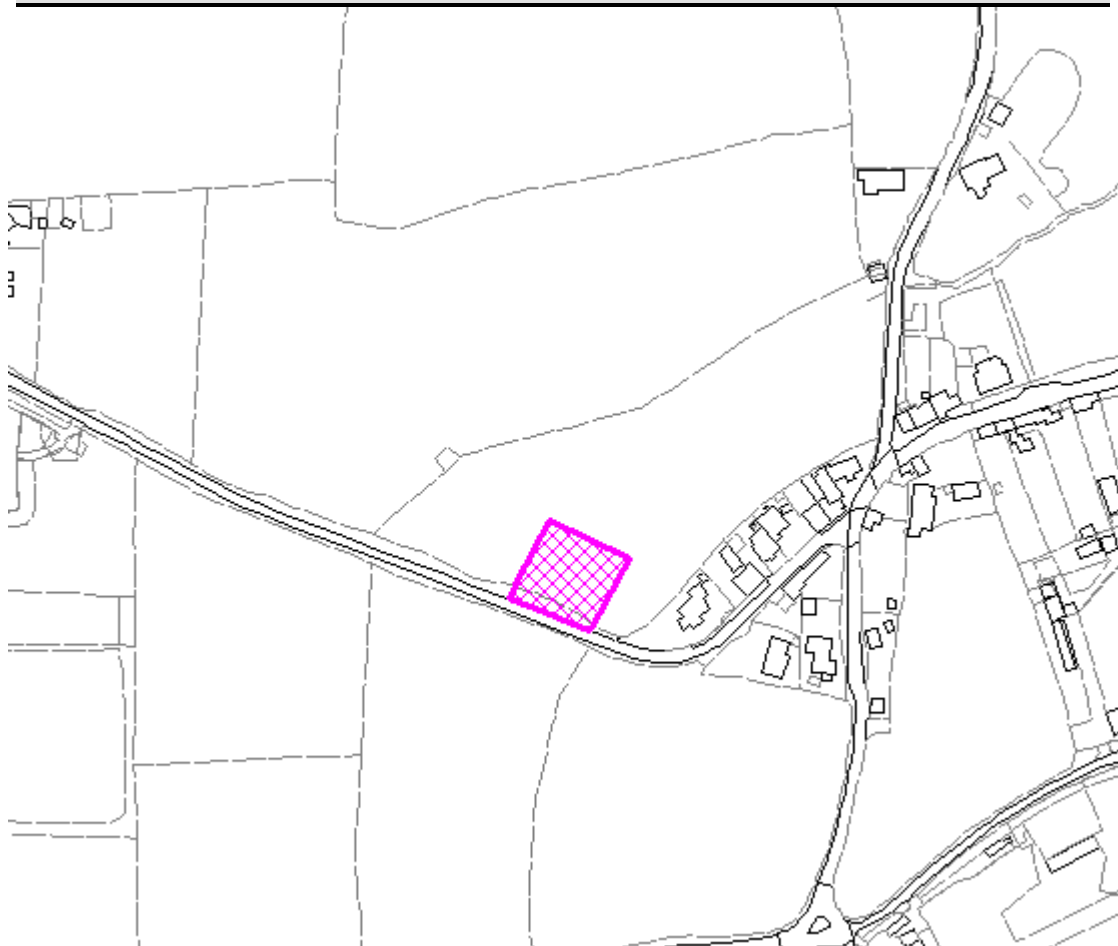


Committee Report – 1st February 2024

Application Number:	1/1145/2023/OUT
Registration date:	22 November 2023
Expiry date:	17 January 2024
Applicant:	Ms Oke
Agent:	GW Architects Ltd
Case Officer:	Mary-Ellen Whalley
Site Address:	Land At Grid Reference 242151 105665, Holemoor, Bradford, Devon
Proposal:	Outline application for 1no. local needs dwelling with all matters reserved
Recommendation:	Refuse



Reason for referral:

Cllr James has called the application to Plans Committee if the Officer is minded to recommend refusal, for the following reasons:

- The application is to enable young people to remain in the community they were born into and have grown up in.
- The site is well positioned to the Community.
- Following funding from DEFRA to ACRE and SRN, Councils should investigate, using Rural Enablers, ways of retaining young people in Rural Areas. Quote from the report, "Nobody living in a Rural Area should be disadvantaged by where they live. But so often they are."

