

## PLANNING APPLICATION REPORT

**Case Officer:** Oliver Gibbins

**Parish:** Thrushelton **Ward:** Bridestowe

**Application No:** 2926/19/FUL

**Agent/Applicant:**

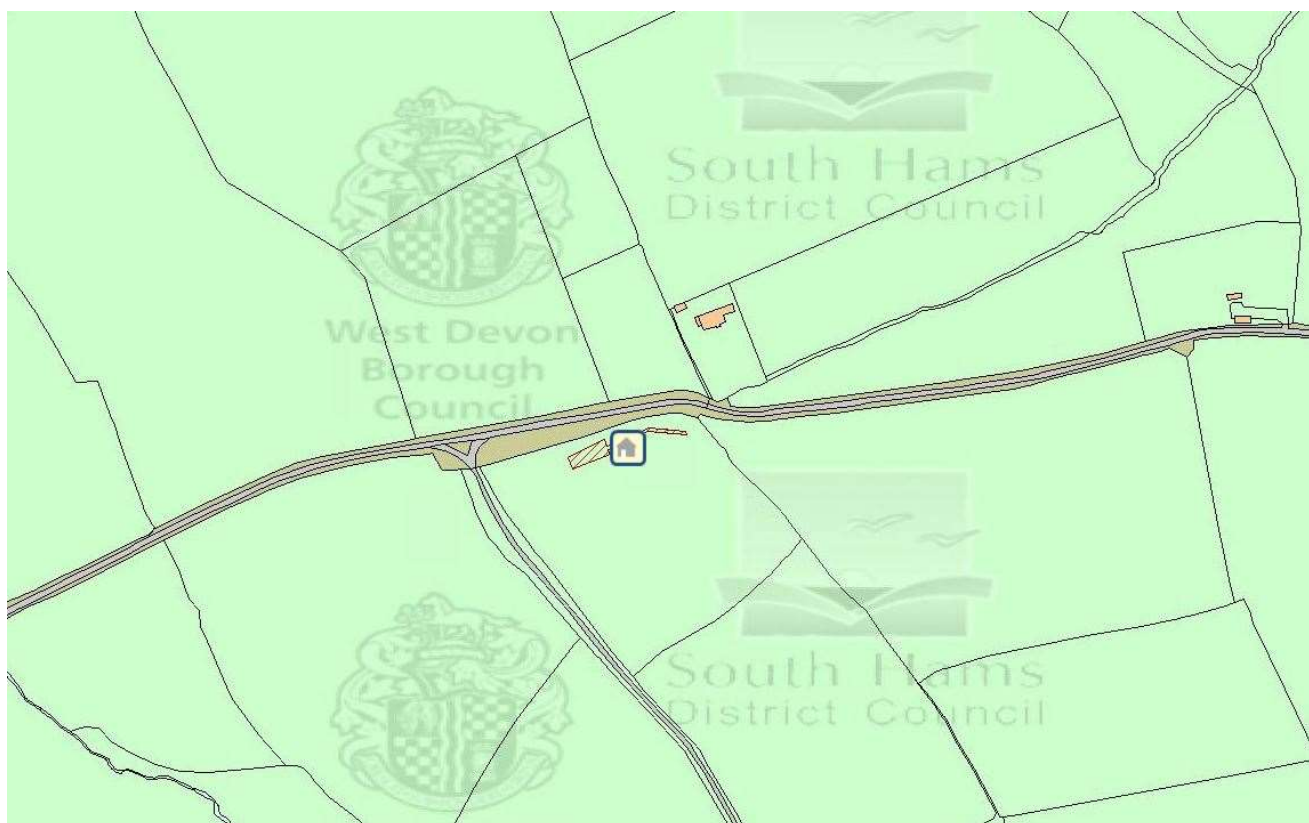
Mrs Anna Clarke  
C/O 2 Elmfield Meadow  
Rosefield  
Station Road  
Northlew  
EX20 3BN

**Applicant:**

Mrs Anna Clarke  
C/O 2 Elmfield Meadow  
Station Road  
Northlew  
EX20 3BN

**Site Address:** Field at Sx 445 910, to the East of West Headson Farm, Bratton Clovelly, Okehampton, EX20 4JP

**Development:** Agricultural building / dry store for fodder and agricultural implements.



**Reason item is being put before Committee:**

Cllr Southcott has requested that this application is determined by the Committee for the following reason:

*Due to the objections to this application from the neighbouring parish council of Bratton Clovelly and the local neighbours I believe it would be best if this application be considered by the planning committee. There are issues that need an airing, in particular the retrospective nature*

*of the planning applications and the issues involved. If for no other reason I believe your decision deserves the support of the committee.*

Cllr Mott has requested that this application is determined by the Committee for the following reason:

*Detrimental impact on the landscape and suitability of a poly-tunnel as an agricultural building.*

## **Recommendation: Conditional approval**

### **Conditions**

1. Commencement
2. Approved plans
3. Removal when no longer required for agriculture
4. Landscaping
5. Details of external lighting
6. Drainage - surface water
7. Waste management

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

The key issues relate to the principle of the development, the impact on amenity and the character and appearance of the area and the nearby listed building.

