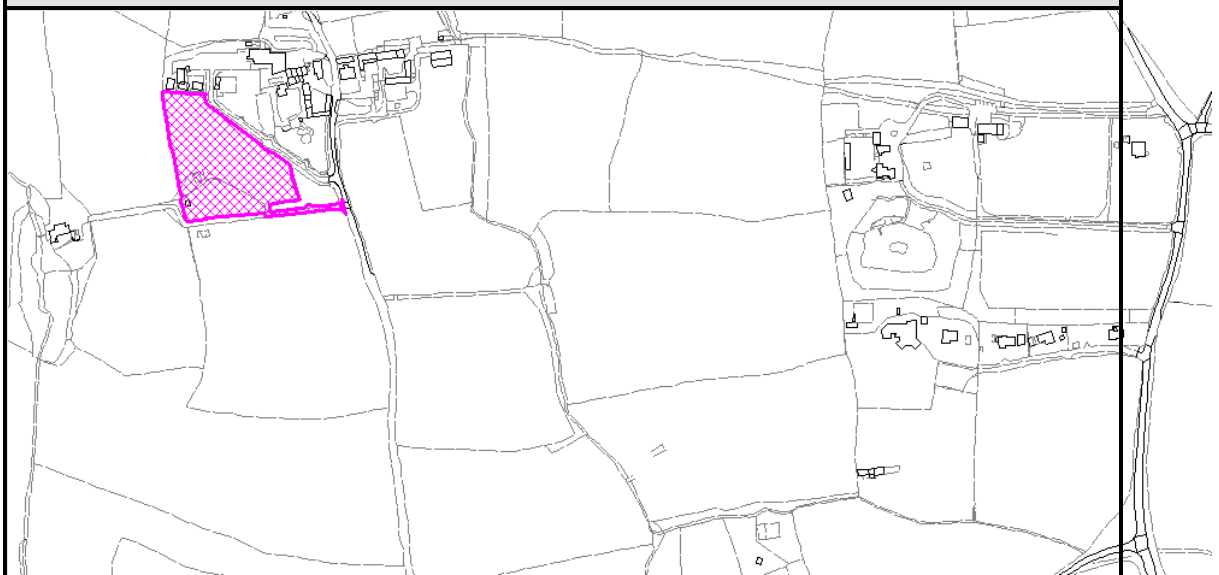


## Committee Report – 1st December 2022

<b>Application Number:</b>	1/0547/2022/FUL
<b>Registration date:</b>	23 May 2022
<b>Expiry date:</b>	18 July 2022
<b>Applicant:</b>	Mr & Mrs Lacey
<b>Agent:</b>	OCR Architecture
<b>Case Officer:</b>	Kristian Evely
<b>Site Address:</b>	Land Adjacent To Countrylife Cottages, Westward Ho!, Bideford, Devon, EX39 5AH,
<b>Proposal:</b>	Change of use from agricultural field to allow erection of no.1 dwelling, erection of a store and installation of 10 caravan/motorhome pitches.
<b>Recommendation:</b>	Refuse



### Reason for referral:

This application was called into committee by Cllr Leather for members to determine whether this application supports a sustainable enhancement of the tourism sector.

### Relevant History:

Application No.	Description	Status	Closed
1/1546/1996	EXTENSION TO EXISTING CHALET	REF	08.11.1996
1/1894/1996	EXTENSION TO EXISTING CHALET AND CHANGE OF USE TO PERMANENT ACCOMMODATION	PER	14.11.1997

### Site Description & Proposal

#### Site Description:

The existing site comprises of an agricultural field which contains some large mature trees. The site slopes downwards from north to south and is boarded on the south by hedgerow. The applicants own existing holiday lets to the northeast of the site, whilst Pig on the Hill (closed) is to the north of the site along with holiday units which are not in the applicant's ownership.

#### Proposed Development:

This application seeks the erection of a two storey, 3 bedroomed dwellinghouse. The dwellinghouse would have a height of 7.3 metres and would measure 7 metres in width x 11.8 metres in length. The proposal would be constructed from stone (ground floor), with a timber clad first floor and slate roof.

In addition, the application seeks the installation of 10 caravan/motorhome pitches, as well as a store to be used in conjunction with an existing brewery business which is currently off-site.

