

PLANNING APPLICATION REPORT

Case Officer: Adam Williams
Littlehempston

Parish: Littlehempston **Ward:** Marldon and

Application No: 3647/19/FUL

Agent/Applicant:

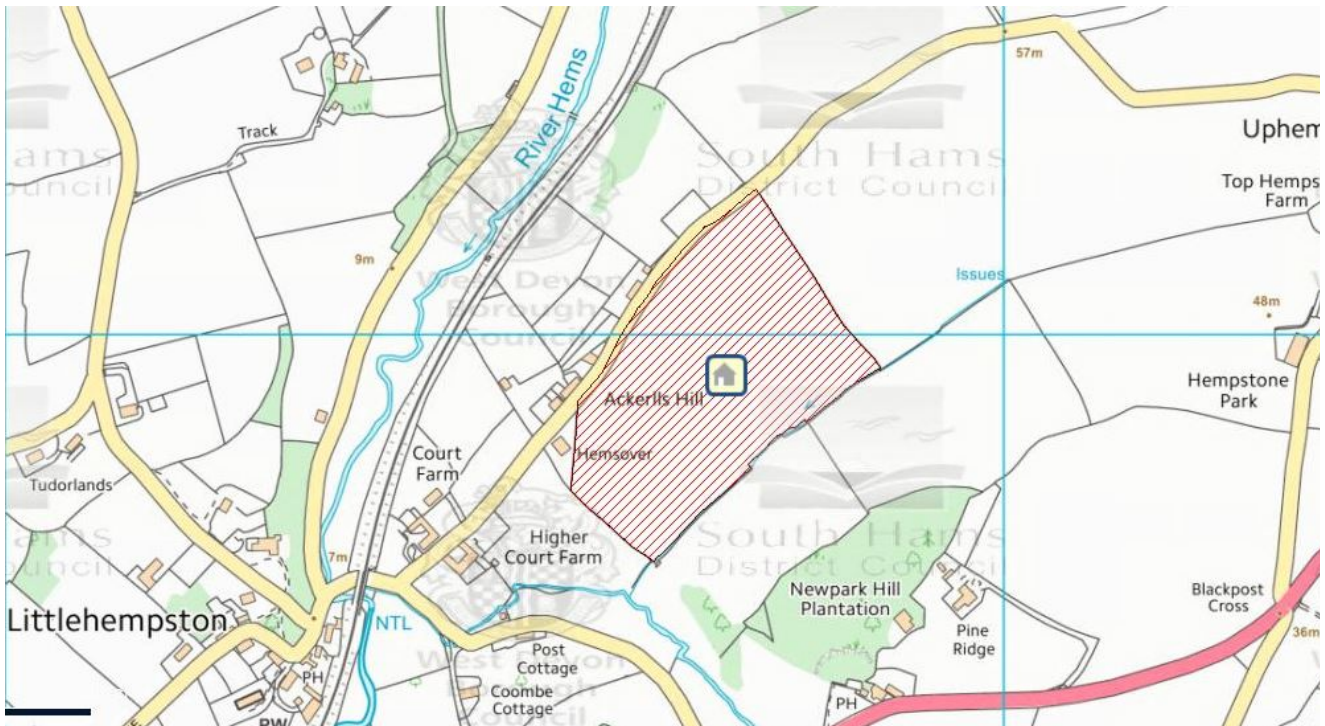
Mr Stephen Munday
Little Cottage Farm
Plymouth Road
Totnes
TQ9 5LH

Applicant:

Mr & Mrs Richard and Jacqueline
Hodgson
9 Argyll Terrace3
Totnes
TQ95JJ

Site Address: Field at Ackrells Hill, Ackrells Hill, Littlehempston, Devon

Development: Erection of 2 linked agricultural sheds and green houses, a livestock shelter and hen coup, creation of parking area and provision of drainage facilities in order to establish an organic smallholding.



