

## PLANNING APPLICATION REPORT

**Case Officer:** David Jeffery (CB)

**Parish:** Ringmore **Ward:** Charterlands

**Application No:** 1683/21/FUL

**Agent:**

Mr Peter Mercy  
The Old School House  
Ringmore  
Kingsbridge  
TQ7 4HJ

**Site Address:** Land adjacent to, The Old School House, The Sycamores, Tosca, Ringmore, TQ7 4HJ

**Development:** Change of use of agricultural field to garden for growing vegetables, and erection of poly tunnel and shed/stable

**Recommendation:** Refusal

**Reasons for refusal:**

1. The proposed loss of this agricultural land and its use as a residential garden, along with the proposed sheds and poly tunnels represent an unwelcome intrusion into an undeveloped countryside location, which would be harmful to the South Devon AONB, Undeveloped Coast and wider landscape character area, contrary to the guidance contained within the National Planning Policy Framework including, but not limited to, paragraph 174; Policies SPT1, SPT2, TTV1, TTV26, DEV2, DEV23, DEV24 and DEV25 of the Plymouth & South West Devon Joint Local Plan 2014-2034 and the South Devon Area of Outstanding Natural Beauty Management Plan 2019-2024.

**Key issues for consideration:**

- The principle of development
- Landscape impact
- Heritage impact
- Neighbour amenity

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**Site Description:**

The application site is on the north-east edge of Ringmore and comprises agricultural land located to the rear of homes known as 'Old School House', 'The Sycamores' and 'Tosca'.

Although the site itself is not within a Conservation Area, the Old School House lies within the Ringmore Conservation Area.

The site is also within the South Devon AONB and Undeveloped Coast/Heritage Coast designations.

The site is also within the Devon Character Area: 1B Open Coastal Plateau.

**The Proposal:**

This application proposes a change the use of land directly to the rear of 'Old School House', 'The Sycamores' and 'Tosca' from agricultural to residential curtilage. In association with this change of use, the application also proposes the erection of structures such as poly tunnels, raised beds and storage sheds. The land subject to this application has already been separated from the wider field by means of a 1.5m wide hedge bank and stock-proof fencing and is already in use by these properties.

The applicant states that the reason for change of use to residential curtilage is so that the properties can benefit from having semi raised beds for vegetable plots, a poly-tunnel and an agricultural wooden storage shed or field shelter.

**Consultations:**

County Highways Authority - No highway implications.

SHWD Landscape Specialist – The proposed development will inevitably change the character of the site through the introduction of new structures, polytunnels, raised beds and sheds onto what has previously been an open agricultural field. The introduction and scale of such structures is not considered to be consistent, in landscape and visual terms, with the requirements of policy DEV24 Undeveloped Coast which seeks to, 'protect, maintain and enhance the unique landscape and seascape character and special qualities of the area'. The proposals are not considered to be consistent, in landscape and visual terms, with policies DEV24, DEV23 and DEV25 of the JLP.

Parish Council: Support

South Hams Society: Objection. 'Permitting this application to change the undeveloped coast to domestic gardens is completely at odds with policy DEV24 and sets a precedent that undermines the LPA's planning policy for the undeveloped coast. If approval was permitted, any resident in Ringmore could obtain undeveloped coast farmland and transform it into part of a domestic garden and the LPA would struggle, if not be powerless, to stop that transition. That would probably also be true elsewhere in the protected coastal region. Exceptional circumstances have not been demonstrated'.

Historic England – No comment

Historic Environment Team – No comment

**Representations:**

Four letters of representation have been received objecting on the following grounds:

- The works have extended residential curtilages outside of the settlement boundary
- The introduction of features to this land such as trampolines and parking have changed the appearance of this land and eroded the rural character of the area. The further structures proposed as part of this application will change the character of this land further.
- Adverse impact on the Undeveloped Coast and AONB designations.
- Adverse impacts of the privacy and amenities of neighbouring properties
- Loss of trees

- Any impact assessment should include neighbouring properties.
- Changing this land from its 'Undeveloped Coast' designation to residential gardens would set an undesirable precedent.

### **Relevant Planning History**

0497/21/HHO - The Sycamores Ringmore - Householder application for alterations to include raising roof to create a second floor with two bedrooms and en-suites, new extensions for garage and entrance porch - Conditional Approval

### **ANALYSIS**

#### **Principle of Development/Sustainability:**

It is noted that the land subject to this application is already in use by the applicant properties as part of their residential curtilage. This use does not however have the benefit of planning permission.

Policy TTV1 of the JLP sets out the Council's development strategy across the Thriving Towns and Villages Policy Area. The application site, is considered, for the purposes of Policy TTV1 of the JLP, to be located within the fourth tier of the Council's settlement hierarchy, which relates to Smaller Villages, Hamlets and the Countryside. 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 special characteristics and role of the countryside.