### Consultee representations:

#### Abbotsham Parish Council:

23.07.2022

No objections

#### Devon County Council (Highways):

14.10.2022

#### Observations:

Pusehill Road is an unclassified route running north to south. Cornborough Road is at the northern end; to the south is the C775 where Pusehill Road connects at Pusehill Cross. Between the two T-junctions, Pusehill Road is 1.1 kilometres in length. The route is subject to the National Speed Limit (NSL). The proposed development is approximately half-way between these two points. Access to the proposed development could feasibly come from either one of the two directions depending on the starting point / intended destination of the road user. On either of these two routes, the characteristics of the local highway infrastructure are similar whichever direction is taken. These routes are typical Devon lanes, which are commonplace throughout the county. These lanes are characterised by high hedge banks, narrow width, limited passing opportunities and often poor forward visibility.

As a result of this highway environment, vehicle speeds on Pusehill Road were noted as being relatively slow. Despite being within the NSL, realistically, I would estimate these speeds to be far lower and the 'actual' speed limit at an 85th percentile more akin to a 30mph. I will comment on this matter more later.

Traffic volumes were also noted as being low, although on several occasions whilst visiting the site I did confront vehicles travelling in the opposing direction and reversing was required as there was no option to pass on the narrow sections. I also noted a number of agricultural type vehicles in the area, as you would expect in a rural environment of this type.

Furthermore, in terms of vulnerable road users, I have noted pedestrians using this route, often accompanied with dogs. Abbotsham Footpath 6 is intersected by Pusehill Road and allows access either side. I have also noted cyclists and a horse rider whilst on site.

The carriageway width for large parts of the route is single lane, approximately 2.5 - 2.75 metres in width. This makes passing pedestrians on these stretches difficult; on occasions when I met pedestrians, I came to a stop and allowed them to pass. This was more problematic for dog walkers; for cyclists this would be very difficult; for horse riders it would not be possible and reversing would be required. Therefore, I already have road safety concerns regarding conflicts between vulnerable road users and motorists; these concerns are heightened with larger vehicles given the available width. This risk also increases depending on the type of vulnerable road users that the larger vehicles are conflicting with.

As always, when considering this application, I must consider the tests of the National Planning Policy Framework, which states:

110 b) safe and suitable access to the site can be achieved for all users

111. Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impact on the road network would be severe

112c) create places that are safe, secure and attractive - which minimise the scope for conflicts between pedestrians, cyclists and vehicles

Within this test, I believe the following points are pertinent to consider:

- safety issues such as opposing vehicles having to potentially reverse long distances and possibly toward bends where there is poor forward visibility
- increased chances of further degradation to the verges
- likely increased levels of traffic using an unsuitable route and the disruption this will cause

With regards to predicted traffic flows on Pusehill Road, I have no issue with the evidence base that has been submitted in this application. As well as the existing traffic movements on Pusehill Road, there is set to be an overall increase in vehicle movements on this route as a result of the committed development on the land directly to the east of this site. This land is an allocated site within the North Devon and Torridge Local Plan: NOR02. Figures have been quoted from that developments Transport Assessment, which shows additional use of Pusehill Road. Hence, there will be increased traffic movements on the route beyond the existing traffic flow situation, which doesn't include any additional trip generation attached to this application.

I would also add at this point that due to the proximity of future development to Pusehill Road, there is likely to be an increase in pedestrian movements given the available pedestrian links.

With regards to the specific information relating to the trip generation for this proposed development, I also note the details provided, which have been compiled through the TRICS process. Again, I do not dispute these figures, although I do have concerns regarding the size and type of vehicles that would be attracted to the ten pitches that are proposed on the site, namely towed caravans and motorhomes, and lorries for the bottling plant. This particularly relates to the narrow width of the lane as well as the limited passing places. A combination of an increase in traffic movements, particularly these larger vehicles, with limited or no passing opportunities would significantly increase conflicts on Pusehill Road between motorists travelling in opposite directions and, subsequently, an increase in

reversing movements. The severity of the conflicts would also increase due to the large size of the vehicles.

As requested in my previous response, a plan has been submitted relating to the possible passing places available on Pusehill Road. At this point, I add that there are a number of criteria that I expect to ensure these passing places are considered suitable. These being:

1. The surface of the passing place should be a bound surface. This prevents damage to verges and allows all vehicle types to be able to use them.
2. The passing place should be of adequate dimensions to be able to accommodate a vehicle to allow two-way movement. In this instance, given the nature of the proposed development, these must be of a suitable length and width to accommodate caravans and motorhomes, and delivery vehicles.
3. Any passing place should only be considered 'suitable' if this is part of the public highway and not in private ownership, such as a private drive or field entrance.

