

PLANNING APPLICATION REPORT

Case Officer: Steven Stroud

Parish: Tavistock **Ward:** Tavistock North

Application No: 4004/21/FUL

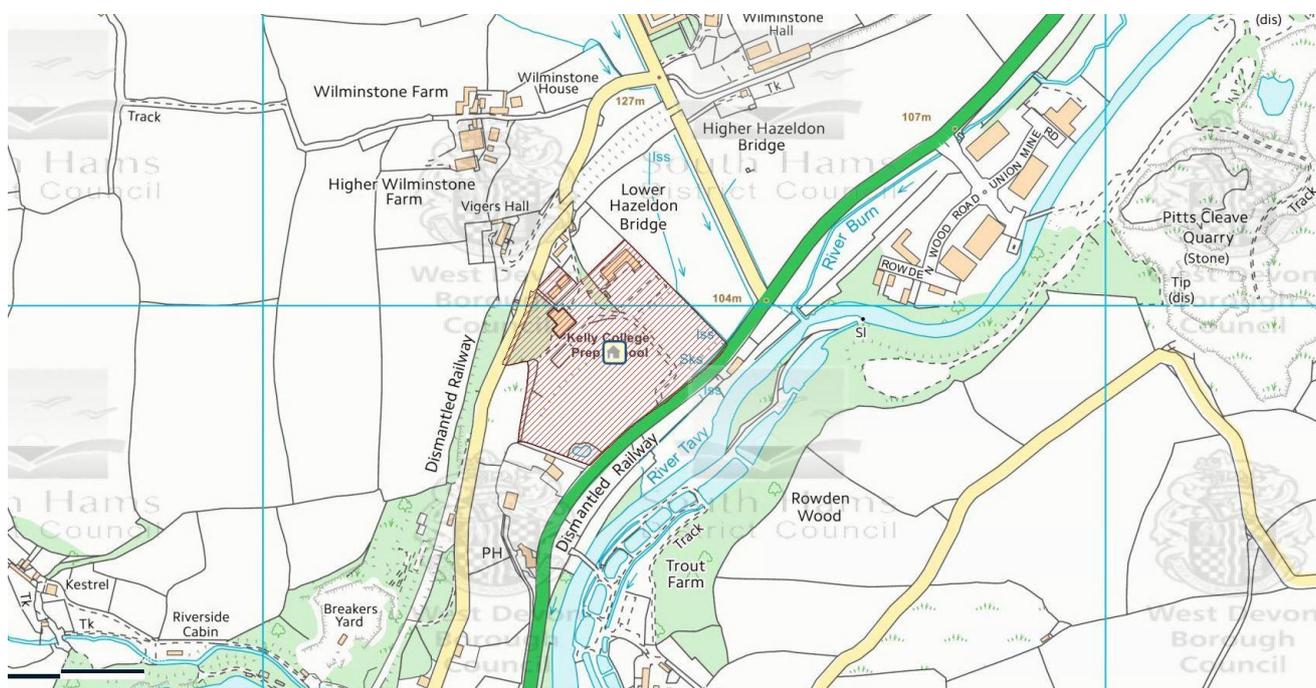
Agent/Applicant:

Mr Mark Scoot - Maypool Estates Ltd
Maypool House
Maypool
Brixham
TQ5 0ET

Applicant:

Mount Kelly Foundation Governors
C/O Agent
PL19 0HZ

Site Address: Former Hazeldon Preparatory School, Parkwood Road, Tavistock, PL19 0JS



Development: Refurbishment of Hazeldon House to form a single dwelling (including demolition of non-listed structures), demolition of all other structures (including former classroom blocks) on site, the erection of 10 open market dwellings, reinstatement of original site access, restoration of parkland, associated infrastructure (including drainage and retaining structures), landscaping, open space, play space, removal of some trees, parking, and boundary treatments

Reason item is being put before Committee

Councillor Moyse (when a Councillor) requested the application be heard by the DM & L Committee especially as it is an important site on the gateway to Tavistock. Cllr Moyse contacted the Ward members in accordance with the Delegation Agreement. As Councillor Moyse is no longer a Councillor the Head of DM has called it to Committee because of the previous request.

Recommendation: Refusal

Reasons for Refusal:

1. The application provides for new development in the countryside without an essential occupational need to be so located, and in a location where occupiers are likely to be reliant upon the private car, contrary to the adopted spatial strategy of an up-to-date development plan. The proposed housing mix, comprising of predominantly larger dwellings, would not contribute to meeting local market housing needs or redressing existing imbalances in housing stock. The proposed development of houses in the open area to the site frontage will harm the open and recreational nature of the eastern part of the site, which should remain undeveloped to protect the particular landscape characteristics and the important views of the main house from the approach road to the east and other wider views of the house. The application scheme therefore does not amount to sustainable development and so would conflict with Joint Local Plan policies SPT1, SPT2, TTV1, TTV26, DEV8, and DEV23. The application does not accord with the development plan when taken as a whole and other material considerations do not justify a departure from those policies where the application would also conflict with national guidance and paragraphs 15, 82, and 180 of the NPPF 2023.

Key issues for consideration:

- Principle of Development/Connectivity
- Housing Mix
- Heritage
- Design; Trees; Landscape Character and Appearance
- Affordable Housing
- Loss of Playing Fields
- Previously Developed Land
- Residential Amenity
- Highways
- Flood Risk and Drainage
- Ecology and Biodiversity
- Energy Efficiency and Climate Change
- Planning Balance and Conclusion

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

The application may give rise to income through the New Homes Bonus. However, no material weight is afforded to this consideration in accordance with advice contained within the national Planning Practice Guidance ('PPG').

Site Description:

The site is located north of the A386 between Tavistock and Wallabrook. The site comprises a large area of grounds and the listed property known as Hazeldon House, formerly Hazeldon Preparatory School, which was previously used in connection with the Kelly College. The House is located along with several outbuildings in the north western part of the application site. The remainder of the site is grassed, with some buildings which have been used as temporary classrooms in the north east of the site. The grassed areas were previously used as school playing fields.

