

PLANNING APPLICATION REPORT

Case Officer: Oliver Gibbins

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

Application No: 2840/20/FUL

Agent/Applicant:

Mrs Amanda Burden - Luscombe Maye
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Devon
TQ9 5NJ

Applicant:

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C/O Agent
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Development: Change of use of land for the provision of two pods for self-catering holiday purposes



Reason item is being put before Committee

Cllr Brown has requested that this application is reported to the committee so that Members can debate the policies relied on in the Officer report and in particular Policy Dev 15 – Supporting the rural economy.

Recommendation: Refusal

1. The proposed development would result in tourism accommodation in an unsustainable rural location with restricted access to services and amenities, with all movements reliant on the private car. The proposal is therefore contrary to Policies SPT1, SPT2, TTV1, TTV2, DEV15 and DEV29 of the Plymouth and South West Devon Joint Local Plan 2014-2034; and the National Planning Policy Framework (notably but not limited to paragraph 83) and Policy TPT1 of the Brixton Neighbourhood Plan.

2. The proposed development has failed to provide a mechanism to mitigate the impact of the development on the Tamar European Marine Site (comprising the Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA). The development is therefore contrary to Policy DEL 1 of the Plymouth and South West Joint Local Plan.

Key issues for consideration:

The principle of development, landscape, biodiversity and impact on the listed buildings.

Site Description:

The application site is located in the countryside approximately 3.2km north of Brixton.

The site is not in the South Hams Area of Outstanding Natural Beauty.

The site is located close to a grade I listed and grade II listed buildings. The grade I listed building is Higher Hareston and the grade II listed buildings is the Shippen and Barn Range. These are located approximately 350m to the east of the site

The area is characterised by open countryside, although is on the fringes of Plymouth with the power station at Language visible to the north.

The site is located within the Brixton Neighbourhood Plan area.

The Proposal:

This application is for planning permission for the change of use of the land and the provision of two self contained holiday units, known as pods.

The pods are self contained single storey buildings that provide 1 bed occupation. A parking area is provided next to each pod and access is through an existing entrance with a track across the land.

The pods will be positioned on a hardstanding with an area of car parking provided.

The pods measure 6.28m in length, 3.5 in width and 2.85m in height. They will be clad in green oak cladding with a shingle sheeting roof.

The pods will be served by a foul package treatment plant.

Electric vehicle charging points are proposed for each pod.

Consultations:

- County Highways Authority - Standing advice
- Town/Parish Council – Brixton Parish Council has no objection to this application provided that 1. No trees are removed from the field to site the 2 pods and their drainage systems 2. The existing mature hedge trees are protected and made safe 3. A full Fire Risk assessment is made as part of the planners assessment of the application... i.e. can fire appliances access the site, how will the fire pits be risk assessed/safe, will the fire equipment proposed for the site be adequate in the event of a fire. 4. No signage is displayed in the lanes and across the parish promoting this site
- Drainage – If the application meets the minimum requirements then please include a suitable informative or conditions
- Historic England - Historic England does not object to this application on heritage grounds, but asks you to note our reservations regarding the potential precedent it might establish for a future intensification of development that could cause heritage harm.
- DCC Archaeology - The Historic Environment Team recommends that this application should be supported by the submission of a Written Scheme of Investigation (WSI) setting out a programme of archaeological work to be undertaken in mitigation for the loss of heritage assets with archaeological interest. The WSI should be based on national standards and guidance and be approved by the Historic Environment Team
- Strategic Planning – There is no evidence based need provided by the applicant justify this proposal in this location, any supporting information is anecdotal and generic in nature that is substantiated by assumption and speculation. There are consistent appeal decisions (and specifically relate to 'shepherds huts') that support the JLP spatial strategy in seeking to refuse applications that do not accord with the spatial strategy of the plan. It is clear that any extremely limited economic gain that may be secured by the provision of this development would not outweigh the considerable harm incurred by disregarding the adopted development plan and a body of consistent appeal decisions.

Representations:

10 letters of support.

Support tourism;
Lack of suitable self catering accommodation;
The eco nature of the development;
Support local business;
Support the historic building

Relevant Planning History

Pre application advice given and offered with no officer support for the proposal given the unsustainable nature of the location.

ANALYSIS

Principle of Development/Sustainability:

Policy SPT1 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (JLP) sets out the Council's overall approach to delivering sustainable development. Policy SPT2 identifies the principles that are to guide the delivery of sustainable development, amongst other things, sustainable rural communities, indicating that these should be well served by public transport, walking and cycling opportunities and have an appropriate level of services and facilities, and have reasonable access to a vibrant mixed use centre. Policy TTV1 sets out that growth will be delivered according to a hierarchy of settlements, with development in the countryside permitted only if it can be demonstrated to support the principles of sustainable development and sustainable communities. Policy TTV2 indicates that specific objectives of rural sustainability include the delivery of, amongst other things, sustainable rural tourism development.