Although I appreciate that these 'informal' types of passing places have been historically used, a new development cannot rely on these options and suitable arrangements must be available.

Having spent significant time looking at the route on multiple occasions and considering the eleven options for passing that were highlighted on the submitted plan, I am not convinced that these can be considered suitable. In many cases these are unsuitable for a car and a large vehicle to pass, let alone two large vehicles should that eventuality arise.

This would mean that there are stretches of between 200 to 300 metres without suitable passing opportunities. This could result in vehicles having to reverse up to 150 metres depending on where the conflict between two opposing motorists occurs. Given the horizontal and vertical alignment of Pusehill Road, these reversing manoeuvres could be toward blind bends or summits, which provides a further unsuitable situation.

Bearing in mind one of the concerns that I have is the difficulties for vehicles to satisfactorily pass one another should they meet one another; I believe that these issues would be exacerbated should these conflicts involve larger vehicles. Moreover, should there be an overall increase in traffic on this route, then this would also increase these confrontations.

As well as wider access issues to the site, I also have concerns regarding visibility from the site access onto Pusehill Road. As noted earlier in my comments, I appreciate that the speed on this road will be lower than the NSL. Therefore, in this instance, I would refer visibility requirements set out in the national guidance Manual for Streets and Manual for Streets 2 (MfS) rather than the Design Manual for Roads and Bridges (DMRB).

As per the MfS guidance, I would normally expect visibility splays for the 85th %ile traffic speeds of 30mph of 43 metres in either direction when measured to the nearside edge of carriageway from a distance of 2.4 metres back from the edge of carriageway. At pre-application stage, further compromises were permitted given the width, alignment and character of the carriageway. This allowed for visibility splays of 37 metres in both directions when measured to the centre of carriageway would be acceptable.

Visibility to the north (or to the left for emerging motorists) is acceptable and I have no issue with this. This splay passes over land that the applicant has been able to evidence is within their control. Visibility to the south (to the right for an emerging motorist) is reduced.

From my own measurements, at an 'x' axis distance of 2.4 metres back from the edge of the carriageway, this allows for a 'y' axis visibility of 20 metres. This is substandard. I have seen no evidence that the applicant has control of the adjacent hedge, which is restricting visibility; in which case, there is no apparent means to extend the visibility beyond the 20 metres.

Bearing in mind the two issues I have raised (inadequate passing opportunities given the increased traffic attracted to the site resulting in unacceptable levels of conflict, as well as substandard visibility), I do not believe this development offers access that conforms to DM05(1) of the North Devon and Torridge Local Plan, which states:

All development must ensure safe and well-designed vehicular access and egress, adequate parking and layouts which consider the needs and accessibility of all highway users including cyclists and pedestrians.

Moreover, as these factors would lead to an "unacceptable impact on highway safety", this provision would be contrary to Section 9 of the National Planning Policy Framework (NPPF), which states that it should be ensured that:

110b) safe and suitable access to the site can be achieved for all road users

As well as:

111. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impact on the road network would be severe

112c) create places that are safe, secure and attractive - which minimise the scope for conflicts between pedestrians, cyclists and vehicles

I would further add that the proposed development is also contrary to the National Planning Policy Framework, which states that:

112d) allow for the efficient delivery of goods, and access by service and emergency vehicles

Recommendation:

Refusal for two reasons:

1. The road giving access to the site is by reason of its inadequate width, poor vertical alignment, poor horizontal alignment, limited passing opportunities and condition, which would be unsuitable to accommodate the increase of traffic contrary to paragraphs 110(b), 112(c) and 112(d) of the National Planning Policy Framework.

2. The proposed development would be likely to result in a material increase in the volume of traffic entering and leaving the County Road through an access, which does not provide adequate visibility from and of emerging vehicles, contrary to Section 9 of the National Planning Policy Framework.

04.07.2022

Observations: Although I have no issue with the direct access arrangements that have been offered, including visibility splays, my understanding is that the land required to achieve this must be within the 'red line' boundary. I note that the visibility splay to the south of the access has not been included within this, which would need to be amended.

The passing place within the site entrance, which leads west to east to the actual site, is acceptable mitigation to allow two-way movement on this private lane.

