

PLANNING APPLICATION REPORT

Case Officer: David Jeffery **Parish:** Frogmore & Sherford **Ward:** Allington and Strete

Application No: 0591/21/FUL

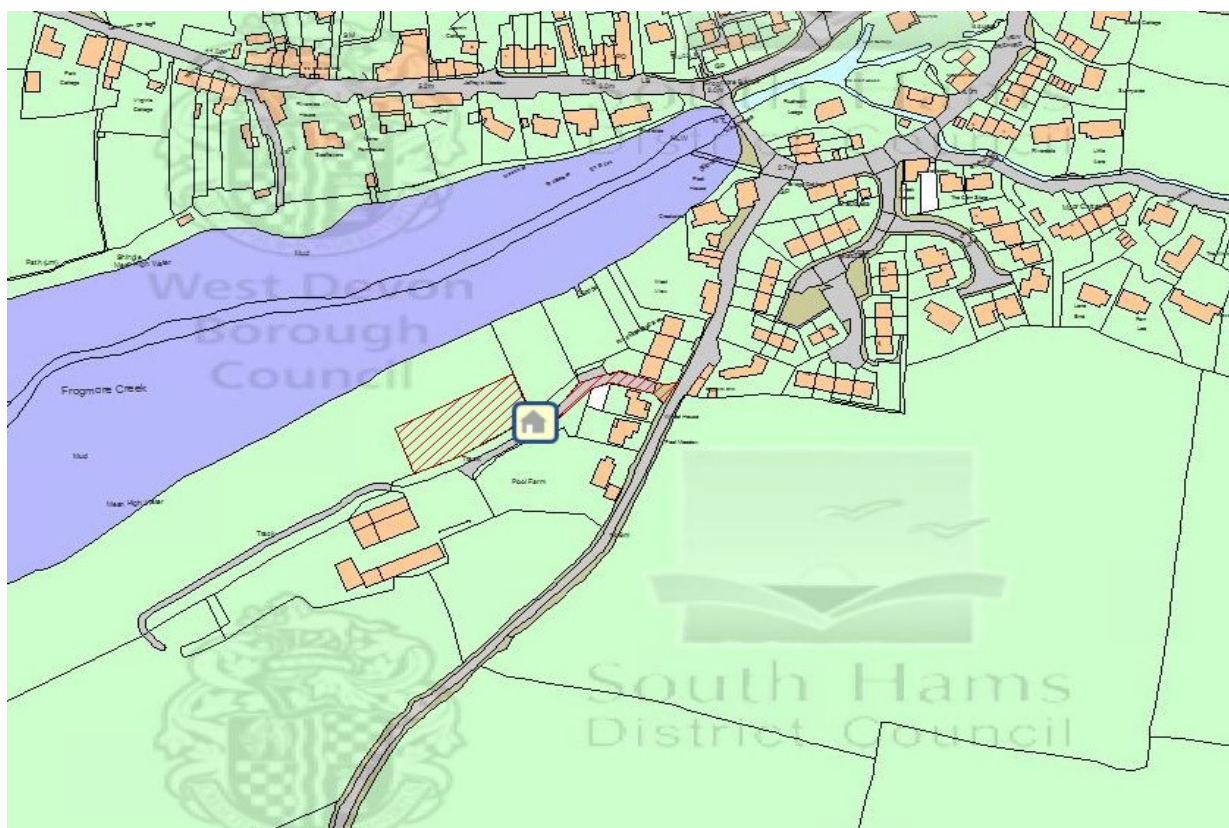
Agent:

Mr Richard Boyt - South Hams Planning
7 Manor Park
Kingsbridge
Devon
TQ7 1BB

Applicant:

Mrs T Oakley
C/O Agent

Site Address: Pool Farm, Frogmore, TQ7 2NU



Development: Erection of a single storey rural worker's dwelling

Reason item is being put before Committee

Cllr Foss has called the application before committee for the following reason: *“As a professional farmer I do not accept some of the reasons cited by our Agricultural expert. I also have always believed that each application is should be judged on its own merits and the muddying of the waters by quoting the permissions given for the Boatyard, which is a separate entity, should not work against this application”.*

