

PLANNING APPLICATION REPORT

Case Officer: Amy Sanders
Thurlestone

Parish: South Huish **Ward:** Salcombe and

Application No: 3951/21/FUL

Agent:

Mr Sam Dewar
DPA Planning Ltd
74 Church End
Cawood
Selby
YO83SN

Applicant:

Mr And Mrs Grayson
See Agent
See Agent
SEE AGENT

Site Address: Land at SX 690 402, Galmpton, Kingsbridge, TQ7 3EY

Development: Replacement agricultural barn (part retrospective) resubmission of 0882/21/FUL

Recommendation:

Refusal

Reasons for refusal:

1. Flood risk:

The proposed agricultural building would be located in flood zone 3. The application has not been submitted with a satisfactory Flood Risk Assessment to demonstrate the site will be safe from flooding over its lifetime, and does not demonstrate whether the development would not increase flood risks elsewhere, or whether it can help to reduce flood risk overall. The site also fails the sequential test as there are potentially other suitable sites within the parcel of land owned by the applicant outside of flood zone 2 & 3. The proposal is contrary to policy DEV35 of the Joint Local Plan, paragraphs 167-169 of the National Planning Policy Framework 2021, and policy SH Env 7 of the South Huish Neighbourhood Plan 2020.

2. Agricultural Need:

Insufficient evidence has been submitted to demonstrate the building responds to proven agricultural need contrary to policies TTV26 Part 2 (iv) and DEV24 of the Joint Local Plan 2019.

3. Landscape visual impact and impact upon the AONB and designated landscapes:

The proposal will result in a modern style barn, in a removed position from the built form of Galmpton, so will pose as an incongruous and isolated feature within the landscape. The proposals will introduce noise and activity within a secluded part of the landscape that would adversely affect the tranquillity of the AONB. The proposal is not considered to conserve or enhance the landscape. The proposal is therefore contrary to Policy Dev 23 and Dev 25 of the JLP.

Key issues for consideration:

Principle of development, landscape and visual impacts, development within the AONB and undeveloped coast, flood risk, and ecology.

Site Description:

The site is located on the southern part of land to the south of Park House and Elmfields, within the village of Galmpton. The proposed location of the building is to the north of a stream, and within Flood zone 3. The surrounding land is agricultural to the south and east and west. The site is accessed from the east side of Lower Court Barn with the route wrapping around the rear of Lower Court barn and Elmfields before dropping down to the proposed location of the building. The site is on a steep sloping gradient from north to south. There are trees along the field boundary.

The site is within the South Devon Area of Outstanding Natural Beauty, Undeveloped and Heritage Coast.

The Proposal:

This application seeks permission for the erection of an agricultural barn. The proposed building will measure 10 metres x 8.5 metres with an eaves height of 4 metres, and a ridge height of 5.5 metres. The proposed materials include vertical timber cladding on the external walls and profile sheeting roof.

The proposed building will be used to house equipment, machinery and feed for the tenant farmer to manage the agricultural land for the flock of sheep. The total flock size varies and in spring, there is 45 ewes/lambs on site.

No details are proposed for any areas of hardstanding to access the building.

Some levelling works for the base and foundations of the building have already been constructed at the site. It is not clear what excavation works have taken place at the site in order to accommodate the proposed building.

Consultations:

- **County Highways Authority:** No highways implications.
- **Town/Parish Council: Objection**

South Huish Parish Council have considered application 3951/21/FUL, Land at SX 690 402, Replacement Barn part retrospective and the Councillors have unanimously OBJECTED to the proposal.

It should be noted that this application is very similar to 0882/21/FUL which was refused in May 2021, so similar that some of the documents submitted would appear to be exactly the same.

1. The application states that this will be a replacement agricultural barn. The land on which the barn would be sited is a field, it is amenity land only and not agricultural land. It does not have a holding number, it is definitely not a farm.

2. In the past, some years ago, prior to 2015, the previous owner kept donkeys, the donkeys were supplied with a temporary tin shelter, this is the only structure that has been on that land and most certainly could not have been referred to as an agricultural barn. Photographic evidence of this has been supplied previously.

