

PLANNING APPLICATION REPORT

Case Officer: Peter Whitehead

Parish: North Tawton **Ward:** Exbourne

Application No: 0466/23/FUL

Agent/Applicant:

Mr Ian Little - Exbourne Planning Services
Exbourne Planning Services
Fenlea
Exbourne
EX20 3QS

Applicant:

Earl & Bullingham - Taw Valley Dairy
Westacre
EX20 2SE

Site Address: Westacre, Sampford Courtenay, EX20 2SE



Development: Erection of farm shop with on site parking and landscaping

Reason item is being put before Committee: Committee to consider the tension between the economic benefits of local businesses in rural locations with respect to policies DEV15 and DEV32

Recommendation: Refusal

Reasons for refusal:

1. The site is located in the countryside where development will be permitted only if it can be demonstrated to support the principles of sustainable development and sustainable communities. No exceptional circumstances have been identified to justify the siting of the farm

shop in an isolated location in the open countryside. The site is not considered to be safely or suitably located to encourage access on foot or by bicycle or by regular and convenient public transport and significant numbers of customers of the farm shop would therefore likely rely upon private car use, leading to the conclusion that the proposal would fail to deliver a sustainable pattern of development. The proposal is therefore contrary to Policies SPT1, SPT2, TTV1, TTV26 and DEV15 of the Plymouth and South West Devon Joint Local Plan 2014 – 2034.

2. The development, by reason of its location in the open countryside, remote from other buildings and development, would constitute an unrelated and incongruous feature in the rural landscape, detract from its pleasant character and appearance by day and, during the hours of darkness, eroding the intrinsically dark landscape in which the development would be situated, contrary to Policy DEV23 of the Plymouth and South West Devon Joint Local Plan 2014 – 2034 and Policies CH2 and CH3 of the North Tawton Neighbourhood Plan 2016 – 2034.
3. The submitted surface water drainage details fail to demonstrate compliance with the drainage hierarchy, specifically that it would be unfeasible that surface water be disposed of via above-ground SuDS components. In the absence of such evidence, the proposal is considered to conflict with Policy DEV35 of the Plymouth & South West Devon Joint Local Plan 2014-2034.

Key issues for consideration:

Principle of development/sustainability, Design/landscape, Biodiversity, Neighbour amenity, Highways/access, Drainage, Low carbon development

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

As part of the Spending Review 2020, the Chancellor announced that there will be a further round of New Homes Bonus allocations under the current scheme for 2021/22. This year is the last year's allocation of New Homes Bonus (which was based on dwellings built out by October 2020). The Government has stated that they will soon be inviting views on how they can reform the New Homes Bonus scheme from 2022-23, to ensure it is focused where homes are needed most.

Site Description:

The applicant's dairy farm, Westacre, is situated in the countryside approximately 1.5 miles (by road) south-east of the village of Sampford Courtenay and approximately 1.8 miles (by road) to the south-west of the village of North Tawton.

The application site comprises a relatively flat triangular field laid to pasture, which is bounded by tall unmanaged hedges and trees.

The field adjoins the B3215 to the north and an unnamed narrow lane to the east. Access into the field is available from both these roads.

The buildings at Westacre, comprising a residential bungalow together with various outbuildings, adjoins this lane to the east.

Torre Cottage, a Grade II listed dwelling, lies to the north of Westacre. Although the application site extends to the western boundary of the field, on the opposite side of the lane from Torre Cottage, the development to which this application relates lies at the opposite end of the field and the listed cottage would not be materially affected by the development by virtue of intervening distance, hedging and trees.

The site is within open countryside but is otherwise free of specific spatial planning constraints.

No public rights of way adjoin or pass through the site. Indeed, there are no public footpaths or bridleways close to the site.

The land is indicated to be Grade 4 (Poor) agricultural land having regard to the South West Region Agricultural Land Classification map (Natural England 2010).

The Proposal:

The application proposes the construction of a building for use as a farm shop to support the growth of the existing dairy farm. The building would measure some 14m long approx. x 4.8m wide x 3m in height, with a floor area of some 63m². The building would be externally clad with timber and have a grey tiled roof, the south-facing side of which would be fitted with solar panels.

Internally, the submitted floor plan shows that the building would largely be open, with space for display of farm produce and other retail items. One end of the building would accommodate fridges and freezers. A counter is shown by the door with till and coffee sales. A seating area is also shown.

