

# PLANNING APPLICATION REPORT

**Case Officer:** Adam Williams

**Parish:** Wembury **Ward:** Wembury and Brixton

**Application No:** 2407/19/FUL

**Agent/Applicant:**

Mr Andy Coughlan - Cogi Design  
The Chicken Shed  
Beacon Hill  
Newton Ferrers  
PL8 1DB

**Applicant:**

Mr D Phillips  
Tresco  
Knighton Road  
Wembury  
Devon  
PL9 0JD

**Site Address:** Tresco, Knighton Road, Wembury, PL9 0JD

**Development:** Erection of single dwelling

**Reason item is being put before Committee Cllr Brown:** *in my view the application this application would not have an impact on the landscape, contrary to the officer recommendation*



**Recommendation:** Refusal

**Reasons for refusal**

1. It has not been demonstrated to the satisfaction of the Local Planning Authority that the proposed development, which is located within the undeveloped coast, requires a coastal location. As such the proposal is contrary to Policy DEV24 of the Plymouth and South West Devon Joint Local Plan.

2. The proposed dwelling would be harmful to the character of the area and appearance of the landscape which is designated an Area of Outstanding Natural Beauty and Undeveloped Coast. The addition of a large detached property would adversely impact on the visual amenity and landscape character, which would fail to be conserved or enhanced contrary to Plymouth and South West Devon Joint Local Plan Policies DEV23, DEV24 and DEV25 and the National Planning Policy Framework, specifically paragraphs 170, 172 and 175.
3. By reason of its scale and bedroom numbers, the proposal fails to address housing imbalances in the parish and it therefore contrary to Policy DEV8 of the Plymouth and South West Devon Joint Local Plan

**Key issues for consideration:**

Principle of Development

Impact on the South Devon Area of Outstanding Natural Beauty (AONB) and undeveloped Coast

Amenity

Highways

**Financial Implications (Potential New Homes Bonus for major applications):**

The Government have advised that the New Homes Bonus scheme will end after the 2019-2020 financial year and this year is the last year's allocation (which was based on dwellings built out by October 2018). A statement about a replacement scheme is expected in September 2019.

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**Site Description:**

The site is accessed via an agricultural track which also serves a small garage (domestic) and large property ('Tresco') and an established campsite / caravan site (all to the west of the site). A permissive path runs to the South which leads to Wembury Woods (National Trust)

The settlement boundary is 155 metres to the west, and there is a bus stop 150 metres to the west.

The site is within the AONB and Undeveloped Coast

**The Proposal:**

Development to provide a detached 4 bedroom property

**Consultations:**

- County Highways Authority – *standing advice*
- Town/Parish Council – *no objection subject to hedgerow retention*
- SHDC Landscape Specialist - *This response is based upon an examination of the planning file, submitted plans and site visit.*

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

*Section 85 of the Countryside and Rights of Way (CROW) Act;*

*Sections 12 and 15 of the NPPF in particular paragraphs; 127, and 170, 172 & 173;*

*The National Planning Practice Guidance (NPPG) particularly Section 8-036 to 8-043 on Landscape; and The South Devon AONB Management Plan and its Annexes.*

*In respect of the principle policy tests in the NPPF, this application is not considered to constitute “major development” in the context of paragraph 172, due to its overall scale, however there are considered to be detrimental effects on the landscape and environment of the AONB that should be given great weight in this planning balance.*

*The Landscape Impact Assessment Statement (cogi design; 2019.07.19) is noted.*

*Devon Character Area - Plymouth Sound Eastern Plateau*

*LCT 1B: Open coastal plateaux*

*Landscape Comments*

*The proposed development has been considered in the context of the landscape character assessments and relevant associated policies. Beyond the settlement boundary, and within the South Devon AONB and Underdeveloped Coast, the proposal seeks to introduce a new, modest sized dwelling into the residential curtilage (garden) of an existing large, single dwelling house. Within countryside, the site is bordered on three sides by agricultural fields, currently arable and a small barn within a storage yard, and former South West Water (SWW) reservoir (above ground covered water tank) to the east; to the west is Pilgrims Rest and touring/camping site. The SWW site is subject to a planning permission for a modern property as yet unbuilt (58/2080/15/F).*

