

PLANNING APPLICATION REPORT

Case Officer: Jacqueline Houslander

Parish: East Portlemouth **Ward:** Stokenham

Application No: 2785/18/FUL

Agent/Applicant:

Mr Garry Dimeck
Mark Evans Planning Ltd
Cedar House
Membland
Newton Ferrers, Plymouth
PL8 1HP

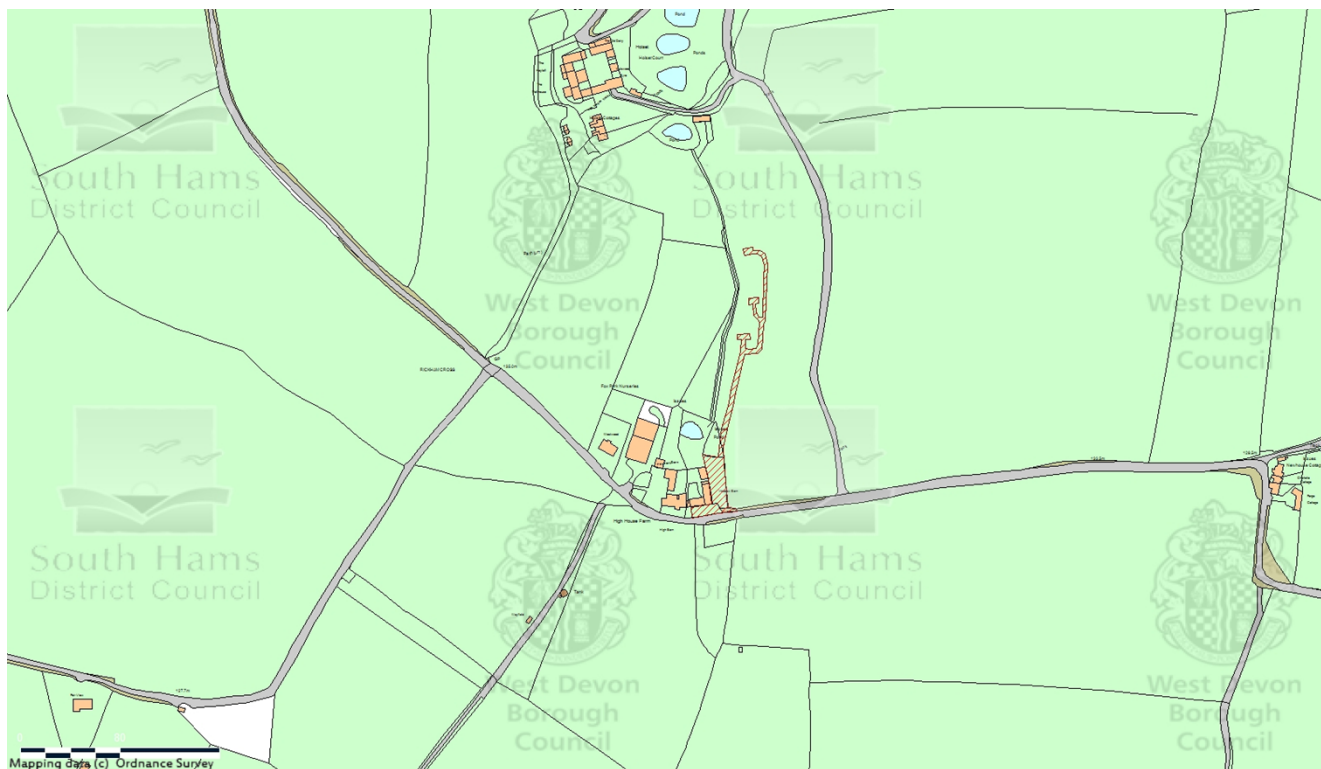
Applicant:

Mr John Taylor
Meadow Barn
High House
East Portlemouth

Site Address: Meadow Barn, East Portlemouth, TQ8 8PN

Development: Engineering operations to create level pitches and use of land for the stationing of 3 x mobile units for holiday use

Reason the item is being put to Planning Committee: Rural diversification, supporting rural economy, minimal impact on AONB from temporary structures.



