

PLANNING APPLICATION REPORT

Case Officer: Jacqueline Houslander
Yealmpton

Parish: Newton and Noss **Ward:** Newton and

Application No: 2224/17/FUL

Agent/Applicant:

Deborah McCann
9 Station Road
South Brent
TQ10 9BE

Applicant:

Mr G.S Sayers
Carswell Farm
Holbeton
Nr Plymouth
PL8 1HH

Site Address: The Tea House, Beacon Hill, Holbeton, PL8 1HH

Development: The safeguarding and reuse of the Tea House Beacon Hill as one bedroom holiday accommodation.

Reason item is being put before Committee:

Councillor Baldry wishes the application to be presented to Committee as discussions at both Parish Councils were supportive, and significant local support



Recommendation: Refusal

Reasons for refusal:

1. The proposed development of a holiday unit within the ruins of the Old Tea House is in an unsustainable location with no specific justification in terms of the hierarchy for tourist accommodation as required by Policies CS12 of the South Hams Core Strategy and DP12 of the Development Policies DPD.
2. The proposed development within an undesignated heritage asset in the area designated as Heritage Coast would harm the character of the asset, and the surrounding area, such that it would not serve to conserve and enhance the historic environment; it will privatise the asset, will create light pollution in an otherwise dark environment; and would intrinsically change the asset and its setting contrary to policy CS9 of the South Hams Core Strategy, Policy DP6 of the Development Policies DPD and Policies DEV 21 and Dev 22 of the emerging Joint Local Plan
3. The proposed development lies within the South Devon AONB, where great weight is given by to the preservation and enhancement of these designated areas. The proposal would harm the undeveloped nature of this part of the coastal environment and ultimately domesticize it which would be detrimental to the special qualities and character of the area, contrary to policy CS9 of the South Hams Core Strategy, policy DP2 of the Development Policies DPD, the NPPF and the emerging Policy DEV27 in the Joint Local Plan as well as policies within the South Devon Area of Outstanding Natural Beauty Management Plan (Lan/P1; Lan/P4; Lan/P5; Lan/P6).
4. The teahouse lies within an area designated as undeveloped coast and the proposed alterations would change the nature of the undeveloped coast and cause harm to the landscape, by adding a form of development in an otherwise undeveloped and unspoilt part of the coastline, contrary to Policy DEV24 and Policy DEV25 in the emerging Plymouth and South West Devon Joint Local Plan.

Key issues for consideration:

The impact of the development on the undesignated heritage asset

The acceptability of the proposal in relation to the tourism policies

Impact on the AONB

Impact on the undeveloped coast and heritage coast

Impact on the south west coast path

Site Description: The site is a ruined building located on a prominent headland along the South West coast path. There is no vehicular access to the site. A footpath exists from the nearby road. The land forms part of the organic dairy farm known as the Carswell Estate. The farm has other forms of holiday accommodation within it.

The site is on the South West Coastal footpath, lies within the South Devon Area of Outstanding Natural Beauty, is designated heritage coast and the ruins are an undesignated heritage asset. The structure sits on an area of raised ground, above the coastal footpath.

The Proposal:

The proposal has been described by the applicant as the consolidation and safeguarding of the existing Tea House and the creation of additional subterranean accommodation to provide a modest one bedroom holiday unit. The proposal involves creating a new weather proof envelope which will sit within the ruin, below the existing stone top walls and set back off the existing inner masonry. It will be

constructed from a mixture of light deflecting baffles and flat gun metal grey form. The access and secondary accommodation are all subterranean.

The applicant has submitted a design and access statement which describes the proposal as follows:

“Above ground the structure remains

The new weatherproof envelope sits within the ruin, below the existing stone top walls and set back off the existing inner masonry

A combination of louvered light deflecting baffles and flat gun metal grey form in essence a floating box which slides between the four stone corners

The access and secondary accommodation are all subterranean and hidden from view, the silhouette, skyline and form of the ruin remains unchanged

Issues identified – ecology, AONB, light pollution, services and servicing, non-designated heritage asset

The proposal is approached via a footpath from the north and follows the contour of the headland. The path remains at a 96.5 m level for the final approach to the ruin and its point of arrival to the rear is therefore hidden (being circa 2.5m below the surrounding ground level of the structure).

The below ground construction is designed as a series of interconnected volumes, positioned to mitigate disturbance of the existing structure during construction. The volumes are incidentally lit from above by ground level toughened glass openings which in themselves are virtually hidden within the surrounding coastal flora and fauna.”

