

## PLANNING APPLICATION REPORT

**Case Officer:** Matt Jones

**Parish:** South Tawton **Ward:** South Tawton

**Application No:** 1551/17/FUL

**Agent/Applicant:**

Mr Jonathan Wale  
Westacott Farm  
Inwardleigh  
Okehampton  
EX20 3AP

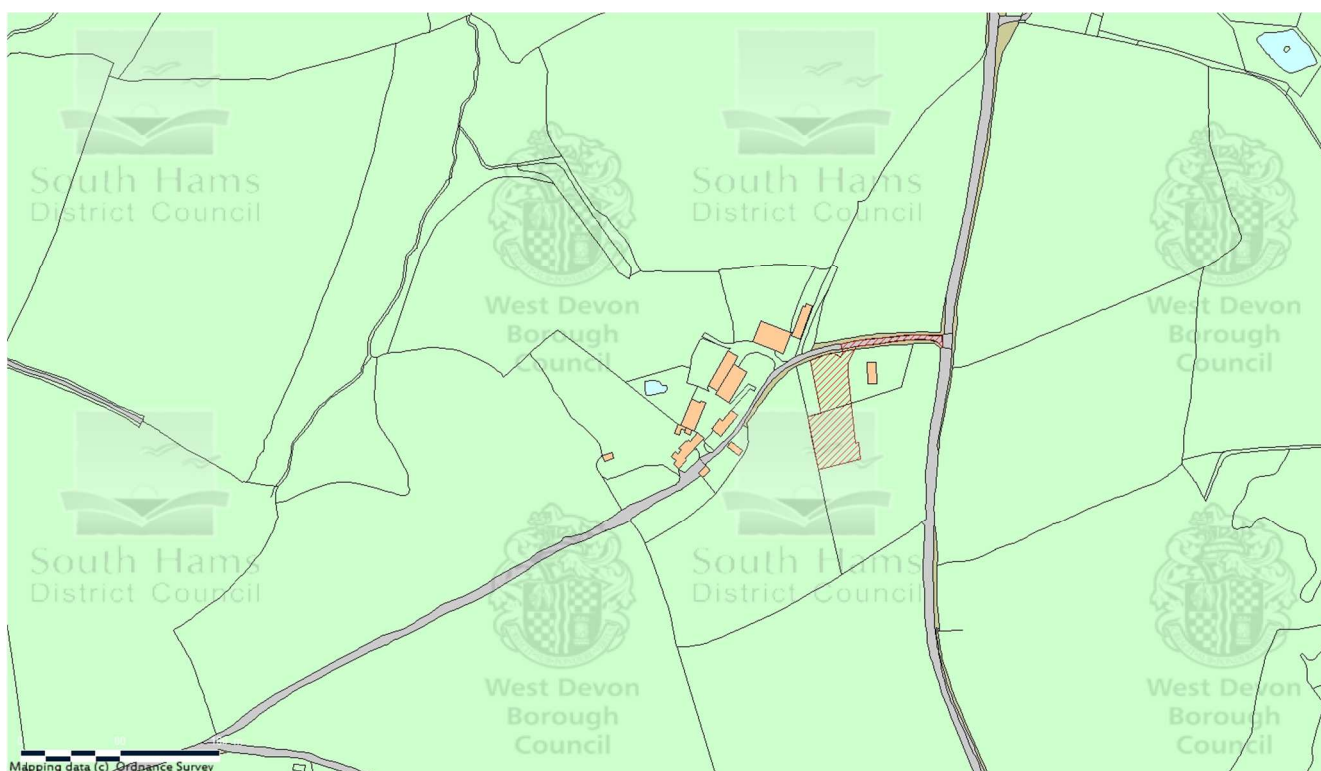
**Applicant:**

Mr Doug Wynne  
Glenrue  
Crediton  
EX17 6EN

**Site Address:** Coursebeer House, Whiddon Down, EX20 2QZ

**Development:** Proposed development of change of use of land to agriculture / agricultural contracting (B8) and the erection of two buildings

