

OFFICER'S REPORT

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| Case Officer: | Lucy Hall | | |
| Parish: | Thurlestone | Ward: | Salcombe & Thurlestone |
| Application No: | 0388/24/FUL | | |
| Applicant: | The Bantham Estate Ltd c/o agent | Agent: | Mrs Rachael Leather PO Box 247 Tavistock PL19 1FJ |
| Site Address: | Land at SX663 436, Bantham, Kingsbridge | | |
| Development: | Change of use of land to surf school & siting of two storage containers (retrospective) | | |

Recommendation: refusal

The siting of two storage containers, associated paraphernalia and associated change of use of the land to enable the continued operation of a surf school within the natural dune system is unsympathetic and uncharacteristic, and as a result of the continued presence of the containers the landscape condition of the area in the vicinity of the containers is deteriorating. The development fails to protect, maintain and enhance the unique landscape character and special qualities of the Undeveloped and Heritage Coast, and also fails to conserve and enhance the natural beauty of the South Devon National Landscape, which is afforded the highest degree of protection. The development is therefore contrary to, respectively, Policies SPT12, DEV23, DEV24 and DEV25 of the adopted Plymouth and South West Devon Joint Local Plan 2014-2034, Policies TP1, TP22 and TP23 of the made Thurlestone Neighbourhood Plan 2015 – 2034, the Plymouth and South West Devon Supplementary Planning Document, adopted South Devon AONB Management Plan and the National Planning Policy Framework, including but not limited to paragraphs 180 and 182

Site Description:

The application site is located within the dunes around 18m north west of the bins, located on the western end of the main beach car park in Bantham. Bantham Beach, is located around 90m to the west of the site, beyond the dunes. There is an extensive public right of way network within the vicinity. Thurlestone Footpath 1 is located around 37m to the north of the site, and Thurlestone Footpath 2 is located around 58m, beyond the car park to the south.

The site is within the South Devon National Landscape, Heritage Coast and a protected Scheduled Monument 'Settlement at Bantham Ham'. It is also within the JLP's designation of Undeveloped Coast.

The Proposal:

The application seeks retrospective planning permission for the change of use of the land and siting of two metal containers used to provide a surf school.

The containers are former shipping containers, made from steel and painted dark green. They are positioned next to each other, in the sand, slightly staggered to enable access. The containers are leased from Bantham Estate by Bantham Surfing Academy and are used for the storage of surfing and paddleboard equipment, as well as a base for lessons and an ancillary office space. The total footprint is around 32 square metres.

The application as originally submitted proposed to apply natural timber cladding to the sides of the containers, in a driftwood style, and paint the doors dark grey. This proposal has now been revised and the applicant, and the applicant now proposes to retain the containers, as existing. Revised plans have been provided.

Consultations:

Thurlestone Parish Council Objection

This would designate the land under the proposal permanently for commercial use by Bantham Estate, not exclusively for a surf school, and it could set a precedent for further development in the dunes for any future storage or trading enterprise in this location and the beach area that would put the natural unspoilt beauty of this area at risk, contrary to TP 23.2 as no overriding need has been demonstrated for these units to be in that location. This land is within the South Devon National Landscape and South Devon Heritage Coast, and an Ancient Monument, making it a very sensitive location within a highly valued landscape.

The containers are owned by Bantham Estate and rented out. They were placed here without permission in 2016 following some dune modification and have been there illegally for 8 years. During that time no further applications for permissions have been made. A previous enforcement order to remove them was ignored. A water supply has also now been run to this site and the site has expanded during the 8 years - extending further into the dunes with external storage of kayaks and paddle boards. The application states several times that these containers are temporary even though they have not been moved in 8 years.

Following Enforcement action in 2016 a Retrospective Planning Application was submitted but then withdrawn to which the then PC responded : "It is regrettable that the Bantham Estate went ahead without any planning permission, and then withdrew the application (but not the containers) for these containers? we are very disappointed that once again the landowner has just gone ahead and made the changes without planning permission... We have grave concerns regarding the re-siting of the 2 storage units as these are situated in the dunes with matting - which prevents the grass growing. This is a sensitive area- it is actually an Ancient Monument, and we feel that the re-siting of these units is creeping development which does not respect the surrounding environment . ?