JLP Policy DEV15 sets out, amongst other aspects, that: support will be given to proposals in rural areas which are in suitable locations; and that camping, caravan, chalet or similar facilities that respond to an identified local need will be supported provided the proposal has no adverse environmental impact. It requires development proposals to, amongst other aspects, avoid a significant increase in the number of trips requiring the private car and facilitate the use of sustainable transport, including walking and cycling, where appropriate. It also sets out that Sustainable Travel Plans will be required to demonstrate how the traffic impacts of the development have been considered and mitigated. Adding to this, JLP Policy DEV29 requires development to, amongst other things, promote sustainable transport choices and facilitate sustainable growth.

The applicants have sought to justify this development on the basis that the development will provide a sustainable holiday destination and provide an alternative choice which is a lower impact style of holiday.

The site is accessed via an unlit and narrow road which is located approximately 3.2km from Brixton, the closest settlement. Whilst Brixton an identified settlement within the Local Plan, the settlement does provide local services and access to public transport and would provide services to be considered to be a sustainable.

This distance from a vibrant mixed use centre and the nature of the access which is through unlit roads with no pavements results in the site have a poor level of access to services and facilities. Furthermore there are no public transport links to the site and as such visitors to the site would be dependent on the private car.

Given the sites poor access to facilities it fails to have reasonable access to a vibrant mixed use centre, has poor access to public transport, cycling or walking links and is therefore clearly contrary to Policies SPT1 and SPT2 of the Joint Local Plan. The development is therefore not a sustainable form of rural tourism and is also contrary to Policy DEV15 of the local plan.

The Council have also series of appeal decisions which have considered similar proposals against the policy as detailed below:

APP/Q1153/W/20/3244500: Land at Tuell Down PL19 0PS

The exert below was taken from appeal decision APP/Q1153/W/20/3244500: Land at Tuell Down, PL19 0PS and could be applied word for word to the proposal being considered:

12. However, the benefits from the siting of a single tourism accommodation unit and of the appeal proposal as a whole would, when taken together, be relatively limited. Accordingly, I find that its benefits would not outweigh the harm I have identified in relation to the unsustainable nature of the site and development with regards to accessibility. Although tourism may be important to the local economy, staycations are becoming more popular, and the shepherd hut may be viable and offer something different to other holiday accommodation, I also have little substantive evidence that the development would be responding to an identified local need, as required by JLP Policy DEV15.

APP/K1128/W/18/3217159: Lower Leigh Farm, TQ7 4AG

Similarly, taken from APP/K1128/W/18/3217159: Lower Leigh Farm, TQ7 4AG

14. But notwithstanding my favourable findings on these latter two points, for the reasons set out above my overall conclusion is that the appeal site does not represent

an appropriate location for new ancillary/holiday accommodation. It lies in an unsustainable location and has poor accessibility, such that the proposed accommodation would be reliant on the private car. As such, the proposed development would be at odds with the aforementioned JLP policies. Moreover, the unsustainable nature of the appeal proposal means that it would also be at odds with paragraph 83 of the Framework which explains that planning policies and decisions should enable sustainable rural tourism and leisure developments.

APP/Q1153/W/20/3244495: Land at SX 471 100 (Beaworthy), EX21 5AX

And again from APP/Q1153/W/20/3244495: Land at SX 471 100 (Beaworthy), EX21 5AX;

12. Taken together the benefits from a single unit of accommodation would be limited. The provision of a shepherd's hut on a fairly isolated and undeveloped site in the countryside where occupants would have a dependence on the private vehicle would not, to my mind, even after taking into account all the other elements of sustainability advanced by the appellant, be a sustainable rural tourist venture when considered as a whole. I have not been presented with convincing and detailed evidence that there is an identified local need for this accommodation on this site and therefore the proposal would not comply with Policy DEV15 of the JLP in this respect. 13. It is argued that if this proposal is not acceptable then all other farm based tourist accommodation would be equally unacceptable. However, all proposals will have their own circumstances, for instance, in relation to distance, convenience and accessibility to local services and facilities, links that may enable walking via rights of way or public transport options. The overall balance of considerations will be different in each case. The policies of the JLP do not exclude rural tourism and farm diversification, but they do seek to establish a pattern of development that is based on the principles of sustainability.

Overall there has been a consistent application of tourism policies in the plan which confirm the interpretation against the spatial strategy of the Joint Local Plan at planning appeal. This indicates that in order to be supported by the policies tourism must be sustainable.

