

PLANNING APPLICATION REPORT

Case Officer: Clare Stewart
Strete

Parish: Buckland Tout Saints **Ward:** Allington and

Application No: 0620/18/FUL

Agent/Applicant:
Mrs Amanda Burden
59 Fore Street
Totnes
Devon
TQ9 5NJ

Applicant:
Mr S Smaridge
RT & AR Smaridge
c/o Agent

Site Address: Borough Farm, East Allington, Totnes, TQ9 7QP

Development: Provision of an agricultural workers dwelling

Reason item is being put before Committee

Referred by Ward Member on the grounds there are extenuating circumstances not covered by our policies (health grounds) and therefore the family (who have farmed there for 150 years) should be given a chance to put their case to the committee.



Recommendation: Refusal

Reasons for refusal

1. The proposed development lies within an unsustainable location within the countryside where there is a presumption against new residential development, unless exceptional

circumstances have been demonstrated such as an essential need for a rural worker to live at or near their place of work. The Local Planning Authority is not satisfied that the agricultural need claimed for this development is such as to override the planning objection to a new dwelling which would be remote from existing facilities and services where occupants would be reliant on use of the private car, and is therefore in an unsustainable location. As such the proposal is contrary to Policies SPT1, SPT2, TTV1, TTV2, TTV26 and DEV15 of the Plymouth and South West Devon Joint Local Plan 2014-2034; and the advice contained within the National Planning Policy Framework (notably but not limited to paragraphs 8, 11 and 79).

Key issues for consideration:

Principle of development, design, landscape impact, highways, drainage.

Site Description:

Borough Farm is sited to the north west of Buckland-Tout-Saints and north east of Stumpypost Cross, between the A381 and Sandy Lane. The site can be accessed from Borough Lane to the west which links to the A381 or from the east via a track to Sandy Lane. The site includes a number of agricultural buildings and a farm dwelling known as Little Borough, which lies to the west of the farm buildings. The original farm dwelling and a barn conversion also lie within the complex along with a mobile home. The red line site area subject of this application lies to the east of the farm buildings. The site is surrounded by largely open countryside. The boundary of the South Devon AONB lies to the west of Borough Farm (running along the A381). The site is outside but within the setting of the AONB.

The Borough Farm holding comprises 157 acres of owned land and is operated as a beef, sheep and arable enterprise. There is a further 47 acres of rented land on a long term tenancy. The farmholding is home to a herd of pedigree South Devon cows which are registered to the South Devon Herd Book. The Applicant with his family trade as RT and AR Smaridge. RT and AR Smaridge are a husband and wife partnership who own the farmholding and are parents to the Applicant, Simon Smaridge, who works full-time on the farmholding. RT and AR Smaridge reside in the agriculturally tied bungalow known as Little Borough and Mr RT Smaridge is a full-time worker on the holding. The Applicant and his partner currently reside in the mobile home, which from the Council's records does not appear to benefit from any consent. There are two further dwellings at the site which are not currently in the control of the Applicant or their family – the original farmhouse and a barn conversion (the latter benefits from consent for use as a permanent dwelling).

The Proposal:

Permission is sought for an agricultural workers dwelling to be sited immediately adjacent to the existing agricultural buildings and farmstead. The new dwelling would be occupied by the Applicant and his family. Access would be taken via the existing farm track. The dwelling would be 1.5 storey with part-stone, part render elevations under a slate roof. Landscaping is proposed by way of a new Devon hedgebank planting.

