

PLANNING APPLICATION REPORT

Case Officer: Jacqueline Houslander

Parish: Halwell & Moreleigh

Ward: Blackawton and Stoke Fleming

Application No: 4219/20/OPA

Agent/Applicant:

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

Applicant:

Mr And Mrs Martin Pear
Martin Pears Engineering Ltd
C/O Agent - Luscombe Maye

Site Address: Land at Three Corners Workshop, Moreleigh, Devon



Development: Outline application with all matters reserved for a permanent occupational/rural workers dwelling

Reason it is going to Committee:

Councillor Reeve asked for the application to be determined by Committee because: The amount of support it has and the business provides a breakdown and repair service for the agricultural sector, which is often needed outside of business hours. By living on site, it will make running that side of the business more available to the farming community which is needed especially at busy harvest times where farmers

have to work with the weather so very often work into the night if not during the night too.

Recommendation: Refusal

Reasons for refusal

1. The proposed dwelling lies in the open countryside, with no appropriate or acceptable justification and therefore fails to meet policy TTV26 in the Plymouth and South West Devon Joint Local Plan. In addition the location is unsustainable when assessed against policies SPT1, SPT2 and TTV1 of the Development Plan and para.'s 11 and 79 and 80 of the NPPF 2021.
2. The proposed dwelling which would be detached would fail to meet a local housing need as identified in the local data for this parish and as required by policy DEV8 of the Plymouth and South West Devon Joint Local Plan and para. 78 in the NPPF 2021, as such it would promote even further the housing imbalance in the parish to the detriment of those requiring smaller more affordable housing.
3. Insufficient information has been submitted in relation to drainage, ecology, biodiversity or potential for climate change measures to be assessed. As such the proposal fails to meet policies DEV35, DEV26, DEV32 in the Plymouth and South Awest Devon Joint Local Plan, and para's

Key issues for consideration: Location of the development; impact on the landscape; local housing need; drainage; access; biodiversity; low carbon development

Site Description:

The site comprises an agricultural field located to the immediate west of the 'Three Corners' and is an approximate 0.1 hectare site located off the Moreleigh Cross to Stanborough C-class road which leads to the main A381 Totnes Cross to Stanborough Gate cross road.

The application site lies within the countryside and to the east, and on the other side of the A38 are three Scheduled Monuments forming part of the Stanborough Camp Iron Age hill fort, all approximately 180m away.

Natural England has designated the land as Grade 3 which is good to moderate quality agricultural land while the South Hams Landscape Character Type is 5A: Inland elevated undulating land.

There are there three Sites of Ancient Monuments within the vicinity of the site:

- Stanborough Camp Iron Age hillfort and bowl barrow approx. 200m away
- Ringwork and motte, 230m north east of Stanborough Camp approx. 185m away

- Round barrow cemetery known as Ritson Barrows, 420m north east of Stanborough Camp approx. 185m away

Within 4km buffer zone of South Hams SAC - Greater Horseshoe Bat – Sustenance Zone

The site lies within an SSSI risk Zone.

The Proposal:

This is an outline application with all matters reserved for a permanent occupational rural workers dwelling.

No information has been submitted regarding the type, mass and scale of dwelling proposed however it is stated that any surface water will be disposed of via a soakaway.

No pre-app advice was sought before submission.

It is stated in the application form that there are existing employees already on the site. It is stated that there are 11 full time employees with 4 part time employees giving a total full time equivalent of 13 employees. The hours of opening are given as 08:00-20:00 Monday to Friday and 08:00-17:00 Saturday. No hours on Sunday nor Bank Holiday.

This information, however, relates to the engineering business which is located on the other side of the road (albeit some machinery is currently being stored on the site) but which does not have any planning approval.

There is an engineering works business, on the other side of the road to the application site run by the applicant. It which appears to be a retail outlet/repair and servicing of agricultural equipment. The application site itself currently has no development on it, and is described in the sensitive development questionnaire as being agricultural. It does however appear to be being used unlawfully for parking of vehicles and agricultural equipment.

