

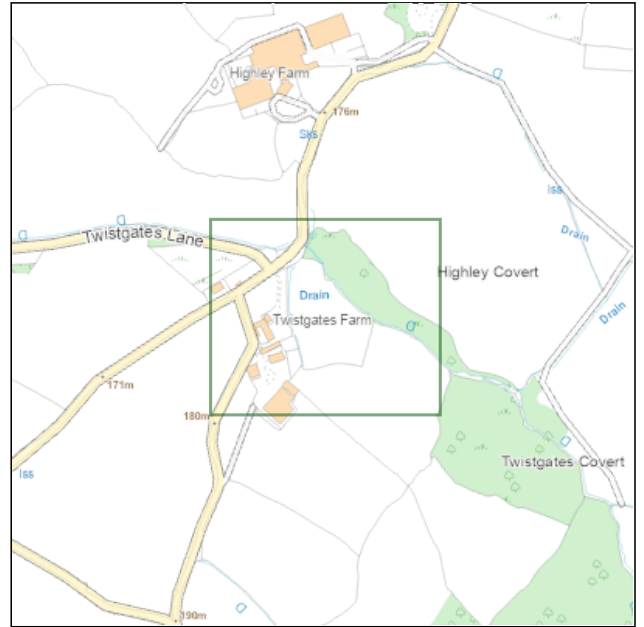
**Ward** Dunkeswell And Otterhead

**Reference** 24/0195/FUL

**Applicant** Duncan Gray

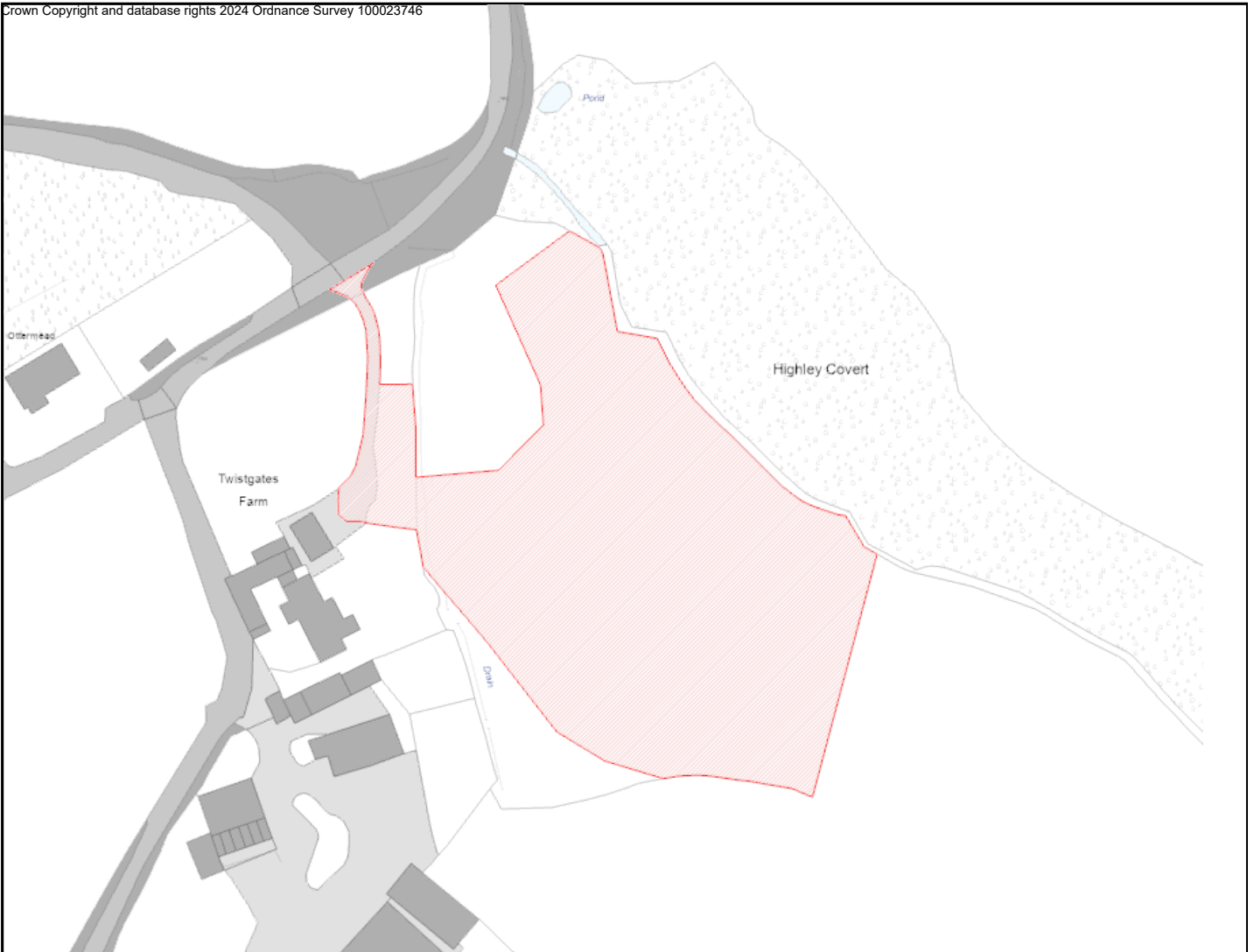
**Location** Twistgates Farm Upottery Devon EX14 9PE

