

PLANNING APPLICATION REPORT

Case Officer: Graham Smith
Gifford

Parish: Woodleigh **Ward:** Loddiswell and Aveton

Application No: 1885/23/FUL

Agent/Applicant:

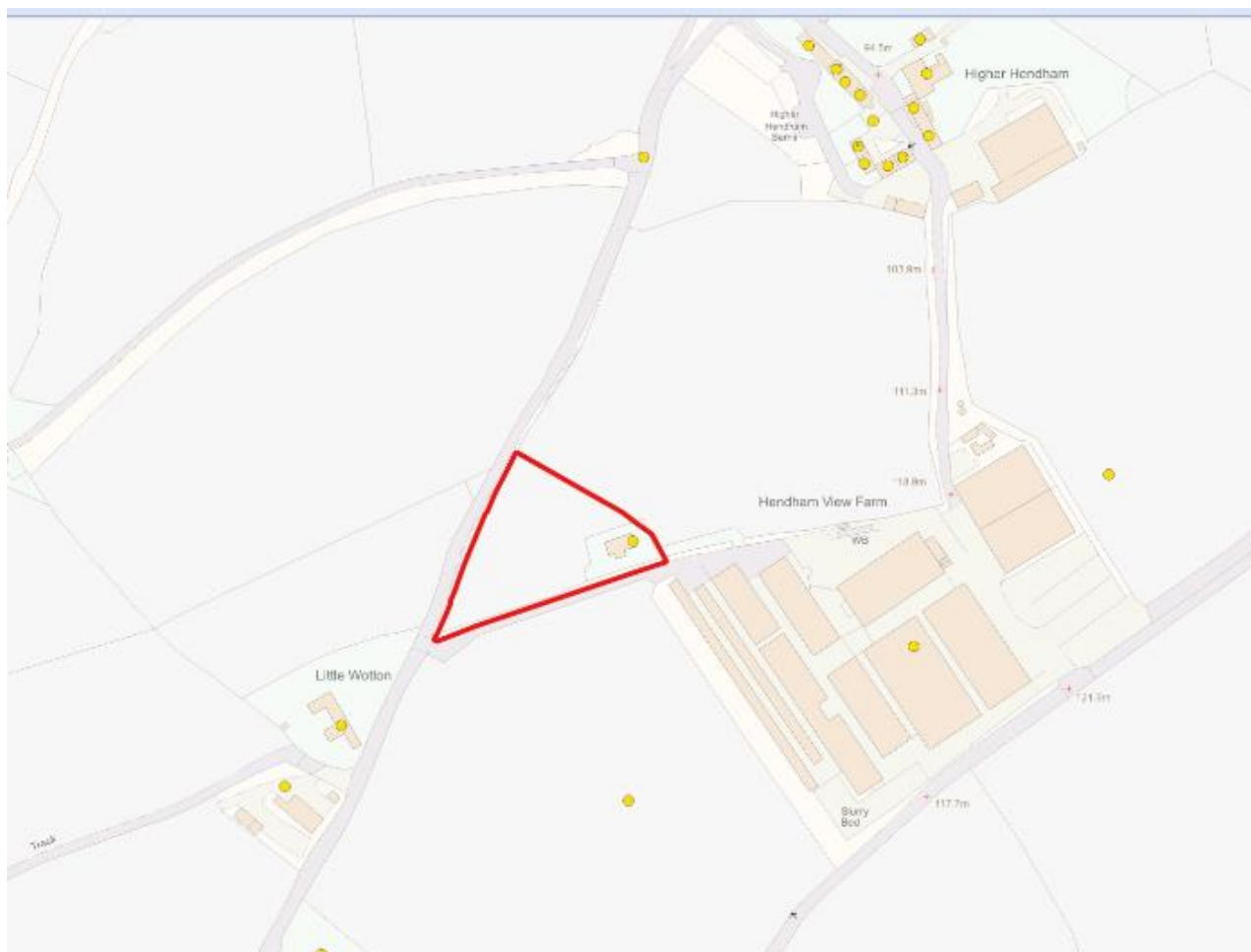
Mrs Amanda Burden - Luscombe Maye
59 Fore Street
Totnes
TQ9 5NJ

