



## Agricultural Building at SX 766 533 Moreleigh



Charity No 263985

Registered Address: 20 Highfield Drive, Kingsbridge, Devon TQ7 1JR  
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**PLANNING APPLICATION REF: 0663/23/FUL**

**Description: Erection of agricultural/ equestrian building (part retrospective) and use of the site for mixed agriculture/ equestrian.**

**Address: Agricultural Building at SX 766 533 Moreleigh**

5<sup>th</sup> April 2023

## **LETTER OF OBJECTION FROM THE SOUTH HAMS SOCIETY**

### **The South Hams Society interest**

For the last 60 years, the South Hams Society has been stimulating public interest and care for the beauty, history and character of the South Hams. We encourage high standards of planning and architecture that respect the character of the area. We aim to secure the protection and improvement of the landscape, features of historic interest and public amenity and to promote the conservation of the South Hams as a living, working environment. We take the South Devon Area of Outstanding Natural Beauty very seriously and work hard to increase people's knowledge and appreciation of our precious environment. We support the right development - in the right places - and oppose inappropriate development.

The Society has reviewed the planning application and planning history for this development site.

The application description is confusing. The application is not referenced to the planning application that approved an agricultural building at the location (0371/21/FUL). The application also states that it is part retrospective.

The Society refer to the Design and Access Statement where it is stated:

#### ***'BACKGROUND***

*The Applicants own Island Yard Barns which comprises a yard area and 40.6 acres of pasture. Formally, the land was farmed part of a wider agricultural holding and was owned by the Applicants father, Mr Colin Finch, who submitted a planning application in 2021, to South Hams District Council for the provision of an agricultural storage building, the application was approved under planning reference 0371/21/FUL. **The building was then constructed within the yard area, however was sited further to the south west than the approved plans with the addition of roller shutter doors.***

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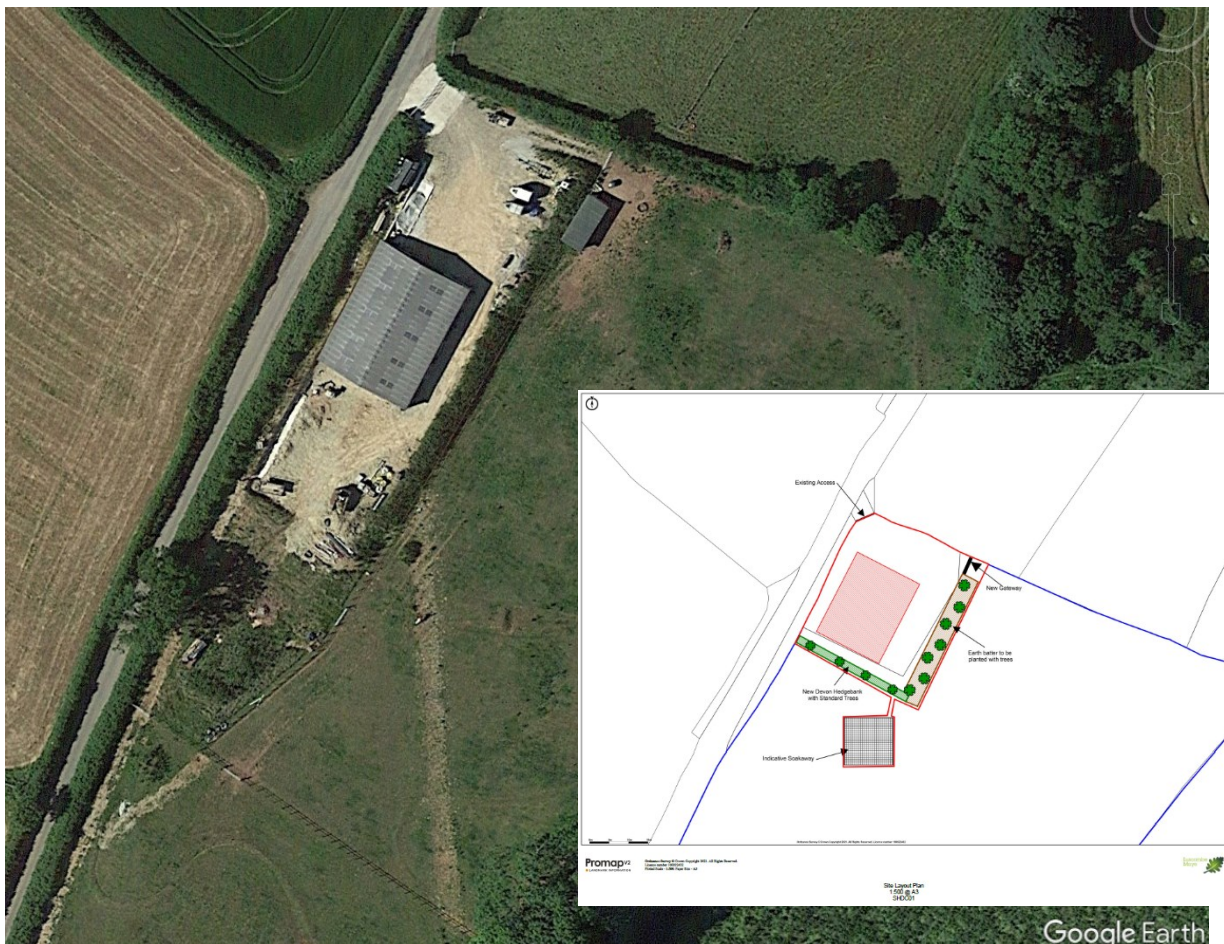
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*The land together with the building has since been transferred into the Applicants ownership and they wish to regularise the siting of the building and the use of the building for agricultural and equestrian use. Therefore this Part-Retrospective application seeks consent to regularise the building as built for agricultural/equestrian use'.*

This statement would suggest that the applicant relies on the approved application 0371/21/FUL, and seeks to regularise the changes made. The application description should have contained the link to the previous planning approval.

