

Application Report

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

Application No:	77474
Application Type:	Full Application
Application Expiry:	24 November 2023
Extension of Time Expiry:	24 November 2023
Publicity Expiry:	8 November 2023
Parish/Ward:	SWIMBRIDGE/LANDKEY
Location:	Land at Wrimstone Farm Cobbaton Barnstaple Devon EX32 0QG
Proposal:	Erection of new stable building and associated works (amended plans)
Agent:	Mr Nigel Polkinghorne
Applicant:	Mrs Lucinda Renshaw
Planning Case Officer:	Miss S. May
Departure:	N
EIA Development:	Development is outside the scope of the Regulations.
EIA Conclusion:	
Decision Level/Reason for Report to Committee (If Applicable):	The applicant is a District Councillor.

Site Description

The application site is situated within the open countryside and comprises part of a field associated with Wrimstone Farm. The field is bounded by mature hedgerows and some mature trees. The field gate is via the northern boundary. The site lies approximately 1.6km from Cobbaton (to the south) and 2.5 km from Swimbridge (to the north). The farmhouse which lies to the northeast of the site is a Grade II listed detached Devon longhouse. There is a timber framed building to the north of the site which is currently being used as garaging, log storage and some equine related paraphernalia. At the time of the site visit there were two horses and one donkey grazing on the land.



Proposed location for stable building



Horses grazing the land & hedgerow boundaries



Donkey & field shelter on the land



Existing open fronted timber framed building to northeast of proposed stable building



Timber framed building currently being used to storage some equine paraphernalia



Grade II listed building and outbuildings that have been converted to northeast of site



Aerial Imagery



Location Plan

Recommendation

Approved

Legal Agreement Required: No

Planning History

Reference Number	Proposal	Decision	Decision Date
21756	Proposed conversion of existing barn to form ancillary accommodation to main house at Wrimstone, Swimbridge, EX32 0QG	Full Planning Approval	20 May 1996
21759	Listed Building Application Proposed conversion of existing barn to form ancillary accommodation to main house at Wrimstone, Swimbridge, EX32 0QG	Full Planning Approval	20 May 1996
48379	Agricultural Building Works Prior Notification for erection of general purpose shed & log store at Wrimstone Farm, Swimbridge, Barnstaple, EX32 0QG	Agric Prior Approval Not Required	26 May 2009

Constraints/Planning Policy

Constraint / Local Plan Policy	Distance (Metres)
Advert Control Area Area of Special Advert Control	Within constraint
Burrington Radar Safeguard Area consultation required for: All buildings, structures, erections & works exceeding 45 metres in height.	Within constraint
Chivenor Safeguard Zone Consultation Structure or works exceeding 15.2m	Within constraint
Chivenor Safeguard Zone Consultation Structure or works exceeding 45.7m	Within constraint
Landscape Character is: 1D Estate Wooded Ridges & Hilltops	Within constraint
Listed Building Adjacent: 2904.0 EH Ref 1107671 Wrimstone Farmhouse, Swimbridge	10.60
Listed Building Curtilage (Adjacent to)	Within constraint
Listed Building Curtilage (within)	Within constraint
Unclassified Road	
USRN: 27504718 Road Class:R Ownership: Highway Authority	3.24
Within Adopted Unesco Biosphere Transition (ST14)	Within constraint
Within:, SSSI 5KM Buffer in North Devon, consider need for AQIA if proposal is for anaerobic digester without combustion plant	Within constraint
SSSI Impact Risk Consultation Area	Within constraint
DM01 - Amenity Considerations	

Constraint / Local Plan Policy	Distance (Metres)
DM02 - Environmental Protection DM04 - Design Principles DM05 - Highways DM06 - Parking Provision DM07 - Historic Environment DM08 - Biodiversity and Geodiversity DM08A - Landscape and Seascape Character DM16 - Equine Development ST01 - Principles of Sustainable Development ST02 - Mitigating Climate Change ST04 - Improving the Quality of Development ST07 - Spatial Development Strategy for Northern Devon's Rural Area ST10 - Transport Strategy ST14 - Enhancing Environmental Assets ST15 - Conserving Heritage Assets	

