

PLANNING APPLICATION REPORT

Case Officer: Jacqueline Houslander
Monachorum

Parish: Buckland Monachorum **Ward:** Buckland

Application No: 3194/18/FUL

Agent/Applicant:

Mr Dan Stewart - Architects Design Group
Floor 4, Studio 5-11
5 Millbay Road
Plymouth
PL1 3LF

Applicant:

Mr G Liesching
Midway
30 Caradon Close
Plymouth
PL6 6BW

Site Address: Axtown Lodge, Green Lane, Yelverton, Devon,

Development: Erection of two storey residential dwelling with associated parking.

Reason item is being put before Committee: Pre application advice was received from the AONB unit which conflicts with the current advice on the planning application



Recommendation: Refusal

Reasons for refusal

1. The proposed dwelling is located in an area where new dwellings would only be justified on the basis of agricultural, horticultural or forestry need. Such a justification has not been provided for this proposal and so the proposal results in a new dwelling in the countryside contrary to Policies SP2 in the West Devon Core Strategy, H31 in the West Devon Local Plan 2005 and Policy TTV31 of the emerging Plymouth and South West Devon Joint local Plan.
2. The proposed dwelling is located within the Tamar Valley Area of Outstanding Natural Beauty and if it were to be constructed would have a negative impact on the landscape quality and scenic beauty, detrimental to the intrinsic qualities of the AONB and contrary to the objectives set out in the AONB Management Plan and Policies SP17 of the West Devon Core Strategy; Policy DEV27 of the emerging Joint Local Plan for Plymouth and South West Devon and Paragraph 172 of the NPPF 2018.
3. The proposed dwelling is a substantial dwelling in a large plot, of which there is an abundance in the immediate and wider locality and does not meet the identified local need (as described in the SHMNA) which is for smaller, 2 and 3 bedroom houses. The proposal is therefore contrary to Policy NE10 of the West Devon Local Plan 2005, Policy SP8 of the West Devon Core Strategy, Policy DEV 8 in the emerging Joint Local Plan for Plymouth and South West Devon, as well as para. 61 of the NPPF 2018.

Key issues for consideration:

Location of development;

Previous appeals on the site and surrounding sites

Impact on AONB

Housing need

Financial Implications (Potential New Homes Bonus for major applications):

It is estimated that this development has the potential to attract New Homes Bonus of £1187.00 per annum, payable for a period of 5 years. Members are advised that this is provided on an information basis only and is not a material planning consideration in the determination of this application.

Site Description:

The site is a paddock, situated adjacent to Green Lane. The site is separated from the lane by a hedge/bank with a number of trees.

The lane is a typical rural lane that changes in width and alignment becoming narrow in sections leading west and altering in character when running past the houses located to the east of the site, where the accesses and development have a more suburban form, though still "well greened" in terms of the boundaries and large mature gardens.

The site is located at the end of a line of dwellings, which span both sides of Green Lane. These dwellings are largely detached and a reasonable size with good sized plots.

The site is not within any defined development boundary. The site lies within the area designated as the Tamar Valley Area of Outstanding Natural Beauty. The nearest development boundary, is at Crapstone, which is approximately 1.2km to the north east, as the crow flies and further by road.

The site effectively lies at the edge of the group of houses, albeit there is a property further west (Martins Gate) but this property is set well back from Green Lane and there are only glimpse views of it from the road.

There is a stable and small paddock and sand school to the west of the site.

The land is relatively level, with a gentle slope towards the north and west. There is a dip in the land across the middle section of the application site.

The Proposal:

To erect a single dwelling, designed specifically for this site. It is proposed to be located in the south east of the site close to the adjacent road. A new access is proposed from the road, in order to create suitable visibility. This would involve the loss of part of the Devon Bank and the vegetation and trees upon it.

The proposed dwelling is part single storey and part two storey, with pitched roof elements, set into the land. In terms of accommodation it would provide: A lounge, dining area, family room and utility, 6 bedrooms two of which would be on the ground floor and 4 of the bedrooms would have ensuite facilities. There is also an integral garage proposed.

Materials are proposed as: on the pitched roofs – natural slate, with solar panels. There is a small flat roofed area which would be a green roof, with wild flower planting. Walls are proposed as a mix of black stained timber at ground floor and natural timber cladding at first floor. Windows and doors are proposed as aluminium.

An LVIA has been submitted in support of the application, which introduces indigenous species to replace domestic planting already on the site. The alignment of the boundary of the site across the paddock will be constructed as a planted hedge and will align with the existing dwellings to the east.

Additional planting is proposed between the proposed dwelling and the road. The applicant states that this will improve ecology on the site and act as a screen. Orchard planting is proposed on the western boundary.

Supporting information for the application has been submitted which is as follows:

Tree Survey, Tree constraints plan and tree protection plan,
Landscape and Visual Impact Assessment,
Landscape Scheme,
Arboricultural Impact assessment and Layout Plan,
Drainage Plan
Phase 1 Contamination Study
Preliminary Ecological Appraisal
Proposed access arrangement.

Consultations:

- County Highways Authority: Standing Advice
- Environmental Health Section: Recommend unsuspected contamination condition.
- Town/Parish Council: Buckland Monochorum Parish Council: BMPC have now considered the application 3194/18/FUL. Erection of a two storey residential dwelling with associated parking at Axtown Lodge, Green Lane.

