

## PLANNING APPLICATION REPORT

**Case Officer:** Graham Smith

**Parish:** Wembury **Ward:** Wembury and Brixton

**Application No:** 0271/23/FUL

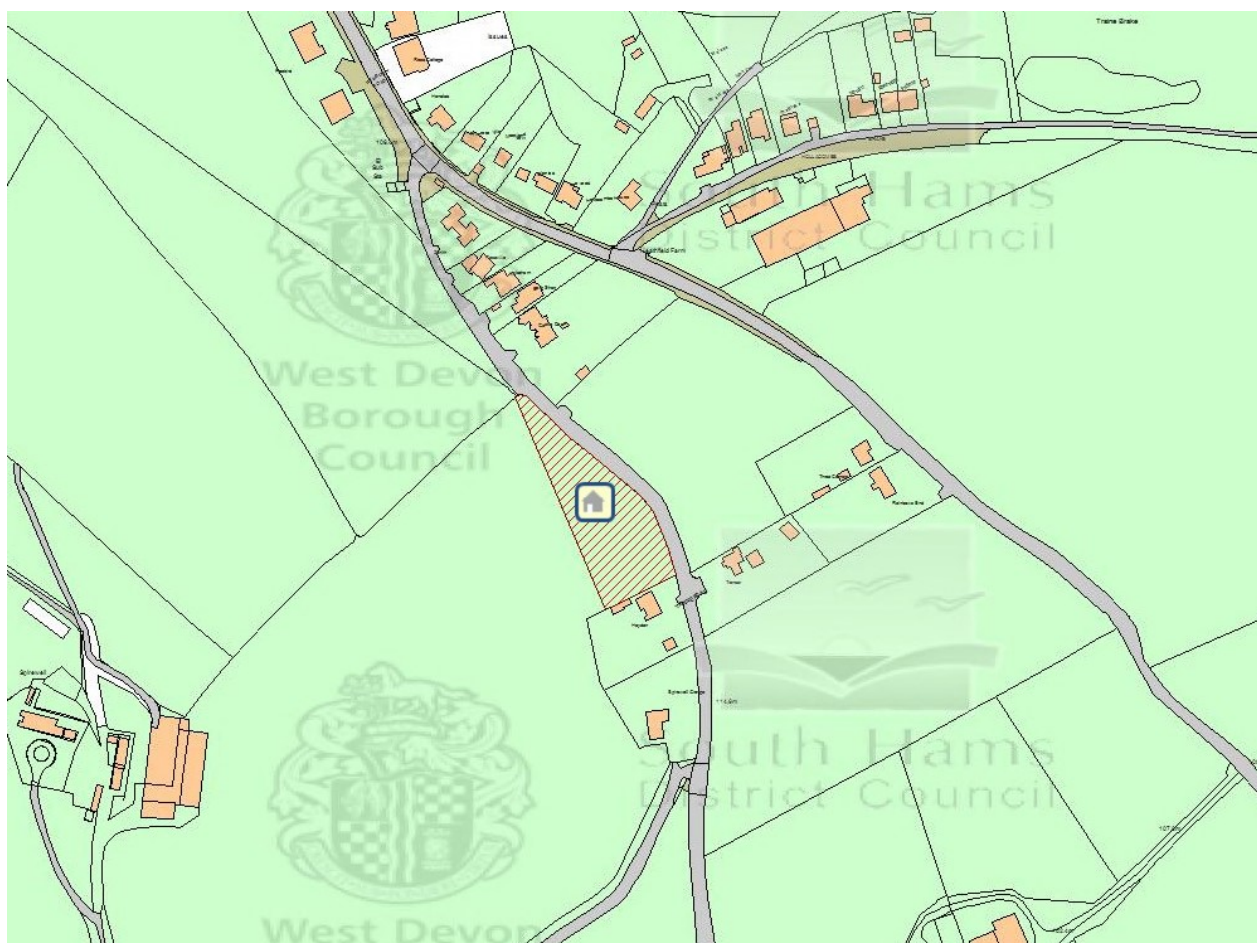
**Agent/Applicant:**

Mr Andy Coughlan - Cogi Design  
The Chicken Shed  
Beacon Hill  
Newton Ferrers  
PL8 1DB

