

PLANNING APPLICATION REPORT

Case Officer: Amy Sanders

Parish: East Allington **Ward:** Allington and Strete

Application No: 0050/22/FUL

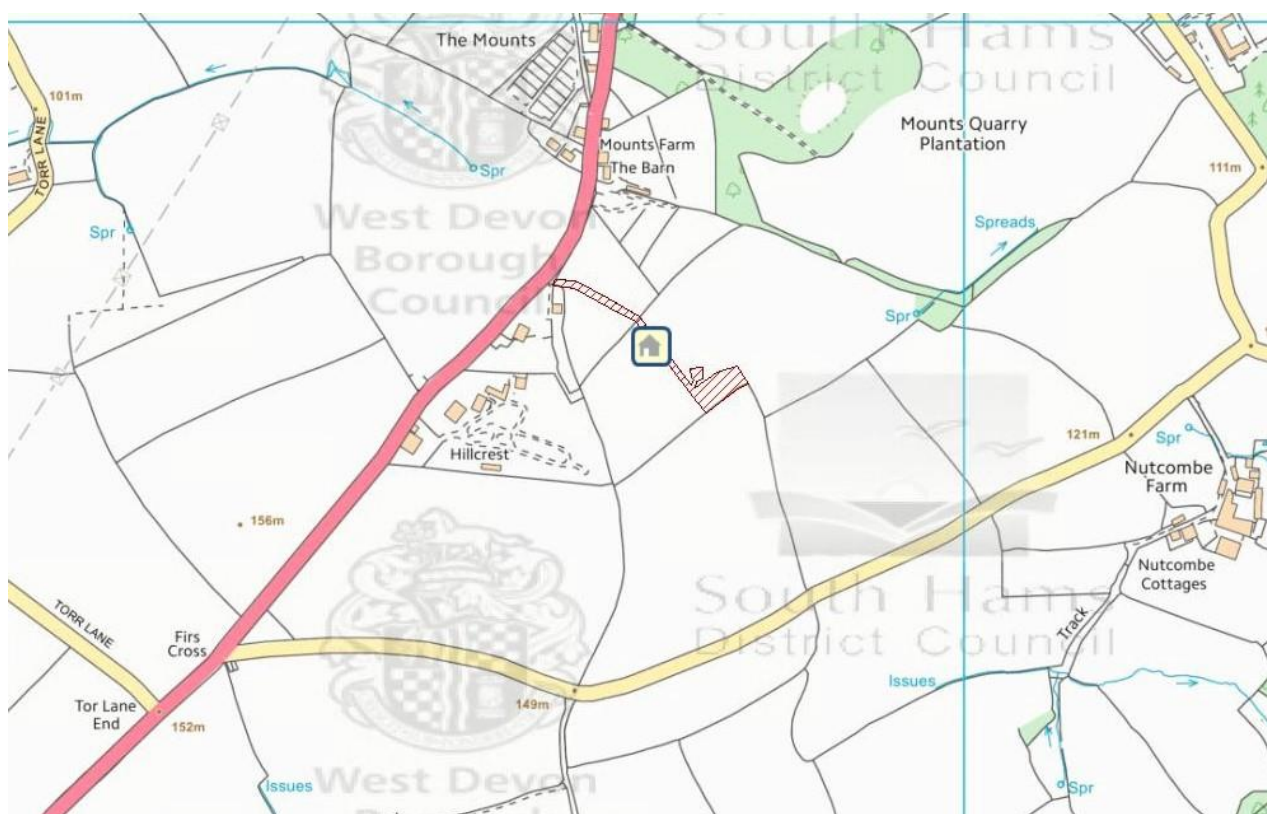
Agent/Applicant:

Mrs Amanda Burden - Luscombe Maye
59 Fore Street
Totnes
TQ9 5NJ

Applicant:

Messrs NC and KE Lethbridge
C/O Agent
TQ9 5NJ

Site Address: Land At The Mounts, East Allington, Totnes, TQ9 7QE



Development: Provision of temporary agricultural dwelling (mobile home) for 3 years

Reason item is being put before Committee:

Applicant is a relative of Cllr Reeve

Recommendation:

Conditional Approval

Conditions:

1. 3 year time limit for commencement
2. Accordance with approved plans
3. Removal of temporary dwelling within three years

4. Occupation restricted to agricultural worker
5. Unsuspected contamination
6. Foul water drainage
7. Surface water drainage
8. No external lighting
9. Prior to above level works, details of hard and soft landscaping, and a hedgerow cross section to be provided and approved by the LPA.

