

# PLANNING APPLICATION REPORT

**Case Officer:** Tom French

**Parish:** Meeth **Ward:** Hatherleigh

**Application No:** 0989/17/FUL

**Agent/Applicant:**

Mr Chris Tyson  
40 Normandy Way  
Walker Lines Industrial Estate  
Bodmin  
Cornwall  
PL31 1EX

**Applicant:**

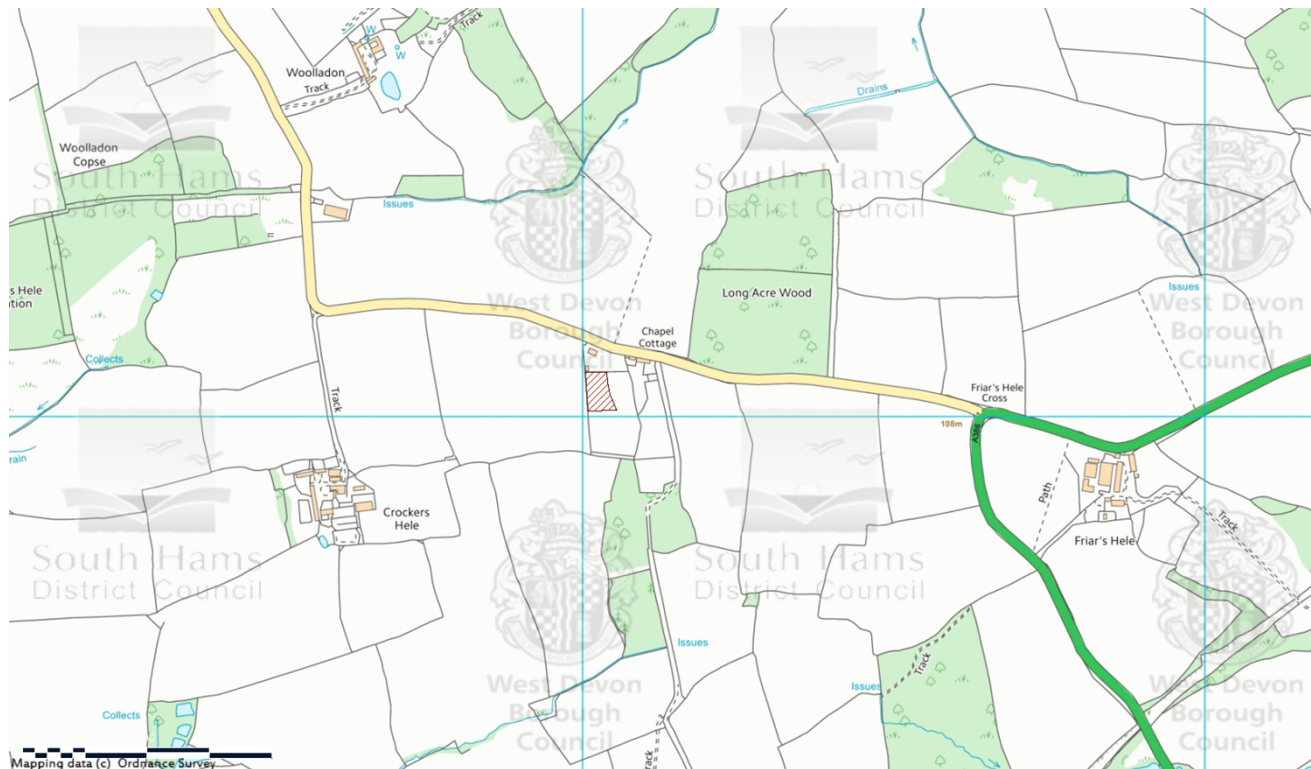
Mrs C Barkwell  
Made-Well Centre  
West Fishleigh Farm  
Hatherleigh  
EX20 3QA

**Site Address:** Hele View, Meeth, Devon, EX20 3QN

**Development:** Erection of 6no. supported living units of accommodation

**Reason for item being called to Committee:** At the request of Ward Councillors for the following reasons:

- We don't think that this sort of provision has been looked at in the Joint Local Plan
- Saying that Meeth Parish does not have any local need is missing the point. This sort of provision would have residents from Devon if they were suitable.
- Being isolated is a great advantage for the residents living in this sort of facility, where they need peace and quiet. Public transport is not the issue.



