

## PLANNING APPLICATION REPORT

**Case Officer:** Jacqueline Houslander  
North

**Parish:** Tavistock **Ward:** Tavistock

**Application No:** 4004/21/FUL

**Agent/Applicant:**

Mr Mark Scoot - Maypool Estates Ltd  
Maypool House  
Maypool  
Brixham  
TQ5 0ET

**Applicant:**

Mount Kelly Foundation Governors  
C/O Agent  
PL19 0HZ

**Site Address:** Former Hazeldon Preparatory School, Parkwood Road, Tavistock, PL19 0JS

**Development:** Refurbishment of Hazeldon House to form a single dwelling (including demolition of non-listed structures), demolition of all other structures (including former classroom blocks) on site, the erection of 10 open market dwellings, reinstatement of original site access, restoration of parkland, associated infrastructure (including drainage and retaining structures), landscaping, open space, play space, removal of some trees, parking and boundary treatments

### **Reason item is being put before Committee**

The Head of Development Management Practice has called the application to Committee because of the issues around sustainable development.

### **Recommendation: Refusal**

#### **Reasons for refusal**

1. The proposal is not in a sustainable location for open market housing, being in the countryside and well outside the settlement of Tavistock as defined in policies SPT1, SPT2, and TTV1 of the Plymouth and South West Devon Joint Local Plan. It is remote from services and community facilities, and would mean that the occupants of the dwellings would be reliant on the private car to access such facilities. This would be contrary to the above mentioned policies and also paragraphs
2. The proposed development would be likely to result in harm to the historic significance of the Grade II listed Hazeldon House due to the proximity, scale and density of the proposed development in the setting of this heritage asset. This is contrary to the provisions of NPPF paragraph's 197, 199, 200, 206 and policy DEV21 of the Plymouth and South West Devon Joint Local Plan
3. The proposed development would result in the loss of existing open space, sports and recreational land including playing fields, where the loss is not replaced by equivalent or better provision in a suitable location, which is a requirement of policies DEV3 and DEV4 of the Plymouth and South West Devon Joint Local Plan. As such the proposal is not considered to accord with any of the exceptions to Sport England's Playing Fields Policy or with Paragraph 99 of the NPPF and policies DEV3 and DEV4 in the Plymouth and South West Devon Joint Local Plan.

4. Notwithstanding the in-principle concerns with the proposal, the development design is considered to be incongruous in this open parkland setting, the proposal of large detached dwellings with very large car port features, of a contemporary design, using materials which are not typical of the local area results in harm to the site and its surroundings as well as Hazeldon House itself, contrary to Policy DEV20 in the Plymouth and South West Devon Joint Locals Plan and para. 93.
5. The proposal is for 11 detached houses with disproportionately larger houses than small which is the demonstrated local need as identified in the SHMNA. Smaller houses are also required based on occupancy ratings, which indicate that over 40% of dwellings in Tavistock town have at least 2 unoccupied bedrooms, which is higher than both the national and borough average. Neither does the proposal provide any affordable housing, resulting in conflict with policy DEV10 in the Plymouth and South West Devon Joint Local Plan and para 62 and 63 of the NPPF 2021.
6. The proposed development of houses in the open area on the southeastern part of the site, will harm the open and recreational nature of the eastern part of the site, which should remain undeveloped to protect the particular landscape characteristics. Development of this part of the site would be contrary to the policy DEV23 of the JLP and para.174 of the NPPF 2021.

**Key issues for consideration:**

Principle of the development; location; design; housing need, landscape access; neighbour amenity; drainage; ecology; biodiversity climate change

**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.

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**Site Description:**

The site is located north of the A386 between Tavistock and Wallabrook. The site comprises a large area of grounds and the listed property known as Hazeldon House, formerly Hazeldon Preparatory School. It is located along with several outbuildings in the northwestern part of the application site. The remainder of the site is grassed, with some buildings which have been used as temporary classrooms in the northeast of the site. The grassed areas were previously used as school playing fields.

The land slopes down from Hazeldon house towards the A386. Access to the site is directly from the A386 and currently there is a sweeping driveway up through the site to Hazeldon House.

The boundaries of the site comprise:

Northwestern boundary: a Devon hedge with clusters of and individual trees, some of which are large and good quality specimens.

Northeastern boundary: An outgrown hedge, mainly Beech with occasional oak, growing on top of the stone faced hedge, beyond which are fields which are improved grassland and used for animal grazing.

The northern boundary is the Old Exeter Road and the boundary is:

The southern boundary borders private residential properties which are accessed off the A386 independently.

The southeastern boundary has a belt of trees and the south western boundary has no tree cover, but has agricultural land beyond.

The Parkland is approximately 4.1 hectares in extent. There are also trees within the parkland.

The site is adjacent to the Dartmoor National Park (DNP) boundary which runs along the A386 and then to the north east of the site. There are views of DNP from the site and views of the site from the DNP.

### **The Proposal:**

The proposal seeks planning permission for the refurbishment of Hazeldon House to form a single dwelling (including demolition of the non-listed structures), demolition of all other structures (including former classroom blocks) on site, the erection of 10 open market dwellings, reinstatement of original site access, restoration of parkland, associated infrastructure (including drainage and retaining structures), landscaping, open space, play space, removal of some trees, parking and boundary treatments.

The proposal involves the restoration of Hazeldon house to a 5 bed 8 person dwelling. The demolition of the classrooms to the east of the site and the construction of 10 houses which comprise:

- 1 x 2 bed 4 person cottage
- 2 x 4 bed 8 person detached houses
- 2 x 3 bed 6 person detached houses
- 1 x 3 bed 6 person detached barn
- 1 x 4 bed 8 person detached barn
- 2 x 4 beds 8 person linked barns
- 1 x 3 bed 6 person detached walled garden house.

The walled garden house is single storey and flat roofed with a grass roof system, walls comprising natural stone and charred timber cladding. With a stone plinth at the base of the building.

The other properties comprise dwellings with a mix of single storey and two storeys, with the same material palette, but they have pitched roofs.



**Consultations:**

- **County Highways Authority:** No objections subject to conditions and a Section 106 agreement securing:
  - bus stops on both sides of A386 with associated footways, hardstanding and bus shelters, to a design to be agreed with the planning authority after consultation with the highway authority, and
  - (b) the widening of the footway to the south of the Trout and Tipple as generally shown on application plan number CC1574/TA05/B in the Transport Statement

- **Town Council:** Split decision:

Support – the refurbishment of Hazeldon House.

