

Committee Report – 7th December 2023

Application Number: 1/0911/2023/FUL

Registration date: 21 September 2023

Expiry date: 16 November 2023

Applicant: Mr Brown

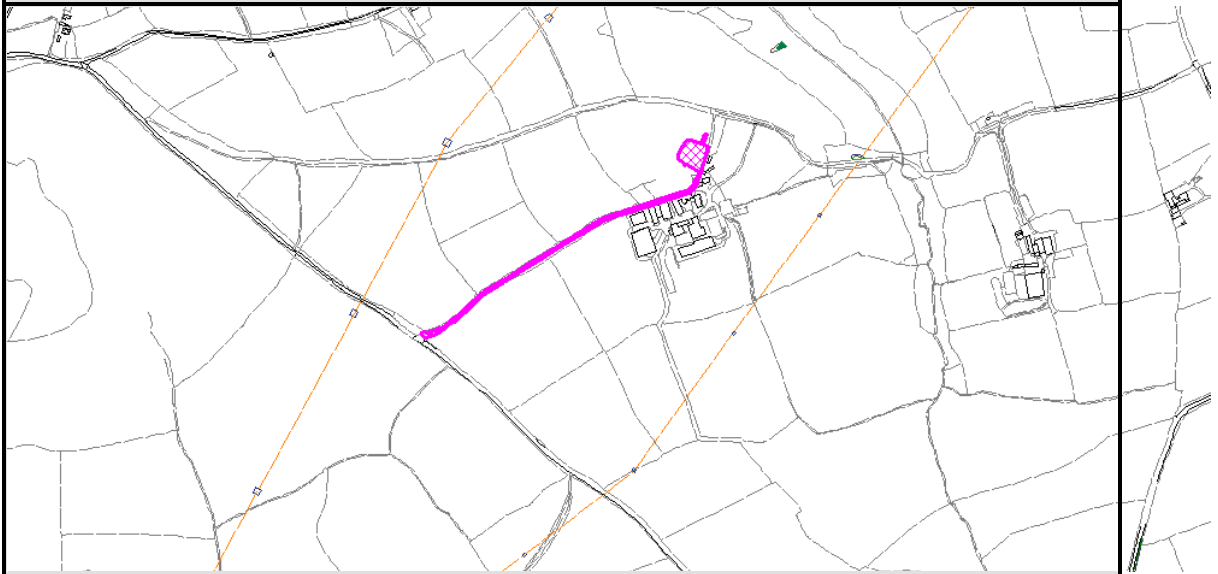
Agent: GW Architects Ltd

Case Officer: Mr Peter Stapley

Site Address: Land At Holwell,
Buckland Brewer,
Bideford,
Devon,
EX39 5NX,

Proposal: Erection of 1no. agricultural worker managers dwelling

Recommendation: Refuse



Reason for referral:

The application has been called-in to be heard at Plan Committee by Councillor Pennington for the following reasons:

- This dwelling is needed to allow a well-run agricultural business.
- The relevant policies. NDTLP Policy DM 28 Rural Workers Dwelling NPPF para 79 This well-run agricultural business needs to progress.
- There is policy justification for a business to have the dwelling.

Relevant History:

Application No.	Description	Status	Closed
1/0862/2003/FUL	Proposed agricultural building	PER	30.06.2003
1/0867/2003/FUL	Proposed agricultural infill building	PER	30.06.2003
1/0866/2007/FUL	Proposed livestock sheep & feed agricultural building	PER	19.10.2007
1/0707/2009/FUL	Proposed Covered Feed Area	PER	15.09.2009
1/0579/2021/AGR	Concrete yard renewal (Stewardship Scheme)	PER	11.06.2021

Site Description & Proposal

Site Description

The application site is located within the open countryside, approximately 1.07 km to the northeast of Stibb Cross, which is designated as a 'Village' within the adopted North Devon and Torridge Local Plan. The site does not fall within any other allocated land designation, however, is located approximately 675 metres to the east of Thorne Moor, which is a designated Special Area of Conservation [SAC] and Site of Special Scientific Interest [SSSI]. The closest protected heritage asset is located approximately 460 metres to the north of the site, within the neighbouring farmstead.

