

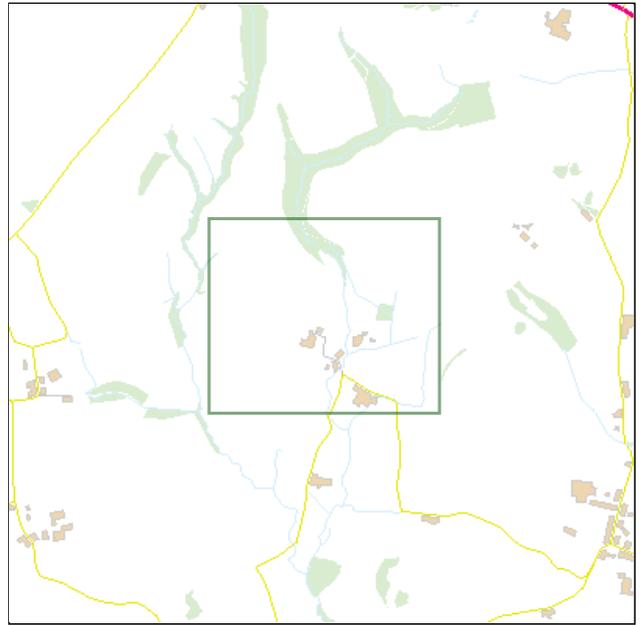
Ward Feniton

Reference 21/1781/FUL

Applicant Richard Coker

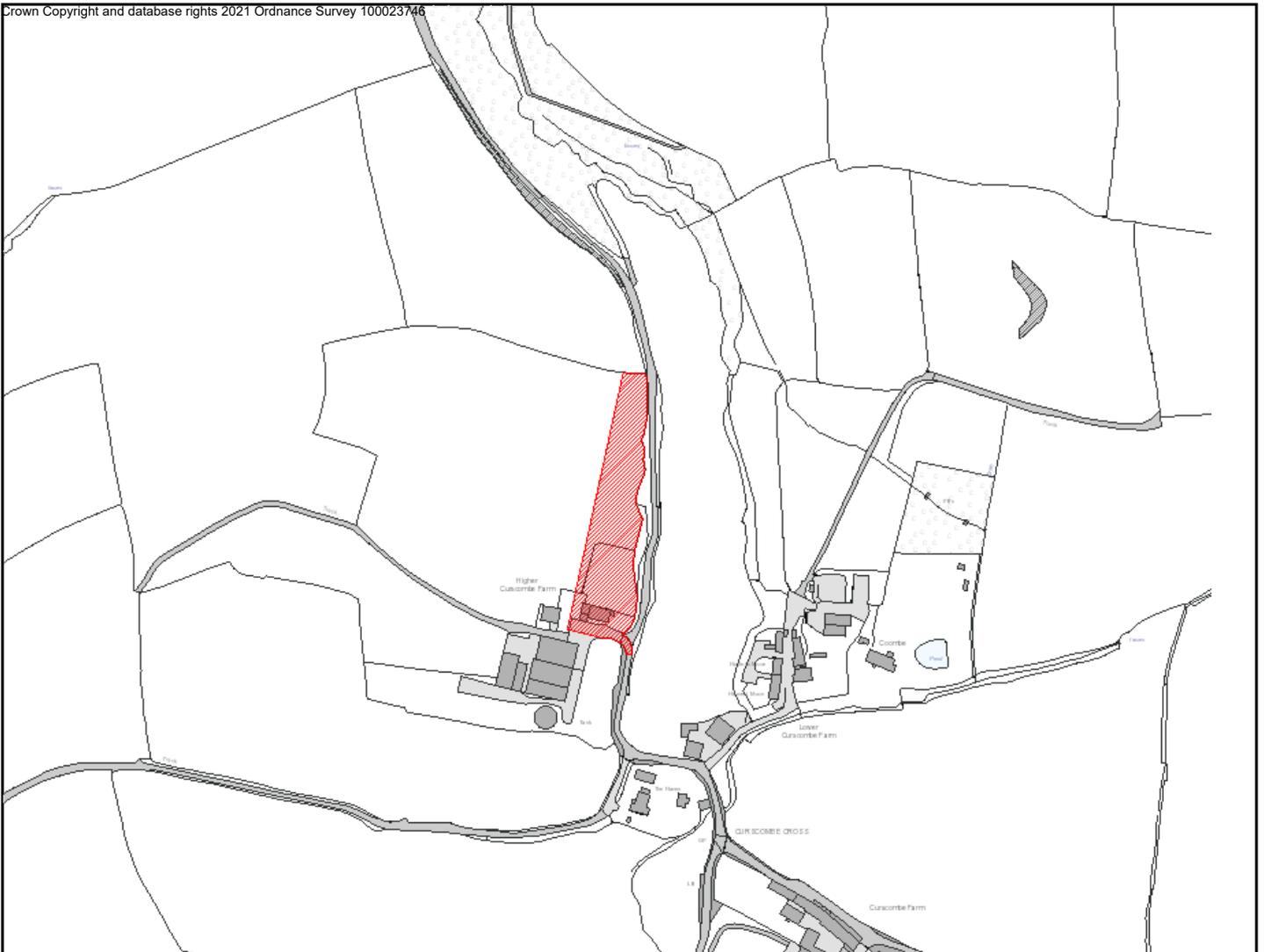
Location Higher Curscombe Farm Feniton Honiton EX14 3EU

