

## OFFICER'S REPORT

<b>Case Officer:</b>	Charlotte Howrihane		
<b>Parish:</b>	Buckland-Tout-Saints	<b>Ward:</b>	Allington & Strete
<b>Application No:</b>	2974/23/FUL		
<b>Applicant:</b>	Mr L Maclachlan The Stables Ledstone TQ7 2HQ	<b>Agent:</b>	Mr Alex Bateman Mohsin Cooper 7 Hove Manor Parade Hove Street Hove BN3 2DF
<b>Site Address:</b>	The Stables, Ledstone		
<b>Development:</b>	Change of use from the existing stable building (agriculture) to commercial		

**Recommendation:** Refusal

### Reasons for refusal:

1. The proposal fails to demonstrate an occupational need for a countryside location, and is considered to result in unsustainable development in the countryside. No Sustainable Travel Plan has been submitted to demonstrate how the traffic impacts of the development have been considered and mitigated, contrary to policies SPT1, SPT2, TTV1, TTV26, and DEV15 of the Plymouth & South West Devon Joint Local Plan (2019-2034).
2. The proposed change of use is considered to be incompatible with the rural road network accessing the site, which is unsuitable to accommodate the potential increase in vehicle journeys to and from the site resulting from the development, contrary to policy DEV29 of the Plymouth & South West Devon Joint Local Plan (2019-2034), and paragraph 110 of the National Planning Policy Framework (2023).
3. The proposal fails to provide sufficient parking provision to address the needs of the proposed use, contrary to policy DEV29 of the Plymouth & South West Devon Joint Local Plan (2019-2034 and paragraph 8.16 of the Joint Local Plan Supplementary Planning Document (2020).

### Key issues for consideration:

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

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### Site Description:

The Stables is an L-shaped building on the southern edge of the hamlet of Ledstone. The building was constructed in the early 2000s, and is of timber construction. There is a vehicular access to the north-west of the site, and a grassed-over track down to the stable building. There is space for 1-2 vehicles alongside the building but no formal parking area.

It should be noted that when visiting the site, Officers noted that it is not being used as a stable building; internal works have been undertaken including the installation of a staircase to allow access to a first floor. When visiting the site, the building appeared to be used for general storage,

although the lawful use is considered to be stables, as indicated by the applicant's description of the building in the development proposal.

### **The Proposal:**

The application seek permission to convert the building and change the use to commercial. Although the nature of the commercial use is unspecified in the development description, the floor plans show a two-storey office space being created, with twenty desks, a meeting room, break area, and lobby.

### **Consultations:**

- Highways Authority- recommend refusal, details in analysis
- Parish Council- object: *'The Planners original comments were taken into consideration; 'not suitable for commercial use...' and that nothing has changed since these comments and objections were made as were the DCC Highways Consultation & Response of objection referring to limited access and not suitable for the number of proposed traffic. The Parish Council would also like to enforce the letter of objection from The South Hams Society 'The application title for this proposal is incorrect. The Society has reviewed the site planning history, and no record exists to state that the stables were built to support an agricultural need. To quote condition 6 of planning application 08/1071/00/F: '6. The proposed stable blocks shall not be used on a commercial basis'*

### **Representations:**

Eleven letters of objection have been received, along with one letter of support. The representations can be seen in full on the Council website, but can be summarised as follows:

- Highways safety concerns due to narrow lanes with no passing places
- Larger vehicles will not be able to access the site
- Generation of additional traffic
- Long planning history should be taken into account
- Proposal contravenes previous conditions on the building which prevent commercial use
- Insufficient parking
- Ledstone is not an appropriate place for commercial development
- Impact on habitats
- Impact on peaceful atmosphere
- Application description is incorrect
- Torr Quarry is nearby and better suited to commercial activity
- No need for commercial use here, there are plenty of vacant units around
- There are residential properties in close proximity to the site
- Concerns about potential further development

### *Support:*

- Building is underused currently
- Commercial use will not impact anyone
- Better to use a redundant building
- Provides local employment opportunities

