



THE SOUTH HAMS SOCIETY

Protecting and Enhancing the Natural Beauty and Heritage of the South Hams



Appeal reference: APP/K1128/W/18/3208541

Proposal: READVERTISEMENT (Revised description and plans) Outline application with some matters reserved for construction of up to 24 dwellings (including affordable housing), village green, children's play area, parking area, and associated works including landscaping

Location: Site Address: Land to East of Lyte Lane, West Charleton, Kingsbridge, TQ7 2BP

Appellants name: Messrs & Mrs Paul, Ben, Tim, Dan & Annabelle Rogers & Pike

Appeal start date: 20/11/2018 **SHDC Planning File – [Appeal Documents](#)**

LETTER OF REPRESENTATION - FROM THE SOUTH HAMS SOCIETY

The South Hams Society interest.

1. For the last 50 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 (SD AONB) 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 strenuously oppose inappropriate proposals, as we believe to be the case with this Appeal.

Introduction

2. The South Hams Society is opposed to the appellant's proposal for the reasons set out in our previous letter of representation to South Hams District Council (SHDC). Following the refusal to



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grant approval we have become aware of the new information contained in the SHDC Officer's report, the consultation responses of their Natural Environment Landscape Specialist and the AONB Units Officers and, more recently, the appellant's Statement of Case to the Inspectorate.

Harm to the landscape

3. The proposed development would result in the permanent loss of productive agricultural land in highly valued countryside within an Area of Outstanding Natural Beauty. We agree with the SHDC that the Appeal proposal would cause harm to the existing landscape character of the site.

The area around the Appeal site is described by Devon County Council as being a "jewel in the crown of Devon". We believe the permanent loss of the distinctly agricultural landscape would inevitably cause significant harm to the Appeal site and also to the designated countryside surrounding it.

4. We believe that the iconic panoramic long views to the South, towards Frogmore Creek and the Kingsbridge Estuary, will be interrupted, or eventually partly blocked, by the proposed mitigation planting on the Appeal site, and on the South side of the A379 road below the site, by the planting needed to screen the proposed drainage attenuation system.

Reasons the application was refused

5. We agree with the reasons given for refusing the application which are summarised in the SHDC Officer's report.¹ It noted that the application would fail to conserve the landscape and scenic beauty of the South Devon AONB, would be contrary to paragraph 115 of the National Planning Policy Framework and Policies CS9 and DP2 of the South Hams Local Development Framework. It

1. PLANNING APPLICATION OFFICER'S REPORT Application No: 1193/17/OPA



would also be contrary to Policies SPT11, DEV24 and DEV27 of the emerging Plymouth and South West Devon Joint Local Plan and the South Devon AONB Management Plan.

6. Having regard to the scale of the development, relative to the size and context of West Charleton, and the site's prominent and sensitive location in the AONB, it is considered by the SHDC Officers that the application proposal was a major development in the AONB.

7. The Officers considered that the development is not justified by exceptional circumstances (rare or unusual) that are in the public interest, and as such, was contrary to paragraph 116 (now updated to Paragraph 172 of the revised framework together with footnote 55) of the National Planning Policy Framework, and Policy SPT11 of the emerging Plymouth and South West Devon Joint Local Plan.

8. We also agree with the Officer's conclusion ² that the adverse landscape impact arising from the proposed development, that it is not sustainable, and as such, is contrary to paragraphs 6, 7, 8 and 9 of the National Planning Policy Framework and Policy SPT1 of the emerging Plymouth and South West Devon Joint Local Plan.

The Appeal decision maker

9. We believe that the Appeal site is in a prominent and sensitive location in the AONB and whether the proposal should be treated as a major development, to which the policy in paragraph 116 (or paragraph 172 of the 2018 update) of the Framework applies, is now a matter for the Inspector to decide.

