

PLANNING APPLICATION REPORT

Case Officer: Jacqueline Houslander
and Ugborough

Parish: Ugborough **Ward:** Ermington

Application No: 1386/19/OPA

Agent/Applicant:

Mr & Mrs M & R French
Whiteoaks
Davids Lane
Filham, Ivybridge
PL21 0DW

Applicant:

Mr & Mrs M & R French
Whiteoaks
Davids Lane
Filham, Ivybridge
PL21 0DW

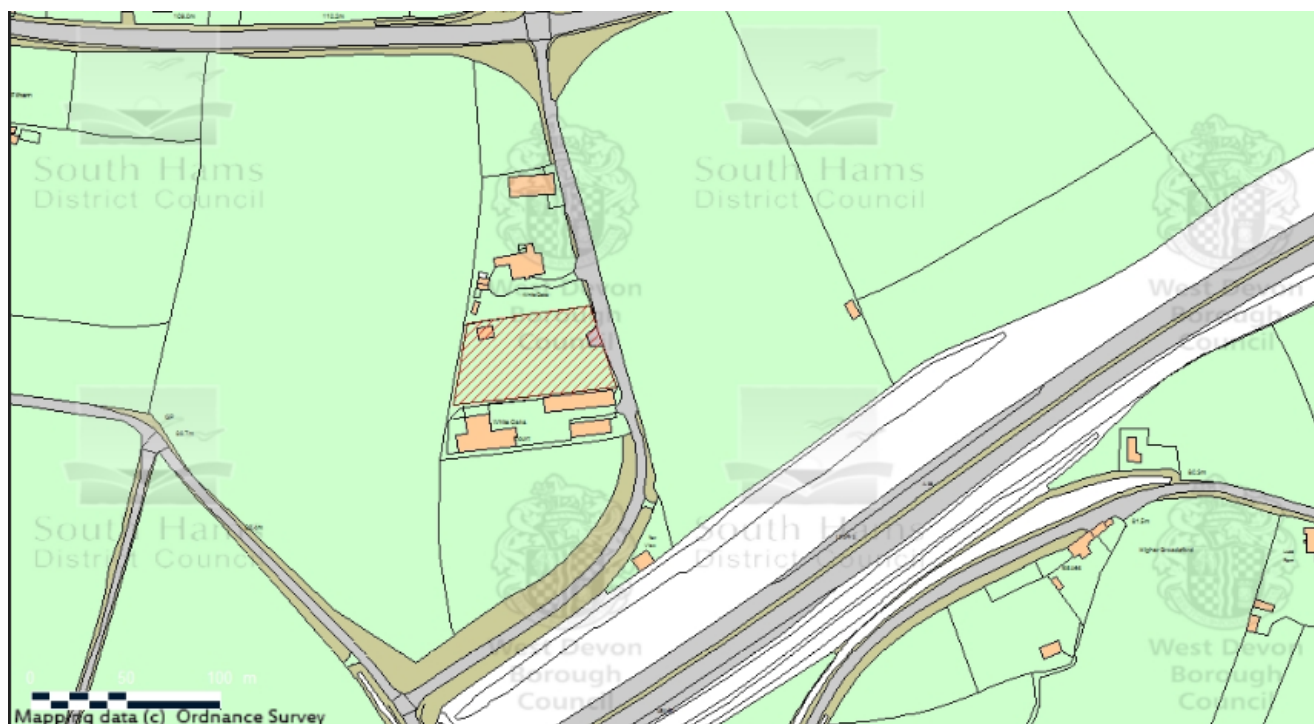
Site Address: Whiteoaks, Davids Lane, Filham, PL21 0DW

Development: Construction of 2no. residential dwellings on an infill site, formerly Whiteoaks camp site

Reason application is at Planning Committee:

Councillor Holway requested that this application be considered at the Planning committee for the following reason:

In view of the proximity of this site to the major Bloor development (shared boundary), the buildings either side of the site, the bus stop within 100 metres and the rail station within a few hundred metres I would like this application to be considered by members of the DM Committee.



