

## OFFICER'S REPORT

<b>Case Officer:</b>	David Stewart		
<b>Parish:</b>	Stokenham	<b>Ward:</b>	Stokenham
<b>Application No:</b>	0602/24/VAR		
<b>Applicant:</b>	Mr Mikael Armstrong Hockham House Hockham Road Compton Newbury Berkshire RG20 6QN		
<b>Site Address:</b>	The Cove Guest House Torcross TQ7 2TH		
<b>Development:</b>	Application for variation of Condition 2 (approved plans) of planning consent 53/3160/11/F		

### **Recommendation:**

Refuse

### **Reasons for refusal:**

1. The proposed dwelling, by reason of its large perceived mass, bulk, fussy design, glazing, and materials, would fail to respond positively to the local character and distinctiveness of this part of the Undeveloped Coast and National Landscape, and would constitute a poor quality form of development, which would fail to respect the landscape character of the area or the character of the existing development nor take the opportunity for improving the character and quality of the surrounding area or enhancing the AONB. The proposal is therefore considered to conflict with the aims and intentions of policies SPT1, DEV10, DEV20, DEV23, DEV24 and DEV25, of the Plymouth and South Devon Joint Local Plan, and paragraphs 8, 139, 180, 182, 183 and 184 of the NPPF 2023.

### **Key issues for consideration:**

The effect of the amended scheme design on the character and appearance of the area, with particular regard to the South Devon National Landscape (formerly AONB), the Heritage Coast and the Undeveloped Coast designations.

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### **Site Description:**

The site is situated to the south of Torcross, occupying an elevated position above the beach. Part of the site was historically occupied by a building previously used as a guest house. The building has since been demolished, with some hardstanding remaining; the site has an untidy appearance. Access to the site is via a steep driveway. The site is located outside of the discernible built-up area.

It is within the South Devon Area of Natural Landscape (formerly the AONB) and part of the designated Undeveloped Coast. The eastern edge of the site lies within Flood Zones 2 and 3 and the Slapton Ley SSSI. A Public Right of Way runs to the west of the site along the top of the cliff. The site has an extensive previous planning history. In 2009 permission was granted for a replacement dwelling on the site. This was renewed in 2011 and further permissions were granted in 2014 and 2015 for a replacement dwelling. The 2015 permission was varied in 2017.

At some stage between 2009 and 2011 the original building was demolished and in 2020 a certificate of lawfulness application was made that sought to confirm that the 2011 permission was lawfully implemented and was capable of lawful continuation subject to adherence to the requirements of the relevant planning conditions. On that basis the certificate was issued. Further applications to vary the scheme were submitted with the most recent approved variations being 1411/21/VAR and 2268/23/VAR. Two other variations were submitted but refused and later dismissed at appeal under 0043/22/VAR and 2110/22/VAR.

### **The Proposal:**

This application seeks to vary the approved scheme under 53/3160/11/F by varying condition 2 of that permission with a revised design.

The design of dwelling now proposed shows a three-level timber framed, Huf Haus structure set under a steep pitched roof with wide overhang. The proposed building has a timber framed structure set on a concrete frame which is based on a standard modular dimension of 2.5m on the prominent east elevation. The result is a 6 bay module on the main east elevation at lower ground floor level extending a further 2.5m at the southern end at the upper ground floor and first floor level but set back from the main frontage. This is repeated on the west elevation but with the lower ground floor level largely hidden by the land levels to the rear of the building.

The southern and northern elevations comprise larger 5m width modules with only the upper ground floor elevation fully visible. The lower ground floor of the south elevation is partly hidden by the expanse of the pool structure and the first floor by the sloping roof. The north elevation exhibits two levels of accommodation fully in view with the upper floor largely within the roof structure.