My greater concern with this application is wider access to the site, particularly as the planning permission being sought is for ten pitches for motorhomes and/or caravans. These vehicles are frequently larger in size and length to standard vehicles that would use this route, as well as being more difficult to manoeuvre in a confined space, particularly when reversing. Pusehill Road is narrow and predominantly of a single-track width from the two T-junctions to the north and south.

Even for smaller vehicles, there are few passing opportunities and limited intervisibility between these, which means that confronting motorists would need to reverse potentially relatively long distances to

allow two-way movement. This type of manoeuvring would be even more problematic for the types of vehicles mentioned above.

During my site visit I noted other traffic using this route, which included pedestrians (dog walkers). Hence, my concern is an increase in larger vehicles being attracted to a site on a route characterised by these features and the potential conflicts this could cause vulnerable road users.

I note the information that has been submitted in the accompanying Highway Technical Note, which includes the TRICS data. In the first instance, I can confirm that I accept the trip generation details to the proposed site. However, although I note that the assumption within this document is that the proposed development would not lead to a 'severe' impact, I believe that there is insufficient information supplied to draw this conclusion. For example, no information has been submitted regarding the existing vehicle movements, the potential movements attached to the neighbouring business or those movements attached to committed development in the area. This information needs to be included to establish a more robust evidence base.

In addition, to establish whether 'safe and suitable' access can be achieved for all road users, given the overall trip generation to the site, I would expect further information to be submitted detailing what passing opportunities exist on Pusehill Road as well as the intervisibility between these. This will establish whether reversing movements would be necessary and what length these are likely to be once vehicles travelling in opposite directions meet.

I await this information.

Recommendation: Refusal in the absence of further information

**Devon County Council - Flood Risk Management:**

09.06.2022

No comments received

**Environmental Protection Officer:**

09.06.2022

In relation to the above application, the Environmental Protection Team has no objections in principle.

Due to the proximity of existing neighbouring dwellings, there is the potential for detriment to residential amenity from the construction works associated with the proposed development if control measures are not in place. Should planning consent be granted, the Environmental Protection Team recommends a condition restricting construction works and delivery times to 0700 to 1900 hours Monday to Friday and 0800 to 1300 hours on Saturdays only with no works permitted on Sundays and Bank Holidays in order to protect residential amenity.

There appears to be no detailed information provided on the historic use and subsequent land quality of the application site. Agricultural use and activity can result in ground contamination and ground conditions that are potentially harmful to human health or unsuitable for occupation without remediation. Although it appears evident that the application site is undeveloped, having regard for the sensitive end use, it is essential that the application site is appropriately assessed for any potential contamination that may impact future occupants and, where identified, remediated accordingly. Should planning consent be granted, the Environmental Protection Team recommends the imposition of the following condition:

Should any contamination of soil or groundwater be discovered during development of the site, the Local Planning Authority should be contacted immediately. Site activities within that phase or sub-phase or part thereof, should be temporarily suspended until such time as a procedure for addressing such contamination, within that phase or sub-phase or part thereof, is agreed upon with the Local Planning Authority or other regulating bodies.

As an advisory note, the proposed development may require a site licence issued by the Authority. It is recommended that the applicant seeks advice from the Authority's Environmental Protection Team on this matter.

### **DCC Archaeology Section:**

07.07.2022

I refer to the above application. The proposed development site is located within an area where prehistoric activity is recorded in the surrounding environs, including findspots of prehistoric artefact scatters and a late prehistoric or Romano-British ditched enclosure located approximately 300m to the south-west of the site. Also, the name Pusehill, a derivative of Pueshille or Pyweshille is recorded in the mid-14th century Lay Subsidy Rolls so there is the potential for the site to contain archaeological deposits associated with medieval settlement. As such, groundworks for the construction of the proposed development have the potential to expose and destroy archaeological and artefactual deposits associated with these prehistoric and medieval heritage assets. The impact of development upon the archaeological resource here should be mitigated by a programme of archaeological work that should investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development.

The Historic Environment Team recommends that this application should be supported by the submission of a Written Scheme of Investigation (WSI) setting out a programme of archaeological work to be undertaken in mitigation for the loss of heritage assets with archaeological interest. The WSI should be based on national standards and guidance and be approved by the Historic Environment Team.

If a Written Scheme of Investigation is not submitted prior to determination the Historic Environment Team would advise, for the above reasons and in accordance with Policy DM07 of the North Devon and Torridge Local Plan 2011 - 2031 and paragraph 205 of the National Planning Policy Framework (2021), that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

'No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme as agreed in writing by the Local Planning Authority.'

