

## PLANNING APPLICATION REPORT

**Case Officer:** Chloe Allen

**Parish:** Bigbury **Ward:** Charterlands

**Application No:** 0516/23/OPA

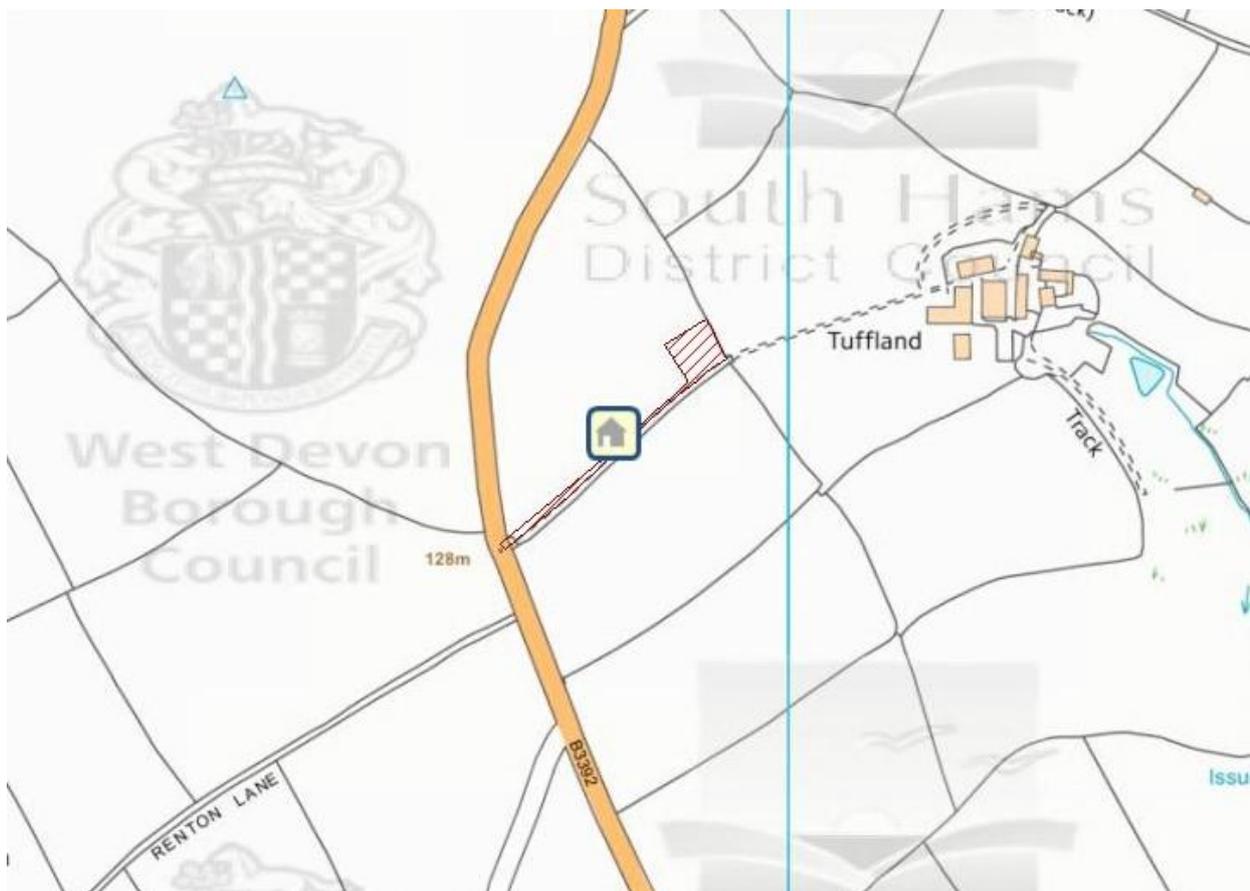
**Agent/Applicant:**

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

**Applicant:**

CJA, LM & SC Crimp - CJA, LM & SC Crimp  
Tuffland Farm  
Kingston  
Kingsbridge  
TQ7 4HD

**Site Address:** Tuffland, Oldhouse Lane, Kingston, Kingsbridge, TQ7 4HD



**Development:** Outline planning application with all matters reserved for a permanent agricultural worker's dwelling to serve the farm business

**Reasons item is being put before committee:**

Cllr Bernard Taylor requested that the application is heard at committee for the following reasons:

- The justification has for an agricultural dwelling has been confirmed by the agriculture appraisal officer
- The chosen site is on the edge of the farm stead and is not visible from the wider landscape, it would also provide security for the livestock in the adjacent farm buildings

**Recommendation:** Refusal

## Reasons for refusal:

1. The application site has a higher ground level than the existing yard and buildings to the east, and forms part of an undeveloped field to the west of an existing hedgebank which currently contains the built development at Tuffland Farm. It is not considered that the dwelling would be well-related to the existing farmstead or agricultural complex, and insufficient information has been provided to demonstrate that there are no alternative sites which are well-related to the existing farmstead, where the dwelling could be provided. The development is considered to be contrary to Policy BP9 of the Bigbury Neighbourhood Plan 2019-2034, which requires agricultural development to be well related to an existing farmstead or agricultural complex, unless very special reasons are provided to demonstrate why it needs to be located elsewhere, and Policies SPT1 and TTV26 of the Plymouth and South West Devon Joint Local Plan 2014-2034, which seek to make effective use of land through optimising reuse of previously developed sites and redundant or disused buildings, therefore reducing the need for greenfield development.
2. The site is within the nationally protected landscape of the South Devon Area of Outstanding Natural Beauty (AONB) and is a prominent site visible in expansive views from the surrounding high ground, including from the public highway, B3392. The site area is viewed as a consistent, high quality landscape, demonstrating the special qualities of the AONB, and contributing positively to the identified key characteristics and valued attributes of the area. The proposal would introduce a dwelling, associated infrastructure and new field boundaries, into an open, unspoilt and highly visible field, conflicting with the rural, tranquil, undeveloped, and remote characteristics that define the area; leading to the erosion of consistency of character and a deterioration of landscape quality. The development fails to conserve and enhance the landscape and scenic beauty, and special qualities of the South Devon Area of Outstanding Natural Beauty, including important views and vistas across the site, contrary to Policies DEV23 and DEV25 of the Plymouth and South West Devon Joint Local Plan 2014-2034 and Policies BP9, BP18 and BP22 of the Bigbury Neighbourhood Plan 2019-2034.
3. In the absence of a completed and signed Unilateral Undertaking to secure a scheme of mitigation to manage the additional recreational pressures upon the Plymouth South and Estuaries European Marine Site (comprising the Plymouth South and Estuaries SAC and the Tamar Estuaries Complex SPA), the proposal is contrary to Policies SPT12, SPT14, DEV26 and DEL1 of the Plymouth and South West Devon Joint Local Plan 2014-2034; and the Plymouth and South West Devon Joint Local Plan Supplementary Planning Document.

