



Newsletter

Words from The Chair

At the end of May the Society convened a meeting in the Council Chamber at Follaton House to discuss the Government's forthcoming Levelling-Up and Regeneration Bill. Our guest speaker was Totnes and South Devon MP Anthony Mangnall and, in addition to our members, amongst those present were Leader of the Council Cllr Judy Pearce, Cllrs Richard Foss and Rosemary Rowe, Chair and Deputy Chair of the Development Management Committee respectively, Cllr Lance Austen, the Chairman of the Council, a number of other councillors, and Roger English, AONB Unit Manager.

Thanks to members Les Pengelly, Sarah Linton and Didi Ayali, who collectively studied the Bill in no little detail, we were able to express our concern that the Bill, as it stands, will significantly reduce the role of local communities in the planning system, and instead noticeably increase the power of the Secretary of State.

Some of our concerns with regard to the planning proposals in the Bill are to be found on page 3 of this newsletter. But another proposal in the Bill, namely that for Combined County Authorities, could also have the effect of reducing local democratic control and accountability. As yet, little is known, other than that the first leader of such an authority for Devon, Plymouth and Torbay will be Cllr John Hart, the leader of Devon County Council, and that the costs of the Authority will have to be met by Council Tax payers.

Of course, it is entirely possible that the benefits to the South Hams of being part of such an authority will more than outweigh the costs. That is not the point. Asked on several occasions whether residents would be given the opportunity to vote on whether or not to join, Cllr Pearce noticeably failed to offer any reassurance. It seems we are to have membership of a Combined County Authority imposed on us, whether we want it or not. So much for democracy!

However on a more positive note

Anthony Mangnall both listened to and took on board many of the points raised, not least those put forward by member Peter Sandover regarding the need for communities to receive assistance when drawing up their neighbourhood plan. Speaking a week later in a Westminster Hall debate on neighbourhood plans, Mr Mangnall made precisely those same points to the Minister.

This is by no means the first time that the Society has tried to influence the course of planning policies and legislation. As we report on page 6, back in 2012, the Society put forward its vision for our Council's next Local Plan. Many of those ideas remain just as relevant today.

On a separate note it is probably fair to say that Mr Mangnall is by now sick of the sight of the Society, as he also very kindly agreed to be the guest speaker at our AGM, held in the English Block at Kingsbridge Community College at the end of April. We are very grateful to him for so generously giving us so much of his time.

Elsewhere in this issue we're delighted to be able to announce we will once again be out and about this summer in the hope of meeting as many of you as possible. Thanks much go to Cathy Koo for all her hard work in organising these and all our other events. You can find out where we'll be and when on page 4. Please come and see us or, even better, come and help us!

Sadly, on page 3, we have had to acknowledge that despite no little effort, we failed to stop the Collaton Park Development, but thankfully can report better news with regard to both Alston Gate and South Efford House.

Other planning matters are covered on pages 5, 7 and 8. Amongst the issues raised are applicants and their agents misinforming planning officers, applicants agreeing to one thing and then doing another and, as you can read on this page, whether developers should be able to guarantee themselves a profit at the expense of the community.

Speculative Development



50% affordable commitment for Alston Gate now confirmed

On 9 May South Hams District Council issued their decision.

The application, to reduce the affordable housing obligation on a development site at Alston Gate, was refused. The obligation, the Council decreed, was to continue without modification.

As a result development on the site, which is both outside the Malborough settlement boundary and within the AONB, can only proceed if at least half of the proposed 16 dwellings are affordable.

Last June, in a covering letter to application 2586/21/VPO, the developer had claimed: 'The site can only be developed for the 16 houses approved if the affordable housing requirement is removed. This is substantiated in the Financial Viability Appraisal undertaken on behalf of the applicant by Alder King.'

Their letter went on to add: 'In this case, it is simply that the consented scheme is not financially viable with 50% affordable housing provision, and neither is a scheme with 30% provision in accordance with current policy requirements. This site cannot be delivered for housing unless the affordable obligation is removed.'

However this turned out to be untrue. Because after 2586/21/VPO was refused on 16 September, less than a fortnight later on 27 September, the developer held a meeting with the Council. In that meeting the Council was told that although 'the scheme was not financially viable based on 50% affordable housing provision but would be viable at 30%.'

It is difficult to believe the economics were only re-examined after 2586/21/VPO had been refused. Consequently many will wonder whether, had that application been approved, the developer would have thought to inform the Council that some affordable housing provision had since become possible.

But, leaving that aside, a further application, 4676/21/VPO, was submitted at the start of December, this time seeking to amend the required affordable housing provision from 50% to 30%.