#### Reason

'To ensure, in accordance with Policy DM07 of the North Devon and Torridge Local Plan 2011 - 2031 and paragraph 205 of the National Planning Policy Framework (2021), that an appropriate record is made of archaeological evidence that may be affected by the development'

This pre-commencement condition is required to ensure that the archaeological works are agreed and implemented prior to any disturbance of archaeological deposits by the commencement of preparatory and/or construction works.

In addition, the Historic Environment Team would advise that the following condition is applied to ensure that the required post-excavation works are undertaken and completed to an agreed timeframe:

'The development shall not be occupied/ brought into its intended use until (i) the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation and (ii) that the provision made for analysis, publication and dissemination of results, and archive deposition, has been confirmed in writing to, and approved by, the Local Planning Authority.'

## Reason

'To comply with Paragraph 205 of the NPPF, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure that the information gathered becomes publicly accessible.'

I would envisage a suitable programme of work as taking the form of a staged programme of archaeological works, commencing with the excavation of a series of evaluative trenches to determine the presence and significance of any heritage assets with archaeological interest that will be affected by the development. Based on the results of this initial stage of works the requirement and scope of any further archaeological mitigation can be determined and implemented either in advance of or during construction works. This archaeological mitigation work may take the form of full area excavation in advance of groundworks or the monitoring and recording of groundworks associated with the construction of the proposed development to allow for the identification, investigation and recording of any exposed archaeological or artefactual deposits. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report, and the finds and archive deposited in accordance with relevant national and local guidelines.

## **AONB Team:**

24.06.2022

Thank you for consulting the North Devon Coast AONB Partnership with regard to this planning application, having studied the enclosed plans we have the following comments to make.

The site is not located within the designated AONB but lies some 0.3 km east of the AONB. Nonetheless the proposal is close enough to potentially have a visual and landscape impact on the designation.

## Landscape and Visual Impact

From site inspections, it would appear that the site is well screened and is largely enclosed by trees and hedges. The site itself is well contained and enclosed which would mean that the proposal would have a minimal impact on the nearby AONB.

As a result, the proposal is therefore considered to comply with Policies ST09, DM08A of the North Devon and Torridge Local Plan and the AONB Management Plan Policies:

- A1 - Ensure the landscape character, natural beauty and special qualities of the AONB are conserved, enhanced and fully respected in all decisions affecting the area
- A5 - Ensure developments comply with the North Devon Landscape and Seascape Character Assessments

## Supervisory Dwelling

Notwithstanding the above, in an attempt to ensure that any development within or adjacent to the AONB is justified, we would query the necessity for a supervisory dwelling for the business. The proposal for the camping/caravan is small-scale and in itself would not require a 24/7 presence. In addition, it would appear from the blue edge on the location plan that the applicant owns a number residential holiday units in the locality and if an essential functional need was expressed (as opposed to a convenience) then one of these dwelling could be occupied?

## Ecology

The Ecology report recommends habitat provision on the outbuilding which is not shown on the plans. We would recommend that you ensure that this provision and also perhaps bird boxes are added to the proposal, should you be minded to approve the application.

## Conclusion

In conclusion, the AONB Partnership has no objection in principle to this proposal subject to the Council being satisfied that there is an essential need for a supervisory dwelling for this business and that no alternative provision is available on the site.



We hope you will make note of our comments when considering this planning application.

## Representations:

Number of neighbours consulted:	16	Number of letters of support:	4
Number of representations received:	5	Number of neutral representations:	0
Number of objection letters:	1		

3rd party letters of representation are summarised below:

### Objection

- Loss of privacy to existing holiday units to the north
- Poor vehicular access/surrounding highways network
- Bottling/Industrial process has the potential to cause noise nuisance and should be on an industrial estate
- No justification for residential location in this location

### Support

- There is a need for the applicants to live on site
- Businesses should be encouraged
- Need for tourism accommodation/motorhome pitches

## Policy Context:

### North Devon and Torridge Local Plan 2011-2031:

ST03 (Adapting to Climate Change and Strengthening Resilience); ST04 (Improving the Quality of Development); ST07 (Spatial Development Strategy for Northern Devon's Rural Area); ST10 (Transport Strategy); ST13 (Sustainable Tourism); ST14 (Enhancing Environmental Assets); DM01 (Amenity Considerations); DM02 (Environmental Protection); DM04 (Design Principles); DM05 (Highways); DM06 (Parking Provision); DM08 (Biodiversity and Geodiversity); DM08A (Landscape and Seascape Character); DM18 (Tourism Accommodation); DM28 (Rural Worker Accommodation); DM14 (Rural Economy);

