

COLY VALLEY  
(Colyton)

08/0382/FUL

Target Date: 2 June 2008

Applicant:

Mr R Williams

Location:

Land at Whitwell Farm  
Whitwell Lane  
Colyton  
Devon  
EX24 6HS

Proposal:

Amended design and materials to agricultural workers dwelling

## **CONSULTATIONS**

### County Highway Authority

Initial response 2 May 2008

The application states that the reserved matters approval was commenced in 1982 and that this submission seeks a change in design and materials. If this is the case then I assume the highway/transport implications of an agricultural workers dwelling in this location have already been assessed and accepted, and therefore no highway objection would be raised.

Recommendation:

The Director of Environment, Economy and Culture, on behalf of Devon County Council, as local highway authority, has no objection to the proposed development.

Further response dated 14 May 2008

I understand from the Planning Officer that this application has no agricultural justification attached. Under such circumstances the highway/transport implications should be reviewed.

While it could be argued that journeys to work would cease as a result of the development, other traffic movements, such as access to education, other employment, retail, health, recreation, and trips by visitors, servicing and deliveries, have to be considered. The site is remotely located where the use of private vehicles is likely to prevail and the use of more sustainable modes of transport is unlikely to be an option.

In transport terms the development proposal is objectionable for the reason given below. However, I am mindful that there may be other Development Plan policies that support this proposal, and therefore I believe it must be largely a planning matter as to whether or not this is an appropriate location for this type of development, in the light of balancing the policies and government guidance in respect of this development proposal. If there are over-riding policies and support for the development proposal and the agricultural case has been satisfactorily substantiated, then the highway objection to this particular aspect would be withdrawn, but in this instance it would appear that no agricultural case has been substantiated.

The access to the site appears satisfactory. While the approach roads to the site are not ideal in terms of width and alignment, I do not consider the additional traffic generated by a single dwelling would have a material impact on the road network.

Recommendation:

The Director of Environment, Economy and Culture, on behalf of Devon County Council, as local highway authority, recommends that permission be refused for the following reason:-

The proposed development would be located where it is remote from adequate services, employment, education, public transport etc., and would therefore increase the need for travel by private vehicles contrary to Policies TR2 and TR5 of the Devon County Structure Plan.

### **TOWN/PARISH COUNCIL**

Colyton Parish Council has no objection to this application providing LBC regulations are adhered.

### **WARD MEMBER(S)**

No comments received

### **REPRESENTATIONS**

No representations received

### **RELEVANT PLANNING HISTORY**

<b>App.No:</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
82/P0242	Approval of reserved matters for bungalow and garage	Approved	18.03.1982
80/P0024	Bungalow (outline pp)	Approved	23.05.1980

### **PLANNING POLICIES**

#### **Government Guidance**

PPS 1 - Delivering Sustainable Development  
PPS3 - Housing  
PPS7 - Sustainable Development in Rural Areas  
PPG13 – Transport  
PPS23 – Planning and Pollution Control

#### **Devon Country Structure Plan (2001-2016)**

ST1 (Sustainable Development)  
ST4 (Infrastructure Provision)  
ST5 (Development Priority 2001 - 2016)  
ST16 (Local Centres and Rural Areas)  
CO1 (Landscape Character and Distinctiveness)  
CO4 (Areas of Great Landscape Value)  
CO6 (Quality of New Development)  
CO11 (Conserving Energy Resources)  
CO13 (Protection of Water Resources and Flood Defences)  
CO14 (Conserving Agricultural Land)  
TR2 (Co-ordinating Land Use / Travel Planning)  
TR5 (Hierarchy of Modes and Transport Assessment)  
TR10 (Strategic Road Network and Roadside Service Areas)

## East Devon Local Plan (1995-2011)

S5 (Countryside Protection)  
S7 (Infrastructure Related to New Development)  
D1 (Design and Local Distinctiveness)  
D2 (Sustainable Construction)  
D4 (Landscape Requirements)

## Supplementary Planning Guidance

### **SITE LOCATION AND DESCRIPTION**

The site is located within the open countryside just off Whitwell Lane, and sited adjacent to the entrance driveway serving Whitwell Farm, and the associated holiday accommodation on the site.

