received: 07th January 2026)

Further to the previous consultation response dated 8 December, the Environmental Protection Team acknowledges the additional information provided by the applicant.

The additional information provided indicates that the proposed development will involve vehicle maintenance and repairs, predominantly undertaken inside the proposed building during the operating hours of Monday to Friday 0700-1900 hours and Saturdays 0800-1300 hours only with no operations during Sunday or Bank Holidays. Given this additional information, the Environmental Protection Team has no objections in principle, however, recommends conditions stipulating both the B2/B8 use as vehicle maintenance only and the operating hours as mentioned above.

Representations:

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

The public representation received are summarised below:

Objection Comment

- Errors in the applicant's statement.
- Impact on highway safety.
- Unrestricted B2 Use and potential impact on amenity.

Policy Context:

North Devon and Torridge Local Plan 2011-2031:

ST01 (Principles of Sustainable Development); ST03 (Adapting to Climate Change and Strengthening Resilience); ST04 (Improving the Quality of Development); ST07 (Spatial Development Strategy for Northern Devon's Rural Area); ST10 (Transport Strategy); ST11 (Delivering Employment and Economic Development); ST14 (Enhancing Environmental Assets); DM01 (Amenity Considerations); DM02 (Environmental Protection); DM04 (Design Principles); DM05 (Highways); DM06 (Parking Provision); DM08A (Landscape and Seascape Character); DM08 (Biodiversity and Geodiversity).

Government Guidance:

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

Planning Considerations

The material planning considerations, which are relevant in the determination of this application are:

1. Principle of Development;
2. Design and Impact on Character and Appearance;
3. Impact on Amenity;
4. Access, Parking and Highways;
5. Flood Risk and Drainage;
6. Impact on Wildlife and Ecology;
 - a. Ecological Impact;
 - b. Biodiversity Net Gain; and
7. Conclusion.

1. Principle of Development

Section 38 (6) of the Planning and Compulsory Act 2004 states that key consideration in the determination of a planning application is the development plan. Applications should be determined in accordance with the development plan unless material planning considerations indicate otherwise. For the purpose of the development plan the statutory development plan is comprised of the North Devon & Torridge Local Plan 2011-2031 (NDTLP).

In accordance with the definition provided in the Glossary to the NDTLP, the site subject to the application is considered to hold a Countryside location, with Part (4) of Policy ST07: Spatial Development Strategy for Northern Devon's Rural Area providing the starting point for considering development proposals in such locations.

Policy ST07(4) sets out that in the Countryside, beyond Local Centres, Villages and Rural Settlements, development will be limited to that which is enabled to meet local economic and social needs, rural building reuse and development which is necessarily restricted to a Countryside location.

In doing so, the NDTLP seeks to control dispersed development in the Countryside, guarding against development in unsustainable locations and requiring the character of the countryside to be conserved and enhanced. In this instance, the relevant consideration is whether the development is enabled to meet local economic and social needs and whether it is a use that is restricted to a Countryside location.

Policy ST11(7) of the NDTLP supports economic growth to improve job opportunities throughout north Devon and more specifically proposals for economic development and diversification of the rural economy will be supported where they do not conflict with other Local Plan policies.

The applicant considers that the proposed development meets with the requirement of Policy DM14 of the NDTLP. Policy DM14 supports the rural economy, through the broad acceptance of new small scale economic development at Rural Settlements and in the Countryside, provided they either involve:

- (a) change of use or conversion of a permanent and soundly constructed building; or
- (b) sites or buildings adjoining or well related to a defined settlement or a Rural Settlement; or
- (c) the proposed employment use has a strong functional link to local agriculture, forestry or other existing rural activity.

The North Devon and Torridge Local Plan defines small-scale economic development as: *“Development for employment or commercial purposes of a scale not exceeding 250 square metres gross external floor area or a site area of 0.1 hectares.”*

The proposed development is for the erection of a building for flexible use under Use Class B2 (General Industrial) and Use Class B8 (Storage and Distribution), measuring approximately 629 square metres within a wider site measuring 0.44 hectares. On this basis, the site and building would not meet the requirements of ‘small-scale economic development’ and it would not have a strong functional link to local agriculture, forestry or other existing rural activity, by virtue of its flexible use within Use Class B2 and B8.

