

**Agenda for consultative meeting of the
Planning Committee
Tuesday, 2nd August, 2022, 11.30 am**



Members of Planning Committee

Councillors E Wragg (Chair), S Chamberlain (Vice-Chair),
K Bloxham, C Brown, A Colman, O Davey,
B De Saram, S Gazzard, M Howe, D Key,
R Lawrence, G Pook, G Pratt, E Rylance,
P Skinner and T Woodward

East Devon District Council
Border House
Heathpark Industrial Park
Honiton
EX14 1EJ
DX 48808 HONITON
Tel: 01404 515616
www.eastdevon.gov.uk

Venue: Online via zoom

Contact: Wendy Harris, Democratic Services Officer
01395 517542; email
wharris@eastdevon.gov.uk

(or group number 01395 517546)

Issued: Wednesday, 20 July 2022; Reissued Thursday, 28 July 2022

**Important - this meeting will be conducted online and recorded by Zoom only.
Please do not attend Blackdown House.
Members are asked to follow the [Protocol for Remote Meetings](#)**

This meeting is being recorded by EDDC for subsequent publication on the Council's website and will be streamed live to the Council's Youtube Channel at <https://www.youtube.com/channel/UCmNHQruge3LV4hcgRnbwBw>

[Speaking on planning applications](#)

In order to speak on an application being considered by the Planning Committee you must have submitted written comments during the consultation stage of the application. Those that have commented on an application being considered by the Committee will receive a letter or email detailing the date and time of the meeting and instructions on how to register to speak. The letter/email will have a reference number, which you will need to provide in order to register. Speakers will have 3 minutes to make their representation.

The number of people that can speak on each application is limited to:

- Major applications – parish/town council representative, 5 supporters, 5 objectors and the applicant or agent
- Minor/Other applications – parish/town council representative, 2 supporters, 2 objectors and the applicant or agent

The day before the meeting a revised running order for the applications being considered by the Committee and the speakers' list will be posted on the council's website (agenda item 1 – speakers' list). Applications with registered speakers will be taken first.

Parish and town council representatives wishing to speak on an application are also required to pre-register in advance of the meeting. One representative can be registered to speak on behalf of the Council from 10am on Monday, 25 July 2022 up until 12 noon on Thursday, 28 July 2022 by leaving a message on 01395 517525 or emailing planningpublicspeaking@eastdevon.gov.uk.

Speaking on non-planning application items

A maximum of two speakers from the public are allowed to speak on agenda items that are not planning applications on which the Committee is making a decision (items on which you can register to speak will be highlighted on the agenda). Speakers will have 3 minutes to make their representation. You can register to speak on these items up until 12 noon, 3 working days before the meeting by emailing planningpublicspeaking@eastdevon.gov.uk or by phoning 01395 517525. A member of the Democratic Services Team will only contact you if your request to speak has been successful.

Until 31st October 2022, the Council has delegated much of the decision making to officers. Any officer decisions arising from recommendations from this consultative meeting will be published on the webpage for this meeting in due course. All meetings held can be found via the [Browse Meetings](#) webpage.

1 **Speakers' list**

Speakers' list removed.

2 **Apologies**

3 **Declarations of interest**

Guidance is available online to Councillors and co-opted members on making [declarations of interest](#)

4 **Matters of urgency**

Information on [matters of urgency](#) is available online

5 **Confidential/exempt item(s)**

To agree any items to be dealt with after the public (including press) have been excluded. There are no items that officers recommend should be dealt with in this way.

Applications for Determination

6 **21/3201/FUL (Minor) DUNKESWELL & OTTERHEAD** (Pages 4 - 21)

Bennettshayes Farm, Awliscombe, Honiton, EX14 3PY.

Please note:

Planning application details, including plans and representations received, can be viewed in full on the Council's [website](#).

[Decision making and equalities](#)

For a copy of this agenda in large print, please contact the Democratic Services Team on 01395 517546