Recommendation: Refusal

Reasons for refusal – addition of Neighbourhood Plan policies?

1. The proposed development of two dwellings in a countryside location fails to follow the strategic approach in the Plymouth and South West Devon Joint Local Plan (SPT1, SPT2 and TTV1) and with no agricultural, forestry or occupational need for them to be located in this rural area, would be harmful to the special characteristics and role of the countryside and contrary to Policy TTV26 of the Plymouth and South West Devon Joint Local Plan and the NPPF 2019, para. 78.
2. The proposed location in the countryside is too far removed from the nearest settlement to enable a walk or cycle to local community facilities, meaning that the development of family housing is considered to be in an unsustainable location contrary to the strategic principles of the Joint Local Plan for Plymouth and South West Devon and specifically Policy SPT2 and TTV1 of that Plan.
3. The development of two new dwellings and associated domestic paraphernalia would impact negatively on the rural character of this area, which despite there being some local development still presents as essentially rural and agricultural in nature, contrary to Policies DEV20 parts 2 and 3 and DEV23 in the Plymouth and South West Devon Joint Local Plan and Policies UG5 and UG11 in the Ugborough Neighbourhood Plan.

Key issues for consideration: Location of development in the countryside; adjacent allocation; design; neighbour amenity; highways considerations; landscape

Site Description: The site is a field adjacent to the property known as Whiteoaks. The field was formerly used as a caravan site, but has not been used for that purpose for many years. The land is flat and there is a separate access from the public road, with reasonable visibility. There is currently a small white building in the corner of the site, which has been described as the toilet block from the previous use as a campsite, which was granted consent in 1968 for 24 pitches, reduced to 16 pitches in 1996.

To the north of the proposed site is a small industrial complex, which comprises 3 units.

On the opposite side and further to the north there is a new dwelling built for the equestrian centre which is located there.

To the West of the site are agricultural fields, but which have been allocated in the Plymouth and South West Devon Joint Local Plan for residential development (known in the Local Plan as Land at Filham TTV7).

The Proposal: The proposal is in outline with all matters reserved for future consideration. The proposal is for 2 four bedroom dwellings of approximately 200 sq metres together with two detached garages. The height of these houses will be restricted to a storey and a half in line with the other properties in the vicinity to keep the ridge height comparable. Also the properties are aligned to avoid any conflict with the host dwelling, Whiteoaks. One of the garages would use the site where the dilapidated toilet block is currently located.

Consultations:

- County Highways Authority: No comments
- Environmental Health Section: **Objection: Potential for contamination but no preliminary risk assessment**

I recommend refusal to the proposed development because there is insufficient information to demonstrate that the risk of pollution and/or harm is acceptable.

There are three strands to this objection. These are that:

We consider the level of risk posed by this proposal to be unacceptable.

The application fails to provide assurance that the risks of pollution are understood, as a preliminary risk assessment (including an adequate desk study, conceptual model and initial assessment of risk) has not been provided. NPPG takes a precautionary approach. It requires a proper assessment whenever there might be a risk, not only where the risk is known.

Under guidance within the NPPG, the application should not be determined until information is provided to the satisfaction of the Local Planning Authority that the risk of pollution and/or harm has been fully understood and can be addressed through appropriate measures. This is not currently the case.

Reason: The end use is sensitive to potential contamination, but no preliminary risk assessment has been submitted with the application. The risk is considered unacceptable because there is no evidence to indicate otherwise.

The potential for contamination may be suspected on the basis of past and/or current use or experience of contamination issues at similar types of sites.

The applicants then submitted a phase 1 contamination report.

- Town/Parish Council: Neutral. Query contamination from the previous toilet block

Drainage: Recommendations – Objection

Based on the information provided we would object to the current proposal on the grounds of insufficient information. As such we would recommend that the application is not decided until these issues have been overcome.

