

OFFICER'S REPORT

Case Officer:	Graham Lawrence		
Parish:	Thurlestone	Ward:	Salcombe & Thurlestone
Application No:	2887/24/FUL		
Applicant:	Bantham Estate Ltd Bantham Estate Office Bantham Devon TQ7 3AN	Agent:	Emily Heydon Atticus Planning Limited PO Box 247 Tavistock PL19 1FJ
Site Address:	Bantham Boathouse Bantham TQ7 3AP		
Development:	Proposed conversion of first floor of boathouse into holiday let (revised scheme to 2605/22/FUL).		

Recommendation: Refusal

Reasons for refusal:

- 1 It has not been demonstrated to the satisfaction of the local planning authority that the proposed conversion of the upper floor would represent the optimum viable use ahead of other less harmful options consistent with conserving the character and special interest of the listed building. The development is, therefore, contrary to policies SPT11 and DEV21(2) of the Joint Local Plan, TP1 of the Thurlestone Neighbourhood Plan as well as paragraphs 203, 206 and 208 of the NPPF.
- 2 It has not been demonstrated how the community use of the ground floor as a boat store and marine activity space would be secured. The development is, therefore, contrary to policies DEV18(6) of the Joint Local Plan, TP 14 of the made Thurlestone Neighbourhood Plan.

Key issues for consideration:

- Effect of the proposal on the character and special interest of the listed building
- Justification for proposed conversion/change of use as an 'Optimum Viable Use'
- Continuation of historic community use of the boathouse
- Effect on National Landscape
- Ecology
- Drainage

Site Description:

Coronation Boathouse is a unique listed building in an exceptional location on the quay at Bantham. Its prominence as a feature of the National Landscape (formerly the AONB)

means it is a much loved and photographed building. The boathouse was built by the Bantham Estate as a community asset and has been used as such since its construction.

The Proposal: Conversion of first floor of boathouse into holiday let

Consultations:

- Thurlestone Parish Clerk: Objection.

A detailed response has been provided which can be summarised as follows:-

Conversion to a holiday let would remove its marine-based use, which is vital to the local marine economy and distinctiveness of the area. Its Optimum Viable Use has still only been assessed according to best financial return to the applicant rather than what would be best for the historic building, the area and the community.

There is no guarantee that the community would be able to continue to use the ground floor in perpetuity. The ground floor is not part of the application. The use of the ground floor (which floods) quote "to remain 'as is'" guarantees nothing as currently the only boats stored in Coronation Boathouse are the applicants own.

The WC which has always been available to the public and sailing club use is to become a wet room exclusive to the holiday let.

Holiday let use on the first floor of the boathouse would cause significant harm to the setting of the Grade II listed building and would be contrary to NP Policies TP1.6 (impact on the historic environment), TP1.1 (noise disturbance), TP1.4 (increased light pollution) and TP1.5 (detrimental impact on the natural beauty, special qualities, landscape and scenic beauty of the AONB).

The site location plan includes land under unknown ownership. The ownership certificate needs to be corrected. We understand the plan should show how the building will be accessed from the main highway which surely requires approval by the owner of the land. The road and slipway are not owned by Bantham Estate.

The building has always been a boat store for local boats and the home of local boatbuilders and the Harbour Master since it was built in 1937. This application contains inaccurate claims that the boathouse has been used for occasional hospitality events. Coronation Boathouse has never been used for hospitality events – occasional or otherwise. Thurlestone Neighbourhood Plan does not support more Holiday Lets... or the loss of storage space in the Parish (TP14). Once gone it is gone forever.

Coronation Boathouse was built to service this waterside community and the applicant has confirmed there is still a proven need for its capacity for boat storage and maintenance. The applicant has significantly increased the number of moorings on the estuary since purchasing the estate in 2014, along with the long established Bantham Sailing Club and its growing cadet numbers, the demand for boat storage facilities by the water is constantly growing.