As we said in our objection, not only were there questions, given what had previously occurred, as to the integrity and honesty of the applicant but that, although there had been a significant number of Section 73 variations, the one item that could not be varied was the original planning application description. That description read: 'Outline application (approval sought for access, layout and scale) for mixed tenure housing, comprising 8no. open market dwellings and 8no. affordable dwellings'.

In other words, the development could only proceed in accordance with that description.

The Case Officer noted each of the points raised in our objection, before going on to add:

'The circumstances that the applicant finds themselves in, having acquired the site open-eyed with the permission and its associated obligations, is unfortunate. However, to relieve the applicant of the consequence of undertaking

...Continued page 2

...Alston Gate

ing that commercial decision is not the purpose of section 106A and the statutory questions under section 106A are limited to the purpose of the obligation and its usefulness.

'It also raises the related question as to whether it is in fact the role of the planning system to address problems that boil down to commercial risk, by adjusting the public benefits of a development which at the time were considered necessary to grant permission. Having taken on the risk of acquiring the site and the planning permission and its related obligations, the applicant has in effect sought to introduce their own review mechanism into the planning process through the vehicle of section 106A of the 1990 Act.'

We can only hope this decision sets a precedent. Developers should be required to deliver the affordable housing provision they initially agree and not, as happens all too often, subsequently apply to reduce it, citing economic necessity as the reason.

All too often they succeed, claiming the affordable housing is unaffordable, even while house prices continue to rise. Development should be speculative and profits not guaranteed.

It is also worth noting that, by standing up to the developer, the Alston Gate development will now proceed with the 50% affordable commitment intact.

South Efford House

As we said in our objection, 'The South Hams Society believe this proposed development cannot be said to be in the public interest, nor that it is justified by any exceptional circumstances'.

Gratifyingly the Case Officer in his comprehensive and detailed appraisal agreed. Refusing the application he wrote:

The proposed development is a major development within the AONB and is also sited within the designated Undeveloped Coast. By virtue of the 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 circumstances of the application are not exceptional, nor is it in the public interest to allow the development to proceed.

Despite a target determination date of 17 February, the decision was finally issued on 31 May.

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Society fails to stop Collaton



Development Management Committee members voted to give Collaton Park the go-ahead

On the 25th of May the Development Management Committee of South Hams District Council met to discuss the Collaton Park application.

The proposal, to construct 125 new homes, commercial business units and other associated infrastructure and landscaping, will effectively create a new hamlet on the road linking the villages of Yealmpton and Newton Ferrers, roughly equidistant between the two.

As we argued in our objection, not only was the scale of such a development in open countryside highly damaging to the Area of Outstanding Natural Beauty but in our view also unnecessary, given that a new town of 5,500 houses is being built but five miles away at Sherford.

Separately the Joint Local Planning Team also submitted an assessment for compliance with Joint Local Plan policies.

'On balance', the Team concluded, 'it is considered that the proposal is unlikely to meet the policy tests for major developments within the AONB in either DEV25 of the adopted local plan or paragraph 177 of the NPPF.'

Dismissing such concerns, Committee members elected to accept the Case Officer's recommendation and approve the application.

Primarily they did so because they felt the need for affordable housing outweighed the requirement the application must meet the policy tests for major developments within the AONB.

This was despite the Joint Local Planning Team having made the point that the South Hams is ahead of target in terms of meeting its housing requirement needs, including that for affordable housing. Consequently, to quote the JLP Team, "in housing

delivery terms, there is nothing exceptional about the prevailing circumstances within which the application is considered."

The applicants had claimed: "It has been demonstrated that the local need (for affordable housing) must be addressed within the defined local area (i.e. Newton Ferrers/Noss Mayo, Yealmpton, Holbeton and Mothecombe) and that there are no alternative sites that could address this need".

Yet noticeably nobody other than the applicants had suggested the local need had to be addressed within an area they had defined. They also omitted to mention that an alternative site did exist within Newton Ferrers, on land opposite Butts Park.

There an application to construct 20 residential units (17 social rent and 3 open market) had previously been submitted on behalf of the Newton and Noss Community Land Trust on 13 October 2021. That application should have been determined by 03 March this year. Should it be approved, and given the limited employment opportunities available within Newton Ferrers and Noss Mayo, it could prove sufficient to satisfy any immediate local need.

However Committee Members were not made aware of the existence of this application. Consequently, by limiting the defined local area in which affordable housing had to be located and omitting to mention the Butts Park application, no consideration was given as to whether, in combination, Butts Park and the new town at Sherford would offer a more sustainable alternative to Collaton.

