

# PLANNING APPLICATION REPORT

**Case Officer:** Catherine Miller-Bassi

**Parish:** Bere Ferrers **Ward:** Bere Ferrers

Application No: 2530/21/FUL

**Agent/Applicant:**

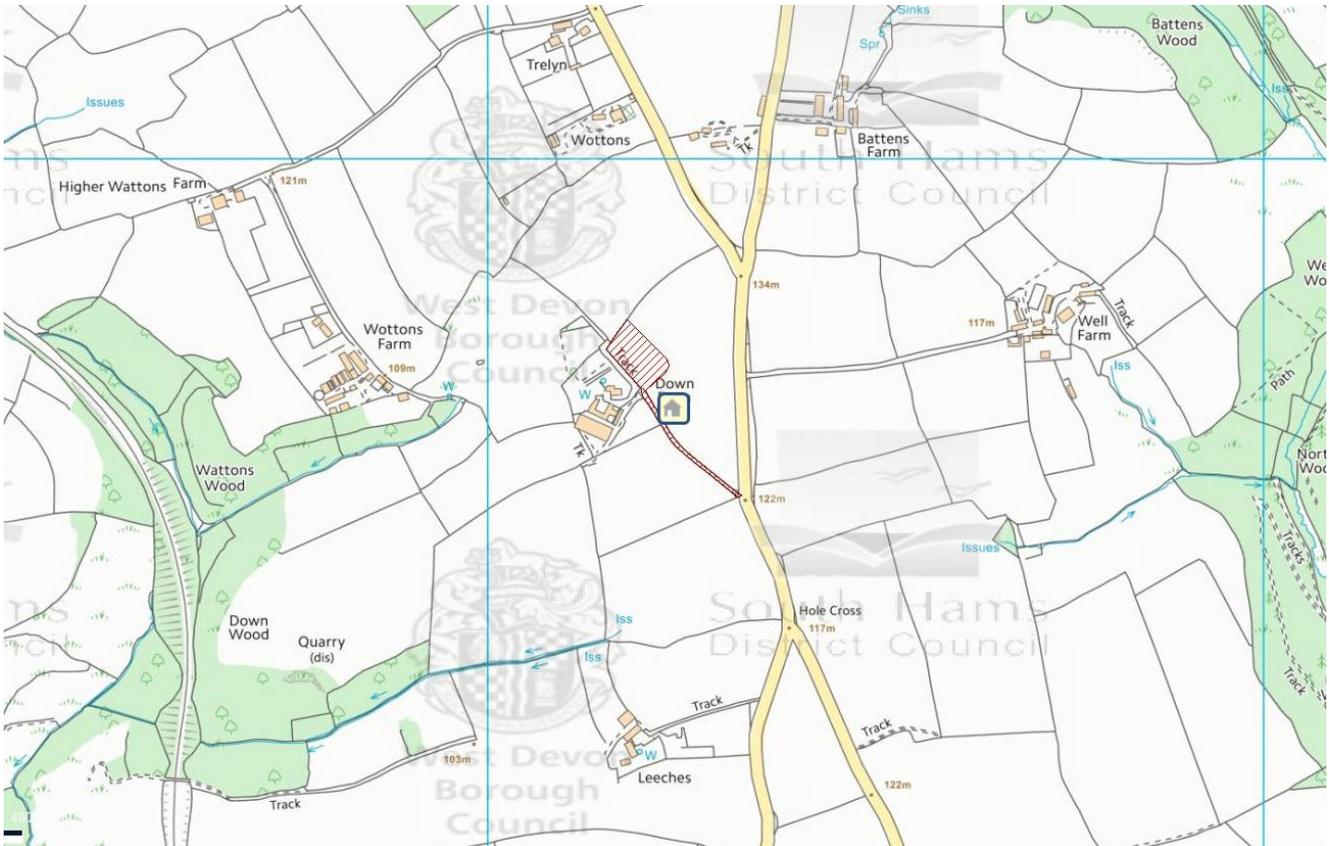
Mrs Nicola Quick - Carter Jonas  
Quad 4000  
Blackbrook Business Park  
Taunton  
TA1 2PX

**Applicant:**

Mr & Mrs W Richardson  
Harling Farm  
PL20 7JD

**Site Address:** Harling Farm, Bere Alston, PL20 7JD

**Development:** READVERTISEMENT (Updated advert reason) Erection of indoor equestrian arena (revised Site Location Plan received)



**Reason item is being put before committee:**

Head of Development Management requests application is brought before committee given that the Officer has recommended approval contrary to objections raised by consultees, namely AONB Officer and Landscape Specialist

**Recommendation:**

Conditional approval

**Conditions:** (list not in full)

- Time

- Approved drawings
- Materials
- Landscaping
- Hours of operation/max. no. users
- Archaeology
- Ecology
- Highways
- Drainage
- Sustainable construction
- Public right of way

**Pre-commencement Conditions:** (list not in full)

- Ecology – Lighting
- Ecology – LEMP
- Ecology – CEMP

Agreed by agent via email dated 17/02/11

**Key issues for consideration:**

- Principle
- Design and Landscape
- Neighbouring Amenity
- Heritage
- Ecology
- Highways
- Flooding
- Sustainable Construction
- Economy
- Other
- Planning Balance

**Site Constraints:**

- Area of Outstanding Natural Beauty (AONB)
- Affects Public Right of Way (PROW)
- Within Special Area of Conservation (SAC) 12.3km buffer
- Agricultural Land
- 1G. Open Inland Plateaux landscape character area

**Site Description:**

The application site lies on the west side of Fore Street, opposite a group of farm buildings, in the open countryside beyond any settlement and within the Tamar Valley Area of Outstanding Natural Beauty (AONB).

The site comprises a grassed field that slopes gently downwards from north-east to south-west and is accessed via an unclassified road (Lane to Down Farm) leading off Fore Street to the south east.

A public right of way (Footpath 75) aligns the north-western section of the south-west border of the site and is included within the portion of the red outline that follows the existing lane.

The site also lies within the Plymouth Special Area of Conservation (SAC) 12.3km buffer.

The submitted Planning Statement (PS) notes that Harling Farm comprises a temporary rural worker's dwelling, 23no. purpose-built stables, approx. 34 acres of pasture land and 9 acres of woodland, mostly classified as Grade 3 agricultural land. The applicants hold livestock including sheep, pigs, chickens and ducks and operate a licensed dog daycare service with capacity for six dogs at any given time and a livery business.

The widening of the existing access, provision of a parking area and the construction of a temporary agricultural workers dwelling were approved under 0685/20/FUL and the formalisation of part of an agricultural building for equestrian use, an office / reception, a farm shop / café, an equestrian arena and a 1.5 acre secure field for private hire was approved under 3968/20/FUL.

### **Description of Proposal:**

A revised Site Location Plan and Block Plan have been submitted amending the red outline to incorporate an accessible pathway between the proposed arena and the existing parking area.

