

## PLANNING APPLICATION REPORT

**Case Officer:** Peter Whitehead

**Parish:** East Portlemouth **Ward:** Stokenham

**Application No:** 2167/19/FUL

**Agent:**

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**Applicant:**

AG Gara Rock  
C/O Agent

**Site Address:** Gara Rock Hotel, East Portlemouth, Devon, TQ8 8FA

**Development:** Erection of 3 additional holiday units within the grounds of Gara Rock Resort (comprised of a pair of semi- detached cottages & 1 secret suite & additional landscaping from that previously advertised) together with the reconfiguration of parking & associated works

**Recommendation:** Refusal

**Reasons for Refusal:**

1. The proposed development would result in additional tourism accommodation in a remote and unsustainable rural location, accessed via the rural road network and reliant on private car use given the apparent lack of options to reach the site via sustainable or active modes of travel. Furthermore no justification has been provided to demonstrate a need for the accommodation in this remote coastal location within the Undeveloped Coast or explain why such a need cannot be met in a more sustainable location and no Sustainable Travel Plan has been supplied. The proposal is therefore contrary to Policies SPT1, SPT2, TTV1, TTV2, DEV15, DEV25 and DEV29 of the Plymouth and South West Devon Joint Local Plan 2014 – 2034.
2. The proposal would result in tourism and accommodation and facilities within the Undeveloped Coast. Activity associated with the use of the additional holiday units would have a detrimental effect upon the tranquillity of the Undeveloped Coast, and it has not been demonstrated that the development requires a coastal location and cannot reasonably be located outside the Undeveloped Coast. The proposal is therefore contrary to Policies DEV15 and DEV24 of the Plymouth and South West Devon Joint Local Plan 2014 – 2034.
3. The application fails to demonstrate how the development would constitute an environmentally conscious business development or promote a low carbon economy and in turn how the proposal would make an appropriate contribution to the carbon reduction target in line with Policy DEV32 which seeks to halve 2005 levels of carbon emissions by 2034. The proposal is therefore contrary to Policies SPT1, DEV32 and DEV29 of the Plymouth & South West Devon Joint Local Plan 2014-2034.

## **Key issues for consideration:**

The principle of the development, design and appearance, impact on the AONB and Undeveloped Coast of the additional holiday accommodation units, impact on neighbour amenity, drainage, ecology and low carbon development.

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## **Site Description:**

The site is located in a remote location on the South Devon cliff tops, approximately 1.3km from the nearest settlement of East Portlemouth and 2.6km from East Prawle.

The site itself slopes downwards from north to south and the development has been built to take account of the topography of the site.

The main building on the site is predominantly rendered with slate roofs and has a 'U' shaped footprint. It is predominantly two storeys with additional development in the roof space.

The existing car park is located at the north of the site behind the hotel. To the east of the main building is an area of open space with swimming pool and changing room. Footpath connections to and from the SW Coast path run along the west and southern site boundaries.

Accommodation within the site comprises a mix of cottages, apartments and suites which benefit from unrestricted residential use, the removal of holiday occupancy restrictions being earlier secured as set out in the planning history below. In addition there are a number of amenities on site including indoor and outdoor swimming pool, spa facility, cinema room, restaurant and lounge bar and a food truck.

The site is in the South Devon Area of Outstanding Natural Beauty, the Undeveloped Coast and Heritage Coast. The area of coast to the south of the site is designated as an SSSI. Agricultural land adjoins the site to the north, east and west. To the south of the application site runs the South West Coast Path with footpath connections to and from the South West Coast Path run along the west and southern site boundaries. The land between Deckler's Cliff and Gammon head to the southeast of the site is a scheduled Ancient Monument (SAM), which comprise coaxial field systems, a prehistoric field system characterised by uniformly small, conjoined, rectangular plots laid to a particular axial symmetry. There are no listed buildings located on, or within close proximity to, the site.

Vehicular access to the site is via a narrow single track road, which serves this development only, with pedestrian access gained from the nearby public footpaths. There is no public transport servicing the site.

## **The Proposal:**

The site operates as a holiday resort, and the existing units are so used (though no condition now restricts their use to holiday occupancy only). The proposal seeks permission for an additional 3 holiday units to be constructed within the grounds of the resort. These would comprise a pair of semi-detached cottages & 1 'secret suite' together with landscaping and reconfigured parking. The proposed cottages and 'secret suite' are to be located to the north-east and east of the existing U-shaped complex of units. The proposal also includes the reconfiguration of the car parking area and hard and soft landscaping.

## **CONSULTATION FROM AUGUST 2022**

### **External Consultations**

DCC Ecology—No objections, subject to original conditions.

In comparison to the original proposals, the revised application would result in a reduced impacts on reptiles and provide increased enhancements for reptiles, bats and Cirl Bunting and will provide significant net gains in excess of the prior scheme (which was already well in excess of 10% as evidence by a DEFRA metric calculation). As such, it is considered the above information demonstrates that the June 2019 Ecological Assessment, and subsequent addenda information in October and November 2019, would remain applicable to the revised proposals and that there is no merit in updating the ecology surveys or providing a new Ecological Assessment report on this basis.