The farm shop be accessed via a driveway formed off the B3215 to the north, and the site layout depicts a total of 12 car parking spaces adjoining this access drive, together with turning space and access for delivery vehicles. The driveway and car parking would be surfaced with crushed stone. Space for cycle parking is also shown and three of the car parking spaces are indicated to have 'electric car charging pods.'

In terms of landscaping, new deciduous hedging is proposed along the boundary with the B3215, to the west of the access, and along the access drive into the site. The ground around the building to the south and west is shown grassed. Surface water would be directed to a drainage swale within the field to the east. No foul drainage arrangements are shown or proposed.

The submitted Design and Access Statement provides detail on the applicant's dairy business and their proposed use of the farm shop, and further detail and clarification has been provided in a follow-up letter.

The applicants run a dairy enterprise selling milk and dairy products from their holding at Westacre Farm. As well as milk from their Jersey herd one of their popular products developed over time is ice-cream, which has sold well and proven popular with retail outlets and at outdoor events nationally. The applicants also sell meat products from the farm.

The applicants explain that they initially dairy production with a small herd of Jersey cows initially producing up to 250 litres of milk a week. In 2018, they had 30 Jersey cows. By 2023, this had grown to a milking herd of 100 Jersey cows.

The applicants currently sell milk directly to customers from Westacre using a fridge and honesty box but also sell milk, ice cream, beef and lamb from their own processing room during the hours of 9am - 3pm. They also provide milk and ice cream to 65 stockists including farm shops, village shops, local pubs, restaurants and community stores and sell nationally via 'Pipers Farm'. They also attend local events to promote their products and sell ice-cream.

Other dairy products such as butter, cream and cheese are also being developed. They have also looked at diversifying into other products based on their livestock and are producing a moisturising milk soap with a third party and making leather goods such as belts and shoes, again in collaboration with local craftspeople.

In order to maximise their return and control the marketing of their products and further consolidate and establish the business they propose a farm shop to sell direct to the public.

The applicants' submitted commentary further explains as follows:

“The business is based on a ‘nature and wildlife friendly farming’ model and the applicants actively engage with the wider public to promote that. This includes farm tours and walks and holding an annual summer open day on the farm. They have also set up and run the Rowden Wildlife Project which promotes nature friendly farming and wildlife.

There are a number of mixed habitats on the farm and the applicants engage with different user groups to survey wildlife on their farm including moth enthusiasts and botanists. They have also planted over 25,000 trees on the farm. They also use their Belted Galloway cattle and pedigree Dartmoor ponies as a conservation land management tool.

The business is therefore based on a successful mixed enterprise of dairy supported by beef and sheep thriving on a sustainable and wildlife friendly holding. The applicants actively engage with the public to promote that.

The model has proven successful and in its simplest terms the applicants have outgrown the Westacre Farm site and need additional retail space for their products. The proposed farm shop will satisfy that need while maintaining the sustainable and wildlife friendly farming model. It will be a low impact enterprise and have very little detrimental impact in the context of its setting.”

“The applicants will primarily sell their own products all produced on the holding to include milk, ice cream, beef, lamb, mutton, eggs and animal products from their holding made from leather and wool.

These include collaborations with local businesses like The Dartmoor Soap Company, Green Shoes and LG Leather and with local artists like Marielle Ebner-Rijke and Chloe Blount Monk selling animal and wildlife prints based on their own livestock and their farm and surrounding area. These are existing Taw River Dairy products. A small proportion of the products (less than 10% in line with current legislation) will be made by local craftspeople to include fruit and vegetables and jams and pickles made from local crops.

The primary products will therefore be farm produce from their own farm, supplemented by some local crafts peoples products which utilise in part products from the farm as well.”

“The shop will not sell hot food but it will have a seating area within it. The seating area will have less than 10 seats and therefore there are no toilets included in the design. The shop is designed to be a functional retail outlet for their farm products and as such it is not a ‘café or restaurant’ type destination requiring toilets and wash rooms. It is envisaged and intended that people will come to buy their products and then leave.”

