

PLANNING APPLICATION REPORT

Case Officer: Adam Williams
Ugborough

Parish: Ermington **Ward:** Ermington and

Application No: 3011/19/FUL

Agent/Applicant:

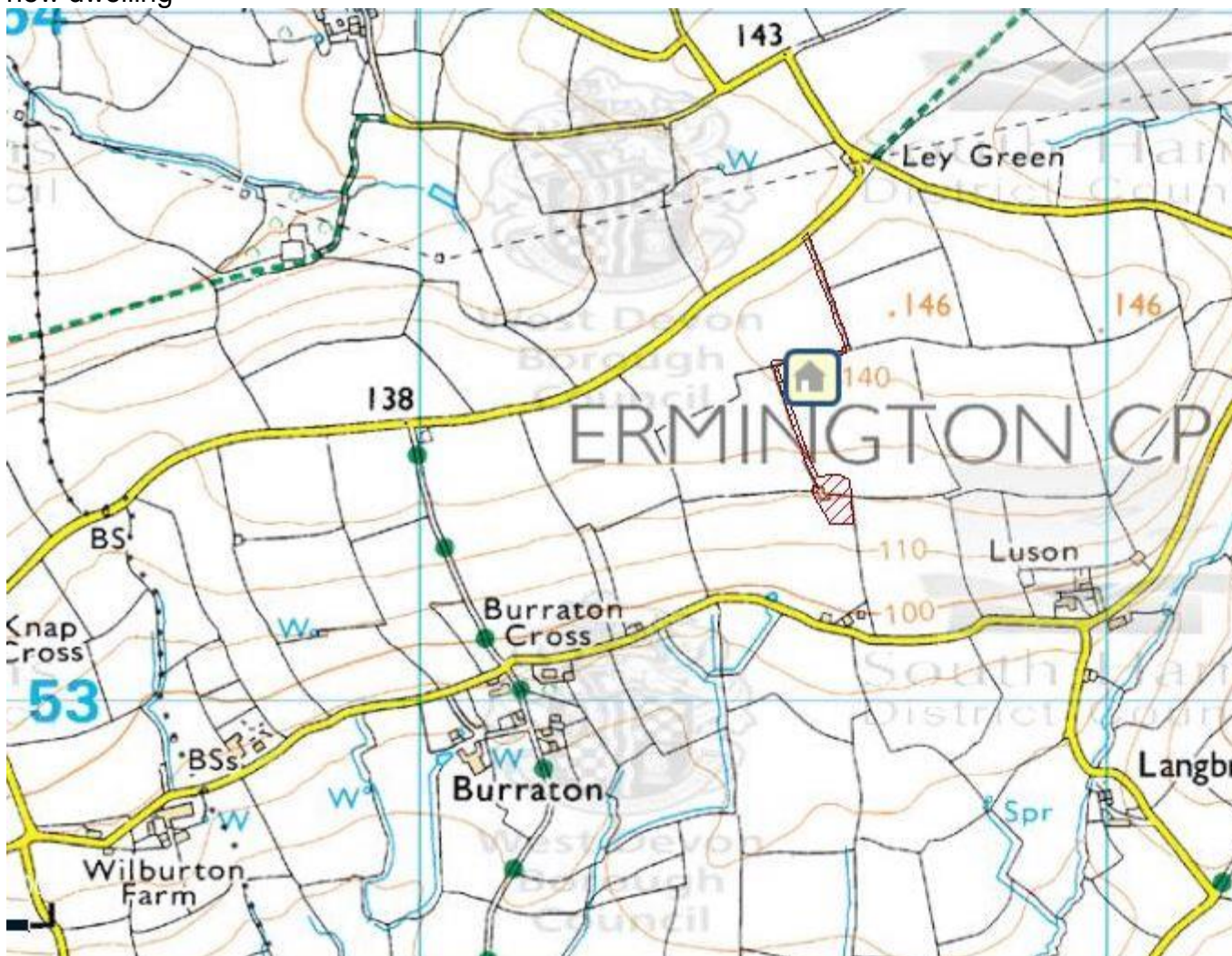
Mrs Amanda Burden - Luscombe Maye
59 Fore Street
Totnes
Devon
TQ9 5NJ

Applicant:

Mr & Mrs M Douglas
C/o Agent

Site Address: The Shippen, Cowsberry Farm, Burraton, PL21 9JZ

Development: Demolition of existing barn following Class Q approval and construction of new dwelling



Reason item is being put before Committee *Cllr Holway*

I tend to agree with the Parish Council and the three residents who live nearby that it will look better than the existing. The demolition and rebuild will allow the incorporation of much

better insulation than if the existing building were developed and it will also allow the installation of underfloor heating that can be run from an air or ground source heat pump. This together with the planting of an orchard will help to reduce carbon emissions and I would like the DM committee to consider this aspect and decide if it outweighs the reasons for refusal.

