

# PLANNING APPLICATION REPORT

**Case Officer:** Clare Stewart

**Parish:** Modbury **Ward:** Charterlands

**Application No:** 0945/16/FUL

**Agent:**

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

**Applicant:**

Mr C Stallard  
Priory Farm  
Modbury  
Ivybridge  
PL21 0TB

**Site Address:** Priory Farm, Fancy Cross To Little Orcheton, Modbury, Devon, PL21 0TB

**Development:** Provision of dwelling for rural worker/agricultural contractor

**Reason item is being put before Committee:** This application is brought by the Ward Member, as the recommended reason for refusal refers to the proposal being contrary to paragraph 55 of the NPPF with the site being described as in an unsustainable location. The Ward Member wants to ensure this reason is robust for this particular location and in view of the current lack of a five year housing land supply.



## **Recommendation: Refusal**

### **Reasons for refusal:**

1. It has not been demonstrated to the satisfaction of the Local Planning Authority that there is an essential or functional need for what would be a second on-farm dwelling on the site, which is otherwise considered to be in an unsustainable location where new residential development could not be supported. As such the proposal is contrary to paragraph 55 of the National Planning Policy Framework and Policy DP15 of the LDF Development Policies DPD.

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

Principle – essential need for a farm dwelling, design, landscape impact.

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### **Site Description:**

Priory Farm is situated to the west of Modbury, to the south west of Fancy Cross. The highway which links into the A379 runs to the north of the entrance to Priory Farm, and carries on in a south westerly direction towards Five Crosses. The site area subject of this application lies to the south west of the main farmstead with an existing field access directly from the lane. There are two existing agricultural buildings to the west of the existing access.

The site is located within the South Devon AONB. There is PROW at some distance to the south of the site beyond Runaway Lane.

### **The Proposal:**

Permission is sought for the construction of a dwelling for rural worker/agricultural contractor, in connection with the exiting agricultural contracting business which operates from Priory Farm. The proposed dwelling would be a two bedroom single storey structure with an attached carport on the principle elevation facing the highway. The roof would be clad in dark blue slate with rendered walls below and wood grained PVC windows.

### **Consultations:**

- County Highways Authority – No highway related issues
- Environmental Health Section – No comments received
- Agricultural Consultant – Objection – essential need has not been demonstrated
- Modbury Parish Council – No objection

### **Representations:**

28 letters in support of the application have been received, with comments made summarised as:

- Successful local business, should be supported
- Personal support for Applicant and their family
- Business provides valuable local service and employment opportunities
- Would help improve efficiency and security of business
- Improve lifestyle for family
- Would reduce traffic at junction of Fancy Cross and A379

- Proposal support by NPPF guidance on rural housing development
- Reasonable size and character
- Lack of affordable housing in area
- No neighbour impacts

Two letters objecting to the application have been received, with concerns raised summarised as follows:

- Unsustainable location so dwelling needs to be assessed in terms of functional need which has not been demonstrated
- No justification in terms of additional security as this is already provided by secure barn (35/1431/07) and proximity to existing dwelling at Priory Farm
- Personal preference not essential/functional need
- Alternative options have not been fully explored
- Unacceptable visual impact, ridgetop location
- Impact of business expansion – danger to children and damage to road
- Visual impact in AONB
- Letters of support appear to be on pre-prepared template, should be given limited weight
- Application should be referred to DM Committee for decision

### Relevant Planning History

- 35/0766/15/AG, Prior notification for erection of agricultural dutch barn for fodder and produce storage to replace existing tin shed – details not required
- 35/0658/15/AG, Prior notification for erection of agricultural dutch barn for fodder and produce storage to replace existing tin shed – details required
- 35/1431/07/F, Resubmission of application 35/1985/06/F erection of agricultural machinery store – conditional approval
- 35/0040/07/CLE, Certificate of Lawfulness for existing use of buildings and yard as base for contracting and plant hire business including workshop – Certificate of Lawfulness (EXISTING) Certified
- 35/1985/06/F, Erection of agricultural building – withdrawn

There is a history of planning enforcement investigations at Priory Farm. The current application should be considered on its own planning merits, and its approval would not preclude the Council from taking action against any identified breaches of planning control should it be considered in the public interest to pursue them.

### ANALYSIS

Principle of Development/Sustainability:

Policy DP15 of the Development Policies DPD only supports new development in the countryside where it supports the essential needs of agriculture. New dwellings will only be permitted where there is a proven essential operational need. Whilst the weight which can be attached to this policy is diminished by the Council's current lack of a five year housing land supply, the reference to demonstrating an essential operational need for a farm works dwelling is still considered to be of relevance having regard to national planning guidance. The National Planning Policy Framework (NPPF), which was published since the adoption of the Development Policies DPD, seeks to support a strong rural economy. It also states that "*Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as: the essential need for a rural worker to live permanently at or near their place of work in the countryside*".

