

South Hams Development Management Committee



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|--|---|-------------|----------|------------|------------------|-------------|--------------|-------------|-----------|--------------|--|
| Title: | Agenda | | | | | | | | | | |
| Date: | Wednesday, 14th February, 2024 | | | | | | | | | | |
| Time: | 10.00 am | | | | | | | | | | |
| Venue: | Council Chamber - Follaton House | | | | | | | | | | |
| Full Members: | <p style="text-align: center;">Chairman Cllr Long Vice Chairman Cllr Taylor</p> <p><i>Members:</i></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Cllr Abbott</td> <td style="width: 33%;">Cllr Nix</td> </tr> <tr> <td>Cllr Allen</td> <td>Cllr O'Callaghan</td> </tr> <tr> <td>Cllr Bonham</td> <td>Cllr Pannell</td> </tr> <tr> <td>Cllr Carson</td> <td>Cllr Rake</td> </tr> <tr> <td>Cllr Hodgson</td> <td></td> </tr> </table> | Cllr Abbott | Cllr Nix | Cllr Allen | Cllr O'Callaghan | Cllr Bonham | Cllr Pannell | Cllr Carson | Cllr Rake | Cllr Hodgson | |
| Cllr Abbott | Cllr Nix | | | | | | | | | | |
| Cllr Allen | Cllr O'Callaghan | | | | | | | | | | |
| Cllr Bonham | Cllr Pannell | | | | | | | | | | |
| Cllr Carson | Cllr Rake | | | | | | | | | | |
| Cllr Hodgson | | | | | | | | | | | |
| Interests – Declaration and Restriction on Participation: | Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest. | | | | | | | | | | |
| Committee administrator: | Amelia Boulter - Democratic Services Specialist 01822 813651 | | | | | | | | | | |

1. Minutes

1 - 8

To approve as a correct record the minutes of the meeting of the Committee held on 17 January 2023

2. Urgent Business

Brought forward at the discretion of the Chairman;

3. Division of Agenda

to consider whether the discussion of any item of business is likely to lead to the disclosure of exempt information;

4. Declarations of Interest

In accordance with the Code of Conduct, Members are invited to declare any Disclosable Pecuniary Interests, Other Registerable Interests and Non-Registerable Interests including the nature and extent of such interests they may have in any items to be considered at this meeting;

5. Public Participation

The Chairman to advise the Committee on any requests received from members of the public to address the meeting;

6. Planning Applications

To see Letters of Representation and further supplementary information relating to any of the Applications on the agenda, please select the following link and enter the relevant Planning Reference number:

<http://apps.southhams.gov.uk/PlanningSearchMVC/>

(a) 1885/23/FUL

9 - 18

Land at SX 743 506, Woodleigh

Application for a permanent agricultural worker dwelling

(b) 3764/23/ARM

19 - 30

Land at Ashford SX 677 487, Aveton Gifford

Application for approval of all matters reserved following outline approval reference 0409/21/OPA for erection of agricultural worker's dwelling (resubmission of 2395/23/ARM)

- (c) 3653/23/FUL** **31 - 40**
Pittaford Farm, Slapton TQ7 2QG

Regularise the change of use of part of an agricultural building to a dog grooming business (sui generis use). (Retrospective and resubmission 4242/22/FUL)

- (d) 3353/23/HHO** **41 - 46**
East Cot, Grenville Road, Salcombe TQ8 8BJ

Householder application to clad the top half of the front elevation with Cedral cladding (Retrospective)

PLEASE NOTE THE FOLLOWING ITEMS WILL NOT BE HEARD BEFORE 2.00pm

- (e) 3650/23/FUL** **47 - 56**
Land at SX 782 623, Symons Drive, Dartington

Application for the erection of a single residential dwelling (Affordable discount market)

- (f) 4240/23/CLP** **57 - 60**
Land South of Woolwell Centre, Woolwell

Certificate of lawfulness for proposed creation of a tarmac track for wheeled sports, with associated reprofiling of earth at the site to create supporting berms and features

- 7. Planning Appeals Update** **61 - 62**

- 8. Update on Undetermined Major Applications** **63 - 70**

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MINUTES of the MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE held in the COUNCIL CHAMBER, FOLLATON HOUSE, TOTNES, on WEDNESDAY, 17 January 2024

| | | | |
|------------------------------|------------------------|---|-------------------------------|
| Members in attendance | | | |
| * Denotes attendance | | | |
| ∅ Denotes apologies | | | |
| * | Cllr V Abbott | * | Cllr A Nix |
| * | Cllr G Allen | * | Cllr D O’Callaghan |
| * | Cllr L Bonham | * | Cllr G Pannell |
| * | Cllr J Carson | * | Cllr S Rake |
| * | Cllr J Hodgson | * | Cllr B Taylor (Vice Chairman) |
| * | Cllr M Long (Chairman) | | |

Other Members also in attendance:

Officers in attendance and participating:

| Item No: | Application No: | Officers: |
|------------------|-----------------|--|
| All agenda items | | Head of Development Management, Monitoring Officer (on MS Teams); Principal Planning Officers, Senior Planning Officers, DCC Highways Officer, Environmental Health Officer, IT Specialists and Senior Democratic Services Officer |

DM.44/23 MINUTES
The minutes of the meeting of the Committee held on 13 December 2023 were confirmed as a correct record by the Committee.

DM.45/23 DECLARATIONS OF INTEREST
Members and officers were invited to declare any interests in the items of business to be considered and the following were made:

Cllr J Hodgson declared an Other Registerable Interest in application 3855/23/CLP (Minutes DM.47/23 (d) below refer), as she was involved with a group supporting the need for a skate park. The Member remained in the meeting and took part in the debate and vote thereon.

DM.46/23 PUBLIC PARTICIPATION
The Chairman noted the list of members of the public, Town and Parish Council representatives, and Ward Members who had registered their wish to speak at the meeting.

DM.47/23 PLANNING APPLICATIONS
The Committee considered the details of the planning applications prepared by the relevant Case Officers as presented in the agenda papers, and considered the comments of Town and Parish Councils, together with other representations received, which were listed within the presented agenda reports, and **RESOLVED** that:

6a) 2306/23/FUL

Ivybridge Motors Ltd, Fore Street, Ivybridge,
PL21 9AE

Town: Ivybridge

Development: READVERTISEMENT (revised plans) Change of use from sale of motor vehicles to sale of building supplies and associated works.

The Case Officer provided an update to the Committee, which included:

- In para 5.8 in the report should read there would be conflict between users accessing Highlands Health Centre and large vehicles using and moving around the application site.
- The additional information emailed to Members that included Phase 1 Land Contamination Report and update to plans outlining the parking, elevation of the street scene, proposed fence line and proposed planting.
- Additional representation raising objection on traffic impacts.
- At the site inspection, the Tree Officer reiterated their comments regarding the trees and raised no concerns, however, did recommend a pre-commencement condition, if minded to approve because it was unclear on the physical separation of the roots and pressure to prune/fell branches.

The Case Officer summarised the key issues, namely that:

- Relationship Highlands Health Centre.
- Impact of fence and storage area and setting of listed church.
- On-site turning/parking and visibility splays.
- Reasons for refusal outlined within the report.

The case officer responded:

- Forklift trucks would be in operation on the shared access with the public.
- The slope had a gradient of 1:6.
- There has been further dialogue with the Highways and they felt this application was not acceptable.
- Ten parking spaces for customer use.

The Highways Officer reported that a condition to restrict timings for heavy vehicles would not work and conflict with customer parking. The blocking of highways and relocation of customer parking when deliveries were made not acceptable. The steep ramp past the health centre was used by pedestrians and vulnerable road users. Highways had highlighted the need for visibility splays but this concern to be removed.

The Environmental Health Officer reported that dust from the site would not impact on the church. Any dust related issues should be dealt with if complaints arose.

A representative from Town Council requested to speak and at the Chair's discretion this was permitted. It was made quite clear to the representative that they were speaking on behalf of the Town Council. It became evident during their speech that the view's expressed were not on behalf of the Town Council. The Chair asked the representative to confirm that this was their own personal view, and this was confirmed by the representative.

Having heard from speakers on behalf of objectors, supporters together with the Ward Councillor, Members debated the application. During the debate, one Member highlighted the importance of keeping employment within the town, however due to the large number of objections and public representatives it was important to hear those arguments. This site previously was a petrol station and car sales showroom. The Healthcare Centre was accessed via this site and well used. The height of fence would be problematic and appear dominant, however a hedge may overcome this, but the contaminated land would be an issue. Another Member felt this was a sensitive site, however this was a business that wished to expand and as a council should support economic growth. Other Members felt that safety issues for pedestrians accessing the Healthcare Centre, large vehicles in and out of the site, the heritage of the church and the negative impact on the street scene therefore more disadvantages to advantages to this application. It was also felt that this type of business should be on an industrial site.

Recommendation: Refusal

Committee decision: Refusal. Remove reference to the visibility splays.

6b) 1505/23/FUL Land at Sx 654 517, New Mills Industrial Estate, Modbury Parish: Modbury

Development: Provision of 3 bedroom dwelling (log cabin) to accommodate graduate vets/nurses

Case Officer Update: The Case Officer summarised the key issues, namely that:

- Principle of allowing residential use in a commercial area.
- Conditions for the occupiers.
- Impact on car parking.
- Impact on the street scene.
- Highways considerations.

The Case Officer explained:

- The current drainage plan was not satisfactory and therefore would seek revised drainage plans if Members were minded to approve

the application.

- It was understood that no animals were kept overnight at the practice.
- There were routes accessible by foot from the industrial estate, however one route was considered too dangerous by foot and therefore refusal based on highway concerns.
- DEV14 seeks to protect employment land and existing premises.
- A strip of land north of the industrial estate was used by people as a footway but was unsure of the ownership of the land.
- The lodge would be removed if not used for employment purposes by South Moor Vets.
- There were no plans in place to formalise the footpath north of the site.

Having heard from speakers on behalf of supporter and a statement from the Parish Council, Members debated the application. During the debate, Members raised concerns on the highways objections and objections raised by the Parish Council, however another Member, despite the concerns raised felt that other businesses on the industrial site could be accessed by people on foot. Another Member highlighted the need for more diversity in housing and commended this application to help young people getting onto the housing ladder. It was also highlighted that Parish Council suggested the purchasing of a nearby property and employees would have walk that route to access the industrial site. Another Member raised that the alternative route to access the site was regularly used.

In response to the concerns raised on safety and measures to be put in place to reduce the chance of people using that route, Officers reported that it would be for officers to progress for future consideration but not for this application.

There was an acknowledgment to the objections raised by the Highways Authority but on balance it was felt that people would walk the alternative route.

Recommendation: Refusal

Committee decision: Delegated approval to the Head of Development Management in consultation with Chairman, Vice Chairman and Proposer (Cllr G Pannell) and Seconder (Cllr J Hodgson) to agree the conditions subject to receipt of revised plans demonstrating a suitable soakaway and occupation of the unit.

6c) 2981/23/VAR **The Crab Shed, The Fish Quay, Gould Road, Salcombe. TQ8 8DU**
Town: Salcombe

Development: Variation of condition 9 (flood survey & removal of permitted building) of planning approval 41/0189/13/F to postpone the proposed Flood Survey from 2033 and allow the building to be retained on site until 2044 (retrospective) (resubmission of 1137/23/VAR)

Case Officer Update: The Case Officer summarised the key issues, namely:

- Climate change/Flood Risk.
- Economic Development.

One Member felt there was a strong need to support the Environment Agency objections and to listen to stakeholder comments. Officers highlighted that the Environment Agency objected to the previous application in 2013.

Having heard from speakers on behalf of the supporter, Members debated the application. During the debate, one Member raised that any businesses on the quayside were at risk of flooding and mitigating measures should be undertaken to protect their business and human life. Another Member said the applicant was seeking security for their business for future years and therefore would put measures in place to protect their business.

Recommendation: Conditional Approval

Committee decision: Conditional Approval

Conditions: 1. Accord with Plans 2. Use linked to crab processing facility 3. Restriction on outside eating area use 4. No amplification of outside seating area 5. Temporary Permission until 2044 6. Mitigation Implementation

**6d) 3855/23/CLP Totnes, Skatepark
Town: Totnes**

Development: Application for a Lawful Development Certificate for removal of existing modular steel skatepark ramps and construction of a new spray concrete skatepark on part of the existing site with an extension.

Case Officer Update: The Case Officer summarised the key issues, namely that:

- Whether the proposal constitutes permitted development.
- Policies of the JLP were not material to the determination of this type of application.
- Officers recommend a Lawful Development Certificate to be issued.

Having heard from speakers on behalf of the Town Council together with the Ward Councillor, Members debated the application. During the debate, Members were very supportive of this application.

Recommendation: Certificate of Lawfulness (Proposed) Certified

Committee decision: Certificate of Lawfulness (Proposed) Certified

DM.48/23 **PLANNING APPEALS UPDATE**

Members noted the list of appeals as outlined in the presented agenda report.

DM.49/23 **UPDATE ON UNDETERMINED MAJOR APPLICATIONS**

Members noted the update on undetermined major applications as outlined in the presented agenda report.

(Meeting commenced at 10.00 am with a lunch at 1.20 pm. Meeting concluded at 15.35 pm)

Chairman

Voting Analysis for Planning Applications – DM Committee 17 January 2024

| Application No: | Site Address | Vote | Councillors who Voted Yes | Councillors who Voted No | Councillors who Voted Abstain | Absent |
|------------------------|---|--|---|---------------------------------|--------------------------------------|---------------|
| 2306/23/FUL | Ivybridge Motors Ltd, Fore Street, Ivybridge, PL21 9AE | Refusal | Cllrs Abbott, Allen, Bonham, Carson, Hodgson, Long, Nix, O'Callaghan, Pannell, Rake and Taylor (11) | | | |
| 1505/23/FUL | Land at Sx 654 517, New Mills Industrial Estate, Modbury | Approved | Cllrs Abbott, Allen, Carson, Hodgson, Long, Nix, O'Callaghan, Pannell, Rake and Taylor (10) | Cllr Bonham (1) | | |
| 2981/23/VAR | The Crab Shed, The Fish Quay, Gould Road, Salcombe. TQ8 8DU | Conditional Approval | Cllrs Abbott, Allen, Bonham, Carson, Hodgson, Long, Nix, O'Callaghan, Pannell, Rake and Taylor (11) | | | |
| 3885/23/CLP | Totnes, Skatepark | Certificate of Lawfulness (Proposed) Certified | Cllrs Abbott, Allen, Bonham, Carson, Hodgson, Long, Nix, O'Callaghan, Pannell, Rake and Taylor (11) | | | |

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PLANNING APPLICATION REPORT

Case Officer: Graham Smith
Gifford

Parish: Woodleigh **Ward:** Loddiswell and Aveton

Application No: 1885/23/FUL

Agent/Applicant:

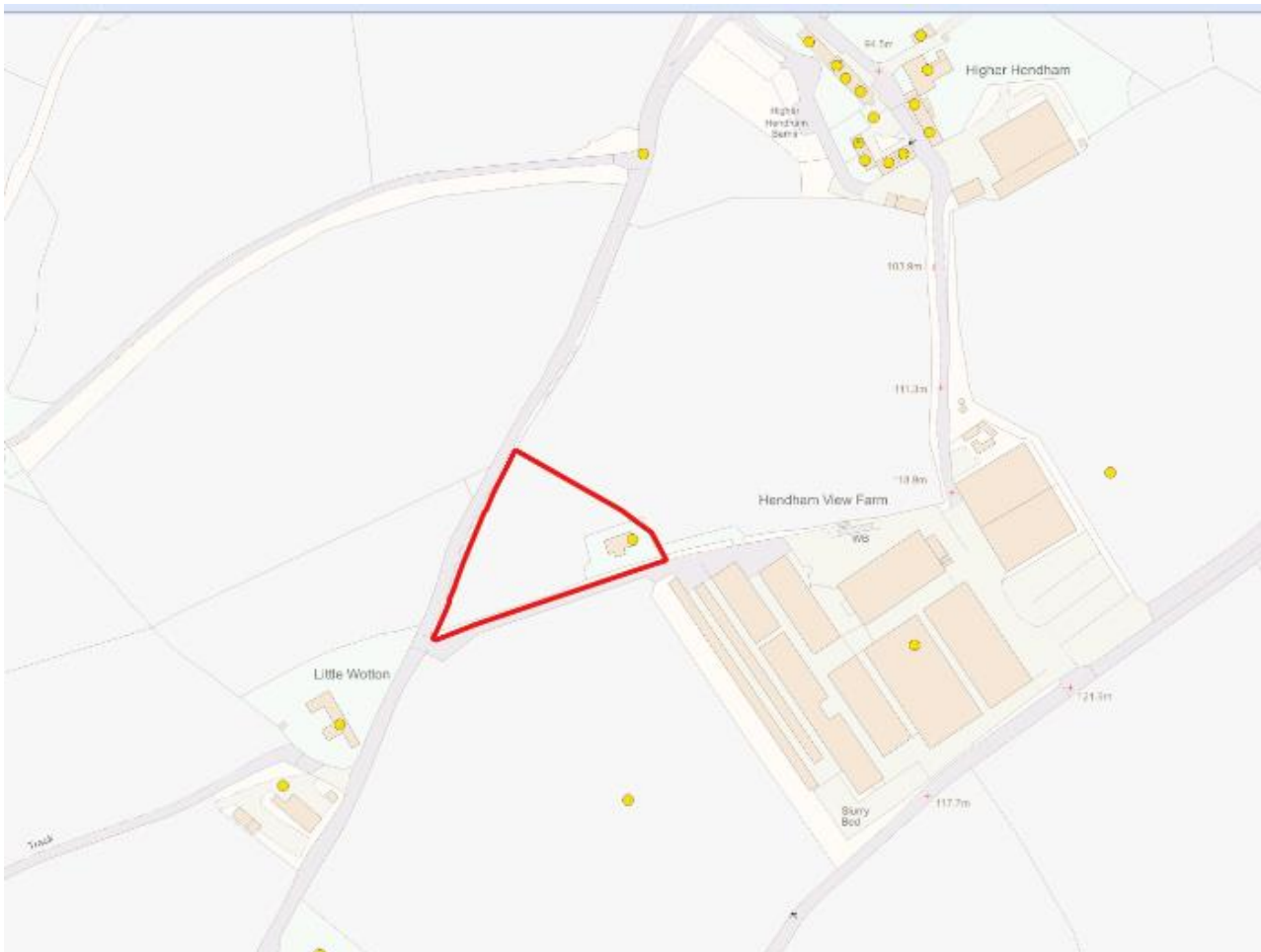
Mrs Amanda Burden - Luscombe Maye
59 Fore Street
Totnes
TQ9 5NJ

Applicant:

Messrs DJ & J Merrin
C/O Agent

Site Address: Land At Sx 743 506, Woodleigh

Development: Application for a permanent agricultural workers dwelling



Reason item is being put before Committee: At request of Cllr Bonham *Given the local support and the agreement in principle for development on that site I believe that the application should be heard by the Committee.*

Recommendation: REFUSE

Reasons for refusal:

1. The size and scale of the dwelling is considered to be disproportionate and excessive given its purpose to provide accommodation for a rural worker in perpetuity. It is not considered that such a large dwellinghouse is commensurate with the needs of the land use, nor is it considered that the average rural worker would be in a financial position to afford such property. On this basis the development is not considered to serve an essential need and is contrary to SPT1, SPT2, TTV1 and TTV26 of the Plymouth and South West Devon Joint Local Plan 2014-2034.

