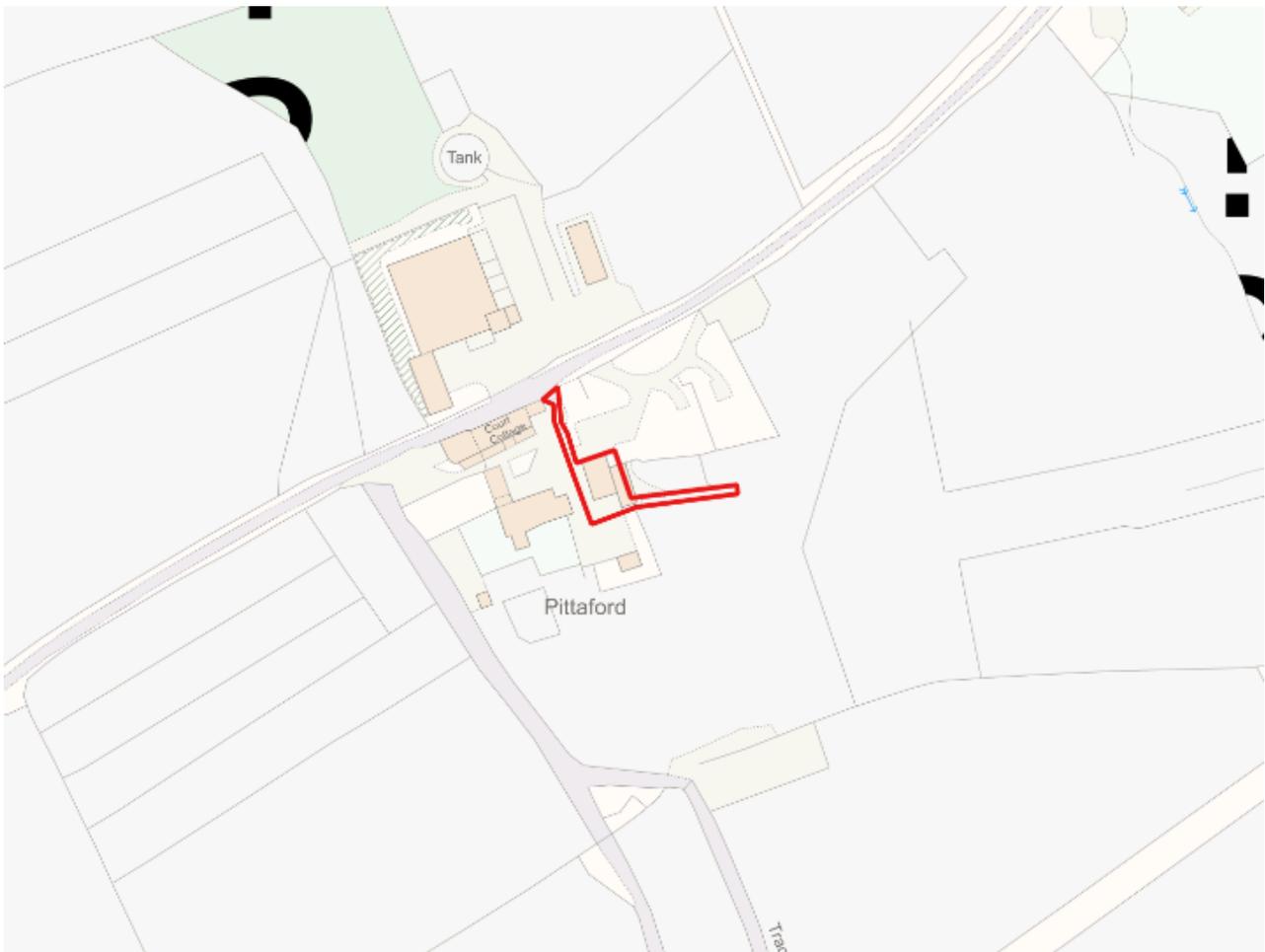


COMMITTEE REPORT

Case Officer:	Charlotte Howrihane		
Parish:	Slapton	Ward:	Allington & Strete
Application No:	3653/23/FUL		
Applicant:	Mr Paul Lethbridge C/O Luscombe Maye	Agent:	Mrs Amanda Burden - Luscombe Maye 59 Fore Street Totnes
Site Address:	Pittaford Farm, Slapton, TQ7 2QG	TQ9 5NJ	
Development:	Regularise the change of use of part of an agricultural building to a dog grooming business (sui generis use). (Retrospective and Resubmission 4272/22/FUL)		



Reason item is before Committee: Cllr Lawford has called the application to committee for the following reason:

'I understand it goes against the JLP, however I feel there's a lot of support within the community. I feel they're going to have to travel somewhere to get the grooming so easier for local people to travel to Pittaford rather than Kingsbridge. It's supporting the rural economy and farm diversification. Any perceived harm is more than balanced by these benefits.'

