

PLANNING APPLICATION REPORT

Case Officer: Jacqueline Houslander
Buckland Monachorum

Parish: Buckland Monachorum **Ward:**

Application No: 0811/21/FUL

Agent/Applicant:

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Applicant:

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Site Address: Axtown Lodge, Green Lane, Yelverton

Development: Proposed single-storey dwelling with associated landscaping, including provision of Devon bank and tree planting



Reason application is at Committee: The Head of Development Management has exercised his discretion to refer the application to the Committee.

Recommendation: Refusal

Reasons for refusal:

1. The proposed development is located in the countryside, outside of any defined settlement, without sufficient essential justification or access to basic services and facilities, contrary to Policies SPT1, SPT2, TTV1 and TTV26 of the Plymouth and South West Devon Joint Local Plan and paragraphs 7, 8, 79 and 80 of the NPPF 2021.
2. The proposed dwelling would lead to a change in character to the site, harmful to the rural landscape within which it sits, contrary to policy DEV23 of the Plymouth and South West Devon Joint Local Plan and para's 174 of the NPPF 2021
3. The proposal for a 3 / 4 bedroom dwelling fails to meet the local housing needs and that of the District for smaller dwellings and for those with specific needs as outlined in Policy DEV8 of the Plymouth and South West Devon Joint Local Plan and para. 78 of the NPPF 2021.
4. The proposal does not provide sufficient carbon reduction measures, in line with the energy hierarchy and contrary to policy DEV32 of the Plymouth and South West Devon Joint Local Plan, and para. 154 (b) of the NPPF 2021.
5. The proposal to introduce a new dwelling in this location which lies within the Zone of Influence of the Tamar Estuaries SAC, with no mitigation proposed, creates the potential for harm to the integrity of the European site contrary to policy DEV26 of the Plymouth and South West Devon Joint Local Plan and para. 174 of the NPPF 2021.

Key issues for consideration:

Location of development

Sustainability of location

Impact on landscape

Impact on the Tamar Valley AONB

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

As part of the Spending Review 2020, the Chancellor announced that there will be a further round of New Homes Bonus allocations under the current scheme for 2021/22. This year is the last year's allocation of New Homes Bonus (which was based on dwellings built out by October 2020). The Government has stated that they will soon be inviting views on how they can reform the New Homes Bonus scheme from 2022-23, to ensure it is focused where homes are needed most.

Site Description:

The site is a paddock, situated adjacent to Green Lane, which runs between Roborough Down and Milton Coombe. The site is separated from the lane by a hedge/bank with a number of trees within it.

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, along Green Lane. (nine in total) on the northern side of Green Lane. 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 lies in the countryside with the edge of the group of houses known as Axtown to the east. 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. There is no vegetation on the site, or surrounding it on 3 out of the four sides.

There is no development on the southern side of Green Lane opposite this site. There are 7 properties along the southern side of the road towards the east, comprising large dwellings in large plots.

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. This would involve the loss of part of the Devon Bank and the vegetation and trees upon it.

The proposed dwelling is single storey, with a mono-pitched roof, set into the land along the southern edge of the site. It is a rectangular building, with a protruding slightly lower section extending westwards from the rectangle, which accommodates the open plan lounge, dining and kitchen area. There are 3 bedrooms a family bathroom and ensuite to the master bedroom, a study and linen store along the eastern side of the rectangle together with a double garage at the far southern end of the rectangle. A cloakroom/shower room and utility room are in the south west of the building, which leads to the open plan area.

Materials are proposed as: Timber Cladding, stained Black and / or vertical trapezoidal metal cladding with black PPC finish on the elevations of the rectangular part of the building and partly on the front curved element, but otherwise the walls on the front section are proposed as living walls. The roof is proposed as, Intensive 'Green' roof with wildflower planting and zinc flat roof to lower roof area (light grey finish). Windows and doors are proposed as PPC aluminium, in dark grey.