Consultees

Name	Comment
Councillor G Lane Reply Received	No response received on first round of consultation.
Councillor G Lane Reply Received	No response received on second round of consultation to date.
Councillor M Haworth-Booth Reply Received	No response received on first round of consultation.
Councillor M Haworth-Booth Reply Received	No response received on second round of consultation to date.
Environmental Health Manager Reply Received 9 August 2023	<p>1 Private Use Only</p> <p>The Application form and supporting information indicate that the stables are to be used solely for private use.</p> <p>I recommend any planning permission makes clear that proposals to undertake commercial uses of the building will require the prior approval of the LPA. This would provide an opportunity for the LPA to consider whether commercial uses of the building might give rise to increased amenity concerns in terms of nearby residential neighbours.</p> <p>2 Land Contamination</p>

Name	Comment
	<p>I do not expect land contamination issues to arise in relation to the proposals. However, I recommend the following condition be included on any permission to cover the possibility that unexpected contamination is discovered during development work:</p> <p>- Contaminated Land (Unexpected Contamination) Condition Should any suspected contamination of ground or groundwater be discovered during development of the site, the Local Planning Authority shall be contacted immediately. Site activities within that sub-phase or part thereof shall be temporarily suspended until such time as a procedure for addressing the contamination is agreed upon with the Local Planning Authority or other regulating bodies.</p> <p>Reason: To ensure that any contamination existing and exposed during the development is assessed and remediated as necessary.</p> <p>3 Advisory Note: Manure Management and Disposal Manure and related stable wastes must be stored and disposed of in compliance with relevant environmental legislation and Environment Agency requirements such as to avoid pollution of the water environment. Manure should be stored away from sensitive neighbours and must be managed and disposed of in ways that do not cause statutory odour or fly nuisance at neighbouring residential properties.</p>
<p>Environmental Health Manager</p> <p>Reply Received 17 October 2023</p>	<p>Further to my emailed comments of 9 August 2023, I have reviewed the amended plans and information received since I commented in relation to Environmental Protection matters.</p> <p>I do not wish to add anything to my previous comments, which stand.</p>
<p>Heritage & Conservation Officer</p> <p>Reply Received</p>	<p>No response received on second round of consultation to date.</p>
<p>Heritage & Conservation Officer</p> <p>Reply Received 29 August 2023</p>	<p>I do not consider that this proposal will cause harm to the significance of the heritage asset.</p>
<p>Sustainability Officer</p> <p>Reply Received</p>	<p>No response received on second round of consultation to date.</p>
<p>Sustainability Officer</p>	<p>No comment.</p>

Name	Comment
Reply Received 14 August 2023	
Swimbridge Parish Council	No response received on second round of consultation to date.
Reply Received	
Swimbridge Parish Council	No response received on first round of consultation.
Reply Received	

Neighbours / Interested Parties

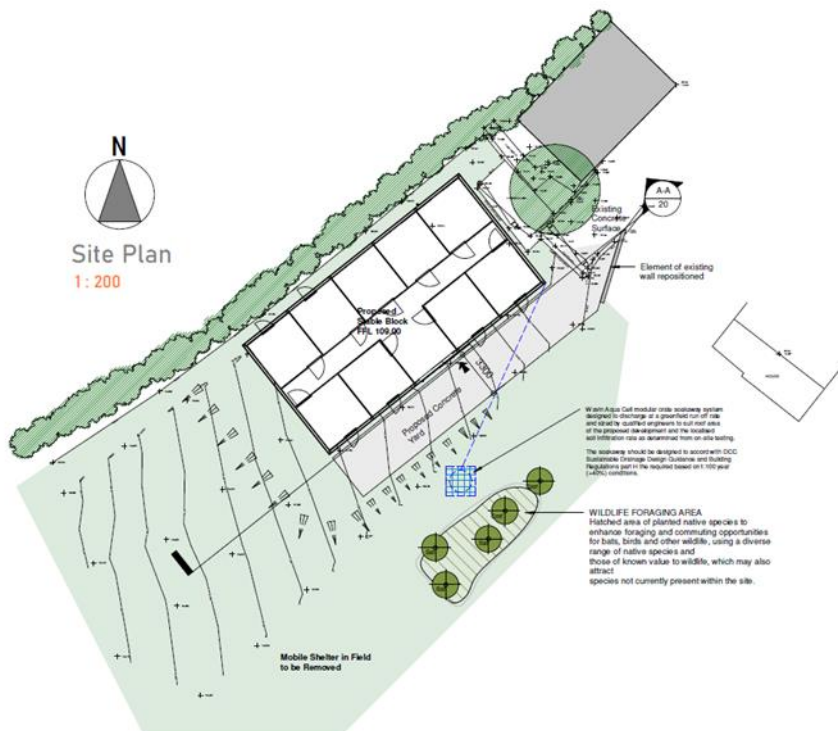
Comments	No Objection	Object	Petition	No. Signatures
0.00	0.00	0.00	0.00	0.00

No representations received.

