

PLANNING APPLICATION REPORT

Case Officer: Adam Williams
Staverton

Parish: Staverton **Ward:** Dartington and

Application No: 3677/19/FUL

Agent/Applicant:

Ms Mary Elkington - Figura Planning
Limited
9 Market Steet
Newton Abbot
TQ12 2RJ

Applicant:

Mr & Mrs Hanlon
c/o agent
Wash House
Wash
Buckfastleigh

Site Address: Wash House, Buckfastleigh, TQ11 0LD

Development: Erection of single storey dwelling in garden



Reason item is being put before Committee Cllr Hodgson: *I think this is a marginal case when it comes to the building in the countryside policy, as it is clearly within a hamlet, which is the traditional system of development in rural South Hams.*

Staverton has a housing allocation under the TTV element of the JLP and its Neighbourhood Plan is well under way. I am well aware that they struggle to find viable site (i.e. ones where there is a landowner and developer willing to take the site forward).

This application comprises a house with a high eco-specification and also caters for disabled use.

Recommendation: Refusal

Refusal Reason

1. the proposal for an open market dwelling outside a sustainable settlement and disconnected from essential services and facilities, it would result in a new dwelling in the countryside where occupiers would rely on a private vehicle, resulting in increased trips by car, constituting an unsustainable form of development contrary to policies SPT1, SPT2, TTV1, TTV2 and TTV26 policy of Plymouth and South West Devon Joint Local Plan and the National Planning Policy Framework, notably but not limited to paragraphs 8 and 78

Key issues for consideration:

Principle, siting, design, landscape, highways and access

Site Description:

The proposed development is in a large domestic garden associated with Wash House in the rural Hamlet of Wash in the parish of Staverton. The existing dwelling is a large (307m²) 5 bedroom traditional home, extended over the years.

The area of land where the dwelling is proposed to sit is relatively flat however the land dips to the east towards Middle Wash

Riverford Farm is located to the south and is a highly visible feature from public vantage points further south

The Proposal:

2 bedroom, wheelchair-adapted bungalow, proposed to be built to near zero carbon / passivhaus standards, to be constructed in the garden of Wash House in Staverton parish

Consultations:

- County Highways Authority – standing advice
- Town/Parish Council - support
- SHDC Drainage – Standing Advice
- SHDC Tree Officer – no objection

Representations:

1 letter of objection was received stating

If planning is granted for this building in such a small hamlet will it set a precedent for further similar applications in the future? if this is the case there could be at least a further 4 more properties 'allowed'. This would have a serious impact on traffic generation, the nature of the quiet rural hamlet and the environment and the resources of the hamlet ie water & electric.

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 within a small hamlet of dwellings supported by no services. 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. As the site falls outside of any settlement named in Policy TTV1, it therefore by default falls under TTV1.4 of the JLP, the lowest level in the settlement hierarchy of policy TTV1, which relates to smaller villages, Hamlets and the Countryside

Policy TTV26 concerns development in the countryside, as a site outside a settlement boundary for the purposes of policy the site is deemed as countryside. However, TTV26 relates to isolated development, whilst the site is not isolated from other built development it is isolated from services by safe walking or cycling, however this is more of an accessibility issue. For sites in locations such as these a sustainability test applies, the site is not in a sustainable settlement, not very near or adjoining a settlement but also cannot be said to be isolated. Turning back to SPT2, the site does not 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

The agent has positioned a number of benefits which could be considered to outweigh its countryside location, not least the accessibility standard of the dwelling, the energy efficiency, the provision of a 2-bed bungalow and the provision of self-build home and that the impact of 1 new home in this location would not significantly undermine the spatial strategy. As a two bedroom home the proposal would accord with Policy DEV8 which seeks to address housing imbalances (Staverton has few 2 bedroom homes)

There is a suggestion that we as an LPA are not delivering sufficient S&CB plots as required by 2016 Housing & Planning Act. In meeting our duties in regard of enabling S&CB dwellings, the consideration is not only in regard to the release of serviced plots of land, again in our view we don't consider this is a tangible benefit when you consider the multitude of windfall development such as class q conversions/replacements which could easily be classified as self build.

The NPPF at paragraph 77 does make some dispensation for proposals in rural areas to be considered slightly differently in terms of sustainable transport than proposal in urban areas. However, this proposal site will create an almost complete dependency on the private car, and this is contrary to the spatial strategy, settlement hierarchy and policy DEV29.10. The siting of the dwelling does not follow policy SPT2, the policy is intended to locate new development in locations that are well served with existing services and facilities which this does not.

The authority is able to demonstrate a 6+ housing year land supply, the argument is made that the JLP includes a windfall delivery assumption, which is correct, but this is for both South Hams and West Devon, not just South Hams. In addition, the windfall assumption is not a target – the anticipation is that the majority of housing delivery comes forward in our most sustainable locations, we do not rely upon windfall development to meet our housing supply requirements.

The proposals are sought on the basis that the occupiers can downsize into a DDA compliant home but also stay in the area and an offer is made to age restrict the property. The LPA has permitted a significant number of homes that are age restricted for over 55s, most of which are located within or adjoining sustainable settlements – the benefits of building this type of development within or adjoining settlements with existing services and facilities are self-evident, as they afford good access to support services, amenities and facilities without relying on the private car. The JLP requires a certain proportion of dwellings to be delivered to M4(2) and M4(3) standard as part of policy DEV10, and these are being delivered across the JLP area. DEV10.4(i) makes provision 20% of dwellings on schemes of 5 or more to be M4(2) compliant, and this will ensure that accessible homes can come forward on smaller

schemes in smaller sustainable settlements across the plan area, enabling people who already live in rural areas to remain close to friends, family and established support networks.

