

PLANNING APPLICATION REPORT

Case Officer: Liz Payne

Parish: Ermington **Ward:** Ermington and Ugborough

Application No: 3161/23/FUL

Agent:

Mrs Helen Morris-Ruffle - Visionary
Planning UK
Trevean
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Camelford
PL32 9UH

Applicant:

Mr Mark Walker
4 Pinwill Crescent
Ermington
Iybridge
PL21 0NS

Site Address: Linhay Barn Budlake Ermington PL21 9NG



Development: Construction of a new replacement dwelling to replace proposed barn conversion under 2767/17/FUL

Reason item is being put before Committee: At the request of Cllr Dewynter owing to

1. The development's low carbon credentials as per policy DEV 32
2. The development's visual impact as per policy DEV 20.

Recommendation: Refusal

Reasons for refusal:

1. The proposal would result in a detached dwellinghouse within an unsustainable countryside location which is poorly served by sustainable transport options and without any appropriate planning justification for its countryside location. This would be contrary to the adopted Joint Local Plan policies SPT1, SPT2, TTV1 and those policies that protect the countryside from inappropriate development namely TTV26.
2. The proposal would not have a regard to the pattern of local development or conserve the landscape character of the surroundings and rural setting of the existing linhay barn, as it will see a further incongruous addition of a new dwelling outside of a settlement area. The proposal is, therefore, contrary to Policy DEV20, DEV21 and DEV23.

Key issues for consideration:

Principle of development, design and appearance, landscape visual impacts, ecology, highways and drainage.

Site Description:

The application site is located to the west of the village of Ermington and comprises an area of open pasture land. Along the north boundary of the site is a well-established hedge but no other existing boundaries are present between the site and the surrounding pasture land. To the north east of the site, within the applicant's ownership, is a Linhay Barn and meadow land which has been planted as an orchard. The meadow land stretches eastwards and meets the built-up area of Ermington.

Surrounding the site is open countryside. There is one residential dwellinghouse located directly to the east of the application site known as 'Budlake' and one residential dwellinghouse, on the adjacent side of the highway, to the north east of the site, known as 'Two Springs'. The highway is also part of the National Cycle Network.

The proposal is located within the area defined as '3G River valley slopes and combes' within the Joint Local Plan (JLP) Landscape Character Assessment. The site is also within the Plymouth Sound and Estuaries buffer for recreational impact.

The Proposal:

The applicant proposes the construction of a 2 bedroomed single storey dwelling house including farm office. A parking area would be created to the north of the building adjacent to which would be a bin and cycle store and PV panel array.

Consultations:

- County Highways Authority
- Environmental Health Section
- Ermington Parish Council: support

The Parish Council also made the following comments:

Ermington Parish Council have declared a climate emergency and under the Natural

Environment and Rural Communities (NERC) Act 2006 we are obligated to encourage biodiversity and enhancements for nature. As such we welcome any action that can be taken to help the natural environment and wildlife in this time of climate crisis. Any new planning development offers an opportunity for parishioners to help the Parish Council with this requirement.

We will always assess any proposed planning application in terms of the contribution to climate change.

Steps we wish applicants to take include the following, although this is not an exhaustive list and we would also welcome other solutions:

Incorporating energy efficiency, high standards of insulation, and low carbon systems for heating, cooking and lighting, together with renewable energy generation including PV solar, wind turbines, and electric vehicle charging points.

- Others

Representations:

24 Letters of support have been received covering the following points:

- Positive for the Ermington Community and asset to the village.
- Minimises environmental impact, eco-friendly.
- Impact on natural environment has been considered and reduced where possible- nature and biodiversity mitigation.
- Design in keeping with surroundings and sensitive to environment/setting.
- Better than application 2767/17/FUL where lincay would have been converted and new metal barn would have been built- this would have been unsightly and unsympathetic.
- Preserves existing Lincay.
- Applicant closely consulted local community.
- Committed to environmentally friendly approach during build and completion.
- No increase in likely vehicle movements or ability to enjoy the area.

