

PLANNING APPLICATION REPORT

Case Officer: David Jeffery

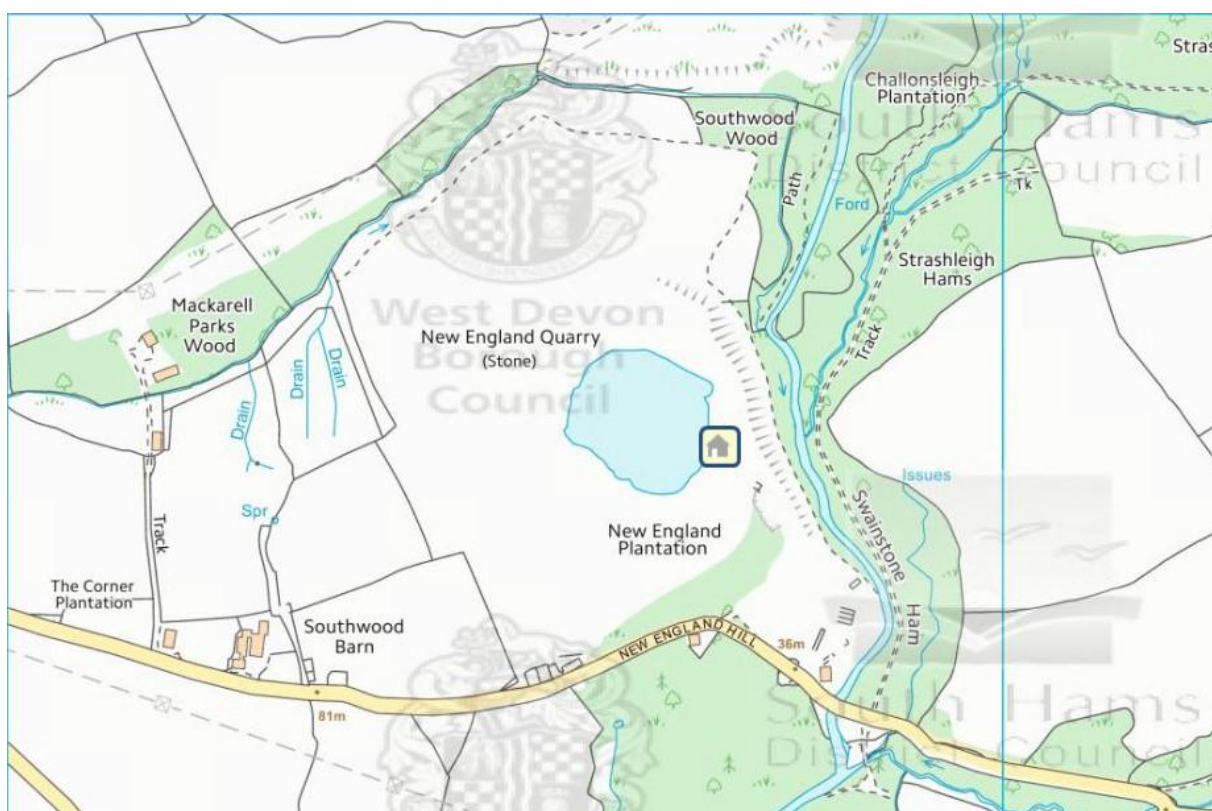
Parish: Yealmpton **Ward:** Newton and Yealmpton

Application No 3837/21/FUL

Applicant

Mr Neil Tugwell
Oakhill Barn
Winsor Cross To Swainstone Coombe
Worston
Yealmpton
PL8 2LN

Site Address: New England Quarry, New England Hill, Plympton



Development: Change of Use of cabins to holiday accommodation

Reason item is being put before Committee

Cllr Dan Thomas has called the application before committee for the following reason:
“Notwithstanding appropriate application of planning policies, I will be requesting the Development Management Committee to consider adopting a pragmatic approach to this application, acknowledging that it seeks to vary conditions on existing buildings and might therefore be considered a suitable exception site, through its extant permissions and de facto existence.”

Recommendation: REFUSE PERMISSION

Reasons for refusal

1. The proposed change of use allowing unrestricted holiday lets, by virtue of their isolated countryside setting would result in a development that is removed from services, promote an over reliance on private vehicles and as such constitutes an unsustainable development that does not require this countryside location. As such, the proposal fails to accord with JLP Policies SPT1, SPT2, TTV1, TTV2, TTV26 and DEV15.

Key issues for consideration

- Principle of Development
- Design/landscape
- Neighbour amenity
- Highways/access

Financial Implications (Potential New Homes Bonus for major applications):

As part of the Spending Review 2020, the Chancellor announced that there will be a further round of New Homes Bonus allocations under the current scheme for 2021/22. This year is the last year's allocation of New Homes Bonus (which was based on dwellings built out by October 2020). The Government has stated that they will soon be inviting views on how they can reform the New Homes Bonus scheme from 2022-23, to ensure it is focused where homes are needed most.

