



Newsletter

Words from The Chair

Just before Christmas and early in to the New Year the government announced a number of radical proposals to reform both the planning system in England as well as the structure of local government.

As we report on this page, one consequence is that our next Local Plan will not be delivered in conjunction with Plymouth. Instead, and as we report on this page, Plymouth City Council has decided to go it alone, at the same time announcing it also wishes to annexe no fewer than 13 South Hams parishes.

It is doing so because, without those parishes and their residents, the City fears its population will be insufficient to retain its unitary status and so ensure its councillors can continue to control their own destiny.

The machinations of Plymouth City Council, along with other separate manoeuvres by Exeter, Torbay, the six Devon district councils and West Devon Borough Council, along with Devon County Council, are all examined in some detail on page 10.

As part of this process South Hams District councillors have publicly and vehemently objected to Plymouth's supposed 'land grab', declaring their wish to instead combine with Teignbridge, West Devon and Torbay in a unitary of their own.

Torbay, it should be said, is very much a 'reluctant partner'.

And because of the speed with which the government has required councils to put forward their reorganisation proposals proper public consultation has been almost entirely nonexistent.

Fortunately, to help understand what if any benefits there might be for the residents of the South Hams in becoming part of either proposed unitary, the leader and the deputy leader of Torbay and Plymouth City Councils respectively have agreed to provide us with some answers on 24 April. Details on page 8.

But before then we have another meeting, this time on 10 April, and again in the Council Chamber

at Follaton House, to discuss the government's land use strategy. Joining us to explain the implications for our landscape, our farmers, our residents and our economy will be Exeter University Glanely professor of Agricultural Change Michael Winter OBE and Devon farmer and organiser of the annual Rootstock farming conference Sir Harry Studholme. Information about the strategy and the meeting can be found on pages 2 and 3.

As for the government's Planning Bill and what it will mean for the role of our elected representatives in deciding what should go where turn to page 6, while on page 7 Society Committee member Richard Baker, who helped author the Ringmore Neighbourhood Plan, offers a comprehensive analysis of what the Bill might mean for Neighbourhood Plans throughout the South Hams.

Further legislative delights are provided by our Environment Lead Martin Fodder on page 9 where he reveals how Lewes District Council have given legal rights to the River Ouse and how, in 2020, Frome Council brought forward the Rodden Meadow and River Frome Community Ecological Governance Byelaw.

And going back still further in time, on page 14 our Secretary and Archivist Nicola Fox looks to 2004 when the Society began to show 'It Couldn't Happen Here' and asked schoolchildren which were their favourite buildings in the area.

Elsewhere on page 5 we reveal how Hideaway has now gone away, planning matters and recent letters of representation are to be found on page 15, while on page 19 is the start of a detailed and depressing 16 page feature entitled 'Salcombe: a decade of devastation and destruction'.

Finally I will be standing down at our AGM on 24 April so I would like to take this opportunity to offer my profound thanks to both my fellow Committee members and to so many of our members for all the help and support I have received during my four years as your Chair. •

No new JLP with Plymouth



The map shows the approximate boundaries of both Plymouth and the 13 South Hams Parishes it wishes to subsume. The green land is protected, but all land shown grey can be built on

Our Joint Local plan with West Devon and Plymouth will soon be no more. Even though, as the Plymouth and South West Devon Joint Local Plan Partnership Board have said:

The Plymouth and South West Devon Joint Local Plan (JLP), adopted in March 2019, has been a hugely successful development plan for Plymouth, South Hams and West Devon. As one of the first joint plans in the country, it has often been regarded as an exemplar of joint strategic planning.

But:

Over the last 12 months, the JLP Partnership Board consisting of Members from each of the three authorities has been considering the impact of the government's planning reforms for the next iteration of a local plan. When the three councils first came together to work on the JLP back in 2016, the context for preparing a plan was entirely different.

There was stability in both the national planning and local government context, and the housing targets were significantly less than they are now, with the three councils able to reach consensus on how housing need is distributed across the plan area.

However, we are now in a time of significant change and this has required that we carefully reflect on the implications before committing to another JLP. This has been a complex and lengthy process, and

following agreement with South Hams and West Devon councils, Plymouth City Council has decided that the next local plan for the city will be a Plymouth only plan and not a joint local plan.

Those changes include Plymouth City Council unilaterally announcing it wishes to annexe 13 South Hams parishes and include them within the City's boundaries, much to the disquiet of South Hams District councillors.

At the same time, and based on the government's new housing needs figures, neither Plymouth, West Devon or the South Hams can demonstrate a five year supply of deliverable housing sites. Consequently, other than in those areas located in either Dartmoor National Park or the Tamar Valley and South Devon National Landscapes, the presumption in favour of sustainable development will now apply.

Paragraph 11 of the National Planning Policy Framework makes it clear:

where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular

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The Land Use Strategy – who and what is it good for?

On the last day of January the government launched its 'national conversation' on land use with a two-fold objective, namely:

Protecting UK food security and pursuing our mission for economic growth go hand-in-hand – with the highest quality agricultural land already protected for food production whilst kickstarting the economy by building new housing and rolling out renewable energy to make the UK a clean energy superpower.

As a result a consultation is now underway to:

set out a direction for England's land use and recognise the challenges that land managers will need us to address so that they can deliver our shared vision.

That vision, in the words of the government, is to use land to:

- Make space for nature recovery, water, and emissions reduction.
- Support sustainable and resilient food production.
- Deliver new infrastructure and housing.
- Fix the foundations for resilient long-term economic growth.
- Co-create plans for delivery.

But supposedly:

This is not going to tell people what to do with their fields or replace the planning system.

After all, as the Consultation reminds us on page 9:

The Devolution White Paper set out our plan to shift power away from Whitehall and into the hands of those who know the land and their communities best.

This of course being the government that is now dictating to 'those who know the land and their communities best' the minimum number of additional new homes for which they must find land each year, and who go on to explain:

To make space for nature, water, and emissions reduction, while also delivering new infrastructure and housing and maintaining food production, there will need to be a range of different land use changes by 2050. These changes are critical to make agriculture and food production more resilient to climate change. They are also necessary to meet our statutory Carbon Budgets under the Climate Change Act and statutory environmental targets under the Environment Act.

And crucially, to quote the Consultation's Analytical Annex (p.17), those changes will be profound:

Our estimation of the total land use change to deliver our environment and climate targets and commitments amounts to 1.6Mha by



Many will question allowing the erection of architecture from anywhere on green fields in highly prominent locations

2050, around one-fifth of Utilised Agricultural Area.

In other words, for the government to realise its vision, the equivalent of roughly one in every five English fields will cease to house crops or livestock and will instead be given over to housing estates, infrastructure, industrial-scale solar farms and woodlands, or the creation and restoration of coastal and lowland heathland habitats and the creation and restoration of peat-forming and peat-dependent habitats.

And of the 1.6Mha of land that will need to change use by 2050 around 9.4% (or 0.15Mha) will be needed to accommodate housing. That is roughly the equivalent of imposing another urban area the size of Greater London on the English countryside, while of the remaining land that will change, some will be required for such environmentally damaging purposes as infrastructure, data centres and battery storage facilities.

Significantly the scale of change will not be the same across England, with the change away from agricultural land usage being primarily targeted on land the government considers of lower agricultural value, as is the case with much of the land in the South Hams.

This could have serious implications for both our landscape and our tenant farmers, with the Tenant Farmers Association urgently calling for the government to explain how, for example, tenant farmers will be protected as solar developments advance across rural communities.

On February 3 farmer William Rose, where close to his property in Lincolnshire three large solar farms have been approved and

another is proposed, explained to the BBC:

Generally on corn arable land, you'd expect a return of maybe £200 an acre, and they're being offered £1,000 an acre a year, index linked for 50 years.

He added:

What they're doing is consigning the countryside to this industrial wasteland of solar panels.

And at the end of the same month in North Yorkshire the Minister of State for Housing and Planning, Matthew Pennycook MP, on behalf of the Secretary of State, Angela Rayner, gave consent to a major solar development at Eden Farm. This application had previously been denied by the North Yorkshire Strategic Planning Committee.

As the Secretary of State for Energy and Climate Change Ed Milliband had previously warned the BBC:

I can't say to you local people will have a veto over individual projects in their area.

While the TFA Chief Executive George Dunn commented:

This decision is also crushing for the wider tenanted sector. The inspector fully identified the hugely negative impact of this development on the personal circumstances of the (farming family in question) but chose, along with the Secretary of State, to turn a blind eye to those realities. So much for the promise made by Sir Keir Starmer that in advancing solar farm developments, it would not be at the expense of tenant farmers.

With land owners here in the South Hams typically only able to realise around £100 per acre by renting it out their fields for agricultural purposes, the possibility of enjoying an index-linked £1,000 per acre – or ten times as much, for the next 50 years is

likely to prove hard to resist.

But thankfully, to quote from page 39 of the Analytical Annex accompanying the government's consultation:

91.2% of the land managers who responded to our survey agreed that farming was a way of life and that they take pride in the heritage of farming and the local landscape. Food production is seen by many farmers as a core part of their identity, meaning that land use changes for environmental purposes can feel a threat to their way of life and identity. In some areas, there are deeply held beliefs about certain land uses being part of the aesthetics of rural landscapes. This hinders the adoption of changes perceived to negatively affect landscape character and local farming communities

with at the same time:

A large proportion (51%) of land managers who responded to our survey had low levels of trust in government environmental strategies and could not see the benefits for local communities and businesses

which means, although there is a clear threat to many tenants from both their landlords and the government, those farmers who own their land may well decline the inducements on offer from the renewable sector.

