

## PLANNING APPLICATION REPORT

**Case Officer:** Claire Boobier

**Parish:** Thurlestone

**Ward:** Salcombe and Thurlestone

**Application No:** 0942/21/FUL

**Agent:**

Mr Nigel Dalton  
Unit 4h  
South Hams Business Park  
Churchstow, Kingsbridge  
TQ7 1NY

**Applicant:**

Mr & Mrs M Fairbrass  
The Thatches  
West Buckland  
Thurlestone  
TQ7 3NJ

**Site Address:** The Thatches, Thurlestone, TQ7 3NJ



**Development:** Replacement detached garage/store

**Reason item is being put before committee:**

Cllr Pearce has requested this case be referred to planning committee for determination due to the parish council objection received.

Cllr Long has also requested that this case be referred to planning committee for determination due to the views of the parish council, previous pre-application advice, and that it is considered

that the existing building has local historical significance. It is considered that the application should be determined by the Development Management Committee.

**Recommendation:** Conditional Approval

**Conditions:**

1. Time limit
2. In accordance with approved plans
3. Details of weatherboarding material for walls and roof materials to be agreed prior to installation on building;
4. The frame for the window on the south-west elevation and the door on the south-east elevation shall be constructed of hardwood;
5. Prior to commencement on site including any demolition or earthworks Tree Protection Plan to be submitted and agreed.
6. No external lighting on the building or site unless first agreed in writing by LPA prior to installation;
7. Removal of permitted development rights for insertion of windows, glazed doors and roof lights on building;
8. Recommendations of ecology report to be followed including the provision of bat and bird boxes as set out in the report.
9. The building shall only be used as a private garage/store and shall not be used, let, leased or otherwise disposed of for any other purpose including for commercial use.
10. Surface water disposal to be provided by means of connection to soakaway to BRE Digest 365 standard prior to first use of the replacement garage/store
11. Recording of building to be demolished

**Key issues for consideration:**

Principle of development;  
Design/Landscape Considerations;  
Impact on Heritage Assets;  
Impact on Trees;  
Ecology considerations;  
Neighbour Amenity;  
Highways/Access Considerations;  
Flood Risk and Drainage;  
Neighbourhood Plan Compliance

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**Site Description:**

The site is located outside of the settlement boundary for Thurlestone within the South Devon AONB and is located within the Undeveloped Coast and Heritage Coast designations.

The site is not located within a Conservation Area however there are a number of Grade II listed buildings in the vicinity of the site.

The application site has an existing detached garage, which is proposed to be demolished as part of this application. The existing garage has rendered blockwork walls under an attractive thatched roof with a roller shutter door and is sited on a parcel of land which also contains an orchard.

The parcel of land the subject of this application is located across a private road from the applicant's property known as 'The Thatches'. This road also serves as the access to the property known as 'Sea Drift'.

As there is already a garage on the site, the site benefits from an existing vehicular access which would be unaffected by the proposed development.

### **The Proposal:**

Planning consent is sought for a replacement detached garage/store.

This includes the demolition of the existing garage.

The replacement garage/store is proposed as it has been found that the existing structure is not suitable to accommodate vehicles and provide the dry storage sought.

The replacement structure would provide a larger garage measuring 7500mm x 4506mm with an undercover but open fronted log store to the north-west elevation with bin store to the north-east elevation.

Compared with the plans submitted for application reference: 2609/20/FUL for the same proposal description which was withdrawn the drawings for this application compared to those considered under 2609/20/FUL show that the building is excavated into the site so that the ridge level for the proposed building is lower than the existing garage ridge level as can be seen on the cross-sections submitted. The previously proposed six roof lights have been omitted from the scheme and the garage has reduced in length compared with the building previously proposed. In addition, the previously proposed double access door to the south-east elevation has been reduced to a single pedestrian access door and the north-west elevation where there was previously a pedestrian access door and window has been changed into the open fronted log store supported on posts creating an open covered store.

In terms of materials proposed the Design and Access Statement sets out that the proposed materials are smooth render to all elevations with natural weather boarding proposed to be used as indicated on the submitted plans. The use of natural grey slate for the roof and the use of hardwood painted doors and windows on the south east and south west elevations.

A revised location plan was submitted during the course of this application in response to Officer concerns and representations. The red outline as amended encircles only the area of operational development as sought under this application while the blue outline shows the wider area under the applicant's ownership.

