

PLANNING APPLICATION REPORT

Case Officer: Oliver Gibbins
Okehampton North

Parish: Okehampton Hamlets **Ward:**

Application No: 3910/18/OPA

Agent/Applicant:
Mr WM Bunt - Kivells
7-8 Bay Tree Hill
Liskeard
Cornwall
PL14 4BE

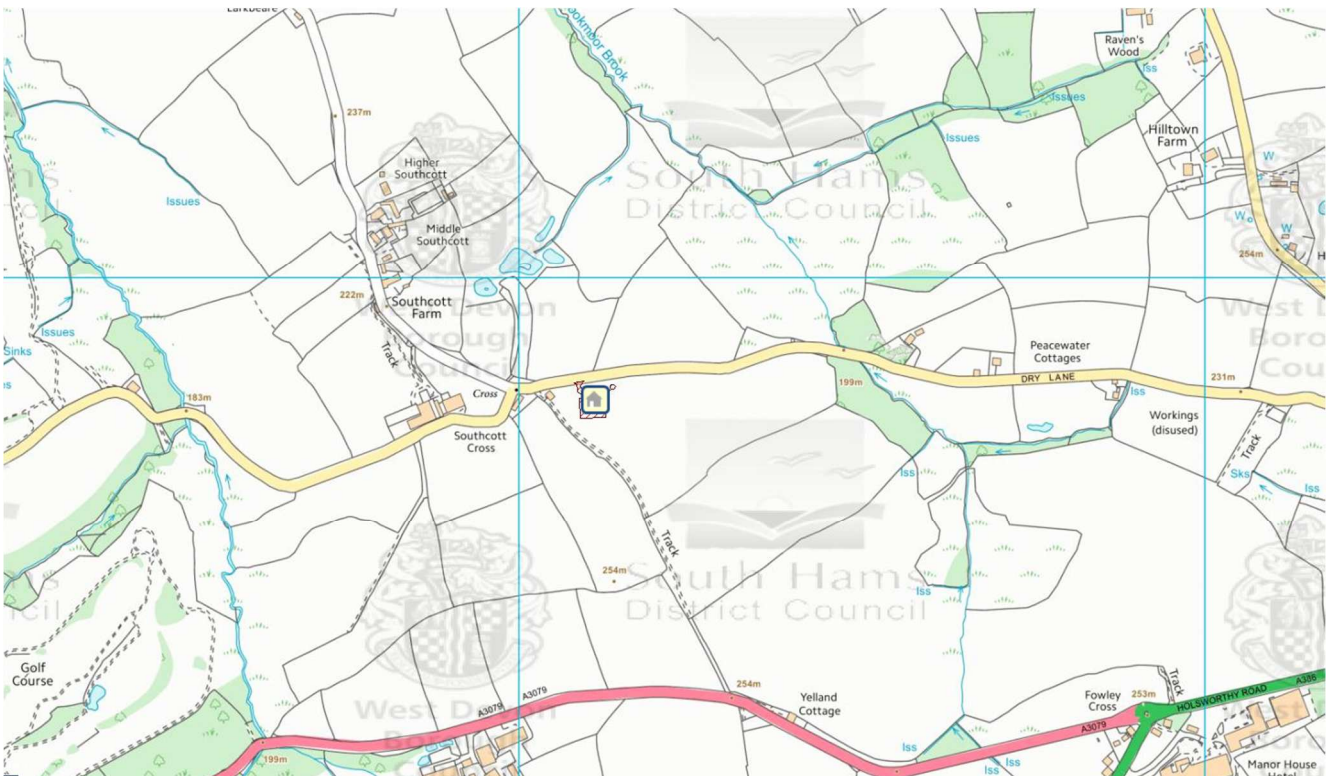
Applicant:
W J L Heard
Yelland Farm
Okehampton
EX20 4NB

Site Address: Land at SX2551 948, Near SouthCott Cross, Yelland Farm, EX20 4NB

Development: (Readvertisement - Revised site address) Outline application with all matters reserved for construction of Farm Managers Dwelling

Reason item is being put before Committee

Cllr Mott has advised she would request that this application is determined by the planning committee to give consideration to the rural workers policy.