The Parish Council would like to OBJECT to the development on the following grounds:

The site sits within the Tamar Valley Area of Outstanding Natural Beauty which in accordance with the NPPF para 115 states that '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'. The application site intrudes into this landscape and clearly will have a harmful effect on it.

The design and appearance of the development will have a negative visual impact on the surrounding ANOB.

There is not a need within the Parish for such a large dwelling.

Planning history and previous decisions – the Planning Inspectorate have provided clear guidance on three occasions. Three recent applications within the vicinity have had appeals refused on the grounds that they would cause unacceptable harm to the AONB.

There is a need to safeguard the countryside and the development falls outside the development boundary.

Drainage: Recommendations – Objection

Based on the information provided we would object to the current proposal on the grounds of insufficient information. As such we would recommend that the application is not decided until these issues have been overcome.

Observations and comments

This is a small scale minor development for the construction of a dwelling with associated drive and parking. A development of this scale requires a workable drainage scheme that prioritises the use of infiltration drainage in accordance with best practice SuDS design, (CIRIA C753).

SuDS should be designed to reduce or manage the surface water as close to source as possible. The drainage hierarchy should be followed with the top of the list as first choice. Evidence will be required to show each option has been explored and discounted.

1. By infiltration, soakaway.
2. Discharge to a water course, attenuation maybe required.
3. Discharge to the public sewer, attenuation will be required and permission from SWW.

The proposed surface water drainage scheme is for the use of soakaway but percolation testing to DG 365 and design has not been provided. It has been noticed from the drainage plan that percolation testing has already been carried out, so please provide details.

The foul drainage scheme is for the use of treatment plant and drainage field. We are happy with the principle of the scheme however a completed FDA1 form and justification for private foul will be required before it could be formally approved.

Overcoming the objection

To overcome the objection the applicant will need to provide:

1. Completed FDA1 form and justification for private foul drainage scheme.
2. Percolation testing in accordance with DG 365 will be required to support the use of soakaways, or justify an alternative option. The report should include the trail logs and infiltration rate calculations.
3. Soakaways to be designed for a 1:100 year event plus an allowance for climate change. (Currently 40%)

Tamar Valley AONB unit:

This representation is written on behalf of the Tamar Valley AONB. Having further reviewed the submitted information together with the appeal decision on previous outline application 00727/2015

and the appeal decision on neighbouring application 2844/17/FUL we are concerned at this proposal for a new dwelling within the AONB.

The proposal lies within the open countryside, though immediately adjacent to existing development on Green Lane. Whilst it might be considered to a sustainable location in terms of access to facilities and the proposed landscaping might mitigate the visual impact to some extent. It would nevertheless, introduce a residential use and associated paraphernalia that would domesticate the site and consequently significantly harm the landscape character and appearance of the area and adversely impacting on the character and natural of the AONB. This would contrary to paragraph 172 of the NPPF, which affords the AONB the highest level of protection with regard to landscape character and scenic beauty.

Consequently, we object to this application.

CPRE: the Inspector also considered that:

“the proposal would cause significant harm to the character and appearance of the area, including to the Tamar Valley AONB, contrary to the development plan policies set out above. There would be a social and economic benefit associated with 3 new dwellings and a further benefit from the affordable housing contribution. However, these considerations do not outweigh the identified environmental harm. The current proposal through its design and access statement (DAS) fails to demonstrate scheme evolution and alternatives, to reflect national planning policies refocus on the quality of design. For example, where is the pictorial evidence to demonstrate the appropriateness of siting, other than the statement:

“The location of the dwelling within the site is intended to ensure that the visual impact of the dwelling is inconsequential within the valued landscape.” (DAS).

The site may well not be considered isolated but it is within the AONB and open countryside, which should be considered in reference to the guidelines of Para 79 of NPPF 2018, which addresses rural sustainable development in the open countryside. Para 79 states (amongst other things) that the design of the scheme should be of “exceptional quality” by reflecting “the highest standards of architecture” and being “truly outstanding and innovative”.

Para 79 of the NPPF 2018 sets the bar very high for dwellings in the countryside. The design and access statement fails to demonstrate how the proposed scheme is of exceptional quality through e.g. structural integrity, craftsmanship, quality of materials and relationship to landscape, failing to demonstrate that the proposal would be reflective of the quality expected in the open countryside and indeed the AONB.

The proposal does not meet the general design quality expectations of national planning policy in terms of design and effect on the character and appearance of the area, in particular the AONB – this is epitomized by the summary of the LVIA: “overall the development has a landscape impact with very small negative/neutral effect” and the DAS, which states: “The Applicant intends to erect a single dwelling of individual design incorporating good local materials” – ‘good’ is somewhat mediocre. The proposal seeks nothing more than a neutral effect in the landscape, where a high quality development should be sought, which enhances its setting!

Why hasn't the scheme been subject to Design Review Panel and Building for Life criteria assessment, to ensure that the highest possible level of design can be achieved in this sensitive location?

Para 129 of the NPPF states:

“Local planning authorities should ensure that they have access to, and make appropriate use of, tools and processes for assessing and improving the design of development. These include workshops to engage the local community, design advice and review arrangements, and assessment frameworks such as Building for Life. ...In assessing applications, local planning authorities should have regard to the outcome from these processes, including any recommendations made by design review panels.”

Para 130 and 131 of the NPPF 2018 state:

“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into

account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).

In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.”

The DAS fails to demonstrate a design rationale for the proposed scheme. The proposal should “significantly enhance” this sensitive landscape.