**Reason taken to Planning Committee:** Cllr Cann has requested that the application be determined by Planning Committee as he does not agree that the development requires a rural location and believes that such a development could be located elsewhere



**Recommendation:** Conditional Approval

### **Conditions**

Time

Accord with Plans

Landscape plan prior to commencement

Materials samples prior to installation

Use restricted to agriculture / agricultural contracting and no other use

Details of external lighting prior to installation

Hours of operation condition

### **Key issues for consideration:**

The main issues are the principle of the development within this location, visual impact, ecology, drainage, access and highways safety, any impact upon nearby listed building and the amenity of neighbouring properties

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### **Site Description:**

The application site is a redundant agricultural yard and associated structures located within rural South Tawton Parish. There is an existing agricultural building within the yard and, at the time of site visit, a caravan was located at the northern area of the yard. .

The site is served by an existing vehicular access onto Coursebeer Lane, which itself joins the A3124 to the east. The A3124 provides access to the A30 trunk road which is approximately 0.4km to the south.

To the west is the main grouping of farm buildings at Coursebeer. At the west end of the cluster is the individually grade II listed building Coursebeer Farmhouse, which is separated from the site by 100m, hedgerows and a group of large agricultural buildings. Adjacent to the listed building is the nearest third party dwelling which is approximately 80m away to the west of the application site. Coursebeer House is a detached dwelling immediately to the east of the application site which is within the ownership of the applicant. The nearby, busy A30 trunk road provides a constant noise impact to the application site and the existing dwellings at Coursebeer Farm. The application site is within designated countryside.

### **The Proposal:**

Planning permission is sought for the change of use of the land to a mixed use agriculture / agricultural contracting enterprise and the associated erection of two buildings.

The two buildings will be situated within the existing yard and formed in an 'L' shape at its south west corner. They are identified within the submission as an Ag-bag store / livestock building measuring 518 sq/m, an agricultural machinery store, a machinery workshop/spares store measuring 244 sq/m, being a total of 762 sq/m. The buildings are of a typical modern agricultural design, with sheet roofs and timber cladding.

The submission is accompanied by a detailed planning statement which outlines the farming element of the proposal, in addition to the contracting. The livestock is intended to be housed within the buildings over the winter, but kept on neighbouring farmland through the summer

months. The applicant has also submitted letters from nearby farmers indicating agreement to rent farmland subject to the outcome of this planning application.

The application is also accompanied by a noise assessment in relation to the nearby dwellings at Coursebeer.

### **Consultations:**

- County Highways Authority

No objection

- Environmental Health

No objection subject to timing restriction

- South Tawton Parish Council

Objection on the following given grounds:

- 1. There has been no agricultural appraisal*
- 2. The acreage of the site does not justify the size of the building.*
- 3. These buildings would set a precedence of very large buildings on small sites*
- 4. The appearance of the building is industrial*
- 5. The building would be on the skyline and would have a negative visual impact*
- 6. This does not appear to be an agricultural building.*

*Council acknowledges that the plans have been amended but Council felt that there the visual changes to the building were limited (only the addition of cladding) and that the letters from local farmers agreeing to land rental had no time frame quoted or contract included. Council also felt strongly that the buildings remain too large for the acreage.'*

### **Representations:**

None received at the time of writing this report

### **Relevant Planning History**

None identified

### **Analysis**

#### Principle of Development/Sustainability:

Officers are aware that agricultural contracting is not technically agriculture in planning terms, but instead falls within Class B8. In the first instance, planning policy requires development to require a countryside location, and generally directs B Class uses within the confines of Settlement Boundaries, for instance, within existing defined industrial estates.

