

PLANNING APPLICATION REPORT

Case Officer: Bryony Hanlon

Parish: East Portlemouth **Ward:** Stokenham

Application No: 4234/22/ARM

Agent:

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

Applicant:

Mr And Mrs S Tucker & Mr J F Tucker
West Prawle Farm
East Portlemouth
TQ8 8PW

Site Address: West Prawle Farm, East Portlemouth, TQ8 8PW



Development: Application for approval of reserved matters following outline approval 1067/20/OPA for provision of an agricultural workers dwelling.

Recommendation: Refusal

Reasons for refusal:

1. It has not been demonstrated that there is a functional need on the farm holding for a dwelling of the scale proposed, thus rendering the dwelling unaffordable for a rural worker in perpetuity, contrary to the provisions of SPT1, SPT2, TTV1, TTV2 and TTV26.

2. The proposal would read as an incongruous addition to the landscape to the detriment of local landscape character and tranquillity, thereby failing to conserve and enhance the landscape and scenic beauty of this part of the South Devon Area of Outstanding Natural Beauty, contrary to the provisions of DEV20 (2, 4, 5), DEV21, DEV23 (1, 2, 3, 4, 6, 7), DEV24 (3, 5), DEV25 (2, 3, 8) and paragraphs including but not limited to 130, 134, 176 and 178 of the NPPF.

Reason for call in: Cllr Brazil wishes the Committee to consider the scale of the dwelling.

Key issues for consideration:

Design, scale and massing, impact on South Devon Area of Outstanding Natural Beauty, the Heritage Coast and the Undeveloped Coast, low carbon, drainage.

Site Description:

The site lies within the open countryside of South Devon Area of Outstanding Natural Beauty, the Heritage Coast and the JLP Undeveloped Coast policy area. The site is c. 2.2km south east of East Portlemouth and c. 1.6km north west of East Prawle. The site is accessed via an unmetalled track approximately 0.25km long, leading from the public highway to the north, which runs from East Portlemouth to East Prawle. The track leads into an unmetalled yard that serves the existing farm building; there are a series of drainage ponds to the south west of the site and a mast c. 0.2km south east of the site. The South West Coast Path runs along the coast c. 0.80km south of the site.

The Proposal:

The applicant has outline approval for an agricultural worker's dwelling under 1067/20/OPA; the application is to obtain approval for the reserved matters. The application seeks approval for a two storey, reverse living, detached dwelling with detached single storey garage, along with driveway, off-road parking and turning and a garden to the rear. The dwelling measures a maximum of 16.2m by 9.8m excluding the first floor deck; the floor area measures approximately 277m² in total, with c. 26m² dedicated to the porch and farm office at ground floor level. The dwelling is faced with local stone and finished with a pitched, slate roof; there is a first floor deck across the full length of the west elevation, with full height glazed doors at both ground and first floor. The dwelling includes a porch, leading to an office, with three bedrooms (two en-suite) and a family bathroom at ground level, with a kitchen diner, tv room, en-suite guest bedroom and further cloakroom at first floor level. The first floor deck is accessed via steps leading up from the parking area or from the kitchen diner. The detached garage is of simple rectangular form with a slate roof; there are solar pv panels on the south elevation. The garage hosts the plant room for the battery and air source heat pump equipment. The garage is fitted with two single garage doors on the west elevation and measures 7m x 10m.

Consultations:

- DCC Highways Authority No highways implication
- SHDC Environmental Health Section No objection
- Parish Council No comments to make

Representations:

Representations from Residents

Eight letters of support have been received and includes the following points:

- As a close neighbour of John and Sophie I fully support this application for their home. John and his family are an integral part of the community in this sparsely populated area. The house looks very much in keeping and suitable for their growing family and for looking after the farm.
- (This is my personal opinion and is not representative of my position as a parish councillor).
- This plan enables the continued farming of a family farm by a committed and active family through the provision of housing in an area that has a pitiful supply of affordable housing.