The application seeks detailed permission for the erection of 1no. detached building to serve as an indoor equestrian arena, measuring approx. 70.4m long by 22m wide.

The building would have a pitched roof with a ridge height of 8.5m, covered with fibre cement sheeting in a dark grey colour as confirmed by email dated 27/01/22. The roof would include 12no. dark grey roof lights together with 7no. non-reflective solar panel arrays. The elevations would be concrete panels covered with timber vertical cladding and the doors would be grey metal roller doors.

The site is proposed to be partially excavated to result in a finished floor level of 123.5m AOD. As such, the northern corner of the proposed building would be sited approx. 1.9m below the existing ground level, while the eastern corner would sit approx. 3.3m below the existing ground level. The western corner would sit approx. 0.6m above the existing ground level while the southern corner would sit approx. 1.8m below the existing ground level at that point.

6no. water tanks would be sited along the north-east elevation of the proposed building to be partially screened by an adjacent retaining wall and the bank rising to the north-east.

A new hedgebank is proposed along the south-east and north-east site boundaries and the existing hedgerow along the north-west boundary is proposed to be infilled with additional planting. The new hedgebank is proposed to have a height of approx. 2.4m above ground level which would equate roughly to the eaves of the proposed new building.

The land surrounding the proposed building would be grassed and a wheelchair accessible pathway is proposed to link the proposed indoor arena with the existing parking to the south-east. This access route was not originally included in the planning application and, consequently, a revised red outline has been submitted to incorporate this.

The site would be accessed via an existing track leading off Fore Street.

## Consultations:

### External Consultees

<b>Consultee</b>	<b>Comments</b>
DCC Archaeologist & Historic Environment Manager	Comments received 20/12/21  No objections subject to conditions – originally recommended pre-commencement condition now amended following a further site visit
DCC Ecology	Comments received 07/01/22 & revised 16/02/22  Objections withdrawn following submission of additional information, subject to condition
DCC Highways Authority	Comments received 14/12/2021  No objections subject to conditions
DCC Public Rights of Way Officer	None received
DCC Senior Flood and Coastal Risk Officer	Comments received 17/12/21 & revised 16/02/22  Objections withdrawn following submission of additional information, subject to condition
Natural England	Comments received 15/10/21  No comments to make
Tamar Valley AONB Officer	Comments received 02/12/2021 & revised 11/02/22  Original objections upheld following submission of additional information in respect of lack of LVIA and harm to AONB
Town/Parish Council	Comments received 1/12/2021  Support

### Internal Consultees

<b>Consultee</b>	<b>Comments</b>
SHWD Environmental Health	Comments received 17/12/21  No objections
SHWD Landscape Officer	Comments received 5/11/21 & revised 17/02/22  Original objections upheld following submission of additional information in respect of lack of LVIA and harm to landscape

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## Representations:

6no. letters from separate addresses have been received of which 1no. objects and 5no. support.

The comments received in support are summarised as follows:

- All weather riding facility will benefit local riders and horses
- Will be useful to hire for training ponies without having to transport the ponies long distances to other venues

The comments received in objection are summarised as follows:

- Increased traffic will result in harm to pedestrians, horse riders etc
- Lane in poor state of repair – this should be repaired and maintained in good condition
- No disabled access toilets or other facilities including access to proposed riding arena
- Cumulative impact of development at the site over recent years has changed character and appearance of the area including signage, security fencing etc
- Increase in noise and lighting will affect wildlife
- Other sites more suitable
- Visual impact – high and enhanced hedges will be required to screen the building
- Noise impact – use restrictions should be imposed on music and use after 6pm
- Suitable drainage scheme and monitoring should be imposed to prevent flooding to neighbouring properties nearby

## Relevant Planning History

3968/20/FUL

Formalisation of part of agricultural building as equestrian, erection of reception with toilet facilities, farmshop/cafe, office and cold store (part retrospective), use of 1.5 acre secure field for private hire

Harling Farm Bere Alston PL20 7JD

15 September 2021

Conditional Approval

0685/20/FUL

Widening existing access, provide a parking area and site a temporary agricultural workers dwelling to develop the business

01 June 2020

Conditional Approval

02671/2012

Discharge of condition 3 attached to planning permission 01973/2011 for the erection of building for use as stables and tack room. Formation of yard and hardstanding and creation of new vehicular access (including sealing up of existing access).

Field Formally Part Of Down Farm Bere Alston Yelverton Devon PL20 7JD

26 July 2012

Discharge of condition Approved

01973/2011

Erection of building for use as stables and tack room. Formation of yard and hardstanding and creation of new vehicular access (including sealing up of existing access).

Field Formally Part Of Down Farm Bere Alston Yelverton Devon PL20 7JD

19 December 2011

Conditional Approval

01745/2011

Householder application for erection of buildings for use as car ports and wood store and creation of parking area.

Down Farm Bere Alston Yelverton Devon PL20 7JD

20 September 2011

Conditional Approval

0745/2000/TAV

Change of Use of barn (previously approved) for two dwellings into single dwelling

Down Farm Bere Alston Yelverton Devon PL20 7JD

09 October 2000

Conditional Approval

## **Planning Policy**

### **Relevant policy framework**

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. For the purposes of decision making, as of March 26th 2019, the Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts of South Hams and West Devon within Dartmoor National Park).

The relevant development plan policies are set out below:

### **Plymouth & South West Devon Joint Local Plan (JLP)**

(The JLP was adopted by South Hams District Council on March 21st 2019 and West Devon Borough Council on March 26th 2019)

SPT1 Delivering sustainable development

SPT2 Sustainable linked neighbourhoods and sustainable rural communities

SPT12 Strategic approach to the natural environment

TTV26 Development in the Countryside

TTV28 Horse related developments in the countryside

DEV1 Protecting health and amenity

DEV2 Air, water, soil, noise, land and light

DEV3 Sport and recreation

DEV15 Supporting the rural economy

DEV20 Place shaping and the quality of the built environment

DEV23 Landscape character

DEV26 Protecting and enhancing biodiversity and geological conservation

DEV28 Trees, woodlands and hedgerows  
DEV29 Specific provisions relating to transport  
DEV31 Waste management  
DEV32 Delivering low carbon development  
DEV35 Managing flood risk and Water Quality Impacts

## **Neighbourhood Plan**

Bere Peninsula Neighbourhood Plan (BPNP) was adopted 17 October 2018 and carries full weight.

E1: Protecting the Local Environment  
E2: Supporting Biodiversity  
E3: Progressing towards a Low Carbon Environment  
T1. Sustainable Transport  
C3. Community Services and Facilities

## **Other material considerations**

National Planning Policy Framework (NPPF)  
Planning Practice Guidance (PPG)  
Tamar Valley AONB Management Plan 2019 – 2024 (AONB MP)  
South Hams and West Devon Landscape Character Assessment – June 2018

## **ANALYSIS**

### **Principle of Development:**

The purpose of the development, as set out in the submitted Planning Statement (PS), is for year-round indoor horse riding by disabled riders and the scheme is supported by the Riding for the Disabled Association (RDA). In addition, a letter dated 5/7/21 has been submitted in support of the application from the NHS Orthopaedic Paediatric Team at Derriford Hospital that explains the health benefits of riding for children with disabilities. The surgeon also notes that the proposed scheme would be useful in providing year-round opportunities for riding with space for hoists and that not many such facilities are available in the region. 5no. letters of representation have also been received which express support for the scheme and suggest there is local demand for the proposed use.