2. PLANNING APPLICATION REPORT Application No: 1193/17/OPA – Reasons for Refusal – Para. 3.



The Appeal site and landscape

10. The existing character of the site is described by both main parties as a high quality rural rolling patchwork of agricultural landscape. The SHDC Landscape Officer notes that it provides "*dramatic views through the surrounding countryside and over the estuaries*"³ across the South Devon ANOB, and that the planning strategy for the area is to "*Protect the settlement pattern of houses, farms, hamlets and small nucleated villages, resisting development which is uncharacteristic and visually intrusive over wide areas or results in linear spread of development along river valleys and roads*".⁴

Heritage assets

11. The three bowl barrows 310m West of Home Farm, forming part of a round barrow cemetery, are designated as a Scheduled Monument. The barrows are monuments characteristic of the Late Neolithic to Bronze Age periods (c. 3800 — 1400 BC) and are considered to be a heritage asset of high significance, based upon their evidential values, their historical value and their setting.⁵

Housing need - major development?

12. We note the Parish of Charleton housing needs survey was undertaken in 2012. It identified a local need for 14 affordable homes, however, the survey is over 5 years out of date. We also note that the SHDC Officers in the Garden Mill case, cited by the appellants,⁶ refers to there being approval for some 300 houses in the Kingsbridge area. We believe that this may be a more up to date indicator of housing need and supply in the local area.

3. PLANNING APPLICATION REPORT Application No: 1193/17/OPA - Landscape Character and Visual Impact

4. PLANNING APPLICATION REPORT No: 1193/17/OPA Design/Landscape: Para. 8.

5. PLANNING APPLICATION REPORT 1193/17/OPA - Heritage Para. 1.

6. Appellant's Appendix D. Paragraph 42. Appeal decision, APP/K1128/W/16/3156062 - Garden Mill, Kingsbridge



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13. We support the SHDC Officer's view that a general need for more homes, on its own, is not a compelling reason to allow major development in the AONB. Having regard to the great weight to be given to conserving and enhancing the AONB, if the Inspector decides the Appeal site is a major development, then unless there are other compelling reasons, we believe it should be refused, as the need for housing would have to be exceptional to meet that aspect of the tests.

14. According to the SHDC Officer, the level of affordable housing in the Appeal proposal is not exceptional.⁷ They noted there is a potential supply of housing close by to the village, within much less sensitive parts of the AONB and in other potential sites in non-designated landscape areas. We note that planning permission has recently been granted for 96 dwellings on the northern edge of Kingsbridge, including 30% affordable homes and for 65 dwellings in the nearby village of Chillington with 35% affordable homes. Both of these sites are outside of the AONB.

15. We do not believe that the appellant's Statement demonstrates that there would be any significant social or economic cost to the village if this development were not to proceed. The SHDC has pointed out that alternative measures, such as Community Land Trusts, can be explored to look to provide affordable homes on a smaller scale within the Parish and therefore with reduced impact on the protected landscape or valuable and productive agricultural fields.⁸

7. PLANNING APPLICATION REPORT Application No: 1193/17/OPA - ANALYSIS

8. PLANNING APPLICATION REPORT Application No: 1193/17/OPA - ANALYSIS



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The SHDC Officers considerations

16. The objections and detailed analysis from the AONB Unit Officers, and the Council's landscape specialist, clearly suggests that there will be demonstrable harm to the landscape and scenic beauty of the SD AONB as a consequence of the Appeal development. The point is made that the harm would not be overcome through mitigation landscaping, sensitive design or the other means proposed by the appellant.⁹ We also note that the SHDC Officers reference to the need to preserve the on-site Scheduled Ancient Monument and the historic sightlines between associated parts of the monument outside of the site. There are parts of the site that cannot be developed without objection from Historic England, and that this restriction has driven the illustrative layout - rather than good urban design principles.¹⁰

17. We are particularly concerned that because of the design constraints emanating from the need to preserve the Scheduled Ancient Monument, that parts of the Appeal development would appear, from sensitive views within the designated landscape, as an alien pocket of development, having little relationship with the village.¹¹

Parts of the proposed road system on the Appeal site would be visible in the protected landscape. The SHDC Officers expect, because of the steepness of the land within the Appeal site, that the roads may require a "*very engineered design*".¹² We share their concerns that the alien structures would detrimentally affect not only the existing views of the site, particularly when approaching the village

