

PLANNING APPLICATION REPORT

Case Officer: Darren Henry
Aveton Gifford

Parish: Aveton Gifford **Ward:** Loddiswell and

Application No: 3422/21/FUL

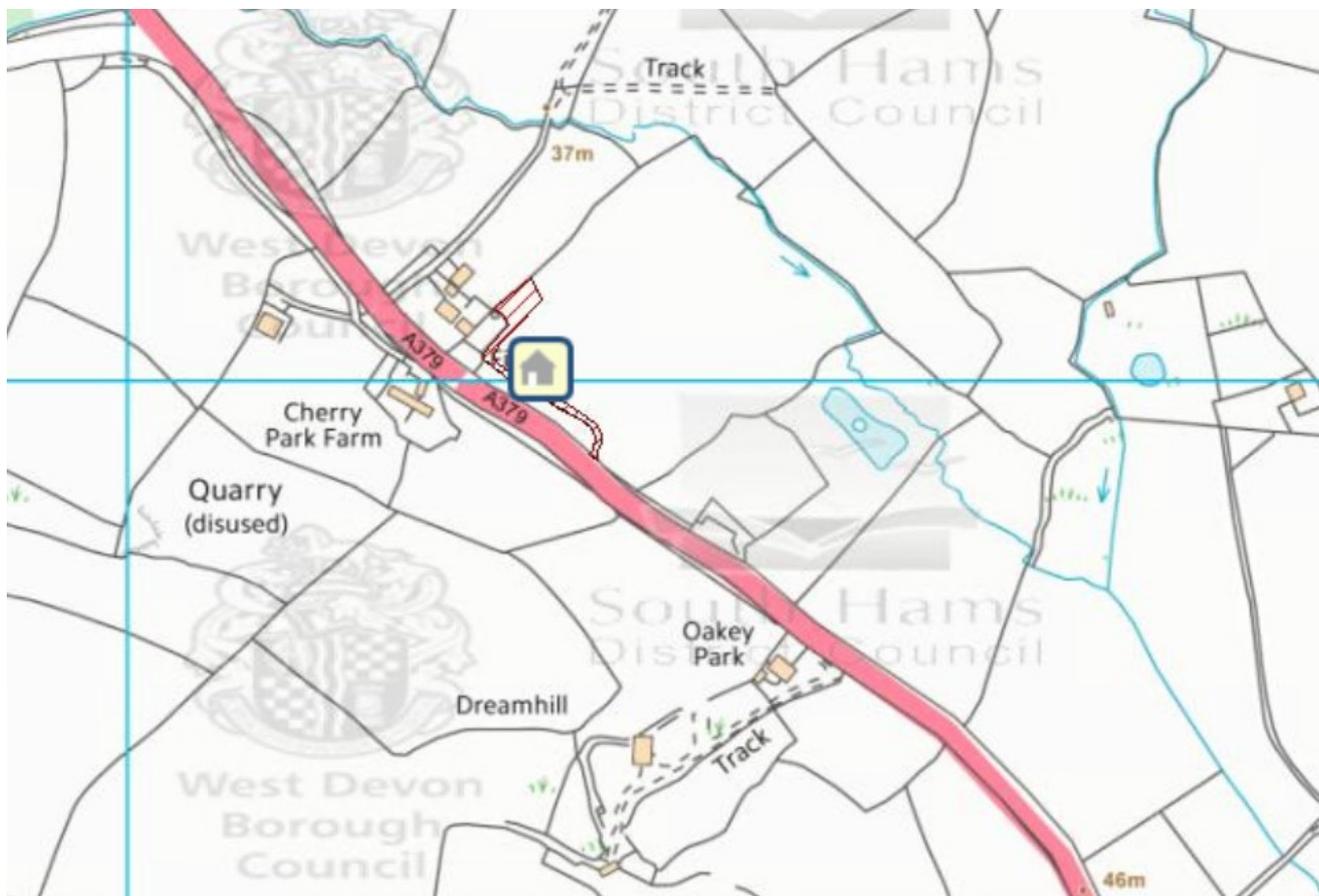
Agent/Applicant:

Mr Garry Dimeck - Mark Evans Planning
Ltd
Cedar House
Membland
Newton Ferrers
Nr Plymouth
PL8 1HP

Applicant:

Mr & Mrs A Wotton
The Barns
Fishley
A379 Fishley To Ashford Cross
PL21 0SX

Site Address: The Barns, Fishley, Modbury, PL21 0SX



Development: Erection of inclusive holiday letting unit as ancillary facility to 'The Barns' (Resubmission of 2807/20/FUL)

Reason item is being put before Committee:

Cllr Kemp has requested the application to go before Committee on account that the application will contribute to rural diversification and meets an unmet need for disabled tourism

Recommendation: To refuse the grant of planning permission

Reason for refusal

1. *The proposed development would be in an inappropriate, isolated and unsustainable location within the open countryside with limited access to services and amenities, poor accessibility and over reliance on the private motor car. It is contrary to policies 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), TTV26 (Development in the Countryside) and DEV15 (Supporting the rural economy) of the Adopted Joint Local Plan and the guidance contained within the National Planning Policy Framework (NPPF).*

Key issues for consideration:

- Principle of Development
 - Highways
 - Design/Landscape Impact
 - Neighbour Amenity
 - Highways/Access
 - Carbon Reduction
 - Ecology
 - Drainage
-

Site Description:

The site occupies a countryside location between Aveton Gifford and Modbury, within but on the very edge of the South Devon AONB. It is accessed directly from the A379. The existing building at the site, The Barns, comprises of one of a cluster of converted residential properties with various associated outbuildings and agricultural buildings. The surrounding landscape is characterised by rolling rural fields.

The Proposal:

Erection of inclusive holiday letting unit as ancillary facility to 'The Barns', specifically for use by disabled visitors.

The proposed building will be constructed in timber with metal sheeting for the pitched roof and will have a veranda to the front with steps leading down to ground level. Disabled access is from the side. The holiday let will measure 11m x 5m and will be sited in the same location as previously refused application 2807/20/FUL with the same internal layout of a single bedroom with ensuite and a lounge/kitchen/dining area.

The main difference with this application and 2807/20/FUL is that the access has been re-sited approximately 100 metres to the east of the main entrance.

Consultations:

- Parish Council—Aveton Gifford parish councillors have visited this site, and are happy to support this application on the following grounds:
 1. This proposed application site is not within the AONB or any conservation zone.

2. The site is outside the settlement boundary as defined by the AGNP. However Policy AG1 states that rural development can be supported where it will meet a proven local need which cannot be met inside the settlement boundary. In this particular case the parish council considers that this purpose built cabin is tailored to disabled needs from the outset, rather than much existing holiday accommodation with disabled adaptations, and will fill a need which is not available elsewhere within the village. AGPC notes the supporting information from page 23 and 4 of the Design and Access Statement with this application, which demonstrates just how poor these provisions are within AG village and the wider S Hams. A pertinent material consideration of a local lack of specifically disabled accommodation could be applicable here, and the government's National Disability Strategy 2021 which aims to provide a better standard of opportunities including tourism facilities would support this.
3. The site for the cabin already has recreational and amenity status.
4. The proposed cabin would be ancillary to the main property and would provide an extra income stream for an existing local family with local business.
5. The holiday accommodation would support local tourist amenities and the rural economy.
6. The proposed cabin has a low impact footprint, so no lasting damage to the rural environment.
7. There are three clauses in the previous refusal document that AGPC would like to dispute:
 - i. On the grounds of inadequate visibility of the access. SHDC's recently approved application (0076/21/FUL; Creation of new safe access track to property) has now addressed that problem to give a much better line of sight for entrance/exit.
 - ii. On the grounds of a likely increase in the volume of traffic. It is most unlikely that this small one bedroom holiday unit would generate significant extra traffic.
 - iii. On the grounds of Over reliance on the private motor car in the open countryside. The greater proportion of visitors to use this suitable accommodation would be by the nature of their conditions already be heavily reliant on their own private transport wherever they take their holidays. AGPC does not believe that refusal in this particular situation for such a very small volume of essential car use is either relevant or fair.

Representations from Residents

No representations have been received from residents

Representations from Internal Consultees

- Drainage Engineer: No objection
- Planning Policy: Objection

Officer comments on the travel plan are made within the context of Policy TTV1 with regards to the settlement hierarchy and with respect to this site being located within Tier 4.

Due to the location of the site and lack of close facilities and activities, I do not consider the development to constitute sustainable rural tourism as it will likely instead act as a base for wider car travel across the South Hams rather than offer sustainable linkages to services, facilities and activities.

Representations from Statutory Consultees

- County Highways Authority
No objection subject to conditions

Relevant Planning History

2807/20/FUL Mr A Wotton

Erection of holiday letting unit as ancillary facility to 'The Barns'. The Barns, Fishley, Modbury, PL21 0SX. Refused on the 23th November 2020.