Consequently, Policy DM14 of the NDTLP is not relevant and is not a material consideration in the determining of this application. The Local Plan does not have any policies which relate to large scale economic development in the countryside, and therefore the NPPF is relevant (in particular paragraphs 88 and 89).

Paragraph 88 of the NPPF states that *planning decisions should enable:*

- (a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, beautiful new buildings;*
- (b) the development and diversification of agricultural and other land-based rural businesses;*
- (c) sustainable rural tourism and leisure developments which respect the character of the countryside; and*

- (d) *the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.*

Paragraph 89 of the NPPF states that *planning decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.*

The proposed development is for the erection of a new, relatively 'large-scale' building for flexible B2 (General Industrial) and B8 (Storage and Distribution) within the Countryside. The development would not be considered a realistic diversification scheme, given that the applicant has recently been permitted to expand the operations, siting a requirement for additional space to carry out the business operations of the timber business. There is no evidence provided to suggest that the scale of the operations has significantly changed since granting of the previous application and no financial records have been put forward setting out the need to diversify away from the rural activity. In any case, the proposed diversification scheme (B2 Use – General Industrial) is not considered to be an acceptable rural activity that would be appropriate or suitable for its open countryside location.

In addition to the above, the scheme would not be considered to be the sustainable growth and expansion of the existing business, given that it intends an entirely new business and reduces the overall floor area (existing and permitted) for the existing business.

The site is not physically well-related to the settlement of Dolton. There are no opportunities for the site to be accessed by sustainable modes of transport, and the business would be solely reliant on the use of private vehicles for customers and employees. No evidence has been presented to the Council that there is a shortage of employment spaces within the vicinity.

Taking account of the location of the site (Countryside), the scale of development (large-scale employment), and the nature of the development (non-rural activity) and the lack of evidence demonstrating a need to shift away from the rural enterprise present/permitted (forestry business), the proposed development is considered to be an unsustainable location for economic development and in the opinion of your officers the proposal conflicts with Policies ST07 and ST11 of the North Devon and Torridge Local Plan and the National Planning Policy Framework. Furthermore, the proposal does not constitute small-scale economic development and does therefore not afford consideration against Policy DM14.

2. Design and Impact on Character and Appearance

The Local Plan policies on design are relevant - Policy ST04 (Improving the Quality of Development) and Policy DM04 (Design Principles), which both aim to achieve high quality, inclusive and sustainable design.

Policy ST04 of the NDTLP supports development proposal that achieve high quality inclusive and sustainable design to support the creation of successful, vibrant places. Design will be based on a clear process that analyses and responds to the characteristics of the site, its wider context and the surrounding area taking full account of the principles of design found in Policy DM04.

Policy DM04 of the NDTLP supports developments with good design and the policy seeks to guide overall scale, density, massing, height, landscape, layout, materials, access and appearance of new developments. It seeks not just to manage land use but support the creation of successful places and respond to the challenges of climate change. The policy lists 13 design principles that proposals must meet in order to be supported by the policy.

Policy DM08A seeks to protect the landscape and seascape character stating 'developments should be of an appropriate scale, mass and design that recognises and respects landscape character of both designated and undesignated landscapes and seascapes; it should avoid adverse landscape and seascape impacts and seek to enhance the landscape and seascape assets wherever possible. Development must take into account and respect the sensitivity and capacity of the landscape/seascape asset, considering the cumulative impact and the objective to maintain dark skies and tranquillity in areas that are relatively undisturbed.'

The site is located within the Landscape Character 1F (Lowland Moorland and Culm Grassland) as set out within the Joint Landscape Character Assessment for North Devon and Torridge Districts (JLCA) and High Culm Ridge (32) as set out within Devon Character Area. The special qualities and characteristics of landscape type 1F and 32, include, a gently undulating landform with open long views afforded at elevation over the landscape of contrasting green fields of surrounding farmland. The landscape character has a sense of remoteness with high levels of tranquillity and dark skies, particularly in the southern part of the area. Some of the forces for change within these landscape character types are:

- Urban fringe influences on the landscape in some areas, e.g. golf clubs, fisheries and pony paddocks as well as occasional fly-tipping near settlements;
- Renewable energy developments becoming more common in the landscape; and
- Tourism pressure in some parts of the landscape resulting in seasonally high levels of traffic on rural lanes.