Officers have sought clarification from the applicants regarding the possibility of providing their retail outlet in a village such as North Tawton or Sampford Courtenay. The agent has responded to advise as follows:

“Having a retail unit in a town or on an industrial estate does not allow customers to see the sustainable farm business the applicant operates. Being in a retail unit would also require them to travel to and from the site each day and be off site for times which is not best suited to farming and animal husbandry. Being on site allows them to move shop stock to and fro easily and reduces their carbon footprint. It is also prohibitive on price to relocate as they would have to pay rent.

The applicants want to present a ‘farm shop’ experience and this location works well as it has open land to the east that can graze animals and act as an educational element to the farm shop. That is part of their business plan and can only work in this setting. It would not work in town or on an industrial estate.

There are no other buildings available at Westacre as they are all used to capacity and

they are already outgrowing them. This has driven the need to expand and invest in the farm shop. They cannot expand within the site as there are no other buildings available and the site access off the main road cannot serve a business. They have to build the shop elsewhere and in a location that is near to the farm but also has safe access. This was discussed with the highway authority prior to submitting the application.”

In terms of access the agent also explains “any chance to expand [at Westacre] is limited by the lack of available buildings and also the sub standard site access from the highway. They cannot improve the junction as there is a railway bridge over the road at the junction. Moving to a site with a visible road side presence and safe access with parking will allow them to increase sales in line with increasing demand.”

“The application site is the best place to do that as it is intimately linked to the farm buildings to the east and has good off-road access (which is a significant limiting factor at Westacre) to encourage people to visit the site.”

“The only way to expand and be viable is to sell from their own shop on site. This reduces their exposure to rental and tenancy issues, it reduces their carbon footprint by remaining on site (customers having to travel to a shop regardless of its location) and it also allow them to manage the farm and graze their livestock next to the shop.

The sustainable transport plan relies on promoting sustainable transport options and monitoring compliance with them. This focuses mainly on promoting the buses that pass the site which will stop as required, also promoting customers to car share and also the use of both e-vehicles and bicycles.

This relies on third party good will in common with every sustainable transport plan, the important fact being that these options are available and will therefore be actively promoted.”

“The proposal will also retain and create employment opportunities and ensure the future viability of the farm for the applicant and his family in the area, which is an important socio economic consideration. The farm shop will still be seen in the context of Westacre to the east and have a functional connection through the adjoining field and grazed livestock that connect both the farm and the shop.”

In terms of employment, the application form lists 3 full-time members of staff and 1 part-time member of staff at present, with proposed employees listed as 5 full-time and 2 part-time. The proposed farm shop would thus create local employment.

The proposed opening hours of the farm shop are given as 08.30 – 18.00hrs Monday – Saturday and 08.30 - 12.00 Sundays.

Consultations:

- North Tawton Parish Council - North Tawton Town Council Neighbourhood Plan was made on 25th May 2021. The application complies with the relevant policies of the Neighbourhood Plan but the Council are concerned about the ecology and the access onto a National Speed Limit and would recommend that a more robust ecology report be provided by the applicant by a qualified ecologist and include details of the biodiversity net gain. The Council would also like the planning officers to consider imposing a new speed restriction to cover the access to the site
- County Highways Authority - The proposals were the subject of pre-application discussions and site meetings with the applicant, and the plans generally are acceptable and take on board the comments and recommendations that the highway authority made at that time. The detail that requires amendment though, prior to the plans being acceptable to the highway authority, is the distance from the carriageway edge to any (inwardly opening) gate (and possibly the concrete apron too - but this is not critical) shown as 'A-C' on Drawing Exe/5. This should be 6

metres rather than 5 metres, to enable any vehicle to wait clear of the carriageway while the gates are being opened. 5 metres is insufficient.

The highway authority reserves the right to comment further upon the receipt of amended plans. Alternatively, if the planning authority would prefer, even though this a 'full' application, the highway authority would be prepared to recommend the imposition of suitable conditions on any planning permission instead.

