

PLANNING APPLICATION REPORT

Case Officer: Amy Sanders

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

Application No: 4701/21/FUL

Agent/Applicant:

Mrs Helen Morris-Ruffle - Visionary
Planning UK
Trevean
2 Penmelen
Camelford
PL32 9UH

Applicant:

Mr Mark Walker
4 Pinwill Crescent
Ermington
Iybridge
PL21 0H3

Site Address: Linhay Barn, Budlake, Ermington, PL21 9NG



Development: Erection of agricultural workers dwelling

Reason item is being put before Committee

Cllr Holway has requested for the item to be determined at Committee for the following reason:

'I think the proposed development at Tallet Meadow/Budlake Barn presents an exciting opportunity for the owners to apply Eco farming methods and help to educate younger people in improving biodiversity and looking after our environment. Should you be unable to recommend Approval, I would like this application to be considered by the DM Committee.'

Recommendation:

Refusal

Reason for refusal

1. The case for a new agricultural workers dwelling is not justified by exceptional or appropriate circumstances, and it is founded that there is no identifiable functional or essential need for an agricultural workers dwelling at this site. The proposed site location is within an open countryside setting, and residential development is only supported in exceptional circumstances, such as to meet an essential agricultural need. As such the proposal fails to meet policy objectives and policies SPT1, SPT2, TTV1, TTV26 and TTV27, of the Plymouth and South West Devon Joint Local Plan, and paragraph 80 of the NPPF.
2. The siting of the proposed dwelling is considered to be contrary to Policy Dev 20, because it does not have a regard to the pattern of local development, and will see an incongruous addition of a new dwelling outside of a settlement. This will result in a further straggle of a dwelling within the open countryside and will visually extend the built form into the open countryside.

Key issues for consideration:

Principle of development, design and appearance, landscape visual impacts, ecology, highways and drainage.

Site Description:

The application site is located to the west of the village of Ermington with open pasture land in between the site and the village. At the site is a Linhay Barn and surrounding open pasture land, with trees of various varieties planted within the grounds. The site is also made up of meadow land, which is located approximately 190 metres to the west of the Linhay Barn, and spreads into Ermington village.

The stone barn is a traditional linhay style barn and is surrounded by stone walling.

The boundary treatments at the site consist of well established hedgerows and trees.

Surrounding the site is open countryside. There is one residential dwellinghouse located directly to the east of the application site known as 'Budlake' and one residential dwellinghouse, on the adjacent side of the highway, to the north east of the site, known as 'Two Springs'.

The Proposal:

This application seeks full planning permission for the erection of a dwelling, described as an agricultural workers dwelling. The proposed dwelling will have 2 bedrooms. The proposed

design of the dwelling will be single storey in height, and will have two rectangular built form blocks with low pitched roofs linked to one another by an entrance hall way. The roofscape will be made of a green roof with wildflowers planted.

The dwelling will be set into the land. The proposal comprises a gross internal floor area of 155 sqm. The proposed curtilage measures 1315 sqm.

The proposed materials include natural timber weather boarding elevations, timber framed openings, The entrance hall area will utilise natural stone with mortar.

Landscaping measures are proposed including a new devon hedgebank to the south east and the retention and improvement of existing hedges to the north, east and north west.

The applicant wishes to have an agricultural workers dwelling at the site in order to manage the meadow land as a farming business. The planning statement states that there is an urgent need for the owners to live on site to closely manage their crops. The crops cultivated from the site are fruit trees and some summer haylage. The planning statement states that living on site will allow the owners to:

- ‘ - deal with emergencies
- less time travelling to and from current home address in the village of Ermington
- security of equipment and produce
- monitoring of stream levels to prevent flooding’.

