



1 193/17/0PA -Outline application with some matters reserved for construction of up to 29 dwellings (including affordable housing), village green, children's play area, parking area, and associated works including landscaping. Land to East of Lyte Lane West Charleton Kingsbridge

LETTER OF OBJECTION - 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 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 development, as we believe to be the case with this application.

The CPRE

2. We endorse the points raised by the Devon Campaign to Protect Rural England in their letter of objection to this application.

The proposed site

3. West Charleton lies within the South Devon Area of Outstanding Natural Beauty (AONB). Frogmore Creek, Kingsbridge and the Salcombe Estuary are some 1500 metres south of the proposed site. The South Hams District Council have a legal duty to protect and enhance the AONB. It is in a nationally prized landscape, which is the county's major economic asset.

100% affordable housing

4. West Charleton is identified as a Sustainable Village within the Emerging Plymouth and South West Devon Joint Local Plan (JLP). The JLP does not identify sites for development in the village. It is important that "any development in a Sustainable Village respects the character of the village, and particularly landscape designations, such as the AONB." Originally, the site was considered, along with three other sites in the parish, for their suitability for a 100% affordable housing development, under a Village Housing Initiative.

Not supported

5. The applicants note, in their Design and Access Statement, that the planning case officer has expressed the view that, the proposed site is not a natural extension to the village, and that extending development, towards East Charleton, would erode the division between the two villages. They also state that officer support would not be forthcoming for development of the northern part of the site due to the "adverse landscape impact."



The requirements of DP15

6. The applicants note that (6.48) Policy DP15 states that within the countryside, development will only be permitted where it requires a countryside location and meets the essential, small-scale, and exceptional local development needs of a settlement, which cannot be met within existing development boundaries. The applicant's proposal does not 'require' to be on agricultural land, is not small scale, is not within the village development boundary and there are no rare or unusual **exceptional** local needs identified within the application.

Common ground

7. It is common ground that Policy DP2 states development proposals will need to demonstrate how they conserve and/or enhance the South Hams landscape character,
 - a. reflecting the needs and issues set out in identified landscape character areas.
 - b. ensuring its location, siting, layout, scale and design conserves and/or enhances what is special and locally distinctive about the landscape character.
 - c. retaining, integrating and enhancing distinctive features such as trees, ancient woodlands, field boundaries, walls, hedgerows, watercourses and river valleys.
 - d. avoiding unsympathetic intrusion in the wider landscape, such as the detrimental impact on the character of skylines or views from public vantage points and light pollution
 - e. respecting the unspoilt nature and tranquillity of the area.

Elevated material consideration

8. It is a matter of national planning policy and, therefore, a matter of law, that the impact of development on an AONB is elevated above the status of an ordinary material consideration, and is a matter which must be accorded great weight in the overall balance of benefits and dis-benefits.

Conserving and enhancing the land

9. The Countryside and Rights of Way Act 2000 place a statutory duty on the relevant authorities to have regard to the purpose of conserving and enhancing the natural beauty of the AONB when exercising or performing any functions affecting land in the AONB.

Major attraction for investing in Devon

10. It is noted in the South Hams Local Development Framework that "The high-quality environment in the South Hams helps to sustain the important tourism industry, and is a major factor which attracts investment into Devon."

The area's greatest asset

11. The conservation of Devon's special landscape character is an objective that relates to the countryside, and the protection of the rural environment, and is one of the main elements of the Structure Plan strategy. The Plan notes that "All this has to be achieved within the context of protecting the area's greatest asset –the distinctive environment and cultural heritage of the South Hams."



Conserving what's special and distinctive

12. The applicants are required to demonstrate how the location, siting, layout, scale and design of the development "conserve and/or enhances what is special and locally distinctive to the site". The application does not contain the required 'demonstration' and the development would not conserve the sites distinctive agricultural character or its designated scenic beauty.

Maintaining distinctive landscapes

13. The AONB Management Plan states that critical to the AONB future is "A profitable, sustainable and environmentally beneficial farming and land management sector, providing high-quality food, fuel, timber and benefits to people and wildlife" and that it will be "fostered as one of the principal means of maintaining the special qualities and distinctive landscape of the AONB".

Successful Farming

14. The applicants have noted (in Planning Permission 0607/16/FUL) that their existing successful farm enterprise was producing "increased yields" and was experiencing "continued success" on their "beef and arable holding".