And it is to be hoped they do, because it is not unreasonable to assume that should the government's land use strategy result in much of our landscape here in the South Hams becoming an industrial wasteland covered with solar panels, our visitor economy might well suffer.

Because were our landscape to cease to be an attraction and should the government's new housing targets add to the already unacceptable levels of pollution in our rivers and on our beaches, our visitor economy could be decimated completely.

That will hardly do anything to help 'fix the foundations for resilient long-term economic growth'.

Losing 1.6Mha of England's agricultural land also has implications for our food security. Perhaps counter-intuitively the government states on page 35 of its Analytical Annex:

our analysis suggests that it is plausible that increases in the 'background' growth of food production could increase farm output sufficiently to offset production losses implied by the land use changes required to meet Net

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Zero and Environment Act targets and commitments...

In this conceptual model, a proportion of land devoted primarily to sustainable but higher intensity food production sits alongside areas of land dedicated solely to environment and climate benefits, and areas of land providing both food and environmental / climate benefits, thereby broadly maintaining overall levels of domestic production, while simultaneously making space for nature and emissions reductions.

While feasibly 'plausible' it is by no means certain that 'higher intensity food production' can be achieved without the greater use of pesticides, fertiliser and taking animals out of fields and putting them in sheds, the run-off from which could further add to the pollution of our waterways.

Two years ago in 2022 the UK imported around half its food from overseas: 37 billion kilograms worth £58 billion. Half of that was food that we do not grow here. But the other half presumably could have been.

And again in 2022 research by the CPRE found that since 2010 almost 14,500 hectares of the country's best agricultural land had been permanently lost to de-

... Land Use Strategy

velopment, land they claim that could have provided fruit and vegetables to two million people.

Yet less than 40 years ago, in 1988, we produced 66% of all the food we ate.

However back in 1991 our population stood at 57.42 million. By 2021 that total had increased by 16.7%, to 67.03 million, meaning there were many more mouths to feed. But critically by 2050 the Office for National Statistics projects our population will have risen still further, to 78 million.

The question therefore needs to be asked whether, at a time when the world faces such threats as political uncertainty, conflict and climate change, it makes sense to take so much of our land out of agricultural production. And although it may be 'plausible' it is not necessarily 'credible' to suggest that our food security will not be under threat from the changes being proposed by the government.

And making 'space for nature recovery, water, and emissions reduction' for example and reclaiming UK arable farmland for nature may, as a team of conservation

scientists and economists led by the University of Cambridge recently suggested in the journal *Science*, simply displace food production overseas to Australia, Germany, Italy and Ukraine.

Given the current state of international relations many might not think that expedient, while adding to food miles will little to help reduce emissions.

The Cambridge team also warn that rewilding productive farmland or forestry in industrialised nations with low levels of biodiversity may, on a planetary scale, do more harm than good. Indeed, their exploratory analysis suggests that reclaiming typical UK cropland for nature may be 5 times more damaging for global biodiversity than the benefit it provides to local species, due to the displacement of production to more biodiverse regions, a process they describe as the 'biodiversity leak'.

Professor Andrew Balmford from the University of Cambridge's Department of Zoology explained:

As nations in temperate regions such as Europe conserve more land, the resulting shortfalls in food and wood production will

have to be made up somewhere... Areas of much greater importance for nature are likely to pay the price for conservation efforts in wealthy nations unless we work to fix this leak.

And it is also highly questionable whether, by changing such a large percentage of our landscape to native broadleaves or reflooded peat bogs, the government can hope to succeed in either sequestering sufficient carbon dioxide to make any significant difference to our climate or prevent a further decline in our biodiversity.

Indeed cynics might ask who is the government's Land Use Strategy really intended to benefit?

Is it to make it easier for developers to concrete over the countryside and accelerate the uptake of renewables, threatening our food security and putting more farmers out of business, or will it make a critical contribution to combating climate change, improving biodiversity, making our waters cleaner, help solve our housing crisis and stimulating economic growth, without any adverse consequences?

The answers to these and other questions will hopefully be forthcoming on 10 April. ●



Thursday, April 10, 6:30pm
Council Chamber, Follaton House, Plymouth Road, Totnes, TQ9 5NE

A former member of Defra's Science Advisory Council and board member of Natural England, Professor Winter is the Glanely Professor of Agricultural Change at the University of Exeter and chair of the Devon Local Nature Partnership.



Sir Harry Studholme is a former Forestry Commission and South West Regional Development Agency Chair. He has owned and managed a family farm and forest in Devon since 1990 and organises Rootstock, an annual farming conference. He is the Treasurer of the Devon County Agricultural Association and a fellow of Forest Research.

England's not so Green and Pleasant Land

The government's land use strategy requires around a tenth of England's farmland to stop being used for agriculture and instead help deliver new infrastructure and housing, provide environmental and climate benefits, and 'fix the foundations for resilient long-term economic growth'.

Around a further tenth will have to be converted to low-carbon use such as heath or woodland by 2050 if the country is to meet its climate targets.

Not only will this change the look of much of our landscape, and arguably not for the better, but planting solar panels and executive homes where sheep and cattle now graze threatens both food security and farming, as well as our visitor economy here in the South Hams.

To discuss the implications of what it will mean for both our farmers and the rest of us we will be joined by Professor Michael Winter OBE and Sir Harry Studholme.

So if you have a question which you would like answered, please email it to southhamssociety@gmail.com.

And, if you would like to attend, please email membership@southhamssociety.org to reserve your place. Admission is free and all are welcome but, if oversubscribed, priority will be given to Society members.

Will there be sufficient buyers at the price?

According to the Office for Budget Responsibility the government's planning reforms will boost housebuilding in the UK to more than 305,000 homes a year by 2029, the highest rate in decades. However even though that will deliver 1.3 million net additional new homes across the UK over the parliament the government will still fail to meet its housing targets.

That's because Sir Keir Starmer previously said Labour's pledge to build 1.5 million new homes by 2029 applied only to England, meaning there is a greater gap between the OBR's UK-wide forecast and the government's goal.

Even so, the OBR believes the government's reforms will result in 170,000 more new homes being built by 2030 than would otherwise have been the case.

But even were this increase in housing supply to be achieved the OBR predicts average house



Lucien Cook: head of residential research at Savills

prices will be less than 1% lower in real terms than they are today. In other words, there will be no noticeable impact on affordability.

Nor is there any guarantee there will sufficient buyers who can afford all these new houses at what effectively will be current prices.

As Lucian Cook, the head of residential research at the estate agent Savills, informed the *Financial Times*, the OBR housebuilding forecast assumes total annual home sales, including second-hand sales, will reach 1.48 million a year, a number noticeably higher than the post global financial crisis norm of 1.2 million.

Yet at the same time the OBR has increased its forecast for mortgage rates.

Consequently it is probably wise to take all predictions with the

proverbial pinch of salt.

To begin with, and as has been demonstrated on many occasions in the past, unless the buyers are out there in sufficient numbers and prepared to pay the prices developers are demanding, construction inevitably decreases.

Equally the OBR is assuming sufficient skilled tradespeople exist to actually build all of these houses, and for the moment that is certainly far from the case, at least here in this country.

And no allowance would appear to have been made for the probability both that taxes will have to rise again in this Parliament, so making potential house buyers along with everybody else that much the poorer, and that through his tariff and trade policies Donald Trump is likely to trigger a worldwide economic recession.

In other words, the omens are very far from promising. •

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importance provides a strong reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

And in the South Hams that also has implications for a number of our Neighbourhood Plans, about which you can find more on page 7.

Consequently in order to regain control of where if not how much new development takes place all three authorities must urgently produce new up to date Local Plans. However the implications of the government's ongoing local government reorganisation are such that although Plymouth will almost certainly survive as a unitary authority in its own right, both the South Hams and West Devon will cease to exist.

In addition, given Plymouth's plans to absorb a chunk of the South Hams, it is impossible to say with any certainty just how many houses each of the three authorities will now have to build each year. Currently, and as it stands, the government has increased the City's annual housing target from

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660 to 1,290 additional dwellings each year, while the South Hams is similarly required to deliver no fewer than 910.

However were local government reorganisation to proceed as Plymouth hopes then the City's increased footprint, by their own admission, could instead have to find room for somewhere between 1,876 and 2,909 new dwellings annually – and residents of the 13 parishes may wonder just how many of those will be built in their backyards.

Conversely that might help reduce the numbers the remaining parishes in the South Hams might have to accommodate, but even were that to be the case, should we join with Torbay, Teignbridge and West Devon, in all probability targets will change yet again.

Similarly the government's English Devolution White Paper is insisting on the creation of Strategic Planning Authorities responsible for producing or agreeing a Spatial Development Strategy for each of their areas. In Devon that responsibility will fall to the Combined County Authority of Devon and Torbay, of which Plymouth noticeably and wisely refused to be a part. Spatial Development Strategies will, to quote the White Paper:

guide development for the Local Planning Authorities in the area,

and their Local Plans will need to be in general conformity with the Spatial Development Strategy.

