



Thurlestone Parish Neighbourhood Development Plan Health Check Report

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SECTION 2: Summary

I have been appointed by Thurlestone Parish Neighbourhood Plan Steering Group to carry out a health check on the Thurlestone Parish Neighbourhood Plan (NP). I can summarise my findings as follows:

- I have reviewed the NP Policies and consider that subject to modification they do have regard to National Policy.
- I consider that the NP policies subject to modification are in general conformity with the Development Plan and the issue relating to the emerging Joint Local Plan (JLP) is addressed in further detail later in this report.
- I consider that the policies of the NP will contribute to the achievement of sustainable development.
- The NP does not cover excluded development.
- The NP subject to modification covers development and land use matters.

General Comments

There is no one style or approach that needs to be used for NP policy formulation. However, the best and most traditional approaches use one of the following styles

- The permission style: Planning permission will be granted for.....
- The support style: Applications/proposals that....will be supported/permitted.

In both these styles a range of criteria can be usefully applied. These criteria help to clarify the factors that any developers will be expected to address.

Applicability to the Development Management process

Plainly the NP process is far more than either an academic or a community engagement process. The Plan will eventually sit as part of the Development Plan. At that point the community will have a reasonable expectation that South Hams District Council (as the local planning authority) will generally and reasonably determine all planning applications in the parish on the basis of the NP policies weighing up all material considerations. In this context the District Council and its officers will equally and reasonably expect the formulation of a NP that is capable of interpretation through the normal planning processes on a day-to-day basis. The key to this approach is clarity.

1. It is important to remember that the NP is a tool to be used in shaping the future of your community and the easier it is to access and understand the important policies within the plan the better.
2. The NP must meet the tests, called the Basic Conditions to be able to proceed to Referendum.

3. It is important that the NP is consistent in its reference to the “Development Plan” which is the currently adopted Local Plan and not the emerging local plan UNLESS the emerging local plan is to be adopted before the NP goes forward for examination. The phrase to remember is that the policies in the NP must be “in general conformity with the strategic policies contained in the development plan”. References to the emerging local plan should not be included, however, any evidence base produced for the emerging local plan can and should be used to inform the NP policies particularly in relation to housing. Due to the current timing of the emerging Joint Local Plan examination and the progress of the NP, it is difficult to say whether the NP could reach Referendum before the adoption of the Joint Local Plan. Therefore, it seems important to ensure as far as possible that the NP is in general conformity with the strategic policies of both plans, accepting that the strategic policies of the emerging Joint Local Plan could be subject to change, though at this stage references in the NP to the Development Plan should be confined to the current Development Plan – this could be revised at a later date if necessary. This is to ensure that the NP does not become out of date as soon as the Joint Local Plan is adopted.
4. There is a need for consistency of wording throughout the policies – in whether or not proposals will or will not be supported, or will or will not be approved/refused.
5. There needs to be a clear distinction between what is the actual policy and what is context or justification.
6. The policies are at the heart of the NP and need to stand out clearly and boldly.
7. It is not necessary to repeat National or Local planning policy.
8. The policies in the NP must be land use policies.
9. Consideration should be given to an overarching development policy which would set out the general criteria which any planning application will be expected to meet – thus freeing up the other policies just to deal with specific issues. This helps with consistency of language and terminology.

Suggested draft Development Principles/criteria:

In order to achieve sustainable development, proposals within the Parish will be supported where they meet the following criteria and the requirements of other relevant policies within the NP:

- Protect residential amenity
- Design: proposals for development should be locally distinctive, reflecting the style, scale and character appropriate to the rural location within the South Devon AONB. Using natural materials where possible.
- Proposals should be designed so as to limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

- Natural Environment: Proposals for development where appropriate, should be accompanied by information which demonstrates that the impact of the proposal on the South Devon AONB has been assessed and minimised. Existing natural features should be retained and enhanced, where possible. Proposals, where appropriate should be accompanied by a landscape plan and biodiversity action plan.
 - Historic Environment: Proposals which would have an impact on Designated or Non Designated Heritage Assets must comply with the requirements of the National Planning Policy Framework.
 - Traffic and transport: Any proposal of a size and scale likely to have an impact on the road network within the Parish should be accompanied by a Transport Statement/Impact Assessment which has assessed the likely impact of the proposal and should include mitigation measures as necessary.
10. There needs to be clear evidence-based justification for a principal occupancy restriction condition or S106 agreement.
 11. NPs do not need to allocate sites for development but the plan must demonstrate that it is not “anti development.”

SECTION 3: Introduction

My name is Deborah McCann and I am an independent Neighbourhood Plan Examiner, part of the NPIERS Panel. I have been asked to carry out a Health Check of the Thurlestone Parish Neighbourhood Development Plan prior to its completion and submission with the purpose of advising on whether or not the Plan meets the Basic Conditions.

I have read the current plan and discussed it with the project director of the Neighbourhood Plan Steering Group.

I present my report as general comments on the overall plan and comments that relate specifically to individual policies within the plan. Where necessary I have made suggested modifications to the plan and its policies.

Firstly, I would like to commend the group for all the hard work that has been put in to produce the draft plan. The comments I make are not intended as a criticism of the overall plan or the process that has produced it but comments that are intended to help refine the plan and help it to meet the Basic Conditions and successfully pass the examination process.

1. Scope of Health Check

I have been appointed by Thurlestone Parish Neighbourhood Plan Steering Group to “Health Check” the plan in its current form and advise whether it does meet the Basic Conditions or could with modification meet the Basic Conditions. For the purposes of this Health Check, I have focused specifically on the plan policies and have commented on drafting changes and improvements to those policies.

I am independent of the qualifying body, I do not have any interest in the land in the Plan Area, and I have appropriate qualifications and experience, including experience in public, private and community sectors.

When the Neighbourhood Plan is ready to be independently examined the examination will follow the process set out in the Town and County Planning Act 1990 (as amended by the Localism Act 2011) and the subsequent Neighbourhood Planning (General) Regulations 2012.

2. The Role of Examiner including the examination process and legislative background.

When the Neighbourhood Plan does reach the independent examination stage, the Examiner is required to make one of the following recommendations:

- a The Plan can proceed to a Referendum
- b The Plan with recommended modifications can proceed to a Referendum
- c The Plan does not meet the legal requirements and cannot proceed to a Referendum

The Examiner will also recommend whether the Referendum Area should be different from the Plan Area.

In examining the Plan the Examiner is required to check, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, whether:

- the policies in the Plan relate to the development and use of land for a designated Neighbourhood Area are in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act 2004;
- the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 to specify the period for which it has effect; and
- the Plan has been prepared for an area designated under the Localism Act 2011 and has been developed and submitted for examination by a qualifying body.

The Examiner will also determine whether the Plan complies with the Basic Conditions, which are that the proposed Neighbourhood Plan:

1. Has regard to national policies and advice contained in guidance issued by the Secretary of State;
2. Contributes to the achievement of sustainable development; and
3. Is in general conformity with the strategic policies contained in the Development Plan for the area.
4. The Plan must also not breach, and otherwise be compatible with EU obligations and Human Rights requirements.

In coming to a decision the Examiner has considerable flexibility both to modify policies (to ensure that they meet the Basic Conditions) or to delete policies from the Plan. Within this context health checks have traditionally been very useful in helping to refine plans and focus community aspirations into crafting policies that meet the Basic Conditions (and which therefore will reasonably withstand independent examination).

