

## PLANNING APPLICATION COMMITTEE REPORT

**Case Officer:** Hayley Easter

**Parish:** Lewtrenchard **Ward:** Bridestowe

**Application No:** 2110/23/FUL

**Agent/Applicant:**

Mr Jonathan Wale - Roundacre Design  
Services  
Westacott  
Inwardleigh  
Okehampton  
EX203AP

**Applicant:**

Mr K Mott  
Wooda Farm  
Devon  
EX20 4PL

**Site Address:** Wooda Farm, Lewdown, EX20 4PL



**Development:** Proposed roof over replacement slurry store (resubmission of 1621/23/FUL)

**Recommendation:** Conditional Approval

**Conditions:**

1. Time
2. Plans
3. Planting
4. Drainage

**Key issues for consideration:**

Principle of development, design/landscape, neighbouring amenity, highways, drainage and low carbon development.

**Reason for call-in:** Cllr Mott is the applicant.

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**Site Description:**

The site is a long-established agricultural unit (120 years+) of 56 hectares known as 'Wooda Farm' and sited close to Lewdown. Access to the farm is from the north east via a private access track. Due to the rising and falling topography of the surrounding land, the buildings are not seen from the public highway.

The existing farm yard comprises existing agricultural buildings, stone buildings and the farmhouse. The existing slurry pit is sited to the south west of the existing buildings.

There is an existing Public Right of Way (PRoW) that runs into the south west corner of the site which is known as 'Lewtrenchard Footpath 13'.

There are no other site designations or constraints.

**The Proposal:**

The existing slurry is an existing earth bank store which is no longer fit for purpose and the earth/clay banks are deteriorating. The proposal is for a replacement slurry store with roof over which measures 464sqm.

The proposed slurry store will be 305mm thick mass poured concrete walls with 150mm thick floor and 500mm freeboard. The perimeter will be protected with stock fencing consisting of timber posts C8/80/15 netting and 2 strands of wire with galvanised steel gate with padlock and chain and a strand of barbed wire to the top run for security purposes. The roof consists of Profile 6 fibre cement roof sheeting with crown cranked ventilated ridge and roll top barge boards over a steel frame with tanalised timber gable peaks and no other side cladding.

The slurry store will be accessed via the existing access.

This proposal is one of several developments taking place in response to the Government's Clean Air Strategy 2019 document which requires all digestive stores in England to be covered by 2027.

**Consultations:**

- **Devon County Highways Authority:** No highway implication.
- **Parish Council:** Support.
- **Environmental Health:** We do not anticipate any environmental health concerns.
- **Natural England:** No objection - Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

**Representations:** None received.

## Relevant Planning History

- 1621/23/FUL - Replacement slurry store. Withdrawn 14/06/2023.

## ANALYSIS

### 1.0 Principle of Development/Sustainability:

- 1.1 Policy SPT1 of The Plymouth and South Devon Joint Local Plan 2014-2034 (JLP) sets out that LPA's will support growth and change which delivers a more sustainable future within the plan area. Sustainability underpins all the guiding principles by promoting a sustainable economy, sustainable society and sustainable environment.
- 1.2 Policy SPT2 of the JLP applies principles of sustainable linked neighbourhoods and sustainable rural communities as a guide of how growth and development take place across the plan area. Development can support the overall spatial strategy by creating neighbourhoods and communities which, amongst other criteria, are well served by public transport, walking and cycling opportunities, and should have an appropriate level of services to meet local needs.
- 1.3 Within Policy TTV1, LPAs throughout the plan area distribute growth and development in accordance with a hierarchy of settlements. This includes, Main Towns, Smaller Towns and Key Villages, Sustainable Villages and Smaller Villages, Hamlets and the Countryside.
- 1.4 After reviewing the site location, the site is located 2.2miles from the nearest named sustainable village of 'Lewdown'. The site is also in the ward of 'Bridestowe' which is also a named sustainable village and sited 5miles from the application site. However, development outside built up areas will be considered in the context of Policy TTV26 (development in the countryside)" and Paragraph 5.5 of the JLP states: "the plan does not define settlement boundaries.
- 1.5 Officers have reviewed the location and consider it to be beyond the built form of the settlements for the purposes of TTV1 and would therefore fall into the last category of smaller villages, hamlets and the countryside for this assessment.
- 1.6 Policy TTV26 is relevant as it provides criteria for assessing development in the countryside. The Policy requires the LPA to protect the special characteristics and role of the countryside, as well as avoiding isolated development in the countryside unless exceptional circumstances permit otherwise. In respect of this, the LPA is applying the Bramshill Ruling City & Country Bramshill Ltd v Secretary of State for Housing, Communities and Local Government & Ors (2021) EWCA Civ 320 when considering whether a proposal site should be described as 'isolated' in planning terms.
- 1.7 Applying Policy TTV26 to the proposals, the judgment is that whilst there are existing dwellings and buildings in the vicinity, the site is considered to be physically remote and detached from a settlement and is therefore considered to be isolated.
- 1.8 Part 1 of TTV26 applies to isolated development in the countryside which aims to avoid development and only permit it in exceptional circumstances. *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.”*