The application site measures approximately 0.26 hectares, within a wider 2.56 hectares of agricultural land. The applicants own a total of 121 hectares and rent a further 62 hectares, totalling 183 hectares. The farming enterprise consists, primarily, of a dairy farm with a current stock of 230 milking cows; 50 in-calf heifers; 120 youngstock; 80 calves; and 1 bull. Approximately 29 hectares is used for the production of maize and cereals.

The landscape character type for the application site is 'Upper Farmed & Wooded Valley Slopes' (3A) and the site falls within a Zone 1 Flood Risk and therefore it has less than 1 in 1,000 annual probability of river flooding and is considered a low probability of flooding.

Proposed Development

The application seeks full planning permission for the erection of a rural workers dwelling with an attached garage, to be occupied by a partner of the farming enterprise. The proposed dwelling will measure approximately 24 metres in length by 16.9 metres in width, with a maximum eaves height of 2.9 metres and ridge height of 6.6 metres.

The proposed dwelling will accommodate four bedrooms (six-person); bathroom; open plan kitchen and living area; snug; office; boot and utility room; and a detached garage. The dwelling will have a

gross internal area of approximately 142 square metres and the garage will have a footprint of 16 square metres.

The dwelling will utilise the existing access from the highway to the east of the dwelling, connecting to the public highway approximately 550 metres to the west of the farmstead. The proposal includes the provision of five vehicle parking spaces to the north of the building. The main private amenity space is to the south of the dwelling.

The proposed development will be constructed from: a mix of stone, render and cladding; natural slate roof; and aluminium and timber windows and doors. The proposal includes the provision of 18 solar panels on the southwest roof elevation.

Consultee representations:

Buckland Brewer Parish Council:

Application supported by Buckland Brewer Parish Council

Devon County Council (Highways):

Standing Advice.

Environmental Protection Officer:

The following consultation response is provided by the Environmental Protection Team in relation to the above application.

Having regard for the application site, the proximity of the farmstead has the potential to adversely impact residential amenity. However, as the proposed development is ancillary to the farmstead, concerns in relation to the potential amenity impact are negated.

The proposed dwelling is to be served by a new package treatment plant discharging to a drainage field. The percolation test results provided indicate that the ground has suitable permeability and sufficient land is available to accommodate the proposed foul drainage scheme. The Environmental Protection Team is satisfied that the proposed development will be served by a suitable non-mains foul drainage scheme.

Representations:

Number of neighbours consulted:	2	Number of letters of support:	0
Number of representations received:	0	Number of neutral representations:	0
Number of objection letters:	0		

No public representations received.

Policy Context:

North Devon and Torridge Local Plan 2011-2031:

ST01 (Principles of Sustainable Development); ST03 (Adapting to Climate Change and Strengthening Resilience); ST04 (Improving the Quality of Development); ST06 (Spatial Development Strategy for Northern Devon's Strategic and Main Centres); ST07 (Spatial Development Strategy for Northern Devon's Rural Area); ST10 (Transport Strategy); ST14 (Enhancing Environmental Assets); ST15 (Conserving Heritage Assets); DM01 (Amenity Considerations); DM02 (Environmental Protection); DM04 (Design Principles); DM05 (Highways); DM06 (Parking Provision); DM07 (Historic Environment); DM08 (Biodiversity and Geodiversity); DM08A (Landscape and Seascape Character); DM28 (Rural Worker Accommodation).

Supplementary Planning Document:

Rural Workers Dwelling.

Government Guidance:

NPPF (National Planning Policy Framework); NPPG (National Planning Practice Guidance); NERC (Natural Environment & Rural Communities); WACA (Wildlife & Countryside Act 1981).

