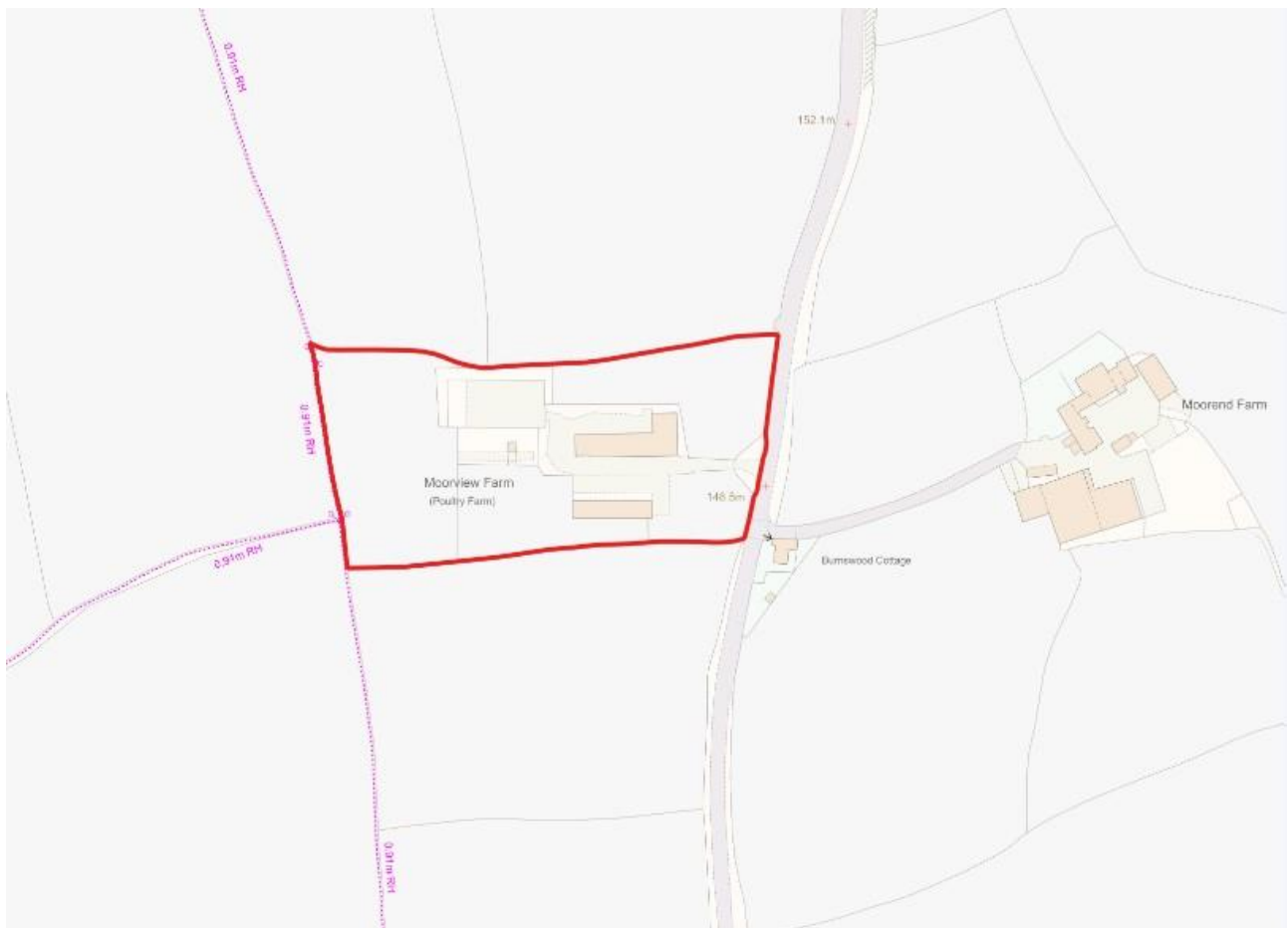


COMMITTEE REPORT

Case Officer:	Hayley Easter		
Parish:	Broadwoodkelly	Ward:	Exbourne
Application No:	0054/24/FUL		
Applicant:	Mr & Mrs A Sinclair The Sculpture School Moorview Farm Buckland Brewer Bideford Devon Bondleigh Devon EX20 2AP	Agent:	Mr Steven Sherry - Sherry Consultants Snows Hill Buckland Brewer Bideford EX39 5EJ
Site Address:	The Sculpture School Moorview Farm Bondleigh EX20 2AP		
Development:	Retention of 3 holiday lets in the form of 2 shepherd huts, conversion of attic space above sculpture school and addition of photovoltaic panels		



Reason item is before Committee: Called by Cllr Casbolt for the following reasons:

I request that the application be called in to the Development Management and Licencing Committee so that they might consider the issue. In particular I am concerned about the over emphasis of the detriment provided by the proposal, in particular your assertion that “users would be reliant on the private car”, compared to the very real benefits afforded by the proposal – not least to the local economy.

