

# West Devon Development Management and Licensing Committee



West Devon  
Borough  
Council

<b>Title:</b>	<b>Agenda</b>								
<b>Date:</b>	<b>Tuesday, 21st November, 2023</b>								
<b>Time:</b>	<b>10.00 am</b>								
<b>Venue:</b>	<b>Chamber - Kilworthy Park</b>								
<b>Full Members:</b>	<p style="text-align: center;"><b>Chairman</b> Cllr Cheadle <b>Vice Chairman</b> Cllr Southcott</p> <p><i>Members:</i></p> <table style="margin-left: auto; margin-right: auto;"> <tr> <td>Cllr Cunningham</td> <td>Cllr Mann</td> </tr> <tr> <td>Cllr Guthrie</td> <td>Cllr Moody</td> </tr> <tr> <td>Cllr Jory</td> <td>Cllr Mott</td> </tr> <tr> <td>Cllr Leech</td> <td>Cllr Wakeham</td> </tr> </table>	Cllr Cunningham	Cllr Mann	Cllr Guthrie	Cllr Moody	Cllr Jory	Cllr Mott	Cllr Leech	Cllr Wakeham
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Cllr Guthrie	Cllr Moody								
Cllr Jory	Cllr Mott								
Cllr Leech	Cllr Wakeham								
<b>Interests – Declaration and Restriction on Participation:</b>	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.								
<b>Committee administrator:</b>	Kathy Hoare - Democratic Services Specialist								

**1. Apologies for Absence**

**2. Declarations of Interest**

In accordance with the Code of Conduct, Members are invited to declare any Disclosable Pecuniary Interests, Other Registerable Interests and Non-Registerable Interests including the nature and extent of such interests they may have in any items to be considered at this meeting;

**3. Items Requiring Urgent Attention**

To consider those items which, in the opinion of the Chairman, should be considered by the Meeting as matters of urgency (if any).

**4. Confirmation of Minutes**

**1 - 4**

Meeting held on 31 October 2023

**5. Planning Applications**

To see Letters of Representation and further supplementary information relating to any of the planning applications on the agenda, please select the following link and enter the relevant Reference number:

<https://apps.westdevon.gov.uk//PlanningSearchMVC/>

**(a) 0604/23/FUL**

**5 - 18**

**"Land at SX 460 975", Metherell Cross, Patchacott**

Construction of a temporary agricultural workers supervisory dwelling (resubmission of 2874/22/OPA)

**(b) 2110/23/FUL**

**19 - 26**

**Wooda Farm, Lewdown**

Proposed roof over replacement slurry store (resubmission of 1621/23/FUL)

**6. Planning Appeals Update**

**27 - 28**

**7. Update on Undetermined Major Applications**

**29 - 30**

# Agenda Item 4

Minutes of a meeting of the **WEST DEVON DEVELOPMENT MANAGEMENT & LICENSING COMMITTEE** held on **TUESDAY** the **31st** day of **October 2023** at **10.00am** in the **COUNCIL CHAMBER, KILWORTHY PARK**

**Present** Cllr R Cheadle – Chairman  
Cllr T Southcott – Vice-Chairman

Cllr A Cunningham	Cllr N Jory
Cllr M Ewings	Cllr U Mann
Cllr S Guthrie	Cllr J Moody
Cllr P Kimber	Cllr S Wakeham

Head of Development Management (JH)  
Senior Planning Officer (PW)  
Monitoring Officer and Head of Legal Services (DF) (Via MS Teams)  
Senior Democratic Services Officer (KH)

**\*DM&L.22 APOLOGIES FOR ABSENCE**

Apologies were received from Cllr C Mott for who Cllr P Kimber substituted and Cllr T Leech for who Cllr M Ewings substituted.

**\*DM&L.23 DECLARATION OF INTEREST**

There were no declarations of interests.

**\*DM&L.24 URGENT BUSINESS**

There was no urgent business brought forward to this meeting.

**\*DM&L.25 CONFIRMATION OF MINUTES**

The minutes from the Committee meeting held on 3 October 2023 were approved as a true and correct record.

**\*DM&L.26 PLANNING, LISTED BUILDING, TREE PRESERVATION ORDER AND ENFORCEMENT REPORTS**

The Committee proceeded to consider the reports that had been prepared by the relevant Planning Officer on the following applications and considered also the comments of the Town and Parish Councils together with other representations received, which were listed within the presented agenda report and summarised below:

**(a) Application No. 0466/23/FUL      Ward: Exbourne**

**Site Address: Westacre, Sampford Courtenay EX20 2SE**

**Development: Erection of farm shop with on site parking and landscaping.**

## Recommendation: Refusal

Key issues for Committee consideration:

- Principle of development/sustainability
- Design/landscape
- Biodiversity
- Neighbour amenity
- Highways/access
- Drainage
- Low carbon development

The Planning Officer reiterated that it was the suitability of the location that needed to be addressed first before looking at policy DEV 15 which addressed supporting business start-up in rural areas. The Head of Development Management stated that had an application been presented whereby the building was clustered with the other farm buildings it may have been more favourable with regard to any impact on the local environment and landscape.

Speakers included the applicant, and two statements from the two Ward Members, Cllrs Casbolt and Watts.

The applicant stated that she and her husband ran a dairy farm and currently employ several local people within their dairy production business, which included milk and ice-cream production and delivery. Currently there was an honesty box shed on their driveway at Westacre Where the Applicant sold their milk in reusable glass bottles. They also sold grass fed beef and pork along with logs and kindling wood which are all produced on their farm.

In pre-application talks the Applicant said that they were advised to move the proposed shop away from the junction where the current farm shed was. The access point was on a bus route and popular cycle route. Solar panels would be used for energy and the building clad with wood from their farm. She stated there would be tables for use by those using the shop, but food was not being served and therefore no toilet facilities would be provided. The Applicant explained that they have around 65 stockists for their products in the area and they deliver to them.

In the statement from Cllr Casbolt, he stated that he felt the application would be a great asset for the local economy. He felt it would reduce carbon emissions for those not travelling to the nearby town of Okehampton.

In Cllr Watts comments she felt Members should support local farming communities and supported the comments Cllr Casbolt had stated.

In debate Members wrestled with Policy DEV 15 whereby support is given to supporting local businesses in rural areas and why the site was described as isolated in the officer report. One Member felt DEV15 had several objective requirements but the overriding caveat seemed to be whether the site was suitable and sustainable. They felt this application for a farm shop would help to

put people back in contact with their food.

Another Member commented on the positives of a farming family coming forward in a regenerative way along with showing families around the farm in an educational way.

Drainage issues were raised and it was suggested that conditions should be imposed if the recommendation was to grant the application.

The Head of Development Management reminded Members that they needed to consider the development against the planning policies in the Development Plan.

