

PLANNING COMMITTEE AGENDA - 26th May 2021

Applications of a non-delegated nature

<u>Item No.</u>	Description
01.	20/01991/FULL - Erection of an agricultural workers dwelling at Land at NGR 288335 107070, Road from Redyeates Cross to Hayne Cross, Cheriton Fitzpaine. RECOMMENDATION Grant permission subject to conditions.

Application No. 20/01991/FULL

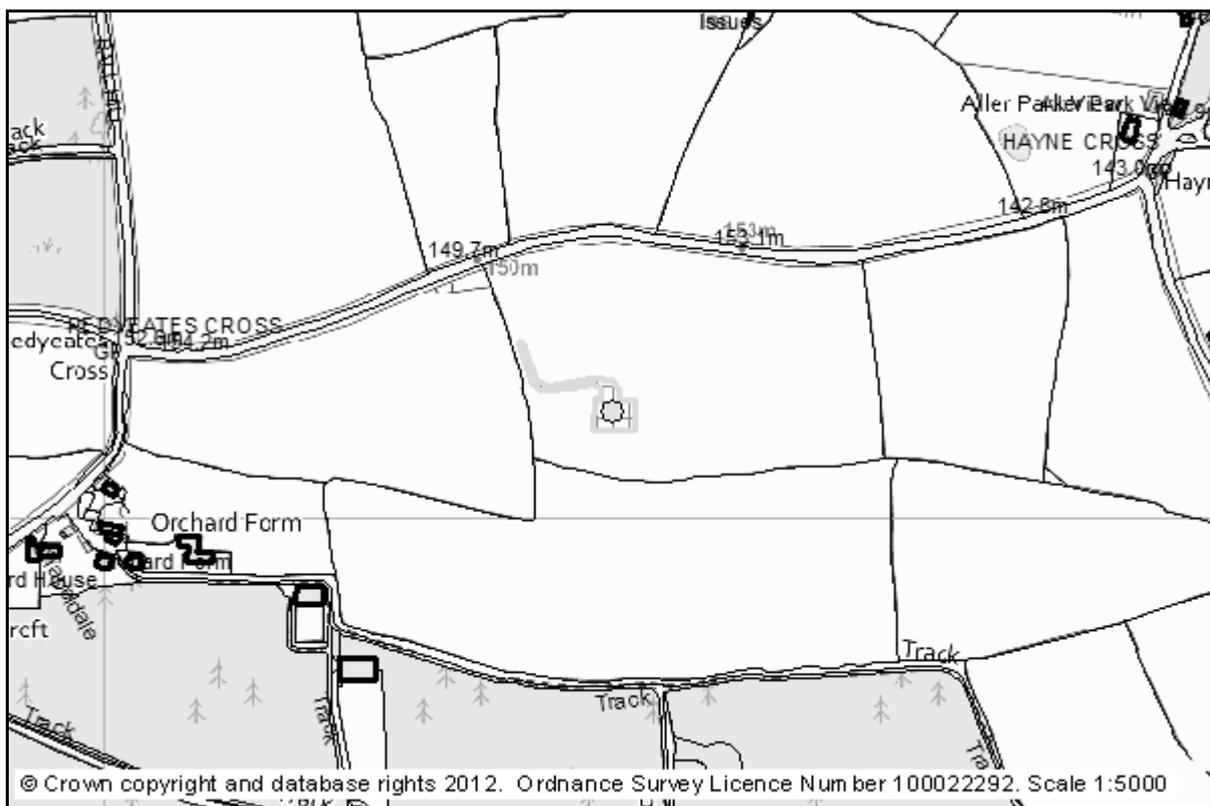
Grid Ref: 288383 : 107104

Applicant: Mr and Mrs Thorne

Location: Land at NGR 288335 107070
Road from Redyeates Cross to Hayne Cross
Cheriton Fitzpaine
Devon

Proposal: Erection of an agricultural workers dwelling

Date Valid: 30th November 2020



APPLICATION NO: 20/01991/FULL

MEMBER CALL-IN

This application has been called in by Councillor Colthorpe on the following grounds:

To consider whether the development is contrary to policy, the justification for the dwelling and whether it is commensurate with the scale of the agricultural operation.

