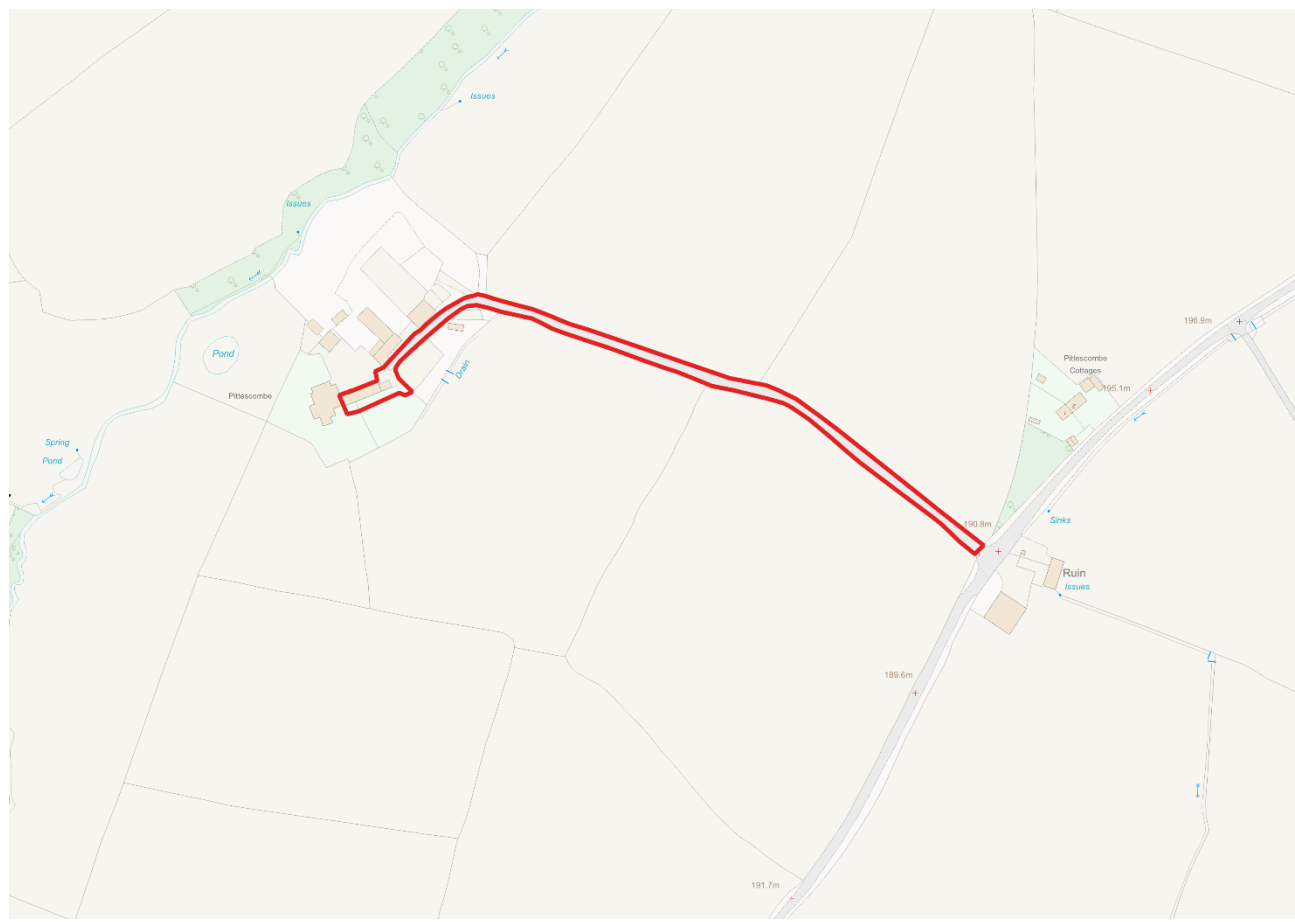


## COMMITTEE REPORT

<b>Case Officer:</b>	Hayley Easter		
<b>Parish:</b>	Lamerton	<b>Ward:</b>	Milton Ford
<b>Application No:</b>	1054/24/FUL		
<b>Applicant:</b>	Mr C Gent Pittescombe Farm Lamerton Tavistock Devon PL19 0LH	<b>Agent:</b>	Mrs Emily Heydon - Atticus Planning Limited PO Box 247 Tavistock PL19 1FJ
<b>Site Address:</b>	Pittescombe Lamerton PL19 0LH		
<b>Development:</b>	Retrospective application for conversion of barn to holiday let		



**Reason item is before Committee:** Called by Cllr Jory for the following reasons:

SUMMARY IS OFFERED:

*Having considered the matter carefully, I believe that it would be appropriate for the application to be considered by the DM&L Committee.*

- *I can find nothing in the JLP that cites access by a private car as being a reason for refusal.*
- *In my view the proposed application meets these criteria (SPT1) and underpins and supports local services.*
- *Lamerton is designated as a sustainable village – as such it needs to support existing facilities such as the shop and local pub. This type of use of an existing building helps to underpin that sustainability not work against it. This proposed use provides an economic use which in turn provides employment potential, not least for the owners of the property, but also underpins local services such as the shop and pub. This proposal has helped to bring this historic building back into use and therefore helps to protect and enhance the historic environment*
- *The proposal is, in my view, entirely commensurate with these aims (TTV1 & TTV2 & TTV26 & DEV15)*
- *Contrary to the view set out in the report, the facility has been operating, has been popular and has shown that there is a proven need for this type of small scale, discreet tourism facility in the area;*
- *Reference to a sustainable travel plan in the context of this small-scale development makes no sense in the light of the approval of a development of 19 homes – with officer recommendation – in Lamerton at the last DM&L Committee*
