

Ward Tale Vale

Reference 23/1978/FUL

Applicant Mr & Mrs Dan and Claire McCandlish

Location Land Adjacent To Park House Plymtree

Proposal Proposed new dwelling and relocated site access with associated landscaping and parking



RECOMMENDATION: Refusal



		Committee Date: 30.01.2024
Tale Vale (Plymtree)	23/1978/FUL	Target Date: 13.11.2023
Applicant:	Mr & Mrs Dan and Claire McCandlish	
Location:	Land Adjacent To Park House Plymtree	
Proposal:	Proposed new dwelling and relocated site access with associated landscaping and parking	

RECOMMENDATION: REFUSAL

EXECUTIVE SUMMARY

This application is presented to Committee as the Officer recommendation is contrary to that of the Ward Member.

Planning permission is sought for the construction of a detached 5-bedroom dwelling and new vehicular access on an undeveloped site that is located within the open countryside within the settlement of Normans Green.

The proposal is contrary to Strategy 7- Development in the Countryside of the Local Plan and as there are no policies within the Local Plan which would support a proposal for the construction of a new dwelling in this countryside location and it isn't being put forward to meet an identified proven agricultural, forestry or horticultural need, the application has been advertised as a departure.

The Council can demonstrate a 4.5 year housing land supply, such that policies within the adopted Local Plan most important for determining the application remain up to date and the tilted balance in favour of sustainable development need not be applied.

Planning law states that Local Planning Authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

It is accepted that the proposed development would make a very modest contribution to the housing supply and would provide some limited benefits during construction to the local economic community whilst helping to support the services and facilities within the nearest settlement of Plymtree.

The principal issue is that this proposal would represent an unjustified

development in the countryside, in an unsustainable location remote from facilities and services and would result in future residents being over-reliant on the use of private motor vehicles for day to day living. There would be material environmental harm in relation to the suitability of the site's location which weighs against the proposal within the overall planning balance.

In the event that Members consider Plymtree to be sustainable (a position which is not reflected strategically within the Adopted East Devon Local Plan) this proposal would introduce a dwelling in a countryside location that is not closely related to the nearest settlement of Plymtree but is within a settlement to the north of the village. Whilst each application must be determined on its own merits, allowing a dwelling in this location would undermine the strategic approach that has been taken within the Local Plan which is not to permit residential development in this location to protect the countryside from sporadic development and due to the limited range of services and facilities on offer within the village and limited transport options to leave the village. Officers consider that this environmental harm weighs against the proposal within the overall planning balance.

Whilst the proposal would not result in any significant visual harm, harm to the setting of heritage assets, residential amenity, highway safety and would present some biodiversity net gain, it is not considered that there any material benefits which would overcome the identified conflict with Local Plan policies for development in the countryside and the environmental harm arising from the location of the site and the fact that future occupiers are likely to be over reliant on the use of the private vehicle to access services and facilities that are not provided within the nearest village of Plymtree.

The application is therefore recommended for refusal.

CONSULTATIONS

Local Consultations

Tale Vale - Cllr Richard Jefferies

I would like to comment on this application.

I write to support this application for further consideration as there has been engagement with the local community which has shown a level of support for this project.

I also note the parish is considering undertaking a Neighbourhood Plan which I hope they choose to pursue as it would provide an opportunity for community consultation and help inform future developments.

Councillor Richard Jefferies

Parish/Town Council

Plymtree Parish Council SUPPORTS this application for the following reasons:

1. Proposal in keeping with the 'structure' of the village - low housing density, using infill land, with carefully chose location so not visible from existing properties

2. Sustainable development plan
3. Proposal for an orchard that could benefit the village
4. This is a current village inhabitant building a house to support their living in the village in the longer term. They have sought the opinion of the community throughout and this has been very largely favourable.

Technical Consultations

EDDC Trees

No objection subject a pre-commencement condition for Tree Protection measures including site monitoring and supervision shall be carried out as detailed within the Arboricultural Report and Arboricultural Method Statement submitted by Advanced Arboriculture on the 25th July 2023.

