



Tree Tops Planning

Independent Planning Consultancy

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PLANNING STATEMENT

PROPOSED LOCAL NEEDS DWELLING – LAND AT HALFPENNY LAND, DOLTON, WINKLEIGH, DEVON

1.0 Introduction

1.1 This Planning Statement has been prepared by Tree Tops Planning on behalf of Mr Harrison Jennings - the applicant - to accompany an outline planning application for the construction of a local needs dwelling on land at Halfpenny Land, Dolton, Winkleigh, Devon.

2.0 Site and Surroundings

2.1 The site is in the open countryside and is located adjacent to the main Dolton village to Dolton Beacon road. The site borders the public road on its southern boundary and open countryside to the north. The applicant also owns part of the adjacent field to the west.

2.2 The site is occupied by an agricultural building which is used for the storage of agricultural and forestry equipment. There is also a new building which was recently granting planning permission for storage of timber, plant and machinery in association with their timber business – see details later in this report.

2.3 The site benefits from a new single access which was implemented as part of the permission for the new business on site. The new access, construction in conjunction with DCC enables a safe and secure access into the site and has improved visibility on the corner for all users of the adjacent road.

3.0 Personal Circumstances

3.1 Mr Jennings is 23 years old and has lived in Dolton all his life. He is currently living with his parents and brother. He went to school in Dolton and Great Torrington. His father works for the local garage and has done so for 20 years. His mother also works at the local garage.

3.2 Mr Jennings upon leaving school joined his father at Dolton Beacon and trained as a mechanic for three years and went into a managerial role.

3.3 He recently purchased Halfpenny Yard, having been keen to set up his own business. He secured planning permission for the erection of a commercial building for the storage and cutting of timber for domestic use. This timber is sourced from a sustainable and managed source. The timber is sold locally to all the surrounding villages. The business is proving very successful with a local demand to purchase a sustainable and affordable fuel as opposed to coal which is being phased out.

3.4 Recently Mr Jennings and his brother have established a taxi and private hire service which not only provides a taxi service for Dolton, but they have secured many contracts with Devon County Council for taking students from the area to mainstream and special needs schools. They also have social care contracts which transport the elderly and those in need to their well-being and hospital appointments. The business currently has 16 Employees and a fleet of taxis.

3.5 It is accepted that the business on the site does need 24/7 supervision and therefore there is insufficient evidence to justify a supervisory dwelling on the site, this is simply to enable Mr Jennings to build his own accommodation on land that he owns to enable him to stay in the village – clearly he cannot continue living with his parents. Mr Jennings would therefore comply with any local needs occupancy condition.

4.0 Alternative Accommodation

4.1 The applicant wishes to remain in the Dolton area for family and business reasons; however he has been unable to find any accommodation to purchase as a first-time buyer. There are no large housing estates built recently in the village that trigger affordable housing provision.

Purchasing/Renting in the area.

4.2 The applicant has been monitoring www.rightmove.co.uk

4.3 The cheapest properties available to buy are two semi-detached houses in Stafford Way, Dolton at £250,000 which is outside the price range of the applicant.

4.4 There are no rental properties available in Dolton. The closest properties for rent are in Hatherleigh, with no properties available for rent in Great Torrington at the time of writing.

5.0 Proposal

5.1 The application seeks outline planning permission for the erection of a local needs dwelling on the site of an existing agricultural storage building – see photos.

5.2 The outline application, with all matters reserved, seeks a two storey dwelling. The applicant accepts that any dwelling would have a local needs S106 attached to it which would restrict its occupancy and its sale open the open market, however there would be no intention of selling the house or the site.

6.0 Business

6.1 The applicant currently operates a small scale forestry/timber business which involves sourcing local timber, storing this for drying and then cutting the timber into sizes which are suitable for domestic woodburners. The business is expanding with an increasing demand for this locally sourced and sustainable fuel. The Government's Clean Air Strategy 2019 has imposed restrictions on burning coal and wet wood which limits what can be burnt in woodburners and open fires and therefore this source of dry wood is ideal for this purpose.

6.2 The taxi business is currently based at the applicant's home with most taxi drivers using their own vehicles which are based at their individual homes. Some of the taxis are parked at Halfpenny Land for convenience and security and should the dwelling be approved it would provide security for these vehicles and the ability to provide a 24/7 taxi service for the locality.

7.0 Planning Policies

7.1 The Development Plan comprises the North Devon and Torrington Local Plan (NDTLP) which was adopted on the 29th October 2018.

7.2 Strategic Aims and Objectives

Aim 1: A Vibrant Northern Devon Economy – where excellent opportunities support diverse low carbon growth and moves towards an economy that supports our world class environment.