A Landscape and Visual Impact Assessment has also been carried out in support of the proposal. It concludes:

“Having analysed the various component parts that form the landscape and visual aspects of the site, and reviewed relevant planning policy, it is concluded that the site could successfully accommodate development of the proposed scale.

Careful consideration has been given to the layout, design and mitigation proposals which have been assessed within this report and indicate that the proposed mitigation will successfully eliminate the majority of identified significant adverse landscape and visual impacts.

The development offers an ability to showcase exemplar, high quality and highly innovative design within a sensitive landscape setting with truly minimal impact. In addition, the development of this dwelling will provide social landscape and biodiversity benefits to the users of the South West Coast Path, the local community and its surrounding environs through the retention, preservation and reuse of a historic structure. Given the scale of the proposed development it is considered that the effects identified and concluded in this assessment are appropriate in terms of landscape character and visual impact.”

An extended phase 1 Habitat Survey and Bat monitoring report was also submitted in support of the proposals. It concludes: Although care needs to be taken during the construction phase, the biodiversity of this part of the South West Coast Path could be increased as a result of the scheme and that there are no bats using the existing ruin as a roost. There would be no impact on any bat activity within the area as a result of the proposal, although the importance of controlling any light pollution from the use of the proposed holiday accommodation was highlighted.

A heritage report was also submitted in support. It concludes:

The Tea House is not a listed building but has been considered for the purposes of the report as an undesignated heritage asset. Two archaeological investigations into the history of the site have been carried out and their reports form part of the supporting documentation for this application.

Impact on fabric and appearance; the repair of the surviving fabric would secure its long term preservation; the proposal involves a modern predominantly glazed pod. This would have very little impact on the historic fabric, but would subtly change the buildings appearance. The chosen design approach allows the ruinous walls to be expressed as they are, with the modern structure set within them.

Impact on aesthetic significance: Care has been taken to conserve and express the simple form of the ruin and to contrast this with the modern accommodation pod. This has been met with critical acclaim

elsewhere – e.g. Glencoe Hall Cumbria, or the Dovecote Studio at Snape Maltings, Suffolk, both having received architectural wards.

Impact on setting and community significance: There would be some impact on the setting and the coast path, however the changes to the space would be kept to a minimum. Great care has been taken to hide any potential domestic paraphernalia below ground in order that the impact is kept to a minimum. Once construction work was completed, there would be no access to the site for motorised vehicles. The proposal has been carefully designed to avoid light pollution. Intensive activity would be confined to the basement and the upper living space would be lit using low lumen lamps, equivalent in brightness to candles. The impact on the setting of the listed Eastern Lodge would be minimal because of the distance between the two buildings.

Additional information has been submitted recently indicating the intent to serve tea and cake at the premises for 3 days a week, see below:

“Tea and Cake at The Tea House:

Walkers and Tea House guests will be able to stay at The Tea House for either one or two nights’ maximum.

Changeover days will be Monday, Wednesday, Friday and Sunday for the two night stays.

Guests will therefore stay on Monday and Tuesday nights, Wednesday and Thursday nights or Friday and Saturday nights.

On changeover days, guests are requested to leave by 10.00 am in order to either continue their walk along the coast path or return to their car at Lambside Farm on foot.

New guests will be able to arrive from 15.00, once again either on foot direct from the coast path or on foot from Lambside Farm.

This will give the cleaning team time to clean, and serve Tea, Coffee, cake and other light refreshments between 10.30 and 14.30 on three days a week, at which point locals and walkers on the coast path will be able to enjoy Tea, Coffee and Cake in the Tea House while enjoying the fabulous views.

There will be a discreet sign on the coast path and also at Tea House cross and Stoke Beach car park.

Locals be able to enjoy and appreciate the continued access to the structure and the overall experience. “

Consultations:

- County Highways Authority: Standing Advice
- Environmental Health Section: No comments
- Town/Parish Council; Holbeton: No comments to make
Newton and Noss Parish Council No objections
- County Archaeological Officer:
The proposed development will have an impact upon setting of the ruinous historic building here and groundworks have the potential to expose archaeological or artefactual material associated with the use of the building. This building has been variously interpreted as a Napoleonic signalling station or a ‘pleasure house’ a building from which to appreciate the landscape.