A landscape appraisal was submitted, which identifies some negative and some positive and some neutral effects. In order to mitigate the impacts the following proposals for landscaping are provided:-

- *retain and improve the important existing hedgerows on the site boundaries S,W and E.*
- *retain any historic stone wall field boundaries where extant, repair and infill to match where necessary.*
- *build new local dry stone retaining walls, with hedge bank above to the entrance of the site, ensuring a tight access that still meets highway visibility splay onto lane.*

- *Plant oak saplings and new native hedge species in the realigned hedge bank either side of the new entrance.*
- *supplement E boundary with linear woodland belt to cloak/envelope the development, planted at a high density of 2000crs. to achieve mutual nursing and rapid growth, to be selectively coppiced when required to maintain a varied canopy height (on a circa 10 year rotation) allowing tree species to grow to maturity.*
- *plant a new hedge bank along the N boundary with trees to filter views from the N; and frame views from the house.*
- *plant a mixed fruit orchard along the W boundary to promote biodiversity, screen house from paddock and vice a versa: and provide a strong, 'vernacular' backdrop to the house.*
- *a mixed fruit orchard, meadow and woodland will help to increase diversity of invertebrates, including bees which enhances the aims of the AONB.*
- *seed wild shade tolerant flora mixes beneath woodland to promote biodiversity (accepting that soil fertility will be higher than optimal due to the needs of dense woodland and notch planting.*
- *scarify and sow wild meadow grasses and perennials amongst existing grasses in the meadow to improve diversity of sward. Allow for the same treatment of grass within orchard area.*
- *the building has been recessed/sunken rather than upstanding; and with a single pitch wildflower turf roof, has a minimal footprint and roof that blends with the surrounding meadow.*
- *building materials are natural, neutral and recessive.*
- *install SUDS permeable gravel placed in situ for access drive and parking. Flatter areas near the house can be 6mm gravel over 150mm compacted base, seeded at the edges with meadow grasses.*
- *bi-weekly mow internally to lawn zones.*
- *Cut meadow twice a year in February and July.*
- *no installation of garden lights.*
- *manage noise emitting sources locally to avoid diluting rural tranquility."*

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.

Consultations:

- **County Highways Authority:** Standing Advice
- **Environmental Health Section:** The applicant proposes a package treatment plant but an old version of the FDA 1 form has been used and no details of the plant have been included. Furthermore question 1 on the form has not been answered properly, and a map showing the location of the nearest public sewer has not been provided. Connection to the main sewer must be the preferred option if one is reasonably available. A drainage plan appears to show a drainage field soakaway and the percolation tests have been carried out. Once a properly completed form has been provided plus the details requested we would be pleased to comment again. We have no other environmental health concerns with respect to planning.

- **Parish Council:** Buckland Monachorum Parish Council considered the application and resolved to OBJECT on the basis that:
 - It fails to address the longstanding imbalance in the parish housing stock
 - The Parish's affordable housing need is being met by the recent approval of housing at Abbey Fields in Crapstone and by recent development at Briar Tor.
 - the JLP mandates that the AONB is given the 'highest level of protection' and a green field development on the extreme edge of Yelverton's established settlements fails to meet this test.
 - the Authority has a 5 year Land Supply and there is no need for such development
 - DNPA's local plan has identified sites around Yelverton more suited to the future supply of housing when it becomes necessary.
 - if approved, it would be difficult to prevent further development in similar areas thereby causing cumulative damage to the character of the APNB.

- **Drainage:** No objection, suggest conditions on installation of drainage scheme.

- **Tree Specialist:** No objection on arboricultural merit subject to the noted documents being made approved plans if consent follows

- **Tamar Valley AONB unit:** This application has been subject of extended pre-application advice between the applicant and the TVAONB on matters of detail relating to the landscape impacts upon the AONB.

The TVAONB notes that both its response to the LPA's formal pre-application and the informal direct pre-application advice of the TVAONB has been included and is viewable on the website.

Given the detail within those pre-application responses and that the scheme as submitted is the same as has been presented at the pre-application stage, there is little to be added to those comments.

