

PLANNING APPLICATION REPORT

Case Officer: Matt Jones

Parish: Buckland Monachorum

Ward: Buckland Monachorum

Application No: 2844/17/FUL

Agent/Applicant:

Mr Marc Nash
Floor 4
Studio 5-11
5 Millbay Road, Plymouth
PL1 3LF

Applicant:

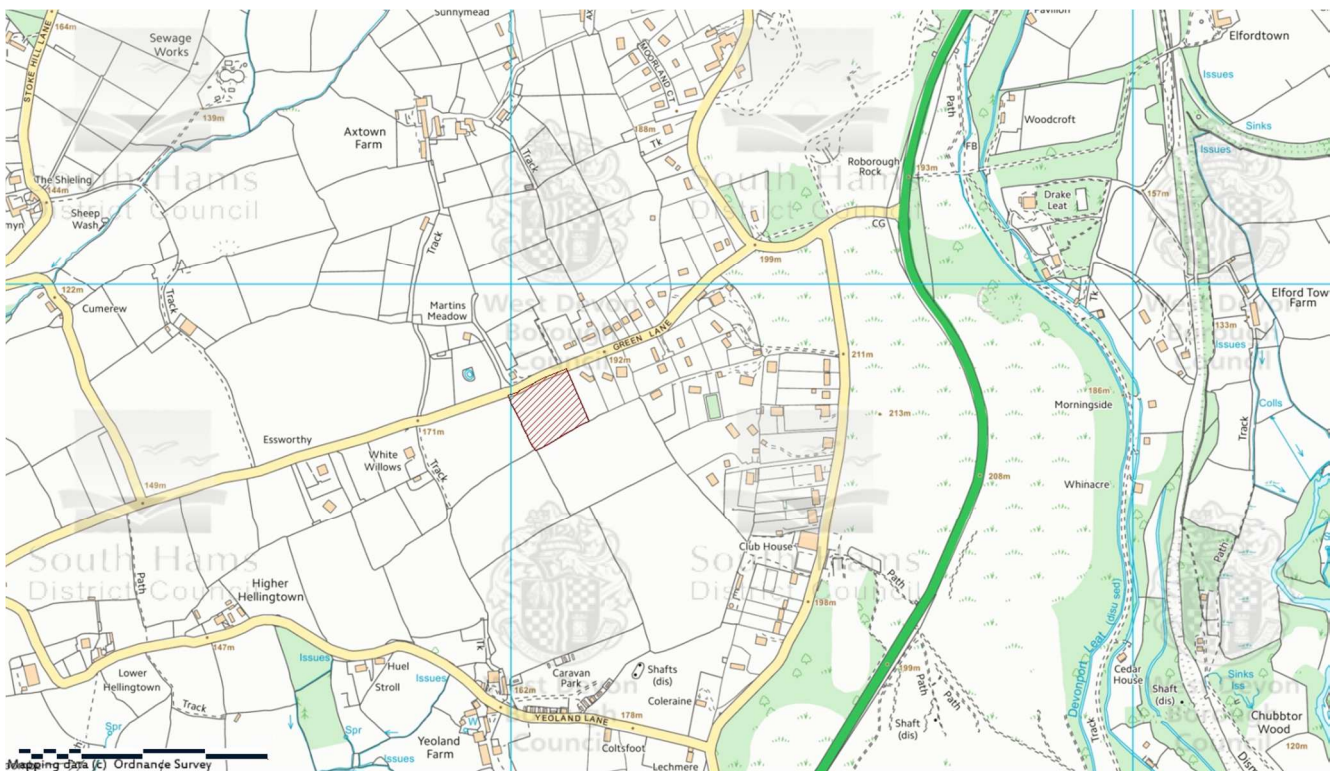
Mr & Mrs Liesching
505 Tavistock Road
Plymouth
PL6 7AA

Site Address: Land at SX 510 668, South of Green Lane, Yelverton, Devon

Development: Erection of single residential dwelling with associated parking and residential amenity area.