The submission documents do not demonstrate how the proposed scheme through massing, layout, material and landscape design will maximize design quality, “enhance its immediate setting” and is “sensitive to the defining characteristics of the local area” through e.g. its ‘basic’ montage of ‘Character- Local Precedents’ rather than an analysis of what is best for this site!

The Design and Access Statement fails to demonstrate:

- the rationale for the use, massing and form of the building;
- the rationale for the proportion of hard surfacing/landscaping;
- the rationale for the use of materials beyond that of trying to be in keeping with architectural vernacular
- how the quality of the proposed scheme will be maintained through to construction e.g. considering longevity and robustness of materials;
- how detailing is considered e.g. rainwater will be dealt with etc

Consultation - failures of the Design and Access Statement.

The DAS is the primary document that decision-takers should consider when it comes to design aspects of a proposed development. It is a legal requirement under the Development Management Procedure Order (DMPO) 2015 to submit a DAS with most planning applications.

There is no statutory requirement for applicants to carry out pre-application consultation for most applications, but the DMPO makes it explicit that a DAS must include consultation steps taken by the applicant.

The applicant has failed to consult with the community.

The 2018 NPPF indicates that applications that demonstrate proper local engagement should fare better than those that don’t. The DAS fails to highlight proper and effective community engagement demonstrating the passive approach to community consultation and engagement – not seeking out views but waiting for objections.

The Government’s press release on launching the NPPF in 2018 states:

“Refocusing on the quality and design of proposals which are in line with what local communities want, the framework ensures councils have the confidence and tools to refuse permission for development that does not prioritise design quality and does not complement its surroundings.”

The proposal fails to address this national planning policy mandate. This is further amplified by the failure of the DAS to acknowledge the emerging Neighbourhood Plan and its’ evidence base, which dependent upon stage, is a material planning consideration.

Can the local planning authority explain why the application was validated with this level of detail (ie DAS) and how it can approve an application, which fails to detail the schemes evolution, alternatives and evidence of effective consultation, given the revised NPPF?

Should the scheme be approved on design quality grounds

If the scheme is considered acceptable on design grounds, can the local planning authority explain how they will guard against dilution of architectural quality after the grant of permission, in accordance with the NPPF 2018?

Best and Most Versatile Agricultural Land

Para 170 of the NPPF 2018 states:

“Planning policies and decisions should contribute to and enhance the natural and local environment by....

b) recognizing the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;”

The site has not been assessed to establish its agricultural land classification, and as such a full consideration of how the scheme contributes towards the natural and local environment cannot be carried out.

Para 163 of NPPF states:

“When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan. “

Local community objections to the scheme, highlight that there is an issue with drainage in the area, and the resultant effects of the proposed development on flooding and in particular, the adjacent highway and safety issues. The Drainage Consultation response highlights that this scheme currently fails to meet requirements of national policy and as already mentioned the DAS fails to consider the sustainability of the building.

Economic, Social and Environmental Objectives

The proposal fails to demonstrate that the economic benefits of this proposal i.e. to provide one market led house, in the open countryside, outweighs the social and environmental harm of the proposal, in terms of failing to:

- foster a well-designed built environment;
- protecting and enhancing the AONB;

For these reasons, the application should be REFUSED, and as a result the proposal would not constitute sustainable development”

Representations:

Representations from Residents

51 letters of representation against the proposal have been submitted with the following concerns:

- unnecessary development within an area of outstanding natural beauty.
- Junction of Green Lane and Crapstone Road can be dangerous and any increase in vehicular traffic would only present additional hazards.
- It is counter to all the tenets that determine the definition of an AONB.
- There is no doubt that approval of this application will lead to almost unstoppable ribbon development in the Green Lane area.
- Planning policies and guidance: The proposed development is in the Tamar Valley Area of Outstanding Natural Beauty, on a previously undeveloped greenfield site
- The application is not in accordance with the with the development plan.
- If the application was granted it would set a precedent for future development, the applications for which would undoubtedly flood in.
- Highway safety issues: The development would increase the traffic on narrow country lanes which are used by local pedestrians, including schoolchildren walking to their respective school buses, as well as recreational walkers, horse-riders and cyclists. An increase in traffic flow would pose a danger to all those mentioned.

