



**APPEAL REF: APP/K1128/W/22/3312269**

**PROPOSAL: Proposed demolition of existing C2 care home and replacement of 6 C3 Residential Dwellings**

**ADDRESS: South Efford House, Road to Stadbury Farm, Aveton Gifford TQ74NX**

**LETTER OF REPRESENTATION FROM THE SOUTH HAMS SOCIETY**

**03 June 2023**

### **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 Society believes the South Hams District Council letter dated 24 May 2023 to the Inspector successfully rebuts many of the arguments put forward in the appellants' Statement of Case. Consequently the Society has no wish to add any further comment, either to the issues covered in that letter or to matters raised in the Society's own letter of objection (attached) to this application.

Instead we would wish to confine our comments to the following:

### **Sustainability**

The applicant makes the point (3.4) that although 'application ref: 02/1529/13/F was determined under a separate Local Development Framework it is still a material consideration in the decision making process' and uses (3.3.2)) a paragraph from the officer report to say:

*'The officer accepts the sustainability of the site, with the following stated:*

*"Although the site lies in the countryside it is within comfortable walking distance of village facilities and public transport (bus) connections at Aveton Gifford. Consequently the location is considered to be sustainable for its intended use. Given that the site has always fallen within one or other of the residential use classes, and **there would be negligible increase in the envelope of built development**, the principle of reversion of the site to its former Class C3 residential use status is considered acceptable."*

It is here worth noting that the application in question was for a 'change of use from residential care home to three attached dwelling houses'. That is not the case here where, if this appeal is allowed, there will be an exponential increase in the envelope of the built development. And black cannot be said to be white. The intended use to which the officer report refers is to the conversion of South Efford House and its change of use to three residential dwellings, not to its demolition and its replacement with what is now being proposed. It is entirely probable that the officer would not consider this new use of the site to be sustainable.

The same officer report then goes on to add "*Ecology: As the proposal relates to **a change of use with limited physical development**, there are no issues relative to protected species or site ecology'* conscious, as if any further confirmation was required, that the sustainability of the site was inextricably linked to any changes to the site being limited to South Efford House itself.

Charity No 263985

Registered Address: 20 Highfield Drive, Kingsbridge, Devon TQ7 1JR  
[www.southhamsociety.org](http://www.southhamsociety.org) | [www.facebook.com/SouthHamsSociety/](https://www.facebook.com/SouthHamsSociety/)

In other words, the use of South Efford House for residential purposes may have been considered acceptable, and that use may in itself have then been thought sustainable. But whether the site, as the appellants argue (6.4.2), 'is in a sustainable location' is another matter.

In support, the appellants suggest (6.8): *'the bus service provides a reasonable choice and a service which would allow a commute to and from Plymouth for anybody working between 0800 and 1730.'* And, were your place of employment to be in relatively close proximity to Royal Parade or the previous stop on the route on the other side of the Laira Bridge in Pophlett, close to the Morley Bar, more than 5km away, then commuting by bus would certainly be feasible.

However, according to Rightmove 'the majority of sales in Aveton Gifford during the last year were detached properties, selling for an average price of £767,375', a figure not dissimilar to that which the appellant is likely to be asking for each of their six proposed dwellings. It is difficult to believe that anybody who can afford that kind of money will travel to work by anything other than car.

Similarly the idea that any of the residents are likely to get around very much by walking is also somewhat optimistic. According to the appellants (6.8) 'the walk into the village is partially upon a bridge but much of the walk is on a public footpath that runs to the side of the road (with a small section across the actual river requiring a pedestrian to walk on the road itself).' And here it seems they have chosen to ignore the objection (para 7) submitted by the parish council, who wrote:

*There is no connectivity on foot to the main village, two schools, shop, pub, play and recreation areas.... To reach the village pedestrians have to cross A379 at a dangerous crossroads where a bend in road and brow of bridge completely obscures oncoming traffic for part of the time required to cross. There is no pavement, the A379 carries fast traffic including HGVs and wide vehicles over a bridge with restricted width. Permissive footpaths only cover half the route, the remainder requires walking in the main road over the brow of the bridge, and the road approaching Timbers roundabout. Local children cannot walk safely to the primary school from Bridge End, and residents find attempts to reach play park, shop etc on foot with children are too dangerous to repeat.*