Object to – the erection of 10 open market dwellings on the following basis;

- Development in a rural location, so in the countryside, with no agricultural purpose;
  - The site is not allocated for development in the Joint Local Plan;
  - The site is a distance of approx. 2km from the nearest shop/school, so beyond the accepted 800m distance to make it sustainable. Therefore, the site is not considered sustainable as private vehicles will need to be used, and the footpath into town has pinch-points which would make it dangerous for pedestrians
- **Dartmoor National Park:** The proposed housing development would not be harmful to the setting of Dartmoor National Park and consequently this Authority raises NO OBJECTION. We would however request that the West Devon Borough Council as the Competent Authority considers the cumulative impact of recreational pressure from housing developments on this fringe of the moor on the Dartmoor Special Area of Conservation.
  - **Sport England:** objects to the application because it is not considered to accord with any of the exceptions to Sport England's Playing Fields Policy or with Paragraph 99 of the NPPF.  
Should the local planning authority be minded to grant planning permission for the proposal, contrary to Sport England's objection then in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, the application should be referred to the Secretary of State, via the Planning Casework Unit (PCU).
  - **DCC Waste:** Request a condition to request a waste audit prior to commencement of development.

**Police Architectural liaison:** Recommend secure by design measures for the development proposed.

**Lead Local Flood Authority:** The LLFA have no in principle objection to the proposal but have requested additional information to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

In light of the fact that officers are proposing a recommendation of refusal for the application, the additional information whilst available for the applicant to see on the website, was not specifically requested as it would involve additional expense for the applicant when the proposal was not acceptable in principle.

**Tree Specialist:** Awaited.

**Landscape:** From a landscape / visual impact point of view, I see no particular issues with some form of redevelopment for residential here, but it very much depends on which areas of the site and the form that the development takes.

The proposed development within the walled garden presents no issues, nor does the refurbishment of the existing main house, and proposed redevelopment of the existing single storey, modern block to the north east.

The overall landscape strategy appears to be well-conceived, and broadly appropriate for the areas to the west of the driveway and south of the main house. I have only glanced at the landscape proposals and proposed softworks schedule, so cannot comment in detail, but the concept and species indicated appear to be broadly acceptable.

However, the lower-lying, open nature of the former playing fields and open spaces in the south-eastern areas exhibit characteristic features of LCT 3F Settled valley floors, and should, in my view, therefore remain undeveloped. This includes the area to the east of the drive/ NW of the main road. The five, large detached houses, with equally large, detached garages (so, effectively 10 additional, substantial buildings) proposed in this part of the site do not appear sympathetic to the landscape character here, even with the additional native planting around the site boundaries.

**Affordable Housing: OBJECT**

I refer to Policy Dev 8 of the Plymouth and South West Devon Joint local Plan, which states:

“Within rural areas with special designations, as defined in section 157 of the Housing Act 1985, all residential developments of 6 to 10 dwellings will provide an off-site commuted sum to deliver affordable housing to the equivalent of at least 30 per cent of the total number of dwellings in the scheme.”

The applicant has not made provisions for this in this application so we object. A Section 106 agreement would be needed to secure this.

**Environmental Services: Waste:** Would need to see evidence of refuse vehicle swept path analysis to show consideration for the proposed reversing manoeuvres to collect waste from areas depicted in refuse statement to be able to comment further at this stage.

**OSSR:** Holding objection pending further detail on open space provision; accessibility of the parkland, details of the proposed play facilities, discussion over loss of playing pitch land, and agreement of section 106 contribution towards improvements to sports facilities.

**DCC Ecologist:** Additional information required in relation to: We will require the full BNG metric spreadsheet to be submitted for proper assessment as the screenshots provided do not allow us to assess the calculations undertaken.

**Heritage officer:** It is not my role to comment on the architectural design or other aspects of the development proposal other than the effect on the listed building and its setting.

The application follows considerable discussion and has been submitted alongside 4005/21/LBC, which is mostly acceptable but at the time of writing I am awaiting some additional and revised information for that.

The proposed development is within the setting of Hazeldon and will impact upon the qualities and character of the designated heritage asset. It has been stressed throughout that Hazeldon and its parkland were designed as a single entity with the landscape integral to the character of the house. Successive alterations to the access drive, the creation of playing pitches, erection of modern structures and removal / addition of trees have all eroded character and harmed setting over time.

The application offers the benefits of removing poor structures that are themselves harmful to setting and the partial restoration of the original designed parkland layout with appropriate restoration of planting and the carriage drive. These are positive changes that can be considered to counteract negative impacts of the proposed new development. The overall impact can, on balance, have the potential to be neutral in heritage terms.

A question remains with regard to the definition of curtilage, management and ownership of the parkland in front of Hazeldon, but as the main issue is landscape design to protect and enhance setting it may not be necessary to define management responsibility at the planning stage? Provided a robust and well detailed scheme is agreed with clear ongoing management assured via condition or legal agreement that would suffice.

If the proposed development were to be approved I would expect a S106 agreement to require the full external repair and restoration of Hazeldon and removal of the negative structures in its immediate vicinity to be completed by an agreed stage of the wider development. This would be necessary to ensure that the listed house benefits from development within its setting, but I must stress that the new build cannot be seen as 'enabling development' as defined by Historic England Guidance (Historic Environment Good Practice Advice in Planning: 4).

There are some elements of the FUL application that do cause significant concern and cannot be supported. These are:-

- 1 The proposed double garage/ car port of uncertain design immediately NE of the service range of Hazeldon.
- 2 The erection of a 1.8m wall to the garden immediately SW of Hazeldon.
- 3 The creation of a driveway S and SW of Hazeldon with a parking area / turning head at the end.

It was agreed at a meeting in July that these elements would be removed from the planning scheme but revisions have not been received. With those changes my assessment of overall heritage impact would be that it is neutral, with positives balancing the new development. That would be on the assumption that all of the enhancements shown would be delivered in a timely manner with all details agreed and an ongoing landscape management plan assured.

As it stands, however, I must express concerns with regard to the items listed above as they cause harm to the immediate setting of Hazeldon that greatly diminishes the positive elements within the overall proposal. Without the agreed revisions harm to the setting of the listed building would be a reason for refusal.

## **Representations:**

### **Representations from Residents**

Seven letters of representation have been received, 4 raising objections and 3 supporting the application. The letters are summarised below, but can be read in full on the Councils website: <http://apps.southhams.gov.uk/PlanningSearchMVC/Home/Details/214004>

#### Support

- Mount Kelly is one of the main reasons why Mount Kelly does so well
- It is why the local shops thrive
- Other towns in West Devon do not so as well because they do not have a Private Independent school.
- It is one of the biggest employers in the area
- It must be allowed to grow and become more sustainable. One of the best ways to do this is to develop the Hazeldon House site.
- It is positive to see that heat pumps are proposed for the houses
- If the housing development goes ahead it will allow for the school to invest in new renewable energy sources to lower the schools carbon footprint.