**Applicant:**

Mr Robert Stephens  
Traine Road  
Wembury  
PLQ 0EN

**Site Address:** Land at Spirewell Farm, Traine Road, Wembury, PL9 0EN



**Development:** New single storey three bed dwelling with agricultural occupancy condition (re-submission of 4421/21/FUL)

**Recommendation:** Refuse

**Reason for decision level:** At request of Cllr Daniel Brown *Based on the finely balanced nature of this application, I'd like for it to be considered by the Development Management Committee. There are competing factors to consider including the nature of development in the AONB versus the significant ecological design of the home.*

## Reasons for refusal:

1. The proposal is considered to lack the requisite evidence or exceptional circumstances that would warrant justification for an additional dwellinghouse at this countryside location and is therefore contrary to Policies SPT1, SPT2, TTV1, TTV2 and TTV26 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (JLP) which promotes sustainability by directing growth to sustainable settlements unless there are exceptional circumstances.
2. The development is proposed in a sensitive landscape and designated Area of Outstanding Natural Beauty (AONB) and has not been supported by an appropriate landscape visual assessment. At an elevated location the design is not considered to conserve or enhance the protected landscape and instead would have a harmful impact on the character and setting of the AONB contrary to policies DEV20, DEV21 and DEV25 of the JLP and NPPF (paragraph 176)
3. The formation of a new access onto Traine Road along with the requisite visibility and large area of the existing green field converted to residential curtilage would result in the loss of a significant length of an established hedgerow and open field both of which are currently considered to make a positive contribution to the rural character of the AONB and provide a degree of separation between dwellings. These aspects of the development are considered to contribute towards a coalescence introducing an incongruous urban addition that would increase light pollution to intrinsically dark skies and would be at odds with the prevailing countryside character contrary to policies DEV21 and DEV25 of the JLP and NPPF (paragraph 176).
4. The site falls within the 12.3km zone of influence where new residential development will have a recreational impact on the Tamar European Marine Site (comprising the Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA). No mitigation has been provided and therefore the proposed development will have an adverse impact on the integrity of the designated European sites contrary to the Conservation of Habitats and Species Regulations 2017.

## Key issues for consideration:

Principle of Development, Design/Landscape, Residential Amenity, Ecology, Drainage, Biodiversity, Carbon Reduction

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## Site Description:

The application site is triangular shaped and part of a field within the open countryside. The area given on the form is 0.32ha although reference is made in the supporting documents to a wider agricultural holding at Spirewell Farm which comprises of a main cluster of buildings including agricultural outbuildings but also buildings converted into holiday lets. The agricultural holding of Spirewell Farm is described as being 600 acres with 200 acres used for a 'shooting' enterprise. The applicant is both the farm/estate manager and gamekeeper and presently resides in an agricultural workers unit on the approach to the main cluster of buildings within the farm which are accessed off Traine Road.

This site is part of an open field adjacent to Traine Road and has a well-established Devon Hedgbank along its frontage. Levels across the application site are relatively flat however the topography is naturally undulating and the site is at a relatively elevated location. This part of the landscape is within the South Devon Area of Outstanding Natural Beauty (AONB).

## The Proposal:

Permission is sought for a detached dwellinghouse, single storey in height with its own dedicated garden ground, parking and access onto Traine Road. The property would contain 3 bedrooms, a

small office and attached garage/workshop with external area of decking on projecting outwards from the southern elevation. The dwelling would incorporate a shallow pitched roof design standing seam roof over the dwelling and 'big 6' fibre cement roofing over the garage that would have a separate sloping roof. On the walls a mixture of larch cladding and render is proposed. The intended design aesthetic is described as being a simple farm building.

### **Consultations:**

- County Highways Authority – refer to standing advice
- Environmental Health Section - note that contamination details have been submitted along with construction management plan and that foul drainage would be discharged into a drainage field via a package treatment plant. On this basis, subject to conditions, no objections.
- Town/Parish Council – No objection
- Agricultural consultant – After a review of the submitted evidence it is not considered that the situation has changed and no support is given.
- Landscaping consultant – The absence of a Landscape Visual Assessment is noted and previous concerns about the development encroaching in the open undeveloped countryside of the AONB still apply.

