

PLANNING APPLICATION REPORT

Case Officer: Graham Smith

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

Application No: 4477/22/FUL

Agent/Applicant:

Mrs Debbie Crowther - Devon HALO
9 Lyte Lane
West Charleton
Kingsbridge
TQ7 2BW

Applicant:

Mrs Katie Panton
Alston Well
Slapton
Kingsbridge
TQ7 2QE

Site Address: Alston Well, Alston Farm, Slapton, Kingsbridge, TQ7 2QE



Development: Use of existing self-contained annexe accommodation as casual self-contained holiday let accommodation (retrospective)

Recommendation: Refuse

Reason for decision level: *At request of councillor Richard Foss I fully understand why you wish to refuse this application, I however take a slightly different view after talking to the applicants they tell me that the people who stay do so to be in quiet open countryside and are into walking etc and are not looking for example the holiday camp type of holiday so therefore I would like to bring this to the committee.*

Reasons for refusal:

1. Visitors of the holiday let accommodation would not have reasonable access to a vibrant mixed use centre which meets daily needs and the remote countryside location does not have a good range of sustainable travel options that would provide an attractive alternative to car travel. The likely reliance of visitors to the site on private car usage would be contrary to the aims of the adopted spatial strategy which seeks to direct growth towards sustainable settlements. There is not considered to be sufficient justification for the proposal to be sited at this unsustainable location and the development is contrary to Policies SPT1, SPT2 TTV1, TTV2, TTV26 and DEV15 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (JLP).

2. The proposal does not deliver in detail any carbon reducing measures and is not therefore considered to secure the kind of measurable decreases for the development that would be necessary to make a positive contribution to transitioning to a low carbon economy and is therefore contrary to both DEV32 of the JLP, the adopted Plymouth and South West Devon Climate Emergency Planning Statement 2022 and NPPF (paragraph 154).

Key issues for consideration:

Principle of Development/Sustainability, Residential Amenity, Highways and Carbon Reduction

Site Description:

The application property is a single storey, one bedroom, barn conversion/reconstruction that has historically been used as an ancillary residential annexe associated with Alston Farm. The site is approximately 2.4km north-west of Slapton and is surrounded by a cluster of buildings to the north including Alston House, Dove Cote and Longcourt and open fields in all other directions with access taken via a private driveway onto a country lane to the north east. There are no landscape designations or listed buildings in the vicinity.

The Proposal

Retrospective planning permission is sought for the use of the annexe as a holiday let. No physical alterations are proposed as part of the application. The application states that the use has been in operation for 3 years without any complaints and longer term letting of the property is not a favourable option as the accommodation is still needed by family members from time to time. The application details a range of other holiday lets in the vicinity but states that there is a need for this type of short term let which appeals to solo travellers and couples with or without dogs.

Information submitted in support of the application comprises of:

- Welcome pack issued to guests
- Sustainable Travel Pack
- Guest reviews
- Planning Statement

The sustainable travel plan states that there are no staff journeys associated with the business as the owner lives in the adjacent property and estimates that the development generates approximately 200 car journeys per annum. It includes measures to increase sustainability such as electric vehicle charging pack, bicycles on demand, home cooked meals and amenity space for the exercising of dogs. The visitors who use the site are described as mainly keen walkers who will often select the property due to its direct links to nature. The nearest bus stop is in Slapton which then provides linkages to Totnes where the nearest railway station is that provides an element of connectivity to the wider area. A conclusion is drawn that there would be no material

increase in traffic movements to and from the site whether self-contained residential accommodation or short term holiday let.

Consultations:

- County Highways Authority - Refer to standing advice
- Town/Parish Council – No comments to make

Representations:

Two letters of representation were received supporting the development. The points made can be summarised as follows:

- The nearest neighbours are supportive of the development and have been fully aware that it has been used as a holiday let and have never experienced any disturbance.
- The continued use is supported as the use causes no inconvenience.

Relevant Planning History

4384/21/FUL – Retrospective application to use existing annexe to property for purposes of Airbnb **WITHDRAWN** due to concerns raised regarding countryside location and poor access to services.

