

COMMITTEE REPORT

Case Officer:	Charlotte Howrihane		
Parish:	Bigbury	Ward:	Charterlands
Application No:	3764/23/ARM		
Applicant:	Mr Chris Lidstone and Sarah Appleyard Warcombe Barn Kingsbridge TQ7 4BW	Agent:	Mrs Amanda Burden - Luscombe Maye 59 Fore Street Totnes TQ9 5NJ
Site Address:	Land at Ashford SX 677 487, Aveton Gifford		
Development:	Application for approval of all matters reserved following outline approval reference 0409/21/OPA for erection of agricultural worker's dwelling (resubmission of 2395/23/ARM)		



Reason item is before Committee: Cllr Taylor has called the application to committee as he disagrees with Officer views about the size of the dwelling.

Recommendation: Refusal

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 and TTV26(1)(i) of the Plymouth and South West Devon Joint Local Plan 2014-2034 (JLP).
2. The proposed dwelling, by virtue of the level of groundworks required, resulting scale of the dwelling and light impact on the existing dark landscape is likely to have an adverse impact on the setting of the South Devon National Landscape and local landscape character. The development therefore conflicts with policies SO1, SPT12, DEV23 and DVE25 of the Plymouth and South West Devon Joint Local Plan 2014-2034, policy BP19 of the Bigbury neighbourhood plan, and paragraphs 180 and 182 of the National Planning Policy Framework (2023).

Key issues for consideration:

Principle of development, design, landscape impact, residential amenity, highways, low carbon development, drainage

Site Description:

The application site is a plot of land of approximately 941sqm. It is currently part of a field with road access to the north and to the west of the existing farm buildings. It is situated approximately 915m to the west of the hamlet of Ashford, with Aveton Gifford approximately 1.6km to the south east. The land slopes down from the north to the south, with open fields all around.

The site lies within the South Devon National Landscape (formerly known as the AONB).

The Proposal:

Outline planning permission was granted in 2021 for the erection of an agricultural workers dwelling. This application seeks approval for the reserved matters. The proposal is a two-storey dwelling, finished in a mix of render and stone, with a natural slate roof. A large detached garage is also proposed, in matching materials.

The existing site slopes down from the road, and so the ground will be levelled to allow for the construction of the dwelling. At its highest point, the ground level will be raised by approximately two metres.

Consultations:

- Landscape- objection- details in analysis
- Drainage- no objection
- Archaeology- there is an outstanding requirement for archaeological works to be undertaken, please make the applicant aware
- Environmental Health- no objections
- Parish Council- support

Representations:

None

Relevant Planning History

- 0409/21/OPA Outline application with all matters reserved for erection of agricultural dwelling
- conditional approval
- 1280/21/FUL Provision of roof to cover existing yard area
- conditional approval
- 2395/23/ARM Application for approval of all reserved matters following outline approval reference 0409/21/OPA for erection of agricultural dwelling- refusal

Background:

The application is a resubmission of a previous application, 2395/23/ARM, which was refused for the following reasons:

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 and TTV26(1)(i) of the Plymouth and South West Devon Joint Local Plan 2014-2034 (JLP).
2. The proposed dwelling, by virtue of the level of groundworks required, and the extent of glazing proposed to the south elevation, is likely to have an adverse impact on the setting of the South Devon AONB and local landscape character due to light impact on the existing dark landscape. The development therefore conflicts with policies SO1, SPT12, DEV23 and DVE25 of the Plymouth and South West Devon Joint Local Plan 2014-2034, policy BP19 of the Bigbury neighbourhood plan, and paragraphs 174 and 176 of the National Planning Policy Framework (2023).
3. It has not been demonstrated to the satisfaction of the Local Planning Authority that there is an adequate surface water drainage management system to accommodate the proposed development. The application therefore conflicts with policy DEV35 of the Plymouth and South West Devon Joint Local Plan 2014-2034.

Some minor amendments have been made to the current scheme, notably a slight reduction in glazing, and the submission of additional drainage information. Further details have also been submitted to justify the size of the building, which remains unaltered from the approved scheme.

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 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. 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.*

- 1.5. 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.
- 1.6. The need for the dwelling for an agricultural worker has been established through the grant of the outline application, which was assessed by the Council's Agricultural Consultant who concluded that there was a functional need for the dwelling.
- 1.7. The Agricultural Consultant also advises on the appropriate size of dwellings of this type. 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 requirement of the rural business is and what would be commensurate in terms of workers accommodation. 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.

