

PLANNING APPLICATION OFFICERS REPORT



Application Number	25/01667/FUL	Item	02
Date Valid	19.12.2025	Ward	DRAKE
Site Address	53 Headland Park Plymouth PL4 8HS		
Proposal	Change of use from garage to single dwelling and associated external works (retrospective)		
Applicant	Briscoe		
Application Type	Full Application		
Target Date	13.02.2026	Committee Date	26.02.2026
Extended Target Date	N/A		
Decision Category	Councillor Referral		
Case Officer	Ms Abbey Edwards		
Recommendation	Grant Conditionally		



The application has been referred to the Planning Committee by Councillor Ricketts.

1. Description of Site

This application relates to a two-storey garage, located within the curtilage of 53 Headland Park. In 2022 the garage was converted to a one-bedroom dwelling, and this application seeks to regularise this.

53 Headland Park is a large, three-storey property, located at the end of a residential cul-de-sac. The property was converted in the 1980s to create 6 self-contained flats and the garage was constructed shortly after this time. The property contains a private drive. Adjoining the building to the east (rear) is 3-6 Hill Park Mews, which are terraced dwellinghouses. The application site sits within an established residential neighbourhood and is within walking distance to Mutley Plain District Centre and the City Centre. It is well served by public transport.

2. Proposal Description

This retrospective planning application is for a change of use of the garage to a single dwelling and associated external works.

3. Pre-application Enquiry

20/00929/MOR - Conversion and extension of garage to form single dwelling - Officers raised concerns around impact on local parking, impact on neighbouring amenity resulting from the proposed extension and the standard of living accommodation for future residents.

4. Relevant Planning History

84/03659/FUL- Alteration and conversion of property to form six self-contained flats - Granted conditionally

85/02509/FUL - Erection of two garages - Granted conditionally

91/01352/FUL- Alterations to existing garage to create pitched roof - refused

92/00490/FUL - Alterations to existing garage to create pitched roof - Granted conditionally

93/00249/FUL - Alterations to existing garage to create pitched roof (revision to previously approved scheme).

5. Consultation Responses

Highway Authority- No objection, conditions recommended

Environmental Health - No objection

Local Lead Flood Authority - No objection

Natural Infrastructure team - No objection

6. Representations

The application was referred to Planning Committee by a Local Ward Member, objecting to the application on the basis that the proposed development is retrospective and was carried out without planning permission.

7. Relevant Policy Framework

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, national development management policies, local finance and any other material considerations. Section 38(5B) of the 2004 Planning and Compensation Act sets out that the determination of any matter under the planning Acts must be made in accordance with the development plan and any national development management policies, taken together, unless material considerations strongly indicate otherwise. For the purposes of decision making, as on March 26th 2019, the Plymouth & South West Devon Joint Local Plan 2014 - 2034 is part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts South Hams and West Devon within Dartmoor National Park). The Plymouth & South West Devon Supplementary Planning Document 2020 provides amplification of the policies of the Joint Local Plan.

The relevant policies and/or provisions of the following documents will also have the potential to be material to the consideration of the application: National Planning Policy Framework (NPPF), Planning Practice Guidance (PPG), National Design Guidance, the Plymouth and South West Devon Climate Emergency Planning Statement (CEPS) 2022, Southwest Marine Plan 2021 and the Joint Local Plan Five Year Review Report, 2024.

Following adoption of the Joint Local Plan, the three authorities jointly notified the Ministry of Housing, Communities and Local Government (MHCLG) of their choice to monitor the Housing Requirement at the whole plan level. This is for the purposes of the Housing Delivery Test (HDT) and the Five Year Housing Land Supply assessment. A letter from MHCLG to the Authorities was received on 13 May 2019 confirming the change. On 12th December 2024 the Ministry of Housing, Communities and Local Government published the HDT 2023 measurement. This confirmed the Plymouth, South Hams and West Devon's joint measurement as 113% and there are no policy consequences.

A 5% buffer is required to be applied for the purposes of calculating a five-year housing land supply at the whole plan level. The new standard method set out in national planning practice guidance, and the housing provisions of the NPPF, have a clear aim of increasing housing delivery nationally. As a result of the new standard method the combined authorities are therefore only able to demonstrate a 2.33 year housing land supply. This means that the presumption in favour of sustainable development set out in paragraph 11d applies for decision-making purposes, and that planning permission should be granted unless the specific circumstances set out in sub-points (i) or (ii) in paragraph 11d are satisfied.

