



PLANNING REF: 0271/23/FUL LAND AT SPIREWELL FARM, TRaine ROAD, WEMBURY. PL9 0EN



Charity No 263985

Registered Address: 20 Highfield Drive, Kingsbridge, Devon TQ7 1JR
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PLANNING REF: 0271/23/FUL

DESCRIPTION: New single storey three bed dwelling with agricultural occupancy condition.

ADDRESS: Land at Spirewell Farm Traine Road Wembury PL9 0EN.

OFFICER NAME: Graham Smith

12th March 2023

LETTER OF OBJECTION FROM THE SOUTH HAMS SOCIETY

The South Hams Society interest

For the last 60 years, the South Hams Society has been stimulating public interest and care for the beauty, history and character of the South Hams. We encourage high standards of planning and architecture that respect the character of the area. We aim to secure the protection and improvement of the landscape, features of historic interest and public amenity and to promote the conservation of the South Hams as a living, working environment. We take the South Devon Area of Outstanding Natural Beauty very seriously and work hard to increase people's knowledge and appreciation of our precious environment. We support the right development - in the right places - and oppose inappropriate development.

Introduction.

The application is a resubmission of the withdrawn application 4421/21/FUL with an identical building and building location. This development proposal has been applied for and advertised as a new dwelling and is being advertised with an agricultural occupancy condition.

Section 336(1) of the Town and County Planning Act 1990 defines 'agriculture' broadly to include horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and "agricultural" shall be construed accordingly.

This development, once occupied, would be in breach of the agricultural planning condition because it is obvious from the submitted detail that a large part of the operation is holiday lettings (the statement of needs states that this is over 50% of the farm income). The statement similarly makes clear that the game rearing and shoot part of the business is also important.

But neither of these enterprises are agriculture and therefore do not gain the preferential treatment to build in the countryside that farming does.

The Society fails to see how the local planning authority can approve this application when to do so would lead to a breach of its own planning condition?

The Society also fails to see why such a building should be located a considerable distance away from the farmstead itself?

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The other justification offered is that the application is supported by the newly declared housing crisis announcement by South Hams District Council on the 24th September 2021.

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 in order to override the LPAs Statutory Duty to 'Conserve & Enhance' as required by both NPPF guidance and JLP policies.

Given that the JLP was finalised in 2019 and the housing needs of the South Hams were fully assessed, causing the Planning Inspectorate, to conclude that the South Hams was allocating over provision of housing to the tune of 1,700 dwellings from 2014 to 2034, this declaration is not supported by this proposal. In particular it should be noted that the 1,700 dwellings that should be being built in West Devon are being built in and around the Plymouth Policy Area.

The development proposal.

The Traine Road junction is a joining section of public highway road between Wembury Public Rights of Way Footpaths number 23 and 24. Once entering Traine Road, a road sign indicates that it is unsuitable for through traffic and is essentially a dual purpose lane and public footpath. The entrance to Traine Lane is illustrated on the front page.

The proposed site entrance is on the right 25metres into the narrow lane. The entrance to FP No. 23 is on the right of this image.



