



Newsletter

Words from The Chair

It seems summer is finally here and very soon the Society will be out on the road again once more. This year we have booked to take our gazebo to no fewer than eight events, one more than last year. Details of the where and the when can be found on page 6. We hope both you and the sun will join us!

Before then, those who have read our previous Newsletters will recall a number of topics we have returned to, time and time again! Amongst them are both the Freeport and the Devolution Deal. And we make no apology for doing so once more.

On page 2 we quote from the Labour Party manifesto. It provides a reminder – as if any were needed, as to why establishing yet another layer of local government, namely the Devon and Torbay Combined County Authority, should at the very least have been delayed until after this coming election. Ploughing blindly ahead with what has been a profoundly undemocratic exercise and simply hoping you will like the outcome is a far from sensible strategy.

Being certain of the facts before deciding to commit might again have been advisable when the original decision to be part of the Freeport was taken. At our AGM in Totnes in April we were delighted to welcome Freeport Chief Executive Richard May, and he very kindly answered many of our questions. But there were several to which we subsequently sought further clarification. As we reveal on page 8, it transpires not all was necessarily as originally claimed.

We also return to the subject of Home Field in West Alvington, and the failure of Enforcement to require the reinstatement of the land after it had been used as a temporary construction compound to its previous condition. We report on page 4 on the Stage Two Complaint we submitted to the LPA in June. We received a response while this Newsletter was going to press. In it we were told we were previously:

provided with full explanations

and that a thorough and robust review of the concerns which you have raised has been carried out.

We disagree, and we will now be taking the case to the Local Government Ombudsman.

Similarly enforcement, or the need for action to be taken in Ringmore, is once more the subject of our report on page 10, while on page 12 we offer an example of how applicants and their agents can apparently play fast and loose with the planning system with impunity.

Some fascinating questions are posed by our Environment Lead Martin Fodder on page 5, where he wonders how best to control both deer and squirrel numbers. That there is a good case to do so is not in doubt. But whether you will be prepared to countenance one or more of his possible solutions could be open to question.

Coverage of various planning issues are to be found beginning on page 11, including such hardy perennials as Cove Guest House, Harbour Watch and Rickham, while on page 13 we update progress on four appeals with which the Society has and, in two of the cases, still continues to be involved.

But we start this issue with the matter of Parish Profiles, which Council Leader Julian Brazil would appear to be promoting as he is less than enamoured with housing needs surveys being used to prevent development, and in particular where there is a need for genuinely affordable housing.

And finally on page 7 our Secretary and Archivist Nicola Fox has gone back to a meeting that took place on Monday 3rd November 2003 at the Kingsbridge Leisure Centre to discuss plans for a second supermarket in the town. Our Spring 2004 Newsletter carried a report by its then editor in which he noted:

it was revealed to my surprise, that there are people who have priorities that are different from mine... I felt myself sharply reminded, we should always consider the ambitions of others.

A useful reminder that we should do our best to remember. •

Parish Profiles may yet prove problematic

SALCOMBE PARISH PROFILE

A useful background of the community within your parish.

Housing

- Average property prices of **£1,192,706** in 2022, increasing from **£910,884** in 2021.
- The parish has **574** second homes, and **299** holiday lets - **45.3%** of the total dwellings in the parish.
- 12.6% of homes are 1 bedroom properties, 21.4% are 2 bedrooms, 37.7% are 3 bedrooms, 28.4% are 4 or more (which is higher than the average for England and Wales).
- Occupancy ratings for bedrooms:
 - 52.4% have +2 or more, 25.4% have +1, 20.9% have 0, 1.1% have -1 and 0.1% have -2 or more.
 - This information shows the percentage of households that have spare bedrooms, those that have homes that meet the household size need, and those that are lacking bedrooms.

The proposed Parish Profile for Salcombe

At the meeting of the Executive on 6 June the report presented to members said:

The Council recognises that traditional housing needs surveys are only a snapshot of the situation, based on various opinions at a point in time. Furthermore, they can be divisive, and the methodology relied upon does not always reflect the need or the content of other nationally recognised data sources.

Instead, officers have created the Parish Profile – a broader basket of data and information. This easily digestible, short document provides information from secondary data for use by developers, Registered Providers (RP's) and Members on a defined parish.

Council Leader Julian Brazil elaborated as follows:

Average bids for a two-bedroom house in Salcombe, average bids 45, I think that shows a housing need in that area. I don't think you need to go out and ask people if there's a housing need, that says it. And if we can formalise that as a way of saying that illustrates a

housing need then we don't need to go through all that rigmarole of asking people who then, when anything happens, have already moved out of the parish....

I would challenge anyone who lives in the South Hams to find anywhere in the South Hams where there's not a housing need. And so why are we spending a lot of time and money doing these housing needs surveys when all they do is confirm what we know already? We have had examples where people use the housing needs survey to basically act like a nimby and say we don't need anything. What they mean is I don't need anything and I don't want anybody else moving in to the beautiful area where I live, which I don't think is helpful, and it also starts contention. I think if we just have a factual sheet like this, there it is, can't argue with it....

I think housing needs surveys are history. I think we need to move on and be more sophisticated about how we actually make decisions to decide where we want plots to be developed.

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Devolution warnings ignored

Our Councillors can't say they weren't warned. As long ago as last November we argued any decision about the newly-proposed Devon and Torbay Combined County Authority:

should be postponed until after the forthcoming general election. Residents need to know precisely what will and won't be on offer from whoever is then in government, what it will cost, and what that will mean for the South Hams. Only then should the decision be taken by residents in a referendum. And not by councillors who currently have no mandate to change who governs us locally.

In particular, having heard what Sir Keir Starmer had to say, we were concerned that:

functions that are currently the responsibility of South Hams District Council, such as planning, could be taken over by the new Authority, removing local oversight and accountability to somewhere even further away from the communities most affected.

Our campaign then continued in our Newsletter, on our Facebook page and in the local press until, on 26 April, prior to their meeting on 29 April, we emailed all Devon County Councillors. Attached to that email was our analysis of the published response to the public consultation.

But all to no avail. For as you can read on page 38 of the Labour Party Manifesto:

Housing need in England cannot be met without planning for growth on a larger than local scale so we will introduce effective new



Former Devon County Council Leader Cllr John Hart

mechanisms for cross-boundary strategic planning. Labour will require all Combined and Mayoral Authorities to strategically plan for housing growth in their areas. We will give Combined Authorities new planning powers along with new freedoms and flexibilities to make better use of grant funding.

Consequently our worst fears appear to have been realised. Not only is this new layer of local government almost certain to be imposed on us, we also we have no idea how much it might eventually cost while, in all probability, our local directly elected representatives will lose control over planning decisions.

Although it would be easy to say we have arrived in this position because the Conservative majority on Devon County Council

were required to support their leader Cllr John Hart, so that the outcome was therefore a foregone conclusion, each of the eight District Councils, of which SHDC is one, along with those County Councillors from the other political parties should also share much of the responsibility.

For despite the majority of responses submitted by the town, parish and district councils quoted by the consultation feedback report being far from enthusiastic about the proposed CCA, not one district council refused to support the new Authority.

And even though Cllr Caroline Leaver, the leader of the Liberal Democrat opposition, reminded her fellow councillors when they met on 29 April to decide

whether to proceed with the new Authority:

The detail of the response which have been provided by all seven of the district councils and Exeter City Council really show that there is a big concern about the democratic deficit that is here.... what is really stark in the responses here is that all levels of local government feel there is a democratic deficit and the voice of district councils will be diminished. One might say that district councils are being relegated to junior partners in this.

Neither she, her colleagues, nor the leader of South Hams District Council Julian Brazil or his deputy and fellow Liberal Democrat Dan Thomas, who is also our District Council's executive lead for planning, and who are both also members of Devon County Council, chose to vote against the decision to go ahead.

Yet all were aware that the consultation findings, compiled from a total of 890 responses, comprising 791 questionnaires completed online and 99 letters/emails from organisations and individuals, collectively made it clear that support for the scheme is far from universal.

The consultation asked questions regarding each of the seven elements collectively comprising the draft proposal for the CCA, with in each case respondents being asked to select from one of six tick-boxes. Those were 'Strongly Agree', 'Agree', 'Strongly Disagree', 'Disagree', 'Neither agree nor disagree' and 'Don't know'. Respondents could also add comments of their own.

Overall, only one of the seven proposals enjoyed the support or more than 50% of all respondents. With three of the remaining six proposals marginally more agreed than disagreed. But as for the remaining three, more respondents objected than were in favour.

Surprisingly the published findings offered no breakdown as to how strongly respondents had agreed or disagreed with any of the proposals. Instead those who had Strongly Agreed and Agreed were bundled together as one, as were those who had Disagreed and Strongly Disagreed.

It was also apparent that many of those comments the report provided as supportive were heavily qualified. Some, rather than being said to offer support, should have been shown separately

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Devon and Torbay Devolution Deal
Working together for better housing, jobs and prosperity

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The proposed devolution deal for Devon and Torbay was announced by the Secretary of State for Levelling Up, Homes and Communities and published by the Department for Levelling Up, Housing and Communities (DLUHC) on 25 January 2024: [Devon and Torbay devolution deal](#)

In February 2024 Devon County Council and Torbay Council agreed to support the proposed deal and resolved to carry out a public consultation on a draft proposal to establish the Devon and Torbay Combined County Authority (DT CCA). The DT CCA will be a separate free-standing body with responsibility for functions to deliver the devolution deal.