The Parish Council of 2024 feels exactly the same. This application is Contrary to Thurlestone Neighbourhood Plan Policies:

TP1.5 - Natural Environment - to conserve and enhance the natural beauty of the South Devon AONB.

TP22.1- The Natural Environment; the character of skylines, seascapes and riverscapes which contribute to the character and quality of the area .. should be protected and enhanced.

TP22.2 - any proposals that affect wildlife sites and habitats should be minimised where there is likely to be harmful impact on protected species or habitats.

TP 23.2 Coastal Management - Any other proposals for development on or within the immediate vicinity of any of the beaches in the Parish will not be supported unless it has been demonstrated that there is an overriding need for the facility to be provided in that location.

Bigbury Parish Council No objections

Landscape Officer (SHDC)

Objection

Highway Authority (DCC)

No highways implications

Waste (SHDC)

No objections on matters concerning domestic waste collection.

Historic England

No objections (originally objected by this was withdrawn)

Environmental Health (SHDC)

No objections and do not anticipate any environmental health concerns.

Historic Environment Team (DCC)

No comments on the basis the works have already been undertaken.

Natural England

No landscape issues which necessitate Natural England's involvement.

Representations:

The Council has received 35 letters of representation from third parties, 3 of which are objections (including comments from the South Hams Society) and the rest letters of support. The responses can be viewed in full on the Council's website and are summarised below.

Support

- Surfing is an integral part of Bantham, its character and community.
- Bantham is one of the best places in the country for surfing.
- Bantham Surfing Academy is an established business, having been at the beach for almost ten years. It is well renowned and one of the best surfing academies in the UK.
- Bantham Surfing Academy is a Centre of Excellence.
- Bantham Surfing Academy has helped tens of thousands of people to surf, improving their confidence in the water.
- Bantham Surfing Academy has helped many school children and it is important to provide safe outdoor opportunities to enable children and young people to reduce their screen time.
- Important to support small businesses who make a huge difference to the community.
- Surf school provides jobs and training opportunities for young people.
- Bantham Surfing Academy is a vital tourist attraction, bring people to the area who invest in other local businesses such as the pub and local shop.
- Sand dunes regularly shift.
- Containers are tucked away in a secluded spot, blends in with the natural landscape and doesn't have any environmental impact.
- Current location is convenient, safe and functional for its users. Moving them to somewhere like the car park could pose a safety risk with presence of vehicles.
- Current location provides backup support to the lifeguard station with many people seeking first aid. Surf school instructors have been involved in many surf rescues, and have often been the first responders on site.
- Containers are not permanent.
- Any aesthetic improvements would be welcome.
- Cladding the containers would make the site more attractive.
- Bantham would benefit from a better, updated and more attractive facility for the surf school.

Object

- Objections from the Parish Council, Historic England and the Landscape Officer all set out why the application should be refused.

- Question why the website marks the Natural England response as a no objection when their comments can be interpreted as an objection.
- Clear photographic evidence of the damage done to the dunes by the containers.
- Support the principle of the surf school but the location is sensitive, upset local ecology, AONB, causes unnecessary erosion to the dunes and the site is protected as an ancient monument.
- Site is described as a natural plateau, however works have taken place including scraping, although the extent is not clear as there is no recorded evidence.
- Area has increased in popularity since the 1950's and has always suffered from wind erosion. Fencing was installed to keep people out and grass planted. Vegetation is important to retain the sand and form the dunes.
- Intrusion has occurred from the surf school- containers, rubber mats placed on the ground, and fragments in the sand, kayaks left on the grassy verge, water service pipe laid.
- Site is part of an ancient monument, and it is questioned why consent was not obtained from the Secretary of State. If consent was not obtained then it is argued that public bodies giving retrospective planning approval could be endorsing a criminal offence.

Relevant Planning History

Application Number: 0915/22/FUL

Proposal: READVERTISEMENT (revised plans & documents) Erection of replacement beach shower/toilet block, replacement village sewage treatment plant, new residents/mooring holders car park and new parking, and ANPR system on the beach road and car park.

Decision: Refusal

Decision Date: 18/09/2023

Application Number: 3579/16/FUL

Proposal: Retrospective application for change of use of land for seating area, temporary use of parking space for parking of gastrobus, re-siting of 2 storage units and provision of refuse compound with lean-to store

Decision: Withdrawn

Decision Date: 13/03/2017

ANALYSIS

Principle of Development/Sustainability:

Both the Plymouth and South West Devon Joint Local Plan (JLP) and Thurlestone Neighbourhood Plan (NP) recognise the importance of supporting the local economy, which relies heavily on tourism but it is important that this is done in a sustainable way, promoting environmentally conscious business development and protecting important natural assets.

