

PLANNING APPLICATION REPORT

Case Officer: Clare Stewart
Yealmpton

Parish: Newton and Noss **Ward:** Newton and

Application No: 3993/22/FUL

Agent/Applicant:

Mr Mark Evans - Mark Evans Planning
Limited
Cedar House
Membland
Newton Ferrers, Plymouth
PL8 1HP

Applicant:

Mr & Mrs S McCreedy
Briar Hill Farm
Court Road
Newton Ferrers,
Devon
PL8 1AR

Site Address: Briar Hill Farm, Court Road, Newton Ferrers, PL8 1AR



Development: Extension to existing holiday park comprising construction of ten holiday lodges and associated drive access, parking and landscaping (including new native tree and shrub planting, creation of new extensive wildflower meadow and related biodiversity enhancements) together with provision of two new publicly

accessible electric vehicle fast charging points, addition of solar panels to existing outbuilding and re-siting of gas tanks

Reason item is being put before Committee

The application has been brought to Committee by the DM Head of Service.

Recommendation: Refusal

Reasons for refusal

1. The site is located in open countryside beyond the defined settlement boundary of Newton Ferrers and within the Undeveloped Coast Policy Area where development is only permitted in exceptional circumstances. Whilst it is acknowledged that the proposal relates to an existing business, it has not been demonstrated to the satisfaction of the Local Planning Authority that the proposed holiday lodges respond to an identified and essential local need which requires this location and would not otherwise be met. The development does not therefore support the principles of sustainable development and is contrary to Policies SPT1, SPT2, TTV1, TTV26, DEV15 and DEV24 of the Plymouth and South West Devon Joint Local Plan 2014-2034; and Policy N3P-1 of the Newton and Noss Neighbourhood Plan 2017-2034.
2. In the absence of exceptional circumstances to justify development, the proposal fails to conserve the local and wider landscape character of the South Devon AONB and Undeveloped Coast. The proposal is therefore contrary to Policies DEV23, DEV24, DEV25 of the DEV24 of the Plymouth and South West Devon Joint Local Plan 2014-2034; Policy N3P-1(c) and N3P-9 of the Newton and Noss Neighbourhood Plan 2017-2034; and the National Planning Policy Framework (notably but not limited to paragraph 176).
3. In the absence of a completed and signed Unilateral Undertaking to secure appropriate mitigation for the additional recreational pressures upon the Plymouth Sound and Estuaries European Marine Site, the proposal contrary to Policies SPT13, SPT14 and DEL1 Plymouth and South West Devon Joint Local Plan 2014-2034; and Policy N3P-7 of the Newton and Noss Neighbourhood Plan 2017-2034.
4. It has not been demonstrated to the satisfaction of the Local Planning Authority that the proposal makes adequate provision for the management of surface water drainage. The proposal is therefore contrary to Policy DEV35 of the Plymouth and South West Devon Joint Local Plan 2014-2034; the Plymouth and South West Devon Joint Local Plan Supplementary Planning Document; Policy N3P-6 of the Newton and Noss Neighbourhood Plan 2017-2034; and the National Planning Policy Framework (notably but not limited to paragraph 167).

Key issues for consideration:

Principle of Development/Justification for the Development,
Landscape Character and Appearance (Undeveloped Coast and AONB)
Other matters

Site Description:

The site relates to a generally enclosed but visually prominent field parcel immediately north of the Briar Hill Farm holiday park. The existing holiday park site is accessed from the public highway to the south west, via a private driveway leading from Parsonage Road; a Public Right of Way runs across the site entrance. The existing holiday park hosts 24 self-contained timber cabins for holiday use, along with parking and outdoor amenity areas, along with a central site office and ancillary buildings. The application site is surrounded by open farmland to the east, west and north, with residential development to the south, separated by a small area of open land laid to grass with a number of small trees.

The site is located adjacent to, but outside of, the discernible built-up area of the village of Newton Ferrers. It is located outside the settlement boundary defined within the Newton and Noss Neighbourhood Plan.

The site is within both the South Devon AONB and designated Undeveloped Coast and Heritage Coast areas. The site is located in the 1B Open Coastal Plateaux LCT. The key characteristics and valued attributes of the LCT include a high, open landscape with limited woodland, windswept/windblown vegetation, low dense hedgerows, stonewalls and panoramic views.

The Yealm SSSI is within 1km to the south and west of the application site.

The Proposal:

Extension of the existing holiday park site to provide additional ten holiday lodges, with associated access and parking, landscaping, solar panels, EV charging points and the re-siting of existing gas tanks.

Consultations:

- County Highways Authority – No objection
- SHDC Landscape Officer – No objection subject to condition
- SHDC Tree Officer – No objection subject to condition
- SHDC Drainage Officer – Objection
- Newton and Noss Parish Council – Comment

“The Briar Hill Farm application raises a number of issues in respect of the Newton & Noss Neighbourhood Plan (N3P); in some areas the application is contrary to the plan but in other areas it is supportive. For this reason, the Parish Council felt it could only comment, leaving the debate to be addressed by the Planning Authority.

The proposal is contrary to Policy N3P-1 as the site sits just outside the Settlement Boundary and in the Undeveloped Coast, both of which afford considerable protection and depend upon ‘proving exceptional need’ or ‘essential local need’. The Parish Council would

wish to ensure that neighbours' concerns regarding the proposed extension are taken into consideration.

