

**RECOMMENDATION OF FROGMORE & SHERFORD PARISH COUNCIL ON PLANNING  
APPLICATION No. 3880/17/OPA**

**Description: Outline application (with all matters reserved) for the erection of 8 dwellings (including affordable housing), access and associated landscaping**

**Address: SX 775 424, east of Creek Close, Frogmore**

Frogmore and Sherford Parish Council has considered the planning application and recommends that this proposed development in the Area of Outstanding Natural Beauty in Frogmore be **refused**.

This is on the basis that there are no exceptional circumstances to justify the development, and that the development would not be in the public interest.

**1 PLANNING OBSERVATIONS**

As with application 1768/16/OPA a main consideration in determining the present application is its impact on the AONB and compliance with the government's National Planning Policy Framework (NPPF).

The cumulative impact on the AONB must be taken into account in this assessment. The proposed new development (part of the site referred to as phase 2 in the last application, 1768/16/OPA), together with the adjacent Creek Close housing development (a parish affordable housing initiative) lying within the AONB, amounts to an incursion of 19 dwellings, being 8 proposed in this application plus 9 completed affordable house and 2 consented, but undeveloped, housing plots at Creek Close.

The present application would therefore give rise to incremental major development within the AONB. In determining the question of 'major' in this context we reference the Town and Country Planning (Development Management Procedure)(England) Order 2015 provisions. The Order states in paragraphs (c), (d) and (e):

"Major development" means development involving any one or more of the following:-

- (c) The provision of dwelling houses where -
  - (i) The number of dwelling houses to be provided is 10 or more; or
  - (ii) The development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within sub-paragraph (c)(i);
- (d) The provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
- (e) Development carried out on a site having an area of 1 hectare or more;

If it is deemed that this application culminates in an incremental major development in the AONB, consideration must be given to whether there are exceptional circumstances to justify the development, and whether the development would be in the public interest.

The requirements of the National Planning Policy Framework (NPPF) protecting AONBs to be addressed include:

**NPPF Paragraph 14 specifies in this extract:**

*At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless:*

- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
- *specific policies in this Framework indicate development should be restricted. (Refer to Footnote 9).*

**Footnote 9 (development should be restricted):**

*For example, those policies relating to sites protected under the Birds and Habitats Directives and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park (or the Broads Authority); designated heritage assets; and locations at risk of flooding or coastal erosion.*

**NPPF Paragraph 115 then goes on to say:**

*Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas.*

**And then NPPF Paragraph 116 specifies:**

*Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:*

- *The need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy.*
- *The cost of, and the scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and*
- *The detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.*

**The applicant's proposals need to be tested accordingly under the provisions of NPPF Paragraph 116**

- **The need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy.**

30% of Frogmore's existing housing stock is in the 'affordable' category, managed by registered social landlords and, in a handful of cases, part-owned or purchased by sitting tenants under 'right to buy' regulations. This is a creditably high proportion compared with an 11% Devon county average. 9 new affordable homes were recently completed a Creek Close, Frogmore.

Frogmore is located in 'Rural South Hams', shown as having a 4.2 year's housing land supply. The absence of a 5-year target housing land supply is a district wide issue and does not amount to an exceptional local need for additional housing in Frogmore. There would be benefits to the local economy no matter where in the South Hams the housing was situated.

The determination of housing need and allocation criteria, is usually deduced through professional case examination and interview. The 2016 objectively assessed need (OAN) for housing in the Frogmore and Sherford parish was met by Hastoe Homes at Creeks Close.

- **The cost of, and scope for, developing elsewhere outside the AONB designated area, or meeting the need for it in some other way.**

Alternative sites for any ascertained local housing need that lie outside the AONB within the South Hams district have not been explored. This is a pre-requisite to considering a need for major development within an AONB.

The applicant is silent on this policy requirement.

The SHDC agreed Plymouth & South West Devon Joint Local Plan 2014-2034 (JLP), now at final Government Inspectorate stage, cites Frogmore as one of 46 sustainable villages, each of which is targeted with procuring not less than 10 new dwellings during the Plan period (16 years now remaining). Since 2014 ten new homes have been built in Frogmore and planning consent has been granted for a further two.

