

OFFICER'S REPORT

Case Officer:	Charlotte Howrihane		
Parish:	Newton and Noss	Ward:	Newton & Yealmpton
Application No:	3958/24/FUL		
Applicant:	Mr Russell Quick The Stables Dorsley Barns Totnes TQ9 6DN	Agent:	Mr Russell Quick Quick Planning Solutions The Stables Dorsley Barns Totnes TQ9 6DN
Site Address:	Land Rear Of 59 Yealm Road, Newton Ferrers		
Development:	Construction of 3-bedroom dwelling		

Recommendation: Refusal

Reasons for refusal:

1. The proposed development, by virtue of its extensive glazing, and lack of sensitive design, strategic landscaping, or ecological enhancements would fail to preserve and enhance the setting of the National Landscape. The development therefore conflicts with policies DEV23 and DEV25 of the Plymouth & South West Devon Joint Local Plan (2014- 2034), policies N3P-3 and N3P-9 of the Newton & Noss Neighbourhood Plan (2017- 2034), paragraph 189 of the National Planning Policy Framework (2025), section 85 of the Countryside & Rights of Way Act, and the South Devon AONB Management Plan.
2. The proposed development would result in the loss of undeveloped green space which has been identified as making a positive contribution on the setting of the Newton Ferrers Conservation Area. The development would therefore fail to preserve or enhance the setting of the designated heritage asset, contrary to policy DEV21 of the Plymouth & South West Devon Joint Local Plan (2014- 2034), policy N3P-8 of the Newton & Noss Neighbourhood Plan (2017- 2034), and paragraph 215 of the National Planning Policy Framework (2025).
3. The proposal fails to provide appropriate mitigation towards the additional recreational pressures of the development on the Tamar European Marine Site (comprising the Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA), contrary to policies SPT14 and DEV26 of the Plymouth & South West Devon Joint Local Plan 2014-2034.

Key issues for consideration:

Principle of development, design, landscape impact, heritage, residential amenity, highways, ecology, low carbon development

Site Description:

The site is a parcel of land at 59 Yealm Road, Newton Ferrers. The site formerly included a large dwelling (Westerley) which was demolished following the grant of planning permission to replace it

with a new dwelling in the northern part of the site, fronting Yealm Road. This application relates to the southern half of the site, which was formerly the garden area of Westerley.

The site is within the development boundary identified in the Newton & Noss neighbourhood plan (NNNP), and the South Devon National Landscape. The Newton Ferrers Conservation Area (CA) borders the site to the south.

The Proposal:

The application seeks the erection of a three-bedroom dwelling. Access would be provided from the existing vehicular access off Yealm Road, running north-south down the western boundary of the site. The dwelling would be a three-storey contemporary dwelling, with a range of materials including a combination of stone, render, timber cladding, and zinc sheeting.

Consultations:

- Newton & Noss Parish Council: objection-

This application is contrary to policy N3P-3 Development Policy Areas which predates the NP as MP12, designed to stop infill, garden grabbing and division of properties.

This garden has been divided and sold for development contrary to N3P-3. An application to build on this site has already been dismissed on Appeal. It is contrary to para 129 of the NPPF which requires consideration of the effects of development on the setting of heritage assets, which includes the conservation area below the site. Introducing a second substantial house in the southern part of the site (NB there are plans approved to rebuild where Westerley was above although there is only a mobile home there at the moment), together with a new access driveway and parking, would materially erode the green and undeveloped space that is important in framing the CA below.

The neighbour below has objected due to proximity to her boundary, loss of privacy and overlooking.

Should the LPA decide to approve this application, despite the concerns raised above NNPC would like to see:

- 1. Permitted Development Rights removed, to avoid future development of the sites, which may exacerbate the imbalance of housing stock in the Parish.*
- 2. A Principal Residence condition secured by a legal agreement.*
- 3. A Construction Management Plan.*

- MOD: no objection
- Drainage: initial objection, removed following submission of revised information
- Landscape Officer: objection, details in analysis
- DCC Highways: no comments received

Representations:

14 objections and 22 letters of support have been received. These representations can be seen in full on the Council website.