Planning Considerations

The main considerations in the determination of this application are:

1. Principle of Development;
2. Impact on Character and appearance;
3. Impact on Amenity;
4. Access, Parking and Highways;
5. Environmental Protection and Drainage;
6. Impact on Wildlife and Ecology; and
7. Conclusion

1.0 Principle of Development

- 1.1 Section 38 (6) of the Planning and Compulsory Act 2004 states that key consideration in the determination of a planning application is the development plan. Applications should be determined in accordance with the development plan unless material planning considerations indicate otherwise. For the purpose of the development plan the statutory development plan is comprised of the North Devon & Torridge Local Plan 2011-2031 (NDTLP).
- 1.2 In planning terms, the site is located within the countryside, therefore Policy ST07 of the North Devon and Torridge Local Plan (NDTLP) must be applied. Policy ST07 (4) states that *"In the countryside, beyond Local Centres, Villages and Rural Settlements, development will be limited to that which is enabled to meet local economic and social needs, rural building reuse and development which is necessarily restricted to a Countryside location."*
- 1.3 Policy ST07 (4) aims to strictly control development in the countryside, however, does permit development which is justified and suitable for a rural location. One use which is considered to be acceptable is agricultural development, including the development of agricultural/rural workers dwellings where necessary.
- 1.4 Policy DM28 relates specifically to rural worker accommodation and notes that the provision of accommodation in the countryside for a rural worker will be supported in principle where a number of criteria can be met. These are set out below:
 1. *Proposals for the provision of accommodation in the countryside for a rural worker will be supported where:*
 - a. *It can be demonstrated that there is an essential operational need for a full-time worker to be resident at or near the place of work;*
 - b. *The size and nature of the development is such that it can be sustained by the scale of the operation, reflective of the location and setting and proportionate to the needs of the intended occupants;*
 - c. *The accommodation needs cannot be met by any other means including:*
 - i. *Accommodation in a nearby settlement; or*
 - ii. *By an existing dwelling at or near the site; or*
 - iii. *Through the conversion of a suitable redundant or disused building on the site; and*
 - d. *appropriate highway access can be provided.*
 2. *Where the enterprise is well established, of a sufficient size to support a full-time worker, economically viable and has clear prospects of remaining so, support will be given to the provision of a permanent new dwelling.*
 3. *Where the enterprise does not meet the criterion set out to support the provision of a new permanent dwelling, the provision of temporary accommodation will be considered for an initial period of three years.*

4. *New accommodation provided for rural workers will be, and all existing dwellings at the rural business may be, subject to occupancy restrictions and, where it is felt appropriate by the Local Planning Authority may be subject to a legal agreement tying its use to the specific rural business.*

- 1.5 Policies ST07 and DM28 of the NDTLP are considered to be in harmony with more recent policy changes in the National Planning Policy Framework (NPPF) (in particular paragraph 80). Paragraph 80 of the NPPF provides that isolated homes in the countryside should be avoided unless there are special circumstances, which includes the essential need for a rural worker to live permanently at or near their place of work in the countryside. Paragraph 80 of the NPPF does not offer guidance for establishing what constitutes 'essential need.'
- 1.6 In addition to the above, the Councils 'Rural Workers' Dwellings' Supplementary Planning Document states 'New permanent dwellings will be supported on well-established rural enterprises subject to the demonstration of the following:
- I. there is a clearly established existing functional need (see below);
 - II. the need for a full-time worker throughout the year (an annual average of at least 37 hours per week) on the site of the enterprise, including a requirement for unsocial hours and being "on call" in case of emergencies;
 - III. the rural enterprise has been established for at least three years and has been profitable in at least one of those three years, is currently financially sound and has a clear prospect of remaining so (see paragraph 3.15 below);
 - IV. the functional need could not be fulfilled by another existing dwelling on the enterprise, or any other existing accommodation in the area which is suitable and available for the occupation of the worker(s) concerned; and
 - V. other planning requirements, e.g. in relation to access, impact on the countryside, are satisfied.
- 1.7 Paragraph 3.7 of the SPD, states to 'establish a functional need the following requirements must be satisfied:
- I. a genuine need to live on the site and to be available at short notice at all times rather than living in a nearby centre or village;
 - II. it is not possible for the rural enterprise to run effectively without having the worker living on site;
 - III. no one undertaking the essential functional work already lives at the rural enterprise, or insufficient provision exists if there is a functional need for more than one worker;
 - IV. there is no dwelling available at the rural enterprise for occupation by the worker and there is no possibility of adapting a building at the rural enterprise; and
 - V. there is no suitable and available dwelling in a nearby village available for occupation by a worker who is required to provide the functionally essential service.
- 1.8 Functional Need
- 1.9 The current business employs four part-time employees, in addition to the three full-time business partners. The Agricultural Appraisal demonstrates there is a labour requirement of 7.9 full time workers in connection with the entire operations of the farming enterprise, of which the livestock requirement equates to 4.9 full time workers.
- 1.10 The rural worker dwelling is intended to be occupied by a business partner (the son), who currently resides within the main farmhouse with the remaining two business partners (the parents) and is proceeding to take majority control of the business. In addition to the main farmhouse, there appears to be an unauthorised dwelling (caravan) immediately to the southeast of the application site. It should be noted that this unauthorised use has not been included in any of the supporting documentation. Nonetheless, the applicant has confirmed on the amended location plan, that the caravan would be removed from the site.
- 1.11 The Appraisal also identifies the various agricultural buildings on the holding and provides details of the need for each building. Whilst it was noted during the site visit that there