Key issues for consideration:

Principle of development, Design/Landscape, Highways, Residential Amenity, Ecology, Drainage, Carbon Footprint

Site Description:

Hendham View Farm is potentially the largest farm holding in South Hams and sits midway between Moreleigh to the north east and Loddiswell to the south west mainly comprising of open fields with a farmhouse and operational buildings. This part of the holding is a triangular shaped corner of a field of some 0.4ha and is to the west of the operational buildings and a caravan which has been used as temporary accommodation.

The topography is undulating with levels falling gently downwards from the existing access at the south to the north. A Devon hedgebank encloses the field along the southern and western boundaries and a country lane runs along the western boundary. The site is within the South Devon National Landscape and also the Greater Horseshoe Bat Special Area of Conservation.

The farmhouse is approximately 800m away and the applicants are not therefore within 'sight and sound' of the livestock at this part of the holding. Their son is chief herdsman and has occupied the caravan since 2017. The operation is a long-established cattle and arable enterprise and has recently evolved incorporating dairy with a herd of 500 and contract with a nationwide supermarket.

The Proposal:

Permission is sought for a 4-bedroom detached dwellinghouse with attached double garage, its own access and amenity space. A pitched roof design is proposed with projecting gables and main frontage facing in a north westerly direction. Facing materials comprise of stone walls and slate roof with powder coated aluminium frame windows. The gross floorspace of the development would be 397m² with some office space, a boot room and meeting room incorporated to provide facilities for the farming operations.

A new entrance would be formed through the hedgebank to the south off the existing hard-core track that leads directly to the farm buildings at Hendham View Farm.

Consultations:

- County Highways Authority – No Highways Implications
- Agricultural consultant - objection
- Parish Council – No response received.
- Landscape Officer (SHDC) – Initial holding objection based on concerns relating to landscape impact but upon receipt of additional landscape supporting information, a change to facing materials and enhanced planting, reduced residential garden they acknowledged that once the landscaping become established this will help mitigate any visual impacts associated with the development.

Representations:

6 representations were received in support of the application. The points made can be summarised as follows:

1. There is a clear need for an agricultural worker to be living at this location.
2. A house of this size is necessary to support the dairy needs of the farm, along with meetings, housing students and feeding workers. Farms of this size have traditionally had houses much larger than what is proposed here and a smaller house would have a devaluing consequence for the operation.
3. The design is described as attractive and materials are utilised that are in keeping with the locality. The landscaping will further enhance the impact.

Relevant Planning History

- 0292/17/FUL - Provision of temporary agricultural dwelling (mobile home) – **CONDITIONAL APPROVAL**
- 2591/20/FUL - Provision of temporary agricultural dwelling (mobile home) for 2 years - **CONDITIONAL APPROVAL**
- 2667/21/OPA - Outline application with some matters reserved for the provision of an agricultural workers dwelling including landscaping – **CONDITIONAL APPROVAL**

ANALYSIS

1. Principle of Development/Sustainability:

- 1.1 The Plymouth and South West Devon Joint Local Plan 2014-2034, through its higher level Policies (SPT1 and SPT2), sets the context for what the LPA considers to be sustainable development promoting a sustainable economy, society and environment. From the higher level ambitions the concept of rural sustainability is established as is a spatial vision for where growth will be prioritised in Policy TTV1. The main towns and villages are in the top tier of a development hierarchy where it is envisaged the most growth will occur whereas sites such as the one subject to this application in the open countryside are heavily restricted on what is acceptable.
- 1.2 In line with Policy TTV1 all development in the countryside must demonstrate that it supports the principles of sustainable development and also that it accords with Policies

TTV26 and TTV27. The proposal does not seek permission for rural exception housing therefore TTV27 is not relevant in this instance.

- 1.3 Policy TTV26 is split into 2 parts with the first relating to isolated development in the countryside. When considering if a development is isolated or not the LPA use the recent Bramshill ruling, which describes isolation as: “...the word “isolated” in the phrase “isolated homes in the countryside” simply connotes a dwelling that is physically separate or remote from a settlement. Whether a proposed new dwelling is or is not “isolated” in this sense is a matter of fact and planning judgment for the decision-maker in the particular circumstances of the case in hand.”
- 1.4 Naturally the farm is at a relatively remote location and there are no nearby settlements identified by the JLP. Whilst there are farm buildings in the vicinity and another farm to the west the Supplementary Planning Document (11.48) makes clear that *a building or collection of buildings that originated in support of a single business or function, such as a farm or mill, that are distinct and detached from a rural settlement will not be considered as either a ‘hamlet’ or ‘settlement’, and will be considered as being in the countryside.*
- 1.5 As a matter of planning judgement, the site is considered to be physically separate and remote from a settlement and on this basis, officers would conclude that it constitutes isolated development. Both parts of TTV26 must therefore be assessed:

TTV26.1. Isolated development in the countryside will be avoided and only permitted in exceptional circumstances, such as where it would:

- i. Meet an essential need for a rural worker to live permanently at or near their place of work in the countryside and maintain that role for the development in perpetuity; or*
- ii. Secure the long term future and viable use of a significant heritage asset; or*
- iii. Secure the re-use of redundant or disused buildings and brownfield sites for an appropriate use; or*
- iv. Secure a development of truly outstanding or innovative sustainability and design, which helps to raise standards of design more generally in the rural area, significantly enhances its immediate setting, and is sensitive to the defining characteristics of the local area; or*
- v. Protect or enhance the character of historic assets and their settings.*

TTV26.2. Development proposals should, where appropriate:

- i. Protect and improve public rights of way and bridleways*
- ii. Re-use traditional buildings that are structurally sound enough for renovation without significant enhancement or alteration.*
- iii. Be complementary to and not prejudice any viable agricultural operations on a farm and other existing viable uses.*
- iv. Respond to a proven agricultural, forestry and other occupational need that requires a countryside location.*
- v. Avoid the use of Best and Most Versatile Agricultural Land.*
- vi. Help enhance the immediate setting of the site and include a management plan and exit strategy that demonstrates how long term degradation of the landscape and natural environment will be avoided.*

- 1.6 With respect to TTV26(1) officers have consulted an agricultural specialist who has visited the site and assessed the business and is content that there is an essential functional requirement for an agricultural worker to live permanently at this site. However, an important factor in their deliberations is that the size of the workers unit should be commensurate with the needs of the land use. Whilst there are no thresholds detailed in the Policy, the generally accepted floorspace is between 140- 170sqm, excluding space required for the farm business (farm office, mud room, etc), and this is the approach consistently taken by Officers across the district¹.
- 1.7 The agricultural consultant (AG) has derived this floorspace from appeal decisions. In particular APP/N1215/A/13/2200385 which related to an agricultural workers' dwelling whereby the inspector determined that a 3-4 bedroom dwelling could be satisfactorily accommodated in 120 m² of internal floorspace (accepting that an additional 20m² was appropriate for a farm office). The inspector for that appeal took account of another appeal decision APP/N1215/A/11/2162307, where another inspector also considered that such a size was appropriate. The AG has suggested that, in the absence of any clear adopted policy over size, a consistent approach is his recommended approach to the alternative which would be a sliding scale whereby the larger or more profitable farm should be entitled to a dwelling larger than commonly accepted by the LPA and inspectors as being appropriate. He has suggested that by allowing a larger unit than has been accepted elsewhere this would set an undesirable precedent.
- 1.8 Given the size of the dwelling, Officers question whether it would remain an agricultural workers unit in perpetuity as it is unlikely to be affordable to the average agricultural worker. The applicant has acknowledged that it will not be affordable however they argue that this application has unique circumstances in that the proposed dwelling, over time, will become the main farm residence also highlighting legal restrictions on the land which ties it to the operation, and it could not therefore be sold off separately. The associated legal documents do indeed tie the land to the holding and an application would need to be made to the Council to sell it off separately however this does not address the concern that the dwelling is not commensurate with the needs of the business.
- 1.9 Notwithstanding the legal constraints, officers do not consider the circumstances in this instance are much more different than similar applications for large dwellings in the countryside which have been found to fail to accord with TTV26. It is quite normal as part of a succession plan that the children are to inherit the business and would wish to have their own family sized dwelling. Policy TTV26 does not make a distinction between agricultural workers units and farm managers. Planning policy however is driven by the functional requirements of the holding rather than other needs or preferences of the applicant. Officers accept the need for a modestly sized worker's unit in order to provide a physical presence in sight and sound of the livestock and limited operations however a dwelling of the size proposed, even excluding the two storey double garage, would be considered to be significantly in excess of that.
- 1.10 In terms of TTV26(2) not all of the criteria are relevant. Officers would accept that the dwelling would be complementary to existing operations and the agricultural consultant has not raised any concerns about the ability of the business to sustain the financial costs associated with the construction. As already detailed officers are content that there is a proven need for a dwelling at this location.

¹ Application references 3235/21/FUL, 3935/22/ARM, 3503/21/ARM, 3527/22/FUL, 2395/23/ARM

- 1.11 Both parts of TTV26 require some consideration of the setting, design and what strategy is in place to avoid degradation of the landscape and setting and this will be considered later in this report. Improvements have been made in this regard during the course of the application and whilst officers would stop short of summarising that what is proposed would represent an enhancement conditions could help avoid landscape degradation.
- 1.12 In conclusion whilst the principle of an agricultural workers unit raises no concerns officers do not consider that there is an essential need for a dwelling of the size proposed at this location. As the dwelling is not considered to be commensurate with the functional needs of the business the proposal is considered to fail to accord with Policy TTV26.

2. Design/Landscape:

- 2.1 Policy DEV20 and DEV23 of the JLP generally seek to secure a high quality design that is both sympathetic to the local context and conserves and enhances the landscape setting. As the development is taking place within a National Landscape Policy DEV25 would provide additional protection. This requires giving great weight to conserving landscape and scenic quality and aims to prevent the addition of incongruous features whilst also retaining the intrinsic dark skies of the protected landscape.
- 2.2 During the course of the application some changes have been incorporated to the proposal following the objection from the landscape specialist. Within the red line there is a substantial area now designated for planting with the residential garden ground more compact and materials changed to what would be considered to be more appropriate to the local context. The dwelling is still large and at such a prominent location in the landscape, the visual impact to an extent will be unavoidable and will only be properly mitigated once the landscaping becomes well established. However the design is not considered to be so overbearing in this context as it is set within a spacious plot and it has been accompanied by a high quality scheme of landscaping. The materials incorporating stone and slate would be recessive and in keeping with the local context. Lightspill on the wider landscape will again be mitigated as the landscaping establishes and trees helping to filter it. The wider landscape is notable for its undeveloped qualities however this particular part does contain functional agricultural buildings and dispersed farms and in this respect what is proposed, a workers unit, would not be considered to be so incongruous in this context.
- 2.3 It is noted that many of the supporters of the development view the design as providing an enhancement, however the landscaping strategy seeks to effectively screen the building from view and changes made have only partially addressed the concerns of the landscaping consultant. On balance while officers would not consider it to result in an enhancement, if permission were to be approved, conditions could provide naturally recessive coloured materials and the necessary landscaping whilst also restricting external lighting. In combination these aspects would help suitably conserve the existing character and would not therefore pose any unacceptable conflict with Policies DEV20, DEV23 and DEV25 of the JLP.

3. Highways:

- 3.1 The proposal does not result in any highway concerns and is considered to comply with Policy DEV29 which considers a range of highway safety related issues.

4. Neighbour Amenity:

- 4.1 There is another farm to the south west but not within the kind of range (approx. 75m) that would result in an adverse loss of amenity for existing and future residents. As such the development would not result in any adverse overshadowing or overlooking and in accordance with Policy DEV1 of the JLP.

5. Ecology:

- 5.1 Policy DEV26 requires consideration of habitats and species and seeks to deliver proportionate levels of biodiversity enhancements. An ecological appraisal has found that whilst the site is in a sensitive location with regards to Greater Horseshoe bats, subject to suitable mitigation during construction and with additional mitigation installed, the proposal can suitably protect species and habitat and a proportionate level of biodiversity enhancement can be provided.

6. Drainage:

- 6.1 Policy DEV35 considers flood risks associated with development and requires surface water and foul drainage to provide sustainable solutions. The site is not within an area at high risk of flooding and a drainage assessment has been submitted showing that surface water can be treated via soakaway in a sustainable manner as can foul drainage. Conditions could effectively secure suitable infrastructure to accommodate the development and on this basis the development would not conflict with Policy DEV35 of the JLP.

7. Carbon Footprint:

- 7.1 Policy DEV32 and the recently adopted Climate Emergency Planning Statement requires developments to secure low carbon design as a means of accelerating the transition to a low carbon economy. An air source heat pump and solar PV have been integrated into the design. These along with the extensive planting and sustainable drainage arrangements are considered to provide a suitably sustainable solution and if permission were to be approved could be delivered via condition. As such officers do not consider the proposal to conflict with DEV32.

8. Conclusion:

- 8.1 The proposal is considered to conflict with the adopted spatial strategy and policies of the Development Plan as a dwelling of the size proposed at this location is not considered to be commensurate with the essential need for workers accommodation. Instead, it would result in a disproportionately large dwelling in the open countryside that is unlikely in the circumstances to be affordable to the average agricultural worker thereby failing to maintain that role for the development in perpetuity. Officers do not consider that there are exceptional circumstances in this case that would warrant a different approach than has been applied consistently elsewhere and therefore recommend refusal.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004

Planning Policy

Relevant policy framework

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of March 26th 2019, the Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts of South Hams and West Devon within Dartmoor National Park).

On 26 March 2019 of the Plymouth & South West Devon Joint Local Plan was adopted by all three of the component authorities. Following adoption, the three authorities jointly notified the Ministry of Housing, Communities and Local Government (MHCLG)* of their choice to monitor the Housing Requirement at the whole plan level. This is for the purposes of the Housing Delivery Test (HDT) and the 5 Year Housing Land Supply assessment. A letter from MHCLG to the Authorities was received on 13 May 2019 confirming the change.

On 14th January 2022 the Department for Levelling Up, Housing and Communities published the HDT 2021 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 128% and the consequences are "None".

Therefore a 5% buffer is applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 5.97 years at end of March 2022 (the 2022 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2022 (published 19th December 2022).

[*now known as Department for Levelling Up, Housing and Communities]

The relevant development plan policies are set out below:

The Plymouth & South West Devon Joint Local Plan was adopted by South Hams District Council on March 21st 2019 and West Devon Borough Council on March 26th 2019.

SPT1 Delivering sustainable development

SPT2 Sustainable linked neighbourhoods and sustainable rural communities

TTV1 Prioritising growth through a hierarchy of sustainable settlements

TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area

TTV26 Development in the Countryside

TTV27 Meeting local housing needs in rural areas

DEV1 Protecting health and amenity

DEV2 Air, water, soil, noise, land and light

DEV20 Place shaping and the quality of the built environment

DEV21 Development affecting the historic environment

DEV23 Landscape character

DEV25 Nationally protected landscapes

DEV26 Protecting and enhancing biodiversity and geological conservation

DEV29 Specific provisions relating to transport

DEV32 Delivering low carbon development

DEV35 Managing flood risk and Water Quality Impacts

Neighbourhood Plan There is no Neighbourhood Plan for this area forming part of the Development Plan

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance in Planning Practice Guidance (PPG).

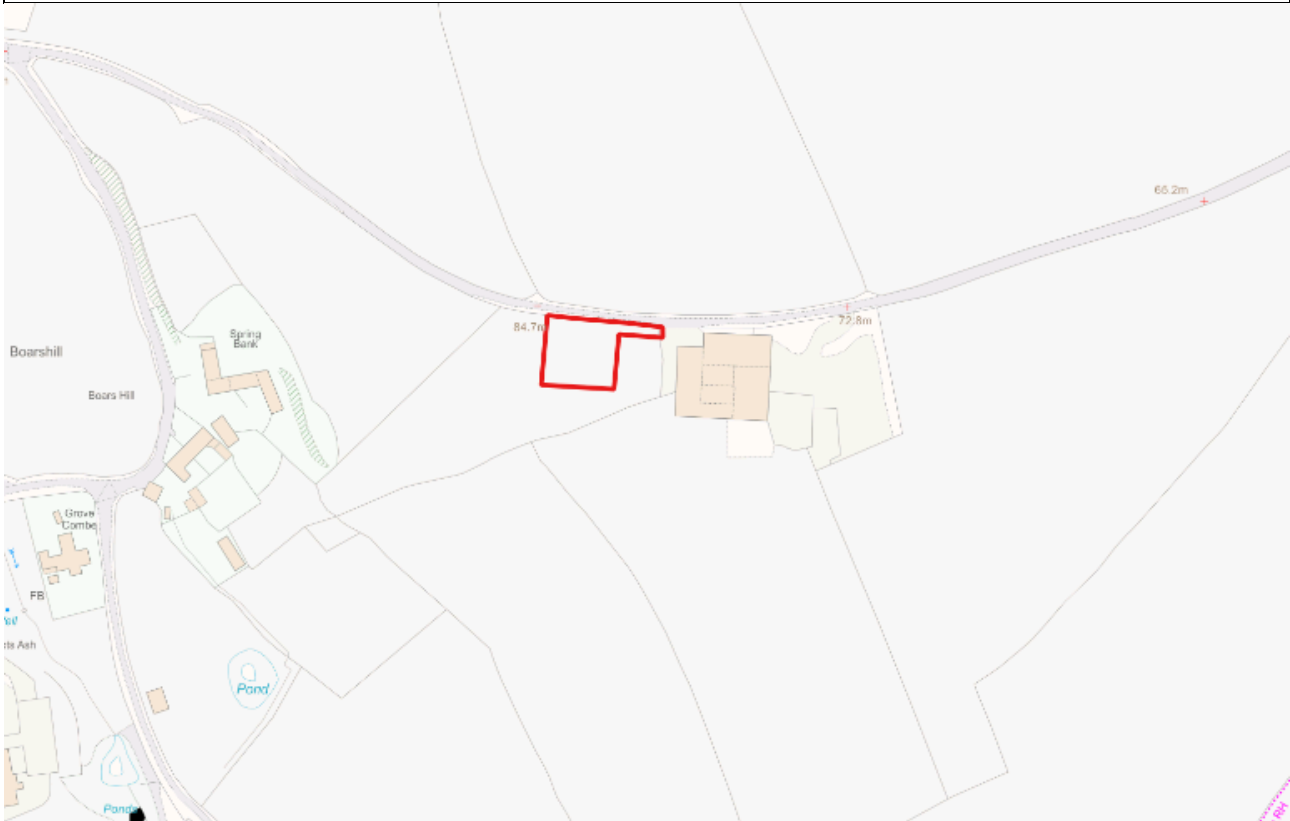
Considerations under Human Rights Act 1998 and Equalities Act 2010

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.