### Government Guidance:

NPPG (National Planning Practice Guidance); NPPF (National Planning Policy Framework); NERC (Natural Environment & Rural Communities); WACA (Wildlife & Countryside Act 1981);

## Planning Considerations

The main considerations with this application are:

- Principle of Development
- Character and Appearance
- Residential Amenity
- Biodiversity
- Highways
- Drainage
- Heritage
- Conclusion

### 1. Principle of Development

1.1. This site is within the countryside and therefore Policy ST07 of the North Devon and Torridge Local Plan (NDTLP) is relevant. Policy ST07 of the NDTLP sets out the spatial development strategy for northern Devon's rural area, and clarifies that in the countryside, beyond Local Centres, Villages and Rural Settlements, development will be limited to that which is enabled to meet local economic

and social needs, rural building reuse and development which is necessarily restricted to a Countryside location.

1.2. The first part of this application seeks the provision of an open market residential dwelling. As discussed above, the proposal is within the countryside, and furthermore, is situated between two areas of landscape protection provided by the local plan (The AONB/Heritage Coast ST09 and ST14 and The Green Wedge NOR10). The proposed open market dwelling is therefore unacceptable in principle within this highly sensitive countryside location.

1.3. As noted above, the AONB team queried the need for a supervisory dwelling in this location. Following this, the applicants emailed to make clear that this proposal does not seek a supervisory dwelling, and instead, simply seeks an open market dwelling. Therefore, because the proposal is adjacent to the AONB and is not justified as being required in this location, the proposal is contrary to ST09 and DM14 of the NDTLP.

1.4. The applicants since provided correspondence (labelled letter to the committee) noting that they would be happy to tie the dwelling to their business. In addition, a variety of appeal decision summaries were provided to justify the dwelling being linked to the business.

1.5. Policy DM28 relates specifically to rural workers accommodation, and there is a complimentary supplementary planning document which provides further information on how rural workers accommodation should be decided.

1.6. In this case the proximity of the site to the Main Settlement means that the proposal would not be compliant with DM28 (c). In addition, the application does not provide the information necessary to demonstrate that an essential need is required for a worker to be on site at all times, nor has any information been provided detail that the existing business can sustain the proposal. Therefore, the proposal cannot be said to be compliant with DM28.

1.7. Based upon the applicants request that the proposal is considered as an open market dwelling, and the conflict with DM28 identified above, it is not considered possible to 'tie' the dwelling (as any condition would not be compliant with the '6 tests' identified in paragraph 56 of the NPPF).

1.8. Having regards to the caravan site, Policy ST13 is relevant. ST13 sets out the overarching approach to tourism development within the district and states 'High quality tourism development that promotes a year-round industry will be supported. Tourism growth should be sustainable and should not damage the natural or historic assets of northern Devon.'

1.9. Policy ST07 and ST13 should be read in conjunction with policy DM18, which relates specifically to Tourism Accommodation. Policy DM18 of the NDTLP sets out the local planning policy context in relation to the provision of tourism accommodation. Part 2 of the policy relates to development in the countryside, and notes:

'Outside the Sub-regional, Strategic, Main and Local Centres, the development of new and the expansion or rationalisation of existing tourism accommodation will be supported where it:

- a. is related directly to and compatible in scale with an existing tourism, visitor or leisure attraction; or
- b. reuses or converts existing buildings; or
- c. improves facilities for or diversifies the range or improves the quality of existing tourism accommodation;

and in all cases:

- d. the scale and character of the proposal is appropriate to the size of the existing settlement or tourism attraction;
- e. the local road network can accommodate the type and scale of traffic to be generated and the safety of public highway users is maintained;

- f. is designed to respect and enhance the key characteristics of the relevant landscape character types;
- g. identified environmental and heritage assets are not subject to significant harm, are conserved or enhanced, with particular respect to the setting and special qualities of nationally important landscapes, the Undeveloped Coast, biodiversity and heritage designations; and
- h. protects and enhances the setting and special qualities of the Area of Outstanding Natural Beauty and provides an overall environmental enhancement when assessed throughout a year.'