The Strategy:

will include an obligation to apportion an assessment of the housing need of the Strategic Authority across its constituent members. The government intends for that assessment to be the cumulative total of the local housing need of each constituent member, as determined by the Standard Method set out in national planning policy. The apportioned figure set for each constituent member in the SDS will then be the minimum housing requirement for the purposes of each member authority's next Local Plan.

In other words the government's stated housing need for what still remains the South Hams will be combined with that of Torbay and all the other local authorities in Devon to produce one overall total, at which point the Combined County Authority will then decide whether the South Hams will have to accommodate a higher or lower number than the government has already decreed.

Inevitably this entire process, namely the doing away with our county and district councils and the creation of an as yet unknown number of new unitary authorities, the allocation of housing numbers to each of the new unitaries sitting under

the umbrella of the Combined County Authority, the reorganisation of individual planning departments in to one with their unitary partners, and the subsequent creation of new Local Plans, is not going to happen any time soon.

So taking back control will have to wait, meaning developers can and will be able to continue to profit by exploiting the presumption in favour of sustainable development, while doing little or nothing to meet any genuine local housing need.

Plymouth of course, by not being part of the Combined County Authority, will not have this problem. Instead it can immediately start work on its own Plan, confident in the probability that a Labour government is going to approve boundary extensions being sought by a Labour council.

Going it alone, to again quote the Plymouth and South West Devon Joint Local Plan Partnership Board:

was considered the only sound option for the city in the current circumstances and one that enables Plymouth City Council to focus their attention on city priorities, whilst also giving the three councils resilience to further national policy and legal changes.

Conversely, outside of Plymouth, any resilience or stability in either the national planning or the local government context is sadly and dangerously lacking. •

Hideaway opts to hide away, but not along this lane

The background to this story can be found on page 3 of our January Newsletter where we reported on an attempt to establish a campsite on a field by Deere Bridge in Slapton.

A 'Caravan Club Notification of proposed exempted campsite to accommodate 5 caravans / campervan pitches & 5 tent pitches on site for the use of club members' had been submitted to the Local Planning Authority by an organisation called The Hideaway Caravan and Camping Club who, according to their registered address, were based in Redruth, Cornwall.

However we were not alone in wondering who The Hideaway Caravan and Camping Club might be. As we explained, a Google search failed to reveal any mention of the Club. Nor of Mark Scotford, the chairman of the Club and the man responsible for submitting the notification. There was also no record of the Club at Companies House, at that or any other address.

Similarly a visit to Slapton by the Society's Planning Lead revealed the site could only be accessed via narrow lanes lacking adequate passing places for caravans, campervans and trailer tents, while the entrance to the field itself was on a road with a long history of flooding. In addition not only did the site abut both the Slapton Ley SSI and the South Devon National Landscape but it was also steep, meaning engineering works would be needed.

Yet according to the Club's Notification:

Our club officer has inspected the site and it meets all our club's criteria and is deemed suitable for certification by our club.

And there was nothing that we, the immediate neighbours or the Local Authority were able to do to prevent that from happening as, once the exemption certificate was issued, under section 2 of the First Schedule to the Caravan Sites and Control of Development Act 1960, planning permission would not be required for club members to be able to make use of the site.

What, we wondered, was going on? While the whole episode raised a number of concerns.

It transpires anyone can apply to Natural England for a touring caravan and/or a camping exemption certificate. If granted, they are then able to operate,



The entrance to the site can only be accessed along this narrow muddy lane

grant a licence to operate, a small privately run campsite accommodating up to five caravans or motorhomes and 10 tents on a greenfield site, without needing to apply for planning permission.

All anyone need do to obtain the certificate is complete an application form, including two references, and submit their club's code of conduct, its constitution and a rally programme.

And as the Principal Manager for the Customer Engagement Team, who oversees Camping and Caravan Exemption at Natural England, explained:

It is not the role of Natural England's officers to investigate the veracity of information contained in application forms. An applicant is required to declare that the information contained in the application form is correct and as such, there is an element of trust on the part of Natural England that the information contained is accurate.

In other words, anybody could put together a credible but entirely bogus application and be confident of obtaining a certificate and, once issued, they could then allow anybody to operate an exempted campsite on their property, regardless of either the suitability or the location of that site.

At a minimum, they would also need to provide campers with a fresh drinking water tap, a sealed chemical disposal tank, a rinsing water tap with a non-return valve, and dry waste disposal.

Consequently unscrupulous individuals might see this as a means of circumventing planning controls on greenfield sites in protected landscapes, for as the Principal Manager went on to explain:

The legislation does not give Natural England control over any exempted clubs, or the certification or management of individual

sites. Natural England does not certify sites, nor has any part in the decision making for such sites.

There are no mechanisms in place for monitoring or evaluating what the exempted organisations do once they hold their certificate. The effect of the Legislation means the exempted organisation must resolve individual site issues. Furthermore, if additional changes to a site have been made which require planning permission, this is a matter for the local planning authority.

The effect of the legislation means camping and/or caravanning can take place without the need for planning permission.

However, back to the field by Deere Bridge. After our January Newsletter went to press the local residents continued to pursue the matter, corresponding with both the landowners and The Hideaway Caravan and Camping Club chairman.

In a letter to residents dated 27 February the Chairman wrote:

I can confirm that the procedure to apply for a certified location, which Hideaway Caravan and Camping Club has received, is very much still ongoing. If you have any feedback or comments, we would love to hear from you...

We have also received a comment suggesting that the club should share copies of our documents, including the Code of conduct, club constitution, last full year's rally program and full site inspection report for the land at Deer Bridge. Then went on further, suggesting that if we were a genuine camping club, this would not present a problem; on the contrary, no properly formed club/association shares club documents. So, to clarify, Hideaway camping and caravan club, do not share club documents with third parties except law enforcement agencies.

To which one resident responded:

On the contrary, this statement is

nonsense as no properly formed club would have a problem providing this information. A simple online search will bring up a raft of documents of this type relating to other camping and caravan clubs. We are not asking for the names and addresses of club members which is personal data covered by GDPR, merely information about your rally programme, code of conduct, constitution etc., which should all be in the public domain

adding:

Until such time as there is much more transparency about this whole process, an openness about your familial and other connections with the land owners, and some tangible evidence to back up your credentials as a genuine camping club (apart from exemption certificate 664), it is going to be very difficult for local residents to accept that this process is anything other than a first step towards circumventing normal planning procedure.

One week later the Chairman wrote again, noticeably not providing the information requested, but instead choosing to withdraw:

Following on from my previous email, we have now received several emails expressing objections to the proposed certified location at Deerbridge, our committee members have therefore agreed not to issue A certified location license to Karl and Sally, the application is now closed, we wish them well going forward.

As a result we will never know whether or not The Hideaway Caravan and Camping Club is a bona-fide organisation. But without the efforts of local residents and the clerk of Slapton Parish Council development would have begun on a green field in a protected landscape in an entirely inappropriate location.

It is clear this is a loophole in the legislation that should be quickly closed. •

Planning Bill redefines and reduces councillors role

Introducing the Planning and Infrastructure Bill the Deputy Prime Minister and Secretary of State for Housing Angela Rayner proudly announced:

These reforms are at the heart of our Plan for Change, ensuring we are backing the builders, taking on the blockers, and delivering the homes and infrastructure this country so badly needs.

Included amongst those blockers, or so it would seem, are council planning committees, as Clause 45 of the Bill enables the the Secretary of State to set a national scheme of delegation for local planning authorities in England. To again quote Ms Rayner:

which we want to use to target planning committees at the most significant schemes – allowing experienced planning officers to deal with issues like reserved matters, as well as smaller proposals from SME developers that we want to see getting through the system faster.

This could mean a new development of perhaps as many as 100 houses would no longer go to committee to be determined by councillors but instead be approved purely on the say so of officers, with our locally elected representatives then continuing to have no say over such reserved matters as the design of the dwellings or their visual impact.

Yet the Bill noticeably fails to say what that scheme of delegation will be. Instead it is to be determined by Ms Rayner through subsequent secondary legislation.

Also to be determined by subsequent secondary legislation is the maximum size for planning committees. And again the details of what might be envisaged are left for another day. All we do know is that Ms Rayner wants to see 'large and unwieldy committees banned'.

Unsurprisingly the Housing and Planning spokesperson for the Local Government Association, Cllr Adam Hug, was quick to express his reservations about the Bill:

There remains concerns around how it will ensure that councils – who know their areas best and what they need – remain at the heart of the planning process. The democratic role of councillors in decision-making is the backbone of the English planning system, and this should not be diminished.

Nor he noted was it councillors blocking development, pointing out:



Secretary of State for Housing Angela Rayner

Councils approve nine out of ten planning applications that come before them.

His concerns were echoed by Cllr Richard Clewer, the Housing and Planning Spokesperson for the County Councils Network, who explained:

We are concerned about efforts to dilute and bypass the role of councillors on planning committees, particularly in rural areas where significant developments could only constitute a few dozen homes.

By only allowing councillors to debate and discuss only the proposals that the government defines as a large development, this will erode local people's voice within the planning system. It will also take away the discretion that can be used by planning committees to resolve small applications that come down to very nuanced decisions.