### **Consultations:**

County Highways Authority

No highway implications

Drainage Specialist

No objections – refer to guidance. [*Officer Note: condition recommended*]

### Heritage Specialist

No objections subject to condition requiring the recording of the building to be demolished, which is not considered to constitute a non-designated heritage structure despite its being older than originally thought. This considered assessment is based on the building's lack of heritage significance in terms of construction or architectural interest and dissociation from the original host dwelling, which has subsequently been demolished. Its social interest on a local level is acknowledged and provides the rationale for the recommended condition. [*Officer Note: condition recommended*]

### Landscape Specialist

No objection subject to tree condition; application does not comprise major development in AONB terms. [*Officer Note: condition recommended*]

### Thurlestone Parish Council

Objections raised as follows:

- No justification for a new build garage, together with log and bin stores, outside the settlement boundary in the AONB, Heritage Coast and Undeveloped Coast.
- The building is not a 'like for like' replacement since the existing building is used for storage and is not large enough for garage use, and since the proposed replacement is significantly larger than the existing.
- The change of use of land to residential curtilage on the edge of the settlement would result in unacceptable harm [*Officer note: the red outline on the submitted location plan has been amended during the course of this application to encircle only the area of proposed operational development and to overcome concerns of change of use of land within the applicant's ownership to residential curtilage*]
- The existing building constitutes a local heritage asset of much greater age than that suggested in the planning history of this site and part of the parish's historic environment so should not be demolished.
- Proposed detached building capable of separate residential use.
- Conflicts with JLP and NP policies.

### Tree Specialist

No objection subject to tree condition. [*Officer Note: condition recommended*]

### **Representations:**

One objection and one letter of support received, summarised as follows:

- Site is outside SHDC Development Boundary is within a Coastal Protection Area and is within the AONB.
- Planning guidelines are for outbuildings to have a maximum permitted height of 2.9 metres within AONB – Buildings over 20 metres from main dwelling to be limited to 10 metres square.
- As the very attractive remnant of the beautiful building that was demolished – then known as 'The Thatches' –it will very much affect our environment
- Neighbours were not informed of these plans and had to find out via a lamppost!

- The main dwelling already benefits from a large attached double garage together with substantial driveway for additional vehicle parking. The drawing confirm that the property already has a bin storage facility alongside the entrance gates.
- The existing garage appears to be in good repair and has recently benefited from a new thatched roof.
- The proposed extension of 2 metres in length does not seem to afford much additional vehicle parking but could maybe with future change of use have other possibilities?
- This application states it affects the setting of a listed building – which building is this?
- I do wonder if some of the comments have been made without access to the site as they imply that the current garage is in good condition - it is not! I know that the roof leaks and the windows are in need of replacement.
- We fully support replacing the current, problematic building with the proposed one as we believe it would enhance the site in general.
- It would be good to understand why the council feel that this run down garage is an attractive and characterful 1930s building with a thatched roof stated to be in good condition. I would have thought that a roof in good condition wouldn't be leaking!

*[Officer Notes:*

- *The planning guidelines for outbuildings cited above related to the General Permitted Development Order and are not relevant in this case.*
- *All applications within the vicinity of a listed building are advertised.*
- *In this case there are a number of listed buildings in the vicinity of the site – The Grade II listed Snowdens (formerly Old P.O); The Grade II listed Vine Cottage and Village Stores; Grade II listed Home Cottage; Grade II listed Just-a-Cottage and Trethurl; No.s 1, 2 and 3 Church Cottages and Bay Tree Cottage and The Nook are also Grade II listed. Further from the site The Old Rectory and Thatchways (inc. Nuthatch) are also Grade II listed and would be considered in the vicinity of the site.*
- *A condition is recommended to restrict use for garage/storage ancillary to host dwelling]*

## **Relevant Planning History**

3664/20/PRE Pre application enquiry for replacement detached garage/store.

*Partial support – it was recommended that the existing building be retained and that this be converted with some additional space achieved through an extension off the west elevation.*

*The current application is submitted following the above pre-application however it seeks to replace the existing building rather than retain the existing building.*

2609/20/FUL Replacement detached garage/store. WITHDRAWN

1715/18/FUL 3 The Downs Thurlestone

Construction of single-storey detached dwelling with attached garage. REFUSED

55/1792/12/F Plot 1 The Thatches, Thurlestone

Householder application for replacement garage with 1 bedroom gate house with similar footprint within the curtilage of Plot 1 WITHDRAWN

55/0724/11/F The Thatches, Thurlestone

Resubmission of planning application 55/0422/10/F for replacement of existing dwelling with 2 no. detached dwellings. CONDITIONAL APPROVAL

55/0422/10/F The Thatches, Thurlestone

Replacement of existing dwelling with 2 no. detached dwellings. REFUSED

## **ANALYSIS**

### **Principle of Development/Sustainability:**

The proposal is for a replacement garage/store building for an existing garage building at this site. The replacement is sought for the reasons set out in the Design and Access Statement which is that the existing building is not suitable due to its size to accommodate vehicles and provide storage. The replacement building is larger than the existing building to provide adequate space for these purposes.

In terms of the principle of the development, the site is located outside of the settlement of Thurlestone in a countryside location where new development in principle wouldn't generally be supported unless it meets an agricultural or forestry need as set out in policy TTV26 of the Joint Local Plan.

However, in this case the site already has a garage/store building on the site which this application seeks to replace. This is a material planning consideration in the determination of this application. The proposal is a one for one replacement of the existing garage/store with a new larger garage/store and therefore the principle of a garage/store in this location has already been established by the existing building on the site.

Consideration therefore needs to be given to whether the replacement building in landscape or residential amenity terms would give rise to any overarching justification to warrant a refusal of the replacement building in this location, which will be considered in the following sections of this report.

