

# PLANNING APPLICATION REPORT

**Case Officer:** Adam Williams  
Ugborough

**Parish:** Ugborough **Ward:** Ermington and Ugborough

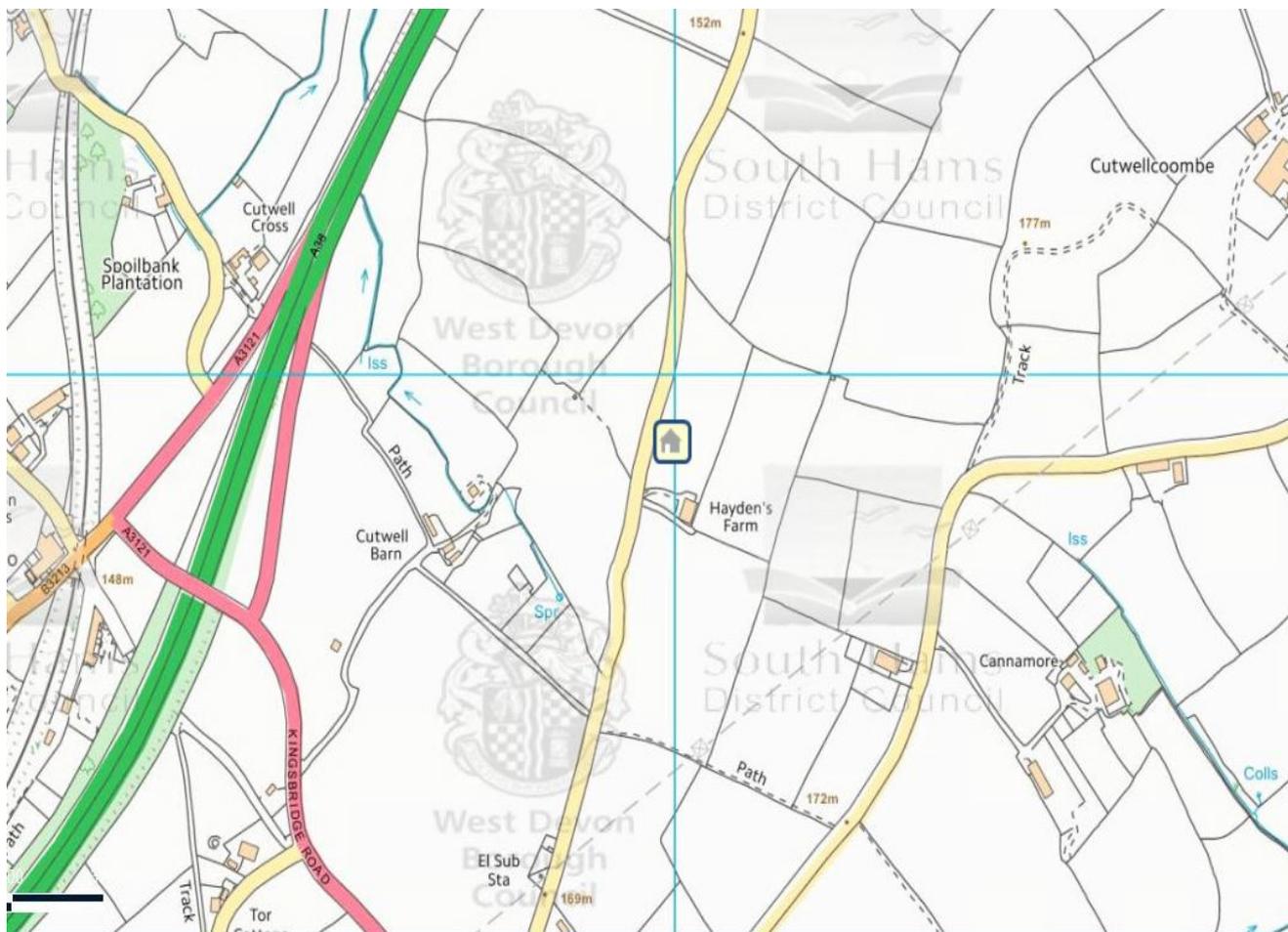
**Application No:** 3217/19/FUL

**Agent/Applicant:**  
Mrs C French  
Haydens Farm  
Kingsbridge Road To The Woodpecker  
Wrangaton  
TQ10 9HB

**Applicant:**  
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Haydens Farm  
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Wrangaton  
TQ10 9HB

**Site Address:** Haydens Farm, Wrangaton, TQ10 9HB

**Development:** Erection of Skystream 3.7, 2.4Kw Wind Turbine on 13.7m tower



**Reason item is being put before Committee Cllr Holway - Bearing in mind that SHDC has declared a Climate Emergency I think this application should be considered by the DM Committee as our policies do not presently reflect the climate Emergency.**

**Recommendation: Refusal**

## Reasons for refusal

1. The site proposed for development has not been allocated within the adopted Plymouth and South West Devon Joint Local Plan or a neighbourhood plan for a wind turbine and as such is contrary to Plymouth and South West Devon Joint Local Plan Policy DEV33 and National Planning Policy Framework paragraph 154
2. The proposals, by virtue of its distance to nearby hedgerow where bats are likely to forage, the impacts on bats have not been avoided wherever possible and the proposals are therefore contrary to Policy DEV29 of the Plymouth and South West Devon Joint Local Plan and the National Planning Policy Framework

## Key issues for consideration:

Principle, design, landscape, biodiversity

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## Site Description:

The application site, Hayden's Farm, lies to the north east of the villages of Ugborough and Bittaford and is located within the countryside and Area of Great Landscape Value. It is bounded by mature hedging with the field being split into several parcels of land by low level fencing. The site comprises of pastureland and some paddocks along with an agricultural building adjacent to an existing temporary workers dwelling.