### **Representations:**

49 representations were received in total including 23 in support of, and 26 objecting to, the proposal. Included in the objections are letters received from The South Hams Society and Devon CPRE.

The points of support can be summarised as follows:

- There is no justification to refuse this. Agricultural workers have a hard enough life and the industry is not expected to get better and developments that support agriculture should be approved, this proposal is described as essential to the needs of the farm business and will be restricted to agricultural workers only.
- Neighbours, friends of the applicant and employees of Spirewell Farm consider the business to be very important to the local area and describe the applicant as a local family man and farmer who works hard and is compassionate about wildlife and conservation but couldn't otherwise afford a house in the area due to prices.
- The holiday lets shouldn't be seen as a possibility for residency as they provide necessary income for the farm to make money
- The development would blend into its surroundings and is described as aesthetically pleasing and low impact with a good design, suitable access and materials.
- The site is not isolated located close to the public highway where other houses are, it is questioned why shouldn't the applicant be allowed to build one?
- The estate is important to the local economy and should therefore be supported in any expansion.
- There is an agricultural need for the dwelling and if approved it would provide accommodation and create jobs
- The energy efficiency savings and 'eco-friendly design' is described as a key benefit and why the building would be sustainable.
- Permitting more dwellings and increasing the supply would help address the housing crisis.
- There would be minimal impact on the landscape, ecology, flooding, some consider that it could not be seen, hidden by hedges.
- There will be no loss of amenity or impact on the local highway.

- Reference is made to a recently approved application (reference: 0735/22/VAR) which is considered to be more prominent than this one.

The points of objection can be summarised as follows:

- There were no notices of this application on site and the site is described as 'greenfield' and 'isolated', 'prominent', 'prime agricultural' with 'inadequate transport links' and not a sustainable location with the site located outside the main village and its development boundary.
- SHDC have a 5 year land supply and an agricultural tied dwelling does not qualify in supply of new homes therefore points raised relating to housing supply.
- The area is subject to great pressure for development and there is an increased importance of retaining green areas. Other dwellings in the immediate vicinity were built prior to the AONB designation.
- The access is on the corner of a very narrow lane, beside a footpath and at 8 metres in width is much more significant than a normal residential access allowing heavy vehicles to enter and egress and the development will lead to mud on the highway. It is noted that Highways previously objected and this proposal is described as more dangerous creating an additional access leading to even greater threats to road safety.
- It is highlighted that the applicant is privately funding the construction through personal expenses, that the land will be gifted to them and ownership will be separate to the farm. The location of the site separate from the farm buildings ensures that 'separation' from the farm at a later date is easier and the agricultural tie can easily be removed. If the farm required another dwelling they would apply but haven't and this proposal is seen as an attempt to boost the value of the farm 'by the back door'
- The separate location would involve intensive daily vehicular traffic between the proposed dwelling and the farm with a significant environmental cost.
- The functional need for an additional unit is disputed as the applicant already resides on site in a substantial property hidden from view and much of the labour required is just for day workers with no need for an additional person to be there 24 hrs. The evidence submitted is described as not meeting the very detailed requirements set out in local policy requiring a suitably qualified professional to provide a full report including justification. Instead the information given is described as misleading and not sufficient to justify an additional unit.
- No AONB statement of need has been provided in line with validation requirements or sufficient landscape/visual impact assessment undertaken by a suitably qualified professional that would specify how the development would preserve and enhance the character in line with policy requirements.
- The red line boundary is excessive and it is asked if the LPA are content for this much land to be changed to residential purposes?
- Given that the supporting information fails to establish a need the development should be treated as any other open market dwelling, reference is made to several other applications for similar developments which have been refused for local people in the interests of the AONB.
- It would be more appropriate, environmentally friendly, practical and sensible if one of the existing properties were utilised for this purpose or if this dwelling was sited nearer the farm with safer access and less disturbance to neighbours. It is suggested that the applicant doesn't want a 24 hour operation near the holiday lets and therefore is unwilling to consider alternative locations and it is asked if the operation near holiday lets is not acceptable next to the holiday lets why is it acceptable to move it closer to existing residents?
- The properties immediately adjacent would be subjected to increased agricultural traffic, customers and visitors over a 24hr period at an area already described as dangerous resulting in a loss of safety for pedestrians and cyclists and other impacts from the potential use including intolerable noise, disturbance, loss of privacy (with inadequate screening between properties) and light pollution at a currently dark landscape.
- The same concerns raised to the previous application would apply in this instance, the area is an AONB and green space hosting wildlife and residents fear a decline of species such as owls will be exacerbated by proposals such as this.

