

## PLANNING APPLICATION REPORT

**Case Officer:** Bryony Hanlon

**Parish:** Malborough **Ward:** Salcombe and Thurlestone

**Application No:** 1770/20/FUL

**Agent:**

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

**Applicant:**

Mr D Watkins  
C/O Agent  
Luscombe Maye  
59 Fore Street, Totnes  
TQ9 5NJ

**Site Address:** Land at SX 726 406, Malborough, associated with Land at Lower Mill Park, West Alvington.

**Development:** READVERTISEMENT (Revised site description) Provision for general purpose agricultural building.



**Reasons for call-in:**

Cllr Long has requested that the application is referred to the DM Committee in light of the Parish Council representations, so that Members can fully consider and balance the material planning considerations, including agricultural need and impact on farmland, the AONB, amenity value and biodiversity of neighbouring Woodland TPO copse set out in the report.

## **Recommendation: Conditional approval**

### **Conditions:**

Time limit

Accord with plans

Surface water drainage

Agricultural use only

Landscaping scheme

No external lighting or rooflights

Remove when no longer required, with CMP and landscaping scheme submitted to LPA prior to any demolition

Informative: SAM located within close proximity to the site; contact Historic England prior to any groundworks being undertaken outside the red line site boundary

### **Key issues for consideration:**

Design, scale and massing, agricultural need, impact on the Undeveloped Coast, impact on the South Devon Area of Outstanding Natural Beauty.

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### **Site Description:**

The site is located c. 2.1 km north west of Salcombe and c. 0.375 km south west of the Salcombe to Kingsbridge Estuary (a Site of Special Scientific Interest). The site comprises c 0.54 hectares of open field which is part of a total land holding of c. 6 hectares arranged over two adjacent fields. The land rises north east to south west and the site enjoys panoramic views of the estuary and surrounding countryside. The applicant also owns the adjacent Ilton Copse; an area of mature woodland which is subject to a Tree Protection Order. An existing field access connects the site to the public highway c. 300m to the west, along an unmetalled field track.

The site is located within the open countryside, South Devon Area of Outstanding Natural Beauty and the Undeveloped Coast. A Scheduled Ancient Monument is located c. 80m south at Ilton Castle Farm. A Public Right of Way (Malborough Footpath 20) runs along the eastern boundary of the site.

### **The Proposal:**

The applicant wishes to construct a general purpose agricultural building, from timber close board cladding and anthracite grey box profile roof sheeting. The floor area of the building is 216 m<sup>2</sup>; the building measures 12 m wide x 18 m long and 6.1 m to the ridgeline. The building has two open bays and a sliding door to access the enclosed portion of the building. The applicant has confirmed that the building will be used to store agricultural machinery and crops/fodder that will be produced on the surrounding land. The building will be accessed by an existing field gate to the south west of the site, along a track that follows the existing field boundary. The applicant has proposed the construction of a rolled stone yard outside the building, with the yard and building to be enclosed with a Devon hedgebank and woodland planting.

### **Consultations:**

- County Highways Authority                      No highways implication
- Natural England                                      No objection
- Historic England                                      No comments offered
- Forestry Commission scheme                      No opinion offered either in support of or objection to the

• Malborough Parish Council Objection

As per the previous application, Malborough Parish Council unanimously OBJECT to the proposals submitted reference 1770/20/FUL.

With immediate effect they require that no further consideration is given to this application without sight of a full and proper business plan provided by the applicant AND a full report from the Agricultural Consultant to include an on site visit.

The reasons for the objection include, but are not limited to the following:

- The building is far too large for the overall size of the site, a 216m barn for land of approximately 15 acres is simply not warranted.
- The applicant has not farmed this site for some time. It has been leased/rented for some years by a local farmer with equipment of his own. Why then is a barn required for the applicant's machinery and why is the applicant stating that he has been moving machinery between sites? There can not be less vehicular movement by the applicant if he's not in recent years farmed the site.
- Why does the design and access statement claim the applicant is farming the land?
- A 15 acre site is not sufficient enough to warrant valuable machinery being on site full time, this is not a viable prospect, something the applicant would be well aware of as we understand he farms a significantly larger site in another county.
- Councillors query the suitability for the use of the second field as arable due to the incline.
- If the land is to be a mix of livestock/arable, what type of livestock will be on site and what provision will be made for the animals?
- Livestock would not be able to be housed in the proposed barn due to the proximity of other property in the area. With no other buildings on site how is this to be managed?
- The barn is proposed to be sited in the middle of an AONB and is immediately adjacent to a SSSI, the impact on the landscape, viewpoints and wildlife is extremely detrimental and would be damaging to the area.
- The applicant states there are no trees in the vicinity that could be affected, this is not accurate and it should be noted that TPOs have been requested for all trees in the area to ensure that they are preserved for future generations.
- The consideration is that this building is a precursor to a change of use to a dwelling.
- This area is extremely special as it is both AONB and SSSI. Development of any kind is not necessary, not justified and certainly not in the best interests of anyone other than the applicant. In short this application equates to an oversized development in an extremely sensitive and special area. The visual impact is not acceptable and there is seemingly no justification for approval. Malborough Parish Council reserve the right to submit further objections in due course.

• West Alvington Parish Council Objection

West Alvington Parish Council have voted unanimously to object to this application and to support the views of Malborough Parish Council as per the following:

With immediate effect they require that no further consideration is given to this application without sight of a full and proper business plan provided by the applicant AND a full report from the Agricultural Consultant to include an on site visit.

The reasons for the objection include, but are not limited to the following:

1. The building is far too large for the overall size of the site, a 216m barn for land of approximately 15 acres is simply not warranted.
2. The applicant has not farmed this site for some time. It has been leased/rented for some years by a local farmer with equipment of his own. Why then is a barn required for the applicants machinery and why is the applicant stating that he has been moving machinery between sites? There can not be less vehicular movement by the applicant if hes not in recent years farmed the site.
- 3 Why does the design and access statement claim the applicant is farming the land?
- 4 A 15 acre site is not sufficient enough to warrant valuable machinery being on site full time, this is not a viable prospect, something the applicant would be well aware of as we understand he farms a significantly larger site in another county.
5. Councillors query the suitability for the use of the second field as arable due to the incline.
6. If the land is to be a mix of livestock/arable, what type of livestock will be on site and what provision will be made for the animals?

7. Livestock would not be able to be housed in the proposed barn due to the proximity of other property in the area. With no other buildings on site how is this to be managed?

8. The barn is proposed to be sited in the middle of an AONB and is immediately adjacent to a SSSI, the impact on the landscape, viewpoints and wildlife is extremely detrimental and would be damaging to the area.

9. The applicant states there are no trees in the vicinity that could be affected, this is not accurate and it should be noted that TPOs have been requested for all trees in the area to ensure that they are preserved for future generations.

10. The consideration is that this building is a precursor to a change of use to a dwelling. This area is extremely special as it is both AONB and SSSI. Development of any kind is not necessary, not justified and certainly not in the best interests of anyone other than the applicant.

In short this application equates to an oversized development in an extremely sensitive and special area. The visual impact is not acceptable and there is seemingly no justification for approval.

West Alvington Parish Council reserve the right to submit further objections in due course.

- SHDC Tree Officer No objection on arboricultural merit
- SHDC Agricultural Consultant Support

I previously gave advice on this site with regard to planning reference 3911/19/FUL and my letter to Bryony Hanlon dated 11 March 2020 refers.

As you will note in that letter, I was supportive of the application apart from the design of the building. I assume from the design and access statement submitted with the present application that the previous application was withdrawn and not only have they tried to address my comments with regard to the design of the building but I also assume there may have been issues with regard to its siting and the associated landscape and visual impact.

To avoid repeating myself from my previous consultation response, the agricultural circumstances of the application appear to look identical (apart from site and design) and therefore I am satisfied there is a need for a building and similarly I am satisfied that the revised siting also meets that need. With regard to design, clearly the applicant has changed the style of the building so as to have two open-fronted bays, a third bay which has a sliding door and a fourth bay which is totally enclosed. In terms of design, this is now acceptable.

Therefore, I am supportive of the existing application without any reservation or caveats.

Further comment 05 October 2020;

I have revisited the case and looked at the supporting information as well as the notes taken at my original site visit and my first consultation response dated 11th March 2020 in relation to application reference 3911/19/FUL.

