

PLANNING APPLICATION REPORT

Case Officer: Bryony Hanlon

Parish: Slapton **Ward:** Allington and Strete

Application No: 1984/22/FUL

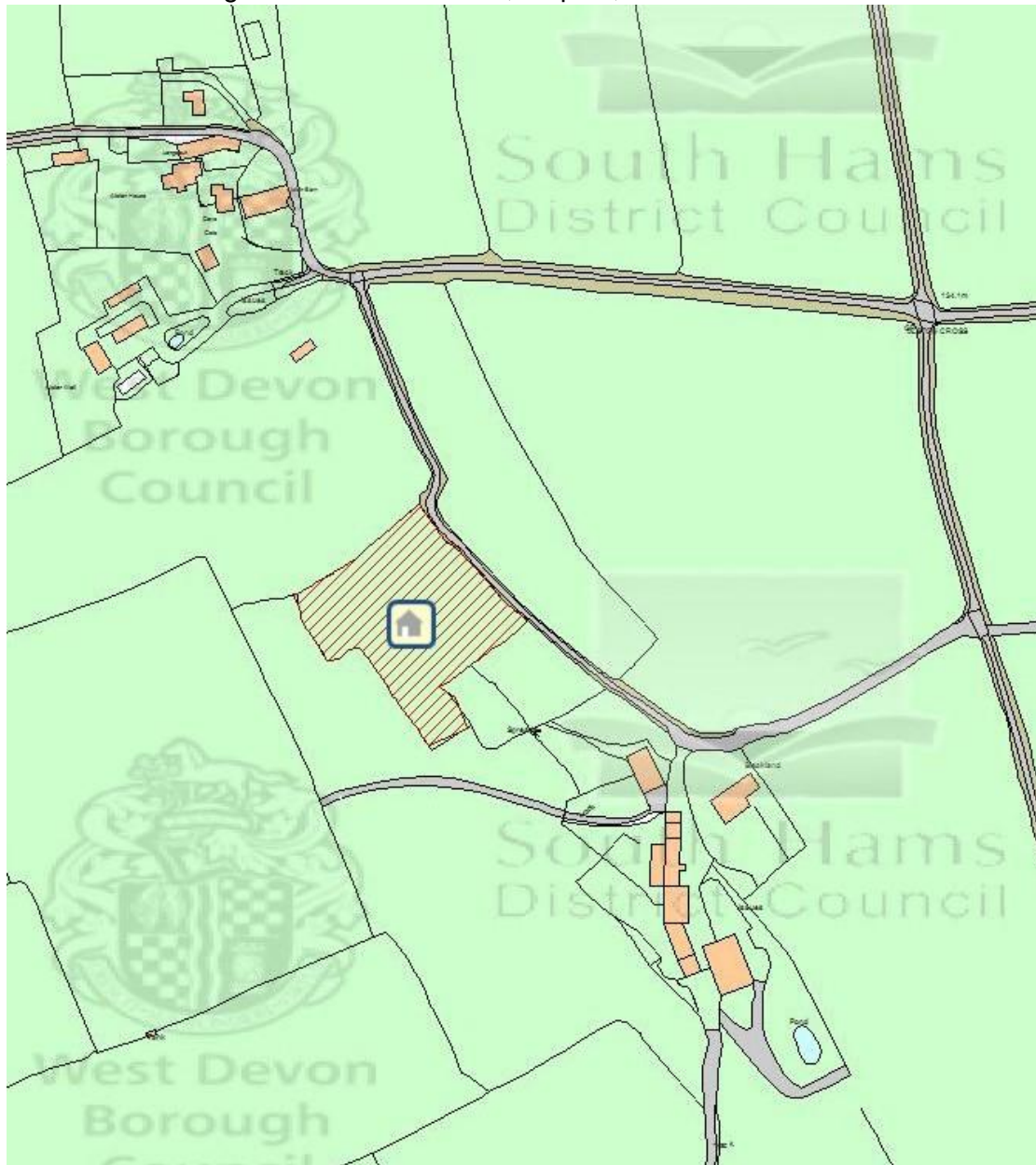
Agent:

Mr Tom Sylger Jones
Green Tea House
39 Belle Cross Road
Kingsbridge
TQ7 1NL

Applicant:

Mr And Mrs J and N Harris
Higher Coltscombe Farm
Kingsbridge
TQ7 2EQ

Site Address: Higher Coltscombe Farm, Slapton, TQ7 2QE



Development: Siting of two shepherd's huts for holiday accommodation with car port / store / solar pv structure and landscaping (Resubmission of 4366/21/FUL)

Reason item is being put before Committee: Cllr Foss wishes the Committee to consider the application of policies DEV15 (6 and 7) and DEV32, particularly with regard to farm diversification and carbon reduction.

Recommendation: Refusal

Reasons for refusal:

1. The proposed development would result in tourism accommodation in an unsustainable rural location with restricted access to services and amenities and limited opportunities for sustainable and active travel, with resultant reliance on private motor vehicles. The proposal is therefore contrary to Policies SPT1, SPT2, TTV1, TTV2, DEV15, DEV29 and DEV32 of the Plymouth and South West Devon Joint Local Plan 2014-2034; and the National Planning Policy Framework (notably but not limited to paragraph 84).
2. The proposed development does not respond to an identified local need for tourism accommodation, with no evidence to justify the type of accommodation proposed in this specific location. Whilst reference is made to farm diversification, this does not provide evidence for the need for the development proposed. The proposal is therefore contrary to Policy DEV15.7 of the Plymouth and South West Devon Joint Local Plan 2014-2034.
3. The proposal will install incongruous features into the landscape, and does not respond spatially to the wider rural countryside setting. The proposal would create an intensification of use and see development within this undeveloped parcel of land which is not physically well-related to existing settlements. This would create a dispersed and detached tourism facility that does not respect the scenic quality, tranquillity, remoteness and pastoral rural qualities of the Landscape Character Type 5a of the area. The proposal is considered to be contrary to Policy DEV23 of the Plymouth and South West Devon JLP and paragraphs 85 of the NPPF.

Key issues for consideration:

Principle of development/sustainability, amenity, design, landscape and visual impacts, ecology, trees and highways.

Site Description:

The application site is a field located in the open countryside. Slapton is approximately 2.5 miles south east of the site. Surrounding the site is open countryside. There are a cluster of dwellings to the north and south east. The site is approximately 0.5 hectares in size and bounded by a hedgerow and trees. Access is provided in the north-eastern corner.

The field is part of a wider agricultural enterprise based at Higher Coltscombe Farm. The main farm buildings and farmhouse associated with the farming enterprise are located approximately 500 metres to the south east of the site. Higher Coltscombe farm is a dairy farm.

The site is not located within the South Devon AONB, Heritage Coast or Undeveloped Coast. The Heritage Coast and Undeveloped Coast lies approximately 200 metres to the east of the site. There are no known heritage items at the site or within the setting. The site is not within a flood zone, or a Bat SAC.

The Proposal:

This application seeks permission to erect 2 x shepherds hut style holiday accommodation within the application site, along with a car port and storage building. Some landscaping measures are proposed including creation of access pathways leading from the car port to the huts. The proposed shepherds hut will be installed on concrete plinths and will measure 7 metres in length and 3.6 metres in width with an overall height of 2 metres. The shepherd's huts will be positioned in opposite ends of the field as

shown on the site plan. The car port and parking area will have a solar array and EV charging point. The car port building will measure 13 metres in length and 5 metres in width and be 4 metres in height.

A previous application for a similar development was withdrawn due to concerns associated with the siting of an unjustified tourism enterprise into open countryside that was not considered to represent sustainable development, given its reliance on the private car to access services and amenities.

