

PLANNING APPLICATION REPORT

Case Officer: Jacqueline Houslander
Blackawton and Stoke Fleming

Parish: Halwell & Moreleigh **Ward:**

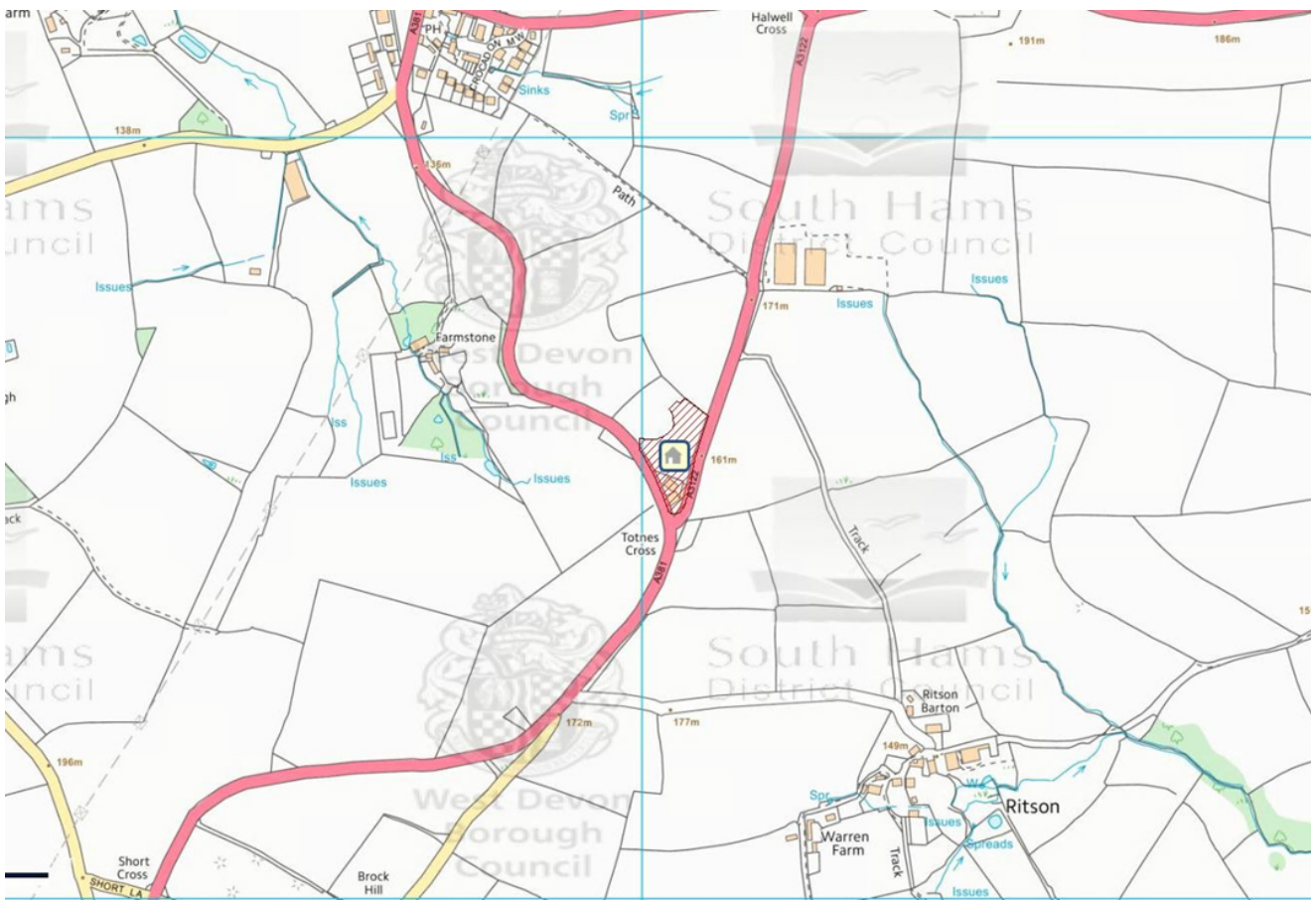
Application No: 2334/19/FUL

Agent/Applicant:

Mrs Denise Pichler
Pichler Planning Consultancy
60 Bowring Close
Exeter
EX1 3TU

Applicant:

Mr J Holliss
Totnes Cross Garage
A3122 Halwell Cross To Totnes Cross
Halwell
TQ9 7JG



Site Address: Totnes Cross Garage, Halwell, TQ9 7JG

Development: READVERTISEMENT (revised plans and amended description)
Conversion and extension of shop and commercial premises to create enlarged retail area. New vehicle repair workshop and MOT bays, associated access and parking

Reason item is being put before Committee: Councillor Reeve asked for the application to be heard by the Planning Committee because this is a local business providing local employment wishing to expand. Its location provides lots of passing and local trade and so its expansion should be supported.

Recommendation: Refusal

Reasons for refusal

1. The proposal for the expansion of this rural business site is located in the open countryside away from any settlements and as such isolated from them. The expansion of the car servicing and retail and the introduction of a café facility in this location, of the scale proposed would lead to additional trips to a facility in an unsustainable and inappropriate location contrary to the strategic aims of the Plymouth and South West Joint Local Plan provided in policies SPT1, SPT2, SPT5, SPT6, and the more specific requirements of policies TTV1 and in addition no sustainable Travel Plan has been provided which is a requirement of Policy DEV15, as well as paragraphs, 7, 8, 11, 12, and 84 of the NPPF 2019.
2. The proposal is to expand built form in the open countryside, where development is restricted to that which is required necessary for agricultural, forestry or occupational need. No such need has been provided for a large MOT workshop; shop and café. As such the proposal fails to meet policy TTV26 in the Plymouth and South West Devon Joint Local Plan or paragraph 79 in the NPPF 2019.
3. The proposed development would introduce significant additional built form into an area which predominantly comprises large agricultural fields, bound by Devon hedges. The industrial style car servicing workshops would introduce an incongruous built form as will the 2-3 fold extension to the shop and a café provision and significant number of parking spaces. The proposal is inappropriate in terms of design to its rural context , contrary to Policy DEV20 in the JLP and would neither conserve nor enhance the current landscape qualities, contrary to policies seeking to protect the landscape, DEV23 and para. 170 of the NPPF 2019.
4. The proposal has failed to provide sufficient information to demonstrate that wildlife will not be harmed by the development, particularly in relation to dormice, contrary to policy TTV26 in the Plymouth and South West Devon Joint Local Plan and para. 175 of the NPPF 2019.
5. The proposal does not provide for any carbon reduction measures, in order to reduce the impact of the development on climate change, contrary to Policy DEV32 in the Plymouth and South West Devon Joint Local Plan and Para's 150 and 153 in the NPPF 2019.

Key issues for consideration:

Location of proposal

Impact on landscape

Sustainability of location

Design

Site Description:

Totnes Cross garage lies at the cross roads just north of Halwell, on the Kingsbridge road (A381), at the point at which the turning to Dartmouth (A3122) joins the road. The site currently comprises a petrol filling station, with a Spar shop; a small motor repair workshop including tyre fitting service and an MOT bay, with space for approximately 2 cars at any one time; a small amount of car sales and a storage/parking area on the other side of the Kingsbridge Road. There is also a bungalow on the site, which is occupied by the family owners of the garage.

The garage has been established for some time (44 years). The family run business has invested considerably in the business over the years. The applicant's agent states that the shop and repair garage are oversubscribed and there is need for the expansion of the facilities. The business currently employs 10 full time and 5 part time staff, who live in the local area.

It was noted on the site visit that there are vehicles parked in an area of land on the opposite side of the A381. There is no planning history for this use being authorised. There have been a number of temporary consents for the parking of vehicles on the land on the other side of the A3122.

The site lies within flood zone 1, within an SSSI risk zone and the agricultural classification is grade 3, good to moderate quality land.

The Proposal:

This planning application has changed from its original iteration to the scheme now described which has been the subject of a re advertisement.

