

The Rt Hon Eric Pickles MP

Secretary of State for Communities and Local Government
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From: Ian Bryan, Walnut Tree Cottage, Melcombe Bingham, Dorchester, Dorset DT2 7PF

Tel. 01258 881 669

Dear Mr Pickles,

I request that you 'call in' the following planning application to South Hams District Council for your own determination so that the planning application may be considered by an Inspector appointed by the Secretary of State at a local inquiry.

The planning application is for a wind turbine 34.2m to tip in the South Devon Area of Outstanding Natural Beauty, at Winslade Farm, Frogmore, Devon under reference 43/2567/13/F Full details are on the South Hams District Council web at:

<http://apps.southhams.gov.uk/planningsearch/default.aspx?shortid=43/2567/13/F>

The Council's decision that the economic benefits to the farm outweighing the visual impact considerations failed to have regard to the statutory duties placed upon it and had regard to an immaterial consideration, namely a private financial benefit to the applicant, without identifying any land use planning consideration that would be protected in the public interest. It also failed to have regard to the precedent effect of the decision and was irrational.

As a regular visitor and beneficiary of the characteristics of the South Devon AONB, I am deeply concerned that the South Hams District Council failed to give weight to the great harm to the visual quality and landscape character of the affected section of the AONB.

Objections were raised by the South Devon Area of Outstanding Natural Beauty Unit and the Council's Landscape Officer on the basis of adverse impact on the AONB and many local residents objected. The Officers Report recommended refusal of planning permission on the basis that the localised benefits of the scheme did not outweigh the harm to the visual quality and landscape character of the AONB. In terms of landscape character, the qualities affected would include a diminished sense of natural and high scenic quality in relation to the designated landscape. The resulting impact of these adverse effects would be **contrary to planning policy**.

In June this year I complained to the SHDC about a number of issues related to my concerns. The complaint is still being considered (as a stage two complaint) by the South Hams Executive. An 'outline of events' for my complaint (SHDC Ref: SH08 010714) is:

On the 13th June 2014 the complaint was sent to SHDC and on 16th June the SHDC legal

department replied that “the Council *will* consider the complaint under its Corporate Complaints procedure”. By the 8th August the council had not started the investigation and following a number of written apologies for the delay, the SHDC Monitoring Officer/Solicitor started the investigation and promised to complete it by the 19th September - coincidentally the closure date for representations in regard to the latest phase of the planning application. On the 19th September the complaint was escalated to stage two of the Local Authority's Corporate Complaints Procedure.

The following is a summary of some of the key issues raised in the complaint:

1. Some Councillors failed to clearly disclose the full nature of their relationship with the applicant.
2. The councillors who argued in favour of granting approval illegally used non material arguments and so were unable to link those arguments to National and Local Plans.
3. The councillors who were in favour failed to demonstrate that in reaching that decision that they had considered all relevant matters i.e. demonstrate - to make evident or establish by arguments or reasoning.
4. The planning committee made a decision contrary to the officers' recommendation but failed to produce a detailed minute of the committee's *clear and convincing* reasons and place it on the application file. To date no full clear and convincing explanation has been published.
5. Members failed to explain in full their reasons for not agreeing with the officer's recommendation. National guidance to planners requires all relevant information (i.e. material considerations) to be taken into account and all irrelevant information (i.e. non-material matters) to be ignored.
6. The Committee failed to give the project officer an opportunity to explain the implications of the contrary decision.
7. There was apparent closed-mindedness displayed by some members of the committee to the material considerations raised in the officers report presented to the planning meeting.
8. The Winslade Farm decision was biased, partial, irrational and not well founded in any way and therefore that the contrary decision made by the planning committee was arrived at illegally.

Following the quashing of the planning permission the LPA is taking the planning application back to the planning committee. In summary, I believe this planning application should be 'called in' because:

1. The planning issues are of more than local importance. At issue here is the application of AONB policy in respect of proposals to site wind turbines within AONBs.
2. The LPA officers advised their members correctly but the members of the Planning Committee chose to ignore that advice and for irrational reasons. It is quite likely that the Planning Committee will want to grant planning permission again in the teeth of officer advice so as not to 'lose face'. The proposal has attracted significant opposition. The South Devon AONB Unit objected. The LPA Landscape Officer objected, as did 50 local residents,

In view of the above. I would be grateful If you would please 'call in' this planning application.

Yours sincerely,

Ian Bryan

A .pdf copy of this letter and my June complaint to SHDC attached.