A comparison of the relative proximity of Sherford and Collaton to Holbeton, Yealmpton, Mothercombe and Baksborough

Cross is illuminating. Taking data from Google, the distance between Collaton and Battsborough Cross is 2.8 miles and the driving time 8 minutes; whereas from Battsborough Cross to Sherford is 7.4 miles, and the driving time 18 minutes. All other distances and driving times are the same or less.

In other words the differences in both distance and journey times are not significant. More pertinently, the majority of employment opportunities are likely to be found in the freeport zone site at Sherford Business Park, and that at Langage Energy Zone some 2.8 miles from Sherford, but 6.7 miles from Collaton.

Sherford also offers far superior public transport and other necessary infrastructure than will be available at Collaton.

Regrettably the Officer Report failed to raise such considerations. Nor were they discussed by the Development Management Committee. As a result the Society asked the Secretary of State to call in the application so that it could be robustly examined and tested by an independent body, the Planning Inspectorate.

Our request was declined.

'The Government,' we were told, 'remains committed to giving more power to councils and communities to make their own decisions on planning issues, and believe that planning decisions should be made at the local level wherever possible. The call-in policy makes it clear that the power to call in a case will only be used very selectively.'

'The Secretary of State has decided, having had regard to this policy, not to call in this application. He is satisfied that the application should be determined at a local level.'

The development is to go ahead. <https://SouthHamsSociety.org>

Levelling-Up Bill gives more power to Whitehall

As it stands, there is little to like about the Government's proposed Levelling-Up and Regeneration Bill, at least where planning is concerned.

Should it survive Parliamentary scrutiny and become law the Bill will noticeably reduce what little ability local communities have to control development. Instead the Secretary of State, currently Michael Gove but previously Robert Jenrick, will have the power to impose what the Bill describes as a National Development Management Policy at any time of the Secretary of State's choosing.

Significantly, there is nothing to stop this happening after both Neighbourhood Development Plans and the Local Plan have been adopted. And, in the event of any conflict, the National Development Management Policy is to take priority unless material considerations dictate otherwise.

Consequently, were this Bill to become law, local communities will find it very difficult to plan for the future with any confidence.

It also raises the question, what is a 'national development management policy'?

The answer is that it is a policy that the Secretary of State by direction designates as a national development management policy.

In other words the Secretary of State will be able to make whatever changes he or she sees fit to planning policy at any time of his or her choosing, subject only to consultation with whoever he or she thinks appropriate has – or if nobody is thought appropriate has not, taken place.

Nor will National Development Management Policies be subject to Parliamentary scrutiny. As a result, many consider their in-

Section 8(2) of Schedule 4B of the Town and Country Planning Act 1990

Before:

- (2) A draft order meets the basic conditions if—
- (a) having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order,
 - (b) having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order,
 - (c) having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order,
 - (d) the making of the order contributes to the achievement of sustainable development
 - (e) the making of the order is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).

After:

- (2) A draft order meets the basic conditions if—
- (a) having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order,
 - (d) the making of the order contributes to the achievement of sustainable development,
 - (e) the making of the neighbourhood development plan would not result in the development plan for the area of the authority proposing that less housing is provided by means of development taking place in that area than if the neighbourhood development plan were not to be made,
 - (f) the making of the order does not breach, and is otherwise compatible with by The Environmental Assessments and Miscellaneous Planning (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1232), regs. 3(2), 2(4); 2020 c. 1, Sch. 5 para. 1(1) and any requirements imposed in relation to the order by or under Part 5 of the Levelling-up and Regeneration Act 2022 (environmental outcomes reports) have been complied with,
 - (g) prescribed conditions are met in relation to the order and prescribed matters have been complied with in connection with the proposal for the order.

The radical changes proposed to Section 8(2) of Schedule 4B

roduction to represent a major, unacceptable power grab by the Secretary of State.

Unfortunately National Development Management Policies are only one of several worrying additions and changes proposed to Section 38 of the Planning and Compulsory Purchase Act 2004 by the Bill. For example, by adding the word 'permitting' to sub-section 4(c), the Secretary of State is now not only able to override the local development plan if, as and when he or she sees fit by amending or introducing a new national development management policy, but he or she will now also be able to dictate what is or is not permissible to be included in any neighbourhood plan.

The fact that one individual, in this instance the Secretary of State, will be able to override the considered judgement of local communities and their elected representatives is not an outcome we should willingly countenance. Yet that is what the Bill would appear to propose.