The appellants then go on to quote a consultation response received from Devon Highways (6.12):

*'Whilst this site is in a fairly isolated position in terms of alternatives to the car the proposals can be assumed following consideration of TRICS trip rate evidence to overall significantly reduce vehicle traffic and pedestrian generations. Therefore whilst the road leading to the site is predominantly 3m in width and there are no consistent safe pedestrian facilities leading back towards Aveton Gifford village the Highway Authority would not be minded to object to the principle of the proposals.'*

The principal of the proposals being that six residential dwellings would generate fewer daily vehicle and pedestrian movements and a 19-bed assisted care home even though, as Highways themselves note, 'there are no consistent safe pedestrian facilities leading back towards Aveton Gifford village'. Nor are Highways suggesting the site itself is 'sustainable', residents will indeed be car-dependent, merely that six residential dwellings will cause less of a problem than a care home.

That said, the response from Highways was challenged by Councillors in the parish council objection (para 8):

*'The junction of S Efford lane and the A379 is probably the most dangerous in the whole parish with obscured vision of approaching fast traffic from both directions, and local drivers say they take their life in their hands when exiting. Comparison of potential traffic use for this proposal with the use from the old residential home is completely misleading as the home shut in 2012, and the volume of traffic on the A379 has increased steadily in these years.'*

Quite simply, the site may indeed be within walking distance of Aveton Gifford, as the appellants say, but very few are likely to risk trying to reach the village on foot and, as a consequence, the site is clearly incapable of satisfying sustainable transport objectives.

The series of photographs on the pages that follow clearly illustrate the nature of the danger pedestrians face.





The road crossing at the bottom of Aveton Gifford hill is hazardous to reach the footpath.



This is the footpath from Bridge End



On reaching the estuary, the pedestrian is required to walk out on to a confined busy main road

Charity No 263985

Registered Address: 20 Highfield Drive, Kingsbridge, Devon TQ7 1JR  
[www.southhamsociety.org](http://www.southhamsociety.org) | [www.facebook.com/SouthHamsSociety/](https://www.facebook.com/SouthHamsSociety/)





After entering the highway, the street lighting ends and the only escape route for a pedestrian is to jump over the wall, tide in or tide out.



Across the bridge, the pedestrian can again get out of the traffic flow.



Before being required to walk out into the confined road without street lighting

Charity No 263985

Registered Address: 20 Highfield Drive, Kingsbridge, Devon TQ7 1JR  
[www.southhamssociety.org](http://www.southhamssociety.org) | [www.facebook.com/SouthHamsSociety/](https://www.facebook.com/SouthHamsSociety/)





Street lighting commences again.



Again, the only escape route is over the wall.



The A379 becomes busier year on year. The Society would encourage the Planning Inspector to walk to the village and back, as we believe roads like this without pedestrian sanctuary can be uncomfortable and potentially dangerous.

Charity No 263985

Registered Address: 20 Highfield Drive, Kingsbridge, Devon TQ7 1JR  
[www.southhamssociety.org](http://www.southhamssociety.org) | [www.facebook.com/SouthHamsSociety/](https://www.facebook.com/SouthHamsSociety/)

In January 2023, on another section of the A379, 4½ miles away and again where there is no footpath, two people were knocked over.

In a statement, the police said: "Police were called at 2.30pm yesterday, 30 January, following reports of a collision on Embankment Road, Kingsbridge, involving a Ford Focus and two pedestrians.

"The pedestrians, a man and a woman, sustained head injuries and were taken to Derriford Hospital. Their injuries are not believed to be life-threatening or changing.

"The road was clear by 4pm."

### Failure to address Local plan Policy TTV27

'Within the Local Plan', the appellant states (5.3), 'the following policies are considered relevant'. Surprisingly, no mention is made in that list of Policy TTV27 Meeting local housing needs in rural areas.

