

PLANNING APPLICATION REPORT

Case Officer: Oliver Gibbins

Parish: Lewtrenchard **Ward:** Bridestowe

Application No: 0806/20/FUL

Agent/Applicant:

Mr Chris Burton - Sutherland PLS Ltd
1 St Floor
1 Stamford Fort Cottages
Stamford Road, Plymouth
PL9 9SQ

Applicant:

Mr & Mrs J Spooncer
C/O Agent

Site Address: Lobhill Cottage, Lewdown, EX20 4DS

Development: Erection of dwelling in residential garden with associated works (resubmission of 0160/19/FUL)



Reason to be taken to Committee:

Called in by Cllr Southcott - I wish to bring this reapplication application to committee for consideration due to the pre-application advice given, time line and history of this application. I believe it will also enable the applicant and his agent an opportunity to put their case and ensure all factors have been fully explored.

Cllr Southcott's supporting reasons for call in:

The JLP does not consider adequately needs of local people / family groupings / family care. There is currently a considerable amount of development being carried out around Lewdown none of which to date would be suitable for this applicant due to the housing mix not containing bungalow style accommodation that will be built with mobility problems in mind.

As the applicant is already owner of the land, the development could be considered, a self-build and, affordable for the applicant.

Access to the site is good. Highways have no issue, as there is already an access gate onto the road. On the opposite side of the road to the development there is a good quality footpath with street lighting, that leads all the way through Lewdown and beyond, giving access to all the village facilities of school, village hall, Pub and shop/post office even if in a wheelchair.

As stated, there is public transport that will take people to the nearby towns if required. (Should there be any sufficient use of this public transport the area may lose it in total)

This development will not be on its own in the countryside it is adjacent to the rest of the area known as Lobhill Cross and is considered by locals as part of the village of Lewdown

Recommendation: Refusal.

Reason for refusal

The proposed development will result in the provision of a new dwelling in the countryside in a location that fails to have reasonable access to a vibrant mixed use centre, which meets daily community needs for local services and is not well served by public transport, walking and cycling opportunities and will fail to protect the special characteristics and role of the countryside. The development is therefore an unsustainable form of development and contrary to Policies SPT1, SPT2, TTV1 and TTV26 and DEV29 of the Plymouth and South West Devon Joint Local Plan and the emerging JLP SPD.

Key issues for consideration:

The sustainability of the site and impact on the character and appearance of the area.

Site Description:

The application site refers to the residential garden which adjoins Lobhill Cottage.

It is located to the south of the main road which connects to Lewdown, which is the closest village.

The site is not in a Conservation Area and not within the curtilage of a listed building.

The site is set down beneath road level.

The Proposal:

This application is for full planning permission for a new detached dwelling within the curtilage of Lobhill Cottage.

Access would be directly on to the road to the north.

The dwelling would be a single storey pitched roof building with living space in the roof. With UPVC windows and doors, a natural slate roof and cement weatherboarding and rendered finish.

A wooden carport and porch are also proposed.

Consultations:

- County Highways Authority - No highway objection
- Environmental Health Section - None
- Parish Council- Support

Representations from Residents

2 letters of objection have been received raising the following material planning objections:

Access, wildlife, sustainability and out character, over dominance, highway safety

Relevant Planning History

0160/19/FUL - Erection of dwelling in residential garden with associated works – Refused

ANALYSIS

Principle of Development/Sustainability:

The adopted development plan sets a strategy for accommodating new development and a settlement pattern that is a key driver of prosperity and sustainability of the area. Strategic Objective SO8 Maintaining the vitality and viability of the Smaller Towns and Key Villages identifies the objective of the promotion of homes, jobs, services and community infrastructure sufficient to enable smaller towns and key villages to continue to play their important role as local service centres for their surrounding areas.