Upon completion of the Examiner's report, South Hams District Council will consider the Examiner's report and decide whether it is satisfied with the Examiner's recommendations. The Council will publicise its decision on whether or not the Plan will be submitted to a Referendum, with or without modifications. If the Neighbourhood Plan is submitted to a Referendum then 28 days' notice will be given of the Referendum procedure and Neighbourhood Plan details. If the Referendum results in more than half those voting (i.e. greater than 50%), voting in favour of the Plan, then the District Council must "make" the Neighbourhood Plan a part of its Development Plan as soon as possible. If approved by a Referendum and then "made" by the local planning authority, the Neighbourhood Plan then forms part of the Development Plan.

SECTION 4: The Report

1. Qualifying body

Thurlestone Parish Council is the Qualifying Body.

2. Neighbourhood Plan Area

Thurlestone Parish is the Neighbourhood Plan Area. The Basic Conditions Statement should confirm this and that there are no other Neighbourhood Plans covering the Area.

3. Plan Period

The Plan Period is 2015-2034.

4. The Consultation Process

I have not been provided with a Consultation Statement, which I understand is in the course of preparation.

The requirements of the pre-submission consultation process that leads to the production of a Neighbourhood Plan are set out in regulation 14 of the Neighbourhood Planning (General) Regulations 2012. A Consultation Statement must form part of the plan proposal that is submitted to the local planning authority and must meet the requirements of regulation 15(2).

5. Basic Conditions Statement

I have not been provided with a Basic Conditions Statement, which I understand will be prepared following the completion of this Health Check.

The Basic Conditions Statement must also form part of the plan proposal that is submitted to the local planning authority in accordance with regulation 15(1) of the Neighbourhood Planning (General) Regulations 2012.

6. Planning Policy

6.1. National Planning Policy

National Policy guidance is in the National Planning Policy Framework (NPPF) 2012.

To meet the Basic Conditions, the Plan must have “regard to national policy and advice”.

In addition, the NPPF requires that a Neighbourhood Plan “must be in general conformity with the strategic policies of the local plan”. Paragraph 16 states that neighbourhoods should “develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development; plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan”.

The Neighbourhood Plan does not need to repeat these national policies, but to demonstrate it has taken them into account.

6.2 I have reviewed the Thurlestone Parish Neighbourhood Plan Policies and consider that subject to modification they do have regard to National Policy.

7. Local Planning Policy - The Development Plan

Thurlestone Parish is within the area covered by South Hams District Council. The current Development Plan is the South Hams Local Development Framework, in

particular, the Core Strategy 2006. However, some of the policies in the Core Strategy are now considered out of date: where this is the case, the NPPF will take precedence, however, the emerging Joint Local Plan has just been submitted for examination and this can cause complication in the preparation of the Neighbourhood Plan (NP). It is important that the Plan is consistent in its reference to the “Development Plan” which is the currently adopted Local Plan and not the emerging local plan UNLESS the emerging local plan is to be adopted before the Thurlestone Parish NP goes forward for examination. The phrase to remember is that the policies in the NP must be “in general conformity with the strategic policies contained in the development plan”. References to the emerging local plan should not be included, however, any evidence base produced for the emerging local plan can and should be used to inform the NP policies particularly in relation to housing. Due to the current timing of the emerging Joint Local Plan examination and the progress of the NP it is difficult to say whether the NP could reach Referendum before the adoption of the Joint Local Plan. Therefore, it seems important to ensure as far as possible that the NP is in general conformity with the strategic policies of both plans, accepting that the strategic policies of the emerging Joint Local Plan could be subject to change, though at this stage references in the NP to the Development Plan should be confined to the current Development Plan – this could be revised at a later date, if necessary. This is to ensure that the NP does not become out of date as soon as the Joint Local Plan is adopted.

8. Other Relevant Policy Considerations

8.1 European Convention on Human Rights (ECMR) and other European Union Obligations.

As a 'local plan', the Neighbourhood Development Plan is required to take cognisance of the EU Strategic Environmental Assessment (SEA) Directive 2001/42/EC Office.

A Strategic Environmental Assessment (SEA) and HRA screening opinion should be sought and the necessary bodies consulted.

8.2 Sustainable Development

The principles of Sustainable Development required in the NPPF should be taken into account in the development of the Neighbourhood Development Plan and its policies.

The Neighbourhood Development Plan is required to take cognisance of the European Convention of Human Rights and to comply with the Human Rights Act 1998.

I consider that the policies of the Thurlestone Parish Neighbourhood Plan, subject to modification, will contribute to the achievement of sustainable development.

8.3 Excluded development

The Neighbourhood Plan must not cover County matters (mineral extraction and waste development), nationally significant infrastructure such as highways and railways or other matters set out in Section 61K of the Town and Country Planning

Act 1990.

The current Thurlestone Parish Neighbourhood Plan does not cover excluded development.

8.4 Development and use of land

The Thurlestone Parish Neighbourhood Plan, subject to modification, covers development and land use matters.

8.5 Comments on individual policies.

POLICY TP1 – SUSTAINABLE DEVELOPMENT

Development proposals that are appropriate and proportionate to the location of the parish within the South Devon AONB and which support the vitality of our community will be supported provided that they are compatible with the objective of conserving and enhancing the natural beauty of the South Devon AONB.

COMMENT

This isn't really a policy, just a statement. I would consider either being more specific about what you consider is necessary for any development proposal to be considered "sustainable" or you delete it. I have suggested an overarching design principles policy, which could replace this policy.

POLICY TP2 – SETTLEMENT BOUNDARIES

1. The settlement boundaries for Thurlestone, Buckland and Bantham designated in this Plan shall be used for the purposes of determining all planning applications in the parish and shall be kept under review.

2. Development proposals that would lead to the coalescence of Bantham and Buckland will not be permitted.

COMMENT

Firstly, it would not really be possible to review the settlement boundaries through the Neighbourhood Plan process without going through the whole Neighbourhood Plan process again. It is therefore important that the settlement boundaries are

appropriate to deliver the necessary development across the plan period. You also need to include evidence and reasoning for the boundaries you have chosen.

HOUSING

Objectives

To support small-scale housing development that will contribute towards making the parish more sustainable for the future:

- **affordable housing for local people who cannot afford to buy or rent housing on the open market; and**
- **open market housing for young people on lower and middle incomes to be able to afford to buy or rent.**

COMMENT

No comment

POLICY TP3 – AFFORDABLE HOUSING

Proposals for the provision of affordable housing for local needs will be supported either as infill (including reuse of previously developed land) or as a Rural Exception Site, as a Village Housing Initiative or as Community-Led Housing, provided such proposal:

- 1. comprises a small site of 5 - 10 properties;**
- 2. is situated in a sustainable location;**
- 3. is of good quality design and in keeping with the character of the area, being within the South Devon AONB;**
- 4. in the case of affordable housing comprised within a rural housing exception scheme or affordable housing initiative, occupied only by people with a local connection;**
- 5. is retained as affordable housing in perpetuity;**
- 6. in the case of community-led housing, the development only consists of 2-3 bedroom properties and subject to a percentage price restriction below open market value in perpetuity;**
- 7. in the case of an affordable housing initiative, any market houses used to cross-subsidise the development are 2-3 bedroom properties and subject to a percentage price restriction below open market value in perpetuity;**
- 8. there is no detrimental impact on the rural road network; and**
- 9. provides on-site parking.**

Local connection means people who live or work in the parish or have close links such as relatives or are wishing to move back to the parish, as defined in the South Hams Local Allocation Policy, September 2015 (and any

amendments thereto). In the event that there are no local applicants, the properties will be made available on a cascade basis to applicants from adjoining parishes, namely, South Milton, Churchstow, Aveton Gifford.

