

## PLANNING APPLICATION REPORT

**Case Officer:** Matt Jones

**Parish:** Drewsteignton **Ward:** Drewsteignton

**Application No:** 2701/18/FUL

**Agent/Applicant:**

Mr Michael Gordon  
Rural Solutions Ltd  
Canalside House  
Brewery Lane  
Skipton  
BD23 1DR

**Applicant:**

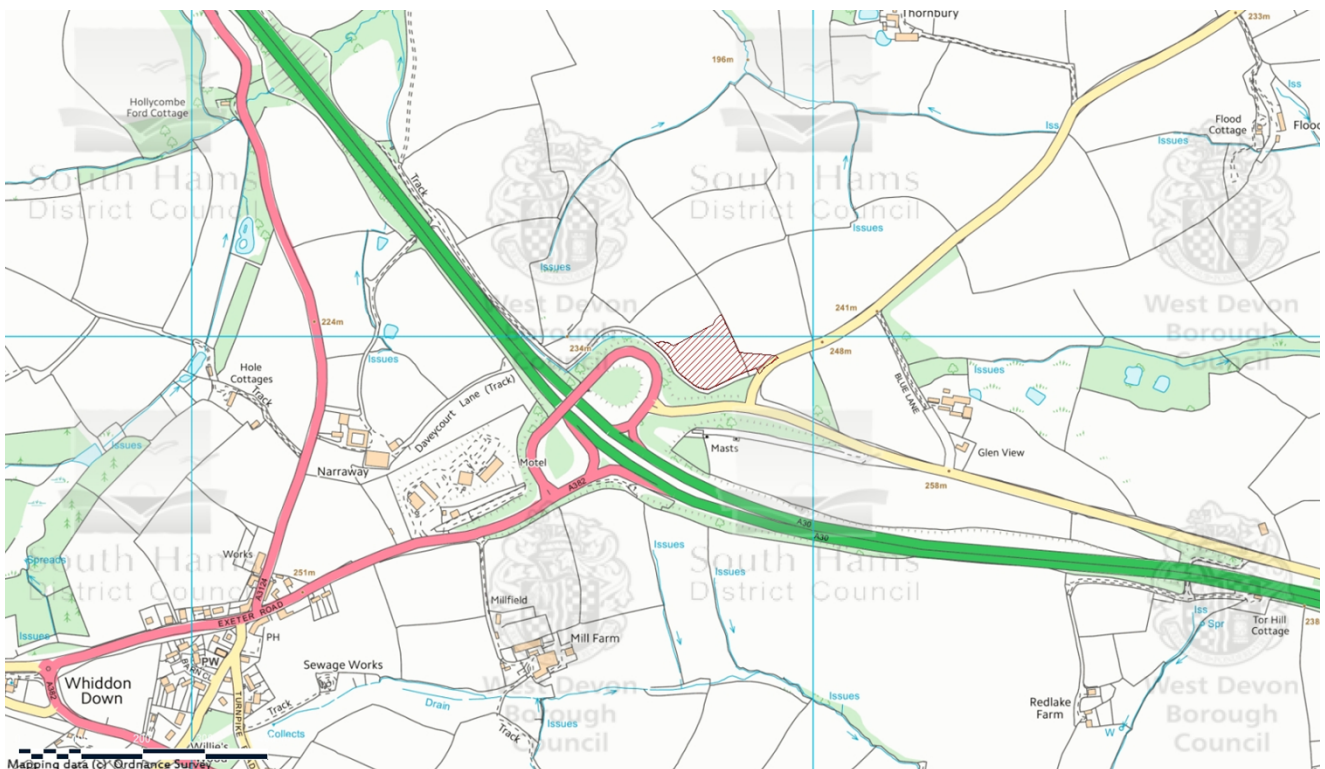
JW Mann Ltd  
C/O Agent

**Site Address:** Land North Of A30 Junction, Whiddon Down, Drewsteignton, Devon

**Development:** Development of new farm shop and ancillary cafe with supporting secondary areas consisting of storage, WCs, offices and kitchen space (resubmission of 1255/18/FUL)

**Reason taken to Development Management Committee:**

Cllr Ridgers has requested that this scheme be determined by Development Management Committee because *'With the local farmer withdrawing there is no local farming connection to the 'farm shop. The shop does not directly support local Farm diversification in the ward and becomes a retail outlet development in Open Countryside. I have always had a concern with the A30 junction as well. In conclusion I am now opposed to the application and plan to speak at the Planning committee on the 16th October'*



## **Recommendation: Conditional Approval**

### **Conditions**

Time

Accord with Plans

Opening Hours

Materials samples prior to installation

Percentage of sales limited to local produce

No selling of convenience items

Café to be ancillary, normal daytime opening hours (summer extended opening, no plated meals)

Surface water drainage specification prior to commencement

Foul water specification prior to commencement

Landscape Plan prior to commencement

Traffic signage scheme agreed and implemented prior to first use

Accord with details of biodiversity report

Copy of dormice licence (if applicable) prior to commencement

Tree Protection Plan prior to commencement

Unsuspected contamination

### **Key issues for consideration:**

The main issues are the principle of the development, access parking and highways safety, landscape impact and ecology, drainage, neighbour amenity and any impact upon village vitality

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### **Site Description:**

The application site is a parcel of agricultural land located immediately to the north of the A30 junction at Whiddon Down. Officers understand that the land was used as a storage area when the junction was constructed, and it's most recent use has been as agricultural ground for the storage of bales.