The application was contrary to those policies and therefore Members would need to give reasons why they disagreed if they felt they would support the application. She also reminded Members that the starting point in the JLP are the SPT policies -when deciding an application. A Member pointed out that SPT 1 states a sustainable economy where opportunity for business growth and a low carbon economy is encouraged and supported. Sustainable societies whereby communities have a mix of local services to meet the needs of local people.

The Head of Legal reminded Members to have a regard to the planning policies when making a decision and gave advice about how the Committee should approach the interpretation of the relevant policies.

**Committee Decision: Conditional Consent. The Head of Development Management be authorised to grant approval subject to conditions to be determined in consultation with the Chairman and Vice-Chairman of the Development Management and Licensing Committee, such conditions to include a condition on drainage.**

**(b) Application No. 1318/23/FUL      Ward: Tavistock North**

**Site Address: The Kiosk, Bus Station, 20 Plymouth Road, Tavistock PL19 8AY**

**Development: Conversion of existing offices into three flats with associated courtyard area and soft landscaping to front**

**Recommendation: Conditional approval subject to completion of Unilateral Undertaking to secure Tamar EMS mitigation**

The Head of Development explained that the application had come back to Committee for Members to reconfirm their decision made at its last meeting (Min DM&L19 refer). After the last Committee meeting it was noticed that the address of the proposed development was incorrect. It referred to both The kiosk, Bus Station and 20 Plymouth Road. It has now been corrected to 20 Plymouth Road by the applicant. The application had then been re-advertised in the local press.

It has then been also noticed that the proposed Flat 2 was not fully included within the red line on the plans. This was corrected and was Re-advertised in the local press. Also, following an error in the description of the Applicant on the application form, the Applicant had written formally to correct it.

The Head of Development Management confirmed that nothing had changed in items of the material considerations of the application.

**Committee decision: The Committee confirmed its decision to grant conditional approval as set out at Min DM&L 19**

**\*DM&L.27 PLANNING APPEALS UPDATE**

The Head of Development Management took Members through two Appeal decisions. 1047/22/FUL, construction of a 3-to-4-bedroom house at Station Road, Bere Alston. The application was refused. The Inspector noted and agreed with the reasons for refusal, however he did not consider the cottage to be a non-designated heritage asset and felt the Council had not given enough information to demonstrate that it was. She said she would be looking at whether a list of non-designated heritage assets should be drawn up moving forward. The second appeal was 3072/22/HHO, a householder application for a storage enclosure in the back garden. The back garden was located over the West Devon World Heritage Site. The application was refused for this reason and the Inspector agreed with the decision.

**\*DM&L.28 UPDATE ON UNDETERMINED MAJOR APPLICATIONS**

There were no questions on this item.

(The Meeting ended at 11.20am)

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**Chairman**

## PLANNING APPLICATION REPORT

**Case Officer:** David Stewart

**Parish:** Bratton Clovelly **Ward:** Bridestowe

**Application No:** 0604/23/FUL

**Agent/Applicant:**

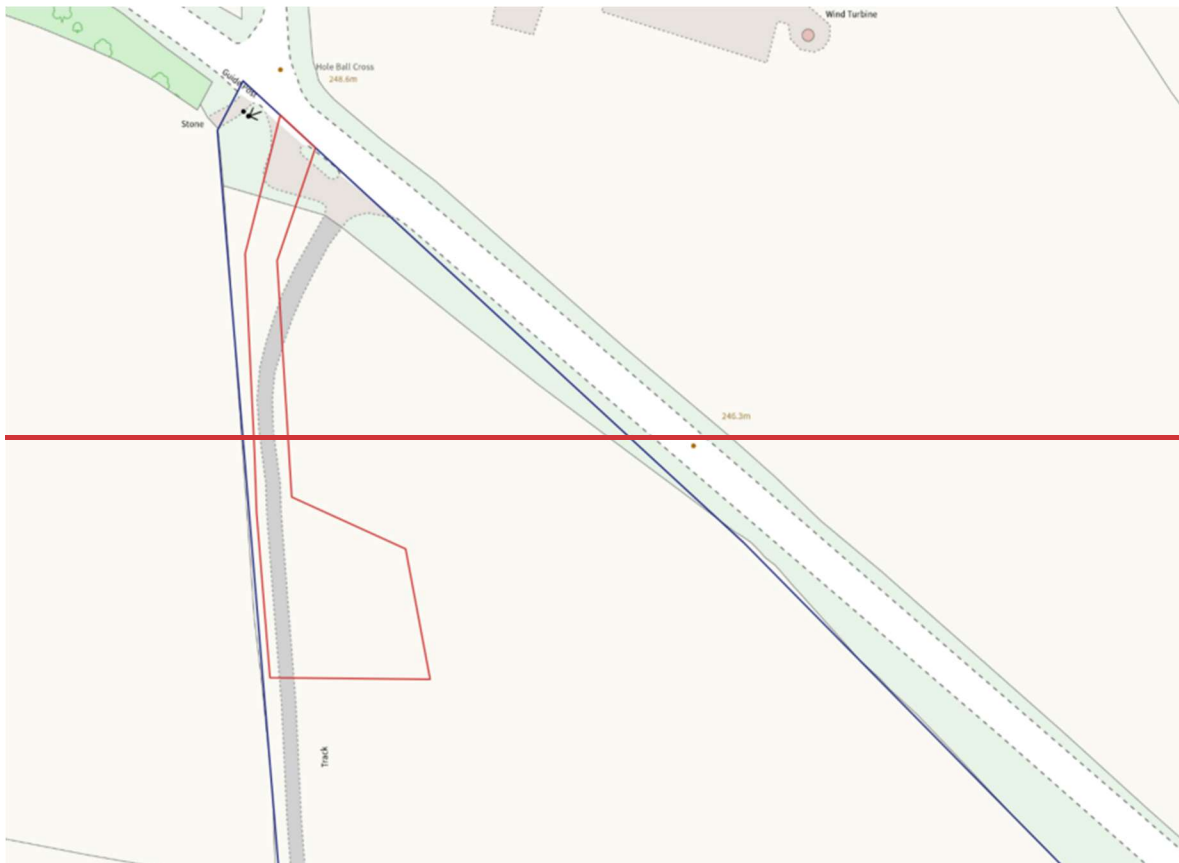
Mr Andrew Heywood - Robert H Hicks &  
Co  
West Hele  
Buckland Brewer  
Bideford  
EX39 5LZ

**Applicant:**

NB & SN Dufty  
Lower Voaden  
Okehampton  
EX20 4JF

**Site Address:** Land at SX 460 975, Metherell Cross, Patchacott





**Development:** Construction of a temporary agricultural workers supervisory dwelling (resubmission of 2874/22/OPA)

**Reason item is being put before Committee**

The ward councillor has requested that this application should be referred to committee on the following grounds:

- Residential development in unsustainable rural area.
- The parish council does not support the application.
- The neighbouring parish council does not support the application.
- Insufficient site survey showing land levels for comparison with the spot heights stated for the building. (This prevents assessment of the buildings visibility from the Highway)
- In some of the statements it explains lack of detail due to being an outline application, but the heading is for a FULL application therefore there is a general lack of detail to consider the application.
- The enterprise at present is supported from the main farm that is a short distance away and has been since the current animal housing was constructed. The current operation of the site must already meet the requirements of DEFRA that requires twice daily inspection of housed cattle. Therefore, if the extra calve unit is built it will only require some extra time of the current stockman.