9. PLANNING APPLICATION REPORT Application No: 1193/17/OPA - ANALYSIS

10. PLANNING APPLICATION REPORT Application No: 1193/17/OPA – Design and landscape – Para 1.

11. PLANNING APPLICATION REPORT Application No: 1193/17/OPA – Design and landscape – Para. 3.

12. PLANNING APPLICATION REPORT Application No: 1193/17/OPA – Design and landscape – Para. 3.



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from the East, but also the panoramic views from the South, including from Footpath number 8. and Frogmore Creek. The appellant's proposed provision of an open public space is fully dealt with in the Officer's report. We would add that it is our view that the benefit of a small public space is not a reasonable substitute for the amenity value provided by the existing high-quality landscape and the "stunning" views in this highly sensitive part of Devon and its vitally important Area of Outstanding Natural Beauty.

18. We agree with the SHDC Officer that development on the Appeal site will be highly visible and that important views from the South and East would not appear as a natural extension to the village.¹³ We also agree that the topography of the site would not make it possible to effectively screen the development with planting.¹⁴ We also believe that the introduction of mitigation planting would, perversely, introduce additional features into the existing open agricultural landscape that would themselves diminish the visual enjoyment that exists because of its present open landscape character.

19. We believe the Appeal development would clearly encroach into the existing green buffer between West and East Charleton. We agree with the Officers that this would erode the distinction between the two villages currently experienced by residents and visitors, and would detrimentally impact on the historic village character of this area of the AONB.¹⁵

13. PLANNING APPLICATION REPORT Application No: 1193/17/OPA – Design and landscape – Para. 4.

14. PLANNING APPLICATION REPORT Application No: 1193/17/OPA - AONB Unit detailed comments – Para 3.

15. PLANNING APPLICATION REPORT No: 1193/17/OPA - Design/Landscape – Para. 4.



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20. As already noted, the landscape impact of the proposed development has been examined in detail by the Council's landscape specialist and the AONB Unit Officers. We believe that their considerations deal fully with the impacts and the harms that the Appeal proposal would have in the protected landscape. Having had regard to the appellant's rebuttal of the Officers arguments,¹⁶ we remain of the view that the Officer's conclusions are soundly based and convincing.

21. We agree with the Officers that the *"adverse changes to the local landscape character and visual amenity that would result from the proposed expansion of built development onto a rising hillside and along the valley floor. Although often (though not always) seen in the context of the village, such a substantial expansion would be visually prominent in views and create an uncharacteristic mass of built form that would detract from the rural, undeveloped valley character, and the unspoilt nature of the area"*.¹⁷.

22. We also agree that the *"impacts of greater adverse significance generally on both landscape character and visual amenity than the "neutral impact" concluded by the submitted LVIA, is such that the development would fail to "conserve and enhance" the quality, character, diversity and local distinctiveness of the natural environment, as required by Policy CS9, and would fail to avoid unsympathetic intrusion in the wider landscape, as required by policy DP2, such as detrimental impact on the character of views from public vantage points."*¹⁸.

16. SHDC LANDSCAPE OFFICER AONB REASONS FOR REFUSAL NOTICE 1193 -17- OPA 09.03.2018 – Officers Para 3.

17. PLANNING APPLICATION REPORT Application No: 1193/17/OPA - Landscape Character and Visual Impact – Para. 3.

18. PLANNING APPLICATION REPORT No: 1193/17/OPA -Landscape Aspects and Visual Impact – Para. 5.



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23. The Officers also note that the most significant impacts resulting from the proposed development are within the local area but, they highlight that: *"the areas experiencing these impacts fall within the South Devon AONB, making them highly susceptible to change, and carrying great weight in the planning balance"*¹⁹.

24. Importantly, the Officers note the areas of the Appeal site that would experience *the "most significant impacts also lies within the Undeveloped Coast (previously the Coastal Preservation Area). In recognition of the importance of these estuarine landscapes in the coast of South Hams; again the protection of the character and distinctive landscapes of these areas is given significant weight in the NPPF."*²⁰.