Planning permission was granted in 2017 to convert the existing Linhay Barn into a dwellinghouse (application reference number 2767/17/FUL). The applicant is wishing to rescind this permission, and maintain the barn as a barn and not complete the conversion permission to turn it into a dwellinghouse, should this application for a new dwelling at the site be successful. Officers are concerned if the existing linhay barn is practical or able to be used for purposes of agriculture, and whether the historic character of the building makes it no longer practical for modern day agricultural purposes. The applicant’s proposal to sign a s106 legal agreement, to ensure the Linhay Barn is restored back to agricultural use and not be converted into a dwellinghouse, as per the permission granted 2767/17/FUL, is not clear if it is possible in legal terms, and Officers are not content that this meets the tests of a s106. Therefore, this part of the proposal cannot be considered as part of this application.

The site is not located within a protected designated area, is not located within a flood risk zone or Conservation Area.

Consultations:

- County Highways Authority: Standing Advice
- Town/Parish Council: Support

The proposed new ‘eco house’ will be far more energy efficient than converting the existing stone linhay for which planning approval exists. The Linhay is a prominent historic feature and would be best retained and renovated as an agricultural building. Legally protecting the linhay as an agricultural barn and removing the planning approval to erect a new steel barn seems best.

- Independent Agricultural Consultant: There is no functional need to live on site- No Support

(Response not copied in full)

The background to this application is as follows:-

The applicant purchased the lincay together with 13 acres in 2019

The lincay already had permission to convert under planning reference 2767/17/FUL

Since acquisition the applicant has also obtained permission under reference 2561/21/AGR for an agricultural storage building.

The applicant since acquiring the property has already planted some orchard trees and made hay on grassland.

I was led to believe by the applicant at my site visit that he wishes to revert the lincay to an agricultural building for uses associated with his proposals on the holding and instead build a new agricultural worker's dwelling as a residence to replace the agricultural storage building under 2564/21/AGR.

I think it is quite obvious that the existing operations on the holding (recently planted orchard trees and hay making – there are no livestock) that there is not a functional need to live on site as prescribed under the relevant criteria of both the local and national policy. So in my opinion that is fatal to the application and means I cannot support. Whether or not the application satisfied the other criteria in terms of the needs of a full time worker, whether it is financially viable and clear prospect of remaining so, whether there is other suitable and available accommodation for the worker concerned, are all probably not satisfied in this case and again, are all criteria which are not met and thus create reasons for me to not support.

- DCC Historic Environment Officer (Archaeology): No comments to make.

I refer to the above application and your recent consultation. Assessment of the Historic Environment Record (HER) and the details submitted by the applicant do not suggest that the scale and situation of this development will have any impact upon any known heritage assets. The Historic Environment Team has no comments to make on this planning application.

- Environmental Health: No concerns

We have considered the documents submitted and have the following comments:

An FDA1 form has been submitted and confirms that the applicant intends to use a Klargestor package treatment plant discharging to a drainage field on land in the ownership of the applicant. We have no concerns regarding this.

A contamination statement has been included which confirms from the applicant that the land has been in long term agricultural use. We therefore do not anticipate any contaminants of concern within the development area.

- Landscape Officer: Holding Objection

The site is not within a designated, protected landscape but is within open countryside. The site is located to the immediate east of an existing stone barn (the Linhay Barn) and yard, and the barn has permission for conversion to a 3 bed dwelling (2667/17/FUL, granted 7 December 2017).

This proposal and the aspirations for the land holding described in the documents do not obviously conflict with these strategies, but it is recommended that a fully detailed hard and soft landscape scheme for the application site should be secured by condition if Officers are minded to approve the application. Soft landscaping details should include the schedules and specifications for the green roof planting, as well as all new tree, shrub and hedge planting, along with maintenance specifications and schedules for the successful establishment of the proposed scheme.

Any external lighting should be limited to reduce adverse effects on dark night skies. This could be secured by a condition requiring full details of any external lighting to be submitted for approval.

A fully detailed landscape scheme for the application site should be secured by condition if Officers are then minded to approve the application.

