



Newsletter

Words from The Chair

Enforcement and erroneous information are amongst the topics we touch on in this issue.

As we point out, for enforcement to be effective it needs to be timely and, all too often, it is not. For example, on page 2 we examine a development at Butterford, where enforcement delays have resulted in North Huish Parish Council deciding, at their meeting on 1 March, for 'a letter of complaint to be written to SHDC about the length of time it has taken for the stop order to be put in place for this work'.

Again, Butterford also emphasises the importance of planning officers checking the veracity of claims made by applicants and their agents.

Nor is it just the factual inaccuracies we find troubling. On page 4 we think it's time to put a stop to planning back by the back door and the need to look more closely at the plans for some agricultural buildings.

On this page we examine attempts to put monetary values on our trees, while later in this issue we cover both historic and present day plans for the Salcombe Estuary.

However, and as always, the efforts of our planning team take centre stage, and we detail some of the work they have recently undertaken. The struggle against inappropriate and damaging development never ceases, and help here is always needed.

We have been seriously encouraged in this regard by the South Devon AONB Unit, who have submitted a number of well-argued

objections in the past couple of months to proposed developments in Bantham, at South Efford House, Collaton Park, Spirewell Farm and for 10 houses in a field that separates Hope Cove from Galmpton, amongst several others.

Unfortunately those objections were only possible because Defra made some temporary funding available, enabling the AONB Unit to employ the services of two planning consultants. That funding has now run out, and there is no guarantee that further funding will be available.

The Society has argued strongly that the necessary money needs to be found, whether from external sources or by the Unit reallocating its own resources.

Because, as we highlight on page 3: *Silence doesn't always mean consent*, if our Councillors wish to say that, as the AONB Unit has failed to submit an objection, they must be happy for a development to proceed, they need to ensure it is financially feasible for the Unit to actually offer an opinion.

Finally I'm delighted to be able to announce that Anthony Mangnall, the Member of Parliament for Totnes, has very kindly agreed to be the speaker at our AGM on April 28. No doubt he will be able to tell us whether, as a consequence of the current energy crisis, exacerbated by the war in Ukraine, the South Hams countryside is going to have to accommodate many more wind turbines and solar panels!

Be sure to book your ticket now as numbers are sadly limited.

Putting a price on Trees



Operating out of premises in Exeter's Science Park, Treeconomics works to understand how trees improve our urban spaces, making them better places to live. Their aim is to demonstrate how trees provide a solution for many of our urban problems, "be that", as they say, "air pollution, climate adaptation, crime, or manifold others".

Using software models such as i-Tree the social enterprise is able to calculate the benefits and ecosystem services trees provide and, crucially, to value those in monetary terms.

Developed by the US Forest Service in the mid-1990s, initially to assess urban forest impacts on air quality, the i-Tree Eco software is now used in over 60 countries worldwide.

By combining local weather and pollution data with tree metrics, including trunk girth, species type, canopy size and sunlight exposure, the software calculates the value of the services the trees provide. It can even put a price on the value of individual trees.

In the UK, Forest Research, Treeconomics and the Arboricultural Association work together with the i-Tree Cooperative to develop the functionality of i-Tree Eco and facilitate its use and uptake.

The first use of i-Tree in this country was made by Treecoconomics in 2011. They were able to show that trees in Torquay collectively store 98,100 tons of carbon and sequester a further 4,279 tons each year. Those

818,000 or so trees, 28.9% of which are under public ownership and which together cover 11.8% of the land area of the Borough, also remove 50 tons of pollutants from the atmosphere annually, a service with an estimated value of £281,000.

However perhaps the most interesting figure to come out of the study was that for the structural value of the Torbay tree stocks, calculated at a remarkable £280 million.

The results of that study persuaded Torquay to increase its tree maintenance budget, arresting the cuts that had been made in previous years.

Many of the benefits derived from trees, the study noted, are directly linked to the amount of healthy leaf surface area they have. In Torbay the most important species are ash, sycamore and Leyland cypress, because they contribute the largest leaf areas.

The importance of mature trees was also emphasised. A 75cm diameter tree is estimated to intercept 10 times more air pollution, can store up to 90 times more carbon and contribute up to 100 times more leaf area to the tree canopy than a 15cm tree. All the more reason why developers should not be allowed to simply offer to compensate for felling a mature tree by promising to plant several saplings elsewhere in its place.

Treeconomics has since worked with many other local authorities and organisations, including

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South Hams Society AGM

Thursday April 28 at 6:00pm

Guest Speaker: Anthony Mangnall, MP

Admission is by ticket only and numbers are limited, so please let us know soon if you want to come.
RSVP to membership@southhamsociety.org

Venue: English Block, Kingsbridge Community College, TQ7 1PL

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...Pricing Trees

Plymouth, Teignbridge and Exeter Councils.

Being able to put an economic value on trees has also proven useful for legal purposes. For example, when back in the late 1980s a developer failed to protect a young oak in front of a row of new houses, the then Epping Forest District Council tree officer Chris Neilan succeeded in developing his own method in an attempt to capture its worth as an amenity, taking into account its attractiveness and how it accentuated or diminished a sense of place.

Now called Capital Asset Value for Amenity Trees (CAVAT), his method starts by multiplying the cross-sectional area of the tree's trunk by a unit price that relates closely to what the tree costs to buy, and which goes up with inflation. This gives a basic value based on its size, which is then augmented in several steps that take into account the tree's species, visibility to the public, local population levels, the size and condition of the leaf canopy, the suitability of the species for its site and the tree's life expectancy.

