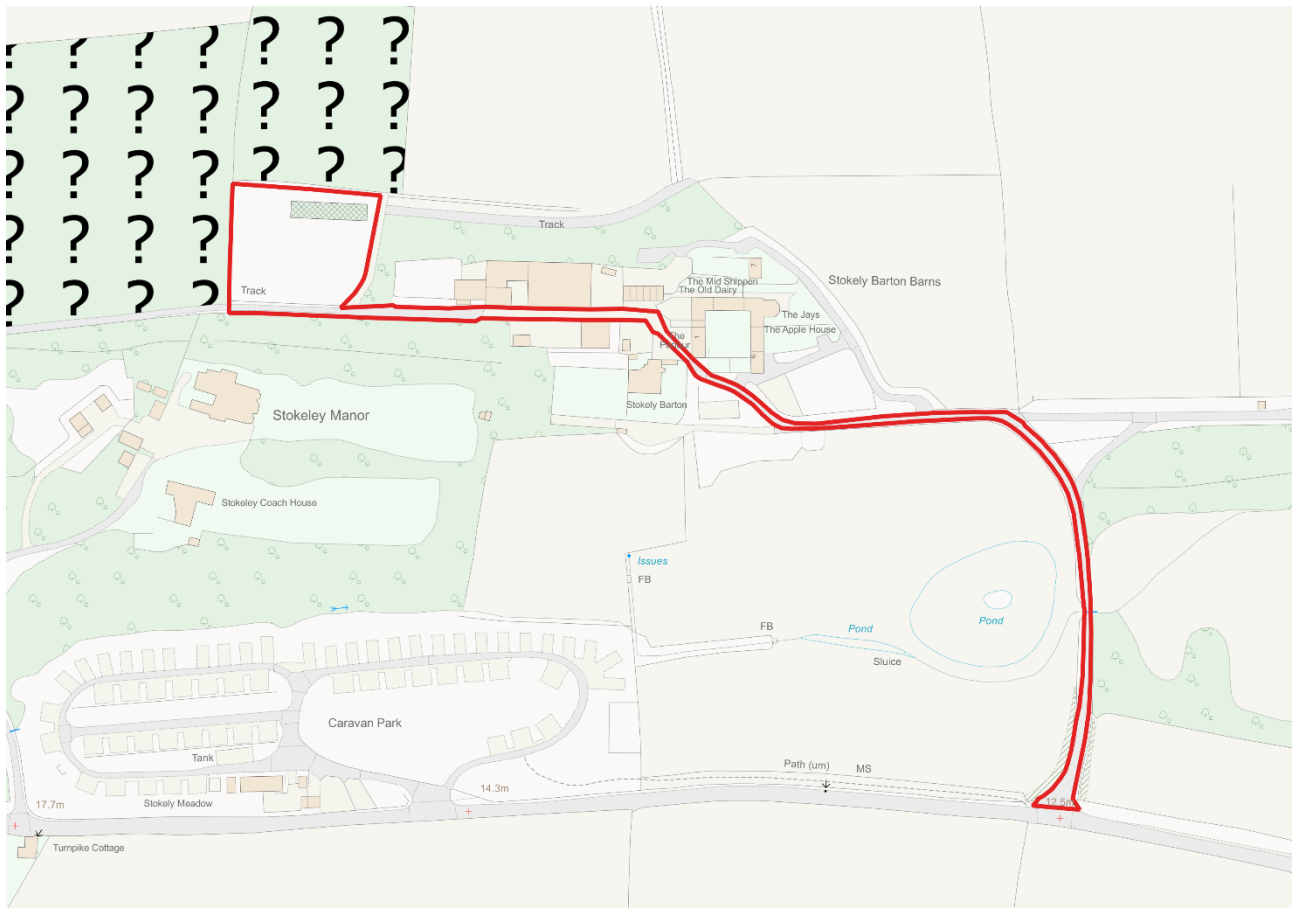


COMMITTEE REPORT

Case Officer:	Liz Payne		
Parish:	Stokenham	Ward:	Stokenham
Application No:	3570/23/FUL		
Applicant:	Mr Sam Brooking Island Retreat Stokenham Kingsbridge TQ7 2SP	Agent:	
Site Address:	Stokeley Barton Farm, Stokenham		
Development:	READVERTISEMENT (amended plans & documents) change of use from derelict poly-tunnel to new dwelling house		



Reason item is before Committee by Cllr Brazil:

The application is associated to a well-established business which is one of the biggest employers in the local area. It would be impracticable to move the business. I give supporting the local economy great weight in this case. Having a residential dwelling on site will improve

the smooth running, increase security, and support the overall efficiency of the business. Strict ties to the business would mitigate concerns of building in a position that would normally be allowed.