- Hazeldon house sits beside one of the main gateways to Tavistock, opposite the Welcome3 to Tavistock sign
- The ten houses are hidden by trees allowing the main house to remain visible from the road.
- Site is not appropriate for affordable housing as it is a gateway site.
- Tavistock Town Council are incorrect in suggesting that shops and schools are 2 km away. There is a school within 900m of the site.
- The shops are a slow pace 20 minute walk along an existing pavement.
- What should be done with the site, as it is no longer used by Mount Kelly
- This proposed development embraces the past and drives us forward as a positive project with no negative to the town
- An opportunity to restore an important 19<sup>th</sup> Century building.
- The removal of the ugly classrooms would be a benefit.
- The proposed houses are in keeping with their surroundings and their visual impact will be minimised by landscaping.
- The site will provide an excellent first impression for visitors
- The plans to bring Hazeldon house back to its former glory should be supported.

### Objections

- The site was removed from the JLP by the Inspectors as it is not deemed to be a sustainable location and is incompatible with the NPPF policies on sustainable development.
- Three recent small scale housing proposals in the area but closer to the town were all dismissed as inappropriate by the Planning Inspectorate
- WDBC has housing land supply in excess of 6 years and allocated sites.
- This is a beautiful site which could benefit the whole community rather than a few wealthy residents
- This proposal is short sighted, short terms profits for short term gain
- Why not re-instate the site and facilities for the whole community, old and young? Currently used by the Tavistock Company of Archers
- The house could be restored to provide facilities and a potential on-going income.
- The community needs all the open spaces with trees that we can get.
- It is a Tavistock Asset which should be retained as such.
- The proposed use of the site is an inefficient use of the land in meeting the needs of the local community.

### Relevant Planning History:

2236/17/OPA: Former Hazeldon Preparatory School, Mount Kelly College, Parkwood Road, Tavistock PL19 0HZ

Outline application (all matters reserved apart from means of access) for the demolition of existing structures (no works proposed to Hazeldon House) and site redevelopment to provide up to 81 dwellings, associated access, parking, circulation, open space, landscaping and supporting infrastructure (including retaining structures).

Refused, 18/4/2018

### ANALYSIS

#### Background:

A pre application was submitted for the proposal currently before us and the comments below are relevant considerations.

“The site is not allocated for any form of development in the Plymouth and South West Devon Joint Local Plan (JLP). The current and up to date Development Plan for the area.

Background to this site and a previous draft allocation: A draft of the JLP (Regulation 19 stage) did indicate a small part of the site for extra care housing only but this was never carried through. It is understood this only related to the house itself, conversion/replacement of other buildings and hard landscaped areas only.

Reference was made in the meeting to the draft allocation for a significant number of dwellings, however, this was only a draft, and the site was removed from the Plan by the Inspector due to it not being seen as a sustainable location for housing growth.”

Application 2236/17/OPA for a “much greater number of dwellings, was refused in principle due to the location. The first refusal reason stated;

*“The proposed residential development is not in a sustainable location for open-market and affordable housing due to its location in the countryside outside the settlement boundary of Tavistock due to being remote from the services and community facilities of the town and in a rural location separated from the town and villages in the area. This is contrary to NPPF paragraphs 14, 17 and 49, West Devon Core Strategy Development Plan Document (2006-2026) policies SP5 and SP14 and West Devon Local Plan Review (March 2005) policies H3 and NE10.”*

Also of relevance from this decision is the fifth refusal reason;

*“The sustainability benefits of the proposed development are clearly and demonstrably outweighed by adverse impacts such that it is not, in the round, judged to be sustainable development for the purposes of the NPPF and policy SP1 of West Devon Core Strategy Development Plan Document (2006-2026).”*

It is worth noting that since this decision, the JLP has been adopted, the Supplementary Planning Document (SPD) has been approved by all 3 Councils and the Council can demonstrate more than a 5 Year Housing Land Supply (5YHLS), currently standing at 5.8 years.

At the time of the previous decision, the Council could not demonstrate a 5YHLS, but even that, and other benefits such as providing 40% affordable housing, was not of sufficient weight to overcome the other policy conflicts and harm that would result. It could therefore be argued the policy position against residential development here has tightened and there is no thrust to deliver above identified needs and policy allocations, especially when wider public benefits (such as providing affordable housing) are no longer part of the proposal.”

The reasons for refusal of the scheme for 85 dwellings in 2019 (2236/17/OPA) are as follows:

1. The proposed residential development is not in a sustainable location for open-market and affordable housing due to its location in the countryside outside the settlement boundary of Tavistock due to being remote from the services and community facilities of the town and in a rural location separated from the town and villages in the area. This is contrary to NPPF paragraphs 14, 17 and 49, West Devon Core Strategy Development Plan Document (2006-2026) policies SP5 and SP14 and West Devon Local Plan Review (March 2005) policies H3 and NE10.

2. The proposed development would result in significant adverse impacts on local landscape character, and a significant adverse impact on the setting of Dartmoor National Park, failing to conserve landscape and natural beauty within this valued landscape, contrary to West Devon Core Strategy Development Plan Document (2006-2026) policy SP17, West Devon Local Plan Review (March 2005) policy NE10 and NPPF paragraph 109.

3. The proposed development would be likely to result in harm to the historic significance of the Grade II listed Hazeldon House due to the proximity, scale and density of the proposed development in the setting of this heritage asset. This is contrary to the provisions of NPPF paragraph 134, West Devon Core Strategy Development Plan Document (2006-2026) policy SP18 and West Devon Local Plan Review (March 2005) policies NE10 and BE3.

4. The proposed development would result in the loss of existing open space, sports and recreational land including playing fields, where the loss is not replaced by equivalent or better provision in a suitable location. The offer made by the applicant to provide a replacement junior football pitch off site is not in a suitable location in respect of its separation from existing football sports facilities which are located on the other side of Tavistock. This is contrary to the provisions of NPPF paragraph 74, West Devon Strategic Policy 13 and West Devon Local Plan Review (March 2005) policy TLS7.

5. The sustainability benefits of the proposed development are clearly and demonstrably outweighed by adverse impacts such that it is not, in the round, judged to be sustainable development for the purposes of the NPPF and policy SP1 of West Devon Core Strategy Development Plan Document (2006-2026).

### **Principle of Development/Sustainability:**

In considering this proposal for 10 open market dwellings and the conversion of Hazeldon House back to a residential dwelling, Strategic Objective SO6 in the Plymouth and South West Devon Joint Local Plan (JLP) seeks to deliver a prosperous and sustainable South West Devon. Amongst other matters, the objective states at 1. That growth should be *“prioritised through a hierarchy of settlements”* and that hierarchy is provided in Policy TTV1 for the Thriving Towns and Villages policy area, within which the site sits.