The proposals are for a highly sustainable home which does follow the principles of policy DEV32, the plan does have policies that require homes of a high thermal efficiency that promote an increase in smaller dwellings and encourage self and custom build. Despite this Joint Local Plan relies upon a spatial strategy to direct development to our most sustainable locations. So the combined benefits of this proposal do not outweigh the harm to the spatial strategy, because every single dwelling proposed in an unsustainable location will contribute to the cumulative impact on undermining the spatial strategy and this is not something that officers can support. On this basis the proposal for an open market dwelling outside a sustainable settlement and disconnected from essential services and facilities, it would result in a new dwelling in the countryside where occupiers would rely on a private vehicle, resulting in increased trips by car, constituting an unsustainable form of development contrary to policies SPT1, SPT2, TTV1, TTV2 and TTV26 policy of Plymouth and South West Devon Joint Local Plan and the National Planning Policy Framework, notably but not limited to paragraphs 8 and 78

Principally, the adopted development plan (JLP) resists the creation of new dwellings in unsustainable locations that does not follow the spatial strategy and on that basis the proposal is considered unacceptable.

Design/Landscape:

Wash is a small Hamlet of dwellings comprising mostly traditional building styles and constructed of stone. The area of land where the dwelling is proposed to sit is relatively flat however the land dips to the east towards Middle Wash

Riverford Farm is located to the south and is a highly visible feature from public vantage points further south from the highway, here it's possible to see the Riverford Farm complex and some dwellings which form the Hamlet, although the site is largely screened by trees

The large rear garden of Wash House is presently comprised of lawn with a planted copse, and significant rich borders comprising trees, a wooded pond area, hedges and a garage. Based on Tithe Maps, it is understood that parts of Wash House were present in the early to mid-1800s.

The proposal is for a modest 1 bedroom bungalow with a sympathetic materials palette featuring a natural slate roof, small amounts of timber cladding with coloured high build wood stain finish and natural stone walls. Accounting for the proposal scale and materials the proposals are considered acceptable from a design point of view which will read well against the existing buildings in Wash, it will have a similar scale to Middle Wash and present an acceptable impact on the Landscape and the immediate built environment.

A new Devon Bank will be created in and along the northeast edge of the new plot to create enclosure and privacy for the proposed dwelling and those living in Middle Wash and Wash House and to introduce biodiversity gains

The proposal sets out significant gains in the natural environment, specifically the creation of new 15 m of new Devon Bank with native species hedging, 500m² planting of woodland, fruit and nut trees (ca 100 trees) and an afforestation/orchard project of more than 2500m² with up to 1000 new trees to be planted which responds to policy desires DEV29 and NPPF paragraphs 118 and 170

Neighbour Amenity:

The plot is in close proximity to Wash House and Middle Wash. In terms of the Middle Wash, this is a long single storey property, it sits lower than the site with its roof visible from the site, and the proposal will be 12.5m away to the closest elevation. The only windows facing north and east will serve a hall, bathroom and ensuite, as these are not primary habitable rooms it is considered the proposal will not result in overlooking to the properties to the north. A new hedgebank is proposed to enclose the site which will act as a suitable buffer for a bungalow.

In terms of impacts to Wash House, this property is 23m away, as aforementioned, a new Devon Bank will be created in and along the northeast edge of the new plot to create enclosure and privacy for both dwellings.

The separation distances to the nearest properties are acceptable, taking account of the fact the proposal are for a bungalow and a new soft boundary is proposed, on this basis the proposals are not considered to be overbearing or result in a significant loss of sunlight

Overall the proposals are compliant with policy DEV1 of the Joint Local Plan

Highways/Access:

The proposed development does not require a new access, the site has a garage with direct access from the lane and a gravelled hardstanding for several cars, while the main house has a separate access from the lane and independent hardstanding for 3-4 cars.

The lane approaching the site from the south is a straight wooded rural lane with good forward visibility where visibility of the existing access can be achieved

Planning Balance

Although the biodiversity gains, sustainability merits of the building itself and disability access elements of the building amount to benefits in the planning balance the combined benefits of this proposal do not outweigh the harm to the spatial strategy, because every single dwelling proposed in an unsustainable location will contribute to the cumulative impact on undermining the spatial strategy and this is not something that officers can support. On this basis the proposal for an open market dwelling outside a sustainable settlement and disconnected from essential services and facilities, it would result in a new dwelling in the countryside where occupiers would rely on a private vehicle, resulting in increased trips by car, constituting an unsustainable form of development contrary to policies SPT1, SPT2, TTV1, TTV2 and TTV26 policy of Plymouth and South West Devon Joint Local Plan and the National Planning Policy Framework, notably but not limited to paragraphs 8 and 78

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
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
DEV10 Delivering high quality housing
DEV20 Place shaping and the quality of the built environment
DEV21 Development affecting the historic environment
DEV23 Landscape character
DEV24 Undeveloped coast and Heritage Coast
DEV25 Nationally protected landscapes
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV27 Green and play spaces
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) and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application:

Emerging Staverton 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.