"When I described the tree's true value, the developer was fined exactly that sum, which was about £12,000," says Neilan, or more than £30,000 in today's money allowing for inflation.

It's an approach that might prove worthwhile here in the South Hams. In the meantime, if you want to know the i-Tree value of a tree, simply start here.

Free Membership Gift

If you still have the form, please do give it to a family member or friend and ask them to complete and send it to our membership secretary:

Post to:

Membership Secretary,
c/o Shepherds Corner,
Galmpton, Kingsbridge,
TQ7 3EU

Email: membership@southhamsociety.org

If you don't have the form, please contact our membership secretary, who will be able to help.

Lessons still not learnt



Although partially screened, the proposed barn will still be visible from the PROW to the west

Less than two years ago, following a planning application process failure review by the West Devon Development Management and Licensing Committee, a key recommendation required officer reports to provide a "crisp, technically accurate, legally compliant analysis of an application".

The review, in connection with the application to develop land at SX482725, Plymouth Road, Tavistock (3614/18/OPA), called for those reports to contain "more analysis and questioning and rather less copying of representations into the report body."

In other words, planning officers should not always believe everything applicants might tell them.

As we in the South Hams share planning officers with West Devon, you might have hoped such recommendations would have been taken on board.

However a recent application to determine whether prior approval was required for a proposed agricultural storage building on land at Butterford suggests it has not.

In her report the case officer repeats, almost word for word, factual errors made by the plan-

ning agent in their application.

For example on page 3 of their Planning statement the applicants' agent states: "The site chosen is also away from residential dwellings and is not visible from any footpath/public vantage points".

Possibly as a consequence, the case officer's report also erroneously suggests: "The building would be sited in a field to the North West of the holding, approximately 200m away from the closest residential building and not visible from any footpath or

clearly visible.

Article 8 of the Planning (General Development Procedure) Order 1995 and regulation 5A of the Planning (Listed Buildings and Conservation Areas) Regulations means that all local planning authorities need to publicise certain applications, such as those affecting public rights of way, in local newspapers.

No such advertisement appeared. Instead the application was considered as permitted development. So the first both the Parish Council and the local



No sign of any existing track public vantage points".

Had the case officer walked the Public Right of Way immediately to the west she would have realised the barn, although partially screened, will still be

residents affected by the application knew of it was once consent had been given.

Similarly the applicants' agent also misinformed the LPA that 'The site for the building has been chosen to serve this 22 acre block of land as it is in a level corner of the field with an access track leading directly to it, with access to the whole of the site'.

Again this statement is incorrect. As Google Earth aerial photographs show, there is no track leading anywhere on the field.

Had the case officer been aware of this fact, the applicants might well have been asked why it was not possible to site the barn, supposedly necessary for agricultural purposes in the south east corner of the field, close to the point at



The track being constructed

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..Lessons not learnt

which access is gained from the public highway.

Instead the applicants have since excavated a track across the field from the south east to the north west corner, laying down hardcore, and destroying good agricultural land in the process.

Needless to say, no planning consent exists for this track and, following objections from both local residents and the Society, the applicants have been informed they must either remove the track or apply for and obtain planning consent.

Given the site is in the AONB and it is impossible to argue that the track can in any way be said to conserve and enhance this protected landscape, you might have thought refusal would be automatic, with the applicants required to remove the track and make good the damage they have done.

So it is perhaps surprising that a senior planning enforcement officer informed a local resident that: "as an initial view if the track had been included as part of the prior approval for the barn it might have been accepted."

Consequently it is worth repeating another of the recommendations of the planning application process failure review, namely that case officer reports should: "identify relevant provisions of the development plan at the beginning and the subsequent analysis should lead to a logical and balanced conclusion."

It might also be worth bearing in mind the words of the then Secretary of State for Housing, Communities and Local Government when he informed Parliament: "The Government recognises that it is important that local planning authorities, communities and Planning Inspectors can rely on the information contained in planning applications, and applicants or those representing them are asked to confirm that the information provided is, to the best of their knowledge, truthful and accurate.

If it is not, they are guilty of fraud.

Were the track to be allowed to remain, when the barn could almost certainly have been sited close to the public highway, not only would it be in obvious conflict with the relevant provisions of the development plan, but it would effectively reward the applicants and their agent for having misinformed the case officer.

Silence doesn't always mean consent



Other land owned by the family where the development would have caused less harm

Initially submitted on 17 February 2021 with a target determination date of 14 April 2021, Pool Farm in Frogmore was one of four overdue applications listed in January's Newsletter. The application, for the erection of a single storey rural worker's dwelling was subsequently recommended for refusal by the case officer, only for it then to be referred to the DMC meeting on 16 March by district councillor Foss.

In our objection we pointed out that the site itself is conditioned only for the use of boat storage and ancillary maintenance, that the applicants had failed to address the fact that the site lies within the undeveloped coast, and that their claim there was a general absence of public rights of way was far from correct.

We were also concerned that the report submitted by the Council's Landscape Specialist was inadequate, as it too failed to identify the undeveloped coast and its policies, as well as the extensive public rights of way around this site.

In addition we noted that there was an available area of land already owned by the family and set back from the estuary where

the development would cause considerably less harm.

