

# PLANNING APPLICATION REPORT

**Case Officer:** Chloe Allen

**Parish:** Thurlestone

**Ward:** Salcombe and Thurlestone

**Application No:** 3026/21/FUL

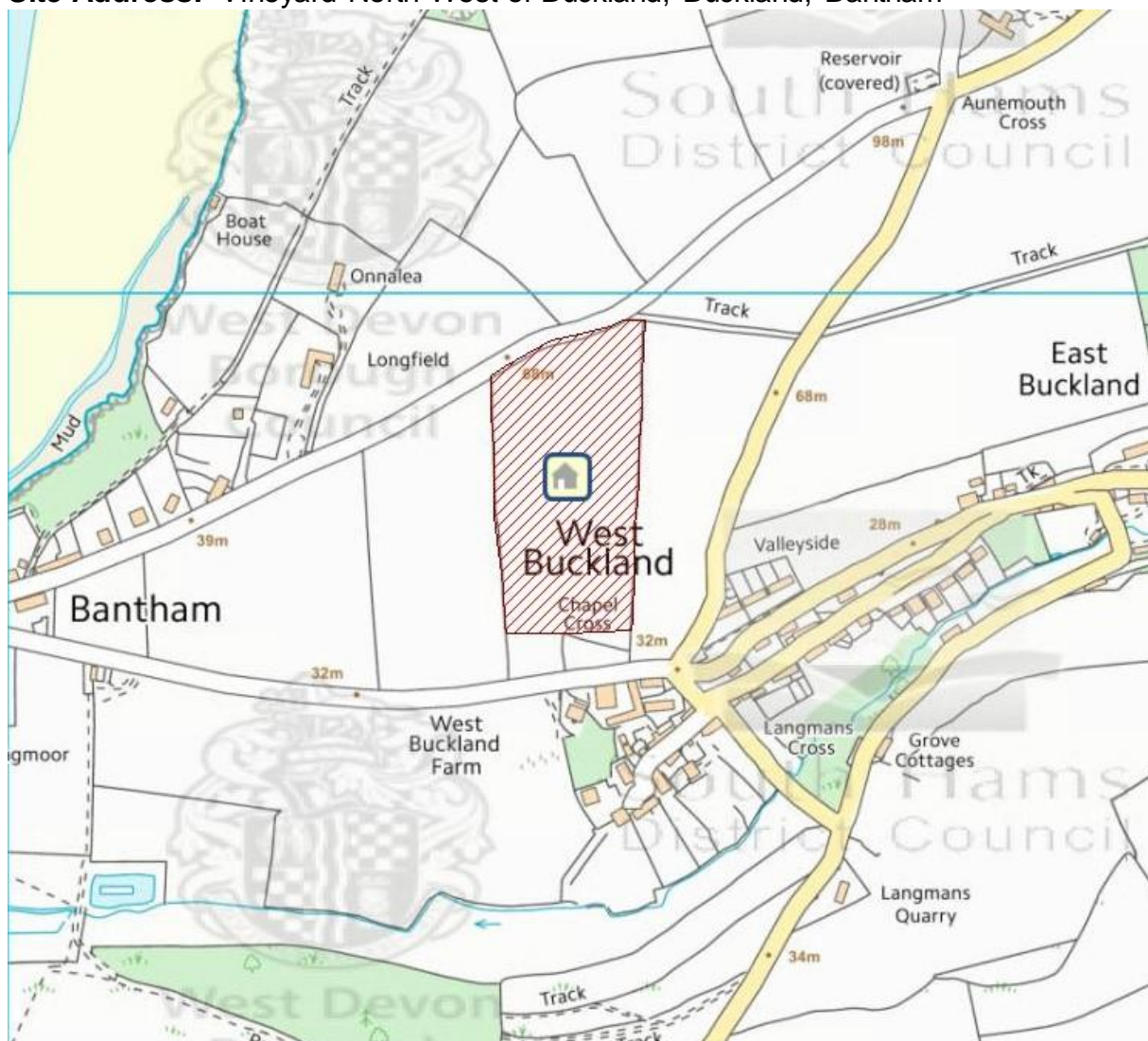
**Agent/Applicant:**

Mr. C. Wojtulewski - Parker Dann Ltd.  
S10 The Waterside Centre  
North Street  
Lewes  
BN7 2PE

**Applicant:**

Bantham Estate Ltd .  
Bantham Estate Office  
Bantham  
Kingsbridge  
TQ7 3AN

**Site Address:** Vineyard North West of Buckland, Buckland, Bantham



**Development:** Temporary installation of two rows of Paraweb Fencing to protect planted windbreaks

**Reason item is being put before Committee**

Called in by Cllr Mark Long who commented in an email dated 03/05/22:

*I would want these two applications to go before the Development Management Committee for consideration given the objections and comments of the SHDC Landscape Officer relating to impact on the AONB and UDC, as well as other similar representations.*

Following receipt of additional landscape plans and details, and additional comments from the Landscape Officer, Cllr Mark Long confirmed he would like the applications to still be heard at Development Management Committee for consideration of justification, planting and landscape comments.