Reason item is being put before Committee

The CoP Lead has requested that the application be put before Planning Committee due to the divergence from the pre-application advice that was previously given by Council Officers



Recommendation: Refusal

Reasons 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 STP1, STP2, TTV31 and DEV8 and paragraphs 7, 8, 9, 17, 32, 34, 35 and 55 of the National Planning Policy Framework

Key issues for consideration:

The main issues are the principle of development, the access to services, the impact of the proposal upon the streetscene, rural character and the AONB designation, neighbour impact, access and parking, design and massing, drainage and ecology

Site Description:

The application site is an open paddock located within rural Buckland Monachorum Parish. The paddock has a relatively new and typically simple access. The highway borders the site to the north, with agricultural land to the south and west. To the east is the dwelling 'Merrilyn' which is large and detached. Merrilyn is the last of a small collection of dwellings located here, on an otherwise rural green lane with typical, sporadic residential development further afield. The paddock has typical boundary treatments formed of trees and vegetation.

The site is within the Tamar Valley Area of Outstanding Natural Beauty and well away from the nearest settlement boundary, that being at Crapstone, which is approximately 1.2km to the north east, as the crow flies and further by road.

In 2003 outline consent was refused for residential development under reference 4084/2003/TAV due to the impact upon the AONB and due to the site's location within the countryside. In 2015 an appeal was also dismissed for three residential units on the land to the north, on the opposite side of Green Lane.

There are notably a number of individual dwellings within the vicinity but this area has never been defined by the Council as a settlement as such, and continues to be regarded as an open countryside location. Trees on the northern and western boundaries are subject to a Tree Preservation Order.

The Proposal:

Planning consent is sought for the erection of a single 6 bedroom two storey residential dwelling with associated parking and residential amenity area.

The proposal reuses and widens the existing vehicular access, and provides a tree lined vehicular access track on site, with a large detached 6 bedroom unit located within the north east corner of the plot, with the rest of the site given over as residential curtilage. The building is partially set down into the land and is finished in natural stone and cladding, under a natural slate roof.

Consultations:

- County Highways Authority

No objection – standing advice

- West Devon Strategic Planning

Objection – ‘The Strategic Planning Team wish to OBJECT to the proposal for the following reasons:

The proposal site is detached from a sustainable rural settlement, with no prospect of accessing local services and amenities without relying on use of the private car. The proposal is in conflict with both adopted WD Core Strategy Strategic Policy 24 – Sustainable Rural Communities and the emerging JLP policy SPT2 – Sustainable Linked Neighbourhoods and Sustainable Rural Communities. The aims of both of these policies is to deliver new homes in sustainable locations that have a positive relationship with the settlement hierarchy of West Devon, enabling safe and secure access to local services and facilities via a range of transport modes, in particular locations that enable access to services and amenities within a 10 minute walking time, which equates roughly to 800m from village centres.

The proposal site adjoins a small collection of detached dwellings along Green Lane, which does not form part of identified sustainable rural settlement. There is no pavement or separate pedestrian infrastructure along Green Lane, which is a narrow rural road, and as such the location does not benefit from safe or secure walking access to local services or facilities. The good range of services and facilities at Yelverton are around 1.6km away. The more limited services at Crapstone are over 2km on the rural road network. A shorter route via Buckland Monachorum footpath 31 means that Crapstone could be considered at best 1.5km away, but this involves using footpaths that cross open agricultural fields and will be vulnerable to seasonable deterioration, and is not considered to be a practical route of access. An examination of potential routes to the nearest settlements concludes that walking is not a realistic proposition to access local services and facilities from the proposal site, with little opportunity to mitigate for this level of detachment.

The adopted 2011 WD Core Strategy seeks to promote new homes in sustainable locations, preferably within or adjoining identified sustainable settlements within the recognised West Devon settlement hierarchy. There is also provision for small-scale organic growth in a handful of smaller rural villages, as identified in policy H29. The proposal site is not within or adjoining any identified sustainable village.

Similarly, the emerging Plymouth and South West Joint Local Plan has used an extensive assessment framework to identify the most sustainable rural settlements that can support new homes to serve rural communities. These are identified in table 5.8, and the proposal site is not within or adjoining any of these settlements. As such, the proposal should be judged against policy TTV31 – Development in the Countryside, and policy DEV8 - Meeting Local Housing Need in the Thriving Towns and Villages Policy Area.

Policy TTV31 does make provision for some small-scale, organic growth within or adjoining smaller rural settlements, requiring proposals to demonstrate that it meets an identified local need, and in a location that can be considered as sustainable.

The characteristics of the proposal site have already been confirmed as inherently unsustainable, on account of its detachment from an identified sustainable settlement, and the over-reliance on the private car to access the nearest services and facilities.

