

# Application Report

Strategic Development & Planning  
Place Services  
North Devon Council  
Lynton House, Commercial Road,  
Barnstaple, EX31 1DG



**Application No:** 73748  
**Application Type:** Full application  
**Parish/Ward:** MORTEHOE/MORTEHOE  
**Location:** Seaview Meadow  
Woolacombe Station Road  
Woolacombe  
Devon  
EX34 7AN  
**Proposal:** Erection of one dwelling  
**Agent:** Mr Graham Townsend  
**Applicant:** Mr Michael Whipp  
**Planning Case Officer:** Mrs B. Coles  
**Departure:** N  
**EIA Development:** N      **EIA Conclusion:** NO EIA REQUIRED.

**Application Expiry:** 6 September 2021  
**Ext Of Time Expiry:**  
**Publicity Expiry:** 30 August 2021

**Decision Level/Reason for Report to Committee (If Applicable):**

Committee – The application has been Called In by the Ward Member. The full reasons for the Call In are set out in the consultation section of this report.

## Site Description

The site is an area comprising of approximately 0.19 ha of grassland with mature trees on the southern and western areas. The site contains raised flower beds and fruit trees together with two small timber outbuildings. The site is situated to the rear of Chez Nous extending across to the rear of Landsdown and is accessed via a steep driveway from Woolacombe Station Road which provides access to the site and neighbouring dwelling and has a parking area adjacent to the same neighbouring dwellinghouse. The site is situated in an elevated position from the road and neighbouring dwellings and is adjacent to a park home site.

## Recommendation:

Refused  
Legal Agreement Required:- No

## Planning History

<b>Planning</b>	<b>Decision</b>	<b>Decision Date</b>
<b>73092</b>	Refused	20 May 2021
Address: Seaview Meadow Woolacombe Station Road Woolacombe Devon EX34 7AN		
Proposal: Erection of a dwelling		

## Constraints/Planning Policy

<b>Constraint / Local Plan Policy</b>	<b>Distance (Metres)</b>
Advert Control Area of Special Advert Control	Within constraint
Chivenor Safeguard Zone Consultation Any Development	Within constraint
Chivenor Safeguard Zone Consultation Structure or works exceeding 10.7m	Within constraint
Chivenor Safeguard Zone Consultation Structure or works exceeding 15.2m	Within constraint
Class II Road	
Landscape Character is: 5C Downland	Within constraint
Within 100m of Adopted Heritage Coast	Within constraint
Within Adopted AONB (ST09 & ST14)	Within constraint
Within Adopted Coast and Estuary Zone	Within constraint
Within Adopted Unesco Biosphere Transition (ST14)	Within constraint
Within: SSSI 5KM Buffer in North Devon, consider need for AQIA if proposal is for anaerobic digester without combustion plant	Within constraint
Within: Braunton Burrows, SAC 10KM Buffer if agricultural development consider need for AQIA	Within constraint
SSSI Impact Risk Consultation Area	Within constraint
DM01 - Amenity Considerations	
DM02 - Environmental Protection	
DM04 - Design Principles	
DM05 - Highways	
DM06 - Parking Provision	
DM08 - Biodiversity and Geodiversity	
DM08A - Landscape and Seascape Character	
ST04 - Improving the Quality of Development	
ST07 - Spatial Development Strategy for Northern Devon's Rural Area	
ST09 - Coast and Estuary Strategy	