The land slopes down from Hazeldon house towards the A386. Access to the site is directly from the A386 and currently there is a sweeping driveway up through the site to Hazeldon House.

The boundaries of the site comprise:

- North western boundary: a Devon hedge with clusters of individual trees, some of which are large and good quality specimens.
- North eastern boundary: An outgrown hedge, mainly Beech with occasional oak, growing on top of the stone faced hedge, beyond which are fields which are improved grassland and used for animal grazing.
- The northern boundary is one residential property which is accessed off the Old Exeter Road.
- The southern boundary borders the A386 independently.
- The south east boundary has a belt of trees, and the south western boundary has no tree cover, but has agricultural land beyond.

The Parkland is approximately 4.1 hectares in extent. There are also trees (some of which are of a substantial stature) within the parkland.

The site is adjacent to the Dartmoor National Park (DNP) boundary which runs along the A386 and then north east of the site. There are views of DNP from the site and views of the site from the DNP.

Following discussion with the applicant, it is agreed that the site comprises 'previously developed land'.

The Proposal:

Planning permission is sought for the refurbishment of Hazeldon House to form a single dwelling (including demolition of the non-listed structures), demolition of all other structures (including former classroom blocks) on site, the erection of 10 open market dwellings, reinstatement of original site access and driveway route, restoration of parkland, associated infrastructure (including drainage and retaining structures), landscaping, open space, play space, removal of some trees, parking and boundary treatments.

The proposal involves the restoration of Hazeldon house to a 5-bed, 8-person dwelling. The demolition of the classrooms to the east of the site and the construction of 10 houses which comprise the following mix:

- 1 x 2 bed 4 person cottage
- 2 x 4 bed 8 person detached houses
- 2 x 3 bed 6 person detached houses
- 1 x 3 bed 6 person detached barn
- 1 x 4 bed 8 person detached barn
- 2 x 4 beds 8 person linked barns
- 1 x 3 bed 6 person detached walled garden house.

The walled garden house is single-storey and flat-roofed with a grass roof system, walls comprising natural stone and charred timber cladding. With a stone plinth at the base of the building. The other properties comprise dwellings with a mix of single storey and two storeys (with pitched roofs), with a similar material palette.



Consultations:

The most up to date comments received from each consultee is summarised below. Full details are available for viewing on the planning pages of the Council's website and Members are direct to review them at:

<https://westdevon.planning-register.co.uk/Planning/Display/4004/21/FUL>.

All comments received have been considered fully and have been taken into account in the drafting this report.

Tavistock Town Council – neutral:

'Neutral View however recommended that attention be made to:

- Sustainability;
- The mix of types/sizes of houses proposed;
- Site not included in the Joint Local Plan

Refer to policies:

- SP22 (4)
- SP5(1)

- SP5(7)

However, the provision of heat pumps was welcomed (DEV 32)

Environmental Health Officer – no objection subject to conditions (contamination, CEMP, noise from air source heat pumps).

DCC Education – no objection; no contributions required.

Trees – no objection.

Local Highway Authority – no objection subject to conditions, and obligations relating to provision of bus stops and footway widening.

Dartmoor National Park Authority – no objection; the development would not be harmful to the setting of the Dartmoor National Park but request the Council as the Competent Authority considers the cumulative impact of recreational pressure from housing developments on this fringe of the moor on the Dartmoor Special Area of Conservation.

Sport England – objects; the application does not accord with any of the exceptions to Sport England's Playing Fields Policy or with the NPPF. Should the Council be minded to grant planning permission, the application should be referred to the Secretary of State. Sport England make the point that irrespective of when the use of the playing fields ceased a recent appeal decision found that a playing field last used in 2012 was still the lawful use.

DCC Waste – comments; request a condition for a waste audit prior to commencement of development.

Police DOCO – comments; recommend secure by design measures for the development proposed.

Lead Local Flood Authority – no in-principle objection to the proposal but have requested additional information to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

Affordable Housing – no objection; it is recognised that no contribution is required.

Ecology – no objection subject to conditions and Tamar EMS contribution.

OSSR – holding objection subject to further information regarding the amount of public open space, accessibility of the parkland, details of the proposed play facilities, discussion over loss of playing pitch land, and agreement of s106 contribution towards improvements to sports facilities.

Landscape – objects: 'The proposed development of houses in the open area on the south-eastern part of the site, will harm the open and recreational nature of the eastern part of the site, which should remain undeveloped to protect the particular landscape characteristics. Development of this part of the site would be contrary to the policy DEV23 of the JLP and para.[180] of the NPPF 2023.'

Heritage – [most recent comments copied in full, under Heritage section below]

Policy – object based on housing mix and unsustainable location.

Representations:

9no. letters of representation have been received, considered to represent 5no. objections and 4no. in support. The material issues raised in the letters are summarised below, but Members are directed to read them in full on the Councils website:

<https://westdevon.planning-register.co.uk/Planning/Display/4004/21/FUL>

Support

- The house should not be allowed to fall into disrepair and ruin
- Removal of ugly classroom buildings would be an improvement
- Proposed houses are sympathetically designed and in-keeping
- Visual impacts are minimised through well thought-out landscaping and planting
- Development of the site will support the school
- Sustainability/energy efficiency measures are important benefits
- Affordable homes not required in this location
- Good access to services and facilities/walkable
- Efficient use of a brownfield site as gateway to town

Objections

- Outside of Tavistock and is contrary to the Plan
- Out of character with the area and the setting of the Dartmoor National Park
- Wilminstone Cottage would be overlooked due to higher level of new dwellings; existing buildings are single storey
- Concerns due to increase of traffic
- Concern regarding proposed tree loss and effects of engineering works/driveway
- The site was previously removed from the Local Plan because it was unsustainable
- Three recent appeals nearby but closer to the town have all been dismissed
- WDBC is already meeting its housing needs
- The site would be better put to a community use
- Inefficient use of land; housing for young people and families are needed
- Site should remain open and unspoilt

Relevant Planning History:

2236/17/OPA: Former Hazeldon Preparatory School, Mount Kelly College, Parkwood Road, Tavistock PL19 0HZ

Outline application (all matters reserved apart from means of access) for the demolition of existing structures (no works proposed to Hazeldon House) and site redevelopment to provide up to 81 dwellings, associated access, parking, circulation, open space, landscaping and supporting infrastructure (including retaining structures).

