

PLANNING APPLICATION REPORT

Case Officer: Matthew Jones

Parish: Lamerton **Ward:** Milton Ford

Application No: 3792/17/OPA

Agent/Applicant:

Edward Persse
49 Bannawell Street
Tavistock
PL19 0DP

Applicant:

Mr S Matthews
The Linhay
Tavistock
PL198NS

Site Address: Land at SX 442 753, Western edge of Ottery, Tavistock

Development: Outline planning application with all matters reserved for erection of dwelling

Reason item is being put before Committee: At the request of the Ward Member: *'Whilst Ottery is not a sustainable village and hence does not have a settlement boundary, the proposed single dwelling relates well to existing properties in the hamlet. All 3 recent successful planning application in Lamerton, which is considered a sustainable village, have been outside the settlement boundary. This application, if granted, would be a much needed windfall to W Devon's housing stock.'*



Recommendation: Refusal

Reasons for refusal

1. By reason of the site's location and isolation from services, the development constitutes a new residential intervention into the countryside which fails to provide safe and suitable access for all, would foster the growth in the need to travel by private car, would erode the rural character of the countryside and fails to provide a sustainable solution. The proposal is therefore contrary to West Devon Development Plan policies SP1, SP5, SP14, SP17, SP20, SP24, NE10, H31

and T5, emerging Joint Local Plan policies SPT1, SPT2 and TTV31 and paragraphs 7, 8, 9, 14, 17, 32, 34 and 35 of the National Planning Policy Framework

Key issues for consideration:

The main issues are the conformity or otherwise of the development with the current and emerging Development Plans within the context of no five year land supply, and the environmental, social and economic impacts of the development weighed within the planning balance.

Site Description:

The application site is an area of greenfield land elevated above the roadside, bounded by mature hedging which separates it from the below highway to the west. The site is part of a wider agricultural field. It is within an area designated as open countryside. There is a small building on site.

The site is approximately 1.4km away from the very edge of Lamerton as the crow flies, and 2.1 km by road. The connecting roads are unlit, narrow and are devoid of footpaths.

The Proposal:

Outline planning consent is sought for the erection of a dwelling. All matters are reserved but the plans do suggest a new vehicular access at the south west corner of the site.

Consultations:

- County Highways Authority

Standing advice

- Lamerton Parish Council

Objection – due to conflict with the Development Plan

Representations:

3 letters of support and 1 letter of objection have been received at the time of writing this report. One of the letters of support appears to be from the same address as that given by the applicant. Comments made in support of the application are summarised as follows:

- Will enhance housing provision
- Will not harm neighbour amenity
- A bungalow has been built elsewhere in the area

Concerns raised are summarised as follows:

- The scheme is in conflict with the Development Plan and could set a precedent
- Both foul and surface water infrastructure in the area is inadequate

Relevant Planning History

None identified

Analysis

The application site is greenfield land in a countryside location devoid of services and where there is a clear 'in principle' objection to new residential development under the Council's current and emerging housing policies. The Council cannot currently demonstrate a five year land supply, and this limits the weight given to housing policies and requires the Council to apply the tilted balance inherent with the presumption in favour of sustainable development as set out within the Framework.

However, the site is well isolated from tangible services and occupants would have almost complete dependence on the motorcar for everyday things such as school, employment and shopping. There are no public transport options available.

The residential development of the currently undeveloped land through the provision of a dwelling, creation of a new domestic access, the associated domestic ancillary structures and through light pollution would also have a limited visual harm in the area around the application site.

Taken together, this equates to significant environmental harm. This environmental harm significantly and demonstrably outweighs the very limited social and economic benefits through the provision of a single dwelling house.

Helpfully, an appeal issued by the Planning Inspectorate for the creation of a single dwelling under similar circumstances, issued this month and within the context of the absence of a five year land supply, helps guide the Council in its assessment.