Relevant Planning History

Application Number: 1501/20/VAR

Proposal: Variation of condition 2 (approved plans) following grant of planning consent 3117/17/FUL (Replacement of existing dwelling with single dwelling)

Decision: Conditional Approval

Decision Date: 24/07/2020

Application Number: 3117/17/FUL

Proposal: Replacement of existing dwelling with single dwelling

Decision: Conditional Approval

Decision Date: 11/01/2018

Application Number: 2682/15/FUL

Proposal: Replacement of existing dwelling with 2 No proposed dwellings.

Decision: Refusal- Appeal dismissed

Decision Date: 27/05/2016

ANALYSIS

Site history:

Planning permission was sought in 2015 for the demolition of Westerley, and its replacement with two dwellings; one to the northern part of the site, and one to the south¹. This application was refused, and subsequently dismissed at appeal, due to concerns about the effect of the development on the character and appearance of the Conservation Area, and the National Landscape (then referred to as the AONB).

Following the appeal dismissal, a second application was submitted to demolish Westerley, and construct a single dwelling in the northern part of the site. This left the southern part of the site undeveloped, addressing the concerns raised by the Council and the Inspector in the previous proposal.

Policy background:

The new National Planning Policy Framework (NPPF) was published on the 12th December 2024. The revisions to the NPPF make numerous changes, the most significant of which is the clear aim of increasing housing delivery nationally, and the changes introduced to the standard methodology which sets out the way in which local housing needs are calculated.

Consequently, it is considered the Joint Local Plan Authorities can no longer demonstrate a 5-year supply of housing land when assessed against the new standard methodology, and paragraph 11(d) of the NPPF applies.

The approach taken in Paragraph 11(d) is generally referred to as “the tilted balance”. The titled balance means that decision-makers should be disposed to grant planning permission unless the presumption in favour of sustainable development can be displaced. The presumption can be displaced where the application of the NPPF policies that protect areas or assets of particular importance provide a strong reason for refusing planning permission (paragraph 11(d)(i) or the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole (paragraph 11(d)(ii).

Paragraph 12 of the NPPF states that the presumption in favour of sustainable development ‘does not change the statutory status of the development plan as the starting point for decision making’. Paragraph 232 of the NPPF states that ‘existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).’

¹ Application reference 2682/15/FUL

In the application of paragraph 11(d)(ii), it is necessary to look at the 'most important policies' applicable to a particular application and whether, when read as a whole, the 'basket' of those most important policies remains relevant, as well as considering how much weight can then be attributed to each of those policies in the overall planning balance.

It is also important to understand the degree to which the housing land supply position is below the required 5 years (plus appropriate buffer), and the extent to which the adopted development plan policies align with the policies in the NPPF. As a result of the new standard method set out in national planning practice guidance (NPPG), the combined authorities are able to demonstrate a 2.53 year housing land supply.

Principle of Development/Sustainability:

The overarching strategy for housing development is covered by Policies SPT1 and SPT2 in the JLP. SPT1 provides the main strategic elements of what sustainable development is and SPT2 indicates what such settlements should be providing. Policy TTV1 relates more specifically to the Thriving Towns and Villages Policy Area. This policy provides a hierarchy for growth, with the main towns being the focus for development, followed by the smaller towns and key villages, then sustainable villages and finally smaller villages, hamlets and the countryside.

Newton Ferrers is not identified in the JLP as a main town, smaller town or key village or a sustainable village because of its location within the South Devon National Landscape, and it would therefore fall into the last category of smaller villages, hamlets and the countryside for the purposes of policy TTV1. This states that development will be permitted only if it can be demonstrated to support the principles of sustainable development and sustainable communities (policies SPT1 and SPT2) including as provided for in policies TTV26 and TTV27.