**Proposal** Proposal for change of use of land to site 3no. timber cabins for holiday accommodation; landscaping and construction of pond.



**RECOMMENDATION: Refusal**

Crown Copyright and database rights 2024 Ordnance Survey 100023746



		<b>Committee Date: 16.07.2024</b>
<b>Dunkeswell And Otterhead (Upottery)</b>	<b>24/0195/FUL</b>	<b>Target Date: 19.04.2024</b>
<b>Applicant:</b>	<b>Duncan Gray</b>	
<b>Location:</b>	<b>Twistgates Farm Upottery</b>	
<b>Proposal:</b>	<b>Proposal for change of use of land to site 3no. timber cabins for holiday accommodation; landscaping and construction of pond.</b>	

**RECOMMENDATION: Refusal**

#### **EXECUTIVE SUMMARY**

**this application is before Committee as the officer recommendation is contrary to the view of the Ward Members.**

**Planning permission is sought to change to the use of land for the siting of 3 no. timber cabins for holiday accommodation use as well as for the construction of a wildlife pond, landscaping and other ancillary works. The holiday accommodation would operate as part of the applicant's existing holiday accommodation business comprising of holiday lets within converted former farm buildings.**

**The proposal would provide some economic benefit relating to the expansion of an existing business and involved in the construction/setting out works. Following this there would be some further ongoing support of the rural economy through visitor spend and limited on-site job creation. Such benefits would be limited by the scale of the development.**

**In addition, the proposal is considered to be acceptable in terms of highway, heritage, arboricultural and amenity impacts, or could be made so by condition.**

**Weighed against this are the environmental impacts that would result from the development. In this respect it is acknowledged that the proposal would have a very limited visual impact outside the immediate site and subject to landscaping and habitat creation conditions some minor enhancement could be provided, however any limited benefits in this respect would be offset by the change to the character of the site and impact on the tranquillity of the area such that overall impacts on the National Landscape could be considered neutral.**

However in terms of the location of the site, this is such that the occupiers of the holiday units would be likely to be almost entirely reliant on private transport to access services, shops, tourist attractions etc. This reliance on private transport, notwithstanding the holiday nature of the residential use and the economic benefits arising, would weigh against the proposal.

Whilst the Local Plan acknowledges the importance of tourism to the local economy, it stresses that tourism development must take place in a sustainable manner. In this case the limited benefits that would arise from the proposal in economic terms are considered to be outweighed by the conflict with development plan policies and the harm arising from the unsustainable location of the site and reliance of future occupiers on private transport. The proposal is therefore in conflict with Strategies 5B, 7 and 33 and Policies, E5, E19 and TC2 of the Local Plan as well as relevant national planning policies and guidance and as such is recommended for refusal.

## **CONSULTATIONS**

### **Local Consultations**

#### **Clerk To Upottery Parish Council**

The Council support this application.

#### **Dunkeswell And Otterhead - Cllr Colin Brown**

This is a well-established and respected holiday business in the area.

I support the expansion of the site being close to the main A30 and the village of Upottery with the Sidmouth arms.

Tourism is important to the economy of East Devon and its area of national landscape importance.

If the officer's opinion is different to mine I would like this application to go to committee, where I will keep an open mind until I hear the discussions both for and against.

#### **Dunkeswell And Otterhead - Cllr Yehudi Levine**

1/7/24 - My support for this application was lukewarm and I am happy to accept the Officer's recommendation for refusal.