Recommendation: Refusal

Reasons for refusal:

1. The proposal represents unsustainable development which does not require a countryside location, contrary to policies SPT1, SPT2, TTV1, TTV26, and DEV15 of the Plymouth & South West Devon Joint Local Plan (2014- 2034).
2. There is no evidenced need for the proposal to be located within the Undeveloped Coast policy area. As such, the proposal conflicts with policy DEV24(2) of the Plymouth & South West Devon Joint Local Plan (2014- 2034).
3. The Sustainable Travel Plan is not considered to adequately demonstrate that the traffic impacts of the development have been considered and mitigated, contrary to policy DEV15(8) and DEV29 of the Plymouth & South West Devon Joint Local Plan (2014- 2034) and paragraphs 108 and 109 of the National Planning Policy Framework (2023).

Key issues for consideration:

Principle of development, sustainability, design and landscape impact, residential amenity, highways

Site Description:

Pittaford Farm includes the farmhouse and surrounding agricultural land. The application relates to the ground floor of a two-storey building, constructed in 2004. The building consists of three bays at ground floor, and a dwelling at first floor level (a lawful development certificate for the dwelling was granted in 2022- reference 0597/22/CLE).

The site is in open countryside, and the Undeveloped Coast policy area. It is situated approximately 2.1km north-west of Slapton. Pittaford Farmhouse, to the west, and Court Cottage, to the north-west, are both grade II listed.

The Proposal:

The application is a retrospective application which seeks change of use of one of the bays of the agricultural building to sui generis, specifically a dog grooming business. No physical alterations to the building, either internal or external, are proposed.

The proposal was the subject of a previous application (4272/22/FUL), which was refused in 2023 and this is a resubmission of that application. This application has attempted to overcome some of these reasons for refusal by submitting a Sustainable Travel Plan, and additional explanations as to the needs of the business.

Consultations:

- DCC Highways- no highways implications

- Parish Council- support: *The business meets the needs of the local community, who would otherwise need to travel longer distances to either Kingsbridge or Dartmouth for dog grooming. Boarding kennels are located nearby and many clients take advantage of this to have their dog groomed before or after their stay at the kennels, thus saving on time and fuel. There is no evidence that the business has resulted in a material increase in vehicle movements unlike the recent granting of permission for a new car park at the Start Bay Centre in Slapton Village for about 40 cars, which will also be used eventually to shuttle 1000s of students through the village!*
The installation of an electrical charging point and sustainable travel plans will ensure that sustainable travel is promoted whenever possible.
No external changes are being made to the agricultural building so there are no material aesthetic or heritage impacts. The business provides a valuable self-employment opportunity in a rural community, without causing any negative impacts to neighbouring properties, whilst also providing a valuable service.

Representations:

Sixty two letters of support have been received from customers of the business. The letters can be seen in full on the Council website, but can be summarised as follows:

- Provides welcome service
- Prevents the need to travel to urban area
- Wide access
- Dogs are safe there
- Nobody will use buses anyway
- Provides employment
- The business would be used wherever it was located
- Moving site would not reduce journeys
- The business gets booked up so there is clearly a need
- Other development has been approved in rural areas

Relevant Planning History

- 4272/22/FUL- Retrospective application to regularise the change of use of part of an agricultural building to a dog grooming business (sui generis use)- refused
- 0579/22/CLE- Certificate of Lawfulness for existing use of building and use of the first floor as a separate residential dwelling house known as The Loft- certificate granted
- 44/1329/00/LB- Listed Building Consent for demolition of farm buildings- conditional approval

ANALYSIS

1.0. Principle of Development/Sustainability:

- 1.1. Policy SPT1 of The Plymouth and South Devon Joint Local Plan 2014-2034 (JLP) sets out a framework for growth and change with sustainability underpinning all of the guiding principles. Under this policy sustainable development is delivered across the plan area by promoting a sustainable economy, sustainable society and sustainable environment. Policy SPT2 of the JLP requires the application of principles of sustainable linked neighbourhoods and sustainable rural communities as a means of guiding how growth and development takes place across the plan area. Development can support the overall spatial strategy, by creating neighbourhoods and communities which, amongst other criteria, are well served by public transport, walking and cycling opportunities, and should have an appropriate level of services to meet local needs.