Key issues for consideration:

Principle of Development/Sustainability (including the agricultural need)
Design/Landscape
Neighbour Amenity
Highways/Access
Drainage/ Flood Risk
Ecology/Biodiversity

Site Description:

The application site is part of an existing agricultural holding of 127 acres of pasture and arable land. It is located within a rural area surrounded by agricultural land. The site is located to the west of East Allington, and is accessed from the A381.

There are two agricultural buildings located at the site, and the site is accessed via an existing track which leads from the A381.

The area is outside of the AONB.

The site is within an SSSI Risk Zone however the scale of this proposal does not require further HRA assessment.

The Proposal:

This application seeks consent for a temporary agricultural worker's dwelling for a 3-year period to serve this newly established agricultural holding which is the base for the Applicants' beef and sheep enterprise.

The proposed mobile home will comprise a structure of 15m x 6m and will be a timber-clad lodge-style mobile home. The internal ceiling height will be a maximum of 3 metres.

The proposed mobile home is to be sited immediately to the north east of the farm buildings, with direct access off the established farm access road that leads from the A381/Council highway to the site.

The proposed temporary agricultural worker's dwelling will be occupied by the Applicants who are a husband-and-wife partnership running their livestock enterprise. It is confirmed that the temporary agricultural worker's dwelling will be subject to an agricultural occupancy condition which the Applicants fully accord with.

Consultations:

- County Highways Authority: No highway implications.
- Town/Parish Council: No comment received.
 - Agricultural Consultant: Support

'I am satisfied all the necessary criteria in the relevant local and national planning policy are met for me to support this application.'

- Ecologist at DCC: No objection subject to conditions

'In line with the South Hams SAC Habitats Regulations Assessment Guidance document (DCC et al., 2019), and given the above, there is unlikely to be a likely significant effect on the South Hams SAC. Appropriate Assessment is not deemed to be required.'

Recommended Condition: No external lighting shall be installed at any time at the application site without the written permission of the Local Planning Authority.'

Representations:

Representations from Residents

2 letters of support have been received and cover the following points:

- The proposed mobile home on a newly established farmstead is essential when looking after animals
- The welfare of the animals and success of the farming enterprise requires regular checks
- Living within sight and sound of the animals is important.

Relevant Planning History

Planning Application Ref: 3334/19/AGR

Description: Prior notification for surfacing of an agricultural track

Address: Land at The Mounts East Allington TQ9 7QJ

Decision Date: 06 November 2019

Ag Determination details not required

Planning Application Ref: 0360/20/AGR

Description: Prior notification for proposed agricultural storage barn

Address: Land At SX 757 486 The Mounts East Allington Totnes TQ9 7QJ

Decision Date: 16 March 2020

Ag Determination details not required

Planning Application Ref: 1663/21/FUL

Description: Provision of agricultural livestock building

Address: Land at The Mounts East Allington

Decision Date: 15 October 2021

Conditional Approval

ANALYSIS

Principle of Development/Sustainability:

The application site is located within an unsustainable location within the open countryside where there are strict policies and guidance regarding the provision of new development in the interests of sustainability and maintaining the rural character and appearance of the countryside. Planning policies seek to strictly control development in the countryside, including Policies TTV1, TTV2 and TTV26 of the Plymouth and South West Devon Joint Local Plan (JLP). The spatial strategies of the JLP, Policies SPT1 and SPT2, set out that sustainable development is at the heart of the Local Plan.

One exception to the general presumption against allowing new housing in the countryside is if there is an essential need for a rural worker to live permanently at or near their place of work in the countryside such as an agricultural worker who needs to be near their holding. As Planning Policy TTV26 reads:

'Isolated development in the countryside will be avoided and only permitted in exceptional circumstances, such as where it would:

i. Meet an essential need for a rural worker to live permanently at or near their place of work in the countryside and maintain that role for the development in perpetuity.'

To support their submission the agent has prepared a comprehensive statement setting out the case as to why they consider there is an essential need to live on site. The Council's Agricultural Advisor has reviewed this information and has visited the site to consider the agricultural enterprise operating from the site.