- Environmental Health Section - There are no environmental health implications of this application. The applicant should contact the commercial team of environmental health for advice regarding food hygiene requirements.
- Sampford Courtenay Parish Council – no comment as neighbouring Parish
- Tree Officer - The submitted information has been principally reviewed in accordance with the Plymouth & South West Devon Joint Local Plan 2014-2034, BS5837:2012 Trees in relation to Design, Demolition & Construction & further additional industry best practise guidance, policies and legislation as required.
An assessment of the application has been undertaken by way of a desktop study of G.I.S. and aerial imagery. It is concluded there to be no significant arboricultural features present on or off site that may bear potential to act as material constraints to the application on strictly arboricultural merit.
Recommendation No objection on arboricultural merit subject to submission of the following information prior to/ after any commencement on site including any demolition or earthworks.
 1. Tree Protection Plan in accordance with BS5837 2012
- Police Designing Out Crime Officer – provides advice on alarm systems, locks and CCTV

Representations:

One letter of representation has been received which supports the application, considering that a local shop for local produce is needed, that the proposal is of the perfect scale and the site is easy cycling from North Tawton and Sampford Courtenay.

Relevant Planning History

None

ANALYSIS

Principle of Development/Sustainability:

The highest level policy within the JLP is SPT1, which creates an overarching framework for how sustainable development is anticipated to be delivered across the plan area, and creates the foundation for all subsequent policies within the plan. With regard to ensuring that economic development within the plan area is sustainable and compatible with the local and national climate emergencies, the expectation is for applications to contribute to a;

1. A sustainable economy where:

- i. Opportunities for business growth are both encouraged and supported.
- ii. Environmentally conscious business development takes place.
- iii. Strategically important economic assets are protected for the purpose of economic activity.
- iv. A low carbon economy is promoted.

The relevant spatial policy that seeks to ensure these aims are met is TTV1 – Prioritising growth through a hierarchy of sustainable settlements. The proposal site sites within a tier 4 location ‘smaller villages, hamlets and countryside’ on account of its countryside location, wherein TTV1(4) sets out that “development will be permitted only if it can be demonstrated to support the principles of sustainable development and sustainable communities (Policies SPT1 and 2) including as provided for in Policies TTV26 and TTV27.”

TTV27 concerns meeting local housing needs in rural areas and is not relevant to this application.

TTV26 (Development in the countryside) sets out as follows:

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

1. Isolated development in the countryside will be avoided and only permitted in exceptional circumstances, such as where it would:
 - i. Meet an essential need for a rural worker to live permanently at or near their place of work in the countryside and maintain that role for the development in perpetuity; or
 - ii. Secure the long term future and viable use of a significant heritage asset; or
 - iii. Secure the re-use of redundant or disused buildings and brownfield sites for an appropriate use; or
 - iv. Secure a development of truly outstanding or innovative sustainability and design, which helps to raise standards of design more generally in the rural area, significantly enhances its immediate setting, and is sensitive to the defining characteristics of the local area; or
 - v. Protect or enhance the character of historic assets and their settings.
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.”

With regard to whether the proposal constitutes ‘Isolated development in the countryside’ it is first necessary to examine the meaning of the word ‘isolated.’

In this regard, the LPA is applying the Bramshill Ruling City & Country Bramshill Ltd v Secretary of State for Housing, Communities and Local Government & Ors (2021) EWCA Civ 320 when considering whether a proposal site should be described as ‘isolated’ in planning terms. In terms of isolation, in applying the Bramshill ruling, “...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 judgement for the decision-maker in the particular circumstances of the case in hand.”

In this case, the application site as a whole adjoins the applicant’s property, Westacre, and a second dwelling, Torre Cottage, to the east. These two dwellings would not reasonably constitute a ‘settlement’ for the purposes of applying the Bramshill ruling, and the nearest obvious settlement, Sampford Courtenay, lies approximately 1.5 miles from the site. On this basis, the site is physically separate or remote from a settlement and it is thus only reasonable to conclude that the site should be considered ‘isolated’ and the farm shop to ‘isolated development in the countryside.’

In this regard, the proposal would not “i. Meet an essential need for a rural worker to live permanently at or near their place of work in the countryside and maintain that role for the development in

perpetuity; ii. Secure the long term future and viable use of a significant heritage asset; iii. Secure the re-use of redundant or disused buildings and brownfield sites for an appropriate use; iv. Secure a development of truly outstanding or innovative sustainability and design, which helps to raise standards of design more generally in the rural area, significantly enhances its immediate setting, and is sensitive to the defining characteristics of the local area; or v. Protect or enhance the character of historic assets and their settings.”

