

Application Report

Planning, Housing and Health
North Devon Council
Lynton House, Commercial Road,
Barnstaple, EX31 1DG

Application No:	75694
Application Type:	Full Application
Application Expiry:	5 May 2023
Extension of Time Expiry:	5 May 2023
Publicity Expiry:	15 February 2023
Parish/Ward:	WITHERIDGE/WITHERIDGE
Location:	Barn at Little Yeo Witheridge Devon EX16 8QA
Proposal:	Amended plans/materials to planning permission 70296 and extension to agricultural barn and widening of vehicular access (amended description)
Agent:	Mr Graham Townsend
Applicant:	Mr J Yabsley
Planning Case Officer:	Miss S. May
Departure:	N
EIA Development:	
EIA Conclusion:	Development is outside the scope of the Regulations.
Decision Level/Reason for Report to Committee (If Applicable):	Applicant is a Councillor

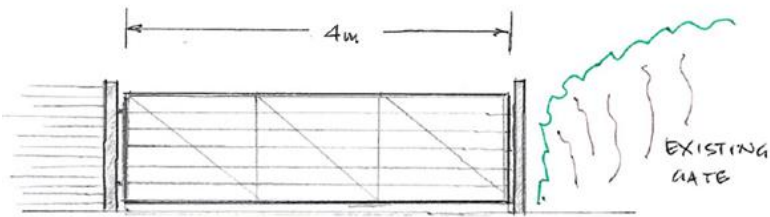
Site Description

The application site is situated to the north of Witheridge 0.6km from the B3137 and comprises a small parcel of land that forms part of a larger 32 hectare agricultural holding. The site comprises an agricultural building on a relatively level field that is currently grassed and bounded by post and wire fencing. The existing vehicular access is through an existing field gateway onto the lane.

The site sits within Flood Zone 1, an area with a low probability of flooding. The site is not in a designated landscape area.



Existing vehicular access



Existing vehicular access



Existing agricultural buildings (views to west and south)



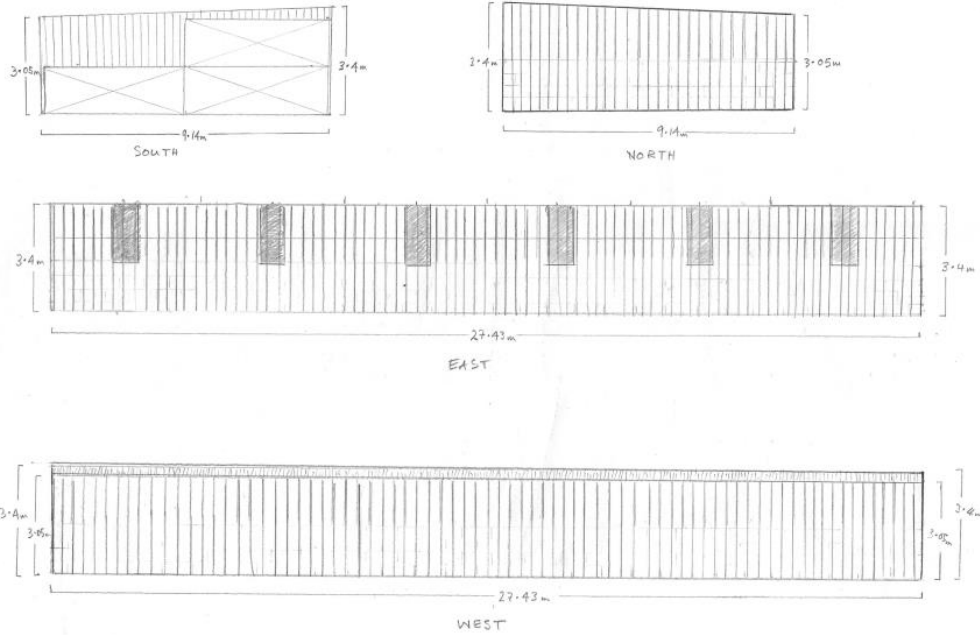
Existing agricultural building (views to south and east)



Buildings used for lambing/machinery storage



Buildings used for lambing/machinery storage



Existing elevations

Recommendation

Approved

Legal Agreement Required: No

Planning History

Reference Number	Proposal	Decision	Decision Date
70296	Erection of one agricultural building at Land at Little Yeo Witheridge Devon EX16 8QA	Approved	18 October 2019