Cllr Judy Pearce was agreeable to the application being a delegated decision for approval.

**Recommendation:** Conditional approval, subject to a detailed landscaping scheme being provided.

### **Conditions**

- 1) Time limit
- 2) Approved drawings
- 3) Ecology recommendations
- 4) Nesting birds
- 5) Planting
- 6) Temporary condition / removal after five years

### **Key issues for consideration:**

- Principle
- Design and Landscape
- Neighbouring Amenity
- Heritage
- Ecology
- Highways
- Flooding
- Planning Balance

### **Site Description:**

The application site comprises agricultural land accessed via the Class C road, Bantham to Aunemouth Cross. It lies on the south side of this road, to the east of Bantham village and to the north of Buckland, beyond the Conservation Area.

The site lies within an Area of Outstanding Natural Beauty (AONB), Heritage Coast, Undeveloped Coast and the 3G. River Valley Slopes and Combes Landscape Character Area.

The site lies at a distance of approx. 522m from the nearest ancient monument to the south, Four Bowls Barrows, and at a distance of approx. 87m from the nearest Listed Building, Grade II Buckland Cottage, to the south, and 483m from the Grade II Sloop Inn, to the west. The West Buckland Conservation Area lies to the south east, with the main area for such being approximately 60m from the site (approx. 80m from the proposed fencing).

## **Description of Proposal:**

The application seeks temporary permission, for five years, for the top section of two rows of proposed fencing which run north-south alongside the west and east field boundaries, which are lined with existing hedgebanks. The eastern site boundary is actually in the middle of the vineyard, with the fields to the east also being used for such, being within the applicant's ownership.

The proposed fencing comprises 4m high timber posts, with the first 1.8 metre section consisting of permanent deer fencing, and the 2.2 metre section above this consisting of paraweb polyester webbing. The purpose of the temporary paraweb fencing is to protect natural windbreaks, comprising double rows of saplings that have already been planted, adjacent to hedgebanks that are approximately 3m high. This temporary protection would allow the planting to mature sufficiently to both withstand the wind and provide adequate shelter for the vines.

At the end of the temporary five year period the paraweb would be removed and the timber posts would be reduced to 1.8m, leaving only the deer fence and natural windbreaks in situ. This would result in the deer fence then falling within the height limitations for permitted development for gates, fences and walls as set out in Class A, Part 2, Schedule 2 of the Town and Country (General Permitted Development)(England) Order 2015 (as amended).

A section of heritage fruit trees is also proposed beyond the application site to the south, within the blue outlined area under the applicant's ownership. The Officer has also requested a detailed landscaping plan, showing the extensive existing planting which is to be retained, the proposed planting, and details of how existing gaps in the hedgebanks will be filled.

## **Consultations:**

### **External Consultees**

- DCC Highways - No highway implications
- Town/Parish Council - Thurlestone Parish Council supports this application for the temporary installation of two rows of 2.2 m high Paraweb fencing provided a condition is imposed to ensure that within 5 years, the Paraweb is removed and the timber posts are cut down from 4m to 1.8m high permanent deer fencing, which it is understood benefits from permitted development rights.

Councillors were satisfied that the temporary Paraweb fencing is necessary to protect the new trees and Devon hedge banks from the prevailing coastal winds in order to help establish the newly planted vineyard, which will provide opportunities for local employment and contribute towards the sustainable future of the local economy (NP Policy TP8.1).

### **Internal Consultees**

- SHWD Landscape Officer – Initial Objection: Proposed section of Paraweb fencing would be unnecessarily high, visually prominent against skyline and uncharacteristic. Would be detrimental and fail to conserve and enhance the landscape/AONB#

**Officer Note:** Further landscaping details and a response to the original comments have been provided by the applicant. Following review of such the Landscape Officer commented as follows:

*'The further information addresses a number of questions raised in my colleague's previous comments, and provides satisfactory explanations for the queries that were made. Whilst I support my colleague's concerns that the proposed paraweb fencing will introduce an incongruous feature into the protected landscape, I find that the most adverse effects are likely to be in the first couple of years following installation, beyond which time (providing that the shelter planting establishes as described), the effects will reduce to more acceptable levels for the remainder of the five year, temporary timeframe that the paraweb fencing will be in place. The information provides a clearer understanding of the shelter planting that supports the proposal, and demonstrates that the proposals are broadly policy compliant. The removal of the paraweb fencing at the end of the five year period must be secured and implemented in order to avoid an unacceptable level of longer term, adverse harm to the protected landscape.'*

- SHWD Tree Officer - No comment
- Drainage - No comments

### **Representations:**

x2 letters of objection from separate addresses have been received. The comments received are summarised as follows:

- The Bantham Estate vineyards are more exposed than Sharpham Vineyard where natural high windbreaks are used
- Natural high windbreaks should have been planted and allowed to grow before planting the vines
- The enhanced employment claims are dubious and the employees who planted the vineyard were not local
- The applicants are installing the windbreaks before having received the planning decision
- The applications show the permanent deer fencing would only be installed on two sides of each vineyard so would be pointless
- If the plants can't grow without a temporary windbreak then the windbreak is pointless as the plans would not survive long term following removal of the temporary windbreak
- these proposals would have a detrimental effect on the highly sensitive AONB, Undeveloped Coast, and Heritage Coast, and are contrary to planning policies PT11, DEV23, DEV24, and DEV25
- Site is unsuitable for vineyards due to exposure to salt laden air
- Once the temporary windbreaks are removed, the natural windbreaks they would protect will break or blow over
- The windbreaks will not be temporary
- The windbreaks will be on a prominent skyline and contrary to SPT11
- The benefits promoted such as public events, leisure and retail are inappropriate for the village location and rural roads
- Application fails to mention visual impact to the east from public right of way
- The artificial shelter will cause a weak and uncharacteristic hedge to grow that will not be an enhancement in the AONB
- This will only serve the economic wellbeing of an estate based in Oxfordshire
- The run off from agrichemicals required to prevent mould etc will end up in the Marine Conservation Zone

## **Relevant Planning History**

3027/21/FUL

Vineyard North of Lower Aunemouth Bantham TQ7 3AD

Temporary installation of two rows of Paraweb Fencing to protect planted Windbreaks UNDER CONSIDERATION

## **ANALYSIS**

### **Principle of Development**

Sustainable development lies at the heart of the spatial strategy, with Policy SPT1 setting out how development and change will be managed in accordance with the principles of delivering sustainable development through a sustainable economy, a sustainable society and a sustainable environment. The policy seeks to, amongst other things: encourage and support opportunities for business growth; promote environmentally conscious business development; promote a low carbon economy; protect and enhance biodiversity; protect the best and most versatile agricultural land for agricultural purposes; and strengthen, respect, and maintain local distinctiveness and sense of place through high standards of design.

Policy SPT2 elaborates further, supporting the creation of sustainable neighbourhoods and sustainable rural communities. The policy requires developments to support the overall spatial strategy through the creation of neighbourhoods and communities which, amongst other things; have safe, accessible, healthy and wildlife rich local environments; and provide a positive sense of place and identity, including through the recognition of good quality design, and protection and enhancement of the natural environment.

Policy TTV1 of the JLP sets out how the LPA will distribute growth and development in accordance with a hierarchy of settlements, enabling each town and village to play its role within the rural area. In this case, the application site would fall within tier 4 of TTV1, being within the countryside. TTV1(4) states that development will only be permitted in the countryside if it can be demonstrated to support the principles of sustainable development and sustainable communities (SPT1 and SPT2), including as provided for in Policy TTV26. Policy TTV2 indicates that sustainable rural development will be supported if it involves the growth and expansion of rural businesses and enterprises and the diversification of agricultural and other land-based rural businesses.

Policy TTV26 of the JLP relates to development in the countryside. The aim of the policy, as articulated in the first line, is to protect the role and character of the countryside. The policy is divided into two different sets of policy requirement, with part 1 applying to development proposals considered to be in isolated locations only. Given the proximity of development in the surrounding area and the proximity of Buckland to the site, part 1 is not considered to be relevant in this case. Therefore, only the second part of the policy, which is applied to all development in the countryside, is of relevance, stating that:

#### **'Development in the Countryside:**

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'

In respect of TTV26(iii) and (iv) the wider site owned by the applicant is used as a vineyard, being a lawful agricultural use which requires a countryside location. A letter from Vinescapes consultants, dated 19/07/2020 confirms that an assessment of the climatic, soil and topographic suitability of the land at Bantham Estates was undertaken, the conclusion being that there was '*cool-climate viticulture potential for a range of grapevine cultivars (selected because of their climatic suitability and for specific wine styles)*'. However, this conclusion was caveated by their advice that the viability of commercial viticulture would be restricted unless windbreaks were established to protect the vineyards from westerly winds.

A Wind Mitigation Strategy, dated 18/06/21 by Vinescapes Consultants, has been submitted in support of this application. This report sets out the need for the proposed Paraweb temporary fencing and its design, and explains why such is considered to be critical to the sustainability and success of the vineyard, stating that:

*'Windbreaks in and around the vineyard sites at Bantham are essential to protect the significant investment in hedges, trees, vines and native vineyard floor plants from coastal winds. Exposure to wind in a vineyard can disrupt flowering (leading to yield loss), reduce temperatures (resulting in reduced ripeness), physically damage the vine canopy (resulting in yield and quality losses) and cause operational challenges. A breeze is beneficial in a vineyard as it will help reduce disease pressure. The Bantham vineyards are exposed to sea winds and breezes from the south-west and west. To protect against the negative impacts these may cause it has been recommended that windbreaks be established around and within the vineyards...'*

*'In total 2,000 trees and 2,400 hedging plants have been established to form natural windbreaks for the vineyard (~25,000 vines).'*

*'To ensure the best chance of hedge and tree establishment and to speed up their growth as much as possible, and to protect the young vineyard (planted in May 2021) Vinescapes have recommended that temporary Paraweb windbreaks (Figure 3 below) are established in the locations shown in Figures 4a and 4b, to a height of 4m.'*

*'After 4–5-years the windbreak trees, and hedges on top of the Devon Banks, should be mature enough to withstand the sea breeze and coastal winds and the Paraweb can then be removed.'*

Given the above, it is considered that the proposed development complies with TTV26(iii) and (iv). The development also complies with DEV15(6) which supports the rural economy providing, amongst other things, that development meets the essential needs of agricultural or forestry interests.