Were this not bad enough, the Bill also proposes various changes

to section 8(2) of Schedule 4B of the Town and Country Planning Act. Taken together an examiner, when considering a neighbourhood development plan, is no longer required to worry about the desirability of preserving any listed building or its setting; or preserving or enhancing the character or appearance of any conservation area; or whether the neighbourhood plan conforms with the strategic policies contained in the local authority's local plan.

"In its current form, the Bill would leave us with a planning system in England which is less democratic and does nothing to rebuild public trust"

In making such changes the Government appears not to care about such matters. Instead the examiner need only focus on ensuring the neighbourhood plan does nothing to reduce the number of houses that might be built in the area encompassed by the neighbourhood plan.

More pertinently, were an adopted neighbourhood plan fail to conform with the strategic policies contained in the local authority's local plan, it would in all probability be rendered invalid, enabling developers to ignore any constraints the neighbourhood plan might otherwise impose. By removing the requirement for the examiner to check for consistency, the Government may well be making it easier for developers to discover loopholes.

Fortunately at the meeting the Society held at Follaton House with MP Anthony Mangnall to discuss the Bill, Society member Peter Sandover was able to persuasively put forward a number

of amendments he thought necessary to improve the Bill, at least where neighbourhood plans were concerned.

A week later, speaking in a Westminster Hall debate on neighbourhood plans, Mr Mangnall eloquently echoed several of the points raised, not the least of which that it was important for there to be the central government support available to enable neighbourhood plans to come together.

"All too often," said Mr Mangnall, "what happens is that the neighbourhood plan is put together and small mistakes, made by volunteers who are working incredibly hard, are exploited by the developers. And if there is to be central support it has to be centrally provided, not by local authorities. We must put the responsibility on central government to provide that support and not add to the workload of local authorities."

However, unless the Bill can be amended in Committee, it will reduce the protection offered to our AONB. It will weaken the ability of communities to control development thought their neighbourhood plan. And it will

diminish the importance of the local plan and effectively emasculate democratic oversight.

To quote Dr Hugh Ellis, Director of Policy at the Town and Country Planning Association:

"In its current form, the Bill would leave us with a planning system in England which is less democratic and does nothing to rebuild public trust. It would enable national government to decisively strengthen its control over local decision making. Which seems to contradict the stated ambition of levelling up to empower local leaders and communities and risks causing further anger and frustration from communities when they understand their increasing loss of power over their communities."

Thankfully Anthony Mangnall would appear aware of these dangers. It is to be hoped he is not alone amongst his colleagues in Westminster.

Meaning of "national development management policy"

After section 38 of PCPA 2004 insert—

"38ZA Meaning of "national development management policy"

- (1) A "national development management policy" is a policy (however expressed) of the Secretary of State in relation to the development use of land in England, or any part of England, which the Secretary of State by direction designates as a national development management policy.
- (2) The Secretary of State may—
- (a) revoke a direction under subsection (1);
 - (b) modify a national development management policy.
- (3) Before making or revoking a direction under subsection (1), or modifying a national development management policy, the Secretary of State must ensure that such consultation with, and participation by, the public or any bodies or persons (if any) as the Secretary of State thinks appropriate takes place."

Whatever the Secretary of State wants it to be

Newsletter / 4

Finally, we're Out and About again this Summer!

The South Hams Society Roadshow is at last back and coming to a show ground near you this summer.

After two long years of lockdown with no events it is great to be finally back in the saddle informing people about the SHS.

This is one of the most rewarding aspects of volunteering with the Society. Not only do we get to work with other local organisations, Charities and Community Initiatives to improve the lives of everyone who lives, works or holidays here, this work is also vital to the lifeblood of the SHS charity.

Having a presence at local shows and fairs gives us an opportunity to talk to people about the issues and challenges that the South Hams faces, why it's important to keep the O in the AONB and how and why the SHS does this.

Do please come along and pay us a visit, or better still come and help. You will meet lots of



Members Peter Sandover and Les Pengelly in discussion

Be sure to come and find us out and about this summer

new and interesting people, and be doing something to help this unique local charity. There is always plenty to do whether it is networking with other like-minded folk, recruiting new members, educating people as to what the SHS does and why it matters. Everyone is welcome even if it's just to make the tea!

At the bigger shows we run

competitions for all the family and always need people to help. So please get involved. If you would like us to attend any future events or organise an event please let us know. Suggestions for are welcomed and facilitated wherever possible.

If you'd like to get involved, email Cathy Koo on cathykoo3@gmail.com or call on 07813021621.