Policy TTV1 of the JLP sets out the settlement hierarchy which is to focus new employment and housing towards the main towns which provide a broad range of services. Beyond the towns and villages, economic development proposals are only permitted where they would support the principles of sustainable development set out in policies SPT1, SPT2 and TTV26 of the JLP. Amongst other things, these policies encourage opportunities for business growth, optimizing the reuse of previously developed sites. Support is given for development that is well served by public transport, walking and cycling opportunities, and with access to a healthy, wildlife rich local environment.

The site lies outside the settlement boundary, defined within the NP, and is within the countryside. The aim of JLP policy TTV26 is to protect the special characteristics and role of the countryside. It provides a policy framework for guiding development within the countryside. The policy made up of two parts with the first part related to isolated development, as considered in *City & Country Bramshill Ltd v SSHCLG* [2021] EWCA Civ 320). While the site lies within the countryside, beyond the settlement limits of Bantham, for the purposes of the policy it is not considered to be isolated.

The second part of the policy lists criteria which is applicable to all development proposals in the countryside.

- i. Protect and improve public rights of way and bridleways.
- ii. Re-use traditional buildings that are structurally sound enough for renovation without significant enhancement or alteration.
- iii. Be complementary to and not prejudice any viable agricultural operations on a farm and other existing viable uses.
- iv. Respond to a proven agricultural, forestry and other occupational need that requires a countryside location.
- v. Avoid the use of Best and Most Versatile Agricultural Land.
- vi. Help enhance the immediate setting of the site and include a management plan and exit strategy that demonstrates how long term degradation of the landscape and natural environment will be avoided.

The matters listed above are considered 'where appropriate' so not every part of this policy would be engaged or relevant to every application in the countryside.

Turning to this proposal, the existing surf school has a negligible impact on the existing rights of way network. There are no buildings within the vicinity of the beach and therefore no opportunities for reuse. Being located within the dunes, the proposal does not impact on the existing viable agricultural operations and avoids best and most versatile agricultural land. In terms of the location, the applicants argue that it is justified because by its very nature, a waters sports business needs to be close to the water, and Bantham is one of the best surfing spots in the country. However, Officers are not satisfied that the proposal has an acceptable impact on the landscape, which will be explored further in the preceding section.

JLP policy DEV15 supports proposals in suitable locations which seek to improve the balance of jobs within the rural areas and diversify the rural economy. Suitable locations are not defined but it would be reasonable to assume this ties in with TTV1.4 which supports proposals in tier 4 locations which 'support the principles of sustainable development and sustainable communities'.

DEV15 policy is supportive of the principle of small businesses in rural areas providing the effects on the environment and neighbouring uses are acceptable. Section 8 of the policy requires the proposals to demonstrate safe access to the highway network, avoid a significant increase in trips requiring the private car, demonstrate how a positive relationship with existing buildings has been achieved and avoid isolated or incongruous new buildings. The aims of the policy align with NP policy TP10 which supports the principle of new premises suitable for tourism related businesses (including a surf and water sports shop), within the plan area, providing the proposal meets the requirements of NP policy TP1 and

- 1. is appropriate and proportionate in scale and extent to the rural and coastal character of the locality; and*
- 2. located where it will enhance or maintain the vitality of a village community and the parish as a whole.*

In considering whether the principle of a surf school can be supported in this location, it is also necessary to consider the requirements of JLP policy DEV24, which by seeking to protect the Undeveloped Coast only support development which amongst a number of other criteria requires a coastal location and cannot be reasonably located outside. Paragraph 7.31 of the SPD states

7.31 Applications for development to support leisure or recreational pursuits are unlikely to be supported on the basis that the proposal is not meeting a need that requires a coastal location, but rather responding to a personal preference or choice.

The application seeks to retain the existing shipping containers and to continue using the land on which they are sited as well as surrounding land in connection with a surf school. The Batham

Surfing Academy who are currently leasing the containers, are clearly a well-established, respected local business, embedded within the local community and bring significant benefits to the area, boosting tourism and generating additional income to the local economy. The business has been operating from the beach for some time, but require a base to store equipment, the principle of which merits some support.