*A permissive footpath navigated the southern and eastern boundary line before entering the farm track and on down to the Yealm estuary and Wembury Wood (National Trust). The overall character is strongly rural and despite the established existing uses, retains its special qualities and valued attributes as identified in the South Devon AONB Management Plan and Landscape Character Assessments i.e. The remote, windswept character of the high open plateau, sparsely settled with high levels of tranquillity and dark night skies (especially where topography limits light spill from nearby conurbations) this is particularly created by the wide panoramic views to the east and a sense of having left the village itself as walkers (high sensitive receptors) head towards the estuary. The presence of isolated large dwellings in spacious gardens is recognised, and whilst having an impact, still maintains a sparsely settled character.*

*The site can be glimpsed through the adjacent vegetated boundaries and from the permissive path close to where it emerges onto the track. The proposed height would result in the roof being viewed from the village (Recreation Ground).*

*In summary, the addition of the proposed development, a relatively large (detached 3 to 4 bed two storey (dormer), would adversely impact on the visual amenity and importantly the landscape character, which would fail to be conserved or enhanced. It similarly does not appear to meet the tests as set out in DEV24 – Underdeveloped Coast. This is contrary to relevant landscape policy and therefore the current scheme cannot be supported.*

*Recommendation*

*An objection is raised*

*Reasons – Contrary to JLP Policies DEV23, DEV24 and DEV25*

*i LCT 1B Open coastal plateaux*

- SHDC Drainage - *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*

*A scaled plan showing full surface water and foul drainage schemes with design dimensions and invert/cover levels of the soakaway have not been provided. Therefore we are unable to fully review the schemes.*

*Overcoming the objection*

*To overcome the objection the applicant will need to provide a scaled drainage plan showing full foul and surface water drainage schemes positioned in accordance with Building Regulations part H.*

Following the submission of further information, the following response was received

*Having reviewed the plans it would appear that the drainage field is located within 15m of the habitable parts of the building therefore cannot be supported. Moreover the drainage plan does not show designed dimensions of both proposed drainage schemes i.e. surface water and foul drainage.*

*Please provide a scaled plan showing treatment plant 7m and drainage field 15m away from habitable parts of all buildings, and surface water soakaway 5m away from all buildings/highways and 2.5 from other site boundaries with all its design dimensions.*

**Representations:**

None

**Relevant Planning History**

None

**ANALYSIS**

**Principle of Development/Sustainability:**

For the purposes of Joint Local Plan Policies, the site is outside a settlement boundary but very near to a sustainable settlement. The Joint Local Plan seeks to steer development to sustainable settlements. SPT2 states;

*The LPAs will apply the following principles of sustainable linked neighbourhoods and sustainable rural communities to guide how development and growth takes place in the Plan Area. Development should support the overall spatial strategy through the creation of neighbourhoods and communities which:*

- 1. Have reasonable access to a vibrant mixed use centre, which meets daily community needs for local services such as neighbourhood shops, health and wellbeing services and community facilities, and includes where appropriate dual uses of facilities in community hubs.*
- 2. Provide for higher density living appropriate to the local area in the areas that are best connected to sustainable transport, services and amenities, as well as appropriate opportunities for home working, reducing the need to travel.*
- 3. Have high levels of digital connectivity, supporting local communities and businesses and enabling data to be open, shared and used to better*