Refused, 18/4/2018

0625/19/PRE

Pre-application advice for provision of 2 day heritage assessment by Conservation Specialist.

Partial support, 24/2//2021.

The present application has been considered on its own merits and in accordance with the present local and national planning policy framework and local circumstances.

ANALYSIS

Principle of Development/Connectivity:

The Plymouth and South West Devon Joint Local Plan ('JLP') sets an overarching strategy for delivering sustainable development that complements the existing settlement pattern within the plan area. The high-level strategy for delivering sustainable development is expressed within policies SPT1 and SPT2, with other policies amplifying and giving effect to those requirements.

The adopted JLP establishes a hierarchy of settlements to which development will be directed, and those settlements are named as part of policy TTV1. Policy TTV1 of the JLP sets out the Council's development strategy across the Thriving Towns and Villages Policy Area. The policy describes how the settlement hierarchy of (1) Main Towns, (2) Smaller Towns and Key Villages, (3) Sustainable Villages and (4) Smaller Villages, Hamlets and the Countryside will be used to inform whether a development proposal can be considered sustainable or not.

As paragraph 5.5 of the JLP explains, policy TTV26 will be applied 'outside built-up areas' and if so adjudged, will fall within the Countryside (on the bottom tier of the settlement hierarchy). In this case, the site is rural in character in an area where the built up edge of the town has feathered into more sporadic development as it transitions into open countryside – this is a judgement that can be reached not only spatially but as part of the kinetic experience travelling northwards along the A386 as you pass the B3357 junction to the east and Mount Kelly College to the west before eventually reaching the application site, where built development is less frequent and the highway boundaries more verdant (and *vice versa*). It is noteworthy that paragraph 13 of the Applicant's legal opinion pertaining to previously developed land also assesses the site as not being within a built up area. This finding is also consistent with what the Inspector found in the Wilminstone Industrial Estate appeal, discussed below.

Consequently, for the purposes of policy TTV1 of the JLP, the proposal site is located within the fourth tier of the Council's settlement hierarchy, which relates to Smaller Villages, Hamlets, and the Countryside. In such circumstances, policy TTV1 explains that: 'development will be permitted only if it can be demonstrated to support the principles of sustainable development and sustainable communities (Policies SPT1 and 2) including as provided for in Policies TTV26 and TTV27.'¹

Policy TTV26 of the JLP relates to development in the Countryside. The aim of the policy, as articulated in the first line, is to protect the special characteristics and role of the countryside. The policy is divided into two different sets of policy requirement; the first part applies to development proposals considered to be in isolated locations.

The JLP SPD (§11.50) states that the Council applies the test of isolation in a manner consistent with the *Braintree*² case and any superseding judgment. The subsequent *Bramshill*³ judgment affirmed that the essential conclusion in *Braintree* (at para. 42 of that judgment) was that in determining whether a particular proposal is for "isolated homes in the countryside", the decision-maker must consider 'whether [the development] would be physically isolated, in the sense of being isolated from a settlement'. What is a "settlement" and whether the development would be "isolated" from it are both matters of planning judgement for the decision-maker on the facts of the particular case.

¹ Policy TTV27 is not considered to apply in this case/the application is not made pursuant to its requirements as a scheme for market dwellings.

² *Braintree DC v SSCLG* [2018] EWCA Civ 610.

³ *Bramshill v SSHCLG* [2021] EWCA Civ 320.

Having regard to the circumstances of this case, and despite matters of functional connectivity as discussed below, it is not considered that the application site is so far apart and physically disconnected from Tavistock to be isolated. The first part of policy TTV26 does not therefore apply. The second part of policy is set out as follows, applying to all development in the countryside.

'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'.

Not every criterion within this part of the policy would be engaged or relevant to every proposal. In this case there is partial compliance with the second criterion recognising the refurbishment of Hazeldon House. However, in relation to the fourth criterion there is no occupational justification that requires the erection of the 10no. new market dwellings in the Countryside location proposed. Likewise, the development of the site in at least relation to the five dwellings at the frontage would be harmful to the setting of Hazeldon House and the ability to appreciate its significance beyond the site boundary, thereby conflicting with the sixth criterion. Standing back and assessed as a whole, the application scheme does not accord with policy TTV26.

The Applicant's position is understood to be that the market dwellings are necessary to cross-subsidise the works to Hazeldon House. The receipt for the sale of those market units would also support the various community initiatives undertaken by the College. However, no precise costings have been provided to show that the housing proposed is only that which is necessary to enable the Hazeldon House works. On that basis limited weight is given to this factor.

Consistent with policies SPT1 and SPT2, Strategic Objective SO10 provides context and gives effect to policy TTV26 and clarifies what the plan seeks to achieve in Countryside locations. Of relevance to this application, the strategic objective states:

'SO10 Maintaining a naturally beautiful and thriving countryside

To protect, conserve and enhance the natural beauty of South West Devon's countryside, and to avoid the creation of new homes development in unsustainable or inappropriate locations.

Delivering new homes only in areas where there is an identified local need.

Protecting and managing the landscape.

Contributing to carbon reduction measures by reducing the need to travel...'

As will be explored below the development would not meet local housing needs which leads to conflict with SO10.1 (and policies SPT2 and DEV8). In light of the characteristics of the site, local landscape character would not be protected, at odds with SO10.2.

In respect of connectivity, this has been a matter of debate between officers and the Applicant. It is also recognised that the Local Highway Authority has not objected on grounds of safe and suitable access, subject to the measures proposed and to be secured (footway widening and bus stops), however they state in relation to bus provision:

‘Within the nine/ten journeys there are some gaps of over two hours which do detract from its attractiveness for local journeys – towards Tavistock there is no departure between 0805 and 1020 and again between 1457 and 1725. The 118 service is operated by two buses which have a limited amount of free time. The highway authority would not, on balance, recommend any contribution towards public transport from this comparatively modest number of new units (compared to the previously submitted applications which generated the need for a contribution).’