Constraints/Planning Policy

Constraint / Local Plan Policy	Distance (Metres)
Adopted County Wild Life Site: West Yeo Moor Policy Ref: ST14	Within constraint
Advert Control Area Area of Special Advert Control	Within constraint
Burrington Radar Safeguard Area consultation required for: All buildings, structures, erections & works exceeding 90 metres in height.	Within constraint
Landscape Character is: 1F Farmed Lowland Moorland and Culm Grassland	Within constraint
Unclassified Road	
Within Adopted Unesco Biosphere Transition (ST14)	Within constraint
Within: Culm Grasslands, SAC 10KM Buffer if agricultural development consider need for AQIA	Within constraint

Constraint / Local Plan Policy	Distance (Metres)
SSSI Impact Risk Consultation Area	Within constraint
DM01 - Amenity Considerations DM02 - Environmental Protection DM04 - Design Principles DM05 - Highways DM06 - Parking Provision DM08 - Biodiversity and Geodiversity DM08A - Landscape and Seascape Character DM14 - Rural Economy ST01 - Principles of Sustainable Development ST04 - Improving the Quality of Development ST07 - Spatial Development Strategy for Northern Devon's Rural Area ST10 - Transport Strategy ST14 - Enhancing Environmental Assets	

Consultees

Name	Comment
Natural England	No response received on first round of consultation
Natural England	No response received on second round of consultation
Wetheridge Parish Council Reply Received 8 February 2023	Comments: No comment given applicant is a parish councillor
Wetheridge Parish Council Reply Received 8 February 2023	8/02/2023 10:38 - No comment given applicant a parish councillor

Neighbours / Interested Parties

Comments	No Objection	Object	Petition	No. Signatures
0.00	0.00	0.00	0.00	0.00

No representations received.

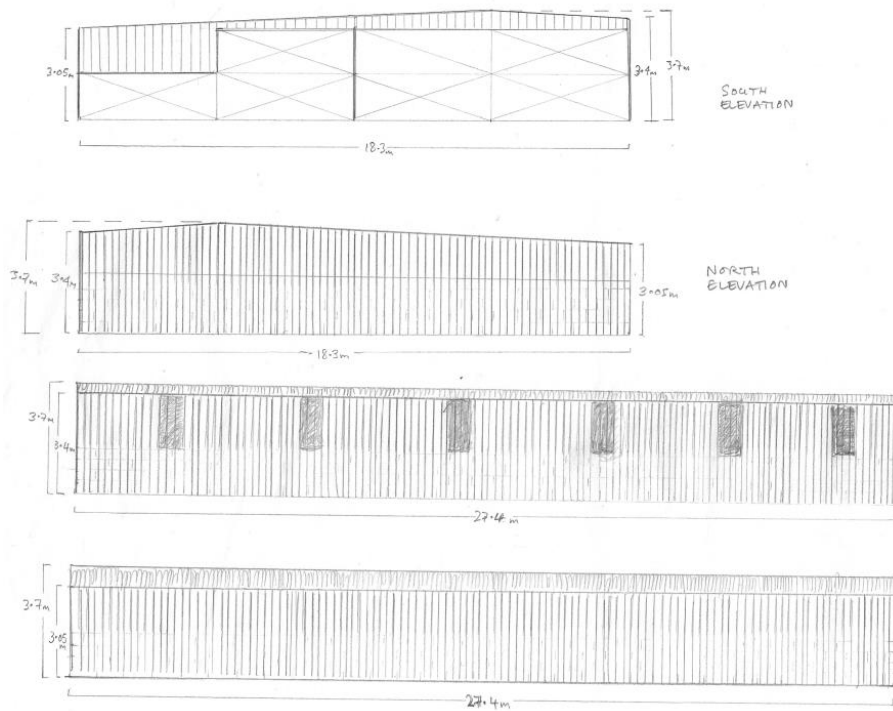
Considerations

Proposal Description

The application seeks full planning permission for an extension to the existing agricultural barn. This would project out from the existing building by 9.16 metres and follow the length of the existing building (i.e. 27.4 metres) creating a footprint of approximately 251 square metres. This would effectively double the size of the existing building. Materials would

match that of the existing in respect of vertical timber boarding and corrugated steel and grey fibre cement profile roofing materials.