As far as the case officer was concerned: "The case for the introduction of a further permanent dwelling tied to the farm and boatyard businesses in this location is not justified by exceptional or appropriate circumstances and represents an unsympathetic and unsustainable intrusion in a countryside location which is not supported by the submitted evidence."

He continued: "The proposed dwelling, by reason of its location, in a prominent position next to Frogmore Creek would adversely affect the protected landscape of the Undeveloped Coast and South Devon Area of Outstanding Natural Beauty, and neither conserve nor enhance the landscape, resulting in an unnecessary incursion into this sensitive countryside location."

He also quoted the Council's Agricultural Consultant, who made the point: "the number and type of cattle present on the holding do not demonstrate an adequate functional need for a full time worker to be present at most times of the day and night for the proper management of

the holding."

To which Cllr Foss responded: "As a professional farmer I do not accept some of the reasons cited by our Agricultural expert. I also have always believed that each application should be judged on its own merits and the muddying of the waters by quoting the permissions given for the Boatyard, which is a separate entity, should not work against this application."

At the DMC meeting, the lack of any affordable housing in the locality that the applicant, whose family all live nearby in Frogmore, could otherwise occupy was one of the primary reasons why the case officer was overruled and the development given consent.

Another was the fact that no objection had been received from the AONB Unit. As a result, the Committee chose to assume the Unit would be happy for the development to proceed.

Further evidence, as if any were needed, that the necessary funding urgently needs to be found to permit the Unit to employ the resources necessary to properly evaluate applications affecting the AONB.

Gara Rock decision remains pending

The application to erect an additional five holiday units within the grounds of the Resort was initially submitted on 11 July 2019, with a target determination date of 19 February 2020.

The Society submitted its first objection on 3 March 2020, arguing that any new development outside the existing restricted development envelope would further degrade the AONB.

The applicant then submitted some revised plans, reducing the

number of holiday units from five to three. But, as we said in our second letter of representation, this change still failed to address the basic issues surrounding the use of the conditioned landscaping area for additional leisure development.

Since then, at the start of this year, the applicant revised their plans once more. As a consequence, these would not appear to conform to the planning application title. If that is the case,

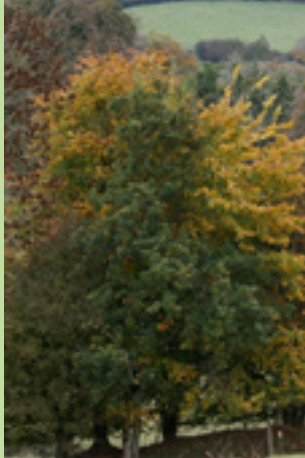
we would argue a new proposal should be submitted and the original refused or withdrawn.

Were that not to happen, and the application to be approved as advertised, the applicants could then submit a Section 73 variation to allow changes to the drawings increasing the additional number of holiday units back to five.

At the time of writing the application remains under Officer consideration.

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So do trees matter?



We pass them by every day and probably think nothing about it but in the everyday rush, spare a thought for the environment you live in. Would anyone care if the fields and gardens were concreted over? I hope so, and I hope you care too.

A significant part of the role the South Hams Society plays is to maintain the quality of life we enjoy here. The Society is not against development but is concerned to keep it in scale with the locality and proportionate to the need. Particularly also to guard against the willy-nilly removal of trees to improve the view from new dwellings.

Salcombe, in particular, is being deprived of its trees as new houses appear, yet these trees are part of the visual delight of this estuary and town.

As you will know central government is now engaging with the importance of trees both for their visual amenity but also for their carbon absorbing qualities. All to the good, but what about us at the local level. We should not leave it to 'them' and 'others' to but consider what each of us can do.

If we each planted one small tree the difference to the visual appearance of our townscapes would be greatly enhanced in five or ten years to the benefit, particularly, of the younger generation. Young trees are being made available free of charge by the Woodland Trust.

Do get a tree, plant it and watch it grow – and don't forget to water it in its first year!

If you don't have a garden then phone your parish council and ask what public space would be available for planting.

South Efford House



South Efford House, seen from across the Marsh

Sitting on the south bank of the River Avon at Bridge End, Aveton Gifford, South Efford House is thought to date from the late 18th Century.

Originally a family home, the house was a hotel until 1987 and a care home until closure in 2012, since when this substantial building has been allowed to fall into minor but recoverable disrepair.

The site was purchased two years ago by Stone River Investments, who say they tried to make good the building but the damage to both the roof and the internal fabric was far worse than their initial inspection had suggested.

As a result they are now applying to demolish the building and construct six new residential dwellings.

The site itself sits within the AONB and the undeveloped coast, and is separated only by a lane from the South Efford Marsh Nature Reserve.

Significantly, and as we pointed out in our objection, because the area of the site exceeds 0.5ha, the National Planning Policy Framework requires the application to be considered a Major Development in the AONB, with paragraph 177 of the NPPF stating "When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest."

We argued there was no public interest justification. The development fails to meet either the need for affordable housing and support for self-build homes, or the provision of smaller dwellings for older people. The site lies outside the settlement boundary and consequently is in conflict with the Neighbourhood Plan.

In addition to submitting an objection the Society also alerted the Devon Wildlife Trust, who in turn submitted an objection of their own, as did Roger English on behalf of the South Devon AONB Unit, with assistance once again from Planning Consultant Jo Widdicombe.