The nearest bus stop is currently c.1km away at the College but there are limited pickups at this point. As part of the application, it is proposed that new bus stops be provided on the A386 near the site access to attract more use of public transport as a means of travelling to and from the site. It is not clear the frequency of stops that could be secured albeit recognising that the 118 service provides routes to Tavistock and Okehampton which pass the site.

The Appellant has referred to an appeal decision at Folly Gate (ref. 3273815, September 2021) where an Inspector found that a 2.5km distance was acceptable in finding reasonable access to the vibrant mixed use centre of Okehampton, in accordance with policy SPT2. However, and conversely, a more recent appeal decision on land opposite Wilminstone Industrial Estate (ref. 3289369, November 2022), which relates to land at least 0.5km closer to Tavistock than the application site in the previous case, found a ‘significant distance to many shops, services and facilities.’ The Inspector also found no support for the development from policy TTV26.

In this case, direct access to the A386 is preferable and would offer a generally lit and level route into town. However, it would appear to be common ground that access to the vibrant mixed use centre of Tavistock, to meet daily needs, is around or more than 2km away and much of the distance would run immediately adjacent to a busy carriageway (c.600m being at a 40mph limit). In common with the above Wilminstone appeal this is a significant distance and is more than the guideline distances set out at Figure 3.2 of the JLP.

The Applicant makes the point that the table does not account for Countryside / fourth tier locations such as the application site (notwithstanding that realistically the occupiers of the development would be reliant upon the facilities of the town such that the table would indeed be relevant) but that is nothing to the point: whilst recognising that opportunities to maximise sustainable transport solutions will vary between urban and rural areas (as NPPF para. 109) this does not alter the fact that the walking distances involved would be significant and would also not accord with national guidance where, for example, the Manual for Streets (‘MfS’) describes walkable neighbourhoods as being typically characterised as having a range of facilities within 10 minutes’ (up to about 800m) walking distance of residential areas which residents may access comfortably on foot. It also notes that walking offers the greatest potential to replace short car trips, particularly those under 2km (para. 4.4.1). MfS also states that the propensity to walk is influenced not only by distance, but also by the quality of the walking experience. It notes a 20-minute walk alongside a busy highway can seem endless, yet in a rich and stimulating street, such as in a town centre, it can pass without noticing (para 6.3.1).

In summary, therefore, the distances for walking would not strictly speaking place the site within a “walkable” neighbourhood in the terms used by MfS, nor within distances which would likely promote walking as a sustainable travel mode (and exceed the guidelines in Figure 3.2). On

the other hand, the Applicant has sought to improve connectivity and access to sustainable travel through footway improvements and new bus stops – this is commendable albeit improvements to the footway would not make journeys by foot more attractive overall. The bus service is not comprehensive noting the comments of the LHA (it also being unclear how many pickups at the new bus stops could be agreed and provided in light of the ‘limited amount of free time’ available and so this benefit should be treated with some caution) but the existing bus service is not so limited to be unusable for some planned trips. Cycling would be a travel option into Tavistock but obviously would not be suitable for all occupiers; connection to NCN route 27 would be positive.

On balance, there would likely remain reliance upon the private vehicle to access local services and this results in a conflict with SO10.3 and policies SPT1 and SPT2 because there would be a lack of reasonable access to vibrant mixed use centres.

Overall, the application therefore fails to accord with policies SPT1, SPT2, TTV1, and TTV26. The policies of the development plan have identified opportunities for the TTV policy area to grow and thrive in a sustainable way and this directs where new sustainable development should and should not go. The application proposal is at odds with that strategy. The importance of the plan-led system is a key plank of Government policy and there is no indication that the JLP is not meeting required needs going forward. This is a matter of significant weight.

Housing Mix:

Policy DEV8 of the JLP states that a mix of housing sizes, types, and tenure appropriate to the area and as supported by local housing evidence should be provided, to ensure that there is a range of housing, broadening choice and meeting specialist needs for existing and future residents. It is explained that the most particular needs in the policy area are:

- i. Homes that redress an imbalance within the existing housing stock.
- ii. Housing suitable for households with specific need.
- iii. Dwellings most suited to younger people, working families and older people who wish to retain a sense of self-sufficiency.

The JLP SPD explains the rationale behind policy DEV8 as follows:

‘4.14 In South Hams and West Devon there is an imbalance between existing housing stock and the projected size and needs of newly forming households. There is a higher proportion of 4 or more bed homes than the rest of Devon and Cornwall and both are also in the top three in Devon and Cornwall for under-occupancy with around 35 per cent of homes having at least two spare bedrooms. The planning system cannot prevent people from under-occupying their homes, or buying a home with a spare room, but it can ensure that the mix of new homes is better suited to the needs of smaller households. A step-change in the delivery of smaller homes will enable greater churn within the existing housing stock as it will facilitate down-sizing for older people, as well as providing a first-step towards independent living for young people and young families.

4.15 Housing stock that comprises a relative over-provision of large houses makes it increasingly difficult to rebalance the demographic profile and increase home ownership because the current housing stock is inherently unaffordable. Large dwellings, particularly those in coastal settlements, are not suited to smaller households or households that are earning close or similar to the national wage.’

Similarly, policy SPT2 specifies that development should have a good balance of housing types and tenures to support a range of household sizes, ages, and incomes to meet identified housing needs; and promote resilience to future change by ensuring a well-balanced demographic profile with equal access to housing and services. This follows Strategic Objective 7 which among other matters seeks to deliver a quantity and mix of new homes that responds positively to local housing needs.

On its face, the emphasis of the application scheme is aimed at the larger house market, with only one 2 bed-unit proposed and the rest being 3-bed properties and larger (1no. x 2-bed; 4no. x 3-bed; 5no. x 4-bed; 1no. x 5-bed). It is important to place this proposed mix into context and the JLP Officer sets out the following:

‘2021 census data is available for Tavistock, and it helps to build a profile of the prevailing characteristics of the town and surrounding area. Key datasets include:

- over 70% of all households in Tavistock comprise of only 1 or 2 people.
- Over 40% of existing homes have at least 2 unoccupied bedrooms.
- Less than half of the population are economically active.
- 45% of the population are over the age of 55.