The supporting statement with the application reads:

'The farm business is based on the farm holding comprising 115 acres of pasture which provides the grazing ground and silage/hay ground to serve this livestock enterprise. Of the 115 acres farmed, the Applicants own 12 acres where the buildings are located and rent the remaining 102 acres on a Farm Business Tenancy. This Farm Business Tenancy started in 2009 with a 5-year FBT and has rolled on after that.

The enterprise is a beef and sheep enterprise with 300 mule and Suffolk cross ewes which lamb between February and April each year.

The ewes are lambed indoors and then the lambs are fattened on the grass and sold from the holding as finished lambs, mainly through Exeter Market.

The Applicants also compliment the sheep enterprise with a calf-rearing enterprise where they buy 35-40 calves every autumn, fatten them on the holding and then sell them either as strong stores or finished, again through Exeter Market.

The Applicants, NC & KE Lethbridge, have been building up their business on rented land and lambing their sheep in a building owned by another family member, but have now established their own farmstead on land at The Mounts. The Applicants initially erected an agricultural storage building, approved under 0360/20/AGR in 2020, and erected a second building, an agricultural livestock building, in the autumn of 2021 following planning consent reference 1663/21/FUL'.

There are no other existing residential dwellinghouses or buildings for conversion available at the site which could be used to support the business.

The Independent Agricultural Consultant has assessed the need for a new temporary dwelling at the site. The response is as follows:

A. Functional Test:

'Having considered the proposals of the applicants with the number and type of animals involved, I am satisfied there is a need for a worker to be available at the site to properly manage the business. I therefore consider there is a functional need.'

B. Financial Test:

'I have been provided with some previous accounts as well as some forecast financial proposals and I am satisfied that clear evidence has been produced to indicate a firm intention and ability to develop the enterprises concerned.'

(ii) Has the proposed enterprise been planned on a sound financial basis?

Yes.

(iii) Is the proposed siting related to the functional need of the enterprise and other buildings?

Yes.'

Based on the comments of the Agricultural Consultant, Officers are satisfied that there is a functional need for a full time worker to be present at the farm most times of the day and night for the proper functioning of the enterprise and that this need can only be met on site. The applicants have demonstrated clear evidence of an intention and ability to develop the enterprise concerned and that it has been planned on a clear financial basis.

With regard to the location, the mobile home is to be sited to meet the functional need being located adjacent to the existing agricultural buildings which is considered the most appropriate location for the mobile home. The existing access and track ensures that additional tracks would not be required to access the temporary dwelling.

Design, Appearance and Landscape

The proposal is for a modest designed mobile home, which will sit at a height of 3.5 metres. Landscaping is proposed in the form of a hedgerow to border the mobile home, to the north and east. Once established these hedgerows will act as a screen of the mobile home.

Policy Dev 23 requires that: 'Development will conserve and enhance landscape, townscape and seascape character and scenic and visual quality, avoiding significant and adverse landscape or visual impacts'.

A site visit was conducted to assess wider landscape impacts and the Agent has provided further supporting information of a Landscape Assessment. The site is not located within a designated landscape. The topography of the site is level where the proposed mobile home will be situated. The location of the mobile home will be at the top of the hill side, with the land levels rising from the highway to the proposed mobile home, or from north to south. In this way, the proposed mobile home is not clearly visible from views from the south, as there is the well-established hedgerow to the rear of the mobile home. The site is not visible from the highway owing to the land levels and sloping nature of the site. The Agent has shown that the proposed mobile home will not be greatly visible from wider viewpoints of the site.

The proposal will not result in the loss of important characteristics of the landscape area. The site is located within Landscape Character Type 5a. Inland Elevated Undulating Land. The

landscape character of this area includes: *'Elevated undulating farmland which is generally open and treeless with little built development. Some areas extend towards the south coast and are influenced by coastal exposure and sea views'*

Some of the key characteristics of this landscape type includes:

'Sparsely settled with high levels of tranquillity, largely undeveloped with isolated farms and houses away from ridgelines and nestled in dips often with shelterbelts.

The remote and 'empty' character, sparsely settled with high levels of tranquillity and experience of dark skies.

Open, windswept, largely unwooded, landscape with hilltop tree clumps, plus pine and beech roadside trees providing locally distinctive landmarks.