- The character of the house - local stone / natural slate tiles - will be in keeping with the overall aesthetic of other properties in the area. I wholly support this application.
- It is wonderful to see a young local farming family making their own home in the area. The plans proposed are sympathetic to the beautiful natural surroundings and will further enhance the local community. We fully support this application.
- A continuity of land management is important. The land in question has been managed by the same family for many years. I for one fully support this application.
- This property will improve the existing site. The materials being locally sourced makes for a more sympathetic and natural look. The continued custodianship of a local farm by the same family is something to be encouraged at a time when corporations are buying up huge swathes of British farmland.
- John and his growing family are wonderful neighbours. We fully support their application to help them move into a much needed new home.
- The use of local stone to clad the walls and natural slate for roofs will create a house with a robust and Prawnian character.
- I am familiar with the setting of this proposed house and feel that the character, style and positioning of the new building is sympathetic and appropriate. I believe that it could enhance the existing site buildings. The provisions set out for natural landscaping are well conceived.
- Facilitating provision of homes for local families to maintain the landscape and heritage of a rural community is an important aim for local planners.

Relevant Planning History

Planning Application Reference	Description	Site Address	Decision
1067/20/OPA	Outline application with all matters reserved for provision of an agricultural workers dwelling	West Prawle Farm East Portlemouth TQ8 8PW	Conditional approval: 20 Nov 20
0981/22/FUL	Provision of an agricultural tied 4 bedroomed house	West Prawle Farm East Portlemouth TQ8 8PW	Withdrawn

ANALYSIS

Principle of Development/Sustainability

The principle of an agricultural worker's dwelling has been established under 1067/20/OPA, with all matters reserved. The dwelling is subject to an agricultural worker's tie as the development is in an area where there is a presumption against new development except where an agricultural or horticultural need has been established. It is noted that there is local support for the proposal.

The dwelling however, is considered to be of a size and scale that is excessively large in relation to the nature of the operations on site. Whilst there is no size threshold specified in local or national policy previously this LPA consider proposals up to 175m² of residential accommodation to be the normal size for a functional agricultural worker dwelling and have discouraged proposals that exceed this unless there is a convincing business justification for a larger unit. In this case, the dwelling would provide 277m² of space, with a further 70m² within the detached garage.

It is unclear what essential need exists for a dwelling of the size proposed other than the personal preference of the applicant. As a property of the size and scale proposed is unlikely to be affordable for the average agricultural worker, the development is not considered to realistically secure the use as a rural workers' unit in perpetuity.

Officers are mindful that the applicant is a partner in the farm business. However local and national planning policy give no reference to the size differential between an owner-occupier and that of an employed agricultural worker. The essential needs in this instance is for a worker to be present on site

to care for animals at all times rather than serving as an administrative base or extended accommodation for personal use.

It is noted that the old PPS7 Annex A is still used today as guidance by the Planning Inspectorate which states:

“Agricultural dwellings should be of a size commensurate with the established functional requirement. Dwellings that are unusually large in relation to the agricultural needs of the unit, or unusually expensive to construct in relation to the income it can sustain in the long terms, should not be permitted. It is the requirements of the enterprise, rather than those of the owner or occupier, that are relevant in determining the size of the dwelling that is appropriate to a particular holding.”

It has not been demonstrated that the onsite operations would justify a functional need for a larger dwelling and consequently Officers are not assured that the dwelling would remain affordable as a rural workers' unit in perpetuity. On this basis the proposal is contrary to policy TTV26 and also fails to accord with the principles of rural sustainability contained in policies SPT1, SPT2, TTV1 and TTV2.

Design/Landscape

Policy DEV20 requires developments to achieve high standards of design that contribute to townscape and landscape by protecting and improving the quality of the built environment. Policy DEV23 seeks to conserve and enhance the landscape and scenic and visual quality of development, avoiding significant and adverse landscape or visual impacts. Proposals should be located and designed to respect scenic quality and maintain an area's distinctive sense of place and reinforce local distinctiveness. DEV23 also requires a high architectural and landscape design quality appropriate to its landscape context.

