

PLANNING APPLICATION REPORT

Case Officer: Jacqueline Houslander

Parish: East Portlemouth **Ward:** Stokenham

Application No: 3967/17/VAR

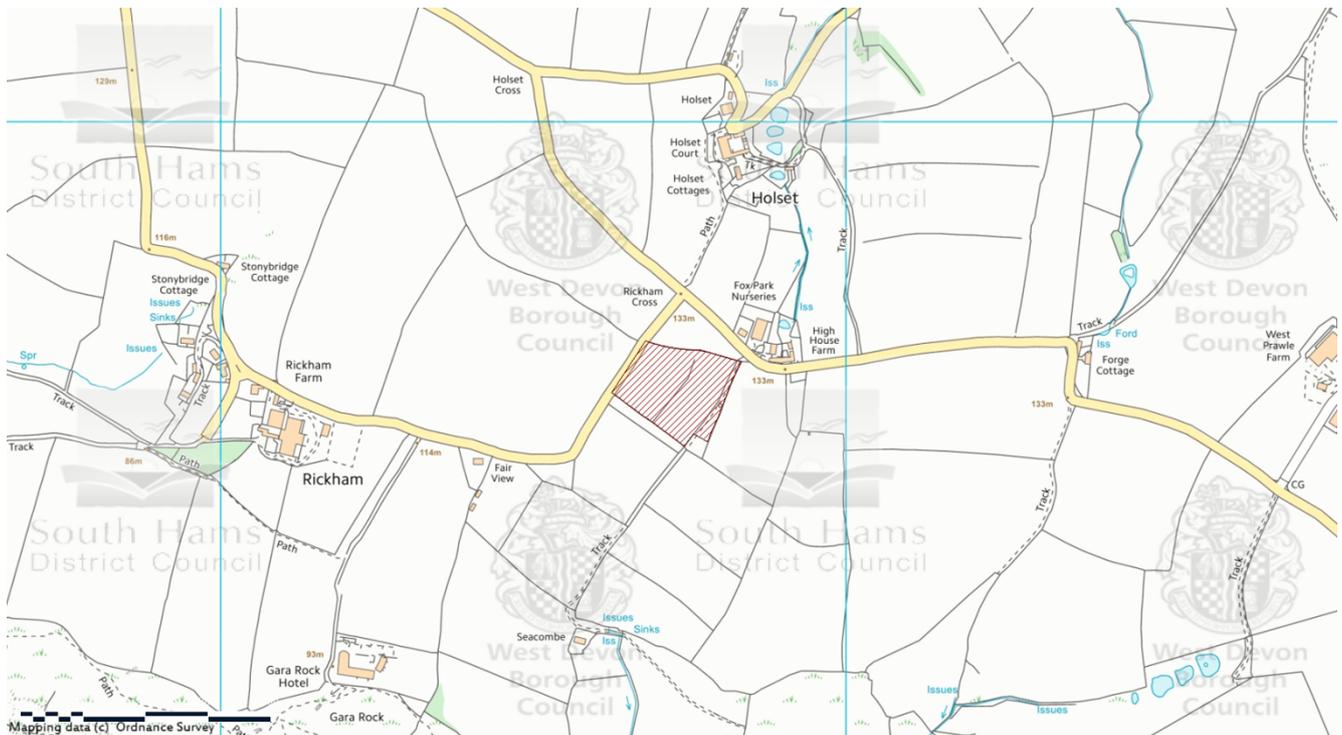
Agent/Applicant:

Miss Catherine Middleditch
The High Nature Centre
East Portlemouth
TQ8 8PN

Site Address: The High Nature Centre, East Portlemouth, TQ8 8PN

Development: Variation of condition number 3 following grant of planning permission 20/0785/12/F to allow the roundhouse to be granted permanent permission

Reason item is being put before Committee: In the Ward Member's view, the recommendation does not take account of the social, economic and environmental benefits of the application which outweigh any negative visual impact.



