

Our ref: BJD:0428
Your ref: PP-11337288

20 June 2022

Development Management
East Devon District Council
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Dear Sirs

PROPOSAL: FORMATION OF ENTRANCE, ACCESS ROAD AND ASSOCIATED WORKS

SITE: CHERITON FARM, LOWER CHERITON, PAYHEMBURY, HONITON, EX14 3JJ

APPLICANT: TIVA PROPERTIES LIMITED

1. We are writing on behalf of the applicant enclosing an application for full planning permission for the above proposal.

2. The application includes the following documents and plans:

Completed application form.

Drawing No. ARPC1 Location plan.

Drawing No. ARPC2 Existing site layout plan.

Drawing No. ARPC3 Proposed site layout plan.

Drawing no. ARPC4. Cross section of access road and fence detail.

Tree survey report.

Ecological appraisal.

3. In addition to the above items, this letter forms part of the application. It sets out the applicant's case in support of the proposal and includes an assessment of it against planning policy and other relevant material considerations

Site and background information

4. Cheriton Farm is in a rural location at Lower Cheriton in East Devon. The nearest villages are Payhembury and Feniton. Payhembury is approximately 1.7 miles to the west. Feniton is approximately 1.7 miles to the south.

5. The property comprises a Grade II listed farmhouse; a range of traditional farm buildings with blockwork masonry and metal clad additions; other agricultural buildings; and agricultural land. The listing description for the Farmhouse indicates that it dates from c17 to c18. As a listed building, it is a building of special

interest. A number of other residential dwellings are located within the vicinity of the property.

6. The main access to the property is via an existing driveway that runs between Albany and the farmhouse. There is also access to the agricultural land via a field gateway that is approximately 200 metres to the north east of the farmhouse. Approximately 50 metres to the west of that gate, there is a gateway that has become overgrown with hedgerow plants. The location of the main entrance, existing gateway, and overgrown gateway are shown on the aerial photograph at Figure 1 below.

Figure 1. Location of entrance and gateways.



7. Photograph 1 on the next page shows the gateway that has become overgrown.

Photograph 1. Overgrown gateway.



8. On 21 July 2021, the Local Planning Authority granted planning permission reference 20/0199/FUL for the residential conversion of some of the agricultural buildings at the property. The planning permission also included the removal of other buildings. The access for the approved development is via the existing driveway that runs between Albany and the farmhouse. The road that runs past farmhouse and the overgrown gateway is lightly used.
9. This planning application relates to the overgrown gateway and the agricultural land to the north and north east of the buildings to be converted. This land and the adjacent land is not subject to any landscape designations.
10. The Devon Environment Viewer and datasets on Magic.gov.uk show that there are no designated ecological sites within the application site and that there are none adjacent to it.
11. Provisional Agricultural Land Classification (ALC) mapping suggests that the site includes Grade 2 agricultural land.¹
12. The Environment Agency's 'flood map for planning service' shows that the application site is outside flood zones 2 and 3. It is also not within a critical drainage area.

¹<https://environment.data.gov.uk/DefraDataDownload/?mapService=NE/AgriculturalLandClassificationProvisionalEngland&Mode=spatial>

Development proposal

13. The application proposal is for the formation of a new access route to the site that will be developed. The existing entrance will be retained for the farmhouse.
14. The proposed access will utilise agricultural land to the north and the north east of the buildings to be converted. Its formation will involve re-instating and widening the gateway that has become overgrown. This will require the removal of hedge plants that have grown up in the gateway and the removal of approximately 3.5 metres of hedgerow either side of the gateway to form an entrance to a new free draining stone/gravel road that will be constructed to access the property. Approximately 8 metres of hedgerow to the east and 12 metres of hedgerow to the west of the widened entrance will be cut and realigned to improve sightlines of the road.
15. The proposed access road will be 3.2 metres wide and approximately 155 metres in length. From the entrance, the access road will run alongside an existing hedgerow in a field that is currently improved grassland before then cutting across the edge of another field from where it will lead to the site for car parking under planning permission 20/0199/FUL. Approximately 70 metres of bank will be formed and planted with a native species hedgerow to the east of the proposed access road. Hedgerow plants will be planted in double staggered rows 40 centimetres apart with a minimum of 5 plants per metre comprising 70% hawthorn and the remaining 30% consisting of a mixture of blackthorn, field maple, hazel and common dogwood. All plants will be sourced from a reputable nursery. Spiral guards will be used to protect against damage by mice and voles.
16. The proposal is shown illustrated on drawings that are submitted with the application.
17. A separate application will be submitted to the Authority to make non material amendments to the approved site layout of planning permission 20/0199/FUL to ensure compatibility between the layout for that development and the access that is proposed in this planning application.

