

PLANNING APPLICATION REPORT

Case Officer: Jacqueline Houslander
Yealmpton

Parish: Newton and Noss **Ward:** Newton and

Application No: 3352/16/FUL

Agent/Applicant:

Mr Mark Evans
Cedar House
Membland
Newton Ferrers, Plymouth
PL8 1HP

Applicant:

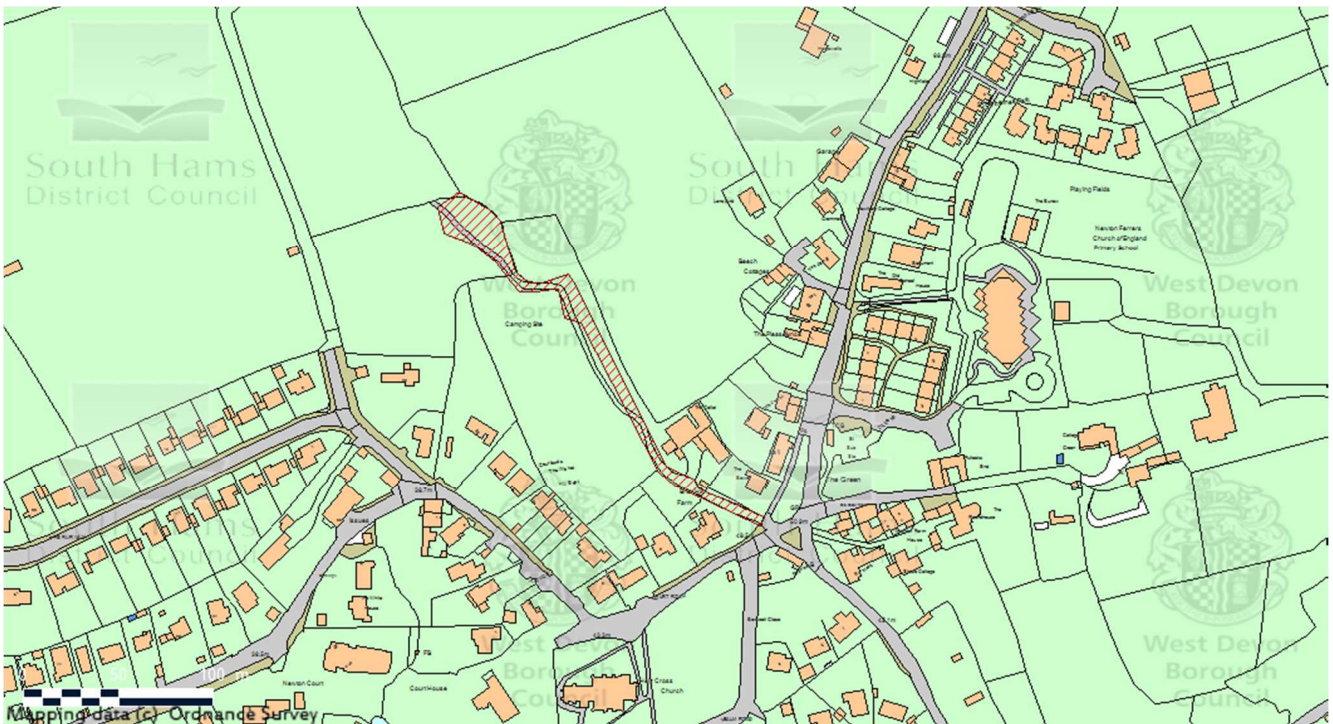
Mr Scott McCready
Briar Hill Farm,
Court Road
Newton Ferrers
PL8 1AR

Site Address: Briar Hill Farm, Court Road, Newton Ferrers, PL8 1AR

Development: Construction of storage building associated with general maintenance and management of adjoining holiday lodge site.

Reason item is being put before Committee: Requested by Councillor Blackler and Councillor Baldry, whose reasons are:

1. It is outside the development boundary. The Committee needs to indicate by its decision whether the Development boundary serves a purpose.
2. AONB. We need to indicate whether we are meeting our responsibility to protect and enhance the landscape. This application does not do so.