Reason item is being put before Committee *Applicant is a councillor*

Recommendation: Conditional Approval

Conditions

1. Time limit
2. Accord with plans
3. Surface water drainage scheme
4. Agricultural/horticultural use only
5. Remove after no longer use for intended purposes
6. No external lighting

7. There shall be no use of internal artificial lighting within the new Agricultural Building from 15 minutes after sunset to 15 minutes before sunrise from April to October (inclusive).
8. The recommendations (section D) of the Updated Ecological Assessment (DWV, Nov 2019) shall be followed before and during construction.
9. Prior to commencement full landscaping details shall be provided including planting specifications, plan for establishment and ongoing management of the proposals.
10. No more than 12 visitors at any time
11. No overnight stays
12. Hours of visits Mon – Sat 9am – 6pm
13. Details of visibility splay

Key issues for consideration:

Principle, landscape, access, amenity

Site Description:

The site is a single field of 5.93 hectares located outside of the village of Littlehempston, north east of Higher Court Farm and opposite a row of dwellings. An unclassified road runs along the North West field boundary which is defined by a Devon Hedgebank. Access is taken from the road into the upper corner of the site via a field gate.

The field slopes quite steeply from North West to south east.

The site is not within a designated landscape

The Proposal:

The proposals comprise the following structures

- A pair of timber framed and panelled customised shed measuring 5m x 5m (3m to ridge) each with a 3m ridged roof between them
- Pair of greenhouses attached to the timber sheds of 5m x 3m each (2.5 max height lean to)
- Livestock field shelter 6m x 5m
- Poultry shed 2.4m x 6m

Also part of the application are some re-instated hedgerow (following former historic field division lines. Bee hives, low density native parkland trees, wildflower and water meadow and growing area for organic grape vines, figs, soft fruit and hops

Consultations:

- County Highways Authority – standing advice
- Town/Parish Council – objection, concern regarding traffic, visual impact and potential residential use
- SHDC Landscape Specialist – no objection subject to landscape condition

- SHDC Drainage – no objection subject to condition
- SHDC Ecologist – no objection subject to condition
- Agricultural Consultant - Support

Representations:

17 letters of objection were received raising the following material planning concerns

- No need/justification for the development
 - Other sites that are more suitable for re-wilding
 - Traffic increase if allotment take up was popular/uptake of study groups and random visits
 - Visually prominent
 - Missing detailed landscape plan (this has since been provided)
 - Ecology report sect 1.2 states 'barn & residential dwelling', sect 4.2.3 states 'residential dwelling'
 - having floor to ceiling windows is unusual & inappropriate in a livestock shelter
 - In the Ecology Report August 2018, page 8, section 1.2 states..'the proposal of a barn and residential dwelling'
- Page 16 section 4.2.3 repeats the above.
page 17 section 4.3 advises on the grass for the residential garden.
- says these will be for residents use, but as the majority of properties in Littlehempston have gardens, take up will be limited.
 - Their position will cause maximum impact on nearby houses
 - Visually prominent
 - Littlehempston is a village with a small population and no permanent educational facility and so has no need for an educational site.
 - other less productive areas of land in Littlehempston and the South Hams which are either too steep, north facing or susceptible to flooding which would be more suitable to rewilding
 - This is productive farm land that, in my view, should be used as such
 - increase in traffic in the narrow lane and the danger to pedestrians, walkers with dogs and horse riders, clarity is needed on this proposal

5 letters of support stating

- Climate declaration, any plan which features increasing biodiversity and conserves nature in Devon is very welcome
- food security coupled with locally grown food and teaching horticultural techniques will undoubtedly be the most important skills for the future. In addition there are serious losses to British Wildlife at present and re-wilding is of crucial importance.
- sympathetic to the area - with emphasis placed on the use of existing public footpaths and buildings kept to a minimal & practical level

Relevant Planning History

1607/18/AGR Mr & Mrs R & J Hodgson

Application for prior notification of agricultural building to provide storage of animal feeds, straw, hay and farm equipment (resubmission of 1114/18/AGR) Ag Determination details required