The proposed agricultural site

15. The proposed site consists of valued agricultural land surrounded and divided by mature hedgerows of various native species. As such, its character and appearance are entirely in accord with the landscape character of that part of the AONB. The Local Authority and Councillors have a duty to protect our agricultural land resource.

Harmful loss of land

16. Clearly, the Secretary of State considered in the Tetbury case, that simply the loss of "open fields" was harmful to an AONB, and therefore the detrimental effect of that proposal could not be moderated. The same applies to this application. [ref: APP/F1610/A/11/2165778 for residential development at Tetbury in the Cotswolds AONB](https://www.gov.uk/guidance/national-planning-policy-framework/11-conserving-and-enhancing-the-natural-environment)

National Planning Policy Framework

17. NPPF 115. requires that "Great weight should be given to conserving 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 landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight." From <https://www.gov.uk/guidance/national-planning-policy-framework/11-conserving-and-enhancing-the-natural-environment>

Very special category of material consideration

18. The NPPF places the conservation of the landscape and scenic beauty of an AONB into a special category of material consideration. As a matter of policy, paragraph 115. requires it to be given "great weight", and paragraph 116. of the NPPF requires permission for a major development in an AONB to be refused, save in exceptional circumstances and where it can be demonstrated the proposed development is in the public interest. In this context, exceptional is defined as unusual or rare.



Great weight

19. We believe that the South Hams District Planning Committee appreciate that it is required to refuse permission unless there are exceptional circumstances in the public interest which outweigh the weight required to be given to the scenic beauty of the AONB and any other material matters, and that they appreciate that NPPF policy requires the scenic beauty factor also be accorded "great weight".

Change the character of the landscape

20. If approved, this proposal would completely and permanently change the character of the landscape within the proposed site, which would be clearly seen from many public viewpoints and thereby cause harm to the AONB.

Will have a detrimental impact

21. In their Design and Access Statement, the applicants acknowledge that the proposal will have a detrimental impact on the sensitive archaeological site, and an adjacent group of three prehistoric burial mounds, which are a protected Scheduled Monument (ref: 1019788)

Uncertainty

22. The proposed development would not achieve the Council's 'Strategic Target' of providing 50% on-site affordable housing. The applicants propose only 33%, and the exact mix and tenure of the proposed affordable houses will be subject to further discussion with the Local Planning Authority. The applicants justify the low level of affordable housing proposed on the grounds that higher levels, 34% < 100%, would not be economically viable. There appears to be no certainty that the lower (33%) level will be achieved.

Covering up the past!

23. The application site also includes an area of farmland to the south of the A379. It is proposed that this southern parcel of land will be used as part of the "strategic landscaping of the overall development and, if required, for an attenuation area for surface water drainage." The "strategic landscape" refers to screening required to comply with conditions applied to the constructed development under planning permission 0607/16/FUL, and which are needed to reduce the detrimental visual impact which the large barn development on the south side of the A379 has on the AONB landscape. We believe that there will be little or no 'screening' impact to the north, i.e. on the proposed development site. It appears to be simply adding to the costs of the proposed housing development, and impacting on the economic viability of that proposal.

Integrating the key characteristics

24. We do not believe that the Applicants claim that "Key characteristics of the local Landscape Character could become an integral part of the overall design". The key characteristics of the Landscape Character are its agricultural landscape with wide, uninterrupted panoramic views across the AONB to the South, and an open skyline to the north, all of which would be harmed by the proposed development.



Each on its merits!

25. We do not agree with the applicants suggestion (Design and Access Statement 3.24) that In "granting approval for this large-scale agricultural development" (0607/16/FUL) on the south side of the A379, (a single agricultural building) "South Hams District Council has accepted the principle of developing land to the east of the existing village."

Acknowledging the harm.

26. The applicants note that the harms caused by the proposed development are "likely to be felt to some degree by nearby residents and users of the public footpath to the south". Clearly, visual harm would be caused by the proposed buildings, particularly when viewed from the A379, from the south, and from the National Trust land to the south of Frogmore Creek.

Large open spaces!

27. The applicants suggest (Design and Access Statement 4.3) that "A large area of public open space is proposed which will be available to all villagers to use for recreation and play. This public open space is referred to on the proposed site plan as the village green. While not wishing to undervalue urban green space, we believe the local community, and the nation already has a large recreation space, which is of international significance - the South Devon Area of Outstanding Natural Beauty.

