

PLANNING APPLICATION REPORT

Case Officer: David Stewart

Parish: Bratton Clovelly **Ward:** Bridestowe

Application No: 0604/23/FUL

Agent/Applicant:

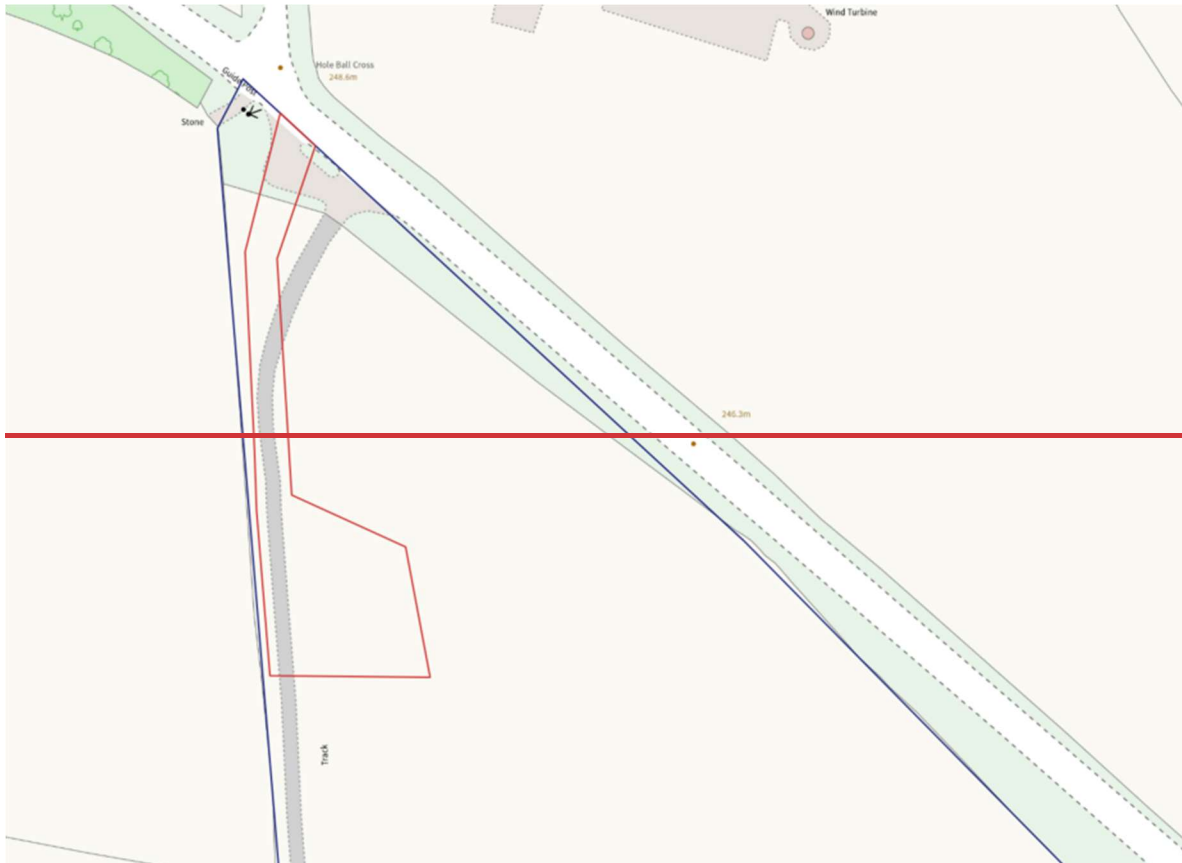
Mr Andrew Heywood - Robert H Hicks &
Co
West Hele
Buckland Brewer
Bideford
EX39 5LZ

Applicant:

NB & SN Dufty
Lower Voaden
Okehampton
EX20 4JF

Site Address: Land at SX 460 975, Metherell Cross, Patchacott





Development: Construction of a temporary agricultural workers supervisory dwelling (resubmission of 2874/22/OPA)

Reason item is being put before Committee

The ward councillor has requested that this application should be referred to committee on the following grounds:

- Residential development in unsustainable rural area.
- The parish council does not support the application.
- The neighbouring parish council does not support the application.
- Insufficient site survey showing land levels for comparison with the spot heights stated for the building. (This prevents assessment of the buildings visibility from the Highway)
- In some of the statements it explains lack of detail due to being an outline application, but the heading is for a FULL application therefore there is a general lack of detail to consider the application.
- The enterprise at present is supported from the main farm that is a short distance away and has been since the current animal housing was constructed. The current operation of the site must already meet the requirements of DEFRA that requires twice daily inspection of housed cattle. Therefore, if the extra calve unit is built it will only require some extra time of the current stockman.

