

PLANNING APPLICATION REPORT

Case Officer: Jacqueline Houslander
and Ugborough

Parish: Ugborough **Ward:** Ermington

Application No: 0788/21/OPA

Agent/Applicant:

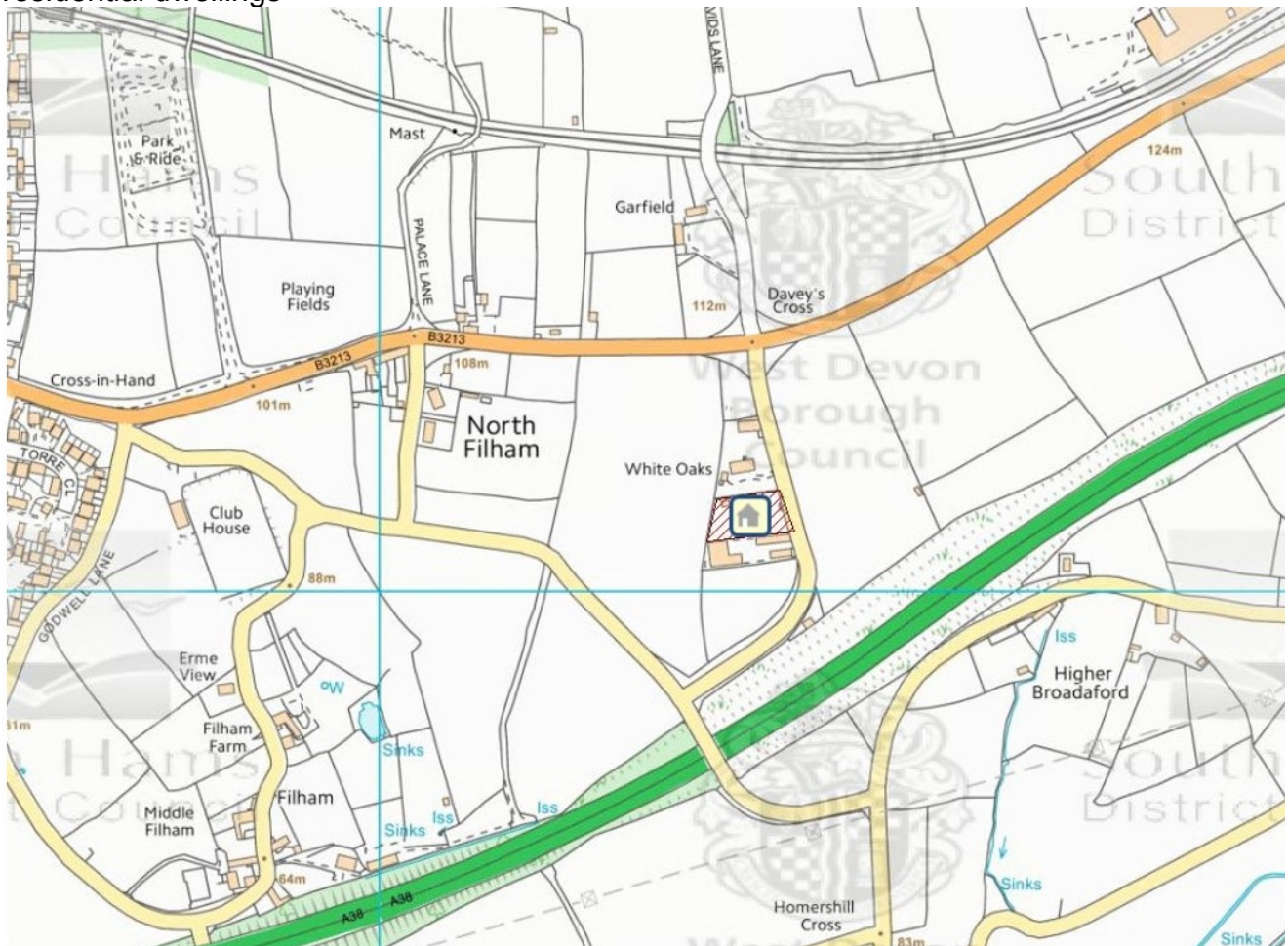
Mrs Rachel French
Whiteoaks
Davids Lane
Filham
Devon
PL21 0DW

Applicant:

Mrs Rachel French
Whiteoaks
Davids Lane
Filham
Devon
PL21 0DW

Site Address: Whiteoaks, Davids Lane, Filham, PL21 0DW

Development: Outline application with all matters reserved for construction of 2 residential dwellings



Reason item is being put before Committee: Councillor Holway would like the application to be considered by Committee because he felt the Inspector had implied that once the adjacent allocated development had been approved and constructed, it may change the nature of the area.