Recommendation: Refusal

Reasons for refusal:

- 1. The proposed variation of condition 3 would result in a permanent roundhouse structure in this isolated rural location, without any essential justification and would therefore be contrary to Policies CS01 of the Core Strategy; policies DP15 of the Development Policies' DPD and emerging policy TTV31 in the draft Plymouth and South West Devon Joint Local Plan.**
- 2. The variation of the condition would result in a permanent incongruous roundhouse being located in a highly sensitive South Devon Area of Outstanding Natural Beauty, Heritage Coast and undeveloped coast, harmful to the special qualities and character of the landscape and contrary to adopted Core Strategy policy CS9 (2 & 3), Development Policies DPD policy DP2 (1 a, b, d, e and 2) as well as the emerging Joint Local Plan Policies DEV 24, DEV25 and DEV27.**
- 3. The variation of the condition would add a permanent building to an existing small campsite, where it has not been demonstrated that a large roundhouse is necessary, contrary to policy DP13 of the Development Policies DPD and criteria 7 of emerging policy DEV15 in the Plymouth and South West Devon Joint Local Plan.**

Key issues for consideration:

AONB, landscape and tourism impact

Tourism need

Employment and business impact

Social Sustainability

Highway Impact

Ecology

Neighbour amenity

Site Description:

The application site is located a kilometre east of East Portlemouth on the corner of the main road to the village and the turning south to Rickham. The land was previously used for a mixture of grazing and occasional horticulture. Planning consent was granted in 2012 for the use of the site for a Construction of roundhouse and siting of five yurts to be used in association with nature holiday enterprise. Provision of additional facilities for educational, recreational and business activities together with associated car parking and landscaping works

To the south and towards the coastal area there is a small caravan site with roads bounding the west and northern edge of the land. The land area amounts to just over 2 hectares (5 acres) and is moderately flat. Access to the land is via a well-established track from the main East Portlemouth road shared with farmers and Seacombe Bungalow.

The entire area is an exposed coastal part of the South Devon Area of Outstanding Natural Beauty (AONB).

The Proposal:

The 2012 planning permission had attached to it a condition limiting the time that the site can be used for these purposes. It read:

“The use hereby authorised shall cease not later than 10 years from the date of this permission. On cessation, the land shall be returned to agricultural purposes, the Roundhouse, yurts and all other structures except for the polytunnels shall be permanently removed from the land.

Reason: Permission is granted on the basis of the employment offer to local economic and social sustainability. The temporary period given will allow the Local Planning Authority to reassess the success and merit of the employment offer over the medium term when considering a permanent permission.”

The applicant is requesting a variation on the condition which provided for a 10 year temporary use of the roundhouse only. The variation seeks to allow a permanent consent for the roundhouse. The next stage of business development for the Centre is the construction of this building. The applicant states:

“I am not able to raise the capital to construct a building which meets the BREEAM standards of 'very good' (condition 18) unless the permission for it's use is permanent. No-body is willing to invest in a business with the looming risk that the building might be asked to be removed when the temporary planning runs out in 2022.”

The original proposal which was given planning permission in 2012 was to: utilise the existing polytunnels by changing their use to business purposes for small scale, local, sustainable commercial operations. 5 holiday yurts are proposed for the warmer parts of the year in the western field, with a composting toilet and 18 metre diameter roundhouse near the centre of the site made of a timber frame, straw bale walls, clay and lime render, green roof and rammed earth floor. Set one metre into the ground, the roundhouse would be 6 metres tall at its highest point.

The yurts would be 3 metres tall with a diameter ranging from 4.8 metres to 6 metres. A series of associated works around the three principal elements would include a sustainable drainage system, ponds, parking bays, Devon bank work and access tracks.

In support of the current application, a document entitled “High Nature Centre Development – Evidence of economic and social benefits” has been submitted, which comprises a detailed history of the evolution of the High Nature Centre, with photographs, testimonials from people who have used the High Nature Centre and details of investments into the centre.

Plans have been submitted of the proposed roundhouse, which indicate: a round building measuring 6 metres high to the middle of the building; 19 metres across. Internally it has, a large central space for a variety of uses; storage areas; a café; a quiet zone; a kitchen; office; library /meeting room and a treatment room. The proposed building has a grass roof, with two windows (eyebrow dormer style) in the elevation which faces the sea and one in the elevation that faces the rest of the site.