Observations and comments

This is an outline application for a small scale minor development of two new dwellings, new access road and car parking facilities, within a Critical drainage Area (CDA). Within the CDA the surface water should be managed on site to reduce the burden on the sewer network. Soakaways are the first choice and must be fully explored and discounted before an offsite discharge can be considered.

The application site being within CDA requires an offsite discharge rate to be limited to 1:10 years Greenfield (GF) runoff rate. However, if the application site is small and the calculated Greenfield runoff rate is too small to be practically achievable, then a maximum offsite discharge rate of 1.0l/s can be considered. Which is achievable in most cases with suitable pre-treatment and shallower storage depth.

Where there is the option of an offsite discharge to a watercourse or Public sewer then this can be accepted as an “In principle scheme” and the final details can be agreed by condition. Having reviewed the plan it would appear that no watercourses or public sewer located on or nearby the proposed development site therefore percolation testing to DG 365 will be required to support the use of soakaway.

Overcoming the objection

To overcome the objection the applicant will need to provide the details of the most sustainable drainage scheme. Design steps are as below:

1. Soakaway testing to DG 365 to confirm the use of soakaways or to support an alternative option. Three full tests must be carried out and the depth must be representative of the proposed soakaway. Test results and the infiltration rate to be included in the report.
2. If infiltration is suitable then the soakaway should be designed for a 1:100 year return period plus an allowance for Climate change (currently 40%).
3. If infiltration is not suitable then an offsite discharge can be considered. Attenuation should be designed for a 1:100 year return period plus an allowance for Climate change (currently 40%).
4. The offsite discharge will need to be limited to 1:10 year Greenfield runoff rate. This must be calculated in accordance with CIRIA C753. Full details of the flow control device will be required.
5. If discharging surface water to the main sewer, then written permission from SWW will be required.
6. Impermeable area plan.
7. A scaled plan showing full drainage scheme, including design dimensions and invert/cover levels of the soakaway/attenuation features, within the private ownership.

Additional drainage information was submitted: Consultation response is: Based on the information provided we would support the current proposal. Full drainage details have been provided to demonstrate that a workable drainage scheme can be accommodated on site therefore if permission is granted please include the following condition.

Suggested condition

1. *The drainage scheme shall be installed in strict accordance with the approved plans, maintained and retained in accordance with the agreed details for the life of the development.*
2. *If any other drainage scheme than that approved as part of this permission is proposed then a mitigating drainage alternative shall be agreed with the Local Planning Authority.*

Reason: To ensure surface water runoff does not increase to the detriment of the public highway or other local properties as a result of the development.

Strategic Planning: At present, the site is not only within the countryside, but it is at best only 4 fields away from the current urban edge at Godwell Lane. It is within the countryside. The proximity of the Filham allocation is not really relevant to this application, because the proposal site will still be in countryside, and located further away from the town than the allocation is. While the adjacent land is allocated, there is no guarantee as to when, or indeed if, it is actually developed.

The applicants should demonstrate how the development accords with TTV26.2 (iv) and demonstrate an occupational need for the housing which the LPA could secure by condition. The JLP identifies a housing need, and also demonstrates that the LPA is comfortably meeting that need through allocated sites. As a result there is no policy pressure to permit housing on unallocated sites if they can't be considered fully policy compliant. While we always need to be mindful of maintaining our housing supply, these dwellings are not 'much needed' because the LPA can demonstrate a 5-year housing land supply and comfortable buffer beyond that. There is no policy obligation upon the LPA to permit something simply from a supply point of view.

This may be a 'brownfield' site, but in terms of what it adds to the local character, this is a green field, and I am not convinced that the development would offer a significant improvement from a character point of view. Adding more dwellings beyond the allocated site boundary would detract from what we are seeking to achieve in terms of maintaining the transitional character at the edge of town.