It was evident having carried out the site visit that the agricultural building had not been built in accordance with the plans as approved under 70296. In light of this revised plans have been submitted to regularise what has already been constructed on site and the application has been re-advertised and re-consultation taken place. In addition the applicant has now also sought to widen the existing vehicular access from 4 metres to 6 metres in width and amended plans have also been submitted in this respect.

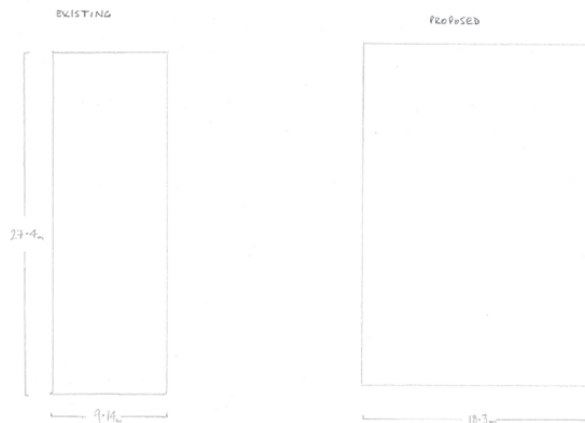


Proposed elevations

BARN AT LITTLE YEO, WITHERIDGE

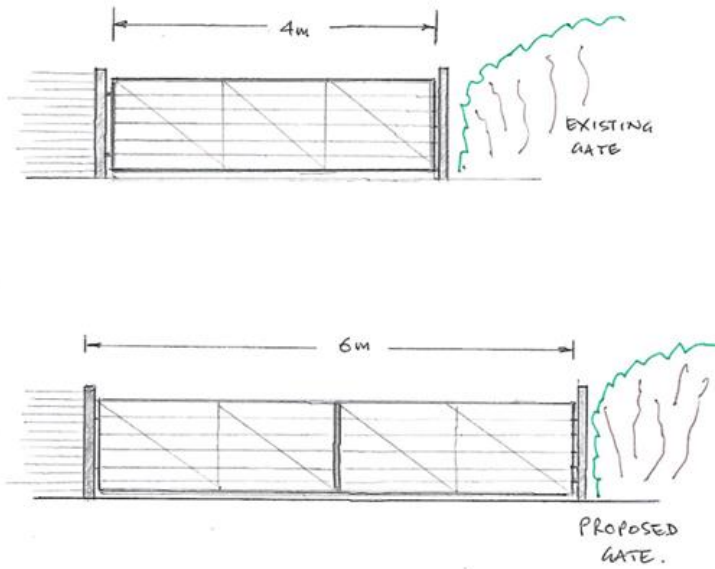
0 1 2 4 6 8 10m
SCALE 1:100 @ A3

FLOOR PLAN

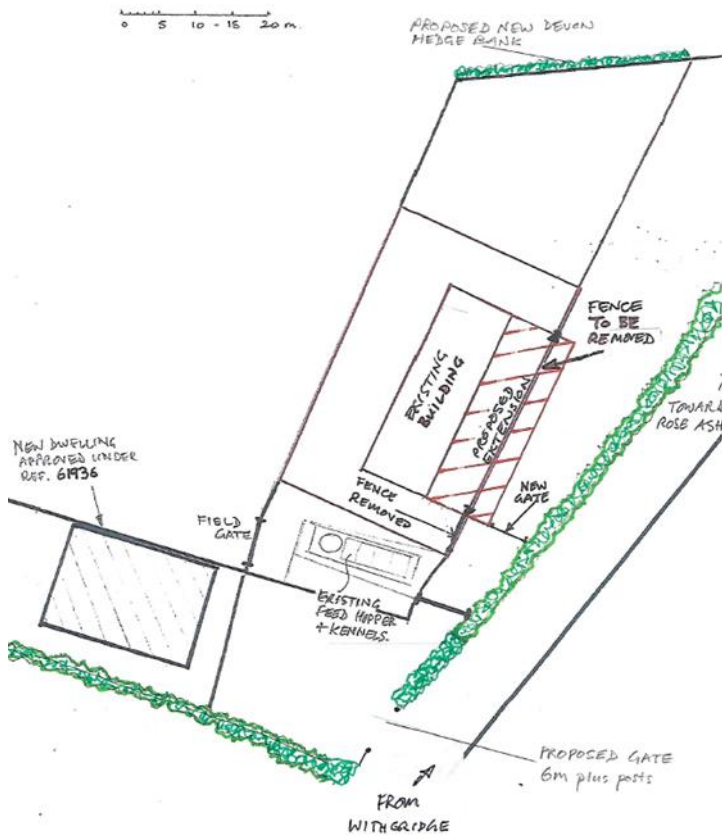


Existing and proposed floor plans

LITTLE YEO, WITHGRIDGE
 WIDENING OF EXISTING GATEWAY.
 SCALE 1:50 @ A4.



