

PLANNING APPLICATION REPORT

Case Officer: Graham Smith

Parish: Halwell & Moreleigh **Ward:** Blackawton and Stoke Fleming

Application No: 0663/23/FUL

Agent:

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

Applicant:

Mr And Mrs Howard Finch
C/O Agent
Luscombe Maye
59 Fore Street, Totnes
TQ9 5NJ

Site Address: Agricultural Building As Sx 766 533, Moreleigh

Development: Erection of agricultural/ equestrian building (part retrospective) and use of the site for mixed agriculture/ equestrian.

Recommendation: CONDITIONAL APPROVAL

Conditions:

1. Accord with Plans
2. Use restriction
3. Removed if no longer needed
4. Management scheme details of external lighting
5. Landscaping
6. Drainage
7. Secure renewable energy

Key issues for consideration:

Principle of Development, Design/Landscape, Residential Amenity, Flood Risk and Drainage

Site Description:

Rectangular shaped area in the corner of field in an undulating landscape with levels falling downwards gently west to east the site itself is relatively flat and located north of Moreleigh. The site is accessed from a country lane that runs along the north western boundary. There are no landscape designations or heritage constraints in the vicinity.

The Proposal:

Permission is sought, partly in retrospect, for the erection of an agricultural building and to incorporate an equestrian use. As noted in the site history section of this report permission already exists for an agricultural building within this site (0371/21/FUL). The building approved under that permission, which was to be used purely for agricultural purposes, was subsequently not constructed in accordance with the approved plans. The building was instead positioned further into the field with some minor elevation changes also incorporated including new door openings on the south east, north east and south west elevations.

A revised floor plan is submitted and in addition to using the building for agricultural storage it is proposed to also use it as a stable for the applicant's 5 horses and storage of hay. The supporting

documentation confirms that the stables are required for personal use only and that no commercial equestrian operations are applied for.

Consultations:

- County Highways Authority – No Highways Implications

Representations:

Two letters of objection were received. The points made can be summarised as follows:

1. The application is described as confusing and misleading and the description doesn't reference the previously approved scheme and is fully retrospective.
2. Significant equestrian activities are proposed judging by the floorplan, a clear breach of condition 3 which restricted the use to agricultural.
3. There is another stables outside the application site that doesn't benefit from planning permission.
4. The agricultural use of the fields within the applicant's ownership is questioned. No evidence exists of the land being used for grazing and there is no clear boundary between the building/yard and field.
5. The building is within 400 metres of a protection zone of protected dwellings and the uses proposed (including livestock) are inappropriate.
6. The location is visually prominent from the road to the east.
7. The conduct of the applicant ignoring and disregarding approved plans is improper.
8. Tree removal has taken place along the north western boundary leaving the site exposed along with a 7/8m wide entrance gate to access the large area of hardstanding. The site is no longer well screened and the landscaping insufficient and less than was approved previously.
9. The elevation changes and materials are described as intrusive and incongruous.

Relevant Planning History

22/0904/15/F – Provision of agricultural storage building **CONDITIONAL APPROVAL** April 2015
1409/16/FUL – Extension to agricultural storage building **CONDITIONAL APPROVAL** June 2016
0371/21/FUL - Provision of an agricultural storage building **CONDITIONAL APPROVAL** April 2021
3066/22/NMM – Changes to agricultural building **PLANNING PERMISISON REQUIRED**

ANALYSIS

Principle of Development/Sustainability:

The Plymouth and South West Devon Joint Local Plan 2014-2034 contains a high level strategy for growth and change built around the principles of sustainable development. Policies SPT1 and SPT2 provide the broad objectives and develop the core concept of rural sustainability. The spatial strategy flows from this and Policy TTV1 introduces a hierarchy for development specifying the most sustainable locations with the main towns at the top and open countryside, such as this site, in the final tier. Developments in such areas need to accord with the higher level aims but also the appropriate countryside Policy TTV26

As has been found in the previous permissions at this site a building for agricultural purposes would fall within the limited type of uses accepted by Policy TTV26 and there has been no change in the policy since such a proposal was found to be acceptable last time. The proposed equestrian use however activates another Policy TTV28. This Policy states that horse related developments will be supported when there is adequate land for the amount of horses, when existing buildings are reused and new buildings minimised and when the site can be effectively managed whilst also taking cognisance of any cumulative issues arising from other horse related uses in the area.

Firstly with respect to the available space the applicant has confirmed that the holding contains 40.6 acres of land which comfortably exceeds the British Horse Society's minimum recommendations. In relation to reuse of existing buildings the proposal meets this criteria and one building to house both the agricultural equipment and horses is considered to be preferable to multiple buildings. The space afforded the horses is considered to be commensurate in terms of the amount of horses and amount of land available. With regards to management of the site the supporting documentation outlines some measures that will be put in place to minimise the impact of the development, aspects such as external lighting, visual impact and removal of waste are all covered and are in line with the guidance of the British Horse Society and a condition can be attached to ensure that this is implemented and maintained in perpetuity. There are not considered to be any adverse cumulative impacts arising from this development in terms of any other horse related developments in the vicinity. Drainage infrastructure is provided within the confines of the site and landscaping is proposed as a means of screening the visual impact. The stables are to be used for personal purposes therefore it is not considered to generate significant traffic. The objector has highlighted a small 'stable building to the east of the site that appears to share an access with this site. This building does not appear to benefit from planning permission and can be dealt with separately.

