



Application Report

**Planning, Housing and Health
North Devon Council
Lynton House, Commercial Road,
Barnstaple, EX31 1DG**

Application No:	75506
Application Type:	Reserved matters
Application Expiry:	18 August 2022
Extension of Time Expiry:	
Publicity Expiry:	22 July 2022
Parish/Ward:	LANDKEY/LANDKEY
Location:	East Bradninch Farm East Bradninch Goodleigh Barnstaple EX32 7PF
Proposal:	Reserved matters application for the provision of an agricultural workers' dwelling to serve an established dairy business (outline permission 71928) (outline planning permission 71928 - provision of an agricultural worker's dwelling to serve an established dairy business (all matters reserved))
Agent:	Mr Alex Perraton
Applicant:	Mr Gerald Tucker
Planning Case Officer:	Mrs C. Spiers
Departure:	N
EIA Development:	
EIA Conclusion:	Development is outside the scope of the Regulations.
Decision Level/Reason for Report to Committee (If Applicable):	The application has been called in to planning committee by Cllr G Lane (see consultee replies for full reasons for call in).

Site Description

East Bradninch is a long established farmstead located approximately 5km east of Barnstaple and 1.5km south-east of Goodleigh. The Applicants and owners of East Bradninch are fourth generation farmers.

On site, there are a multitude of buildings, these include; the main farmhouse which is Grade II Listed (under ref: 1107680), large portal frame structures (approved under planning applications ref: 71235, 66561, 64853, 63520, 63519, 55348 and 55277) as well as a number of traditional barns, one of which is an old roundhouse barn and this is also Grade II Listed (under ref: 1107681).

The various aforementioned buildings on site help to facilitate the running of a substantial dairy farming business. The farming enterprise is based on approximately 107 hectares of owned land and 52 hectares of rented land in various grass keep agreements.

There are currently two dwellings on the site; one occupied by the owners of the property and the other, Eastlea Cottage, is occupied by one of the Applicants' two sons, his wife and their baby daughter. This application relates to a third on-farm dwelling for the Applicants' other son and his partner. Outline permission for this dwelling was granted under application number 71928 in March 2021.

With regards to site constraints, the farmstead benefits from minimal flood risks as it lies outside of Environment Agency Flood Risk Zones 2 and 3, and is not situated within an identified Critical Drainage Area. Additionally, the site does not feature any areas of land within a SSI or indeed within an identified AONB.

Recommendation

REFUSE

Legal Agreement Required: No

Planning History

Reference Number	Proposal	Decision	Decision Date
55277	Erection of one agricultural building (cubicle / loose box & covered feeding area) at East Bradninch, Goodleigh, Barnstaple, Devon, EX32 7PF	Full Planning Approval	26 April 2013
55348	Erection of one agricultural building (parlour, dairy & collecting yard) at East Bradninch, Goodleigh, Barnstaple, Devon, EX32 7PF	Full Planning Approval	29 April 2013
57149	Erection of cover over existing slurry store at East Bradninch, Goodleigh, Barnstaple, Devon, EX32 7PF	Full Planning Approval	6 June 2014
64853	Erection of proposed covered silage clamp (amended description) at East Bradninch, Bradninch, Barnstaple, Devon, EX32 7PF	Full Planning Approval	14 June 2018
66561	Erection of roof over existing silage clamp at East Bradninch, Bradninch, Barnstaple, Devon, EX32 7PF	Full Planning Approval	29 May 2019
71235	Erection of one agricultural building (calf rearing) at East Bradninch, Bradninch, Barnstaple, Devon, EX32 7PF	Approved	27 April 2020
71928	Outline application for the provision of an agricultural workers' dwelling to serve an established dairy business (all matters reserved) at East Bradninch, Bradninch, Barnstaple, Devon, EX32 7PF	Approved	26 March 2021
74792	Reserved matters application for the provision of an agricultural workers'	Withdrawn	23 June 2022

Reference Number	Proposal	Decision	Decision Date
	dwelling to serve an established dairy business (outline permission 71928) at East Bradninch, Bradninch, Barnstaple, Devon, EX32 7PF		