For this reason and in accordance with paragraph 141 of the *National Planning Policy Framework (2012)* I would advise that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95 and English Heritage guidance as set out in ‘*Understanding Historic Buildings: Policy and Guidance for Local Planning Authorities - 2008*’, whereby:

“No development to which this permission relates shall commence until an appropriate programme of (i) historic building recording and analysis and (ii) archaeological monitoring and recording has been secured and implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.

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

Reason

'To ensure, in accordance with guidance in paragraph 3.69 for South Hams Development Policy DP6 and paragraph 141 of the National Planning Policy Framework (2012), that an appropriate record is made of the historic building fabric and archaeological deposits that may be affected by the development.'

Please note that the above wording is a variation of the usually recommended archaeological condition.

I would envisage a suitable programme of work as taking the form of:

- i) A written, photographic and drawn record of the extant building fabric and
- ii) The archaeological monitoring and recording of all groundworks associated with the construction of the new holiday accommodation.

The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report.

- Rights of Way Warden:

The planning application below will have an impact on the South West Coast Path (SWCP) and those who seek to enjoy the unspoilt nature of the location. The historic building can be seen from the coast path and is visited by many people. A change of use to holiday accommodation will affect the amenity of the local vicinity and will impact on the remote and natural surroundings. The site is within the Heritage Coast designation which aims to protect natural landscapes.

Development of the site should not be allowed to impact on the use of the SWCP or adjoining public rights of way.

- Natural Environment and Recreation Team response

	Comments	No objection	Objection	Conditions
	✓			
Landscape Character	✓		✓	
Visual Impact	✓		✓	
Protected Landscape	✓		✓	

Landscape Character and Visual Impact

In considering this application and assessing potential impacts of the development proposal against nationally protected landscapes, in addition to the Development Plan, the following legislation, policies and guidance have been considered:

- Section 85 of the Countryside and Rights of Way (CRoW) Act;
- Section 11 of the NPPF in particular paragraphs; 109 and 114-116;
- The National Planning Practice Guidance (NPPG) particularly Section 8-001 to 8-006 on Landscape; and
- The South Devon AONB Management Plan and its Annexes.

In respect of the principle policy tests in the NPPF, this application is not considered to constitute “major development” in the context of paragraph 116, due to the scale and size of development. However, any effects on the landscape and environment of the AONB should be given great weight in this planning balance.

This application is made with reference to 4046/16/FUL which is of a similar nature and location (east along the same stretch of coastline). The submitted LVIA is noted (AECOM: dated August 2016). The proposed development lies within the highly distinctive, rural seascape of Bigbury Bay. This falls within the Devon Character Area (DCA) 04 – Bigbury Bay, and locally within LCT 1B - Open coastal plateaux. The site itself is close to the boundary of the adjacent LCT 4D – Coastal slopes and combs and just beyond this LCT 4H – Cliffs. The south-west coast path passes within metres to the south and views of the derelict building can clearly be seen on the approaches and skyline.

This landscape is sensitive to change, with the various landscape elements within it contributing to its high quality and scenic beauty. Whilst the proposed development seeks to sit within the ‘ruin’ and below ground, there will be inevitable change that will adversely affect the character and nature of the local landscape. Walkers of the coast path (high sensitive receptors) enjoy expansive views with little or no impact from settlements apart from the occasional ruin or isolated farm as in the proposal, which provide isolation and tranquillity beyond limited development such as Revelstoke. Highlighted in the character assessments, views and perceptual qualities note

LCT 1B

- from rights of way along the coastal edge of this landscape type there are extensive views of the adjoining dramatic cliff landscapes
- most of the LCT is contained within the South Devon AONB, contributing to special qualities including ‘iconic wide, unspoilt and expansive panoramic views’
- the variety and complexity of coastal features and the dynamic nature of the coast provide experiential, historic and natural interest reflected in the Heritage Coast designation

LCT 1D

- Extensive coastal rights of way including the South West Coast Path with steep paths down to beaches. Many areas are owned and managed by the National Trust.
- This LCT falls wholly within the South Devon AONB, including special qualities identified in the AONB Management Plan such as ‘fine, undeveloped, wild and rugged coastline’ and ‘deeply incised landscape that is intimate, hidden and secretive away from the plateau tops’
- Coastal influence in exposure, vegetation and extensive views

Within the relevant landscape character assessments the following specific sensitivities are raised:

LCT 1B

- The iconic unspoilt and expansive panoramic views of the sea and the adjoining dramatic cliffs, from the undulating coastal plateau
- Expansive seascapes under big skies influenced by the changing sea moods and skies
- The seemingly remote, windswept character of the high open plateau, sparsely settled with high levels of tranquillity and in places, where the undulating topography limits light pollution from nearby major conurbations, dark night skies can be experienced

LCT 4D

- the variety and complexity of coastal features and the dynamic nature of the coast provide experiential, historic and natural interest reflected in the Heritage Coast designation
- remote, intimate, sheltered and tranquil qualities

In consideration of the landscape character assessments it can be concluded that this highly sensitive landscape is particularly susceptible to harmful change through development. It is the officer view that the proposed development of this isolated building will result in adverse, harmful change to the existing character and as a result is contrary to current policy because it fails to conserve or enhance

the special qualities. The proposed development lies within the South Devon AONB, where great weight is given by virtue of the NPPF and Development Plan; Policy CS9 of the South Hams Core Strategy seeks to conserve and enhance these designated areas. The proposal would harm the undeveloped nature of this part of the coastal environment. It also conflicts with a significant portion of policies in the South Devon AONB Management Plan (Lan/P1; Lan/P4; Lan/P5; Lan/P6). It is within the undeveloped coast as noted with the emerging JLP.

Officers do not agree with the conclusions of the submitted LVIA which significantly underplay the nature and importance of the building in its current form and the experience of high sensitive receptors walking the SW Coast path. In Table 9, sensitivity to change will remain high, as will the magnitude of change, at the very least medium, after construction because the ruin will have been significantly altered and noticeably changed. Whilst the suggested impacts are noted and with which officers do not agree, visual impact is still noted as significant within the report for a high sensitive receptor. Officers' assess the impacts as being major and therefore contrary to policy.

RECOMMENDATION: Objection

POLICY:

The proposal is contrary to policy CS9 of the South Hams Core Strategy and policy DP2 of the Development Policies DPD.

DP2: Landscape Character

1. Development proposals will need to demonstrate how they conserve and / or enhance the South Hams landscape character, including coastal areas, estuaries, river valleys, undulating uplands and other landscapes, by:

- a. reflecting the needs and issues set out in identified landscape character areas;
- b. ensuring its location, siting, layout, scale and design conserves and/or enhances what is special and locally distinctive about the landscape character (including its historic, biodiversity and cultural character);
- c. avoiding unsympathetic intrusion in the wider landscape, such as detrimental impact on the character of skylines or views from public vantage points and light pollution; and
- d. respecting the unspoilt nature and tranquillity of the area

2. The undeveloped coast (defined on the JLP Proposals Map) will be protected and proposals will be considered against regional policy and relevant local guidance.

Representations from Residents

Comments have been received and cover the following points:

Objections:

- It is in an AONB, the tea house is part of the landscape character
- Safeguarding the existing building could be done with a good stonemason
- The teahouse is a part of the history of the Revelstoke estate. Turning it into a holiday flat is immoral.
- The Tea house has always stood out as a beacon. The fact that it has fallen into disrepair is part of its charm. People picnic next to it, children explore it anyone can access it.
- The agricultural additions of stock proof fencing, barbed wire, it would not be long before the same thing happened to the tea house preventing passers by from approaching it.
- The building is a dramatic and stark landscape feature that enhances the cliff top and AONB. It is of artistic importance and acts a reminder of the history of the area.
- The applicant has previously applied to turn it into a holiday home and it was refused, which is the right decision. Nothing has changed since that decision.
- The letters of support are from many who don't live in the area, who want to rent it. Local people should be heard.
- This is a stunning location and beautiful and should be able to be enjoyed by everyone.
- We need our wild landscapes.

- If this is allowed there would be a rush of other applications for other tea houses, which would then be hard to resist.
- Very little difference in this planning application compared to the one that was recently rejected.
- Regular maintenance would be required, cleaning, rubbish collection. The landmark should be safeguarded through careful restoration.
- Visual impact on the South west Coast Path, Britain's longest National trail. The trails importance to the economy of the south west is enormous.
- Please do not allow this application in such an iconic place.