Recommendation:

Conditional Approval

Conditions/Reasons for refusal (list not in full)

1. Time Limit
2. Accord with plans

3. Agricultural tie
4. Temporary 3 year period
5. PD limitation
6. No external lighting
7. Details of Elevations
8. Landscaping Scheme

Key issues for consideration:

Development in the countryside
Landscape Impact
Agricultural Need

Financial Implications (Potential New Homes Bonus for major applications):

As part of the Spending Review 2020, the Chancellor announced that there will be a further round of New Homes Bonus allocations under the current scheme for 2021/22. This year is the last year's allocation of New Homes Bonus (which was based on dwellings built out by October 2020). The Government has stated that they will soon be inviting views on how they can reform the New Homes Bonus scheme from 2022-23, to ensure it is focused where homes are needed most.

Site Description:

The site is located on a parcel of land that is located to the north of the A30, south of Metherell Cross and to the west of A3079 which runs alongside the site at Hole Ball Cross. The site is not in the AONB.

The Proposal:

This application is part of a proposal in support of a farm expansion plan that was commenced with the erection of an agricultural building in 2020 on the immediately adjoining piece of land. An application for an additional agricultural building on the adjoining site is currently under consideration. The two buildings provide for the increase in the number of calves reared on the holding in this location and this application seeks permission for a temporary agricultural dwelling associated with the operation.

Consultations:

- County Highways Authority: It is proposed that access to the proposed dwelling comes from the general area of the existing access, which comes from the rear of a highway lay-by. There are no objections to the proposed development from a highway safety point of view, as the proposed use as an associated agricultural worker's supervisory dwelling would not result in an increase in traffic generation potential. Appropriate conditions are therefore recommended to be imposed on any planning permission granted.
- Environmental Health Section No EH concerns

- Town/Parish Council Bratton Clovelly: Object. There is no agricultural justification for a dwelling as this is not a milking herd and therefore no requirement for a 24hr presence. The future occupants of the dwelling currently reside at Patchacott and have full time jobs in non-agricultural occupations. The building at the site is not large enough to support additional cattle and therefore no requirement for an agricultural dwelling. It is another dwelling in the countryside reliant on the private car for travel needs.

Beaworthy Parish Council: Object. There is no agricultural justification as this is not a milking herd and therefore does not require 24hr presence. The owners live in Patchacott, a short distance away from the site. The existing shed is not suitable to accommodate the number of cattle outlined in the application and the site is not big enough to support the cattle. This is yet another house in an unsustainable area where there will be a reliance on the car.

Representations:

Representations from Residents

None received

Representations from Internal Consultees

Agricultural Advisor: This is a resubmission of a similar application (2874/22/OPA) which was for a permanent agricultural dwelling. I visited the site at the time of this application and met the agent. In my consultation response dated 5th January 2023 I explained that I could not support that application because I felt none of the necessary policy criteria had been met. In my response I also intimated that the circumstances of the applicant's business would lend them more to a temporary worker's dwelling in the first instance. I assume as result of those comments we now have the present application before us.

I have not visited the site again and can give my response as a desk top exercise. I have a copy of the agent's agricultural appraisal which sets out the applicants' farming proposals. The land and buildings at Metherell Cross are part of a larger farming operation, but the principal activity at the site is calf/cattle rearing. It is stated the temporary dwelling is required for a worker to reside on site to develop the enterprise at the site over the next three years.

A. Functional Test

(i) Is there a functional need?

