

**Ward** Dunkeswell And Otterhead

**Reference** 22/1232/FUL

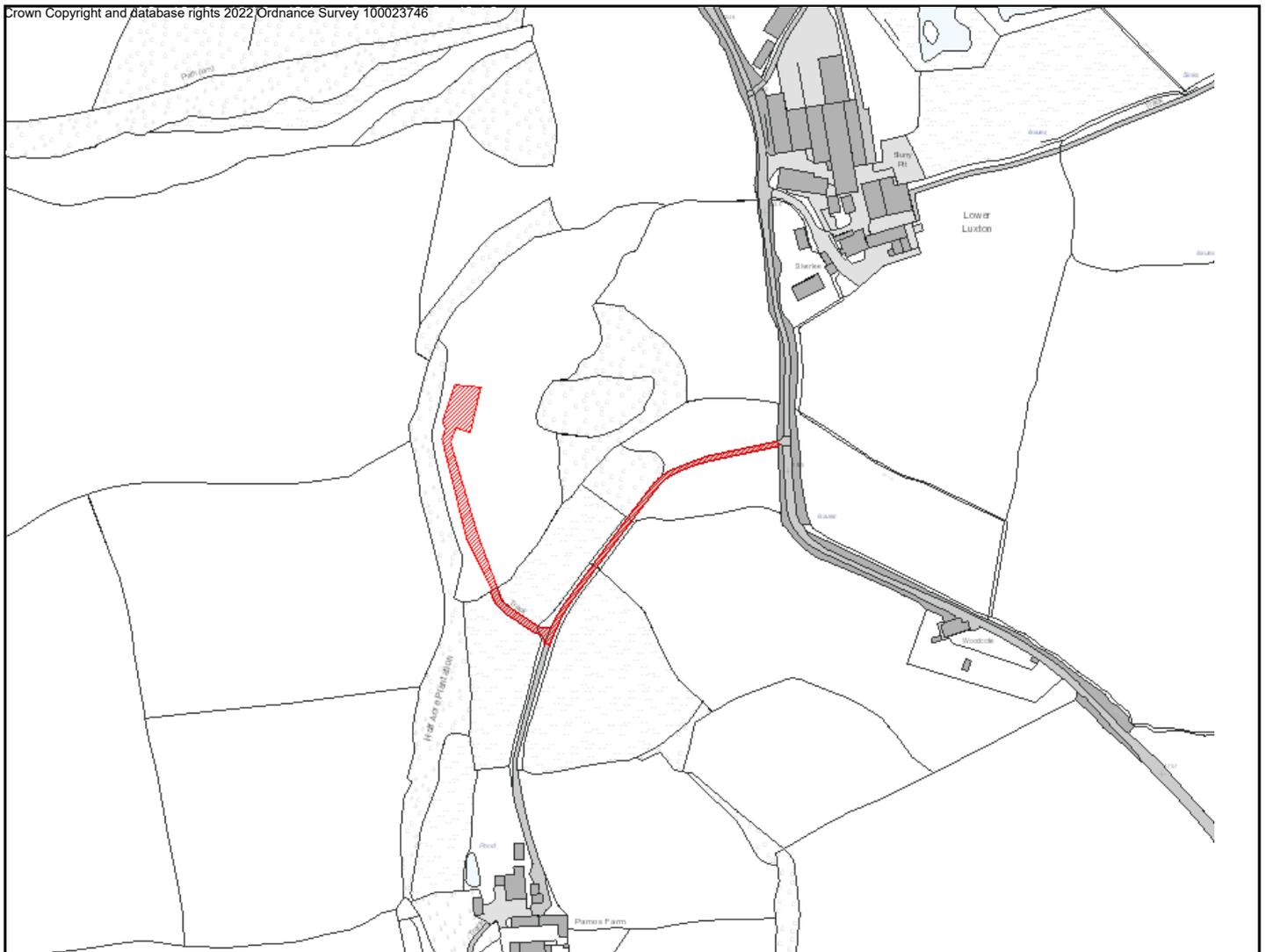
**Applicant** Mrs C McLeod

**Location** Land And Barn North Of Pamos Farm Upottery

**Proposal** Erection of a general purpose agricultural building.



**RECOMMENDATION: Approval with conditions**



		<b>Committee Date: 30<sup>th</sup> August 2022</b>
	<b>22/1232/FUL</b>	<b>Target Date: 27.07.2022</b>
<b>Applicant:</b>	<b>Mrs C McLeod</b>	
<b>Location:</b>	<b>Land And Barn North Of Pamos Farm Upottery</b>	
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### **EXECUTIVE SUMMARY**

The application is before committee because the officer recommendation differs from that of one of the ward members.