And the voice of local people is to be removed still further by Chapter 2 of Part 2 of the Bill, which mandates a move towards strategic planning across the whole of England and requires Strategic Planning Authorities to prepare a Spatial Development Strategy.

Because Plymouth is not part of the Devon and Torbay Combined County Authority both are likely to have to work together under a Strategic Planning Board. That Board will perform the role of the Strategic Planning Authority, specifying the amount and distribution of housing (and affordable housing) across its area, as well as embedding climate change policies, addressing health issues, and taking into account Local Nature Recovery Strategies, in addition to identifying strategic infrastructure requirements.



Richard Clewer, County Councils Network (above), and Adam Hug, Local Government Association (below)



Board decisions can be approved by a simple majority and, when we eventually end up with an elected mayor, the mayor will have the casting vote in the event of a tie.

The Board will also have to prepare the timetable for the preparation of its Strategy and agree this with Ms Rayner, who can ask for it to be amended or for a new timetable to be prepared.

Once the strategy is written there will be one formal period for public consultation, although there is no right to be heard at the examination, while the examiner will be appointed by Ms Rayner who will also enjoy a significant range of intervention powers, primarily to ensure the Strategy reflects her government's national policies and priorities.

Perhaps more significantly there is no guarantee that any elected representative from the South Hams will have a presence on the Strategic Planning Board. And should Torbay proceed with its plans to incorporate the South Hams, West Devon and Teignbridge in to its proposed unitary (see page 10) then it's entirely possible residents here could be represented by someone currently serving as a councillor for a district many miles distant.

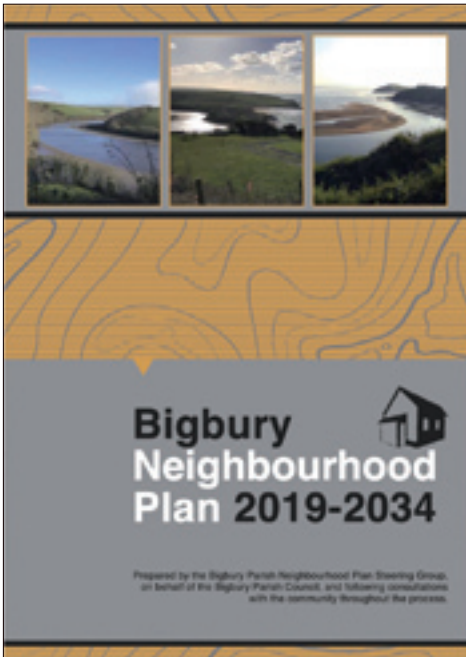
Consequently its not unreasonable to imagine that rather than having to accommodate a large housing development in their own backyard they might find it electorally more expedient to dump it in ours. At which point we will have to decide not whether it can be built, but merely where best to put it.

In other words it seems Ms Rayner's approach to backing the builders and taking on the blockers is to either remove or reduce any locally-elected oversight or accountability from the planning process.

As with the reorganisation of local government currently being undertaken these changes, together with the proposals for cross-boundary strategic planning, were all first to be found in the government's English Devolution White Paper.

And in this brave new world where everything must now be subordinate to the great god of economic growth, sitting at the heart of the government's plan for change must be our understanding of what 'devolution' actually means. ●

Government housing targets and Neighbourhood Plans



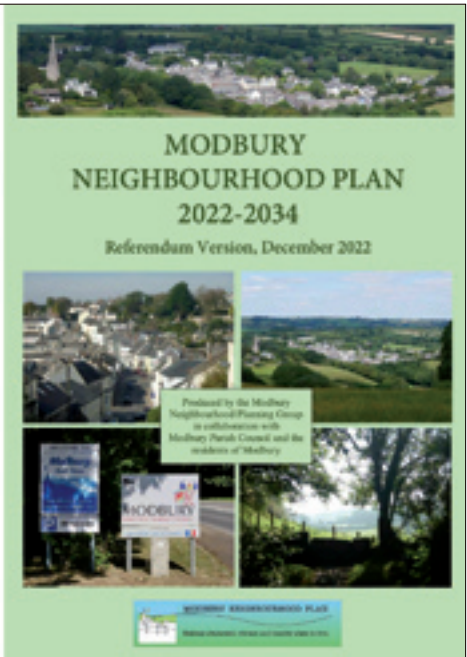
Kingston

(in the South Hams of Devon)

Neighbourhood Plan

2019-34

Made by South Hams District Council
in their meeting on 20th May 2021



To date, twenty-three towns and villages in the South Hams have written and had their Neighbourhood Plan accepted or “made”. Many residents of these areas spent four or more years of their unpaid personal time to produce these documents for their community. And a lot of thought and effort was needed to ensure that the view expressed was that of the majority of the whole community.

Unfortunately many members of the public and Parish Councillors do not understand the importance of this document and its role in planning decisions. They see the Neighbourhood Plan as being no more than a pleasant commentary about their community. Few people realise the Plan has real teeth and ranks alongside and is not subordinate to the Joint Local Plan. And, in the absence of the JLP, the Neighbourhood Plan is all that is left.

Recent government announcements have thrown a large amount of confusion into the planning process and the status of individual Neighbourhood Plans. The well publicised government intention to increase the number of residential houses built during this parliament has resulted in an arbitrary increase in targets for house building in every district in the country. This announcement, handed down by the Secretary of State, has not been debated in Parliament and has not had the benefit of any local input. Indeed one senior employee of South Hams

District Council has given the opinion that the targets for SHDC cannot be met and will never be achieved.

The consequence of this statement, if true, is significant because it means that Policy SPT 3 of the JLP, which deals with new house builds, is non-compliant and therefore is “out of date”. This is a condition as stated in NPPF 11 meaning there will be a presumption of sustainable development within most areas of the South Hams, as will be the case across the country, until local councils are able to show both a land supply and the ability to build the required new housing targets within five years.

This in turn means that any piece of land that might be proposed for development will be considered, even if previously it was considered “unsustainable”. Eg no community, no school, no shops etc. Also a “tilted balance” will be applied to decision making – in effect the development will be allowed unless there is a compelling reason for refusal. Those not in favour of a development will be in the situation of starting behind the start line and even so far behind that the decision is made before they start.

However, as the NPPF states (para. 12), ‘The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making.’ When read in conjunction with NPPF para.

232, it is clear that other adopted development plan policies can continue to be applied in decision making as long as they align with the NPPF when read as a whole.

The only parts of the South Hams that will continue to have any protection against random development are The Dartmoor National Park and the South West Devon National Landscape (AONB), but Neighbourhood Plans even within these areas may be ruled “out of date” if their Neighbourhood Plan is more than (i) 5 years old, either today or at its due date during the next five years and (ii) the NP contains housing allocations to meet an “identified” housing need. NPPF 14.

National Landscape areas are currently exempt from NPPF 14 para (ii) above because, at the formulation of the JLP, the Government Inspector ruled that National Landscape areas had no need to formally identify a housing supply, unless the local community wished to do so. This may change with a new Local Plan.

While there is no legal requirement to review a neighbourhood plan for the period stated in the plan after it has been “made”, it automatically becomes “out of date” after five years.

And it is important to note that although many parishes may have undertaken either a One-year or Five-year review of their Neighbourhood Plan and declared it to be satisfactory and up to date, SHDC has no record

of this. Similarly SHDC has not responded to a request to commence recording all NP reviews regardless of any outcome. There is also currently no mechanism for a parish to lodge on the SHDC planning portal that a review has taken place, nor does SHDC request or hold copies of such reviews. To do so would not be expensive and should be actioned straight away. In the meantime, it is imperative that Parish Clerks clearly minute that a review of the Neighbourhood Plan has taken place and keep a copy of the review on file and available on their website.

In addition any Five-year review must be completed before the five-year timescale is met. Otherwise the Neighbourhood Plan is out of date for a period from its fifth birthday until it is “re-made”, and during that time any development that would normally contravene the neighbourhood plan might well be found acceptable.

At present there is no official advice provided or requirements listed as to how a review should be conducted or as to what details need to be re-visited. However Neighbourhood Plan Steering Groups may wish to consider the following:-

- How the plan’s policies are being applied to decisions on planning applications and appeals.
- Changes to national planning legislation, policy or guidance including noted references and definitions.
- Changes to the JLP that conflict

...Continued page 8

←7

with the NP.

- Whether policies have achieved what they set out to do or no longer needed.
- Policies in the Neighbourhood Plan are not being used as intended in decision making.
- New evidence means that a policy needs to change or a new policy is needed.
- Undertake a new review of Housing Requirements especially the need for "Affordable Housing" as listed by the local authority.
- Canvas residents' opinions and whether these have changed since the original Neighbourhood Plan was formulated. This maybe by questionnaire or other survey and may include community consultation events.

The only NP reviews that have been acknowledged by SHDC are those that required a new referendum and inspection. This means the planning officer in charge of any planning application will have no knowledge of a review that has been pronounced satisfactory and so will naturally assume that no review has taken place. As a result the planning officer will rule that the NP is "out of date" and cannot be considered. In such circumstances all policies within that Neighbour-

... Neighbourhood Plans

hood Plan will also be "out of date".

Historically parishes were able to attract up to £9,000 grant funding to help with writing the original Neighbourhood Plan but at present there appears to be no funding for a major review. Consequently Parish Councils should consider setting up a savings account and contribute towards it each year, rolling over the balance from one year to the next, in order to avoid a future major requirement for funding a review, which although costing less than the original could still cost several thousand pounds.