To assess functional need then it is normal practice to assess the proposed enterprises and business alongside a 'functional test'. This involves providing evidence of the necessity to live at their place of work to ensure the effective operation of the enterprise in this case where farm animals require on site attention 24 hours a day and where otherwise there would be a risk to human or animal health or from crime, or to deal quickly with emergencies that could cause serious loss.

Having considered the proposals of the applicant with the existing and proposed activities on the holding, I am satisfied there is a need for a full time worker to be available at the site to properly manage the business over the next three years. I therefore consider there is a functional need.

(ii) Is this a newly erected agricultural unit or a new farming activity on an established one?

I consider this is a new farming activity on an existing holding.

(iii) Can the functional need be fulfilled by other dwelling(s) on the unit or in a nearby settlement?

I have made investigations regarding whether there are any suitable or available dwellings which will satisfy the functional need, and I have not found any that are either available or suitable in the locality. The need is site specific.

(iv) Have any dwellings or redundant buildings suitable for conversion been sold in recent years?

Not that I am aware of.

B. Financial Test

(i) Has clear evidence been produced in the form of a business plan or financial plan to indicate a firm intention and ability to develop the enterprise concerned?

I have been discussed the business plan with the agent for the proposed enterprise and I am satisfied that clear evidence has been produced to indicate a firm intention and ability to develop the enterprises concerned.

(ii) Has the proposed enterprise been planned on a sound financial basis?

Yes.

(iii) Is the proposed siting related to the functional need of the enterprise and other buildings?

Yes.

I am satisfied all the necessary criteria in the relevant local and national planning policy are met for me to support this application. The only caveat I would add to this support is the need for the building under application 0593/23/FUL to be approved as that is integral to farming proposals. Without that building it would be very difficult to implement the applicants farming plans.

Relevant Planning History

3288/20/FUL: Proposed straw bedded livestock building.

0593/23/FUL: Proposed Calf Rearing Building

Approved

Under Consideration

ANALYSIS

Principle of Development/Sustainability:

1. The site is in an isolated location in the countryside located to the south of Metherall Cross and to the west of the A3079. The principle of development in this location is therefore contrary to the aims of policies SPT1 and SPT2 of the JLP. Policy TTV 1 which establishes the spatial distribution of growth in the district directs development to the main towns and key villages. This proposal would not comply with policies SPT1, SPT2 or TTV1 in relation to where development should be focussed and is distant from all the key settlements. It is set within the countryside and development in this location is the subject of policy TTV26.

2. The principle of an agricultural related building has been previously supported with permission granted for the erection of an agricultural building on the site in 2020. A further application for a calf rearing building to the side of the existing building has recently been granted under 0593/23/FUL. A further application to discharge the pre commencement condition relating to landscaping is currently under consideration (3413/23/ARC). Once discharged, the applicant informs me that the proposed building will be erected as the materials have already been ordered and that the building will take 1 month to complete.
3. The calf rearing building will generate the functional need for a temporary agricultural workers dwelling (see the agricultural advisor's comments). In policy terms a residential use has not been previously considered in this location. Policy TTV26 sets the Council's policy towards the provision of development including housing in isolated locations in the countryside. It states that isolated development in the countryside will be avoided and only permitted in exceptional circumstances. The policy goes on to identify exceptions of which TTV26.1i) is relevant to this case. One of the exceptional circumstances is to *"meet an essential need for a rural worker to live permanently at or near their place of work in the countryside and maintain that role for the development in perpetuity."* Thus, provided that there is an essential need, an agricultural workers dwelling would accord with this exceptional circumstance. It also accords with TTV26.2iv) in responding to an agricultural need.

