

# **Application Report**

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



<b>Application No:</b>	78362
<b>Application Type:</b>	Full Application
<b>Application Expiry:</b>	2 July 2024
<b>Extension of Time Expiry:</b>	17 May 2024
<b>Publicity Expiry:</b>	14 June 2024
<b>Parish/Ward:</b>	CHULMLEIGH/CHULMLEIGH
<b>Location:</b>	Land at Chulmleigh Bridge Fore Street Hill Chulmleigh Devon EX18 7ES
<b>Proposal:</b>	Retrospective application for the erection of an agricultural building for the storage of agricultural machinery, straw, hay and fodder, and market gardening purposes together with mezzanine floor, welfare facilities and first floor balcony (amended red outline)
<b>Agent:</b>	GRC Planning Ltd
<b>Applicant:</b>	Mr Laurence Delamar
<b>Planning Case Officer:</b>	Mrs D. Butler
<b>Departure:</b>	N
<b>EIA Development:</b>	
<b>EIA Conclusion:</b>	Development is outside the scope of the Regulations.
<b>Decision Level/Reason for Report to Committee (If Applicable):</b>	Committee: The application has been called to planning committee by Cllr Davies to allow the consideration of the intensification of the use, appropriateness of market gardening in the flood plain and the domestic elements.

## **Site Description**

The site is a parcel of agricultural land to the south of Chulmleigh. The site is accessed from a newly created gateway and gravel track which leads to the barn. The site is relatively level with rising land to the north and south. The fields are bounded by hedgerows and trees and the adjacent land is generally fields and woodland. The barn was approved under a prior notification application in 2019 reference 66686. The barn has however not been built in accordance with the approved plans with numerous alterations.



Location Plan



Site Plan from original permission

**Recommendation**

**Approved**

Legal Agreement Required: No

**Planning History**

Reference Number	Proposal	Decision	Decision Date
62960	FORMATION OF REPLACEMENT FIELD ACCESS at LAND ADJACENT TO CHULMLEIGH BRIDGE, FORE STREET HILL, , CHULMLEIGH, , DEVON,	FULL PLANNING APPROVAL	13 June 2017
66686	AGRICULTURAL BUILDING WORKS PRIOR APPROVAL FOR ERECTION OF BARN TO STORE HAY, FODDER AND AGRICULTURAL MACHINERY at LAND ADJACENT TO CHULMLEIGH BRIDGE, FORE STREET HILL, , CHULMLEIGH, , DEVON, EX36 7EA	AGRIC PRIOR APP NOT REQ	28 May 2019
72908	Prior notification for creation of hardcore agricultural track at Longmeadow Farm Chulmleigh Devon EX18 7ES	Refused	22 March 2021
73157	Creation of agricultural access track at Longmeadow Farm Chulmleigh Devon EX18 7ES	Approved	17 February 2022

**Constraints/Planning Policy**

<b>Constraint / Local Plan Policy</b>	<b>Distance (Metres)</b>
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
Landscape Character is: 3H Secluded valleys	Within constraint
Unclassified Road	
USRN: 27502025 Road Class:B Ownership: Highway Authority	2.76
USRN: 27505600 Road Class:YBR Ownership: Highway Authority	11.24
Within Adopted Unesco Biosphere Transition (ST14)	Within constraint
Within Flood Zone 2	Within constraint
Within Flood Zone 3	Within constraint
Within Surface Water 1 in 30	Within constraint
DM01 - Amenity Considerations DM02 - Environmental Protection DM03 - Construction and Environmental Management 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 ST03 - Adapting to Climate Change and Strengthening Resilience ST04 - Improving the Quality of Development ST05 - Sustainable Construction and Buildings ST07 - Spatial Development Strategy for Northern Devon's Rural Area	

## **Consultees**

<b>Name</b>	<b>Comment</b>
Chulmleigh Parish Council  Reply Received 4 April 2024	<p>This is a retrospective application and since we now see part of what has been proposed, we are unable to accept this as a purely agricultural building for the storage of agricultural products, machinery and market gardening purposes and on top of that the idea of having a first floor balcony for storage of agricultural products and market gardening products seems to us to be completely contradictory.</p> <p>Therefore the view of the Parish Council is to refuse this application.</p> <p>We are very surprised that no ecological survey was done especially being in a Level 3 flood plain and in an acknowledged</p>