Recommendation: REFUSE PERMISSION

Reasons for refusal

1. The case for the introduction of a further permanent dwelling tied to the farm and boatyard businesses in this location is not justified by exceptional or appropriate circumstances and represents an unsympathetic and unsustainable intrusion in a countryside location which is not supported by the submitted evidence. As such the proposal fails to meet policy objectives and policies SPT1, SPT2, TTV1, TTV26 and TTV27, of the Plymouth and South West Devon Joint Local Plan.
2. The proposed dwelling, by reason of its location, in a prominent position next to Frogmore Creek would adversely affect the protected landscape of the Undeveloped Coast and South Devon Area of Outstanding Natural Beauty, and neither conserve nor enhance the landscape, resulting in an unnecessary incursion into this sensitive countryside location. Insufficient information has been provided to justify the proposed location or explore the potential availability of other sites within the holding which are less prominent and less harmful to local landscape character. The proposal fails to conserve and enhance the local landscape character, visual quality and setting of the AONB, contrary to Policies DEV23, DEV24 and DEV25 of the Plymouth & South West Devon Joint Local Plan 2014-2034, and paragraph 172 of the NPPF.

Key issues for consideration

- Principle of development/Sustainability.
- Design/Landscape.
- Neighbouring Amenity.
- Highways/access.
- Other issues

Financial Implications: n/a

Site Description

The site comprises an area of agricultural land on the southern banks of Frogmore Creek. To the south and south west of the site is a cluster of large sheds associated with Frogmore Marine Services and Pool Farm, beyond which is open countryside. The edge of the built form of Frogmore lies to the east beyond an area of pasture/amenity land. The site slopes gently from the farm towards the creek. A permissive footpath currently runs along the edge of the site providing access to a public pontoon, installed by Salcombe Harbour Authority.

Pool Farm is home to three businesses including: Frogmore Boatyard, a groundworks business and a livestock enterprise. The extended family of the applicant live on site including:

- The applicant's grandmother who lives in Pool Farm house. Pool Farm House has an agricultural tie.
- The applicant's father who lives on site in what appears to be temporary accommodation behind the boatyard. There is no record of this dwelling having received planning permission. The applicant's father also has permission for a rural worker's dwelling on the site associated with the boatyard, granted in 2013. This permission may be extant as the footings have been put in place although this has not been confirmed via the submission for a certificate of lawfulness.
- The applicant lives in temporary accommodation in the grounds of Pool Farm House.

The built form of Pool Farm is arranged parallel to the Creek but is separated from it by a finger of undeveloped land that reaches into central Frogmore. The use of the sheds at Pool Farm is split between the boatyard and agricultural enterprise. The most recent addition includes a barn which received prior approval in 2020 for agricultural storage. The bulk of these buildings sit behind a planted earth bund, which provides a degree of screening when viewed from the North.

The whole of Pool Farm / Lower Pool Farm is situated within the South Devon Area of Outstanding Natural Beauty (AONB), a nationally protected landscape the core aim of which is to conserve and enhance its natural beauty. The site is also located on land designated in the JLP as Undeveloped Coast and Frogmore Creek is a Site of Special Scientific Interest (SSSI). The Grade II Listed Limekilns on Frogmore Creek are located on the opposite side of the Creek within view of the proposed site. The site is not located within a flood risk zone as identified by the Environment Agency. The land is GRADE 3 - good to moderate quality agricultural land.

The Proposal

The application proposes the erection of a single storey rural worker's dwelling.

Consultations

- County Highways Authority – No implications.
- Landscape specialist - There is no objection in principle to the proposed development in landscape and visual terms subject to suggested amendments to the planting scheme.
- Frogmore and Sherford Parish Council: The Parish Council recommends refusal of this application, pending, (i) a siting review and reduction of the Rural Worker's Dwelling plot size and impact and (ii) the submission of drawings re-establishing the public permissive path access to Frogmore's public pontoon.
- Agricultural Consultant - No support provided.

The number and type of cattle present on the holding do not demonstrate an adequate functional need for a full time worker to be present at most times of the day and night for the proper management of the holding. The levels of profitability fall significantly short of the levels expected to finance the building cost of the dwelling. It is also raised why the, as yet, unbuilt dwelling for the management of the boatyard or nearby residential accommodation could not be also used for the management of the agricultural enterprise. It also seems to be the case that the existing farm building (approved under reference 3770/20/PAA, under 'prior notification') does not have the necessary permission to house livestock, which undermines the applicant's business plan.

- Natural England – No objection.
- South Hams Society. Objection.