I subsequently responded to Jeff Penfold on 15 July 2020 with regard to the present application. I don't think the use of the land (arable or grazing) has any material effect on the size or design of the building in this case. It is a relatively small building which is commensurate with the size of the holding. Arable crops and associated machinery are pretty similar to grass management machinery and crops. Both corn and hay/haylage still have undercover storage requirements. I note that in my initial response to you I commented that the land had been reseeded and I expected more grass to be conserved than arable crops grown. Therefore I am still satisfied there is a need for this size of building on the holding.

## **Representations:**

### **Representations from Residents**

Thirteen letters of objection have been received and include the following points:

- It is in an AONB; the large and ugly building should be refused in this undeveloped area as it conflicts with policies DEV23, DEV24 and DEV25.
- The site is adjacent to an SSSI with the potential for run off to pollute the estuary.

- The site is adjacent to a Scheduled Ancient Monument.
- The site is adjacent to a public footpath and the LVIA fails to take into account some of the viewpoints from this footpath or from other areas of public access within the surrounding area, such as the estuary itself.
- The LVIA has not been updated with the impacts of the work being undertaken on the site.
- The LVIA states that Site A is the least visually harmful of the three considered; Site B has now been selected with no clear justification.
- The LVIA states that the development provides opportunity to enhance the landscape but the applicant could do this without constructing a building and causing harm to the landscape.
- It would be a solid structure in a rural landscape that would be seen from the estuary, Old Coach Road and footpath linking Collapit and Woolston.
- It could pollute dark skies.
- It will result in increased traffic on the narrow country lanes.
- The proposal is contrary to policies SPT1, SPT2, TTV1, TTV2, TTV26 and DEV15 as the agricultural need in this countryside location has not been suitably justified.
- The position of the barn on this small acreage necessitates a soil compacting track along the entire length of the field from Blanksmill Cross. The track, the building and the sizeable area around it cordoned off from grazing would reduce the viable land that is purported to need for his agricultural enterprise.
- The soil fertility of this field is recorded as low and its gradient steep so its suitability for arable and livestock farming must be questionable.
- The agricultural assessment falls short of the standard required and does not cover many of the issues raised on the previous application.
- This is an embryonic residence in my opinion. We must be wary of planning manipulations and quash this application at the outset. If this application is approved it will act as a precedent for landowners to do as they like inside or outside the AONB.
- During lockdown in March/April and prior to the planning submission much felling of trees in Ilton Copse took place and heavy machinery came on site. A large area of the wood was cleared and levelled but the application shows the copse intact and give no indication what is intended for this area. The site for the agricultural building and roads were similarly prepared. TPOs have been placed on the remaining copse but the applicant's tree survey of 1/07/2020 stated they were of no arboreal value. This copse has much amenity value standing high on the skyline. The Council should force the applicant to replace the trees he chopped down.
- As the landowner has already proved destructive with existing trees, then Rathbone Partnerships suggestions for more landscape mitigation measures would be in the balance. They have suggested (Document 7382452) in their planting design that new native broadleaf woodland to be planted is seen as an extension of the existing woodland copse. The copse they refer to, again, is Ilton Copse now tree depleted.
- Marlborough and some of the surrounding parishes have been targeted as priority areas for Saving Devons Treescapes project that is being coordinated by the Devon Wildlife Trust with money from the National Lottery Heritage Fund amongst others. This project aims to increase the number of small woodlands/ coves and improve hedgerows and will be enacted over the next 5 years. This proposed development, and the destructive work that has already happened, seem to point to a diametrically opposed future for the South Hams landscape and undermine its AONB status.
- This application should therefore be given maximum scrutiny and, if permission is given, then planning conditions should be placed. These should include a suitable management plan (including replanting) for Ilton copse plus the planting of new broadleaf woodland as detailed within the Landscape Assessment documents. A 10-15 year woodland maintenance & management plan should also be demanded.
- The applicant is lucky to have an ancient copse on the site; it was severely damaged by the applicant's contractors during lockdown this spring. No Forestry Commission license was sought or granted. The extent of the clearance went well beyond what is legal for routine tree husbandry. Enforcement investigation was opened: case number 022285. A TPO is now in place but the damage to the AONB continues. Throughout April and May, work continued on the site. A large flat area right next to the copse was cleared and levelled; a new entrance was cut through the ancient

Devon hedge: water and power trunking services were also laid. A large pile of hard core material is stacked ready to lay the hard track needed to provide access across the field to the main road. So confident is the applicant and his agent of getting approval - they have already started work!