DCC Historic Environment—No comments

East Portlemouth Parish Council—Objection for the following reasons:

a. The proposed development would have a detrimental visual effect in what is an extremely and highly visible part of the AONB and the Heritage Coast, despite the token landscaping.

b. There continues to be serious problems of inadequate provision for sewage from the existing accommodation units. This has resulted in a very strong, unpleasant smell at the site (see comments from guests on Tripadvisor). Further accommodation can only exacerbate the problem.

c. This application to increase the number of accommodation units would result in a significant reduction in the number of parking spaces, amplifying the existing parking problems for current guests as well as for guests in the additional units. The application would result in the removal of vehicle turning space and the reduction in screening that was required in previous planning permissions to mitigate the visual impact of parked cars in the highly visible part of the AONB and the Heritage Coast. Overflow parking for residents and restaurant users in the adjacent LEASED field will have a seriously detrimental visual impact.

d. The original permission for the redevelopment application emphasised the possibilities of local employment and permission was granted conditional on staff accommodation remaining on site. However, this condition has not been met and the proposed development would increase the number of car journeys, (if it proves possible to recruit staff) leading to an increase in traffic and further pressure on limited parking spaces.

Natural England—No objection

Natural England has previously commented on this proposal and made comments to the authority in our letter dated 11 February 2020, our ref: 306894.

The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

South Hams Society—Objection

## **Representations from Internal Consultees**

JLP Policy Officer (26/05/2023) – objection: I appreciate that the proposal relates to an existing and ongoing tourism business, The Gara Rock Hotel, and that there has been some relatively recent expansion of the accommodation. However, my response regarding this application must be based on the up-to-date development plan policies of the time, which are contained within the Plymouth & South West Devon Joint Local Plan, which was adopted in March 2019.

It is important to identify the clear distinction between the requirements of the JLP policies and previous policy frameworks that have preceded it, because when considered against the JLP policies this proposal is considered to result in some significant policy conflicts.

The highest level policy within the JLP is SPT1, which creates an overarching framework for how sustainable development is anticipated to be delivered across the plan area, and creates the foundation for all subsequent policies within the plan. With regard to ensuring that economic development within the plan area is sustainable and compatible with the local and national climate emergencies, the expectation is for applications to contribute to a;

1. 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.

The relevant spatial policy that seeks to ensure these aims are met is TTV1 – Prioritising growth through a hierarchy of sustainable settlements. The proposal site sites within a tier 4 location ‘smaller villages, hamlets and countryside’ on account of its remote coastal location. The site is poorly connected to nearby settlements, with little or no alternatives to sustainable or active modes of travel.

The site is within the South Hams AONB, Heritage Coast and Undeveloped Coast designations. There are specific policy requirements that apply to applications in these locations.

As the proposal has a clear economic and business focus, policy DEV15 is of particular relevance. The policy needs to be considered as a whole, and with the broader policy framework of the JLP providing context to this. The first sentence creates the basis upon which the individual criterion are applied, which is that “Support will be given to proposals in suitable locations which seek to improve the balance of jobs within the rural areas and diversify the rural economy.”

The consideration of whether a site can be considered ‘suitable’ comes back to where the site lies within the settlement hierarchy, and the degree to which it can support access via a range of transport modes. As has already been established the site is in the lowest tier of the settlement hierarchy, and is likely to rely heavily upon the private car for access. DEV15 does include provision for the use of a Sustainable Travel Plan to show how the additional emissions and journey impacts of a proposal have been understood and mitigated for. However, no such document has been submitted as part of the application, and as such there is no demonstrably compatibility with DEV15 when read as a whole, or the environmental aspirations of policy SPT1.

DEV15 also requires applications for tourism accommodation to supported by evidence of need. The proximity of an existing business that is seeking to expand is not in itself

justification of need. Locational justification of why the proposal needs to be here and not in a more sustainable location has not been provided. JLP policies have been used to resist additional tourism accommodation adjacent to pre-existing tourism facilities if they are considered to be in unsustainable locations, and these have been upheld by PINS. Of particular relevance is APP/Q1153/W/20/3257061, Ashbury Hotel and Golf Club, where an additional 12 holiday lodges were refused on the basis that the applicant had neither demonstrated why the site location could be considered compatible with the environmental aspirations of the JLP, and that no justification had been provided for the additional accommodation.

Similarly, an application for 6 holiday lodges within the grounds of Alston Hall to diversify the accommodation offer was refused by SHDC and upheld by PINS in decision APP/K1128/W/21/3269242 Alston Hall, a summary of which is contained by the Inspector as; "17. Drawing the above factors together and on balance taking into account the evidence before me, the location and nature of the development would conflict with the sustainability and rural tourism aims of JLP Policies SPT1, TTV1, TTV2 and DEV15."

The lack of alternative transport options and lack of a Sustainable Travel Plan to reduce the impact of a an unsustainable location will also result in conflict with policy DEV29 – Specific provisions relating to transport, when read as a whole but also specifically with criterion 6 and 8. Recent appeal decisions have upheld the view that increasing the reliance upon the private car as a means of accessing rural businesses cannot be considered acceptable. An proposal to expand a hospitality and event business at Ludbrook Manor (APP/K1128/W/22/3307997) was recently dismissed on that basis. The extent of policy conflict was summarised by the Inspector thus;

12. In light of the above, I conclude that the appeal site is not an appropriate location for an event venue with particular regard to the local development strategy. As a result, the proposal is contrary to Policies SPT1, SPT2, TTV1 TTV26, DEV15 and DEV29 of the JLP and the Framework.

Of particular relevance to the consideration of this application is its location within the Undeveloped Coast policy area. In order to avoid incremental harm within the UC from commercial activity, policy DEV15 contains the following wording; '7. The loss of tourist or leisure development will only be permitted where there is no proven demand for the facility. 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.'