Paragraph 88 of the NPPF states that *planning decisions should enable "the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, beautiful new buildings."*

The NPPF also strongly emphasis the need for well-designed places, in which Part 12 of the Framework is solely dedicated to the achieving well-designed places. Paragraph 131 of the NPPF notes 'the creation of high-quality buildings and places is fundamental to what the planning and development proves should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work, and helps make development acceptable to communities.' Part 12 of the framework lists 6 key design principles that are required to be met in order to demonstrate the design is of high quality.

Paragraph 139 of the NPPF states that permission should be refused for the development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

The proposal is for the erection of a building for flexible commercial use under Use Class B2 (General Industrial) and Use Class B8 (Storage and Distribution). The proposed building will measure approximately 31 metres in width by 20.3 in depth, with a ridge height of 6.8 metres and an eaves height of 5 metres. The total footprint of building will measure approximately 629 square metres. The building will be constructed with the following materials: dark blue steel sheeting elevations; dark blue steel roof sheeting; dark blue steel doors.

The wider site consists of an existing business involving the processing and storage of timber to create dried firewood and the distribution to customers off site. The application form confirms that the gross new internal floor space proposed for Use Class B8 is 309.5 square metres and the gross new internal floor space proposed for Use Class B2 is 309.5 square metres.

The site currently consists of an area of hardstanding which has been recently constructed through the implementation of the planning permission, reference: 1/0091/2024/FUL. The site consists of several parked vehicles, earth mounds, and uncovered timber storage which is relatively untidy. The proposed building would likely reduce the clutter of the site and improve the overall character.

The application site is not located within any special land designations. The site is closely located to the existing small-scale building, albeit there would be some isolation and separation from the established boundary hedge.

The proposed building is of a simple and functional design, and whilst it cannot be reasonably described as 'beautiful' it is functional for its intended purpose. There are limited views of the site from the wider landscape and in any case the proposed building would be seen in the context of the surrounding built form. The site plan demonstrates the retention of the boundary hedge along the southern boundary and the tree line along the eastern boundary.

Taking account of the above, despite the scale of the proposed building, it is likely to cause a neutral impact on the character of the wider area and would not result in any significant harm to character of its countryside location. The proposed development is considered to raise no objections when assessed against Policies ST04, DM04 and DM08A of the NDTLP and the NPPF.

3. Impact on Amenity

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

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

Policy DM02 of the NDTLP, states that development will only be supported where it does not result in unacceptable impacts to:

- (a) Atmospheric pollution by gas or particulates, including smell, fumes, dust, grit, smoke and soot;
- (b) Pollution of surface or ground water including rivers, canals, other watercourses, water bodies, wetlands, water gathering grounds including catchment areas, aquifers, groundwater protection areas, harbours, estuaries or the sea;
- (c) Noise or vibration; and
- (d) Light pollution where light overflows on to areas not intended to be lit.

Policy DM04 of the NDTLP also aims to ensure the amenities of existing and future neighbouring occupiers are safeguarded.

One of the core principles of the NPPF is to secure high-quality design and a good standard of amenity of all existing and future occupants of land and buildings. In particular, Paragraph 135 (f) states that development should *"create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience."*

Paragraph 198 of the NPPF, states that *"Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development."*

Part H1 of the National Design Guide states that *'good design promotes quality of life for the occupant and users of buildings. This includes function [...] comfort, safety, security, amenity, privacy, accessibility and adaptability.'*

The closest third-party dwelling is located approximately 40 metres from the boundary of the site and 95 metres from the proposed building, to the southeast. A public representation was received during the consultation of the application which objected to the proposed development. Specifically, concerns were raised with the unrestricted B2 use of the building and the impact on amenities.

The Council's Environmental Protection Officer has been consulted on the proposed development and originally raised concerns with regards to the close proximity of the proposed building to third party residential dwellings. Further information was provided by the applicant stating that *"The new shed will be constructed using insulated cladding, which is specifically designed to prevent noise escaping from within the structure."*

The type of work proposed within the building, maintenance and mechanical work on taxis/vehicles, will take place entirely inside, and with the doors kept closed as much as practicable. As such, any noise generated from this internal activity will be very low-level and will not be audible outside the building, nor at neighbouring properties including Halfpenny Land Cottage.