However, although technically within the wider B Class use, the agricultural contracting as proposed here is undoubtedly a rural enterprise, with equipment and staff contracted directly

to existing farms. As it is an *agriculture related activity* being proposed, officers conclude that it is applicable to policy ED19 which states that:

*'Policy ED19*

*Proposals for agricultural related activities will be permitted in the countryside where:*

*(i) They can be satisfactorily assimilated into the surrounding countryside, having regard to form, bulk, and design including use of materials, land form and landscaping;*

*(ii) They are sited close to an existing building or in cases where an isolated location is essential, the site chosen minimises the impact of the character and appearance of the countryside;*

*(iii) There is no significant adverse impact in terms of travel, access and highway safety, and loss of amenity to nearby residential properties:*

*And in all cases,*

*(iv) The economic benefits to the agricultural community and/or requirements in connection with environmental, hygiene or animal welfare legislation will be taken into account.'*

Officers are mindful that this scheme reuses a redundant existing agricultural yard, which is served by an existing vehicular access, and thus utilises a brownfield site. The site is well served by infrastructure due to the proximity to the A30, making it well suited to a rural distribution style development such as that proposed here.

Officers acknowledge the relatively limited size of the holding and that there is a degree of aspiration in the applicant's long term farming intentions as the livestock has yet to be purchased, but officers are satisfied that an acceptable overview of intended agricultural activity has been presented in support of this planning application. The applicant has identified 10 livestock in the first instance, and the proposed buildings are proportionate to their requirements bearing in mind this is a mixed use proposal.

For these reasons officers accept the principle of a mixed use agriculture and agricultural contracting development within this location subject to adherence to the various elements of policy ED19.

Design/Landscape:

Officers are also influenced by the neutral visual impact of the proposal. The buildings appear as typical utilitarian agricultural buildings and, although they are relatively large in terms of floor area, they maintain a low profile and simplicity.

Views of the site will be limited to glimpsed views from high vehicles travelling along the A3214 to the east. If seen from here, or if viewed from longer distances, the proposed buildings will relate well to the existing group of large agricultural buildings directly behind the site to the north west, in addition to the existing agricultural building within the site which is to be retained. Landscaping provides an opportunity to further assimilate the development into its context.

Overall, the proposal is considered to be of an appropriate agricultural design which renders a neutral impact upon landscape character.

Heritage

Due to the lack of intervisibility between the site and the grade II listed Coursebeer Farmhouse, the proposed development is considered to have no harmful impact upon the

listed building and does not feature within its setting; the farmhouse has its principal elevation to the west, and is intended to be approached from the west, not via the plethora of existing agricultural buildings to the east.

#### Highways/Access:

The highways officer has raised no objection to this proposal. The scheme utilises an existing vehicular access and the surrounding road infrastructure provides safe and efficient access to the nearby A30.

#### Neighbour Amenity:

The nearest third party dwellings are Coursebeer House and its neighbour which are approximately 80 - 100m to the west. There is a lack of intervisibility between sites and the application site is separated from these dwellings by a good distance and the large unrestricted agricultural buildings at Coursebeer Farm.

Nonetheless, the scheme is supported by a noise assessment which concludes that the impact upon neighbouring properties is acceptable. It is noted that the existing dwellings at Coursebeer are constantly faced by noise nuisance from the nearby A30, and the noise assessment indicates that the noise impacts of the proposed development will be acceptable within this specific context. The Council's EH officer agrees, on the basis that operating hours are restricted to between 0700 and 2200.

#### Other Matters:

Officers note the comments of the Parish Council with regard to the lack of any instructed agricultural appraisal undertaken by the Council. However, officers are satisfied that the degree of information submitted, for each element of the mixed use, provides sufficient explanation for the need for the buildings in the manner and size proposed.

The Council routinely approves agricultural buildings with this degree of justification, indeed with less in many cases, and approves new agricultural buildings on small holdings. Officers consider that it would be inconsistent to apply a more robust requirement to demonstrate agricultural necessity on this specific application.

No protected species were observed on site and the scheme will not have a harmful impact upon ecology. A condition will ensure that any external lighting is controlled with regard to luminance, direction and hours of operation. Officers are satisfied that surface water and foul soakaway can be achieved within the land within the applicant's control.

#### Conclusion

Contracting is a B8 class land use and it is standard for such uses to be located away from rural locations, most notably within industrial estates. However, the agricultural contracting proposed is undoubtedly a rural enterprise and is applicable for consideration under policy ED19. Officers are satisfied that it meets the various requirements of that policy.