**Amended plan comments:** Alas, the difference between the amended site plans and the superseded ones elude me. I am, however, encouraged by the clarification about the water supply situation. I support the application provided the plans align with the conditions suggested by the Blackdown Hill NL planning officer.

**Original comments:** The application for the extension of a holiday accommodation site fits in with the increasing demand of tourism. I understand from other proprietors that tourism has changed and visitors very often come for less than a week at

various times of the year. While we need to support the industry, we need to be mindful of the impact of the change of land use and I am concerned that in this case the site will be overdeveloped.

In addition, I find the problem with the water supply raised by the neighbour Mr Nelis of concern and think that mitigation will be required.

I hope that officers will be able to address these concerns and I am happy to change my mind when presented with additional evidence.

### **Technical Consultations**

#### **EDDC Trees**

No objection to the application in principle, however if the application is approved there should be a condition applied that requires the submission of an arboricultural method statement(AMS) & tree protection plan(TPP) as the current plan is lacking in certain details.

#### **Environmental Health**

I have considered the application and do not anticipate any environmental health concerns.

#### **Devon County Archaeologist**

No objection subject to condition requiring 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 that may be impacted by the development.

#### **Blackdown Hills AONB Project Partnership**

The National Landscape Partnership supports its local planning authorities in the application of national and local planning policy in order to ensure that any development in the designated AONB conserves and enhances the natural beauty of this nationally protected landscape.

The Partnership's response highlights various policies in the Blackdown Hills AONB Management Plan 2019-24 that should be taken into account and highlights noise impact and lighting should be given particular attention and that in the event of an approval condition to control materials and number of units; ancillary development; external lighting; access requirements and habitat enhancement should be considered.

#### **EDDC Landscape Architect**

No specific objection raised to landscape impact. Comment raised that the lodges are likely to be visible in a glimpsed view from the adjacent highway but could be screened by appropriate native scrub and tree planting. Further comment that, the application site is not conveniently situated in relation to services and the proposal would result in increased vehicle traffic along the narrow, steep and winding country lanes by which it is accessed and where this and activity at the site would result in some local loss of tranquillity.

## Other Representations

1 no. representation has been received raising the following objections/concerns:

- Impacts on private water supply on neighbouring properties and land uses
- Increased traffic generation in narrow country lanes
- Local road close to the site prone to flooding
- Increased noise impact from additional holiday units
- Increase potential for dog fouling
- Potential for future increase in number of units proposed and overdevelopment of the site
- Impact on wildlife
- Impact on the AONB

## PLANNING HISTORY

Reference	Description	Decision	Date
-----------	-------------	----------	------

## PLANNING HISTORY

Reference	Description	Decision	Date
-----------	-------------	----------	------

87/P1095	Conversion Of Disused Milking Parlour/stable Block To Single Storey 3 Bedroom Dwelling.	Approval with conditions	07.07.1987
88/P1093	Conversion Of Disused Farm Buildings To Two Holiday Letting Units.	Approval with conditions	07.09.1988
88/P2268	Conversion Of Buildings Into 2 Holiday Flats.	Approval with conditions	14.12.1988
89/P1630	Agricultural General Purpose Building.	Approval - standard time limit	16.08.1989
89/P2136	Conversion Of Redundant Farm Building To Form Single Holiday Unit.	Refusal	23.11.1989

91/P0945	Change Of Use Of Part Of Barn To Form Lounge And Bedroom To Serve Holiday Unit.	Approval with conditions	08.07.1991
98/P1295	Convert One Holiday Let To Dwelling	Refusal	26.10.1998
05/2584/FUL	Conversion of barn to dwelling	Withdrawn	24.10.2005
05/3144/FUL	Conversion of barn to holiday letting unit	Approval with conditions	12.01.2006
08/3008/FUL	Conversion of barn to holiday let	Approval with conditions	04.02.2009
10/1463/FUL	Removal of existing single storey structure and construction of holiday letting unit including balcony and external staircase.	Refusal	15.09.2010
12/1530/FUL	Construction of replacement outbuilding to provide holiday accommodation, laundry and store	Refusal	05.09.2012
12/2691/FUL	Construction of replacement outbuilding to provide holiday accommodation, laundry and store	Approval with conditions	18.04.2013
14/1170/FUL	Replacement agricultural building	Approval with conditions	11.06.2014

## **POLICIES**

Adopted East Devon Local Plan 2013-2031 Policies  
Strategy 3 (Sustainable Development)

Strategy 5B (Sustainable Transport)

