

Application Report

Planning, Housing and Health
North Devon Council
Lynton House, Commercial Road,
Barnstaple, EX31 1DG



Application No:	79441
Application Type:	Full Application
Application Expiry:	14 March 2025
Extension of Time Expiry:	14 March 2025
Publicity Expiry:	11 December 2024
Parish/Ward:	MORTEHOE/MORTEHOE
Location:	Seaview Meadow Woolacombe Station Road Woolacombe Devon EX34 7AN
Proposal:	Proposed erection of dwelling
Agent:	RGP Architects Ltd
Applicant:	Andrew Gould
Planning Case Officer:	Mrs M. Kaneko
Departure:	Y
EIA Development:	No
EIA Conclusion:	NO EIA REQUIRED.
Decision Level/Reason for Report to Committee (If Applicable):	Committee call in from Councillor Wilkinson – please see below in consultation box for reason(s) for this call in.

Site Description

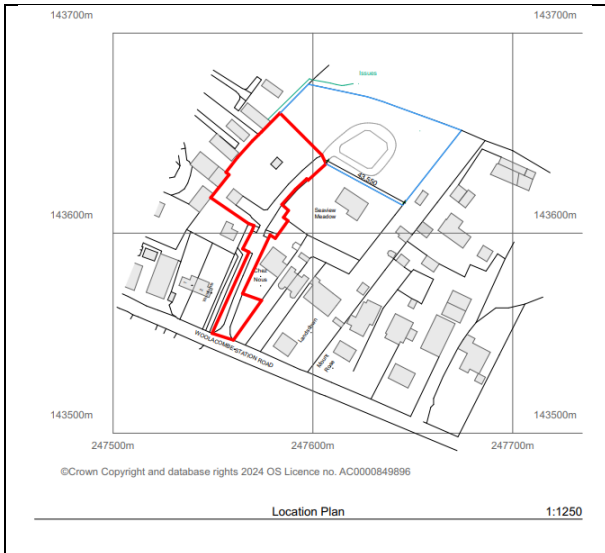
The Site is located outside the development boundary of Woolacombe off of Woolacombe Station Road, a class B road, within a small, predominantly residential area.

The Site is also located within the Protected Landscape (formally AONB) and the adopted Coast and Estuary Zone, where the landscape character is 5C: Downland.

The local topography of the Site slopes upwards from south to north.

Woolacombe village is located to the west, an approx. 20 minute walk away. There is no footpath connecting the Site to the village. A bus stop is located within an approx. 2 minute walk, approx. 25m, from the Site, which runs two bus services. These bus routes run once every 2/3 hours between the village centre of Woolacombe to the centres of Ilfracombe or Barnstaple. A convenience store and petrol station are also located within an approx. 2 minute walk from the Site.

To the north of the Site is countryside, to the east and south are residential properties and to the west are holiday parks – Tranquillity Park and Europa Park.



Location Plan

Existing Site – Looking South



Existing Site – Looking North

Existing Rear of the Site – Looking West



View of Site – Looking North from Georgeham Road

Recommendation

Refused

Legal Agreement Required: No

Planning History

Reference Number	Proposal	Decision	Decision Date
77/1892/47/04	PROPOSED CHANGE OF USE: AGRICULTURAL TO TOURING CARAVAN SITE at EUROPA PARK, WOOLACOMBE STATION ROAD, , , WOOLACOMBE, DEVON, EX34 7AN	REFUSED	8 February 1978
30827	FORMATION OF OFF ROAD PARKING FACILITY at 1 & 2 LANSDOWNE VILLAS, WOOLACOMBE STATION ROAD, , , WOOLACOMBE, EX347AW	FULL PLANNING APPROVAL	26 June 2001
34680	ERECTION OF CONSERVATORY at 2 LANSDOWNE VILLAS, WOOLACOMBE STATION ROAD, WOOLACOMBE, EX347AW	FULL PLANNING APPROVAL	13 March 2003
46161	DEMOLITION OF 1 EXISTING & ERECTION OF 1 NEW DWELLING at WOODLANDS BUNGALOW, WOOLACOMBE STATION ROAD, WOOLACOMBE, EX347AN	WITHDRAWN	8 April 2008
60458	ERECTION OF ANCILLARY OFFICE BUILDING at EUROPA PARK, WOOLACOMBE STATION ROAD, , , WOOLACOMBE, DEVON, EX34 7AN	FULL PLANNING APPROVAL	1 February 2016
62843	CONVERSION OF LOFT SPACE TO FORM ADDITIONAL LIVING ACCOMMODATION & EXTENSION TO DWELLING TOGETHER WITH ERECTION OF DECKING AREA at CHEZ NOUS, WOOLACOMBE STATION ROAD, , , WOOLACOMBE, DEVON, EX34 7AN	FULL PLANNING APPROVAL	18 May 2017
63141	APPLICATION FOR A NON-MATERIAL AMENDMENT TO PLANNING PERMISSION 62843 IN RESPECT OF AMENDED DESIGN TO REDUCE FOOTPRINT OF EXTENSION at CHEZ NOUS, WOOLACOMBE STATION ROAD, , WOOLACOMBE, DEVON, EX34 7AN	APPROVE NON-MATERIAL AMENDMENT	12 June 2017
73092	Erection of a dwelling at Seaview Meadow Woolacombe Station Road Woolacombe Devon EX34 7AN	Refused	20 May 2021

Reference Number	Proposal	Decision	Decision Date
73748	Erection of one dwelling at Seaview Meadow Woolacombe Station Road Woolacombe Devon EX34 7AN	Approved	5 May 2022
75437	Approval of details in respect of discharge of conditions 3 (site clearance/groundworks) and 4 (driveway to be constructed to wearing course level) attached to planning permission 73748 Erection of one dwelling at Seaview Meadow Station Road Woolacombe Devon EX34 7AN	Withdrawn Invalid	13 June 2022
75435	Approval of details in respect of discharge of part condition 3 (driveway gradient reduction, passing bay & water run-off collection works) and 4 (driveway construction to wearing course level) attached to planning permission 73748 (erection of one dwelling) at Seaview Meadow Station Road Woolacombe Devon EX34 7AN	Approved	15 July 2022