- Highway safety issues. Green Lane is a narrow country lane without street lighting used by riders, walkers and cyclist, any development on this road will produce more traffic in a very quiet rural location.
- It would also be development of a greenfield site in open countryside.
- There can be no merit in this application given the unsuccessful planning histories for the site and the site immediately opposite. At every attempt, planning permission has always been refused because of the harm any development (or even the siting of a mobile home) would cause to the AONB - a view which has, quite rightly, always been upheld by the Planning Inspectorate when previous unsuccessful applicants have appealed to the Secretary Of State.
- Like most residents in Green Lane and its surroundings people choose to live here because we much appreciate value and enjoy the character and quiet beauty of our natural environment. Our AONB should be respected.
- The building will be conspicuous along the dominant Green Lane ridgeline for those in Axtown, Whistley Down and Stoke Hill Lane.
- Part of the Local Plan Review March 2005 as amended by Core Strategy April 2011 states: Such development should not be permitted unless it provides for an overriding economic or community benefit and cannot reasonably be located within an existing settlement.
- This development does not provide an economic or community benefit.
- an opportunistic attempt to develop a site and environs which PINS has a clear, and recently demonstrated, commitment to uphold.
- This is unsustainable residential building within the Tamar Valley Area of Outstanding Natural Beauty
- It will entail building outside the settlement of Green Lane, the extent of which has been accepted for many years without new ribbon development. The site is ecologically unsustainable since accessed only by car and without adjacent services.
- Crapstone itself has taken a wholly disproportionate burden of house planning growth; this adds to the stock in an unsustainable way, which, if granted, would open a precedent for further subdivisions of existing plots by adjacent owners.
- If this application is approved, coming on top of the recently approved application for the expansion to the Yelverton Business Park just across the valley it will steadily erode this part of the Tamar Valley AONB. What is the point of having such a designation if it fails to protect the area?
- A proposal for 3 in number dwellings on this site was turned down on appeal APP/Q1153/W/16/3145211, this appeal seems applicable whether it is one, two or three dwellings.
- drainage issues and general poor drainage of the road (also previously covered).
- There are persistent attempts to construct dwellings on this land which have previously been refused. Those reasons remain valid.
- Green Lane is not a settlement but is a small cluster of dwellings that have a clearly defined end point beyond which the landscape changes to a rural one.
- There are no facilities within 1.5 Miles and no bus service nearer than in Yelverton.
- The recent appeal decisions confirm that we are right to be strongly opposed to this development. The impact it will have on the amenity of the White House, and specifically how the character and appearance of the countryside is enjoyed from that property, reinforce our view that what is proposed must be refused.
- Martins Meadow, enjoys a tranquillity on which the intrusion of the proposed development would be most damaging.
- This is substantial residential development of a greenfield site, not even within the settlement of Green Lane the extent of which has been accepted for over 50 years. It is an unsustainable site, in a narrow lane frequented by walkers, often with dogs, horse and pony riders and cyclists, and where cars already pass only with difficulty.
- Ecologically unsustainable. The use of a car is essential as the nearest local services (Yelverton) are approximately 1.6 (km) away via unlit roads and footpaths. There is a bus stop 0.5 (km) from the site but the service available is inadequate for normal school/employment hours.

- A solicitor was employed by a number of local residents to represent their concerns. As well as the above mentioned concerns in addition concerns were raised via this representation as follows:
 - There was an almost identical proposal on the opposite side of the road.
 - Paragraph 172 of the National Planning Policy Framework 2018 (NPPF) states that: *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".
 - Fortuitously, the Planning Inspectorate has already provided "clear guidance on this issue on three occasions. They have refused appeals in respect of this site on two previous occasions (1996 and 2016) and then in 2018 they also refused an appeal in respect of the field situated directly opposite the site, on the other side of Green Lane. On all three occasions the appeals were refused because the Planning Inspectorate held that the proposed developments would cause unacceptable harm to the AONB.
 - The proposal is contrary to Policies:NE10 of the 2005 Local Plan Review (as amended); Paragraph 2.41 of the 2005 Local Plan Review s amended by the Adopted Core Strategy April 2011; Chapter 4 of the 2005 Local Plan Review as amended by the adopted Core Strategy 2011 relating to Housing and Community –“no development in the open countryside without a specific justification as defined in PPS7; Policy H29; Policy H31 of the 2005 Local Plan Review as amended by the Core Strategy 2011; Strategic policy 1, 5 and 17 of the 2011 Core Strategy.
 - The JLP and the Buckland Monochorum Neighbourhood Plan requires 20 homes to be built in the Buckland Monochorum Parish in the period to 2034. The development at Abbey Meadows Crapstone will provide 22 new homes, 40% of which are affordable. The target has therefore already been met.

Relevant Planning History

F/3/32/1173/1995/1: FUL

Proposal: Proposed siting of a mobile home for private use only.

Site Address: Pt OS 9893 (SX 5166) Green Lane Buckland Monochorum

Decision Refusal: 04 Aug 95

Appeal AUN: Dismissed - (REFUSAL): 28 May 96

Layer: Planning History (Updated)

3902/2002/TAV: FUL

Proposal Full application for creation of gateway

Site Address: Land adjacent to The White House Green Lane Yelverton Devon

Decision Conditional Consent: 04 Feb 03

00727/2015: OPA

Proposal Outline planning application proposing the erection of 3 dwellings with means of access and layout to be considered.

Site Address: Land at Axtown Farm Green Lane Yelverton Devon

Decision Refusal: 22 Oct 15

Appeal decisions in relation to this site and the site on the opposite side of Green Lane are relevant material considerations in the determination of this planning application.

00727/2015 – Application for 3 dwellings: Refused for the following reasons:

1 The proposed development would result in three new dwellings in an unsustainable location within the open countryside designated as an Area of Outstanding Natural Beauty where no special circumstances have been provided to justify the proposal. The proposed development does not therefore satisfy the aims of the National Planning Policy Framework (notably but not limited to paragraphs 14, 55 & 115), West Devon Borough Council Core Strategy (2011) policies SP1, SP5, SP18 and West Devon Borough Council Local Plan Review (2005) policies H31 and NE10.

Appeal. Ref: APP/Q1153/W/16/3145211

Appeal dismissed. Inspector identified that the main issues to consider were

- The effect on character and appearance of the area, with particular regard to the landscape and scenic beauty of the Tamar Valley Area of Outstanding Natural Beauty (AONB);
- Whether or not the proposal, given its rural location, would constitute a sustainable location for access to facilities and services.