- To be clear, no permission was in place for any of these works. The view of Blanksmill Creek is wide and expansive from these fields and the PROW which runs through the site is a joy to walk. This third application must be seen for what it is. The AONB must be protected at all costs.
- Now the same landowner is seeking planning permission for an agricultural building. It would beggar belief if consent were given and surely questions must be asked at a higher level if it were to go ahead. I object to planning permission being granted as the landowner has clearly demonstrated a disrespect for nature conservancy and the rule of law.
- Previous planning applications on the site were not accompanied by the correct information.
- I previously objected to the last application as did many others. This constant withdrawal of applications followed by new applications finally dilutes the public outcry and people are worn out by the relentlessness of it all. This should not sway on the general perception that the general public opinion that this application is unacceptable and should be refused.

### Relevant Planning History

Planning Application Reference	Proposal	Site Address	Decision
33/1215/09/AG : AGR	Agricultural Determination for erection of agricultural building	Ilton Castle Farm Malborough Kingsbridge TQ7 3DA	Ag Detmntn - Details required: 06 Aug 09

### ANALYSIS

#### Principle of Development/Sustainability

It should be noted that the applicant holds c. 6.0 hectares of land. All of the land falls within South Devon AONB and the Undeveloped Coast. Under Permitted Development rights (Part 6, Class A of The General Permitted Development Order 2015 (as amended)), the applicant is entitled to construct a building of up to 1000 m<sup>2</sup>, provided that that building is reasonably necessary for the purposes of agriculture within that unit, subject to certain conditions. As such, the current application is considered in the context that the applicant benefits from a fallback position under Permitted Development rights whereby the principle of development in this location is established, where it would normally be resisted.

Policy DEV24 controls all development located within the Undeveloped Coast and development is only permitted where proposals comply with the criteria below;

Development will only be permitted in the Undeveloped Coast where the development:

1. Can demonstrate that it requires a coastal location.
2. It cannot reasonably be located outside the Undeveloped Coast.
3. Protects, maintains and enhances the unique landscape and seascape character and special qualities of the area.
4. Is consistent with policy statements for the local policy unit in the current Shoreline Management Plan.
5. Is consistent with the relevant Heritage Coast objectives, as contained within the relevant AONB Management Plan.

The whole of the land holding falls within the Undeveloped Coast and the applicant has not identified any other land within their ownership that could reasonably accommodate the development. As such, having regard to Permitted Development rights, the principle of development in this location is considered to accord with clauses 1 and 2 of the policy (the landscape aspect is considered in more detail later in this report).

Development in the countryside must be considered in the context of policy TTV26; due to the proximity of Ilton Castle Farm and Campsite, the proposal is not considered to be isolated and therefore, the second part of the policy only applies.

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.

The proposal recognises that a Public Right of Way (PROW) runs adjacent to the site along the eastern boundary. The proposal includes new stock proof fencing and tree planting to ensure that the PROW remains free of any obstruction and on this basis, the proposal is considered to accord with the provisions of TTV26 (2i).

Clause 2(iii) requires that any proposal is complementary to and not prejudice any viable agricultural operations on a farm and other existing viable uses.” Objectors have raised concerns that the land take required for the proposal will result in such a significant loss of land as to render the proposal oversized or unnecessary for its stated purpose. Approximate measurements indicate that when the application site is excluded from the total holding, c. 5.5 hectares of agricultural land remain. When considered in the context of Permitted Development rights, a holding of 5 hectares is required to justify the construction of a new agricultural building and in this context, the remaining holding is in principle, considered sufficient to justify the need for a new building yet leaves sufficient land to support a viable agricultural operation.

Clause 2(v) requires that proposals avoid the use of “Best and Most Versatile Agricultural Land.” According to Natural England Survey Data (2014), the entire holding falls within an area classified as Grade 2 and therefore, no other land of lesser agricultural quality is available as an alternative site. Again, when considered in the context of Permitted Development rights, the proposal is considered to accord with this element of the policy.