The proposal comprises:

- Re-location of the vehicle repair garage, MOT bays and vehicle parts and accessories together with offices into a purpose built unit, with associated staff and customer parking.
- The existing convenience store will be extended. Petrol forecourt will retain the current ten dispensers.
- A new entrance and parking and delivery area will be created off Dartmouth Road to serve the new garage facilities and shop. This will alleviate parking pressure on the small forecourt area.
- Landscaping to mitigate the development changes.

The bungalow and garage forecourt remain as existing on the site, however the shop is extended to the rear by a considerable amount. This extension is the same size on this revised scheme as on the original proposal. The workshop, which is currently at the front and side of the forecourt is relocated to the rear of the site running into the field behind, parallel with the road to Dartmouth (A3122). The new building measures 12 metres wide and 30 metres long and 6 metres high. It contains 5 bays and a parts shop (2 MOT bays; 2 service bays; a tyre bay and reception workshop). There is also an office and staff area on part of the first floor of the building. The walls of the building are proposed to be constructed in steel profiled sheeting in Juniper Green. The roof is also steel profiled sheeting in anthracite grey with some translucent panels on the north and south east, with powder coated steel roller doors and aluminium or Upvc doors and windows in grey.

Parking for 12 cars is proposed immediately to the rear, and parking for 16 cars is proposed along the roadside edge of the site for the workshops. Entrance to the rear part of the site is proposed off the A3122.

Consultations:

- County Highways Authority: The Highway Authority has no objections to the proposals subject to conditions. The applicant has submitted a revised layout drawing 018-06-4-C, which addresses the previous highway authority comments. Cycle Parking (covered) is now shown on the layout drawing.

- Parish Council: Support
 - Landscape Specialist:

Landscape comments on the current revised proposal removing the dwelling and reducing the size of the workshops and increasing the landscaping at the rear of the workshop element of the proposal.

The revised scheme still involves encroachment into the field adjoining the existing service station and garage and development will extend along the Dartmouth road. However, the land take appears much reduced from that of the originally submitted scheme but there will still be a resultant permanent change to the site's topography and filed pattern.

It is considered that the proposed new vehicle repair shop is of a scale and height (2 storeys) where it will appear as an 'industrial' feature in the landscape. The submitted revised Landscape Appraisal (12/20) and Planning Statement acknowledge that the proposed development will in appearance terms be comparable to the existing buildings found nearby on the Halwell Business Park.

The Landscape Appraisal still recognises that there is likely to be both a negative cumulative effect on landscape character and visual amenity with the proposed development in place together with the existing Halwell Business Park together with the farm shop building to the north of the site.

Mitigation, in the form of a reduction rather than a removal, of the negative effects of the proposed development is dependent on the successful implementation and establishment of the proposed landscape scheme. The landscape scheme is a considered one and would introduce some positive features into the landscape such as new Devon banks and tree planting. However, these additions could occur independently of the proposals and their value as enhancements is debatable.

The current scheme by virtue of its scale, nature and form would fail the case to accord with DEV23 and TTV26 because it does not conserve and enhance landscape character, and scenic and visual quality, or protect the special characteristics and role of the countryside. In particular, concerns remain as to the scale, height and layout of the new workshop building and its elevated position in the adjacent field together with the extent of car parking. The cumulative impacts of the proposal when considered in the context of the Halwell Business Park to the north, are also of concern, and would not be mitigated sufficiently by the strategic planting.

In consideration of the above, the current proposal cannot be supported.

Recommendation

Objection

Reasons – contrary to JLP Policies DEV23 and TTV26.

- Natural England: The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.
- Strategic Planning: The JLP Team objects to the proposal on the basis of conflict with adopted development plan policy. Details are provided below:
SPT1 and SPT2 establish an expectation that future growth and development will increase the resilience of our rural communities, that local services and facilities and will

be located within or adjoining existing settlements to reduce the need to travel, and to enable a low carbon future. The expansion of a petrol station, well beyond the rural settlement pattern, to create a destination in its own right, is contrary to the aims of policies SPT1 and SPT2.