Policy SPT1, provides the strategic principles to allow for development which is sustainable and outlines the 3 arms of sustainable development, being societal, economic and environmental. SPT2, is also a strategic policy and provides detailed considerations as to whether a development is sustainable or not. On the basis of these strategic policies TTV1 identifies the hierarchy: Main towns are the top of the hierarchy and are where growth should be focused. Tavistock is identified as a main town.

The hierarchy then looks to the smaller towns and villages as the second tier in the hierarchy, followed by sustainable settlements and then smaller hamlets and the countryside. The application site is located in the 4<sup>th</sup> tier of the hierarchy *“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.”*

The development site is located some 1.4 kilometres from the edge of the built-up area of Tavistock town and approximately 2 kilometres from the shops and facilities of the town. The application site is therefore not part of the settlement of Tavistock and is separated from the town by open countryside and the grounds and buildings of Kelly College. As such it must be considered against policies TTV26 and TTV27 in the JLP. Policy TTV26 relates to development in the countryside and is divided into 2 parts. The first part relates to isolated development in the countryside. In considering whether a site is isolated or not, reference must be made to the Braintree case and the Bramshill case. In both cases isolated is indicated as far away from people and places. In Braintree the Court of Appeal supported the

Inspector's approach to the question of "isolated homes in the countryside", saying (at [32]) that the decision maker must consider, "whether [the development] would be physically isolated, in the sense of being isolated from a settlement". What is a "settlement", and whether the development would be "isolated" from a settlement are both matters of planning judgment for the decision-maker on the facts of the particular case.

The application site, whilst being in the countryside, does have some development nearby, including properties known as Vigers Hall, Higher Wiminstone Farm, Tavy Cottage and Hazeldon Mews. These individual properties do not however represent a settlement as they are also disparate. As such there is an argument that could suggest that the application site is remote from a settlement and is therefore isolated. It is understood from the pre-app response when it was assessing whether this site was isolated or not that "*the site is not classed as isolated (that was agreed on site and in the meeting) and therefore, point 1 of that policy is not applicable to this proposal*". However, in considering this planning application, officers are of the view that as the site does not relate in any way to a settlement and it is remote from the nearest settlement (Tavistock) that it is isolated. As such parts 1 and 2 of policy TTV26 are relevant.

Part 1 of the policy only allows for development in isolated locations in exceptional circumstances and in reviewing those circumstances, officers conclude that the proposal does not meet any of those circumstances. The proposal should therefore be refused in relation to TTV26.1

In considering part 2 of the policy (TTV26) is relevant. This states:

*"Development proposals should, where appropriate:*

- i. Protect and improve public rights of way and bridleways.*
- ii. Re-use traditional buildings that are structurally sound enough for renovation without significant enhancement or alteration.*
- iii. Be complementary to and not prejudice any viable agricultural operations on a farm and other existing viable uses.*
- iv. Respond to a proven agricultural, forestry and other occupational need that requires a countryside location.*
- v. Avoid the use of Best and Most Versatile Agricultural Land.*
- vi. Help enhance the immediate setting of the site and include a management plan and exit strategy that demonstrates how long term degradation of the landscape and natural environment will be avoided."*

Development proposals are not necessarily required to meet all of the criteria or indeed be in conflict with all of the criteria to be in accordance or conflict with the policy. However there are in this case two parts of the policy which the proposal specifically does not meet.

Criterion iv and criterion v. The proposal has no relationship at all to an agricultural or forestry or occupational need to be located where it is. The planning Statement implies that "*there is a very clear occupational need to locate new development on this site as that is the only way that the heritage and associated benefits can be delivered*"

However it has also already been established elsewhere in relation to the heritage aspects of the proposal that the development is not enabling development and the heritage specialist has indicated that the house is not in that bad a state of repair. Officers would suggest that there is not an occupational need for the housing to be located here.

And in relation to part v, it has been established from a landscape, heritage and previously developed land perspective that the proposal does not enhance the setting of Hazeldon House. It is therefore concluded by officers that when considering the Plan as a whole taking into account the earlier policies the proposal does not meet policy TTV26.

Policy TTV27 is a housing exceptions policy and it states:

*“Proposals for residential development on sites adjoining or very near to an existing settlement which would not otherwise be released for this purpose may be permitted provided that it can be demonstrated that:*

- 1. It meets a proven need for affordable housing for local people.*
- 2. It includes a mix of affordable and market housing products where necessary to be financially viable. This includes open market housing, providing it does not represent more than 40 per cent of the homes or 40 per cent of the land take excluding infrastructure and services.*
- 3. Management of the scheme will ensure that the dwellings continue to meet the identified need in perpetuity.*
- 4. The proposal meets the requirement of all other relevant policies of the Plan.”*

The proposal is providing only for open market dwellings and in addition it is not on a site adjoining or very near to an existing settlement. Adjoining or near to does not imply nearly 1 and 1/2 kilometres away. As it has already been identified above that the site is in an isolated location. The proposal does not meet policy TTV27.

With regards to Policies SPT1, the 3 arms of sustainable development are in line with those identified in the NPPF 2021, The NPPF identifies these three objectives as interdependent (Para. 8) and *“need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives)”*

In this case, the economic objectives may be met in a small way through the construction period of the development whereby some degree of local employment may be generated and the occupants of the dwellings would be likely to spend in the town, however that is where the economic benefits to the local community end. There are a small number of units, so the spending benefit would be limited and the dwellings are proposed as larger open market housing which may well be beyond the means of many local people and no affordable housing is being provided. It is considered that the economic benefit to the local area of the development proposed is limited.

In terms of social benefits, there is no affordable housing proposed; the housing mix converts Hazeldon House to a single dwelling (5 beds) with a single two bed unit, six three bed units and four four bed units. There is currently no Neighbourhood Plan in place for Tavistock and strategic planners advise that the ONS data for towns is inconsistent with the SHMNA data which indicates that for the Plan area as a whole there is lack of smaller dwellings (1 and 2 bed dwellings). So the social benefits from the scheme are limited to an additional bus stop and reduced energy demand through the use of air source heat pumps and PV panels.

[Environmental benefits of the proposal would be the repair and restoration of Hazeldon House and the protection of much of the site from development, retaining in the main the open nature of the site. The dis-benefits would be the loss of some trees; the impact of the development on the Landscape Character area](#)

Policy DEV8 in the JLP acknowledges that housing mix is a key consideration in development proposals, and seeks dwellings which will be suitable for households with specific needs; younger people; working families and older people as well as redressing the imbalance within the existing housing stock. The emphasis in the proposal is clearly angled at the larger house market, with only one 2 bed unit proposed and the rest (10) if you include Hazeldon House as 3 bed properties and above. This does not comply with the policy to secure a genuine mix of sizes, and types. The proposal therefore conflicts with Policy DEV8.