Questions are raised as to whether existing buildings on the site have the necessary permission for agricultural use. The South Hams Society believe this proposal is harmful to the Undeveloped Coast and the Area of Outstanding Natural Beauty in a very prominent location and the internal Landscape specialist has failed to adequately assess

the planning policies that protect the designated site. If the Planning Authority was minded to approve there are less harmful alternatives available for the siting of this dwelling on the site.

- Salcombe Harbour Authority. Comments that unless public access is maintained as per the current permissive foot path along the edge of the site for the proposed bungalow (currently not allowed for on the proposed drawings) the Harbour Authority would have no alternative but to remove the public pontoon immediately and without notice.

Representations

43 letters of support have been received covering the following points:

- This applicants are a local farming family who have further extended and successfully developed business of a local boat yard & ground works company all of which are important to our local community.
- The build suggested is minimal for their living space needs and would be low level and in keeping with the local builds and so consequently would not impact the area or view.
- The applicants need to be able to live on the farm for security and animal welfare reasons and to be near family.
- The site for the dwelling is appropriately situated adjacent to existing properties and is in a sustainable location for access, amenities and services.
- Positive landscaping scheme which includes a Devon hedge.
- This business employs people from outside the family and is becoming an important employment hub in Frogmore Village.
- During the 7 years the applicant has lived in the temporary accommodation attached to Pool Farm this has proven essential to the business' day to day running, which clearly justifies their need for a permanent home.
- The development is in keeping with the area and will not affect neighbours.

21 letters of objection have been received covering the following points:

- Pool Meadow is an unbroken belt of green land in the AONB between the creek and farm site which is in keeping with the open fields to the west and the south.
- Detrimental impact on the currently undeveloped southern coastline which is of great aesthetic value to the community.
- The plans will set a concerning precedent for further development outside of the Frogmore settlement boundary.
- There are clear alternative locations for this development on the farm site, such as within the sizeable garden of Pool Farm house, which would not have such a significant impact on the Frogmore environment while providing proximity to the agricultural buildings.
- At 0.2 hectares the plot is disproportionately large for a 3 bedroom bungalow, and would leave sufficient room for a second dwelling on the site as well as taking up an unnecessary amount of agricultural pastureland.
- Inadequate justification of need. There is already planning permission (43/0352/14/F) for a rural worker's dwelling adjacent to the boatyard. This should be constructed before permission for another is granted on the same or similar grounds. Good availability of local needs housing nearby.
- Need to maintain access to the public pontoon.

Relevant Planning History

3770/20/PAA - Prior approval application for proposed erection of agricultural storage building. Prior Approval Required and Given. 16/12/2020

2036/20/PAA - Prior approval application for agricultural store for machinery and fodder: Prior Approval Required and Refused. 29/07/2020

3394/20/VAR - Variation of condition 2 (approved plans) following grant of planning consent 43/0352/14/F for amended design of house and associated layout.

43/1108/15//DIS - Approval of details reserved by conditions (3, 6 & 8) for planning consent 43/0352/14/F - Discharge of conditions approved. 28/04/2015.

43/0352/14/F - Application for construction of rural worker's dwelling (resubmission of 43/3065/13/RM) – Conditional Approval – 05/02/2014.

43/0559/13/O – outline planning application for provision of occupational dwelling for rural worker to serve boatyard. Approved 12/06/13.

43/0369/11/F – Amendment to planning ref: 43/1076/07/F to provide additional boat storage – 30/03/11

Ref: 43/2225/10/MIN – Non material minor amendment to planning permission 43/0047/09/F, amendments include changes to fenestration, addition of solar panels, clarification of position on site and clarification of eaves detail – approved 22/10/10

43/0079/10/F - Installation of concrete base, with stock proof fence and gate, for bridge access to landing pontoon - Conditional Approval 27/04/10

Ref: 43/0047/09/F – Erection of office building for use in association with Frogmore boat yard (B1 use) – 25/02/09

Ref: 43/1076/07/F – Erection of additional buildings for boat storage and maintenance approved 02/07/07

43/1517/92/4 - Change of use of redundant agricultural barns and yard to storage of boats and their equipment. Conditional Approval 09/12/1992

ANALYSIS

Principle of Development/Sustainability

At the heart of the spatial strategy of the JLP is the need to use sustainable development as the framework for growth and change. Policy TTV1 seeks to direct new development towards named settlements, which are considered to represent the most sustainable locations for new development. For the purposes of Policy TTV1, the proposal site is considered to be located within the countryside, outside a recognised settlement, within the fourth tier of the Council's settlement hierarchy; *'Smaller Villages, Hamlets and the Countryside'*. Development here will be permitted only if it can be demonstrated to support the social, economic and environmental principles of sustainable development and sustainable communities (Policies SPT1 and 2), including as provided for in Policies TTV26 and TTV27.