Consultations:

- County Highways Authority – *“It is unclear whether access is to be solely from the west via the A381 or to the east. The access to the east is substandard in visibility terms and there may be scope for improvements. It is recommended if access could potentially be to the east a visibility splay should be provided to the following dimensions - 25m 'y' distance x 2.4m 'x' distance x 25m 'y' distance x 600mm height. Alternatively the Planning Authority may consider a condition restricting access to the west only. The Highway Authority will reserve its recommendation until such time as further information is submitted.”*

- Agricultural Consultant –

“8. Brief Background to Application and Applicant's Stated Reasons for Requiring the Proposed Development in Respect of Existing/Proposed Farm Enterprise

I have made a site visit where I met the applicant Mr Simon Smaridge and his father together with the agent from Luscombe Maye. Mr Simon Smaridge, the applicant, is a partner in the family farming business known as RT & AR Smaridge of Borough Farm. RT & AR Smaridge are the parents of the applicant.

The farm appears to have been in the family ownership for several generations and at the present time there is one agriculturally tied bungalow known as Little Borough which is occupied by the applicant's parents. This application seeks to obtain planning for a second on-farm dwelling to be occupied by the applicant. At the site of Borough Farm there is also the original farmhouse together with a residential barn conversion. Both these properties are occupied by family members of the applicant but further to advice sought on the day as well as separate investigations, I can confirm these two properties are not within the control of the applicant or his parents and therefore cannot be considered as available for a potential dwelling for the worker concerned.

The farm is run on a traditional basis with 60 pedigree South Devon suckler cows with all progeny either reared as replacements or sold as finished cattle. There is a flock of 195 breeding ewes whose progeny are sold as finished lambs. There are 3 sows which provide piglets which are fattened and then directly sold as pork and sausages in the local area.

The land holding comprises 157 acres of owned land together with a further 47 acres rented on a long-term tenancy and an additional 38 acres taken regularly on a grass keep basis. Most of the land is down to grass but the applicant also grows between 25-30 acres of arable crops each year together with catch crops for winter grazing for the sheep and cattle.

It is stated in the agent's planning statement that the health of Mr Smaridge senior together with the nature of the farming business, means there is an essential functional need for at least 2 full time workers to be resident on the site and therefore there is need for a second residential dwelling for an agricultural worker.

9. Is this application treated as agricultural or a rural based enterprise? If the latter what is the evidence and justification for treating it as such?

This application is to be treated as an agricultural enterprise.

10. Summary of Principal Consideration/Factors Relevant to this Application in regard to DP15, where it specifically refers to PPS 7, Annex A.

10.1 Is there is a clearly established existing functional need?

As this is an application for a second on-farm dwelling, an assessment must be made as to whether there is an existing functional need for 2 full time workers to be present at most times of the day and night for the proper management of the farming business and livestock present on the holding.

The evidence provided in the agent's appraisal explains the 60 cow suckler herd calve in a period of 10 weeks between 1st March and mid-May each year and the ewe flock lamb for a similar 10 week period but this time between 1st January and mid-March. Obviously there is an over-lap of the calving and the lambing in the first half of March each year. There is clearly an increase in labour demands at the time of calving and lambing but it is my opinion that the functional needs of the enterprise can be met quite satisfactorily by one resident worker and there is no requirement for a second worker to be resident at most times of the day and night throughout the year. The numbers and types of animals kept on the holding do not warrant a second full time worker to be present at most times.

I appreciate from what the agent says in her report, as well as the evidence I obtained on site, that Mr Smaridge senior does suffer with ill health at times and this warrants the need for his son Simon to be present to oversee some of the tasks that otherwise he would manage being the resident worker. The planning regime does not specifically allow for the personal circumstances of the applicant to override the policy criteria, and it is my opinion the needs of the business can be met by the worker who resides in the existing tied bungalow. Who actually occupies that dwelling is then a matter for the applicant and his family.

10.2 Does the need relate to a full time worker or one who is primarily employed in agriculture and does not relate to a part time requirement?

Although standard man day requirements might show more than 2 full time workers are required to service the existing business, this does not mean the business requires 2 workers to be resident on site at most times of the day and night, throughout the year to deal with emergencies etc. The needs of the business do require one full time worker to be present at most times.

10.3 Has the unit and the agricultural activity concerned been established for at least three years, has it been profitable for at least one of them, is currently financially sound and has a clear prospect of remaining so?