Specifically:

The NPPF identifies 3 dimensions of suitable development – economic, social and environmental. I believe this application accords with all of those aims.

SPT1 states that opportunities for business growth should be both encouraged and supported; environmentally conscious business development takes place; and a low carbon economy is promoted.

SPT2 covers sustainable rural communities including having the appropriate level of facilities to meet identified needs – including the provision of educational and training opportunities, employment uses, health, care, arts, culture....

TTV1 allows development to proceed if it can be demonstrated to support the principles of sustainable development set out in SPT1 and 2

TTV2 supports the growth of rural businesses and enterprise and the delivery of rural tourism and leisure developments that benefit rural businesses, communities and visitors and respect the character of the countryside...

TTV26 allows isolated development in exceptional cases and should enhance the immediate setting of the site...

DEV15 emphasises that support will be given to proposals in rural locations which seek to improve the balance of jobs within rural areas and diversify the rural economy. This includes avoiding a significant increase in the number of trips required by private car...

DEV20 covers the quality of the built environment including the use of materials and design solutions and delivering landscape design that is appropriate to the location of the development..

DEV23 covers landscape character and emphasises that the design should be appropriate to the landscape context.

I note that nowhere in these policies does it state that reliance on the private car is a reason for refusal and, in any event, the proposal is designed to do just the opposite i.e. reduce the need to students and visitors to travel daily to the site from another location.

These are just a snapshot of policies which I believe that the application meets fully, and my contention is that the benefits from approval of the application outweigh any potential harm that might occur in the event of limited development being approved. I would like the DM&L Committee to consider this application generally, to consider the benefits and to appreciate the changes that the applicants have made to the proposals.

Recommendation: Refusal

Reasons for refusal:

1. The development would result in tourism accommodation in an unsustainable rural location with restricted access to services and amenities whereby users would be reliant on the private car. The proposal is therefore contrary to policies SPT1, SPT2, TTV1, TTV2, TTV26 and DEV15 of the Plymouth and South West Devon Joint Local 2014- 2034.

Key issues for consideration:

Holiday accommodation, Sustainability, Design, Landscape, Trees, Biodiversity and Ecology, Highways and Low Carbon Development

Site Description:

The site is an existing Sculpture School known as 'The Sculpture School'. The site is located west of Bondleigh and to the north west of North Tawton, on the west side of the A3124 that travels north/south. The site is 1.4ha, has a relatively high location and the surrounding countryside has open views.

The site is accessed via the A3124 via an existing access. The site has existing buildings, parking area and greenspace which are used in connection with the existing business. To the west of the site is an existing field of which part has been planted with trees.

The Proposal:

The proposal is retrospective for the retention of 2x Shepherd Huts and 1 x 1 bed apartment which has been created within part of the upper floor of the existing sculpture school building. The proposal includes the addition of PV panels to the existing building.

The 2x Shepherd Huts are sited on the land to the west of the site within a separate field. The units have footpath access to each Hut, a 'garden' area with hot tub, seating and decking, provide living space, bathroom, bedroom and kitchen facilities.

The 1 bed apartment provides a decked seating area, open plan living area, bathroom and bedroom facilities with externally stepped access via the rear of the existing sculpture school building. Within the submitted Design and Access Statement (DAS), the agent confirms that due to the COVID pandemic and the financial situation of the business, the applicants completed the works to form the 3x units of accommodation. The date of installation has not been confirmed but works to install the Shepherd Huts are seen on satellite imagery in June 2022.

Constraints: There are no site designations.

Consultations:

- **Bondleigh Parish Council:** No response
- **Broadwoodkelly Parish Council:** No response
- **Sampfurd Courtenay Parish Council:** The Parish Council have no comments to make on this application.
- **Drainage Officer:** No objection – if recommended for approval, a condition is recommended.
- **Environmental Health Officer:** A package treatment plant is proposed, and we have no concerns regarding this.
- **Highways Officer:** No highway implications
- **Landscape Officer:** Summary: Since the previous application, no changes have been made to the proposals, and the mitigation measures described do not overcome the reason for refusal for 2153/23/FUL, which was concerned with the adverse effects of the development

on the undeveloped, pastoral character of the landscape. (See below Design/Landscape section for full comments).