Relevant History:

None.

Site Description & Proposal

Site Description

The site is an agricultural field within the parish of Bradford & Cookbury. The land is to the west of the hamlet of Bradford (Holemoor), and the site area measures 990m² in total.

The application site is outside of any special landscape designations. There is a gateway into the field but no information has been supplied as to the proposed access arrangements to the development. The site is adjacent to an unclassified road on the southern boundary. The rural lane does not benefit from any pavement or lighting provision. The speed limit in this locality is 60mph.

The nearest residential properties, within the hamlet, are located approximately 25 metres to the east with the nearest neighbouring dwelling at Lone Oak.

The parish of Bradford & Cookbury features a dispersed settlement pattern, with small groupings of buildings including Priestacott, Upcott, Brandis Corner, Cookbury and Cookbury Wick. The local centre of Shebbear lies approximately three miles away.

Proposed Development

Outline permission is sought for one Local Needs dwelling with all matters reserved. No information has been provided regarding the dwelling, parking or access. It is indicated that it is to be a 3-bedroom dwelling served by a package treatment plant.

Consultee representations:

Bradford & Cookbury Parish Council:

No response received.

Devon County Council (Highways):

This application was initially designated under the 'standing advice' process. However, given the concerns that have been raised, the Planning Officer has contacted me for further comment.

I note this planning application is in 'outline' with all matters 'reserved' for future consideration, which includes access. This explains why more detailed proposals, such as visibility splays, have not been included. Regardless, given the width and alignment of the carriageway, I would expect drawings to be submitted at the 'Reserved Matters' stage that demonstrate sight lines of 2 x 25 metres in either direction when measured to the centre of the carriageway; these splays should pass over no feature greater than 600mm in height. I offer a corresponding condition below.

Furthermore, if the fall of the land is toward the public highway, then provisions will need to be made to ensure that no excess surface water flows onto the public highway; for example, an ACO drain arrangement back-running into a soakaway would be acceptable.

I appreciate concerns that have been raised regarding the local school being in relative proximity. Likewise, I include a condition for a Construction Management Plan to ensure that, amongst other points, deliveries are avoided for the beginning and end of the academic day.

Beyond these points, given that the proposed development is a single dwelling along with the associated trip generation attached, and subject to the below conditions, I am satisfied that the application offers 'safe and suitable' access and that the cumulative impact of the development would not be 'severe', as are the tests of the National Planning Policy Framework (NPPF).

Recommendation:

THE DIRECTOR OF CLIMATE CHANGE, ENVIRONMENT AND TRANSPORT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, RECOMMENDS THAT THE FOLLOWING CONDITIONS SHALL BE INCORPORATED IN ANY GRANT OF PERMISSION

1. Provision shall be made within the site for the disposal of surface water so that none drains on to any County Highway

REASON: In the interest of public safety and to prevent damage to the highway

2. Visibility splays shall be provided, laid out and maintained for that purpose at the site access in accordance with the drawings to be submitted and approved by the Planning Authority where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 1.05 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be 25 metres in both directions.

REASON: To provide adequate visibility from and of emerging vehicles.

3. Provision shall be made within the site for the disposal of surface water so that none drains on to any County Highway

REASON: In the interest of public safety and to prevent damage to the highway

4. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:

(a) the timetable of the works;

(b) daily hours of construction;

(c) any road closure;

(d) hours during which delivery and construction traffic will travel to and from the site

(e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;

(f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;

(g) hours during which no construction traffic will be present at the site;

(h) the means of enclosure of the site during construction works;

(i) details of wheel washing facilities and obligations

(j) The proposed route of all construction traffic exceeding 7.5 tonnes.