Recommendation: Refusal

Reasons for refusal

1. The proposed development of two dwellings in a countryside location fails to follow the strategic approach in the Plymouth and South West Devon Joint Local Plan (SPT1, SPT2 and TTV1) and with no agricultural, forestry or occupational need for them to be located in this rural area, would be harmful to the special characteristics and role of the countryside and contrary to Policy TTV26 of the Plymouth and South West Devon Joint Local Plan and the NPPF 2021 paragraph 80.

2. The proposed location in the countryside is too far removed from the nearest settlement to enable a walk or cycle to local community facilities, meaning that the development of family housing is considered to be in an unsustainable location contrary to the strategic principles of the Joint Local Plan for Plymouth and South West Devon and specifically Policy SPT1, SPT2 and TTV1 of that Plan as well as guidance in paragraph 8 of the NPPF 2021.

3. The development of two new dwellings and associated domestic paraphernalia would impact negatively on the rural character of this area, which despite there being some local development still presents as essentially sparsely developed and rural in nature, contrary to Policies DEV20 parts 2 and 3 and DEV23 in the Plymouth and South West Devon Joint Local Plan and Policy UG11 and UG12 in the Ugborough Neighbourhood Plan, as well as para. 78 in the NPPF 2021.

4. The proposal indicates provision for two 4 bedroom dwellings, where the locally identified need is for 3 bedroom or smaller terraced housing and so as such the locally identified need is not being met, contrary to policy DEV8 in the Plymouth and South West Devon Joint Local Plan and para. 78 of the NPPF 2021.

5. The development would require a large visibility splay from the entrance to the site which could result in significant hedgerow loss, the impact of which would be harmful to the rural character of David's Lane, contrary to policy DEV23 of the JLP and UG12 of the Neighbourhood Plan, and guidance in the NPPF 2021, para. 130.

6. Insufficient information has been submitted to demonstrate that the site in a critical drainage area can provide appropriate attenuation to slow down the flow of surface water in accordance with policy DEV35 of the Plymouth and South West Devon Joint Local Plan and para. 167 of the NPPF 2021.

7. The proposal has failed to provide for the impact of the development on the Tamar Estuaries Special Area of Conservation, contrary to policy DEV of the Plymouth and South West Devon Joint Local Plan and para 174 of the NPPF 2021.

Key issues for consideration: Location of the development; adjacent allocated residential site; local housing need; neighbour amenity; landscape impact; highways.

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

As part of the Spending Review 2020, the Chancellor announced that there will be a further round of New Homes Bonus allocations under the current scheme for 2021/22. This year is the last year's allocation of New Homes Bonus (which was based on dwellings built out by October 2020). The Government has stated that they will soon be inviting views on how they

can reform the New Homes Bonus scheme from 2022-23, to ensure it is focused where homes are needed most.

Site Description:

A disused former campsite on the eastern edge of Ivybridge. The site is currently an open grassy paddock with modest former amenity buildings to the camp site. The site is bounded by a large detached dwelling in a large plot to the north, a large residential development site under construction to the west, light industrial units to the south and open fields to the east. The site is accessed from a road that runs along the eastern boundary. The boundaries are defined by mature hedges and trees.

The Proposal: Outline permission is sought for the construction of two detached dwellings

Consultations:

- County Highways Authority – no objection given planning history but recommend improvements to visibility splay and hard surfacing of first 6m of site access.
- DCC Ecology – No objection subject to conditions
- Drainage – Object: Insufficient information – request drainage plan and soakaway percolation test
- Ugborough Parish Council – support.

- Strategic Planning: Object.