Constraints/Planning Policy

Constraint / Local Plan Policy	Distance (Metres)
Advert Control Area 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
Landscape Character is: 5C Downland	Within constraint
USRN: 27500052 Road Class:B Ownership: Highway Authority	1.21

Constraint / Local Plan Policy	Distance (Metres)
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 DM08 - Biodiversity and Geodiversity DM08A - Landscape and Seascape Character DM24 - Residential Development in Rural Settlements MOR - Woolacombe and Morteheo Spatial Strategy ST01 - Principles of Sustainable Development ST04 - Improving the Quality of Development ST07 - Spatial Development Strategy for Northern Devon's Rural Area ST09 - Coast and Estuary Strategy ST14 - Enhancing Environmental Assets ST17 - A Balanced Local Housing Market	

Consultees

Name	Comment
Building Control Manager Reply Received 14 November 2024	No Adverse comments
Councillor M Wilkinson Reply Received 5 December 2024	Please see below some more robust reasons for this application to go before the Planning Committee: 1. Whilst the application next door was approved by members contrary to officer recommendation, it is nevertheless a decision of the LPA and cannot therefore simply be set aside. 2. Policy MOR: Woolacombe and `Morteheo Spatial Strategy supports at (f) " providing appropriate housing to meet community needs". The supporting text goes on to clarify this objective at

Name	Comment
	<p>12.316, which states "Where land is available for development that meets local needs, has local support, is appropriate in terms of scale and location and is in accordance with other relevant policies of the Local Plan, it will be considered for residential development on an exceptional basis even though located outside the development boundaries" Given that the applicants in 79441 own the site and have indicated a clear willingness to accept a local occupancy restriction on any dwelling approved, that the local support has clearly been expressed by the unanimous support of the Parish Council and that the scale and impact of a similar design local needs dwelling next door was found acceptable the AONB Partnership, then it is reasonable to think that this proposal is in accordance with the development plan.</p> <p>I trust that these reasons are sound and that you will accept my request for this matter to go before the Planning Committee.</p> <p>Reason 2 was accepted as a valid planning reason to call the planning application to Planning Committee via e-mail sent on 6 December 2024.</p>
<p>DCC - Development Management Highways</p> <p>Reply Received 13 February 2025</p>	<p>I have no objections to this application, subject to the first 10 metres of the private access road being hardened to a width of 5.5 metres, to accommodate passing vehicles at the entrance to the B3343.</p>
<p>Environmental Health Manager</p> <p>Reply Received 29 November 2024</p>	<p>In regards to Planning Consultation – 79441 we have no objections or comments to bring forward.</p>
<p>Mortehoe Parish Council</p> <p>Reply Received 19 November 2024</p>	<p>Approval proposed by Councillor S Woodman Seconded by Councillor A Woodman, decision unanimous</p>
<p>North Devon Coast National Landscape</p> <p>Reply Received 5 December 2024</p>	<p>79441 at Seaview Meadow Woolacombe Station Road Woolacombe Devon EX34 7AN.</p> <p>Thank you for consulting the North Devon Coast National Landscape Partnership with regards to this planning application in the Areas of Outstanding Natural Beauty.</p> <p>The application has been submitted as an open market dwelling and despite some references to a local needs/ self build dwelling, the proposal seeks an open market dwelling as set out in the application form.</p>

Name	Comment
	<p>The site is outside the designated development boundary for Woolacombe as identified in the North Devon and Torridge Local Plan. Policy ST07 refers to the controls over development in the open countryside and does not permit residential development of this form.</p> <p>The site lies in an elevated position within the protected landscape in Landscape Character Type 5C Downland. The Design and Access Statement states:</p> <p>“The choice of a naturally clad façade is to allow the dwelling to sit comfortably and appropriately within the AONB of Woolacombe” however there is no assessment of the protected landscape and no reference to relevant landscape policies or the AONB Management Plan and its own policies.</p> <p>The proposal itself seeks a single storey dwelling on land which is bordered by other development and while the impact on the protected landscape is limited, it erodes an area of open space which is outside the development boundary and in the protected landscape. The areas of open space between dwellings are an important feature in providing views through developments and into the designated landscape.</p> <p>It is therefore recommended that this application is refused.</p> <p>We trust you will take our comments into consideration when making your decision.</p>
<p>Planning Policy Unit</p> <p>Reply Received</p>	<p>No comment</p>
<p>South West Water</p> <p>Reply Received 21 November 2024</p>	<p>With reference to the planning application at the above address, the applicant/agent is advised to contact South West Water if they are unable to comply with our requirements as detailed below.</p> <p>Surface Water Services</p> <p>The applicant should demonstrate to your LPA that its prospective surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable (with evidence that the Run-off Destination Hierarchy has been addressed, and reasoning as to why any preferred disposal route is not reasonably practicable):</p> <ol style="list-style-type: none"> 1. Water re-use (smart water butts, rainwater harvesting, grey flushing toilets) 2. Discharge into the ground (infiltration); or where not reasonably practicable, 3. Discharge to a surface waterbody; or where not reasonably practicable,

