

PLANNING APPLICATION REPORT

Case Officer: Graham Smith

Parish: Bickleigh Ward: Bickleigh & Cornwood

Application No: 0090/23/FUL

Agent/Applicant:

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Applicant:

Mr J Haines
C/O Agent
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Site Address: Land At Sx 512 631, New Road To Roborough Down, Roborough Down, Plymouth, Devon



Development: Use of land for dog walking and exercise, provision of hard standing, fencing and shelter (resubmission 2503/22/FUL)

Reason for decision level: At the request of Cllr Barry Spencer

- The JLP does not adequately deal with this type of application
- There is a public need for this type of facility in the area
- Random dog attacks on farm animals are far too common and this facility will help to alleviate this problem
- I don't feel that the Woolwell extn application before the Council at the moment has been adequately considered, and doing so would change the dynamics of the application considerably

Recommendation: Refuse

Reasons for refusal:

1. The proposal is considered to represent an unsustainable and unjustified form of isolated development in the countryside with travel patterns associated with the business inevitably resulting in increased daily vehicular movements to and from the site, contrary to the adopted spatial strategy that only allows countryside development in exceptional circumstances and requires rural businesses to be fully justified in terms of their contribution towards a sustainable economy. In this regard the development is considered to be contrary to Policies SPT1, SPT2, TTV1, TTV26 and DEV15 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (JLP), Policy Bick15 of the Bickleigh Parish Neighbourhood Plan 2016-2034 (BPNP) and NPPF (paragraph 124(c)).

2. The proposed development will increase activity at this undeveloped countryside location and the increased levels of activity combined with the associated physical development is considered to fail to conserve or enhance the local character, appearance and tranquillity of the site and surrounding area contrary to Policies DEV20 and DEV23 of the JLP, Bick07 of the BPNP and NPPF paragraphs 130(c) and 174(a).

3. The proposal fails to give a robust account of the carbon footprint of the development or detail a range of measurable outcomes and techniques that would reduce carbon emissions over the long term and the isolated nature of the site and type of development is considered to leave customers heavily reliant on car travel and there is no effective mechanism to mitigate this adverse environmental impact contrary to DEV32 and the adopted Plymouth and South West Devon Climate Emergency Planning Statement 2022.

Key issues for consideration:

Principle of Development, Visual Impact/Landscape, Residential Amenity, Ecology, Drainage, Highway Implications

Site Description:

The site is triangular shaped and part of an open field accessed off Little Down Lane midway between Bickleigh and Roborough to the north of New Road and is surrounded by fields on all sides. Mature Devon Hedgebanks define the northern, eastern and western boundaries. The topography is naturally undulating at this location with the site relatively elevated and a gentle gradient throughout.

The Proposal:

Permission is sought to use the field for dog walking and exercise. A 1.8 metre high fence would be erected along the southern boundary to provide an enclosed space where dogs can be let off the leash. Other development associated with the proposal would include an area of hardstanding to provide off street parking for visitors and a 3x3m metre timber shelter that would have a pitched, felt roof measuring 2.5 metres at the highest point of the apex. The existing farm access would be widened by 2ft and 15ft metal gate inserted.

Consultations:

- County Highways Authority – No objection in principle if minded to approve a condition is recommended to prevent stones and debris from being deposited on the highway.
- Environmental Health – No concerns regarding proposal

- Town/Parish Council – Objection

This represents development in the countryside. The access lane is unsuitable for additional traffic, being single track, in a poor state of repair and subject to flooding on a regular basis.

Representations:

12 letters of support were received. The points raised can be summarised as follows:

- There are few secure dog walking paddocks in the area and the proposal provides a safe, enclosed space to allow dogs to be let off the leash and trained without disturbance.
- Dog owners are unable to let their dogs off the lead in large areas of open space such as Dartmoor or Woodland and some are already travelling up to half an hour to find somewhere so a short trip away would be greatly appreciated.
- Users of the applicant's other facility in Wixenford find it essential and are not always able to book a space and would therefore opt to come here whenever it isn't available.
- The health benefits to people and dogs from walking is highlighted.
- A facility such as this is useful for disabled dog owners and those with multiple dogs who can let their dogs run free in a secure environment.
- There are many other dog owners who are unaware of this application that would support it.