Ward Dunkeswell And Otterhead

Reference 21/3201/FUL

Applicant Mr and Mrs Steve and Clare Harvey

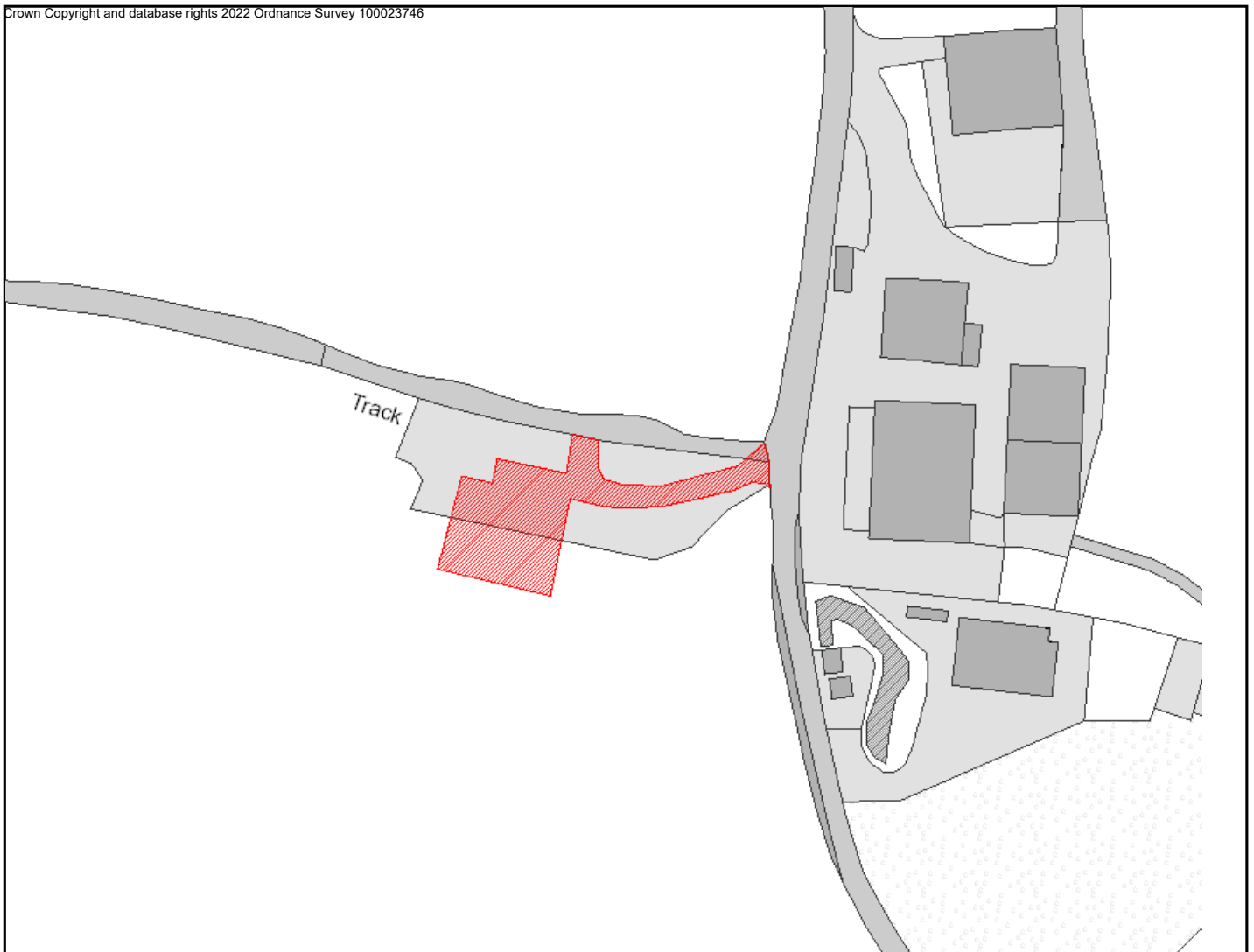
Location Bennettshayes Farm Awliscombe Honiton EX14 3PY

Proposal Erection of agricultural workers dwelling and associated works.



RECOMMENDATION: Refusal

Crown Copyright and database rights 2022 Ordnance Survey 100023746



		Committee Date: 2nd August 2022
Dunkeswell and Otterhead (Awliscombe)	21/3201/FUL	Target Date: 02.02.2022
Applicant:	Mr and Mrs Steve and Clare Harvey	
Location:	Bennettshayes Farm Awliscombe	
Proposal:	Erection of agricultural workers dwelling and associated works.	

RECOMMENDATION: Refusal

UPDATE REPORT

This application was the subject of consideration by Members at the last meeting of the Planning Committee held on 14th June. The report and executive summary are reproduced below.

At the meeting it was resolved to defer determination pending a site inspection to assess the impact of the proposed dwelling on the AONB as well as to provide the applicants with an opportunity to submit additional information to justify the preference for the proposed site for the development, as well as its intended position in relation to the road and field entrance, over other potential alternative sites adjacent to the farm complex and set out how and why it is considered to result in the least harm to the rural landscape character and landscape and scenic beauty of the AONB of all of the options that had been considered.

A document has now been produced that, using an aerial photograph of the locality as a map base, details four alternative sites that have been considered and discounted.

Three of these sites are on the same side of the road as the existing farm complex while the fourth is on the opposite side of the road from it; i.e. the same side as the application site.