**Consultees**

Name	Comment
<p>Councillor M Wilkinson</p> <p>Reply Received 10 August 2021</p>	<p>9/08/2021 21:02 - I am supporting this application for the following reasons:</p> <ol style="list-style-type: none"> <li>1. There is a real need for affordable dwellings in the parish. We currently have approximately 50% of second homes and the housing stock prices have been exaggerated by marketing outside the area. This makes it almost impossible for young, local families to purchase a home in their own village. This dwelling would, at least, allow a young, local couple to get on the housing ladder.</li> <li>2. The applicant is a valued member of the local community and has contributed enormously to events such as the annual firework display, playing for the local football team and, not least, as an important part of the local coast guards. His loss to another area would have a serious and detrimental effect on an already struggling local community.</li> <li>3. The A.O.N.B. has supported this application and does not see it as a threat to the local landscape. I would verify that the building would not be seen from any major viewpoint.</li> <li>4. The DCC Highways objected on the grounds that there was an insufficient access on to the main road. I would argue this point as visibility is adequate and the driveway already services other dwellings.</li> <li>5. The immediate neighbours have raised no objections and, indeed, offer support for the scheme.</li> <li>6. Morteheo Parish Council voted unanimously in favour of the application.</li> </ol> <p>For these reasons, I urge you to consent this application and allow a young family to remain within the local community.</p>
<p>DCC - Development Management Highways</p> <p>Reply Received 19 August 2021</p>	<p>19/08/2021 09:39 - The lands required to secure acceptable visibility is not within the ownership or control of the applicant and, therefore, the following objection is identified:</p> <ol style="list-style-type: none"> <li>1) The proposed development is likely to result in an increase in the volume of traffic entering and leaving the Class II County Road, the B3343, through an access that does not provide adequate visibility from and of emerging vehicles, with consequent risk of additional danger to all users of that road and interference with the free flow of traffic.</li> </ol>
<p>Environmental Health Manager</p>	<p>I have reviewed this application in relation to Environmental Protection matters and comment as follows:</p>

<p>Reply Received 10 August 2021</p>	<p>1 Land Contamination</p> <p>I do not expect land contamination issues to arise in relation to the proposals. However, given the sensitivity of introducing a residential use, I recommend the following condition be imposed on any permission to cover the possibility that unexpected contamination is discovered during development work:</p> <ul style="list-style-type: none"> <li>- Contaminated Land (Unexpected Contamination) Condition</li> </ul> <p>Should any contamination of ground or groundwater be discovered during development of the site, the Local Planning Authority shall be contacted immediately. Site activities within that sub-phase or part thereof shall be temporarily suspended until such time as a procedure for addressing the contamination is agreed upon with the Local Planning Authority or other regulating bodies.</p> <p>Reason: To ensure that any contamination existing and exposed during the development is assessed and remediated as necessary.</p> <p>2 Construction Phase Impacts</p> <p>In order to ensure that nearby residents are not unreasonably affected by noise during the construction phase of the development I recommend the following condition be imposed:</p> <ul style="list-style-type: none"> <li>- Construction Hours Condition</li> </ul> <p>During the construction phase of the development, no machinery shall be operated and no noisy processes shall be undertaken outside the following times:</p> <ol style="list-style-type: none"> <li>a) Monday - Friday 08.00 - 18.00,</li> <li>b) Saturday 08.00 - 13.00</li> <li>c) nor at any time on Sunday, Bank or Public holidays.</li> </ol> <p>Reason: To protect the amenity of neighbouring residents</p>
<p>Housing Enabling Officer</p> <p>Reply Received 23 August 2021</p>	<p>23/08/2021 10:59 - Thank you for your consultation.</p> <p>The previous application (73092) was refused for a number of reasons.</p> <p>Dependent upon Planning's determination, as the proposed site is outside the development boundary in the Local Plan Housing Enabling would wish that the provision of affordable housing is considered. The current lack of a 5 year housing land supply would not be an issue with regard to affordable housing because the proposed site is in the AONB and open countryside. If the proposed dwelling were secured as a self-build affordable dwelling the sale price would be restricted as a discounted sale and local needs occupation criteria would apply.</p>

	<p>Devon Home Choice (DHC) shows there are 32 households living in the parish of Morteohoe registered as being in need of affordable housing for rent as of July 2021. Not all households tend to register themselves on the housing register as they don't think that they will have the opportunity to be housed so this figure is often significantly higher. It should be noted that although DHC data identifies the number of households living within the parish in housing need, it does not always provide sufficient information to firmly establish how long households have been resident in the parish or if they wish to remain in the parish; it is a snap shot in time and people's circumstances can change extremely quickly. In addition, some households may seek affordable home ownership options (shared ownership/discounted sale). We don't hold data on numbers of households requiring some form of affordable housing for sale.</p> <p>There were 30 households living in the adjoining rural parishes (Georgeham and West Down) registered as being in need of affordable housing for rent as of July 2021.</p> <p>We would be pleased to comment further as appropriate regarding affordable housing requirements dependent upon Planning's determination.</p>
<p>Morteohoe Parish Council</p> <p>Reply Received 17 August 2021</p>	<p>Members had no objections to this proposal. Proposed APPROVAL. Seconded. PASSED UNANIMOUSLY.</p>
<p>North Devon AONB Service</p>	<p>No representations received.</p>
<p>Planning Policy Unit</p> <p>Reply Received 10 September 2021</p>	<p>The site is in the Countryside but you could not consider the new dwelling would be isolated in the context of paragraph 80 of the NPPF. In the context of the Local Plan there is no justification for a new dwelling in the Countryside. However, as you are aware the Council cannot clearly show a 5 year supply of deliverable housing sites and therefore the NPPF applies the 'presumption in favour of sustainable development' (paragraph 11(d), NPPF as a material consideration), should be applied for decision-taking involving applications for housing.</p> <p>If there is no clear reason to refuse an application based on a protected area or asset (Footnote 8, NPPF), the decision taker needs to consider as a material consideration the NPPF's</p>