## Key issues for consideration:

- Principle of development and agricultural justification
- Design/landscape
- Residential amenity
- Highways
- Flood risk/Drainage
- Biodiversity
- Low carbon development
- Tamar EMS

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## Site Description:

The site is located within open countryside, north of St Annes Chapel and west of Aveton Gifford. The site is accessed from the B392, down a private track which slopes down west to east. The wider site at Tuffland Farm is located in the bottom of a valley with the existing development spread along the access road, but the main cluster being to the east. The existing farmhouse is located to the east of the site and north of this, at a higher land level, is a caravan which was granted temporary planning permission

for occupation by a farm worker (2657/19/FUL). The land surrounding the site raises up, with the landscape consisting of rolling hills and expansive views.

The application site itself lies to the west of the existing development within Tuffland Farm, beyond a boundary hedgebank. The area is grassed, being part of a wider field, with access gates along the south boundary. A post and wire fence runs from the access gates to the west, along the north boundary of the private track. The north and west boundaries of the application site are open.

The site is within Bigbury Neighbourhood Plan Area, Flood Zone 1 and the South Devon Area of Outstanding Natural Beauty. A public footpath lies to the east of the access onto the B392, known as Ringmore Footpath 1. The developed area of Tuffland Farm is within Landscape Character Type 3G River Valley Slopes and Combes. Land to the east, north and west, including the access, is within Landscape Character Type 1B. Open coastal plateaux.

The site is within the Plymouth Sound and Estuaries SAC 12.3k buffer.

### **The Proposal:**

The applicant wishes to construct a second agricultural worker's dwelling to serve the needs of the farm enterprise. The application is in outline form, with all matters reserved.

Planning permission 2657/19/FUL was for the temporary siting of a caravan for a farm worker. Condition 3 of the permission requires the caravan to be removed by 24<sup>th</sup> October 2022. As the caravan has not been removed, there is a breach of condition 3. However, this application has been submitted as the applicants consider there to be a need for a second permanent agricultural workers dwelling. It is understood that the provision of a second dwelling would remove the need for the temporary caravan.

### **Consultations:**

- **County Highways Authority** – No highway implications.
- **Parish Council** – Support.
- **Agricultural Consultant** – Support.

Agricultural Consultants comments are considered in full in Sections 1.0 and 2.0 of this report.

- **Landscape Officer** – Object.

Within the AONB development plan policies DEV23 and DEV25 afford significant weight to the conservation and enhancement of landscape character, visual amenity, natural beauty and the special qualities of the AONB. The proposed development would fail to conserve and enhance the landscape character and natural beauty of the area, and would not conserve and enhance the relevant special qualities of the South Devon AONB.

Landscape Officer comments are considered in full in Section 2.0 of this report.

- **Environmental Health** – No objection.
- **Drainage Officer** – No comments received.

### **Representations:**

X3 letters of support received, with comments summarised as follows:

- Importance of retaining and accommodating reliable staff on farms due to hours of work required.

- Clear commitment to continuing family business, with recent investment in dairy farms infrastructure being evidence of such.
- Unaffordability of market housing for rural workers
- AONB protection limits provision of local supply of affordable homes. AONB largely created by farms with well managed and tidy holdings
- Condition limiting occupancy to agricultural worker only demonstrates no intention of separating the house from the farming business.
- Proposed location of the house is discreet, takes account of the context of existing farm buildings, does not cause residential amenity issues, and will have minimal impact on the landscape
- There is a lack of feasible alternative housing sites

### **Relevant Planning History**

0069/23/FUL – Roofing over livestock feeding and gathering area with steel frame building of L shape design, plus reconcreting of yard. Conditional Approval.

2657/19/FUL – Provision of a temporary agricultural dwelling (Mobile Home). Conditional Approval.

1485/19/FUL – Erection of concrete slurry store (Application 1 of 2). Conditional Approval.

1486/19/FUL – Erection of concrete slurry store (Application 2 of 2). Conditional Approval.

1487/19/FUL – Erection of building for dairy cow cubicle housing (Application 1 of 3). Conditional Approval.

1488/19/FUL – Erection of building for dairy cow cubicle housing (Application 3 of 3). Conditional Approval.

0481/19/AGR – Application for prior notification of agricultural or forestry development - proposed building. Details not required.

1444/17/FUL – Extension to agricultural building. Conditional Approval.

05/1068/15/PA – Prior approval of notification 05/0868/15/AG for erection of general purpose agricultural livestock and storage building. Prior approval given.

05/2003/11/DIS – Discharge of condition 3 (roof materials) of planning permission 05/1356/11/F (Proposed cubicle building). Approved.

05/1356/11/F – Proposed cubicle building. Conditional Approval.

05/0482/08/AG – Erection of agricultural building for general purpose. Details not required.

05/0578/04/F – Widening of farm entrance to improve access and visibility. Conditional Approval.

05/0148/03/AG – Agricultural determination for erection of dry storage building. Details not required.

05/1051/99/AG – Agricultural determination for the erection of a new livestock building. Details not required.

05/0395/91/3 – Erection of extension and alterations to provide granny accommodation, Conditional Approval.