The land slopes gently down from south to north. Directly to the south is the access track and dense woodland, with the field boundary to the east and north. The land drops down sharply to the west to the adjacent slip road, with the land retained. The site is served by a single track lane which has a junction with the road to Hittisleigh, which itself joins the A30 slip road close by.

The site is within designated countryside but is otherwise free of specific planning constraints. The Dartmoor National Park is approximately 250m to the south. The nearest listed buildings are a set of gate posts and Hole Cottages beyond Whiddon Down to the west. There is not intervisibility between the site and these buildings. The grade II Thornbury Farmhouse is to 650m to the north, but the site does not influence its setting.

### **The Proposal:**

Planning permission is sought for the development of a new farm shop and an ancillary cafe with supporting secondary areas consisting of storage, WCs, offices and kitchen space. This scheme is a resubmission of planning application reference 1255/18/FUL which was withdrawn by the applicant in order to conduct further consultation with the local community.

The scheme is formed of two main building elements adjoined and at 90 degrees to one another. The main element is a single A frame building which houses the public shop and café area and associated rooms. The secondary element is also a simple A framed building which extends towards the south and houses the store facilities and the toilets.

The proposed car parking area is to the south of the proposed buildings. The existing field access is extended and widened into a short drive which forms a curved access from one field to the other, screened by new planting. The application is accompanied by a comprehensive landscaping strategy. The proposal indicates surface water to be discharged via soakaway.

#### **Consultations:**

- County Highways Authority

No objection subject to conditions -

*'The application is supported by a Transport Statement prepared by transport consultants, Calibro. Although the scoping of the statement was not previously agreed with the highway authority, the content and conclusions are broadly acceptable to the highway authority.'*

*From the highway authority's point of view, therefore, there are no objections in principle to the proposed development, and the access junction to serve the site has been designed such that it complies with contemporary design guidance for geometry and visibility*

*The signage schedule and plans in the Transport Statement show five proposed signs; two are on land that is part of the trunk road network under the control of Highways England and the remaining three are on land which does not appear to form part of the publicly maintained highway and is of unknown ownership. The applicant is advised that the highway authorities have strict criteria about the signing of commercial enterprises and these signs may conceivably be in breach of those constraints so may not be acceptable. An informative note to cover this aspect is included below.*

*It is also recommended that Highways England is also consulted with respect to the effect that the proposed development will have on the trunk road network, and the advertisement signs proposed on land for which they are responsible.'*

- Highways England

No objection subject to condition –

*'The application is for a farm shop and café with associated storage and ancillary facilities. The total floorspace proposed is 705sqm, consisting of A1 (271sqm), A3 (162sqm) and BB (265sqm) uses. This represents a slight reduction in the quantum of development from the previously submitted and now withdrawn application reference 1255/18/FUL, with the removal of the children's play element from the proposals.*

*Whilst access to the development is via an unnamed local road, the site is located a short distance to the north of the A30 Whiddon Down junction with the A382. The proposals are supported by a Transport Statement (TS) prepared by Calibro. We have considered the methodology used for the predicted trip generation and the adequacy of the proposed parking provision, and consider both to be acceptable.*

*We are therefore satisfied that the SRN can accommodate the level of trips associated with the proposed development and we have no objection in principle to the proposals.*

*However, due to the close proximity of the A30 eastbound off and onslip, it will be important to ensure that clear signage is provided from the local road network, to ensure that vehicles do not overshoot the local road junction. The TS includes an indicative proposal, but a detailed scheme will need to be agreed with the highways authorities and implemented prior to any development being brought into use. The applicant will need to be aware that signing will not be permitted within the trunk road boundary.'*

- Landscape/Trees

No objection subject to condition

- Biodiversity Section

No objection subject to condition –

*'The application is supported by a PEA (Blackdown Environmental, v3 1<sup>st</sup> Aug 2018) which includes results of desk study, site visit, detailed reptile surveys and ongoing dormouse surveys.*

*The site is described as comprising two fields, that to the west 'used for the storage of silage bales and comprises a mosaic of bare ground, vegetated spoil heaps and species poor semi-improved grassland with rushes and the field to the east is used for sheep grazing and is dominated by improved grassland.' These are bounded in part by species-rich hedgerows.*