Ackrells Field Littlehempston Devon TQ9 6LX 14 May 2018

1114/18/AGR Mr & Mrs R & J Hodgson

Application for prior notification of agricultural building to provide storage of animal feeds, straw, hay, wood and farm equipment Withdrawn

Ackrells Field Littlehempston Totnes TQ9 6LU 25 April 2018

ANALYSIS

Principle/Sustainable Development

Sustainable development lies at the heart of the spatial strategy, with Policy SPT1 setting out how development and change will be managed in accordance with the principles of delivering sustainable development through a sustainable economy, a sustainable society and a sustainable environment. Policy SPT2 elaborates further on achieving sustainable rural communities, indicating support for the development of rural based business and enterprise, specifically agriculture.

These matters are further addressed by Policies TTV1 and TTV2, which set out the development strategy for the Thriving Towns and Villages and which aim to prioritise growth through a hierarchy of sustainable settlements and deliver sustainable development. Amongst other things, these policies make it clear that development in hamlets and the countryside will only be permitted where they can be shown to support the principles of sustainable development and sustainable communities or provide suitable justification, such as business or agriculture support. Policy TTV2 indicates that the delivery of sustainable rural development will be supported if it would benefit rural businesses, enterprise, agriculture, and respect the character of the countryside and historic settlements.

The site is in open countryside but would be associated with agricultural activities. Policy TTV26 states that:

The LPAs will protect the special characteristics and role of the countryside. The following provisions will apply to the consideration of development proposals:

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.

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

Policy DEV15 is also relevant which seeks to support the rural economy, specifically DEV15.6 states that development will be supported which meets the essential needs of agriculture or forestry interests.

TTV26.2 iv follows a similar line stating where proposals in the countryside should respond to a proven agricultural, forestry and other occupational need that requires a countryside location.

In this instance, advice was sought from the council agricultural consultant who surmised that the whilst the structures are not designed typically, they do reflect a different business proposition, and whilst there is no existing business need, the buildings are needed to start the business and of an amount to suit the justification, overall he supports the development.

The development in principle would therefore respond to a proven agricultural need and complementary to is, supporting the needs of agriculture.

Design/Landscape:

The field is currently undeveloped, so the imposition of new buildings and change in field character arising from the various planting and horticultural type uses proposed will invariably alter the prevailing landscape

The proposed business is based on sound principles and is a proportionate development in terms of establishing a new agricultural/horticultural enterprise and is supported by adequate justification demonstrating a need for the building

The main proposed building is relatively large, measuring 8m x 13m and 3m high, it is proposed upon the hill and will be highly visible, particularly visible from a public right of way that runs to the south west of the site, the councils Landscape Specialist was consulted on the proposals and made the following observations

The proposed development as set out above will be located within the upper, northern corner of an agricultural field close to Littlehempston. The Landscape Character and Visual Impact Statement (2020.01.20) is noted (non-standard).

The baseline character is that of a pastoral field, within a strongly undulating, rural landscape. Local valleys are steep and narrow, with rounded hills and limited tree cover. Views are relatively short and contained, often focused on round hills and along rivers which define the sense of place. It has high scenic quality where development is sparse, giving a strong sense of tranquillity. New development should be small scale, and within the historic pattern, conserving views across and along valleys. Woodland should be conserved and enhanced, with historic mapping identifying division of the modern, larger fields with hedgerows.

Overall, the landscape strategy for the LCT seeks to: protect the settled but rural character of this area and the landscape's function as a setting for adjacent river valleys. New development should reflect the small scale, historic settlement pattern and vernacular character. The landscape pattern of mixed pasture and arable fields with hedgerows, narrow lanes and woodland is conserved and enhanced and opportunities for green infrastructure links to settlements and appropriate recreation opportunities are sought.

The proposed development broadly accords with the landscape character, which would be conserved with the introduction of agricultural small-holding buildings and positive reinstatement of historically removed hedgerows. Whilst all the buildings are not entirely agricultural in appearance - large glazed elements within the greenhouses, and various non-traditional roof finishes, they would be of a limited scale, and accompanied by more traditional livestock buildings. Reinstated landscape features are welcomed and should be appropriately detailed and implemented. These enhancements are noted within the planned layout, with the introduction of new Devon hedgerows (sought within the LCT – Landscape guidelines) and should further conserve the overall character, mitigating some views and retaining the agricultural nature of this landscape. Internal and external lighting should be minimised and controlled.