On the other hand, NNPC is keen to support sustainable local businesses as addressed at N3P-13. As well as benefiting the existing business, additional units in a relatively low impact location, would provide increased footfall in the local shops, pubs, café and other businesses and its location is within walking distance of most of these services.

In addition, the Parish Council is keen to support the increased use of electric vehicles but has so far been unable to find suitable locations for charging stations. The provision of two public access charging points in this application is to be welcomed.

The Parish Council also notes the proposal to enhance the environment and biodiversity by including new planting and a new orchard and would wish to see any approval conditional upon this.”

Representations:

Representations from Residents

19 letters of support have been received and include the following points:

- Additional accommodation for visitors in an over-subscribed village is welcomed and responds to local demand. This is needed for visitors, extended families of local residents and those wishing to rent locally during house renovation works.
- The lodges are well constructed and sustainable.
- Occupants bring trade to local businesses and extend the normal holiday season.
- The site is within walking distance of the local post office, shops and pubs.
- The development will tidy up the existing site and are not widely visible. The site generates very little light at night.
- The biodiversity and environmental improvement measures must be adhered to.
- The EV charging points are a welcome addition to the village.
- Another ten lodges will not make a significant impact in conjunction with the existing 24 lodges; they have no shared facilities and noise levels are low.
- The one house that backs onto the site has been sold a strip of land that creates a buffer between it and the site. There has been an extensive planting scheme to help blend in the units into the hill side.

12 letters of objection have been received and include the following points:

- The ten new lodges represent major development in the AONB and the application should be refused on this basis.
- The development is not permitted under the Neighbourhood Plan as it is on greenfield AONB land outside the village boundary, within the Undeveloped Coast and should be rejected out of hand.
- A previous application on the site was withdrawn under advice from the SHDC Landscape Officer that the proposal would “bring about an unacceptable level of harm”; it is not considered that the proposal addresses this harm.
- The applicant has not demonstrated “essential local need” nor has the development been linked to the continuing viability of the existing business.
- The proposal will have a detrimental landscape and visual impact, with additional light pollution; existing trees and hedges will be cut back and the proposed planting will take many years to establish.
- The lodges are not locally distinctive.

- The proposal will impact on protected and priority species which have been observed on or near to the proposed development site; the ecology report is incomplete in this regard and does not address the potential impacts on the local bat population.
- The proposal will increase traffic pressure on the road junction; the proposal is likely to increase traffic, parking and recreational impacts on the Estuary but no analysis has been provided.
- The site entrance crosses a footpath which will create a dangerous junction as people walk to the school, WI Hall, café and playground.
- Delivery of the units would cause traffic congestion as the units are likely to be delivered in sections as “wide loads”.
- The proposal has failed to account for the topography and its role in the risk of flooding downstream of the site. Percolation tests are out of date and should be revised to reflect current conditions.
- Details of the foul water treatment package are absent from the application submission.
- The lodges will have a direct view into the garden of a neighbouring garden.
- South West Water have not confirmed that they will accept the additional foul flows.
- The development exceeds the limits of the existing site licence.
- Contributions to the Tamar Estuaries European Marine Site would be required to mitigate for the recreational impacts of the development.
- A radon survey should be requested as the site is within an area where full radon protection measures are required.
- No details as to how refuse and recycling will be managed have been provided.
- The carbon savings have not been quantified.
- The application submission is inaccurate and incomplete.

One letter marked “undecided” was received and includes the following comments:

- I feel a little concerned that if this applied proposal is outside of the Newton and Noss settlement boundaries development is granted it may lead to setting a precedent for future applications.

Relevant Planning History

Planning Application Reference	Proposal	Site Address	Decision
37/1540/04/F: FUL	Erection of compound for 3 No 4000 litre vessels for storage and distribution of LPG	Briar Hill Farm Campsite Newton Ferrers Plymouth Devon PL8 1AR	Conditional approval: 21 Sep 04
37/3031/11/F: FUL	Replacement of existing barns with two holiday homes and a dwelling with office and storage facilities and proposed change of use for the siting of static units	Briar Hill Farm Parsonage Road Newton Ferrers Plymouth PL8 1AR	Withdrawn: 06 Jan 12
37/0387/12/CLE	Lawful development certificate for existing use for storage of trailers boats and caravans	Briar Hill Campsite Newton	Refusal: 10 Jul 12

		Ferrers Plymouth PL8 1AR	
3352/16/FUL	Construction of storage building associated with general maintenance and management of adjoining holiday lodge site.	Briar Hill Farm Newton Ferrers Plymouth PL8 1AR	Conditional approval: 22 Mar 17
1739/20/VAR	Application for variation of conditions 2, 4, 5 and 7 of planning permission 3352/16/FUL	Briar Hill Farm Newton Ferrers Plymouth PL8 1AR	Conditional approval: 27 Oct 20
2842/21/FUL	Full Planning Application for extension to holiday park comprising construction of 14 holiday lodges and associated drive access, parking and landscaping	Briar Hill Farm Newton Ferrers Plymouth PL8 1AR	Withdrawn