### **Relevant Planning History**

- 1542/20/FUL Change of use of existing stable building to holiday accommodation- refused (appeal dismissed)
- 4117/17/CLE- Application for a lawful development certificate for a residential dwellinghouse (Class C3) with domestic garden- certificate refused

- 08/2038/01/F- Erection of lean-to on existing stable block for land/stable maintenance equipment- conditional approval
- 08/1071/00/F- Proposed amendments to approved plans 08/0161/00/F for construction of stable block and associated external works- conditional approval
- 08/0161/00/F- Construction of stable block and associated external works- conditional approval

## ANALYSIS

### Principle of Development/Sustainability:

Sustainable development lies at the heart of the spatial strategy of the Joint Local Plan (JLP), with Policy SPT1 setting out how development and change will be managed in accordance with the principles of delivering sustainable development through a sustainable economy, a sustainable society and a sustainable environment.

Policy SPT2 elaborates further on achieving sustainable rural communities, indicating support for the development of rural based business and enterprise, specifically agriculture. Policy SPT2 also sets out that development should support the overall spatial strategy through the creation of communities which; have reasonable access to a vibrant mixed-use centre, which meets daily community needs for local services such as neighbourhood shops, health and wellbeing services, and community facilities, and are well served by public transport, walking and cycling opportunities.

The principle of development is further addressed by policies TTV1 and TTV2, which set out the development strategy for the Thriving Towns and Villages and which aim to prioritise growth through a hierarchy of sustainable settlements and deliver sustainable development. TTV1 establishes a 'settlement hierarchy' to direct development to more sustainable locations.

The site is located on the outskirts of Ledstone, a small hamlet with no services or facilities, and therefore within the lowest tier of the settlement hierarchy (tier 4- Smaller Villages, Hamlets, and the Countryside). Policy TTV1 states that development will only be permitted in tier 4 locations where it can be demonstrated to support the principles of sustainable development.

The site is therefore not in a sustainable location, and development would not generally be supported in such a location. However, there are some circumstances where development in the countryside could be supported, as set out in policy TTV26 of the JLP. TTV26 is split into two parts; TTV26(1) relates to isolated development, whereas TTV26(2) applies to all development in the countryside, regardless of whether or not the location is considered to be isolated.

The building has previously been subject to enforcement investigations, resulting in an enforcement appeal decision on the site (against an enforcement notice to cease using the stables as a permanent dwelling) where the Inspector described the site as being isolated, due to the distance from services and amenities. Officers have no reason to change this view now, and the location is therefore considered to be isolated, and part (1) of TTV26 must be applied.

### ***TTV26- Development in the countryside***

*The LPAs will protect the special characteristics and role of the countryside. The following provisions will apply to the consideration of development proposals:*

1. *Isolated development in the countryside will be avoided and only permitted in exceptional circumstances, such as where it would:*
  - i. *Meet an essential need for a rural worker to live permanently at or near their place of work in the countryside and maintain that role for the development in perpetuity; or*
  - ii. *Secure the long term future and viable use of a significant heritage asset; or*
  - iii. *Secure the re-use of redundant or disused buildings and brownfield sites for an appropriate use; or*

- iv. Secure a development of truly outstanding or innovative sustainability and design, which helps to raise standards of design more generally in the rural area, significantly enhances its immediate setting, and is sensitive to the defining characteristics of the local area; or*
- v. Protect or enhance the character of historic assets and their settings.*

*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*

The proposal is to change the use of the building from stables to commercial, specifically offices. Whilst no significant alterations would be required to convert the building, it is a modern structure and would not be preserving or reusing a traditional building or heritage asset, and so TTV26(1)(ii) and TTV26(2)(ii) would not apply in this instance. No evidence has been submitted to indicate that the site requires a countryside location; as offices, the development does not appear to be responding to a proven agricultural, forestry, or other occupational need.

Policy DEV15 of the JLP supports proposals in suitable locations which seek to improve the balance of jobs within the rural area, and diversify the rural economy. Whilst DEV15 supports small-scale employment and the development and expansion of small business in residential and rural areas, the policy is also clear that such development should avoid a significant increase in the number of trips requiring the private car, and facilitate the use of sustainable transport. Policy DEV15(8) requires the submission of Sustainable Travel Plans to demonstrate how the traffic impacts of the development have been considered and mitigated. No such information has been submitted, and the location of the site, and lack of sustainable transport options are considered to outweigh the benefits to the rural economy from the provision of additional commercial space.