The site is located to the east of the allocated site and as such is too far removed from the services and facilities of the town to be considered walkable. The allocated site is on the outer limit in terms of distance from the nearest facilities, but they have the opportunity to create a traffic free pedestrian and cycling link on David's Lane to enhance connectivity. This proposal site benefits from no such connection, and there is no link planned through the allocated site, meaning an additional distance to either the north or south on David's Lane before access can be gained to either the Bloor link or the B3213. The distances we are talking about far exceed some of those identified in table 3.2. The allocated site is a bit closer, and while they may also be walking further than the stated distances in table 3.2, the scheme is able to contribute positively to one of the stated spatial priorities for Ivybridge (SP2.8) by delivering improved infrastructure to the benefit of local residents, which in part mitigates the distance. This proposal cannot do that, admittedly we wouldn't require walking or cycling infrastructure for a proposal of this scale, but it still leaves the scheme too distant to be considered as a walkable location in relation to the town.

Representations:

Representations from Residents

Comments have been received and cover the following points:

Support: 1 letter

Delighted there will be two dwelling in this parcel of land. It fits in with the area.

Object: 1 letter

Over 900 homes have permission or are planning applications in Ivybridge, which is a potential 20% increase, with no infrastructure improvements. No further development should be authorised, no matter how small, until school places, traffic, health provision, leisure provision is adequate.

No further building on greenfield sites should be permitted.

Relevant Planning History

57/0311/79/1: OPA

Proposal: Erection of house and garage

Site Address: Site part of White Oaks Filham Ivybridge

Decision: Refusal: 17 Apr 79

57/0757/81/4: COU

Proposal: To amend permission from 12 caravans and 12 tents to 20 caravans and 4 tents
Site Address: Field No. 3705 South of Whiteoaks Farm Davids Moor Cross Filham
Decision: Conditional approval: 28 May 81

57/1465/84/3: FUL

Proposal: Alterations and extensions
Site Address: Whiteoaks Ivybridge.
Decision: Conditional approval: 27 Nov 84

57/1466/84/4: COU

Proposal: Extension of use to provide winter storage for 18 caravans/ boats Site Address:
Whiteoaks Ivybridge.
Decision: Conditional approval: 27 Nov 84

57/1597/84/3: FUL

Proposal: Change of use to Guesthouse
Site Address: Whiteoaks Ivybridge.
Decision: Conditional approval: 27 Nov 84

57/1806/91/4: COU

Proposal: Change of use from guest house to residential
Site Address: Whiteoaks Daveys Cross Filham Ugborough.
Decision: Conditional approval: 26 Nov 91

57/1548/13/PREMIN: PRE

Proposal: Pre-application enquiry for replacement of existing industrial shed with single dwelling
Site Address: Site adjacent Whiteoaks Davids Lane Filham Ivybridge PL21 0DW
Decision: Pre application - No Officer support given: 04 Apr 14

57/1848/14/F: FUL

Proposal: Erection of single dwelling to replace light industrial building
Site Address: Whiteoaks Davids Lane Filham Ivybridge PL21 0DW
Decision: Conditional approval: 10 Sep 14

ANALYSIS

Principle of Development/Sustainability:

The principle of this development falls to be considered against the Housing strategy and detailed policies in the newly adopted Joint Local Plan (JLP) for Plymouth and South West Devon. The relevant strategic policies are: SPT1, which encourages sustainable development, SPT2, which indicates how sustainable development should be delivered in the JLP Plan area. In addition TTV1 is relevant as it deals with housing in the Thriving Towns and Villages Policy Area, within which the application site is located. The more detailed policies which are of relevance are TTV26; DEV8, DEV10, DEV20, DEV23, DEV29, DEV32 and DEV35.

In relation to SPT1 it promotes sustainable development, and sets out the environmental economic and social aspects of sustainable development. The policy sets the tone which runs through the plan in order to achieve sustainable development throughout the plan area. SPT2 ensures that sustainable development is delivered in the Plan Area and in this case, the proposal fails to meet some of the criteria which are contained within the policy. Criteria 1

is concerned with access to community facilities, such as shops, health services, daily needs. The site is not well placed for this and would be reliant on a car, the application site is too far removed from the services and facilities of Ivybridge to be considered walkable.