In other words, work on vehicles will be effectively contained by the building fabric itself. [...]

It is important to note that the site already benefits from planning permission for chainsawing and firewood processing, both of which are significantly louder operations than the mechanical work proposed inside the new shed. 3 These noise-producing activities are lawful on both plots that make up Halfpenny Yard, and they occur in the open air, under the already-approved hours:

- *07:00–19:00 Monday–Friday*
- *08:00–13:00 Saturday*
- *No working on Sundays or Bank Holidays*

Given that chainsawing and log processing are substantially noisier than the kind of work proposed inside the new building and these activities already take place closer to the neighbour's property than the new structure, there is no scenario in which the internal vehicle work could create a greater noise impact than what is already permitted on the site."

In response to the additional information, the Environmental Protection Officer commented "The additional information provided indicates that the proposed development will involve vehicle maintenance and repairs, predominantly undertaken inside the proposed building during the operating hours of Monday to Friday 0700-1900 hours and Saturdays 0800-1300 hours only with no operations during Sunday or Bank Holidays. Given this additional information, the Environmental Protection Team has no objections in principle however, recommends conditions stipulating both the B2/B8 use as vehicle maintenance only and the operating hours as mentioned above."

The wider business consists of forestry works and storage. There are no restrictions on the use of the adjacent site for the use of machinery, and it is acknowledged that there are noise generating activities carried out on the wider site (chainsawing of timber) which are located in closer proximity to the noise sensitive receptors.

Your officer concurs with the Environmental Protection Officer that subject to the conditions restricting the B2 use to vehicle maintenance and repairs that there would unlikely be significant harm to the amenities of neighbouring properties. Additionally, any harm arising would be limited to the operation hours of the business.

It is noted that no external plant or mechanical ventilation systems are shown on the plans and therefore your officer would recommend a further condition, restricting the installation and operation of any external plant, machinery or mechanical ventilation without the submission of the detailed specification, and approval in writing, by the Local Planning Authority.

Taking account of the above, the proposed development would be in accordance with Policies DM01, DM02 and DM04 of the NDTLP and the NPPF.

It is noted that the applicant has agreed to conditions restricting the operating hours and restricting the installation of external mechanical ventilation and plant without further approval. No confirmation has been received with regards to restricting the B2 use to vehicle maintenance and repair, in the event that Members do not consider this condition necessary, they must be satisfied that a flexible B2 Use Class is acceptable in this context.

4. Access, Parking and Highways

Paragraph 116 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 117 notes that development proposals should create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards; address the needs of people with disabilities and reduced mobility in relation to all modes of transport; be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations; allow for the efficient delivery of goods, and access by service and emergency vehicles; and give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas.

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.

Devon County Council Highways, as the Local Highway Authority, was consulted on the proposed development and had no objections, subject to the Council's Standing Advice being met. The proposed development will utilise the existing access, which was approved within the previous planning permission. The access will emerge onto the public, classified (Class B), highway and provides a minimum of 150 metres visibility splay in both directions, as confirmed by previous planning applications (reference: 1/0091/2024/FUL).

Taking account of the above, the proposed development is in accordance with Policies ST10, DM05 and DM06 of the NDTLP and the NPPF.

5. Flood Risk and Drainage

Policy ST03(f) (Adapting to Climate Change and Strengthening Resilience) states that future development should be designed and constructed to take account of the impacts of climate change and minimise the risk to and vulnerability of people, land and property by adopting effective water management including Sustainable Drainage Systems, water quality improvements, water efficiency measures and 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 of the NDTLP establishes that water management must be addressed by development.

The site falls within a Zone 1 Flood Risk and therefore it has less than 1 in 1,000 annual probability of river flooding and is considered a low probability of flooding. South West Water were consulted on the proposed development and concluded *“Having reviewed the applicant’s current information as to proposed surface water disposal for its development, please note that method proposed to discharge into the ground (infiltration) is acceptable and meets with the Run-off Destination Hierarchy.”*

Given the nature of the proposed development and the proposed Floor Plan, it is clear that there is no requirement for foul drainage. The site plan illustrates that the surface water is to be dealt with via a soakaway. Given the extent of landownership, it would be reasonable to expect that this would be an acceptable solution.

Taking account of the above, the proposed development is considered to be in accordance with Policies ST03, DM02 and DM04 of the NDTLP and the NPPF.

