

Application Report

**Strategic Development & Planning
Place Services**

**North Devon Council
Lynton House, Commercial Road,
Barnstaple, EX31 1DG**



Application No:	70296	Application Expiry:	3 October 2019
Application Type:	Full application	Ext Of Time Expiry:	
		Publicity Expiry:	6 September 2019
Parish/Ward:	Witheridge/Witheridge		
Location:	Land at Little Yeo Witheridge Devon EX16 8QA		
Proposal:	Erection of one agricultural building		
Agent:	Planning Partnership Ltd		
Applicant:	Mr Jeremy Yabsley		
Planning Case Officer:	Mrs D. Butler		
Departure:	N		
EIA Development:		EIA Conclusion:	Development is outside the scope of the Regulations.
Decision Level/Reason for Report to Committee (If Applicable):	Committee – The applicant is Councillor Yabsley.		

Site Description

The site is to the North of Witheridge 0.6km from the B3137 and is a small parcel of land that forms part of a larger 80ha agricultural holding. The site is a relatively level field that is currently grassed and bounded by post and wire fencing. The access is through an existing field gateway onto the lane.

Recommendation:

Approve
Legal Agreement Required:- No

Planning History

None relevant

Constraints/Planning Policy

Constraint / Local Plan Policy	Distance (Metres)
Area of Special Advert Control	Within constraint
Burrington Radar Safeguard Area:	Within constraint
Landscape Character is: 1F Farmed	Within constraint
Lowland Moorland and Culm Grassland	
SSSI Impact Risk Consultation	Within constraint
Adopted County Wild Life Site: West Yeo	Within constraint
Moor Policy Ref: ST14	
Within Adopted Unesco Biosphere	Within constraint
Transition (ST14)	
Unclassified Road	

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
 DM02 Environmental Protection

Consultees

Name	Comment
DCC - Development Management Highways	Standing advice applies - The building will be accessed via the existing gate which already serves an existing agricultural use.
Environment Agency	Standing advice applies - The development is not within an area of flood risk and run off will be disposed of via soakaway.
South West Water	Standing advice applies - The development would not impact on foul sewage or water supply due to the building being for agricultural purposes only.
Wildlife Trigger List	There is no requirement for a wildlife report to be submitted.
Wetheridge Parish Council	Supports the application.
Reply Received 9 September 2019	

Neighbours

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

Considerations

Proposal Description

This application seeks detailed planning permission for the erection of one agricultural building.

Planning Considerations Summary

- Principle of development
- Design and Scale
- Landscape Setting
- Amenity
- Highways
- Ecology

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 (NDTLP). The relevant Policies are detailed above.

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

Principle of the development:

Policy DM14 of the NDTLP allows for small scale economic development in the countryside providing it has a strong functional link to local agriculture and there are no other adverse impacts.

The proposed barn is to be used for the dry storage of feed/straw, general agricultural equipment, covered space for lambing and finishing rare breed pigs. The applicant currently has a sheep flock of 150 ewes and is introducing rare breed pigs as part of a farm diversification scheme and that this parcel of land has been recently acquired

It is accepted that there are no other buildings on site that are suitable for this purpose and that there is a functional justification for the proposed building in relation to a local agricultural business.

Design and scale:

Both paragraphs 83 and 124 of the NPPF support good design and the integration of new development into the natural, built and historic environment. Policy DM04 of the NDTLP also requires good design.

The proposed building will be 27.4m by 9.1m (249m² floor area) and 3.4m in height with a mono-pitched roof. The walls will be constructed from a mix of concrete blockwork and timber with the east elevation being open. The roof will be covered in grey fibre cement and will be a very shallow pitch.

The design and materials are typical of agricultural buildings in the surrounding area. The scale of the building has been dictated by the functional need and there are no objections to the design and scale of the proposed building.

Landscape 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 development will not require significant groundworks and the post and wire boundary fence is to be retained. The building will be set back from the road by 15m and partially screened by the mature hedge along the eastern boundary. The site is elevated with long distance views over the countryside to the north and west however any views from the wider countryside would see the building in association with the adjacent barn conversion and the adjacent buildings at Aveglaid Farm.

The small scale of the building and siting will ensure that the development would not result in any harm to the special qualities of the surrounding landscape.

Amenity:

Under policy DMO1 development will be supported where there is no significant harm to the amenities of any neighbouring occupiers or uses. The adjacent barn is currently being converted and will be occupied by the applicant. The closest neighbour is Aveglaid Farm from which there is a 40m separation distance. The use of the proposed barn for general storage and livestock housing would be compatible with the surrounding agricultural holdings and would not cause any adverse impact on amenity.

Highways:

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 will remain unaltered and provides significant visibility in both directions. The parcel of land is in close proximity to the rest of the holding with the applicants intending to move into 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.

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 2017 (Habitats Regulations 2017).

Paragraph 175 of the NPPF and policy DM08 of the NDTLP states that adverse impact on protected species should be avoided where possible and sufficient mitigation used. The site of the barn is on a field that is currently used for grazing and does not have any suitable habitat for protected species. The boundary hedges will be undisturbed and as such it is not considered there would be any impact on any protected species.

Conclusion:

The proposed building would be of a moderate size and of a typical design and appearance as other agricultural buildings in the locality. The site is part of a larger farm holding which is being diversified and as such it is considered there is a functional justification for the building. There would be a limited impact on the wider landscape due to the siting, low height and intervening screening. The site is currently grazed and has low ecological value. The existing access has adequate width and visibility to deal with any additional traffic. There is a sufficient separation distance from the nearest neighbours to prevent any loss of amenity.

The application is therefore considered to accord with the adopted development plan. Approval of the application is 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

Recommendation

Approve
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 NDC002, NDC003 and NDC004 ('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 proposed development shall be constructed in accordance with the following schedule of materials:

Roof: Grey fibre cement.

Walls: timber and concrete block

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.

Informatives

1. 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 considering the Principle of Development, Design and Scale, Landscape Setting, Amenity, Highways and Ecology.

Inserts

O.S. Location Plan