Although the application had a target determination date of 17 February, it remains to be decided.

Put a stop to planning by the back door

When it comes to making planning decisions in the AONB it's important to be specific. After all, in planning terms at least, this is a highly protected area. So it shouldn't be too much to expect our Council to carefully check applications.

And as in the case of Butterford (p2: *Lessons still not learnt*), failure to do so can have highly damaging consequences.

Too often applicants, or more often than not their agents, their paid professional experts, massage the truth to fit the planning criteria on behalf of their clients. Time and time again we see the same agents' names cropping up. Some professionals, it seems, have earned a reputation for getting a potentially difficult case through the planning process. One in particular seems to be the agent of choice for particularly problematic applications.

Planning officers are accepting claims made in applications by those professionals without first checking them properly for ac-

curacy. A simple slip at this stage in the process can be disastrous for the environment in years to come.

A currently popular ploy is to apply for permission for an agricultural building. Get consent and, hey presto, in a few years you can apply for change of use to residential. Kerching!! It's substantial money in the bank.

The cost to the countryside is incalculable, and this individual opportunism comes at a very high price to the AONB.

The Society knows of several instances where agents have been less than honest when submitting applications on behalf of their clients. Instead of holding fast to their professional integrity they seem to prefer a successful outcome for their client. Conflict of interests no doubt. With council officers not as thorough as they might be, approval is being obtained via the back door.

The eye watering profits to be made here in the beautiful South Hams make change of use a

tempting option. Every farmer or landowner who has a field or strip of land which has or has had at one time a rickety tin shed or lean-to on it can now call it an agricultural building and then apply for change of use under Class R permitted Development Rights. Hey Presto, before you know it in a few years it's another dwelling in the AONB.

This frankly amoral stretching of the truth should concern us all. This is what planning legislation is here for – to protect and preserve for future generations. Let's face it, the UK is not blessed with huge swathes of countryside that we can afford to take for granted.

We must be very careful to protect what little we have left. If we allow every field that once had a building on it to become a potential development site, pretty soon we aren't going to have any wide open spaces left.

The Council already has the mandate to protect our countryside.

But it is us, the concerned public, who must insist that they use it.

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Saving the Avglen Fell Ash



The trees on the building plot at Avglen Fell

This Summer...

the SHS roadshow will be out and about across the South Hams at various events.

We would love to see as many members as possible at our stand and, if you would like to come along and help, you would be more than welcome. The roadshow can be a really enjoyable day out, and is very important in spreading the word about the work that the Society does. We always need lots of help, recruiting new members and explaining to people just why the SHS is necessary – perhaps now more than ever.

So if you fancy a day out doing a good turn for your local charity, meeting, greeting and just spreading the word about how important it is that the South Hams stays special then please get in touch with Cathy Koo at cathykoo3@gmail.com

We'll be at the following :

4th June, Prawle Fair.
East Prawle

23rd July,
Kingsbridge Town
Square from 9:00am-
12:00pm

21st August,
Celebrate Start
Bay at Slapton
Field Study Centre
11:00am-5:00pm

28-29th August,
Hope Cove Weekend

3rd September,
Kingsbridge Show

Look forward to seeing as many of you as possible.

According to the estate agent's particulars, Avglen Fell is a serviced building plot on the location of a former dwelling in Ringmore, on the market for £295K.

Extending to approximately 0.2 acre, the site has detailed planning permission (0776/16/FUL) to construct a detached traditional house of approximately 2,265 square feet arranged over 3 floors, while "the mature garden benefits from plenty of sunshine and indeed there are a number of mature ash trees and apple trees".

But, not long after the plot

was purchased, an application (0267/22/TPO) was submitted to fell one of the Ash trees due to Ash Dieback, with support from Ringmore Parish Council.

However the Society promptly objected, noting that "no written details or supporting photos have been submitted that provide arboricultural justification for the felling of this tree, and no replacement planting is proposed."

Fortunately the trees on the site are not only covered by a current TPO but when the Council's Tree Officer visited the site he witnessed "an absence of clear

indications of advanced Ash Dieback being present. No significant crown density reduction was noted, lesions weren't visible at branch junctions and the tell-tale of flushing profuse growth following a dieback event at crown peripheries is also absent."

In addition he considered the tree to have a high amenity value, owing to its prominence above the main road through the village while its loss would be to the long term detriment to the visual landscape.

Thankfully the application has now been refused.

A spurious application at Spirewell Farm?

According to the applicant's architect, this new single storey three bed dwelling is needed to provide both a permanent home for the estate manager of Spirewell Farm and to help solve the recently declared housing crisis in the South Hams.

To which we responded: "It is now abundantly clear that this housing crisis statement is being misinterpreted and misused for supporting inappropriate development in the countryside, and in particular the South Devon Area of Outstanding Natural Beauty to override the LPAs Statutory Duty to 'Conserve & Enhance' as required by both NPPF guidance and JLP policies."

Our objection then went on to add: "an agricultural tied dwelling has already been justified for this farmstead," while "the farmstead is now being operated as holiday cottages," and a quarter of the land was now being used for pheasant shoots, again not an agricultural activity.

We also made the point that "as it is not being applied for as an agricultural dwelling this proposal will immediately become another open market dwelling and therefore must be considered as an ordinary application for a new dwelling in the countryside in the South Devon AONB."