A six week consultation on the draft proposal took place between 12 February to 24 March 2024. The draft proposal was published on this website together with a list of the powers and functions that Devon County Council and Torbay Council propose become available to the DT CCA: [Consultation feedback report](#)

Devon County Council and Torbay Council considered the results of the consultation at the end of April 2024. The final proposal for the DT CCA was submitted to Government on 1 May 2024. This includes a table listing the powers and functions that will be devolved to the CCA: [Devon and Torbay Combined County Authority – Final Proposal](#)

The next step is for the Government to draft and approve the regulations (a legal Order) to create the DT CCA. It is expected that this process will be complete in Autumn 2024.

However, in the light of the announcement of the general election, we are seeking clarity from Government officials on how the legislative process for setting up the Devon and Torbay Combined County Authority will be affected.

Both Devon County Council and Torbay Council remain [committed to bringing forward our agreed devolution arrangement as soon as possible](#), and we collectively await clarity from Government officials.

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...Devolution

as raising questions requiring answers while others, because they did not actually disagree with the proposal under review, were automatically assumed to be in support.

From the way in which the findings appeared selectively presented the report was possibly somewhat less than entirely objective. In order to find out more the Society submitted a Freedom of Information request to discover the actual breakdowns as to how strongly respondents had agreed or disagreed, and what that might reveal.

As the numbers in the table on the right show, it is only where 'Improving Local Transport' was concerned that more respondents strongly agreed the new Authority would have a positive impact than those who strongly disagreed. In every other instance the strength of feeling was very much reversed, with a far greater number strongly disagreeing than agreeing that any of the proposals would be beneficial.

Crucially respondents were given no opportunity to simply declare whether or not they were in favour of setting up the new Authority. And it is also true that no politician ever sought a mandate to do so.

Nor was any real consideration given to the findings of the con-

sultation when councillors were deciding whether or not to proceed. Indeed, it seems the only purpose in it being carried out was the need to tick one of the boxes box required by the Leveling-up and Regeneration Act.

However for the moment at least the new Devon and Torbay Combined County Authority is briefly on hold. The decision to legally confirm its establishment has had to be deferred for a few days until after the General Election.

At that point, if all goes as expected, page 36 of the Labour manifesto promises to:

immediately update the National Policy Planning Framework to undo damaging Conservative changes, including restoring

mandatory housing targets. We will take tough action to ensure that planning authorities have up-to- date Local Plans and reform and strengthen the presumption in favour of sustainable development.

After which the new Authority, when planning for housing growth in both the South Hams and West Devon, will somehow have to reconcile working with Plymouth City Council, with whom we already have a Joint Local Plan – a challenge that may not be helped by Plymouth having refused be part of this new Authority, with working with Torbay, who are noticeably not part of our Plymouth and South West Devon Joint Local Plan.

For those of us in the South Hams

it is also entirely possible that Torbay will now use their very considerable influence in the new Authority to try to impose further development on our area to help make good their own shortfall.

Much remains unknown. But we can only hope that all those who on 29 April refused not wait until after the general election to know what the new government intended, but instead voted to allow the new Authority to immediately proceed, will never have reason to regret their decision.

For better or worse Cllr Hart, who has long championed the new Authority, was able to obtain his legacy without first obtaining public consent. He will be far from the last politician to do so. •

Consultation Response Analysis	Agree			Disagree			Neither	Don't Know	Total
	Agree	Strongly Agree	Total	Disagree	Strongly Disagree	Total			
Maximising Economic Potential	196	<u>142</u>	338	124	<u>227</u>	351	91	8	788
Addressing housing pressures	196	164	360	125	<u>217</u>	342	77	8	787
Improving local transport	218	<u>189</u>	407	111	181	292	79	9	787
Meeting net zero ambitions	160	151	311	103	<u>238</u>	341	126	10	788
Delivering investment in Devon	200	162	362	119	<u>218</u>	337	85	5	789
Creating a strong and sustainable	215	171	386	112	<u>191</u>	303	88	11	788
Proposed delivery arrangements	175	108	283	136	<u>241</u>	377	114	13	787

Where numbers are underlined in red, more either chose to 'Strongly Agree' or 'Strongly Disagree'

... Parish Profiles

In other words Cllr Brazil is confident that Parish Profiles will show there is a need for affordable housing in every parish. And significantly, he also confirmed Parish Profiles will be considered a material consideration.

That then raises the possibility of a developer using a Parish Profile to bring forward a site, not necessarily identified in either the Joint Local Plan or Neighbourhood Plan, and argue the Profile shows the need for 9 affordable houses exists in that Parish. They will then offer to deliver those 9 houses but, they will say, they also have to build a further 21 open-market homes on the site for the scheme to be financially viable.

And even were application to be refused, for example on the grounds that what was being proposed would be a major development in a protected landscape, with a housing Crisis already declared in the South Hams there is no guarantee that, on appeal,

an Inspector would not side with the developer.

So it is perhaps of greater concern that our Council is actually inviting developers to make use of Parish Profiles, meaning it might not be unreasonable to assume our elected representatives are neither ignorant of, nor unhappy with, our protected landscape having to accommodate many more 'executive-style' open-market dwellings.

Even though the Profiles are clearly intended to help satisfy the very real need for genuinely affordable housing in parts of the South Hams, as it stands they could well result in many more of the wrong type of houses being built in the wrong places.

Cllr Brazil will no doubt recall that when the proposed Dennings development went to appeal the Inspector found in favour of the appellant. The town's Neighbourhood Plan had omitted to define housing requirements in sufficient detail. This may indeed have been the example he was referring to when he told the meeting:

We've seen how developers have used housing needs surveys and manipulated them and deliberately misinterpreted them to come up with what they want to do.

So it's important that Parish Profiles are not allowed to become a new loophole for developers to exploit because, when asked whether a Parish Profiles would carry more weight as a material consideration than a Neighbourhood Plan when determining an application, Cllr Brazil could only respond:

It would be hard to say which one carries the most weight. Usually whichever one supports your argument I would say.

Consequently before allowing a Parish Profile to become a material consideration, either the Joint Local plan needs to be updated, or a Supplementary Planning Document published, unequivocally stating that within our protected landscapes exception sites can only be brought forward by Community Land Trusts, Housing Associations, or commercial developers who are prepared to

guarantee that no less than 85% of all dwellings will be affordable.

Even then, it's important to question whether Parish Profiles really will represent a genuine improvement over housing needs surveys which, although they may be flawed, do represent the considered opinion of existing parish residents as expressed through their Neighbourhood Plan – a consultation Cllr Brazil is now suggesting could be ignored or denied.

In Ringmore, for example, their Survey also asked residents how many wished to downsize, and how many were considering moving away from the parish due to such often age-related issues as transport and access to shops and hospitals. Respondents were also asked the type of accommodation they required were they to downsize.

This information is simply not available from merely counting the number of Devon Home Choice applicants. And it

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Lack of Enforcement the subject of Stage 2 complaint

As readers of our April Newsletter will recall ('Enforcement needs to be enforced'), it is now more than three years since the Society first wrote to the LPA to ask why a field in West Alvington, used as a temporary construction compound, had yet to be reinstated to its previous condition.

Not long after the Enforcement Team had opened case reference number 024733 on 18 January 2021, the Council's Senior Case Manager Enforcement wrote to inform the Society:

there is a requirement to reinstate the land under the General Permitted Development Order and the matter will be pursued under this heading.

Then, for more than a year and a half, nothing more was heard until it transpired the land was not now to be reinstated. Instead the owners were intending to submit a retrospective planning application, to permit the land to be used as a car park.

No such application was ever received. And again silence ensued until, at the start of this year, the Society was told:

The Council have made the decision that it is currently not expedient to pursue this case as it is not in the public interest to do so and the case will now be closed.

In response the Society registered a Stage One Complaint on 6 March, in which we argued that as a result of its decision the public body has failed to carry out its statutory duty to 'conserve and enhance' the South Devon Area of Outstanding Natural Beauty (South Devon National Land-



Home Field as it is today (above) and was (below)



scape) in accordance with the requirements of Section 85 of the Countryside and Rights of Way (CRoW) Act.

Subsequently, at the end of April, the Council's Senior Enforcement Officer replied:

The Enforcement Report acknowledges that the site lies within the South Devon National Landscape and that its use as a car park represents an unjustified form of development within it, but then, in consideration of the matter of expediency and of balancing the issue it acknowledges the benefit to the community of its retention as an informal parking area; in this case this was considered to outweigh the impact of its retention on the wider landscape.

But as far as we could see there was no advertising or signage at the site suggesting it was available for all to use. And when at a meeting of West Alvington Parish Council on 13 July 2023 parking in the parish was discussed and the possibility of approaching other landowners was considered, the land was not amongst the alternatives and the decision was taken to renew the lease on the existing Town Car Park.

We therefore wrote to the Parish Council to ask if, at that meeting, Home Field had been considered as a possible option or whether it might yet be needed in addition to the existing Town Car Park.

Discussing the issue at their

meeting on 11 June, Councillors approved the following statement:

It is the opinion of WAPC that this land is not available to all for use as a car park. The land has seemingly, on occasion, been used for parking over recent years, we understand this is by prior arrangement only as there have been occasions when parishioners have been approached by the landowner for parking without consent. This land in its current state offers no benefit to the parish.

WAPC fully support the South Hams Society in their efforts to see the land fully returned to its original condition as a greenfield site.

Consequently the Society has since submitted a Request to the Council for a Stage 2 Formal Complaint review, emphasising the fact the Parish Council is clearly of the opinion that the retention of the land in its current state offers no benefit to the community and that they would wish to see it fully returned to its original condition as a greenfield site.

Concluding our submission, we said, we remained:

of the opinion that the Council had failed to carry out its statutory duty to 'conserve and enhance' the South Devon Area of Outstanding Natural Beauty (South Devon National Landscape) in accordance with the requirements of Section 85 of the Countryside and Rights of Way (CRoW) Act when it arrived at its decision regarding enforcement case reference: 024733.