- 1.2. The approach to sustainable development in the JLP is explained further in Policy TTV1 for the Thriving Towns and Villages parts of the plan area which prioritises growth through a hierarchy of sustainable settlements. Under this policy development in the countryside will only be permitted if it can be demonstrated to support the principles of sustainable development and sustainable communities.
- 1.3. With respect to the hierarchy in TTV1 the site is not within a main town, smaller town or key village or a sustainable village and would therefore fall into the last category of smaller villages, hamlets. The nearest settlement to the site is Slapton, which is over 2km away, and is itself a tier 4 settlement.
- 1.4. In such areas proposals need to demonstrate support for the principles of sustainable development and sustainable communities (Policy SPT 1 and 2) as provided for in Policy TTV26.
- 1.5. Policy TTV26 provides criteria for assessing development 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 proposal 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."
- 1.6. The building is within an existing farmstead, which includes more than one residential dwelling and various agricultural buildings. As such, the site is not considered to be isolated, and policy TTV26(1) is therefore not engaged, as this only relates to isolated development in the countryside.
- 1.7. Policy TTV26(2) relates to all development in the countryside, and must therefore be considered.

The LPAs will protect the special characteristics and role of the countryside. The following provisions

will apply to the consideration of development proposals:

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.

- 1.8. The proposal relates to a single bay of an existing building, and a number of the points of TTV26(2) are therefore not applicable to the development. Of most relevance is point (iv) which requires development to '*respond to a proven agricultural, forestry and other occupational need that requires a countryside location*' (emphasis added by Officer).

- 1.9. There is no identified need for a dog grooming business to be located in the countryside, in a rural location outside of any established settlement, and the development therefore conflicts with policy TTV26.
- 1.10. Policy DEV15 relates to the rural economy, and does provide support for small-scale business in rural areas, subject to an assessment which demonstrates that there is no adverse impact on neighbouring uses and the environment. DEV15(8) also requires such development to avoid a significant increase in the number of trips requiring the private car, and the submission of a Sustainable Travel Plan to consider and mitigate any traffic impacts arising from the development.
- 1.11. The business is run by the applicant, who lives on site. There are no other employees, and the benefit to the rural economy is therefore unclear, and there is an identified conflict with DEV15, which will be discussed further in the report.
- 1.12. In addition to DEV15(8), the NPPF states that the environmental impacts of traffic movements should be *'identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains'* (para 108). Although it is noted in the following paragraph that there will be a difference in sustainable transport solution between urban and rural areas (109), this does not suggest that the matter should be disregarded when considering more rural locations.
- 1.13. The site is also within the Undeveloped Coast policy area. Policy DEV24 of the JLP seeks to protect the undeveloped and unspoilt character, appearance and tranquillity of the Undeveloped Coast, and DEV24(2) is clear that development will only be permitted where it *'cannot reasonably be located outside the Undeveloped Coast'*. There is no identified need for the business to be located within the Undeveloped Coast, and the development also conflicts with policy DEV24 in this regard.
- 1.14. For these reasons, there are a number of fundamental policy conflicts with the principle of the development. The location of the site has not changed since the previous refusal and there have been no changes to policy which would alter the in-principal objection to the development in both the countryside, and the Undeveloped Coast, and as such, these previous reasons for refusal have not been addressed.

2.0. Sustainable travel and reliance on private vehicles:

- 2.1. As previously mentioned, policy DEV15 supports the rural economy by promoting development which seeks to improve the balance of jobs and diversify the rural economy, is compatible with the rural road network and has no adverse environmental impact. In addition, the policy requires proposals to avoid a significant increase in the number of trips requiring the private car and facilitate the use of sustainable transport, including walking and cycling.
- 2.2. Policy SPT1 sets out the spatial strategy for delivering sustainable development across the plan area. The stated principles include that sustainable and health-promoting transport options should be available to access local education, services and jobs, and supports a sustainable economy. SPT1.1 provides guidance on the principles of a sustainable economy:

A sustainable economy where:

- i. Opportunities for business growth are both encouraged and supported.*
- ii. Environmentally conscious business development takes place.*
- iii. Strategically important economic assets are protected for the purpose of economic activity.*

iv. A low carbon economy is promoted.