Whilst the site is in a tier 4 location, Newton Ferrers does include key services, such as a school, shops, pubs, which are within walking distance of the site, as well as a limited bus service. In this regard, it is not considered to be an unsustainable location.

The site is within the development boundary as defined by the Newton & Noss neighbourhood plan (NNNP). Policy N3P-1 of the NNNP is supportive of development within the development boundary, providing it is in keeping with the site and surroundings, and causes no adverse harm on natural or historic assets, important views and skylines, amenity, traffic parking or safety.

Design:

Policy DEV20 of the JLP required all proposals to have regard to the local pattern of development, in terms of *'style, local distinctiveness, siting, layout, orientation, visual impact, views, scale, massing, height, density, materials, detailing, historic value, landscaping and character, and the demands for movement to and from nearby locations.'*

This is reinforced in policy N3P-4 of the NNNP, which requires development to be *'of high design quality which is clearly derived from the site context and respects the architectural context of adjacent buildings.'*

Whilst there are a number of concerns in respect of the design raised by the Council's Landscape Specialist (detailed later in this report), Officers are mindful that there are a range of styles of dwelling within Yealm Road and the surrounding landscape in this part of the village, including very contemporary dwellings, sited alongside more traditional properties. It would therefore be difficult to identify a particular style or dwelling type to typify the local area. It is also acknowledged that the proposed dwelling has been designed to reflect the dwelling previously approved to the northern part of the site, replacing the former Westerley dwelling. The materials proposed are also in keeping with the local vernacular, and had the proposal been acceptable in all other regards, a condition would have been recommended securing details of these materials to ensure local distinctiveness.

Despite the concerns regarding the design, Officers therefore do not consider, on balance, that a refusal on the grounds of design could be justified, notwithstanding the impact of the dwelling on the local landscape, which will be discussed in the next section of this report.

Landscape & Heritage:

The site is within a highly sensitive landscape setting which includes the South Devon National Landscape, and the setting of the Conservation Area.

The site is also within Policy Areas 1 and 2, defined within the Neighbourhood Plan as ‘*areas of the Parish which are characterised by large properties set in their own grounds.*’ The low density of buildings in the area are an important feature of this part of the village.

Impact on the Conservation Area:

There is a statutory duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay attention to the desirability of preserving or enhancing the character and appearance of the Conservation Area. This is reinforced in the NPPF, policy DEV21 of the JLP, and policy N3P-8 of the NNNP, which all require development to preserve or enhance heritage assets.

The Newton Ferrers Conservation Area Appraisal describes the valued views of the village and the features of the Conservation Area:

‘.. Newton Ferrers, whether viewed up close or from a distance, is a very attractive place: the original line of houses still dominates; but later development is typically on a much bigger scale with some very impressive homes. Further up the valley still, the houses are not so large and do not have as much surrounding ground. The outlook from Newton Ferrers is exceptional. Noss Mayo is a wonderful place to look at and the views up and down the river must be some of the finest in England.’

The NFCAA goes on to explain that the village developed in three stages:

‘...each progressively climbing further up the valley side: the original small rural cottages hugging the shore; early 20th century development consisting of substantial houses built on generous plots of land; and late 20th century houses higher up the slope but with less surrounding ground.’

The site is in an area of low-density development, within Policy Areas 1 and 2 of the N&NNP, located above the conservation area. When seen from a distance these larger plots give Newton Ferrers an open appearance compared with the more densely developed character of Noss Mayo.

Although the site is adjacent to, rather than within the Conservation Area, the previous appeal decision at the site noted the importance of the undeveloped strip of land to the south of the application site on the setting of the Conservation Area:

‘Due to its scale, siting and position, the existing property is prominent in views from Noss Mayo. From this perspective, its gardens form part of a strip of green and undeveloped land running immediately to the rear of the CA below that is intrinsic to its special interest. As such, I consider that the site’s open and spacious nature makes an important contribution to the overall setting of the CA.’