6. Impact on Wildlife and Ecology

Local Planning Authorities have a statutory duty to ensure that the impact of development on wildlife is fully considered during the determination of a planning application under the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, the Conservation of Habitats and Species Regulations 2010 (Habitats Regulations 2010). This is further reinforced within NDTLP through Policies DM08 and ST14 which state that all developments must ensure that the importance of habitats and designated sites are taken into account.

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.

An EclA and Biodiversity Net Gain Assessment was prepared by Orbis Ecology, received 28th November 2025. The report confirms that the site is of little ecological value and importance and states that “there are no additional ecological impacts to be assessed” than beyond that already permitted.

The previous application to which the Ecologist refers to, was carried out by Penpont Ecology Services Ltd and was received as part of Planning Application (reference: 1/0091/2024/FUL, decided 27th March 2024)

The report detailed a series of recommendations to avoid any potential impacts on protected species, these include:

- Dismantle timber storage during the period March to October to avoid the reptile hibernation period. If this timeframe cannot be observed, remove timber under the watching brief of a qualified ecologist.
- Dismantle timber storage gradually in increments, by hand, to allow any reptiles that might be present time to move away from the disturbance of their own accord.
- Avoid removing section of easterly hedgerow during the bird nesting season which occurs between 1 March and 30 August. If this timeframe cannot be observed, remove hedge section under the watching brief of a qualified ecologist.
- Retain a buffer zone of 2m from the foot of the hedges and from the top of the bank of the ditch to the north.
- Follow usual working near water guidelines that include retaining a temporary 4m buffer zone from the top of the ditch bank. There shall be no storage of plant, machinery, chemicals, oils or diesels within this area.
- Use removed hedgerow material to infill the existing access point. This will ensure there is no net loss of hedgerow habitat.

- Avoid the use of exterior lighting. Should lighting be necessary, this shall occur only in the winter months of 1 November to 1 March. This is done to avoid disturbance of nocturnal species including nesting birds. And dormice and bats which will be in hibernation.

The report also detailed the following biodiversity net gain delivery measures:

- The remaining grassland will be managed as a hay meadow. Grass shall be mown once per year in late August. This will allow botanical species time to complete their fruiting cycle.
- Grass cuttings shall be removed from the site. This is done to reduce the nutrients in the soil thus allowing less aggressive wildflower species to establish.
- There shall be no blanket use of herbicides, organic or inorganic fertilisers. Injurious species (nettles, docks, creeping thistle) shall be spot-treated with a knapsack sprayer.
- The north and southerly hedges are in good to moderate condition, and these shall be retained. The easterly hedge is gappy and in poor condition. These shall be ecologically improved by:
 - Planting-up gaps with whips of native species, protected with plastic rabbit guards. Guards must be removed when whips are established.
 - Cut the east hedge once every three years. This is done to allow hedge species to complete their fruiting cycle and to promote a thicker, bushier growth pattern.

Your officer acknowledges that the application site is located approximately 1.34km to the south of Beaford Moor Site of Special Scientific Interest and 2.64km to the east of Halsdon Site of Special Scientific Interest and is located within the Impact Risk Zones for each sensitive receptor. As such, the Natural England guidance is that for industrial developments that could cause air pollution (including industrial processes) with a floorspace above 500 square metres, that Natural England should be consulted and an Air Quality Assessment undertaken.

The application form confirms that the proposed building will be separated with approximately 309.5 square metres for B2 uses and 309.5 square metres for B8 uses. It is acknowledged that B8 uses would not cause air pollution and therefore the development as a whole would fall below the threshold for consultation with Natural England. The applicant has agreed to a condition restricting the floor area for the uses to that stated within the application form. In the event that Members overturn the recommendation and do not consider the condition necessary, the application would be required to be deferred and Natural England consulted.

Taking account of the details submitted alongside the application and the previous ecological appraisal, the proposed development is likely to fulfil the above statutory duties and the provision of policies DM08 and ST14, the biodiversity objectives of the NPPF and the Council's statutory duties under the Wildlife and Countryside Act as well as the Natural Environment and Rural Communities Act.

b. Biodiversity Net Gain

As of the 12th of February 2024, it is mandatory under the Schedule 7a of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) that also development (unless exempt) must deliver a Biodiversity Net Gain of 10%.

