

OFFICER'S REPORT

Case Officer:	Charlotte Howrihane		
Parish:	Halwell and Moreleigh	Ward:	Blackawton & Stoke Fleming
Application No:	0545/24/FUL		
Applicant:	Mr M Edmonds Highlands Moreleigh Totnes Devon TQ9 7JH	Agent:	Mr Russell Thomas Rendells LLP Stonepark Ashburton Devon TQ13 7RH
Site Address:	Land at SX 766 533, Moreleigh		
Development:	Erection of agricultural building (resubmission of 3295/23/FUL)		

Recommendation: Conditional approval

Conditions:

Standard time limit
Accord with plans
Agricultural use only
Removal if no longer required
No external lighting

Key issues for consideration:

Principle of development, design, landscape impact, residential amenity, highways.

Site Description:

The site is located north of Moreleigh village on the road between Spanish Lane Cross and Moreleigh Cross. There is an existing access via a gate from the highway to the east side of the road. Upon entering the field, the site runs downhill towards a valley facing Hallwell. The applicant owns approximately 7 ½ acres immediately surrounding the proposed site comprising of three fields, in addition to a further approximately 44 acres in the local area. The site is in the open countryside but is not within any special areas of designation.

The Proposal:

The proposed building is designed to be 13.7 metres x 9 metres, 4.3 metres to the eaves and 5.3 metres to the ridge. The building would be of steel frame construction under a box profile roof with 10% clear panels, and a concrete floor. The elevations are concrete panels measuring 1.2 metres with box profile cladding above. There are sliding access doors on

the southern elevation. The building will sit alongside the existing hedge way parallel to the road on the left of the entrance.

Consultations:

- Halwell & Moreleigh Parish: no comments received
- DCC Highways: no highways implications

Representations:

One representation received at the time of writing this report. The objection is summarised as follows;

1. cumulative effects of barns in this area with no justification in a highly prominent location,
2. the LPA should review the buildings at both locations and independently justify the requirement for the proposed barn, unless a genuine agricultural need for this development in this location can be clearly demonstrated, the application should be refused.
3. given planning approval impose a planning condition that requires the removal of the barn when no longer required for agricultural use,

Relevant Planning History

- 3295/23/FUL- Agricultural building- withdraw

ANALYSIS

Principle of Development/Sustainability:

The site is within open countryside, and policy TTV26 is therefore applicable. Policy TTV26 is split into two parts; TTV26(1) relates to development in locations which are considered to be isolated, whilst TTV26(2) relates to all development in the countryside, regardless of whether or not it is considered to be isolated.

Officers are applying the Bramshill Ruling in considering whether or not the site should be judged to be isolated (City & Country Bramshill Limited v SoSHCLG, Hart District Council, Historic England, & The National Trust for Places of Historic Interest or Natural Beauty, 2020). This judgement superseded the Braintree Ruling, which had previously applied a more literal understanding of the term 'isolated', stating that a proposal site would need to be 'far away from people, places or things' to be considered isolated. The Bramshill Ruling applies a less restrictive interpretation than Braintree, ruling that "...the word "isolated" in the phrase "isolated homes in the countryside" simply connotes a dwelling that is physically separate or remote from a settlement. Whether a proposed new dwelling is or is not "isolated" in this sense is a matter of fact and planning judgment for the decision-maker in the particular circumstances of the case in hand" (paragraph 10 of the ruling).

The site is not very close to any settlements, and is in a rural location. As such, it would be considered to be isolated, and both parts of TTV26 will therefore need to be considered:

TTV26 - Development in the countryside

The LPAs will protect the special characteristics and role of the countryside. The following provisions will apply to the consideration of development proposals:

- 1. Isolated development in the countryside will be avoided and only permitted in exceptional circumstances, such as where it would:
 - i. Meet an essential need for a rural worker to live permanently at or near their place of work in the countryside and maintain that role for the development in perpetuity; or*
 - ii. Secure the long-term future and viable use of a significant heritage asset;*or
 - iii. Secure the re-use of redundant or disused buildings and brownfield sites for an appropriate use; or*
 - iv. Secure a development of truly outstanding or innovative sustainability and design, which helps to raise standards of design more generally in the rural area, significantly enhances its immediate setting, and is sensitive to the defining characteristics of the local area; or*
 - v. Protect or enhance the character of historic assets and their settings**
- 2. 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.**

The most relevant points in the above policies in this instance is whether there is an occupational need for the proposed use in the countryside, and whether the development warrants a countryside location. The proposed building would provide accessible space for the applicant to store machinery, fodder, and bedding.

