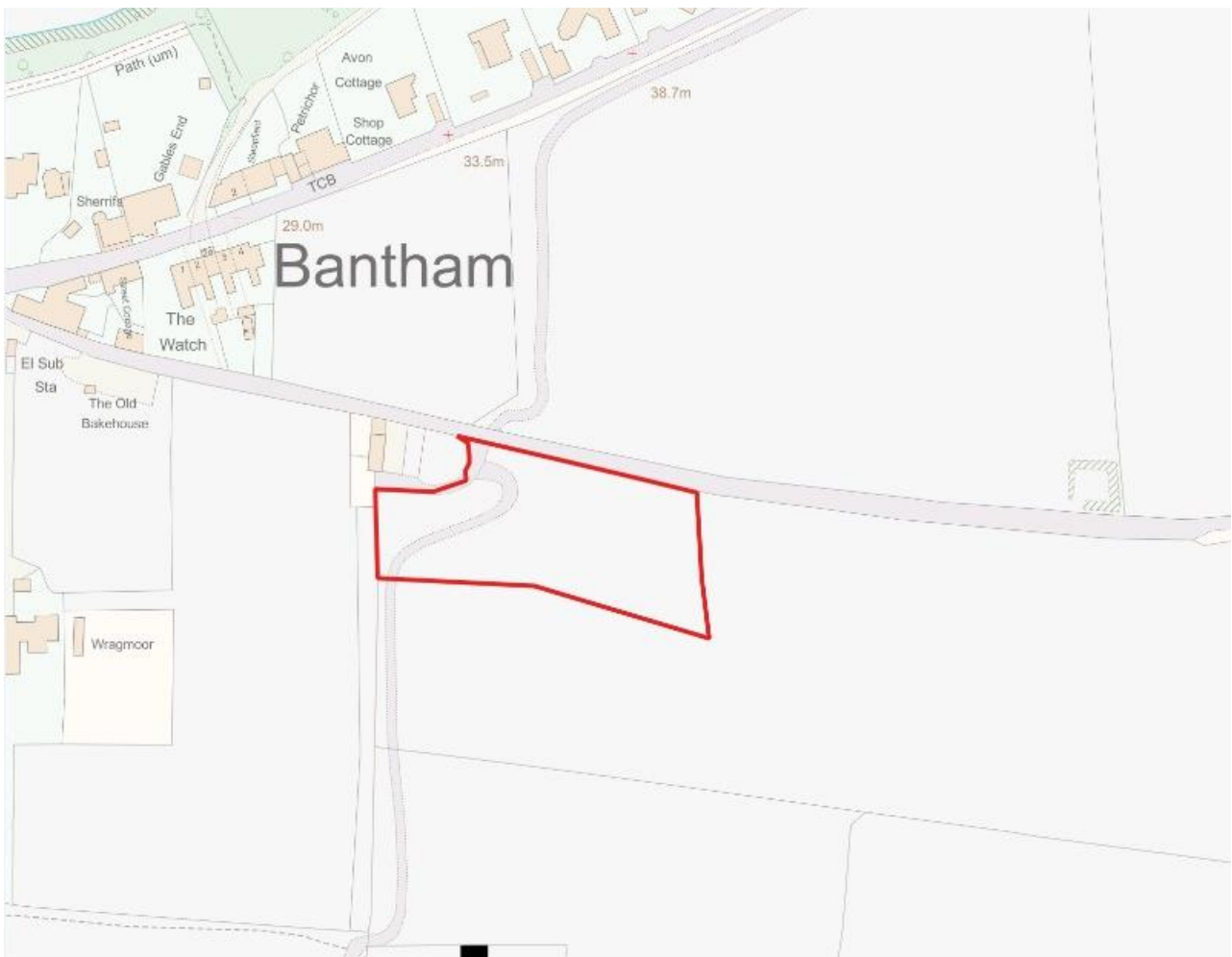


OFFICER'S REPORT

Case Officer:	Lucy Hall		
Parish:	Thurlestone	Ward:	Salcombe & Thurlestone
Application No:	2786/20/FUL		
Applicant:	The Bantham Estate C/O Agent	Agent:	Shelley Coffey Rural Solutions Canalside House Brewery Lane Skipton BD23 1DR
Site Address:	West Buckland Barn, Bantham, TQ7 3AJ		
Development:	READVERTISEMENT (Revised plans & documents) Erection of new agricultural store		



Reasons for taking item to committee – At the request of Cllr Long ‘I would like the Development Management Committee to review this application, due to the level of public interest, given the concerns and strong objections of the Thurlestone Parish Council and others consistently over the long period of this application, to examine the issues raised related to development impact, need, setting, landscape, impact on NPL (AONB) and undeveloped coast. To have the Committee consider the concerns and questions over this proposal to review any challenges that this proposed development makes to policy including the Neighbourhood Plan policies.’

Recommendation: conditional approval

Conditions

1. Standard 3 year time limit
2. Development to accord with approved plans
3. Use restricted to agriculture
4. Unexpected contamination
5. Access improvements undertaken prior to first use of building
6. Construction management plan (pre commencement)
7. Landscape and Ecological Mitigation Plan (LEMP) (pre commencement)
8. No external lighting
9. No vegetation clearance outside bird nesting season
10. Development to accord with actions set out in ecology report
11. Written scheme of investigation (pre commencement)
12. Completion of post-excavation works
13. Installation of fencing around Middle Bronze Age roundhouse (pre commencement)
14. Tree protection plan (pre commencement)
15. Implementation of landscaping scheme
16. Submission of landscaping scheme for wider site (pre commencement)
17. Drainage (pre commencement)
18. stonework

Key issues for consideration:

- Principle / Sustainable Development
 - Design and Landscape Impacts
 - Neighbouring Amenity
 - Drainage / Flood Risk
 - Highways / Access
 - Ecology / Biodiversity
 - Low Carbon Development
-

Site Description:

The site lies at the south-eastern edge of Bantham and is accessed via Bantham to West Buckland Road (Class C). There is an existing gated access into the site and a track which provides access to the agricultural land to the south and the existing building to the west. The roadside boundary is defined by a hedgebank and trees. Other boundaries are mostly open and there are views across the valley to the south. The site is largely clear except for a mound of earth and vegetation.

A public footpath lies approximately 130m west of the site, and 200m south. The footpath leads to higher ground to the south of the site, where such can be seen in long distance views.

The application site is located within the: SWD Landscape Character Area (4D), the South Devon AONB, the Heritage Coast, the Countryside, the Undeveloped Coast, a Cirl Bunting Buffer Zone, the Thurlestone Parish Council / Neighbourhood Plan Area and a SSSI Impact Risk Zone. The site has an AGLV of Grade 3.

The site is located approximately 150m to the east of the Grade II Listed Building: ‘The Sloop Inn’ and 190m to the east of the Grade II Listed Buildings: ‘1-10’.

The site is not located within a high Flood Risk Zone as identified by the Environment Agency.

The Proposal:

The application was originally submitted for the change of use of the existing agricultural barn to the west of the site into C3 holiday let and erection of a new agricultural / estate store building for the Bantham Estate.

Since the initial submission, following discussions between the case officer and the applicant, the application was revised so as to remove the C3 change of use of the existing agricultural building on site.

The application therefore proposes the erection of a single storey agricultural building with the proposal description reading as 'Erection of new agricultural store'.

The building would take the form of a single storey rectangular block and would be situated along the northern boundary of the site, set back from the road by approx. 7.6m and approx. 14.5m to the east of the entrance. The building has a GIA of approx. 309sqm and maximum internal dimensions of 33m x 12m (external 33.645m x 12.146m).

The land currently slopes towards the south (currently a 3m difference in levels between the road finished floor level of the building). Approx. 7m south of the road, the land would be lowered by around 2.7m. The building would be covered a grass seeded flat roof and would have a maximum height of around 4.7m dropping to around 4.2m to the rear of the building. Drawing number 1900.100 Rev 7 'landscape layout plan', shows the maximum height of the building to be somewhere around 1.5m to 1.8m above the road level.

The southern elevation would include 5x 'galvanised steel roller shutter doors finished in powder coating 'RAL 6013 Reed Green'. Except for exposed section of walls on the southern elevation, the building would be covered in an earth mound, planted with smaller native shrub species. Exposed sections of wall would be clad in local natural stone. The southern boundary of the roof would be finished with 'local cut stone parapet capping'.

An agricultural yard is proposed on land immediately to the south of the proposed building. Drawing number 1900.100 Rev 7 'landscape layout plan' indicates that it would measure around 35m by 15m and would be surfaced with compacted hardcore. The applicant states that the yard size will allow for required agricultural vehicles to manoeuvre easily. From the south of the building the drawings indicate the existing levels would be lowered by approx. 0.5m and a gentle slope would be created to allow the yard to join with the natural ground levels at the south boundary of the site, where new buffer planting and native hedge planting is to be carried out. The yard will be enclosed by new tree and shrub planting to the east, south and west boundaries and will connect with the new agricultural building and associated earth mounds to the north.