1.10. This proposal is related to the applicant's existing holiday business and therefore can be said to be broadly compliant with DM18 (2) (c), however, as set out in part 5 of this report, the increased use of this narrow highway by larger vehicles, with no suitable passing spaces and limited visibility, means the proposal is contrary to DM18 2 (d).

1.11. Finally, this proposal includes a building for bottling alcohol (the building can also be used in conjunction with the applicants proposed caravan site) and thus DM14 is relevant. DM14 also requires the proposal to be acceptable in accordance with the local highway network. As set out in part 5 of this report, the local highways network is considered unsuitable for increases in vehicles, especially any larger vehicles.

1.12. Taking the above into consideration, the proposal cannot be considered acceptable in principle, and is contrary to ST07, ST13, ST14, DM14 and DM18 of the NDTLP.

## 2. Character and Appearance

2.1. Policy ST04 of the NDTLP encourages improved design quality, and notes: development will achieve high quality inclusive and sustainable design to support the creation of successful, vibrant places. Designs will be based on a clear process that analyses and responds to the characteristics of the site, its wider context and the surrounding area, taking full account of the principles of design found in Policy DM04.

2.2. Policy DM04 then proceeds to detail 14 design principles which should be taken into consideration within any new development. The crux of DM04 requires new developments to be of high-quality design, including being well related to their surroundings, be of an appropriate scale, include quality materials, and to be sympathetic to the character and appearance of the local area.

2.3. Policy DM08A is also relevant which relates to landscape impacts and seeks to ensure that proposals do not cause undue landscape harm.

2.4. One of the key considerations when reviewing applications for new or extended caravan parks and dwellings in the countryside is the impact on the surrounding landscape/character and appearance of the area.

2.5. In this case the siting of caravans and motorhomes and the erection of a dwellinghouse on site is likely to have a negative impact on the area's character and appearance (in the same way that developing any undeveloped field would). Nonetheless, the planting of new hedgerows should limit any harm to an acceptable degree. It is noted that the AONB do not object in this regard.

2.6. Overall, the proposal is considered compliant with DM04, ST04 and DM08A of the NDTLP.

## 3. Residential Amenity

3.1. Policy DM01 of the NDTLP confirms that development will be supported where it would not significantly harm the amenities of neighbouring occupiers or uses or result in harm to the future occupiers of the development from existing or allocated uses.

3.2. This proposal is well distanced from any neighbouring dwelling and as a result it is considered that the proposal does not result in any residential amenity concerns and accords with DM01 of the NDTLP.

3.3. Policy DM02 of the NDTLP relates to Environmental Protection and seeks to ensure proposals have an acceptable impact with regards to hazards and pollution. The Council's Environmental Protection team was consulted on this application and raise no objections with regards to noise or nuisance.

3.4. Conditions would be necessary to limit construction hours, and any hours of operation for the bottling plant to limit any noise nuisance to acceptable hours. Overall, the proposal is considered to have an acceptable impact on residential amenity (subject to conditions). Policies DM01 and DM02 are satisfied.

#### 4. Biodiversity

4.1. Local Planning Authorities have a statutory duty to ensure that the impact of development on wildlife is fully considered during the determination of a planning application under the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, The Conservation of Habitats and Species Regulations 2010 (Habitats Regulations 2010). This is also supported by Policy DM08 of the NDTLP. In addition, Policy ST14 seeks to deliver biodiversity enhancement through development.

4.2. The application is accompanied by an Ecology Report, produced by Orbis Ecology, dated 11/05/2022. The Ecology Report identifies that the proposal would be acceptable in terms of the impact on protected species. Conditions would be required to secure and manage net gain (as recommended in the Ecology Report). Subject to condition, the proposal would be compliant with DM08 and ST14.

#### 5. Highways

5.1. Policies ST10 and DM05 of the NDTLP seek, among other things, to ensure that development does not adversely affect the local or strategic highway network and that vehicular accesses are safe and well designed. In addition, DM06 of the NDTLP seeks to ensure that appropriate parking provision is delivered as part of development.

5.2. The Highways Authority has been consulted on this application and have provided a comprehensive objection based upon onsite observations. The objection is detailed above, and rather than repeat it here, members are directed to it.