RECOMMENDATION

Grant permission subject to conditions

PROPOSED DEVELOPMENT

The applicant seeks planning permission for the erection of an agricultural workers dwelling on land at NGR 288335 107070, Road from Redyeates Cross to Hayne Cross, Cheriton Fitzpaine. The proposal includes the creation of an extended entrance drive and a private garden space. The dwelling would be constructed with the front elevation facing north, with vehicle parking to the side with a garden curtilage proposed.

The two storey dwelling would be in the form of two wings with a central link, having 4 bedrooms and an internal floor area of 180 square metres with accommodation over the two floors. The dwelling would have a height to eaves of 4.5m and an overall height of approximately 6.9 metres. In terms of materials for the dwelling, there would be natural stone walls up to the first floor and after the use of Larch/ Cedar/ Cedral horizontal weatherboarding on the exterior finish. The proposed materials would include Velfrac (or similar) windows and doors and a natural slate roof.

It has been outlined in the submission that the applicant is a mixed arable and livestock farmer, currently growing fruit, vegetables and cereals, rearing sheep and cattle and operating from Thornes Farm.

APPLICANT'S SUPPORTING INFORMATION

Completed application form, Plans, Agricultural Appraisal, Supplementary Justification to Agricultural Appraisal, Design and Access Statement, Foul Drainage Assessment Form, Wildlife Trigger List, Surface Water Drainage Strategy.

RELEVANT PLANNING HISTORY

18/01450/FULL - PERMIT date 13th December 2018

Retention of engineering works for improved site access; construction of access track and hard surfaced yard

18/01530/FULL - PERMIT date 13th December 2018

Erection of an agricultural storage building

21/00461/FULL - PCO date

Erection of extensions to existing agricultural storage building 660sqm

DEVELOPMENT PLAN POLICIES

Mid Devon Local Plan Review 2013 – 2033

S1 - Sustainable development priorities

S8 - Infrastructure

S9 - Environment

S14 - Countryside

DM1 - High quality design

DM3 – Transport and Air Quality

DM5 - Parking

DM8 - Rural workers' dwellings

CONSULTATIONS

Cheriton Fitzpaine Parish Council - 26th April 2021:

The Parish Council do not feel that the changes made to the application materially address the objections raised and so we continue to object to the development on the grounds previously stated below:-

The Parish Council wishes to Object to the Planning application. The size and location of the development not in keeping with the requirement, the requirement is not current, the requirement is at a future date if the developments are made there may be a requirement to have someone on the site, nothing we can see within the document have been made available to us would make us believe that this is a genuine requirement for the business to continue. New housing, including affordable housing, currently being built with more already given permission, so the statement that local housing options are very limited and too costly is not the case.

Cheriton Fitzpaine Parish Council – 17th March 2021:

The Parish Council wishes to Object to the Planning application. The size and location of the development not in keeping with the requirement, the requirement is not current, the requirement is at a future date if the developments are made there may be a requirement to have someone on the site, nothing we can see within the document have been made available to us would make us believe that this is a genuine requirement for the business to continue. New housing, including affordable housing, currently being built with more already given permission, so the statement that local housing options are very limited and too costly is not the case.

Cheriton Fitzpaine Parish Council – 5th February 2021:

The Parish Council wishes to Object to the Planning application 20/01991/FULL

Reasons : The size and location of the development not in keeping with the requirement, the requirement is not current, the requirement is at a future date if the developments are made there may be a requirement to have someone on the site, nothing we can see within the document have been made available to us would make us believe that this is a genuine requirement for the business to continue. Also, new housing, including affordable housing, currently being built with more already given permission, so the statement that local housing options are very limited and too costly is not the case.

Highway Authority – 6th April 2021

The County Highway Authority has no further comments to make

Highway Authority – 7th December 2020:

The County Highway Authority recommends that the Standing Advice issued to Mid Devon District Council is used to assess the highway impacts, on this application.

Public Health – 16th December 2020
Contaminated Land: No comment. (11.12.20).

Air Quality: No comment. (11.12.20).

Environmental Permitting: No objection to this proposal. (01.12.20).

Drainage: No comment. (11.12.20).

Noise & other nuisances: No comment. (11.12.20).

Housing Standards: No comment. (14.12.20).

Licensing: No comments. (30.11.20).

Food Hygiene: No comments. (01.12.20).

Private Water Supplies: If a private supply is to be used by more than one property or has a commercial function, The Private Water Supply (England) Regulations 2016 as amended will apply. A risk assessment and sampling regime will be necessary. The supply must not be used until the Local Authority (Mid Devon District Council) is satisfied that the supply does not constitute a potential danger to human health, including single domestic use.