It also provides a more detailed explanation of the rationale behind the selection of the application site, as well as the more detailed positioning of the dwelling, as the preferred location for the dwelling. This states as follows:

'This site was chosen as it is as close to the farmyard as you can practically get. It is land that is used for storage not grazing and it already has access onto the road and an existing track, therefore the impact to the environment and landscape

would be minimal. We have located it away from the hedge behind with two large oak trees so that the landscape is not affected and acts as good natural screening. We are unable to build at the entrance of the field as we need to be able to access the field with farm machinery, this existing track is marked in yellow on the plan. This is why the site is a little higher up in the field. Cows graze these fields so we would have to initially put up a stock proof fence (as is the case now to stop them getting to the bales) and then screen with non-toxic shrubs/hedge. This is the least prominent site from across the valley as it is tucked away behind the cow sheds and next door neighbour. Due to the site being sloped down to the lane, the site will need to be dug down and levelled, which will reduce the overall height of the dwelling.'

One of the sites (site 1) considered is located on the same (eastern) side of the road as the existing farm complex but is approximately 370 metres to the south of the applicants' present dwelling at Bennettshayes Farm and 60 metres south of Mount Pleasant Cottage, itself just south of Yankee Cottage.

The other two sites on the same side of the road as the farm complex (sites 3 and 4) are both within the western portion of a field to the immediate east of the farm; one of which is located towards its northern hedged boundary and the other further to the south and more immediately proximate to the farm buildings. However, both sites are within a similar distance of both the principal farmhouse and the applicants' property.

The remaining site (site 2) occupies the lower eastern part of the field immediately to the north of the application site and on the opposite side of the road from the farm complex, albeit nearer to the main farmhouse, the applicant's property and the third dwelling at the farm as well as, arguably, the farm buildings to their south.

Site 1 has been discounted by the applicants owing to its distance from the farm.

Site 2 is not considered by the applicants to be suitable as it currently comprises organic grazing land and the gateway floods in heavy rain. It has therefore been discounted owing to the likely extent of the environmental impact of any development. There are also overhead power lines that extend across the field.

Site 3 is not considered to be suitable by the applicants and has been discounted as, again, in heavy rain water runs down and floods the area. It is also thought to be very prominent in the landscape.

The visual prominence of Site 4 from across the valley within the wider AONB landscape is also felt by the applicants to weigh against its suitability along with its proximity to the existing farm buildings and the likely location for any potential future expansion of the farm.

In terms of the main views towards the farm and its wider landscape setting from across the valley to the east, all four sites would appear to occupy land that is less elevated than the application site.

However, notwithstanding its proximity to the present farm buildings, an existing established evergreen hedge, whilst not being especially characteristic of the rural landscape character of the countryside generally, let alone the AONB, does provide significant screening of these from these views. Site 4 is positioned in the foreground of this hedge and, as such, it is agreed that a dwelling in this location would be likely to appear more visually intrusive, being positioned within a large open field, than the proposed development.

Of the other three sites, site 1 would appear to be too divorced, in visual terms, from the main farm complex. Furthermore, it would occupy an area towards a corner of a field that is open to view from across the valley. Considering these factors together, therefore, it is accepted that development of this site would also be likely to exhibit an unacceptable visual prominence within the landscape.

Site 3, despite occupying the same field as site 4, would be positioned where it would appear to be better related, both spatially and visually, to an existing cluster of buildings comprising the existing main farm dwelling and the other two properties at Bennettshayes Farm as well as buildings at Meadow View Farm immediately to the north. It would also appear to be located where existing hedge and tree screening would be likely to provide a greater level of assimilation of any new dwelling into the landscape than would likely be possible for sites 1 and 4.

Equally, grazing and flooding issues aside, a position close to the north eastern corner of site 2, on lower ground and almost directly opposite the applicants' current property, would appear likely to integrate visually with adjacent buildings, both within Bennettshayes Farm itself and a cluster of buildings immediately to the north, as well as capable of being served by an existing gated field entrance. The corollary, however, is that - unlike site 3 - it would appear more prominent in very localised close range views from the lane.

Considered in the round, therefore, it is not agreed that the proposed siting is necessarily 'as close to the existing farmyard' as is possible or that the constraints upon the development of sites 2 or, in particular, 3 outweigh the landscape harm that it is considered would result from the intended location for the dwelling; not only in the slightly longer distance views from the east to which reference has been made but also upon approach along the adjacent lane from both northerly and southerly directions.

Indeed, whilst the need to position the dwelling so as to enable the retention of access for farm machinery to the remainder of the field (containing the application site) is duly acknowledged, it is maintained that the development would still be positioned a greater distance back from the existing entrance than it would reasonably need to be and that there remains scope to position it slightly lower down the hill and closer to this entrance, as well as the field boundary hedges to the north and east, were the general location for the scheme within this field considered to be acceptable to Members.

However, for the reasons set out in the original report and executive summary and in the light of the above assessment of the suitability of the discounted

alternative site options for the development, it remains the case that the development is thought to be unacceptable.