Conservation

In considering the views of the listed Plymtree United Reformed Church, Norman Green House and the surrounding village on the approach from the south and south-east. This includes development abutting the road, however as a result of its low density and mainly vegetated verges, the village presents an evolved semi-rural character.

A character that is preserved through the proposed, orientation, location, scale and use of materials, of the newly proposed dwelling which includes the introduction of a new traditional orchard and areas of meadow grass and new ponds located towards the northern boundary of the site, opposite Plymtree United Reformed Church to the north and Normans Green House to the west, both Grade II heritage assets.

In this respect the orchard and areas of meadow grass, go towards preserving the existing views and experience of the setting to and from the assets, allowing for the comfortable introduction of a new dwelling within the village.

In summary, the proposed new dwelling and relocated site access with associated landscaping and parking would continue to preserve the contribution the site makes to the setting of the identified heritage assets, satisfying paras. 206 and 202 of the NPPF23 and Policy EN8 and EN9 of the New East Devon Local Plan (2013-2031)

Other Representations

7 letters of support have been received at the time of writing this report which can be summarised as:

- Appropriate design and sustainable design and construction
- Ecological improvements
- No impact on neighbours
- Will blend in with the village

PLANNING HISTORY

None

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 5B- Sustainable Transport
Strategy 7 (Development in the Countryside)

D1 (Design and Local Distinctiveness)
D2 (Landscape Requirements)
D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)
EN9 (Development Affecting a Designated Heritage Asset)
TC2 (Accessibility of New Development)
TC7 (Adequacy of Road Network and Site Access)
TC9 (Parking Provision in New Development)

Government Planning Documents

National Planning Policy Framework
National Planning Practice Guidance

Site Location and Description:

The site lies to the northeast of a crossroads adjacent to the settlement of Normans Green. It comprises a 1ha rectangular field under pasture and bounded by native hedgerow with hedge banks to adjoining roadside boundaries to the west and north. The site slopes very gently from the northern boundary to an east-west running ridge which traverses the site approximately 60m north of the southern boundary. Access is from a roadside field gate mid-way along the western boundary. There are a couple of semi-mature trees within the field and a number of mature oak and ash trees to the western boundary. An historic grade II listed chapel is situated opposite the northern boundary. The settlement of Normans Green lies immediately to the north and west and is a mix of mostly 20th century detached houses with some older and more recent houses. Surrounding land-use is predominantly agricultural grazing with some arable.

The site lies within the open countryside and is not the subject of any national or local landscape designations.

Proposed Development:

Planning permission is sought for the construction of a detached, two storey dwelling on the site. The dwelling would have an 'L' shaped footprint and would be a mixture of single storey and two stories with a mixture of flat roof and pitched roof forms. It would be constructed from a variety of materials which include vertical timber cladding and facing brick walls under a grey profiled aluminium roof. The flat roofed

single storey element of the dwelling would have a sedum roof finish. The 5 bedroom dwelling would be arranged across two floors with 4 bedrooms, a kitchen, dining and living room on the ground floor and a master bedroom and work space on the first floor. A garage with games room over would be attached to living space via a single storey link.

The proposed dwelling would be positioned well back from the northern boundary of the plot leaving space on its northern side for traditional orchard and wild flower grassland planting.

The proposal includes the creation of a new vehicular entrance onto the 'C' class road (named as the road from Normans Green House to Hayne Cross) north of the existing farm gate entrance which would be closed up with native species hedging.

Issues and Assessment:

The main issues to consider in determining this application are in terms of the following:

- The Policy Position
- Five Year Housing Land Supply
- The principle of development
- Sustainability/ Accessibility
- Character and Appearance
- Heritage Impacts
- Residential Amenity
- Highway Safety
- Ecological Impact
- Habitat Regulations Assessment
- Arboricultural Impact
- Surface Water and Foul Drainage

ANALYSIS

The Policy Position:

The National Planning Policy Framework (NPPF) states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Council formally adopted the East Devon Local Plan 2013-2031 on 28th January 2016 and the policies contained within it are those against which applications are being determined. There is no Neighbourhood Plan applicable to Normans Green or Plymtree.