Proposal 3 no. new glamping Pods



RECOMMENDATION: Refusal

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		Committee Date: 19th January 2022	
Feniton (Feniton)	21/1781/FUL	Target	Date:
		01.09.2021	
Applicant:	Richard Coker		
Location:	Higher Curscombe Farm Feniton		
Proposal:	3 no. new glamping Pods		

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

This application is before the Committee as the officer recommendation differs from the view of the ward member.

The proposal involves the provision of 3no 'glamping' pods, in the form of shepherds hut-style structures, and associated access and vehicle parking provision within part of an agricultural field, forming part of an area of Grade 3 agricultural land, to the north of Higher Curscombe Farm, located within open countryside, devoid of any landscape designation, around 2 km. to the north of Feniton.

Whilst the provisions of Policy E19 (Holiday Accommodation Parks) of the adopted Local Plan could be argued to weigh in favour of the principle of the form of development proposed, among the criteria that it applies are requirements that it is within, or in close proximity to, an existing settlement and avoids the use of the best and most versatile agricultural land.

In this case, the site is located approximately 2 km. from Feniton, the nearest village with any facilities or services, including access to public transport, from which it is also isolated owing to the absence of any opportunities for connectivity by means of public rights of way or close public transport service or cycle routes. Access between the site and services, facilities and other tourist attractions is therefore only readily available by means of private car.

It has been argued by the applicant and his agents that the proposal would meet the requirements of Policy E4 of the Plan insofar as it would amount to a rural diversification project and, as such, should be regarded as being in compliance with the relevant guidance set out in the National Planning Policy Framework (NPPF) relating to schemes of this nature and outweighing any conflict with other local plan policies.

However, it is not accepted that the proposal can be properly regarded as such a scheme. The underlying purpose of this policy is to enable farmers and those directly employed within the wider agricultural industry, which forms a significant element of the rural economy, to diversify and expand upon agricultural economic activity. It is not, and has not previously been, regarded as a means of more widely enabling any person that is resident within the countryside to realise the commercial benefits of development of their land.

In this case, whilst the applicant is engaged in limited agricultural activity, supporting the wider family's beef cattle rearing enterprise through the letting out of buildings at Higher Curscombe with some seasonal rearing included, the principal income is derived from employment elsewhere. Whilst there is a stated intention to utilise the income from the letting of the proposed 'glamping' units as a means of re-establishing the farming business in the future, this cannot be guaranteed off the back of a grant of permission in this instance and is not, in any event, the purpose of Policy E4, which is to allow development that enables existing agricultural activity to be diversified, not development to be permitted that may support future intentions for agricultural activity.