Recommendation: Refusal

Reasons for refusal

1. The proposal, having regard to its scale, massing, siting and design, together with the extended change of use of agricultural land to residential curtilage, in this prominent position, within open countryside, would result in a harmful form of development which would detract from the character and appearance of this rural landscape contrary policy DEV23 of the Plymouth and South West Devon Joint Local Plan and advice in the Framework (notably but not limited to paragraphs 8, 127 and 170).

Key issues for consideration:

Principle of Development/Sustainability: including the location of the site in open countryside without its own services and remote from other services and amenities, outside any settlement boundary within the countryside but taking note of its fallback position for permitted development under Part 3, Class Q of the GDPO and the comparison between what could be built under prior approval and the scale of the proposals as submitted

Design/Landscape and Highways/ Access: the visual impact of the dwelling on local character and wider landscape

Neighbour Amenity: issues surrounding neighbourliness;

Financial Implications (Potential New Homes Bonus for major applications):

The Government have advised that the New Homes Bonus scheme will end after the 2019-2020 financial year and this year is the last year's allocation (which was based on dwellings built out by October 2018). A statement about a replacement scheme is expected in September 2019.

Site Description:

The Shippen' is a masonry and timber structure with timber posts that are set into the ground. The external walls comprise corrugated fibre cement sheets, timber weather board cladding and fibre cement roofing. It has a footprint of 93m²

The site is located 1.5 miles west of Ermington and south west of Westlake, the application site sits much higher in the landscape compared to the collection of buildings to the south

The Proposal:

Demolition of existing barn following Class Q approval and construction of new dwelling

1 half of the dwelling will take the scale and form of the Shippen and another half to the south will comprise a two storey timber clad building.

The proposals also feature an extension of curtilage enclosed by new hedgebank.

Consultations:

- County Highways Authority – standing advice
- Town/Parish Council - support

Representations:

7 letters of the support were received stating;

- After viewing the post and current plans I feel that the current proposed plans are of a greater architectural and ecological merit. I feel incorporating the stone enclosure at the rear is a positive addition. The Devon bank and orchard will situate itself well within the landscape.
- The sympathetic design references the buildings past, incorporates and retains original features. The proposed landscaping will enhance the country setting of the new building. I fully support the application as it will have minimal impact on the local area.
- I support the purposes application , I feel it fits well in the landscape and prefer the selection of natural materials they intend to use.
- After viewing the plans I believe that the new dwelling will have a positive impact on the local area, the Devon bank and orchard will have a huge positive environmental effect.The overall appearance of the new dwelling will be fitting with the area giving an improvement to the existing site.
- The proposed development is within sight of our house. The plans are sympathetic to the local environment, and will improve the visual impact over the existing aspect. The proposed tree planting will add significantly to the local environment. I fully support the application.
- The proposed development is within sight of the road along which I pass on a regular basis.
The current structure is rather an eyesore and the plans for development will significantly improve the visual impact and the proposed landscaping will enhance the setting and benefit the environment. I support the application.(commented twice)

Relevant Planning History

2725/19/PDM

Notification for prior approval for proposed change of use of agricultural building to dwellinghouse (Class C3) and for associated operational development (Class Q(a+b))

Conditional Approval

Barn At Sx 616 531 Cowsberry Farm Ivybridge PL21 9JZ 21 August 2019

4142/18/PDM

Notification for prior approval for proposed change of use of 2no. agricultural buildings to two dwellinghouses (Class C3) and for associated operational development (Class Q(a+b)) Prior

Approval Not required

Cowsberry Farm Ivybridge PL21 9JZ 19 December 2018

2912/18/AGR

Application for prior notification of agricultural development -Creation of agricultural access track to serve agricultural holding Ag Determination details not required

ANALYSIS

Principle of Development/Sustainability:

The site is in open countryside where the principle of development is strongly controlled, it would otherwise be deemed a sustainable location for the provision of what is a very large house. In this case however, the existing barn benefits from Class Q prior approval for the conversion of the barn to 3 dwellings, therefore the principle of residential use is established

The case of The Court of Appeal at Mansell v Tonbridge and Malling BC [2017] EWCA Civ 1314 is relevant here - This clarifies that with respect to Class Q and Fallback that the "real prospect" of a fall-back development being implemented does not have to be probable or likely. "A possibility will suffice". The submission and approval of a Class Q prior approval together with the applicants ownership of the site lends a level of likelihood of the fall back being implemented more than theoretical, furthermore a Full Application was approved in 2017 which sought permission for some minor variations what was permitted through Class Q (in that case, an internal car port)

What is therefore for consideration is, do the proposals amount to an improvement over what could be developed through implementation of Class Q or its subsequent full application?

Design/Landscape:

In landscape terms, the site is within the Landscape Character Type 3E, it is characterised by a settled, farmed landscape, with its rural qualities impacted by nearby urban development, historic quarrying activity, electricity infrastructure and other intensive industrial land uses. Its valued attributes are its remote and tranquil character in places, long views over the landscape and strong visual relationship of this area to Dartmoor National Park, with extensive views to and from the protected landscape.