7.3 Objectives

(a) a rejuvenated economy, supported by appropriate infrastructure that provides excellent opportunities for all through an extended range of well-paid and skilled jobs;

- (b) innovation and entrepreneurship will be encouraged through enhanced ICT opportunities and the promotion of new ways of working to create the conditions in which businesses can grow and prosper;
- (c) economic development in urban and rural areas shall regenerate and diversify the local economy without adverse environmental and social impacts to create high quality employment environments;
- (d) excellent learning opportunities and local facilities will deliver the skills appropriate for innovation and growth in important and enterprising economic sectors;
- (e) town and village centres are sustainable vibrant places;
- (f) sustainable growth in the maritime, engineering, tourism and leisure economies;
- (g) an agricultural sector, which is rejuvenated and supported to maintain and enhance its essential contribution to the well-being and land use management of the rural area; and
- (h) an economy that supports and complements the area's world class environment.

7.4 Policy ST01: Principle of Sustainable Development

When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. The Council will always work proactively with applicants and local communities to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

7.5 Policy ST07: Spatial Development Strategy for Northern Devon's Rural Area

(4) 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.

Supporting paragraph 4.16 to Policy ST07 states:

"In the countryside, the Local Plan seeks to control dispersed development, guarding against development in unsustainable locations. The character of the countryside should be conserved and enhanced and new development will not detract from this. Within this context the Local Plan is responsive to a range of economic and social needs and it supports the appropriate reuse of rural buildings. Support is also provided for rural employment and farm and rural business diversification schemes. Housing, adjoining a Local Centre, Village or Rural Settlement, may also be enabled on an "exceptions" basis to meet an identified local need that could not otherwise be addressed".

7.6 Policy ST19: Affordable Housing on Exception Sites

Proposals to deliver permanent affordable housing at Local Centres, Villages and Rural Settlements will be supported, subject to the following:

- (a) the site is well related to or adjoining the defined development boundary; or where the settlement is not subject to a development boundary, the site is well related to the extent of the contiguous built form;
- (b) the development is proportionate to the scale and nature of the existing settlement;
- (c) there is an identified local need for affordable housing sufficient to justify the extent and nature of the proposed development;
- (d) the housing need could not reasonably be satisfied without the exceptional release of land;
- (e) arrangements are in place to ensure that the affordable housing, remains available to the local community in perpetuity;
- (f) where it can be robustly demonstrated that an element of market housing is required to enable delivery of significant additional affordable housing, it will be supported provided that:
 - (i) the element of market housing is the minimum amount required to enable the delivery of the proposed affordable housing; and
 - (ii) the mix of open market dwellings, in terms of type and size, complies with the requirements of Policy ST17;
- (g) environmental and heritage assets are not subject to significant harm, are conserved or enhanced, with particular respect to the setting and special qualities of nationally important landscapes, biodiversity and heritage designations and the undeveloped coast; and
- (h) the use of planning conditions, obligations or other legally defensible limitations

to: (i) restrict occupation to households identified as being in need of affordable housing; and (ii) give priority of occupation to households with a local connection

7.7 Policy DM01: Amenity Considerations

Development will be supported where:

- (a) it would not significantly harm the amenities of any neighbouring occupiers or uses; and
- (b) the intended occupants of the proposed development would not be harmed as a result of existing or allocated uses.

7.8 Policy DM05: Highways

(1) 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.

(2) All development shall protect and enhance existing public rights of way, footways, cycleways and bridleways and facilitate improvements to existing or provide new connections to these routes where practical to do so.

7.9 Policy DM08: Biodiversity and Geodiversity

(1) Development should conserve, protect and, where possible, enhance biodiversity and geodiversity interests and soils commensurate with their status and giving appropriate weight to their importance. All development must ensure that the importance of habitats and designated sites are taken into account and consider opportunities for the creation of a local and district-wide biodiversity network of wildlife corridors which link County Wildlife Sites and other areas of biodiversity importance.

7.10 Policy DM24: Rural Settlements

In qualifying Rural Settlements, proposals for 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 site is within or directly adjoining the built form of the settlement;
- (d) the size of the dwellings are no larger than can be justified by the established need;
- (e) it would not harm the settlement's rural character and setting; and
- (f) 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.

Supporting para 13.133 states: The primary purpose for allowing limited housing in Rural Settlements is to sustain their vitality and to meet the needs of the local community by identifying that a 'locally identified need' can be demonstrated. Speculative development will not be supported in view of sustainability considerations. New dwellings will be allowed either as affordable housing or subject to secure arrangements to ensure occupancy is limited both initially and in the future to:-

- (1) at least one adult in the household was resident continuously in the Rural Settlement for a minimum of five years immediately prior to occupation; or
- (2) at least one adult of the household was resident in the Rural Settlement for five years within the previous ten years immediately prior to occupation; or

(3) at least one parent, guardian, child or sibling, of at least one adult in the intended household, has been resident in the Rural Settlement for a minimum of 5 years immediately prior to occupation; or

(4) at least one adult in the household has been in continuous employment for at least 16 hours per week in the Rural Settlement for at least five years immediately prior to occupation; and in all cases

(5) at least one adult in the household needs a separate home (defined as those setting up a new household as a result of co-habitation, marriage, divorce or separation, or those that have, or are about to leave, tied accommodation on retirement) or whose present accommodation is sub-standard or unsuitable to their present circumstances because of their age, an impairment, medical condition or to meet the needs of a growing family, or there is no suitable accommodation available.