COMMENT

The government currently allows for the development of 5 houses within the AONB (10 outside the AONB) without the need to deliver affordable housing (or any other planning obligations). This provision does not apply to Exception sites. It is therefore highly likely that any small sites within the settlement boundary will come forward under this provision and the result will be that no affordable housing will be delivered. If the “design principles” policy is adopted it would help to simplify this policy. It is important that any housing policies within the plan are not so restrictive that they effectively frustrate the delivery of housing necessary to meet the identified housing need. There is also a problem with requiring affordable housing to be available in perpetuity as the government has moved away from this concept unless it relates to village housing and community led housing initiatives. It is essential that this policy is in general conformity with the Development Plan and needs some re thought and rewording.

POLICY TP4 – OPEN MARKET HOUSING

- 1. Proposals for open market housing will be supported as infill (including reused previously developed land), within the settlement boundaries (as defined in this Plan), subject to the following criteria:**
 - I. comprises a small site consisting of no more than five dwellings or as individual plots;**
 - II. is of good quality design that is in keeping with the character of the area;**
 - III. is of a type, mix and density appropriate to the character of the settlement, with particular regard to traditional building styles and materials, scale, and characteristic pattern of the settlement;**
 - IV. is subject to a principal residence requirement to ensure their occupation as a principal residence (in accordance with Policy H5);**
 - V. there is no detrimental on the rural road network; and**
 - VI. provides on-site parking.**
- 2. Proposals for open market housing development adjoining existing settlements, including greenfield sites (agricultural or amenity land) and in the open countryside within the South Devon AONB, Heritage Coast and Undeveloped Coast will not be supported.**

COMMENT

If the “design principles” policy is adopted this would help simplify the policy.

POLICY TP5 – REUSE OF FARM AND RURAL BUILDINGS

1. Proposals for the reuse of farm and rural buildings outside the settlements for residential purposes will only be supported subject to the following criteria:

- I. it can be demonstrated that the use of the premises is no longer viable for agricultural use and is not suitable for employment use;**
- II. the building is structurally sound and is capable of conversion without significant rebuilding or extensions and respects the original architectural and/or historic character of the building;**
- III. the volume will not be more than 25% greater than the volume of the original building;**
- IV. there is no detrimental impact on the AONB;**
- V. is subject to a principal residence occupancy condition to ensure occupation as a principal residence (in accordance with Policy H4);**
- VI. provides appropriate mitigation for the protection of any significant wildlife interest which would be displaced; and**
- VII. provides on-site parking**

2. Proposals for residential development by adding to existing clusters of houses in the countryside will only be supported in exceptional circumstances, such as, to meet the essential need of an agricultural worker, who requires a countryside location, provided there is no detrimental impact on the AONB.

COMMENT

[Permitted Development rights exist for the conversion of barns to residential property and this should be acknowledged in the policy.](#)

POLICY TP6 – PRINCIPAL RESIDENCE REQUIREMENT

- 1. Proposals for new open market housing (excluding replacement dwellings) will only be supported where there is a Section 106 planning obligation to ensure occupancy as a principal residence. A principal residence is defined as a dwelling occupied as the resident's sole or main residence, where the resident spends the majority of their time when not working away from home. Proof of principal residence includes, but is not limited to, being registered on the local electoral roll, at the local school or for local healthcare.**
- 2. Proposals for open market housing (excluding replacement dwellings) without a requirement to ensure occupation as a principal residence will not be supported.**

COMMENT

In order to have a principal residency condition it is necessary to provide evidence as to why this is necessary. This evidence should include information on the number of second homes within the Parish (and how this has increased over time), house prices and the impact of second home ownership on affordability. Providing you have adequate evidence the inclusion of this policy should not be a problem at examination. Have you discussed the inclusion of this policy with SHDC?

POLICY TP7 – REPLACEMENT DWELLINGS AND EXTENSIONS

1. Proposals for the replacement of existing dwellings, whether within a settlement boundary or in the countryside, will be supported subject to the following criteria:

- I. the number of dwellings is no more than the number of dwellings to be demolished or replaced (except where the dwelling to be demolished can be shown to have been built on a double plot);**
- II. the replacement dwelling (including garage and any accommodation below ground) is located on the same footprint as the existing dwelling, unless on design, landscape, highway safety, residential amenity or other environmental grounds a more appropriate location can be agreed;**
- III. the replacement dwelling (including garage and any accommodation below ground) does not exceed the floor area or total volume by more than 25% of the original dwelling;**
- IV. the bulk, scale, ridge height, materials and design of the replacement dwelling and of any associated works (such as boundary fences or walls) is in keeping with its setting and the character of the area; and**
- V. there is no unacceptable impact (see 2 below) on neighbouring properties or the AONB.**

2. Unacceptable impact will be judged against the level of amenity generally accepted within the locality and could result from: loss of privacy or overlooking, overbearing and dominant impact, loss of daylight or sunlight, noise or disturbance, odours or fumes.

3. Proposals for extensions to existing dwellings, including annexes, will be supported subject to the following criteria:

- I. they are subordinate in scale and proportion to the original dwelling; and**
- II. appropriate in terms of bulk, scale, ridge height, materials and design and do not have an unacceptable impact on the living conditions of occupiers of neighbouring properties, harm visual amenities or the open or rural character of the area; and**
- III. in the case of annexes, there is a Section 106 planning obligation to ensure that the annexe remains ancillary to the original dwelling and cannot be occupied by an independent household.**

COMMENT

If the “design principles” policy is adopted this would simplify this policy.

III. The inclusion of this element of the policy could be problematic and inflexible.

This type of restriction normally relates to Permitted Development - a situation where you can increase the size of your property to a certain % limit without needing planning permission. Proposals for development should be considered on their own merit; in some circumstances a larger extension on a smaller house can be justified on planning merit but would run contrary to this policy. Whilst I understand the intention behind this element of the policy, it could have unforeseen consequences. Dartmoor National Park have a similar policy in their current Local Plan but are reviewing it for their new plan due to the problems they have encountered with it.

It should be made clear that some extensions etc. are Permitted Development and cannot be controlled by this policy. By mentioning this in the policy it will avoid confusion.

LOCAL ECONOMY

Objectives:

To support existing businesses and provide new employment opportunities for local people; and to promote sustainable growth in the local economy which is appropriate to the parish’s location within the South Devon AONB

COMMENT

No comment

POLICY TP8 – NEW ECONOMIC PROPOSALS

Proposals for economic development and new business/ commercial premises will be supported provided they are proportionate, balanced and sustainable, and subject to the following criteria:

- i. provides opportunities for local employment;**
- ii. meet proven local need;**
- iii. premises are located within or adjoining a settlement boundary (defined in this Plan) or in former farm or rural buildings (subject to Policy TP15 of this Plan);**
- iv. have no significant harmful impact upon neighbouring residential amenity or the AONB; and**
- v. the volume of traffic generated can be accommodated and safe access is provided.**

COMMENT

A number of the policies including this one are somewhat vague - they do not provide any kind of measure or certainty and as a consequence will not necessarily achieve the objective of the policy. If the “design principles” policy is adopted it would help to simplify this policy.