Five Year Housing Land Supply:

The National Planning Policy Framework, Dec 2023, states at paragraph 77 that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide either a minimum of five years' worth of housing, or a minimum of four years' worth of housing if the provisions in paragraph 226 apply.

Paragraph 226 states: "From the date of publication of this revision of the Framework, for decision-making purposes only, certain local planning authorities will only be required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years' worth of housing (with a buffer, if applicable, as set out in paragraph 77) against the housing requirement set out in adopted strategic policies, or against local housing need where the strategic policies are more than five years old, instead of a minimum of five years as set out in paragraph 77 of this Framework.

This policy applies to those authorities which have an emerging local plan that has either been submitted for examination or has reached Regulation 18 or Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012) stage, including both a policies map and proposed allocations towards meeting housing need.

The draft local plan consultation undertaken by East Devon District council in November 2022 to January 2023 was carried out under Regulation 18 and so the Local Plan is sufficiently progressed to benefit from this provision. On this basis, as the Council can demonstrate a 4.5 year housing land supply, policies within the adopted Local Plan most important for determining the application remain up to date and the titled balance in favour of sustainable development need not be applied.

Principle of Development:

In planning terms the site is in the countryside and outside of a built-up area boundary as defined by the East Devon Local Plan where development is only permitted under the provisions of Strategy 7- Development in the Countryside where it is in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits such development and where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located, including:

1. Land form and patterns of settlement.
2. Important natural and manmade features which contribute to the local landscape character, including topography, traditional field boundaries, areas of importance for nature conservation and rural buildings.
3. The adverse disruption of a view from a public place which forms part of the distinctive character of the area or otherwise causes significant visual intrusions.

As there are no policies within the Local Plan which would support a proposal for the construction of a new dwelling in this countryside location and it isn't being put forward to meet an identified proven agricultural, forestry or horticultural need, the application has been advertised as a departure.

Planning law states that Local Planning Authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

Sustainability/ Accessibility:

Due to the lack of facilities within the village of Plymtree, the application site's distance from settlements with a full range of facilities and poor public transport options neither Normans Green or Plymtree are considered to be suitable locations for housing growth, and consequently they do not have a built-up area boundary (BUAB) within the adopted East Devon Local Plan. Neither settlement is listed in Strategy 27- Development at the Small Towns and Villages of the Local Plan, which sets out those settlements considered suitable to support housing growth.

Strategy 5B - Sustainable Transport of the Local Plan states that development proposals should contribute to the objectives of promoting and securing sustainable modes of travel and transport. Development will need to be of a form, incorporate proposals for and be at locations where it will encourage and allow for efficient, safe and accessible means of transport with overall low impact on the environment, including walking and cycling, low and ultra-low emission vehicles, car sharing and public transport.

This is echoed in policy TC2 Accessibility of New Development of the Local Plan which states that new development should be located so as to be accessible by pedestrians, cyclists and public transport and also well related to compatible land uses so as to minimise the need to travel by car.

The site lies within Normans Green, a small settlement located within the open countryside around 900m to the northeast of the village of Plymtree. With the exception of the church adjacent to the site, there are no other services or facilities in the settlement. Plymtree has some additional facilities, including a church, primary school, community shop and public house and whilst it would be possible to walk or cycle to the village centre the distance and the nature of the roads, being narrow and lacking in footpaths or streetlighting is such that some people are likely to be deterred from making this journey without use of the private car.

Whilst there is a bus stop adjacent to the application site, it served by a very infrequent bus service which consists of a bus service running twice a week to Honiton operating on a Tuesday, Friday, and Saturday only at 09:30 with a return bus at 12:50 and a single bus service which runs to Exeter on a Wednesday. It is a 15-minute drive to the nearest train stations at Feniton or Whimple, which adds to further concerns that the site is unsustainably located in planning terms.