(k) Details of the amount and location of construction worker parking.

Environmental Protection Officer (1st response):

The following consultation response is provided by the Environmental Protection Team in relation to the above application.

'Having regard for the application site, the Environmental Protection Team considers there to be no conflicting neighbouring land use and as such, the proposed development accords with Policy DM01. Having regard for the presence and proximity of existing dwellings, there is the potential for residential amenity to be adversely affected on a temporary basis from the construction works if control

measures are not in place. Should planning consent be granted, the Environmental Protection Team recommends the imposition of a condition restricting construction works and site deliveries to Monday to Friday 0700 to 1900 hours and Saturdays 0800 to 1300 hours only with no works permitted on Sundays and Bank Holidays in order to protect residential amenity.

The application contains no detailed information 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. Given the sensitive end use, it is essential that measures are in place to ensure 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.

Reason: To protect human health and the environment.

The proposed dwelling is to be served by a new package treatment plant discharging to a drainage field. However, no percolation test results have been provided to assess whether the ground has suitable permeability. The applicant will need to conduct percolation testing in accordance with BS6297 and submit the test results, as well as the calculated drainage field area and location, for review. The Environmental Protection Team will provide further comments upon receipt of the aforementioned information.'

Environmental Protection Officer (2nd response):

Further to the previous consultation response dated 22 November, the Environmental Protection Team has reviewed the percolation test results. The test results demonstrate that the ground has suitable permeability and sufficient land is available to accommodate the required drainage field. Subsequently, the Environmental Protection Team is satisfied that the proposed development will be served by a suitable foul drainage scheme, in accordance with Policy DM02.

South West Water:

With reference to the planning application at the above address, the applicant/agent is advised to contact South West Water if they are unable to comply with our requirements as detailed below.

The applicant should demonstrate to your LPA that its prospective surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable (with evidence that the Run-off Destination Hierarchy has been addressed, and reasoning as to why any preferred disposal route is not reasonably practicable):

1. Water re-use (smart water butts, rainwater harvesting, grey flushing toilets)
2. Discharge into the ground (infiltration); or where not reasonably practicable,
3. Discharge to a surface waterbody; or where not reasonably practicable,
4. Discharge to a surface water sewer, highway drain, or another drainage system; or where not reasonably practicable,
5. Discharge to a combined sewer. (Subject to Sewerage Undertaker carrying out capacity evaluation)

Having reviewed the applicant's current information as to proposed surface water disposal for its development, please note that method proposed to discharge into the ground (infiltration) is acceptable and meets with the Run-off Destination Hierarchy.

www.southwestwater.co.uk/building-and-development/services/pre-development-services

Representations:

Number of neighbours consulted:	3
Number of representations received:	2
Number of objection letters:	2

Number of letters of support:	0
Number of neutral representations:	0

A site notice was posted at the proposed on the lane near the site, with a 'Departure Site Notice' (departure from Local plan policy), also posted alongside.

2 objections received:

- Highways: lane too narrow, single carriageway. Speeds too high and should be reduced to 30mph, 30m from 90° blind corner
- Similar objections to application 1/0672/2018/OUT located approximately 100m distant on the opposite side of the road that was refused on appeal
- Loss of farmland
- Number of large housing developments in the district
- Mr Oke had local needs application approved 200m away (1/0274/2021/OUT)
- Isolated location

Policy Context:

North Devon and Torridge Local Plan 2011-2031:

ST01 (Principles of Sustainable Development); 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); ST14 (Enhancing Environmental Assets); ST21 (Managing the Delivery of Housing); DM01 (Amenity Considerations); DM02 (Environmental Protection); DM04 (Design Principles); DM05 (Highways); DM06 (Parking Provision); DM08 (Biodiversity and Geodiversity); DM08A (Landscape and Seascape Character); DM24 (Residential Development in Rural Settlements);

Government Guidance:

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

Planning Considerations

The main considerations with this application are:

1. The principle of development
2. Character and appearance
3. Residential amenity
4. Highway considerations
5. Ecology
6. Drainage
7. Other considerations
8. Conclusion

1. Principle of Development

Paragraph 2 of the National Planning Policy Framework (NPPF) states that planning law (namely Section 38(6) of the Planning & Compulsory Purchase Act 2004 and Section 70(2) of the Town & Country Planning Act 1990) requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.