## **Recommendation: Refusal**

### **Reasons for refusal:**

1. The development would result in the erection of 6No isolated homes in the countryside in a location that has poor access to services, leading to a reliance on private transport. Whilst there is an identified need within the borough for affordable supported living accommodation, there is no identified need within the Meeth Parish Area and is considered to not meet the tests required to constitute a rural exceptions site. In the absence of compliance with the requirements of NPPF paragraph 79 exceptions, it is concluded that the proposal is an unsustainable pattern of development, contrary to the aim stated in part 2 of the Framework of achieving sustainable development, and at odds with existing and emerging local plan policies.

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

Principal of the development, impact on landscape, neighbouring residents, highways and drainage.

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### **Site Description:**

The application site forms part of a field to the south of 'Hele View'. The site has a default agricultural use and is used for agricultural purposes.

Within the wider blue line there is a dwelling 'Hele View' with residential curtilage, along with access to the highway and remaining agricultural land.

The site is not within a defined settlement, Meeth is approximately 1.7 miles to the northeast. Meeth is identified as a settlement that can accommodate small scale development, however it has a very limited range of services. Hatherleigh is the nearest 'service' settlement being approximately 2 miles to the south.

The site is in the countryside in policy terms, however there are neighbouring properties to the east of the application site, a solar farm is sited within the field to the west.

### **The Proposal:**

The erection of 6No supported living units. The proposed units would be sited to the south of 'Hele View' in the area of land which is currently used for agricultural purposes.

The proposed units would be in the form of single storey 'lodge' style buildings. 3No units would be 1 bedroom and 3No would be 2 bedroom. Each would contain a living room/kitchen and shower room as well 1 or 2 bedrooms. Parking would be provided to the front and each unit is proposed to have a modest garden area.

### **Consultations:**

- County Highways Authority: From a highway point of view, the existing access is acceptable to serve the proposed development with the modest level of additional vehicular trips that will arise. Although the visibility in the leading traffic direction is marginal, it is acceptable having regard to the observed approach speeds from that direction.

Suitable conditions are therefore recommended to be imposed on any planning permission granted.

- Meeth Parish Council: Meeth Parish council objects to this application.

The location is deemed inappropriate for the purpose and the adjacent field was identified as 'Unsuitable for development' in the recent Joint Local Plan. The existing facility at Made Well would be far more suitable.

The concept of 'shared ownership' of the units by vulnerable adults, whom are unlikely to be permanent residents in what are described as 'accommodation units', requires to show 'proof of need'.

The references to the Tarka Trail at this location as an amenity are spurious as this has not yet been decided or built.

- Devon County Education Authority: No requirement for education contributions

### **Representations:**

#### **Representations from Residents**

Both support and objection comments have been received

#### **Objection**

- Loss of productive agricultural land
- Meeth Neighbourhood plan at advanced stage
- Proposed development not in accordance with policies contained within Meeth Neighbourhood Plan
- The placement of vulnerable adults in a remote rural environment is not a positive sustainable approach to providing home ownership options
- These homes would be better sited within the curtilage of the Madewell centre or Hatherleigh where services such as transport connections, schools, shops, local health care and local employment is accessible
- Irregularities in applications and other applications submitted by applicant
- The proposed site for building is directly adjacent to a solar panel field, this has inherent dangers attached
- Harm to landscape resulting from buildings
- Tarka trail is not easily accessible due to gradients
- Highway safety concerns
- Pre-application enquiry not published
- Plan showing link from site to Tarka Trail is a misrepresentation of the current position
- Enforcement action not been taken
- Site in unsustainable location, adjacent site considered unsuitable for residential at SHLA process
- Appeal for similar proposal at Price of Peace dismissed
- Waste storage issues
- Drainage issues, land unsuitable for septic tank
- Approval would set a precedent for other such developments in inappropriate locations