Recommendation:

Refusal

Reasons for refusal

1. The proposed shepherds' huts are located in the open countryside, in an unsustainable location with no justified local need and where occupiers will be reliant on use of the private car, contrary to the sequential approach in Policy CS12 of the South Hams Core Strategy and emerging policies SPT2 and DEV15 of the Joint Local Plan for Plymouth and South West Devon and the NPPF, 2018.
2. The proposed shepherds' huts would impose an incongruous development in an area which is characterised by open and windswept rural and coastal plateau. The imposition of these structures in this location would not conserve or enhance the South Devon Area of Outstanding Natural Beauty, but would in fact harm the intrinsic and special landscape qualities, contrary to policy CS9 of the South Hams Core Strategy; DP2 of the Development Policies DPD; DEV27 of the emerging Joint Local Plan for Plymouth and South West Devon and the NPPF 2018 Para.172.
3. The proposal lies in an area designated as undeveloped coast and Heritage coast, where development is only permitted in exceptional circumstances. The proposal has not demonstrated exceptional reasons as to why the development should be permitted in this protected landscape and as such fails to comply with policies DEV15 and DEV25 of the emerging Joint Local Plan for Plymouth and South West Devon.
4. The proposed development would lead to the generation of additional noise and disturbance in an area where the neighbouring properties currently benefit from a peaceful and quiet environment, contrary to policy DP3 of the Development Policies DPD and emerging policy DEV1 of the Plymouth and South West Devon JLP.

Key issues for consideration:

Impact on AONB

Whether such a development complies with current planning policy

Impact on neighbours

Site Description:

The site is located on land adjacent to Meadow Barn, East Portlemouth. It is not land which is in the curtilage of Meadow Barn. Meadow Barn is amongst a group of dwellings (previously barns) and High House Farm and Westwood. They are an isolated group of dwellings. The small hamlet of Holset is approximately 150 metres to the north of the proposal site. The site lies within the South Devon AONB and just outside, but on the edge of the Heritage Coast.

The site is located alongside and to the north of Meadow Barn. The site is long and narrow measuring approximately 200 metres in length and varying widths of between 11 and 19 metres. It is bounded to the west by an established hedge and to the east and south by an open field with no boundary currently. The site slopes down to the north from the road adjacent to Meadow Barn.

The Proposal:

The proposal is described by the applicant in the Planning Statement as:

"The applicant's seek permission to site 3 bespoke camping wagons on part of the land associated with Meadow Barn to provide year-round, short-stay holiday letting facilities. A 'Shepherds Hut' style has been selected as the means of providing the accommodation because historically they have been a traditional feature of the rural landscape."

In describing the huts themselves the applicants planning statement states: *“The huts now proposed at Meadow Barn would reflect these rural traditions with each unit individually designed to provide a ‘contemporary’ take on the traditional shepherd hut, delivering a unique short-stay holiday experience which has a contextual relationship to ‘place’. The units are mobile, constructed on a wheel mounted chassis and in order to site them on level ground it will be necessary in this case to cut a level platform into sloping ground.”*

The planning statement suggests that the proposed units can be defined as a caravan by virtue of Sections 29 (1) of the Caravan Sites and Control of Development Act 1960 and/or 13 (1) of the Caravan Sites Act 1968.

The site is located alongside and to the north of Meadow Barn. The site is long and narrow measuring approximately 200 metres in length and varying widths of between 11 and 19 metres. A mown track is proposed to access the 3 units, which will all be situated some distance from each other. It is proposed that the cars and bicycles will be parked adjacent to Meadow Barn and then their luggage etc. will be wheelbarrowed down along the grass track.

The application seeks all year round occupancy. The units are proposed as shepherds huts, constructed using a local company. Services and water will be provided for them.

The planning statement suggests that whilst the site is within the area known as open coastal plateau, the location of the proposed huts is in a fold in the landscape and so as such the units will not be visible from within the AONB.

An LVA has been submitted in support of the application as well as a letter from the applicant explaining their local connection to the area and the desire they have to earn an additional income from these units.

The LVA assesses the impact of the proposal on the landscape qualities referred to in Policy DP2 of the Development Policies Development Plan Document. It assesses impact within a 1 km radius of the site. The document concludes that *“The LVA acknowledges the susceptibility of the site to close views. The minor change can be ameliorated through the introduction of a new landscape feature which would reinforce local character. It is concluded that the landscape would not be materially harmed.*

From within surrounding survey area mid-range views of the site are obscured or would be fleeting and glimpsed, due to the constraints of topography, landscape and buildings all inhibiting longer views. The appearance and setting of the cluster of buildings at High House (a settlement characteristic of the SDAONB) would not be materially affected..... the public footpaths and the National Cycle route, important visitor and resident amenities, would not be compromised. The new accommodation units would not be an assertive presence along any of the routes and, where glimpsed, would add to the impression of sporadic rural buildings/structures within a rural landscape.