The adopted Joint Local Plan establishes a hierarchy of settlements through defining Smaller Towns and Key Villages which will provide an essential mix of services and amenities that support a number of surrounding rural communities, and support the roles played by Main Towns. The development plan identifies that these communities have strong local identities and connections with rural hinterlands they support. Paragraph 5.112 of the development plan identify that planning for some growth within Smaller Towns and Key Villages should ensure that levels of services and amenities are maintained and where possible enhanced. Policy TTV1 Prioritising growth through a hierarchy of sustainable settlements identifies that growth and development of new homes and jobs will take place within a hierarchy of settlements. This is identified as follows:

1. The Main Towns, which will be prioritised for growth to enable them to continue to thrive, achieve strong levels of self containment, and provide a broad range of services for the wider area;
2. Smaller Towns and Key Villages, which will receive support for growth commensurate with their roles in supporting the small villages and hamlets;
3. Sustainable Villages, where development to meet locally identifies needs and to sustain limited services and amenities will be supported;
4. Smaller villages, Hamlets and the Countryside, where development will be permitted only if it can be demonstrated to support the principles of sustainable development and sustainable communities.

The six Main Towns are identified as Dartmouth, Ivybridge, Kingsbridge, Okehampton, Tavistock and Totnes.

The settlements identified as Smaller Towns and Key Villages within paragraph 5.9 of the development plan are: Bere Alston, Dartington, Hatherleigh, Lifton, Modbury, North Tawton, Salcombe, Stokeham,/Chillington and Yealmpton.

The Sustainable Villages are identified as: Berry Pomeroy, Blackawton, Bratton Clovelly, Bridestowe, Broadwoodkelly, East Allington, Emrington, Exbourne, Folly Gate, Halwell, Harberton, Harbertonford, Highampton, Inwardleigh, Lamerton, Lee Mill, Lee Moor, Lewdown, Marldon, Milton Abbot, Monkokehampton, Morleigh, Northlew, Rattery, Sampford Courtenay, Sparkwell, Spreyton, Staverton, Stowford, Ugborough, Woolston Green and Wotter.

Although Lewdown is identified as a Sustainable Village, the application site is located in the region of 1500m from the limited services at Lewdown. In Policy terms the site is considered unsustainable.

When applying paragraph 5.5 of the JLP, the site is considered to be in the Countryside, as it is clearly beyond the built form of Lewdown. The proposal site may have a loose association with the scattered buildings grouped around an area known as 'Lobhillcross', but this is not a named settlement in the adopted plan, and as such the proposal site sits clearly within tier four of the settlement hierarchy. Policy TTV1 identifies that development will only be permitted if it can be demonstrated that it supports the principles of sustainable development and sustainable communities. Considerations identified are Policies SPT1 and 2 and Policies TTV26 and TTV27.

Policy SPT1 identifies a broad range of principles which define sustainable development. The location of this development by reason of being dependent on the private motor car with no significant local shops or services located nearby is therefore considered as being unsustainable.

Policy SPT2 identifies a wide range of considerations to guide development. As this site is located in a location without a reasonable range of access to good and services the location cannot support the needs of the local community and is not well served by public transport. The site is therefore not considered to be sustainable to support further residential development.

The applicant has detailed that the site is located on a bus route but the limited frequency of service does not result in the site being well served. With the exception of the primary school the main facilities in Lewdown are located 1.5km from the site.

This assessment of sustainability has also been assessed under APP/Q1153/W/19/3241325 for an appeal at another Lobhill Cottages located about 300m from the application site. In this decision it was concluded that the site did not have a reasonable level of access to a mixed use centre and would be reliant on private motor cars and the appeal was dismissed for this reason. Although this new site is slightly closer than the aforementioned appeal site to Lewdown it is still in an unsustainable location.

The applicants have sought to justify this development based on local need and the particular circumstances of the applicant. In the planning appeal referenced in the previous paragraph, the inspector was also asked to consider the personal circumstances of the applicant, and concluded "The Appellant has put it to me that the proposed development would be required in order to provide ongoing care to his parents who reside at the adjacent Lobhill Cottage. Whilst I sympathise with the Appellant's desire to be located close to his parents, in my experience granting planning permission solely on grounds of personal circumstances will rarely be justified in the case of permission for the erection of a permanent building. It is likely that if the appeal were allowed that the development would be significantly longer lasting than the personal circumstances used to justify it."

It is not considered that a unrestricted, open market dwelling in this location will be meeting a local housing need, and there have been no mechanisms proposed in order to secure a local benefit as part of this proposal. Furthermore planning permission has been recently granted for residential development at Jethros which is in the settlement of Lewdown and would meet housing need by delivering a range of accessible house sizes, types and tenures, in a location that forms part of the built form of the village.

