

PLANNING APPLICATION REPORT

Case Officer: Charlotte Howrihane

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

Application No: 1522/23/FUL

Agent:

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Applicant:

Mr Alex Parsons
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Totnes
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Site Address: Land At Sx 776 496 Higher Poole Farm, East Allington



Development: Erection of agricultural barn to house livestock and farming equipment and other associated equipment (part retrospective) (resubmission of 4021/22/FUL)

Reason application is at committee: Cllr Lawford has called the application to committee for the following reasons:

- 1) Visual impact due to new position.
- 2) Size of barn compared to the agricultural holding.

Recommendation: Conditional approval subject to S106 to prevent current permission being implemented as well as new permission

Conditions:

Accord with plans
Agricultural use only
Remove when no longer required
No external lighting
Drainage

Key issues for consideration:

Principle sustainable development, design and visual impact, neighbouring amenity, drainage, flooding, ecology, biodiversity, highways, access.

Site Description:

The site comprises approximately 3.65 acres (1.48ha) of agricultural land located on the north east of East Allington. The whole of the site is located within open countryside. The building in question is sited in the north-west of the corner of the field.

The Proposal:

Planning permission was granted in 2020 for an agricultural building (reference 4090/19/FUL). This permission approved the building in the north-western corner of the site, however the building was actually built in the north-east corner of the field. This application seeks to regularise the difference between the approved scheme and the as-built proposal.

Consultations:

- County Highways Authority- no highways implications
- Parish Council- objection:

'The Council considered this application and wish to make the following comments. The address is not Higher Poole Farm as it is no longer part of the farm complex and is in different ownership. The large barn has been erected in a very prominent position and can be seen from aspects presenting a large building in an open landscape. The mention of storage is still vague and it is hard to see in such small field what machinery of any large size is necessary to carry out what can only be work on a small holding and with very few animals needing to be housed. Overall the view is to refuse on the above grounds.'

Representations:

None

Relevant Planning History

- 4021/22/FUL- Erection of agricultural barn to house livestock and farming equipment and other associated equipment (Retrospective) - withdrawn
- 4090/19/FUL- Construction of agricultural barn for the use of animal housing and equipment storage- conditional approval

ANALYSIS

1.0. Principle of Development/Sustainability:

- 1.1. The principle of an agricultural building on the site has been established through the grant of planning permission 4090/19/FUL.
- 1.2. The Parish Council have objected to the application partly as they do not consider why there is a need for the building. The need was assessed by the Council' Agricultural Consultant previously, who accepted that with the livestock on site and the need to

provide welfare for those animals particularly during the winter months there was a need for the building. The current application changes the location of the building, but this does not affect the agricultural justification or assessed need for the building, which remains acceptable in Officers' opinion.

- 1.3. The NPPF, and policies SPT1 (Delivering sustainable development) and SPT2 (Sustainable linked neighbourhoods and sustainable communities) of the JLP sets out the principles of sustainable development. In addition, Policy TTV1 (Prioritising growth through a hierarchy of sustainable settlements) of the JLP states that in rural locations the Local Planning Authority will support development proposals in the Thriving Towns and Villages Policy Area which reinforce the sustainable settlement hierarchy and which deliver prosperous and sustainable patterns of development. In addition to the provisions of Policies SPT1 and SPT2, specific objectives of rural sustainability are identified in Policy TTV1 which include:-

“4. Smaller villages, Hamlets and the Countryside - where development will be permitted only if it can be demonstrated to support the principles of sustainable development and sustainable communities (policies SPT1 and 2) including as provided for in Policies TTV26 and TTV27.”