The application as submitted contains the relevant information requested by the TVAONB such as a proportionate landscape visual impact assessment and detailed plans and imagery to show the proposed landscape enhancements as well as the overall visual impacts of the development over time.

During the pre-application the TVAONB requested that the following issues be addressed;

1. Landscape character impacts to be lowered and enhancements made to the existing baseline. Adherence to the primary purpose of the AONB.
2. Design of dwelling to be low scale and visually recessive.
3. Landscape led approach to be taken to ensure the site has a more naturalised landscape inclusive of the curtilage/garden areas.
4. The development should seek to enhance the biodiversity of the site through its landscape and design approach.

The final pre-application designs indicated that these issues had been suitably addressed and the TVAONB notes that the current submission does not differ to that as previously shown and to which the TVAONB did not object.

The TVAONB notes that the current submission has taken a landscape led approach to considering the impacts of the dwelling and to provide suitable strategies to address its landscape context and to seek to positively respond to the primary purpose of the AONB.

Overall the TVAONB feels that the scheme has been well considered and has given suitable regard to the need to both conserve and enhance the AONB landscape.

The TVAONB therefore can confirm that it has no objections to this development given the lack of significant negative landscape visual and character impacts and considering the

Representations:

Representations from Residents

24 letters of objection to the proposal have been received. The concerns are summarised below but can be read in full on the website.

- unsustainable location (reliance on the private car, lack of footpaths and community facilities within walking distance etc.);
- the Council can currently demonstrate a 5 Year Housing Land Supply;
- the proposal is not contributing towards delivering much needed affordable housing;
- one three-bedroom property does not justify or meaningfully address a wider/much larger problem of a deficit of 3 bedroom properties within the area and the referenced imbalance in housing stock
- one house cannot justifiably and meaningfully contribute to the enhancement and maintenance of the vitality of this rural community
- the design of the scheme is not demonstrated to be of such high quality as to warrant its approval on the grounds that it would enhance this important landscape

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 Monachorum

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 dismissed on the field directly opposite the appeal site, which is also relevant to the consideration of this site.

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

Reason for refusal:

1. 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.”

The applicant has also made reference to a site nearby where the development has been approved. The application (3390/17/OPA) for a single detached dormer bungalow was recommended for refusal by the planning officer and was refused for the following reason:

- 1. By reason of the sites location , isolation from services and absence of essential agricultural, horticultural or forestry need, the development constitutes a new inappropriate residential intervention into the countryside which fails to provide safe and suitable access for all and would foster the growth in the need to travel by private car. 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, 17, 32, 34, 35 and 55 of the National Planning Policy Framework.*

In this case the Inspector allowed the appeal. The Inspector considered the main issue with the application was: *“The main issue is whether the appeal site is a suitable location for a dwelling, with particular regard to accessibility to services.”*

The circumstances of this case are slightly different to the application currently before us, in that the proposed dwelling was to be located in the garden of an existing property and was at the end of a cul de sac. The current application does not benefit from being in a cul de sac, with properties around it. It is a field with associations with the open countryside which surrounds it on 3 sides.

The Inspector states: *“In my view, the cluster of development comprising Moorland Court, even taken together with the more loose-knit development in its immediate environs including at Axtown, does not amount to a village. However, I consider that this particular cluster of dwellings is sufficient to ensure that the new dwelling would not be far away from other places, buildings or people and so to my mind the appeal site does not constitute a remote or isolated location in the context of paragraph 55, albeit it is in a generally rural location and the cluster sits clearly within the defined countryside.”*

The Inspector therefore accepted the dwelling on the basis of the Braintree definition of isolated development and concluded that because of the cluster of dwellings within which the development was proposed it was not isolated.