A projecting balcony runs the full length of the elevation at the upper ground floor level (incorrectly labelled South Balcony on the drawing) on the east elevation with a further smaller length of balcony at the first-floor level. Both are about 1.5m in depth matching the roof overhang projecting out the same distance. A projecting roof is also shown on the west side of the building. The southern 'extension', comprising the raised pool and terrace, remains unchanged in dimensions and design from the variations approved under 1411/21/VAR and 2268/23/VAR.

The east elevation is now shown to be predominantly glazed with only a very small section of the lower ground floor shown as solid panelling. The south elevation is glazed at the upper levels but largely solid at the lower level. The west elevation, facing the hillside is predominantly glazed but with some solid render panels at the lower ground and upper ground floor levels. The north elevation has some solid panelling at each level.

In terms of footprint the scheme is shorter in length on the principal east elevation but wider with the building advancing forward towards the sea from the recently approved variation

and also further into the site at the rear. [NB. It occupies a similar eastward position as the 2011 permission.] This allows for an easing of the sharp driveway turn into the lowest part of the site.

### **Consultations:**

- Stokenham Parish Council: Objection. The proposed design is similar to an earlier one refused at planning and then on appeal. It would increase the floor area by going back to a three-storey construction although the application stated the area of glazing had been reduced. The application requires remodelling of the access road without any reference to what reinforcement would be required and how this would affect the cliff stability. The DEV32 form submitted was an old version using out of date U-values and would require updating and resubmitting to comply.
- DCC Highways: No highways implications

### **Representations:**

#### Representations from Residents

The South Hams Society objects to this latest section 73 application for the Cove Guest House site. The applicant has submitted a proposal previously dismissed by the Planning Inspectorate making only a single recognisable change to a shallow (higher) ridged roof structure. The Society see very little difference to the building dismissed by the Planning Inspectorate at appeal and the applicant appears to use previously refused plans with single element changes. They highlight the east elevation and the building footprint as the key areas of concern

Comments have been received from 2 recipients and cover the following points:

- The revised design for this application is effectively a resubmission of plans which were initially previously submitted under the reference number 0043/22/VAR but were never fully considered as the proposal at the time was amended to become a full three storey flat-roofed design. The flat-roofed design was rejected by the LPA and later on appeal.
- There are so many horizontal elements from its east elevation it could easily be four storeys, see
- From the perspective of the properties on the cliff to the north looking down onto the site much more glazing will be visible than the approved schemes.
- The latest proposal is taller at its peak and closer to the beach so it would dominate the cove more than the approved schemes.
- There is a loss of amenity to immediate residents who have to overlook the building

### **Relevant Planning History**

- 0043/22/VAR Application for variation of condition 2 (approved plans) of planning consent 53/3160/11/F (resubmission of 1411/21/VAR)
- 0693/21/ARC Application for approval of details reserved by conditions 4, 5, 6, 7 and 9 for planning application 53/3160/11/F
- 1164/17/VAR Variation of condition 2 (approved plans) following grant of planning permission 53/2267/15/F
- 1411/21/VAR Application for variation of condition 2 (approved plans) of planning consent 53/3160/11/F