Permission is sought for a general purpose agricultural building to serve a small holding which extends to 13 acres of pasture and woodland. The building would be located within the central part of a field laid to pasture and close to its western boundary. An existing general purpose storage building is located at the southern end of the same field.

The applicant has advised that the building is required to provide additional storage for hay and fodder and also for farm machinery and paraphernalia used on the land. They have further advised that the existing building would be required at certain times for livestock housing, thereby reducing its ability to meet other storage requirements. Although the holding itself and numbers of cattle are small, the need put forward is considered to be genuine and a letter of support has been provided by the applicant's vet practice.

In terms of landscape impact Local Plan policy (Policy D7) seeks to integrate buildings into their surroundings and to locate them close to existing buildings to reduce landscape harm, particularly in cases like this within the AONB.

In response to a request for further justification of the proposed siting – set apart from the existing farm building – the applicant has cited concerns with drainage and has suggested that the proposed site is set on the driest part of the field above the springline. There is limited evidence provided of site specific issues with drainage but springs are noted in the local area and are a recognised characteristic within this landscape character type. As the chosen site is, despite its elevation, relatively well screened from wider landscape views it is not considered that any landscape harm would arise from the proposed siting, subject to control over lighting.

**On the basis of the above consideration the proposal is considered to be compliant with the relevant policies of the Local Plan and is recommended for approval.**

## **CONSULTATIONS**

### **Local Consultations**

#### Clerk To Upottery Parish Council

The council do not support this application, noting that the previous application, 21/1590/FUL was a retrospective planning application for a slightly smaller barn built that year at a different location on the 13 acre holding. The Design and Access Statement for 21/1590/FUL dated June 2021, states in para. 4.4 'The scale of the proposed building has been designed to meet the current requirements of the existing holding.' Upottery Parish Council commented on 21/1590/FUL that there is concern that there will be a future application for a residential property which the council will not support. The council make the same comment with respect to the new application 22/1232/FUL.

#### Dunkeswell And Otterhead - Cllr David Key

I object to the present position of this building as it should be adjoining the existing building but secondly the agent stated on the application of the retrospective building which was granted that it was adequate in size for the small acreage (13 acres) and so there is no need for a further building especially in the Blackdown Hills.

I would like to add a further comment that when the approval was granted for the retrospective the Agent stated that the scale of the proposed building has been designed to meet the current requirements of the existing holding.

The size of the holding is 13 acres and not 23 as previously stated.

I object to the erection and position to the proposed agricultural building which should be adjoining the existing building built retrospectively and granted.

This is a small unit of land and the need for an addition building is not viable.

### Other Representations

6 no. representations have been received of which 3 are in support and 3 raise objections to the proposal, both the objections and reasons for support are summarised below:

#### Reasons for support

- The agricultural holding attracts the Basic Payment Scheme payment and is entered into a new Countryside Stewardship Scheme agreement to start from 1 January 2023.
- The building will be used to support a small Suckler Cow enterprise commensurate with the size of the holding
- The design is sympathetic to the landscape and in keeping with the local landscape character and is well screened from neighbouring properties.

- The building is required to provide storage for winter feed and accommodation for staff in periods of bad weather (a requirement for all modern welfare standards with the Five Freedoms of Animal Welfare published by the RSPCA).
- The proposal does not provide for livestock accommodation and so there would be no increase in nitrates or phosphates.

### Objections

- Lack of information provided to justify a second barn
- The applicant already has a new barn that should adequately serve the size of the holding
- Concerns over future intentions for the barn
- D&A statement is misleading with regards to the extent of land ownership and livestock
- The proposed barn and new section of track will result in further landscape and biodiversity impact
- Impact of development (inc. construction traffic) on the existing shared access from the highway
- The applicant has in recent years sold agricultural barns/outbuildings that could have been retained for this purpose
- Increase in traffic to site

### Technical Consultations

#### Blackdown Hills AONB Project Partnership

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

The AONB Partnership supports its local planning authorities in the application of national and local planning policy in order to ensure that any development in the AONB conserves and enhances the natural beauty of this nationally designated landscape, which is afforded the highest level of protection by national policy. In support of this, the Blackdown Hills AONB Management Plan 2019-2024 is the agreed policy framework for conserving and enhancing the AONB and seeks to ensure that all development affecting the AONB is of the highest quality. It 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:

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

The primary objective of AONB designation is to conserve and enhance natural beauty; one of the reasons for the designation of the Blackdown Hills AONB is that the

pastoral landscape has retained a relative sense of remoteness, inherent sparseness, and is largely unspoilt by modern development. As such the AONB Partnership believes that any development proposal in an isolated location requires very careful consideration of its impact on the special qualities, visual amenity and local landscape character of the AONB, and have regard to necessity, siting, scale, design and environmental considerations in order to conserve and enhance the natural beauty of the area. The AONB Partnership is keen to limit the introduction and intensification of development in isolated locations, seeking to guard against a proliferation of buildings and structures on small fields and sites across the AONB, which we have experienced and is all too easily repeated with the sub-division of holdings and sale or lease of small parcels of land.