Name	Comment
	<p>4. Discharge to a surface water sewer, highway drain, or another drainage system; or where not reasonably practicable,</p> <p>5. Discharge to a combined sewer. (Subject to Sewerage Undertaker carrying out capacity evaluation)</p> <p>Having reviewed the applicant's current information as to proposed surface water disposal for its development, please note that method proposed to discharge into the ground (infiltration) is acceptable and meets with the Run-off Destination Hierarchy.</p> <p>I trust this provides confirmation of our requirements, however should you have any questions or queries, please contact the Planning Team on 01392 442836 or via email: DeveloperServicesPlanning@southwestwater.co.uk.</p>
<p>Sustainability Officer</p> <p>Reply Received 13 November 2024</p>	<p>The submitted Ecological Assessment (EA) concludes that the existing site is of negligible value for protected species and no further survey effort is considered necessary. The EA recommended building integrated bat/bird boxes should be illustrated on submitted Elevations.</p> <p>An appropriately detailed Landscape Plan including planting specifications should be submitted in order to demonstrate a no net loss of BNG in accordance with the NPPF. Appropriate boundary treatments particularly to the north of the site, tree planting and green roofs would all contribute towards a site wide BNG and enhanced habitat connectivity.</p> <p>The current proposal is for Self-Build development and therefore is exempt from mandatory BNG. Any future change to the status of the dwellings from the definition under The Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) may result in mandatory 10% BNG becoming applicable</p>

Neighbours / Interested Parties

Comments	No Objection	Object	Petition	No. Signatures
2	4	0.0	0.0	0.0

Support

- Confident that there wouldn't be amenity impacts on neighbouring property.
- The proposal is modest and unobtrusive in the landscape, much less so than other development approved along Station Road.
- There would be no impact on the landscape due to the surrounding built form and screening from existing trees.
- The landowners have invested in the natural landscape.
- The application is in line with local planning policy and would enable local residents to live and work in the area.

- A new dwelling would maintain viability of Woolacombe as a rural area in terms of all year round occupants using local services.
- Woolacombe has become a ghost town, impacted by holiday lets and second homes.
- Existing users of the access have had no problems with the access, which includes no problem with visibility.

Other

- No neighbour notification letter was received or site notice to be found.

All comments above relevant to planning have been taken into account in the below report and form part of the decision making process.

Considerations

Proposal Description

This application seeks detailed planning permission for the proposed erection of dwelling at Seaview Meadow, Woolacombe Station Road, Woolacombe, EX34 7AN.

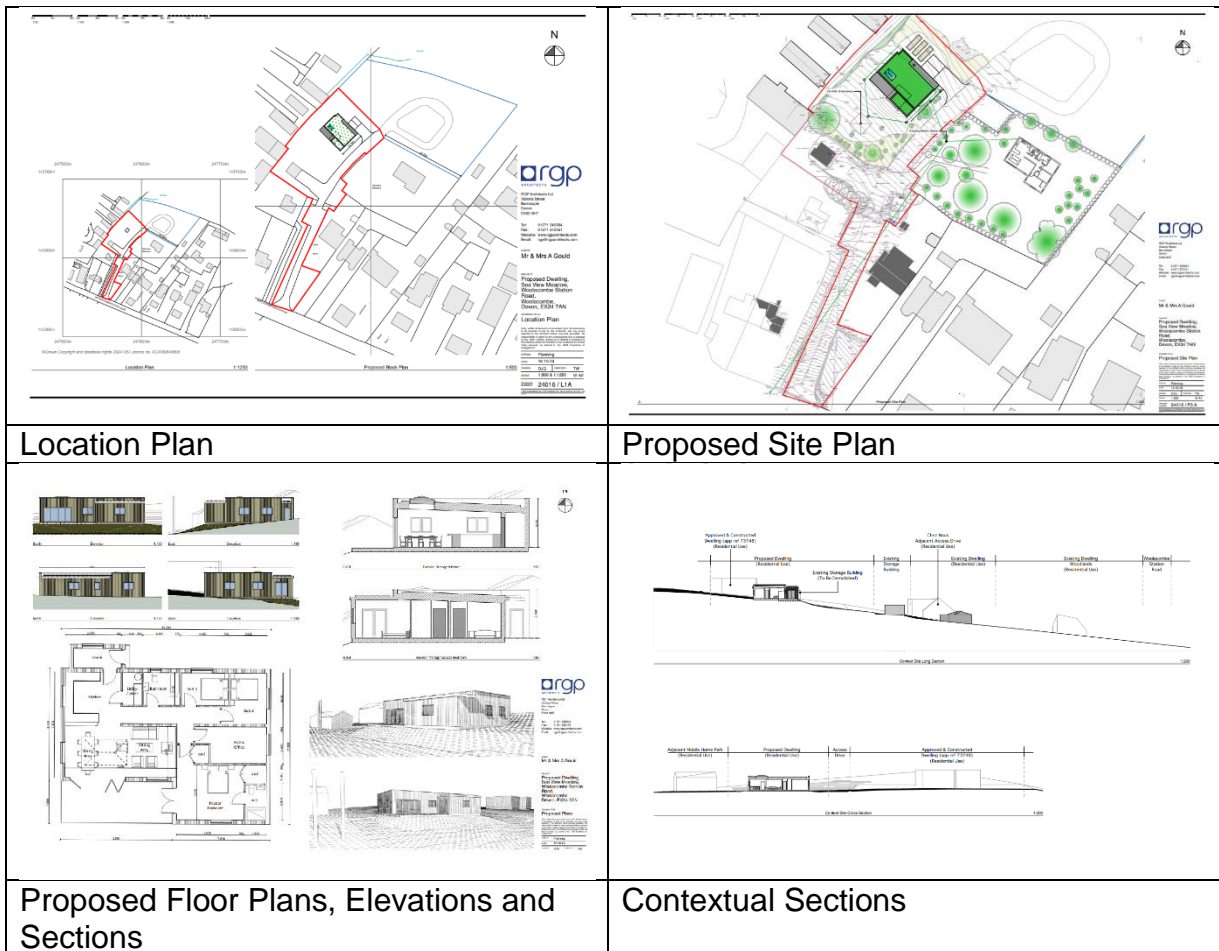
Proposed Development

The proposed development comprise the erection of one local needs dwelling on the Site of the following design details:

- Siting of a single storey, 3x bedroom dwellinghouse within the north east part of the Site, which would mirror the siting of the adjacent dwelling approved under app ref. 73748.
- Internally the dwelling would comprise 3x bedrooms, a home office, bathroom, kitchen and dining/ sitting area.
- A footprint which would again be similar to the adjacent dwelling, approved under app ref. 73748, measuring 15m on the north/ south elevations and 12.71m on the east/ west elevations.
- A chalet style design with a flat green roof and walls comprising vertical timber cladding.
- Small patio areas are proposed to the front (south west) and rear (north east) of the dwelling.
- An onsite soakaway would be located within the front garden area.
- Access to the proposed dwelling would be via the driveway approved under app ref. 73748

The dwelling would be custom/ self build.