Whilst some support is provided to the proposal by TTV26(2) insofar as the proposal would “iii. Be complementary to and not prejudice any viable agricultural operations on a farm and other existing viable uses”, the proposal does not meet any of the ‘exceptional circumstances’ to justify isolated in the countryside. There is thus a fundamental conflict with Policy TTV26(1) with regard to the siting of the proposal and lack of exceptional circumstances to justify ‘isolated development in the countryside.’

As the proposal has a clear economic and business focus, policy DEV15 is also of particular relevance. The policy needs to be considered as a whole, and with the broader policy framework of the JLP providing context to this. The first sentence creates the basis upon which the individual criterion are applied, which is that “Support will be given to proposals in suitable locations which seek to improve the balance of jobs within the rural areas and diversify the rural economy.”

DEV15(5) is of note setting out that “The creation of new, or extensions to existing, garden centres or farm shops in the open countryside and unrelated to a settlement will only be permitted if the proposed development is ancillary to, and on the site of, an existing horticultural business or existing farming operation, and provided that 75% per cent of the goods sold will be produced within the immediate and adjoining parishes.”

In this case, the farm shop would lie in the open countryside unrelated to a settlement but is on the site of an existing farming operation. It is clear from the supporting information provided on behalf of the applicants that it is intended that a proportion of the products to be sold would be produced off-site. Whilst the details provided are not precise and products sold could vary over time, a condition could be used to limit the range of products sold and the proportion of products made on site/in immediate and adjoining Parishes to secure compliance with this element of DEV15 and retail policy generally.

However, whilst accepting that the proposal would support the growth and diversification of the farm and create employment, the starting point to consider the principle of the development is whether the location of the site itself is ‘suitable’ and in this regard it is again necessary to consider where the site lies within the settlement hierarchy, and conclusions drawn with regard to the above policies.

DEV15(8) sets out four criteria via which the suitability of a development proposal’s location should be gauged:

“Development proposals should:

- i. Demonstrate safe access to the existing highway network.
- ii. Avoid a significant increase in the number of trips requiring the private car and facilitate the use of sustainable transport, including walking and cycling, where appropriate. Sustainable Travel Plans will be required to demonstrate how the traffic impacts of the development have been considered and mitigated.
- iii. Demonstrate how a positive relationship with existing buildings has been achieved, including scale, design, massing and orientation.
- iv. Avoid incongruous or isolated new buildings. If there are unused existing buildings within the site, applicants are required to demonstrate why these cannot be used for the uses proposed before new buildings will be considered.”

With regard to these criteria:

- i) no objection to the proposal is raised by the Local Highway Authority;
- ii) A Sustainable Travel Plan has been provided.

- iii) The building is remote from the existing group of buildings at Westacre and it is not considered that it would have a positive relationship to them.
- iv) The building can only reasonably be considered 'isolated', again having regard to the site's location in the open countryside remote from any defined settlement.

With regard to point ii), as noted a Sustainable Travel Plan has been provided. This details the provision of electric car and bicycle charging points and the intention to encourage staff and customers to car share. The Plan also notes that "There is a regular bus service to and from Okehampton that passes the site. The applicant will ask that the farm shop be included on that route to encourage public transport use. That has been achievable on other sites as the service provider wants to increase its service users. The site is located on a primary route with numerous existing private car and public transport vehicle movements" and advises that the applicant will contact the bus company to arrange a stop at the shop.

Officers have given consideration to the Sustainable Travel Plan but are not persuaded that the measures identified would prevent a significant number of trips to the farm shop by private car having regard to its isolated location.

Whilst the farm shop may attract passing trade from vehicles already passing by the site along the B3215, it is considered the isolated and remote location, and siting on an unlit road with no footways where the national speed limit applies, would dissuade potential customers from walking to the site, and indeed cycling.

Whilst some buses do serve the villages of Sampford Courtenay and North Tawton, officers have not identified existing services that pass the application site, and regularly and conveniently so, that could offer customers a viable alternative means to reach the site than reliance upon private car. Accordingly, whilst the intentions of the Sustainable Travel Plan are noted, in reality it is considered likely that the vast majority of customers to the farm shop would travel by private car, and officers are not persuaded that the proposal would comply with DEV15(8)(ii) and "Avoid a significant increase in the number of trips requiring the private car and facilitate the use of sustainable transport, including walking and cycling, where appropriate."