You must also register with the Local Authority (Mid Devon District Council) any private water supply. Failure to do so may result in a Section 85 Notice, with which failure to comply is an offence.

Please contact Public Health at Mid Devon District Council on completion of proposal.

If mains water is to be used, would have no comment. (30.11.20).

Health and Safety: No comments. (01.12.20).

Environment Agency - Operational development less than 1 ha within Flood Zone 1 - no EA consultation required - see surface water management good practice advice - see standard comment

REPRESENTATIONS

Nine letters of representation were received objecting to the development. The objections are summarised as follows:

- The site is not located in Stockleigh Pomeroy but at Redyeates Cross.
- The agricultural appraisal has not been uploaded to the planning website.
- The agricultural appraisal is an inaccurate and misleading document.
- Questions raised to the writer of report for agricultural appraisal who appears to be Leader of West Devon Borough Council.
- Only 9% of labour requirements relate to livestock farming.
- The functional need works out at less than one full time worker based on the current livestock levels.

- There are plenty of examples of farms where the owner or workers do not live on site without issues.
- The existing farmhouse is only a mile away, and many farmers do not live as close to their land as the applicant.
- There are affordable 4 bedroom properties available below £300k within 5 miles of the site, such as Cheriton Fitzpaine.
- 13 sheep would only be seasonal during lambing season where a caravan could meet this need.
- Daily operations in winter months for animals does not take place on this site as there is no livestock building, only a general store building.
- There is only one other building on site so the dwelling will be in an isolated location.
- Whilst the appraisal refers to 'The Farm' there is only a general store barn at Redyates Cross site with all other buildings and facilities based on the Stockleigh Pomeroy site which could provide the site for the dwelling, possibly through Class Q rights.
- The Stockleigh Pomeroy site is the site where the major animal activity such as lambing and calving is carried out and where the least travel will be involved.
- Is the applicant planning to build this house to sell to his future farm worker and if so is he going to sell such a large house in the open countryside for as little as £300k?
- Applicant's future intentions questioned as this is more about building a retirement home for the applicant in a very desirable green field plot.
- The design is a substantial house far larger than one would expect for a workers dwelling being in a "green area", in a prominent position having significant detrimental visual impact.
- The design is not of the architectural quality that would justify an isolated new rural development.
- Would be surprised if the applicant could provide a business case to justify this development.
- The size of the development raises suspicion that this is an attempt to get permission for a development by the backdoor unless there is a valid business or access need.
- Potential light pollution and the impact on the dark night sky and on insects, particularly bees. Contrary to Policy S9 - protecting and enhancing environmental assets.
- The proposed house has extremely large windows on the North and South. This may provide a wonderful vista for the agricultural worker who will inhabit the house, but it takes no account of the environmental impact and potential damage.
- The amount of light that will beam from the house when the lights are on in the evening may have the following potential affects, lighting of dark night sky with the house being a beacon, shining light in all directions from the hill onto the lower hillsides, seen from the surrounding hills which are at a higher altitude.
- The traditional farmhouses and cottages in this rural locality of mid Devon were built with small windows and the light pollution is therefore minimised.
- There are apple orchards based directly to the south of the proposed house, there is one field between the proposed development and the orchards. The light pollution may have a negative impact on the bees which live in those orchards, reducing pollination at night and daytime. Scientific research shows this to be the case.
- No planning notice was seen to be displayed.
- The lane has seen increased traffic due to the increased numbers of existing barn conversions under Q, and is in a poor state and cannot sustain any further damage.
- Environmental impact and flooding concerns.
- This development does not comply with the District Council's policies DM20 and S14 which state that agricultural development must be sensitively located and appropriately scaled and designed.
- The current small landholding does not justify a new agricultural tied house.