Constraints/Planning Policy

Constraint / Local Plan Policy	Distance (Metres)
Advert Control Area of Special Advert Control	Within constraint
Burrington Radar Safeguard Area consultation required for: All buildings, structures, erections & works exceeding 90 metres in height.	Within constraint
Chivenor Safeguard Zone Consultation Any Development	Within constraint
Landscape Character is: 5C Downland	Within constraint
Listed Building Curtilage (Adjacent to)	Within constraint
Listed Building Curtilage (within)	Within constraint
Unclassified Road	
USRN: 27503688 Road Class:R Ownership: Highway Authority	2.50
Within Adopted Unesco Biosphere Transition (ST14)	Within constraint
Within Surface Water 1 in 100	Within constraint
Within Surface Water 1 in 1000	Within constraint
Within Surface Water 1 in 30	Within constraint
SSSI Impact Risk Consultation Area	Within constraint
DM01 - Amenity Considerations DM04 - Design Principles DM05 - Highways DM06 - Parking Provision DM07 - Historic Environment DM08 - Biodiversity and Geodiversity DM28 - Rural Worker Accommodation	

Consultees

Name	Comment
Building Control Manager	No comment received.
Councillor D Luggar	No comment received.
Councillor G Lane Reply Received 11 July 2022	Please except this e/mail as my formal call in of this planning application to be determined by the Planning Committee for the following reasons, Policy DM28 Rural workers accommodation, 1B. The size and nature of the development is such that it can be sustained by the scale of the operation, reflective of the location and setting and appropriate to the needs of the intended occupants,

Name	Comment
	<p>13.151 The local Planning authority will except evidence to be submitted in the form of audited accounts in support of proposals that demonstrate that the rural enterprise is financially viable and capable of sustaining a rural worker along with a dwelling of the size proposed.</p> <p>Look at the relationship of the SPD supplementary planning document and the minimum technical housing standards and the justification of the needs of the size of dwelling.</p>
<p>Environmental Health Manager</p> <p>Reply Received 4 July 2022</p>	<p>I have reviewed this application in relation to Environmental Protection matters and comment as follows:</p> <p>1 Land Contamination</p> <p>I do not expect land contamination issues to arise in relation to the proposals. However, given the sensitivity of introducing residential uses, I recommend the following condition be included on any permission to address the possibility of unexpected contamination being encountered during development works:</p> <p>- Contaminated Land (Unexpected Contamination) Condition Should any contamination of ground or groundwater be discovered during development of the site, the Local Planning Authority shall be contacted immediately. Site activities within that sub-phase or part thereof shall be temporarily suspended until such time as a procedure for addressing the contamination is agreed upon with the Local Planning Authority or other regulating bodies.</p> <p>Reason: To ensure that any contamination existing and exposed during the development is assessed and remediated as necessary.</p> <p>2 Advisory Note: Foul Drainage The proposed installation of a private system for treatment and disposal of foul drainage. Including drainage field, will need to comply with Building Regulations and the Environment Agency's General Binding Rules for small sewage disposal systems.</p>
<p>Heritage & Conservation Officer</p> <p>Reply Received 29 July 2022</p>	<p>29/07/2022 11:13 - I do not consider that this proposal will harm the significance of the heritage asset through effect on setting.</p>
<p>Landkey Parish Council</p> <p>Reply Received 7 July 2022</p>	<p>7/07/2022 09:03 - Recommended APPROVAL</p>
<p>Sustainability Officer</p> <p>Reply Received 24 June 2022</p>	<p>24/06/2022 12:02 - In order to partially satisfy condition 1 of application 71928 I request that an appropriately detailed landscape plan is submitted. The Plan must include as a minimum the planting specifications and hedge bank cross section for the proposed southern boundary in accordance with</p>

Name	Comment
	https://devonhedges.org/wp-content/uploads/2015/11/8_Hedge-Creation-1.pdf . The Plan should also include management prescriptions for the existing northern and eastern hedge banks in order to enhance biodiversity value of the habitat and assimilate the proposal into the countryside.

Neighbours / Interested Parties

Comments	No Objection	Object	Petition	No. Signatures
0	2	0	0	0

Two letters have been received in support of the application.

Considerations

Proposal Description

This application is a reserved matters application for the provision of an agricultural worker's dwelling to serve an established dairy business at East Bradninch Farm, East Bradninch, approved under outline permission 71928.