Sarah Wollaston and Bob Harvey (top), RIA Clean (below)



The Society will be at the following local events the summer

July 23rd, Saturday:
Kingsbridge Fair Week; Charity Stall Event, Town Square, Kingsbridge 9-12 am

July 31st, Sunday: **Totnes and District Show,** Great Court Farm, Berry Pomeroy, TQ9 6LE. 9 - 5pm

13th&14th August: **South Hams Vintage Machinery Club Rally,** Sorley Cross, TQ9 7AF - all day

August 21st, Sunday:
Celebrate Start Bay, Slapton Field Study Centre, TQ7 2QP, 11am - 5pm

August 29th, Bank Holiday Monday: **Hope Cove Weekend.** Hope Cove - all day

September 3rd, Saturday:
Kingsbridge Show, Borough Showground, Kingsbridge TQ9 7QP - 9- 5pm

September 17th, Saturday:
Clean the Ria in conjunction with the Rotary Club to clean the estuary of rubbish - this can be done using your own craft, or on foot, all plastic and waste will be collected as part of World Clean Up Day. For more info please contact Cathy Koo.

Permitting development in error

The decision to allow the construction of an agricultural storage building in the north-west corner of the site as a permitted development was, as the decision notice stated, only arrived at 'in accordance with the information that the developer provided to the local planning authority'.

Crucially, and as we reported in April's Newsletter, not all of that information was correct.

The applicant's agent had claimed: 'The site chosen is also away from residential dwellings and is not visible from any foot-path/public vantage points'.

But in reality the site remains visible both from the Public Right of Way to the west and a lane to the east.

Had the case officer known this, Article 8 of the Planning (General Development Procedure) Order 1995 and regulation 5A of the Planning (Listed Buildings and Conservation Areas) Regulations would have required the LPA to publicise the application in the local newspaper.

Were that to have happened, local residents would have told the case officer that a further claim by the applicant's agent, 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' was also incorrect.

Had the case officer known no track existed, the question would then have arisen as to why the agricultural building could not be more logically and more sustainably constructed on the south east corner of the site, invisible from any public viewpoint, and adjacent to the public highway.

Instead, before any such questions could be posed, the applicants began construction of a track some 800 metres long, 3.5 metres wide and 150mm deep across their property, towards where they wished to erect the agricultural storage building.

Alerted to what was happening and following a site visit, the Council issued a temporary stop notice. As the Enforcement Officer informed the applicant: "The council, without further evidence provided, cannot agree with your assessment that the works are simply resurfacing existing tracks. It is for these reasons, the council believes that these works would need planning permission, and therefore unauthorised.



The site is visible from the lane to the east

Some weeks later application 1592/22/FUL, 'a part retrospective application to regularise and retain an agricultural access track' was submitted.

As the Society pointed out in our objection, that was in itself incorrect. No record of any track exists, and none was provided by the applicants. Consequently it is impossible to regularise something that has never previously existed.

Arguably this was the least of several errors on the application form.

For example, according to the applicants, the site area of the track was 0.10 hectares. In fact it is 0.208 hectares, before the hardstanding on which the building is to be located is included. The calculation is the length of the track 800 metres multiplied by the width of the track 3.5 metres, which equals 2,800 square metres, or 0.208 hectares.

And, as a consequence of the site area being more than 0.1 hectares, the need for a Wildlife Report is triggered, something which the applicants failed to provide, perhaps because they had chosen to understate the area of the site.

Again, on their application form, the applicants answered "No" to the question "Are there trees or hedges on land adjacent to the proposed development site that could influence the development or might be important as part of the local landscape character?" Yet photographs show the track has been constructed immediately adjacent to both trees and hedgerows.

It is hard to believe that in locating the track so close to both trees and hedgerows no damage will have been caused to their root systems.

Similarly the applicants were asked whether 'any important biodiversity or geological conser-

vation features may be present or nearby; and whether they are likely to be affected by the proposals'. Yet again they incorrectly answered 'No'. High Marks Barn SSSI, which supports the second largest maternity roost of Greater Horseshoe Bats in England is a mere 2.6km from site, well within the 4km Sustainance Zone in which critical Foraging Habitats and Commuting Routes are to be found.

Finally the question 'Is your proposal within 20 metres of a watercourse (e.g. river, stream or beck), is once more answered incorrectly. As the applicants' submitted Site Location Plan shows, the location of the track is less than 13.5 metres away from the stream that runs in to the River Avon.

That there should be so many factual inaccuracies in this second application is, in the circumstances, little short of astonishing. Given the errors in the original application, some element of accuracy was hardly an unreasonable expectation.