3. There is no other evidence of an agricultural barn, no prior footings/materials or photographs, the owners cannot possibly replace something that has not previously existed.
4. As this is NOT a replacement barn, comments ARE required from authorities such as the environment agency. No decision should be made until all relevant responses have been obtained, particularly as the flood risk assessment provided was felt to be lacking in detail and substance. Details were not indicative of the issues at this site, this element of the application has not been sufficiently addressed.
5. A change of land use application should be submitted if there is now a requirement for an agricultural barn on non-agricultural land.
6. The documents refer to a tenant farmer, this should be evidenced, preferably by sight of the signed/dated contract.
7. It is stated that up to 45 sheep are on the land – this is a six-acre site which is by no means sufficient for this amount of livestock.
8. The land is grazed only and the numbers of sheep are limited. When no sheep are on the land it has been cut for hay/silage.
9. We cannot see any demand for storage particularly as the tenant stores related items on his smallholding. This has obviously caused no issue for the number of years he has been in situ as tenant. The use of the land has not changed. Where is the demand coming from?
10. Further to point number 9 we believe the applicant already has a stone barn on nearby land that could potentially be utilised for storage.
11. Why has what appears to be a sewer pipe been installed in the footings? We require full details and an explanation as to what purpose this serves.
12. Photographic evidence has been provided previously in respect of how the land looked before hedges and trees were removed. It was noted that the area used to be a site for nesting birds and all manner of flora/fauna, many of which have now vanished. Councillors do not perceive a biodiversity gain to this proposal. This is a nationally protected landscape!
13. We can see no agricultural justification for this request, irrespective of no change of use application. There is insufficient information provided to prove there is a need and use for the proposed structure.
14. The site can clearly be seen from a public footpath, the new building will be very visible in the AONB and will negatively impact on the view unlike the previous temporary structure which was sited so as to create no impact to the view.
15. The site is outside the settlement boundary and should be treated as such.
16. As per our previous response in respect of application 0882/21/FUL, we note one barn on the land has been converted into a holiday let, a nearby bungalow has also been refurbished for the same purpose.

Taking all the above into account we cannot see that there is any need or justification for a new barn to be erected on a clearly visible site in the heart of the AONB that has never previously had a permanent structure of any nature, agricultural or otherwise.

- **Landscape Officer: Objection**

In considering this application and assessing potential impacts of the development proposal against nationally protected landscapes, in addition to the Development Plan, the following legislation, policies and guidance have been considered:

Section 85 of the Countryside and Rights of Way (CRoW) Act.
the NPPF.

The National Planning Practice Guidance (NPPG); and

The South Devon AONB Management Plan and its Annexes.

In respect of the principal policy tests in the NPPF, this application is not considered to constitute “*major development*”.

Landscape Comment

The site is located within the JLP Undeveloped Coast designation and the South Devon AONB – a nationally important and protected landscape. The site is also within the 4D Coastal Slopes and Combes landscape character type, the key characteristics and valued assets of which include, a separate and varied branching valley system, with scrubby vegetation in the broader valleys, small to medium irregular fields divided by wide earth banks, high hedges and stone walls, with settlement generally nestled in the combes and with open views from the tops of the slopes.

In respect of landscape and visual matters Policy DEV24 on the Undeveloped Coast states that proposals that would have a ‘detrimental effect on the undeveloped and unspoilt character, appearance or tranquillity’ of the landscape will only be supported in exceptional circumstances. Similarly, Policy DEV25 of the JLP which applies to proposals within the AONB specifically states proposals must ‘conserve and enhance the natural beauty of the protected landscape’ as well as maintaining ‘an area’s distinctive sense of place or reinforce local distinctiveness’. The South Huish Neighbourhood Plan also has policy SH Env2 protecting the AONB.

It is noted the location of the proposed barn is on lower lying ground which rises towards the linear spread of dwellings to the north within the village of Galmpton. The location is distant from the main settlement and the proposed barn would appear as a feature on its own within the wider landscape.

The part retrospective nature of the application means that the proposed barn has replaced some existing built form, described in the submission as a derelict barn. However, the nature and form of this previous structure is not known to the officer. It is noted that the creation of a concrete slab, as shown on the submitted photographs, appears to have also included the re-profiling of the land to that as proposed in the planning application.