Additionally, Natural England's Agricultural Land Classification Map for the area identifies the site to be Grade 3 land, which is described as 'good to moderate'. Grade 3 land is split into two categories being Grade 3a and 3b, with only Grade 3a falling within the definition of 'the best and most versatile agricultural land'. Whilst it is not clear which category of Grade 3 the site falls within, the proposal seeks to support the continued use of the applicants land for agricultural purposes, which is supported by policy TTV26(v).

Considerations relating to site enhancement and impacts on the landscape, natural environment and public footpaths are set out in further detail below. However, the proposal is for a temporary period of five years only, with the upper section of the fence being removed at the end of such duration. Whilst the development will temporarily have some impact on the landscape, as a condition can be imposed to ensure the fencing is reduced in height after five years, it is not considered that the proposed fencing would result in long term degradation of the landscape or the natural environment, thereby complying with TTV26(vi). The proposed development is also likely to enhance the natural environment by supporting the establishment and growth of a significant amount of existing and proposed planting which will provide wildlife corridors and net gains in biodiversity.

Furthermore, the submitted supporting statement, dated 30/07/21, notes that the wider site under the ownership of the applicant, Bantham Estates Ltd, measures 303ha., of which, 6ha. have been planted with vines to assist with diversification of the estate. The letter from Vinescapes, dated 19/07/21, submitted in support of this application also notes that the vineyard is expected to result in economic benefits involving a minimum of 2no. full time staff and approx. 20no. seasonal staff for harvesting and other activities. The letter, authored by Dr Alistair Nesbitt, a Viticulture Climatologist, also notes that vineyards are more intensively managed than arable farming and present opportunities for a wider range of skilled workers. He also refers to a recent Viticulture Impact Study for the South Downs National Park that found vineyards contribute positively to local economies through employment and tourism spending of £62 on average per visitor. The proposed development will facilitate the diversification of an existing agricultural/land-based business which will provide economic benefits, according with the requirements of TTV2(3) and (4), and the aims of DEV15 which seeks to support proposals in suitable locations which improve the balance of jobs within the rural areas and diversify the rural economy. Policy TP8.1 of the Thurlestone Parish Neighbourhood Plan (TPNP) also provides support for proposals for economic development and new commercial or business premises providing such meets the requirements of Policy TP1 and other relevant policies within the plan, which is discussed in further detail throughout this report.

For the reasons above, the principle of the proposed development is considered to accord with JLP policies SPT1, SPT2, TTV1, TTV2, TTV26 and DEV15, as well as TP8 of the TPNP. Furthermore, the development accords with the aims of Paragraph 84 NPPF, which requires planning decisions to support a prosperous rural economy by enabling, amongst other things; the sustainable growth and expansion of all types of business in rural areas; and the development and diversification of agricultural and other land-based rural businesses. Paragraph 85 is also of relevance, stating that '*Planning...decisions should recognise that sites to meet local business and community needs in rural areas may have to be found...beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable.*'

## Design/Landscape:

The site is within the open countryside, the undeveloped coast, the heritage coast, the South Devon AONB, and the 3G. River Valley Slopes and Combes Landscape Character Area.

Reflecting the aims of Paragraph 174 of the NPPF, JLP policy DEV23 supports development that conserves and enhances landscape character and visual quality, resisting adverse landscape or visual impacts.

JLP policy DEV24 seeks to protect the undeveloped and heritage coast, stating that:

*'Development which would have a detrimental effect on the undeveloped and unspoilt character, appearance or tranquility of the Undeveloped Coast, estuaries, and the Heritage Coast will not be permitted except under exceptional circumstances. Development will only be permitted in the Undeveloped Coast where the development:*

- 1. Can demonstrate that it requires a coastal location.*
- 2. It cannot reasonably be located outside the Undeveloped Coast.*
- 3. Protects, maintains and enhances the unique landscape and seascape character and special qualities of the area.*
- 4. Is consistent with policy statements for the local policy unit in the current Shoreline Management Plan.*
- 5. Is consistent with the relevant Heritage Coast objectives, as contained within the relevant AONB Management Plan.*

*Development for the purposes of agriculture, forestry, public access and enjoyment of the coast and estuaries, or community facilities that meet the objectively assessed needs of the local community, will be supported if it meets the above tests.'*