- The plans show there is a utility room and an office on the ground floor, but no kitchen. If approved would there be a further application to extend the property.
- Why does this agricultural worker require a 4 bedroom house with a glass linking bridge and a glazed balcony and how much is it going to cost to build this property?
- This could be a trojan horse to set the standard for other farmers to drive a coach and horses, or other livestock, through the planning applications.
- The floor area of the modified house plan is 181 square metres. The Planning Officer stated that agricultural workers dwelling should be in the band of 140 - 160 square metres floor area. Therefore, this new plan is still proposing a house 13% larger than the upper end of what is deemed acceptable and should be rejected.
- The livestock activity being used to justify this new build house is not an ongoing activity at this site.
- This new build house development does not adhere to planning policies DM20, DM8, DM6, S14, S9 and S1.
- The bulk of the other land is rented and one assumes that much of it would be for grazing with no on-site dwelling. Therefore the issues of travel to check stock will apply to the majority of the business.
- The applicant has not provided evidence that the existing business requires such a dwelling in order to remain viable, only that he would like to expand his livestock to a level he claims requires a full time worker on the site.
- While the current enterprise forms approximately 250 acres, only 70 acres is actually in the applicant's ownership; the rest is leased, largely seasonally. This does not therefore constitute a permanent holding for which there might be some argument for a further permanent dwelling.
- To allow a new dwelling in the countryside on the basis of future projections on unsecured land simply cannot be acceptable under current national and local policy.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

With respect to the background of the agricultural enterprise subject to this application, it has been explained that the Applicant farms approximately 250 acres of land, used either for grazing, grassland or for growing fruit and vegetables. The core of the farm comprises 17 acres held owned by the Applicant with a farmhouse, farm shop with pick-your-own crops adjacent, newly built cold store and restaurant. Approximately 1 mile away is a freehold site of 53 acres where there can be up to 100 animals (shorthorn beef, calves, ewes and lambs) and this is where the new property would be sited. The balance is made up of around 160 acres of grassland, used for grazing and silage, and 20 acres used for growing potatoes, cauliflowers and cabbages. This ground is held on short term cropping licences.

The Applicant has been operating the farming business since 1986 and has expanded the business adding the shop, the pick-your-own area, a restaurant and a cold store on the original site. Due to the nature of modern farming and the ever-increasing difficulty of making the margins required to stay profitable, it has been outlined that the farm must expand and diversify and at the same time, the Applicant would like assistance with managing of the farm and planning for the future. That is the reason behind the application for an agricultural workers dwelling on site.

The main issues in respect of the application scheme are:

- 1. Policy – essential need**
- 2. Highways**
- 3. Design issues**
- 4. Other issues**

1. Policy – essential need.

In March 2012, the direction of national planning policy changed with the introduction of the Framework (revised later in 2018 and 2019). This revoked a previous raft of national planning policy documents, including Planning Policy Statement (PPS) 7 Sustainable Development in Rural Areas. Whilst national policy encourages innovation and economic growth in the countryside (and elsewhere), it is clear from reading the Framework as a whole that this is not to be achieved irrespective of any environmental cost. The Framework gives support to economic growth in rural areas in order to create jobs and prosperity. The proliferation of dwellings in attractive landscapes, such as in Mid Devon, would, if unchecked, result in visual harm and prejudice this core principle. The Framework (paragraph 79) also states that new, isolated homes in the countryside should be avoided, unless there are special circumstances, one of which is the essential need for a rural worker to live permanently at or near their place of work. This forms the basis of the applicant's case.

The Framework requires a convincing case for essential need to be made, which implies the need for criteria. Although the tests in PPS7 Annex A no longer have the weight of Government policy, they remain, in the Council's view, appropriate for assessing whether an essential need can be demonstrated. Various appeal decisions made since the Framework was published suggest that the PPS7 tests could be a material consideration when determining whether a worker's dwelling would meet an essential need. This is reflected in policies S14 and DM8 of the Mid Devon Local Plan 2013-2033 which both allow for agricultural/forestry/rural workers dwellings in the countryside where, amongst other things, an essential need has been shown.

The site is in the open countryside where policy requires that development be strictly controlled. An exception can be made for an agricultural workers dwelling if an essential need can be proved as advocated in the NPPF and policy DM8. DM8 (Rural workers' dwellings) of the Mid Devon Local Plan 2013-2033 states that:

'Applications for rural workers' dwellings will be permitted where:

- a) It can be demonstrated that the nature and demands of an existing rural business are such that a full time worker has an essential need to be permanently resident at or near their place of work so they are available at most times;**
- b) The need cannot be met within a nearby settlement, or by existing housing at or near the site or through the conversion of a suitable redundant or disused rural building at the site;**
- c) The size and scale of rural workers dwellings will be commensurate with the scale of the operation and designed to reflect the location and setting of the proposed site; and**
- d) The rural enterprise has been established for at least three years, is currently financially sound, and has a clear prospect of remaining so.'**

The application is accompanied by an appraisal, financial statement and accounts which provide justification to support this second dwelling on the agricultural holding in line with Policy DM8. The policy requires that the business should be financially sound and has the prospects of remaining so. It is also recognised that any such assessment needs to take into account the individual circumstances of the applicant and it remains paramount that any application is considered on its own individual merit, when set against any such general 'tests'.