Representations:

15 letters of representation have been received which all support the proposals; a summary of the comments is detailed below:

- **Support:** We fully support the application. The school is renowned within the UK and is a cultural asset. We support the Shepherds Huts.
- **Economic comments:** independent small businesses should receive full support to survive and thrive. Businesses do diversify in order to survive. The accommodation will help the viability of the school. This will benefit local economy, pubs, restaurants and cafes. This will bring in revenue. The Shepherd's huts will continually support the business. The financial viability of the school is fundamental and essential.
- **Accommodation:** the proposal will provide on-site accommodation locally. It is logical to provide on-site accommodation.
- **Transport/Travel:** The accommodation will stop commuting from further afield and stop/reduce travel to and from their accommodation. Ample parking is provided and good access from the highway. The proposal will reduce traffic. There are sustainable transport options available. The increase of potential 3 cars isn't the end of the world.
- **Design and landscape:** the Huts have no negative impact and cannot be seen. The design of the Huts is good, they fit well to the countryside and is in keeping of the local area. Huts are topical of the area. The Huts are hardly visible from the road.
- **Community:** The school bring in local people. The school's offering is a benefit to the local community. The school will enhance our community. The school is a valuable asset since 2014.
- **Location:** The school is in a rural location. There are no close neighbours and will not disturb anyone. There are no amenities, regular bus or transport links.
- **Environment:** Trees have already been planted and the owners care for their environment. The proposed EV car charging will be invaluable.
- **Other:** There are no negative impacts of the proposed development. The School is too important to risk. Concerns are raised that West Devon Borough Council is not of the same opinion to locals. Common sense should prevail.
- **Letter from Visit Devon:** The letter supports the proposal for 2x Shepherd's Huts. The School is a successful operation for the last 9 years and attracts visitors from the UK and internationally. The School is a unique cultural attraction and contributes to the local visitor economy and community is highly valued. The site is in a rural position and close to the A3124, the site has several agricultural style buildings. The Shepherd's Huts are at the rear of the site and are not visible from the road or surrounding area. There is extensive tree planting, the huts are tastefully done and are not permanent structures. Visit Devon feels this development is beneficial to the visitor economy and will enable people to stay whilst attending courses and will reduce the number of journeys from people's accommodation. By refusing permission will potentially jeopardise the future of the School and wish for West Devon Borough Council to support grant permission.

Relevant Planning History:

- **2153/23/FUL** - READVERTISEMENT (amended site location plan) Retention of 3 holiday lets in the form of 2 shepherd huts & conversion of attic space above sculpture school (part retrospective). Refused 17/08/2023.
- **0319/23/PR5** – Pre Application Enquiry for – Retention of existing 2 holiday lets & proposed 2 shepherd huts & 2 tree houses. Closed Partial Support. 23 March 2023.
- **0896/22/FUL** – Change of use of part existing studio to form a holiday let, create new extension to form new photographic studio; install Shepherd's huts & construct Tree Houses

for holiday accommodation; form parking in Existing Equine Sand School & install new sewerage treatment plan. Withdrawn 21 September 2022.

- **00790/2015** - Application for change of use building and land and construction of a building for use as a sculpture design workshop and sculpture school. Conditional Approval 2 March 2016.
- **01478/2014** – Pre Application Enquiry for change of use of land and construction of building for use as a sculpture design workshop and sculpture school. Closed Officer Support. 16 June 2015.
- **01107/2014** – Pre Application Enquiry for change of use of building and land to sculpture design workshop and school. Closed Officer Support. 12 December 2014.

ANALYSIS

1.0 Background:

1.1 Within 0319/23/PR5, the Officer confirmed:

“The policy context has changed quite considerably since the previous permission in 2015. In March 2019 the Council’s local plan ‘Plymouth and South West Devon Joint Local Plan’ was adopted and this has changed the Council’s approach towards development in a number of areas not least how we consider businesses and tourist uses in the countryside.”

“On the site you have introduced two shepherds huts and converted part of the upper floor of your newer building to provide a 1 bed apartment, in order to provide holiday accommodation on the site.”

“Officers do not consider your site to be within a sustainable location. It lies around 3 miles from North Tawton, 3 miles from Sampford Courtenay and 2 miles from Broadwoodkelly, the nearest named sustainable settlements. This distance is quite far for someone to walk there and back, and the nature of the route, which requires users travelling along the A3124 is likely to deter most people from cycling. Furthermore, officers would not wish to encourage people cycling along this fast section of road. There are no bus stops close to the site. With limited alternative transport options available, occupiers of the proposed units are likely to reliant on the private car for the majority if not all of their trips. This would not be a sustainable approach to development. While the requirement to provide a sustainable travel plan provides an opportunity to demonstrate how the sustainability of the site could be improved, in reality because of its location and poor connectivity to the nearest settlements officers are questioning whether you will be able to address this”.