The profile built for Tavistock suggests that there is no local need for ‘family-sized’ dwellings based on the prevailing household size and extent of existing significant under-occupancy. Whilst there is some merit in some units having sufficient internal space to provide a home office, it is not considered necessary for all units to offer this flexibility given the age profile and level of economic activity within the local area. Indeed since 2011 the proportion of 4+ bed accommodation has increased from 23% to 24%, which suggests that recent changes in the housing stock have done little to address the defining characteristics of the local population.

Notwithstanding the unsuitable location for housing given its distance from local services and facilities, if we were to consider what an appropriate mix would look like, it could comprise a small number of 3 and 4 bed homes to reflect a limited need within the local population, but the prevailing characteristics of the local housing stock, and what we know about the demographic profile of the local community would demand a majority of smaller homes on site. Anything other than this would see a clear conflict with policies SPT2.4, SPT2.5 and DEV8. It should also be noted that dwellings sizes that correlate more closely to household size reduce exposing occupiers to excessive heating bills as it avoids having to heat and maintain unused rooms. This is not only economically preferable for occupants, but also helps to reduce carbon emissions.

The size of accommodation is also directly proportionate to the resale values, and, as the Garden Mill appeal⁴ identifies: “With specific reference to Policy DEV8, the SPD highlights the high proportion of 4 or more bed homes within South Hams and West Devon relative to the rest of Devon and Cornwall, the under-occupation and inherent unaffordability of such to those on lower incomes, particularly in coastal settlements, and the resulting inability to create opportunities for home ownership.”

⁴ “Garden Mill” was an appeal (ref. APP/K1128/W/21/3296573) relating to a site in the South Hams district but where the same policy considerations applied under the JLP; among other matters, the appeal was dismissed due to an unacceptable mix of housing that would not positively addresses existing imbalances in stock.

West Devon Borough Council have declared a Housing Crisis, and Tavistock is one of the highest value housing markets within West Devon. Any housing mix that is skewed towards larger housing will only perpetuate the pre-existing affordability gap between house prices and local wages, which have a disproportionate impact on lower earners access housing.'

Having regard to the above policy context and local circumstances, the application cannot be said to redress existing imbalances in housing stock (rather, the imbalance that does exist would be exacerbated), nor would the proposed dwellings suit younger people or smaller households.

The Applicant makes the point that the ability to meet local housing needs becomes less relevant in smaller schemes such as this and therefore the application cannot be expected to comply. However, that cannot be right because if all "smaller" schemes took such an approach then this would make it difficult if not impossible to meet local needs based on identified imbalances in housing stock. Such an approach has also been rejected in recent appeals for the TTV policy area including Stokenham (ref. 3307159) and Lamerton (ref. 3282233), where conflict with DEV8 was identified for those 3-unit and single-dwelling schemes respectively.

The proposed development would fail to accord with policies SPT2 and DEV8 and this also significantly weighs against the application.

Heritage:

The application involves works to refurbish Hazeldon House alongside demolition and new development within its setting. Hazeldon House is a Grade II listed building (no. 1453765).

In accordance with s66 of the listed buildings Act special regard has been paid to the desirability of keeping that designated heritage asset from harm; in practice this means affording considerable importance and weight/great weight to any harm identified and recognising that any such harm gives rise to a strong presumption against granting permission. Every effort must be made to at least preserve significance.⁵

Policy DEV21 identifies that development proposals will need to sustain the local character and distinctiveness of the area by conserving and where appropriate enhancing its historic environment, both designated and non-designated heritage assets and their settings, in a manner appropriate to their national and local significance. The policy goes on to state that great weight will be given to the conservation of the Plan Area's designated heritage assets. Where development proposals will lead to any harm to the significance of a designated heritage asset, they must be fully justified against the public benefits of the development. Development that harms the significance of locally important non-designated heritage assets, or their contribution to the character of a place will only be permitted where it can be justified on the basis of a balanced judgement, having regard to the scale of any harm or loss and the significance of the heritage asset.

The local policy is consistent with the relevant provisions of the NPPF, particularly Chapter 16: Conserving and enhancing the historic environment.

⁵ A further listed building, Tavy Cottage (no. 1105816), is located to the southwest but due to the degree of separation involved (visually, functionally, and historically) its significance would not be materially affected by the development.

In the consideration of complex proposals that will inevitably lead to heritage harm as well as heritage benefit, the Courts have clarified that decision-makers may legitimately net-off/undertake an “internal” balance of such harms and benefits as a prelude to deciding whether the typical balance required by NPPF para. 208 (and in this case policy DEV21, too), is required. For ease, that is the approach that will be followed in this application recognising the latest response of the Heritage Officer who sets out their opinion as follows:

‘1.0 Background

It is not my role to comment on the architectural design or other aspects of the development proposal other than the effect on the listed building and its setting. My observations focus on that aspect of the proposal.

The aim of JLP policy DEV21 is clearly stated, *‘Development proposals will need to sustain the local character and distinctiveness of the area by conserving and where appropriate enhancing its historic environment, both designated and non-designated heritage assets and their settings, according to their national and local significance.’* My assessment is offered within the context of the NPPF as well – with paragraphs 203, 205 and 208 being most relevant. I have also applied Historic England guidance within ‘The Setting of Heritage Assets Historic Environment Good Practice Advice in Planning Note 3 (Second Edition)’.

The application follows considerable pre-application discussion and has been submitted alongside 4005/21/LBC, which covers the restoration of this fine listed building. Whilst the decision has been held back to be in tandem with the full planning the LBC has full officer support.

2.0 Effect of proposed development

The proposed development is within the setting of Hazeldon and will impact upon the qualities and character of the designated heritage asset. It has been stressed throughout that Hazeldon and its parkland were designed as a single entity with the landscape integral to the character, significance, and special interest of the house. Successive alterations in the later 20th century to the access drive, the creation of playing pitches, erection of the modern structures associated with the preparatory school and removal / addition of trees have all eroded character and harmed setting. It is essential that the historic harm is reversed as part of any planning approval.