Other doors and windows are located around the building at ground floor level. The building is proposed to be sited within an area previously created with a low bund – approximately 0.3 -0.5 metres high.

Consultations:

- County Highways Authority: No comments
- Environmental Health Section: No comments
- Town/Parish Council: Object Granting permission for the roundhouse would contradict the reason for the temporary permission for the whole site (condition 9) with the particular concern of the Parish Council that condition 17 @the roundhouse and existing site office shall not be used for residential purposes or human habitation at any time. Reason: To prevent a residential unit being established in an unsustainable location and the avoidance of doubt might be breached.
The Parish has ample experience that Condition 8 relating to noise pollution has been contravened on a number of occasions and there is concern that this could worsen with permanent permission

- Landscape/ AONB: This response is based upon an examination of the planning file and submitted plans, and site visits carried out in February and April 2018.

Landscape Character and Visual Impact

The site lies within the South Devon AONB, South Devon Heritage Coast, and emerging Undeveloped Coast (previously Coastal Preservation Area) designations. On an open and elevated stretch of coast, the character of the landscape in this location typifies the Open Coastal Plateaux character type within which it sits:

Regular medium to large field pattern of arable cropping, with stone boundary walls and dense low hedges

Limited woodland, particularly on higher ground immediately adjacent to the coast. Trees in field boundaries may be windswept due to the exposed conditions.

Sparse settlement pattern, with isolated farms or large houses and several villages, often distinguished by their uniform appearance

Long, panoramic views out to sea due giving a horizon of approximately 25km offshore and contributing to a sense of expansiveness

Local vernacular building styles of whitewash, local stone and thatch

The extant temporary consent at this site afforded strict limitations on the duration and use of the site; in part because of the high sensitivity of this landscape, and the potential deterioration in character caused by the non-agricultural use of the land. On visiting the site, it is evident that the anticipated deterioration in character has occurred; although well-vegetated, the loss of the field pattern, creation of engineered banks, introduction of structures, fencing, play equipment and other more-typically residential paraphernalia has had a negative impact on an otherwise high quality rural landscape.

The site at ground level is generally well contained in the landscape, however the two larger buildings on the site (3m and 3.7m tall) are seen from the site entrance, the road to the north, and that to the west of the site. All the lanes in this location are well-frequented by walkers and are therefore highly sensitive to change. The proposed roundhouse extends to 6m high, and would be substantially taller than any building on the site. It is therefore reasonable to conclude that the roundhouse would form a visible structure in the landscape; and one which not being an agricultural form, would further erode character in this area.

With a permanent non-agricultural structure in this location, the requirements of the existing consent to restore the land to its former condition on or before 16th November 2022 will be impossible in some areas of the site. The development would therefore result in a permanent erosion of character in this nationally protected landscape.

Policy and Recommendation

Planning policy at all levels gives great weight to conserving landscape and scenic beauty in AONBs, seeks to protect the valued coastal landscape, and to conserve and enhance local landscape character. For the reasons set out above, I would consider that the permanent siting of the roundhouse would fail policy objectives of adopted Core Strategy policy CS9 (2 & 3), Development Policies DPD policy DP2 (1 a, b, d, e and 2). On this basis, I would raise an objection on landscape grounds to the application for the permanent siting of a non-agricultural building in this area.

If you, or members of the planning committee were minded to weigh against this objection in the planning balance, I would request that the use of the building is strictly controlled by condition, that the presence of the building on the site is strictly tied to its use by this particular business (in that it should be removed if the current owners no longer operate out of this site), and that a comprehensive landscape management plan for the site is conditioned to provide for the proper management of landscape features across the site on the basis that the current temporary use may become permanent.

As this is a variation of condition application, please also ensure that all other conditions relating to the control of use of the land and buildings, and the removal of permitted development rights on the site are also carried forward from the previous consent.

I would reiterate however, that these conditions would not mitigate the landscape impacts, or overcome the landscape objection to the proposed development.