Considerations

Proposal Description

This application seeks full planning permission for the erection of a new stable building measuring approximately 18.288 metres by 9.144 metres, height to eaves approximately 3 metres with overall ridge height approximately 3.8 metres. The building would be constructed with natural timber clad elevations, corrugated steel roofing materials and have timber doors. A concrete apron would front the building.



Proposed site plan

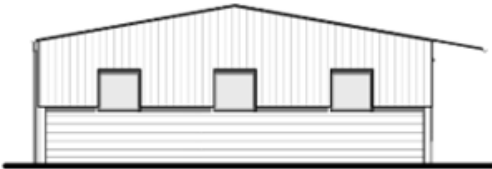
Contractor must check all dimensions on site. Only figured dimensions are to be worked from. Discrepancies must be reported immediately to the Architect before proceeding. Drawings prepared for purpose of obtaining planning permission must not be used for construction / tender purposes.

Area	Area	Area	Area	Area	Area
1000	1000	1000	1000	1000	1000
1000	1000	1000	1000	1000	1000
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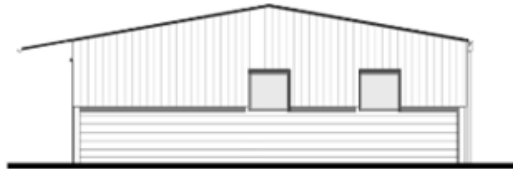
South East Elevation

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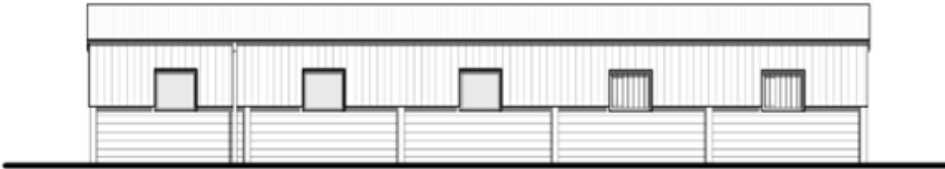
South West Elevation

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North East Elevation

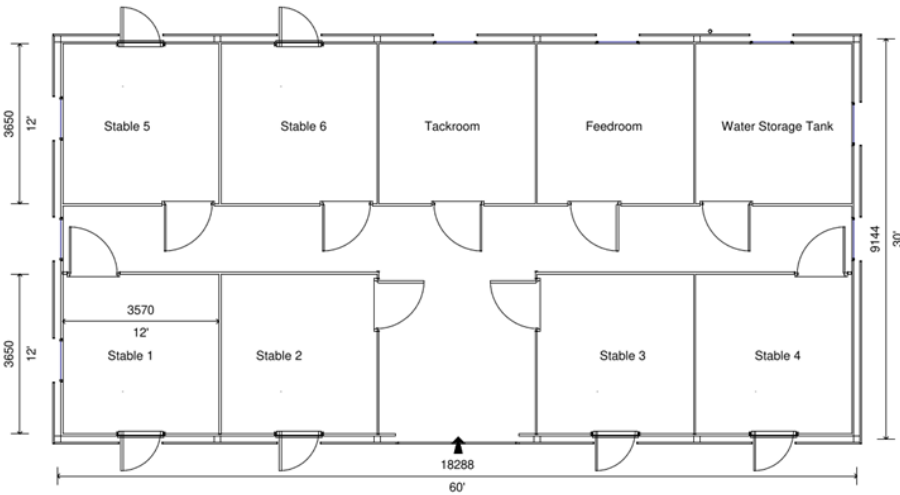
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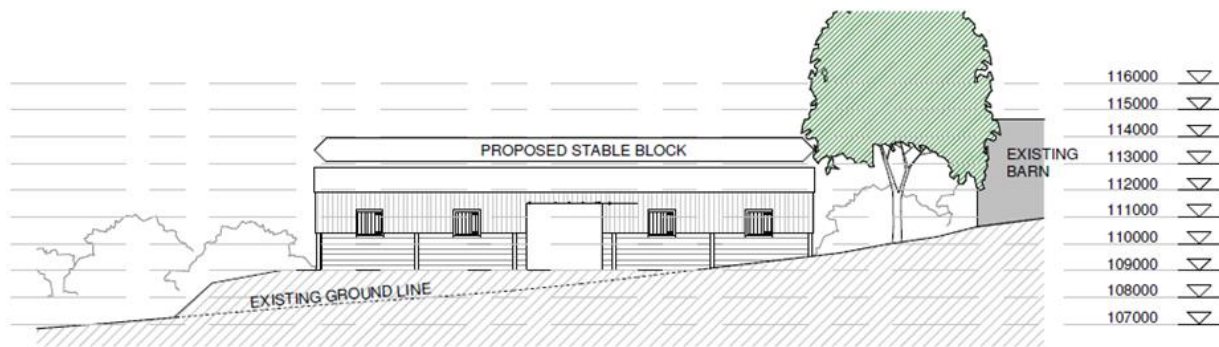
North West Elevation

