

## PLANNING APPLICATION REPORT

**Case Officer:** Gemma Bristow

**Parish:** Harberton **Ward:** West Dart

**Application No:** 0573/19/PIP

**Agent/Applicant:**

Mr Liam Nally  
Wilma  
Woodcourt Road  
Harbertonford  
Totnes  
TQ9 7TY

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Wilma  
Woodcourt Road  
Harbertonford  
Totnes  
TQ9 7TY

**Site Address:** Wilma, Woodcourt Road, Harbertonford, Devon, TQ9 7TY

**Development:** Application for permission in principle for one new dwelling

**Reason item is being put before Committee**

The application requires consideration by Committee due to the family relationship of the applicant and a member of staff of the Council.



**Recommendation:**

Refusal

**Reasons for refusal**

By reason of its location within the countryside outside of the urban edge of Harbertonford, the proposed dwelling would harm the intrinsic rural characteristics of this location, and it has not been demonstrated it would respond to a proven agricultural, forestry and other occupational need that requires a countryside location or meet identified local needs of local community, contrary to policies TTV25, TTV26 and DEV23 of the Joint Local Plan 2019.

**Key issues for consideration:**

The application is made under the provisions of the Town and Country Planning (Permission in Principle) (Amendment) Order 2017, which came into force on 1<sup>st</sup> June 2018. This amends the Town and Country Planning (Permission in Principle) Order 2017 to allow Local Planning Authorities to grant permission in principle on receipt of a valid application for housing-led development.

The Local Planning Authority are tasked with considering whether the location, land use and amount of development are acceptable in accordance with the relevant policies in the Development Plan unless there are material considerations, such as those within the National Planning Policy Framework and national guidance, which indicate otherwise.

The Planning Practice Guidance states: "The scope of permission in principle is limited to location, land use and amount of development. Issues relevant to these 'in principle' matters should be considered at the permission in principle stage. Other matters should be considered at the technical details consent stage." The terms of a permission in principle may only include the site location, type and amount of development. The Local Planning Authority can inform applicants what they expect to see at the technical details consent stage, but cannot impose planning conditions.

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**Site Description:**

Site comprises the residential curtilage of the dwelling known as Wilma, located on the north side of Woodcourt Road to the east of the village of Harbertonford. Woodcourt road comprises a residential lane serving a number of properties and terminates at Woodcourt Farm. The site is within 200m of the village hall and approximately 500m from the post office and public house. Woodcourt Road is a narrow single-track unlit lane.

**The Proposal:**

Application for permission in principle for one new dwelling on a 0.1ha site.

**Consultations:**

- County Highways Authority                      standing advice
- Environmental Health Section                      No objection
- Town/Parish Council                              No objection, but has serious concerns about traffic, access and impact on flooding and would require provision of a construction management plan for any future development
- Specialist drainage officer                      Standing advice
- Specialist Strategic planning                      Objection

The site is well beyond the edge of settlement, and whilst I note that it is adjacent to buildings that have an existing residential use, the proposal site is on the western side of the existing buildings, and therefore relates more the countryside character beyond than with any built form.

The application references TTV30 as justification for why the proposal should be considered acceptable. However, the policy explicitly references proposals within Sustainable Villages may be supported as they will make a contribution to indicative housing numbers in figure 5.8. This site is not within the village, not within the historic development boundary nor can it be considered

to form a contiguous part of the built form of the village. As such, this proposal does not accord with the provision of policy TTV30.

The addition of a new building in this location would introduce a form of development incompatible with the rural character around the proposal site, and would create an unacceptable pattern of development well beyond the edge of settlement. As such, I am unable to support this proposal.

**Representations:**

4 letters of support on the following grounds:

- Would not negatively impact the rural setting
- New housing would improve the vitality of the village
- Accessible location

**Relevant Planning History**

23/1156/75/1 Erection of one dwelling. Refused Nov 1975

**ANALYSIS**

In a Permission in Principle application the matters officers have to consider are limited to whether the location, land use and amount of development are acceptable in accordance with the relevant policies. If permission were granted at this stage, officers would inform the applicant of what matters then required technical detail applications. While this approval route appears very similar to an Outline application, members should be aware that it is not possible to impose conditions, as these matters are intended to be dealt with a technical detail stage.

There are certain limitations set out in the relevant Order. For the avoidance of doubt the proposed development is not:

- (a) Major development
- (b) Habitats development
- (c) Householder development
- (d) Schedule 1 development

The proposed development is not considered to be Environmental Impact assessment development.