Policy **TTV26 'Development in the countryside'** requires that the special characteristics and role of the countryside is protected. This policy identifies that development will be avoided and only permitted in exceptional circumstances. As this site is not considered to be isolated as per the definition of such provided by the *Bramshill* ruling, part 2 (iii) of Policy TTV26 is of particular relevance in requiring that development would need to respond to a proven agricultural, forestry and other occupational need that requires a countryside location. The applicant has applied on the basis that their role in managing Frogmore Boatyard and a farming enterprise, provide this exceptional justification.

Although Officers note that the applicant justifies need for the dwelling on their involvement with the boatyard business alongside the farming business, the existence of an extant consent for a rural workers dwelling tied to the boatyard (that has not been completed since reserved matters were concluded 6 years ago) mean that use of the boat yard to justify this application carries no weight. Accordingly, the assessment by the Council's agricultural assessor focuses on an assessment of the agricultural enterprise and whether this provides adequate justification for the dwelling when viewed against relevant criteria within the NPPF and JLP Policy TTV26.

The assessment concludes that based on the number and type of cattle present on the holding, there is not a functional need for a worker to be present for the proper management of the holding and that the agricultural enterprise does not demonstrate the requirement for a full-time worker. The assessment also notes that neither does the business generate the necessary levels of profitability to satisfy the financial test of a business to meet the requirements for a permanent rural worker's dwelling. In relation to the availability of alternative suitable accommodation, the assessment questions why the, as yet, unbuilt dwelling for the management of the boatyard or other nearby homes could not be also used for the management of the agricultural enterprise.

Lastly, it is worth drawing attention to the reliance of the farming enterprise on the use of an agricultural storage building permitted in 2020 (Ref: 3770/20/PAA). With regard to this approval, it must be noted that, the prior notification process does not require an assessment of the proposal against the permitted development criteria of Part 6 (Classes A, B and E), one of which does not allow for the housing of livestock within 400m of a protected building. In this instance the barn is within 200m of a protected building and would therefore need planning permission. The unauthorised use of this building for housing livestock is seen by Officers and the agricultural assessor as undermining the credibility of the livestock business as a justification for this permanent rural worker's dwelling.

Turning to the other considerations within Policy TTV26 (2) (i) it must be considered whether this development will impact upon any public rights of way. As raised in an objection from the Parish Council, it is noted that the site of the proposed dwelling also provides access, via a permissive track, to a public pontoon installed by Salcombe Harbour Authority under application ref 43/0047/09/F. No recognition of, or allowance has been made in the submitted plans for this permissive track, which provides pontoon access. Salcombe Harbour Authority have been consulted on the application and have advised any obstruction of this access will result in removal of the pontoon.

With regard to JLP Policy **TTV27 'Meeting local housing need in rural areas'**, this policy states that: *"Proposals for residential development on sites adjoining or very near to an existing settlement which would not otherwise be released for this purpose, may be permitted provided that it can be demonstrated that: It meets a proven need for affordable housing for local people; management of the scheme will ensure that the dwellings continue to meet the*

identified need in perpetuity; and that the proposal meets the requirement of all other relevant policies of the Plan". Given that the proposals are considered to represent an unnecessary and unsustainable incursion into the Undeveloped Coast and AONB in conflict with Policies DEV23, DEV24 and DEV25 and that the need for an additional tied dwelling has not been adequately established in accordance with Policy TTV26, the requirements of all other JLP policies cannot be met, as required by paragraph 4 of Policy TTV27. This limits the weight that can be accorded to this policy.

Design/Landscape

The site falls within the JLP Undeveloped Coast designation, is situated within the South Devon Area of Outstanding Natural Beauty (AONB) and is also on the banks of Frogmore Creek, a Site of Special Scientific Interest (SSSI). The site is located within the 3G River Valley Slopes and Combes landscape character type (LCT). The key characteristics and valued attributes of the LCT include references to a pastoral landscape of rounded hills with steep sides, wide field boundaries and Devon Banks and a vernacular of white washed cottages, thatch or slates roofs and exposed stone.

