

## PLANNING APPLICATION REPORT

**Case Officer:** Charlotte Howrihane

**Parish:** Yealmpton **Ward:** Newton and Yealmpton

**Application No:** 1355/23/VAR

**Applicant:**

Mrs Rachel Wilson  
Worston  
Yealmpton  
PL8 2LN

**Site Address:** Oakhill Farm, Worston, Yealmpton, PL8 2LN



**Development:** Application for variation of condition 4 (use restrictions) of planning consent 0732/22/FUL (resubmission of 0354/23/VAR)

**Reason item is being put before Committee:** Cllr Thomas has called the application to committee for the following reason: *'I do not believe that this application will bring about a significant increase and feel that the conditions suggested by the applicant are prudent'*

**Recommendation:** Refusal

**Reasons for refusal:**

1. The proposed amendment would represent unsustainable development, and result in an increase in vehicle journeys to a highly rural location. As such, the development conflicts with the principles of sustainable development as outlined in policies SPT1, SPT2, TTV1, DEV15, and DEV29 of the Plymouth and South West Devon Joint Local Plan (2014- 2034),

and the National Planning Policy Framework (2021) (notably but not limited to paragraphs 7, 8, 9, and 105).

### **Key issues for consideration:**

Whether or not the proposed condition variation is acceptable in terms of the principle of development, sustainability, and highways matters.

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### **Site Description:**

Oakhill Farm (the site) is situated in the Parish of Yealmpton. The site comprises an area of agricultural land located to the west/north west of Oakhill Farm house. The site has historically been used for agricultural use. The site is not within a designated landscape. There are stables on the land to the west of the site and the surrounding land is already in equestrian use.

### **The Proposal:**

Planning permission was granted in 2022 for the change of use of land to equestrian use and the erection of a three-bay stable block. Condition four of the approval stated the following:

*'The stables and associated land for equine use hereby approved shall only be used by the owners of the immediately adjoining house known as Oakhill Farm for their personal use, and not for any commercial purpose.'*

*Reason: To ensure it does not result in additional traffic using the adjoining road and to justify the need for this development in an unsustainable countryside location.'*

This application seeks to vary the condition to allow the applicant to let other people use the stables. The application proposes to replace the existing condition with the following:

*'The stables and land will not be used for business or commercial use, but can be used at the invitation of residents of Oakhill farm for local people within a 7 mile radius of the property.'*

### **Consultations:**

- County Highways Authority- no highways implications
- Parish Council- objection: 'We stand by our decision for 0354/23/VAR- had this been repeated we would not have objected, subject to the criteria and comments therein'

### **Representations:**

Two letters of support have been received which raise the following points:

- Properties with equestrian land are scarce
- Restrictions on the property will make it less appealing
- Supporter is not able to graze their own horses on the land due to the current condition
- No impact on the beauty of the area
- Applicants are considerate neighbours
- Land is well kept

Two objections have been received which states the following:

- The original planning permission has not been adhered to
- The named/generic personal use is only a small part of the variation according to the drawings
- Concern about the interpretation of personal use

- Drainage impact to neighbour

## Relevant Planning History

- 0732/22/VAR- Proposed change of use from agriculture to equestrian; erection of stables - conditional approval
- 0354/23/VAR- Application for variation of conditions 4 (Stables) and 6 (Lighting) of planning consent (0732/22/FUL)- withdrawn

## ANALYSIS

- 1.0. Principle of Development/Sustainability:
- 1.1. Policy SPT1 of the Joint Local Plan (JLP) seeks to support growth and change where it accords with the principles of sustainable development, avoiding adverse environmental impacts and maintaining local distinctiveness and sense of place. The policy outlines the principles of sustainable development, including a sustainable economy, where a low carbon economy is promoted (SPT1.1.iv), a sustainable society, where sustainable and health promoting transport options are available (SPT1.2.ii), and a sustainable environment, where pollution and adverse environmental impacts of development are minimised and effectively mitigated where unavoidable (SPT1.3.iii).
- 1.2. At the heart of the spatial strategy of the JLP is the need to use sustainable development as the framework for growth and change. As such, policy TTV1 establishes a settlement hierarchy, to identify the most suitable locations for development and growth.
- 1.3. The application site is in Tier 4 of the settlement hierarchy, the lowest tier (Smaller villages, Hamlets, and the Countryside). Development is only permitted in tier 4 locations where *'it can be demonstrated to support the principles of sustainable development and sustainable communities.'*
- 1.4. Policy DEV15 requires development to *'avoid a significant increase in the number of trips requiring the private car'*. Policy DEV29 also promotes sustainable transport choices. The site is in a rural location, and would only be accessible by private vehicle. As such, condition four restricted the use of the stables and land to the owners of Oakhill Farm only, to prevent additional journeys out to a location which has been identified as unsustainable. Officers also question whether the proposed variation to the wording of the condition would meet the relevant tests relating to the use of conditions – paragraph 56 of the NPPF states: *"Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects."* The proposed wording of the condition is imprecise and would not be enforceable, however it could be amended to meet the tests (likely involving the owner being required to keep a register of users of the stables to be made available to the LPA). The fundamental issue is that the stables were approved for private use for the nearby dwelling, and there is no substantive planning reason/justification to allow for the proposed amendment.
- 1.5. For this reason, the applicant's proposed variation of the condition, which would allow them to offer the land and stables to anyone within 7 miles of the site, would result in an increase in private vehicles travelling to and from the site and be contrary to the principles of sustainable development and both local and national planning policies.

## 2.0. Design/Landscape:

- 2.1. The proposed amendment would not change the existing design or landscape impact the development.

## 3.0. Neighbour Amenity:

- 3.1. The proposed amendment would not impact the amenity of neighbouring dwellings to any greater extent than the existing development.

## 4.0. Highways/Access:

- 4.1. Notwithstanding the above analysis of the unsustainable location of the site, the scale of the development is not considered to result in an unacceptable impact on the highways network.

## 5.0. Other matters:

- 5.1. Two letters of support have been received, however the comments do not give any material planning reasons in support of the proposed amendment. Matters such as the conduct of the applicant, the value of properties or land, or a supporters need to graze their own horse are not relevant to the consideration of the proposed amendment.

## 6.0. Summary:

- 6.1. The original condition was imposed due to the rural location of the site, to prevent an increase in vehicle journeys to and from a location which is highly unsustainable. The proposed amendment to this condition, to allow people from a distance of up to 7 miles away to use the site would not accord with the principles of sustainable development and conflicts with the spatial strategy of the JLP and the principles of sustainable development which are the foundation 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 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).

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

SPT10 Balanced transport strategy for growth and healthy and sustainable communities

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  
TTV28 Horse related developments in the countryside  
DEV1 Protecting health and amenity  
DEV2 Air, water, soil, noise, land and light  
DEV20 Place shaping and the quality of the built environment  
DEV23 Landscape character  
DEV26 Protecting and enhancing biodiversity and geological conservation  
DEV29 Specific provisions relating to transport  
DEV35 Managing flood risk and Water Quality Impacts

**Neighbourhood Plan:** n/a

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application:

**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.