As we said in our objection, which can be read here: "If the LPA decides to approve this application they will be both rewarding the applicants and/or their agent for their failure to provide accurate information and setting a precedent that others may attempt to exploit.

Instead, if the integrity of the planning system is to be protected, this application should be refused and the applicants required to remove the track already constructed, make good the damage they have caused to a protected landscape, and resubmit an application to either construct both a building and a track, or else to construct a building in a more sustainable and less damaging location.

The application has a target de-termination date of 5 July.

Stone's Boatyard

Despite the applicants managing to canvass a considerable level of support for their proposal to construct a Salcombe yawl landing stage into the Salcombe estuary, along with a car park, access steps and WC on currently undeveloped adjacent land at Yalton, just outside East Portlemouth, the application was surprisingly withdrawn on 15 June.

However we were not alone in having expressed our concerns.

The SHDC Landscape Specialist, the South Devon AONB Unit and Natural England also drew attention to the fact that any development would have a material adverse impact on the unique landscape and seascape character and special qualities of the area, and consequently be in breach of the statutory requirement to conserve and enhance the AONB and the Undeveloped Coast.



The site on an unspoilt stretch of the Salcombe Estuary



Both Salcombe Parish Council and East Portlemouth Parish Council registered objections, while South Pool Parish Council called for a visual impact assessment before any decision was reached. The Highways Authority also raised real and as yet unaddressed concerns about vehicle and pedestrian access.

Separately, between April 12 and May 4 we also uploaded six separate postings to the Society's Facebook page. Together those postings reached no less than 3,853 people, were shared on no fewer than 28 occasions and generated 1,737 engagements.

It is to be hoped that the applicants can now find an alternative and more appropriate site for their development.

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Visionary Planning

A Vision for the South Hams in 2031

In 2031 the South Hams will be a place in which genuinely sustainable development has improved the lives of its current residents while protecting its natural assets for future generations. A prosperous economy, strong communities and an outstanding visitor experience will sustain its culture, wildlife and unique landscape. We will see the following outcomes:

A more prosperous economy

A more prosperous economy will have been fostered by good transport and communications and an excellent quality of life which will have attracted highly-qualified entrepreneurs to the area.

More land will be farmed with a strong focus on sustainable, low energy methods. Local produce will be celebrated and widely available. Fishing, shell fish farming and low-impact marine businesses will thrive in Dartmouth, Salcombe and other coastal communities.

More vibrant communities

People living in the South Hams will have been able to find work with an adequate income and high quality accommodation within a short journey to work. Town high streets and local shops will be supported by good facilities for car parking and access by public transport, cycling and walking.

More effective town and parish councils, which will be the predominant influence in shaping communities. This will be assisted by de-centralising services and decisions from the district council to town and parish councils where possible.

Carbon reduction

Emissions will have been reduced by greatly enhanced public transport between Plymouth, Torbay and South Hams towns and outlying communities, and by measures to encourage walking, the use of bicycles and the use of environmentally friendly vehicles.

The district will be producing its full share of energy from renewable sources, from a variety of installations which are accepted by adjacent communities, show a net public benefit and do not harm appreciation of the landscape in the AONB. The district will have benefited from welcoming innovative methods of generation which meet these requirements.

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

The SHS has always been involved in commenting on Local Plans and other initiatives, including the current Joint Local Plan for Plymouth and South West Devon and the South Hams District Council's recent 'Better Lives for All' plan. There are many recurring issues and themes and it can be interesting to compare the progress on some of them over the years.

Looking back ten years in the SHS records, the then next local plan was under discussion at the time and this was the 'unofficial' version drafted by the Society.

The South Hams Society's Vision for SHDC's Next Local Plan

The government's National Planning Policy Framework (NPPF), published in draft in 2011 and in final form in 2012, requires us to have in place a wide-ranging plan for the district. The NPPF requires that this be done:

'Local Plans are the key to delivering sustainable development that reflects the vision and aspirations of local communities';

'Early and meaningful engagement and collaboration with neighbourhoods, local organisations and businesses is essential'.

SHDC expects to have a fifteen-year plan in place by the end of 2016, but is making only slow progress and the South Hams Society is concerned at the very limited amount of time that will be available for meaningful consultation if that target date were actually to be met. The only consultation so far has been on headings rather than content. ...

To get the debate started the Society has drafted its own entirely unofficial vision, together with some of the measures that it thinks will be needed ...



An improved natural environment

The beauty and wildlife of the South Devon will have been improved to attract visitors seeking outstanding landscapes which remain more natural and unspoiled than is available elsewhere. Water quality in rivers and on beaches will be of the highest standard. The movement to Green Tourism will have grown and tourists will be encouraged to participate in local activities with low environmental impact.