Within the development plan (the North Devon and Torridge Local Plan (NDTLP)), Policy ST07 details

the Council's spatial strategy for rural areas. Paragraph (3) of Policy ST07 states:-'In Rural Settlements which contain at least one prescribed service or community facility, appropriately located development of a modest scale will be enabled to meet locally generated needs.'

However, the Local Planning Authority considers the application site is located in the Countryside, and 'Holemoor' is not considered to be a 'Rural Settlement' as it does not 'contain' at least one prescribed service or community facility. The definition of 'Rural Settlement' in the NDTLP, 'Glossary' states 'A small, closely grouped cluster of housing that contains at least one identified local service or community facility.' The proximity of Bradford Primary School and Village Hall to the site is noted, (220 metres away from the site). However, this is not considered to be within the nucleus of housing which defines 'Holemoor,' (also known as Bradford). In other words, the local service and/or community facility is not 'contained' within a 'small, closely grouped cluster of housing,' and in addition these facilities are not within safe walking distance due to the narrowness of the lane and the 60mph speed limit.

Given the above, despite the relative proximity of these community facilities, as stated above, the site would be considered to be within the Countryside, and not within a rural settlement as the site cannot be considered to be in a closely grouped cluster of housing that contains at least one identified local service or facility. Therefore paragraph (4) of ST07 is applicable, which states:-
'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.'

National Policy contained within the National Planning Policy Framework (NPPF) emphasises that to promote sustainable development in rural areas housing should be located within existing settlements where it will enhance or maintain the vitality of rural communities and new homes within the countryside will not normally be permitted.

The application is not for a 'rural workers dwelling' and does not involve the conversion of a rural building.

Taking account of the above, it is considered that the proposal would not be in a suitable location given that it would conflict with Policy ST07.

The application is stated that it is for a local needs dwelling and therefore in some circumstances Policy DM24 is applicable. Policy DM24: (Rural Settlements) of the NDTLP set out the following criteria for local needs residential development:

'In qualifying Rural Settlements, proposal for local occupancy dwellings to meet a locally identified housing need will be supported where:

- (a) The development site forms part of a small closely grouped or contiguous built form of housing that is physically separate from urban areas of other defined settlements;*
- (b) The scale is proportionate to the settlements size, form and character;*
- (c) The site is within or directly adjoining the built form of the settlement;*
- (d) The size of the dwellings are no larger than can be justified by the established need;*
- (e) It would harm the settlements rural character and setting; and*
- (f) Secure arrangements are made to ensure the dwellings remain available to meet the locally identified housing need of the local community both initially and in the long term provided the need exists.'*

However, it is not considered that the location is within a qualifying Rural Settlement, as outlined above, and is instead within the Countryside where there is no policy support for a local needs restricted dwelling. Therefore, the application proposal is not enabled by Policy DM24.

Therefore, the principle of development for a single local needs dwelling is not supported but the following sections of this report consider all the other material considerations pursuant to the application.

2. Character and appearance

The NDTLP has policies which are relevant - Policy DM04: Design Principles and Policy ST04: 'Improving the Quality of Development' aims to achieve high quality inclusive and sustainable design. Policy DM04 seeks to guide overall scale, density, massing, height, landscape, layout, materials access and appearance of development. The policy requires development to be appropriate and sympathetic to its setting in terms of scale, density, massing, height, layout appearance, fenestration, materials and relationship to buildings and landscape features in the local neighbourhood. Policy ST04 states 'design 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 DM04.'