- 2110/22/VAR Application for variation of condition 1 (approved plans) of planning consent 1411/21/VAR
- 2268/23/VAR Application for variation of condition 1 (approved plans) of planning consent 1411/21/VAR (resubmission of 2110/22/VAR)
- 3321/18/FUL Erection of a replacement single dwelling (Renewal of planning application in respect of consent 53/2267/15/F)
- 3446/20/CLE Lawful development certificate for existing commencement of development of works to comply with consent 53/3160/11/F
- 3731/16/ARC Approval of details reserved by condition 9 (Reptile Mitigation Strategy) of planning consent 53/2267/15/F
- 53/0136/09/F Demolition of guest house and replacement with single dwelling
- 53/0143/87/3 Additional dormer window and revised ground floor fenestration,
- 53/0149/05/F Improvements to widen access drive
- 53/0564/86/3 Extension to ground floor and addition of first floor,
- 53/1103/00/F Provision of ramped access to beach and powered winch
- 53/1257/15/PREMIN Pre application enquiry for single dwelling on site of demolished guest house
- 53/1294/84/3 Rear dormer,
- 53/1545/77/3 Kitchen, bedroom and lounge extension
- 53/1695/12/F Householder application for conversion of existing boathouse with living accommodation to guest accommodation ancillary to Cove House
- 53/1775/08/F Demolition of existing guest house and replacement with new residential dwelling
- 53/2024/11/F Resubmission of planning application reference 53/2610/10/F for householder application for conversion of existing boathouse with living accommodation ancillary to Cove House
- 53/2084/97/3 Extensions to provide owners bedroom at rear and en-suite bathroom to a new internal bedroom at front,
- 53/2265/90/3 Conversion of coach house and staff accommodation to studio apartment with erection of extension,
- 53/2267/15/F Erection of replacement single dwelling
- 53/2356/12/PREMIN Pre-application enquiry for replacement of guest house with 9no. new apartments
- 53/2609/14/F Erection of single dwelling on site of demolished guest house
- 53/2610/10/F Householder application for proposed conversion, extension and alteration of existing boathouse with living accommodation to guest accommodation ancillary to Cove House
- 53/3009/14/DIS Application for approval of details reserved by conditions 4, 5, 6, 7 and 9 of planning approval 53/2609/14/F
- 53/3160/11/F Renewal of extant planning application 53/0136/09/F (demolition of guest house and replacement with single dwelling)
- 4114/23/VAR Application for variation of condition 2 (approved plans) of planning consent 53/3160/11/F

## ANALYSIS

### Principle of Development/Sustainability:

The site has an extensive previous history that has granted permission for a replacement dwelling under various permissions. The most important decision relates to the granting of a lawful development certificate under 3446/20/CLE which confirmed a material start had been made to the development approved under 53/3160/11/F. These two decisions effectively confirm that acceptability of the principle of development on this site.

[For a more detailed assessment of the history of the site, reference should be made to the officer's report on 2268/23/VAR.]

This application is made under s73 Town and Country Planning Act 1990 for a variation to the approved design of the building. It should be noted that 2 earlier variations have been approved to the original design which are discussed in more detail in the relevant section. However, questions on the validity of considering a radically different design have previously been raised and it is worth pointing out here that the Local Planning Authority is entitled to consider any variation to the approved shape, massing or design of building provided that the operative part of the development remains unchanged. In this case there is no fundamental difference in the basic principle of what is being requested, namely the construction of a dwelling. Therefore, the LPA is entirely correct in considering a change to the design of the dwelling even if there are major changes proposed.

### Design/Landscape:

A starting point for a consideration of the proposed amended design is to consider the policy context that applies in assessing the proposal. Policies DEV23, DEV24 and DEV25 are the most important policies relating to a consideration of this scheme.

DEV23 seeks to conserve and enhance the landscape, townscape and seascape character and scenic and visual quality, avoiding significant and adverse landscape or visual impacts and it sets out 7 criteria to be met by the development. Policy DEV24 applies as the site is also located within a designated area of Undeveloped Coast. It states that development which would have a detrimental effect on the undeveloped and unspoilt character, appearance or tranquillity of the Undeveloped Coast, estuaries, and the Heritage Coast will not be permitted except under exceptional circumstances. Development will only be permitted in the Undeveloped Coast where the development:

1. Can demonstrate that it requires a coastal location.
2. It cannot reasonably be located outside the Undeveloped Coast.
3. Protects, maintains and enhances the unique landscape and seascape character and special qualities of the area.
4. Is consistent with policy statements for the local policy unit in the current Shoreline Management Plan.
5. Is consistent with the relevant Heritage Coast objectives, as contained within the relevant AONB Management Plan.

Paragraph 174 of the Framework requires that decisions should contribute to, or enhance, the natural and local environment by protecting or enhancing these valued landscapes.