In principle and subject to conditions, the use proposed is considered to be compatible with the surrounding area and does not conflict with Policies SPT1, SPT2, TTV1, TTV26 and TTV28 of the JLP subject to further assessment against the relevant policy.

Design/Landscape:

Policy DEV20 and DEV23 of the JLP both promote good standards of design and require cognisance to be given to the visual impact of the development and conserving and enhancing the character of the rural landscape. The massing, size and scale of the building is as was approved previously and the minor changes to the elevations are not considered to be harmful. The encroachment further into the field is unfortunate but can be mitigated through landscaping, which, once established may even make the building less prominent from the country lane at this revised location. The design retains the style of a functional rural agricultural building, not an uncommon feature of the surrounding landscape. On this basis and subject to conditions that the landscaping is implemented and maintained, the proposal is not considered to conflict with Policies DEV20 and DEV23 of the JLP.

Neighbour Amenity:

Policies DEV1 and DEV2 of the JLP requires consideration on the impact of development on the health and amenity of local communities. Cognisance must be given to the impact of development in terms of overshadowing, privacy and any other potentially adverse loss of amenity and unacceptable impacts will be judged against the level of amenity generally in the locality. The revised position continues to be relatively remote from neighbouring properties and there are no concerns that the proposal will result in an adverse loss of residential amenity. As such the proposal is in accordance with Policies DEV1 and DEV2 of the JLP.

Highways/Access:

Policy DEV29 of the JLP requires consideration of the impact of developments on the wider transport network, and requires safe traffic movements and vehicular access to and from the site. The existing and previously approved access is to be used and the increased space in front of the building will increase off street parking and manoeuvrability. As the proposed equestrian is for personal use it is not anticipated to generate significant volumes of traffic visiting the site. Highways have confirmed that the proposal raises no implications. As such the proposal is not considered to conflict with Policy DEV29 of the JLP.

Drainage/Flooding:

Policy DEV35 of the JLP requires consideration of drainage and flooding impacts arising from development. The site is not within an area at high risk of flooding. As approved previously surface water is treated via a soakaway to the south of the building. A septic tank is in place to treat foul drainage and the FDA form confirms that this will be treated in accordance with the manufacturer's recommendations. As such the proposal is not considered to conflict with Policy DEV35 of the JLP.

Carbon Reduction:

Policy DEV32 of the JLP seeks to deliver low carbon development and requires proposals to identify opportunities to minimise the use of natural resources and development proposals must be considered in terms of their relation to the 'energy hierarchy' in order to help deliver targets in terms of emission reductions and production of decentralised energy. A Climate Emergency compliance form was submitted as part of this application, and discussions were held with the applicant who subsequently agreed to incorporate renewable energy in the form of PV Panels as a means of achieving targets contained in the Climate Emergency Planning Statement. As such, and subject to conditions that the renewable energy is secured along with the biodiversity enhancements that the landscaping will bring it is not considered that the revised design would conflict with those policies that seek to minimise carbon such as Policy DEV32 of the JLP and the Climate Emergency Statement.

Conclusion:

The frustrations of the objector are noted however there are not considered to be any planning policy issues that would warrant refusal of such a development in the countryside. Conditions can ensure that the equestrian element remains in personal use. Conditions can also ensure that landscaping is secured that helps the development integrate in a successful way to the landscape. Clearly this will take some time but once established will help conserve the landscape and surrounding environment. As such the proposal is considered to accord with the relevant Planning Policy and it is recommended that permission be granted subject to conditions.

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

Planning Policy

Relevant policy framework

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

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

On 14th January 2022 the Department for Levelling Up, Housing and Communities published the HDT 2021 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 128% and the consequences are "None".

Therefore a 5% buffer is applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 5.97 years at end of March 2022 (the 2022 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2022 (published 19th December 2022).

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

The relevant development plan policies are set out below:

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

SPT1 Delivering sustainable development
SPT2 Sustainable linked neighbourhoods and sustainable rural communities
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
TTV26 Development in the Countryside
TTV27 Meeting local housing needs in rural areas
TTV28 Horse related developments in the countryside
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV20 Place shaping and the quality of the built environment
DEV23 Landscape character
DEV24 Undeveloped coast and Heritage Coast
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV29 Specific provisions relating to transport
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts

Neighbourhood Plan

There is no adopted Neighbourhood Plan for this area that would form part of the Development Plan.

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance in Planning Practice Guidance (PPG).

Considerations under Human Rights Act 1998 and Equalities Act 2010

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.

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

Name and signature: G Smith

Date: 12 May 2023

<p>Ward Member - Cllr Simon Rake</p> <p>Date cleared - 25 May 2023</p> <p>Comments made - I agree with the report's comment that the incursion further into the field than was approved for 0371/21/FUL is unfortunate, I am content to allow you to approve this under your delegation.</p> <p>I would stress the need for strict conditions on the limitation of use to agricultural and stabling for personal use and on landscaping to be achieved in such a way as it establishes as rapidly as possible. The inclusion of solar PV is to be welcomed.</p>	