In terms of the dwelling's size, it will provide 3 double bedrooms together with a utility providing approximately 150 m² of floor space. The plot itself measures around 55 metres in length and around 30 metres in width. It is proposed to mark the north and western boundaries of the plot with Devon hedge banks. Access would be via the existing field entrance and a double garage is proposed to provide parking.

The proposed site gently slopes towards Frogmore Creek and occupies well over half the width of this uninterrupted green finger of land that runs from the village into the open countryside between the Farm and the southern bank of the Creek. The boundary of the Undeveloped Coast designation encompasses this land as does the AONB. The site is visible from vantage points to the north including footpath no 56, bridleway number 8 and Limestone Kilns, which are Grade II Listed. The sensitivity of this estuarine setting is of significance in assessing this application and as such Officers refer to the South Devon AONB Management Plan, which states the policy objective to *"conserve and enhance the natural beauty, special qualities and natural processes of the AONB's rivers and estuaries"*. **Policy Est/P1 Estuary character** goes on to state that: *"The more remote parts of the estuaries will be managed for their tranquil and unspoiled character and safeguarded from the spread of moorings and development"*.

Within the JLP Undeveloped Coast designation, **Policy DEV24** requires that *'Development which would have a detrimental effect on the undeveloped and unspoilt character, appearance or tranquility 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.*

Development for the purposes of agriculture, forestry, public access and enjoyment of the coast and estuaries, or community facilities that meet the objectively assessed needs of the local community, will be supported if it meets the above tests”.

JLP Policy DEV25 ‘Nationally protected landscapes’ states that *“The highest degree of protection will be given to the protected landscapes of the South Devon AONB, Tamar Valley AONB and Dartmoor National Park. The LPAs will protect the AONBs and National Park from potentially damaging or inappropriate development located either within the protected landscapes or their settings”.* Development proposals located within the AONB are required to:

- i. Conserve and enhance the natural beauty of the protected landscape with particular reference to their special qualities and distinctive characteristics or valued attributes.*
- ii. Be designed to prevent the addition of incongruous features, and where appropriate take the opportunity to remove or ameliorate existing incongruous features*
- iii. Be located and designed to respect scenic quality and maintain an area’s distinctive sense of place, or reinforce local distinctiveness.*
- iv. Be designed to prevent impacts of light pollution from artificial light on intrinsically dark landscapes and nature conservation interests.*
- v. Be located and designed to prevent the erosion of relative tranquility and, where possible use opportunities to enhance areas in which tranquility has been eroded.*
- vi. Be located and designed to conserve and enhance flora, fauna, geological and physiographical features, in particular those which contribute to the distinctive sense of place, relative wildness or tranquillity, or to other aspects of landscape and scenic quality.*
- vii. Retain links, where appropriate, with the distinctive historic and cultural heritage features of the protected landscape.*
- viii. Further the delivery of the relevant protected landscape management plan, having regard to its supporting guidance documents.*
- ix. Avoid, mitigate, and as a last resort compensate, for any residual adverse effects.*

Officers are in agreement with the Parish Council’s comments, that the location proposed for this dwelling along with the size of the plot is particularly insensitive. The change in character which would result from the domestication of this land including the potential introduction of garden paraphernalia will have an unacceptable adverse impact upon this important undeveloped green finger of land running alongside the Creek and into the heart of the village. Notwithstanding that the Council’s objective assessment of need does not support an additional tied dwelling at Pool Farm, alternative locations within the site are considered to offer a much more sensitive response to this highly constrained and sensitive landscape setting.

Officers consider that the exceptional circumstances needed to justify this development as required by Policies DEV24 and DEV25 have not been demonstrated and that the incursion of this development into such a sensitive location will have a detrimental effect on the undeveloped character, appearance and tranquillity of this estuarine setting. The proposals are not considered to conserve and enhance the natural beauty of the protected landscape and are not located and designed to respect scenic quality and maintain an area’s distinctive sense of place, or reinforce local distinctiveness.

The Council’s Landscape Specialist has expressed no objections to the proposals and makes the following comments: *“Intervisibility between the proposed development and the wider*

landscape would be restricted. Key views would be from the north and west looking across the creek to the site. However, the proposed dwelling would not be seen in isolation but would be visible only in the context of existing development behind it. This back drop of existing development would reduce the perception of the proposed development encroaching into open countryside. Much of the proposed built form would be hidden from view by the proposed Devon Banks”.