I agree with objections 5,6 & 7 but feel these can be overcome with conditions.

Recommendation: Refusal

Reasons for refusal:

1. The proposed dwelling does not respond to any proven agricultural, forestry and other occupational need that requires a countryside location. As such, there is no justification for the construction of a dwelling in the countryside, contrary to policy TTV26(2) of the Plymouth & South West Devon Joint Local Plan (2014- 2034), and paragraph 79 of the National Planning Policy Framework (2021).
2. The proposed dwelling does not require a coastal location, and no information has been submitted to evidence why the development cannot reasonably be located outside of the Undeveloped Coast. No exceptional circumstances have therefore been demonstrated to support development within the Undeveloped Coast and Heritage Coast policy areas, contrary to policies SPT1, SPT2 and DEV24 of the Plymouth & South West Devon Joint Local Plan (2014- 2034).
3. The scale of the proposed dwelling would exacerbate an existing local imbalance of large detached dwellings in the housing stock contrary to policy DEV8 of the Plymouth & South West Devon Joint Local Plan (2014- 2034).
4. The proposed scale of the development and the scale of the proposed domestic curtilage within a rural setting would be out of keeping with the adjacent pattern of development contrary to DEV20 of the Joint Local Plan Plymouth & South West Devon Joint Local Plan (2014- 2034).
5. Insufficient information has been submitted to evidence that the proposal provides satisfactory traffic movement within the site contrary to DEV29 of the Plymouth & South West Devon Joint Local Plan (2014- 2034).
6. The proposed driveway would result in the loss of trees and result in harm to other trees within and adjacent to the site without adequate mitigation contrary to DEV28 of the Plymouth & South West Devon Joint Local Plan (2014- 2034).
7. Through the omission of any renewable energy sources shown on the submitted plans, the proposed development fails to contribute to the carbon reduction targets of the Joint Local Plan contrary to policy DEV32 of the Plymouth and South West Devon Joint Local Plan (2014- 2034), paragraphs 159 and 162 of the National Planning Policy Framework (2021), the Climate Emergency Planning Statement (2022), and the wider recognition of the need to move towards a low carbon society.

Key issues for consideration: Principle, Design and Landscape, Trees, Highways, Contaminated Land.

Site Description:

The application site comprises a parcel of land to the north of Stokeley Manor, approximately 500m east of Stokenham. The ground levels within the site rise steeply from the south to the north and this has been accommodated through a series of three terraces with redundant polytunnels on the higher two levels. The site is accessed by a concrete track leading through the adjacent complex of barns and units and this turns north along the eastern boundary of the site. Hedgerows and trees bound the site along the north, west and south.

The site is within the Undeveloped Coast, Heritage Coast and South Devon National Landscape.

The Proposal:

The proposal seeks permission for a four bedroomed detached house in the north east of the site and drive way along the west boundary. The dwelling would comprise two pitched roof single storey buildings, clad in timber and set at right angles to each other. One would be on the highest terrace and one on a lower level. The buildings would be linked via a flat roofed two storey stone building. A stone retaining wall would separate the drop in ground levels between the timber clad buildings.

Consultations:

- Drainage (Internal): no objection subject to condition
- Landscape Officer: no formal comments received
- Stokenham Parish Council: object
Parish Council would very much like to support the provision of a home for a young family but had fundamental issues with the site and design of this proposal. The location was an isolated site on non-residential land in the AONB that could continue to be used for trade or farming. It was outside the village development boundary, adjacent to land that had been used for waste storage and was likely contaminated, with unsatisfactory access for family, visitors and children via an unmade road through an industrial workshop development that raised health and safety concerns. The scrubby woodland site was currently dark at night and represented a favourable habitat for wildlife that would be affected by this daily intrusion. The applicant already lived less than 5 minutes drive from the business and Council could not see how siting this property away from the main farm shop would achieve the improved security desired. Instead it would introduce light spill into a dark area. The proposed design was felt to be very unsatisfactory. It appeared to have been conceived to maximize floor area by occupying the entire footprint of the disused polytunnels with a large and sprawling property that looked nothing like the barn it was described as resembling. The design and particularly the relationship of surface area to volume would create a very thermally inefficient building that was at odds with the climate statements in the application. No detail was given on U-values. Parish Council would be happy to support a more rationally designed building sited nearer to the farm shop/brewery business.
- Environmental Health: comments
Site may have been subject to contamination through its previous horticultural use and the existing storage of waste. A contamination land assessment would be required and this could be secured by condition if the application is approved.
- Tree Officer: objection
The proposed access would require the felling of trees which are of a height to be visible from views off site. No mitigation or assessment on the RPAs of trees prevents arboricultural support.
- DCC Highways: Standing advice