SHDC Officer conclusions

25. We agree with the Officer's conclusions that the appellant's proposals fail to meet policy objectives in the adopted Core Strategy and the Development Policies DPD in relation to landscape character and visual impact. In particular, Policy CS9 (3) seeks to ensure that the quality, character, diversity and local distinctiveness of the natural environment will be conserved and enhanced and that development conserves and enhances landscape character. CS9 (1) and (2) also seek to protect the natural beauty, character and special qualities of the AONB, and to protect the character of the Undeveloped Coast. The effects identified by the Officers would fail to achieve these tests.

19. PLANNING APPLICATION REPORT 1193/17/OPA – Protected Landscape – Para. 1.

20. PLANNING APPLICATION REPORT No: 1193/17/OPA Protected Landscape – Para. 1.



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26. In addition, Policy DP2 (1) seeks to ensure that the location, siting, layout, scale and design of new development conserves and/or enhances what is special and locally distinctive about the landscape character; that new development avoids unsympathetic intrusion in the wider landscape; and that it respects the unspoilt nature and tranquillity of the area. DP2 (2) gives further weight to the protection of the Undeveloped Coast. Again, as noted above, the proposed development would seem to fail to meet these requirements.²¹

27. We agree with the AONB Unit Officers detailed comments. They assessed that the proposal fails to conserve and enhance the landscape and scenic beauty of the South Devon AONB, fails the principal policy tests in relation to the protected landscape, and seems not accord with the policies and planning guidance contained within the South Devon AONB Management Plan. Given the level of AONB harm that would arise, the proposal does not exhibit any exceptional circumstances that are demonstrably in the public interest.

28. The Officers consider that the proposed development will have a significant adverse impact on the landscape and scenic beauty of this part of the AONB and as such is contrary to paragraphs 115 of the NPPF, Policy CS9 and DP2 of the South Hams Local Development Framework and emerging JLP policies SPT11, DEV24 and DEV27. Having regard to the adverse landscape impact the proposed development is not sustainable, contrary to the principles of the NPPF and emerging JLP Policy SPT1.²²

21. PLANNING APPLICATION REPORT: 1193/17/OPA- Policy – Para. 2.

22. PLANNING APPLICATION REPORT No: 1193/17/OPA - AONB Unit detailed comments – Para. 6.



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Not Sustainable

29. We concur with the SHDC Officer's conclusions that the proposed Appeal development would fail to conserve the landscape and scenic beauty of the AONB; and that the harm would significantly outweigh the benefits of the scheme. Though the appellant argues otherwise, we agree with the Officer's conclusions that no exceptional circumstances, that are in the public interest, have been demonstrated by the appellant that would justify allowing this development in the AONB, and that having regard to the significant adverse landscape impact that would result from the Appeal, that it is not sustainable development.^{23.}

Heritage

30. We commend the SHDC Officers and the archaeological assessments and reports prepared for the appellants. The detailed descriptions of the highly important heritage assets, which the open agricultural Appeal site encloses, are of great interest to some of our members who understand and value the incredible history of our protected landscapes. We have already written that the South Hams Society seeks to secure the protection and improvement of the landscape, features of historic interest and public amenity and that we take very seriously the need to increase people's knowledge and appreciation of our precious environment, including its historic heritage. We hope that irrespective of the outcome of the Appeal, that something more than the proposed public 'information board' will be considered by the appellant in order to share widely the wealth of heritage information produced during the application process. The detailed heritage assessments could provide a wonderful resource for local teachers and the Devon Historical Society.^{24.}

23. PLANNING APPLICATION REPORT No: 1193/17/OPA Planning Balance – Para. 5.

24. PLANNING APPLICATION REPORT No: 1193/17/OPA Heritage – Para. 2 & Heritage Asset Impact Assessment.



Major development

31. Having regard to the scale of the development, relative to the size and context of West Charleton and the site's prominent and sensitive location in the AONB, the SHDC Case officer concluded that the proposal is a major development. It is now for the Inspector to decide what weight is to be given to the material considerations, and whether the proposal is considered to be a major development.

32. The appellant's position is that the Appeal proposal should not be considered to constitute major development in the AONB for the following reasons: Appellants Statement bullet points²⁵. • *" the proposal for 24 dwellings represents a small percentage increase of dwellings compared to the relatively large settlement of West Charleton."* ²⁵.