Proposed widening of vehicular access



Proposed block plan

Planning Considerations Summary

- History relating to site
- Principle of development and agricultural justification
- Character and appearance
- Highway safety
- Flood risk and drainage
- Amenity
- Ecology and biodiversity

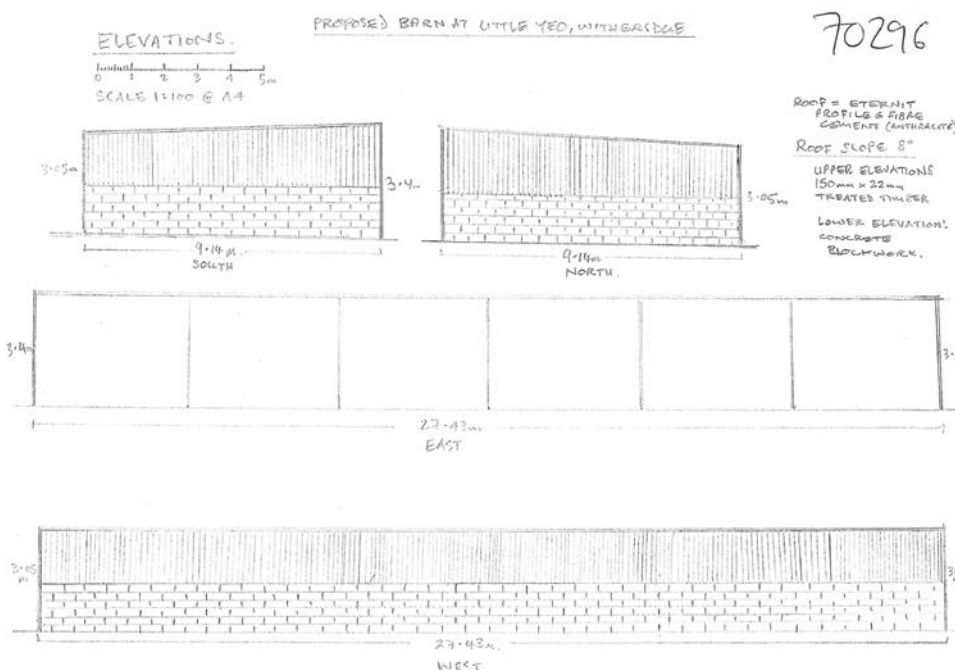
Planning Considerations

In the determination of a planning application Section 38 of the Planning & Compulsory Purchase Act 2004 is relevant. It states that for the purpose of any determination to be made under the planning Acts, the determination is to be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for this area includes the Devon Waste Plan and North Devon and Torridge Local Plan. The relevant Policies are detailed above.

The National Planning Policy Framework (NPPF) is a material consideration.

History relating to site

Planning approval 70296 granted planning permission for the erection of an agricultural building with a footprint of 250 square metres with an overall height of 3.4 metres. At this time it was accepted that there were no other buildings on site that were suitable for this purpose and that there was a functional justification for the proposed building in relation to a local agricultural business, being used for the dry storage of feed/straw, general agricultural equipment and as a covered space for lambing and finishing rare breed pigs.



Elevations as approved under 70296

Principle of development and agricultural justification

The site is located in the countryside whereby special justification for development in these areas is required in order to safeguard the intrinsic qualities of the rural landscape. Policy ST07: Spatial Development Strategy for Northern Devon's Rural Area of the North Devon and Torridge Local Plan (NDTLP) applies as well as Policy DM14 which allows for small scale economic development in the open countryside providing it has a strong functional link to local agriculture and there are no other adverse impacts.

The principle of development was established in planning approval 70296. In terms of the proposed extension the planning statement submitted alongside the application explains that over the last two lambing seasons it has become evident that further covered space is required to enable successful management of the spring lambing flock both in terms of grazing management and animal welfare, in particular now that the farm is part of the new government Environmental Land Management sustainable farming incentive scheme pilot. The applicant farms two block of land in close proximity to each other totalling just over 32 hectares with the sheep flock still at approximately 150 ewes. Further space is also required for additional machinery and processing/conditioning of logs from the woodland.