Experience across the AONB has also shown that incremental and piecemeal proposals for the development of farms and rural businesses do not allow full and proper consideration of enterprises in isolated locations in the AONB in terms of the most appropriate siting in this nationally protected landscape and in terms of the business (i.e. the 'need' for additional buildings and facilities and ultimately the 'need' for a dwelling). This site sits within the steep wooded scarp slopes of the AONB landscape, which are typically very lightly settled and as such inherently sensitive to new development. A building was refused nearby within the last couple of years, partly due to effect on the AONB landscape. It is also noted that the applicant sold the farm buildings at Pamos Farm recently too. The building allowed retrospectively last year was supposedly to meet the needs of the holding but already another is being applied for. The application states that siting it adjacent to that building is not possible because the ground is unsuitable.

If an additional building is deemed necessary for this very small holding, it would better to locate it near to the existing building, avoiding a scattergun of buildings in isolated locations and avoiding the need for a new/upgraded trackway to access it. If the planning authority is however minded to approve, the detail of materials will be important such as recessive colour with low reflectivity and/or with natural finishes to appear unobtrusive within the landscape and restrictions on lighting, with any building lighting to be minimal and appropriately shielded and directed. The detail of any works to the entrance, the access track and any surfacing around the building should also be considered in respect of impact upon the AONB landscape.

**PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
18/2641/FUL	Erection of a steel framed building with the appearance of an agricultural building to be used as a dog kennel enterprise	Refusal	28.02.2019

18/2642/COU	Outline application for the siting of a temporary dwelling being a timber clad log cabin to provide temporary accommodation for a key rural worker to support the agricultural diversification at Pamos farm	Refusal	27.02.2019
20/0591/FUL	Erection of a steel framed building with the appearance of an agricultural building to be used as a dog kennel enterprise	Withdrawn	07.08.2020
20/1950/AGR	Agricultural building	Refusal	15.01.2021
21/1590/FUL	Retention of a general purpose agricultural building.	Approval with conditions	15.12.2021

## **POLICIES**

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

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D1 (Design and Local Distinctiveness)

D7 (Agricultural Buildings and Development)

EN14 (Control of Pollution)

TC7 (Adequacy of Road Network and Site Access)

D3 (Trees and Development Sites)

Upottery Neighbourhood Plan (In Preparation)

### Government Planning Documents

National Planning Practice Guidance

NPPF (National Planning Policy Framework 2021)

## **Site location and description**

The site relates to an agricultural field laid to pasture and forming part of a holding extending to 13 acres of woodland and pasture land. The field is largely surrounded

by woodland planting and slopes down from west to east. There is an existing general purpose agricultural building located in the southwest corner of the field. To the west of the farm building a gravelled track leads southeast from the field access to join a private access road that links with the local road to the northeast of the site.

The site occupies the upper west facing slopes of the Upper Otter Valley and lies within the designated Blackdown Hills Area of Outstanding Natural Beauty. There are a number of isolated dwellings and farmhouses in the surrounding area.

### **Proposed development**

Permission is sought for a general purpose agricultural building. The building would be located to the (west) upper side of the field approximately 90 metres north of the field access. The building would be accessed from the south from the existing field access but no additional track is proposed as part of the application.

The building would measure 15m x 8m with a ridge height of 4.5 metres and an eaves at 3.5m. The roof and part of the elevations would be clad in green profile sheets with the rest of the elevations open.

### **ANALYSIS**

The main issues in the determination of the application area as follows:

- Principle and policy compliance
- Impact on the character and appearance of the area/Wider Landscape Impact
- Other Issues

#### **Principle and policy compliance**

As the site lies in open countryside, in accordance with Strategy 7 of the East Devon Local Plan 2013-2031, development will only be supported where it is explicitly permitted by another policy of the Local or Neighbourhood Plan and where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located.

There is no made or draft neighbourhood plan for Upottery, although it is understood one is under preparation, and therefore it falls to be determined whether support is found in the Local Plan.