Name	Comment
	<p>biodiversity area. We understand that a large sized septic tank and French drainage system has been installed.</p> <p>On the application form the proposal does not require any diversions to rights of way but the location plan for the access to the building shows access along the bridleway.</p> <p>There appears to be a hardcore track which has been laid across the meadow for access from the highway to the building.</p>
<p>Chulmleigh Parish Council</p> <p>Reply Received 30 May 2024</p>	<p>This is a retrospective application and since we now see part of what has been proposed, we are unable to accept this as a purely agricultural building for the storage of agricultural products, machinery and market gardening purposes. In addition, the idea of having a first floor balcony for storage of agricultural products and market gardening products seems to us to be completely contradictory. Therefore the view of the Parish Council is to refuse this application.</p> <p>We are very surprised that no ecological survey was done especially being in a Level 3 Flood Zone and in an acknowledged biodiversity area. The area is within DEFRA's map for "Priority Species for CS Targeting - Brown Hairstreak" butterfly. We ask for a point of clarification as to whether market gardening specifically is allowed within a Level 3 Flood Zone.</p> <p>We understand (from Google Earth images) that a large sized septic tank and French drainage system has been installed outside the red outline. The statement by the agent in his letter dated 7th May 2024 that "the building is not connected to a septic tank" does not deny that a septic tank and French drains may have been installed without planning permission. The statement in the same letter that "the bund has been removed" is an admission that a bund was installed without planning permission and therefore other suspected breaches, such as the septic tank, should be investigated.</p> <p>We note that access to the site is no longer from the Public Bridleway. The applicant may have access rights to his building on foot, on horseback, or on a bicycle via the Public Bridleway, but it is clear that no other access has been granted by the owner of the land on which the bridleway is situated.</p> <p>Access to the site is proposed to be via an agricultural access track (Planning Application 73157). Condition No.3 of the Decision Notice for this track stated the materials be Granite Chippings. We would ask for an investigation into the claim that builder's rubble was used in the construction of this track contrary to the conditions of the planning approval. We would ask that any material other than granite chippings be removed at the applicants expense. We would ask further that the removed material be screened to aid the</p>

Name	Comment
	<p>ongoing investigation into claims of brown asbestos and/or other contaminated material in the track.</p> <p>Chulmleigh Parish Council note that the original application form failed to mention the details which have now appeared on this retrospective application which raises the question of openness, transparency and honesty relating to the questions and the previous answers given.</p>
<p>Councillor K Davies</p> <p>Reply Received</p>	<p>The application has been called to committee by Cllr Davies to allow the consideration of the intensification of the use, appropriateness of market gardening in the flood plain and the domestic elements.</p>
<p>Councillor K Davies</p> <p>Reply Received</p>	<p>No further comments</p>
<p>DCC - Public Rights Of Way</p> <p>Reply Received</p>	<p>No further comments</p>
<p>DCC - Public Rights Of Way</p> <p>Reply Received 28 March 2024</p>	<p>The Public Rights of Way Team has a duty to assert and protect the rights of the public to the full and free enjoyment of public rights of way and to maintain the network. In addition it is also responsible for the maintenance of recreational trails and unsurfaced roads.</p> <p>Government guidance considers that the effect of development on a public right of way is a material planning condition (Rights of Way Circular 1/09 – Defra October 2009, paragraph 7.2) and that public rights of way and access should be protected and enhanced with opportunities sought to provide better facilities for users by adding links to existing networks (National Planning Policy framework paragraph 98).</p> <p>Devon County Council's Rights of Way Improvement Plan policy states that, working closely with LPAs, opportunities will be sought for improvements to the rights of way network through planning obligations where new developments are occurring.</p> <p>It is also the County Council's policy that a holding objection will be made against any planning application which fails to take account of an existing public right of way until the matter is resolved.</p> <p>Assessment of application</p> <p>The proposal as submitted</p>

