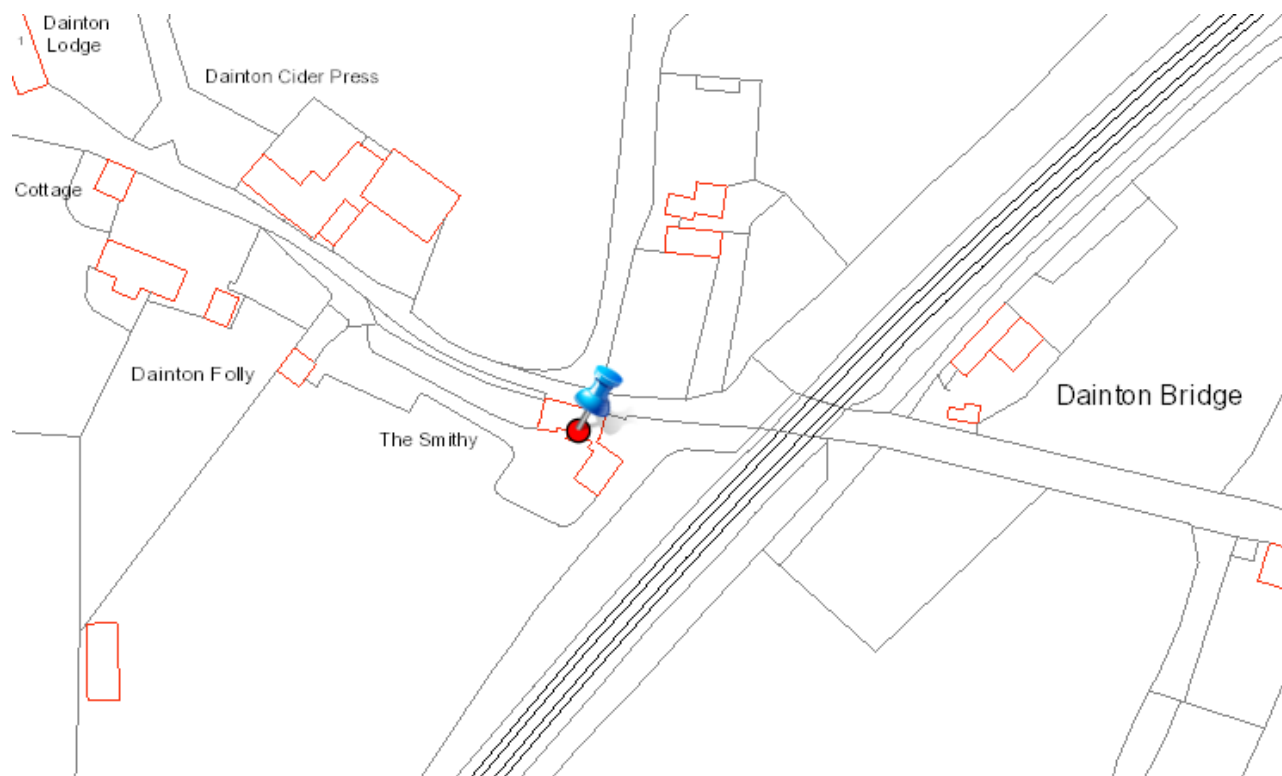


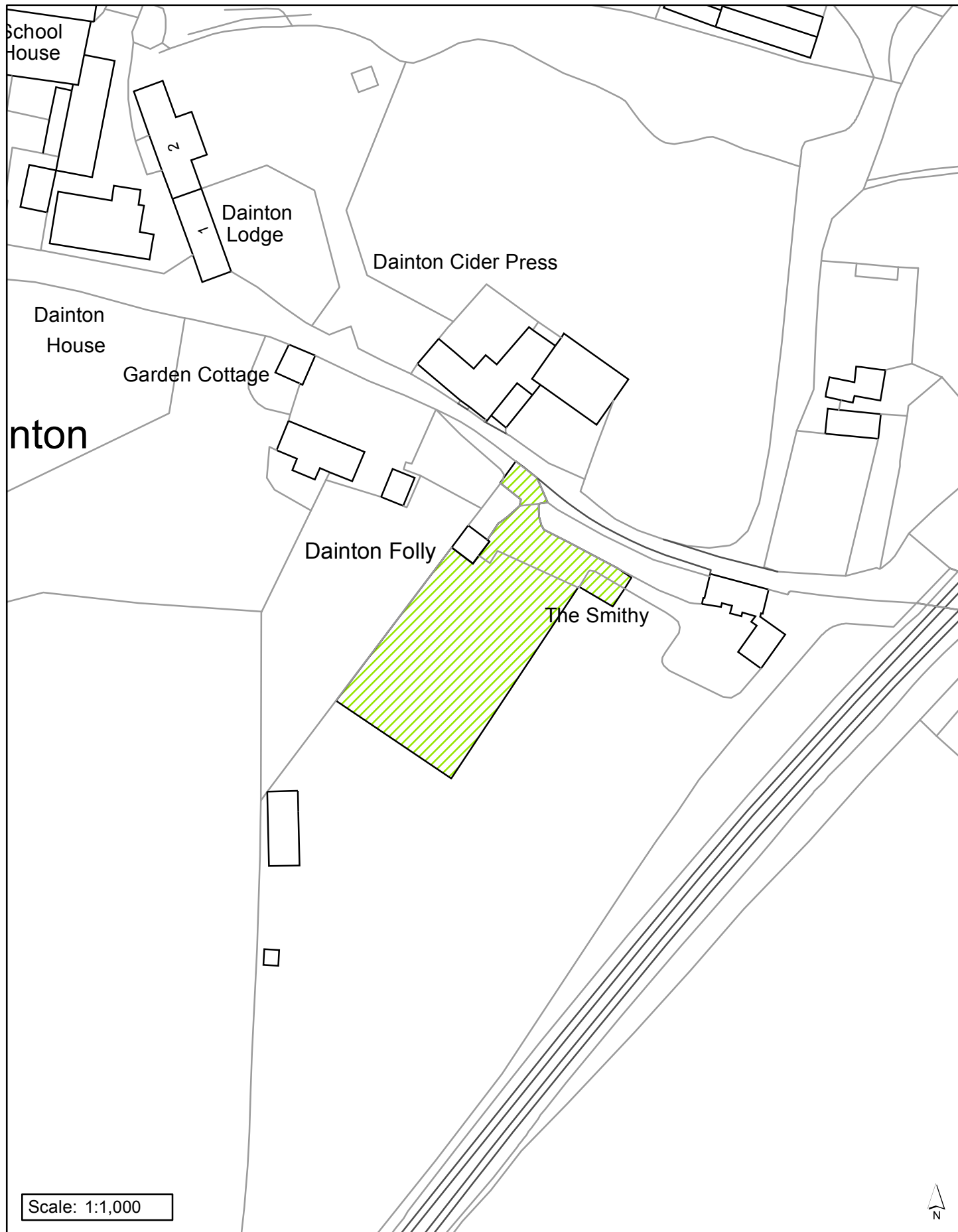
# PLANNING COMMITTEE REPORT

CHAIRMAN: Cllr Mike Haines



<b>APPLICATION FOR CONSIDERATION:</b>	<b>IPPLEPEN - 20/00352/FUL - The Smithy , Dainton - Use of land for stationing of three holiday pods and erection of decking</b>	
<b>APPLICANT:</b>	<b>Ms H Jenner</b>	
<b>CASE OFFICER</b>	<b>Artur Gugula</b>	
<b>WARD MEMBERS:</b>	<b>Cllr Alastair Dewhirst</b>	<b>Ipplepen</b>
<b>VIEW PLANNING FILE:</b>	<a href="https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&amp;Refval=20/00352/FUL&amp;MN">https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&amp;Refval=20/00352/FUL&amp;MN</a>	





**20/00352/FUL - The Smithy, Dainton TQ12 5TZ**



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## 1. REASON FOR REPORT

Councillor Alistair Dewhirst has requested for the application to be determined by the Planning Committee if the Planning Officer is recommending approval of the application. The reasons for the request are stated as below:

*“The site is in an unsustainable location. The site lies in open countryside and would appear to be a blemish in the landscape. The site lies at the end of an extremely narrow lane which cannot effectively take the current traffic let alone additional vehicle movements.”*

## 2. RECOMMENDATION

PLANNING PERMISSION BE GRANTED subject to conditions addressing:

1. Standard time limit for commencement (3 years)
2. Strict accordance with the approved plans
3. Details of external lighting to be submitted prior to installation
4. Landscaping scheme to be implemented within 3 months of the date when the pods have been sited
5. Details of long term hedge management to be submitted prior to implementation of the landscaping scheme
6. Holiday occupancy condition
7. Hereby approved pods to be sited as per the landscape/ site plan
8. No hot tubs to be installed
9. Decking to be removed if use ceases and land to be restored

## 3. DESCRIPTION

### Site Description and Proposal

The proposal site is located at Dainton situated approximately 1.2 miles to the east of the village of Ippipen. The application site is a modest part of a larger parcel of agricultural land owned by the applicants. The wider site also accommodates a dwelling in the north eastern corner. The agricultural plot is surrounded by mature hedges and trees which make up the boundary treatments with the topography slightly sloping downwards towards the north of the site.

The site is adjacent to a residential property on the western side with another dwelling located to the north across the lane.

The proposal seeks permission for three holiday pods with associated landscaping. The pods will measure 8.03m in length 3.99m in width and 2.74m in internal height (externally with the platform 3.81m) which falls within the definition of a caravan as set out in Caravan Sites Act 1968 Part 3 Section 1. The pods are proposed to be located in the north eastern corner of the site in between an existing shed and an agricultural building.

The development proposes to utilise an existing access of the country lane serving the dwelling with a set back gate and graveled hardscaping for parking.

## Main Issues

- Principle of development
- Impact on the rural landscape character
- Impact on residential amenity

### The principle of development

The proposal site falls outside of any Settlement Limits as defined by policy S21A therefore shall be assessed as development in the open countryside where provisions of policy S22 apply.

The policy S22 sets out that in the open countryside, development will strictly be managed and limited to uses including:

...

*b) agricultural, forestry, equine, industry, business, warehousing, retail, leisure and tourist uses;*

The proposed development would result in creation of new tourist accommodation and therefore would fall within the accepted uses outlined in point *b)* of policy S22.

Given the nature of development conformity with policy EC11 is required. The policy sets out that additional tourist accommodation is acceptable in principle if the location is within or adjoining settlement. Developments of this nature in the countryside require to fall within one of the below categories:

*a) expand or improve existing tourist accommodation locations;*

*b) support expansion or improvement of an existing tourist attraction;*

*c) provide a new campsite or caravan site;*

*d) involve the appropriate conversion or change of use of a permanent and soundly constructed building which sensitively retain any historic interest and character;*

*e) part of a farm diversification scheme;*

*f) use a dwelling to provide bed and breakfast accommodation; or*

*g) provide innovative or unusual forms of accommodation which widen and enhance the tourist offer of the area.*

The Design & Access Statement submitted with the application suggest the alternative design of the pods provides an alternative to the usual accommodation which is offered in the area. Nevertheless whilst the design of the pods deviates from a typical caravan as outlined in the description the pods in fact fall under the definition of a caravan. Despite the proposal being small scale (three units) it is considered to fall within point *c)* of policy EC11 and therefore would be considered acceptable to be sited in a countryside location.

### Impact on the rural character of the area

As outlined earlier in the report the proposal is considered as development in the open countryside therefore the design, scale and layout shall preserve the distinctive characteristic of the locality and surrounding landscape. In short term the development will be perceived as a minor erosion of the character of the area. A landscaping scheme has been agreed to bring forward screening benefits helping the development assimilate into the rural character.

The site does not lie in a prominent location however some visibility could be achieved from Dainton Cross to Dainton Lane and to Bulleigh Elms Cross Lane however given that the development is located amongst an area of scattered development the overall changes to the potential wider views are considered to be minor.

The siting of the pods within the site is uniform in the northwest corner close to the site boundary and the existing access and parking. The position in which the pods have been indicated on the plans has been considered the most appropriate therefore given that this a change of use of the land application a suitable condition is proposed to be implemented to ensure the indicated siting of the pods is implemented. Additional planting of hedgerow will aid the long term assimilation of the proposal into the rural landscape pattern. The outer planting is proposed to be maintained between 2.2 and 2.5 meters with more domestic 1.5m hedge separating the individual pods. In addition tree planting is proposed on the north section of the plot to provide additional screening from the road.

The materials for the pods is indicated as timber cladding.

In order to achieve the desired screening benefits a condition requiring the implementation of the landscape scheme within 3 months of the stationing of the pods is proposed to ensure that the landscaping is delivered promptly.