Further to my site visit the agent provided me with unaudited accounts for the years ending October 2017 and 2016. These confirm the business has been established for at least 3 years, it has been profitable for at least one of them, in fact is has been profitable for the last 3 years, and I would asses that it is currently financially should have a clear prospect of remaining so.

10.4 Can functional need be fulfilled by another existing dwelling on the unit or any other accommodation in the area which is suitable and available for occupation by the workers concerned?

The other 2 residential dwellings (the original farmhouse and a barn conversion) are not within the control of the applicant and therefore although suitable are not available. However, as I have deemed there is not a functional need for a second full time worker this criteria is irrelevant.

10.5 Consideration of other planning requirements e.g. in relation to access or impact on the countryside are satisfied?

I have no comments to make in this respect.

11. Other Relevant Issues

11.1 *Is the proposed siting related to the functional need of the enterprise and other buildings?*

n/a

11.2 *Are there other factors which need to be taken into account?*

No.

11.3 *Is this a case where a temporary 3 year consent may be more appropriate to prove the need on a newly established unit or one with a newly established enterprise?*

No.

12. Conclusion

It is my opinion that this application does not satisfy the necessary criteria to show there is a functional need for a second full time worker to be resident on the holding at most times of the day and night for the proper functioning of the farm. The numbers of livestock present do not warrant that second full time worker to be present and I therefore cannot support this application as the functional need has not been proven.

- **Drainage – “Recommendations – No objection**

Based on the information provided we would support the current proposal. Sufficient information has been provided to demonstrate a workable scheme, the final design will need to be agreed with the LPA. Therefore if permission is granted please include the following conditions to finalise the drainage design.

Observations and comments

This is a small scale minor development for provision of an agricultural workers dwelling. A development of this scale requires a workable drainage scheme that prioritises the use of infiltration drainage in accordance with best practice SuDS design, (CIRIA C753).

SuDS should be designed to reduce or manage the surface water as close to source as possible. The drainage hierarchy should be followed with the top of the list as first choice. Evidence will be required to show each option has been explored and discounted.

- 1. By infiltration, soakaway.*
- 2. Discharge to a water course, attenuation maybe required.*
- 3. Discharge to the public sewer, attenuation will be required and permission from SWW.*

Sufficient foul and surface drainage details have been provided to confirm an ‘in principle’ scheme can be accommodated on site. Testing and calculations have not been provided to support the scheme so this information will be required by condition.

Suggested conditions

Foul Drainage

Notwithstanding the submitted details, no development shall be commenced until:

- 1. Details of the works for the disposal of sewage have been submitted to and approved in writing by the Local Planning Authority, and the dwelling shall not be occupied until the approved works have been completed to the satisfaction of the Local Planning Authority. Details to include justification for private foul system.*
- 2. If the proposed development results in any changes/replacement to the existing system or the creation of a new system, scale plans of the new foul drainage arrangements will also need to be provided. This will include a location plan, cross sections/elevations, specification and its capacity to hold additional load.*

Reason: In the interests of the prevention of pollution.

Surface Water

Notwithstanding the submitted information, no development shall be commenced until full details of the most sustainable drainage option has been submitted and approved in writing by the Local Planning Authority (LPA). Design steps as below:

- 1. Soakaway testing to DG 365 to confirm the use of soakaways or to support an alternative option. Three full tests must be carried out and the depth must be representative of the proposed soakaway. Test results and the infiltration rate to be included in the report.*
- 2. If infiltration is suitable then the soakaway should be designed for a 1:100 year return period plus an allowance for Climate change (currently 40%).*
- 3. If the infiltration rate is good, but due to site constraints a full soakaway can't be accommodated then a split attenuation / soakaway system should be considered to manage the surface water on site.*
- 4. Only once all the above have been assessed and discounted will an offsite discharge be deemed acceptable. Attenuation should be designed for a 1:100 year return period plus an allowance for Climate change (currently 40%).*
- 5. The offsite discharge will need to be limited to the Greenfield runoff rate. This must be calculated in accordance with CIRIA C753. The discharge must meet each of the critical return periods.*
- 6. If permeable drive/parking is proposed then it should be designed in accordance with CIRIA C753. Full design details and sectional drawing showing the specification and make up.*
- 7. 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 surface water runoff does not increase to the detriment of the public highway or other local properties as a result of the development."