As such, the proposal would be contrary to the provisions of Strategy 46 of the Local Plan as well as Policy D1 and the relevant guidance set out within the NPPF.

Therefore, despite the further information submitted and the support offered towards the proposal by the parish council and ward member, refusal is recommended as per the attached original report its reasons for refusal.

		Committee Date: 14th June 2022
Dunkeswell and Otterhead (Awliscombe)	21/3201/FUL	Target Date: 02.02.2022
Applicant:	Mr and Mrs Steve and Clare Harvey	
Location:	Bennettshayes Farm Awliscombe	
Proposal:	Erection of agricultural workers dwelling and associated works.	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

This application is brought before the Committee as the Officer recommendation differs from the view of a ward member.

The proposal involves the construction of an agricultural worker's dwelling on land at Bennettshayes Farm, an established dairy and beef farm of around 100 acres located within the designated Blackdown Hills Area of Outstanding Natural Beauty (AONB) to the north west of Awliscombe.

The site is also the base for a haulage maintenance business that is operated alongside the farm.

The development, a four bedroom two storey house, would occupy a site within a field on the opposite side of a lane from the existing farm complex, part of which comprises the older main farmhouse, which is occupied by the 'second generation' farming family on the holding, and two adjacent dwellings formed - some years ago - from barn conversions, one of which is occupied by the applicants' family, who are the 'third generation' farming family. The other dwelling is occupied by a further family member, who is not involved with the farm. None of the three dwellings are the subject of any occupancy restriction.

The principal policy test, in the first instance, relates to the extent to which there is a proven and essential functional need for the proposed dwelling (there being no other policy support for new dwellings in this countryside location). This should expressly consider the requirements associated with the proper management of the farm and its enterprises.

It is a long-established principle that such need should not be justified or demonstrated by the personal circumstances or preferences of the applicant(s).

However, in this case, much of the applicants' case is focused on the benefits that the proposed dwelling would provide for the family in terms of the opportunity to 'upsized' to a larger dwelling, improved privacy, an independent family life, separation from the farm and more amenity space in light of the overall view that the dwelling that they occupy at present does not meet their needs as a family home.

Whilst this may be the case, it is not considered that these are factors that can properly be regarded as justifying a need for the proposed dwelling since they do not relate to the essential functional requirements of the farm, merely the personal preferences of the family.

The situation is unlike that accepted elsewhere by the Local Planning Authority where the need for the provision of a further new build farm dwelling has been underpinned by a succession planning argument where the running of a farm is passed from an older to a younger generation. Whilst there may be such a case at Bennettshayes Farm, the reality is that the 'next generation' farmer is already living at the farm.

Equally, although there is an acknowledgment that there are unlikely to be any other existing buildings on the farm that might alternatively be suitable for conversion to meet the perceived need, the three existing dwellings are all under the management of the farming partnership, which is made up of the second generation farmer and his wife - who occupy the main farmhouse - and the son, one of the co-applicants. Whilst there may be some issues as regards the 'availability' of either or both of the other dwellings to meet the needs of the applicants, the presence, and control within the family, of these units is considered to add further weight to the case against the need for the proposed new dwelling, which would amount to a fourth dwelling on the farm within the control of the partnership without any functional need justification.

In addition, information provided through basic profit and loss accounts covering the last four years that indicates very modest levels of profit through the agricultural activity carried out at the farm does not offer strength to the argument that it could support the construction of the dwelling.

The overall view therefore is that the proposal would fail to meet the relevant provisions of Local Plan Policy H4 and paragraph 80 of the National Planning Policy Framework (NPPF).

In addition, it is considered that the development, which would occupy a relatively elevated hillside position within the wider landscape, would - in the perceived absence of any justification on the basis of essential agricultural need - have an unduly visually intrusive impact upon it, resulting in material harm to the rural landscape character and landscape and scenic beauty of the surrounding AONB, in relation to which such areas carry the highest status of protection.

The proposal would therefore be contrary to the provisions of Strategy 46 of the Local Plan as well as Policy D1 and the relevant guidance set out within the NPPF.

As such, despite the support offered towards the proposal by the parish council and ward member, refusal is recommended.

CONSULTATIONS

Local Consultations

Parish/Town Council

The applicant is the main worker on the farm and lorry business. Their current house is very small and it cannot be extended. The new proposed house is on the higher side/opposite side to the farm but there are other houses on that side of the road in close proximity and therefore will not be in the open countryside. The Parish Council have no objections.

Dunkeswell and Otterhead - Cllr David Key

I have been informed that I had not commented but I sent back a reply when received to say that I had no objection.

Further comments:

Having read the report I fully support the decision although I did not object. In my head I was not really able to support the application.

Further comments:

I have nothing further to add only possibly go to committee.

Dunkeswell and Otterhead - Cllr Colin Brown

I would like this application to go to committee. My opinion is contrary to the report but I will keep an open mind until I have listen to all the comments both for and against.

