

PLANNING APPLICATION REPORT

Case Officer: Chloe Allen

Parish: Halwell & Moreleigh

Ward: Blackawton and Stoke Fleming

Application No: 1639/23/FUL

Agent:

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

Applicant:

Mr And Mrs Martin Pears
Three Corners Workshop
Halwell
TQ9 7JE

Site Address: Land At Sx 772 519, Three Corners Workshop, Halwell



Development: Provision of occupational/rural workers' dwelling (resubmission of 3527/22/FUL)

Reason item is being put before Committee: Called to committee by Councillor Rake to allow members of the DMC to have the opportunity to consider the size of the proposed dwelling and whether this is acceptable.

Recommendation: REFUSE

Reasons for refusal:

1. It is not considered that the size of the dwelling proposed in this application would be commensurate with the functional requirements of the business as rural worker's accommodation and that realistically the dwelling could remain as rural worker's

accommodation in perpetuity contrary to Policy SPT1, SPT2, TTV1, DEV15 and TTV26(1)(i) of the Plymouth and South West Devon Joint Local Plan 2014-2034 (JLP)

2. The groundworks associated with the development would create an excessively large residential curtilage and this combined with the design, scale, massing and choice of materials is considered to both remove an unnecessary part of agricultural land and erode the natural and tranquil rural characteristics of the site creating an incongruous design more appropriate in a suburban context than at this undeveloped countryside location contrary to Policy TTV26(2v), DEV20 and DEV23 of the JLP and 174(b) of National Planning Policy Framework.
3. Insufficient information has been provided to demonstrate that the proposed development will secure an equivalent 20% carbon saving through onsite renewable energy generation, as required by M1 (onsite renewable energy generation) of the Local Planning Authorities Climate Emergency Planning Statement (adopted November 2022). As such, the Local Planning Authority cannot be satisfied that the development will adequately support the plan area target to halve 2005 levels of carbon emissions by 2034 and to increase the use and production of decentralised energy, contrary to DEV32 of the Plymouth and South West Devon Joint Local Plan 2014-2034 and the Climate Emergency Planning Statement.

Key issues for consideration:

Principle of Development, Design/landscape, Residential Amenity, Highways, Ecology/Biodiversity, Drainage, Carbon Reduction

Site Description:

Martin Pears Engineering is a long established business south of Moreleigh at 'Three Corners' and specialising in machine sales, repairs and agricultural contracting.

The site is an irregular shaped area of land of some 0.2 hectares with gently undulating topography comprising of open grass with a mature hedgerow running along the eastern boundary. The land is part of a wider field with buildings associated with the business to the north and east and open fields in all other directions.

This site is accessed through a break in the hedge to the east onto the Moreleigh Cross to Stanborough C– class road which runs along the eastern boundary and leads to the main A381 Totnes Cross to Stanborough Gate cross road.

Three scheduled monuments that make up part of the Stanborough Camp Iron Age Hill Fort lie within 200m of the site to the east and south on the opposite side of the A381.

Natural England has designated the land as Grade 3 which is good to moderate quality agricultural land while the South Hams Landscape Character Type is 5A: Inland elevated undulating land.

The site falls within the Sustainance Zone of the South Hams SAC for Greater Horseshoe Bats.

The Proposal:

Permission is sought for the erection of a rural worker's dwelling that would house the applicant and their wife on site both of whom are employed full time with the business and are offering a 24hr service for local farmers who need machinery to be repaired.

This proposal follows on from a previously approved outline planning permission for rural worker's unit but seeks to effectively double the size of the site which had previously been 0.1ha. An element of cut

and fill would create a more level platform for the dwelling with some land built up as high as 1.8 metres the gradients would be engineered receding downwards into the landscape beyond with a small retaining wall to the east of the building.

The proposed dwelling would be two storey with an L-shaped layout comprising of a mixture of commercial space on the ground floor including office, boot room and utility and domestic area comprising of Living Room, Dining Room, Snug, Kitchen and Double Width Car Port. The upper floor would contain 3 en-suite bedrooms and plant room.

External facing materials comprise of painted render on the walls with low stone plinth and chimney and natural slate on the roof. A scheme of strategic planting has been included in the proposal which will extend beyond the residential garden ground.