It is therefore considered that little weight can be given to Policy E4 in the assessment of the proposal.

The site also occupies a larger area of what is potentially best and most versatile agricultural land where Policy E19, among its other criteria, requires that proposals avoid such land. Similarly, Policy E4 - were it otherwise considered could be applied to the application scheme - carries an identical criterion, thereby adding further weight to the objections to the proposal.

CONSULTATIONS

Local Consultations

Parish/Town Council

No comment was made.

Feniton - Cllr Alasdair Bruce

Yes, please register my formal approval of this application.

Technical Consultations

Devon County Highway Authority

Observations:

The access and associated visibility will remain as per the existing access for the agricultural farm. I do not envisage that the proposal of 3 holiday glamping pods will produce an intensification of trip generation that is unacceptable. The site layout will allow ample space for both off-carriageway parking and turning.

Therefore the County Highway Authority has no objection to this planning application.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, HAS NO OBJECTION TO THE PROPOSED DEVELOPMENT

Other Representations

One representation of support has been received.

Summary of Grounds of Support

1. Can appreciate and understand how moving into tourism complements the farm and enhances the viability of the holding.
2. Pods would be well hidden and cause no visual impact on the landscape.
3. Post-pandemic, and as more people become sceptical about foreign travel, UK breaks such as this could provide the escapism and mental well-being that are needed.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 3 (Sustainable Development)

Strategy 5B (Sustainable Transport)

Strategy 7 (Development in the Countryside)

Strategy 28 (Sustaining and Diversifying Rural Enterprises)

Strategy 33 (Promotion of Tourism in East Devon)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 50 (Infrastructure Delivery)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

EN13 (Development on High Quality Agricultural Land)

EN14 (Control of Pollution)

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

EN22 (Surface Run-Off Implications of New Development)

E4 (Rural Diversification)

E19 (Holiday Accommodation Parks)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Made Feniton Neighbourhood Plan 2016-2031 Policies
E1 (Rural Character and Historic Environment)

Government Planning Documents
NPPF (National Planning Policy Framework 2021)

ANALYSIS

Relevant Planning History

There is no previous history relating to the application site.

Site Location and Description

Higher Curscombe Farm is located approximately 2 km. to the north of 'old' Feniton village and 1.5 km. to the north west of Buckerell.

It comprises an established farm complex set within an undulating landscape mostly consisting of a mix of arable and pasture fields interspersed with hedges and small pockets of woodland. Although not within either of the designated Areas of Outstanding Natural that cover much of the District, or indeed the subject of any other landscape designation, it nevertheless forms part of a most attractive and tranquil area of open countryside.

The application site itself is the lower eastern portion of a large open field to the north of the complex bordered to the east by an unmade sunken track (Curscombe Lane) that connects the loose grouping of buildings formed by Curscombe, Lower Curscombe and Higher Curscombe Farms with the A373 at Hembury Fort Cross, approximately 1.7 km. to the north.

Proposed Development

The application proposal involves the provision of three 'glamping pods' for holiday occupancy within the site together with the laying out of a main access driveway with further separate short lengths of driveway to each 'pod' to provide connectivity for prospective occupiers between each of them and an open area alongside the farmhouse.

Details accompanying the application show that the 'pods', which would measure around 6.6 metres by 3.3 metres and resemble timber shepherds huts, would be laid out in a largely linear arrangement and positioned 'end on' to the nearby hedged field boundary with Curscombe Lane. Each would be provided with parking spaces immediately alongside served by the individual tracks extending off of the shared track, which itself would run from south to north.