4 Letters of objection from 3 different people have been received covering the following points:

- Construction of a new build as opposed to a conversion- application an attempt to gain permission for a new build on village edge and in countryside without agricultural merit.
- Current application not for an agricultural dwelling so therefore contravenes historic policy points and should be reconsulted accordingly.
- Status of 2017 application is unclear- works proposed unclear without site visit.
- Previous application for agricultural workers dwelling- this application makes no reference to agricultural tie or usage.
- Permission would contravene refusal reason for 0907/23/PIP which was refused for affecting village boundaries and transition from urban area to countryside.
- Construction of new dwelling less ecologically sustainable than conversion.
- Alterations to lincay contravene permitted development removal condition from 2017 permission.
- Increased traffic and potential congestion problems.
- No justification for new agricultural workers dwelling.
- Contravenes DEV20- pattern of development.
- Two nearest neighbours do not support application.
- Parish council offering support is 5 councillors short so does not offer diverse range of opinion.
- 3D drawings do not reflect scale of development accurately.

Relevant Planning History

- 4701/21/FUL - 10/06/2022 - Refusal
Erection of agricultural workers dwelling

- 2564/21/AGR - 03/08/2021 - Ag Determination details not required
Application to determine if prior approval is required for a proposed storage building measuring 25metres x 12metres by 4.10metres to eaves and 5.60metres to ridge
- 1996/21/AGR - 23/06/2021 - Prior Approval Required and Refused
Application for prior notification of proposed agricultural barn
- 4038/20/PR4 - 25/02/2021 - Pre application (No Officer support)
pre Application Enquiry for - New eco dwelling, land at Linhay Barn.
- 1616/20/ARC - 04/11/2020 - Discharge of condition Approved
Application for approval of details reserved by conditions 5 and 10 of planning consent
- 2767/17/FUL - 07/12/2017 - Conditional Approval
Conversion of barn to dwelling

ANALYSIS

1. Principle of Development/Sustainability:

- 1.1. At the heart of the spatial strategy of the Joint Local Plan (JLP) is the need to use sustainable development as the framework for growth and change. Policies SPT1 and Policy SPT2 set out the overall spatial strategy to deliver a sustainable society, environment and economy, where effective use of land is made for development, and the best and most versatile agricultural land is protected for agricultural use, and local distinctiveness and sense of place is respected. Policy TTV1 of the JLP prioritises growth through a defined four-tier hierarchy of settlements and TTV2 builds on the principles of SPT1 and SPT2 through particular aspects of rural sustainability that should be supported through the development process.
- 1.2. The village of Ermington does not have a defined settlement boundary, however the built up area of the village is bounded by the applicant's meadow and a well-established hedgerow to the rear of properties along Chapel Street up until the property known as Thornfield. This is approximately 150m east of the application site.
- 1.3. Paragraph 5.5 of the JLP explains that policy TTV26 (Development in the Countryside) will be applied 'outside built-up areas'. Consequently, the proposal site is located within the fourth tier of the Council's settlement hierarchy, which relates to Smaller Villages, Hamlets and the Countryside, where development will be permitted only "*where it can be demonstrated to support the principles of sustainable development and sustainable communities (policies SPT1 and SPT2), including as provided for in policies TTV26 and TTV27*".
- 1.4. Ermington is defined as a sustainable village within the JLP. The village of Ermington has a number of services including a primary school, shop, pub, church and these are all within the acceptable walking distances to the application site as set out in JLP policy SPT2 (Fig 3.2). Within the village traffic is restricted to a 20mph, however as Chapel Street leaves the village the national speed limit applies. Beyond 'Preston Cottages' the road is a narrow and unlit single track lane. Pedestrians would be required to walk on the road which Officers do not consider to be safe and activity would likely be restricted to daylight hours. Any development in the location of the application site would therefore be reliant on a private car for basic provisions and facilities and as such it would not be considered a sustainable location. For this reason the development does not accord with SPT1 and SPT2.
- 1.5. Policy TTV26 of the JLP relates to development in the countryside and supports proposals that can demonstrate that a countryside location is required. The aim of the policy is to protect the role and character of the countryside and sets a necessarily high threshold to ensure development in the countryside should occur only in exceptional circumstances. The policy is

divided into two different sets of requirements; part one (TTV26 (1)) applies to development proposals considered to be in isolated locations. The second part of the policy, (TTV26 (2)) is applied to all development proposals that are in a countryside location.