It has been shown that impacts on the character and experience of the SDAONB when taken as a whole, would be negligible. The presence of small accommodation units on the site, based on the rural traditions of the area, all within a strong landscape framework and set below the skyline, coupled with the broader proposals for land management, would not materially harm the character, appearance and tranquillity of this part of the SDAONB.”

Consultations:

- County Highways Authority:
- Environmental Health Section: No comments

- Town/Parish Council: Support. Request a condition to safeguard against noise disturbance to the neighbours.
- Drainage: Request conditions.
 - Archaeology: Request conditions for a programme of archaeological recording

Representations:

Approximately 3 letters of objection raising issues including the following:

- Concerned over the lack of clarity over the size of the proposed units. They are located adjacent to a neighbours boundary and so the size is an important consideration. Size should be limited to 6m by 2m trailer.
- Shepard huts would detract from the natural beauty, landscape and habitats of the AONB. They will be particularly conspicuous on the landscape plateau.
- Development of a green field in an AONB for what in effect are caravans

Approximately 15 letters of support raising issues which include:

- But request a condition regarding noise
- It is a good idea by local people
- The huts will look good in the field
- The level pitches are located in a private area away from neighbours and would not disrupt private views
- There is adequate space for parking cars
- There is a shortage of affordable low impact accommodation in the area
- A huge addition to East Portlemouth
- It will not intrude on the local landscape in any way
- Businesses that area able to support a local family provide a livelihood in the rural area of South Hams should be backed
- It will have a positive effect on local businesses/economy
- The huts will not be seen from the road or impact any view or affect parking or the environment.
- It is discrete and unassuming and we should be supporting a family to make a business in this rural area.
- The huts will provide different affordable experience.
- There is a severe shortage of affordable holiday accommodation in East Portlemouth. This will support local tourism and in tur local businesses and local employment.
- The siting of the 3 plots have been carefully considered and should have minimal impact on the area.

Relevant Planning History

No relevant history on this site.

However a pre application enquiry was made for this development in 2017. The planning officer concluded that no officer support could be given because of the impact on and harm to the character of the landscape within the AONB; inappropriate location for new tourist accommodation – contrary to adopted planning policy; impact on the undeveloped coast and the location being unsustainable.

ANALYSIS

Principle of Development/Sustainability:

The site lies in the countryside, so firstly it needs to be considered against DP15 which allows for development but which limits it to that which needs to be in a rural location – agriculture, forestry or a need which is not able to be met within a nearby settlement. The proposal meets none of those criteria and so as such the proposal is in conflict with this policy. The site is well outside of any identified settlement boundary and as such is also in conflict with Policy CS1 of the adopted development plan.

In this case the site lies within the South Devon AONB. Policy CS9 in the Core Strategy is relevant as is the NPPF itself – para. 172 which will be considered in the Design and Landscape section below.

A pre application enquiry was made in relation to this development in 2017, in response to that enquiry Officers gave no officer support. In relation to the sustainability of the proposal, the report concluded:

In broad accordance with the National Planning Policy Framework, the current and emerging policies emphasise a sustainable approach to rural tourism. Adopted Core Strategy Policy CS12 adopts a sequential approach to new tourist and leisure facilities, with countryside locations being the least preferable options. The JLP arguably goes further in emphasising the importance of sustainability. Policy SPT1 'Delivering sustainable development' sets out the principle of sustainable development. Policy SPT2 'Sustainable linked neighbourhoods and sustainable rural communities' sets out the principles which should be applied when considering how development and growth should take place within the plan area. The associated table 'Figure 3.2' sets out a series of measures that the Local Planning Authority should apply in implementing the policy. Emerging policy TTV2 supports proposals which 'reinforce the sustainable settlement hierarchy and which deliver a prosperous and sustainable pattern of development'. With specific reference to rural tourism it supports proposals which benefit rural businesses, communities and visitors and respects the character of the countryside. Emerging policy DEV15 'Supporting the rural economy' explains, amongst a number of other criteria that development proposals should 'avoid significant increase in the number of trips requiring the private car and facilitate the use of sustainable transport including walking and cycling, where appropriate'.