Access into the site is proposed via the existing internal access track off West Buckland Road. Vehicles will pass through new timber gates along a hardcore surfaced track into the new yard. The proposal includes the removal of some vegetation (annotated on drawing 1900.100 Rev 7 'landscape layout plan' as dead trees) to facilitate a new 2.4m by 2.5m visibility splay. A new grass verge (max height 0.6m) is proposed to replace a small section of hedgerow.

Consultations:

The application has been through several rounds of consultation as the application has been amended. The comments below are based on the most up to date received from each consultee. Full details are available for viewing on the planning pages of the Council's website and due to the lengthy nature of some of the responses received.

Members are directed to review them at: <https://southhams.planning-register.co.uk/Planning/Display/2786/20/FUL>

Thurlestone Parish Council – previous responses attached at the end of the report
Objection

The Parish Council has written 4 Objection letters since 14/10 /2020 detailing reasons for objection and related policies.

Every single point of our previous objections stand in relation to the latest readvertisement. No exceptional circumstance exists to support the development of this over-sized development on a green field site when there are other storage facilities that already exist within the Bantham Estate and the location is unsuitable and unjustifiable. We trust the planning offer will take time necessary to re-read all the parish councils previous objections and come to the conclusion to refuse this application so that the much needed clean-up operation can begin.

There is no support for this proposal.

*Contrary to policies :TP1.1, TP1.2, TP1.4, TP1.5,TP 1.7 ,TP 2,TP8 , TP 14 ,TP15 ,TP 17 .
TP22.1*

Highway Authority

No objections, conditions recommended

Environmental Health

No objection, condition recommended

Historic Environment Team (DCC)

No objection, conditions recommended

Agricultural Consultant

Support

Ecologist (DCC)

No objection, conditions recommended

Devon Wildlife Trust

Made a few comments on the original iteration. No further comments received.

Natural England

No comments

Historic England

Not providing comments but suggest seek views of specialist conservation and archaeological advisers.

Drainage

No objection but recommend pre commencement condition

Tree Officer (SHDC)

No objection, condition recommended.

South Devon AONB Unit

Only provided comments on first iteration (objection). No further written comments provided but there have been informal discussions between the AONB Unit and the landscape officer.

Landscape Officer (SHDC)

No objection

Representations:

Over 80 objections have been received through the life of the application and rounds of consultation undertaken. Some respondents have made multiple representations. The comments received can be viewed in full on the planning pages of the Council's website and summarised as follows:

- Planned barn is 33m in length with internal height of 4.1m (height of double decker bus or railway road bridge). Development not small in scale as described by the applicant.
- The introduction of a new agricultural building / mass / built form /external appearance in this location (AONB, Undeveloped Coast) unacceptable/out of keeping with character.
- Light pollution impacts
- Increases in traffic to and from the site / highways safety.
- Concern over the future use of the site for residential purposes
- Other candidate sites available (Land at Lower Aunemouth Farm or Coronation Boat House)
- Landscape & Visual Impacts upon the South Devon AONB and Undeveloped Coast
- Failure to accord with JLP Policies and the Thurlstone Neighbourhood Plan
- Unsustainable Development
- Concerns over likely use of the building for car parking / shooting rather than agricultural
- Impacts upon wildlife / habitats including greater horseshoe bats
- Outside of the development boundary of the Thurlstone Neighbourhood Plan
- Loss of bird nesting and bat roosting habitats.
- The proposal does not meet exceptional circumstances test for development proposals in the Undeveloped Coast / Heritage Coast.
- Reduction in the sense of tranquillity to the area
- No public benefits
- Fails to meet principle residency tests
- Fails to accord with local housing needs
- Existing Barn on-site could be utilised or buildings at Lower Aunemouth or Coronation Boat House. Lower Aunemouth is centre of activity
- Could develop into major industrial complex out of keeping with tranquil area
- Risk of inviting further ribbon development
- Need not established.
- Proposed storage building would not store agricultural equipment
- The application fails to demonstrate utilisation % of existing storage facilities on the estate
- Should be investing in community and full-time residences, not tourism and seasonal occupancy
- Unsuitability of design of building for agricultural storage
- Use of Greenfield Land
- Proposal should be considered alongside other applications in the planning system
- Unauthorised changes / works taking place on-site.
- Introduction of other commercial developments within the estate, such as pheasant shooting. Potential for yard and building to be used in connection with such.
- Impacts/harm to ecology
- Impacts on pedestrian safety
- Piecemeal approach, cumulative impacts

Relevant Planning History

The site:

- 55/2161/03/CU - Retrospective application for change of use from agricultural to builders yard and store. Conditional Approval.

Other sites within Bantham Estate:

- 55/0516/04/CU (Sloop Barn) - Change of use from redundant agricultural building to boat storage and maintenance. Refusal.

- 55/2082/04/F (Sloop Barn) - Change of use to light industrial together with external works and refacing of building. Refused. Dismissed.
- 55/0647/05/F (Sloop Barn) - Change of Use of existing premises to light industrial together with external works, and refacing of existing building. Refused. Dismissed.
- 55/0341/08/F (Sloop Barn) - Change of use to light industrial together with external works and refacing of building. Conditional Approval.
- 55/1532/12/F (Sloop Barn) - Change of use to light industrial together with external works and refacing of building. Conditional Approval.
- 3400/16/FUL – Retrospective application for construction of dog kennels. Conditional Approval.
- 2909/17/FUL (Bantham Beach Access) - Temporary change of use, for 2 years, of farmland to a use of land for the siting of welfare cabins and parking of vehicles and plant for contractors working on the construction project at Clock Cottage. Conditional Approval.
- 0383/18/VAR (Bantham Beach Access) - Variation of condition number 2 following grant of planning permission 2909/17/FUL to allow changes to the approved site plan. Withdrawn
- 1218/18 (Bantham Beach Access) - Temporary change of use, for 1.5 years, of farmland to use of land for the siting of welfare cabins and parking of vehicles and plant for contractors working on the construction project at Clock Cottage. Conditional Approval.
- 0227/20/FUL (Bantham Beach Access) - READVERTISEMENT (Revised plans received) Erection of new Estate & Harbour office; and granting of temporary 18 month consent for continued use of land for siting of portacabins and associated parking of vehicles for use as temporary estate office. Conditional Approval.
- 0332/21/FUL (Bantham Beach/Access) - READVERTISEMENT (Revised plans received) Erection of new Estate & Harbour office; and granting of temporary 18 month consent for continued use of land for siting of portacabins and associated parking of vehicles for use as temporary estate office. Withdrawn.
- 3025/21/FUL (Lower Aunemouth) – READVERTISEMENT (Revised Landscape plan received) Temporary installation of two rows of Paraweb Fencing to protect planted Windbreaks. Conditional Approval.
- 3026/21/FUL (West Buckland) - READVERTISEMENT (Revised Landscape plan received) Temporary installation of two rows of Paraweb Fencing to protect planted windbreaks. Conditional Approval.
- 0915/22/FUL (Bantham Beach/Access) - READVERTISEMENT (Revised plans received) Erection of new Estate & Harbour office; and granting of temporary 18 month consent for continued use of land for siting of portacabins and associated parking of vehicles for use as temporary estate office. Refused.
- 2605/22/FUL (Coronation Boathouse) - Proposed conversion of first floor into holiday let & cliff stabilisation works (part retrospective). Refused
- 2606/22/LBC (Coronation Boathouse) - Listed Building Consent for proposed conversion of first floor into holiday let & cliff stabilisation works. Refused.

ANALYSIS

1.0 Principle of Development/Sustainability

- 1.1 The higher-level policies of the Plymouth and South West Devon Joint Local Plan (JLP), SPT1 and SPT2 set the context for what is considered to be sustainable development. They introduce the concept of rural sustainability and amongst other things, encourage and support opportunities for business growth, minimises pollution and adverse environmental impacts, protects the natural environment, and respects, maintains and strengthens local distinctiveness through high standards of design. From this, all other policies flow and a spatial strategy for growth is introduced in Policy TTV1 which presents a hierarchy of sustainable settlements. It is envisaged that the most growth will occur at the most sustainable settlements.
- 1.2 When assessed against TTV1, the site is located at the bottom of the settlement hierarchy. Bantham is not identified in the JLP as a named settlement, although the sites' characteristics are rural and it has a closer affiliation with the countryside rather than the built form of the settlement. The Thurlestone Neighbourhood Plan (NP) includes a settlement boundary around Bantham and the site lies outside, as shown in Figure 8 of the NP.
- 1.3 TTV1.4 states that development in the countryside will only be permitted if it can be demonstrated to support the principles of sustainable development and sustainable communities (Policies SPT1 and 2) including as provided for in policy TTV26. NP Policy TP2 is also of relevance, stating that the settlement boundaries for Bantham, Buckland and Thurlestone will be used for the purposes of determining all planning applications in the parish. Paragraph 2.28 of the supporting text to TP2 states that:

'Proposals for development within the boundaries designated in this Plan will be supported whilst development outside will be treated as an exception. This is consistent with the protection afforded to land designated as AONB, as set out in the NPPF, Local Development Framework, the emerging JLP and the South Devon AONB Management Plan.'