Technical Consultations

Blackdown Hills AONB Project Partnership

Erection of agricultural workers dwelling and associated works

Thank you for requesting comments from the Blackdown Hills AONB Partnership on this application.

The AONB Partnership supports its local planning authorities in the application of national policy and their development management policy framework in order to ensure that any development in the AONB conserves and enhances the natural beauty and special qualities of this nationally designated landscape. This is supported by the Blackdown Hills AONB Management Plan 2019-24 which contains the following policy of particular relevance to development proposals:

Planning and development PD2

All necessary development affecting the AONB will conserve and enhance natural beauty and special qualities by:

- Respecting landscape character, settlement patterns and local character of the built environment,
- Being sensitively sited and of appropriate scale,
- Reinforcing local distinctiveness, and
- Seeking to protect and enhance natural features and biodiversity

Additionally, the Blackdown Hills AONB design guide for houses provides guidance on how residential buildings can be designed to conserve or enhance the distinctive character of the Blackdown Hills.

Such matters are particularly important when considering new development in more rural and elevated locations such as this. In this regard, while it will be for the planning authority to determine the principle of this dwelling, I would consider the following points to be worthy of particular consideration concerning this application, assuming that the agricultural case is accepted:

- o The siting within the field; whether it would be better nearer to the road, and the future relationship between domestic boundaries and agricultural field/management of areas outside red line.
- o Domestic boundary to be defined by suitable native hedgerow
- o Materials and finish - render and clay roof tiles have the potential to increase the visual prominence
- o Chimneys internal to the gable end are more typical of the area
- o Low key, agricultural appearance of roadside access to be maintained

I trust that these observations are helpful to your consideration of this application.

Other Representations

One 'neutral' representation has been submitted raising the following points:

1. Concern that the surface water runoff from the proposed new house - which includes stones and other debris - will, if the existing water course is used, continue to flood the road and Yankee Cottage, a Grade II listed property downhill from the site; any discharge of water from the sewage treatment plant or increased run off from hard surfaces is likely to add to the current volume of water and make matters worse.
2. A drainage plan with provision for runoff and soakaways should be put in place, including for the duration of construction, and attention should be given to the discharge from storm drains and any other sources, such as hard surfaces, and the sewage treatment plant; additional safeguards need to be put in place to prevent water running off the site onto the road.
3. During the building of the property, large vehicles should approach and leave from/via the opposite direction and not go past Yankee Cottage as it is a listed building on a very narrow road and, during construction, the road should be kept completely clear of any debris, mud or stones, etc., especially in periods of rain, to prevent flooding.
4. No gravel or loose stones should be used on the drive up to the property or in other locations where they might be washed away unless adequate drainage is in place to take the water away.
5. Adequate screening, to preserve privacy, should be provided.

PLANNING HISTORY

Reference	Description	Decision	Date
90/P1581	Conversion Of Barn To Two Dwellings	Approval with conditions	09.04.1991
86/P1492	Conversion Of Existing Farm Building To Form 2 Residential Units	Approval with conditions	24.02.1987

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 5B (Sustainable Transport)

Strategy 7 (Development in the Countryside)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 43 (Open Space Standards)

Strategy 50 (Infrastructure Delivery)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

EN14 (Control of Pollution)

EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment System)

EN22 (Surface Run-Off Implications of New Development)

H4 (Dwellings for Persons Employed in Rural Businesses)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

(There is no neighbourhood plan in force for Awliscombe parish.)

Government Planning Documents

NPPF (National Planning Policy Framework 2021)

ANALYSIS

Site Location and Description

Bennettshayes Farm is an established working farm that extends to over 100 acres that is located within the designated Blackdown Hills Area of Outstanding Natural Beauty (AONB) approximately 2 km. to the north west of Awliscombe.

Comprising a mix of dairy and beef farming enterprises, the farm occupies the higher part of the east-facing slopes of Hembury Hill, defined as Landscape Character Type 3A (Upper farmed and wooded valley slopes), below the woodland on its steeper slopes.

The farm complex itself comprises a main farmhouse, which is not the subject of an agricultural tie, set back from the adjacent unclassified lane and, closer to the road, a pair of traditional stone barns that have been converted to a pair of dwellings (again, with no occupancy restriction), one of which is currently occupied by the applicants and their family. These properties are served by a shared entrance off of the road immediately to the north of the barns.

To the south of these is a small range of more modern farm buildings, served by a separate vehicular entrance.

The site is also the base for a haulage maintenance business that is operated alongside the farm. It is not known which (if any) or how many of these buildings are used in connection with this, as opposed to being put to agricultural use.

The application site itself comprises part of a field, currently laid to pasture, to the south of an unmade track that extends off of the road to the west almost opposite these buildings. It is around 150 metres to the south of the existing farmhouse. Both are served by a shared gated entrance off the road with a further unmade track extending into the field itself.