East Bradninch is a long established farmstead located approximately 5km east of Barnstaple and 1.5km south-east of Goodleigh. The Applicants and owners of East Bradninch are fourth generation farmers.

On site, there are a multitude of buildings, these include; the main farmhouse which is Grade II Listed (under ref: 1107680), large portal frame structures (approved under planning applications ref: 71235, 66561, 64853, 63520, 63519, 55348 and 55277) as well as a number of traditional barns, one of which is an old roundhouse barn and this is also Grade II Listed (under ref: 1107681).

The various aforementioned buildings on site help to facilitate the running of a substantial dairy farming business. The farming enterprise is based on approximately 107 hectares of owned land and 52 hectares of rented land in various grass keep agreements.

There are currently two dwellings on the site; one occupied by the owners of the property and the other, Eastlea Cottage, is occupied by one of the Applicants' two sons, his wife and their baby daughter. This application relates to a third on-farm dwelling for the Applicants' other son and his partner. Outline permission for this dwelling was granted under application number 71928 in March 2021.

With regards to site constraints, the farmstead benefits from minimal flood risks as it lies outside of Environment Agency Flood Risk Zones 2 and 3, and is not situated within an identified Critical Drainage Area. Additionally, the site does not feature any areas of land within a SSI or indeed within an identified AONB.

The proposal is for a two storey, three bedroom dwelling with a gross internal domestic floorspace of approximately 126.629m², non-domestic floorspace of approximately 36.898m² and attached garage with an internal floorspace of approximately 40.07m², together with associated hard and soft landscaping.

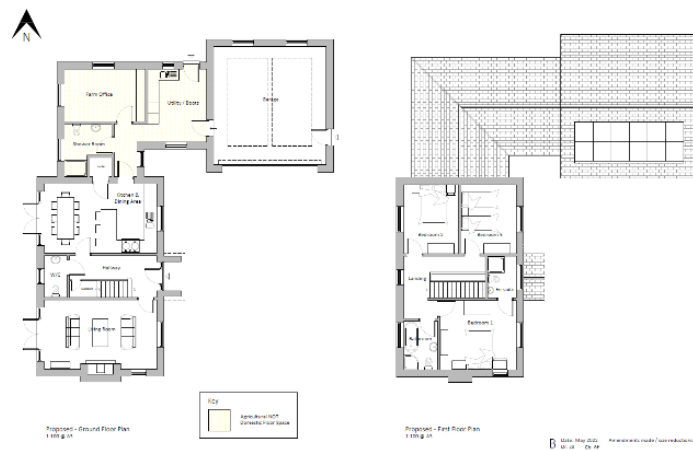
The proposal is accompanied by a Design and Access Statement, Planning Justification Statement, Drainage Statement, Foul Drainage Assessment and a Wildlife Trigger Report.



Proposed site layout plan



Location of proposed new agricultural worker's dwelling



Proposed floor plans



Proposed elevations

Planning Considerations Summary

- Principle of development
- Effect on a heritage asset
- Design and scale of development
- Amenity
- Ecology
- Flood risk and drainage
- Parking and highways

Planning Considerations

In the determination of a planning application Section 38 of the Planning & Compulsory Purchase Act 2004 is relevant. It states that for the purpose of any determination to be made under the planning Acts, the determination is to be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for this area includes the Devon Waste Plan and North Devon and Torridge Local Plan. The relevant Policies are detailed above.

Section 16 of the Listed Building Act, in considering whether to grant listed building consent for any works the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

In considering to grant planning permission which affects a listed building or its setting the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses in accordance with Section 66 of the Listed Building Act.

The National Planning Policy Framework (NPPF) is a material consideration.

Principle of Development

The principle of development on this site was tested at outline application stage (planning reference 71928) and was found to be sound. Said permission deemed that there exists a need for a rural workers dwelling in this location and the relevant tests under Policy DM28

of the North Devon and Torridge Local Plan 2011-2031 had been met in respect of the following:

“(1) Proposals for the provision of accommodation in the countryside for a rural worker will be supported where:

(a) it can be demonstrated that there is an essential operational need for a full time worker to be resident at or near the place of work;

(b) the size and nature of the development is such that it can be sustained by the scale of the operation, reflective of the location and setting and proportionate to the needs of the intended occupants;

(c) the accommodation needs cannot be met by any other means including:

(i) accommodation in a nearby settlement; or

(ii) by an existing dwelling at or near the site; or

(iii) through the conversion of a suitable redundant or disused building on site; and

(d) appropriate highway access can be provided.