- 1.4 Additionally, TP2 seeks to prevent coalescence of Bantham and Buckland.
- 1.5 Policy TTV26 of the JLP relates to development in the countryside. The aim of the policy, as articulated in the first line, is to protect the role and character of the countryside. The policy is divided into two different sets of policy requirement, with Part 1 applying to development proposals considered to be in isolated locations only. Applying the principles established by Braintree District Council v Secretary of State for Communities and Local Government & Ors [2018] EWCA Civ 610 and Bramshill v SSHCLG [2021] EWCA Civ 320, given the proximity of the site to the built-up area of Bantham and Buckland and connectivity, the site is not considered to be isolated and therefore Part 1 of TTV26 does not apply.
- 1.6 Part 2 applies to all development in the countryside and states the following:

Development proposals should, where appropriate:

- i. Protect and improve public rights of way and bridleways.*
- ii. Re-use traditional buildings that are structurally sound enough for renovation without significant enhancement or alteration.*
- iii. Be complementary to and not prejudice any viable agricultural operations on a farm and other existing viable uses.*
- iv. Respond to a proven agricultural, forestry and other occupational need that requires a countryside location.*

- v. *Avoid the use of Best and Most Versatile Agricultural Land.*
- vi. *Help enhance the immediate setting of the site and include a management plan and exit strategy that demonstrates how long term degradation of the landscape and natural environment will be avoided.*

1.7 JLP policy DEV15.6 is also relevant which states.

'Development will be supported which meets the essential needs of agriculture or forestry interests.'

1.8 The site is also located within the Heritage Coast and Undeveloped Coast, areas which have been designated to conserve their undeveloped character. The relevant JLP policy, DEV24 seeks to ensure the protection of this designation and states.

Development which would have a detrimental effect on the undeveloped and unspoilt character, appearance or tranquillity of the Undeveloped Coast, estuaries, and the Heritage Coast will not be permitted except under exceptional circumstances. Development will only be permitted in the Undeveloped Coast where the development:

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

Development for the purposes of agriculture, forestry, public access and enjoyment of the coast and estuaries, or community facilities that meet the objectively assessed needs of the local community, will be supported if it meets the above tests.'

1.9 Bantham Estate covers 728 acres (294.6 ha), all located within the South Devon National Landscape, Undeveloped Coast and Heritage Coast. The estate includes agricultural land, woodland, grassland, and sand dunes, as well as Bantham Beach. Bantham Estate is also responsible for managing the river Avon estuary that runs through its land. The agent has provided a plan showing the extent of the Estate. Officers are satisfied that all of the land falls within the Undeveloped Coast, and therefore any proposed development necessary to support the estate cannot reasonably be located outside, in accordance with JLP policy DEV24.1 and DEV24.2.

1.10 Supporting documentation, 'The Bantham Estate, Estate and Agricultural Storage Requirements' notes that the range of enterprises across the Estate business generates requirement for machinery and equipment; demands arising for storage are significant and existing lack of available and suitable buildings means valuable and important equipment are being stored outside. The document also states that, added to existing need, the Estate is establishing a vineyard on the southerly slopes to north east of West Buckland, and the vines have been planted. This enterprise requires new machinery and equipment, some of it specialist. This is the new enterprise that will add to storage capacity requirement for Bantham area.

1.11 The statement confirms that the proposed building would be used to store a range of machinery and equipment required in support of the vines.

Vehicle/Machinery: vineyard tractor, vineyard ATV, pesticide sprayer, herbicide sprayer, under vine weeder, flail mower, vine trimmer, picking trailer, leaf remover/defoliator, roller hacker, power harrow, headland roller, seed drill, sundries (secateurs etc.)

1.12 The proposal has been reviewed by the Council's Agricultural Consultant and their comments can be summarised as follows:

- *Estate totals 740 acres with some 600 acres of farmland and remainder being woodland*
- *Two Natural England Countryside Stewardship agreements in place on the land and the grassland is let out on a grazing license for the summer period and the arable land (which amounts to approx. 60 acres) is let out on a cropping license.*
- *Various activities associated with estate management which don't include agricultural land as they are requirements to manage beach/dunes as well as part of river estuary, estate also manage and run a commercial game bird shoot. At time of visit also a commercial vineyard being established*
- *Main block of buildings located at Lower Aunemouth which is situated up out of the village but centrally located in terms of land holding. Also Sloop Barn which is closer to application site, nearer the village*
- *Assessed farming operations of applicant and taking into consideration existing buildings and present use, satisfied there is a need for a further agricultural building.*
- *Building, which is modest 309sqm, is to be used for housing various equipment used in conjunction with management of farm, beach, vineyard, harbour and estuary.*
- *Remit is to look purely at agricultural needs and whether building needed for agriculture.*
- *Would opine that needs of farm, which includes grassland, arable acres, and new vineyard enterprise do need extra accommodation to house related equipment and produce.*
- *Proposed building part agricultural and part estate store, the latter use assumed to be in relation to management of beach, harbour and estuary. How such is to be split is mopen to debate and consideration of LPA*
- *Proposed design not typical of agricultural building, but nevertheless serves a function and would meet the proposed need. No doubt other consultees will deal with design of building in terms of landscape and visual impact.*
- *Important to assess whether building sited to meet proven agricultural need. If there is a need for additional agricultural building, which considers there is, then very difficult, if not impossible to erect building adjacent to farmstead at Lower Aunemouth due to topographical/physical constraints. Issues mentioned in statements regarding transport and access from buildings at Lower Aunemouth to the beach and the harbour/estuary but do not think within remit to comment on highways issues. Simply looks at whether building is located in a position to meet agricultural needs of farm business. In terms of this strict interpretation, then satisfied that siting of building does meet agricultural needs of the business.*

1.13 Overall, having assessed the existing farming operations of the applicant, and taking into consideration the existing buildings and their present use, the Agricultural Consultant is satisfied there is a need for a further building to meet the agricultural needs of the applicant's farm business and has offered support for the proposal.

1.14 When the Agricultural Consultant first commented on the application, the intention was to use the building for a mix of agricultural storage and general storage, associated with the management of the Estate. There was no information on how the building would be split into the different uses, something the Agricultural Consultant questioned. The proposal has since been amended and is now for agricultural storage only. Further comments have been provided from the Agricultural Consultant confirming support for the scale of the building proposed which he considers '*meets the agricultural needs of the applicant's farming business.*'

1.15 On the basis of these comments, the principle of an agricultural building to meet the agricultural needs of the applicant's farm business is supported, in accordance with policies TTV26 and DEV15.

2.0 Alternative Locations

- 2.1 There have been a lot of comments made questioning the location of the building. The applicant's considered four potential sites within the Bantham Estate to locate the proposed agricultural building and the result of their assessment was that this was the application site was the most appropriate, as summarised below.

Barn South of Sloopside

- a. Constrained by poor access and substandard visibility to the right onto Sloop Lane, not possible to demonstrate safe access/egress in support of intensification of access including large and slow moving vehicles.
- b. Highly visible from south and west, including PROW, new building would be located within views of Bantham and the coastal/estuary setting.
- c. Potential for disturbance and impacts on residential amenity due to proximity of site adjacent to residential dwellings.
- d. Previous planning applications been refused and dismissed at appeal for change to boat storage and maintenance/light industrial, due to likely impacts on residential amenity, landscape impact, and highways, suggesting LPA would not support erection of new building for similar vehicle/machinery store.

Lower Aunemouth Farm

- a. Existing buildings used for vehicle, general agricultural/estate storage and a gamekeepers store.
- b. Difficult access from main road via steep and narrow access making movement of large vehicles difficult.
- c. Potential conflict with users in close proximity to and surrounding site.
- d. Topography means not possible to develop building of size required within existing farm yard site and would result in encroachment in highly visible, elevated position.
- e. Yard not suitably located to serve as storage base for vehicles/equipment needed at beach, harbour, estuary without long journeys on public highway causing conflict with local and tourist traffic on narrow roads in summer period.

Estate Workshop, Bantham Beach

- a. Used as maintenance yard where several vehicles and trailers etc stored outside due to lack of suitable storage buildings elsewhere on estate. Small stone building provides small workshop and maintenance store.
- b. Would provide convenient access to beach/harbour but agricultural vehicles would have to travel on public roads through centre of village to access agricultural land.
- c. Would be located within views of Bantham and coastal/estuary setting.
- d. Adjacent listed buildings.
- e. Would encroach on agricultural land, outside existing compound.
- f. Established as site for estate office (Officer Note: Application has been approved, development completed).