As set out above, the dwelling is proposed as a local needs dwelling. This would be secured via a S106 Legal Agreement.



Planning Considerations Summary

- Principle of Development
- Housing – Provision of One Local Needs Dwelling
- Location of the Proposed Development
- Design and Conservation – Impact on the National Landscape
- Amenity
- Ecology
- Flood Risk and Drainage
- Highways and Parking
- Planning Balance

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 Torrridge Local Plan. The relevant Policies are detailed above.

On 22 November 2023, all designated Areas of Outstanding Natural Beauty (AONBs) in England and Wales became 'National Landscapes'. The site the subject of this application therefore now falls within the North Devon Coast National Landscape (NDCNL). However, the legal designation and policy status of AONBs is unchanged. Section 245 (Protected Landscapes) of the Levelling Up and Regeneration Act 2023 places a duty on relevant authorities in exercising or performing any functions in relation to, or so as to affect, land in

an Area of Outstanding Natural Beauty ('National Landscape') in England, to seek to further the statutory purposes of the area by way of conserving and enhancing the natural beauty of the AONB. The duty applies to local planning authorities and other decision makers in making planning decisions on development and infrastructure proposals, as well as to other public bodies and statutory undertakers.

The Planning Practice Guidance refers to the relevance of management plans for AONBs for assessing planning applications. Whilst these do not form part of the development plan, they help to set out the strategic context for development and provide evidence of the value and special qualities of these areas. The North Devon Coast AONB Management Plan is therefore a material consideration, as its objectives align with those in the National Planning Policy Framework.

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

Principle of Development

Policies

Chapter 2 of the NPPF sets out the overarching purpose of the planning system to contribute to the achievement of sustainable development and goes on to detail the overarching objectives of achieving sustainable development.

The NPPF was updated on 12th December along with revisions to planning practice guidance. These revisions introduced changes that had a direct impact on the assessment of the five year housing land supply for North Devon and Torridge. Due to these changes, on the 24th January 2025, North Devon Council and Torridge District Council released a statement stating that the Council can no longer demonstrate a five year housing land supply (97% of the five year requirement). Accordingly in line with Footnote 8 of the NPPF, it is necessary to apply the presumption in favour of sustainable development and the provisions of para. 11(d) of the NPPF in relation to applications for the provision of housing.

Para. 11(d) of the NPPF sets out that plans and decision should apply a presumption in favour of sustainable development. For decision taking this means that "*where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date* ⁽⁸⁾, granting permission unless:

- (i) *The application of policies in this Framework that protect areas or assets of particular importance* ⁽⁷⁾ *provides a strong reason for refusing the development proposed; or*
- (ii) *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes, individually or in combination* ⁽⁹⁾."

Footnote 7: "The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 194) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets

of archaeological interest referred to in footnote 75); and areas at risk of flooding or coastal change.”

Footnote 9: “The policies referred to are those in paragraphs 66 and 84 of chapter 5; 91 of chapter 7; 110 and 115 of chapter 9; 129 of chapter 11; and 135 and 139 of chapter 12.”

Policy ST01 of the Local Plan establishes that the key objective of the planning system is to secure development that improves the economic, social and environmental conditions in the area.

Policy ST07(4) states that *“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.”*

Policy MOR sets out the spatial strategy for Woolacombe and Morteohoe. The policy sets out the provision of 39 dwellings over the plan period and to provide appropriate housing to meet community needs whilst balancing the need to protect the character and qualities of the Area of Outstanding Natural Beauty.

Supporting text para. 12.316 states that *“where land is genuinely available for development that meets local needs, has local support, is appropriate in terms of scale and location and is in accordance with other relevant policies of the Local Plan, it will be considered for residential development on an exceptional basis even though located outside the development boundaries within the Undeveloped parts of the Coastal and Estuarine Zone. Acceptable development will also need to meet the respective requirements for a local centre (Woolacombe) or a village (Morteohoe) in Policy ST07: Spatial Development Strategy for Northern Devon's Rural Area. Other opportunities to secure additional housing to meet local needs will continue to be explored.”*

Policy DM24: Rural Settlements sets out that *“In qualifying Rural Settlements, proposals or local occupancy dwellings to meet a locally identified housing need will be supported where:*

- (a) The development site forms part of a small closely grouped or contiguous built form of housing that is physically separate from urban areas of other defined settlements;*
- (b) The scale is proportionate to the settlement's size, form and character;*
- (c) The size of the dwellings are no larger than can be justified by the established need;*
- (d) It would not harm the settlement's rural character and setting; and*
- (e) Secure arrangements are made to ensure the dwellings remain available to meet the locally identified housing needs of the local community both initially and in the long term provided the need exists.”*

Assessment

The Site is located outside of development boundaries in a Countryside location, where policies of restraint apply. The proposed development would be local needs and therefore would meet local social and economic needs, however it would not meet the criteria of the specific Local Plan policies that enable development in a Countryside location relating to social and economic needs. Further, the proposed development is not considered to be necessarily restricted to a Countryside location. As such, the proposed development is considered contrary to Local Plan Policy ST07(4).