The Inspector also examined 11 Moorland Court in relation to the accessibility of local services and facilities and commented on the availability of public transport routes....*“I....consider that there would be reasonable accessibility from the site to local services a short journey away in Crapstone and Yelverton. There is also reasonable scope for some journeys to be undertaken by foot, bicycle, bus, or by taxi, which was also identified as a public transport mode in the context of Policy T5, albeit overall reliance on the private car would be likely.”*

Strangely, the Inspector felt that the use of the private car was an acceptable means of transport in this location, given the limited abilities to walk, cycle or use the bus. What is also pertinent about this case is that at the time West Devon could not demonstrate a 5 year housing land supply, and so as such the housing policies in place at the time carried limited weight. With the adoption of the JLP in 2019, that is not the case now. There is currently a 5.9 year housing land supply and the JLP has allocated sufficient sites for housing in the Plan area.

Since this time there has been further case law in relation to the issue of 'isolated'. The 'Bramshill ruling' (which it has come to be referred to) has a broader definition of isolated and suggests that "*isolated dwellings in the countryside simply connotes a dwelling that is physically separate or remote from a settlement. Whether a proposed new dwelling is or is not "isolated" in this sense is a matter of fact and planning judgment for the decision-maker in the particular circumstances of the case in hand.*"

The issue then to be considered is whether the line of houses along Green Lane can be described as a settlement or village and in relying on the Bramshill ruling, officers would conclude that it is not. The site and Green Lane as a whole are "*remote from other settlements and villages and surrounded by open countryside*".

Is the site isolated, using the Braintree ruling the answer would be no, using the Bramshill ruling it would be down to the decision maker to make the judgement on the basis that it requires development to be separate to or remote from a settlement.

ANALYSIS

Principle of Development/Sustainability:

The principle of the development proposed must be assessed against the strategic policies within the Plymouth and South West Devon Joint Local Plan (JLP), policies SPT1 and SPT2 and TTV1. The planning history of refused applications and dismissed appeals on this site and the site on the opposite side of Green Lane are also material planning considerations.

With regard to SPT1, the policy requires development to meet the 3 fundamental principles of sustainable development – economic, social and environmental. In economic terms the benefits of the scheme would be limited to the jobs provided in constructing the dwelling. The Planning Statement indicates that the proposal is providing for an acknowledged local housing need by being a 3 bedroom dwelling rather than a 4 bed dwelling. This aspect of the proposal will be discussed later in the report, but the applicant argues that the provision of a 3 bed house would be a community benefit.

Beyond that there are no specific economic benefits that arise from this proposal. The environmental considerations will be discussed later in the report and in terms of the social benefits, it will add a dwelling in an unsustainable location where facilities do not exist and there would be a reliance on the private car to access such facilities.

SPT2 provides criteria which sustainable settlements should adhere to. In this case the dwelling is located in the countryside, albeit there are dwellings to the east, but have no status in the JLP.

Policy TTV1 in the Plan provides a hierarchy of settlement types in the Thriving Towns and Villages Policy Area. The proposal site would fall into the 4th tier of the hierarchy where the policy states, "*Smaller villages, Hamlets and the Countryside - where development will be permitted only if it can be demonstrated to support the principles of sustainable development and sustainable communities (Policies SPT1 and 2) including as provided for in Policies TTV26 and TTV27.*"

With regard to SPT1 and SPT2, officers consider that the location of the site is a concern. It is acknowledged that the pre application response for this proposal identified the villages of Crapstone and Yelverton and their services and facilities to be close by. However the

probability of people walking along Green Lane in either direction to carry out shopping or access any other services is low – there is no pavement or street lighting along the lane. It is therefore highly likely that the private car would be used.

Figure 3.2 in the supporting text for Policy SPT2 provides a table indicating the approximate distances for a site to be considered to be in a sustainable location. Yelverton village centre is 1.6km away. Figure 3.2 indicates a convenience shop should be within 800m. The site is double the distance away along a narrow lane with no pavements and then along an A road with no pavements.

The distance to the Post office at Crapstone is further at 2.4 km. The nearest Primary School is located in Buckand Monochorum, which is approximately 4.2km away and yet the table in Fig.3.2 suggests that it should be 800m. Whilst it would not be possible for sites to comply strictly with all of the distances in table 3.2, they are a useful guide and in this case the distances are much further than the guidance allows.

The location of the site therefore fails to meet policy SPT2.