appeared to be a redundant agricultural building adjacent to the caravan which could be capable of conversion, the agent has confirmed that this building has a transient use for calving and is still required to carry out the operations of the farming enterprise. The Council have no evidence to the contrary and therefore accepts it is still in operation use, albeit infrequently.

- 1.12 The diary farm has a sizeable stock of cattle (480 heads) and operates on a year-round calving system, with on average 23 calving's per month. It is generally considered that, for farm of this scale, nature and livestock holding, a member of staff should be available at all times, including unsociable hours, in order to monitor the welfare of the animals and to address any emergency care needs.
- 1.13 Given the lack of available housing within close proximity, the site is not easily accessible in the event of an emergency and given the enterprise is of a reasonable scale (183 hectares) with a sizeable stock (approximately, 230 dairy cows; 50 in-calf heifers; 120 youngstock; 80 calves; and a single bull) it is considered there is a functional need for a rural worker to be located on the application site.
- 1.14 Financial Test
- 1.15 If a functional need has been established for a permanent dwelling, then it will be necessary to confirm that the operation which has generated the need for a resident worker is economically viable and there is a realistic prospect of it remaining so.
- 1.16 Guidance contained within the Council's Rural Worker's Dwellings SPD notes that for a permanent dwelling a rural enterprise should have been established for at least three years and have been clearly profitable for at least one of them, is currently financially sound and has clear prospects of remaining so.
- 1.17 The financial accounts, which have been submitted with the application, are accepted. The accounts demonstrate that the farming enterprise has operated in a net profit for the last three years. The proposed development is therefore considered to meet the requirements of section (a) with an essential operational need for a full-time worker to be resident at or near the place of work. The existing enterprise is considered to be sufficient profitable and to be likely to remain so, sufficient to provide the new dwelling.
- 1.18 In relation to section (b), The proposal is for the erection of a four-bedroom, rural workers dwelling which includes an office, utility, boot room and detached garage. Guidance on the size of rural worker's dwellings is set out in the Council's Rural Workers' Dwellings SPD, which notes that a normal four-bedroom dwelling would extend to 124 square metres (gross internal area) however recognises that an uplift to this area is required for an agricultural worker to allow provision of a boot room, larger utility room etc. as well as office space for the principal dwelling on a holding. It is anticipated that the uplift could be accommodated within 15% of the overall gross internal area and therefore an area of 142.6 square metres is recommended for a four-bedroom dwelling.
- 1.19 The proposed plans illustrate that the four-bedroom dwelling will have a gross internal area of approximately 158 square metres (including the attached garage) and therefore is above the permitted 142 square metres, set out within the Council's Rural Workers Dwelling Supplementary Planning Document (SPD), by approximately 16 square metres. It is noted, the business uses [office, utility and wet room] of the proposed dwelling measures approximately 17.9 square metres and therefore would fall within the allocated 15% uplift. As such the proposed additional 16 square metres is considered to be for living accommodation and not required for business purposes.
- 1.20 Whilst the SPD is clear in that "*any uplift from the floorspace standards (102m² and 124m²) would not be supported, if proposed simply to provide additional living accommodation.*" It is noted that the additional floorspace relates solely to the provision of the attached garage and the gross internal floor area for the main living accommodation measures approximately 142

square metres and therefore is in accordance with the provisions set out within the Rural Workers Dwelling SPD. On this basis, the proposed scale of the building is acceptable, subject to the restriction of the dwellings permitted development rights preventing the conversion of the garage to further living accommodation.