In conclusion, whilst it is understood and appreciated that the proposal could facilitate job creation and diversification of the rural economy, the starting point and foremost consideration is whether the site lies in a 'suitable' location.

It has already been found that the site is 'isolated' and that the proposal constitutes 'isolated development in the countryside' with no exceptional circumstances identified to justify this.

With regard to DEV15, whilst the proposal relates to a farm shop, for which some support is given by DEV15(5), again consideration returns to the suitability of the location; and again the site can only be considered 'isolated' and the development to constitute an 'isolated building' (DEV15(8)(iv)).

It is recognised that sales of dairy and meat products already takes place from Westacre. Whilst this is so, the arrangements there are modest. The proposal now tabled reflects a step change in the scale of business and the likely number of customers likely to be served, with the intention to introduce new products not manufactured on the farm. It is considered the farm shop would become a destination in its own right, resulting in significant car movements that would not otherwise occur.

Overall, given the isolated location, it is concluded that the proposal is contrary to SPT1, SPT2, TTV1, TTV26 and DEV15.

Design/Landscape:

Policy DEV23 of the JLP sets out that "Development will conserve and enhance landscape, townscape and seascape character and scenic and visual quality, avoiding significant and adverse

landscape or visual impacts. Development proposals should:

1. Be located and designed to respect scenic quality and maintain an area's distinctive sense of place and reinforce local distinctiveness.
2. Conserve and enhance the characteristics and views of the area along with valued attributes and existing site features such as trees, hedgerows and watercourses that contribute to the character and quality of the area.
3. Be of high quality architectural and landscape design appropriate to its landscape context.
4. Be located and designed to prevent erosion of relative tranquility and intrinsically dark landscapes, and where possible use opportunities to enhance areas in which tranquility has been eroded.
5. Restore positive landscape characteristics and features that reinforce local landscape quality and distinctiveness.
6. Where necessary, be supported by Landscape and Visual Impact Assessments and landscaping schemes that enhance that proposed development.
7. Avoid, mitigate, and where appropriate compensate, for any residual adverse effects and take opportunities to secure landscape character and visual enhancements."

Policy CH2 of the North Tawton NP is also considered relevant setting out that "Proposals will only be supported where they are of high quality design, enhance the visual character of any heritage assets setting, minimise any adverse impact on residential properties, and clearly demonstrate how they meet the requirements of the North Tawton Town Design Statement. Particular attention should be paid to ensuring:

- a) size, height, density, scale and location respects the key characteristics of the form, scale and character of the surrounding built environment setting of the site;
- b) external materials and detailed design are in keeping with the character of the surrounding built environment, prioritising the use of local materials;
- c) design and scale minimise adverse impact on and/or effectively mitigate impact on the:
 - a) visual character and quality of the wider landscape..."

Policy CH3 of the NP is also of note stating that "Development proposals will only be supported where they conserve and/or enhance landscape, townscape, scenic and visual quality, and where they do not compromise the local landscape setting and special character of North Tawton."

As noted, the application proposes the construction of the farm shop building in the corner of a field remote from other buildings. The building would be clad with timber and have a grey tiled roof.

The building would not be readily visible when approaching the site and site access from the north-east along the B3215, given the hedging and trees to the site frontage. Noting that the hedging is largely deciduous, views of the building would be greatest in the winter when the hedging was not in leaf and/or at times when the building/site was illuminated (i.e. 16.00-18.00+ during the winter).

With regard to views approaching the site along the B3215 from the south-west, it is noted that new hedge planting is proposed along the road frontage, allowing for the necessary visibility splay, and also along the access drive. This planting would, once matured, provide reasonable screening of the building from the B3215, and the presence of the building is further reduced by the use of visually recessive materials/colours, which could be controlled by condition.

Nevertheless, even with such mitigation, the development would not be invisible, with the building, cars and other vehicles parked on the site visible through the hedge, and the site prominent if/when the building/site was illuminated, (i.e. 16.00-18.00+ during the winter) given the current absence of lighting in this rural location.