Policy TTV26 of the adopted Joint Local Plan sets a set of criteria for allowing development in the countryside, and identify that it will only be permitted in exceptional circumstances. Taking into account the Braintree judgment that isolated in this context has its ordinary and straightforward meaning as referring to physical isolation, this site is not isolated as it located opposite existing dwellings.

As such, the proposal is considered against the second part of policy TTV26, which applies to proposal sites in the countryside that are not considered to be isolated. TTV26.2 identifies a number of criterion that would need to be satisfied in order to permit a dwelling in a location that does not accord with the wider aims of the spatial strategy, and it is not considered that this proposal meets these policy requirements. In particular, the proposal is not seeking to re-use a traditional building (TTV26.2(ii)) or responding to a proven agricultural, forestry and other occupational need that requires a countryside location (TTV26.2(iv)).

The applicant has suggested the site should be considered as a previously developed land in accordance with the judgment in *Dartford Borough Council v The Secretary of State for Communities and*

Local Government & Ors [2017] EWCA Civ 141. (The Court of Appeal held that the exclusion of private gardens from the definition of "previously developed land" for the purposes of the NPPF did not apply to land that was not in a built-up area). Whilst the site is in the countryside and not within a built up area the fact that it is defined as previously developed land does not outweigh the concerns regarding the conflict with the spatial strategy, the poor relationship with the rural settlement pattern or the lack of access to local services and facilities.

Policy TTV27 identifies that proposals for residential development adjoining or close to existing settlements may be permitted where it can be demonstrated that it meets the needs for affordable housing for local people and includes a mix of affordable and market housing that is maintained in perpetuity. This is an unrestricted, open-market market dwelling and does not meet the criteria of this policy.

The appeal decision relating to the proposal at nearby Lobhill Cottages concluded that any new dwellings in this location would rely heavily on private car use in order to access services and facilities, due to the lack of alternative transport modes in this area. Notwithstanding a limited rural bus service, people living at this distance from the limited facilities of Lewdown and Letrenchard will be left with little alternative but to drive to access medical facilities, shops and places of employment. Once in their car, the more likely destination will not be the local shop at Lewtrenchard but Lifton (6km away) or Launceston (11km away). This results in an unsustainable pattern of movement and an increase in carbon emissions, resulting in conflict with policy DEV29 of the JLP which seeks to locate new development in locations that benefit from safe and secure walking and cycling access to local facilities.

As a result the location of the proposed dwelling is not considered to be sustainable and is therefore contrary to Policies SPT1, SPT2, TTV1, TTV26 and DEV29 of the adopted Joint Local Plan. As a result the development cannot be supported in principle.

Design/Landscape:

The development could be accommodated without causing undue harm to the character and appearance of the area. As the site is set down from the road and will not appear prominently within the landscape. However its addition will further develop this area and without justification for its siting, its built form is an uncharacteristic addition to the rural character of the area.

Neighbour Amenity:

No significant loss of residential amenity will occur as a result of this development.

Highways/Access:

No Local Highway objection is reported.

Bio diversity and drainage

It is considered that the use of planning conditions could adequately deal with biodiversity and drainage. If there is notifiable species as yet unidentified on the site then there is separate legislation which seeks to mitigate the risks.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act.
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
SPT8 Strategic connectivity
SPT9 Strategic principles for transport planning and strategy
SPT10 Balanced transport strategy for growth and healthy and sustainable communities
SPT11 Strategic approach to the Historic environment
SPT12 Strategic approach to the natural environment
SPT13 Strategic infrastructure measures to deliver the spatial strategy
SPT14 European Protected Sites – mitigation of recreational impacts from development
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
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
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport
DEV30 Meeting the community infrastructure needs of new homes
DEV32 Delivering low carbon development
DEV33 Renewable and low carbon energy (including heat)
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 191 and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application: Joint Local Plan and supporting evidence base.

Neighbourhood Plan

Bridstowe and Sourton Neighbourhood Plan has reached regulation 14 stage until adopted it can not be given the full weight of the development 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.