The proposal site is approximately 7.5 acres and the applicant also has as a further 44 acres close to Ritson, near Stanborough Camp. The 7.5 acres is approximately 400m away from the applications residence. Up until now, the applicant farmed the land every year for hay/silage and grazes sheep. The applicant does not currently have an existing building in the vicinity and therefore has no secure, weatherproof space to store any hay/silage cut from the land, or machinery to keep it from becoming weather damaged, or facilities to house livestock. The applicant is forced to lamb the sheep on his land near Ritson due to having no facilities any closer to his. The applicant intends to lamb and undertake all husbandry matters on the 7.5 acres site due to the location close to his home.

Additional information has been submitted to explain the need for the building as a response to the refused application 3295/23/FUL therefore Officers are satisfied that the applicant has demonstrated that there is an agricultural need for the building

The principle of the building is considered acceptable as sufficient justification of agricultural need has been provided. Mindful of the rural location of the site, where development would usually be avoided, a condition is recommended restricting the use of the building to agricultural purposes only, and to require the removal of the building should it cease to be required for the purposes of agriculture.

Design/Landscape:

The building would be of a typical design and construction for a modern agricultural building. It would be sited along the hedgerow parallel to the road where there is an existing building in the neighbouring field in similar location. Furthermore, the proposal includes the planting of a new hedge along the eastern boundary of the land, to further screen the building.

The building would have a utilitarian appearance, common of modern agricultural buildings across the district. Whilst the site is elevated, the building would be in keeping with the rural, agricultural character of the site and surrounding landscape, and would not appear isolated due to the agricultural building in the neighbouring field. The applicant is also proposing additional hedgerow planting Subject to conditions restricting the use to agricultural, and the restriction on external lighting, the landscape impact is acceptable. The additional hedgerow planting would also support biodiversity, in accordance with policy DEV26 of the JLP.

Whilst the objection received notes that the cumulative impact of buildings, it is noted that there is a building in the adjacent field, however this is part of a separate agricultural enterprise, and not within the applicants ownership or use. In terms of wider landscape impact, Officers consider it more beneficial to site buildings close to one another in a cluster, rather than spreading the built form across the landscape.

A condition is recommended to restrict external lighting to the building, to preserve the rural landscape character. As such, the design and landscape impact of the development is considered acceptable and complies with policies DEV20 and DEV23 of the JLP. The development is also considered to preserve the setting of the National Landscape, in accordance with policy DEV25 of the JLP and the associated NPPF paragraphs.

Neighbour Amenity:

The site is a sufficient distance from residential dwellings that it would not have a harmful impact on the amenity of any residents.

Highways/Access:

The proposal would not impact upon the existing highways arrangement.

Other Matters:

In relation to the letter of representation Officers are recommending conditional approval based on the Councils' Joint Local Plan - TTV26 policy of development in the countryside where an agricultural development may respond to a proven agricultural, forestry and other occupational need that requires a countryside location. The applicant has provided sufficient information regarding the need for such a building, and conditions can be imposed to ensure that the building is only used for such purposes, therefore remaining compliant with policy.

Summary

Sufficient justification has been provided to demonstrate that there is an agricultural need for the proposed building. The scale and design are appropriate for the setting, and the building is not considered to have a detrimental impact on the wider landscape. Conditions are recommended to restrict the use of the building to agricultural purposes, and as such, the application is recommended for conditional approval.

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

Planning Policy

Relevant policy framework

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

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

On 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

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
 DEV23 Landscape character
 DEV26 Protecting and enhancing biodiversity and geological conservation
 DEV28 Trees, woodlands and hedgerows
 DEV29 Specific provisions relating to transport
 DEV32 Delivering low carbon development
 DEV35 Managing flood risk and Water Quality Impacts

Neighbourhood Plan: n/a

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.

The above report has been checked and the plan numbers are correctly recorded within the computer system. As Determining Officer I hereby clear this report and the decision can now be issued.	
Name and signature:	<i>Charlotte Howrihane</i>
Date:	03.04.2024

Ward Member	Cllr Rake
Date cleared	04.04.2024
Comments made	On balance I am happy to grant delegated authority for you to proceed as your report