The chalet style accommodation proposed would clearly conflict with this very clearly articulated policy provision. Whilst the additional units are adjacent to the existing business premises, their use would intensify the use of the site and increase the perception of human activity within wider landscape characterised by its undeveloped, rugged and natural character. There is clear conflict with DEV15.7 as a result. In addition, the specific policy provisions of DEV24 – Undeveloped coast and Heritage Coast include the following; Development will only be permitted in the Undeveloped Coast where the development:

1. Can demonstrate that it requires a coastal location.
2. It cannot reasonably be located outside the Undeveloped Coast.

The lack of justification of need in relation to DEV15 applies equally to the policy requirements of DEV24, and the simply pre-existence of adjoining holiday accommodation does not satisfy the policy test. It is equally clear that tourism accommodation can, and is

frequently, developed elsewhere within the district in locations that are outside the Undeveloped Coast. The application is deficient in any information to show how the aims of SPT1.1(ii and iv) are met, and in turn, how the proposal can be considered to make an appropriate contribution to the carbon reduction target contained within policy DEV32.

The location of the proposal is not supported by TTV1 and the adopted settlement hierarchy, and is not considered a 'suitable location' as required by policy DEV15. The application provides no justification for why there is a clear 'need' for the accommodation in this unsustainable location, and nor is there any justification for adding additional tourism accommodation into the Undeveloped Coast policy area, resulting in clear conflict with policy DEV24. The lack of Sustainable Travel Plan adds further conflict with policy DEV15 and policy DEV29, with no attempt made to quantify the additional emissions and movement attributed to the development, and no mitigation strategy offered to reduce emissions of movement. There is little or no opportunity for modal shift, and the site location will result in a high level of dependence on the private car.

The LPA has refused a number of applications for tourism accommodation and hospitality facilities with similar spatial characteristics, and subsequently upheld by PINS via the appeals process. The number of policy conflicts is considered significant, and with no material considerations present that suggest that local plan policy should not apply with anything other than full weight, there can be no other position taken by the JLP Team than offering a strong objection to the proposal.

Landscape Officer—No objection subject to conditions

### **Representations from Neighbours**

One letter of objection received. The submission fails to open.

### **ORIGINAL CONSULTATIONS**

#### **External Consultations:**

AONB Board—Further Information Required

DCC Ecology (Biodiversity)-No objection subject to conditions

DCC Public Rights of Way Warden—Object.

East Portlemouth Parish Council: Objection for the following reasons:

1. The proposed development will have a detrimental visual effect in what is, an extremely and highly visible part of the AONB and the Heritage Coast.
2. There are major problems with inadequate provision for sewage which has resulted in a very strong, unpleasant smell. Prior to considering this application the Parish Council feels that a suitably qualified person should provide an assurance that this problem has been corrected and proper provision made for any extension to the accommodation.
3. The condition requiring the existing parking bays to be planted to provide screening has not been met and this should be addressed before permission is given for further parking.
4. The original permission for the redevelopment application, emphasised the possibilities of local employment. However, there is no on site provision for employees and this has resulted in recruitment problems. The development itself, would therefore increase the number of car journeys if they are able to recruit staff adding to the increase in traffic occasioned by an additional 8 units.

Historic England—No comments

South Hams Society—Object

Southwest Water—Comments, no objection

The National Trust—Object

### **Representations from Internal Consultees**

Landscape Officer—Object

SHDC Drainage—No objection, subject to conditions

### **Representations from Statutory Consultees**

DCC Highways Authority—No objection subject to conditions

Natural England—No objection

### **Representations from Residents**

Twelve letters of objection have been received, stating the following summarised concerns:

- Impact on the AONB and Undeveloped Coast
- Impact on landscape and visual amenity
- Impact on protected species
- Impact on wildlife
- Impact of increased traffic on peace and tranquillity of the area and on the Devon Hedges
- Over development on a sensitive landscape
- Inadequate drainage system with smells already evident
- The increased demand for services supporting the remote site and guest journeys will exacerbate the local issues, such as Parking and increased traffic
- Over-intensive development

### **Relevant Planning History**

3208/20/FUL. Sub-division of three apartments to six apartments. Conditional approval on the 4<sup>th</sup> of December 2020.

1138/18/VAR Granted planning permission for variation of condition 2 (approved plans condition) following grant of planning permission 3586/16/FUL. Granted July 2018.

3586/16/FUL Redevelopment involving change of use from hotel (C1) to create 12 residential apartments (C3) with external alterations including fenestration (windows and doors) and access (steps). Erection of self-contained ancillary staff accommodation. Erection of single storey extensions to main building to create reception area/ office and enlarged restaurant. Operational improvements internally to provide additional facilities comprising of Treatment Rooms, Gym, Games Room and Back of House. Relocation and reconfiguration of existing plant. Improvements to grounds including new landscaping, and other associated works. Conditional Approval granted February 2018

2604/16/FUL Erection of an entrance gate, additional landscaping and associated development. Granted October 2016.

20/2104/13/F was granted permission in January 2014 for the removal of condition 3 of permission 20/1058/12/F to allow unrestricted occupation of the apartments and cottages. A Section 106 attached to this permission secured an affordable housing contribution and open space to be paid following the sale of the fifth unit.

### *Background*

The existing resort developed from the redevelopment of an old hotel site in 2005, the detail of the scheme being amended a number of times. The scheme that was implemented was granted in 2011 and included 18 bedroom suites, 14 self-contained apartments and 5 self-contained holiday cottages plus ancillary facilities. Conditions were applied to this consent to ensure that all the accommodation was to be used for holiday and/or hotel purposes only.

In 2013, however, an application was submitted to remove the holiday occupancy condition to allow the apartments and 5 cottages to be used with unrestricted occupation. This was granted conditional approval on the basis that it would secure the best economically viable future for the resort. Since then the resort has been acquired by the current applicant.

