

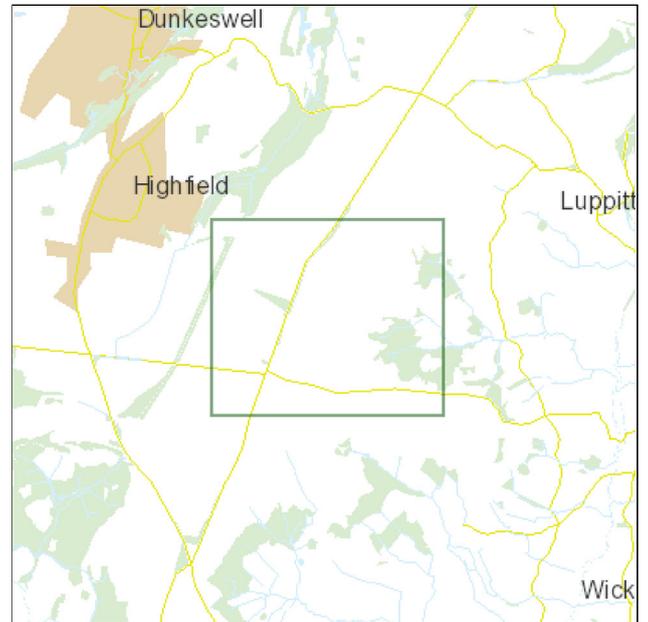
Ward Dunkeswell And Otterhead

Reference 21/2888/FUL

Applicant Eve Vergano & Oliver Adams

Location Higher Moorlands Farm Luppitt Honiton EX14 4SY

Proposal Combined application for 2 replacement agricultural buildings and change of use to extend farmhouse garden commensurate with the approval of house extension under 20/1004/FUL.



RECOMMENDATION: Approval with conditions



		Committee Date: 16th February 2022
Dunkeswell And Otterhead (Luppitt)	21/2888/FUL	Target Date: 03.01.2022
Applicant:	Eve Vergano & Oliver Adams	
Location:	Higher Moorlands Farm Luppitt	
Proposal:	Combined application for 2 replacement agricultural buildings and change of use to extend farmhouse garden commensurate with the approval of house extension under 20/1004/FUL.	

RECOMMENDATION: APPROVAL with conditions

EXECUTIVE SUMMARY

The application is before the committee as the officer's recommendation differs from the views expressed by a Ward Member

The site is in the countryside and within the Blackdowns AONB. The proposal is for the erection of two replacement buildings for agricultural use and the change of use of agricultural land to expand the garden of the dwelling at the farm. Whilst agricultural development is supported in principle the change of use of agricultural land to domestic garden is not specifically supported by any Local Plan policy, hence the application has been advertised as a departure.

The Ward Member objects with regard to the scale of the development and the loss of agricultural land to residential use. The Parish Council also object raising concerns that the proposed buildings are too far from the farm dwelling, are not confined to the footprint of previous buildings and that the expansion of the garden would entail the loss of agricultural land.

The buildings would bound an existing yard and would in part overlap the footprint of similar sized buildings which they would replace. They would be largely screened from public views by buildings, vegetation and topography though filtered views through trees would be available from the south, over a distance of 395m. The design of the buildings is considered appropriate to their immediate context and wider rural surroundings and a condition could control the appearance the proposed solar panels on one of them. The extended garden area would not be readily visible outside of the site and whilst it would entail the loss of an area of agricultural land that area is small relative to the size of the agricultural holding, would not affect the intended agricultural enterprise and the

garden extension is considered proportionate and reasonable relative to the farm dwelling.

Conditions are also recommended to restrict the buildings to agricultural use and to ensure that the demolition of a building would not take place during bird nesting season. The proposal would raise no issues in any other relevant respect.

It is recommended that the application be approved subject to the recommended conditions.

CONSULTATIONS

Local Consultations

Parish/Town Council

8/12/21

PLANNING APPLICATION 21/2888/FUL ' HIGHER MOORLANDS

Three Parish Councillors and the clerk carried out a site visit at the property on Friday, 26 November 2021. The applicants were present to answer any questions about the planning application. Notes on the meeting were discussed by Luppitt Parish Council at their meeting on Tuesday, 7 December 2021.

Comments on the planning application:

The Parish Council has no objection in principle to the changes being applied for to enable a young business to grow and expand especially as it may, in the future, provide employment for one or two people. The Parish Council is encouraged that a young family is now living and working at Higher Moorlands and have enthusiastic plans for the livestock and market garden enterprise for the future.