Summary

- The site location remains the same as the previous refused planning application and dismissed appeal.
- the distance from existing services and amenities remains the same as the previous refused planning application and dismissed appeal.
- The application site is still functionally separate from TTV7, it is physically removed by the existing site boundary and there are not any new community facilities and services provided by TTV7 which would constitute a material change in the sustainability credentials of the application site since the previous decisions at the site.
- The site is associated with the rural pattern of development on Davids Lane and to the east of TTV7.
- The site is not considered to be within Ivybridge neither is it part of a separate smaller town, key, or sustainable village and thus is considered to be within the “countryside” as defined by Policy TTV1 of the JLP.
- The proposal remains the same and the applicant has not attempted to provide evidence of unmet affordable or occupational housing need to accord with Policy TTV27 or TTV26. Such considerations are required by Policy TTV1 when considering proposals in the countryside, including those on the outside edge or near to settlements.
- The current application is therefore in conflict with policy TTV1 of the JLP.
- The site does not qualify for support from Ugborough Neighbourhood Plan Policy UG5 due to existing policy conflict with JLP Policy TTV1, however would not fulfil criteria two in any case.

Representations:

Representations from Residents

comments have been received both in support and objection to the development, covering the following points:

Support (2 letters)

- Site is well served by local amenities and transport links
- Proposal would fit in with other development in the surrounding area

Object (1 letter)

- There is already too much development in the Ivybridge area and local infrastructure cannot cope, this development would add to the existing pressures.

Relevant Planning History

1486/18/PRE Proposed construction of two detached dwellings

1386/19/OPA Construction of two dwellings – Refused (Appeal Dismissed)

The Appeal was dismissed. The Inspector indicated that the site was located in the countryside as identified in policy TTV1; it was not in a sustainable location in regards to access to facilities and services. In relation to the allocated site adjacent the Inspector concluded that *“Whilst I acknowledge the allocation of this site within the development plan, there is no guarantee that the site will be developed or indeed when; whether functional links would be provided between services and the appeal site; or the specific form of development within the allocated site. Although the situation may change in the future this is the circumstance at the present time.”* [officer underlined]

In relation to the idea of the site being infill development the Inspector concluded.. *“Owing to the separation between developments, in my mind it also represents a substantial gap in the frontage between built form and does not represent a logical infill site for the purposes of UG5 of the Ugborough Neighbourhood Plan 2018 (NP).”* He further described the surrounding area as *“loose-knit and informal in its form.....the addition of two dwellings within the site would further consolidate built form in this area at odds with the generally dispersed pattern of development.”*

ANALYSIS

Principle of Development/Sustainability:

This is resubmission of an application which was refused in 2019 and then dismissed at appeal in January 2020. The previous reasons for refusal are provided above and the Inspector concluded that the site was in the countryside and therefore the Strategic policies SPT1 and SPT2 were relevant to the consideration, as was TTV1. He described the site as follows:

...” it would fall within category 4 smaller villages, hamlets and the countryside where development is only permitted where it supports sustainable development and communities (as detailed in SPT1 and SPT2) and detailed within TTV26. In this regard I consider Policy TTV26 ‘Development in the countryside’ is of direct relevance to the appeal proposal.”

In considering this new application, the only change that has occurred since the refusal and dismissed appeal is the fact that the allocated site on land to the west of this site has begun to be built out. Therefore the nature of the land to the west has changed.

The applicant in their planning statement suggests that *“the Bloor Homes scheme immediately to the west of the site now has planning permission and is under construction,*

therefore it is clear that the site can no longer be considered as a countryside location but rather it is at the edge of the main town of Ivybridge.”

They go on to suggest that it is no longer primarily a rural landscape and neither is it sparsely populated. In actual fact the site is still rural in character and the area to the north west and south retains the rural character. That landscape has not changed as a result of the development of the allocated site. It is still sparsely developed.

The D&A also makes reference to other developments in the area, which are coming forward. (TTV6 site(57/2472/14); Springfield Orchard(4254/20/FUL) and two dwellings at Filham cottages (0786/16 and 1534/19).

The first site referred to is an allocated site in the JLP and so has undergone significant assessment through the JLP process. The Springfield Orchard site has yet to be determined and in any case is an exception site, because it is for affordable and social rent housing. The third development at Filham was granted after an appeal against non-determination when the Council did not have a 5 year housing land supply, judged the site to be in a sustainable location because of its position adjacent to the settlement boundary in place in 2016.