Recommendation: Conditional Approval

Conditions:

Time limit

Accord with plans

Building to be used for the storage of materials associated with the maintenance of the Caravan Park.

Building to be constructed of timber

Finished floor level plan prior to commencement.

No goods stored outside

Landscaping scheme to be submitted prior to commencement.

Key issues for consideration:

Whether the building causes harm to the landscape character of the AONB and landscape outside of the development boundary.

Site Description:

The site for the proposed storage building lies at the northern end of the applicants' caravan park, which is in the centre of Newton Ferrers, on land which is used at the moment for outside storage and the gas tanks for the caravan site. The land in this area rises towards the north. The land where the building is proposed has a short hedge running across it behind which is a larger field. The building is proposed in the area in front of the hedge. The land beyond the hedge is also at a higher level.

The site is outside the development boundary for Newton Ferrers.

The designations that apply to this piece of land are: Heritage Coast; AONB.

The Proposal:

The proposal is for a storage shed to house materials and machinery to be used in connection with the operation of the caravan park.

The building proposed is a pitched roof building, of timber construction, measuring just over 5 metres to the ridge, 7 metres wide and 20 metres in length.

The use of the building has been described by the applicant's agent as:

- (i) The storage and maintenance of all landscaping and maintenance machinery used to maintain the existing holiday park grounds and buildings;
- (ii) As a workshop to enable the repair and maintenance of the lodges to be undertaken (you should note that this is currently undertaken within the numerous stable and outbuildings at the entrance to the site and in close proximity to existing residential properties with an existing resultant impact upon their residential amenity) - the proposed siting is considered to improve the proximity of the use to existing residential properties;
- (iii) As a storage area for the outdoor decking furniture for each lodge and also as a secure storage facility for the existing holiday lodges for all leisure related equipment (kayaks, surfboards, bikes etc.)

The siting of the building has also been described by the agent as:

I can confirm that the site was specifically chosen to make use of the existing levels and backdrop of boundary screening in order to enable the building to be tucked into the corner out of the way of both the existing holiday park, the majority of existing residents and to ensure that its visual impact upon the wider locality was kept to a minimum.

To move the building further into the field was considered to increase the visual impact of the building when viewed from wider distant public vantage points.

Consultations:

- Landscape officer: The impact on the AONB is likely to be less than moderate, provided strict conditions are imposed which prevents outside storage of materials, the materials are strictly

controlled and a landscaping scheme is required prior to the commencement of development.

- Town/Parish Council: Objection because: 1.The proposals lie outside the Village Development Boundary; 2.The development would lie within an Area of Outstanding Natural Beauty. Under the National Planning Policy Framework guidelines the proposals would not enhance the AONB; 3. The Parish Council fully support the points detailed in the letter from the River Yealm District Association dated 6th December 2016.
- River Yealm and District Association: Object for the following reasons:
"There are important principles at stake, it is outside the Village Development Boundary, and in the South Devon AONB and the recent history on the site is of relevance.

PA37/0518/15- replacement of existing barns with two holiday homes and owners dwelling with storage space. The decision notice dated 11 June 2011 approved the application with the following condition: '6. The owners dwelling shall be occupied solely by the manager and their spouse (including any dependants) of the approved holiday units development and shall not be separated from the holiday development or otherwise used as a person's sole or main residence in any manner unconnected from that of managing the approved holiday use.

Reason: To ensure the owners dwelling is not occupied in a residential manner or is subsequently separated from the holiday unit'

PA37/2181/15/VAR Application to lift the condition, submitted on 1 September, 3 months after the approval for the dwelling. The application went to committee as requested by Councillor Baldry. The application was approved in December 2015.