Recommendation: Refuse.

Reasons for refusal

1. The proposed location of the new agricultural workers dwellings is located too far away from Yelland Farm to provide effective operational management of the farming business. Therefore the application has not demonstrated the exceptional circumstances required to justify the need for an essential rural worker dwelling in this location and will result in an otherwise unsustainable form of development in the countryside which is contrary to Policy TTV1 and TTV26 of the Plymouth and South West Devon Joint Local Plan and paragraph 79 of the NPPF 2019.
2. The provision of a new dwelling in this location will result in a harmful impact on the prevailing undeveloped rural character of the area. The development is therefore contrary to Policy TTV26 and DEV23 of the Plymouth and South West Devon Joint Local Plan.

Key issues for consideration:

The key issue relates to whether the applicant has demonstrated the special circumstances required to allow for a new dwelling in the Countryside.

Financial Implications

none

Site Description:

The application site refers to an agricultural field which is located to the north of the A3079, the main road towards Holsworthy, and located to the south of Southcott Cross.

The land is farmed by Yelland Farm which is located on the southern side of the A3079 where the main farm house is located together with a second farm cottage and the operational farm buildings.

The site of the proposed dwelling is approximately 900m from the main farmstead and is accessed from the south across a farm track, the site is also accessible from Dry Lane, the road to the north.

The topography of the site falls from the higher ground to the south to lower ground in the north. The farm will be sited in the lower part of the field.

There is an existing farm track running south to north along the western boundary of the field.

There is an existing residential property as well as another farm located adjacent to the site in the north west corner of the field together with an open storage barn.

The site is not located within an AONB, but is characterised by undulating hills with farm buildings sited within the landscape. Further to the west is the large complex of buildings associated with the Ashbury Hotel Gold Course.

Although Dartmoor National Park is located to the South the fact that the dwelling has been sited lower down the slope does not result in the dwelling appearing prominently from the National Park.

The Proposal:

This application is an outline application with all matters reserved for the construction of a farm managers dwelling.

The dwelling is to be sited to the north of the A3079 where Yelland Farm is located.

Although all matters are reserved the applicants have sought to clarify that access will be provided from the south from an existing farm track.

Consultations:

- County Highways Authority - No objection.
- Environmental Health Section - No objection subject to an unexpected contamination condition.
- Town/Parish Council – Support the application.
- Landscape Officer – Objection – Without justification would not be supportive of an isolated dwelling.
- Agricultural Consultant – Object – The functional need for a 3rd dwelling can be accepted but the location of this dwelling will fail to meet the functional need for the farm. The full comments are in italics below:

Brief Background to Application and Applicant's Stated Reasons for Requiring the Proposed Development in Respect of Existing/Proposed Farm Enterprise

I visited the site on Friday 11th January 2019 where I met the applicant together with his agent, Mr Mark Bunt of Kivells.

The details of the farming business are contained within the agent's agricultural appraisal and the main points are as follows:-

The land holding owned by the applicant amounts to a total of approximately 800 acres which comprises the main farm at Yelland Farm together with land at Southcott and other land situated close by. There is a further 400 acres taken on annual grazing licences and the applicant also has extensive common grazing rights.

From my inspection, the main farmstead is situated at Yelland Farm which is the centre of the farming business. At this location there is a main farmhouse and a second cottage situated a short distance along the road from Yelland Farm. This application is for a third on farm dwelling to be situated some distance away from the main farmstead at Yelland

Farm, and situated on land at Southcott where there is presently a single 2-bay Dutch barn with a 2 bay lean-to off. There are no other buildings at this location.

The livestock managed by the applicant includes 300 suckler cows which calve in two batches from April to July and again from September through to November. All calves are weaned and sold as store cattle up to 15 months of age depending on the trade at the time. There are also 3,200 breeding ewes which lamb from early February to late April. Ewe lamb replacements are retained to enter the flock with the remainder being sold as fat stock.