As indicated by Strategic Planning, there is no link planned through the allocated site, to the application site, meaning an additional distance to either the north or south on David's Lane before access can be gained to the B3213. The distances we are talking about far exceed some of those identified in table 3.2, which suggest – 600 m to a bus stop; 800 m to a convenience store; 800 metres to a primary school and 400 metres to a local play space. Whilst there is a bus route which runs along the B3213, which is approximately 200 metres away, none of the other services are provided for. The size of the proposed dwellings also has a bearing here. They are proposed as 4 bedroom dwellings, which are likely to attract families, and the fact that the site is in a location where there is no direct access to schools and play spaces and the bus stop whilst relatively close would require a walk (potentially with a pushchair) along a rural road. As a result it is considered that the proposal would be reliant on a car and as such is not sustainable, contrary to Policy SPT2.

As a result of the adoption of the Joint Local Plan (JLP), the South Hams now has a 5 year housing land supply. Therefore the addition of ad hoc development proposals in the countryside are likely to fall foul of the policies in the plan. The strategic approach set out in the JLP for housing development is to focus development firstly on Plymouth, followed by the main towns and then in a hierarchy as set out in Policy TTV1, down to small hamlets and the countryside. The application site would be within the final element of the hierarchy – countryside. Development in the countryside is restricted and as such the proposal would fail to meet the priorities set out in TTV1.

TTV26 deals with development in the countryside. The policy is divided into two parts, the first deals with isolated development in the countryside. In light of the host dwelling, the equestrian dwelling on the other side of the road and the industrial estate to the south, the application site is not considered to be isolated (using the Braintree High Court definition). The proposal therefore fails to be considered against the second part of the policy which has the following criteria:

“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.”*

Criterion iv. Is of particular relevance to the planning application. There is no proven agricultural, forestry or occupational need for the dwellings to be located where they are. As such the proposal fails to comply with TTV26.

What is also of relevance, in the consideration of this case is the fact that there is currently a the JLP allocation for 200 homes (TTV7), the boundary of which is the current western

boundary of this application site. However in consultation with Strategic Planning, the fact that there is an allocation site adjacent does not mean that this proposal is therefore acceptable. The view is: *“The proximity of the Filham allocation is not really relevant to this application, because the proposal site will still be in countryside, and on the ‘wrong’ side of the allocation (in that it is further away from the town) even when it’s built out – and just because it’s allocated there is still no guarantee as to when, or indeed if, it is developed.”*

The application 3703/18/OPA for the allocation TTV7 is currently being considered by the LPA . In the evidence base that supported the JLP, the site was not anticipated coming forward until 2023, so at this stage the delivery of the allocation remains unknown. There is therefore an in principle objection to the proposal based on TTV26.

Design/Landscape: The site has no specific landscape designations. However it is a primarily rural landscape. The planning officers’ report on the replacement of an industrial building with a dwelling to the north of the proposal site, indicated that:

“The proposed dwelling would be situated in a largely agricultural landscape. Although it is accepted that there are small clusters of mainly residential buildings along the country lanes around Ivybridge, the character of the landscape is very much rural, as it rises towards the north and Dartmoor National Park. The introduction of an additional dwelling, which would be clearly seen on passing, would not reinforce this character. Moreover, it would result in unacceptable domestication of the rural landscape through sporadic and piecemeal residential development. As such, the proposed development is considered to result in a detrimental impact on landscape character, contrary to LDF Policies CS9 and DP2.”

The current proposal fails on the same basis. It would serve to consolidate the development in the area which is currently sparsely populated with ad hoc developments rather than there being any sense of a hamlet or community.

The previous proposal was replacing an existing building, whereas in this case whilst there was a caravan site and storage many years ago, in recent years the site has been a green field contributing to the rural landscape character. The introduction of two additional dwellings would therefore still lead to piecemeal residential development in a rural area. And as such in Landscape terms it would have a detrimental impact on the primarily rural character which currently prevails, which would be contrary to policy DEV23 of the JLP, which seeks to ensure that *“Development will conserve and enhance landscape, townscape and seascape character and scenic and visual quality, avoiding significant and adverse landscape or visual impacts.”*

The NPPF defines Previously Developed Land as follows:

“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.”

