

## PLANNING APPLICATION REPORT

**Case Officer:** Matthew Jones      **Parish:** Buckland Monachorum      **Ward:** Buckland Monachorum

**Application No:** 1923/18/FUL

**Agent/Applicant:**

Mrs Amanda Burden  
Luscombe Maye  
59 Fore Street  
Totnes  
TQ9 5NJ

**Applicant:**

Mr & Mrs R Spry  
C/O Agent

**Site Address:** Land South of Whistley Down, Crapstone, Yelverton, Devon, PL20 6EN

**Development:** Provision of an American Barn for equestrian use

**Reason taken to Development Management Committee:**

Cllr Sanders has requested that the scheme be taken to committee as the *'application appears to be a very significant intensification of the land use which will inevitably increase the overall impact on the land and hence on the area'*



**Recommendation:** Conditional Approval

**Conditions**

Time  
Accord with Plans  
Use for private equestrian  
Landscape plan prior to first use

No external lighting unless otherwise agreed

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

The main issues are the need for the building, its visual impact within the AONB and adjacent to the National Park, any impact upon neighbouring properties, access and parking and drainage.

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### **Site Description:**

The application site is an open paddock located within an existing equestrian facility within Buckland Monachorum Parish. The site is within the Tamar Valley AONB but the Dartmoor National Park is very close by to the north. The site is enclosed by trees and vegetation to its northern boundary, but open on all other sides. To the east is the residential cul-de-sac Whistley Down.

The land has a well-established equestrian use, with the vehicular access and existing small stables erected following planning consent in 1984. One enters directly from the highway, into a small yard area which provides turning and parking and access into the stables and the wider field which is subdivided into paddocks.

### **The Proposal:**

Planning permission is sought for the erection of an American Barn to house stables and ancillary storage. The building measures 18m x 10.5m with a total ridge height of 5.1m. It is clad in wood. The scheme also shows a soakaway on adjacent land.

### **Consultations:**

- County Highways Authority

No objection

- Buckland Monachorum Parish Council

Objection – *‘BMPC object to the proposal on the following grounds: Visual impact on the appearance of the area by way of the scale of the proposed development. BMPC is concerned that the built environment is being extended and the village is in danger of losing its character.’*

### **Representations:**

One letter of support has been received at the time of writing this report. Comments made in support of the scheme are summarised as follows:

- Is necessary for the equestrian use to continue
- Is well sited and designed
- Will boost the economy

### **Relevant Planning History**

1072/1984 - Formation of vehicular access and erection of stables – Conditional Approval

### **Analysis**

West Devon policy seeks to manage equestrian uses through its Rural Diversification policy, but this is more directed at entirely new, commercially driven equestrian uses. The application site is a well-

established private facility. As such, one could argue that the Development Plan is silent regarding new physical buildings within existing private equestrian land.

However the applicant has identified that the development will provide stabling for a total number of horses which is, pursuant to the relevant regulations, proportionate to the size of the planning unit. On this basis, it can be argued that there is a legitimate requirement for the building to optimise the equestrian use. Looking at policy NE10, officers are satisfied that there is a low key social and community benefit in supporting the recreational, equestrian uses in these high quality rural areas.

Officers also note that the Council has consistently used policy to approve new and works to existing private equestrian facilities in the countryside.

#### Design/Landscape:

The design provides a simple, utilitarian building common within rural locations and an accepted element of the rural landscape.

The location of the proposed building relates closely to the existing stable building. The well vegetated boundary to the north will largely screen it from views from this public route and from the National Park beyond. In addition, the land is slightly set down from the adjacent highway, meaning it will appear reduced in its size if glimpsed through the boundary during the barer winter months.

Views from Green Lane and the PROW to the south are almost entirely blocked by the relief of the land and intervening woodland, but this will be augmented by the planting scheme proposed within this application.

For these reasons, the proposal will not harm the character and natural beauty of the AONB or the adjacent National Park. Officers are also satisfied that, due to the discreet location of the building, it will not add to any cumulative impact or general erosion of rural character in and around Crapstone village.

#### Neighbour Amenity:

The assessment must be made within the context of this being an existing equestrian facility.

Officers are mindful that the scheme is nearby to a residential street which is to the east. However, the separation distance and strong boundary between the site and the nearest dwellings allows officers to conclude that the impact upon these properties will be acceptable. No external lighting will be allowed unless otherwise agreed in writing.

#### Highways/Access:

There is an existing access and associated parking and turning area. Although this is clearly suitable for the applicant's private equestrian use, it is not clear if a future, more intensive, commercial use of the land could provide turning and parking constraints which in turn could present a highways safety problem. As such, a condition is recommended ensuring that the use of the site remains private unless otherwise agreed in writing.

#### Conclusion

The policy position with regard to the principle of new buildings within existing, private equestrian land is not entirely clear. However, officers do regard the scheme to have a low key social and community benefit and, in the absence of harm, are satisfied that the scheme accords with policy NE10.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004

## **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  
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  
ED21 – Rural Diversification  
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  
DEV19 Provisions for local employment and skills  
DEV20 Place shaping and the quality of the built environment  
DEV24 Landscape character  
DEV27 Nationally protected landscapes  
DEV28 Protecting and enhancing biodiversity and geological conservation  
DEV30 Trees, woodlands and hedgerows  
DEV37 Managing flood risk and Water Quality Impacts

## **Buckland Monachorum Neighbourhood Plan**

### **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. The development hereby approved shall be for the used in a private capacity and for no business or commercial purposes.

Reason: To safeguard the amenities of adjoining residents and in the interests of highway safety, in accordance with Local Plan Policy NE10.

4. The building hereby approved shall not be brought into first use until there has been submitted to and approved by the Local Planning Authority a 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 details including the location, species, height and density of all new planting.

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.

5. There shall be no external lighting within the site unless otherwise agreed in writing with the Local Planning Authority. Any submitted lighting scheme shall include details of the position,

type, luminance and cowling of all external lights to the building and external areas. Upon the commencement of the use the external lighting shall accord strictly with the approved details.

Reason: To safeguard the appearance of the locality and the amenities of adjoining residents.