The proposed building is intended to be used for the storage of machinery so that there is concern about the loss of tranquillity to the AONB that this would entail, and to have an agricultural appearance by virtue of it being constructed from timber cladding with limited openings. However, this modern form of agricultural building is generic in style and detailing

and does not, it is considered, provide any inherent form of enhancement to the character of the site or to the wider landscape.

Consideration would have to be given to the colour of the proposed structure to ensure that it was dark so as to be recessive in the landscape and there would be a need to avoid external lighting and to minimise internal lighting so as to avoid the potential for light spill and an adverse effect on the dark sky of the AONB.

The proposed barn is supported by a landscape strategy that includes the planting of new trees and shrubs to the north of the proposed barn and to the south of the existing stream. The soft landscape comprises native species and would be consistent with the 'scrubby' vegetation outlined in the local character type. The proposed planting would, once established and maturing, function to provide some screening to the proposed barn and to create some wildlife habitat and increased biodiversity. However, the nature of the proposed soft landscape is considered to be more compensatory than mitigatory for the adverse change to the landscape brought about by the proposed barn.

The unprotected nature of the existing stream is of concern. As a landscape feature the stream appears vulnerable to the potential for run off and spillage during both the construction and operational phases of the proposed development.

It should also be noted that South Huish footpath 4 runs north/south to the east of the site which would potentially enable views through to the proposed building.

In summary, the proposals represent the creation of a new relatively large and modern style barn that would be perceived in visual and character terms as an isolated feature in an area of Undeveloped Coast in the AONB. The proposals would introduce noise and activity into a secluded part of the landscape that would, it is considered, adversely affect the area's tranquillity.

- **Ecologist:**

The relevant documents for the above application have been reviewed and as the submitted Wildlife Checklist indicates that an Ecology report is not required, no impacts on ecological receptors are anticipated and no mitigation is required. The proposals include provision of biodiversity net gain measures which I confirm are appropriate to meet the requirements of the NPPF. I would suggest the following Conditions:

Condition: A Landscape and Ecological Management Plan (LEMP) detailing new habitat creation and management of new and existing habitats must be provided to the Council for approval prior to construction commencing. Once approved The LEMP must be followed during and post construction.

Condition: No external lighting shall be installed at any time at the application site without the written permission of the Local Planning Authority.

- **Tree Specialist:** Holding Objection

Holding Objection on Arboricultural merit prior to satisfactory review and commentary upon requested supporting information.

Reason:

It is considered the application bears potential to be contrary to Policy Dev 28 of the Plymouth & South West Devon Joint Local Plan 2014-2034 and/ or BS5837: 2012 Trees in Relation to Design, Demolition & Construction.

- **Environment Agency:**

Thank you for your consultation in respect of this planning application.

As you are aware, we no longer provide bespoke advice on consultations for replacement buildings.

Please find attached our standard planning advice note and supporting Flood Risk Assessment checklist, which will allow you to determine the suitability of the application with regard to flood risk.

Representations:

Representations from Residents

6 letters of objection have been received. Comments have been received and cover the following points:

- No clear agricultural need for the new building
- No farm tenancy information provided
- Flood concerns
- Over dominance within the AONB
- Building at the site were small shelters

Relevant Planning History

Planning Application Ref: 0882/21/FUL

Description: Replacement agricultural barn (part retrospective)

Address: Land at SX 690 402 Galampton Kingsbridge TQ7 3EY

Decision Date: 24 May 2021

Refusal

ANALYSIS

Principle of Development/Sustainability:

The application seeks the construction of a building in a countryside location. The site history shows there was a structure present at the site historically. This was removed because of its poor state in 2020. There is no planning history of this structure. There is also no established agricultural use for this plot of land, in planning terms. Any structure or building that was in existence at the site has been fully removed, therefore, this proposal is not classed as being a replacement building, but rather a new build in an open countryside location.

Policy DEV15 (6) supports development which meets the essential needs of agricultural interests. Policy TTV26 of the Joint Local Plan (JLP) deals with development in the countryside and part one addresses exceptional circumstances where isolated development may be acceptable. Part two of TTV26 sets out requirements for all development in the countryside, and of particular relevance are those below which states that development should:

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.*

In relation to point i, iii and v the proposed building would not affect a public right of way, in that it would not interrupt or disturb a Prow network. The site is visible from a Prow. The proposal is not considered to prejudice viable agricultural land or best and most versatile land. There is no existing building and so point ii. is not relevant.