Representations:

Representations from Residents

11 letters of support have been received and cover the following points:

- The proposal embeds sensible ideas – low impact materials, carbon-neutral space and all hidden by planting.
- The proposal will see the maintenance of the old barn and retain the character of the old barn
- The renovation would provide a fine and desirable traditional historical building to remain
- Remove the need for an ugly modern barn
- Environmentally friendly building
- The barn is a haven for wildlife
- The new plans will emit less light pollution
- The new design is more pleasing
- Less intrusive on the landscape

3 letters of objection have been received and cover the following points:

- The application is premature in advance of evidence of an operational farm on this land. There is at present no convincing need for a dwelling.
- The business plan notes a potential for a “Beacon of Excellence” but this is lacking hard evidence including the long term economic prospects of the proposal.
- The applicant lives within a quarter of a mile of the site which is adequate to cater for supervision while the holding is being developed.
- There appears to be no compelling reason to live on site as there is no livestock, and the bulk of the land has been planted with fruit trees.
- The proposed design is angular with low pitched roofs which do not blend into the site.
- The proposal would set a precedent for further development in the gap between the site and Budlake on the outskirts of the village. It is well accepted that undeveloped spaces on the edges of villages are important.

- If permission were to be granted, the Section 106 Agreement as proposed by the applicant would require strengthening to ensure the following:
 - (a) that only the storage of produce from the holding takes place
 - (b) that a full-time retail unit is not established on the site
 - (c) that the applicant forgoes his right to erect further agricultural buildings and/or extend the existing building on the site
 - (d) that the roadside hedge is maintained at its present height
- It is more environmentally friendly to convert the lincay
- The proposed aesthetics do not fit in with the traditional village

Relevant Planning History

Planning Application Ref: 2767/17/FUL

Description: Conversion of barn to dwelling

Address: Lincay Barn Budlake Ermington Ivybridge PL21 9NG

Decision Date: 07 December 2017

Conditional Approval

Planning Application Ref: 1996/21/AGR

Description: Application for prior notification of proposed agricultural barn

Address: Tallet Meadow Farm Ermington PL21 9NG

Decision Date: 23 June 2021

Prior Approval Refused

Planning Application Ref: 2564/21/AGR

Description: Application to determine if prior approval is required for a proposed storage building measuring 25metres x 12metres by 4.10metres to eaves and 5.60metres to ridge

Address: Tallet Meadow Ermington PL21 9NG

Decision Date: 03 August 2021

Ag Determination details not required

ANALYSIS

Principle of Development/Sustainability:

Spatial Strategy:

Policy SPT1 of the Joint Local Plan (JLP) seeks a sustainable society where sustainable and health-promoting transport options are available to access local education, services, and jobs. Policy SPT2 sets out that development should support the overall spatial strategy through the creation of communities which; have reasonable access to a vibrant mixed-use centre, which meets daily community needs for local services such as neighbourhood shops, health and wellbeing services, and community facilities, and; are well served by public transport, walking and cycling opportunities.

Policy TTV1 of the JLP prioritises growth through a defined four-tier hierarchy of settlements within the Thriving Town & Villages Policy Area (TTV), further explained in policy TTV25. Paragraph 5.5 of the JLP explains that policy TTV26 (Development in the Countryside) will be applied 'outside built up areas'.

The site is not within an area identified as a 'Main Town', 'Smaller Town', 'Key Village' or 'Sustainable Village' within the Council's Thriving Towns and Villages Policy Area. Consequently, the proposal site is considered to be located within the fourth tier of the Council's settlement hierarchy, which relates to Smaller Villages, Hamlets and the Countryside, where development will be permitted only "*where it can be demonstrated to support the principles of sustainable development and sustainable communities (policies SPT1 and SPT2), including as provided for in policies TTV26 and TTV27*". Officers note that the planning statement references that the site is within the settlement of Ermington, however, owing to its remoteness from the village, it is not considered as being within the main cluster or heart of the village of Ermington. It is on the periphery and not classed as being within the village. Policy TTV26 of the JLP relates to development in the countryside. The aim of the policy is to protect the role and character of the countryside.

The policy is divided into two different sets of requirements; part one (TTV26 (1)) applies to development proposals considered to be in isolated locations. The second part of the policy, (TTV26 (2)) is applied to all development proposals that are considered to be in a countryside location.