In addition the proposed site entrance is adjacent to Footpath No 23 while the chosen location is highly visible in the landscape. Wembury Footpath No. 17 is 600 metres away to the south west, and Wembury Footpath No.18 is 950 metres, again to the south west.

A further objection was submitted by the AONB Unit, who noted that, as submitted, the proposed development was contrary to policy DEV 25 of the Plymouth & South West Devon Joint Local Plan as it would fail to conserve and enhance the AONB.

Despite a target determination date of 11 February, the application has yet to be decided.

Cove Guest House

This application has undergone several iterations as the applicant has changed his mind as to what he wants to construct. As a consequence the Society has so far submitted no fewer than three letters of representation, the latest in response to a proposal to construct a prefabricated Huf Haus on the site (0043/22/VAR).

Getting materials to the site will inevitably involve a difficult delivery through narrow lanes on an unsuitable road. Consequently, unless the applicant can demonstrate the prefabricated building can be delivered without damaging any of the properties or hedgerows along the route, we believe the application should be refused.

There is then the question as to just how well the predominantly glass facade of the Huf Haus, with its views directly out to sea, will cope with the sometimes inclement weather along this stretch of the coast.

A decision is expected shortly.

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In a Nutshell, highly detrimental



The Grade II listed Townsend on the left, the site immediately ahead above the fork in the road

The site for this proposed two bedroom dwelling and access is in the grounds of another property, The Nutshell, and lies between the fork in the road at

the entrance to Galmpton, immediately to the west of the Grade II listed Townsend.

This is also the location for the village sign which, unusually,

doubles up as a hazard warning sign, alerting motorists to the presence of both pedestrians and cyclists of all ages.

In addition the proposed dwelling

would be 7.5m higher than the already visible Nutshell building and, with it being positioned closer to the fork in the road, its presence will appear all the more dominant.

Again, the location would be highly visible from the public rights of way to the south that run up to and along the hillside ridge on which the development would stand. This, we argued, would be detrimental to the landscape character of the South Devon Area of Outstanding Natural Beauty and Heritage coast.

The planning officer agreed, noting that: "By virtue of the scale, design and form of the proposed dwelling, the development represents an uncharacteristic addition which fails to adequately respond to the prominent nature of the site or take reference from the vernacular of the local landscape."

The application was refused on 15 February.

Still Rocking on

The application to erect an additional five holiday units within the grounds of the Gara Rock Resort was initially submitted on 11 July 2019, with a target determination date of 19 February 2020.

The Society submitted its first objection on 3 March 2020, arguing that any new development outside the existing restricted development envelope would further degrade the AONB.

The applicant then submitted some revised plans, reducing the number of holiday units from five to three. But, as we said in our second letter of representation, this change still failed to address the basic issues surrounding the use of the conditioned landscaping area for additional leisure development.

Since then, at the start of this year, the applicant revised their plans once more. As a consequence, these would not appear to conform to the planning application title. If that is the case, a new proposal should be submitted and the original refused or withdrawn.

Were that not to happen, and the application to be left as advertised, the applicants could then submit a Section 73 variation to allow changes to the drawings increasing the additional number of holiday units back to five.

At the time of writing the application remains under Officer consideration.

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

A site outside the Neighbourhood Plan



The site is the brown field that separates Hope Cove from Galmpton

This proposed site for 10 houses lies outside the development boundary of Outer Hope Cove and within the National Designation of the South Devon AONB, the Natural England designation of the Heritage Coast and the Joint Local Plan designation of the Undeveloped Coast.

The site is highly visible when travelling along the Inner Hope to Outer Hope road and would effectively merge the view of the built landscape of Outer Hope with that of the Galmpton hamlet.

Following the public examination of the 2014-2034 Joint Local Plan, the Planning Inspectorate advised that any development proposal in Hope Cove should only come through the Neighbourhood Plan process. Hope Cove itself is in-

cluded as part of the South Huish Neighbourhood Plan, adopted on the 20th May 2021, consequently taking precedence over the JLP adopted in the previous year.

Noticeably the site lies outside the Neighbourhood Plan settlement boundary for Hope Cove and was never included as a suitable location for development.

In our objection we quoted from Policy SH Env5 of the Neighbourhood Plan, which states: "The quality of the views to the coast or the countryside should be safeguarded in any future development within the Parish. Development should not be overly intrusive, unsightly or prominent to the detriment of the view as a whole, or to the landmarks within the view."

Any development on the site

would clearly conflict with that objective.

A further objection was submitted by Planning Consultant Claire Tester on behalf of the South Devon AONB Unit. As she said: "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 fieldscape which make a positive contribution to the AONB and Heritage Coast".

She also echoed the point made by the Society that: "The proposed development would erode the visual separation between Hope Cove and Galmpton contrary to Policy SH Env 1 of the Neighbourhood Plan."

The application has yet to be determined.

<https://SouthHamsSociety.org>

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Permanent adverse change proposed



The white arrow shows the point at which the jetty will protrude from the shore

According to the applicants, their proposed Salcombe Yawl Landing Stage will allow 20 of these traditional 16ft clinker sailing boats to be kept continuously afloat all summer with access to the Salcombe Estuary at both high and low tide. This will help both ensure their future and support and help rejuvenate Salcombe Yacht Club.

As well as the L-shaped jetty and landing stage, which will extend some 50 metres out in to the Estuary, the applicants also wish to construct a parking area, WC block, access steps and pontoons.