Policy TTV31 supports housing and employment development, subject to compliance with certain criteria, close to or adjoining settlements. It was accepted within our meeting that a new camping proposal located say around 1KM from an existing settlement could conform with the principles of sustainability providing there were safe pedestrian access routes which could include rights of way across a field. East Portlemouth is not recognised within the JLP as a sustainable settlement, with the nearest settlement East Prawle being located around 2miles from the site (route along road with the distance on footpaths likely to be greater). The overwhelming consensus... was that the distance from East Prawle was too far and the location was not sustainable.

In considering the proposal against the above policies, it is concluded that the proposal is in an unsustainable location, contrary to emerging policies SPT 1 and SPT2 and TTV31.

In relation to the policies around supporting the rural economy, policy TTV2 includes support for rural tourism that benefits rural businesses, communities and visitors and also respects the character of the countryside. In this case the impact of the proposal on the countryside will be examined in the Design and Landscape section below. With regard to the potential benefits to other rural businesses and the community and visitors, it has not been demonstrated that the proposal would benefit other rural businesses other than the one which will be constructing the huts. The proposal is small in scale and so the ultimate benefits of such a small scale business are likely to be very limited. There is no justified community benefit. Visitors to the area would equally not benefit as a result of the development (other than those who may occupy the 3 huts).

Subject to the discussion below about impact on the countryside, it can be concluded that the proposal does not meet the criteria set out in Policy TTV2.

In assessing the proposal against Policy CS12 Tourism, in the South Hams Core Strategy there is a hierarchy on the provision of tourism and leisure facilities, with town centres being the top of the hierarchy and countryside being at the bottom. The application site lies within the open countryside and so the proposal does not comply with Policy CS12.

DP12 Tourism and Leisure, DP13 Caravan camping sites, caravan and chalet parks and the emerging DEV15 supporting the rural economy are also related to tourism accommodation and development.

DP12 has a number of criteria which must be met for them to be acceptable. They are:

- a. located in sustainable and accessible locations;
 - b. do not undermine the vitality or viability of nearby settlements;
 - c. provide a high quality attraction or accommodation; and
 - d. encourage an extended tourist season.
2. In addition, in the countryside proposals will only be permitted where they:
- a. demonstrate they require a rural location and cannot be accommodated elsewhere, or be associated with the expansion of an existing facility; and
 - b. support the objectives of rural regeneration.

In relation to these criteria, the proposal is not in a sustainable location. It is some distance from either East Prawle (2.6km) or East Portlemouth (1.7km). Holiday accommodation is provided in both East Prawle and also East Portlemouth in the form of caravan sites, self-catering accommodation, pubs and B and B's. Hotels are provided in Salcombe and Kingsbridge which whilst as the crow flies are quite close, by road is some distance away.

A document was submitted in support of the application (THE ECONOMIC IMPACT OF THE RURAL AND COASTAL SELF-CATERING SECTOR IN ENGLAND), which was done in October 2016 by University of Greenwich. It was commissioned by the English Association of Self Catering Operators with an aim of producing a rigorous estimate of the economic impact of the self-catering accommodation sector in the rural and coastal areas of England. It concluded that self-catering accommodation (which did not include caravans and camping facilities) makes a significant contribution to the GVA in rural and coastal areas (£3.04billion) per year. It also concludes that:

“94% of bookings are domestic:

o Self-catering accommodation is a major component of the staycation phenomenon.

o There is a clear opportunity to market self-catering properties to international visitors.

Average length of stay is 6 nights for domestic visitors and 7.5 nights for international visitors:

o Domestic visitors stay for more than twice as long in self-catering accommodation, as they do on average in all forms of accommodation.

There is strong seasonality in the self-catering market:

o The average booking for a self-catering property is for 4 people, normally including one child. This suggests that properties are very reliant on family-type bookings, which are clustered in specific periods of the year. This presents opportunities for new entrants to the market, and the re-marketing of existing properties, to attract other kinds of bookings (e.g. retirees and childless couples), which may help to reduce seasonality in the sector.

The sector is very dependent on agencies for its marketing:

o Although this finding may be influenced by the nature of EASCO's membership, it does suggest that the sector is particularly vulnerable to disruptive market entrants such as Air B&B and RyanAir Rooms, who are able to present platforms which allow for direct communication between supply and demand in the market. Coupled with the fact that 39% of respondents do not have a website and 51% do not use social media, this suggests that EASCO members (including both agencies and individuals) are particularly vulnerable to innovations in this area.”