Work on building B has started and the standard of work is good and will be a considerable improvement on the existing building. The Parish Council recognises that the existing buildings are old and need to be replaced.

However, the Parish Council has concerns about the following points.

Sites for new buildings:

Although the Parish Council appreciates that there is merit in moving the buildings further away from the house, the Parish Council firmly believes that the suggested site for the new buildings is too far away. The Parish Council has similar concerns to those expressed for planning application 20/1125/FUL which we see has been approved but not, it would seem, without considerable argument. The Parish Council's objections raised in comments on 20/1125/FUL about greenfield and brownfield sites appear to have been dismissed by EDDC planning officers. However, the Parish Council remains firmly of the opinion that the footprint of the existing buildings should be used for the new proposed buildings. The Parish Council objects to the proposed siting of the new buildings.

Curtilage

The Parish Council objects to the proposed extension of the curtilage which will extend out as far as the hedge.

Extension of garden

The Parish Council objects to the extension of the garden. The Parish Council sees no logical reason for the additional land to be taken from agricultural use to extend the garden. Taking into account woodland, the applicants probably have approximately 19 acres of agricultural land and, bearing in mind proposed expansion plans of the business, the Parish Council cannot understand why the applicants would want to change the use of the agricultural land simply to make a bigger garden when the land could be used as part of their market garden enterprise.

The Parish Council's chief objection is encroachment of agricultural land on which both elements of the planning application have a substantial impact.

Further comments 17/1/22:

The concerns raised in Luppitt Parish Council's initial comments still stand.

Dunkeswell And Otterhead - Cllr David Key
8/12/21

I am very concerned at all the development which I feel is excessive and I cannot accept the enlargement of the garden to the size taking up land at the farm which has a limited acreage.

Therefore I object to the overall application

Further comments 17/1/22:

I am still unable to support the application and so object.

Further comments 26/01/22:

I am certainly not happy with the size and position and wonder why no notice has been taken of the parish council and my comments before the approval decision was made. I am not convinced enough consideration was taken of our comments.

Blackdown Hills AONB Project Partnership

Thank you for seeking comments from the Blackdown Hills AONB Partnership on this application, but I can confirm that we do not wish to comment on this occasion.

The AONB Partnership supports its local planning authorities in the application of the planning policy framework in order to ensure that any development in the AONB conserves and enhances natural beauty, and as such would look to the planning authority to apply national planning policy and its own development plan policies to the consideration of this proposal.

Technical Consultations
N/A

Other Representations
None received

PLANNING HISTORY

Reference	Description	Decision	Date
20/1004/FUL	Construction of two storey side and single storey front and rear extensions and provision of cladding to existing lean to	Approve	17/8/20
20/1125/FUL	Erection of agricultural barn and laying associated hardstanding for access.	Approve	3/12/20
92/P1884	Agricultural Dwelling to replace existing	Approve	23/2/93
87/P1526	Agricultural Dwelling	Approve	15/12/98

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies (LP)
Strategy 7 (Development in the Countryside)

Strategy 39 (Renewable and Low Carbon Energy Projects)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D1 (Design and Local Distinctiveness)

D3 (Trees and Development sites)

D7 (Agricultural Buildings and Development)

EN5 (Wildlife Habitats and Features)

TC2 (Accessibility of New Development)

TC9 (Parking Provision in New Development)

TC7 (Adequacy of Road Network and Site Access)

The Luppit Neighbourhood Plan (NP) has been subject to pre-submission consultation and a pre-submission draft is available. As the plan has not yet been subject to examination it has limited weight in planning decision-making.

Government Planning Documents

NPPF (National Planning Policy Framework 2021)

National Planning Practice Guidance

Other Documents

Blackdown Hills AONB Management Plan 2019-2024

Site Location and Description

The site is located approximately 1.6 km to the southwest of the settlement of Luppit, and is in the countryside and the Blackdowns AONB. It is located at Higher Moorlands farm which is located just to the east of the top of a ridge on land which slopes gently down to the east, with the land east of the farm complex sloping down more steeply towards a valley bottom.

The farm complex includes a dwelling and agricultural outbuildings arranged around a small yard and it is accessed via a shared private road. It is understood that the farm operates as a mixed farm producing meat and eggs, with a market garden producing vegetables.

The application site comprises agricultural land immediately south of the farm dwelling including the footprints of existing and previously existing buildings grouped around the yard. There are no public rights of way in the vicinity of the site. The nearest neighbouring dwelling is Moorview which lies approximately 59 m to the northeast of the closest part of the development.