ANALYSIS

1.0 Principle of Development/Sustainability:

- 1.1 The Plymouth and South West Devon Joint Local Plan sets out the framework for consideration of all new development proposals within the Plymouth, West Devon and South Hams Local Planning Authority Areas. Policy SPT1 Delivering Sustainable development requires that proposals uphold the principles of sustainability with respect to their economic, social and environmental components. This is considered in tandem with policy SPT2 Sustainable linked neighbourhoods and sustainable rural communities, which directs growth according to the spatial strategy. These policies are supported by policy TTV1 Prioritising growth through a hierarchy of sustainable settlements, which organises the settlements of the TTV policy area (which covers much of South Hams) into a hierarchy. Growth is directed to the main towns in the first instance, to promote self-containment in order to support new growth and to support existing services. The hierarchy indicates that most development should be in the (1) Main Towns, (2) Smaller Towns and Key Villages, (3) Sustainable Villages and (4) Smaller Villages, Hamlets and the Countryside will be used to inform whether a development proposal can be considered sustainable or not. Policy TTV2 recognises the specific objectives of rural sustainability and TTV26 sets out the tests for development in the countryside.
- 1.2 The JLP does not define settlement boundaries, but states within paragraph 5.5 that development outside of built up areas will be considered in the context of policy TTV26 (Development in the Countryside). The Newton and Noss Neighbourhood Plan, however, does define settlement boundaries; the site is clearly located outside the built form of Newton Ferrers under policy N3P-1.
- 1.3 Consequently, for the purposes of policy TTV1 of the JLP, the proposal site is considered to be located within the fourth tier of the Council's settlement hierarchy, which relates to Smaller Villages, Hamlets and the Countryside. In such circumstances policy TTV1 explains that: *"development will be permitted only if it*

can be demonstrated to support the principles of sustainable development and sustainable communities (Policies SPT1 and 2) including as provided for in Policies TTV26 and TTV27.” Policy TTV27 does not apply to this case as the scheme is not for rural exception housing.

- 1.4 In applying Policy TTV26 of the JLP, the aim of the policy is to protect the role and character of the countryside. The policy is divided into two different sets of policy requirement, and only part 1 applies to development proposals considered to be in isolated locations. The second part of the policy is applied to all development proposals that are considered to be in countryside location. The application site is not considered to be isolated for the purposes of TTV26. In light of the aforementioned assessment, the LPA are considering the proposal against the policies of SPT1, SPT2, TTV1, TTV2 and TTV26 (2). Policies DEV15, DEV20, DEV23, DEV24, and DEV25, are also applicable, as well as policies N3P-1, N3P-9, and N3P-13 of the Neighbourhood Plan.
- 1.5 Policy SPT1 identifies a range of principles of sustainable development and SPT2 details a number of principles of sustainable linked neighbourhoods and sustainable rural communities. In support of policy SPT2, figure 3.2 provides a number of ‘aspirational’ measures of sustainable neighbourhoods and communities, such as walking distances to a bus stop, a local convenience store and a primary school. As a holiday let, the proposal would not require all of these amenities, such as the local school but the proposal does lie within the 800m distance to the local convenience store and the 600m distance to the nearest bus stop.
- 1.6 JLP Policy TTV2 supports *“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.”*
- 1.7 JLP Policy TTV26.2 states, in relation to development in the countryside:

“2. Development proposals should, where appropriate:

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

Not every criterion within this part of the policy would be engaged or relevant to every proposal. However in this case, the proposal is not clearly in compliance with many of the criteria. Part (iv) is particularly relevant where there is a requirement that new development should respond to a proven occupational need that requires a countryside location. It is not disputed that, in some cases, a holiday accommodation development can be compatible with a countryside location. The issue in this case, having regard to the policy, is whether there is a proven and justifiable need for it.

- 1.8 JLP Policy DEV15 supports proposals for *“Camping, caravan, chalet or similar facilities that respond to an identified local need will be supported, provided the proposal is compatible with the rural road network, has no adverse environmental impact and is not located within the Undeveloped Coast policy area”*. There is also a requirement to demonstrate safe access to the existing highway network, reduce the reliance on the private car with the submission of a sustainable travel plan, demonstrate a positive relationship with existing buildings and avoid incongruous or isolated new buildings. Matters relating to highways, sustainable travel planning and design are considered in the relevant sections later in this report.
- 1.9 Objectors have challenged the stated need for the additional holiday units. The applicant has provided information regarding the “demand” for additional holiday units within Newton Ferrers in an effort to address the requirements of DEV15. The Neighbourhood Plan recognises that the use of housing stock as second or holiday homes is having a *“significant impact on housing supply in, and the sustainability of, the villages of Newton Ferrers and Noss Mayo”* (p.48 NNNP). The Plan also includes commentary on the role of holiday homes when compared to second homes and the benefits that they can provide; *“holiday homes generate significant revenue and work opportunities and often the second homes are empty”* (p. 48 NNNP). Briar Hill is specifically recognised as making a contribution to the tourist economy whilst potentially reducing pressure on the local housing stock; *“Briar Hill Holiday Park (Newton Ferrers) currently provides 24 lodges for non-residential occupation (holiday accommodation) for part of the year as does Revelstoke Park at Stoke Beach which has 175 pitches open from Easter (or 1st April, whichever is sooner) to the end of October. Both of these facilities are licenced for holiday and short term occupancy only. These do not impact in the supply of main homes in the Parish, although it is acknowledged that owning a designated holiday property may reduce the demand for second homes on the open market. It is not anticipated that any new developments of commercial holiday properties will be acceptable in the AONB and Undeveloped Coast designated countryside. They also contribute to the meeting of 2006 Core Strategy Tourism Strategic Objective 21 ‘Provide for recreational use and enjoyment of the district’s towns, villages, countryside and coast’”* (P. 49 NNNP).
- 1.10 The NNNP provides a comprehensive strategy for growth which positively plans for development to meet its identified needs; it identifies where sustainable development should, and should not, go. In that regard Policy N3P-1 is instructive where it continues to give effect, with slight expansion, to the previous settlement boundary. The policy is clear that:
“Outside the settlement boundaries development will only be permitted in exceptional circumstances and where it will meet an essential local need which cannot otherwise be met including securing a viable long term future for a valued local asset which would otherwise be lost and it complies with the relevant strategic policies of the JLP.” (*emphasis added*)
- 1.11 The application submission considers that the proposed lodges are required to support an existing rural business and that there are “exceptional circumstances” to warrant approval of development beyond the settlement boundary and within the Undeveloped Coast. JLP Policy DEV24 (Undeveloped Coast and Heritage Coast) expressly states, amongst other matters, that development will only be permitted where it *“Can demonstrate it reasonably requires a coastal location.”*

