

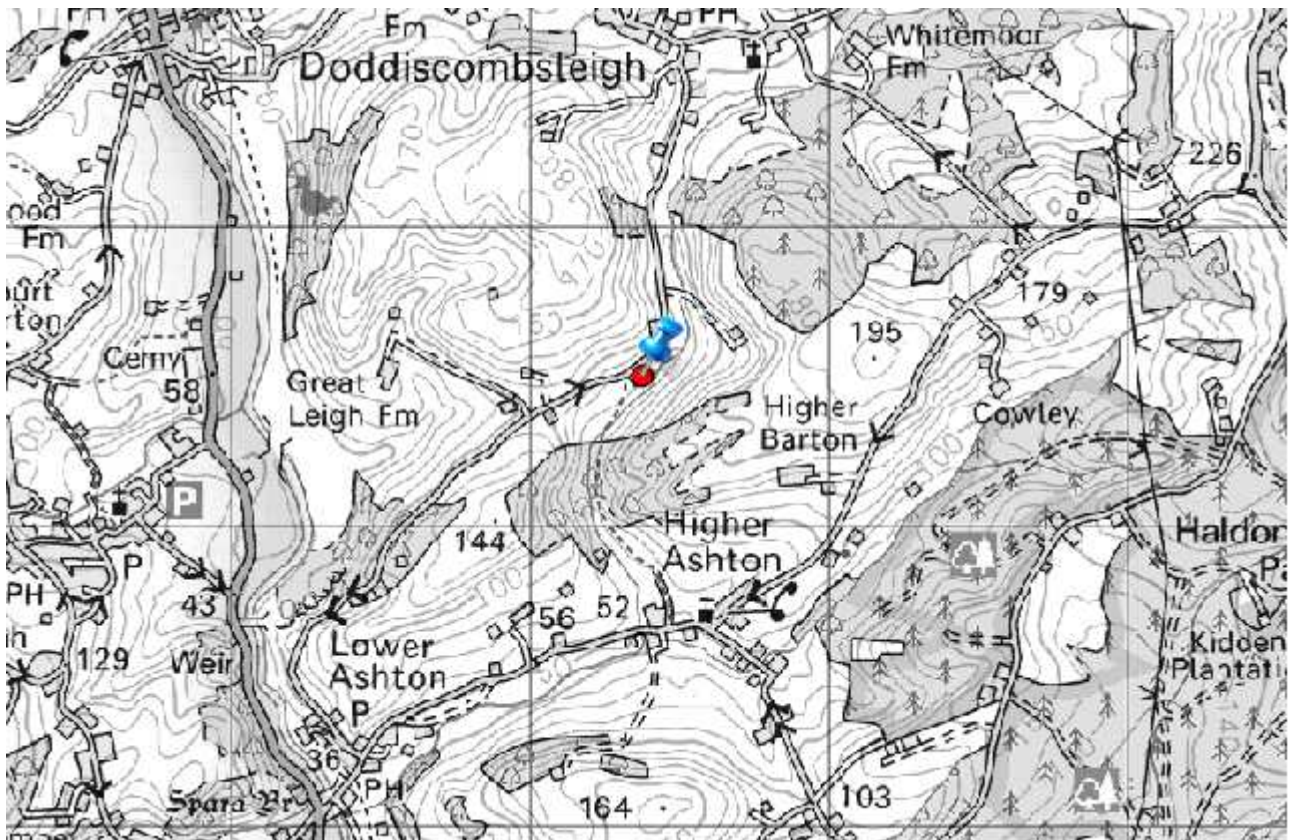
PLANNING COMMITTEE REPORT

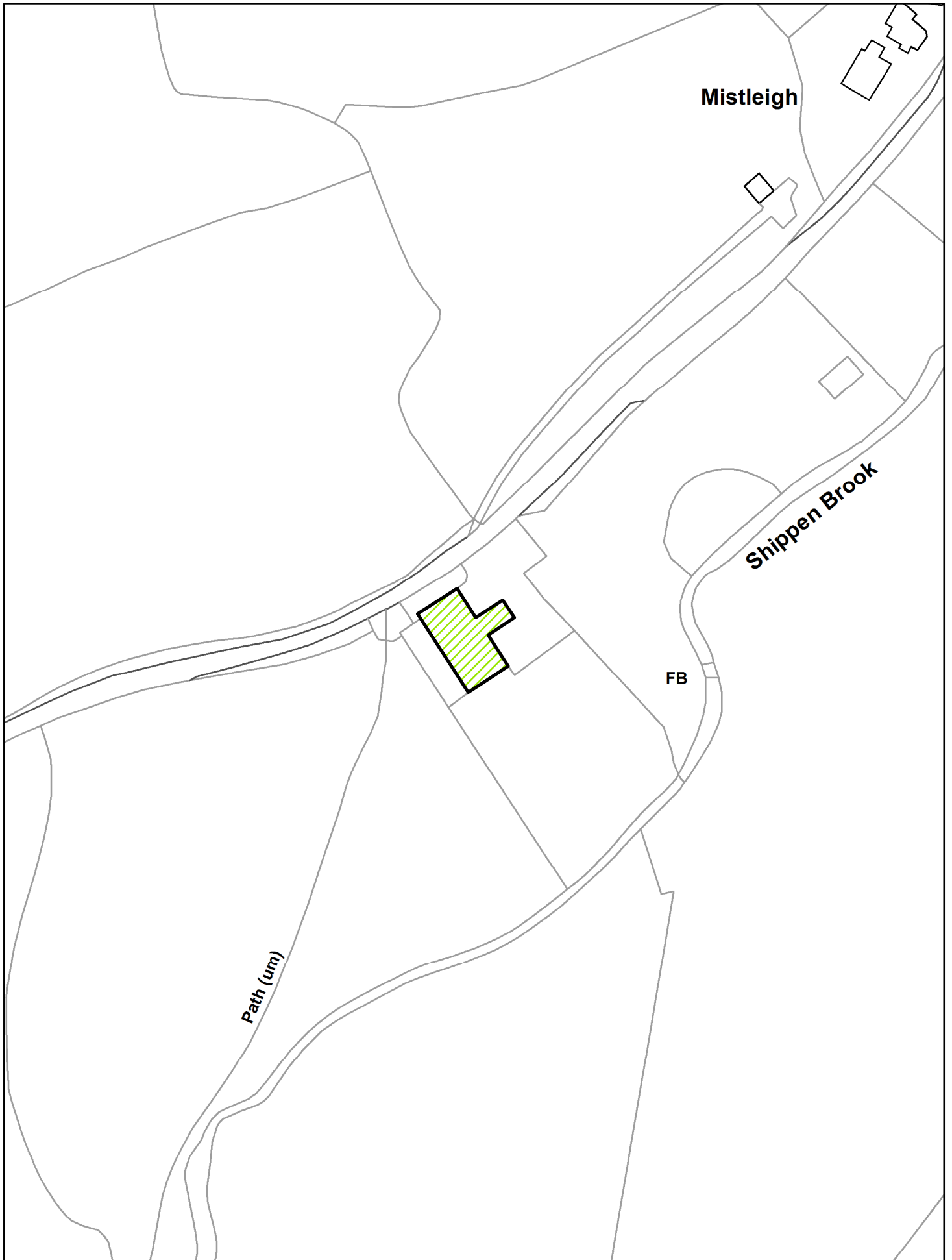
19 December 2017

CHAIRMAN: Cllr Dennis Smith



APPLICATION FOR CONSIDERATION:	17/02394/FUL - Mistleigh Farm Barns, Doddiscombsleigh - Change of use of the building to allow for the storage and maintenance of historic and classic vehicles (Use class B8)	
APPLICANT:	Mr R Chidgey	
CASE OFFICER	Claire Boobier	
WARD MEMBERS:	Councillor Ford	Teign Valley
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=17/02394/FUL&MN	





1. REASON FOR REPORT

Councillor Ford has requested that this application be referred to Planning Committee for determination if the Case Officer is recommending approval for the following reasons:

- The background to this case (planning application 17/01969/FUL) is relevant to the consideration of this application;
- The Ward Councillor and neighbouring residents believe that if an approval is granted on this planning application the owner will be allowed to lawfully store his possessions and may continue his scrap storage and dismantling business within the barn;
- The owner has started using large industrial powered lighting and a generator to increase security to his barn and land. Were this to continue then the ongoing nuisance to the residents would remain;
- Therefore if planning was to be granted the owner will start to claim the need to increase security. This will lead to all sorts of claims about the need for security which is not in keeping with a rural location;
- The residents have well-founded reasons to believe that this change of use would impact the amenity of their properties;
- The residents will be submitting detailed comments to highlight all of these points.