33. We do not believe this is a reasonable comparison or a 'small' increase. The area covered by the existing village housing settlement is, approximately, 16.4 Hectares. The area of the Appeal site is approximately 2.7 hectares, which would be approximately 14 % of the total.

34. Appellants Statement bullet points²⁵. • *"visually, the Appeal site is **well related to the settlement** and would form a logical extension to the village."*

35. We submit that the open agricultural landscape characteristics of the Appeal site are 'unrelated' to the adjacent settlement, which the appellant describes as a "substantial area of a dense C 20th housing development that has a **high visual presence within the near and wider landscape.**"²⁵. (Our emphasis.)

25. APPEAL STATEMENT ON BEHALF OF MESSRS ROGERS & MRS PIKE Paragraph 4.5 Bullet points 1. – 6



36. Appellants Statement bullet points²⁵ • *"the Council has recently considered a similarly sized development (18 dwellings) in the AONB on the edge of a settlement not to constitute major development in the AONB."*²⁵. (The Selworthy application)

The Selworthy decision

37. We believe the circumstances in the Selworthy case²⁵ are significantly dissimilar to the Appeal site. In our opinion, Selworthy does not support the appellant's argument that the Appeal proposal should not be considered by the Inspector as a major development. The Council's landscape specialist and the AONB Unit Officer both stated that they considered the Selworthy proposal constituted major development in the AONB. The applicant argued that it was not. The Planning Case Officer considered all the arguments taking into account that part of the site is previously developed land; 2 of the 18 proposed dwellings were replacements and that 230 square metres of non-residential floor space was to be demolished. The Officer also considered that In the context of Kingsbridge town (approximately 3021 households) 18 units is a very small addition (approximately 0.6%). On balance, the Case Officer did not consider the scheme was a major development in the AONB and, as such, an assessment under paragraph 116 was not required. We would argue that these considerations do not exist with the Lyte Lane Appeal site. We also note that the Selworthy application was refused.

38. Appellants Statement bullet points²⁵ • *"a recent Appeal decision for 32 dwellings in the AONB in Kingsbridge was deemed by the Appeal Inspector not to constitute major development in the AONB."*

²⁵. (Garden Mill, Kingsbridge)

25. APPEAL STATEMENT ON BEHALF OF MESSRS ROGERS & MRS PIKE Paragraph 4.5 Bullet points 1. – 6.



Garden Mill decision

39. In the Garden Mill Case, the Inspector noted *"The Appeal site lies within the South Devon AONB and within Devon Character Area 49 – Salcombe to Kingsbridge Estuary. AONB have the highest status of protection in relation to landscape and scenic beauty. The proposed development would introduce houses, roads, traffic, retaining walls and domestic planting into what is now a field of pasture. Those using the footpath that transects the site would no longer experience passing through an open agricultural field. The development would thus deplete the rural and agricultural character and appearance of the site."* In some respects, the Lyte Lane Appeal site is similar.²⁵

40. However, the landscape characteristics of the Garden Mill site were significantly different from the Lyte Lane Appeal site. The Inspector noted about the Selworthy Appeal: *"The site **immediately adjoins the edge of Kingsbridge**, occupies a steep slope running down to the **industrial estate** to the north, is enclosed by the housing at the top of the slope to the south, and is adjacent to the scout hut and public park to the west. The topography severely limits views into and out of the site to the east, as do the banks and mature vegetation along the lane running up to the **Rugby Club.**"*

41. The Inspector also notes that three viewpoints *"offer high-level views **of the town** from Redford Way and Higher Union Road that include, in the far distance, the Appeal site. From here it is visible as a finger of land **in the otherwise developed extent of the town.** The proposal would **infill** the area.*

25. APPEAL STATEMENT ON BEHALF OF MESSRS ROGERS & MRS PIKE Paragraph 4.5 Bullet points 1. – 6.



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*Further at this distance and given the apparently **enveloping extent of existing development**, the proposal would make **no significant difference** to the perceived nature and extent of the **landscape setting of the town.**"²⁵ (Our emphasis.)*

42. For these reasons, the landscape characteristics of the Kingsbridge Garden Mill site are so dissimilar to the Lyte Lane Appeal site, with its widespread views of the proposed development from the surrounding designated countryside, that we believe the case does not support the appellant's conclusions.