This identifies the need for a permanent structure to have existed on the land, and that the entire site is not necessarily therefore classed as previously developed land. The site is a green field where the remains of any earlier surface structures have since blended into the landscape such that the site is no longer considered to be previously developed land.

Neighbour Amenity:

The applicants' dwelling would be the nearest neighbour to the proposed two dwellings, and whilst at this stage the application is in outline, the applicants have indicated that they would be proposing 1 and ½ storey properties to avoid impacting on Whiteoaks, in terms of loss of privacy and being overbearing. As currently proposed there would not be an adverse impact on residential amenity of Whiteoaks if restricted to 1.5 storeys by planning condition, and therefore accords with JLP policy DEV1.

Highways/Access:

The Highway Authority have not provided comments on this proposal and recommend standing advice. Detailed drawings of the proposed access have not been provided as the proposal is currently in outline with all matters reserved. There is currently a field gate access to the site. A block plan has been submitted with the application indicating an access road to the two proposed dwellings, however it has not been indicated that the access should be considered at this stage.

The block plan indicates an access width of just over 5 metres and a visibility splay of 20 metres. The existing hedge will be needed to be cut back to achieve this visibility splay. Standing advice states that the access should be at least 3 metres wide. Communal turning place should be included. Parking is shown to be provided for each dwelling. A turning area is also indicated for each dwelling. In terms of visibility splay, the standing advice indicates that for a road which has the national speed limit, the 'y' distance (i.e. the distance along the road from the access) should be 59 metres. The proposal indicates 20 metres, which would be appropriate for a 30mph road. Whilst this is a narrow rural road, so traffic is unlikely to be travelling at 60mph, there is no signage indicating that it is a 30mph zone and there are no street lights along Davids lane. At this stage therefore the proposal does not meet the required visibility splay as set out in Highways Standing Advice.

Taking these matters into account, therefore the development would meet the requirements of JLP policy DEV29.

Drainage:

The drainage proposed for the site is surface water to go to a soakaway and foul drainage to be dealt with via a septic tank. The drainage engineers have had sight of the calculations and are satisfied with the proposed drainage subject to the imposition of a condition. This meets the requirements of JLP policy DEV35 and NPPF paragraph 149.

Ecology:

An ecology report was submitted in support of the application, which indicated that there were no protected species found on the site, but concluded that:

“potential for use by protected wildlife is limited to opportunistic nesting in the amenity block, trees and hedgebanks bordering the Site. No evidence of use by bats of the amenity block could be found, although it is highly likely that many bat species commute and feed within the locality.

Potential for reptiles and amphibians also exists within the hedgebanks and scant marginal areas, also under piled logs to the north-east boundary. Current Site management is likely to deter these creatures from venturing on to the body of the Site.” The report recommended that “Mitigation for development of the Site must ensure that there is no net loss of biodiversity on Site. Existing features and opportunities should be maintained as far as possible, and enhanced in order to safeguard the potential value of the Site to wildlife. Enhancement could therefore take the form of the creation of suitable fly-in opportunities for Horseshoe and Long-eared bat species, which might be taken up as singing perches or night feeding roosts; laying and thickening of boundary hedges and the creation of species-rich flowerbeds to encourage invertebrates.”

In ecological terms therefore if a consent were to be granted on the site, there would be appropriate mitigation possible to cater for the wildlife and biodiversity aspects of the site.