Reasons for Refusal:

1. The proposed development would be in an inappropriate, isolated and unsustainable location within the open countryside with limited access to services and amenities, poor accessibility and over reliance on the private motor car. It is contrary to policies 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), TTV26 (Development in the Countryside) and DEV15 (Supporting the rural economy) of the Adopted Joint Local Plan and the guidance contained within the National Planning Policy Framework (NPPF).
2. The proposed development would be likely to result in an increase in the volume of traffic entering and leaving the Class A County Road through an access, which does not provide adequate visibility from and of emerging vehicles, contrary to paragraphs 108 and 109 of the National Planning Policy Framework and Dev29 of the JLP.

0232/20/CLE Mr and Mrs A Wotton

Certificate of Lawfulness for existing use of land as recreational/amenity land (resubmission of 1022/19/CLE) Land at SX 682 500 East of The Barns Fishley, Modbury, PL21 0SX. Certificate of Lawfulness (Existing) Certified: 23rd January 2020.

1022/19/CLE Mr A Wotton

Certificate of Lawfulness for existing use as garden ground and retention of ancillary structures on former agricultural land at SX 682 500 East of The Barns, Fishley, Modbury, PL21 0SX. Certificate of Lawfulness (Existing) Refused: 28th March 2019.

02/0218/14/F Mr & Mrs Wotton

Household application for proposed alteration and extension. Fishley, Modbury, PL21 0SX. Conditional Approval: 23rd January 2014.

02/0550/13/F Mr A Wotton

Proposed agricultural building to house tractor, topper, twin axle trailer, ride on motor and agricultural tools. Fishley, Modbury, Ivybridge, Devon, PL21 0SX. Conditional Approval: 26th February 2013.

ANALYSIS

Principle of Development/Sustainability:

The proposal seeks to erect a holiday lodge at the site, stated to be specifically for use by disabled people. The application therefore raises issues of development in the countryside, in particular with regards to the provision of a tourism use. The site is a considerable distance from the nearest settlements, although it is served by a busy A-road, which has no footways or street-lighting.

This application seeks to address the refusal of 2807/20/FUL by (add in how)

With respect to the existing planning policy framework, sustainable development lies at the heart of the spatial strategy of the adopted JLP, with Policy SPT1 setting out how development and change will be managed in accordance with the principles of delivering a sustainable economy, a sustainable society and a sustainable environment. Policy SPT2 provides more guidance on achieving sustainable rural communities, indicating that these should be well served by public transport, walking and cycling opportunities; should have a safe and accessible local environment; and should have an appropriate level of services and facilities to meet local needs.

These matters are further built upon by Policies TTV1 and TTV2, which set out the development strategy for the Thriving Towns and Villages and which aim to prioritise growth through a hierarchy of sustainable settlements and deliver sustainable development. Amongst other things, these policies make it clear that development in hamlets and the countryside will only be permitted where they can be shown to support the principles of sustainable development and sustainable communities. Policy TTV2 indicates that the delivery of sustainable rural tourism will be supported if it would benefit rural businesses, communities and visitors, and respect the character of the countryside and historic settlements.

Tourism development is referred to in Policy DEV15, which sets out measures through which the rural economy will be supported. In particular it explains that chalet or similar facilities that respond to an identified local need will be supported, provided they are compatible with the rural road network and have no adverse environmental impact. This policy also indicates that development proposals should demonstrate a safe access to the existing highway network, and avoid a significant increase in the number of trips requiring the private car.

A main element of the policy justification under DEV15 concerns the 'need' for additional tourism facilities. Policy DEV15 (7) is clear that proposals of a tourism nature will be required to justify the use of the countryside location in responding to an identified local need.

The applicant/agent state that the justification and need stems from an identified gap in the current provision of appropriately designed, accessible / disabled tourist accommodation in the area. The agent's statement confirms that people are increasingly holidaying in the UK, and that tourism contributes significantly to the British economy. Brexit and the Covid 19 pandemic are referred to as contributing towards this.

With regards to demand, it is stated that whilst there are holiday premises within the South Hams which have been adapted for disabled access, choice is limited, premises are few and the extent to which accommodation fully meets the needs of disabled visitors varies. Attached to the report are details of current holiday companies which provide for the needs of disabled visitors, with relatively few of the properties available being suitable for disabled guests. There is limited further information to justify an accessible holiday unit in this location.

The agent cites that the National Disability Strategy July 2021 states that the UK Government is committed to make the UK the most accessible tourism destination in Europe. Additionally, underpinning the strategy are the findings of a UK Disability Survey. Respondents included disabled people, their families and carers. One of the findings in the study notes that 57% of those taking part stated that activities which disabled people have the most frequently been unable to take part due to accessibility issues is going on holiday.