### **ANALYSIS**

## 1.0 Principle of Development/Sustainability:

- 1.1 Sustainable development lies at the heart of the spatial strategy, with Policy SPT1 setting out how development and change will be managed in accordance with the principles of delivering sustainable development through a sustainable economy, a sustainable society and a sustainable environment. Policy SPT2 elaborates further on achieving sustainable rural communities, indicating support for the development of rural based business and enterprise, specifically agriculture.
- 1.2 These matters are further addressed by Policies TTV1 and TTV2, which set out the development strategy for the Thriving Towns and Villages and which aim to prioritise growth through a hierarchy of sustainable settlements and deliver sustainable development. Amongst other things, these policies make it clear that development in hamlets and the countryside will only be permitted where they can be shown to support the principles of sustainable development and sustainable communities or provide suitable justification, such as business or agriculture support (TTV26 is of relevance). Policy TTV2 indicates that the delivery of sustainable rural development will be supported if it would benefit rural businesses, enterprise, agriculture, and respect the character of the countryside and historic settlements.
- 1.3 Policy TTV26 controls development within the countryside; part 1 deals with isolated development only and part 2 sets out the requirements for all countryside development. The JLP SPD (11.50) states that the Council applies the test of isolation in a manner consistent with the Braintree case and any superseding judgment. The more recent Bramshill judgment affirmed that the essential conclusion in Braintree (at para. 42 of that judgment) was that in determining whether a particular proposal would be "isolated", the decision-maker must consider where the development 'would be physically isolated, in the sense of being isolated from a settlement'. What is a "settlement" and whether the development would be "isolated" from it are both matters of planning judgment for the decision-maker on the facts of the particular case.
- 1.4 The application site is located within the open countryside but would be associated with an existing agricultural enterprise at Tuffland Farm, sharing the existing access to the west of the application site. Tuffland Farm is located approximately 300m north of St Anns Chapel, which is a small village containing a pub, B&B, bus stop, camping/caravan sites, and a small number of dwellings. The route to St Anns Chapel is along a fast B road with no footpath or lighting. The distance from the site to any settlement of a meaningful size or with facilities/services available for day to day living is significant; the routes are also along fast roads which aren't conducive to walking or cycling. As such, the site is considered to be isolated and therefore TTV26(1) applies. TTV26(1)(i) supports development where it would '*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;...*' Providing sufficient justification is provided for the provision of a second rural workers dwelling on the site, the development would align with TTV26(1)(i); as well as TTV26(2)(iii) and (iv) which supports proposals which are complementary to viable agricultural operations and respond to a proven agricultural need which requires a countryside location. Policy DEV15(6) also provides support for development which meets the essential needs of agricultural or forestry interests.
- 1.5 The applicants Design and Access Statement and supporting documentation explains the need for the proposed dwelling. In summary, it is stated that:
  - Farm run by family, including Chris and Linda Crimp, and their two sons, Steven and Ben.
  - Husband and wife live in the main farmhouse, and undertake farm accounts, paperwork, movement records, passports and BPs application.
  - The temporary caravan approved by 2657/19/FUL has been occupied by Steven, who returned home to the farming business in February 2017 and is responsible for the daily operations of the dairy herd. Steven is a partner of the business.
  - Business has been established for last 15 years, with applicants being fourth and fifth generation of the Crimp family to farm at Tuffland Farm

- Tuffland farm comprises 228 acres of owners land and 130 acres if rented/grass keep. 254 acres down to grass for livestock grazing together with land for silage making for winter feed. 72 acres for maize, 12 acres of fodder beet and 20 acres of woodland.
- Applicants run specialised dairy enterprise and retain a pedigree Holstein Freisian herd. Applicants have 185 cows in milk, 63 bulling heifers and 53 young heifers. Total of between 400-420 head of cattle at Tuffland Farm at any one time.
- Applicants run Tuffland farm with own home labour with Chris, Steven and Ben, working on the farm assisted by 1 relief milker and a part-time 2 days per week general farm worker.
- Proposed dwelling is for Steven who is 26 and responsible for daily management of dairy cows, having occupied the approved temporary dwelling since 2019

1.6 The submitted information was reviewed by the Agricultural Consultant who supports the application for the following reasons:

- There is a functional need for a second worker to be present at most times of the day and night for the proper management of the holding and the welfare of the livestock.
- The need relates to a full time worker.
- There are no other dwellings available on the holding or in the immediate surrounding area, apart from the main farmhouse and temporary dwelling.
- Dwelling is sited to meet a functional need
- Scale, design and materials to be considered at reserved matters, if the application is approved

1.7 Given the above, Officers are satisfied that there is an essential need for accommodation for a second worker on the site. The previous planning permission, reference: 2657/19/FUL, is also of relevance as it was accepted that there was a functional need for another full time worker to be present at the farm whilst the herd size increased, and, as there were no dwellings available within the area, that such need must be met on the site. Where accommodation is proposed in connection with new farming activity, whether on a newly-created agricultural unit or an established one, it is common that permission would be granted for a temporary period of 3 years, as in this case. Permanent accommodation should only be granted where there is an *existing* functional need and where the unit and agricultural activity concerned have been established for at least three years, and are financially sound with a clear prospect of remaining so. The Agricultural Consultant confirmed during the 2019 application that they considered the expansion plans and improved infrastructure of the farm demonstrated a clear intention and ability to develop the enterprise that had been planned on a clear financial basis. In response to the current application, the Agricultural Consultant confirmed that the land holding and livestock numbers are much the same as when previously inspected, but that the cow numbers have increased, in line with their projections. The Agricultural Consultant has been provided with the last three years accounts for the applicant's business, which show a profit each year and therefore demonstrate the holding is financially sound and has a clear prospect of remaining so.