Reference is made by the applicant and also in the pre app response letter to the fact that some development in rural villages could help support other villages. The key phrase in that statement is 'some development in rural villages could help support other villages' The application site is not within a rural village. It is in the countryside. The emphasis of that phrase is therefore to accommodate housing in a rural village with fewer facilities in the knowledge that there are one or two rural villages nearby which in combination provide the facilities needed. Not to support houses in the countryside with no justification in the knowledge that there are villages nearby with some facilities.

Policy TTV27 relates to the provision of exception sites, where the dwellings would be primarily for affordable housing. This is not the case here, where the dwelling is for the open market. The development would therefore not comply with policy TTV27.

Policy TTV26 relates to development in the countryside and is divided into two parts, the first being around isolated development and reflects para 79 in the NPPF 2019. As discussed above in the appeal decisions, it is not considered that the site is isolated as there is further development to the east and if using the Braintree definition of isolated it is not far away from people or places. However a more recent decision which had become known as 'The Bramshill Ruling', states...." *the word "isolated" in the phrase "isolated homes in the countryside" simply connotes a dwelling that is physically separate or remote from a settlement. Whether a proposed new dwelling is or is not "isolated" in this sense is a matter of fact and planning judgment for the decision-maker in the particular circumstances of the case in hand.*"

The contentious part of this phrase above will be the emphasis placed on the wording 'physically separate or remote from a settlement.' Because the two component parts of the statement are different; 'separate from a settlement' would suggest anything beyond the built form, whereas 'remote from a settlement' suggests locations that are some way from the edge of settlement. This is a critical distinction, and clearly it is illogical to describe any site beyond the edge of a settlement as being isolated.

A logical hierarchy of site characterisation would suggest that beyond the built form is the countryside, and it is the more remote parts of the countryside that may be described as being isolated. This is reflected in JLP policy TTV26 – Development in the Countryside,

which is made up two parts; the first part applicable to locations considered as isolated, the second part applicable to all proposals beyond the built form of settlements.

In considering Policy TTV26, part 1, the proposed development is not near to a settlement as identified in the JLP. It is not a main town, a smaller town or village or a sustainable settlement. It is however, reasonable to view Axtown as a settlement in its own right (albeit one which has very little by way of services and facilities and nothing to support day-to-day needs). Therefore, whilst the application proposes development that would be beyond the discernible settlement/built up area, it would not be remote from it. It follows that the proposed housing would not be isolated within the understood meaning provided by the JLP.

Part 2 specifies where development in the countryside can be acceptable, crucially, the application does not respond to a proven occupational need that requires development of the site in a countryside location. The application proposes new development on land in the Countryside, beyond existing built form and the discernible built-up area, and no adequate justification pursuant to the policy is given for siting the development in the location proposed. The proposal is contrary to the provisions of TTV26 part 2.

Consistent with policies SPT1 and SPT2, Strategic Objective SO10 provides context and gives effect to policy TTV26, and clarifies what the plan seeks to achieve in Countryside locations. Of particular relevance to this proposal, the strategic objective states:

‘SO10 Maintaining a naturally beautiful and thriving countryside

To protect, conserve and enhance the natural beauty of South West Devon's countryside, and to avoid the creation of new homes development in unsustainable or inappropriate locations.

- 1. Delivering new homes only in areas where there is an identified local need.*
- 2. Protecting and managing the landscape.*
- 3. Contributing to carbon reduction measures by reducing the need to travel...’*

There is no local housing need identified by the applicant that the development is required to meet in the local area or in fourth-tier Countryside locations in general (other than a personal desire to move to the site and a suggestion that the development would help to address an imbalance in existing housing stock¹), which leads to conflict with SO10.1. In light of the rural characteristics of the site, extending into the countryside beyond any existing development, the landscape would not be protected, at odds with SO10.2. Connections to services and facilities in the immediate locality are limited, falling beyond the recommended walking distances set out at Figure 3.2 of the JLP and the routes would require navigation of generally narrow and unpaved, unlit roads, There is not reasonable access to a vibrant mixed-use centre, and the application development would not be well served by public transport, walking and cycling opportunities. This weighs against the proposal when having regard to policies SPT1 and SPT2 (and SO10.3).