**Recommendation:**

Conditional Approval

**Conditions/Reasons for refusal (list not in full)**

1. Time Limit
2. Accord with plans



3. Agricultural tie
4. Temporary 3 year period
5. PD limitation
6. No external lighting
7. Details of Elevations
8. Landscaping Scheme

**Key issues for consideration:**

Development in the countryside  
Landscape Impact  
Agricultural Need

**Financial Implications (Potential New Homes Bonus for major applications):**

As part of the Spending Review 2020, the Chancellor announced that there will be a further round of New Homes Bonus allocations under the current scheme for 2021/22. This year is the last year's allocation of New Homes Bonus (which was based on dwellings built out by October 2020). The Government has stated that they will soon be inviting views on how they can reform the New Homes Bonus scheme from 2022-23, to ensure it is focused where homes are needed most.

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**Site Description:**

The site is located on a parcel of land that is located to the north of the A30, south of Metherell Cross and to the west of A3079 which runs alongside the site at Hole Ball Cross. The site is not in the AONB.

**The Proposal:**

This application is part of a proposal in support of a farm expansion plan that was commenced with the erection of an agricultural building in 2020 on the immediately adjoining piece of land. An application for an additional agricultural building on the adjoining site is currently under consideration. The two buildings provide for the increase in the number of calves reared on the holding in this location and this application seeks permission for a temporary agricultural dwelling associated with the operation.

**Consultations:**

- County Highways Authority: It is proposed that access to the proposed dwelling comes from the general area of the existing access, which comes from the rear of a highway lay-by. There are no objections to the proposed development from a highway safety point of view, as the proposed use as an associated agricultural worker's supervisory dwelling would not result in an increase in traffic generation potential. Appropriate conditions are therefore recommended to be imposed on any planning permission granted.
- Environmental Health Section No EH concerns

- Town/Parish Council Bratton Clovelly: Object. There is no agricultural justification for a dwelling as this is not a milking herd and therefore no requirement for a 24hr presence. The future occupants of the dwelling currently reside at Patchacott and have full time jobs in non-agricultural occupations. The building at the site is not large enough to support additional cattle and therefore no requirement for an agricultural dwelling. It is another dwelling in the countryside reliant on the private car for travel needs.

Beaworthy Parish Council: Object. There is no agricultural justification as this is not a milking herd and therefore does not require 24hr presence. The owners live in Patchacott, a short distance away from the site. The existing shed is not suitable to accommodate the number of cattle outlined in the application and the site is not big enough to support the cattle. This is yet another house in an unsustainable area where there will be a reliance on the car.

## **Representations:**

### **Representations from Residents**

None received

### **Representations from Internal Consultees**

Agricultural Advisor: This is a resubmission of a similar application (2874/22/OPA) which was for a permanent agricultural dwelling. I visited the site at the time of this application and met the agent. In my consultation response dated 5th January 2023 I explained that I could not support that application because I felt none of the necessary policy criteria had been met. In my response I also intimated that the circumstances of the applicant’s business would lend them more to a temporary worker’s dwelling in the first instance. I assume as result of those comments we now have the present application before us.

I have not visited the site again and can give my response as a desk top exercise. I have a copy of the agent’s agricultural appraisal which sets out the applicants’ farming proposals. The land and buildings at Metherell Cross are part of a larger farming operation, but the principal activity at the site is calf/cattle rearing. It is stated the temporary dwelling is required for a worker to reside on site to develop the enterprise at the site over the next three years.

#### A. Functional Test

(i) Is there a functional need?

To assess functional need then it is normal practice to assess the proposed enterprises and business alongside a ‘functional test’. This involves providing evidence of the necessity to live at their place of work to ensure the effective operation of the enterprise in this case where farm animals require on site attention 24 hours a day and where otherwise there would be a risk to human or animal health or from crime, or to deal quickly with emergencies that could cause serious loss.

Having considered the proposals of the applicant with the existing and proposed activities on the holding, I am satisfied there is a need for a full time worker to be available at the site to properly manage the business over the next three years. I therefore consider there is a functional need.

(ii) Is this a newly erected agricultural unit or a new farming activity on an established one?  
I consider this is a new farming activity on an existing holding.

(iii) Can the functional need be fulfilled by other dwelling(s) on the unit or in a nearby settlement?

I have made investigations regarding whether there are any suitable or available dwellings which will satisfy the functional need, and I have not found any that are either available or suitable in the locality. The need is site specific.

(iv) Have any dwellings or redundant buildings suitable for conversion been sold in recent years?

Not that I am aware of.

#### B. Financial Test

(i) Has clear evidence been produced in the form of a business plan or financial plan to indicate a firm intention and ability to develop the enterprise concerned?

I have been discussed the business plan with the agent for the proposed enterprise and I am satisfied that clear evidence has been produced to indicate a firm intention and ability to develop the enterprises concerned.

(ii) Has the proposed enterprise been planned on a sound financial basis?

Yes.

(iii) Is the proposed siting related to the functional need of the enterprise and other buildings?

Yes.

I am satisfied all the necessary criteria in the relevant local and national planning policy are met for me to support this application. The only caveat I would add to this support is the need for the building under application 0593/23/FUL to be approved as that is integral to farming proposals. Without that building it would be very difficult to implement the applicants farming plans.

#### Relevant Planning History

3288/20/FUL: Proposed straw bedded livestock building.

0593/23/FUL: Proposed Calf Rearing Building

Approved

Under Consideration

#### ANALYSIS

##### Principle of Development/Sustainability:

1. The site is in an isolated location in the countryside located to the south of Metherall Cross and to the west of the A3079. The principle of development in this location is therefore contrary to the aims of policies SPT1 and SPT2 of the JLP. Policy TTV 1 which establishes the spatial distribution of growth in the district directs development to the main towns and key villages. This proposal would not comply with policies SPT1, SPT2 or TTV1 in relation to where development should be focussed and is distant from all the key settlements. It is set within the countryside and development in this location is the subject of policy TTV26.