Officers are applying the Bramshill Ruling in considering whether or not the site should be judged to be isolated (*City & Country Bramshill Limited v SoSHCLG, Hart District Council, Historic England, & The National Trust for Places of Historic Interest or Natural Beauty, 2020*). This judgement superseded the Braintree Ruling, which had previously applied a more literal understanding of the term 'isolated', stating that a proposal site would need to be '*far away from people, places or thing*' to be considered isolated. The Bramshill Ruling applies a less restrictive interpretation than Braintree, ruling that "*...the word "isolated" in the phrase "isolated homes in the countryside" simply connotes a dwelling that is physically separate or remote from a settlement. Whether a proposed new dwelling is or is not "isolated" in this sense is a matter of fact and planning judgment for the decision-maker in the particular circumstances of the case in hand*" (paragraph 10 of the ruling).

The application site has two dwellings within relatively close proximity to the site. Although the proposed location would therefore represent development in the countryside, when applying the principles of the Bramshill Ruling, it is not considered to be isolated development. Therefore TTV26 (2) is only applicable in this instance.

JLP Policy TTV26 (2) states:

Development in the countryside

The LPAs will protect the special characteristics and role of the countryside. The following provisions will apply to the consideration of development proposals:

2. Development proposals should, where appropriate:

i. Protect and improve public rights of way and bridleways.

ii. Re-use traditional buildings that are structurally sound enough for renovation without significant enhancement or alteration.

iii. Be complementary to and not prejudice any viable agricultural operations on a farm and other existing viable uses.

iv. Respond to a proven agricultural, forestry and other occupational need that requires a countryside location.

v. Avoid the use of Best and Most Versatile Agricultural Land.

vi. 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 proposal does not impact upon any public rights of way or bridleways, and so point (i) is not relevant to the proposal.

The proposal does not seek to re-use an existing traditional building. Officers note that permission is granted at the site to reuse the traditional Linhay Barn for residential accommodation.

iii. Point three is not relevant or applicable as there is no agricultural use on site to be effected.

iv. The application is for an agricultural workers dwelling. The applicant justifies the need for the new dwelling in order for the applicant to manage and farm the meadow land. The business plan and documents provided to support the application note that the applicant purchased the Linhay along with 13 acres of land in 2019. Since acquiring the property, the applicant has planted some orchard trees and made hay on the grassland.

An Independent Agricultural Advisor has assessed the need for a dwelling at the site and found that there is not a functional or essential need to live on site, as prescribed under the relevant criteria of both local and national policy. The Agricultural Consultant concluded that: 'existing operations on the holding, including the planting of orchard trees and hay making, with no livestock, demonstrate there is no functional or essential need to live on site'.

In addition, the Agricultural Consultant notes that the financial viability is not satisfied in this case.

The Agricultural Advisor was clear in emphasising the early stages of the enterprise being operated at the site. The activity so far on the site includes planting of orchard trees, and management of the land which totals 13 acres. This does not constitute a need to have a 24 hour presence on site, nor does it equate to a well-established agricultural business. There is no founding for a need at present for an agricultural workers dwelling because of the premature and new stages of the business. The Agricultural Consultant notes: 'because this is a relatively new enterprise, then it quite neatly fits into a category of a temporary dwelling, thus giving the applicant a trial period of say 3 years to get the proposed business up and running, and in a position to possibly satisfy the criteria for a permanent dwelling in 3 years' time'. In these circumstances, where the business is new and not yet established fully, a temporary workers dwelling would be more appropriate. The agent and applicant do not wish to pursue this option of a temporary dwelling.