With regard to DEV23, CH2 and CH3, it is considered that the building is of utilitarian design and appearance and cannot reasonably be concluded to maintain the area's distinctive sense of place or reinforce local distinctiveness. The use of visually recessive materials such as timber cladding and grey roof tiles would help reduce the conspicuousness of the building, but the siting of the building, isolated and remote from other buildings, would nevertheless result in the development having an

adverse impact upon the visual character and quality of the landscape by day, and during hours of darkness in winter (i.e. 16.00-18.00+ during the winter) when the building/site was illuminated. In this regard, officers conclude that the building and use of the site would result in light spill and erode the intrinsically dark landscape in which the building would be situated. Overall, the proposal would not conserve the scenic and visual qualities of the landscape and would compromise the local landscape setting.

For these reasons, it is considered the proposal would conflict with DEV23 of the JLP and CH2 and CH3 of the North Tawton NP.

Biodiversity:

Policy DEV26 seeks to ensure that development supports the protection, conservation, enhancement and restoration of biodiversity and geodiversity across the Plan Area. The policy recognises the hierarchy of wildlife sites from those sites given protection under European legislation to those of local designation/importance. The policy also seeks to avoid harmful impacts on UK protected species and Biodiversity Action Plan habitats and species and seeks a biodiversity net gain for all major developments.

Policy DEV28 covers trees, woodland and hedgerows and seeks to avoid their loss deterioration, requiring replacement planting if loss cannot be avoided.

The application is accompanied by a completed Wildlife Trigger Table and Ecological Impact Assessment.

The assessment found the majority of the site to comprise improved grassland (which is grown and cut for silage), with hedges and trees to site boundaries. No protected species were identified on site, or was the site deemed suitable for such. A bat box is recommended to be installed on the farm shop as 'biodiversity enhancement'.

Whilst noting the representations of the Parish Council, the proposal is deemed compliant with the requirements of DEV26 and no concerns are raised regarding DEV28, indeed the submitted landscaping scheme proposes the planting of additional hedgerows compared to those that now exist.

Neighbour Amenity:

The nearest dwelling to the site (Torre Cottage) lies some 175m approximately to the east of the site of the proposed building. Given this intervening distance, it is not considered that the proposal would impact upon the residential amenity of persons occupying that property.

It is thus considered that the proposal would comply with the requirements of Policies DEV1 and DEV2 of the JLP.

Highways/Access:

Policy DEV29 sets out that development will be required to contribute positively to the achievement of a high quality, effective and safe transport system in the Plan Area with DEV29(2) requiring development to provide safe and satisfactory traffic movement and vehicular access to and within the site.

In these regards, the Highway Authority has raised no concerns regarding the access proposed onto the B3215 beyond matters of detail, which would be the subject of conditions were the application otherwise acceptable. Accordingly, the proposal would comply with DEV29 in these regards.

Car parking is covered by DEV29(3) which seeks to ensure 'sufficient provision and management of car parking in order to protect the amenity of surrounding residential areas and ensure safety of the

highway network.’ The car parking standards set out in the SPD require shops with less 370m gross floorspace to provide 1 space per 28m²; albeit these standards would be geared towards urban sites with an expectation of access by sustainable modes of transport, including walking and cycling. Given the floor area of 63m², this would give rise to a need for 3 parking spaces. The commentary in the SPD acknowledges at para 8.8 that higher parking standards may be applicable to West Devon than Plymouth for residential developments ‘due to greater reliance upon private cars’ and it is logical to consider requirements for car parking for non-residential development similarly.

In this case, whilst officers have concerns that a significant proportion of visitors to the farm shop would arrive by private car, the car park offers 12 parking spaces which, based on the current information, is considered reasonable and to comply with DEV29(3).

Drainage:

DEV35 sets out that the LPAs will assist the Lead Local Flood Authority in the management of flood risk and water pollution within the Plan Area by directing development away from areas at highest risk, but where development is necessary ensuring that it is safe without increasing flood risk and pollution elsewhere.

In this regard, it is noted that the site lies in Flood Zone 1 and does not lie in a Critical Drainage Area. The level of flood risk is thus low.

In terms of surface water drainage, the submitted Drainage Plan shows surface water from the car park and roof water from the building being directed to a soakaway in the field to the east.

Whilst the information provided is limited, officers have no evidence to indicate that the type of surface water drainage method would be ineffective or result in flooding off-site.