NDTLP Policy DM08A, expects development to be of an appropriate scale, mass and design that respects landscape character of both designated and undesignated landscapes.

The site is not directly adjoining existing built development in the area. Development in this location would therefore be read as being remote from the built form of the settlement, and an intrusion into the countryside impacting on the rural character of the area. The development site is to the west of the main built form of Holemoor and is approximately 25 metres distant from the curtilage of the nearest dwelling at Lone Oak.

Notwithstanding the outline nature of the application, the proposed addition of a dwelling on the site would result in additional built form being located within the surrounding landscape, to the detriment of the character and appearance of the surroundings. On this basis, the proposed development is considered to be out of keeping with Policy DM04 of the NDTLP which states as one of its principles that development should be sympathetic to landscape features. Policy DM08A of the NDTLP seeks to protect the landscape from harm

The proposal is considered to be contrary to Policies DM04, ST04, ST07 & DM08A of the NDTLP.

3. Residential Amenity

Policy DM01 of the NDTLP confirms that development will be supported where it would not harm the amenities of neighbouring occupiers or uses or result in harm to the future occupiers of the development from existing or allocated uses. Policy DM04: 'Design Principles' aims to ensure the amenities of existing and future neighbouring occupiers are safeguarded.

The proposed dwelling would be located approximately 25 metres to the west of the nearest property at Lone Oak. It is considered that there would not be a significant adverse impact on the amenities of occupiers of other dwellings in terms of dominance, overshadowing, loss of daylight or sunlight provided that the dwelling is designed sympathetically with adequate boundary treatment. There is no right to a view in planning, and with regards to the impact on countryside this in the 'Character and appearance' section above.

Policy DM02: 'Environmental Protection,' states 'Development will be supported where it does not result in unacceptable impacts,' including smells, fumes, pollution of surface or ground water. If approved, 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.'*

Reason: To protect human health and the environment'

Due to the proximity of the neighbouring property to the east it is recommended that if approved the standard working hours condition is applied restricting construction works and site deliveries to Monday to Friday 0700 to 1900 hours and Saturdays 0800 to 1300 hours only with no works permitted on Sundays and Bank Holidays in order to protect residential amenity.

In light of the above the proposals are considered to accord to Policies DM01, DM02 and DM04 of the NDTLP.

4. Highway Safety

Paragraph 109 of the NPPF advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or where the residual cumulative impacts of development are severe.

Policy DM05 in the NDTLP requires development to have 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, and all development shall protect and enhance existing public rights of way, footways, cycleways and bridleways and facilitate improvements to existing or provide new connections to these routes where practical to do so.

Policy DM06 of the NDTLP states that proposals will be expected to provide an appropriate scale and range of parking provision to meet anticipated needs.

The application site would be accessed via a new entrance. No information has been submitted regarding the access or the provision of parking on site although it is considered there is sufficient space within the 990m² site area for parking and turning for vehicles.

The Local Highway Authority (Devon County Council) has stated that the proposal should be dealt with under Standing Advice but subsequently provided further guidance due to the objections raised related to the highway. To provide adequate visibility from a new entrance to the site a condition was recommended as follows to be added to any permission granted: *'Visibility splays shall be provided, laid out and maintained for that purpose at the site access in accordance with the drawings to be submitted and approved by the Planning Authority where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 1.05 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be 25 metres in both directions.'*

REASON: To provide adequate visibility from and of emerging vehicles.'

To deal with surface water it was also recommended that if the fall of the land is toward the public highway, then provisions will need to be made to ensure that no excess surface water flows onto the public highway; for example, an ACO drain arrangement back-running into a soakaway would be acceptable as per the conditions recommended by the Highways Engineer above.

The Highway Engineer notes the concerns that have been raised regarding the local school being in relative proximity and the narrow lane causing possible disruption due to deliveries. Therefore, a condition has been recommended that a Construction Management Plan is submitted to ensure that, amongst other points, deliveries are avoided for the beginning and end of the academic day.