(2) Where the enterprise is well established, of a sufficient size to support a full-time worker, economically viable and has clear prospects of remaining so, support will be given to the provision of a permanent new dwelling”.

As such, the parent permission is noted as confirming that there exists an essential and functional need for the erection of a rural workers dwelling in this location and that the financial test has also been passed in respect of Policy DM28.

With regard to DM28 (1) (b), such matters are considered in later sections of this report.

As such, the proposal remains acceptable in principle, in accordance with Policies ST01, ST04, DM04 and DM28.

Effect on a Heritage Asset

Policy DM07 of the Local Plan states that *“Proposals which conserve and enhance heritage assets and their settings will be supported. Where there is unavoidable harm to heritage assets and their settings, proposals will only be supported where the harm is minimised as far as possible, and an acceptable balance between harm and benefit can be achieved in line with the national policy tests, giving great weight to the conservation of heritage assets.”*

Similarly Policy ST15 states that *“Great weight will be given to the desirability of preserving and enhancing northern Devon's historic environment by: (a) conserving the historic dimension of the landscape; (b) conserving cultural, built, historic and archaeological features of national and local importance and their settings, including those that are not formally designated”.*

I note the comments of the Heritage and Conservation Officer who states that they *“do not consider that this proposal will harm the significance of the heritage asset through effect on setting.”* In this matter I am guided by the expert opinion of the Heritage and Conservation Officer.

As such the proposal is in accordance with Local Plan Policies DM07 and ST15 and is acceptable with regard to the effect on the heritage asset.

Design and Scale of Development

Policy DM04 (Design Principles) of the Local Plan encourages good design which is appropriate in terms of scale, density, massing, height, layout appearance, fenestration, materials and relationship to buildings and landscape features in the local neighbourhood. It also encourages good design to reinforce the key characteristics and special qualities of the area in which development is proposed.

In assessing the scale of the proposed dwelling, Policy DM28 (Rural Worker Accommodation) of the Local Plan and the Rural Workers' Dwellings Supplementary Planning Document (SPD) (adopted by NDC 6th January 2020) are material considerations.

With regards to Policy DM28, the relevant section applicable to scale is DM28 (1) (b) which states:

“(1) Proposals for the provision of accommodation in the countryside for a rural worker will be supported where:

(b) the size and nature of the development is such that it can be sustained by the scale of the operation, reflective of the location and setting and proportionate to the needs of the intended occupants”

The SPD quantifies and defines the sizes allowable for a rural workers' dwelling where functional need has been established, as is the case here. Paragraph 3.29 and 3.30 state that:

“3.29 Dwellings should be designed to meet the functional need of the enterprise they serve and relate to the financial viability of the enterprise that supports it. Dwellings that are unusually large in relation to the rural enterprise, or unusually expensive to construct in relation to the income it can sustain in the long term will not be permitted.

3.30 Normally a 3 bed dwelling would extend to about 102m² and a 4 bed dwelling 124m² (gross internal area); which are considered to be adequately sized dwellings. It is however recognised that housing for an agricultural worker may include additional space requirements, such as a boot room, utility and ground floor shower room; and only in respect of the principal dwelling on a holding further space may be required to accommodate an office. It is anticipated that such needs could be accommodated within a 15% uplift to either 117m² (3 bed dwelling) or 142m²(4 bed dwelling).

Any uplift in property size beyond the standard must be justified, on a business basis, clearly in respect of supporting the operational needs of the related enterprise and importantly demonstrate that it must be able to be financially sustained by the enterprise and in the long term continue to be financially accessible as a rural workers' dwelling. For the avoidance of doubt, any uplift from the floorspace standards (102m² and 124m²) would not be supported, if proposed simply to provide additional living accommodation.”

The figure for a normal 3 bed dwelling of 102m² is taken from the Technical Housing Standards – Nationally Described Space Standard created at national level. As can be

seen from the table below, taken from the Technical Housing Standards, the figure of 102m² gross internal floorspace is for a 3 bed dwelling with up to six occupants set over two storeys. The uplift allowed for the additional utility space for a rural workers' dwelling would allow for an additional 15m² above and beyond the figure from the Technical Housing Standards.