As with the previous application, the principle of this development falls to be considered against the housing strategy and detailed policies in the Joint Local Plan (JLP) for Plymouth and South West Devon. The relevant strategic policies are: SPT1, which encourages sustainable development, SPT2, which indicates how sustainable development should be delivered in the JLP Plan area. In addition TTV1 is relevant as it deals with housing in the Thriving Towns and Villages Policy Area, within which the application site is located.

In relation to SPT1 it promotes sustainable development, and sets out the environmental economic and social aspects of sustainable development. This strategic policy underpins the other policies in the Plan which supports sustainable development across the Plan area

SPT2 ensures that sustainable development is delivered in the Plan Area and in this case, the proposal fails to meet some of the criteria which are contained within the policy. Criteria 1 is concerned with access to community facilities, such as shops, health services, daily needs. The site is not well placed for this and would be reliant on a car, the application site is too far removed from the services and facilities of Ivybridge to be considered walkable. The centre of Ivybridge is nearly 2 km away and the Community School is approximately 1.6 km away. The road to these places has a pavement but has no street lights for the first kilometre and the pavement is narrow and of poor quality in many sections. This site is not in a location which allows for easy walking and cycling to local facilities and services. It is therefore an unsustainable location and contrary to SPT2 of the JLP.

The adjacent allocated site whilst next door does not provide any route from the application site through TTV7 to the facilities in Ivybridge. Therefore the proposal site remains distant from the facilities which would indicate that it is in a sustainable location. Any walking and cycling routes to Ivybridge this remain the same as when the previous application was refused and dismissed at appeal.

The application site is located at the east of TTV7, further away from the town, and is separated by continuous established mature border planting. There would be neither new direct pedestrian nor vehicular access between the two sites and TTV7 will not be providing new community facilities for which new family homes at the application site would benefit.

The application site is most related in character to Davids Lane where the vehicular and pedestrian access is proposed. This area is predominately characterised by loose knit commercial and agricultural buildings as well as open farmland and its associated hedgerow borders. Although there is a residential dwelling north of the application site on Davids Lane, the route remains a single track unpaved country lane bordered by Devon banks and no pavements and not a residential street. Any new residents would be required at times to walk towards oncoming traffic to reach the B5034, further lowering the desirability of active travel contrary to the aspirations of the JLP.

The Policy officer in his response states: *The distance of the site from services and facilities coupled with its rural characteristics do not lead to the conclusion that the application site is a part of the main town of Ivybridge, neither is it part of a separate smaller town, key village, or sustainable village as identified by TTV1. The site does not relate well to the existing edge of settlement, and the completion of the adjacent allocated site does not alter this relationship, since the eastern boundary of TTV7 comprises of a single continuous hedge that clearly marks the edge of its built form. The location of the application site therefore falls within the last tier of adopted settlement hierarchy – “Smaller villages and the Countryside”. In such locations TTV1 states 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.”*

In this case, policy TTV26 sets out the relevant expectations for residential development in the countryside adjacent to or near to the edge of existing settlements. To accord with this policy, the applicant needs to consider whether it is possible to prove an agricultural, forestry or other rural occupational need for housing at the application site to accord with Policy TTV26 2(iv). Without such evidence the proposal is in conflict with policy TTV1 of the Development Plan.

The conflict with TTV1 disqualifies the proposal from support of Ugborough Neighbourhood Plan Policy UG5 which provides support to infill development subject to a proposal being otherwise “development that complies with planning policy”. Officers do not consider the site fulfils the requirements of an UG5 infill site as defined by the Ugborough Neighbourhood Plan, a “small, restricted gap in the continuity of existing frontage of buildings or on other sites within a built-up area where the site is closely surrounded by buildings”. As was the conclusion of the Inspector at the previous appeal. *“Owing to the separation between development, in my mind it also represents a substantial gap in the frontage between built form and does not represent a logical infill site for the purposes of UG5 of the Ugborough Neighbourhood Plan 2018 (NP).”*

Housing need

A further in principle issue with the provision of new housing is the consideration of whether the housing type, size and tenure meets a locally identified housing need. Policy DEV8 in the JLP provides the basis of this consideration. It states:

“The LPAs will seek to deliver a wide choice of high quality homes which widen opportunities for home ownership, meet needs for social and rented housing, and create sustainable, inclusive and mixed communities. The following provisions will apply:

1. 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. 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.”