### **PROPOSED DEVELOPMENT**

This application sought planning permission for what is described on the application form as 'Agricultural Workers Dwelling (amended design and materials)'. It was submitted as a full planning application, and sought an amended design for a dwelling that had been previously approved and commenced in 1982. That approval related to a reserved matters application for the erection of an agricultural workers dwelling.

The applicant's agent submitted a design and access statement, however declined to submit a further agricultural appraisal, stating that "*We accept that it will be necessary to obtain full planning permission for the dwelling over again but the amendments do not seek to change the building's footprint and we are accordingly not required to substantiate the need for the dwelling a second time*"

### **CONSIDERATIONS AND ASSESSMENT**

This application is now the subject of an appeal to the Planning Inspectorate on the basis that the application was not determined within the statutory period. There is some confusion about whether the application was registered or not, with the Council initially not registering it without an agricultural appraisal, and then accepting it. Irrespective of this, Members views are sought as to whether planning permission would have been granted had a decision been taken.

The application site is the same as that which was granted outline planning permission for an agricultural workers dwelling in 1980, and reserved matters approval was granted in 1982. This application was implemented, in that foundations were constructed, however the building has not been completed. This approval thus remains extant and the dwelling approved under the 1980/82 consent can be fully implemented, and the occupier would have to comply with the conditions imposed on that approval.

The appellant's agent is of the view that because the dwelling previously approved and commenced on site was permitted with an agricultural justification, and an appropriate condition imposed, then this application should be approved without any further justification. This is not the view that is taken by Officers. Bearing in mind the length of time since the original approval, and the fact that the approved dwelling was not completed and occupied, Officers are concerned that the agricultural need for the dwelling no longer exists. Despite being requested, an up to date agricultural appraisal has not been forthcoming, and as such it is considered that the application should be determined on the basis of the information supplied.

The application is for a new dwelling, albeit one that occupies an identical footprint as that previously approved. The fundamental difference between that which was approved and the current application is that there is no agricultural justification for the dwelling now proposed. If the Council were minded to grant the application as submitted it would not be reasonable to impose an agricultural occupancy condition under the provisions of Circular 11/95. Such a condition could only be imposed where an assessment of the need for an agricultural worker to reside on site had been undertaken, and had found to be necessary. No such appraisal has been undertaken in respect of the dwelling now proposed.

Effectively by granting the application the Council would be allowing the construction of a new dwelling in the countryside, without any agricultural justification, and without any agricultural tie.

## **CONCLUSIONS**

New residential development will only be permitted in the open countryside where it is requisite for agricultural purposes, or where there are other material considerations that would outweigh the normal planning policies. No justification for the new dwelling in this respect has been forthcoming. It has been suggested that the revised design of the dwelling would be an improvement on that which has permission, which may well be the case, but this in itself is not a reason to allow an unfettered approval for a new dwelling in the countryside.

## **RECOMMENDATION**

Had the Council been in a position to determine the application it would have REFUSED it for the following reason(s)

1. The proposed dwelling is situated in the open countryside and is located within an Area of Great Landscape Value. No justification, on agricultural, forestry or any other grounds, has been provided to demonstrate that there is an essential need for a dwelling on the site, nor has the financial viability of the unit been established or definitively projected. As such the proposal is contrary to national and local planning policy and guidance relating to the protection of the countryside from inappropriate development, as set out in PPS1, PPS3, and PPS7, Policies ST1 (Sustainable Development), ST5 (Development Priority) and CO4 (Areas of Great Landscape Value) of the Devon Structure Plan 2001 – 2016, and Policies S5 (Countryside Protection), D1 (Design and Local Distinctiveness) and EN2 (Areas of Great Landscape Value) of the East Devon Local Plan 1995 – 2011.
2. The proposed development would be located where it is remote from adequate services, employment, education, public transport etc., and would therefore increase the need for travel by private vehicles contrary to Policies TR2 (Co-ordinating Land Use / Travel Planning) and TR5 (Hierarchy of Modes and Transport Assessment) of the Devon Structure Plan 2001 – 2016.
3. In the absence of the proposal containing any mechanism for the provision of contributions towards open space within the area, the development would be likely to add unreasonable pressure on the local infrastructure, contrary to the provisions of Policy S7 (Infrastructure Related to New Development) of the adopted East Devon Local Plan 1995 - 2011, and Policy S1 of the Devon Structure Plan 2001 - 2016.

## **List of Background Papers**

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