Point 5 of JLP objective SO6 supports recreation facilities of a high quality in order to reinforce strong communities.

JLP objective SO11 supports healthy communities that enjoy good quality and clean environments and where healthy lifestyles are positively encouraged through the developments and services that are provided.

JLP objective SPT2 supports health and wellbeing services and community facilities for rural communities; promotes equal access to services; and facilities that promote equality and inclusion and that provide for all sectors of the local population including sport and recreation. This is echoed by BPNP policy C3.

JLP policy DEV3 supports the creation of new sports facilities where a need has been identified, including bringing private and education related sports facilities into wider community use.

NPPF section 6 supports a prosperous rural economy and paragraph 84 d) supports: *the .. development of accessible local services and community facilities, such as ... sports venues...*

By reason of the proposed use, that of a new sports and recreation facility for people with disabilities that would promote health and wellbeing, the development would accord with JLP objective SO11 and policies SPT2 and BPNP policy C3. The submitted Travel Plan identifies the need for the proposal given the substantial distances to the nearest comparable facilities of 20 to 30 miles, in accordance with JLP policy DEV3.

Given that the building would provide sufficient space for disabled riders to ride horses as well as to wait and mount/dismount using specialist equipment, it is considered that the building itself and the accessible pedestrian route from the nearby parking area would be fit for purpose and would, therefore, meet the quality criterion of objective SO6.

Moving on to the location of the proposed development, the site lies in open countryside within the AONB and beyond any settlement.

JLP objective SO1 seeks to minimise development in sensitive locations where the high quality natural environments could be harmed, and positively protects, conserves, enhances and celebrates the Plan Area's high quality natural and historic environments.

As such, the siting of the proposal within the AONB beyond any settlement would not be compliant in principle with objective SO1 unless it is demonstrated that the natural environment would be protected and enhanced. This will be discussed under Ecology below.

JLP policy TTV26 seeks to avoid isolated development in the countryside other than in exceptional circumstances relating to rural workers, heritage assets, re-use of existing buildings or brownfield sites or innovative design.

The proposed development would be sited beyond the small group of buildings to the south-west and would be separated by a road. The application site lies at a substantial distance of approx. 1 mile from the nearest settlement and is, therefore, it is considered to be remote.

As such, the proposal would be considered inappropriate development in the countryside and would conflict with TTV26.

However, NPPF paragraph 85 notes:

*Planning .. decisions should recognise that sites to meet local business and community needs in rural areas may have to be found .. 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.*

In relation to para.85 above, the proposed development forms part of a wider existing established equestrian business and, as such, would comply with this policy in principle, subject to further assessment of the economic, landscape and transport impacts later in this report.

In addition, policy TTV28 supports horse related developments in the countryside provided that:

- 1. There is adequate land and, for commercial uses, adequate off-road riding facilities available for the number of horses to be kept on the land.*
- 2. Existing buildings are reused where possible but where new buildings are necessary, these are well-related to existing buildings, commensurate in size with the number of horses to be kept on the land and the amount of land available for use by those horses.*
- 3. There is an agreed comprehensive scheme of management for any ancillary development including hardstanding, access roads, parking, fencing, lighting, storage, waste disposal, manèges and sub division of fields.*
- 4. The proposal, either on its own or cumulatively, with other horse related uses in the area, is compatible with its surroundings and adequately protects water courses, groundwater and the safety of all road users.*

The proposal would provide off-road riding facilities within an internal arena measuring over 1,500 sqm. Additional information submitted on 27/01/22 confirms that there are 8no. stables on the wider site and 14 acres of grazing land within the applicant's ownership. Therefore, the off-road riding facilities are considered adequate and compliant with policy TTV28.1.

In this case, a new building is proposed. The new building would be separated from the complex of existing buildings via a lane. However, development has been implemented under permissions, 3968/20/FUL and 0685/20/FUL, including the formation of a parking area, on the northern side of the lane and a farm shop/café on the southern side of the lane, opposite the proposed new building. A wheelchair accessible pathway is proposed to link the parking area with the proposed indoor arena and the farm shop/café opposite. As such, the proposal would form a cluster and be considered well-related to existing buildings in line with TTV28.2.

No horses are to be kept on the proposed application site. However, up to 12no. horses are be kept on the wider area of land within the applicant's ownership. The BHS (British Horse Society) recommends 1 to 1.5 acres per horse, which would total 12 to 18 acres. The wider site within the applicant's ownership includes 14 acres of grazing land. As such, the proposal is considered compliant with TTV28.2 in this regard.

In terms of TTV28.3, this application includes the following:

- A proposed hardsurfaced pedestrian route from an existing parking area, approved under ref. 0685/20/FUL;
- Proposed external down lighting to illuminate the pedestrian route, which would be controlled via condition in respect of ecology and neighbouring amenity;
- The access would be via an existing road off Fore Street within the applicant's ownership – see section on Highways below;
- Parking is available for 20no. vehicles adjacent to the site and approved under ref. 0685/20/FUL;
- Storage of equipment such as hoists would be contained within the proposed building;
- Waste is considered later in the report under the Highways section;
- The manège would be provided in the form of the covered arena proposed; and
- The above mentioned document also notes that the wider area of land within the applicant's ownership is subdivided for horse grazing. However, this does not form part of the current application.

TTV28.4 is considered later in the report under Highways and Drainage sections.

As such, the scheme is considered acceptable in principle and compliant with policy TTV28, subject to an assessment of criterion 4 below.

For the above reasons, it is the Officer's view that, on balance, the principle of the proposal is acceptable and policy compliant.

### **Design/Landscape:**

JLP objective SO10 and policy DEV23 seek to conserve and enhance the natural beauty of West Devon's countryside, its landscape character and scenic and visual quality, avoiding significant and adverse landscape or visual impacts. DEV23.6 encourages the submission of LVIAs (Landscape and Visual Impact Assessments) and landscaping schemes and DEV23.7 encourages mitigation, compensation and enhancement. BPNP (Bere Peninsula Neighbourhood Plan) policy E1 reiterates these aims.

JLP policy SPT2 supports developments that provide a positive sense of place and identity, including through the recognition of good quality design, unique character, the role of culture, and the protection and enhancement of the natural and historic environment.

JLP policy DEV20 supports:

*good standards of design, contributing positively to both townscape and landscape, and protect and improve the quality of the built environment through:*

- 1. Using materials and design solutions...*
- 4. Delivering locally distinctive design...*
- 5. Delivering landscape design...*

JLP policy DEV28 resists the loss or deterioration of woodlands, trees or hedgerows and encourages net gains.

