

PLANNING APPLICATION REPORT

Case Officer: Wendy Ormsby

Parish: Marldon Ward: Marldon

Application No: 1251/16/FUL

Agent/Applicant:
Mr Michael Roberts
30 Nelson Place
Newton Abbot
TQ12 2JH

Applicant:
Ms Sadie Lyons
Marldon Christmas Tree Farm
Totnes Road
Marldon
TQ3 1RR

Site Address: Marldon Christmas Tree Farm The North Pole, Marldon, TQ3 1RR

Development: Use of land for 4no. holiday lodges and retention of shepherd hut with associated parking and patio areas

Reason item is being put before Committee: Ward Member notes that there is neighbour concern about access and noise.



Recommendation: Conditional Approval

Conditions

See end of report

Key issues for consideration:

The key issues associated with the determination of this application relate to the principle of development, impacts on highway safety, landscape impact and the amenity of nearby residential properties and/or land users.

Site Description:

The application site is Marldon Christmas Tree Farm, which is primarily a plantation of trees marketed as Christmas trees. The application site and its surroundings fall outside the development boundary within the countryside. The application lies on the south western edge of the village of Marldon and is sited north of the Totnes Road, a well-used route between Totnes and the A380.

The application site land level is higher than road level and comprises tree planting areas, hardstand parking areas and a circulatory road system. There are a number of buildings on the site located mainly on the western side which include storage/workshop buildings and a 'log cabin' style building which was granted planning permission for use as a tea room in 2014.

Access is from Totnes Road. This consists of a vehicular access with metal gates set back 14 metres from the highway, and a 1.5 metre high stone wall on either side of the access incorporating two permanent signs advertising the Christmas tree farm.

The site adjoins the Moorview residential development site.

The Proposal:

This application seeks a change of use of part of the site to enable the provision of four single storey holiday lodges and the retention of the existing shepherd hut on the site for use as tourism accommodation to members of the visiting public throughout the year.

The lodges proposed are of stained timber log construction and will be located in small clearings to be formed within the existing Christmas tree plantation.

Each lodge will be served by two parking spaces and these will be provided in groups of four spaces with access directly from the existing circulation tracks within the Plantation.

The lodges are of a prefabricated nature and will be constructed above a timber raft.

The existing shepherd hut located within the site is also to be made available for tourist accommodation and retaining its existing position.

It is intended that the lodges will be located towards the higher eastern side of the site.

Consultations:

- County Highways Authority – standing advice applies
- Environmental Health Section – no comment
- Town/Parish Council – Objects for reasons including the following:
 - Problems with highway access
 - Unneighbourly (possible noise)
 - Application incorrectly refers to site as a garden centre.
 - Could set a precedent for more lodges
- SHDC Landscape – no objection

Representations:

Four letters of objection have been received for reasons including the following:

- Increase in noise nuisance to neighbours.
- Increase in traffic movements – adverse highway impact
- Visually intrusive in the landscape which is an area of natural beauty.
- Unauthorised residential use already occurs on site – this will extend this unauthorised use.
- Nuisance from lorry movements late at night already causes nuisance.
- Outside the development boundary
- Environmental Statement is required
- Noise impact will adverse impact on wildlife
- Light pollution
- Access unsafe
- Danger to pedestrians

Relevant Planning History

34/0317/00/F: FUL

Marldon Christmas Tree Farm Farthing Lane Westerland Marldon

Construction of new access to Totnes Road and closure of two accesses to Farthing Lane

Conditional approval: 19 Feb 01

34/0818/04/AG: AGR

Marldon Christmas Tree Farm Totnes Road Marldon Paignton

Agricultural determination for provision of hard standing/loading area/car park

Ag Detmn - details not required: 17 May 04

34/0678/04/CU: COU

Marldon Christmas Tree Farm Totnes Road Marldon Paignton

Stationing of mobile home

Refusal: 25 May 04

34/1682/14/F - Side extension and creation of shelter to front - Conditional Approval