Unfortunately finding people who are willing to voluntarily give up their own time, free of charge, to undertake such a review, will also prove difficult. In my parish the original team thought their efforts would last into the 2030's but after a couple of years find themselves back at the beginning of the process again.

The local government reorganisation is also in the news at present. South Hams District Council will soon cease to exist,

to be replaced by one or more much larger organisations based in Plymouth, Exeter or Torquay.

Representation for the South Hams residents will inevitably be diluted and the leaders of two of these three councils have already made it clear that they see the South Hams as the ideal place to meet their own housing numbers.

This reorganisation also throws into confusion the re-writing of the current Joint Local Plan which incorporates West Devon (Tavistock etc), Plymouth and the South Hams. Currently Devon County Council, Torbay and Plymouth are engaged in a land grab for the South Hams area which may result in the current council area being split into pieces. How can a new JLP be written against a backdrop this unknown? Who will have what housing targets, which must be fulfilled by their Local Plan, in order for that plan to be "up to date"?

South Hams District Council have set aside money to undertake a new Local Plan but, if they are shortly to cease to exist, what

will happen to that money/our taxpayer's money, and will the residents of the South Hams have sufficient political involvement in the new JLP to ensure a fair outcome? Or will the larger councils to the East and West simply vote for an outcome that suits them?

Again, would any Neighbourhood Plan completed or reviewed during this period then be immediately out of date when the new JLP is made and accepted by the new authority? The situation is not clear and may lead to an extended period where the Neighbourhood Plan is ineffective.

Just to make things slightly more challenging there is the emergence of the Plymouth Freeport, which has powers beyond that of local councils in terms of land acquisition for industrial development. One can imagine a fight between a local council and the Freeport as to whether a tranche of land should be residential housing to satisfy the governments targets, or be used for industrial building as the Freeport expands East along the A38 or A379 and in to the land between the two. •



Thursday, April 24, 6:30pm
Council Chamber, Follaton House, Plymouth Road, Totnes, TQ9 5NE



Cllr Jemima Laing

Cllr Sally Cresswell

Cllr David Thomas

Dividing up the South Hams

Much has already been heard about the benefits to both Plymouth and Torbay of bringing the area currently controlled by South Hams District Council within the boundaries of their proposed unitary authorities.

And amongst the many suggestions as to how the South Hams could be split is for 13 of our parishes to be subsumed in to Plymouth with Torbay and others taking the rest. Another is for Plymouth to look west to Torpoint and Saltash while the South Hams, West Devon, Teignbridge and Torbay combine as one.

Not only would such divisions help both Torbay and Plymouth get closer to the population targets the government's English Devolution White Paper requires unitary authorities to attain but, as both Plymouth and Torbay councillors have pointed out, it would provide them with the additional land they need to meet their housing targets.

Yet crucially we have still to learn what benefits there might be, if any, to the residents of the South Hams.

In order to find out we will be joined by **Cllr David Thomas**, the leader of Torbay Council, and Plymouth councillors **Jemima Laing** and **Sally Cresswell**, respectively the City Council's deputy leader and the cabinet member for education and skills.

So if you have a question which you would like answered, please email it to southhamsociety@gmail.com.

And, if you would like to attend, please email membership@southhamsociety.org to reserve your place. Admission is free and all are welcome but, if oversubscribed, priority will be given to Society members.

Rights for Rivers: Odd, frightening or laughable?

Last month Lewes District Council gave legal rights to the River Ouse. That is how several media outlets reported anyway. What Lewes District Council actually did was to decide to give its 'full support' to a 'Charter for the River Ouse'.

Although Lewes District Council's decision does not actually change any law (and to be fair does not purport to do so) it is a significant step in the movement to accord rights to rivers (and other 'natural' entities).

Back in 2020 Frome Town Council in Somerset did propose to change the law – or at least the law as it would have applied to the River Frome within the Council's area. Frome Council prepared the Rodden Meadow and River Frome Community Ecological Governance Byelaw and applied (as the law in England still requires a council to do) to central government to "confirm" that byelaw. Had it had been confirmed the byelaw would have provided that:

The River [Frome] shall have the right to exist, the right to natural water supply, the right to natural flows and sustainable recharge sufficient to protect habitat for native flora and fauna, the right to maintain the functionality of the water cycle in the quantity and quality needed to sustain and restore a thriving healthy ecosystem in all its forms, the right to flourish and thrive and the right to timely and effective restoration.

The byelaw would also have given rights to an area of meadowland just outside Frome and alongside the river, Rodden Meadow, which had been purchased by the Council. Not only would Rodden Meadow have been given the right to exist, thrive, regenerate, and evolve, and the right to restoration to high or good ecological status, but it would also have had the right to provide and protect flourishing habitat for native flora and fauna.

Under Frome's proposed byelaw any natural person, company or other legal person or government offending against the rights contained in it would have been liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Frome's byelaw was broadly based on the Universal Declaration of the Rights of Rivers which has been endorsed by a large number of organisations worldwide. The declaration sets



The Frome and Rodden Meadow

out the following proposed rights (in para 3): -

- To Flow
- To Perform Essential Functions Within Its Ecosystem
- To Be Free from Pollution,
- To Feed and Be Fed by Sustainable Aquifers,
- To Native Biodiversity, and
- To Regeneration and Restoration

In his seminal article, 'Should Trees Have Standing? – Towards Legal Rights for Natural Objects.' Southern California Law Review 45. (1972), the American academic lawyer Christopher Stone pointed out that:

the world of the lawyer is peopled with inanimate right-holders: trusts, corporations, joint ventures, municipalities, Subchapter R partnerships and nation-states, to mention just a few. Ships, still referred to by courts in the feminine gender, have long had an independent jural life, often with striking consequences....

However:

Throughout legal history, each successive extension of rights to some new entity has been, theretofore, a bit unthinkable.

But in each case once one got used to the idea it was no longer odd or frightening or laughable. This, he said was:

partly because until the rightless thing receives its rights, we cannot see it as anything but a thing for the use of "us" – those who are holding rights at the time.

Stone proposed that we should give legal rights to forests, oceans, rivers and natural objects 'indeed to the natural environment as a whole.'

That did not mean that 'no one should be allowed to cut down a tree': As Stone pointed out human beings had rights even though (in the USA) they could be

executed. But according rights to natural objects would have 'legal operational rights' and 'psychic and socio-physic' aspects (that is to say we see it differently).

In summary legal operational rights would mean that 'the thing' could institute legal action, that in determining whether legal relief should be granted the court had to take into account injury to that thing (and not someone/something else) and finally that any relief granted must benefit 'the thing' (and not someone/something else).

And to a limited extent natural objects, in particular rivers, have been accorded legal rights. In 2017 the Whanganui River in New Zealand was recognised by Act of Parliament as a 'legal person... an indivisible and living whole, comprising the Whanganui River from the mountains to the sea, incorporating all its physical and metaphysical elements'. In Colombia the Constitutional Court of Colombia concluded that the Atrato River catchment is an 'entidad sujeta de derechos' (legal person).

There are other examples around the world, usually based on (or linked to) the culture and ideas of indigenous people who see rivers as more than inanimate objects.

Where a river is accorded rights in this way it necessarily asserts and defends them through human 'guardians' or 'trustees' acting on its behalf. But of course any inanimate object has to act through humans, a company has directors, a council has officers and so on. There is no particular difficulty about that.

But central government rejected the Frome Town Council proposal on the grounds that the byelaw

would duplicate existing environmental protection regulations. There is considerable force in this.

Our rivers are protected by extensive and complex laws which regulate eg polluting discharges into, abstractions from and obstruction of. Statute also sets targets for the ecological status of rivers. How would the right of the River Frome or the River Dart or the River Thames to do the various things set out in the Universal Declaration or the Frome Byelaw – not to be polluted, to flow – sit with the permissions to discharge effluent into a watercourse or take water from it – or even dam it up – provided these activities are conducted within the parameters of the licence which permits them?

British advocates of rights for rivers say that the present system of protection does not work. Rivers need to be given legal operational rights so that their interests can be effectively protected: they are not just a resource for humans to enjoy or exploit as it suits us.

So perhaps a local authority should have another go at getting a byelaw which gives legal rights in the way that the River Frome would have been given legal rights but recognises mechanisms by which those rights are meshed with the existing statutory protections.

It would empower local authorities to take action in cases where the Environment Agency has not done so. And the whole process of discussing and presenting such a proposal would surely cause us to look at our rivers in a different way. So perhaps we should think the unthinkable. •

In the South Hams, Reorganisation won't prove local

Immediately before Christmas, on 16 December, the Secretary of State for Housing, Communities and Local Government Angela Rayner published her English Devolution White Paper. Her plans would, she claimed in her introduction, deliver:

an efficient and accountable local and regional government, with local champions who understand their local places, their identity and strengths, and how to harness them.

But it was not until 5 February that the Minister of State for Local Government and English Devolution Jim McMahon wrote to the leaders of all two-tier councils and unitary councils in Devon to:

formally invite you to work with other council leaders in your area to develop a proposal for local government reorganisation, and to set out further detail on the criteria, guidance for the development of proposals, and the timeline for this process.