- *Reference to mitigation to help manage the additional recreational pressures upon the Plymouth South and Estuaries European Marine Site (comprising the Plymouth South and Estuaries SAC and the Tamar Estuaries Complex SPA) seems rather incongruous*
- *Overall, when viewed against the context of these policies, and the Plan as a whole, I consider that the modest change to planning approval requested by the applicants does, on balance, meet the requirements of the Joint Local Plan and I would like the DM&L Committee to consider that along with representations from the applicant and me as the local ward member*

**Recommendation:** Refusal

**Reasons for refusal:**

1. The development would result in tourism accommodation in an unsustainable and isolated rural location with restricted access to local services and amenities and extremely limited sustainable and active travel opportunities. As such, users would be reliant on the use of private vehicles to move around the Borough. The proposal is therefore contrary to the underlying ethos of the Development Plan and national advice (National Planning Policy Framework) to support sustainable development. This proposal is therefore in contravention of Policies SPT1, SPT2, TTV1, TTV2, TTV26 and DEV15 of the Plymouth and South West Devon Joint Local Plan (2014-2034) and guidance contained within but not limited to paragraphs, 7, 8, 157 and 159b of the National Planning Policy Framework (2023)
2. It has not been evidenced to the satisfaction of the Local Planning Authority that the proposed holiday let responds to an identified local need and the development is therefore contrary to policy DEV15(7) of the Plymouth and South West Devon Joint Local Plan (2014-2034).
3. It has not been demonstrated that the traffic impacts of the development have been fully considered, nor appropriate mitigation measures put forward to overcome the traffic impacts in a sustainable way contrary to policies SPT1(1, ii & iv), DEV15(8), DEV29(6 & 7) and DEV32 of the Plymouth & South West Devon Joint Local Plan (2014- 2034) and guidance contained within but not limited to paragraphs, 7, 8, 157 and 159b of the National Planning Policy Framework (2023)