	<p>requirement to grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits – the so-called tilted balance (Paragraph 11(d)(i), NPPF).</p> <p>As you are aware, the site is within the AONB, Heritage Coast and undeveloped Coast where Policies ST09, ST14(e), DM08A and MOR(b) would apply. As set out in the NPPF, the ‘presumption in favour of sustainable development’ does not necessarily apply within the AONB/Heritage Coast as confirmed by Paragraph 11(d), footnote 7 of the NPPF, due to other restrictions placed on the AONB elsewhere within the Framework. Paragraph 176 of the NPPF gives great weight to conserving and enhancing scenic beauty in protected landscapes such as the AONB which have the highest status of protection. Paragraph 176 continues, ‘the scale and extent of development within these designated areas should be limited and planning permission should be refused for major development (NPPF definition - 10 dwellings or 0.5 hectares) other than in exceptional circumstances, and where it can be demonstrated that development is in the public interest’. The NPPF does not imply that ‘major development’ in this context relates to the definition as set out previously and in my opinion is considered to be slightly more nuanced. Footnote 60 within paragraph 177 clarifies how decision-makers must decide what is ‘major development’ which is not just about its nature, scale and setting but also whether it has significant effects. I note at condition 4 of your previous refusal 73092 that ‘it is considered that the proposed development will have an impact upon the protected landscape and will be visible from the wider AONB and will detract from the unspoilt character and appearance of the area and does not conform to Local Plan Policies ST09, ST14 and DM08A’.</p>
<p>Sustainability Officer</p> <p>Reply Received 3 August 2021</p>	<p>3/08/2021 13:05 - The submitted Ecological Appraisal concludes that the proposed development would have negligible impacts on protected species and the minor loss of young tree saplings would be adequately compensated for by the proposed landscaping measures. The relatively modest dwelling would be unlikely to produce excessive illumination of retained and enhanced habitats. Should external lighting be proposed it should be demonstrated the specification has been informed by the EA recommendations and best practice guidance <a href="https://www.bats.org.uk/our-work/buildings-planning-and-development/lighting">https://www.bats.org.uk/our-work/buildings-planning-and-development/lighting</a>. The submitted Site Plan indicates that a net gain for biodiversity would be delivered across the site with improved connectivity and screening.</p>

### **Neighbours**

Comments	No Objection	Object	Petition	No. Signatures
<u>0.00</u>	<u>6</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>

Letters of support received from parties who do not live in the locality of the site and are unaffected by the proposed development. No neighbour representations have been received.

## **Considerations**

### **Proposal Description**

This application seeks detailed planning permission for the erection of a single 3 bedroom dwelling on land accessed off of Woolacombe Station Road. This land is situated to the rear of properties fronting the main road and is situated in an elevated position to the rear of properties Chez Nous, 1 and 2 Lansdowne Villas and Lansdown.

The proposed dwelling will have a single storey with a flat planted green roof and will be clad in red cedar timber. The proposed design will have glazing on all elevations with the entrance door situated on the north elevation and to the south elevation glazed bi-folding doors will provide access to a raised hard wood decking area with steel and wire balustrade. A smoked glass lantern light will also be fitted within the roof. The footprint of the proposed dwelling will measure 124 square metres with a maximum height of 3.85 metres with the lantern light situated 0.25 metres above the flat roof.

Due to the sloping topography of the site the proposed site will be excavated and provide a rear retaining bank 1.30 metres in height.

Access to the site will be over an existing steeply sloping driveway shared with neighbouring dwelling Chez Nous. A parking area, which has been recently constructed to the west of the proposed dwelling provides two parking spaces and further parking is situated off of the access drive to the south of the site adjacent to the neighbouring dwelling

The existing landscaping will largely be retained with the loss of some small tree saplings which will be compensated by a proposed small Devon bank with hedgerow to include native species hedge to be situated to the north and west of the site.