- The landscape impact is described as adverse and irreversible.
- It is unclear what the substantial area of land within the site would be used for and suggested that it would become a secondary farmstead, agricultural holding or dog compound.
- The applicant has working dogs who bark and already cause disturbance some distance away and it is envisaged that the proposal will relocate the dogs nearer to residents increasing noise pollution.
- The road is not suitable for any additional traffic or an extra access as it is already dangerous for pedestrians and cyclists with vehicles passing the site at very high speeds, the increase in visibility will make this worse. The adjoining footpath is well used by pedestrians and horse riders as part of a coast to coast path. SHDC are considering it to be designated as a 'quiet lane' status and this proposal would not align with that aspiration.
- The farm has alternative sites in the wider area (at Layford Lane) where a dwelling could be sited with reduced impact.
- The shoots are described as invitational and not commercial, however, this part of the operation and the holiday lets are not agricultural and should be ignored for the purposes of demonstrating a need. The agricultural land associated with this farm is mainly let out to other farmers for sheep grazing or is arable with work contracted out.
- It is essential that the site is visited and the main farm for context and to test the exaggerated claims made regarding need, suitability and location.
- The owners of the nearby property at 'Castledene' were twice refused planning permission for a similar proposal and if this were approved by the LPA this would set a dangerous precedent for future proposals to come forward in the AONB.
- The dwelling is described as considerable in scale, not in keeping with local vernacular, incongruous and intrusive, damaging to the environment, character and infrastructure and highly visible from the lane as the hedge is deciduous. To infill this site would be contrary to the policies which protect the countryside from inappropriate development and the LPA should consider the use of an independent design review to fully consider these aspects of the application.
- The removal of approximately 58 metres of Devon Hedgebank is described as permanent causing lasting damage to the rural environment. Proposals with a lesser impact have been refused by the LPA previously. Additional planting that will be required will obstruct valued coastal views.
- The proposal doesn't comply with adopted and emerging Planning Policy or the AONB management plan.
- Another dwelling would cause additional strain on local services with limited access to electricity and water.
- Reference is made to the Sutton Springs 'landmark decision' which has made lifting an agricultural tie much easier in circumstances where property prices are high and agricultural wages are low which are precisely the conditions found in South Hams.
- The evidence shows local residents favour conservation of the AONB and if approved this would serve the private interests of the applicant at the expense of the local community as a whole.
- It is noted that many of the supporters of this application appear to live very far away from the site itself.
- The applicant's claim that they have been a farmer of the land for 5 generations is described as false.
- Whilst Wembury Parish Council supported the application they did not discuss or consider the material considerations and their support is given no value from objectors.

### Relevant Planning History:

4421/21/FUL – New single storey three bedroom dwelling **WITHDRAWN** after concerns raised regarding justification, access and landscape impact.