The supporting text of Policy MOR para. 12.316 does however, set out an exception basis on which new housing may be supported outside of the development boundaries of Woolacombe and Morteohoe. The exception basis requires the following criteria to be fulfilled:

1. Local needs – The proposed development does indicate that the dwelling would be local needs secured by a S106 legal agreement, so this criteria is considered to be fulfilled.
2. Local support –The Parish Council, Councillor Wilkinson and local residents have demonstrated support for this application, so this criteria is considered to be fulfilled.
3. Appropriate in terms of scale and location –The Site is located approx. 1km from the development boundary of Woolacombe and the route to the village has no footpath. The public footpath network is located approx. 600m along Station Road towards Woolacombe. Although the dwelling is located a short walk to a bus route, the buses are infrequent. Therefore, it is considered that the proposed dwelling would result on the reliance of the private car for day to day needs, particularly in the case of young families and the elderly. The need to rely on a private car for day to day needs is greatly reduced when new dwellings are located within the development boundary of Woolacombe, or well related to the development boundary. On this basis, it is considered that the proposed development is not sustainable and is not therefore appropriate in terms of scale and location. This criteria is not considered to be fulfilled.
4. The proposed dwelling would need to be acceptable with regards to design and conservation considerations. The AONB Officer has recommended refusal of the application, as the proposed dwelling would erode an area of open space between the existing dwellings and views through development into the AONB are an important feature of the National Landscape. In the context of the strengthened duty set out in the Levelling Up and Regeneration Act ('LURA') regarding National Landscapes (set out in full above), which sits above national and local planning policy and therefore carries greater weight in the decision making process, it is considered that the identified harm to the character of the AONB is contrary to the duty and constitutes a strong reason for refusal. As such, this criteria is not considered to be fulfilled. This is discussed in greater detail in the 'design and conservation' section of this report.

Due to the reasons set out above, the proposed dwelling is not considered to be an exception site, as defined within para. 12.316.

Consideration is also given to Local Plan Policy DM24. It is considered the location of the proposed development arguably falls within the definition of a Rural Settlement, due to the small cluster of housing in this location and a convenience store which serves this small community. The proposed development is therefore assessed against the criteria of Local Plan Policy DM24 and is considered to meet criteria's (a) – (d) and (f) of the Policy. Due however, to the harm identified to the AONB, the proposed development is not considered to meet criteria (e).

The application of Local Plan Policy DM24 must also be considered further in the context that North Devon and Torridge Council are no longer able to demonstrate a sufficient supply of deliverable housing sites to meet minimum housing requirements for the next five year period North Devon. Therefore, in line with para. 11(d) those policies relating to housing supply are considered to be out of date and carry less weight. This means that the application of both Local Plan Policies ST07 and DM24 carry less weight in the

decision making process. Instead the priority is, in addition to increasing housing supply, to ensure that development is directed to sustainable locations, which is the overarching goal of the NPPF. In this case, the Site is not considered to be a sustainable location, as discussed above and in the 'Location of the Proposed Development' section of this report.

Due to a lack of five year housing land supply, in line with the NPPF, the provisions under paragraph 11(d(i)) of the NPPF are applied, as the Site is located in an Area of Outstanding Natural Beauty, which is a National Landscape. The impact of the proposed development on the National Landscape is considered to be a strong reason for refusal, as the proposed development does not conserve and enhance the natural beauty of the AONB and is therefore in conflict with the strengthened duty placed on Local Authorities with regards to the National Landscapes, and national and local planning policies relating to impact on National Landscapes.

In light of the above, whilst Policies ST07 and DM24 are considered to be out of date with regards to housing supply and therefore afforded limited weight, the tilted balance is not applied due to the landscape constraints identified in footnote 7. Therefore, with the exception of the application of housing policy, compliance with other relevant national and local planning policies would need to be demonstrated. Where there is clear conflict with the relevant national and local planning policies identified, the application should be refused.

Provision of one Local Needs Dwelling – Social and Economic Benefits

Policy

Para 61 of the NPPF sets out that *“it is important that a sufficient amount and variety of land can come forward for homes where it is needed... The overall aim should be to meet an area’s identified housing need”*. Para. 63 goes on to identify different groups in the community (in the context of establishing housing need) as including families with children; looked after children; older people...and people wishing to commission or build their own homes”.

Para 82 of the NPPF states that *“In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs...”*

Policy ST17 of the Local Plan sets out that new housing units should reflect identified housing needs subject to site character and context.

The Housing and Economic Needs Assessment, which forms part of the evidence base of the Local Plan (Para. 8.15) sets out that data suggests an increase in need for two and three bedroom homes, particularly two bedroom homes as household sizes are expected to fall in the future.

Assessment

The proposed development would result in one dwelling to contribute towards meeting the five year housing land supply. One dwelling is however, considered to be a very minor contribution to the supply of housing within the North Devon and Torridge District. Further, the shortfall of the supply housing is only 3% and therefore it cannot be considered as a

significant shortfall. For these reasons, the benefits of the provision of one dwelling is attributed limited weight.

The proposed dwelling is however, proposed as a local needs dwelling, which would be secured by a S106 Legal Agreement and would therefore be in line with para. 82 of the NPPF. Further, the proposed development would provide an opportunity for the occupants to build their own home, so meeting the needs of a particular group identified in NPPF para. 63. This is attributed limited / moderate weight - more weight is not attributed because again only one dwelling is being provided, limiting the contribution made towards meeting local needs.

There would be some economic benefits to the local community as a result of the proposed dwelling. These are considered to be predominantly local employment during the construction of the dwellinghouse, the use of local materials for the build and the use of local services/ shops all year round by the occupants of the proposed dwelling.