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### **Site Description:**

The site is a 4 acre piece of land located on the southern side of the road between Broadwoodwidge and Bratton Clovelly, approximately 1.2km south west of Bratton Clovelly.

This field was originally part of the agricultural holding at West Headson Farm, which is located to the south west of the site. This was sold to the applicant who has set up a small scale independent holding.

The site is located in the open countryside, enclosed by field boundaries, with the roadside northern boundary of the site being formed of a Devon Bank with significant trees.

On the northern side of the highway, close to the site access point, is a Grade II listed cottage known as South Hill.

The site is not within a designated or protected landscape and the area is characterised by rural development.

### **The Proposal:**

This application is for planning permission for a 9m x 9m polytunnel which has a semi-circular frame with a white polythene covering, to be used for storage for agricultural instruments, hay and dry fodder.

The polytunnel is to be sited close to the northern boundary of the site.

## **Consultations:**

- County Highways Authority - No highway implications.
- SHDC Agricultural Consultant - Taking into consideration the size of the holding, i.e. 4 acres, and the ability to provide both grazing and conservation of hay for winter fodder, as well as the need to manage the grass, I consider a small structure/building is needed to accommodate the small amount of machinery and fodder used and produced on the holding.
- Lewdown Parish Council – Support
- Bratton Clovelly Parish Council - Object

Overbearing nature of proposal. This proposal is huge and out of proportion with a small 3.5 acre field. It will be above the hedge line and will reduce the land available for farming.

Design and appearance. This is very much bigger (particularly higher) than other, similar, structures in the immediate area and on the road down to the village.

Layout and density of buildings. The completed proposal would not relate well in layout or form to its surroundings. Whilst there are storage facilities in fields leading down to the village of Bratton Clovelly they are generally of a timber construction and set well back from the road. This proposal is not in keeping with current developments in the local area.

There is no access to the proposed property – the current gate was punched through the Devon bank with no planning permission and is on a dangerous bend.

Public visual amenity. The completed proposal would affect the visual amenity of the immediate neighbourhood. This is the main road into Bratton Clovelly from the A30. It is a beautiful drive to a picturesque village and this would be visible for the road by any visitors to the village and would spoil the, otherwise, attractive approach.

- Conservation Officer – No harm to the setting of the listed building. The scheme could benefit from some landscaping to assist in the naturalisation of the entrance.

## **Representations:**

5 letters of objection are reported, summarised as follows:

- Harmful impact on the character and appearance of the area
- Harm to amenity from flies, noise, odour and disturbance
- Concern over slurry/waste run off from this wet field
- Loss of agricultural fields
- Impact on landscape
- Agricultural need has not been justified; the field is used for equine purposes and pheasant breeding
- Harmful impacts upon nearby listed building
- Dangerous access
- Contrary to local and national policy
- Hasn't considered trees or ecology
- The various structures on site are excessive and out of keeping with the rural area
- Piecemeal applications should be refused and submitted in a single comprehensive application

- The Devon Bank should be restored and the field returned to pasture

4 letters of support, summarised as follows:

- There is a need for the development, to store hay and equipment
- The country needs farming to support itself
- Structure is compatible with the character and appearance of the area

Some comments relate to the equine use and are not relevant to this application.

## **Relevant Planning History**

2295/20/FUL - Retrospective application for gate to field for access to livestock – Pending consideration (approval recommended)

3384/20/FUL - Re-advertisement (Revised description) Retrospective change of use from agricultural to mixed agricultural/equestrian use, with hardstanding and earth banks – Pending consideration (approval recommended)

## **ANALYSIS**

Principle of Development/Sustainability:

This application has been under consideration since 2019 and the site has been subject to an enforcement investigation; this identified that the site had been subject to the change of use of the land, and physical development in the form of the provision of a new access onto a classified road.

The field amounts to approximately 4 acres and the applicant identified that she has 2 horses and 10 rams, as well as pheasant chicks which are kept in a brooder unit and pen. The applicant has advised she purchases 6-10 lambs annually and that there is also a requirement to store hay, dry food and agricultural machinery on the land.