Location:

This site is located on the western side of the village of Harbertonford which is a defined sustainable village within policy TTV1. It is within 200m of the village hall and within approximately 500m of the village post office and public house which are all within what is considered reasonable walking distances as defined by table 3.2 which supports policy SPT2. While Woodcourt Road is a narrow unlit single-track lane, future occupiers would only have to walk a 230m approximate stretch before getting to road overlooked by other dwellings and the number of vehicles using Woodcourt Road is considered limited by the number of dwellings it serves. The site is therefore considered to provide reasonable access to local education, services and jobs in compliance with SPT1(2)ii and SPT2 on providing reasonable access to public transport, walking and cycling opportunities.

Policy TTV26 seeks to protect the special characteristics and role of the countryside. While the site is located within the residential curtilage of the dwelling of Wilma, it is located on the western side further away from settlement of Harbertonford and so is considered to relate to countryside rather than the built up area of the village. As you walk down Woodcourt Road away from the village centre the adjoining buildings have a tight urban form until one gets to Riverside Barn to the north and little further on Grey Slate barn to the south. At this point the single-storey village hall sits below the road level to the north and beyond it one sees a patchwork of Devon fields on land rising away from the village. Once beyond the village playing fields, the sense is that you are leaving the village and entering the countryside with an agricultural field to the north of the narrow lane and woodland on land rising to the south.

While the existing two properties of Wilma and The Studio are located just 200m to the west of the village hall and the dwelling would be set within an already well defined residential garden, they are set back from the lane and so the rural setting is maintained in this location. While at this stage no details are required of the size of the dwelling proposed, it is considered any new dwelling in this location would result in a harm to the rural countryside setting. In addition, the dwelling is not proposed to respond to a proven agricultural, forestry and other occupational need that requires a countryside location and so is contrary to policy TTV26.

Policy TTV25 states that support will be given to proposals that meet the;

*'identified local needs of local communities and development which responds positively to the indicative housing figures set out in Figure 5.8.*

The indicative number of new houses for Harbertonford is 30, however the Neighbourhood Plan is currently not at a stage that can be given weight. While the supporting statement to the application makes reference to the application meeting identified local needs, it does not specify what specific local needs it would address. The proposal is therefore considered contrary to policy TTV25 as it has not been demonstrated that it would address identified local needs of local community.

#### Use:

Notwithstanding the issues raised on location, it is considered a new dwelling in this location would be an appropriate use and could be designed in this location to prevent loss of amenity to the adjoining dwelling of The Studio and Wilma.

#### Amount of Development:

It is considered the red line site area could reasonably accommodate a single dwelling were the development to be considered acceptable in all other respects.

#### **Conclusion**

The site is considered to be reasonably accessible to the services and facilities within Harbertonford, although acknowledging the walking route would involve an approx. 230m section of unlit single-track lane without any natural surveillance. Nevertheless, while walkable to the centre of the village, the site is divorced from the clear urban edge of the settlement that is nucleated around the centre and so is considered countryside. By introducing a dwelling and the associated residential paraphernalia into the intrinsically rural setting it is considered it would harm the special characteristics of the countryside in this location.

Permission in principle is therefore recommended to be refused.

***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. For the purposes of decision making, as of March 26th 2019, the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts South Hams and West Devon within Dartmoor National Park) comprises the Plymouth & South West Devon Joint Local Plan 2014 - 2034.

Following adoption of the Plymouth & South West Devon Joint Local Plan by all three of the component authorities, monitoring will be undertaken at a whole plan level. At the whole plan level, the combined authorities have a Housing Delivery Test percentage of 166%. This requires a 5% buffer to be applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 6.5 years at the point of adoption.

Adopted policy names and numbers may have changed since the publication of the Main Modifications version of the JLP.

The relevant development plan policies are set out below:

**The Plymouth & South West Devon Joint Local Plan was adopted by South Hams District Council on March 21st 2019 and West Devon Borough Council on March 26th 2019.**

SPT1 Delivering sustainable development  
SPT2 Sustainable linked neighbourhoods and sustainable rural communities  
SPT3 Provision for new homes  
TTV1 Prioritising growth through a hierarchy of sustainable settlements  
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area  
TTV25 Development in the Sustainable Villages  
TTV26 Development in the Countryside  
DEV1 Protecting health and amenity  
DEV2 Air, water, soil, noise, land and light  
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  
DEV23 Landscape character  
DEV26 Protecting and enhancing biodiversity and geological conservation  
DEV28 Trees, woodlands and hedgerows  
DEV29 Specific provisions relating to transport  
DEV30 Meeting the community infrastructure needs of new homes  
DEV31 Waste management  
DEV32 Delivering low carbon development  
DEV35 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.