Reflecting national planning policy set out in Paragraph 176 of the NPPF, JLP policy DEV25 affords the highest degree of protection to the protected landscapes of the South Devon AONB and requires the LPA's to protect the AONB's from potentially damaging or inappropriate development either within the protected landscape or their settings. Policy TNP1(5) and TP22 of the TPNP aligns with the aims of DEV23 and DEV25, seeking to conserve and enhance the natural beauty of the AONB and the character of the areas skylines, seascapes and riverscapes. The most relevant sections of DEV25 are as follows:

*'In considering development proposals the LPA's will:*

- 1. Refuse permission for major developments within a protected landscapes, except in exceptional circumstances and where it can be demonstrated that they are in the public interest.*
- 2. Give great weight to conserving landscape and scenic beauty in the protected landscapes.*
- 4. Assess their direct, indirect and cumulative impacts on natural beauty.*
- 6. Seek opportunities to enhance and restore protected landscapes by addressing areas of visually poor quality or inconsistent with character, securing through the development visual and other enhancements to restore local distinctiveness, guided by the protected landscape's special qualities and distinctive characteristics or valued attributes.*
- 8. Require development proposals located within or within the setting of a protected landscape to:*



- i. Conserve and enhance the natural beauty of the protected landscape with particular reference to their special qualities and distinctive characteristics or valued attributes*
- ii. Be designed to prevent the addition of incongruous features, and where appropriate take the opportunity to remove or ameliorate existing incongruous features.*
- iii. Be located and designed to respect scenic quality and maintain an area's distinctive sense of place, or reinforce local distinctiveness.*
- vi. Be located and designed to conserve and enhance flora, fauna, geological and physiographical features, in particular those which contribute to the distinctive sense of place, relative wildness or tranquillity, or to other aspects of landscape and scenic quality.*
- ix. Avoid, mitigate, and as a last resort compensate, for any residual adverse effects*

The proposal comprises the temporary installation of a 2.2m high section of fencing, above a permanent 1.8m high deer fence, formed of black polyester webbing between 4m high timber poles. The fencing would form two rows, following the existing field boundaries in a north-south direction.

The proposed section of fencing would lie parallel to existing hedgebanks that have been enhanced by additional planting, and a double row of proposed tree saplings. The purpose of this upper section of fencing as set out in the submitted documents is to provide a windbreak for a temporary period of five years. This would enable the saplings and hedgebanks to grow sufficiently to serve as a natural windbreak to protect the vines that were planted in May 2021.

The submitted covering letter notes that the establishment of the vineyard has involved a significant investment in new hedges, trees, vines and native ground cover, including:

- c.2,700m of young trees planted in 2020;
- c.1,200m of hedging mostly on top of new or repaired Devon banks;
- 200no. salt resistant pine trees;
- 800no. additional trees (Alder and Beech) to be planted as windbreaks;
- A group of 34no. heritage fruit trees to be planted beyond the southern boundary of the application site – comprising traditional Devon varieties as set out in drawing 377/01/26A, received 05/05/22.

A fully detailed landscaping scheme has been submitted which clearly sets out the proposed and existing planting along with a maintenance schedule.

It is acknowledged that the synthetic black webbing would be out of character with the surrounding landscaping and that, due to its height, stretching from 1.8 to 4m above ground level, it would be visible from public viewpoints.

This visual prominence, however, would be slightly reduced by the dark colour of the proposed material, its permeable nature, and its position alongside linear landscape features (hedgebanks and trees/hedge plants). Additionally, the site is mostly screened from the public vantage points directly north and south by a high landscaped hedgebank and the submitted layout drawing shows the fencing to be set back 8-9m from the northern roadside boundary and 30-44m from the south boundary. Therefore, visual impacts of the development will be limited to gaps in the hedgebanks (i.e. entrance gates) and long distance views where the fencing will be seen within the context of the existing vineyard, existing landscaping, planting and development. The longevity of its impact would also be reduced by the temporary duration of its installation, whereby the upper part of fencing would be removed completely at the end of the five year period.

A Landscape and Visual Appraisal (LVIA) has been submitted in support of the application, which notes:

*'The proposed temporary shelter fencing works will introduce a feature which is not characteristic into the landscape for a period of 5 years. It is necessary to help establish the vineyard, and to restore associated existing Devon Hedge banks. Whilst there will be adverse landscape character and visual effects, these are relatively minor in nature and of a temporary nature. The associated longer term landscape and conservation benefits that have been described will provide compensation and help mitigate for the temporary adverse effects.'*

The Council's previous Landscape Specialist was consulted on this application and raised an objection on the grounds that the proposed section of Paraweb fencing would be unnecessarily high, visually prominent against the skyline and uncharacteristic, and that it would be detrimental to and fail to conserve and enhance the landscape and AONB for the 5 year period it is proposed for. However, the application has been reviewed by the current Landscape Officer following submission of a detailed landscaping scheme and a response from the applicant. The objection from the Landscape Officer has now been withdrawn, with comments being as follows:

*'The further information addresses a number of questions raised in my colleague's previous comments, and provides satisfactory explanations for the queries that were made. Whilst I support my colleague's concerns that the proposed paraweb fencing will introduce an incongruous feature into the protected landscape, I find that the most adverse effects are likely to be in the first couple of years following installation, beyond which time (providing that the shelter planting establishes as described), the effects will reduce to more acceptable levels for the remainder of the five year, temporary timeframe that the paraweb fencing will be in place. The information provides a clearer understanding of the shelter planting that supports the proposal, and demonstrates that the proposals are broadly policy compliant.'*

*'The removal of the paraweb fencing at the end of the five year period must be secured and implemented in order to avoid an unacceptable level of longer term, adverse harm to the protected landscape.'*

The Tree Officer was consulted on the application and raised no objections, and the AONB Unit have not commented.

Whilst a degree of visual harm would ensue from the scheme in respect of the AONB, Heritage Coast and Undeveloped Coast, the proposed fencing is required to protect the young plants for a temporary period and could not reasonably be relocated. Notwithstanding the temporary harm to the landscape resulting from the proposal, it must also be recognised that the purpose of the upper section of fencing is to protect the vineyards and associated new and proposed planting from harsh weather conditions. The submitted documents demonstrate that the proposal would allow natural windbreaks to establish that would remove the need for artificial windbreaks after the temporary period.

It is recognised that the additional planting, listed above and shown on the detailed landscaping plan, would serve to enhance the natural beauty of the landscape and special qualities of the AONB over the long term. The planting would strengthen the existing field boundaries and wildlife corridors, as well as creating new areas of planting, thereby conserving and enhancing the natural environment and providing biodiversity net gains, in line with the aims of

DEV25(8)(vi) and DEV26 of the JLP. The development also aligns with the aims of DEV28 of the JLP and TP22(2-4) of the TPNP, which supports the retention of existing trees and hedgerows, including Devon hedgebanks.

The success of the planting, including the natural windbreaks and vineyard, would be dependent on the proposed temporary measure to allow the young plants to become established. In addition, as the planting matures, some degree of screening to the fencing would be provided in the interim.

The proposed development would temporarily harm the landscape and the character of the AONB, and the heritage/undeveloped coast. However, it will also provide long term benefits, including biodiversity enhancements, the strengthening/restoration of existing landscaped boundaries and Devon hedgebanks, and economic benefits.

It is also important to consider the requirements of Paragraph 177 of the NPPF, which states the following:

*'When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest.'*

*'For the purposes of Paragraphs 177, whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.'*

The assessment for major development is therefore not based on the major development definition set out in Part 1(2) of the Town and Country (Development Management Procedure)(England) Order 2015. In this case, given the limited scale/impacts of the proposed development, as discussed above, and its temporary nature, the development is not considered to be a major Paragraph 177 type. The Landscape Officer also concluded in their comments that the development is not considered to constitute major development.

### **Neighbouring Amenity:**

JLP policies DEV1 and DEV2, and TPNP Policy TP1 require development to safeguard the health and the amenity of local communities and to avoid unacceptable harm to living conditions.

There are no residential properties in the immediate vicinity of the application site.

As such, the proposal is considered capable of compliance with JLP policies DEV1 and DEV2, and Policy TP1(1) of the TPNP in this regard.

### **Heritage:**

The site lies at a substantial distance from the nearest heritage assets, and there is existing built form and significant landscaping between the site and such. Therefore, intervisibility between the site and surrounding heritage assets is extremely limited.

For these reasons, it is not considered that the scheme would result in harm to the Conservation Area, Ancient Monument and Listed Building or their settings.

The scheme would, therefore, be capable of policy compliance in this regard; thereby complying with DEV21 of the JLP and Policy TP1(6) of the TPNP.

### **Ecology:**

The Council declared a Climate Change and Biodiversity Emergency in 2019.

JLP policy SPT1.3.ii supports development that delivers:

*Overall gains in biodiversity [that] are achieved by protecting and enhancing species, habitats and geological sites.*

JLP policies SPT12 and DEV26 seek to enhance the natural network, providing multiple benefits both to people and wildlife while protecting and enhancing biodiversity and geological conservation, while policy DEV2 limits light pollution.

JLP policy DEV28 requires net gains to compensate for any loss of trees, woodlands and hedgerows.

TPNP policy TP22 resists harm to species and habitats and encourages the use of Devon hedgebanks, biodiversity enhancement, and the protection and enhancement of the visual amenity and AONB.