Whilst the proposal is in outline, the D & A and site plan propose two detached 4 bedroom open market dwellings. The ONS data for this area indicates that there is an oversupply of 4 bedroom dwellings and an undersupply of 3 bed dwellings and terraced housing . The SHMNA data indicates that 2 and 3 bedroom units are the current local housing need.

In terms of tenure, there is an overall need for affordable housing in the South Hams and there is a focus on the need for smaller 1 and 2 bedroom units.

The NP discusses in the housing section the need for affordable and general housing. It also makes reference to the type of housing needed, as follows:

“This Plan seeks to encourage a mix of housing types which meet locally identified needs, including housing suitable for older people and homes for young people and families wishing to remain in the Plan Area. This will ensure the Plan Area continues to have a diverse population through offering a variety of housing, including affordable homes.

The new housing will be made up of a variety of housing:

Small pockets of development including affordable homes, self-build and open market housing. This will be within or close to the existing boundaries of settlements, with consideration given to access to major roads, public transport and key services. (Reference JLP Policies TTV30 and TTV31).

Conversions of redundant farm buildings.

Infill of single dwellings where appropriate.”

The NP acknowledges that development in most parts of the Plan Area are unlikely to meet sustainability criteria, due to constraints of the road network; lack of public transport and absence of local services as well as impact on the landscape. The application site is just such a site.

The NP also refers to the allocated sites to the east of Ivybridge in the JLP part of which do lie within the Ugborough NP area. These sites it suggests”*will meet local need, including affordable homes. Not only will the Filham developments meet the small number of affordable homes needed in the Plan Area but also will provide housing in a sustainable location with good access to public transport, the major road network, locals services and facilities and local schools.”*

Officers therefore conclude that the proposals do not comply with the NP or the JLP and in terms of housing need, there is not currently a requirement for 4 bedroom detached dwellings, contrary to Policy DEV8 in the JLP.

Design/Landscape:

The design and landscape issues have partly been considered in the principle section above, as with the principle of the proposed development the landscape issues as discussed in the previous application for this site, remain relevant.

The site has no specific landscape designations. It remains to be associated with the primarily rural landscape to the east, rather than the development to the west. There is a mature Devon hedge between the allocated site and this site and that provides a robust edge to the allocated site.

The current proposal fails on the same basis as previously. It would serve to consolidate the development in the area which is currently sparsely populated with ad hoc developments rather than there being any sense of a hamlet or community.

Whilst there was a caravan site many years ago, in recent years the site has been a green field contributing to the rural landscape character. The introduction of two additional dwellings would therefore still lead to consolidation of sparsely located development in a rural area. And as such in landscape terms it would have a detrimental impact on the primarily rural character which currently prevails, which would be contrary to policy DEV20 of the JLP and the issues identified by the Inspector remain *“I conclude that the proposal would have a significantly harmful effect on the character and appearance of the area and would not accord therefore with Policy DEV20 of the JLP which seeks to, amongst other things, ensure that development has regard to pattern of local development and sense of place; and Policy UG5 of the NP that seeks infill sites that are within a restricted gap in a continuity of existing frontage or built up area.”*

The NPPF defines Previously Developed Land as follows:

“Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.”

The site is a green field where the remains of any earlier surface structures have since blended into the landscape such that the site is no longer considered to be previously developed land.

Neighbour Amenity:

The applicants' dwelling would be the nearest neighbour to the proposed two dwellings, and whilst at this stage the application is in outline, the applicants have indicated that they would be proposing 1 and ½ storey properties to avoid impacting on Whiteoaks, in terms of loss of privacy and being overbearing. As currently proposed there would not be an adverse impact on residential amenity of Whiteoaks if restricted to 1.5 storeys by planning condition, and therefore accords with JLP policy DEV1.

Highways/Access:

The Highway Authority have acknowledged the caravan site previously on the site. Detailed drawings of the proposed access have not been provided as the proposal is currently in outline with all matters reserved. There is currently a field gate access to the site. A block plan has been submitted with the application indicating an access road to the two proposed dwellings. Parking is shown to be provided for each dwelling. A turning area is also indicated for each dwelling.