Considerations/Assessment

It is considered in this case that the principle of the development falls to be assessed against a number of key national and local policies as set out in the National Planning Policy Framework (NPPF) and the adopted Local Plan. These are discussed in turn as follows

The site is located within the open countryside outside of any town or village with a defined settlement boundary as set out in the adopted Villages Plan where the provisions of Strategy 7 (Development in the Countryside) only permits development where it is in accordance with a specific local or neighbourhood plan policy and where it would not harm the area's distinctive landscape, amenity and environmental qualities.

Paragraph 84 of the NPPF requires that planning policies and decisions should, among other things, enable the development and diversification of agricultural businesses and sustainable tourism developments which respect the character of the countryside.

This guidance is applied locally through the provisions of Local Plan Strategy 33 (Promotion of Tourism in East Devon) and Policies E4 (Rural Diversification) and E19 (Holiday Accommodation Parks) of the Local Plan.

Strategy 33 facilitates the provision of high quality tourism in the District that promotes a year-round industry that is responsive to changing visitor demands; however, it should be sustainable and should avoid damaging the natural assets of the District and aim to attract new tourism-related businesses that can complement the District's high quality environment.

Policy E19 is also essentially a permissive policy that - among other things - allows, outside of designated landscape areas (such as the application site in this case), proposals for new holiday accommodation park sites subject to five main criteria being met. Whilst this policy is aimed at larger holiday parks, the criteria can be used to assess this proposal for 3 holiday pods. These are set out, and considered, in turn as follows.

1. The proposal relates sensitively in scale and siting to the surroundings and includes extensive landscaping and visual screening to mitigate against adverse impacts. They do not affect habitats or protected species

The development, as stated, would consist of only three units of accommodation that would be positioned where there would be an appreciable separation distance between each. Furthermore, the positioning of the development within the lowest part of the field close to its boundary with Curscombe Lane would, taken together with the presence of established hedge and tree screening along this boundary, would largely mitigate any landscape harm caused by their presence. Indeed, the only point of public vantage from which the development is likely to be visible in the landscape is a short length of footpath no. 7 leading to Buckerell, on a hillside around 750 metres to the south east 'as the crow files'. From here, it is likely that views of the units would be filtered by the trees on this boundary.

In addition, although running immediately alongside the site at much closer vantage, Curscombe Lane itself is, as stated, an unmade sunken lane that does not have any status as a public right of way. As such, and again considered alongside the screening provided by the hedge and trees along it, no part of the development would be readily visible from it.

It is thought therefore that the proposal would fulfil the requirements of this criterion of the policy.

2. They are within, or in close proximity, to an existing settlement but would not have an adverse impact on the character or setting of that settlement or the amenities of adjoining residents

The site is not within any existing settlement and, as stated, is around 2 km. from the nearest village with any reasonable level of service/facility provision (Feniton). Furthermore, its relative isolation is reinforced by the absence of any ready proximity to any public transport routes or indeed the existence of any footpaths or bridleways connecting the site with Feniton that might otherwise facilitate access by means other than private car, either for local recreation or to access attractions and places of interest for prospective tourists further afield.

It is therefore questionable whether the proposal could be regarded as meeting this criterion, which also essentially reflects the broader objectives of Local Plan Policy TC2 (Accessibility of New Development) which, among other things, requires new development to be located so as to be accessible by pedestrians, cyclists and public transport and also well related to compatible land uses so as to minimise the need for car travel.

3. They would not use the best and most versatile agricultural land

The site occupies part of a more extensive area of land that is classified Grade 3 under the Agricultural Land Classification. It is therefore amongst the categories of best and most versatile agricultural land (BMV). The applicant has confirmed that this land is Grade 3A.

The provisions of Local Plan Policy EN13 (Development on High Quality Agricultural Land) seek to protect BMV agricultural land from development not associated with agriculture or forestry and only exceptionally allows it if there is an overriding need for it and either sufficient land of a lower grade is unavailable or such land has an environmental value recognised by a statutory wildlife, historic, landscape or archaeological designation and outweighs agricultural considerations or the benefits of the development justify the loss of high quality agricultural land. If BMV land needs to be developed and there is a choice between different grades, land of the lowest grade available must be used except where other sustainability considerations, including the nature conservation value of a site, outweigh land quality issues.