However, DEV35(4) sets out that “Development should incorporate sustainable water management measures to reduce water use, and increase its reuse, minimise surface water run-off, and ensure that it does not increase flood risks or impact water quality elsewhere, in compliance with the Local Flood Risk Management Plan and national standards for sustainable urban drainage systems. Surface water from proposed developments should be discharged in a separate surface water drainage system which should be discharged according to the drainage hierarchies set out in the Plymouth and Devon Local Flood Risk Management Strategies.”

In terms of the drainage hierarchy, sustainable drainage solutions would include the use of open swales or open attenuation ponds or basins to accommodate surface water drainage, rather than a below-ground soakaway and drainable field. Under DEV35(4) such a solution would not be accepted until/unless other sustainable drainage methods had been ruled out.

Thus, had the development been otherwise acceptable revised details would have been sought/agreed by condition. However, given wider concerns with proposal, they have not. The proposed drainage arrangements therefore constitute a second technical reason for refusal due to the apparent conflict with DEV35(4).

Low Carbon Development:

Policy DEV32 sets out that ‘The need to deliver a low carbon future for Plymouth and South West Devon should be considered in the design and implementation of all developments, in support of a Plan Area target to halve 2005 levels of carbon emissions by 2034 and to increase the use and production of decentralised energy.’

The application is supported by a DEV32 checklist, Climate Emergency Compliance Form and D&A Statement identify a range of ways in which the proposal seeks to minimise carbon including the

construction of the building, use of solar panels and battery storage, inclusion of electric car and bike charging points.

Had the application been otherwise acceptable, a condition would have been recommended to these features were included in the development when built to secure compliance with DEV32.

Conclusion and Planning Balance:

The applicant's dairy farm, Westacre, is situated in the countryside approximately 1.5 miles (by road) south-east of the village of Sampford Courtenay and approximately 1.8 miles (by road) to the south-west of the village of North Tawton.

They have diversified their business by bottling and selling milk, other dairy products and meat via a fridge/honesty box and modest outbuildings at Westacre. In order to expand and consolidate the business they now wish to construct a farm shop in the field to the west of Westacre which would be accessed via the B3215 rather than the narrow lane that serves Westacre. The shop would sell their own produce together with artwork, leather goods, foodstuffs and other goods made locally.

In terms of benefits, the proposal would support the growth and diversification of an existing business and result in local job creation.

However, the site is situated in an isolated location and, whilst officers have considered the submitted Sustainable Travel Plan, it is not considered that customers would easily access the site on foot, on bicycle or via public transport and it is thus considered that the use would result in significant private car usage. Whilst the use would attract some passing trade on the B3215, it is considered the farm shop would be a destination in its own right.

Notwithstanding the benefits of the proposal in supporting an existing business and the creation of local employment, in policy terms the acceptability of new development hinges upon it being proposed in a 'suitable' location. In this case, the overriding concern is the isolated location of the site and the likely reliance upon private car use to reach it. On this basis, notwithstanding the benefits of the proposal identified, the proposal would not support the principles of sustainable development and sustainable communities and would constitute isolated development in the countryside.

Moreover, in terms of landscape impact, whilst accepting that the siting of the building would allow it to be accessed off the B3215, which would enable improved access off the public highway, the building would not be grouped with the existing buildings at Westacre but in a corner of a field some 175m to the west of them. The building would appear remote and unrelated to them, and detract from the character of its rural surroundings by day and when illuminated during hours of darkness (i.e. 16.00-18.00+ during the winter).

Finally, it is considered that the submitted drainage details (proposing a soakaway) fail to offer a sustainable drainage solution and do not explain why the drainage hierarchy has not been followed.

Having regard to the above, officers consider the development to conflict with SPT1, SPT2, TTV1, TTV26, DEV15, DEV23 and DEV35 of the JLP and CH2 and CH3 of the North Tawton NP and a recommendation of refusal is thus made.

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 14th January 2022 the Department for Levelling Up, Housing and Communities published the HDT 2021 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 128% 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 5.97 years at end of March 2022 (the 2022 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2022 (published 19th December 2022).

[*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
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
DEV16 Providing retail and town centre uses in appropriate locations
DEV20 Place shaping and the quality of the built environment
DEV21 Development affecting the historic environment
DEV23 Landscape character
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts

North Tawton Neighbourhood Plan 2016 – 2034

CH2 Design, Heritage and the Built Environment
CH3 Important Amenity Views and Landscape Character

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application:

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.