Representations:

Representations from Residents

Comments have been received and cover the following points:

Support:

The condition was required to enable the LPA to reassess the success of the site in contributing to economic and social development of the area. The full potential economic and social benefits cannot yet be assessed because the development has not yet been completed. Variation of the condition would allow the applicant to proceed with the development

High Nature has developed into a model for sustainable tourism and is hugely popular, both locally and from further afield. Due to the hard work of the owner and helpers who offer craftsmanship; nature study; yoga.

The roundhouse design will be low impact based on an iron age roundhouse, timber framed with walls constructed from stone, cord wood and straw bales, with a lime render and living roof.

It will provide tourism around the year for the area

It is an exemplary site, well managed and offering a variety of sustainable activities and the roundhouse should be allowed to stay permanently

It offers hugely positive effects for the community and children. The activities are for peoples overall wellbeing which is necessary in this fast paced life.

The project creates the potential for local employment and imaginative social facilities needed in this remote location.

The roundhouse will enable the business to operate throughout the year which will add to its profitability.

Such low impact and sustainable development is entirely appropriate in this area

It is already a space that is used by the local community

A permanent structure present all year round for workshops, courses and classes would be a real bonus for the people in the area.

Potential for local employment

Therapeutic and learning activities will take place here.

Keeps peoples connections with nature alive

It is innovative and inspiring

Have stayed at High Nature several times and enjoyed learning about how I can live a more sustainable and environmentally friendly lifestyle.

Lots of local groups benefit – scouts, cubs, children's centres; refugee groups and support groups.

Objections:

Recent experience of excessive noise at High Nature including loud music to 5am, loud voices and car doors slamming. This is at odds with the general quiet character of the area.

Amplified music has been used on site.

Believes noise condition on the temporary consent has been breached on more than one occasion.

Conditions of trial temporary consent have not been met and planning conditions breached.

Original planning permission was to improve employment opportunities for local people with further benefits to local community but not aware of anyone locally working in the polytunnels or employed on site. No evidence of such has been provided.

Support letters are from people who have holidayed on the site.

Condition 17 - We request clarity on the intended use of the roundhouse. Use of the roundhouse for human habitation would contravene condition 17 of the current temporary consent. The round house is not the type of building which would generally be approved for residential use in this area and will be visible from the road and our adjacent land. The site has been running as a summer holiday yurt business for the past 4 years without a roundhouse.

Condition 8 - No amplifier or other audio equipment shall be used on any part of the site. This condition is not being adhered with.

If the permission for the yurts and tunnels is withdrawn in 2022 and they are removed what would the 'permanent' roundhouse become?

Impact on the Character and Appearance of a Coastal Protection Area

Extra buildings and tents have appeared on site

The applicant has let it be known that her ambition is to obtain permission to live permanently on the site and this is a step in that direction.

Relevant Planning History

20/1139/92/3: FUL-Erection of eight polytunnel's. Conditional approval: 07 Oct 92

20/1622/94/3: FUL - Construction of Devon hedge banks and planting of trees to form shelter belts for existing polytunnel's repositioning of one tunnel and erection of temporary gale break where required. Conditional approval: 07 Dec 94

20/2596/11/PREMIN: PRE - Pre-application enquiry for change of use of agricultural land to mixed use including tourism education recreation and rural business development construction of low impact round house and siting of 4 eco-yurts - Pre-app - Partial Support: 10 Sep 12

20/0785/12/F: FUL - READVERTISEMENT: Construction of roundhouse and siting of five yurts to be used in association with nature holiday enterprise. Provision of additional facilities for educational recreational and business activities together with associated car parking. Conditional approval: 16 Nov 12

20/2932/13/VAR - Variation of condition 2 (amendment to plans) of planning approval 20/0785/12/F - Conditional approval: 13 May 14

20/0098/13/DIS: Discharge of conditions 4 6 12 14 19 21 and 22 to planning approval 20/0785/12/F - Discharge of condition approved: 25 Apr 13