1.8 As such, it is considered that the development accords with TTV26(1)(i) and TTV26(2)(iv) of the JLP, responding to a proven agricultural need which requires a countryside location and an essential need for an agricultural worker to live permanently on site. Whilst the need for a rural workers dwelling on site is accepted, Officers raise concerns with the location proposed for the dwelling and the justification for such, including the site being an undeveloped, open field, and insufficient consideration being given to the use of sites which are well-related to the existing farmstead. SPT1 and TTV26 seek to make effective use of land through optimising reuse of previously developed sites and redundant or disused buildings, therefore reducing the need for greenfield development, protecting natural assets, and creating opportunities for viable low carbon energy schemes. Policy BP9 of the Neighbourhood Plan requires agricultural development to be well related to an existing farmstead or agricultural complex, unless very special reasons are provided to demonstrate why it needs to be located elsewhere. This matter is discussed in further detail in Section 2.0 of this report.

1.9 In response to other criteria of TTV26, the proposed development would not directly impact on a public right of way. The application site is shown to consist of Grade 3 Agricultural Land. No confirmation has been received to confirm whether the land is Grade 3a or 3b, and therefore the LPA cannot be satisfied that the development will not result in the loss of the best and most versatile agricultural land (BMVAL)(includes Grades 1, 2 and 3a only). The loss of the BMVAL would weigh negatively in the planning balance, although it is acknowledged that the site consists of only 0.20 hectares. With regard to TTV26(2)(vi), the landscape and visual impacts of the development are considered in detail in Section 2.0 of this report. However, in summary, it is considered that the development would fail to conserve and enhance the landscape character and natural beauty of the area, and would not conserve and enhance the relevant special qualities of the South Devon AONB; a nationally important protected landscape designation as confirmed in the National Planning Policy Framework.

1.10 Policy DEV8 of the JLP seeks to ensure that a mix of housing sizes, types and tenures appropriate to the area are provided, including homes that redress an imbalance within the existing housing stock. The site is within the Parish of Bigbury, which has an oversupply of 3 and 4 bedroom properties and an undersupply of 1 and 2 bed properties. The application is in outline form and full details of the property, including size and number of bedrooms would be considered further at reserved matters stage, if the outline application were to be approved.

## 2.0 Design/Landscape:

2.1 Tuffland Farm is positioned in a sensitive location, within the South Devon Area of Outstanding Natural Beauty. The landscape which the site forms part of exhibits typical characteristics of the Bigbury Bay Coastal Plateau (Devon Character Area) and Landscape Character Type 1B – Open Coastal Plateaux, closely juxtaposed with characteristics of Landscape Character Type 3G – River Valley Slopes and Combes. From higher ground the landscape comprises an open, elevated and exposed farmed plateau which is sparsely wooded and contains medium to large fields on the plateau tops with smaller, curving fields on valley slopes defined by Devon hedgebanks. Field boundaries mostly consist of mature species-rich Devon hedges enclosing a mosaic of field patterns including some of medieval origin which give the landscape a strong sense of time depth. The open, rolling plateaux is dissected by combes; with Tuffland Farm being nestled into a dip in the landscape, and associated built development being clustered around the farm track which runs east to west. There is a sense of isolation, tranquillity and remoteness; with the dark night skies reinforcing such. The landscape contributes to the special qualities of the AONB, including the *'iconic wide, unspoilt and expansive panoramic views'* and the tranquil and deeply rural rolling hills.

2.2 The Devon Character Area, Bigbury Bay Coastal Plateau identifies a number of forces for change, including, amongst other things: intensification of agricultural, resulting in loss of unimproved grassland to arable use or improvement, and loss of habitats and landscape features, such as unimproved grassland and hedgebanks; and amalgamation of farms into harder holdings, changing the traditional appearance of the landscape. The overall strategy for the area seeks to protect the landscape's high scenic quality and strong sense of place within the South Devon AONB, and to protect and enhance the peaceful character of the valley slopes, fringed by well-managed woodlands and fields enclosed by an intact network of species rich Devon hedges. Support is provided for sustainable agricultural, and the protection and management of field patterns and sunken lanes.

2.3 As above, Tuffland Farm is nestled into a dip in the landscape, with the existing yard and buildings being at a lower land level than surrounding land. The application site is located to the west of an existing hedgebank which currently contains the area of built development at Tuffland Farm. The site has a higher ground level than the existing yard area, with the land sloping up from the hedgebank to the west and north. It is likely that any dwelling provided on the application site would be highly prominent in the landscape, being higher than the majority of the buildings at Tuffland farm, including the building directly east of the application site. It is acknowledged that the temporary caravan is located at a higher land level than other buildings within Tuffland Farm.

However, the caravan is small scale and has a low eaves and ridge height, is partially screened by the landform, and is more closely associated with the existing cluster of buildings, being seen as part of the backdrop to the built development within the farmyard when viewed from the west. The historic field boundaries of the wider field which the application site forms part of have been retained and are clearly shown on a 1905 OS Map, as below:



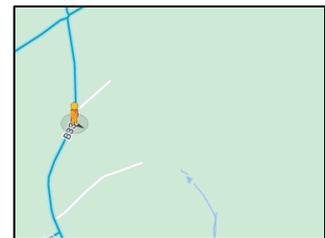
Source: <https://maps.nls.uk/view/101445736>

2.4 Policies DEV23 and DEV25 of the JLP and Policy BP18 of the NP require developments to conserve and enhance the landscape and scenic beauty of the area; including by avoiding the loss of wide, unspoilt and iconic views of the coast and countryside. Policy BP22 of the NP states that important views and vistas should be protected and any new development which adversely affects these views should not be supported; including development that might introduce incongruous features, cause harm to the openness of the area, be visible on the skyline, or intrudes into or otherwise adversely affects important views of the sea, the Avon Estuary or views of heritage assets. Viewpoint 30 of Proposals Map 3 of the NP, which identifies important views/vistas, is

directly towards Tuffland Farm from the B3392 (to the north west) and includes the application site. Views across the site to the wider landscape are more prominent at times when the existing hedgebanks have been trimmed, which is shown in the February 2009 google street scene imagery, as below:



2.5 The photographs below were taken on 21<sup>st</sup> April 2023 from the gate gap on Oldhouse Lane, close to the junction with the B3392, and at the entrance to the site:



Source:

<https://www.google.com/maps/@50.3225084,-3.8857346,3a,75y,132.07h,79.83t/data=!3m7!1e1!3m5!1s1EuU5yN-mjWbHousepldDA!2e0!5s20090201T000000!7i13312!8i6656?entry=ttu>



2.6 Policy BP9 of the NP is also of particular relevance to the proposal, requiring agricultural development to be well related to an existing farmstead or agricultural complex, unless very special reasons are provided to demonstrate why it needs to be located elsewhere, and also stating that developments should ensure that '*No harm should be caused to the landscape and scenic beauty of the AONB;...*' Additionally, as stated in Paragraph 1.8, SPT1 and TTV26 of the JLP seek to make effective use of land through optimising reuse of previously developed sites and redundant or disused buildings, therefore reducing the need for greenfield development.

