

PLANNING APPLICATION REPORT

Case Officer: Lucy Hall

Parish: Bigbury **Ward:** Charterlands

Application No: 1430/19/FUL

Agent/Applicant:

Mr Derek Butler - Derek Butler Designs
Ltd
Hexthill Cottage
Brixton Torr
Plymouth
PL8 2BD

Applicant:

Mr & Mrs Stuart Marshall
Higher Easton Farm
Road From St Anns Chapel Heading Ea
St Anns Chapel
TQ7 4HQ

Site Address: Barn, Higher Easton Farm, St Anns Chapel, Devon, TQ7 4HQ

Development: Erection of 16 metal self-storage units as part of farm diversification scheme

Reason item is being put before Committee: *At the request of Cllr Taylor. 'As this is a genuine farm diversification with no objections from highways or the AONB I think it should be decided by committee.'*



Recommendation: refusal

Reasons for refusal

The proposed development is considered to be inappropriate and unjustified in this remote countryside AONB location and as such is contrary to policies SPT1, SPT2, TTV1, TTV2, TTV26, DEV15 of adopted Plymouth and South West Devon Joint Local Plan (2014-2034) and the advice contained within the National Planning Policy Framework.

Site Description:

Higher Easton Farm is a working farm of 24.6 hectares with large open pasture fields and cattle sheds centred in the holding of the 14 hectare parcel of land to which the application relates. The site is located around 470m to the south east of St Ann's Chapel and lies immediately to the north of existing agricultural buildings at the farm. Access to the site is via an existing track from the road to the north. The hamlet of Easton, and nearest residential dwellings are situated to the east of the site.

The site lies within the South Devon Area of Outstanding Natural Beauty. There are also a number of listed buildings within close proximity to the site including the Church of St Lawrence which is Grade II*. The Church lies around 0.5KM to the south of the site. The site is also within 12.3KM of the Plymouth Sound and Estuaries SAC.

The Proposal:

The application seeks full planning permission for the provision of 16 storage units (single storey metal containers) for private rental (use class B8). The proposal would be part of a farm diversification scheme at Higher Easton Farm. The units would be laid in two rows on a parcel of land immediately to the north of the existing agricultural buildings at the farm.

Consultations:

- County Highways Authority no objection subject to conditions
- Environmental Health Section no comments received
- Bigbury Parish Council support if number of containers are reduced

Bigbury Parish Council discussed this application at a Parish Council meeting held on June 12th 2019.

The Parish Council heard representations from all interested parties both for and against this proposal, including views and opinions relating to traffic, road safety, visibility of this site from other locations, control over what can and cannot be stored there including hazardous substances, noise, smell, validity of this type of diversification project to farming in general and restrictions to be placed on the hours of operation.

Taking all of this into consideration the decision of the Parish Council was to support this application on the basis that the number of containers was reduced to ten (10) and that the operational hours be restricted to 09:00 to 17:00. The applicants accepted these limitations.

- Drainage no objection
- Historic England no comments
- Landscape no objection subject to conditions

Representations:

The Council has received 24 letters of representation, 17 in support of the proposal and 7 against the proposal. The comments received are summarised as follows: -

Support

- Proposal will provide a much needed facility within easy reach to local residents who do not have sufficient storage space
- Great asset to holiday cottage businesses who require out of season storage
- Small, affordable storage units will be an asset for local firms and traders
- The need to provide alternative income streams for farmers is critical. Applicants run their business well but the income will not sustain the family without diversification
- Successful farms will contribute to the local economy and provide employment for local people
- Not considered the facility will cause congestion issues
- Discrete and secure location
- Diversification is encouraged by Government and has been supported by a grant

Objection

- Loss of privacy to Easton House
- Unacceptable levels of noise to nearby residents
- Access road is significant danger to road users including pedestrians and proposal will exacerbate the situation
- Proposal will create an 'industrial estate-type environment;' which is out of keeping
- Inappropriate development for a rural farm setting in the AONB and Heritage Coast
- Not considered to be a demand for the facility
- Delivery of the containers will place great impact on the road network
- Recent development at the site has created large buildings within the AONB