The Council's Agricultural Consultant has assessed the case against the relevant criteria in the NPPF and Policy DP15. The application is considered to propose what would be a second farm dwelling for

the agricultural contracting business operating from Priory Farm. The existing dwelling at Priory Farm is occupied by the Applicant's father, who is a partner in the contracting business. The Agricultural Consultant considers that the need for on-site security is already met by the existing dwelling at Priory Farm and does not justify the provision of a second dwelling on the site. It is not disputed that the application relates to an established agricultural business which is currently financially sound. The Agricultural Consultant's consultation response makes the following concluding statement:

*"I fully appreciate from my site visit that the applicant is a partner in a very busy and large agricultural contracting business but the functional needs of that business, mainly in terms of security, are met by the presence of Mr M Stallard in the bungalow situated at Priory Farm. It is my considered opinion that the needs of the enterprise, both in terms of the buildings at Priory Farm and the off lying buildings a short distance away, can be met by the single dwelling already on the unit."*

National planning policy and regulations require the Council to take a pro-active approach when assessing development proposals. The Agent was advised that the application was being recommended for refusal prior to this report being finalised and given the opportunity to comment on the Agricultural Consultant's Appraisal of the case. The Agent confirmed that whilst they obviously disagreed with the overall conclusion the Appraisal is factually correct. The objection from the Agricultural Consultant is a fundamental policy objection on the basis that an essential need for the dwelling has not been demonstrated, and the Agent has not been able to provide any further evidence in support of their case.

Whilst the application has been submitted on the basis of a stated agricultural need, consideration has also been given to whether the site would be generally acceptable for new residential development. There are two allocated sites within Modbury identified in the Rural Areas Site Allocations DPD. Whilst it is acknowledged that the Council does not currently have a five year housing land supply, the provision of one additional dwelling in an isolated location would result in limited wider planning benefit. The application site is approximately 250 metres from the road junction at Fancy Cross, and there are regular bus services running along the A379, but there is no pavement along the lane. It is considered that the reality would be occupiers of any dwelling on the site would undertake most of their journeys by private motor vehicle.

On balance it is considered that the application site is in an isolated rural location where one of the special circumstances detailed in paragraph 55 of the NPPF would need to apply in order for any new residential development to be supported. Only the essential need criterion is relevant in this case, and as previously described such a need has not been demonstrated in this case. As such the principle of a residential dwelling on the site is not considered to be in accordance with the NPPF.

#### Design/Landscape:

The design of the proposed dwelling is simple and the scale considered suitably modest for a farm workers dwelling, and Officers do not have any concerns in this regard. Concern has been expressed regarding the visual impact of the proposal in the AONB, with reference to its perceived ridgeline location. The proposed dwelling would be visible from the adjacent public highway, with potentially distant views from the PROW to the south. It is considered that the single storey scale of development proposed in close proximity to existing built form would not result in substantive harm to the appearance and character of the AONB. Were the application to be approved it is recommended that a condition be imposed to secure an agreed scheme of landscaping to ensure development was sympathetically assimilated into its surroundings. The removal of permitted development rights in respect of further extensions to the dwelling (as it would be approved on the basis that it is a reasonably modest farm workers dwelling and should be retained as such to ensure it remains affordable) and incidental structures within the residential curtilage (to prevent future inappropriate encroachment of domestic clutter in the countryside within the AONB) would also be recommended.

#### Neighbour Amenity:

There are no existing neighbouring residential properties which would be directly affected by the proposal. The proposal itself would provide for an acceptable standard of amenity for a farm workers dwelling.

#### Highways/Access:

Devon County Highways have not offered any specific comments in respect of this proposal. The dwelling would be accessed via the existing field gate onto the public highway, which is already used by agricultural vehicles, and no highways safety issues are raised.

Future occupiers of the dwelling would be reliant on private motor vehicles for transport purposes, which adds further weight to the argument that in sustainability terms the development needs to comply with one of the exception criteria in paragraph 55 of the NPPF in order to be acceptable for residential development.

#### Other Matters:

It has been requested in representation that the application be referred to the DM Committee for determination. In accordance with the Council's Scheme of Delegation, as letters of both support and objection have been received the application has been referred to the Ward Councillor. In order for the Ward Councillor to refer the application to DM Committee a clear planning issue in respect of the recommendation needs to be provided.

The comments in the letters of support for the application have been noted, but do not provide any overriding considerations in this case. Concern has been raised that letters in support of the application were submitted using a pre-prepared template – whether or not this is the case is not material to the consideration of the application.

#### The Planning Balance:

The case centres on the essential need for a second on-site dwelling at Priory Farm to support the established agricultural contracting business operating from the site. Notwithstanding comments made in the application submission and in letters of support for the application, the Council's Agricultural Consultant considers that the need for security is met by the existing dwelling at Priory Farm and this does not provide justification for a second dwelling to support this business in this location. Whilst the personal support for the Applicant and their family is understandable, the application needs to be objectively assessed on the basis of the relevant planning considerations. The proposal is considered generally acceptable in design and landscape terms, and the final details to could be appropriately addressed by condition if the application were to be approved. However, that development is considered reasonable in most planning respects does not outweigh the fundamental fact that an essential need for the dwelling in this location has not been demonstrated. As such the application is recommended for refusal.

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

#### **Planning Policy**

##### ***NPPF***

In particular paragraph 55 relating to promoting sustainable development in rural areas

##### ***South Hams LDF Core Strategy***

CS1 Location of Development  
CS7 Design  
CS9 Landscape and Historic Environment

***Development Policies DPD***

DP1 High Quality Design  
DP2 Landscape Character  
DP3 Residential Amenity  
DP7 Transport, Access & Parking  
DP15 Development in the Countryside

**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.