### ANALYSIS

## 1. Principle of Development/Sustainability:

- 1.1 The Plymouth and South West Devon Joint Local Plan ('JLP') sets an overarching strategy for delivering sustainable development that complements the existing settlement pattern within the plan area. The high-level strategy for delivering sustainable development is expressed within policies SPT1 and SPT2, with other policies amplifying and giving effect to those requirements.
- 1.2 The adopted JLP establishes a hierarchy of settlements to which development will be directed, and those settlements are named as part of policy TTV1. Policy TTV1 of the JLP sets out the Council's development strategy across the Thriving Towns and Villages Policy Area. The policy describes how the settlement hierarchy of (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.
- 1.3 Policy TTV26 is considered to be relevant as paragraph 5.5 of the JLP explains, that policy will be applied 'outside built-up areas'. As a matter of planning judgement the site is considered to fall outside the discernible built-up area of Wembury and is considered to constitute Countryside development, which is in the bottom/fourth tier of the Council's settlement hierarchy.
- 1.4 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 provides no support to the applicant in this case because the scheme is not for rural exception housing.
- 1.5 Policy TTV26 of the JLP relates to development in the Countryside. The aim of the policy, as articulated in the first line, is to protect the special characteristics and role of the countryside. The policy is divided into two different sets of policy requirement; the first part applies to development proposals considered to be in isolated locations. The JLP SPD (§11.50) states that the Council applies the test of isolation in a manner consistent with the Braintree1 case and any superseding judgment. The recent Bramshill2 judgment affirmed that the essential conclusion in Braintree (at para. 42 of that judgment) was that in determining whether a particular proposal is for "isolated homes in the countryside", the decision-maker must consider 'whether [the development] would be physically isolated, in the sense of being isolated from a settlement'. What is a "settlement" and whether the development would be "isolated" from it are both matters of planning judgment for the decision-maker on the facts of the particular case.
- 1.6 Whilst the application site proposes development that would be beyond the discernible settlement/built up area of the village, it would not be remote from it. It follows that the proposed house would not be isolated within the understood meaning provided by the JLP.
- 1.7 Policy TTV26 (2) states:
  - "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”.*

- 1.8 Not all of the above criteria are engaged for example there is no public right of way or bridleway within the site and the agricultural land classification is good to moderate. The proposal does not reuse an existing traditional building despite the farm containing buildings that could potentially be used as accommodation for agricultural workers. These have already been converted to holiday let accommodation as part of a farm diversification strategy that happened some time ago and are now described as a crucial source of income along with a hunting operation, both of which are described as supporting the agricultural operations. It is argued that the development will be complementary to an existing agricultural operation however there was no financial evidence submitted to show that there is a viable agricultural operation on the farm. Instead the evidence in support describes the future of farming to be uncertain due to what government subsidies will be available. The insistence of the applicant that these holiday lets could not be considered as they provide much needed income raises concerns over how reliant the agricultural operation is on the aspects of the wider business and that, as a stand-alone operation, it is not viable.
- 1.9 With respect to criteria (iii) and (iv) Officers would expect for an application of this nature and scale to include financial accounts and/or a business plan demonstrating the viability of the agricultural operation. A separate agricultural appraisal would also provide evidence of a functional need for an additional agricultural workers dwelling. Neither of these have been submitted. It is important to ascertain that the business could sustain the costs associated with the construction of the dwelling and remain financially viable and that the amount of units were commensurate with the functional requirements of the agricultural enterprise. An agricultural consultant, who gave comments for the previously withdrawn application scheme, remains of the opinion that there is insufficient evidence that would demonstrate a functional need for a second full time worker on the site. Even if there was, one of the other 3 houses within the holding, on top of the existing agricultural workers unit, would be suitable to provide the requisite accommodation.
- 1.10 Officers will consider the design and landscape impact later in this report, however, with regards to criteria (vi) of TTV26(2), it is not considered that this proposal will help enhance the immediate setting of the site or safeguard against the long term degradation of the landscape. Instead it would provide an additional dispersed dwelling requiring its own separate access and physically separate and poorly related to the other agricultural buildings. Officers would consider that the development would lead to an erosion of the natural characteristics of the site with no exit strategy in the event of the agricultural operation failing which, by the applicant's own admission, is vulnerable to external conditions. As such the proposal is not considered to accord with the criteria of TTV26(2) and is therefore also contrary to the adopted spatial strategy and policies SPT1, SPT2 and TTV1 of the JLP.

## 2. Design/Landscape:

- 2.1 Policy DEV20 of the JLP requires developments to achieve high standards of design that contribute to townscape and landscape and Policy DEV23 seeks to conserve and enhance the landscape and scenic and visual quality of development, avoiding significant and adverse landscape or visual impacts. As the site is within the AONB, Policy DEV25 is also applicable, which gives great weight to conserving landscape and scenic beauty. This approach is in line with NPPF paragraph 176.