*The report summarises the proposal 'to develop the western field into a farm shop with associated parking, offices and a dog walking area. It is proposed to use the eastern field to obtain access from the main road into the site. The site plan as proposed includes the removal of approximately 17m of species-rich hedge bank from the eastern and southern field boundaries to enable access.'*

*New habitat proposals include approximately 38m of species-rich hedgerow, 2,100m<sup>2</sup> of tree planting and 750m<sup>2</sup> woodland edge planting.*

*With respect to protected species:*

- *No evidence of badger was recorded (although it is likely badgers may or could use the site on occasion). Precautions during construction have been recommended.*
- *There is value for foraging and commuting bats in the hedgerows – these will be retained (except for a 17m gap), and the value of the site for bats will be significantly enhanced through new hedgerow, tree and woodland edge planting.*
- *No reptiles were recorded on site during detailed survey.*
- *It is likely that bird species would use the hedgerows for nesting. Precautions before and during construction have been recommended.*
- *Dormice have been assumed presence based on local records and suitable habitat on site. Surveys are ongoing, however for the purposes of the PEA, planning application, and habitat creation they have been assumed present, and implications considered (with recommendations for mitigation and compensation).*

*Based on an assumption of presence of dormice, the proposed removal of 17m of hedgerow has potential to harm dormice and destroy their nesting sites – these are Habitats Regulations offences. Where a Habitats Regulations offence may be triggered, the LPA must consider whether the proposal meets the 3 derogation tests, and accordingly whether Natural England are likely to grant a EPSL which would permit the proposal to lawfully proceed. The first 2 tests are outlined below, but are essentially planning tests (and are for you to conclude as case officer). The 3<sup>rd</sup> test I have concluded below:*

*Imperative Reason Overriding Public Interest – Establish the public interest (social, economic) which has some imperative nature (i.e. required soon) which overrides the maintenance of the fields as they are at present.*

*No Satisfactory Alternative – Consider and discount alternatives – e.g. design/layout that would not require loss of any hedgerow – why this is unfeasible.*

*Maintenance of Favourable Conservation Status – the ecologist has outlined mitigation (either the standard 1 or 2 stage vegetation removal methods used where dormice are present, and ecologist supervision) and compensatory provisions (hedgerow translocation, dormouse boxes, and new habitat creation comprising approximately 38m of species-rich hedgerow, 2,100m<sup>2</sup> of tree planting and 750m<sup>2</sup> woodland edge planting). These measures would maintain the favourable conservation status of the*

*dormice (the habitat creation measures in fact would be expected to significantly enhance available habitat) and accordingly this test is considered met.*

*If you consider that the 3 tests are met, then it would be reasonable to consider that Natural England would grant a EPS Licence, in which case please apply the condition below.*

- *Any removal of hedgerow to facilitate access shall proceed in accordance with measures detailed in section 5.3.3 of the Preliminary Ecological Appraisal (Blackdown Environmental, v3 1<sup>st</sup> Aug 2018). In the event that the detailed dormouse survey finds evidence of dormice, no works to the hedgerow shall commence until the LPA has been provided with a copy of the licence for Dormice issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the works to go ahead.*

*Additionally, if minded to approve please also apply the following condition:*

- *Avoidance, mitigation and enhancement measures detailed in Appendix 5 of the Preliminary Ecological Appraisal (Blackdown Environmental, v3 1<sup>st</sup> Aug 2018) shall be strictly adhered to and implemented in full.'*

- WDBC Drainage

No objection subject to surface water and foul drainage conditions

- South West Water

No objection

- Dartmoor National Park

No objection subject to landscape condition

- Drewsteignton Parish Council

Objection – ‘*Highways – dangerous country road junctions, increase in traffic, congestion will increase. Currently poor direction signage. The Highways analysis does not reflect accurately what is happening on the roads now regarding accidents and near misses.*

- *No safe pedestrian or cycle access to the site.*

• *Contrary to National Planning Policy as it will disperse the village to the other side of the main road, the building will impact on the surrounding area as it is on one of the highest points in the parish visible from Dartmoor in the west and Exmoor in the north. It will have significant impact on the access, highways safety and those residents living at Hittesleigh and beyond.'*

## **Representations:**

Approximately 40 letters of representation have been received at the time of writing this report, 34 objecting and 6 in support. Concerns raised within the submitted objections are summarised as follows:

- The scheme is not truly a farm shop
- Will have a harmful landscape impact
- The proposed landscaping scheme should be improved
- Will harm amenity through noise, smells, air pollution and light
- The surrounding roads are not of sufficient standard to safely accommodate the development
- The development will lead to an unsafe surrounding highways environment
- Parking provision is inadequate