The Agricultural Need

4. The case as put forward by the applicant is as follows. *"The land at Metherell Cross and Patchacott extends to approximately 36 acres of owned land and a further 50 acres of annual grass-keep and cropping arrangements. However this is only a part of the wider farm business. Livestock across the wider business comprises approximately 750 breeding ewes and approximately 360 cattle."*
5. *The land and buildings at Metherell Cross and surrounding area allows for the finishing of approximately 100 cattle per annum. The cattle are bought in at a variety of ages and taken through to finish, then sold through Dunbia at Hatherleigh. It is the intention of the business to expand the operations at Metherell Cross, however, this is not possible without an additional agricultural building and a dwelling to provide security and a presence on the site, to enable the proper care required by the increase in number of animals. It is the intention of the farm to keep younger cattle on site if there was a supervisory presence. Historically it has been difficult to keep young calves on milk on site due to the increased level of care they require due to their young age."*
6. An application for an additional calf rearing building has been recently approved. This application is for a temporary dwelling to provide the level of care which is required. It is an application for a temporary dwelling in view of the nature of the enterprise, the business expansion has yet to be completed and the business case cannot yet be made for a permanent dwelling. It is the intention of the applicants to keep younger cattle on site.
7. An assessment of the case to support a dwelling has been made by the Council's agricultural advisor. He concludes that he is satisfied that all the necessary criteria in the relevant local and national planning policy are met for him to support this application for a temporary residential unit. The only caveat he would add to this support is the need for the building under application 0593/23/FUL to be approved as that is integral to farming

proposals. Without that building it would be very difficult to implement the applicants farming plans.

8. In the light of the approval of the calf rearing building, officers consider that a case has been made for a worker to be present on site and that a case for a temporary agricultural dwelling in this location has been made in accordance with the requirements of TTV26.1i) and TTV26.2iv). Construction of the agricultural building on the adjoining site supports a business expansion that accords with DEV15 of the JLP.
9. The advisor gave consideration to the availability of dwellings in the near vicinity. In this respect officers note there are a small number of dwellings on the market in Patchacott. However the functional need is for an on-site presence. Whilst the farm owners live nearby, they are not employed by the farm business to see to the day to day running of the farm and looking after the welfare of the cattle. Again the functional need is demonstrated.
10. However, it would be prudent to ensure that the occupation of the temporary dwelling is tied to the farm business and also to the completion and usage of the approved calf rearing building.

Design/Landscape:

11. The proposal is for a temporary single storey dwelling so the design of the unit is not a significant issue in that it will be given only a temporary permission. The siting of the dwelling is set to the south and west of the existing agricultural building on the site and will be masked by it (and the recently approved calf rearing building) in views from the road through the gated entrance. Views towards the site from the road will be screened by the existing hedge. The siting also needs to be considered from a landscape impact perspective, which is discussed below.
12. In terms of size the dwelling is about 121m² within the range normally considered acceptable by the LPA in determining applications for agricultural dwellings. The layout shows a 3 bed property of a modest size. Although 2 beds is normally considered reasonable for an agricultural dwelling the floor area does not show a separate farm office area which will be required by the stockman and could be provided in the third bedroom. Officers therefore consider that the accommodation is of an acceptable size.
13. The elevational appearance suggests a prefabricated, modular building, possibly sourced second hand. However, the elevations are sketchy. A condition is therefore required to provide full elevational details to be approved before commencement of development.
14. In terms of landscape impact, officers have fully assessed this issue as part of 0593/23/FUL and the relevant considerations are repeated here. The earlier building now erected on the site was considered to be sensitively sited and close to the boundary. As a result it was considered that the development was compatible with the character and appearance of the area. However the building has not been erected in the approved position. The resiting of the building has, in the opinion of officers, not resulted in any greater landscape harm with it tucked behind a substantial hedge screen fronting the road. Application 0593/23/FUL has regularised the position of the existing building.
15. This temporary building, which is located to the west of the others, is set away from the road, screened from views from the west by an existing hedge. In the light of this officers consider that there is no adverse impact on the character of the overall landscape.