The extension to the existing building which would be used for agricultural purposes is therefore acceptable in principle subject to other material planning considerations.

Character and appearance

Policy DM04 of the NDTLP supports good design and the integration of new development into the natural, built and historic environment. The design of a new building will need to be appropriate to its location; it should be integrated with the landscape and take account of the characteristics of any adjacent buildings.

The existing building has a footprint of around 250 square metres and has a maximum height of 3.7 with a mono-pitched roof and a shallow pitch of 8 degrees. The proposed design continues this pitch for half the depth of the extension and then pitches back down at the same slope to keep the eaves height the same as the existing building.

The extension would have a footprint of approximately 251 square metres. The extension would be constructed with materials to match that of the existing and the building would remain agricultural in appearance within this rural setting.

Policy DM08A states that development should be of an appropriate scale, mass and design that recognises and respects landscape character of both designated and undesignated landscapes. The site is not in a designated area and is within the Farmed Lowland Moorland and Culm Grassland landscape character area with the special qualities including small field patterns enclosed by thick Devon banks and surrounded by open grazing land, isolated farms and farmsteads and high levels of tranquillity and remoteness.

The extension to the existing building would be set back from the road by approximately 8 metres and be partially screened by mature hedging which runs along the eastern boundary. The site is in an elevated position with long distance views over the countryside to the north and west. Views from the wider countryside would be seen in the context of the adjacent barn conversion and farm buildings at Aveglaid Farm. It is therefore considered the scale

of the building and siting would not result in any harm to the special qualities of the surrounding landscape.

In addition the plans detail an area of new hedge bank planting to the north, approximately 30 metres in length, which would be planted with native mix species providing further screening. The bank would be constructed using material excavated as part of the preparation for the extension to the barn.

Highway safety

Policy DM05 of the NDTLP requires all development to have safe and well-designed access and egress. The building will be accessed from the existing gateway which would be widened by 2 metres and provides significant visibility in both directions. The parcel of land is in close proximity to the rest of the holding and the applicants reside in the adjacent barn conversion. The development is therefore unlikely to result in a significant impact on the safety and functioning of the highway network in accordance with policies DM05 and DM06 of the NDTLP.

Flood risk and drainage

The site is situated in flood zone 1 and no concerns are raised in this respect. The existing drainage arrangements would be used and the Planning Statement clarifies that percolation testing was carried out for the dwelling permitted under 61936 and the existing soakaway would be used.

Amenity

Under policy DM01 development will be supported where there is no significant harm to the amenities of any neighbouring occupiers or uses. The adjacent barn has been converted and is occupied by the applicant. The closest neighbour is Little Dart Raffe with Aveglaid Farm to the south east from which there is a 100m separation distance. It is considered the use of the proposed barn for general storage and livestock housing would be compatible with the surrounding agricultural uses and would not cause any adverse impact on amenity, therefore in accordance with Policy DM01 of the NDTLP.

Ecology and biodiversity

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 2017 (Habitats Regulations 2017).

The submitted wildlife trigger list indicates that the development does not trigger the requirement for a wildlife report. Given that the proposal is for an extension to an existing modern agricultural building which has been recently constructed there are not considered to be any significant implications for protected species. As detailed earlier a new hedge bank which would be planted to the north of the site which would offset against the 2 metres of hedging lost as a result of widening the vehicular access. The development is therefore considered in accordance with Policies DM08 and ST14 of the North Devon and Torridge Local Plan.

Conclusion

The proposed building would be of a size that is permitted under the GPDO and of an appearance as other agricultural buildings in the locality. The site is part of a larger farm holding and as such it is considered there is a functional justification for the building. There would be limited impact on the wider landscape due to the siting, low profile and intervening screening. The site is currently grazed and has low ecological value. The widening of the existing access is considered acceptable, providing adequate width and visibility to deal with any additional traffic. There is sufficient separation distance from the nearest neighbouring to prevent any loss of amenity.

The application is considered to accord with the adopted development plan. Approval of the application is therefore recommended subject to the imposition of planning conditions.