The lack of any affordable housing, which is required of rural sites for 11 or more houses or an off-site commuted sum in lieu of such means the proposal fails to meet policy DEV8.2 or DEV8.3. The affordability issue is also specifically referenced in the JLP, para 6.30.

It is noted that the proposal does provide that 20% of the dwellings meet national standards for accessibility and adaptability, which would meet policy DEV9.4.i But does not meet the overall aim of the policy which seeks the "...the delivery of a range and mix of housing to meet local housing needs".

As previously identified in the pre-app, *"Attention is also drawn to the supporting text at 6.27, which reiterates the importance of providing a wide choice of housing types. Paragraph 6.30 notes the affordability gap in the West Devon Borough; the application, as submitted, does nothing to address this"*.

Policy SPT2 indicates that sustainable rural communities should be well related to shops and services, provide for higher density living appropriate to the local area; have high levels of digital connectivity; a good balance of housing types and tenures to meet local needs, well served by alternative transport provisions; a well-balanced demographic profile, with equal access to housing and services; access to a wildlife rich local environment and services and facilities that promote inclusion and provide for all sectors of the population. As well as appropriate levels of facilities to meet the identified needs of the local community; provide a positive sense of place; have explored the opportunity for renewable energy and reduction of energy and to meet SPD requirements in terms of design and character.

The proposal fails to meet many of the requirements of the policy, and there is no information to determine whether the proposal meets other parts of the policy such as digital connectivity for example.

Connectivity to the local services is poor; the density proposed on the site and the type and tenure of the housing provided may meet the aspirations of the developers, but it does not provide for a well-balanced site, meeting the needs of all sectors of the population. Whilst the applicant argues that there is a bus service which runs along the A386 and there is a pavement which runs to Tavistock, allowing for a walk into the town. However officers conclude that with reference to Fig 3.2 in the JLP the location of the site does not meet the distances to services identified. Whilst the distances are described as aspirational in para. 3.17 of the supporting text, however they should be used in the overall planning judgement and in this case the distances involved are significantly over the distances in table 3.2 . The nearest convenience store, for example needs to be within 800 metres of the site, but in fact the site is more than double that distance to such a facility.

The site could provide access to a local wildlife environment which could be a positive of the site, however it is still unclear whether access to the rest of the site would be permitted for the residents of members of the public.

Policy TTV2 elaborates on where support for sustainable communities can be provided. For residential development it is *where it will enhance or maintain the vitality of rural communities.* Or *“...affordable homes that enable rural communities to remain vibrant.”* The proposal does neither of these things.

The Planning statement indicates that there is a need for larger houses to diversify housing stock, however with an adopted Local Plan and adequate allocations within it to cater for larger houses as part of the overall mix, together with the fact that the Councils have more than a 5 year housing land supply, there is not a need for open market larger houses in an unsustainable location.

The planning Statement makes specific reference to Previously Developed Land (PDL), in para 2.6 and asserts that the NPPF definition confirms that the entire site is PDL. The NPPF definition is:

*“Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.”* (My Underlining), identifies the key caveat, which applies to this site.

During the pre-app process comment was provided the Council's position on PDL, which is copied here below:

*The site was part of the former Kelly College Preparatory School and its use as such ceased in July 2014; since which time “other than the main house and grounds being used as a dwelling, the rest of the site has not been used for any purpose since closure.” It is noted however that an application was made for a hockey pavilion and pitch in October 2014, after the use was said to have ceased.*

*The JLP Evidence Document identified what is the upper part of the site as formal gardens surrounding the prep school building with the lower part open to the south east, with sloping lawns extending to the highway; concluding it was PDL. The open area however, has been levelled as part of wider scale levelling of the grounds in the 1980s and a pond constructed in the southern corner between then and 2010. The open area is crossed by a tarmacked access road from the A386 to the prep school buildings.*

*The legal view enclosed with the PS concludes that as none of the exceptions in the NPPF (reproduced above) apply, given that upper part has been accepted as PDL land and the sports pitches below having been constructed as the “result of a significant engineering operation” the whole of the application site is therefore PDL.*

*Whilst the legal analysis can be seen to be correct, there is one all-important final exception. The legal analysis suggests that by being engineered or cut and fill, the lower part is incongruous in relation to the adjoining landscape and cannot have blended into the landscape.*

*When viewed from the A386, the lower part of the application site appears as a large green space forming the grounds of the former prep school building. While there is little doubt it*

*could easily revert to use as sports pitches, when viewed in context and the wording of the NPPF given its ordinary meaning, the Council considers the former pitch areas have blended into the landscape, and are now a feature of the landscape. We would therefore not consider the entire site to be PDL.*

The pre-app did indicate that the area that was considered PDL could potentially be developed – the walled garden; the former prep school site area, but the redevelopment with residential would still fall foul of the principle policy conflicts identified above, but if the design, siting were acceptable an argument could be made for the development to enhance the setting of the listed building and could outweigh the policy conflicts. However the applicants decide to pursue the scheme presented at pre app against the advice provided.

#### Design:

Notwithstanding the in-principle policy conflicts described above, policies DEV10 and DEV20 in the JLP, require a high quality design, recognising local context and the National Design Guide; this also includes reference to landscaping as well as community safety and design.

The scheme as proposed, provides 5 very large 4 bed detached properties, each with its own significantly sized car port/outbuilding. The design is described as being reflective of the Bedford cottages typology. The Design and Access statement states: *“Recurring Bedford Estate Cottage typology characterised by pitched dormers, symmetrical elevations and material palette of rough cast white render, natural stone and slate roof tiles;”*

However, the proposed dwellings do not represent local architectural traditions and forms as described. Bedford cottages tend to be smaller, with particularly large chimneys and of a traditional architectural style and presented in terraces of 6 or more. They are a distinct building style of their time and add to the character of the town where they are primarily located. The application site is distinctly different to that. It is rural, and has a distinct parkland type setting, and therefore the approach which should be taken should be more rurally /agrarian focussed.

The materials proposed across the site include a mix of 2 forms of timber cladding, stone, render, slate and zinc. Timber cladding and zinc are not generally design features of the local area and the mix of all materials creates a fussy appearance. The simplicity of the approach to the Bedford Cottages is completely lost on the proposed dwellings. Lowered cill windows are also not reflective of local architecture, and are also a feature which create difficulties for the occupiers when such window styles are into bedroom areas, where the occupants feel exposed and end up placing blinds or furniture in front of the windows to provide privacy.

The model view as presented in the application submission does not reflect the materials proposed in the drawn elevations as it presents white render properties. This at least would be more reminiscent of the material used on Hazeldon house.