2. The principle of an agricultural related building has been previously supported with permission granted for the erection of an agricultural building on the site in 2020. A further application for a calf rearing building to the side of the existing building has recently been granted under 0593/23/FUL. A further application to discharge the pre commencement condition relating to landscaping is currently under consideration (3413/23/ARC). Once discharged, the applicant informs me that the proposed building will be erected as the materials have already been ordered and that the building will take 1 month to complete.
3. The calf rearing building will generate the functional need for a temporary agricultural workers dwelling (see the agricultural advisor's comments). In policy terms a residential use has not been previously considered in this location. Policy TTV26 sets the Council's policy towards the provision of development including housing in isolated locations in the countryside. It states that isolated development in the countryside will be avoided and only permitted in exceptional circumstances. The policy goes on to identify exceptions of which TTV26.1i) is relevant to this case. One of the exceptional circumstances is to *"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."* Thus, provided that there is an essential need, an agricultural workers dwelling would accord with this exceptional circumstance. It also accords with TTV26.2iv) in responding to an agricultural need.

#### The Agricultural Need

4. The case as put forward by the applicant is as follows. *"The land at Metherell Cross and Patchacott extends to approximately 36 acres of owned land and a further 50 acres of annual grass-keep and cropping arrangements. However this is only a part of the wider farm business. Livestock across the wider business comprises approximately 750 breeding ewes and approximately 360 cattle.*
5. *The land and buildings at Metherell Cross and surrounding area allows for the finishing of approximately 100 cattle per annum. The cattle are bought in at a variety of ages and taken through to finish, then sold through Dunbia at Hatherleigh. It is the intention of the business to expand the operations at Metherell Cross, however, this is not possible without an additional agricultural building and a dwelling to provide security and a presence on the site, to enable the proper care required by the increase in number of animals. It is the intention of the farm to keep younger cattle on site if there was a supervisory presence. Historically it has been difficult to keep young calves on milk on site due to the increased level of care they require due to their young age."*
6. An application for an additional calf rearing building has been recently approved. This application is for a temporary dwelling to provide the level of care which is required. It is an application for a temporary dwelling in view of the nature of the enterprise, the business expansion has yet to be completed and the business case cannot yet be made for a permanent dwelling. It is the intention of the applicants to keep younger cattle on site.
7. An assessment of the case to support a dwelling has been made by the Council's agricultural advisor. He concludes that he is satisfied that all the necessary criteria in the relevant local and national planning policy are met for him to support this application for a temporary residential unit. The only caveat he would add to this support is the need for the building under application 0593/23/FUL to be approved as that is integral to farming

proposals. Without that building it would be very difficult to implement the applicants farming plans.

8. In the light of the approval of the calf rearing building, officers consider that a case has been made for a worker to be present on site and that a case for a temporary agricultural dwelling in this location has been made in accordance with the requirements of TTV26.1i) and TTV26.2iv). Construction of the agricultural building on the adjoining site supports a business expansion that accords with DEV15 of the JLP.
9. The advisor gave consideration to the availability of dwellings in the near vicinity. In this respect officers note there are a small number of dwellings on the market in Patchacott. However the functional need is for an on-site presence. Whilst the farm owners live nearby, they are not employed by the farm business to see to the day to day running of the farm and looking after the welfare of the cattle. Again the functional need is demonstrated.
10. However, it would be prudent to ensure that the occupation of the temporary dwelling is tied to the farm business and also to the completion and usage of the approved calf rearing building.

#### Design/Landscape:

11. The proposal is for a temporary single storey dwelling so the design of the unit is not a significant issue in that it will be given only a temporary permission. The siting of the dwelling is set to the south and west of the existing agricultural building on the site and will be masked by it (and the recently approved calf rearing building) in views from the road through the gated entrance. Views towards the site from the road will be screened by the existing hedge. The siting also needs to be considered from a landscape impact perspective, which is discussed below.
12. In terms of size the dwelling is about 121m<sup>2</sup> within the range normally considered acceptable by the LPA in determining applications for agricultural dwellings. The layout shows a 3 bed property of a modest size. Although 2 beds is normally considered reasonable for an agricultural dwelling the floor area does not show a separate farm office area which will be required by the stockman and could be provided in the third bedroom. Officers therefore consider that the accommodation is of an acceptable size.
13. The elevational appearance suggests a prefabricated, modular building, possibly sourced second hand. However, the elevations are sketchy. A condition is therefore required to provide full elevational details to be approved before commencement of development.
14. In terms of landscape impact, officers have fully assessed this issue as part of 0593/23/FUL and the relevant considerations are repeated here. The earlier building now erected on the site was considered to be sensitively sited and close to the boundary. As a result it was considered that the development was compatible with the character and appearance of the area. However the building has not been erected in the approved position. The resiting of the building has, in the opinion of officers, not resulted in any greater landscape harm with it tucked behind a substantial hedge screen fronting the road. Application 0593/23/FUL has regularised the position of the existing building.
15. This temporary building, which is located to the west of the others, is set away from the road, screened from views from the west by an existing hedge. In the light of this officers consider that there is no adverse impact on the character of the overall landscape.

16. A landscape objection was raised on the submission as originally made. This showed no landscaping at all to mitigate potential views across the landscape from the south. The site is relatively well screened from the road and from the west. However DEV23 requires development not just to conserve but to enhance the landscape. Revised proposals now show a Devon Hedgebank to be constructed to the south of the temporary dwelling, the proposed calf rearing building and the existing building planted with native species which satisfactorily mitigates any modest harm arising from the development.
17. On a consideration of policy relating to landscape impact, DEV23 requires development to meet a number of criteria:
- 1) *Be located and designed to respect scenic quality and maintain an area's distinctive sense of place and reinforce local distinctiveness. In many respects this has been addressed by the approval for the building already erected on the site.* The site is tucked behind a well-established hedgerow in a relatively flat landscape. Hedges to the west also serve to enclose the building. As such it is relatively typical of development in the area, comprising isolated farmsteads in a rural landscape.
  - 2) *Conserve and enhance the characteristics and views of the area along with valued attributes and existing site features such as trees, hedgerows and watercourses that contribute to the character and quality of the area.* The development does not remove any vegetation and places the proposed building next to an existing structure.
  - 3) *Be of high quality architectural and landscape design.* It is a modular, low eaves functional building, which in terms of siting and massing is acceptable. However the appearance is not fully illustrated hence the need for a condition requiring elevational and materials details
  - 4) *Be located and designed to prevent erosion of relative tranquility and intrinsically dark landscapes* See 3 above
  - 5) *Restore positive landscape characteristics and features.* There are no landscape features to restore in this location. However the added landscaping now proposed will provide a containment to the site and become a feature typical in this landscape
  - 6) *Where necessary, be supported by Landscape and Visual Impact Assessments.* This is not a protected landscape and is a minor application. An LVIA is not required
  - 7) *Avoid, mitigate, and where appropriate compensate for the impact of the development.* The landscaping now proposed does this.
18. On the basis of the assessment above I consider the application meets the requirements of the policy and preserves and protects the landscape character in the area.
19. It will be seen from the landscape officer's comments that there is a lack of clarity in the scheme proposed. I consider that what is shown on the landscape plan is a landscape strategy which is sufficient to determine the application but that a detailed landscaping scheme is required which should include the information requested and that such a landscaping scheme is required as a pre commencement condition.
20. Part of the information required is confirmation of levels across the site and of the proposed hedgebank. The applicant has indicated that the site is level and that the ~~the~~ base of the proposed temporary dwelling will be set at the same level as the base of the post at the site entrance. This will be verified by the additional levels information requested as part of the condition.