The mosaic of arable and pasture fields with pastures grazed by distinctive Devon Red and South Devon cattle.

Field are bounded by low but mature wide hedgerows or Devon hedges with a few stunted hedgerow trees in exposed locations, particularly near the coast. These contrast with taller Devon hedges topped by hedgerow trees, including locally distinctive pine and beech on more protected slopes'

The proposal is not considered to cause harm to the protected characteristics of the landscape area for the following reasons:

The proposal relates to an established farming enterprise so will not be adding an incongruous building to an undeveloped setting, nor adding built form into a tranquil setting.

The proposal will not impact key skylines or viewpoints within this landscape.

The proposal will maintain the mosaic of arable and pasture fields distinct to this area.

The proposal will be bordered by a Devon hedge bank.

As the proposed mobile home is being accepted on a temporary basis it is also recommended that a condition be imposed to ensure its removal and the restoration of the site to its former condition following the end of the 3 year period of consent.

With these conditions in place it is considered that a mobile home can be accommodated on this site without having an adverse impact on landscape character.

In light of the above considerations, the proposal is considered to be acceptable in design and landscape terms and comply with Policy Dev 20 and Dev 23.

Neighbour Amenity:

Given the location of the proposed mobile home, its scale and its location away from residential properties it is concluded that a mobile home being positioned in the proposed location would not adversely impact the residential amenity of neighbouring properties.

Highways Considerations:

The proposed temporary dwelling is to be accessed via the existing entrance that leads onto the Council highway and therefore no new access is required.

The Highways Officer has provided the consultation response that there are no highway implications.

Drainage/ Flood Risk:

The site is within what is deemed a low risk area (outside Flood zones 2&3, outside Critical Drainage Area and with ample land for provision of drainage) and therefore the principle of development does not raise any objections. The application form and drainage plan notes that a soakaway would be provided to deal with surface water disposal and a package treatment plant would be proposed to deal with foul.

The application is supported with a Foul Drainage Assessment which shows that there is no mains sewer to connect to nearby. The treatment plant will be more than 7 metres from the mobile home, and it can be emptied without needing to go through the dwelling, and can be accessed via vehicle.

Conditions are recommended to ensure that these are provided prior to first occupation of the mobile home and that the soakaway comply with the requirements of BRE Digest 365.

Ecology/Biodiversity:

JLP Policy DEV26 (Protecting and enhancing Biodiversity and geological conservation) states:

'Development likely to have a harmful impact on locally designated sites, their features or their function as part of the ecological network, will only be permitted where the need and benefits of the development clearly outweigh the loss and where the coherence of the local ecological network is maintained'.

Whilst, an ecological report has not been submitted with this application the proposal would be sited on an area of land which is considered to have little ecological value and therefore it is not considered that survey effort is required in this case and it is concluded that the agricultural workers dwelling can be installed without harm being caused to local biodiversity. The Ecologist at DCC has provided a consultation comment, and requested that a condition be added to any permission, restricting the external lighting, to protect protected species using the proposed hedge bank.

Other Matters

Given the temporary nature of the dwelling, it is not considered that the full requirements of Policy Dev 32 are required to combat climate change and for energy efficiency measures.

Conclusion

The application has been supported with an agricultural assessment which identifies a need for the agricultural workers dwelling. The Agricultural Consultant is content there is a need for a temporary mobile home at this site to support the agricultural enterprise. As such, the countryside location is considered acceptable, to serve the farming business. On balance, the proposal is considered to be a modest addition to the countryside setting, with appropriate planting to act as an effective screen. Officers support the application.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004.

Planning Policy

Relevant policy framework

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of March 26th 2019, the Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts of South Hams and West Devon within Dartmoor National Park).

On 26 March 2019 of the Plymouth & South West Devon Joint Local Plan was adopted by all three of the component authorities. Following adoption, the three authorities jointly notified the Ministry of Housing, Communities and Local Government (MHCLG)* of their choice to monitor the Housing Requirement at the whole plan level. This is for the purposes of the Housing Delivery Test (HDT) and the 5 Year Housing Land Supply assessment. A letter from MHCLG to the Authorities was received on 13 May 2019 confirming the change.

On 13th January 2021 MHCLG published the HDT 2020 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 144% and the consequences are "None".