Whilst this may be concerning, especially so for the disabled and their families, friends and carers, from a planning perspective sustainable development is at the heart of the Council's Development Plan. Consequently, development and change will be managed in accordance with the principles of delivering a sustainable economy, a sustainable society and a sustainable environment. In this instance the site does not accord with the locational and accessibility requirements detailed above, and is considered to be located in an unsustainable location, only really accessible by private car.

Moreover, in getting to local services by foot or by bicycle would involve negotiating reasonably long, generally unlit and sometimes narrow stretches of highway with no separation from traffic. Walking or cycling to and from the site would therefore be neither particularly appealing nor safe and is likely to discourage occupiers from walking or cycling to local services and facilities, tourist sites and attractions. In addition, the development cannot be described as being well served by public transport, walking and cycling opportunities. Accordingly, the site's situation is not conducive to accessing the development and surrounding area except predominantly by private car.

The National Planning Policy Framework recognises that opportunities to maximise sustainable transport solutions will vary from urban to rural areas and sets out that sites meeting local business and community needs in rural areas may, amongst other aspects, have to be found beyond existing settlements and in locations that are not well served by public transport. Specifically, the NPPF states that "*In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport)*" (paragraph 85). It also seeks to support prosperous rural economies by seeking planning policies and decisions which, amongst other things, enable sustainable rural tourism (paragraph 84). However, in this instance, the limited alternative transport options available mean that occupiers of the proposed development would likely be highly reliant on, again, the private car for a significant majority of their journeys and to serve their daily needs. As such, there are no clear benefits of the proposal that will generate significant benefits to outweigh the clear policy conflict with the over reliance on the private car.

And whilst vehicle movements would only be associated with a single unit of accommodation in this instance and, therefore, may not be particularly significant, the site and proposal cannot reasonably be described as sustainable in relation to accessibility considerations. With the lack of realistic transport alternatives and occupants of the development thus having little choice other than to rely on driving to and from the site. As such, the development cannot be regarded as promoting sustainable transport choices and having no adverse environmental impact.

In conclusion, the application has not addressed the first reason for refusal under the previously refused application. Consequently, it is still considered that the 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 holiday 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 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.

Major Development in the AONB

Paragraph 177 of the National Planning Policy Framework (NPPF) states that “*When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development*”.

The proposal is not a major development as it is a small development for one holiday unit measuring significantly less than 1000 square metres.

Design/Landscape:

The proposals are relatively simple with regards to design and fenestration detailing. The accommodation will have the appearance of a simple log cabin and given the location amongst other development, will not appear unduly prominent within the landscape and will not be visible from the highway to the south, due to the position of existing buildings between the site and highway. New planting will also ensure that there is a natural screen that will contain the development and further limit landscape impact.

With regards to the holiday let being wheelchair compatible, all doorway widths; ramp access, veranda and doorway thresholds will be wheel chair Building Regulation Part M compliant as stated in paragraphs 7.39 & 7.40 of applicant’s Planning Report. The Agent has confirmed that an amended Floor Plan will be submitted with annotations to this effect prior to Committee.

Whilst the site is within the AONB, no landscape harm is anticipated and the proposals do not conflict with policies DEV23 (Landscape Character) or DEV25 (Nationally Protected Landscapes) of the JLP.

Neighbour Amenity:

The site is sufficiently self - contained and no significant amenity impacts are anticipated, should the additional landscaping be provided. The application is considered to be in accordance with DEV1 (Protecting health and amenity) of the JLP.

Highways/Access:

Vehicular access to the proposed cabin will be accessed from a new access point approximately 100 metres from the main entrance with a new track leading to the proposed development. The parking space will also include an Electric Vehicle Charging Point; a condition would be imposed to secure this if a scheme were to be approved.

The highways Officer has requested conditions be imposed, if minded to approve, relating to the closure of the original access, which can then be used for pedestrians only and the installation of a pedestrian gate prior to occupation; A further condition would require the new track to be surfaced in tarmac or concrete along with the installation of a vehicle crossing kerb,

Carbon Reduction

Whilst the proposed holiday let is quite small, the applicant has provided a list of measures the building will contribute to the Council’s 50% reduction target to 2034 in accordance with policy

DEV 32. These measures include the installation of an Electric Vehicle Charging Point on-site and installation of solar panels to the south east elevation of the roof, as shown on drawing Proposed Elevations 2511 / 01 Rev A, so as to provide electricity for cooking.

The building would be a timber frame construction with timber cladding to external walls. The timber and other materials are proposed to be sustainably sourced from the local supply chain, where practical, and the timber would have lower embodied carbon than concrete or fabricated steel. As the timber will be larch it will have high levels of natural oils, minimising the need for chemical preservatives will minimise the need for chemical preservatives.