The application offers several benefits including:

- Removal of poor structures that are themselves harmful to the setting of Hazeldon.
- Replacement of the structures within the walled garden with a more sensitive building that should secure the repair and future maintenance of the walled garden as a curtilage listed feature.
- Substantial restoration of the original designed parkland layout with appropriate planting and reinstatement of the carriage drive close to the original design.
- Restoration of the listed building as a single residence (its ‘Optimum Viable Use’) within much of its original designed landscape within its curtilage (see 3.0 below).

These are positive changes that can be considered to counteract any negative impacts of the proposed new development. The negative elements are significant development further to the SE of the existing structures, but there is some screening of this in views from the house and the views from the principal rooms will be only slightly affected, if at all. Views of the house from the public realm (mainly from the A386) are not of

significance to the special interest of the listed building. I assess the overall impact of the proposed development, on balance, to be neutral in heritage terms.

3.0 Securing the positive outcomes

A question remained regarding the definition of the Hazeldon curtilage, its management and ownership, especially relating to the parkland in front of Hazeldon. This has now been resolved in principle and provided the delivery of the full landscaping scheme is agreed with clear ongoing management assured via a S106 legal agreement that will secure the necessary enhancement to setting. This needs to be a quite detailed agreement incorporating works like the repair and restoration of the entrance piers and walls, the walled garden etc.

If the proposed development were to be approved, I would expect the S106 agreement to also require the full external repair and restoration of Hazeldon and removal of the negative structures in its immediate vicinity to be completed by agreed stages of the wider development. This would be necessary to ensure that the listed house benefits from development within its setting, but I must stress that the development cannot be seen as 'enabling development' as defined by Historic England guidance (Historic Environment Good Practice Advice in Planning: 4).

The worst scenario would be that the new development is undertaken without Hazeldon being fully restored so that outcome must be avoided. The same principle applies to the development within the walled garden which must secure complete restoration of the walls themselves.

4.0 Conclusion

My assessment of overall heritage impact is that it is neutral at worst, with positive restoration and enhancement balancing any negative impact of the development. This is on the assumption that all the enhancements shown would be delivered in a timely manner with all details agreed and an ongoing landscape management plan assured. Provided the positive benefits of the scheme are secured within any approval I have no reason to recommend refusal on heritage grounds.'

It is important to recognise that the proposed new development is of itself harmful because the new dwellings – particularly those five units to the frontage – would impinge upon the historic parkland character that contributes to the significance of Hazeldon House. However, adopting a cautious stance, the various heritage benefits to flow from the development including the refurbishment of the house and the demolition of various harmful surrounding structures (albeit in essence being replaced by new development), are sufficient to mitigate that harm such that, overall, no net harm would arise. In drawing that balance officers would recognise that for the purposes of the development proposed the capital receipts from the additional dwellings would be necessary, at least in part, to contribute to that refurbishment (recognising that on the other hand the Applicant also says that such funds are necessary to support the school more widely).

On that basis, the application would accord with policy DEV21 and the NPPF because the significance of Hazeldon House would be sustained overall, but this is a neutral factor in the decision: the proposed development is not harmful, but it does not in officers view enhance the significance of the heritage asset either.

Design; Trees; Landscape Character and Appearance:

The design of the proposed development, notably the provision of the new dwellings, has been subject to an iterative process following discussion between officers and the Applicant. Design

changes have included reducing ridge and eaves heights, a reduction in upper-floor glazing, and various aesthetic changes to better reflect local distinctiveness, albeit the dwellings would nonetheless have a contemporary feel that is not of itself objectionable. Layout changes have also been undertaken to provide for a more balanced grouping of built form when viewed at distance. The rationale for the design approach undertaken is accepted and overall, the quality of the scheme is acceptable of itself.

Previous concerns raised by the Council's arboricultural officer have now been addressed and no objection is raised in relation to protection of important existing trees and new planting, subject to the implementation of the measures outlined in the submitted Arboricultural Impact Assessment and associated Tree Protection Plan.

In respect of landscape character, the Council's landscape officer objects and this specifically relates to the proposal for five dwellings on the lower-lying, south-eastern area of the site, where for this element of the application scheme there is a clear divergence of opinion between professionals. The landscape officer, having paid regard to the commentary of the Applicant's consultant, states most recently:

'Notwithstanding the comprehensive landscape strategy, which includes additional native planting within and around the site boundaries, the five, large, detached houses, with equally large, detached garages result in 10 additional and substantial buildings, which do not accord with the recognised character of this site's landscape. The open nature of the former playing fields and open spaces in this south-eastern area is a distinctive characteristic of the application site. I acknowledge that the presence of buildings is not necessarily incompatible in general terms with the Landscape Character Type within which it falls (LCT 3F). However, I remain of the opinion that the introduction of buildings into the lower-lying area of the site, formerly occupied by playing fields, would be intrusive to the current character of this site.'

The overall landscape strategy is well-conceived, and broadly appropriate for the areas to the west of the driveway and south of the main house. The landscape proposals and proposed softworks schedule are noted and species chosen are broadly acceptable.

The proposed new housing would ultimately be much less visible once the strategic landscape scheme has established and matured. The proposed landscape scheme will introduce a substantial amount of new planting, which is broadly welcomed, and will result in the level of enclosure and screening from public view increasing. However, visual effects are not the only consideration – the character of the landscape is also relevant. So, whilst I concur that new native tree planting will make a positive contribution to the landscape character of the site and wider landscape, I am still of the view that development of the nature proposed, in the south-eastern parts of the site, would not be sympathetic to the present character of the wider site.'

In essence, it is axiomatic that the application would be harmful in this discrete regard proposing as it does new built development in an otherwise open area of countryside regardless of whether it is strictly PDL or not, and this amounts to conflict with policy DEV23.

Affordable Housing:

In respect of the requirement for affordable housing, policy DEV8 states that:

'Within rural areas with special designations, as defined in section 157 of the Housing Act 1985, all residential developments of 6 to 10 dwellings will provide an off-site

commuted sum to deliver affordable housing to the equivalent of at least 30 per cent of the total number of dwellings in the scheme.'