- Buckland-tout-Saints Parish Council – "further to the site visit the councillors had no objection to the planning application"*

Representations:

None received.

Relevant Planning History

- 08/1154/05/AG Agricultural Determination for erection of agricultural building. Borough Farm, East Allington. Ag Determination details not required: 15 Jul 05
- 08/0935/03/F Continuance of use without complying with condition (b) of permission 9/08/0586/97/3 for barn conversion (to allow use as permanent dwelling). Borough Farm, East Allington. Conditional approval: 15 Aug 03.
- 08/1705/02/F Extension to dwelling. Little Borough, East Allington. Conditional approval: 22 Oct 02
- 08/0586/97/3 Conversion of barn to dwelling. Borough Farm, East Allington. Conditional approval: 30 May 97
- 08/2083/89/3 Conversion of barn to ancillary accommodation and extension to form a dairy. Barn Adjacent To Borough Farm, East Allington. Conditional approval: 27 Apr 90
- 08/1616/81/2 Agricultural dwelling. Borough Farm, East Allington. Conditional approval: 19 Jan 82
- 08/0565/81/1 Agricultural bungalow. Borough Farm, East Allington. Conditional approval: 16 Jun 81
- 08/0709/80/1 Agricultural bungalow. Borough Farm, East Allington. Refusal: 9 Sep 80

ANALYSIS

Principle of Development/Sustainability:

Policy SPT1 sets out the spatial strategy for delivering sustainable development. Policy SPT2 sets out the principles of sustainable linked neighbourhoods and sustainable rural communities with reference to responding to identified housing need. Policy TTV1 sets out a settlement hierarchy for the Thriving Towns and Villages Policy Area, stating that development in the countryside will only be permitted “*only if it can be demonstrated to support the principles of sustainable development and sustainable communities (Policies SPT1 and 2) including as provided for in Policies TTV26 and TTV27.*” Policy TTV26 seeks to protect the special characteristics and role of the countryside, only permitting isolated development in exceptional circumstances. Policy DEV15 supports development in the countryside which meets the essential needs of agriculture.

The proposal would result in the provision of a second on-farm dwelling at Borough Farm. The site is not well-located in terms of access to local services and amenities and is considered to be in the countryside for the purposes of planning policy. Exceptional

circumstances would therefore need to be demonstrated to justify the provision of a new dwelling in this location, which would not otherwise be considered sustainable for new residential development. A functional need for a second on-farm dwelling would provide such circumstances.

The Council's Agricultural Consultant has reviewed the case and does not consider a functional need for a second on-farm dwelling as detailed above. The farmholding only warrants one full time worker to be resident on site, and this need is met by the existing agriculturally tied bungalow (the other two dwellings on the wider site being in separate ownership). The bungalow is presently occupied by the Applicant's Father, Mr RT Smaridge, who is also a full-time worker on the holding. The Agricultural Consultant states in relation to the case put forward for the Applicant:

"I appreciate from what the agent says in her report, as well as the evidence I obtained on site, that Mr Smaridge senior does suffer with ill health at times and this warrants the need for his son Simon to be present to oversee some of the tasks that otherwise he would manage being the resident worker. The planning regime does not specifically allow for the personal circumstances of the applicant to override the policy criteria, and it is my opinion the needs of the business can be met by the worker who resides in the existing tied bungalow. Who actually occupies that dwelling is then a matter for the applicant and his family."