- There is no need for the development as alternative provision exists
- May impact trade of other businesses
- Will cause off site drainage issues
- Could challenge the vitality of the pub as a community asset
- Doesn't accord with the emerging Joint Local Plan
- Foul water disposal is not addressed in the submission
- Will harm ecology
- The ecology reports are incomplete
- It may have an impact upon SSSIs – does this require a HRA
- Community engagement is not sufficient
- Hasn't identified extent of PDL or the ALC

Comments made in support of the application are summarised as follows:

- Adds additional choice for locals
- Will aid the regeneration of Whiddon Down
- Provides a Farm Shop facility for users of the A30
- Will promote local produce, as evidenced by the list of interested sellers
- Will provide job opportunities, including for young people in the area
- The site is an accessible location for a Farm Shop
- There is an absence of comparative facilities so close to the A30

## Relevant Planning History

1255/18/FUL - Development of new farm shop, with ancillary cafe, supporting secondary areas and a dedicated children's soft play area (class uses A1/A3/D2) - Withdrawn

## Analysis

### Principle of Development/Sustainability:

West Devon Borough Council has a policy which aids the management of new farm shop enterprises within the countryside, which is policy ED20. Some third parties have asserted that this scheme is not technically a farm shop as it is not tied to an individual business and therefore does not fall for consideration under that policy.

The preamble to the policy ED20 is helpful. It states that '*A farmer can sell his own produce from an existing building on his farm without the need to seek planning permission as the use is ancillary to the use of the farm, however, if he wishes to bring in produce from elsewhere to supplement his own farm produce he will require planning permission. Difficulties can arise where it is proposed to sell a product range beyond that grown on the farm, in these situations farm shops can have an impact on the existing shops and services in rural areas. It can also have an impact in terms of traffic generation, highways, access and parking arrangements. In individual cases where the development of an unrestricted retail use on a farm would be likely to result in an adverse effect on a nearby shop, the Borough Council may wish to use planning conditions to limit the broad types of produce sold in the farm shop so as to enable permission to be given.*'

There is therefore a clear inference within the policy preamble that it is not intended to purely focus on the delivery of dedicated, farm specific shops, but allows opportunities for a more broad ranging enterprise incorporating produce from more than one facility. We can certainly conclude that this scheme is for a farm shop in so much as the majority of its produce will only be from local farms. Although it is the case that this will not be tied to a specific farm, it will be closely associated with a collective of local farms, and a planning condition will ensure that the majority of produce is from the surrounding area. The planning condition is recommend to require the following:

- 60% of products sold for retail (A1) at the Whiddon Down Farmshop shall be produced or reared from within the Council areas of West Devon, Mid-Devon and Dartmoor National Park
- 20% of products sold for retail (A1) at the Whiddon Down Farmshop shall be produced or reared from within the county of Devon
- 20% of products sold for retail (A1) at the Whiddon Down Farmshop shall be produced or reared from elsewhere'

Looking at the scope of the proposal, in combination with the farm shop policy and its supporting preamble, officers are satisfied that this scheme is applicable for consideration under policy ED20 and that this can be secured through planning condition.

Although the policy predates the latest iteration of the National Planning Policy Framework, it seeks to support the local economy, which is entirely consistent with the economic aims of the Framework. A core principle of the Framework is *'to help build a strong, responsive and competitive economy'* (paragraph 8). Paragraph 80 states that *'Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.'*

With regard to the rural economy, paragraph 83 states that: *'Planning policies and decisions should enable: a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings; b) the development and diversification of agricultural and other land-based rural businesses; and paragraph 84 states that 'Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.'*

As such, officers consider policy ED20 to be a Development Plan policy which enjoys a significant degree of consistency with national planning policy, and it continues to have primacy within the decision making process. It supports farm shop development subject to the following:

*Proposals for a farm shop will be permitted:*

- (i) Where it will not lead to a dispersal of activity or uses on such a scale as to prejudice village vitality;*
- (ii) Where existing buildings are used or where a new building is required it has no impact on the character and appearance of the site, settlement and surrounding countryside;*
- (iii) Where there is no significant adverse impact on access, highway safety, and loss of amenity to nearby residential properties.*

The policy does not require assessment of existing alternative provision.

### Village Vitality

Whiddon Down is the nearest settlement, which is close by immediately to the south. It does benefit from the convenience store associated with the garage, but this facility is not intended to be replicated by this farm shop application and a condition is recommended to ensure that the proposed development does not provide convenience items such as newspapers or medicines.

The village is also served by the pub, the Post Inn, which officers regard to be an important community asset, offering an enclosed, accessible, safe and warm space for the community to socialise and take meals. As such, officers are recommending a condition which ensures that the café facility associated

with the farm shop remains ancillary to it, and for the café to maintain only normal daytime opening hours, to avoid drawing away from the social function that the pub, as a community asset, will provide in the evenings. As an exception to this, the café opening hours will be extended into the evening for a three month period in the summer, but will only provide hot drinks and snacks, and not plated meals.