It should also be noted that the site is within the Undeveloped Coast and Heritage Coast designations as identified in Joint Local Plan policy DEV24. In considering the principle of the development in this location, this policy sets out that development will only be permitted in the Undeveloped Coast where the development can demonstrate that it requires a coastal location, it cannot reasonably be located outside the Undeveloped Coast and it protects, maintains and enhances the unique landscape and seascape character and special qualities of the area.

Whilst a garage/store building does not require a coastal location, this is a one for one replacement building for an existing garage/store in the Undeveloped Coast and the Heritage Coast. Given that the outbuilding would be used in connection with the host dwelling, it is not considered that it could be reasonably re-sited beyond these designated landscapes.

However, given that it is on a detached parcel of land from this dwelling and to ensure that it remains in use as a private garage/store as applied for and is not sold, let, leased or otherwise disposed of for another purpose or used for commercial purposes a condition is recommended to be applied if minded to approve to restrict the use of the building to the private garage/store applied for. As use of the building for another purpose would be unacceptable in this location and it is only being accepted in this location on the basis of it being a replacement building for the existing garage/store on the site.

Whether or not the proposed replacement structure protects, maintains and enhances the unique landscape and seascape character and special qualities of the area will be considered in the following section of this report.

It should also be highlighted that the objection representation received draws attention to the property known as 'The Thatches' already benefiting from a garage and driveway for parking. Whilst, this is noted, the application proposes as highlighted above a one for one replacement of an existing garage/store on the application site. The fact that 'The Thatches' already has alternative garage/parking provision does not preclude the presence of the existing garage/store at this site being a material planning consideration in the determination of the application.

Furthermore, the property known as 'The Thatches' is inset from the Undeveloped Coast designated area, while the proposed replacement outbuilding lies within the Undeveloped Coast due to the boundary coinciding with the north-western edge of the shared driveway leading off the highway to the north-east of the application site. Notwithstanding this, the application site and wider blue-outlined area within the applicant's ownership lie fully within the Heritage Coast.

Given the spatial constraints of the curtilage pertaining to the dwellinghouse associated with this application, it is not considered that there is suitable space at 'The Thatches' to accommodate a relocated garage/store such that it would be located beyond the Undeveloped Coast. It would also not be possible to relocate the replacement building beyond the Heritage Coast since the host dwelling and its curtilage is not inset from this designated area.

For these reasons, the proposed replacement detached outbuilding is considered acceptable in principle.

### **Design/Landscape Considerations:**

The application proposes a replacement garage/store for the existing garage/store on this site.

In terms of the replacement garage/store, the replacement structure would be of a size that could accommodate a vehicle and has an open fronted log store to its north-west elevation with a bin store to its north-east elevation.

The design for the replacement garage/store has been revised since the previous application for the same proposal description was withdrawn (application reference: 2609/20/FUL).

The revised design presented in this application submission shows that the building is excavated into the site so that the ridge level for the proposed building is lower than the existing garage ridge level as can be seen on the cross-section submitted. The previously proposed six roof lights have been omitted from the scheme and the garage has reduced in length compared with the building previously proposed. In addition, the previously proposed double access door to the south-east elevation has been reduced to a single pedestrian access door and the north-west elevation where there was previously a pedestrian access door and window has been changed into the open fronted log store supported on posts creating an open covered store.

In terms of materials proposed the Design and Access Statement sets out that the proposed materials are smooth render to all elevations with natural weather boarding proposed to be

used as indicated on the submitted plans. The use of natural grey slate for the roof and the use of hardwood painted doors and windows on the south east and south west elevations.

The site is located in or adjacent the Undeveloped Coast and Heritage Coast. Policy DEV24 of the Joint Local Plan sets out that development which would have a detrimental effect on the undeveloped and unspoilt character, appearance and tranquillity of the Undeveloped Coast and the Heritage Coast will not be permitted except under exceptional circumstances. The policy goes on to state that development will only be permitted in the Undeveloped Coast where the development protects, maintains and enhances the unique landscape and seascape character and special qualities of the area; is consistent with policy statements for the local policy unit in the current Shoreline Management Plan and is consistent with the relevant Heritage Coast objectives, as contained within the relevant AONB Management Plan.

The site is also in the South Devon AONB and therefore careful consideration needs to be given as set out in policy DEV25 of the Joint Local Plan to the need for development proposals to conserve and enhance the natural beauty of the protected landscape with particular reference to their special qualities and distinctive characteristics or valued attributes. The policy sets out that development should be designed to prevent the addition of incongruous features, and where appropriate take opportunity to remove or ameliorate existing incongruous features; be located and designed to respect scenic quality and maintain an area's distinctive sense of place, or reinforce local distinctiveness. The policy goes on to state that development must be designed to prevent impacts of light pollution from artificial light on intrinsically dark landscapes and nature conservation interests and be located and designed to prevent the erosion of relative tranquillity.