TTV1 – directs development towards the hierarchy of sustainable settlements in order to ensure our existing communities have good access to services and amenities that can be safely accessed by a range of transport modes. This is the same for housing, retail, café and employment. The spatial strategy does not advocate introducing new uses where they do not relate well to the existing pattern of development, or where the proposed uses would be better suited to a location within an existing settlement. The site location is in tier 4 of the settlement hierarchy, in the countryside, and is not well related to any sustainable settlement. Halwell is nearby, but is not easily accessed other than by road, which is the main A road providing access between Totnes, Kingsbridge and Dartmouth. Whilst it is accepted that there is already a small amount of retail onsite, the current offer is proportionate to site. At a time when many town and village centres are struggling to remain vital and viable, it is considered contrary to the spatial strategy of the plan to dilute the offer of town centre uses, such as unrestricted A1 retail, into a countryside location. Similarly, whilst there is an existing motor repair garage onsite, any expansion or new facility would be best located within or adjoining an existing settlement that would benefit from the co-location of other services and facilities that can be accessed by garage customers while repairs are being undertaken. This will also allow for access to greater range of public transport options should the vehicle be onsite for a longer period of time.

Representations:

Representations from Residents

38 letters of support have been received. The comments are summarised below but can be read in full via this link,

<http://apps.southhams.gov.uk/PlanningSearchMVC/Home/Details/192334>.

- The location is convenient when travelling to and from Dartmouth, Kingsbridge and Totnes
- The garage is due a modernisation
- It is used by people in the local villages who travel past frequently
- It is a provision for the local communities
- It would bring new jobs to the area
- It supports both local people and tourists
- The shop and filling station have been a lifeline during the Covid pandemic
- Halwell Business Park, is always supported to increase in size.
- The shop supports other businesses locally by selling local produce
- We should be supporting small businesses
- Neither Halwell or Moreleigh have local shops and so Totnes Cross is essential to the community and it is cramped at the moment. It needs to be able to expand to meet these local needs
- Use of the shop saves travel 6 or 7 miles to get to the nearest town.
- The new access provides for much needed parking and is safer.
- It is a business run by a local family which should be supported.
- Without this facility people would have to travel to Dartmouth, Totnes or Kingsbridge.

Relevant Planning History

Relevant Planning History

22/1778/79/3: FUL Rebuilding of existing garage workshop - Conditional approval: 04 Mar 80

22/1588/80/3: FUL - Kitchen extension to owner's accommodation. - Conditional approval: 28 Oct 80
22/0238/82/3: Resiting of existing pump and provision of two new pumps. Conditional approval: 27 Apr 82
22/0481/82/5: ADV - Intermittent internally illuminated box pricing sign on post. Conditional approval: 27 May 82
22/0480/82/5: ADV - Re-siting of existing Esso sign and pricing box. Conditional approval: 27 May 82
22/1129/82/3: FUL - Demolition of existing shop / office / store and canopy and erection of new shop / office / store and canopy. Conditional approval: 19 Oct 82
22/0831/85/3: FUL - Retention of existing shop. Conditional approval: 23 Jul 85
22/0199/87/3: FUL - Car park for occupants of house. Conditional approval: 03 Mar 87

ANALYSIS

Principle of Development/Sustainability:

The principle must be considered against the strategic policies SPT1 and SPT2 which encourage development which is sustainable in economic, social and environmental ways and which promotes development in sustainable locations. The sustainability of the location must be justified.

In this case the site is not within or adjacent to a settlement. It is approximately 2/3 km from Halwell; 4.5 km from Harbertonford which has a primary, school petrol filling station and church and is the nearest settlement. There is an industrial estate close by, 0.3 km to the north of the application site. However the site is a long way from any settlement and is therefore in the countryside. The proposal seeks to create a destination in an area where such development would not normally be supported, which is contrary to the aims of SPT1 and SPT2.

Policy TTV1 provides the hierarchy against which development in the Thriving Towns and Villages policy area should be considered. The countryside is the lowest tier (tier 4) of that hierarchy. The area is identified as small hamlets and the countryside. The Policy states for such areas: *"development will be permitted only if it can be demonstrated to support the principles of sustainable development and sustainable communities (Policies SPT1 and 2) including as provided for in Policies TTV26 and TTV27."*

No such demonstration has been provided by the applicant. It is considered that the proposal fails to meet policies SPT1 and SPT2.