43. We challenge the appellant's bullet point • "*the proposed scheme **acts to conserve the landscape and scenic beauty of the AONB** by acting as a catalyst for **the enhancement of existing, valued landscape and historic features and the introduction of additional natural features characteristic of the areas Landscape.**"²⁵.*

44. We do not believe that introducing a housing development, that could have an alien and high visual presence within the near and wider countryside, can reasonably be described as conserving the landscape and scenic beauty of the AONB, or an enhancement of the existing high-value landscape. Neither do we believe that changing the existing open agricultural character to a residential semi-urban one, and adding some trees would make the site comparable to the existing open agricultural character of the Appeal site.

25. APPEAL STATEMENT ON BEHALF OF MESSRS ROGERS & MRS PIKE Paragraph 4.5 Bullet points 1. – 6.



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45. We do not agree that: Appellants Statement bullet points²⁵ • *"a site responsive spatial arrangement, in combination with the Proposed Strategic Landscape Scheme would act to effectively limit the scale and impact of views of the development from within the wider AONB and Undeveloped Coast."*

46. We do not agree that the mitigation screening will be as effective as the appellant suggests. The proposed planting is not characteristic of the Appeal site and the mitigation measures would inevitably interrupt the existing wide panoramic views South and West, across the AONB, towards the Frogmore and Kingsbridge estuaries, or the existing views North West towards the hill ridgeline.

Affordable housing

47. The South Hams Local Development Framework Core Strategy (CS) Policy CS6 states that new residential development should provide affordable housing consistent with an overall strategic target of 50%, having regard to a number of criteria, including the characteristics of the site and the economics of provision. DPD Policies AH1 and AH2 set a target of 55% provision on allocated sites in area centres such as Kingsbridge and require that as much affordable housing as is viable is provided.²⁶

48. The Appellant notes that in 2013, the Appeal site was the Council's favoured location for a Village Housing Initiative (VHI), a development of predominantly affordable houses.²⁷ We know from our members who were involved, that when the Appeal site was being examined, it was widely believed that the site outside the village boundaries was only being considered for '100% affordable housing'.

25. APPEAL STATEMENT ON BEHALF OF MESSRS ROGERS & MRS PIKE Paragraph 4.5 Bullet points 1. – 6.

26. Appellant's Appendix D. Paragraph 42. Appeal decision, APP/K1128/W/16/3156062 Affordable housing – Para. 26.

27. APPEAL STATEMENT ON BEHALF OF MESSRS ROGERS & MRS PIKE – Para. 6.23



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Because of that unfounded belief (as it turned out), many people in the local community were supportive of what they perceived might be a development with considerable local and wider public benefit. The proportion of affordable housing has progressively been reduced, and in the Appeal proposal would be 33% of the total, based on the number of units rather than the proposed square footage. Following the building development on the South side of the A379, (SHDC Application 0607/16/FUL) we have been made aware, by our local members, of a further decline in support for development outside the village boundary.

49. There was considerable local community interest in affordable housing when design workshops were held in various rural settlements across the District during June 2009. The workshops were facilitated by the Prince's Foundation for the Built Environment, as part of their Design Review Assessment. Among the issues raised by the local community at those workshops was the need to: **'resist coalescence with nearby settlements and limit growth to retain the character of settlements with well-defined boundaries.** (our emphasis.)

Community Views

50. The appellant notes that the SHDC Officer Report does not directly mention the community consultation meeting with Members of Charleton Parish Council, and two Community Consultation events. The appellant suggests the meetings are evidence of a balanced overall view towards the development proposals from parishioners. We would point out that the support shown was for building housing **"within the village"**, not for building outside of the village boundary.²⁸ (Our emphasis)

28. APPEAL STATEMENT ON BEHALF OF MESSRS ROGERS & MRS PIKE – Para. 3.11



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51. Those consultations were undertaken nine years ago. We believe that it is unrealistic to assume that local community opinion has remained as it was then, especially when many local people believed that the proposals would be primarily for affordable housing. We also note from the SHDC Officer's report that *"No local Parish comments were received about the appellants revised proposals."* We also note that the representations received from village residents at the application stage showed that six residents objected, four were undecided and one supported the proposal. In total, the letters produced twelve objections, five undecided and one in support.