- i. It is notoriously difficult to ensure that any employment generated is local and in any case this element would not meet the test for being related to the use of land. I suggest that this is included within the narrative for the policy.
- ii. How will you measure “proven local need”?
- iii. mention needs to be made of Permitted Development rights for the change of use of agricultural buildings.
- iv. “significant harmful impact” is a problematic phrase – should consider rewording this.
- v. How will this be measured.? Better to require a Transport Statement proportionate to the scale of development is submitted with an application so that the impact can be assessed.

POLICY TP9 – EXPANSION OF EXISTING BUSINESSES

Proposals for the expansion of shops, cafes and restaurants, bed and breakfast businesses, hotels and pubs for A1 (shops), A3 (restaurants and cafes), A4 (pubs) & C1 (hotels) Uses will be supported subject to the following criteria:

- i. they are proportionate in scale and extent to the existing premises;**
- ii. located within a settlement (defined in this Plan), or adjoining a settlement boundary where there is no alternative site upon which to expand within a settlement boundary;**
- iii. provide on-site parking; and**
- iv. there is no significant harmful impact upon neighbouring residential amenity or the AONB.**

COMMENT

A number of the policies including this one are somewhat vague - they do not provide any kind of measure or certainty and as a consequence will not necessarily achieve the objective of the policy. The adoption of the “design principles” policy would help to achieve clarity.

- I. This will be difficult to measure and assess.
- iv. “significant harmful impact” is a problematic phrase – should consider rewording this.

POLICY TP10 – NEW BUSINESSES

Proposals for the development of new premises for cafes and restaurants, arts and crafts workshops, a farm shop and a surf and water sports shop will be supported subject to the following criteria:

- i. the premises are of a size and scale appropriate to the needs and character of the area;**
- ii. the architecture is sympathetic to the area using traditional building materials;**
- iii. are located within or adjoining a settlement boundary (defined in this Plan) or in former farm or rural buildings (subject to Policy TP15 of this Plan);**
- iv. a traffic impact assessment is produced to demonstrate that the volume of traffic generated can be accommodated and a safe access is provided;**
- v. provides on-site parking; and**
- vi. there is no significant harmful impact upon neighbouring residential amenity or the AONB.**

COMMENT

A number of the policies including this one are somewhat vague - they do not provide any kind of measure or certainty and as a consequence will not necessarily achieve the objective of the policy.

iv. “significant harmful impact” is a problematic phrase – should consider rewording this.

If the “design principles” policy is adopted this would help bring certainty to this policy.

POLICY TP11 – CARAVAN AND CAMPSITES

1. Proposals for the expansion of existing caravan and/or campsites will be permitted subject to the following criteria:

- i. there is a proven demand for such use;**
- ii. it can make a positive contribution to the local economy;**
- iii. a traffic impact assessment is produced to demonstrate that the volume of traffic generated can be accommodated and safe access is provided; and**
- iv. there is no significant harmful impact upon neighbouring residential amenity or the AONB.**

2. Proposals for the development of new caravan and/or campsites will not be permitted.

COMMENT

A number of the policies including this one are somewhat vague - they do not provide any kind of measure or certainty and as a consequence will not necessarily achieve the objective of the policy.

- i. How will demand be proven
- ii. How will the contribution to the local economy be measured?
- iv. “significant harmful impact” is a problematic phrase – should consider rewording this.

2. What is the evidence that the area has reached saturation point for caravan and camping sites. Also need to recognise that there is the provision for 28 days camping without the need for planning permission.

If the “design principles” policy is adopted this would help to bring clarity to the policy.

POLICY TP12 – NEW BUSINESS HUB

Proposals for the development of a new business hub with shared facilities for small businesses will be supported subject to the following criteria:

- i. the premises are of a size and scale appropriate to the needs and character of the area;
- ii. the architecture is sympathetic to the area using traditional building materials;
- iii. located within or adjoining a settlement boundary (defined in this Plan) or in former farm or rural buildings (subject to Policy TP15 of this Plan);
- iv. a traffic impact assessment is produced to demonstrate that the volume of traffic generated can be accommodated and safe access is provided;
- v. there is no significant harmful impact upon neighbouring residential amenity or the AONB;
- vi. on-site parking is provided; and
- vii. administrative and financial procedures are in place to manage and maintain the premises.

COMMENT

A number of the policies including this one are somewhat vague - they do not provide any kind of measure or certainty and as a consequence will not necessarily achieve the objective of the policy. If the “design principles” policy is adopted this would help to bring clarity.

iv. “significant harmful impact” is a problematic phrase – should consider rewording this.

Vii this is not really a land use issue and should be deleted.

POLICY TP13 – NEW MARINE-RELATED WORKSHOPS

Proposals for the development of new small-scale workshops e.g. for boat building, boat repairs and outboard engine servicing, will be supported subject to the following criteria:

- i. the premises are of a size and scale appropriate to the needs and character of the area;**
- ii. the architecture is sympathetic to the area, using traditional building materials;**
- iii. they are located within or adjoining a settlement boundary (defined in this Plan) or in former farm or rural buildings (subject to Policy TP15 of this Plan);**
- iv. a traffic impact assessment is produced to demonstrate that the volume of traffic generated can be accommodated and safe access is provided;**
- v. there is no significant harmful impact upon neighbouring residential amenity or the AONB; and**
- vi. on-site parking is provided.**

COMMENT

A number of the policies including this one are somewhat vague - they do not provide any kind of measure or certainty and as a consequence will not necessarily achieve the objective of the policy. If the “design principles” policy is adopted this would help to simplify and bring clarity to this policy.

iv. “significant harmful impact” is a problematic phrase – should consider rewording this.

Commercial properties have Permitted Development rights and this needs to be reflected in the policy for clarity.

POLICY TP14 – STORAGE SPACE

1. Proposals for the development of more storage space for local business or commercial use e.g. for boats and watersports equipment, will be supported subject to the following criteria:

- i. the premises are of a size and scale appropriate to the needs and character of the area;**
- ii. they are located within or adjoining a settlement boundary (defined in this Plan) or in former farm or rural buildings (subject to Policy TP15 of this Plan);**
- iii. on-site parking is provided; and**
- iv. there is no significant harmful impact upon neighbouring residential amenity or the AONB.**

2. The loss of storage space will not be permitted unless:

- i. it is replaced with an equal amount of storage space on the same site or within the parish; or
- ii. the proposed alternative use would provide benefits for the local economy and community equal to or greater than the current use.

COMMENT

If the “design principles” policy is adopted this would help to simplify the policy.

2.i. this is not implementable and should be deleted.

2.ii- could be included if it is supported otherwise should be deleted.

POLICY TP15 – CHANGE OF USE OF FARM AND RURAL BUILDINGS

The change of use of farm and rural buildings to create new opportunities for local business, commercial or storage purposes will be supported subject to the following criteria:

- (i) it can be demonstrated that the use of the premises is no longer viable for agricultural use;
- (ii) the form, bulk and general design of the existing building is in keeping with its surroundings;
- (iii) is structurally sound and no significant rebuilding or extensions are involved and the original architectural and/ or historic character of the building is respected;
- (iv) the conversion would use traditional materials;
- (v) there is no significant harmful impact upon neighbouring residential amenity or the AONB;
- (vi) no unacceptable impact on the local road network;
- (vii) the use of the building by protected species is surveyed and mitigation measures are imposed using expert advice; and
- (viii) on-site parking is provided.