Site Description

The application relates to two cabins used as holiday lets located off the track leading to New England Quarry. New England Quarry is located north of New England Hill, which is approximately 2.5 miles north east of Yealmpton. It is a disused quarry which has been partly restored and is surrounded by mature woodland. The site occupies a countryside location and is accessed from New England Hill. There is a pontoon on the eastern edge of the lake which is used by divers.

The Proposal

The current application seeks permission for the unrestricted holiday use of two existing cabins. These cabins were previously granted permission (Ref: 0158/19/FUL) subject to a condition restricting their use solely to visitors attending the adjacent dive school.

Consultations

- County Highways Authority - Standing advice.
- Town/Parish Council – Support. *"We understand that "the dive school" is no longer included in this application. Yealmpton Parish Council are not concerned with his change".*
- Drainage – No comment
- Devon County Minerals – The site lies outside of the consultation area.
- Forestry Commission – Standing advice.

Representations

No letters of representation have been received.

Relevant Planning History

0158/19/FUL: Erection of 2 eco cabins to support all year diving facilities. Permission granted

0474/18/CLE: Lawful Development Certificate for Existing use of quarry as dive school for diver training courses; Certificate issued.

2171/17/PRE: Pre application enquiry for proposed erection of 2 eco holiday cabins; Positive advice given in letter dated 17th November 2017

ANALYSIS

Principle of Development/Sustainability

The development of these holiday cabins was granted under (Ref: 0158/19/FUL). In granting permission, the Officer's report for the 2019 application judged that the holiday lets were considered to be appropriate in this countryside location due to the presence of the existing commercial diving use, which requires the natural features of the disused quarry to operate. Also weighing in favour of the application was that the site was considered to be brownfield land due to the previous quarry use and that the proposals will provide additional support for the dive centre and help to diversify the rural economy. The application was thus considered to be in accordance with policies TTV26 'Development in the Countryside' and DEV15 'Supporting the rural economy' of the adopted JLP and was accordingly granted permission subject to the following condition:

"The cabins hereby permitted shall be used solely by visitors attending the dive school only and shall not be occupied as any person's sole or main place of residence. The owners /operators shall maintain an up- to-date register of the names and main home addresses of all occupiers of the cabins hereby permitted and shall make this information available at all reasonable times to the Local Planning Authority".

From the analysis included on the Officer's report it is clear that the inclusion of the above condition was crucial in justifying this development in a countryside location (TTV26) and in association with the existing dive centre business (DEV15). The reason provided for the inclusion of the above condition acknowledged that *"the development proposed is in an area where there is a presumption against new residential development except where a specific need has been established or identified"*.

The applicant now maintains that due to COVID 'The dive school is inoperable, not least because the availability and affordability of liability insurance associated with Covid-19' and wants the condition removed.

As was the case for the 2019 application, the principle of a permanent holiday let in this location (albeit now unrestricted), must first be considered against the strategic policies within the Plymouth and South West Devon Joint Local Plan (JLP), which promote sustainable development. Policies SPT1 and SPT2 provide details of the principles of sustainable development and the provisions which would be expected of a sustainable settlement.

Policy TTV1 sets out the principles to be used to distribute new employment and housing across the Thriving Towns and Villages Policy Area. This policy seeks to direct new development towards named settlements, which are considered to represent the most sustainable locations for new development. For the purposes of Policy TTV1, the proposal site is considered to be located within the countryside, outside a recognised settlement, within the fourth tier of the Council's settlement hierarchy; 'Smaller Villages, Hamlets and the

Countryside'. Development here is considered in the context of Policy TTV26 'Development in the countryside' and is strictly controlled. This policy is divided into 2 parts, the first relating to isolated development and the second relating to development generally in the countryside.

In deciding whether a site is considered to be 'isolated' the *Bramshill* ruling provides the following guidance: "...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 is a matter of fact and planning judgment for the decision-maker in the particular circumstances of the case in hand."

The application site is located around 2 miles from Ivybridge or Yeamlpton and nearly 1.5 miles from Smithaleigh. The cabins themselves are nestled within a wooded valley representing part of a former quarry. Given that the cabins are undeniably physically separate and remote from a settlement, Officers conclude (as was the case in the 2019 application) that it should be considered as *isolated development* for the purposes of TTV26. Part 1 of the policy therefore applies. This states that: "*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 2019 application considered that some justification was provided for these chalets under the provisions of policy TTV26 part 1 (iii) by securing the re use of redundant or brownfield sites for an appropriate use. This '*appropriate use*' was to serve a dive centre for which 'there are no other sites locally that provide the unique natural features that make this site suitable for use as a diving facility'.