He concluded that the character of Green Lane after the Whitehouse had a **“strong open rural setting that commences at the appeal site and the field opposite.”**..... **The appearance of a definitive edge to the main body of Axtown is most marked when arriving from the west, whereby the end façade of The White House is the first readily appreciable residential development comprising part of an established settlement.**

Whilst the Inspector acknowledged the landscaping proposed which would provide some degree of screening, he felt that **“any visibility of residential development, which would be more readily seen in winter, would create an urbanising effect, substantially altering the existing natural character, openness and attractive rural appearance of the site. This would detract from the current views across the open field towards the hills in the distance. It seems to me that the open, undeveloped nature of the appeal site, which also affords distant views, makes an important contribution to the AONB, which local and national policy seeks to protect.”** He then went on to conclude that **“the proposal would fail to conserve the landscape and scenic beauty of the Tamar Valley AONB, or the character and appearance of the area more generally. The proposal would therefore be contrary to CS Policy SP17(a), CS Policy SP1 criterion (i) and Local Plan Policy NE10 criterion (ii).**

In terms of the sustainability of the site, the Inspector concluded that,“..... **the proposal would constitute a sustainable location for development, in respect of access to services. Whilst the proposal would be contrary to Policy H31 of the Local Plan and CS Policy SP5, this is outweighed by compliance with the more recent provisions of paragraph 55 of the Framework. Furthermore, the criteria in the Local Plan and CS policies are of a type that the Framework only seeks to apply when new homes are isolated, which I have found is not the situation in this case.”**

A further appeal was recently dismissed on the field directly opposite the appeal site, which is also relevant to the consideration of this site as both sites are located at the edge of Axtown.

2844/17/FUL Erection of single residential dwelling with associated parking and residential amenity area. Refusal 13/12/17

Reason for refusal:

By reason of the site’s location and isolation from services, and the size and design of the proposed dwelling, the development constitutes a new residential intervention into the countryside which fails to provide safe and suitable access for all, would foster the growth in the need to travel by private car, fails to provide a sustainable solution and fails to respond to an identified local housing need. The proposal is therefore contrary to West Devon Development Plan policies SP1, SP8, SP24 and T5, emerging Joint Local Plan policies SPT1, SPT2, TTV31 and DEV8 and paragraphs 7, 8, 9, 14, 17, 32, 34 and 35 of the National Planning Policy Framework

APP/Q1153/W/18/3194430

The Inspector considered the main reasons were:

- the effect of the proposed development on the character and appearance of the area, including the Tamar Valley Area of Outstanding Natural Beauty (AONB) and
- whether the appeal site is a suitable location for a dwelling, with particular regard to accessibility to services and local housing need.

The inspector noted.....” **I saw that the character and appearance of the site is typical of the local landscape of tight field patterns, with woodland and boundary trees, and small scale in a**

greater landscape as described in the appellants' Landscape and Visual Impact Assessment (LVIA)." He goes on to say..... ***The appeal scheme would introduce a substantial dwelling and associated residential garden area at the site. While this would be screened from public view to a significant degree by existing trees and other vegetation, particularly when in full leaf as at the time of my visit, there would be a significant change in the character of the use of the site from pastoral to domestic.***"

He concludes in relation to the landscape character.... ***"while landscape screening may mitigate the effects of the development in landscape visual terms, particularly when trees are in leaf, it would not mitigate the fundamental and permanent change in the character of the site that would result from the introduction of permanent residential use."***.....***"I consider that the overall scale of the development would amount to a significant new residential intervention in the countryside that would inevitably substantially change the role and character of the site."***

In relation to the AONB he comments ***"I also note that the Tamar Valley AONB Unit raised no particular objections to the scheme considering that harm to the AONB landscape would be limited and capable of mitigation. In terms of the overall visual impact, I concur that harm would be limited and that it would be largely, although not completely, mitigated by the proposed layout and landscaping. However, in terms of the countryside character of the site, I consider that harm would arise that would not be mitigated by any of the measures before me. While this harm would be limited in overall scale to the confines of the site, and the new house would be located adjacent to the existing dwelling at Merrilyn where there is existing domestic activity, it would nonetheless be detrimental to the rural character of the site and locality. This additional domestication, and the inevitable associated paraphernalia, would therefore also adversely alter the character and, to a degree, the appearance of the AONB."***

In conclusion..... ***"In light of the above, I conclude that the proposed development would harm the character and appearance of the area, including the Tamar Valley Area of Outstanding Natural Beauty. It would therefore conflict with adopted Policies SP1 and SP24 of the CS, the relevant requirements of which are set out above."***

In relation to development in the countryside and isolated development the Inspector states that... ***"this physical proximity to the contiguous cluster of dwellings means that the new dwelling would not be isolated in the context of paragraph 55, since it cannot be said that it would be far away from other places, buildings or people, albeit the location is rural."***

He goes on in relation to accessibility to services.... ***"it does not necessarily follow that a site that is not 'isolated' will be reasonably accessible to services when considered in the context of other requirements of the Framework."***

He concluded that ***"the appeal site would be a suitable location for a dwelling, with particular regard to accessibility to services and local housing need. It therefore would not conflict with Policy SP8 of the CS or Policy T5 of the West Devon Local Plan Review 2005, the relevant requirements of which are set out above. It would also accord with the relevant requirements of the Framework. There would, however, be some conflict with Policy SP24 of the CS because the proposal is not for a smaller home."***

ANALYSIS

Principle of Development/Sustainability:

The principle of this proposed development must be considered against the policies which relate to development in the countryside and the presumption in favour of sustainable development promoted in the NPPF 2018. Also material to the principle of the development are the recent refusals and appeal decisions.