Table 1 - Minimum gross internal floor areas and storage (m²)

Number of bedrooms(b)	Number of bed spaces (persons)	1 storey dwellings	2 storey dwellings	3 storey dwellings	Built-in storage
1b	1p	39 (37) *			1.0
	2p	50	58		1.5
2b	3p	61	70		2.0
	4p	70	79		
3b	4p	74	84	90	2.5
	5p	86	93	99	
	6p	95	102	108	
4b	5p	90	97	103	3.0
	6p	99	106	112	
	7p	108	115	121	
	8p	117	124	130	
5b	6p	103	110	116	3.5
	7p	112	119	125	
	8p	121	128	134	
6b	7p	116	123	129	4.0
	8p	125	132	138	

Department for Levelling Up, Housing and Communities: Technical Housing Standards – Nationally Described Space Standard (p. 5)

In terms of the present application at East Bradninch, the gross internal area (GIA) for the residential dwelling is approximately 126.629m², with a non-residential uplift of 36.898m², giving a total GIA of approximately **163.527m²**. It can clearly be demonstrated, therefore, that the proposal has a GIA some **46.527m² above** and beyond the allowance for a 3 bed dwelling outlined in the SPD.

Furthermore, it is to be noted that the proposal includes within the non-domestic uplift space an area to accommodate a farm office. It is noted that the justification statement attached to the application indicates that the business of the holding is split equally into three, with each dwelling requiring its own office space. On this matter, however, the SPD is clear, stating that further space to accommodate an office would only be acceptable if the proposal was for a principle dwelling within the enterprise. In the case of East Bradninch, the current proposal is for the third dwelling on the site; which can in no way be defined as the 'principle dwelling'. Therefore under the adopted SPD, which is a material consideration, the additional farm office attached to the dwelling would be deemed to be unacceptable.

It should be noted that the proposed floorspace within the current proposal is significantly smaller than that proposed in the previously withdrawn application (planning ref. 74792). It should also be noted, however, that, in negotiation with the planning agent for the proposal, the LPA indicated that the maximum GIA that could be considered would be +20m² above the SPD allowance; this would equate to **137m²**, some 26.27m² below the GIA of the current proposal. As such, Officers felt that this increase to 137m² above the

prescribed GIA floorspace for a 3 bedroom property (102m² with 15% uplift applied = 117m²) was a generous allowance.

It should further be noted that in determination of the outline application (71928), in his report the previous Case Officer made clear to the applicant that, whilst design matters such as scale would be finalised at the reserved matters stage, *“The Rural Workers Dwelling SPD recommends that normally a 3 bed dwelling would extend to around 102m², however this could extend to 117m²”*.

It is acknowledged that from the information submitted in support of this proposal, the farming enterprise can sustain a higher level of development than the SPD minimum, which Officer considered a maximum of 137m² could be justified, which is a consideration under DM28 (1) (b) and 3.30 of the SPD. However, no additional operational needs justification for the larger increase in living space has been submitted beyond the desire of the applicant to provide a larger dwelling for his son and son’s wife. This directly contravenes to provisions of 3.30 of the SPD.

On this matter the SPD is once again very clear, stating that any uplift from the defined GIA standards of the Technical Housing Standards (in this case 102m² for a three bedroom dwelling over two storeys) *“would not be supported, if proposed simply to provide additional living accommodation.”* As previously stated, the living accommodation outlined in the current proposal would measure approximately 126.629m² (taken from the submitted plans), which is approximately 24.629m² above and beyond the figure allowed in the SPD with no justification for this beyond personal preference. As such, given the restrictions of the SPD, this must be deemed to be unacceptable.

From a design perspective, the proposed size of dwelling would likely result in an unacceptable level of bulk, scale and massing which, given the absence of demonstrable justification for such an increase beyond the defined allowances in the SPD, is considered to give rise to unnecessary and avoidable visual harm in this location.

As such, in response to Policy DM28 (1) (b), the proposed development, by virtue of its size and nature, whilst likely to be sustained by the scale of the operation across the wider site is not considered to be reflective of the location and setting, nor proportionate to the needs of the intended occupants.