Strategy 7 (Development in the Countryside)

Strategy 33 (Promotion of Tourism in East Devon)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

D6 (Locations without Access to Natural Gas)

EN5 (Wildlife Habitats and Features)

EN6 (Nationally and Locally Important Archaeological Sites)

EN7 (Proposals Affecting Sites which may potentially be of Archaeological Importance)

EN21 (River and Coastal Flooding)

E4 (Rural Diversification)

E5 (Small Scale Economic Development in Rural Areas)

E16 (Proposals for Holiday or Overnight Accommodation and Associated Facilities)

E19 (Holiday Accommodation Parks)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Blackdown Hills Management Plan 2019-2024

LC3 – Landscape Character

PD2 – Planning and Development

RET3 – Economy and Tourism

Government Planning Documents

National Planning Practice Guidance

NPPF (National Planning Policy Framework 2023)

Site Location and Description

The application site relates to an agriculture field laid to pasture and extending to approx. 0.65 ha. The field occupies low lying land and falls gently from south to north. The northwest boundary of the field is defined by a small open brook beyond which is an area of woodland planting. There is further tree planting to the northern boundary with the remainder of the boundaries largely marked by hedgerow. The field is accessed from a field gate on the northern boundary with a separate pedestrian gate providing access from a parking/turning area to the west. Beyond this parking area lies the group of buildings that form Twistgates Farm and which include the main house and a number of existing holiday let units formed within converted outbuildings. The building group is accessed via a private track from the local road to the north which terminates in the parking area from which the field can be accessed.

The site lies in a relatively remote rural location set on the lower west slopes of the Upper Otter Valley and within the Blackdown Hills National Landscape. There is one residential property, Ottermead, located just to the northwest of the site and farm buildings in separate ownership to the south. Twistgates Farm is located approximately equidistant from the settlements of Upottery, Yarcombe and Smeatharpe, all of which are approximately 1 ½ miles (as the crow flies) from the site. The village of Churchinford lies a little further to the north.

Land to the northeast of but outside the site is defined as Flood Zone 2 and there is another area adjacent to the site and running broadly parallel to this boundary which is indicated as susceptible to surface water flooding. The site itself is not within any area of defined flood risk.

### **Proposed Development**

The application seeks permission for the siting of 3 no. holiday chalets within the application field and for the creation of a wildlife pond in the central part of the field. Associated works include:

- provision of a new package treatment plan to deal with foul drainage;
- proposed EV charging point
- proposed refuse and recycling store
- proposed bicycle store

The proposed units are described as 'temporary cabins' and in terms of dimensions are indicated to meet the definition of a caravan. They would be sited on the ground and attached to it by means of removable ground screws.

### **ANALYSIS**

The main issues in the determination of the application are considered to be:

- The principle of development
- Accessibility
- Impact on character and appearance of the area and wider AONB
- Highway Safety and Access
- Other Issues



## Principle of Development

The Development Plan for the area currently consists of the East Devon Local Plan 2013-2031. The site falls within Upottery Parish, all of which is designated as a Neighbourhood Area but where there is no draft or made Neighbourhood Plan in place.

In policy terms the site lies in open countryside and therefore falls to be considered under Strategy 7 Development within the Countryside.

Strategy 7 is quite specific by stating,

*‘Development in the countryside will only be permitted where it is in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits such development’*

And goes on to say

*‘and where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located’.*

Strategy 5B Sustainable Transport requires development to contribute to the objectives of promoting and securing sustainable modes of transport. It requires development to be of a form incorporate proposals for and be located where it will encourage and allow for efficient, safe and accessible means of transport.

Strategy 33 Promotion of Tourism in East Devon of the Local Plan, seeks to support and facilitate high quality tourism that promotes a year round industry. It states tourism growth should be sustainable and should not damage the natural assets of the District. Whilst this policy offers some general support to tourism development proposals it is not a policy that ‘explicitly permits such development’.

Policy E16 Proposals for Holiday or Overnight Accommodation and Associated Facilities deals specifically with new tourist accommodation proposals. This policy supports hotel development, conversion of dwellings into self-catering accommodation, guest houses and upgrading of existing accommodation within built-up area boundaries (i.e. larger villages and towns) but in rural areas only supports conversion or use of existing buildings for small scale holiday accommodation uses. It does not make provision for new units such as that proposed. This policy would therefore offer no support for the proposal.