The construction period for one dwelling would be relatively short and therefore the length of employment and quantity of materials is limited. Further, the additional spending power of one family is considered to make a minimal impact on the local services. It is therefore considered that the economic benefits should be attributed limited weight. As raised by local representation however, and as is well known, local businesses in this rural area struggle during the low season due to the high number of second homes and holiday lets. As such, it is considered that the economic benefits should be increased to limited/ moderate weight to take into account that the proposed dwelling would be occupied as a principle residence and would therefore support local businesses during the low season.

Location of the Proposed Development

Policy

Para. 110 of the NPPF states, *“Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of travel modes”*

Para. 115 of the NPPF states, *“In assessing...specific applications for development, it should be ensured that: (a) sustainable transport modes are prioritised taking into account the vision for the site, the type of development and its location; (b) safe and suitable access to the site can be achieved for all users”*.

Para 129(c) of the NPPF states, *“Planning policies and decisions should support development that makes efficient use of land, taking into account: the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use”; “the desirability of maintaining an area’s prevailing character and setting (including residential gardens), or of promoting regeneration and change.*

Policy ST01 of the Local Plan establishes that the key objective of the planning system is to secure development that improves the economic, social and environmental conditions in the area.

Assessment

As set out above, the Site is located approx. 1km from the development boundary of Woolacombe and the route to the village has no footpath. Although the dwelling is located a short walk to a bus route, the buses are infrequent (one bus every 2-3 hours) to the centre of Woolacombe and the centres of Ilfracombe and Barnstaple. As such, it is considered that the occupants of the proposed dwelling would most likely rely on a private car for day to day needs, particularly those who are elderly or families that need to take young children to primary school.

Developments which result in a reliance on a private car are contrary to NPPF para. 115, which states that planning decisions should support development that takes into account the scope to promote sustainable travel modes that limit future car use and NPPF para. 129, which states that it should be ensured that sustainable transport modes are prioritised.

Consideration must also be given to the coastal location of the Site, which is prone to frequent adverse weather conditions. Although, the public footpath network lies 600m from the Site along Station Road, this footpath is cross country and would therefore be inaccessible for many during adverse weather conditions. As such, due to the infrequent bus service, and unsafe access to the centre of Woolacombe by foot, there is not considered to be genuine choice of transport modes at the Site, contrary to NPPF policy 110.

Whilst it is appreciated that Woolacombe is a rural location and therefore adjustments with regard to the sustainability of a Site may need to be made, the location of a dwelling within the designated development boundary of Woolacombe would result in a genuine choice of transport modes, promote travel by foot and bicycle and limit the need to travel daily by car. As such, even though Woolacombe is a rural and linear village, the proposed development is still considered to be an unsustainable location.

For the reasons set out above, the proposed development is considered to be in clear conflict with the overarching goals of the NPPF to promote sustainable development, specifically conflict with paras. 110, 115 and 129 of the NPPF, in addition to conflict with Local Plan Policy ST01. Due to this conflict, substantial weight is attributed in the planning balance.

Design and Conservation – Impact on a National Landscape

Policy

Section 245 (Protected Landscapes) of the Levelling Up and Regeneration Act 2023 places a duty on relevant authorities in exercising or performing any functions in relation to, or so as to affect, land in an Area of Outstanding Natural Beauty ('National Landscape') in England, to seek to further the statutory purposes of the area by way of conserving and enhancing the natural beauty of the AONB.

Para. 189 of the NPPF states *“Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes which have the highest status of protection in relation to these issues.”*

Policy ST04 requires a high quality of design throughout the Plan area.

Policy ST09 protects the undeveloped character of the Heritage Coasts.

Policy ST14 of the Local Plan sets out that to protect and enhance northern Devon's natural environment, the special character and qualities of the North Devon Coast Area of Outstanding Natural Beauty will be conserved whilst fostering the social and economic well-being of the area.

Policy DM04 of the Local Plan sets out the principles of design that development proposals need to have regard to.

Policy DM08A(2) of the Local Plan sets out that great weight will be given to conserving the landscape and scenic beauty of designated landscape and their settings.

Assessment

The proposed dwelling comprises a single storey, 3x bedroom dwellinghouse that has a similar footprint and siting to the adjacent dwelling approved under app ref. 73748. The scale and proposed materials - timber cladding and a green roof seeks to respect the surrounding built form and assimilate the dwelling into the rural landscape behind.

Regardless of the above, the AONB Officer has objected to the proposed development on the grounds that *“while the impact on the protected landscape is limited it erodes an area of open space which is outside the development boundary and in the protected landscape”*. This is justified by the AONB Officer as *“the areas of open space between the dwelling are an important feature providing views through development and into the designated landscapes.”*

Whilst it is acknowledged that no objection was raised by the AONB Officer in response to application ref. 73748, since this time all designated Areas of Outstanding Natural Beauty have become 'National Landscapes' and Section 245 (Protected Landscapes) of the Levelling Up and Regeneration Act 2023 places a duty on relevant authorities in exercising or performing any functions in relation to, or so as to affect, land in an Area of Outstanding Natural Beauty ('National Landscape') in England, to seek to further the statutory purposes of the area by way of conserving and enhancing the natural beauty of the AONB.

With respect to the open views, these are identified as important to conserving and enhancing the natural beauty of the AONB within the AONB Management Plan (2019-2024). Policy E3 states *“Ensure developments both onshore and offshore, take account of open views, wildness and maritime connection”* to conserve and enhance the natural beauty of the AONB. Further, page 28 of the AONB Management Plan identifies a force for change within the AONB as increased development and the continuing impact of car dependency affecting the tranquillity of the AONB and facilities for them.

Therefore, regardless of a design which seeks to respects the surrounding built form and assimilate into the rural landscape, the siting of a dwelling of any size and design in this location – an undeveloped Site in a prominent hilltop position on the edge of existing built form is not considered conserve and enhance the natural beauty of the AONB, which is demonstrated by the conflict with the AONB Management Plan. As such the proposed development is considered to be contrary to the duty protecting the National Landscapes set out above, NPPF para. 189 and Local Plan policies ST09, ST14 and DM08A.