Consultations:

- County Highways Authority: Standing Advice
- Environmental Health Section: No EH concerns subject to conditions
- Tree Officer: No objection subject to submission of information prior to commencement
- Slapton Parish Council: No comments to make

Representations:

Representations from Residents

10 letters with a response of 'objection' have been received and cover the following points:

- Road access is poor
- There is a watercourse that runs underneath the site
- The site is in the AONB and close to a SSSI
- Concerns about impacts on local wildlife because personally spotted wildlife at the site
- Concerns about impacts on dark sky environment
- Proposal will heavily rely on the use of cars and not sure if EV charging is realistic
- Information on pedestrian routes does not account for topography
- Increase in noise
- Will set a precedent that will impact rural areas
- Diesel generator running at unsociable hours
- Increase in traffic generated from the site
- Site location will mean heavily reliant on the car
- Applicants and farm are not close to the site
- Existing supply of this type of holiday accommodation in the area
- Agricultural land is not suitable for this type of development
- Additional surface water in a stream that often floods
- Additional visitors will place additional demand on the local potable water supply; the site is directly above an underground watercourse
- Drainage infrastructure is over specified; assurances that further development will not take place are sought

9 letters with a response of 'support' have been received and cover the following points:

- Only remaining dairy farm in area so support should be given to help the business
- Wild camping has ruined the Slapton area so this type of accommodation is needed
- Excellent access and sufficient parking provision included
- Land is hidden in a dip and surrounded by trees so is not seen
- Farmers need to be able to diversify to survive
- Small scale so won't cause any harm
- Flood risk is minimal and appropriate foul drainage arrangement has been made

1 letter with a response of 'undecided' has been received and covers the following points:

- Green field site
- 20% increase in traffic equalling a dwelling traffic movements
- Fragility of water supply – there is no mains water supply and may put pressure on local demand
- Light pollution and increase in noise

- Poor highway network
- Travel plan is incorrect as local places to visit will require a car to access

Relevant Planning History

Planning Application Ref: 4366/21/FUL

Description: Siting of four bespoke designed and built wooden lodges for holiday accommodation, ancillary car port with solar panels and landscape planting.

Address: Higher Coltscombe Farm Slapton TQ7 2QE

Decision Date: 16 February 2022

Withdrawn

ANALYSIS

Principle of Development/Sustainability:

The overarching Policy SPT1 of the JLP1 seeks to promote sustainability through all forms of development, including through environmentally conscious economic activity, the creation of sustainable societies and through protection of natural assets and the environment. It specifies a number of ways in which it seeks to do so, but access to a range of health-promoting travel options, reducing energy demand and low carbon energy schemes all underline the Plan's focus on the environmental impacts of travel and development generally.

Policy SPT2 provides further detail on delivering, amongst other things, sustainable rural communities, indicating that these should be well served by public transport, walking and cycling opportunities and have an appropriate level of services and facilities.

Policy TTV1 sets out that growth will be delivered according to a hierarchy of settlements, with development in the countryside permitted only if it can be demonstrated to support the principles of sustainable development and sustainable communities.

In relation to holiday or tourism development, JLP Policy TTV2 sets out that development proposals will be supported where they reinforce the sustainable settlement hierarchy and where they deliver a prosperous and sustainable pattern of development. Its specific rural sustainability objectives include the delivery of sustainable rural tourism and leisure developments that benefit rural businesses, communities and visitors, and respect the character of the countryside and historic settlements. Policy TTV2 does not define the term 'sustainable rural tourism' but instead references Policies SPT1 and SPT2, which set out the broad objectives of sustainable development across the Local Plan area. These relate to the environmental, social and economic aspects of sustainability. The adopted SPD document of the Joint Local Plan emphasises that Policy TTV2: *'(paragraph 11.25) ... seeks to ensure that new tourism facilities respond to opportunities within the established pattern of sustainable settlements, and avoid dispersed and detached tourism facilities that will add seasonal strain on the rural road network'*.

The application site is not located within a named village or town and is therefore considered to be within an open countryside setting where Policy TTV26 applies. The JLP SPD (§11.50) states that the LPA applies the test of isolation in a manner consistent with the Braintree¹ case and any superseding judgment. The recent Bramshill² judgment affirmed that the essential conclusion in Braintree (at para. 42 of that judgment) was that in determining whether a particular proposal would be "isolated", 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 judgment for the decision-maker on the facts of the particular case.