2. RECOMMENDATION

PERMISSION BE GRANTED subject to the following conditions:

1. Standard 3 year time limit for implementation
2. Development to proceed in accordance with the approved plans
3. No external lighting shall be installed on the building for which the change of use is hereby approved without the prior submission and approval of an external lighting scheme. Only the approved lighting shall be installed on the building
4. The building shall be used only for the storage of historic and classic vehicles
5. Only the area marked as workshop area as indicated on the indicative storage layout diagram shall be used as a workshop. This area shall only be used to repair and maintain the vehicles stored within the building and all other areas of the building shall be used for the storage of historic and classic vehicles and associated parts only
6. No overnight storage of vehicles or parts shall take place on the site outside of the building
7. No vehicle parts or scrap materials shall be stored outside the building at any time
8. No overnight storage of vehicles shall take place outside the building, and during daylight hours historic and classic vehicles shall only be stored on the hardstanding area on occasion when space is needed inside the building to undertake works on the vehicles. Only one historic and/or classic vehicle shall be stored on the hardstanding to provide space within the building at any one time
9. The hardstanding area shall only be used for the parking of two vehicles for the owner to access the site

10. No parts shall be stored within the building, other than those needed to repair the historic and classic vehicles stored within it
11. Repair and maintenance works shall at no time be undertaken outside of the building
12. All doors to the building for which the change of use is hereby approved shall be kept shut whilst noise generating equipment is being used to facilitate the repair and maintenance of vehicles stored within it
13. Noise arising from the use hereby approved including any equipment or machinery associated with the use shall not exceed more than 5dB above the background noise levels prevailing at the time of operation measured at the nearest noise sensitive premise(s)
14. No burning of waste created from the use of the building shall take place on the site

3. DESCRIPTION

Site Description

- 3.1 The building the subject of this application is a barn located on the southern side of the road.
- 3.2 The barn is the subject of an Enforcement Notice requiring that the building is used only for agriculture, and that other non-agricultural items are removed from the building.
- 3.3 The site lies within an Area of Great Landscape Value.
- 3.4 The main part of the building is rectangular in shape and measures approximately 22.8 metres wide x 13.7 metres in length with a projecting element to the front which measures approximately 4.9 metres wide x 7.9 metres long. The building is on two levels with the lower level approximately 1 metre below the main building floor.

Proposal

- 3.5 This application seeks consent for a change of use of the building to allow for the storage and maintenance of historic and classic vehicles (Use Class B8).
- 3.6 This is a re-submission of the previous application 17/01969/FUL for the same proposal which was withdrawn at the applicant's request.

Principle of Development

- 3.7 There are no specific planning policies in the Teignbridge Local Plan that deal with the conversion of existing agricultural buildings to other uses. The Local Plan was found to be sound and in compliance with the National Planning Policy Framework at the time of examination.
- 3.8 Therefore, whilst the Teignbridge Local Plan is silent on the matter of barn conversions the National Planning Policy Framework provides clear direction and states for decision taking this means that *'where the development plan is absent, silent...granting planning permission unless: any adverse impacts of doing so would*

significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'

- 3.9 In this case, paragraph 28 of the National Planning Policy Framework (NPPF) clearly sets out that to promote a strong rural economy support should be given to *'the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings ...'* and through the promotion of *'land-based rural businesses'*.
- 3.10 In principle, therefore, subject to this development being judged to be sustainable the re-use of the building would accord with paragraph 28 of the NPPF.
- 3.11 Furthermore, whilst the Local Plan does not have a specific policy on barn conversion, it does have Policy S22 relating to development in the countryside which is relevant to the consideration of this application.
- 3.12 Policy S22 sets out that in open countryside, development will be strictly managed, and limited to uses which are necessary to meet the overall aims of this policy which are to manage development and investment to provide attractive, accessible and biodiverse landscapes, sustainable settlements and a resilient rural economy. The policy sets out the uses that would be supported in the open countryside in the interests of ensuring a resilient rural economy, two of which are business and warehousing. The proposed storage use is considered to fall under this warehousing category and therefore would accord with Policy S22.
- 3.13 The applicant proposes to undertake repair and maintenance work to this historic and classic vehicles stored within the building. The workshop area as shown on the indicative storage layout diagram accounts for a small percentage of the overall floor area and therefore it is considered that this activity can be considered an ancillary activity to the B8 storage use of the building.
- 3.14 The vehicles to be stored in the building are historic and classic vehicles, the majority of which currently at the site are agricultural vehicles or are vehicles one would associate with a rural setting and would expect to see exhibited at Country and Steam Fairs and provide an important reference to historic rural life.
- 3.15 Policy EC3 (Rural Employment) of the Teignbridge Local Plan sets out that to support the rural economy the change of use or conversion of a permanent and soundly-constructed building for storage in open countryside will be acceptable in principle. As the building to be converted is a permanent and soundly-constructed building and the proposed use is for storage purposes the proposal would fully accord with Policy EC3.
- 3.16 Overall, it is considered that the proposed use of the building accords with the guidance contained in the NPPF and would in principle be acceptable under Policies S22 and EC3 subject to considerations of the Local Plan taken as a whole.