#### **Support**

- I write in general support of this planning application. I have no connection with Made Well, but I cannot see why this Parish Council is unable to consent to six units offering support to people with learning difficulties in a rural location away from the main arterial road, and adjacent to the main support centre from which it will be managed. If the residents of this village cannot offer support to others who are less fortunate than us, a chance to experience and develop work and skills experience in rural Devon in this small way, I would say that this says something about the community in which we live. I wish to make it clear that the Parish Council is not necessarily representative of all the Parish residents, hence my response.

### **Representations from Internal Consultees**

Landscape officer – No objection, with provision of onsite landscaping the proposed units will not be overly prominent or harmful to the wider landscape setting

Drainage – Objection due to insufficient information provided

Affordable Housing officer: I have no objection to the principal of supported affordable housing, especially with it being such a low number. However, I am not comfortable with agreeing to supported housing being built without adequate evidence to support this. My additional concerns are that future occupiers would not have a local connection to Meeth as per the policy requirements of a Rural Exceptions Site. Should robust evidence come forward which is accepted by Devon County Council and West Devon Borough Council to provide supported housing meeting a local need to Meeth, a location better related to the village would be preferred.

### **Relevant Planning History**

None relevant

## **ANALYSIS**

### **Principle of Development/Sustainability:**

The principal issues to be considered are whether the site is a sustainable site for development and whether there is an exceptional need for the development in this location.

The site falls outside of a defined development boundary where development is strictly controlled. A site nearby (Giffords Hele Farm) was put forward as part of the Strategic Housing Land Availability Assessment (SHLAA) process in July 2016 and was concluded to be “an isolated site with poor access to services”.

Paragraph 79 of the National Planning Policy Framework states;

*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.*

The development of isolated homes in the countryside would be likely by definition to be in a location that has poor access to services, leading to a reliance on private transport. In the absence of compliance with the requirements of paragraph 79 exceptions, it is concluded that the proposal is an unsustainable pattern of development, contrary to the aim stated in part 2 of the Framework of achieving sustainable development, and at odds with existing and emerging local plan policies.

The application site is some way from any settlement boundary; hence the reason it falls to be considered as isolated homes in the countryside, although there is sporadic built form nearby and in particular on eastern side of the site. Nevertheless, the development of the site would be further south than neighbouring built form. As such, it is considered to be an isolated site and the provisions of paragraph 79 apply.

Meeth village has a very limited range of facilities and services with Hatherleigh being the local service centre, which is some 2 miles away from the site.

Sustainable Development and Housing Land Supply:

The Council cannot demonstrate a deliverable five year supply of housing land. Paragraph 11 of the Framework states that relevant policies for the supply of housing should therefore not be considered up-to date. However, just because they are out of date does not mean that they no longer apply. It is considered that the proposed development would conflict with several development plan policies by reason of its location and limited accessibility to essential services. Recent appeal decisions within West Devon have concluded that Policies H31 and SP5 are relevant policies for the supply of housing and they therefore attract very limited weight. Policies SP1 and NE10 are not specific for the supply of housing and are not necessarily out of date, but they pre-date the Framework and have some inconsistencies with and therefore have only moderate weight for the purposes of assessing this planning application.

However, when weighed against paragraph 7 and 8 of the NPPF which state that “the planning system is to contribute to the achievement of sustainable development” and goes on in paragraph 8 to outline the need for proposals to meet the 3 objectives, which are the social, economic and environmental element to meet the requirements. Whilst undoubtedly, there is a need for supported living, the location is considered to be unsustainable and therefore the three requirements of sustainable development are not met.