Future residents of the development would need to travel beyond the village to access essential facilities such as a doctors' surgery, a wider range of shops and employment opportunities, and given the infrequency of transport services it would not be possible to access these without a private vehicle.

It should be noted that there has been an appeal decision (ref APP/U1105/W/18/3194093) for a new dwelling in the centre of the village Plymtree and a subsequent planning permission granted by the Council (ref 19/0394/FUL) for a detached dwelling on the basis that the Inspector did conclude that Plymtree was sustainable. Whilst the appeal was dismissed on the grounds of harm to residential amenity, in the assessment of sustainability of the village, the Inspector concluded that the site was within the centre of the village and in close proximity to a reasonable range of everyday services and facilities without the need to travel by car. This view was reached by the Inspector despite the fact that Plymtree has not been identified as a sustainable settlement for new residential development within Strategy 27 of the Local Plan largely on account of its poor public transport links and the need for residents to leave the village to access wider everyday services such as supermarkets, health care and employment.

In the event that Members consider Plymtree to be sustainable (a position which is not reflected strategically within the Adopted East Devon Local Plan) it is important to note that this proposal would introduce a dwelling in a countryside location that is not closely related to the nearest settlement of Plymtree but is within a divorced settlement to the north of the village. Whilst each application must be determined on its own merits, allowing a dwelling in this location would undermine the strategic approach that has been taken within the Local Plan which is not to permit residential development in this location to protect the countryside from sporadic development and due to the limited range of services and facilities on offer within the village itself and the limited transport options to leave the village.

The proposal would conflict with Policies TC2 and Strategy 5B of the East Devon Local Plan which seek to ensure that new development does not add to the need to travel by car, and that such developments encourage the use of sustainable modes of transport. The proposal also conflicts with the relevant aspects of the National Planning Policy Framework, including the requirement for patterns of growth to be actively managed by limiting the need to travel and offering a choice of transport modes.

The lack of everyday services within the nearest village, distance from the village coupled with the limited transport options to leave the village weighs against the proposal within the overall planning balance.

Character and Appearance:

Strategy 7- Development in the Countryside of the Local Plan states that development will only be permitted where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located.

Policy D1- Design and Local Distinctiveness of the Local Plan states that proposals will only be permitted where they respect the key characteristics and special qualities of the area in which the development is proposed and where the scale, massing, density, height, fenestration and materials of buildings relate well to their context.

The site lies within Landscape character Type 3B as defined in the East Devon and Blackdown Hills Landscape Character Assessment 2019 and reflects and

contributes to the identified key characteristics. Historic mapping indicates extensive areas of orchard within the vicinity but few of these survive.

The site is not in a designated landscape and there are no priority habitats or other nature conservation designations within the vicinity. The site does however lie outside of any built up area boundary and is therefore in open countryside where under Strategy 7 of the Local Plan, development in the countryside is restricted.

The site is currently undeveloped and therefore introducing a residential dwelling would result in a degree of impact through its urbanisation and built form. Whilst this would be the case, it is accepted that the site is only open to views from localised viewpoints around the site and that there would be no wider landscape harm from the proposal.

The development has been carefully considered in respect of the siting of the dwelling and the application is supported by a detailed landscape and visual impact assessment which successfully demonstrates that the visual impact of the development would be very limited and read within the context of surrounding residential development and built form of the settlement of Normans Green. The LVIA explains the design approach and the rationale behind siting the dwelling in the middle quadrant of the site and it is accepted that together with the creation of the orchard in the northern third of the site that a good level of screening would be provided which would soften the impact of the development.

The design and scale of the dwelling is considered to be appropriate for the rural character of the site and the surrounding area and would be in keeping with the urban grain and pattern of development found within this part of the settlement. The proposed dwelling would effectively be read as a form of infill development between residential properties and whilst it would urbanise an undeveloped site, the development would not extend the built form of the settlement significantly into the rural landscape such that on balance, it isn't considered that the visual harm would be to an extent that would justify refusal.