20/1750/15/DIS: ARC - Application for approval of details reserved by condition 11 (Schedule of Materials and Finishes) of planning consent 20/0785/12/F. Discharge of condition approved: 06 Oct 15

20/2412/13/MIN: NMM - Non-material minor amendment (additional information about yurt camp kitchen toilets and showers) to planning approval 20/0785/12/F (Construction of roundhouse and siting of five yurts to be used in association with nature holiday enterprise. Refusal: 21 Jan 14

ANALYSIS

Principle of Development/Sustainability:

The principle of this kind of development was considered and examined comprehensively in 2012 in the Planning Officers report. The main issues covered were: Tourism impact and need; employment need and social sustainability; development in the countryside and landscape impact; employment impact and long term viability; highway impact; neighbour impact; flooding and ecology. At the time the proposal was recommended for refusal, but was granted at the Planning Committee.

The Structure Plan policies considered in 2012 are no longer relevant to this consideration, however the other policies are the same and so are also relevant to the consideration of the variation to the condition. In addition, the JLP has now been fully developed and is a good way along the process towards adoption. It is therefore relevant to consider the emerging policies as well as the National Planning Policy Framework (NPPF) in the consideration of this application.

At the time of the previous application it was considered that the roundhouse was not acceptable. The planning officer commented...

"However, the large roundhouse that is proposed is a significant alteration to the site that will result in a permanent built structure in the protected landscape. This structure is not essential for rural

purposes or indeed for the function of this proposal and other less permanent and intrusive methods could be used. At 18 metres wide and 6 metres tall, such a landscape and visual impact contrary to rural protection policies such as DP15 of the Development Policies DPD is considered unacceptable and far outweighs the benefits of reusing the site for local employment and tourism outlined.”

With regard to the holiday yurts which was also contrary to development plan policy the planning officer commented: *“The applicant suggests that this policy is outweighed by the social and economic benefit of providing local, low key employment in the polytunnels. This is backed up by a range of environmental improvements. It is considered that this, on its own is a persuasive case and there is a tangible benefit to local social sustainability, especially for the East Portlemouth area. There is no guarantee that businesses will thrive at the site and it is considered that a temporary permission for 3 to 5 years would be a suitable test period to review the success of businesses at the site.”*

The current planning submission includes a detailed history of the site and the events that have taken place since it first came into being in 2009. The yurts have become popular tourist accommodation in the last few years. Other community events such as yoga; creative lunches; craft activities and visits by the local cub group have taken place at various times. It is thus accepted that the site has had some community and social benefits.

At the time of the site visit, albeit during March, the site did not appear to be being used by very many people or activities. The polytunnels in the main were empty or used for storage, the areas where the yurts are erected were marked by planting and a large circle created as a circular mound was apparent and is the proposed location of the roundhouse.

In terms of planning policies the policies which are of relevance to this proposal are:

CS01, restricts developments to within identified development boundaries.

In this case the site is not located within a development boundary and as such is in the open countryside. However there is already some development on this site, which includes 6 polytunnels, a reception building (a small timber building; toilet facilities and a kitchen. During the summer months the 2012 consent allows for 5 Yurts for tourism accommodation. Whilst there is some development here and a temporary roundhouse is permitted the proposal is contrary to this policy.

DP12: Tourism and Leisure: Proposals for tourism and leisure development, and tourist accommodation, will be permitted where they are located in sustainable and accessible locations; do not undermine the vitality or viability of nearby settlements; provide a high quality attraction or accommodation; and encourage an extended tourist season. In addition, in the countryside proposals will only be permitted where they: demonstrate they require a rural location and cannot be accommodated elsewhere and support the objectives of rural regeneration. Proposals involving the loss of tourist or leisure development, including holiday accommodation, will only be permitted where there is no proven demand for the facility and it can no longer make a positive contribution to the economy.

The previous consent is relevant. The proposal was granted based on the social sustainability the yurts and other facilities provided to the East Portlemouth community and the tourist economy. The planning permission is therefore extant and is a relevant material consideration.