2.7 Given the sensitivities of the site, the Council's Landscape Officer was consulted and, after visiting the site, objected to the application. The Landscape Officers comments are as follows:

*'This response is based upon an examination of the planning file, Officer's site photographs, GIS maps and aerial images. A visit to the area around the site visible from the public highway was undertaken on 21 April 2023.'*

*In considering this application and assessing potential impacts of the development proposal against nationally protected landscapes, in addition to the Development Plan, the following legislation, policies and guidance have been considered:*

- *Section 85 of the Countryside and Rights of Way (CRoW) Act;*
- *Sections 12 and 15 of the NPPF in particular paragraphs; 130, and 174, 176 & 177;*
- *The National Planning Practice Guidance (NPPG) particularly Section 8-036 to 8-043 on Landscape; and*
- *The South Devon AONB Management Plan and its Annexes.*

*In respect of the principle policy tests in the NPPF, this application is not considered to constitute "major development" in the context of paragraph 177. As set out below, there are*

*considered to be detrimental effects on the landscape and environment of the AONB that should be given great weight in this planning balance.*

**Landscape Character:**

- *National Landscape Character Area: 151 South Devon*
- *Devon Landscape Character Area: Bigbury Bay Coastal Plateau*
- *South Hams Landscape Character Types: within LCT 3G River Valley Slopes and Combes, and adjacent to LCT 1B Open Coastal Plateaux*

*The area around site exhibits typical characteristics of the open, elevated and exposed farmed landscape of Bigbury Bay Coastal Plateau, closely juxtaposed with the valleys of the rivers and streams, with farmsteads nestled in dips in the landform. There is a sense of isolation, tranquillity and remoteness, and the high scenic quality is reflected in the designation as part of the South Devon AONB.*

*The overall landscape strategy in the published Landscape Character Assessments includes to protect the landscape's high scenic quality and strong sense of place within the South Devon AONB. Specific landscape guidelines in the Landscape Character Assessments seek to protect the high scenic quality of the area within the South Devon AONB.*

**Policy:**

*National Planning Policy Framework (2021)*

- *Para. 130: "Planning policies and decisions should ensure that developments: ...c) are sympathetic to local character and history, including the surrounding built environment and landscape setting..."*
- *Para. 174: "Planning policies and decisions should contribute to and enhance the natural and local environment by: ...b) recognising the intrinsic character and beauty of the countryside..."*
- *Para. 176: "Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues.... The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas."*

**Local Planning Policy**

*The statutory Development Plan comprises the Plymouth & South West Devon Joint Local Plan 2014-2034, and the Bigbury Neighbourhood Plan 2019-2034.*

*Relevant policy:*

- *DEV23 Landscape Character*
- *DEV25 Nationally Protected Landscapes*
- *Policy BP9 Agricultural development*
- *Policy BP18 Area of Outstanding Natural Beauty*
- *Policy BP22 Views and vistas (with particular reference to viewpoints 28, 30 and 31).*

**Comment:**

*The site is within the nationally protected landscape of the South Devon AONB. There are expansive views towards the site from the surrounding high ground, and including from the public highway, B3392. The site area is viewed as a consistent, high quality landscape, demonstrating the special qualities of the AONB, and contributing positively to the identified key characteristics and valued attributes of the area.*

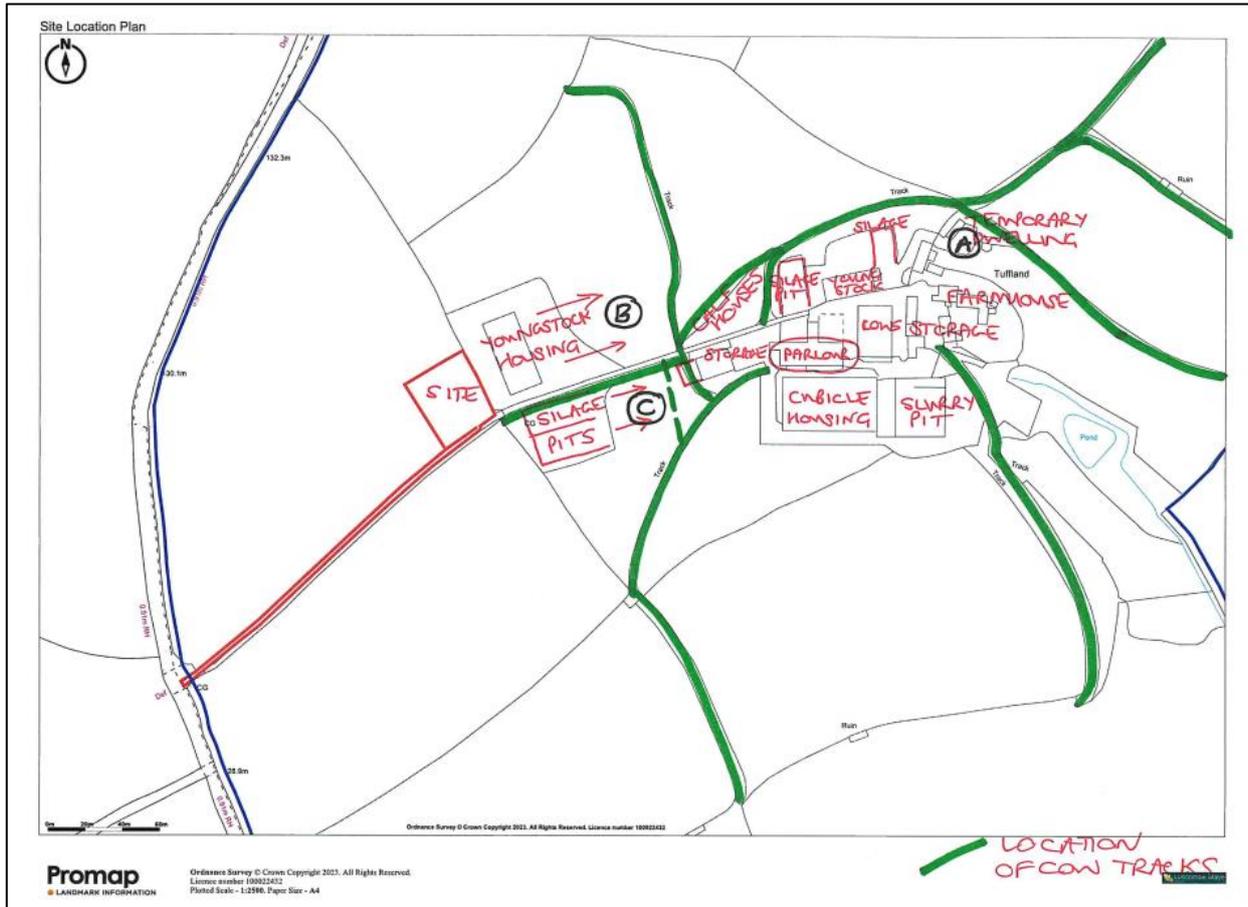
*There is significant concern that the introduction of a dwelling in this location would lead to the erosion of consistency of character and a deterioration of landscape quality. Any residential development should be located closer to the existing cluster of buildings, but the chosen location is quite separate from the existing farmstead and visually prominent, being clearly visible from the road. Introducing new and prominent residential built form, with associated parking and residential paraphernalia, into an open, unspoilt and highly visible field would clearly conflict with the rural, tranquil, undeveloped, remote characteristics that define this area.*