- 1.8. The proposed dwelling has a floor space of approximately 220sqm, with roughly 30sqm of farm business space within that. There is also a garage of approximately 40sqm proposed alongside the dwelling. The dwelling would therefore be larger than functionally required for the agricultural business even when excluding the farm business space from the size. Officers do not consider that there are any special circumstances or specific requirements of the enterprise to justify a larger dwelling to the extent proposed.
- 1.9. Outline permission was granted for the dwelling with an agricultural occupancy condition; the dwelling is not tied to a personal permission, or to the agricultural holding because the objective is to ensure there is a stock of accessible housing for rural workers within the local area, not just in association with the specific holding. The likelihood of a dwelling of the size proposed remaining a rural workers unit in perpetuity is considered to be low for a unit of the size proposed, as such a large dwelling in the countryside is unlikely to be affordable to the average agricultural worker.
- 1.10. The previous application, 2395/23/ARM, which was refused in 2023, was the same size as the currently proposed dwelling. The applicant has submitted a statement, in an effort to justify the large size of the dwelling, stating that as well as a large farm office and utility area, the business requires a large kitchen, for meetings. Officers do not dispute this, and would have no objections to the retention of the kitchen area as proposed. However, it is also noted that a large dining room, and 'day room' are proposed, as well as an even larger living room, these features result in a dwelling much larger than is functionally necessary- particularly as the living room is double-height, with no accommodation above it at first floor.
- 1.11. 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 proposal would therefore conflict with the spatial strategy which seeks provide housing which meets an identified need, and only supports development in the countryside which meets an essential need for a rural worker and maintains that need in perpetuity.
- 1.12. In considering the principle of development, Officers would accept that a more 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 considered to be of a size that would be accessible to rural workers in perpetuity, and the development is therefore contrary to Policy SPT1, SPT2, and TTV26 of the JLP.

2.0. Design:

- 2.1. The design of the dwelling raises no specific concerns, utilising traditional materials and a domestic character.

3.0. Landscape:

- 3.1. The site is within the South Devon National Landscape, and the 'River Valley Slopes and Combes' Landscape Character Area (LCA). National Landscapes are considered to have the highest status of protection and the NPPF requires great

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

weight to be given to conserving and enhancing landscape and scenic beauty, with particular reference to special qualities and distinctive characteristics or valued attributes. This is consistent with s.85 of the Countryside and Rights of Way Act 2000 (This legal duty is another material consideration, as opposed to forming part of the development plan) which requires that:

“...in exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty”.

- 3.2. The SPT policies within the Joint Local Plan provide the strategic framework within which all other policies of the plan fit, and are prefaced by Strategic Objective SO1 – Delivering the Spatial Strategy. SO1 clearly articulates how the plan aims to manage change in the different spatial parts of the plan area. Of particular relevance is how SO1 envisages the JLP policies will manage change in countryside locations and designated landscapes:

“6. Minimises development in sensitive locations where the high quality natural environments could be harmed, and positively protects, conserves, enhances and celebrates the Plan Area's high quality natural and historic environments.”

- 3.3. Paragraph 180 of the NPPF requires planning decisions to contribute to and enhance the natural and local environment, where the intrinsic character and beauty of the countryside should be recognised alongside maintaining the character of the undeveloped coast (while improving access to it, where appropriate).
- 3.4. Paragraph 182 states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs (now National Landscapes), which have the highest status of protection in relation to those issues. This is reinforced by the JLP, where policy DEV25 requires that LPAs to give ‘*great weight to conserving landscape and scenic beauty in the protected landscapes.*’
- 3.5. Policy BP18 of the neighbourhood plan also gives great weight to ‘*conserving and enhancing the natural landscape and scenic beauty of the area*’ and ‘*avoiding light pollution due to excessive glazing or external lighting.*’
- 3.6. The approval of the outline application, 0409/21/OPA means that the need for a permanent agricultural dwelling has been accepted. The site is currently part of a field with road access to the north, and the existing farm buildings are adjacent to the west, so the location relates well to the existing farmstead. The land slopes down from the north to the south, with open fields all around. The site and surroundings exhibit features of the published special qualities and character of the South Devon National Landscape, which in this location are:
- Deeply rural rolling patchwork agricultural landscape.
 - Deeply incised landscape that is intimate, hidden and secretive away from the plateau tops.
 - Iconic wide, unspoilt and expansive panoramic views.
 - Areas of high tranquillity, natural nightscapes, distinctive natural soundscapes and visible movement.
- 3.7. The landscape is distinctive, unspoilt, with very exposed skylines affording long distance views. There are high levels of tranquillity and dark night skies that reinforce a sense of remoteness. The landscape strategy therefore seeks to protect the special qualities of the National Landscape, which include ‘*iconic wide, unspoilt and expansive panoramic views*’, ‘*high tranquillity*’ and ‘*natural nightscapes*’.