However, since the last report was published it has been clarified that the site does not fall within a rural area as so designated and therefore the usual requirement applies where at least 30% on-site affordable housing is required for schemes of 11 or more dwellings. Applied fairly and reasonably to the development proposed in this application, officers have agreed that no provision is required. This is because notwithstanding the refurbishment of Hazeldon House which as an existing dwelling, only a net increase of 10 dwellings is proposed therefore falling under the threshold of the policy.

Loss of Playing Fields:

Sport England objects to the application because it is not considered to accord with any of the exceptions to Sport England's Playing Fields Policy or with paragraph 103 of the NPPF. This is at variance to the views expressed at pre-application where it was indicated that no objection would be raised due to the provision of alternative space elsewhere.

The applicant does not consider that Sport England has jurisdiction to respond to the application because the playing fields were last in use in 2014 and there is no apparent intention to resume that historic use. Where the land in question is not being used as a playing field(s) and was not used as such for at least five years prior to the submission of the application, there is no statutory duty to consult in accordance with the provisions of Schedule 4 of the DMPO 2015. The requirement to refer the application to the Secretary of State if Members are minded to grant planning permission would appear to be moot (because if there is no requirement to consult Sport England then there is no formal mechanism for an objection to be made by them). Likewise, the guidance contained in the PPG would also appear to indicate that no consultation is required. Officers are inclined to agree with the applicant on this point but if Members are minded to grant permission, then it would remain prudent to refer the application (and the Council's intention) to the national casework unit and seek direction.

Either way, considering the significant period of non-use and where there is no existing use (nor any apparent intention to resume use assuming that it has not in fact been abandoned), it is not considered that there would be any conflict with policies DEV3 and DEV4, or the NPPF. Even if there were technically a breach of those local or national policies the clear local circumstances in this case, which includes an alternative provision having already been provided by the Applicant, mean that this is of no material significance to the overall decision. This is a neutral factor overall.

Previously Developed Land:

During the application process a matter of debate arose as to whether the land at the site frontage (i.e., the playing pitches) was previously developed land/brownfield ('PDL'). In response the Applicant provided a legal opinion arguing why that area should be PDL having regard to the NPPF and recognising the significant engineering works required to create the structures that formed those pitches.

Whilst as a matter of planning judgement there could be some debate as to whether the pitches and other structures have in fact through the passage of time blended into the landscape, and bearing in mind that despite the claims in the opinion that the pitches could be readily put back to their intended use (at tension therefore with the Applicant's position regarding the Sports England objection), officers are inclined to accept this position and also where even if part of the site had blended into the landscape the site overall remains PDL.

On that basis it should be recognised that the application would accord in this discrete respect with policy SPT1 (3.i.). However, the weight to be afforded to this consideration as a benefit should be tempered in recognising that in its present form the open nature of the site frontage still contributes positively to the character and appearance of the area. Members should also note that the NPPF requirement to give substantial weight to the value of using brownfield land applies within settlements; that exhortation therefore does not apply here.

Overall, therefore, and recognising that the site is essentially in its totality brownfield, the use of PDL land is consistent with the environmental objective of policy SPT1 (and the general thrust of the NPPF) but nevertheless specific circumstances should temper the weight of this benefit in the round.

Residential Amenity:

It is always necessary for developments to consider the amenities of neighbours, third parties and impact on the environment. In this case, the proposed development would comply with the principles of good neighbourliness and the protection of existing residential amenities recognising the degree of separation between the proposed dwellings and existing properties outside but adjacent to the site including Tavy Cottage and Hazeldon Mews.

Likewise, amenity standards between proposed dwellings would be acceptable and there would be adequate private amenity space for the future occupiers of the development with sufficient space for the drying of clothes, private sitting, and children's play (noting the guidelines in the JLP SPD). Dwellings also meet the NDSS, as required by policy.

The development would therefore accord with JLP Policies DEV1, DEV2, DEV10 and the requirements of the NPPF.

Highways:

The LHA is satisfied that safe and suitable access can be achieved for all users and that impact upon the local highway network would be acceptable. The application therefore accords with policy DEV29 and the NPPF in that respect.

In total 42 spaces are proposed on the site: 21 car port spaces, 16 on-plot spaces and 2 driveway and 3 visitor parking spaces. This gives a parking ratio of 3:1 including 3 spaces for Hazeldon House, in the form of a flat roof car port, located to the east of the house. The parking proposed meets the requirements of the SPD. Internal access and turning arrangements are equally acceptable.

In having regard to the above, it is considered that the proposal accords with JLP Policy DEV29.

Flood Risk and Drainage:

The site is identified as being at low risk of fluvial or pluvial flooding. The submitted drainage strategy indicates that soakaways are not feasible. It is therefore proposed to place an attenuation tank under the parkland in the southern part of the site. The discharge will be to a stream which currently exists along the southern boundary. There are also two areas which are currently ponds. Whilst these are shown on the drawings, there is no reference to them being utilised for surface water run off purposes. The Lead Local Flood Authority have confirmed that they have no objection in principle to the proposed surface water drainage, albeit require additional information to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

Where officers were previously proposing a recommendation of refusal for the application, the additional information was not specifically requested. Regardless, as no in-principle objection has been raised i.e., that it is an implementation matter, this can be dealt with by Grampian condition if Members are minded to grant permission.

A foul drainage system is proposed to be provided which will discharge to South West Waters adopted foul sewer 470m south of the site at the junction of Parkwood Road and Old Exeter road. South West Water have confirmed that there is capacity on the current sewer network to accommodate the development proposed.

The application therefore accords with policy DEV35.

Ecology and Biodiversity:

A Preliminary Ecological Appraisal/Update (with previous Ecological Impact Assessment appended) has been submitted with the application. Subject to precautionary, mitigatory and enhancement measures it is considered that the application would safeguard protected and/or priority species. Following submission of the supporting DEFRA metric spreadsheets, it has been confirmed that 10% BNG can be secured (19.09% increase in habitat and 100% increase in hedgerow units).