In that decision, the Inspector states that *'However, taking all matters into account there are no material considerations of such weight or substance to justify making a decision otherwise than in accordance with the development plan. The adverse impacts to the environment arising from the siting of a new-build dwelling remote from services and facilities and the consequent reliance upon non-sustainable transport modes would significantly and demonstrably outweigh the very modest combined benefits to housing supply and the construction industry, the vitality of the hamlet and the immediate setting of the site within the Tamar Valley Area of Outstanding Natural Beauty. I therefore find that the proposal is not sustainable development for which the Framework provides a presumption in favour.'*

Nearby facilities

Suggestions made within the submission that this site should be regarded as sustainable due to the nearby presence of a hotel bar and small industrial land use are not considered by officers to be robust, and are given very limited weight in this assessment. The Council cannot presume that all future occupants of the dwelling would find employment in the nearby small scale commercial site, and the proximity to a single hotel bar is not considered to provide any conclusion that the site is well located with good access to the plethora of services regularly used by the public. It is clear that the site is not in an accessible location, has no sustainable transport options to rely on, with ensuing near complete dependence on the motorcar.

Other matters

Although there is an absence of information pertaining to foul and surface water disposal within the submission, the officers note the degree of land within the applicant's control, and would have considered it possible to secure drainage details through condition, had it been considered appropriate to recommend approval of the application.

The bungalow referred to was approved in 2004 and officers understand that the approval was based on a demonstrable need for staffing facilities to support the adjacent hotel.

The Lamerton Neighbourhood Plan seeks to proactively allocate more appropriate and preferable sites elsewhere for the community's future growth. However, this is at a developing stage and the weight it can be attributed is currently limited.

Conclusions

The proposed development represents a significant conflict with the current and emerging Development Plans, and applying the presumption in favour of sustainable development, the identified environmental harm significantly and demonstrably outweighs the very limited social and economic benefits associated with the creation of a single dwelling in this inaccessible location remote from services or sustainable transport options.

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

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.

The relevant development plan policies are set out below:

West Devon Borough Council Core Strategy 2011

SP1 – Sustainable Development
SP5 – Spatial Strategy
SP17 – Landscape Character
SP18 – The Heritage and Historical Character of West Devon
SP19 – Biodiversity
SP20 – Promoting High Quality Design
SP21 – Flooding

West Devon Borough Council Local Plan Review 2005 (as amended 2011)

NE10 – Protection of the Countryside and Other Open Spaces
BE13 – Landscaping and Boundary Treatment
H31 – Residential Development in the Countryside
T1 – Walking and Cycling
T2 – Pedestrian and Cyclist Safety
T8 – Car Parking
T9 – The Highway Network
PS2 – Sustainable Urban Drainage Systems
PS3 – Sewage Disposal
PS4 – Private Water Supply

Emerging Joint Local Plan

The Plymouth and South West Devon Joint Local Plan (the JLP) will replace the above as the statutory development plan once it is formally adopted.

Annex 1 of the National Planning Policy Framework (the Framework) provides guidance on determining the weight in relation to existing and emerging development plan policies.

- For current development plan documents, due weight should be given to relevant policies according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- For the JLP, which is an emerging development plan, the weight is to be determined by the stage of its preparation, the extent to which there are unresolved objections, and its degree of consistency with the Framework.

The JLP is at a relatively advanced stage of preparation. The precise weight to be given to policies within the JLP will need to be determined on a case by case basis, having regard to all of the material considerations as set out on the analysis above.

PLYMOUTH AND SOUTH WEST DEVON JOINT LOCAL PLAN -: PUBLICATION (as considered by the Full Councils end Feb/Early March 2017)

SPT2 Sustainable linked neighbourhoods and sustainable rural communities
TTV31 Development in the Countryside
DEV1 Protecting amenity and the environment
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area
DEV9 Accessible housing
DEV20 Place shaping and the quality of the built environment
DEV24 Landscape character
DEV27 Nationally protected landscapes
DEV30 Trees, woodlands and hedgerows

Lamerton Neighbourhood Plan

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.