Name	Comment
	<p>The Public Rights of Way Team has no objection to the proposal, but the applicant should be aware that public Bridleway 22 Chumleigh crosses the application site.</p> <p>Should planning permission be granted the applicant must ensure that the path is kept open and available for the public to use during site preparation and construction.</p> <p>If a temporary closure is required the applicant would need to apply to the County Council for a Temporary Traffic Regulation Order – see below – but please note that a temporary closure will not be granted to enable construction on the line of the right of way unless a permanent diversion order has been made and confirmed.</p> <p>Information</p> <p>Please note that the grant of planning permission does not grant the right to close, alter or build over a right of way in any way, even temporarily, this includes, for example, a change in the surface, width or location. Nothing should be done to divert or stop up a public right of way without following the due legal process, including confirmation of any permanent diversion or stopping-up order and the provision of any new path. In order to avoid delays this should be considered at an early opportunity.</p> <p>If a temporary closure is required during construction works, e.g. for safety reasons, the applicant would need to apply to the County Council for a Temporary Traffic Regulation Order.</p> <p>Further information about public rights of way and planning is available on our website here.</p> <p>If permission is granted, please include as footnotes in the decision notice:</p> <ul style="list-style-type: none"> <li>• The alignment, width, and condition of public rights of way providing for their safe and convenient use shall remain unaffected by the development unless otherwise agreed in writing by the Public Rights of Way Team.</li> <li>• Nothing in this decision notice shall be taken as granting consent for alterations to public rights of way without the due legal process being followed.</li> </ul> <p>Please do not hesitate to contact me if you would like further clarification.</p>

**Neighbours / Interested Parties**

Comments	No Objection	Object	Petition	No. Signatures
0.00	0.00	12	0.00	0.00

Objections have been received for the following reasons:

- Non-agricultural features have been installed (mezzanine, spiral stairs, plumbing) and does not resemble a hay/fodder/storage barn.
- The little dart river is subject to improvements to reduce pollution and this development doesn't align with this.
- Materials used for the bund is from sewage works and the track contains asbestos materials.
- The use of the barn appears to be aimed at holiday use and was never built for an agricultural use. The retrospective nature of the application is an attempt to circumvent the original functional need of the building.
- The site is in Flood Zone 3 and floods. Bunds have been built to protect and redirect flooding.
- There is a large septic tank and French drains which will lead to human waste polluting the river.
- Trees have been removed and the hedgerow has been decimated due to the erection of an earth/stone bund to control run off.
- No ecological impact study has been submitted and there is associated environmental damage to flora, fauna and wildlife.
- The build can clearly be seen from the bridle path and public path running within 20 metres of the build.
- No rights of way have been granted. This location map is completely inaccurate

## **Considerations**

### **Proposal Description**

This application seeks retrospective application for the erection of an agricultural building for the storage of agricultural machinery, straw, hay and fodder, and market gardening purposes together with mezzanine floor, welfare facilities and first floor balcony (amended red outline)



Existing East Elevation



Existing South Elevation



Existing West Elevation



Existing North Elevation



Ground floor internal floorspace



Timber being stored





Timber being stored



Internal window



Hay storage on the mezzanine floor



Mezzanine floor space



Mezzanine Level



Bathroom facilities

## **Planning Considerations Summary**

- Site history
- Principle of the development (functional need)
- Design
- Amenity
- Landscape
- Ecology and Biodiversity
- Flood risk

## **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.

## **Planning History**

The agricultural building was approved under a prior notification application 66686 on 1st May 2019. At that time it was considered there was justification for the building in order to store hay, fodder and agricultural machinery in association with the 5.2 ha holding which was used for grazing livestock.

The building has not been built in accordance with the approved plans with the following changes having been made:

- Reduced length by 6m.
- Same height and width as approved.
- No west or east elevation doors
- Additional high level windows
- Roller shutter doors
- Steel balcony (6,5m x 1.5m) to enable access to the internal mezzanine.
- Internal mezzanine floor
- Welfare facilities (shower, toilet and sink)

The building was completed in 2021 and due to the retrospective nature of these changes it cannot be considered under a prior notification application. Following an Enforcement investigation this full application has been submitted to regularise these changes.

It is also to be noted that during the application process an amended site plan has been received to remove the PROW and adjacent track from the red and blue lines. The access track has also been clearly shown and updated to provide an accurate plan.

### **Principle of development**

Paragraph 84 of the NPPF seeks to support a prosperous rural economy and supports the sustainable growth and expansion of all types of business in rural areas In particular in support of agricultural based activities.

Policy ST07 states that development in the countryside will be limited to meet local economic and social needs. Policy DM14 of the NDTLP allows for small scale economic development in the countryside providing that it has strong functional links to agriculture and there are no other adverse impacts.

The principle of the barn being on the site was previously established through the previous prior notification application.

### Functional Need:

The applicants land holding remains the same at 5.5ha. The planning statement has indicated that the applicant is seeking to diversify into a market garden with the growing of plants, shrubs and bee keeping. Some of these plants are to be high valued/rarer species.