On the above basis the proposal for a second dwelling it not justified in planning policy terms.

The Agricultural Consultant's comments were prepared prior to the publication of a revision to the NPPF (published in February 2019), paragraph 79 (previously paragraph 55) of which now states:

"Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;..."

The key difference between the previous and current versions of the NPPF of relevance to this case is the reference to the *"taking majority control of a farm business"*. The Agent considers that the Applicant is responsible for the everyday running of Borough Farm and has *"majority control"* of the business, and therefore meets the requirement of paragraph 79.

In this case the functional needs of the business have been assessed to require one full-time worker to be resident on site. Officers do not consider the revision to the NPPF takes away the need for a functional need for the number of on-site dwellings to be demonstrated. There is an existing farm dwelling available on site, Little Borough, and who occupies that dwelling is a matter for the Applicant and their family. The two further dwellings on site are currently in separate ownership. When consent for the barn conversion to be used as a permanent dwelling was obtained (LPA ref. 08/0935/03/F) the Applicant was a "Mr T Smaridge".

On the basis of the above there is an in principle objection to a dwelling in this location, as no exceptional circumstances or functional agricultural need have demonstrated for such development in a countryside location.

Design/Landscape:

The proposed dwelling itself is modest in scale and form, and would be an appropriate size for an agricultural workers dwelling were it considered there was a functional need for one. The dwelling would be well-related to the existing built form at Borough Farm, and landscape character could be conserved through the implementation of a landscape scheme (which could be secured by condition).

Design and landscape impact is acceptable.

Neighbour Amenity:

No specific concerns having regard to the proposed location of the new dwelling in relation to other properties.

Impact on neighbours is acceptable.

Highways/Access:

DCC Highways have queried where access to the dwelling would be taken from, noting visibility from the east is poor. The main access to the farm is from the west via Borough Lane and the A381, and the submitted details including red line site plan indicate this is the proposed access route. On this basis it is considered refusal on highways grounds could not be sustained. The submitted plans indicate suitable parking and turning space would be provided within the residential curtilage.

Highway impact, access and parking and turning provision is acceptable.

Other Matters:

Conditions would be required in respect of foul and surface water drainage in the event of an approval.

The application has been advertised as adjoining/affecting a public right of way. There is a public footpath running through the Borough Farm complex to the west of the proposed dwelling. There would be some views of the development from the footpath but no substantive harm to user enjoyment/amenity.

Following formal refusal of this application Officers would be obliged to investigate the siting of the residential mobile home at Borough Farm.

The Planning Balance:

The application proposes a new dwelling on the basis of agricultural need. The site is in a countryside location where new dwellings would not generally be considered sustainable. The proposal would result in the provision of a second on-farm dwelling at Borough Farm. The Council's Agricultural Consultant considers the farm holding requires only one full-time worker to be resident on site, and this need can be met by the existing farm bungalow. Whilst personal circumstances have been put forward it is matter for the family to decide who should occupy the bungalow. Whilst there are no other material planning objections to the proposal, which is considered acceptable in design and landscape terms, this does not override the principle objection to the lack of agricultural need for a second on-farm dwelling. The application is therefore recommended for refusal.

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

Planning Policy

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 development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts South Hams and West Devon within Dartmoor National Park) comprises the Plymouth & South West Devon Joint Local Plan 2014 - 2034.

Following adoption of the Plymouth & South West Devon Joint Local Plan by all three of the component authorities, monitoring will be undertaken at a whole plan level. At the whole plan level, the combined authorities have a Housing Delivery Test percentage of 166%. This requires a 5% buffer to be 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 6.5 years at the point of adoption.

Adopted policy names and numbers may have changed since the publication of the Main Modifications version of the JLP.

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
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
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

Other material considerations include the policies of the National Planning Policy Framework (NPPF) including but not limited to paragraphs 8, 11 and 79 and guidance in Planning

Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application:

Neighbourhood Plan

N/A

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.