- 2.3. SPT1.1. provides a clear expectation about the type of economic development that should be delivered. This also accords with the carbon reduction requirements of both local and national climate emergency declarations, and binding carbon reduction targets.
- 2.4. Although the applicant notes that the business only services one dog at a time, minimising travel to and from the site, previous appeal decisions have considered the impact of a lack of sustainable travel options, even for small scale development:
- ‘the limited alternative transport options available mean that occupiers of the proposed development would be likely to be highly reliant on one mode of transport – the private car – for a significant majority of their journeys and to serve their daily needs. Consequently, although vehicle movements would only be associated with a single unit of accommodation in this instance and may therefore not be particularly significant, the site and appeal proposal cannot reasonably be described as sustainable in relation to accessibility considerations. With the lack of realistic transport alternatives and occupants of the development thus having little choice other than to rely on driving to and from the site, neither could the development be regarded as promoting sustainable transport choices and having no adverse environmental impact.’ (Appeal APP/Q1153/W/20/3244500, para 9)*
- 2.5. The supporting statement notes that the business is open five days a week, with up to 5 dogs booked in each day. Appointment times are between 1-2hours long, and so if customers drop the dog at the business and then return later to collect, this would result in up to 50 additional journeys each week. There is also nothing to prevent the business operating longer hours, or additional days, which would increase this further. Given the lack of services and facilities surrounding the site, it is unlikely that these trips would be made if the business wasn't located at Pittaford- if the business was located in a more sustainable location, then the trip to the grooming business could be combined with shopping or leisure trips- customers could drop the dog at the groomers and then go shopping, or to a café, for example- reducing the individual car journeys required.
- 2.6. The Parish Council comments that the proposal meets the needs of those who would *‘otherwise need to travel longer distances’* for dog grooming- however, the submitted Sustainable Travel Plan (STP) states that nearly 40% of regular customers of the business ***‘despite the business not being their closest dog groomers – with alternatives to be found in Kingsbridge or Dartmouth’***. This would suggest that customers would continue to use the business if it were to be located elsewhere, in a more sustainable location. It also indicates that the development is creating more, longer vehicle journeys than needed, as a significant proportion of customers are travelling further than they need to in order to access the site.
- 2.7. This is evidenced when looking at the representations received- although a large number have been received from customers of the business, very few are located in the locality; comments have been received from customers in Dartmouth, Kingsbridge, Cornworthy, Blackawton, Aveton Gifford, Burraton, Salcombe, etc. Many of these customers praise the applicant and her business, and suggest that they use the business for her skills, and not because of the location of the site, further supporting Officer's conclusion that there is no justified need for the site to be in its current location.
- 2.8. The site is in a highly unsustainable location, over 2km from the nearest settlement, which is also a tier 4 settlement with minimal facilities. Whilst a number of letters of support have been received from customers, Officers note that some of these

customers live a significant distance from the site (Stoke Fleming, Kingsbridge, East Allington). There are no public transport services within the vicinity of the site, and the unsustainable nature of the site location means that it is highly unlikely that any customers would walk to the site, or cycle (particularly as they would have a dog with them).

- 2.9. The submitted STP states that some clients live on a bus route, and may have access to the 93 bus, which connects Kingsbridge to Dartmouth via Chillington, Stokenham, Torcross, and Strete. From this route, the STP states that it is possible for clients to connect to the Coleridge Community Bus which provides a rural extension route through Slapton, just 1.5 miles south of Pittaford Farm.
 - 2.10. Officers do not consider this to be a realistic sustainable travel option for clients to reach the site- it is unlikely that many people would take two different buses, one of which is on a fairly restricted timetable, to a bus stop which is still 1.5 miles from the site. The local topography and lack of footways and lighting of the roads are not conducive to walking or cycling the distance from the bus stop to the site, and it is therefore considered unlikely that anyone would choose to undertake this journey by any means other than a private vehicle; particularly as they would need to arrive for a specific time (having booked an appointment).
 - 2.11. The STP contains other ambiguous, and unenforceable statements (for example, 20.5% of clients would consider purchasing an electric car in the future). Such measures are not within the control of the applicant, and little weight is therefore given to these parts of the STP.
 - 2.12. Whilst the STP has provided detailed information about the travel habits and location of the customers, client bases are not fixed, and are likely to change over time. The STP does not contain any quantifiable actions to measure, or baseline figures from which to measure the success or failure of any particular proposals
 - 2.13. The JLP has plan-specific expectations on the location of new development and how to minimise and reduce existing unsustainable travel patterns to deliver a more sustainable future. These aims and related policies are consistent with the Framework that seeks to promote sustainable transport opportunities and guide development towards sustainable solutions.
 - 2.14. Reducing car dependency is a key component of promoting sustainable transport usage in new developments. Given the position of the site, Officers considers that it is poorly located, and the proposed development would result in an unsustainable pattern of development contrary to the spatial strategy outlined in the JLP and the NPPF. This is particularly concerning bearing in mind the need to transition to a low carbon economy in the face of the existential threat of climate change, the Council having declared an emergency in relation to such.
- 3.0. Design/Landscape/Heritage:
 - 3.1. The proposal does not include any internal or external alterations to the building, and so no concerns are raised in terms of design, or landscape impact, and the setting of the South Devon National Landscape (formerly the AONB) would be preserved.
 - 3.2. As no physical alterations are proposed to the building, the development is not considered to impact the setting of the two listed buildings within the farm site, in accordance with policy DEV21 of the JLP and associated NPPF paragraphs.