1.2 The pre-application also confirmed the following matters must be considered in a full application:

“Highway matters, drainage, ecology, landscape (how does the proposal meet the policy tests of conserving and enhancing the landscape) and how the proposal seeks to reduce its reliance on carbon emissions in accordance with JLP policy DEV32 and the Climate Emergency Planning Statement. Also, in accordance with JLP policy DEV15 the application will need to demonstrate how the proposal would be meeting an identified local need, which should be specific to the proposed use and the location, and not of a generic or anecdotal nature”.

1.3 Since the previous refusal (2153/23/FUL), this application has been received to the LPA. The latest submission includes the addition of a ‘Personal Statement by Andrew Sinclair MRSS SWAc’, a Carbon Reduction Statement (December 2023), and a Landscape Appraisal by AB Landscape Design. These, as well as all the other submitted documents have been duly considered within the decision-making process.

2.0 Principle of Development/Sustainability:

2.1 Policy SPT1 of The Plymouth and South Devon Joint Local Plan 2014-2034 (JLP) sets out that LPA's will support growth and change which delivers a more sustainable future within the plan area. Sustainability underpins all the guiding principles by promoting a sustainable economy, sustainable society and sustainable environment.

2.2 Policy SPT2 of the JLP applies principles of sustainable linked neighbourhoods and sustainable rural communities as a guide of how growth and development take place across the plan area. Development can support the overall spatial strategy by creating neighbourhoods and communities which, amongst other criteria, are well served by public transport, walking and cycling opportunities, and should have an appropriate level of services to meet local needs.

2.3 Within Policy TTV1, LPAs throughout the plan area distribute growth and development in accordance with a hierarchy of settlements. This includes, Main Towns, Smaller Towns and Key Villages, Sustainable Villages and Smaller Villages, Hamlets and the Countryside. After reviewing the site location, the site is not within a main town, smaller town or key village or a sustainable village and would therefore fall into the last category of smaller villages, hamlets and the countryside.

2.4 Under Policy TTV1, development in the countryside will only be permitted if it can be demonstrated to support the principles of sustainable development and sustainable communities. Policy TTV2 then goes on to indicate specific objectives of rural sustainability, namely, reinforcing the sustainable settlement hierarchy, locating housing where it will maintain rural vitality, the delivery of affordable homes and accessibility to sustainable transport options. Development in this fourth layer of the hierarchy will only be permitted 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. Policy TTV27 is not relevant to this proposal because it is for exception sites.

2.5 Policy TTV26 provides criteria for assessing development in the countryside. The Policy requires the LPA to protect the special characteristics and role of the countryside, as well as avoiding isolated development in the countryside unless exceptional circumstances permit otherwise. For these purposes, a development will be isolated if it is physically separate or remote from a settlement. What is a settlement and whether a development is physically separate or remote from a settlement, are matters for planning judgment.

2.6 Applying Policy TTV26 to the proposals, the judgment is that whilst the existing Sculpture School business is extant, the site is not located within any settlement and as such the LPA are considering TTV26(1 and 2).

2.7 Part 1 of TTV26 applies to isolated development in the countryside which aims to avoid development and only permit it in exceptional circumstances. *The following provisions will apply to the consideration of development proposals:*

1. 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.”*

2.8 In considering the above criteria, Officers consider that the proposal does not meet any of the above. The application is not proposing to meet an essential need for a rural worker, nor does it propose to save a significant heritage asset or protect an historic asset or re-use a redundant or disused building for an appropriate use. The design will be considered later within this report.

2.9 Part 2 of TTV26 applies to all development in the countryside and states that the LPAs will protect the special characteristics and role of the countryside. The following provisions will apply to the consideration of development proposals:

“2. 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.”*

2.10 Dependent on the proposal under consideration, not every part of this policy would be engaged or relevant. However, in this case, the proposal does partly comply with part (ii) as the 1 bed apartment does re-use part of an existing building which is within the host building of the Sculpture School. However, none of the other criteria are met. Officers acknowledge the re-use of part of an existing building, but this is outweighed by the fact that the application does not respond to a proven agricultural, forestry or other occupational need that requires development of the application site. Officers note that the 2x Shepherds Huts have been installed on land within the countryside and on Grade 3 Agricultural Land which is of good to moderate quality and there is no adequate justification pursuant to the policy given for siting the development in the location used. However, the Grade 3 land is sited within the confines of the original red line.

