

## PLANNING APPLICATION REPORT

**Case Officer:** Clare Stewart

**Parish:** Brentor **Ward:** Mary Tavy

**Application No:** 0257/19/VAR

**Agent/Applicant:**

Rowan Edwards Ltd  
21 Plymouth Road  
Tavistock  
PL19 8AU

**Applicant:**

Mr J Henry  
West Liddaton Farm  
Liddaton  
Okehampton  
EX20 4AD

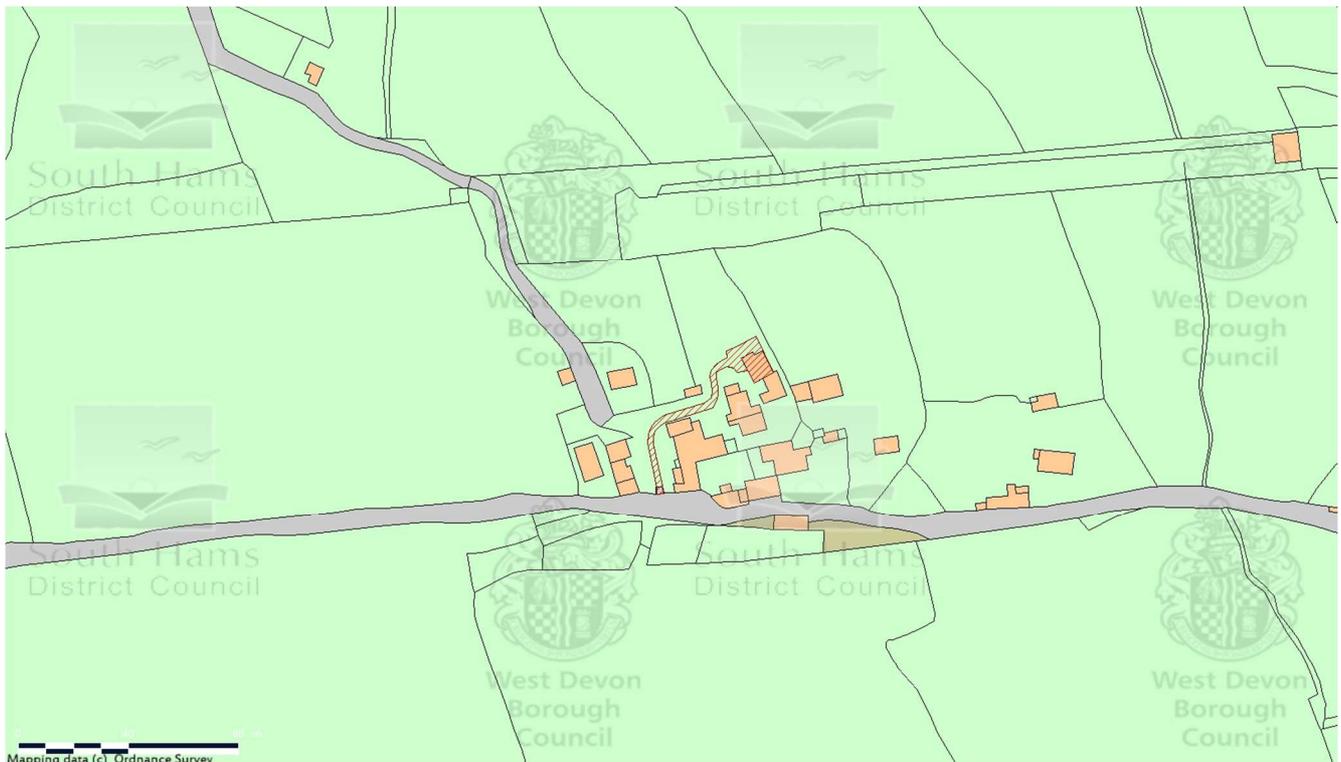
**Site Address:** West Liddaton Farm, Liddaton, Coryton, EX20 4AD

**Development:** Application for variation of condition 2 following grant of planning permission 3842/17/FUL (Part-retrospective)

**Reason item is being put before Committee:**

Referred by Ward Member Cllr Pearce on the following grounds - To consider whether the elevated position of the door will have an adverse effect on the neighbouring property known as The Farmhouse *including* loss of amenity value and privacy within their rural garden.