- 1.6. Due to the proximity of nearby properties the application site is not considered isolated and part 1 of policy TTV26 is not applicable.
- 1.7. Part 2 of Policy TTV26 does apply. Policy TTV26 provides a policy framework for guiding development within the countryside. Part 2 reads:
 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 (BMVL).*
 - 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.*
- 1.8. Not all of the above criteria are activated by this proposal. The Planning Statement suggests that the proposal would meet criteria iv (responding to an occupational need) however, no information supporting this has been submitted and Officers conclude that the proposal does not meet ii, iii and iv. With respect to criteria vi the design and impact on the setting of the site will be covered later in this report but officers do not consider that the proposal provides an enhancement to the rural setting of the site.
- 1.9. The applicant has described the proposal as a replacement dwelling. JLP Policy TTV29 permits replacement dwellings in the countryside where, '*The existing dwelling has a lawful use for permanent residential use and has not been abandoned.*' Planning permission has been granted for the conversion of the barn and the applicants state that this has been implemented via drainage works. However, no works to the fabric of the building itself appear to have been undertaken and a residential use has not been established at the site. In addition, the purpose of TTV29 is to manage new build development in rural locations and prevent an individual or cumulative adverse impact on the landscape. Although the applicant has proposed that the Linhay would be restricted to agricultural use the building would remain and the proposal would result in additional, rather than a replacement, built form in the rural landscape. The proposal does not relate to an existing dwelling and is not a replacement building and therefore is beyond the scope of policy TTV29.
- 1.10. The applicant has drawn Officers attention to the aims of policy TTV25 which relates to development in sustainable villages such as Ermington and provides an indicative figure for how much housing the village may be able to accommodate over the plan period. This policy provides for sites of 5 or more dwellings within or adjoining a sustainable village to be considered as making a positive contribution to the housing supply figure and therefore may negate the criteria of policy TTV26. This proposal is for a single dwelling and is 100m from the edge of the built up area of the settlement and does not therefore meet the criteria of this policy.
- 1.11. The proposed dwelling at this location, is not supported as it is contrary to the spatial strategy of the JLP, and more detailed policies relating to the settlement hierarchy and development in the countryside.

2. Design and 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 having proper regard to the pattern of local development whilst also respecting the wider development context and surroundings in terms of 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. Policy DEV21 requires any harm to a locally important non-designated heritage asset, or their contribution to the character of a place, to be justified on the basis of a balanced judgement.
- 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 application site is within a rural location and adjacent to a traditional agricultural building. Although it is near to Ermington the hills and valleys of the surrounding area provide a pastoral setting with sporadic individual buildings visible within the landscape. The siting of the dwelling, including the location of the car parking and bin store would impact upon the agricultural setting of the existing lincay barn, particularly when viewing the building from the road looking south. The proposed dwelling would introduce built, domestic form within the open space between the barn and the existing nearby houses and extend the linear straggle of houses from the edge of the village into the open countryside. This creep of residential development is contrary to the pattern of development which is focused and contained within the lower levels of the valley and would undermine the rural character of the application site.
- 2.4. Notwithstanding the above, the proposal is for a contemporary style dwelling with flat roof, and it will be relatively low lying. The proposed materials which see the use of timber and stone are supported and the meadow planted roof will help to assimilate the development into the setting. An area of planting to the east of the dwelling would mitigate views of the building from Chapel Street and the single storey height of the building, along with the green roof and the existing boundary hedge would help to mitigate the impact of a new building within this countryside setting.
- 2.5. The proposal is supported by limited landscaping information and insufficient information has been submitted to show that the proposal would conserve and enhance the rural and tranquil character of the immediate surroundings.
- 2.6. The proposal is not considered to have a regard to the pattern of local development or conserve the landscape character of the surroundings and rural setting of the existing lincay barn, as it will see a further incongruous addition of a new dwelling outside of a settlement area. The proposal is, therefore, contrary to Policy DEV20, DEV21 and DEV23.