Shortly after this that part of the site to which the original application and subsequent variation apply was for sale. This is all relevant to the current application. This application is outside the Village Development Boundary. It is also in the AONB, which is meant to be a highly protected landscape. The Design and Access Statement rightly draws attention to Policy DP15. Para 2c states that ' All development in the countryside should) make use of suitable existing buildings or previously developed land before proposing new buildings or development of greenfield land.' If the applicant wanted storage space he has already had 2 opportunities to comply with this important limitation in DP15: firstly by utilising either the land on which the barns sat or by using the admittedly dilapidated barns themselves before he submitted the 2015 application for the new dwellings; and secondly by using the owners home which replaced the barns and had been specifically sought storage and a workshop for maintaining the infrastructure, and an office for the management of the site.

In our view the applicant has not demonstrated the exceptional circumstances that should be applied to approve this application."

Representations from Residents:

Comments have been received and cover the following points:

- Traffic generation: if the access is to be from Fairway lorries and work vehicles would need to use the lane
- Proposed landscaping: The existing holiday cottages are visible from the Fairway and so will the new barn.
- Obtrusive lighting: This would increase the light pollution in the area; the site is in the AONB, it is a village that needs protecting from being turned into a concrete jungle;
- Drainage/flood issues. Houses nearby were flooded a few years ago, this development could increase the problem of run off.
- The size of the barn seems excessive, if it is just to maintain a few lodges. Surely the size of a double garage would be sufficient. The existing barn on the site has been turned into houses. The new barn of this size would lend itself to the same.

- The development will affect the farmland surrounding the village and the views form a variety of perspectives. The clearance of shrubs and hedges will affect drainage on the site. There is potential for creeping development up the field behind. The planning history is that lodges have been turned down in this area.
- The proposed building is on a poorly maintained green field site, visually prominent behind a 13 to 15th Century Church.
- The adjacent static homes cannot be considered as buildings of relevance with regard to further buildings outside the development boundary.
- It will be at 53m above sea level with the nearest properties being 43 – 44 metres above sea level.
- The area known as Horsewells is known to have a number of springs and no proper hydrological survey has been undertaken. The Design and Percolation Test document has errors. The building is identified as 164 square metres yet the run off will only be 100.
- If the planning committee were minded to grant permission it should be of a much higher quality design.

Relevant Planning History

37/3031/11/F – replacement of existing barns with two holiday homes and a dwelling with office and storage facilities and proposed change of use for the siting of static units. Withdrawn

37/0518/15/F – replacement of existing barns with 2 holiday homes and owners dwelling with storage space - Approved

37/0387/12/CLE – Lawful development certificate for existing use for storage of trailers, boats and caravans. Refused

37/0727/78/4 – Extension of numbers of caravans on site and construction of ablution Block. Approved

37/2181/15/VAR - Removal of condition 6 of planning consent 37/0518/15/F (to allow owner's accommodation to be stand-alone property and not tied to the site) - Approved

37/3031/11/F – Replacement of existing barns with two holiday homes and a dwelling with office and storage facilities and proposed change of use for the siting of two static units. Withdrawn on 6/1/2012.

ANALYSIS

Principle of Development/Sustainability:

The principle of the development falls to be considered against policies for landscape protection CS09, and DP2 and development in the countryside DP15.

The landscape policies seek to protect the landscape and development should conserve and enhance the landscape character.

Policy CS9, makes reference to the Area of Outstanding Natural Beauty (AONB) and states that their conservation and enhancement will be given great weight. It also seeks to ensure that the quality, character, diversity and local distinctiveness of the natural environment will be conserved and enhanced.

Policy DP2 states that development proposals should conserve and enhance the South Hams Landscape character by:

Reflecting the needs and issues set out in identified landscape character areas; ensuring its location, siting, layout, scale and design conserves and/or enhances what is special and locally distinctive about the landscape character (including its historic, biodiversity and cultural character); retaining, integrating and enhancing distinctive features such as trees, ancient woodlands, field boundaries, walls, hedgerows, watercourses and river valleys; avoiding unsympathetic intrusion in the wider landscape, such as detrimental impact on the character of skylines or views from public vantage points and light pollution; and respecting the unspoilt nature and tranquillity of the area.

