



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: 3295/23/FUL

Description: Agricultural Building

Address: Agricultural Building at SX 766 533 Moreleigh

15th November 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.

This is the second application for a barn at the same location this year. The last application was to legalise an agricultural barn built in the wrong location to be used for equestrian purposes (*0663/23/FUL Agricultural Building as SX 766 533 Moreleigh*).

The Society wishes to object to this application because of the accumulative effects of barns in this area.

According to the applicant's Design & Access Statement the applicant 'owns approximately 7 1/2 acres immediately surrounding the proposed site comprising of three fields as well as a further approximately 44 acres in the local area.'

Yet no evidence has been offered as to why this location is the only suitable site for this general purpose agricultural building.

Given that the building is supposedly needed '*to store fodder, bedding and machinery in order that the applicant can properly care for his animals and ensure no weather damage is caused to his machinery*', and the agent makes the point that it needs to be '*easily accessible*', it would surely be more logical were it to be located where the majority of the applicant's agricultural activities are carried out.

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Certainly, by siting it away from the main body of land machinery will inevitably have to travel more often along the public highway, potentially adding to congestion and certainly increasing emissions.

In addition, the claim that the building is needed to store silage is certainly surprising. For both health and safety reasons no farmer would store silage in an enclosed space. Arguably insufficient information has been provided to determine this application.

The applicant should be asked to identify the other block of land he owns (the 44 acres) and explain why it would not be possible to site the proposed building there. Similarly details of the machinery owned should be provided, as well as confirmation that the applicant is the actual owner of 40 sheep, rather than merely allowing another farmer to graze his land.

At this point the Society would refer the case officer to Appeal Ref: APP/K1128/W/22/3304261, Land at SX 690 402, Galmpton, Kingsbridge TQ7 3EY (attached).

As the Inspector noted:

4. Policy DEV15 of the Local Plan1 permits forms of development which support the rural economy, including that which meets the essential needs of agriculture or forestry interests. Similarly, Policy TTV26 enables development which responds to a proven agricultural, forestry and other occupational need that requires a countryside location. The test is therefore whether there is a proven agricultural need for the proposed dwelling.

The Inspector went on to say:

5. ...For example, it is not made clear why machinery needs to be kept on the site and exactly what it would be used for.

Regrettably the landscape has already been degraded by the erection of an agricultural storage building (0371/21/FUL) in the field immediately to the southwest.

Consent for this building was specifically conditioned:

*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.

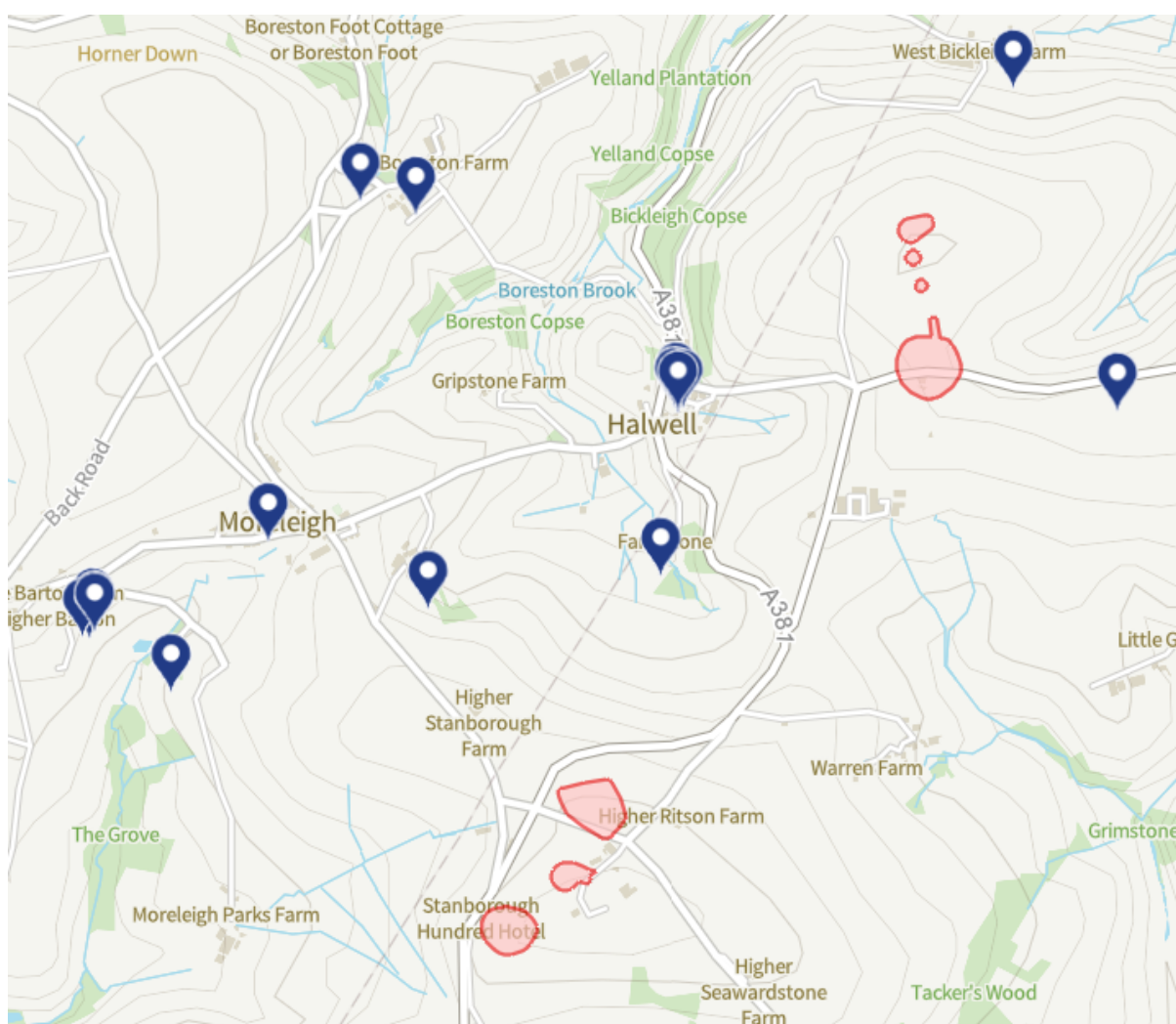
However a mere two years later a retrospective application (0663/23/FUL) was received to permit the building to be used for equestrian purposes that is a breach of the planning condition 3 of planning permission 0371/21/FUL.