Neighbour Amenity:

21. None nearby

Highways/Access:

22. The County Highway Authority are satisfied that the access for the dwelling is satisfactory and that the proposal is acceptable subject to a condition requiring the access for the entrance and parking is provided prior to first occupation.

23. The PC are concerned over the reliance of the private car and the increase in traffic movements. Whilst it is true to say that car journeys will be required for use of services and access to shopping facilities there will be no traffic generated by the trip to work given the on-site need. It is acknowledged that other needs, for shopping and access to services will require the use of the car. However the need for the dwelling to be sited in this location is given more weight in the planning balance in this case

Climate Change

24. The primary response to the need to reduce the energy requirements of the dwelling is through insulation of the fabric. However the application does involve the installation of solar panels on the roof as a renewable energy source. In the opinion of officers it is considered sufficient to meet the terms of DEV32 especially in view of the temporary nature of the dwelling. Landscaping works included in the application mitigate the adverse effects of the development

Other Matters:

25. None

Conclusion

26. The proposed temporary dwelling is located in an unsustainable location in the countryside where development is not normally permitted under the adopted sustainability and spatial policies of the plan.

27. However, policy TTV26 does identify exceptions to this policy of restraint with this proposal meeting one of those identified circumstances, namely to meet an essential need for a rural worker to live permanently at or near their place of work. Previous planning permissions for agricultural buildings on adjoining land have established an agricultural need which is supported by the Council's agricultural advisor. Landscaping works included in the application mitigate the adverse effects of the development.

28. Officers therefore consider that the proposal is acceptable on the matter of principle. Permission is therefore recommended but as the business is an emerging one controls as to the timing of the occupation of the dwelling are linked to the bringing into use of the adjacent calf rearing building and permission is recommended for a temporary period only.

***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 14<sup>th</sup> 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  
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  
DEV23 Landscape character  
DEV26 Protecting and enhancing biodiversity and geological conservation  
DEV28 Trees, woodlands and hedgerows  
DEV32 Delivering low carbon development

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:

**The Plymouth & South West Devon Joint Local Plan SPD**



## **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.

### **Draft 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 drawing number(s):-

Site Location Plan received by the Local Planning Authority on 31st March 2023

Floor Plan received by the Local Planning Authority on 24th March 2023

Roof Plan received by the Local Planning Authority on 24th March 2023

Elevations received by the Local Planning Authority on 24th March 2023

Reason: To ensure that the proposed development is carried out in accordance with the drawings forming part of the application to which this approval relates and to accord with DEV20 of the Plymouth and South West Devon Joint Local Plan

3. The occupation of the dwelling shall be limited to a person solely or mainly employed or last employed in the locality in agriculture as defined in Section 336 of the Town and Country Planning Act 1990, or in forestry, or a widow or widower of such a person (including any dependents of any such person, residing with them).

Reason: The development proposed is in an area where there is a presumption against new development except where an agricultural need has been established in accordance with TTV26 of the Plymouth and South West Devon Joint Local Plan

4. The dwelling shall not be occupied until the completion of the adjoining calf rearing building and it has been brought into use.

Reason: Permission for a dwelling is exceptionally given to respond to a specific agricultural need in a location where ordinarily permission would not be forthcoming in accordance TTV26 of the Plymouth and South West Devon Joint Local Plan

5. Permission is granted for a temporary period of 3 years. Thereafter the building shall be removed from the site and the land reinstated to its original condition unless agreed otherwise in writing by the Local Planning Authority.

Reason: The building is only permitted on the basis that the business needs to prove that there is sufficient agricultural justification to allow for a more permanent dwelling on the site. In addition it is not of a sufficient quality of design to be permanently stationed on the site and does not accord with the requirements of DEV20 of the Plymouth and South West Devon Joint Local Plan

6. Notwithstanding the provisions of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any Order revoking, re enacting or further amending that Order), no development of the types described in Schedule 2, Part 1, Classes A-H of the Order, including the erection of extensions, porches, garages or car ports, the stationing of huts, fences or other structures shall be carried out on the site, other than that hereby permitted, unless the permission in writing of the Local Planning Authority is obtained.

Reason: To protect the appearance of the area to ensure adequate space about the buildings hereby approved and in the interests of amenity and to accord with the requirements of DEV20 of the Plymouth and South West Devon Joint Local Plan

7. Notwithstanding the details provided, there shall be no external lighting unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the countryside from intrusive development in accordance with the requirements of DEV2 of the Plymouth and South West Devon Joint Local Plan

8. Elevational details including palette and colour of materials to be used shall be submitted to and approved by the Local Planning Authority prior to installation of the building on site.

Reason: In order to secure a satisfactory appearance to the proposed building in accordance with DEV20 of the Plymouth and South West Devon Joint Local Plan

9. Prior to the implementation of the Landscaping works full details of both hard and soft works shall have first been submitted to, and approved in writing by the Local Planning Authority. The Landscape Plan shall include details of:

(i) Existing features for retention and means of protection during the development;

(ii) Existing and proposed levels

iii) Features to be removed with clear justification for the proposed removal;

iv) The location, species, density and size of proposed tree, shrub and hedge planting; trees, shrubs and hedges,

v) Materials, heights, levels and details of hard landscaping;

vi) Materials, heights and details of fencing and other boundary treatments;

All elements of the landscaping plan shall be implemented and maintained in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. All work shall be completed before the end of the current first available planting season following practical completion of the development hereby permitted; unless otherwise agreed in writing by the Local Planning Authority. Any trees or plants that, within five years after planting, are removed, die or become seriously damaged or defective shall be replaced with other species, size and number as originally approved, unless consent is given to any variation. The landscaping plan shall be strictly adhered to during the course of the development.

Reason: In the interests of public amenity and local landscape character in accordance with DEV23 of the Plymouth and South West Devon Joint Local Plan.

10 The solar panels shown on the submitted drawings shall be installed prior to the first occupation of the dwelling and remain in place for the duration of the temporary permission

Reason: In order to reduce energy requirements from non-renewable sources and to accord with DEV32 of the Plymouth and South West Devon Joint Local Plan

## INFORMATIVES

1. This authority has a pro-active approach to the delivery of development. Early pre-application engagement is always encouraged. In accordance with Article 35(2) of the Town and Country Planning Development Management Procedure (England) Order 2015 (as amended) in determining this application, the Local Planning Authority has endeavoured to work proactively and positively with the applicant, in line with National Planning Policy Framework, to ensure that all relevant planning considerations have been appropriately addressed.