On this basis, officers are satisfied it accords with DEV23 so the proposal is supported subject to landscape conditions.

The proposal contain glazed elements which are not typical of agricultural structures, however the proposals feature horticultural elements and it's not uncommon to see glazed structures in that context

Ecology

The application was supported by an ecology survey from 2018 and an update for 2019. The councils ecologist was consulted and provided the following observations

The proposal is supported by an Updated Ecological Assessment (dated 10th December 2019) from Devon Wildlife Consultants which was based on a walkover assessment by the ecologist.

The site is described as single field of semi-improved grassland bounded by species-rich hedgebanks with some blackthorn scrub encroachments from the boundaries. The site slopes towards a stream on the SE boundary.

It is noted that the site falls within the South Hams SAC Landscape Connectivity Zone, a zone which recognises the role that the wider landscape around key foraging 'sustenance zones' plays in terms of commuting and connectivity for greater horseshoe bats between the designated roosts of the SAC. The site itself provides potential for foraging and commuting bats, including the grassland, hedgebanks and stream corridor. Notwithstanding the likely use of the site by greater horseshoe bats, (and with reference to the South Hams SAC HRA Guidance, 2019) the proposal will not result in loss, damage or disturbance, at a landscape scale, to a network of potential Commuting Routes – the proposal will not have a likely significant effect on the South Hams SAC and detailed HRA is not required.

The site is within 1km of Cirl Bunting breeding territories, and the site has suitable habitat to support breeding and summer foraging. There is good potential for use of the hedgebanks by dormice and reptiles. Reptiles are also likely to use the grassland.

A previous survey (in 2018 by the same ecologist) noted that bat activity surveys, dormice and Cirl Buntings may be required, however caveated by this being subject to the detail of the proposal. Namely that if hedgebanks were retained (and unlit), and habitat creation could result in a gain for these species, that additional surveys would not be required.

Broadly I am supportive of this approach, and consider that the proposal satisfies this requirement – namely that the hedgerows will be retained, and that proposals include habitat creation which will benefit the protected species mentioned.

I note that the Ecological Assessment recommends that construction is limited to daylight hours during the active season avoiding the need for artificial lighting, and that no exterior lighting will be erected – this I support. I further note however that the proposed Agricultural Building (which includes an office) comprises glazing on a number of elevations (notably N and E). Accordingly, I consider that the suggested limit to construction during daylight hours during active bat season is extended to the operational phase as well (as reflected in the proposed condition). Otherwise, use of the office/Agricultural Building in the evening after sunset under artificial light could impact on bat use of the hedgebanks. If this was not acceptable, light modelling would be required for the Agricultural Building to demonstrate that the proposal would not cause unacceptable levels of light at the hedgebanks.

The other aspect to this proposal in terms of biodiversity is the comparison of the proposed versus the existing. The existing site has wildlife value, this is evident from the Ecological Assessment, and would undoubtedly be validated if detailed Phase 2 protected species surveys were carried out. The proposal is removing a small area of habitat only to facilitate the buildings and associated parking. Accordingly, to ensure the proposal secures enhancement for biodiversity the LPA need to have confidence that the proposals within the Drawing Number 006. D&Ag 1:2,500 will be undertaken and must condition the delivery of these proposals and appropriate subsequent management (reflected in

the suggested condition for landscaping details). Subject to the proposals being delivered there is undoubtedly scope for this scheme to deliver significant and meaningful gain for biodiversity, in terms of hedgebank creation, traditional orchards, wildflower planting and other features for wildlife.