- 3.8. Given the elevated location of the site, and open landscape, the Council's Landscape Specialist has reviewed the application, objecting to proposal and commenting as follows:

The application has been submitted to meet a specific and local, rural housing need within the AONB. The proposed dwelling is two-storey, 3 bedroomed dwelling, with a pitched, natural slate roof (including recessed PV panels on the south elevation), and elevations that will be a combination of render and natural stone. The main ground floor living room is double height with a void at first floor level, which gives the impression of a much larger house, rather than adopting a design with a lower roof over this living area, in order to reduce the visual prominence of the new built form in this sensitive landscape.

I have landscape impact and visual amenity concerns about the following issues:

Scale and Massing: *the internal layout suggests that the scale and massing of the dwelling could be altered to reduce the visual prominence of built form without affecting the arrangement of living accommodation.*

Materials: *The use of natural stonework for the gable projection on the southern elevation is welcomed, but more extensive use of natural stone, or slate-hanging, particularly to the first floor level could be considered, noting that reinforcing local distinctiveness is considered crucial to conserving the South Devon National Landscape, and its promotion will contribute to enhancing the AONB. The extensive use of render, particularly on the south and west elevations is a concern when there is no indication of whether the proposed render will have a dark coloured finish. Careful choice of materials might reduce the visual prominence of the dwelling, and white or light colours should be avoided in favour of muted, recessive finishes. This level of detail would be expected as part of a Reserved Matters application.*

Glint and Glare from the PV panels: *The recessed PV panels could reasonably be relocated from the main dwelling to the roof of the single storey detached garage so that they are set at a lower elevation, which should reduce the potentially intrusive effects of any reflectivity, glint or glare.*

External Lighting: *There is, unusually, no information about any proposed external lighting, even around the dwelling's external doorways, porches or the garage, where some low luminance lighting might reasonably be expected for safe night-time movements. Areas of high tranquillity, natural nightscapes, distinctive natural soundscapes and visible movement are part of the AONB's special qualities, and any development that would result in an unacceptable impact of light pollution from artificial light on intrinsically dark landscapes would not be supported, so any proposals for external lighting should be confirmed and should adhere to guidance for the Institute of Lighting Professionals (ILP) Environmental Zone E1 in the AONB.*

Groundworks: *Substantial cut-and-fill is proposed to create a level area for the dwelling on this naturally sloping site, which will result in raised ground levels and steeply engineered embankments on the south and west sides of the development. This will adversely affect the natural, rolling landform, creating steep embankments which will be difficult to assimilate into the wider field, and will introduce incongruous features that conflict with the prevailing characteristics of the surrounding landscape. I accept that development in this location will require alterations to the natural topography of the site, but the design should work with the site contours, seeking to minimise the use of extensive engineering; avoiding such features in visually prominent locations, and incorporating mitigation measures in accordance with the mitigation hierarchy.*

Landscape proposals - Hedge bank: the application proposes the planting of a native hedgebank to the east south and west of the dwelling to demarcate the domestic curtilage from the remaining pasture. There would be biodiversity benefits resulting from new hedgebank creation and planting, and there also potential screening benefits as a result of new hedge and tree planting around the periphery of the development. The hedge species listed in the document and the Devon bank detail provided are broadly acceptable. The list of suggested tree types to be planted within the hedge are similarly noted, although no indication of precise locations or numbers of each is provided, and not all seem to be locally appropriate. Two year old saplings' indicates a very small stock size, so I am concerned that the new trees will offer little benefit for many years until substantial growth has been achieved.