Utilising these conditions, officers can conclude that the proposed development will not prejudice village vitality; they will ensure that the development does not challenge the vitality of the pub in Whiddon Down as community asset nor challenge community shops within Whiddon Down and lying further afield, such as the shop at Spreyton.

### Design

The scheme provides a pseudo agricultural design, with the buildings having a simple appearance and seeking to replicate the utilitarian vernacular of agricultural structures seen throughout West Devon. The proposed design is therefore considered to be acceptable subject to the detailed specification of finish materials to be considered within a planning condition.

### Landscape:

The application site is within an elevated location. It is viewed from a number of receptors within the surrounding area.

It is viewed when approaching for a short period along the A30 in an eastbound direction, and from the road bridge crossing the A30 at that point. After passing under the road bridge the application site is within an elevated and prominent position immediately above the approaching junction.

However, from this angle it is viewed within the context of the significant woodland screen behind the site to the east. Therefore, although the proposed building will be seen from this significant distance, it will sit subserviently underneath the substantial wooded background, and will not break the skyline. This context, in combination with the utilitarian and pseudo agricultural quality of the design response, leads officers to conclude that the proposal will sit acceptably within the landscape when viewed from the west.

With regard to light pollution, the openings on the west elevation are not excessive, and light emission from the windows would, in any case, be seen within the context of the multitude of car headlights and rear lights when viewed from this direction at night.

From the north the site does appear elevated on its approach, but it is also well shielded by the boundary vegetation which, with the opportunity for augmentation through the landscape condition, will successfully conceal the buildings from view.

Consistent with the comments made by the Dartmoor National Park Authority, officers consider that views from the National Park can be mitigated by a modified planting schedule. Dartmoor National Park is not objecting to this scheme.

The proposed development will be readily visible from the area immediately to the south and south east, in and around the A30 and the Whiddon Down junction. From areas below the site the development will be seen to rise up and break the skyline.

However, it is important to appreciate that simply seeing a development is not analogous with it having a harmful visual impact. One must consider the impact of the development within the context of the prevailing landscape characteristics of the area.

This is an area dominated by the A30 and its various junctions and road spurs, in addition to the service station facility at Whiddon Down Services. Even though the Farm Shop will be visible within these areas, the prevailing character is therefore already heavily engineered, with large scale arterial road



engineering, associated retaining walls and banks, cuttings and embankments, spur roads and elevated service buildings. In addition to this, the significant noise pollution emanating from the A30 removes any sense of tranquillity one would normally associate with the countryside. Furthermore, commercial roadside facilities are an accepted element of landscape character at A road junctions and form part of the general kinetic experience along arterial routes, and indeed there are already such facilities along the A30, for example at Sourton junction.

Within this context, officers are satisfied that the proposed development will not alter the existing landscape character nor have a harmful visual impact.

#### Economic Benefits

The Council's Farm Shop policy identifies that *'Farm shops can serve a vital function in rural areas by helping to meet the demand for fresh produce and providing new sources of jobs and services, in turn this will help contribute to the rural economy.'*

In this case, officers consider this site to be very well placed to take advantage of the thousands of people who travel through Devon along the A30; the site will be accessible to the significant number of commuters and tourists visiting both Devon and Cornwall. As such, this is regarded as a significant opportunity and platform from which to retail local produce and to promote the local economy to a far ranging demographic.

The land is clearly identifiable when viewed on site as having been severely comprised from an agricultural point of view due to its use when supporting the construction of the Whiddon Down junction, and unsurprisingly its most recent agricultural use is as bale storage. Although there are very small elements of development which encroach into the adjacent field and are within more traditional and obviously greenfield land, these areas are so entirely small that officers are satisfied that there will be at worst a negligible impact through the minimal loss of viable agricultural land. These minimal losses are significantly outweighed by the more strategic opportunity to bring farming produce to a visible market. Officers recognise the benefits of the best and most versatile agricultural land, pursuant to paragraph 180 of the Framework, in making this assessment.

#### Neighbour Amenity:

The scheme is well isolated from neighbouring properties and will not have an unacceptable impact upon neighbour amenity

#### Highways/Access:

A number of concerns regarding this element have been raised by interested third parties. Due to the location of the site and access adjacent to the A30 and its junction, the scheme has been carefully considered by both Highways England and Devon County Council as the highways authority. Both are offering no objection and both have provided full written response. DCC have stated that:

*"The application is supported by a Transport Statement prepared by transport consultants, Calibro. Although the scoping of the statement was not previously agreed with the highway authority, the content and conclusions are broadly acceptable to the highway authority.*

*From the highway authority's point of view, therefore, there are no objections in principle to the proposed development, and the access junction to serve the site has been designed such that it complies with contemporary design guidance for geometry and visibility*