The fact that this is a redundant, previously developed site close to infrastructure links, served by an existing access is also a material consideration. The opportunity to site this rural enterprise in a manner which is acceptable to landscape character and neighbour

amenity allows officers to conclude that the mixed use agriculture and agricultural contracting business can be supported within this location.

Environmental and social impacts are neutral, and the scheme provides economic benefits through the provision of a rural enterprise which will provide direct employment and support agricultural activity throughout the area.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## **Planning Policy**

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.

The relevant development plan policies are set out below:

### **West Devon Borough Council Core Strategy 2011**

SP1 – Sustainable Development  
SP5 – Spatial Strategy  
SP10 – Supporting the Growth of the Economy  
SP17 – Landscape Character  
SP18 – The Heritage and Historical Character of West Devon  
SP19 – Biodiversity  
SP20 – Promoting High Quality Design  
SP21 – Flooding

### **West Devon Borough Council Local Plan Review 2005 (as amended 2011)**

NE10 – Protection of the Countryside and Other Open Spaces  
BE3 – Listed Buildings  
BE13 – Landscaping and Boundary Treatment  
ED19 – Agricultural Related Activities  
T8 – Car Parking  
T9 – The Highway Network  
PS2 – Sustainable Urban Drainage Systems  
PS3 – Sewage Disposal

### **Emerging Joint Local Plan**

The Plymouth and South West Devon Joint Local Plan (the JLP) will replace the above as the statutory development plan once it is formally adopted.

Annex 1 of the National Planning Policy Framework (the Framework) provides guidance on determining the weight in relation to existing and emerging development plan policies.

- For current development plan documents, due weight should be given to relevant policies according to their degree of consistency with the Framework (the closer the

policies in the plan to the policies in the Framework, the greater the weight that may be given). •

- For the JLP, which is an emerging development plan, the weight is to be determined by the stage of its preparation, the extent to which there are unresolved objections, and its degree of consistency with the Framework.

The JLP is at a relatively advanced stage of preparation. The precise weight to be given to policies within the JLP will need to be determined on a case by case basis, having regard to all of the material considerations as set out on the analysis above.

## **PLYMOUTH AND SOUTH WEST DEVON JOINT LOCAL PLAN -: PUBLICATION (as considered by the Full Councils end Feb/Early March 2017)**

SPT2 Sustainable linked neighbourhoods and sustainable rural communities

TTV31 Development in the Countryside

DEV15 Supporting the rural economy

DEV19 Provisions for local employment and skills

DEV20 Place shaping and the quality of the built environment

DEV22 Development affecting the historic environment

DEV24 Landscape character

DEV30 Trees, woodlands and hedgerows

### **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.

### **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).

2. Except for any details required by any of the conditions attached to this permission, the development hereby approved shall accord with the detailed drawings and other submitted documentation hereby approved.

Reason: To ensure that the proposed development is carried out in accordance with the detailed drawings and other documentation forming part of this application to which this approval relates.

3. The building works shall not be implemented until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority, indicating the finish of the hardstanding and screening landscaping, including all means of enclosure and planting, of the proposed development. The scheme submitted shall be fully implemented in the 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.

4. Prior to installation, a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, shall have been first submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the details so approved.

Reason: To enable the Local Planning Authority to consider the details of the materials

5. The use of the site shall be restricted to agriculture and agricultural contracting and for no other purpose (including any other purpose in Class B of the Schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Order 2015.

Reason: To ensure the use of the land remains related to agriculture

6. Notwithstanding details indicated on the approved drawings, details of any external lighting to be erected, placed or operated on the site shall be submitted to and approved in writing by the Local Planning Authority prior to its installation/construction. Such details shall include the positions, heights, type, luminance/light intensity, direction and cowling of all external lights to the buildings and other parts of the application site. The work shall thereafter be carried out in accordance with the approved details and under no circumstances shall it cause light pollution nor shall external illumination be operated on the site other than in accordance with the approved scheme.

Reason: In the interests of limiting light pollution, visual amenity and the amenities of the occupiers of neighbouring residential properties

7. Vehicular movements to and from the site shall be restricted to between the hours of 0700 and 2200 on any given day,

Reason: In the interests of neighbour amenity