## The Proposal:

Erection of Skystream 3.7, 2.4Kw Wind Turbine on 13.7m tower

## Consultations:

- County Highways Authority – no highway implications
- Town/Parish Council - Neutral. Prefer solar panels, which would be less intrusive from Dartmoor
- Dartmoor National Park – no objection
- SHDC Biodiversity – objection
- SHDC Landscape Officer – no objection

## Representations:

None

## Relevant Planning History

1733/18/FUL

Replacement of existing temporary dwelling with permanent bungalow Conditional Approval  
Haydens Farm Yellowberries Lane Wrangaton Devon TQ10 9HB 31 July 2018

2849/15/FUL

Erection of bungalow to replace temporary dwelling Withdrawn  
Haydens Farm Kingsbridge Road To The Woodpecker Inn Wrangaton Devon TQ10 9HB 09  
June 2016

57/1888/12/F

Resubmission of retrospective application 57/2916/11/F for the retention of a temporary occupational workers dwelling, and change of use of an agricultural building to equestrian use Conditional Approval

Haydens Farm Yellowberries Lane Wrangaton South Brent TQ10 9HB 07 August 2012

57/2916/11/F

Retrospective application for siting of mobile home for residential use and change of use from agricultural land to equine use Withdrawn

Haydens Farm Yellowberries Lane Wrangaton South Brent TQ10 9HB 14 November 2011

57/1415/92/3 – Extension to agricultural building – Conditional Approval on 21 Oct 1992

## **ANALYSIS**

### **Principle of Development/Sustainability:**

The site is located within the countryside where development is strictly controlled, policy TTV26 concern countryside development, given the presence of other structures on site, it cannot be said to be an isolated location, policy TTV26.2 applies, where development should respond to a proven agricultural, forestry and other occupational need that requires a countryside location and where development should help enhance the immediate setting of the site and include a management plan and exit strategy that demonstrates how long term degradation of the landscape and natural environment will be avoided. The second matter is one for design/landscape considerations, in terms of the former, the development of a wind turbine for the site will allow the occupiers to rely in decentralised renewable energy for their day to day living and to support the Dartmoor Pony breeding business.

Officers support the desire for residents living in countryside locations to be able to generate their own energy on site to reduce carbon emissions. However, in terms of local and national policy the criteria for new wind turbines is explicit, paragraph 154 of the National Planning Policy Framework, footnote 45 reads

*49. a proposed wind energy development involving one or more turbines should not be considered acceptable unless it is in an area identified as suitable for wind energy development in the development plan*

This is reflected in Joint Local Plan Policy DEV33.7 which states;

*For wind turbine proposals, the site has been allocated for that use within a neighbourhood plan.*

Simply put, given the strict criteria within the NPPF and the JLP, as the site isn't allocated for a wind turbine, the Local Planning Authority cannot permit a wind turbine.

### **Design/Landscape:**

The land lies within open countryside. Policy DEV23 seeks to safeguard landscape character interests including local distinctiveness and to conserve and enhance landscape character

Although much of the site is obscured from public view from the lane by high mature hedge rows it's important to have regard to landscape character. The wider landscape is predominantly rural, characterised by parcels of agricultural fields and various farms and associated buildings, the A38 is also located nearby 200m to the west and Dartmoor National Park located beyond this, a wind turbine will likely be visible in long reaching views

As already stated, the site contains an agricultural building and dwelling, the character of the site has already been altered through the introduction of these buildings, however a wind turbine will be more visible given its height.

Although a 13.7m high turbine will be a visible feature in the landscape with Dartmoor visible to the north and the site likely visible from that moor land. Wind turbines in countryside locations are not uncommon, although the appearance of wind turbines are often contentious and subjective, officers consider that the visual impact of a smaller wind turbine such as the one proposed is not considered to erode landscape character, in particular areas along the A38 are largely dominated by intrusive high voltage powerlines, the proposals instead reflect a changing necessity to allow decentralised renewable energy to continue to develop in remote locations to provide sustainable living and these matters weigh more heavily in the balance against visual impacts in non AONB or Heritage Coast locations.

#### **Neighbour Amenity:**

There are no neighbouring amenity impacts

#### **Highways/Access:**

There are no highways impacts

#### **Ecology**

The councils ecologist was consulted and raised an objection on the basis that good practice for minimising likelihood of detrimental impacts upon bats has not been met (i.e. a 50m separation from blade tip to nearest habitat feature likely to be used by bats). Taking account of this the proposal is contrary to JLP Policy DEV26.4 as impacts on bats have not been avoided wherever possible.

#### **Planning Balance**

Whilst the provision of renewable energy weighs heavily in the planning balance as it would otherwise support sustainable development objectives to reduce carbon emissions and provide decentralised energy supply for a local resident and business, the policy requirements for new wind turbines are strict and explicit in that such development must be allocated within a local plan or neighbourhood plan. As this site is not allocated for a wind turbine the development cannot be considered acceptable.

***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  
SPT12 Strategic approach to the natural environment  
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  
DEV23 Landscape character  
DEV26 Protecting and enhancing biodiversity and geological conservation  
DEV32 Delivering low carbon development  
DEV33 Renewable and low carbon energy (including heat)

Other material considerations include the policies of the National Planning Policy Framework (NPPF) including but not limited to paragraph 154 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.