With regards to the additional three holiday units now proposed, the applicant states that these will be for holiday accommodation only associated with the hotel and will not be for unrestricted occupation.

## **ANALYSIS**

### **Principle of Development/Sustainability:**

Overarching Policy SPT1 of the JLP seeks to promote sustainability through all forms of development, including through environmentally conscious economic activity, the creation of sustainable societies and through protection of natural assets and the environment. It specifies a number of ways in which it seeks to do so, but access to a range of health-promoting travel options, reducing energy demand and low carbon energy schemes all underline the Plan's focus on the environmental impacts of travel and development generally.

Policy SPT2 is principally concerned with the creation of sustainable resident communities, but there is an extent to which tourism can play a role in supporting these, particularly where conveniently located for access thereto.

The application site lies within the Thriving Towns and Villages Area (TTVA) and is in the fourth tier category of Policy TTV1 which relates to the 'Smaller villages, Hamlets and the Countryside', where "development will be permitted only if it can be demonstrated to support the principles of sustainable development and sustainable communities (Policies SPT1 and 2)...".

In relation to tourism development, JLP Policy TTV2 sets out that development proposals in the TTVA will be supported where they reinforce the sustainable settlement hierarchy and where they deliver a prosperous and sustainable pattern of development. Its specific rural sustainability objectives include 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.

Policy DEV15 (7) specifies that in respect of rural tourism, “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, [and] has no adverse environmental impact...”

Policy TTV26 further seeks to protect the special characteristics and role of the countryside, by resisting isolated development unless in exceptional circumstances.

With regard to ensuring that economic development within the plan area is sustainable and compatible with the local and national climate emergencies, the expectation within SPT1 is for applications to contribute to a;

1. 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.

The relevant spatial policy that seeks to ensure these aims are met is TTV1 – Prioritising growth through a hierarchy of sustainable settlements. As noted, the application site lies within a tier 4 location ‘smaller villages, hamlets and countryside’ on account of its remote coastal location.

The site itself is remote from settlements and access to the site is restricted to unlit, narrow rural roads. There is no public bus service to the site. Even in daylight and favourable weather, it is considered unlikely that travel to services and facilities would be undertaken by foot or other sustainable or modes of travel.

As the proposal has a clear economic and business focus, policy DEV15 is of particular relevance. The policy needs to be considered as a whole, and with the broader policy framework of the JLP providing context to this. The first sentence creates the basis upon which the individual criterion are applied, which is that “Support will be given to proposals in suitable locations which seek to improve the balance of jobs within the rural areas and diversify the rural economy.”

The consideration of whether a site can be considered ‘suitable’ comes back to where the site lies within the settlement hierarchy, and the degree to which it can support access via a range of transport modes. As has already been established the site is in the lowest tier of the settlement hierarchy, and is likely to rely heavily upon the private car for access. DEV15 does include provision for the use of a Sustainable Travel Plan to show how the additional emissions and journey impacts of a proposal have been understood and mitigated for. However, no such document has been submitted as part of the application, and as such there is no demonstrably compatibility with DEV15 when read as a whole, or the environmental aspirations of policy SPT1.

DEV15 also requires applications for tourism accommodation to supported by evidence of need. The proximity of an existing business that is seeking to expand is not in itself justification of need. Locational justification of why the proposal needs to be here and not in a more sustainable location has not been provided in this case.

Whilst each case must be considered on its merits, the policies of the extant JLP have been used to resist additional tourism accommodation adjacent to pre-existing tourism facilities if they are considered to be in unsustainable locations and officers are mindful of various decisions that have been upheld by the Planning Inspectorate on appeal.

Of particular relevance is APP/Q1153/W/20/3257061, Ashbury Hotel and Golf Club, where an additional 12 holiday lodges were refused on the basis that the applicant had neither demonstrated why the site location could be considered compatible with the environmental aspirations of the JLP, and that no justification had been provided for the additional accommodation.

Similarly, an application for 6 holiday lodges within the grounds of Alston Hall to diversify the accommodation offer was refused by SHDC and upheld by PINS in decision APP/K1128/W/21/3269242 Alston Hall.

Even if a genuine, local, need could be established, the policy is clear that any supports rests on there being no adverse environmental impact. Given the remote location of the site and reliance upon unsustainable forms of transport to access it, the proposal cannot be considered to meet this requirement. Moreover, and significantly, as noted the site lies within the Undeveloped Coast wherein Policy DEV15 contains the following wording; '7. The loss of tourist or leisure development will only be permitted where there is no proven demand for the facility. 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.'

The accommodation proposed would clearly conflict with this very clearly articulated policy provision. There is clear conflict with DEV15.7 as a result. In addition, the specific policy provisions of DEV24 – Undeveloped coast and Heritage Coast include the following; Development will only be permitted in the Undeveloped Coast where the development:

1. Can demonstrate that it requires a coastal location.
2. It cannot reasonably be located outside the Undeveloped Coast.

The lack of justification of need in relation to DEV15 applies equally to the policy requirements of DEV24, and the simply pre-existence of adjoining holiday accommodation does not satisfy the policy test. It is equally clear that tourism accommodation can, and is frequently, developed elsewhere within the district in locations that are outside the Undeveloped Coast.

Finally, whilst it is recognised that the additional units are adjacent to the existing business premises and have been designed to be discreet in the landscape, their use would nevertheless intensify the use of the site and increase the perception of human activity within wider landscape characterised by its undeveloped, rugged and natural character. The use, reliant upon additional car movements down remote, quiet rural lanes would also reduce the tranquillity of the Undeveloped Coast - and the same could be said of additional human activity on site; again contrary to DEV24.