44/1521/15/CLE – Lawful development certificate for ancillary use of outbuilding comprising study/office and ancillary office accommodation **CERTIFICATE GRANTED** 5th October 2015

ANALYSIS

1. Principle of Development/Sustainability:

1.1 The starting point for assessing all planning applications is the higher level policies of the Plymouth and South West Devon Joint Local Plan 2014-2034 (JLP). Policies SPT1 and SPT2 provide the higher level vision that all developments must accord with and from these the other policies cascade downwards to consider more technical matters. The overarching theme is one of sustainability. A sustainable economy is one which encourages and supports sustainable business development and a sustainable society is one in which residents have good access to a mixture of uses. A sustainable environment is to be achieved through the effective use of land, promoting biodiversity and focussing on decreasing the carbon footprint of development. An integral part of Policy SPT2 is the concept of sustainable rural communities and that development creates places where people have good access to a vibrant mixed use centre and are well served by sustainable travel options. Figure 3.2 provides a useful measure of sustainable neighbourhoods and communities and requires consideration of walking distances to the nearest public transport, convenience store, primary school, public open space and a range of other amenities.

1.2 From these higher level policies a spatial strategy is devised through Policies TTV1 and TTV2 of the JLP which establishes a hierarchy of sustainable settlements for where growth will be delivered across the Thriving Towns and Villages Policy Area. The settlements are split up into the following; (1) Main Towns, (2) Smaller Towns and Key Villages, (3) Sustainable Villages and (4) Smaller Villages, Hamlets and the Countryside. These will be used to inform whether a development proposal can be considered sustainable or not. Policy TTV2 promotes the delivery of sustainable rural tourism developments that benefit business, communities and visitors whilst respecting the character of the countryside but also requiring the provision of sustainable transport accessibility. The Supplementary Planning Guidance accompanying the

JLP in paragraph 11.25 states that for proposals for sustainable rural tourism Policy TTV2 should be read along with the specific provisions of TTV26 and DEV15 in order 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.

- 1.3 With respect to the hierarchy in Policy TTV1 the site does not fall within a named settlement and is considered to be in a remote countryside location where developments should be assessed against Policies TTV26 and TTV27. The proposal doesn't involve rural exception/affordable housing and therefore TTV27 is not engaged. Policy TTV26 is split into two parts with the first concerning itself with isolated developments.
- 1.4 The Local Planning Authority is applying the Bramshill Ruling City & Country Bramshill Ltd v Secretary of State for Housing, Communities and Local Government & Ors (2021) EWCA Civ 320 when considering whether a proposal site should be described as 'isolated' in planning terms. In terms of isolation, in applying the Bramshill ruling, the LPA will consider "...the word "isolated" in the phrase "isolated homes in the countryside" simply connotes a dwelling that is physically separate or remote from a settlement. Whether a proposed new dwelling is or is not "isolated" in this sense is a matter of fact and planning judgement for the decision-maker in the particular circumstances of the case in hand."
- 1.5 The property is in a remote location in the open countryside and whilst there are buildings in the vicinity the site is considered to be physically separate from any settlement. As a matter of planning judgement, given the distance between the site and the nearest settlement at Slapton, the proposal is considered to constitute isolated development. As such the LPA are considering the proposal against policies SPT1, SPT2, TTV1, TTV2, TTV26 and DEV15.
- 1.6 The criteria of TTV26 is as follows:
 1. *Isolated development in the countryside will be avoided and only permitted in exceptional circumstances, such as where it would:*
 - i. *Meet an essential need for a rural worker to live permanently at or near their place of work in the countryside and maintain that role for the development in perpetuity; or*
 - ii. *Secure the long term future and viable use of a significant heritage asset; or*
 - iii. *Secure the re-use of redundant or disused buildings and brownfield sites for an appropriate use; or*
 - iv. *Secure a development of truly outstanding or innovative sustainability and design, which helps to raise standards of design more generally in the rural area, significantly enhances its immediate setting, and is sensitive to the defining characteristics of the local area; or*
 - v. *Protect or enhance the character of historic assets and their settings.*
 2. *Development proposals should, where appropriate:*
 - i. *Protect and improve rights of way*
 - ii. *Re-use traditional buildings that are structurally sound enough for renovation without significant enhancement or alteration.*
 - iii. *Be complementary to and not prejudice any viable agricultural operations on a farm and other existing viable uses.*
 - iv. *Respond to a proven agricultural, forestry and other occupational need that requires a countryside location.*
 - v. *Avoid the use of Best and Most Versatile Agricultural Land.*

vi. *Help enhance the immediate setting of the site and include a management plan and exit strategy that demonstrates how long term degradation of the landscape and natural environment will be avoided*