The NPPF paragraph 80 provides further information regarding isolated homes in the countryside. Paragraph 80 reads:

'80. Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;'*

Further guidance is provided in the Planning Practice Guidance (PPG). The text relevant to Paragraph 80a, states (formerly paragraph 79a):

Considerations that may be relevant to take into account when applying Paragraph [80a] of the NPPF could include:

- *evidence of the necessity for a rural worker to live at, or in close proximity to their place of work to ensure the effective operation of an agricultural, forestry or similar land-based rural enterprise (for instance, where farm animals or agricultural processed require on-site attention 24 hours a day and where otherwise there would be risk to human or animal health or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products)*

The application does not demonstrate that there is a need for someone to be present at site 24 hours a day, and does not meet the above examples of why an agricultural workers dwelling might be essential. The total acreage of the land is 13 acres which is a minimal size to require a full time worker to be present on site 24 hours a day. The applicant lives in close proximity to the place of work, being resident in the village of Ermington, and located approximately 850 metres along the highway from the site, or 630 metres as the crow flies. The main village square of Ermington is approximately 450 metres along the main highway. On the site visit conducted with the applicant, the applicant was able to walk to the site.

Due to the existing nature of the business, there are not considered to be emergencies that could result in serious loss of crops that require 24 hour supervision. There are no animals/livestock on the site. The Planning statement referred to a need to be present on site in case of flooding. The site is not located within a flood risk zone, and owing to the applicants living within proximity to the site, if there was flood risk, then they would be able to access the site responsively.

The PPG guidance also considers if the need can be met through improvements to existing accommodation on the site, providing such improvements are appropriate taking into account their scale, appearance and the local context. There is extant permission for a dwellinghouse at the site. Furthermore, the applicants live within the village of Ermington so it is considered that the potential need for a new agricultural workers dwelling can be met through other ways.

In light of the above assessment, and independent assessment of the Agricultural Consultant, it is concluded that there is no demonstrable functional, or essential need, for the proposed agricultural workers dwelling. For these reasons, a new agricultural workers dwelling for this new enterprise, at this location, is not supported as it is contrary to the spatial strategy of the JLP, and more detailed policies relating to the settlement hierarchy and development in the countryside, along with the aims of Paragraph 80 of the NPPF.

Design and Appearance

The proposal is for a contemporary style dwelling with flat roof, and it will be relatively low lying. The proposal offers a modern style which does not respond to the local vernacular, however, the NPPF allows for innovative design. The proposed materials which see the use of timber and stone are supported. The meadow planted roof will help to assimilate the development into the setting. The proposed dwelling is modest in scale and footprint. It does consider the local topography, and the roof will be positioned to sit well within the valley side.

The siting of the proposed dwelling is not considered to be acceptable. The siting of the dwelling will cause a further straggle of a dwelling within the open countryside setting. The site is not clearly within the definable boundary of the village. The proposal will visually extend the built form into the open countryside, and it does not appear as a natural addition to the main village.

Policy Dev 20 requires development to have a:

'proper regard to the pattern of local development and the wider development context and surroundings in terms of style, local distinctiveness, siting, layout, orientation, visual impact, views, scale, massing, height, density, materials, detailing, historic value, landscaping and character, and the demands for movement to and from nearby locations.'

The proposal is not considered to have a regard to the pattern of local development or the surroundings, as it will see a further incongruous addition of a new dwelling outside of a settlement area. The proposal is therefore, contrary to Policy Dev 20.

Landscape

The site is not within a designated area. It is located within Landscape Character Type 3.G River Valley Slopes and Combes.

A Landscape Character and Visual Amenity assessment was completed and submitted with the application. In terms of visibility of the site, the assessment found that:

'the visual envelope of the site is defined by topography of the Erme valley. The site sits in a coombe that leads into the Erme Valley to the west of the village of Ermington. We were unable to identify any clear views of the site from any area that has public access.'

The report concludes that:

'In conclusion, it is assessed that the design and mitigation approaches adopted by the proposed development through its design and planning, would minimise impacts on the landscape and visual receptors and would accord with point 7 set out in Policy Dev 23 in the JLP. To avoid, mitigate and where necessary compensate for any residual effects, it is assessed that the proposed development would result in no more than negligible effects on very limited local visual receptors and would result in net beneficial landscape effects in terms of the receiving site and immediate areas.'