Heritage Impacts:

The statutory duty contained in section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker to have special regard to the desirability of preserving listed buildings or their setting, or any features of special architectural or historic interest which they possess. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Paragraphs 205-208 of the National Planning Policy Framework deal with the assessment of harm to designated heritage assets and which advises that great weight should be given to an asset's conservation and this should be proportionate

to the importance of the asset. This approach is echoed in policy EN9- Development Affecting a Designated Heritage Asset of the Local Plan.

The site is located in close proximity and within the setting of Plymtree United Reformed Church and Normans Green House both Grade II heritage assets.

The Council's Conservation Officer has considered the application and has advised that in considering the views of the Plymtree United Reformed Church, Norman Green House and the surrounding village on the approach from the south and south-east this includes development abutting the road, however as a result of its low density and mainly vegetated verges, the village presents an evolved semi-rural character.

The Conservation Officer is of the opinion that this character would be preserved through the proposed, orientation, location, scale and use of materials, of the newly proposed dwelling which includes the introduction of a new traditional orchard and areas of meadow grass and new ponds located towards the northern boundary of the site, opposite Plymtree United Reformed Church to the north and Normans Green House to the west, both Grade II heritage assets.

In this respect the orchard and areas of meadow grass, would go towards preserving the existing views and experience of the setting to and from the assets, allowing for the comfortable introduction of a new dwelling within the village.

In summary, the proposed new dwelling and relocated site access with associated landscaping and parking would continue to preserve the contribution the site makes to the setting of the identified heritage assets and would result in no harm to their setting or significance satisfying paragraphs 208 and 212 of the NPPF and policy EN9 of the Local Plan.

Residential Amenity:

Policy D1- Design and Local Distinctiveness of the Local Plan requires that proposals do not adversely affect the amenity of occupiers of adjoining residential properties.

Whilst the introduction of a dwelling into the site which is currently undeveloped would result in a degree of impact on the amenities of the occupiers of surrounding properties, the site is considered to be of a sufficient size to accommodate the proposed dwelling without resulting in any significant harm or physical impact.

The proposed dwelling would be sited away from the boundaries of the site such that it is not considered that the proposed dwelling would result in any significant harm to the amenities of Park House to the east or Tralee or Mulberry Barton to the west separated by the highway.

The proposal is considered to be acceptable in terms of its relationship with an impact upon neighbouring properties.

Highway Safety:

Policy TC7 - Adequacy of Road Network and Site Access of the Local Plan states that planning permission for new development will not be granted if the proposed access, or the traffic generated by the development, would be detrimental to the safe and satisfactory operation of the local, or wider, highway network.

Policy TC9- Parking Provision in New Development of the Local Plan states that Spaces will need to be provided for Parking of cars and bicycles in new developments. As a guide at least 1 car parking space should be provided for one bedroom homes and 2 car parking spaces per home with two or more bedrooms. At least 1 bicycle parking space should be provided per home.

The proposal includes the creation of a new vehicular access north of the existing agricultural access onto the 'C' class road which runs adjacent to the western boundary of the site.

Whilst the introduction of a new dwelling on the site and a residential use is likely to increase the number of traffic movements to and from the site, as a single dwelling with access onto a lightly trafficked rural road, it isn't considered that it would result in any highway safety concerns. The proposal would make provision for a suitable access with parking and turning space to allow vehicles to exit the site in a forward gear.

The proposal would comply with the provisions of policies TC7 and TC9 of the Local Plan.

Ecological Impact:

Policy EN5 - Wildlife Habitats and Features of the Local Plan states that wherever possible sites supporting important wildlife habitats or features not otherwise protected by policies will be protected from development proposals which would result in the loss of or damage to their nature conservation value, particularly where these form a link between or buffer to designated wildlife sites. Where potential arises positive opportunities for habitat creation will be encouraged through the development process.

The application is accompanied by a Preliminary Ecological Appraisal which identifies that the site comprises an improved grassland field with areas of newly planted broadleaved woodland and individual scattered trees. The field has three hedgerow boundaries, with the fourth boundary comprising a fence belonging to a neighbouring residence.