Whilst this information is interesting and suggests that the self-catering market (of which the proposal would be part), is a significant part of the economy, it does not provide justification on economic grounds for these three units in this location. It merely justifies the benefits that the self-catering market generally has on the economy.

The particular relevance of policy DP12 on this application is part 2 which makes reference to the fact that a proposal must demonstrate why a proposal needs to be in a rural location and why it could not be catered for in a settlement. The above referenced and quoted report does not demonstrate that these units require a rural location or that they cannot be accommodated elsewhere. The site is in an unsustainable location, and there has been no justification as to why the huts cannot be located elsewhere or how the proposal supports rural regeneration. As such the proposal does not comply with policy DP12.

DP13, relates to camping, caravan and chalet development and the policy has a basic presumption against, especially within the AONB. The applicant has argued that the huts are covered by Sections 29 (1) of the Caravan Sites and Control of Development Act 1960 and/or 13 (1) of the Caravan Sites Act 1968 the proposal would be caught by the policy. The proposal would therefore not comply with policy DP13.

DEV15 in the emerging JLP relates to support for the rural economy and does allow for tourist development, stating, *“Support will be given to proposals in suitable locations which seek to improve the balance of jobs within the rural areas and diversify the rural economy”*

There are a number of provisions that need to be met within the policy and in relation to tourist development it states

“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 economic statement submitted with the application does demonstrate the value of the self-catering provision for the rural economy, however there is no justification for a local need for the development to be in this location. The policy presumes against such development in the undeveloped coast of which this site is part. As a result the proposal does not comply with policy DEV15 in the emerging JLP.

The policy also indicates that when rural development to support the rural economy is permitted it must meet a number of criteria including as referenced in the pre application response, which the development should not result in “a significant increase in the number of trips requiring the private car”. The location of this proposal would result in a reliance on the private car to access services and facilities in East Prawle and East Portlemouth as well as larger settlements such as Salcombe and Kingsbridge.

In addition the policy refers to there being no adverse environmental impact. This issue will be addressed in the next section of the report.

Design/Landscape:

Para 172 in the NPPF states:

Great weight should be given to conserving and enhancing 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 these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in

National Parks and the Broads. The scale and extent of development within these designated areas should be limited. Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and*
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.*

The proposed development is not considered to be major development in the AONB for the purposes of para 172 of the NPPF, the key consideration in regard to this part of the NPPF therefore is whether or not the proposed development conserves and enhances the landscape and scenic beauty of this part of the AONB.

The emerging Joint Local Plan, does not specifically restrict new tourist accommodation in the form of camping, caravan and chalets within the AONB but in having regard to its proposed policies only supports new development which would amongst a number of other criteria conserve the landscape and scenic beauty of the protected landscape. In considering the impact on the AONB it is important to have regard to the landscape character appraisal and the adopted South Devon AONB Management Plan.

Policy Lan/P1 in the SDAONB Management Plan identifies how character is considered in the AONB. *“The special qualities, distinctive character and key features of the South Devon AONB landscape and seascape will be conserved and enhanced.”*

It has not been demonstrated through the application that these qualities have been conserved or enhanced. It has rather been suggested that there is no harm. Officers would argue that the imposition of these units on a valuable and consistent expanse of rural open plateau would not conserve or enhance the AONB and would harm that intrinsic character.

Landscape character areas are identified within the Council's adopted Development Policies DPD,(DP2) and the site falls within Landscape Character Type 1B 'Open Coastal Plateaux' defined by: -

‘High, open, gently undulating or rolling plateaux, dissected by deep combs and with notable coastal influence on windblown vegetation (especially dominance of blackthorn). The field pattern is of medium to large regular planned fields, delineated by stone walls or dense low hedges (often elm) with occasional hedgerow oaks. Land use is mixed farmland, with arable dominant, and some localised recreational use. There is a little small-scale deciduous woodland. The road network is sparse but this type is well provided with rights of way, with the SWCP prominent along the coastal edge. The settlement pattern is sparse, with isolated farms or large houses and several villages, often distinguished by their uniform appearance, and a few scattered small coastal resorts. The local geology influences soil colour: schists and Dartmouth slates give a dark colour to the South Hams. From rights of way along the coastal edge of this type there are extensive views of the adjoining dramatic cliff landscapes.’