The proposal is not considered to meet any of the exceptions outlined in policy TTV26 which would support the development in an unsustainable location. The principle of the development is therefore considered to conflict with policies SPT1, SPT2, and TTV1, and TTV26 of the JLP.

#### Design/Landscape:

The proposal would not require any physical works to the building, and therefore raises no concerns with regard to design, or landscape impact. Had the proposal been considered acceptable in all other regards, a condition would have been recommended to require details of any external lighting to be agreed, to prevent intrusive lighting to nearby residents and to preserve the rural character of the site.

The development is therefore considered acceptable in terms of policies DEV20 and DEV23 of the JLP.

#### Neighbour Amenity:

There are some dwellings to the north of the site, however due to the topography of the land, the stable building is tucked into the site, with the land rising up to the north and largely obscuring the building, along with boundary hedgerows. Notwithstanding the identified impact of the proposal on the highways network, and the impact of the additional traffic on local residents, which is dealt with later in the report, Officers do not consider that the use of the building for commercial purposes as

indicated on the floor plans (i.e., office use) would impact the amenity of residents to a harmful extent.

Objections have been made about the potential noise resulting from the proposed change of use. Noting the proposed use, Officers do not anticipate harmful levels of noise and disturbance, but note that any such issues which become a nuisance could be investigated and dealt with outside of the planning system, by the Council's Environmental Health team.

The proposed development is therefore considered to accord with policies DEV1 and DEV2 of the JLP which seeks to preserve the amenity of residents.

#### Highways/Access:

There is an existing vehicular access into the site, although the lane from the main road down to Ledstone is particularly narrow, with limited passing places. Officers are concerned that the potential volume of traffic resulting from the proposed change of use could have a negative impact on the local highways network.

The applicant has noted in their Design & Access Statement that a previous appeal on the site did not raise any concerns about the highways impact of the appeal proposal, with the Inspector noting:

*'In terms of the compatibility with the local road network, the site would be accessed via private vehicle. Whilst the local road network is narrow and steep in places, there is no indication that the type and level of vehicular traffic that would be generated would be unsafe or incompatible therewith.'* (Appeal decision APP/K1128/W/20/3260220, para 17).

Whilst this previous assertion is noted, Officers would argue that there is a significant difference in the nature of the former appeal scheme and the current proposal; the appeal was for a single unit of holiday accommodation, which would have resulted in a small number of additional vehicle movements from guests to and from the site. The current proposal is for office use, with the floor plans indicating desk/office space for up to 20 people, plus additional meeting rooms. The resultant vehicular movements of up to 20 people visiting the office on a daily basis is significantly different to that of a single 2-bed holiday cottage, and so in this regard, Officers attribute little weight to the previous appeal decision.

The applicant has stated that there are likely to be no more than three people using the office regularly, and so consider the Council's concerns to be unfounded. However, there is no mechanism for the Local Planning Authority to control, or limit the number of people using the offices once planning permission has been granted, and the application must therefore be assessed as if the building was operating at capacity which, as indicated by the floor plans, could be up to 20 people.

The Highways Authority has also objected to the proposal for these reasons, and recommend refusal, commenting as follows:

*The history of the site is noted by the Highway Authority and it can be seen the proposals include the intention to change the use of an existing stables building to an unspecified commercial use.*

*The site is located on the south western side of Ledstone and it is noted the most convenient route to the site from the main road (C792) network is to travel north and then north west via the C269 road. This route measures approximately 750m distance.*

*Observations on site confirm the C269 is single track almost for its entirety and for long distances is between 2.75m to 3m wide. There are informal passing places in the form of private property entrances, although it should be mentioned these areas do not form part of the public highway and could be chained off or restricted at any time without the need for*

*permission. These passing areas are also notably not very long and may be insufficient in size to accommodate the type of traffic the proposals would be likely to generate.*