The council's ecologist recommended 4 conditions, two pertaining to lighting, external and internal, accordance with the ecology survey recommendations and the submission of a detailed landscaping scheme. These conditions will be applied to ensure the site secures the biodiversity gain that has been set out

Neighbour Amenity:

The nearest dwellings are adjoining the nearby county lane to the north. The site and dwellings are separated by trees and mature hedgerows and a busy road, the buildings are not considered to significantly affect the amenity of these dwellings in terms of overbearingness, loss of light or privacy and therefore do not conflict with policy DEV1 in this regard.

Highways/Access:

DCC highways officers have raised no objection to the proposals. Access to site will continue to be provided to the site via a gateway on the green lane that is currently in use. From visiting the site and observing the access, given the expected slow speeds of traffic, the set back of the access, enough room is available for waiting and sufficient visibility is available looking both directions and its possible that a suitable visibility splay could be provided here. Standing advice requires a 2.5m X distance but 2m can be acceptable in areas which are lightly trafficked such as this. The Y values for this location (the visibility from the nearest point of the access and the highway) should be around 20m, travel speeds are expected to be around 15-20mph, given then straight nature of the lane, the presence of an existing access, officers considered that it would be possibly to achieve a 2m set back and Y values in both west and east directions of over 20m, a condition will be applied to seek this details prior to development above slab level

There is a quantity of recycled stone in the gateway to provide stable access and reduce mud travelling. From officers own observation on site the access has suitable visibility in both directions and providing users of the road are following due care, will be able to react to emerging traffic.

The applicants wish to provide opportunities for educational visits, the proposed floor space of all the buildings is 104m² for the larger building, 22.75m² for the livestock shelter and 14.4m² for the poultry shed. The limited floor space will limit the numbers of people who are able to visit. Officers considered that limited business hours to run from 10am to 6pm Monday to Saturday would be more appropriate to protect amenity, the number of visitors should be no more than 12 at any time as the parking area is understood to be able to accommodate 6-8 vehicles, accounting for likely car sharing arrangements to occur. The applicant stated to officers that it is envisaged that bookings will be taken for visits no more than twice per month and vehicular movements will be monitored through booking and encouraging visitors to arrive by bus and walking via the public foot path running from the bus stop near the Pig and Whistle. In combination with alternative means of accessing the site by bus and bike, officers consider that there are enough travel options available compared with other rural locations in the South Hams.

Planning Balance

The proposal would provide a number of benefits, notably supporting a new rural business; biodiversity enhancements through wildlife restoration. The business would also be located with access to a range of services and residences and as a rural location, is quite well connected by car, bus and cycle.

On the other hand, the development would have an impact upon nearby living conditions of occupants through an increase in visitors but can be mitigated for with appropriate conditions. These factors do not weigh heavily against the proposal however. The totality of the harms balanced against the benefits with the conditions proposed indicates that the scheme would be sustainable development and an appropriate use for existing buildings.

In assessing the proposals against Joint Local Plan Policies, and the policies in the Revised Framework taken as a whole, it is considered that the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits.

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
TTV26 Development in the Countryside
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV15 Supporting the rural economy
DEV23 Landscape character
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport

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:

Neighbourhood Plan

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.

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: To comply with Section 91 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall in all respects accord strictly with;

Site location plan – received by the Local Planning Authority on 13/12/2019

Plans and Elevations Proposed Outline Drawings RH: 002 2 - received by the Local Planning Authority on 13/12/2019

Plans and Elevations Agricultural Buildings RH:001 1 - received by the Local Planning Authority on 13/12/2019

Plan 6 Map New Field Boundaries & Farm Development plan - received by the Local Planning Authority on 17/01/2020

Reason: To ensure that the proposed development is carried out in accordance with the drawings forming part of the application to which this approval relates.

3. The drainage scheme shall be installed in strict accordance with the approved plans (drawing no. 278/18/500), maintained and retained in accordance with the agreed details for the life of the development. If any other drainage scheme than that approved as part of this permission is proposed then a mitigating drainage alternative shall be agreed with the Local Planning Authority.

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.

4. The buildings hereby permitted shall be used only for agricultural purposes as defined in Section 336(1) of the Town and Country Planning Act 1990.