1.21 Conclusion

The supporting documentation submitted alongside the application demonstrates that there are no, suitable and/or available residential dwellinghouses within close proximity to the application site and the existing agricultural building on site could not be converted as there still functioning requirements for each building.

1.22 On this basis, it is considered that the proposed rural workers dwelling meets the tests set out within policies ST07, DM28; the Rural Workers' Dwellings SPD; and the NPPF and is considered to be justified for its countryside location. The remaining planning considerations are considered within the report below.

2.0 Impact on Character and Appearance

2.1 The Local Plan policies on design are relevant - Policy ST04 (Improving the Quality of Development) and Policy DM04 (Design Principles), which both aim to achieve high quality, inclusive and sustainable design.

2.2 Policy ST04 supports development proposal that achieve high quality inclusive and sustainable design to support the creation of successful, vibrant places. Design will be based on a clear process that analyses and responds to the characteristics of the site, its wider context and the surrounding area taking full account of the principles of design found in Policy DM04.

2.3 Policy DM04 supports developments with good design and the policy seeks to guide overall scale, density, massing, height, landscape, layout, materials, access and appearance of new developments. It seeks not just to manage land use but support the creation of successful places and respond to the challenges of climate change. The policy lists 13 design principles that proposals must meet in order to be supported by the policy.

2.4 Policy DM08A states development should be of an appropriate scale, mass and design that recognises and respects landscape character of both designated and undesignated landscapes and seascapes; it should avoid adverse landscape and seascape impacts and seek to enhance the landscape and seascape assets where possible.

2.5 Paragraph 3.25 of the Rural Workers Dwelling SPD relates to the siting of rural worker dwellings and states *"the location of a rural worker's dwelling required in respect of an agricultural holding, should be the most suitable to meet the identified functional need. The siting of any new dwelling, whether temporary or permanent will be expected to be visually as well as functionally related to the main farmstead buildings. A location away from exiting farmstead buildings, accessed separately from those buildings, in an isolated location, remote from the activities it is designed to support or in a visually intrusive location is unlikely to be acceptable."*

2.6 Paragraph 3.33 of the Rural Workers Dwelling SPD relates to design and states *"the design of a new building will need to be appropriate to its location; it should be integrated with the landscape, take account of the characteristics of adjacent buildings."*

2.7 The NPPF also strongly emphasises the need for well-designed places, in which Part 12 of the Framework is solely dedicated to this aim. Paragraph 126 of the NPPF notes 'the creation of high-quality buildings and places is fundamental to what the planning and development proves should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work, and helps make development acceptable to communities'. Part 12 of the framework lists 6 key design principles that are required to be met in order to demonstrate the design is of high quality.