1.9 Part 2 of TTV26 applies to all development in the countryside and states that the LPAs will protect the special characteristics and role of the countryside. The following provisions will apply to the consideration of development proposals:

*“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.”*

1.10 Dependent on the proposal submitted, not every part of this policy (TTV26 1 & 2) would be engaged or relevant. However, in this case, the proposal does in the view of Officers respond to a proven agricultural need that requires the countryside location.

1.11 Policy DEV15 sets out the policy approach to supporting the rural economy. Part 6 states that ‘development will be supported which meets the essential needs of agriculture or forestry interests’.

1.12 As such, the proposed replacement slurry building with roof over is considered to respond to a proven agricultural need in this specific location as it will be used by the existing farming enterprise and will allow for improved farming practices. Therefore, the principle of development is supported and in accordance with Policies SPT1, SPT2, TTV1, TTV26 and DEV15 (6).

## 2.0 Design/Landscape:

2.1 Policy DEV20 requires developments to achieve high standards of design that contribute to townscape and landscape by protecting and improving the quality of the built environment. This is achieved by adhering to criteria including the use of materials and design solutions that are resilient to their local context and will endure over time, having proper regard to the pattern of local development whilst also respecting the wider development context and surroundings in terms of style, local distinctiveness, siting, layout orientation, visual impact, views, scale, massing, height, density, materials, detailing, historic value, landscaping and character, and the demands for movement to and from nearby locations. A good quality sense of place and character is arrived under DEV20 through good utilisation of existing assets such as quality buildings, heritage assets, trees and landscaping features and attention to the design details of the scheme.

2.2 Policy DEV23 seeks to conserve and enhance the landscape and scenic and visual quality of development, avoiding significant and adverse landscape or visual impacts. Proposals should be located and designed to respect scenic quality and maintain an area’s distinctive sense of place and reinforce local distinctiveness. DEV23 also requires a high architectural and landscape design quality appropriate to its landscape context.

2.3 The proposed roof over the slurry store will be sited to the northwest of a group of existing buildings which are currently used as part of the wider agricultural farm holding. The design of the building is typical in agricultural design and uses materials which are similar to those existing on site. The proposal has been discussed with the LPA's Landscape Officer who has discussed the proposals with the applicant. The received revised plan includes appropriate landscape planting and the proposed species are appropriate within the landscape and its setting.

2.4 The proposed pitch Gable ended design reinforces the vernacular of modern agricultural buildings within wider agricultural countryside locations. The proposed height, scale and mass of the building has been designed to fit sit comfortably in amongst the existing agricultural buildings. Additionally, due to the location of the building, limited public views and existing trees/hedges within the area, the proposal is not considered to cause landscape harm or loss of visual amenity.

2.5 Accordingly, the proposal is considered to align with Policies DEV20 and DEV23 subject to an appropriate worded landscape planting condition.

### 3.0 Neighbour Amenity:

3.1 Policy DEV1 protects health and amenity by ensuring that development does not cause any adverse impact on residents. Issues such as overshadowing, privacy and noise from development, amongst others, are considered. Policy DEV2 states that development should avoid any harmful impacts on items such as soil, air, water or noise pollution.

3.2 As the proposal relates to a slurry store, the associated odour could result in neighbour amenity harm. However, the replacement slurry store provides a roof which is likely to help decrease any adverse odours associated with the slurry use and is required of the wider clean air strategy. After considering the location of neighbouring properties and the proposal, Officers consider the proposal acceptable and will not result in an unacceptable loss of amenity for existing residents. Furthermore, the LPA's Environmental Health Officer does not anticipate any environmental health concerns.

3.3 The development therefore complies with Policies DEV1 and DEV2 of the JLP.

### 4.0 Drainage:

4.1 Policy DEV35 (Managing Flood Risk and Water Quality Impacts) of the JLP requires sustainable water management measures to be incorporated within proposals. It further states that development will not be permitted without confirmation that sewage / wastewater treatment facilities can accommodate or will be improved to accommodate the new development.