It is stated in the agent's appraisal that both the suckler cows and sheep flock are split for ease of management with approximately 1,000 ewes and 75 cows being kept on the land known as Southcott (the location of the proposed dwelling) and calve and lamb in the 'nursery fields' at this location.

The main farmhouse at Yelland farm is occupied by Mr & Mrs Heard and their family and the additional farm cottage is occupied by Mr Heard's son. It is stated that there are no other further dwellings on the holding either suitable or available for the worker concerned.

The applicant states he needs a permanent dwelling at the site of the Southcott land to manage the animals that are present on that part of the holding throughout the year but more importantly during lambing and calving.

As can be seen from the maps attached to the application it is quite straight forward to see the location of the proposed dwelling just south east of Southcott Cross compared to the position of the main farmstead at Yelland Farm which is just off the main A3079.

The applicant states at the present time there were three full time workers and one part time worker servicing the needs of the business together with some casual labour at peak times.

9. Is this application treated as agricultural or a rural based enterprise? If the latter what is the evidence and justification for treating it as such?

The application is to be treated as an agricultural enterprise.

10. Summary of Principal Consideration/Factors Relevant to this Application in regard to H31, where it also specifically refers to PPS 7, Annex A

(i) Is there a clearly established functional need?

It is my opinion that with the present numbers of livestock and their associated management requirements both on a day to day basis during the year and at peak times of calving and lambing, create a need for a third full time worker to be present on the holding at most times for the proper management of the holding and the livestock present.

(ii) Does the need relate to a full-time or one who is primarily employed in agriculture and does not relate to a part-time requirement?

Having assessed the enterprises in terms of standard labour requirements and mindful of the agent's comments with regard to his standard man hour calculation, I am satisfied that need relates to full time worker and not one that is part time.

(iii) Has the unit and the agricultural activity concerned been established for at least 3 years has it been profitable for at least one of them is currently financially sound and has a clear prospect of remaining so?

The activity has been established for at least three years. I have seen extracts from the business accounts and I am satisfied the business has been profitable for a least one of the

last three years, and is currently financially sound. With all agricultural businesses, profitability can vary depending on market trends but I anticipate such a business as run by the applicant should have a clear prospect of remaining financially sound.

(iv) Can functional need be fulfilled by another existing dwelling on the unit or any other accommodation in the area which is suitable and available for occupation by the workers concerned?

Not that I am aware of but see conclusion.

(v) Are there any buildings on the holding suitable for conversion to a dwelling?

Not that I am aware of as I would consider most of the buildings I inspected on my site visit were fully utilised by the existing farm business.

(vi) Is the proposed dwelling sited to meet the functional need?

No. I do not consider the functional need of the third worker is to be sited at the proposed location which is adjacent to a very small 2-bay Dutch barn and lean-to albeit it is located on land owned by the business which it is stated is used for calving and lambing or as they refer to it as 'nursery fields'. Assuming there is a functional need for a third full time worker to be present on the holding at most times, then I deem that need is located adjacent to the large farmstead at Yelland Farm.

(vii) Has the need for the dwelling arisen due to a recent subdivision of the holding and or recent disposal of a dwelling from the holding?

No.

(viii) Is the dwelling in keeping with the character of the area in terms of scale, design and materials, and is it commensurate with the functional need?

This is an outline application and therefore such issues of scale, design, materials, will be dealt with at the reserved matters stage, should that arise.

(ix) Are there other factors which need to be taken into account?

See conclusion.

In summary, I am satisfied there is a need for a third dwelling on the unit operated by the applicant but I do not deem that need to be at the proposed site. I do not agree that a dwelling should be sited in the middle of or adjacent to 'nursery fields' where cows calve and ewes lamb. If that was the case, there would be no reason why dwellings were sited adjacent to farmsteads. Farmsteads and farm buildings are normally where the detailed and intense management of livestock takes place and that would include routine husbandry requirements as well as the intense need to be present while calving and lambing takes place. The very fact that these animals calve outdoors shows that the system is geared up to have less labour input as opposed to lambing and calving indoors. I do not accept the argument put forward by the applicant that there is a need for a worker to be located in these fields, as opposed to the farmstead at Yelland Farm. So for these reasons I cannot support this application.