4. It has not been demonstrated that the proposal delivers a comprehensive scheme of carbon reduction measures that are integrated into the design or achieve targets for developments of this nature and scale for renewable energy. As a result, the development is considered contrary to DEV32 of the adopted Plymouth and South West Devon Joint Local Plan 2014-2034 (JLP) and the adopted Plymouth and South West Devon Climate Emergency Planning Statement.
5. In the absence of a completed and signed Unilateral Undertaking to secure a scheme of mitigation to manage the additional recreational pressures upon the Plymouth Sound and Estuaries European Marine Site (comprising the Plymouth South and Estuaries SAC and the Tamar Estuaries Complex SPA), as such causing harm to this designated marine site. The proposal is therefore contrary to Policies SPT12, SPT14, DEV26 and DEL1 of the Plymouth and South West Devon Joint Local Plan 2014-2034; and the Plymouth and South West Devon Joint Local Plan Supplementary Planning Document

### **Key issues for consideration:**

Holiday accommodation, Location, Sustainability, Design, Landscape, Biodiversity and Ecology, Highways, Low Carbon Development and Tamar EMS

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### **Site Description:**

The application site is an existing converted barn which is centrally located within a group of agricultural buildings at Pittescombe Farm, Lamerton. Additionally, the host dwelling is attached to the application site building and located to the south west. The building is two storey with access at first floor via an existing entrance on the southern elevation. The building has an area of outdoor space which is gated.

The application site is located approximately 2km north of Lamerton.

A Public Right of Way (PRoW) runs through the wider site known as Lamerton Footpath 9 and the site is located within the Tamar EMS Influence Zone.

### **The Proposal:**

The application is retrospective. The works relate to the use of the building which was previously conditioned as part of application 01074/2013. The building has been used as holiday accommodation since 2019 and the proposal is to retain the holiday letting use.

No external changes are proposed. However, there are slight changes in the openings compared to those previously approved in 2013.

### **Consultations:**

- **Lamerton Parish Council:** Support
- **Drainage Officer:** No objection
- **Environmental Health Officer:** We do not anticipate any environmental health concerns in relation to the proposal to connect foul drainage to the existing package treatment plant which discharges to a drainage field.
- **DCC Ecology:** There are no Ecological concerns with this application.
- **DCC Highways:** No highways implications.

### **Representations:**

- None received.

## Relevant Planning History:

- **01074/2013** - Conversion and change of use of barn to C2 and D1 uses - educational studio facilities and associated residential accommodation. Conditional Approval 17/12/2013
- **01877/2011** - Householder extensions and alterations to dwelling. Conditional Approval 03/11/2011

## ANALYSIS

### 1.0 Background:

1.1 It is understood by Officers that the previous application allowed for C2 and D1 uses - educational studio facilities and associated residential accommodation and this was conditioned appropriately. Notwithstanding this, the decision was made during a previous local plan policy regime and the application under consideration is being considered against the JLP. Furthermore, Officers have regard to the previous 'reason' attached to Condition 3 regarding the use of the building and is material in the consideration of this application

*The proposed building/premises shall be used for education use and associated residential accommodation use and for no other purpose in Classes C2 and D1 of the Schedule to the Town and Country Planning (Use Classes) Amendment Order 2005. The residential use as permitted shall be used by those attending the educational courses on site only.*

*Reason: To safeguard occupiers of adjoining properties from possible effects on the character of the rural area.*

1.2 During the application process, the LPA have been informed that the D1 use was never initiated. The holiday accommodation has therefore been offered since late 2018 without being associated with the D1 studio use, with a first booking in February 2019. Therefore, the holiday use part of the previous permission which was wholly reliant upon those attending educational courses on site only, has never complied with the requirements of Condition 3 of application 01074/2013 and this is considered as part of the application.

### 2.0 Principle of Development/Sustainability:

2.1 The SPT policies of the Plymouth and South West Devon Joint Local Plan 2014-2034 (JLP) are the higher-level spatial policies which are the starting point when considering any planning application. Policy SPT1 sets out that LPA's will support growth and change which delivers a more sustainable future within the plan area. Sustainability underpins all the guiding principles by promoting a sustainable economy, sustainable society and sustainable environment.