The development proposal fails to accord with the development plan as a whole.

In considering locally identified housing need, as described in Policy DEV 8 of the JLP. ONS data for Buckland Monochorum parish indicates that there is a significant over provision of 4 bed detached dwellings and a general under provision of 2 and 3 bed dwellings terraced and semidetached. The proposal is for a detached 3 bedroom dwelling albeit there is also a study which could be utilised as a bedroom. The proposal does not therefore necessarily help to

¹

balance the housing provision in the parish which is heavily weighted towards detached 4 bedroom dwellings.

The SHMNA data identifies a general need across the district for smaller dwellings. 1 and 2 bedroom. The proposal does not meet this general overall need within the Borough. A genuine 3 bedroom dwelling would be acceptable, but in this case there is provision to allow for a 4 bed dwelling and as such it is not in accordance with the locally identified need for this Parish and as such fails to meet policy DEV8 in the JLP.

Design:

The single storey design with the living walls is well considered for the location and the use of the darker timber cladding would help the building to recede rather than stand out and the proposed tree planting which is substantive would ultimately aid the integration of the dwelling into its setting.

Whilst the applicant has clearly worked hard with his architect to design a dwelling which seeks to reduce its visual impact, that is reliant on the growth of the substantial planting proposed which will not provide benefit to the site for many years. Currently and for some time to come the site is an open field with the only landscaping being the sparse planting along the Devon hedge adjacent to the road. The dwelling despite its design will therefore be very prominent in the landscape.

Landscape:

The application site lies wholly within the Tamar Valley AONB. National and local policy places great weight on the designation and development must ensure that it conserves and enhances the special landscape qualities of such areas. Policy DEV25 in the JLP is the relevant policy.

The Tamar Valley AONB unit have been previously involved in pre application discussions with the applicant in relation to the design of the proposed dwelling. As a result of the pre application discussions the TVAONB unit have raised no objections to the proposals, concluding that *“Overall the TVAONB feels that the scheme has been well considered and has given suitable regard to the need to both conserve and enhance the AONB landscape. The TVAONB therefore can confirm that it has no objections to this development given the lack of significant negative landscape visual and character impacts.”*

With this advice the Local Planning Authority can only conclude that the proposal meets policy DEV 25.

In more general landscape terms policy DEV23 is relevant and it also seeks to ensure conservation and enhancement of the landscape within which a development takes place. Whilst images have been submitted in support of the application which indicates high hedges and extensive landscaping, in reality the site currently has very little of that type of landscape around it. It is an open field with a post and rail fence along the north eastern boundary; A sparse hedge between the application site and the stable and sand school to the east; a low hedge with a few trees between Green Lane and the site, and the boundary with The White House is a post and rail fence. The White House on the other side of the lane between the site and Whitehouse does have a slightly higher managed vegetation hedge.

The site is also clearly visible from Green Lane, so again whilst the images submitted show views of the site, the viewpoints chosen are where there is some tree cover as opposed to the majority of the Green Lane boundary which gives clear views of the site.

In addition there are currently no trees within the site. It is very open with views from some distance away of the site. It also slopes towards these distant views, sloping downwards from east to west and south to north.

The proposal clearly proposes a significant amount of landscaping on the site and also around the boundaries of the site, however the landscape proposals would take many years to reach a stage of maturity that would in fact hide the dwelling. So for the immediate future the proposed dwelling and the domestic use of this site would be visible from across the edges of Crapstone and the rural areas to the north east as well as from Green Lane.

Officers are therefore of the view that the proposal will not conserve and enhance the landscape and will in fact be prominent. The proposal does not comply with policy DEV23.

Neighbour Amenity:

The adjacent property The White House is the closest residential dwelling to the application site. The White House is set at a higher ground level than the application site and so certainly as the site stands the occupants of that property are able to look over at the application site. With the addition of the landscaping proposed this opportunity would be reduced significantly.