(For reference, the circumstances of this case are near identical with the argument of 'nursery fields' in application ref 2802/17/OPA dealt with by SHDC and to which I was consulted. In this case the applicant subsequently revised the siting from the 'nursery fields' to a site adjacent to the main farmstead, and it was then approved)

Representations:

1 letter of representation reported raising the following material planning considerations: raising the following objection:

Impact on the landscape.

Relevant Planning History

None identified.

ANALYSIS

Principle of Development/Sustainability:

This application is for a third agricultural workers dwelling for Yelland Farm.

Policy TTV1 Prioritising growth through a hierarchy of sustainable settlements identifies that growth and development of new homes and jobs will take place within a hierarchy of settlements.

This is identified as follows:

1. The Main Towns, which will be prioritised for growth to enable them to continue to continue to thrive, achieve strong levels of self containment, and provide a broad range of services for the wider area;
2. Smaller Towns and Key Villages, which will receive support for growth commensurate with their roles in supporting the small villages and hamlets;
3. Sustainable Villages, where development to meet locally identifies needs and to sustain limited services and amenities will be supported;
4. *Smaller villages, Hamlets and the Countryside, where development will be permitted only if it can be demonstrated to support the principles of sustainable development and sustainable communities, including and provided for in Policies TTV26 and TTV27.*

The six Main Towns are identified as Dartmouth, Ivybridge, Kingsbridge, Okehampton, Tavistock and Totnes.

The settlements identified as Smaller Towns and Key Villages within paragraph 5.9 of the development plan are: Bere Alston, Dartington, Hatherleigh, Lifton, Modbury, North Tawton, Salcombe, Stokeham/Chillington and Yealmpton.

The Sustainable Villages are identified as: Berry Pomeroy, Blackawton, Bratton Clovelly, Bridestowe, Broadwoodkelly, East Allington, Emrington, Exbourne, Folly Gate, Halwell, Harberton, Harbertonford, Highampton, Inwardleigh, Lamerton, Lee Mill, Lee Moor, Lewdown, Marldon, Milton Abbot, Monkokehampston, Morleigh, Northlew, Rattery, Sampford Courtenay, Sparkwell, Spreyton, Staverton, Stowford, Ugborough, Woolston Green and Wotter.

This site is not located in one of these settlements and is therefore in the Countryside.

Policy TTV26 identifies that isolated development in the Countryside will be avoided and only permitted in exceptional circumstances. Paragraph 1.i of Policy TTV26 identifies that development would be permitted where it meets 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.

Furthermore paragraph 2 of Policy TTV26 identifies 6 further criteria. To summarise these are to protect public rights of way; re use traditional buildings; complement agricultural operations; respond to a proven agricultural need; avoid the user of Best and Most Versatile land; enhance the immediate setting to include a management plan and exist strategy that demonstrates how long term degradation of the landscape and natural environment will be avoided.

As already identified this application is for an agricultural workers dwelling and has been submitted with an Agricultural Appraisal that seeks to demonstrate a proven need. This has been reviewed by the Council's Agricultural Consultant who has reported the following key elements of the justification for an additional dwelling:

- The land holding amounts to 800 acres with the main farm at Yelland Farm. There is a further 400 acres on license with additional common grazing rights;
- Yelland Farm is the centre of the farming business, where there is a main farmhouse and second cottage;
- The livestock managed by the applicant includes 300 suckler cows which calve in 2 batches and 3200 breeding ewes;
- The livestock is split for management with approx 100 ewes and 75 cows kept on the land known as Southcott (the location of the dwelling) in this location.
- The main farmhouse at Yelland Farm is occupied by Mr and Mrs Heard and their family and the additional farm cottage is occupied by Mr Heard's son. The applicants have stated that there are no other further dwellings on the holding that are suitable or available for the worker concerned.