2. The responsibility for ensuring compliance with the terms of the approval rests with the person(s) responsible for carrying out the development. The Local Planning Authority uses various means to monitor implementation to ensure that the scheme is built or carried out in strict accordance with the terms of the permission. Failure to adhere to the approved details can render the development unauthorised and vulnerable to enforcement action.

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## PLANNING APPLICATION COMMITTEE REPORT

**Case Officer:** Hayley Easter

**Parish:** Lewtrenchard **Ward:** Bridestowe

**Application No:** 2110/23/FUL

**Agent/Applicant:**

Mr Jonathan Wale - Roundacre Design  
Services  
Westacott  
Inwardleigh  
Okehampton  
EX203AP

**Applicant:**

Mr K Mott  
Wooda Farm  
Devon  
EX20 4PL

**Site Address:** Wooda Farm, Lewdown, EX20 4PL



**Development:** Proposed roof over replacement slurry store (resubmission of 1621/23/FUL)

**Recommendation:** Conditional Approval

**Conditions:**

1. Time
2. Plans
3. Planting
4. Drainage

**Key issues for consideration:**

Principle of development, design/landscape, neighbouring amenity, highways, drainage and low carbon development.

**Reason for call-in:** Cllr Mott is the applicant.

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**Site Description:**

The site is a long-established agricultural unit (120 years+) of 56 hectares known as 'Wooda Farm' and sited close to Lewdown. Access to the farm is from the north east via a private access track. Due to the rising and falling topography of the surrounding land, the buildings are not seen from the public highway.

The existing farm yard comprises existing agricultural buildings, stone buildings and the farmhouse. The existing slurry pit is sited to the south west of the existing buildings.

There is an existing Public Right of Way (PRoW) that runs into the south west corner of the site which is known as 'Lewtrenchard Footpath 13'.

There are no other site designations or constraints.

**The Proposal:**

The existing slurry is an existing earth bank store which is no longer fit for purpose and the earth/clay banks are deteriorating. The proposal is for a replacement slurry store with roof over which measures 464sqm.

The proposed slurry store will be 305mm thick mass poured concrete walls with 150mm thick floor and 500mm freeboard. The perimeter will be protected with stock fencing consisting of timber posts C8/80/15 netting and 2 strands of wire with galvanised steel gate with padlock and chain and a strand of barbed wire to the top run for security purposes. The roof consists of Profile 6 fibre cement roof sheeting with crown cranked ventilated ridge and roll top barge boards over a steel frame with tanalised timber gable peaks and no other side cladding.

The slurry store will be accessed via the existing access.

This proposal is one of several developments taking place in response to the Government's Clean Air Strategy 2019 document which requires all digestive stores in England to be covered by 2027.

**Consultations:**

- **Devon County Highways Authority:** No highway implication.
- **Parish Council:** Support.
- **Environmental Health:** We do not anticipate any environmental health concerns.
- **Natural England:** No objection - Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

**Representations:** None received.

## Relevant Planning History

- 1621/23/FUL - Replacement slurry store. Withdrawn 14/06/2023.

## ANALYSIS

### 1.0 Principle of Development/Sustainability:

- 1.1 Policy SPT1 of The Plymouth and South Devon Joint Local Plan 2014-2034 (JLP) sets out that LPA's will support growth and change which delivers a more sustainable future within the plan area. Sustainability underpins all the guiding principles by promoting a sustainable economy, sustainable society and sustainable environment.
- 1.2 Policy SPT2 of the JLP applies principles of sustainable linked neighbourhoods and sustainable rural communities as a guide of how growth and development take place across the plan area. Development can support the overall spatial strategy by creating neighbourhoods and communities which, amongst other criteria, are well served by public transport, walking and cycling opportunities, and should have an appropriate level of services to meet local needs.
- 1.3 Within Policy TTV1, LPAs throughout the plan area distribute growth and development in accordance with a hierarchy of settlements. This includes, Main Towns, Smaller Towns and Key Villages, Sustainable Villages and Smaller Villages, Hamlets and the Countryside.
- 1.4 After reviewing the site location, the site is located 2.2miles from the nearest named sustainable village of 'Lewdown'. The site is also in the ward of 'Bridestowe' which is also a named sustainable village and sited 5miles from the application site. However, development outside built up areas will be considered in the context of Policy TTV26 (development in the countryside)" and Paragraph 5.5 of the JLP states: "the plan does not define settlement boundaries.
- 1.5 Officers have reviewed the location and consider it to beyond the built form of the settlements for the purposes of TTV1 and would therefore fall into the last category of smaller villages, hamlets and the countryside for this assessment.
- 1.6 Policy TTV26 is relevant as it provides criteria for assessing development in the countryside. The Policy requires the LPA to protect the special characteristics and role of the countryside, as well as avoiding isolated development in the countryside unless exceptional circumstances permit otherwise. In respect of this, the LPA is applying the Bramshill Ruling City & Country Bramshill Ltd v Secretary of State for Housing, Communities and Local Government & Ors (2021) EWCA Civ 320 when considering whether a proposal site should be described as 'isolated' in planning terms.
- 1.7 Applying Policy TTV26 to the proposals, the judgment is that whilst there are existing dwellings and buildings in the vicinity, the site is considered to be physically remote and detached from a settlement and is therefore considered to be isolated.
- 1.8 Part 1 of TTV26 applies to isolated development in the countryside which aims to avoid development and only permit it in exceptional circumstances. *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.”*

1.9 Part 2 of TTV26 applies to all development in the countryside and states that the LPAs will protect the special characteristics and role of the countryside. The following provisions will apply to the consideration of development proposals:

*“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.”*

1.10 Dependent on the proposal submitted, not every part of this policy (TTV26 1 & 2) would be engaged or relevant. However, in this case, the proposal does in the view of Officers respond to a proven agricultural need that requires the countryside location.

1.11 Policy DEV15 sets out the policy approach to supporting the rural economy. Part 6 states that ‘development will be supported which meets the essential needs of agriculture or forestry interests’.

1.12 As such, the proposed replacement slurry building with roof over is considered to respond to a proven agricultural need in this specific location as it will be used by the existing farming enterprise and will allow for improved farming practices. Therefore, the principle of development is supported and in accordance with Policies SPT1, SPT2, TTV1, TTV26 and DEV15 (6).

## 2.0 Design/Landscape:

2.1 Policy DEV20 requires developments to achieve high standards of design that contribute to townscape and landscape by protecting and improving the quality of the built environment. This is achieved by adhering to criteria including the use of materials and design solutions that are resilient to their local context and will endure over time, having proper regard to the pattern of local development whilst also respecting the wider development context and surroundings in terms of style, local distinctiveness, siting, layout orientation, visual impact, views, scale, massing, height, density, materials, detailing, historic value, landscaping and character, and the demands for movement to and from nearby locations. A good quality sense of place and character is arrived under DEV20 through good utilisation of existing assets such as quality buildings, heritage assets, trees and landscaping features and attention to the design details of the scheme.