Indeed it is questionable as to whether it was ever actually used for purely agricultural purposes – the keeping of horses is not considered an agricultural activity.

Surprisingly the LPA acquiesced to this request, allowing the building to remain and be used for a purpose for which consent is unlikely to have been originally given.

The landscape surrounding Halwell has been harmed by visually prominent development in recent years. All this development is depressingly obvious from the main routes of the A381 and A3122.

On the highest hills to the west are the Scheduled Monuments of Stanborough Camp (Iron Age hillfort and bowl barrow), the Ringwork and motte, the Round barrow cemetery known as Ritson Barrows, the Hillfort and two bowl barrows at Halwell Camp and the Four bowl barrows at Bickleigh Brake, forming part of a linear round barrow cemetery.



This agricultural barn would be yet another visually prominent building in this historic landscape setting.

Consequently the Society is of the view that unless a genuine agricultural need for this development in this location can be clearly demonstrated, the application should be refused.

For and on behalf of the South Hams Society.

Richard Howell,
Chairman

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Appeal Decision

Site visit made on 8 June 2023

by C Cresswell BSc (Hons) MA MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 July 2023

Appeal Ref: APP/K1128/W/22/3304261

Land at SX 690 402, Galmpton, Kingsbridge TQ7 3EY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Grayson against the decision of South Hams District Council.
 - The application Ref 3951/21/FUL, dated 18 October 2021, was refused by notice dated 4 March 2022.
 - The development proposed is described as "replacement agricultural barn (part retrospective) resubmission of 0882/21/FUL".
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues in this case are:
 - whether there is an agricultural need for the proposed development.
 - whether the proposed development would comply with policies which seek to manage the risk of flooding.
 - the effect of the proposed development on the character and appearance of the South Devon Area of Outstanding Natural Beauty (the AONB).

Reasons

Agricultural need

3. On my visit I saw an area of concrete hardstanding on the site of the proposed agricultural building, but otherwise the land is open undeveloped. While I am informed that there used to be a barn on the site, the photographs provided by the Council indicate that the proposed agricultural building would be a larger and more substantial building than the previous structure. As such, it is not a like-for-like replacement of what formerly existed.
4. Policy DEV15 of the Local Plan¹ permits forms of development which support the rural economy, including that which *meets the essential needs of agriculture or forestry interests*. Similarly, Policy TTV26 enables development which responds to a *proven agricultural, forestry and other occupational need that requires a countryside location*. The test is therefore whether there is a proven agricultural need for the proposed dwelling.

