

PLANNING APPLICATION REPORT

Case Officer: Charlotte Howrihane

Parish: Ashprington **Ward:** West Dart

Application No: 0520/17/FUL

Applicant:

Mrs T Clarke
Dart Vale Fish Farm
Tuckenhay
Devon
TQ9 7HR

Site Address: Dart Vale Fish Farm, Tuckenhay, Devon, TQ9 7HR

Development: Change of use of existing fish farm to recreational fishing lakes, erection of 2no. accommodation cabins, bin store and WC/shower room

Reason item is put before Committee: The applicant's daughter is an employee of the Council.



Recommendation: Conditional approval

Conditions:

Time
Accord with plans
Access details- prior to commencement
Parking facilities to be provided prior to occupation of cabins
Cabins to be used for holiday accommodation only
Details of external lighting to be provided prior to occupation

Key issues for consideration:

Use, location, landscape impact, highways

Site Description:

The site is known as Dart Vale Fish Farm, and is sited some 0.6miles south of the village of Tuckenhay, with Harbertonford 2.5 miles to the north-west. It was historically used as a fish farm, although this was unsuccessful for various technical and structural reasons that the applicant has detailed in their application. It has not been used as a fish farm for at least 15 years, and never by the applicant, who has owned the site since 2001.

The site slopes down from the road level down to the river, which run along the northern boundary. There are approximately 17 ponds within the site, of varying sizes, not all of which are filled with water. The site is bordered from the highway by substantial tree and hedge screening, and there are large amounts of greenspace within the site, which are currently overgrown and in a state of disarray, as they have been disused for many years.

The site contains a residential dwelling, which was originally subject to an agricultural tie, although this has recently been removed (application reference 3840/16/CLE). There are various outbuildings, mainly used for storage, and all buildings are located around the entrance and driveway at the south of the site.

The site is within open countryside, and not part of any special areas of designation.

The Proposal:

The application seeks to change the use of the site, from a fish farm to a recreational fishing site. It is also proposed to demolish the existing outbuildings, and erect two cabins, to provide accommodation for visitors to the site and to provide fishing holidays, rather than day visitors. As well as the two cabins, a shower/toilet block with attached bin store would be provided, as well as a parking area, providing two parking spaces per cabin.

The cabins would be very basic, each containing two bedrooms and a table/chairs. They would be of timber construction with a slate roof, as would the shower building.

As part of the overall works to bring the site back into use, basic landscaping works would be carried out on the overgrown areas of land to reinstate existing walkways and green areas within the site, and to regenerate the ponds and make them suitable for fishing.

Consultations:

- County Highways Authority- recommend condition regarding site access details (prior to commencement)
- Parish Council- Support this application providing the number of cabins are limited – we assume Highways will be consulted given the location

Representations:

One letter has been received, in broad support of the proposal, but expressing surprise that an Ecological Appraisal was not required as part of the application.

Relevant Planning History

- 01/1951/86/3- Agricultural worker's dwelling- conditional approval
- 01/1378/91/4- Change of use from agricultural to agricultural and commercial for extracting and bottling water- conditional approval
- 01/1135/95/3- Extension to dwelling- refused
- 01/1859/95/3- Erection of extension and siting of oil tank- refused
- 01/1688/96/4- Change of use from agricultural to agricultural and commercial for extracting and bottling water- conditional approval
- 01/1113/00/F- Extension to farm office and reception building- conditional approval
- 01/0819/02/F- Construction of two additional bedrooms- refused
- 3840/16/CLE- Lawful Development Certificate for removal of agricultural tie conditioned by application 01/1951/86/3- certificate granted

ANALYSIS

Principle of Development/Sustainability:

Policy DP12 of the Local Development Framework (Tourism and Leisure) identifies tourism as a key industry within the district, and permits proposals within the countryside if it can be demonstrated that they 'require a rural location and cannot be accommodated elsewhere, or be associated with the expansion of an existing facility.'

Clearly fishing lakes are much more suited to a countryside environment, and visitors to this type of facility are attracted by the peaceful, natural environment. The proposal would bring the existing ponds back into use, and lead to the regeneration of the site as a whole, which has been neglected and in a state of disarray for many years. As the site cannot be used as a fish farm, some form of diversification is required to make the site usable again, and both local policy DP12 and the NPPF (paragraph 28) support the diversification of land-based rural businesses, and the provision of tourist facilities. An internet search identifies only one or two similar businesses within a 10km radius of the site, which are of a much larger scale than the proposal, and so Officers are satisfied that the proposed change of use and associated development meets the criteria set out in the aforementioned policies, and is acceptable in principle.

Design/Landscape:

The proposed cabins are small and unobtrusive, with basic facilities. The scale and design of the cabins is in keeping with the low-key, simplistic character of the proposed fishing ponds, allowing people to come to fish, with no other aims or attractions within the site. The cabins, shower block and parking area are all clustered around the entrance to the site, and would replace the existing outbuildings. All footpaths and parking areas would be of a permeable gravel design, and the landscaping works proposed would create an attractive space without detracting from the natural countryside landscape character.