In order to understand how an application could meet a local need, DEV8 provides a framework to help deliver housing that responds to identified need groups. The policy seeks to redress identified imbalances in the existing housing stock, and housing most suited to younger people, working families and older people who wish to retain a sense of self-sufficiency.

The proposal does not seek to redress and imbalance within the local housing stock, as it seeks to replicate the large-detached dwellings that proliferate in the immediate area, although few are as large as the 6-bed dwelling proposed.

Much has been made of appeal decision relating to adjacent site - APP/Q1153/W/3145211 – which concluded that the appeal site was in a sustainable location for new development. However, the planned system does not and should not make decisions based on individual appeal rulings, but on adopted and evidence-based planning policies appropriate to the local planning authority. Without seeking to undermine the credibility of that particular appeal decision, the inspector in question conceded that local services and facilities could be accessed ‘by a short car trip’, and that it was unlikely that any resident living in this location would seek to walk to nearby settlements. It is widely acknowledged, by the likes of the World Health Organisation, and Sustrans amongst others, that short car journeys are proportionately the worst type of journey for increasing carbon emissions, reducing air quality and negatively impacting on human health.

As such, allowing a dwelling in this location, and understanding the travel patterns that will result from this, would have a disproportionately negative impact on the environment and human health. The adopted CS and emerging JLP both identify sustainable rural locations for new homes, using an assessment framework consistently across the Local Planning Authority area, and this should inform decision makers to a greater degree than an isolated appeal decision.

The proximity of other, existing dwellings should not be used as justification for permitting an additional dwelling that would contribute to an unsustainable pattern of development in this detached location’

- Buckland Monachorum Parish Council

Neutral

Representations:

Approximately 60 letters of representation have been received at the time of writing this report, 4 in support of the scheme and 56 objecting. Comments made in support of the application are summarised as follows:

- High quality design which will raise standards within the area
- Brings bio-diversity enhancement
- Complies with AONB policy
- There is already housing within the area
- There is a need for housing
- The building will sit comfortably within its setting

Comments made in objection to the application are summarised as follows:

- The site is unsustainable
- On greenfield land outside of the Settlement Boundary
- The opposite site was recently refused
- The 2015 appeal makes reference to the positive contribution of the application site to the AONB
- The AONB has the highest status of protection
- The landscaping will not be effective in the Winter
- The design is not exceptional
- There will be dependence on the private motorcar
- The scheme provides no housing benefit and is not affordable
- The proposed ecological work is not feasible
- There are previous refusals on the land
- Will lead to highway safety issues
- Will lead to further ribbon development along Green Lane
- The Inspector’s comments regarding sustainability are unusual and conflict with other appeal decisions

Relevant Planning History

Application site

4084/2003/TAV – Outline application for residential use (single detached dwelling) – Refused

Adjacent site

00727/2015 - Outline planning application proposing the erection of 3 dwellings with means of access and layout to be considered – Refused and appeal dismissed

Analysis

The Development Plan

The Framework states that for the purposes of decision-taking the policies in the Local Plan should not be considered out-of-date simply because they were adopted prior to the publication of the Framework. Due weight should be given to relevant policies in existing plans 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).

Case law confirms that even where a Council's policies are considered out of date and paragraph 14 of the Framework is engaged, the existing development plan policies are not disregarded, rather their weight must be carefully considered depending upon their conformity with the Framework.

The 2016 appeal decision

The land opposite the site to the north, 'Land At Axtown Farm', obviously shares a number of similarities to the application site and an application was refused at outline for three units in 2015 under reference 00727/2015 and the appeal was dismissed in 2016.

Although the appeal was dismissed, this was only on AONB grounds, and the Inspector made a number of interesting comments regarding sustainability, isolation, and access to services. Most notably, he took the view that the area is on the periphery of the settlement of Axtown, and stated in his decision that *'Given the relatively close access to services in nearby villages, its bus service, and its physical relationship to Axtown, it would be unreasonable to describe the site as isolated in the terms of the Framework. Furthermore, the proximity to Yelverton and Crapstone, as a cluster of 3 settlements, suggests that the proposal could contribute to rural vitality in the other villages such that it would meet with paragraph 55 of the Framework in this respect.* It is clear that, based on the information to hand, the Inspector did not consider this area around Green Lane to be isolated.