1.12 The economic benefits of providing additional tourism accommodation within walking distance from the facilities/amenities of Newton Ferrers need to be acknowledged. However, Officers have questioned whether there are sufficient “exceptional circumstances” to justify this development outside the adopted settlement boundary and within the Undeveloped Coast. Whilst users on the lodges on short term stays would likely make multiple trips into the village and spend money with local businesses, lodges which are essentially used as second homes (and therefore potentially left empty for weeks/months at a time) would likely contribute far less to the local economy. In response to this specific concern the agent to the application provided the following additional supporting statement:

“In terms of short term commercial letting, out of the existing 24 lodges, 16 of the existing lodges are permanently available for short term holiday letting and registered with respective letting agents all through the year. This is acknowledged by local businesses in the letters of representation made directly in support of this application, who confirm that this greatly assists support their respective local businesses, especially through the quieter winter months. In addition, the 16 lodges are also consistently let out to the owners, their family and friends throughout the year.

Turning to the proposed 10 new lodges, we are happy for you to impose a planning condition (or indeed legal obligation if needed) to ensure that 100% of the new lodges shall be advertised and used for short term holiday letting for a minimum of 6 months throughout each year. In addition to this, outside this period they will of course also be used by the lodge owners as holiday accommodation and for their visiting extended family and friends for short term holiday breaks throughout the year.”

The above suggested condition would provide some certainty that the development would provide some local economic benefits. However, Officers are also mindful that the proposal is essentially responding to a perceived “demand” for tourism accommodation rather than an evidential local “need” for this form of development as is required by the JLP and NNNP. As noted above, the NNNP explicitly states: “*It is not anticipated that any new developments of commercial holiday properties will be acceptable in the AONB and Undeveloped Coast designated countryside.*” Whilst the application contends the proposal is needed to support the ongoing viability of the existing lodge site, the existing site is itself beyond the adopted settlement boundary. Whilst economic viability of the existing lodge business is a consideration, the extent to which the proposed development meets an exceptional wider need of the local community (as opposed to private benefit/needs of the site owner) which could not otherwise be met is the key policy test in this case.

1.13 NNNP Policy N3P-13, on a benevolent reading, might be considered to apply to the development where it relates to the existing holiday park business. However, development in such circumstances is supported subject to compliance with the relevant limb of policy N3P-1 set out above. As the site lies beyond the settlement boundary the exceptional circumstances test needs to be applied.

1.14 At a strategic policy level, the site is not in a location where new development is directed, and is only supported in response to specific countryside/local needs. Being located within the Undeveloped Coast Policy serves to increase the bar for

justifying development. Whilst the proposal relates to the expansion of an existing holiday lodge business, this business is itself located outside the adopted settlement boundary for Newton Ferrers and any expansion needs to be justified as meeting an exceptional local need.

1.15 Taking all principle matters into consideration, on balance Officers are not persuaded that an exceptional circumstances have been demonstrated to justify development in the countryside which would not otherwise be supported. The proposal is considered to be in conflict with Policies SPT1, TTV1, TTV26, DEV15 and DEV24 of the JLP, and Policy N3P-1 of the NNNP.

2.0 Design/Landscape

2.1 The proposal is sited on the lower reaches of rising land behind the existing holiday park and is accompanied by a landscaping scheme to mitigate the visual impacts of the scheme. The SHDC Landscape Officer has reviewed the proposal and has commented that:

“In considering this application and assessing potential impacts of the development proposal against nationally protected landscapes, in addition to the Development Plan, the following legislation, policies and guidance have been considered:

- *Section 85 of the Countryside and Rights of Way (CRoW) Act;*
- *Sections 12 and 15 of the NPPF in particular paragraphs; 130, and 174, 176 & 177;*
- *The National Planning Practice Guidance (NPPG) particularly Section 8-036 to 8-043 on Landscape; and*
- *The South Devon AONB Management Plan and its Annexes.*

Documents referred to:

- *Site Location Plan, DB0727/SLP, Derek Butler Designs Ltd*
- *Landscape Visual Impact Assessment, Redbay Design*
- *Landscape Visual Impact Assessment, Figure Set, Redbay Design*
- *Planning and AONB Statement, Mark Evans Planning Ltd*
- *Planting Plans 01 and 02, 740/01 Rev B, Redbay Design*
- *Section, 740/03 Rev C, Redbay Design*
- *Details and Notes, 740/04 Rev B, Redbay Design*
- *Arboricultural Impact Assessment & Method Statement Report, including Tree Protection Plan, Dart Forest*
- *As Proposed Site Plan, DB0727/05 Rev F*
- *As Proposed Sections, DB0727/06 Rev E, Derek Butler Designs Ltd*

Local Planning Policy - Landscape:

The site is within the AONB, and Undeveloped and Heritage Coast areas. The statutory Development Plan comprises the Plymouth & South West Devon Joint Local Plan 2014-2034), and the Newton and Noss Neighbourhood Plan (made June 2018).

- *DEV23 Landscape Character*
- *DEV24 Undeveloped Coast and Heritage Coast*
- *DEV25 Nationally Protected Landscapes*
- *N3P-1 – Settlement Boundaries.*
- *N3P-9 – Protecting the Landscape*

The special qualities of the South Devon AONB considered to be most relevant to this application are:

- *Fine, undeveloped wild and rugged coastline*
- *Ria estuaries (drowned river valleys), steep combes and a network of associated watercourses*
- *Deeply rural rolling patchwork agricultural landscape*
- *Deeply incised landscape that is intimate, hidden and secretive away from the plateau tops*
- *Iconic wide, unspoilt and expansive panoramic views*
- *A landscape with a rich time depth and a wealth of historic features and cultural associations*
- *A breadth and depth of significant habitats, species and associated natural events*
- *Areas of high tranquillity, natural nightscapes, distinctive natural soundscapes and visible movement.*

Landscape Character:

- **National Landscape Character Area:** 151 South Devon
- **Devon Landscape Character Area:** Bigbury Bay Coastal Plateau
- **South Hams Landscape Character Types:** LCT 1B Open Coastal Plateaux, and adjacent to LCT 3G River Valley Slopes and Combes

The area around the site exhibits typical characteristics of both the Devon Character Area and the South Hams Landscape Character Types, with the open, elevated and exposed farmed landscape closely juxtaposed with the valleys of the rivers and streams, and with picturesque villages within the coastal combes, and with some development associated with recreation and tourism. The high scenic quality is reflected in the designation as part of the South Devon AONB.

The Landscape Character Guidelines recognise that the continued demand for tourism-related development is a future Force of Change, resulting in further development of the area and incremental loss of the area's traditional character.

The South Devon AONB Planning Guidance (an annexe of the SD AONB Management Plan) also notes that extensions to permanent camping, caravan or chalet sites have the potential to harm the AONB when located in the countryside, or in prominent or exposed locations. The guidance also states that tourism or recreation development that conserves and enhances South Devon AONB will:

- *Be well related to existing settlements or buildings;*
- *Be located to sit well in their landscape setting; supported by careful choice of design, materials, colours, lighting, glazing, boundary treatments and external landscape works;*
- *Take a comprehensive approach to improving the presentation, visual appearance and screening across the whole site, where changes to a camping, caravan or chalet site are proposed;*
- *Demonstrate high quality and distinctive design and materials;*
- *Use the low-key design language of existing boundaries, openings and surface treatments, avoiding the 'suburbanising' effect of elaborate fences, gateways, signage etc.;*
- *Show restraint and care over the installation and use of street lighting, floodlighting and other external lighting to prevent harm to the dark night skies and sense of tranquillity;*
- *Provide facilities and amenities which support the quiet enjoyment of the AONB, especially for users of the South West Coast Path national trail;*
- *Be accessible by public transport or sustainable modes of transport like walking and cycling, in cases where facilities are likely to attract significant visitor numbers.*

Comment:

The principle considerations for this consultation response are whether the application proposals would be acceptable in relation to Landscape Character and Visual Amenity. To be acceptable in policy terms, development in this location must demonstrate compliance with adopted local development plan landscape policies to ensure that the special qualities, distinctive character and key features of the South Devon AONB landscape, Heritage Coast and Undeveloped Coast will be protected, conserved and enhanced.

Notwithstanding the fact that the field in which the site is located is within the nationally designated landscape of the South Devon AONB, this is also a landscape that is valued for:

- its rural character in the setting of the settlement;*
- the high scenic quality of local views towards and across the valley;*

The application site is just outside the settlement boundary of the village.

The application is supported by a Landscape and Visual Impact Assessment (LVIA) The submitted document broadly accords with the best practice guidance of Guidelines for Landscape and Visual Assessment Edition 3rd Edition 2013 (GLIVA3), published by the Landscape Institute and Institute of Environmental Management and Assessment. The report's evaluations are noted, and I support the recommendations made for the design approach and the mitigation measures proposed.