JLP policy DEV25 seeks to ensure that development is designed to conserve, enhance, protect or maintain the special qualities and natural beauty of the unique landscape of the National Landscape (formerly the AONB). Paragraph 182 of the National Planning Policy Framework (the Framework) requires that great weight should be given to conserving or enhancing the natural beauty of the area and that the National Landscape has the highest

status of protection regarding these issues. This level of protection is carried through in policy DEV25.

Alongside policies DEV23, DEV24 and DEV25 are policies SPT1, DEV1, DEV2, DEV10 and DEV20 of the Local Plan seek to deliver, amongst other things, high quality sustainable housing that contributes positively to the townscape and landscape. This policy background provides the measures and criteria that the development must meet. The adopted South Devon AONB Management Plan is a material planning consideration.

Officers also recognise that the planning permissions that exist for the site are material considerations. These principally relate to the 2 variations to the design of the dwelling approved under 1411/21/VAR and 2268/23/VAR. Reference is also made to the 2 variations to the design that were refused under 0043/22/VAR and 2110/22/VAR and the appeal decisions against those refusals (ref: APP/K1128/W/22/3309553 and APP/K1128/W/22/3309554).

It is first pertinent to consider the original, implemented planning permission and the 2 variations to that design to establish why they were approved.

- i) 53/3160/11/F: The design of the approved building showed a 2-level structure which used traditional materials (principally render, traditional patterns of glazing and shallow pitched roof) in a modern design that was more amorphous than the traditional rectangular shapes of the other dwellings in the area. With its sweeping low-level roof, the design, whilst modern and substantially different, offered an improvement “to the current situation” (as it existing then)
- ii) 1411/21/VAR: The design of the dwelling approved under this proposal was much similar to the 2011 scheme in being 2 storeys but in of the design was radically different being a rectangular structure, largely glazed at the upper level and of a contemporary design. The first floor of the east elevation contains large, glazed areas with sliding vertical timber panels attached to the front of the balcony. The balcony projection and overhang above reduced the impact of the large-glazed area by creating shadow. A significant amount of local stone was also proposed in the elevations which help to blend the building into its surroundings. The swimming pool was designed as a stone retaining wall. The flat sedum roof and use of stone in the west elevation reduced the visual impact of the building to users of the nearby public footpath. Officers felt that the mix of traditional and contemporary materials and building patterns were well conceived and if built to an appropriate standard the development could enhance this area of the AONB which had an untidy, abandoned appearance.
- iii) 2268/23/VAR: The revisions made to the approved scheme in this variation followed the scale, massing and modern design of the approach adopted in the 1411/21. There was a commonality between the two versions of the design, the use of a framed building which, at the lower level has solidity provided by the stonework. At the upper level the framing of the upper floor was split by a purlin running the whole length of the building. The position of the sub division of this part of the elevation was revised to provide an acceptable division of the glazing at this upper level. The proportions were considered to sit comfortably with a smaller ‘fanlight/clerestory’ section between the purlin and the roof. The removal of the sliding vertical panels, which provided relief to the upper floor glazed areas on scheme 1411/21 was considered to be retrograde to the overall design but not to the extent of harming the overall appearance of the building. The solidity to the lower ground floor was retained, helping to ‘anchor’ the scheme to the site and providing a degree of sophistication to the overall appearance.

The common features of the approved schemes related principally to their horizontality, 2 storey height, and low roof, which in the case of the 2 variations were flat roofs, the use of traditional materials at the lower levels to help anchor the schemes and predominantly glazed east elevation with limited exposed framing details. Whilst the increased framing of the latest approved variation was considered to be less sophisticated in design terms the horizontal layering of the scheme was considered to blend into the layered cliff face background and still be acceptable in design terms.