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COMMITTEE REPORT

| | | | |
|------------------------|--|---------------|--|
| Case Officer: | Charlotte Howrihane | | |
| Parish: | Bigbury | Ward: | Charterlands |
| Application No: | 3764/23/ARM | | |
| Applicant: | Mr Chris Lidstone and Sarah Appleyard Warcombe Barn Kingsbridge TQ7 4BW | Agent: | Mrs Amanda Burden - Luscombe Maye 59 Fore Street Totnes TQ9 5NJ |
| Site Address: | Land at Ashford SX 677 487, Aveton Gifford | | |
| Development: | Application for approval of all matters reserved following outline approval reference 0409/21/OPA for erection of agricultural worker's dwelling (resubmission of 2395/23/ARM) | | |



Reason item is before Committee: Cllr Taylor has called the application to committee as he disagrees with Officer views about the size of the dwelling.

Recommendation: Refusal

Reasons for refusal:

1. It is not considered that the size of the dwelling proposed in this application would be commensurate with the functional requirements of the business as rural worker's accommodation and that realistically the dwelling could remain as rural worker's accommodation in perpetuity contrary to Policy SPT1, SPT2, TTV1 and TTV26(1)(i) of the Plymouth and South West Devon Joint Local Plan 2014-2034 (JLP).
2. The proposed dwelling, by virtue of the level of groundworks required, resulting scale of the dwelling and light impact on the existing dark landscape is likely to have an adverse impact on the setting of the South Devon National Landscape and local landscape character. The development therefore conflicts with policies SO1, SPT12, DEV23 and DVE25 of the Plymouth and South West Devon Joint Local Plan 2014-2034, policy BP19 of the Bigbury neighbourhood plan, and paragraphs 180 and 182 of the National Planning Policy Framework (2023).

Key issues for consideration:

Principle of development, design, landscape impact, residential amenity, highways, low carbon development, drainage

Site Description:

The application site is a plot of land of approximately 941sqm. It is currently part of a field with road access to the north and to the west of the existing farm buildings. It is situated approximately 915m to the west of the hamlet of Ashford, with Aveton Gifford approximately 1.6km to the south east. The land slopes down from the north to the south, with open fields all around.

The site lies within the South Devon National Landscape (formerly known as the AONB).

The Proposal:

Outline planning permission was granted in 2021 for the erection of an agricultural workers dwelling. This application seeks approval for the reserved matters. The proposal is a two-storey dwelling, finished in a mix of render and stone, with a natural slate roof. A large detached garage is also proposed, in matching materials.

The existing site slopes down from the road, and so the ground will be levelled to allow for the construction of the dwelling. At its highest point, the ground level will be raised by approximately two metres.

Consultations:

- Landscape- objection- details in analysis
- Drainage- no objection
- Archaeology- there is an outstanding requirement for archaeological works to be undertaken, please make the applicant aware
- Environmental Health- no objections
- Parish Council- support

Representations:

None

Relevant Planning History

- 0409/21/OPA Outline application with all matters reserved for erection of agricultural dwelling
- conditional approval
- 1280/21/FUL Provision of roof to cover existing yard area
- conditional approval
- 2395/23/ARM Application for approval of all reserved matters following outline approval reference 0409/21/OPA for erection of agricultural dwelling- refusal

Background:

The application is a resubmission of a previous application, 2395/23/ARM, which was refused for the following reasons:

1. It is not considered that the size of the dwelling proposed in this application would be commensurate with the functional requirements of the business as rural worker's accommodation and that realistically the dwelling could remain as rural worker's accommodation in perpetuity contrary to Policy SPT1, SPT2, TTV1 and TTV26(1)(i) of the Plymouth and South West Devon Joint Local Plan 2014-2034 (JLP).
2. The proposed dwelling, by virtue of the level of groundworks required, and the extent of glazing proposed to the south elevation, is likely to have an adverse impact on the setting of the South Devon AONB and local landscape character due to light impact on the existing dark landscape. The development therefore conflicts with policies SO1, SPT12, DEV23 and DVE25 of the Plymouth and South West Devon Joint Local Plan 2014-2034, policy BP19 of the Bigbury neighbourhood plan, and paragraphs 174 and 176 of the National Planning Policy Framework (2023).
3. It has not been demonstrated to the satisfaction of the Local Planning Authority that there is an adequate surface water drainage management system to accommodate the proposed development. The application therefore conflicts with policy DEV35 of the Plymouth and South West Devon Joint Local Plan 2014-2034.

Some minor amendments have been made to the current scheme, notably a slight reduction in glazing, and the submission of additional drainage information. Further details have also been submitted to justify the size of the building, which remains unaltered from the approved scheme.

ANALYSIS

1.0. Principle of Development/Sustainability:

- 1.1. The Plymouth and South West Devon Joint Local Plan 2014-2034, through its higher level Policies (SPT1 and SPT2), sets the context for what the LPA considers to be sustainable development promoting a sustainable economy, society and environment. From the higher level ambitions the concept of rural sustainability is established as is a spatial vision for where growth will be prioritised in Policy TTV1. The main towns and villages are in the top tier of a development hierarchy where it is envisaged the most growth will occur whereas sites such as the one subject to this application in the open countryside are heavily restricted on what is acceptable.
- 1.2. In line with Policy TTV1 all development in the countryside must demonstrate that it supports the principles of sustainable development and also that it accords with Policies TTV26 and TTV27. The proposal does not seek permission for rural exception housing therefore TTV27 is not relevant in this instance.
- 1.3. Policy TTV26 is split into 2 parts with the first relating to isolated development in the countryside. When considering if a development is isolated or not the LPA use the

recent Bramshill ruling, which describes isolation as: "...the word "isolated" in the phrase "isolated homes in the countryside" simply connotes a dwelling that is physically separate or remote from a settlement. Whether a proposed new dwelling is or is not "isolated" in this sense is a matter of fact and planning judgment for the decision-maker in the particular circumstances of the case in hand."

- 1.4. As a matter of planning judgement, the site is considered to be physically separate and remote from a settlement and on this basis, officers would conclude that it constitutes isolated development. Both parts of TTV26 must therefore be assessed:

TTV26.1. Isolated development in the countryside will be avoided and only permitted in exceptional circumstances, such as where it would:

- i. Meet an essential need for a rural worker to live permanently at or near their place of work in the countryside and maintain that role for the development in perpetuity; or*
- ii. Secure the long term future and viable use of a significant heritage asset; or*
- iii. Secure the re-use of redundant or disused buildings and brownfield sites for an appropriate use; or*
- iv. Secure a development of truly outstanding or innovative sustainability and design, which helps to raise standards of design more generally in the rural area, significantly enhances its immediate setting, and is sensitive to the defining characteristics of the local area; or*
- v. Protect or enhance the character of historic assets and their settings.*

TTV26.2. Development proposals should, where appropriate:

- i. Protect and improve public rights of way and bridleways*
- ii. Re-use traditional buildings that are structurally sound enough for renovation without significant enhancement or alteration.*
- iii. Be complementary to and not prejudice any viable agricultural operations on a farm and other existing viable uses.*
- iv. Respond to a proven agricultural, forestry and other occupational need that requires a countryside location.*
- v. Avoid the use of Best and Most Versatile Agricultural Land.*
- vi. Help enhance the immediate setting of the site and include a management plan and exit strategy that demonstrates how long term degradation of the landscape and natural environment will be avoided.*

- 1.5. With regards to TTV26(1)(i) it is important to consider if there is an essential need for the development proposed, and, if the development would maintain the role of a rural workers dwelling in perpetuity.
- 1.6. The need for the dwelling for an agricultural worker has been established through the grant of the outline application, which was assessed by the Council's Agricultural Consultant who concluded that there was a functional need for the dwelling.
- 1.7. The Agricultural Consultant also advises on the appropriate size of dwellings of this type. There is no floorspace threshold in the JLP or NPPF regarding the scale that would be appropriate for a rural worker's dwelling and the LPA is therefore reliant on the expertise of the agricultural consultant to analyse what the functional requirement of the rural business is and what would be commensurate in terms of workers accommodation. The generally accepted floorspace is between 140-

170sqm, excluding space required for the farm business (farm office, mud room, etc), and this is the approach consistently taken by Officers across the district¹.

- 1.8. The proposed dwelling has a floor space of approximately 220sqm, with roughly 30sqm of farm business space within that. There is also a garage of approximately 40sqm proposed alongside the dwelling. The dwelling would therefore be larger than functionally required for the agricultural business even when excluding the farm business space from the size. Officers do not consider that there are any special circumstances or specific requirements of the enterprise to justify a larger dwelling to the extent proposed.
- 1.9. Outline permission was granted for the dwelling with an agricultural occupancy condition; the dwelling is not tied to a personal permission, or to the agricultural holding because the objective is to ensure there is a stock of accessible housing for rural workers within the local area, not just in association with the specific holding. The likelihood of a dwelling of the size proposed remaining a rural workers unit in perpetuity is considered to be low for a unit of the size proposed, as such a large dwelling in the countryside is unlikely to be affordable to the average agricultural worker.
- 1.10. The previous application, 2395/23/ARM, which was refused in 2023, was the same size as the currently proposed dwelling. The applicant has submitted a statement, in an effort to justify the large size of the dwelling, stating that as well as a large farm office and utility area, the business requires a large kitchen, for meetings. Officers do not dispute this, and would have no objections to the retention of the kitchen area as proposed. However, it is also noted that a large dining room, and 'day room' are proposed, as well as an even larger living room, these features result in a dwelling much larger than is functionally necessary- particularly as the living room is double-height, with no accommodation above it at first floor.
- 1.11. It is not considered that the dwelling proposed is of a size commensurate with the established functional requirement of the business. If approved, a dwelling of the size proposed, at this countryside location in the future is highly unlikely to be financially accessible as a rural worker's dwelling over the long term. The proposal would therefore conflict with the spatial strategy which seeks provide housing which meets an identified need, and only supports development in the countryside which meets an essential need for a rural worker and maintains that need in perpetuity.
- 1.12. In considering the principle of development, Officers would accept that a more modest sized dwelling would meet a specific locational need to compliment an existing rural business. However the size of the plot and dwelling proposed in this application is not considered to be of a size that would be accessible to rural workers in perpetuity, and the development is therefore contrary to Policy SPT1, SPT2, and TTV26 of the JLP.

2.0. Design:

- 2.1. The design of the dwelling raises no specific concerns, utilising traditional materials and a domestic character.

3.0. Landscape:

- 3.1. The site is within the South Devon National Landscape, and the 'River Valley Slopes and Combes' Landscape Character Area (LCA). National Landscapes are considered to have the highest status of protection and the NPPF requires great

¹ Application references 3235/21/FUL, 3935/22/ARM, 3503/21/ARM, 3527/22/FUL, 2395/23/ARM

weight to be given to conserving and enhancing landscape and scenic beauty, with particular reference to special qualities and distinctive characteristics or valued attributes. This is consistent with s.85 of the Countryside and Rights of Way Act 2000 (This legal duty is another material consideration, as opposed to forming part of the development plan) which requires that:

“...in exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty”.

- 3.2. The SPT policies within the Joint Local Plan provide the strategic framework within which all other policies of the plan fit, and are prefaced by Strategic Objective SO1 – Delivering the Spatial Strategy. SO1 clearly articulates how the plan aims to manage change in the different spatial parts of the plan area. Of particular relevance is how SO1 envisages the JLP policies will manage change in countryside locations and designated landscapes:

“6. Minimises development in sensitive locations where the high quality natural environments could be harmed, and positively protects, conserves, enhances and celebrates the Plan Area's high quality natural and historic environments.”

- 3.3. Paragraph 180 of the NPPF requires planning decisions to contribute to and enhance the natural and local environment, where the intrinsic character and beauty of the countryside should be recognised alongside maintaining the character of the undeveloped coast (while improving access to it, where appropriate).
- 3.4. Paragraph 182 states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs (now National Landscapes), which have the highest status of protection in relation to those issues. This is reinforced by the JLP, where policy DEV25 requires that LPAs to give ‘*great weight to conserving landscape and scenic beauty in the protected landscapes.*’
- 3.5. Policy BP18 of the neighbourhood plan also gives great weight to ‘*conserving and enhancing the natural landscape and scenic beauty of the area*’ and ‘*avoiding light pollution due to excessive glazing or external lighting.*’
- 3.6. The approval of the outline application, 0409/21/OPA means that the need for a permanent agricultural dwelling has been accepted. The site is currently part of a field with road access to the north, and the existing farm buildings are adjacent to the west, so the location relates well to the existing farmstead. The land slopes down from the north to the south, with open fields all around. The site and surroundings exhibit features of the published special qualities and character of the South Devon National Landscape, which in this location are:
- Deeply rural rolling patchwork agricultural landscape.
 - Deeply incised landscape that is intimate, hidden and secretive away from the plateau tops.
 - Iconic wide, unspoilt and expansive panoramic views.
 - Areas of high tranquillity, natural nightscapes, distinctive natural soundscapes and visible movement.
- 3.7. The landscape is distinctive, unspoilt, with very exposed skylines affording long distance views. There are high levels of tranquillity and dark night skies that reinforce a sense of remoteness. The landscape strategy therefore seeks to protect the special qualities of the National Landscape, which include ‘*iconic wide, unspoilt and expansive panoramic views*’, ‘*high tranquillity*’ and ‘*natural nightscapes*’.

- 3.8. Given the elevated location of the site, and open landscape, the Council's Landscape Specialist has reviewed the application, objecting to proposal and commenting as follows:

The application has been submitted to meet a specific and local, rural housing need within the AONB. The proposed dwelling is two-storey, 3 bedroomed dwelling, with a pitched, natural slate roof (including recessed PV panels on the south elevation), and elevations that will be a combination of render and natural stone. The main ground floor living room is double height with a void at first floor level, which gives the impression of a much larger house, rather than adopting a design with a lower roof over this living area, in order to reduce the visual prominence of the new built form in this sensitive landscape.

I have landscape impact and visual amenity concerns about the following issues:

Scale and Massing: *the internal layout suggests that the scale and massing of the dwelling could be altered to reduce the visual prominence of built form without affecting the arrangement of living accommodation.*

Materials: *The use of natural stonework for the gable projection on the southern elevation is welcomed, but more extensive use of natural stone, or slate-hanging, particularly to the first floor level could be considered, noting that reinforcing local distinctiveness is considered crucial to conserving the South Devon National Landscape, and its promotion will contribute to enhancing the AONB. The extensive use of render, particularly on the south and west elevations is a concern when there is no indication of whether the proposed render will have a dark coloured finish. Careful choice of materials might reduce the visual prominence of the dwelling, and white or light colours should be avoided in favour of muted, recessive finishes. This level of detail would be expected as part of a Reserved Matters application.*

Glint and Glare from the PV panels: *The recessed PV panels could reasonably be relocated from the main dwelling to the roof of the single storey detached garage so that they are set at a lower elevation, which should reduce the potentially intrusive effects of any reflectivity, glint or glare.*

External Lighting: *There is, unusually, no information about any proposed external lighting, even around the dwelling's external doorways, porches or the garage, where some low luminance lighting might reasonably be expected for safe night-time movements. Areas of high tranquillity, natural nightscapes, distinctive natural soundscapes and visible movement are part of the AONB's special qualities, and any development that would result in an unacceptable impact of light pollution from artificial light on intrinsically dark landscapes would not be supported, so any proposals for external lighting should be confirmed and should adhere to guidance for the Institute of Lighting Professionals (ILP) Environmental Zone E1 in the AONB.*

Groundworks: *Substantial cut-and-fill is proposed to create a level area for the dwelling on this naturally sloping site, which will result in raised ground levels and steeply engineered embankments on the south and west sides of the development. This will adversely affect the natural, rolling landform, creating steep embankments which will be difficult to assimilate into the wider field, and will introduce incongruous features that conflict with the prevailing characteristics of the surrounding landscape. I accept that development in this location will require alterations to the natural topography of the site, but the design should work with the site contours, seeking to minimise the use of extensive engineering; avoiding such features in visually prominent locations, and incorporating mitigation measures in accordance with the mitigation hierarchy.*

Landscape proposals - Hedge bank: the application proposes the planting of a native hedgebank to the east south and west of the dwelling to demarcate the domestic curtilage from the remaining pasture. There would be biodiversity benefits resulting from new hedgebank creation and planting, and there also potential screening benefits as a result of new hedge and tree planting around the periphery of the development. The hedge species listed in the document and the Devon bank detail provided are broadly acceptable. The list of suggested tree types to be planted within the hedge are similarly noted, although no indication of precise locations or numbers of each is provided, and not all seem to be locally appropriate. Two year old saplings' indicates a very small stock size, so I am concerned that the new trees will offer little benefit for many years until substantial growth has been achieved.