Planning assessment

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for this site includes the East Devon Local Plan 2013-2031 adopted January 2016 (the LP); and the Payhembury Neighbourhood Plan (the NP) that was made on 5 June 2019. Material considerations include the National Planning Policy Framework (NPPF).

18. Relevant LP policies include:

Strategy 7 – Development in the countryside.

Strategy 46 – Landscape conservation and enhancement and AONBs.

Policy D1 – Design and distinctiveness.

Policy D2 – Landscape requirements.

Policy D3 – Trees on development site.

Policy EN5 – Wildlife habitats and features.

Policy EN13 – Development on high quality agricultural land.
Policy TC7 – Adequacy of road network and site access.

19. Strategy 7 (development in the countryside) of the LP permits development in open countryside locations where it will not harm the distinctive landscape, amenity and environmental qualities of the area within which it is located and where it is in accordance with a specific LP policy. Strategy 46 (landscape conservation and enhancement and AONBs) requires development to be undertaken in a manner that is sympathetic to, and helps conserve and enhance the quality and local distinctiveness of, the natural and historic landscape character of East Devon. Policy D2 (landscape requirements) requires landscape schemes to, among other criteria, provide for the planting of trees, hedgerows, including the replacement of those of amenity value which have to be removed for safety or other reasons, shrub planting and other soft landscaping; and the layout and design of roads, parking, footpaths and boundary treatments to make a positive contribution to the street scene and the integration of the development with its surroundings and setting. Policy EN13 seeks to protect the Best and Most Versatile Agricultural Land (BMVAL).
20. In our opinion, the main issues for consideration regarding the proposed access to the property are whether or not it would have any unacceptable impacts on the character or appearance of the countryside; and highway safety. It is also necessary to consider the provisional agricultural land classification that suggests the site may include Grade 2 land.
21. So far as the rural landscape is concerned, the formation of the proposed entrance will have an impact on the appearance of this part of the lane. Entrances off lanes and field gateways are, however, commonplace in the countryside. In our opinion, taking into account that the site of the entrance is where there is already an overgrown gateway and that the access road will be stone/gravel surfaced in keeping with the countryside setting, we consider that it will not have an unacceptable impact on the character and appearance of the area. The formation of the access road to the property across a field will also have an impact on the immediate landscape but this will be mitigated by siting it adjacent to the existing hedgerow that runs north to south and by the formation of a new hedgebank to the east. Indeed, the proposed route for the access road between an existing hedgerow and a new hedgerow respects the setting and the character of the Devon lanes in the area. Surfacing the road with stone/gravel rather than tarmac or concrete will also ensure that it will be in keeping with the countryside setting. This will all help to assimilate the proposal into the landscape.
22. With regard to BMVAL considerations, policy EN13 seeks to protect the BMVAL, defined as grade 1, 2 and 3a land, from development. The NPPF also states that planning decisions should contribute to and enhance the natural and local environment by recognising the economic and other benefits of the BMVAL.²
23. The provisional ALC maps that suggest the land is Grade 2 are of a generalised nature and are based on a 1:250,000 scale. They are not accurate for use in the assessment of individual fields or development sites.³ and they are not a substitute for site specific surveys. In this case, we are not aware of any definitive

² Paragraph 174b of the NPPF

³ From Defra:

<http://adlib.everysite.co.uk/adlib/defra/content.aspx?id=000HK277ZW.0A5OPSVNL622BO>

assessment having been carried out on land at Cheriton Farm that establishes it is Grade 2 or any other Grade. In addition, the loss of 0.0656 hectares of improved grassland to accommodate the proposed access and the new hedgebank is negligible. The loss of the opportunity for grass production and/or crop production from this area on agriculture would be equally negligible. In our opinion, the use of the land for the proposed development would therefore not have an unacceptable impact on food production and economic and other benefits of the BMVAL.

24. So far as highway considerations are concerned, the entrance will be where there is an existing gateway that has become overgrown and that could be reinstated with minimal work. The proposed width of the entrance and the cutting and realignment of roadside hedgerow will also provide sightlines of approximately 25 metres to the centre of the road in both directions. The standard of visibility will be better than the main entrance to the property that has been accepted by the Highway Authority to access the approved development. Taking into account the light use of the road and that there will be ample room for vehicles to manoeuvre within the site, we consider that the proposal will not have any unacceptable impact on the local highway network.
25. An ecological appraisal is submitted with the application that confirms that, although hedgerow will need to be removed, the proposed amount of new hedgerow planting will deliver an overall ecological gain. A tree survey report that is included with the application also confirms that the proposal is sustainable from an arboricultural point of view.

Conclusion

26. For the reasons in this letter and the details shown on the enclosed drawings, the proposed development accords with the Development Plan and the Government's National Planning Policy Framework.

Yours faithfully



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Encs: Application for planning permission.