Beyond these points, it was considered by the Highway Engineer that given that the proposed development is a single dwelling along with the associated trip generation attached, and subject to the below conditions, they are satisfied that the application offers 'safe and suitable' access and that the cumulative impact of the development would not be 'severe', as are the tests of the National Planning Policy Framework (NPPF).

Therefore, provided the conditions recommended by the Highways Engineer are included within any permission granted and dealt with at reserved matters stage, the development is considered acceptable when assessed against NDTLP Policies DM05 and DM06.

5. Ecology

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). Policies ST14 and DM08 of the NDTLP require that development ensures the protection and enhancement of biodiversity.

Due to the size of the development the need for a wildlife survey has not been triggered by good practice guidance. No information has been given on the access to the site, but this may require the removal of hedgerow to achieve visibility splays which would need to be compensated for, with a net gain achieved.

Whilst a small amount of hedgerow is to be removed to facilitate a new access, this could be compensated for, (and a net gain achieved), by planting of new trees/hedgerow, (for example). A landscape condition may ensure a net gain through increased native habitat and/or the installation of a bird box conditioned to be added to the dwelling. However, in terms of protected species, no further survey work is necessary.

An objection comment was made that the development would result in the loss of agricultural land. This should be considered as an impact of the development but as the land is Class 3-4 agricultural and is only 990m² it is not considered a significant impact.

Accordingly, the proposed development is considered to comply with Policies ST14 and DM08 of the NDTLP.

6. Drainage

Policy ST03: 'Adapting to Climate Change and Strengthening Resilience,' requires that development adopts effective water management and sustainable drainage systems. In addition, Policy DM04 states development should provide effective water management including Sustainable Drainage Systems, water efficiency measures and the reuse of rainwater. The application site sits in zone 1, Environment Agency flood zone (low risk).

Both the NPPF and National Planning Practice Guidance (NPPG) provide further advice on foul drainage, with a hierarchical approach being used. The NPPG 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. In this instance, as the Foul Drainage Assessment Form (FDA) states that 'all adjacent properties have septic tanks as there is no mains drainage'.

The Local Authority's Environmental Protection Team have been consulted and have commented on the percolation data that was submitted subsequent to the application:- *'The test results demonstrate that the ground has suitable permeability and sufficient land is available to accommodate the required drainage field. Subsequently, the Environmental Protection Team is satisfied that the proposed development will be served by a suitable foul drainage scheme, in accordance with Policy DM02.'*

NDTLP Policy DM02 sets out that development will be supported where it does not result in unacceptable impacts to pollution of surface or ground water including rivers, canals, other watercourses, water bodies, wetlands, water gathering grounds including catchment areas, aquifers, groundwater protection areas, harbours, estuaries, or the sea.

With the submission of percolation data and the comments by the Environmental Protection Team that they are satisfied that the development will be served by a suitable foul drainage scheme, the development is considered to be in accordance with Policy DM02.

7. Other Considerations

The reason for call in states that the application is to enable young people to remain in the community they were born into and have grown up in.

The policy for 'Rural Settlements' is Policy DM24, which, as outlined in the 'Principle' section is not

relevant to this site. However, if it were a 'Rural Settlement' - in assessing applications for Local Needs dwellings, the background text to the policy outlines criteria that would apply:-
'(1) at least one adult in the household was resident continuously in the Rural Settlement for a minimum of five years immediately prior to occupation; or
(2) at least one adult of the household was resident in the Rural Settlement for five years within the previous ten years immediately prior to occupation; or
(3) at least one parent, guardian, child or sibling, of at least one adult in the intended household, has been resident in the Rural Settlement for a minimum of 5 years immediately prior to occupation; or
(4) at least one adult in the household has been in continuous employment for at least 16 hours per week in the Rural Settlement for at least five years immediately prior to occupation; and in all cases
(5) at least one adult in the household needs a separate home (defined as those setting up a new household as a result of co-habitation, marriage, divorce or separation, or those that have, or are about to leave, tied accommodation on retirement) or whose present accommodation is sub-standard or unsuitable to their present circumstances because of their age, an impairment, medical condition or to meet the needs of a growing family, or there is no suitable accommodation available.'