**Meeting local housing needs in rural areas**

Proposals for residential development on sites adjoining or very near to an existing settlement which would not otherwise be released for this purpose may be permitted provided that it can be demonstrated that:

1. It meets a proven need for affordable housing for local people.
2. It includes a mix of affordable and market housing products where necessary to be financially viable. This includes open market housing, providing it does not represent more than 40% of the homes or 40% of the land take excluding infrastructure and services.
3. Management of the scheme will ensure that the dwellings continue to meet the identified need in perpetuity.
4. The proposal meets the requirement of all other relevant policies of the Plan.



In refusing application 4151/21/FUL officers noted that:

*'The development represents new development in the Countryside, in an isolated and poorly connected location beyond the defined settlement boundary, and is without adequate justification and proven need and that:*

*The provision of 6no. substantial and detached, 4-bedroomed dwellings is a form of development that would not contribute to meeting local housing needs or redressing existing imbalances in housing stock. The development is therefore contrary to policies SPT2 and DEV8 of the Joint Local Plan.'*

However if it is accepted that the development represents new development in the countryside and that what is being proposed fails to contribute to meeting local housing needs or redressing existing imbalances in housing stock, then the development as proposed also fails to meet the requirements of TTV27.



As the JLP states (5.168):

*'Policy TTV26 provides a policy framework for guiding development within the countryside. It needs to be read alongside other policies of the plan.'*

Consequently the appellants (6.24) cannot ignore TTV27 just because 'it is Policy TV26 (sic) that the appellant seeks to meet'.

The appellant then goes on to comment upon Local Plan Policy TV26 2i that states that, where appropriate, development proposals should 'protect and improve public rights of ways and bridleways' the appellants say this is 'not relevant as no public right of way or bridleway pass the site'. However the lane running past the site also forms part of the South West Coast Path, with their website telling walkers to 'at Bridge End cross the road to take the lane opposite marked as a no through road. Carry on past South Efford House, turning right on the lane beyond to walk to Higher Stadbury'.

### **Planning Appeal Statement – Flood Risk**

The appellant has submitted a separate statement, written by Stephen Wielebski, a Principal Partner/Consultant. Under Background & Chronological Overview (2.1) he makes clear:

*'issues relating to the foul and surface water drainage strategy are excepted'.*

Adding

*'Matters relating to the drainage strategy for the site have been dealt with by other retained consultants who in turn are expected to provide a separate dedicated planning appeal statement'.*

At the time of writing that separate dedicated planning appeal statement does not appear to be available.

This is a significant omission given the issues raised in their objections by both the Devon Wildlife Trust and the Aune Conservation Association.

For example, Point 1 of the Devon Wildlife Trust objection (11 January 2022) emphasises the fact that:

*'The report does not include an assessment of the potential impacts of the scheme on the habitats present within the designated sites e.g. pollution via drainage or air, or the protected species which utilise these areas e.g. disturbance from noise, light etc... Environment Agency regulations pertaining to septic tanks and waste water treatment plants must be considered'.*

While Stuart Watts wrote on behalf of the Aune Conservation Association to draw officers' attention to 'two very important concerns', namely:

*'The first involves the pollution of surrounding land and the immediately adjacent Avon estuary by human sewage emanating from buildings on the site'.*

and

*'our second concern involves the threats to the neighbouring South Efford Marsh Nature Reserve (run by the Devon Wildlife Trust on behalf of the Environment Agency) posed both by light pollution emanating from the development and by noise/ light pollution from increased traffic associated with it'.*

As the parish council said in paragraph 9 of their objection:

*'Raw sewage from this site has been an ongoing issue for over 20 years, and due to its proximity to the MCZ protected Avon estuary, and the proximity to the County Wildlife site only the width of the access lane away, AGPC insists that any foul drainage for this site be given maximum consideration. Contrary to the assertion, from a previous application which was never implemented, that drainage remained contained within the site, in fact all sewage drained to a pit within South Efford Marsh. There must be every effort to remove all existing pipework leaving the site and to prevent further contamination'.*

It is to be hoped that these issues will be fully addressed during the appeal process.

Separately Mr Wielebski claims in his report (3.18):

*'Both in terms of wastewater disposal and surface water run-off the site does not add to prevailing nutrient loadings'.*

Significantly he would appear to offer no evidence in support of this assertion, and it is hard to see how this might be the case, given that the development will result in more of site being built over, thereby reducing absorption and increasing the risk of run-off across the lane and in to Nature Reserve.