Applicant:

Messrs DJ & J Merrin
C/O Agent

Site Address: Land At Sx 743 506, Woodleigh

Development: Application for a permanent agricultural workers dwelling



Reason item is being put before Committee: At request of Cllr Bonham *Given the local support and the agreement in principle for development on that site I believe that the application should be heard by the Committee.*

Recommendation: REFUSE

Reasons for refusal:

1. The size and scale of the dwelling is considered to be disproportionate and excessive given its purpose to provide accommodation for a rural worker in perpetuity. It is not considered that such a large dwellinghouse is commensurate with the needs of the land use, nor is it considered that the average rural worker would be in a financial position to afford such property. On this basis the development is not considered to serve an essential need and is contrary to SPT1, SPT2, TTV1 and TTV26 of the Plymouth and South West Devon Joint Local Plan 2014-2034.

Key issues for consideration:

Principle of development, Design/Landscape, Highways, Residential Amenity, Ecology, Drainage, Carbon Footprint

Site Description:

Hendham View Farm is potentially the largest farm holding in South Hams and sits midway between Moreleigh to the north east and Loddiswell to the south west mainly comprising of open fields with a farmhouse and operational buildings. This part of the holding is a triangular shaped corner of a field of some 0.4ha and is to the west of the operational buildings and a caravan which has been used as temporary accommodation.

The topography is undulating with levels falling gently downwards from the existing access at the south to the north. A Devon hedgebank encloses the field along the southern and western boundaries and a country lane runs along the western boundary. The site is within the South Devon National Landscape and also the Greater Horseshoe Bat Special Area of Conservation.

The farmhouse is approximately 800m away and the applicants are not therefore within 'sight and sound' of the livestock at this part of the holding. Their son is chief herdsman and has occupied the caravan since 2017. The operation is a long-established cattle and arable enterprise and has recently evolved incorporating dairy with a herd of 500 and contract with a nationwide supermarket.

The Proposal:

Permission is sought for a 4-bedroom detached dwellinghouse with attached double garage, its own access and amenity space. A pitched roof design is proposed with projecting gables and main frontage facing in a north westerly direction. Facing materials comprise of stone walls and slate roof with powder coated aluminium frame windows. The gross floorspace of the development would be 397m² with some office space, a boot room and meeting room incorporated to provide facilities for the farming operations.

A new entrance would be formed through the hedgebank to the south off the existing hard-core track that leads directly to the farm buildings at Hendham View Farm.

Consultations:

- County Highways Authority – No Highways Implications
- Agricultural consultant - objection
- Parish Council – No response received.
- Landscape Officer (SHDC) – Initial holding objection based on concerns relating to landscape impact but upon receipt of additional landscape supporting information, a change to facing materials and enhanced planting, reduced residential garden they acknowledged that once the landscaping become established this will help mitigate any visual impacts associated with the development.

Representations:

6 representations were received in support of the application. The points made can be summarised as follows:

1. There is a clear need for an agricultural worker to be living at this location.
2. A house of this size is necessary to support the dairy needs of the farm, along with meetings, housing students and feeding workers. Farms of this size have traditionally had houses much larger than what is proposed here and a smaller house would have a devaluing consequence for the operation.
3. The design is described as attractive and materials are utilised that are in keeping with the locality. The landscaping will further enhance the impact.

Relevant Planning History

- 0292/17/FUL - Provision of temporary agricultural dwelling (mobile home) – **CONDITIONAL APPROVAL**
- 2591/20/FUL - Provision of temporary agricultural dwelling (mobile home) for 2 years - **CONDITIONAL APPROVAL**
- 2667/21/OPA - Outline application with some matters reserved for the provision of an agricultural workers dwelling including landscaping – **CONDITIONAL APPROVAL**

ANALYSIS

1. 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 relevant 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 Naturally the farm is at a relatively remote location and there are no nearby settlements identified by the JLP. Whilst there are farm buildings in the vicinity and another farm to the west the Supplementary Planning Document (11.48) makes clear that *a building or collection of buildings that originated in support of a single business or function, such as a farm or mill, that are distinct and detached from a rural settlement will not be considered as either a ‘hamlet’ or ‘settlement’, and will be considered as being in the countryside.*
- 1.5 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. Both parts of TTV26 must therefore be assessed:

TTV26.1. 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.*

TTV26.2. 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.*

- 1.6 With respect to TTV26(1) officers have consulted an agricultural specialist who has visited the site and assessed the business and is content that there is an essential functional requirement for an agricultural worker to live permanently at this site. However, an important factor in their deliberations is that the size of the workers unit should be commensurate with the needs of the land use. Whilst there are no thresholds detailed in the Policy, the generally accepted floorspace is between 140- 170sqm, excluding space required for the farm business (farm office, mud room, etc), and this is the approach consistently taken by Officers across the district¹.
- 1.7 The agricultural consultant (AG) has derived this floorspace from appeal decisions. In particular APP/N1215/A/13/2200385 which related to an agricultural workers' dwelling whereby the inspector determined that a 3-4 bedroom dwelling could be satisfactorily accommodated in 120 m² of internal floorspace (accepting that an additional 20m² was appropriate for a farm office). The inspector for that appeal took account of another appeal decision APP/N1215/A/11/2162307, where another inspector also considered that such a size was appropriate. The AG has suggested that, in the absence of any clear adopted policy over size, a consistent approach is his recommended approach to the alternative which would be a sliding scale whereby the larger or more profitable farm should be entitled to a dwelling larger than commonly accepted by the LPA and inspectors as being appropriate. He has suggested that by allowing a larger unit than has been accepted elsewhere this would set an undesirable precedent.
- 1.8 Given the size of the dwelling, Officers question whether it would remain an agricultural workers unit in perpetuity as it is unlikely to be affordable to the average agricultural worker. The applicant has acknowledged that it will not be affordable however they argue that this application has unique circumstances in that the proposed dwelling, over time, will become the main farm residence also highlighting legal restrictions on the land which ties it to the operation, and it could not therefore be sold off separately. The associated legal documents do indeed tie the land to the holding and an application would need to be made to the Council to sell it off separately however this does not address the concern that the dwelling is not commensurate with the needs of the business.
- 1.9 Notwithstanding the legal constraints, officers do not consider the circumstances in this instance are much more different than similar applications for large dwellings in the countryside which have been found to fail to accord with TTV26. It is quite normal as part of a succession plan that the children are to inherit the business and would wish to have their own family sized dwelling. Policy TTV26 does not make a distinction between agricultural workers units and farm managers. Planning policy however is driven by the functional requirements of the holding rather than other needs or preferences of the applicant. Officers accept the need for a modestly sized worker's unit in order to provide a physical presence in sight and sound of the livestock and limited operations however a dwelling of the size proposed, even excluding the two storey double garage, would be considered to be significantly in excess of that.
- 1.10 In terms of TTV26(2) not all of the criteria are relevant. Officers would accept that the dwelling would be complementary to existing operations and the agricultural consultant has not raised any concerns about the ability of the business to sustain the financial costs associated with the construction. As already detailed officers are content that there is a proven need for a dwelling at this location.

¹ Application references 3235/21/FUL, 3935/22/ARM, 3503/21/ARM, 3527/22/FUL, 2395/23/ARM

- 1.11 Both parts of TTV26 require some consideration of the setting, design and what strategy is in place to avoid degradation of the landscape and setting and this will be considered later in this report. Improvements have been made in this regard during the course of the application and whilst officers would stop short of summarising that what is proposed would represent an enhancement conditions could help avoid landscape degradation.
- 1.12 In conclusion whilst the principle of an agricultural workers unit raises no concerns officers do not consider that there is an essential need for a dwelling of the size proposed at this location. As the dwelling is not considered to be commensurate with the functional needs of the business the proposal is considered to fail to accord with Policy TTV26.