3. Neighbour Amenity:

- 3.1. The nearest neighbouring properties are around 50m and 100m from the site. Due to these distances and the presence of existing and proposed hedgerows, the proposal would not cause harm to neighbouring amenity.

4. Ecology

- 4.1. The Ecological Appraisal by Ecology Training UK Limited dated August 2023 found evidence of slow worms and common lizard on site and beneficial habitat for grass snakes and amphibians. The appraisal recommended further absence/ presence surveys are undertaken

prior to any grounds works or site clearance. The report also provided recommendations to enhance the site and provide suitable reptile habitat along the site boundaries. If the application were otherwise acceptable a pre-commencement condition securing further reptile and amphibian surveys and if required reptile mitigation strategies would be applied to any permission. In addition, a condition securing the mitigation and enhancement measures within the Ecological Appraisal would also be applied. As such, the proposal accords with JLP policy DEV26 Protecting and enhancing biodiversity and geological conservation.

4.2. The site falls within the Zone of Influence for new residents have a recreational impact on the Tamar 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 a legal agreement, and this approach has been agreed by Natural England. Due to the recommendation of refusal, the legal agreement S106 has not been progressed.

5. Highways/Access:

5.1. The entrance provides access and acceptable visibility to enter the main highway. There is sufficient space to manoeuvre a car within the parking area proposed, so a vehicle can enter the highway in forward gear. Two car parking spaces are proposed which complies with guidance within the Supplementary Planning Document. Highways Officers have confirmed the proposal would not have any highways implications and as such the proposal is acceptable in regards to DEV29 of the JLP.

6. Drainage:

6.1. Excavated test pits undertaken in relation to the application to convert the barn indicated that the ground was not suitable for soakaways. As such this proposal incorporates an attenuation tank and discharge of surface water to a stream to the west of the site. This scheme is in keeping with surface water drainage hierarchy and mirrors the surface water drainage scheme approved under 2767/17/FUL.

6.2. In regards to foul sewage, it is proposed to connect to the package treatment plant installed as part of Linhay Barn conversion under planning application 2767/17/FUL and inspected and approved under Building Regulation Notice Application 19/06157. If permission is granted for this new dwelling, the Linhay barn will be retained as an agricultural use and the treatment plant would serve the new dwelling instead.

6.3. The proposed drainage scheme is acceptable and would be secured by condition if the proposal were approved.

7. Climate Emergency:

7.1. The Climate Emergency Planning Statement responds directly to the Climate Emergency declarations issued by South Hams and West Devon Councils and identifies measures for new development to meet the challenge of climate change. It builds on existing planning policies set out within the Plymouth and South West Devon Joint Local Plan and its supplementary planning document, embraces new standards and proposes new requirements.

7.2. Officers have assessed the submitted Climate Emergency Compliance Form. The proposed calculations incorporate an array of 26 solar panels which would deliver 6.9 kw of energy. However this would be an extremely large array and Officers note that only 16 panels are shown on the site plan, which based on the same panel and performance ratio would produce

4.6kw of energy. However, even the smaller number of panels as shown on the site plan would produce 44% carbon saving and would be more than the required 20% of carbon savings using the baseline 'target emissions rate' (TER). In addition, the proposal also incorporates a ground source heat pump and battery storage.

7.3. If Officers were minded to approve the application the details of the climate compliance form, including provision of solar panels, ground source heat pump, battery and EV charging point would be conditioned to ensure compliance with DEV32.

8. Other Matters

8.1. Officers acknowledge that planning permission has been granted for the conversion of the Linhay Barn (ref: 2767/17/FUL) on the area of land adjacent to the planning application site. Within the supporting information the applicant has stated that this permission is extant as works relating the foul drainage of the property have been implemented.

8.2. On site, Officers noted that further alterations had been undertaken to the barn, most notably single storey flat roof stores had been built off the west elevation. These alterations were not part of the permission for the barn conversion and the Officer understands these works had been undertaken to improve the functionality of the building for use as a barn. The deviation from the approved plans brings into doubt whether the permission for the barn 2767/17/FUL remains extant.