2.11 Policy DEV15 sets out the policy approach to supporting the rural economy and explains that 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 and has no adverse environmental impact. The policy also requires that development proposals should 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. Furthermore, it recommends unused existing buildings are within the site, where possible.

2.12 Part 1 of DEV15 supports appropriate and proportionate expansion of existing employment sites. Part 2 of DEV15 states that the development and expansion of small businesses in rural areas will generally be supported. Furthermore, Paragraph 88 b) of the NPPF also states:

“Planning policies and decisions should enable: the development and diversification of agricultural and other land-based rural businesses”

2.13 The wider site is already an established Sculpture School business approved under 0896/22/FUL. The provision of holiday accommodation (in the form of 2x Shepherd Huts and 1x 1 bed apartment) could be considered as business diversification which aligns with Policy DEV15 (1). This will be considered below.

2.14 Policy DEV15 allows some flexibility to enable appropriate development within rural areas, where it can be demonstrated that it can be achieved sustainably whilst avoiding a significant increase in the number of trips via the use of a private car. Also, DEV15 promotes the use of sustainable transport including walking and cycling. To assess this, a Sustainable Travel Plan (STP) is required to consider the impact and provide mitigation.

2.15 An STP has been provided and the key points state:

- The site is centrally located within Devon, it is close to main population centres such as Okehampton, Exeter, Tavistock and Barnstaple.
- The rural location of the site and its destination as a place of study and learning is such that the main means of travel to the site is by car.
- Other means of access are available. There are several public footpaths, bridleways and cycle routes which connect the site to the surrounding area.
- Public transport to the site is also available. The 5B bus from Barnstaple to Exeter passes the site 6 times a day and can be hailed from the entrance to the school.
- One of the core benefits of the new holiday lets is that they can be let to students of the Sculpture School. At present, these students travel from all over the world to visit and learn. Currently, students stay in local hotels, hostels and bed and breakfasts accommodation in the area and then travel into the school each day.
- The proposed holiday lets could provide accommodation for these students, removing the need for students to seek local accommodation and to travel into the site. The three accommodation units could conceivably reduce journeys to the site by up to 15 a week.
- To further emphasise this, information on public transport and other transport options will be made available to those booking the accommodation within any marketing information and as part of any website within the owner’s control.
- EV Charging points can be provided.

2.16 Further information is within the Carbon Reduction Statement (Section 4 – Assessment of Travel Options to Burnswood Studios):

- 6 buses a day travel past the site and are hailed from the entrance to the School.
- There is the Tarka railway between Barnstaple and Exeter and beyond.
- The nearest station is Eggesford at 6.9 miles away. Guests can be collected and returned to the station which is a 13.8mile round trip.
- There are 17 return trips each day between Exeter St Davids and Eggesford
- Currently, students stay nearby for accommodation between North Tawton (~ 6.0 miles) to Lewdown (~19.8 miles).
- (Calculations are provided regarding number of trips and carbon saving).
- The accommodation is likely to provide use 20 weeks of each calendar year.

2.17 Additional information is provided within the Business Plan:

- Now the train service to Okehampton has been re-connected, our guests can arrive by train and hire bikes locally, or we can collect them from the station. There is an hourly bus service from Exeter and Okehampton, so those travelling without a vehicle can arrive by bus and be dropped outside our front gate.
- We have established links with many local businesses to provide food hampers for breakfasts, bbq’s, drinks, flowers etc. which can be delivered to our guests here, saving the need for travel.

- All products are locally supplied from within 5 miles of the studio, building the local economy as well as keeping the carbon-footprint low.
- The accommodation will be of enormous benefit to those students unwilling or unable to drive because it is just a short walk from our school premises.
- We plan to have bicycles available on site for our guests to borrow or will provide them with contact details for bike hire locally.
- There is nowhere to stay within walking distance of our property, and the main road between North Tawton and Winkleigh is not walkable due to the volume of heavy industrial traffic and no footpaths exist.

2.18 It is accepted by Officers that the Sculpture School is an existing business which utilises an existing access via the A3124. Notwithstanding this, within the previous pre-application and previous refusal Officers considered that the site was not within a sustainable location.

2.19 The site's location is around 3 miles from North Tawton, 3 miles from Sampford Courtenay and 2 miles from Broadwoodkelly, the nearest named sustainable settlements. As such, these distances are quite far for someone to walk to any of the aforementioned places there and back. Also, due to the nature of the routes, which requires users travelling along the A3124, there is no public footpath and due to the fast speed of the road, is likely to deter most people from walking and cycling. As such, Officers are still of the opinion that the site is not in a sustainable location.