In this case the issue is whether the roundhouse structure could be a permanent structure on the site and whether that would comply with DP12. The roundhouse is in effect a building which will provide for the activities that are undertaken by both the local community but also the tourists who will stay in the yurts. The location of the building to a degree is dictated by the existing approved poly tunnels, yurts and ancillary buildings on the site, for which consent already exists, as it is a supporting building for those uses. However it is not essential that it is a roundhouse of the scale proposed. A small storage building could cater for the storage needs and a smaller barn style accommodation could accommodate the other uses. The site has also managed successfully since 2009 without the

roundhouse accommodation. There are also the polytunnels which at the site visit were underutilised. It has not been demonstrated that a roundhouse is essential on this site.

DP13: Caravan, Camping and Chalet Sites: Within AONBs and the undeveloped coast, proposals for new and extensions to existing caravan, camping and chalet sites will not be permitted. Alterations to existing sites should only be permitted where all the DP12 criteria are met.

This policy is relevant to the consideration of this variation application. The previous consent was granted on the basis of 10 years so that the impact on this very sensitive landscape could be reassessed in the future and the landscape character would not be permanently impacted upon. The landscape comments have already indicated that the previously consented scheme has had a negative impact on the landscape. The addition of a large permanent roundhouse structure will only serve to add to that harm, by virtue of its uncharacteristic built form and its permanency. The proposal would therefore be contrary to Policy DP13.

DP15: Development in the Countryside: Within the countryside, development will be permitted where it requires a countryside location and: supports the essential needs of agriculture or forestry interests; or meets the essential, small scale, and exceptional local development needs of a settlement which cannot be met within development boundaries. All development in the countryside should: make use of suitable existing buildings or previously developed land before proposing new buildings or development of greenfield land; be well related to an existing farmstead or group of buildings, or be located close to an established settlement; and be complementary to and not prejudice any viable agricultural operations on a farm and other existing viable uses.

The roundhouse is clearly a permanent structure, it will be very visible year round and although relatively sensitive in design, it is not considered essential to the function of the site. It is therefore not essential for rural purposes and fails the test set out in Policy DP15 of the South Hams Development Policies DPD.

To an extent this policy has been breached by virtue of the 2012 consent, albeit that consent is of a temporary nature and so the land could be restored to its former use should the enterprise not succeed. The policy also refers to buildings and indicates that existing buildings should be used where possible and be close to an existing farmstead or group of buildings. Whilst there are a few small buildings on the site, they are dispersed across the site and do not form any kind of cohesive group. The roundhouse is proposed away from those buildings and so reinforces the dispersed nature of the site. Its permanent nature would also mean that this situation cannot be revisited in the future. The proposal to vary the condition would also be contrary to Policy DP15.

In conclusion, the principle of allowing a large roundhouse in this location despite the existing consent, is still found to be contrary to Policies DP13 and DP15.

Design and Landscape

CS9 relates to landscape and the historic environment. There is a specific reference in this policy to the great weight which should be given the Area of Outstanding Beauty (AONB). This site is within the AONB. The site is on high land above the coastal settlement of East Portlemouth, it is therefore prominent in the landscape. The site is surrounded by hedgerows, however the site is visible when walking along the roads in the locality and through farm gates. The proposed roundhouse would therefore be visible from public roads in the vicinity.

In this high quality landscape is a roundhouse of the design and size proposed an acceptable and appropriate permanent addition to the site? Would an alternative building style and design be a more appropriate solution which would sit more comfortably in this very sensitive landscape?

It is considered that the storage, activities and utilities could be provided elsewhere or by other means on the site through the polytunnels or using a small agricultural style shed similar to that already approved, but not built, on the site. Alternatively a more traditional building reminiscent of a

farm building could provide the accommodation required whilst also being more appropriate and respectful of the landscape character of the AONB and Heritage Coast.

DP1 indicates that all development should display high quality design which, in particular, respects and responds to the South Hams character in terms of its settlement and landscape.

As mentioned above, is the roundhouse a building which responds to the South Hams character? It is considered that it is not.