The proposal also includes a timber panel fence along the access drive to the western elevation of Chez Nous as a privacy measure to reduce the impact of vehicles passing across and parking adjacent to the neighbouring dwellinghouse.

The access driveway to the site is proposed to be altered and includes alteration of the gradient and re-surfacing works, the removal of the grass bank adjacent to the entrance onto Woolacombe Station Road and the creation of a passing bay at the bottom of the driveway and run-off collection in the form of a drainage channel.

### **Planning Considerations Summary**

- Amenity Considerations

- Design
- Provision of housing outside of the Development Boundary
- The impact of the development upon the protected landscape
- Highways

### **Principle of Development**

The site lies approximately 1 kilometre outside the Woolacombe development boundary, which is the west. Policy ST07 Spatial Development Strategy for Northern Devon's Rural Area applies to this application site which supports development within Development Boundaries. The provision of a single market dwelling in the countryside and outside of the development boundary does not meet this strategy and as such the principle of development is unacceptable but will also need to be considered against other local plan policies and the 5 year housing land supply issue as detailed below.

### **Planning Considerations**

In the determination of a planning application Section 38 of the Planning & Compulsory Purchase Act 2004 is relevant. It states that for the purpose of any determination to be made under the planning Acts, the determination is to be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for this area includes the Devon Waste Plan and North Devon and Torridge Local Plan.

The National Planning Policy Framework (NPPF) is a material consideration.

### **Amenity Considerations**

NDTLP Policy DM01 requires proposal to ensure no significant harm is caused to the amenities of neighbouring occupiers.

The site is situated to the rear of Chez Nous, 1 and 2 Lansdowne Villas and Lansdown which front Woolacombe Station Road and to the east of Woodlands Bungalow and 2 Woodlands and is a back land development. The proposed development is a flat roof single storey dwelling situated below the level of neighbouring dwellings situated to the south at a lower level and is partially concealed by an existing tree line. No unacceptable loss of privacy to the rear of existing dwelling will be experienced, due to levels and distances involved. Vehicles accessing the site will use the existing steep sloping driveway which is shared with Chez Nous and which is situated directly to the west of Chez Nous passing along the west elevation. Vehicle parking for the site has recently been created opposite the location of the proposed dwelling and provides 2 parking spaces and the existing parking situated off of the access directly to the west of Chez Nous will be retained for additional off-street parking associated with the site. Vehicles accessing the site will pass, manoeuvre and park in close proximity to Chez



Nous causing noise and disturbance. However, the additional parking provision further within the site will reduce the use of the parking area directly to the west of Chez Nous. The proposed boundary fence to the west of Chez Nous will provide a separation which will reduce the impact of vehicle movement. However, this in turn will reduce the occupiers of Chez Nous ability to access the rear of their dwelling to park and will reduce space for vehicle manoeuvring which would be unacceptable. The fence itself could also have a detrimental impact on the amenity of the occupiers of Chez Nous. It is considered the additional parking area close to the dwelling will reduce the number of vehicles using the parking area directly to the west of the neighbouring dwelling with vehicle movement being further within the site. The number of vehicle movements expected from a single dwelling are unlikely to be significant and will not significantly harm the neighbouring occupiers. The development is not considered to cause overlooking or loss of existing privacy or natural light and as no formal objections have been received from neighbouring occupiers it is considered the proposal would not meet the requirements of Policy DM01. Albeit if the fence were to not be included as part of the scheme a further round of consultation may be required to ensure the occupier of Chez Nous were agreeable to this approach.

## **Design**

NDTLP Policy DM04 Design Principles requires that proposals are appropriate and sympathetic to their setting in terms of a number of matters including scale, height, appearance and materials.

The chosen site lies in the countryside and within a protected landscape. Landscape impacts will be discussed further below.

The submitted plans show a single storey flat green roof timber clad dwelling measuring approximately 124 square metres floor space and located in the central part of the site away from the boundary with the nearest residential property to the south. To the north, east and west sides of the proposed site of the dwelling there is soft landscaping.