34/2884/13/F: FUL

Marldon Christmas Tree Farm The North Pole Westerland Marldon Paignton TQ3 1RR
Siting of caravan during November and December annually for security purposes
Conditional approval: 29 Jan 14

34/0846/07/F – Replacement of existing barn building with new barn - Conditional Approval

34/2590/14/F: FUL

Marldon Christmas Tree Farm The North Pole Westerland Marldon Paignton TQ3 1RR
Conversion of agricultural building to use as tea room (A3 class)
Conditional approval: 26 Mar 15

34/1999/15/F: FUL

Marldon Christmas Tree Farm The North Pole Westerland Marldon TQ3 1RR
Erection of 2no. new holiday let properties and change of use for shepherds hut to holiday let
Withdrawn: 19 Oct 15

ANALYSIS

Principle of Development/Sustainability:

Policy Context

There are a number of development plan policies that are relevant when considering the principal of this development which is located in the open countryside but in close proximity to the development boundary of Marldon:

Policy DP15 of the South Hams Local Development Framework (LDF) (Development in the Countryside) outlines the scope for development in the countryside. It is only permissive of new developments that require a countryside location or support the essential needs of agriculture or forestry interests, or needs of a settlement which cannot be met within development boundaries.

Policy DP12 of the LDF is permissive of proposals that would promote tourism where they:

- a. are located in sustainable and accessible locations;
- b. do not undermine the vitality or viability of nearby settlements;
- c. provide a high quality attraction or accommodation; and
- d. encourage an extended tourist season.

In addition, in the countryside proposals will only be permitted where they:

- a. demonstrate they require a rural location and cannot be accommodated elsewhere, or be associated with the expansion of an existing facility; and
- b. support the objectives of rural regeneration.

In addition Policy CS12 encourage tourism into the area and Policy CS13 promotes rural diversification.

Of particular relevance is Policy DP13 which considers proposals for holiday caravan, camping and chalet sites and states the following:

Within AONBs and the undeveloped coast, proposals for new and extensions to existing caravan, camping and chalet sites will not be permitted. Alterations to existing sites should only be permitted where all the following criteria are met:

- a. they would meet a demonstrable need;*
 - b. they would be of an appropriate scale in relation to their setting and would not diminish local amenity;*
 - c. they are sited to be visually unobtrusive and can be assimilated so as to conserve and enhance the surrounding landscape;*
 - d. the road network and the site's access can safely accommodate any traffic generated; and*
 - e. net environmental improvements to the site as a whole will result.*
- 2. Outside the AONBs and the undeveloped coast, proposals for new caravan, camping and chalet sites, and extensions or alterations to existing sites will be permitted where the criteria (a – e), above, are met.*

The NPPF (2012) promotes sustainable development and encourages LPA's to support a prosperous rural economy.

Of particular relevance is para 28:

Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

- support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings;*
- promote the development and diversification of agricultural and other land-based rural businesses;*
- support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres;*

And

- promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship*

Sustainability

The NPPF also promotes sustainable development. This site will encourage year round tourism aiding the local economy, there will be no significant adverse environmental impacts. The site has a well maintained footpath link into the village of Marldon, which whilst not hard surfaced is level and free from obstacles. The site is outside the development boundary but adjoins the residential development at Moorview which adjoins the village boundary. It is concluded that the proposed development is sustainable.

Design/Landscape:

The proposed chalets are modest in scale relative to their setting; they will be set within the conifer plantations well within the site boundaries. The chalets will not be visually prominent, the only public views that may be afforded would be from the adjoining public footpath, but even from here the views will be restricted due to the plantation trees.

The design is typical of a timber holiday chalet and is appropriate for the conifer plantation setting.

The design and landscape impact is considered to be acceptable.