In summary, the location of the proposal is not supported by TTV1 and the adopted settlement hierarchy, and is not considered a 'suitable location' as required by policy DEV15. The application provides no justification for why there is a clear 'need' for the accommodation in this unsustainable location, and nor is there any justification for adding additional tourism

accommodation into the Undeveloped Coast policy area, resulting in clear conflict with policy DEV24. The lack of Sustainable Travel Plan adds further conflict with policy DEV15 and policy DEV29, with no attempt made to quantify the additional emissions and movement attributed to the development, and no mitigation strategy offered to reduce emissions of movement. There is little or no opportunity for modal shift, and the site location will result in a high level of dependence on the private car.

### ***Design & Appearance:***

Policy DEV20 requires development proposals to meet good standards of design, contributing positively to both townscape and landscape and protect and improve the quality of the built environment, taking its' context into account.

The semi-detached cottages are located to the north of the site, east of the re-aligned car park. The cottages are single-storey with a floor area of 73sqm. The height of the eastern half of the cottages is 3.3m to the eaves and 4.5m to the ridge and to the western half the height of the eaves is 2.8m and 4.1m to the ridge.

The cottages use a variety of materials, including timber and slate cladding to the elevations and a green sedum to the east facing roof. This variation of materials helps to break up the visual mass, thereby minimising visual impact on the landscape. The impact of any light pollution from glazing has also been minimised by applying a veil of timber slats to the main windows.

The Secret Suite is located more centrally located, to the south of the cottages, and is proposed to align with the existing ridge and staircase.

The Secret Suite is single-storey, with a floor area of 69.5sqm. It would be built into the hillside to limit its impact. Overall Officers are content that the suite would be discrete and would have limited visual impact and presence in this sensitive landscape.

Officers therefore consider the design and appearance of the cottages and Secret Suite are acceptable and in accordance with JLP Policy DEV20 and the relevant provisions of the NPPF.

### ***AONB, Undeveloped Coast & Heritage Coast and Landscape***

The site is located within the Undeveloped Coast and Heritage Coast (UCHC) and South Devon Area of Outstanding Natural Beauty (AONB). Relevant policies include DEV23, DEV24 and DEV25. DEV23 relates to landscape character and states that "*Development will conserve and enhance landscape, townscape and seascape character and scenic and visual quality, avoiding significant and adverse landscape or visual impacts*", whilst DEV24 refers to south hams undeveloped coast and heritage coast, stating "*Development which would have a detrimental effect on the undeveloped and unspoilt character, appearance or tranquility of the Undeveloped Coast, estuaries, and the Heritage Coast will not be permitted except under exceptional circumstances.*" Of highest importance however is DEV25, which aims to secure the protection of nationally important landscapes, providing "*The highest degree of protection will be given to the protected landscapes of the South Devon AONB, Tamar Valley AONB and Dartmoor National Park. The LPAs will protect the AONBs and National Park from potentially damaging or inappropriate development located either within the protected landscapes or their settings.*"

Residents, East Portlemouth Parish Council, South Hams Society and, initially, the Council's Landscape Officer have objected to the proposal due to the potentially adverse impact on the UCHC and AONB designated landscape. Whilst the South Devon AONB Consultants (AONB Consultants) originally made several recommendations to improve the proposal on landscape grounds, they did not directly object and have not provided any further comments to later revisions and further enhanced landscape proposal.

In response to these objections and initial recommendations from the AONB Consultants, the applicant has made several revisions, including reducing the initial number of units to be developed from 8 to 3, along with several landscape revisions. The most recent revisions were submitted in February 2023.

The AONB Consults have not provided any comments on the most recent revisions.

The location of the two cottages is to the north with the Secret Suite to the south. The proposal includes the restoration and enhancement of the character of the natural landscape to the southernmost portion of the site. In addition to this, the updated proposals include softening the roof gradient of the secret suite to create a natural slope and reduce the 'partial molehill' effect; reduce the topography levels on the south elevation so that there is less impact on the landscape; reduce the internal height of the secret suite and lower the floor level to further reduce the 'partial molehill' effect so it is more discrete in the landscape; revise the site plan with a clear indication of the new hedge banks and landscape enhancements.

In response to the above updates, the Landscape Specialist reviewed the plans and has withdrawn the previous holding objection, stating "*The planting proposals remain broadly acceptable, and a greater level of detail is provided in the explanatory notes, about the intentions of the proposals.*"

*There are still several incongruous Devon banks, existing and proposed, on the site, which provide privacy to patio areas and plot division rather than as characteristic landscape features. However, it is acknowledged that the proposed planting will be native hedgerow species, which will bring biodiversity benefits, and that the grounds of the hotel are a designed, semi-private garden landscape, rather than within open countryside.*

*In relation to the species mix, I note the high percentage of thorny plants in the proposed hedgerow mixes – Crataegus monogyna and Prunus spinosa. Although not inappropriate, thorny plants are not required for stock proofing here, so it would be preferred if the percentage of these in the mix was limited to 20% each, and with the proportion of Cornus sanguinea increased to 15%, and an additional 20% Corylus avellana introduced to the mix, for increased biodiversity benefits.*

*A similar increase in diversity for the scrub mix planting would be preferred, whilst noting that thorny plants will deter unwanted access into these areas. However, reducing the percentages of both Ulex europaeus and Crataegus monogyna, to allow for a proportion of a couple of other native shrubs such as Hippophae rhamnoides (Sea buckthorn) and Viburnum opulus (Guelder Rose) would be beneficial in this respect.*