Limited impact?

52. The appellant claims that *"In the body of their report, the planning officer significantly underplays the planning benefits of the scheme."*²⁹ We believe that the appellant may, in contrast, have *overplayed* the benefits of the proposal. To suggest that the Appeal development, on open productive farmland, within highly sensitive and protected countryside, would provide *"a positive contribution to the landscape character and visual amenity of the AONB and Undeveloped Coast, characteristic of the valued features found throughout the Landscape Character area,"* and further, to suggest that the scheme *"acts to conserve the landscape and scenic beauty of the AONB by acting as a catalyst for the enhancement of existing valued landscape and historic features and the introduction of additional natural features characteristic of the areas Landscape Character"* is reminiscent of pronouncements made by the Ministry of Truth in George Orwell's 1984.

29. APPEAL STATEMENT ON BEHALF OF MESSRS ROGERS & MRS PIKE – Para. 5.2



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The 'green buffer reduced

53. The Officer's report notes that West Charleton is approximately 500 metres from East Charleton, separated by 3 open fields to the North of the A379. The Appeal site Eastern boundary would be within 320 metres of East Charleton. Clearly, the Appeal proposal would significantly erode the existing 'green open space' that currently plays an important part in maintaining the visual separation of East and West Charleton. That 'buffer' would be reduced by approximately 36%.

Economic impacts

54. The appellant submits (Para. 6.18) that "***There are no negative economic impacts that would arise from the development***" (our emphasis).³⁰ We believe that statement ignores the consequential economic effects of the permanent loss of the valuable productive farmland that would result from the Appeal proposal. It also ignores the impact on one of Devon's most important economic drivers - tourism.

55. Devon attracted approximately 35.6 million day and staying trips with a total visitor related spend value of £2,454m in 2016, supporting approximately 63,000 tourism-related jobs within the county. Proposals for development have the potential to harm the AONB. They can include: '*Developments that create additional noise, disturbance, light spillage or visual intrusion into the remote, tranquil or undeveloped countryside, including significantly increased traffic levels on quiet roads and lanes;*' The high scenic value of Devon's protected landscape is a vital part of the county's attractiveness which underpins its leisure and tourism economy.

30. APPEAL STATEMENT ON BEHALF OF MESSRS ROGERS & MRS PIKE – Para.6.18



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The existing view

56. The appellant suggests³¹ that the statement in the SHDC Officer's report, that views of the existing residential area adjacent to the Appeal site are partially obscured from the East by trees and hedges is "*incorrect.*" It is our belief that the image (annexe 1.) shows that when the trees are in leaf, that they do indeed 'soften' views of the existing properties within the village boundary, particularly those seen from the East and from the A375 when travelling to the West and approaching the Appeal site, as the SHDC Officer's report suggests.

31. APPEAL STATEMENT ON BEHALF OF MESSRS ROGERS & MRS PIKE – Para. 4.

Summary conclusions

We believe and contend that:

57. This Appeal proposal is the wrong development in the wrong place. The proposed scheme would result in the permanent loss of productive agricultural land in the highly valued countryside and would fail to conserve the landscape and scenic beauty of the South Devon AONB. The area around the Appeal site is described by the County Council as being a "jewel in the crown of Devon".

58. While it is for the Inspector to now decide, the SHDC Officers concluded that the application proposal was a major development in the AONB. They also concluded the adverse landscape impact arising from the development rendered the proposal unsustainable.

59. That the dramatic views through the surrounding countryside and over the estuaries in the SD AONB would be harmed and that development which is uncharacteristic and visually intrusive over wide areas or results in the linear spread of development along the roads between villages should be resisted.



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60. The local housing needs survey which identified a local need for affordable homes is now over 5 years out of date. We also note that the Garden Mill case, cited by the appellants, refers to there being approval for some 300 houses including affordable homes in the Kingsbridge area. We believe this is a more up to date indicator of housing need and demand in the local area.