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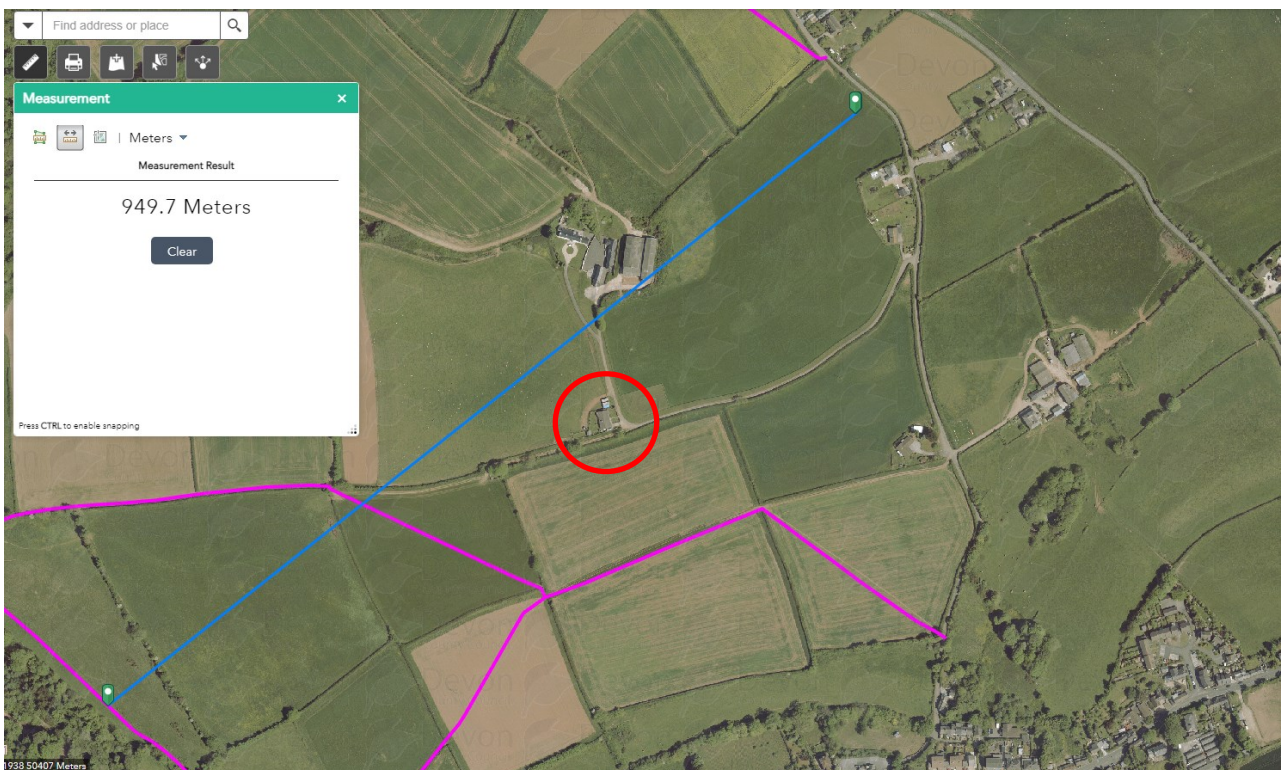
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The location chosen is highly visible within the surrounding landscape.



PRoW Wembury FP No 17 lies 600 metres away, Wembury PRoW FP No 18 lies 950 metres, both to the south west.



The red ring highlights the agricultural tied dwelling previously justified in support of Spirewell Farm.

The South Devon AONB Unit submitted the following letter for the withdrawn application. The building development is identical to the previous application except for entrance alteration.



The South Devon AONB Unit,
Follaton House,
Plymouth Road, Totnes,
Devon. TQ9 5NE
T: 01803 861384
E: enquiries@southdevonaonb.org.uk

Development Management
South Hams District Council
Follaton House
Totnes
TQ9 5NE

Date: 25th February

Dear Mr Henry,

Consultation response to planning application

Planning application number:	4421/21/FUL
Case officer:	Darren Henry
Site name:	Land at Spirewell Farm Traine Road Wembury PL9 0EN
Description of proposal:	New single storey three bedroom dwelling

Summary

In summary, the South Devon AONB Unit objects to the proposed development on the following grounds:

- The application site is in open countryside away from any cohesive settlement and the introduction of residential development into this area would be detrimental to the open rural character of the AONB by virtue of the built development, residential activity and paraphernalia and light intrusion.
- The application is not accompanied by any technical assessments of its impact on the AONB landscape or its special qualities, or explanation of how these impacts could be mitigated.

The proposed development is therefore contrary to policy DEV 25 of the Plymouth & South West Devon Joint Local Plan as it would fail to conserve and enhance the AONB.

Detailed Analysis

National Planning Policy Framework

The following paragraphs are relevant to this proposal.

176. "Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations

in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas” (bold mine).

Local Planning Policy

The statutory Development Plan comprises the Plymouth & South West Devon Joint Local Plan 2014-2034.

The Plymouth & South West Devon Joint Local Plan

DEV25 Nationally protected landscapes

The highest degree of protection will be given to the protected landscapes of the South Devon AONB, Tamar Valley AONB and Dartmoor National Park. The LPAs will protect the AONBs and National Park from potentially damaging or inappropriate development located either within the protected landscapes or their settings. In considering development proposals the LPAs will:

8. Require development proposals located within or within the setting of a protected landscape to:
 - i) Conserve and enhance the natural beauty of the protected landscape with particular reference to their special qualities and distinctive characteristics or valued attributes.
 - ii) Be designed to prevent the addition of incongruous features, and where appropriate take the opportunity to remove or ameliorate existing incongruous features.
 - iii) Be located and designed to respect scenic quality and maintain an area’s distinctive sense of place, or reinforce local distinctiveness.
 - iv) Be designed to prevent impacts of light pollution from artificial light on intrinsically dark landscapes and nature conservation interests.
 - v) Be located and designed to prevent the erosion of relative tranquillity and, where possible use opportunities to enhance areas in which tranquillity has been eroded.
 - vi) Be located and designed to conserve and enhance flora, fauna, geological and physiographical features, in particular those which contribute to the distinctive sense of place, relative wildness or tranquillity, or to other aspects of landscape and scenic quality.
 - vii) Retain links, where appropriate, with the distinctive historic and cultural heritage features of the protected landscape.
 - viii) Further the delivery of the relevant protected landscape management plan, having regard to its supporting guidance documents.
 - ix) Avoid, mitigate, and as a last resort compensate, for any residual adverse effects.

South Devon AONB Management Plan

Areas of Outstanding Natural Beauty have a single statutory purpose - the conservation and enhancement of the natural beauty of an AONB - contained within the Countryside and Rights of Way Act 2000. The South Devon AONB Management Plan, required by and

prepared under the same act, is a material consideration in determining this application. Amongst other things the plan sets out the policy framework for AONB management together with priorities for action. Where there is a perceived conflict between policies, the statutory purpose for AONBs overrides following the established Sandford Principle.

Policies of most relevance to this application are considered to be:

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/P2 Technical assessments The use of Landscape and Seascape Character Assessments and Historic Landscape and Seascape Characterisation will continue to be advocated so that land use and marine planning and management decisions respect, maintain and where possible enhance landscape character contributing to the special qualities of the South Devon AONB.

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 in a consistent, cross boundary evidence based approach.

Decision-makers should also take account of the following policy:

Plan/P2 Decision-taking Development management decisions will give great weight to the purpose of conserving and enhancing the natural beauty of the South Devon AONB; and support development that is appropriate and proportionate to its setting within or adjacent to the South Devon AONB by seeking to avoid, minimise or as a last resort compensate, for harm to the special qualities and distinctive characteristics of the AONB.

South Devon AONB Special Qualities

The special qualities of the South Devon AONB most pertinent to this application are:

- Deeply rural rolling patchwork agricultural landscape
- A landscape with a rich time depth and a wealth of historic features and cultural associations
- An ancient and intricate network of winding lanes, paths and recreational routes
- Areas of high tranquillity, natural nightscapes, distinctive natural soundscapes and visible movement.

Comments on the Application Proposal

The application site is in open countryside away from any cohesive settlement and outside any settlement policy boundaries. The introduction of residential development into this area would be detrimental to the open rural character of the AONB by virtue of the built development, residential activity and paraphernalia and light intrusion. It could also consolidate existing dispersed development in the area leading to a cumulative impact on the settlement pattern and character of the area.

The application is not accompanied by any technical assessments of its impact on the AONB landscape or its special qualities, or explanation of how these impacts could be mitigated.

Duty of regard for the AONB purpose

In considering this application, the Local Planning Authority is reminded of its overriding statutory 'duty of regard' for the purpose of conserving and enhancing the natural beauty of the South Devon AONB required by s85 to The Countryside and Rights of Way Act 2000.

This response is based on:

✓	An examination of the planning file and submitted plans
✓	Knowledge of the site and the surrounding area
✓	An evaluation against the principal national and local planning policies relevant to this proposal and nationally designated landscapes including: <ul style="list-style-type: none">• Plymouth and SW Devon Joint Local Plan• Neighbourhood Plan• National Planning Policy Framework;• South Devon AONB Management Plan 2019-24;• South Devon AONB Planning Guidance• Part IV Countryside and Rights of Way Act 2000 (particularly s84 and s85).

Yours sincerely,

Roger English
with advice from
Claire Tester MSc MRTPI
Planning Consultant on behalf of the South Devon AONB Unit

General notes.

1. *This response presents the professional views of the South Devon AONB Unit following an assessment of the proposals. It does not necessarily represent the views of member organisations of the wider AONB Partnership Committee, some of which may be involved in making their own separate representations.*
2. *Although the South Devon AONB Unit is based at the offices of South Hams District Council, this response should be treated by the local planning authority as a representation from an outside body, rather than an internal officer comment.*
3. *This response is based on adopted development plan policies including the Development Plan, NPPF, and the policies and objectives of the statutory South Devon AONB Management Plan.*



With the exception of the access, the building drawings are identical and the Society would state that the South Devon AONB Unit's objection is still relevant and that the response is still applicable.