Similarly, Policy E19, deals with Holiday Accommodation Parks but only supports the provision of new sites outside of designated areas. Within such areas, extensions to existing caravan and camp sites are permitted where they propose no new permanent structures. This policy therefore offers no support to this small scale holiday accommodation proposal.

Policy E4, relates to rural diversification proposals and could potentially offer support to proposals that are of an appropriate scale and location and subject to a number of

other listed criteria. For a proposal to find support under this policy it must be complementary to or compatible with agricultural operations in the area and be operated as part of an overall farm holding. Although the application site lies in a rural area and is proposed on agricultural land, it is not considered to meet the policy requirements so as to represent rural diversification. The planning statement confirms that Twistgates Farm is no longer a working farm and the site location plan shows that the field, of which the application site forms part, represents the extent of agricultural land held at Twistgates Farm. This being the case it is not considered that the proposal would meet the requirement of this policy to be on a farm or operated as part of an overall holding.

Policy E5 relates to Small Scale Economic Development in Rural Areas and offers support in principle to such developments where they are designed to provide jobs for local people and utilise existing buildings; are on previously developed land or where on greenfield sites – as is the case with this proposal - are well related in scale and sustainability terms to the villages and surrounding areas. In relation to job creation, the supporting information suggests that the development would result in the creation of 0.75 FTE (full-time equivalent) employment posts (based on 2 changeovers a week per unit for 12 months of the year). However with occupancy predicted to be at 60% across the year this employment generation is likely to be lower than anticipated. Nevertheless, it is acknowledged that there would be some economic benefits arising from the proposal both at the initial set-up stage and ongoing through support of the local tourism economy. The proposal would find some limited support under this policy in terms of local employment provision but also needs to be, “... *well related in sustainability terms to the villages and surrounding areas*” this aspect is discussed further below.

Policy TC2 Accessibility of New Development 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 (discussed below).

It is considered that the principle of development derives some limited support from policies of the Local Plan but that such support is dependent on the site's location being found to be sustainably located.

Para. 2 of the National Planning Policy Framework (NPPF), confirms that applications for planning permission are required to be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF itself is capable of being such a consideration and as such it is necessary to consider whether this indicates that a different stance should be taken. Para. 88 of the NPPF states planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas and support sustainable rural tourism which respect the character of the countryside. Para. 85 recognises that sites to meet ‘*local business and community needs*’ may have to be found outside existing settlements but where this is the case it is important they should, amongst other things, ‘*exploit opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport).*’

Whilst the NPPF does potentially offer some support for rural tourism proposals they need to be demonstrated to be acceptable in sustainability terms (or be capable of being made so) and to comply with other policies of the NPPF taken as a whole.

### **Location and Accessibility**

It is recognised that the applicant operates a successful tourism business from the buildings adjoining the site and where former agricultural buildings have been converted over the years to provide for a number of holiday accommodation units. Nevertheless permission for each unit would have been considered against the relevant policies in place at the time and where historically such policies have tended to look favourably on the reuse of rural buildings for alternative economic purposes.

Current planning policy has a greater emphasis on delivering sustainable development which includes the location of sites and how they can be accessed. Policy TC2 and Stgy 5B of the Local Plan seek to minimise the need to travel by car and maximise the opportunities for accessing development by alternative modes of transport. Policy E5 similarly seeks to ensure development is sustainably located and Stgy 33 of the Local Plan and para. 88 of the NPPF seek to support sustainable tourism development. Whilst para. 109 of the NPPF recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas in this case such opportunities are considered to be extremely restricted.

The site occupies a relatively remote location where it is accessed via narrow, winding and in places steep rural lanes. Although there are a number of villages within a relatively short driving distance of the site in all circumstances these have a very limited range of services to meet the needs of guests. Larger settlements with a wider range of services are located further afield (Honiton 7 miles, Chard 8.5 miles) and where there is no direct public transport link from the site. The nearest bus stop serving the site is found at Upottery, two services run, one runs twice a week between Taunton and Honiton (and on to Sidmouth on one of the days) the other runs once a week to Honiton on a Tuesday. As such, the site itself is not served by public transport and the nearest public transport route is some distance from the site and the services along it extremely limited.