There were 2 variations that were submitted and refused under 0043/22/VAR and 2110/22/VAR. Essentially, they were for the same timber framed design as later approved under 2268/23/VAR but 3 storeys in height and seeking variations on different approvals. The proposed building showed a 3-storey timber framed structure which was based on a 2.5m x 4.5m modular dimension with the 2.5m dimension facing east and west and the 4.5m depth extending back into the site. The result was a 6-bay module on the east and west elevation extending into the site by 3 modules. A projecting section on the south side extended the central part of the building by a further module whilst on the north side there was an indent of 1.25m around the central section. The building was also divided vertically into three layers with a projecting balcony and roof projecting out the same distance. In the case of application 2110/22/VAR there was also a further significant difference. The approved building was much narrower. However, as stated above both applications were refused and dismissed at appeal with the design considered to be detrimental to the special character of the location and contrary to adopted policies.

This then provides the background to the current variation and the parameters that the schemes were judged against. The proposed scheme now under consideration has the following characteristics: -

- i) The footprint of the new building is altered.
- ii) The height of the new building is changed.
- iii) The roof shape of the new building shows a pitched roof.
- iv) The east facing elevation exhibits a lesser area of glazing facing the sea and a change to its appearance.
- v) The south facing roof elevation has an extensive area of pv panelling
- vi) The increased bulk of the north elevation

The proposed design is assessed against the most recent variation approved under 2268/23/VAR which the applicant submitted as an option *“to amend the approved plans to accommodate a pre-fabricated timber framed post and beam Huf Haus. The applicant indicated that the construction of a Huf Haus is much more efficient than a traditional build. The entire house is created in a factory as a kit of parts and assembled much more rapidly on site.”* As the inspector noted, the 2 refused variations were triggered by the viability of the scheme and the need to reduce costs. Officers therefore consider that the approved variation under 2268/23/VAR is the most likely fall-back scheme to be built and that an assessment of the current application against this fall-back position is appropriate. It is also for this reason that the scheme is not assessed in any great depth against the 2011 planning permission.

### 1. Building Footprint

In terms of its overall length the proposed dwelling is shown to be approximately 15m in length, shorter by 4m-4.5m than any of the approved schemes. It is, however, significantly deeper moving the building about 3m closer to the beach and 1.5m westwards that will involve greater earth remodelling on the west side. In terms of floor area, the scheme

significantly increases the floor area by some 292sqm. In volume, the scheme increases the building volume by about 735cum over the variation approved under 2268/23/VAR. Officers consider that this increased volume will have a harmful impact on the National Landscape.

The potential harms arising from the changed footprint are increased by the perceived greater dominance of the building when viewed from the east because of its closeness to the beach and the increased bulk of building when viewed from the north from the section of footpath that leads from the South West Coastal Path to the beach. Whilst the original 2011 scheme is similarly close to the sea its amorphous shape and low height reduces that scheme's mass compared to the current proposal.

The potential benefits of the revised footprint of the building are the reduced extent of the east facing elevation and the benefit accruing to the adjoining property from the greater separation distance.

## 2. Height of the Building

The height of the building overall pushes the ridge height of the roof higher than the approved scheme by about 1.5m although its bulk when viewed from the east could be said to be smaller because of the lower eaves height and smaller length. However, scale, massing and bulk can be affected by design details and this needs to be factored in to an assessment of the scheme. Most importantly officers consider that the gabled east elevation will increase the perceived visual impact of the development and which is detrimental to the character of the locality.

## 3. Roof Design

The two variations that were refused and were the subject of appeals were for a three-storey building with a flat roof. Although the appellant submitted design images showing a pitched roof, these were not the subject of the Inspectors considerations. This is the first time that a pitched roof has been considered as a variation.

This officer believes that a flat roof is an essential part of the decision to approve the variations under 1411/21/VAR and 2268/23/VAR in emphasising the horizontality of the proposal and matching the horizontal layering of the cliffs to the rear of the dwelling. Whilst the earlier approved variations showed a building of greater eaves height with a first floor of about 5m to roof level, the horizontal nature of the house and roof matched the layering of the coastal location namely, beach, lower rock plateau and cliff face to coastal plain.