The applicant has advised the Local Planning Authority that his proposed plan is to plant clover and other bee friendly crops/plants at this site to facilitate his own bee keeping aviary plans. This includes the production of high grade quality honey. The applicant is seeking to encourage pollen rich biodiversity with a planned programmed or tree and shrub planting.

The applicant aims to start some market gardening of vegetable and flower crops but as there are deer roaming the fencing needs to be finished first. There is timber being stored in the barn which will be used for this fencing.

The Agricultural Holdings Act 1986 defines 'agriculture' as the following, *"Horticulture, Fruit growing, Seed growing, Dairy farming, Livestock breeding and keeping and the use of land as Grazing land, Meadow land, Market gardens and Nursery grounds."* The land has an authorised agricultural use and there is no evidence this has changed. Any market garden use would comply with the agricultural definition.

The barn is the only structure on the site and during recent site visits was being used for storing hay/straw in the mezzanine, agricultural machinery, timber and other ancillary items on the ground floor. Timber being stored is to be used for fencing purposes. There are welfare facilities in the mezzanine however this is common in remote buildings used for rural businesses.

In response to some of the objections the planning agent has provided some further information which details how the land has not been ploughed or overgrazed and that the applicant is trying to protect the valued meadowland. The applicant is aiming to implement

an environmentally friendly plan and is seeking to protect the important environmental interest and visual impact.

The Enforcement Officer has attended the site numerous times and throughout both the Enforcement investigation and planning officer visits there has not been any evidence of any residential or other uses. There are no white goods in the barn or associated residential items.

Although alterations have taken place to the barn since the original approval the footprint of the barn has not been increased and it is sited in the same location. Having assessed the site history, holding size, and existing use and proposed future use the LPA is satisfied that there is still a functional need for the barn to be on site in relation to agricultural activities associated with that holding.

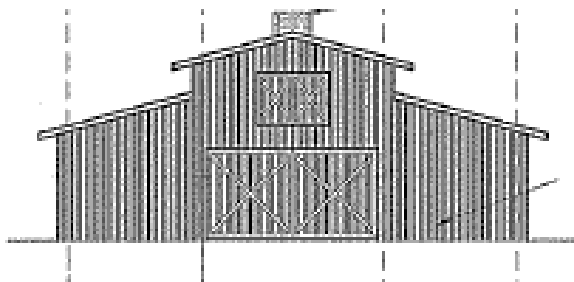
### Design

Policy DM04 (Design Principles) of the NDTLP requires development to be appropriate and sympathetic to setting in terms of scale, density, massing, height, layout appearance, fenestration, materials and relationship to buildings and landscape features in the local neighbourhood.

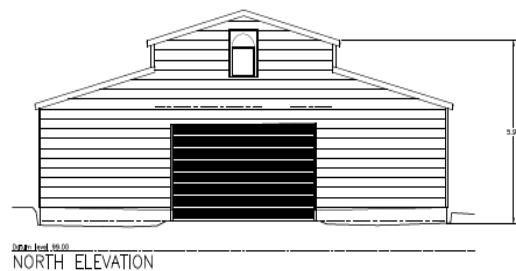
The building was approved with a double eave's height of 3.6m and 5.9m and a ridge height of 7m. The footprint was approved at 30.5m by 15.6m (475m<sup>2</sup>) but has been reduced to 24.5m by 15.58m (382m<sup>2</sup>).

The original materials were proposed as dark green metal sheeting to the walls and roof however the barn has been clad in timber with a split green coloured metal roof.

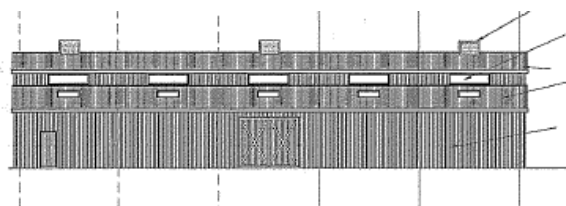
A comparison of the previously approved plans and existing plans are shown below:



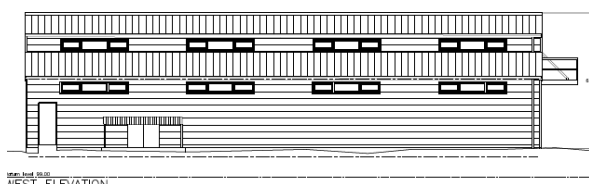
Approved North Elevation



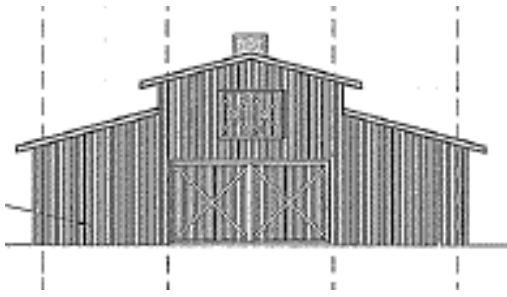
Existing North Elevation



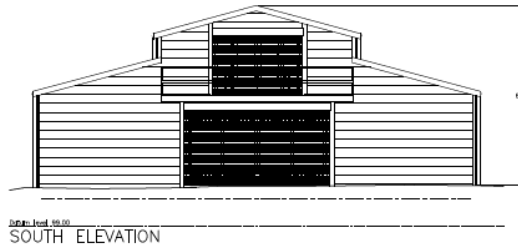
Approved West Elevation



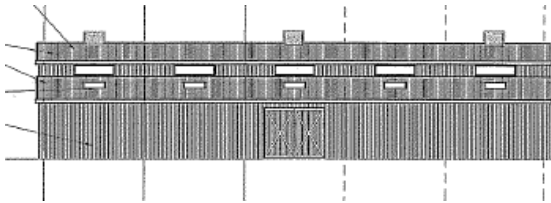
Existing West Elevation



Approved South Elevation



Existing South Elevation



Approved East Elevation



Existing East Elevation

The overall scale and bulk of the building remains similar to the approved scheme. The appearance is different due to the timber cladding however this is a suitable material for a rural/agricultural building and is commonly approved for similar buildings throughout the district. The roof is dark in colour and again is of an appropriate material.

The additional changes such as the roller shutter doors on the north and south elevations and upper stainless steel balcony are not so typical of rural buildings but they are dark in colour and do generally correlate to approved openings. The windows along the west and east elevation are additional and more domestic in appearance due to the glazing and fenestration however they again are dark in colour and do provide light into the building which is required. They are not dissimilar in size and position to the approved scheme. The LPA do not consider it expedient to make the applicant change these features given that they do not result in any significant harm to the rural character and appearance of the building.

**Landscape impact:**

Policy DM08A (Landscape and Seascape Character) 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 within any designated landscapes and is within the Secluded Valleys Landscape Character Area.

Special qualities of this area include some of the following:

- Steep-sided, incised valleys with fast-flowing streams and rivers. Dominated by pasture grazed by sheep and cattle, with patches of rough grazing land on upper slopes and rushy meadows fringing watercourses.
- Mixture of field sizes and shapes - often smaller, irregular medieval enclosures on lower slopes, with upper slopes merging into larger post-medieval and modern fields, often retaining earlier curving boundaries.

- Species-rich Devon hedges on wildflower-rich banks, with bank-side ferns and frequent hedgerow trees associated with lower valley locations.
- Dense tree cover cloaking valley sides
- Strong local vernacular of exposed local stone and slate, along with cream, whitewashed and yellow buildings, some with thatched roofs. Derelict corrugated iron lincays frequently feature in valleys within Torridge district.
- High levels of peace and tranquillity frequently defined by sounds of fast-flowing water, although locally impacted by main roads in some valleys.

The site is at the bottom of a steep sided valley which has dense wooded cover along the valley sides. The meadow is a flat, level field with hedges and trees along the field boundaries. This is shown in the photos below:



Barn is sited behind tree line, view from Track and access



View to the east



View towards the PROW



View towards the PROW and north boundary

Because of the topography there are some long distance views such as from Chawleigh Hill however the barn is sited adjacent to the tree/hedge line and due to the materials and colours does assimilate into the landscape. It does not appear significantly different than other rural buildings that are spread throughout the district. The site is in the bottom of the

valley means that it does not interrupt long distance views and is not prominent along any ridgelines or hill tops such as other buildings nearby. The LPA does not consider there to be any significant impact on the special qualities of the landscape or character of the wider area from the siting of the building.

### **Amenity**

Policy DM01 (Amenity Considerations) of the NDTLP states development will be supported where it would not significantly harm the amenities of any neighbouring occupiers or uses; and the intended occupants of the proposed development would not be harmed as a result of existing or allocated uses.

The use of the barn has not altered and it has been in situ since 2019. There is a good separation distance from any neighbours of over 200m. The area is characterised by agricultural land, sporadic farmsteads and dwellings and the agricultural use of this site and barn would not result in any significant impact on the amenity of any nearby neighbour.