Representations:

Six comments have been received supporting the proposal and cover the following points:

- Proposal is for a local family.
- Dwelling would be in arms reach of place of work.
- Re-development of derelict site.
- Family is at heart of community and have diversified the farm to provide local employment and this justified them being able to live on the site.
- Would not impinge on our immediate surroundings or enjoyment of the environment (residents at Stokley Barton Barns)

Six comments have been received objecting to the proposal and cover the following points:

- Working farmhouse is already present on site and there is no need for further dwelling;
- Proposal extends beyond the existing curtilage of the farmyard;
- Too many properties in an already exhausted area;
- Not in keeping with surrounding properties.

Relevant Planning History

None.

ANALYSIS

1. Principle of Development/Sustainability:

- 1.1. The application site is 500m east of the settlement of Stokenham and immediately adjacent to Stokeley Barton Farm which now comprises a number of converted barns and working units. The site is separated from the settlement of Stokenham by Kiln Lane, agricultural fields and a small pocket of woodland. It is physically separated from the settlement and as the site is surrounded by trees it has a rural and secluded character.
- 1.2. Paragraph 5.5 of the JLP explains that policy TTV26 (Development in the Countryside) will be applied 'outside built up areas'. Consequently, the proposal site is considered to be located within the fourth tier of the Council's settlement hierarchy, which relates to Smaller Villages, Hamlets and the Countryside, where development will be permitted only '*where it can be demonstrated to support the principles of sustainable development and sustainable communities (policies SPT1 and SPT2), including as provided for in policies TTV26 and TTV27*'.
- 1.3. The applicant has provided a number of plans showing the walking route from the application site to the closest bus stop located opposite Stokenham Church (0.377 miles/610m), Stokenham Primary School (0.712 miles/1.15km) and Stokeley farm shop (0.372 miles/600m). While the bus stop and shop are within the acceptable walking distance for pedestrians, as set out in JLP policy SPT2 (Fig 3.2) the school is not. In addition, the route to the bus stop and to the school requires a walk across an unmade footpath along the edge of a field to reach Kiln Lane. Thereafter the route to the bus stop crosses through a second agricultural field. Although this may be acceptable for recreational purposes the route would not be accessible for all, particularly during inclement weather. Officers also consider the route would likely be restricted to daylight hours. Despite the apparent proximity to services,

Officers consider that the development in the location of the application site would likely be reliant on a private car for facilities and services beyond those met by the local shop.

- 1.4. Policy TTV26 of the JLP supports proposals that can demonstrate that a countryside location is required. Due to the proximity of Stokenham the application site is not considered isolated and part 1 of policy TTV26 is not applicable. The second part of the policy supports development, amongst other criteria, which responds to a proven occupational need.
- 1.5. The applicants run a tree tent business to the north of the application site and state that this requires an on-site presence 24hours a day during the camping season to accommodate the needs of the guests. They describe that currently, they struggle to get to the tree tent site to respond to guests needs and for this reason the business is not expanding as quickly as anticipated, but no further details have been submitted to support this statement. Officers have assessed the previous permission and note that it was proposed that guests were parking and checking in at Stokeley Farm Shop and that a full time member of staff would be required to look after the tree tents during the summer months. Officers acknowledge that there may be a preference for being close to the site whilst 'on-call' however, this does not in itself constitute a need for an on-site or nearby dwelling.
- 1.6. In addition, the applicants also work at the nearby Brewery at Stokeley Farm Shop and describe that they are required to oversee the fermentation and brewing of products which can last up to 18hours. Although the applicant describes each brew as unique and unpredictable in regard to how much input it requires, further details on the extent and character of the work required and an assessment of the business has not been provided. The occurrence of night or shift work does not constitute justification for a dwelling on or near to the brewery and similarly a preference to be located closer to work whilst being on call does not meet the high threshold of the policy.
- 1.7. The application site is located within the Undeveloped Coast where development is only permitted by JLP policy DEV24 if specific criteria are met. The first is whether the development requires a coastal location. As discussed above, the proposal does not have an occupational need to be sited within the proposed location nor does it require a coastal location. In addition, the Undeveloped Coast designation does not cover the whole of the parish and therefore the provision of new housing within the parish could be located outside of the Undeveloped Coast.
- 1.8. The application site is within the open countryside and Undeveloped Coast where development is restricted. Although close to a nearby settlement, occupiers would be reliant on the private car to access most services other than those offered by the farm shop and as such the location is not considered sustainable as required by JLP policy SPT1 and SPT2. Although the scheme would have a neutral impact upon some of the criteria listed within TTV26 it does not gain any support from the policy. In addition, the proposal is contrary to the requirements of DEV24 which only permits development within the Undeveloped Coast where a coastal location is required and the development cannot be located outside of the Undeveloped Coast designation.