- 2.2 In terms of the South Hams AONB Management Plan, the site is located in the 1A Open Coast Plateaux landscape character type whose key characteristics and valued assets include, open high plateaux, limited woodland, regular medium to large field pattern, with stone boundary walls and dense low hedges with occasional hedgerow oaks, sparse settlement pattern, with isolated farms or large houses and extensive views.
- 2.3 The Landscaping consultant, who objected to the previous application, continues to have concerns about this application, the design of which remains largely similar. Firstly, officers would consider that the existing open green field and hedgerow along the site frontage make a positive contribution to the wider landscape in which they are part of.
- 2.4 The loss of part of an agricultural field, the proposed change to the field pattern by subdividing a field and the introduction of domestic uses onto the site are considered to represent an adverse effect on landscape character. The introduction of domestic activity on an undeveloped site in the AONB would, it is considered have some adverse effect on the site's and adjoining areas level of tranquillity. A large expanse of floor to ceiling glazing is proposed on the southern elevation and a concern would remain about the potential adverse effects that the proposed development might have on this part of the AONB and its intrinsic dark skies that are considered to be an asset. A large section of the hedge at the front would require to be removed in order to achieve the requisite visibility. The site plan shows that this would be replanted albeit visibility would need to be maintained at all times which would introduce a sterilised and engineered component to the site frontage, more inkeeping with an urban environment at a location that has historically had a natural edge.
- 2.5 The proposal is not supported by the kind of landscape visual assessment that would recognise what the existing landscape character is and provides justification for the design. Instead it is stated that the height is kept low to ensure that the house is invisible below the hedge, that the dwelling will resemble an agricultural barn and views from the distance are dismissed. Officers would have concerns regarding the design. Whilst it is acknowledged that the height will minimise the impact somewhat, and that the housing in the immediate vicinity are mainly single storey, the design of this dwelling incorporates a very shallow pitched roof. The materials selected include standing seam roof, 'big six' over a barn style roof and timber cladding and these are not considered to be suitably in keeping with the local vernacular for dwellinghouses in the vicinity which tend to comprise of render and slate or tiled roof. Given the sensitivity of the location it is important that the design is of a suitable quality which takes cognisance of the surrounding built environment and contributes to local distinctiveness. Instead the choice of design and materials are considered to be at odds with its surroundings and it is not agreed that this dwellinghouse will have the appearance of a simple barn, especially at night where the extent of glazing raises concerns regarding an increase of light pollution at what is an intrinsically dark sky.
- 2.6 The existing site also provides a degree of natural separation between properties and with incremental development over the years the development of the site would also start to form a coalescence of two existing clusters of properties along a stretch of road that forms part of the South-West Coastal Path. Overall it is considered that the development proposed would lead to the unnecessary erosion of the natural environment at this location. The significant residential curtilage and subdivision of the field, the removal of a large part of the natural frontage and its maintenance to provide visibility, and the design and choice of materials which are considered to be at odds with its surroundings. Accordingly the proposal is not considered to comply with Policies DEV20, DEV21 and DEV25 of the JLP or NPPF (paragraph 176).

### 3. Neighbour Amenity:

- 3.1 Policy DEV1 of the JLP requires consideration of the impact on the nearest neighbours particularly in terms of overshadowing and any potential loss of privacy. There are not any dwellings in the immediate vicinity that the proposed house would have an adverse impact on



in terms of overlooking or overshadowing. On this basis it is considered that the proposal would not result in an unacceptable loss of residential amenity and raises no conflicts with Policy DEV1 of the JLP.

#### 4. Highways/Access:

- 4.1 Policy DEV29 of the JLP requires consideration of the impact of developments on the wider transport network, and requires safe traffic movements and vehicular access to and from the site. As detailed above The Highways Authority has confirmed that, subject to their standing advice being adhered to, that the proposal raises no concerns with regards to the impact of this development on the road network. As such the proposal is considered to comply with Policy DEV29 of the JLP.