*For the Secret Suite, the plans and sections illustrate that the slope gradients around the new built form have been softened to create a more natural landform, to minimise the 'partial molehill' effect, which was a concern highlighted in previous comments. The proposed*

*revisions are more acceptable and it is acknowledged that the proposed scrub mix planting will further disguise any remaining, anomalous levels.*

*The majority of issues raised in my previous comments have been acceptably addressed and, subject to minor adjustments to plant species mixes, I am able to confirm my support for the proposals on AONB and Undeveloped Coast grounds, as the landscape proposals meet the policy tests and objectives of Development Plan policies DEV23, DEV24 and DEV25”, subject to conditions. These conclusions are noted and no reason for refusal is thus included on AONB/landscape grounds.*

Whilst the Landscape Officer considers there have been improvements with the recent landscape revision, the JLP Planning Policy Officer does not consider they overcome the broad harm to the Undeveloped Coast. As noted, the JLP Planning Policy Officer states that “of particular relevance to the consideration of this application is its location within the Undeveloped Coast policy area. In order to avoid incremental harm within the UC from commercial activity, policy DEV15 contains the following wording;

7. The loss of tourist or leisure development will only be permitted where there is no proven demand for the facility. 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.

In this case, it is not considered that the accommodation responds to a demonstrable identified need and, as noted the site lies within the Undeveloped Coast. Whilst the additional units are adjacent to the existing business premises, their use would intensify the use of the site and increase the perception of human activity within wider landscape characterised by its undeveloped, rugged and natural character. There is clear conflict with DEV15.7 as a result. In addition, the specific policy provisions of DEV24 – Undeveloped coast and Heritage Coast include the following;

Development will only be permitted in the Undeveloped Coast where the development:

1. Can demonstrate that it requires a coastal location.
2. It cannot reasonably be located outside the Undeveloped Coast.”

The lack of justification of need in relation to DEV15 applies equally to the policy requirements of DEV24, and the proposal is thus in clear conflict with both these policies.

#### *Neighbour Amenity:*

Policy DEV1 requires that development proposals safeguard the health and the amenity of local communities providing for satisfactory daylight, sunlight, outlook, privacy and the protection from noise disturbance for both new and existing residents, workers and visitors.

DEV2 sets out that development proposals that cause unacceptable on- or off-site risk or harm to human health, the natural environment or living conditions, either individually or cumulatively will not be permitted.

In this case, although a number of units of accommodation on site are not restricted to holiday use, the applicant has stated that they are nevertheless used for holiday use.

The standards for amenity provision set out in the SPD to the JLP are geared towards residential accommodation, notwithstanding the broader reference to workers and visitors in the wording of DEV1. In this case, by virtue of the siting, scale, form and detailed design of the development, coupled with the means of separation between properties involved, nearest

the proposal would not lead to any materially harmful impact on amenity by way of loss of light, outlook, or privacy.

Representations have, however, been received objecting to the proposal, stating they already have concerns with smells coming from the existing drains, which will only get worse with additional accommodation. The Drainage Engineer has reviewed the submitted drainage information and has stated that “*Sufficient foul and surface drainage details have been provided to confirm an ‘in principle’ scheme can be accommodated on site*”, subject to conditions requiring the finer details of the foul and surface water systems to be installed. This matter could therefore have been resolved by details/condition if the proposal was otherwise acceptable.

Officers are therefore satisfied that the proposal is in accordance with JLP Policies DEV1 and DEV2.

#### *Highways/Access:*

It is recognised that letters of representation from neighbours raise concerns with regards to the road network and consider that the proposal will exacerbate local issues, including pedestrian safety. The Highways Officer has responded to the proposal, stating that the Highway Authority has no objections.

It is also recognised that the proposal seeks to provide additional units of accommodation, without providing increased car parking; notwithstanding that the remote location of the site is considered likely to result in additional private car movements to serve these units.

As per the discussion above, no Sustainable Travel Plan has been supplied and it is anticipated that users of the additional units would reach the site by car, and rely upon car use to meet daily travel needs. The application is supported by a Technical Note which considers the traffic and car parking impacts of the proposal.

Whilst the application is likely, therefore, to result in increased car movements to/from the site both in terms of holiday makers and staff servicing the units/site, it is noted that the Technical Note refers to “Discussions have taken place with the resort management who have confirmed the following: • The existing 70 space resort car park operates well within capacity even at peak holiday times” and concludes that car parking provision is sufficient and appropriate.

Overall, given the size of the three units now proposed on balance it is not considered that a reason for refusal based on a lack of car parking could be substantiated. The proposal is considered compliant with Policy DEV29.

#### *Drainage*

Neighbours have raised concerns with regards to the drainage of the site. The revised drainage of the site is to directly drain into either the Highly Weathered Start Mica Schist or the Weathered Start Mica Schist. Driven by gravity, water will flow downwards through the permeable Schist and disperse through the discontinuities within the unsaturated rock mass until reaching natural groundwater. The drainage will not result in any seepage or evidenced slope instability.

The applicant has also submitted a Foul Drainage Form to state that the proposal will be non-mains to a Package Treatment Plan suitably located from any watercourse, building (habitable or otherwise).

The Drainage Engineer has been consulted and states that he has no objection as sufficient foul and surface drainage details have been provided to confirm an 'in principle' scheme can be accommodated on site.

It is therefore considered that a suitable drainage scheme can be installed to satisfy JLP Policy DEV35.

### *Ecology*

Paragraph 180 of the NPPF states, in part, *if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.* The NPPF further states that *“Planning policies and decisions should contribute to and enhance the natural and local environment by (d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures”* (174).