NPPF paragraph 174 d) states:

*... decisions should contribute to and enhance the natural and local environment by ...providing net gains for biodiversity...*

NPPF paragraph 180 d) states:

*..opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.*

An Ecology Statement, dated 08/07/21, has been submitted in support of this application. The report confirms that, due to the scale of the proposal, no impacts on designated sites are predicted. No other negative ecological impacts are predicted providing best practice pollution control measures are employed during installation of the fencing, and providing the installation of the fencing takes place outside of cirl bunting breeding season (March-September inclusive) to prevent disturbance. The report acknowledges that the temporary fence will allow the hedgebank planting and tree lines to establish into dense structures that are able to withstand the coastal wind, and will also provide good quality wildlife corridors across the site and additional foraging and shelter for a range of species, including bats, breeding birds, reptiles, dormouse and invertebrates; thereby providing net gains in biodiversity. A condition can secure compliance with the actions set out in the ecology report. Furthermore, no external lighting is proposed as part of the application, ensuring the development does not harm the intrinsically dark landscape.

A further document, titled 'Hedges and shelter in Devon and Cornwall', has been submitted in support of this application that notes how the existing field boundary hedgebanks in the vicinity of the site have been reduced in terms of the height and growth of vegetation over recent years and that in the past, the vegetation would have been allow to grow much taller and thicker to

improve the microclimate of the adjacent fields. The planting and works carried out on the existing hedgebanks will help to restore their original height and vegetation growth, and the temporary fencing will support such.

Given the above, it is the Officer's view that the proposal would be acceptable and accord with JLP policies SPT1, SPT12, DEV2, DEV26 and DEV28, TPNP policy TP22, and paragraphs 174 d) and 180 d) of the NPPF. The temporary Paraweb would allow the establishment of the planting, both recent and proposed, and in turn would provide good quality wildlife corridors and result in a net gain for biodiversity across the wider area under the applicant's ownership.

### **Highways, Parking:**

JLP policies SPT1.2.ii, SPT2.6, SPT9 and DEV29 encourage sustainable travel and development to be sited in accessible locations.

NPPF paragraph 111 states:

*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*

The County Highways Authority has been consulted and has raised no objections.

The proposal forms part of an agricultural use which would not give rise to any highway changes over the existing situation.

As such, the proposal is acceptable in this regard and compliant with the relevant policies.

### **Flooding, Drainage and Contamination:**

JLP policy SPT1.2.iv supports climate change resilient development that avoids increased flood risk and point 3.iii seeks to minimise or mitigate environmental impacts.

JLP policies DEV2 and DEV35 require the prevention of water and soil contamination, reduction of water consumption and reduction of flood risk.

A Flood Risk and Drainage Assessment has been submitted in support of this application, which notes that the proposal does not involve any buildings such that there would be no change in terms of foul or surface water drainage.

The application site lies within Flood Zone 1 and does not form part of a Critical Drainage Area.

Given the nature and scale of the proposal, no change of the existing situation would be considered to arise regarding flooding, drainage and contamination.

For these reasons, the proposal would be acceptable in this regard and would accord with JLP policies SPT1, DEV2, DEV35 and the relevant policies of the NPPF.

### **Planning Balance:**

It is acknowledged that the Council's previous Landscape Specialist objected to the proposal on the grounds of visual harm to the surrounding landscape, which forms part of the Heritage Coast and Undeveloped Coast, and failure to conserve and enhance the AONB.

It is also the Officer's view that the proposed upper section of fencing would be relatively high and out of character with the prevailing field boundaries, mostly hedgebanks, and would, therefore, result in some degree of visual harm. However, this harm would be reduced or compensated by the following:

- the material would be of a dark colour and perforated, rather than solid, which would reduce the visual impact to some degree;
- the fencing would be installed for a temporary five year period only
- the rationale for the fencing is to allow the establishment of natural windbreaks to shelter the recently planted vineyards;
- the enhanced planting including a high quantum of trees and hedgebanks would improve the appearance of the surrounding area in the long term;
- the increased vegetation would provide biodiversity net gains in the long term;
- the vineyards would result in diversification of the rural economy and provide a range of skilled employment opportunities in the short and long term.

Overall, the long term benefits of the scheme, in terms of visual impact on the landscape, biodiversity and the rural economy, are considered substantial and to outweigh the short-term and limited harm of the proposal. Additionally, the Landscape Objection has been withdrawn and the current Landscape Officer, following review of the additional plan/information submitted, confirmed that such provides a clearer understanding of the shelter planting that supports the proposal, and demonstrates that the proposals are broadly policy compliant.

On balance, the proposal is considered, for these reasons, to result in benefits that would outweigh the adverse impact, when assessed against the policies in the Development Plan taken as a whole.

The proposal is considered, overall, to represent sustainable development in terms of the economic, social and environmental objectives of NPPF paragraph 8 and Joint Local Plan policy SPT1.

The development would, therefore, accord with the Development Plan and the policies of the NPPF and approval is recommended subject to the conditions below.