I am concerned that the subdivision of the field as illustrated on the proposed site plan will create new boundaries that will be out of character with the wider field pattern. The proposed planting scheme should be designed so that it assimilates the development rather than introducing further anomalous features on this visually prominent site, and strategic planting within the 'blue line' of land under the control of the applicant would be considered. A more detailed landscape proposal, with a strategy and planting proposals that reflect the local context could be supported, but the current layout and information do not provide sufficient detail to be confident that the character and visual amenity of the wider landscape has been considered.

*Recommendation: **Objection** The need for a permanent agricultural dwelling has been accepted, as evidenced by the approval of the outline application, 0409/21/OPA. However, the current Reserved Matters proposals fail to adequately demonstrate accordance with adopted policies DEV23 and DEV25 with regards to the special qualities of the SD AONB, and to the character and appearance of the local landscape.*

- 3.9. The LCA for the area values the tranquil valley landscape, noting that it is not interrupted by modern large-scale development, and dark night skies.
- 3.10. The South Devon AONB Management Plan, which is also a material consideration, defines harm to the AONB as:

'any impact which causes loss, damage or detriment to the AONB's natural beauty, its special qualities or its distinctive characteristics or to the perception of natural beauty'
- 3.11. The position of the site, towards the peak of the valley, would locate the proposed dwelling in an elevated and exposed location. The southern elevation particularly would be prominent across the valleys, which are currently largely undeveloped and make a positive contribution to the key features of the landscape identified within the LCA, as well as the natural beauty of the National Landscape.
- 3.12. The previous Reserved Matters application was refused partially on landscape grounds, with concerns about the amount of glazing proposed, and the impact of the engineering works proposed to raise and level the site. Whilst the amount of glazing has been reduced for the current proposal, the concerns about the groundworks, and impact of the proposal on the sensitive landscape have not been resolved, as explained in the Landscape Officer's objection.
- 3.13. The extent of levelling and groundworks required would impact the natural character of the site and surroundings from wider views into the site. As such, the

development conflicts with policies DEV23 and DEV25 of the JLP, policy BP19 of the neighbourhood plan, and paragraphs 180 and 182 of the NPPF.

4.0. Neighbour Amenity:

- 4.1. The site is within a rural location with no other dwellings nearby. As such, the proposal raises no concerns with regard to policies DEV1 and DEV2 of the JLP and policy BP7 of the Bigbury neighbourhood plan.

5.0. Highways/Access:

- 5.1. The site benefits from an existing access, and the development includes parking provision for at least two cars, which accords with the parking standards outlined in the JLP SPD. The development is therefore acceptable in terms of parking and highways matters.

6.0. Low carbon development:

- 6.1. Policy DEV32 sets out the carbon reduction targets of the JLP, and requires new development to contribute towards these targets, through the consideration of materials used, and the promotion of renewable energy sources.
- 6.2. The proposal include the provision of solar PV panels to the south-facing roof slope, as well air source heat pumps and EV charging facilities. Had the proposal been considered acceptable in all other regards, conditions would be recommended requiring the solar panels and EV charging to be installed prior to the occupation of the dwellings, and the proposal is considered acceptable with regard to policy DEV32.

7.0. Conclusion:

- 7.1. Officers acknowledge that the site history has established a physical requirement for a rural worker to be present at this site on a 24 hour basis. However, a dwelling of the size proposed in this application would significantly exceed what has previously been established as the functional requirements of the business and what would normally be necessary for a rural workers accommodation. It is not considered that there is an essential need or any special circumstances (linked to the business) for a dwelling, and plot of the size proposed.
- 7.2. The groundworks and significant engineering works required to create a level site are also considered to have an adverse impact on the National Landscape and the rural, undulating landscape.
- 7.3. The application conflicts with numerous development plan policies and is therefore recommended for refusal.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004

Planning Policy

Relevant policy framework

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the

purposes of decision making, as of March 26th 2019, the Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts of South Hams and West Devon within Dartmoor National Park).

On 26 March 2019 of the Plymouth & South West Devon Joint Local Plan was adopted by all three of the component authorities. Following adoption, the three authorities jointly notified the Ministry of Housing, Communities and Local Government (MHCLG)* of their choice to monitor the Housing Requirement at the whole plan level. This is for the purposes of the Housing Delivery Test (HDT) and the 5 Year Housing Land Supply assessment. A letter from MHCLG to the Authorities was received on 13 May 2019 confirming the change.

On 14th January 2022 the Department for Levelling Up, Housing and Communities published the HDT 2021 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 128% and the consequences are "None".

Therefore a 5% buffer is applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 5.97 years at end of March 2022 (the 2022 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2022 (published 19th December 2022).

[*now known as Department for Levelling Up, Housing and Communities]

The relevant development plan policies are set out below:

The Plymouth & South West Devon Joint Local Plan was adopted by South Hams District Council on March 21st 2019 and West Devon Borough Council on March 26th 2019.

SPT1 Delivering sustainable development
SPT2 Sustainable linked neighbourhoods and sustainable rural communities
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
TTV26 Development in the Countryside
TTV27 Meeting local housing needs in rural areas
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV20 Place shaping and the quality of the built environment
DEV23 Landscape character
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV29 Specific provisions relating to transport
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts

Bigbury Neighbourhood Plan

BP7- General design principles for new development
BP18- Area of Outstanding Natural Beauty
BP27- Parking Provision

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application:

South Devon Area of Outstanding Natural Beauty Management Plan (2019-2024)
Plymouth and South West Devon Joint Local Plan Supplementary Planning Document (2020)
Plymouth and South West Devon Climate Emergency Planning Statement (2022)

Considerations under Human Rights Act 1998 and Equalities Act 2010

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.

Reasons for Refusal:

1. It is not considered that the size of the dwelling proposed in this application would be commensurate with the functional requirements of the business as rural worker's accommodation and that realistically the dwelling could remain as rural worker's accommodation in perpetuity contrary to Policy SPT1, SPT2, TTV1 and TTV26(1)(i) of the Plymouth and South West Devon Joint Local Plan 2014-2034 (JLP).

2. The proposed dwelling, by virtue of the level of groundworks required, resulting scale of the dwelling and light impact on the existing dark landscape is likely to have an adverse impact on the setting of the South Devon National Landscape and local landscape character. The development therefore conflicts with policies SO1, SPT12, DEV23 and DVE25 of the Plymouth and South West Devon Joint Local Plan 2014-2034, policy BP19 of the Bigbury neighbourhood plan, and paragraphs 180 and 182 of the National Planning Policy Framework (2023).

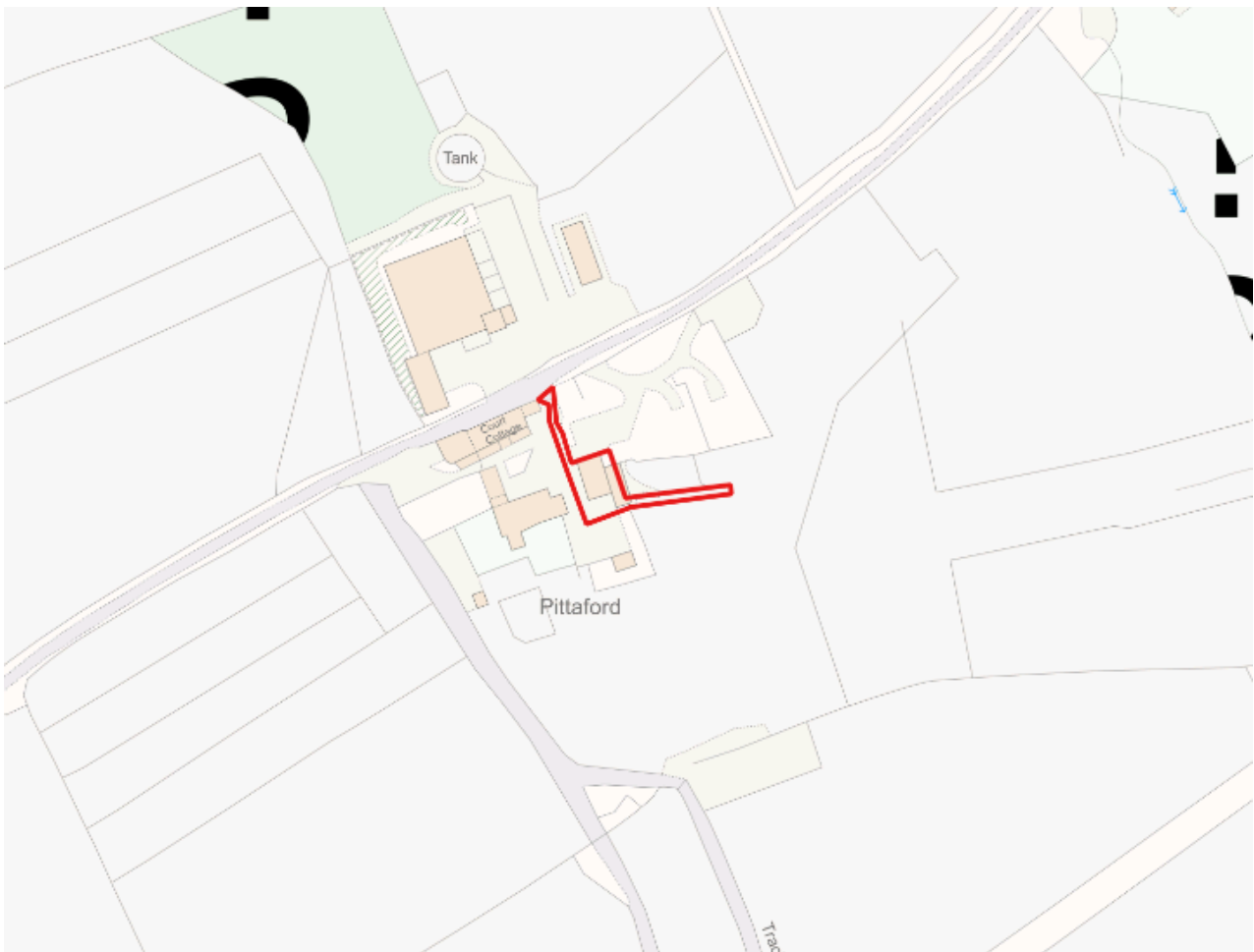
Informatives:

1. This decision relates to drawing numbers 4332.20.A, 4332.21.C, 4332.22.C, 4332.30.C, the Layout Plan, and the Site Location Plan, received on 20th November 2023.

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COMMITTEE REPORT

| | | | |
|------------------------|---|---------------|---|
| Case Officer: | Charlotte Howrihane | | |
| Parish: | Slapton | Ward: | Allington & Strete |
| Application No: | 3653/23/FUL | | |
| Applicant: | Mr Paul Lethbridge C/O Luscombe Maye | Agent: | Mrs Amanda Burden - Luscombe Maye 59 Fore Street Totnes |
| Site Address: | Pittaford Farm, Slapton, TQ7 2QG | TQ9 5NJ | |
| Development: | Regularise the change of use of part of an agricultural building to a dog grooming business (sui generis use). (Retrospective and Resubmission 4272/22/FUL) | | |



Reason item is before Committee: Cllr Lawford has called the application to committee for the following reason:

'I understand it goes against the JLP, however I feel there's a lot of support within the community. I feel they're going to have to travel somewhere to get the grooming so easier for local people to travel to Pittaford rather than Kingsbridge. It's supporting the rural economy and farm diversification. Any perceived harm is more than balanced by these benefits.'

Recommendation: Refusal

Reasons for refusal:

1. The proposal represents unsustainable development which does not require a countryside location, contrary to policies SPT1, SPT2, TTV1, TTV26, and DEV15 of the Plymouth & South West Devon Joint Local Plan (2014- 2034).
2. There is no evidenced need for the proposal to be located within the Undeveloped Coast policy area. As such, the proposal conflicts with policy DEV24(2) of the Plymouth & South West Devon Joint Local Plan (2014- 2034).
3. The Sustainable Travel Plan is not considered to adequately demonstrate that the traffic impacts of the development have been considered and mitigated, contrary to policy DEV15(8) and DEV29 of the Plymouth & South West Devon Joint Local Plan (2014- 2034) and paragraphs 108 and 109 of the National Planning Policy Framework (2023).

Key issues for consideration:

Principle of development, sustainability, design and landscape impact, residential amenity, highways

Site Description:

Pittaford Farm includes the farmhouse and surrounding agricultural land. The application relates to the ground floor of a two-storey building, constructed in 2004. The building consists of three bays at ground floor, and a dwelling at first floor level (a lawful development certificate for the dwelling was granted in 2022- reference 0597/22/CLE).

The site is in open countryside, and the Undeveloped Coast policy area. It is situated approximately 2.1km north-west of Slapton. Pittaford Farmhouse, to the west, and Court Cottage, to the north-west, are both grade II listed.

The Proposal:

The application is a retrospective application which seeks change of use of one of the bays of the agricultural building to sui generis, specifically a dog grooming business. No physical alterations to the building, either internal or external, are proposed.

The proposal was the subject of a previous application (4272/22/FUL), which was refused in 2023 and this is a resubmission of that application. This application has attempted to overcome some of these reasons for refusal by submitting a Sustainable Travel Plan, and additional explanations as to the needs of the business.

Consultations:

- DCC Highways- no highways implications

- Parish Council- support: *The business meets the needs of the local community, who would otherwise need to travel longer distances to either Kingsbridge or Dartmouth for dog grooming. Boarding kennels are located nearby and many clients take advantage of this to have their dog groomed before or after their stay at the kennels, thus saving on time and fuel. There is no evidence that the business has resulted in a material increase in vehicle movements unlike the recent granting of permission for a new car park at the Start Bay Centre in Slapton Village for about 40 cars, which will also be used eventually to shuttle 1000s of students through the village!*
The installation of an electrical charging point and sustainable travel plans will ensure that sustainable travel is promoted whenever possible.
No external changes are being made to the agricultural building so there are no material aesthetic or heritage impacts. The business provides a valuable self-employment opportunity in a rural community, without causing any negative impacts to neighbouring properties, whilst also providing a valuable service.

Representations:

Sixty two letters of support have been received from customers of the business. The letters can be seen in full on the Council website, but can be summarised as follows:

- Provides welcome service
- Prevents the need to travel to urban area
- Wide access
- Dogs are safe there
- Nobody will use buses anyway
- Provides employment
- The business would be used wherever it was located
- Moving site would not reduce journeys
- The business gets booked up so there is clearly a need
- Other development has been approved in rural areas

Relevant Planning History

- 4272/22/FUL- Retrospective application to regularise the change of use of part of an agricultural building to a dog grooming business (sui generis use)- refused
- 0579/22/CLE- Certificate of Lawfulness for existing use of building and use of the first floor as a separate residential dwelling house known as The Loft- certificate granted
- 44/1329/00/LB- Listed Building Consent for demolition of farm buildings- conditional approval

ANALYSIS

1.0. Principle of Development/Sustainability:

- 1.1. Policy SPT1 of The Plymouth and South Devon Joint Local Plan 2014-2034 (JLP) sets out a framework for growth and change with sustainability underpinning all of the guiding principles. Under this policy sustainable development is delivered across the plan area by promoting a sustainable economy, sustainable society and sustainable environment. Policy SPT2 of the JLP requires the application of principles of sustainable linked neighbourhoods and sustainable rural communities as a means of guiding how growth and development takes place across the plan area. Development can support the overall spatial strategy, by creating neighbourhoods and communities which, amongst other criteria, are well served by public transport, walking and cycling opportunities, and should have an appropriate level of services to meet local needs.

- 1.2. The approach to sustainable development in the JLP is explained further in Policy TTV1 for the Thriving Towns and Villages parts of the plan area which prioritises growth through a hierarchy of sustainable settlements. Under this policy development in the countryside will only be permitted if it can be demonstrated to support the principles of sustainable development and sustainable communities.
- 1.3. With respect to the hierarchy in TTV1 the site is not within a main town, smaller town or key village or a sustainable village and would therefore fall into the last category of smaller villages, hamlets. The nearest settlement to the site is Slapton, which is over 2km away, and is itself a tier 4 settlement.
- 1.4. In such areas proposals need to demonstrate support for the principles of sustainable development and sustainable communities (Policy SPT 1 and 2) as provided for in Policy TTV26.
- 1.5. Policy TTV26 provides criteria for assessing development in the countryside. The Local Planning Authority is applying the Bramshill Ruling (*City & Country Bramshill Ltd v Secretary of State for Housing, Communities and Local Government & Ors (2021) EWCA Civ 320*) when considering whether a proposal site should be described as 'isolated' in planning terms. In terms of isolation, in applying the Bramshill ruling, the LPA will consider "...the word "isolated" in the phrase "isolated homes in the countryside" simply connotes a dwelling that is physically separate or remote from a settlement. Whether a proposal is or is not "isolated" in this sense is a matter of fact and planning judgement for the decision-maker in the particular circumstances of the case in hand."
- 1.6. The building is within an existing farmstead, which includes more than one residential dwelling and various agricultural buildings. As such, the site is not considered to be isolated, and policy TTV26(1) is therefore not engaged, as this only relates to isolated development in the countryside.
- 1.7. Policy TTV26(2) relates to all development in the countryside, and must therefore be considered.

The LPAs will protect the special characteristics and role of the countryside. The following provisions

will apply to the consideration of development proposals:

2. Development proposals should, where appropriate:

i. Protect and improve rights of way

ii. Re-use traditional buildings that are structurally sound enough for renovation without significant enhancement or alteration.

iii. Be complementary to and not prejudice any viable agricultural operations on a farm and other existing viable uses.

iv. Respond to a proven agricultural, forestry and other occupational need that requires a countryside location.

v. Avoid the use of Best and Most Versatile Agricultural Land.

vi. Help enhance the immediate setting of the site and include a management plan and exit strategy that demonstrates how long term degradation of the landscape and natural environment will be avoided.

- 1.8. The proposal relates to a single bay of an existing building, and a number of the points of TTV26(2) are therefore not applicable to the development. Of most relevance is point (iv) which requires development to '*respond to a proven agricultural, forestry and other occupational need that requires a countryside location*' (emphasis added by Officer).