NPPF paragraph 174 states that decisions should:

*should contribute to and enhance the natural and local environment by:*

- a) protecting and enhancing valued landscapes..*
- b) recognising the intrinsic character and beauty of the countryside ...*

The site lies within the 1G. Open inland plateaux landscape character area, of which the key attributes are identified in the South Hams and West Devon Landscape Character Assessment as follows:

- *The sparse settlement pattern with characteristic stone vernacular and slate roofs.*
- *The small-medium scale field pattern, often of medieval origin or with medieval elements.*
- *Historic estate buildings, with their grounds having a localised impact on landscape character.*
- *Important mining heritage, with parts of the LCT included within the Cornwall and West Devon Mining*
- *Landscape World Heritage Site.*
- *Valued areas of ancient woodland on slopes down to adjacent river valleys.*
- *An open and exposed character, with long views from higher elevations*

The site lies in open countryside beyond any settlement, within a field and in close proximity to a group of buildings of an agricultural appearance, generally comprising dwellings and barns that originated as a farmstead.

The site also lies within the AONB and NPPF paragraphs 176 and 177 state that:  
*Great weight should be given to conserving and enhancing landscape and scenic beauty in [...] Areas of Outstanding Natural Beauty which have the highest status of protection in [...] The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.*

*[...] permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest.*

*Consideration of such applications should include an assessment of:*

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and*
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated*

The scheme comprises Major Development under the NPPF Glossary definition as it would result in non-residential additional floorspace of over 1,000m<sup>2</sup>.

However, NPPF Footnote 60 states that:

*for the purposes of paragraphs 176 and 177, [which serve to protect the AONB] whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.*

Annex 1c of the Tamar Valley AONB Management Plan 2019 – 2024 provides guidance on determining whether development in the AONB should be considered Major as follows:

- 1. Where the scale of development is likely to have a detrimental visual impact that harms the scenic quality of the AONB, either within the AONB or in its setting;*
- 2. Where the location of development would erode the special qualities and features of the area of the AONB where the development is proposed (landscape, cultural, biodiversity, tranquility, etc);*
- 3. Where the type of development is not directly compatible with its surroundings; and/or*
- 4. Where the development would conflict with the economic and social needs of local communities and the AONB's guiding principles of sustainable development.*

Section 1.5 of the AONB MP sets out the special qualities as comprising:

- 1. A rare valley and water landscape*
- 2. A landscape of high visual quality*
- 3. A unique wildlife resource*
- 4. A remarkable heritage*
- 5. A landscape of artistic and public appeal*

The Tamar Valley AONB Officer and the Council's Landscape Officer have been consulted on this application and have raised objections regarding the impact of the proposed development on the character of the landscape and the special qualities of the AONB, as well as the lack of LVIA.

In response to these concerns, additional information has been submitted during the course of this application. This comprises:

- Further Information and Photographs, received 01/02/22 (including additional landscaping details)
- Drawing no.20-087 P400, Proposed site sections, Rev H, received 01/02/2022
- Drawing no.20-087 P101, Proposed site plan, Rev P, received 01/02/2022
- Drawing no.20-087 P301, Proposed road elevation, Rev C, received 01/02/2022

It is the Officer's view that, on balance, the additional information submitted is adequate, in combination with the Officer's site visit, to enable an informed planning judgement to be reached on the impact of the scheme on the landscape character and the AONB.

In this case, the proposed development would have a large footprint of approx. 1,600 sqm and a ridge height of 8.5m. This would introduce a substantial amount of built form into an area currently devoid of buildings, within an area of open countryside.

The proposed indoor arena would, however, be sited in close proximity to a group of buildings of an agricultural appearance, to the south-west. The tallest nearby building is Down Farm Barn House, a two storey dwelling with a pitched roof whose height is not known but estimated to be less than 8m. The next tallest building is Harling Farm Barn, which has a ridge height of 6.5m. These are sited at a lower ground level and are generally of a much smaller footprint and height.

As such, the proposal would effectively double the footprint of the existing built form in the immediate vicinity of the site, would be sited at a higher ground level and would have a greater height at 8.5m. Therefore, the proposed building would have a much greater visual impact than the group of smaller buildings to the south-west.

Notwithstanding the above, mitigation of the impact on the visual amenity of the surrounding area and the special qualities of the AONB is proposed. This includes the following:

- The proposed building would be sited to the north-west of the existing field, at the bottom of a hill, which slopes upwards away from the proposed arena in a north-east direction
- The ground levels would be excavated by approx. 3.3m at the eastern corner of the proposed building and nearly 2m at its northern corner to result in a floor level of 123.5m AOD.
- Although not mitigation, it should be acknowledged that there is a line of tall, mature trees to the south-west of the site that provides good screening of the site even during the winter months, as evidenced in photos submitted by the applicant on 27/01/22 and as viewed during the Officer's site visit on 12/01/22.
- The intervening mature hedgerow along the south-west site boundary has a height of approx. 5m at a ground level of 122m AOD while the proposed new hedgebank along the north-eastern and south-eastern site boundaries would have a height of 1.5m or approx. 130m AOD along the north-eastern boundary.
- The ridge height of the proposed arena would be at 132m AOD while the ground level of the road, Fore Street, to the north-east of the site lies at 135.3 AOD – approx. 11.8m higher than the proposed FFL or 3.3m higher than the proposed ridge. In addition, the road is aligned by very tall mature hedgebanks. As such, only users of exceptionally high vehicles such as a tractor or lorry would have sight over these hedges. Any pedestrians or car users, including a 4x4, would not have sight over the hedges in question.

- The proposed building, by reason of its relatively low floor level, would be sunken into the landscape and partially obscured by the hillsides and both the proposed and existing hedgebanks. As such, it would not be prominent in long views from public viewpoints along Fore Street.
- The proposed building would be virtually obscured by the hedgerow along the south-eastern site boundary and would not be overly prominent in short views from public viewpoints along the track which forms a public right of way.
- The proposed materials would include natural timber cladding to the elevations, dark grey concrete roof panels, dark grey framed roof lights and non-reflective solar panels sited on the roof. The retaining wall to the north-east would be blockwork and the water tanks would be black plastic. As such, the materials would be considered of low visual prominence and to integrate well with the colour palette of the surrounding area.

Overall, the proposed building would have an agricultural appearance and would be sited in close proximity to a group of agricultural or former agricultural buildings in a countryside location. For these reasons and together with the mitigation listed above, the proposed building would be considered to integrate with the rural character of the area and would make use of the local topography and hedgebanks to limit the visual impact of the development.

The standing objections from the AONB Officer and Landscape Officer are noted. However, for the reasons above, it is the Officer's view that the proposal would not constitute *major development* for the purposes of NPPF paragraphs 176 and 177.

Subject to materials and landscaping conditions, the proposal is not considered to give rise to unacceptable harm to the visual amenity of the surrounding area and the special qualities of the AONB.