Proposal

The proposal is to erect 2 no. agricultural buildings on the southern side of the agricultural complex, to replace 4 no agricultural buildings. The removal of 2 buildings and erection of one of the replacement buildings has already commenced. The replacement buildings would occupy a similar footprint area to the buildings which they would replace though the footprint of the larger of the 2 buildings would only partially overlap the footprint of an existing building and it would be orientated differently to the larger building it would replace.

The agricultural buildings would support the ongoing diversification of the farm and would accommodate a kitchen, butchery room, vegetable packing and storage room, farm office and maintenance workshop. It is also proposed to change the use of an area of agricultural land to residential to enlarge the existing farmhouse garden. Some hedge planting has already been carried out to define the proposed southern garden boundary.

Background

Permission 20/1004/ FUL approved a house extension and indicated that two barns very close to the southern side of the house would be removed. These barns are labelled D and E on the submitted block plan and all other letter references below also

relate to the buildings as labelled on that plan. Building F to the south of D and E is stated to be in poor condition and will be left with an unprotected northeast elevation once buildings D and E are removed, hence it is proposed to replace both building F and the small adjoining building O with a new building.

It is proposed to install solar panels on the roof of the replacement building, hence it would be orientated so that the roof faces south and its proposed orientation and slightly altered position compared to the buildings it would replace would also open up the farmyard, increasing light to the surrounding buildings.

The recently approved extension allowed the house to be extended onto agricultural land, but the garden was not extended at the same time. If unaltered a boundary hedge is left adjoining a conservatory end on, half way across its width. The proposed garden extension would rationalise the relationship between the garden and the house, increase the garden area and clarify the division between the agricultural and the garden use. The applicant contends that the 630 m² increase in the area of the garden is proportionate considering the 29 acre size of the agricultural holding.

The re-building of 2 sheds (labelled B2/C on the block plan) which were in poor condition has already commenced and is sought to be regularised through this application.

ANALYSIS

The main issues for consideration include the principle of the proposal, its visual impact, impact on agricultural land and impact on trees.

Principle

The erection of agricultural buildings is acceptable in principle through LP Policy D7 where there is a genuine agricultural need. The proposed buildings would replace pre-existing and existing agricultural buildings which the application indicates would not be fit for purpose. They are of a simple design and construction which appears suited to the proposed agricultural use. The buildings would support the continued operation and development of the agricultural activities at the site, which would contribute to the local agricultural related economy. Their agricultural use could be secured by condition. It is therefore considered that the buildings are acceptable in principle. The further requirements of LP D7 are discussed under the headings below. The installation of solar panels on the roof of one of the agricultural buildings would contribute to climate change mitigation and is acceptable in principle in accordance with LP Strategy 39 and NP Policy CC3 (Renewable Energy Scale).

With regard to the garden extension, there is no specific LP policy support for this so the proposal represents a departure from the Development Plan and has been advertised as such. This type of development may however be considered acceptable where no harm would arise from it. The assessment of harm in relation to various potential impacts is discussed under the headings below.

Visual Impact

The concerns of the Parish Council and Ward Member with regard to the buildings being too far from the house and excessive in size are noted. The buildings are however to be sited on or near the footprint of the buildings they would replace and it is considered that their scale and positions are such that they would relate well to the existing building group. The site is well screened from public views from the west and north by existing vegetation and topography and due to the absence of nearby roads or paths to the east and the steep hillside slopes it is only visible from more distant public viewpoints to the east.

The site is discernible from a public highway to the south although the view is filtered by trees. From this direction the proposed buildings would be viewed against the backdrop of an existing building group, including the dwellings and farm buildings of both Higher Moorlands Farm and Moorview beyond. It is therefore not considered that the proposed buildings would appear isolated or prominent.

The proposed timber cladding walls of the buildings would fade to a dull grey which would become visually recessive over time and although the proposed terracotta roofing would be more prominent, this colour is already apparent within the building group and it is not considered that this material would appear at odds within its context.

The proposed solar panels on the roof of the southernmost agricultural building are likely to be visible from viewpoints to the south though they would be seen over a distance of approximately 395 m, in a view largely filtered by trees. They would also be seen within the context of the building group and read as part of it. Given this, and that their appearance could to some extent be controlled through a planning condition requiring details of their appearance and arrangement, it is not considered that they would have a harmful visual impact.

The extended garden area could see domestic paraphernalia introduced into a new area however this area is screened by buildings and trees to the north, west and south and would only be discernible from public viewpoints to the east over long distances, if at all. It is therefore not considered that it would have a harmful visual impact.