The LPA therefore accepts that, given the provisions of NPPG (Paragraph: 062, Reference ID: 61-062-20190315, Revision Date: 15/03/2019) and paragraph 34 of the NPPF, that SPT3 is now out of date.

The most relevant Policies of the JLP in relation to the development proposed are:

SPT1 Delivering sustainable development

SPT2 Sustainable Linked Neighbourhood

SPT3 Provision for new homes

DEV1 Protecting health and amenity

DEV2 Air, water, soil, noise, land and light

DEV7 Meeting local housing need in the Plymouth Policy Area

DEV10 Delivering high quality housing

DEV20 Place shaping and the quality of the built environment

DEV26 Protecting and enhancing biodiversity and geological conservation

DEV29 Specific provisions relating to transport

DEV31 Waste management

DEV32 Delivering low carbon development

DEV35 Managing flood risk and water quality impacts

DEL1 Approach to development delivery and viability, planning obligations and the Community Infrastructure Levy

8. Analysis

8.1 This application has been considered in the context of the development plan, the Framework and other material considerations as set out in Section 7.

Principle of Development

8.2 Policy SPT1 of the Joint Local Plan supports development that follows the principles of sustainable development, including optimising reuse of previously developed sites, therefore reducing the need for greenfield development.

8.3 Policy SPT2.4 states development should support a good balance of housing types and tenures to support a range of household sizes, ages and incomes to meet identified needs. SPT2.2 states development should provide for higher density living appropriate to the local area that are best connected to sustainable transport, services and amenities.

8.4 Policy DEV7 of the Joint Local Plan builds on this and identifies a particular need in Plymouth for smaller dwellings most suited to younger and older people.

8.5 The City cannot currently demonstrate a 5 year land supply and this application would contribute to the City's housing figures through the provision of one dwelling. The dwelling would be small, addressing an identified need as stipulated in Policy DEV7. The proposal follows the principles for sustainable development as set out in SPT1 and SPT2 in regard to the fact it would constitute brownfield development, and the dwelling would be situated in a sustainable location within walking distance to local shops, services and amenities.

8.6 On this basis, Officers consider the principle of residential development in this location is acceptable, subject to compliance with national and local planning policy as set out below.

Design

8.7 The application building was constructed as a double garage in the 1980s, with roof alterations carried out in the 1990s.

8.8 The building's recent unauthorised conversion to a dwelling included the replacement of two vehicular garage doors with residential style windows and a replacement entrance door on the north elevation. A secondary entrance on the western elevation has been replaced with a window. There have been no alterations to the building's footprint, scale or mass and none are proposed as part of this application.

8.9 Officers consider the external alterations to the building are minor in nature and are in keeping/reflective of the surrounding residential development. The proposal is considered to comply with Policy DEV20 of the Joint Local Plan.

Highways

8.10 Policy DEV29 of the Joint Local Plan supports sufficient provision of car parking, promotes sustainable transport choices and the location of homes that can enable safe, secure walking, cycling and access to public transport.

8.11 The property lies within a sustainable and accessible location, with the rail station, City Centre and Mutley Plain District Centre all within walking distance, resulting in a variety of sustainable travel options for existing and future residents.

8.12 The application site contains a driveway which accommodates three parking spaces, the sizes of which meet the SPD requirements. These spaces serve the wider site which includes the host property, 53 Headland Park, comprising of 6 self-contained flats.

8.13 Headland Park is a residential street and is subject to a Controlled Parking Zone, which is in operation between 9am-7pm Monday to Saturday.

8.14 Noting the site's sustainable location and the presence of the controlled parking zone, the Highway Authority consider the site is suitable for car free development. No dedicated off-street parking for the one-bedroom dwelling would therefore be considered acceptable. The dwelling is currently, and would continue to be, excluded from obtaining parking permits for the controlled parking zone, in order to mitigate any additional parking within the residential street.

8.15 The proposal would result in the loss of a double garage, although it is evidenced through Council Tax data that the garage has been used as a dwelling and not for the parking of vehicles for the last 4 years (since 2022). The host property (53 Headland Park) has use of the existing three

parking spaces within the driveway and are eligible for parking permits within the controlled parking zone. Council records show only one of the six flats is in receipt of a permit.