*There is not an in-principle landscape objection to the need for an agricultural workers dwelling at Tuffland Farm, but the chosen location is not considered acceptable for the reasons given above. An alternative location, with a better relationship to the existing cluster of buildings, and in a position where it would be both more discrete and less visually intrusive, should be identified.*

*Within the AONB development plan policies DEV23 and DEV25 afford significant weight to the conservation and enhancement of landscape character, visual amenity, natural beauty and the special qualities of the AONB. For the reasons outlined above the proposed development would fail to conserve and enhance the landscape character and natural beauty of the area, and would not conserve and enhance the relevant special qualities of the South Devon AONB.*

*I am therefore unable to support the application and would raise an objection on landscape grounds.'*

2.8 In response to the Landscape Officer's comments, the applicants/Planning Agent considered alternative sites within the holding, including those labelled as A, B and C on the below Site Location Plan. 'A' is the position of the temporary caravan for a rural worker.



2.9 The following comments were provided:

- Application site chosen as:
  - It is immediately adjacent to the concrete road that gives access to the south west directly onto the Council Highway
  - It is immediately adjacent to the youngstock housing and therefore is within site and sound of the livestock and the farm business
  - It is on the western side of the farm holding and therefore offers best security to prevent unwanted visitors/opportunist thieves. Existing farmhouse is on eastern side so new dwelling presence to the west would improve security and provide a deterrent. Whilst CCTV could be fitted, considered possible for thieves to be in and out of the site before applicants have reached western end of the farmyard
  - There is a hedgebank along the eastern boundary and the site could be contained by providing landscaping along the northern and western boundaries
  - Only small amount of engineering works to facilitate a dwelling on chosen site, and 1.5 storey/dormer style property would be most appropriate, making use of change in topography and taking a lead from the height of the adjacent youngstock house
- Site 'A' not appropriate as:
  - Site is small and comprises a narrow and steep piece of pasture land. Any development would require significant amounts of engineering works, resulting in a complicated build with significant amounts of retaining walls and excavation resulting in a much higher build cost
  - Site is overlooking the traditional farmhouse and would dominate it, being at a higher level
- Site 'B' not appropriate as:

- It is the most natural site for expansion of further agricultural/livestock buildings in the future
- Site is surrounded on 3 sides by livestock and the relatively intensive activities on a substantial dairy farm, with 2 cow tracks to the east, the access driveway and adjacent cow track to the south and the yard and livestock buildings to the west
- Site 'C' not appropriate as:
  - It is located to the east of 2 main silage pits that provide majority of the fodder together with the further 2 silage pits to the north east for the dairy cows and cattle to consume through the winter. Silage pits are opened sometimes through the summer if the weather is dry and applicants need to provide supplementary feeding for the cows and cattle, but generally they are opened in the winter months when the cattle are housed within the cubicles on the holding. Silage is taken from the face of the silage pits which are on the eastern side on a twice daily basis so that silage is put into the mixer wagon and fed to the cows and cattle. Site C would be immediately adjacent to this busy activity and under the prevailing wind of that activity.
  - Although it is confirmed that farmers spend their whole lives working with the cows/cattle on this dairy farm and in close proximity to silage and slurry, they do not wish to live in a dusty and dirty environment as this site would be.
  - Similar to Site B, Site C is surrounded on 3 sides by busy agricultural activity with the access driveway and a cow track to the north, a storage building and a cow track to the east and the silage pits to the west.
  - Site C also comprises quite a sloping site that would require quite a degree of engineering works and this site would prevent any expansion of the silage pits in this area in the future.
  - It is confirmed that the storage building to the east of Site C has consent to be extended, as per the red square, which would mean that the cow tracks would have to be relocated around that building, as per the green dotted line.
- Other sites:
  - It is not considered that there are any other alternative site within the cluster of farm buildings/activity at Tuffland Farm that could provide accommodation within sight and sound of the agricultural activities and the substantial dairy farm that the Applicants are responsible for.
- Conclusion:
  - The dairy farm necessitates a further dwelling on the holding which has been provided by a temporary agricultural worker's dwelling for the last 3 years on the eastern side of the site occupied by Stephen Crimp, who is now a Partner in the business with his parents and is a full-time worker on the holding.
  - The site chosen is adjacent to the access to the site to provide a deterrent and additional security measures for this farm holding by providing a physical presence to any like intruders or thieves. The site chosen is also adjacent to the youngstock house which is on the west side of the site and is within sight and sound of the livestock that is accommodated within it, and is also in close proximity to the calf houses and the remainder of the dairy cow accommodation to enable the Applicants to provide the level of welfare and care to the dairy cows on the holding.
  - The site chosen will involve a small amount of engineering works whereas other sites on the holding, due to the bowl-like nature of the location of the farm, will require significant engineering works to facilitate a level site.