The Landscape Officer has been consulted on the application and has a holding objection because the level of detail submitted with the application does not convince the Landscape Officer that the requirements of Dev 23 are met. If the application is approved, then a landscaping scheme and further information regarding landscaping details and a landscape management plan would be required as a pre-commencement condition to ensure that the proposal does follow Policy Dev 23.

On balance, Officers note that the site is relatively well screened due to the existing hedgerow and planting. The site is visually well contained in the valley, and largely screened from public views into the site. The single storey height of the building, along with the green roof and the boundary hedge will help to mitigate any landscape effects and effects of a new building within this countryside setting.

The proposal will require a full detailed hard and soft landscape scheme, including details of the proposed new hedge bank and how this will sit with and adjoin the existing boundary treatments, and how the existing hedgerow will be maintained, will be required and secured by a condition, if approval is recommended on this application.

The proposal will also require a condition for external lighting. External lighting should be carefully controlled to minimise any adverse effects from light spill. This could be secured by a condition requiring full details of any external lighting if planning permission is granted.

Details of external level changes should be confirmed, including the nature, height and extent of any retaining features. Adverse impacts on the northern boundary hedge as a result of the development should be avoided, and therefore further information is required to explain how this feature will be protected.

With the use of the above conditions requiring further landscaping details, lighting and levels, the proposal is considered to be compliant with Dev 23.

Climate Emergency

The application has been submitted with a Dev 32 checklist and a design philosophy document explaining the sustainability of the proposal.

The planning statement notes that the proposal will use locally sourced construction materials and avoid the use of concrete or high energy demand products including steel. Officers query this statement as the Dev 32 checklist refers to 'eco concrete'. The planning statement notes that the proposal will use a ground sourced heat pump and mechanical ventilation heat recovery. For energy production, the proposal will use a water and wind turbine and solar panels. The proposal will see sufficient space being provided for an electric vehicle charging point. These measures have not been provided on any proposed plans, so should approval be given, this would need to be added as a condition to require details of these measures.

Officers note the measures that are proposed to improve the energy demand and energy efficiency of the proposal, in line with Policy Dev 32. However, it is important to note that a significant proportion of the carbon emissions associated with buildings arise from the materials used and the construction process itself. These are the "embodied carbon emissions" of a building. Extending the lifespan of a sound existing building which is capable of adaption to meet an occupier's future needs is a lower carbon pathway than building a new. Undertaking a retrofit to maximise an existing buildings energy efficiency and decarbonise its sources of heat and electrical power will help ensure that the building can provide a comfortable environment and low energy performance well into the future. The embodied carbon associated with the construction of a typical new building can be equivalent to 20 years' worth of its operational carbon emissions. Research also shows that over the timeframe of 10-30 years (depending on the particular deadline for net zero) then it is likely that retrofitting existing buildings, where possible, will have a more positive impact on climate change than building new. This research is supported by the Carbon Management Hierarchy, which outlines the best action in reducing emissions is to avoid building a new dwelling. It is also questioned by Officers if the existing Linhay barn is suitable and fit for purpose as agricultural use and would be better suited as a dwellinghouse.

Despite the new dwelling using energy saving measures, the most effective method for carbon saving is to reuse and retrofit existing buildings. This is a possible solution at the site, where there is extant permission for the conversion of a barn into a dwellinghouse. The proposal is therefore not considered to meet the aims of the Policy Dev 32.

Neighbouring Amenity

The proposal is not considered to be in close proximity to cause harm to neighbouring amenity. The closest neighbouring dwelling is approximately 80 metres away, and their curtilage boundary 45 metres.

Ecology

In the instance of this application, the wildlife trigger list has not been activated, so there is no requirement for an ecological survey. The proposal will see an increase in bio-diversity through the addition of hedge banks, planting and the installation of bat and bird boxes.

Highways

Standing advice has been applied. The entrance provides access and acceptable visibility to enter the main highway. There is sufficient space to manoeuvre a car within the parking area proposed, so a vehicle can enter the highway in forward gear. Two car parking spaces are proposed. The proposal is considered to meet standing advice and complies with the SPD.