Policy TTV26 which is divided into 2 parts. The first part relates to isolated development in the countryside and the second to more general development in the countryside. In terms of isolated, the Braintree definition of isolated which is defined as: *the word "isolated" in the phrase "isolated homes in the countryside" simply connotes a dwelling that is physically separate or remote from a settlement. Whether a proposed new dwelling is, or is not, "isolated" in this sense will be a matter of fact and planning judgment for the decision-maker in the particular circumstances of the case in hand."*

The Judge commented in relation to isolated and the Braintree definition (Braintree District Council v Secretary of State for Communities and Local Government & Ors (2017) EWHC 2743 (Admin) and the subsequent Court of Appeal Judgement), ... *the term isolated in relation to paragraph 79 of the Framework, should be given its ordinary objective meaning of "far away from other places, buildings or people".*

A subsequent case – ‘the Bramshall ruling’ has described isolated as “*physically separated or remote from a settlement. Whether a proposed new dwelling is or is not "isolated" in this sense is a matter of fact and planning judgment for the decision-maker in the particular circumstances of the case in hand.*”

The definition of, ‘separate from a settlement’ would suggest anything beyond the built form, whereas ‘remote from a settlement’ suggests locations that are some way from the edge of settlement. This is a critical distinction, and clearly it is illogical to describe any site beyond the edge of a settlement as being isolated.

A logical hierarchy of site characterisation would suggest that beyond the built form is the countryside, and it is the more remote parts of the countryside that may be described as being isolated. This is reflected in policy TTV26, which is made up two parts; the first part applicable to locations considered as isolated, the second part applicable to all proposals beyond the built form of settlements.

In this case the site itself has a number of buildings associated with it currently, the dwelling, the petrol filling station, the workshop and the shop. However there is no other development immediately around the site. It could therefore be identified as isolated using the Braintree definition. In addition it is remote from any settlement so would also fall into the definition described in the Bramshall ruling.

Policy TTV26 states:

“Isolated development in the countryside will be avoided and only permitted in exceptional circumstances, such as where it would:

- i. Meet an essential need for a rural worker to live permanently at or near their place of work in the countryside and maintain that role for the development in perpetuity; or*
- ii. Secure the long term future and viable use of a significant heritage asset; or*
- iii. Secure the re-use of redundant or disused buildings and brownfield sites for an appropriate use; or*
- iv. Secure a development of truly outstanding or innovative sustainability and design, which helps to raise standards of design more generally in the rural area, significantly enhances its immediate setting, and is sensitive to the defining characteristics of the local area; or*
- v. Protect or enhance the character of historic assets and their settings.”*

The site itself is already in use but the land to the north where the new workshops and extension to the shop are proposed is a green field, not brownfield land. It is part of an agricultural field. None of the criteria in the first part of the policy can be met and so the development is contrary to part 1 of the policy.

Part 2 of the policy relates to development in the countryside in general

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.

The proposal does not meet the requirements of part 2 of the policy. It is not improving or protecting public rights of way; it is not required for agricultural purposes; it is not reusing traditional buildings; it is not complementary to viable agricultural operations and it would not enhance the immediate setting or provide a management plan and exit strategy to protect the long term impact on the landscape and natural environment. The proposal is therefore contrary to the whole of Policy TTV26.

The development proposed is the extension and expansion of the existing site, by extending the shop building into the field to the north and increasing the floor area 2-3 fold and the relocation of the existing workshop from the side of the petrol filling station forecourt to the field to the north of the site, together with a considerable amount of car parking.

The result of these changes is that the emphasis of the site changes, from a petrol filling station and small MOT workshop with ancillary shop to a shop and café facility and a large car repair workshop, with the filling station becoming the ancillary part.

Strategic policy SPT5 relates to provision of retail in appropriate locations. The key part of the policy for this application is... *“Proposals which meet compelling 'qualitative' needs for retail development will be considered favourably. In particular these types of need include:*
1. In support of the principle of sustainable linked neighbourhoods and sustainable rural communities, allowing for a small scale local convenience shop in locations where there is no other such shop within a reasonable walking distance of a residential area.”