So between them the leaders of Plymouth City Council, Torbay Council, Exeter City Council, Devon County Council, the six district councils and West Devon Borough Council were being asked to put forward a proposal for a single tier of local government, rather than our current two tier system under which the residents of all but Plymouth and Torbay currently have some of their services provided by the County Council and some by their district, city or borough council.

That proposal, the leaders were told, should be 'for sensible economic areas, with an appropriate tax base which does not create an undue advantage or disadvantage for one part of the area.'

Each area should also be for 'a sensible geography which will help to increase housing supply



Published on 16 December, immediately before Christmas and meet local needs.'

And the proposal needed to be supported by robust evidence and analysis, offer an explanation of anticipated outcomes, and include evidence of estimated costs, benefits and local engagement.

But crucially 'new councils should aim for a population of 500,000 or more', as 'unitary local government must be the right size to achieve efficiencies, improve

capacity and withstand financial shocks'.

An interim plan needed to be submitted on or before 21 March 2025, in line with that guidance.

The Minister also informed the leaders:

We expect there to be different views on the best structures for an area, and indeed there may be merits to a variety of approaches. Nevertheless, it is not in council taxpayers' interest to devote pub-

lic funds and your valuable time and effort into the development of multiple proposals which unnecessarily fragment services, compete against one another, require lengthy implementation periods or which do not sufficiently address local interests and identities.

He continued:

This will mean making every effort to work together to develop and jointly submit one proposal for unitary local government across the whole of your area. The proposal that is developed for the whole of your area may be for one or more new unitary councils and should be complementary to devolution plans.

However he understood that:

there will be some cases when it is not possible for all councils in an area to jointly develop and submit a proposal, despite their best efforts. This will not be a barrier to progress, and the Government will consider any suitable proposals submitted by the relevant local authorities.

while the guidance he provided acknowledged:

there may be certain scenarios in which this 500,000 figure does not make sense for an area, including on devolution, and this rationale should be set out in a proposal.

And that was just as well, as some three weeks earlier on 9 January Plymouth City Council, Devon County Council, Exeter City Council and Torbay Council had all separately held meetings to discuss the Devolution White Paper. Not only had those meetings made it clear that the leaders were highly unlikely to jointly agree and put forward a single proposal for one or more unitaries, but as Torbay Council leader David Thomas explained to his cabinet:

There will be no more small unitaries. So we will be required to have a larger sized Torbay unitary, whatever that may look like. Certainly a unitary of just over 145,000 residents is and will be considered too small.

While earlier that day and thirty-three miles and around an hour's drive away Plymouth City Council leader Tudor Evans was telling his members:

Plymouth must continue to run Plymouth and services in Plymouth. But, in order to do that, in order to survive, we need to listen to what is being said in the legislation. Now we've got a tight boundary as a city. You can see the housing on one side and empty fields on the other. So we know that Plymouth is tightly drawn.

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Minister of State for Local Government and English Devolution Jim McMahon

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This gives us the opportunity to expand our boundaries.... It will be a requirement for us to take on more population to maintain the case for a) sustainability and b), I think in terms of the centre of gravity of Plymouth... So we need to make a powerful case for our own existence, and a powerful case that will resist any threat to us being put out of business as a council and subsumed in to a more rural authority.... We won't be able to continue on our current basis with our current population. The government will just not wear it.

Similarly, and following an extraordinary meeting of Exeter City Council that evening, Council Leader Phil Bialyk said:

I have absolutely no doubt that as the driving force of economic growth and sustainable development in Devon, a unitary Exeter is the best way of delivering for communities both in Exeter and throughout the wider region

And for that to happen, Exeter too would have to expand its existing boundaries.

Elsewhere in the city, at its meeting at County Hall, the County Council agreed to:

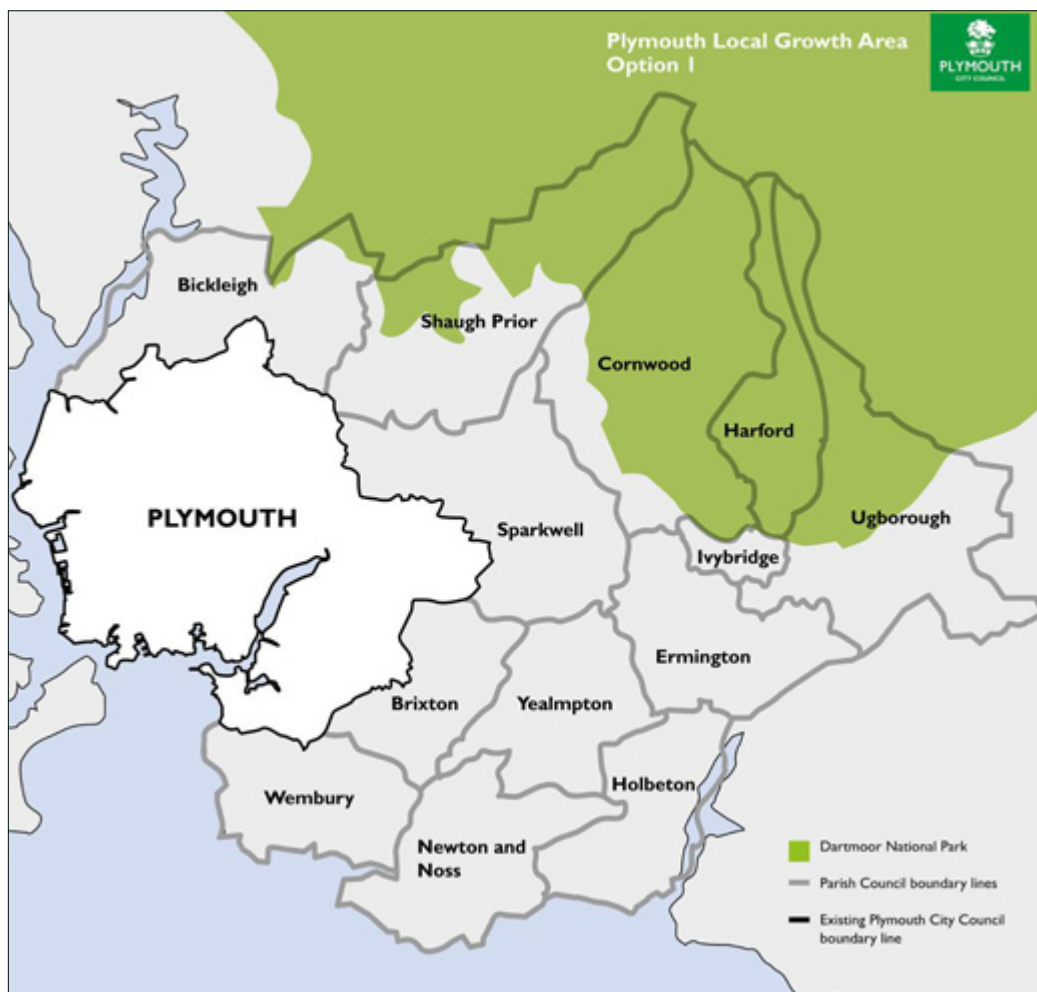
work at pace to develop full proposals for reorganisation in line with Government guidance which will be issued in January 2025, working with and alongside partners to develop plans for sustainable unitary structures which meet the needs and aspirations of the varied localities within the Devon area, including those of Plymouth, Exeter and Torbay as well as the coastal and market towns and rural areas.

By the time all those meetings had finished it was obvious that each of the four councils had their own objectives, not the least of which appeared to be their own survival, and each intended to develop their own proposals.

It was also obvious that Plymouth, Exeter and Torbay would need to expand their boundaries and absorb their neighbouring districts and parishes in order to have any hope of satisfying the government's unitary population requirements.

Fast forward now to the week beginning 17 March, by the end of which all interim plans needed to be submitted to the Minister. During that week all four councils again held meetings, this time to agree the proposal or proposals each intended to put forward.

But just to potentially confuse matters still further all of the



The 13 South Hams parishes Plymouth wishes to subsume

district councils had previously announced their intention to work towards the formation of two new unitary councils, one combining the South Hams, Teignbridge and West Devon areas with Torbay, and a second Unitary to include East, Mid and North Devon, alongside Torridge District and the City of Exeter.

And were the government to accept that particular proposal, Plymouth would have to remain within its existing boundaries, or else look west across the Tamar

to include both Saltash and Torpoint were it to wish to grow its population.

However neither of those two options were part of the Plymouth Local Government Reorganisation Interim Plan March 2025 being put forward to be endorsed by the City's councillors at their meeting on the Monday of the week in question. Instead that plan insisted:

there is an exceptional case for a modest boundary extension based on just 13 existing parishes sur-

rounding Plymouth.

Noticeably all of those 13 parishes, namely Bickleigh, Shaugh Prior, Sparkwell, Brixton, Wembury, Cornwood, Harford, Ugborough, Ivybridge, Ermington, Yealmpton, Holbeton and Newton and Noss, are currently part of the South Hams and include 12,000 households and 29,000 residents. Their addition would increase the population of Plymouth from 267,063 to 300,733, a total Plymouth hopes sufficient to retain unitary status.

And in incorporating those parishes Plymouth would supposedly start to address its current low taxbase, as the taxbase per head of population of the expanded area would be 5% higher than the equivalent figure for the current City Council. Additionally those 13 parishes also include a number of areas where business rates are levied, which would again help to boost the City's revenues.