The site falls within the Zone of Influence for new residents likely to have a recreational impact on the Tamar European Marine Site (comprising the Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA). A scheme to secure mitigation of the additional recreational pressures upon the Tamar European Marine Site can be appropriately secured by a unilateral undertaking, and this approach has been agreed by Natural England. Adverse impacts can therefore be avoided.

On that basis, the application is considered favourably where it accords with policy DEV26.

Energy Efficiency and Climate Change

The application is accompanied by an Energy Statement which details how the requirements of policy DEV32 are capable of being met. It is envisaged that the scheme will exceed Part L of the Building Regulations, but the issued statement relates to an older standard. It is also the case that the Council's 'DEV32 plus' policy has come into being during the lifetime of the application and this requires a more rigorous assessment of climate change matters. The current submission does not meet that standard. However, given the other issues raised that go to the heart of the principle of development it is not considered necessary on this occasion to put the Applicant to the additional expense of providing an updated assessment. Furthermore, based on what has been submitted so far, there is no reason to consider that the improved standard cannot be met, and this could be secured by planning condition if Members were minded to grant planning permission.

Planning Balance and Conclusion:

The recent case of *Corbett*⁶ has re-emphasised that a key part of the s38(6) statutory duty is to determine whether the development accords with the development plan when viewed as a whole. It has long been recognised by the courts that it is not unusual for development plan policies to pull in different directions and that the decision taker must therefore make a judgement as to whether a proposal is in accordance with the plan as a whole, bearing in mind the relative importance of the policies which are complied with or infringed and the extent of the compliance or breach.

⁶ *R (Corbett) v Cornwall Council* [2020] EWCA Civ 508.

There is a statutory presumption in favour of the development plan. The NPPF, an important material consideration, reiterates this fundamental point.

The application provides for new development in the countryside without an occupational need to be so located, and in a location where occupiers are likely to be reliant upon the private car, contrary to the adopted spatial strategy of an up-to-date development plan. This is supported by two recent appeal decisions in locations closer to Tavistock town having been so dismissed.

The proposed housing mix, comprising of predominantly larger dwellings, would not contribute to meeting local market housing needs or redressing existing imbalances in housing stock. The proposed development of houses in the open area to the site frontage will harm the open and recreational nature of the eastern part of the site, which should remain undeveloped to protect the particular landscape characteristics. The application scheme does not amount to sustainable development where it would conflict with policies SPT1, SPT2, TTV1, TTV26, DEV8, and DEV23.

Because of the planning policy conflicts identified, the application development fails to accord with the development plan as a whole. The starting point for determination of the application must be to withhold a grant of permission but this is not the end point.

When assessed against the policies of the NPPF the development would be outwith the strategy in an up-to-date plan where the planning system should be genuinely plan led (para. 15); would not respect local circumstances because it would fail to respect local housing needs (para. 82); and would not recognise the intrinsic character and beauty of the countryside (para. 180).

The Council can demonstrate that it has a five-year housing land supply and continues to pass the Housing Delivery Test; the development plan is up to date. The consequence of such being that:

- i. The most important development plan policies for determining the application cannot be deemed as out of date by virtue of NPPF footnote 8.
- ii. The development plan is meeting the Government's housing land supply requirements without the proposed scheme; and, accordingly
- iii. Although still a material benefit, the provision of market housing proposed by the applicant cannot be as weighty a consideration as it would be in the event that such a supply or HDT result could not be demonstrated.

The other public benefits of the development are not insignificant, however. Aside from the social and economic benefits of arising from the development in construction and future occupation, environmental benefits in the form of improved planting and BNG would be secured. The application also represents the redevelopment of PDL.

The Applicant is an important local employer and whilst no undertaking has been provided, following discussions with them there is a degree of confidence that the receipts to be gained from the development of the net dwellings would be recycled in the support of the school and its future community initiatives. However, in the absence of any project details/security of delivery, or clear linkage in land-use planning terms, the weightiness of such benefits should be tempered accordingly.

The heritage benefits are of considerable importance but cannot be double-counted because they are in essence neutralised by virtue of the heritage harms represented through the new development proposed.

Overall, the application is finely balanced. The proposed development would be contrary to the development plan and national planning policy and, on that fine balance there are no material considerations that justify a departure from those policies; the harm that has been identified outweighs the benefits.

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

Planning Policy

Relevant policy framework

Section 70 of the Town and Country Planning Act 1990 requires that regard be had to the development plan, any local finance, and any other material considerations. Section 38(6) of the Planning and Compensation Act 2004 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).

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 13th May 2019 confirming the change.

On 19th December 2023 DLUHC published the HDT 2022 measurement. This confirmed the Plymouth, South Hams, and West Devon's joint HDT measurement as 121% and the consequences are "None".

The combined authorities can demonstrate a 5-year land supply of 5.84 years at end March 2023 (the 2023 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2023 (published February 2024).

[*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

SPT3 Provision for new homes

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

TTV20 Spatial priorities for development in Tavistock.

TTV26 Development in the Countryside
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land, and light
DEV3 Sport and recreation
DEV4 Playing pitches
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area
DEV9 Meeting local housing need in the Plan Area
DEV10 Delivering high quality housing
DEV20 Place shaping and the quality of the built environment
DEV21 Development affecting the historic environment
DEV23 Landscape character
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV27 Green and play spaces
DEV28 Trees, woodlands, and hedgerows
DEV29 Specific provisions relating to transport
DEV30 Meeting the community infrastructure needs of new homes
DEV31 Waste management
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts
DEL1 Approach to development delivery and viability, planning obligations and the Community Infrastructure Levy

Neighbourhood Plan:

The Tavistock Neighbourhood Development Plan is at an early stage of the plan-making process (pre-submission Reg 14) such that it carries no determinative weight in this decision.

Other Material Considerations:

Additionally, the following planning documents are also material considerations in the determination of the application:

- The Plymouth and South West Devon Supplementary Planning Document (JLP SPD)

Other material considerations include the policies of the NPPF and guidance in Planning Practice Guidance (PPG).

There are no material considerations which indicate that the direction of the plan should not be followed in this case.

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.