I am concerned that the subdivision of the field as illustrated on the proposed site plan will create new boundaries that will be out of character with the wider field pattern. The proposed planting scheme should be designed so that it assimilates the development rather than introducing further anomalous features on this visually prominent site, and strategic planting within the 'blue line' of land under the control of the applicant would be considered. A more detailed landscape proposal, with a strategy and planting proposals that reflect the local context could be supported, but the current layout and information do not provide sufficient detail to be confident that the character and visual amenity of the wider landscape has been considered.

*Recommendation: **Objection** The need for a permanent agricultural dwelling has been accepted, as evidenced by the approval of the outline application, 0409/21/OPA. However, the current Reserved Matters proposals fail to adequately demonstrate accordance with adopted policies DEV23 and DEV25 with regards to the special qualities of the SD AONB, and to the character and appearance of the local landscape.*

- 3.9. The LCA for the area values the tranquil valley landscape, noting that it is not interrupted by modern large-scale development, and dark night skies.
- 3.10. The South Devon AONB Management Plan, which is also a material consideration, defines harm to the AONB as:

'any impact which causes loss, damage or detriment to the AONB's natural beauty, its special qualities or its distinctive characteristics or to the perception of natural beauty'
- 3.11. The position of the site, towards the peak of the valley, would locate the proposed dwelling in an elevated and exposed location. The southern elevation particularly would be prominent across the valleys, which are currently largely undeveloped and make a positive contribution to the key features of the landscape identified within the LCA, as well as the natural beauty of the National Landscape.
- 3.12. The previous Reserved Matters application was refused partially on landscape grounds, with concerns about the amount of glazing proposed, and the impact of the engineering works proposed to raise and level the site. Whilst the amount of glazing has been reduced for the current proposal, the concerns about the groundworks, and impact of the proposal on the sensitive landscape have not been resolved, as explained in the Landscape Officer's objection.
- 3.13. The extent of levelling and groundworks required would impact the natural character of the site and surroundings from wider views into the site. As such, the

development conflicts with policies DEV23 and DEV25 of the JLP, policy BP19 of the neighbourhood plan, and paragraphs 180 and 182 of the NPPF.

4.0. Neighbour Amenity:

- 4.1. The site is within a rural location with no other dwellings nearby. As such, the proposal raises no concerns with regard to policies DEV1 and DEV2 of the JLP and policy BP7 of the Bigbury neighbourhood plan.

5.0. Highways/Access:

- 5.1. The site benefits from an existing access, and the development includes parking provision for at least two cars, which accords with the parking standards outlined in the JLP SPD. The development is therefore acceptable in terms of parking and highways matters.

6.0. Low carbon development:

- 6.1. Policy DEV32 sets out the carbon reduction targets of the JLP, and requires new development to contribute towards these targets, through the consideration of materials used, and the promotion of renewable energy sources.
- 6.2. The proposal include the provision of solar PV panels to the south-facing roof slope, as well air source heat pumps and EV charging facilities. Had the proposal been considered acceptable in all other regards, conditions would be recommended requiring the solar panels and EV charging to be installed prior to the occupation of the dwellings, and the proposal is considered acceptable with regard to policy DEV32.

7.0. Conclusion:

- 7.1. Officers 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.
- 7.2. The groundworks and significant engineering works required to create a level site are also considered to have an adverse impact on the National Landscape and the rural, undulating landscape.
- 7.3. The application conflicts with numerous development plan policies and is therefore recommended for 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
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

Bigbury Neighbourhood Plan

BP7- General design principles for new development
BP18- Area of Outstanding Natural Beauty
BP27- Parking Provision

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:

South Devon Area of Outstanding Natural Beauty Management Plan (2019-2024)
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.

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 and TTV26(1)(i) of the Plymouth and South West Devon Joint Local Plan 2014-2034 (JLP).

2. The proposed dwelling, by virtue of the level of groundworks required, resulting scale of the dwelling and light impact on the existing dark landscape is likely to have an adverse impact on the setting of the South Devon National Landscape and local landscape character. The development therefore conflicts with policies SO1, SPT12, DEV23 and DVE25 of the Plymouth and South West Devon Joint Local Plan 2014-2034, policy BP19 of the Bigbury neighbourhood plan, and paragraphs 180 and 182 of the National Planning Policy Framework (2023).

Informatives:

1. This decision relates to drawing numbers 4332.20.A, 4332.21.C, 4332.22.C, 4332.30.C, the Layout Plan, and the Site Location Plan, received on 20th November 2023.