

# PLANNING APPLICATION REPORT

**Case Officer:** Gemma Bristow

**Parish:** Marldon **Ward:** Marldon

**Application No:** 0745/16/FUL

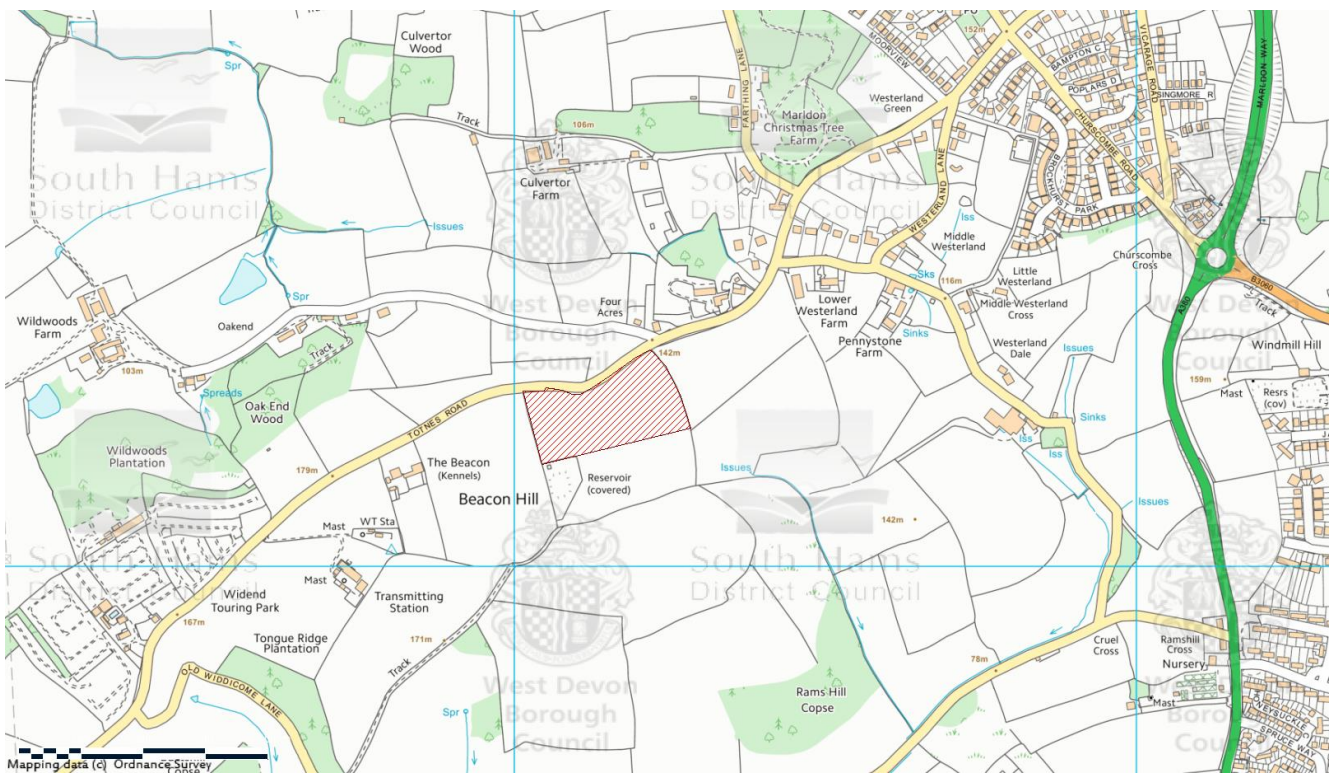
**Agent/Applicant:**

Mr L Snodgrass  
19 Winsu Ave  
Preston  
Paignton  
TQ3 1QG

**Site Address:** Land at Westerland, Totnes Road, Marldon, TQ3 1RU

**Development:** Retrospective change of use from Agricultural to Equestrian. Plot 1, Field subdivided with fencing & 2 stables on skids, for horses and two areas fenced for dog exercising & training use and new access provision.

**Reason item is being put before Committee:** At the request of Cllr Pennington on the grounds that the proposed access onto Totnes Road is unsafe for road users.



**Recommendation:**

Conditional approval

**Conditions**

1. In accordance with plans
2. Details of entrance gate to be submitted and approved within 4 months and implementation of new access within 4 months, unless otherwise agreed
3. Restriction on use of existing access
4. In accordance with ecology report
5. Maintain access to public footpath
6. No mud or rocks on highway

**Key issues for consideration:**

Principle, amenity, access

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**Site Description:**

Land located to the south of Totnes Road, located to the west of the settlement of Marldon including an access track that runs perpendicular with the Totnes Road to the east of the application field. Site is currently accessed at the north eastern corner of the field.

**The Proposal:**

Change of use of agricultural land to equestrian, including field subdivided with fencing & two stables on skids, for horses and two areas fenced for dog exercising & training use. New access provided to east of the site at end of the access road that runs perpendicular with Totnes Road.

**Consultations:**

- County Highways Authority: The Highway Authority has had discussions with the applicant on site relating to potential alternative access arrangements. It was discussed any increase of the existing unclassified road with the C11 classified road would be inappropriate noting the lack of visibility to the north at the junction. It was suggested the applicant employs a highway design expert to design the a new access arrangement located to the south west of the existing junction as this was the only suitable point noting the levels etc safe access could be achieved.