The location of the building is a considerable distance from the approved location and it impossible to state that this error was a mistake. It is not built within the 'yard area'.

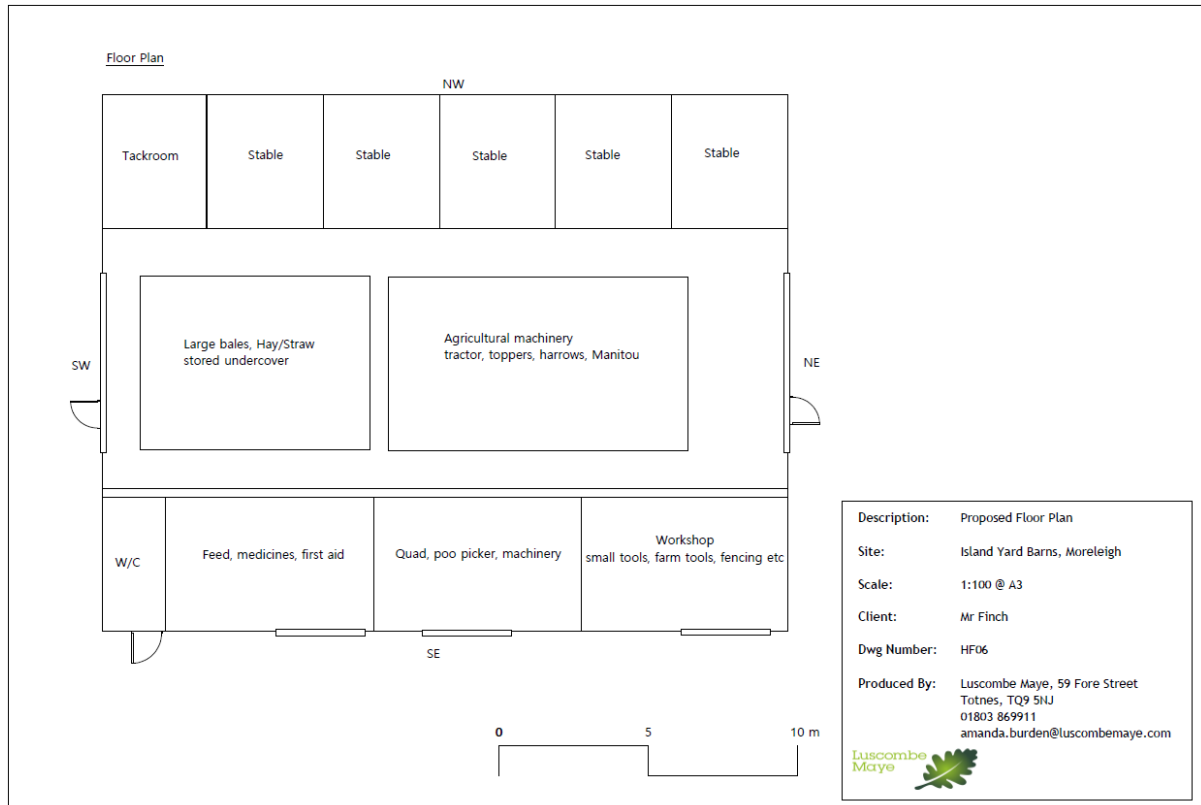


The Society notes that the building appears to be of the size approved and therefore we conclude that the application does seek to regularise the changes.

It is therefore important to consider the approved planning application decision notice (0371/21/FUL).



We have looked at the proposed floor plan and can see that there are significant equestrian facilities within the layout.



As a result the Society is of the opinion that the approval of this application would be in breach of Planning condition 3 of the decision notice for planning application 0371/21/FUL.

Condition 3.

***The building hereby permitted shall be used only for agricultural purposes as defined in Section 336(1) of the Town and Country Planning Act 1990.***

*Reason: To ensure that the site is only used for agricultural purposes to protect the amenities of the rural area where there is a policy of restraint.*

We refer to section 336(1) of the Town and Country Planning Act 1990:

*“agriculture” includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and “agricultural” shall be construed accordingly.*

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We note that there is an additional stables building outside the application site without planning permission.

The Society can find no evidence of any historical use of the three larger fields that the applicant holds for cattle or sheep grazing. Those fields have consistently been used for cropping.

The Society also consider that this statement from the Design and Access Statement, *'The building will also be utilised for equestrian storage and for the stabling for the Applicants 5 horses'*, if approved, would authorise the building for livestock use, with the building located within the 400 metres protection zone of protected dwellings (250 metres to the closest).

The location is visually prominent from the road network to the east.

The Society consider that it is unacceptable conduct:

- To ignore a planning approval decision by constructing the agricultural building in the wrong location,
- To propose breaching planning condition 3 of planning application 0371/21/FUL, which restricts use to agriculture considered acceptable within policy TTV26 of the Joint Local Plan (development in the countryside),
- To effectively change the building into a livestock building within 400 metres of the curtilage of a protected building.

We cannot find any supporting evidence of agricultural activity to support this application and believe the proposal and the field adjacent to the site comprise a change of use from agricultural to equestrian. The Society therefore objects to this planning application.

For and on behalf of the South Hams Society.

Richard Howell,  
Chairman