Policy DEV25 of the Joint Local Plan is supported by policy TP1 of the Thurlestone Neighbourhood Plan which likewise requires proposals to be locally distinctive, reflecting the style, scale and character proportionate and appropriate to the coasts and rural location of the parish within the South Devon AONB with use of natural building materials encouraged and this policy also seeks in criteria 4 to achieve dark skies through proposals being designed to limit the impacts of light pollution from artificial light and in criteria 5 of this policy requires proposals to conserve and enhance the natural beauty of the South Devon AONB.

A pre-application enquiry was submitted following application 2609/20/FUL for a replacement detached garage/store being withdrawn and in recognition that the existing building is a characterful building it was suggested that preference would be for the existing building to be retained and converted with an extension to the west elevation if additional space is required rather than the demolition and rebuild sought in this application. However, the applicant has decided not to follow this advice and instead submits an application for a replacement building. Officers therefore need to consider whether the loss of the building is acceptable.

Whilst, clearly from the comments received the building is considered of heritage importance by the Parish Council; given that the building is not listed, is not located in a Conservation Area and having been carefully considered by the Council's Heritage Specialist is not concluded to be worthy of being classed as a non-designated heritage asset; officers conclude there is no reasonable planning grounds on which to resist the demolition of the existing building as proposed in this application.

In terms of impact on the Undeveloped Coast, Heritage Coast and South Devon AONB, it is acknowledged that the proposed replacement would have a substantially larger footprint, at approx. 43 sqm, than that existing, which measures approx. 22 sqm. However, by reason that the proposed materials are considered to integrate well with the surrounding area, the proposal



would be sited on broadly the same footprint as the existing building, and that the ridge height would be approx. 0.3m lower than that existing, it is the Officer's view that the replacement building would not result in increased harm to the visual amenity over the existing situation. As such, the proposed development would be considered to conserve the natural beauty of the protected landscape whilst providing a building which is fit for purpose.

Had there not been an existing building on this site, there would be a case to resist a new building in the Undeveloped Coast, Heritage Coast and South Devon AONB. However the existing building is a material planning consideration in the determination of the application and officers conclude that the proposed replacement building would not materially harm the AONB given the established built form on this site.

The revised application has removed the previously proposed roof lights which has reduced the artificial light spill from the development to an acceptable level. Conditions are however recommended if minded to approve in accordance with policy DEV25 of the Joint Local Plan and TP1 of the Thurlestone Neighbourhood Plan to remove permitted development rights for additional windows and/or roof lights and to prevent the installation of any external lighting on the building or site without such lighting having first been agreed in writing by the Local Planning Authority prior to installation in order to prevent unacceptable light spill in the AONB occurring in the interest of protecting the dark skies of the AONB and in order to prevent the development resulting in an intrusive form of development.

The materials proposed in the submitted Design and Access Statement are deemed appropriate however a condition is recommended to approve the cladding details. A condition is also recommended to ensure that the frame for the window on the south-west elevation and the door on the south-east elevation are constructed of hardwood as applied for in the interest of visual amenity.

With these conditions in place it is considered that the proposed development in its revised form can be concluded to conserve and enhance the AONB and would protect, maintain and enhance the unique landscape and seascape character and special qualities of the area.

The Council's Landscape Specialist has been consulted and has raised no objection on landscape and visual grounds subject to the requested further tree information as set out in the tree specialist response being secured. As set out in the 'Impact on Trees' section of this report below it is recommended that this be secured by condition.

Without a landscape objection to the application it is not considered that there would be landscape or design grounds to resist the proposed replacement building in this location.

### **Impact on Heritage Assets:**

The application property is not in a Conservation Area and the building is not listed.

It is recognised from the comments received that the building is perceived as a result of its thatched roof to be an attractive building and this can be seen from the importance placed on the building in the Parish comments received. The loss of this characterful building would be a disbenefit as outlined at the pre-application stage. However, the applicant has decided to pursue the replacement of the building rather than conversion and extension and officers must consider only the acceptability of the proposal as submitted.

Consultation has taken place with the Council's Heritage Specialist to consider whether or not the building would be classed as a non-designated heritage asset. Due to its age, that the building is not within a Conservation Area and has lost its context by permission being granted in the past to demolish The Thatches, the Heritage Specialist has advised that the building would not be classed as a non-designated heritage asset and that there would be no grounds therefore to resist its demolition on heritage grounds.

This was challenged by the Parish Council and supporting information was provided by the Parish Council to the Heritage Specialist with regard to the age of the building and historical connection with The Grey House and its lodge (now Greycot) and The Thatches and its garage which would have dated back to at least the 1930s as shown on a conveyance plan and could predate the 1930s. This historical background they considered would result in the building being classed as a non-designated heritage asset and worthy of preservation.

In response, after further consideration of the information provided by the Parish Council the Council's Heritage Specialist concludes that his opinion that the building is not a non-designated heritage asset was based on a rational assessment. The age of the building, whilst a factor, was not as important as the loss of context by permission being granted in the past to demolish The Thatches. For a building of the 1930's to be worthy of non-designated heritage asset status, such that every effort should be made for its preservation, it would be expected to exhibit architectural style and quality. The existing garage is essentially an interesting survival but the Heritage Specialist advises that a thatched roof and leaded lights do not amount to significant architectural interest. Comparison with the recently listed Coronation boathouse (which Heritage Specialists supported) is indicative of the relative merits in terms of architectural and historical interest.