A further response from the Council is now awaited. •

... Parish Profiles

becomes highly relevant when deciding the housing mix if any open-market dwellings are to be built alongside the affordable homes.

The Ringmore survey also contacted the District Council to discover the number of people then on the Affordable Housing Register. The answer was a single individual, a fact that was included in the Neighbourhood Plan section on housing. But when the two affordable houses in the village, originally intended to provide homes for local people as they got older or to enable their children to find a place to live, subsequently became available following the death of their previous residents, neither was taken by that individual.

When presented in isolation

there is always the danger that Devon Home Choice data alone will fail to provide an adequate alternative to many housing needs surveys. Nor is it always the case the additional information in the Profiles can necessarily be relied upon.

To begin with, no indication is given when calculating average property prices as to the number of dwellings actually sold within the period. In Staverton, for example, average prices were shown as being over £1 million. On investigation it turned out that was based on a single sale.

Similarly it is not clear whether the number of holiday lets also includes AirBnBs, the source of the 'Average 3 bed rental prices' or the number of dwellings included in the calculation, and whether the capacity of the

primary school can be physically expanded, while any data from the census dates from 2021 and so is already out of date – and will become more so each year until the next census takes place in 2031.

A request to discover the various data sources used to compile the Profiles was submitted by the Society. Unfortunately no response was received by the date promised and before this Newsletter went to press. Should the information eventually arrive we will publish an update on our website.

Insufficient information is also provided as to the sustainability of further development in the Parish. For example no information is provided as to whether there are any employment opportunities in the immediate

locality, whether there is an NHS dentist accepting new patients, how long it can take on average to get to see a GP, the availability of public transport or local levels of congestion.

Much time and effort goes in to ensuring Neighbourhood Plans provide such information. And few if any housing needs surveys will have been undertaken with the express purpose of preventing any further development.

But just as Cllr Brazil is happy to exploit those findings that best support his case, he can hardly condemn others who might choose to do the same.

Parish Profiles may well have a place. But in themselves it seems they are unlikely to prove the panacea being promised by their promoters. •

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Rewilding: thinking outside the box...



Water vole

I recently spent a morning helping with this year's phase of the project to re-establish the water vole on the River Gara between Blackawton and the sea. "Ratty", the "Water Rat" in *Wind in the Willows* was in fact a water vole. There is no such thing as a water rat. You can read more on the water vole project on the Gara here.

Water voles will, hopefully, be thought of as a fairly uncontroversial reintroduction. Similarly the introduction of some special fairly "wild" sounding ponies at the Sharpham Estate will, presumably, be thought of as fairly unobjectionable.

But there are more difficult cases. What about the wolf? Surely not! But before dismissing the idea entirely pause to consider that we have a rapidly growing population of deer in this country. And they are moving into suburban areas.

Quite apart from the damage they cause to growing trees and other crops they are also responsible for an increasing number of road accidents.

As a result there have been calls to reintroduce species that pre-date on deer.

Ben Goldsmith, brother of the more famous Zac, when interviewed by the Daily Mail, expressed his view that this should be considered as a way of controlling their increase and the threat it represents. See what he said here.

Not for the first time the economic arguments for ecological measures are powerful. Any blockage of a major road by an accident caused by deer can cost

hundreds of thousands in direct and indirect costs.

But, unlike Kenneth Graeme's *Water Rat*, the wolves have not had an efficient literary PR machine backing their cause. So how about another Top Carnivore? How about the lynx instead? You may be persuaded by the material here.

Not only would the lynx help with the deer they would also help with the squirrels.

The oversupply of squirrels (and of course "our" squirrels are actually an American import- think on that aspect- they are not "natural") is a real threat to both trees and electricity supply. They ate through our cabling a few years ago and it has been said

that "the No. 1 threat experienced to date by the U.S. electrical grid is squirrels."

However if the lynx is a step too far then what about the Pine Marten? See here as to how they

too can help with our excess squirrels and deer.

I will write more on rewilding in future newsletters, but perhaps this short piece will encourage some lateral thinking. •



Pine Marten (above) and Lynx (below)



Wolves would be amongst the more difficult cases

Join our Committee

We are always keen to welcome new members to the Society's Committee as it expands our horizons, brings different viewpoints and increases our areas of expertise.

If anyone would like to volunteer and join the Committee we would be very pleased to hear from you.

In the first instance please email Kate Bosworth, our membership secretary - membership@southhamsociety.org

Summer is here and it's Show Time!

Summer it seems is finally here and the time will soon be right for the Society to be out on the road again once more. As you can see below, we will be taking ourselves and our gazebo to no fewer than eight of the most popular shows in and around the South Hams.

For those of us in attendance the days can be long and exhausting, but made more than tolerable by the chance to catch up with old friends and make new acquaintances. So we very much look forward to seeing you there. And by all means bring a friend or two. You know we would be delighted if they also chose to join us.

And when you're with us we'd really like to know what you think of the work we have been doing, the other work you think we ought to be doing, along with any work you think we should not to be doing! The Society belongs to its members and together we will continue to work to protect the natural landscape and the built character of the South Hams from the many threats and challenges forever being faced. But how we go about it is for you to decide.

Of course, ideally we hope you might be willing to become actively involved in our work. Already we know that come next April we will sadly lose at least two of our longest serving and most active Committee members.



Signing up new members at the Totnes Show last year

So for the Society to continue to both survive and thrive replacements need and must be found.

If you think you might in any way be able to help do please come and talk to us when we're out and about this summer or, alternatively, email our Chair Richard Howell (southhamsociety@gmail.com). We would really like to hear from you.

It's also the time of year when we need to start putting together our list of speakers for this autumn's series of Crabshell Conversations. So if you would like to address us, or recommend somebody who should, do please let us know. Again you can email our Chair.

The last of our Crabshell Conversations this Spring featured our Environment Lead Martin Fodder,

who offered his insights in to how we can make our waters both fit to drink and swim in. Amongst the audience was Alan Smith, managing director of Water-people Limited and a former water company director, whose contributions from the floor created considerable interest. He has agreed to be with us in October.

Finally it only remains to thank the Chief Executive of the Plymouth and South Devon Freeport Richard May, South Hams District Council lead for the Economy Cllr John Birch and Chris Brook, the Council's Director of Place and Enterprise, for having been prepared to brave the audience at our AGM in Totnes, answer our questions and attempt to explain the benefits the Freeport will bring to the South Hams. •

Where the Society will be this Summer

Kingsbridge Fair Week: 27 July

Town Square, Kingsbridge, TQ7 1HS 9:00am till 12:00pm

Totnes & District Show: 28 July

Great Court Farm, Berry Pomeroy, TQ9 6LE 9:00am till 6:00pm

Yealmpton Show: 31 July

Kilter Lawns, Yealmpton, PL8 2NN 09:00am till 5:00pm

Loddiswell Annual Show: 03 August

Loddiswell Playing Fields, TQ7 4BY 11:00am till 5:30pm

Festival of Nature: 04 August

Field Studies Council, Slapton Ley, TQ7 2QP 11:00am till 5:00pm

South Hams Vintage Machinery Club Rally: 10-11 August

Sorley Cross, Kingsbridge, TQ7 4AF 10:00am till 5:30pm

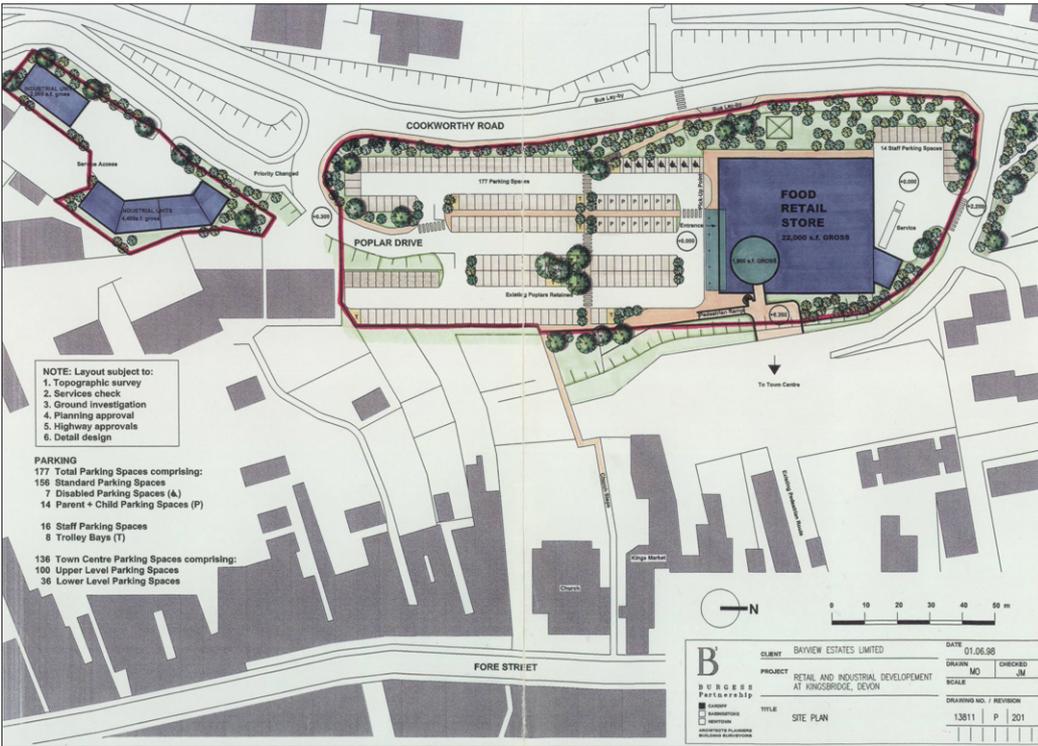
Hope Cove Weekend: 26 August

Anchor Cottages, Hope Cove, TQ7 3HQ 09:00am till 3:00pm

Kingsbridge Show: 07 September

Borough Farm, East Allington, TQ9 7QP 09:00am till 5:00pm

Aspirations and ambitions – 20 years ago



The original 1998 plan, with the proposed site layout reversed

The Tesco supermarket in Kingsbridge is now an established fact, but looking back at the range of views expressed about its possible design and operation reveals some rather different aspirations. It wasn't known at the time which supermarket chain would be taking the site, but the development was considered important enough for the Kingsbridge and District Agenda 21 Group, supported by the SHS, to organise a public open meeting to discuss the possibilities.