Although there is a small storage shed on the Site at present, this shed is much smaller in scale and massing than the proposed dwelling, and does not result in a domestication of

the Site. As such, the presence of this shed is not considered to change the conclusions set out above with regards to impact on the National Landscape.

Therefore in the context of the conflict with the strengthened duty placed on Local Authorities with regards to the National Landscapes, which sits above national and local planning policy and is therefore attributed greater weight in the decision making, and conflict with national and local planning policies relating to the AONB, the impact on the National Landscape is given substantial weight and is considered a strong reason for refusal. As such, the tilted balance is not applied in line with para. 11(d(i)) of the NPPF.

Amenity

Policy

Policy DM01 of the Local Plan sets out that Development will not be supported where it would significantly harm the amenity of neighbouring occupiers or uses.

Policy DM02 requires unacceptable impacts in terms of noise and other forms of pollution to be avoided.

Assessment

The neighbouring properties of consideration are the dwelling approved under app ref. 73748 to the east, Woodland Bungalow, 2 Woodlands to the south, Chez Nous to the south east and the mobile homes to the west.

There are not considered to be any significant amenity impacts, with respect to a loss of privacy, loss of light or an increase in overbearing as the proposed dwelling would be single storey only and sited a considerable distance from the neighbouring dwellinghouses. With regards to the mobile homes, a boundaries would be clearly demarcated by existing established trees and hedgebanks.

An impact on the increase in the number of vehicles using the existing access, which runs alongside Chez Nous, 2 Woodlands and Woodlands Bungalow with regards to noise and disturbance is considered. Given that only one additional dwelling is proposed, it is considered that this impact would not be significant. As such, no further concern is raised in this respect.

The neighbouring properties have also confirmed via local representation no objection to the proposed development with regard to loss of privacy impacts.

The Environmental Health Officer was consulted on the proposed development and raised no objection.

No concern is therefore raised with regards to amenity.

Ecology

Policy

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).

Local Plan Policy ST14 seeks to enhance North Devon's environmental assets by *“ensuring that development contributes to (a) providing a net gain in northern Devon's biodiversity where possible, through positive management of an enhanced and expanded network of designated sites and green infrastructure, including retention and enhancement of critical environmental capital.”*

Local Plan Policy DM08 sets out that *“Development should conserve, protect and, where possible, enhance biodiversity and geodiversity interest and soils commensurate with their status and giving appropriate weight to their importance”*.

Assessment

An Ecological Impact Assessment, prepared by Orbis Ecology dated 10th September 2024, was submitted as part of the application documentation. The Assessment sets out that the Site was identified as having no impacts to protected species with the exception of nesting birds - there was considered to be a potential impact to nesting birds, if the existing shed is demolished during the nesting season. As such, mitigations are recommended within the assessment, which include, but are not limited to, a precautionary approach to construction and removal of the existing shed outside of bird nesting season.

The proposed development is considered to be exempt from statutory net gain, as the dwelling would be self-build. The proposed development would however be required to provide biodiversity net gain in line with Local Plan Policy ST14. To achieve this, the submitted assessment recommends the installation of bat and bird boxes and a green roof. The Sustainability Officer has been consulted on the proposed development, commenting that the bat/bird boxes should be shown on the submitted plans, and an appropriately detailed Landscape Plan should be submitted. Further, that appropriate boundary treatments would contribute towards a bio-diversity net gain.

Although the bat and bird boxes have not been shown on the proposed plans, and a detailed Landscape Plan is required, it is considered that these could be secured by condition (as statutory bio-diversity net gain is not required) to bring the proposed development in line with Local Plan Policy ST14 and DM08.

No concerns are therefore raised with regards to ecology.

Flood Risk and Drainage

Policy

Policy ST03 of the Local Plan 'Adapting to Climate Change and Strengthening Resilience' sets out that developments should be designed and constructed to minimise flood risk including that from surface water runoff.

Assessment

The Site is not located within a flood zone or a Critical Drainage Area. To accommodate an increase in surface water run off across the Site due to the increase in built form, a

soakaway is proposed, which is shown on the proposed plans. South West Water have confirmed that this proposed method is acceptable and meets with the Run-off Destination Hierarchy.

Foul Drainage would be dealt with via connection to the mains sewer and the connection is shown on the proposed plans.

No concerns are raised with regards to flood risk and drainage.

Highways and Parking

Policy

Policy DM05 of the Local Plan states *“All development must ensure safe and well-designed vehicular access and egress, adequate parking and layouts which consider the needs and accessibility of all highway users including cyclists and pedestrians.”*

Policy DM06 of the Local Plan sets out that development proposals will be expected to provide an appropriate scale and range of parking provision to meet anticipated needs.

Assessment

Access to the dwelling is proposed as via the existing access for the dwelling approved under app ref. 73748. This access was approved at committee as part of application ref. 73748. This was despite the objection raised by DCC Highways during the determination period. The objection was on the grounds that the access *“does not provide adequate visibility from and of emerging vehicles, with the consequent risk of additional danger to all users of that road and interference with the free flow of traffic”*.

The planning application submission sets out that the visibility splays of the existing access are 180m when heading towards Woolacombe and 50m when heading away from Woolacombe. The visibility splay would however, increase to a 240m visibility splay when measured to the edge of the carriageway on the southern side of road.

DCC Highways was consulted on the application, including the visibility information provided, and commented that, *“I have no objections to this application, subject to the first 10 metres of the private access road being hardened to a width of 5.5m to accommodate passing vehicles at the entrance to the B3343.”* Concern is therefore raised only with regards to the lack of passing place within the access road adjacent to the entrance to the B3343 road. As the driveway and adjacent land is within the applicant’s ownership, it is considered that these works could be secured by condition to bring the proposed development in line with Local Plan Policy DM05.

To support the above, local representations have also confirmed that the existing access has been used for the past three years with no issue.