It is noted the applicant cannot offer to stop up the existing vehicle access due to the fact it serves a third party. However, a planning condition could be imposed ensuring any equestrian or dog business associated traffic uses a new access if it can be proven to operate safely.

The applicant has now provided sufficient detail to demonstrate a large car and horse box trailer can safely enter and exit the site in the form of a topographical survey and auto track swept path analysis. Drainage is also shown for the access with a soakaway design that is at least 5m from the public highway. The Highway Authority is therefore content this level of detail is now sufficient to remove its previous concerns.

- Parish Council: objection on the grounds there is nowhere to park safely for those using the facility. Threat to public footpath. Not desirable to change from agriculture to equestrian.

**Representations:**

4 letters of objection on the grounds:

- Noise and disturbance from dog training and walking
- Safeguards should be put in place in the height of the hedge as the site is elevated
- Objection to the use of the track along Totnes Road for business, will incur maintenance costs from potential damage to boundary fencing.
- The new vehicle access will expose the surrounding land to further road noise
- Loss of historic section of hedgebank that contains protected species

- Request new entrance is gated to prevent walkers assuming it is the public footpath

### **Relevant Planning History**

None.

### **ANALYSIS**

#### Principle of Development/Sustainability:

The principle of changing this agricultural land to equestrian and dog training is considered acceptable as it is a compatible rural use that would provide a diversity to the rural community. It is also noted that the dog training facility would not be a suitable use within a settlement due to potential noise conflicts so this edge of settlement location is appropriate.

#### Design/Landscape:

In terms of the mobile field shelters these are modest in size and considered acceptable in appearance within this existing agricultural field, and appropriate for their intended equestrian use. It is acknowledged that there is quite a bit of fencing associated with dividing the equestrian and dog training uses, and from the necessity to retain the access along the public footpath that passes through the equestrian field, however all the fencing is low level and so has limited visibility. It is therefore not considered reasonable or necessary to impose a condition on the height of the surrounding boundary hedging.

The proposed new access would require the removal of a 7.5m section of established hedgebank which is unfortunate. Nevertheless, this opening has been designed to be the minimum necessary to allow towing vehicles to enter and exit safely, reducing the potential opening size from 11m wide. While the loss of any hedging will have some impact on the rural setting, the benefit of providing a safe access onto this road is considered to outweigh the harm. It is also noted that the ecology report submitted by the applicant states this section of hedge has low potential for dormice and no evidence of their presence was identified during the survey, in addition there was no evidence of breeding birds or badgers. With a condition that the removal of the hedge is carried out in line with the recommendations of the ecology report this is considered acceptable.

#### Neighbour Amenity:

In terms of the potential noise disturbance from the dog training facility it is noted that the nearest dwellings are Four Acres and Roots that are located on the opposite side of Totnes Road off a lane that runs down towards Wildwoods Farm. It is therefore considered that given the existing level of traffic noise generated by Totnes Road the potential increase in noise levels from the new facility would not be significant.

#### Highways/Access:

There has been extensive discussions with the Highways Authority to find an acceptable access solution to serve this site. The applicant employed highway consultants who proposed a new access to the east of the main facilities and the highways authority has confirmed this new access is now acceptable in terms of providing sufficient visibility sightlines onto Totnes Road.

#### Other Matters:

Access has been maintained through a number of gates to the public footpath that passes through the centre of the equestrian field. A condition is also imposed to ensure that this access is maintained at all times.

It has been noted that the public footpath that passes through the application site is poorly signposted and this has led to conflict with walkers using the track alongside Totnes Road and the animals kept in the adjoining field. There is concern that in the creation of a new entrance from Totnes Road this will be taken as the public footpath route, and so a condition is imposed to request details of a field gate to secure this entrance from unauthorised access. The applicant will need to demonstrate that

the gate allows sufficient space for towing vehicles to pull safely off the highway to not impede traffic movement.

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

### **Planning Policy**

*All standard policies listed (delete where not relevant, add others as relevant, including 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  
DP6 Historic Environment  
DP7 Transport, Access & Parking  
DP15 Development in the Countryside

#### **South Hams Local Plan (please delete as necessary)**

SHDC 1 Development Boundaries

### **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.

### **Conditions**

1. The development hereby approved shall in all respects accord strictly with drawing number 237/05 received by the Local Planning Authority on 06/05/16 and drawing number 1038-004 and Field Access received by the Local Planning Authority on 27/10/16.

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.

2. Within four months of this decision details of an entrance gate to the new access point shall be submitted and approved by the local planning authority and shall be implemented as per the approved details within four months, unless agreed in writing by the local planning authority.  
Reason: to prevent the public using the new access to join the route of the public footpath, and in the interests of visual amenity.
3. Users of the hereby approved equestrian and dog training facilities shall not use the old vehicle access at any time which exits onto the unclassified road leading to Lower Westerland or that to the north of the site that exits onto Totnes Road.

Reason: in the interests of highway safety.

4. Access to the public footpath that passes through the site shall be maintained free of obstruction and hazards at all times.

Reason: to ensure this public amenity is not restricted

5. No mud, stones, water or debris shall be deposited on the public highway at any time.

Reason: In the interests of highway safety.

7. The recommendations, mitigation and enhancement measures of the Ecological Report, by Peter Nuttal on 6 May 2016, shall be fully implemented prior to the commencement of the use hereby approved and adhered to at all times. In the event that it is not possible to do so all work shall immediately cease and not recommence until such time as an alternative strategy has been agreed in writing with the local planning authority.

Reason: To safeguard the interests of protected species