There is a building, an agricultural shed, on the opposite side of the road to the main set of buildings and yard, next to which is the proposed site for the dwelling. This shed was approved in May 2019 under reference 1875/18/FUL and it was stated to be used for the storage of livestock feed, hay, bedding and farm machinery in conjunction with the land farmed by the applicant. On the officer's site visit there were no cattle present, but there did appear to be stables in the bottom end of the field.

Consultations:

- County Highways Authority - Standing Advice.
- Halwell and Moreleigh Parish Council – No response received.

- Natural England - no comments to make on this application.
- Historic Environment – Request for Written Scheme of Investigation.
- Agricultural Consultant: No response to date. In a phone call with the Agricultural Consultant, it was indicated that the proposed dwelling was not being proposed on the basis of agricultural need, but rather on the needs of the business on the opposite side of the road. The Consultant did not feel it to be appropriate to comment in this instance, because it was not related to agricultural development.

Representations:

Third Party Representations from Residents:

Comments in support have been received and cover the following points:

- Business is much needed and well used in the local community.
- Nature of business is 24/7
- Business provides local employment.
- Would provide security for business.
- Dwelling near business would allow owners a better work/life balance.

Relevant Planning History

| Application Ref | Address | Proposal | Decision | Decision Date |
|-----------------|--|---|----------------------|---------------|
| 1875/18/FUL | "Land at Moreleigh", SX772519, Totnes, Devon | Provision of a general purpose agricultural building with associated drainage pond. | Conditional Approval | 31/05/2019 |

ANALYSIS

Principle of Development/Sustainability:

The principle of this development must be assessed against the Plymouth and South West Devon Joint Local Plan, as well as the National Planning Policy Framework.

The NPPF promotes sustainable development as do the JLP’s strategic policies SPT1 and SPT2. Policy TTV1 provides a hierarchy for growth in the Thriving Towns and Villages Policy Area. The hierarchy has 4 tiers, the highest being the main towns and the 4th tier being the countryside and hamlets; the application site is in the 4th tier.

The text for the 4th tier states:

“...development will be permitted only if it can be demonstrated to support the principles of sustainable development and sustainable communities (Policies SPT1 and 2) including as provided for in Policies TTV26 and TTV27.”

In reviewing the site against the strategic policies, SPT1 and SPT2, the development is not in a settlement of any type; the nearest settlements with any facilities and services of any merit are Totnes, or Kingsbridge which are 10.7km and 10.6km respectively. Harbertonford does have a petrol filling station and local shop and is 5.6km away. There is a local shop at the petrol filling station at Totnes Cross, which is just over a kilometre away, but it is along a main road, with no pavements or street lighting. As with all of the settlements, access to facilities is reliant on use of the private motor car. As such, the site is not located in a sustainable location with ready access to even the basic goods and services.

Whilst the construction phase of any dwelling may add to the local economy, this would be limited and for a short timescale. The site and engineering works are not adjacent to any other development to provide a social benefit from the proposal and environmentally the site is located in a relatively open landscape, and the dwelling would be seen from public roads within the locality.

In addition the location does not provide for the facilities and services identified in policy SPT2.

Policy TTV26 relates to development in the countryside and is in two parts. The first part deals with isolated development in the countryside and the second part to all sites in the countryside. The application site is very much in the countryside. As to whether it is isolated or not reference needs to be made to recent case law in the form of the Braintree ruling and the Bramshill ruling (more recent). Braintree provides the definition of isolated as being far away from people and places, whereas the Bramshill ruling describes isolation as..... *"...the word "isolated" in the phrase "isolated homes in the countryside" simply connotes a dwelling that is physically separate or remote from a settlement. Whether a proposed new dwelling is or is not "isolated" in this sense is a matter of fact and planning judgment for the decision-maker in the particular circumstances of the case in hand."*

In this case there is the engineering business close by, but no other residential neighbours in the immediate vicinity. It could therefore be argued that under Braintree the site is isolated. This is further promoted through consideration of the Bramshill ruling, in that the site is not near to a settlement and in fact is remote from the nearest settlement. In which case the site could be considered to be in an isolated location. Part 1 of TTV26 this applies.