COMMENT

As previously mentioned, numerous changes of use of this nature are now Permitted Development and this should be noted in this policy. If the “design principles” policy is adopted this would help to simplify this policy and ensure it meets the Basic Conditions.

Point ii. Doesn't really make any sense.

POLICY TP16 – RETENTION OF EMPLOYMENT USES

1. The loss of employment land, business and commercial premises including but not limited to A1 (shops), A3 (restaurants and cafes), A4 (pubs), B1 (business) and B2 (general industrial) Uses to other uses will not be permitted unless:

- (i) It can be demonstrated that the use of the premises is no longer economically viable;
- (ii) the premises have been extensively marketed at a reasonable price for a minimum of 12 months; and
- (iii) the proposed alternative use would provide benefits for the local economy and community equal to or greater than the current use.

2. The change of use of C1 (hotels and guest houses), C2 (residential institutions) Uses and dwellings currently restricted for use as holiday accommodation to C3 (dwelling houses) Use will only be supported provided that such dwellings are used for affordable housing for those with a local connection (in accordance with Policy TP3 of this Plan) or subject to a Devon Covenant.

COMMENT

As previously mentioned, numerous changes of use of this nature are now Permitted Development and this should be noted in this policy.

WELLBEING

Objective:

To promote a healthy and socially inclusive community by supporting open space, recreational and sports facilities and services which enhance the community's wellbeing.

COMMENT

No comment

POLICY TP17 – FOOTPATHS AND CYCLE TRACKS

Proposals to provide new footpaths and cycle tracks to link the three villages and to provide greater access to the coast and the countryside will be supported.

COMMENT

No comment

POLICY TP18 – RECREATION AND SPORT

1. Proposals to provide more play areas and youth facilities for recreational and sports purposes will be supported where they enhance the sustainability of the community and make an important contribution to its wellbeing, subject to the following criteria:

- i. there is no significant harmful impact upon the neighbouring residential amenity or the AONB;
- ii. facilities are of a size and scale appropriate to the needs and character of the area;
- iii. the architecture is sympathetic to the area using traditional materials;
- iv. the volume of traffic generated can be accommodated and safe access is provided; and
- v. on-site parking is provided (if appropriate).

2. Proposals for development on any of the five beaches in parish will not be permitted save for coastal management or conservation purposes (in accordance with Policy TP25 in this Plan). The five beaches form part of the South Devon Heritage Coast and the Undeveloped Coast where development is restricted.

COMMENT

If the “design principles” policy is adopted this would help to bring clarity to this policy.

POLICY TP19 – CHANGE OF USE TO OPEN SPACE, SPORT OR RECREATION

Proposals for the change of use of agricultural or amenity land to open space, sport or recreational use will be supported subject to the following criteria:

- i. there is a proven demand for such use;
- ii. it can demonstrate that it will make a positive contribution to the wellbeing, social and/or economic needs of the community;
- iii. a traffic impact assessment is produced to demonstrate that the volume of traffic generated can be accommodated and safe access provided (if appropriate);
- iv. there is no significant harmful impact upon neighbouring residential amenity or the AONB;
- v. there is no adverse effect on biodiversity, public footpaths and bridleways, hedgerows and Devon hedgebanks; and
- vi. parking is provided on site (if appropriate).

COMMENT

If the “design principles” policy is adopted this would bring clarity to this policy.

- iii. Not appropriate within the policy- should be in the policy explanation.

POLICY TP20 – CHANGE OF USE FROM OPEN SPACE, SPORT AND RECREATION USES

Proposals for the change of use of open space, sport and recreation land and facilities to other uses will not be permitted unless:

- i. it can be demonstrated that the use of the premises for such purposes is no longer viable;**
- ii. the proposed alternative use would provide benefits for the local economy and community equal to or greater than the current use;**
- iii. a traffic impact assessment is produced to demonstrate that the volume of traffic generated can be accommodated and safe access provided;**
- iv. there is no significant harmful impact upon neighbouring residential amenity or the AONB; and**
- v. on-site parking is provided.**

COMMENT

If the “design principles” policy is adopted this would simplify and bring clarity to the policy.

iv. “significant harmful impact” is a problematic phrase – should consider rewording this.

POLICY TP21 – VILLAGE MEETING PLACES

Proposals for the provision of a central focal point in each or any of the three settlements, including a village green, where there is open space for people to meet informally, will be supported provided it has no significant harmful impact upon neighbouring residential amenity or the AONB.

COMMENT

If the “design principles” policy is adopted this would simplify the policy.

iv. “significant harmful impact” is a problematic phrase – should consider rewording this.

Modification

Proposals for the provision of a central focal point in each or any of the three settlements, including a village green, where there is open space for people to meet informally, will be supported provided it meets the requirements of policy xxxxxxxx

HERITAGE

Objective:

To conserve and enhance the parish's historic environment by promoting the protection of certain non-designated heritage assets which are of special local historic interest.

COMMENT

No Comment.

POLICY TP22 – NON-DESIGNATED HERITAGE ASSETS

The non-designated heritage assets listed in this Plan shall be conserved in perpetuity and any planning proposals that may detrimentally harm an asset and/or its setting will be resisted

COMMENT

This policy has to reflect the policy requirements set out in the NPPF- it cannot seek to exceed them. Non Designated Heritage assets are protected under the provisions of the NPPF and it is not necessary to repeat that protection within the Neighbourhood Plan.

This policy, as currently written does not meet the Basic conditions and should be reworded. Identifying the Non Designated Heritage Assets in the policy is appropriate but there must be included in the supporting information the evidence relating to their identification.

ENVIRONMENT

Objective:

To conserve and enhance the Parish's natural environment for future generations of residents and visitors.

COMMENT

No comment.

POLICY TP23 – PROTECTION OF WILDLIFE SITES AND HABITATS

1. Wildlife sites and habitats identified in the Wildlife Site Resource Map produced by Devon Biodiversity Records Centre appended to this Plan shall be conserved in perpetuity. Their setting will be respected and any development proposals that may have a significant harmful impact upon them will be resisted.

2. The loss of woodland and hedgerows, including Devon hedgebanks, will be resisted.

COMMENT

The NPPF sets out the controls over and hierarchy of Wildlife Sites and their protection. To meet the Basic Conditions Neighbourhood Plan policies cannot seek to impose restrictions in excess of those set out in the NPPF. This policy, as currently written does not meet the Basic Conditions and should be reworded.

POLICY TP24 – PROTECTION OF SEASCAPES, RIVERSCAPES AND SKYLINES

The character of seascapes, riverscapes and skylines that contribute to the character and quality of the area and the long uninterrupted views into, within and out of the South Devon AONB will be protected and sustained. Any development proposals that may have a harmful impact upon these special qualities of the AONB, the Heritage Coast and the Undeveloped Coast will be resisted, since they have the highest status of protection in relation to landscape and scenic beauty.

COMMENT

This policy could/should form part of the “design principles” policy.

POLICY TP25 – COASTAL MANAGEMENT

Proposals to help manage coastal erosion will be supported provided they are sympathetically designed.