Richard Howell

Chair – for and on behalf of the South Hams Society





## 4151/21/FUL – SOUTH EFFORD HOUSE



W: <https://southhamssociety.org/> FB: <https://www.facebook.com/South.Hams.Society/>

Charity number: 263985

Registered address: Higher Norris Farm, North Huish, South Brent, TQ10 9NL





**PLANNING REF: 4151/21/FUL**

**DESCRIPTION: Proposed demolition of existing C2 care home and replacement of 6 C3 Residential Dwellings.**

**ADDRESS: South Efford House Aveton Gifford TQ7 4NX.**

11<sup>th</sup> February 2022

## **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**

South Efford House is a substantial house located on the south bank of the River Avon at Bridge End Aveton Gifford, and is thought to date from the late C18. The shaped gable at the centre of the house bears the date 1760. During the 1770s the house was in the possession of a Richard Hobbs, and it remained in his family until in 1787 it was sold to Christopher Savery, a lawyer, and member of a prominent South Hams family. Savery made a number of improvements to the estate, enclosing an area of marshland to increase the river frontage of the house, and embellishing a lime-kiln visible from the house. However in 1821, Savery, 'gent and lime-burner', was declared bankrupt.

Perhaps the most distinguished resident to follow was Captain Thomas Forrest, RN who lived at South Efford from 1830 until his death in September 1844. Serving in the RN from 1802 until 1843, he rose quickly through the ranks 1802 Lieutenant, 1806 Commander, 1809 Captain and appointed Companion of the Order of the Bath in 1815.

The property has been recorded for having three ghosts, a naval officer (who can be heard shouting and swearing), a ferryman and a hanging servant.

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

The Society believes South Efford House should receive a further historic assessment.

**W: <https://southhamssociety.org/> FB: <https://www.facebook.com/South.Hams.Society/>**

**Charity number: 263985**

Registered address: Higher Norris Farm, North Huish, South Brent, TQ10 9NL





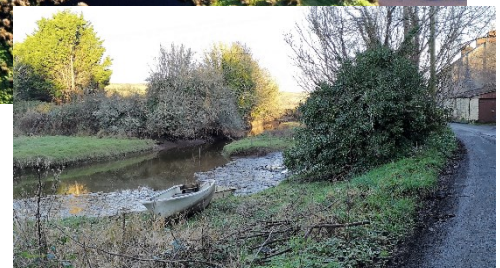
The site sits alongside the South Efford Marsh Nature Reserve.



South Efford House is located alongside South Efford Marsh Nature Reserve separated by a lane.



The approach road is known suffer from tidal flooding.



W: <https://southhamsociety.org/> FB: <https://www.facebook.com/South.Hams.Society/>

Charity number: 263985

Registered address: Higher Norris Farm, North Huish, South Brent, TQ10 9NL





South Efford Tithe Map, at the time Capt Thomas Forrest and his family resided there.



Mid-20<sup>th</sup> century image of South Efford



W: <https://southhamsociety.org/> FB: <https://www.facebook.com/South.Hams.Society/>

Charity number: 263985

Registered address: Higher Norris Farm, North Huish, South Brent, TQ10 9NL





## **Planning Policies**

The South Efford House site is within the **South Devon Area of Outstanding Natural Beauty** and the **undeveloped coast**.

**The Society considers the development proposal to be classed as a Major Development in the AONB** supported by the following reasoning.

According to their Application for Planning Permission the area of the site is 5,138m<sup>2</sup>, or 0.5138 hectare.

The Society refers the deciding officer to the 2021 version of the NPPF, Annex 2: Glossary and the last paragraph on page 68.

**Major development**<sup>75</sup>: *For housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more...*

<sup>75</sup> *Other than for the specific purposes of paragraphs 176 and 177 in this Framework.*

Paragraph 177 of the NPPF states:

*When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development<sup>60</sup> other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest.*

<sup>60</sup> *For the purposes of paragraphs 176 and 177, whether a proposal is ‘major development’ is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined*

The applicant has produced a list of existing properties at Bridge End, Aveton Gifford, namely:

Shamrock Cottage, Rose Cottage, Swan Cottage, Butterwell, 2 Dwellings at South Efford Barns, Primrose Cottage and then South Efford House

This proposal is for the demolition of South Efford House and the construction of six dwellings, an increase of five dwellings in addition to the eight dwellings the list provided.