The carports, are considered to be far too large, although it is noted the floor areas indicated on drawings does not appear to tally up when scaling from them. The accommodation in the roof makes them much more visible than a normal garage or car port might be and in the winter they are likely to be very visible when viewed from the National Park. Whilst they are potentially more rural in appearance they are too large and out of keeping with the area and out of scale with the properties they are supposed to be subservient to.

The first 5 dwellings set well back from the curved access drive give no sense of a positive street scene and presenting the narrower elevation to the access road. The building identified as the gatehouse is set so far back from the access road that there is no means of it

authentically representing a gatehouse, which would ordinarily address and overlook the site entrance.

The glazing appears excessive on the “barn” style dwellings, although there is no objection to the form of the dwellings here. It is noted they extend quite considerably past the current developed area, but in order to facilitate some development and the house refurbishment, the Council is prepared to consider that aspect acceptable. There is still a concern with regard to the use of contemporary materials in such close proximity to the house and walled garden and this would need to be reconsidered were the application to be approved.

Policy DEV10 seeks to ensure residential development is of a high quality. Amongst other things it seeks to ensure that new residential dwellings meet the nationally subscribed Design Standards as well as sufficient amenity space for dwellings. The SPD sets out the guidance in terms of size of amenity space as follows:

Detached dwellings – 100 sqm  
Semidetached 75 sqm.

All of the proposed properties more than meet the amenity space provision. In terms of the house sizes and bedroom sizes, the dwellings meet the national space standards.

**Heritage:** There is a Listed Building application which has been submitted to seek agreement to the internal and external works to Hazeldon House. The heritage officer is also a consultee on this application because of the potential impact of the development on the setting of the listed building.

His comments have been reproduced in full in the Consultation responses section above. However in essence he has raised concerns (as was the case at pre-app) about the impact of the proposals on the setting of the Listed Building. So whilst: *“The application offers the benefits of removing poor structures that are themselves harmful to setting and the partial restoration of the original designed parkland layout with appropriate restoration of planting and the carriage drive. These are positive changes that can be considered to counteract negative impacts of the proposed new development. The overall impact can, on balance, have the potential to be neutral in heritage terms.”*

*“There are some elements of the FUL application that do cause significant concern and cannot be supported. These are:-*

- 1 The proposed double garage/ car port of uncertain design immediately NE of the service range of Hazeldon.*
- 2 The erection of a 1.8m wall to the garden immediately SW of Hazeldon.*
- 3 The creation of a driveway S and SW of Hazeldon with a parking area / turning head at the end.*

*It was agreed at a meeting in July that these elements would be removed from the planning scheme but revisions have not been received. With those changes my assessment of overall heritage impact would be that it is neutral, with positives balancing the new development. That would be on the assumption that all of the enhancements shown would be delivered in a timely manner with all details agreed and an ongoing landscape management plan assured.*

*As it stands, however, I must express concerns with regard to the items listed above as that cause harm to the immediate setting of Hazeldon that greatly diminishes the positive*

*elements within the overall proposal. Without the agreed revisions harm to the setting of the listed building would be a reason for refusal.*

A further issue of relevance to the consideration of this proposal is that the heritage officer is clearly of the view that *“the new build cannot be seen as ‘enabling development’ as defined by Historic England Guidance (Historic Environment Good Practice Advice in Planning: 4).”* This view was clearly explained at the pre app stage.

Policy DEV21 in the JLP seeks to ensure that development proposals need to sustain the local character and distinctiveness of the area by conserving and enhancing its historic environment. It also places great weight on the conservation of heritage assets and to secure the long term sustainable future for those assets. The repair and conversion to residential would ( if acceptable from a Listed Building perspective) would conserve and enhance the asset itself. However the development proposed around the building would not concern=ve or enhance the setting of the Listed Building and so as such the proposal fails to meet the aims of the policy.

**Loss of playing fields:** Sport England were consulted on the proposal and they have objected to the development. At pre app Sport England indicated that because of provision elsewhere they would not be maintaining their objection to the development. However when formally consulted on the application they do have an objection to the development proposed.

They state: *“it is not considered to accord with any of the exceptions to Sport England’s Playing Fields Policy or with Paragraph 99 of the NPPF. Should the local planning authority be minded to grant planning permission for the proposal, contrary to Sport England’s objection then in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, the application should be referred to the Secretary of State, via the Planning Casework Unit (PCU).”*

**Neighbour Amenity:** At pre app stage, two neighbouring properties were identified which may be impacted by the development proposed. Those being Tavy Cottage (Grade II listed) which is located to the south of the application site on the other side of the road and secondly Hazeldon Mews which is located immediately to the north of the application site.

There is an intervening hedge on the southern boundary of the site towards Tavy Cottage, however it is a low hedge with little or no larger trees within it. There is therefore intervisibility between the site and Tavy Cottage. The proposals do have the potential to impact on the setting of Tavy Cottage. The very different nature of the proposed dwellings and house type02 in particular, which would be the closest house to Tavy Cottage, does give some cause for concern, with nothing in the design reflecting the historic house. The landscape proposals for the scheme propose to plant 8 new trees in the land inside the current southern boundary hedge, which would potentially provide some degree of screening between plot 02 and Tavy Cottage, however there is a balance which needs to be struck between screen planting and the current open and expansive landscape in this part of the application site. More of this in the landscape section of the report.

There is a difference in levels between the sites. The northern wall of the walled garden being the northernmost extent of the site and the boundary between the two properties. The proposal for the walled garden is a single storey dwelling and in light of the change in levels

between the two sites, there is unlikely to be any overlooking, overbearing or loss of privacy issues in relation to the proposal.

The other part of the application site adjacent to Hazeldon Mews is the barn type part of the site and house type 07 is the closest proposed property. There is however a significant distance of over 60 metres and as such, in accordance with the guidance in the SPD there is not going to be any loss of residential amenities to the existing property.

The proposal does not present an impact in regards to Policy DEV1 in the JLP.

### **Landscape and trees:**

The landscape proposals for the site are quite extensive, but in summary comprise: Many of the existing trees that surround the site are to be retained. A small number of trees are proposed to be removed:

- Two to the heavily treed area west of Hazeldon House
- Seven at the front of the house
- A large tree adjacent to the driveway to the east of the house
- 3 trees along the eastern boundary.

A number of new trees are proposed to be planted:

- along the northern eastern and southern boundary
- along the first section of the access drive on both sides of the driveway
- in front of the proposed detached buildings in the se corner of the site, with wild meadow planting on the other side of the access road
- a line of trees between the detached houses and the barn cluster and to the west of the hT04
- Further trees adjacent to ( west ) of HT05
- New groups of trees in the area down the slope from the house ( in the former playing foeld area)
- 5 trees to the front western side of Hazeldon house
- A dense group of trees immediately to the east of Hazeldon House
- 8 trees to the west of the house in the walled garden and a further 3 in front of the same house but inside the wall.