Relevant Planning History

None

ANALYSIS

Principle of Development/Sustainability:

Sustainability is at the heart of the National Planning Policy Framework and the Council's current adopted plan. Delivering economic growth is one of its key components. There is a very broad policy support for diversification of agricultural businesses, and also a proactive approach to supporting the rural economy. Paragraph 83 of the revised National Planning Policy Framework considers the development and diversification of agricultural and other land-based rural businesses key to supporting a prosperous rural economy. This stance repeated in JLP Policy TTV2. However, this does not mean that all and any farm diversification projects within the countryside should be considered acceptable and the balance of considerations is not always straightforward in cases where broad enabling policies do not accord with other policy requirements.

The application site is located within the countryside. JLP Policy TTV1 sets out the principles to be used to distribute new employment and housing across the TTV policy area and follows a hierarchy of settlements. The countryside (together with smaller villages and hamlets) are at the bottom of the hierarchy. The policy is clear that within these areas development should only be permitted if it supports the principles of sustainable development and sustainable communities (Policies SPT1 and SPT2) including as provided for in Policies TTV26 and TTV27.

JLP Policy TTV26 provides a framework for guiding development within the countryside. The overarching aim of the policy is to protect the special characteristics and role of the countryside. Although the policy needs to be read alongside other policies within the plan,

the requirements for new developments within the countryside are clear. In accordance with 2(iv) there needs to be a justification for a countryside location. In the view of Officers generic B8 storage use does not meet this requirement.

Personal self-storage facilities are not a pre-requisite to a sustainable and resilient rural community. Indeed creating space for people to store surplus material possessions in order to make room for additional material possessions is contrary to the responsible reduction of resource use that underpins the notion of sustainability.

JLP Policy DEV15 provides some flexibility to enable carefully selected development outside settlements, where it could be demonstrated that this can be achieved sustainably. However, the policy requirements are clear that existing buildings should be reused before new ones are erected and the development should meet the essential needs of agriculture or forestry interests. While the reuse of an existing empty agricultural building might sit more comfortably with policy (notwithstanding any landscape issues), the applicants have expressed that they do not wish to use existing buildings as this would sterilise the potential future reuse of these for agricultural purposes.

The traditional interpretation of farm diversification was one which added value to a farm product, such as a dairy diversifying into cheese production, or a mixed farm into butchery for example. Now under the broad banner of 'rural diversification' many forms of non-agricultural commercial practices are accepted and many sources referenced in supporting statements from the applicant support the proposed enterprise. However, none of that changes our statutory duty to make decisions according to the up-to-date development plan, unless other material considerations require otherwise.

Notwithstanding Officer concerns about the principle of the proposed enterprise within the countryside, JLP TTV26 requires developments to be complementary to and not prejudice and viable agricultural operations on a farm. More evidence is required to demonstrate how the implementation of the proposed B8 use would be compatible with the existing agricultural activities. The development would be situated immediately in front of existing active agricultural buildings and Officers are concerned that there could be a potential conflict between the uses which risks sterilising the farm operations.

Design/Landscape:

The proposal has been considered by the Council's landscape specialist who has not raised any objection. The following comments have been received.

'Whilst the principle of introducing 16 storage containers into the AONB landscape merits careful consideration, in this context, the proposals are considered to be well sited, minimising landscape and visual impacts. The proposed site benefits from existing screening, and being set against the existing agricultural buildings, the storage containers would result in a negligible change to the character and appearance of the area.

Adopted JLP policy DEV 25 requires development proposals to 'conserve and enhance' the natural beauty of the AONB. I understand that some new planting has been carried out to establish the bunding surrounding the site as hedgebanks, and that this presents an opportunity to enhance the site area in accordance with policy DEV25. For the council to consider this enhancement under DEV25 as part of this application, we would need to ensure that the form, species, sizes, densities and management of new plants is secured as per best practice and retained in the long term. Subject to securing this planting in an appropriate

form, I would raise no objection to the application on landscape grounds, finding that it would comply with policies DEV23 and DEV25.'