Drainage

The planning application [ref 2767/17/FUL] to convert the existing Linhay barn adjacent to the development required a drainage assessment to be submitted to satisfy condition 5 of the Permission. This assessment identified, via excavated test pits, that soakaways were not feasible as the pits rapidly filled with ground water in November and May the year the tests were carried out. The development site is immediately adjacent to the Linhay Barn site and it therefore can be assumed that the ground conditions will be similar. As soakaways are not possible, moving down the drainage hierarchy the next approach would be to discharge to a watercourse. There is a watercourse immediately to the West of the development site and the area of the development roof is practically the same as the Linhay Barn impermeable area. Therefore it is proposed to construct an attenuation tank to the same size as that detailed for the Linhay barn. This is shown on drawing SG19-30 04 F Proposed Site Plan.

In regards to foul sewage, it is proposed to connect to the package treatment plant installed as part of Linhay Barn conversion under planning application [Ref 2767/17/FUL]. If permission is granted for this new dwelling, the Linhay barn will be retained as an agricultural use and the treatment plant would serve the new dwelling instead (subject to a Heads of Terms agreement). The package treatment plan and drainage field is located to the East of the proposed dwelling as detailed on the proposed site plans.

The installation complied with general binding rules and is located outside any Source Protection Zone 1 and therefore an Environmental permit is not required.

The Treatment plant is located a minimum 7m from the proposed dwelling and the drainage field 15 metres away from the proposed dwelling and 5 metres from the adjacent lane.

The installation was inspected and approved under Building Regulation Notice Application 19/06157.

In light of these considerations, the proposed drainage scheme is acceptable.

Other Matters

The Design and Access statement advises that the applicants intention is to retain the Linhay in agricultural use, and this is confirmed in the Heads of Terms document. Should planning permission be granted, then this will need to be managed by the Legal team.

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 a legal agreement, and this approach has been agreed by Natural England.

The proposed layout plan shows 2 bedrooms are proposed. The amount to pay would be £435.89. The applicant has stated they are happy to pay any legal fees once the application is determined. Due to the recommendation of refusal, the legal agreement S106 has not been progressed.

Conclusion

The application does not demonstrate a need for a full time agricultural workers dwelling to be erected at the site, owing to the Independent Agricultural Consultant's assessment finding there to be no identifiable functional or essential need. The nature of the current activity operating at the site, including plating of fruit trees and making of hay, does not constitute a need to live at the site, especially when regarding the applicant lives in close proximity to the site in the village of Ermington. As the site is within an open countryside setting, residential development is not supported at the site, without exceptional circumstances, which this application fails to meet. In addition, the proposal will see an increase in built form on the edge of the village, so will not appear as a natural extension. On balance, the proposal is not considered to comply with relevant local plan policies.

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

Planning Policy

Relevant policy framework

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 Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts of South Hams and West Devon within Dartmoor National Park).

On 26 March 2019 of the Plymouth & South West Devon Joint Local Plan was adopted by all three of the component authorities. Following adoption, the three authorities jointly notified the Ministry of Housing, Communities and Local Government (MHCLG)* of their choice to monitor the Housing Requirement at the whole plan level. This is for the purposes of the Housing Delivery Test (HDT) and the 5 Year Housing Land Supply assessment. A letter from MHCLG to the Authorities was received on 13 May 2019 confirming the change.

On 13th January 2021 MHCLG published the HDT 2020 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 144% and the consequences are "None".

Therefore a 5% buffer is 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 5.8 years at end March 2021 (the 2021 Monitoring Point). This is set out in the

Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2021 (published 12th November 2021).

[*now known as Department for Levelling Up, Housing and Communities]

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
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
TTV25 Development in the Sustainable Villages
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
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area
DEV9 Meeting local housing need in the Plan Area
DEV15 Supporting the rural economy
DEV20 Place shaping and the quality of the built environment
DEV21 Development affecting the historic environment
DEV23 Landscape character
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport
DEV32 Delivering low carbon development
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 79 and 80, 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.