Unfounded claim

28. The existing character of the proposed site is solely agricultural. Therefore, we do not believe that the proposed development would, as the applicants claim, "be in line with local planning authority and AONB Management Plan objectives and policies, promoting good design where schemes work to support local distinctiveness and adherence to landscape character"

Harmed and hemmed in

29. We do not agree with the applicants that the heritage assets and their setting, including a bowl barrow, which is part of a round barrow cemetery and designated as a Scheduled Ancient Monument, are best presented to the wider community by being surrounded by the built environment proposed in the application.

Climate change

30. We are not convinced that the requirements of Policy CS11 have been addressed within the application. It requires development to reflect the need to plan for climate change, including managing the impacts of climate change through the design and location of development.

Over the edge

31. The AONB plan requires that edge-of-settlement development creates a gradation in density and layout which improves the interface between settlements and the surrounding countryside, where this is consistent with the character. The applicants propose to provide a close boarded fence on the eastern side of the site.



32. Summary of our objections to the planning application 1 193/17/OPA

1. We endorse the points raised by the CPRE in their letter of objection.
2. The South Hams District Council have a legal duty to protect and enhance the AONB.
3. The proposed site is not a natural extension to the village, and that extending development, towards East Charleton, will erode the division between the two.
4. The applicants are aware that the planning officer could not support the development of the northern part of the site due to the "adverse landscape impact."
5. The development would not conserve and/or enhance the South Hams landscape character, nor what is special and locally distinctive about the landscape character of the site.
6. If permitted, the development would be an unsympathetic intrusion in the wider landscape and have a detrimental impact on the character of the landscape and skylines, and the views from public vantage points.
7. There would be an increase in light pollution within the existing agricultural setting.
8. The proposal would not respect the unspoilt nature and tranquillity of the existing site or area, nor conserve and/or enhance what is special and locally distinctive to the site, it's agricultural character and designated scenic beauty.
9. The proposal does not 'require' to be on agricultural land, is not small scale, is not within the village development boundary and there are no rare or unusual exceptional local needs identified within the application.
10. The impact of development on an AONB is elevated above the status of an ordinary material consideration and must be accorded great weight in the planning balance.
11. The high-quality environment in the South Hams helps to sustain the tourism industry and is a major factor which attracts investment into Devon. The distinctive environment and cultural heritage of the South Hams is the area's greatest asset.
12. Environmentally beneficial farming and land management would not be "fostered in order to maintain the special qualities and distinctive landscape of the site, or of the AONB."
13. The Local Authority has a duty to protect the agricultural land resource. If permitted, the proposal would remove valuable and productive farmland from use and result in the loss of "open fields" which would be harmful to the South Devon AONB.
14. NPPF 115. requires that "Great weight should be given to conserving the landscape and scenic beauty in areas of Outstanding Natural Beauty, which have the highest status of protection.



15. NPPF 116. requires permission for a major development in an AONB to be refused, save in exceptional circumstances. Rare or unusual circumstances do not exist that would justify this proposal.
16. We believe that the public interest of this proposal is outweighed by the weight required to be given to the scenic beauty of the AONB and the other material matters we have identified.
17. If approved, this proposal would completely and permanently change the character of the landscape within the proposed site.
18. The proposed development would not achieve the Council's 'Strategic Target' of providing 50% on-site affordable housing.
19. We believe that the screening proposed for the land south of the A379 has little to do with mitigating the harmful visual impact of the main development site to the north.
20. The key characteristics of the local agricultural fields of the proposed site could not become an integral part of the overall design. The character is its agricultural landscape with wide, uninterrupted panoramic views across the AONB to the South, and an open skyline to the north, all of which would be harmed by the proposed development.
21. Granting approval for agricultural development (0607/16/FUL) on the south side of the A379 does not mean that South Hams District Council has accepted the principle of developing land to the east of the existing village.
22. The applicants accept that the proposed development would cause nearby residents and users of the public footpath, to the south, to experience visual harm
23. The harms that would be suffered by the countryside and the South Devon Area of Outstanding Natural Beauty, caused by the permanent loss of open fields would not be balanced by the proposed provision of an unprotected "green space" within the site.
24. The existing character of the proposed site is solely agricultural. Therefore, we do not believe that the proposed development would "be in line with local planning authority and AONB Management Plan objectives.
25. Therefore, we object to this planning application.



THE SOUTH HAMS SOCIETY

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



UNINTERRUPTED SKYLINE - THE PROPOSED SITE – LOOKING NORTH FROM THE A379



UNINTERRUPTED PANORAMIC VIEW FROM THE PROPOSED SITE – LOOKING SOUTHWEST

Ian Bryan - For and on behalf of the South Hams Society – January 2018

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