7/01652/FULL Retention of widening of two existing farm gateways, one to include associated engineering works | Land At NGR 292670 101097 (Junction Of Hulk Lane & School Lane) And Land At NGR 292636 101462 (School Lane) Thorverton Devon

Mid Devon District Council,
Planning Department,
Phoenix House,
Tiverton EX16 6PP

Roger Cashmore
27 The Glebe,
Thorverton
EX5 5LS
20/11/2017

Ref: OBJECTION Planning Application **7/01652/FULL**
Atn: Ms Hannah Cameron Planning Officer

Dear Miss Cameron

Many thanks for spending the time on the phone when we briefly discussed the issues concerning the accuracy and history of this application. Pleased to understand that you have no objections to me writing to record the points discussed and that you intend to visit the site concerned.

Apart from the word **Retention** in the title of this application it may not be apparent that these hedgerows were **actually removed nearly a year ago**. These hedgerows are recorded on old tythe maps, are boundaries of the old Yellowford Manor and are therefore considered to be "important"[1i].

Understand that in this case a **FULL application** has been adopted as there are associated Highways enforcement issues involved on top off the concerns over illegal hedgerow removal.

Please use your current legal powers to ensure the following actions are achieved :-

a) **Reinstate** all the lost hedgerows back alongside lane.
b) **Replant** the new hedgerows with an approved density and mix of plants approved by Natural England
c) **Reinstate** highways and field drains infrastructure structure also destroyed at the time of removal, to include grips, drains, the grips, drains and gullies destroyed at the time of removal, to the standard set and approved by DCC Highways engineering **prior** to commencement of any works.
d) **Install** two new drainage Headwalls
e) **Remove** from this application all reference to concrete area marked in red on the Bock Plan. If DCC highways confirm in writing that an apron is in fact required to site drainage headwalls, then please ensure that these are **located only at the current drainage gully locations, situated either side of the original fifteen foot gatepost only.** Please ensure all plans are updated if considered appropriate.
f) **Complete ALL** hedge and roadworks within a reasonable timeframe agreed with the landowner (As this is retrospective, not to exceed the time since illegal removal.)
g) Once all works completed, add the hedgerow to the appropriate "Important" hedgerow register, thereby guaranteeing protected status for a further 30 years.

[1] See copy email endnote from : Cressida Whitton Historic Environment Land Management Devon County Council, 01392 383464; cressida.whitton@devon.gov.uk

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I object to this application on the following material grounds:-

1. The applicant has **already** removed at least **11 metres** of hedgerow at Yellowford alone. This application now calls for the removal of a total **19.3 metres**. Therefore, if this application were to be approved, a **further 8.3 metres of hedge would be unnecessarily destroyed**.
2. **Unapproved Removal of Oak Tree** The applicant and his agent have chosen not to advise that if the removal of 19.3 meter of hedgerow called for in this application **is** approved, it will also **mean removing an oak tree** located in the hedgerow area designated for removal.
3. At the time of their removal over a year ago the applicant also wantonly destroyed a number of field and highways drains, **this has caused a permanent flood across the road that will also become a road safety hazard in the winter**. We were advised that DCC Highways (I Sorenson) does not have enforcement powers and therefore has been attempting to get the applicant to effect these road repairs through the services of the MDDC planning process. Unfortunately this has taken a considerable amount of time and I note with regret that this latest attempt now also appears to contain a number of inconsistencies. **For context only, t**he diagram to the left shows only a partial history of past applications since the parcel of land was purchased in 2013) Because of this high volume of activity one may easily come to a conclusion that there may be little or no intention of reinstating these hedgerows?

4. The re instatement works originally called for by highways late 2016 included the re instatement of some drainage grips, reconnection and clearing of existing gulleys and the construction of two new headways to guide surface water **under** the highway.

   A glance at the block plan attached to this application now shows the inclusion of a large concreted area (drawn in red) that has **nothing to do with the re instatement of hedgerows**. Section 3 of the application states *"Ian Sorensen has supplied annotated drawings showing the works advised upon by highways and this has been replicated in a detailed block plan submitted with the application*.). To the best of my knowledge the original hand drawn annotated notes drawn up and submitted to MDDC by I Sorenson and S. Tucker of DCC highways did **not** include such a large area of concrete and this is borne out by the fact that according to the submitted block plan **one of the new drainage headwalls required is now shown as being buried under this large concrete apron.**

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This simple error demonstrates a fundamental basic negligence on behalf of the applicant and his agent and could easily be construed to be an attempt to **mislead** the planning process into believing this large amount of concrete as being specified by highways.

I understand from the 1997 hedgerow regulations that *"It is a criminal offence to remove an important hedgerow without permission. In these circumstances, if the landowner is found guilty by a magistrate's court, they could be fined up to £5,000. If tried in a Crown Court, then the fine is unlimited. The landowner may also be required to plant a replacement hedgerow and the local authority has legal powers to ensure this happens. The replacement hedgerow is automatically considered important for 30 years after it has been planted."*

Sample photos of destruction area – there is more photographic evidence available on request

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[i] **Ref. Email 01/12/2016 from Devon County Council to Mid Devon District Council** (highlights my own)

From: Cressida Whitton <cressida.whitton@devon.gov.uk>
Date: 1 December 2016 15:52:05 GMT
To: "clynch@middevon.gov.uk"
Subject: Hedgerow removal
Dear Mrs Lynch,

I have been given your email by a colleague at Mid Devon District Council, and wish to express concern that a hedge marked on the Thorverton Parish Tithe Map (*c.* 1840's), may be being removed without HRN approval. I have been contacted this morning about the hedge removal by Mrs J Greed of Fortescue Farm, Thorverton, a local resident (copied in). The purpose of hedge removal may be to widen access to a development site, which has received planning consent for an agricultural building under Prior Notification (Planning ref **Land at NGR 292670 101097 (Formerly Part of Yellowford Farm) School Lane Thorverton Devon Ref. No: 15/00720/PNAG**

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Having looked at the details of this planning consent online, I did not see any mention of widening the access to the site by removing hedgebanks and the agent's planning statement appeared to suggest that only existing access would be used. It may be that I have missed a detail and that the additional hedgerow removal to widen access is part of the planning consent, however, I would be grateful if you could check the status of the hedge and whether there is planning permission for its removal as part of the above consent, or whether the landowner should have applied separately for HRN approval under the 1997 Hedgerow Act. I am not aware of having received any HRN consultation for this site from MDDC (or for a second site nearby (opposite Rose Park Cottage) where it is reported that a second section of hedgebank has been removed).

From a historic environment point of view, the form of the hedge and it's depiction on the Parish Tithe Map indicate that it is likely to be medieval in origin and of historic importance. I understand from Mrs Greed that the Devon Heritage Centre (part of the SW Heritage Trust) may have earlier mapped records of the hedge dating to AD 1700, which perhaps could be checked as part of an HRN application (retrospective or otherwise). I have spoken this afternoon with your colleague Joanne Cavil (Enforcement Officer) who I understand is dealing with other aspects of the case.

All the best
Cressida Whitton

Ms Cressida Whitton MA MSc MCIFA
Historic Environment Officer

Historic Environment Team
Devon County Council
AB3, Lucombe House
County Hall
Topsham Road
Exeter,
EX2 4QD 01392 383464