Overall, the short term impact on the rural character of the locality has been considered minor with appropriate design, scale, siting and landscaping aiding the proposal to assimilate into the visual character of the landscape in compliance with provisions of policies S1, S2 and S22.

#### Impact on residential amenity of surrounding properties

The siting of the pods has been carefully considered not only in relation to landscape impact but also in relation to impact on neighbouring properties. Letters of comment and objections from Dainton Folly (property to the west) and Dainton Cider Press (property to the north across the lane) raised particular concerns regarding noise and light pollution. In respect of Dainton Folly the separation distance to the property from the pods is in excess of 20m with an existing stone wall and a series of hedges providing screening and preventing any inter-visibility. The proposed 2.5m hedge across the western boundary will provide further screening benefits. In respect of the noise resulting from the development the LPAs Environmental Health Officer have not raised any concerns and it is considered that the separation distance and the various boundaries will provide sufficient barrier to minimise the impact of noise from the occupiers of the pods.

In respect of Dainton Cider Press the pods would be located approximately 35m away from the property across the lane. The siting of the pods is recessed back from the northern boundary and the access point with the existing shed providing a

barrier. In addition the tree planting proposed would completely screen the pods from the view of Dainton Cider Press and the road minimising the impact on the residential property.

Finally a condition requesting details of any external light to be installed has been recommended in the interest of legally protected bat which will also bring benefit of controlling the impact of any potential lighting on the residential amenity.

#### Highway and traffic impact

The proposal put forward utilises the existing access to the site with parking for the pods accommodated via the existing hardstanding. The Highway Authority has recommended that Standing Advice is used to determine the highway impact of the proposal. The existing parking has been considered acceptable to accommodate additional arising from the use of the pods. Given that the access remains unchanged and serves the existing dwelling it is considered acceptable in highway safety terms.

Concerns have been raised in respect of the location of the development and the condition of the road serving the settlement of Dainton. The addition of three holiday pods is likely to generate vehicle movements equivalent to one or two new dwellings within the area therefore given the small scale increase it is considered that the additional traffic movement would have a minor overall impact. There is not considered to be any highways safety or capacity reason for refusal.

In respect of the location of the proposal and access to public transport, the site is located approximately 0.7 miles (circa 15min walk) away from a public bus stop at Parkhill Cross. Whilst part of the walk would involve the use of the surrounding lanes a large proportion of the journey can be undertaken through Ipplepen Footpath No.3.

Given the relatively small scale of the proposal and the distance to public transport and local services the proposal has been considered to be acceptable in respect of highway and traffic safety offering a suitable location for this type of development.

#### Impact on ecology

The site is located within the Bat SAC Landscape Connectivity Zone and upon review by the LPAs Biodiversity Officer no need for further Habitat Regulations Assessment has been required. The Biodiversity Officer has suggested an external lighting condition to be implemented to ensure impact of the light can be controlled in the interest of legally protected bats. Additionally further planting details have been requested in order to bring forward appropriate biodiversity gain. Further verbal discussions have taken place with the Biodiversity Officer following submission of updated landscaping proposals which have ensured that appropriate biodiversity gain is brought forward. A final condition has been recommended for the submission of long term hedge management plan ensuring appropriate maintenance of the proposed planting.

#### Surface and foul water management

The site is located in Flood Zone 1 therefore no flood risk concerns have been raised however discussions took place to establish how surface and foul water from

the development will be accommodated. The application from indicated soakaways as the preferred option and the applicant has submitted an appropriate surface water management design to satisfy the LPAs Drainage Officers.

In the latest response the Drainage Officer has advised that boundary treatments should be provided adjacent to the existing property to contain the exceedance flows within the application site in the event of rainfall in excess of the design standard of the surface water drainage management system. There is potential to secure this detail via condition however it has been considered unnecessary given that the landscaping scheme indicates a hedge on a spoil bank to be planted along the southern and eastern boundaries of the site. The spoil bank has been considered to be sufficient to contain surface water flows which may exceed the design standard of the soakaways.

In respect of foul drainage the applicants propose to replace the existing septic tank with a larger unit to accommodate foul water from the existing dwelling and the three pods. Whilst the Environment Agency does not comment on minor proposals in respect of foul water management however an advice note has been provided to direct the applicants to the General Binding Rules which are required to be adhered to. Should the proposed septic tank not comply with the Binding Rules the applicants should seek an Environmental Permit for the foul water management system.