1.9. South Hams District Council has declared a housing crisis due to an overprovision of larger properties, often under occupied, with a high proportion of second homes and holiday lets and a shortage of homes available for younger people, working families and older people wishing to retain a sense of self sufficiency. Policy DEV8 of the JLP prioritises the need to deliver an appropriate mix of houses across the plan area and take cognisance of any local imbalances in housing stock and respond accordingly.

1.10. Housing data from the 2021 Census (ONS) reveals that 72% of households within Stokenham Parish are comprised of 1 and 2 persons. Over 53% of homes have 2 or more unoccupied bedrooms and 34% have 1 unoccupied bedroom. As such, this indicates that there is an oversupply of larger dwellings and the housing need in this area is for smaller residential units (1-2 bedrooms).

1.11. The applicants have strong demonstrable links to the parish, and their intention to live in the dwelling themselves does accord with the aim of policies that seek to deliver housing for local people. However, in the absence of any legal restriction on occupancy no weight can be given to the local connection of the proposed occupiers. The proposal would result in a very large detached dwelling accommodating four generous double bedrooms and an internal floor space of 240sq m, nearly double the gross internal floorspace required by the Nationally Described Space Standards. As such the proposal would exacerbate an existing local imbalance of large detached dwellings in the housing stock contrary to policy DEV8.

2. Design/Landscape:

2.1. The Parish Council have raised concerns that the design of the building is not in keeping with the surrounding area and does not respond to the agricultural character of the site. Officers concur with the Parish Council's comments that the property is very large, and the proposed split-level design would result in a large footprint extending the property across the site. The access to the site is along the farm track which leads past the converted barns and other agricultural buildings and units sited adjacent to the track. Close views of the property would be seen within the context of busy workshops, units and yards. The large footprint of the dwelling would be set back and above the track, and would be set within an uncharacteristically large curtilage that would be significantly larger than the surrounding farm development. In this respect the proposal is out of keeping with the pattern of the surrounding development.

2.2. The contrast between the simple form of the pitched roof buildings and the flat roof element do add interest and the proposed materials, being burnt timber cladding, natural stone and the steel roofing do respond to the location. However, the drawings do not show sufficient information to understand how the guttering and down pipes would be incorporated, how the flat roof would be finished and the proposed window material. The success of the design would depend on the treatment of details such as these.

2.3. The impact on light spill has been raised as a concern. Officers do not consider that the proportion of glazing to solid walls within the design is inappropriate and

given the enclosed character of the site Officers do not consider that the proposal would result in an unacceptable harm to the landscape in this regard.

2.4. The proposed scale of the development and the scale of the proposed domestic curtilage within a rural setting would be out of keeping with the adjacent farm development contrary to DEV20 of the Joint Local Plan. However, given the enclosed nature of the site this impact would be localised and would not result in a harmful impact upon the wider landscape and the South Devon National Landscape.

3. Neighbour Amenity:

3.1. The nearest dwellings to the application site would be those within Stokeley Manor, approximately 60m to the south. A line of trees would also separate the application site from Stokeley Manor. Given these distances, in addition to the limited number of windows facing south, the proposal is not considered to result in impact on neighbour amenity and the proposal would not conflict with the aims of JLP policy DEV1.

4. Highways/Access:

4.1. The proposed development would use a route along the western edge of the development site as vehicle access. This area is currently a grassy steep slope rather than part of the terraced areas, although the gradient of the current slope has not been provided. Details of any re-grading or surfacing to upgrade this route and the existing private track which runs through the farm have also not been provided. As such it is not possible to assess the scheme against standing advice provided by DCC Highways and Officers cannot be satisfied that the proposal provides satisfactory traffic movement within the site contrary to DEV29 of the Joint Local Plan.

5. Trees:

5.1. As submitted the proposed driveway to the west of the site would cross the root protection areas of a number of trees and would require the felling of the trees marked T3 and G1 and possibly the group marked G23 and part of G3. The Tree Officer has found that these trees have gained sufficient height to be visible from views outside of the site and will therefore be contributing to the setting of the site and surrounding area. This impact is not acknowledged within the Arboricultural Impact Assessment and no mitigation has been proposed resulting in an objection from the Council's Tree Officer.