Although this appeal decision is now eight years old, Officers do not consider that there has been any fundamental change in the local pattern of development, or character of the Conservation Area that would now lead to a different conclusion in respect of the importance of this undeveloped area

of land and its contribution to the setting of this heritage asset. As such, the introduction of a large, three storey dwelling, and associated access and hardstanding area would erode this green space and, as a result, have a detrimental impact on the setting of the Conservation Area.

Paragraph 215 of the NPPF states that: *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'* The proposed development would result in less than substantial harm to the setting of the Conservation Area, however there are no public benefits identified which would outweigh the harm resulting from the erosion of the green space bordering the Conservation Area.

The development would therefore conflict with policies DEV21 and N3P-8, as well as the associated NPPF policies in relation to heritage assets and the statutory duty under Section 72 of the 1990 Act.

National Landscape:

National Landscapes are given the highest degree of protection in both local and national planning policy, and development must preserve and enhance the special qualities of the National Landscape.

Paragraph 189 of the National Planning Policy Framework (the Framework) attaches great weight to conserving and enhancing landscape and scenic beauty in National Landscapes. The previous appeal decision in 2017 did not consider the development to harm the setting of the wider National Landscape due to the location of site within the built form of the village. However, Officers are mindful that since then, there have been changes to legislation, which no longer require development to simply preserve the National Landscape; it must preserve and enhance, and further the purpose of the designation- Section 245 (Protected Landscapes) of the Levelling-up and Regeneration Act (2023) has amended section 85 of the Countryside and Rights of Way (CROW) Act, to create a duty for public bodies to 'seek to further' the statutory purpose of Protected Landscapes, which for National Landscapes is to "conserve and enhance the natural beauty of the area of outstanding natural beauty". The 'Guidance for relevant authorities on seeking to further the purposes of Protected Landscapes' advises that *"Consideration of what is reasonable and proportionate in the context of fulfilling the duty is decided by the relevant authority and should take account of the context of the specific function being exercised."*

With this in mind, the development has been reviewed by the Council's Landscape Specialist, who has provided the following comments:

In addition to the Development Plan, the following legislation, policies and guidance have been considered:

- *Section 85 of the Countryside and Rights of Way (CROW) Act;*
- *Sections 12 and 15 of the NPPF in particular paragraphs 135, 187, 189 & 190;*
- *The National Planning Practice Guidance (NPPG) particularly Section 8-036 to 8-043 on Landscape; and*
- *South Devon National Landscape Management Plan 2019-2024 and its Annexes.*

In respect of the principle policy tests in the NPPF, this application is not considered to constitute "major development" in the context of paragraph 190 as it concerns a single, new dwelling, located within the settlement area of Newton Ferrers. However, as set out below, there are potentially detrimental effects on landscape character within the South Devon National Landscape that should be given great weight in this planning balance.

Reference:

- *Site Location Plan, 1042/200A*

- Existing Site Plan, 1042/201
- Proposed Roof 7 Site Plan, 1042/202C
- Proposed Lower ground & Ground Floor Plan, 1042/203C
- Proposed First Floor & Roof Plans, 1042/204C
- Proposed Section Proposed Site Section, 1042/205B
- Proposed South & West Elevations, 1042/206B
- Proposed North & East Elevations, 1042/207B
- Design & Access Statement
- AONB Statement

The Site is a sub-division of an existing residential plot, which has extant permission to rebuild a recently demolished, detached dwelling. The proposal is for a detached, 3 bed room dwelling with garage and parking on a sub-division of the lower garden of the original plot. The Site is located within the boundary of the settlement, on the south side of Yealm Road, Newton Ferrers on land that slopes downhill from north to south, with good views across the creek to the village of Noss Mayo on the opposite side of the valley of the River Yealm.

Comment:

The proposed dwelling would involve the sub-division of a large residential plot within Development Policy Areas 1 and 2 of the Newton & Noss Neighbourhood Plan (N&NNP), which would result in an increased density of development, and would therefore conflict with policies N3P-3 and N3P-4 of the N&NNP, changing prevailing proportions of buildings to gardens; altering the space between properties, and introducing built form into an area currently characterised as green, undeveloped garden.