Neighbour Amenity:

The nearest dwelling (excluding the Moorview development) is approx. 60m from the southernmost chalet (Cobble Stones), separated from the chalet by plantations, boundary screening and a road. Other properties are approx. 125m away, separated by plantation, a large building, boundary vegetation and a road (Thistleham and Meadow Cross) and approx. 90m away separated by plantation, boundary vegetation and the Totnes Road (The White Cottage).

Objections have been made on the grounds of possible noise disturbance from the chalets. Having regard to the distance of the units from neighbours it is considered that there would be no significant noise impact either from the occupation of the units or any associated vehicular movements.

There will be no impact at all with regard to privacy or light. It is unlikely the units will be visible at all to any of the existing nearby dwellings having regard to the boundary screening of the site its topography.

The impact on residential amenity will be acceptable.

Highways/Access:

The proposed chalets will use the existing vehicular access to the Farm from the Totnes Road which has adequate visibility. The additional vehicular movements will not be significant relative to the existing use of the site and no highway objection has been raised from the Highway Authority.

There is safe pedestrian access from the site into the village of Marldon using the public footpath that runs around the sites southern and eastern site boundaries.

Ecology:

Objections have been raised with regard to impact on wildlife and light pollution. A planning condition to agree the details of any proposed external lighting is recommended to avoid disturbance of possible bat corridors.

Other Matters:

Precedent:

Concerns have been raised that this will set a precedent for further chalet development on the site. Any further chalets would require planning permission and any such applications would be considered on their merits.

Economy:

The site is well located for visitors wanting to visit Torbay and the South Hams; the scheme is proposed for year round use and introduces diversification of this rural forestry enterprise. The proposed development will make a positive contribution to the overall economy of the area.

Planning Balance:

This site will encourage year round tourism aiding the local economy, there will be no significant adverse environmental impacts. The site has a well maintained footpath link into the village of Marldon, which whilst not hard surfaced is level and free from obstacles. The site is outside the development boundary but adjoins the residential development at Moorview. It is concluded that the proposed development is sustainable.

Having reviewed the details of the application in terms of design, landscape impact, ecological impact and highway impact and economic benefit, the proposal is considered to accord with Policy DP13 and other relevant local and national planning policy identified in this report

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

Planning Policy

NPPF

South Hams LDF Core Strategy

CS1 Location of Development

CS7 Design

CS9 Landscape and Historic Environment

CS10 Nature Conservation

CS11 Climate Change

Development Policies DPD

DP1 High Quality Design

DP2 Landscape Character

DP3 Residential Amenity

DP4 Sustainable Construction
DP5 Conservation and Wildlife
DP7 Transport, Access & Parking
DP12 Tourism and Leisure
DP13 Holiday Caravan, Camping and Chalets Sites
DP15 Development in the Countryside

Recommended 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 by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall in all respects accord strictly with drawing numbers Site Plan, MGR/16/0191E/08, MGR/16/0191E/05, MGR/16/0191E/04 and MGR/16/0191E/07 received by the Local Planning Authority on 10 June 2016.

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 chalets hereby permitted shall be used solely for holiday accommodation only and shall not be occupied as any person's sole or main place of residence. The owners/operators shall maintain an up-to-date register of the names and main home addresses of all owners/occupiers of the holiday unit, and shall make this information available at all reasonable times to the Local Planning Authority.

Reason: The development proposed is in an area where there is a presumption against new residential development except where an agricultural or horticultural need has been established and because this permission has only been considered in terms of the permission sought, namely holiday lodges.

4. Prior to its installation full details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of wildlife conservation.

5. Users of the holiday chalets hereby approved shall only use the existing site access from the Totnes Road for vehicular access to the site and no other access.

Reason: In the interests of highway safety

6. PRIOR TO COMMENCEMENT Prior to the commencement of the development, details of the surface water design including percolation test results and supporting calculations shall be submitted to and approved in writing by the local planning authority. Such approved drainage details shall be completed and become fully operational before the development is first brought into use. Following its installation the approved scheme shall be permanently retained and maintained thereafter.

Reason: To safeguard the amenities of the locality and environment and to ensure that the development is adequately drained

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.