2. Design/Landscape:

- 2.1 Policy DEV20 and DEV23 of the JLP generally seek to secure a high quality design that is both sympathetic to the local context and conserves and enhances the landscape setting. As the development is taking place within a National Landscape Policy DEV25 would provide additional protection. This requires giving great weight to conserving landscape and scenic quality and aims to prevent the addition of incongruous features whilst also retaining the intrinsic dark skies of the protected landscape.
- 2.2 During the course of the application some changes have been incorporated to the proposal following the objection from the landscape specialist. Within the red line there is a substantial area now designated for planting with the residential garden ground more compact and materials changed to what would be considered to be more appropriate to the local context. The dwelling is still large and at such a prominent location in the landscape, the visual impact to an extent will be unavoidable and will only be properly mitigated once the landscaping becomes well established. However the design is not considered to be so overbearing in this context as it is set within a spacious plot and it has been accompanied by a high quality scheme of landscaping. The materials incorporating stone and slate would be recessive and in keeping with the local context. Lightspill on the wider landscape will again be mitigated as the landscaping establishes and trees helping to filter it. The wider landscape is notable for its undeveloped qualities however this particular part does contain functional agricultural buildings and dispersed farms and in this respect what is proposed, a workers unit, would not be considered to be so incongruous in this context.
- 2.3 It is noted that many of the supporters of the development view the design as providing an enhancement, however the landscaping strategy seeks to effectively screen the building from view and changes made have only partially addressed the concerns of the landscaping consultant. On balance while officers would not consider it to result in an enhancement, if permission were to be approved, conditions could provide naturally recessive coloured materials and the necessary landscaping whilst also restricting external lighting. In combination these aspects would help suitably conserve the existing character and would not therefore pose any unacceptable conflict with Policies DEV20, DEV23 and DEV25 of the JLP.

3. Highways:

- 3.1 The proposal does not result in any highway concerns and is considered to comply with Policy DEV29 which considers a range of highway safety related issues.

4. Neighbour Amenity:

- 4.1 There is another farm to the south west but not within the kind of range (approx. 75m) that would result in an adverse loss of amenity for existing and future residents. As such the development would not result in any adverse overshadowing or overlooking and in accordance with Policy DEV1 of the JLP.

5. Ecology:

- 5.1 Policy DEV26 requires consideration of habitats and species and seeks to deliver proportionate levels of biodiversity enhancements. An ecological appraisal has found that whilst the site is in a sensitive location with regards to Greater Horseshoe bats, subject to suitable mitigation during construction and with additional mitigation installed, the proposal can suitably protect species and habitat and a proportionate level of biodiversity enhancement can be provided.

6. Drainage:

- 6.1 Policy DEV35 considers flood risks associated with development and requires surface water and foul drainage to provide sustainable solutions. The site is not within an area at high risk of flooding and a drainage assessment has been submitted showing that surface water can be treated via soakaway in a sustainable manner as can foul drainage. Conditions could effectively secure suitable infrastructure to accommodate the development and on this basis the development would not conflict with Policy DEV35 of the JLP.

7. Carbon Footprint:

- 7.1 Policy DEV32 and the recently adopted Climate Emergency Planning Statement requires developments to secure low carbon design as a means of accelerating the transition to a low carbon economy. An air source heat pump and solar PV have been integrated into the design. These along with the extensive planting and sustainable drainage arrangements are considered to provide a suitably sustainable solution and if permission were to be approved could be delivered via condition. As such officers do not consider the proposal to conflict with DEV32.

8. Conclusion:

- 8.1 The proposal is considered to conflict with the adopted spatial strategy and policies of the Development Plan as a dwelling of the size proposed at this location is not considered to be commensurate with the essential need for workers accommodation. Instead, it would result in a disproportionately large dwelling in the open countryside that is unlikely in the circumstances to be affordable to the average agricultural worker thereby failing to maintain that role for the development in perpetuity. Officers do not consider that there are exceptional circumstances in this case that would warrant a different approach than has been applied consistently elsewhere and therefore recommend refusal.

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

DEV20 Place shaping and the quality of the built environment

DEV21 Development affecting the historic environment

DEV23 Landscape character

DEV25 Nationally protected landscapes

DEV26 Protecting and enhancing biodiversity and geological conservation

DEV29 Specific provisions relating to transport

DEV32 Delivering low carbon development

DEV35 Managing flood risk and Water Quality Impacts

Neighbourhood Plan There is no Neighbourhood Plan for this area forming part of the Development Plan

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.