Impact upon the character and visual amenity of the area/open countryside

- 3.17 This application is for the change of use of the building and therefore it will not alter the appearance of the exterior of the building.

- 3.18 As there are no external changes to the appearance of the building proposed the proposal would not give rise to any loss of visual amenity as a result.
- 3.19 Whilst the site is located in an Area of Great Landscape Value, this proposal as it involves the change of use of the interior of the building only will not adversely affect this designation.
- 3.20 The development will accord with Policies EN2A (Landscape Protection and Enhancement), S1 (Sustainable Development Criteria), S2 (Quality Development) and EC3 (Rural Employment).

Residential Amenity and Noise Considerations

- 3.21 It is considered that the storage use of the site for historic and classic vehicles and associated ancillary repair and maintenance works to the vehicles stored in the building as applied for would not have any undue impact on the residential amenities of the occupiers of neighbouring properties subject to suitably worded conditions to strictly control the use of the building and noise arising from the repair and maintenance works.
- 3.22 Conditions are recommended to be applied as follows to restrict the use of the building and use of the surrounding hardstanding area in association with the use of the building in order to ensure that the amenity of neighbouring occupiers is protected:
- to restrict the building storage use to the storage of historic and classic vehicles as applied for;
 - to restrict the extent of the workshop area to only the area marked on the indicative storage layout diagram as a workshop area to ensure that this remains an ancillary use of the building by virtue of its floor area.;
 - to restrict the use of the workshop area for the repair and maintenance of historic and classic vehicles stored within the building only and to restrict the use of all other areas of the building to storage of historic and classic vehicles and their associated parts only;
 - No overnight storage of vehicles or parts shall take place on the site outside the confines of the building;
 - No vehicle parts or scrap materials shall be stored outside the building at any time;
 - No overnight storage of vehicles shall take place outside the building, and during daylight hours historic and classic vehicles shall only be stored on the hardstanding area on occasion when space is needed inside the building to undertake works on the vehicles and only one historic or classic vehicle shall be stored on the hardstanding to provide space within the building at any one time;
 - The hardstanding shall only be used for the parking of a maximum of two vehicles for the owner to access the building for which the change of use is sought;
 - No parts shall be stored within the building, other than those needed to repair the historic and classic vehicles stored within it;
 - Repair and maintenance works shall at no time be undertaken outside the building;

- All doors to the building for which the change of use is hereby approved shall be kept shut whilst noise-generating equipment is being used to facilitate the repair and maintenance of vehicles stored within it;
- Noise arising from the use the subject of this application including any equipment or machinery associated with the use shall not exceed more than 5dB above the background noise levels prevailing at the time of operation measured at the nearest noise sensitive premise(s);
- No burning of waste created from the use of the building shall take place.

3.23 With the above conditions in place and complied with it is assessed that the proposed use of the building can take place without having an adverse impact on the residential amenity of neighbouring occupiers.

Landscape Considerations

3.24 The application submission states that new hedges have been planted around the perimeter of the site and that it is proposed that further planting of native trees will be undertaken along the full frontage of the site.

3.25 Representations received dispute that the reported hedges have been planted.

3.26 Nevertheless, this application is for a change of use of an existing building and not for the construction of a new building. Planting can take place on the site without the need for planning consent: however it would be unreasonable as part of this application for a change of use application to request this planting to be undertaken or to request agreement to details of this planting as no external alterations are required to the building to facilitate its change of use. It is not considered that landscaping works are needed as a mitigation factor to be able to support this change of use. Whilst any new native planting is always welcome in the rural landscape it is not a matter that the Local Planning Authority would deem justifiable to condition to take place as it is not required to make the proposed development acceptable.