Relevant Planning History

2503/22/FUL – Use of land for dog walking & exercise, provision of hard standing, fencing and shelter
WITHDRAWN

ANALYSIS

1. Principle of Development/Sustainability:

- 1.1. The Plymouth and South West Devon Joint Local Plan 2014-2034 (JLP) contains higher level policies that all applications must be assessed against and which all other Policies cascade down from. Policy SPT1 introduces the central theme of sustainability with all economic, societal and environmental considerations to be aligned along the goal of achieving sustainable outcomes. Policy SPT2 introduces the concept of sustainable linked neighbourhoods and sustainable rural communities where communities have reasonable access to a mixed use centre and good access to facilities to meet their needs well served by public transport. Access to outdoor recreational space is one of the measures of sustainable neighbourhoods and communities.
- 1.2. These higher level policies form the foundation of the spatial strategy for growth which is developed in Policy TTV1. Growth will be prioritised through a hierarchy of settlements, enabling each town and village to play its role within the rural area as follows; 1) Main Towns 2) Smaller Town and Key Villages 3) Sustainable Villages 4) Smaller Villages, Hamlets and the Countryside.
- 1.3. The site subject to this application is in the open countryside and is therefore within tier four with proposals requiring justification against the criteria of Policies TTV26 and TTV27 of the JLP. The development is not for rural exception housing and Policy TTV27 is not therefore engaged.
- 1.4. Policy TTV26 is split into two sections with the first applicable to isolated sites in the countryside. 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. By virtue of the fact that the site is a field surrounded by other fields, accessed via a country lane with no buildings in the vicinity it is considered to be physically remote from a settlement. As a matter of planning judgement the proposal is considered to constitute isolated development. The relevant criteria of TTV26 is therefore to be considered against the following:

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*

1.6 With respect to the criteria of TTV26(1) the development is not considered to meet any of the exceptional circumstances that would provide a justification for the use proposed. In terms of TTV26(2) not all of the criteria are activated by a proposal such as this. Officers would agree that the type of use proposed may benefit from an open countryside location however the ideal location would be one where customers could walk to and such an operation doesn't necessarily need a countryside location. The setting is one of undeveloped open countryside and whilst there are some measures that would be in place to mitigate the impact, the proposal is for a permanent use, will require physical development that is considered to impact on the setting, and does not contain an exit strategy. Accordingly the proposal is not considered to comply with Policy TTV26.

1.7 Given that the development seeks permission for a rural business Policy DEV15 is also applicable which does support the rural economy subject to certain provisions to ensure that proposals are sufficiently sustainable. For instance DEV15(2) supports small businesses in the rural area subject to an assessment that demonstrates no residual adverse impacts on neighbouring uses and the environment. DEV15(8) requires proposals to demonstrate safe

access, avoid significant increases in the amount of trips requiring private car, consider design details and avoid isolated new buildings.

- 1.8 The proposal has been accompanied by both a sustainable travel plan (STP) and climate emergency form. It is highlighted that there are bus stops in the wider vicinity, and that there is major housing development proposed with the urban expansion Woolwell where it is expected that customers will live who will benefit from a facility of this nature. The sustainable travel plan predicts approximately 10 trips a day and the climate emergency form seeks to offset this through a contribution.
- 1.9 Firstly the STP needs to establish a robust baseline and commit to measurable annual improvements and it is not considered that the STP submitted achieves this or provides suitable justification for siting the development at this poorly connected location. The suggestion of the proximity of the site to the Woolwell development to make this development more acceptable is also considered to be misdirected. Outline permission is still under consideration for that development. With lots of infrastructure improvements required before homes could potentially be commenced, the likelihood of that development having any residents in the near future is low. In the meantime this business would need to try and attract customers from further afield. In any event there is a significant amount of public open space proposed for Woolwell to meet the recreational needs of all future occupiers. There is no connectivity between the urban extension and the proposed site. Whilst the edge of the allocated site may be proximate to the proposed site, there will be no convenient access for occupiers, meaning an indirect and inconvenient journey distance which is not considered to be something that will reduce reliance on the car.
- 1.10 In order for this business to survive in advance of any potential custom from the Woolwell development they are going to need to create and sustain a client base from well beyond the proposal site. It is considered that this will lock in an unsustainable and carbon intensive pattern of movements for the foreseeable future. In addition, there is no way of controlling where existing customers come from and that the further away ones would cease using this facility once homes are being built at Woolwell. The business operators are unlikely to turn away existing clients once the allocation is being built out. As many of the letters of support confirm users of existing facilities such as this drive to get to them in some cases great distances. The fact that some will potentially drive slightly shorter distances doesn't necessarily mean that this development will result in an environmental benefit. The available research on emissions shows that shorter more frequent car trips are the most damaging. Customers that use the site on the other side of the City are likely to use this as a back-up if it is fully booked. The increased capacity that this proposal will bring is considered to result in significant daily movements with little in place to reduce over the longer term.
- 1.11 The proposal for a contribution to offset the carbon impact associated with vehicle trips acknowledges the fact that the proposal is not sustainable. It is not considered that there is provision to make an effective contribution to achieve carbon neutrality in this instance. A baseline for the STP has not been arrived at and officers would have concerns about the difficulties in obtaining a robust quantification of the carbon cost in the circumstances. Officers would consider the most appropriate response in climate terms is to avoid carbon entering the atmosphere in the first place, offsetting is the very last option, and only then in circumstances where the emission are of critical importance in the first place. Such conditions are not considered to exist in this case.
- 1.12 The NPPF in paragraph 124(c) requires consideration of the scope of developments to promote sustainable travel modes that limit future car use. The nature of this development, along with the country lane it accesses onto and its proximity to public transport all raise concerns about the ability of the development long term to limit future car use. Ultimately the booking system in place will not discern between customers and their proximity to the site or likelihood to use sustainable means of transport, which are limited in the circumstances. People will be free to