Measures

In many cases these are outside the control of the district council, so will be matters on which it has to obtain a result from the

County Authority, central government or some other body.

Economy

- Council-led drive for fast broadband using support from all local community groups.

- Policies to protect agricultural land from development or non-agricultural use.

- Policies to concentrate heavy vehicular transport in areas close to the A38.

Communities

- Compulsory purchase of derelict brownfield sites after safeguards to the owner.

- 50% of new housing developments over ten units to be

either affordable and restricted to local residents or to provide sites for self-build.

- Planning applications to be firstly made to the town or parish council which will forward the proposal to the district council with its comments.

- Parish-led suggestions for housing to be fast-tracked.

- All developers' schemes above a certain size to be subject to an independent viability assessment, with findings published.

Carbon reduction

- Extend the network of footpaths and cycleways, particularly where useful for journeys to work or school.

- Impose an area-wide speed limit of 40 mph on all local roads in rural areas and 20 mph in towns and villages. Police it effectively.

- Council car parks to have a scheme for refunding fees when shopping in the high street.

- District council to secure improved frequency of bus services and reduce interchange waiting times.

Environment

- All developments in rural areas including those used for farming to produce a justification for usage and a landscape impact statement.

- Controls to prevent agricultural practices which cause soil erosion into watercourses.

- Strengthened monitoring of watercourses and enforcement to prevent pollution.

Priorities have changed in some areas, and of course climate change is requiring more urgent attention, while the effects of the coronavirus have disrupted economic activities. Giving more weight to town and parish councils has been a constant theme and there is concern that the Government's proposed Levelling-Up Bill will reduce rather than enhance local democracy, even though Neighbourhood Plans have become more prominent. The overall picture may not look particularly rosy but there has been progress on some of the Society's suggestions, and it is still important to maintain these conversations at all levels – and to look forward to more improvements by 2031.

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Cove Guest House

As a consequence of the applicant changing his mind on several occasions as to what he wanted to build, the Society found it necessary to submit no fewer than three separate letters of representation, the most recent in response to the proposal to construct a prefabricated Huf Haus on the site.

This application was refused on 26 April, the decision notice stating:

The proposed dwelling, by reason of its mass, bulk, design, glazing, and materials, would fail to respond positively to the local character and distinctiveness, coupled with its excessive scale and massing in relation to the undeveloped coast and AONB, the proposal is considered to constitute a poor quality form of development, which would fail to respect the landscape character of the area, nor take the opportunity for improving the character and quality of the surrounding area or enhancing the AONB.

No doubt a further application will be submitted shortly.

Fairhaven

In our April Newsletter we noted that this outline application with all matters reserved for erection of a single dwelling, originally submitted on 23 September 2021 with a target determination date of 18 November 2021 is still to be determined. There is nothing on the South Hams and West Devon Planning website to explain the delay, and the application has now gone to appeal.

Consequently, and as with Appleford on Bowcombe Creek, there is every possibility that the Inspector will find in applicant's favour, even if planning officers do eventually decide on the decision they might have reached.

A decision on whether to permit the construction of 10 houses, six of which would be affordable, is expected on 30 June.

As we said in our objection, the site 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. It is also highly visible when

travelling along the Inner Hope to Outer Hope road, and it would effectively merge the view of

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

Out of place and out of proportion

The Society originally objected to this application to redevelop the existing Sand Pebbles hotel and owners accommodation in to seven holiday let and five residential units in April 2021. Subsequently the applicant has since made some changes to the position of the buildings, so as to both comply with the JLP Supplementary Planning Document and attempt to address the unneighbourly attributes of the proposal.

However, and as as we noted in our objection to these revised plans, the proposed changes will do little to address the concerns previously raised by the South Devon AONB Unit, and will still result in over development of the site, causing harm to the AONB and remaining inconsiderate to neighbouring properties.

Currently Sand Pebbles is set back from the highway. The new build will encroach almost on to the road itself. As another objector observed:

The character of the area generally presents significant building setbacks from the adopted highway and the buildings are generally of a two storey nature, albeit often on sloped plots. The site development densities also allow for excellent ratios of soft landscaping per plot with a resultant effective greening of any given site.

By comparison, the revised plans show that either side of the car park and flats, the little area left for green landscaping is only 1.5 metres wide. To the east of Building 4, no landscaping of merit will survive, as almost no room exists. To the south of Building 3 there is a small area. But the majority of the landscape area that remains is behind the north of the two builds, offering no screening benefit to the publicly viewable areas.