*The signage schedule and plans in the Transport Statement show five proposed signs; two are on land that is part of the trunk road network under the control of Highways England and the remaining three are on land which does not appear to form part of the publicly maintained highway and is of unknown ownership. The applicant is advised that the highway authorities have strict criteria about the signing of*

*commercial enterprises and these signs may conceivably be in breach of those constraints so may not be acceptable. An informative note to cover this aspect is included below.*

*It is also recommended that Highways England is also consulted with respect to the effect that the proposed development will have on the trunk road network, and the advertisement signs proposed on land for which they are responsible.'*

Highways England have stated that:

*Whilst access to the development is via an unnamed local road, the site is located a short distance to the north of the A30 Whiddon Down junction with the A382. The proposals are supported by a Transport Statement (TS) prepared by Calibro. We have considered the methodology used for the predicted trip generation and the adequacy of the proposed parking provision, and consider both to be acceptable.*

*We are therefore satisfied that the SRN can accommodate the level of trips associated with the proposed development and we have no objection in principle to the proposals.*

*However, due to the close proximity of the A30 eastbound off and onslip, it will be important to ensure that clear signage is provided from the local road network, to ensure that vehicles do not overshoot the local road junction. The TS includes an indicative proposal, but a detailed scheme will need to be agreed with the highways authorities and implemented prior to any development being brought into use. The applicant will need to be aware that signing will not be permitted within the trunk road boundary.'*

Officers note the comment made by DCC regarding signage on third party land and, as these signs are superfluous in any case, these drawings are not included within this recommendation. However, Highways England has identified that signs are necessary within their land to prevent vehicles overshooting the junction, and the condition they are requesting to prevent this, seeking the detail of this signage, is included within the recommendation.

Officers are satisfied that the parking provision presented within the submission will satisfactorily cater for visits to the facility. Although cycling provision is small scale within the development, it does demonstrate that the applicants have addressed ways to make the site more accessible, beyond motor car use. In any case, the Development Plan, through ED20, doesn't require enhanced provisions of sustainable transport options.

#### Farm Shops and the Joint Local Plan

Some third parties have questioned the conformance of this scheme with the emerging Joint Local Plan, and its subtly different approach to the management of farm shop developments.

However, the Joint Local Plan is an emerging document which will be liable to modification in the future, and its relevant policies are given moderate weight in this assessment. Overall, officers consider that the policy ED20 has primacy and should be afforded significant weight as an NPPF compliant component of the current Development Plan.

#### Ecology

The Council's ecologist has carefully considered the submitted ecological surveys and agrees with the findings. The Council ecologist has found no harm with regard to protected species and notes the additional habitat provided by the landscaping scheme.

He also notes that at the time of writing this report dormice surveys are outstanding. However, the worst case scenario for the outcome of these surveys would only require the works to gain a licence from Natural England before they can proceed. The Council's ecologist has made his assessment against the existence of dormice within the hedgerow as the worst case scenario. This triggers the need to carry out the three derogation tests:

Imperative Reason Overriding Public Interest – Officers regard this to be an important opportunity to capitalise on an accessible site well placed to bring local goods to a wide ranging market. The potential boost that this provides to the local economy is considered to meet this test.

No Satisfactory Alternative – It is clear that the design approach, specifically the landscaping, has had to take into account a number of factors, including the need for safe access and the need to assimilate the development into the site. As such, officers are satisfied that there is no satisfactory alternative.

Maintenance of Favourable Conservation Status – the ecologist has outlined mitigation (either the standard 1 or 2 stage vegetation removal methods used where dormice are present, and ecologist supervision) and compensatory provisions (hedgerow translocation, dormouse boxes, and new habitat creation comprising approximately 38m of species-rich hedgerow, 2,100m<sup>2</sup> of tree planting and 750m<sup>2</sup> woodland edge planting). These measures would maintain the favourable conservation status of the dormice (the habitat creation measures in fact would be expected to significantly enhance available habitat) and accordingly this test is considered met.

Officers also consider the significant enhancement of habitat, delivered through the landscaping scheme, to be an environmental benefit which weighs in favour of this application. With regard to SSSIs officers do not consider that this development is likely to lead to harmful recreational impacts. The Council's ecologist has not determined that a HRA is required.

#### Other Matters:

A degree of third party representation have been received from representatives of existing farm shops within the locality. Although the potential impact of a development upon village vitality or community assets is a legitimate material planning consideration, the commercial impact upon competing businesses as a result of greater commercial competition is not.

The Council has screened the scheme pursuant to the EIR regulations. The applicants have sought community engagement which surpasses that seen by officers within other developments of a commensurate scale and type.

#### Conclusion

Although not tied to a specific local farm, conditions will ensure that the site is tied to a collective of local farms, and that the majority of goods will be delivered from local farms. As such, officers are satisfied that the scheme is appropriate for consideration under policy ED20.