The information submitted ('Planning Statement,') states that, 'Ms Oke has lived in Holemoor for over 25 years. She and her partner have been together for over 10 years and are currently living with her parents on the family farm which has been within the ownership of the Oke family for four generations.' It states that they would 'like to build a dwelling on the grounds of Hole Farm, Bradford' and that Ms Oke has worked full time at North Devon District Hospital for the last 10 years and her partner has worked at Brandis Corner for a local engineering firm for the last 8 years. Therefore, they would meet criteria 1 and 2 if DM24 was applicable to the location of the proposed development. Further supporting justification is provided in the submitted Planning Statement around the benefits to the Applicant arising out of a dwelling in the proposed location, however no robust evidence has been submitted to demonstrate housing need and, given the application is in outline, there is no detail around how the dwelling would meet any identified need. Furthermore, it must be noted that the application is not for a rural worker dwelling and therefore the requirement to be nearer the engineering firm cannot be considered.

It was noted in one objection that Mr Oke has recently had a local needs application approved 200m away from the site (1/0274/2021/OUT). This has been confirmed by the agent that it is a separate proposal and is for a cousin of the applicant who works on the family farm.

An objection has noted that this application is similar to a previous outline application that was made approximately 100m to the west of the site (1/0672/2018/OUT) which was refused at appeal due to the countryside location and the impact of the proposal upon the character and appearance of the countryside. The proposal was considered to be contrary to NDTLP Policy ST07 which stipulates that in the countryside, beyond local centres, villages and rural settlements, developments will be limited to that which is enabled to meet local economic and social needs, rural building reuse and development which is restricted to a countryside location. It was also noted that it did not fall within a 'rural settlement' and therefore did not qualify as being compliant with DM24. It is considered that similar considerations are applicable to the application site and therefore this appeal decision is appended to this agenda item for Members' ease of reference. Members of the Committee are also referred to the appeal decision contained at agenda item 8 (Appeal Decisions) relating to a proposal for two live-work dwellings at Silford Cross, Northam (application reference 1/0960/2022/OUT) where the Inspector dismissed the appeal on grounds of the Countryside location being unsuitable.

8. Conclusion

Paragraph 2 of the NPPF states that planning law (namely Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990) requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

The Local Planning Authority can currently demonstrate a five-year supply of housing land to meet the identified need within the district. It is therefore not necessary to assess the adverse impacts against the positive contribution of one dwelling towards local housing supply and the proposal is contrary to

NDTLP Policies ST07 and DM24. It is recognised that it will help a local family however it is remote from the built form of the settlement and to be located in the Countryside in a location that lacks access to key facilities. Therefore, a recommendation of refusal is made.

Human rights

Consideration has been given to the Human Rights Act 1998.

Recommendation

REFUSE for the following reasons:

- 1 The proposed development, due to its siting in the Countryside, is considered to result in the addition of an individual dwelling which would have an incongruous and adverse visual impact on the surrounding landscape. Furthermore, future occupants would be reliant on private transport for day to day living to access facilities, services and employment. There is no policy support for a local needs dwelling in this location and no robust evidence of housing need has been provided. As such, and in combination, the proposal is not considered to constitute 'sustainable development' and is contrary to the provisions of Policies ST04, DM04, DM08A and ST07 of the North Devon and Torridge Local Plan.

Plans Schedule

Reference	Received
0590-01	22.11.2023
0590-02	22.11.2023

Statement of Engagement

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF) in dealing with this application, the Council has worked with the applicant in the following and positive and proactive manner. We have made available detailed advice in the form of our statutory policies in the Development Plan, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.

In such ways the Council has demonstrated a positive and proactive manner in seeking solution to problems arising in relation to the planning application.