- 2.8 The proposed, single storey, four-bed, six-person dwelling, measure approximately 24 metres in length by 16.9 metres in width, with a maximum eaves height of 3.85 metres and ridge height of 6.6 metres. The dwelling will have a gross internal area of approximately 142 square metres and the garage will have a footprint of 16 square metres.
- 2.9 The proposed development will be constructed from: a mix of stone, render and cladding; natural slate roof; and aluminium and timber windows and doors. The proposal includes the provision of 18 solar panels on the southwest roof elevation.
- 2.10 The landscape character type for the application site is 'Upper Farmed & Wooded Valley Slopes' (3A) and the immediate surrounding landscape is characterised as gentle rolling greenfield hills with tree lined boundaries. The application site measures approximately 0.25 hectares and is located on the hillside, some considerable elevation above that of the main built form of the existing farmstead.
- 2.11 Whilst the Local Planning Authority does not dispute that, given the close proximity, there is some degree of a functional link between the proposed dwelling and the wider farmstead. Nonetheless, the proposed dwelling would be highly visible, from distance views within the wider landscape, given its prominent hillside location and would break the linear built form of the existing farmstead. Consequently, the proposed development would result in the appearance of an isolated and exposed contemporary dwelling, visually divorced from the agricultural farmstead in which it relates and would appear as further encroachment of build form into the open countryside.
- 2.12 The Council raised their concerns with the agent, recommending an alternative sensitive location for the dwelling elsewhere within the farmstead. Alternatively, the applicant amended the scheme to lower the impact of the dwelling in the site by reducing the site level by approximately 4 metres and the provision of tree planting along the southeast boundary. The proposed groundworks would remove approximately 2,300 cubic metres of soil across the site.
- 2.13 Notwithstanding the above, there appears to be some ambiguity between the submitted plans, arising from the appropriate use of the correct drawing conventions. The topographical lines on the proposed site plan, appear to demonstrate that the proposed site slopes from north to south by approximately 2 metres. However, the site section, appears to demonstrate an earth bank boundary with a maximum height of 5 metres from the finished floor level.
- 2.14 It is considered that the proposed cutting of the land would result in a contrived form of development and would still appear as an alien feature in a landscape which consists of rolling greenfield hills. It is the Council's opinion that landscaping schemes should not seek to hide development rather aim to assimilate the development into the landscape and therefore the design response is not supported. Additionally, no detailed landscaping scheme has been provided for consideration at this time.
- 2.15 Taking account all of the above, it is the opinion of the Local Planning Authority that the proposed development conflicts with Policies ST04, DM04, and DM08A of the NDTLP and the Rural Workers Dwelling SPD and a residential dwelling in this sensitive location cannot be supported at this time.

3.0 Impact on Amenity

- 3.1 Policy DM01 of the NDTLP relates to amenity considerations and notes, development will be supported where:
- (a) *It would not significantly harm the amenities of any neighbouring occupiers or uses;*
 - and*
 - (b) *The intended occupants of the proposed development would not be harmed as a result of the existing or allocated uses.*

- 3.2 Policy DM04 also aims to ensure the amenities of existing and future neighbouring occupiers are safeguarded. In addition to this, one of the core principles of the NPPF is to secure high-quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 3.3 The proposal by its very nature is in a rural and isolated location and therefore there are a limited number of residential properties within close proximity in which the proposal might cause amenity issues. The closest neighbouring residential property is located approximately 485 metres to the northwest of the site.
- 3.4 The Councils Environmental Protection Team were consulted on the proposed development and commented "*having regard for the application site, the proximity of the farmstead has the potential to adversely impact residential amenity. However, as the proposed development is ancillary to the farmstead, concerns in relation to the potential amenity impact are negated.*"
- 3.5 Taking account the distance to the neighbour property the scale, design and location of the proposed development are such that there would be no significant adverse impact on the amenities of occupiers of nearby dwellings in terms of overlooking, loss of privacy, dominance, overshadowing, and loss of daylight or sunlight.
- 3.6 The impacts of the proposed development are not considered to be significantly detrimental to visual or residential amenity and would be suitably designed for the intended purposes. The minor scale of the development would not impact significantly on visual amenity or on the neighbouring amenities within the proximity of the site. As such the development, in line with the appropriate conditions, is in accordance with Policies DM01 and DM04 of the NDTLP.
- 4.0 Access, Parking and Highways**
- 4.1 Paragraph 111 of the NPPF advises that development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highways safety, or the residual cumulative impacts on the road network would be severe. In addition, Paragraph 112 notes that development should minimise the scope for conflict between pedestrians, cyclists and vehicles, respond to local character and design standards; allow for the efficient delivery of goods, and access by service and emergency vehicles; and give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas.
- 4.2 Policy ST10 of the NDTLP, sets out the transport strategy for Northern Devon. It aims to reduce the environmental and social impact of transport by ensuring that access to new developments is safe and appropriate.
- 4.3 Policy DM05 of the NDTLP relates to highways and states:
- (1) *All development must ensure the safe and well-designed vehicular access and egress, adequate parking and layouts which consider the needs and accessibility of all highway users including cyclists and pedestrians.*
 - (2) *All development shall protect and enhance public rights of way, footways, cycleways and bridleways and facilitate improvements to existing or provide new connections to these routes where practical to do so.*
- 4.4 In addition to this, Policy DM06 of the NDTLP relates to parking provision and states:
- (1) *Development proposals will be expected to provide an appropriate scale and range of parking provision to meet anticipated needs, having regard to:*
 - (a) *Accessibility and sustainability of the site;*
 - (b) *Availability of public transport;*
 - (c) *Provisions of safe walking and cycle routes; and*
 - (d) *Specific sale, type and mix of development.*
 - (2) *Proposals must encourage the use of sustainable modes of transport through careful design, layout and integration of the existing built form.*