The distance between the proposal and The White House is approximately 32 metres wall to wall, which is more than sufficient to meet the SPD requirements, relating to loss of privacy or overlooking distances. The fact that the proposal is also single storey and the additional landscaping proposed would mean that there would be no overlooking from the site towards The White House.

There have been a number of letters of representation objecting to the development, on grounds such as: Unsustainable location; no need to add to dwellings in an unsustainable location because the Council have a 5 year housing land supply; one dwelling does not enhance the maintenance of this rural setting; the design is not of such high quality to warrant approval. These objections are relevant to the consideration and it is the case that the Council can demonstrate a healthy housing land supply, with sites allocated in the Plan to accommodate growth over the next few years. As such any sites which come forward as windfall sites, must be fully policy compliant to receive an approval. In this case the development meets some policy requirements but not all. It has also already been demonstrated that the site is in an unsustainable location and that the design whilst well thought out will still be very prominent in the landscape given the current open nature of the site.

Highways/Access:

The proposal involves the provision of a new access to the site from Green Lane. The access would involve the demolition of a section of existing Devon hedge and the plans for the access indicate a bellmouth with the Devon hedge realigned around it. The access proposed has a width of 3.6 m for the driveway and the widest part of the access measures 10.8metres. A visibility splay is also required and this results in more hedgerow loss particularly in the eastern direction.

The highway standing advice for a road with the national speed limit would require a visibility splay of 59 metres in either direction. However when taking the width of the lane into

consideration it is likely that the actual speed of vehicles would be somewhat less. If a speed of 40 mph is considered the visibility splay reduces to between 33 and 39 metres. There is also a grass verge, which accommodates some of the visibility splay. However when considering a lower than the speed limit visibility splay of 39 metres in each direction, the result is still a considerable amount of hedgerow removed to accommodate the access to the site. In highway safety terms the access could be provided, however in visual terms there will be a significant impact on the current hedgerow and trees along the hedgerow. And a significant visual impact on Green Lane at a point when it is intrinsically rural in character.

Drainage:

Surface water run-off from the site is proposed to be dealt with via two new soakaway's on the site. Foul drainage is proposed to be dealt with via a new package treatment on the site. The Council's drainage engineer has no objection to the use of these however requests conditions to ensure they are constructed in strict accordance with the plans if the proposal is approved.

Ecology and Biodiversity

An ecology survey was submitted with the application, which indicates that habitats around the site would provide suitable foraging and commuting habitat for bats and the wider landscape likely to support a varied assemblage of invertebrates, with good food sources for bats. The improved grassland on the site was not considered suitable for foraging bats. No trees or buildings (the stable block was originally surveyed) were suitable for bat roosts.

Breeding birds were not likely to use the improved grass on the site, but may utilise the hedgerow boundaries. Dormice habitat was found near the site boundaries, but none within the site. Improved grass land was not considered suitable for reptiles, but invertebrates would be expected to be commonplace and widespread on the site. There is therefore not concern with regard to ecology impacts and the proposal in part meets policy DEV26.

In terms of biodiversity the applicant proposes to plant a large amount of trees across the site (which currently has none) and so the agent indicates in the planning statement that the proposal will more than meet the 10% increase in biodiversity required by the SPD. However a natural England matrix has not been supplied to demonstrate this.

Climate change:

The proposal includes a fabric first approach to lower the carbon footprint of the building with the degree of insulation of walls and roof far exceeding the requirements of part L of the Building Regulations.(as indicated by the agent in the Planning Statement) Further measures include, the installation of high performance internal water saving fittings; Low energy LED lighting and the potential for the application of an air source heat pump for the property.

Whilst this is not a major development, the paragraph in the planning statement which relates to carbon reduction measures is limited in the extent of measures to be included. The paragraph states that there is potential for an air source heat pump, but not that it will be included. No other measures are noted, such as photovoltaics. The Council now have a checklist which needs to be provided by applicants with specific questions that should be answered in relation to reductions in carbon footprints. This has not been submitted with this application. Officers consider that the fabric first approach is insufficient to meet a policy compliant level of carbon reduction in the development and so therefore the proposal does not meet policy DEV32 in the JLP.