JLP Policy DEV26 states that *“Development should support the protection, conservation, enhancement and restoration of biodiversity and geodiversity across the Plan Area”,* and goes on to state that *“Harmful impacts on European and UK protected species and Biodiversity Action Plan habitats and species must be avoided wherever possible, subject to the legal tests afforded to them where applicable, and unless the need for, or benefits of the development clearly outweigh the loss”.*

In support of the proposal, the applicant has submitted an Ecological Assessment (EA) which was later followed by a supplementary Ecological Briefing Note (EBN) in response to previous concerns raised by the County Ecologist. The EA and EBN were undertaken by Ecology Solution. The EA assesses the ecological interest of the site in accordance with guidance published by the Chartered Institute of Ecology and Environmental Management.

The EA and EBN conclude that the development of the additional units will not result in any significant adverse effects on any statutory and non-statutory sites of nature conservation. The EA proposes that measures to retain and bolster the existing hedgerow H1, together with new tree planting and creation of wildflower meadows within the development will provide continued and enhanced foraging and navigational opportunities for bats and birds. The new planting should consist of species of known value to wildlife.

With regards to bats and birds, the installation of bats and bird boxes will provide roosting opportunities. However, during vegetation clearance safeguards should be put in place for nesting birds. The EA also recommends a small-scale reptile translocation and habitat manipulation exercise should be undertaken for suitable reptile habitat (areas of ruderal vegetation and scrub), to avoid negative impacts on the reptiles.

The implementation of the above nature conservation measures will ensure the proposal will be in accordance with policy as well as result in biodiversity net gain.

The County Ecologist was re-consulted following the supplementary information requested by the Ecologist. The Ecologist has now reviewed this information and no longer has any

objections, stating that “The site is described as comprising intensely managed amenity grassland and of low ecological value, with areas of rough grassland, scrub and hedgerow, which is of relatively greater ecological value in the context of the site.

Whilst small amounts of each of these habitats would be lost in association with the proposed development, there will be no loss of suitable roosting trees for bats, with little foraging habitat available. The County Ecologist notes that the rough grassland offers some nesting potential for curlew and other species, with foraging habitat amongst the existing scrub.

The County Ecologist considers the proposal will result in Biodiversity Net Gain (over 20% habitat BNG, and a 7x increase in hedgerow habitat units) by virtue of enhancing the existing hedgerow and planting of new areas of wildflower grassland, scrub and hedgerow planting.

The County Ecologist concludes that it is considered that the proposal in terms of biodiversity is consistent with local (DEV26) and national policy (namely NPPF paragraphs 174 and 180), subject to conditions

### *Low Carbon Development*

The NPPF guidance, chapter 14, promotes planning for climate change. Paragraph 153 states that “*Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures*”.

The UK continues to move towards the legally binding commitment of reducing national carbon emissions by 80 per cent from the 1990 baseline (Climate Change Act 2008). Sustainable design and construction, therefore, will be integral to new development in South West Devon, including the delivery of zero carbon development where possible. As such development should minimise energy demand, maximise energy efficiency and integrate the use of renewable and low carbon energy. The relevant carbon reduction policy of the JLP is Policy DEV32, which states that “*The need to deliver a low carbon future for Plymouth and South West Devon should be considered in the design and implementation of all developments, in support of a Plan Area target to halve 2005 levels of carbon emissions by 2034 and to increase the use and production of decentralised energy*”.

The applicant has not completed a DEV32 Form. However, there is a Sustainability Section with the Design and Access Statement (D&AS) that sets out the project’s aspirations to create cottages which are in harmony with the landscape and incorporate sustainable construction measures where ever practical. Due to the sensitive nature of the landscape solar panels and wind turbines have been ruled out, although other renewable technologies will be considered.

The D&AS states that the development of the units will adopt a fabric first approach in that they will aim to minimise the need for high energy demands in the first place. The drawings show the units will have green roofs, which will help mitigate overheating and therefore reduce the need for heating and air-conditioning in the summer months.

The windows are proposed to be double glazed with thermally broken frames. Thermally broken frames features a reinforced polyamide strip (a non-metallic, composite, structural material) fixed between the inside and outside, creating an insulated barrier within the window frame. Except for the large front windows, these will be minimally sized to avoid excessive heat loss.



In using the large windows to the frontages the units are orientated southward, not just to benefit from exceptional views, but also allow good thermal gain in the cool winter months, thereby minimising heating demand, as well as to take advantage of the natural daylight, thereby reducing electrical demand for lighting.

The use of the proposed timber slatted louvres will be applied to areas of glazing to minimise the risk of overheating in the summer months. The glazed sliding doors to the main living room are recessed to allow for shading to this expanse of glass, thereby minimising overheating. Further cooling measures are proposed via the green sedum roofs to the East facing roof pitch to mitigate overheating.

Other sustainable measures include water saving devices, a waste and recycling programme which already exists for the hotel and which the new units will tie into.

Whilst the above measures are welcomed, the Planning Policy Officer asserts that *“The application is deficient in any information to show how the aims of SPT1.1(ii and iv) are met, and in turn, how the proposal can be considered to make an appropriate contribution to the carbon reduction target contained within policy DEV32”*, to reduce carbon emissions to 2005 levels by 2034, contrary to JLP Policy DEV32.

It is further recognised that by relying upon access by private car the environmental impacts in this regard also have to be taken into account in considering the overall impact of the proposal, inter alia, on carbon reduction targets and sustainable transport use. Policy DEV29.5-8 set out that development proposals should where appropriate:

- “5. Provide for high quality, safe and convenient facilities for walking, cycling, public transport and zero emission vehicles.
6. Mitigate the environmental impacts of transport, including impacts on air quality, noise pollution, landscape character and the quality and distinctiveness of urban and rural environments.
7. Incorporate travel planning, including Personalised Travel Planning (PTP), which helps to maximise the use of sustainable transport in relation to the travel demands generated by the development and limit the impact of the development on the road network.
8. Ensure that access and infrastructure delivered as part of the development meets the need for walking, cycling and public transport connectivity both within the development and in the wider area alongside supporting place-shaping objectives.”