We then refer the officer to the front page image of this letter where South Efford House will be replaced by five houses in a row, with a four of the dwellings each being 1 metres apart. We believe the officer must conclude that this proposal is a ‘Major Development’ within the AONB which engages paragraph 177 of the NPPF.

Paragraph 177 goes on to state:

Consideration of such applications should include an assessment of:

- a) **the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;**

W: <https://southhamssociety.org/> FB: <https://www.facebook.com/South.Hams.Society/>

Charity number: 263985

Registered address: Higher Norris Farm, North Huish, South Brent, TQ10 9NL



- b) **the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and**
- c) **any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.**

The site is also subject to the nationally protected landscapes policy **DEV25** of the JLP.

### **Policy 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:*

- 1. Refuse permission for major developments within a protected landscapes, except in exceptional circumstances and where it can be demonstrated that they are in the public interest.**
- 2. Give great weight to conserving landscape and scenic beauty in the protected landscapes.**
- 3. Give substantial weight to other natural beauty criteria, including the conservation of wildlife and cultural heritage in the AONBs and great weight to the conservation of wildlife and cultural heritage in Dartmoor National Park.**
- 4. Assess their direct, indirect and cumulative impacts on natural beauty.**
- 5. Encourage small-scale proposals that are sustainably and appropriately located and designed to conserve, enhance and restore the protected landscapes.**
- 6. Seek opportunities to enhance and restore protected landscapes by addressing areas of visually poor quality or inconsistent with character, securing through the development visual and other enhancements to restore local distinctiveness, guided by the protected landscape's special qualities and distinctive characteristics or valued attributes.**
- 7. Support proposals which are appropriate to the economic, social and environmental wellbeing of the area or desirable for the understanding and enjoyment of the area.**
- 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.**

W: <https://southhamssociety.org/> FB: <https://www.facebook.com/South.Hams.Society/>

Charity number: 263985

Registered address: Higher Norris Farm, North Huish, South Brent, TQ10 9NL





- 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 tranquility and, where possible use opportunities to enhance areas in which tranquility 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 tranquility, 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.*

The Society considers this proposal to fail nearly every single requirement of DEV25 paragraph 8.

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.

**The Design & Access statement** fails to consider the planning policies of the NPPF and DEV25 for the designated landscape or address any of the requirements.

The applicant's Design & Access statement states:

*'Introduction*

*The application before you seeks to develop a brownfield site with C2 care home use into a new development of 6 no dwellings with C3 residential use. In order to achieve the development, the application will seek to demolish the existing building on the site. The existing building is in the AONB, **but benefits from no other special designations**. It is neither listed nor is it on South Hams non designated heritage asset register'.*

In this opening paragraph it should have been stated that the site lies within the Undeveloped Coast and is therefore subject to JLP policy DEV24.



## **Policy DEV24**

### **Undeveloped Coast and Heritage Coast**

***Development which would have a detrimental effect on the undeveloped and unspoilt character, appearance or tranquility of the Undeveloped Coast, estuaries, and the Heritage Coast will not be permitted except under exceptional circumstances.***

*Development will only be permitted in the Undeveloped Coast where the development:*

- 1. Can demonstrate that it requires a coastal location.*
- 2. It cannot reasonably be located outside the Undeveloped Coast.*
- 3. Protects, maintains and enhances the unique landscape and seascape character and special qualities of the area.***
- 4. Is consistent with policy statements for the local policy unit in the current Shoreline Management Plan.*
- 5. Is consistent with the relevant Heritage Coast objectives, as contained within the relevant AONB Management Plan. Development for the purposes of agriculture, forestry, public access and enjoyment of the coast and estuaries, or community facilities that meet the objectively assessed needs of the local community, will be supported if it meets the above tests.***

Referring the officer to page one of this letter, we believe the introduction of five dwellings at South Efford House and running in a linear easterly direction along the estuary would fail to maintain this unique landscape.