- 1.7 With regard to TTV26 (1) it is not considered that the proposal would meet any of the criteria that would represent exceptional circumstances. The proposal doesn't secure a unit for a rural worker and is not considered to constitute a heritage asset. It appears that the property would continue to be used for residential family purposes when required and the proposal doesn't therefore make use of a redundant building and the use doesn't require a countryside location. There are no physical changes proposed or historic assets in the vicinity.
- 1.8 In terms of TTV26(2) Not all of the above criteria are engaged by a proposal such as this. Clearly the proposal uses an existing building which had previously been used as residential accommodation however it is timber clad and not particularly traditional. The proposal has no impact over rights of way and would not result in a loss of agricultural land. With no physical changes proposed there would be no discernible impact on the setting of the area. There are no apparent links to any agricultural operations or other rural uses and the proposal doesn't respond to an agricultural need. Overall Policy TTV26 provides little planning justification or support for such a proposal in the countryside.
- 1.9 Policy DEV15 provides support for the rural economy by promoting the kind of sustainable growth that there is an identified local need for provided that developments are accessed safely, reusing existing buildings are able to demonstrate no significant increase in the number of trips requiring the private car. There is no known shortfall of tourist accommodation in the vicinity. The proposal is said to appeal to solo travellers and couples, with or without dogs however it identifies 7 other holiday letting operations within a 3km radius of the site and it isn't clear why those properties would not also appeal to solo and couples with dogs.
- 1.10 Clearly the reuse of an established building with no external changes raises no adverse visual amenity issues, and, as detailed above, the Highways Authority has not objected subject to their standing advice being adhered to. However the determining factor in this application is considered to be the remoteness of the site to any facilities and services and the extent to which visitors are likely to be reliant on transport by private car. The sustainable travel plan does contain some measures that may encourage residents to consider more sustainable solutions and it is accepted that people on holiday may choose to walk more. However, with Slapton approximately 2.4km away and the beach approximately 3.6km along narrow unlit roads, both of these locations are more easily accessible by car. All the available research suggests that shorter car journeys are the most damaging to the environment. Not only are visitors more likely to travel to the location via car, officers would consider the most realistic means of getting around that the majority would favour car travel. The provision of EV charging stations and bikes on demand may be taken up by some visitors but this could not be assured or secured via condition.
- 1.11 The exercise area for dogs may also be used by those residents who bring a dog and the availability of cooked home meals is also something that may appeal to some visitors. However residents are probably more likely to favour walks along the beach, visiting a local pub and are still likely to need convenience shopping none of which are particularly attractive pedestrian routes from the site along narrow, unlit and unrestricted country lanes. In many cases a 5 minute drive is preferable to a 30/40 minute walk.
- 1.12 It is conceivable that the proposal will result in an increase in vehicular trips over and above the current use as ancillary family accommodation. Family members would travel to spend time together and are more likely to share trips or a meal together whereas

visitors can come and go separately at their own leisure. In any event it is not considered that visitors of the facility will have reasonable access to a mixed use centre as required by SPT2. The proposal falls significantly short of achieving the kind of distances specified in figure 3.2 of the JLP and officers would consider that the majority of visitors are unlikely to prefer to walk to or from the nearest bus stop or convenience store. Instead this development is considered to result in the kind of detached unit with poor connectivity that would lead to another dispersed facility in the country which is likely to result in an increase in car usage, the environmental impact of which is considered to be significant to the local area. On this basis the proposal is not considered to comply with the adopted spatial strategy and higher level aims of Development Plan as a whole which is committed to delivering sustainable development. As such the proposal is considered to be contrary to SPT1, SPT2, TTV1, TTV2, TTV26 and DEV15 of the JLP.