8.16 On this basis, Officers do not consider the loss of the parking resulting from the garage conversion and the resulting provision of a single dwelling would create an unacceptable impact on the highway, particularly in regard to parking provision. It would be the responsibility of the landowner to manage the existing parking on site.

8.17 Secure and covered cycle storage for 1x bicycle would be required in accordance with the standards as detailed in section 8 of the SPD and this has been secured via condition.

8.18 Officers consider the proposal complies with Policy DEV29 of the Joint Local Plan.

Standard of Living Accommodation

8.19 The gross internal floor space exceeds the nationally described space standards for a single bedroom, single person dwelling.

8.20 Outlook and daylight to the dwelling is somewhat limited due to its northerly orientation and the fact it is single aspect. However, this is not dissimilar from the flats within the host property and Officers acknowledge the site is located within a densely developed neighbourhood. Noting the open layout of the dwelling and its size, Officers consider daylight and outlook to the property to be acceptable.

8.21 Concerns were raised regarding the parking of vehicles close to the habitable room windows. In response to the concerns, the Applicant proposes bollards to create some degree of separation between the windows and parked vehicles. Whilst this is positive, Officers consider the size of the frontage should be increased and details of cycle and bin storage should also be shown on a plan. As such, Officers recommend further details of the design and layout of the site frontage should be secured via condition.

8.22 There is no rear amenity space proposed to serve the dwelling, but this is not uncommon for properties in this area. The site is within 6-minute walking distance to Drake's Reservoir and 13-minute walking distance to Freedom Fields, which provide good quality public open space.

8.23 Officers consider the proposal would provide acceptable living conditions in accordance with Policy DEV10 of the Joint Local Plan.

Impact on Neighbouring Amenity

8.24 Officers note that the application relates to an existing building and no alterations are proposed. No concerns are therefore raised in respect of loss of daylight or outlook to neighbouring properties.

8.25 The proposal introduces residential (habitable) windows in close proximity to some of the windows within the host property (53 Headland Park). However, due to the orientation of the buildings, this would not result in direct overlooking between the properties and therefore Officers raise no significant concerns.

8.26 This application is for a single bedroom dwelling and as such, Officers do not anticipate any unacceptable impact on neighbouring amenity by way of noise.

8.27 Officers are therefore of the view that the scheme would be acceptable from a neighbouring amenity perspective in line with DEV1 and DEV2 of the Joint Local Plan. Given the size constraints of the site, Officers recommend permitted development rights are removed to ensure neighbouring

amenity is not compromised through incremental development and this is recommended to be conditioned.

Drainage and Flooding

8.28 The site is located in Environment Agency Flood Zone 1 and is considered to be at low risk from fluvial and tidal flooding. Surface water flood risk mapping indicates that the site is at low risk from a 1 in 100 year return period event.

8.29 This application is for a change of use with minimal external alterations proposed. As there would be no increase in impermeable area as a result of the development, the Lead Local Flood Authority raise no objection to the proposal.

Climate Emergency

8.30 Noting the nature and scale of development, which relates to a change of use with minimal external alterations, Officers consider that whilst it is disappointing no low carbon mitigation measures are proposed in line with DEV32 of the Joint Local Plan and the Climate Emergency Planning Statement this would not be sufficient grounds for refusal.

Biodiversity Net Gain

8.31 This application was submitted after the national biodiversity net gain requirement came into effect for minor development. However, as the site does not contain any priority habitat and/or less than 25sqm of other habitat, the development is considered 'de minimis' and is therefore exempt from the requirement. The Council's Natural Infrastructure team were consulted on the application and raise no objection.

HRA

8.32 The site underwent a Habitats Regulation Assessment by the Natural Infrastructure Team, which concluded that the application would have significant effect, without any avoidance or mitigation measures, on European and Internationally Protected sites. However, the effects are within those detailed in the Tamar Estuaries Management Plan and the Yealm Estuary Environment Management Plan and there is no significant impact on the protected sites.