Although this issue is discussed at greater length later in the report, the classification of the land in this case may be considered to weigh against the proposal when considered under Policy E19 when considered in tandem with Policy EN13 and the more restrictive provisions of the latter.

4. They will be provided with adequate services and utilities

There is no evidence to suggest that the proposal would be contrary to this criterion. The proposal would represent a comparatively small scale level of tourist accommodation provision with only limited services/utilities likely to be required.

5. Traffic generated by the proposal can be accommodated safely on the local highway network and safe highway access to the site can be achieved

The isolated rural location aside, there is no evidence to suggest that the level of traffic and traffic movements that would be likely to be generated on the local highway network, given the modest number of units proposed, could not be accommodated safely. Although the road connecting the site with Buckerell, in particular, is especially narrow for traffic, it is accepted that it would be difficult to argue against the proposed development on highway grounds in this case.

In addition, access off of the public highway is well positioned on the outside of a sharp deviation in the road carriageway of more than 90 degrees where traffic speeds would necessarily be reduced while there is ready access to the site and space available for the accommodation of vehicles alongside the farmhouse in addition to the direct vehicle parking provision intended alongside each of the proposed units.

These factors are reflected in the consultation comments relating to the proposal that have been made by the Highway Authority and their position in expressing no objection to it.

A number of these issues are also held in common with the Policy E4 criteria, against many of which it is accepted that the proposal would be compliant.

However, there is a more fundamental issue in relation to this policy which requires detailed consideration, which follows in the next section of the report.

Policy E4 is essentially a permissive policy that allows for proposals to diversify and expand upon the range of traditional agricultural-related economic activities undertaken in rural areas.

One of its key criteria, and indeed integral to the policy, is the requirement that any such proposals should be complementary to, or compatible with, agricultural operations in the rural area or on a farm and operated as part of an overall holding.

In other words, the policy is expressly intended to enable and support farmers to supplement their income from agricultural productivity, at a time of change in the role of agricultural industry within the broader rural economy, through the realisation of appropriately sensitive diversification projects, such as recreation and tourism-centred development. It is not considered that it should be applied to cases where applicants occupying countryside locations, but are not actively employed in agriculture, wish to seek permission for commercial projects.

The extent to which this requirement may be regarded as being complied with in this case has formed the basis for detailed discussion involving the applicant and his agents in the light of officer concerns in this regard and further information to seek to demonstrate that this criterion would be met has been provided upon request.

This has taken the form of statements from both parties, from one of which (that prepared by the applicant) it appears evident that there is some part-time involvement, on the part of the applicant and his partner, in assistance with the summer rearing of organic beef cattle for his sister and brother-in-law. Although principally involved with farming at Lane End Farm, Broadhembury, they also, in effect, rent farm buildings at Higher Curscombe from the applicant in which to house the cattle and pay charges to him in connection with the rearing activity.

However, it appears clear that the main source of income for the applicant and his partner is not currently derived from this but from elsewhere. The relevant part of the statement advises as follows:

'For us to build and grow our family farm we will need to spend our time working here instead of earning our main income outside the farm environment. The land and cattle need our time and it is not financially sustainable for us to carry on working part time on the farm, we need to be here full time. Our only option is to diversify to enable us another source of income. By having a small number of glamping pods/comfortable/luxury accommodation, we can provide a beautiful environment for people to enjoy and have the unique experience of such a peaceful area, we can then be onsite when needed whether it be farming or visitor capacity.'

Additional information provided by the agent's statement, includes the following:

'Richard Coker (the applicant) had from 15 years ago been running the farm on this own after his father due to illness could no longer work the land, and has struggled to maintain a supportive income. As of 5 years ago Phillipa joined Richard to an attempt to bring the farm back to its former success, however due to Brexit and more devastatingly the global Covid-19 pandemic this has resulted in a vast loss of income from the farm's agricultural business and to survive the applicants have had to take up second jobs.