The Plymouth Plan, to quote City Council Leader Tudor Evans:

strikes the right balance between the need for size to be more



Cllr Tudor Evans

...Continued page 12

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financially viable as a Council going forward, the opportunity to deliver joined-up services to nearby towns and villages...

while:

all those 13 parishes already have a clear link with Plymouth, whether it's work, rest or play. Many of those residents work in the city, will have some friends and family here, many if not most will be frequent visitors to our theatres, to our events, the hospital, the city centre shops, to mention just a few...

before specifically referring to Woolwell and Sherford:

By joining Plymouth their communities would secure considerably stronger representation and influence over how those resources are allocated and utilised in the future. People would have a stronger local voice on the new unitary council, not a voice lost in the remoteness of Devon or the South Hams. They would also have one clear point of contact for all their service needs, from waste collection to social care, and of course there would be considerable financial savings that could be reinvested in those vital community services.

He concluded:

Local government reorganisation is not just about changing boundaries. It's about securing the future of our city.

It is of course entirely logical that Plymouth City councillors should wish to continue to govern the city. Similarly it is hard to argue with the City including communities such as Woolwell, Roborough and Sherford within its boundaries, given their obvious geographic proximity. And, if a parish is the smallest administrative unit the government dictates can be transferred from one authority to another, then a case might be made for Plymouth to take in five South Hams parishes, namely Bickleigh, Shaugh Prior, Sparkwell, Brixton and Wembury, subject hopefully to the agreement of their residents.

However the case for also including the other eight is far less obvious, even if without the addition of the 12,484 residents of Ivybridge Plymouth simply cannot make their numbers add up.

Certainly rural villages such as Ugborough and Ermington have little in common with a conurbation such as Plymouth other than being within commuting distance, and their residents are far more likely to travel to Lee Mill or Ivybridge to buy their groceries than they are to Marsh Mills.

Similarly it is difficult to see

<https://www.facebook.com/SouthHamsSociety>



Cllr David Thomas (above) and Cllr Phil Bialyk (below)



how those predominantly rural residents would have a stronger local voice on the new unitary council than they do at present. Collectively those 13 parishes return 10 of the 31 members of South Hams District Council, in combination a significant minority. Were they to become part of Plymouth they would, according to the Plan, return 10 of 70 councillors, the vast majority of whom will have been elected to represent the very different interests and requirements of urban neighbourhoods.

Certainly Plymouth should be able to secure its future, but it should not be able to do so by annexing the residents of parishes that have no wish to be included within its boundaries.

Yet, by the same token, the districts should not be able to impose a solution on Exeter that the city does not wish for itself. It would be entirely hypocritical for any of our elected representatives to argue that Plymouth cannot annex parts of the South Hams and at the same time insist

Exeter must be subsumed, without its consent, in to a unitary with East Devon, Mid Devon, North Devon and Torridge District Councils.

As Exeter says:

We also cannot support the proposed 1-5-4 model that the remaining Devon district councils have proposed. We regret that this proposal has been developed without input from Exeter as this has taken away our opportunity to explore with them what seems to be an illogical approach that Plymouth – as one of Devon's two cities – deserves unitary status, but not Exeter, which is one of the fastest growing cities in the UK with significant growth potential and connectivity across the county and beyond. We feel that the model is unable to identify benefits for Exeter's residents, having not involved the current council responsible for the city in developing the proposal.

And it makes the important point:

If localities are drawn too wide, it risks loss of community identity and cohesiveness.

A consideration that the district councils might wish to take in to account. Instead Exeter City Council argues:

The Exeter Housing Market Area (HMA) neatly dovetails with the functional economic market area, which effectively covers the same area. This has strong links to the travel to work area which has steadily grown in recent decades and is now the second largest in the country after Cambridge.

In addition to the 14,000 new homes planned in Exeter by 2041, the neighbouring districts of Teignbridge and East Devon have allocated strategic areas for development on the boundaries of the city totalling 30,500 new homes. Functionally, these areas effectively operate as part of the city with residents identifying with Exeter as where they live.

And their:

early thoughts are a new council that will include the city of Exeter, will serve a population of between 300,000 and 350,000, expanding the current city council boundary into wards and parishes surrounding the city.

However one possible impediment to their plan was articulated at the meeting of the County Council by its leader James McInnes, who explained:

I don't think a small unitary Exeter has a council tax base that pays enough to support the urban Exeter on its own. That's my personal view. But I think that's the view that will be brought out when we have the data.

So it is significant that service cost data is still to be provided by Pixel Financial Management and people-based service costs by Newton Europe to all councils. As a result, by the time final proposals have to be submitted in November, the financial viability and sustainability of each proposal will be known.

But should Exeter eventually get its way that only leaves the '4' of the district's '1-5-4' model still standing, namely a unitary comprising Torbay, Teignbridge, West Devon and the South Hams, even if that enjoys the less than enthusiastic support of Torbay, whose cabinet members made it clear at their meeting on Tuesday 18 March that they would really rather remain as they are.

Torbay, although like Plymouth already a unitary authority, currently has a population of only 135,000, far below the government's stated requirement of around 500,000 residents.

Consequently if the government will not permit them to remain

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<https://SouthHamsSociety.org>

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as they are then their stated second preference would be to only expand their boundaries to replicate those of their Local Care Partnership, an area extending from Bovey Tracy across to Dawlish in the North, down to Kingsbridge in the south and edged by Dartmoor in the west, whose approximately 292,000 residents make use of Torbay Hospitals.

Even then as Torbay Council leader, the Conservative David Thomas, told his fellow cabinet members:

if the number does remain at 500,000, it wouldn't seem to be getting anywhere close to what government have requested.

In other words Torbay's decision to go forward with the '4' of the district's '1-5-4' model is born not of desire, but a desperation to satisfy the government's demands. And it has done so despite Torbay Lib Dem councillor Swathin Long dissenting and warning his colleagues:

We will be writing to the minister to outline the 50% of the council that is not the minority administration disagree with this decision and support the Torbay First approach alone.

Consequently, although the minister may have accepted:

there will be some cases when it is not possible for all councils in an area to jointly develop and submit a proposal, despite their best efforts

he would almost certainly have at least hoped for unanimity within each of the individual councils.

Indeed there is little to commend the '4' of the '1-5-4' model, even though it was also endorsed by the County Council as part of one of the five potential options they voted to put forward to the government.

Provisionally christened the Southern Devon Council the '4' would encompass an area of 2,784.3km², extending some 60 miles from Hatherleigh in the north to Salcombe in the south, with Brixham in the east nearly 50 miles distant from Lifton on the other side of

Dartmoor in the west.

With a combined population of around 430,000 it is suggested the Council would have between 65 and 73 councillors, each having on average to represent between 5,890 and 6,615 residents. By comparison each South Hams councillor currently represents 2,860 residents, less than half as many.

A council of that size will also be far more likely to divide on party lines, as councillors from one side of the area – with so many more constituents of their own with which to contend – will almost certainly not have the knowledge of and will lack the time to familiarise themselves with matters and concerns many miles away. They will therefore have little



Cllr James McInnes

option but to accept the advice of their leaders as to how they should vote.

Many councillors could also find it challenging getting to meetings as in all probability they will be held in Torquay, particularly those having to travel across the Moor in winter. And once again the needs and concerns of residents living in rural communities such as Mary Tavy or Moreleigh are likely to be very different from those of Paignton or Torquay.

Consequently there seems little logic to the '1-5-4' model, other than trying to divide Devon up in both a manner acceptable to its promoters and the government. Certainly only the '1' – Plymouth, would remain in any way 'local'. The area covered by each of the other two would be consider-

ably larger than that of Greater London. And the same accusation could be levelled against every one of the five options being proposed by the County Council.

Indeed, as the Independent Devon County Councillor Jessica Bailey pointed out:

The executive Summary talks about local accountability will be strengthened with decisions being made closer to communities. I just really cannot see that that's happening. I really cannot see how by destroying the districts you're really going to improve local accountability.

The Labour member Yvonne Atkinson went further:

I'm led to believe these options before you are politically driven rather than sensible geographic

were quitting the Party:

I believe the concentration of power in the hands of fewer people and the abolition of local democracy through the current proposals of super councils is nothing short of a dictatorship, where local elected members, local people, local residents will have no say over the type and level of service provided in their area.

However we are where we are. Fortunately, by the time all of Devon's councils submit their final proposals in November, the financial viability of each will be known. As Cllr McInnes told the County Council:

We need to know how services are being delivered across Devon. How much they are costing. Perhaps one particular area of Devon has more children in care or has more elderly people or people of adult age who are suffering from disability?

At the moment, because the costs are shared equally, residents in all districts across Devon have paid the same in council tax to the County Council to provide those services and, even though as unitaries Plymouth and Torbay provide those services separately, last year Band D council tax across the county was similar – between £1,840.69 and £1,977.26, dependant on where you live.

That could change because, as Cllr McInnes alluded to in the case of Exeter, were those costs to be disproportionately higher within the boundary of any one of the proposed new unitaries, their council tax base might prove insufficient to be financially sustainable.

Then again the government may opt to not choose any of the various proposed solutions, although it is hard to believe they will not look favourably on the aspirations of both Plymouth and Exeter, given both councils are currently Labour controlled.

