

Michael Tichford MRTPI  
Head of Place

**TOWN AND COUNTRY PLANNING ACT 1990  
REFUSAL PERMISSION FOR DEVELOPMENT**

PLANNINGSPHERE LTD  
COWORKING  
THE GUILD  
BATH  
BA15EB

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**APPLICATION No: 63167**

**DATE REGISTERED: 06-JUN-17  
DECISION DATE: 23-APR-19**

The North Devon District Council in pursuance of powers under the above mentioned Act hereby refuse to grant planning permission for

**DEMOLITION OF EXISTING HOTEL, ERECTION OF 21 DWELLINGS, FORMATION OF NEW PUBLIC OPEN SPACE, EXTENSION TO EXISTING CAR PARK, ERECTION OF CAFE & WC BLOCK & ASSOCIATED LANDSCAPING, DRAINAGE & HIGHWAY WORKS (AMENDED PLANS & DOCUMENTS) (REVISED INFORMATION) (ADDITIONAL INFORMATION) (AMENDED PLANS AND DOCUMENTS) AT LEE BAY HOTEL LEE ILFRACOMBE**

For the following reasons:

1. The proposed development would fail to preserve or enhance the character or appearance of the designated Lee Conservation Area contrary to the statutory requirement set out in the Planning (Section 72 Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area; neither would the proposal preserve the setting of the adjacent Grade II listed Old Mill contrary to the requirements of Section 16 (2) of the Act and its advice that LPAs have 'special regard' to the desirability of preserving listed buildings or their settings. Specifically, the proposal would result in the loss of significance of a non-designated heritage asset (NPPF paragraph 197), less than substantial harm to a designated asset in adversely affecting the setting of the grade II listed Old Mill and would result in a high degree of less than substantial harm to a designated heritage asset in terms of its impact on the character and appearance of the designated conservation area (NPPF paragraphs 192 and 196). In this instance, the benefits of the proposed development are not considered such as to outweigh the harm caused to the heritage interest. In these respects the proposal is accordingly considered to be contrary to Policy ST15 (Conserving Heritage Assets) and Policy DM07 (Historic Environment) of the North Devon and Torridge Local Plan.

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2. As the development represents major development within the designated Area of Outstanding Natural Beauty, the proposal therefore conflicts with the advice set out in paragraphs 172 and 173 of the NPPF because the applicant has not demonstrated that there are exceptional circumstances or that the development is in the public interest. In these respects the proposal is accordingly considered to be contrary to Policy ST14 (Enhancing Environmental Assets) and Policy ST09 (Coast and Estuary Strategy) of the North Devon and Torridge Local Plan.

3. The North Devon and Torridge Local Plan contains Policy ST07: Spatial Development Strategy for Northern Devon's Rural Area, which in Rural Settlements that contain at least one prescribed service or community facility, enables appropriately located development of a modest scale to meet locally generated needs. Policy DM24: Rural Settlements supports in qualifying Rural Settlements, proposals for local occupancy dwellings to meet a locally identified housing need. The proposed development is not considered to be of a modest scale or proportionate to the settlement's size, form or character, does not meet an established housing need including secure arrangements and will harm the settlement's rural character and setting. Consequently, the proposal is contrary to these policies.

**INFORMATIVE NOTE:**  
**POLICIES AND PROPOSALS RELEVANT TO THE DECISION**

Development Plan  
North Devon and Torridge Local Plan 2018:

North Devon and Torridge Local Plan (2011-2031)

ST01: Principles of Sustainable development  
ST02: Mitigating Climate Change  
ST03: Adapting to Climate Change and Strengthening Resilience  
ST04: Improving the Quality of Development  
ST05: Sustainable Construction and Buildings  
ST07: Spatial Development Strategy for Northern Devon's Rural Area  
ST09: Coast and Estuary Strategy  
ST10: Transport Strategy  
ST14: Enhancing Environmental Assets  
ST15: Conserving Heritage Assets  
ST16: Delivering Renewable Energy and Heat  
ST17: A Balanced Local Housing Market  
ST18: Affordable Housing on Development Sites  
ST19: Affordable Housing on Exception Sites  
ST22: Community Services and Facilities  
ST23: Infrastructure  
DM01: Amenity Considerations

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DM02: Environmental Protection  
DM03: Construction and Environmental Management  
DM04: Design Principles  
DM05: Highways  
DM06: Parking Provision  
DM07: Historic Environment  
DM08: Biodiversity and Geodiversity  
DM08A: Landscape & Seascape Character  
DM09: Safeguarding Green Infrastructure  
DM10: Green Infrastructure Provision  
DM17: Tourism and Leisure Attractions  
DM24: Rural Settlements  
DM27: Re-use of Disused and Redundant Rural Buildings  
Town Strategy - Ilfracombe

Devon County Waste Local Plan  
W4: Waste Prevention  
W21: Making Provision for Waste Management

National Planning Policy Framework

Lee Conservation Area Character Appraisal 2018

AONB Management Plan

Statement of Engagement

In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant and has looked for solutions to enable the grant of planning permission. However the proposal remains contrary to the planning policies set out in the reasons for refusal and was not therefore considered to be sustainable development.

End of Decision.

**Please remove any site notice relating to this application from your property as the decision has now been made.**