In considering this, it would be argued that the retail provision at the site provides for small scale local convenience shopping, which is probably used by local people, however it is more likely to occur by passing traffic primarily with possible some use by those who live in nearby villages with no community shop. The key area of concern though is the lack of ability for the shop to be accessed by foot from any nearby residential development. It is too far to walk and there are no pavements. In line with the strategic aims of the JLP, this location would not support those aims.

In addition policy SPT6 seeks to ensure that retail development follows the hierarchy in the policy which, in the TTV area sees the main towns as the primary location, followed by *“retail and community centres of the smaller towns and larger villages - primarily for top-up food shopping and local services.”*

Again this location does not meet the requirements of this policy.

Policy DEV15 is relevant to the consideration of this proposal. The policy is aimed at the rural economy and does allow for the expansion of existing businesses in rural areas. The first part of the policy states:

“Support will be given to proposals in suitable locations which seek to improve the balance of jobs within the rural areas and diversify the rural economy. The following provisions apply:
1. Appropriate and proportionate expansion of existing employment sites in order to enable retention and growth of local employers will be supported, subject to an assessment that demonstrates no adverse residual impacts on neighbouring uses and the environment.”

The key consideration in this part of the policy are the words 'suitable location', 'appropriate and proportionate expansion'. It can be acknowledged that this is an existing rural business and that the site employs people both in the shop and the workshop. In accepting this, there is an acknowledgement that without the expansion proposed the facilities are used and operate successfully as they are.

In terms of 'suitable location' officers must refer to the spatial strategy of the JLP in policies SPT1 and SPT2. The fundamental principle being towards sustainable development as also encouraged in the NPPF 2019. SPT1 identifies these principles as social, environmental and economic. SPT2 indicates what sustainable settlements and communities look like. This site is not in an existing settlement and is on its own.

Para. 3.16 in the supporting text to SPT2 identifies the characteristics of sustainable settlements. This location has no such characteristics. It is not walkable to; no other people live on or around the site. It is not a settlement and as such it is not in a sustainable location. Fig 3.2 in the Plan indicates distances to local services and facilities. Again the proposal site does not meet these distances.

On the other hand it could be argued that the site located on a key road junction between Dartmouth, Kingsbridge and Totnes is a useful location for passing trade, and local business. The facilities provided are useful for the nearby villages without a local shop for example.

Officers can see the benefits of the location to passing trade and locals, but the policy regime of promoting sustainable development is a national as well as District policy and officers must assess development proposals against these policies (in a Development Plan led system). Para 12 in the NPPF states...."*Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.*"

The location of the development when assessed against these policies is unsustainable.

The expansion must also be considered against 'appropriateness' and 'proportionate'. The scheme has been reduced since the original submission where a large dwelling in the upper part of the field was proposed, which has not been withdrawn from the application and there were many more MOT bays, workshops and car parking proposed.

Is it appropriate to impose a large workshop space plus parking and a large extension to the shop and provision of a new cafe in this location? As discussed above in sustainability terms it is not. The landscape considerations will be reviewed in the following section of the report.

With regard to 'proportionate', the filling station remains the same as existing but the expansion of the workshop at least 3 fold and the shop/café 2 fold, is excessive. The existing facilities are small in scale and whilst have been expanded and improved upon in the recent past, remain limited in scale and proportionate to the landscape within which the development sits. The proposals are of a much larger scale such as to dwarf the existing facilities. It is considered that the expansion is not proportionate and would appear incongruous and out of character with the area. The policies for retail development would also not identify this location as appropriate for an expansion for the sale of convenience goods (SPT6).

A café in this location is also questionable when considering the planning policies. Such facilities on a very small scale can be found at petrol filling stations, particularly with the express coffee machine, but a café with seating and specific parking spaces in terms of the sustainability policies should be located within a town or village which is walkable to and, not in the open countryside. It is therefore considered that the scale of the expansion when taken in combination with the unsustainable location and the visual impact on the landscape it is not a proportionate expansion of the existing facility.