West Buckland Farm

- a) Contains existing stone built agricultural building and associated pens/yard area with hardstanding. Hardstanding in use for storage, with stockpiled materials and disused silage clamp. Site bounded by agri land south and east and hedges north boundary.
- b) Benefits from suitable and safe access with immediate access onto Bantham Road and links to existing field track network South Hams District and West Devon Borough Councils relatively central location within estate, proximity to beach, harbour, estuary, vineyard and village.
- c) Opportunity to remove and reduce movements through village at peak periods as farming landholding can be accessed without requiring access through village or along village roads.
- d) Mature vegetation provides screening along main road, and site topography slopes down southwards allowing development to be well screened.

- e) Site has capacity to both accommodate the proposed development and ability to limit and mitigate landscape, visual and amenity impacts by siting, design and planting.
- f) Existing building on site not considered to meet estates operational requirements due to its scale and traditional design and layout.

2.2 In addition to their assessment of the 4 potential sites, the applicants have also stated within their submission that the barn to the east of the site is not suitable for the proposed uses.

'The existing building at West Buckland is patently unsuitable to meet this need. It is too small, too low and any extension would be inappropriate in terms of character and impact.'

2.3 Officers agree with the applicant's assessment that access to Lower Aunemouth and Sloop Barn is substandard for the proposed development, as supported by the Highway Authority. In their original response they said.

The principle of moving the storage operations from the existing other further afield in the village locations to this location from a highway safety perspective has been assessed. It is considered the access junction that serves Lower Aunemouth is woefully inadequate in terms of safety. With the main village road at this point noted as having much higher average speeds than in the main village, the potential for a severe accident is far greater. Therefore the removal of large service vehicles from this access is welcomed.

2.4 Historic appeal decisions relating to the barn to the rear of The Sloop Inn highlight the severity of limited visibility to the east, along West Buckland Road and the main street, representing a danger to pedestrian and highway safety and making it inappropriate to compound the use of a substandard access junction.

2.5 The following is an extract from paragraph 4 of planning appeal APP/K1128/A/05/1194685 (LA ref 55/0647/05/F) for the proposed change of use of the barn to the rear of The Sloop Inn to light industrial.

I agree with the Inspector who determined the previous appeal that the visibility at the junction of the sole access track (which is also a public footpath) with the road to West Buckland and the main street of Bantham is so severely limited that it constitutes a clear danger to the safety of road users, both pedestrian and vehicular. Therefore any use generating vehicular traffic, which must use this multiple junction, would lead to the risk of harm to users of the highway at that point.

2.6 In his latest response (dated 16.10.23) the Agricultural Consultant comments on the proposed location.

'Is it sited to meet that need? A lot has been said in the original application from both the agent and the estate manager at our site visit with regard to where the need for this agricultural building exists, mindful of the existing farmstead at Lower Aunemouth and the farming activities/enterprises that take place on the 600 acres of land owned by the applicant. I have considered those criteria and I am of the opinion, consistent with my previous advice, that the siting of the building does meet the agricultural needs of the business.'

2.7 Overall and on balance, based on the information provided by the applicant, and comments received by the Highway Authority and Agricultural Consultant, Officers are satisfied that the proposed location has been justified and there is a need for the building, but it needs to be considered carefully against all other relevant policy considerations. NP policy TP1 sets out general development principles which should be met to achieve sustainable development, and the matters the policy draws on will be considered below.

3.0 Design/landscape

3.1 The site lies within the South Devon National Landscape (NL), Heritage Coast and Undeveloped Coast. NLs are considered to have the highest status of protection and the NPPF requires great weight to be given to conserving and enhancing landscape and scenic beauty, with particular reference to special qualities and distinctive characteristics or valued attributes. This is consistent with s.85 of the Countryside and Rights of Way Act 2000 which requires that:

“...in exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty”.

3.2 This legal duty is another material consideration, as opposed to forming part of the development plan.

3.3 The need to conserve and enhance the NL is reinforced within JLP policy DEV23. The need for high quality design which is appropriate to its context and contributes positively to it is discussed within JLP policies, DEV20, DEV23 and DEV25. In addition to the Development Plan, the following legislation, policies and guidance are of relevance;

- Section 85 of the Countryside and Rights of Way (CRoW) Act;
- The National Planning Policy Framework;
- The National Planning Practice Guidance on Landscape; and
- The South Devon AONB Management Plan and its Annexes.

3.4 NP policy TP22 places similar importance on landscape protection, requiring proposals to contribute and enhance the natural environment. Paragraph 182 states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, which have the highest status of protection in relation to those issues.

3.5 The ‘SPT’ policies within the JLP provide the strategic framework within which all other policies of the plan fit, and are prefaced by Strategic Objective SO1 – Delivering the Spatial Strategy. SO1 clearly articulates how the plan aims to manage change in the different spatial parts of the plan area. Of particular relevance is how SO1 envisages the JLP policies will manage change in countryside locations and designated landscapes:

“6. Minimises development in sensitive locations where the high quality natural environments could be harmed, and positively protects, conserves, enhances and celebrates the Plan Area's high quality natural and historic environments.”

3.6 The South Devon AONB commented on the application when the first iteration was presented almost three years ago. They objected, providing the following comments.

- *The application site is in a rural location away from any settlement or main farmstead where built development would detract from open character of the landscape and impinge on views from both the adjacent lane and the public rights of way on the opposite side of the valley;*
- *The building is utilitarian in design, is not locally distinctive, and does not reflect the style, scale and character of the local vernacular of this coastal and rural parish within the South Devon AONB;*
- *The proposed mitigation in the form of block tree planting and a new Devon hedge is not successful in integrating the building into the landscape and in itself is harmful by introducing landscape features that are alien to this part of the AONB and do not relate well to the historic landscape of open strip fields;*

- *For the above reasons the proposed development would result in significant harm to the landscape which is nationally designated as AONB and locally designated as Undeveloped Coast and Heritage Coast contrary to policies TP1 and TP22 of the Thurlestone Parish Neighbourhood Plan, DEV24 and DEV25 of the Plymouth & South West Devon Joint Local Plan and paragraphs 176 and 178 of the NPPF.*
- *The application site is located within the nationally designated South Devon AONB, the locally designated Undeveloped Coast and defined Heritage Coast. Access is via a ridgetop lane and the site slopes steeply down to the south towards the Buckland Stream along the valley floor. There is an opposing ridge on the other side of the valley which includes public rights of way with views across the site.*
- *There are two small barns and a concrete yard to the west of the site but no other buildings in the near vicinity. Its character is rural and it is separated from the settlement of Bantham.*
- *The field forms part of a possible medieval strip field system identified in the Devon Historic Landscape Characterisation. The tithe map shows a pattern of linear fields with boundaries that cross the lane, indicating that they are older than this routeway. These field boundaries have since been lost. Any development on this site should take the opportunity to restore these boundaries to demonstrate conservation and enhancement of the historic landscape.*
- *The proposed building is utilitarian in design, resembling a row of flat roofed garages. It is not locally distinctive, and does not reflect the style, scale and character of the local vernacular of this coastal and rural parish. It is proposed to try and mitigate its impact through the use of a grass-seeded roof and embankments. In the latest plans additional mitigation is proposed in the form of block tree planting and a new Devon hedge. These mitigation proposals seem to acknowledge the unsightliness of the building and seek to hide it, which is a poor design solution in a nationally designated landscape.*
- *In my view the proposed mitigation is not successful and in itself is harmful by introducing landscape features that are alien to this part of the AONB and do not relate well to the historic landscape of open strip fields.*
- *Any building on this site is likely to impact on the open landscape character of the area and an alternative location within a farmstead or the settlement would be preferred. The South Devon AONB Planning Guidance in section 8.6 advises that “An agricultural building development that conserves and enhances South Devon AONB will:*
- *Be located with existing farmsteads and buildings unless site constraints or operational requirements clearly dictate that this is not possible...”*
- *In the event that the District Council considers that the building is justified and in an appropriate location then it should be redesigned so that it is good enough to see and contributes positively to the AONB. The following advice in the AONB Planning Guidance should be followed:*
- *Where a new farm building in open countryside is the only available practical option, clearly demonstrate in the planning application how a location has been selected to minimise visual impact and best set the building into its landscape;*
- *Involve the careful use of materials, colour, landform, screening and external landscape works to assimilate the buildings into their setting;*
- *Demonstrate a comprehensive approach to the use of the site, detailing the arrangements for external lighting, storage, boundaries, drainage and waste management;*
- *Retain, renovate or enhance any traditional landscape features on site such as walls, hedges and mature trees, and demonstrate how they will be protected during the development phase (nb this should include restoring the historic field boundaries);*
- *Provide additional and alternative breeding or resting places for protected species that may be affected by renovations or demolitions and include them within submitted proposals;*
- *Show restraint and care over the installation and use of street lighting, floodlighting and other external lighting to prevent harm to the dark night skies and sense of tranquillity.*

3.7 The Council’s landscape officer also objected to original proposal.

Overall, the application has not convincingly demonstrated that the proposals will conserve and enhance the natural beauty of the AONB, nor the special character of the Undeveloped

and Heritage Coast, and would therefore be considered contrary to policy DEV25 of the adopted JLP

Overall, it is felt that more detail is needed to explain the design rationale for the proposed layout. Opportunities should be explored for design proposals to contribute to the stated landscape strategies for the AONB, and the landscape character at this location.