Human Rights Act 1998

The provisions of the Human Rights Act and principles contained in the Convention on Human Rights have been taken into account in reaching the recommendation contained in this report. The articles/protocols identified below were considered of particular relevance:

- Article 8 – Right to Respect for Private and Family Life
- THE FIRST PROTOCOL – Article 1: Protection of Property

Section 149(1) of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it (the Public Sector Equality Duty or 'PSED'). There are no equality implications anticipated as a result of this decision.

Recommendation

Approved

Legal Agreement Required: No

Conditions

1. The development to which this permission relates must be begun not 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 requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following approved plans/details:
NDC006A Block Plan received on the 25/01/23
NDC004 Gate Details received on the 29/11/22

NDC001A Location Plan received on the 25/01/23
NDC003 Existing & Proposed Floor Plans received on the 28/07/22
GT/LY/02A Proposed Elevations received on the 25/01/23
Hedgebank Spec received on the 29/11/22
(‘the approved plans’).

Reason:

To ensure the development is carried out in accordance with the approved plans in the interests of proper planning.

3. The building hereby permitted shall be used only for agricultural purposes as defined in Section 336(1) of the Town and Country Planning Act 1990.

Reason:

To ensure that the site is only used for agricultural purposes to protect the Amenities of the rural area where there is a policy of restraint.

4. Where the development hereby permitted ceases to be used for agricultural purposes within ten years from the date of this permission and planning permission has not been granted authorising development for purposes other than those set out under the above condition within three years of the permanent cessation of the agricultural use, and there is no outstanding appeal, the development must be removed unless the Local Planning Authority has otherwise previously agreed in writing.

Reason:

For strict control of development in the countryside and the Local Planning Authority wishes to ensure that the development is used solely for the purposes hereby permitted.

5. The development hereby approved shall be constructed in accordance with the following schedule of external finishing materials:

Elevations – Corrugated steel and vertical timber boarding
Roof - Grey fibre cement profile

Reason:

In the interests of the appearance of the development and locality in accordance with Policy DM04 of the North Devon and Torridge Local Plan.

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation or the substantial completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variations.

Reason:

To assimilate the development into the landscape and to safeguard the appearance and character of the area in accordance with Policies ST04, ST14, DM04 and DM08A of the North Devon and Torridge Local Plan.

7. No external lighting shall be installed without the prior written agreement of the Local Planning Authority.

Reason:

In order to safeguard the interests of the tranquillity of the area and in the interests of safeguarding protected species and their habitats in accordance with Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, The Conservation of Habitats and Species Regulations 2017 (Habitats Regulations 2017), Paragraph 170 of the National Planning Policy Framework and Policies ST14 and DM08 of the North Devon and Torridge Local Plan.

8. The site must be drained on a separate system of foul and surface water drainage, with all clean roof and surface water being kept separate from foul drainage.

Reason:

To prevent pollution of the water environment in accordance with Policy DM02 of the North Devon and Torridge Local Plan.

9. If any foul drainage is produced, including foul and surface water run-off, it must be stored and disposed of in such a way as to prevent any discharge to a well, spring or watercourse, including dry ditches with a connect to a watercourse.

Reason:

To prevent pollution of the water environment in accordance with Policy DM02 of the North Devon and Torridge Local Plan.

Informatives

1. Bats and bat roosts are protected by law under Schedule 5 of the Wildlife & Countryside Act 1981 [as amended], Schedule 2 of the Conservation [Natural Habitats, &c] Regulations 1994, the Countryside Rights Of Way Act 2000, and the Conservation of Species and Habitats Regulations 2017. It is an offence to recklessly or deliberately kill, injure or capture [take] bats, recklessly or deliberately disturb bats, damage, destroy or obstruct access to bat roosts. For further advice contact the Bat Helpline 0345 1300 228.
2. It is an offence under section 1 of the Wildlife and Countryside Act 1981 (as amended) to intentionally take, damage or destroy the nest of any wild bird while it is in use or being built. It is strongly recommended that any buildings or land where consent for work has been granted are checked for nesting birds prior to any work being undertaken. Where inspection is obscured i.e. Hedgerows, Ivy and in trees of dense foliage it is advised that work is scheduled for outside the nesting season i.e. not undertaken between March and August (inclusive). For further advice please contact the RSPB Southwest Regional Office 01392 432691.
3. Statement of Engagement
In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way, securing amended plans to regularise the existing building on site, and has imposed planning conditions to enable the grant of planning permission.