Their future goal is to build the farm business back to its former success with the eventual purchase of their own livestock, however, in their current financial position this cannot be achieved with having to earn monies elsewhere to subsidize their recent loss of income due to circumstances outside their control.

The proposal for the three glamping units will allow this transition giving the applicants the opportunity to be on the farm while income from tourism supports them in the short term financially. This would be in the spirit of Policy E4.'

It has not been explained in any level of detail how Brexit and the pandemic have adversely impacted income derived from the previous farming activity. However, the current situation is that the level of agricultural activity with which the applicant is involved is limited and that the principal income received is not derived from it. Moreover, there can be no certainty that the provision of the proposed 'glamping'

accommodation will necessarily be the precursor to any resumption of agricultural activity. The Council, as Local Planning Authority, is not in a position to insist that this takes place through any grant of planning permission for the development.

As such, it is not considered that the project is one that can be regarded as meeting the provisions of Policy E4. These expressly seek to support the agricultural sector and industry, which forms a mainstay of the wider economy of the District, by enabling farmers to diversify their existing agriculture-related economic activity and the income received from it. The policy is not intended as a means of allowing rural property owners more generally to develop their land on a commercial basis as a means of seeking to enable possible future investment in agriculture.

As such, although there is recognition of the applicant's agricultural background as well as the current agricultural activity that is carried out from Higher Curscombe Farm, it is not the applicant that is principally employed in this activity. Taken together with the no more than limited involvement in agriculture with which there is engagement at the present time, it is not thought that the project to which the application proposal relates can be properly regarded as a 'bona fide' rural diversification scheme for the purposes of Policy E4.

It is also drawn to Members' attention that another key criterion of this policy is that proposals should avoid the use of BMV agricultural land in much the same way as that of Policy E19 referenced above. Given that the land in question is classified Grade 3A, it is thought that this represents a further issue of concern when the application proposal is considered in the wider planning balance alongside the lack of proximity to any existing settlement.

CONCLUSION

Whilst there is some sympathy with the applicant and the reasons behind the application, as the applicants gain their income from elsewhere, with the farm run by family, it is not considered that the proposal represents farm diversification under Policy E4. There being a concern that anybody with land in the countryside could apply for holiday accommodation and claim diversification without having a business already established and with no planning mechanism available to ensure any profit is ploughed into a future agricultural business, the proposal is contrary to Policy E4.

In addition, the site is not in a sustainable location should Policy E19 be considered to apply and finally, the proposal results in the loss of best and most versatile Grade 3A agricultural land contrary to criteria to policies E19 and E4.

Overall therefore, it is felt that the scheme would fail to meet the underlying principles and objectives of Policy E4 as a rural diversification project as well as contravene the Policy E19 requirement that the site be located where well related to an existing settlement. Both policies also carry criteria that seek to prevent development of BMV agricultural land. As such, it would not amount to a sustainable rural tourism development in line with the support offered for such proposals in paragraph 84 of the NPPF.

RECOMMENDATION

REFUSE for the following reason:

1. The proposed development would be located where it would not be within, or in close proximity to, an existing settlement and would be divorced from services and facilities, including means of public transport, and would therefore lead to additional travel by private vehicles. It would also involve the use of an area of best and most versatile agricultural land. As a consequence, and in the absence of sufficient justification for the proposal through a demonstration that other material considerations would outweigh it, it would be contrary to the provisions of Policies E19 (Holiday Accommodation Parks), EN13 (Development on High Quality Agricultural Land) and TC2 (Accessibility of New Development) of the adopted East Devon Local Plan 2013-2031.

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:

8193-LP	Location Plan	07.07.21
8193-01 B	Proposed Site Plan	29.06.21

List of Background Papers

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