Proposed Development

The proposal involves the construction of a four bedroom two storey dwelling on the site for occupation by the applicants and their family.

The submitted details show the proposed building to be oriented 'square on' to the lane with its principal aspect to the north towards vehicle parking and turning facilities at the end of the driveway, the laying of which would involve a slight realignment of the existing unmade track. The dwelling would be set back from the highway, although served by the existing field entrance which would be slightly widened on its southern side through the removal of a short section of hedge.

The dwelling itself would incorporate a principal gabled form with a two storey gable projection of equivalent height on the front (north) elevation at its western end and a subservient single storey element - housing an office, boot room and cloakroom - attached to its eastern end gable. Externally, it is proposed that the building is finished in cream painted render over a brick plinth with a plain clay tiled roof. Windows, mainly consisting of a mix of single, two and three light casements with each light designed with a horizontal glazing bar/strip, and doors would be of Oak effect PVCu construction, coloured pale green.

The dwelling would be provided with a rear patio and garden area to the south, separated from the remainder of the field by stockproof fencing. The driveway would be surfaced in tarmac for the first half of its length with the remainder gravelled.

The dwelling measures just under 200sqm internal area (excluding the office, boot and cloakroom).

Considerations/Assessment

The proposal principally falls to be considered having regard to the provisions of Policy H4 (Dwellings for Persons Employed in Rural Businesses) which facilitate an exception to the normal policies of restraint upon new build housing development within the countryside in permitting rural workers' dwellings subject to a number of criteria being satisfied.

This reflects part of the guidance set out at paragraph 80 of the National Planning Policy Framework which allows for the development of isolated homes in the countryside where, among other specified circumstances, "there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside".

Each of the Policy H4 criteria is considered in turn as follows:

1. There is a proven and essential agricultural or forestry or rural business need for the occupier of the proposed dwelling to be housed permanently on the unit or in the specific rural location for functional reasons and the size of the proposed dwelling is commensurate with the scale of the established functional need. Where this need is unproven or a new business is being established a temporary dwelling (such as a mobile home) may be permitted to allow time to establish that there is a genuine functional and financial need for a permanent dwelling. A temporary dwelling will normally be permitted for a period of three years, subject to meeting relevant criteria detailed below

The application is accompanied by a statement/appraisal that sets out the principal justification for the proposed dwelling as follows; it has been slightly paraphrased, where necessary, to provide clarification and expansion of the main points:

'The proposed dwelling would provide an adequate level of accommodation for the agricultural worker (Mr. Harvey, one of the co-applicants) and their immediate family, which currently comprises a family of three (i.e. including Mr. Harvey's wife and son).

Mr. Harvey is a third generation farmer who has worked on the farm with his parents all his working life. The second generation farmers, namely Mr. Harvey's parents, who are nearing retirement age, live in the existing farmhouse.

The applicants currently live and work from one of the existing converted barns adjacent to the road which does not meet their needs as a family home. This cannot reasonably be altered to increase accommodation and is part of the existing working

farmstead with agricultural traffic immediately alongside. There is no amenity space to this property.

The other converted barn is currently occupied by Mr. Harvey's sister, who does not work on the farm.

It is with this in mind that the applicants wish to build a tied dwelling to provide a suitable family home that offers autonomy and privacy from the remainder of the site. The present situation is impractical and cannot be sustained in the long term. Indeed, the applicants have lived like this for some time.

The applicants have searched for suitable accommodation in the nearby area, but it is prohibitively expensive to buy a non-agriculturally tied property in the area and, further beyond, the area where it is affordable makes it impossible to have sight and sound of livestock.

The intention is for the applicants to continue to work on site but with the proposed new dwelling to provide tied accommodation to the farm. The proposal would provide adequate space for the family of three. The additional space is to serve the running of the farm with an office, store and boot room to allow separate entrance for the applicant following a day's work on the farm.

The dwelling is necessary to continue the farming enterprise on site and for the current generation to be able to invest in the future to maintain a working farm and income to stay on site with family.'

Although the Local Plan is broadly supportive of the provision of succession housing for family members on larger working family farms, recognising the need to retain young agricultural workers to promote sustainability and to ensure the retention of knowledge and expertise in the industry, it is nevertheless a key established principle of the functional test for rural workers' dwellings that it should be the essential requirements of the business/enterprise that drive the need for such accommodation and not the personal circumstances or preferences of the applicant(s).

In this case, it is considered that the case made in favour of the proposed development is almost exclusively focussed upon the opportunity that the development would provide for the applicants' family to 'upsize' to a larger dwelling, out of personal preference, rather than as a response to any specifically identified needs relating to the running and proper functioning of the farming business.