A more detailed hard and soft landscape proposals plan would be required, giving details of hard landscaping treatments, plant species and numbers, planting density, stock size at time of planting, and specifications for planting operations, maintenance and long-term management together with a separate lighting strategy.

- 3.8 Since these comments were made the proposal has been revised. Additional comments were provided from the Landscape Officer in September 2021, withdrawing their objection.

The present application submission represents a revised scheme that has been subject to a comprehensive and iterative design process.

As now submitted, the proposed layout helps address the initial landscape and visual concerns for the proposed development on the site. The submitted Design and Access Statement contains a record of the latest discussions about other potential layout options for the proposed development between the applicant's agent and Council's Officers. Though still orientated so that the main front elevation faces south, the proposed development as submitted, includes modifications to help reduce potential adverse landscape and visual effects.

The courtyard to the south of the proposed storage barn is to be enclosed long its eastern and southern boundaries with a new Devon bank that will connect to the proposed building and the retained existing bank along West Buckland Lane. The new Devon bank will help mitigate the visual effects of activity in the courtyard including light spill from vehicles. With a hedgerow on top of the bank the screening effects of the new bank would improve over time as the planting establishes and matures. The new Devon bank would be consistent with the character of the wider area and does have the potential to become a positive landscape feature.

New structure planting is proposed to the south, east, and west of the proposed Devon bank. The new tree and shrub planting would be predominantly native species but with some conifer planting included to provide an evergreen element. As submitted the planting would be of a size where it would have some immediate visual effect in respect of appearance and character, helping to provide a landscape setting for the proposed building and courtyard. Once established and beginning to fill out, the new planting would help further screen the proposed development from the wider landscape, especially from publicly accessible vantage points to the south of the site.

It is considered that the suggestions made previously about how the scheme might be modified to be more acceptable have now largely been incorporated, and the queries and requests for clarifications have been addressed such they do not constitute enough of a concern to maintain the Landscape objection to the scheme overall.

- 3.9 A further response from the Landscape Officer was provided in December 2023, in which correspondence between the case officer and landscape officer is summarised. Of particular importance is the summary from February 2023,

Following on from our telephone discussion earlier this week, I have now read through the LCA and AONB Landscape Assessment Addendum Statement prepared by Rural Solutions, along with the Proposed Alternative Site Layout, and particularly noting the plan showing the wider context of the development proposals and potential landscape

enhancements beyond the red line of the application site. I also note the comments made by the agent in relation to addressing the SD AONB Units comments, contained in the email accompanying the additional information. [Note: this point refers to the email sent to you on 19 January 2023 by Shelley Jones of Rural Solutions]

I find no significant disagreement with the addendum statement. I also note that the proposed alternative site layout includes a number of additional (and potential additional) enhancements to the previous iteration, which I would support. The reinstatement of historic field boundaries is noted, and the layout now includes elements that would appear to address some of the concerns raised previously by the SD AONB unit.

It would be beneficial for further discussion to confirm whether the elements on the plan labelled as 'potential' could actually be delivered, or included in a full revision of the proposals in support of the application, as simply identifying the potential for further enhancements does not confirm that such features would be secured if permission were to be forthcoming. I note and would support the agent's comment that 'Whilst these enhancements are within the Blue line as opposed to the Application Site, these could still be taken into account as term of benefits of the scheme, and can be secured by Planning Condition or S106 as required by the Council.'

To conclude, there is no change to the SHDC Landscape Specialist recommendation for this application, which remains No Objection.

- 3.10 The AONB Unit has not provided any further comments, but they have discussed the scheme with the Council's Landscape officer. Within the latest landscape officer response it is noted '*I have also discussed this application with Roger English of the South Devon National Landscape, who has verbally confirmed his agreement with my analysis, and of the summary provided above.*'
- 3.11 Conditions are recommended to ensure the landscaping scheme is delivered, but based on the comments above, Officers are satisfied that the proposal accords with the relevant policies including DEV23, DEV24, DEV25, TP1 and TP22.
- 4.0 **Neighbour Amenity:**
- 4.1 JLP policy DEV2 states that proposals '*which will cause unacceptable on- or off-site risk or harm to human health, the natural environment or living conditions, either individually or cumulatively, will not be permitted.*'
- 4.2 The application has been reviewed by the Council's Environmental Health Officer. The original report on potential contamination contained significant editorial errors. There were addressed within a revised report provided in January 2021. The report comprises a Stage 1 investigation and identifies the potential for some contamination in made ground and in the vicinity of the existing building which has been used as a store and workshop. The consultant recommends that an intrusive Stage 2 investigation is carried out.
- 4.3 The Council's Environmental Health Officers opinion is a Stage 2 investigation would certainly be necessary if the proposed use was for residential development. However, on the basis the application is for an agricultural building to be used as a store with associated hard standing there is no sensitive receptor associated with the end use and the concrete floor and hardstanding will break any potential pathways. On this basis they have advised an intrusive report is not deemed necessary, unless it is required for geotechnical reasons which are outside the scope of comments relating to potentially contaminated land.
- 4.4 They have however recommended the standard *unexpected contamination* condition is included in any approval so if contaminants of concern are encountered they will be appropriately remediated.

4.5 Due to the separation distance from residential properties, officers are satisfied the proposal will not cause harm to their amenity.

5.0 Highways/Access:

5.1 JLP policy DEV29 requires development to contribute positively to the achievement of a high-quality, effective and safe transport system in the plan area, promoting sustainable transport choices and facilitating sustainable growth that respects the natural and historic environment. Where appropriate, amongst other provisions set out, proposals should consider the impact of development on the wider transport network and provide safe and satisfactory traffic movement and vehicular access to and within the site.

5.2 The proposal has been reviewed by the Highway Authority raise no in principle objections with the development from a highway safety perspective. As discussed previously, within their initial response they explain why some of the potential alternative sites would not be suitable from a highway safety perspective. However, their initial response resulted in an objection based on insufficient visibility splays (pedestrian and vehicular), access/parking area, construction, surface water drainage and on-site turning facilities. Further information was provided including revised plans showing a visibility splay and tarmac introduced for the first 6m of the track off the road. Based on this additional information, the Highway Authority have confirmed they have no objections but recommend conditions.

5.3 The Highway Authority requested further information regarding visibility splays for the pedestrian route. This formed part of the original submission but has since been removed from the proposals.

6.0 Ecology

6.1 JLP policies SPT12 and DEV26 requires development to protect, conserve, enhance and restore biodiversity and geodiversity across the plan area.

6.2 A preliminary ecological assessment was undertaken in 2020 and an updated ecology survey undertaken in 2023. The proposal has been reviewed from the County Council Ecologist who has not raised any in principle objections, noting the following.

Statutory and non-statutory designated sites: The development is of a small-scale. There are no direct or indirect impact pathways between the development site any statutory or non-statutory designated sites, so there will be no impacts on any of these sites.

Habitats: The site is currently used as arable and there are no habitats of principle importance that would be impacted by this development. The updated *landscaping layout plan* shows proposed planting across the site would it is considered would offer a net gain in biodiversity. The submission of a landscape and ecological management plan (LEMP) is recommended as a condition to ensure mitigation for any habitat loss is provided.

Bat commuting/foraging: On the basis the surrounding semi-natural habitats are likely to be unlit at night, offering good potential for foraging and commuting bats, a condition restricting external lighting is recommended.

Nesting birds: Nesting birds are protected by law and they should be assumed to be present in all suitable habitat. On this basis a condition preventing vegetation clearance during bird nesting season (unless agreed by a suitably qualified ecologist) is recommended.

Biodiversity net gain: The proposal constitutes minor development and is therefore exempt from current legislation which requires developments to provide 10% net gain. However,

JLP policy DEV26 encourages all development to consider how they could enhance biodiversity. The revised *landscape layout plan* shows planting proposed across the site so there is the potential for this development to provide biodiversity net gain. This can be controlled through conditions.

- 6.3 With appropriate conditions Officers are satisfied that from an ecological perspective the proposal will accord with the relevant policies including DEV26 and SPT12.

7.0 Heritage

- 7.1 The proposed development lies within a landscape containing significant evidence of prehistoric, Romano-British and post-Roman activity. Some 500m to the west lies Bantham Ham, which is protected as Scheduled Monument. The description of the monument states that it is a '*large Roman and post-Roman settlement site at Bantham Ham is an unusual and important survival where antiquarian records and archaeological excavation and survey have revealed evidence for occupation over several centuries.*'

- 7.2 In accordance with the National Planning Policy Framework, the site would be described as a heritage asset, defined as,

A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing).