Policy TTV26 (2iv) requires that proposals “respond to a proven agricultural, forestry and other occupational need that requires a countryside location”. Objectors have raised concern that the proposal is not agriculturally justified and that the Council’s agricultural assessment of the proposal is not properly considered. The agricultural assessment references an earlier application for a similar proposal on the holding that was withdrawn in early 2020 (3911/19/FUL). This assessment concluded that while the principle of an agricultural building was agriculturally justified, the design as proposed was not suitable for the types of agricultural use specified, as the proposal was fully enclosed where it would normally be expected to offer both open and fully secure storage. The agricultural assessment referenced some comments made by the applicant relating to the proposed use of the holding; the applicant stated that arable crops would be grown on the holding but the agricultural consultant advised that the applicant has re-seeded the fields to support the grazing of cattle which would prevent the growth of arable crops. However, the consultant has advised that irrespective of this, the applicant may grow fodder on part of the holding which would require storage and that any cattle (or other livestock) may require additional fodder that would again, need to be stored. It should be noted that it would not be possible to keep any cattle within the building itself, due to the proximity to nearby residential dwellings. In addition, the consultant recognised the need for secure machinery storage and that a building designed to accommodate both storage requirements was considered justified. The consultant also advised that “the fact that the applicant lives away from the holding is not a

negative factor to the application.” The current proposal has been revised to better support the likely storage requirements for the holding and the consultant has confirmed that the revised design addresses the previous concerns. The consultant has also confirmed that the revised siting is considered acceptable with regards to its agricultural justification and function. As such, it is considered that the scale, design and siting of the proposed building are considered agriculturally justified and respond to a proven agricultural need that requires a countryside location, in accordance with TTV26 (2iv).

Policy TTV26 (2vi) requires that proposals “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”. The first part of this clause is considered under “Design/Landscape” below but it is considered that the second part of the clause could be dealt with through a suitably worded condition. This condition requires that the building is removed when it is no longer required for the purposes of agricultural and that the land is returned to its former use. In addition, a Construction and Environmental Management Plan, to include a landscaping and management scheme, must be submitted to the LPA prior to the demolition of any building on the site, to demonstrate how long term degradation of the landscape and natural environment will be avoided. On this basis, the proposal is considered to accord with the provisions of TTV26 (2vi).

On balance, the proposal is considered agriculturally justified and appropriately designed and sited to meet the needs of the agricultural operation, with the use of this building restricted to agricultural purposes only as the development is considered acceptable for the use proposed in a countryside location, and is permitted on the basis of an agricultural need without which permission would not have been granted. Officers acknowledge that there are concerns within the community that the proposal represents a thinly-veiled attempt to site a dwelling on the land holding, with the current proposal the first step in that process, to be converted at a dwelling at a later date. However, Officers are satisfied that the current policy framework, together with the use of suitably worded conditions is sufficient to restrict the use of the building to that which the applicant has applied for and no other purpose.

As such, the proposal is considered to accord with the provisions of STP1, SPT2, SP11, SPT12, TTV1, TTV2, TTV26 and DEV15.

#### Design/Landscape

The application site itself is comparatively level but the surrounding fields fall away from south west to north east down to the estuary, which is a Site of Special Scientific Interest. The previous application on the holding was withdrawn, partly due to its design and partly due to the fact that the proposal was sited very close to the SSSI and Natural England had requested additional detailed information relating to landscape and drainage management to safeguard the SSSI. The application has been redesigned and resited within the holding as part of the current application. The resiting away from the SSSI has resulted in Natural England confirming that they have no objection to the scheme.

The applicant has supplied a Landscape and Visual Impact Assessment to accompany the proposal; it is acknowledged that this does not reflect the fact that some works have been undertaken on site, as noted by an objector and its validity and scope have been queried by a number of objectors. It should be noted that Officers have completed their own site visits before making their final assessment of the proposal. The LVIA recognises that the proposal will be visible within the landscape and proposes a number of associated measures in order to mitigate the visual impact of the scheme. These measures include the choice of recessive materials, the absence of rooflights or solar panels within the proposal and the use of the Ilton Copse as visual screening from the south, in addition to a landscaping scheme. These measures are considered to accord with the guidance set out in Section 8.6 Agricultural Buildings of the South Devon AONB Management Plan – Planning Guidance.