Whilst the Landscape Officer’s observation is accepted that the visual impact of this development would be moderated by its backdrop of agricultural development and the proposed hedge bank, Officers consider that the proposal will serve to erode and fragment a buffer of undeveloped land which is highly important to the setting of Frogmore Creek. Officers have an in principle objection on landscape grounds to the siting of this dwelling in the open field, adjacent to the Creek outside of the cluster of built form. The proposed development would undermine the key characteristics and distinctive sense of place outlined above, and lead to a deterioration of the consistent, high quality undeveloped character of this estuarine landscape. Notwithstanding the results of the assessment of need, Officers consider that there are other potential locations around the existing farm/boatyard that are less visually intrusive, which could be reviewed to identify a more suitable site for the proposal.

The proposed development fails to accord with DEV23, DEV24 and DEV25 (including the SD AONB Management Plan), as it fails to conserve and enhance the local landscape character and visual quality, and on this basis the application cannot be supported.

Neighbour Amenity

No neighbours or other uses in close proximity to the site. As such, the proposal would not lead to any materially harmful impact on residential amenity by way of loss of light, loss of outlook, loss of privacy or overbearing impact. The proposals therefore accord with JLP Policies DEV1 and DEV2 and the requirements of the NPPF.

Highways/Access

With regard to vehicular access and parking, the proposed dwelling would be accessed via a gateway from the existing farm access. The proposed dwelling makes provision for a double garage and adequate parking. County Highways Officer has confirmed that there are no highways objections.

The gateway proposed to provide vehicular access to the proposed dwelling also provides access to a public pontoon on Frogmore Creek. This public pontoon was installed by Salcombe Harbour Authority and permitted in 2010 under application ref: 43/0079/10/F. This application details a 1.5 m footpath leading to the public pontoon. Concerns have been raised by the Parish Council and Salcombe Harbour Authority that the submitted plans do not show or make provision for the retention of the permissive path to the public pontoon. Being a permissive path, there are no statutory rights of access for the public and the submitted plans currently show its course blocked by a hedgebank. Salcombe Harbour Authority have been consulted and have advised that if access to their pontoon is restricted in any way, it will be removed.

Conclusion

Officers do not consider that the functional need for a rural workers dwelling to serve this agricultural enterprise has been adequately justified to warrant development in this countryside location. Given that there is already an extant planning consent for a rural

workers dwelling to serve the boatyard, the use of the boatyard as justification for the current application is not considered to be of relevance. Furthermore, the proposed location of the dwelling represents an inappropriate incursion into a sensitive countryside location within the Undeveloped Coast and South Devon Area of Outstanding Natural Beauty. For these reasons the proposals are considered to be contrary to policies SPT1, SPT2, TTV1, TTV26, DEV23, DEV25, DEV25 and TTV27 of the Joint Local Plan.

N.B.

The site falls within the Zone of Influence for new residents have a recreational impact on the Tamar European Marine Site (comprising the Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA). This Zone of Influence has recently been updated as part of the evidence base gathering and Duty to Cooperate relating to the Joint Local Plan. A scheme to secure mitigation of the additional recreational pressures upon the Tamar European Marine Site can be appropriately secured by condition, and this approach has been agreed by Natural England.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and, with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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 13th January 2021 MHCLG published the HDT 2020 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 144% and the consequences are "None".

Therefore a 5% buffer is applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 5.8 years at end March 2021 (the 2021 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2021 (published 12th November 2021).

[*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
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
DEV23 Landscape character
DEV24 Undeveloped coast and Heritage Coast
DEV25 Nationally protected landscapes
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport
DEV32 Delivering low carbon development
DEV33 Renewable and low carbon energy (including heat)
DEV35 Managing flood risk and Water Quality Impacts.

Frogmore & Sherford Parish Neighbourhood Plan

The Frogmore and Sherford Neighbourhood Plan is currently at Regulation 15 stage. The Examiner's Report has been received and changes will be incorporated into the plan, before going to public referendum. Relevant policies include:

POLICY FSNP 1: THE LANDSCAPE
POLICY FSNP 2: FROGMORE CREEK
POLICY FSNP 3: HERITAGE AND CONSERVATION
POLICY FSNP 4: TRANQUILITY AND DARK SKIES
POLICY FSNP 5: SETTLEMENT BOUNDARY
POLICY FSNP 6: DESIGN AND CONSTRUCTION

Other material considerations include the policies of the National Planning Policy Framework (NPPF) including but not limited to paragraphs 172 and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application: South Devon AONB Management Plan.

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.