*This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and, with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.*

## **Planning Policy**

### **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).

The relevant development plan policies are set out below:

### **Plymouth & South West Devon Joint Local Plan (JLP)**

(The JLP was adopted by South Hams District Council on March 21st 2019 and West Devon Borough Council on March 26th 2019)

SPT1 Delivering sustainable development  
SPT2 Sustainable linked neighbourhoods and sustainable rural communities  
SPT9 Strategic principles for transport planning and strategy  
SPT11 Strategic approach to the historic environment  
SPT12 Strategic approach to the natural environment  
DEV1 Protecting health and amenity  
DEV2 Air, water, soil, noise, land and light  
DEV15 Supporting the rural economy  
DEV20 Place shaping and the quality of the built environment  
DEV21 Development affecting the historic environment  
DEV23 Landscape character  
DEV24 Undeveloped Coast and Heritage Coast  
DEV25 Nationally protected landscapes  
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  
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

### **Neighbourhood Plan**

Thurlestone Parish Neighbourhood Plan 2015-2034

TP1 – General Development Principles

TP8 – New Economic Proposals

TP22 – The Natural Environment

### **Other material considerations**

National Planning Policy Framework (NPPF)

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.

## **CONDITIONS**

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: To comply with Section 91 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall in all respects accord strictly with the following drawings/documents:

377/01/16 Location Plan Red line areas East Site, received 19/08/21  
377/01/05 Layout to Buckland Vineyard, received 26/08/21  
377/01/06 Temporary Shelter Fence Detail, received 26/08/21  
377/01/12 Application Area East Vineyard, received 26/08/21  
377/01/26A Heritage Orchard Area East Site, received 05/05/22  
377/01/26, dated 14<sup>th</sup> July 2022 Planting to Buckland Vineyard, received 25/07/22

REASON: To ensure that the proposed development is carried out in accordance with the drawings/documents forming part of the application to which this approval relates.

3. The development hereby permitted shall be carried out in accordance with the recommendations and mitigation measures set out in the Ecology Statement, carried out by ge consulting, dated 8<sup>th</sup> July 2021.

REASON: To safeguard the ecological interest of the site in accordance with JLP policies SPT12, DEV2 and DEV26, TPNP policy TP22 and the NPPF.

4. No vegetation clearance shall take place during the bird nesting season (01 March to 31 August, inclusive) unless the developer has been advised by a suitably qualified ecologist that the clearance will not disturb nesting birds and a record of this kept.

REASON: To safeguard the ecological interest of the site in accordance with JLP policies SPT12, DEV2 and DEV26, TPNP policy TP22 and the NPPF.

5. The planting/landscaping scheme shown on drawings: 377/01/05 - Layout to Buckland Vineyard (received 26/08/21), 377/01/26A - Heritage Orchard Area East Site (received 05/05/22), 377/01/26 Planting to Buckland Vineyard (received 25/07/22), and 377/01/06 Temporary Shelter Fence Detail (received 26/08/21), including gapping up of the existing hedge banks, shall be carried out in its entirety within the first planting season following the date of this decision notice. All planting/landscaping, including that shown as 'existing - to be retained' on the approved drawings, shall be maintained by the owner or owners of the land on which they are situated in accordance with the maintenance details set out on drawing 37/01/26 and for a minimum of five years beginning with the date of completion of the scheme. During that period all losses shall be replaced with planting of the same species.

REASON: To ensure the provision and maintenance of trees, hedgebanks and other plants in the interests of visual amenity and biodiversity in accordance with JLP policies SPT12, DEV2, DEV23, DEV24, DEV25, DEV26 and DEV28, TPNP policies TP1 and TP22 and the NPPF.

6. The upper section of the fencing and fence posts hereby permitted, labelled as 'A' on drawing number: 377-01-06, shall be completely removed no later than five years following the date of this Decision Notice such that the height of any remaining fencing does not exceed a maximum



height of 2m above ground level. All of the removed fencing shall be removed from the site and appropriately disposed of.

Reason: Temporary permission is given in this case by reason of the special circumstances pertaining to the proposed scheme, that is to allow the existing and proposed natural windbreaks to become fully established to provide shelter for the vineyards and associated planting, and only on a strictly limited basis so that the position may be reviewed in the light of circumstances prevailing at the expiry of the permission.

## **INFORMATIVES**

1. This authority has a pro-active approach to the delivery of development. Early pre-application engagement is always encouraged. In accordance with Article 35(2) of the Town and Country Planning Development Management Procedure (England) Order 2015 (as amended) in determining this application, the Local Planning Authority has endeavoured to work proactively and positively with the applicant, in line with National Planning Policy Framework, to ensure that all relevant planning considerations have been appropriately addressed.
2. The responsibility for ensuring compliance with the terms of the approval rests with the person(s) responsible for carrying out the development. The Local Planning Authority uses various means to monitor implementation to ensure that the scheme is built or carried out in strict accordance with the terms of the permission. Failure to adhere to the approved details can render the development unauthorised and vulnerable to enforcement action.
3. You should note that certain wildlife habitats and species are subject to statutory protection under the Wildlife and Countryside Act 1981 (as amended) and/or the Habitats Regulations 1994. It is a criminal offence to breach the provisions of these legal constraints and if your development impacts upon such sites or species you are advised to take advice from a competent ecologist who has experience in the habitats/species involved and, as necessary, any relevant licenses from Natural England.