This took place on Monday 3rd November 2003 at the Kingsbridge Leisure Centre, and was well attended.

There was an open forum for comments, and the discussion was summarised as follows, as taken from the minutes of the evening.

1. Up to date, independent research was needed to establish the viability of having a second supermarket.
2. If the need was established, councillors should be demanding in ensuring that the many needs of the town were taken into consideration i.e.
 - It should be small scale and not overwhelm or be detrimental to other commercial outlets in the town.
 - It should have the flexibility to cope with greater demand during busy times of the year, notably the tourist season.

- It should have adequate car parking and not detract from car parking for the rest of the town.
- It should have easy links with local bus services.
- It should have natural links with the Fore Street shops.
- It should be built sympathetically.
- There should be a cohesive approach so that other facilities could be developed in tandem with the main development of this important site.

Members of the public were then advised to send any comments they may have on the proposals to South Hams District Council and Kingsbridge Town Council where their views would be noted.

While the second supermarket soon became a fact, some of the aspirations mentioned were lost in the process. The then editor of the Society's newsletter, John Cutler, provided another sidelight on the discussion, reminding us that there are other perfectly legitimate aspirations to be considered.

Editorial – South Hams Society newsletter, Spring 2004

... I am a whole hearted supporter of the Society's aims and objectives (and not just because I am a committee member) but ... at the leisure centre's public meeting about Kingsbridge's second supermarket, it was revealed to my surprise, that there are people who have priorities that are different from mine. Their

de facto spokesman was a big amiable man, clearly a Devonian whose forebears, I would guess, saw Phoenician ships in Bigbury Bay. He pointed out that 95% of the people in the hall, and that included me, were not originally from Devon. In effect they were, and are visitors, in the sense that they came here and stayed here for the beauty and relaxed atmosphere (he said "quaintness", which I thought a little unfair); but they are not people who have spent generations constructing it all.

He was most certainly not critical of the Society's environmental protectionist policies, good luck to them, but his priority was less for GM free food and more for food that his people could afford, and his old ladies could reach, on foot or by public transport. If high-rise flats were to be built on the shoreline he would be sorry but he was more concerned that his grandchildren would be able to buy a two-up two-down in the area their fathers had made.

His priorities are different priorities in an atmosphere of change that we all know cannot be held back. We in the Society are in a position to contain and manage the changes to improve the area but, as I felt myself sharply reminded, we should always consider the ambitions of others.

(John Cutler was a long-standing SHS committee member, and edited the Society's newsletter for some years.) •

Tree thoughts

Now leaves are out on the trees we can see the extent of ash dieback. Fortunately, not all have succumbed, particularly older trees but, possibly, they just take longer. Nonetheless, some younger trees seem to be surviving and let us hope they have the resistance necessary.

If you are near a road or public footpath you will, doubtless, take measures to ensure any dead and potentially dangerous ash are felled. Not a bad time to look generally at trees nearby. It is not only ash that die and fall. Walnut trees are amongst the last to come into leaf and this year they were taking forever but come late May they obliged.

Being fortunate enough to have a bit of land, I love planting trees. I planted some Scots Pine a year ago and find deer love nipping off the leading stem. Rabbits nibble fruit trees too. The solution I have found (which protects any tree) is to buy a roll of 1" x 1" wire mesh (1mm galvanised x 36"). I cut off 36" lengths; an angle grinder with a cutting blade is much faster than snippers, and then staple the two ends together on a wood post to make a mesh tube. Last job is to tap the post into the ground and apologise to the deer.

The work of a gardener is never done. - fortunately! •

Volunteers Wanted

We would like to ask all members to join us at one of the events we have planned this year to help us set up/run the stand and help speak to the public about joining the South Hams Society. We are attending no fewer than eight eventsand if you could come for a morning or an afternoon to help out that would be greatly appreciated, the more the merrier. It's also the opportunity to catch up with other society members as well as the committee.

Please email Kate Bosworth, our membership secretary - membership@southhamsociety.org, if you can help.

Newsletter / 8



**South Hams
District Council**

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Please reply to:
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Our Ref: JP/SJ

Mr Anthony Payne
Strategic Director for Place
Plymouth City Council
Ballard House
West Hoe Road
Plymouth PL1 3BJ

4 February 2021

Dear Freeport Bid Assessment Team

We write to confirm our full support for the Plymouth and South Devon Freezone Bid.

Specifically we confirm that we support and agree to the proposed planning framework, the Joint Local Plan for Plymouth and South West Devon 2014 to 2034 and any Local Development Order we may agree is desirable to accelerate delivery.

The Joint Local Plan (JLP) is part of a ground-breaking strategic planning process for Plymouth and South West Devon which looks ahead to 2034. It sets a shared direction of travel for the long term future of the area, within the context of wider integrated strategic plans.

The Joint Local Plan already sets out specific planning policies in relation to the three main sites identified in our Freeport bid, providing a high degree of certainty for communities, businesses and investors, and a framework for guiding decisions on individual planning applications.

These allocations mean that there is already sufficient detail within the plan to provide clarity to developers, local communities and other interested parties about the nature and scale of development and to ensure the quick and efficient delivery of the Freeport proposal.

We further confirm: we are prepared to commit the South Hams District Council share of the income received from business rates on the sites identified in the bid for a term of 25 years. We agree to the proposed mechanism and governance arrangements to decide how retained business rates will be reinvested in the Freeport; and; with Plymouth City Council as the lead accountable body for any and all public funds allocated to the scheme.

Yours sincerely



Cllr Judy Pearce
Leader

The letter from Judy Pearce to Anthony Payne (above) and the report presented to the full council on 31 March (below)

Report to:	COUNCIL
Date:	31 March 2022
Title:	Plymouth and South Devon Freeport Update
Portfolio Areas:	Cllr Hilary Bastone – Economy
Wards Affected:	All
Urgent Decision:	N Approval and clearance obtained: Y
Author:	Chris Brook Role: Director – Place and Enterprise
Contact:	Email: chris.brook@swdevon.gov.uk

RECOMMENDATIONS:
That Council RESOLVES to:
<ol style="list-style-type: none"> 1. Approve South Hams District Council's full participation in the Plymouth and South Devon Freeport. 2. Approve the formation of a company limited by guarantee and for South Hams District Council (SHDC) to be a founder member alongside Devon County Council (DCC) and Plymouth City Council (PCC) to operate the Freeport 3. Delegate authority to the Director of Place and Enterprise, in consultation with the Leader of the Council, Executive Member for Economy and S151 Officer to: <ol style="list-style-type: none"> a. submit the Full Business Case (FBC) for the Plymouth and South Devon Freeport b. approve the articles of association and reserved matters for the Freeport company and enter into member agreements between SHDC, PCC and DCC, and other relevant legal agreements c. Enter into the business rates retention sharing agreement with DCC, as set out in 4.22 to 4.24 of the report d. Enter into land owner agreements aligned to Freeport objectives

Freeport fact and fictions

On 4 February 2021 Judy Pearce, the then Leader of South Hams District Council, wrote a letter to Anthony Payne, Strategic Director of Place, Plymouth City Council. It read:

We write to confirm our full support for the Plymouth and South Devon Freezone Bid.

Specifically we confirm that we support and agree to the proposed planning framework, the Joint Local plan for Plymouth and South West Devon 2014 to 2034 and any Local Development Order we may agree is desirable to accelerate delivery....

We further confirm: we are prepared to commit the South Hams District Council share of the income received from business rates on the sites identified in the bid for a term of 25 years. We agree to the proposed mechanism and governance arrangements to decide how retained business rates will be reinvested in the Freeport, and; with Plymouth City Council as the lead accountable body for any and all public funds allocated to the scheme.

But it was not until the online meeting of the Executive on 11 March that an item of 'urgent business' was 'brought forward at the discretion of the Chairman'. According to the minutes:

The Chairman advised that she had agreed for one urgent item to be raised at this meeting that related to the 'Plymouth and South Devon Freezone'. This item was considered urgent in light of the associated time constraints and would be considered immediately.

(a) Plymouth and South Devon Freezone

The Leader proceeded to introduce this urgent item and presented a Briefing Paper that described how the Freezone was an opportunity to shape national policy around our own objectives; secure up to £17 million of infrastructure funding; drive inward investment and exceed our already ambitious Joint Local Plan delivery targets for employment sites, jobs and the economy. In discussion, whilst some Members remained sceptical over the 'Freezone' initiative and were wary of the potential resource implications on the Council's already stretched workforce, other Members emphasised the significance of this opportunity and the likely enormity of the benefits to the South Hams.

The minutes then went on to state:

That it be noted that, once the detail of the Plymouth and South Devon Freezone has been finalised, the Director of Place

and Enterprise will bring a further report seeking a formal decision as to whether to proceed or not.

The minutes also make it clear members first learned about any commitment the day after Judy Pearce had written her letter, when the information was circulated in the member's bulletin.

And it was to be almost another three weeks, until 31 March, before all members of the Council were finally given a formal opportunity to discuss the matter. By then both the Freeport Bidding Document and Judy Pearce's letter had been submitted to the Government.