Policy S1 of the Mid Devon Local Plan 2013-2033 relates to the provision of development in a sustainable manner. With this current application, the applicant has confirmed the scope of the holding area which the occupiers will farm and which presents the essential need for the dwelling. The Applicant currently resides in a farmhouse which is sited on his original farm holding, a site of 17 acres in Stockleigh Pomeroy. The farm business owns a further 53 acres approximately 1 mile away from the original holding. A permanent agricultural worker's dwelling is proposed to be

developed on this site. It has been outlined that there are some farm buildings, but no residence, on the larger site and the Applicant currently travels between the two sites, and other land rented by the business, several times during the day and night, seven days a week to feed, to monitor the welfare of the animals and carrying out all the other tasks on the farm. The land to the north of the proposed dwelling includes a barn which has recently been the subject of a planning application for extensions to provide livestock sheds. The extensions once completed will maintain the necessary infrastructure on the holding.

As referred to above Policy DM8 requires that it can be demonstrated that the nature and demands of an existing rural business are such that a full time worker has an essential need to be permanently resident at or near their place of work. The documentation submitted as part of this application would appear to indicate that the beef and sheep enterprise that the applicants intend to operate on site will continue to meet the test in criterion (a) of Policy DM8 in this regard.

The agricultural appraisal outlines that the estimated FTE (Full Time Equivalent) of labour would work out as 1,900 hours per year. The agricultural assessment submitted for the combined agricultural enterprise demonstrates an FTE need for as many as 14 full time members of staff. However, it was noted initially that the enterprise in part relates to the Thorne Farm shop site and farming operation with the proposed dwelling the subject of this application being required on another part of an established holding in order to be within site and sound of the livestock farming element. The overall functional need for the holding within the appraisal is based on a combination of fruit/vegetable growing/picking and livestock rearing (cows/sheep). Therefore, the first assessment carried out was based on how much of the farming activities listed would generate a need to live onsite for the livestock farming.

With regard to the current farming enterprise, as noted it extends in total to approximately 250 acres, upon which there can be up to 100 animals (shorthorn beef, calves, ewes and lambs) at any one time. The main case put forward is for someone to live onsite for the sheep and cattle operation with the calculation for the sum of the hours that the livestock elements would generate being based on the 13 sheep/80 cattle in the appraisal. The rough calculation carried out by officers identified the need being below 1 full time worker in association with the livestock farming.

This matter was therefore questioned further, as it needs to be demonstrated that these calculations would satisfy the requirement that the nature and demands of an existing rural business are such that a fulltime worker has an essential need to be permanently resident at or near their place of work. As noted in some of the objections received, generally sheep farming would generate an essential need around lambing being seasonal and in this case this part of the enterprise only amounts to 13 sheep which includes the rams. The appraisal originally submitted did not comment on how many calves there would be each year which was needed to be known given that this is the main element of the enterprise which would generate an essential need.

A further supplementary justification to the agricultural appraisal has been provided which comments that the proposed property is situated at a site away from the main farm complex and the justification for the residential building is twofold:

1. Care of the livestock, with both lambing and calving requiring attendance which, at present, involves travel from the main farm complex 1 mile away;
2. Improved security on the site – there have been recent thefts of equipment from the site, one of which was reported to the Police.

The figures of the first appraisal submission have also been expanded upon with standard labour requirements for this part of the farm shown as those recorded in the original document as: Ewes and rams 13 animals at an SLR of 5.2 = 68, Beef cows 80 at an SLR of 26 = 2,080 and Overhead activities @ 15% of the above = 380. Therefore the total hours would be 2,528 hours. As noted

above, the estimated FTE (Full Time Equivalent) of labour is 1,900 hours per year. Accordingly, if we viewed this physically separate and distinct part of the farm holding as a business unit in its own right, the workload on this site accounts for more than one full time job.