2.2 Policy DEV23 seeks to conserve and enhance the landscape and scenic and visual quality of development, avoiding significant and adverse landscape or visual impacts. Proposals should be located and designed to respect scenic quality and maintain an area’s distinctive sense of place and reinforce local distinctiveness. DEV23 also requires a high architectural and landscape design quality appropriate to its landscape context.



2.3 The proposed roof over the slurry store will be sited to the northwest of a group of existing buildings which are currently used as part of the wider agricultural farm holding. The design of the building is typical in agricultural design and uses materials which are similar to those existing on site. The proposal has been discussed with the LPA's Landscape Officer who has discussed the proposals with the applicant. The received revised plan includes appropriate landscape planting and the proposed species are appropriate within the landscape and its setting.

2.4 The proposed pitch Gable ended design reinforces the vernacular of modern agricultural buildings within wider agricultural countryside locations. The proposed height, scale and mass of the building has been designed to fit sit comfortably in amongst the existing agricultural buildings. Additionally, due to the location of the building, limited public views and existing trees/hedges within the area, the proposal is not considered to cause landscape harm or loss of visual amenity.

2.5 Accordingly, the proposal is considered to align with Policies DEV20 and DEV23 subject to an appropriate worded landscape planting condition.

### 3.0 Neighbour Amenity:

3.1 Policy DEV1 protects health and amenity by ensuring that development does not cause any adverse impact on residents. Issues such as overshadowing, privacy and noise from development, amongst others, are considered. Policy DEV2 states that development should avoid any harmful impacts on items such as soil, air, water or noise pollution.

3.2 As the proposal relates to a slurry store, the associated odour could result in neighbour amenity harm. However, the replacement slurry store provides a roof which is likely to help decrease any adverse odours associated with the slurry use and is required of the wider clean air strategy. After considering the location of neighbouring properties and the proposal, Officers consider the proposal acceptable and will not result in an unacceptable loss of amenity for existing residents. Furthermore, the LPA's Environmental Health Officer does not anticipate any environmental health concerns.

3.3 The development therefore complies with Policies DEV1 and DEV2 of the JLP.

### 4.0 Drainage:

4.1 Policy DEV35 (Managing Flood Risk and Water Quality Impacts) of the JLP requires sustainable water management measures to be incorporated within proposals. It further states that development will not be permitted without confirmation that sewage / wastewater treatment facilities can accommodate or will be improved to accommodate the new development.

4.2 The site is not within an area prone to flooding. The agent confirms that surface water will dispose via an existing soakaway. In terms of foul drainage, the proposal is to store the foul sewage within the slurry store. The drainage provisions have been considered by the LPA's Drainage Officer who supports the proposed drainage arrangements. Furthermore, DCC's Environmental Health Team have no concerns regarding the proposals. As such, Officers consider the proposal is not considered to raise any issues with respect to flood risk or drainage and the development would be in accordance with Policy DEV35 of the JLP.

4.3 An appropriate drainage condition forms part of the Officer recommendation.

### 5.0 Highways:

5.1 Policy DEV29 and DEV15 of the JLP require consideration of the impact of developments on the wider transport network and require safe traffic movements and vehicular access to and from the site.

5.2 The proposed roof over the slurry will be accessed via the existing access arrangements; no changes are proposed. DCC Highways Officers have confirmed there are no highway implications and

Officers raise no concerns. The proposal is in accordance with Policies DEV15 (8) (i) and DEV29 of the JLP.

#### 6.0 Low Carbon Development:

6.1 Policy DEV32 of the JLP sets out the carbon reduction plans of the Plan Area, and requires all development to make a demonstrable contribution to this aim. In addition, the Council has declared a climate and biodiversity emergency, which accords with the national climate emergency declaration and binding net zero target for the UK (as per the amended 2008 Climate Change Act).

6.2 The proposed development will include using an existing concrete pad and lower carbon concrete will be used where possible. Officers acknowledge reinforced steel walls will be used but due to the agricultural nature of the proposal, Officers accept the use of this material in this setting. Overall, with the proposed planting additions and re-use of an existing concrete pad, Officers consider the proposal acceptable in accordance with Policy DEV32.

#### 7.0 The Planning Balance:

7.1 Overall, Officers consider the replacement slurry store will be appropriately sited, provide adequate planting which will enhance and conserve the landscape and provide adequate drainage. Therefore, the proposal is in accordance with JLP policies discussed throughout this report and Officers recommend 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 26 March 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 14 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 19 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 21 March 2019 and West Devon Borough Council on 26 March 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  
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  
TTV28 Horse related developments in the countryside  
DEV1 Protecting health and amenity  
DEV2 Air, water, soil, noise, land and light  
DEV3 Sport and recreation  
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  
DEV31 Waste management  
DEV32 Delivering low carbon development  
DEV35 Managing flood risk and Water Quality Impacts

**Neighbourhood Plan – There is no Neighbourhood Plan designation for this area**

#### **Other Material Planning Considerations –**

- National Planning Policy Framework (NPPF)
- Guidance in Planning Practice Guidance (PPG)
- Plymouth and South West Devon Joint Local Plan Supplementary Planning Document (SPD)
- 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.

#### **Recommended 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 drawing numbers:  
2023.009.01 Rev A Proposed Replacement Slurry Store  
2023.009.02 Rev A Block Plan  
Reason: To ensure that the proposed development is carried out in accordance with the drawings forming part of the application to which this approval relates.*
3. *The planting scheme hereby approved as shown on 'approved plan 2023.009.02 Rev:A Block Plan' shall be fully implemented in the first available planting season following the completion of*

*the development and the plants shall be protected, maintained and replaced as necessary for a minimum period of five years following the date of the completion of the planting. Reason: In the interest of visual amenity in order to protect and enhance the amenities of the site and locality in accordance with Policy DEV23 of the Plymouth and South West Devon Joint Local Plan 2014-2034.*

4. *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 adequate drainage provisions are provided and in accordance with Policy DEV35 of the Plymouth and South West Devon Joint Local Plan 2014-2034.*

**PLANNING AND LICENSING COMMITTEE 21-Nov-23**

**Appeals Update from 10-Oct-23 to 30-Oct-23**

**Ward Okehampton South**

APPLICATION NUMBER: **1637/21/TPO** APP/TPO/Q1153/8741  
APPELLANT NAME: Mr P Ferns  
PROPOSAL: T1: Irish Yew - Crown height reduction by 0.5m, to maintain shape and size and reduce shading to other trees, including a request for bi-annual maintenance  
LOCATION: Castle Villa Castle Road Okehampton EX20 1HT **Officer delegated**  
APPEAL STATUS: Appeal decided  
APPEAL START DATE: 12-January-2023  
APPEAL DECISION: Upheld (Conditional approval)  
APPEAL DECISION DATE: 10-October-2023