1:100

Proposed elevations



Proposed floor plan



Proposed cross section

It should be noted that the red line boundary has changed during the course of the application to include the land that would be re-graded/in-filled to facilitate the development as well as include the wildlife foraging area. In light of this the application has been re-advertised, re-consultation and neighbour notification taken place.

Planning Considerations Summary

- Principle
- Character and appearance
- Highway safety
- Flood risk and drainage
- Neighbouring 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.

In considering to grant planning permission which affects a listed building or its setting the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses in accordance with Section 66 of the Listed Building Act.

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

History relating to site

48379 - Agricultural building works prior notification for erection of general purpose shed and log store – Prior approval not required 26 May 2009

Principle

The application site is situated within the open countryside whereby Policy ST07 (Spatial Development Strategy for Northern Devon's Rural Area) of the North Devon and Torridge Local Plan states that development in the countryside, beyond local centres, villages and rural settlements will be limited to that which is enabled to meet local economic and social needs.

In addition, Policy DM16 (Equine development) states that 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 amenities of nearby residents; and*
- d) The development is convenient for suitable existing riding areas where any necessary access is acceptable without detriment to the safety of users of the public highway.*

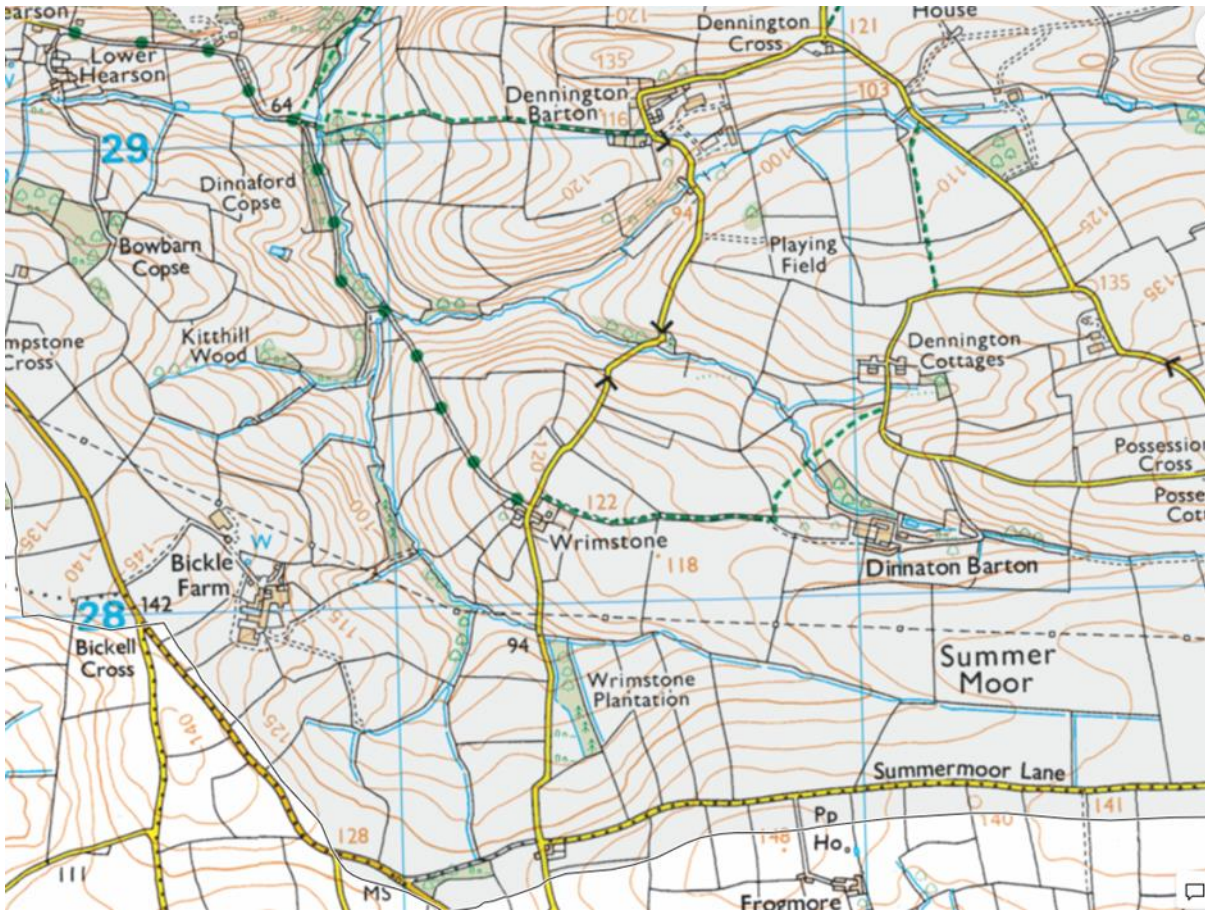
The proposal seeks the erection of a new stable building which would have a footprint of approximately 167.23 square metres. The floor plans indicates the building would be broken down as follows:

- 6 stables
- Tack room
- Feed room
- Water storage tank

The Design and Access Statement accompanying the application states that *“Wrimstone Farm has recently been bought by our clients and they have a number of retired horses...”* Whilst this is the case, at the time of the site visit only 2 horses and 1 donkey were present on the land. In light of this the LPA advised that the size of the stables should be reduced as the footprint was considered overly large in relation to the number of horses currently on site. Whilst this is the case the applicant has resisted reducing the overall footprint.

Clarification has been received stating that the building of the size proposed is for horse welfare and as the applicant is retiring she will be purchasing additional horses for dressage as well as taking on retired racehorses and may be responsible for her mother's horses as well.

In addition clarification was sought as to whether it was the applicant's intention to purely ride in the field outlined within the blue ownership line or whether there is other land/bridle paths where the horses are ridden. In terms of riding out, it has been stated that the applicant uses land which takes her to Hearson Cross onto Codden Hill and there are a large number of bridle ways close by.



OS map showing Wrimestone in relation to Public Rights of Way and Bridlepaths

The proposal is deemed to be acceptable in principle as private equestrian uses are expected to be commonplace in countryside locations.

Character and appearance

Policies ST04 (Improving the Quality of Development) and DM04 (Design Principles) of the NDTLP requires new development to achieve high design quality to respect the immediate and wider context of the surrounding area and built form proposing appropriate and sympathetic scale, layout, appearance, materials and relation to existing buildings.

The new building would be positioned in the field to the southwest of the main dwelling, against an existing hedge line. As mentioned previously, the building would have an external footprint of approximately 167.23 square metres and be constructed with materials which are reflective of those in this rural location. A cross section has been provided to show how the building would sit in relation to the land levels. This indicates that ground levels would be raised by a maximum of approximately 1.4 metres to the south.

The site is not located within a designated protected landscape, but is within a wider rural landscape. Policy DM08A: Landscape and Seascape Character of the NDTLP states that development should be of an appropriate scale, mass and design that recognises and respects landscape character of both designated and undesignated landscapes and seascapes.

The site is situated within Landscape Character Type 1D: Estate Wooded Ridges and Hilltops of the Joint Landscape Character Assessment for North Devon and Torridge Districts whereby the summary of special qualities include:

- Long, panoramic views including to Lundy Island and the uplands of Exmoor and Dartmoor
- Areas of ancient parkland and wood pasture with veteran trees
- Important wildlife habitats including lowland heath on Codden Hill
- Network of winding rural roads and ancient trackways
- High levels of peace and tranquillity

The proposed stable building has been designed with the overall appearance of an agricultural building and would be constructed with timber cladding and corrugated steel roof. The building would be set within close proximity to the existing open fronted timber structure and would be seen as a continuation of the existing built form and not as an isolated building. In addition the proposed building would be screened from the highway due to the existing boundary treatments and existing buildings.

It is considered there would not be any undue harm to the character of the wider landscape and the addition of further landscaping on the northern boundary would screen the development further.