2.2 Furthermore, Policy SPT2 of the JLP applies principles of sustainable linked neighbourhoods and sustainable rural communities as a guide of how growth and development take place across the plan area. Development can support the overall spatial strategy by creating neighbourhoods and communities which, amongst other criteria, are well served by public transport, walking and cycling opportunities, and should have an appropriate level of services to meet local needs.

2.3 The TTV policies are the next level down in the JLP and are the development strategy for the Thriving Towns and Villages. Within Policy TTV1, it seeks to distribute growth and development in accordance with a hierarchy of settlements in the Thriving Towns and Villages Policy Area (TTV area). The hierarchy focuses development towards the top of the hierarchy, which is the Main Towns. The hierarchy steps down to the Smaller Towns and Key Villages, then, Sustainable Villages, and then finally Smaller Villages Hamlets and the Countryside. After reviewing the site location, the site is not within a main town, smaller town or key village or a sustainable village and would therefore fall into the last category of smaller villages, hamlets and the countryside.

2.4 Under Policy TTV1, development in the countryside will only be permitted if it can be demonstrated to support the principles of sustainable development and sustainable communities as set out in the SPT policies. Development in this fourth layer of the hierarchy “*will only be permitted 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.*” Policy TTV27 is not relevant to this proposal because it is for exception sites.

2.5 Policy TTV2 then goes on to indicate specific objectives of rural sustainability, namely, reinforcing the sustainable settlement hierarchy, locating housing where it will maintain rural vitality, the delivery of affordable homes and accessibility to sustainable transport options.

2.6 Policy TTV26 provides criteria for assessing all development in the countryside. The Policy requires the LPA to protect the special characteristics and role of the countryside, as well as avoiding isolated development in the countryside unless exceptional circumstances permit otherwise. For these purposes, a development will be isolated if it is physically separate or remote from a settlement. What is a settlement and whether a development is physically separate or remote from a settlement, are matters of planning judgment.

2.7 Applying Policy TTV26, the judgment is the site is not located within any settlement and is considered isolated. This is due to the site’s location which is divorced from the nearest settlement of Lamerton via existing agricultural fields and respective distance. As such the LPA are considering TTV26(1 and 2).

2.8 Part 1 of TTV26 applies to isolated development in the countryside which aims to avoid development and only permit it in exceptional circumstances. The following provisions are examples of some exceptional circumstances

- 1. Isolated development in the countryside will be avoided and only permitted in exceptional circumstances, such as where it would:*
  - i. Meet an essential need for a rural worker to live permanently at or near their place of work in the countryside and maintain that role for the development in perpetuity; or*
  - ii. Secure the long-term future and viable use of a significant heritage asset; or*
  - iii. Secure the re-use of redundant or disused buildings and brownfield sites for an appropriate use; or*
  - iv. Secure a development of truly outstanding or innovative sustainability and design, which helps to raise standards of design more generally in the rural area, significantly enhances its immediate setting, and is sensitive to the defining characteristics of the local area; or*
  - v. Protect or enhance the character of historic assets and their settings.*

2.9, In this case Officers consider that the proposal does not meet an essential need for a rural worker, nor does it propose to save a significant heritage asset (i and ii). With regard to (iii), the submitted planning statement in Paragraph (6.1.6) considers the application to meet this criteria. Officers have considered this, and the re-use of the building was considered in the previous application 01074/2013 and the proposed retrospective change of use is not considered to alter this. The proposed ‘appropriate use’ is further discussed below. For (iv and v) this is discussed below.

2.10 Part 2 of TTV26 applies to all development in the countryside and states that the LPAs will protect the special characteristics and role of the countryside. The following provisions will apply to the consideration of development proposals:

- 2. 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.*

2.11 Officers consider that the proposed retrospective change of use is acceptable with regard to the PRow (i). Similarly, to discussed above, the previous application 01074/2013 considered the re-use of the building and the proposal requires no significant further works so (ii) is not engaged. The proposal is not considered to prejudice agricultural operations or other viable uses (iii) and as no works are proposed (v) is not engaged. Landscape matters are discussed below (vi). Turning to (iv), the proposed retrospective change of use to holiday accommodation does not respond to a proven agricultural, forestry or other occupational need that requires development of the application site.

