

## PLANNING APPLICATION REPORT

**Case Officer:** Charlotte Howrihane

**Parish:** Salcombe **Ward:** Salcombe and Thurlestone

**Application No:** 0258/22/FUL

**Agent:**

Judith Norris  
The Rural Planning Practice  
South Wing First Floor  
Council Offices  
Trinity Road, Cirencester  
GL7 1PX

**Applicant:**

Mrs Lisa Dafforn  
31 Elystan Place  
London  
SW3 3JY

**Site Address:** Land North of, Beadon Road, Salcombe, TQ8 8LU

**Development:** Temporary storage area to enable building materials and operatives vehicles to be stored/parked close to the site during construction of the replacement house (Retrospective)

**Recommendation:** Refusal

**Reasons for refusal:**

1. 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. The development therefore conflicts with policies DEV23, DEV24, and DEV25 of the Plymouth & South West Devon Joint Local Plan (2014- 2034), policies SALC Env1 and SALC Env6 of the Salcombe Neighbourhood Plan (2018- 2034), paragraphs 174 and 176 of the National Planning Policy Framework (2021), and policies Lan/P1, Lan/P3, Lan/P4, and Lan/P5 of the South Devon AONB Management Plan (2019- 2024).
2. 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, contrary to policy DEV1 of the Plymouth & South West Devon Joint Local Plan (2014- 2034).

**Key issues for consideration:**

Principle of development, landscape impact, residential amenity, highways

---

**Site Description:**

The site is part of an agricultural field on the northern side of Beadon Road, on the western edge of Salcombe

The site is within the South Devon Area of Outstanding Natural Beauty (AONB) and the Undeveloped Coast policy area. There are also several Tree Preservation Orders (TPOs) along the south-eastern boundary of the site and it is part of a County Wildlife Site.

**The Proposal:**

Planning permission was granted in 2021 for the demolition of Sandnes, a dwelling further along Beadon Road, and the erection of a replacement dwelling. The applicant has started to use a field (the application site) as a site compound, creating an access, depositing hardcore to level the site, and is now seeking a temporary planning permission to use the land as a storage area. Building materials and excavated material would be stored on the site, as well as providing parking for operatives. The planning statement states that the development site is constrained with little storage space, and the development would allow the construction phase at Sandnes to be managed more efficiently.

### **Consultations:**

- County Highways Authority- no highways implications
- Trees- no objection
- Landscape- informal discussion held with the Council's Landscape Specialist, who objected to the proposal, considering it to fail to conserve or enhance the landscape, with particular regard to policies relating to the AONB and the Undeveloped Coast.
- Town Council- *'Objection as this storage area was a blot on the landscape and was detrimental to the AONB. This was another example of the developers riding roughshod over any planning regulations, including the state of Beadon Lane which had now been turned into a road rather than the quiet country lane it should be (the developers stated that this was an improvement). Should permission be given then there needed to be a condition that the field was returned to its original state including the removal of any dumped waste and reinstatement of grass. There was also a question as to whether the applicant had an Environment Agency waste transfer licence for these movements.'*

### **Representations:**

Seven letters of objection have been received, as well as four undecided representations. The comments can be seen in full on the Council website but can be summarised as follows:

- The approval of the current CMP was a long protracted process
- Demolition materials were supposed to be removed from the site
- The developers have widened the lane
- Large amounts of rubble have been dumped on the agricultural land
- The developers are not adhering to their original permission or CMP
- The developer should have considered where to have the compound would go before starting works
- Previous statements about a quick construction period are untrue
- The site must be restored to its former condition
- Such development should be resisted in the AONB
- Planning Statement contains a number of irrelevant facts and omits important information
- A carefully worded conditional approval could be acceptable if the site gets properly restored
- Noise from the development is impacting the amenity of neighbours
- Widening the lane has resulted in increased vehicle speeds and pedestrian safety concerns
- Site is within a County Wildlife Site
- Compound area is larger than indicated on the plans
- Not all of the material on site is referenced as being removed once works are complete
- The site is part of a prominent field within the valley

### **Relevant Planning History**

- 4063/19/FUL- Replacement dwelling with associated landscape work (amendment to design previously approved 1125/17/FUL)- conditional approval

## ANALYSIS

### Principle of Development/Sustainability:

The site is just outside of the settlement boundary for Salcombe, as defined in the Salcombe Neighbourhood Plan. It is on the edge of the built form within a highly sensitive location. In considering the proposal careful regard needs to be afforded to a range of material considerations including the impact on the AONB and Undeveloped Coast, impact on TPOs and residential amenity of nearby properties.

