

## PLANNING APPLICATION REPORT

**Case Officer:** Clare Stewart

**Parish:** Sparkwell **Ward:** Newton and Yealmpton

**Application No:** 1501/18/OPA

**Agent/Applicant:**

Mr James Wells  
James Wells Planning Limited  
70 Lawrence Road  
Mount Batten  
Plymouth  
PL9 9SJ

**Applicant:**

Mr & Mrs Kendrick  
Houndall Barn  
Sparkwell  
PL7 5DG

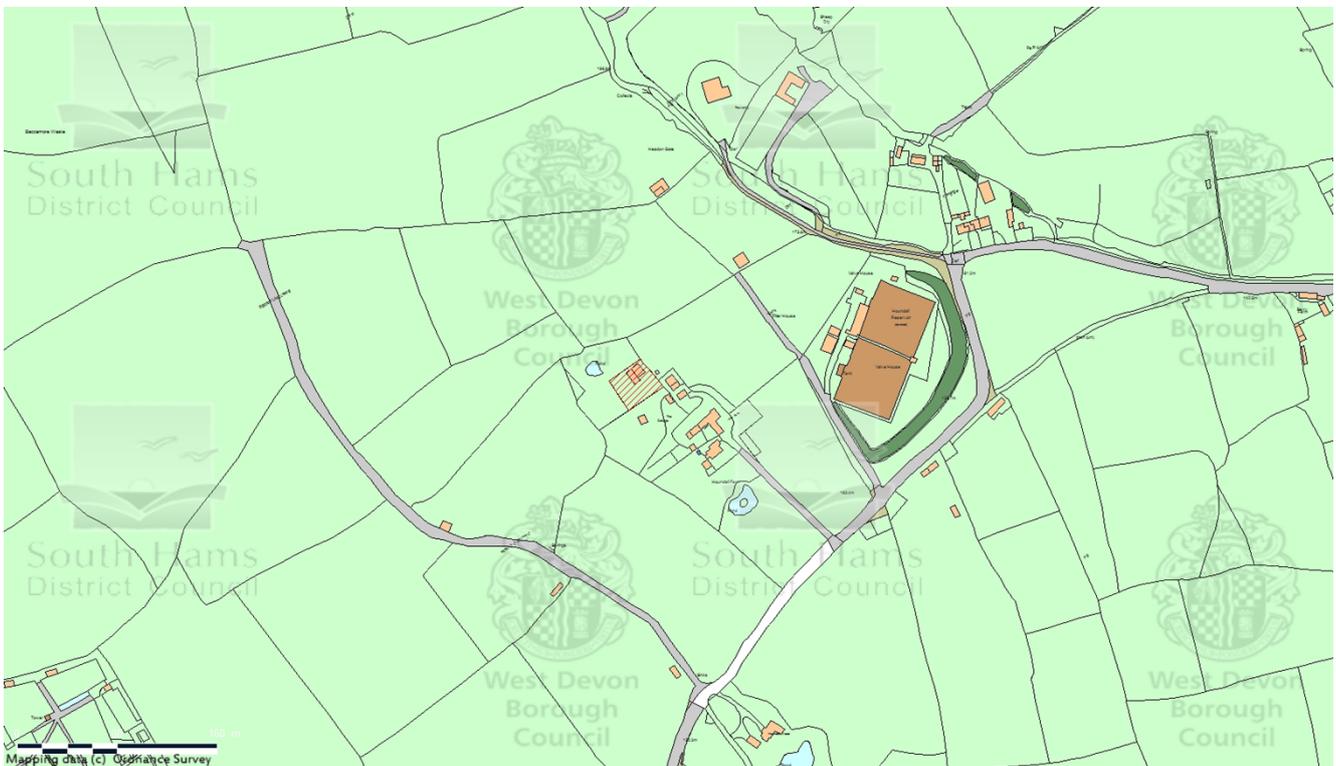
**Site Address:** Houndall Barn, Sparkwell, PL7 5DG

**Development:** Outline application with all matters reserved for the erection of one dwelling.

**Reason item is being put before Committee**

Referred by Ward Councillor Baldry who does not support the Officer recommendation for the following reasons:

1. The support of Sparkwell Parish Council
2. The special health circumstances of the applicant. Although not a planning consideration, I feel the Committee should be made aware.
3. Traffic movement numbers will be reduced if permission is granted.
4. There will be 1 additional building to the Houndall settlement without any impact on current properties.
5. Development is in a sustainable area in that there is a regular local bus service and local school.