DP2, this policy seeks to protect the distinctive South Hams landscapes and as expressed by the landscape consultee, the site lies within the Open Coastal Plateaux character type. The landscape officer has commented specifically about the site and has acknowledged that the existing use of the site for a non-agricultural use) has had a negative impact on the landscape character and quality. "*it is evident that the anticipated deterioration in character has occurred; although well-vegetated, the loss of the field pattern, creation of engineered banks, introduction of structures, fencing, play equipment and other more-typically residential paraphernalia has had a negative impact on an otherwise high quality rural landscape.*"

Further to that the landscape officer indicates that... *The proposed roundhouse extends to 6m high, and would be substantially taller than any building on the site. It is therefore reasonable to conclude that the roundhouse would form a visible structure in the landscape; and one which not being an agricultural form, would further erode character in this area.*

The proposal is clearly at odds with these development Plan policies.

Emerging policies

JLP TTV31 Development in the countryside, reiterates the issues referred to in DP15, but is clearer that development in the countryside in isolated locations will only be permitted if it meets an essential need for a rural worker to live permanently at their place of work in the countryside and maintain that role for the development in perpetuity, or; to secure the long term future and viable use of a significant heritage asset, or; secure the re-use of redundant or disused buildings and brownfield sites for an appropriate use, or; secures 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. As such and as mentioned in relation to the landscape policies, the proposal is not sensitive to the defining characteristics of the local area and is therefore contrary to this emerging policy.

DEV15 supporting the rural economy, seeks to improve the balance of jobs within the rural areas and diversify the rural economy. Criteria 1 and 7 are particularly relevant to this proposal.

Criteria 1 states *Appropriate and proportionate expansion of existing employment sites in order to enable retention and growth of local employers will be supported.*

Criteria 7 includes: *Camping, caravan or chalet facility that respond to an identified local need will be supported, provided the proposal is compatible with the rural road network, has no adverse environmental impact and is not located within the Undeveloped Coast policy area.*

The planning officer in the report for the proposal in 2012 stated that:

Therefore whilst the policy seeks to encourage rural employment and the retention and expansion of it, that has to occur where there is no adverse environmental impact and it is not located in the Undeveloped Coast policy area. This site is located with the undeveloped coast and there will be a negative impact on the landscape.

All developments for employment in rural areas also have to meet a number of criteria as follows:

i. Demonstrate safe access to the existing highway network.

- ii. Avoid a significant increase in the number of trips requiring the private car and facilitate the use of sustainable transport, including walking and cycling, where appropriate. Sustainable Travel Plans will be required to demonstrate how the traffic impacts of the development have been considered and mitigated.*
- iii. Demonstrate how a positive relationship with existing buildings has been achieved, including scale, design, massing and orientation.*
- iv. Avoid incongruous or isolated new buildings. If there are unused existing buildings within the site, applicants are required to demonstrate why these cannot be used for the uses proposed before new buildings will be considered.*

This proposal fails to meet criteria iii and iv

DEV 24 Landscape character seeks to protect the landscape and other character and avoiding significant and adverse landscape or visual impacts. Development should be located and designed to respect scenic quality and maintain an area's distinctive sense of place and reinforce local distinctiveness; Conserve and enhance the characteristics and views of the area along with valued attributes and existing site features such as trees and hedgerows that contribute to the character and quality of the area; be of high quality architectural and landscape design appropriate to its landscape context.

The location of the roundhouse will impact on the scenic quality of the area and a building such as the roundhouse is not a distinctive characteristic on this part of the South Hams coastal landscape. As has been expressed by the landscape comments it is not considered to conserve and enhance the characteristics and views of the area, albeit the proposal does not impact on existing hedgerows and trees. Whilst a lot of effort has gone into the design of the proposal, it is still a very large structure and will be highly visual in the sensitive landscape. It is not the quality of the architecture which is the issue, but rather the fact that the proposed building is incongruous with the landscape character and overly large.

DEV 25 undeveloped coast. This policy protects the unspoilt character, appearance or tranquillity of the Undeveloped Coast, estuaries and the Heritage Coast.

In order to be supported development must: that it requires a coastal location; cannot reasonably be located outside the Undeveloped Coast; it Protects, maintains and enhances the unique landscape and seascape character and special qualities of the area; and is consistent with policy statements for the local policy unit in the Shoreline Management Plan 2.