The proposed development will not be particularly prominent within its setting due to its size and scale. The use of subdued external materials and its position within the site will not be clearly visible when viewed from Woolacombe Station Road, albeit glimpsed views from across the valley to south can occur. However it's siting to the rear amenity area of Chez Nous, Lansdowne Villas and Lansdown does not respect the pattern of development and would harm the character of the area. The development will conflict with the existing arrangement of dwellings which have long sloping gardens fronting the highway, thus failing to have regard to and reinforce one of the key features that characterises the area. Development in this area behind existing dwellings will have a significant impact upon the existing open pattern which will in turn have a detrimental impact upon the AONB landscape particularly when viewed from the south of the site. The proposed development is not considered sympathetic to the layout features of the

local neighbourhood and as such fails to meet the requirements of policies ST04, ST09, ST14, DM04 and DM08A.

### **Provision of Housing Outside of the Development Boundary**

In the Countryside, beyond Local Centres, Villages and Rural Settlements, development will be limited to that which is enabled to meet local economic and social needs, rural building reuse and development which is necessarily restricted to a Countryside location.

Assessed against these criteria clearly the proposal is for a new build dwelling so does not involve a rural building re-use. The provision of a house is not necessarily requiring to be in a countryside location. Therefore in regard to the first criteria the supporting commentary at paragraph 4.16 of the Local Plan acknowledges that housing adjoining a Local Centre such as Woolacombe may be enabled on an 'exceptions' basis to meet an identified local need that could otherwise not be addressed. This site is not adjoining the Local Centre.

The statement accompanying this inquiry does not propose the dwelling to be restricted to local needs occupancy nor is any evidence presented that there is an identified local need for this dwelling. Whilst reference is made to it being a self-build project and intended as a modestly sized family dwelling there would be no ability for the LPA to control the subsequent type of occupation without a Legal Agreement being imposed.

NPPF paragraph 78 supports sustainable development in rural areas, the proposed development provides a single dwelling which as identified within the supporting Planning Statement is situated within close proximity to a filling station with convenience store and bus stops which provide access to both Woolacombe and larger centres further afield and in this respect is considered as a sustainable development. However, the provision of a single dwelling does not provide for an identified local need and fails to meet the 'exceptions' test.

The supporting Planning Statement makes reference the Council's current inability to demonstrate a 5 year deliverable housing land supply as being supportive of this proposal.

It is correct that following the Burwood appeal decision in Torridge, both North Devon and Torridge Councils recognise that they are currently unable to demonstrate a five year supply of deliverable housing land sufficient to meet their housing requirements; with the appeal determining there to be a 4.23 year supply as of 1st April 2019, based on the application of a 20% buffer and the use of the 'Liverpool' method to distribute any backlog of under-delivery since the beginning of the plan period in 2011, over the remainder of the plan period up to 2031.

Therefore, National Planning Policy (Footnote 7, National Planning Policy Framework (NPPF)), establishes that when a local planning authority is unable to demonstrate a five year supply of deliverable housing sites, for the purposes of triggering the

presumption in favour of sustainable development, it should consider the policies which are most important for determining the application to be out-of-date. Accordingly, the presumption in favour of sustainable development (paragraph 11(d), NPPF as a material consideration), should be applied. Albeit being in an AONB can reduce the relevance of this. It is not considered however, that one additional dwelling will have a meaningful impact upon the 5 year housing land supply.

Appeal decision reference APP/X1118/A/03/1121455 Franklin, Station Road, Woolacombe EX34 7AW (24/03/2004) dismissed an appeal to develop 5 dwellings to the rear of Franklin which is a neighbouring detached dwelling to the east of the proposed site. The concluding factors for dismissing the appeal which bear relevance to the proposal is paragraph 25 which concludes that the proposed dwelling would be contrary to the local development strategy and would represent inessential development within the countryside and would be likely to increase the demand for travel by car as the site is away from employment and main centres and would be harmful to the objectives of achieving sustainable development.

The application is supported by Cllr Wilkinson, ward member for Mortehoe as the proposal provides affordable housing for a local family however there is no evidence provided within the application which supports this. Whilst the development is modest in scale the development of a three bedroom detached dwelling in this location could have an open market value similar to single storey dwellings situated within nearby Chichester Park which have sold recently for figures in excess of £500,000.

The proposal does not include any occupancy tie which would ensure the site is retained to provide and affordable local need.