Whilst it is duly acknowledged that the proposed new dwelling would represent an opportunity for the applicants to live a more independent, separate and private family life to the other family members that are resident at Bennettshayes Farm, these are not considered to represent material factors in support of an argument for the need for it on the grounds that it is essential to enable the proper running of the farm. Indeed, it is not thought that any substantive arguments have been presented in this regard.

Although it is by no means uncommon for proposals for succession housing on farms to come before the Council for consideration, or indeed for them to be viewed favourably, they are typically brought forward in circumstances where the 'next

generation' farmer(s) is/are not living at the farm in question. In this particular case however, the prospective occupiers of the development are already resident at Bennettshayes.

It is therefore considered that the proposal fails to meet this fundamental element of the policy test for rural workers' dwellings in this case.

2. In the case of a permanent dwelling, the rural business has been operational for a minimum of three years, it is demonstrable that it is commercially viable and has clear prospects for remaining so

The submission includes summary profit and loss accounts for the managing farm partnership (which comprises Mr. Harvey and his parents) the years ending 31st March 2018-21 that have been submitted on a confidential basis. These all show a very modest level of net profit with one low five figure sum and three four figure returns across the four years. However, they do not appear to indicate the return(s) to workers at the farm among the list of expenses.

Although it is possible that further financial information may be available by the time of the Committee meeting that seeks to demonstrate otherwise, based upon the accounts that have been presented it would appear difficult to envisage that the operating profits of the farming business would sustain the construction of the proposed dwelling. This leads to the possibility that the majority of income is from the associated haulage business that would not justify an additional dwelling.

As such, although the business may be regarded as meeting the tests of operational longevity and viability, it is not considered that there can be confidence, on the basis of the information submitted with the application to date, that this criterion would be satisfied in terms of the ability of the enterprises operated from the farm to support the development.

3. In the case of a temporary dwelling, a financial assessment, specifically in the form of a business plan setting out projected future operations, must demonstrate future operational viability

This criterion is not relevant to consideration of the proposal since it relates to the construction of a permanent dwelling.

4. The qualifying test of occupancy must involve at least one occupant being employed full time in the relevant rural business. Two occupants in partnership can meet the condition so long as their joint weekly hours equate to a full working week

This has not formed any basis for the case made for the development owing to the fact that the prospective occupants (i.e. the applicants) already live at the farm and their presence forms part of the succession planning for its ongoing management.

Although the latter has been accepted elsewhere in favour of the development of additional dwellings on farms where it may have been argued that this carries greater

weight than the stated occupancy test, it is accepted in this particular case that the issue is less relevant given the particular circumstances.

5. There are no buildings on the operational holding suitable for conversion to meet the residential need or existing dwellings available now or likely to be available within a nearby location or settlement. Sale within the last three years of any dwellings or buildings suitable for conversion will be taken into account and will count against 'need' in the assessment carried out

It is accepted that none of the buildings within the farm complex, principally the more modern group to the south of the farmhouse, are necessarily suitable for conversion as an alternative to the application proposal to meet the claimed residential need since there is an ongoing requirement for them to be used in conjunction with the operation of the farm (as well, possibly, as the haulage maintenance business).

In terms of the availability of existing dwellings, and assuming acceptance of any functional need for a further dwelling in connection with the succession planning for the farm, it is highlighted again that the three residential properties, that are all currently occupied by family members, are all also within the control of the family partnership under which the farm is operated and managed. In this situation, on a practical level at least, it is difficult to envisage that there is no alternative solution available to the construction of the proposed dwelling to meet the accommodation needs of the applicants.

Notwithstanding the question of the extent to which either of the other two properties may be considered to be 'available' for such a purpose that might otherwise mitigate against any such 'internal' solution to the issue, it is understood from discussion with the applicants' agent that one option, namely the 'swapping' of the occupation of the applicants' property with that of the main farmhouse, thereby allowing the applicants to 'upscale' to a property that might better suit their perceived requirements, has been discounted owing to the personal preferences of Mr. Harvey's parents to wish to continue to occupy the latter.

Although, for the reason stated, the degree of weight that may be given in consideration of the 'availability' of this dwelling may be limited in the circumstances, it is nevertheless thought that it adds to the overall planning balance against the acceptance of the proposed development in this case.

6. Any permission granted will be subject to an occupancy condition tying it to the relevant business on the proposed dwelling and where appropriate, any existing dwelling on the farm holding

A willingness to accept an agricultural occupancy restriction condition, in the event of a resolution to grant permission for the proposed dwelling, has been indicated by the applicants' agent.

Landscape and Visual Impact

Turning to the issue of landscape impact, the site for the proposed dwelling, as stated above, would occupy a relatively elevated and open hillside position that is prominent

in both localised views upon approach along the lane from both the northerly and southerly directions as well as more distant views from the east towards the site, more particularly from a lane that leads to Wadhayes Farm.