The site is within the South Devon AONB, the Heritage Coast and the JLP Undeveloped Coast. The site falls within the “Open Coastal Plateaux” character type, with an uninterrupted view to the south west out to sea across the “Coastal slopes and combes” character area. The open coastal plateaux are characterised by “the seemingly remote, windswept character of the high open plateau, sparsely settled with high levels of tranquillity and in places, where the undulating topography limits light pollution from nearby major conurbations, dark night skies can be experienced” and it is recognised that the character has been “weakened by non-vernacular buildings” (p.24, LUC, 2017). The coastal slopes and combes share similar characteristics in terms of their remote and undisturbed character, with guidance for future development designed to “protect the combes' characteristic sense of seclusion and remoteness, ensuring limited new development is contained within existing settlement limits and any new farm buildings are integrated into their landscape setting (e.g. through woodland planting)” (P.87, LUC, 2017).

The highest degree of protection is afforded to the unique and protected landscapes of the South Devon AONB and the Undeveloped Coast through policies DEV24 and DEV25. These policies require the LPA to safeguard against potentially damaging or inappropriate development either within the protected landscape or its setting and to ensure that development protects, maintains and enhances the unique landscape and special qualities of the area. These aims are echoed in NPPF paragraph 130 which requires development to be sympathetic to the landscape setting and paragraph 176 which gives great weight to conserving and enhancing landscape and scenic beauty in AONB.

Officers note that the applicant has incorporated natural slate and stone, in order to try and integrate the development with the local development in the wider area. Officers are also mindful that the development occupies a natural hollow in the land; while the applicant has tried to set the dwelling down relative to the surrounding levels, this has been undermined by the two storey design, with extensive glazing and balcony at first floor level. This part of the design is likely to give rise to additional light pollution in an area where tranquillity is high and dark skies form an important component of the AONB's special qualities. The dwelling does not comprise a locally distinctive design or one that would protect or enhance the rural character but would introduce an incongruous addition to the detriment of local landscape character, tranquillity and the dark skies of the South Devon AONB. The proposal is therefore considered contrary to the provisions of DEV20 (2, 4, 5), DEV21, DEV23 (1, 2, 3, 4, 6, 7), DEV24 (3, 5), DEV25 (2, 3, 8) and paragraphs including but not limited to 130, 134, 176 and 178 of the NPPF.

Highways/Access

The site is served by an existing vehicular access; this comprises c. 0.25km of unmetalled track leading from the public highway to the application site. Officers note that the DCC Highways Engineer has no objections to the proposal and Officers are satisfied that the access, provision of turning and off-road parking spaces are adequate to serve a single agricultural worker's dwelling. The proposed garage has been considered against the provisions of the SPD and fails to comply with the internal dimensions required for a garage (6.5m x 3.5m). However, the proposal is c. 0.4m narrower than the SPD requires, which Officers do not consider would result in a significant detrimental impact to highways safety and this does not justify a refusal. Officers note that the garage does include provision for the plant room and some storage but are mindful that the floorspace is equivalent to a two bedroomed dwelling and have reservations as to the need for such a large building.

Were the development otherwise acceptable, Officers would have imposed a condition to ensure that the garage was used only for purposes incidental to the main dwellinghouse and not as a separate unit of accommodation, as the establishment of an additional unrestricted unit of accommodation would not be supported in this countryside location and would have a poor spatial relationship with the main dwelling. Officers are also mindful of the proximity of the sea and given the impact of the marine environment on vehicles, Officers would also require that the garage was kept available for the storage of motor vehicles to prevent a proliferation of further garages within this countryside setting.