#### 5. Drainage:

- 5.1 Policy DEV35 (Managing Flood Risk and Water Quality Impacts) of the JLP and requires sustainable water management measures to be incorporated and states that development will not be permitted without confirmation that sewage/wastewater treatment facilities can accommodate or will be improved to accommodate the new development. The site is not within an area prone to flooding and a soakaway would be provided within the field in accordance with SHDC guidance providing 40cu/m of storm water. In terms of foul drainage a package treatment plant is proposed which will discharge below ground level. It is considered that conditions could suitably deliver an acceptable scheme if permission were to be granted. As such the proposal is contrary to Policy DEV35 of the JLP.

#### 6. Ecology:

- 6.1 Policy DEV26 of the JLP requires protection, conservation and enhancement of biodiversity. A phase 1 habitat survey & preliminary ecological appraisal was submitted in support of the application which found the site to be of limited ecological value and recommended some measures to be employed such as plating and bat boxes in order to achieve a biodiversity net gain. In the event of planning permission being approved a condition could secure the measures that would effectively mitigate the impact. On this basis the proposal is not considered to conflict with Policy DEV26 of the JLP.

#### 7. Carbon Reduction:

- 7.1 The JLP supports the transition to a low carbon future with DEV32 requiring developments to identify opportunities to minimise the use of natural resources and reduce the energy load. The Climate Emergency Planning Statement 2022 places greater responsibility on applicants to demonstrate energy efficiency. This is in line with Paragraph 8(c), 152 and 157(b) of the NPPF articulating the need for the planning system to support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change and for development to propose solutions for carbon reduction.
- 7.2 The Climate Emergency Compliance Form has been submitted demonstrating a commitment to the requisite energy efficiency savings which could in turn be secured through condition if permission were to be granted. Officers are satisfied that the proposal minimises carbon emissions and incorporates an air source heat pump and solar PV panels on the roof in the proposed plans. Subject to a condition that these are implemented the proposal is not considered to conflict with DEV32, the Climate Emergency Statement and the relevant paragraphs of the NPPF.

#### 8. Other Matters:

8.1 The site falls within the Zone of Influence for new residents have a recreational impact on the Tamar 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. The normal means for securing this contribution is via unilateral undertaking and legal agreement. At this stage no such undertaking has been received and the proposal therefore fails to secure the necessary contribution.

## 9. Conclusion:

9.1 Following careful consideration of the submission it is not accepted that sufficient justification has been given to allow officers to provide a favourable recommendation for an additional agricultural workers unit at this countryside location. Development in the countryside is only justifiable in planning terms if it is fully supported by robust evidence demonstrating need and viability. Even then the site is in a sensitive location and landscape protected. The relevant planning policy takes cognisance of the intrinsic beauty of the countryside and development will not be supported if it does not conserve or enhance. Officers have found the impact of this development to be harmful and the relevant policy gives great weight to protecting the natural assets against incongruous additions that would erode tranquillity and the rural character. On this basis the proposal is considered to result in an unjustified and inappropriate development and officers would recommend refusal.

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

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

[\*now known as Department for Levelling Up, Housing and Communities]

The relevant development plan policies are set out below:

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

SPT1 Delivering sustainable development  
SPT2 Sustainable linked neighbourhoods and sustainable rural communities  
TTV1 Prioritising growth through a hierarchy of sustainable settlements  
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area  
TTV26 Development in the Countryside  
TTV27 Meeting local housing needs in rural areas  
DEV1 Protecting health and amenity  
DEV2 Air, water, soil, noise, land and light  
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area  
DEV20 Place shaping and the quality of the built environment  
DEV23 Landscape character  
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

### **Neighbourhood Plan**

There is no adopted Neighbourhood Plan for the area.

Other material considerations include the policies of the National Planning Policy Framework (NPPF) including but not limited to paragraph 176 and guidance in Planning Practice Guidance (PPG).

Additionally, the following planning documents are also material considerations in the determination of the application:

Plymouth and South West Devon Climate Emergency Planning Statement 2022.

### **Considerations under Human Rights Act 1998 and Equalities Act 2010**

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