2.20 It is acknowledged that a bus service is available and EV car charging points will be provided, which is positive. However, the nearest train station is still 6 miles away and users will still need to be transported by private vehicle to and from and this is not a sustainable benefit of the scheme. Therefore, with limited alternative transport options available, occupiers of the proposed units are likely to be reliant on the private car for the majority of their trips. Therefore, the site could not be described in terms of accessibility to be a sustainable location.

2.21 Whilst users of the holiday units may use the accommodation differently to permanent residencies and as a result, have varying patterns of movements, users would still be likely to visit shops, some services and eating establishments and therefore occupants would still need access to a range of local services and facilities at varying times of the day and evening. On the other hand as stated in the submitted documents, if the users of the school were to utilise the onsite accommodation a reduction in the number of car journeys by those people would occur. This is a finely balanced issue as officers can see that there would potentially be some benefit in terms of private car use as well as some disbenefits.

2.22 With regards to the NPPF, it sets out that the planning system should actively manage patterns of growth in support of promoting sustainable transport objectives including opportunities to promote walking, cycling and public transport use. Officers accept that sustainable transport methods vary between rural and urban areas, but in this case, the unsustainable location away from facilities and services is not considered to accord with the NPPF.

2.23 In accordance with Policy DEV15, the application needs to demonstrate to the LPA how the proposal would be meeting an identified local need, which should be specific to the proposed use and the location, and not of a generic or anecdotal nature. The submitted evidence which includes a Business Plan indicates that revenue from the accommodation will support the Sculpture Schools income. The Plan continues stating that the School was impacted by the COVID-19 Pandemic and the units will help to alleviate the cash-flow income of the art world.

2.24 Officers accept that there would be an economic benefit from renting out the units to the applicants business and potentially an employment benefit of cleaners and maintenance of the units. Similarly, the proposal would seek to diversify the existing onsite business. On the other hand, the provision of 2 Shepherd Huts and the 1 bed apartment in the countryside where occupants would have a dependence on the private vehicle is not sustainable tourism, as identified above in the NPPF.. As such, although the policies of the JLP do not exclude rural tourism and farm diversification, they do seek to establish a pattern of development that is based on the principles of

sustainability, and this location is particularly unsustainable and does therefore not comply with Policy DEV15 of the JLP in this respect. When viewed overall, the benefits would not outweigh the harm found due to the unsustainable location, poor access to local services and facilities other than by private vehicles.

2.25 Therefore Officers consider on balance that the proposal is contrary to Policies SPT1, SPT2, TTV1, TTV2, TTV26 and DEV15 of the JLP.

3.0 Design/Landscape:

3.1 Policy DEV20 requires developments to achieve high standards of design that contribute to townscape and landscape by protecting and improving the quality of the built environment. This is achieved by adhering to criteria including the use of materials and design solutions that are resilient to their local context and will endure over time, having proper regard to the pattern of local development whilst also respecting the wider development context and surroundings in terms of style, local distinctiveness, siting, layout orientation, visual impact, views, scale, massing, height, density, materials, detailing, historic value, landscaping and character, and the demands for movement to and from nearby locations. A good quality sense of place and character is arrived under DEV20 through good utilisation of existing assets such as quality buildings, heritage assets, trees and landscaping features and attention to the design details of the scheme.

3.2 Policy DEV23 seeks to conserve and enhance the landscape and scenic and visual quality of the landscape, avoiding significant and adverse landscape or visual impacts. Proposals should be located and designed to respect scenic quality and maintain an area's distinctive sense of place and reinforce local distinctiveness. DEV23 also requires a high architectural and landscape design quality appropriate to its landscape context.

3.3 Policy DEV28 seeks to conserve trees, woodlands and hedgerows and requires development to be designed to avoid the loss or deterioration of woodlands, trees or hedgerows.

3.4 With regards to the 2x Shepherd Huts, the design of the units are blue panelled external walls with timber windows, sheet roofing and timber access steps. Policy DEV20 requires development to have regard and respect to the wider context in terms of visual impact, materials, landscape and character. The units are not considered to represent traditional rural design and appearance and the blue panelled walls are at odds with the setting. As such, the units are not considered to assimilate well into the rural setting.