Intentional Unauthorised Development

8.33 Since August 2015 national planning policy requires consideration to be given as to whether intentional unauthorised development has been carried out. The policy applies to all relevant planning decisions made by Local Planning Authorities and Planning Inspectors. The policy has been introduced largely as a result of Government concerns about the harm caused by unauthorised developments in the Greenbelt, but applies equally elsewhere.

8.34 The policy does not indicate exactly how much weight should be afforded to this in relation to the weight to be given to other material planning considerations. Neither does the policy clarify exactly what evidence is required to demonstrate the unauthorised development has been carried out intentionally.

8.35 It is clearly highly undesirable for any development to take place before planning permission has been properly sought, and obtained, in any circumstances. However, it should be noted that this new policy only applies where unauthorised development has taken place with the full knowledge of the person(s) undertaking the work that it lacks the necessary consent. In reality, given the difficulties in interpreting these points, it is considered that little or no weight can be given to this aspect, unless the Council has clearly indicated to the applicant that unauthorised development is being carried out, and that works have then continued beyond that point, or where there is some other compelling evidence that such work has intentionally been carried out.

8.36 Considering the fact that pre-application advice was provided in July 2020 for the development and the conversion took place regardless of this advice, there is evidence to demonstrate that the work was likely carried out in knowledge of consent being required. This is disputed by the Applicant, however, Officers are of the view that weight can and should be given to this consideration in determining this application.

Planning balance

8.37 Paragraph 11 d) and Footnote 8 of the Framework state that, where the policies which are most important for determining the application are out-of-date (including where the Local Planning Authority cannot demonstrate a five-year supply of housing land, or where the Housing Delivery Test ("HDT") indicates that the delivery of housing was substantially below the housing requirement over the previous three years) planning permission should be granted unless at least one of two exceptions set out in sub paras (i) and (ii) are met. Given the significant shortfall in the JLP's 5YHLS assessment, it is considered that the most important policies are out-of-date and therefore, unless either of the exceptions apply, the NPPF says that planning permission should be granted.

8.38 Exception (i) relates to whether the application of NPPF policies that protect a pre-specified list of assets of particular importance provide a strong reason for refusal. These are set out in footnote 7.

8.39 Exception two relates to whether any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Footnote 9 sets out the NPPF policies that this particularly relates to.

8.40 It is acknowledged that the LPA do not currently have a five-year housing land supply. In this instance the development has been carried out without planning permission and weight has been given to this in accordance with Paragraph 60 of the NPPF, and the development does also not provide any climate emergency mitigation measures. This has been weighed against the public benefits of the scheme that include the provision of one additional dwelling in a sustainable area of the city, close to services and facilities. The proposal is for a small dwelling, suitable for a single occupant and this meets an identified need as stipulated in Policy DEV7 of the Joint Local Plan. In this instance, Officers consider the harm is outweighed by the benefits when assessed against the framework as a whole. The application is therefore considered acceptable and is being recommended for approval.

9. Human Rights

Human Rights Act - The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

10. Local Finance Considerations

The Local Planning Authority has assessed that this development, although not exempt from liability under the Community Infrastructure Levy Regulations 2010 (as amended), will not attract a levy payment, due to its size or nature, under our current charging schedule.

11. Planning Obligations

The purpose of planning obligations is to mitigate or compensate for adverse impacts of a development, or to prescribe or secure something that is needed to make the development acceptable in planning terms. Planning obligations can only lawfully constitute a reason for granting

planning permission where the three statutory tests of Regulation 122 of the CIL Regulations 2010 are met.

Planning obligations have not been requested to mitigate the impact of development.

12. Equalities and Diversities

This planning application has had due regard to Section 149 of the Equality Act with regard to the Public Sector Equality Duty. Officers consider that this application will not cause discrimination based on gender, age or disability.

13. Conclusions and Reasons for Decision

Officers have taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004 and conclude that whilst it is regrettable works have been carried out without planning permission, the conversion of the garage to a single dwelling largely complies with the policies set out in the Plymouth and South West Devon Joint Local Plan, the guidance contained within the Supplementary Planning Document and the policies within the National Planning Policy Framework. The development provides a needed small dwelling, in a sustainable location and will not lead to harm to character or amenity of the area. The application is therefore recommended for conditional approval.

14. Recommendation

In respect of the application dated 19.12.2025 it is recommended to Grant Conditionally.