Affordable housing and need for the proposed units:

The application has been accompanied by supporting information submitted by the applicant, which indicates the need for such accommodation. However an in depth report by Devon County Council and the council has not yet been commissioned. The council accepts that there is a need for supported living accommodation within the borough. This detailed information is due to be completed by Devon County Council in the near future, however we are not aware of a publication date at the time of writing this report.

The applicant has also put forward the units to be affordable and has agreed that if approved, a S106 agreements tying the units to be an intermediate home ownership in conjunction with the help to buy scheme and meet a local need. If both of these elements are met, then the scheme could be considered as a rural exceptions site. However, in terms of local need, this could not be tied down to local needs as the Homes England funding does not allow for such restrictions.

The accompanying text to Strategic Policy 9, Meeting Housing Needs states in paragraph 4.49;

*Saved Local Plan Policy H37 remains relevant and it is not proposed to alter it in this Core Strategy. The dwellings provided through it will be welcomed and will support the strategy of maintaining the viability of rural communities. The policy states that:*

*“As an exception to other planning policies and proposals, planning permission will be granted for development adjoining the defined settlement limits of villages to provide affordable housing to meet local needs where the Borough Council is satisfied that those needs cannot be met in any other way.*

*Such proposals will be required to satisfy the following criteria:*

- (i) The development should be sympathetic to the form and character of the settlement;*
- (ii) The number of units should not exceed the identified local need; and*
- (iii) The proposal must in all other respects conform to normal planning and highway requirements.*

*The Council will seek to ensure that the initial and subsequent occupants are controlled by condition*

*or agreement to ensure that such housing remains affordable to those in need.”*

There is also a requirement for the affordable units to meet the requirements of Core Strategy Policy 24, which states that “In the local centres and villages of West Devon, small scale development within, adjoining or closely related to settlement limits will be permitted where a need has been identified through the use of the Sustainable Rural Communities Toolkit and, where appropriate, a Parish Housing Survey has been undertaken.” A Meeth Housing needs survey has been undertaken and it has not identified the need for the supported living accommodation within the parish. In addition, due to the distance from the site to the village of Meeth, the site is considered to not be adjoining or closely related to the settlement limits of Meeth and is therefore considered unsuitable for affordable housing and supported housing as there will be a reliance on services, which would primarily be met in Hatherleigh or other larger settlements.

The Sustainable Rural Communities Toolkit also requires affordable housing to come forward with support from the community and Parish Council, which in this instance it does not.

Therefore, as the proposed accommodation is not likely to meet a local need and evidence to justify the supported housing in this location has not been satisfactorily provided, it is considered to not pass the requirements to be positively accepted as a rural exception site.

In conclusion, whilst there is an identified need borough wide for supported living accommodation, there is no identified need within the Meeth Parish Area and as such, the proposal constitutes unsustainable development.

**Design/Landscape:**

The proposed units of accommodation are acceptable in design terms, their positioning on the site appearance and scale would much like a small scale tourist development which is a common feature within the wider West Devon landscape.

The site is well screened to the south and west, with established planting on the eastern boundary of the wider site. If recommended for approval, a landscaping scheme would be controlled via condition to ensure that the development integrated into the wider landscape and the proposed planting was provided and maintained for a period of time.

The Landscape Officer has offered no objections to the proposed development.

**Neighbour Amenity:**

The proposed units of accommodation would not result in a loss of privacy or light to adjacent occupiers, the nearest unrelated residential are to the northeast and at a sufficient distance to not be detrimentally affected by the proposed development.

**Highways/Access:**

The site is served by an existing highway access, subject to conditions, the County Highways Engineer has offered no objections subject to conditions if the application were to be recommended.

**Drainage:**

The proposal does not include detailed designs for the disposal of foul and surface water. The submitted information indicates that the use of septic tanks for foul waste is the preferred option. It is considered that a package treatment system would be more suited to serve the proposed units and therefore, if recommended for approval, conditions requiring these details to be agreed prior to installation would be recommended.