2.12 Policy DEV15 sets out the policy approach to supporting the rural economy. The opening paragraph states.....” *Support will be given to proposals in suitable locations which seek to improve the balance of jobs within rural areas and diversify the rural economy.*” There are two relevant points to note here. Firstly, the reference to ‘suitable locations’ and secondly the statement ‘seek to improve the balance of jobs’

2.13 In order to establish whether development is in a ‘suitable location’ it is necessary to refer back to the SPT policies relating to sustainable development. Policy SPT1 seeks a sustainable economy, society and environment. Part (1, ii) seeks to ensure environmentally conscious business development takes place and (Part 1, iv) seeks to promote a low carbon economy. Furthermore, a sustainable society is sought which provides a mix of local services, transport options to access various facilities, as well as seeking renewable energy opportunities and ensuring detrimental impacts to communities and developments such as flood risk are not caused. For seeking a sustainable environment development should reduce greenfield development, seek gains in biodiversity, reduce adverse environmental impacts, ensure best and most versatile agricultural land is protected and respect, maintain and strengthen local distinctives and sense of place.

2.14 Policy SPT2 seeks to guide development and growth through the plan area in support of the overall spatial strategy through communities and neighbourhoods which have reasonable access to various facilities, provide balanced housing, ensure development is served by public transport/walking and cycling facilities, have safe spaces and explore opportunities for the use of renewable energy.

2.15 Policy TTV1 is particularly pertinent because it sets out a clear hierarchy for development within the TTV area. This proposal is in the 4<sup>th</sup> tier of the hierarchy and as indicated in policy TTV26, development in these areas should be by exception. It is of course noted that the building is in existence and has been used for holiday accommodation. However, that permission was granted on a very specific basis. It was only permitted in association with the studio use, which has never been implemented. The current use of the building is therefore in breach of the condition on application 01074/2013. It was also considered during a different policy regime, where the policies at that time were less concerned with the sustainability of locations for development.

2.16 The policy goes on to consider where economic development can be considered in the rural areas. Officers accept that there would likely be a small economic benefit directly to the applicant from renting out the unit and potentially an employment benefit of cleaners and maintenance of the unit. There could also be indirect economic benefits to the local economy through spend in shops and restaurants and engaging in local leisure activities, but this has not been quantified within the submission.

2.20 Moving onto Policy DEV15(7), it states ... “*camping, caravan, chalet or similar facilities that respond to an identified local need will be supported, provided the proposal is compatible with the rural road network, has no adverse environmental impact and is not located within the Undeveloped*

*Coast policy area.*” As such, in accordance with this, the application needs to demonstrate to the LPA how the proposal would be meeting an identified local need which should be specific to the proposed use and the location, and not of a generic or anecdotal nature. Officers are aware of existing facilities in the surrounding area and limited information has been provided to the LPA regarding the identified local need of this specific provision and, as such, the Local Planning Authority do not consider that a local need for this accommodation has been demonstrated and so the proposal is contrary to this part of Policy DEV15.

2.21 In Policy DEV15 Part 8 (i) it requires development proposals to “*demonstrate safe access to the existing highway network*”, (ii) requires development proposals to “*Avoid a significant increase in the number of trips requiring the private car and facilitate the use of sustainable transport, including walking and cycling, where appropriate. Sustainable Travel Plans will be required to demonstrate how the traffic impacts of the development have been considered and mitigated*”.