Whilst, the garage is older than heritage specialists thought at pre-app stage, its age is still not considered to be significant in this case. The mapping evidence jumps from 1907 to 1952 so exact dating is not easy. It is just visible on the 1946 RAF aerial photography. From evidence provided locally by the Parish Council the date appears to be early 1930's. Were it to have survived along with the parent building its interest would be many times greater. Without the main building its interest is very limited and should not be overstated.

Consideration of non-designated heritage assets is covered on pp103-4 of the adopted Joint Local Plan Supplementary Planning Document. Para 6.78 is relevant here. Further, the garage was not identified via the Neighbourhood Plan as a locally valued non-designated heritage asset (NDHA).

The Council's heritage specialist advises that the garage has an element of social interest as a survival from the early days of car ownership. The association with the beginnings of car related second home ownership may be a further element of historic social interest. This is 'Illustrative Value' in terms of the HE guidance. Unfortunately the garage has lost the context of its parent building and that inevitably reduces its significance considerably. It is also not prominently located in terms of public visibility from the street or footpaths. Based on our flow chart and guidance in the SPD it is hard to say that this should be treated as a NDHA.

The Council's heritage specialist's reasoning for this conclusion is that it does not exhibit architectural merit on its own and it has no particular interest in terms of construction methods. It has a thatched roof which is obviously quite unusual for a garage but he is unconvinced that adds enough to consider it architecturally interesting when in a location outside of a conservation area. The historic interest is, therefore, very locally based.

The SPD states circumstances when structures should be assessed as NDHA's and the heritage specialist has considered this. Loss would be regrettable but the interest of the garage is not such that its demolition is in itself a reason for refusal. In this case therefore as the heritage specialist's advice would be that the building is not a non-designated heritage asset. As a result there would not be reasonable planning grounds to resist the demolition of the existing building.

It is however desirable in planning terms given the sites location in the AONB to ensure that any replacement is equal or better in terms of design and material quality.

It may also be argued that the garage should be recorded if demolition is agreed and a condition is recommended for this if minded to approve.

In addition to the consideration of the heritage of the existing building, there are a number of heritage assets within the vicinity of the site which are Grade II listed namely The Grade II listed Snowdens (formerly Old P.O); The Grade II listed Vine Cottage and Village Stores; Grade II listed Home Cottage; Grade II listed Just-a-Cottage and Trethurl; No.s 1, 2 and 3 Church Cottages and Bay Tree Cottage and The Nook are also Grade II listed. Further from the site The Old Rectory and Thatchways (inc. Nuthatch) are also Grade II listed and would be considered in the vicinity of the site.

It is important in coming to a decision on this application to give careful consideration to the impact of the proposed development on the setting of these heritage assets as set out in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF, policy DEV21 (Development affecting the historic environment) of the Joint Local Plan and TP1 (General Design Principles) criteria 6 of the Thurlestone Neighbourhood Plan.

Having considered the proposal, the separation distance between the site and the listed buildings listed above and intervening features it is concluded that the replacement building proposed in this application would not harm the setting of these listed buildings.

No objection is therefore raised on heritage grounds to the proposed development which is not concluded to conflict with DEV21 of the Joint Local Plan.

### **Impact on Trees:**

The submitted plans show a number of trees on the site.

The Council's Tree Specialist has been consulted and has raised no objection on arboricultural merit subject to a pre-commencement condition being applied to agree a Tree Protection Plan to be protect retained trees during works including any demolition or earthworks. It is considered reasonable to impose this pre-commencement condition to protect retained trees during demolition and construction works.

Subject to the recommended condition being applied the proposal would accord with policy DEV28 of the Joint Local Plan.

### **Ecology considerations:**

As the proposal includes the demolition of the existing garage the application is submitted with a Preliminary Ecological Appraisal 'Bat and Bird Survey' report. This confirms that an

inspection of the existing building was undertaken to look for evidence of use by bats and also for any evidence of nesting birds or other protected wildlife.

The findings confirm that the building is not used as a bat roost and a European Protected Species Licence will not therefore be required for the demolition of the building. Furthermore, no evidence was found to suggest that the property was being or had historically been used by nesting birds and no signs of use by any other protected wildlife was found at the time of the survey.

The report recommends precautionary measures to take during construction works and in accordance with the NPPF requirement to provide biodiversity gain suggests ecological enhancement measures including the installation of bat and bird boxes. It is recommended that the recommendations of the report including provision of ecological enhancement features be secured by condition if minded to approve the application.

Subject to the recommended condition the proposal would not conflict with policy DEV26 of the Joint Local Plan.

### **Neighbour Amenity:**

The replacement building is a detached structure which in terms of its overall height to ridge would be lower than the existing structure on site. Given the separation distance to neighbours no residential amenity concerns are raised. The proposal is not considered due to separation to the nearest neighbours to have an overbearing impact or result in loss of light to neighbours. Furthermore, whilst a window is proposed to the south-west elevation this would not raise overlooking concerns.