### **Aveton Gifford Neighbourhood Plan**

According to the applicants in their Design & Access Statement this development of six open-market detached houses “*will support sufficient number and range of homes to meet the needs of the community.*” As the adopted Aveton Gifford Neighbourhood Plan makes clear, two of the key issues that emerged were (Paragraph 29):

- a) A need for affordable housing and support for self-build homes*
- g) Provision of smaller dwellings for older people*

The proposed development satisfies neither requirement.

The development site also lies outside the settlement boundary and is therefore in conflict with **AG1** of the Neighbourhood Plan:

*‘Outside the boundary, across the wider parish, development will be tightly controlled and only permissible where it is essential in order to meet agricultural, forestry or other small-scale needs which cannot be met within the village’.*

This aligns with the JLP Policy **TTV31**.

**W:** <https://southhamssociety.org/> **FB:** <https://www.facebook.com/South.Hams.Society/>  
**Charity number: 263985**

Registered address: Higher Norris Farm, North Huish, South Brent, TQ10 9NL





**Policy AG3** of that Plan also dictates that affordable homes and/or contributions towards affordable homes will be welcomed and should be included in new housing development at least in line with adopted policies.

To satisfy that requirement at least two of the six dwellings should be affordable.

In response the applicants in their Design & Access Statement argue that It is of note that in the 2013 application 02/1529/13/F the housing enabling officer did not seek affordable housing contribution nor was public open space contribution sought 'given the marginal financial viability of the conversion'.

However that was for the conversion of the existing building in to three separate units, not demolishing the existing building and spreading six new executive homes across the site. House prices in the South Hams have also risen significantly in that time.

### **The Brownfield Site**

The applicants also go to great lengths to stress that every one of the site's 5,138m<sup>2</sup> should be considered 'brownfield', even though the existing South Efford House only occupies around 440m<sup>2</sup>, or less than 9% of the total site area.

To do so they quote extensively from '*Dartford Borough Council v Secretary of State*'.

In paragraph 15 of the judgement the judge said the relevant definition of previously developed land took at its starting point that the development would be within the curtilage of an existing permanent structure. However they omit to mention that in giving the leading Judgment Lord Justice Lewison also made the point that if a new building is a partial redevelopment of a previously developed site it is not to be regarded as inappropriate redevelopment in the Green Belt, provided that it has no greater impact on the openness of the Green Belt than the existing development.

This proviso also means that the encouragement of development on brownfield land is not, at least in the Green Belt, unqualified.

Here it is worth noting that land is in the AONB and the undeveloped coast and could be considered to enjoy greater protection than land in the Green Belt alone and, secondly, according to Design & Access Statement, the combined footprint of the six proposed houses will total 1180m<sup>2</sup>, more than two and a half times the area occupied by the existing building – and that is before you take in to consideration the land that will be concreted over to provide access roads and parking spaces. By comparison the existing site is almost entirely greenfield.

In other words the development here being proposed will have a far greater impact on the openness of the AONB than the existing dwelling and therefore the application should be refused.

Instead of a single building occupying the western end of the site there will be five dwellings running parallel to the road and spaced along the entire length of the site. This will change the perception of those walking along that lane. Paragraph 69 of the Neighbourhood Plan recognises the tidal road alongside the Avon running west from the village towards Bigbury is a valued local feature. It should be protected and remain open with suitable restrictions in place. The lane also forms part of the South West Coast Path, with their website telling walkers to '*at Bridge End cross*

**W:** <https://southhamssociety.org/> **FB:** <https://www.facebook.com/South.Hams.Society/>

**Charity number: 263985**

Registered address: Higher Norris Farm, North Huish, South Brent, TQ10 9NL



*the road to take the lane opposite marked as a no through road. Carry on past South Efford House, turning right on the lane beyond to walk to Higher Stadbury'.*

Perhaps more pertinently the proposed development is adjacent to South Efford Fields County Wildlife Site (CWS) and South Efford Marsh Devon Wildlife Trust Nature Reserve, with the latter a mere 17m away at its closest point to the north of the Site. It is, to quote the Neighbourhood Plan a managed wildlife reserve on the banks of the river, a valued reclaimed saltmarsh habitat and now one of South Devon's best bird-watching sites.