- 7.3 NPPF paragraph 195 defines heritage assets as an 'irreplaceable resource' which should be '*conserved in a manner appropriate to their significance*'. NPPF paragraph 205 requires great weight to be given to the significance of a heritage asset. Locally adopted policies including JLP policy DEV21 require proposals to 'sustain the local character and distinctiveness of the area by conserving and where appropriate enhancing the historic environment'. The relevant policies within the Development Plan and NPPF are clear that any harm to the significance of a designated heritage asset, including within its setting, will require clear and convincing justification (par 206).

- 7.4 The application has been reviewed by the County Council archaeologist. When the application was first made, they were not satisfied that sufficient information had been provided to 'enable an understanding of the significance of the heritage assets within the application area or the impact of the proposed development upon these heritage assets and recommended the application be refused.

- 7.5 During the life of the application additional information has been provided, however it indicated the development could result in potential for disturbance to the Middle Bronze Age settlement during construction, and from tree planting. Conditions were recommended including the requirement of a Written Scheme of Investigation (WSI) setting out a programme of archaeological work to be undertaken in mitigation for the loss of heritage assets with archaeological interest. The comments below were received in response to the latest revisions. In summary there are no objections but conditions, including pre commencements are recommended.

The archaeological investigations within the application area have demonstrated the presence of a Middle Bronze Age roundhouse as well as other, undated, features in the areas surrounding the dwelling. The recently submitted plans indicate that the development will now avoid the roundhouse and no groundworks or tree planting will be undertaken within 5m of the geophysical anomaly that corresponds to the site of the roundhouse. However, groundworks associated with the proposed development, in particular the terracing for the construction of the agricultural store, will have an impact upon the archaeological features outside the 5m buffer around the roundhouse. In addition, there will

be root damage of archaeological features through the planting of trees outside the footprint of the new building. Roots will naturally seek out the softer subsoil horizons – the archaeology - and disturb previously undisturbed stratified archaeological deposits.

As such, given the potential for disturbance and destruction of heritage assets with archaeological interest associated with the Middle Bronze Age settlement here by (i) groundworks associated with the construction of the development here and (ii) subsequent tree planting the impact of development upon the archaeological resource here should be mitigated by a programme of archaeological work that should investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development.

- 7.6 Based on the comments from the County Council Historic Environment Team, Officers are satisfied that with the conditions recommended the proposal will comply with relevant policies including JLP policies SPT11 and DEV21 and NP policies TP1 and TP21.
- 7.7 There are a row of Grade II Listed Buildings around 180m to the west of the site in the village of Bantham, and a Conservation Area (which includes Grade II Listed Buildings) around 380m to the east in West Buckland. Officers are satisfied, based on the separation distance, proposed landscape mitigation, scale of the proposed development and lack of intervisibility, that the proposal would cause harm to these designated heritage assets or their setting.

8.0 Trees

- 8.1 JLP policy DEV28 requires developments to be designed to avoid the loss or deterioration of woodlands, trees or hedgerows, and in the event, this cannot be avoided appropriate mitigation should be provided to ensure a 'net gain'.
- 8.2 The proposal has been reviewed by the Council's tree officer who is satisfied there are no significant arboricultural features present on or off site that *'may bear potential to act as material constraints to the application on strictly arboricultural merit.'* However, a pre commencement condition is recommended to secure the submission of a tree protection plan to enable protection of the hedge group immediately to the north of the new agricultural building.
- 8.3 The case officer has also discussed the removal of the trees required to provide the visibility splay. On the basis that these are diseased elm trees, no objection was raised. It will be important to ensure there is mitigation planting, but this can be controlled through conditions.

9.0 Low Carbon

- 9.1 JLP policy DEV32 requires all developments to reduce their reliance on carbon emissions. Although the submission pre-dates the adoption of the Climate Emergency Planning Statement, it includes a number of sustainable measures in its construction including a green roof and extensive planting.

10.0 Planning Balance

- 10.1 The application site is within a highly sensitive and protected location where the development plan only supports development in exceptional circumstances, including where there is an identified need. The application is for the erection of an agricultural building and as supported by the advice Officers have received from the Agricultural Advisor, there is a need for the building to support the applicants farm business. There has been much deliberation about the location for the development, and as set out within this report, there is support for the identified site.

- 10.1 The application has been with the local planning authority for over three years and in that time, the proposal has been revised to address Officer concerns and technical objections. In the absence of any technical objections, outstanding matters which can be dealt with via planning condition and no identified policy conflict, Officers do not consider there to be any reasons to withhold planning permission, and recommend the application for approval subject to conditions.

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).

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 19th December 2023 the Department for Levelling Up, Housing and Communities published the HDT 2022 measurement. This confirmed the Plymouth, South Hams and West Devon's joint measurement as 121% and the policy consequences are "None".

Therefore no buffer is required to be applied for the purposes of calculating a 5 year housing land supply at the whole plan level. The combined authorities can demonstrate a 5-year housing land supply of 5.84 years at end of March 2023 (the 2023 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2023 (published 26th February 2024).

[*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

SPT9 Strategic principles for transport planning and strategy

SPT10 Balanced transport strategy for growth and healthy and sustainable communities

SPT11 Strategic approach to the Historic environment

SPT12 Strategic approach to the natural environment

TTV1 Prioritising growth through a hierarchy of sustainable settlements

TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area

TTV26 Development in the Countryside

DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV15 Supporting the rural economy
DEV20 Place shaping and the quality of the built environment
DEV21 Development affecting the historic environment
DEV23 Landscape character
DEV24 Undeveloped coast and Heritage Coast
DEV25 Nationally protected landscapes
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport
DEV31 Waste management
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts

Neighbourhood Plan

Following a successful referendum, the Thurlestone Neighbourhood Plan was adopted at Executive Committee on 19 July 2018. It now forms part of the Development Plan for South Hams District.

POLICY TP1 – GENERAL DEVELOPMENT PRINCIPLES
POLICY TP2 – SETTLEMENT BOUNDARIES
POLICY TP17 - FOOTPATHS AND CYCLE TRACKS
POLICY TP21 – NON DESIGNATED HERITAGE ASSETS
POLICY TP22 – THE NATURAL ENVIRONMENT

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.

Planning 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 following drawing numbers:

- 1900-102 Rev 01 – proposed landscape enhancement and mitigation plan
- 2004-PL03 – plan and elevation
- 1900-100 Rev 07 – landscape layout plan
- 2004-SV03 – site survey, block plan and location plan

Reason: To ensure that the proposed development is carried out in accordance with the drawings.

3. The building and associated hardstanding hereby permitted shall be used only for agricultural purposes as defined in Section 336(1) of the Town and Country Planning Act 1990 (or as defined in any provision equivalent to that Section resulting from any primary or secondary legislation taking effect on that Section).

Reason: To ensure that the site is only used for agricultural purposes to protect the amenities of the rural area in accordance with local and national planning policies and guidance set out in Policies TTV1, TTV26, DEV15 and DEV24 of the adopted Plymouth and South West Devon Joint Local Plan.

4. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an investigation and risk assessment and, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with. Following completion of measures identified in the approved remediation strategy and verification plan and prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority.

Reason: No site investigation can completely characterise a site. This condition is required to ensure that any unexpected contamination that is uncovered during remediation or other site works is dealt with appropriately in accordance with DEV2 of the Joint Local Plan.

5. No part of the buildings hereby approved shall be commenced until the access, visibility splays, turning area and hardened access drive have been provided and maintained in accordance with The Landscape Layout Drawing 1900 100 Rev 07 and retained for that purpose at all times.

Reason : To ensure that adequate safe facilities are available for the traffic attracted to the site in accordance with policy DEV29 of the Plymouth and South West Devon Joint Local Plan.

6. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;
- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and
- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (k) details of wheel washing facilities and obligations
- (l) The proposed route of all construction traffic exceeding 7.5 tonnes.

- (m) Details of the amount and location of construction worker parking.
- (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work.

The works shall be carried out in strict accordance with the agreed details.

Reason - In the interests of highway safety in accordance with policy DEV29 of the Plymouth and South West Devon Joint Local Plan.

7. Prior to the commencement of the development, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall be based upon an up to date ecological survey of the site and shall include details of habitat creation, management and maintenance and protected species mitigation, compensation and enhancement measures, covering construction and post construction phases. The development shall be carried out in strict accordance with the agreed details.

Reason: In the interests of safeguarding ecology and protected/priority species, and providing for net gains to biodiversity, and in accordance with policies SPT12, DEV23, DEV25 and DEV26 of the Plymouth and South West Devon Joint Local Plan.