The small tweaks reducing the number of dividing walls and their positions, and the style of the external staircase access in this revised application for the proposed holiday let still presents a level of change to this building that is difficult to justify and have absolutely no public benefit. However, the public benefits of community use for marine activities such as boat storage, boat repair and boat building in a waterside community and the development of the local marine economy is obvious and be economically viable. The cost of maintaining the building for non-habitable use for boat storage and maintenance, would be less harmful to the setting, beneficial to the local community and less expensive for the applicant.

- DCC Ecology: No objection subject to conditions
- South Devon NL: No comment received
- DCC Highways: No comment received.

Representations:

Representations from Residents

One representation giving 'support' was received. It is a wide ranging and considered response, comments include:-

'...would boat storage alone bring in enough income to cover the costs of refurbishment and long term maintenance? and would current health and safety regulations make it possible to still winch heavy wooden boats up to the 2nd floor as it used to? A holiday let could generate income and mean a sustainable future for the building and keep it maintained to a high standard whilst also keeping the ground floor for storage.'

'The Neighbourhood plan TP9 seeks to 'support existing local business, their sustainable growth and expansion, and sustainable tourism that benefits businesses' so the scheme could benefit the local pubs, shops and beach businesses in the parish. TP15 supports the change of use of rural buildings for new opportunities for local business, commercial or storage purposes so this scheme could still be part storage as well as a new opportunity. TP21 is also relevant as it 'seeks to conserve and enhance the historic environment'. The officer's report of the previous application in 2022 felt that the design of the interior was unnecessarily harmful so this new scheme has to satisfy previous concerns that it would not be harmful to the character of the building. If planning officers are minded to approve the scheme, I think the community would need some assurances regarding public access to the quay, namely that there is a public right of way down to it, the area in front of the boathouse is used by visitors, mooring holders, swimmers etc and there are many wall moorings which need to be accessed. Also that the slipway will continue to be available to other water users, swimmers, sailors etc, plus of course all the ferry users every day in the Summer. Although the CCTV cameras are important for security, they are currently a rather untidy feature of the building and the drawings don't seem to show whether they will perhaps be consolidated in some way to improve the look of the exterior. Lastly, would the building be conditioned so it remains as a holiday let (if approved) and not become a permanent residence? My overall view is to support the scheme as I think it will help preserve and maintain the building for years to come but its cultural significance within the community and the parish should not be underestimated. Careful consideration of the issues mentioned in the paras above, I hope will be taken into account during planning deliberations.'

Five representations objecting to the proposed development were received and comments can be summarised as follows:-

- Community benefit is being lost
- Harm to character, significance and special interest of the listed building is not justified
- Harm to the Heritage Coast and National Landscape
- No engagement with the Parish, stakeholders and community
- Boat storage will be discouraged due to disturbance of guests in the holiday let
- Licensing of wine storage has compromised use of the ground floor
- Health and Safety claims relating to abandonment of use of first floor are not evidenced
- Building regulations compliance will likely cause damp issues in the boathouse
- Light spill and need for external lighting will be harmful to local ambience and wildlife
- Principle residency will be required to accord with the Neighbourhood Plan

Representations from Internal Consultees: None

Representations from Statutory Consultees: None

Relevant Planning History

Application Number: 0149/24/FUL
Proposal: Proposed stabilisation of cliff slope
Decision: Conditional Approval
Decision Date: 15/03/2024

Application Number: 2605/22/FUL
Proposal: READVERTISEMENT (Revised plans & additional information) Proposed conversion of first floor into holiday let & cliff stabilisation works(part retrospective)
Decision: Refusal
Decision Date: 02/05/2023

Application Number: 2606/22/LBC
Proposal: READVERTISEMENT (Revised plans & additional information) Listed Building Consent for proposed conversion of first floor into holiday let & cliff stabilisation works
Decision: Refusal
Decision Date: 02/05/2023

Application Number: 0332/21/FUL
Proposal: Change of use from boathouse and occasional hospitality use (sui generis) to a restaurant and cafe
Decision: Withdrawn
Decision Date: 12/03/2021

ANALYSIS

Principle of Development/Sustainability:

The fact that the boathouse is a designated heritage asset in this very special location in the National Landscape means development cannot be supported unless it meets the relevant policy aims.