Planning Policies

The Design and Access statement incorrectly identifies JLP planning policy numbers against the planning policies and incorrectly relies heavily on a vague agricultural need without the required level of justified supporting evidence to show that it is necessary to live on site.

The use of SO10 - Maintaining a naturally beautiful and thriving countryside and TTV26 - Development in the countryside (incorrectly stated TTV31) is not supported.

The design and access statement incorrectly records the policy objectives of TTV26 which are as follows:

Policy TTV26

Development in the countryside

The LPAs will protect the special characteristics and role of the countryside. The following provisions will apply to the consideration of development proposals:

1. *Isolated development in the countryside will be avoided and only permitted in exceptional circumstances, such as where it would:*
 - i. *Meet an essential need for a rural worker to live permanently at or near their place of work in the countryside **and maintain that role for the development in perpetuity**; or*
 - ii. *Secure the long term future and viable use of a significant heritage asset; or*
 - iii. *Secure the re-use of redundant or disused buildings and brownfield sites for an appropriate use; or*
 - iv. *Secure a development of truly outstanding or innovative sustainability and design, which helps to raise standards of design more generally in the rural area, significantly enhances its immediate setting, and is sensitive to the defining characteristics of the local area; or*
 - v. *Protect or enhance the character of historic assets and their settings.*

2. *Development proposals should, where appropriate:*
 - i. *Protect and improve public rights of way and bridleways.*
 - ii. *Re-use traditional buildings that are structurally sound enough for renovation without significant enhancement or alteration.*
 - iii. ***Be complementary to and not prejudice any viable agricultural operations on a farm and other existing viable uses.***
 - iv. ***Respond to a proven agricultural, forestry and other occupational need that requires a countryside location.***
 - v. ***Avoid the use of Best and Most Versatile Agricultural Land.***
 - vi. *Help enhance the immediate setting of the site and include a management plan and exit strategy that demonstrates how long term degradation of the landscape and natural environment will be avoided.*

(Emphasis Added)

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This development is being submitted as an agricultural development but a large majority of the enterprise is holiday lettings, game bird rearing and shooting – consequently failing to satisfy the policy requirements of TTV26.

An agricultural tied dwelling has already been justified for this farmstead. The farmstead is now being operated as holiday cottages.

Seaview, Spirewell Farm, Traine Road, Wembury PL9 0EN

Ref	58/0990/77/1: OPA
Proposal	Construction of bungalow for use as proprietor's farmhouse
Site Address	Spirewell Farm Train Road Wembury
Decision	Conditional approval: 13 Dec 77
Ref	58/0330/78/2: ARM
Proposal	Erection of farm bungalow
Site Address	Spirewell Farm Wembury
Decision	Conditional approval: 17 Apr 78

Further Planning Policies

This application should be assessed for potential impacts of the development proposal against nationally protected landscapes. In addition to the Development Plan, the following legislation, policies and guidance should be considered:

- Section 85 of the Countryside and Rights of Way (CROW) Act;
- Sections 12 and 15 of the NPPF in particular paragraphs; 174 and 176;
- The South Devon AONB Management Plan and its Annexes. In particular;

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/P2 Technical assessments: The use of Landscape and Seascape Character Assessments and Historic Landscape and Seascape Characterisation will continue to be advocated so that land use and marine planning and management decisions respect, maintain and where possible enhance landscape character contributing to the special qualities of the South Devon AONB.

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 in a consistent, cross boundary evidence based approach.

- Joint Local Plan Landscape Policies DEV23 - Landscape Character, DEV24 – The Undeveloped Coast / Heritage Coast and DEV25 - Nationally protected landscapes.

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(We have included the Undeveloped Coast policy because, although the site is not within the Undeveloped Coast, the boundary is the other side of the narrow lane).

Landscape Character Assessment location:

DCA 49: Plymouth Sound Eastern Plateau and landscape 1B. Open coastal plateau.