JLP policy TTV30 – ‘Empowering local residents to create strong and sustainable communities’ supports ‘the preparation of neighbourhood plans as the means of identifying local development needs in the sustainable villages.

SHDC designated the Frogmore & Sherford Neighbourhood Plan (NP) area on 23<sup>rd</sup> March 2017. Under the provisions of the Localism Act the community will determine and monitor, through its Neighbourhood Plan, the parish’s objectively assessed (OAN) housing needs and preferred siting for future development, including housing.

Neighbourhood Plan community consultation meetings have taken place in the parish and the Plan is being drafted. Community engagement comments received to date highlight the need to protect the AONB against development. There is not evidence to support the development of the applicant’s site. The application is premature and time should be allowed to determine demand and support, or otherwise, for substantial development within the parish within the context of the Neighbourhood Plan.

The Parish Council mounted village hall ‘drop-in’ sessions on 1st and 2nd December to enable members of the Frogmore and Sherford parish community to view the current planning application details. Community comments are appended and show that the proposed development would not be in the public interest.

- **Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.**

The site is described as ‘inappropriate for development’ in SHDC’s 2016 land assessment. Although a reduced scale of development, the South Devon AONB Unit previously concluded that there are no exceptional circumstances to justify development, citing negative impacts, the proposals do not conserve or enhance the AONB and compromise the character of the village and its rural setting.

## **2 HOUSING NEED**

The present application includes BBH Architects’ *Affordable Housing Needs Survey – Frogmore and Sherford*, dated May 2017.

The applicants state that the survey results ‘have identified 25 households in need of affordable housing, with 24 of these households having a local connection to Frogmore & Sherford parish and requiring an affordable home within the parish’

This is a very different picture to the one to which the Parish Council referred in its May 2017 consultation report in response to application 1768/17/OPA thus:

*'The latest housing survey was carried out by Hastoe Housing Association in 2014 and has been monitored since. This indicates that the 9 new Creek Close, Frogmore affordable houses meet present local demand. As with all Registered Social Landlord housing allocations, the determination of need and qualification will be deduced through professional case examination and interview. It should be noted that the 2007 'need for 24 new affordable homes within the parish' resulted in 9 qualifying cases each of which has been met in the last few months'.*

The SHDC's planning officer's report upon which the previous planning application 1768/16/OPA was refused includes the following passages:

*'It is relevant (therefore) to consider each of the tests set out in paragraph 116. The need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy*

*At present this Council cannot evidence a 5 year housing land supply; whilst sufficient sites have been identified with the emerging Plymouth and South West Devon Joint Local Plan (JLP) the evidence base for this has not yet been tested so cannot yet be relied upon. The last objective housing needs survey was undertaken in 2007 and identified a local need for 27 affordable homes. Nine affordable homes have since been provided in Creek Close. The applicant undertook a housing needs survey very recently but this has not been published.*

*Frogmore, relative to other villages in the South Hams, has a reasonable provision of affordable homes and has accommodated additional market and affordable development schemes in recent years.*

*It is likely that there will always be an argument to say that there is a need for more homes, but this on its own cannot be a compelling reason to allow major development in the AONB. Having regard to the great weight to be given to conserving the AONB and the presumption that major development should be refused, this would indicate that the need for housing would have to be an exceptional need to meet this test. The need for housing in Frogmore is not considered to be exceptional.*

*Permitting this development is likely to have a positive impact on the local economy during the construction phase, but again not in any exceptional way that would, on its own, justify major development in the AONB.*

*The cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; Frogmore has this year completed a scheme of nine affordable houses, meeting an immediate need for this type of housing in the village.*

*Planning permission, outside of the AONB, has recently been granted for circa 65 dwellings (market and 35% affordable) in the nearby village of Chillington and it is expected that this site will come forward for development.*