The proposal, therefore, is acceptable in terms of the visual impact and the protected landscape and, subject to conditions, is considered capable of compliance with the relevant policies of the JLP, NP and the NPPF.

### **Neighbouring Amenity:**

The nearest dwellings most likely to be affected by the proposal include Down Farm, the Annexe at Down Farm, Down Farm Barn and the Lodge at Harling Farm.

The Council's Environmental Health Officer has been consulted on this application and has no objections.

The above mentioned dwellings would be separated from the area of development by a track that also comprises a public right of way, together with a mature hedge. The separation distance between the closest dwelling, Down Farm, and the proposed barn would measure min. 26m.

It is acknowledged that the ground levels of the surrounding area slope downwards roughly north-east to south-west. As such, the dwellings listed would be sited at a lower ground level than the proposed building. In addition, the proposal would have a substantial length of over 70m, stretching west to east, and height of 8.5m.

It is recognised that the proposed building would be substantial in size. However, it would be sited to the north-east of the dwellings listed above at the bottom of the hill, which slopes upwards away from the proposed arena in a north-east direction.

The proposed building would be sited at the lowest point of the field and the ground levels would be further excavated by approx. 3.3m at the eastern corner and nearly 2m at the northern corner to result in a ground level of 123.5m.

The intervening mature hedgerow along the south-west site boundary has a height of approx. 5m at a ground level of 122m AOD. There is also a line of tall, mature trees along the south-west side of the public right of way parallel to the site boundary. These trees offer significant screening of the site to occupiers of nearby dwellings, even during the winter months, as shown in the photos submitted by the applicants on 27/01/22. The tall trees mentioned do not lie within the applicant's ownership and, as such, cannot be conditioned within this application.

The ridge height of the proposed arena would be at 132m AOD or 10m above the ground level of the south-west site boundary. The proposed eaves would be sited approx. 0.6m higher than the hedgerow. As such, the majority of the elevations of the proposed building would be virtually obscured by the hedgerow. While the roof would be visible, it would be pitched and would increase in height further away from the nearest dwellings.

The combined effect of maintaining the height of the hedgerow and lowering the ground level of the proposed building, together with the separation gap to the nearby dwellings, is considered sufficient to mitigate the impact of the substantial size of the proposed building in respect of the occupants of the nearby dwellings.

As noted above, should the Council be minded to approve this application, a condition would be added to maintain the height of this hedgerow to provide screening.

For these reasons, the proposal is not considered to give rise to an overbearing impact or loss of light in regard to the occupants of the neighbouring dwellings.

No windows are proposed to the elevations. For this reason, together with the separation distances and intervening screening, no loss of privacy would result in respect of the occupants of the neighbouring dwellings.

In terms of the noise and light impact of the proposal, additional information submitted in support of this application on 27/01/22 confirms that 4no. riders would use the arena at any one time; this would be during school hours only; and the riders would arrive in 1no. minibus. This document also notes:

*The arena will be open 7 days a week from 07:00-21:00 for private use by the site owners and individual users, to keep noise to a nominal or not noticed at all level. Group bookings will only be permitted between 10:00-17:00. As we can control bookings for the secure field and arena, and the café is small, we are able to significantly control the volume of traffic not allowing the site to become overrun i.e, if we have a group booking in the arena, we would limit the amount of people using the secure field at the same time, and vice versa, or completely make one facility unavailable during that period. We had over 100 supporters locally, most equine owners which will either have a private or share a lesson with a friend/family member, so included an instructor would total 3 people. If the local riding club wanted to run a clinic with an expert and need an indoor arena, rather than travelling to the nearest one, the majority of attendees would ride to our arena and have generally 4 – 8 people attending.*

*There will only be external sensor lighting pointing down to light access paths.*

As such, the scheme is considered acceptable with regard to the neighbouring residential amenity subject to a condition restricting hours of operation and maximum usage to 25no. non-resident staff and users at any one time, and a condition restricting external lighting.

For the above reasons, the proposal is considered capable of compliance with JLP policies DEV1 and DEV2 with regard to neighbouring amenity.

### **Heritage:**

The site does not lie within a Conservation Area or in the setting of any listed buildings. However, the site is located in an area of archaeological potential relating to an historic windmill.

The County's Archaeologist has been consulted on this application. A Written Statement of Investigation has been submitted during the course of this planning application, in response to the original concerns of the County Archaeologist. As a result of this, the Archaeologist now has no objections subject to a condition.

It is the Officer's view that the proposal would not result in harm to heritage assets, subject to the recommended condition to record any archaeological findings during the construction phase.

For these reasons, the scheme is acceptable in this regard and capable of compliance with JLP policies SPT11 and DEV21 and the relevant policies of the NPPF.

### **Ecology:**

West Devon Borough Council declared a Climate Change and Biodiversity Emergency in 2019.

JLP objective SO11 and policies SPT12 and DEV26 seek to enhance the natural network, providing multiple benefits both to people and wildlife while protecting and enhancing biodiversity and geological conservation. BPNP policy E2 echoes these aims.

JLP objective SO1 requires the natural environment to be protected and enhanced and policy DEV2 limits light pollution.

The proposal includes external lighting to illuminate the pedestrian route between the arena and parking area, however, no detailed lighting scheme has been submitted.

The scheme also includes the replacement of over 1,500 sqm of grassland with built form and a new concrete surfaced path, together with the thinning of approx. 25m of hedgebank.

The proposed mitigation includes the creation of new hedgebanks along the north-west and south-west site boundaries and the enhancement of an existing hedgerow along the north-western boundary. Further mitigation is also proposed within the blue outlined area under the applicant's ownership.

An Ecological Appraisal dated 27/10/2020 has been submitted in support of this application that notes:

*The proposed development poses no significant risk to ecological receptors. No further surveys are recommended, however, species enhancements are recommended.*

The County Ecology Officer has been consulted on this application and originally raised concerns regarding the lack of information regarding the impact on habitats and protected species from the hedgerow reduction and on biodiversity net gains.

Additional information has been submitted during the course of this planning application in response to these concerns, including:

- Further Information and Photographs, received 27/01/22
- Arena new hedge and tree photos, received 17/12/2021
- Biodiversity Net Gain Statement, received 14/02/22
- Harlings Farm Hedge Thinning, received 14/02/22
- Biodiversity Metric, received 14/02/22

As a result, the Ecology Officer is now satisfied with the scheme, subject to conditions, of which three are pre-commencement conditions that have been agreed by the applicant.

The submitted Biodiversity Net Gain Statement notes:

- The replacement of grassland with built form and hardstanding would result in a loss of habitat but this would be compensated off site;
- The development would result in an increase in hedgerows;
- Bat and bird boxes are recommended.

The submitted Harlings Farm Hedge Thinning notes:

- The proposed hedgerow reduction would have a minimal impact on protected species provided a precautionary approach is undertaken;
- Habitat compensation would be undertaken elsewhere within the wider site;
- The hedgerow would be improved and managed under the Countryside Stewardship Scheme.