The garden of 59 Yealm Road has an open and spacious nature and forms part of a band of green and undeveloped garden land running immediately to the north of the Newton Ferrers Conservation Area. As such it contributes to the setting of the Conservation Area and to the prevailing character of the area. The introduction of a dwelling to the lower part of the garden, along with new access driveway and car parking will harm the character and appearance of the locality, eroding this green and undeveloped space and reducing the generous spacing between buildings, and such will be inconsistent with the local context of built form.

The harm to the character and appearance of the area identified above, brings conflict with the stated N&NNP policies, and would fail to accord with DEV23. I also note that an application for two properties on the site (2682/15/FUL) was refused and subsequently dismissed at appeal, and I see no reason to disagree with the comments made by the Inspector for that appeal regarding the harmful effects on character and appearance of introducing a second dwelling into the southern part of the site.

Notwithstanding the in-principle landscape concern about allowing a second dwelling to be developed on the southern part of 59 Yealm Road, I have the following comments about the proposed design:

- *There is no evidence of sensitive design, strategic landscaping, and ecological enhancements, that are referred to in the AONB Statement, and there is no evidence that the proposals demonstrate that the development respects and contributes positively to the special qualities of the AONB.*
- *The proposed dwelling has been designed to complement the approved replacement dwelling for Westerly, but there is limited evidence of respect for local distinctiveness. The building's incongruous architectural design does not reflect the prevailing roofscapes and built form seen along the valley sides. New development*

that fails to harmonize with the prevailing architectural styles risks eroding the unique character and identity of the traditional, historic village setting.

- It is acknowledged that the materials palette includes natural stone and render, which is supported, but also proposes metal cladding and timber boarding, which is justified by identifying a handful of nearby properties where this has been permitted, but the use of non-traditional building materials adds little to local distinctiveness and the character and appearance of the area.*
- The proposal has extensive areas of floor-to-ceiling glazing on the south and east elevations across three levels of accommodation, and the highest area of roof will be covered with solar panels. The extent of glazing proposed on the southern elevation of the new dwelling, as well as the roof terrace and south facing balcony, is likely to result in greater light spill from within the site during the hours of darkness.*
- There is a mixture of typically proportioned window openings and some larger expanses of glazing evident in views of Newton Ferrers from across the creek, and as such large expanses of glazing are not uncommon within the immediate surroundings of the site. I also recognise that from many parts of the public realm, the proposed replacement dwelling would form a small component of wide views of the landscape which includes other houses. My concern is that the combination of all of the incongruous features would further accentuate the impact of residential development within this sensitive landscape and detract from the character and appearance of the area.*

Whilst the proposal fails to respect or reinforce the character and density of Development Policy Areas 1 and 2 in the existing settlement, I consider it unlikely that the proposals would result in significant harm to the natural beauty of the South Devon National Landscape, given the site's position within the established built form of the village settlement. Therefore, a landscape objection due to unacceptable harm to the natural beauty of the National Landscape, citing conflict with JLP policy DEV25 could be more challenging to defend. That said, I am mindful of the amended Section 85 of the Countryside and Rights of Way (CRoW) Act, and the site's location in a landscape that is recognised as being nationally important, so although the adverse effects upon the character and appearance of the area are limited due to the context of surrounding development, such harm weighs heavily against support for the present scheme which in any case would conflict with JLP policies DEV20, DEV23, and N&NNP policies N3P-3 and N3P-4, and on that basis cannot be supported.

Recommendation: Objection'

It is acknowledged that the Inspector in 2017 did not consider the additional dwelling to 'cause material harm to the landscape and scenic beauty of the wider AONB².' However, as referenced above, the degree of protection, and the bar for assessing impact on the National Landscape has increased since this previous appeal decision- development must now further the purpose of the National Landscape designation, as set out in the amended CRoW Act (Section 85), and preserve and enhance the setting of the National Landscape.