The application site is removed from any settlement boundary and is not well related physically to a group of dwellings or buildings, so is considered to be isolated development in the open countryside. As such, part 1 of Policy TTV26 applies.

¹ Braintree DC v SSCLG [2018] EWCA Civ 610.

² Bramshill v SSHCLG [2021] EWCA Civ 320.

Part 1 of Policy TTV26 reads:

'1. Isolated development in the countryside will be avoided and only permitted in exceptional circumstances, such as where it would:

- i. Meet an essential need for a rural worker to live permanently at or near their place of work in the countryside and maintain that role for the development in perpetuity; or*
- ii. Secure the long term future and viable use of a significant heritage asset; or*
- iii. Secure the re-use of redundant or disused buildings and brownfield sites for an appropriate use; or*
- iv. Secure a development of truly outstanding or innovative sustainability and design, which helps to raise standards of design more generally in the rural area, significantly enhances its immediate setting, and is sensitive to the defining characteristics of the local area; or*
- v. Protect or enhance the character of historic assets and their settings.'*

The application is not considered to meet 1i.

In regards to point 1v., the site is not located within an area of historic assets such as the setting of a listed building or within a conservation area, and it is not within the AONB or Heritage Coast which is known for its heritage assets.

Points 1ii, 1iii and 1v are not applicable.

Part 2 of the Policy TTV26 is also applied.

2. Development proposals should, where appropriate:

- i. Protect and improve public rights of way and bridleways.*

This is not considered applicable to the application.

- ii. Re-use traditional buildings that are structurally sound enough for renovation without significant enhancement or alteration.*

No buildings are located at this specific site. No information has been provided to suggest if reusing an existing redundant farm building is an option for the applicant.

- iii. Be complementary to and not prejudice any viable agricultural operations on a farm and other existing viable uses.*

The tourism business would be run ancillary to any farming operations and is not considered to prejudice any uses. The application states that the field produces a small yield of hay each year but is not productive for agricultural purposes.

- iv. Respond to a proven agricultural, forestry and other occupational need that requires a countryside location.*

The proposal does not meet this aim.

- v. Avoid the use of Best and Most Versatile Agricultural Land.*

From Natural England's mapping system, the site is considered to be in a 'Grade 3 - Good to Moderate'. It has not been made clear from the application evidence whether the land is 3 a or 3 b. The adopted SPD advises that: *'If there is uncertainty over the exact classification it will be up to the applicant to demonstrate what the land classification is for a piece of land. Development proposals on land that is classified as 3b may be resisted if 3b is considered to represent the best quality agricultural land within the surrounding landscape character area or areas.'*

Having regard to the nature of the development proposed and limited scale of land take it is not considered proportionate to pursue an objection in this regard.

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.

Such details of a management plan and exit strategy have not been provided as part of this application.

Policy DEV15 'supporting the rural economy' seeks to improve the balance of jobs within the rural area and diversify the rural economy. Policy DEV15 sets out, amongst other aspects, that: support will be given to proposals in rural areas which are in suitable locations; and that camping, caravan, chalet or similar facilities that respond to an identified local need will be supported provided the proposal has no adverse environmental impact. It requires development proposals to, amongst other aspects, avoid a significant increase in the number of trips requiring the private car and facilitate the use of sustainable transport, including walking and cycling, where appropriate. It also sets out that Sustainable Travel Plans will be required to demonstrate how the traffic impacts of the development have been considered and mitigated.

The Policy reads:

'8. Development proposals should:

i. Demonstrate safe access to the existing highway network.'

Highways have advised to apply highways standing advice. On a site visit it was noted that the gradient when leaving and entering the site was relatively steep, making entrance onto the highway from the site slightly difficult. This could be improved, although the gradient is not so steep to warrant a refusal on highways grounds. The speed of the traffic using the roads is also likely to be slower given the narrower country lanes so the visibility is considered okay.