In planning policy terms the relevant documents are the West Devon Local Plan adopted in 2005 and the West Devon Borough Council Core strategy adopted in 2011 which amended some of the policies in the earlier document. The relevant policies are: SP1, SP5, SP24 and H31.

In addition the emerging Joint Local Plan for Plymouth and South West Devon is also of relevance. Whilst it has not yet been adopted, it is well advanced in the Local Plan preparation process and is currently waiting for the Inspectors conclusions as to whether the document is sound. The policies are therefore of relevance: SPT1, SPT2 and TTV31.

The site is located in the countryside as Axtown does not have a defined settlement boundary. Policy H31 seeks to protect the countryside from development which is not essential such as that related to agriculture, forestry or horticulture. The proposal lies in an area which is identified as countryside and no such justification has been provided and as such the proposal is contrary to Policy H31.

Policy SP5 relates to new development and its strategic location. The policy encourages development to focus on the Main towns and then the Local Centres and villages and refers to the need for development in the countryside to be based on an essential agricultural, forestry and horticultural need. The proposal does not meet those justifications.

The previous appeal on this site as well as the new NPPF provisions, indicate that the weight to be applied to Policy H31 and SP5 should be limited. Paragraph 11 in the NPPF states that for decision takers, “*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, 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 proposed⁶; 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.

Where LPA's cannot demonstrate a 5 year Housing Land supply, the policies should be considered out of date. As West Devon cannot currently demonstrate a 5 year housing supply, the weight to be applied to H13 and SP5 is limited.

The NPPF 2018 makes reference to rural housing in Para.'s 77 – 79. In rural areas, “*decisions should be responsive to local circumstances and support housing developments that reflect local needs.*” and “*To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.*”

Para. 79 refers specifically to isolated new homes and the fact that planning decision should avoid the development of them in the countryside.

To determine whether this is an isolated dwelling reference must be made to the two recent appeal decisions on this site and the site which is located directly opposite this site on Green Lane.

The definition of what isolated means has been clarified in the High Court decision *Braintree DC v SSCLG [2018]* and the Inspectors in the recent appeal on this application site and the one directly opposite this site both determined that the sites were not isolated. In addition the Inspector concluded on the determination of the appeal on this site that the location was sustainable..... “*the proposal would constitute a sustainable location for development, in respect of access to services. Whilst the proposal would be contrary to Policy H31 of the Local Plan and CS Policy SP5, this is outweighed by compliance with the more recent provisions of paragraph 55 of the Framework. Furthermore, the criteria in the Local Plan and CS policies are of a type that the Framework only seeks to apply when new homes are isolated, which I have found is not the situation in this case.*”:

In relation to the site opposite the application site the Inspector commented: “*this physical proximity to the contiguous cluster of dwellings means that the new dwelling would not be isolated in the context*

of paragraph 55, since it cannot be said that it would be far away from other places, buildings or people, albeit the location is rural.” He then went on to conclude that“the appeal site would be a suitable location for a dwelling, with particular regard to accessibility to services and local housing need. It therefore would not conflict with Policy SP8 of the CS or Policy T5 of the West Devon Local Plan Review 2005, the relevant requirements of which are set out above. It would also accord with the relevant requirements of the Framework. There would, however, be some conflict with Policy SP24 of the CS because the proposal is not for a smaller home.”

The arguments put forward by the Inspectors are material in the determination as to whether the proposed dwelling is isolated. The site is located adjacent to a group of dwellings known as Axtown which are not defined as a settlement and have no facilities or services, but which are a group of houses where social benefit could be derived from them being located together. It is considered by officers that the application site is not isolated.

In relation to the site being in a sustainable location, the Inspectors for this site concluded that the three settlements of Yelverton, Crapstone and Axtown could contribute to the rural vitality of Crapstone and Yelverton. He also found that the whilst it would be unlikely for people to walk to the nearby settlements because of the nature of the roads, it would be possible to cycle or take a bus or a short car ride and as such concluded that the location was sustainable.

The later appeal on the site opposite the application came to the same conclusion with regard to the sustainability of the location, where the Inspector makes reference to saved policy T5 of the West Devon Local Plan Review(2005) which seeks to provide development in locations accessible to public transport. Whilst also acknowledging that in sparsely populated rural West Devon, potential for public transport is limited. He acknowledged that there was a bus stop 600m from the appeal site, which would be similar for this site. The Inspector therefore concluded that the site had reasonable accessibility to the services in Crapstone and Yelverton and concurred with his colleague on the earlier appeal that the site was in a sustainable location, by contributing to the vitality of the settlements of Yelverton and Crapstone.

Officers therefore conclude that the location of the site is sustainable

Policy SP1 supports development which is sustainable. There are many criteria which need to be met in order to meet this policy. One is which is the need to protect“*natural and man-made landscapes in and surrounding the Borough with particular regard to the Tamar Valley Area of Outstanding Natural Beauty, the Cornwall and West Devon Mining Landscape World Heritage Site and the Dartmoor National Park;*”

Referring back to paragraph 11 of the Framework, specific reference is made to the fact that decisions should be made having reference to all of the policies in the Framework “*unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed*”

Such assets are referred to in the footnote as “*habitats sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 63); and areas at risk of flooding or coastal change.*”

The consideration of this issue will be dealt with the next section (Design and Landscape).