The Council's Agricultural Consultant has advised the following:

- The application is to be treated as an agricultural enterprise;
- With the present numbers of livestock and their associated management requirements both on a day to day basis and at peak times of calving and lambing, create the need for a third full time worker to be present on the holding at most times for the proper management of the holding.
- The activity has been established for at least 3 years and is currently financially sound and has a clear prospect of remaining so;
- He is not aware of the functional need being fulfilled by an existing dwelling or other accommodation in the area;
- He is not aware of other buildings being suitable for conversion as they were utilised by the existing farm business;
- He does not consider the functional need of the third worker to be sited at the proposed location which is adjacent to a small Dutch Barn. Whilst the field is owned by the business the functional agricultural need arises from being located on or adjacent to the large farmstead at Yelland Farm;
- The need has not arisen from sub-division or disposal of a dwelling;
- The application is at outline only so issues of character and scale will be considered at reserved matters;

From the advice of the Agricultural Consultant it is clear there is a need for a 3rd full time worker on the site. Based on this appraisal it is concluded that the principle of this development can be supported as meets an essential need for a rural worker through Policy TTV26 of the Joint Local Plan and will accord with Paragraph 79 of the NPPF 2019.

However the location of the new dwelling has raised an objection from the Agricultural Consultant. This is because the need for a new dwelling arises from being located near to the main farmstead, which would allow for the farm manager to react efficiently to the demands of the business and be within in sight and sound of the barns and farm complex. As the distance between the farm and the dwelling increases the justification for an isolated dwelling diminishes as the need could be met within the existing housing stock within the wider locality and it would fail to meet an essential need.

The applicants have submitted evidence that demonstrates that the locations to the south are constrained through drainage systems and the land to the north is constrained through existing farm buildings. The topography of the land is also steeply sloping towards the road which further constrains the ability of the site to accommodate an additional dwelling.

However both Policy TTV26 and government planning policy guidance requires consideration to be given to the re-use and improvements to existing buildings. There are a number of existing buildings on the site which are located close to the existing farm house. These buildings are in farm use but if they were converted then they could provide a solution for a third dwelling.

The applicant has provided an additional report which seeks to address these points. It has been identified that there are health and safety concerns around the reuse of buildings and that there are no other suitable premises on the market. This information has been reviewed by the Agricultural Consultant and this concern is noted but it is not significantly different from the existing arrangement with the farm house and its relationship with the operational function of the farm. There is sufficient space to allow for the operations of the farm to take place without causing a conflict. In terms of other accommodation this is just a snap shot in time and over the medium to longer term then a wider range of accommodation can be available in the local area. Being proposed distant from the farm increases the locational distance that could accommodate the need.

It is therefore concluded that whilst a need has been demonstrated for a 3rd new dwelling the location of the proposed dwelling located too far away from the operational demands of the business to actually fulfil this demonstrated need. Without the new dwelling being located in a position to meet the operational needs of the farm the justification within Policy TTV26 for an essential need for a rural works falls away and the development becomes an isolated dwelling in the countryside, which is contrary to Policy TTV1 and TTV26 of the Plymouth and South West Devon Joint Local Plan.

Design/Landscape:

This application is at the outline stage only and matters of scale, design, landscaping and appearance will be considered with a subsequent application. Nonetheless it is important to consider how the development will impact on the character and appearance of the area and the landscape.

Policy DEV10 requires new housing development to be well integrated with its surroundings and be compatible with the character and appearance of the area, as well as requiring minimum internal space standards. As this application is at outline consideration will be given to these issues at detailed design stage.

Policy DEV23 – Landscape character identifies that development will need to conserve and enhance the landscape and avoiding significant and adverse landscape or visual impacts.

The proposal has identified two ways to access the site. The originally proposed location was from Dry Lane to the north. This was subsequently reviewed following the concern raised by the Council's Agricultural Consultant given the greater distances from this access. As a result the access was revised to utilise a shorter access from the south using the existing farm track.

Whilst the proposed dwelling has been positioned sympathetically in the landscape with consideration given to the topography of the site and has resulted in the proposed dwelling being sited close to the northern boundary of the field as the site drops down. This also has the advantage of being sited close to an existing Dutch barn that is positioned in the north west corner of the site and also within the setting of an existing dwelling immediately north west of the field.