**Paragraph 174 of the NPPF** stresses that Planning policies and decisions should contribute to and enhance the natural and local environment by:

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;”

### **Climate Emergency**

The application is not supported by a sufficiently robust Sustainability Statement.

DEV32 is a policy which aims to reduce carbon emissions, increase energy security, including through the deployment of decentralised energy, minimise resource use and ensure new developments mitigate and are adapted to climate change.

The proposal should consider:

- Installation of an Electric vehicle charging
- installation of an air source heat pump to provide clean green energy.
- installation of solar photovoltaic PV panels on the roof
- use of an outdoor water butt to collect rainwater
- greywater harvesting system to reduce water usage
- reuse of materials from the demolition of the existing dwelling
- all of the timber will be responsibly sourced, and where possible, sourced locally.
- retention of existing green infrastructure and increase in trees and planting.

**Policy Dev 32** notes that: ‘Developments should identify opportunities to minimise the use of natural resources in the development over its lifetime, such as water, minerals and consumable products, by reuse or recycling of materials in construction, and by making best use of existing buildings and infrastructure’.

**The JLP SPD**, paragraph 9.3, reads: ‘The LPAs will encourage the use of sustainable construction techniques that promote the reuse and recycling of building materials, maximise opportunities for the recycling and composting of waste on all new development proposals (residential and non-residential) and reduce CO2 emissions’.

The level of waste coming from the proposed development in the way of the demolished material which is not stated to be efficiently recycled or reused, and the energy demand and material demand for the new materials on the replacement dwelling, will be significant. It is difficult for any replacement dwelling to generate a net carbon reduction given the loss of embodied carbon

**W:** <https://southhamsociety.org/> **FB:** <https://www.facebook.com/South.Hams.Society/>

**Charity number: 263985**

Registered address: Higher Norris Farm, North Huish, South Brent, TQ10 9NL





from the original structure, regardless of the energy efficiency and energy supply of the replacement dwelling, and that is because the vast majority of carbon cost comes from the construction, and not the use, of a building.

### Landscape Character

Policy Dev 20 requires development to have a 'proper regard to the pattern of local development and the wider development context and surroundings in terms of style, local distinctiveness, siting, layout, orientation, visual impact, views, scale, massing, height, density, materials, detailing, historic value, landscaping and character, and the demands for movement to and from nearby locations. The Policy also states that development should achieve 'a good quality sense of place and character through good utilisation of existing assets such as quality buildings, heritage assets, trees and landscape features and attention to the design details of the scheme'.

The location is in a 3G Landscape Character Type - River valley slopes and combes which has the following strategy.

## Landscape Strategy and Guidelines

### Overall Landscape Strategy

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. Opportunities are sought to restore conifer plantations to broadleaf woodlands and other semi-natural habitats, creating a climate-resilient green network.

When considering the South Devon AONB management Plan the Society believes the proposed development fails to achieve the aims of policies Lan/P1, P2, P3 & P4.

The Society consider that the development fails Lan/P5 policy due to views from the surrounding Aveton Gifford public footpaths 4, 5 & 6.

Further policies the Society consider in conflict with this proposal are;

NatRes/P4 Climate change, NatRes/P6 Energy

BioGeo/P1 Designated sites, BioGeo/P7 Damage and disturbance

Hist/P1 Cultural and historic environment, Hist/P2 A historic environment asset, Hist/P6 Coastal heritage

Est/P1 Estuary character

When considering this development proposal against Section 85 of the Countryside and Rights of Way (CROW) Act, NPPF, JLP and the AONB Management Plan policies, the South Hams Society concludes that the development is not supported and therefore **objects** to the demolition of South Efford House and the proposed major development at this location.

For and on behalf of the South Hams Society.

Richard Howell,

Chairman.

W: <https://southhamssociety.org/> FB: <https://www.facebook.com/South.Hams.Society/>

Charity number: 263985

Registered address: Higher Norris Farm, North Huish, South Brent, TQ10 9NL