16. A landscape objection was raised on the submission as originally made. This showed no landscaping at all to mitigate potential views across the landscape from the south. The site is relatively well screened from the road and from the west. However DEV23 requires development not just to conserve but to enhance the landscape. Revised proposals now show a Devon Hedgebank to be constructed to the south of the temporary dwelling, the proposed calf rearing building and the existing building planted with native species which satisfactorily mitigates any modest harm arising from the development.
17. On a consideration of policy relating to landscape impact, DEV23 requires development to meet a number of criteria:
- 1) *Be located and designed to respect scenic quality and maintain an area's distinctive sense of place and reinforce local distinctiveness. In many respects this has been addressed by the approval for the building already erected on the site.* The site is tucked behind a well-established hedgerow in a relatively flat landscape. Hedges to the west also serve to enclose the building. As such it is relatively typical of development in the area, comprising isolated farmsteads in a rural landscape.
 - 2) *Conserve and enhance the characteristics and views of the area along with valued attributes and existing site features such as trees, hedgerows and watercourses that contribute to the character and quality of the area.* The development does not remove any vegetation and places the proposed building next to an existing structure.
 - 3) *Be of high quality architectural and landscape design.* It is a modular, low eaves functional building, which in terms of siting and massing is acceptable. However the appearance is not fully illustrated hence the need for a condition requiring elevational and materials details
 - 4) *Be located and designed to prevent erosion of relative tranquility and intrinsically dark landscapes* See 3 above
 - 5) *Restore positive landscape characteristics and features.* There are no landscape features to restore in this location. However the added landscaping now proposed will provide a containment to the site and become a feature typical in this landscape
 - 6) *Where necessary, be supported by Landscape and Visual Impact Assessments.* This is not a protected landscape and is a minor application. An LVIA is not required
 - 7) *Avoid, mitigate, and where appropriate compensate for the impact of the development.* The landscaping now proposed does this.
18. On the basis of the assessment above I consider the application meets the requirements of the policy and preserves and protects the landscape character in the area.
19. It will be seen from the landscape officer's comments that there is a lack of clarity in the scheme proposed. I consider that what is shown on the landscape plan is a landscape strategy which is sufficient to determine the application but that a detailed landscaping scheme is required which should include the information requested and that such a landscaping scheme is required as a pre commencement condition.
20. Part of the information required is confirmation of levels across the site and of the proposed hedgebank. The applicant has indicated that the site is level and that the ~~the~~ base of the proposed temporary dwelling will be set at the same level as the base of the post at the site entrance. This will be verified by the additional levels information requested as part of the condition.

Neighbour Amenity:

21. None nearby

Highways/Access:

22. The County Highway Authority are satisfied that the access for the dwelling is satisfactory and that the proposal is acceptable subject to a condition requiring the access for the entrance and parking is provided prior to first occupation.

23. The PC are concerned over the reliance of the private car and the increase in traffic movements. Whilst it is true to say that car journeys will be required for use of services and access to shopping facilities there will be no traffic generated by the trip to work given the on-site need. It is acknowledged that other needs, for shopping and access to services will require the use of the car. However the need for the dwelling to be sited in this location is given more weight in the planning balance in this case

Climate Change

24. The primary response to the need to reduce the energy requirements of the dwelling is through insulation of the fabric. However the application does involve the installation of solar panels on the roof as a renewable energy source. In the opinion of officers it is considered sufficient to meet the terms of DEV32 especially in view of the temporary nature of the dwelling. Landscaping works included in the application mitigate the adverse effects of the development

Other Matters:

25. None

Conclusion

26. The proposed temporary dwelling is located in an unsustainable location in the countryside where development is not normally permitted under the adopted sustainability and spatial policies of the plan.

27. However, policy TTV26 does identify exceptions to this policy of restraint with this proposal meeting one of those identified circumstances, namely to meet an essential need for a rural worker to live permanently at or near their place of work. Previous planning permissions for agricultural buildings on adjoining land have established an agricultural need which is supported by the Council's agricultural advisor. Landscaping works included in the application mitigate the adverse effects of the development.

28. Officers therefore consider that the proposal is acceptable on the matter of principle. Permission is therefore recommended but as the business is an emerging one controls as to the timing of the occupation of the dwelling are linked to the bringing into use of the adjacent calf rearing building and permission is recommended for a temporary period only.

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 14th January 2022 the Department for Levelling Up, Housing and Communities published the HDT 2021 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 128% 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 5.97 years at end of March 2022 (the 2022 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2022 (published 19th December 2022).