The existing field, at 4 acres, was already used for agriculture as part of a much larger holding, and the use for agriculture is an important part of the rural economy. This is a land use that is accepted and established. The sale of the land to the applicant, a small-holder, has necessitated the requirement for structures and development that would have otherwise been serviced through the main farmstead.

Policy TTV1 of the Joint Local Plan, Prioritising growth through a hierarchy of sustainable settlements, identifies that the site is located in the Countryside. In the Countryside, TTV1 identifies that development will only be permitted if it can be demonstrated that it will support the principles of sustainable development and sustainable communities, including as provided for in Policies TTV26 and 27.

Policy TTV26 identifies that the special characteristics and role of the countryside will be protected. As this proposal is not considered to be an isolated development in the countryside, paragraph 2 of Policy TTV26 is key and sub-paragraph (iv) is the main consideration relevant to this application; this requires that development responds to a proven agricultural, forestry or other occupational need that requires a countryside location.

To assist in assessing the application against this policy, the Council has engaged the services of an Agricultural Consultant. The advice from the Consultant concluded:

*Taking into consideration the size of the holding, i.e. 4 acres, and the ability to provide both grazing and the conservation of hay for winter fodder, as well as the need to manage the grass, I consider a small structure/building is needed to accommodate the small amount of machinery and fodder used and produced on the holding.*

Sub-paragraphs i,ii,iii, and v of Policy TTV26 (2) are considered to be complied with. This is because the development will not impact on public rights of way or bridleways, there are no existing buildings that could be used, the development is required to facilitate agriculture and the land is not classified as Best and Most Versatile Agricultural Land.

TTV26 (2) vi also requires consideration how to be given to how the development relates to the immediate setting of the site, includes a management plan, exit strategy and demonstrates how the degradation of the landscape and natural environment will be avoided.

In terms of the siting on the holding, whilst it is accepted that the polytunnel will be visible from the access point and other nearby vantage points, it has to be acknowledged that farms and agricultural buildings are part of the West Devon landscape and it is considered compatible with the rural character. By siting the polytunnel in close proximity to the northern boundary of the site, which is well screened by the Devon Bank and mature trees, any landscape impacts will be minimised and the setting of the site is not unduly impacted.

In terms of a management plan and exit strategy, this development is small in scale but nonetheless, a planning condition is proposed to ensure the polytunnel building is removed when it is no longer needed for agricultural purposes.

As a result, notwithstanding the objections received, it is concluded that the development meets a proven need for an agricultural use and therefore complies with Policy TTV1 and TTV26 (2).

As this proposal is for an agricultural use which meets the essential needs of agriculture, it is also supported by Policy DEV15 (6). In terms of this policy the site can demonstrate a safe access to the existing highway network, will not result in a significant increase in trips given its small-scale nature, has been able to demonstrate a positive relationship with the site given the scale and siting, and there are no existing buildings which can accommodate the use.

Furthermore, this is an agricultural/land based business and as such, is supported through Paragraph 83 of the NPPF.

Objections concerning other structures on the land are noted, but this application relates solely to the polytunnel, so are not material to the determination. Similarly, the Council cannot insist the applicant withdraw this and the other applications on the Committee agenda and submit as one comprehensive application; a determination must be made on each application as submitted.

Design/Landscape/Heritage:

Whilst the structure will be visible, the applicant has been able to demonstrate a proven agricultural need. Agricultural development is an important part of the rural economy and the impact of the development on the landscape needs to be carefully considered.

The site is not located in a nationally protected landscape and the northern boundary is formed by the Class C road which links Broadwoodwidge to Bratton Clovelly. The western boundary is formed by the access to West Headson Farm and the south and eastern boundaries adjoin farm land.

In terms of topography, the northern parts of the site are relatively flat within the landscape and are enclosed and screened by a Devon Bank with mature tree planting.

The proposed building has been sited close to the northern boundary of the site. This is a sensitively considered location as its positioning minimises the need for access tracks across the field, as well as allowing for the new structure to be read against the existing boundary, therefore not appearing as an isolated or obtrusive feature within the landscape. As a result, it is considered that this development can be accommodated on this site without causing harm to the character and appearance of the area. The development will therefore respect the scenic quality and maintain the area's distinctive sense of place, therefore complying with Policy DEV23 of the Joint Local Plan.

Furthermore, the siting along the boundary, together with the limited scale of the building has resulted in the development being able to demonstrate a positive relationship with the site and is therefore considered in accordance with Policy DEV15.