15. Conditions / Reasons

The development hereby permitted shall be carried out in accordance with the following approved plans:

1 **CONDITION: APPROVED PLANS**

Existing Site Plan 1273-DDL-XX-XX-DP-A-0200 Rev A received 27/01/26

Proposed Plans and Elevations 1273-DDL-XX-XX-DP-A-1101 Rev B received 27/01/26

Location Plan 1273-DDL-XX-XX-DP-A-0101 Rev A received 19/12/25

Reason:

For the avoidance of doubt and in the interests of good planning, in accordance with the Plymouth & South West Devon Joint Local Plan 2014–2034 (2019).

2 **CONDITION: SITE LAYOUT**

Notwithstanding the submitted information shown on Site Plan 1273-DDL-XX-XX-DP-A-0200 Rev A, within three months of the date of this decision works to demarcate the site's frontage and provide covered and secure storage for 1 no. cycle shall be completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The space laid out for the purposes of a frontage shall not be used for the parking of vehicles at any time and shall remain in perpetuity.

The secure area for storing bicycles and bins shown on the approved plan shall remain available for its intended purpose in perpetuity and shall not be used for any other purpose without the prior consent of the Local Planning Authority.

A dedicated area for bin storage shall also be shown on the approved plan and this area shall remain available for its intended purpose and shall not be used for any other purpose. Bins shall be stored in this area at all times except for collection day.

Reason:

To ensure that these further details are acceptable to the Local Planning Authority and that the development provides acceptable living conditions for future occupiers in accordance with Policies DEVI, DEV10 and DEV29 of the Plymouth and South West Devon Joint Local Plan 2014-2034 and paragraphs 115, 117, 135 and 187 of the National Planning Policy Framework 2024.

3 CONDITION: RESTRICTIONS ON PERMITTED DEVELOPMENT

Notwithstanding the provisions of Article 3 and Classes A, AA, B, C, E and F of Part 1 and Class A of Part 2 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no enlargements, improvements or other alterations shall be carried out to the dwelling hereby approved without the express consent in writing of the Local Planning Authority. This includes alterations to or insertion of windows and any alterations to the roof.

Reason:

In order to protect the residential amenity of future residents of the development and the amenity of neighbouring occupiers in accordance with Policy DEVI and to safeguard the amenity of the area in accordance with policy DEV20 of the Plymouth and South West Devon Joint Local Plan 2019 and the National Planning Policy Framework.

INFORMATIVES

1 INFORMATIVE: RESIDENT PARKING PERMIT

The development has been assessed as 'car free' development. To ensure that the development remains car free the occupiers of the property shall be exempt from obtaining any parking permits should the site be included in any new or expanded Controlled Parking Zones in the future.

2 INFORMATIVE: CONDITIONAL APPROVAL (NEGOTIATION)

In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and the National Planning Policy Framework, the Council has worked in a positive and pro-active way with the Applicant and has negotiated amendments to the application to enable the grant of planning permission.

3 INFORMATIVE: BIODIVERSITY NET GAIN EXEMPTION

In accordance with The Biodiversity Gain Requirements (Exemptions) Regulations 2024, this application is exempt from mandatory BNG as the development is subject to the de minimis exemption (development that does not impact a priority habitat and impacts less than 25sqm of habitat).

4 INFORMATIVE: (£0 CIL LIABILITY) DEVELOPMENT DOES NOT ATTRACT A COMMUNITY INFRASTRUCTURE LEVY CONTRIBUTION

The Local Planning Authority has assessed that this development, although not exempt from liability under the Community Infrastructure Levy Regulations 2010 (as amended), will not attract a levy payment, due to its size or nature, under our current charging schedule. The Levy is subject to change and you should check the current rates at the time planning permission first permits development (if applicable) see www.plymouth.gov.uk/cil for guidance.

Further information on CIL can be found on our website here:

<https://www.plymouth.gov.uk/planninganddevelopment/planningapplications/communityinfrastructuralevy>

More information and CIL Forms can be accessed via the Planning Portal:

https://www.planningportal.co.uk/info/200126/applications/70/community_infrastructure_levy/5

More detailed information on CIL including process flow charts, published by the Ministry of Housing, Local Communities and Government can also be found here:

<https://www.gov.uk/guidance/community-infrastructure-levy>