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

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

Orbis Ecology provided a Statutory Biodiversity Net Gain Metric, which confirmed that the site consists of lowland acid grassland in poor condition, with species rich and native hedgerow boundaries. The Trading Summaries of the proposed development demonstrates that the total net (%) change is as follows:

- Habitat Units: 0.38 units 24.58%)
- Hedgerow Units: 0.20 (19.97%)

- Watercourse Units: 0.00%

It is acknowledged that the proposed development would result in an overall net loss of habitats; however, this is largely due to the fact that domestic garden areas having a lower habitat value. The Local Planning Authority acknowledges that given the scale of the site, the opportunities to provide onsite net gain are limited.

The applicant is aware of the requirements of the Schedule 7a of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) and has agreed that off-site credits will be purchased to meet the 10% Net Gain.

This would accord with the hierarchy, given that onsite enhancement and provision cannot be achieved. The proposed development is considered to be acceptable, subject to the BNG condition being discharged, prior to the commencement of any development.

Taking account of the above, your officer accepts that the requirements of Schedule 7a of the Town and Country Planning Act 1990 are likely to be achieved and the Biodiversity Net Gain is achieved as high up the hierarchy as possible, subject to detailed consideration at the Discharge stage.

7. Conclusion

In conclusion, the application site is an unsustainable location for new large-scale economic (General Industrial (B2) and Storage and Distribution (B8)) development, which is not considered to be linked to an appropriate rural activity or practice, nor is the site well-served by sustainable modes of transport.

Furthermore, there is a lack of compelling evidence before the Local Planning Authority that demonstrates a need for a larger scale employment development, such as that proposed, and that demonstrates that a location on existing employment allocations or on employment within/adjacent urban boundaries or village envelopes is not more appropriate and / or available.

Taking account of the above, your officer considers that the proposed development conflicts with Policies ST01, ST07 and ST11 of the North Devon and Torridge Local Plan and the overarching sustainability principles of the National Planning Policy Framework. The recommendation is therefore one of 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 proposed development conflicts with the Council's Spatial Strategy, which seeks to direct new large-scale economic development to sustainable locations. The proposed use is not restricted to a countryside location and there is no strong functional link to a rural based activity or operation. In addition to this, the site is not an appropriate diversification scheme of the adjacent timber business; the site is relatively isolated in that it is not well-served by sustainable modes of transport; and the applicant has failed to demonstrate that a more suitable location on existing employment allocations or on employment sites within/adjacent settlement boundaries is not possible. Accordingly, the proposed development is contrary to Policies ST01, ST07 and ST11 of the North Devon and Torridge Local Plan and the National Planning Policy Framework.

Plans Schedule

<u>Reference</u>	<u>Received</u>
0599-01 A	20.10.2025
0599-03 A	20.10.2025
0599-04 A	20.10.2025
0599-05 A	20.10.2025

Informatives

01. Biodiversity Net Gain Condition

Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 states that planning permission is deemed to have been granted subject to the "biodiversity gain condition" which means development granted by this notice must not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

This permission will require the submission and approval of a Biodiversity Gain Plan before development is begun.

For guidance on the contents of the Biodiversity Gain Plan that must be submitted and agreed by the Council prior to the commencement of the consented development please see the link: Submit a biodiversity gain plan - GOV.UK (www.gov.uk)

Statutory exemptions and transitional arrangements

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These can be found at Paragraph: 003 Reference ID: 74-003-20240214 of the Planning Practice Guidance, which can be found at <https://www.gov.uk/guidance/biodiversity-net-gain>.

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

Effect of Section 73(2D) of the 1990 Act

Under Section 73(2D) of the Town and Country Planning Act 1990 (as amended) where -

- (a) a biodiversity gain plan was approved in relation to the previous planning permission ("the earlier biodiversity gain plan"), and
- (b) the conditions subject to which the planning permission is granted:
 - (i) do not affect the post-development value of the onsite habitat as specified in the earlier biodiversity gain plan, and
 - (ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat within the meaning of regulations made under paragraph 18 of Schedule 7A, do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier biodiversity gain plan.

The earlier biodiversity gain plan is regarded as approved for the purposes of paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 (as amended) in relation to the planning permission.

Statement of Engagement

In accordance with paragraph 39 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.