book a place whenever it is available and choose the easiest means of accessing the site, which in the majority of cases will be via car.

- 1.13 The Bickleigh Parish Neighbourhood Plan 2016-2034 (BPNP) has its own policy for business development through Policy Bick15. This generally promotes business in Broadly Industrial Estate and Devonshire Meadows but requires all business/commercial development to:
- i. Respect the character of its surroundings by way of its scale and design;*
 - ii. Not harm the surrounding landscape;*
 - iii. Not have an adverse effect on its neighbours;*
 - iv. Not have an adverse impact on the transport network and parking conditions; and*
 - v. Safeguard residential amenity and road safety.*
- 1.14 With respect to criteria i and ii the impact of the development on the character of the site and its surroundings and the landscape is covered later in this report but this has been assessed and officers have found the impact to be unacceptable. As detailed later there are no immediate neighbours, and, subject to a condition, Highways do not object to the proposal. Whilst the proposal would not conflict with Bick15(iii-v) officers would consider that the development does not accord with i and ii, and, as is discussed later, the use and associated development is considered to have an adverse impact on the countryside character and the proposal is not considered to accord with Bick15. The proposal involves a recreational facility and therefore Policy Bick26 of the BPNP is of some relevance which generally seeks to provide additional facilities which meet an identifiable local need, particularly for young people. The use proposed, dog exercising, has traditionally been a more informal arrangement and the Neighbourhood Plan focusses on sports and playing pitches and certainly does not identify a need to improve dog walking provision.
- 1.15 Taking account of the above the proposal is neither considered to contain the kind of exceptional circumstances that would justify countryside development or one that has been demonstrated to result in sustainable economic rural development. On this basis the proposal is not considered to accord with the Development Plan as a whole and the adopted spatial strategy and is contrary to Policies SPT1, SPT2, TTV1, TTV26 and DEV15 of the JLP and Policy Bick15 of the BPNP NPPF (paragraph 124(c))

2. Visual Impact/Landscape

- 2.1 Policy DEV20 concerns itself with effective placemaking and using design as a means of improving the quality of the environment by considering context, design details and the treatment of existing heritage and natural assets. Policy DEV23 seeks to conserve and enhance the landscape and scenic and visual quality of development, avoiding significant and adverse landscape or visual impacts. Proposals should be located and designed to respect scenic quality and maintain an area's distinctive sense of place and reinforce local distinctiveness. DEV23 also requires a high architectural and landscape design quality appropriate to its landscape context. BPNP Policy Bick07 also requires proposals to respect local character and landscape quality. This approach is in line with NPPF paragraphs 130(c) and 174(a).
- 2.2 The existing field is undeveloped and open in nature and is considered to make a valuable contribution to the wider setting of the landscape which is relatively tranquil with well-defined natural boundaries and is overwhelmingly agricultural. The erection of the fence, effectively subdividing a larger field will alter the established pattern. Whilst minimal development is required such as access widening and improvements, car parking/hardstanding area and wooden shelter when all of this is combined along with the increased daily activity within the site and along this quiet country lane officers would consider that the impact of this will be significant and that the development, which will be visible from afar, will neither conserve or enhance this

undeveloped countryside location. It is not considered that conditions could effectively mitigate the impact and the proposal is therefore considered to be contrary to Policies DEV20 and DEV23 of the JLP, Policy Bick07 of the BPNP and NPPF paragraphs 130(c) and 174(a).