In relation to point iv. it is not clearly justified within this application, and sufficient evidence has not been provided, that the building responds to a proven agricultural need. The agent has submitted a planning statement providing an agricultural need justification for the proposal. It is claimed that the land is used by a tenant farmer and that the barn will be used to house equipment, machinery and feed for sheep. The proposed building will allow for the tenant farmer to care for the flock of sheep. The flock varies in numbers and there could be 45 sheep at site at one time. No specific details have been provided with this application, including details of a small holding number, agricultural business plan, the tenant farmers agreement, the total land of which the tenancy relates, or managed by the tenant farmer, or any existing buildings with the tenancy farm. The planning statement notes that details of the tenant farmer have been included in the application form. This was queried to the agent because the application gives minimal detail of the tenancy farm. Also, no details have been provided as to the nature of machinery proposed to be stored in the building. Officers are mindful that the holding outlined in blue on the location plan, shows a total land size of 6 acres. This is relatively small in size. It is therefore unlikely that a significant investment would be made in expensive machinery to manage such a small area of land, instead of employing agricultural contractors as and when such equipment is required. Officers also note that the justification only details the intentions of the applicant, with no evidence of a current proven need for the development. The agricultural justification for the building is not considered to sufficiently demonstrate a proven need for the development in the countryside, and the proposal therefore conflicts with policies DEV15 and TTV26.

Design and Landscape Visual Impacts

The site is located within the South Devon AONB and is designated as being within the Undeveloped Coast within the JLP. The location of the proposed barn is on lower lying ground, which rises towards the linear spread of dwellings to the north within the village of Galmpton. The location is distant from the main settlement and the proposed barn would appear as a feature on its own within the wider landscape.

The AONB is a landscape designation which is given the highest status of protection within planning policies. Paragraph 176 of the NPPF states that '*great weight should be given to conserving and enhancing landscape and scenic beauty*' within the AONB, and this is reinforced in the JLP (policies SPT12 and DEV25).

In respect of landscape and visual matters, Policy DEV24 states that proposals that would have a 'detrimental effect on the undeveloped and unspoilt character, appearance or

tranquillity' of the landscape will only be supported in exceptional circumstances. Similarly, Policy DEV25 of the JLP which applies to proposals within the AONB specifically states proposals must 'conserve and enhance the natural beauty of the protected landscape' as well as maintaining 'an area's distinctive sense of place or reinforce local distinctiveness'. The South Huish Neighbourhood Plan also has policy SH Env2 protecting the AONB.

The proposal is not considered to have demonstrated that there is an exceptional circumstance that requires that location. Some planting and landscaping is proposed in order to help soften the scheme, and screen the built form, however this is not considered substantial enough to mitigate any landscape harm. Furthermore, the proposed use of this building for the storage of machinery, and as displayed on the proposed elevation plans, the use of a tractor storage, will likely impact the tranquillity of the AONB.

The Landscape Officer has been consulted on the scheme, and has objected to the proposal. They note that:

'In summary, the proposals represent the creation of a new relatively large and modern style barn that would be perceived in visual and character terms as an isolated feature in an area of Undeveloped Coast in the AONB. The proposals would introduce noise and activity into a secluded part of the landscape that would, it is considered, adversely affect the area's tranquillity'.

For the reasons noted above, the development is not considered to conserve and enhance the special character of the AONB, or the Undeveloped Coast, and therefore conflicts with both the NPPF and JLP. The justification submitted for the development does not outweigh the identified and potential harm to the AONB, contrary to policies SPT12 and DEV25 of the JLP, and paragraphs 174 and 176 of the NPPF.

Flood Risk

The site is located within a flood risk zone 3. As per the guidance by DEFRA and the Environment Agency, a planning application within this site, will need to be accompanied by a flood risk assessment. A satisfactory Flood Risk Assessment has not been provided with this application. A site specific FRA is required to support any planning application for this proposal. This is in accordance with paragraph 167 and footnote 55 of the NPPF. The FRA is essential in demonstrating whether the second part of the exception test can be satisfied. It will need to assess the flood risks/hazards, demonstrate whether the development will be safe from flooding over its lifetime, and show that the development would not increase flood risks elsewhere and whether it can help to reduce flood risk overall. The application does not provide adequate information of how surface water runoff will be managed on site. There is a stream located close to the proposed location of the building, so this water course might be effected by the development, especially during heavy rainfall, by surface water runoff. An assessment with proper calculations of the size of a soak away, considering the impacts of surface water runoff is required at the site.