The pitched roof fundamentally changes the appearance of the dwelling. Whilst a pitched roof was shown on the 2011 permitted scheme it was a very shallow pitch with the pitch following a north/south axis, essentially adding an extra horizontal layer to the design. The provision of a gabled east elevation completely destroys the horizontal emphasis of the design and serves only to visually emphasise the vertical height of the dwelling. In this location it also appears as an alien feature on this modern design and one that does not follow the local vernacular style.

Whilst it could be said that the current fashion in the remodelling of houses (or their replacement) is for prominent gabled frontages facing the water there are few examples of this type of development in the locality. The majority of the dwellings are of a traditional design set under roofs that are of a modest scale. This roof has a massing that is much bigger than the surrounding dwellings due to the width and length of the property.

This is a particularly sensitive site in the Undeveloped Coast and South Devon National Landscape where the preservation of the character of the locality carries great weight both in the NPPF and also in local policies (namely DEV23, DEV24 and DEV25). This proposal does not preserve the character and officers consider that its construction would be materially harmful to the appearance and character of the area.

#### 4. The Elevational Design

In pure design terms, the development of a timber framed 3 storey building has been tested before at appeal. In refusing the 2022 3-storey variations, officers considered that the design which had the frame exposed was very visible and sub divided the simple glazed structure approved (where the structural support was less exposed) under 1411/21/VAR producing a cluttered, over fussy design. It was highly compartmentalised in appearance both vertically and horizontally and rather than assimilating comfortably into the landscape, sat proud of it. Consequently, in visual terms, it took on a much more fussy, prominent and dominant appearance.

The current variation repeats this design trait, and repeats the visual dominance of the refused variations and lends to this proposed variation, an increased visual perception of massing and bulk, greater than the approved variations or the original approved scheme. This over fussy and cluttered appearance leads to a design that is not considered to be of a sufficient high quality for this location. Importantly the change to the materials of the east elevation, removing the solidity of the natural stone is also detrimental to the overall appearance of the building.

In paragraph 12 of the Inspector's decision letter on the 2 appeals she states that the predominant characteristic of the existing visible built form includes two-storey buildings of a modest bulk with pitched roofscapes. This scheme has an excessive built form and roofscape with the roof and overhang having more of the qualities of a Swiss chalet design than a South Devon type of built form.

She also commented that the building's height, scale and overall bulk of the previous 3 storey schemes would also dominate the adjacent small-scale property of Downsteps, located at a lower level to the appeal site. In addition, the regularly spaced timber framed post and beam design, regardless of its colour, would have a horizontal emphasis that would draw further attention to the number of storeys in the amended scheme. This scheme has similar characteristics in that it is 3 storeys with a vertical emphasis enhanced by the gabled roof facing the elevation that is the most open to view. Whilst the current proposal may have a less dominating effect on Downsteps than the previous three storey scheme due to the sloping roof it is still out of scale with the surroundings.

#### 5. South Facing Roof Elevation

The impact of introducing a pitched roof on the dwelling increases the appearance of bulk and scale in views from the north and the south. Whilst views from the north are considered in the next paragraph the southern effect will be mainly seen from the water given the topography of the site. The bulk of the building will be further increased by the potential for glint and glare from the solar panels all of which will result in unacceptable, adverse effects on the scenic beauty and tranquillity of the protected landscape.

#### 6. North Facing Elevation

The impact of the changed shape of the dwelling when viewed from the north will show an increased bulk to the view over the site from the footpath down to the beach. This was one

of the reasons that the variations submitted under 0043/22/VAR and 2110/22/VAR were refused.

## 7. East Elevation

The east elevation is the most prominent one and the siting of the building closer to the beach has a potential overbearing and dominant impact in views from this location. This is increased by the insertion of an additional floor into the structure requiring additional framing which will be highly visible. Set against this negative impact is the benefit of having a lower glazed area facing the most visible elevation which will reduce glare and light escape from this side of the dwelling. The applicant estimates the reduction will be in the order of 36m<sup>2</sup>. This should be balanced with the increase in glazing on the other elevations although officers acknowledge that the overall area of glazing reduces from 216.48m<sup>2</sup> to 214.08m<sup>2</sup> on the basis of figures supplied by the applicant.