Other Matters:

The applicant has sent a letter responding to the planning concerns with the proposal, which state:

- *“The boundary of site allocation TTV7 (land to east of Ivybridge at Filham -which now has a live planning application associated with it (3703/18) abuts my boundary, and it seems obvious that the site allocation boundary was defined only on the basis of the land a particular developer/land owner was pursuing, not on a basis of what would make a logical eastward extension to the Filham part of Ivybridge.*
- *There is a narrow gap between the eastern edge of TTV7 and Davids Lane which already has within it the large residential property of Whiteoaks, a planning permission for one house to the north of Whiteoaks and the RNIB Transcriptions Centre South West and 2 other industrial units to the south. This would make a logical eastern edge.*
- *Within this narrow gap between TTV7 and Davids Lane, the field in between Whiteoaks and the RNIB Transcription Centre is an **obvious infill** site.*
- *A low density scheme of two houses will be entirely in keeping with the character of the area, and it is clearly not isolated development in the countryside.*
- *Furthermore, the proposal does not cause any harm to ‘the special characteristics and role of the countryside’ that the Policy TTV26 seeks to protect.*
- *I would also draw your attention to the officer Clare Stewart’s report when the new house north of Whiteoaks was approved in July 2018 (application 0557/18/FUL). This said ‘The scheme would complement the surrounding area and would not have an adverse impact on the character of the area.’ This decision was made when the JLP was at an advanced stage of preparation, and no conflict was identified in the report with the emerging policies of the JLP. It is hard to see now then how 2 houses in a low density format, that would use the last plot of land in this section between TTV7 and Davids Lane, would cause any harm either to the local plan strategy or the character of the area.*
- *I concede that South Hams does have a five year housing land supply and therefore this is not a factor in the consideration of the application. However, this does not mean that a small housing scheme on an in-fill site that causes no harm to the planning strategy and an area’s character, is close to public transport links (the site is less than 200m from a bus stop and also close to a railway station), and fits appropriately within its context, should not be approved. Policy DEV8 is generally supportive of new homes. Policy DEV10 sets out some key principles about the quality of design which our proposal meets - particularly in relation to good living standards, and providing a soft edge to Ivybridge east that will become particularly important once the TTV7 site is developed.*
- *There have been no objections to your proposal from the parish council.*
- *There are no environmental designations affecting the site.*

- *Our proposal of only 2 houses in a large site with unusually large gardens will be extremely helpful for bio diversity, encouraging wildlife, flora and fauna. It is significantly different to the small gardens that will be offered with the housing in the TTV7 site .”*

Many of these issues have already been dealt with in the bulk of the planning report, however There are a couple of matters which require clarification. Reference is made to a previous application, whereby an officer indicated that the proposal *“would complement the surrounding area and would not have an adverse impact on the character of the area.”*. The implication being that officers are being inconsistent with the application of planning policy. However, the history to this case bears some relevance. The replacement dwelling for a former industrial building was originally recommended for refusal, but the decision was overturned at Planning Committee. The officer report summarised the issues with the application at that time: *“the proposed development is considered to be unsustainable, due to the site’s location remote from services and facilities and the resulting growth in the reliance on the private car. Furthermore, the proposed erection of a dwelling would result in unacceptable domestication of the rural landscape, through sporadic and piecemeal residential development, resulting in a detrimental impact on rural landscape character.”*

The Planning Committee chose to differ in their view and granted the proposal, which is a natural consequence of the democratic system that planning operates in.

However it is relevant here, because it shows a consistency of approach by officers in making recommendations on planning applications in the countryside. The fact that the officer dealing with amendments to the design of the approval was satisfied with the amendments was on the basis that the principle of the development had already been established, so the consideration was just around the changes proposed to the approved scheme.

The consistent officer approach to dwellings in this location has therefore been to refuse them as being unsustainable, in the countryside and harmful to the rural character of the area.

The other points made are noted, but do not outweigh the fundamental policy objections to the proposal.

Neighbourhood Plan:

The site lies within the area covered by the Ugborough Neighbourhood Plan which is a Made Plan and therefore forms part of the Statutory Development Plan for this area.