'ii. Avoid a significant increase in the number of trips requiring the private car and facilitate the use of sustainable transport, including walking and cycling, where appropriate. Sustainable Travel Plans will be required to demonstrate how the traffic impacts of the development have been considered and mitigated'

JLP Policy DEV29 also states that where appropriate development proposals should: "*Incorporate travel planning, including Personalised Travel Planning (PTP), which helps to maximise the use of sustainable transport in relation to the travel demands generated by the development and limit the impact of the development on the road network.*"

A sustainable travel plan was submitted during the application process. At the heart of the JLP is a need for sustainable development, and the Policy DEV15 is clear in its requirements regarding sustainable modes of transport, and the JLP sets out a clear spatial strategy of where new development should be located in accordance with a hierarchy of settlements. The submitted sustainable travel plan does show a reasonably robust assessment and a bi-annual action plan that contains targets to reduce transport related impacts. Electric vehicle charging points and bike storage would be provided, and monitoring reports would be conducted to improve the sustainability of the site. Information was provided of maps showing walking routes, and what services are available within walking distance.

The starting point for policy assessment with respect to location is that the site is within tier 4 of the settlement hierarchy. The spatial strategy directs development towards our more sustainable settlements within the Thriving Towns and Villages Policy Area, including tourism accommodation, and as such this is not a location that would usually be supported for this use. Despite the best efforts that could be achieved through the running of the sustainable business and the emphasis that would be placed on visitors adopting sustainable habits once on holiday, Officers consider that this relies on a certain type of 'clientele', who are able and would wish to spend the holiday walking/cycling and not using a private car to visit tourism activities, landmarks and enjoying this part of South Devon. This

cannot be conditioned, controlled or regulated as part of the planning permission, to guarantee that those who book to use the site for a holiday, do not rely on the use of their private car. Due to the location of the proposal, remote from services and facilities, where the use of the private motor vehicle will be essential, the proposal is not considered to demonstrate that it will not impact the local highway network, or how it will improve sustainability in the sustainable travel plan. Notwithstanding the desirability of the aspects such as the electric vehicle charging, solar panels etc., where capable of being conditioned, they would not offset the need to locate development where it promotes a meaningful choice of sustainable transport modes.

Paragraph 84 of the NPPF states that planning decisions should enable “*sustainable rural tourism and leisure developments which respect the character of the countryside.*”..... Given the constraints of the location identified above it is considered the proposed development would not fulfil this requirement.

The JLP contains within it a carbon reduction target in policy DEV32, and all development proposals are required to make a demonstrable contribution to the overall carbon reduction aims of the plan. In addition, South Hams District Council has declared a climate and biodiversity emergency, which accords with the national climate emergency declaration and binding net zero target for the UK as contained within the amended 2008 Climate Change Act. The proposed use in this location is likely to generate a significant number of vehicle trips by private car which have not been mitigated. Whilst the proposal is for only two units of holiday accommodation, the cumulative impact of allowing this type of development needs to be considered in the context of the spatial strategy contained within the JLP and in relation to that objectives of JLP Policy DEV32 and the climate emergency in addition to the objectives of DEV15. Carbon emissions in rural areas are disproportionately high when compared to development in locations that benefit from proximity to a range of services and facilities. The balance of considerations is not limited to visitor spend, but instead requires the impacts of the proposal in totality to be weighed against any perceived benefits. The JLP sets out at the highest level of policy (SPT1 – Delivering Sustainable Development) an expectation that “*Environmentally conscious business development takes place*’ and that ‘*a low carbon economy is promoted*”.

iii. Demonstrate how a positive relationship with existing buildings has been achieved, including scale, design, massing and orientation.

The application demonstrates that the proposed buildings will be relatively discrete in the landscape due to their orientation and scale. The site was chosen for its topography and land levels so the proposal will not be in a prominent position, and the existing boundary treatments will screen the development.

iv. Avoid incongruous or isolated new buildings. If there are unused existing buildings within the site, applicants are required to demonstrate why these cannot be used for the uses proposed before new building will be considered.