A condition as specified above is recommended to be applied to remove permitted development rights to insert any additional windows and/or roof lights into the building and to prevent exterior lighting without any details of windows, roof lights or exterior lighting having first been submitted to and agreed in writing by the Local Planning Authority. These conditions are recommended to prevent unacceptable light spill occurring in the AONB. However, these conditions will also protect neighbouring amenity from intrusive development should additional windows/roof lights or lighting be sought in the future.

The proposal would accord with policies DEV1 and DEV2 of the Joint Local Plan.

### **Highways/Access:**

An amended location plan was submitted during the course of this planning application reducing the area within the red outline to the area of proposed operational development only. This area does not abut the highway and concerns have been raised by Councillors in this regard. However, no changes are proposed to the existing arrangements in terms of vehicular access from the existing shared drive to the highway. As such, it is the Officer's view that the red outline is acceptable.

There is an existing garage on site and the proposal is a one for one replacement. The proposed garage would therefore not have any greater risk to highway safety than the existing structure. No objection is therefore raised on highway safety grounds to the proposed development.

Devon County Council Highways have been consulted and have advised that the proposal raises no highway implications.

The proposal would not conflict with policy DEV29 of the Joint Local Plan.

### **Flood Risk and Drainage:**

The site is in Flood Zone 1 and therefore in flood risk terms is an appropriate site for development.

Surface water drainage disposal is proposed to be provided by means of soakaway connection which is concluded to be acceptable. A condition is recommended to be imposed to ensure that the soakaway is installed prior to first use of the replacement garage/store and that the installed soakaway meets BRE Digest 365 standard and is retained and maintained thereafter for the lifetime of the development.

Subject to the recommended condition being applied the proposal would not conflict with policy DEV35 of the Joint Local Plan.

### **Neighbourhood Plan Compliance and Parish Comment:**

The Parish Comments raise concern that 'the scale and extent of the replacement building is significantly larger than the existing building and together with the concrete hardstanding and additional bin stores, would not be appropriate and proportionate in this highly sensitive location outside the settlement boundary of Thurlestone (NP policy TP1.2)'.

Neighbourhood Plan Policy TP1 criteria 2 relates to Design and states 'Proposals should be locally distinctive, reflecting the style, scale and character proportionate and appropriate to the coastal and rural location of the parish within the South Devon AONB. The use of natural building materials will be encouraged'.

Considering the proposed building against this policy, officers conclude that the scale of the development has been designed to respond to its location with the site being excavated to ensure that the ridge line of the proposed replacement building is lower than the existing building to ensure that its scale is appropriate for its location. Furthermore, the scale of the replacement building whilst larger than the existing building has been reduced in size compared with the withdrawn scheme to respond to this concern.

The existing garage scale was not fit for purpose to accommodate a vehicle. The revised scale in this application is considered to be of an adequate size to accommodate vehicle parking without significantly increasing the scale of the building. The open log store and bin store is considered appropriately designed for a building in a rural location. The materials proposed are also considered appropriate for this location subject to the recommended conditions. Officers conclude that approving the proposed garage would not conflict with Neighbourhood Plan policy TP1.2.

The second concern raised in the parish comments is that 'the proposal fails to conserve and enhance the natural beauty of the South Devon AONB (NP policies TP1.5 and TP22.1)'.

TP1 criteria 5 relates to the Natural Environment and sets out that 'Proposals should conserve and enhance the natural beauty of the South Devon AONB and should demonstrate that their impacts upon the AONB have been assessed, giving particular consideration to the natural

beauty, special qualities, landscape and scenic beauty of the AONB. Proposals should demonstrate that the mitigation hierarchy has been followed and applied throughout the development process, with harm to the AONB avoided in the first instance’.

For the reasons set out in the ‘Design/Landscape Considerations’ section of this report above, officers conclude that the proposal would conserve and enhance the natural beauty of the South Devon AONB and subject to the recommended conditions would not conflict with this policy. The Council’s Landscape Specialist was consulted and raised no objection to the proposal on landscape or visual grounds. It is therefore not considered that a refusal on the basis of landscape impact could be justified in this case.

TP22 (The Natural Environment) criteria 1 sets out that ‘the character of skylines, seascapes and riverscapes which contribute to the character and quality of the area, and the long uninterrupted views into, within and out of the South Devon AONB as identified in Figures 22, 23 and 24 should be protected and enhanced’.

For the reasons set out in the Design/Landscape Considerations’ section of this report above, officers conclude that the proposal would not impact on the character of the skyline, seascape and riverscapes which contribute to the character and quality of the area and the long uninterrupted views into, within and out of the South Devon AONB.

As a result of the proposed replacement building being at a reduced height compared with the existing building, it could be argued that the replacement building would have a reduced impact on wider views into, within and out of the South Devon AONB than the existing building. It is not therefore considered that a refusal against policy TP22 criteria 1 could be justified.