This increased threshold for acceptability of development within National Landscapes represents a material change in how the current proposal must be considered, compared to the last scheme for a dwelling on this part of the site. The Council's Landscape Specialist has described the adverse impacts of the development on the character and appearance of the area as being limited, but nonetheless, these are adverse impacts. As such, the development fails to preserve and enhance the National Landscape, and does not meet the statutory duty to further the purpose of the designation.

Neighbour Amenities:

² Appeal APP/K1128/W/16/3158491 paragraph 15

Policy DEV1 of the JLP seeks to protect the amenity of residents, and ensure that new development provides for satisfactory daylight, sunlight, outlook, privacy and the protection from noise disturbance for both new and existing residents, workers and visitors. The policy clarifies that *'unacceptable impacts will be judged against the level of amenity generally in the locality.'*

Due to the sloping topography of the village, and the desire of residents to take advantage of views across the water, there is a high degree of mutual overlooking between properties and gardens, and limited truly private external amenity space.

The proposed dwelling would be separated from the dwellings to the south by an existing Devon hedgebank, and trees which provide a high level of screening. The neighbouring properties to the east and west are orientated away from the proposed dwelling, which would be set further forward than these neighbours, limiting visibility between the dwellings.

Given the existing levels of amenity, the lawful residential use of the site, and the siting and orientation of the proposed dwelling, the proposal is not considered to have a harmful impact on the amenity of neighbours.

Highways/Access:

The site benefits from an existing vehicular access of Yealm Road. The proposal includes parking provision in line with the SPD and neighbourhood plan standards, and could be conditioned to be implemented and retained to prevent additional parking pressure in the village.

The NNNP requires the submission of a Construction Management Plan, to minimise disruption during the construction process. Had the development been acceptable in all other regards, this would have been secured via a pre-commencement condition. As such, the proposal raises no concerns in respect of highways matters.

Ecology:

The site falls within the Zone of Influence for new residents have a recreational impact on the Plymouth Sound and Estuaries European Marine Site (comprising the Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA). This Zone of Influence has recently been updated a part of the evidence base gathering and Duty to Cooperate relating to the Joint Local Plan. A scheme to secure mitigation of the additional recreational pressures upon the Plymouth Sound and Estuaries European Marine Site can be appropriately secured by Unilateral Undertaking, and this approach has been agreed by Natural England. Whilst the applicant has confirmed their agreement to entering into such mitigation, there is currently no completed agreement. As such, the application in its current form conflicts with policy SPT 14 as it fails to provide adequate mitigation towards additional recreational impacts on the Tamar EMS. This must therefore be reason for refusal, although the Council acknowledges that this is something that could have been resolved if the development had been considered acceptable in all other regards.

The dwelling has been proposed as a self-build property, meaning that it is exempt from the statutory requirement for development to demonstrate a 10% net gain in biodiversity. Had the development been considered acceptable in all other regards, a condition would need to be imposed requiring the dwelling to be constructed and occupied as a self-build property.

Low carbon development:

Policy DEV32 of the JLP, and the supplementary Climate Emergency Planning Statement (CEPS) require applicants to identify how new development will contribute to the carbon reduction targets of the JLP, in light of the Council's declaration of a Climate and Biodiversity Emergency.

The application includes details of how low carbon development has been incorporated into the development, through features such as passive design to maximise natural light and solar gain, natural ventilation, solar PV panels, and an air source heat pump.

Conditions are recommended to ensure that these renewable energy sources are installed into the dwelling prior to occupation, and Officers are satisfied that due consideration has been given to minimising the use of natural resources, and the potential for renewables, in accordance with policy DEV32.

Planning Balance:

The Council is unable to demonstrate a five year housing land supply, and given the sustainable location of the site, the tilted balance in favour of development is engaged. Some weight must therefore be given to the provision of housing.

The proposal raises no concerns in respect of highways matters, residential amenity, low carbon development, drainage, or ecology, and these matters therefore attract neutral weight in the planning balance.