4.0. Neighbour Amenity:

4.1. Due to the size of the business occupying the unit, and the rural setting of the site, the proposed change of use does not raise any concerns with regard to neighbour amenity. No objections have been received.

5.0. Highways/Access:

5.1. Notwithstanding the concerns detailed above regarding the increase in vehicle trips resulting from the development, the proposal does not raise any concerns regarding access or parking, noting that a parking space is provided for customers.

6.0. Other matters:

6.1. Some of the representations refer to other development which has been approved in rural areas, arguing that this proposal is the same. Each application must be determined on its own merits, although Officers would note that some of the examples given would have demonstrated a need for a countryside location (farm shop, for example), and are not in the Undeveloped Coast. The referenced schemes are not comparable in nature or policy context.

7.0. Summary:

7.1. Policy DEV15 supports diversification of the rural economy, and the re-use of suitable buildings for employment. If the building is no longer required for agricultural purposes, some form of diversification is likely to be supported by Officers. However, in this instance, the specific nature of the proposed use is not considered appropriate for the reasons detailed above.

7.2. Whilst the applicant has tried to address the previous reasons for refusal through the submission of a Sustainable Travel Plan, Officers consider it unlikely that customers will access the site by any means other than private car. The STP also demonstrates that customers will travel some distance to the applicant, and so the success of the business is not dependent on it remaining in its current location.

7.3. With no occupational need for the development to be in the open countryside, and no requirement for it to be sited within the Undeveloped Coast, the application conflicts with policies SPT1, SPT2, TTV1, TTV26, DEV15, DEV24, and DEV29 of the JLP, as well as the principles of sustainable development which run through the NPPF. The application is therefore recommended for refusal.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Planning Policy

Relevant policy framework

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

The relevant development plan policies are set out below:

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

SPT1 Delivering sustainable development
SPT2 Sustainable linked neighbourhoods and sustainable rural communities
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
EV20 Place shaping and the quality of the built environment
DEV21 Development affecting the historic environment
DEV23 Landscape character
DEV24 Undeveloped coast and Heritage Coast
DEV25 Nationally protected landscapes
DEV29 Specific provisions relating to transport

Neighbourhood Plan: n/a

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

South Devon Area of Outstanding Natural Beauty Management Plan (2019-2024)
Plymouth and South West Devon Joint Local Plan Supplementary Planning Document (2020)
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.

Reasons for Refusal:

1. The proposal represents unsustainable development which does not require a countryside location, contrary to policies SPT1, SPT2, TTV1, TTV26, and DEV15 of the Plymouth & South West Devon Joint Local Plan (2014- 2034).
2. There is no evidenced need for the proposal to be located within the Undeveloped Coast policy area. As such, the proposal conflicts with policy DEV24(2) of the Plymouth & South West Devon Joint Local Plan (2014- 2034).
3. The Sustainable Travel Plan is not considered to adequately demonstrate that the traffic impacts of the development have been considered and mitigated, contrary to policy DEV15(8) and DEV29 of the Plymouth & South West Devon Joint Local Plan (2014- 2034) and paragraphs 108 and 109 of the National Planning Policy Framework (2023).

Informatives:

1. This authority has a pro-active approach to the delivery of development. Early pre-application engagement is always encouraged. In accordance with Article 35(2) of the Town and Country Planning Development Management Procedure (England) Order 2015 (as amended) in determining this application, the Local Planning Authority has endeavoured to work proactively and positively with the applicant, in line with National

Planning Policy Framework, to ensure that all relevant planning considerations have been appropriately addressed.

2. This decision relates to drawing number SHDC01 and the Site Location Plan, received on 17th November 2023.