The applicant has argued that the proposal will not be visible within the landscape, when having regard to its intrinsic landscape character. Views from the west are reduced because of the hedgebank to the west of the application site, however there are a number of public viewpoints to the site from the east and south. There is a public right of way which runs parallel with the application site approximately 40 metres away, which is between a set of two hedges, but there will be glimpse views from there of the site. A couple of gateways along the road also allow for views into the site. The introduction of a tourist use within an area where the land use is mixed farmland and a development

which is contrary to the settlement pattern would create an alien intrusion into the green field creating a negative impact on the scenic quality and intrinsic beauty of the landscape. And as such it is considered to result in harm to the landscape.

In addition often when such developments occur, associated infrastructure and paraphernalia associated with tourism would be added to the site and would change the character of the landscape. Emerging Joint Local Plan Policy DEV27 and the AONB Management Plan state that light pollution from artificial lighting within intrinsically dark landscapes should be avoided within protected landscapes such as the AONB. Officers are not satisfied that there would not be any light pollution from the proposal and a planning condition restricting its use would be unreasonable.

Policy DEV25 in the emerging Joint Local Plan relates to the undeveloped coast and heritage coast environments. It states: *“Development which would have a detrimental effect on the undeveloped and unspoilt character, appearance or tranquillity of the Undeveloped Coast, estuaries, and the Heritage Coast will not be permitted except under exceptional circumstances”*.

In order to gain permission in these designated landscapes, a proposal must:

- Demonstrate that it requires a coastal location
- Demonstrate that it cannot reasonably be located outside of the undeveloped coast;
- Protects, maintains and enhances the unique landscape and seascape character and special qualities of the area.
- Is consistent with policy statements for the local policy unit in the current Shoreline Management Plan 2.
- Is consistent with the relevant Heritage Coast objectives, as contained within the relevant AONB Management Plan.

The application has not demonstrated that these units require to be in this coastal location and there are locations which are not in the undeveloped coast where such tourist accommodation could be located. It has already been discussed above that the proposal does not enhance the landscape character.

Shore line Management Plans (SMPs) are high level, non-statutory policy document for coastal defence management planning.

It provides a large-scale assessment of the risks associated with coastal processes (including tidal patterns, wave height, wave direction and the movement of beach and seabed materials) and the consequences of climate change. It addresses the risks to people and the developed, historic and natural environment in a sustainable manner, providing a ‘route map’ for local authorities and other decision makers to move towards meeting future needs. It also provides advice to operating authorities and private landowners on the management of their defences.

In this case the impacts of coastal erosion and processes are not relevant and the impact on the environment is being considered fully through the policies relating to the AONB, Heritage Coast and landscape character.

The proposal is therefore also contrary to the emerging DEV25.

In principle there are a number of areas where the proposal does not meet current and emerging planning policy.

Neighbour Amenity:

There are a number of neighbouring properties within the cluster of houses adjacent to Meadow Barn, some of which have expressed concerns about the potential for noise intrusion from the development of the huts. The type of accommodation is such that it encourages outdoor activities such as games and barbeques. There is therefore the potential for noise to be an issue from the huts and impact on the residential amenity currently enjoyed by the local residents.

Highways/Access:

The Highway Authority have referred officers to consider the application under DCC Standing Advice.

Officers consider that the access from the road has adequate visibility. The amount of existing parking space is limited and the plan only indicates 3 new parking spaces, but leaves Meadow Barn with limited but adequate parking.

Drainage:

The drainage information submitted was considered acceptable to the drainage engineers and they have asked for conditions to be imposed on any consent

Archaeology:

The county archaeologist has commented as follows:

The site lies in an area of archaeological interest relating to the site of a former Bronze Age burial mound and associated archaeological features. Groundworks for the construction of the proposal, including access works, may therefore disturb and destroy archaeological deposits.

Recording archaeology within the site would be in accordance with Joint Local Plan policy and the National Planning Policy Framework (2018) and in the absence of a mitigation strategy being submitted with the application I would advise that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

'No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Planning Authority.

Reason

To ensure that an appropriate record is made of archaeological evidence that may be affected by the development'

I would envisage a suitable programme of work involving archaeological monitoring of groundworks and the recording of any features that are exposed or the excavation of trial trenches or test pits prior to permitted groundworks commencing.