8.3. Notwithstanding this issue, the applicant proposes that the previous permission provides a fallback with which the current proposal should be compared. The previous permission and the current proposal are not within the same site and are not mutually exclusive. The applicant has proposed a legal agreement to prevent the implementation of permission 2767/17/FUL and in addition to prevent any future use of the barn for residential purposes.

8.4. The permission 2767/17/FUL was considered against the Development Plan of the time which supported the reuse of buildings that were of architectural or historic interest within the countryside where they would not prejudice viable agricultural operations. The officer at the time concluded that the barn had historical interest and made an important contribution to the agricultural landscape and as such, the conversion of the barn would preserve and secure the long-term future of the barn. Officers acknowledge that the proposed legal agreement would prevent the further implementation of permission 2767/17/FUL, however, the long-term upkeep and maintenance of the barn cannot be secured through such agreement. Officers are also mindful that notwithstanding any legal agreement, if the barn were to prove unviable for agricultural use, (as was previously the case at the time of the application to convert the barn), a further application for a barn conversion would be supported by planning policy and unlikely to be resisted. As such, the proposal does not provide the benefits of securing the long-term future of the existing linhay barn as the previous permission did. In addition, the proposal cannot practicably prevent the conversion of the barn in the future, leading to the potential for two dwellings to be located in a rural site outside of a settlement. Notwithstanding the support from the Parish Council, and other letters of representation, the proposal would not secure betterment through an alternative scheme to permissions already granted.

8.5. The applicant has submitted supporting information calculating the carbon cost of both the existing barn and the proposed dwelling. The applicant has provided calculations using two types of methodology, the first is usually undertaken to assess replacement dwellings, where the efficiency of the proposed new building is compared with the embedded carbon within the existing building which is being demolished. As the applicant proposes to retain the existing barn the large quantity of carbon within the existing stone walls have not been used in the calculations. The applicant shows that the new dwelling would offset the upfront carbon of the

new building within the required 25 years. However, if the existing barn were lost in the future, the new dwelling would not be able to offset the carbon within the existing barn structure.

8.6. The applicant has also compared the carbon cost of converting and using the barn as a dwelling with the amount of carbon required in building and maintaining the proposed dwelling. As previously noted, the proposed new build would result in 28.457 tonnes of carbon and this could be offset through the efficiency of the new building within 25 years. The amount of embedded carbon in the conversion is similar, 25.84 tonnes. However, the potential benefits of the barn conversion have not been explored fully and solar PV panels which could also be fitted within the curtilage of the barn have not been taken into account. In the absence of a detailed comparison officers would have difficulty concluding that the development would result in a measurable benefit in terms of carbon reduction.

8.7. Finally the applicant has submitted that the fallback proposal would also include the provision of a new purpose built agricultural building allowed under a prior approval application 2564/21/AGR. The proposed scheme for the new dwelling cannot restrict the permitted development rights allowed under Part 6 for agricultural purposes and cannot therefore exclude the potential for a further agricultural building being requested in the future in addition to the existing barn. As such, Officers do not consider that this aspect should be given weight.

8.8. The previous planning permissions do not present material considerations, either individually or in combination, that suggest decisions should be made other than in accordance with the development plan.

9. Conclusion

9.1. The proposal would result in a detached dwellinghouse within an unsustainable countryside location which is poorly served by sustainable transport options and without any appropriate planning justification for its countryside location. It would not have regard to the pattern of local development or conserve the landscape character of the surroundings and rural setting of the existing lincay barn. This would be contrary to the adopted Joint Local Plan policies SPT1, SPT2, TTV1 and those policies that protect the countryside from inappropriate development namely TTV26. In addition, the impact upon the landscape would be contrary to Policy DEV20, DEV21 and DEV23.

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
TTV25 Development in the Sustainable Villages
TTV26 Development in the Countryside
TTV29 Residential extensions and replacement dwellings 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
DEV10 Delivering high quality housing
DEV20 Place shaping and the quality of the built environment
DEV21 Development affecting the historic environment
DEV23 Landscape character
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV28 Trees, woodlands and hedgerows
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) and guidance in 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; 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.