[*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

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

DEV23 Landscape character

DEV26 Protecting and enhancing biodiversity and geological conservation

DEV28 Trees, woodlands and hedgerows

DEV32 Delivering low carbon development

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application:

The Plymouth & South West Devon Joint Local Plan SPD

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.

Draft 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 number(s):-

Site Location Plan received by the Local Planning Authority on 31st March 2023

Floor Plan received by the Local Planning Authority on 24th March 2023

Roof Plan received by the Local Planning Authority on 24th March 2023

Elevations received by the Local Planning Authority on 24th March 2023

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 and to accord with DEV20 of the Plymouth and South West Devon Joint Local Plan

3. The occupation of the dwelling shall be limited to a person solely or mainly employed or last employed in the locality in agriculture as defined in Section 336 of the Town and Country Planning Act 1990, or in forestry, or a widow or widower of such a person (including any dependents of any such person, residing with them).

Reason: The development proposed is in an area where there is a presumption against new development except where an agricultural need has been established in accordance with TTV26 of the Plymouth and South West Devon Joint Local Plan

4. The dwelling shall not be occupied until the completion of the adjoining calf rearing building and it has been brought into use.

Reason: Permission for a dwelling is exceptionally given to respond to a specific agricultural need in a location where ordinarily permission would not be forthcoming in accordance TTV26 of the Plymouth and South West Devon Joint Local Plan

5. Permission is granted for a temporary period of 3 years. Thereafter the building shall be removed from the site and the land reinstated to its original condition unless agreed otherwise in writing by the Local Planning Authority.

Reason: The building is only permitted on the basis that the business needs to prove that there is sufficient agricultural justification to allow for a more permanent dwelling on the site. In addition it is not of a sufficient quality of design to be permanently stationed on the site and does not accord with the requirements of DEV20 of the Plymouth and South West Devon Joint Local Plan

6. Notwithstanding the provisions of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any Order revoking, re enacting or further amending that Order), no development of the types described in Schedule 2, Part 1, Classes A-H of the Order, including the erection of extensions, porches, garages or car ports, the stationing of huts, fences or other structures shall be carried out on the site, other than that hereby permitted, unless the permission in writing of the Local Planning Authority is obtained.

Reason: To protect the appearance of the area to ensure adequate space about the buildings hereby approved and in the interests of amenity and to accord with the requirements of DEV20 of the Plymouth and South West Devon Joint Local Plan

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

Reason: To protect the countryside from intrusive development in accordance with the requirements of DEV2 of the Plymouth and South West Devon Joint Local Plan

8. Elevational details including palette and colour of materials to be used shall be submitted to and approved by the Local Planning Authority prior to installation of the building on site.

Reason: In order to secure a satisfactory appearance to the proposed building in accordance with DEV20 of the Plymouth and South West Devon Joint Local Plan

9. Prior to the implementation of the Landscaping works full details of both hard and soft works shall have first been submitted to, and approved in writing by the Local Planning Authority. The Landscape Plan shall include details of:

(i) Existing features for retention and means of protection during the development;

(ii) Existing and proposed levels

iii) Features to be removed with clear justification for the proposed removal;

iv) The location, species, density and size of proposed tree, shrub and hedge planting; trees, shrubs and hedges,

v) Materials, heights, levels and details of hard landscaping;

vi) Materials, heights and details of fencing and other boundary treatments;

All elements of the landscaping plan shall be implemented and maintained in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. All work shall be completed before the end of the current first available planting season following practical completion of the development hereby permitted; unless otherwise agreed in writing by the Local Planning Authority. Any trees or plants that, within five years after planting, are removed, die or become seriously damaged or defective shall be replaced with other species, size and number as originally approved, unless consent is given to any variation. The landscaping plan shall be strictly adhered to during the course of the development.

Reason: In the interests of public amenity and local landscape character in accordance with DEV23 of the Plymouth and South West Devon Joint Local Plan.

10 The solar panels shown on the submitted drawings shall be installed prior to the first occupation of the dwelling and remain in place for the duration of the temporary permission

Reason: In order to reduce energy requirements from non-renewable sources and to accord with DEV32 of the Plymouth and South West Devon Joint Local Plan

INFORMATIVES

1. 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.

2. 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.