The Bidding Document, accompanied by a number of supporting documents, provided detailed answers to 42 questions, including:

We expect 450 jobs to be created at South Yard. 400 at Langage and 200 at Sherford. Whilst a number will be higher value jobs reflecting the profile of the marine/defence sectors and manufacturing industries the intent will be to provide jobs at all skill levels and opportunities to progress. We also expect addition (sic) employment in surrounding area – (redacted).

Yet, by the time the Executive was to meet again nearly a year later on 27 January 2022 members present were being told the Freeport 'would result in the creation of 3,500 jobs and over £280 million in investment by the private and public sectors', a noticeable increase in job numbers over the total of 1,050 originally projected in the Bidding Document.

Questioned as to how this discrepancy had arisen, the Freeport informed the Society:

The bid was developed over a very short (five week) period and aimed to provide government with a high-level investable proposition based on a very conservative set of figures which we were subsequently invited to work up into a full business case. In developing the full business case we were able to:

- Commission a detailed masterplan of the Langage site which was not possible to do at bid stage.
- Engage further with existing and prospective tenants at South Yard and Sherford to more fully understand their plans.
- Test assumptions against industry benchmarks.
- Profile job creation in line with the development trajectory.

This enabled us to develop a more sophisticated understanding of the

...Continued page 9

←8 scale of opportunity. The associated modelling resulted in a higher job forecast.

Yet significantly, and as in their response the Freeport went on to emphasise:

this modelling is not – and was never expected to be – a guarantee of jobs. It was simply a more robust estimate of the likely job creation than was possible at bid stage.

But when Chris Brook, SHDC Director – Place and Enterprise, presented his report to a meeting of the District Council on 31 March 2022, where members were being asked to approve the Council's full participation in the Plymouth and South Devon Freeport, he was noticeably less circumspect. He wrote:

This highly ambitious project has the following anticipated outcomes:

3,584 direct jobs created with an average wage level of at least £13.92 per hour

However when the Freeport's own Full Business Case was published the following month no mention was made of average wage levels. At the same time the Full Business Case also acknowledged that of the 3,584 jobs supposedly being created, only 2,093 would actually be within the three Freeport sites. The other 1,046, it was hoped, would be generated by companies elsewhere in the region that could become part of the supply chain.

Significantly, none of these caveats was made clear in the report to the District Council. More surprisingly, during the meeting, councillors noticeably failed to question any of these projections or the assumptions on which they had been based, even though their very precision might have made them suspect. Instead, with all but Cllr Hodgson voting in favour, they simply accepted the report projections as fact.

An explanation as to the job number estimates could be found on page 42 of the Full Business Case, published shortly after that meeting:

The estimated number of additional jobs that could be created through the initiative have been either estimated directly by key resident enterprises or modelled using an employment-density approach.

The employment density approach works by taking the average floor-space occupied by each employee in companies involved in similar activities and then dividing the total site floorspace by that average. In other words, if

each employee typically occupies 10m² and the total area of all the premises on the site is 10,000m², then the number of employees will total 1,000.

Similarly some clarification as to projected wage levels was to be found on page 25:

Likely occupational modelling suggests that these roles will also generate an average wage level of £31,519, comparing favourably to an average of £25,200 per annum across the Plymouth and Devon administrative area, and £24,600 within a 60-minutes' drive time of the Freeport itself.

Yet in April 2022, when the Full Business Case was published, the ONS Labour Market Team calculated the average weekly hours of work for full time workers to be 36.5 hours. So in order to earn £31,519, anybody being paid an hourly rate of £13.92 per hour would have to work an average of 43.5 hours each week, or almost 20% longer.

Asked the question by the Society as to how these figures could be reconciled, the Freeport responded:

The Freeport team was not present when Chris Brook reported to the meeting of South Hams District Council that those jobs would enjoy an average wage level of at least £13.92 per hour and are not aware of the data sources he used. We are therefore unable to comment on this.

The Society has since asked Chris Brook for an explanation. In response he claimed:

The figures come from the Outline and Full Business cases. They were based on the modelling work done by the team for the bid.

Unfortunately neither claim appears to be supported by the Freeport team themselves.

Of course, job creation is clearly critical to the success of the Freeport. But the job creation targets will only be achieved if sufficient tenants can be attracted to each of the Freeport Sites. And attracting tenants is essential if the Freeport is not to become a long-term drain on Council finances.

Consequently although it is still early days, it remains noticeable that MSubs, who design, build and operate crewed and un-crewed underwater vehicles and autonomous ships, are the sole addition to the three original Freeport anchor tenants – Babcock, Princess Yachts and Carlton Power.

It was a danger emphasised by the Council's Task & Finish Group just before Christmas:

If development is delayed and the tenant occupies the sites late, then the retained business rate income stream is delayed and net income would be reduced.

Unless tenant targets are achieved there will not only be a shortfall in business rate income, but the promised total of £249.67 million of private sector investment into the three Freeport tax sites will fail to be realised.

One of the main financial risks identified on page 57 of the Full Business Case was that a 10% reduction in projected occupancy levels would result in income from retained business rates being reduced by £7.2m over 25 years. Looked at another way, were occupancy levels to fall short of targets by 45%, the projected residual income of £32.284 million – money meant to be used to promote the Freeport's objectives, would be reduced to zero. Were the shortfall to be greater than that, the Freeport could become an ongoing drain on Council funds.

So it is therefore somewhat less than reassuring to discover that rather than proactively working to first identify suitable prospective tenants, before making contact and then going out to

see them to persuade them to participate, the Freeport marketing team appears to believe a combination of:

- A stand-alone website;
- A printed and digital brochure including individual branded data/fact/unit sheets/inserts for sector led enquiries;
- Dedicated social media channels (Twitter and LinkedIn);
- Digital assets including video, imagery, infographics and social media graphics; and,
- E-newsletters (funnelled for each stage of the end user journey from enquiry to retain and growth).

together with:

- Participating in relevant industry events
- Hosting their own events
- Working with the Department for Business & Trade

will produce sufficient leads.

As anybody who has ever had to generate new business will know, it is never a good idea to just sit passively and hope for the phone to ring. And it is only in a fictional 'field of dreams' that you can simply 'build it and they will come'. In reality, you have to go out and knock on doors.

To do otherwise is simply to make another assumption to go along with those that have gone before. •

Plymouth and South Devon Freeport

Supercharging the South West economy by building on our unique national capabilities in marine, defence and space to form globally impactful clusters and a UK Innovation Superpower.



- **SW Powerhouse** – realising the region's full potential through the Freeport opportunity and thereby amass defence, marine and space primes and their rich local supply chains around the largest UK Naval port and near Europe's only horizontal launch spaceport.
- **Levelling Up Stimulus** – driving much needed local skills, jobs and higher wages.
- **Innovation Hotbed** – fusing already strong innovation in marine, defence, space and enabling technology – with global leading projects and prototyping on synthetic testbeds and ocean proving grounds – spinning off viable products and early stage production runs in a supportive tax and regulatory environment.
- **Sub-sector Specialism** – marine autonomy, maritime decarbonisation, digital oceans, smart port and shipping, Offshore Renewable Energy support solutions, defence mission modules, small satellite fabrication.

Enforcement needs to take action



The height and the three dormer windows makes it look far more like a house than a garage

On June 16 last year planning application 0633/23/HHO, requesting 'minor amendments to design, layout, materials & the introduction of ancillary accommodation in detached garage building approved under planning consent 1412/19/HHO (Retrospective)', was refused.

As the case officer report noted:

Officers conclude that the development proposed does not constitute minor amendments to a previous approval but instead proposes a much larger and more visually impactful scheme which is capable of independent habitation and visually detrimental to the protected landscape in which it is located. The increased ridge height creates a dominant building and the inclusion of three prominent dormer windows at first floor height gives the appearance of a two-storey house rather than a single storey garage unit as originally permitted.

The use of red/brown clay tiles is not in keeping with the local built landscape where grey slate or thatch are the common roofing fabric and draws the eye to the building from the wide public right of way network which surrounds the village.

Additionally the applicant has failed to provide evidence of an adequate foul drainage solution.

Not long afterwards Ringmore Parish Council referred the matter to the Council's Planning Enforcement Team in an attempt to ensure the garage, which had also not been built in the originally agreed position, was removed.

An Enforcement Case was opened, only for it to be closed again on 16 November when the Parish Council was advised a valid planning application seeking to regularise the breach had been received and that:

We will now pend the enforcement file whilst the planning application is under consideration. On determination of the application the enforcement file will either recommence, if the application is refused or there are outstanding matters to resolve, or the file will be closed if all matters have been regularised.

Accompanying the application (3273/23/HHO) was a Statement from the applicant acknowledging:

Approval of application reference 1412/19/HHO was granted on

19 August 2019. Subsequent to this, development occurred with respect to the implementation of the replacement of the garage, which formed one component of the approved scheme. The garage component was not delivered in accordance with the approved drawings.

Works ceased onsite, and a subsequent application with amendments to the proposed garage were submitted, reference application 0633/23/HHO. This retrospective application which sought permission for the development as implemented was refused on 15 June 2023.

The LPA's position is that no works approved under the 2019 permission have been carried out on the house. In this context, given that no works in accordance with permission 1412/19/HHO were carried out by the 19 August 2022, the LPA has confirmed that this permission has expired.

This means, with permission 1412/19/HHO having now expired, and with application 3273/23/HHO having been withdrawn earlier this year in February, any planning permission for the garage in any location ceased to exist.

Consequently, given the reasons why the previous retrospective application to retain the garage at Higher Manor was refused, it is hard to see how Enforcement can continue to allow the building to remain.

Of course it is entirely possible that officers might decide either that would not be expedient or alternatively in the public interest to require its removal.