The need for designated heritage assets to have an 'Optimum Viable Use' is a consistent theme from the National Planning Policy Framework, through the Joint Local Plan (JLP) to the Neighbourhood Plan (TNP). Policy DEV21 of the JLP is clear in its aims saying, 'great weight will be given to the conservation of the Plan Area's designated heritage assets. Where development proposals will lead to any harm to the significance of a designated heritage asset, they must be fully justified against:

- i. the public benefits of the development, and whether there are substantial public benefits in cases where there would be substantial harm
- ii. whether it has been demonstrated that all reasonable efforts have been made to sustain the existing use, find new uses or mitigate the extent of harm to the assets significance and if the work is the minimum required to secure its long term use.

The JLP Supplementary Planning Document (SPD) expands on DEV21 saying in para 6.55 'Where less than substantial harm is identified then the LPA is required to consider

whether other public benefits arising from the proposed development outweigh this harm. If this is considered to be the case, then the development may be approved.'

Officers challenge the assertion in para 6.2.16 of the Planning Statement supporting the proposed development that, 'As part of the previous application, a report was provided to help prove that the holiday let represented the most optimum viable use for the first floor space, but this work is no longer considered relevant, on the basis no harm has been proven to exist and is not discussed further.'

Firstly, that report ignored the Planning Policy Guidance (PPG) with regard to 'Optimum Viable Use' which states, 'If there is a range of alternative economically viable uses, the optimum viable use is the one likely to cause the least harm to the significance of the asset, not just through necessary initial changes, but also as a result of subsequent wear and tear and likely future changes. The optimum viable use may not necessarily be the most economically viable one.'

Secondly, whilst officers acknowledge harm to have been reduced through the design changes made to the previous scheme there remains a level of 'less than substantial harm' that must be balanced by demonstrable 'public benefit'.

The assertion that the development would secure much needed investment in the heritage asset and that should be seen as a 'public benefit' is contradictory to Historic England guidance that 'Maintenance, repair and periodic renewal of building fabric are all part of the ownership of a listed building. Failure to apply a suitable repair regime leads inevitably to a decline of condition'.

The NPPF is clear in para 202 that this should not be given weight when considering development proposals - 'Where there is evidence of deliberate neglect of..... a heritage asset, the deteriorated state should not be taken into account in any decision.'

It is apparent that the condition of the Coronation Boathouse has deteriorated in the last 10 years and more. During that time no maintenance schedule or Management Plan has been produced to ensure that condition is monitored and essential repairs planned for as part of the overall management of the Bantham estate.

Officers have been consistent in stressing the importance of a commitment to fuller use and greater public access to the ground floor. The evidence presented by the Parish Council and objectors indicates that not only was the upper floor in use in the recent past but that the ground floor had been used by locals for boat storage as well as a focal point for regatta celebrations since its construction. The need for any planning application to secure this community use was stated in the officers' pre-application response which said, 'As the Coronation Boathouse was constructed as a community building it is important that the ongoing availability of the ground floor for community use is clearly stated and ensured as part of this planning process. Details should be provided within the Planning Statement and this ought to be discussed with the local stakeholders prior to submission.' No such discussions took place and so the future use of the ground floor remains uncertain.

The Planning Statement lacks detail but does say in para 6.1.20 'Regarding the ground floor space within CB, as no changes are proposed to this area and will therefore continue to provide boat storage, the building's historic function will remain preserved.' This is reiterated in para 6.2.14 '....it is important to remember that application relates to the first floor only; CB's ground floor will continue to function as boat storage. As such, the

building's original purpose and historic role within the local marine industry would be preserved, for future generations to enjoy.'

These assurances are contradicted by the recent application for, and granting of, a License for storage and distribution of wine from the boathouse. Officers disagree with the assertion that the use of the boathouse is B8 and determine it to be F2 or 'sui generis'. Whilst further planning approval would be needed for the wine storage use to be legally enacted it is considered by officers to be a contradiction of assurances given in the Planning Statement.