We believe that a general need for more homes, on its own, is not a compelling reason to allow major development in the AONB.

61. We do not believe that the appellants have convincingly demonstrated that there would be any significant social or economic cost to the village if this development were not to proceed.

62. We contend that parts of the Appeal site would appear, from sensitive views within the designated landscape, as an alien pocket of development, having little or no relationship with the village. We do not believe that the harms that would be caused would be overcome through mitigation landscaping or sensitive design. We also believe that the Appeal proposal would detrimentally affect existing views of the site, particularly when approaching the village from the East but also the panoramic views from, and to the South.

63. We do not believe that the benefit of a small public space is not a reasonable substitute for the amenity value provided by the existing high-quality landscape and the stunning views in this highly sensitive part of Devon and its Area of Outstanding Natural Beauty.

64. The Appeal development would encroach into the existing green buffer between West and East Charleton and would erode the distinction between the two villages.



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65. The Appeal proposal would fail to conserve and enhance the quality, character, diversity and local distinctiveness of the natural environment, and would fail to avoid unsympathetic intrusion in the wider landscape and would have a detrimental impact on the character of views from public vantage points. The areas experiencing these impacts fall within the South Devon AONB, and the Appeal site that would experience the most significant impacts also lies within the Undeveloped Coast.

66. The Appeal development fails to conserve or enhance what is special and locally distinctive about the landscape character, and would fail to avoid unsympathetic intrusion in the wider landscape; that respects the unspoilt nature and tranquillity of the area.

67. The Appeal proposal does not display any exceptional circumstances that are demonstrably in the public interest and that having regard to the significant adverse landscape impact, it is not sustainable development.

68. It is now for the Inspector to decide what weight is to be given to the material considerations, and whether the proposal is considered to be a major development. We do not believe that the Selworthy application supports the appellant's argument that the Appeal proposal should not be considered by the Inspector as a major development.

69. The landscape characteristics of the Kingsbridge Garden Mill site are so dissimilar to the Lyte Lane Appeal site, with its widespread views of the proposed development from the surrounding designated countryside, that we believe the case does not support the appellant's point.



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70. We do not believe that introducing housing development, that would have an alien and high visual presence within the near and wider countryside can reasonably be described as conserving the landscape and scenic beauty of the AONB, or an enhancement of the existing high-value landscape.

71. The mitigation screening will not be as effective as the appellant suggests. The proposed planting is not characteristic of the Appeal site and the mitigation measures would inevitably interrupt the existing wide panoramic views South and West, across the AONB, towards the Frogmore and Kingsbridge estuaries, or the existing views North West towards the hill ridgeline.

72. The representations received from village residents at the application stage showed that six residents objected, four were undecided and one supported the proposal. In total, the letters produced twelve objections, five undecided and one in support.

73. We do not believe that the Appeal development would make a positive contribution to the landscape character and visual amenity of the AONB and Undeveloped Coast or act to conserve the landscape and scenic beauty of the AONB and an enhancement of existing, valued landscape and historic features, nor would it introduce additional natural features characteristic of the areas Landscape Character.

75. The Appeal proposal would significantly erode the existing green open space which currently provides the visual separation of East and West Charleton.



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76. We do not believe that there are "*no negative economic impacts that would arise from the development*"¹³⁰. We believe the permanent loss of the valuable productive farmland and the potential effects on tourism should be considered.

77. For these, and the reasons given in our representation made at the application stage, the South Hams Society members object to the Appeal development proposal.

Ian Bryan

For and on behalf of the South Hams Society

Replies to: Ray Long, Chairman,

The South Hams Society,

1 Croft Road, Salcombe TQ8 8DZ

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Annexe 1.

The image shows that when the trees are in leaf, that they do indeed 'soften' views of the existing properties within the village boundary, particularly those seen from the East and from the A375 when travelling to the West and approaching the Appeal site.



Uninterrupted panoramic views from South of the Appeal site (before development SHDC 0607/16/FUL). The Kingsbridge Estuary is visible mid right in the image.