Therefore, in terms of design and scale, the proposal is deemed to be unacceptable and not in accordance with local planning policy.

Amenity

Policies DM01 (Amenity) and DM04 (i) state that new development must ensure the amenities of neighbouring properties are safeguarded. The massing, design, and orientation of the dwelling, window position and provision of suitable boundary treatment must produce development that has no significant impact on the amenities of neighbouring properties.

As noted at outline stage, there is a separation distance of approximately 40 metres and 60 metres between the development site and the living spaces of ‘The Firs’ (to the west) and Green Gables (to the south-west) respectively. This separation is marked with intervening vegetation in such a way that the physical position would not result in direct impact on the amenity of either neighbours and it is not considered that there would be

significant adverse impact to amenity arising from the development of a dwelling at this location.

In light of the above there are not considered to be any adverse impacts to neighbouring amenity or to the amenity of future occupants of the dwelling itself. As such the proposal is in accordance with DM01 and DM04(i).

Ecology

Local Planning Authorities have a statutory duty to ensure that the impact of development on wildlife is fully considered during the determination of a planning application under the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, The Conservation of Habitats and Species Regulations 2017 (Habitats Regulations 2017).

The submitted Wildlife Trigger Report indicates that there is no activity of any protected species on the site.

The Sustainability Officer has recommended that, in order to fulfil condition 1 of permission 71928 (the outline application, an appropriately detailed landscaping plan should be submitted and agreed with the LPA. Given the recommendation of refusal the additional plan has not been sought at this stage, however in the event Committee were minded to approve, Officer delegation is sought to obtain this plan before permission is issued.

Biodiversity net gains, as required by planning policy, can be achieved by condition.

Flood Risk and Drainage

The application site lies within Flood Zone 1. It is noted that it is proposed that surface water will be dealt with by means of a new soakaway and that foul drainage will discharge into a new Package Treatment Plant. Both are marked on the submitted plans. There are therefore no flood risk or drainage issues associated with the application.

Highways

Adequate and appropriate parking for the new dwelling would be provided by means of the attached double garage, which has an approximate internal floorspace of 40.07m², and a dedicated gravel parking and turning area which would accommodate several vehicles. Therefore the proposal is in accordance with Policy DM06 and is acceptable.

DCC Highways have commented via their weekly list that standing advice should apply with regards to this proposal. It is noted that the new dwelling would access the road to the front (north) of the site using an existing entrance. This entrance is wide and has good visibility splays in both directions. It is not envisaged that the construction of a new dwelling on the site would lead to an unacceptable increase in traffic on the public highway and would not create unsafe conditions for road users. As such, the proposal is acceptable and in accordance with Policy DM05 of the Local Plan.

Other Matters

The applicant has indicated that they are related to Cllr F Tucker.

An existing Section 106 Agreement is linked to the extant outline planning permission (71928).

Conclusion

The application does not accord with Policy DM28 (1) (b) of the North Devon and Torridge Local Plan 2011-2031 and the Rural Workers' Dwellings Supplementary Planning Document and is therefore considered not to accord with the adopted development plan. Refusal of the application is therefore recommended.

Human Rights Act 1998

The provisions of the Human Rights Act and principles contained in the Convention on Human Rights have been taken into account in reaching the recommendation contained in this report. The articles/protocols identified below were considered of particular relevance:

- Article 8 – Right to Respect for Private and Family Life
- THE FIRST PROTOCOL – Article 1: Protection of Property

Section 149(1) 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 (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it (the Public Sector Equality Duty or 'PSED'). There are no equality implications anticipated as a result of this decision.

Recommendation

REFUSE

Legal Agreement Required: No

Reason(s) For Refusal

1. The proposed development, in the absence of appropriate size justification under Policy DM28 and the Rural Workers Dwelling Supplementary Planning Document (SPD), would by reason of its size and design, not be reflective of the location and setting, nor proportionate to the needs of the intended occupants.
The increase in floorspace above and beyond the allowances outlined in the Rural Worker's Dwellings SPD is considered to amount to a request for additional living accommodation which is not justified by the operational needs of the holding and is therefore contrary to North Devon Local Plan Policies ST04, DM04, DM08 and DM28 (1) (b) and the Council's adopted Rural Workers Dwellings SPD.