There are a set number of criteria that need to be met and the site and proposal do not meet those criteria. It is not a dwelling which is essential for a rural worker to live near their work; it would not secure the long term future of a significant heritage asset; it is not re-using a redundant disused building or brownfield site and it is not providing a development of truly outstanding or innovative sustainability or design.

Neither would the proposal meet the criteria in part 2 of the policy. It is therefore considered that the proposal would not meet the criteria in either part 1 or part 2 of policy TTV26 as it is not essential for agriculture or forestry, neither is it the conversion of an historic asset or redundant building. It is also not essential for a dwelling to be on the site for an occupational purposes. It may be argued that there is a need for security of the site, firstly security is not an essential reason for a

dwelling as there are other means by which security can be provided and secondly the dwelling in the location proposed would not in fact provide that security because it is too far away from the yard area where the security would be needed. With regard to being available later into the evening, this is also not an essential; reason for a dwelling in this location. There are many services such as vehicle breakdown or ambulance services which do not require a dwelling at their place of work.

The application site land is identified by Natural England as Grade 3 land which is good and therefore should be retained for such use rather than lose it to a development which could be located elsewhere in towns or villages or on land with a lower agricultural classification.

The proposal fails to meet policies SPT1, SPT2 TTV1 and TTV26.

The proposal is not for an affordable dwelling and so as such it does not fall to be considered against policy TTV27. In which case the proposal fails to meet the fundamental ethos behind the Plan for sustainable development.

Housing needs

Policy DEV8 in the JLP indicates that developments should provide for local housing needs. The ONS data for the Halwell and Moreleigh Parish indicates that there is an oversupply of 4 bedroom housing in the Parish and the need in the Parish is for 1 and 2 bedroom properties and flats, semidetached and terraced housing is the type of housing which is needed.

Whilst the proposal is in outline at the moment, there are no details to consider, as scale, design, layout, landscaping and access are still to be determined. However if the dwelling were to accord with the local needs in the Parish, a smaller 2 bed dwelling or a couple of dwellings smaller in nature would meet the local need.

In addition the detached properties within the Parish are at 61%, with the South Hams Average being at 38%. Detached properties are therefore almost double what is needed in the Parish or District. The site layout plan indicates a large detached property and would therefore not meet the local need in this area.

The proposal would be contrary to Policy DEV8 in the JLP.

The NPPF, indicates that Local Authorities should provide in their Plans *“a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment. From this, planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability.”*

The JLP does this and has therefore allocated sufficient land within the Plan and for the Plan period to provide a 5 year housing land supply (currently 5.8 years). Any housing outside of those allocations must be fully policy compliant to be found acceptable.

It has already been demonstrated that the proposal is in an unsustainable location, contrary to policies SPT1, SPT2, TTV1 and TTV26 and further is not providing the

type and size of house that is needed in the Parish, contrary to Policy DEV8 of the JLP. There is therefore not currently a need for this type of house in this location when the district has more than enough housing sites allocated in the JLP.

Design:

No design details have been submitted as the application is for outline permission. It should however be noted that if the proposal were to be approved the local housing need would be requiring development to be 1 or 2 bedrooms in size.

Landscape:

Policy DEV23 seeks to ensure that the landscape of the South Hams is conserved and enhanced by any development within it. The countryside here is identified in the South Hams Landscape Character Assessment as 5A which is characterised by inland elevated undulating land, which is generally open and treeless (other than those sparsely located within the Devon hedges which act as field and road boundaries), with little built development. It comprises mainly agricultural land with grazing on steeper slopes and arable land in the flatter upland areas. The landscape within the vicinity and indeed the field within which the development is proposed is very much of that character. The fields are bounded by low but mature wide hedgerows or Devon hedges, and these low hedges on elevated ground, results in open skylines with far-reaching views over the countryside including to Dartmoor National Park in the north.

The following are the valued attributes of this landscape:

- Remote and 'empty' character
- Sparsely settled with high levels of tranquillity
- Experience of dark skies.
- Open, windswept, largely unwooded, landscape
- Mosaic of arable and pasture fields with pastures grazed by distinctive Devon Red and South Devon cattle.
- Many visitors experience the district from the ridge top roads.
- Extensive rights of way valued for recreation, and quiet enjoyment and access to nature.
- Open skylines and long rural, estuarine or seascape views.