Summary of landscape condition

The structure of the high open plateau landscape with its expansive sea views and lack of built development is largely intact. However, post-war agricultural intensification has resulted in a loss of field boundaries with a resultant decline in wildlife species and habitat diversity. Until recently, field boundaries were in declining condition, with hedges and stone walls replaced by post and wire fences, particularly around pasture fields. The character of the landscape has been weakened by non-vernacular buildings, including modern agricultural barns prominent on the skyline and a few derelict buildings. High levels of recreational use have historically impacted the condition of the landscape, with an increase in car parking, camping and caravan sites. Non-traditional land uses, such as the golf courses at Staddon Heights and Bigbury are locally prominent. Recent development around adjacent settlements, particularly Brixham and Hillhead are highly visible and intrusive. The communications masts at Start Point are particularly intrusive to the open skylines of the AONB.

Landscape Strategy and Guidelines

Overall Landscape Strategy

To protect the open, undeveloped character of the coastal plateaux with expansive sea views and high levels of tranquillity. Distinctive woodlands in sheltered coastal combes are managed (including for wood fuel) and coastal habitats are traditionally grazed. The ever-changing coastline is strengthened and prepared for the future effects of climate change.



Landscape Guidelines

- Manage and protect the landscape's **network of hedgerows** and characteristic dwarf hedgerow trees, replanting ageing or diseased specimens (with climate hardy species) to ensure the future survival of these characteristic features.
- Manage nationally important **coastal habitats**, including coastal heath and maritime grasslands, through supporting a continuation of extensive grazing at appropriate levels. Re-link sites where feasible and provide a buffer between cliffs and improved grassland.
- Plan for the impacts of a **changing climate on the coastline**, allowing natural processes to take place whilst considering how habitats and the South West Coast Path can be expanded or relocated taking account of coastal squeeze.
- Protect and appropriately manage the landscape's **archaeological heritage**, particularly features associated with defence and sea trade.
- Protect the **historic settlement pattern** by encouraging the sensitive location of new farm buildings away from open skylines, ensuring that any new development incorporates local vernacular building styles of whitewash, local stone and thatch wherever possible (whilst seeking to incorporate sustainable and low carbon building construction and design).
- Plan for the **growth of major settlements** adjacent to this landscape type (Plymouth and Dartmouth), aiming to accommodate new development sensitively within the landscape through appropriate siting, planting and green infrastructure provision.
- Manage the landscape's **popularity for recreation**, encouraging the use of existing facilities and South West Coast Path whilst providing sustainable transport options to reduce levels of traffic accessing this area.
- Protect the **landscape's open vistas and horizontal emphasis**, avoiding the location of new development and vertical structures on prominent skylines. Ensure that historical vertical structures such as medieval church towers, lighthouses and daymarks remain as prominent local landmarks (e.g. by avoiding siting other vertical structures on the same skyline).
- Protect the character of the landscape's **expansive sea views**.
- Protect the landscape's **high levels of tranquillity and wild character** through the retention of dark night skies, control and management of development (including highways) and retention of green lanes and tracks ensuring significant parts of the coast remain relatively inaccessible by vehicle.

It is the Society's opinion that, after reviewing the submitted information, a large part of the enterprise justification is the holiday lettings business (50%), game rearing and shooting, which are not activities that provide an agricultural justification, while much of the rest of the farm practice is based on contracting and farm subsidies (tree planting). There is already an agricultural tied dwelling on site, and therefore this application must fail on agricultural grounds.

The housing crisis has been declared by the District Council, *'due to a number of factors, including the lack of rented accommodation which is available for longer than six months, an excessive rise in house prices due to second home-owners, the conversion of properties to Airbnb's and people moving into the District since the pandemic'*.

As the farm has a proprietor's agricultural dwelling already available on site already, the Society is of the opinion that the proposal fails the climate crisis requirement as well.

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The Agricultural Need Appraisal fails to recognize that neither holiday letting nor game shooting and bird rearing is not an agricultural need. The Society concludes the appraisal is particularly poor in justifying an agricultural requirement.

The Appraisal has been completed by COGI Design (Architecture, Engineering & Design) and it is not understood how they are suitably qualified to carry out an agricultural need assessment. They certainly do not understand what is considered to be agriculture.

The Society also cannot see why this dwelling should be situated in such a prominent location away from the original farmstead.

The application is silent on the agricultural dwelling already approved for this farm.

We also have the opinion that the applicant has failed to address the issues raised by the AONB unit.

The Society maintains the proposal should be refused because the justification presented does not carry the required weight in the planning decision process to override the planning policies in place intended to protect the designated landscape.

For and on behalf of the South Hams Society.

Richard Howell,

Chairman.