It was commented upon that increased attention to expanded animal numbers would produce additional pressures especially during the lambing season whereby the lambing ewes require virtually constant supervision. Outside the lambing period, additional livestock management duties would include foot-trimming, worming, drenching, shearing, and other activities which focus on animal health and ensuring the sheep do not succumb to illness or infection. The applicant comments that if the application were to be successful, the Shorthorn herd could be expanded where there would be an increased number of calves at Thornes Farm all year round. This aspect of the business would require constant supervision as calves are susceptible to pneumonia. In cases where there is an outbreak, staff would be required to attend the farm several times each night to administer medication.

The supplementary justification outlines that if permission to develop a suitable residential property onsite is approved the plan would be to increase the numbers of animals as follows: Ewes and rams 47 animals at an SLR of 5.2 = 244, Shorthorn beef cows 15 at an SLR of 26 = 390 and overhead activities at 15% of the above = 95. This would equate to an additional 729 hours. Assuming an FTE of labour of 1,900 hours per year this is an additional 0.4 position in its own right, much of which the applicant claims can only safely and realistically be carried out by a dedicated individual living on site.

In support of the application, the applicant comments that one of the reasons for increasing the size of the shorthorn herd is demand with the farm having an excellent reputation for producing this breed and currently has more customers than it is able to supply. The setup at the moment is, as explained in the appraisal, far from ideal from an animal husbandry perspective. The farm's view at the moment is that risk when calving can only be offset by having suitably experienced staff available and on hand. At the moment some 35 to 40 animals are being calved and they anticipate that this would rise to 50 to 60 animals in due course. 60 calving cows would, exclusively, generate an SLR requirement of around 1,800 hours and therefore this part of the operation justifies a resident full time worker in its own right.

The Applicant states that they would like to expand the livestock operation but cannot justify further investment on the farm, or risk the well-being of calves and lambs, without suitable staff living on site. The person responsible for the welfare and successful rearing of the animals could not spend 1-2 hours every day travelling to and from the farm, and not being on hand immediately should any of the animals require assistance or treatment. The applicant farms a herd of 35 shorthorn beef cattle plus followers which he judges to be the top 10% in the breed. At present bulls and heifers are sold but the herd could be expanded. The applicant also has a flock of 13 sheep which, again, he would like to expand. The case is made that developing the livestock aspects of Thornes Farm would help to reduce the risk of market uncertainty in any one enterprise via a policy of diversification. Expanding and further diversifying on-farm income streams would help to secure the future of the farm, however, it is not possible to do so without a dwelling onsite as the Applicant will not be able to personally provide care at short notice required for additional numbers of animals. There is the additional benefit to the security of the remote site from having staff resident.

Criterion (b) of the same policy notes that that need shouldn't be capable of being met in a nearby settlement or existing housing at or near the site or through the conversion of a suitable redundant or disused rural building at the site. There are no redundant or disused buildings on this part of the farm holding. In terms of size of the proposed dwelling, policy generally requires that the dwelling

should be commensurate with the scale of the operation and designed to reflect the location and setting of the site.

In terms of alternative accommodation, as noted there are no other dwellings on this part of the holding and there are no agricultural tied dwellings for sale in the vicinity with the nearest affordable housing possibly being available in the village of Cheriton Fitzpaine once constructed on the allocated sites within the Local Plan, but not yet available. Therefore the closer available affordable units are likely to be Crediton some 4 miles away. The other matter to take into account is the statement within the appraisal that most available affordable housing is likely to be smaller units/apartments and not suitable for the occupant that the business would like to attract with the preferred profile to be an experienced farm manager, probably with a young family or aspirations to put down roots.

In terms of alternative locations even if a dwelling in the nearest village at Cheriton Fitzpaine became available it would not provide an acceptable relationship in terms of being in sight and sound of operations on site. As outlined the agricultural enterprise operates as two separate units. The farm could not be easily reached from alternative accommodation close by in the event of an emergency. This being so, and given that it remains a reasonable conclusion that there remains an essential need for a dwelling at the holding. The dwelling would be ideally located to meet the functional need of this particular unit and it would have the added benefit of providing security and a deterrent for potential intruders, although this in itself does not justify a dwelling it strengthens the applicant's case.

With respect to the size of the dwelling, the applicant's agent has confirmed that the internal floor area would be 180 square metres with it being noted that the dwelling includes a farm office. There is no policy within the Local Plan specifying the size of an agricultural dwelling with a rule of thumb being to aim around 140-160 square metres with the upper end being where an office is proposed. However it should be noted the Local Planning Authority has approved dwellings up to 200 square metres where they have been considered to be commensurate to the holding so the applicant would be able to find examples where larger dwellings were approved within the district.