Although these views currently show buildings, houses, farms, etc., scattered over a wide valley side landscape, it is not considered that additional dwellings such as that proposed, particularly where it is felt that there is no agricultural justification, should be encouraged given the cumulative erosion of the character and scenic quality of the AONB landscape that it is considered would be caused by the introduction of such development.

Paragraph 176 of the NPPF confers upon AONBs, among other designated landscapes, the highest status of protection in relation to their landscape and scenic beauty and states that great weight should be given to their conservation and enhancement. Such provisions are reflected in those of Strategy 46 (Landscape Conservation and Enhancement and AONBs) of the adopted Local Plan.

As such, and given the balance of the above considerations in relation to Local Plan policy H4 and NPPF paragraph 80, it is thought that the proposal would result in an unjustified form of development that would cause undue harm to the rural landscape character and landscape and scenic beauty of this part of the designated AONB, contrary to Strategy 46.

Furthermore, it would be in conflict with the provisions of Policy D1 (Design and Local Distinctiveness) of the Local Plan which apply more generic criteria in relation to development proposals across the District and, among other things, only permit development that respects the key characteristics and special qualities of the area and relates well to its context without adversely affecting landscape characteristics.

The observation made by the parish council that "there are other houses on that side of the road in close proximity and therefore will not be in the open countryside" is slightly curious since the nearest properties on the western side of the lane to the application site are Old Knowle and Marcombe Farm, in excess of 200 metres to the north of the site. Moreover, there are no properties to the south of the site until near to the junction of the road with Ridgeway Lane, around 400 metres away. The proposed dwelling would therefore be the only building on this side of the road within a distance exceeding 600 metres. It is not therefore accepted that this comment is accurate.

These issues aside, it is not considered that there are any other matters of concern regarding the proposal in relation to the form, design or external appearance of the proposed development itself, its impact upon neighbour amenity or with regard to more technical issues, such as the means of discharge of foul and surface water drainage or highway safety.

The comments made by the interested third party at Yankee Cottage, the nearest residential property to the south of the site, are acknowledged. It is thought that appropriately worded conditions could be attached to any grant of permission, were Members minded to find in favour of the proposal, to address issues relating to surface water drainage. However, it is unlikely that any requirement to direct construction, etc. traffic via a particular access route would be considered to be reasonable. It is also

thought that there would be sufficient distance between the site and this property to avoid any need for screening with the objective of preserving privacy, albeit that screen planting to seek to assimilate the development into the landscape, again in the event that it were resolved that permission should be granted for the development, could be secured by condition.

RECOMMENDATION

REFUSE for the following reasons:

1. On the basis of the information submitted, the Local Planning Authority is not satisfied that it has been adequately demonstrated that there exists an essential agricultural need for the proposed dwelling to facilitate the functional requirements of the agricultural enterprises that are operated from Bennettshayes Farm. It is considered that the principal justification for the development is derived from the personal preferences and circumstances of the applicants, who already reside at the farm, rather than the operational needs of the farm holding. As such, and taken together with the absence of any evidence that none of the other existing dwellings at the farm are available, as an alternative to the proposed development, to meet the claimed needs of the applicants, the proposal represents unjustified residential development within the open countryside and, as a consequence, would be contrary to the provisions of Strategy 7 (Development in the Countryside) and Policy H4 (Dwellings for Persons Employed in Rural Businesses) of the adopted East Devon Local Plan 2013-2031 and the guidance set out in paragraph 80 of the National Planning Policy Framework (2021).
2. The proposed development would, owing to its elevated siting and position in the wider landscape, appear unduly visually prominent and intrusive and, as such, would detract from, and fail to conserve or enhance, the rural landscape character and landscape and scenic beauty of the designated Blackdown Hills Area of Outstanding Natural Beauty in which the site is located. As a consequence, the proposal would be contrary to the provisions of Strategy 46 (Landscape Conservation and Enhancement and AONBs) and Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan 2013-2031 and the guidance set out in paragraph 176 of the National Planning Policy Framework (2021).

NOTE FOR APPLICANT

Informative:

In accordance with the aims of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 East Devon District Council seeks to work positively with applicants to try and ensure that all relevant planning concerns have been appropriately resolved; however, in this case the development is considered to be fundamentally unacceptable such that the Council's concerns could not be overcome through negotiation.

Plans relating to this application:

K190-003	Location Plan	08.12.21
K190-004	Proposed Site Plan	08.12.21
K190-005	Proposed Elevation	08.12.21
K190-006	Proposed Floor Plans	08.12.21
K190-007	Proposed Floor Plans	08.12.21
K190-008	Proposed roof plans	08.12.21
K190-009	Proposed Elevation	08.12.21
K190-010	Proposed Elevation	08.12.21

List of Background Papers

Application file, consultations and policy documents referred to in the report.