However the provision of a dwelling in this location will introduce a built form which will appear out of character with the prevailing rolling landscape. Furthermore the need for additional buildings may come forward if a new farm house is established in this location. Whilst each application will be assessed on its own merits a farm house could provide justification for the establishment of a farm operating independently from the main Yelland Farm. This would cumulatively have greater impact on the landscape in this location, but would be considered under future applications.

It is therefore concluded that the development will have a harmful impact on the landscape character a result in a significant and adverse visual impact in this location and will not be compatible with the character and appearance of the landscape in this locality. This harmful impact is not offset by any other material planning consideration as, as discussed above, officers do not consider that the proposed dwelling would fulfil the rural business need in this location.

Neighbour Amenity:

There is an existing residential dwelling located to the north west of the application site. However given the separation distances this new dwelling would not result in a significant loss of amenity and could be accommodated such as to have an acceptable level; of privacy and amenity space of its own.

Highways/Access:

The application could utilise two accesses. Through providing an access from the north adequate visibility can be provided as not to cause an adverse impact on highway safety. From the south the existing access onto the A3079 which also has good levels of visibility. If approved planning conditions would need to be used to provide a specification of access.

Drainage:

This site would need to use a private drainage system. Details of this combined with an appropriate surface water drainage system would need to be submitted with any subsequent application. It is noted that the size of the site would allow for a system to be accommodated.

Low Carbon:

Policy DEV32 requires development proposals of this scale to consider opportunities to minimise the use of natural resources as well as consider the energy hierarchy in order to reduce the energy load of the development through design measures. This application was submitted prior to this policy being adopted, but it is nonetheless important to consider this development in relation to this policy.

As it is for a single dwelling at outline stage limited information has been provided. It is noted that the site faces north and therefore subsequent applications will need to demonstrate how the design has considered layout, orientation and design to maximise natural heating, cooling and lighting with any subsequent application, this would need to be conditioned.

Conclusion

The function need for a 3rd dwelling has been established and the principle accepted through planning policy. However the location fails to meet this functional need and the impact on the landscape has been identified as unacceptable. As a result this application has been recommended for refusal.

The Local Planning Authority are open to discussing more suitable locations and would encourage the applicants to engage in pre application discussions.

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
SPT2 Sustainable linked neighbourhoods and sustainable rural communities
SPT3 Provision for new homes
SPT4 Provision for employment floorspace
SPT5 Provision for retail development
SPT6 Spatial provision of retail and main town centre uses
SPT7 Working with neighbouring areas
SPT8 Strategic connectivity
SPT9 Strategic principles for transport planning and strategy
SPT10 Balanced transport strategy for growth and healthy and sustainable communities
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
TTV3 Strategic infrastructure measures for the Main Towns
TTV24 Site allocations in the Smaller Towns and Key Villages
TTV25 Development in the Sustainable Villages
TTV26 Development in the Countryside
TTV27 Meeting local housing needs in rural areas
TTV28 Horse related developments in the countryside
TTV29 Residential extensions and replacement dwellings in the countryside
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV7 Meeting local housing need in the Plymouth Policy Area
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area
DEV9 Meeting local housing need in the Plan Area
DEV10 Delivering high quality housing
DEV15 Supporting the rural economy
DEV16 Providing retail and town centre uses in appropriate locations
DEV17 Promoting competitive town centres
DEV18 Protecting local shops and services
DEV19 Provisions for local employment and skills
DEV20 Place shaping and the quality of the built environment
DEV23 Landscape character
DEV25 Nationally protected landscapes
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV27 Green and play spaces
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport
DEV30 Meeting the community infrastructure needs of new homes
DEV31 Waste management
DEV32 Delivering low carbon development
DEV33 Renewable and low carbon energy (including heat)
DEV34 Community energy

DEV35 Managing flood risk and Water Quality Impacts

DEV36 Coastal Change Management Areas

DEL1 Approach to development delivery and viability, planning obligations and the Community Infrastructure Levy

Other material considerations include the policies of the National Planning Policy Framework (NPPF) including but not limited to paragraphs 79 and guidance in Planning Practice Guidance (PPG).

Neighbourhood Plan

None identified.

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.