The proposed development will result in the loss of the improved grassland and scattered trees. These habitats are considered common and widespread and of generally low ecological value. As such the proposed development not considered as having any significant ecological impacts.

The report identifies that small areas of the broadleaved woodland plantings will also be lost as part of the development. However, the majority will be retained and, where possible, it is proposed that many of the saplings can be incorporated into a hedgerow along the fourth boundary. As such no overall loss of saplings is predicted.

The scattered trees and hedgerows on site have potential to support nesting birds. The development is likely to require the clearance of the trees and construction works close to retained hedgerows. As such recommendations are included within the report to minimise the risk to nesting birds.

The site boundaries were assessed as having moderate potential to support foraging and commuting bats. The proposed development will not significantly impact on these features but is likely to include additional artificial lighting. Recommendations are included as a precautionary approach to minimise any potential disturbance to bats.

The application is also accompanied by a Biodiversity Net Gain report which sets out how the proposed development has been designed to secure gains for biodiversity net gain at the site.

The report concludes that the development is predicted to result in a net gain in biodiversity at the site. Post development, the creation of two wildlife-friendly ponds, an area of wildflower meadow and traditional orchard, planting of eight moderate-sized trees, installation of a biodiverse green roof and laying of vegetated garden will result in biodiversity net gain at the site and this is supported by the Council's ecologist who has advised that the recommendations are generally proportional to the predicted impact. Had the principle of development been acceptable a condition requiring the submission of a Landscape Ecological Management Plan could have been imposed to ensure that the ecological and BNG benefits of the scheme are secured.

Habitat Regulations Assessment:

The application site is located outside of the 10 km zone of the Exe Estuary and the Pebblebed Heaths and therefore does not attract a requirement for a habitat mitigation contribution on the basis that the development would not result in any direct impacts on the European Protected Site of the Exe Estuary and the East Devon Pebble bed Heaths Special Protection Areas (SPA's). No mitigation is required.

Arboricultural Impact:

Policy D3 - Trees and Development Sites of the Local Plan states that permission will only be granted for development, where appropriate tree retention and/or planting is proposed in conjunction with the proposed nearby construction. The council will seek to ensure, subject to detailed design considerations, that there is no net loss in the quality of trees or hedgerows resulting from an approved development. The development should deliver a harmonious and sustainable relationship between structures and trees. The recommendations of British Standard

5837:2012 (or the current revision) will be taken fully into account in addressing development proposals.

The Council's Tree Officer has considered the application and is satisfied that the proposed development which would retain the trees on the site, would not result in any significant harm to the health and well-being of trees on the site which positively contribute to its rural character. Subject to a condition which requires the submission of tree protection measures and an arboricultural method statement prior to commencement of development, it is not considered that the proposal would result in any arboricultural harm to sustain an objection. The proposal would comply with the provisions of policy D3 of the Local Plan.

Surface Water and Foul Drainage:

Policy EN22-Surface Run-Off Implications of New Development of the Local Plan states that planning permission for new development will require that:

1. The surface water run-off implications of the proposal have been fully considered and found to be acceptable, including implications for coastal erosion.
2. Appropriate remedial measures are included as an integral part of the development, and there are clear arrangements in place for ongoing maintenance over the lifetime of the development.
3. Where remedial measures are required away from the application site, the developer is in a position to secure the implementation of such measures.
4. A Drainage Impact Assessment will be required for all new development with potentially significant surface run off implications.

The application site is located within an area designated as flood zone 1 (low probability of flooding). Whilst no detailed surface water or foul drainage scheme has been provided within the application, it has been suggested that the development would utilise rainwater harvesting with any overflow being disposed of via soakaways and ponds. There is no reason in principle why surface water from the development could not be appropriately managed and had the development been acceptable in principle, a condition would be sufficient to require the submission of an appropriate surface water and foul drainage management scheme.

Planning Balance and Conclusions:

The proposal is contrary to Strategy 7- Development in the Countryside of the Local Plan and as there are no policies within the Local Plan which would support a proposal for the construction of a new dwelling in this countryside location and it isn't being put forward to meet an identified proven agricultural, forestry or horticultural need, the application has been advertised as a departure.