Conditions will ensure that the scheme does not damage village vitality nor challenge the viability of any community assets. Although the site is within an elevated and prominent location, for the reasons outlined above it is not considered by officers to render a harmful impact within the landscape. The scheme and the various third party comments have been carefully considered by both the Highways Authority and Highways England, both of whom raise no objection with regard to the highways implications of the development.

The scheme provides a significant opportunity to provide a platform for the marketing of local goods to the significant tourist and general public movements which utilise the A30 each year from around Devon, Cornwall and beyond. This, combined with forecast employment, leads officers to conclude that the scheme provides a significant economic benefit to the local economy, which weighs in favour of this scheme.

For the reasons outlined above this application is considered acceptable and in accordance with the relevant development plan policies. This application is therefore recommended for approval subject to appropriate conditions.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## **Planning Policy**

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The relevant development plan policies are set out below:

### **West Devon Borough Council Core Strategy 2011**

SP1 – Sustainable Development  
SP10 – Supporting the Growth of the Economy  
SP11 – Rural Regeneration  
SP 12 – Retailing  
SP13 – Community Services and Facilities  
SP17 – Landscape Character  
SP18 – The Heritage and Historical Character of West Devon  
SP19 – Biodiversity  
SP20 – Promoting High Quality Design  
SP21 – Flooding

### **West Devon Borough Council Local Plan Review 2005(as amended 2011)**

NE10 – Protection of the Countryside and Other Open Spaces  
BE13 – Landscaping and Boundary Treatment  
ED20 – Farm Shops  
T8 – Car Parking  
T9 – The Highway Network  
PS2 – Sustainable Urban Drainage Systems  
PS3 – Sewage Disposal  
PS4 – Private Water Supply

### **Emerging Joint Local Plan**

The Plymouth and South West Devon Joint Local Plan (the JLP) will replace the above as the statutory development plan once it is formally adopted.

Annex 1 of the National Planning Policy Framework (the Framework) provides guidance on determining the weight in relation to existing and emerging development plan policies.

- For current development plan documents, due weight should be given to relevant policies according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- For the JLP, which is an emerging development plan, the weight is to be determined by the stage of its preparation, the extent to which there are unresolved objections, and its degree of consistency with the Framework.

The JLP is at a relatively advanced stage of preparation. The precise weight to be given to policies within the JLP will need to be determined on a case by case basis, having regard to all of the material considerations as set out on the analysis above.

**PLYMOUTH AND SOUTH WEST DEVON JOINT LOCAL PLAN -: PUBLICATION (as considered by the Full Councils end Feb/Early March 2017)**

SPT2 Sustainable linked neighbourhoods and sustainable rural communities

TTV31 Development in the Countryside

DEV1 Protecting amenity and the environment

DEV2 Air, water, soil, noise and land

DEV15 Supporting the rural economy

DEV16 Providing retail and town centre uses in appropriate locations

DEV17 Promoting competitive town centres

DEV18 Protecting local shops and services

DEV20 Place shaping and the quality of the built environment

DEV24 Landscape character

DEV27 Nationally protected landscapes

DEV30 Trees, woodlands and hedgerows

**Considerations under Human Rights Act 1998 and Equalities Act 2010**

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.

**Planning 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: To comply with Section 91 of the Town and Country Planning Act, 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the approved plans and documents to be listed on the decision notice.

Reason: To ensure that the proposed development is carried out in accordance with the drawings forming part of the application to which this approval relates.

3. Prior to installation, samples of the materials to be used in the construction of the external surfaces, including roofs, shall have first been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the details so approved.

Reason: To enable the Local Planning Authority to consider the details of the materials.

4. The farmshop shall not be open to customers other than between the hours of 0900 and 2100, Monday to Sunday inc. bank holidays otherwise agreed to in writing by the LPA'. The ancillary café opening hours will be restricted to 0900 to 1800 Monday to Sunday inc. bank holidays, except for 90 days during the peak holiday months (April to September) when it will operate in accordance with the farmshop opening hours. The sale of plated meals shall be excluded during the extended opening period.

Reason: In the interests of public amenity and to safeguard the vitality of a local facility

5. 60% of products sold for retail (A1) at the Whiddon Down Farmshop shall be produced or reared from within the Council areas of West Devon, Mid-Devon and Dartmoor National Park , 20% of products sold for retail (A1) at the Whiddon Down Farmshop shall be produced or reared from within the county of Devon and 20% of products sold for retail (A1) at the Whiddon Down Farmshop shall be produced or reared from elsewhere

Reason: To ensure compliance with policy ED20 and in the interests of the local economy

6. There shall be no display for retail of any of the following;

1. Daily newspapers and magazines
- II. Stationary
- III. Chemist/ pharmaceutical goods

Reason: To ensure compliance with policy ED20

7. The premises shall only be used as a farmshop and associated ancillary uses, and for no other purpose including any other use within Class A1. 'The ancillary café area hereby approved shall be used in conjunction with the integral A1 use within the application site and shall not be sold or operated separately.