### **The Impact of the Development upon the Protected Landscape**

The application site lies within a protected landscape of designated AONB, Heritage Coast and Coast and Estuary Zone. In terms of the Joint Landscape Character Assessment for North Devon and Torridge Districts 2010 the site lies within Landscape Character Type 5C Downland. The landscape strategy here seeks to protect the far reaching views and flowing open skylines avoiding the location of new development on downland hill summits.

Local Plan policies such as ST09 Coast and Estuary Zone, ST14 Enhancing Environmental Assets and DM08A Landscape and Seascape Character are relevant together with paragraph 176 of the NPPF where great weight is to be afforded to conserving and enhancing landscape and scenic beauty within the AONB. All have as a fundamental aim that development should preserve and enhance the natural beauty of the sensitive landscape. These policies are compliant with guidance in the NPPF particularly at paragraphs 174 and 176 requiring decisions to protect and enhance valued landscapes and that great weight be given to conserving landscape and scenic beauty in AONB's amongst other locations, when assessing development proposals.

The North Devon AONB Service have provided no formal comment and having viewed the site from public footpaths and vantage points to the north and south of the Site due to its scale and location it is considered that the proposal will have a limited visual impact upon the protected landscape, but it will erode the characteristic open nature and will neither conserve or enhance the landscape quality of the protected area.

The Franklin Appeal as detailed above also concluded in paragraph 15 that the proposed development was considered to unacceptably harm the character and appearance of the AONB.

## **Ecology**

Local Planning Authorities have a statutory duty to ensure that the impact of development on wildlife is fully considered during the determination of a planning application under the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, The Conservation of Habitats and Species Regulations 2017 (Habitats Regulations 2017).

A landscape plan submitted provides for additional planting to include hedging to the north, east and west boundaries to include native species which meets the recommendations set out in the submitted Ecology report, which also suggests the installation of a bat box on a mature tree on the eastern elevation of the site. As such ecological net gain, as required by Policy, could be addressed.

## **Highways**

Devon County Highways have provided a consultation response regarding the proposed highways impact of the location of a dwelling at the site as follows:

*The lands required to secure acceptable visibility is not within the ownership or control of the applicant and, therefore, the following objection is identified:*

*1) The proposed development is likely to result in an increase in the volume of traffic entering and leaving the Class II County Road, the B3343, through an access that does not provide adequate visibility from and of emerging vehicles, with consequent risk of additional danger to all users of that road and interference with the free flow of traffic.*

It is considered that the increase in vehicle movements using the existing access road will cause a risk of additional danger to all users of the road due to the inadequate visibility when egressing the site.

The applicant is unable to ensure visibility over neighbouring land to the east of the entrance and a planning history search for numbers 1 and 2 Lansdowne Villas has identified application 30827 which granted approval for the formation of parking at the site but no conditions were applied to ensure the visibility should be maintained.

Whilst the proposal includes some works to improve visibility, provides a passing bay and reduces access gradient of the driveway DCC Highways are of the opinion that

these measures do not address the main concern that the proposal will increase the volume of traffic entering the Class II road via an access providing insufficient visibility. It is also considered that the existing access road is neither sufficiently wide enough for the additional vehicle movements and the steep gradient of the access renders it unsuitable for the anticipated additional vehicle movements.

Accident collision data from DCC for the stretch of Woolacombe Station Road and Beach Road close to the site has identified 3 serious collisions resulting in personal injury reported to the police for a period of time from 2016 to 2020.

The proposal is therefore considered to be contrary to Policy DM05 and ST10 of the Local Plan.

### **Conclusion**

The Local Plan acknowledges that housing adjoining a Local Centre such as Woolacombe may be enabled on an 'exceptions' basis to meet an identified local need that could otherwise not be addressed. This site is not adjoining the Local Centre and is not proposed as an exceptions dwelling; it is proposed as an open market dwelling, thus not meeting the Policy.

If there is no clear reason to refuse an application based on a protected area or asset (Footnote 8, NPPF), the decision taker needs to consider as a material consideration the NPPF's requirement to grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits – the 'tilted balance' (Paragraph 11(d)(i), NPPF).

It is the view of the Planning Officer that minimal weight be applied in the tilted balance to a proposal of one dwelling as this would make a minimal contribution to the shortfall in deliverable housing sites.