2.22 To assess this, a Sustainable Travel Plan (STP) is required to consider the impact and provide mitigation. A STP has been provided and the key points state:

- The Farm currently operates a holiday let for the use of tourists staying in the area for short lets and overnight stays.
- The maximum occupancy is 8 people
- There is a parking area shared with the farmhouse via the existing farm track
- Most guests will arrive at non-peak times.
- The unit is rented out by guests as one unit. This can result in more than one car travelling to the site, normally this is by no more than two guest vehicles.
- There are walking routes which runs through the farm and this links to local amenities such as play areas and one can walk to local public house The Blacksmith.
- One can walk to local bus stops within Lamerton and this provides links to Tavistock and Dartmoor.
- The owners will greet guests and inform users of all travel options available.
- The development encourages sustainable development in an effort to meet its carbon reduction goals and reliance on private motor vehicles.

2.23 Officers have reviewed the STP, and it does not contain any specific measures to reduce reliance on the private car, such as the provision of ebikes etc, which could mitigate the need to use a car or, any details for the monitoring of journeys, targets for the reduction of journeys by the private car nor is there any detail setting out action to be taken in the event that journeys by car are not reduced. Notwithstanding this, Officers have considered the points raised.

2.24 Officers acknowledge the site’s location in close proximity to PRoW Lamerton 9 and this footpath links users east to west. Users, if walking south west towards Lamerton would likely be required to walk the road towards Orchard Court as the PRoW’s do not connect the whole way into Lamerton. If future users were to walk to The Blacksmith for example and as discussed in the STP, users would be required to walk 1.4miles (2.8 miles round trip) and due to the nature of the routes there is limited street lighting and pavements available which is likely to deter most people from walking..

2.25 When considering sustainable transport options, the nearest bus stops are located within Lamerton (1.1mile/2.2miles away round trip) or Heathfield stop north east of the site (0.8mile/1.6miles away round trip). These stops do offer onward travel services towards Tavistock, Launceston and Chillaton. However, some of these stops are not regular, for example service 114 from Heathfield stop runs every Thursday and service 117 from Lamerton runs every Tuesday.<sup>1</sup>

2.26 Therefore, although there is a PRoW close by and bus stops some distance away Officers still consider the site to be isolated and not within a sustainable location. Officers also note that no

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<sup>1</sup> See <https://tavistockcountrybus.co.uk/weekday-timetables/>

provisions have been made within the original submission for electric vehicle charging points. The offer of EV charging has now been made by the agent, but this was after the agent was updated on the Officer's concerns regarding the proposal. Overall, with limited alternative transport options available, users of the holiday accommodation would be reliant on the private car for the majority, of their trips. Therefore, the site could not be described in terms of accessibility to be a sustainable location.

2.27 With regards to the NPPF, it sets out that the planning system should actively manage patterns of growth in support of promoting sustainable transport objectives including opportunities to promote walking, cycling and public transport use. Officers accept that sustainable transport methods vary between rural and urban areas, but in this case, the unsustainable location away from facilities and services is not considered to accord with the NPPF.

2.28 Whilst the residential accommodation use of the building has previously been found to be acceptable when used in connection the education use, Officers consider that users of an unrestricted holiday unit may result in increased movements to the extant use in connection with educational classes. For example, users may have more time to explore the area or attend other facilities within West Devon rather than engaging with the on-site offering. As such, users would still be likely to visit shops, services and eating establishments and therefore occupants would still need access to a range of local services and facilities at varying times of the day and evening, which are some distance away.

2.29 In summary, Officers consider the economic benefits of one unit of holiday accommodation are limited and the provision of holiday accommodation in an unsustainable location in the countryside with no mitigating factors towards the promotion of more sustainable methods of travel is not sustainable tourism, as identified above in the NPPF.

2.30 As such, although the policies of the JLP do not exclude rural tourism and farm diversification, they do seek to establish a pattern of development that is based on the principles of sustainability, and as has been demonstrated earlier in this report this location is unsustainable and does therefore not comply with Policy DEV15 of the JLP and the aims of the JLP as a whole towards the promotion of sustainable development. The benefits would not outweigh the harm found due to the unsustainable location, poor access to local services and facilities other than by private vehicles. Therefore, Officers consider on balance that the proposal is contrary to Policies SPT1, SPT2, TTV1, TTV2, TTV26 (1 & 2) and DEV15 (7&8, i,ii) of the JLP. Furthermore, the STP is not considered adequate and does not comply with the provisions of Policies DEV29 (6, 7) and DEV32.