The tree officer was consulted at pre app stage and expressed concerns about the removal of the trees adjacent to proposed Plots 8 and 9, stating: "*Collective impact upon efficacy of G5 as designed native shelterbelt to the planned landscape due to loss of trees to allow space for units 8 & 9.*

*Study has been made of early edition OS Map 1873-1888 which depicts broadleaved trees along the same field boundary alignment. The trees now present bear high potential to be of this same linear group and as such are purposefully retained trees from the planned parkland landscape or of the original field boundary system. Wayleave has been exercised by Western Power leading to those sylvan features within operational range of the HV cables being managed to hedge height.*

*Trees either side of this managed hedge are proposed to be felled to allow space for dwellings. The combination of active height management and felling would lead to a large atypical break in the historic contiguous group that would be readily appreciable to the A road and wider landscape due to the paucity of blocking features and sloping landform. The impact of this would be considered highly adverse visually and long term in impact. Planting to mitigate would be unable to grow to match the present mature trees and the visual break would stand out throughout the life span of the linear group"*

Trees in this area are still proposed to be removed. It is therefore assumed that this would be something that the tree specialist would raise objection to.

A further point raised at pre app stage related to the tree group G14,12. The current landscape proposals do appear to have addressed this issue in the planning submission.

I am awaiting the Tree officer's comments, but will have them before the planning report is published.

The landscape officer has commented at pre app:

*"From a landscape / visual impact point of view, I see no particular issues with some form of redevelopment for residential here, but it very much depends on which areas of the site and the form that the development takes.*

*The proposed development within the walled garden presents no issues, nor does the refurbishment of the existing main house, and proposed redevelopment of the existing single storey, modern block to the north east.*

*The overall landscape strategy appears to be well-conceived, and broadly appropriate for the areas to the west of the driveway and south of the main house. I have only glanced at the landscape proposals and proposed softworks schedule, so cannot comment in detail, but the concept and species indicated appear to be broadly acceptable.*

*However, the lower-lying, open nature of the former playing fields and open spaces in the south-eastern areas exhibit characteristic features of LCT 3F Settled valley floors, and should, in my view, therefore remain undeveloped. This includes the area to the east of the drive/ NW of the main road. The five, large detached houses, with equally large, detached garages (so, effectively 10 additional, substantial buildings) proposed in this part of the site do not appear sympathetic to the landscape character here, even with the additional native planting around the site boundaries."*

Having reviewed the current proposals as part of the planning application the comments remain.

Policy DEV23 requires that development should conserve and enhance the landscape character of an area. As identified above the landscape character type for this part of West Devon is LCT 3F Settled valley floors. The guidelines for such landscapes amongst others, include:

*Retain a balance between recreational, industrial and agricultural land uses ensuring that new development does not intrude into areas retaining naturalistic characteristics.*

*Protect the setting of historic landscapes and settlements, including Conservation Areas.*

Both of which are pertinent to this site. The landscape officer is clearly of the view however that the development proposed will impact negatively on the landscape character and is therefore contrary to policy DEV23 in the JLP.

#### **Highways/Access:**

Access to the site is proposed directly from the A386, utilising the existing driveway which leads currently to the former school buildings and Hazeldon House.

The Highway Authority have commented as follows regarding the application:

*There are no objections in principle from a highway point of view to the proposed vehicular*

*access that is intended to serve the site.*

*It would also be beneficial to provide a link to the NCN 27 which runs along the north western boundary as outlined in the Design and Access Statement supporting the application.*

*The applicant has suggested that bus stops can and will be provided in the vicinity of the site and the highway authority would agree to this provision.*

*As the TS says this site is located next to the A386 which was once served by local bus service 46 and from now by the 118. This provides ten journeys to Tavistock and nine towards Okehampton.*

*Within the nine/ten journeys there are some gaps of over two hours which do detract from its attractiveness for local journeys – towards Tavistock there is no departure between 0805 and 1020 and again between 1457 and 1725. The 118 service is operated by two buses which have a limited amount of free time. The highway authority would not, on balance, recommend any contribution towards public transport from this comparatively modest number of new units (compared to the previously submitted applications which generated the need for a contribution).*

*Subject to those requirements, which will need to be the subject of an appropriate legal Agreement, the highway authority recommend the imposition of conditions on any planning permission granted.*

*Recommendation:*

*Subject to the developer first entering into an appropriate Agreement to provide, at their own expense, prior to the occupation of any of the residential properties hereby approved:-*

*(a) bus stops on both sides of A386 with associated footways, hardstanding and bus shelters, to a design to be agreed with the planning authority after consultation with the highway authority, and*

*(b) the widening of the footway to the south of the Trout and Tipple as generally shown on application plan number CC1574/TA05/B in the Transport Statement.*

No confirmation has been received from the applicant as to whether they agree to these requirements.

The SPD sets out indicative figures for parking requirements:

Parking spaces - 2.4m x 4.8m

Parallel parking - 2.0m x 6.0m

Bays in front of garages - 2.5m x 5.5m

Disabled spaces - 3.8m x 5.0m

Garage internal dimensions - 6.5m x 3.5m

Additional width will be needed if a garage is adjacent to a structure or where there is a shared pedestrian entrance.

In terms of numbers of spaces expected:

1 bed – 1 space

2 bed – 2 spaces

3 bed – 2 spaces

4 bed – 3 spaces

In total 42 spaces are proposed on the site, 21 car port spaces, 16 on-plot spaces and 2 driveway and 3 visitor parking spaces. This gives a parking ratio of 3:1 including 3 spaces for Hazeldon House, in the form of a flat roof car port, located to the east of the house.

The parking proposed meets the requirements of the SPD.

**Ecology and biodiversity:** An ecological survey was submitted with the planning application (an update of the previous survey provided for the previous application on the site). This was reviewed by the County Ecologist. Comments from the ecologist included a recommendation for conditions to be attached to any consent relating to:

- details of lighting control measures during construction through the submission of a CEMP;
- post construction lighting plan to be agreed;
- details of the location of bat and bird box type, location and management to be outlined in a LEMP;
- measures to avoid constructions activities affecting nesting birds to be submitted;
- measures to avoid impact on dormice
- measures to avoid construction impact of badgers, reptiles and amphibians ( in the CEMP).

In addition no information in relation to Biodiversity net gain was provided in the application. A metric has since been submitted, and I am awaiting the ecologist's comments on that.

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 officers have not requested this at this stage because of the recommendation for refusal.