Policy D7 of the Local Plan offers support for agricultural buildings and development subject to there being a genuine agricultural need for the development and a number of criteria being met covering: location, scale, design and materials; landscape and biodiversity impact; residential amenity; there being no other buildings on the holding capable of meeting the reasonable need, and; acceptability in highway and drainage terms.

The parish council, local ward member and a number of local residents have raised concerns in relation to the need for the proposed building given that permission was granted only last year for another general purpose agricultural building and where at

the time the submitted Design and Access Statement stated that the building would *'...provide the necessary accommodation for the holding'*.

In terms of justification, the design and access statement submitted with the current application explains that, the applicant has identified a need for a general-purpose agricultural building to provide undercover storage on the holding to store; dry fodder produced on the land; straw and concentrate feeds, and machinery including:

- Tractor
- Trailer
- Topper
- Link Box
- Cattle Crush

In terms of farming taking place on the holding it is advised that the applicant has a herd of two pedigree Hereford cattle which calve each year and has purchased a further two cattle which are due to arrive any day but are held up due to Tb restrictions. The land is also entered in the Countryside Stewardship scheme.

In addition to the storage purposes referred to above, it is suggested that the building would also be used to handle and manage the cattle at times when they are either sick, Tb testing or other welfare circumstances arise.

There have been a couple of recent appeal decisions which have considered the issue of 'genuine agricultural need' in relation to policy D7. The first at Dairy Barn, Combehayes Farm, Honiton - APP/U1105/W/21/3277782, was for a general purpose agricultural building on a small area of land and where the applicant intended to store his collection of farm machinery. The Inspector, in allowing the appeal, noted at para. 5 of his decision that in relation to the term 'genuine agricultural need for the development' that,

*"This term is not further defined. The policy contains no express requirement for the need to relate to a trade or business, to relate to land within the appellant's control nor to land upon which the appeal site is located. I have taken genuine to have its standard meaning as something that is sincere, authentic."*

The second appeal for land at Harepath Hill, Seaton - APP/U1105/W/21/3287477, was for an agricultural storage building and associated works, although ultimately dismissing the appeal, in relation to genuine need the Inspector followed the earlier Inspectors reasoning, in the above appeal, at para. 13 taking genuine (agricultural need),

*"... to have its standard dictionary definition meaning of authentic or sincere."*

In this instance and in response to a request for further clarification on the use of the proposed and existing buildings the applicant's agent has provided some further information.

They advise that the existing barn is 88 sq. m. in area and that were this to be used to house the cattle on the holding (2 currently but increasing up to 6) based on standard

space requirements for large breed cattle this would take up the majority of this space – 64 sq.m. (6 x 8.7 = 52 sqm (+ 12 = 64sq m if additional space for horns included.) - leaving little room to meet other storage requirements (hay, fodder, machinery etc.). The submitted calculations are based on Soil Association standards for winter housing.

The D&A statement for the new building (which indicates it is this building that would be used) states that cattle housing would only be required '*at times when they are either sick, TB testing or other welfare considerations*'. Nonetheless, it is acknowledged that some indoor space would be required for housing cattle at certain times and that space for such would need to be provided and would take away from space available for other purposes. On this point it is noted that a letter from the farm's vets has been provided supporting the need for improved cattle handling systems for animal and human welfare. On the basis of the additional information provided, there is no reason to consider the stated need is not authentic or sincere.

### Impact on the character and appearance of the area/Wider Landscape Impact

The site lies within the designated Blackdown Hills Area of Outstanding Natural Beauty where Strategy 46 of the Local Plan follows the guidance set out at para. 176 of the NPPF in requiring great weight to be given to the conservation and enhancement of their landscape and scenic beauty.

The site is located on the upper slopes of the valley side within landscape character type 2A, Steep Wooded Scarp Slopes, as defined in the East Devon and Blackdown Hills Landscape Character Assessment (2019). Within such areas, noted characteristics include them being lightly settled with occasional scattered farms. The Blackdown Hills AONB Partnership has advised that in accordance with their aim to conserve and enhance the landscape character, they are keen to see development limited in such isolated locations and to guard against a proliferation of buildings and structures on small fields and sites across the AONB. This they suggest can occur as a result of sale or lease of small parcels of land. Where buildings are justified they recommend that these are closely related to existing buildings to avoid a scattergun approach of isolated building spread across the landscape. Such an approach is also endorsed in policy D7 of the EDLP where criteria 1 requires that development is '*...well integrated with its surroundings and closely related to existing buildings, being of appropriate location, scale, design and materials...*'.