Consultations:

- County Highways Authority – No Highways Implications
- Natural England – No objection
- Historic England – No objection
- DCC Ecology – OK subject to conditions restricting external lighting and for development to follow mitigation of ecology report submitted in support of the application.
- Agricultural Consultant – Cannot support a proposal for an agricultural workers dwelling of the size proposed. There are no special circumstances or requirements of the enterprise that would necessitate a dwelling of the size proposed.
- Town/Parish Council – Support
- DCC HEO – No objection subject to condition for WSI to be complied with and for post investigation assessment etc to be carried out.

Representations:

Letters of support were received from 3 nearby farms to the application. The comments made can be summarised as follows:

1. The family are a long standing and important part of the local community and have grown their business over time providing valuable support to farmers.
2. The volume of equipment they have amassed needs 24 hours supervision to prevent theft.
3. The siting is sympathetic, screened well and fits in well with surrounding dwellings and the wider landscape.
4. The size is described as sensible for the family's purposes.

Relevant Planning History

- 3527/22/FUL - Provision of occupational/rural worker's dwelling. **WITHDRAWN**

The application was withdrawn following concerns raised relating to size of dwelling not commensurate with functional needs of the business (unfavourable recommendation).

- 4219/20/OPA - Outline application with all matters reserved for a permanent occupational/rural workers dwelling – **CONDITIONAL APPROVAL**

This application had been recommended for refusal by officers but was granted by the Planning Committee subject to a condition regarding size as follows:

The size of the dwelling hereby permitted shall be commensurate with the established functional need for it and shall not exceed a guideline floorspace of 140 sq. m.

Reason: To protect the appearance of the area and to ensure that the size of the dwelling accords with the established need for it but for which planning permission would have been refused

ANALYSIS

1.0 Principle of Development/Sustainability:

- 1.1 The Plymouth and South West Devon Joint Local Plan 2014-2034, through its higher level Policies (SPT1 and SPT2), sets the context for what the LPA considers to be sustainable development promoting a sustainable economy, society and environment. From the higher level ambitions the concept of rural sustainability is established as is a spatial vision for where growth will be prioritised in Policy TTV1. The main towns and villages are in the top tier of a development hierarchy where it is envisaged the most growth will occur whereas sites such as the one subject to this application in the open countryside are heavily restricted on what is acceptable.
- 1.2 In line with Policy TTV1 all development in the countryside must demonstrate that it supports the principles of sustainable development and also that it accords with Policies TTV26 and TTV27. The proposal does not seek permission for rural exception housing therefore TTV27 is not activated in this instance.
- 1.3 Policy TTV26 is split into 2 parts with the first relating to isolated development in the countryside. When considering if a development is isolated or not the LPA use the recent Bramshill ruling, which describes isolation as.... *"...the word "isolated" in the phrase "isolated homes in the countryside" simply connotes a dwelling that is physically separate or remote from a settlement. Whether a proposed new dwelling is or is not "isolated" in this sense is a matter of fact and planning judgment for the decision-maker in the particular circumstances of the case in hand."*
- 1.4 As a matter of planning judgement, the site is considered to be physically separate and remote from a settlement and on this basis officers would conclude that it constitutes isolated development.

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 With regards to TTV26(1)(i) it is important to consider if there is an essential need for the development proposed, and, if the development would maintain the role of a rural workers dwelling in perpetuity. Policy DEV15(6) is also of relevance, supporting development which meets the essential needs of agriculture or forestry interests.

1.6 In considering this development against TTV26(1) the site history must be taken into account. In particular application 4219/20/OPA, where a rural worker's unit has already been found to be acceptable in principle at this location. It is therefore considered that an essential need for a rural worker's dwellinghouse at this location has already been demonstrated to the satisfaction of the LPA. The concern that arises with this particular application, based on the advice of the agricultural consultant, is that there does not appear to be an essential need for a dwelling of the size proposed. There is no floorspace threshold in the JLP or NPPF regarding the scale that would be appropriate for a rural worker's dwelling and the LPA is therefore reliant on the expertise of the agricultural consultant to analyse what the functional requirements of the rural business is and what would be commensurate in terms of workers accommodation.