In their Pre-Applicant Landscape Appraisal Report the applicants argue 'an enhancement of the physical landscape is therefore

unlikely to be achievable, with neutral effect'.

As we state in our objection, the Society fundamentally disagree with this assertion that the proposals will have a neutral effect on the landscape.

In our opinion the applicants have failed to demonstrate how the location, siting, layout, scale and design of the proposal 'conserve and enhance what is special and locally distinctive to the site'.

Such is the environmental sensitivity, aesthetic quality and relative tranquility of the area that all will be subject to degradation should the application be approved, and the damaging effect of this will be negative.

Significantly, the site lies within both the AONB and the area designated as the Undeveloped Coast in the Plymouth and South West Devon Joint Local Plan.

Consequently, while we have no wish to deliberately hinder the recreational pastime of Yawl owners, we believe the significant material constraints of developing this sensitive waterfront location carries far greater weight when assessing the merits and demerits of the application.

We also agree with the comments of the Council's Landscape Specialist who concluded 'there would be a permanent adverse change to the estuarine landscape with the introduction of the proposals'.

High Nature Centre

Originally submitted on 26 October 2020 to vary conditions 3, 5 and 23 of consent 20/0785/12/F, this application had a target determination date of 21 December 2020.

While the Society supported the environmentally friendly intention of the development, concern remained about the planning history of such a sensitive site in the heart of the AONB.

Then, earlier this year on 11 February, the Council's Landscape Officer concluded: "The current recreational and holiday accommodation uses of the site are a detracting influence on the quality and condition of the landscape, and do not contribute to conserving and enhancing the special qualities and unique characteristics of the SD AONB. It would therefore be contrary to adopted policy to allow an increase in this type of recreational use of the site by tents and campervans."

Not long after, the application was withdrawn.

No dwellings on Dennings

This application to erect six new dwellings on this site at Wallingford Road was originally submitted on 8 January 2021. When the Council failed to reach a decision the applicants appealed.

Their appeal was dismissed. The inspector concluded: "I have found the proposal has not satisfactorily addressed matters related to flood risk and surface water drainage.

"Consequently, I have not found the development to be in accordance with the Development Plan when taken as a whole. I am satisfied that despite the limited benefits summarised above, that these would be outweighed by the adverse impact of the proposed development in relation to flood risk and surface water drainage."

Although the applicants had provided a copy of correspondence from South West Water that suggested that should the potential soakaway not be a viable option then a connection to the surface water dedicated sewer would be a logical alternative to solve the problem, the inspector took the view that "the confirmation of the potential for a logical alternative being present does not amount to an agreement in principle. Consequently, I do not find that the maintained fall back option has been agreed."

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Fairhaven awaits

Originally submitted on 23 September 2021 with a target determination date of 18 November 2021 this outline application with all matters reserved for erection of a single dwelling is still to be determined.

As we pointed out in our objection, no fewer than five previous applications to erect a dwelling on this site, the most recent in 2013, had all been refused, consistently noting "the proposed dwelling would be harmful to the character of the area and appearance of the landscape which is designated an AONB."

As the Planning Inspector pointed out in refusing one of the previous applications: "The substantial spacing between properties is an inherent and attractive attribute of this part of the south west facing slope. The sense of a very low density area with large mature gardens prevailing needs to be protected."

Were development on this site to finally be permitted, that substantial spacing would be lost.

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Last of 19 orchards thankfully saved



Dartmouth Community Orchard, the last of the 19 orchards shown on the parish tithe map of 1840 and occupying 1.3 hectares between Ridge Hill and College Way, and whose paddocks contain around 130 apple trees of over 50 different varieties of traditional West Country apples, has now been registered as a village green with Devon County Council. This means this valuable open space is now safe for ever, protected from development and encroachment, and be somewhere local people will continue to have rights of informal recreation.

Grand Plans for the Estuary

The Kingsbridge-Salcombe Estuary gleams in the centre of the South Hams, and is rightly a protected area. As a ria or drowned valley without a major river running through it, it is a mainly tidal environment and hosts some unusual habitats and species. The estuary shores are desirable places too for the human species to live and work, and there have always been development plans for them: from an 18th century suggestion for reclaiming the entire estuary and leaving a single channel for water travel, up until the 1980s when the South Hams Society was involved in fending off two schemes which would have radically altered the landscape.

Many Society members will be familiar with Charleton Marsh, at West Charleton. Today this is an area of grazing and natural wetland, where visitors can walk down the footpath to the shore and encounter a great variety of birdlife. The marsh was created in 1805 when the Lord of the Manor (John Parker, Baron Ashburton) had a retaining wall built across the mouth of Charleton Creek, reclaiming a large area for pastureland, and this was its use for the next century or so until the then landowner proposed a new scheme in 1983.

This was to breach the embankment and create a marina for 500 yachts and 'yachtsman's village' complex, with up to 100 new homes, on the marsh with boat access via a dredged channel and road access via West Charleton village. There was a great deal of local disquiet about this proposal, which would have led to huge changes to the village and the estuary. The first mention in the SHS papers is from the committee minutes of 7th February 1983, when the chairman said that 'the sub-committee had not been able to carry out a site inspection due to bad weather but would do so shortly ... this



Front page of *The Gazette*, Friday February 25, 1983

proposal would be a bad case of overdevelopment in an area of outstanding natural beauty'.