From my own visits to viewpoints around the village, I would agree with the following points identified in the LVIA:

- The lower, southern portion of the site is relatively well screened behind nearby roof tops and vegetation, and that it is closely connected with the neighbouring holiday lodges.*
- The steeply elevated northern portion of the field is significantly more visible from the surrounding landscape and is seen more in context with the larger neighbouring pastoral fields.*
- The boundary hedge banks are characteristic of the area, and will restrict the extent of visibility of some areas of the site, but have become overgrown and 'gappy', and so there is opportunity for improvement.*

The site layout and planting plans reflect the design approach and mitigation measures described in the LVIA, and I concur with the LVIA's evaluation that the landscape proposals respond appropriately to the surrounding context, and will soften and break up the appearance of the proposed lodges. I also concur that restricting the development of new lodges to the lower part of the site means that there very little change to the overall nature of views, and that as the planting matures, the proposed orchard and the tree planting and open meadow areas in the northern part of the site will provide an appropriate backdrop to the development and make a positive contribution to the appearance of the landscape setting of the village.

The landscape design approach is supported, and the proposals for native tree, hedge and shrub species, orchard planting and wildflower meadow creation are considered generally appropriate.

The proposals broadly accord with adopted policies DEV23, DEV24 and DEV25, with the local and wider landscape character being conserved, and with significant and adverse landscape or visual impacts avoided as a result of the design approach for the siting of the lodges, and for the landscape enhancements proposed for the wider site.

If the proposals are considered to meet the requirements of 'exceptional circumstances' and essential local need' contained in NNNP plan policy N3P-1 b) for development outside the settlement boundaries, in my opinion the proposal would meet the landscape and visual amenity requirements stated in NNP policy N3P-1 c).

A number of issues that should be addressed and/or noted if this application is recommended for approval:

- 1. The red line of the application boundary is quite tightly drawn around the development of the lodges, but the majority of the landscape scheme that supports the application is contained within the blue line boundary (land in the ownership / control of the applicant). In my opinion it is the landscape scheme within both the red line and blue line areas that determines the acceptability of the development in relation to Landscape policy considerations. Without the accompanying landscape scheme, there would be no Landscape support for this application. It is therefore vital that all of the landscape proposals presented with the application are secured for implementation if approval is recommended.*
- 2. I note the SHDC Tree Officer has concerns about the Section Plan 740/03 Rev C, which illustrates a level change (raised ground level) within the RPA of Horse Chestnut Tree T8, protected by TPO1063 T2. The finished levels in the RPA of this tree must be confirmed in detail to avoid harm to the tree, and meet with the approval of the Tree Officer.*
- 3. The site plan has notes that the mature hedgerows on the eastern and western site boundaries are to be maintained. The Landscape scheme only provides details of new hedge maintenance, and I support the SHDC Tree Officer's view that the presence of mature and protected trees means that further details of the management of all existing hedgerows should be confirmed. These hedged boundaries are particularly important in filtering any visual effects on wider views resulting from the proposed development.*
- 4. The higher ground, within the blue line of the application, where landscape enhancements are proposed is more visually prominent and plays a key role in defining the rural character of the setting of the settlement. As such it is much more sensitive to change and is unlikely to be able to accommodate any further built development, without harming both the landscape character and visual amenity.*

Recommendation: No Objection, provided that points 1-3 highlighted above are acceptably addressed. (Point 4 is recorded for information.)

2.2 Officers have no grounds to disregard the above professional assessment of the proposal. Whilst it is accepted that local landscape character would be broadly conserved and significant and adverse landscape or visual impacts avoided as a result of the design approach for the siting of the lodges, this is on the basis that the lodges are acceptable in principle policy terms. As is set out above Officers are not satisfied that that exceptional need has been demonstrated. That being the case Officers can only conclude that the proposal does conflict with JLP Policies DEV23, DEV24 and DEV25 and NNNP policies N3P-1 and N3P-9 as the impact of the development is unjustified within this highly sensitive policy context. The positive aspects of the design approach and landscape enhancements proposed to do provide justification for a development that does not reasonably require this location which in policy terms is highly restricted.

3.0 Trees

3.1 There are three trees protected by a Tree Preservation Order on the site. In addition to the SHDC Landscape Officer's comments regarding the trees, the SHDC Tree Officer has also reviewed the proposal and has recommended a pre-commencement condition to address the protection of trees as below:

"Please find below our consultation response in respect of the above noted Full Planning Application, which has been prepared following review of the following documents/plans

- *Arboricultural Impact Assessment: jwmb/rpt1/briarhill/AIAAMS 17th November 2022*
- *Proposed Site Plan: DBD0727/05 Oct 2022 Rev F*
- *Site Section: 740/03 Rev C*

Appraisal

1. The submitted information has been principally reviewed in accordance with the Plymouth & South West Devon Joint Local Plan 2014-2034, BS5837:2012 Trees in relation to Design, Demolition & Construction & further additional industry best practise guidance, policies and legislation as required.

2. An assessment of the application has been undertaken by way of a desktop study of G.I.S. and aerial imagery using officer prior knowledge of the site.

3. I note Section Plan 740/03 Rev C depicts grade change within the RPA of Horse Chestnut Tree T8, protected by TPO1063 T2. Further I note a target note on the site plan with reference to hedgerow to be maintained. I am unable to see further details of the proposed hedgerow management, given the presence of mature and protected trees such will be required for review prior to any commencement on site

4. Minor design change to prevent incursion of increased soil levels within the RPA of T8 would be required prior to any commencement on site.

Recommendation

- *No objection on arboricultural merit subject to submission of hedgerow management details and variance of design that avoided incursion into the RPA of T8 for review prior to any commencement."*

3.2 Officers would consider it necessary to require the hedgerow management and root protection area details through condition in order to protect the hedgerows and trees during and post construction such that no long term detriment to their health is likely to arise and in the interests of preserving the visual amenities of the area in the event of any approval with reference to JLP Policies DEV26 and DEV28.