### Design/Landscape:

Prior to the works commencing, the site was an undeveloped, green field site, outside of the settlement boundary, located on an area of prominent, elevated land. There are extensive views of the surrounding landscape from the site, and clear views of the site from the surrounding landscape. The development is in a prominent part of the most highly designated protected landscape, within the South Devon AONB and JLP Undeveloped Coast.

This is a landscape that is recognised for its high scenic quality and strong sense of place. Development in these areas could affect the rural character and sense of tranquillity of the Landscape Character Type (3G: River Valley Slopes & Combes, which is characterised by rounded hills and steep, undulating slopes overlooking the river valleys).

Forces for change in character in this area include developments on the upper slopes, where they would be prominent in the wider landscape, and where tranquillity and remoteness can be interrupted. The strategy for this LCT seeks *to protect and enhance the peaceful character of the valley slopes, fringed by well-managed woodlands and fields enclosed by an intact network of species-rich Devon hedges.*

Landscape Guidelines for Devon Landscape Character Area (DCA) Salcombe to Kingsbridge Estuary include:

*'Protect the distinctive, unspoilt, and **exposed skylines** which define the estuary.'*

*'Conserve **the open, expansive views** across the estuary, and the area's coastal and sea views.'*

*'Plan to enhance and restore rural character and tranquillity through **careful siting of any new development** avoiding prominent locations such as valley sides and shoreline, with enhancement of hedgerows, woodlands and roadside planting to major road corridors.'*

*'Protect the **landscape setting of Kingsbridge and Salcombe**, ensuring new development enhances and restores features such as hedgerows and woodlands.'*

The special protection given to this sensitive landscape is reflected in adopted Local Plan policies DEV23, DEV24, DEV25, SALC Env1 and SALC Env6, as well as the adopted South Devon AONB Management Plan:

- *Lan/P1: Character - The special qualities, distinctive character and key features of the South Devon AONB landscape and South Devon Heritage Coast will be conserved and enhanced.*
- *Lan/P3: Landscape condition - Opportunities will be sought to strengthen landscape character by improving the condition of existing landscape features in poor condition and reinstating landscape features identified as missing or fragmented.*
- *Lan/P4: Tranquillity - The tranquillity, natural nightscapes and dark skies of the AONB will be*

*enhanced and maintained.*

- *Lan/P5: Skylines and Views - The character of skylines and open views into, within and out of the South Devon AONB will be protected.*

The works undertaken have had a significant impact on the undeveloped, unspoilt nature of the site. The levelling of the site, and building up of the land with hardcore has replaced the undulating green field with an engineered, developed area of land which is highly visible from local footpaths due to its elevated position at the top of the valley. The introduction of such development, as well as the paraphernalia associated with it (vehicle parking, security fencing, construction machinery, etc) even for a temporary period, has a detrimental impact on the special qualities of the area which both local and national policies seek to preserve.

As such, the development fails to conserve and enhance the landscape character and setting of the AONB, and does not respect the scenic quality and distinctive sense of place which is a special characteristic of the Undeveloped Coast. The proposal therefore conflicts with policies DEV23, DEV24, and DEV25 of the JLP, policies SALC Env1 and SALC Env6 of the Salcombe neighbourhood plan, and paragraphs 174 and 176 of the NPPF.

#### Trees:

There are protected trees within the site. The Council's Tree Specialist has reviewed the application and raises no objection on arboricultural merit.

#### Ecology:

The application is accompanied by an Ecological Appraisal, and the site is within a County Wildlife Site. This appraisal outlines mitigation and compensation measures to address any potential impacts on habits and species within the site, and had the proposal been considered acceptable in all other regards, adherence to these measures would have been a condition of any permission granted.

#### Neighbour Amenity:

Policy DEV1 of the JLP seeks to protect residential amenity. The policy explains that '*unacceptable impacts will be judged against the level of amenity generally in the locality.*'

The southern side of the site is bordered by properties at Platt Close, on the other side of the lane. When considering the existing levels of amenity (prior to the development already commenced, as this is a retrospective application), Officers note that the properties look out onto the open countryside, and whilst there are other properties visible in the distance, the outlook is generally undeveloped and tranquil, in keeping with the special characteristics of the Undeveloped Coast identified earlier in this report.

Officers consider that the introduction of the development proposed would be a stark contrast to the existing site context; engineered hardstanding instead of a green field, and vehicle manoeuvring and loading/unloading of construction materials in place of a tranquil, undeveloped landscape. Whilst the properties in Platt Close are elevated above the site, and so may not suffer significantly in terms of their outlook, Officers consider that the noise disturbance from the proposed site has the potential to harm the amenity of these neighbouring properties when compared to the existing level of amenity within the locality.