The proposed location of the development appears incongruous and isolated. The proposal does not appear to be a natural organic addition to the area spatially, and will be placed in a remote position in a tranquil rural part of the countryside. The development will lead to a further expanse of development in an untouched part of the countryside.

In terms of Policy DEV15.7 and the ‘need’ for the development, the application is supported by a letter from ‘Canopy and Stars’ which supports this style of accommodation, and notes it is in need. However, this is a generalisation made about UK holiday trends. A second letter is also provided from a local holiday business, which is also positive in response, saying that this type of development would be successful with bookings. Whilst the letters are positive, it does not specifically identify any local need for the proposal and relates to the wider county of Devon. There are no details about the existence and availability, or otherwise, of local holiday facilities or details about what specifically the proposal offers that is unrepresented locally.

There have been a number of appeal decisions since the adoption of the JLP and the start of the COVID-19 pandemic which make it very clear that evidence of need must be locationally specific. The

following is taken from one such decision at The Stables, Ledstone, Kingsbridge (ref. APP/K1128/W/20/3260220): *“In terms of Policy DEV15.7 and the ‘need’ for the development, the appellant provides a number of excerpts from statements provided in support of alternative holiday accommodation proposals. The generalisations made about UK holiday trends from the cited articles, whilst positive in general, falls short of an identified local need for the appeal proposal in its specific location. There are no details about the existence and availability, or otherwise, of local holiday facilities or details about what specifically the proposal offers that is unrepresented locally.”*

Whilst reference has been made to farm diversification, this has only included reference to the provision of holiday accommodation on the farm and the family have considered the conversion of existing farm buildings against the provision of bespoke facilities. However, the applicant has not provided any details to explain what other forms of farm diversification have been considered and discounted; therefore it is not clear why tourism accommodation is necessary or the scale at which it would need to operate to support a sustainable farming enterprise on the holding.

A previous appeal decision for similarly small scale tourism accommodation in a rural location included the following: *“I accept that farms are often located in the countryside and that diversification of agricultural businesses may involve an increase in vehicle movements. However, this does not mean that all farm diversification would be unacceptable and conflict with policy in the same manner as this development, which has its own set of circumstances related to the location of the appeal site. Dismissing this development would not therefore necessarily mean that other tourism-related development in the countryside would also be unacceptable. Nor would it indicate that others potentially wishing to diversify their business and generate an additional income could not do so.”* (Appeal ref. APP/Q1153/W/20/3244500 – Land at Tuell Down, Milton Abbot, Tavistock).

Any evidence of specific need for this type of accommodation in this location would need to be balanced against the overarching spatial strategy contained within the JLP. As has already been established, when considering the proposal site against the wider spatial strategy as expressed in policy TTV1, the site location is not in an area where development is anticipated. It is considered there is a fundamental policy conflict with the proposed development in this location having regard to the objectives of the JLP as a whole and guidance contained within the NPPF.

In light of the above discussion, the principle of the development, to establish a tourism business, in a remote location, does not comply with the strategic and spatial policies of the JLP, or Policies TTV1, TTV2, TTV26, DEV15, DEV32, or NPPF paragraph 84.

Design/Landscape:

The site is within the landscape character type of ‘5a Inland Elevated Undulating Land’.

A summary of the landscape condition of 5a is as follows (taken from the Landscape Character Assessment [LCA]):

‘Because much of the landscape is unsettled and remote, its structure, with gently undulating open farmland, extensive views and lack of built development, is largely intact. Settlement is scattered, with isolated houses and farms, especially near the south coast, except for recent development on the edge of Dartmouth and Stoke Fleming which, where it has spread up into this LCT, is widely visible and intrusive. Adjacent urban areas are not generally apparent from within the LCT, except for Totnes where factory chimneys, the castle and traffic on major roads can be seen. The presence of pylons is visually intrusive. The A38 (including settlements along its length) intrudes on levels of tranquillity and dark night skies towards the north of the LCT’.