Highway Considerations

3.27 Devon County Council have referred the Local Planning Authority to their standing advice to assess the highway impacts of this proposal.

3.28 The roads giving access to the site, by reason of their width, poor horizontal alignment and junctions, would make it unsuitable for a significant increase in traffic to and from the site to be created as a result of a change of use of the building.

3.29 The previous use of the site for agriculture would have generated the need for movement to and from the site by agricultural vehicles. It is not considered that the proposed storage use of historic and classic vehicles within the building, many of which are historic agricultural vehicles, would result in a significant increase in vehicle movements to and from the site compared with the former agricultural use of the site.

3.30 Furthermore, once the vehicles have been moved to the site, with the exception of potentially attending agricultural or rural related events to exhibit the vehicles, the vehicles would not need to be moved to and from the site on a frequent basis.

- 3.31 Overall, therefore, whilst the local roads are not ideal to access the site it is not considered that the proposed change of use would result in a significant increase in vehicle movements above that which one would expect of its former agricultural use. A refusal on the grounds of highway impact is therefore considered to be unjustifiable.

Lighting Considerations

- 3.32 The plans submitted do not include any details of lighting.
- 3.33 Environmental Health have advised, having visited the site, that all lighting sources should be directed downwards or otherwise shielded so as to keep all light and glare confined to the site boundary and no upward-facing light shall be installed in the interests of ensuring that any lighting does not adversely affect the amenities of occupiers of the surrounding premises.
- 3.34 The application as submitted does not propose any lighting. In order to retain control over any future lighting that may be desired at the premises it is recommended that a condition be applied to state that no lighting to the exterior of the building shall be installed unless an external lighting scheme has first been submitted to and approved in writing by the Local Planning Authority. This will enable the Local Planning Authority to judge the acceptability of any lighting that may be desired and allow the Local Planning Authority to retain control over the type of lighting that could be installed at the premises.

Accuracy of block plan and site address

- 3.35 One comment has been received from the owner of Mistleigh Farm raising concern that the Planning Application refers to Mistleigh Farm and not Mistleigh Farm Barns (as the applicant has chosen to name the site). The word 'Barns' was erroneously missed from the description when publicising the application: this has now been corrected and the site address is given as 'Mistleigh Farm Barns'.
- 3.36 One comment has also been received from the owner of Mistleigh Springs Farm advising that on the block plan the blue line is in the wrong position. In the area that the footpath enters the field owned by Mistleigh Springs Farm by the gate the line should go from the gate right to the edge of the burn and then turn towards the road and not as drawn. The owners of Mistleigh Springs Farm own that area of land and the applicant only has the right to cross the land to gain access to his property by his gate as stated by the Land Registry. Whilst this comment is noted, consideration is only given in this application to the use of the barn outlined in red. The blue line depicts the applicant's suggested land ownership: however this document, if approved as part of this application, does not override the land ownership records. The Land Registry provides the accurate reflection of land ownership.

Conclusion

- 3.37 The representations received refer to unlawful uses of the site. This application must be determined on the basis of the proposal as submitted in this application which is assessed to accord with Policies EC3 and S22 of the Local Plan and guidance contained within the NPPF. Officer recommendation is therefore to grant consent subject to the recommended conditions.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1A (Presumption in favour of Sustainable Development)

S1 (Sustainable Development Criteria)

S2 (Quality Development)

S22 (Countryside)

EC3 (Rural Employment)

EN2A (Landscape Protection and Enhancement)

National Planning Policy Framework

National Planning Policy Guidance

5. CONSULTEES

Environmental Health - The collective acoustic impact of the use of the site and any equipment or machinery must not significantly increase the existing background noise levels at the nearest point on the boundary of the site. It is considered that an increase of 5db or more is significant. The sound level from the use of the site should be designed and operate at 5dba below the background (at the time of operation) when measured at the neighbouring noise sensitive premises.

All lighting sources shall be directed downwards or otherwise shielded so as to keep all light and glare confined to the site boundary with no upward-facing light. To ensure that the lighting does not adversely affect the amenities of occupiers of the surrounding premises.