This part of the landscape area is not as impacted by infrastructure found elsewhere and is more immediately characterised by the tranquil attributes with its settled, farmed landscape among undulated plain. The landscape character assessment guideline seeks to protect the rural character of the area and ensure careful siting of new development away from open or exposed locations such as this. Adopted local plan policy DEV23 seeks to conserve and enhance landscape character and scenic and visual quality by requiring development proposals to conserve and enhance the characteristics and views of an area

Officers acknowledge that the site benefits from permitted development with a prior approval application submitted and permitted, this means there is a degree of impact which could take place through the domestication of the existing structure, although the permitted development is for a conversion, the proposals seek to demolish the existing structure, replace it with a similar sized structure and construct a new two storey element on its south side.

When considering applications such as this there has to be betterment compared to what would have been possible through Class Q, and whilst this is subjective, the starting point is the context of the building itself together with its landscape context. There have been a number of appeals throughout the years where inspectors have concluded (not just with Mansell type applications) that agricultural buildings, whilst not wholly attractive in of themselves, are very much a feature of the rural landscape and in terms of what a visual receptor will read, largely go unnoticed, whereas a dwelling in an isolated and prominent position is much more prevalent and whilst an agricultural conversion will have a level of

domestication and character change, its form is retained and visual impact lessened and in a wider context their change and alteration is less pronounced.

In this instance, the site and building is highly prominent being up on the hillside and is therefore more sensitive to change. The existing building is very much a part of the agricultural landscape and whilst a level of domestication can occur through the insertion of windows and resulting external domestic clutter, the proposals for an additional two storey structure comprising a larch cladding is considered to appear at odds with the immediate vernacular and result in a highly incongruous structure in a prominent position within the landscape. Furthermore, the proposed floor space is above that which could otherwise be built under its prior approval and officers considered there was no fall-back position for a house this size on this plot, not least to the scale proposed, whilst allowance can be made for minor deviations in scale and size, the scale is more than double what could otherwise be developed under permitted development and as such no fall back exists for a development of this scale.

In addition to this, the proposal seeks to increase the domestic curtilage to a large degree to the south, although proposed as an Orchard, the change of use of this land, together with the irregular shape of its enclosure by new hedge bank, would be harmful to the overall landscape character over time.

Overall it is considered there is no betterment afforded by this proposal and a development of this scale and appearance, together with large extension of domestic curtilage, in this prominent position, are not considered to respect scenic quality and distinctive sense of place of the landscape, they do not conserve and enhance the characteristics and views of the area along with valued attributes of its landscape character type, nor do they restore positive landscape characteristics and features that reinforce local landscape quality and distinctiveness. Rather the proposals would detract from the character and appearance of this rural landscape contrary policy DEV23 of the Plymouth and South West Devon Joint Local Plan and advice in the Framework (notably but not limited to paragraphs 8, 127 and 170).

Neighbour Amenity:

Given what can be carried out through Class Q the level of fenestration changes will not impact the amenity of nearby resident to the south. Although new windows in a higher position and closer to the nearby property (and future conversions of agricultural buildings should they manifest following successful prior approval applications) to the south, the distance between them remains sufficient, couple with the principle of conversion existing, the potential for additional harm is not considered to be demonstrable harmful in comparison.

Highways/Access:

The site proposes to retain the existing access, this access was permitted through permitted development under Part 6 Class A(b) under reference 2912/18/AGR, there will be no change to this and the principle for its use is established by the prior approval for the conversion of the Shippen

Other Matters:

The site falls within the Zone of Influence for new residents have a recreational impact on the Tamar European Marine Site (comprising the Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA). This Zone of Influence has recently been updated as part of the evidence base gathering and Duty to Cooperate relating to the Joint Local Plan. A scheme to secure mitigation of the additional recreational pressures upon the Tamar

European Marine Site can be appropriately secured by condition, and this approach has been agreed by Natural England.

Planning Balance

The proposal would provide a number of benefits, notably 1 dwelling that would boost the supply and provide investment in construction and related employment for its duration, however given this is only 1 house the benefits are not significant and weigh less in the balance.

On the other hand, the development would have a harmful impact on the character and appearance of the area and for the above reasons. These factors weigh heavily against the proposal and the proposals are not considered to respect scenic quality and distinctive sense of place of the landscape, they do not conserve and enhance the characteristics and views of the area along with valued attributes of its landscape character type, nor do they restore positive landscape characteristics and features that reinforce local landscape quality and distinctiveness. Rather the proposals would detract from the character and appearance of this rural landscape contrary policy DEV23 of the Plymouth and South West Devon Joint Local Plan and advice in the Framework (notably but not limited to paragraphs 8, 127 and 170).

In assessing the proposals against these policies, the possibility for fall back, taken as a whole, it is considered that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits and it is recommended that planning permission is refused.

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

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

TTV27 Meeting local housing needs in rural areas

DEV1 Protecting health and amenity

DEV2 Air, water, soil, noise, land and light

DEV10 Delivering high quality housing

DEV23 Landscape character

DEV28 Trees, woodlands and hedgerows

DEV29 Specific provisions relating to transport

Other material considerations include the policies of the National Planning Policy Framework (NPPF) including but not limited to paragraphs 8, 127 and 170 and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application:

Neighbourhood Plan

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.