The LCA notes that a force for change for this area is: *‘Pressure for new leisure and recreational development (e.g. diversification of farms to caravans/campsites and conversion of small traditional farm buildings, particularly barns, to accommodation which can increase the need for new agricultural buildings elsewhere), affecting the rural character and sense of tranquillity of the LCT’.*

The landscape guidelines for this character area includes: *'Protect the **sparsely settled character** by carefully controlling any new development outside the existing footprints of the landscape's small settlements. Ensure that any change and/or diversification of farms to caravans/campsites are of a small scale, low key and unobtrusive'*

Whilst Officers note that the proposed development is small scale in that it will be creating two units of accommodation and a garage, the proposed development is considered to be obtrusive in its location and positioning within a rural part of the open countryside which is relatively free from development. The proposal is a negative force for change in this area. The proposal will see the introduction of new built form into an undeveloped field which is detached from a settlement, and distant from the main farming business and complex of buildings associated with the farm. This developmental pressure is not considered to help to preserve or enhance the landscape character area of 5a. Also, by the way of introducing built form into a sparsely settled part of the South Hams countryside, the scheme is not considered to comply with Policy DEV23 part 1, which requires for development to: *'1. Be located and designed to respect scenic quality and maintain an area's distinctive sense of place and reinforce local distinctiveness'*

The Landscape Character area also notes the importance of the 'peaceful landscape with dark night skies and a strong sense of remoteness'. This is also required in part 4 of Policy Dev 23 of the JLP which reads: *'4. be located and designed to prevent erosion of relative tranquillity and intrinsically dark landscapes, and where possible use opportunities to enhance areas in which tranquillity has been eroded'*

Whilst the proposal may be low key, the introduction of a new tourism based use in this rural part of the countryside, relatively free from development, has the potential to impact the tranquillity and the dark night skies. By way of attracting visitors, and introducing a new use to the field, whereby the field would be used for habitable accommodation, and the coming and going of motor vehicles, this is likely to result in an impact to the noise and levels of tranquillity. In light of the above analysis, the proposal fails to comply with the provisions of Policy DEV23.

The site is located approximately one mile to the west of the South Devon AONB. With this amount of distance, the proposal is not considered to negatively impact the special qualities of the AONB. The site is not visually prominent from the setting of the AONB and is not considered to harm the AONB in terms of setting.

It is acknowledged that the overall scheme has been designed in a considerate way whereby it considers the context of the site, the topography and the existing screening afforded by the hedgerows and trees. The proposed shepherd's huts are considered to be of a standard universal design of a shepherds hut style of accommodation. When considered separately from its proposed siting, the design of the scheme is considered acceptable, subject to further details being provided of the proposed finishing land levels. Further landscaping details would also be required of how the hedgerow would be managed. The hedgerow provides an important screening of the development.

The proposed idea to limit the amount of development at the site is welcomed, including the open meadow pasture land in between the huts, and the natural landscaping being used as boundaries between the car parking and the pedestrian routes. However, this does not overcome the in-principle objection to development in this location.

Neighbour Amenity:

Letters of objection have been received which express concerns regarding the noise from the site travelling to surrounding residential properties. The site is approximately 100 metres to the north of a cluster of properties, and approximately 150 metres to the south of properties. With these distances in mind, and the proposed use of the site, it is unlikely that neighbour amenity would be so significantly impacted so as to warrant a refusal solely on this basis. Officers would also note that any grant of planning permission would not exempt that applicant from compliance with compliance with other

legislative framework and any noise complaints would be dealt with through the stator noise nuisance process.

Highways/Access:

Standing advice has been applied. It is noted that the access is on a gradient and that the approach roads limit forward visibility when exiting the site. However, in the context of the likely low speeds of traffic on these roads, Officers do not consider that the proposal would result in a significantly increased risk to highways safety. As such, the proposal is considered to accord with the provisions of DEV29.

Ecology:

A phase 1 walkover survey was undertaken on 23/6/2021 by Butler Ecology. The LPA Ecologist wished to ask the Ecologist reporting on the site if the mitigation measures put forward related to this scheme, as on the ecological report is specifies 4 lodges were to be provided. The Consultant Ecologist has provided written confirmation (letter dated 26th August 2022), that the ecological mitigation measures in the ecology report are valid for this application.