*understand the area.*

- 4. Have a good balance of housing types and tenures to support a range of household sizes, ages and incomes to meet identified housing needs.*
- 5. Promote resilience to future change by ensuring a well balanced demographic profile with equal access to housing and services.*
- 6. Are well served by public transport, walking and cycling opportunities.*
- 7. Have a safe, accessible, healthy and wildlife-rich local environment, with well designed public and natural spaces that are family friendly and welcoming to all.*
- 8. Have services and facilities that promote equality and inclusion and that provide for all sectors of the local population.*
- 9. Have the appropriate level of facilities to meet the identified needs of the local community, including provision of education and training opportunities, employment uses, health care, arts, culture, community facilities, open space, sport and recreation, and places of worship.*
- 10. Provide a positive sense of place and identity, including through the recognition of good quality design, unique character, the role of culture, and the protection and enhancement of the natural and historic environment.*
- 11. Explore opportunities for the use of renewable energy, including community energy schemes where appropriate, and reduce the use of energy through design and energy efficiency.*
- 12. Provide positive outcomes in relation to the characteristics, aspirations and measurable standards set out through any supplementary planning document linked to this plan.*

Policy TTV1 outlines the hierarchy of sustainable settlements and policy TTV2 supports development proposals in the Thriving Towns and Villages Policy Area which reinforce the sustainable settlement hierarchy. Wembury is one of the listed 'Sustainable Villages' (TTV2.3) - where development to meet locally identified needs and to sustain limited services and amenities will be supported.

As the site is outside but very near to the settlement the Joint Local Plan recognises that there is a need for housing in rural areas within policy TTV27, but housing in this location must meet a proven need for affordable housing and where financially viable includes a mix of affordable housing.

More importantly the site is within the Undeveloped Coast, Policy DEV24 therefore applies, it reads

#### *Policy DEV24*

##### *Undeveloped Coast and Heritage Coast*

*Development which would have a detrimental effect on the undeveloped and unspoilt character, appearance or tranquility of the Undeveloped Coast, estuaries, and the Heritage Coast will not be permitted except under exceptional circumstances. Development will only be permitted in the Undeveloped Coast where the development:*

- 1. Can demonstrate that it requires a coastal location.*
- 2. It cannot reasonably be located outside the Undeveloped Coast.*
- 3. Protects, maintains and enhances the unique landscape and seascape character and special qualities of the area.*
- 4. Is consistent with policy statements for the local policy unit in the current Shoreline Management Plan.*

*5. Is consistent with the relevant Heritage Coast objectives, as contained within the relevant AONB Management Plan.*

*Development for the purposes of agriculture, forestry, public access and enjoyment of the coast and estuaries, or community facilities that meet the objectively assessed needs of the local community, will be supported if it meets the above tests.*

Although the site is near the built edge of Wembury which has been extended to accommodate the new housing development off Knighton Road, for the purposes of policy the site still falls within the Undeveloped Coast and principally and in policy terms, there is no justification this proposal in this location, it does not require a coastal location and the council is able to demonstrate a 5 year housing land supply meaning proposals for housing can reasonably located outside the Undeveloped Coast. In order for a proposal like this to be deemed to 'require a coastal location' would be to tie homes in to a local connection restriction to recognise a housing need for a settlement that happens to be in the Undeveloped Coast, in this instance it would be very local (parish), recognising the nature of the policy and the very localised need that would be met and this would need to be tied to a much smaller property than what is proposed.

In connection with this, there are issues in how the proposals accord with Policy DEV8 policy DEV8 'Meeting local housing need in the Thriving Towns and Villages Policy Area' which it seeks to deliver a wide choice of high quality homes which widen opportunities for home ownership, meet needs for social and rented housing and create sustainable, inclusive and mixed communities. In Wembury, there is already a significant over-provision of large detached dwellings in the area and another one will do little to increase home ownership opportunities in what is an already expensive area. The agent had contested this through referring to the housing needs survey, A HNS is a snapshot survey regarding affordable housing needs in a given location. Policy DEV8 is driven by ONS data and a SHMNA that takes into account a much broader set of housing needs, and such a failure to meet the policy requirements will result in a significant policy objection. The argument that the need for more homes with disability access does not justify the proposal of large, detached dwellings. Such needs can also be adequately met in smaller sized homes configured within a semi or terrace. The agent had also made reference to young family members who are in housing need, and as such do not require disability access homes.