While the business is for recreational purposes, located within the undeveloped policy area, its sole focus is the water, and it is reasonable to assume that a surfing school requires access to the water. The undeveloped coast policy area extends quite far inland, and to relocate it outside the policy area would be unreasonable.

One of the key considerations of DEV15 is traffic generation. The following is an extract from the applicant's planning statement.

5.1.8 One member of staff is based within the containers at all times when the Academy is open but this has negligible impacts on the local highway. As for the instructors and members of the public attending lessons or hiring equipment, these people would already be at the beach and do not create new trips on the network; the containers are to help support the running of the Academy which already operated from the beach prior to their installation i.e. the containers have not become a new destination in their own right but perform an essential, ancillary function to an existing surf school. The containers are of an appropriate size and location for their landscape / coastal setting, and their appearance will be enhanced through timber cladding. Compliance with Part 8 of Policy DEV15 is therefore also achieved.

The application is not supported by a sustainable travel plan and relies on the above statement. In this instance, Officers are satisfied that the proposal has not resulted in a significant increase in traffic.

While there are clear economic benefits associated with retaining the surf school, this site is within a protected area, bristling with designations, and within the planning balance the economic benefits needs to be balanced against the other material considerations.

Design/Landscape:

The site is located in the countryside, in the South Devon National Landscape and in close proximity to the Undeveloped Coast designation. National Landscapes (previously referred to as AONBs) are considered to have the highest status of protection and the National Planning Policy Framework requires great weight to be given to conserving and enhancing landscape and scenic beauty, with particular reference to special qualities and distinctive characteristics or valued attributes. This is consistent with s.85 of the Countryside and Rights of Way Act 2000 which requires that,

'...in exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.'

This legal duty is another material consideration, as opposed to forming part of the development plan.

The need to conserve and enhance the National Landscape and general landscape character is reinforced within JLP policies SPT12, DEV23, DEV24 DEV25 and NP policies TP1 and TP22.

In addition to the Development Plan, the following legislation, policies and guidance are of relevance;

- Section 85 of the Countryside and Rights of Way (CRoW) Act;
- Sections 12 and 15 of the NPPF in particular paragraphs

- The National Planning Practice Guidance on Landscape; and
- The South Devon AONB Management Plan and its Annexes.
- Levelling-up and Regeneration Act 2023

The application has been reviewed by the Council's Landscape Officer. While the South Devon NL Unit were consulted, no formal comments have been received, although they have advised they support the comments made by the Landscape Officer.

South Devon's fine undeveloped coastline and open seascapes are defining features of the National Landscape, with one of the Special Qualities that defines the unique 'natural beauty' of the South Devon National Landscape being the 'Fine, undeveloped, wild and rugged coastline'. The qualities of wildness, natural scenery, tranquillity, and iconic wide unspoilt and expansive panoramic views are fundamental to the character of the area. The fact that the scale of the containers is small is irrelevant when considering the degree of harm caused.

Whilst they may not be particularly visually prominent, their presence within the natural dune system is uncharacteristic, and as a result of them being located there, the landscape condition of the area in the vicinity of the containers is deteriorating. Permitting them to remain in situ will perpetuate this degradation in landscape condition and therefore harm this landscape, which is of national importance. The complete removal of the storage containers and associated equipment from the dunes, along with the full restoration of the area affected to coastal grassland is considered to be the only desirable outcome.

South Devon National Landscape's Management Plan, Annexe 1 Planning Guidance emphasises that developments in undeveloped coast or estuary locations need to demonstrate that exceptional circumstances apply. The application states that the nature of the development justifies the coastal location, but even if this argument is accepted, the submitted information fails to demonstrate that the development could not reasonably be located elsewhere on land with lesser environmental value or with less harmful impacts on the nationally protected landscape. The application also fails to demonstrate that, in that location, the benefits of the proposed development clearly outweigh the loss of undeveloped character; that harm is avoided and minimised, or as a last resort, that harm is compensated for by enhancements to other factors of natural beauty.

The proposed development fails to conserve and enhance the natural beauty of the South Devon National Landscape, and fails to respect the area's scenic qualities and distinctive sense of place. The siting of shipping containers detract from the Special Qualities of the South Devon National Landscape, and conflict with JLP policies DEV23, DEV24 and DEV25, and policies TP1.5, TP22 and TP23 of the Thurlestone Neighbourhood Plan.