Low Carbon

Condition 8 of the Outline consent requires details of how the development would meet the objectives of JLP Policy DEV32 to be submitted and agreed, and thereafter implemented and maintained in perpetuity. The applicant has included solar panels within the scheme; to be sited on the roof of the garage, which is considered acceptable in principle. The applicant has provided a report setting out the measures that have been incorporated into the design of the building in order to minimise energy usage; these also include the installation of an EV charging point and an air source heat pump. Were Reserved Matters approval to be given, condition 8 of the Outline consent would still need to be formally discharged separately.

Drainage

Condition 4 of the Outline consent requires details of the surface water management scheme to be submitted and approved (and thereafter implemented and maintained as approved). Condition 5 of the Outline consent requires details of the method of foul drainage disposal to be submitted and approved (and thereafter implemented and maintained as approved). Whilst details in relation to these matters have been submitted with this Reserved Matters application (and appear acceptable in principle), conditions 4 and 5 would still need to be discharged separately.

Ecology

The Outline application did not trigger a Preliminary Ecological Appraisal as a validation requirement, and the decision notice does not require any details regarding biodiversity net gain to be submitted at Reserved Matters stage.

Neighbour Amenity

Due to the separation between the application site and the nearest residential dwellings, Officers do not consider that the proposal would have an impact on residential amenity nor be negatively impacted by existing residential development. Officers are mindful that the development is adjacent to an agricultural building used to accommodate livestock but in the context of a tied agricultural worker's dwelling, Officers consider that the siting is acceptable, given the need to be close to the livestock. On this basis, the proposal is considered to accord with the provisions of DEV1 and DEV2.

Conclusion

The proposal is recommended for refusal for two reasons: firstly, that it has not been demonstrated that there is a functional need on the farm holding for a dwelling of the scale proposed, thus rendering the dwelling unaffordable for a rural worker in perpetuity, contrary to the provisions of SPT1, SPT2, TTV1,

TTV2 and TTV26. Secondly, that the proposal would read as an incongruous addition to the landscape to the detriment of local landscape character and tranquillity, thereby failing to conserve and enhance the landscape and scenic beauty of this part of the South Devon Area of Outstanding Natural Beauty, contrary to the provisions of DEV20 (2, 4, 5), DEV21, DEV23 (1, 2, 3, 4, 6, 7), DEV24 (3, 5), DEV25 (2, 3, 8) and paragraphs including but not limited to 130, 134, 176 and 178 of the NPPF.

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 26 March 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 14 January 2022 the Department for Levelling Up, Housing and Communities published the HDT 2021 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 128% 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 5.97 years at end of March 2022 (the 2022 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2022 (published 19 December 2022).

[*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 21 March 2019 and West Devon Borough Council on 26 March 2019.

SPT1 Delivering sustainable development
SPT2 Sustainable linked neighbourhoods and sustainable rural communities
SPT3 Provision for new homes
SPT9 Strategic principles for transport planning and strategy
SPT10 Balanced transport strategy for growth and healthy and sustainable communities
SPT11 Strategic approach to the Historic environment
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
TTV29 Residential extensions and replacement dwellings in the countryside
DEV1 Protecting health and amenity

DEV2 Air, water, soil, noise, land and light
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area
DEV9 Meeting local housing need in the Plan Area
DEV10 Delivering high quality housing
DEV15 Supporting the rural economy
DEV16 Providing retail and town centre uses in appropriate locations
DEV20 Place shaping and the quality of the built environment
DEV21 Development affecting the historic environment
DEV23 Landscape character
DEV24 Undeveloped coast and Heritage Coast
DEV25 Nationally protected landscapes
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
DEV35 Managing flood risk and Water Quality Impacts

Neighbourhood Plan

A Neighbourhood Plan is currently under preparation for the Saltstone Neighbourhood Plan Area which includes the Parish of East Portlemouth but it has not yet reached a stage where it can be considered material to the decision making process.

Other material considerations include the policies of the National Planning Policy Framework (NPPF) including but not limited to paragraphs 130, 134, 176 and 178 and guidance within the Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application: Plymouth and South West Devon Joint Local Plan Supplementary Planning Document 2020, South Devon AONB Management Plan (2019-2024).

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.