The Neighbourhood Plan draft policy relating to Design indicates that design should be sustainable. As suggested above the sustainability of the design has not been sufficiently demonstrated in the application submission.

Tamar Valley Special Area of Conservation (SAC):

The site falls within the Zone of Influence for new residents have a recreational impact on the Tamar European Marine Site (comprising the Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA). This Zone of Influence has recently been updated as part of the evidence base gathering and Duty to Cooperate relating to the Joint Local Plan. A scheme to secure mitigation of the additional recreational pressures upon the Tamar European Marine Site can be appropriately secured by a unilateral undertaking and this approach has been agreed by Natural England.

In this case no such undertaking has been provided and it has not been requested because of the in principle concerns with the proposal. However should the application be approved an Undertaking would be required for a financial contribution towards the recreational impact of new development on the SAC.

As no undertaking has been provided there would be a reason for refusal associated with this.

Planning balance and conclusion

The proposal fails to meet the policies around the principle of the development within the JLP and so as such is not acceptable.

Whilst the design of the building has been very carefully thought through in order to reduce its visual impact in the AONB, the reality will be that for many years before the vegetation proposed has reached a relative maturity, the building would be very visible from various viewpoints and so from a landscape perspective is considered to be out of character and likely to be harmful to the existing landscape. The proposal equally does not provide for sufficient carbon reduction measures, as required by the planning policy. Additional information is required to demonstrate the biodiversity gains indicated in the document' s and a Unilateral Undertaking would be necessary to mitigate the harmful impacts of new residential development on the Tamar Estuaries SAC. 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.

Planning Policy

Relevant policy framework

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 Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts of South Hams and West Devon within Dartmoor National Park).

On 26 March 2019 of the Plymouth & South West Devon Joint Local Plan was adopted by all three of the component authorities. Following adoption, the three authorities jointly notified the Ministry of Housing, Communities and Local Government (MHCLG)* of their choice to monitor the Housing Requirement at the whole plan level. This is for the purposes of the Housing Delivery Test (HDT) and the 5 Year Housing Land Supply assessment. A letter from MHCLG to the Authorities was received on 13 May 2019 confirming the change.

January 2021 MHCLG published the HDT 2020 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 144% and the consequences are "None".

Therefore a 5% buffer is 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 5.8 years at end March 2021 (the 2021 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2021 (published 12th November 2021).

[*now known as Department for Levelling Up, Housing and Communities]

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

TTV26 Development in the Countryside

TTV27 Meeting local housing needs in rural areas

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

DEV9 Meeting local housing need in the Plan Area

DEV10 Delivering high quality housing

DEV20 Place shaping and the quality of the built environment

DEV23 Landscape character

DEV25 Nationally protected landscapes

DEV26 Protecting and enhancing biodiversity and geological conservation

DEV28 Trees, woodlands and hedgerows

DEV29 Specific provisions relating to transport

DEV32 Delivering low carbon development

DEV35 Managing flood risk and Water Quality Impacts

Neighbourhood Plan: Buckland Monochorum Neighbourhood Plan is at Regulation 14 in the NP process and as such carries very limited weight in any planning decision. However the relevant policies from the draft plan are:

RD2 Windfall

RD5 Design

Other material considerations include the policies of the National Planning Policy Framework (NPPF) including but not limited to paragraphs 2, 11, 78, 79, 80, and guidance in Planning

Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application: Tamar Valley AONB Management Plan.

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.

The above report has been checked and the plan numbers are correct in APP and the officer's report. As Determining Officer I hereby clear this report and the decision can now be issued.

Name and signature:

Date:

<p>Ward Member - Councillor Cheadle</p> <p>Date cleared -</p> <p>Comments made -</p>	<p>Ward Member – Councillor Wood</p> <p>Date cleared</p> <p>Comments made -</p>
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