3. Residential Amenity

- 3.1 Policies DEV1 and DEV2 of the JLP require an assessment on residential amenity and levels of existing amenity should be maintained. There are no houses in the immediate vicinity and it is not considered that the proposal would have an adverse impact on the amenity of the nearest residents. Accordingly the proposal is not considered to conflict with Policies DEV1 and DEV2 of the JLP.

4. Ecology

- 4.1 Policy DEV26 of the JLP and Policy Bick01 of the BPNP both consideration on the impact of developments on species and for developments to provide appropriate biodiversity net gains. The requisite ecology survey has been submitted and has found no evidence of protected species in the vicinity and also that, subject to recommendations, a biodiversity net gain can be achieved. On this basis the proposal is not considered to conflict with policy DEV26 of the JLP or Bick01 of the BPNP. If permission were to be approved conditions could be secured to limit lighting and ensure that a robust scheme of planting could be secured.

5. Drainage

- 5.1 Policy DEV35 requires consideration of drainage and flooding issues. The development, which would be 'minor' in surface water terms, introduces very little impermeable area and is not within an area prone to flooding. No foul drainage is proposed. It is not considered that the proposal conflicts with Policy DEV35 of the JLP.

6. Highway Implications

- 6.1 Policies DEV29 and DEV15 of the JLP require consideration of the impact on local highways and consideration of any access and parking issues. BPNP Policy Bick17 supports proposals to facilitate traffic management schemes in the interest of increasing safety in the Parish. The Local Highways Authority has advised that, subject to a condition for an upgrade to the access, they have no objections. Accordingly if permission were to be granted a condition could be secured and on this basis the proposal would not conflict with Policy DEV29, the part of DEV15 that considers highway safety and Policy Bick17 of the BPNP.

7. Carbon Reduction

- 7.1 Policy DEV32 of the JLP requires developments to be proactive about reducing carbon emissions and this approach is further strengthened by the recently adopted Climate Emergency Planning Statement 2022. A climate emergency compliance form was submitted and correctly identifies that as no new buildings are proposed many of the criteria do not apply. It does however acknowledge that there will inevitably be car journeys associated with this development and it seeks to offset this by means of financial contribution. It is considered that offsetting should be seen as a last resort and only considered in instances where emissions were essential. It is not considered that the use proposed (dog exercising) would be of such critical importance at this location to warrant deviating from the adopted spatial strategy and setting up a carbon offsetting scheme in perpetuity. In any event officers would have concerns about how the carbon cost of such a development could be quantified in a robust manner. The suggestion for offsetting is not considered to be appropriate or deliverable in the circumstances. It is not considered that the proposed development provides the kind of robust and detailed carbon emissions and an effective strategy for reducing those over the long term. On this basis the proposal is contrary to Policy DEV32 of the JLP.

8. Conclusion

- 8.1 The higher level policies of the JLP support rural enterprise however a fundamental consideration is the sustainability of developments and those which are likely to generate significant daily short car trips and change the character of the countryside are the most difficult to justify. The nature of this use, and its poor connectivity to likely customers is particularly difficult to justify, even in the event of the urban expansion being brought forward in the vicinity the proposal is considered to result in unacceptable daily car trips with little confidence that these would decrease markedly over time. It is not considered that the carbon offsetting is quantifiable or can be justified. In addition the use and associated development combined is not considered to enhance or conserve the surrounding environment, which is undeveloped and agricultural.
- 8.2 A more sustainable option would be to consider a site closer to, or within, one of the sustainable settlements, where customers are more likely to walk or within the planned urban extension which will require enough recreational space to meet the needs of future residents. The evidence submitted in support of the proposal has been carefully considered but is not considered to provide the necessary justification for such a development at this isolated countryside location. Accordingly officers 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
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
DEV29 Specific provisions relating to transport
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts

Neighbourhood Plan

The Bickleigh Neighbourhood Plan was adopted in 2019 and forms part of the Development Plan. The relevant Policies are as follows:

Bick01 Ecology, Geology and Diversity
Bick07 Local Character
Bick15 Business Development
Bick17 Road Safety
Bick26 New Recreation and Play Facilities

Other material considerations include the policies of the National Planning Policy Framework (NPPF) including but not limited to paragraphs 130(c) and 174(a). including and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application:

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.