With the use of conditions to ensure that the mitigation measures set out in the ecology report are followed, then the proposal is considered to protect protected species and lead to a bio-diversity net gain.

Water and Drainage:

Concerns have been raised that the drainage infrastructure is designed to support four lodges rather than two and that assurances should be provided that further development should not be allowed. Officers would note that the principle of further development is beyond the scope of this report; the applicant has been determined as submitted.

Concerns have also been raised regarding the availability of potable water. This matter has been reviewed by the SHDC Environmental Health Officer who has offered the following comments on this issue and the proposed foul drainage arrangements;

“The applicant proposes a new package treatment plant discharging cleaned water to a drainage field on land in their ownership. We have no concerns regarding this scheme.

We note that water will be supplied from an existing borehole. In this case the private water supply regulations will apply. We have the following advice which the applicant must follow:

Private Water Supplies - If a private supply is to be used by more than one property or has a commercial function, The Private Water Supply (England) Regulations 2016 as amended will apply. A risk assessment and sampling regime will be necessary. The supply must not be used until the Local Authority (South Hams and West Devon Council) is satisfied that the supply does not constitute a potential danger to human health, including single domestic use. Please contact Environmental Health at South Hams and West Devon Council on completion of the proposal.”

On this basis, it is considered that the proposed foul drainage scheme could be secured by condition to safeguard the public and environment and that the details of the private water supply could be secured by pre-commencement condition. The condition must be discharged prior to commencement in order to ensure a safe, adequate supply of drinking water to the development without prejudicing the supply for existing users. On this basis, the proposal is considered to accord with the provisions of DEV1 and DEV2 and this does not form a substantive reason for refusal.

Other Matters:

The Tree Officer has no objection to the scheme, provided that more information would be provided prior to commencement of any works.

The Planning Balance

The proposal is not considered to be in a sustainable location, and the principle of establishing a tourism business in a tier 4 location is not supported by Local Planning Policy. The proposal will rely heavily on

the use of the private motor car, putting a further strain on the rural road network. The site is within an open countryside setting so the addition of tourism development within this undeveloped field will result in a dispersed and detached tourism facility. The proposal does not appear as a congruous addition within the countryside, and will result in further intensification of development in a rural part of the landscape, which the landscape character assessment seeks to reduce this type of developmental force of change.

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 26 March 2019, the Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts of South Hams and West Devon within Dartmoor National Park).

On 26 March 2019 of the Plymouth & South West Devon Joint Local Plan was adopted by all three of the component authorities. Following adoption, the three authorities jointly notified the Ministry of Housing, Communities and Local Government (MHCLG)* of their choice to monitor the Housing Requirement at the whole plan level. This is for the purposes of the Housing Delivery Test (HDT) and the 5 Year Housing Land Supply assessment. A letter from MHCLG to the Authorities was received on 13 May 2019 confirming the change.

On 14 January 2022 the Department for Levelling Up, Housing and Communities published the HDT 2021 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 128% and the consequences are "None".

Therefore a 5% buffer is applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 5.97 years at end of March 2022 (the 2022 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2022 (published 19 December 2022).

[*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 21 March 2019 and West Devon Borough Council on 26 March 2019.

SPT1 Delivering sustainable development
SPT2 Sustainable linked neighbourhoods and sustainable rural communities
SPT9 Strategic principles for transport planning and strategy
SPT10 Balanced transport strategy for growth and healthy and sustainable communities
SPT12 Strategic approach to the natural environment
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
TTV26 Development in the Countryside
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV15 Supporting the rural economy

DEV20 Place shaping and the quality of the built environment
DEV23 Landscape character
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts

Other material considerations include the policies of the National Planning Policy Framework (NPPF) including but not limited to paragraphs 84 and 85 and guidance within the Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application: Landscape Character Assessment (LCA) 2018, Plymouth and South West Devon Joint Local Plan Supplementary Planning Document 2020.

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.