It is not considered that the proposal demonstrably meets these requirements and it is thus considered the proposal is in conflict with DEV29 in addition to SPT1 and DEV32 as discussed.

### *Heritage*

The historic environment provides a sense of place, wellbeing and cultural identity and has the potential to bring economic, social and environmental benefits. Paragraph 201 of the NPPF states that *“Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss”*; however, *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”* 202).

Policy SPT11 of the JLP states that the planning authority “*will pursue a proactive and solution-orientated approach for the conservation and, where appropriate, enhancement of the historic environment, ensuring that it is promoted as a key element of local character and distinctiveness, forms a strategic context for regeneration and development*” and Policy DEV21 continues by affirming that “*Development proposals will need to sustain the local character and distinctiveness of the area by conserving and where appropriate enhancing its historic environment, both designated and non-designated heritage assets and their settings, according to their national and local significance*”.

In considering whether to grant planning permission, section 66 of the Planning (Listed Buildings and Conservation Areas) Act requires the local planning authority to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The land between Deckler’s Cliff and Gammon Head to the southeast of the site is designated as a Scheduled Ancient Monument (SAM) and comprises coaxial field systems, a prehistoric field system characterised by uniformly small, conjoined, rectangular plots laid to a particular axial symmetry.

It is recognised that the positioning of the proposed cottages and secret suite is discreet and ensures impact is limited, with minimal impact in views from outside the site from the South West Coastal Path and the Beach. The glazed fronts on the new secret suite is set back from the side walls, and angled away from SAM, so the glazing is not visible from this key vantage point.

With regards to the cottages, a green sedum roof covers the east facing roof slope, thereby minimising visual impact from the scheduled ancient monument. Additionally, the placing of the cottages use takes advantage of the site context and uses the slope of the land to ensure the best possible views out from the cottages whilst the use of planting and louvres provide screening when looking in from the SAM. A new hedgerow will also be planted to create a separation between the cottage terraces and new natural landscaping, further screening the cottages from key views.

Historic England were consulted, as were Devon County Council Historic Environment, both of which had no comments to make. It is therefore considered that there is no heritage/historical reason to object to the proposal. Had the application been otherwise acceptable, details of the external materials would have been secured by condition. On this basis, it is not considered that the proposal would conflict with JLP Policies SPT11 and DEV21.

#### *Public Right of Way*

The site is located adjacent to the South West Coast Path and there has been an objection, although this relates to Footpath 15, which includes the public road to the entrance to the Gara Rock Hotel. The Objector states that the footpath has the characteristics of a rural lane bounded by traditional Devon hedge banks. It is reasonably narrow, with at least one blind bend, and there are no refuges for pedestrians when faced with vehicular traffic arriving and leaving Gara Rock.

Officers consider that this situation is already established and the addition of an additional three holiday units will not significantly increase the risk to walkers. Furthermore, the

Highways Authority have been consulted and raised no issues with conflicts between walkers and vehicular traffic.

It should be noted that part of Footpath 15 intersects with the South Coast Path. The proposal does in fact also include works to improve the connection to the Coastal path from the hotel complex, as access to it is currently limited. Consequently, part of the proposals seek to improve this access by reopening an existing gate, thereby facilitating improved public access, which may also be beneficial to those using Footpath 15.

### **Planning Balance**

The proposal will expand the existing Gara Rock Hotel with an additional three units and whilst landscape impact has been mitigated as far as possible by sensitive design, the remote location of the site is considered unsustainable and no evidence of need for further accommodation has been evidenced.

Whilst it is acknowledged that new accommodation and subdivisions to provide for such have historically been approved on this site, the JLP, adopted in 2019, sets a high bar for new development outside settlements and in more remote locations ill-served by sustainable transport; and the Council has subsequently declared a climate emergency and adopted a Climate Emergency Planning Statement in 2022.

In this case, the development is considered contrary to JLP Policies SPT1, SPT2, TTV1, TTV2, DEV15, DEV24, DEV29 and DEV32.

Accordingly, the proposal is contrary to the policies of the extant development plan and a recommendation of refusal is thus made.

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

### **Planning Policy**

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 development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts South Hams and West Devon within Dartmoor National Park) comprises the Plymouth & South West Devon Joint Local Plan 2014 - 2034.

On 26 March 2019 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 19<sup>th</sup> December 2022).

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

SPT3 Provision for new homes

SPT12 Strategic approach to the natural environment

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

DEV10 Delivering high quality housing

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

### **Neighbourhood Plan**

There is no 'made' neighbourhood plan for this area; the Saltstone Neighbourhood Plan area being at designation stage. Accordingly, at this time the development plan does not include a neighbourhood plan, and there is no published draft neighbourhood plan that could amount to a material consideration.

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 AONB Management Plan 2019 to 2024

The Plymouth and South West Devon Supplementary Planning Document (SPD) adopted by South Hams District Council on 16 July 2020

### **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.

The above report has been checked and the plan numbers are correct in APP and the officer's report. As Determining Officer I hereby clear this report and the decision can now be issued.

Name and signature: Peter Whitehead

Date: 07/07/2023

<b>Ward Member -</b> Date cleared - Comments made -	<b>Ward Member –</b> Date cleared Comments made -