In this case the building is set adjacent to the hedgerow, set down from the rising land to the north and in front of a hedge bank. It is proposed as either timber or grey/green metal. It is considered that in this location and in order for the building to sit comfortably within the landscape that timber would be the preferable finish. The building is quite large, however if it means that the existing storage area is cleared into the building, the area as a whole would be improved. It will also be able to house a small tractor (as shown on the plans).

A timber building with a hedgerow as its backdrop would be more appropriate than a metal building. No trees or hedgerows would need to be removed to accommodate the building. The location of the building would not have any impact on skylines or views from public vantage points. The landscape officer has concluded that the proposal will have a slight (less than moderate) impact on the AONB and should have tight conditions attached so as to ensure the building integrates well into the landscape. He has asked for conditions on materials, a landscape scheme prior to the commencement of development. In addition a condition showing the levels to be applied to the building has also been included so as to ensure that it is set within the landscape as far as possible.

The other point of principle with this application is the fact that it lies outside the development boundary and so as such is located within the open countryside, so that Policy DP15 applies. This policy seeks to ensure only essential agricultural or forestry development is permitted in the countryside. However part 1.b of the policy does suggest that a use that meets the essential, small scale and exceptional local development needs of a settlement which cannot be met within development boundaries.

In this case the storage building is associated with the caravan park, and there is no space on the existing caravan site area to accommodate the building. It could be argued that the storage building is necessary for the operation of the caravan park and so is essential to meet the needs of it. The caravan park is within the development boundary.

The objectors have argued that the storage could have been accommodated in existing buildings on the site which have recently been granted consent to be replaced by a managers dwelling. However it is not within the remit of this application to rescind previously approved consents. It is merely to consider the application against development plan policies and any other material considerations and come to a conclusion as to whether the application should be approved or refused. There is no space currently to accommodate a building of the size proposed.

Design/Landscape:

The design of the building is considered appropriate in terms of its design provided it is a timber building and not a metal clad building which would make it more industrial and would not be appropriate in this location. The use of timber is considered acceptable because it is a natural material which will weather and ultimately blend into its surroundings. The building is agricultural in design and would not be out of keeping in a rural area. In this case a building design of this nature in its edge of settlement location would be considered to be acceptable. It will also be important that a comprehensive landscaping scheme is submitted and approved prior to the commencement of development.

Neighbour Amenity:

Some of the neighbours have raised objection to the proposal, with concerns over: traffic generation; potential for development creep up the hillside; drainage through loss of vegetation; the existing barn on the site has been converted to two dwellings; the excessive size of the building; the impact of the building on the landscape and the AONB.

Whilst the building does appear to be a considerable size, it will allow for a good amount of storage which should mean that the area around the building which is currently used as an informal storage area can be cleared and all of it incorporated into the building. It also allows for the storage of a tractor and trailer. No vegetation will be lost as a result of the construction of the building and landscape considerations have been dealt with above.

Other matters:

The Parish Council has objected to the proposal and there have been 5 letters of objection, as well as a letter of objection from the River Yealm and District Association concerns are with regard to the fact that the building is outside the village development boundary and that it is within the AONB. These issues have been dealt with in the report, but essentially the proposal can be seen to be associated with a development within the settlement and for which there is no further space to allow for the building. The proposal does therefore comply with the policy for development within the countryside DP15. With regard to the AONB designation the building is set down, will be constructed of appropriate materials and would not harm the AONB. A building of this nature and design is something which is commonplace in a rural landscape, the applicant has set it down against an existing hedge to reduce its visual impact. It is also on a piece of land which is currently informally used for the storage of goods. If the proposal is permitted it would help to clear this area and tidy it up and so as such it is felt that the proposal would serve to conserve and enhance the landscape character.

Conclusion:

The building is to be used for the storage of equipment for the operation and maintenance of the caravan par, as a workshop for ongoing maintenance issues as well as a storage space for goods used in association with the Caravan Park and so can be viewed in policy terms to be in compliance with Policy DP15. In addition the design of the building is set in a location which restricts views of it from the wider landscape and a condition will be attached to the consent to ensure that the building is constructed in timber in order to reduce its impact on the landscape. It is therefore recommended that permission be granted.

