



**PLANNING REF: 1041/24/FUL**

**DESCRIPTION: Creation of a new agricultural access**

**ADDRESS: Land at SX 755 380 East Portlemouth.**

19<sup>th</sup> April 2024

## **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 South Hams Society is **objecting** to this planning application.

The application is for a new access. However this has to be seen as part of the previously advertised development '*Application to determine if prior approval is required for an agricultural storage building for storing grain, seed and fertilisers 32m x 18.28m x 9.06m height to ridge*' (0502/23/AGR) given that the access will serve that development.

The Society questioned the original decision because we believed that the development would exceed the 1,000 square metre limit referred to in PART 6, Agricultural and forestry, Class A – agricultural development on units of 5 hectares or more, Development not permitted, paragraph A.1 e) (i).

This new application brings the previous decision further into question.

In the Case Officer report under the heading of '*Principle of Development/Sustainability*' the Case Officer states:

*'The development is permitted under Part 6 of the T & C (General Permitted Development) Order 2015 as amended.*

**The proposal does not fall within any of the categories in Part 6 A.1 (a) to (k) which outlines development that is not permitted'.**

Development not permitted

A.1 Development is not permitted by Class A if —

***(h) any part of the development would be within 25 metres of a metalled part of a trunk road or classified road;***

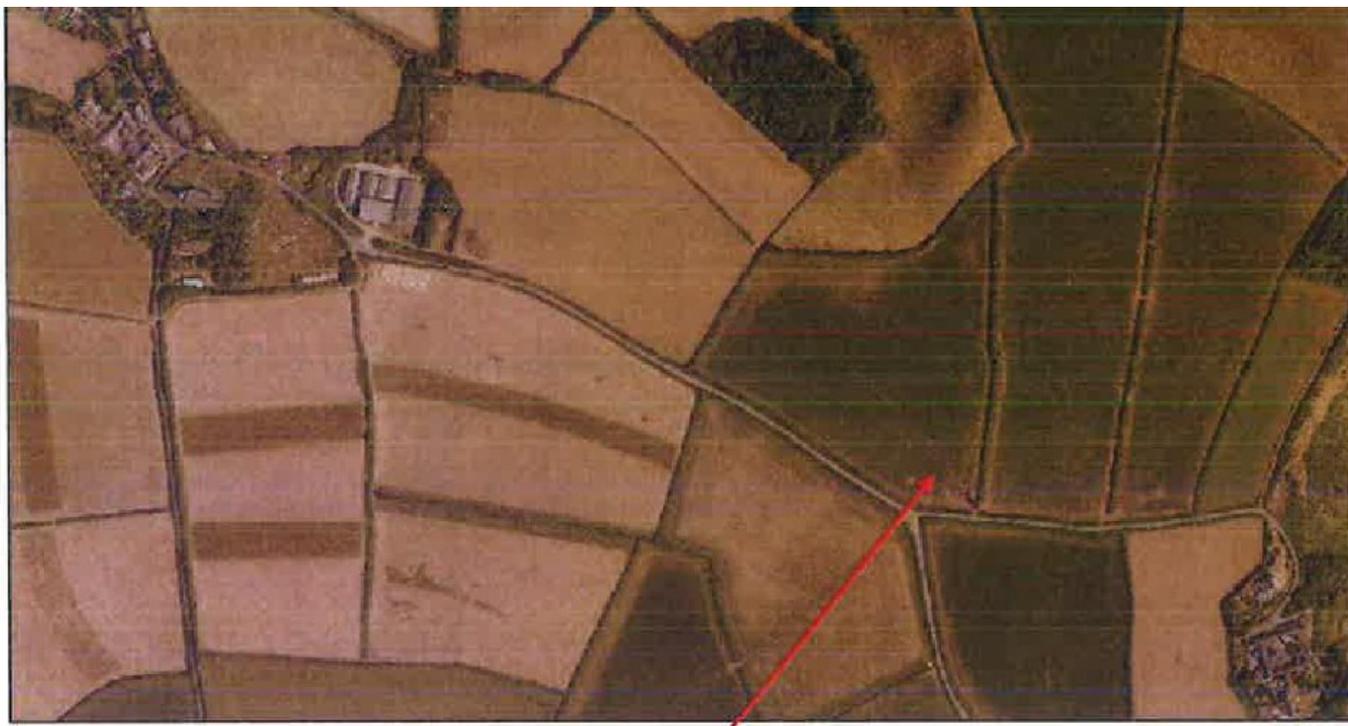
Charity No 263985

Registered Address: 20 Highfield Drive, Kingsbridge, Devon TQ7 1JR  
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If officers considered that to be the case, why would the applicant have now have to submit a full planning application for the new access required for that permitted development?

This is the same access submitted for the 'Application to determine if prior approval is required' 0502/23/AGR.

Design and Access Statement (0502/23/AGR):



Application Site

### 3.0 Transport & Highways

The farm is situated close to East Portlemouth being under half a mile to the south of the village centre. At present the proposed site benefits from an existing access point from the P classified road to the south-east. The current access is situated off a narrow lane, which would be impractical for access by lorries.

Therefore, the applicant has proposed that an alternative 7.62 m wide access be created just off the C classified road to the south of the site, which is a wider better-quality road and by choosing to come off the road by the junction has comparatively good sight lines and sufficient turning space for turning off the road with 30 tonne articulated grain lorries or 45 foot curtain sider lorries which are the norm now for transporting grain or seed and fertiliser. It will relieve some of the traffic problems currently encountered by using the narrow Rickham Lane down to the present farm buildings. The plans involve a considerable net gain in Devon banks and hedges over and above that lost by creating the new opening but in addition the applicant would be prepared to block the current access up if required.

For the site owner to now be required to submit a planning application for access at the very same location as for the AGR application, it can only mean that the previous application was incorrectly assessed and the development of the agricultural building cannot now be permitted development by virtue of Part 6 A.1 (h).

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The site owner has already stated that he requires this new access to serve the permitted development that is to be built.

It therefore must follow that a full planning application is required for the development because it cannot qualify as permitted development.

There is nothing within the legislation that allows you to obtain permitted development rights through circumventing the legislation by first obtaining planning permission for only a part of the total development which, were it to be considered in its entirety, would no longer qualify as permitted development.

The LPA should therefore refuse this planning application.

The Society is also concerned that the location chosen is at the highest point on the peninsula east of the Salcombe to Kingsbridge estuary at 134 metres. The class 'C' road network in this area to the south of the A379 is unsuitable for the intended vehicles, and such vehicles are degrading the South Devon Area of Outstanding Natural Beauty's narrow lane hedgerows.

For and on behalf of the South Hams Society

Richard Howell

Chairman.