### **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 (Amendment) (EU Exit) Regulations 2019 (Habitat Regulations 2019).

Paragraph 186 of the framework and policy DM08 of the NDTLP state that adverse impact on protected species should be avoided where possible and sufficient mitigation used.

This application does not trigger the need for a wildlife report or ecological survey. There is no further hard surfacing or ground works proposed and the internal space being brightly lit and open does not provide a suitable habitat for bats or birds. In order to provide some ecological gains bat and bird boxes can be provided on the external elevations. It is also noted that with the proposed market garden uses and diversification that additional planting would also provide some biodiversity gains.

### **Flood Risk and Drainage**

The site is within flood zones 2 and 3 with the Little Dart River running adjacent to the southern boundary of the site. Objections have been received about the barn being siting within a flood plain. The authorised use of the site is agricultural and there has not been any change of use occur. Therefore there is no increase of any vulnerable use in the flood plain. The barn remains as an agricultural building and the land remains as an agricultural holding. All of these activities can take place within the flood zone without any consent from the Environment Agency. The applicant has removed all of the earth bunds that had been created and the land has been returned back to its original state. The LPA is satisfied that there is no increased flood risk from this development.

### **Highways**

Policy DM05 (Highways) of the NDTLP states all development must ensure safe and well-designed vehicular access and egress, adequate parking and layouts which consider the needs and accessibility of all highway users.

Policy DM06 (Parking Provision) of the NDTLP requires development proposals to provide an appropriate scale and range of parking provision to meet anticipated needs.

The site is accessed from a private gateway and access track both of which have permission (references 62960 and 73157). Since there has been no change of use there are no increased movements to and from the site. The access and track are adequate to serve the building and holding.

### **Other Matters**

Track and other works: It is noted that comments have been received regarding the materials used for the track and the source of these. This has been passed to Environmental Health to investigate.

PROW: Objections have been raised over concerns over the Public Right of Way however an amended location plan has been received to remove this. There are no alterations or changes proposed to the PROW.

### **Conclusion**

The proposed barn and alterations that have taken place are considered to be acceptable due to the siting, colours and materials. There is no evidence of any change of use and a condition will be used to ensure this is kept as an agricultural building. The LPA is satisfied that there is a functional need for the barn to be used for agriculture in association with the holding. 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 hereby permitted shall be carried out in accordance with the following approved plans/details:  
NDC001A Location Plan received on the 16/05/24  
8548 A03A North & West Elevation Existing received on the 04/03/24  
8548 A04A South & East Elevation Existing received on the 04/03/24  
8548 A01A Ground Floor Plan Existing received on the 04/03/24  
8548 A02A Mezzanine Floor Plan Existing received on the 04/03/24  
(‘the approved plans’).

Reason:

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

2. The barn hereby approved shall be used solely for the purposes of Agriculture as defined in the The Agricultural Holdings Act 1986 in association with activities carried out on that holding and for no other purpose.

Reason: To ensure the use of the barn remains available for the agricultural activities taking place on the land which form the justification for its siting and scale and in order to protect the character of the wider area. The barn is in a countryside location where other uses such as residential, commercial, economic may not be appropriate without proper assessment. In accordance with policies ST07, DM08a and DM14 of the North Devon and Torridge Local Plan.

3. Following 3 months from the date of this decision a bird box shall be installed on the north or east elevation and a bat nesting box shall be installed on a west or south-west elevation in a position where it will not be in full/direct sunlight all afternoon, to avoid overheating. Any box installed shall be maintained and retained thereafter.

Reason:

To achieve net gains in biodiversity in compliance with Policies DM08 and ST14 of the North Devon and Torridge Local Plan and paragraph 180 of the National Planning Policy Framework.

## **Informatives**

1. The Public Rights of Way Team has no objection to the proposal, but the applicant should be aware that public Bridleway 22 Chulmleigh crosses the application site. Should planning permission be granted the applicant must ensure that the path is kept open and available for the public to use during site preparation and construction

If a temporary closure is required the applicant would need to apply to the County Council for a Temporary Traffic Regulation Order – see below – but please note that a temporary closure will not be granted to enable construction on the line of the right of way unless a permanent diversion order has been made and confirmed.

2. 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 and has imposed planning conditions to enable the grant of planning permission. This has included consideration of the functional need, use, scale, materials and impact on the wider area.