3.5 However, having reviewed the wider area within which the site is located, it is apparent to Officers that the Huts are not visible from locations outside of the site. There are no public right of ways near to the site. Policy DEV23 states that development will conserve and enhance landscape character and DEV23(3) requires proposals to be of high quality architectural and landscape design appropriate to its landscape context. The two Shepherd Huts are sited on land west of the existing buildings of the Sculpture School, to access the huts is via a pedestrian gravel track which leads south and then veers up and north to the Huts (there's no vehicular access). Within the siting of the Huts, various additions have been added such as pot plants, external lights, tree planting, fire pits, table and chairs, decking, hot tubs, seating and timber fencing. Visually the add paraphernalia which is at odds with the existing landscape character.

3.6 Since the previous application a submitted Landscape Appraisal has been received and reviewed by Officers. Section 8.0 Mitigation lists potential mitigation that could be incorporated into the scheme. For the Huts this includes potential removal of domestic elements when the Huts are not in use, addition of close-board fencing and screens as well as the retention and management of the tree planting. The LPA's Landscape Officer has reviewed the submitted documents and considers that since the previous application, no changes have been made to the proposals, and the mitigation measures described do not overcome the reason for refusal for application 2153/23/FUL, which was concerned with the adverse effects of the development on the undeveloped, pastoral character of

the landscape. However as described above the lack of visibility of the huts from anywhere outside of the site, makes justifying a reason for refusal on this issue difficult.

3.7 It is noted that extensive planting has taken place within the field to the south and this has been confirmed by the applicants. Officers acknowledge that tree planting is an enhancement with regards to DEV28 and the existing landscaping, particularly the hedgerows around the field where the huts are located as well as the additional landscaping proposed will aid the assimilation of the huts into the landscape setting.

3.8 With regards to the one-bedroom apartment, it is acknowledged that this has been built within part of an existing building. As such there are limited visual impacts from this part of the proposal.

3.9 Therefore, when considering the submitted Landscape Appraisal, the development and its associated design and landscape impacts as a whole, although the shepherd's huts do not represent traditional rural buildings, on balance, and based on the lack of publicly available views of the site, Officers consider that the impact on the landscape is insufficient to defend a refusal reason.

3.10 Having said this, officers would potentially have a different view if further accommodation was submitted for this site as it may result in them being more visible in the wider landscape.

4.0 Neighbour Amenity:

4.1 Policy DEV1 protects health and amenity by ensuring that development does not cause any adverse impact on residents. Issues such as overshadowing, privacy and noise from development, amongst others, are considered. Policy DEV2 states that development should avoid any harmful impacts on items such as soil, air, water or noise pollution.

4.2 With regards to the one-bedroom apartment, it is noted that this has been constructed above the existing building and Sculpture School. As such, Officers previously raised concerns during the pre-application regarding the relationship between the apartment and activities associated with the business. During the site visit of the previous application, Officers were shown the insulation that is currently being installed to add soundproofing. Furthermore, due to the access of the apartment which is separate to the existing access for the building Officers consider that although there is some neighbour amenity harm, and as the proposal is only for the retention of one unit, it is not considered significant to warrant a reason for refusal.

4.3 With regards to the two Shepherds Hut, there are no neighbouring dwellings in the immediate vicinity of the site and the proposal is not therefore considered to have a significant impact on residential amenity. As such the proposal is considered to accord with Policies DEV1 and DEV2 of the JLP with regards to neighbour amenity.

5.0 Highways/Access:

5.1 Policy DEV29 and DEV15 of the JLP require consideration of the impact of developments on the wider transport network and require safe traffic movements and vehicular access to and from the site.

5.2 The proposal makes use of an existing access and contains sufficient parking and turning space within the site. However, with the construction of three additional units and as the proposed use is for holiday accommodation there will be more regular trips made. The LPA have consulted Devon County Council's (DCC) Highways Officer and they have confirmed there are no highways implications. As such, and after consideration, Officers Consider the addition of three units will on balance be acceptable as the proposals make use of an existing access the proposals do not conflict with Policy DEV29 of the JLP.

6.0 Drainage:

6.1 Policy DEV35 (Managing Flood Risk and Water Quality Impacts) of the JLP requires sustainable water management measures to be incorporated within proposals. It further states that development will not be permitted without confirmation that sewage / wastewater treatment facilities can accommodate or will be improved to accommodate the new development.

6.2 The site is not within an area prone to flooding. The application form confirms that surface water will dispose via a soakaway. In terms of foul drainage, an FDA form and a Flood Risk Assessment & Drainage Strategy has been submitted showing that there are no sewers in the vicinity and a package treatment plant is proposed, with soakaway to be designed and constructed in accordance with British Standards and maintained as per manufacturer's specifications. DCC's Environmental Health Team have no concerns regarding the proposals. As such, the proposal is not considered to raise any issues with respect to flood risk or drainage and the development would be in compliance with Policy DEV35 of the JLP

7.0 Biodiversity and Ecology:

7.1 Policies SPT1 and DEV26 of the JLP require the submission of adequate information to assess the impact of a proposal on biodiversity and overall gains in biodiversity are to be achieved by protecting and enhancing species and habitat.