Policy SP24 -Sustainable Rural Communities

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.

Proposals for development will be supported where they:

Contribute to community well-being and to the sustainable social and economic growth of a settlement;
Seek to protect and enhance existing community facilities, provide new local services, improve local employment opportunities and/or meet a housing need; and
Are in scale and in keeping with the site, its setting and the nature of the settlement, reinforce local character and protect natural landscapes and biodiversity.

Reference is made to this policy for the sake of completeness, but in reality the application site does not lie within, adjoining or closely related to a settlement with settlement limits defined. So strictly speaking the policy is not of relevance. However in considering the criteria in the policy, it is acknowledged that there will be limited economic benefit in terms of the construction of the dwelling and in terms of social benefit, it will be an additional dwelling that will make use of the services provided in Yelverton. However there are two issues where the proposal will fail to meet the criteria. In terms of housing need. This is considered below, but in essence there is a general need (as identified in the Sub-Regional Housing Market and Needs Assessment undertaken for the production of the Core Strategy)

Contribution to the housing stock:

The erection of a single dwelling will provide a limited social benefit through housing provision. However, current and emerging policy requires a tangible contribution to housing need within the locality. With regard to the existing housing stock, the Parish is faced with a quite clear and noticeable imbalance towards large detached housing. The rural area surrounding the application site is punctuated by single large detached executive style houses sat within their own grounds. In addition, the nearest village of Crapstone is clearly dominated by large houses. Officers would therefore conclude that there is no need for an additional house of this scale within the area and that the scheme therefore fails to provide an overriding community benefit or respond to housing need and imbalance. The application therefore conflicts with current development policies NE10, SP8, and emerging policies TTV31 and DEV8

Design/Landscape:

Landscape

The proposal must be considered in relation to the impact it will have on the landscape and the AONB and reference will need to be made to the recent appeal decisions which support the value of the AONB and the need to protect it from harmful development.

In addition, consideration must be given to the design of the proposed dwelling and how it relates to its context and whether it has mitigated any of the landscape concerns in the design solution put forward.

The AONB Management Plan has a number of objectives which it has sought to meet over the period between 2014 and 2019. In landscape terms the objective states:

To conserve and enhance the landscape character and local distinctiveness of the AONB.

One of the policies to achieve this states: Favour developments that are sustainable and respect, maintain and where possible enhance AONB special qualities, distinctive features and important heritage sites.

Strengthen landscape character by improving the condition of existing landscape features identified as being in poor condition; reinstating landscape features identified as missing or fragmented, and by seeking low impact solutions to visually intrusive (types of) developments and activities (including the influence of light pollution).

The Tamar Valley AONB unit have objected to the development proposed on the basis that *“It would nevertheless, introduce a residential use and associated paraphernalia that would domesticate the site and consequently significantly harm the landscape character and appearance of the area and adversely impacting on the character and natural of the AONB. This would contrary to paragraph 172 of the NPPF, which affords the AONB the highest level of protection with regard to landscape character and scenic beauty.”*

The application is open to the north and views from the development on the other side of the valley such as the Industrial estate of the site are currently of green fields and trees and hedgerows with the odd dwelling peeping through the vegetation. The open and undeveloped nature of the application site from distant views would be harmed if it were developed.

The proposal would intrude into that predominant landscape and serve to extend the residential development into that area. As described by the Inspector when commenting on the previous proposal for 3 dwellings on this site, the impact would be to *“urbanise”* the site and as a result *“substantially alter the existing natural character, openness and attractive rural appearance of the site.”*

Whilst it is accepted that the proposal considered by the Inspector was for 3 dwellings and the current proposal is for one dwelling, it is still considered that the impact of residential development on this site which has an intrinsically different character to the Whitehouse and dwellings beyond, would have a negative impact on the character of the landscape and harm the landscape beauty of the AONB and would detract from the current views across the open field towards the hills in the distance. The proposal would be contrary to Policy SP17 of the West Devon Core Strategy, and DEV 27 of the emerging JLP.

Paragraph 172 in the NPPF 2018, also places great weight on conserving and enhancing landscape and scenic beauty in AONB’s National Parks and the Broads. As has been discussed above, the proposal does not conserve the natural undeveloped nature of the site and neither does it enhance the landscape quality as it will intrinsically change the character.

The LVIA submitted with the planning application concludes in terms of landscape impact that *“..... overall the development has a landscape impact with very small negative/neutral effect, further minimised with the potential for mitigation which introduces these landscape features alluded to, supplying many positive effects helping to retain and improve landscape character immediately and for the long term.”*

However as has been outlined above, the concern from the AONB unit is the change in character of the landscape which will occur as a result of the proposal. Whilst the mitigation referred to would help, what is of utmost importance here is the **existing character**. The introduction of a dwelling and curtilage and the associated domestication and manicuring of the garden, as well as additional planting where traditionally there was none will significantly impact on that existing character, which is not considered to be acceptable.

Design

In relation to the design of the proposed dwelling. It is acknowledged that the applicant has sought to seek advice from the AONB unit, in order to progress the scheme. However the advice given was not formal pre application advice but rather informal comments on the scheme presented. That process was not formally concluded, but the AONB officer acknowledged that the proposal was moving in the right direction, albeit there were still issues to be resolved. Clearly subsequently the proposal did not address sufficiently the AONB units concerns with the proposal now before you.

