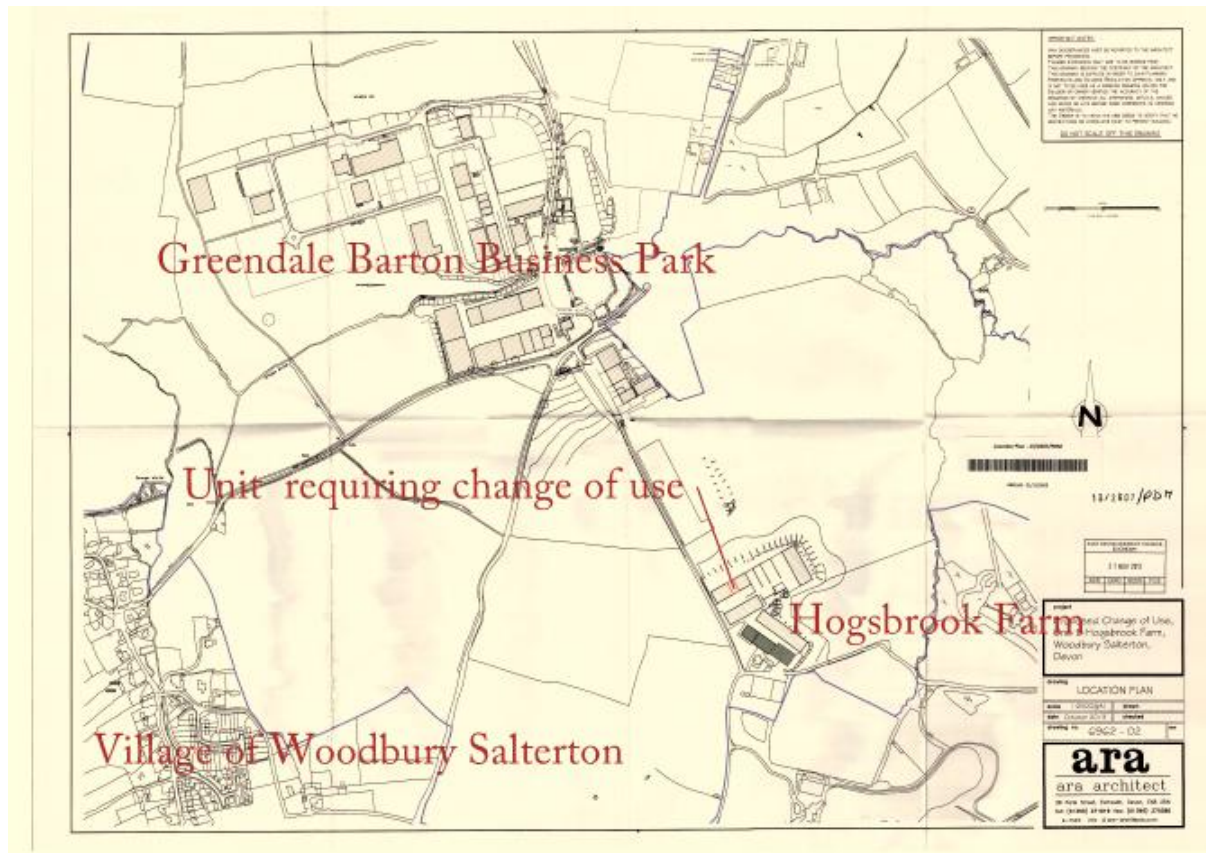


# Woodbury Salterton Residents Association

## Response on Planning Application 13/2607/PDM



### Unit 5 Hogsbrook Farm Woodbury Salterton Exeter EX5 1PY

Change of use from agricultural building to Class B1 (Business) and Class B8 (Storage and Distribution) covered by "Permitted Development Rights"

The committee of the Woodbury Salterton Residents Association has requested that as secretary of the Association I write to you regarding the above proposal.

The committee considers that this application should not be allowed. The reason for preventing the applicants from applying for a change of use from Agricultural use at Hogsbrook Farm is the precedent this may have over the whole Hogsbrook Farm complex.

The nearby Greendale Barton Business Park is a few hundred metres away consisting of large industrial complex on a site that was originally a farm, which through various planning applications and changes of use materialised into a business park. It is recognised that the business park is providing business premises, and therefore local employment, but there is ample further



This is the most recent Unit being built at Hogsbrook Farm

development within the complex for the future needs of the locality for the foreseeable future (Ref from EDDC emerging Local Plan).

The large developments at Hogsbrook Farm in the past 12 years have seen 7 large Cattle sheds and Storage Barns been built (and further units being built at present) to house the Farm's cattle rearing business. These developments have always been a concern to local residents. Not because of the claimed agricultural requirements stated by applicants but the fear that history will be repeated at Hogsbrook Farm and like Greendale Barton Farm transcend into a Business Park.