*The C269 road is very steep and does not benefit from inter visible passing opportunities. It is quite severe in terms of its horizontal alignment, meaning there is a high chance drivers will come into conflict with little time to react to oncoming vehicles. As the road is so narrow vulnerable road users would have little time to react and would likely have insufficient room to pass commercial type vehicles, due to commercial vehicle widths generally being between 2.5m and 3m. It can be seen there are objections to the application by these types of road user and it is understandable that these objectors have concerns to the proposals. It is for these reasons the Highway Authority has an in principle objection to the proposals and is recommending refusal.*

*It is difficult to quantify the likely traffic generations from the proposals as the type of commercial use is not specified; however, it is considered a worst case would exceed the HGV generations likely to be generated by the stables.'*

The site is therefore considered to be unsuitable for the proposed use and scale of the building, due to the incompatibility of the local road network with the potential increase in vehicular traffic resulting from the proposed change of use, contrary to policy DEV29 of the JLP, and paragraph 110 of the NPPF.

#### Parking:

There is currently space alongside the building to accommodate 2 vehicles. The Supplementary Planning Document (SPD) which accompanied the JLP provides indicative requirements in terms of parking provision which needs to be included in new development proposals. Paragraph 8.16 of the SPD sets out the requirements for different uses- noting that the proposed change of use is to an unspecified commercial use, but the floor plans indicate office space, Officers will apply the parking requirements for general business use, which requires 1 space per 30sqm of floorspace.

The floor plans show just over 143sqm of floorspace, which would require 4.7 parking spaces. Even if rounding down, to require 4 spaces, there is insufficient parking provision at the site to accommodate the potential number of vehicles at the site resulting from the proposed change of use.

The applicant has suggested that there is sufficient space within their wider site (they own approximately 5ha of land including the stables) to provide a parking area. However, the extent of works required to accommodate this is likely to require planning permission in itself, and Officers must assess the proposal as submitted, which contains no such parking provision.

As such, the development fails to provide sufficient parking provision to address the needs of the proposed development, contrary to policy DEV29 of the JLP and associated SPD guidance.

#### Other Matters:

Most of the objections received have stated that the proposal would breach the original conditions placed on the site when planning permission was granted for the stable. Whilst this is true, as condition 6 prohibited commercial use of the stables, that condition only relates to that planning permission, and there is nothing to prevent an applicant from applying for a different use; this is new application which will be assessed on its own merits against current policy, and the imposition of a condition 23 years ago would not preclude the landowner from applying for the use now.

Similarly, concerns that the applicant has other intentions for the site, or the fact that there has been previously unlawful development on the site are not relevant to this assessment.

The development description provided by the applicant refers to the 'change of use from the existing stable building (agriculture) to commercial'. Officers would note that stables are not agricultural in use, but instead are equestrian. Had the development been considered acceptable in all other regards, Officers would have requested this to be amended for clarity.

### Summary:

The site is not considered to be in a suitable location for the proposed commercial building, which could accommodate up to 20 people working in it. The resultant increase in traffic would not be compatible with the narrow road network and access to the site, and there is insufficient parking provision within the site to accommodate the additional vehicles. The proposal therefore conflicts with policies SPT1, SPT2, TTV1, TTV26, DEV15, and DEV29 of the JLP, and associated paragraphs of the NPPF. The application is therefore recommended for refusal.

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

### **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

DEV1 Protecting health and amenity  
 DEV2 Air, water, soil, noise, land and light  
 DEV15 Supporting the rural economy  
 DEV20 Place shaping and the quality of the built environment  
 DEV23 Landscape character  
 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:** n/a

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

**Plymouth and South West Devon Joint Local Plan Supplementary Planning Document (2020)**  
**Plymouth and South West Devon Climate Emergency Planning Statement (2022)**

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

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

<b>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.</b>	
<b>Name and signature:</b>	<i>Charlotte Hawrighane</i>
<b>Date:</b>	<b>11 December 2023</b>

Ward Member	Cllr Lawford
Date cleared	14.12.2023
Comments made	Support refusal