Officers consider that the appropriateness of holiday lets in this isolated location was and continues to be inextricably linked to the operation of the Dive Centre. Without this association, the proposed holiday lets are contrary to JLP Policy TTV26.

A further justification for the development of these holiday cabins was provided by JLP policy DEV15 (Supporting the rural economy), which provides support for employment and tourism uses in rural areas. This policy states that:

"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.*

- 2. Business start-ups, home working, small scale employment and the development and expansion of small business in residential and rural areas will generally be supported, subject to an assessment that demonstrates no residual adverse impacts on neighbouring uses and the environment.*
- 3. Proposals should explore opportunities to improve internet connectivity for rural communities where appropriate.*
- 4. Support will be given to the reuse of suitable buildings for employment uses.*
- 5. The creation of new, or extensions to existing, garden centres or farm shops in the open countryside and unrelated to a settlement will only be permitted if the proposed development is ancillary to, and on the site of, an existing horticultural business or existing farming operation, and provided that 75 per cent of the goods sold will be produced within the immediate and adjoining parishes.*
- 6. Development will be supported which meets the essential needs of agriculture or forestry interests.*
- 7. The loss of tourist or leisure development will only be permitted where there is no proven demand for the facility. Camping, caravan, chalet or similar facilities that respond to an identified local need will be supported, provided the proposal is compatible with the rural road network, has no adverse environmental impact and is not located within the Undeveloped Coast policy area.*

The Officer's report for the 2019 application considered that the proposed holiday lets accord with part 2 of this policy *"as they help facilitate the expansion of an existing small business in a rural area. The proposed cabins are required in order for the diving business to continue and provide an improved experience for customers and to respond to market demand and there are no other locations where this niche use could be provided"*.

The above assessment of the acceptability of holiday lets in this location against DEV15 is again dependent upon their association with the Dive School. Without this formal association with the dive school as an existing rural business, the use of Policy DEV15 provides no support for holiday lets in this location. With the lifting of COVID19 restrictions Officers consider that current circumstances should not differ fundamentally to those under which the 2019 application was made when the cabins were required to service the Dive School.

Precedent

It is noted that the applicant's supporting statement refers to a development for unrestricted holiday units at "Sunridge Lodge" PL8 2LN as a precedent for the current application. Of relevance here are two applications. Application 1701/18/FUL for the provision of two new holiday rental units granted permission on 16 July 2018. This application was not considered under the currently adopted Joint Local Plan and is therefore considered to be of limited relevance. However, even if it were considered under the current JLP it would represent a proposal that supports the success of a pre-existing rural business, which gains support through policy DEV15 – similar to how the dive school was used to provide an exceptional justification for allowing the holiday lets in question as part of the original application. Another application (Ref: 3355/20/FUL) 'Change of use from holiday let unit to residential unit as managers accommodation' was considered under the current Development Plan. However, similarly to the units at New England Quarry, this was also tied to the business, therefore mitigating the inherent unsustainability of its countryside location. These precedents is not considered to offer support for the current application.

Design/Landscape

As the current application relates for a change of use to allow unrestricted holiday letting of existing cabins, no physical changes are proposed. The design and landscape impact of these cabins was considered to be acceptable as part of application ref: 0158/19/FUL.

Neighbour Amenity

The site is set in a rural location with no immediate or nearby neighbours. There are thus no residential amenity impacts arising from the proposals and the application is in accordance with DEV2 (Air, water, soil, noise, land and light) of the JLP.

Highways/Access

No new paths or roads will be created as the application proposes to utilise existing tracks. Any highways and access implications associated with the use of these cabins was considered to be acceptable as part of application ref: 0158/19/FUL. The change of use proposed as part of the current application is not considered to materially affect this judgement. The application is compliant with policy DEV29 'Specific provisions relating to transport' of the JLP.

Conclusion

Allowing unrestricted holiday lets in such an isolated location would undermine the JLP's spatial strategy to use sustainable development as the framework for growth and change. Although Officers recognise that circumstances have shifted due to COVID19 over the preceding two years, with the lifting of restrictions and the recommencement of leisure activities the original circumstances used by the applicant to justify the development of holiday cabins in this location should still be relevant.

Officers consider that the acceptability of locating holiday lets on this isolated site was and continues to be inextricably linked to their association with the Dive Centre. As such, the proposed change of use of these cabins to unrestricted holiday lets fails to accord with JLP Policies SPT1, SPT2, TTV1, TTV2, TTV26 and DEV15

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 the Housing Requirement 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 confirming the change. On 13th January 2021 MHCLG published the HDT 2020 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 144% 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 5.8 years at end March 2021 (the 2021 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2021 (published 12th November 2021).

[*now known as Department for Levelling Up, Housing and Communities]

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
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
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy 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
DEV31 Waste management
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts

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.