There are mentions of lobbying all interested parties, and correspondence with the Salcombe/Kingsbridge Estuary Association, Devon Trust for Nature Conservation, Nature Conservancy Council, the CPRE, the local MP, SHDC and the Press. The Society (supported by the SKEA) consistently objected to the scheme with concerns about damage to the estuary environment and overdevelopment, including potential pollution and traffic hazards, and contravention of conservation policies. References also start to appear in the minutes to safeguarding the Heritage Coast and promoting the designation of the Estuary as a Site of Special Scientific Interest. The application continued its way in 1983, with a refusal by the SHDC Planning Committee in June and by the full Council in September. It reappeared in a slightly different form in 1984 but was again refused.

Since then the Marsh has largely resumed its peaceful existence. The current landowner has taken advice from local conservationists on its management and has also built the bird hide on the embankment, which is a regular haunt for the enthusiastic bird-

watcher.

In early 1985 the Nature Conservancy Council was working towards the SSSI designation for the Estuary by consulting landowners around its shores. However another 'grand plan' was beginning to be rumoured, the 'Kingsbridge Barrier'. There are no details of the application in the SHS archives, but from memory it proposed a tidal barrier and lock gate across the estuary from the site of the Moorings development (which at the time was still a coalyard), financed by the development of a large number of houses effectively on stilts on the mudflats off Tacket Wood.

This plan had taken a more concrete form by December 1986 when SHDC officers had done some preliminary costings and a feasibility study: the development would cost £6 million, but apparently there would be no cost to the ratepayer as this would be borne by the developer. However that developer would effectively control the entire head of the estuary, and there was growing opposition to the idea including among some SHDC councillors. The potential environmental damage and restriction of access to the head of the estuary were the two main

concerns.

The SHDC Management Team was instructed to prepare a preliminary development brief for the whole of the head of the estuary area including the proposed barrier.

Meanwhile the SHS was again lobbying all interested parties, and doing its best to keep up the pressure against the scheme which was strongly opposed in several quarters, and in March 1987 the chairman reported that it was in temporary abeyance. It was mentioned again at the 1988 AGM, when the Management Team had produced their report and included the barrier among the options.

(The idea of a tidal barrier on the estuary, in various positions, crops up as a suggestion every few years. Usually, as in this case, it is shelved on the grounds of feasibility, cost, and environmental damage – but it is very persistent!)

During all this time discussions were continuing about the SSSI designation. The SKEA and the Salcombe Harbourmaster were concerned about the possible effects on boating activities and that the SSSI order would be too restrictive, and the SHDC's Salcombe Harbour Committee felt that the designation was unnecessary. The Nature Conservancy Council were attempting to counter these concerns.

A compromise must have been reached eventually as the Kingsbridge-Salcombe Estuary was confirmed as an SSSI in 1987, an extra protection granted to this special place. It also lies within the South Devon AONB and the Heritage Coast, and is a local nature reserve.

It is to be hoped that these protections will safeguard the Estuary from other 'grand plans' in the future, but as in the 1980s they may still appear and surprise us.

Watch kept on Harbour Watch

According to the applicant's architect, the existing "large detached property of rather unremarkable early 20th century design... is poorly insulated and has substandard general construction details typical of the period when it was constructed. "It also fails," the architect added, "to capitalise on its special location and views over the Salcombe Estuary."

To rectify these failings he wanted to demolish the existing house

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and garage and replace it with a detached dwelling, an outside pool and a gazebo, along with some landscaping.

In objecting the Society noted the development would require the removal of many trees, adversely degrading the waterfront landscape and conflicting with planning Policies at both national and local level.

The site itself sits within the AONB, the Heritage Coast/Undeveloped Coast, and enjoys a SSSI

Designation in which, as we said, the environmental and aesthetic qualities of the waterfront landscape present precious amenity benefits, appreciated by both locals and visitors alike.

The Council's Landscape Specialist recommended a holding objection, concluding "the proposed development as currently submitted does not fully address, as outlined above, landscape and visual concerns and issues."

The application was subsequently withdrawn on 8 February.

Fairhaven

First submitted on 23 September 2021 with a target determination date of 18 November this outline application with all matters reserved for erection of a single dwelling is still to be determined.

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Newsletter / 9

To be effective, Enforcement needs to be timely

Paragraph 59 of the National Planning Policy Framework is unequivocal: *Effective enforcement is important to maintain public confidence in the planning system.*

That belief is firmly echoed by Paragraph 1.3 of the SHDC Local Enforcement Plan, which states *effective enforcement is important as a means of maintaining public confidence in the planning system.*

So it is more than unfortunate that, at least where works to construct some buildings to house additional plant and equipment at Littlehempston Water Treatment Works are concerned, the performance of the Council's Enforcement team has been less than exemplary.

As submitted, the planning application made it clear that two interstage/clean backwash tanks, as well as a single new dirty backwash tank, were to be sited outside the current boundary fence of the water works, on what is currently farm land.

Work was to be carried out under the umbrella of permitted development rights according to South West Water.

However paragraph g) of the Town and Country Planning (General Permitted Development) (England) Order 2015, Part 13 Water and sewerage Class A – Water or hydraulic power undertakings Permitted development A, states the three tanks would only enjoy permitted development rights were they to be sited on 'operational land'.

We found it hard to see how farm land outside the current boundary fence could be construed as part of the water works existing operational land. Consequently, if the works could not be carried out legally under Permitted Development, a full planning application would be required.