In support:

- It will become a pile of rubble if left to its own devices, it seems appropriate as it was originally constructed for domestic use that this becomes its future use.
- With the contrast in architectural styles, it may make it a more interesting feature in the landscape.
- The impact on the surrounding area has been kept to a minimum with subtle design and restrictions on vehicular access.
- The applicant already owns several properties in the area and these are all well maintained.
- Ruins are costly to maintain, and whilst no one likes change the Tea House is too important to lose.
- It would be a tragedy if this extremely rare C18th folly was allowed to disappear altogether.
- The plans are sensitive and historically literate and imaginative.
- The renovations will restore the folly to its original purpose, whilst allowing the walls and outline of the building to be enjoyed by visitors.
- Provided no cars are allowed, the footpath is not obstructed and light pollution is prevented, the application should be supported.
- The proposed alterations are entirely in keeping with its original purpose, extremely subtle, with minimal visual or environmental impact.
- Surely people should realise that if the building is not maintained then it will fall further into disrepair thereby losing the local landmark.
- A glass box seems an acceptable compromise.
- The plans are completely in keeping with the original and will help to preserve it for future generations.
- It will enhance the beautiful landscape surrounding it.
- It is important to give the building a use to keep the structure in good condition.
- If it were to fall down it would be tragic.
- It will add to the appeal of the coast path.
- It is an exciting, positive and progressive project.
- The plans appear to maintain the ruined appearance, whilst providing novel accommodation to experience the coastline from.
- If the design is approved it would become a much visited tourist site with real added benefit to the local economy.
- I am in favour of the fact there will be no vehicular access, which will ensure the peace and beauty of the area is maintained.

Relevant Planning History

4046/16/FUL - The safeguarding and reuse of the Tea House Beacon Hill as one bedroom holiday accommodation. Refused 23/03/17

ANALYSIS

Principle of Development/Sustainability:

The principle of this development needs to be considered in terms of its historic interest as an undesignated historic asset; the impact on the landscape; the impact on the AONB and the impact on a Public Right of Way; the creation of a holiday unit in this location.

The site does not lie within a defined settlement boundary as outlined in policy CS1 and so as such is development in the countryside. Policy DP15 seeks to ensure that development in the countryside meets either an agricultural or forestry need or a need which cannot be met in a settlement. The proposed use could be located within any number of nearby settlements and so it cannot be described as essential in this location.

Policy CS12 in the Core Strategy relates to Tourism development. It promotes a sequential approach to the location of tourist development, including tourist accommodation. Town centres being the first location followed by area and local centres; within development boundaries; outside but adjacent to development boundaries and finally elsewhere.

The proposal would clearly fall within the final element of the hierarchy. The location of the tea house is as it is and so therefore no evidence can be provided to justify that the sequential approach has been used to determine the location, such accommodation could be provided in nearby settlements and so the proposal does not accord with Policy CS12.

DP12 in the Development Policies DPD, states that amongst other things that tourist accommodation should be located in sustainable and accessible locations. In this case the location of the proposal is isolated and access to services is only possible by walking along rural lanes with no designated footpaths. The nearest settlement being over 3 kilometres away. The site is therefore in an unsustainable location and inaccessible. In addition there has been no justification put forward that justifies that the accommodation needs a rural location. The only justification possible would be that the ruin is clearly where it is, but as that location has already been identified as being unsustainable, the application is contrary to this policy.

Policies STP1 and TTV31 in the emerging Joint Local Plan for Plymouth and South West Devon are also of relevance to the consideration of this proposal. STP1 Delivering Sustainable Development seeks to ensure that development secures a sustainable future. Criterion 2.iii is relevant to the consideration of this proposal “- *Important cultural and heritage assets are protected for the benefit of current and future generations.*” As is criterion 3.i *Efficient use of land is made for development, reducing the need for greenfield development, protecting natural assets and creating opportunities for viable low carbon energy schemes.*

Whilst not all heritage assets are listed, they still have an important role to play and are thus considered as non-designated heritage assets. In this case the ruins are considered as a non-designated heritage asset and because of the open and undeveloped nature of their location do play an important role in the landscape and can contribute to the protection of the remote and tranquil natural coastal environment.

Policy TTV31 is similar to Policy DP15 referenced above and seeks to ensure that development in the countryside has an agricultural or forestry justification. It is more specific about isolated development in the countryside, and states that it should be avoided and only permitted in exceptional circumstances. Those circumstances being....meeting an essential need for a rural worker to live permanently at or near their place of work in the countryside and maintain that role for the development in perpetuity; securing the long term future and viable use of a significant heritage asset; securing the re-use of redundant or disused buildings and brownfield sites for an appropriate use; securing a development of truly outstanding or innovative sustainability and design, which helps to raise standards of design more generally in the rural area, significantly enhances its immediate setting and is sensitive to the defining characteristics of the local area.