To consider whether the proposed changes are appropriate bearing in mind the current use in a peaceful rural hamlet and in particular nearby properties.



**Recommendation:** Conditional approval

**Conditions**

1. Time limit with reference to original approval expiry
2. Accord with plans

Informative re protected species

**Key issues for consideration:**

Impact of proposed changes from previous consent.

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**Site Description:**

West Liddaton Farm is situated to the north west of North Brentor on the north side of a rural lane. The site is set back from the lane amongst a cluster of existing buildings including residential properties in separate ownership. There is an existing shared access drive which is in the ownership of the Applicant.

The site is not subject to any specific landscape designations.

**The Proposal:**

Permission has previously been granted for works to provide an enlarged facility for the bee keeping business operating from the site (LPA ref. 3842/17/FUL). The current application seeks design changes to the previous approval in relation to the size and location of windows on the east and north elevations, with new doors proposed on the north elevation and a high level opening/door on the south elevation. The previously approved timber doors on the west elevation are now proposed to be grey steel roller doors. For the avoidance of doubt the current application does not seek to enlarge or change the use of the building from that previously approved.

The Agent has confirmed the door in the south elevation is required for maintenance of equipment in the roof space including air conditioning units and water storage (this is marked on the submitted floor plans). Further details have also been supplied in respect of the air conditioning units, including confirmation that no external apparatus is proposed. The door would be accessed via a ladder and it is intended this would only be necessary twice a year.

**Consultations:**

- County Highways Authority – No highways related issues
- Environmental Health Section – *“It sounds like they are not fixed plant therefore unsure whether they need planning permission, I will let you make your mind up on that. It also doesn’t sound like noise will be a significant issue, as there is no external venting parts, and that the doors will be kept closed for the majority of the time only being used for access and egress.”*

*As such I am comfortable.”*

- Brentor Parish Council – *“Brentor Parish Council strongly object to the latest application proposals contained within applications 0257/19/VAR and 3842/17/FUL, due to the significant changes proposed to the building originally granted Planning Approval. The amendments and retrospective application requiring the timber doors on the west elevation being replaced with metal roller shutter doors and the inclusion of air conditioning units means the building will be evolving into an industrial unit. The extra opening at first floor level on the South Elevation will have a major impact on the property known as The Farmhouse, where the residents windows and garden will be overlooked, therefore severely harming their amenity and the peaceful enjoyment of their property. Should these amendments/proposals be approved, the building would become an industrial unit in the open countryside, thereby having a major detrimental impact on the amenity value and privacy of neighbouring properties and destroying the peace and tranquillity of a very rural hamlet. Brentor Parish Council therefore ask that the amendments and the retrospective application are refused and that the building in question is returned to that which was originally approved in planning application 3842/17/FUL.”*

## **Representations:**

5 letters of objection have been received, with issues raised summarised as follows:

- West Liddaton is no longer a farm
- New door in south elevation looks directly into neighbouring property and visible from highway. Existing sloping roof in opens onto will obviously be altered for access.
- Agricultural aspect of building has been compromised, looks more industrial
- Wooden doors changed to grey steel roller doors
- Noise from air conditioning units which were not shown on original plans
- Air conditioning units not shown in submission, must already exist and be accessible so door not necessary
- Decision to grant commercial building has given free reign for despoiling countryside
- Outstanding enforcement matters on site
- Applicant disregards planning process
- Building being used for vehicle storage
- Changes made without permission being sought first
- Not all land in blue is within ownership of applicant

There is dispute between third parties and the Applicant regarding where photos used in objections were taken from.