### Conclusion

Overall, as discussed in various sections of the report the proposal has been considered to comply with various relevant policies of the Local Plan. The principle of the development has been considered acceptable in conformity with policies S1, S2, S22 and EC11. Following discussions with the applicant to bring forward appropriate landscaping and drainage to serve the proposal the impacts on the character of the area and residential amenity have been minimised resulting in recommendation of approval.

## **4. POLICY DOCUMENTS**

### Teignbridge Local Plan 2013-2033

Policy S1A Presumption in favour of Sustainable Development

Policy S1 Sustainable Development Criteria

Policy S2 Quality Development

Policy S22 Countryside

Policy EC11 Tourist Accommodation

Policy EN8 Biodiversity Protection and Enhancement

Policy EN11 Legally Protected and Priority Species

### National Planning Policy Framework

### National Planning Practice Guidance

## **5. CONSULTEES**

**Full text of consultation responses can be found on the application file.**

## Devon County Council Highways

Standing Advice

### DCC Senior Historic Environment Officer

The site is located in an area of archaeological potential with regard to a known concentration of prehistoric Romano-British activity in the surrounding Landscape. On this basis a condition is recommended to secure implementation of a Written Scheme of Investigation.

### TDC Biodiversity Officer

No objection suggesting lighting condition and securing of biodiversity net gain via long term hedge management.

### TDC Drainage Officer

*Initial comments dated 25<sup>th</sup> March 2020:*

Further details required in respect of viability of the use of the soakaway as means of dealing with discharge of surface water. Infiltration test shall be undertaken to confirm the suitability of the site to accommodate a soakaway.

*Further comments dated 2<sup>nd</sup> July 2020:*

Further details required to demonstrate that the ground infiltration rate is viable including details of the proposed soakaways and infiltration devices.

*Final comments dated 15<sup>th</sup> September 2020:*

The submitted soakaway design has been considered acceptable.

Advisory note provided regarding the provision of an earth bank filter on the field boundary adjacent to the existing property to contain the exceedance flows during a potential rainfall event in excess of the standard surface water drainage management system design.

### TDC Landscape Officer

*Initial comments dated 4<sup>th</sup> May 2020*

Subject to the planning officer being content that the application complies with the requirements of policy EC11, I would then be content that the landscape harm was satisfactorily minimised.

Having said that, the landscape design could be much improved, and the scale of harm reduced, if the following amendments were to be made (see plan below):

- Replace the hedge shown the south of parking with a 2.2m high stone wall.
- Increase the size of the hedges that form the outward facing southern and eastern boundaries; and



- Make the hedges between the individual units more domestic in character.

*Revised comments dated 9<sup>th</sup> July 2020*

No Objection

I am satisfied that the latest proposals, along with the existing boundary planting, will adequately screen and assimilate the development in to the context.

Environment Agency

Standing advice for minor development where non mains foul drainage is proposed. The applicants should seek Environmental Permit if foul discharge does not satisfy the Environment Agency General Binding Rules.

TDC Environmental Health

No objection.

## **6. REPRESENTATIONS**

The application has been advertised via an erected site notice and two neighbor notification letters.

Three letters of comment received and are summaries as below:

- No in principle objection
- Sitting of the pods only 30m from Dainton Folly with potential to cause adverse noise impact
- Sitting of the pods causing light and noise pollution to Dainton Cider Press
- Poor condition of the access track
- Entrance to the site is adjacent to parking spaces of Dainton Cider Press suggesting that guest do not cut across or use land outside of the proposal boundary
- Further comments from Dainton Cider Press regarding noise disturbance: voices audible in bedrooms

Two letters of objection have been received raising the below points:

- Noise pollution from the proposed hot tubs (Note: now removed from the proposal)
- No consideration for the visibility of the local residents
- Poor road condition and increase in traffic
- Concerned about access to land at Dainton Cider Press
- Adverse impact on neighboring properties
- Strongly object to the application

## **7. TOWN / PARISH COUNCIL'S COMMENTS**

Ipplepen Parish Council:

Ipplepen Parish Council object to this application as we feel it is unsustainable with regard to access by foot and transport links. It is also inappropriate development in the open countryside.

## **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.

## **10. HUMAN RIGHTS ACT**

The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

**Business Manager – Strategic Place**