In this case the proposed use would help to secure the long term future and viable use of a heritage asset, however the question to arise from that is whether it can be argued that in doing so, does it significantly enhance the immediate setting and is it sensitive to the defining characteristics of the local area?

Having regard to the Landscape officers concerns, it is considered that the proposal would not enhance the immediate setting, but rather be detrimental to it and it would have an impact on the special qualities of this open, natural area of coastline.

Design/Landscape:

The current ruin lies along the route of South West Coastal Footpath and having consulted with the PROW team they have concerns with regard to the impact of the proposal on the unspoilt nature of the area and the remote and natural surroundings.

The site lies within the area designated as the South Devon AONB. Policy CS9 in the South Hams Core Strategy highlights the importance of Areas of Outstanding natural Beauty and stresses that their conservation and enhancement will be given great weight in the decision making process. In this case the site is along an isolated stretch of coastline which is pleasing because of its remoteness and natural beauty. The imposition of a holiday use would fundamentally change the character of the coastline.

The site also lies within the area designated as Heritage Coast where policy CS9 in the Core Strategy also applies. The policy seeks to protect the historic and natural environment particularly those areas which are protected. It states... *"The character of the undeveloped parts of the coast will be protected and development not requiring a coastal location will not be provided for"*. In addition it also states... *"The quality, character, diversity and the local distinctiveness of the natural and historic environment will be conserved and enhanced. Within identified landscape character areas development will conserve, enhance and where appropriate restore landscape character. Specific landscape, wildlife and historic features which contribute to local character will be conserved and enhanced."*

The landscape officer has assessed the application and has raised an objection to the proposal. It has been assessed with reference to the fact that it is within the AONB and Heritage coast and the undeveloped coast (emerging JLP) as well as the landscape character as defined by the .Landscape Character Assessments (Devon Character Area (DCA) 04 – Bigbury Bay, and locally within LCT 1B - Open coastal plateaux0. From a landscape and AONB perspective the development proposed is unacceptable.

Policy DP6 of the Development Policies DPD, relates to the historic environment. The policy seeks the preservation and enhancement of historic features and environments. The policy seeks to ensure that when new development is proposed the context is respected in terms of design, siting, bulk, height, materials, colours and visual emphasis. The applicant has suggested that the proposal which comprises some considerable underground work and a box of glass and metal work which sits within the ruins achieves that. However it is considered that the impact of the development would severely affect the natural and unspoilt nature of the environment and also the impact on the historic asset would be such that it would become private and not be able to be explored by the general public

The emerging JLP contains a number of policies which are relevant to this proposal from a heritage perspective. Policy DEV21 Conserving the historic environment, seeks to protect and enhance the character and special interest of heritage assets, designated areas and their setting of areas of acknowledged importance, including non-designated heritage assets. It is supportive of heritage led regeneration and encourages developers to see historic and cultural led regeneration as a method to achieve a quality legacy. It concludes that development should make a positive contribution to local character and the enhancement of local distinctiveness.

In this case whilst the application is seeking a positive use for the heritage asset and has attempted to bury the significant proportion of the accommodation so as to reduce the visual impact of it. The

landscape considerations and concerns and the fact that the asset will be private and inaccessible to the public; it will create light pollution; it will inevitably result in other paraphernalia around the building would lead to the fact that the nature of the area would intrinsically change.

Policy DEV22 is also relevant to this consideration. The policy seeks to ensure that development proposals sustain the local character and distinctiveness of the area and conserve or enhance the historic environment, heritage assets and their settings. Criterion 4 is of particular relevance: *Adverse impacts on locally important heritage assets and/or their settings should be avoided. Where proposals are likely to cause substantial harm to or loss of locally important assets, permission will only be granted where the public benefit outweighs the asset's historic or archaeological interest, having regard to the scale of any harm or loss and the significance of the heritage asset. The features of interest should be preserved in situ, but where this is not justifiable or feasible, provision must be made for appropriate preservation by record.*

In this case the heritage asset is of local significance being a non-designated heritage asset, where permission would only be granted if the public interest outweighs the assets historic or archaeological interest.