¹ Plymouth and South West Devon Joint Local Plan 2014-2034

5. I saw on my visit that the land is being used to keep sheep and I understand that the proposed building would be used by a tenant farmer to store animal feed and machinery in connection with this activity. However, although I am informed that there can be up to 45 sheep on the site in spring, very little additional evidence has been provided to explain why there is an agricultural need for the proposed building. For example, it is not made clear why machinery needs to be kept on the site and exactly what it would be used for. Nor is it clear what the current arrangements are for managing the site or how business operations may be compromised without the proposed building. In the absence of more detailed information on these matters, I am unable to determine that there is an essential need for the development.
6. I therefore conclude on this issue that an agricultural need has not been demonstrated. For the reasons given above, the development would not be supported by Policies DEV15 or TTV26 of the Local Plan. Nor would it be supported by Policy DEV24 which enables agricultural development that meets the objectively assessed needs of the local community.

Flooding

7. The flood risk assessment provided by the appellants indicates that the majority of the site is situated within Flood Zone 1, with a smaller area being within Flood Zone 3. However, the Environment Agency has subsequently confirmed (in its letter dated April 2023) that most of the site is within Flood Zone 3 with the remainder being in Flood Zone 2. Having reviewed the mapping data provided, I am satisfied that this is the case.
8. The Framework² says that a site-specific flood risk assessment should be provided for all development in Flood Zones 2 and 3. While the appellants have provided a flood risk assessment, it is relatively short on technical detail and appears to be based on national mapping data rather than a bespoke survey of the site. Indeed, a comparison of the information provided by the appellants and the advice contained within the PPG³ in relation to site-specific flood risk assessments (including the checklist) leads me to conclude that there are a number of unanswered questions. For instance, the evidence does not clearly discount the possibility of the development increasing flood risk elsewhere in the vicinity. In the absence of such information, I am unable to verify with sufficient certainty that the proposed building would comply with the criteria set out in paragraph 167 of the Framework, which govern whether or not development should be permitted in the flood zone.
9. Furthermore, very little evidence has been provided to inform a sequential test, which is another requirement of the Framework. Although paragraph 168 of the Framework says that certain types of 'minor development' are exempt from the sequential test, the proposed agricultural building does not fall under the definition of minor development as defined in footnote 56. Without more detailed information about the agricultural activity on the site and the nature of the land holding, I am unable to rule out the possibility that the proposed building could be located outside the flood zone. Even if the proposed site is the most sustainable location for the building, this needs to be demonstrated through the application of the sequential test.

² National Planning Policy Framework, July 2021

³ National Planning Policy Guidance (Flood Risk and Coastal Change) as updated on 25 August 2022

10. Paragraph 163 of the Framework says that if it is not possible for development to be located in areas with a lower risk of flooding, the exception test may also have to be applied. In this case, the proposed agricultural building would be a 'less vulnerable' form of development and so (according to Table 2 of the PPG) could be located in Flood Zone 3a without the need for an exception test. However, I agree with the Environment Agency's view that the appellants' flood risk assessment is not sufficiently detailed enough to establish whether the site is within Flood Zone 3a or 3b. In any case, the exception test is only of relevance once the sequential test has been completed.
11. I therefore conclude on this issue that the proposed development would not be in compliance with policies which seek to manage the risk of flooding. This includes Policy DEV35 of the Local Plan, which reflects the national guidance contained within the Framework and the PPG. The proposal would also conflict with Policy SH Env 7 of the South Huish Neighbourhood Development Plan 2019 to 2034 in this respect.

Character and appearance

12. The site is situated outside the small settlement of Galmpton in area that is mainly characterised by open fields, hedgerows and mature trees. It is a distinctly agricultural landscape which forms part of the South Devon AONB. According to the Framework, such landscapes have the highest status of protection in relation to their scenic beauty.
13. Although the proposed barn would be relatively sizeable, it would be positioned at the bottom of a valley where it would not be widely exposed within the landscape. While the building would be seen from the rear of some properties to the north, it would sit low in the field where its form would be softened by existing vegetation as well as the proposed new planting. Views of the building from the public footpath to the east of the site would be further disrupted by intervening vegetation which would lessen its visual impact. Moreover, the presence of an agricultural building in an area that is dominated by farming would be in general keeping with the nature of the surroundings.
14. I therefore conclude on this issue that the proposal would have an acceptable effect on the character and appearance of the South Devon AONB. There would be no conflict with Policies DEV23 and DEV25 of the Local Plan which aim to protect landscape quality. This includes the Undeveloped Coast and Heritage Coast landscapes.

Conclusion

15. The Local Plan and Framework both seek to support the rural economy, including small farming enterprises. However, the proposal must be viewed against the background of long established planning policies which seek to control development in the open countryside and within areas which are prone to flooding. In recognition of this, the development requires an appropriate level of scrutiny. For the reasons given above, insufficient evidence has been provided to show that the proposal would be compatible with the relevant policies. I therefore conclude that the appeal should be dismissed.

C Cresswell

INSPECTOR