Whilst disturbance from construction is generally not a reason for refusal, the current application is not part of a development site; the development to which it relates is a separate site, further down the lane at Sandnes. The applicant has previously submitted a detailed Construction Management Plan explaining how the development could be constructed within the site itself, and as a separate full planning application on a site away from the development, Officers consider that the potential noise disturbance from this site (not from Sandnes, where a certain amount of disturbance during the

course of construction is to be anticipated), would have a detrimental impact on the amenity of nearby dwellings and therefore conflicts with policy DEV1 of the JLP.

#### Highways/Access:

A source of objection to the proposal is the fact that the applicants have, during the course of their works, resurfaced and allegedly widened Beadon Road. This is a private road, and resurfacing it would not require planning permission itself. These concerns would be a civil matter, outside of the scope of this application.

#### Other Matters:

Comments made by objectors about the lack of adherence to the previously approved CMP for the Sandnes development are noted, but not a consideration for this application. Although clearly related to the Sandnes site, this is a separate application on a different site, and any concerns about the CMP not being adhered to would be a matter for Planning Enforcement to investigate if such a complaint is made.

Concerns about the development process in general (omissions in the submitted planning statement, the developer should have considered these issues before starting the work, etc) are not material planning considerations. Officers can only consider the proposal submitted, and assess it against the relevant policies and other material considerations.

Some comments state that if approved, the land should be restored to its former condition once the development is finished. Had the proposal been considered acceptable in all other regards, the restoration of the land would have been imposed as a condition of any permission granted.

#### Summary:

Although the proposal is for a temporary change of use only, Officers consider the development to cause significant landscape harm to the protected landscapes within which the site is located. The prominent position of the site means that the introduction of such an engineered landscape would be highly visible and erode the special characteristics of the Undeveloped Coast and the AONB. Considering the NPPF requirement to afford great weight to the conservation and enhancement of the landscape and scenic beauty to the AONB, the temporary nature of the development is not considered to outweigh the identified landscape harm. In addition to this landscape harm, the development would also have a detrimental impact on the residential amenity of neighbouring properties.

As such, the development conflicts with local and national planning policies, and is therefore recommended for refusal.

***This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004***

### **Planning Policy**

#### Relevant policy framework

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of March 26th 2019, the Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West

Devon Borough Council (other than parts of South Hams and West Devon within Dartmoor National Park).

On 26 March 2019 of the Plymouth & South West Devon Joint Local Plan was adopted by all three of the component authorities. Following adoption, the three authorities jointly notified the Ministry of Housing, Communities and Local Government (MHCLG)\* of their choice to monitor the Housing Requirement at the whole plan level. This is for the purposes of the Housing Delivery Test (HDT) and the 5 Year Housing Land Supply assessment. A letter from MHCLG to the Authorities was received on 13 May 2019 confirming the change.

On 13<sup>th</sup> January 2021 MHCLG published the HDT 2020 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 144% and the consequences are "None".

Therefore a 5% buffer is applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 5.8 years at end March 2021 (the 2021 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2021 (published 12th November 2021).

[\*now known as Department for Levelling Up, Housing and Communities]

The relevant development plan policies are set out below:

**The Plymouth & South West Devon Joint Local Plan was adopted by South Hams District Council on March 21st 2019 and West Devon Borough Council on March 26th 2019.**

SPT1 Delivering sustainable development  
SPT12 Strategic approach to the natural environment  
TTV26 Development in the Countryside  
DEV1 Protecting health and amenity  
DEV2 Air, water, soil, noise, land and light  
DEV20 Place shaping and the quality of the built environment  
DEV23 Landscape character  
DEV24 Undeveloped coast and Heritage Coast  
DEV25 Nationally protected landscapes  
DEV26 Protecting and enhancing biodiversity and geological conservation  
DEV28 Trees, woodlands and hedgerows  
DEV29 Specific provisions relating to transport  
DEV32 Delivering low carbon development  
DEV35 Managing flood risk and Water Quality Impacts

### **Neighbourhood Plan**

The site is within the Salcombe neighbourhood plan area. This plan has been through a successful referendum and therefore forms part of the development plan. The relevant policies of the neighbourhood plan has been considered as part of the assessment of the application:

SALC ENV1 Impact on the South Devon AONB  
SALC ENV6 Locally important views  
SALC B1 Design quality and safeguarding heritage assets

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application:

**Plymouth & South West Devon JLP Supplementary Planning Document (2020)**  
**South Devon AONB Management Plan (2019- 2024)**

**Considerations under Human Rights Act 1998 and Equalities Act 2010**

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.

**The above report has been checked and the plan numbers are correct in APP and the officers report. As Determining Officer I hereby clear this report and the decision can now be issued.**

**Name and signature:** C.Howrihane

**Date:** 18.05.2022