**Drainage:** The drainage strategy submitted, indicates that via a series of soakaway tests soakaways are not feasible on the site. It is therefore proposed to place an attenuation tank under the parkland in the southern part of the site. The discharge will be to a stream which currently exists along the southern boundary of the site. There are also two areas which are currently ponds. Whilst these are shown on the drawings, there is no reference to them being utilised for surface water run off purposes.

The Lead local Flood Authority have confirmed that they have no objection in principle to the proposed surface water drainage, the do require additional information to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

In light of the fact that officers are proposing a recommendation of refusal for the application, the additional information was not specifically requested as it would involve additional expense for the applicant when the proposal is not considered acceptable in principle..

A foul drainage system is proposed to be provided which will discharge to South West Waters adopted foul sewer 470m south of the site at the junction of Parkwood Road and Old

Exeter road. South West Water have confirmed that there is capacity on the current sewer network to accommodate the development proposed.

### **Climate change**

Policy DEV32 in the JLP make a commitment to reducing carbon in developments. An energy statement was submitted which relates to the previous Building Regulations (Part L1a 2013 and SAP 2012). However in June of this year the Building Regulations were updated and whilst the policy in the JLP reflects the earlier legislation, officers would expect applicants to be providing the extra requirements of the more up to date legislation because the applicant will need to meet those building regulations from 2023 onwards (likely to be in the build tome for this proposal). However as stated in relation to the additional drainage requirements, it was felt unnecessary cost for the developer to provide a more up to date report when there are fundamental in principle concerns with the proposal. If the application were to be approved additional information in relation to DEV 32 would be required to be submitted, potentially via a planning condition.

In terms of the carbon reduction measures proposed for this site, the energy statement indicates the following measures:

- Good levels of insulation
- Thermal bridging
- Ventilation
- Heating and controls to limit use
- Design allows for natural daylight to reduce the energy use from internal lights
- Low energy lighting
- House type 8 – a waste water heat recovery system fitted to the shower
  - A balanced mechanical ventilation system with heat recovery.

Air source heat pumps are proposed but the energy statement states that further consultation would be required with an ASHP installer to ensure that they would be feasible for this site.

The use of PV panels and solar hot water are also considered feasible for the site, but have been discounted because *“they would not be in fitting with the design and layout of the proposed dwelling”*. Officers consider that this is an opportunity missed and count against the carbon reduction of the proposals. Policy DEV32 requires for *“All major development proposals should incorporate low carbon or renewable energy generation to achieve regulated carbon emissions levels of 20 per cent less than that required to comply with Building Regulations Part L.”*

The current energy statement suggests that the proposal can meet this aim, however this would need to be reviewed again using the up to date Building Regulations if members were to approve the development.

### **Conclusion and planning balance**

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. The current Local Plan is also recently adopted and therefore up to date. The Councils can demonstrate a 5 year housing land supply and there are sufficient allocated sites in and around Tavistock to cater for the housing need in the Plan period. As such any other sites must demonstrate their sustainability criteria and indeed meet

all other policies of the Plan to be considered acceptable over and above the allocations and 5 year supply.

The proposal is considered to be located in an isolated location and in the countryside, and as such is not a sustainable location for additional residential development. The principle of the additional development on this site is therefore not policy compliant.

Whilst a pre application enquiry did occur, the scheme as submitted did not address all of the issues raised through the pre app process. As such the design of the proposed dwellings are of concern to officers. The impact on the landscape within which the site sits is also a cause for concern from the landscape specialist and does not reflect the Landscape character type. Sport England have raised objection to the development due to loss of playing field provision and finally, the provision of large detached houses with no affordable houses does not meet the local housing needs of the area, which is for smaller properties.

As the development affects a listed building or its setting, then in considering whether to grant planning permission for the development the Council is required to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. Special regard means that the desirability of preserving or enhancing the setting of the listed building and that this should not simply be given careful consideration but “considerable importance and weight” when carrying out the balancing exercise.

The NPPF requires the Council to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise (paragraph 195). In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness (paragraph 197).

By way of reflecting the statutory duty, the NPPF says that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (paragraph 199). Where the harm amounts to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (paragraph 202).

The heritage officer identifies particular aspects of the proposal which are considered neutral in terms of harm, but expresses concerns about 3 key aspects of the proposal which he considers “*greatly diminishes the positive elements within the overall proposal*” and hence the recommendation for refusal. The planning balance would need to take account of the harm this would cause.

The recent case of Corbett has re-emphasised the key part of the s38(6) statutory duty, which is to determine whether the development accords with the development plan when viewed as a whole. It has long been recognised by the courts that it is not unusual for development plan policies to pull in different directions and that the decision taker must therefore make a judgement as to whether a proposal is in accordance with the plan as a whole, bearing in mind the relative importance of the policies which are complied with or infringed and the extent of the compliance or breach.

There is a statutory presumption in favour of the development plan and the NPPF, an important material consideration, reiterates this fundamental point.

Having considered the proposal against the relevant policies and the Development Plan as a whole, it is considered that the proposal is unacceptable and should be refused for the reasons given.

## **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. On 13<sup>th</sup> 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  
SPT4 Provision for employment floorspace  
SPT5 Provision for retail development  
SPT6 Spatial provision of retail and main town centre uses  
SPT10 Balanced transport strategy for growth and healthy and sustainable communities  
SPT11 Strategic approach to the Historic environment  
SPT12 Strategic approach to the natural environment  
SPT14 European Protected Sites – mitigation of recreational impacts from development  
TTV1 Prioritising growth through a hierarchy of sustainable settlements  
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area  
TTV20 Spatial priorities for development in Tavistock.  
TTV19 Other sites allocations in Tavistock  
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  
DEV3 Sport and recreation  
DEV4 Playing pitches  
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  
DEV19 Provisions for local employment and skills  
DEV20 Place shaping and the quality of the built environment  
DEV21 Development affecting the historic environment  
DEV22 Cornwall and West Devon Mining Landscape World Heritage Site  
DEV23 Landscape character  
DEV26 Protecting and enhancing biodiversity and geological conservation  
DEV27 Green and play spaces  
DEV28 Trees, woodlands and hedgerows  
DEV29 Specific provisions relating to transport  
DEV30 Meeting the community infrastructure needs of new homes  
DEV31 Waste management  
DEV32 Delivering low carbon development  
DEV35 Managing flood risk and Water Quality Impacts  
DEL1 Approach to development delivery and viability, planning obligations and the Community Infrastructure Levy

**Neighbourhood Plan:** There is currently no neighbourhood plan in place for this area.

### **National Planning Policy Framework**

Other material considerations include the policies of the National Planning Policy Framework (NPPF) including guidance in Planning Practice Guidance (PPG).

### **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.