Part 8 of Policy DEV15 needs to be applied to all proposals. In this case an existing and new access would be provided. The Highway authority have raised no concerns with the safety of the access points.

The development would encourage more vehicle movements by the private car. No Sustainable Travel Plan has been submitted in support of the proposal to demonstrate how the traffic impacts of the development have been considered and mitigated. In addition the nature of the proposals are such that it encourages additional vehicular traffic by providing a service and MOT facility and a café and larger shop. This runs completely contrary to the requirement of the policy.

Part 8(iii) seeks a positive relationship with existing buildings. In terms of scale, massing and orientation, the large workshop building is separated from the existing buildings on the site by 13 No. car parking spaces and a recycling area, which creates a gap between the existing and proposed building and as such does not create a positive relationship with the existing buildings. In relation to part (iv) of the policy, the workshop set further up the field does mean that it lies away from the existing cluster of buildings and because of its nature and industrial appearance does appear incongruous.

The proposal does not meet the requirements of Policy DEV15.

Design/Landscape:

The original proposal was for a large dwelling and considerably more workshops and parking spaces, utilising a considerable proportion of the field to the rear of the existing filling station. That has since been reduced to exclude the dwelling and reduce the amount of workshops and parking.

However the workshop building is still two storey and industrial in design. Policy DEV20 seeks to ensure that development relates positively to its context. The design of the workshop building would not relate well to the context and so would be contrary to that policy.

It is however still a substantial increase in size. The land rises to the north of the existing site, such that the workshops will be on higher land and as such will be highly visible in the landscape. Whilst the landscape does not have any particular landscape designations, policy DEV23 in the JLP still seeks to ensure that development in the wider landscape conserves and enhances.

The landscape specialist has reviewed the current proposal and whilst acknowledging the additional landscaping and the reduction in size of the proposal still has concerns about the landscape impact of the development, introducing an industrial element into this rural area. It is therefore confirmed that from a landscape perspective,

“The current scheme by virtue of its scale, nature and form would fail the case to accord with DEV23 and TTV26 because it does not conserve and enhance landscape character, and

scenic and visual quality, or protect the special characteristics and role of the countryside. In particular, concerns remain as to the scale, height and layout of the new workshop building and its elevated position in the adjacent field together with the extent of car parking. The cumulative impacts of the proposal when considered in the context of the Halwell Business Park to the north, are also of concern, and would not be mitigated sufficiently by the strategic planting.”

Neighbour Amenity: There are no immediate residential neighbours to the development and therefore there is no residential amenity impact from the development proposed.

Highways/Access: The proposal introduces an additional access to the site off the highway. The Highway Authority have reviewed the scheme and conclude that..... *“The Highway Authority has no objections to the proposals subject to conditions. The applicant has submitted a revised layout drawing 018-06-4-C, which addresses the previous highway authority comments. Cycle Parking (covered) is now shown on the layout drawing.”*

Drainage: The application site lies within flood zone 1 where the risk of flooding is minimal. A flood risk and drainage assessment was submitted with the application. The proposal indicates that the existing dwelling, wc block and shop retail area is connected to a septic tank. A new soakaway field was proposed for the new hard surfaced areas of the site and would also accommodate the treated water discharge from the proposed package treatment plan. Percolation testing has already been carried out for the soakaway field.

The area for the proposed buildings on the site has reduced considerably since the FRA and drainage assessment was submitted. The site layout plan indicates the treatment plant to be located to the north west of the site near to the field boundary with the A391. The soakaway field is further to the north west.

Storm drains from the hard surfaced areas are located to the west of the hard surfaced areas in the area of the field to be landscaped. Surface water from the MOT and service workshop is proposed to be directed to the soakaway field to the north west. The surface paving for the retail parking is proposed to be SUDs paving (which would be permeable paving).

More details of the proposed drainage for the site will need to be provided via a condition should the application be approved.