*Frogmore is a village which straddles the AONB; it is possible that future housing need could be met on sites on the northern side of the A379, outside of the AONB. It is considered that the social and economic cost to the village of not permitting this development is low having regard to the recent provision of affordable housing in the village. There is scope for meeting future housing need outside of the designated area, or if within the designated area, with less adverse impact.*

*Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.*

*The section on landscape and design sets out objections from the AONB Unit and the Council's landscape specialist. This detailed analysis shows that there will be demonstrable harm to the landscape and scenic beauty of this part of the AONB as a consequence of this development. This harm cannot be overcome through mitigation landscaping, sensitive design or other means.*

*The proposed development does not meet the exception tests as set out in paragraph 116 of the NPPF and no other exceptional circumstances to justify this development have been demonstrated.*

The Parish Council has consulted the South Hams / SW Devon Housing Office with regard to BBH Architects' housing survey in order to clarify its status. The conclusion is that it is not an objective housing needs (OAN) survey and cannot be considered in respect of any formal planning consultation.

There are nine households presently living in Frogmore registered on the Devon Home Choice register. We are advised that:

- One person is awaiting a re-let at Creek Close, as erroneously advised that they were ineligible when the properties were originally advertised.
- One person is living at Creek Close with her child in a property occupied by her daughter and child and seeks separate accommodation.
- Five people on the register are elderly / with special needs, awaiting transfer to live in Kingsbridge.
- Two people are in private sector rented accommodation within the village.

There are two further registrations:

- One is a Sherford resident seeking accommodation in Salcombe
- One is a Dartmouth resident seeking accommodation in Sherford

BBH Architects' advise that their survey was distributed within the parish and that copies were available for open collection from Frogmore Bakery. They also publicised the survey in the Kingsbridge & Salcombe Gazette, Dartmouth Chronicle and Ivybridge & South Brent Gazette. It would appear that the response opportunity was district wide. The survey 'summary report' is numerical and does not provide names, addresses or evidence of local connections.

Frogmore has a creditable track record in providing affordable housing, including the new Creek Close homes. The Parish Council does not consider that BBH Architect's '*Affordable Housing Needs Survey – Frogmore and Sherford*' demonstrates exceptional circumstances for further affordable housing in Frogmore at this time.

As the applicant's scheme proposes less than 11 units we note that, in policy terms, there is no requirement for on-site affordable housing provision, normally an off-site financial contribution would be provided. In this case the applicants have agreed to on-site provision, although we should be aware that they could opt to vary the 106 in the future'.

### **3 COMMUNITY CONSULTATIONS**

In the absence of any applicant pre-application community consultations, the Parish Council mounted two drop-in sessions at Frogmore village hall in order to afford parishioners the opportunity to view the available planning application details. 32 people attended and 74 written comments were recorded. The transcribed comments are at appendix A.

## APPENDIX A

### FROGMORE AND SHERFORD PARISH COUNCIL

Planning application 3880/17/OPA – A display of available plans and published details  
1<sup>st</sup> & 2<sup>nd</sup> December 2017 ‘drop-in’ session, Frogmore village hall

The drop-in sessions were advertised, of necessity, at short notice on the parish notice boards, displayed at the planning application poster locations and in the Parish Council’s ‘Keep in Touch’ email circulation.

Visitors were invited to provide their comments on the application. The following are transcribed unattributed public ‘post-it’ comments. The original ‘post-it’ notes are available for inspection.