## **Relevant Planning History**

- 3842/17/FUL Extension to existing building for new store for commercial apiary (resubmission of 1687/17/FUL). West Liddaton Farm, Liddaton, Coryton. Conditional approval: 19 Dec 17
- 1687/17/FUL Application for proposed workshop and store for commercial apiary. West Liddaton Farm, Liddaton, Coryton. Withdrawn.

Enforcement notices (operational development and change of use) were served on West Liddaton Farm in 2016 in respect of a pre-fabricated garage and use of agricultural land as a garden. An appeal against the notices was unsuccessful (refs. APP/Q1153/C/16/3149560 and APP/Q1153/C/16/3149564, decision dated 10<sup>th</sup> February 2017).

## **ANALYSIS**

### Principle of Development/Sustainability:

The principle of the development has already been established by virtue of the existing consent.

### Design/Landscape:

Whilst the proposed changes to the window and door design would alter the appearance of the building they are not considered unacceptable in design terms. Steel roller shutter doors are not unheard of on modern agricultural buildings. The current application does not seek to change the use of the building from that previously consented, and any such future application would be determined on its own merits.

### Neighbour Amenity:

The south elevation of the building is in excess of 20m from the edge of the Applicant's land ownership. The door opening would serve the loft area of the building and would be accessible via a ladder. Given the separation distance and approved use of the building it is considered it does not raise a substantive overlooking issue such that the application could be refused on this basis.

Based on the information submitted Officers consider the air conditioning units do not constitute development requiring planning permission. Whilst the Environmental Health Specialist has not raised objection any noise complaints could still be dealt with under statutory nuisance legislation if so required.

### Highways/Access:

No issues raised.

### Other Matters:

It is not an offence to carry out development works without first obtaining any necessary planning consent. Any such work is also carried out at risk and liable to enforcement action in the event it is found to be unacceptable in planning terms. The Council can only consider the current application as submitted, which does not seek to change the use of the building from that previously approved.

The Enforcement team have confirmed there are no outstanding matters with respect to Notices previously served on this site.

### The Planning Balance:

The proposal is considered to accord with the relevant Development Plan policies and is recommended for approval subject to conditions as detailed above. Notwithstanding concerns raised by third parties is considered no substantive grounds for refusal have been raised.

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

## **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. For the purposes of decision making, as of March 26th 2019, the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts South Hams and West Devon within Dartmoor National Park) comprises the Plymouth & South West Devon Joint Local Plan 2014 - 2034.

Following adoption of the Plymouth & South West Devon Joint Local Plan by all three of the component authorities, monitoring will be undertaken at a whole plan level. At the whole plan level, the combined authorities have a Housing Delivery Test percentage of 166%. This requires a 5% buffer to be 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 6.5 years at the point of adoption.

Adopted policy names and numbers may have changed since the publication of the Main Modifications version of the JLP.

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
- TTV26 Development in the Countryside
- DEV1 Protecting health and amenity
- DEV2 Air, water, soil, noise, land and light
- DEV15 Supporting the rural economy
- DEV20 Place shaping and the quality of the built environment
- DEV23 Landscape character
- DEV26 Protecting and enhancing biodiversity and geological conservation
- DEV29 Specific provisions relating to transport
- DEV35 Managing flood risk and Water Quality Impacts

Other material considerations include the policies of the National Planning Policy Framework (NPPF) including but not limited to paragraphs 8, 11 and 83 and guidance in Planning Practice Guidance (PPG).

**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 in full:**

1. The development to which this permission relates must be begun not later than 19th December 2020.

Reason: To comply with Section 91 of the Town and Country Planning Act, 1990 (as amended).

2. The development hereby approved shall in all respects accord strictly with drawing numbers Henry Elrev JAN19, Henry PLrev JAN 19, Henry BLPL JAN19, Henry LocPL JAN19 received by the Local Planning Authority on 28th January 2019.

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.