This asset is clearly of both historical and archaeological significance and the result of the proposal would effectively be to privatise the asset for much of the time, albeit there would be some public access during changeover. The impact of this proposal on the designated landscapes, the potential impact of the setting of the building and the fact that public access to it in its raw form would be removed, leads to the conclusion that it would not be to the benefit of the public to allow for this proposal to proceed.

Criterion 5 does seek to ensure the long term sustainable future for heritage assets, in particular those identified as being of greater risk of loss and decay and that might have a community benefit. The applicant has argued that the ruin could fall into further disrepair if these works are not carried out, however the asset has not been formally identified as being at risk of loss and the use proposed is not one which will provide community benefit other than during the limited hours of changeover for 3 days a week. The primary benefit would therefore be to the landowner. As with the criterion above the public benefit does not outweigh the heritage concerns.

Policies DEV 24 Landscape Character, DEV 25 Undeveloped coast and DEV 27 all relate to the landscape and designations and are all emerging policies in the JLP..

With reference to DEV 24, development should avoid significant and adverse landscape impacts, proposals should respect their scenic quality and maintain a distinct sense of place; conserve and enhance the characteristics and views of the area and be of high quality architectural and landscape design appropriate to its context; be located and designed to prevent erosion of relative tranquillity and intrinsically dark landscapes; restore positive landscape characteristics; be supported by LVIA's that secure the enhancement so proposed developments and seek to avoid, mitigate and where appropriate compensate for residual adverse effects.

The architectural proposal in this case has been sensitively considered, by locating a lot of the development underground, however the appearance of a door in an otherwise wild hillock would be quite obscure and harmful to the existing wildness and undeveloped nature of the area. The erection of a grey box, with glazing which will create a light source in an otherwise unlit area, both will have an adverse visual impact on the landscape character. In addition in order to achieve the underground element of the building some significant excavation would be required which may be shortlived, but would still have an impact on the landscape for some time.

The Landscape officer has reviewed the LVIA which was submitted in support of this application, and concludes that *"Officers do not agree with the conclusions of the submitted LVIA which significantly unplay the nature and importance of the building in its current form and the experience of high sensitive receptors walking the SW Coast path. In Table 9, sensitivity to change will remain high, as will the magnitude of change, at the very least medium, after construction because the ruin will have*

been significantly altered and noticeably changed. Whilst the suggested impacts are noted and with which officers do not agree, visual impact is still noted as significant within the report for a high sensitive receptor. Officers' assess the impacts as being major and therefore contrary to policy. "

In terms of undeveloped coast, policy DEV25 protects the area from any detrimental impacts to unspoilt character, appearance of tranquillity of undeveloped coast, estuaries and the Heritage Coast. It is clear that development will not be permitted except in exceptional circumstances, the first one being that it can demonstrate that it needs a coastal location. So whilst the building is where it is, the use does not require the location. It therefore cannot reasonably be located outside the undeveloped coast. The third relevant criterion refers to whether the proposal protects, maintains and enhances the unique landscape and seascape character and special qualities of the area.

The proposal does not comply with this policy because it is a use which can be provided elsewhere outside of the undeveloped coast; it will impact on the unspoilt character of the coast and it does not protect and enhance the unique landscape and seascape character.

DEV 27 relates to the AONB and is similar to Policy CS9 in that great weight is given to the conservation of the landscape and scenic beauty. That weight is equally given to cultural heritage in AONB's. The policy states development within AONB's should:

- " i. Conserve and enhance the natural beauty of the area.*
- ii. Be designed to prevent the addition of incongruous features, and where appropriate take the opportunity to remove or ameliorate existing incongruous features.*
- iii. Be located and designed to respect scenic quality and maintain an area's distinctive sense of place, or reinforce local distinctiveness.*
- iv. Be designed to prevent impacts of light pollution from artificial light on intrinsically dark landscapes and nature conservation interests.*
- v. Be located and designed to prevent the erosion of relative tranquillity and, where possible use opportunities to enhance areas in which tranquillity has been eroded.*
- vi. Be located and designed to conserve and enhance flora, fauna, geological and physiographical features, in particular those which contribute to the distinctive sense of place, relative wildness or tranquillity, or to other aspects of landscape and scenic quality.*
- vii. Retain links, where appropriate, with the distinctive historic and cultural heritage features of the area.*
- viii. Further the delivery of the relevant protected landscape management plan, having regard to its supporting guidance documents.*
- ix. Avoid, mitigate, and as a last resort compensate, for any residual adverse effects."*

Many of the criteria to be met are similar to those required for the undeveloped coast and heritage coast, which have been referenced earlier in this report.(criteria i,ii,iii,iv,v,vi,vii,viii) as such the proposal is considered to be contrary to this policy.