Neighbour Amenity:

Paragraph 127 of the revised National Planning Policy Framework requires developments to provide a 'high standard of amenity for existing and future occupiers'. JLP Policy DEV1 requires development proposals to safeguard the health and amenity of local residents. The policy is clear that unacceptable impacts will be judged against the level of amenity generally accepted within the locality.

Concerns have been expressed from the residents of Easton House who consider that the proposal will result in a loss of privacy. While the concerns are noted, Easton House is located around 200m to the south east of the site. Due to the low profile of the proposal units combined with the existing landscaping and separation distance between the sites, Officers are satisfied that the amenity of these occupants would be retained.

Concerns have also been raised about increased noise levels. However, in the context of the existing agricultural activities at the site, any disturbance from noise is considered to be minimal.

Highways/Access:

The Highway Authority originally objected to the application on the grounds of the complete lack of visibility at the junction with the B3392. It was considered any promotion of an increase in this junction would have the likely consequence of further danger to existing road users. Further information was provided and on the basis a Grampian condition could overcome this concern the objection was withdrawn. Improvements have been secured to be delivered as part of planning application 4120/17/FUL. If these works are complete prior to commencement of operations from this application the Highway Authority would be prepared to support the application.

The Highway Authority considers the traffic generated from the proposal would be low because of the small scale of the operation and the likelihood that most of the users will be existing residents who are already in the area. It is important to note that while there is a lot of support from third parties who propose to use the site for personal domestic storage, if permission was granted the development would fall within use class B8 'storage and distribution'. The Local Planning Authority cannot control who uses the site and in reality it could be used by local businesses who require a storage facility. This could result in more intensive and frequent daily trips from a wide geographical area and reaffirms officer's view that locating a storage and distribution facility within the countryside is not a sustainable approach to development. In this respect the use would be more appropriate within a town such as Modbury.

Other Matters:

The Council's Drainage Specialist is satisfied that sufficient information has been provided to demonstrate a workable scheme although the final design will need to be agreed with the LPA via condition. An appropriate condition is recommended.

Due to the low profile of the development, lack of inter-visibility and separation distance between the respective sites, Officers are satisfied that the proposed development would not cause any harm to the Church of St Lawrence or its setting.

The Parish Council support the proposal on the basis that the number of units is reduced from 16 to 10. Although their response implies that the applicants are happy with this revised figure, the application has not been revised and the proposal should be considered on the basis it is for 16 units.

Conclusions

While there is broad policy support for farm diversification projects, not all schemes will be considered acceptable and the balance of considerations is not always straightforward in cases where broad enabling policies do not accord with other policy requirements. Although no site-specific landscape or visual harm has been identified with the proposal given the potential for mitigation, Officers do not consider that the introduction of new incongruous structures and B8 storage and distribution is an appropriate or justified use within this remote open AONB countryside location.

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. 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

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

SPT11 Strategic approach to the Historic environment

SPT12 Strategic approach to the natural environment

SPT14 European Protected Sites – mitigation of recreational impacts from development

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
DEV20 Place shaping and the quality of the built environment
DEV21 Development affecting the historic environment
DEV23 Landscape character
DEV25 Nationally protected landscapes
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
DEV33 Renewable and low carbon energy (including heat)
DEV35 Managing flood risk and Water Quality Impacts

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: South Devon AONB Management Plan.

Bigbury Neighbourhood Plan (currently at Regulation 16)

BP7 – general design principles for new development
BP9 – agricultural development
BP8 – existing and proposed employment
BP18 – Area of Outstanding Natural Beauty
BP20 – woodlands, trees, hedgerows and Devon hedge banks
BP21 – wildlife sites and biodiversity
BP24 – built heritage
BP25 – transport and highways
BP28 – parking provision

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.