The third concern raised in the parish comments is that the ‘proposal involves demolishing an attractive and characterful 1930s building that is part of the historic environment of the area, including the removal of a thatched roof stated to be in good condition (NP policy TP1.6).’

Neighbourhood Plan policy TP1 criteria 6 relates to the Historic Environment and states that ‘Proposals that may impact on a heritage asset, whether designated or non-designated, should describe the significance of the asset and the impact of the proposal upon its significance, using appropriate expertise, where necessary’.

The existing building to be demolished as part of this application is of block built construction with a thatched roof.

Whilst, it is noted that the parish comments state the thatched roof is in ‘good condition’ it is not clear how this conclusion on the condition of the roof has been reached and a conflicting report in terms of the condition of the roof has been received from the neighbouring property owner reporting issues with the existing roof leaking which would suggest that the roof is not in a good condition or fit for purpose. Officers however have not visited the inside of the building at a time of inclement weather to consider the condition of the thatched roof and therefore cannot comment on whether the condition of the existing roof to be removed is fit for purpose to collaborate the comments received from the neighbouring property owner.

In terms of policy TP1 criteria 6 the building is not listed and having consulted with the Heritage Specialist advises that the building would not be classed as a ‘heritage structure’ and would not be classed as a ‘non-designated heritage asset’ for the reasons given in the ‘Impact on Heritage Assets’ section of this report above and as a result Neighbourhood Plan policy TP1 criteria 6 would not apply to this building.

The fourth concern raised in the parish comments is that 'the replacement building may be converted to habitable occupation and occupied by an independent household (NP policy TP7.2ii).

Neighbourhood Plan policy TP7 (replacement dwellings and extensions) criteria 2. (ii) sets out that proposals for extensions to existing dwellings (including annexes to facilitate homeworking) which do not have the benefit of permitted development rights, will be supported provided (ii) in the case of annexes, the use of the annexe remains ancillary to the original dwelling and cannot be occupied by an independent household.

The comment made by the parish council is speculative and is not what is being applied for in this application which is for a garage/store. This policy of the Neighbourhood Plan is therefore not relevant to the consideration of this application and were in the future the applicant to wish to seek consent for an annexe or indeed a separate dwelling this would require the benefit of planning consent the acceptability of which would be considered should an application be received.

Nonetheless, whilst this Neighbourhood Plan policy is not relevant as set out in the 'principle of development' section of this report, officers are recommending a condition be imposed to ensure that the garage/store applied for is only used for the purposes applied for as a private garage/store and is not used, let, leased or otherwise disposed of for use on a commercial basis or for any use other than that applied for. This condition is deemed to be necessary as it is only on the basis of this building being a replacement structure for the existing garage/store that the building is being supported by officers in this location within the Undeveloped Coast and Heritage Coast designations and any other use would need further consideration against the Local Plan and Neighbourhood Plan with regard to its acceptability. This would need to be subject to a separate application.

Concern has also been raised with regard to the size of the red line and whether this is to create an enlarged domestic curtilage/garden for the property known as the Thatches or to create a larger plot to accommodate a dwelling in the future. Whilst, this concern is noted this is not what is being proposed in this application and would need planning permission in its own right should this be desired in the future.

Nonetheless, in recognition of this concern the applicant has submitted a revised site location plan reducing the extent of the red line to only the building and area required for turning space and soakaway provision to seek to alleviate this concern. This amendment together with the suggested condition to restrict the use of the building is considered to overcome any concern with regard to potential future users which in themselves would require the benefit of planning consent.

Overall, it is concluded that the replacement garage/store can be granted consent in this location without conflicting with the relevant policies of the Thurlestone Neighbourhood Plan.

### **Conclusion:**

Conditional approval is recommended.

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

## **Planning Policy**

### Relevant policy framework

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

The relevant development plan policies are set out below:

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

SPT1 Delivering sustainable development  
SPT2 Sustainable linked neighbourhoods and sustainable rural communities  
SPT11 Strategic approach to the Historic environment  
SPT12 Strategic approach to the natural environment  
TTV1 Prioritising growth through a hierarchy of sustainable settlements  
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  
DEV20 Place shaping and the quality of the built environment  
DEV21 Development affecting the historic environment  
DEV23 Landscape character  
DEV24 Undeveloped coast and Heritage Coast  
DEV25 Nationally protected landscapes  
DEV26 Protecting and enhancing biodiversity and geological conservation  
DEV28 Trees, woodlands and hedgerows  
DEV29 Specific provisions relating to transport  
DEV31 Waste management  
DEV32 Delivering low carbon development  
DEV33 Renewable and low carbon energy (including heat)  
DEV35 Managing flood risk and Water Quality Impacts

### **Thurlestone Parish Neighbourhood Plan 2015 – 2034**

TP1 – General Development Principles  
TP2 – Settlement boundaries  
TP7 – Replacement dwellings and extensions  
TP21 – Non-designated heritage assets  
TP22 – The Natural Environment

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



## **South Hams Landscape Character Assessment**

### **South Devon Area of Outstanding Natural Beauty Management Plan 2019 - 2024**

#### **The Plymouth and South West Devon Supplementary Planning Document (SPD) July 2020**

This was adopted by Plymouth City Council on 22 June 2020, West Devon Borough Council on 9 June 2020 and South Hams District Council on 16 July 2020.