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

Planning Policy

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan comprises:

- **South Hams**
- 2006 Core Strategy
- 2007 Sherford New Community Area Action Plan (AAP)
- 2008 Affordable Housing Development Plan Document (DPD)
- 2010 Development Policies Development Plan Document (DPD)
- 2011 Site Allocations Development Plan Document (DPD) for:
 - Dartmouth
 - Ivybridge
 - Kingsbridge
 - Totnes
 - Rural Areas
- Saved policies from 1996 Local Plan
- Devon Waste Plan
- Devon Minerals Plan

The Plymouth and South West Devon Joint Local Plan (the JLP) will replace the above as the statutory development plan once it is formally adopted.

Annex 1 of the National Planning Policy Framework (the Framework) provides guidance on determining the weight in relation to existing and emerging development plan policies.

- For current development plan documents, due weight should be given to relevant policies according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- For the JLP, which is an emerging development plan, the weight is to be determined by the stage of its preparation, the extent to which there are unresolved objections, and its degree of consistency with the Framework.

The JLP is at a relatively advanced stage of preparation, with the pre-submission version formally approved by South Hams District Council, West Devon Borough Council and Plymouth City Council for a six-week period for representations, pursuant to Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations. It is also considered to be consistent with the policies of the Framework, as well as based on up to date evidence. However, until the Regulation 19 stage has concluded, and the scale and nature of representations known, it is considered that the JLP's policies will generally have limited weight within the planning decision. The precise weight will need to be determined on a case by case basis, having regard to all of the material considerations.

Other material considerations include the policies of the Framework itself and guidance in National Planning Practice Guidance (NPPG).'

In this case the relevant policies are as follows:

South Hams LDF Core Strategy

CS1 Location of Development
CS7 Design
CS9 Landscape and Historic Environment

Development Policies DPD

DP1 High Quality Design
DP2 Landscape Character
DP3 Residential Amenity
DP15 Development in the Countryside

South Hams Local Plan

SHDC 1 Development Boundaries

Joint Local Plan

SPT 1 – Delivering Sustainable Development
SPT 11 – Strategic Approach to the Natural Environment
TTV1 - Prioritising growth through a hierarchy of sustainable settlements
TTV2 - Delivering sustainable development in the Thriving Towns and Villages
TTV31 – Development in the Countryside
DEV 15 – Supporting the rural economy
DEV20 Place shaping and the quality of the built environment
DEV24 - Landscape character
DEV27 - Nationally protected landscapes

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.

Proposed 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 drawing number(s) Block Site Plan 0727 – BSP; Site Location Plan DBD0727/05 Rev B; Site location Plan DB0727/SLP; As proposed part site plan, Barn Floor Plan, Elevations and Section DBD0727/07 received by the Local Planning Authority on 17th November 2017.

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

3. The building shall be used for storage of goods and materials associated with the maintenance and operation of the Briar Hill Farm Holiday Park only and for no other purposes unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of the amenity of the area.

4. The storage building hereby approved shall be clad in timber cladding only, a sample of which shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. The works shall then be carried out in accordance with the agreed material.

Reason: In the interests of visual amenity in the Area of Outstanding Natural Beauty.

5. Prior to the commencement of development a plan indicating the finished floor and roof levels shall be submitted to and approved by the Local Planning authority. The building will then be constructed in accordance with those agreed levels.

Reason: In the interests of visual amenity and to ensure the building is at an appropriate ground level on the site.

6. No materials, or goods associated with the maintenance and management of Briar Hill Farm Caravan Park shall be stacked or stored on the site except within the building on the drawings hereby approved.

Reason: To safeguard the visual amenities of the area

7. Prior to the commencement of development a detailed hard and soft landscaping scheme to include reinforcement of the hedgerow located behind the proposed storage building shall be submitted and approved by the Local Planning Authority. The works shall then be carried out in strict accordance with the approved scheme.

Reason: In the interests of visual amenity in this highly sensitive landscape.