Whilst the overall floor area of the dwelling is 180 square metres, in respect to the requirements of policy, on balance, it is considered to be in line with general practice guidance for agricultural workers dwellings. The dwelling was reduced down from the original submission and on this basis it is considered reasonable to conclude that the scale and size of the dwelling as now proposed is commensurate with the scale of the operation with the location and setting of the proposed site, in accordance with criterion (c) of Policy DM8.

Evidence has been submitted to demonstrate the business is financially sound and that the long term viability of the enterprise is not in question. Within the three year accounts, it has been demonstrated that the enterprise has been profitable to the extent where it could support a farm worker. In summary therefore, the proposal for a dwelling at the site, is considered to be necessary and in compliance with policy DM8. The essential need for a resident worker relates to an operating livestock unit and as such a condition to restrict occupancy to an agricultural worker and resident dependents is recommended. In addition to this, to ensure that the dwelling remains affordable in the long term, permitted development rights have been removed which would also limit the impact on the amenities of the area.

2. Highways

Access to the proposed agriculture workers dwelling is to be off an existing farm track from the main access off the country lane which is considered acceptable in terms of providing a satisfactory means of access (Local Plan Policies DM3/S8) and will not adversely affect the visual

amenities of this part of the open countryside. Sufficient provision/space within the curtilage is made for parking to ensure compliance with the LPA's adopted standards of 2 spaces. Although the site is remote, provided the house is occupied as an agricultural workers dwelling then Policy S14 and DM8 override the fact the site is in an unsustainable location. No objections were received from the Local Highway Authority on the grounds of highway safety.

3. Design issues

The floor area of the dwelling at 180 square metres with the height of the building kept low through the roof design, which in this instance is considered reasonable and commensurate with the scale of the operation, i.e. to provide a house for a manager (and their family), providing 4 bedrooms on first floor with a living room, kitchen, dining area on the ground floor with utility room.

The house is located to the rear of the existing barn on site which has is subject to a separate planning application for permission to be extended to provide livestock housing. The materials of the dwelling being stone to lower part of wall and timber cladding/weatherboard to upper part with slate roof are considered to be acceptable. The site is not within a designated landscape. All development has some visual impact on the countryside, and that is why such proposals have to justify the need for an exception to the policy of protecting the countryside for its own sake. The proposed dwelling would have a visual impact on the landscape. In this instance, the impact on the visual amenity of the area and the rural character is not considered significant to warrant refusal of the application.

In terms of the impact on the amenity of occupiers of neighbouring property, the dwelling proposed would be located over 200m away from the nearest residential property. Therefore it is not considered that there would be any significant detrimental impact on amenity of neighbouring occupiers. A main concern of neighbours relates to light pollution given the amount of glazing mainly within the north and south elevation although it could be argued that the glazed link is of most concern as other windows could have screens/curtains which could be closed in the evening. A condition is recommended so that no external lighting shall be provided unless an application in that regard is first submitted to and approved by the Local Planning Authority.

With respect to internal lighting, it is considered that the topography and position of the dwelling would be such that views to the north of the dwelling would help screen the dwelling from public vantage points. The south elevation could be more open but with longer range views across the valley. However it is not considered that development would be such that it would create a beacon resulting in substantial light pollution within the area.

With regard to drainage, a package sewage treatment system is proposed to deal with foul drainage and a soakaway is proposed for surface water drainage. Given the area of land controlled by the applicant it is not considered necessary to require further details to be submitted for approval by the planning authority as the technical details for surface water disposal and foul will be controlled by building regulations. The proposals are considered to accord with the requirements of policy S9 and DM1.

4. Other issues

Given that this is an application for a new dwelling in the open countryside and the planning justification for it is to support the agricultural activity on the site, it is necessary to consider if it is necessary to prevent the dwelling from being sold off separately to the land within the holding. Given the location of the house directly to the rear of the agricultural building, it is not considered that it would be readily occupied not in connection with the activity on the holding. As stated above the applicant has confirmed the ongoing viability of the business by submitting trading accounts

and the farming enterprise has been established for a long period of time. Taking the above into account it is considered that an occupancy condition on the new dwelling will be sufficient to ensure the necessary controls regards future occupation in order to comply with policy DM8 and S14 of the Mid Devon Local Plan 2013-2033.