Reason: To ensure compliance with policy ED20, in the interests of the local economy

8. Notwithstanding the submitted information, no development shall be commenced until full details of the most sustainable drainage option has been submitted to and approved in writing by the Local Planning Authority (LPA). Design steps as below:

1. Soakaway testing to DG 365 to confirm the use of soakaways or to support an alternative option. Three full tests must be carried out and the depth must be representative of the proposed soakaway. Test results and the infiltration rate to be included in the report.
2. Soakaway to be designed for a 1:100 year event plus 40% for climate change.
3. The permeable paving should be designed in accordance with CIRIA C753. Full design details and sectional drawing showing the specification and make up will be required.
4. A scaled plan showing full drainage scheme, including design dimensions and invert/cover levels, within the private ownership.
5. If the Local Planning Authority concludes that the method of drainage approved as part of this permission is undermined by the results of the percolation tests, a mitigating drainage alternative shall be agreed with the Local Planning Authority.
6. The drainage scheme shall be installed in strict accordance with the approved plans, maintained and retained in accordance with the agreed details for the life of the development.

Reason: To ensure surface water runoff does not increase to the detriment of the public highway or other local properties as a result of the development.

9. Notwithstanding the submitted details, no development shall be commenced until:

1. Details of the works for the disposal of sewage have been submitted to and approved in writing by the Local Planning Authority, and the dwelling shall not be occupied until the approved works have been completed to the satisfaction of the Local Planning Authority. Details to include a completed FDA1 form and justification for private foul system.

If the proposed development results in any changes/replacement to the existing system or the creation of a new system, scale plans of the new foul drainage arrangements will also need to be provided. This will include a location plan, cross sections/elevations, specification and its capacity to hold additional load. Landscape Plan prior to commencement

Reason: To ensure the delivery of an appropriate foul drainage scheme

10. No development shall take place until there has been submitted to and approved by the Local Planning Authority an improved scheme of landscaping, which shall include indications of all existing trees and hedgerows on the site and details of any to be retained, together with measures for their protection in the course of development, and additional planting to assimilate the development into the site when viewed from the Dartmoor National Park.

All planting, seeding, turfing or hardsurfacing comprised in the approved landscaping scheme shall be carried out by the end of the first planting and seeding seasons following the occupation of the buildings or completion of the development, whichever is the sooner. Any trees or plants which within a period of five 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 variation. The landscaping scheme shall be strictly adhered to during the course of the development and thereafter.

Reason: To ensure the provision of an appropriate landscaping scheme in the interests of the visual amenities of the locality and to assimilate the development into its surroundings.

11. A traffic signage scheme shall be submitted to and approved in writing by the Local Planning Authority (in consultation with Highways England) and the approved signage scheme implemented prior to the development being brought into use.

Reason: In the interests of highways safety

12. Any removal of hedgerow to facilitate access shall proceed in accordance with measures detailed in section 5.3.3 of the Preliminary Ecological Appraisal (Blackdown Environmental, v3 1<sup>st</sup> Aug 2018). In the event that the detailed dormouse survey finds evidence of dormice, no works to the hedgerow shall commence until the LPA has been provided with a copy of the licence for Dormice issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the works to go ahead.

Reason: In the interests of biodiversity

13. All avoidance, mitigation and enhancement measures detailed in Appendix 5 of the Preliminary Ecological Appraisal (Blackdown Environmental, v3 1<sup>st</sup> Aug 2018) shall be strictly adhered to and implemented in full.

Reason: In the interests of biodiversity

14. No works or development shall take place until a scheme for the protection of the retained trees has been agreed in writing with the Local Planning Authority. This scheme shall be in accordance British Standard 5837:2012 -Trees in relation to design, demolition and construction - Recommendations and shall include:

- a) a plan to a scale and level of accuracy appropriate to the proposal that shows the position, crown spread and Root Protection Area (paragraph 4.6 of BS5837) of every retained tree and hedge on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on this plan;
- b) a schedule of tree works for all the retained trees in the paragraphs above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, Recommendations for Tree Work; of drives and paths within the RPAs of retained trees in accordance with the principles of "No-Dig" construction;
- c) the details and positions (shown on the plan at paragraph (b) above) of the Tree Protection Barriers (section 6.2 of BS5837:2012), identified separately where required for different phases of construction work (e.g. construction, hard landscaping). The Tree Protection Barriers shall be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase;

Reason: In order to identify, and protect, trees of public amenity value

15. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an investigation and risk assessment and, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with.

Following completion of measures identified in the approved remediation strategy and verification plan and prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority.

Reason: No site investigation can completely characterise a site. This condition is required to ensure that any unexpected contamination that is uncovered during remediation or other site works is dealt with appropriately.