The applicant has provided a supplementary statement relating to sustainability and within this suggests that the guests attracted to the site, which it is advised includes strong repeat custom, do so on the basis of its location and wanting to explore the local area which they can do by foot or cycle. It is also suggested that given the length of stay and nature of the holiday accommodation use that journey requirements would be less than unrestricted residential use. These comments are noted but whilst some guests may choose to walk or cycle to access some facilities, such as the Sidmouth Arms Inn at Upottery for example, this would not be suitable for all guests and in all weather conditions/times of day and is not a viable alternative for most journeys. Guests staying at the site are likely to be heavily reliant on private transport for the majority of their journeys which would be contrary to Policy TC2 and strategy 5B of the Local Plan.

The proposed provision of EV charging points and cycle storage are recognised positives and would go some way to enabling use of more sustainable means of

transport.

However, overall whilst recognising that the applicant has sought to include initiatives to support the use of more sustainable modes of transport and that paras. 89 and 109 of the NPPF recognise that opportunities to maximize sustainable travel vary between sites, in this instance those opportunities to do so are severely limited and weigh against the proposal.

### **Impact on the character and appearance of the area and wider AONB**

The site lies within the Blackdown Hills designated National Landscape and on the east slope of the Otter Valley. It comprises an irregularly shaped small field under permanent grassland, bounded by native hedgebanks with numerous trees apart from a short section to the southwest corner where the hedgebank has been removed and which has been fenced. The field is very gently sloping with a northwesterly aspect, rising more steeply towards its eastern boundary and with a low, wet area marked by rush in the centre. A mature, deciduous woodland abuts the northern boundary and a tributary watercourse of the River Otter runs along the edge of this, just beyond the site boundary hedge. The existing group of buildings forming the Twistgates Farm holiday complex lies to the south. The northwestern boundary adjoins the highway and a field gate provides access to the site from this. A pedestrian gate to the south provides access from the existing car park.

The surrounding land-use is predominantly intensive agricultural grassland set within a matrix of tightly cut hedgebanks with scattered copses and occasional farms and isolated dwellings. The A303 runs along the upper valley side further to the east but is not visible or readily audible from the site. Overall the landscape at the site has a tranquil rural character and affords attractive vistas across the Otter valley.

There is no public access within the site and no public rights of way in the vicinity that are likely to be affected by the proposal. The site is visually well contained due to a combination of vegetation and landform and the only publicly accessible view into it is from the existing field gate off the adjacent highway which provides a direct view across the site.

The site lies within a landscape character type (LCT) described as 3A: Upper farmed and Wooded Valley Slopes in the East Devon Blackdown Hills Landscape Character Assessment 2019. The characteristics of this LCT include: a dispersed settlement pattern of isolated farms and small villages; very winding narrow lanes; A well-treed pastoral farmland with small to medium sized fields with irregular boundaries, and; remoteness and tranquillity with little obvious modern development. The application site reflects these characteristics.

The proposed development, aside from the proposed creation of the wildlife pond, would involve limited operational development with the siting of the units themselves having a temporary appearance. It has been suggested that the proposal could be the precursor to the siting of further units at the site but that is not what is proposed

as part of this application and where any further development would be assessed on its own merits.

The Council's Landscape Architect considered the potential landscape and visual impact of the development as originally proposed and considered that, subject to sensitive construction, the proposed pond could appear as a natural feature, that the proposed units would only be visible in glimpsed public views and where screen native planting could reduce their visibility further.

In order to ensure all of the site would lie outside any area of defined flood risk there has been some amendments to the originally proposed site layout. These changes are limited to the revised siting of one of the units to a more central location within the field. An additional section of the pond has also been provided indicating that some bunding works would be required. Although these changes are likely to make the development as a whole more visible in any glimpsed views, it remains the case that, in time landscaping could effectively screen views of the development and that the creation of the wildlife pond and other landscape enhancement proposals would provide some enhancement benefits. If the development were otherwise found to be acceptable then subject to conditions to secure: further details of the finished materials for the proposed units; appropriate soft landscaping; control over external lighting, and; submission of a landscape and Ecological Management Plan (LEMP) that the proposal can be found acceptable in landscape and visual impact terms.

In terms of impact on the character of the area both the Council's Landscape Architect and the Blackdown Hills AONB partnership have highlighted the very tranquil character of this part of the National Landscape and development of the site and where development of and activity related to the site is likely to give rise to some harm in this regard. Overall taking into account the limited visual impact and the landscape enhancement measures proposed and weighing these against the impact on tranquillity and the scale of the development the impact on the character and appearance of the area is considered to be neutral.

### **Highway safety and access**

Policy TC7 of the Local Plan seeks to ensure that the road network and site access to serve development proposals is appropriate and would not be detrimental to the safe and satisfactory operation of the local or wider highway network. Criteria set out under policy E5 has similar aims.