Given that this site is located in a dark rural area, details of any external lighting will need to be submitted to minimise the impact on the landscape, this would need to be low level functional lighting to ensure the impact on the landscape is minimal. A condition is imposed to secure this.

In terms of the impact on the designated heritage asset, it is noted that there is a Grade II listed building located to the north of the site, known as South Hill. This is a detached dwelling within its own defined curtilage.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a general duty on Local Planning Authorities to consider whether to grant planning permission which affects listed buildings or their setting, and the desirability of preserving the building or its setting or any features of special architectural or historic interest.

JLP Policy DEV21 identifies that great weight is given to the conservation of the Plan Area's designated heritage assets.

Section 16 of the NPPF concerns the historic environment, requiring decisions to take account of impacts of developments upon heritage assets.

Whilst the development will be visible from the entrance to South Hill, that in itself does not make it harmful to the heritage asset or its setting. The development is well screened behind the Devon Bank with mature trees. The siting of the development together with the limited scale results in their not being any harm to the heritage asset. Whilst the Conservation Officer has reviewed the plans, the screening that has been suggested is in relation to the application for the new access and not this polytunnel. Nonetheless, a condition is imposed for additional planting to be provided on site to minimise landscape impacts.

As a result, it can be concluded that this development will not result in any harm to the designated heritage asset or its setting and therefore complies with Policy DEV21 of the JLP and guidance in the NPPF.

#### Neighbour Amenity:

This is a small-scale rural enterprise, comprising of activities that require a countryside location. The activities on the site are relatively small-scale, given the limited number of animals and size of the holding. Whilst vehicle movements to and from the site will no doubt result in some noise-generating disturbance, this is considered to be limited, typical of rural farming activities and is not considered to be so harmful to the amenity of neighbouring residents that it would warrant refusal of the application.

Concerns have been raised regarding waste management and potential nuisance from manure storage. A planning condition is imposed to secure details of how waste will be stored and disposed of.

#### Highways/Access:

A new access to the site has already been created and is subject to a retrospective application (2295/20/FUL, also in this Committee agenda). There are no objections from a highway safety point of view from the Highways Authority. However, this application relates to just the proposed polytunnel and the issues regarding access are considered in the other application.

#### Other Matters:

Insufficient information has been submitted to detail surface water drainage. Given the nature of the development and land available to the applicant, it is considered this can be dealt with by a planning condition to ensure that any surface water runoff that results from the polytunnel will encompass sustainable water management measures and managed on site. The development will therefore comply with Policy DEV35.

***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**

#### **Relevant policy framework**

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

For the purposes of decision making, as of March 26th 2019, the Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City

Council, South Hams District Council and West Devon Borough Council (other than parts of South Hams and West Devon within Dartmoor National Park).

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

TTV28 Horse related developments 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

DEV26 Protecting and enhancing biodiversity and geological conservation

DEV28 Trees, woodlands and hedgerows

DEV29 Specific provisions relating to transport

DEV35 Managing flood risk and water quality impacts.

### **Neighbourhood Plan**

None

Other material considerations include the policies of the National Planning Policy Framework (NPPF) including but not limited to paragraphs 11 and 83, plus section 16, and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application: JLP Supplementary Planning Document.

### **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 the Site Location Plan received 17/05/2021 and Block Plan (Untitled) received on 17/05/21.



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. Within 28 days of the development being no longer required for agriculture the development shall be removed and the land restored to the satisfaction of the Local Planning Authority.

Reason: The development is in the Countryside and can only be supported through a proven agricultural need.

4. Prior to the installation of the polytunnel hereby approved, details of a landscaping scheme and planting along the northern boundary of the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall detail the number, species and planted sizes, together with a programme for implementation of the planting (to be within the first planting season following commencement) and maintenance for a period of not less than 5 years.

Reason: To allow for the development to be accommodated in a rural setting and conserve the character and appearance of the area.

5. Prior to the first use of the development hereby approved, details of any external lighting shall be submitted to and approved and in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and maintained in perpetuity.

Reason: The site is in a rural location and it is important that sensitive lighting is considered in order to conserve the landscape.

6. Prior to the first use of the development hereby approved, full details of the surface water drainage shall be submitted to and approved in writing by the LPA. Details shall include percolation tests that have been carried out in accordance with BRE Digest 365 Soakaway Design (2016), and the results approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and maintained in perpetuity.

Reason: To ensure that surface water from the development is discharged as high up the drainage hierarchy as is feasible.

7. Prior to the first use of the development hereby approved, details of how waste will be stored, managed and disposed of shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved plans.

Reason: To minimise the impact of the development on the environment and prevent harm to the amenities of neighbouring residential properties.