In respect of its local neighbourhood impact it is considered that the proposal will be significant and erode the open nature of the area which is in an AONB. There would be some benefit to providing housing within an accessible location however the site is situated within the countryside and benefits are limited by the scale of the development. It is also considered that the development to the rear of other dwellings does not follow the existing characteristic development at the locality. The access road is considered unsuitable and visibility is inadequate for the anticipated addition vehicle movements associated with the development. Limited weight can be attached to the economic benefits to the local economy during the construction phase.

In conclusion, the adverse impacts of the development significantly and demonstrably outweigh the benefits. As such the application is not considered to accord with the adopted development plan and it is recommended that the application be refused.

HUMAN RIGHTS ACT 1998

The provisions of the Human Rights Act and principles contained in the Convention on Human Rights have been taken into account in reaching the recommendation contained in this report. The articles/protocols identified below were considered of particular relevance:

Article 8 – Right to Respect for Private and Family Life  
THE FIRST PROTOCOL – Article 1: Protection of Property

### **Recommendation**

Refused

Legal Agreement Required:- No

### **Reason(s) For Refusal**

1. The application to develop a single dwelling to the rear of established dwellings is outside of the Woolacombe Development Boundary and classed as being within the countryside where development is considered only appropriate if it meets an identifiable need. The development does not meet this need and therefore does not conform to Policy ST07 of the adopted North Devon and Torridge Local Plan and NPPF paragraphs 11 and 12.
2. The location of the site to the rear of neighbouring dwellings will harm the existing arrangement and pattern of development in the locality by not reinforcing the key features characteristic of the area and eroding the open nature of the area contrary to Policies ST04, ST09, ST14, DM04 and DM08A of the adopted North Devon and Torridge Local Plan.
3. The proposed development will result in an increase in the volume of traffic entering and leaving the Class II County Road through an access that the applicant has no control over the visibility and is by reason these reasons unsuitable to accommodate the increase in traffic likely to be generated and does not conform to Policies ST10 and DM05 of the adopted North Devon and Torridge Local Plan.

### **Informatives**

1. INFORMATIVE NOTE: -  
POLICIES AND PROPOSALS RELEVANT TO THE DECISION

Development Plan

North Devon and Torridge Local Plan 2018: -

DM01 - Amenity Considerations

DM02 - Environmental Protection

DM04 - Design Principles

DM05 - Highways

DM06 - Parking Provision

DM08 - Biodiversity and Geodiversity

DM08A - Landscape and Seascape Character

ST04 - Improving the Quality of Development

ST07 - Spatial Development Strategy for Northern Devon's Rural Area

ST09 - Coast and Estuary Strategy

ST10 - Transport Strategy  
ST14 - Enhancing Environmental Assets

2. The following plans were considered during the determination of this application:-
  - NDC001 Location Plan and received on the 12/07/21,
  - NDC002 Block Plan and received on the 12/07/21,
  - NDC003 Floor Plan and received on the 12/07/21,
  - NDC004 Drainage Plan and received on the 12/07/21,
  - NDC005 Elevations And Materials and received on the 12/07/21,
  - NDC006 North Elevation and received on the 12/07/21,
  - NDC007 South Elevation and received on the 12/07/21,
  - NDC008 East Elevation and received on the 12/07/21,
  - NDC009 West Elevation and received on the 12/07/21,
  - A100 Topo 1 - Site Plan and received on the 12/07/21,
  - A100 Topo 2 - Site Plan and received on the 12/07/21,
  - NDC010 Cross Section and received on the 12/07/21,
  - NDC011 Cross Section2 and received on the 12/07/21,
  - NDC012 Parking Plan and received on the 12/07/21,
  - NDC013 Location Plan Parking and received on the 12/07/21,
  - NDC014 Landscape Plan and received on the 12/07/21,
  - NDC015 Privacy Measures Boundary and received on the 12/07/21,
  - NDC016 Driveway Proposed and received on the 12/07/21,
  - NDC017 Driveway Elevation Proposed and received on the 12/07/21,
3. The submitted drawings have been numbered as set out above. Please refer to the planning application tracker on the District Council's website to view the drawings and their allocated numbers,  
[planning.northdevon.gov.uk/](http://planning.northdevon.gov.uk/)
4. Statement of Engagement  
In accordance with paragraph 38 of the National Planning Policy Framework the Council works in a positive and pro-active way with Applicants and looks for solutions to enable the grant of planning permission. However in this case the proposal is not sustainable development for the reasons set out and the Council was unable to identify a way of securing a development that improves the economic, social and environmental conditions of the area.