#### **HE guidance -**

<https://historicengland.org.uk/images-books/publications/local-heritage-listing-advice-note-7/heag301-local-heritage-listing/> and section 3 applies.

#### **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.

#### **Conditions:**

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: To comply with Section 91 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall in all respects accord strictly with the application form and the following documents/drawings received by the Local Planning Authority on:

##### 25 March 2021:

Drawing no. 1035.20.02 Rev. C Proposed Plan, Elevations, Section [Inc. Site Plan]

##### 16 April 2021:

Preliminary Ecological Appraisal 'Bat and Bird Survey' prepared by Colin N Wills Ecological Consultant dated 6th September 2020

##### 03 September 2021:

Drawing no. 1035.20.03 Rev. D Location Plan

Drawing no. 1035.20.05 Rev. D Block Plan - Proposed

Drawing no. 1035.20.06 Rev. C Block Plan showing indicative soakaway position

Reason: To ensure that the proposed development is carried out in accordance with the documents/drawings forming part of the application to which this approval relates.

3. Prior to installation on the replacement building hereby approved details of the weatherboarding to be used on the external surfaces shall be submitted to and approved in writing by the Local Planning Authority. The works shall proceed in accordance with the approved material only and be retained thereafter for the lifetime of the development.

Reason: In the interest of visual amenity and to ensure the development will harmonise visually with the character and appearance of the site and its surroundings.

4. The frame for the window on the south-west elevation and the door on the south-east elevation shall be constructed of hardwood.

Reason: In accordance with the application submission and in the interest of visual amenity.

5. Prior to the commencement of any development on site including demolition or earthworks a Tree Protection Plan in accordance with BS5437 shall be submitted to and approved in writing by the Local Planning Authority. Once approved the agreed tree protection measures shall be installed prior to development commencing on site and shall be retained on site until such time as the development is complete and all machinery, equipment and materials have been removed from site. At no time shall machinery, equipment or materials be stored within the fenced off areas.

Reason: To ensure no harm is caused to retained trees during the demolition or construction works.

6. Prior to the installation of any exterior lighting on the replacement building hereby approved or elsewhere on the site full details including design, siting and illumination-type shall be submitted to the Local Planning Authority for approval. Only lighting that has been approved in writing by the Local Planning Authority shall be installed.

Reason: To avoid intrusive development that would harm the dark skies of the South Devon AONB and to safeguard foraging paths for protected species.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) no windows, glazed doors and/or roof lights shall be installed on the replacement building hereby approved (other than those expressly authorised by this permission).

Reason: To protect the amenity of neighbours and to avoid intrusive development which could harm the dark skies of the South Devon AONB.

8. The recommendations and safeguarding measures given in the Preliminary Ecological Appraisal 'Bat and Bird Survey' report prepared by Colin N Wills Ecological Consultant dated 6th September 2020 and received by the Local Planning Authority on 16 April 2021 shall be followed, including precautions to prevent threat of harm during demolition/construction works, and incorporation of bat and bird boxes, as described in the Bat and Bird Survey Report.

Reason: to safeguard legally protected species, and to ensure no biodiversity loss.

9. The replacement building hereby approved shall be used only as a private garage/store ancillary to The Thatches and shall not be used, let, leased or otherwise disposed of for any other purpose including for commercial use.

Reason: In accordance with the application submission and in the interests of residential and local amenity.

10. Surface water drainage shall be provided prior to first use of the replacement building hereby approved by means of soakaway(s) within the site which shall comply with the

requirements of BRE Digest 365. Once installed the surface water drainage system shall be retained and maintained for the lifetime of the development in accordance with the manufacturer's instructions.

Reason: To ensure a satisfactory and sustainable surface water drainage system is provided, retained and maintained to serve the development.

11. No works which involve the loss of any part of the existing building shall be commenced until a record of the existing building and its local historical significance has been made and submitted to the Devon Historic Environment Record. A copy of the record made shall be submitted to and approved in writing by the Local Planning Authority prior to the demolition of the existing building.

Reason: To enable a record of the building to be made.

**Informatives:**

1. This authority has a pro-active approach to the delivery of development. Early pre-application engagement is always encouraged. In accordance with Article 35(2) of the Town and Country Planning Development Management Procedure (England) Order 2015 (as amended) in determining this application, the Local Planning Authority has endeavoured to work proactively and positively with the applicant, in line with National Planning Policy Framework, to ensure that all relevant planning considerations have been appropriately addressed.
2. The responsibility for ensuring compliance with the terms of the approval rests with the person(s) responsible for carrying out the development. The Local Planning Authority uses various means to monitor implementation to ensure that the scheme is built or carried out in strict accordance with the terms of the permission. Failure to adhere to the approved details can render the development unauthorised and vulnerable to enforcement action.