Although Inspector's decisions are generally and rightly given significant weight, it is also the case that different appeal decisions are not always entirely consistent in approach. Helpfully, an objector has submitted an appeal relating to a scheme near Roche in Cornwall which has relevant similarities with the appeal site. The Inspector in the Roche appeal takes a different approach to sustainability and dismissed the appeal due to its isolation from services. This appeal demonstrates to officers that the idea of sustainability and access can be considered differently by individual Inspectors and is ultimately a subjective judgment.

In addition, officers note that the inspector in the 2016 'Land at Axtown Farm' appeal gave weight to the proximity to a bus stop in his assessment, but this appears at odds with an appeal decision in 2015 in West Devon, at Grenofen very close to Tavistock. In that decision, the inspector dismissed the benefits of proximity to a bus stop, stating that *'I note that there currently appears to be a reasonably frequent bus service through the village, along the A386 corridor. However in my view, reliance on bus services alone would not make the appeal site sustainable in terms of its location. The bus would not be a realistic alternative for a large number of journeys, in particular at evenings and weekends.*

Moreover, rural bus services are vulnerable to cuts in services or changes to service patterns, which are likely to adversely affect prospective passengers' ability to travel by public transport. Taking all of the above into account, the occupiers of the dwellings on the appeal site would therefore be likely to be largely reliant on the private car for the bulk of their journeys'

The inspector in the 2016 'Land at Axtown Farm' appeal also made his decision on the understanding that this area is on the periphery of Axtown and maintains a physical relationship with it. However, this is not clear, and officers would politely disagree with the Inspector's assessment in this regard. The dwellings on Green Lane are not considered to be a coherent part of Axtown, but are arguably an individual and anomalous and isolated collection of executive buildings which appeared in the C20, responding to the high quality of the natural environment.

Officers would maintain that Axtown itself is formed of the small hamlet of older buildings some distance to the north east of Axtown Farm, as is indicated by road signage within the area. Officers also acknowledge that the wider area is punctuated by a dispersed number of other large detached dwellings sat in their own grounds, but would again state that these do not collectively form part of a recognisable settlement as such.

Overall, although the comments of the inspector at the adjacent site are noted and are given weight in this assessment, for the above reasons this weight is diminished.

The 2016 pre-application enquiry

Although the current Development Plan makes clear the Council's intention not to support new unsustainable residential development in this location in principle, the findings of the Inspector at the 2016 appeal, the lack of a five year land supply following the Butcher Park Hill decision and the absence of any substantive and up to date work to the contrary obligated officers to concede in 2016, on balance, that this location is not isolated but is sustainable with regard to access to services. That concession led at that stage to the theoretical possibility that a dwelling could be supported in this location, if all other matter considerations were resolved to be acceptable. Positive pre-application advice was given on this basis.

However, on the 31 July 2017 the Council submitted its emerging Joint Local Plan, and importantly, the Joint Local Plan has been supported by a contemporary evidence base which offers a more sophisticated analysis of issues of distance, isolation and sustainability.

The submission of the Joint Local Plan and the value of its up to date evidence base marks a significant and material change in circumstances which necessitates a new assessment of this area and its potential to support small scale residential development on greenfield land.

The evidence base, which has provided the basis for the Strategic Planning consultation response, indicates that the site is largely isolated from public services with an ensuing dependence on the motorcar. This isolation from services, coupled with the site's physical distance from the nearest recognised sustainable settlement, leads officers to reaffirm the view that this site is in fact isolated within the countryside. The scheme meets none of the exceptional circumstances listed in paragraph 55 of the Framework.

Principle of Development/Sustainability:

Evidence which has come to light which contradicts the Inspector's approach to sustainability at the opposite site, combined with the submission of the Joint Local Plan and its evidence base, lead officers to object to the principle of development within this location.

The scheme is in conflict with policies H31, SP1, SP5 and SP24, of the Development Plan and these policies weigh against this proposal. The scheme also conflicts with emerging policies SPT1, SPT2 and TTV31.

In addition, the unsustainability of the site with regard to access to services also leads to conflict with policies SP1, SP14, SP24 and T5 of the Development Plan, and paragraphs 55 of the Framework..

Design/Landscape:

The existing, undeveloped paddock is itself well screened and is not considered to provide a significant contribution to the character nor appearance of the AONB.

Officers note that the submission is accompanied by a comprehensive landscape scheme which notably incorporates a turned, planted driveway and a planting buffer. This will prevent any glimpsed view in from the access, which would have been the most prominent part of the site when viewed from the public realm.