At every opportunity over the last 12 years residents have written whenever there has been a planning application, informing the planning authorities their fears, not only for the farm units being one day being converted to other uses, but also the concerns upon adverse effects on the close proximity of areas designated as Area of Outstanding Natural Beauty (AONB) Special area of Conservation (SAC) Special Site of Scientific Interest (SSSI) and Special Protection Area (SPA). However the importance of food production and the welfare of the cattle has been the predominant factor and planning permission has always been granted in favour of the "Agricultural need."

It should be noted that the local Authority has in the past insisted on many conditions to the planning applications. Examples are:

8/1082/MFUL (Cattle shed at right angles at the back of the yard.)

*"The Stock Building hereby permitted shall only be used for the housing of cattle unless otherwise agreed in writing by the Local Planning Authority".*

In 2005 a condition to 5/1091/MFUL for the Cattle shed opposite the unit requiring change of use stated:

*"If within a period of ten years following the implementation and completion of the stock building hereby approved its agricultural uses ceases the building and all associated paraphernalia shall be permanently removed from the site and the land returned to its state prior to building"*

In 2005 an application was refused for the building which is now the building in question.

*“Insufficient information has been submitted with the application to demonstrate that there is an agricultural need for this building in this location. Without sufficient justification, this results in the application being considered contrary to open countryside and landscape protection Policies ST5 (Development Strategy) of the Devon Structure Plan 2001 to 2016 and Policy S4(Countryside Protection) of the East Devon Local Plan Revised ....”*

*“The proposed development by reason of its size and positioning would appear overly prominent and harmful to the character and appearance of the open landscape and agricultural land. Views would be particularly prominent from the north and west. The application is therefore contrary to provisions with Policies CO6 (Quality of New Development) and C01 (Landscape character and Local Distinctiveness) of the Devon Structure Plan 2001 to 2016 and Policies S4 (Countryside Protection) and D1 (Design and Local Distinctiveness) of the emerging East Devon Local Plan Revised Deposit September 2003.”*

The Building was finally approved in Feb 2007 Application 06/2997/MFUL and the use was for “hay and straw storage”

A condition was attached (Item 2)

*“The building the subject of this application shall only be used for agricultural storage purposes and not for the keeping of any livestock. (Reason- the site lies adjacent to environmentally sensitive areas where addition livestock may cause further ammonia loading and would need to be assessed by means of an Environmental Impact Assessment)”*

On studying the many previous planning applications for Hogsbrook Farm it clearly shows that the site is considered controversial in its position and the uses the buildings may provide in the future.

The Association believe that there should be a clear differentiation between Greendale Barton Business Park, and it's Industrial, Commercial, Distribution facilities against the Agricultural requirements of Hogsbrook Farm. Therefore a change of use to Business and /or Distribution should not be permitted unless it can be shown a direct connection to the Agricultural needs of Hogsbrook Farm.

The new “Permitted Development Rights” legislation introduced by the government allows agricultural buildings to be changed to a number of different uses. These new provisions were introduced by Statutory Instrument 2013 (no. 1101) and came into force on 30<sup>th</sup> May 2013.

It should be noted that permitted development rights can be withdrawn by a condition on a planning permission. However all the present buildings at Hogsbrook Farm were built prior to this new regulation and therefore no conditions relating to a withdrawal of permitted development rights were ever considered.

It is understood that an “**Article 4 Direction**” can be imposed by East Devon District Council on all the current buildings at Hogsbrook Farm to safeguard the amenity of the area, to protect the countryside and areas of Outstanding Natural Beauty (AONB) Special area of Conservation (SAC) Special Site of Scientific Interest (SSSI) and Special Protection Area (SPA).

**The Association therefore suggests that an Article 4 Direction should be applied to the whole of Hogsbrook farm by East Devon District Council. Also if further**

**applications are forthcoming a condition should be applied withdrawing permitted development rights.**

It is the opinion of the WSRA committee that the interpretation of this new regulation by the developers is incorrect.

There is a clause within the regulation:

*Development is not permitted by Class M*

*The cumulative floor space of buildings which have changed use under Class M within an original agricultural unit exceeds 500 square metres.*

It should be noted that the stated ambition of the regulation was to try and help farmers with small redundant buildings.

The developers interpretation is an area of an agricultural building up to 500 square meters can be applied to Type M. If this was the case every farm building within the UK can be sectioned off into 500 square meter parts and legally change use without planning permission.

It is the understanding of the WSRA that the wording of the clause is misleading the “*cumulative floor space of buildings*” is meant to apply to a number of small agricultural buildings which a farmer can apply together for inclusion of part M to a maximum of 500 Square meters. Therefore if you take the plural out of the word “buildings”, the regulation becomes clearer.

*Development not permitted by Class M*

*The cumulative floor space of a building which has changed use under Class M within an original agricultural unit exceeds 500 square metres.*

**The Association therefore suggests that the request for permitted development rights should not be allowed to be applied to this 500 meter Square Unit which is within a much larger Agricultural Barn.**

In Conclusion the PDR changes that came into force on 30<sup>th</sup> May 2013 was to allow the change of use of small farm buildings in England without formal approval. It was not ever meant to apply to large recently built agricultural buildings.

G R Jung (Secretary of the Woodbury Salterton Residents Association)

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