In respect of surface water drainage, the field in which the units are proposed to be sited on is just over 1 hectare in area and the applicant has control over all the land. If recommended for approval, conditions ensuring all access drives and parking areas were fully permeable would be recommended as well as a condition requiring a drainage solution for the proposed units to be approved prior to their installation and maintained as such. It is acknowledged that the soil in the area being of clay type soil has drainage issues, however, given the small scale nature of the proposed buildings and the area of land within the applicant's control, it is considered that a sufficient drainage scheme could be achieved that did not result in flood risk or harm to nearby watercourses.

**Other matters:**

The Meeth neighbourhood plan is still in draft stage and therefore carries very limited weight in the consideration of this application.

The extension to 'Hele View' which has been referenced in the objection comments was given consent under 1676/17/HHO, it is also noted that the Officers report states;

*“The site is a large two storey dwellinghouse in multiple occupation. The dwelling is occupied by persons with learning disabilities and other special needs and is attended by carers. The occupants live as one household and share all living facilities. As such, the use falls within the definition of a dwellinghouse and an application for ‘Change of use’ is not required.”*

This conclusion is supported.

The application was accompanied by a wildlife trigger table, which concluded that no further surveys were required.

Waste storage would be controlled via condition if the application were recommended for approval. Issues relating to pre-application advice given or enforcement investigations on the site are not relevant to the consideration of the planning merits of this application. It is considered that the proposed occupiers of the development would not be at risk of harm from the adjacent solar farm. The position of the tarka trail is indicative and has not been a deciding factor on the application. The application has been considered in accordance with the Development Management Procedure Order and assessed against National and Local policies as well as other material considerations and therefore the LPA consider that the application has been handles correctly. Other applications submitted by the applicant are not relevant to the consideration of this application. The appeal at the Price of Peace is not directly relevant to this application.

#### **Planning balance:**

The scheme would bring about a number of benefits, most importantly the provision of affordable supported living units, which it is acknowledged there is a need for, the proposal would also include the provision of additional small dwellings to local stock and associated benefits to the local economy. The positive effects of 6 dwellings would be very modest in terms of boosting supply. Nonetheless, the various benefits offer little weight in favour of the application. The harm that has been identified in respect of the location of the site would conflict with one of the Framework’s core planning principles, significant weight must be attributed to this conflict. Whilst the provision of the proposed affordable supported living accommodation would provide much needed accommodation, the proposals lack of conformity with the Rural Exception sites requirements and the lack of services and facilities with this isolated site override the benefits arising from the proposal.

Taking everything into account, it is considered that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits in this case, when considered against the Framework as a whole. The application of Paragraph 14 of the Framework does not indicate that permission should be granted, and the proposal would not represent sustainable development. Therefore, in the circumstances of this proposal, the material considerations do not justify recommending a decision other than in accordance with the development plan.

***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:

**West Devon Borough Council Core Strategy 2011**

SP1 – Sustainable Development  
SP5 – Spatial Strategy  
SP8 – Inclusive Communities  
SP9 – Meeting Housing Needs  
SP17 – Landscape Character  
SP24 – Sustainable Rural Communities

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

NE10 – Protection of the Countryside and Other Open Spaces  
H31 – Residential Development in the Countryside  
H32 - Residential Development in the Countryside  
H33 - Residential Development in the Countryside  
T8 – Car Parking  
T9 – The Highway Network

**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  
SPT3 Provision for new homes  
TTV30 Empowering local residents to create strong and sustainable communities

TTV31 Development in the Countryside  
DEV1 Protecting amenity and the environment  
DEV2 Air, water, soil, noise and land  
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area  
DEV9 Accessible housing  
DEV10 Delivering high quality housing  
DEV20 Place shaping and the quality of the built environment  
DEV24 Landscape character

Neighbourhood plan

The Meeth Neighbourhood plan is currently at draft stage and therefore carries very limited weight in the consideration of this planning 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.