- 1.9. There is no identified need for a dog grooming business to be located in the countryside, in a rural location outside of any established settlement, and the development therefore conflicts with policy TTV26.
- 1.10. Policy DEV15 relates to the rural economy, and does provide support for small-scale business in rural areas, subject to an assessment which demonstrates that there is no adverse impact on neighbouring uses and the environment. DEV15(8) also requires such development to avoid a significant increase in the number of trips requiring the private car, and the submission of a Sustainable Travel Plan to consider and mitigate any traffic impacts arising from the development.
- 1.11. The business is run by the applicant, who lives on site. There are no other employees, and the benefit to the rural economy is therefore unclear, and there is an identified conflict with DEV15, which will be discussed further in the report.
- 1.12. In addition to DEV15(8), the NPPF states that the environmental impacts of traffic movements should be *'identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains'* (para 108). Although it is noted in the following paragraph that there will be a difference in sustainable transport solution between urban and rural areas (109), this does not suggest that the matter should be disregarded when considering more rural locations.
- 1.13. The site is also within the Undeveloped Coast policy area. Policy DEV24 of the JLP seeks to protect the undeveloped and unspoilt character, appearance and tranquillity of the Undeveloped Coast, and DEV24(2) is clear that development will only be permitted where it *'cannot reasonably be located outside the Undeveloped Coast'*. There is no identified need for the business to be located within the Undeveloped Coast, and the development also conflicts with policy DEV24 in this regard.
- 1.14. For these reasons, there are a number of fundamental policy conflicts with the principle of the development. The location of the site has not changed since the previous refusal and there have been no changes to policy which would alter the in-principal objection to the development in both the countryside, and the Undeveloped Coast, and as such, these previous reasons for refusal have not been addressed.

2.0. Sustainable travel and reliance on private vehicles:

- 2.1. As previously mentioned, policy DEV15 supports the rural economy by promoting development which seeks to improve the balance of jobs and diversify the rural economy, is compatible with the rural road network and has no adverse environmental impact. In addition, the policy requires proposals to avoid a significant increase in the number of trips requiring the private car and facilitate the use of sustainable transport, including walking and cycling.
- 2.2. Policy SPT1 sets out the spatial strategy for delivering sustainable development across the plan area. The stated principles include that sustainable and health-promoting transport options should be available to access local education, services and jobs, and supports a sustainable economy. SPT1.1 provides guidance on the principles of a sustainable economy:

A sustainable economy where:

- i. Opportunities for business growth are both encouraged and supported.*
- ii. Environmentally conscious business development takes place.*
- iii. Strategically important economic assets are protected for the purpose of economic activity.*

iv. A low carbon economy is promoted.

- 2.3. SPT1.1. provides a clear expectation about the type of economic development that should be delivered. This also accords with the carbon reduction requirements of both local and national climate emergency declarations, and binding carbon reduction targets.
- 2.4. Although the applicant notes that the business only services one dog at a time, minimising travel to and from the site, previous appeal decisions have considered the impact of a lack of sustainable travel options, even for small scale development:
- ‘the limited alternative transport options available mean that occupiers of the proposed development would be likely to be highly reliant on one mode of transport – the private car – for a significant majority of their journeys and to serve their daily needs. Consequently, although vehicle movements would only be associated with a single unit of accommodation in this instance and may therefore not be particularly significant, the site and appeal proposal cannot reasonably be described as sustainable in relation to accessibility considerations. With the lack of realistic transport alternatives and occupants of the development thus having little choice other than to rely on driving to and from the site, neither could the development be regarded as promoting sustainable transport choices and having no adverse environmental impact.’ (Appeal APP/Q1153/W/20/3244500, para 9)*
- 2.5. The supporting statement notes that the business is open five days a week, with up to 5 dogs booked in each day. Appointment times are between 1-2hours long, and so if customers drop the dog at the business and then return later to collect, this would result in up to 50 additional journeys each week. There is also nothing to prevent the business operating longer hours, or additional days, which would increase this further. Given the lack of services and facilities surrounding the site, it is unlikely that these trips would be made if the business wasn’t located at Pittaford- if the business was located in a more sustainable location, then the trip to the grooming business could be combined with shopping or leisure trips- customers could drop the dog at the groomers and then go shopping, or to a café, for example- reducing the individual car journeys required.
- 2.6. The Parish Council comments that the proposal meets the needs of those who would *‘otherwise need to travel longer distances’* for dog grooming- however, the submitted Sustainable Travel Plan (STP) states that nearly 40% of regular customers of the business ***‘despite the business not being their closest dog groomers – with alternatives to be found in Kingsbridge or Dartmouth’***. This would suggest that customers would continue to use the business if it were to be located elsewhere, in a more sustainable location. It also indicates that the development is creating more, longer vehicle journeys than needed, as a significant proportion of customers are travelling further than they need to in order to access the site.
- 2.7. This is evidenced when looking at the representations received- although a large number have been received from customers of the business, very few are located in the locality; comments have been received from customers in Dartmouth, Kingsbridge, Cornworthy, Blackawton, Aveton Gifford, Burraton, Salcombe, etc. Many of these customers praise the applicant and her business, and suggest that they use the business for her skills, and not because of the location of the site, further supporting Officer’s conclusion that there is no justified need for the site to be in its current location.
- 2.8. The site is in a highly unsustainable location, over 2km from the nearest settlement, which is also a tier 4 settlement with minimal facilities. Whilst a number of letters of support have been received from customers, Officers note that some of these

customers live a significant distance from the site (Stoke Fleming, Kingsbridge, East Allington). There are no public transport services within the vicinity of the site, and the unsustainable nature of the site location means that it is highly unlikely that any customers would walk to the site, or cycle (particularly as they would have a dog with them).

- 2.9. The submitted STP states that some clients live on a bus route, and may have access to the 93 bus, which connects Kingsbridge to Dartmouth via Chillington, Stokenham, Torcross, and Strete. From this route, the STP states that it is possible for clients to connect to the Coleridge Community Bus which provides a rural extension route through Slapton, just 1.5 miles south of Pittaford Farm.
 - 2.10. Officers do not consider this to be a realistic sustainable travel option for clients to reach the site- it is unlikely that many people would take two different buses, one of which is on a fairly restricted timetable, to a bus stop which is still 1.5 miles from the site. The local topography and lack of footways and lighting of the roads are not conducive to walking or cycling the distance from the bus stop to the site, and it is therefore considered unlikely that anyone would choose to undertake this journey by any means other than a private vehicle; particularly as they would need to arrive for a specific time (having booked an appointment).
 - 2.11. The STP contains other ambiguous, and unenforceable statements (for example, 20.5% of clients would consider purchasing an electric car in the future). Such measures are not within the control of the applicant, and little weight is therefore given to these parts of the STP.
 - 2.12. Whilst the STP has provided detailed information about the travel habits and location of the customers, client bases are not fixed, and are likely to change over time. The STP does not contain any quantifiable actions to measure, or baseline figures from which to measure the success or failure of any particular proposals
 - 2.13. The JLP has plan-specific expectations on the location of new development and how to minimise and reduce existing unsustainable travel patterns to deliver a more sustainable future. These aims and related policies are consistent with the Framework that seeks to promote sustainable transport opportunities and guide development towards sustainable solutions.
 - 2.14. Reducing car dependency is a key component of promoting sustainable transport usage in new developments. Given the position of the site, Officers considers that it is poorly located, and the proposed development would result in an unsustainable pattern of development contrary to the spatial strategy outlined in the JLP and the NPPF. This is particularly concerning bearing in mind the need to transition to a low carbon economy in the face of the existential threat of climate change, the Council having declared an emergency in relation to such.
- 3.0. Design/Landscape/Heritage:
- 3.1. The proposal does not include any internal or external alterations to the building, and so no concerns are raised in terms of design, or landscape impact, and the setting of the South Devon National Landscape (formerly the AONB) would be preserved.
 - 3.2. As no physical alterations are proposed to the building, the development is not considered to impact the setting of the two listed buildings within the farm site, in accordance with policy DEV21 of the JLP and associated NPPF paragraphs.

4.0. Neighbour Amenity:

4.1. Due to the size of the business occupying the unit, and the rural setting of the site, the proposed change of use does not raise any concerns with regard to neighbour amenity. No objections have been received.

5.0. Highways/Access:

5.1. Notwithstanding the concerns detailed above regarding the increase in vehicle trips resulting from the development, the proposal does not raise any concerns regarding access or parking, noting that a parking space is provided for customers.

6.0. Other matters:

6.1. Some of the representations refer to other development which has been approved in rural areas, arguing that this proposal is the same. Each application must be determined on its own merits, although Officers would note that some of the examples given would have demonstrated a need for a countryside location (farm shop, for example), and are not in the Undeveloped Coast. The referenced schemes are not comparable in nature or policy context.

7.0. Summary:

7.1. Policy DEV15 supports diversification of the rural economy, and the re-use of suitable buildings for employment. If the building is no longer required for agricultural purposes, some form of diversification is likely to be supported by Officers. However, in this instance, the specific nature of the proposed use is not considered appropriate for the reasons detailed above.

7.2. Whilst the applicant has tried to address the previous reasons for refusal through the submission of a Sustainable Travel Plan, Officers consider it unlikely that customers will access the site by any means other than private car. The STP also demonstrates that customers will travel some distance to the applicant, and so the success of the business is not dependent on it remaining in its current location.

7.3. With no occupational need for the development to be in the open countryside, and no requirement for it to be sited within the Undeveloped Coast, the application conflicts with policies SPT1, SPT2, TTV1, TTV26, DEV15, DEV24, and DEV29 of the JLP, as well as the principles of sustainable development which run through the NPPF. The application is therefore recommended for refusal.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Planning Policy

Relevant policy framework

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of March 26th 2019, the Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts of South Hams and West Devon within Dartmoor National Park).

The relevant development plan policies are set out below:

The Plymouth & South West Devon Joint Local Plan was adopted by South Hams District Council on March 21st 2019 and West Devon Borough Council on March 26th 2019.

SPT1 Delivering sustainable development
SPT2 Sustainable linked neighbourhoods and sustainable rural communities
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
TTV26 Development in the Countryside
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV15 Supporting the rural economy
EV20 Place shaping and the quality of the built environment
DEV21 Development affecting the historic environment
DEV23 Landscape character
DEV24 Undeveloped coast and Heritage Coast
DEV25 Nationally protected landscapes
DEV29 Specific provisions relating to transport

Neighbourhood Plan: n/a

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application:

South Devon Area of Outstanding Natural Beauty Management Plan (2019-2024)
Plymouth and South West Devon Joint Local Plan Supplementary Planning Document (2020)
Plymouth and South West Devon Climate Emergency Planning Statement (2022)

Considerations under Human Rights Act 1998 and Equalities Act 2010

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.

Reasons for Refusal:

1. The proposal represents unsustainable development which does not require a countryside location, contrary to policies SPT1, SPT2, TTV1, TTV26, and DEV15 of the Plymouth & South West Devon Joint Local Plan (2014- 2034).
2. There is no evidenced need for the proposal to be located within the Undeveloped Coast policy area. As such, the proposal conflicts with policy DEV24(2) of the Plymouth & South West Devon Joint Local Plan (2014- 2034).
3. The Sustainable Travel Plan is not considered to adequately demonstrate that the traffic impacts of the development have been considered and mitigated, contrary to policy DEV15(8) and DEV29 of the Plymouth & South West Devon Joint Local Plan (2014- 2034) and paragraphs 108 and 109 of the National Planning Policy Framework (2023).

Informatives:

1. This authority has a pro-active approach to the delivery of development. Early pre-application engagement is always encouraged. In accordance with Article 35(2) of the Town and Country Planning Development Management Procedure (England) Order 2015 (as amended) in determining this application, the Local Planning Authority has endeavoured to work proactively and positively with the applicant, in line with National

Planning Policy Framework, to ensure that all relevant planning considerations have been appropriately addressed.

2. This decision relates to drawing number SHDC01 and the Site Location Plan, received on 17th November 2023.

OFFICER'S REPORT

| | | | |
|------------------------|---|--------------|------------------------|
| Case Officer: | Curtis Badley | | |
| Parish: | Salcombe | Ward: | Salcombe & Thurlestone |
| Application No: | 3353/23/HHO | | |
| Applicant: | Mrs Sophie Bullen Grenville Road Salcombe TQ8 8BJ | | |
| Site Address: | Eastcot, Grenville Road, Salcombe, TQ8 8BJ | | |
| Development: | Householder application to clad the top half of the front elevation with cedar cladding (Retrospective) | | |



Reason for going to committee: Cllr Mark Long and Cllr Samantha Dennis have request for the application be heard by Committee, because they do not agree with the recommendation and to enable Members to review the architectural style, materials, relationship to the surroundings and adjoining properties, change to the character of the buildings and area together with the impact on the localised street scene, and consider potential conflict with JLP Policies DEV 20, DEV23 and Salcombe Neighbourhood Plan Policy SALC B1, and the SPD.

Recommendation: Conditional Approval

Conditions:

1. Accordance with Plans
2. Avoidance of doubt

Key issues for consideration: Architectural style, materials, impact upon character of property, street scene and surrounding area.

Site Description:

Eastcot is an end terrace property located in a residential area within the settlement of Salcombe. The application site is located within the South Devon National Landscape and is located outside of the Salcombe Conservation Area.

Proposal:

Householder application for the retrospective installation of cladding of the first-floor front elevation of the existing dwelling, Eastcot.

Consultations:

- DCC Highways: No Highways Implications
- Salcombe Town Council: No Comment

Representations:

One letter of representation objecting to the proposals has been received and covers the following points:

- Out of balance with the rest of terrace
- Adverse impact on the street scene for this part of Grenville Road

Relevant Planning History

- 1141/22/HHO – Conditional Approval – 27 October 2022
READVERTISEMENT (Revised plans) Householder application for extension to existing kitchen & associated terrace.

ANALYSIS**1. Principle of Development/ Understanding:**

- 1.1. The proposed development seeks the cladding of the first-floor front elevation of the existing dwelling, Eastcot. As the proposed development has been substantially completed, the development is retrospective. The principle of external works to an existing residential dwelling house for ongoing residential use is acceptable within this built-up location.

2. Design and Landscape:

- 2.1. Policy DEV20 of the JLP requires development to meet good standards of design. Proposals must have proper regard to the pattern of local development and wider surroundings in terms of (amongst other things), style, local distinctiveness, scale, materials, historic value, and character. DEV23 requires

development to conserve and enhance the townscape by maintaining a local area's distinctive sense of place and reinforcing local distinctiveness.

- 2.2. The proposals are limited to the cladding of the first-floor front elevation of the dwelling (with a small return to side). The existing dwelling is at the end of a terrace of three properties which are built of textured sand/cement render (pebble dashed). The application property (Eastcot) has painted the exterior of the property with grey masonry paint, the central property of three (Wisteria) is painted yellow and the end of terrace property to the Northern side (Seamoor) retains the original grey aged sand/cement render.
- 2.3. The application seeks to overclad the front elevation (with a small side return) first floor of the property in a cedar fiber cement lap boarding in silver grey (C51). The proposed cladding is sought to colour match the property which has recently been extended (as part of the recently approved planning permission for the site - 1141/22/HHO) and modernised. Whilst these properties are viewed in combination, it is not considered that the proposed amendment at first floor level would adversely harm the visual qualities of the existing terrace, providing a suitable appearance when considered as a group. By virtue of the use of cladding, closely matching the colour of the exterior of the existing property, an adverse visual impact of the use of cladding in this instance is not expected.
- 2.4. The proposal is situated outside the Salcombe Conservation Area within an area which does not hold a consistent pattern of property style or materials palette. The use of cedar cladding in a similar style and materiality to the proposal is evident on several properties in the wider context of the site, along Grenville Road where the application is located. The proposed use of cedar cladding is expected to have a neutral impact on the character of the existing property and surrounding area and whilst not of high quality, is considered to complement the palette of materials within the surrounding area and therefore does not justify refusal on this basis. The proposal is therefore considered to accord with policies DEV20 and DEV23 of the Joint Local Plan and policy SALC B1 of the Salcombe Neighbourhood Plan.
- 2.5. Policy DEV25 of the Joint Local Plan requires that proposals "conserve and enhance the natural beauty of the protected landscape with particular reference to their special qualities and distinctive characteristics or valued attributes". The proposal meets the first policy test, in that the design and palette of materials have a neutral impact on the National Landscape, thereby conserving the natural beauty of the National Landscape. In consideration of the limited scale of the development, affecting a portion of the front elevation only, within a residential context, the proposal is considered acceptable with regard to the provisions of policy DEV25 of the Joint Local Plan and policy SALC ENV1 of the Salcombe Neighbourhood Plan.

3. Neighbour Amenity:

- 3.1. In consideration of the proposals form and limited massing with no additional windows proposed, the proposal is not considered to result in a significant detrimental impact on neighbour amenity by overlooking, overshadowing or overbearing. The proposal is therefore considered to accord with the provisions of DEV1 and DEV2 of the Joint Local Plan.

4. Highways/Access:

- 4.1. Officers do not consider the proposed scheme introduces any highways or access issues. As such, the proposal is considered to accord with the provisions of policy DEV29 of the Joint Local Plan.

5. Drainage

- 5.1. The proposal is sited within Flood Zone 1 (which has a low probability of flooding from rivers and the sea) and is outside of any Critical Drainage Area. The application does not increase the impermeable area of the site and does not increase the amount of foul water drainage – no additional information is required on this basis. The proposal is therefore in accordance with Policy DEV35 of the Joint Local Plan.

6. Conclusion:

- 6.1. In consideration of the above assessment, the proposal is recommended for approval subject to the recommended condition, attached to ensure the proposed development is retained in accordance with the submitted plans and details.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004.

Planning Policy

Relevant policy framework

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of March 26th 2019, the Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts of South Hams and West Devon within Dartmoor National Park).

The relevant development plan policies are set out below:

The Plymouth & South West Devon Joint Local Plan was adopted by South Hams District Council on March 21st 2019 and West Devon Borough Council on March 26th 2019.