13.134 Restricting the occupation of new dwellings in this manner will help ensure there is a stock of homes to meet the housing needs of the local community. A cascade approach will be applied to any property not let or sold within 6 months. Where it can be demonstrated that there is no demand for the property within the rural settlement, a cascade will apply to subsequently require the property to be marketed to those with a local connection (as set out in criteria 1 to 4 of the paragraph above) to the parish within which the dwellings resides, the adjoining parishes or within a relevant grouping of parishes formally recognised by the Local Planning Authority (such as the Rural Alliance). Ultimately, any property not let or sold within a further 6 month period will cascade to the wider Local Planning Authority area. The new dwelling will be subject to a legal agreement, including details that the value of the property will reflect the local occupancy restriction at any point of sale. Affordable housing to meet the specific needs of lower income groups in the local community will be permitted for one or more dwelling through policy ST19: Exception Sites.

7.11 The National Planning Policy Framework (NPPF)

Paragraph 7 of the NPPF states that *“the purpose of the planning system is to contribute to the achievement of sustainable development”*.

Paragraph 8 states *“Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives)”*

i) An economic objective - to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

ii) A social objective - to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

iii) An environmental objective - to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.'

8.0 Principle of Development

8.1 Paragraph 2 of the NPPF states that planning law (namely Section 38(6) of the Planning & Compulsory Purchase Act 2004 and Section 70(2) of the Town & Country Planning Act 1990) requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions.

8.2 The site is situated within the countryside, therefore Policy ST07 of the North Devon and Torridge Local Plan (NDTLP) would be applied which normally restricts new dwellings to urban locations.

8.3 Policies ST19 and DM24 of the NDTLP enable the provision of local occupancy dwellings in locations that would not normally be acceptable to open market housing. While it is accepted that this site is outside Dolton, it is sited on the main road between Dolton and Dolton Beacon.

8.4 The applicant would qualify for any local needs occupancy, however in the absence of any local needs dwellings in the locality, no dwellings for sale in his price bracket or any dwellings available for rent, the opportunity to build on his own land is currently the only means he has of remaining in the village unless he stays with his parents.

8.5 The site is alongside a principal access road, opposite another dwelling to the south of the road and would occupy the site of an existing agricultural, giving minimal visual or landscape impact. It is hoped that the material considerations associated with this proposal will enable a positive decision.

9.0 Privacy/Amenities

9.1 Policy DM01 of the NDTLP confirms that development will be supported where it would not harm the amenities of neighbouring occupiers or uses, or result in harm to the future occupiers of the development from existing or allocated uses.

9.2 The site is located in the open countryside albeit with a single dwelling to the south of the site across the road. The dwelling would replace an existing agricultural building. While the application is made in outline form, there are no other dwellings in close proximity to the site and therefore there would be no adverse impact on privacy or amenities

9.3 It is therefore considered that the proposal would have no adverse impact on the amenities and privacy of the occupiers of the neighbouring dwelling to the south and therefore that proposal accords with Policy DM01 of the NDTLP

10.0 Access/Parking

10.1 Policy ST10 and DM05 of the NDTLP seek, inter alia, to ensure that development does not adversely affect the local or strategic highway network and that vehicular accesses are safe and well designed.

10.2 Paragraph 109 of the NPPF advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or where the residual cumulative impacts of development are severe.

10.3 The proposal would use a new access which was designed in consultation with Devon County Council's Highways Officer to cater for the commercial building. This new access gives good visibility in both directions and provides a safe and suitable access to the site.

10.4 The proposal is therefore considered to comply with Policies DM05 and DM06 of the NDTLP and the NPPF.

11.0 Biodiversity

11.1 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 2010 (Habitats Regulations 2010). This is further reinforced by Policy DM08 of the NDTLP which require development to maintain or where possible enhance biodiversity and mitigate the potential loss of habitats.

11.2 Biodiversity net gain - development provides opportunities to secure a net gain for nature as outlined in paragraphs 170 and 174 of the NPPF and within the Defra 25 year Environment Plan. Policy ST14 of the NDTLP also expects all development to provide a net gain in biodiversity.

11.3 In accordance with good practice, there will also be bird and bat boxes fixed to the new building. It is therefore considered that the proposal complies with the above Policies and the NPPF.

12.0 Consideration

12.1 Paragraph 2 of the NPPF states that planning law (namely Section 38(6) of the Planning & Compulsory Purchase Act 2004 and Section 70(2) of the Town & Country Planning Act 1990) requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions.

12.2 The proposal seeks to provide a local needs dwelling for a young local person to remain in his home village. There are no other options to purchase or rent a property in the locality, however the ability to build on his own land would enable a small dwelling to be built for his needs and for him to continue with his businesses in the area.

12.3 The proposal is therefore considered to comply with the policies of the North Devon and Torridge Local Plan and the aims and objectives of the National Planning Policy Framework.

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