And, should that be the outcome, then as the Leader of the Ringmore Residents Association asked the Society:

What is the point of Planning Laws/Neighbourhood Plans/Planning Applications etc. if the rule of law is not upheld when it is grossly transgressed, as in this case? Why bother having a planning process and department if it is to be undermined in this way?

As a result, until the outcome is known, the credibility of the system will remain in question. ●



The existing house is dwarfed by the 'garage' to its left

When application 0602/24/VAR was received on 19 February, this time wishing to vary 'Condition 2 (approved plans) of planning consent 53/3160/11/F', it appeared no more than another attempt to resubmit a proposal previously dismissed by the Planning Inspectorate.

As we explained in our April Newsletter, the only immediately

<https://www.facebook.com/SouthHamsSociety>

Cove fails to respond

recognisable difference between the two applications was that what had previously been a flat roof now sloped, so increasing the ridge height of the roof.

This, we argued, did nothing to successfully address the Planning Inspector's original concerns. In his report the case officer agreed

with us, concluding:

The proposed dwelling, by reason of its large perceived mass, bulk, fussy design, glazing, and materials, would fail to respond positively to the local character and distinctiveness of this part of the Undeveloped Coast and National Landscape, and would constitute a

poor quality form of development, which would fail to respect the landscape character of the area or the character of the existing development nor take the opportunity for improving the character and quality of the surrounding area or enhancing the AONB.

Should another application follow it will be the tenth submitted by this applicant on this site. The Society has objected to many. ●

<https://SouthHamsSociety.org>

Rising tides could yet block boathouse proposal

In January an application seeking a Certificate of Lawfulness to enable the refurbishment of and alterations to the existing dwelling was submitted. And, as we reported in our April Newsletter, the case officer had subsequently concluded those alterations would be permitted development.

However when a householder application seeking to partially demolish, rebuild and extend the existing dwelling was submitted shortly afterwards, along with the construction of a new boatstore and slipway, a new swimming pool and a new stone retaining wall, it became clear that something far more ambitious was being planned.

It was also far from obvious, given that part of the proposal included a boat house and slipway extending out onto the Salcombe Kingsbridge SSSI foreshore and some way beyond the garden curtilage, whether the use of a householder application was the correct process to determine this application.

Clarification was sought from the case officer, who concluded it was. In response we submitted our second letter of representation, detailing our concerns about the changes being proposed that would, we feared, result in the overdevelopment of this small promontory within the Salcombe to Kingsbridge Estuary.

Pointing out that the new pool



Harbour Watch is the house immediately above the water

and hard landscape adjacent to the estuary bank and boathouse could compromise growing conditions along the estuary foreshore and threaten the stability and integrity of the natural foreshore, we also emphasised that the foreshore from East Portlemouth South Pool to Mill Bay Sands has seen considerable damage from development failing to give due consideration to the fragile road alongside the estuary. Were this application to be approved, we suggested, further damage could yet occur.

Then, noting no comment had been received from the South Devon National Landscape Unit, we emailed the Unit's Manager

and its Estuaries Officer asking whether the construction of another boathouse on the shoreline would be supported by the AONB Management Plan. Ten days later the Unit submitted a holding objection, noting that:

There appears to be some confusion regarding the height of the boathouse and associated slipway within the shoreline that requires clarification

and that were any actual foreshore to be lost the Unit would have to strongly object.

The next day the Marine Management Organisation, a non-departmental public body responsible for the management of England's marine area on be-

half of the UK government, also commented:

Please be aware that any works within the Marine area require a licence from the Marine Management Organisation. It is down to the applicant themselves to take the necessary steps to ascertain whether their works will fall below the Mean High Water Spring mark.

Finally we submitted a third letter of representation, challenging the claim that what is now an area of woodland protected by a TPO was historically a garden that was now in need of 'restoration'.

As a result the Society believes that as the application stands, it could yet be withdrawn and an amended proposal submitted. •

Rickham barn lacks access

Last year the Society objected to an earlier application to determine whether prior approval was required for an agricultural storage building on this site.

In our view the total area of the development would be in excess of 1,800m², and we were therefore of the opinion it failed to comply with the description of permitted development as set out by Schedule 2, Part 6, Class A of the GPDO.

However the case officer disagreed. Now a further application has been submitted for a new access.

But that, we believe, has to be seen as part of the previously advertised development, with this latest application further calling the previous decision in to question.

For the site owner to submit a

planning application for access at the very same location as the previous AGR application can only mean that the earlier application was incorrectly assessed and the development of the agricultural building cannot now be permitted development by virtue of Part 6 A.1 (h) of the Town and Country Planning (General Permitted Development) Order 1995.

Possibly for this reason, the application has since been withdrawn.

Given that without the access track the applicant will be unable to use the agricultural storage building for its intended purposes a further application will no doubt follow.

But it will be interesting to discover how officers intend to extricate themselves from the mess in which they now appear to find themselves. •

Satisfying agricultural need

As we noted in our April Newsletter, the applicant had previously used the fact they owned this 7.5 acre site at Moeleigh in support of an application submitted to support a previous barn extension on a separate and larger site they own just 1.3 miles away.

Consequently, we argued, there appeared no justification for yet another barn in a highly prominent location and that the LPA should review the buildings at both locations and independently justify the claimed agricultural requirement for this latest proposal and, if it were shown to be justified, would both of the buildings really be necessary.

Unfortunately and not altogether unsurprisingly the case officer has since concluded:

sufficient justification has been provided to demonstrate that there is an agricultural need for

the proposed building, and recommended conditional approval subject to:

The agricultural building hereby permitted shall be removed from the site and the land reinstated to its former condition within three months, if within 10 years of substantial completion the building becomes redundant to agricultural use and the Local Planning Authority have not previously granted planning permission for an alternative use.

In other words, provided planners can be persuaded, there is now little to stop the building being used for other than agricultural purposes at some point within the next decade.

A barn in the neighbouring field, we had pointed out, first built in response to a claimed agricultural need, was now being used for equestrian purposes. •

Playing fast and loose carries no penalty

'It should also be noted', the case officer determining the application wrote:

that some of the objection received states that a greater extent of track is now proposed than was included in the previous prior approval applications. This may be the case, however as an application for full planning permission, the applicant is entitled to apply for whatever area of track they wish, and are not limited by the size restrictions that apply to permitted development. Any difference in the size of track between the current application and previous proposals is therefore irrelevant, as this application will be assessed on its own merits.

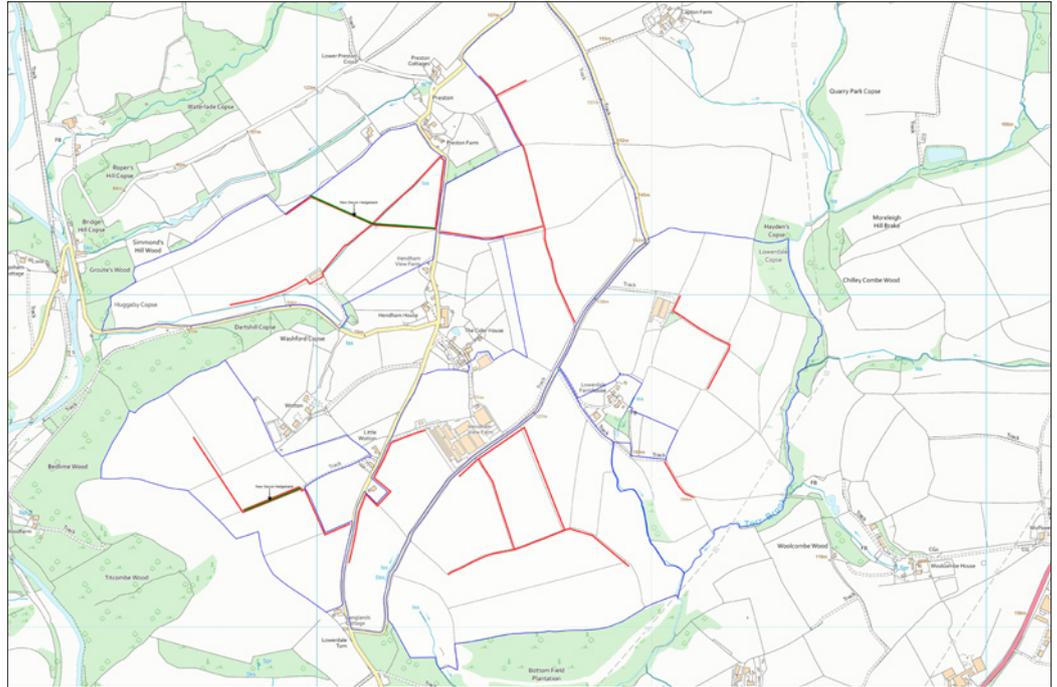
In fact, three previous applications had been received, each of which was to determine whether prior approval was required for proposed new access tracks on a dairy farm at Hendham View.

The first was submitted in June 2022, and withdrawn because the applicant's agent had made a mistake in reading the permitted development legislation, incorrectly applying under Class B. But it was also noticeable that the submitted plan showed two sections of the proposed track terminating some 30 metres from the point at which they met a classified road. Yet without those sections, the tracks were leading to nowhere.

However had they been present an application under permitted development would not have been possible and prior approval would have been required. A.1 (h) of The Town and Country Planning (General Permitted Development) (England) Order 2015, PART 6 makes clear that development is not permitted if 'any part of the development would be within 25 metres of a metalled part of a trunk road or classified road'.

The second application was essentially a modified resubmission of the first. Submitted in July 2022 the primary difference was that the applicant no longer wanted consent for 3,355 metres of tracks, which would have either covered or removed 16,775 square metres of land located alongside hedgerows lying within the South Hams SAC GHB Sustainance Zone, but instead only sought to cover or remove 9,700 square metres.