SPT1 Delivering sustainable development

SPT2 Sustainable linked neighbourhoods and sustainable rural communities

TTV1 Prioritising growth through a hierarchy of sustainable settlements

TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area

DEV1 Protecting health and amenity

DEV2 Air, water, soil, noise, land and light
DEV20 Place shaping and the quality of the built environment
DEV23 Landscape character
DEV25 Nationally protected landscapes
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV32 Delivering low carbon development

Salcombe Neighbourhood Plan

The Salcombe Neighbourhood Plan was made at Executive Committee on 19 September 2019. It now forms part of the Development Plan for South Hams District and is used when determining planning applications within the Salcombe Neighbourhood Area. It is not considered that the proposal conflicts with the policies below:

SALC ENV1 Impact on the South Devon Area of Outstanding Natural Beauty.
SALC B1 Design Quality and safeguarding Heritage Assets

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance within the Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application:

- **South Devon Area of Outstanding Natural Beauty Management Plan (2019-2024)**
- **Plymouth and South West Devon Joint Local Plan Supplementary Planning Document (2020)**
- **Plymouth and South West Devon Climate Emergency Planning Statement (2022)**

Considerations under Human Rights Act 1998 and Equalities Act 2010

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.

Conditions:

1. The development hereby approved shall in all respects accord strictly with drawing number(s):
 - Location Plan - 22/2094/100

Received by the Local Planning Authority on 25th October 2023

- Block Plan - 22/2094/110
- Front Elevation Over Cladding to the First Floor - 22/2094/102
- Preliminary Feasibility Study - 22/2094/102

Received by the Local Planning Authority on 23rd October 2023

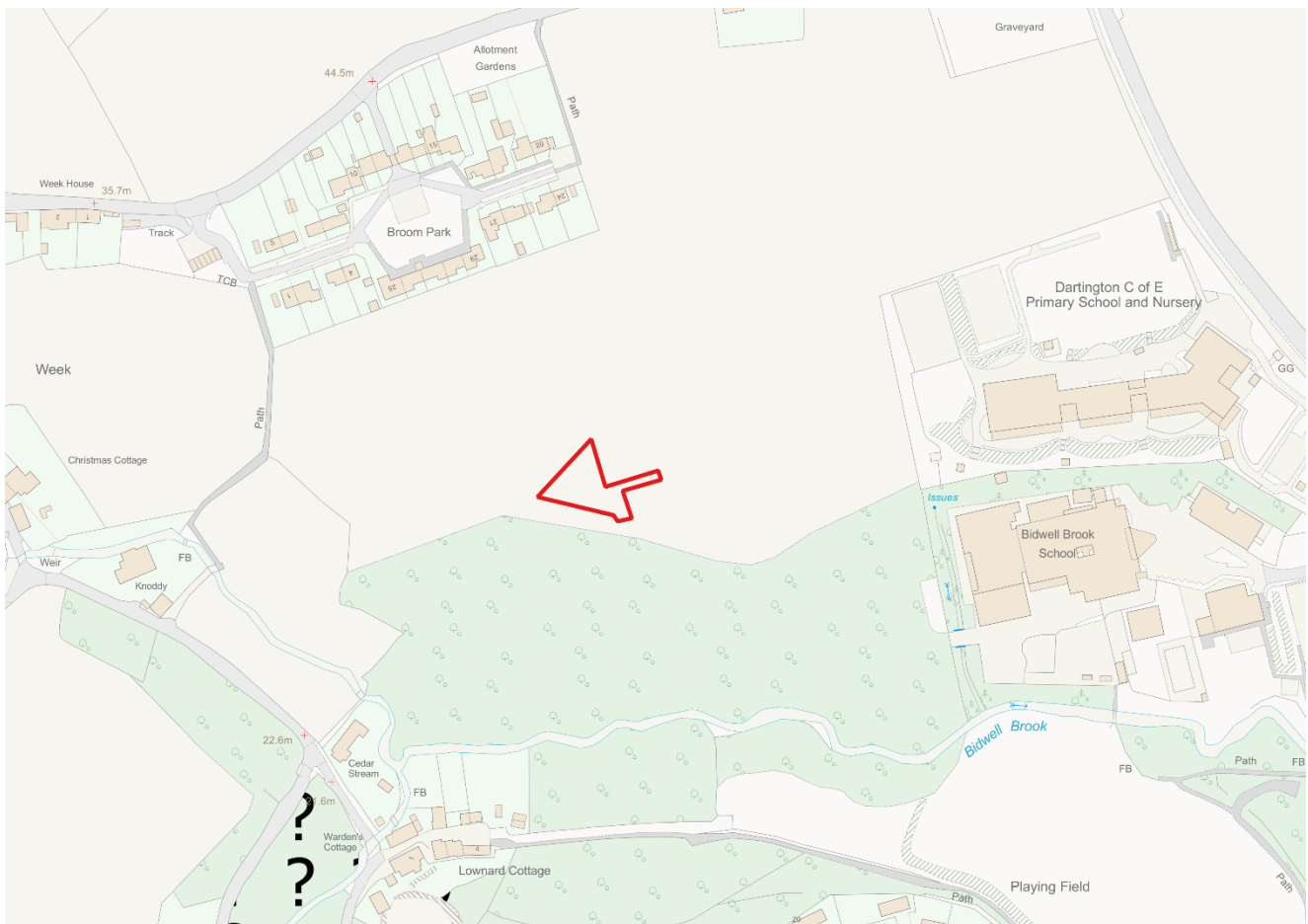
Reason: To ensure that the proposed development is carried out in accordance with the drawings forming part of the application to which this approval relates.

2. The development hereby approved relates solely to the cladding of the first floor of the existing dwelling only.

Reason: For the avoidance of doubt and in the interests of proper planning.

COMMITTEE REPORT

| | | | |
|------------------------|--|---------------|------------------------|
| Case Officer: | Charlotte Howrihane | | |
| Parish: | Dartington | Ward: | Dartington & Staverton |
| Application No: | 3650/23/FUL | | |
| Applicant: | Mr Mark Edwards Green Tree House Silverhills Road Decoy Industrial Estate Newton Abbot TQ12 5LZ | Agent: | |
| Site Address: | Land At Sx 782 623, Symonds Drive, Dartington | | |
| Development: | Application for the erection of a single residential dwelling(Affordable Discount Market) | | |



Recommendation: Conditional approval subject to completion of S106

Reason application is at Committee: Cllr Hodgson has called the application to committee for the following reason: *'I would like it to go to DM committee as it is a deviation from the JLP as the agreed site allocation is a maximum of 80 homes on this site. This a sensitive site in terms of wildlife, (protected species), drainage and visual amenity and impact on the rural character of the area and in particular Yarner Beacon.'*

Conditions:

Standard time limit
Accord with plans
No additional openings
Parking to be provided prior to occupation
Incidental use of garage
Adherence to submitted lighting strategy
Installation of EV charging point prior to occupation

Section 106:

- Sports Facilities Contribution- £928.55 (Prior to occupation)
- Sports Facilities Maintenance Contribution- £1,084.05 (Prior to occupation)
- Health Care Contribution- £528.00 (Prior to occupation)
- Travel Plan- £300
- Secure dwelling as an affordable unit, restricting the price so it doesn't exceed 80% of the Open Market Value

Key issues for consideration:

Principle of development, design, landscape impact, neighbour impact, highways, drainage, ecology

Site Description:

The site is a triangular piece of land within a wider parcel of land currently under development at Broom Park, Dartington. The wider site is allocated for residential development in the adopted Plymouth and South West Joint Local Plan (JLP) for the construction of eighty dwellings which have previously been approved is currently underway.

The site is not within any special areas of designation.

The Proposal:

The application seeks planning permission for the construction of a single dwelling, to be incorporated into the wider development already taking place on the site. The garden sizes of plots 52- 54 of the approved development have been amended, leaving space for the additional dwelling now proposed.

The proposed dwelling would be a chalet-style dormer bungalow, with two bedrooms, a garage, parking, and garden. It would be rendered, with a slate roof. The property would be accessed via a private driveway between plots 46/47-48 of the existing development.

The proposed dwelling would be an affordable dwelling, proposed as a discount market dwelling, with the discount price not exceeding 80% of the Open Market Value.

Consultations:

- DCC Highways- standing advice
- Dartington Parish Council- support: ‘

Dartington Parish Council supports this application. Dartington Parish Council would like to be reassured that the flood risk data used to support this application is the most recent data and notes its concerns about flooding in the vicinity. The Council would also like to see more planting of willow between the proposed property and the Bidwell Brook to ameliorate the potential flood risk. The lighting report which proposes to minimise light spill is supported.’

Representations:

One letter of objection has been received. This representation can be seen in full on the Council website, but can be summarised as follows:

- The house is not needed
- Doubtful that it will be affordable
- Impact of noise pollution from building extra house on neighbours
- Better to make this piece of land a biodiversity reserve

Relevant Planning History

- 3842/20/OPA- Outline application with all matters reserved, except for access, for up to 80no. residential units and associated public open space and infrastructure- conditional approval
- 4442/21/ARM- Application for reserved matters, seeking approval of appearance, landscaping, layout and scale for 80 dwellings following outline approval 3842/20/OPA- conditional approval

ANALYSIS

1.0. Principle of Development/Sustainability:

- 1.1. The overarching strategy for housing development is covered by Policies SPT1 and SPT2 in the JLP. SPT1 provides the main strategic elements of what sustainable development is and SPT2 indicates what such settlements should be providing. Policy TTV1 relates more specifically to the Thriving Towns and Villages Policy Area. This policy provides a hierarchy for growth, with the main towns being the focus for development, followed by the smaller towns and key villages, then sustainable villages and finally smaller villages, hamlets and the countryside.
- 1.2. Dartington is identified as being in the smaller towns and key villages category (tier 2) where there are allocations for 911 new homes during the plan period. The application site is part of a wider parcel of land which is allocated for residential development in policy TTV24 of the JLP. Broom Park is allocated for the provision of eighty homes. Whilst Officers are mindful that permission has already been granted for eighty homes, and the proposal would result in eighty-one dwellings, this is considered to be within acceptable margins, with the addition of just one dwelling beyond the amount specified in the policy.
- 1.3. Through the local plan consultation, examination and adoption process, the site has been considered to be appropriate for residential development and has been allocated as such. The overall principle of residential development has therefore been established.

2.0. Housing need:

- 2.1. There is a target to increase and maintain affordable housing in the South Hams and West Devon adopted Housing Strategy 2021 – 2026. South Hams District Council declared a Housing Crisis in September 2021 due to the difficulties local people are experiencing seeking affordable accommodation.
- 2.2. Policies SPT2.4 and DEV8 of the JLP seek to provide a good balance of housing types and tenures to support a range of household sizes, ages, and incomes, and to meet identified housing needs. ONS census data for the parish shows that there is a shortage of two-bed units when compared to the district average, and so the proposed dwelling, whilst adding an extra unit of affordable housing, would also help to meet a wider need for smaller units. The development therefore complies with policies SPT2.4 and DEV8 and would contribute towards an identified housing need.

3.0. Design/Landscape:

- 3.1. The proposed dwelling would be of a similar design to other properties in the surrounding development. The dwelling would be a dormer bungalow-style; a single storey property with living space in the roof.
- 3.2. The proposed use of render for the walls, and a natural slate roof, is considered acceptable, and in keeping with the local pattern of development.
- 3.3. The proposed landscaping would also follow that which has previously been approved on the wider site, with a new Devon hedgebank along the southern boundary. To the rear boundary, which borders plots 52, 53, and 54, there is a substantial change in ground levels, resulting in a gabion basket retaining structure approximately 2m height. Above that, a time close-boarded fence would be installed as boundary for the plots behind.
- 3.4. Overall, the design and landscaping of the proposed dwelling would be in keeping with the previously approved development. It is proposed to condition the materials, to ensure that they remain appropriate for the site. Noting the position of the dwelling, on the southern edge of the development, and adjacent to the wildlife corridor and woodland beyond, a

lighting strategy has been submitted which follows the approach taken across the rest of the site, using internal downlights and external wall lights. Adherence to this report, and no other lighting to be installed, is recommended as a condition of this application.

- 3.5. Subject to the recommended conditions, the design and landscape impact of the development is acceptable, and complies with policies DEV20 and DEV23 of the JLP.

4.0. Trees:

- 4.1. There are no trees within the application site for the proposed dwelling. An Arboricultural Impact Assessment Report was submitted and approved at the reserved matters application stage for the larger development, which included tree protection measures. As there are no trees within, or adjacent to this application site, the proposed dwelling would not impact on the agreed tree protection measures or ongoing management strategy.
- 4.2. The Parish Council have asked in their comments whether more willow trees could be planted between the proposed dwelling and the Bidwell Brook. However, this area is outside of the application site, and would therefore not be something which could be secured through this application.

5.0. Ecology:

- 5.1. The application does not trigger the need for an ecological survey, due to the size of the plot and the nature of the development. However, the larger development on the site is subject to a Landscape and Ecology Management Plan (LEMP) and Construction Ecological Management Plan (CECoMP), which would not be impacted by this development and will still be implemented as approved.
- 5.2. The proposed development is not considered to have an adverse impact on biodiversity or any protected species of wildlife. A Devon hedgebank would continue to form the southern boundary of this part of the site. A lighting scheme has been prepared for the site which follows the approach taken across the rest of the site, incorporating internal downlights and external wall light. The lighting report demonstrates that the dwelling will not result in any light spill into the proposed dark corridor and would not therefore have a negative impact upon sensitive receptors. A condition is recommended to require the development to accord with the lighting strategy.

6.0. Neighbour Amenity:

- 6.1. Although still under construction, the proposed dwelling would eventually be surrounded by other dwellings to the north, east, and west. The proposed dwelling has been sited so that the windows would not face directly towards any other dwellings, and the rear of the dwelling, which would back onto plots 48-50 and 52-54 to varying degrees, would have no openings above ground floor. This design, along with the changes in ground levels, leads officers to conclude that the additional dwelling would not have any harmful impact on the amenity of other dwellings previously approved. In order to ensure that neighbour amenity is preserved, a condition is recommended to prevent any additional openings being installing in the roof, so that any such proposals in the future can be considered in terms of potential overlooking.
- 6.2. One objection has been received to the application, which makes reference to the impact on neighbours resulting from the noise of constructing an additional dwelling. It is assumed that the proposed dwelling, should planning permission be granted, would be constructed alongside the other dwellings already consented, and so the noise levels would not be significantly different between building eighty dwellings, or eighty-one dwellings. Notwithstanding this point, disturbance during construction is not a valid reason to refuse planning permission.

6.3. For these reasons, the development is considered acceptable in terms of amenity of current and future neighbours, and accords with policies DEV1 and DEV2 of the JLP in this regard.

7.0. Drainage:

7.1. The proposed development will utilise and connect to the new site-wide surface water sewers, in turn discharging to the approved new attenuation pond. The attenuation pond has capacity for the additional dwelling, and the proposal therefore provides sufficient provision for the disposal of surface water, as required by policy DEV35.

7.2. Foul drainage would be dealt with via the public sewer, through the new estate sewer network.

8.0. Highways/Access:

8.1. The proposal includes a private driveway from the approved road network within the site, to a single garage and parking/turning area for two cars. This meets the required parking provision for two-bed dwellings as detailed in the JLP Supplementary Planning Document (SPD), and it is considered that sufficient parking is provided. There is also adequate space within the site for vehicles to turn, so that they can enter and exit the site in forward gear.

8.2. As such, the proposal includes safe and satisfactory traffic movement and vehicular access to and within the site, and is not considered to result in any adverse impact on the highways network. The Highways Authority has raised no objections, and the development is considered to accord with policy DEV29 of the JLP.

9.0. Financial obligations:

9.1. Although this is a stand-alone full application for a single dwelling, there is an existing S106 agreement covering the wider development. This application is therefore accompanied by draft Heads of Terms to agree a S106 for the new dwelling, to make the proportionate financial contributions in line with the existing S106 agreement. This S106 for the proposed dwelling would secure the following:

- Sports Facilities Contribution- £928.55 (Prior to occupation)
- Sports Facilities Maintenance Contribution- £1,084.05 (Prior to occupation)
- Health Care Contribution- £528.00 (Prior to occupation)
- Travel Plan- £300

9.2. These amounts have been calculated as per the existing S106, and are based on an average household size for a two bed house, of 2.45 persons. In addition, the S106 would secure the affordable housing provision, fixing the affordable discount so that the discount price does not exceed 80% of the Open Market Value. Although the other affordable discount properties within the wider site are subject to greater discount (60% of OMV), Officers acknowledge that the site as a whole is policy compliant in terms of affordable housing provision, and the proposed dwelling would exceed policy requirements. After discussing the proposal with the Council's Affordable Housing Officers, it is concluded that a discount price of 80% of OMV is acceptable, and the Council has no policy justification to refuse the application on this basis.

9.3. The applicant has provided the draft Heads of Terms as detailed above, and a S106 agreement is currently being prepared.

10.0. Summary:

- 10.1. The proposed dwelling is considered to be in keeping with the wider development currently being constructed, and would make more efficient use of the space in this part of the site, reducing some large garden plots and providing an additional affordable dwelling. The proposal includes proportionate financial contributions, and would not have a harmful impact on the surrounding landscape, or measures relating to trees, wildlife, drainage, etc, as already agreed on the wider site. The proposal accords with all relevant local and national planning policies, and is therefore recommended for conditional approval.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004

Planning Policy

Relevant policy framework

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of March 26th 2019, the Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts of South Hams and West Devon within Dartmoor National Park).

On 26 March 2019 of the Plymouth & South West Devon Joint Local Plan was adopted by all three of the component authorities. Following adoption, the three authorities jointly notified the Ministry of Housing, Communities and Local Government (MHCLG)* of their choice to monitor the Housing Requirement at the whole plan level. This is for the purposes of the Housing Delivery Test (HDT) and the 5 Year Housing Land Supply assessment. A letter from MHCLG to the Authorities was received on 13 May 2019 confirming the change.

On 14th January 2022 the Department for Levelling Up, Housing and Communities published the HDT 2021 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 128% and the consequences are "None".

Therefore a 5% buffer is applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 5.97 years at end of March 2022 (the 2022 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2022 (published 19th December 2022).

[*now known as Department for Levelling Up, Housing and Communities]

The relevant development plan policies are set out below:

The Plymouth & South West Devon Joint Local Plan was adopted by South Hams District Council on March 21st 2019 and West Devon Borough Council on March 26th 2019.