The case officer has discussed with the landscape officer whether the removal of the cladding would address any of the issues, and while it is welcomed, it does not resolve the fundamental concerns regarding the unacceptability of the location.

This objection and harm to the protected landscape weighs heavily in the planning balance.

Heritage

The application site lies within a landscape containing significant evidence of prehistoric, Romano-British and post-Roman activity and it forms part of a designated Schedule Monument. The description of the monument states that it is a '*large Roman and post-Roman settlement site at Bantham Ham is an unusual and important survival where antiquarian records and archaeological excavation and survey have revealed evidence for occupation over several centuries.*' Historic England state that despite the presence of the large car park this is a '*well-preserved site worthy of careful conservation.*'

In accordance with the National Planning Policy Framework, the site would be described as a heritage asset, defined as, a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest.

NPPF paragraph 195 defines heritage assets as an 'irreplaceable resource' which should be 'conserved in a manner appropriate to their significance'. NPPF paragraph 205 requires great weight to be given to the significance of a heritage asset. Locally adopted policies including JLP policy DEV21 require proposals to 'sustain the local character and distinctiveness of the area by conserving and where appropriate enhancing the historic environment'. The relevant policies within the Development Plan and NPPF are clear that any harm to the significance of a designated heritage asset, including within its setting, will require clear and convincing justification (par 206).

On the basis the application is retrospective and the works have already taken place the County Council Historic Environment Team have not made any comments.

Historic England originally objected to the proposal, and noted that the containers had been in situ without the benefit of planning consent or Scheduled Monument Consent since 2016. They were concerned that ad hoc development such as the introduction of containers, risks below ground archaeology being disturbed and were concerned about future expansion of the business, which could lead to further harm.

Historic England subsequently visited the site, and withdrew their initial objection on the basis the containers were already there and to relocate them could cause further harm. Their revised comments was subject to the following being addressed.

- That the applicant applies for scheduled monument consent (SMC). This should be for the period moving forward as we do not issue retrospective SMC.
- That the containers remain in position in order to minimise movement and erosion of the underlying sand.
- That the solar panel be dropped down to container roof level.
- That the drying area by the hose is not expanded in any way or form without the necessary SMC.
- That the sand levels around the containers, especially where the wetsuit racks are, are monitored for erosion and if levels fall from their current position Historic England are consulted to consider a solution and;
- That the recommended solution is put in place.

If the proposal was otherwise acceptable some of these matters could be addressed through appropriate conditions. Based on the revised comments from Historic England, and lack of objection from the Historic Environment Team, subject to conditions, the proposal does not result in a conflict with DEV21.

Neighbour Amenity:

The containers are located in a fairly secluded location, a good distance away from neighbouring buildings.

Highways/Access:

The proposal has a negligible impact on the existing highway network. Visitors to the facility can park in an existing car park close to the site.

Other Matters:

JLP policy DEV35 is about ensuring that development is made safe without increasing flood risk and pollution elsewhere. The proposal has been reviewed by the Council's Drainage Officer who have not raised any objections. *'We acknowledge that there is no increase to impermeable area, therefore given the low risk if permission is granted we would advise the below informative is added to secure final drainage solution.'* The suggested informative states *'The applicant has an*

obligation under the Flood and Water Management Act 2010 to not to cause flooding. Any development without an adequate drainage provision will be at the developers own risk.'

Devon and Cornwall Police have not raised any in principle objections with the proposal but have advised that the door locks on the containers should meet a minimum national security standard of PAS:24 or equivalent, or they should be secured using a heavy-duty hasp and stable with security padlock. They also recommend that any valuable equipment is marked with an etching kit or recognised forensic asset marking kit.

Planning Balance:

S38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission under the planning Acts be determined in accordance with the development plan unless material considerations indicate otherwise.

The case of R (Corbett) v Cornwall Council [2020] EWCA Civ 508 has re-emphasised that a key part of the s38(6) statutory duty is to determine whether the development accords with the development plan when viewed as a whole. It has long been recognised by the courts that it is not unusual for development plan policies to pull in different directions and that the decision taker must therefore make a judgement as to whether a proposal is in accordance with the plan as a whole and bearing in mind the relative importance of the policies which are complied with or infringed, and the extent of the compliance or breach.