Such is the difference of view between the Parish Council (and a proportion of the local community) and the Estate regarding the historic uses of the boathouse, officers believe it necessary for the future of the whole building to be established. The best way to do this is considered to be via a clear commitment that can be secured via a condition or legal agreement attached to any approval.

Design:

The current proposal followed a detailed pre-application consultation and is considered by officers to be much improved from the previous proposal. A better internal layout, much improved stairs to the west (instead of a ramp to the east and replacing the post WWII concrete stair), no new openings and a suitable proposed use for the pilchard store are all positive changes.

In considering the conversion of the boathouse the same principles are applied as for a barn or an industrial building so the advice in the 'Barn Guide' that forms part of the SPD. The advice has been applied quite successfully although the guidance that retention of, 'An unpartitioned interior characterised by impressive proportions, long sight lines and the structural elements exposed' cannot be fully realised. The fact that only one full height partition is proposed is accepted as being the least level of partition possible, but it remains a level of harm that must be considered.

Reaching the levels of fire separation and thermal improvement required by building regulations necessitates physical interventions and whilst the impact of these changes has been designed to minimise harm, there remains a level of harm due to changes to the walls, ceilings and floor void between ground and first floor.

Heritage:

The boathouse and store were added to the statutory list by Historic England following public requests for 'spot listing' when it was proposed that it be converted to a bar/bistro and event type use. It is apparent from the list description that the fact it was built by the estate for the community as an act of celebration of a national event added to its significance. Also of importance was the fact it had been so little altered and was, therefore, a rare and complete example of its kind.

Para 206 of the NPPF says, 'Any harm to, or loss of, the significance of a designated heritage asset (requires 'clear and convincing justification'. Para 208 continues '....less than substantial harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'.

Officers consider the proposed development to not have been demonstrated to be the optimum viable use. It is accepted that income generation is desirable but it cannot be

given weight in the planning balance to justify changes that result in avoidable harm. Nor can the reinstatement of a suitable repair regime be considered a 'public benefit'.

Landscape: The proposal will secure the appearance of the heritage asset as a feature of the National Landscape. Concerns raised regarding light spill are not assessed to amount to significant harm to the character of the locality.

Neighbour Amenity: No issues

Highways/Access: No issues

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

Planning Policy

Relevant policy framework

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

The relevant development plan policies are set out below:

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

SPT1 Delivering sustainable development
SPT11 Strategic approach to the Historic environment
SPT12 Strategic approach to the natural environment
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
TTV26 Development in the Countryside
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV15 Supporting the rural economy
DEV20 Place shaping and the quality of the built environment
DEV21 Development affecting the historic environment
DEV23 Landscape character
DEV24 Undeveloped coast and Heritage Coast
DEV25 Nationally protected landscapes
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV31 Waste management
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts

Neighbourhood Plan

TP1, TP.13, TP.14, TP21 & TP.22

Other material considerations include the policies of the National Planning Policy Framework (NPPF) including but not limited to paragraphs 8, 39, 41, 169, 180, 182, 200, 201, 202, 203, 205, 206, 208 and guidance in Planning Practice Guidance (PPG).

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

South Devon Area of Outstanding Natural Beauty Management Plan (2019-2024)

Plymouth and South West Devon Joint Local Plan Supplementary Planning Document (2020)

Plymouth and South West Devon Climate Emergency Planning Statement (2022)

Traditional Farm Buildings: Their Adaption and Re-use (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 correctly recorded within the computer system. As Determining Officer I hereby clear this report and the decision can now be issued.
Name and signature: <i>Graham Lawrence</i>
Date: 29 October 2024

Ward Member	Cllr M Long	Ward Member	Cllr S Dennis	Ward Member	
Date cleared	26/11/24	Date cleared	27/11/24	Date cleared	
Comments made	Dear Graham, Thank you for your considered report. I support delegated refusal of this application, 2887/24/FUL Bantham Boathouse. Kind regards Mark	Comments made	Dear Graham, I support your recommendation of REFUSAL for this application. Thank you, Samantha Dennis	Comments made	