SPT1 Delivering sustainable development

SPT2 Sustainable linked neighbourhoods and sustainable rural communities

SPT3 Provision for new homes

SPT11 Strategic approach to the Historic environment

SPT12 Strategic approach to the natural environment

SPT14 European Protected Sites – mitigation of recreational impacts from development

TTV1 Prioritising growth through a hierarchy of sustainable settlements

TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area

TTV24 Site allocations in the Smaller Towns and Key Villages

DEV1 Protecting health and amenity

DEV2 Air, water, soil, noise, land and light
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area
DEV9 Meeting local housing need in the Plan Area
DEV10 Delivering high quality housing
DEV20 Place shaping and the quality of the built environment
DEV21 Development affecting the historic environment
DEV23 Landscape character
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts
DEL1 Approach to development delivery and viability, planning obligations and the Community Infrastructure Levy

Dartington Neighbourhood Plan: The site is within the Dartington neighbourhood plan area, however this plan is not yet at an advanced enough stage that it can be given any material weight in the decision-making process.

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application:

Plymouth and South West Devon Joint Local Plan Supplementary Planning Document (2020)

Plymouth and South West Devon Climate Emergency Planning Statement (2022)
South Hams Special Area of Conservation (SAC) Habitats Regulations Assessment Guidance (October 2019)

Considerations under Human Rights Act 1998 and Equalities Act 2010

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.

Recommended conditions:

1. The development hereby permitted shall begin not later than three years from the date of this decision.

Reason: To comply with Section 91 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall in all respects accord strictly with drawing numbers: 191105.L.01.01, 191105.Sk.230919, 191105.L.02.102, 191105.L.02.100, 191105.L.02.01.B, 191105.HT.26.02, 191105.GT.06.01, 191105.D.02.07, 191105.D.02.05.A, 191105.D.02.04, 191105.HT.26.01.A, 1063.A and 1064.A, received on 7th November 2023.

Reason: To ensure that the proposed development is carried out in accordance with the drawings forming part of the application to which this approval relates.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting this Order) no openings other than those authorised by this permission (if any), including rooflights, shall be at any time be inserted in the dwelling hereby permitted, without the prior permission, in writing of the Local Planning Authority.

Reason: In the interests of neighbour amenity and to comply with policy DEV1 of the Joint Local Plan.

4. The garage hereby approved shall be used only for purposes incidental to the private dwelling and for no business or commercial purposes.

Reason: To safeguard the residential amenities of adjoining occupiers in accordance with policies DEV1 and DEV2 of the Joint Local Plan.

5. The external lighting to the dwelling hereby approved shall be installed in accordance with the details included within the Technical Design Note (by Hydrock, dated 26th October 2023). There shall be no other external lighting installed unless otherwise agreed in writing by the Local Planning Authority prior to installation.

Reason: In order to preserve the woodland and adjacent wildlife corridor, in the interests of protecting species of wildlife in accordance with policy DEV26 of the Joint Local Plan.

6. Prior to the occupation of the dwelling hereby approved, the parking provision for the dwelling shall be laid out in accordance with the approved plans.

Reason: To ensure that there is adequate parking provision in accordance with policy DEV29 of the Joint Local Plan.

7. The EV charging points as shown on the approved plans shall be installed prior to the occupation of the dwelling hereby approved, and hereafter be retained and maintained for the life of the development.

Reason: To ensure that the development contributes to the carbon reduction aims of policy DEV32 of the Joint Local Plan.

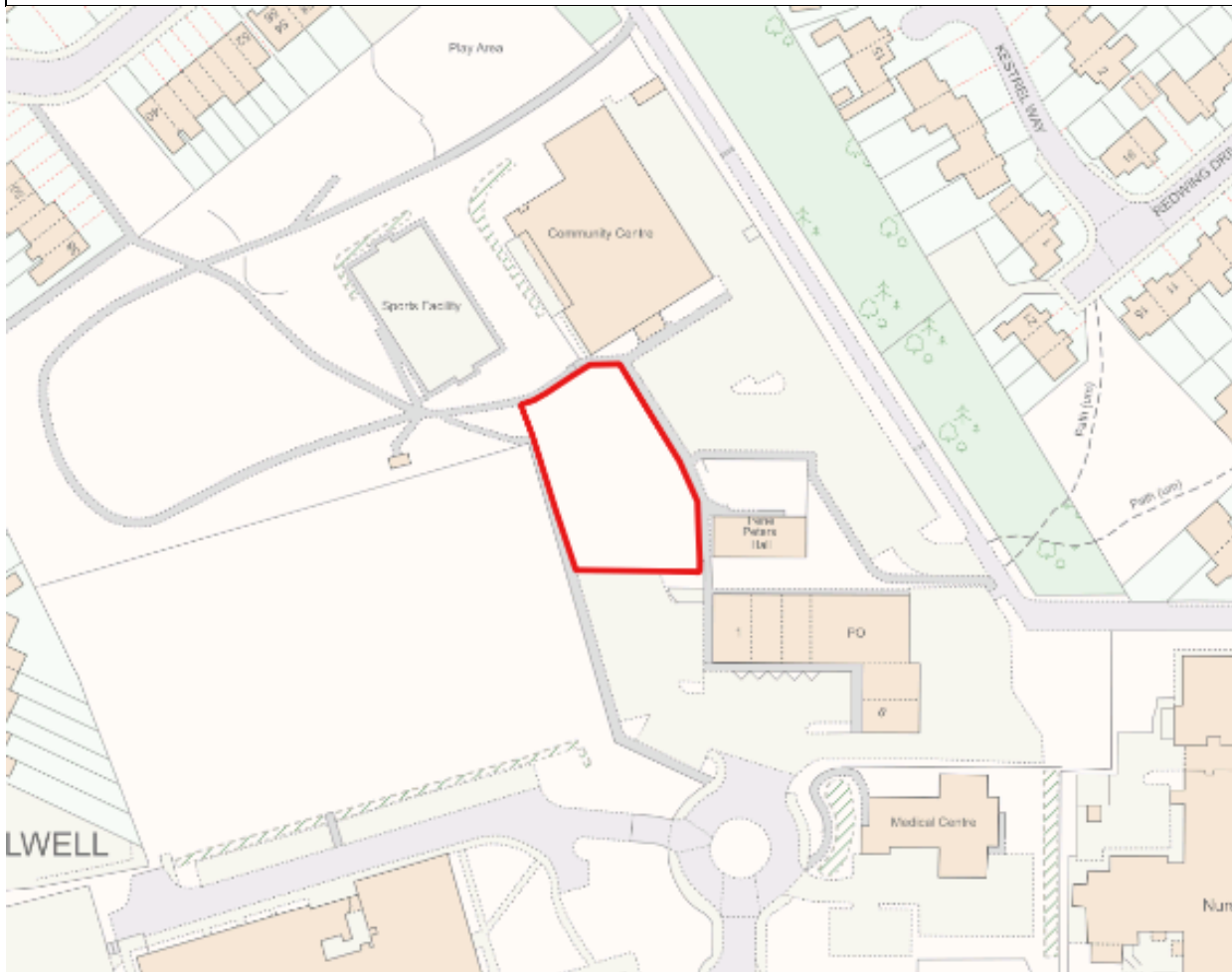
INFORMATIVES

1. This authority has a pro-active approach to the delivery of development. Early pre-application engagement is always encouraged. In accordance with Article 35(2) of the Town and Country Planning Development Management Procedure (England) Order 2015 (as amended) in determining this application, the Local Planning Authority has endeavoured to work proactively and positively with the applicant, in line with National Planning Policy Framework, to ensure that all relevant planning considerations have been appropriately addressed.
2. The responsibility for ensuring compliance with the terms of the approval rests with the person(s) responsible for carrying out the development. The Local Planning Authority uses various means to monitor implementation to ensure that the scheme is built or carried out in strict accordance with the terms of the permission. Failure to adhere to the approved details can render the development unauthorised and vulnerable to enforcement action.
3. This permission should be read in conjunction with the Section 106 agreement dated XXX between XXX and XXX (to be finished on completion of legal agreement)

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COMMITTEE REPORT

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|------------------------|--|---------------|----------|
| Case Officer: | Peter Whitehead | | |
| Parish: | Bickleigh | Ward: | Woolwell |
| Application No: | 4240/23/CLP | | |
| Applicant: | South Hams District Council Woolwell Community And Resource Centre, Open Space And Play Areas Darklake Lane Woolwell Devon PL6 7TR | Agent: | |
| Site Address: | Land South of Woolwell Centre, Woolwell | | |
| Development: | Certificate of lawfulness for proposed creation of a tarmac track for wheeled sports, with associated reprofiling of earth at the site to create supporting berms & features | | |



Reason item is before Committee: South Hams is the land owner and applicant.

Recommendation: Certificate of Lawfulness (Proposed) Certified

Key issues for consideration:

Whether or not the proposed development complies with Schedule 2, Part 12, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and is therefore permitted development.

Site Description:

The application site comprises a relatively level piece of land within Woolwell Park. The land is located to the south of the Woolwell Centre and to the east of the 1st Roborough Scout Building. Woolwell car park is located to the east of the site with a further parking area to for commercial premises to the south.

The Proposal:

The application seeks the issue of a lawful development certificate to certify that a proposed development can be carried out without planning permission (ie. it benefits from deemed permission by virtue of Schedule 2, Part 12, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Part 12 relates to development by local authorities.

The proposal involves the creation of a tarmac track for wheeled sports, in a figure of eight layout, with associated reprofiling of earth to create supporting berms and features.

Consultations:

No consultations are required for this application however, Highways have commented that the proposal has no highway implications.

Relevant Planning History

- 04/1508/79/1 The development of land for residential and associated purposes, including a primary school, shops, community facilities and the laying out of public open spaces together with roads and sewers to serve the development
- 04/1555/83/1 Renewal of outline permission granted for development for residential & associated purposes including a Primary School Shops, Community Facilities, Public Open Spaces & Roads & Sewers to serve the development,
- 04/1731/86/1 Part renewal of outline permission for residential and associated purposes including a local centre and public open space,

ANALYSIS

1. Principle of Development

1.1 The Council is required to determine whether the proposed works constitute permitted development under Schedule 2, Part 12, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

1.2 The above allows for the following as permitted development:

“A. The erection or construction and the maintenance, improvement or other alteration by or on behalf of a local authority or by or on behalf of an urban development corporation of—

(a) any small ancillary building, works or equipment on land belonging to or maintained by them required for the purposes of any function exercised by them on that land otherwise than as statutory undertakers;

(b) lamp standards, information kiosks, passenger shelters, public shelters and seats, telephone boxes, fire alarms, public drinking fountains, horse troughs, refuse bins or baskets, barriers for the control of people waiting to enter public service vehicles, electric vehicle charging points and any associated infrastructure, and similar structures or works required in connection with the operation of any public service administered by them.”

1.3 The following interpretation within the Order is also of relevance:

“A.2 The reference in Class A to any small ancillary building, works or equipment is a reference to any ancillary building, works or equipment not exceeding 4 metres in height or 200 cubic metres in capacity.”

1.4 Based on the submitted plans the proposal would be development permitted under Part 12 and would not exceed the thresholds. No Article 4 directions (which can remove permitted development rights) have been identified.

2. Conclusion

2.1 Based on the information submitted, the proposal is considered to be permitted development under Schedule 2, Part 12, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The development can therefore proceed without further reference to the Council as Local Planning Authority.

This application has been considered in accordance with Section 192 of the Town and Country Planning Act 1990 (as amended).

Planning Policy

The application requires a legal determination of whether the proposed development is permitted development. It is therefore not necessary to consider the planning merits of the application.

Considerations under Human Rights Act 1998 and Equalities Act 2010

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report

South Hams District Council **Agenda Item 7**

Development Management Committee 14 Feb 2024

Appeals update for 5 Jan 2024 to 30 Jan 2024

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| Ward: | Charterlands |
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| 1471/23/FUL | PINS Ref: APP/K1128/W/23/3325620 |
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|---------------------------|--|---|
| Original Decision: | Refusal | Appeal Status: Appeal Refused |
| Appellant Name: | Mr Matthew Conde | Appeal Start Date: 25 Oct 2023 |
| Site Address: | 3, Hilltop, St Anns Chapel, TQ7 4HG | Appeal Decision: Dismissed (Refusal) |
| Proposal: | New 2 bedroom detached house (resubmission of 3905/22/FUL) | Appeal Decision Date: 15 Jan 2024 |

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| 2439/23/HHO | PINS Ref: APP/K1128/D/23/3332076 |
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| Original Decision: | Refusal | Appeal Status: Start Letter Received |
| Appellant Name: | Mr & Mrs Ian Fallon | Appeal Start Date: 17 Jan 2024 |
| Site Address: | Walfords Barn, Kingston, TQ7 4HA | Appeal Decision: |
| Proposal: | Householder application for proposed single storey extension to existing dwelling (resubmission of 1434/23/HHO) | Appeal Decision Date: |

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| Ward: | Ermington & Ugborough |
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| 0757/23/PDM | PINS Ref: APP/K1128/W/23/3323793 |
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| Original Decision: | Prior Approval Required and Refused | Appeal Status: Appeal Approved |
| Appellant Name: | Mr Gareth Derrick | Appeal Start Date: 16 Aug 2023 |
| Site Address: | Yeo Farmhouse, Ermington Road, Ivybridge, PL21 0LF | Appeal Decision: Upheld (Conditional approval) |
| Proposal: | Application to determine if prior approval is required for a proposed change of use of agricultural buildings/barns to 1No (class C3) & for associated development (Class Q (a+b)) | Appeal Decision Date: 26 Jan 2024 |

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| 0907/23/PIP | PINS Ref: APP/1128/W/23/3325992 |
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| Original Decision: | Refusal | Appeal Status: Appeal Refused |
| Appellant Name: | Mr K Harris | Appeal Start Date: 8 Nov 2023 |
| Site Address: | Land West Of Park Hill Cottages, Chapel Street, Ermington | Appeal Decision: Dismissed (Refusal) |
| Proposal: | Application for Permission in Principle for the erection of up to 2 new dwellings | Appeal Decision Date: 25 Jan 2024 |

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| 1042/22/PDM | PINS Ref: APP/K1128/W/23/3320840 |
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| Original Decision: | Prior Approval Required and Refused | Appeal Status: Appeal Approved |
| Appellant Name: | Mr Gareth Derrick | Appeal Start Date: 16 Aug 2023 |
| Site Address: | Yeo Farmhouse, Ermington Road, Ivybridge, PL21 0LF | Appeal Decision: Upheld (Conditional approval) |
| Proposal: | Application to determine if prior approval is required for a proposed change of use of agricultural building to 1No. dwellinghouse (Class C3) and for associated operational development (Class Q (a+b)) | Appeal Decision Date: 26 Jan 2024 |

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| Ward: | Newton & Yealmpton |
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| 3227/21/CLE | | PINS Ref: APP/K1128/X/22/3312314 |
| Original Decision: | Cert of Lawfulness (Existing) Refusal | Appeal Status: Appeal Refused |
| Appellant Name: | Mr Steven Rendle | Appeal Start Date: 8 Dec 2022 |
| Site Address: | Goodamoor Farm, Sparkwell, PL7 5FB | Appeal Decision: Dismissed (Refusal) |
| Proposal: | Certificate of Lawfulness for existing use of agricultural buildings as a dwellinghouse | Appeal Decision Date: 10 Jan 2024 |

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| Ward: | Salcombe & Thurlestone |
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| 2230/23/HHO | | PINS Ref: APP/K1128/D/23/3330393 |
| Original Decision: | Refusal | Appeal Status: Appeal Approved |
| Appellant Name: | Mr & Mrs N Maxey | Appeal Start Date: 21 Nov 2023 |
| Site Address: | Rockhaven, Courtenay Street, Salcombe, TQ8 8DQ | Appeal Decision: Upheld |
| Proposal: | Householder application for single storey extension & works to existing window to create new entrance, alterations to external terrace & steps | Appeal Decision Date: 15 Jan 2024 |

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| Ward: | Stokenham |
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| 1371/23/FUL | | PINS Ref: APP/K1128/W/23/3332223 |
| Original Decision: | Refusal | Appeal Status: Start Letter Received |
| Appellant Name: | Miss Sarah Linton | Appeal Start Date: 19 Jan 2024 |
| Site Address: | The Old Rectory, East Portlemouth, TQ8 8PA | Appeal Decision: |
| Proposal: | Change of use from ancillary accommodation to mixed use of ancillary accommodation & holiday letting (Retrospective) | Appeal Decision Date: |

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| 4050/22/CLE | | PINS Ref: APP/K1128/X/23/3319798 |
| Original Decision: | Cert of Lawfulness (Existing) Refusal | Appeal Status: Appeal Refused |
| Appellant Name: | Mr Jonathan Wotton | Appeal Start Date: 28 Apr 2023 |
| Site Address: | Coolings Farm, Town Road, East Prawle, TQ7 2DD | Appeal Decision: Dismissed (Refusal) |
| Proposal: | Certificate of Lawfulness for Existing use of land for seasonal caravanning (Resubmission of 4092/21/CLE) | Appeal Decision Date: 12 Jan 2024 |

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| Ward: | Totnes |
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| 1234/23/HHO | | PINS Ref: |
| Original Decision: | Conditional Approval | Appeal Status: Appeal Withdrawn |
| Appellant Name: | Mr Nathaniel Mason | Appeal Start Date: |
| Site Address: | 27, Lansdowne Park, Totnes, TQ9 5UW | Appeal Decision: Appeal Lapsed |
| Proposal: | Householder application for front dormer & 2 roof windows to existing rear dormer | Appeal Decision Date: 5 Jan 2024 |