Overall it is considered that the proposal is sympathetic to the quality of the AONB and that the landscape character of the area would be conserved, such that the requirements of LP Strategy 46 and the emerging NP Policies NE1 (Protecting and Enhancing the Rural landscape) 1 and 2 and LP Policy D1 and the emerging NP Policy ND 2 (Materials Design and Siting) would be met.

Agricultural Land

The ward Member and parish council object to the loss of agricultural land from the unit due to the expansion of the domestic garden, however the applicant has explained that with the garden extended, sufficient land would still be available within the unit for future expansion of the agricultural enterprise.

Brownfield or non-agricultural land is not available to the applicant for the garden extension. The land is agricultural grade 3 which potentially includes grade 3a, i.e. 'best and most versatile agricultural land', however the area of land which would be lost is relatively small compared to the size of the agricultural unit. The proposed

extended garden does not appear disproportionate relative to the dwelling nor would a large garden be unusual within a countryside context. Taking the above points into account it is therefore not considered that the change of use would be unduly harmful to agricultural interests in this instance or that it would represent a significant conflict with LP EN13 or emerging NP Policy ND1 (Location Parameters for New Development 1. Brownfield Land).

Trees

There are trees within the vicinity of the replacement building for B2 and C (as labelled on the block plan). Works to erect the replacement building have already commenced and any impact on trees that would arise in relation to that have unfortunately already occurred without the benefit of a formal Arboricultural Impact Assessment and agreed mitigation. However, as that development replaces a building with a similar footprint the impact on adjacent trees is likely to have been minimal.

Other issues

The demolition of buildings has the potential to affect wildlife habitat and any protected species present within them. Buildings B2 and C (as indicated on the block plan) have already been removed any wildlife impacts associated with demolition have, unfortunately, already occurred. The demolition of buildings O and F is still to take place however planning permission is not required for the demolition of building O due to its small size. Building F consists of single blockwork wall construction with a single layer of fibre cement forming the roof and it is therefore unlikely that it would contain a bat roost, though it could be used by nesting birds. Provided that a condition is imposed to require that demolition does not take place within the bird nesting season it is not considered that a wildlife survey or further mitigation is required and that the requirements of LP Policy EN5 and the emerging NP Policy NE2 (Protecting and Enhancing Natural Habitats) would be met. As the proposed buildings would replace existing buildings it is not considered that they would have any implications on travel demand and it is unlikely that the proposal would affect access to the site or the availability of parking.

CONCLUSION

The proposal would support an agricultural enterprise and be of personal benefit to the applicant and the incorporation of solar panels within the roof of one of the agricultural buildings would contribute to meeting climate change targets. With conditional controls imposed the development would not generate undue harm in terms of its visual impact or impact on wildlife. There being no identified harmful impact in any other relevant respect it is considered that overall, the proposal represents sustainable development.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.

(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 permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. The building hereby approved shall be used for agricultural use only and no other purpose. (Reason - To reflect the permission sought and to ensure that the use of the building is suitable for the countryside location of the site, where new development is restricted and as other uses have not been considered under this application and to comply with the provisions of Strategy 7 Development in the Countryside and 46 Landscape Conservation and Enhancement and AONBs and Policy D7 Agricultural Buildings and Development, of the East Devon Local Plan).
4. The agricultural building denoted F on the approved block plan J450/20 Rev A received by the Local Planning Authority on 13.01.22 shall not be demolished except outside of the bird nesting season. (Reason - In the interests of biodiversity and in accordance with Policy EN5 Wildlife Habitats and Features of the East Devon Local Plan and the National Planning Policy Framework).
5. The installation of solar panels on the roof of the building replacing building F and O, as indicated on the approved block plan J450/20 Rev A received by the Local Planning Authority on 13.01.22, shall not take place until details of the panels to be used (e.g. a supplier's or manufacturer's reference) and their arrangement and appearance, illustrated by scaled section and elevation plans and manufacturers or suppliers images (where available) have first been submitted to the Local Planning Authority and approved by them in writing.

NOTE FOR APPLICANT

Informative: Confirmation - No CIL Liability

This Informative confirms that this development is not liable to a CIL charge.

Any queries regarding CIL, please telephone 01395 571585 or email cil@eastdevon.gov.uk.

Plans relating to this application:

J450/20 Rev A	Block Plan	13.01.22
J450/24 Rev A	Proposed Combined Plans	07.01.22
J450/19	Location Plan	08.11.21

J450/22	Proposed Elevation	03.11.21
J450/23	Combined Plans	03.11.21

List of Background Papers

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