- 4.5 Policy DM28(1)(c) supports proposals for rural workers dwellings subject to the provision of suitable highway access.
- 4.6 Devon County Council Highways were consulted on the proposed development and had no objections subject to the Councils standing advice being met. The proposal will utilise the existing access, which currently serves the existing farm enterprise and residential dwellings on the site. Given the intended occupation of the proposed dwelling it is considered that the proposed development would not significantly increase the volume of traffic to the site.
- 4.7 The proposed dwelling will provide two vehicle parking spaces within the attached garage and suitable turning space to the north of the site.
- 4.8 Taking account the above, the proposed development would provide safe and suitable access and parking arrangements and would not result in an unacceptable impact on highways safety. On this basis, the proposal is in accordance with policies ST10, DM05 and DM06 of the NDTLP.

5.0 Environmental Protection and Drainage

- 5.1 Policy ST03(f) (Adapting to Climate Change and Strengthening Resilience) states that future development should be designed and constructed to take account of the impacts of climate change and minimise the risk to and vulnerability of people, land and property by adopting effective water management including Sustainable Drainage Systems, water quality improvements, water efficiency measures and use of rainwater.
- 5.2 The supporting text of Policy ST03 states that 'all developments will seek to minimise flood risk through the use of Sustainable Drainage Systems and appropriate integration with green infrastructure. Controls to manage surface water runoff should be located as close as possible to where the rainwater drains, providing varying degrees of treatment for surface water through natural processes of sedimentation, filtration and biological degradation.
- 5.3 Policy DM02 of the NDTLP requires that development must not result in unacceptable impacts in relation to the pollution of surface or ground water, whilst Policy DM04 establishes that water management must be addressed by development.
- 5.4 The NPPF and Planning Practice Guidance provide further advice on foul drainage, with a hierarchical approach being used. The Planning Practice Guidance notes that new development should aim to discharge foul water into the public sewer; however, if this not possible then a package treatment plant may be used. However, if a package treatment plant is not possible to use, then a septic tank will be considered. Justification for the use of alternative drainage systems other than mains drainage is required.
- 5.5 The application site is located within Flood Zone 1 (low probability) and therefore is considered to having a less than 1 in 1,000 annual probability of river or sea flooding. The proposed development is to be served by a new package treatment plant, discharging to a drainage field. The Environmental Protection Team were consulted and commented *"the proposed dwelling is to be served by a new package treatment plant discharging to a drainage field. The percolation test results provided indicate that the ground has suitable permeability and sufficient land is available to accommodate the proposed foul drainage scheme. The Environmental Protection Team is satisfied that the proposed development will be served by a suitable non-mains foul drainage scheme."*
- 5.6 The proposed drainage scheme includes the provision of a surface water soakaway to the southeast of the site, measuring approximately 5 square metres. The foul drainage is to be dealt with via a package treatment plant, located along the eastern boundary discharging to a drainage trench to the north measuring approximately 6 metres in length by 2 metres in width (12 square metres).