4.0 Neighbour Amenity

4.1 Officers note that concerns have been raised regarding increased noise and disturbance from the additional holiday units. Officers note that holidaymakers are more likely to stay up later into the evening than local residents, who may have work or school to attend but that the grant of planning permission would not exempt the occupants from compliance with other statutory controls, such as those relating to statutory noise nuisance. The park does not benefit from communal entertainment facilities which may give rise to additional noise and the new units would be sited at least c. 40m from the nearest residential dwellings. The nearest dwelling to the south is separated from the development by a small field, with boundary planting and interspersed with trees. When considered in the context of the existing holiday park, it is not considered that the

addition of ten further units would give rise to significant impacts on neighbour amenity through increased noise and disturbance so as to warrant a refusal solely on this basis. In this context, the proposal is considered to accord with the provisions of DEV1 and N3P-1(c).

5.0 Construction Management Plan

5.1 The Neighbourhood Plan (policy N3P - 4: Development and Construction) requires that the applicant “provide[s] safeguards during construction to protect against environmental damage or local nuisance particularly from deliveries and parking. Specific proposals are to be submitted with the application to demonstrate how this requirement will be met”. The applicant has submitted a Construction Management Plan to comply with this requirement. In the context of the scale of the proposal, this Plan is considered acceptable and it is considered appropriate to secure these details by condition in the interests of residential amenity and highway safety in accordance with policy N3P-4c of the Newton and Noss Neighbourhood Plan.

6.0 Highways/Access

6.1 The Devon County Council Highways Engineer reviewed the proposal and confirmed that there were no objections to the scheme from a highways safety perspective. This response was challenged by one of the objectors and additional comments were provided by the Highways Engineer;

“Previous comments were raised without the benefit of relying on actual accident statistics related to users of the previously approved expansion. I have checked the accident records and despite there being previous expansions at the site and also further residential development in the village there are no injury related accidents that have occurred involving pedestrians walking on the roads in the village over the last 5 years. The no objection remains.”

6.2 Officers would note that the proposal includes the provisions of two, publicly accessible EV charging points, which have been welcomed by the Parish Council. The proposal also includes parking spaces for the new holiday units, which are sited next to each of the units with turning space provided.

6.3 It is noted that a Public Right of Way runs across the main site entrance but this will not be altered as a result of the proposed development.

6.4 The applicant has submitted a Sustainable Travel Plan to accompany the application in order to reduce the reliance on the private car. Officers are mindful that the site is within walking distance to many of the facilities and amenities that holiday makers would require; the applicant has also committed to providing welcome packs to guests with details of public transport, along with publicly accessible EV charging points. While Officers would prefer additional measures to be provided, such as the provision of electric bikes, it has not been possible to secure these due to difficulties obtaining public liability insurance for these items. Officers are also mindful that the rest of the site is not currently subject to any sustainable travel planning measures (although this application is arguably an opportunity to provide clear betterment to the existing situation). As such, Officers consider that in this particular location, that the measures set out in the Sustainable Travel Plan are acceptable and would be conditioned as part of any approval with reference to JLP Policy DEV15. It is considered necessary to secure the

details of the Sustainable Travel Plan, in the interests of sustainability and to comply with Policy DEV15 of the Plymouth and South West Devon Joint Local Plan.

6.5 On this basis, Officers are satisfied that the broadly proposal accords with the provisions of DEV15 (as it relates to highways matters), DEV29 and N3P-5.

7.0 Surface Water Drainage

7.1 Paragraph 167 of the NPPF requires amongst other things that LPAs ensure that development does not increase flood risk elsewhere. JLP Policy DEV35 requires all developments to incorporate sustainable water management measures, with further detailed guidance in the adopted SPD. Policy N3P-6 of the Newton and Noss Neighbourhood Plan also includes drainage requirements.

7.2 The applicant has proposed the use of a soakaway to dispose of surface water from the proposed scheme and supplied percolation tests to support the use of this method. The details were challenged by an objector on the grounds that the testing was undertaken nearly five years ago. The SHDC Drainage Engineer reviewed the information submitted and returned the following objection:

“Recommendations – Objection

Based on the information provided we would object to the current proposal on the grounds of insufficient information. As such we would recommend that the application is not decided until these issues have been overcome.

Observations and comments

- *Percolation testing carried out in June 2018 so now nearly 5 years old, due to the time lapsed the test results are no longer valid.*
- *Test pit location described as ‘in approximate area of the soakaway’ only and was not recorded on the drainage layout plan.*
- *The site gradient is steep and mostly above 1:10, this has raised possible concerns over the viability of use of soakaways and permeable surfacing for the parking and access roads.*
- *Soakaway location 3 in close proximity to network of established trees and hedge boundary.*

Overcoming the objection

- *Soakaway testing to DG 365 to confirm the use of soakaways or to support an alternative option. Three full tests must be carried out and the depth must be representative of the proposed soakaway. Test pit locations must be indicative of soakaway location and if there are more than one soakaway then a test pit will need to be done for each in their respective locations. Test results and the infiltration rate to be included in the report.*
- *Given the size of the development we would advise a full drainage report to be carried out by a suitably qualified consultant.*
- *Permeable parking and access roads to be properly designed to SuDS manual C753 with specific reference to the suitably at the steep gradient.*
- *Soakaways must be away from root network of existing or proposed landscaping.*
- *Due to the gradient of the site an assessment of existing runoff is required to demonstrate that the proposed development does not alter or effect the existing surface water flows”.*