The Landscape Character Assessment, states for this landscape, the overall landscape strategy is ...

"To protect and enhance the remote character of the elevated uplands, with its intricate pattern of fields enclosed by an intact network of species-rich Devon hedges and distinctive tree clumps. Manage and enhance the farmed landscape by ensuring that pastoral land is conserved and field boundaries maintained, wildlife interest and local diversity is enhanced, soil erosion and agricultural run-off reduced. Maintain the sparse settlement pattern, open views to Dartmoor and panoramic views from the edge of the plateau over the estuaries along the south coast."

The imposition of a dwelling into this landscape with no policy compliant justification for it would have an extremely detrimental impact on the landscape character and could not be seen to either conserve or enhance the landscape quality, contrary to Policy DEV23 of the Plymouth and South West Devon Local Plan and the NPPF,

para 174, which seeks to protect and enhance valued landscapes, and for the decision makers to recognise the intrinsic character and beauty of the landscape.

A Bridleway is present to the west of the site which would provide views across the open landscape and low hedgerows to the site.

Neighbour Amenity:

There are no immediate neighbours who would be impacted by the development.

Highways/Access: Access to the site is a reserved matter, although the layout plan does indicate a position for an access, this is the existing field gate access which has as a result of the number of farm equipment and vehicles using the site to park become rather more open than it once would have been.

Other Matters: No information about drainage; ecology, biodiversity or climate change have been submitted with this application and so it is not possible to assess the acceptability of this site in relation to these issues. In terms of ecology and drainage, it is normal to receive such information at the outline stage so that it can be confirmed that an in principle drainage scheme can be achieved on the site and that there are not specific wildlife present on the site which would require a licence from Natural England.

This will need to therefore be subject to a reason for refusal.

Planning balance:

The proposal is for an open market dwelling in the open countryside contrary to the fundamental philosophy of the provision of sustainable development, contrary to both national and local policy. The dwelling would not meet a locally identified housing need and would impact negatively on the current landscape. No additional details have been provided in regard to drainage and as such the proposal fails on many counts and should therefore be refused.

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

Planning Policy

Relevant policy framework

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of March 26th 2019, the Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts of South Hams and West Devon within Dartmoor National Park).

On 26 March 2019 of the Plymouth & South West Devon Joint Local Plan was adopted by all three of the component authorities. Following adoption, the three authorities jointly notified the Ministry of Housing, Communities and Local Government (MHCLG)* of their choice to monitor the Housing Requirement at the whole plan level. This is for the purposes of the Housing Delivery Test (HDT) and the 5 Year Housing Land Supply assessment. A letter from MHCLG to the Authorities was received on 13 May 2019 confirming the change.

On 13th January 2021 MHCLG published the HDT 2020 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 144% and the consequences are "None".

Therefore a 5% buffer is applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 5.8 years at end March 2021 (the 2021 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2021 (published 12th November 2021).

[*now known as Department for Levelling Up, Housing and Communities]

The relevant development plan policies are set out below:

The Plymouth & South West Devon Joint Local Plan was adopted by South Hams District Council on March 21st 2019 and West Devon Borough Council on March 26th 2019.

SPT1 Delivering sustainable development
SPT2 Sustainable linked neighbourhoods and sustainable rural communities
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
TTV26 Development in the Countryside
TTV27 Meeting local housing needs in rural areas
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area
DEV9 Meeting local housing need in the Plan Area
DEV10 Delivering high quality housing
DEV23 Landscape character
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts

Neighbourhood Plan:

There is currently no Neighbourhood Plan for this area.

Other material considerations include the policies of the National Planning Policy Framework (NPPF) including but not limited to paragraphs 2, 7, 11, and guidance in Planning Practice Guidance (PPG).

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.

The above report has been checked and the plan numbers are correct in APP and the officer's report. As Determining Officer I hereby clear this report and the decision can now be issued.

Name and signature:

Date:

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|---------------------------------------|--|
| | |
| Ward Member - Cllr Helen Reeve | |
| Date cleared - | |
| Comments made - | |