In terms of the Neighbourhood Plan the Brixton Neighbourhood Plan has been adopted. Policy EMP4 identifies that existing tourism facilities shall be retained. The site is located outside of the settlement boundary of Brixton. Policy TPT1 seeks to ensure that development should enable sustainable modes of transport.

It can be concluded that the proposed development would not be in a suitable location, with particular regard to access to services and facilities and it therefore conflicts with JLP Policies SPT1, SPT2, TTV1, TTV2, DEV15 and DEV29 as well as Policy TPT1 of the Brixton Neighbourhood Plan. The proposal would also be inconsistent with the provisions in the NPPF in relation to supporting a prosperous rural economy and promoting sustainable transport, as the development would not be able to minimise the use of the private car and support sustainable rural tourism.

In addition to the above, the applicants have identified that the proposal will provide specialist accommodation for people with disabilities. Whilst this is noted, it is not considered that these considerations outweigh the sustainability objections to the site, the development would be in perpetuity and permanently impact on the site. Furthermore the applicants has not provided evidence in relation to need and alternative provision would could be in a more sustainable location.

Design/Landscape:

The site is located close to a Grade I listed building and a Grade II listed building, these are designated heritage assets. The application has been submitted with a Heritage Impact Assessment.

Historic England (HE) have identified a potential concern is the likely pressure for additional units to be added to this development, should it prove to be commercially successful and have advised of the following:

Whilst a development of two small timber-clad cabins, unobtrusively sited in a field, might have a minimal landscape and heritage impact, a more extensive development could intensify increase both its visibility and audibility as well as traffic generation etc. Those effects might then erode the tranquillity of Higher Hareston's setting. We would therefore ask your Authority to consider carefully the suitability and sustainability of the site for this type of development, and your ability to limit its future expansion beyond its current modest scale, should future applications be made.

The concerns of HE are acknowledge but further applications would be required for future development and this would allow consideration to be given to the impact of the development on the designated heritage asset.

The siting and scale of the development combined with the screening, results in this development not being considered to impact on the setting or the listed building itself. As a result the development is considered to comply with Policies DEV21.

The small scale nature of the development and the form and design is considered to be compatible with the character and appearance of the area and the landscape.

Although consideration will need to be given to hardstanding's and car parking as well as landscaping, through conditions if a scheme were to be approved. This is because the scale of the units are small and could be accommodated in the landscape without appearing as obtrusive features but careful consideration will need to be given to landscaping to ensure that the low impact rural character of the site is preserved.

Neighbour Amenity:

This development, at this scale, would not result in a significant loss of amenity to nearby residential properties, the closest of which is located within the historic buildings at Hareston House, located approximately 350m to the east.

Highways/Access:

Satisfactory highway access is provided, as the existing access is being used and the visibility of this access is sufficient for the nature of the use.

Other Matters:

The applicants have detailed that a package treatment plant will be used to deal with foul drainage. Details of drainage would be required through condition, should a scheme be approved.

The site falls within the Zone of Influence where new residential uses would 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 legal agreement, and this approach has been agreed by Natural England.

The Council seeks, in agreement with Natural England, to mitigate the impact of the development on the Tamar European Marine Site through securing a financial contribution towards mitigation. This is secured through a legal agreement. However none has been submitted and as such this would be a reason for refusal with this application.

Planning balance

This development is located in an unsustainable location that would be reliant on the private car. The development is therefore clearly contrary to the Joint Local Plan, the NPPF and the Neighbourhood Plan.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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 of South Hams and West Devon within Dartmoor National Park) comprises the Plymouth & South West Devon Joint Local Plan 2014 - 2034.

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
TTV25 Development in the Sustainable Villages
TTV26 Development in the Countryside
TTV27 Meeting local housing needs in rural areas
TTV28 Horse related developments in the countryside
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV15 Supporting the rural economy
DEV20 Place shaping and the quality of the built environment
DEV21 Development affecting the historic environment
DEV23 Landscape character
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
DEV30 Meeting the community infrastructure needs of new homes
DEV31 Waste management
DEV32 Delivering low carbon development
DEV33 Renewable and low carbon energy (including heat)
DEV34 Community energy
DEV35 Managing flood risk and Water Quality Impacts
DEV36 Coastal Change Management Areas

DEL1 Approach to development delivery and viability, planning obligations and the Community Infrastructure Levy

Neighbourhood Plan

The Brixton Neighbourhood Plan has been adopted.

Policy EMP4 identifies that existing tourism facilities shall be retained. The site is located outside of the settlement boundary of Brixton. TPT1 seeks to ensure that development should enable sustainable modes of transport.

Other material considerations include the policies of the National Planning Policy Framework (NPPF) including but not limited to paragraphs 79 and 83 and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application: JLP SPD.

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.