8. At no times shall any external lighting be installed or used in association with the development hereby approved.

Reason: In the interests of the character and appearance of the development and the visual amenity of the area in which it is set, including the South Devon National Landscape, and the Undeveloped and Heritage Coast, and in the interests of the protection of protected species and habitats. This condition is imposed in accordance with Policies DEV20, DEV23, DEV24, DEV25, and DEV26 of the Plymouth and South West Devon Joint Local Plan 2014-2034, and Policy TP1 and TP22 and of the Thurlestone Parish Neighbourhood Plan 2015-2034.

9. No vegetation clearance shall take place during the bird nesting season (01 March to 14 September, inclusive) unless the developer has been advised by a suitably qualified ecologist that the clearance will not disturb nesting birds and a record of this kept.

Reason: In the interests of the protection of protected species, habitats and sites. This condition is imposed in accordance with Policy DEV26 of the Plymouth and South West Devon Joint Local Plan 2014-2034, and Policy TP1 and TP22 and of the Thurlestone Parish Neighbourhood Plan 2015-2034.

10. The development hereby approved shall be carried out in accordance with the actions set out in the Ecological Statement (ge consulting March 2023) and Ecology Report (ge consulting August 2020). Prior to the commencement of use, the recommendations, mitigation, compensation, net gain and enhancement measures shall be fully implemented and thereafter retained for the life of the development.

Reason: To safeguard the interests of protected species and biodiversity net gain in accordance with policy DEV26 of the Plymouth and South West Devon Joint Local Plan.

11. No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved scheme as agreed in writing by the Local Planning Authority.

Reason - To ensure, in accordance with Policy DEV21 in the Plymouth and South West Devon Joint Local Plan 2014 - 2034 and paragraph 211 of the National Planning Policy Framework (2021), that an appropriate record is made of archaeological evidence that may be affected by the development.'

12. The development shall not be brought into its intended use until (i) the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation and (ii) that the provision made for analysis, publication and dissemination of results, and archive deposition, has been confirmed in writing to, and approved by, the Local Planning Authority.'

Reason - To comply with Paragraph 211 of the NPPF, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure that the information gathered becomes publicly accessible.

13. No development shall take place until fencing has been erected, about the site of the Middle Bronze Age roundhouse, details of which shall have been previously submitted to and agreed in writing by the Local Planning Authority. No works shall take place within the area inside the fencing without the consent of the Local Planning Authority.

Reason - To ensure the preservation of the District's heritage in accordance with Policies SPT11 and DEV21 of the Plymouth and South West Devon Joint Local Plan.

14. Prior to the commencement of development (including preparatory work) a Tree Protection Plan, (in accordance with BS5837:2012), shall have been submitted to and approved in writing by the Local Planning Authority. The Tree Protection Plan shall relate to the hedge group immediately to the north of the proposed agricultural building. The development shall be carried out in strict accordance with the approved Tree Protection Plan.

Reason: In the interests of the character and appearance of the development and the visual amenity of the area in which it is set, including the South Devon Area of Outstanding Natural Beauty, and the Undeveloped and Heritage Coast, and in the interests of the protection of mature trees and hedges which are of amenity value. This condition is imposed in accordance with Policies DEV20, DEV23, DEV24, DEV25, DEV26 and DEV28 of the Plymouth and South West Devon Joint Local Plan 2014-2034, and Policy TP1 and TP22 and of the Thurlestone Parish Neighbourhood Plan 2015-2034.

15. All elements of the landscaping scheme as shown on drawing 1900-100 Rev 07 (landscape layout plan) shall be completed before the end of the first available planting season following completion of the development hereby permitted, or first occupation whichever is the sooner. Any trees or plants that, within ten years after planting, are removed, die or become seriously damaged or defective shall be replaced with the same species, size and number as originally approved. The landscaping plan shall be strictly adhered to during the course of the development.

Reason: In the interests of the character and appearance of the development and the visual amenity of the area in which it is set, including the South Devon National Landscape, and the Undeveloped and Heritage Coast, and in the interests of the protection and enhancement of biodiversity. This condition is imposed in accordance with Policies DEV20, DEV23, DEV24, DEV25, DEV26 and DEV28 of the Plymouth and South West Devon Joint Local Plan, and policies TP1 and TP22 and of the Thurlestone Parish Neighbourhood Plan.

16. No development shall commence until full details of the proposed landscaping shown on drawing number 1900-102 Rev 01 have been submitted to and approved in writing by the Local Planning Authority. Such details shall include.

- a) Any arrangements for stripping, storage and re-use of top soil; storage of material;
- b) details of new ground profiles including retaining bunds and banks;
- d) materials, heights and details of all boundary treatments;
- g) the location, number, species, density, form and size of proposed tree, hedge and shrub planting and grassed areas;

- h) the method of planting, establishment, protection, and maintenance of tree, hedge and shrub planting and grassed areas, including details of how any losses/plants which fail to thrive shall be made good as and when necessary; and
- i) a timetable for implementation of all hard and soft landscaping and tree planting, including details of phasing where required.

The development shall be carried out in strict accordance with the approved details.

Reason: In the interests of the character and appearance of the development and the visual amenity of the area in which it is set, including the South Devon National Landscape, and the Undeveloped and Heritage Coast, and in the interests of the protection and enhancement of biodiversity. This condition is imposed in accordance with Policies DEV20, DEV23, DEV24, DEV25, DEV26 and DEV28 of the Plymouth and South West Devon Joint Local Plan, and policies TP1 and TP22 and of the Thurlestone Parish Neighbourhood Plan.

17. Notwithstanding the submitted information, no development shall be commenced until full details of the most sustainable drainage option has been submitted to and approved in writing by the Local Planning Authority (LPA). Design steps as below:

- a. Soakaway testing to DG 365 to confirm the use of soakaways or to support an alternative option. Three full tests must be carried out and the depth must be representative of the proposed soakaway. Test results and the infiltration rate to be included in the report.
- b. If infiltration is suitable then the soakaway should be designed for a 1:100 year return period plus an allowance for Climate change (currently 50%).
- c. If infiltration is not suitable then an offsite discharge can be considered. Attenuation should be designed for a 1:100 year return period plus an allowance for Climate change (currently 50%). Please note a pumping system for surface water drainage cannot be accepted, therefore the scheme should rely solely on gravity.
- d. The offsite discharge will need to be limited to the Greenfield runoff rate. This must be calculated in accordance with CIRIA C753. The discharge must meet each of the critical return periods. Full details of the flow control device will be required.
- e. The drainage details of the car park and access will be required. If it is proposed to be permeable then it should be designed in accordance with CIRIA C753. Full design details and sectional drawing showing the specification and make up will be required.
- f. A scaled plan showing full drainage scheme, including design dimensions and invert/cover levels of the soakaways/attenuation features, within the private ownership. The soakaways should be sited 5m away from all buildings and highways to accord with Building Regulations and 2.5m from all other site boundaries for best practice.
- g. The drainage scheme shall be installed in strict accordance with the approved plans, maintained and retained in accordance with the agreed details for the life of the development.

Reason: To ensure surface water runoff does not increase to the detriment of the public highway as a result of the development, in accordance with policy DEV35 of the Plymouth and South West Devon Joint Local Plan.

18. The stonework used on the building hereby permitted shall be constructed of natural stone which matches the colour and texture of that occurring locally, a sample of which shall be submitted to and agreed in writing by the Local Planning Authority, prior to installation. The new stonework shall be laid on its natural bed and pointed in a lime mortar recessed from the outer face of the stone. Machine cut or sawn faces shall not be used in the wall or for quoin stones.

Reason: To ensure that the development displays good design practice in respect of the age and character of the development and to allow the Local Planning Authority to assess the details of the scheme to ensure that their character is maintained in accordance with policies DEV20, DEV23, DEV24 and DEV25 of the Plymouth and South West Devon Joint Local Plan and policies TP1 and TP22 of the Thurlestone Neighbourhood Plan.

PARISH COMMENTS.

14/10/2020

OBJECT

For the avoidance of doubt, the Parish Council has not been consulted regarding the proposals and need for the development, contrary to para 4.107 of the Planning Statement.

Thurlestone Parish Council OBJECTS to this application.

1. Change of use of barn to C3 holiday let. The Thurlestone Parish Neighbourhood Plan supports the change of use of farm and rural buildings to create new opportunities for commercial purposes, provided a holiday occupancy condition is imposed (NP Policies TP8 & TP15). Councillors did not consider, however, that it had been demonstrated that the premises were no longer required for agricultural purposes, particularly as it is proposed (in the same application) to erect a new barn for agricultural/estate use on the adjoining field. They also considered that the amount of fenestration on the East elevation of the building and the extent of the proposed garden/domestic curtilage are neither appropriate nor proportionate within the South Devon AONB and in terms of their impact on the AONB (contrary to NP Policies TP1.2, TP1.4 & TP1.5).