COMMENT

No comment

POLICY TP26 – DARK SKIES

Proposals should be designed so as to limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

COMMENT

If the “design principles” policy is adopted this policy could be deleted.

INFRASTRUCTURE

Objective:

To seek opportunities for improving infrastructure to make the parish more sustainable for existing and future residents, visitors and those working in the parish.

COMMENT

No Comment.

POLICY TP27 – COMMUNITY WIFI

Proposals to develop a community Wi-Fi network would be supported provided it meets the following criteria:

- (i) evidence of the project’s feasibility by an independent expert;**
- (ii) the transmitters and receivers are located close to existing buildings and an existing road or access track;**
- (iii) administrative and financial procedures are in place to manage the project; and**
- (iv) there is no harmful visual impact on residential amenity or the AONB, particularly on skylines and open views within and out of the AONB (in accordance with Policy TP24 of this Plan).**

COMMENT

All policies within a Neighbourhood Plan must, in order to meet the Basic Conditions, relate to the use of land. Only point ii and iv of this policy are land use related the other elements should be deleted from the policy - they could be included in the policy explanation. If you adopt the “development principles” policy point iv would also be unnecessary.

Modification:

Proposals to develop a community Wi-Fi network would be supported provided it meets the requirements of policy xxxxxx and the following criterion:

- (ii) the transmitters and receivers are located close to existing buildings and an existing road or access track;**

POLICY TP28 – CAR PARK

Proposals to develop a car park on a greenfield site (agricultural or amenity land) to serve any of the three settlements of Thurlestone, Bantham and Buckland, will be supported provided that:

- (i) there is no harmful impact on residential amenity or the AONB; and**
- (ii) a landscaping plan is provided (if necessary)**

COMMENT

If you adopt the “development principles” policy, the policy should be modified.

Modification:

Proposals to develop a car park on a greenfield site (agricultural or amenity land) to serve any of the three settlements of Thurlestone, Bantham and

Buckland, will be supported provided that it meets the requirements set out in policy xxxxxx

POLICY TP29 – TRAFFIC FLOW

Proposals to help improve the free flow of traffic in the parish, including the provision of more and wider passing bays, will be supported provided there is no harmful impact on residential amenity or the AONB.

COMMENT

This is unlikely to be considered as a land use policy - this would be controlled by Highways and should be moved to community aspiration section.

POLICY TP30 – NIGHT LANDING SITE

Proposals to develop a night landing site as a permanent fixture on a greenfield site (agricultural or amenity land) within the parish will be supported provided there is no harmful impact on residential amenity or the AONB, and a safe access.

COMMENT

What is the proposed night landing site for this for?

Modification:

Proposals to develop a night landing site as a permanent fixture on a greenfield site (agricultural or amenity land) within the parish will be supported provided there is no harmful impact on residential amenity or the AONB, and can achieve safe access.

RESOURCES

Objective:

To support the delivery of renewable and low carbon energy generation.

COMMENT

No Comment

POLICY TP40 – SOLAR PANELS AND ARRAYS

1. Proposals for the development of solar panels on the roofs of farm buildings within the parish will be supported provided they are not visually intrusive and have no harmful impact on residential amenity and the AONB including skylines, seascapes, riverscapes and important views (in accordance with Policy TP24 of this Plan).

2. Proposals for the development of solar arrays on farmland within the parish will not be permitted.

COMMENT

There is no blanket control over solar arrays and therefore point 2. Of this policy would not meet the Basic Conditions. If the “design principles” policy is adopted this would help to simplify this policy and ensure it meets the Basic Conditions.

POLICY TP41 – WIND TURBINES

- 1. Proposals for the development of small-scale wind turbines close to or attached to farm buildings within the parish will be supported provided they are not visually intrusive and have no harmful impact on residential amenity and the AONB including skylines, seascapes, riverscapes and important views (as required under Policy TP24 of this Plan).**
- 2. Proposals for the development of wind turbines on farmland within the parish will not be permitted.**

COMMENT

The erection of wind turbines is controlled by the NPPF so this policy is unnecessary. If it is kept it is necessary to ensure that it reflects exactly the controls within the NPPF.

POLICY TP42 – COMMUNITY HEATING

Proposals for the development of a small-scale community heating scheme for use in Thurlestone village will be supported provided it meets the following criteria:

- I. evidence of the scheme’s feasibility by independent expert;**
- II. the boiler and fuel store are located close to existing buildings, or reuse an existing building, and an existing road or access track, or reuse an existing building; and**
- III. administrative and financial procedures are in place to manage the scheme.**

COMMENT

All policies within a Neighbourhood Plan must, in order to meet the Basic Conditions, relate to the use of land. Only point ii. of this policy is land use related the other elements should be deleted from the policy- they could be included in the policy explanation.

SECTION 5: Conclusion

The comments above were forwarded to the Neighbourhood Plan Steering Group prior to issuing this report and the policies have been revised in the light of my comments. The intention of my comments was to highlight areas where the policies could be considered not to meet the Basic Conditions and their effectiveness in terms of the Development Management process. The revised policies are attached to this report in a separate document. I have provided some further minor comments on the revised policies and my comments in regard to meeting the Basic Conditions are based on the revised policies.

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THURLESTONE PARISH NEIGHBOURHOOD PLAN – DRAFT POLICIES

POLICY TP1 – GENERAL DEVELOPMENT PRINCIPLES

In order to achieve sustainable development, proposals for development within the parish will be supported where they meet the following criteria and the requirements of other relevant policies within this Plan:

- I. **Residential amenity.** Proposals should protect residential amenity and should not have an unacceptable impact on the living conditions of occupiers of neighbouring properties. This will be judged against the level of amenity generally accepted within the locality and could result from: loss of privacy or overlooking, overbearing and dominant impact, loss of daylight or sunlight, noise or disturbance, odours or fumes;
- II. **Design.** Proposals should be locally distinctive, reflecting the style, scale and character proportionate and appropriate to the coastal and rural location of the parish within the South Devon AONB. Natural building materials should be used, where possible;
- III. **Dark Skies.** Proposals should be designed so as to limit the impact of light pollution from artificial light on local amenity, on intrinsically dark landscapes and nature conservation;
- IV. **Natural Environment.** Proposals should demonstrate that their impact on the South Devon AONB has been assessed and minimised. Existing natural features should be retained where possible and enhanced, and proposals should be accompanied by a landscape plan and/or biodiversity action plan where appropriate;
- V. **Historic Environment.** Proposals that may impact on a heritage asset, whether designated or non-designated, should be accompanied by an assessment of the significance of the asset and the impact of the proposal upon its significance, using appropriate expertise, where necessary. In the case of a heritage asset with archaeological interest, a desk top assessment should be submitted and, where necessary, a field evaluation; and
- VI. **Traffic.** Any proposal of a size and scale likely to have an impact on the road network within the parish should be accompanied by a Transport Statement or Traffic Impact Assessment which has assessed the likely impact of the proposal and, where necessary, should include mitigation measures. A safe means of access and on-site parking should be provided.

POLICY TP2 – SETTLEMENT BOUNDARIES

1. The settlement boundaries for Thurlestone, Buckland and Bantham designated in this Plan shall be used for the purposes of determining all planning applications in the parish.
2. Development proposals that would lead to any coalescence of Bantham and Buckland will not be supported.