7.2 An updated Ecological Impact Assessment Report (EIAR) was completed in December 2023 and has been submitted within the submission. It is noted within the 'Summary' section the updated report considers solar panels as well as the 1 bed apartment and 2x Shepherds Huts.

7.3 The report summarises the found habitats were of limited ecological value and as the groundworks have been completed, the mitigation/recommendations with precautionary measures would ensure no significant harm would be caused. No evidence or potential for roosting bats was found and no evidence of breeding birds would noted. The report recommends mitigation, compensation, and enhancement features and if implemented, the proposals would accord with policy DEV26 of the JLP.

8.0 Low Carbon Development:

8.1 The JLP supports the transition to a low carbon economy through Policy DEV32 by requiring all developments to consider the energy hierarchy and how the environmental impact of their proposal can be minimised. Furthermore, the Plymouth and South West Devon Climate Emergency Planning Statement requires proposals for demolition and rebuilt to calculate the impact using an approved methodology.

8.2 Policy DEV33 of the JLP relates to renewable and low carbon energy, and supports renewable energy development (subject to various criteria).

8.3 A Carbon Reduction Statement has been submitted and reviewed. Officers note within Paragraph 1.1 it states: "*All of the infrastructure has been installed in the field for an additional 2 Shepherd's Huts. This assessment is based on all 4 Shepherd's Huts being useable as well as the attic conversion*". Notwithstanding this, the description of development is for 2x Huts and 1x unit within the converted building. Therefore, Officers have not considered the elements for the other 2x Huts which are discussed as they do not form part of the proposal.

8.4 The information submitted states that the Huts have been designed using sustainable insulation and the timber is sustainably sourced. The proposal includes the addition of PV panels on the existing School building on the south elevation and the installation of EV car charging points. Overall, Officers consider the addition of panels and EV car charging points are benefits of the proposal and are in accordance with DEV32 and DEV33.

9.0 The Planning Balance:

9.1 It is acknowledged by Officers that the previous application was refused, and this application seeks to resolve the issues previously raised. As such, Officers find that the recommendation is finely balanced, when considering that the Sculpture School exists on the site already, that there is an economic benefit to the area as a result of the School being there, but officers must in considering development proposals consider the Development Plan as a whole.

9.2 Policy DEV15 seeks to support proposals in suitable locations and considers development and expansion of small businesses in rural areas. When considering the development, it will provide tourism accommodation which would generate an economic benefit when occupied to the Sculpture School and will positively contribute towards the business finances all within a rural economy.

9.3 As previously stated, the Sculpture School is an extant business and site which was approved prior to the adoption of the JLP. There are policies in the Development Plan which sometimes pull in different directions. Officers recognise in West Devon that the rural economy is important, but equally sustainable development is at the heart of national guidance as well as the JLP. It underpins the ethos of the JLP. If the application is approved, the resultant development would be tourism accommodation located in an unsustainable rural location with restricted access to services and amenities whereby users would be reliant on the private car. As such, this must weigh against the economic benefits. If it were in a settlement the consideration would be very different and we must always have the need to protect the countryside (TTV26) in our minds when considering development in the rural areas of West Devon.

9.4 Whilst finely balanced, Officers consider the economic benefits (which would be mainly confined to the applicant, rather than wider benefits to the rural economy) of the holiday accommodation does not outweigh the unsustainable location which is within the fourth tier of the settlement hierarchy under policy TTV1. The School itself would of course still be there – it is the location of the holiday accommodation which is at odds with the planning policies in the Development Plan. As a result, Officers recommend refusal as the proposal 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).

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.

SO11 Strategic Objective – Delivering High Quality Development

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

TTV29 Residential extensions and replacement dwellings in the countryside

DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area
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
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impact

There is no adopted neighbourhood plan.

Other material considerations include the policies of the National Planning Policy Framework (NPPF) guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application:

Plymouth and South West Devon Joint Local Plan Supplementary Planning Document (2020)
Plymouth and South West Devon Climate Emergency Planning Statement (2022)

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.

Reasons for Refusal:

1. The development would result in tourism accommodation located in an unsustainable rural location with restricted access to services and amenities whereby users would be reliant on the private car. The proposal is therefore contrary to policies SPT1, SPT2, TTV1, TTV2, TTV26 and DEV15 of the Plymouth and South West Devon Joint Local 2014- 2034.