2. New agricultural/estate store. The Thurlestone Parish Neighbourhood Plan also supports the development of more storage space for local commercial uses (NP Policies TP8 & TP14), however, the Estate already has a number of potential alternative premises that appear to be under-utilised which Councillors considered they could continue to use, instead of developing a green field in a prominent and sensitive location within the AONB. More specifically: (1) the proposed consolidation of the storage of estate vehicles and machinery into a single building on the lane between Bantham and Buckland is where development proposals are not permitted (NP Policy TP2); (2) the premises are not of a small scale and extent (33 x 12m) proportionate to the rural and coastal character of the locality, with 5 galvanised steel roller shutter doors and stone cladding, plus hardcore surfaced yard (35 x 15m) and resculpted earth bund (contrary to NP Policy TP14); (3) the proposed uses are likely to exacerbate existing traffic problems, particularly during the peak summer season, and would have an unacceptable impact on neighbouring residential amenity (NP Policy TP1.1);

(4) the site does not provide a safe means of access in a lane well used by pedestrians (NP Policy TP1.7); and (5) the style, scale and character of the proposal is not proportionate and appropriate in this particularly sensitive location within the South Devon AONB and would not conserve and enhance its natural beauty, interrupting some of its protected views (contrary to NP Policies TP1.2, TP1.4, TP1.5 & TP22.1 (including Fig 1)). Further, the existing unsightly stockpiled materials that have appeared over the last couple of years and the unkempt access are not a material planning consideration and it is also unclear how much farm equipment needs to be stored in the new barn. Clearly, any vehicles used in connection with pheasant rearing for the shoot, the storage of work boats and beach cleaning equipment (and/or Gastrobuses) would not qualify for Part 6 Class A permitted development rights.

3. Permissive path. The proposed path provides a short-cut to the village shop for the holiday let and new agricultural/estate store, but does not link the 3 settlements or provide greater access to the coast and countryside (NP Policy TP17).

07/01/2021

OBJECT

Thurlestone Parish Council OBJECTS to this revised application.

Councillors considered that the revised plans for the amended development reinforce their reasons for objecting to the original plans.

1. The proposal does not comply with NP Policy TP14 as it does not meet the requirements of NP Policy TP1 (see para 3 below) and the premises are not of a small scale and extent proportionate to the coastal and rural character of the locality. The dimensions of the building (33 x 12m) and yard (35 x 15m) are unchanged.
2. This is a new greenfield site and not an existing farm site, as stated in 1.1 Background of the Design and Access Statement; and West Buckland Barn is not within the revised site, as shown in 2.2 Wider Site Context and 3.2 Site Option D – West Buckland Farm (Preferred Site). An aerial photograph taken in 2017 and OS extract are attached, showing that this is a greenfield site. There are existing premises on brownfield sites elsewhere on the Estate that are either under-utilised or could be refurbished before encroaching on a greenfield site. These include: Coronation Boathouse, which has been used as a boat store/workshop for the past 80 years; and West Buckland Barn, which could be used to store the smaller equipment currently stored outside at the Workshop and to help meet the requirements of the new vineyard enterprise. If existing premises are not used, the question inevitably arises as to how these premises will be used once the present items are removed
3. The proposed consolidation of the storage of Estate vehicles and machinery to service all the Estate activities - farming, shoot, harbour, beach and vineyard – will inevitably put unacceptable pressure on local amenities and infrastructure. As stated in our previous objection: development proposals along this lane are not permitted (NP Policy TP2); existing traffic problems, particularly in the peak summer season, will be exacerbated and have an unacceptable impact on neighbouring residential amenity (contrary to NP Policy TP1.1); the site does not provide a safe means of access in a lane well used by pedestrians (contrary to NP Policy TP1.7); and the proposal would not conserve and enhance the natural beauty of the area, interrupting some of its protected views (contrary to NP Policies TP1.2, TP1.4, TP1.5 & TP22.1 (ref: Figure 1). The proposed sketch perspectives - long range views of the site (Years 5 & 10) in the Design and Access Statement show how incongruous this proposal will appear in the landscape.

20/10/2021

OBJECT

FULThurlestone Parish Council OBJECTS to this readvertised application.

As a preliminary point, Councillors noted that whilst the SHDC case officer has advised the applicant that the building will only be supported for agricultural use and the applicant's planning consultant has accepted it will only be used to store agricultural vehicles and equipment, the development description has not been amended. Although the readvertisement site notice says the development description has been amended, it remains unchanged and is for the erection of a new agricultural/estate store. The applicant's revised Design & Access Statement also continues to refer to the applicant's requirement for a building to provide storage facilities for the Estate's agricultural and estate operations

Notwithstanding the above, the Parish Council's reasons for objecting to the application are as follows:

1. A 5-bay barn (33m x 12m) and yard (35m x 15m) are far in excess of what would be needed to store the agricultural equipment that until recently was stored outside the Workshop (see photograph) and to meet the requirements of the new vineyard enterprise. The Storage Requirements document says the new store has been designed primarily to store these items but also to be as flexible as possible and it does not expressly exclude Estate items. Since the development description has not been amended, this would mean that the new barn may, in due course, be used to store shoot vehicles, beach cleaning equipment and the Gastrobus catering vans.
2. This is a new greenfield site located in the South Devon AONB, Heritage Coast and Undeveloped Coast and subject to the highest protection from development. It occupies the corner of an agricultural field and is clearly not part of an existing farm site, as incorrectly stated in the

Design & Access Statement. Development proposals along the lane between Bantham and Buckland are not permitted (NP Policy TP2.2)

3. There are numerous under-utilised barns (brownfield sites) listed in the Storage Requirements document that could be used for the equipment stored outside the Workshop and new vineyard equipment listed in Table 2. The existing West Buckland barn could accommodate sprayers, weeder, mower, trimmer etc; the Sloop Barn could accommodate the vineyard tractor, ATV, trailer etc (see photograph); and the extensive range of farm buildings and barns at Lower Aunemouth Farm is ideally located for all the vineyard equipment, being sited in the valley between the two vineyards and closer to them than the application site

4. The proposal would not conserve and enhance the natural beauty of the AONB and would interrupt some of its protected views (contrary to NP Policies TP1.2, TP1.4, TP1.5 & TP22.1 (ref: Figure 1). While the SHDC Landscape officer initially expressed his detailed concerns about the proposal and its impact on the character of the area, he has recently removed his holding objection on the basis that a new Devon bank, more trees (expected to take up to 10 years to grow) and shrub planting are sufficient mitigation to address any visual harm to the AONB. This is arguable. The views from Thurlestone Golf Course and public footpaths that look down on the application site are some of the most prominent and iconic views in the South Devon AONB. Vehicle movements in and out of the site and light spill will inevitably harm the tranquillity of the landscape of the AONB.

5. The site does not provide a safe means of access in a lane well used by pedestrians (contrary to NP Policy TP1.7). The lane is not suitable for additional agricultural traffic and machinery and will cause further traffic congestion in this already heavily congested area and pose an unacceptable risk to pedestrians; farm vehicles crossing the lane at this point already create a mud bath during winter months (see photographs).

15/03/2022

Thurlestone Parish Council wishes to make further comments on this application having recently obtained a copy of the agricultural consultant's letter of 9 March 2021. Councillors consider that this letter, which pre-dates the amendment of the development from a new agricultural/estate store to a new agricultural store, falls well short of providing a full and accurate assessment that there is an essential agricultural need for this building in this location.

In particular, the assessment fails to address the applicant's limited storage requirements for a 5-bay barn (33m x 12m), specifically: (1) the agricultural equipment that was stored outside the Workshop (shown in Appendix 3 of the Storage Requirements document) that was moved elsewhere once construction began on the Estate office; and (2) the vehicles and machinery itemised to meet the requirements of the new vineyard enterprise - notwithstanding that the Bantham Estate Management Plan 2021-2034 (published in September 2021) states that storage for the vineyard is to be retained within existing agricultural buildings at Lower Aunemouth Farm, which is located in the valley between the two vineyards

Further, the true extent of alternative under-utilised agricultural buildings available within the land holding has not been properly assessed. While the consultant notes that the main block of existing farm buildings is located at Lower Aunemouth, which is centrally located in terms of the land holding, and the applicant's Design & Access Statement identifies Lower Aunemouth Farm as a potential site for the new agricultural barn (Site Option B), the Lower Aunemouth site in the Storage Requirements document relates to only three of the existing barns which occupy less than half of

the potential site. The explanation for this discrepancy may be found in the Estate Management Plan which states that the farmhouse and several of the existing portal buildings and agricultural barns are to be removed and replaced by a new country residence in a rural English Estate's tradition with a newly designed ornamental parkland landscape. There is also a derelict barn on the edge of the site that could be repurposed for the storage of vineyard items that has not been considered.

In the above circumstances, Councillors therefore consider the letter of 9 March 2021 has failed to justify the essential agricultural need for a new agricultural barn in this very sensitive, highly protected location within the South Devon AONB, the Heritage Coast and the Undeveloped Coast.