The agent has noted in the planning statement that a sequential test is not required at the site. This is false, and a sequential test will be required for this type of development proposal. As per the DEFRA guidance, a sequential test is required if both of the following apply:

- development is within flood zone 2 or 3
- a sequential test has not already been done for a development of the type you plan to carry out on the proposed site.

In some cases a Sequential test is not required if one has already been carried out for the development of the type planned for the site, or if the development is a minor development.

This proposal does not fall within the definition of a minor development. Footnote 56, of paragraph 168. of the NPPF 2021, defines minor development in relation to sequential tests.

Footnote 56 of the NPPF states:

'56) This includes householder development, small non-residential extensions (with a footprint of less than 250m²) and changes of use; except for changes of use to a caravan, camping or chalet site, or to a mobile home or park home site, where the sequential and exception tests should be applied as appropriate'.

As such, the proposal is not classed as a minor development, so a sequential test is required. Without the sufficient flood risk assessment and the sequential test being applied, the application does not meet the aims of Paragraphs 164 and 167 of the NPPF, nor does it comply with Policy Dev 35 of the JLP.

Ecology and Biodiversity

The Ecologist at DCC has been consulted on the application. They note that biodiversity net gain measures are appropriate to meet the requirements of the NPPF, and have no objection to the scheme, if a LEMP is conditioned, requiring details of new habitat creation.

Conclusion

The application is considered a proposal for a new agricultural building, not a replacement as the previous building was demolished and completely cleared from the site in 2020.

The new agricultural building would be located within Flood zone 3 and fails to apply a sequential test. In addition, the application was not submitted with a detailed or satisfactory Flood Risk Assessment to demonstrate the building would not result in a reduction of overall flood storage or block any flood flow routes. The application does not take into account how surface water runoff will be managed at the site, especially in relation to the stream which runs to the south of the site.

There is unsubstantiated justification of agricultural need for the building that would be located within the Undeveloped Coast and AONB. The proposal is not considered to conserve or enhance the protected designated landscape.

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 13th January 2021 MHCLG published the HDT 2020 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 144% 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 5.8 years at end March 2021 (the 2021 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2021 (published 12th November 2021).

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

The relevant development plan policies are set out below:

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

SPT1 Delivering sustainable development

SPT2 Sustainable linked neighbourhoods and sustainable rural communities

SPT12 Strategic approach to the natural environment

TTV1 Prioritising growth through a hierarchy of sustainable settlements

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

TTV26 Development in the Countryside

DEV1 Protecting health and amenity

DEV2 Air, water, soil, noise, land and light

DEV15 Supporting the rural economy

DEV20 Place shaping and the quality of the built environment

DEV23 Landscape character

DEV24 Undeveloped coast and Heritage Coast

DEV25 Nationally protected landscapes

DEV26 Protecting and enhancing biodiversity and geological conservation

DEV28 Trees, woodlands and hedgerows

DEV31 Waste management

DEV32 Delivering low carbon development

DEV33 Renewable and low carbon energy (including heat)

DEV34 Community energy

DEV35 Managing flood risk and Water Quality Impacts

Neighbourhood Plan

South Huish Neighbourhood Plan:

Policy SH Env 1 Settlement Boundaries and avoidance of coalescence

Policy SH Env2 Impact on the South Devon Area of Outstanding Natural Beauty (AONB)

Policy SH Env3 Safeguarding the biodiversity and Green Infrastructure throughout the Parish

Policy SH Env 7, Drainage Impact

Other material considerations include the policies of the National Planning Policy Framework (NPPF) including but not limited to paragraphs 159-169, and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application: South Devon AONB Management Plan.

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 officer's report. As Determining Officer I hereby clear this report and the decision can now be issued.

Name and signature:

Amy Sanders

A.Sanders

Date:

03-03-2022