1. 9 built, 8 more proposed -a major development in the AONB -NO!
2. Heritage statement states *‘The unique historic environment of the South Hams will not be adversely affected by the proposed development at Frogmore’* Yes it will as street and estate lighting will change the environment. We already have some yet we are predominantly a typical ‘dark’ south Hams village. Lighting will change animal and bird wild life. Lights will also be seen from listed buildings creating an ugly urban haze.
3. With reference to Heritage Statement, the setting / proposed development will not enhance the significance of the heritage asset.
4. Future buildings must be limited in Frogmore until the infrastructure to support growth is put in.
5. Frogmore already has its share of low cost / affordable housing. There is no demand for significant extra new homes of this type.
6. This proposal is ‘stage II’ of a ‘plan’ to build 50 houses, far too many for a village of this size.
7. There are no jobs so how can building new houses improve the economy?
8. I was always sceptical after I noticed the first houses (Creeks Close) were called Phase I, and now my fears have been proven.
9. There is no need for more housing at present in Frogmore. Already reached the JLP recommended development until 2034. Also, affordable housing in abundance. Frogmore already has 30%.
10. This is Area of Outstanding Natural Beauty and should not be developed.
11. There are no jobs in Frogmore and environs which demand more housing here.
12. Ref: Preliminary Ecological Appraisal paragraph 2.2. Was the site visit day-time or night-time. Estate lights would affect the wildlife. Regarding species protection generally bats, birds and dormice will be particularly affected. More surveys needed.
13. Thin end of the wedge comes to mind. Amounts to ‘major development’ in AONB.
14. Where is the established need?

15. The claim that this village has 'a tradition of urban expansion' is simply not true. Development has taken place on an infill basis. The current application is part of an urbanisation when it is linked with the past and potential within this land ownership.
16. 46, then 28, now 8 still in AONB and therefore inappropriate.
17. Most comments which were made re. the last application from this would-be developer apply equally to this one.
18. Frogmore is a very small village where in the last year 9 houses have been built for local families. There are 2 more going to be erected and that will be enough for a village of this size.
19. I see by the plan that there is access from the new road to the field beyond. Is this for agricultural use or more houses!
20. Since the building of the recent nine houses mud is constantly washing down the road toward the bridge and seeping through a drain-cover at Rudheath. The road in front of Pool House is always awash with water.
21. The new road leading to this new development is a crazy idea from a country lane which is only single file anyway. The road serving 8 more houses will cause more traffic problems.
22. The hillside above the new houses is full of springs. After heavy rain the water cascades down and together with the stream, causes major flooding on Mill Lane. The intended new properties will make this scenario far worse.
23. Re the Utilities Statement - great concern, surface water drainage as South Pool Road is continually wet.
24. Site context – Have reached the amount of new development in village ref. the JLP. Therefore no need. The idea of 5-year supply of housing land is not a direct reference to Frogmore and is now overtaken by the Joint Local Plan.
25. Whereas other villages along the A379 have been designated for much more growth, Frogmore is one that hasn't. A small 'dark' South Hams Village.
26. Seems like a sneaky, underhand way of achieving the applicant's original intentions.
27. Agree with the above.
28. Phase one was approved for 11 house but only 9 have been built. Why then do we need another 8?
29. There is no need for any more houses in Frogmore....where are the jobs? Beautiful village being spoilt.
30. Frogmore is in danger of becoming one big housing estate, like Chillington – and losing its identity and unique village nature.
31. Further inappropriate incursion into the AONB – on an elevated site that is visible. Reduces power of AONBs to protect ....if creeping development allowed.
32. Parish Council - please support a strategic spread of any new housing if required across the Parish - not see it all built in Frogmore.