The submitted biodiversity metric confirms that the scheme is capable of delivering net gains.

It is the Officer's view that, by reason of the mitigation methods proposed and recommended precautionary approach, the scheme would be capable of policy compliance with regard to safeguarding protected species and delivering biodiversity net gains. It is considered reasonable to impose the conditions recommended by the Ecology Officer to ensure policy compliance during the construction and operational phases of the proposed development.

By reason that no external lighting strategy has been submitted, it is considered reasonable to impose a condition in this regard.

For these reasons, the proposal would be acceptable, subject to conditions, and is capable of compliance with JLP policies SPT12, DEV2 and DEV26, BPNP policy E2, and the NPPF.

### **Highways, Parking and Waste:**

NPPF paragraph 111 states:

*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*

JLP policy TTV28.4 requires:

*an agreed comprehensive scheme of management for any ancillary development including hardstanding, access roads, parking, ...waste disposal....*

JLP policies SPT9 and DEV29 and BPNP policy T1 encourage sustainable travel and development to be sited in accessible locations.

In this case, the application site is located beyond any settlement within the countryside and no sustainable transport options are available. As such, it is not considered an accessible location and users of the proposed riding centre would rely on private transport.

However, as noted earlier, NPPF paragraph 85:

*recognises that sites to meet local business and community needs in rural areas may have to be found .. 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 .. does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable.*

The site would be accessed via an existing road within the applicant's ownership leading off Fore Street. The junction of this road with Fore Street was altered under permission ref. 0685/20/FUL whereby a section of hedgebank was removed and the adjacent land lowered in height and grassed to improve visibility. This application includes the proposed thinning of the hedge on the west side of Fore Street adjacent the junction in question at a length of approx. 25m to further improve visibility.

Parking is available for 20no. vehicles adjacent to the application site that was previously approved under ref. 0685/20/FUL.

A Travel Plan and Highways Technical Note, both dated June 2021, have been submitted which note that:

- The scheme would result in a modest increase in trips but not severe
- Trips would be restricted by site owners and would not occur during peak traffic hours
- The develop would appoint a Travel Plan Co-ordinator for 5 years from first use
- Sustainable travel options would be encouraged and monitored

Additional information was submitted in support of this application on 27/01/22 that notes:

- The main driveway leading off from the main road will be maintained with tarmac material which is already on site and ready to carry out repairs and routine maintenance, plus speed humps will be installed the entire length of the driveway to reinforce the speed limit of 10mph for safety and to minimise reoccurring damage;
- All other access tracks will be regularly maintained with either concrete or tarmac material;
- RDA riders would travel via minibus during school hours with 4no. children at any one time [approx. 4no. adults are assumed to accompany the children];
- Group bookings would total 3no. people at any one time and would be controlled via a booking system and expected to car share;
- Local riders would book sessions for up to 8no. people and would generally travel to site on horseback.

The County Highways Authority have been consulted and, following the receipt of additional information, are now satisfied with the proposal on highways safety and residual impact grounds, subject to a condition.

While the site lies within an inaccessible location that does not have access to public transport, it is the Officer's view that the siting of the proposed horse riding facility is supported by the existing equestrian and visitor facilities including stabling, pasture, café and parking. The anticipated usage of approx. 8no. people at any one time during off-peak traffic periods and arriving via mini-bus, car share or horseback would not be considered to result in an unacceptable impact on highway safety, or a severe impact on the road network. The proposed Travel Plan is considered acceptable to promote sustainable travel modes.

The proposed wheelchair accessible route from the existing parking area to the proposed arena would comply with JLP policy DEV1, which encourages development to be accessible to people with disabilities or mobility needs.

JLP policy DEV31 encourages recycling and the reduction of waste.

The proposed waste management would involve the removal of horse manure from the arena and its disposal at an existing site (dung heap) within the applicant's ownership. The proposed arena itself is not considered to give rise to other waste during the operation phase, given that the toilets and café facilities are sited beyond the proposed area of development. As such, the proposal would be considered to comply with policy DEV31.

Overall, the proposal would be capable of compliance with JLP policies SPT9, DEV1, DEV29, DEV31 and TTV28.4, BPNP policy T1 and NPPF paragraphs 85 and 111, and is acceptable in this regard.

### **Flooding, Drainage and Contamination:**

JLP policies DEV2, DEV35 and TTV28.4 require the prevention of water and soil contamination, reduction of water consumption and reduction of flood risk.

The application site lies within Flood Zone 1 and does not form part of a Critical Drainage Area. However, the proposal comprises major development.

A Flood Risk and Surface Water Drainage Statement, dated June 2021, has been submitted in support of this application, which notes that:

- Infiltration testing undertaken;
- Site is greenfield and water currently infiltrates directly into the ground;
- The groundwater vulnerability is high;
- Proposed surface water drainage strategy for the agricultural building, yard and paths would include 6 no.10,000 litre rainwater harvesting tanks; stone-filled soakaway; and overflow pipe from the rainwater harvesting tanks laid towards the soakaway.

The building would not contain any toilets or water supply as these are sited at the nearby farmshop/café. As such, sewage/waste water is not a material consideration in this case.

The County Flood Risk Officer has been consulted on this application and has raised objections regarding insufficient information regarding SUDS and requiring a Drainage Layout Plan.

Further information has been submitted during the course of this application in response to the above concerns, comprising Surface Water Drainage Statement, ref. P92/02 v2.2, received 08/02/22.

As such, the County Flood Risk Officer is now satisfied with the scheme, subject to conditions.

For these reasons, the proposal is considered acceptable in this regard and to comply with JLP policies DEV2, DEV35 and TTV28.4 and the relevant policies of the NPPF.

### **Sustainable Construction:**

As noted above, West Devon Borough Council declared a Climate Change and Biodiversity Emergency in 2019.

JLP objective SO11 requires development to respond positively to the challenges of climate change, reducing carbon emissions and creating more resilient communities

JLP policy SPT2 supports the use of renewable energy and reduced energy use through design and energy efficiency.

JLP policy DEV32 requires all major development to optimise access to natural light and incorporate low carbon or renewable energy generation to achieve regulated carbon emissions levels of 20 per cent less than that required to comply with Building Regulations Part L.

BPNP policy E3 echoes these requirements.

The proposed building would comprise a covered equestrian arena and would not be heated. It would include 6no. large roof lights on each roof slope, facing north-east and south-west, allowing the ingress of good levels of natural light. As such, the scheme would generate a net surplus of electricity and this would be through renewable means.

The submitted Design and Access Statement notes that:

- Up to 80no. solar panels would be installed on the south-west facing roof slope to generate 26kw electricity for the proposed arena, the café/farmshop and other buildings at Harling Farm;
- The battery storage would be sited inside the arena building.

The submitted Environmental and Sustainability Credentials notes that:

- The solar panels will generate at least 50% of the total electric usage on the farm.

Additional information submitted on 16/02/22 details the specification of the solar panels and battery to be installed.