Yet even were the tracks to be considered necessary for agricultural purposes, we wondered in our objection, why was that



The area now covered by the tracks amounts to approximately 28,000 square metres.

only the case until they arrived at a point some 25 metres from a classified road, but were still required up to where they met unclassified roads?

And, as we evidenced in our objection, it appeared work had already begun on constructing some of the tracks.

The application was refused, with the case officer concluding prior approval would be required, as 'officers consider insufficient information has been provided in relation to siting having regard to the location within the South Devon AONB and potential ecological impacts (which require further assessment)'.

As a result a third Prior Approval application followed in September 2022. Once again we reminded officers that the Prior Approval process was not available to the applicant, as to qualify 'work must not commence on the development until the Local Planning Authority has issued its determination'.

In addition, although the layout of the tracks differed slightly from the previous application, their total length remained the same, with the applicant's agent once again confirming that all the tracks proposed stopped 25m short from any classified road.

Some six months later the LPA finally undertook a site visit, resulting in officers informing the applicant's agent:

As you are aware the Case Officer visited the site yesterday

(21/03/23) where it became apparent that works have commenced to implement the development. Sections of the access track/private way for which prior approval was being sought are clearly visible. On this basis the development is not permitted under Part 6 as prior approval has not yet been given. In order to seek to regularise the development which has already taken place a retrospective planning application will need to be made.

That retrospective application was eventually submitted in November 2023. The plans accompanying it showed the amount of land now covered by the tracks had almost tripled, from 9,700m² to close on 28,300m², and there were no longer any gaps between the tracks and the points at which they met classified roads. As we wrote in our submission, this raised the obvious question, had the applicants been attempting to 'game' the planning system by trying to obtain consent by way of permitted development?

Indeed, it is hard to come to any other conclusion. It is inconceivable that the applicant's agent would have been unaware of the fact that development is not permitted if 'any part of the development would be within 25 metres of a metalled part of a trunk road or classified road'. It is also inconceivable that she would not have known that the Prior Approval process ceased to be available once development had begun.

In granting conditional approval the case officer had no choice but to concede 'the applicant is entitled to apply for whatever area of track they wish, and are not limited by the size restrictions that apply to permitted development'. But in emphasising the point about size restrictions and permitted development the case officer could also have arrived at the same conclusion as the Society.

Nonetheless a genuine agricultural need does exist for at least some of the tracks. Despite this, and as we had written in response to the application:

... were officers to now approve this application the applicants and their agent will not only be obtaining considerably more than they originally claimed was required, but beyond having to submit a multiplicity of applications, they will have suffered no obvious penalty for being other than entirely accurate in the information they have previously and continue to provide.

Unfortunately, even though this is unacceptable and does nothing to maintain confidence in the integrity of the planning system, it is unlikely to offer grounds for refusal.

Such an outcome is clearly wrong, and it should not be possible to attempt to game the planning system with impunity. The law needs to be changed. Where there is clear evidence of applicants or their agents deliberately misinforming officers, refusal should be automatic. •

A tale of four appeals and two submissions

Since our April Newsletter went to press the Society has submitted representations to the Planning Inspectorate in respect of two separate appeals, resubmitted our original objection to a third, and been referred to favourably in a fourth.

Ledstone Stables

Back at the beginning of this century when approval was given for the construction of a stable block and associated external works in a field at Ledstone, Condition 6 of the Decision Notice could not have been clearer – ‘the proposed stable blocks shall not be used on a commercial basis... in the interests of the residential amenities of the area’.

Then two years later a further application was submitted and granted, to enable the ‘erection of lean-to on existing stable block for land/stable maintenance equipment’. The decision notice insisted it was to be used for no other purpose unless expressly agreed in writing by the LPA.

Ostensibly nothing more then happened until 2017, when an ‘application for a lawful development certificate for a residential dwellinghouse (Class C3) with domestic garden’, accompanying a ‘Certificate of Lawfulness for Existing Use’, was submitted. The response of the Parish Council was damning:

The statements of Mr Whelan indicate that he was aware of the planning position in respect of development in this area, and deliberately sought to circumvent the planning rules by maintaining the outward appearance of a stable whilst developing the interior of the property as a house.

The depositions made by his friends and family indicate that the stables have been visited a few times over a 10 year period, and these visitors then attended solicitors to make similar declarations which Mr Whelan would then use to demonstrate that the property has been in use for 10 years as a residential home, to obtain a certificate of lawful development, facilitating its sale.

There is no evidence from the statements to show substantial occupation, only occasional visits, and it appears that a bathroom was not installed until 2013.

It is clear from both the observations of the neighbours and from the photographs supplied in the declaration by Mr Rodden, and in the comments by planning consultant John Eaton, that he had gone to great lengths to hide the development, and to maintain the outward appearance of a stables.

From 2004, visits, declarations and development have been carefully orchestrated throughout the years



The hamlet of Ledstone and the site of the stables

to make the planning department irrelevant, and it is clear from the report by Mr Eaton in 2004 that Mr Whelan’s actions have been a deliberate attempt to take advantage of Section 171B(2) of the Town and Country Planning Act (the 4 year rule).

It is clear to the Parish Council that the whole purpose of these actions is suggestive of concealment and the judgement in the Appeal Court of Lord Rodger creating the Welwyn principle was that

- 1) In the situation there had been no change of use

- 2) In any event, the applicant’s dishonest conduct meant that he could not rely on the section.

- 3) There is no justification for cutting off the council’s right to take enforcement action

As such the Parish Council would ask that a certificate of lawful development is not issued.

Unsurprisingly no Certificate was issued. However that was not the end of matters because, in June 2020, an application was submitted for a ‘change of use of existing stable building to holiday

accommodation’. That this should happen was perhaps more astonishing as a pre-application enquiry had earlier elicited the response from officers:

even if your client was able to demonstrate that there was a demand for this particular type of property, due to the conflict with other policies it would not overcome our concerns that this is not a sustainable location for the proposed development.

The application was refused, only for the applicant to appeal. That appeal was then dismissed, with the inspector noting:

conflicts with the development plan attract full weight and are not outweighed by the stated benefits or other considerations.

Nothing daunted, yet another application was to be submitted last autumn, this time for a ‘change of use from the existing stable building (agriculture) to commercial’. In our objection we pointed out that there was no record of the stables being built to support an agricultural need, while Condition 6 of the original application made it clear ‘the proposed stable blocks shall not be used on a commercial basis’.

In recommending refusal the case officer concluded:

The proposal fails to demonstrate an occupational need for a countryside location, and is considered to result in unsustainable development in the countryside

before going on to add:

Most of the objections received

...Continued page 14



North entrance from C692 (above); C792 from South (below)



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... Ledstone

have stated that the proposal would breach the original conditions placed on the site when planning permission was granted for the stable. Whilst this is true, as condition 6 prohibited commercial use of the stables, that condition only relates to that planning permission, and there is nothing to prevent an applicant from applying for a different use; this is a new application which will be assessed on its own merits against current policy, and the imposition of a condition 23 years ago would not preclude the landowner from applying for the use now.

This refusal has now also been appealed (APP/K1128/W/24/3340293), and the Society has written to the Inspector to challenge the contention that a change of use would be possible. In our opinion the condition does not relate to the planning permission, but to the development itself, given that legally as an alternative to outright refusal, the Local Authority may grant permission subject to conditions, and that those can include restrictions on the use or operation of the development once complete. This can include any subsequent change-of-use.

In our submission we also stressed the unsuitability of both the location and the stables themselves for any commercial use.

The appeal has yet to be determined. ●



Stone still awaiting clearance from the track at Butterford

Butterford Track

As readers of our April Newsletter will know the seemingly never ending saga of Butterford appeared to have ended in February when the Council issued an Enforcement Notice requiring the removal of all rubble and hardcore and stone piles from both track and land, and for the soil to be scraped back over the line of the track to ensure the levels of the field were returned to their original levels and sloping nature.

But since then an appeal (APP/K1128/C/24/3339477) has been lodged with the Planning Inspectorate. According to Paragraph 2.1 of the appellants' Enforcement Appeal Statement:

The main planning issues in this appeal are considered to be whether the works carried out to

facilitate surfacing for the creation of the track have;

- adverse impact on the AONB as asserted by the LPA,
- whether the site and development benefits from an agricultural justification,
- whether any harm arises from the retention of the access track, either in its extant form, or if it were to be resurfaced with hardcore/rubble as has been proposed.

However, and as we pointed out in our submission to the Inspector, there was arguably a further issue for the Inspector to consider, separate from the matter of having to make good the site, namely whether the original development proposal for the construction of an agricultural storage building could be considered permitted development

were it to also require a 3.5m wide 800m access track?

And it is a matter of fact that the applications for the storage building and the access track were both submitted within six months of each other and were clearly linked, as the Enforcement Appeal Statement acknowledges:

The appellants started creating a basic agricultural track by removing topsoil to create a cut out track and laying hardcore/rubble to create the surface. The appellants were unaware of any need for a separate planning consent in order to lay the track to serve the building.

Consequently, given the appellants would now appear to acknowledge that they started creating a basic agricultural track by removing topsoil to create a cut out track then, by virtue of the ground area to be covered, and given that both track and building are linked, neither building nor track can be permitted development.

The total area of the site is said to be 22 acres (8.9 hectares) and, by the appellant's own admission, the track occupies a ground area of 2,800 square metres.

Schedule 2 Part 6 part A of The Town and Country Planning (General Permitted Development) (England) Order 2015 states:

The carrying out on agricultural land comprised in an agricultural unit of 5 hectares or more in area of— (a) works for the erection, extension or alteration of a building; or (b) any excavation or engineering operations, which are reasonably necessary for the purposes of agriculture within that unit.