33. Planning application submitted without due consultation/consent of the residents of Frogmore. Nil public engagement by applicants.
34. If housing is proven to be required – we need open market, affordable homes - 1 and 2 bedroom - not executive homes and estates – homes should be protected for local people
35. No further housing is needed, we already have surplus to local needs.
36. This is the start of another large building area. Another 8 now leading to more next year. Access already there for the next stage.
37. Frogmore already fulfilled housing needs plus 8 more not needed -no identified demand.
38. No justification except profit for developers at the expense of the residents and visitors and makes a joke of the AONB regulations.
39. This application is another attempt at planning for over development by increments and must be resisted. This village has already exceeded its planned development and the fact that this application encroaches on AONB demonstrates that this process is an on-going one and therefore should be refused.
40. Yes a national need (for housing) but please observe need to be in the right area, e.g. Plymouth where 'new' Sherford is being built, not in AONB in 'dark' South Hams village
41. The proposed development will not strengthen the local rural economy
42. No strong need for additional housing - particularly affordable. In fact there were few requests for the last development, applicants were in short supply. Houses in abundance for sale too in the area from small properties upwards.
43. Although site reduced, same grounds for refusal remain. Still impact on landscape in AONB
44. There is no doubt about intentions of applicants. They do not have the interests of Frogmore at heart despite their protestations. As usual applications appear when everyone is busy or away and as always extensions have to be applied for. The residents of Frogmore are not fools – they understand perfectly what is going on and will carry on fighting the expansion with all their might. SHDC planners must refuse this and take note of all concerns.
45. All original objections to previous applications apply. No need for further housing. AONB rules still apply. Flooding a serious issue. 'Creekside' village should remain a village for everyone to enjoy,
46. FLOODING e.g. stream in Mill Lane was running (inflow) spasmodically but since all the building work now continuous inflow from treatment works at Chillington.
47. South Pool hill road would not be able to cope with more volume of traffic, nor A379. Mill Lane has become a rat run in high season – 2 cats killed in one week.
48. This proposed development is not informed by an evidence base. The applicant carried out a survey entitled 'Parish Housing Needs Survey 2017'. Results not published.
49. The plans were rejected last time. Nothing has changed, more houses still not needed.



50. There is not the infrastructure to support more houses.
51. We object to the proposed development, the reasons are the same as before. There is no need for more houses.
52. Nothing has changed since SHDC refused the last application. Object because creeping development by stealth, with Hastoe's 11 (2 un-built) and these 8 proposed equals 19 houses, field access is retained so this implies an intention to build more in future. Frogmore has met indicative target for village in the JLP. Still object because of the AONB. No official evidence to support need. Pre-empting village neighbourhood plan progress.
53. Strong objection will be sent to SHDC who must listen.
54. JLP and Neighbourhood Plan both must be taken into account. Neither identify a need.
55. Target for housing identified in JLP already met until 20134, in fact exceeded.
56. 2 access roads leading from from proposed development onto field makes one think that further development would follow.
57. Other possible sites for development could be readily found to north of A379, outside of AONB – planning officers.
58. Other development in nearby villages planned, e.g. Chillington. Houses not selling in small developments already completed in Chillington – where is the need?
59. Housing survey by BBH not objective housing needs survey.
60. Reasons for refusal of 28 houses in previous application still stand i.e. still major development and no exceptional circumstances.
61. AONB land must be protected from unsightly development in an all-too-prominent position within the village.
62. 8 proposed houses together with 9 houses already built in Creek Close and permission for 2 more would constitute total of 19 = MAJOR DEVELOPMENT.
63. This was decided B4 & this now seems another way to get passed, Frogmore is a lovely village, please do not allow to become a faceless housing estate.
64. Object because not in P&SW JLP, still effecting/against SD AONB, pre-empting village neighbourhood plan and overdevelopment.
65. If this development is allowed as phase 2 we will just be accepting phase 3 & 4 which will certainly follow.
66. All the same reasons apply as for not allowing the previous application so this one should NOT go ahead either.
67. Frogmore is a village which straddles the AONB, future identified housing need could be met on sites on the north side of the A379 outside the AONB.
68. Currently there is NO evidence that there is a local need for houses within the AONB in Frogmore.

69. Previous applications resulted in a large majority of rejections by local people who appreciate Frogmore's balance of housing and object to adverse AONB impact. We have already agreed to the building of 9 new houses and so the JLP already covered.
70. Object to impact on landscape from A379 = increase in light pollution.
71. Clearly intended as a basis for future development along the lines of earlier applications which were roundly rejected.
72. This disturbing pattern of encroachment into the AONB, if permitted, will weaken and erode the peace and tranquillity of the settlement of Frogmore.
73. The cumulative impact to the AONB, taking into account the 8 dwellings and the 11 that have been given planning consent, represents a major development. NPPF paragraph 116 is still applicable.
74. The planning officer's report which recommended refusal for a larger development on this site states 'Frogmore has this year completed a scheme of nine affordable houses meeting an immediate need for this type of housing'