7.3 The above remains outstanding and raises a technical holding objection.

8.0 Foul Drainage

8.1 Objectors have advised that the arrangements for foul drainage are not clearly shown on the plans. Officers have confirmed with the applicant that there was an error on the original application form and that foul drainage will be connected to the mains sewer. South West Water have confirmed that that this connection is accepted, with the details to be secured by condition, to ensure the discharge of drainage from the development shall not be prejudicial to the public sewerage system and ensure there are adequate public foul sewerage facilities to receive foul water flows, in order to safeguard the public and environment. On this basis, the proposal is considered to accord with the provisions of DEV35 and N3P-6.

9.0 Biodiversity

9.1 The applicant has provided a Preliminary Ecological Appraisal to confirm that there are no ecological constraints to development on the site. The Appraisal contains a number of precautionary recommendations in order to safeguard the interests of protected species, are necessary to secure through condition. On this basis, the proposal is considered to accord with the provisions of DEV26.

10.0 Low Carbon

10.1 The applicant has included solar panels within the scheme; this is considered acceptable, with the details to be secured through condition in the event of any approval in the interests of visual amenity and to ensure the development contributes toward delivering a low carbon future and supports the Plan Area target to halve 2005 levels of carbon emissions by 2034 and increase the use and production of decentralised energy; and in accordance with JLP Policy DEV32.

10.2 The applicant has also provided a copy of the DEV32 checklist which details the measures included within the design and build of the dwellings in order to reduce the carbon footprint associated with the project and comply with the provisions of DEV32. It is considered necessary to secure these details through condition in order to ensure the development contributes toward delivering a low carbon future and supports the Plan Area target to halve 2005 levels of carbon emissions by 2034 and increase the use and production of decentralised energy; and in accordance with DEV32.

11.0 Tamar European Marine Site

11.1 The site falls within the Zone of Influence for new residents have a recreational impact on the Plymouth Sound and Estuaries European Marine Site (comprising the Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA). This Zone of Influence has recently been updated as part of the evidence base gathering and Duty to Cooperate relating to the Joint Local Plan. A scheme to secure mitigation of the additional recreational pressures upon the Plymouth Sound and Estuaries European Marine Site can be appropriately secured by Unilateral Undertaking, and this approach has been agreed by Natural England. As a completed and signed Unilateral Undertaking has not been received at this stage,

the proposal is considered to be contrary to the provisions of SPT13, SPT14, DEL1 and N3P-7.

12.0 Refuse and Recycling

12.1 On objection has raised concerns regarding the arrangements for refuse and recycling; the application has confirmed that they will utilise a commercial contractor and Officers are satisfied that the proposal accords with the provisions of DEV31.

13.0 Other Matters

13.1 Objectors have raised the issue of precedent should the application be approved; Officers would reiterate that each application is considered on its own merits in accordance with the policies in force at the time of determination. As such, this matter is not considered further within this report.

13.2 Concerns have been raised that the development will exceed the terms of the existing site licence; while these comments are noted, site licensing is controlled by separate process and as such, is considered beyond the scope of this report.

13.3 Concerns have been raised with regards to radon protection measures; This addressed through Building Regulations.

14.0 The Planning Balance:

14.1 The policies of the Development Plan deliberately seek to constrain development in this location, which falls within the highly sensitive landscape setting of the South Devon AONB and the Undeveloped Coast. Whilst close to the established built form of Newton Ferrers, the site falls outside the adopted settlement boundary where new development is required to demonstrate exceptional circumstances to justify its location. Officers have given careful consideration to the proposal and the potential economic benefits, both to the existing holiday business operating from the wider site and the local economy more generally. However, the policy framework set out above sets a high bar for development being acceptable in this location. On balance, Officers are not persuaded that the proposal presents exceptional circumstances to justify development outside the settlement boundary and within the Undeveloped Coast. Whilst the proposal has been found to be acceptable in some policy respects, the positive benefits are not considered to be overriding. The application is principally recommended for refusal on this basis. In the absence of such exceptional circumstances, the proposal does not justify its impacts on the landscape within the South Devon AONB and Undeveloped Coast Policy Area and this presents a further reason for refusal.

14.2 In the absence of a completed and signed Unilateral Undertaking to secure the required EMS contribution, there is a further holding reason for refusal (which Officers would have sought to address with the Agent prior to determination had the development been considered acceptable in all other respects). An additional technical holding reason for refusal is also recommended with respect to surface water drainage.

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

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

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

DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts
DEL1 Approach to development delivery and viability, planning obligations and the Community Infrastructure Levy

Newton and Noss Neighbourhood Plan ('made' July 2018)

N3P-1 The Village Settlement Boundaries
N3P-4 Development and Construction
N3P-5 Movement and Parking
N3P-6 Drainage and Flooding
N3P-7 Planning Obligations and Commuted Sums
N3P-9 Protecting the Landscape
N3P-13 Business Premises

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:

- Plymouth and South West Devon Joint Local Plan Supplementary Planning Document
- South Devon AONB Management Plan

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.