2.10 The additional comments from the applicant/Planning Agent were considered by the Agricultural Consultant who accepts the position with regard to the chosen location, advising that:

- The areas between the two sets of buildings – the gaps- will almost certainly be used for future expansion, whether that be permanent physical structures or temporary areas of storage.

- It is reasonable from a residential amenity point of view for the dwelling not to be situated in the positions either side of the access lane, labelled B and C.
- Security, and bio security in particular, are an important feature in modern farming, which is why the proposed site satisfies this aspect for the existing farm business.

2.11 Officers acknowledge the reasoning for the chosen location and the comments from the Agricultural Consultant. However, the application site has a higher ground level than the existing yard and buildings to the east, and forms part of an undeveloped field to the west of an existing hedgebank which currently contains the built development at Tuffland Farm. It is not considered that the dwelling would be well-related to the existing farmstead or agricultural complex, and insufficient information has been provided to demonstrate that there are no alternative sites which are well-related to the existing farmstead, where the dwelling could be provided. Insufficient consideration has been given to site A which was described as being an appropriate location for the temporary caravan in the supporting information to 2657/19/FUL. The Design and Access Statement stated that *'The proposed mobile home is to be sited in the corner of a paddock immediately adjacent to the farmyard which is within sight and sound of the agricultural activities to provide Steven crimp with sufficient close accommodation for him to give close regard to the cows, particularly at calving time, but still allowing him to have some space and privacy away from the farming business when he is not working'*. Whilst the size and levels of site A could limit the size of the dwelling and result in engineering operations being required, it is not considered that clear consideration has been given to design solutions, and the costs of such, which could provide a dwelling in this location. Additionally, consideration could be given to the layout and occupancy of the existing farmhouse and whether such could be subdivided to provide an additional dwelling on the site. Consideration could also be given as to whether a dwelling could be constructed close to or attached to the existing farmhouse.

2.12 The Planning Agent advised that providing a dwelling to the west of the site would improve its security, also stating that *'Although CCTV and alarms could be installed on the site, or on the entrance to Tuffland Farm, it is quite possible, due to the distance from the existing farmhouse, that a thief could be in and out of the site before the Applicants have reached the western end of the farmyard.'* Whilst concerns regarding security are acknowledged, Officers note that the distance from the existing caravan and farm house to the western end of the farmyard is approximately 250m, which is likely to take only a couple of minutes to walk. The presence of the existing dwelling and caravan on the site likely act as a deterrent currently and CCTV, gates, and alarms could bolster the security. No evidence of problems with theft and criminal activity on the site has been provided. The provision of security is not considered to be sufficient justification for an additional rural workers dwelling on the site. Officers are mindful that many businesses are located in rural areas and often also have valuable equipment and stock; therefore many of such businesses could put forward similar justification. Of relevance to such matter is Appeal Decision APP/L3245/A/11/2151624, which relates to a proposal for change of use of an existing caravan from a rest room to full residential use in connection with an agricultural equipment maintenance business and caravan park. In Paragraph 9 of the Appeal Decision the Inspectorate stated that *'However, in the light of Annex A in PPS7, security is not, by itself, sufficient to justify a new house. Furthermore, no specific reasoning was submitted to show why these matters needed to be addressed in this way now, given that both the caravan site and the agricultural equipment maintenance business have operated for recent periods without resident staff.'*

2.13 Additionally, whilst a number of alternative sites have been considered and discounted by the applicant/Planning Agent, this is not considered to justify or outweigh the policy shortcomings relating to landscape and visual impacts. As explained in Paragraph 2.3, the South Devon Area of Outstanding Natural Beauty is a nationally important protected landscape. Paragraph 176 of the NPPF clearly states that great weight should be given to conserving and enhancing landscape and scenic beauty in such areas, and that the highest status of protection should be given.

2.14 Whilst landscaping and the design of the dwelling could help to reduce landscape and visual impacts, it is not considered that such would overcome concerns regarding the introduction of a

dwelling, associated infrastructure and new field boundaries, into the currently open, unspoilt, and highly visible field leading to the erosion of consistency of character and a deterioration of landscape quality. It is not considered that the development will conserve and enhance the landscape and scenic beauty, and the special qualities of the South Devon Area of Outstanding Natural Beauty, including important views and vistas across the site, contrary to DEV23 and DEV25 of the JLP and Policy BP9, BP18 and BP22 of the Bigbury Neighbourhood Plan.

### 3.0 Neighbour Amenity

3.1 It is considered that there is a sufficient level of separation between the application site and other residential properties. The development would not harm neighbouring residential amenities. This will be given further detailed consideration at the reserved matters stage. As such, the outline application accords with JLP policies DEV1 and DEV2 of the JLP and Policy BP7 of the NP.

### 4.0 Highways/Access

4.1 The Highways Authority have not raised any objections to the proposed development. The dwelling will rely on an existing access that has been created for the farmstead which is considered to offer appropriate visibility splays and safe egress/ingress. Access and parking details would be considered further at the reserved matters stage. As such, the outline application accords with the provisions of DEV29 of the JLP.

### 5.0 Flood Risk and Drainage

5.1 The site is not in a high risk flood zone (i.e. flood zone 2 or 3 or a critical drainage area on the Environment Agency Maps) and therefore in flood control terms it is an acceptable site for development to be located. Policy DEV35 states that development should incorporate sustainable water management measures to minimise surface water run-off.