Therefore a 5% buffer is applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 5.8 years at end March 2021 (the 2021 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2021 (published 12th November 2021).

[*now known as Department for Levelling Up, Housing and Communities]

The relevant development plan policies are set out below:

The Plymouth & South West Devon Joint Local Plan was adopted by South Hams District Council on March 21st 2019 and West Devon Borough Council on March 26th 2019.

SPT1 Delivering sustainable development

SPT2 Sustainable linked neighbourhoods and sustainable rural communities

SPT9 Strategic principles for transport planning and strategy

SPT12 Strategic approach to the natural environment

TTV1 Prioritising growth through a hierarchy of sustainable settlements

TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area

TTV26 Development in the Countryside

DEV1 Protecting health and amenity

DEV2 Air, water, soil, noise, land and light

DEV15 Supporting the rural economy

DEV20 Place shaping and the quality of the built environment

DEV23 Landscape character

DEV26 Protecting and enhancing biodiversity and geological conservation

DEV28 Trees, woodlands and hedgerows

DEV29 Specific provisions relating to transport

DEV31 Waste management

DEV32 Delivering low carbon development

Other material considerations include the policies of the National Planning Policy Framework (NPPF) including but not limited to paragraphs 80, 84, and 85 and guidance in Planning Practice Guidance (PPG).

Considerations under Human Rights Act 1998 and Equalities Act 2010

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.

List of Planning Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: To comply with Section 91 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall in all respects accord strictly with drawing number(s):

Site Location Plan;

Proposed Mobile Home;

And received by the Local Planning Authority on 11th February 2022.

Reason: To ensure that the proposed development is carried out in accordance with the drawings forming part of the application to which this approval relates.

3. The mobile home hereby permitted shall be removed and the land restored to its former condition to the reasonable satisfaction of the Local Planning Authority on or before 3 years after the date of this decision notice.

Reason: Permission is only granted having regard to the special circumstances of the case for a temporary period as applied for and the development proposed is in an area where there is a presumption against new development except where an agricultural or horticultural need has been established.

4. The occupation of the mobile home unit of accommodation hereby permitted shall be limited to a person solely or mainly working, or last working, in the locality in agriculture as defined in Section 336 of the Town and Country Planning Act, 1990, or a widow or widower of such a person, and to any resident dependents of any such person, residing with them.

Reason: To ensure that the mobile home is occupied by persons connected with agriculture, as the site is located in an area where there is a presumption against new development except where an agricultural need has been established.

5. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an investigation and risk assessment and, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with.

Following completion of measures identified in the approved remediation strategy and verification plan and prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and

the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority.

Reason: No site investigation can completely characterise a site. This condition is required to ensure that any unexpected contamination that is uncovered during remediation or other site works is dealt with appropriately.

6. Foul water drainage shall be provided as indicated on the application form by means of package treatment plant on land within the applicants' ownership prior to first occupation of the temporary agricultural workers dwelling hereby approved, unless an alternative means of foul water drainage is submitted to and agreed in writing by the Local Planning Authority prior to installation. Once installed the drainage scheme shall be maintained and retained for the life of the development.

Reason: To ensure a satisfactory and sustainable foul water drainage system is provided to serve the development.

7. Surface water drainage shall be provided as indicated on the application form by means of soakaway(s) on land within the applicants' ownership prior to first occupation of the temporary agricultural workers dwelling hereby approved. The soakaway(s) shall comply with the requirements of BRE Digest 365 unless an alternative means of surface water drainage is submitted to and approved in writing by the Local Planning Authority prior to installation. Once installed the drainage scheme shall be maintained and retained for the life of the development.

Reason: To ensure a satisfactory and sustainable surface water drainage system is provided to serve the development.

8. No external lighting shall be installed at the site without obtaining permission from the Local Planning Authority.

Reason: In the interest of biodiversity

9. Prior to above level works on site, a Landscape Plan shall be submitted to and agreed in writing with the Planning Authority. The Landscape Plan shall relate to all land within the applicant's ownership, as identified by the red line on the approved location plan. The Landscape Plan shall relate to the Landscape scheme, and provide details of the hard and soft landscaping details, and provide a cross section of the proposed Devon hedgebank.

Reason: To ensure the proposal complies with Policy Dev 23 of the Joint Local Plan, and to assess the further details to ensure the proposal conserves and enhances the landscape character area.