1.7 The condition imposed on the outline permission restricted the floorspace to 140 m² therefore whilst officers would accept the essential need for a workers unit has been met, clearly what was envisaged would be a more modest dwelling than the 267m² proposed. The agricultural consultant considers that there are no special circumstances or specific requirements of the enterprise that would mean the dwelling should be as large as that proposed in this application. In fact the three bedroom dwelling containing 184m² domestic floor area, 41m² non-domestic and a car port of some 42m² is significantly larger than the type of unit that would normally be permissible for a business of this type. Furthermore, whilst it is noted that they set out minimum standards only, the Nationally Designed Space Standards require a floor space of 102sqm for a 3 bedroom (6 person) property, and the minimum floor space required for a 2 storey, 6 bedroom (8 person) property is 132sqm. Providing some additional space above minimum standards is understandable, however, it is considered that 184sqm of domestic floor space, plus 41sqm of non-domestic space, for a three bedroom property, is excessive. The likelihood of a dwelling of the size proposed remaining a rural workers unit in perpetuity, is considered to be low in the circumstances. Such a large dwelling in the countryside is unlikely to be affordable to the average agricultural worker.

1.8 It is not considered that the dwelling proposed is of a size commensurate with the established functional requirement of the business. If approved, a dwelling of the size proposed, at this countryside location in the future is highly unlikely to be financially accessible as a rural worker's dwelling over the long term. The applicant, who acknowledges that the dwelling is larger than other rural worker's dwellings, has advised that they wish a larger house type for personal reasons to accommodate their family and argue that larger properties exist in the vicinity. During the course of the application they offered to reduce some areas of the dwelling which would suggest that not all are essential. On this basis a dwelling of the size proposed is not considered to meet an essential need (linked to the requirements of the business), and also that it is unlikely to maintain the role of rural workers accommodation in perpetuity, the proposal is considered to fail to meet TTV26(1).

1.9 In terms of the criteria of TTV26(2) not all of them are engaged. Again officers would accept that residential accommodation for a worker at this location would be complimentary to an existing rural

business and the locational justification has already been accepted through the outline planning permission. The extended red line boundary and subsequent land changing away from valuable grade 3 agricultural land to an enlarged residential curtilage would be considered contrary to Policy TTV26(2)(v) and the parts of the NPPF, particularly paragraph 174(b) that requires decision to recognise the benefits of quality agricultural land.

- 1.10 Officers also considered the requirements of Policy DEV8 of the JLP, which considers housing need and seeks to deliver a good range of housing and broadening choice, specifically for those most in need. Homes that redress a balance within the existing housing stock are encouraged including housing for households with a specific need and dwellings more suited to younger people, working families and older people who wish to retain a sense of self sufficiency.
- 1.11 Taking account of the latest census data the housing mix in Halwell and Moreleigh contains a high percentage of 3 and above bedroom dwellings (80.6%) and a large proportion of the housing stock is under occupied (86.7%). This imbalance in the housing stock is more pronounced than the South Hams average, where there is a declared housing crisis and affordability is a key issue facing the most vulnerable groups who are generally younger people seeking to enter the housing market, disabled and older people who wish to downsize or retain an element of independence.
- 1.12 Whilst Officers would consider that the provision of a three bedroom property would exacerbate existing imbalances in local housing stock rather than redressing them, it is recognised that the proposal is specifically for a rural workers dwelling, the principle of which is assessed against Policies TTV29 and DEV15 of the JLP, and that occupation of such would be restricted to persons associated with the rural business, and any resident dependants. In this case, whilst there are concerns regarding the floor space/size of the three bedroom dwelling, it is recognised that the number of bedrooms is required to accommodate the applicant and their family. As such, it is not considered to be appropriate to refuse the application based on conflict with Policy DEV8 of the JLP.
- 1.13 In considering the principle of development, officers would accept that a modest sized dwelling would meet a specific locational need to compliment an existing rural business. However the size of the plot and dwelling proposed in this application is not however considered to and therefore the proposal is not considered to represent a sustainable development and is contrary to Policy SPT1, SPT2, DEV15, TTV26 and DEV8 of the JLP and NPPF paragraph 174(b).