The submitted plans includes the provision of 2x car parking spaces within the Site, which is considered as adequate to serve a 3x bedroom dwelling in line with Local Plan Policy DM06.

No further concerns are raised with regards to highways and parking.

Other Matters – With regard to the local representation regarding no neighbour notification letter or site notice, this was discussed via phonecall. It was confirmed that the neighbour notification letter had been sent, but was delivered to the wrong address and photographic evidence was sent to show that the site notice had been put up.

Planning Balance

Planning permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole. The application is not considered to accord with the adopted development plan. Given the above discussion it is considered that, on balance, the housing and economic benefits of the proposed development would not outweigh the siting of a new dwelling in an unsustainable location and the failure to conserve and enhance the natural beauty of the AONB.

With respect to the above conclusion, limited/ moderate weight was attributed to the provision of one local needs dwelling and associated economic benefits. The benefits of providing a local needs dwelling were considered in full, however more weight was not attributed, as the proposed development is for one dwelling only. This means that the contribution that the proposed dwelling would make to the five year housing land supply, meeting the housing needs of the local area, and supporting local services and businesses is limited.

The location of the proposed dwelling within an unsustainable location was attributed substantial weight. This is because the lack of a safe footpath, an infrequent bus service and the distance to the Village centre of Woolacombe would result in a reliance on the private car, particularly for young families and elderly. This is contrary to national and local planning policy. Furthermore, the provision of genuinely sustainable development is the overarching goal of the NPPF, and therefore this consideration is given more weight in the decision making process.

The harm, albeit limited harm, to the AONB, a National Landscape was also attributed substantial weight. This is because the harm identified was in clear conflict with the strengthened duty on Local Authorities to conserve and enhance the natural beauty of National Landscapes. As a duty, which sits above national and local planning policy this conflict again carries more weight in the decision making process. This conflict is also contrary to national and local planning policy which gives the greatest level of protection to AONBs.

The tilted balance was not applied in this instance, as the substantial weight given to the harm to the AONB as a result of the proposed development is considered to be strong reason for refusal and therefore NPPF para 11(d(i)) is engaged.

As such, it is recommended that planning permission should be refused.

Conclusion

The erection of one dwelling by virtue of its siting a considerable distance from the development boundary of Woolacombe with poor access to services and a resulting need to rely on a car to meet day to day needs is not considered to meet the requirements of NPPF para 110, 115 and 129, Local Plan Policy ST07 Spatial Development Strategy for Northern Devon's Rural Areas, Policy MOR Woolacombe and Morthoe Spatial Strategy,

and the exceptions site criteria set out in para. 12.316 of the North Devon & Torridge Local Plan 2018. As such, the principle of development is not considered to be supported by the NPPF and North Devon & Torridge Local Plan 2018.

The erection of one dwelling by virtue of its siting in a prominent hilltop position on the edge of existing built form within the AONB is not considered to conserve and enhance the natural beauty of the AONB. This is because the proposed development would negatively impact the views within the AONB by eroding open space between dwellinghouses. This is considered contrary to the Duty relating to National Landscapes, NPPF para. 189, and Local Plan policies ST09 Coast and Estuary Strategy, ST14 Enhancing Environmental Assets, DM08A Landscape and Seascape Character and DM24 Rural Settlements of the North Devon & Torridge Local Plan 2018.

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

Section 149(1) of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it (the Public Sector Equality Duty or 'PSED'). There are no equality implications anticipated as a result of this decision.

Recommendation

Refused

Legal Agreement Required: No

Reason(s) For Refusal

1. The erection of one dwelling by virtue of its siting a considerable distance from the development boundary of Woolacombe with poor access to services and a resulting need to rely on a car to meet day to day needs is not considered to meet the requirements of NPPF para 110, 115 and 129, Local Plan Policy ST07 Spatial Development Strategy for Northern Devon's Rural Areas, Policy MOR Woolacombe and Morthoe Spatial Strategy, and the exceptions site criteria set out in para. 12.316 of the North Devon & Torridge Local Plan 2018. As such, the principle of development is not considered to be supported by the NPPF and North Devon & Torridge Local Plan 2018.
2. The erection of one dwelling by virtue of its siting in a prominent hilltop position on the edge of existing built form within the AONB is not considered to conserve and enhance the natural beauty of the AONB. This is because the proposed development would negatively impact the views within the AONB by eroding open

space between dwellinghouses. This is considered contrary to the Duty relating to National Landscapes, NPPF para. 189, and Local Plan policies ST09 Coast and Estuary Strategy, ST14 Enhancing Environmental Assets, DM08A Landscape and Seascape Character and DM24 Rural Settlements of the North Devon & Torridge Local Plan 2018.

Informatives

1. The following plans were considered during the determination of this application:-
24016 L1A Location Plan and received on the 17/10/24,
24016 P3A Proposed Site Plan and received on the 19/11/24,
24016 P1 Proposed Floor - Elevations Plans and received on the 17/10/24,
24016 P2 Contextual Sections and received on the 17/10/24,

2. 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

DM08 - Biodiversity and Geodiversity

DM08A - Landscape and Seascape Character

DM24 - Residential Development in Rural Settlements

MOR - Woolacombe and Morteheo Spatial Strategy

ST01 - Principles of Sustainable Development

ST04 - Improving the Quality of Development

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

ST09 - Coast and Estuary Strategy

ST14 - Enhancing Environmental Assets

ST17 - A Balanced Local Housing Market

3. Statement of Engagement

In accordance with paragraph 39 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant and has looked for solutions to enable the grant of planning permission. This has included principle of development, housing - provision of one local needs dwelling, location of the proposed development, design and conservation - impact on the national landscape, amenity, ecology, flood risk and drainage, highways and parking, and the planning balance. However the proposal remains contrary to the planning policies set out in the reasons for refusal and was not therefore considered to be sustainable development.