No burning of waste

Devon County Council (Highways) - Recommend that the Standing Advice issued to Teignbridge District Council is used to assess the highway impacts.

6. REPRESENTATIONS

Two joint representations have been submitted on behalf of the six residents residing at Mistleigh Farm, Mistleigh Farm Cottage and Mistleigh Springs Farm who are in objection to the application. The first provides a written account of their concerns and the second provides a series of photographs of the site to support the claim in their representation that no new hedging has been planted around the perimeter of the site.

The following summarises their objections (see case file for full representations):

1. Concern about other uses/operations which have taken place on the site in the past;
2. Concerned about the term "classic" as it would be possible to argue that almost any heavy plant or commercial vehicle of the type that the landowner has amassed on the site over the last 7 years or so is a "classic" vehicle;
3. Concerned that, if approved, the change of use could leave the door open for the landowner to bring many more vehicles of any age onto the site

- (potentially for subsequent scrappage) at some point in the future, under the pretext of storing them in the building as 'historic and classic vehicles';
4. The proposal also refers to 'maintenance' of vehicles. Our understanding is that this is normally accepted as a B2 use we have concerns about significant noise and fume nuisance that would affect our properties;
 5. The change of use is undesirable and could well lead to situations in the future that would be harmful to the amenity of our properties, quality of life and local environment;
 6. We are unclear as to the basis of the claim that the site has 4 existing parking spaces for cars and are equally unclear as whether the stated intended use would necessitate the provision of 4 parking spaces for cars. In our opinion 1 or 2 parking spaces is completely adequate;
 7. Concerned that the permitted provision of any more than 2 parking spaces would enable the landowner and his associates to use the site for the temporary parking of cars for scrappage purposes;
 8. Wonder whether application should be subject to a bat survey?;
 9. Definition on application form of the current use of the site as 'for agricultural machinery' is completely misleading;
 10. Concern about disposal of oils, diesel, petrol and tyres and asbestos present in vehicles and impact on local environment as a result of pollutants;
 11. Concern about the use of generators, compressors, power tools and other machinery on site for repair and maintenance activities due to concerns about nuisance from machinery noise, fumes and smoke which have been experienced from the use of the site over last year;
 12. New planting has not taken place, we would welcome any steps to improve the appearance of the areas surrounding the building given the recent history of the site; we have profound reservations about the proposal to plant new hedges around the remaining 3 sides of the site. Doing so would make little difference to the appearance of the site from the public highway or the public footpath that traverses the field to the south-west of the site. Such planting would, however, effectively prevent owners of adjacent land seeing any unpermitted activity;
 13. Linked to the statement about traffic, we would like to point out that the current enforcement notice notes that the roads giving access to the site are by reason of their inadequate width, poor horizontal alignment and junctions unsuitable to accommodate an increase in traffic likely to be generated by a change of use away from agricultural use. Concern that low-loader transporters taking large vehicles from the site have, due to the very tight turning circle, caused damage to the newly resurfaced road and entrance to the driveway to Mistleigh Farm. This therefore raises concerns about the statement that the vintage vehicles would be 'loaded or delivered to go to or return from shows'.

Two comments have also been received:

One comment from the owner of Mistleigh Farm advises that the application refers to the site as Mistleigh Farm which is incorrect. The landowner has chosen to name the site 'Mistleigh Farm Barns' and Mistleigh Farm is not associated with the site in any way.

One further comment has been received which states that on the block plan the blue line is in the wrong position in the area that the footpath enters the field owned by Mistleigh Springs Farm by the gate. The line should go from the gate right to the

edge of the burn and then turn towards the road and not as drawn. Others own that area of land and the applicant only has the right to cross the land to gain access to his property by his gate as stated on the Land Registry.

7. PARISH COUNCIL'S COMMENTS

Doddiscombsleigh Parish Council have advised in relation to this application that out of the five parish councillors on the Parish Council, two have declared an interest and one is on extended leave. Therefore, the Parish Council have advised that it will not be quorate and in a position to submit observations on this application.

8. COMMUNITY INFRASTRUCTURE LEVY

The CIL liability for this development is Nil as the CIL rate for this type of development is Nil and therefore no CIL is payable.

9. ENVIRONMENTAL IMPACT ASSESSMENT

Due to its scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA Development.

Business Manager – Strategic Place