2.0 Design/landscape

- 2.1 The JLP, through Policy DEV20, requires all development to meet good standards of design. This is achieved by taking cognisance of, and contributing to, the local context. A mixture of typical design related issues are to be assessed such as the pattern of local development, layout, visual impact, views, scale, massing, height, density, materials and detailing. In the countryside Policy DEV23 is also relevant which seeks to enhance and conserve an area's distinct sense of place and reinforce local distinctiveness. Proposals are to be of a high quality in terms of their design and the surrounding landscape context and adverse landscape or visual impacts generally are to be avoided. This is in line with the NPPF which, through paragraph 174 (b) requires decisions to recognise the intrinsic character and beauty of the countryside.
- 2.2 The existing character of the field is relatively open, tranquil and rural. There is a backdrop of the cluster of some of the industrial buildings associated with the applicant's business but on the whole, being an open field enclosed by Devon hedgebank, the site has a typical countryside character with naturally undulating levels. A landscape survey has been submitted in support of the application finding that the site is visible but concluding the landscape is of medium value, the development will be read within the context of the neighbouring buildings and that a sensitively designed residential property would have a neutral or minor beneficial landscape and visual effects.

It acknowledges a cumulative impact as a result of the proposal and places an importance on design, materials and landscaping at mitigating this.

- 2.3 This application seeks to establish an extended residential curtilage over what was approved in the outline permission. The extended area could conceivably accommodate multiple more modestly sized dwellings. The separate access that now forms part of this proposal located further down the Highway away from the business (rather than shared with the existing business unit to the north as it was originally envisaged) seems to create an unnecessary separation and in order to create a more level surface over the extended residential curtilage the land will be built up with an engineered gradient and large areas designated as driveway, residential parking and patio in addition to the sprawling footprint of the dwelling. The dwelling itself is relatively suburban in character with a predominantly coloured render facing material and it is natural to assume that such a dwelling would be accompanied by the normal paraphernalia that comes along with such a use. It is proposed to add landscaping with the aim of screening it.
- 2.4 Officers would accept that once the landscaping becomes established it may do so to an extent however, even with the landscaping in place and the backdrop of the more industrial style buildings in the immediate vicinity the suburban style of the dwelling and large areas of land that will be changed to residential curtilage it is considered that this proposal will erode the open and rural characteristics of the site and fail to conserve or enhance the site and its surroundings. Landscaping and biodiversity enhancements are seen as positive aspects generally however these could still be achieved in the circumstances with a more modest residential curtilage and sized dwelling. The use of natural slate in the roof is welcomed but the majority of the walls are rendered rather than using naturally recessive materials as recommended in the landscaping survey. The two storey mass with full height gables will present a stark suburban style in what has traditionally been an area of rural character.
- 2.5 Overall officers would consider that a sympathetically designed and modestly sized dwelling with reduced residential footprint could integrate at this site in a successful way. By virtue of its design, size, scale, massing and materials it is considered that the development will have an unacceptably adverse impact on the site itself and its surroundings, permanently eroding the character and thereby failing to conserve and enhance the landscape. Accordingly the proposal is viewed as being contrary to Policy DEV20 and DEV23 of the JLP and the NPPF paragraph 174(b).

3.0 **Heritage**

- 3.1 DEV21 of the JLP seeks to protect the historic environment. The application site is in close proximity to three scheduled monuments that make up part of the Stanborough Camp Iron Age Hill Fort; lying within 200m of the site to the east and south on the opposite side of the A381. A Heritage Assessment and WSI was submitted and, given the findings of such, along with comments from Historic England and DCC Historic Environment Officer, it is not considered that the development will harm the historic environment, subject to conditions being imposed. As such, the development is considered to accord with DEV21.

4.0 **Residential Amenity**

- 4.1 Policies DEV1 and DEV2 of the JLP safeguard residential amenity by taking into account any potential adverse issues for residents and neighbours. Damaging impact can include a loss of privacy, overshadowing, overbearing or noise pollution. The site is in an open field and there are no dwellings in the immediate vicinity of the site. The nearest are some distance away to the south with intervening fields, road, and undergrowth. As such it is not considered that the development will result in an unacceptable loss of amenity for the nearest residents as they are a considerable distance from the site and the proposal does not therefore conflict with Policy DEV1 and DEV2 of the JLP.