5.2. The applicant has subsequently suggested moving the driveway to the other side of the site where an existing concrete track already travels northwards along the eastern boundary. However, this track is outside of the development site as identified on the submitted location plan and as such cannot be accepted at this time.

5.3. The proposed driveway would result in the loss of trees and potential harm to other trees within and adjacent to the site without adequate mitigation contrary to DEV28.

6. Climate Emergency:

- 6.1. The Climate Emergency Planning Statement responds directly to the Climate Emergency declarations issued by South Hams and West Devon Councils and identifies measures for new development to meet the challenge of climate change. It builds on existing planning policies set out within the Plymouth and South West Devon Joint Local Plan, including DEV32 and its supplementary planning document, embraces new standards and proposes new requirements.
- 6.2. Officers have assessed the submitted Climate Emergency Compliance Form which states that the proposal would include the provision of solar panels, battery storage, a ground source heat pump and an EV charge point. A quote for the solar panels and battery has been submitted and suggests that together the proposed measures could provide 99% of the required energy consumption of the dwelling. However, it is not clear whether this has not been compared with the predicted energy consumption of the designed dwelling and the information is not supported by an 'as designed' SAP. The Parish Council have raised concerns that the design of the building may not be thermal efficient and Officers note that the building has an unusual layout which may affect the heating and lighting requirement of the property. In addition, the panels and battery storage have not been shown on the submitted plans and elevations and it is not clear if the panels to be provided on the flat roof would be laid flat or angled southwards. In addition, the proposed location of the ground source heat pump and the EV charge point have not been included on the submitted plans.
- 6.3. Although Officers welcome the proposed measures to reduce carbon emission and increase on-site energy generation, insufficient information has been submitted to ensure these measures are suitable for the proposed dwelling and can be secured through the planning process.

7. Other Matters:

- 7.1. The submitted ecological survey by Nic Butler, dated 18th October 2023, identifies that the site represents potential habitat for reptiles and that the presence of slow worms and common lizards are assumed. As such a precautionary approach should be undertaken and a finger-tip search is recommended prior to vegetation clearance. A similar precautionary approach is also recommended for hedgehogs, dormice and nesting birds. In addition a number of enhancement measures are recommended including bird and bat boxes, log piles, mini orchard and wildflower meadow. If the application were otherwise acceptable the recommendations of the ecological survey would be conditioned to ensure the proposal complies with JLP policy DEV26.
- 7.2. On site, Officers noted there were several redundant pieces of equipment and machinery. Furthermore, the former use of the area for horticulture may also have resulted in some degree of contamination and as such a Contaminated Land assessment would be required for the site. The Environmental Health Officer has not objected to the application but has requested a suitably worded condition requiring a Contaminated Land Assessment has been submitted to and approved by the local planning authority prior to commencement on site. If the application were otherwise acceptable this would be applied to the permission.

8. Summary

- 8.1. The proposed dwelling does not respond to any proven agricultural, forestry and other occupational need that requires a countryside location or provide justification for why a coastal location is required, contrary to policies to protect the open countryside and designated Undeveloped Coast and Heritage Coast. In addition, the proposal would be for a large detached house which would not respond to an identified local housing need and therefore the proposal does not gain any support from DEV8.
- 8.2. The proposed scale of the development and the large domestic curtilage would not be in keeping with the adjacent farm development and although Officers do not object to the design of the dwelling insufficient details of the proposal has been provided to show the final finish.
- 8.3. Insufficient information has been submitted to show how the proposed driveway would be constructed and what the finished dimensions and gradient of the driveway would be and therefore Officers cannot ensure access on the site is acceptable. Further to this, the driveway as submitted would result in harm to the boundary trees. Although the applicant submitted an alternative access this is beyond the submitted red edge and cannot be accepted at this time. The objection by the Tree Officer is maintained.
- 8.4. Although a quote for solar panels has been submitted to show the applicants intent to install panels, the omission of any renewable energy on the submitted plans fails to secure any carbon reduction measures contrary to DEV32.

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
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV26 Development in the Countryside
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
DEV10 Delivering high quality housing
DEV20 Place shaping and the quality of the built 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
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts

Neighbourhood Plan

The application site is not within a designated neighbourhood plan area.

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:

South Devon Area of Outstanding Natural Beauty Management Plan (2019-2024)
Plymouth and South West Devon Joint Local Plan Supplementary Planning Document (2020)
Plymouth and South West Devon Climate Emergency Planning Statement (2022)

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.