In addition the policy states:

“Development for the purposes of agriculture, forestry, public access and enjoyment of the coast and estuaries, or community facilities that meet the objectively assessed needs of the local community, will be supported if it meets the above tests.”

The proposal does not meet the objectives set out in the policy and neither has it demonstrated that the proposal meets the objectively assessed needs of the local community.

DEV 27 Nationally protected landscapes protect the AONB and Dartmoor national Park. Greta weight is placed on the conservation and enhancement of the landscape qualities of the AOND in decision making and the following criteria must be met.

- i. Conserve and enhance the natural beauty of the area.*
- ii. Be designed to prevent the addition of incongruous features, and where appropriate take the opportunity to remove or ameliorate existing incongruous features.*
- iii. Be located and designed to respect scenic quality and maintain an area's distinctive sense of place, or reinforce local distinctiveness.*
- iv. Be designed to prevent impacts of light pollution from artificial light on intrinsically dark landscapes and nature conservation interests.*
- v. Be located and designed to prevent the erosion of relative tranquillity and, where possible use opportunities to enhance areas in which tranquillity has been eroded.*

vi. Be located and designed to conserve and enhance flora, fauna, geological and physiographical features, in particular those which contribute to the distinctive sense of place, relative wildness or tranquillity, or to other aspects of landscape and scenic quality.

vii. Retain links, where appropriate, with the distinctive historic and cultural heritage features of the area.

viii. Further the delivery of the relevant protected landscape management plan, having regard to its supporting guidance documents.

ix. Avoid, mitigate, and as a last resort compensate, for any residual adverse effects.

As stated in the narrative above it is considered that the proposal does not meet: i,ii,iii,iv,v, and viii and 1x.

The NPPF is clear also that the AONB must be given great weight in the decision making and plan making processes. Indicating that valued landscape must be protected. The NPPF states: Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.

It is considered that in this case great weight should be given to the very sensitive and open nature of the landscape and the proposed round house would have a negative impact on that landscape. The proposal would thus not conserve the landscape and scenic beauty in this AONB.

Neighbour Amenity:

There are some sporadic properties near to the site. The use of the site has already been agreed and as far as I am aware there have been no complaints about any of the tourist or community activities that have taken place.

The removal of the temporary nature of the site, may however have a bigger impact both on the use of the site and the frequency of those uses. It seems clear that much of the activity on the site takes place in the summer. However with a permanent building on the site, would allow for more winter activities, which may impact on the local property occupants.

Highways/Access:

The Highway Authority did not comment on this application although on the 2012 application had raised objection based on it being an unsustainable location. However it was accepted at the time that East Prawle and East Portlemouth and very remote locations almost exclusively access by cars, but that the proposal had the potential to create local jobs which in these areas are inherently difficult to create and so whilst in an unsustainable location, the highway impact was accepted.

Planning Balance

The extant consent does have a bearing on the consideration of this proposal as it has been partially implemented for a number of years. However in the same way as the roundhouse presented a problem in 2012, the same is the case today. The potential impact of the roundhouse in terms of size, scale and design would impact on the beauty and character of the coastal landscape. The rest of the site has managed up until now without the facility and it is suggested could manage into the future. If storage facilities are still required then a smaller traditionally styled building could accommodate this. This highly sensitive landscape is too precious to allow in appropriate development when a smaller and more appropriately design building could meet the needs required but without the negative impact on that special landscape.

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

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:

South Hams LDF Core Strategy

CS1 Location of Development

CS7 Design

CS9 Landscape and Historic Environment

Development Policies DPD

DP1 High Quality Design

DP2 Landscape Character

DP15 Development in the Countryside

South Hams Local Plan (please delete as necessary)

SHDC 1 Development Boundaries

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)

SPT1 Delivering sustainable development

TTV31 Development in the Countryside

DEV15 Supporting the rural economy

DEV24 Landscape character

DEV25 Undeveloped coast

DEV27 Nationally protected landscapes

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.