Policy TTV26 (2vi) requires that proposals “help enhance the immediate setting of the site.” In addition, policy DEV25 (8i) requires that proposals “conserve and enhance the natural beauty of the



protected landscape with particular reference to their special qualities and distinctive characteristics or valued attributes". The whole of the land holding, including the application site, falls within the Landscape Character Type 3G area; River slopes and valley combs. The overall landscape strategy for this area is set out in the Council's Landscape Character Assessment (LUC, 2017) and describes what is distinctive and valued within this part of the South Devon AONB;

To protect and enhance the peaceful character of the valley slopes, fringed by well-managed woodlands and fields enclosed by an intact network of species-rich Devon banks. Opportunities are sought to restore conifer plantations to broadleaves and other semi-natural habitats, creating a climate-resilient green network. New recreational spaces and infrastructure links are provided to nearby settlements.

In this context, the proposal is accompanied by a landscaping scheme that includes the creation of Devon hedgebanks and woodland planting in order to screen the proposal. The LVIA sets out that when considered together with the screening effect of the adjacent Ilton Copse, the new landscaping will screen the proposal such that it will have a neutral impact on the landscape character of this area. Officers are mindful of the objections that question the comprehensiveness of the LVIA but Officers consider that in the context of Permitted Development rights, the size and location of the holding, the surrounding topography and the proposed screening measures, the proposal is considered to have a neutral impact on the landscape character of this part of the South Devon AONB and the Undeveloped Coast.

It is considered necessary to secure the details of the materials by condition, in the interests of visual amenity and to prevent the creation of new rooflights within the building or the installation of any external lighting to protect the countryside from intrusive development. It is also considered necessary that the landscaping scheme is secured by condition in the interests of the visual amenities of the locality and to assimilate the development into its surroundings. It is also considered appropriate to require that the building is removed when no longer necessary for the purposes of agriculture, with details of a Construction and Environmental Management Plan to be submitted to the LPA prior to removal of the building, as the development is considered acceptable for the use proposed in a countryside location, and is permitted on the basis of an agricultural need without which permission would not have been granted and to comply with the requirements of TTV26 (2vi) to demonstrate how long term degradation of the landscape and natural environment will be avoided.

### Trees

It is acknowledged that there have been some works to Ilton Copse in recent months and that the Council has served a Tree Preservation Order on Ilton Copse (number 1012). It is considered that this TPO will serve to safeguard the copse and provide a mechanism for any further works to be considered, in addition to controls exerted by the Forestry Commission.

It should be noted that Ilton Copse is located outside the application site boundary; the Council's Tree Officer has reviewed the application and has confirmed that they have no objection to the proposal on arboricultural merit. The Forestry Commission have advised that in their capacity as a non-ministerial government department they are not in a position to object to or support an application. Instead they have advised that further to their assessment of the recent felling at Ilton Copse, they do not intend to take any further action at this time but that the applicant has been made aware of the need to apply for felling licences if the relevant thresholds are met. The Forestry Commission have some reservations regarding the digging and levelling element of the works within Ilton Copse but that they support the principle of additional planting, in addition to the restoration and replanting of hedgebanks. They have also advised that there is a national review of the Ancient Woodland Inventory currently underway and that Ilton Copse may be added to this inventory in the future.

The South Hams Tree Wardens Network have raised concerns relating to the recent felling (see above) and have requested long term controls over the maintenance and management of the site and the adjacent Ilton Copse. Officers consider that the TPO is sufficient to protect Ilton Copse and have

specified that the landscaping scheme requires the replacement of any plants that are removed, become damaged, diseased or die within ten years of the completion of the proposed development. In addition, Officers have also specified that should the building be removed at a future date, that a scheme of landscaping is submitted prior to this occurring to ensure that long term degradation of the landscape is avoided. On this basis, the proposal is considered to accord with the provisions of DEV26 and DEV28.

#### Surface Water Drainage

The applicant has proposed the use of a soakaway to dispose of surface water from the proposal. This is considered acceptable, with the details to be secured by condition 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. On this basis, the proposal is considered to accord with the provisions of DEV35 and is acceptable.

#### Heritage

The application has been advertised as affecting the setting of a Listed Building; namely the nearby Grade II Listed Alston Farmhouse and Grade I Listed Yarde Farmhouse with associated Grade II farm buildings. The assets are listed for their architectural and historic value. Historic England have advised that they do not wish to offer any comments on this application. Officers consider that due to the topography and relative siting of these heritage assets, the proposal will not have a detrimental impact on their setting.