The submitted Design and Access Statement advises that the proposed location has been chosen due to the site around the existing building lying wet. It is noted that the existing building is only recently constructed in this location and that the applicant has owned the land for a number of years and as such is presumably familiar with any drainage issues on the land. Nevertheless, it is acknowledged that this landscape character type is recognised as having underlying greensand geology containing spring lines. The applicant has explained that the existing track in the field (which does not extend as far as the application site) runs along a springline and that the site proposed for the new building sits just above the springline on the driest part of the field. The proposed site is certainly on the highest part of the field and there is evidence on OS maps of springs in the vicinity of the site.

The proposed site would be separated from the existing and relatively recently constructed building to the south and which itself is cut into the slope, close to the field access and to the field boundaries where tree and hedge planting provide effective screening. Nevertheless, the proposed building remains relatively small scale and is proposed to be constructed from recessive materials. Existing tree planting around the field provides effective screening at most times of the year and it is noted that there are limited public rights of way in the vicinity of the site, although during winter months views of the building from across the valley to the east could be afforded. In such views, the building would appear separate from the existing building, but would be viewed against the backdrop of woodland and rising land to the rear reducing its impact.

### Other Issues

Ecology – The existing field itself is considered to have limited biodiversity value although the field margins and surrounding woodland would be of greater value. The siting of the building is not, subject to control over lighting, considered to have any significant ecological impact.

Amenity – The application site lies some distance from the nearest unrelated residential property, which itself lies immediately adjacent to a larger farm holding and as such the proposal is not considered to give rise to harmful amenity impact.

Access – The site would be accessed via the existing spur to the shared driveway that serves the field and the existing building, no extension to or surfacing of the access route is indicated and any such proposal would in any case have limited impact. The field is already in agricultural use and if anything the provision of additional storage on site is unlikely to reduce traffic to/from the site.

Trees – The field is surrounded by trees but given the nature of the proposed building and its proposed position in relation to these it is unlikely to result in any harmful impact.

Future development – The parish council and some local residents have raised a concern over permission for the development leading to future applications for residential development, or alternative uses of the barn. Planning applications need to be assessed at face value taking into account the information available at the time and any relevant material considerations. It is not appropriate to speculate on future further development where any subsequent applications will be dealt with at the time and determined on their own merits.

### **CONCLUSION**

The proposal seeks permission for a further general purpose agricultural building following on from one granted last year for similar purposes. This is a small scale operation with limited livestock, however the applicant has advised that additional livestock has been purchased and that both current cows are in calf, there is therefore a need for some additional accommodation, even if only used on a temporary basis as welfare requirements dictate. The applicant also has farm machinery and associated paraphernalia which they wish to store undercover as well as requiring

space for fodder/straw etc. Taking into account recent appeal decisions on the demonstration of need it is not considered that the proposal could be reasonably objected to on this basis. The comments of the Blackdown Hills AONB Management team are noted in relation to the potential for cumulative landscape impact of buildings and need to try to reduce this by siting new buildings in close proximity to existing buildings where a need is demonstrated. In this instance, the applicant has explained the reason for the proposed siting and it is not considered that in this location it would appear prominent and that the natural beauty of the landscape would be conserved. Given the aforementioned the proposal is considered to be acceptable and is recommended for approval subject to the conditions set out below.

## **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 purposes only.  
(Reason: To reflect the use proposed in the application and because alternative uses, which have not been considered in the determination of the application, may not be appropriate in this countryside location within the AONB, in accordance with Strategies 7 Development in the Countryside, 46 Landscape Conservation and Enhancement and AONBs and Policies TC2 Accessibility of New Development, TC7 Adequacy of Road Network and Site Access and TC9 Parking Provision in New Development of the East Devon Local Plan).
4. No lighting shall be affixed to the exterior of the building or affixed to the interior of the building where it would cause light spill in areas outside of the building, unless a scheme providing details of the position and type of lighting to be affixed, together with measures to control light pollution from that lighting, has first been submitted to the Local Planning Authority and approved by them in writing. Any lighting affixed to the building shall accord with those approved details and control measures. (Reason to prevent light pollution within this countryside location within the AONB and in accordance with Strategy 46 Landscape Conservation and Enhancement and AONBs and Policy EN14 Control of Pollution of the East Devon Local Plan).

## 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](mailto:cil@eastdevon.gov.uk).

Plans relating to this application:

	Location Plan	01.06.22
3696/01	Proposed Combined Plans	01.06.22
3696/02	Proposed Site Plan	01.06.22

List of Background Papers

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