### *Conclusions on Design*

In terms of assessment against adopted policy, this proposal is considered to be contrary to policy SPT1 of the Plymouth and South West Devon Joint Local Plan (JLP) which at the third section of the policy requires development to respect, maintain and strengthen local distinctiveness and sense of place. The proposed design does not pay due regard to the distinctiveness of the location through the design of the building which sits proud of the landscape rather than being assimilated into it.

The site is not highly visible within the wider landscape due to the topography of the site and the surrounding buildings, it is nevertheless highly visible from the beach and from the public footpath leading to the beach as well as the water. Given the large number of visitors to the area in all seasons and the residents who regularly visit the locale and who use the footpath and the beach, the impact of the development will be widely felt, and the scale of impact is therefore considered to be significant. Policy DEV25 in the JLP also requires that great weight be attached to the National Landscape designation and that any development should conserve and enhance the landscape qualities of the South Devon National Landscape.

Whilst it is accepted that a modern design response is acceptable, the current design by reason of its increased bulk and its over fussy design assumes a bulk and prominence that adversely affects the character of the protected landscape contrary to the aims of DEV23, DEV24.3 (which protects, maintains and enhances the unique landscape and seascape character and special qualities of the area.) and DEV25.8(i), (ii), (iii), (v) and (ix). It would introduce incongruous features onto the site (for the reasons outlined above) and the design fails to meet the requirement of a high quality architectural and landscape design appropriate to its landscape context contrary to DEV20.

Previous variations (before 268/23/VAR) recognised the benefits of the proposals in improving the appearance and condition of the site which was described as untidy. This officer does not attach great weight to any benefit accruing from redevelopment in that there are no derelict standing structures (apart from the sea wall) on the site. The only evidence is the remains of the tarmacked surface which is not untidy. No weight is therefore given to this potential benefit in the planning balance.

### Neighbour Amenity:

This matter has been assessed in the previous approved schemes and considered acceptable. The revised scheme does not raise any concerns regarding neighbour amenity. Indeed, benefits may accrue from the increased separation of the two dwellings.

### Highways/Access:

The current access road is very steep with a tight curve and of a narrow lane width and size. The application proposes, by changing the footprint of the dwelling to improve the driveway alignment and improve the bend to ease the access for vehicles. This will improve access to the site for the occupiers of the new dwelling and the neighbour, Downsteps.

### Other Matters:

Other matters relating to cliff stability, light pollution, climate change and ecology have all been previously considered and where officers concluded that proposals were acceptable subject the imposition of conditions. This variation to the design could, through the imposition of conditions secure benefits required to meet policy objectives in the event that this application was to be recommended for approval.

### **Conclusions**

The current scheme gives rise to the harms identified above which relate to the adverse impact on the quality of the design of the building, the perceived visual harms arising and the resulting adverse impact on the character of the undeveloped coast and the National Landscape.

Set against this are the benefits of reducing the length of the principal elevation, reducing the extent of glazing, improving the performance of solar panels and moving the property further away from its neighbour. However, officers are mindful of the great weight placed by the NPPF on conserving and enhancing landscape and scenic beauty in valued landscapes in National Parks, the Broads and National Landscapes (paragraph 182) and conclude that the harms clearly outweigh all other matters.

They therefore recommend that the application be refused for the reasons set out at the beginning of the report.

***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  
SPT3 Provision for new homes  
SPT9 Strategic principles for transport planning and strategy  
SPT12 Strategic approach to the natural environment  
PLY61 Strategic infrastructure measures.  
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  
DEV10 Delivering high quality housing  
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  
DEV32 Delivering low carbon development  
DEV36 Coastal Change Management Areas

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.

**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:** *David Stewart*

**Date:** 9 April 2024

CLlr J Brazil was consulted on this application and verbally confirmed that he is happy for the decision to be delegated