Reason: To ensure that the site is only used for agricultural purposes to protect the amenities of the rural area where there is a policy of restraint.

5. Where the development hereby permitted ceases to be used for agricultural purposes within ten years from the date of this permission and planning permission has not been granted authorising development for purposes other than those set out under the above condition within three years of the permanent cessation of the agricultural use, and there is no outstanding appeal, the development must be removed unless the Local Planning Authority has otherwise previously agreed in writing.

Reason: For strict control of development in the countryside and the Local Planning Authority wishes to ensure that the development is used solely for the purposes hereby permitted.

6. Notwithstanding the details provided, there shall be no external lighting unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the countryside from intrusive development

7. There shall be no use of internal artificial lighting within the new Agricultural Building from 15 minutes after sunset to 15 minutes before sunrise from April to October (inclusive).

Reason: To safeguard the welfare of a protected species of wildlife, in the interests of the amenity of the area and the Conservation (Natural Habitats) Regulations 1994 and the 1981 Wildlife and Country Act (as amended) and in accordance with Policy DEV26 of the Plymouth and South West Joint Local Plan

8. Notwithstanding the details set out on the submitted drawings, the development hereby permitted shall be carried out in accordance with the recommendations set out in the Updated Ecological Assessment (DWV, Nov 2019) with strict adherence to the measures in section D of the report.

Reason: To safeguard the welfare of a protected species of wildlife, in the interests of the amenity of the area and the Conservation (Natural Habitats) Regulations 1994 and the 1981 Wildlife and Country Act (as amended) and in accordance with Policy DEV26 of the Plymouth and South West Joint Local Plan

9. Notwithstanding the submitted details, within one month of commencement a detailed landscape hard and soft Landscape Scheme shall have been submitted to, and approved in writing by the Local Planning Authority. The Landscape Scheme shall be prepared by an appropriately qualified professional and shall include:

- materials, heights and details of hedgebanks, fencing and other boundary treatments;
- materials, heights, levels and extent of hard landscape treatment, including access points, tracks, roads and any hardstanding areas;
- the location, number, species, density, form and size of proposed tree, hedge and shrub planting;
- the method of planting, establishment and protection of tree, hedge and shrub planting;
- details of lighting including function, location, design and intensity;
- a timetable for the implementation of all hard and soft landscape treatment

All elements of the Landscape Scheme shall be implemented and maintained in accordance with the approved details unless otherwise agreed in writing by the local planning authority. All planting shall be implemented within the first planting season following practical completion. If within a period of five years from the date of the planting any tree/shrub/plant, or any tree/shrub/plant planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree/shrub/plant of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation. All work shall be completed in accordance with the timetable agreed.

Reason: In the interest of public amenity and the conservation and enhancement of the local landscape character, taking account of the particular landscape characteristics of the site and its setting, in accordance with Development Plan Policies.

10. No more than 12 visitors (excluding deliveries/maintenance) on any occasion and there shall be no more than two booked visits per calendar month unless otherwise agreed in writing by the Local Planning Authority. Up to date records of visits shall be kept at all times and shall be available for review by the Local Planning Authority at any time.

Reason: To safeguard the amenities of nearby residents and in the interests of highway safety.

11. There shall be no overnight stays within the buildings or in camper vans or caravans on the site in association with the use of the premises at any time

Reason - In the interests of local amenity.

12. No visits associated with the business, other than the site owners, shall take place outside the hours of 9 a.m. and 6 p.m. on Monday to Saturday and any time on Sundays and Bank Holidays

Reason: To ensure that the proposed development shall not prejudice the amenities enjoyed by the occupants of properties in the neighbourhood.

13. Access and visibility splays shall be provided in accordance with a plan to be provided to the Local Planning Authority prior to development above slab level. The visibility splays shall provide intervisibility between any points on the X and Y axes at a height of 0.6 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be 20 metres in both directions in so far as the application site is affected. The access and visibility shall be then laid out and maintained for that purpose at the site access

Reason: To provide adequate visibility from and of emerging vehicles.