Overall, the specific design response and the retention and augmentation of existing boundary vegetation, reuse of the existing access and the design of the planted driveway will ensure that the dwelling is not harmful to the appearance of the Tamar Valley AONB.

The building itself is, like its neighbours, a large and detached dwelling. It is considered to take adequate reference from the local vernacular, leading to a high quality design response and an acceptable addition to the streetscene in this regard. Although the quality of the scheme is noted, officers would politely suggest that it is not in any way exceptional, outstanding or innovative.

Contribution to the housing stock

The erection of a single dwelling will provide a limited social benefit through housing provision. However, current and emerging policy requires a tangible contribution to housing need within the locality.

With regard to the existing housing stock, the Parish is faced with a quite clear and noticeable imbalance towards large detached housing. The rural area surrounding the application site is punctuated by single large detached executive style houses sat within their own grounds. In addition, the nearest village of Crapstone is clearly dominated by large houses.

Officers would therefore conclude that there is no need for an additional house of this scale within the area and that the scheme therefore fails to provide an overriding community benefit or respond to housing need and instead perpetuates the existing imbalance. The application therefore conflicts with current development policies NE10, SP8, and emerging policies TTV31 and DEV8

Neighbour Amenity:

The height of the proposed dwelling, the distance between sites and intervening boundary planting will ensure that there is no unacceptable impact on neighbouring properties by way of dominance, light, noise or overlooking.

Highways/Access:

Officers note the presence of the existing access into the site, and vehicular use of the remodelled access serving a dwelling is not considered to be above and beyond that associated with the existing situation, and is therefore considered acceptable with regard to highways safety. The submission demonstrates adequate parking provision and on site turning.

Other Matters:

The size of the plot allows officers to conclude that acceptable on site attenuation and discharge of surface and foul water can be achieved. Had officers recommended approval, this would have been accompanied by relevant drainage conditions. Officers would also have included a planning condition

securing the ecological mitigation measures identified within the associated ecological report. Officers are satisfied that the ecological measures provided are feasible and are deliverable.

Conclusion

The scheme is conflict with both the current Development Plan, the emerging Joint Local Plan and the National Planning Policy Framework. Although the Inspector's conclusions with regard to the dismissed appeal are noted, there is evidenced to be a degree of subjectivity and inconsistency between different Inspector's approaches, which diminishes the reliance that the Council has on that particular appeal decision. In addition, there has been a significant and material change in circumstances through the preparation and submission of the Joint Local Plan, and consideration of the new policies and evidence base leads officers to conclude that the scheme is within an isolated rural location.

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 STP1, STP2, TTV31 and DEV8 and paragraphs 7, 8, 9, 17, 32, 34, 35 and 55 of the National Planning Policy Framework.

The application is therefore recommended for refusal.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and 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:

West Devon Borough Council Core Strategy 2011

- SP1 – Sustainable Development
- SP5 – Spatial Strategy
- SP6 –Density of Housing Development
- SP7 – Strategic Distribution of Housing
- SP8 – Inclusive Communities
- SP14 – Accessibility Planning
- SP15 – Traffic Management
- SP16 – Safer Communities
- SP17 – Landscape Character
- SP18 – The Heritage and Historical Character of West Devon
- SP19 – Biodiversity
- SP20 – Promoting High Quality Design
- SP21 – Flooding

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

- NE10 – Protection of the Countryside and Other Open Spaces
- BE13 – Landscaping and Boundary Treatment

H31 – Residential Development in the Countryside
T1 – Walking and Cycling
T2 – Pedestrian and Cyclist Safety
T8 – Car Parking
T9 – The Highway Network
PS2 – Sustainable Urban Drainage Systems
PS3 – Sewage Disposal
PS4 – Private Water Supply

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)

SPT2 Sustainable linked neighbourhoods and sustainable rural communities
SPT3 Provision for new homes
SPT8 Strategic connectivity
SPT9 Strategic principles for transport planning and strategy
SPT10 Balanced transport strategy for growth and healthy and sustainable communities
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
TTV31 Development in the Countryside
DEV1 Protecting amenity and the environment
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area
DEV20 Place shaping and the quality of the built environment
DEV24 Landscape character
DEV27 Nationally protected landscapes
DEV28 Protecting and enhancing biodiversity and geological conservation
DEV30 Trees, woodlands and hedgerows
DEV31 Specific provisions relating to transport

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.