5.0 **Highways**

5.1 Policy DEV29 of the JLP requires consideration of any issues that may impact pedestrian and vehicular safety such as access, parking and traffic generation. The proposal makes use of an existing access and colleagues in Highways have confirmed it raises no implications. A single dwelling would not generate significant vehicular movements at this location and there is a large area designated within the confines of the site for parking. As such officers would consider that a proposal such as this would not conflict with Policy DEV29 of the JLP.

6.0 Ecology/Biodiversity

6.1 Policy DEV26 of the JLP promotes increased biodiversity across the plan area and does so by protecting existing habitats and creating new ones. The site is an agricultural field and the preliminary ecological survey finds it to be of little habitat value, albeit the location within the sustenance zone is noted and fairly standard mitigation proposed in terms of precautions during construction and post development restricting external illumination and providing enhanced habitat. A biodiversity enhancement would be delivered through the scheme of landscaping and could be secured via condition if permission were to be issued. DCC Ecology were consulted and raised no objections subject to conditions being imposed. As such the proposal is not considered to conflict with Policy DEV26 of the JLP.

7.0 Drainage

7.1 Policy DEV35 considers flood risk and promotes sustainable drainage solutions both in terms of surface water and foul drainage. The site is undulating and not within an area at high risk of flooding. In terms of foul drainage the requisite FDA form confirms that a sewer connection is not feasible at this location and that a package treatment plant will be installed (in accordance with British Standards) and discharged, along with surface water, to an attenuation basin to the west of the proposed dwelling with flow control leading to a nearby watercourse. Officers are content that this solution is a sustainable one in the circumstances and if permission were to be approved conditions could secure an acceptable outcome that would not conflict with Policy DEV35 of the JLP.

8.0 Carbon Reduction

8.1 Policy DEV32 of the JLP and the recently adopted Climate Emergency Planning Statement accelerates the transition to a low carbon future. Developments are required to integrate renewable energy and energy efficiency should be an integral part of the design and construction. This development contains solar PV panels, space allocated for battery storage, ground source heat pump and EV charging. In addition the landscaping, drainage and subsequent biodiversity enhancement are also seen as delivering greater sustainability along with construction materials. Whilst a number of measures have been incorporated into the design, insufficient information has been provided to demonstrate that the proposed development will secure an equivalent 20% carbon saving through onsite renewable energy generation, as required by M1 of the Local Planning Authorities Climate Emergency Planning Statement. As such, the LPA cannot be satisfied that the development will adequately support the plan area target to halve 2005 levels of carbon emissions by 2034 and to increase the use and production of decentralised energy, contrary to DEV32 of the JLP.

9.0 Conclusion

9.1 Officers would acknowledge that the site history has established a physical requirement for a rural worker to be present at this site on a 24 hour basis. However a dwelling of the size proposed in this application would significantly exceed what has previously been established as the functional requirements of the business and what would normally be necessary for a rural workers accommodation. It is not considered that there is an essential need or any special circumstances (linked to the business) for a dwelling, and plot of the size proposed. Furthermore the dwelling

would exacerbate an existing imbalance of larger house types in the local area having a detrimental impact on housing mix. Furthermore the large design is not considered to be suitably sympathetic to the surrounding context and will instead conserve or enhance the established character of the site and its surroundings. Additionally, insufficient information has been provided to demonstrate that the development will adequately support the plan area target to halve 2005 levels of carbon emissions by 2034 and to increase the use and production of decentralised energy, contrary to DEV32 of the JLP. As such officers recommend refusal of the planning application.

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

Planning Policy

Relevant policy framework

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

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

On 14th 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 March 21st 2019 and West Devon Borough Council on March 26th 2019.

SPT1 Delivering sustainable development
SPT2 Sustainable linked neighbourhoods and sustainable rural 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
TTV27 Meeting local housing needs in rural areas
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
DEV29 Specific provisions relating to transport
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts

Other material considerations include the policies of the National Planning Policy Framework (NPPF) including but not limited to paragraph 174(b) and guidance in Planning Practice Guidance (PPG), and the Plymouth and South West Devon Joint Local Plan Supplementary Planning Document, and the Climate Emergency Planning Statement.

Neighbourhood Plan - There is currently no NP in place for this area.

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.