### 3.0 Design/Landscape:

3.1 Policy DEV20 requires developments to achieve high standards of design that contribute to townscape and landscape by protecting and improving the quality of the built environment. Additionally, Policy DEV23 seeks to conserve and enhance the landscape, scenic and visual quality of development, avoiding significant and adverse landscape or visual impacts.

3.2 Due to nature of the proposed retrospective change of use, the works are not considered to raise design/landscape considerations. There are no objections raised with regard to Policies DEV20 and DEV23.

### 4.0 Neighbour Amenity:

4.1 Policy DEV1 protects health and amenity by ensuring that development does not cause any adverse impact on residents. Issues such as overshadowing, privacy and noise from development, amongst others, are considered. Policy DEV2 states that development should avoid any harmful impacts on items such as soil, air, water or noise pollution.

4.2 The proposed change of use to allow holiday accommodation has been considered with regard to Policies DEV1 and DEV2. Similarly, the previously imposed condition from 2013 sought to



safeguard the occupiers of adjoining properties from the resulting development. The use of holiday accommodation for short term lets is considered to generate additional trips to and from the building as discussed above with regard to future users accessing nearby facilities. However, the site is considered an appropriate distance from the nearest neighbouring dwellings and the additional trips generated is not considered to cause a significant amenity impact and no objections are raised regarding Policies DEV1 and DEV2.

#### 5.0 Highways/Access:

5.1 Policy DEV29 and DEV15 of the JLP require consideration of the impact of developments on the wider transport network and require safe traffic movements and vehicular access to and from the site.

5.2 The proposal makes use of an existing access and contains sufficient parking and turning space within the site. However, with the proposed holiday use, there will be more regular trips made. The LPA have consulted Devon County Council's (DCC) Highways Officer and they have confirmed there are no highway safety implications. Officers however do maintain that the proposal would lead to increased car use and as such maintain their concerns on the highway impacts of the development as set out in Policy DEV15. However, the proposal in relation to the requirements of Policy DEV29 is acceptable.

#### 6.0 Drainage:

6.1 Policy DEV35 (Managing Flood Risk and Water Quality Impacts) of the JLP requires sustainable water management measures to be incorporated within proposals. It further states that development will not be permitted without confirmation that sewage / wastewater treatment facilities can accommodate or will be improved to accommodate the new development.

6.2 The site is not within an area prone to flooding. The LPA's Drainage and Environmental Health Officers do not raise concerns regarding surface and foul water drainage. It is noted that there's no proposed increase to the impermeable area and given the development is served by an existing surface water management scheme, the development is low risk. Overall, Officers consider the proposal is not considered to raise any issues with respect to flood risk or drainage and the development would be in compliance with Policy DEV35 of the JLP.

6.3 If the application were recommended for approval, a suitable condition would be added to the decision to secure the final drainage solution.

#### 7.0 Ecology and Biodiversity:

7.1 Policies SPT1 and DEV26 of the JLP require the submission of adequate information to assess the impact of a proposal on biodiversity and overall gains in biodiversity are to be achieved by protecting and enhancing species and habitat.

7.2 DCC Ecologists consider that due to the nature of the proposed retrospective change of use, there are no ecological concerns relating to the application. Officers similarly raise no objections with regard to Policy DEV26.

#### 8.0 Low Carbon Development:

8.1 Policy DEV32 of the JLP sets out the carbon reduction plans of the Plan Area and requires all development to make a demonstrable contribution to this aim. In addition, the Council has declared a climate and biodiversity emergency, which accords with the national climate emergency declaration and binding net zero target for the UK (as per the amended 2008 Climate Change Act).