An email dated 21/02/11 has been received from the local electricity supplier WPD confirming that the local grid can support the proposed PV/battery storage installation and roof mounted array.

JLP policy DEV32 requires the submission of an Energy Statement for all major development. However, following internal consultation with the Planning Policy Specialist, the information listed above is considered satisfactory in this case.

It is considered reasonable to condition the implementation of the solar arrays, battery and rainwater tanks proposed.

Subject to receipt of the statement from WPD as noted above, the proposal would be considered to accord with JLP policies DEV32 and SPT2, BPNP policy E3, and the NPPF in this regard.

### **Economy:**

JLP objective SO11 supports a diverse and strong economy, enabled by protecting and providing a good supply of sites.

JLP policy DEV15 supports proposals in suitable locations which seek to improve the balance of jobs within the rural areas and diversify the rural economy.

NPPF paragraph 84 supports:

*b) the development and diversification of agricultural and other land-based rural businesses;  
c) sustainable rural tourism and leisure developments which respect the character of the countryside.*

NPPF paragraph 174 states that decisions should:

*should recognise the economic and other benefits of the best and most versatile agricultural land...*

As noted earlier, the site lies with agricultural land classified as Good to Moderate. Therefore, the economic impact of the loss of this agricultural land is not a material consideration in this case.

As confirmed the submitted documents, the proposed development would form part of a wider rural business including livery, dog walking, a smallholding of rare breeds and a café/farmshop, in addition to the hereby proposed equestrian development.

As confirmed in an email from the agent dated 16/02/22, the proposed scheme would provide employment to a min. of 1no. full-time role for a person living off site.

In addition, the proposal would have economic benefits during the construction phase and would increase footfall to the adjacent farmshop/café.

For these reasons, it is considered that the proposal would result in benefits to the rural economy in the short and long term and would comply with JLP policy DEV15 and NPPF paragraph 84 in this regard.

### **Other:**

JLP policy DEV3.3 seeks to protect and enhance public rights of way and bridleways.

The DCC Public Rights of Way (PRW) Officer has been consulted on this application and no comments have been received.

In this case, a public right of way (Footpath 75) aligns the north-western section of the south-west border of the site and is included within the portion of the red outline that follows the existing lane.

The applicants state in Further Information and Photographs, received 27/01/22, that the lane (Lane to Down Farm) leading off Fore Street lies within their ownership and that they will be undertaking a programme of maintenance to the road surface. This is considered an enhancement and it is considered reasonable to impose a condition in this regard.

The proposed development would not physically impede the right of way and the hedgebank on its north-eastern side would be maintained at a height of approx. 5m to screen the proposed new building. This is considered acceptable in terms of protecting this part of the PRW.

As such, the application is considered capable of policy compliance in this regard.

### **Planning Balance:**

Firstly, it is acknowledged that the Landscape Specialist and the AONB Officer both uphold their objections following the submission of additional information regarding the lack of LVIA to support the application and harm to the landscape visual amenity and special qualities of the AONB.

It is the Officer's view that the proposal, notwithstanding the large floor area and height of the proposed building, would not constitute major development for the purposes of the AONB by reason of the proposed mitigation listed above, which would be considered to result in a substantial reduction in the visual impact of the proposed new building.

It is also considered that the purpose of the building, an indoor horse riding arena primarily for children with disabilities, would be of considerable public benefit as demonstrated by the supporting letters from the NHS and Riding for the Disabled. This is considered to weigh positively in favour of the scheme and to justify the limited harm, following mitigation, to the protected landscape.

The provision of accessible sports facilities promoting health and wellbeing catering for diverse needs as well as the enhancement to the public right of way are considered benefits that also weigh in favour of the application.

In addition, the proposal would give rise to some economic benefits during the construction phase and the operational phase in terms of employment opportunities. The proposal would also have a positive economic effect on the adjacent amenities by increasing footfall to the farmshop/café.

Following the submission of additional information and subject to conditions, the proposal is not considered to give rise to unacceptable harm in relation to the neighbouring amenity, archaeology, highways, drainage or ecology matters.

The scheme would be likely to produce more electricity through sustainable means than it would use, given the proposed installation of solar panels and the absence of heating within the covered arena. This is considered a benefit.

Therefore, on balance, the proposal is not considered to result in adverse impacts that would outweigh the benefits, when assessed against the policies in the Development Plan taken as a whole.

The proposal is considered, overall, to represent sustainable development in terms of the economic, social and environmental objectives of NPPF paragraph 8 and Joint Local Plan policy SPT1.

The development would, therefore, accord with the Development Plan and the policies of the NPPF and conditional approval is recommended in line with NPPF paragraph 11 c).

### **Recommendation:**

Conditional approval

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

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 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 the following drawings/documents:

Site Location Plan, Rev F, ref. E-101, received 01/02/22

Proposed Site Plan, Rev P, ref.20-087 P101, received 01/02/2022 Proposed Elevations, Rev M, ref.20-087 P300, received 30/09/21 Proposed Plans, Rev L, ref.20-087 P201, received 30/09/21

Proposed Road Elevation, Rev C, ref.20-087 P301, received 01/02/2022 Proposed Site Sections, Rev H, ref.20-087 P400, received 01/02/2022 General Arrangement Plan – Site Access Visibility Splays & Swept Path Analysis, Rev B, ref. C220116-TP001, received 12/11/21

Further Information and Photographs, received 27/01/22

Arena new hedge and tree photos, received 17/12/2021

Biodiversity Net Gain Statement, received 14/02/22

Harlings Farm Hedge Thinning, received 14/02/22

Biodiversity Metric, received 14/02/22

Surface Water Drainage Statement, ref. P92/02 v2.2, received 08/02/22 Written Statement of Investigation, ref. Harlings\_WSI 14.02.22, received 14/02/22

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

3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall be carried out in accordance with the approved details as follows –

Roof: grey cement sheeting

Walls: natural timber vertical cladding over concrete panels

Doors and window frames: dark grey metal

Retaining wall: grey coloured blockwork

Rainwater tanks: black plastic

and no changes are permitted without prior approval from the Local Planning Authority.

REASON: To ensure the development harmonises with its surroundings in accordance with JLP policies DEV10 and DEV20 and the relevant paragraphs of the NPPF.

4. The landscaping scheme to provide screening and mitigate the visual impact of the development hereby approved, as detailed in the approved documents, including the maintenance of the existing hedgebank along the south-western boundary at a height of not less than 5m, shall be carried out in the first planting season after commencement of the development unless agreed otherwise in writing by the Local Planning Authority, and shall be maintained thereafter. Such maintenance shall include the replacement of any trees and shrubs that die.

REASON: To ensure the provision and maintenance of trees, shrubs, other plants and grassed areas in the interests of visual and neighbouring amenity and to ensure that the proposed development will deliver biodiversity enhancements, and in accordance with Joint Local Plan policies SPT2, DEV1, DEV2, DEV20, DEV23 and DEV28, BPNP policy E1 and paragraph 174 of the NPPF.