The proposal would be served by the existing private access road that already serves as the primary vehicular access to the site and which is considered to afford appropriate visibility in both directions taking into account the nature, volume and speed of vehicles likely to be passing the site. There is also provision within the site to enable vehicles to turn and so to exit in forward gear.

The wider network of lanes leading to the strategic highway network is narrow and winding with limited passing places and where increased transport movements associated with the site are likely to increase incidences of vehicles meeting and having to perform reversing manoeuvres. However, the increase in transport movements overall is not considered to be so significant or its impacts so severe as

to give rise to an unacceptable impact on highway safety that refusal of the application on highways grounds would be warranted.

In terms of parking provision the submitted plans indicate that no additional parking provision would be provided and that there would be no vehicular access to the cabins themselves. Parking would be through use of existing parking areas with individual units then accessed by foot via new pedestrian paths from the parking area. The existing site plan indicates 11 no. parking spaces for guests (served by the primary access) and the proposed site plan shows the same. From the applicant's holiday business website it appears that there are a total of 5 no. existing accommodation facilities available ranging from bedroom accommodation to self-contained units). If all booked at the same time it is considered that this could use up most of the existing parking provision and therefore the addition of further units could result in under provision. However it is recognised that the applicant is best placed to understand parking requirements associated with the business and there is additional room on site to provide for further parking if required. The proposed site plan indicates provision of a bicycle store for 12 no. bikes and some indicative details of such bike storage provision have been provided showing a roofed and open fronted timber structure. Were the application found to be acceptable in other regards further details of bike storage could be secured by condition.

## **Other Issues**

### Amenity Impacts

Concern has been raised in relation to noise and amenity impacts of the development resulting from the increased number of visitors/guests staying at the site. The neighbouring occupier advises that noise is already an issue. The application site (and individual units) are located further from the neighbouring residential property than existing holiday let units, however it is acknowledged that the nature of the accommodation is likely to encourage more time spent outdoors. Whilst it is recognised that the proposal has the potential to create additional activity and disturbance it is also noted that the applicant is resident on site and therefore is in place to manage any specific noise disturbance incidences. It is also the case that it would be in the applicant's own interests to seek to appropriately manage noise impacts so as to avoid disturbance to other guests. Whilst the Environmental Health team has raised no specific objection, if a the application was found to be acceptable in other respects consideration could be given to imposing a condition requiring submission of a Noise Management Plan for the site to demonstrate how noise incidences would be controlled and actively managed.

### Water Supply

A local resident who lives at nearby Ottermead, has raised concern regarding the impact of the development on water supply. They advise that at present the mains water supply stops at Rookery Farm (which lies over 650m to the south of the site) after which supply splits to several privately maintained supplies. It is stated that Twistgates Farm shares its supply with Ottermead and nearby agricultural land and that in summer there is already an issue with supply and water pressure when existing holiday lets at Twistgates Farm are occupied. Concern is expressed that the proposal will exacerbate this situation. In response the applicant has provided an addendum statement on this issue which acknowledges the concern but suggests

that the water pressure in the area is also affected by other issues including agricultural use and can be low even when no guests are resident. They also state that the proposal would result in only a 26% increase in bed spaces at the site rather than the doubling suggested.

The National Planning Practice Guidance (NPPG) provides guidance on where water supply, wastewater and water quality are considerations for planning applications. In relation to water supply it states that Planning for the necessary water supply would normally be addressed through authorities' strategic policies and that Water supply is unlikely to be a consideration for most planning applications. It does though recognise that there may be exceptions to this which might include:

- large developments not identified in plans that are likely to require a large amount of water; and/or
- significant works required to connect the water supply; and/ or
- where a plan requires enhanced water efficiency in new developments as part of a strategy to manage water demand locally and help deliver new development.

The proposal is not considered to be one of the exceptions listed and as such is not a matter that would warrant objection to the proposal. Having said this greywater recycling could potentially be considered for the proposed units to reduce their demand on the water supply.

#### Arboricultural Impact

As originally submitted there were some concerns in relation to the proximity of some of the units to the woodland to the north of the site. The revised site layout has addressed this issue through the reduction of the site area, however the submitted arboricultural information still lacks details in relation to some areas of development. Although, in principle, it is considered that the development can be accommodated without harm to trees on or adjoining the site, and so comply with policy D3 of the Local Plan in the event of a revised Arboricultural Method Statement and Tree Protection Plan would be required.