In terms of design, the proposal has sought to work with the landform and kept some of the dwelling as single storey to reduce the visual impact. Landscaping is also proposed, including a hedgerow along the proposed northern boundary. However the dwelling is still large and has a large footprint. In addition the difference in levels between the site and the road has resulted in a driveway which curves in two directions before arriving at the parking and garaging. This in itself is a significant visual intrusion and with the new access proposed from the road means that the site will actually become

much more visible from Green Lane and the excessively engineered driveway will have a significant visual impact on the character of the area.

Neighbour Amenity:

There has been a large number of representations in relation to the development from local people along Green Lane and the wider community. The two immediate neighbours are amongst those concerned albeit they are concerned in the main about the general impact of the development rather than the impact on their properties. Some concern has though been expressed by the neighbour to the west at the impact of new dwelling on the peace and tranquillity they currently enjoy in their property. The tranquillity of the landscape is one of the key components of an AONB designation, which has been considered in the Design and Landscape section above.

Highways/Access:

The Highway Authority have not made comments but have asked for standing advice to be used. The proposal seeks to alter the existing access which is currently shared with the stable and sand school which are immediately to the west of the application site.

The proposal is to construct a new direct access off Green Lane in the middle section of the hedgerow of the site. The standing advice states: there should be adequate parking provided. This is the case with the proposal. Standing advice also makes reference to the technical specifications of the access and drive. A detailed drawing of the proposed access has been produced, which shows a driveway that enters the site at right angles, then curves through 90 degrees to the west and then turns through 180 degrees towards the east. The applicant confirmed that this was due to the change in levels between the road and the sloping nature of the site. A turning space is provided which is a requirement of standing advice. With regards to the access itself, it meets the standards required.

In addition consideration must be given to the visual impact of the creation of the new access on to Green Lane and the rural character of the lane at this point. That visual impact is of further concern because of the levels the driveway has to curve to the west before curving again towards the east where the new parking area behind the proposed house is located. The driveway and access drawing also indicates a visibility splay which is described as realignment of hedge as necessary. Which could mean that the amount of hedge needing removal is more than has been indicated so as to achieve appropriate visibility when leaving the site. As stated earlier the impact of the access and the visibility of the site could be significant from Green Lane.

Drainage:

Initially the drainage engineers had an objection to the proposal, however after the submission of additional information, they conclude that sufficient information has been submitted in relation to drainage to satisfy the drainage engineers and so they recommend conditions be applied.

Concerns of local residents, the CPRE and the Parish Council: There have been a large number of objections to the proposal referring to the previous refusals on the site and other sites in the immediate locality; the impact on the AONB; countryside and green field concerns; increased traffic on the Lane and the fact that the proposal is contrary to planning policy. These are all material considerations and have been taken into account in the consideration of the proposal and have informed the planning balance to be applied to this proposal.

Planning Balance:

It is clear that the applicant has worked hard to try to overcome the concerns raised on previous applications and appeals and has asked the architect to design a scheme which has acknowledged the context of the site and attempted to keep the height of the proposed dwelling down so as to take advantage of the dip in levels in the middle of the site.

However it is the principle of development in this location and in relation to the impact it will have on the landscape character and the AONB that is the key consideration here. It is a large dwelling on a site which is currently intrinsically of a landscape character. The dwelling and the changes to the

access will significantly harm that character and as such impact negatively on the AONB. It will not therefore conserve and enhance the AONB which is required by national and local planning policies.

In addition, whilst the JLP is emerging and has not yet been adopted, the issue of housing need is of some material weight in this decision. The proposed 6 bedroom detached house, in no way meets the local need for smaller 2 – 3 bedroom properties which has been identified as being needed in this area.

As a result the application is 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:

West Devon Borough Council Core Strategy 2011

SP1 – Sustainable Development
SP6 – Density of Housing Development
SP7 – Strategic Distribution of Housing
SP9 – Meeting Housing Needs
SP11 – Rural Regeneration
SP17 – Landscape Character
SP19 – Biodiversity
SP20 – Promoting High Quality Design
SP21 – Flooding
SP24 – Sustainable Rural Communities

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

NE10 – Protection of the Countryside and Other Open Spaces
BE13 – Landscaping and Boundary Treatment
BE19 – Development on Contaminated Land
H28 – Settlements with Defined Limits
H31 – Residential Development in the Countryside
H32 - Residential Development in the Countryside
H33 - Residential Development in the Countryside
H37 – Meeting Local Housing Needs in Rural Areas
H38 – Conversion or Redevelopment of Larger Dwellings
H39 – Redevelopment of Single Residential Plots
T9 – The Highway Network
PS2 – Sustainable Urban Drainage Systems
PS3 – Sewage Disposal

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 joint councils are waiting to hear from the Planning Inspectorate (PINS) regarding the next steps. Until PINS provide an update, the JLP councils are unable to commit to a timetable for

adoption. 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 -: 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

TTV31 Development in the Countryside

DEV1 Protecting amenity and the environment

DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area

DEV10 Delivering high quality housing

DEV20 Place shaping and the quality of the built environment

DEV24 Landscape character

DEV27 Nationally protected landscapes

DEV28 Protecting and enhancing biodiversity and geological conservation

DEV30 Trees, woodlands and hedgerows

DEV37 Managing flood risk and Water Quality Impacts

Neighbourhood Plan

There is currently no Neighbourhood Plan in place in this area.

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.