**Ward Okehampton West**

APPLICATION NUMBER: **1183/23/HHO** APP/Q1153/D/23/3330066  
APPELLANT NAME: Miss Amy Heard  
PROPOSAL: Householder application for two storey side extension  
LOCATION: 2 Fowley Barns Tavistock Road Okehampton Devon EX20 **Officer member delegated**  
4LR  
APPEAL STATUS: Appeal Lodged  
APPEAL START DATE: 10-October-2023  
APPEAL DECISION:  
APPEAL DECISION DATE:

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**Undetermined Major applications as at 30-Oct-23**

		<b>Valid Date</b>	<b>Target Date</b>	<b>EoT Date</b>
<b>2915/19/FUL</b>	Steven Stroud	18-Dec-19	18-Mar-20	<b>31-May-23</b>

**Address:** Wool Grading Centre, Fore Street, North Tawton,

**Description:** READVERTISEMENT (Revised plans received) Conversion of existing Grade II listed mill buildings (Building A) into 11 open market townhouses and redevelopment for B1 office use. Conversion/re-erection of Building B into 3 open market dwellings

**Comments:** Need for re-plan due to EA objection. Sketch revised layout with Heritage for comment. Going through viability review

		<b>Valid Date</b>	<b>Target Date</b>	<b>EoT Date</b>
<b>4113/21/OPA</b>	Steven Stroud	16-Nov-21	15-Feb-22	<b>20-May-22</b>

**Address:** Rondor And Gunns Yard, North Street, Okehampton,

**Description:** Outline application with some matters reserved for the development of 19 No. dwellings with new private access road, parking and external works

**Comments:** Written as approval. Dele authority given. Awaiting completion of s106

		<b>Valid Date</b>	<b>Target Date</b>	<b>EoT Date</b>
<b>0107/22/OPA</b>	Steven Stroud	13-Jan-22	14-Apr-22	<b>1-Jun-22</b>

**Address:** Land north of, Green Hill, Lamerton,

**Description:** READVERTISEMENT (additional information and amended description) Outline application for proposed development of 19 dwellings with access and external works with all matters reserved other than the access

**Comments:** Further recon carried out following receipt of further detail and completion of viability review. Comments received under consideration

		<b>Valid Date</b>	<b>Target Date</b>	<b>EoT Date</b>
<b>4004/21/FUL</b>	Steven Stroud	26-Apr-22	26-Jul-22	<b>11-Nov-22</b>

**Address:** Former Hazeldon Preparatory School, Parkwood Road, Tavistock, PL19 0JS

**Description:** READVERTISEMENT (revised plans and documents) Refurbishment of Hazeldon House to form a single dwelling (including demolition of non listed structures), demolition of all other structures (including former classroom blocks) on site, the erection of 10 open market dwellings, reinstatement of original site access, restoration of parkland, associated infrastructure (including drainage and retaining structures), landscaping, open space, play space, removal of some trees, parking and boundary treatments

**Comments:** Revised plans received, out for consultation. Site visit undertaken. Currently under review

		<b>Valid Date</b>	<b>Target Date</b>	<b>EoT Date</b>
<b>2441/21/FUL</b>	Steven Stroud	13-Sep-22	13-Dec-22	<b>31-May-23</b>

**Address:** The Old Woollen Mill, Fore Street, North Tawton,

**Description:** READVERTISEMENT (revised plans) Hybrid application for full planning for 24 dwellings, office unit (class E), and cafe and business unit (class E) and 13 dwellings as outline permission (Self Build Plots).

**Comments:** Need for re-plan due to EA objection. Sketch revised layout with Heritage for comment. Going through viability review

		<b>Valid Date</b>	<b>Target Date</b>	<b>EoT Date</b>
<b>4440/22/OPA</b>	Peter Whitehead	23-Jan-23	24-Apr-23	

**Address:** Land Adjacent To Baldwin Drive, Radford Way, Okehampton,

**Description:** Outline planning permission with some matters reserved (access) for a mix of around 60 1 to 4 bedroom residential dwellings and associated infrastructure

**Comments:** Appeal lodged against non-determination.

		<b>Valid Date</b>	<b>Target Date</b>	<b>EoT Date</b>
<b>3198/22/ARM</b>	Clare Stewart	27-Jan-23	28-Apr-23	

**Address:** Land Adjacent To Lifton Strawberry Field, Lifton,

**Description:** Application for approval of reserved matters following outline approval 1408/20/OPA for access and adoptable road Layout

**Comments:** Under consideration. Further details submitted by agent September 2023, rolling EoT.

		<b>Valid Date</b>	<b>Target Date</b>	<b>EoT Date</b>
<b>1116/23/VAR</b>	Hayley Easter	15-Jun-23	14-Sep-23	<b>29-Sep-23</b>

**Address:** Land south of North Tawton Primary Substation, North Tawton, EX20 2DA

**Description:** READVERTISEMENT (updated Applicant's details, revised plans and documents) Application for variation of conditions 2 (approved drawings), 3 (programme of archaeological work), 4 (CEMP), 5 (LEMP), 6(site decommissioning and remediation strategy) and 7 (details of all external materials) of planning consent 2094/21/FUL

**Comment:** In consultation period

		<b>Valid Date</b>	<b>Target Date</b>	<b>EoT Date</b>
<b>2384/23/FUL</b>	Clare Stewart	16-Aug-23	15-Nov-23	

**Address:** Land At Sx 455 868, Cross Roads, Lewdown,

**Description:** Construction of 20 dwellings and associated estate road, gardens and open space

**Comment:** Under consideration

		<b>Valid Date</b>	<b>Target Date</b>	<b>EoT Date</b>
<b>2435/23/FUL</b>	Lucy Hall	16-Aug-23	15-Nov-23	

**Address:** Land At Sx 453 669, Bere Alston,

**Description:** 31no new dwellings, associated access road, pedestrian link, landscaping, public open space and drainage

**Comment:** In consultation period

		<b>Valid Date</b>	<b>Target Date</b>	<b>EoT Date</b>
<b>2861/23/FUL</b>	Clare Stewart	21-Aug-23	20-Nov-23	

**Address:** Development Site At Sx511893, Town Meadow, Bridestowe,

**Description:** Application for 28 dwellings including access, appearance, landscaping, layout and scale and associated Infrastructure

**Comment:** Under consideration

		<b>Valid Date</b>	<b>Target Date</b>	<b>EoT Date</b>
<b>2074/23/FUL</b>	Clare Stewart	31-Aug-23	30-Nov-23	

**Address:** Land At Sx 608 563 Known As Plot A, Higher Stockley Mead, Okehampton,

**Description:** Construction of building for warehouse use (Class B8) together with parking area

**Comment:** Under consideration.