5. The development hereby permitted shall not be used by groups of more than three persons outside the hours of 10.00am to 5.00pm Mondays to Sundays and for individuals or groups of no more than three persons outside the hours of 7.00am to 9.00pm Mondays to Sundays and at no time shall be in use by more than 25 persons.

REASON: To protect the amenities of the area and in particular the amenities of neighbouring residential properties in accordance with Joint Local Plan policies DEV1 and DEV2 and the NPPF.

6. The development shall proceed in accordance with the Written Scheme of Investigation (Harlings\_WSI 14.02.22) submitted in support of this planning application. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

REASON: To ensure, in accordance with Policy DEV21 of the Plymouth and South West Devon Joint Local Plan and paragraph 205 of the National Planning Policy Framework (2021), that an appropriate record is made of archaeological evidence that may be affected by the development.

7. Prior to commencement of the development hereby permitted, a detailed Lighting Strategy will be submitted for agreement with the Local Planning Authority. The strategy will minimise indirect impacts from lighting associated with the pre-construction, during construction and operational activities, and demonstrate how the best practice (BCT/ILP, 2018) guidance has been implemented. Areas for bats to remain dark must be kept to a maximum of 0.5lux. Any lighting design must be approved, and confirmation in writing provided, by an appropriately experienced ecologist in order for the condition to be discharged.

REASON: To safeguard the ecological interest of the site in accordance with JLP policies SPT12, DEV2 and DEV26, BPNP policy E2, and the NPPF.

8. Prior to commencement of the development hereby permitted, a Landscape and Ecological Management Plan will be submitted to and approved by the Local Planning Authority which will include details of habitat creation and management and will be implemented in full and maintained thereafter.

REASON: To safeguard the ecological interest of the site in accordance with JLP policies SPT12, DEV2 and DEV26, BPNP policy E2, and the NPPF.

9. Prior to commencement of the development hereby permitted, a Construction and Environmental Management Plan will be submitted to and approved by the Local Planning Authority which will include details of environmental protection that will be implemented in full throughout the construction phase.

REASON: To safeguard the ecological interest of the site in accordance with JLP policies SPT12, DEV2 and DEV26, BPNP policy E2, and the NPPF.

10. No vegetation clearance shall take place during the bird nesting season (01 March to 31 August, inclusive) unless the developer has been advised by a suitably qualified ecologist that the clearance will not disturb nesting birds and a record of this kept.

REASON: To safeguard the ecological interest of the site in accordance with JLP policies SPT12, DEV2 and DEV26, BPNP policy E2, and the NPPF.

11. No part of the development hereby approved shall be brought into its intended use until the improved access, parking facilities, commercial vehicle loading / unloading area, and visibility splays have been provided and maintained in accordance with the application drawings, particularly C20116-TP001(B) and retained for that purpose at all times.

REASON:- To ensure that adequate facilities are available for the traffic attracted to the site and in the interests of the neighbouring amenity, in accordance with Joint Local Plan policies SPT9, DEV1 and DEV29 and the relevant policies of the NPPF.

12. For a min. period of 5 years from first use of the development hereby approved the recommendations of the Travel Plan dated June 2021 will be implemented including the appointment of a Travel Plan Co-ordinator to encourage and monitor site users' travel to the application building by sustainable modes.

REASON: In the interests of sustainable transport and carbon reduction, in accordance with JLP policies SPT9 and DEV29 and BPNP policy T1 and paragraph 85 of the NPPF.

13. The drainage scheme shall be installed in strict accordance with the approved surface water drainage strategy as detailed in the submitted Surface Water Drainage Statement, ref. P92/02 v2.2, received 08/02/22, and maintained and retained in accordance with the agreed details for the life of the development including the monitoring of groundwater levels over the winter months. If groundwater levels are found to be within 1m of the depth of the infiltration trench then a mitigating drainage alternative shall be agreed with the Local Planning Authority.

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 in accordance with Joint Local Plan policies DEV2 and DEV35 and the relevant policies of the NPPF.

14. The carbon and water reduction methods detailed in the documents submitted in support of the development hereby approved, including the installation of up to 80no. roof mounted solar panels, battery and rainwater butts, shall be carried out in accordance with the details

contained in the Planning Statement at paragraph 5.5, the product specifications received on 16/02/22 including

Tesla Powerwall fully integrated AC battery system

Tesla Powerwall Backup Gateway 2 control system

Q Peak Duo-G6 340-355 solar panels

and the approved plans. All measures contained within the approved documents to limit carbon emissions and improve water efficiency shall be implemented prior to first use of the building and maintained thereafter.

REASON: In response to the Council's declaration of a Climate Change and Biodiversity Emergency, to reduce carbon emissions and to accord with Joint Local Plan policy DEV32 and the relevant policies of the NPPF.

15. Prior to first use of the development hereby approved, the access road and public right of way within the red outlined application site (Lane to Down Farm) leading off Fore Street will be repaired and maintained in good useable condition thereafter, as detailed in the submitted document, Further Information and Photographs, received 27/01/22.

REASON: To protect and enhance the public right of way (Footpath 75) and the accessible route to the indoor equestrian arena in accordance with Joint Local Plan policies DEV3 and SPT2, BPNP policy C3 and the relevant policies of the NPPF.

## **INFORMATIVES**

1. This authority has a pro-active approach to the delivery of development. Early pre-application engagement is always encouraged. In accordance with Article 35(2) of the Town and Country Planning Development Management Procedure (England) Order 2015 (as amended) in determining this application, the Local Planning Authority has endeavoured to work proactively and positively with the applicant, in line with National Planning Policy Framework, to ensure that all relevant planning considerations have been appropriately addressed.

2. You should note that certain wildlife habitats and species are subject to statutory protection under the Wildlife and Countryside Act 1981 (as amended) and/or the Habitats Regulations 1994. It is a criminal offence to breach the provisions of these legal constraints and if your development impacts upon such sites or species you are advised to take advice from a competent ecologist who has experience in the habitats/species involved and, as necessary, any relevant licenses from Natural England.

3. The responsibility for ensuring compliance with the terms of the approval rests with the person(s) responsible for carrying out the development. The Local Planning Authority uses various means to monitor implementation to ensure that the scheme is built or carried out in strict accordance with the terms of the permission. Failure to adhere to the approved details can render the development unauthorised and vulnerable to enforcement action.

4. If your decision requires the discharge of conditions then you must submit an application for each request to discharge these conditions. The current fee chargeable by the Local Planning Authority is £116 per request. Application forms are available on the Council's website.

5. The developer should note that planning permission does not grant the right to close, alter or build over a right of way in any way, even temporarily, this includes, for example, a change in the surface, width or location. It is a criminal offence to obstruct a right of way unless the necessary legal order has been made, confirmed and brought into effect. Unauthorised

obstructions may result in an injunction being served to stop development and/or criminal proceedings being brought against the offender. The court could impose a fine and rule that the obstruction be removed or a building demolished. Express permission from Devon County Council is required for any change to the surface of a right of way. Please contact Devon County Council for further information.