Paragraph 212 of the NPPF states that 'great weight' must be given to the conservation of heritage assets, which includes Conservation Areas. Whilst acknowledging that the development would contribute to the district's housing supply, the provision of a single dwelling is not considered to make such an impact on housing stock that it would outweigh the harm identified to the setting of the Conservation Area by introducing development into the undeveloped, green space, which has previously been identified as having a positive impact on the historic environment. Moderate weight is also given to the previous appeal decision in respect of the impact of the development on the Conservation Area, as little has changed in landscape context, or policy requirements relating to heritage assets since the last appeal.

In addition, high degrees of protection are given to the preservation and enhancement of the National Landscape. The impact on the National Landscape is therefore also given significant weight in the planning balance. The proposed development is considered to result in adverse effects on the special qualities of the National Landscape, and whilst these effects are considered to be limited, this also weighs unfavourably in the planning balance.

The adverse impacts in relation to landscape and heritage in this case would significantly and demonstrably outweigh the benefits, when assessed against the development plan and the NPPF when taken as a whole, and the balance tips to a refusal.

Summary:

Whilst there are some benefits identified as a result of the development, these are generally limited to the provision of an additional dwelling in a sustainable location. Despite the need to engage the tilted balance, the weight attributed to the additional housing stock is limited by the fact that only a single dwelling is proposed. As such, this benefit is not considered to outweigh the harm identified to the setting of the Conservation Area, or the adverse impacts on the National Landscape, given the great weight given to the preservation of both of these landscape designations. The application is therefore recommended for refusal.

There is a further holding reason for refusal with respect to the Tamar EMS contribution.

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

Planning Policy

Relevant policy framework

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The relevant development plan policies are set out below:

The Plymouth & South West Devon Joint Local Plan was adopted by South Hams District Council on March 21st 2019 and West Devon Borough Council on March 26th 2019.

SPT1 Delivering sustainable development
SPT2 Sustainable linked neighbourhoods and sustainable rural communities
SPT14 European Protected Sites – mitigation of recreational impacts from development
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area
DEV9 Meeting local housing need in the Plan Area
DEV10 Delivering high quality housing
DEV20 Place shaping and the quality of the built environment
DEV21 Development affecting the historic environment
DEV23 Landscape character
DEV24 Undeveloped coast and Heritage Coast
DEV25 Nationally protected landscapes
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts
DEL1 Approach to development delivery and viability, planning obligations and the Community Infrastructure Levy

Newton & Noss Neighbourhood Plan

N3P-1 The Village Settlement Boundaries
N3P-3 Development Policy Areas
N3P-4 Development and Construction
N3P-5 Movement and Parking
N3P-6 Drainage and Flooding
N3P-8 Heritage and Conservation
N3P-9 Protecting the Landscape
N3P-11 New Housing, Balanced Housing stock and Local Needs Housing
N3P-12 Second Homes and Principal Residence Requirement

Other material considerations include the Joint Local Plan Five Year Review Report (March 2024), policies of the National Planning Policy Framework (NPPF) and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application:

South Devon Area of Outstanding Natural Beauty Management Plan (2019-2024)
Newton Ferrers Conservation Area Appraisal
Plymouth and South West Devon Joint Local Plan Supplementary Planning Document (2020)
Plymouth and South West Devon Climate Emergency Planning Statement (2022)

Considerations under Human Rights Act 1998 and Equalities Act 2010

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.

The above report has been checked and the plan numbers are correctly recorded within the computer system. As Determining Officer I hereby clear this report and the decision can now be issued.

Name and signature: *Charlotte Hewrikane*

Date: 22 April 2025

Ward Member	Cllr Edie	Ward Member	Cllr Thomas
Date cleared	22.04.2025	Date cleared	24.04.2025
Comments made	Thank you for your report and thorough analysis. I will allow Dan to come back to you although I do not have any reason to call this in at this time.	Comments made	Decision agreed