Ecology: An ecological appraisal was submitted with the planning application which indicated that:

- The Site would not impact on any statutory or non-statutory site designated for nature conservation.
- The Site consisted of improved grassland bounded by hedgerow and fences. The east boundary hedgerow was classified as being of moderate ecological value and Priority Habitat. The south hedgerow was in poor condition and of low ecological value. The grassland field was of low ecological value.
- No evidence of protected species was found within the Site. The Site habitats were considered capable of supporting dormouse; foraging and commuting bats; nesting birds; and European hedgehog.
- It was concluded, given that access will be required to the east which will need hedgerow habitat removal, that dormouse presence//absence survey should be undertaken.

No dormouse survey has been provided with the application and so as such the impact of the development on the dormouse cannot be fully assessed. As the application is recommended for refusal it is not considered such a survey needs to be carried out, however if it were to be approved then such a survey would need to be carried out prior to any other development taking place on the site.

The site does lie in an SSSI risk zone, however the risk relates to a different form of development and Natural England have also responded to the proposal and have no comments to make about the proposal.

Climate Change: No carbon reduction measures have been proposed for the development. Policy DEV32 in the Joint Local Plan indicates that all development must consider measures to reduce its carbon footprint, the proposal fails to meet this policy. It will therefore be a further reason for refusal due to lack of information.

Also of relevance to the consideration of the proposal is the location in relation to the climate change emergency that the Council has declared. Locating services and facilities in an isolated location away from any settlement, would result in people accessing the services by private car and there would be limited reasons for their car journey. If such facilities were located in a village or town, whilst the car may be the main reason, other reasons such as using the post office, or attending the dentist, doctors, opticians; shopping for goods could also take place. This one car journey accommodates a number of purposes, rather than this location which would be for petrol, an MOT or to purchase a pint of milk or other such supplies.

Conclusion:

The proposal whilst seen as of benefit to passing trade at this junction is located in a location where expansion of such facilities, which could easily be located in a town or village, is discouraged through the JLP policies, relating to sustainable development and expansion of local facilities.

In addition the sit which is highly visible in this countryside location would impose a form and scale of development which would impact negatively on the rural landscape, contrary to policies DEV23 and of the JLP.

The lack of carbon reduction measures is also a concern. As such the proposal is recommended for refusal.

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

Planning Policy

Relevant policy framework

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 Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of 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).

On 26 March 2019 of the Plymouth & South West Devon Joint Local Plan was adopted by all three of the component authorities. Following adoption, the three authorities jointly notified the Ministry of Housing, Communities and Local Government (MHCLG) of their choice to monitor at the whole plan level. This is for the purposes of the Housing Delivery Test (HDT) and the 5 Year Housing Land Supply assessment. A letter from MHCLG to the Authorities was received on 13 May 2019. This confirmed the Plymouth, South Hams and West Devon's revised joint Housing Delivery Test Measurement as 163% and that the consequences are "None". It confirmed that the revised HDT measurement will take effect upon receipt of the letter, as will any consequences that will apply as a result of the measurement. It also confirmed that that the letter supersedes the HDT measurements for each of the 3 local authority areas (Plymouth City, South Hams District and West Devon Borough) which Government published on 19 February 2019. On 13th February 2020 MHCLG published the HDT 2019 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 139% and the consequences are "None".

Therefore a 5% buffer is 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 6.1 years at end March 2020 (the 2020 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2020 (published 22 December 2020).

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

SPT6 Spatial provision of retail and main town centre uses

SPT9 Strategic principles for transport planning and strategy

SPT10 Balanced transport strategy for growth and healthy and sustainable communities

SPT12 Strategic approach to the natural environment

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

TTV26 Development in the Countryside

DEV1 Protecting health and amenity

DEV2 Air, water, soil, noise, land and light

DEV15 Supporting the rural economy

DEV16 Providing retail and town centre uses in appropriate locations

DEV19 Provisions for local employment and skills

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

DEV32 Delivering low carbon development

DEV35 Managing flood risk and Water Quality Impacts

Neighbourhood Plan: There is no Neighbourhood Plan in this area at present.

Other material considerations include the policies of the National Planning Policy Framework (NPPF) including but not limited to paragraphs 79, 170, 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.