South Hams District Council

Undetermined Major Applications

as at 30 Jan 2024



| 3623/19/FUL | | | |
|--------------------------|--|--------------------------------|------------------------------------|
| Officer: | Steven Stroud | Valid Date: 14 Apr 2020 | Expiry Date: 31 Mar 2024 |
| Location: | Land off Godwell Lane, Iybridge | | Extension Date: 22 Dec 2023 |
| Proposal: | READVERTISEMENT (Revised plans received) Full planning application for the development of 104 residential dwellings with associated access, parking, landscaping, locally equipped play area and infrastructure | | |
| Officer Comments: | Ongoing negotiations with LLFA/awaiting a further drainage report from applicant. S106 HoT broadly settled and NHS contribution agreed. JLP response has been received which requires further consideration | | |
| 4158/19/FUL | | | |
| Officer: | Patrick Whymer | Valid Date: 17 Jan 2020 | Expiry Date: 17 Apr 2020 |
| Location: | Development Site At Sx 734 439, Land to Northwest of junction between Ropewalk and Kingsway Park, Ropewalk, Kingsbridge, Devon | | Extension Date: 06 Feb 2021 |
| Proposal: | READVERTISEMENT (Revised Plans Received) Residential development comprising of 15 modular built dwellings with associated access, carparking and landscaping | | |
| Officer Comments: | Applicant is reviewing the proposal | | |
| 4181/19/OPA | | | |
| Officer: | Ian Lloyd | Valid Date: 09 Jan 2020 | Expiry Date: 30 Apr 2020 |
| Location: | Land off Towerfield Drive, Woolwell, Part of the Land at Woolwell, JLP Allocation (Policy PLY44) | | Extension Date: 31 Dec 2023 |
| Proposal: | READVERTISEMENT (revised plans & description of development) Outline application for up to 360 dwellings, associated landscaping and site infrastructure. All matters reserved except for new access points from Towerfield Drive and Pick Pie Drive. | | |
| Officer Comments: | Along with 4185/19/OPA a year-long PPA initially agreed until end of December 2020 was extended to the end of December 2023. Both parties agree more time is still required to resolve matters and a revised extension of time has been agreed until the end of February 2024 | | |
| 4185/19/OPA | | | |
| Officer: | Ian Lloyd | Valid Date: 09 Jan 2020 | Expiry Date: 30 Apr 2020 |
| Location: | Land at Woolwell, Part of the Land at Woolwell JLP Allocation (Policy PLY44) | | Extension Date: 31 Dec 2023 |
| Proposal: | READVERTISEMENT (revised plans) Outline application for provision of up to 1,640 new dwellings; up to 1,200 sqm of commercial, retail and community floorspace (A1-A5, D1 and D2 uses); a new primary school; areas of public open space including a community park; new sport and playing facilities; new access points and vehicular, cycle and pedestrian links; strategic landscaping and attenuation basins; a primary substation and other associated site infrastructure. All matters reserved except for access. | | |
| Officer Comments: | Along with 4181/19/OPA a year-long PPA initially agreed until end of December 2020 was extended to the end of December 2023. Both parties agree more time is still required to resolve matters and a revised extension of time has been agreed until the end of February 2024 | | |
| 0544/21/FUL | | | |
| Officer: | Patrick Whymer | Valid Date: 15 Feb 2021 | Expiry Date: 17 May 2021 |
| Location: | Land at Stowford Mills, Station Road, Iybridge, PL21 0AW | | Extension Date: 31 Oct 2023 |

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| Proposal: | Construction of 16 dwellings with associated access and landscaping | | |
| Officer Comments: | Extension of time agreed until 31 st October 2023 (likely to be a rolling extension of time as application paused whilst 2733/23/VAR being considered. If 2733/23/VAR approved, likely 0544/21/FUL will be withdrawn). | | |
| 2982/21/FUL | | | |
| Officer: | Charlotte Howrihane | Valid Date: 13 Oct 2021 | Expiry Date: 12 Jan 2022 |
| Location: | Land Opposite Butts Park, Parsonage Road, Newton Ferrers, PL8 1HY | Extension Date: 31 Jan 2024 | |
| Proposal: | Erection of 20 residential units (17 social rent and 3 open market) with associated car parking and landscaping | | |
| Officer Comments: | Delegated authority to approve, awaiting S106 which is with Legal | | |
| 3053/21/ARM | | | |
| Officer: | David Stewart | Valid Date: 05 Aug 2021 | Expiry Date: 25 Nov 2021 |
| Location: | Noss Marina, Bridge Road, Kingswear, TQ6 0EA | Extension Date: 24 Mar 2022 | |
| Proposal: | Application for approval of reserved matters relating to layout, appearance, landscaping and scale, in respect to Phase 16 – Dart View (Residential Northern) of the redevelopment of Noss Marina comprising the erection of 40 new homes (Use Class C3), provision of 60 carparking spaces, cycle parking, creation of private and communal amenity areas and associated public realm and landscaping works pursuant to conditions 51, 52, 54 and 63 attached to S.73 planning permission ref. 0504/20/VAR dated 10/02/2021 (Outline Planning Permission ref. 2161/17/OPA, dated 10/08/2018) (Access matters approved and layout, scale, appearance and landscaping matters) | | |
| Officer Comments: | Revised plans are still awaited for this phase. They were expected before the end of November 2023 but there are further delays in issuing the drawings. | | |
| 4021/21/VAR | | | |
| Officer: | Steven Stroud | Valid Date: 24 Nov 2021 | Expiry Date: 23 Feb 2022 |
| Location: | Development site at SX 809597, Steamer Quay Road, Totnes | Extension Date: 30 Apr 2023 | |
| Proposal: | READVERTISEMENT (revised plans) Application for variation of condition 2 (approved drawings) of planning consent 4165/17/FUL | | |
| Officer Comments: | | | |
| 4175/21/VAR | | | |
| Officer: | Tom French | Valid Date: 08 Nov 2021 | Expiry Date: 28 Feb 2022 |
| Location: | Sherford Housing Development Site, East Sherford Cross To Wollaton Cross Zc4, Brixton, Devon | Extension Date: 17 Feb 2023 | |
| Proposal: | READVERTISEMENT (Additional EIA Information Received) Application to amend conditions 48 & 50 of 0825/18/VAR, to vary conditions relating to employment floorspace in respect of the Sherford New Community. | | |
| Officer Comments: | Approved by Members, subject to S106 agreement which is progressing | | |
| 4317/21/OPA | | | |
| Officer: | Steven Stroud | Valid Date: 05 Jan 2022 | Expiry Date: 15 Mar 2024 |
| Location: | Land at SX 5515 5220 adjacent to Venn Farm, Daisy Park, Brixton | Extension Date: 22 Nov 2023 | |
| Proposal: | READVERTISEMENT (amended plans) Outline application with all matters reserved for residential development of up to 17 dwellings (including affordable housing) | | |
| Officer Comments: | Out for reconsultation following revised submission. | | |
| 0303/22/OPA | | | |
| Officer: | Steven Stroud | Valid Date: 04 Mar 2022 | Expiry Date: 03 Jun 2022 |
| Location: | Land off Moorview, Westerland, Marldon, TQ3 1RR | Extension Date: 21 Apr 2023 | |

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| Proposal: | READVERTISEMENT (Updated Site Address) Outline application (all matters reserved) for erection of 30 homes of two, three and four bedroom sizes with associated roads, paths, landscaping and drainage 30% of which would be affordable housing | | |
| Officer Comments: | S106 under negotiation | | |
| 1523/22/FUL | | | |
| Officer: | Steven Stroud | Valid Date: 20 Jun 2022 | Expiry Date: 19 Sep 2022 |
| Location: | Proposed Development Site West, Dartington Lane, Dartington | | Extension Date: 31 Jan 2023 |
| Proposal: | READVERTISEMENT (revised plans & documents) Construction of 39 No. two-storey dwellings with associated landscaping | | |
| Officer Comments: | Awaiting consultee feedback | | |
| 1629/22/ARM | | | |
| Officer: | Steven Stroud | Valid Date: 20 Jun 2022 | Expiry Date: 19 Sep 2022 |
| Location: | Dennings, Wallingford Road, Kingsbridge, TQ7 1NF | | Extension Date: 30 Jun 2023 |
| Proposal: | READVERTISEMENT (revised plans & supporting information) Application for approval of reserved matters following outline approval 2574/16/OPA (Outline application with all matters reserved for 14 new dwellings) relating to access, appearance, landscaping, layout and scale and discharge of outline planning conditions | | |
| Officer Comments: | Under consideration – housing mix and ecology objections | | |
| 2412/22/OPA | | | |
| Officer: | Clare Stewart | Valid Date: 25 Jul 2022 | Expiry Date: 24 Oct 2022 |
| Location: | Land South of Dartmouth Road at SX 771 485, East Allington | | Extension Date: 31 Oct 2023 |
| Proposal: | READVERTISEMENT (amended description & documents) Outline application with some matters reserved for residential development & associated access | | |
| Officer Comments: | Approved by Committee on 18/10/23 subject to S106 completion, which is in progress | | |
| 0384/23/OPA | | | |
| Officer: | Bryn Kitching | Valid Date: 09 Feb 2023 | Expiry Date: 11 May 2023 |
| Location: | Land At Sx 652 517, Modbury | | Extension Date: 12 April 2023 |
| Proposal: | READVERTISEMENT (viability appraisal submitted with revised affordable housing provision and open market housing mix). Outline Planning Application (with all matters reserved apart from access) for demolition of existing buildings and a residential redevelopment of up to 40 dwellings, including the formation of access and associated works on land at Penn Park, Modbury | | |
| Officer Comments: | Outline application on site allocated for residential development in the JLP. Viability documents submitted with Affordable Housing offer of 10% (4 houses) and revised open market mix. Full reconsultation on viability documents talking place. Expected to be presented to the Development Management Committee on 10 th April 2023. Extension of time agreed to 12 th April 2023 as part of Scheme Development Agreement. | | |
| 1619/23/FUL | | | |
| Officer: | Peter Whitehead | Valid Date: 28 Jul 2023 | Expiry Date: 17 Nov 2023 |
| Location: | Land At Sx 5083 6341, Roborough Down, Plymouth | | |
| Proposal: | Construction of a ground mounted solar PV array & ancillary infrastructure | | |
| Officer Comments: | Under consideration. In receipt of amended landscaping scheme which seeks to provide improved screening/mitigation and is under review. Rolling extension of time agreed with agent. | | |
| 1887/23/ARM | | | |
| Officer: | Tom French | Valid Date: 01 Jun 2023 | Expiry Date: 31 Aug 2023 |
| Location: | Sherford Housing Development Site, Land South of South West of A38 Deep Lane junction & East of Haye Road, Plymouth | | |

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| Proposal: | Application for approval of reserved matters following outline approval 0825/18/VAR (Variation of conditions 3 (approved drawings), 6, 7, 8, 10, 11, 12, 13, 14, 18, 19, 20, 21, 26, 28, 35, 36, 45, 46, 52, 53, 54, 57, 66, 67, 68, 69, 70, 71, 99, 100, 101, 102, 104, 106, 107 and 110 and Informatives of outline planning permission ref.1593/17/VAR to accommodate proposed changes of the Masterplan in respect of the 'Sherford New Community') for 284 residential dwellings, on parcels L1-L12, including affordable housing and associated parking along with all necessary infrastructure including, highways, drainage, landscaping, sub stations, as part of Phase 3B of | | |
| Officer Comments: | | | |
| 1888/23/ARM | | | |
| Officer: | Tom French | Valid Date: 01 Jun 2023 | Expiry Date: 31 Aug 2023 |
| Location: | Sherford New Community, Land south west of A38, Deep Lane and east of Haye Road, Elburton, Plymouth, PL9 8DD | | Extension Date: 29 Feb 2024 |
| Proposal: | Application for approval of reserved matters for 269 no. dwellings on parcels B1-11, including affordable housing and associated parking along with all necessary parcel infrastructure including drainage and landscaping, as part of Phase 3B of the Sherford new Community, pursuant to approval 0825/18/VAR (which was an EIA development and an Environmental Statement was submitted) | | |
| Officer Comments: | | | |
| 2058/23/ARM | | | |
| Officer: | Tom French | Valid Date: 09 Jun 2023 | Expiry Date: 08 Sep 2023 |
| Location: | Sherford New Community, Phase 3 A/B Land south of Main Street, Plymouth, PL8 2DP | | Extension Date: 29 Feb 2024 |
| Proposal: | READVERTISEMENT (amended plans) Application for approval of reserved matters application for strategic infrastructure including strategic drainage, highways, landscaping and open space, and amendment to phasing plan as part of Phase 3 A/B of the Sherford New Community pursuant to Outline approvals ref: 0825/18/VAR (the principle permission that was amended by this consent was EIA development and was accompanied by an Environmental Statement) | | |
| Officer Comments: | | | |
| 2505/23/VAR | | | |
| Officer: | Peter Whitehead | Valid Date: 02 Aug 2023 | Expiry Date: 01 Nov 2023 |
| Location: | Deer Park Inn, Dartmouth Road, Stoke Fleming, TQ6 0RF | | |
| Proposal: | Application for variation of Condition 2 (approved plans) of planning consent 0679/18/FUL | | |
| Officer Comments: | Member delegated approval. Currently awaiting completion of Deed of Variation of existing s106 Agreement (so current application ties back to original s106 and secures the contributions set out therein), following which conditional permission will be granted. | | |
| 2733/23/VAR | | | |
| Officer: | Lucy Hall | Valid Date: 09 Aug 2023 | Expiry Date: 08 Nov 2023 |
| Location: | Stowford Mill, Harford Road, Ivybridge, PL21 0AA | | Extension Date: 30 Nov 2023 |
| Proposal: | Application for variation of condition 3 (approved drawings) of planning consent 27/1336/15/F (part retrospective) | | |
| Officer Comments: | Application under consideration. Need to review triggers for S106. | | |
| 2929/23/FUL | | | |
| Officer: | Peter Whitehead | Valid Date: 25 Oct 2023 | Expiry Date: 14 Feb 2024 |
| Location: | Land at Littlehempston Water Treatment Works, Hampstead Farm Lane, Littlehempston | | |
| Proposal: | Installation of photovoltaic solar arrays together with transformer stations, site accesses, internal access tracks, security measures, access gates, other ancillary infrastructure and landscaping and biodiversity enhancements | | |
| Officer Comments: | Application under consideration. | | |

| 3203/23/FUL | | | |
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| Officer: | Charlotte Howrihane | Valid Date: 16 Oct 2023 | Expiry Date: 15 Jan 2024 |
| Location: | Land at SX 808 599, Totnes | | Extension Date: 31 Jan 2024 |
| Proposal: | Demolition of 36 two/three bed flats to be replaced with 35 new homes, consisting of one, two & three bed accommodation for social rent, as well as landscaping, car parking & associated works | | |
| Officer Comments: | Delegated authority to approve, awaiting S106 which is with Legal | | |
| 3251/23/VAR | | | |
| Officer: | Peter Whitehead | Valid Date: 27 Sep 2023 | Expiry Date: 27 Dec 2023 |
| Location: | Development Site At Sx 580 576, Seaton Orchard, Sparkwell | | |
| Proposal: | Application for variation of condition 20 (windows) of planning consent 3445/18/FUL | | |
| Officer Comments: | Currently awaiting completion of Deed of Variation to original s106 Agreement (so current application ties back to original s106 and secures the contributions set out therein), following which planning permission will be issued. | | |
| 3358/23/FUL | | | |
| Officer: | Liz Payne | Valid Date: 22 Nov 2023 | Expiry Date: 21 Feb 2024 |
| Location: | Ash Tree Farm, Ash, TQ6 0LR | | |
| Proposal: | Change of use of 1.4 hectares of land to animal rescue centre | | |
| Officer Comments: | Application under consideration | | |
| 3995/23/FUL | | | |
| Officer: | Lucy Hall | Valid Date: 02 Jan 2024 | Expiry Date: 02 Apr 2024 |
| Location: | Baltic Wharf Boatyard St Peters Quay Totnes TQ9 5EW | | |
| Proposal: | Full planning application for the phased delivery of a mixed-use development comprising marine workshops (Use Class B2) and boat storage, offices (Use Class E), care home (Use Class C2), houses and apartments (Use Class C3), mixed commercial uses (Use Class E) and associated infrastructure. | | |
| Officer Comments: | Application in consultation period | | |
| 4221/23/FUL | | | |
| Officer: | Lucy Hall | Valid Date: 05 Jan 2024 | Expiry Date: 05 Apr 2024 |
| Location: | Hardware Store, 2 Broad Street, Modbury, PL21 0PS | | |
| Proposal: | Proposed creation of two shops & office with staff room incl. associated alterations & repairs. | | |
| Officer Comments: | Application in consultation period | | |
| 4263/23/VAR | | | |
| Officer: | Clare Stewart | Valid Date: 21 Dec 2023 | Expiry Date: 21 Mar 2024 |
| Location: | Field To Rear Of 15 Green Park Way Port Lane Chillington | | |
| Proposal: | Variation of conditions 1 (approved drawings), 5 (materials), 6 (boundary treatments and retaining walls/structures)), 7 (external levels) and 9 (planting proposals) following grant of planning permission ref. 0742/23/VAR | | |
| Officer Comments: | Page 67 | | |

| 0103/24/FUL | | | |
|--------------------------|--|--------------------------------|---------------------------------|
| Officer: | Tom French | Valid Date: 11 Jan 2024 | Expiry Date: 11 Apr 2024 |
| Location: | Langage Energy Park Kingsway Plympton PL7 5AW | | |
| Proposal: | Proposed construction of a 9.25km hydrogen pipeline running from consented Langage Green Hydrogen Project to the Sibelco and Imerys sites | | |
| Officer Comments: | | | |
| 0135/24/LBC | | | |
| Officer: | Graham Lawrence | Valid Date: 15 Jan 2024 | Expiry Date: 15 Apr 2024 |
| Location: | First Floor 57 High Street Totnes TQ9 5NP | | |
| Proposal: | Listed building consent for minor internal works to fit out the existing premises to become a Childrens Hospice South West charity shop. | | |
| Officer Comments: | | | |
| 0278/24/ARM | | | |
| Officer: | Bryn Kitching | Valid Date: 24 Jan 2024 | Expiry Date: 24 Apr 2024 |
| Location: | Land at SX 855 508 Violet Drive Dartmouth | | |
| Proposal: | Application for approval of reserved matters (layout, appearance, scale and landscaping) following outline approval 0479/21/VAR for Erection of a 3-storey, 105-bedroom hotel with ancillary restaurant and all associated works | | |
| Officer Comments: | Reserved Matters application for a 105 bed hotel submitted by Premier Inn. This is on one of the employment parts of the Little Cotton Farm development site and the hotel use was one of the employment uses authorised by the outline consent. This application seeks consent for the layout, appearance, scale and landscaping. Currently on the consultation period which expires at the end of February | | |

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