There are no other materials considerations to weigh against the grant of planning permission, and approval subject to conditions is recommended.

Section 149 of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between different people when carrying out their activities. This is called the Public Sector Equality Duty or "PSED". No persons that could be affected by the development have been identified as sharing any protected characteristic.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. Prior to their use within the development hereby approved, details and/or samples of the materials to be used for all the external surfaces of the building have been submitted to and approved in writing by the Local Planning Authority. Such approved materials shall be so used and retained.
4. The occupation of the dwelling hereby approved shall be limited to a person solely or mainly working, or last working, in the locality in agriculture (as defined by Section 336(i) of The Town and Country Planning Act 1990), or in forestry or a widow or widower or surviving civil partner of such a person, and to any resident dependants.
5. Notwithstanding the provisions of Article 3 of The Town and Country Planning (General Permitted Development) Order 2015 as amended by the Town and Country Planning (General Permitted Development) Amendment (No.2) Order 2016 (or any Order revoking and re-enacting that Order with or without modification) no development of the types referred to in Classes A, AA, B, C and E of Part 1 of Schedule 2, relating to extensions, dormers, alterations to roof and outbuildings shall be undertaken within the dwelling curtilage without the Local Planning Authority first granting planning permission.
6. No external lighting shall be provided unless an application in that regard is first submitted to and approved by the Local Planning Authority.

REASONS FOR CONDITIONS

1. RD1 in accordance with provisions of Section 51 of the Planning and Compulsory Purchase Act 2004
2. RD7A for the avoidance of doubt in the interests of proper planning.

3. To ensure the use of materials appropriate to the development in order to safeguard the visual amenities of the area in accordance with Policy DM1 of the Mid Devon Local Plan 2013-2033.
4. The site is located outside defined settlement limits in the open countryside, where national and local planning policy requires that there is an 'essential need' for workers to live at or near their place of work in accordance with Policies S14 and DM8 of the Mid Devon Local Plan 2013-2033 and National Policy in the National Planning Policy Framework.
5. To safeguard the visual amenities of the area and character and appearance of the building in accordance with Policy DM1 and to ensure that the dwelling remains of a size commensurate with the needs of the agricultural holding to which it relates in accordance with Policies S9, DM1 and DM8 of the Mid Devon Local Plan 2013-2033 and the NPPF.
6. Having regard to the countryside setting and to safeguard the visual amenities of the area in accordance with Policies S9 and DM1 of the Mid Devon Local Plan 2013-2033.

INFORMATIVE NOTE:

1. If a private supply is to be used by more than one property or has a commercial function, The Private Water Supply (England) Regulations 2016 as amended will apply. A risk assessment and sampling regime will be necessary. The supply must not be used until the Local Authority (Mid Devon District Council) is satisfied that the supply does not constitute a potential danger to human health, including single domestic use. You must also register with the Local Authority (Mid Devon District Council) any private water supply. Failure to do so may result in a Section 85 Notice, with which failure to comply is an offence. Please contact Public Health at Mid Devon District Council on completion of proposal.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The application is for the erection of a permanent agricultural rural worker's dwelling on the holding in the open countryside with access from the existing farm track. An agricultural appraisal has been submitted which demonstrates that the circumstances at the site justify the need for this dwelling on the site and that the site as proposed is a suitable location on the site for the dwelling. The means of access and connectivity back to the agricultural barn is considered acceptable with no highway safety concerns envisaged. The layout, scale, appearance of the dwelling as submitted are considered acceptable in demonstrating that it will be possible to accommodate a dwelling on the site which is considered to be reasonable and commensurate with the scale of the operation undertaken on the holding. It will also be in a manner which is acceptable from a landscape perspective, without adversely affecting the area. A condition is recommended to control the use of the dwelling so that it is not occupied other than for an agricultural worker and other conditions are required to ensure high quality materials are used. On this basis the proposal accords with the following Policies: S8, S9, S14, DM1, DM5 and DM8 of the Mid Devon Local Plan 2013-2033 and policy guidance in the National Planning Policy Framework.

The Human Rights Act 1998 came into force on 2nd October 2000. It requires all public authorities to act in a way which is compatible with the European Convention on Human Rights. This report has been prepared in light of the Council's obligations under the Act with regard to decisions to be informed by the principles of fair balance and non-discrimination.