The proposal for a detached 4 bedroom property then, does not require a coastal location nor does it address imbalances in the housing stock and are therefore unacceptable in principle

### **Design/Landscape:**

The proposed development is located in a highly sensitive location, beyond the settlement boundary, and within the South Devon AONB and Underdeveloped Coast, the proposal seeks to introduce a new, modest sized dwelling into the residential curtilage (garden) of an existing large, single dwelling house. Within countryside, the site is bordered on three sides by agricultural fields, currently arable and a small barn within a storage yard, and former South West Water (SWW) reservoir (above ground covered water tank) to the east; to the west is Pilgrims Rest and touring/camping site. The SWW site is subject to a planning permission for a modern property as yet unbuilt (58/2080/15/F).

A permissive footpath navigates the southern and eastern boundary line before entering the farm track and on down to the Yealm estuary and Wembury Wood (National Trust). The overall character is strongly rural and despite the established existing uses, retains its special qualities and valued attributes as identified in the South Devon AONB Management Plan and

Landscape Character Assessments i.e. The remote, windswept character of the high open plateau, sparsely settled with high levels of tranquillity and dark night skies (especially where topography limits light spill from nearby conurbations). This is particularly created by the wide panoramic views to the east and a sense of having left the village itself as walkers (high sensitive receptors) head towards the estuary. The presence of isolated large dwellings in spacious gardens is recognised, and whilst having an impact, still maintains a sparsely settled character. The site can be glimpsed through the adjacent vegetated boundaries and from the permissive path close to where it emerges onto the track. The proposed height would result in the roof being viewed from the village Recreation Ground 604m to the south east.

In design terms, the proposals itself is of a modest appearance, comprising a 1.5 storey massing with an arrangement of roof pitches to reduce the overall scale, despite this the building will occupy a relatively large footprint and noting the highly sensitive landscape designations and its countryside location, the addition of the proposed development, a relatively large (detached 3 to 4 bed two storey (dormer), would adversely impact on the visual amenity and importantly the landscape character, which would fail to be conserved or enhanced. Contrary to policies DEV23, DEV24 and DEV25 of the Joint Local Plan

### **Neighbour Amenity:**

The site is bounded on two side by neighbouring development, Tresco to the west and a former SWW site which has permission for a new dwelling to the west. Both sites are largely screened by tall hedgerow which affords a level of privacy between all 3 sites. The proposed development is not a height or scale that would otherwise result in a demonstrable level of overlooking from the proposed site and the adjoining neighbours nor appear overtly overbearing. It is considered the amenity impacts are low and not at a demonstrably harmful degree to warrant refusal on this issue

### **Highways/Access:**

The site will be accessed via the existing access track and a break in the hedge, as with other sites served from this access track the proposals are not considered to have adverse impacts arising to access or highway matters, the lane is relatively straight and suitable visibility can be achieved, noting the low travel speeds expected, coupled with the low number site served by this track

### **Other Matters:**

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 condition, and this approach has been agreed by Natural England.

### **Planning Balance**

The proposal for a detached 4 bedroom property within the AONB and Undeveloped Coast is contrary to policies DEV24 and DEV25 of the Joint Local Plan in the absence of justification which requires its coastal location By reason of its scale and bedroom numbers, the proposal fails to address housing imbalances in the parish and it therefore contrary to Policy DEV8. It is not considered that it's minor the economic and social benefits arising from its construction outweighs the harm arising from its location within the AONB, which is afforded the highest level of protection, and within the Undeveloped Coast.

***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  
SPT3 Provision for new homes  
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  
TTV27 Meeting local housing needs in rural areas  
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  
DEV10 Delivering high quality housing  
DEV20 Place shaping and the quality of the built environment  
DEV23 Landscape character  
DEV24 Undeveloped coast and Heritage Coast  
DEV25 Nationally protected landscapes  
DEV26 Protecting and enhancing biodiversity and geological conservation  
DEV28 Trees, woodlands and hedgerows  
DEV29 Specific provisions relating to transport  
DEV32 Delivering low carbon development



Other material considerations include the policies of the National Planning Policy Framework (NPPF) including but not limited to paragraphs and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application:

### **Neighbourhood Plan**

### **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.