The Heritage and Conservation Officer has been consulted in light of the fact Wrimstone Farmhouse is Grade II listed. She does not consider the proposal would cause harm to the significance of the heritage asset.

As such the works are considered acceptable in respect of Policies DM04, DM16 DM07 and DM08A of the NDTLP.

Highway safety

Providing the stable building is not utilised for any business/commercial use, the proposed is not considered to materially increase vehicular movements attracted to the site, therefore in accordance with policies DM05 (Highways), DM06 (Parking provision) and DM16 of the NDTLP.

Flood risk and drainage

The application site is situated within flood zone 1 and no concerns are raised in this respect. Surface water would be disposed of via a new soakaway. Environmental Health have commented that manure and related stable wastes must be stored and disposed of in compliance with relevant environmental legislation and Environment Agency requirements such as to avoid pollution of the water environment. Manure should be stored away from sensitive neighbours and must be managed and disposed of in ways that do not cause statutory odour or fly nuisance at neighbouring residential properties. On the grant of approval an informative will be imposed accordingly.

Amenity

Development will be supported where:

- (a) It would not significantly harm the amenities of any neighbouring occupiers.*

The nearest third party property (known as the Higher Wrimstone is situated approx. 60 metres to the southeast of the proposed building.

Environmental Health have commented that the application form and supporting information indicate that the stables are to be used solely for private use. They recommend any planning permission makes clear that proposal to undertake commercial uses of the building would require approval of the LPA. On the grant of approval a condition will be imposed restricting the proposed developed to a private use and not for any commercial uses.

As discussed earlier on an advisory note would also be imposed in relation to manure management and disposal on the grant of permission.

In light of the above the development is therefore in accordance with Policies DM01 and DM16 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 (Amendment) (EU Exit) Regulations 2019 (Habitat Regulations 2019).

Whilst the development does not trigger the need for a wildlife report it is noted that in terms of biodiversity offsetting a wildlife foraging area is proposed. This would comprise of native species. The existing northern boundary would also be 'bulked' up with hawthorn, blackthorn, hazel and oak. The development is therefore considered in accordance with Policy DM08 of the NDTLP.

Conclusion

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:
1348 30A Floors and Elevations as Proposed received on the 22/09/23
1348 20C Site and Location Plan received on the 16/10/23
(‘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 development hereby approved shall be constructed in accordance with the following schedule of external finishing materials:

Elevations - Timber cladding
Roof - Corrugated steel
Doors - Timber

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.

4. The building comprising of stables, tackroom, feedroom and water storage shall only be used for private recreational equine purposes only associated with Wrimstone Farm and shall not be used for business or commercial uses.

Reason:

In order to minimise the potential for amenity impacts to affect neighbouring residents and to restrict the character and volume of traffic attracted to the site, having particular regard to the quality of the highway network in the locality and in the interests of sustainability in accordance with policies DM01, DM05, DM08A and DM16 of the North Devon and Torridge Local Plan.

5. 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.

6. 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.

7. Manure/dung heaps and foul drainage, including foul surface water run-off, must be disposed of in such a way as to prevent any discharge to a well, borehole or spring or any watercourse, including dry ditches with a connection to a watercourse.

Reason:

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

8. Should any unexpected contamination of soil or groundwater be discovered during development of the site, the Local Planning Authority should be contacted immediately. Site activities within that sub-phase or part thereof, should be temporarily suspended until such time as a procedure for addressing any such unexpected contamination, within that sub-phase or part thereof, is agreed upon with the Local Planning Authority or other regulating bodies.

Reason:

In the interest of human health in accordance with Policy DM02 of the North Devon and Torridge Local Plan.

9. No external lighting shall be installed without the formal submission of a planning application to the Local Planning Authority.

Reason:

In order to safeguard the interests of the tranquillity of the area and ecological interests in accordance with Policy DM08 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. Advisory Note: Manure Management and Disposal

Manure and related stable wastes must be stored and disposed of in compliance with relevant environmental legislation to avoid pollution of the water environment. Manure should be stored away from sensitive neighbours and must be managed and disposed of in ways that do not give rise to significant odour or fly nuisance at neighbouring properties.

4. 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 with the Applicant and has negotiated amendments to the application to enable the grant of planning permission. This has included amending the red line area to accommodate the re-graded land and wildlife foraging area, provision of a cross section to see the how the development would fit into its rural surroundings and seeking further clarification with regards to the size of the building and where the horses would be ridden.