The building is orientated in such a way as to sufficient exposure to Sunlight to run the solar panels. The layout and design seeks to achieve rural outlook without giving rise to significant night/evening light dispersal, whilst installing large double-glazed areas to south-east and north-east elevations will capitalise on the movement of the Sun across site, by way of passive solar gain. The roof overhang will also provide climate change benefits by providing shade, whilst a moveable screen to south-east elevation provides a shutter, providing a cooling mechanism without reliance on air conditioning.

The site is set far enough away from the watercourse to minimise the risk of flooding and uses the landscape to provide protection from prevailing winds. The proposal will also benefit from the use of rainwater butts to collect roof water to be used for watering plants.

The applicant also proposes to use biomass space heating utilising air-dried fuel sourced from applicant's own landholding. This will be further enhanced by the proposed super insulation, further reducing the need for carbon

The Sustainable Travel Plan has set out a number of actions to reduce impacts. These will be positively promoted both within the accommodation itself, and via the booking web site:

- Accessibility to the site from the public transport network to be actively highlighted;
- Transport route maps/ timetables to be made available within the accommodation, with links also via the booking web site;
- Sustainable Travel technology links to be promoted via booking site – ie You. Smart. Thing. Travel smartphone app;
- Pre-arranged pick-up, and drop-off at arrangements for arriving and leaving from Plymouth, Ivybridge and Totnes train/coach stations to be offered for those seeking to travel by public transport;
- The proximity of the site to the bus stop at Fishley and the convenience and accessibility of local services which can be accessed from the local bus network to be promoted;
- A pre-arranged shopping delivery service for those seeking only a short-stay visit will be offered;
- Secure, covered cycle storage, and e-bike charging, to be made available within the applicant's own garage;

In order to realise these carbon reduction and climate change mitigation measures, a condition will be added to the consent to secure any carbon reduction measures possible for a small project

Other Matters:

Ecology

The waters of the Tamar Estuary (and Plymouth Sound) contain some of the richest marine habitats and provide important feeding and roosting grounds for wintering birds. Consequently the area is designated as a Special Protection Area. The application site is located within the catchment area whereby development must make a financial contribution towards mitigating the impact of the development to the estuary to ensure that the underwater habitats remain undisturbed, the water remains clean, fish are able to swim undisturbed and the migratory birds are able to feed and rest undisturbed.

The applicant has been advised of the contribution towards safeguarding this important ecological site and has agreed to pay the required contribution of £236.62 in full prior to occupation, as required.

Drainage

A Drainage Strategy has been submitted with the application. This confirms that foul drainage will be disposed of via an existing septic tank at the site. Storage butts are proposed for the surface water run-off and the Councils Drainage Engineer has stated support for the proposals subject to conditions.

A separate report addresses landscaping and biodiversity and it is considered that appropriate mitigation is proposed to ensure the application brings a biodiversity gain, in accordance with policy DEV26 (Protecting and enhancing biodiversity and geological conservation).

The Drainage Engineer Officer notes that Whilst the use of water butts to provide all of the surface water drainage is not ideal, it is, nonetheless, a rural location and there is lots of space for runoff to naturally disperse if the system was full during a storm event. And concludes that given the location and low risk, the proposed drainage is sufficient.

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

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).

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
TTV26 Development in the Countryside
DEV1 Protecting health and amenity
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
DEV31 Waste management
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts

Neighbourhood Plan

Not yet significantly advanced so can carry no weight in this decision.

Other material considerations include the policies of the National Planning Policy Framework (NPPF) 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.

Planning Balance

The applicant has submitted evidence that there is a shortage of purpose built holiday accommodation across Britain and has demonstrated that the holiday accommodation will contribute to the Council's carbon reduction target of 50% by 2034, as well as setting out measures to reduce the need to use the private car.

Nevertheless, the fact of the matter is that the application site is not located within the countryside, defined as a tier four settlement in the JLP's settlement hierarchy, where there are no allocations for development. It follows then that the site is within an unsustainable location. Moreover, the site has poor accessibility and would be reliant on the private car. As such, the proposed development would be at odds with the relevant policies in the JLP policies, particularly SPT1, TTV1, TTV 26, DEV15 and DEV29. Moreover, the unsustainable nature of the application proposal means that it would also be at odds with paragraph 84 of the Framework which explains that planning policies and decisions should enable sustainable rural tourism and leisure developments.

With regard to all other matters raised, and the proposed benefits of the proposal, they are not sufficient to outweigh the considerations which have led to the recommendation for refusal.