The Devon County Council Historic Environment Viewer indicates that there is an historic record of a quarry, as indicated on the 1880s Ordnance Survey Map and as such, the quarry is considered a Non-Designated Heritage Asset. This area is now overgrown and it is sited to the north of the access track from the public highways to the site of the proposed building. There is no indication that any structural works would take place near to this feature and as such, it is not considered that the continued use of the unmetalled agricultural track associated with an agricultural holding of this scale would result in a significant harmful impact on the quarry.

An objector has noted that there is a Scheduled Ancient Monument to the south of Ilton Copse. While this is unlikely to be affected by the proposal, Officers consider that an informative should be added to remind the applicant that they should contact Historic England prior to undertaking any groundworks outside the red line site boundary, as further permissions may be required.

As such, the proposal is considered acceptable with regards to the provisions of DEV21.

#### Neighbour Amenity:

The proposed building is located c. 175m north of the campsite at Ilton Castle Farm. Due to the siting, separation distance and the type of use proposed for the building (agricultural storage), it is not considered that the proposal would have a detrimental impact on human health or amenity for anyone staying on or visiting the campsite. It is considered necessary to restrict the use of the building to agricultural storage purposes for two reasons; (1) the development is considered acceptable for the use proposed in a countryside location, and is permitted on the basis of an agricultural need without which permission would not have been granted and (2) the building is sited within 400m of a campsite at Ilton Farm and the impacts of any other use on the occupants of the campsite have not been considered as part of this application. On this basis, the proposal is considered to accord with the provisions of DEV1 and DEV2.

#### Highways/Access

The applicant has noted within their Design and Access Statement that the access will be taken from an existing field access along an existing agricultural track. However, it was noted during the site visit that hardcore had been introduced to the site entrance; some of it had been laid to form a parking and turning area and the rest was heaped into a large pile. The hardcore was a light colour and Officers consider that the introduction of a light material would appear incongruent and unduly visually prominent within the landscape. As such, Officers have confirmed with the applicant in writing that the

hardcore will be removed from the site and that no formalised access track is proposed as part of the application. As such, the proposal is considered to accord with the provisions of DEV29.

#### Other Matters

A number of objections have referenced the fact that works have been undertaken on the site and in the adjacent Ilton Copse without the benefit of planning permission. It is acknowledged that the Council's Planning Enforcement Team have been alerted to the situation but that any decision regarding potential enforcement action is considered beyond the scope of this report. However, Officers are mindful of the strength of public feeling on this matter.

Objectors have also made reference to previous applications, including the accuracy of information and the approach to the planning process. Objectors have advised that the general public feel fatigued by the process, as it is lengthy and involves multiple applications with no clear outcome. Officers are aware of the planning history of the land holding as a whole and are aware that the planning process can leave members of the public feeling disenfranchised and excluded from the decision making process. However, each application is considered on its own merits and applicants retain the right to withdraw an application prior to a decision being made and to submit any number of applications should they so wish.

#### Conclusion

It is acknowledged that due to its highly sensitive countryside location within the South Devon AONB and the Undeveloped Coast, an agricultural building would not normally be supported in this location. However, as the applicant's land holding is sited entirely within both the AONB and the Undeveloped Coast, with no alternative site available to the applicant and with the benefit of a fallback position to site a building, under Permitted Development rights, Officers consider that the principle of development is established. On balance, the proposal is considered agriculturally justified and appropriately designed and sited to meet the needs of the agricultural operation. Officers consider that subject to controls on the use of the building, along with a landscaping scheme and provision for the restoration of the site should the building no longer be required for the purposes of agriculture, the proposal is considered acceptable and is recommended for conditional approval.

***This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.***

#### **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 26 March 2019, 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) 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 21 March 2019 and West Devon Borough Council on 26 March 2019.**

SPT1 Delivering sustainable development  
SPT2 Sustainable linked neighbourhoods and sustainable rural communities  
SPT9 Strategic principles for transport planning and strategy  
SPT10 Balanced transport strategy for growth and healthy and sustainable communities  
SPT11 Strategic approach to the Historic environment  
SPT12 Strategic approach to the natural environment  
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  
DEV15 Supporting the rural economy  
DEV20 Place shaping and the quality of the built environment  
DEV21 Development affecting the historic environment  
DEV23 Landscape character  
DEV24 Undeveloped coast and Heritage Coast  
DEV25 Nationally protected landscapes  
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

### **Neighbourhood Plan**

Following a successful referendum, the Malborough Neighbourhood Plan was made at Special Council Committee on 21 March 2019. It now forms part of the Development Plan for South Hams District and is used when determining planning applications within the Malborough Neighbourhood Area.