POLICY TP3 – AFFORDABLE HOUSING

Proposals for affordable housing will be supported, subject to viability, as either infill (including re-use of previously developed land) or as a rural exception site, a village housing

initiative or a community housing initiative, provided the proposal meets the requirements of Policy TP1 and the following criteria:

- I. it can be demonstrated that there is a clearly identified need for affordable housing within the parish;
- II. comprises a small-scale scheme of 5 - 10 dwellings with an appropriate mix of dwelling types and sizes, reflecting the identified need;
- III. it is located where it will enhance or maintain the vitality of a village community and the parish as a whole;
- IV. is occupied only by people with a Local Connection or who comply with a Devon Covenant (as the case may be);
- V. is subject to a legal agreement to ensure that the housing is retained as affordable housing in perpetuity; and
- VI. in the case of a village housing initiative, the open market dwellings used to cross-subsidise the development are subject to a principal residence requirement (in accordance with Policy TP6) or a Devon Covenant main residence restriction (as the case may be).

POLICY TP4 – OPEN MARKET HOUSING

1. Proposals for open market housing will be supported as infill (including re-use of previously developed land) provided the proposal meets the requirements of Policy TP1 and the following criteria:

- I. comprises a small-scale scheme of up to 5 dwellings, or as individual plots, of a size, type and tenure that reflects clearly identified local housing needs;
- II. each dwelling is subject to a principal residence requirement (in accordance with Policy TP6); and
- III. in the case of Bantham, any village allotments shall be relocated to land adjoining the settlement boundary designated in this Plan.

2. Proposals for open market housing on land adjoining the settlement boundaries designated in this Plan, including agricultural or amenity land, and in the open countryside within the South Devon AONB, Heritage Coast and undeveloped coast will not be supported unless there are special circumstances, such as:

- I. the essential need for a rural worker to live permanently at or near their place of work in the countryside; or
- II. where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- III. where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- IV. the exceptional quality or innovative nature of the design of the dwelling. Such design should be: truly outstanding or innovative, helping to raise standards of design more generally in the rural areas; reflect the highest standards in architecture; significantly

enhance its immediate setting; and be sensitive to the defining characteristics of the local area.

POLICY TP5 – REUSE OF FARM AND RURAL BUILDINGS

1. Proposals for the reuse of farm and rural buildings outside the settlement boundaries designated in this Plan for residential purposes, which do not have the benefit of permitted development rights, will be supported provided the proposal meets the requirements of Policy TP1 and the following criteria:

- I. it can be demonstrated that the use of the premises is no longer viable for agricultural or any other economic use;
- II. the building is structurally sound and is capable of conversion without significant rebuilding or extensions and respects the original architectural and/or historic character of the building;
- III. the new dwelling is subject to a principal residence requirement (in accordance with Policy TP6); and
- IV. any application must be supported by the required ecology surveys and reports in order to assess the impact, if any, on protected species.

POLICY TP6 – PRINCIPAL RESIDENCE REQUIREMENT

1. Proposals for open market housing (excluding replacement dwellings) will be supported where there is a Section 106 agreement or condition to ensure occupancy as a principal residence. A principal residence is defined as a dwelling occupied as the resident's sole or main residence, where the resident spends the majority of their time when not working away from home. Proof of principal residence includes, but is not limited to, being registered on the local electoral roll, at the local school or for local healthcare.

2. Proposals for open market housing (excluding replacement dwellings) without a requirement to ensure occupation as a principal residence will not be supported.

POLICY TP7 – REPLACEMENT DWELLINGS AND EXTENSIONS

1. Proposals for the replacement of existing dwellings, whether within a settlement boundary designated in this Plan or in the countryside, will be supported provided the proposal meets the requirements of Policy TP1 and the following criteria:

- I. the number of dwellings is no more than the number of dwellings to be demolished or replaced;
- II. the size of the replacement dwelling (including garage and any accommodation below ground) is not significantly larger than the original house volume;
- III. the replacement dwelling (including garage and any accommodation below ground) is located on the same footprint as the existing dwelling, unless on design, landscape, highway safety, residential amenity or other environmental grounds, a more appropriate location can be agreed; and

III. the bulk, scale, ridge height, materials and design of the replacement dwelling and of any associated works (such as boundary fences or walls) is in keeping with the form and character of the locality.

2. Proposals for extensions to existing dwellings (including annexes to facilitate homeworking), which do not have the benefit of permitted development rights, will be supported provided the proposal meets the requirements of Policy TP1 and the following criteria:

- I. it is subordinate in scale and form to the existing dwelling; and
- II. in the case of annexes, there is a Section 106 agreement to ensure that the use of the annexe remains ancillary to the original dwelling and cannot be occupied by an independent household.

POLICY TP8 – ECONOMIC DEVELOPMENT

1. Proposals for economic development and new commercial or business premises will be supported within the Parish where a proposal meets the requirements of Policy TP1 and other relevant policies within this Plan.

2. Proposals that facilitate homeworking and flexible working practices, such as the integration of residential and commercial uses within the same unit, will be supported where they meet the requirements of Policy TP1.

POLICY TP9 – EXPANSION OF EXISTING BUSINESSES

Proposals for the expansion of shops, cafes and restaurants, bed and breakfast businesses, hotels and pubs for A1 (shops), A3 (restaurants and cafes), A4 (pubs) & C1 (hotels) Uses, which do not have the benefit of permitted development rights, will be supported provided the proposal meets the requirements of Policy TP1 and is appropriate and proportionate in scale and extent to the existing premises.

POLICY TP10 – NEW BUSINESSES

Proposals for the development of new premises for cafes and restaurants, arts and crafts workshops, a farm shop and a surf and water sports shop will be supported provided the proposal meets the requirements of Policy TP1 and the following criteria:

- I. it is appropriate and proportionate in scale and extent to the rural and coastal character of the locality; and
- II. located where it will enhance or maintain the vitality of a village community and the parish as a whole.

POLICY TP11 – CARAVAN, CAMPSITES AND CHALET SITES

1. Proposals for the expansion of existing caravan and/or campsites will be supported provided the proposal meets the requirements of Policy TP1 and the following criteria:

- I. it can be demonstrated that there is a proven demand for such use;
- II. is of an appropriate scale in relation to its setting; and
- II. sited to be visually unobtrusive, given the location of the parish within the South Devon AONB, the Heritage Coast and the undeveloped coast.

2. Proposals for the development of new caravan and/or campsites and/or chalet sites, will not be supported given the location of the parish within the South Devon AONB, the Heritage Coast and the undeveloped coast.

POLICY TP12 – NEW BUSINESS HUB

Proposals for the development of a new business hub with shared facilities for small businesses will be supported provided the proposal meets the requirements of Policy TP1 and the following criteria:

- I. the premises are of a scale and extent proportionate to the coastal and rural character of the locality; and
- II. located where it will enhance or maintain the vitality of a village community and the parish as a whole.

POLICY TP13 – NEW MARINE-RELATED WORKSHOPS

Proposals for the development of new small-scale workshops, e.g. for boat building, boat repairs and outboard engine servicing, will be supported provided the proposal meets the requirements of Policy TP1 and the following criteria:

- I. the premises of a scale and extent proportionate to the coastal and estuarine character of the locality; and
- II. located where it will enhance or maintain the vitality of a village community and the parish as a whole.