More to the point, as an immediate neighbour of the water works said in a letter to the Society: "We feel strongly that this development will destroy the setting of Hampstead Manor Farm and its beautiful, historic county lane approach. It saddens me that the planning application has been granted without any inspection of the site."

So, on 6 February the Society wrote to Patrick Whymer, the Council's Head of Development Management, detailing our concerns. We also copied in the Leader of the Council, the Chair

of the Development Management Committee, the Ward Councillor, Littlehempston Parish Council, Totnes Town Council and our Member of Parliament.

Suffice to say, no response was received from Mr Whymer. So five days later, after being told work on the site had now begun, we emailed him again, informing him the Society had submitted notice of a Planning Enforcement Breach through the Council's website.

Six days after that, on 17 February, the Enforcement Team emailed to confirm 'this breach will be now be allocated to an Officer who will investigate the allegation. The reference number is 026938'.

Some four weeks later, on 16 March, having heard nothing more, we sent a short email to the Enforcement Team asking how their investigation was progressing. Then the next day we received a report from one of our members. Tree clearance works were underway. As a number of trees at the site enjoy the protection of a restrictive condition, we immediately informed the Council's Tree Officer. He reacted by return, asking the Enforcement Team to make an assessment as a matter of urgency.

And, less than an hour later, an email was finally received from the Enforcement Team in response to our submission of a month earlier. It read: "We are extremely sorry but we are unable to provide an update on this case at the present time. This is purely down to the very high caseloads that we are experiencing. I have spoken to the investigating officer and have been advised that this case will be looked at next week. Please rest assured that the officer will update you when they are able to provide something substantive."

After thanking the writer for her response our reply was immediate, brief and to the point: "Unfortunately there is some urgency. We have been informed this morning by one of our members that many trees are currently being chopped down, she was told in preparation for construction to begin in the next couple of days.

"The South Hams Enforcement Plan 2019 states a site visit will take place within five working days where there is significant public concern or where there is (or is the potential for) significant harm to be caused to residential

amenity in the surrounding area.

"I can assure you the residents of Hampstead House are far from alone in being concerned, and it is now 22 days since Enforcement was informed of those concerns. As Paragraph 1.1 of The Enforcement Plan make clear: "Effective enforcement is important as a means of maintaining public confidence in the planning system."

"Hopefully your investigating officer can move this matter up his or her agenda."

Both our MP and Patrick Whymer were also copied in and perhaps as a consequence, within the hour, contact was finally made with an Enforcement Officer. A discussion ensued and, emphasising the urgency of the matter, we agreed to email further information overnight.

Hearing nothing for a week we emailed the Enforcement Team again, asking for an update. Silence again ensued. So a Freedom of information Request was next submitted, asking:

1. whether any member of the Enforcement Team has, as yet, visited the site
2. and, if so,
 - a) on what date?
 - b) was there any evidence that operational work had previously been carried outside of the current site boundary fence?
 - c) do officers accept that the three new backwash tanks are to be sited outside of the current fence which delineates the operational boundary?
 - d) have any of the conditioned trees been felled?
3. if the answers to any of 2 a), b), c) or d) are 'Yes', what action have officers decided to take?

On this occasion, response was almost immediate. The next day later an Enforcement Officer was again on the telephone to report he had finally visited site a few hours earlier. He had been told, he said, that South West Water considered the farm land to be operational land as two mains pipelines run across it, around 1.3 metres below the surface.

According to Section 263 of the Town and Country Planning Act 1990 the meaning of 'operational land' in relation to statutory undertakers such as South West Water is 'land which is used for the purpose of carrying on their undertaking; and land in which an interest is held for that purpose.'

However that does 'not include land which, in respect of its

nature and situation, is comparable rather with land in general than with land which is used, or in which interests are held, for the purpose of the carrying on of statutory undertakings.'

Historically the 'nature and situation' of the land in question has been as farm land, on which animals have been grazing until the works in the field began. The land has not been used for the purpose of carrying on any of the activities at the Water Treatment Works. Rather it is comparable with land in general.

However, strange as it may be, it turns out that burying the two mains beneath the surface may have somehow succeeded in transforming an agricultural field in to operational land. A precedent is to be found in a legal opinion written in 2006 by Timothy Straker QC. He concluded that Southern Water Services owned some land in Gravesend and which, although 'mostly laid to grass', was for the purpose of carrying on the statutory undertaking, a fact reinforced by there being 'substantial adits (or pipes) leading through and beyond the site. Accordingly', he said, 'I consider it clear that the land is operational land.'

So it seems destruction to facilitate construction can continue, changing the setting of the Grade II listed Hampstead Manor Farm forever, and not for the better.

However, until the Enforcement Officer actually visited the site and learned of the existence of the pipes running under the field, the Council had no way of knowing whether the works should or should not be allowed to proceed.

A number of trees have also been removed, and it has yet to be established whether any were amongst those protected by a previous planning consent.

Were the development not to have been permitted, or were any of the trees protected and so should not have been felled, and had Enforcement Officers simply acted within or close to the time scales set out in the Council's Enforcement Plan, then work could have been stopped before or as it was starting.

Self-evidently enforcement needs to be undertaken promptly within the Council's own prescribed time scales if it is to have any hope of proving effective. Otherwise it is hard to see what purpose it serves.