The JLP and NP recognise the importance of supporting the local economy, which relies heavily on tourism, but the relevant policies seek to ensure that this is done in a sustainable way, promoting environmentally conscious business development and protecting important natural assets.

The Batham Surfing Academy who are currently using the containers and wider site, are a well-established, respected local business, embedded within the local community and bring significant benefits to the area, boosting tourism and generating additional income to the local economy. This is reflected in the many letters of support which the application has attracted and carries significant weight in the planning balance.

However, this needs to be weighed against the identified harm to the landscape, which falls within the National Landscape and Undeveloped Coast. National Landscapes are protected and the impact a development has on them is afforded significant weight in the planning balance. In this instance Officers consider the harm to the protected landscape is significant and because of this it is recommended the application is refused.

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

Planning Policy

Relevant policy framework

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of March 26th 2019, the Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts of South Hams and West Devon within Dartmoor National Park).

On 26 March 2019 of the Plymouth & South West Devon Joint Local Plan was adopted by all three of the component authorities. Following adoption, the three authorities jointly notified the Ministry of Housing, Communities and Local Government (MHCLG)* of their choice to monitor the Housing

Requirement at the whole plan level. This is for the purposes of the Housing Delivery Test (HDT) and the 5 Year Housing Land Supply assessment. A letter from MHCLG to the Authorities was received on 13 May 2019 confirming the change.

On 19th December 2023 the Department for Levelling Up, Housing and Communities published the HDT 2022 measurement. This confirmed the Plymouth, South Hams and West Devon's joint measurement as 121% and the policy consequences are "None".

Therefore no buffer is required to be applied for the purposes of calculating a 5 year housing land supply at the whole plan level. The combined authorities can demonstrate a 5-year housing land supply of 5.84 years at end of March 2023 (the 2023 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2023 (published 26th February 2024).

[*now known as Department for Levelling Up, Housing and Communities]

The relevant development plan policies are set out below:

The Plymouth & South West Devon Joint Local Plan was adopted by South Hams District Council on March 21st 2019 and West Devon Borough Council on March 26th 2019.

SPT1 Delivering sustainable development
SPT2 Sustainable linked neighbourhoods and sustainable rural communities
SPT9 Strategic principles for transport planning and strategy
SPT10 Balanced transport strategy for growth and healthy and sustainable communities
SPT11 Strategic approach to the Historic environment
SPT12 Strategic approach to the natural environment
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
TTV26 Development in the Countryside
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV15 Supporting the rural economy
DEV20 Place shaping and the quality of the built environment
DEV21 Development affecting the historic environment
DEV23 Landscape character
DEV24 Undeveloped coast and Heritage Coast
DEV25 Nationally protected landscapes
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV29 Specific provisions relating to transport
DEV31 Waste management
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts

Neighbourhood Plan

Following a successful referendum, the Thurlestone Neighbourhood Plan was adopted at Executive Committee on 19 July 2018. It now forms part of the Development Plan for South Hams District.

POLICY TP1 – GENERAL DEVELOPMENT PRINCIPLES
POLICY TP2 – SETTLEMENT BOUNDARIES POLICY
TP17 - FOOTPATHS AND CYCLE TRACKS POLICY
TP21 – NON DESIGNATED HERITAGE ASSETS
POLICY TP22 – THE NATURAL ENVIRONMENT
POLICY TP23 – COASTAL MANAGEMENT

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

South Devon Area of Outstanding Natural Beauty Management Plan (2019-2024)
 Plymouth and South West Devon Joint Local Plan Supplementary Planning Document (2020)
 Plymouth and South West Devon Climate Emergency Planning Statement (2022)

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

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| The above report has been checked and the plan numbers are correctly recorded within the computer system. As Determining Officer I hereby clear this report and the decision can now be issued. |
| Name and signature: Lucy Hall |
| Date: 18 June 2024 |

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|---------------|------------|---------------|---|
| Ward Member | Cllr Long | Ward Member | Cllr Dennis |
| Date cleared | 26.06.24 | Date cleared | |
| Comments made | See below. | Comments made | No response received within 5 working days. |

I agree with your recommendation of refusal, although I support the principle and work of the Bantham Surfing Academy who are currently using the containers, the harm to and degradation of the dune landscape has been identified by the siting of the containers and associated materials at the application site, an alternative more suitable location should be found.