2. Neighbour Amenity:

- 2.1 Policy DEV1 of the JLP protects residential amenity by requiring consideration of current levels of amenity and what impacts, if any, will occur as a result of development. The development is at a relatively secluded location with no neighbours in the immediate vicinity it is not considered that the development gives rise to any concerns over a loss of privacy or increased disturbance associated with the use. The proposal is not considered to conflict with Policy DEV1 of the JLP.

3. Highways/Access:

- 3.1 Policy DEV29 of the JLP requires consideration of the impact of developments on the wider transport network, and requires safe traffic movements and vehicular access to and from the site. No changes are proposed to the existing established access and there is ample space within the site for parking. Limited traffic uses the country lane the site accesses onto. Highways refer to their standing advice and there is no concerns that this is not achieved. As such the development is compliant in terms of policy DEV29 of the JLP.

4. Carbon Reduction:

- 4.1 The Policies of the JLP are committed to promoting development that seeks to reduce carbon emissions. Policy DEV32 requires developments to identify opportunities to minimise the use of natural resources and to aid the delivery of on-site low carbon or renewable energy systems. The recently adopted Climate Emergency Statement 2022 gives an added urgency and places additional obligations on developers to deliver in response to NPPF which is increasingly underlining that the planning system should support the transition to a low-carbon future (paragraphs 152-154).
- 4.2 Despite identifying that solar panels are a potential option under consideration the development does not deliver these in the form of detailed plans. Similarly the applicant is agreeable to a condition requiring EV charging but has not submitted plans that would deliver these. Reference is made to tree planting and wildflower meadow outwith the application site and there are clearly intentions to landscape in the vicinity which may well be financed by the development. However, in the absence of any detailed proposal it would be difficult to conclude if this would amount to a biodiversity net gain. The applicant is also exploring the possibility electric bikes, again to be financed through profits of the business. Whilst it is clear that consideration has been given to what could be achieved, the lack of details leads to a concern that this could not be effectively conditioned or secured and delivery would be entirely at the discretion of the applicant. It is not therefore considered that this proposal delivers any tangible carbon reduction and the proposal does not therefore accord with Policy DEV32 of the JLP, The Climate Emergency Planning Statement 2022 and NPPF (paragraph 154).

5. Conclusion:

- 5.1 The policies of the JLP are supportive of rural business but crucially sustainable growth is the objective. This development seeks permission for a holiday let use at an unsustainable location and visitors will not therefore have good access to either public transport or basic facilities such as convenience shop on foot or cycle. As a result officers would consider that, once visitors have driven to get to this remote location, their most likely means of travel to get to local amenities would be short trips in the car, which officers would consider to be the most environmentally damaging form of travel. The application represented an opportunity to deliver a carbon reduction and whilst some potential options were explored, none were delivered in detail and officers would not consider that a carbon reduction could be achieved by a suitably worded condition given that there is no clear commitment at this stage. On this basis the proposal is not considered to represent sustainable development and is therefore contrary to the Development Plan and officers would recommend refusal of the application.

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

Planning Policy

Relevant policy framework

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

On 26 March 2019 of the Plymouth & South West Devon Joint Local Plan was adopted by all three of the component authorities. Following adoption, the three authorities jointly notified the Ministry of Housing, Communities and Local Government (MHCLG)* of their choice to monitor 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 14th 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 19th 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 March 21st 2019 and West Devon Borough Council on March 26th 2019.

SPT1 Delivering sustainable development
SPT2 Sustainable linked neighbourhoods and sustainable rural communities
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
TTV26 Development in the Countryside
TTV27 Meeting local housing needs in rural areas
DEV1 Protecting health and amenity
DEV15 Supporting the rural economy
DEV20 Place shaping and the quality of the built environment
DEV23 Landscape character
DEV29 Specific provisions relating to transport
DEV32 Delivering low carbon development

Neighbourhood Plan

There is no adopted Neighbourhood Plan for this area.

Other material considerations include the policies of the National Planning Policy Framework (NPPF) including but not limited to paragraphs 154 and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application:

Plymouth and South West Devon Climate Emergency Planning Statement 2022

Considerations under Human Rights Act 1998 and Equalities Act 2010

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.