## **Recommendation: Refusal**

### **Reasons for refusal**

1. The proposed development would result in a new dwelling which by virtue of its location and limited accessibility to essential services would be considered environmentally unsustainable. The positive benefits of a single dwelling in terms of housing supply and vitality of the rural community would be modest. The adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of the proposal. The proposal is therefore contrary to the National Planning Policy Framework (notably but not limited to paragraphs 8, 11 and 78); Policy CS1 of the LDF Core Strategy; Policy DP15 of the development Policies DPD; and Policy TTV31 of the emerging Plymouth and South West Devon Joint Local Plan.

### **Key issues for consideration:**

Principle of development.

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### **Site Description:**

The site is located in open countryside to the north east of Sparkwell, accessed via an existing drive and track from the edge of the adopted highway. The access drive is shared with residential properties in separate ownership to the south. To access the site subject of the current application it is necessary to use a track which skirts around existing stable buildings which are currently in the same land ownership. There is currently a single storey post and beam barn on the site.

### **The Proposal:**

Permission is sought in Outline with all matters reserved for the erection of dwelling. An indicate plan has been provided showing how a soakaway could potentially be achieved within the site.

A revised red line site location was submitted prior to determination to clarify the point of access of the public highway (which is a national requirement even with all matters reserved applications).

### **Consultations:**

- County Highways Authority – Standing Advice
- Mineral Planning authority – No objection
- SHDC Drainage – No objection subject to conditions
- Environmental Health Section – No objection subject to standard unsuspected contamination condition
- Sparkwell Parish Council – *“Support – Discreet development for health reasons. Area fully owned.”*

### **Representations:**

One letter of representation has been received, which notes that the site within the Devon County council mineral Consultation Area for Industrial Minerals. Due regard needs to be had to the proximity of existing mineral workings and location of Mineral Safeguarding Area.

## Relevant Planning History

- 4380/17/PDM Notification for prior approval for proposed change of use of agricultural buildings to dwellinghouse (Class C3) (Class Q(a)). Houndall Barn, Sparkwell, Plymouth, Devon, PL7 5DG. Prior approval required and refused: 02 Mar 18

## ANALYSIS

Principle of Development/Sustainability:

The current adopted local policy position is that the site is in the countryside – Policy CS1 of the Core Strategy seeks to restrict housing outside of adopted Development Boundaries. The Council's current policies in respect of the supply of housing are outdated, and the emerging policies of the Plymouth and South West Devon Joint Local Plan (JLP) cannot be given full weight (the JLP has been through examination and the Inspectors report was still pending at the time of considering this application). Policy TTV31 of the emerging JLP supports small scale rural housing which meets a community need and provides a sustainable solution within or adjacent to existing settlements.

The Council is currently unable to demonstrate a five year supply of housing. Paragraph 11 of the National Planning Policy Framework (NPPF, as revised July 2018) states:

*“Plans and decisions should apply a presumption in favour of sustainable development...*

*For decision-taking this means:*

*(c) approving development proposals that accord with an up-to-date development plan without delay; or*

*(d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date<sup>7</sup>, granting permission unless:*

*i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>6</sup>; or*

*ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*

The Council's current adopted policies in respect of the supply of housing can therefore only be given limited weight at this time, and significant weight given to the NPPF. Paragraph 8 of the NPPF sets out the three overarching aims of the planning system in order to achieve sustainable development (the economic, social and environmental objectives).

Paragraph 78 of the NPPF states:

*“To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.”*

Paragraph 79 goes on to state:

*“Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:*

*a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;*

*b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;*

- c) the development would re-use redundant or disused buildings and enhance its immediate setting;
- d) the development would involve the subdivision of an existing residential dwelling; or
- e) the design is of exceptional quality, in that it:

- is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and

- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.”

Clarity has been provided on the meaning of “*isolated*” in the context of the NPPF through a High Court case (Braintree District Council v Secretary of State for Communities and Local Government & Ors [2017]). The judge found that “*isolated*” should be given its ordinary meaning of far away from other places or buildings. The site subject of this application is not considered to be “*isolated*” having regard to the High Court case, being sited adjacent to an existing cluster of buildings. There is no definition of what constitutes a “*settlement*” within the NPPF, and it could be argued that the existing cluster of buildings at Houndall does in fact constitute a “*settlement*”, albeit one of very modest size.