Subject to the above condition there is no objection to this application on heritage grounds

Ecology:

An ecological survey was submitted in support of the application. It appears that the report was based on a single accommodation unit rather than 3 units however the findings are the same whether it is for one of more units. It concluded that : *"a very limited extent of loss of amenity for the mown pathway and position of the accommodation unit. This could cause a negligible loss of transitional habitat for amphibians and reptiles, and negligible loss of feeding habitat for bat and bird species.*

Establishment and operation of the camping site could include a localized potential to cause disturbance to nocturnal species through use of external lighting. Therefore, precautionary measures should be employed, including:

The restriction of external lighting from the hedgebank boundary and scrub along the western extent of the garden, and agricultural fields to the east of the garden – which could otherwise deter the nocturnal activity of bats and dormice (if present); and,

Continued management of the garden/working areas with a short grassland sward – to naturally encourage amphibians and reptiles away from proposed working areas.

Conclusion: *With precautionary measures the proposal is considered to represent a neutral biodiversity impact. With further biodiversity provision/enchantment, such as new hedgerow planting and creation of habitat piles, the proposal would be considered to represent a potential biodiversity gain."*

Thus there will be an impact but the impact could be mitigated and potentially biodiversity enhancement could take place.

Conclusion and planning balance:

It has been demonstrated that the proposal fails to meet many existing and emerging planning policies both in principle based on this type of development in this location and also because of the impact on the important landscape upon which they are seeking to place these shepherd huts. Several letters of support have been submitted stressing the benefits to the tourism economy; and supporting a local family wishing to make a living. The Parish Council have also supported the proposal but require a condition regarding noise. The objections to the development are around the impact on the SDAONB and Heritage Coast and the impact of noise on the existing residents.

Whilst there would be some economic benefit as a result of the development, as there are only 3 units the benefits will be limited. The site is located in the open countryside where occupiers will be reliant on use on the private car. The site is within the AONB where great weight must be given to conserving and enhancing landscape and scenic beauty, the proposed development adversely impacts on the landscape; the proposal also introduces development within the Undeveloped Coast for which there is no exceptional justification.

The economic benefits of the development do not outweigh the harm; the proposal does not represent sustainable development and is therefore recommended that planning permission be refused.

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:

South Hams LDF Core Strategy

CS1 Location of Development
CS7 Design
CS9 Landscape and Historic Environment
CS10 Nature Conservation
CS11 Climate Change

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
DP16 Conversion and Reuse of Existing Buildings in the Countryside
DP17 Residential Extensions and Replacement Dwellings in the Countryside

Emerging Joint Local Plan

The Plymouth & South West Devon Joint Local Plan is currently undergoing a main modifications consultation (22 Oct – 03 Dec 2018) as part of the examination in public to determine the soundness of the plan. The National Planning Policy Framework provides guidance on the weight that can be given to policies in emerging local plans in paragraph 48:

48. Local planning authorities may give weight to relevant policies in emerging plans according to:

a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)

The JLP is nearing the conclusion of the examination process, and can be considered to be at an advanced stage of preparation.

Whilst technically all objections are unresolved until the Inspectors' issue their Final Report, some policies which did not receive objections at the Reg 19 stage could be given very significant weight. The nature and scope of objections made regarding each policy have been taken into account when determining the weight to be apportioned to each emerging policy.

The Council consider that the emerging policies are all compliant with the NPPF. It should be noted that the JLP is being examined against the provisions of the 2012 NPPF, and therefore for the purposes of paragraph 48 of the NPPF policies should also be assessed for their conformity against the 2012 NPPF.

In considering the merits of this proposal, case officer recommendations are informed by the weight that can be attributed to emerging JLP policies and adopted development plan policies, as well as the degree of conformity with the new NPPF.

PLYMOUTH AND SOUTH WEST DEVON JOINT LOCAL PLAN -:

SPT1 Delivering sustainable development
SPT2 Sustainable linked neighbourhoods and sustainable rural communities
TTV31 Development in the Countryside
DEV1 Protecting amenity and the environment
DEV2 Air, water, soil, noise and land
DEV15 Supporting the rural economy
DEV20 Place shaping and the quality of the built environment
DEV21 Conserving the historic environment
DEV22 Development affecting the historic environment

DEV24 Landscape character

DEV25 Undeveloped coast

DEV27 Nationally protected landscapes

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

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.