But:

A.1 Development is not permitted by Class A if— (e) the ground area which would be covered by— (i) any works or structure (other than a fence) for accommodating livestock or any plant or machinery arising from engineering operations; would exceed [1,000 square metres], calculated as described in paragraph D.1(2)(a) of this Part

D1 (2) For the purposes of Classes A, B and C— (a) an area "calculated as described in paragraph D.1(2)(a)" comprises the ground area which would be covered by the proposed development, together with the ground area of any building (other than a dwelling), or any structure, works, plant, machinery, ponds or tanks within the same unit which are being provided or have been provided within the preceding 2 years and any part of which would be within 90 metres of the proposed development;

...Continued page 15



Dodovens Farm house is the small house immediately to the north of Brixton Motor Services. Historic Google Earth images dating back for more than a decade all continue to show the fields under arable cultivation with no livestock visible.

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With the area being covered by the track clearly more than 1,000 square metres we therefore referred the Inspector to Appeal Ref: APP/X1925/W/20/3256050: Millbury Farm, Mill End, Sandon, Buntingford, in which the Inspector concludes:

The provision of an access track could be described as works for the purposes of paragraph D.1(2)(a) and indeed an engineering operation for the purposes of Class A.

On this precedent alone the appellants' claim that the construction of the track would have benefited from permitted development rights is incorrect. But had the development been

assessed correctly, now it is accepted that there was no previously existing track, then because applications 3808/21/AGR for the building and 1592/22/FUL for the track were both submitted within six months of each other and are clearly linked, it would mean neither development can be considered permitted development.

We also commented on the impact of the track on the rural environment and the protected landscape, as well as the agricultural usage of the site. Although the land has indeed been used for the grazing of both sheep and cattle while it has been in the appellants' ownership the sheep in question were not the property of the appellants but a

local farmer. The same was true of the cattle.

The Enforcement Appeal Statement went on to claim the appellant:

farms and maintains an additional 180 acres at Dodoven's farm with his brother (which formerly belonged to his father and has passed to him and his brother following his father's recent death). This land has always been used for cattle and sheep grazing.

But when a Society member recently visited the immediate area of Dodovens Farm and spoke to two people living in houses overlooking the site, both said the same thing. Namely, the father had owned the land but for some years had not farmed

it himself, instead letting it out. The land was also all arable, they said, with once a year a few sheep and cattle not belonging to the father being put on the land for a few weeks, and fed on big, round bales. Neither of the two knew who owned the animals, or where they went for the rest of the year. And both said that there were several sons, and none of them were farmers.

So, in order to avoid the possibility of any confusion or misunderstanding, we suggested the appellants should provide copies of the relevant cattle passports to the Inspector to clarify matters.

The appeal continues to await determination. ●



The Google Earth image on the left dates from 2015, that on the right 2022, comparing the two clearly shows the extent of the development that has taken place in the intervening years

Bantham Estate

At their meeting on 13 September last year members on the Development Management Committee, by five votes to two, went against officer recommendation and refused an application to erect a replacement beach shower/toilet block, replace the village sewage treatment plant, construct a new residents/mooring holders car park and new parking, and introduce an ANPR system on the beach road and car park.

It was an application essentially encompassing four separate and distinct developments and should, ideally, have been determined on that basis. It also generated no fewer than 156 objections, a significant number by any measure and, as a result, had been put before the Development Management Committee at the request of the Head of Development Management: 'due to the level of public interest'.

Amongst the objectors were the Parish Council, who believed 'the impact of each element on the AONB means this application should be 4 separate applications'. The proposed beach toilets, they said, were too large. The replacement sewage plant

was welcome. The Residents/Mooring Holders car park was, they thought, in conflict with TP 1.5 of the Neighbourhood Plan as it would harm the AONB. And they believed the introduction of pay stations and their necessary signage ('Pay Here', 'Instructions for use' etc) would create a serious intrusion to the views across

one of the most sensitive parts of the AONB and the site of an ancient monument, meaning even when empty the green field area would appear commercialised and developed.

Our objection echoed many of those points. The car park extension area had been a construc-

tion pound since 2018 and was controlled by planning conditions requiring the compound to be removed once construction concluded and for the land to then provide biodiversity gain. We saw no justification for the installation of Paystations and associated signage into the open parking site area, considering the increase in payment facilities to be linked to a permanent car park expansion across the Scheduled Monument site. We also thought an increase of 60% in the footprint of the toilet block excessive. And we were of the view that it should be possible to restrict the access road to the sewage plant to its current location once the existing sewage infrastructure was removed.

Unfortunately, all to no avail. The case officer concluded her report:

The principle of the proposal is considered to be acceptable, with the development responding to a proven need which requires a countryside location within the Undeveloped and Heritage Coast. Subject to conditions, it is considered that the impacts on landscape (including the AONB, Heritage and Undeveloped Coast), ecology, trees, drainage, neighbour amenity and highways are acceptable.

...Continued page 16



Two views of the compound on the right from approximately the same position, dating from 2015 (above) and 2021 (below)



... Bantham

She recommended approval. However the Development Management Committee demurred. By five votes to two the members decided to refuse the application on the grounds that:

The expansion into and erosion of a greenfield site to provide the proposed car park, and the increase in size of the replacement toilet block, would have adverse impacts on the landscape character and scenic and visual qualities of the area. The development also fails to protect, maintain and enhance the unique landscape character and special qualities of the Undeveloped and Heritage Coast, with no exceptional circumstances to permit the development, and also fails to conserve and enhance the natural beauty of the South

Devon Area of Outstanding Natural Beauty, which is afforded the highest degree of protection.

Unfortunately and perhaps unsurprisingly that was not the end of the matter because, towards the end of March this year, the applicant submitted an appeal (APP/K1128/W/24/3340746), arguing:

the development complies with those policies cited in the Council's reason for refusal and that there are material considerations which also weigh in the appeal's favour. The proposal will help sustain the area's role as an important tourist destination within South Hams and does not result in adverse impacts which cannot be suitably mitigated. The development would result in enhancements and net gains in landscaping and

biodiversity, and will improve the experience of walking along the South West Coastal Path. These benefits should also be factored into when assessing the scheme. Moreover, it is important to reiterate that the LPA considered the scheme to be in accordance with the development plan and had full officer support, with no objections from technical consultees.

In response the Council have since argued the main issue:

comprises concern with the proposed car park expansion into greenfield (i.e. previously undeveloped) land, and the enlarged replacement toilet block; both elements falling as they do within the highly-protected area designations of Undeveloped Coast, Heritage Coast, and AONB. That the land proposed for the car park is cur-

rently being used for unpermitted purposes does not denude its status as being protected in principle.

According to the Council inadequate justification had been provided for the expansion of the existing car parking facilities and that even if the existing toilet block is tired and unfit for purpose that does not mean a genuine replacement could not or should not be provided without the additionality of harm that would arise through a larger and more conspicuous building in an area prized for its undeveloped nature.

The public benefits of the appeal development are extremely modest, the Council argue, essentially turning on the Appellant's own commercial interests. ●

Land at Hope Cove

Finally an appeal (APP/K1128/W/23/3333802) against the refusal of an application to erect six semi-detached two bedroom affordable dwellings and four detached four bedroom houses with detached double garages, on land outside the development boundary of Outer Hope Cove, but within the South Devon National Landscape, was submitted in April.

In objecting to the original application we had emphasised the fact that the site was highly visible when travelling along the Inner Hope to Outer Hope road and the proposed development would effectively merge the view of the built landscape of Outer Hope with that of the Galmpton hamlet.

In her report the Council's Landscape Officer echoed our concerns, commenting:

The site forms part of the landscape setting for Hope Cove and contributes to both the physical and visual separation between the settlements of Hope Cove to the west and Galmpton to the east. The proposed development would be located outside the designated settlement boundary of Hope Cove in open countryside, extending the settlement further



The site is the brown field below the white house in the centre of the photograph

east and encroaching into open countryside, which would change the character of the landscape, the quality of the views experienced, and harm the AONB.

Consequently listed amongst officer reasons for refusal on the decision notice was:

The proposed development is sited within the AONB and designated Undeveloped/Heritage Coast. By virtue of the quantum, siting, scale, form, and appearance of the proposed development it would neither conserve, nor enhance the AONB and Undeveloped Coast, and would instead be injurious to their special qualities.

The AONB Unit also objected, concluding:

The proposed development would intrude into the valley side, having a significant detrimental impact on the landscape character of this rural valley and its historic field-scapes... It would also erode the visual separation between Hope Cove and Galmpton contrary to Policy SH Env 1 of the Neighbourhood Plan.

Yet as far as the appellant was concerned in their appeal statement:

... this reason for refusal is based on an entirely subjective view of the writer. As previously stated in this submission, there are many much larger developments within designated areas within the South Hams District, AONBs and Unde-

veloped/Heritage Coast. Development has taken place within Hope Cove itself, all clearly visible from the sea and surrounding, more distant receptors. The nearby developments in Marlborough and Salcombe are also clearly visible from distant receptors, both sea and land, and far more impactful in every conceivable way.

The visual and material impacts of the development in question are minimal by comparison. We, therefore, posit that the Refusal of the development in question is inconsistent with previous Planning Permissions granted for rural developments throughout the District. Examples can be found in the Supporting Planning and Design and Access Statements submitted with the application.

As we had said what we had to say in our original objection we chose not to make any further submission to the Inspector. However in response in their letter to the Inspector the Council wrote:

The Appellant merely states that this is a subjective matter, ignoring the objective assessments of important consultees including the South Hams Society and the Council's professional landscape expert.

The appeal has yet to be determined. ●

Letters of Representation submitted by the Society to these and other applications can be found on our website:
www.southhamssociety.org/objectionlist