The Council can demonstrate a 4.5 year housing land supply, such that policies within the adopted Local Plan most important for determining the application remain up to date and the tilted balance in favour of sustainable development need not be applied.

It is accepted that the proposed development would make a very modest contribution to the housing supply and would provide some limited benefits during construction to

the local economic community whilst helping to support the services and facilities within the nearest settlement of Plymtree.

Whilst there are some merits to the proposal, the principal issue is that the development would be in the countryside, in an unsustainable location remote from facilities and services and would result in future residents being over-reliant on the use of private motor vehicles for day to day living. There would be material environmental harm in relation to the suitability of the site's location which weighs against the proposal within the overall planning balance.

In the event that Members consider Plymtree to be sustainable (a position which is not reflected strategically within the Adopted East Devon Local Plan) this proposal would introduce a dwelling in a countryside location that is not closely related to the nearest settlement of Plymtree but is within a settlement to the north of the village. Whilst each application must be determined on its own merits, allowing a dwelling in this location would undermine the strategic approach that has been taken within the Local Plan which is not to permit residential development in this location to protect the countryside from sporadic new development and due to the limited range of services and facilities on offer within the village itself and the limited transport options to leave the village. Officers consider that this environmental harm weighs against the proposal within the overall planning balance and is harm that would significantly and demonstrably outweigh the limited benefits that would be derived from this proposal.

Whilst the proposal would not result in any significant visual harm, harm to the setting of heritage assets, residential amenity, highway safety and would present some biodiversity net gain, it is not considered that there any material benefits which would justify a departure from the countryside protection policies of the Local Plan, particularly when the Council can demonstrate a 4.5 year housing land supply and which do not overcome the identified environmental harm arising from the location of the site and the fact that future occupiers are likely to be over reliant on the use of the private vehicle to access services and facilities that are not provided within the nearest village of Plymtree. The application is therefore recommended for refusal.

RECOMMENDATION

REFUSE for the following reason:

1. The site is within the open countryside where residential development is restricted. The absence of convenient pedestrian footways, lighting and the distance between the site and the limited local services and facilities within Plymtree together with infrequent public transport services would lead residents to rely on travel by private motor vehicles. The site does not therefore occupy a sustainable location for residential development. As such, the proposal would be contrary to the provisions of Strategy 5B (Sustainable Transport), Strategy 7 (Development in the Countryside) and Policy TC2 (Accessibility of New Development) of the adopted East Devon Local Plan 2013-2031, and the guidance set out in the National Planning Policy Framework which concerns actively managing patterns of growth in support of, the promotion of

opportunities for walking, cycling and public transport in conflict with the environmental dimension of sustainable development.

NOTE FOR APPLICANT

Informative:

In accordance with the aims of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 East Devon District Council seeks to work positively with applicants to try and ensure that all relevant planning concerns have been appropriately resolved; however, in this case the development is considered to be fundamentally unacceptable such that the Council's concerns could not be overcome through negotiation.

Plans relating to this application:

846-06 Rev A	Other Plans	15.09.23
8466-10 Rev C	Other Plans	15.09.23
8466-02 Rev C	Proposed Site Plan	15.09.23
8466-03 Rev B	Sections	15.09.23
8466-05 Rev A	Proposed Elevation	15.09.23
8466-LPA	Location Plan	15.09.23
866/01 Rev A	Landscaping	15.09.23
866/02 Rev A	Landscaping	15.09.23
	Ecological Assessment	15.09.23
	Flood Risk Assessment	15.09.23
Viewpoints figure set	Landscaping	15.09.23
	Transport Statement	15.09.23
	Tree Survey	15.09.23
	Landscape Visual Impact Appraisal	15.09.23

List of Background Papers

Application file, consultations and policy documents referred to in the report.

Statement on Human Rights and Equality Issues

Human Rights Act:

The development has been assessed against the provisions of the Human Rights Act 1998, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Equality Act:

In arriving at this recommendation, due regard has been given to the provisions of the Equality Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.