5.3. The crux of highways objections is based upon two facts/reasons:

Firstly, the highway leading to the site is a rural lane which is narrow and has very limited passing opportunity. The Planning Officer has driven past this site on a number of occasions recently, and would concur with the Highways Officers views, it would not be possible for two large vehicles to safely pass, without significant reversing. Bearing in mind that it is difficult for a car to simply pass pedestrians at various points on this highway, increased reversing by larger vehicles for long stretches is unacceptable.

Secondly, visibility leading from the site onto the highway is also inadequate.

5.4. The agent has suggested that the site could be limited to be used for motorhomes only, and not touring caravans. This condition would be unlikely to comply with the 6 tests, and in any event, would not overcome the problem of larger vehicles accessing the site (including motor homes and vans to access the bottling facility). The Planning Officer has suggested that a more permanent form of holiday unit is likely to be more acceptable on site (as it will only require a car to access), whilst the applicants have said they can explore a bigger visibility splay. Both amendments would require a new application to be submitted.

5.5. Based upon the above points, it is considered the proposal complies with Policies ST10, DM05 and DM06 of the NDTLP, along with national policies within the NPPF.

## 6. Drainage

6.1. Policy ST03 of the NDTLP notes that development should 'adopt effective water management including Sustainable Drainages Systems, water quality improvements, water efficiency measures and the use of rainwater'. In addition, policy DM04 notes development should provide effective water management including Sustainable Drainage Systems, water efficiency measures and the reuse of rainwater.

6.2. The NPPF and Planning Practice Guidance provide further advice on foul drainage, with a hierarchical approach being used. The PPG notes new development should aim to discharge foul water into the public sewer; however, if this is not possible then a package treatment plant may be used. It proceeds to note if a package treatment plant is not possible to use, then a septic tank will be considered. Justification for the use of alternative drainage systems other than mains drainage is required.

6.3. The application proposes to drain surface water by soakaway and foul drainage to the public sewer. This is acceptable and is consistent with the drainage hierarchy.

## 7. Heritage

7.1. Policies ST15 and DM07 of the NDTLP, and Part 16 of the NPPF requires that great weight is given to the conservation of heritage assets, with any harm caused to the heritage asset or its setting to be outweighed by the public benefits of the proposal.

7.2. Devon County Council note that this scheme has the potential to contain archaeological deposits, and thus if members are minded to approve the application a pre-commencement condition would be required.

## 8. Conclusion/Recommendation

8.1. The principle of new, unrestricted residential development in this location is unacceptable. In addition, due to the highways impact, the proposed caravan site would not be acceptable, and nor would the bottling plant. The Planning Officer has had regard to the lack of a five-year housing land supply in this case, however, due to the harm which arises, the proposal is considered unacceptable.

8.2. Refusal is recommended.

## Human rights

Consideration has been given to the Human Rights Act 1998.

## Recommendation

REFUSE for the following reasons:

- 1 This application seeks an open market dwelling in the countryside, in a sensitive area between the AONB and Green Wedge. In addition, due to the highways harm which arises from the scheme the proposed caravan site and bottling plant would also be unacceptable in principle. The proposal is contrary to DM07, DM14, DM18 and DM13.
- 2 The road giving access to the site is by reason of its inadequate width, poor vertical alignment, poor horizontal alignment, limited passing opportunities and condition, which would be unsuitable to accommodate the increase of traffic contrary to paragraphs 110(b), 112(c) and 112(d) of the National Planning Policy Framework and DM05 of the NDTLP.
- 3 The proposed development would be likely to result in a material increase in the volume of traffic entering and leaving the County Road through an access, which does not provide adequate visibility from and of emerging vehicles, contrary to Section 9 of the National Planning Policy Framework and DM05 of the NDTLP.

## Plans Schedule

Reference	Received
2132 P 001	23.05.2022
2132 P 002	23.05.2022
2132 P 003	23.05.2022
2132 P 004	23.05.2022
2132 P 005	23.05.2022
2132 P 006	23.05.2022
2132 P 007	23.05.2022
2132 P 009	23.05.2022
CTC200422TCP	23.05.2022
CTC200422TPP	23.05.2022
2132 P 008	23.05.2022

## Statement of Engagement

The National Planning Policy Framework requires local planning authorities to work positively and proactively with applicants to achieve sustainable development. Throughout the application process guidance has been given to the applicants and all outstanding issues have been identified.

In this instance the Council required additional information following the consultation process. The need for additional information was addressed with the applicant and submitted for further consideration.

The Council has therefore demonstrated a positive and proactive manner in seeking solutions to problems arising in relation to the planning application.