The fact that a site is not considered to be “*isolated*” does not mean that it is sustainable in the context of the other requirements/objectives of the NPPF. Consideration should be given to the distance to local services and how this could be accessed, noting that the NPP does allow for development in smaller rural settlements to support services in another (as identified in the reference to paragraph 78 above). There are no local facilities amongst the existing buildings at Houndall. The nearest “*sustainable settlement*” identified within the emerging JLP is the village of Sparkwell, which lies approximately 1km to the south west. Facilities within the village include a public house, church and primary school. The walking route from the site into Sparkwell village would involve walking along a rural lane with no pavements which would be largely unlit. Such an environment would be likely to deter pedestrians, and ultimately result in many journeys being made by private vehicle. There is also local bus service provision connecting Sparkwell with the city of Plymouth to the west, which future occupiers could utilise. The provision of a single dwelling on the site would be unlikely to have a significant impact on the ongoing viability of services/facilities within Sparkwell. The submitted Planning Statement also makes reference to future occupiers accessing facilities in the other nearby settlements of Lutton and Cornwood. Lutton is located just over 1km along the highway to the north east, with the centre of Cornwood approximately another 1.2km further on. Lutton has a defined Development Boundary within the adopted local plan, but has not been identified as a sustainable settlement within the emerging JLP. Cornwood is located within Dartmoor National Park, but is understood to have a primary school. The distance and nature of the walking environment would likely result in the majority of journeys being made via motor vehicle. The positive economic and social benefit of the provision of a dwelling to local housing stock (particularly in the context of the Council’s current housing supply situation) also needs to be weighed in the balance.

On balance it is considered the site is not a suitable location of a new dwelling having particular regard to accessibility for future residents to local services. The positive benefits in terms of the contribution to local housing stock and impact on the vitality of the community would be modest and are not considered to outweigh the harm arising.

As can be seen from the above planning history section, a previous attempt to secure residential use on the site through permitted development regime was unsuccessful. As such a “fall-back” position for the site has not been established.

Design/Landscape:

The application is in outline form, with all matters reserved and therefore the only consideration at this stage is whether a dwelling could be accommodated on the site without causing harm. Matters of

detailed design could be dealt with Reserved Matters stage were the current application to be approved. The site is physically well-related to existing built form, and having regard to the presence of an existing building on the site it is considered no in principle landscape objection is raised.

#### Drainage:

The Council's Drainage Specialist is satisfied an "*in principle*" solution has been adequately demonstrated, and further details could therefore be conditioned.

#### Ecology:

The application is accompanied by an Ecological Survey Report, which did not find any evidence to suggest the existing barn on the site is used as a regular bat roost or resting place, nor use by nesting birds. Precautionary measures and opportunities for ecological enhancement of the site are also identified, the latter could be appropriately dealt with at detailed design stage in the event the application is approved.

#### Neighbour Amenity:

It is considered the site could be developed in such a way that neighbour amenity would not be unduly compromised.

#### Highways/Access:

Whilst access would be a Reserved Matter, the existing shared access drive would likely provide for an acceptable general solution with sufficient space within the site for parking and turning. The relationship with the existing stable buildings to the south east (which are currently in the same land ownership) would need further consideration.

#### Other Matters:

The Minerals Planning Authority have raised no objections.

#### The Planning Balance:

Taking all matters into consideration, the proposal would not constitute a sustainable form of development, and the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. The application is therefore recommended for refusal.

***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  
DP3 Residential Amenity  
DP4 Sustainable Construction  
DP5 Conservation and Wildlife  
DP6 Historic Environment  
DP7 Transport, Access & Parking  
DP15 Development in the Countryside

### **Devon Minerals Plan 2011-2031**

### **National Planning Policy Framework**

### **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  
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  
TTV31 Development in the Countryside  
DEV1 Protecting amenity and the environment  
DEV2 Air, water, soil, noise and land  
DEV10 Delivering high quality housing  
DEV20 Place shaping and the quality of the built environment  
DEV24 Landscape character  
DEV28 Protecting and enhancing biodiversity and geological conservation  
DEV30 Trees, woodlands and hedgerows  
DEV31 Specific provisions relating to transport  
DEV37 Managing flood risk and Water Quality Impacts

## **Neighbourhood Plan**

N/A

### **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.