5.2 The application form indicates that surface water will be dealt with by a sustainable drainage system. It is considered that there is sufficient space within the applicant's ownership to accommodate any potential worst case drainage solution and it is therefore considered reasonable to require further details of the drainage by way of condition.

5.3 The applicant has provided form FDA1, setting out that there are no public sewers near to the application site and a package treatment plant will be necessary to serve the development. This approach is acceptable in principle, and full details could be supplied with the reserved matters application. On this basis, the proposal accords with policy DEV35.

### 6.0 Biodiversity

6.1 Paragraph 174 of the NPPF articulates that planning policies and decisions should contribute to and enhance the natural and local environment. Paragraph 180 is explicit that development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity.

6.2 Policy DEV26 of the JLP relates to protecting and enhancing biodiversity and geological conservation and states that development should support the protection, conservation, enhancement and restoration of biodiversity across the Plan Area. Although DEV26.5 specifically relates to major development proposals, the SPD states that LPAs will also encourage provision for biodiversity net gain where appropriate for smaller developments.

6.3 Furthermore, Policy BP7, BP18, BP19 and BP20 of the NP supports the retention and protection of natural heritage features, such as Devon hedgerows, and ecology, as well as the provision of enhancements to the landscaping and biodiversity of sites.

- 6.4 In this case, an Ecology Report has been submitted with the application and recommends a number of mitigation measures, including: restrictions on external lighting; management of existing hedgerows; and protection of hedgerows during construction. Such measures could be secured by condition.
- 6.5 Enhancement measures have also been proposed, including; creation of a new native hedge bank along the north east and south east boundaries of the property; planting of native shrubs and trees within the site; and provision of bird boxes within the building design. These measures could also be secured by condition. However, the LPA would wish to see a detailed landscaping scheme which reflects the landscape characteristics of the surrounding area.
- 6.6 Subject to conditions, the development accords with DEV26 and DEV28 of the JLP and Policies BP7, BP18, BP19 and BP20 of the NP.

## 7.0 Low Carbon

- 7.1 Paragraph 152 of the NPPF articulates the need for the planning system to support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. The JLP and Bigbury NP also support the transition to a low carbon future through, respectively, Policy DEV32 and Policy BP29, which directs applicants to follow the “energy hierarchy” when designing their schemes to ensure low carbon measures are integral to new development. The Council has also adopted a Climate Emergency Planning Statement which requires developments to demonstrate compliance with a number of mitigation and adaptation measures, including a requirement to provide a 20% carbon saving through renewable energy generated on site.
- 7.2 A suitably worded condition can be included to ensure that DEV32, Policy BP29 and Climate Emergency Planning Statement compliance measures are integrated in to the design at reserved matters stage.

## 8.0 European Marine Site

- 8.1 The site falls within the Zone of Influence for new residents have a recreational impact on the Plymouth Sound and Estuaries European Marine Site (comprising the Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA). This Zone of Influence has recently been updated as part of the evidence base gathering and Duty to Cooperate relating to the Joint Local Plan. A scheme to secure mitigation of the additional recreational pressures upon the Tamar European Marine Site can be appropriately secured by Unilateral Undertaking. However, as the application is recommended for refusal on other grounds, Officers have not sought the completion of such. There remains a holding objection to the application with reference to JLP Policies SPT12, SPT14, DEV26 and DEL1 and the JLP SPD in this regard.

## 9.0 Conclusion

- 9.1 The applicant has demonstrated the need for permanent accommodation on the site for a second agricultural worker. The provision of such accommodation for a second agricultural workers would help to support the operation of the farm and the growth of the existing business, providing economic benefits. However, insufficient information has been provided to demonstrate that full consideration has been given to alternative sites within the holding, which would be better related to the existing farmstead and prevent the development of a currently open and undeveloped field.
- 9.2 Additionally, it is considered that the proposed development would introduce built development and new field boundaries into a currently open, unspoilt and highly visible field, conflicting with the rural, tranquil, undeveloped, remote characteristics that define this area. The development would lead to the erosion of consistency of character and a deterioration of landscape quality. As such, the proposal would fail to conserve and enhance the landscape and scenic beauty, and special

qualities of the South Devon Area of Outstanding Natural Beauty, including important views and vistas across the site.

- 9.3 Great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The scale and extent of development within AONB's should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.
- 9.4 Given the above, the harm identified to the South Devon Area of Outstanding Natural Beauty is not considered to be outweighed by the identified need for additional rural workers accommodation and the economic benefits such would bring. The application is therefore recommended for refusal. A further holding reason for refusal is recommended in the absence of a completed and signed Unilateral Undertaking to secure the necessary mitigation in relation to the European Marine Site.

*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 14<sup>th</sup> 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 19th 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

SPT8 Strategic connectivity  
 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  
 SPT13 Strategic infrastructure measures to deliver the spatial strategy  
 SPT14 European Protected Sites – mitigation of recreational impacts from development  
 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  
 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  
 DEV20 Place shaping and the quality of the built environment  
 DEV21 Development affecting the historic environment  
 DEV23 Landscape character  
 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  
 DEL1 Approach to development delivery and viability, planning obligations and the Community Infrastructure Levy

### **Other material planning considerations:**

Other material considerations include the policies of the National Planning Policy Framework (NPPF) 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)
- Devon County Council Highways Standing Advice
- Climate Emergency Planning Statement

### **Neighbourhood Plan**

Bigbury Neighbourhood Plan 2019-2034, relevant policies include:

- Policy BP2 – Other housing development
- Policy BP4 – Principal residence
- Policy BP7 – General design principles for new development
- Policy BP9 – Agricultural development
- Policy BP17 – Footpaths and cycle tracks
- Policy BP18 – Area of Outstanding Natural Beauty
- Policy BP19 – Woodlands, trees, hedgerows and Devon banks
- Policy BP20 – Wildlife sites and biodiversity
- Policy BP22 – Views and vistas
- Policy BP24 – Transport and highway
- Policy BP27 – Parking provision
- Policy BP29 – Renewable energy

**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.