Neighbour Amenity:

There are no immediate neighbours, as such there are no residential amenity issues.

Highways/Access:

Access to the site is restricted to by foot only as there is currently no vehicular access to the site, lying as it does on the coastal footpath. No comments have been received from the Highways Officer in relation to this proposal. However in order to carry out this development there would need to be some form of access created merely for the construction of the proposal, which again would be harmful to the landscape character albeit for a temporary period.

Other matters:

There have been a number of letters objecting to the proposal but there have also been a number in support of the proposal. The objections relate to the unspoilt nature of the coastline and the impact on

the AONB and the Heritage coast and the effect on the accessibility of this non designated heritage asset. . It is clear from the amount of objection that the ruins are considered to be an intrinsic part of the natural coastline environment and its history and significance are held in high regard by members of the public who use the footpath

The letters in support focus on the fact that if it is converted then that in itself will secure the future of the non-designated heritage asset. And without that it will become a pile of rubble. In addition the letters of support suggest that the proposal allows for the building to be used for its original purpose - which was for domestic purposes.

The previous application for the same proposal albeit slightly different architecturally, was refused earlier this year for similar reasons as set out at the beginning of this report.

Planning balance

Whilst the arguments to suggest that the building would fall into further disrepair without the works and the idea of a holiday unit in such a location would be quirky and quite attractive to visitors to the area, there are also strong landscape policy reasons why the proposal would fall short. The area is subject to many designations - Heritage Coast; undeveloped coast, AONB, the latter of which must carry great weight in the decision making process. The additional information with regard to the use of the building for serving teas and coffees for a limited time during the week also adds another dimension to the proposal. Whilst this would clearly relate to the original use of the building, it will be for limited periods and in itself would still potentially add to the interruption of the natural coastal environment.

In terms of public benefit, the applicant has offered to open the unit as a tea house during change over times, which in practical terms would be difficult and even then is only for limited time periods. The implication is also that the ruin would fall into further disrepair without the proposal, which is suggested would mean the loss of a landscape feature. However the ruin is part of the landscape and its wild quality – reminding us of a previous time. That historical quality would be lost with the conversion.

This is an important wild and natural environment, acknowledged by the vast designations which apply to it. The value of this natural landscape to the area is why many visit and sue the South West Coast Path. The introduction of a holiday unit in such a location would intrinsically alter the natural character and harm the special qualities of the area and as such outweighs the limited benefit of the proposal. The proposal is therefore recommended for refusal.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and, with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Planning Policy

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The relevant development plan policies are set out below:

South Hams LDF Core Strategy

CS1 Location of Development

CS7 Design

CS9 Landscape and Historic Environment

CS10 Nature Conservation

Development Policies DPD

DP1 High Quality Design

DP2 Landscape Character

DP5 Conservation and Wildlife

DP6 Historic Environment

DP7 Transport, Access & Parking

DP16 Conversion and Reuse of Existing Buildings in the Countryside

South Hams Local Plan (please delete as necessary)

SHDC 1 Development Boundaries

Emerging Joint Local Plan

The Plymouth and South West Devon Joint Local Plan (the JLP) will replace the above as the statutory development plan once it is formally adopted.

Annex 1 of the National Planning Policy Framework (the Framework) provides guidance on determining the weight in relation to existing and emerging development plan policies.

- For current development plan documents, due weight should be given to relevant policies according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- For the JLP, which is an emerging development plan, the weight is to be determined by the stage of its preparation, the extent to which there are unresolved objections, and its degree of consistency with the Framework.

The JLP is at a relatively advanced stage of preparation. The precise weight to be given to policies within the JLP will need to be determined on a case by case basis, having regard to all of the material considerations as set out on the analysis above.

**PLYMOUTH AND SOUTH WEST DEVON JOINT LOCAL PLAN -: PUBLICATION
(as considered by the Full Councils end Feb/Early March 2017)**

SPT1 Delivering sustainable development

TTV31 Development in the Countryside

DEV21 Conserving the historic environment

DEV22 Development affecting the historic environment

DEV24 Landscape character

DEV25 Undeveloped coast

DEV27 Nationally protected landscapes

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.