POLICY TP14 – STORAGE SPACE

1. Proposals for the development of more storage space for local business or commercial use e.g. for boats and watersports equipment, which do not have the benefit of permitted development rights, will be supported provided the proposal meets the requirements of Policy TP1 are of a scale and extent proportionate in scale and extent to the coastal and rural character of the locality.

2. The loss of storage space will not be supported as there is a lack of storage space for local business and commercial use within the parish.

POLICY TP15 – CHANGE OF USE OF FARM AND RURAL BUILDINGS

Proposals for the change of use of farm and rural buildings to create new opportunities for local business, commercial or storage purposes, which do not have the benefit of permitted

development rights, will be supported provided that the proposal meets the requirements of Policy TP1 and the following criteria:

- I. it can be demonstrated that the use of the premises is no longer viable for agricultural purposes;
- II. the building is structurally sound and no significant rebuilding or extensions are involved and the original architectural and/or historic character of the building is respected; and
- III. any application must be supported by the required ecology surveys and reports in order to assess the impact, if any, on protected species.

POLICY TP16 – RETENTION OF EMPLOYMENT USES

1. The loss of employment land, business and commercial premises including but not limited to A1 (shops), A3 (restaurants and cafes), A4 (pubs), B1 (business) and B2 (general industrial) Uses to other uses, which do not have the benefit of permitted development rights, will be supported provided the proposal meets the requirements of Policy TP1 and the following criteria:

- I. it can be demonstrate that the use of the premises is no longer economically viable;
- II. the premises have been extensively marketed at a reasonable price for a minimum of 12 months; and
- III. the proposed alternative use would provide benefits for the local economy and supports a sustainable local community.

2. The change of use of C1 (hotels and guest houses), C2 (residential institutions) Uses and dwellings currently restricted by condition for use as holiday accommodation to C3 (dwelling houses) Use, which do not have the benefit of permitted development rights, will be supported provided the proposal meets the requirements of Policy TP1 and is used for affordable housing for occupation by those with a Local Connection or subject to a Devon Covenant (in accordance with Policy TP3).

POLICY TP17 – FOOTPATHS AND CYCLE TRACKS

1. Proposals to provide new footpaths (whether public rights of way or permissive paths) and cycle tracks to link the three settlements and to provide greater access to the coast and the countryside will be supported.

2. Existing public rights of way and access will be protected and enhanced.

POLICY TP18 – RECREATION AND SPORT

1. Proposals to provide more play areas and youth facilities for recreational and sports purposes will be supported provided the proposal meets the requirements of Policy TP1 and the following criteria:

- I. it can be demonstrated that there is a proven need for such proposal; and

- II. will enhance the sustainability of the community and make an important contribution to its wellbeing.

2. Proposals for development on any of the beaches in the parish will not be supported unless the proposal is to help manage coastal erosion or dune preservation (in accordance with Policy TP23). The beaches form part of the South Devon Heritage Coast and the undeveloped coast where development is restricted.

POLICY TP19 – CHANGE OF USE TO OPEN SPACE, SPORT OR RECREATION

Proposals for the change of use of agricultural or amenity land to open space, sport or recreational use will be supported provided the proposal meets the requirements of Policy TP1 and the following criteria:

- I. it can be demonstrated that there is a proven demand for such use; and
- II. will make a positive contribution to the wellbeing, social and/or economic needs of the local community.

POLICY TP20 – CHANGE OF USE FROM OPEN SPACE, SPORT AND RECREATION TO OTHER USES

Any loss of open space, sport and recreation land and facilities to other uses will not be supported unless it can be demonstrated that there will be no harm to the character and openness of the surrounding area, the proposal meets the requirements of Policy TP1 and the following criteria:

- I. an assessment is produced to demonstrate that the land and/or facilities is surplus to requirements; or
- II. the loss resulting can be replaced by equivalent or better provision in a suitable location; or
- III. the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

POLICY TP21 – NON-DESIGNATED HERITAGE ASSETS

The historic environment should be conserved and enhanced. Proposals that directly or indirectly affect the significance of the following non-designated heritage assets located within the parish should be judged according to the scale of any harm or loss, and the significance of the asset to the parish:

Thurlestone

- Pump House
- Village Inn steps
- Ship's Cannon
- Telephone Box War Memorial and Green
- Cobbled road by All Saints' Church
- Stone stile leading to field by All Saints' Church

- Water trough

Bantham

- Streetscape
- Lime kiln
- Coronation Quay and Boathouse
- Dixon's Quay and Boathouses
- Stone stile by Sloop Cottages

Buckland

- Water trough
- Wrought iron railings
- Telephone box
- Leat
- Well and pump
- Butterwells (2)

POLICY TP22 – THE NATURAL ENVIRONMENT

Proposals should contribute and enhance the natural environment by meeting the following criteria:

- I. the character of skylines, seascapes and riverscapes which contribute to the character and quality of the area, and the long uninterrupted views into, within and out of the South Devon AONB as identified in Figures [] should be protected and enhanced;
- II. any proposals that affect wildlife sites and habitats, as identified in the Wildlife Site Resource Map produced by Devon Biodiversity Records Centre appended to this Plan, should be minimised and where necessary proposals for mitigation should form part of the application;
- II. any proposals that affect woodland and hedgerows, including Devon hedgebanks, and the Bantham Copse, as identified in Figure [], should be minimised;and
- IV. proposals for new development should include Devon hedgebanks where appropriate.

POLICY TP23 – COASTAL MANAGEMENT

Proposals to help manage coastal erosion and dune preservation will be supported provided the proposal meets the requirements of Policy TP1 and any related scheme is sympathetically designed.

POLICY TP24 – COMMUNITY WIFI

Proposals to develop a community Wi-Fi network will be supported provided the proposal meets the requirements of Policy TP1 and the following criteria:

- I. the transmitters and receivers are located close to existing buildings and an existing road or access track;
- II. the equipment is sympathetically designed and camouflaged, where appropriate; and
- III. there is no harmful visual impact on skylines and long uninterrupted views within, into and out of the AONB (in accordance with Policy TP22 criterion I).

POLICY TP25 – CAR PARK

Proposals to develop a car park on agricultural or amenity land to serve any of the three settlements within the parish will be supported provided the proposal meets the requirements of Policy TP1.

POLICY TP26 – AIR AMBULANCE NIGHT LANDING SITE

Proposals to develop an air ambulance night landing site as a permanent fixture on agricultural or amenity land to serve the parish will be supported provided the proposal meets the requirements of Policy TP1.

POLICY TP27 – SOLAR PANELS AND ARRAYS

- I. Proposals for the development of solar panels on the roofs of farm buildings and small scale solar arrays on farmland close to farm buildings will be supported provided the proposal meets the requirements of Policy TP1 and can demonstrate that it has no harmful impact on the South Devon AONB.
2. Proposals for solar arrays that are not attached or on farmland close to farm buildings will only be supported if their impacts are or can be satisfactorily addressed, including cumulative landscape and visual impacts.

POLICY TP28 – WIND TURBINES

Proposals for the development of wind turbines in the parish will not be supported unless the proposal is small-scale, located close to or attached to farm buildings, meets the requirements of TP1 and has the local community's backing.

POLICY TP29 – COMMUNITY HEATING

Proposals for the development of a small-scale community heating scheme for use in Thurlestone village will be supported provided the proposal meets the requirements of Policy TP1 and the following criteria:

- I. the boiler and fuel store are located close to existing buildings, or reuse an existing building; and
- II. there is an existing road or access track.