4.2 The site is not within an area prone to flooding. The agent confirms that surface water will dispose via an existing soakaway. In terms of foul drainage, the proposal is to store the foul sewage within the slurry store. The drainage provisions have been considered by the LPA's Drainage Officer who supports the proposed drainage arrangements. Furthermore, DCC's Environmental Health Team have no concerns regarding the proposals. As such, Officers consider the proposal is not considered to raise any issues with respect to flood risk or drainage and the development would be in accordance with Policy DEV35 of the JLP.

4.3 An appropriate drainage condition forms part of the Officer recommendation.

### 5.0 Highways:

5.1 Policy DEV29 and DEV15 of the JLP require consideration of the impact of developments on the wider transport network and require safe traffic movements and vehicular access to and from the site.

5.2 The proposed roof over the slurry will be accessed via the existing access arrangements; no changes are proposed. DCC Highways Officers have confirmed there are no highway implications and

Officers raise no concerns. The proposal is in accordance with Policies DEV15 (8) (i) and DEV29 of the JLP.

#### 6.0 Low Carbon Development:

6.1 Policy DEV32 of the JLP sets out the carbon reduction plans of the Plan Area, and requires all development to make a demonstrable contribution to this aim. In addition, the Council has declared a climate and biodiversity emergency, which accords with the national climate emergency declaration and binding net zero target for the UK (as per the amended 2008 Climate Change Act).

6.2 The proposed development will include using an existing concrete pad and lower carbon concrete will be used where possible. Officers acknowledge reinforced steel walls will be used but due to the agricultural nature of the proposal, Officers accept the use of this material in this setting. Overall, with the proposed planting additions and re-use of an existing concrete pad, Officers consider the proposal acceptable in accordance with Policy DEV32.

#### 7.0 The Planning Balance:

7.1 Overall, Officers consider the replacement slurry store will be appropriately sited, provide adequate planting which will enhance and conserve the landscape and provide adequate drainage. Therefore, the proposal is in accordance with JLP policies discussed throughout this report and Officers recommend 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 26 March 2019, the Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts of South Hams and West Devon within Dartmoor National Park).

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

On 14 January 2022 the Department for Levelling Up, Housing and Communities published the HDT 2021 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 128% and the consequences are "None".

Therefore a 5% buffer is applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 5.97 years at end of March 2022 (the 2022 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2022 (published 19 December 2022).

[\*now known as Department for Levelling Up, Housing and Communities]

The relevant development plan policies are set out below:

**The Plymouth & South West Devon Joint Local Plan was adopted by South Hams District Council on 21 March 2019 and West Devon Borough Council on 26 March 2019.**

SPT1 Delivering sustainable development  
SPT2 Sustainable linked neighbourhoods and sustainable rural communities  
SPT9 Strategic principles for transport planning and strategy  
SPT10 Balanced transport strategy for growth and healthy and sustainable communities  
SPT12 Strategic approach to the natural environment  
TTV1 Prioritising growth through a hierarchy of sustainable settlements  
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area  
TTV26 Development in the Countryside  
TTV28 Horse related developments in the countryside  
DEV1 Protecting health and amenity  
DEV2 Air, water, soil, noise, land and light  
DEV3 Sport and recreation  
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  
DEV29 Specific provisions relating to transport  
DEV31 Waste management  
DEV32 Delivering low carbon development  
DEV35 Managing flood risk and Water Quality Impacts

**Neighbourhood Plan – There is no Neighbourhood Plan designation for this area**

#### **Other Material Planning Considerations –**

- National Planning Policy Framework (NPPF)
- Guidance in Planning Practice Guidance (PPG)
- Plymouth and South West Devon Joint Local Plan Supplementary Planning Document (SPD)
- Plymouth and South West Devon Climate Emergency Planning Statement 2022

#### **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 to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.  
Reason: To comply with Section 91 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.*
2. *The development hereby approved shall in all respects accord strictly with drawing numbers:  
2023.009.01 Rev A Proposed Replacement Slurry Store  
2023.009.02 Rev A Block Plan  
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.*
3. *The planting scheme hereby approved as shown on 'approved plan 2023.009.02 Rev:A Block Plan' shall be fully implemented in the first available planting season following the completion of*

*the development and the plants shall be protected, maintained and replaced as necessary for a minimum period of five years following the date of the completion of the planting. Reason: In the interest of visual amenity in order to protect and enhance the amenities of the site and locality in accordance with Policy DEV23 of the Plymouth and South West Devon Joint Local Plan 2014-2034.*

4. *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 adequate drainage provisions are provided and in accordance with Policy DEV35 of the Plymouth and South West Devon Joint Local Plan 2014-2034.*