#### Biodiversity

The proposal scheme looks to provide habitat enhancement measures which include provision of a wildlife pond, changes to the management of the grassland and bat roost and bird nesting provision, these benefit are recognised and could be secured by appropriate conditions to ensure compliance with Stgy 47 and policy EN5 of the Local Plan.

In relation to Biodiversity Net Gain (BNG), requirements brought forward under the Environment Act 2021 and amendments to the Town and Country Planning Act 1990, mean that, subject to some exemptions, all planning permissions will be subject to a conditional requirement to provide a minimum 10% increase in biodiversity value. In this case though the proposal is considered to be exempt from the requirement as the application was made prior to the date when the legislation came into effect for non-major development.

#### Heritage impact

The proposed development lies in an area of archaeological potential some 190m to the east of the site of a putative prehistoric or Romano-British ditched enclosure identified through aerial photography. As such, groundworks for the construction of the proposed new pond have the potential to expose and destroy archaeological and artefactual deposits associated with early settlement in this area.

The Historic Environment Team at Devon County Council have advised that recommends that the application should be supported by 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. As such a scheme has not been provided this would need to be secured by means of a pre-commencement condition. In addition, to ensure that the required post-excavation works are undertaken and completed to an agreed timeframe a condition requiring the completion and submission of a post investigation assessment prior to the initial use of any of the units would be required.

#### Economic benefits

As set out under the 'Principle of Development' section above the proposal has the potential to bring forward short term economic benefits during the construction/setting up stage as well as longer term benefits to the local economy and limited on site job creation. Given the scale of the development such benefits are considered to be moderate at best.

### **CONCLUSION**

The proposal would provide some limited economic benefit relating to the expansion of an existing business and construction/setting up works, some limited job creations and following this support of the rural economy through visitor spend. However, there are very limited shops, services in the immediate locality that visitors might help sustain through their patronage.

Weighed against this are the environmental impacts that would result from the development. In this respect it is acknowledged that the proposal would have a very limited visual impact outside the immediate site and no substantive impact on the wider landscape. However in terms of the location of the site, this is such that the occupiers of the holiday units would be likely to be almost entirely reliant on private transport to access a range of services, shops, tourist attractions etc. This reliance on private transport, notwithstanding the holiday nature of the residential use and the economic benefits arising, would weigh against the proposal.

Whilst the Local Plan acknowledges the importance of tourism to the local economy, it stresses that tourism development must take place in a sustainable manner. In this case the limited benefits that would arise from the proposal in economic terms are considered to be outweighed by the conflict with development plan policies and the harm arising from the unsustainable location of the site and reliance of future occupiers on private transport. The proposal is found to conflict with Strategies 5B, 7 and 33 and Policies, E5, E19 and TC2 of the Local Plan as well as relevant national planning policies and guidance and as such is recommended for refusal.



## **RECOMMENDATION**

REFUSE for the following reason:

1. The proposed development is located in the countryside outside of any designated settlement boundary where development is strictly controlled and where there are no policies of the development plan that provide explicit support for development of this nature. Given the distance from the site to essential services and public transport routes occupants of the proposed holiday accommodation units would be highly car dependent, as such the proposal would represent an unsustainable form of development contrary to Strategies 5B - Sustainable Transport and 7 - Development in the Countryside and Policies, E5 – Small Scale Economic Development in Rural Areas, E19 – Holiday Accommodation Parks and TC2 - Accessibility of New Development of the East Devon Local Plan 2013-2031 and policy contained within the National Planning Policy Framework.

### NOTE FOR APPLICANT

Informative:

In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 in determining this application, East Devon District Council has worked proactively and positively with the applicant to attempt to resolve the planning concerns the Council has with the application. However, the applicant was unable to satisfy the key policy tests in the submission and as such the application has been refused.

#### Plans relating to this application:

TW1-P07 Rev A: Proposed Pond Section BB	Additional Information	17.05.24
TW1-P01 Rev A	Location Plan	17.05.24
TW1-P03 Rev A	Proposed Site Plan	17.05.24
TW1-P04 Rev A: Habitat Enhancement Plan	Other Plans	17.05.24
TW1-P06 Rev A: Pond Section AA	Sections	17.05.24
TW1-SK01 Rev A: With Flood Levels	Proposed Site Plan	17.05.24
TWI-P10	Proposed Floor Plans	23.02.24

### 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.