In terms of visibility splay, the Highway Authority indicate that a splay of 33m x 2.4m x 33m x 600mm height is provided to account for 25mph conditions. The proposal indicates 20 metres, which would be appropriate for a 30mph road. At this stage therefore the proposal

does not meet the required visibility splay as set out in Highways consultation response. It could be argued that as access is not proposed at this stage that these detailed design issues could be considered as part of the reserved matters application. However it should be noted that with a much longer visibility splay were required it could result in considerably more hedgerow cut back or loss, which would also impact on the rural character of Davids Lane.

Drainage

The drainage proposed for the site is surface water to go to a soakaway and foul drainage to be dealt with via a septic tank. The site lies within a Critical Drainage area, where the environment agency have identified the risks of flooding. The advice in such areas is that : *any site, discharging surface water to a watercourse or public sewer, must attenuate the flow to mimic the green field runoff for a 1:10 year rain fall event.* There is insufficient information provided to indicate whether the proposals would meet these requirements, which often require some kind of attenuation prior to discharge either to a private sewer or a watercourse.

Ecology:

The ecology report submitted in support of the application, is an update of the survey submitted for the previous refused application. The update confirms that the site is effectively the same as previously.

The update concludes that the Oak and hawthorn trees in the eastern boundary should be safeguarded but the Ash may need removing because of Ash dieback. It also states:

It is important to retain the tree line along the boundaries as 'linear commuting features' which are likely to be of value to bats and birds using the area. Replacing the Ash with Sycamore will help to provide faster growing screening and also provide a suitable replacement to Ash for some dependent wildlife species.

In conclusion the report states that

The large amount of development currently taking place to the north and immediate west of the Site is likely to have significantly eroded the value of the survey Site to wildlife and the introduction of further predators in the form of domestic cats is likely to have a knock-on effect on the suitability of the Site for nesting birds, reptiles, amphibians and small mammals.

DCC ecology have reviewed the survey and have no objections subject to suitable conditions.

Biodiversity:

The outline submission does not contain any biodiversity information, so if the proposal were to be approved a condition would be required which would secure biodiversity net gains in accordance with policy DEV26 of the JLP.

Climate Change: Policy DEV32 seeks to ensure that all new development supports the aim of reducing the carbon footprint of the development to meet the Plan Area target to halve 2005 levels of carbon emissions by 2034. As this application is in outline, with all matters reserved it would be necessary to add a condition if the application were to be approved to secure appropriate measures to reduce the carbon footprint of the development proposed.

Tamar European Marine Site

The site falls within the Zone of Influence for new residents have a recreational impact on the Tamar European Marine Site (comprising the Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA). This Zone of Influence has recently been updated as part of

the evidence base gathering and Duty to Cooperate relating to the Joint Local Plan. A scheme to secure mitigation of the additional recreational pressures upon the Tamar European Marine Site can be appropriately secured by a Section 106 Agreement, but would be required to be secured prior to any decision being made if it were to be approved.

Conclusion:

The principle of the development is at odds with the current Development Plan and therefore the application is recommended for refusal.

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

Planning Policy

Relevant policy framework

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of March 26th 2019, the Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts of South Hams and West Devon within Dartmoor National Park).

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

Therefore a 5% buffer is applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 6.1 years at end March 2020 (the 2020 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2020 (published 22nd December 2020).

The relevant development plan policies are set out below:

The Plymouth & South West Devon Joint Local Plan was adopted by South Hams District Council on March 21st 2019 and West Devon Borough Council on March 26th 2019.

SPT1 Delivering sustainable development
SPT2 Sustainable linked neighbourhoods and sustainable rural communities
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
TTV7 Land at Filham
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
DEV9 Meeting local housing need in the Plan Area
DEV10 Delivering high quality housing
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
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts
DEL1

Ugborough Neighbourhood Plan is a Made Plan.

Relevant policies:

UG3: Traffic flow

UG4: New housing

UG5: Infill sites

UG11: Landscape character

UG12: Design

Other material considerations include the policies of the National Planning Policy Framework (NPPF) including but not limited to paragraphs 8, 11, 47,55, 74, 75,79,80, 126, 157, 167,174, 180 and guidance in Planning Practice Guidance (PPG). SPD

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.