- 1.4. In addition, Policy TTV26 (Development in the countryside) states that LPAs will protect the special characteristics and role of the countryside. The following provisions will apply to the consideration of development proposals:

“1. 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; or*
- ii. Secure the long term future and viable use of a significant heritage asset; or*
- iii. Secure the re-use of redundant or disused buildings and brownfield sites for an appropriate use; or*
- iv. Secure a development of truly outstanding or innovative sustainability and design, which helps to raise standards of design more generally in the rural area, significantly enhances its immediate setting, and is sensitive to the defining characteristics of the local area; or*
- v. Protect or enhance the character of historic assets and their settings.*

2. Development proposals should, where appropriate:

- i. Protect and improve public rights of way and bridleways.*
- ii. Re-use traditional buildings that are structurally sound enough for renovation without significant enhancement or alteration.*
- iii. Be complementary to and not prejudice any viable agricultural operations on a farm and other existing viable uses.*
- iv. Respond to a proven agricultural, forestry and other occupational need that requires a countryside location.*
- v. Avoid the use of Best and Most Versatile Agricultural Land.*
- vi. Help enhance the immediate setting of the site and include a management plan and exit strategy that demonstrates how long term degradation of the landscape and natural environment will be avoided.”*

- 1.5. In response to Policy TTV26, the proposal is not considered isolated development by virtue of its relationship with neighbouring properties / buildings, most notably higher Poole Farm and Pondfields which lie to the west of the application site. As detailed, the proposal seeks to respond to an identified agricultural need by providing necessary storage for equipment and apparatus to operate the farm holding. The proposal would

be complimentary to agricultural operations on site and is considered to justify a countryside location. As such, it is considered in this instance that the proposal accords with JLP Policy TTV26.

- 1.6. Suitable conditions shall be attached to any planning permission granted to ensure the building is retained for agricultural use, and removed if no longer required for the purposes of agriculture.

2.0. Design/Landscape:

- 2.1. The whole of the application site within open countryside and consist a small holding which is used for the rearing of livestock (pigs, sheep and chickens). The building is of a typical design for modern agricultural buildings within the district; it is of a pitched roof design, with three open bays to the east (front) elevation and one covered bay with doors.
- 2.2. The siting of the building in the corner of the field reduces its visual impact, and the building is in keeping with the agricultural character of the site and its surroundings. A condition is proposed to prohibit any external lighting in order to retain this character.
- 2.3. Subject to the recommended conditions, the building is considered acceptable in terms of design and landscape impact, and complies with policies DEV20 and DEV23 of the JLP.

3.0. Neighbour Amenity:

- 3.1. The nearest property is to the south west of the site (Pondfields), over 100m away. The proposal would not lead to any materially harmful impact on residential amenity by way of loss of light, loss of outlook, loss of privacy or overbearing impact and more importantly the keeping of livestock. It would therefore accord with JLP Policies DEV1 (Protecting health and amenity) and DEV2 (Air, water, soil, noise, land and light) and the requirements of the NPPF. No third-party representations have been received.

4.0. Highways/Access:

- 4.1. There is an existing access to the site from the highway. The resited building is closer to the existing access than the previously approved building, which is beneficial. No concerns are therefore raised in terms of highways matters.

5.0. Other matters:

- 5.1. The Parish Council has objected about the address given for the development. This was raised last time and the applicant has amended accordingly, and Officers are satisfied that the address is accurate.

6.0. Summary:

- 6.1. The building was previously found to be justified in terms of agricultural need. The current application seeks to amend the location of the building within the same field which, for the reasons given above, is considered acceptable. The application accords with all relevant planning policies and is therefore recommended for conditional approval.

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
SPT12 Strategic approach to the natural environment
TTV1 Prioritising growth through a hierarchy of sustainable settlements
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
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).

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.

Recommended conditions:

1. The development hereby approved shall in all respects accord strictly with drawing number 1228/1, and the Site Location Plan received by the Local Planning Authority on 11th May 2023.

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.

2. The building hereby permitted shall be used only for agricultural purposes as defined in Section 336(1) of the Town and Country Planning Act 1990 (as amended).

Reason: To ensure that the site is only used for agricultural purposes to protect the amenities of the rural area where there is a policy of restraint.

3. If the building hereby approved is no longer required for agricultural purposes, it must be deconstructed and the land returned to its former use as an agricultural field. All materials shall be removed from the site within 3 months of the demolition.

Reason: To protect the rural landscape.

4. Notwithstanding the details provided, there shall be no external lighting unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the countryside from intrusive development

5. The drainage scheme shall be installed in strict accordance with the approved plans, maintained and retained in accordance with the agreed details for the life of the development.

Reason: To ensure surface water runoff does not increase to the detriment of the public highway or other local properties as a result of the development.