The original hotel lies over and to the left of the underground car park shown above, with the new build extending out towards the road beneath the blue line as seen on the plan below



Not only is what is being proposed completely out of character with its surroundings, it will also dominate the view along Hope Cove Bypass towards the sea. In addition, it offers nothing by way of affordable housing and no Devon Primary Residence restriction is being imposed on the five residential units, without

which they may simply add to the already excessive number of second homes in the area. And, with only one car parking space being offered per unit, neighbours could well face still further inconvenience.

The application remains to be determined.

Closing the Outer Hope Galmpton gap



The site is the field between the houses in the centre of the photo

the built landscape of Outer Hope with that of the Galmpton hamlet.

Significantly, the 'affordable' homes would only be offered at a discount of 20% to open-market rental and purchase prices. So none can be said to be 'affordable' by any realistic criteria.

However the Affordable Housing Officer is of the view that the scheme would be financially viable were it to offer seven affordable homes, the number necessary to meet the number required in the parish of South Huish over the next five years.

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Development fails to conserve AONB

As those who have followed this saga will know, the Construction Management Plan submitted by the owners of Sandnes made it clear they no longer had any intention to increase the width of Beadon Lane to 3.0m. The existing lane was sufficiently wide to allow a tractor and trailer to gain access to the site. In addition there was very limited overhanging vegetation on the Lane, and as a result no pruning was required or would be undertaken.

These commitments were again reiterated at the Development Management Committee meeting in December 2020, at which the Sandnes owners' appointed agent assured Members that the large construction vehicles only required a Lane width of 2.55m.

Construction then commenced in the latter part of last year. Neither assurance was adhered to. Banks and verges were degraded in order to widen the Lane. Hedges were severely cut back, with one section being removed completely, while demolition spoil was used to compact and flatten the Lane surface.

Were this not sufficient cause for concern, the visual amenity and environmental quality of the area was then further degraded by the dumping of demolition rubble into a field some 200 yards from the development site.

This resulted in a retrospective application being submitted to allow building materials and operatives vehicles to continue to be stored and parked in the field, close to the site during the construction of the replacement house.

As we emphasised in our objection, the dumping of demolition rubble in any field without first obtaining planning permission demonstrated a substantive failure to comply with the conditions set out in the Construction Management Plan.

The field in question is a prominent feature within the scenically beautiful North Sands Valley,



Beadon Lane before works began (above) and after (below)



part of the South Devon AONB, where the dumping of the rubble has imposed a detrimentally ugly and incongruous feature on the landscape, severely compromising the protection objectives of the statutory AONB and Heritage Coast Designations.

Fortunately the Case Officer agreed. Refusing the application on 18 May she wrote:

The proposed development, by

virtue of the groundworks and engineering operations which would take place at the site, fails to conserve the special qualities, distinctive character, and key features of the South Devon Area of Outstanding Natural Beauty, as well as eroding the tranquil character and high scenic quality of the Undeveloped Coast policy area.

She continued:

The proposed development would result in levels of noise disturbance which exceed the levels generally experienced in the locality currently. The development would therefore have a harmful impact on the amenity of neighbouring properties in Platt Close.

It is to be hoped Enforcement Officers will ensure the field is restored to its former state in the very near future.

Greystones

We objected to this application that proposed extensive work to a significant number of protected trees. The applicants provided no arboricultural justification for the removal of four mature trees, while the proposed crown height reduction of the other trees, supposedly for the purpose of garden management, was also a matter of some concern.

As we pointed out, the threatened trees are quite properly afforded protection by TPO 86 as they provide significant public visual amenity benefits to the wider sylvan setting of the area.

We added the predominantly wooded landscape of this area demands the highest level of sympathetic assessment and protection, with the tree cover protected and enhanced in perpetuity for the benefit of current and future generations alike.

According to the South Hams and West Devon Planning website a decision is imminent.

Spirewell Farm



As we reported in our April Newsletter, this application to construct a new single storey three bed dwelling on land at Spirewell Farm, Traine Road, Wembury (4421/21/FUL), was originally submitted last November, with a target determination date of 11 February.

The entrance to the site can be seen above.

As we go to press a decision has still to be reached and the South Hams and West Devon Planning website states additional information has been requested from the applicant.

Gara Rock

Application 2167/19/FUL, to erect an additional five holiday units within the grounds of the Resort was originally submitted on 11 July 2019. It has since been through three revisions, the most recent in January of this year. According to the South Hams and West Devon Planning website, the application remains 'under consideration by Officer'.