The topography of the site, sloping down from the road to the river, means that the cabins would be below road level. They would also be screened from the highway by existing trees and hedges which run along the boundary. The proposal would be very difficult to see from any public vantage points, and are considered to have a minimal impact on the surrounding countryside landscape. The works required to permit the site to be used in the proposed manner would clearly benefit the appearance and character of the overall site, and this is considered to counterbalance against any impact that the addition of the cabins would have on the site.

Neighbour Amenity:

The site is in an isolated rural position, with the nearest dwellings nearly 400m from the site. The cabins would be located centrally within the site, and would not be seen from outside of the site itself. The quiet, peaceful nature of recreational fishing and the vast separation distance from other residences leads Officers to conclude that the proposal would have no impact on any other dwellings, and is therefore acceptable in terms of neighbour amenity.

The Parish Council supports the proposal, subject to a limit to two cabins. Only two cabins have been applied for and any other cabins would need to be applied for under a separate permission in the future.

Highways/Access:

The small number of cabins proposed means that the proposal would not greatly increase vehicle movements to and from the site. The applicants chose overnight fishing accommodation as this was felt to generate less additional traffic than offering day fishing, where people would arrive and leave the site on the same day. As requested by the Highways Officer, visitors would be directed to the site from the main Dartmouth Road to the north-west, rather than through the village of Tuckenhay to the east.

The Highways Officer has no objection to the principle of the proposal, but has asked for additional details of the site access to ensure that there is adequate visibility. This will be added as a condition of any approval.

The proposal provides two parking spaces for each cabin. These will be positioned just off the existing driveway, so that access and parking to the main dwelling within the site is unaffected. Officers will require that the parking facilities are installed prior to the occupation of the cabins, to ensure that adequate parking is available on the site.

Other Matters:

A letter of representation has noted surprise that an Ecological Appraisal is not required for the proposal. The applicant completed a Wildlife Trigger Table which do not indicate the need for one to be carried out. Although the site as a whole is large and near water, trees, hedges etc, the area where any proposed development would take place is much smaller, as shown by the red line on the site location plan. In any case, Wildlife and Protected Species legislation is separate from planning, and must be considered when undertaking any work. Officers will add an informative to any decision reminding the applicant of their legal obligations under the relevant Wildlife and Protected Species legislation.

Conclusion:

The proposed change of use and associated development is considered to be an appropriate way to bring a disused site back into use. The works required would enhance the neglected site, with clear benefits to the local landscape, and the isolated location of the site means that the proposed new use can be undertaken without disturbance to any other dwellings. The application is therefore considered to be acceptable and is recommended for conditional approval.

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 relevant development plan policies are set out below:

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

DP7 Transport, Access & Parking

DP15 Development in the Countryside

Emerging Joint Local 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. The precise weight to be given to policies within the JLP will need to be determined on a case by case basis, having regard to all of the material considerations as set out on the analysis above.

PLYMOUTH AND SOUTH WEST DEVON JOINT LOCAL PLAN -: PUBLICATION (as considered by the Full Councils end Feb/Early March 2017)
TTV31 Development in the Countryside
DEV1 Protecting amenity and the environment
DEV2 Air, water, soil, noise and land
DEV15 Supporting the rural economy
DEV24 Landscape character

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 drawing numbers 1600.OS.01.P1, 1600.P.01.P1, 1600.P.02.P1, 1600.P.03.P1 and the Design & Access Statement received by the Local Planning Authority on 22nd February 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. Prior to the commencement of the development hereby approved, details of the works to the site access, including details of visibility splays, shall be submitted to and approved in writing by the Local Planning Authority. The agreed works shall be undertaken and completed prior to the occupation of either of the approved holiday cabins and retained and maintained in perpetuity.

Reason: To ensure that there is adequate visibility when entering and leaving the site in the interests of public safety.

4. Prior to the occupation of either cabin, the parking facilities associated with each cabin shall be provided in accordance with drawing number 1600.P.02.P1. These facilities shall be kept permanently available for the parking of motor vehicles.

Reason: To ensure adequate parking facilities are provided.

5. The accommodation hereby permitted shall:

- (i) only be occupied as holiday accommodation and not as permanent residential accommodation
- (ii) not be occupied as a person's sole, or main place of residence
- (iii) the owners/operators shall maintain an up-to-date register of the names of all occupants of the cabins on the site, including their main home addresses. This information shall be made available at all reasonable times to the Local Planning Authority.

Reason: To ensure that the accommodation is not used for permanent occupation and to prevent the establishment of a permanent dwelling in the countryside contrary to local planning policy.

6. Prior to its installation details of any external lighting (including security lighting) to be erected, placed or operated on the site shall be submitted to and approved in writing by the Local Planning Authority. The work shall thereafter be carried out in accordance with the approved details and under no circumstances shall it cause light pollution nor shall external illumination be operated on the site other than in accordance with the approved scheme.

Reason: In the interests of the rural landscape character.