6.0 Impact on Wildlife and Ecology

- 6.1 Local Planning Authorities have a statutory duty to ensure that the impact of development on wildlife is fully considered during the determination of a planning application under the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, the Conservation of Habitats and Species Regulations 2010 (Habitats Regulations 2010). This is further reinforced within NDTLP through Policies DM08 and ST14 which state that all developments must ensure that the importance of habitats and designated sites are taken into account.
- 6.2 The local planning authority also has a duty under Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 to have regard to biodiversity in exercising its functions. This duty includes the requirement to have regard to protected species.
- 6.3 Development proposals should avoid adverse impacts on existing features as a first principle and enable net gains by designing biodiversity features and enhancements and opportunities for geological conservation alongside new developments, however where adverse impacts are unavoidable they must be adequately and proportionately mitigated.
- 6.4 A wildlife trigger list was submitted with the planning application, which indicated that further Ecological Impact Assessment is required due to the application site being greater than 0.1 hectares. An Ecological Appraisal (reference: PES/1693) was carried out by Penpont Ecology Services Ltd, and submitted to the Council for consideration, received 21st September 2023.
- 6.5 The Report concluded that *“the site is evaluated as being of low ecological value, and no further survey work is required. The proposed development provides an opportunity for biodiversity net gain. This gain is calculated and demonstrated by use of the Defra Metric Tool. The delivery strategy is based on replacement of poor-quality grassland with vegetated gardens, native tree planting, the creation of new hedges and enhancement of the existing hedge.”*
- 6.6 Taking account the above, the proposed development is considered to be in accordance with Policies ST14 and DM08 of the NDTLP and the statutory legalisation, as outlined above. In the event of an approval, a planning condition could be attached, requiring the ecological enhancements to be implemented prior to the first occupation to ensure compliance with the recommendations set out in the report.

7.0 Conclusion

- 7.1 For the avoidance of doubt, I can conclude that the principle of development is considered to be acceptable, given there is a clear and established need for an agricultural worker's dwelling, to be occupied by a business partner of the farming enterprise in which it is located.
- 7.2 Nonetheless, it is the opinion of the Local Planning Authority that, as a result of its location, setting and design, the proposed dwelling would appear as an isolated and exposed contemporary dwelling in the countryside.
- 7.3 Moreover, the mitigation proposed would result in a contrived form of development and has been considered to be an unsympathetic and inappropriate design response to concerns raised to the impact to the sensitive countryside setting.
- 7.4 Consequently, the proposed scheme would result in a visually intrusive and unsympathetic residential accommodation unit in the open countryside, conflicting with Policies ST04, DM04 and DM08A of the North Devon and Torridge Local Plan; the Rural Workers Dwelling Supplementary Planning Document; and Part 12 of the National Planning Policy Framework.

Human rights

Consideration has been given to the Human Rights Act 1998.

Recommendation

REFUSE, for the following reasons:

- 1 In the opinion of the Local Planning Authority, the proposed development is considered to not be appropriate or sympathetic in terms of siting, location, design, appearance and relationship to the existing buildings and wider landscape impact. The proposed development is therefore contrary to Policies ST04 (Improving the Quality of Development), DM04 (Design Principles), DM08A (Landscape and Seascape Character) of the North Devon and Torridge Local Plan, the Rural Workers Dwelling Supplementary Planning Document, and the National Planning Policy Framework.

Plans Schedule

<u>Reference</u>	<u>Received</u>
0571 - 02	21.09.2023
0571 - 04	21.09.2023
05571-03 A	08.11.2023
0319-01 B	08.11.2023

Statement of Engagement

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF) in dealing with this application, the Council has worked with the applicant in the following and positive and proactive manner. We have made available detailed advice in the form of our statutory policies in the Development Plan, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably. In such ways the Council has demonstrated a positive and proactive manner in seeking solution to problems arising in relation to the planning application.

In this instance the applicant did not enter into pre-application discussions with the Council and whilst the Case Officers engaged early with the agent, acting on behalf of the applicant, in providing feedback on the proposed siting, design and location of the dwelling, it was considered that the amendments were not appropriate to override the concerns raised with respect to the impact on the open countryside. Additionally, further clarity was sought on a number of inconsistencies with the proposed plans, however these ambiguities were not amended or clarified.