8.2 The application has been submitted with limited information in regard to Policy DEV32. The information submitted relies on the extant 2013 consent regarding the conversion. Officers consider,

in this case, there is a lack of any onsite renewable energy generation identified in order to comply with CEPS requirement M1, which seeks at least 20% of the energy load of the building to be met by onsite renewable energy generation. This needs to be new renewable energy generation, and not reliant upon any pre-existing renewables that may already be installed onsite – no renewables have been identified on the elevations or plans. Similarly, no SAP assessment has been submitted to quantify the baseline energy demand, or to quantify what a 20% saving would be. The local plan requires the specific impacts of the proposal to be quantified and mitigated for within the red line of the application and this has not been demonstrated. Therefore, the lack of clear evidence showing how the proposal aligns with policy is a valid reason for refusal in accordance with Policy DEV32.

conditioned.

### 9.0 Tamar EMS:

9.1 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 Unilateral Undertaking, and this approach has been agreed by Natural England.

9.2 However, as the application is recommended for refusal on other grounds, Officers have not sought the completion of such. There remains a holding objection to the application with reference to JLP Policies SPT12, SPT14, DEV26 and DEV1 and the JLP SPD in this regard.

### 10.0 The Planning Balance:

10.1 It is acknowledged by Officers that the previous 2013 application granted consent for a residential use, but this was secured to be used only when users were engaging in the on-site educational use, and in addition permission was approved in a previous policy regime, prior to the adoption of the JLP. Policy DEV15 seeks to support proposals in “*suitable locations*” ... when considering this development, it will provide tourism accommodation which would generate limited economic benefits as considered above.

10.2 Officers also recognise the rural character of West Devon and the importance of the rural economy, but equally sustainable development is at the heart of national guidance and underpins the JLP. The JLP must be considered as a whole and in weighing up the benefits and disbenefits of this and the various policies within the Plan, Planning Officers judgement is that the benefits do not outweigh the disbenefits and the unsustainable location has not been sufficiently mitigated in this case. If the application is approved, the resultant development would be tourism accommodation located in an isolated and unsustainable rural location with restricted sustainable access to services and amenities. Policy TTV1 finds the proposal in the 4<sup>th</sup> tier where development should be limited and is only acceptable if it can demonstrate it meets Policies SPT1 and SPT2 and Policy TTV26. seeks to protect the special characteristics and role of the countryside. As such, these two policies must weigh against the more limited economic benefits. Policy DEV32 and the Climate Emergency Planning Statement seek to ensure that all development reduces its carbon footprint, and this proposal does not provide the means to do this.

10.3 The balance therefore falls against the proposal when the JLP is considered as a whole. Whilst balanced, Officers consider the economic benefits of the holiday accommodation does not outweigh the isolated and unsustainable rural location which is within the fourth tier of the settlement hierarchy under Policy TTV1. As a result, Officers recommend refusal as the proposal fails to accord with JLP Policies SPT1(1, ii & iv) SPT2, TTV1, TTV2, TTV26, TTV29 (6 & 7), DEV15(8), DEV29(6 & 7) and DEV32.

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

## **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).

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  
TTV1 Prioritising growth through a hierarchy of sustainable settlements  
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area  
TTV26 Development in the Countryside  
DEV1 Protecting health and amenity  
DEV2 Air, water, soil, noise, land and light  
DEV15 Supporting the rural economy  
DEV20 Place shaping and the quality of the built environment  
DEV23 Landscape character  
DEV26 Protecting and enhancing biodiversity and geological conservation  
DEV29 Specific provisions relating to transport  
DEV32 Delivering low carbon development  
DEV35 Managing flood risk and Water Quality Impacts

### **There is no adopted Neighbourhood Plan**

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application:

**Plymouth and South West Devon Joint Local Plan Supplementary Planning Document (2020)**  
**Plymouth and South West Devon Climate Emergency Planning Statement (2022)**

### **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