In the Housing section of the plan the ethos for new residential development is expressed: *“The intention is to support a few small pockets of development on land that relates well to the existing built form of a settlement and is in proportion with both recent growth and the existing size of the settlement. Elsewhere in the Plan Area, the intention is to support individual new homes where they meet a particular economic or social need that has been identified locally.”*

The Neighbourhood plan (NP) seeks to continue the historic trend in the Plan Area of approximately 3 new dwellings a year. Policy UG5 is relevant to this proposal. It states:

“Infill sites

The use of individual plots where appropriate is encouraged, providing the development complies with planning policy and the relevant policies in this Plan. Small scale residential

development of less than 10 or single new homes on infill and redevelopment sites will be supported subject to:

- proposals being well designed and meeting all relevant requirements set out in other policies in this Plan, and where such development;*
- fills a small, restricted gap in the continuity of existing frontage of buildings or on other sites within a built-up area where the site is closely surrounded by buildings; and*
- where the development is not subject to any highways access constraints.”*

Whilst the Neighbourhood Plan supports individual plots, it must be compliant with planning policy and the policies in the Neighbourhood Plan. In this case the proposal is not compliant with Planning Policy. In relation to other policies in the NP, the Plan acknowledges that:

“the allocations in the JLP at Filham will provide new homes in the Plan Area way above historic growth trends during the lifetime of this Plan. The Filham and ‘East of Ivybridge’ sites (TTV8 and TTV9 of the JLP) will meet local need, including affordable homes. Not only will the Filham developments meet the small number of affordable homes needed in the Plan Area but also will provide housing in a sustainable location with good access to public transport, the major road network, locals services and facilities and local schools.”

There is therefore an acknowledgement that the allocation more than provides for the local housing needs in the area. And as expressed by Strategic Planning, in their response, there is no need for additional dwellings unless they are fully policy compliant, which is not the case with this proposal.

Landscape is also given consideration in the NP, *“landscape value should be a key consideration when assessing proposals for development anywhere in the Plan Area.”* Policy UG11 is the relevant landscape policy which encourages any development to respect the landscape character within which it is located. The openness of the surrounding landscape is of particular importance. The Neighbourhood Plan thus seeks to protect the landscape of the Plan Area and allow for a limited amount of housing relating to historic trends of approximately 3 a year in sustainable locations. It also acknowledges that the Filham allocation will more than provide for the homes needed in the Plan area.

Conclusion and planning balance.

The principle of development in this location is not acceptable, based on the strategic approach in the JLP for focussing development in sustainable locations SPT1 and SPT2 and TTV1. In addition it does not comply with Policy TTV26, which requires an essential justification for a dwelling in a countryside location. Detailed policies such as DEV23 in relation to landscaping is also contravened by the development proposed. The Neighbourhood Plan policies, UG5 and UG11 also support the refusal of the application. The allocated site adjacent has yet to come forward as a planning application and so the potential change in character that may occur as a result of that development has yet to be seen. In sustainability terms the proposal is currently in an unsustainable location; it is too far from the services offered in Ivybridge to not use a car and as such is not supported by officers as an appropriate location for development of 2 houses as required by TTV29. It is therefore recommended for refusal.

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

Planning Policy

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of March 26th 2019, the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts South Hams and West Devon within Dartmoor National Park) comprises the Plymouth & South West Devon Joint Local Plan 2014 - 2034.

Following adoption of the Plymouth & South West Devon Joint Local Plan by all three of the component authorities, monitoring will be undertaken at a whole plan level. At the whole plan level, the combined authorities have a Housing Delivery Test percentage of 166%. This requires a 5% buffer to be 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 6.5 years at the point of adoption.

Adopted policy names and numbers may have changed since the publication of the Main Modifications version of the JLP.

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
TTV7 Land at Filham
TTV26 Development in the Countryside
TTV29 Residential extensions and replacement dwellings in the countryside
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area
DEV9 Meeting local housing need in the Plan Area
DEV10 Delivering high quality housing
DEV20 Place shaping and the quality of the built environment
DEV23 Landscape character
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV28 Trees, woodlands and hedgerows
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts

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