In response to Policy TTV26, the proposal to bring this agricultural land into residential use with the erection of associated structures is not considered to respond to a proven agricultural, forestry and other occupational need that requires a countryside location. Whilst the site has already been segregated from the adjoining agricultural field, the proposed change of use would utilise viable agricultural land and is not considered to enhance the site's immediate setting. In light of the above, officers are not satisfied that the application site is located within a sustainable location and as such the principle of the change of use would be contrary with to JLP Policies SPT1 and SPT2, TTV1 and TTV26.

#### **Design/Landscape:**

The site is within the South Devon AONB, a nationally important and protected landscape.

The site is also within the Undeveloped Coast designation of the JLP and within the 1B Open Coastal Plateaux landscape character type (LCT).

Any proposals for the extension of residential curtilages onto other land, such as land that is normally in agricultural use, are subject to rural protection policies, which in this case includes adopted JLP Policy DEV23 Landscape Character, DEV24 Undeveloped Coast and DEV25 Nationally Protected Landscapes.

As advised by the Council's Landscape Specialist, the introduction and scale of structures proposed is not considered to enhance the unique landscape character and special qualities of the area as required by policies DEV23 and DEV24, or Policy DEV25, which provides the highest degree of protection to sites within the South Devon AONB by requiring that great weight is given to conserving their landscape and scenic beauty.

DEV24 of the Plymouth and South West Devon Joint Local Plan seeks to ensure the protection of the Undeveloped Coast and Heritage Coast, by ensuring that development which would have a detrimental effect on the undeveloped and unspoilt character,

appearance or tranquillity of the landscape is not permitted except under exceptional circumstances. The applicant's stated justification for the proposals is that the properties can benefit from having semi raised beds for vegetable plots, a poly-tunnel and an agricultural wooden storage shed or field shelter. This use is not considered to provide the exceptional circumstance needed to justify this development, does not demonstrate that the proposed use requires a coastal location and does not protect the special qualities of the area, as required by Policy DEV24.

The use of the agricultural land by the applicant properties has already led to a change in the character of the site, which may be exacerbated if this application were to be permitted through the introduction of new structures - which may not be limited to those described as part of the application (e.g. summerhouses, greenhouses, washing lines, hard landscape features and structures such as paths, patios and pergolas, along with exotic garden planting and lighting). Granting permission for the change of use of this land would also set an undesirable precedent for the other pieces of agricultural land in the vicinity, which could result in further encroachment of residential curtilages into the countryside. The land can still be utilised by the properties but maintained as an agricultural use.

The proposed change from agricultural use to domestic curtilage would also be contrary to policy DEV2.6 which seeks to protect soils, safeguarding the long term potential of best and most versatile agricultural land and conserving soil resources. Retaining this land in agricultural use will not prejudice its use as such by the applicant properties for agricultural purposes but will protect it from the encroachment of further inappropriate structures and alternations that may degrade its agricultural value.

### **Heritage impact**

The applicant has submitted a heritage impact assessment in support of the application. The statement acknowledges the proximity of the application site to the Ringmore Conservation Area and Grade II\* Listed All Hallows Church but concludes that the location of the application site behind existing properties on the edge of the settlement will not adversely impact on the setting of these heritage assets. English Heritage have been consulted as part of the application and have raised no objections. The Council's Heritage Specialist has no comments to make on this application. There are not concluded to be any heritage grounds for refusal of this application.

### **Neighbour amenity**

Concerns raised over impacts on the privacy of neighbours as part of the letters of representation are noted. The only property likely to be affected is Higher Manor, which also has a garden backing onto this agricultural land. The proposals are not considered to have significant implications for the residential amenities of this property.

### **Other matters**

The Parish Council has advised support of the application and while this is noted, it is considered that the proposal does not accord with relevant policies contained within the JLP nor the NPPF policies which seek to safeguard and retain agricultural land.

## **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).

The relevant development plan policies are set out below:

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

SPT1 Delivering sustainable development  
SPT2 Sustainable linked neighbourhoods and sustainable rural communities  
TTV1 Prioritising growth through a hierarchy of sustainable settlements  
TTV26 Development in the Countryside  
DEV1 Protecting health and amenity  
DEV2 Air, water, soil, noise, land and light  
DEV15 Supporting the rural economy  
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  
DEV35 Managing flood risk and Water Quality Impacts

Other material considerations include the policies of the National Planning Policy Framework (NPPF), guidance in Planning Practice Guidance (PPG) and section 66 and 72 of the Listed Building and Conservation Areas Act. 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

South Hams Landscape Character Assessment

### **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:** Claire Boobier

**Date:** 27.09.2021

**Ward Member - Cllr Taylor**

Date cleared – 10.09.2021

Comments made – Delegation request sent to Ward Member 02 September 2021. No response received after 5 working days consultation, in accordance with scheme of delegation, decision can be issued as a delegated officer decision.