The relevant policies are noted below;

Policy 5: High quality design  
Policy 10: Adapting to climate change (non-domestic)  
Policy 12: Dark skies  
Policy 14: Siting of development  
Policy 15: Heritage  
Policy 16: Trees, woodland, hedgerows and Devon banks  
Policy 17: Biodiversity

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance within the Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application: South Devon AONB Management Plan (2019-2024), including Planning Guidance, Plymouth and South West Devon Joint Local Plan Supplementary Planning Document 2020.

### **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.

## **Conditions**

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 drawing numbers;

*Site Location Plan SHDC02*

*Land Ownership Plan*

*Landscape Mitigation Proposals DW/LMP/01C*

*Proposed Elevations DW01*

*Proposed Plans DW02*

*Received by the Local Planning Authority on 26 June 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. Notwithstanding the submitted details, prior to the installation of any part of the surface water management scheme or before development continues above slab level, whichever is the sooner, full details of the most sustainable drainage option shall be submitted to and approved in writing by the Local Planning Authority (LPA). Suds to be designed for a 1:100 year event plus 40% for climate change. If the Local Planning Authority concludes that the method of drainage approved as part of this permission is undermined by the results of the percolation tests, a mitigating drainage alternative shall be agreed with the Local Planning Authority and thereafter installed, 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.*

4. The building hereby approved shall be used for storage of agricultural machinery, crops and fodder purposes only.

*Reason: (1) The development is considered acceptable for the use proposed in a countryside location, and is permitted on the basis of an agricultural need without which permission would not have been granted.*

*(2) The building is sited within 400m of a campsite at Ilton Farm and the impacts of any other use on the occupants of the campsite have not been considered as part of this application.*

5. The proposed landscaping shown on drawing number DW/LMP/01C shall be implemented in the first available planting season and any trees or plants which within a period of 10 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation. The landscaping scheme shall be strictly adhered to during the course of the development and thereafter.

*Reason: To ensure the provision of an appropriate landscaping scheme in the interests of the visual amenities of the locality and to assimilate the development into its surroundings.*

6. Notwithstanding the details provided, there shall be no external lighting or rooflights within the roof of the building unless otherwise agreed in writing by the Local Planning Authority.

*Reason: To protect the countryside from intrusive development.*

7. Where the development hereby permitted ceases to be used for the purposes of agriculture (as defined by Section 336 of the Town and Country Planning Act 1990 (as amended)), within three months of the permanent cessation of the agricultural use, the development must be removed and the land restored to its former condition. Prior to the removal of the development, a Construction and Environmental Management Plan, to include a scheme of landscaping and woodland management, shall be submitted to and approved in writing by the LPA. The removal of the development and the restoration of the land shall then be carried out in accordance with those details as approved.

*Reason: (1) The development is considered acceptable for the use proposed in a countryside location, and is permitted on the basis of an agricultural need without which permission would not have been granted.*

*(2) To demonstrate how long term degradation of the landscape and natural environment will be avoided, as required by policy TTV26 (2vi).*

## **INFORMATIVES**

1. The applicant is advised that there is a designated Scheduled Ancient Monument located within close proximity to the site; contact Historic England prior to any groundworks being undertaken outside the red line site boundary, as further consents may be required.

2. This authority has a pro-active approach to the delivery of development. Early pre-application engagement is always encouraged. In accordance with Article 35(2) of the Town and Country Planning Development Management Procedure (England) Order 2015 (as amended) in determining this application, the Local Planning Authority has endeavoured to work proactively and positively with the applicant, in line with National Planning Policy Framework, to ensure that all relevant planning considerations have been appropriately addressed.

3. The responsibility for ensuring compliance with the terms of the approval rests with the person(s) responsible for carrying out the development. The Local Planning Authority uses various means to monitor implementation to ensure that the scheme is built or carried out in strict accordance with the terms of the permission. Failure to adhere to the approved details can render the development unauthorised and vulnerable to enforcement action.

4. If your decision requires the discharge of conditions then you must submit an application for each request to discharge these conditions. The current fee chargeable by the Local Planning Authority is £116 per request. Application forms are available on the Council's website.