But where that leaves the rest of us is anybody's guess. And, for those of us in the South Hams, wherever we end up being part of is unlikely to turn out to be any improvement on what we already have. •

Committee Vacancies – Please Help!

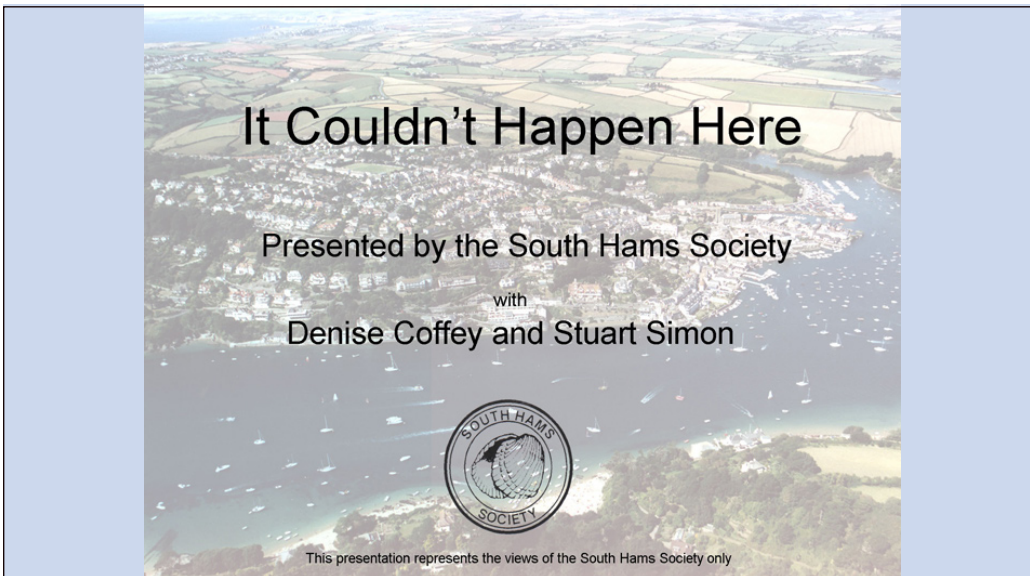
At our AGM on 28 April no fewer than four of our Committee members will be standing down.

Fortunately a replacement for our Treasurer has already come forward, but we still urgently need a new Chair, and a new Events Lead and a new Membership Secretary.

We will also need help in future to produce our Newsletter and to manage both our website and our Facebook Page.

If you think you might be able to assist and would like to find out more please email southhamsociety@gmail.com

A sense of place and how it might change



Browsing through previous Society newsletters, there were two items in the Spring 2004 newsletter which caught my eye. Sometimes your Society is seen as 'too negative' or 'too political'. Yes, we do feel obliged to call attention to poor planning and unwise official decisions, but the other side of the coin is to work to encourage the continuing care of the South Hams as a living and working environment, both now and in the future.

The first Newsletter item was the notice of the AGM on 25th March 2004, with the announcement that this would include the first public showing of the Society's new audio-visual presentation, *It Couldn't Happen Here*. This was an initiative from the committee at the time, and resulted in a very professional short film showing the beautiful South Hams and the possible ways in which it could be developed – or over-developed. It was shown to various clubs, societies and groups around the area and was designed to promote discussion about the future of this place and the Society's contribution to it.

The chairman's comment:

We constantly stress our objectives relating to maintaining a living and working environment for future generations to live and work in this superb area.

Turning out old Society computer equipment more recently, the original files for *It Couldn't Happen Here* came to light. Although some of the details have aged a little, and the technology has changed enormously even in 20 years, the central theme is still relevant. It could well be revised and updated to encourage more

thought about what we want to happen here, for the residents now and in the future.

The second item was a schools competition run by committee members, for primary school children to consider their favourite building and what they liked about the places they lived in, namely:

South Hams Society's Challenge to Primary Schools to find 'Our Favourite Building'

One of the South Hams Society's aims is 'To stimulate the maintenance of the South Hams as a living, working environment, with a place for all today's schoolchildren'.

With this in mind, the South Hams Society asked our primary school children 'What is your favourite building?'

A hundred children from eight schools have replied ... Schools which have taken part are Aveton Gifford, East Allington, Loddiswell, Newton Ferrers, Salcombe, Stokenham, Thurlstone and West Charleton.

The entries have been displayed in an exhibition at Follaton House, Totnes, timed to coincide with 'Architecture Week'. Many members of your South Hams Society committee took part in the preparations, mailing all the schools, making school visits and mounting the exhibition. Throughout the summer holiday the children's work has been displayed at Quayside Leisure Centre and in the Library in Kingsbridge. The project has been supported by the Royal Institute of British Architects.

The South Hams Society congratulates all the schools, the children who took part and the teaching staff who gave guidance for the imaginative and exciting results. We are grateful to the Royal

Institute of British Architects South West, for their encouragement and help.

The judges' task was difficult.

In most cases they were able to agree a winner from each school, based on the artistic merit and the written descriptions, but to choose a winning school was impossible, all exhibited innovation, quality and enthusiasm.

Favourite buildings included the East Gate, Totnes (where the entrant's drawing was used in the RIBA's Architecture Week booklet), the Loddiswell Inn, Quay Cottage in Kingsbridge, Bowringsleigh House and the Quayside Leisure Centre.

And could there be a better plea for retaining the character of the Island Street boating stores (in Salcombe) than this winning entry?

'My Dad's Store' by Harry, aged 6

I see my dad and my dad making crab pots in the winter. He lets me help him tie the knots. It's a scruffy old place with a rusty, wavy roof and wooden sliding doors.

It stinks of dried fish. Lots of people stop to chat. It is full of interesting junk and I love to be there'.

The SHS constitution was updated at the 2020 AGM, with more detailed objectives, but the first one still begins:

To stimulate interest in, and care for, the beauty, history and character of the South Hams'.

Both the presentation *It Couldn't Happen Here* and the schools competition are reminders of the importance of the places we already have, and ask the question: what are we doing to ensure that this area is still the best place to live for future generations? •

Tree Timing

As I write this the first leaf buds are appearing on the trees after what has been a fairly mild winter. No doubt we'll know in a few weeks which of those leafless Ash trees have succumbed to die-back, and plans should be made to cut them down before they start to drop branches causing a potential danger.

What to plant in their stead? Winter is the best time to plant trees but they can be planted at any time if they are acquired in their own pots so the roots don't have to acclimatise to new soil conditions in the way bare-rooted trees do.

Acers are a favourite for leaf colour particularly in the Autumn. Silver Birch, particularly the *Jacquemontii* variety with their white bark, form a feature as do weeping willow providing the ground is not too dry and there is space to grow.

On a more modest scale, Magnolias and Camellias herald Spring with their flower displays. *Magnolia Stellata* is a smaller variety producing star shaped white flowers and *Margaret Davis* is a Camellia variety worth considering with its white petals fringed with pink providing a delicate appearance. However, Magnolias and Camellias are best planted in the late autumn after their flower displays are over and before next season's buds start to form. Camellias are useful if you want evergreen colour throughout the year but bear in mind that, as with Magnolias, they like an acidic soil.

And don't forget *Prunus Cerasus* (the flowering cherry which burst into pink or white flowers in early spring. Growth can become somewhat unruly with some cherry trees so pruning may be necessary to maintain a compact form but only prune in spring and summer when sap is rising otherwise silverleaf disease can enter from pruning cuts.

Prunus Shirotae produces spectacular fragrant semi-double white flowers and has the RHS Award of Garden Merit as has *Prunus pendula*; '*Pendula Rubra*', with an elegant weeping form and produces deep pink flowers which appear early in the year.

If a display of white flowers combined with cherries fruiting later in the year appeals then it is worth considering *Prunus avium 'Regina'*. Always plant cherry trees with some mulch and remember to keep watering newly planted trees. •

West Alvington: How long is too long?

In 2015 planning consent was given for a housing development in West Alvington with a nearby piece of agricultural land being used for the storage of vehicles, equipment and as a temporary site office.

But although the developers vacated the site in 2018, the piece of land was left unrestored and in poor condition.

Later that same year an application was submitted to develop the piece of land in question. The accompanying design and access statement included photographs in which the site appeared as scrub land. This application was refused in 2019.

The following year the Society submitted an enforcement request, hoping to be told action was being taken to ensure the land was restored to its previous condition. In response the Council first argued no breach had occurred and no action was necessary. But eventually it accepted that under permitted development rights the developers should have restored the site.

So in 2021 the enforcement case was reopened. But it was not until January 2024 that the Council finally completed its investigation, concluding that although there had been a breach of planning control it was not in the public interest to pursue the case – a profoundly unsatisfactory outcome.

The background to much of this saga is to be found in last year's April, July and October Newsletters, in which we reported on how we initially exhausted the Council's formal two-stage complaints process before referring the matter to the Local Government Ombudsman, only for the Ombudsman to eventually inform us:



In 2018 the land was scrubland

We cannot investigate late complaints unless we decide there are good reasons. Late complaints are when someone takes more than 12 months to complain to us about something a council has done. (Local Government Act 1974, sections 26B and 34D, as amended).

This of course was nonsensical. We had submitted our Stage One Complaint to the Council at the beginning of March last year, and our Stage 2 Complaint in June. Less than a month later we referred the matter to the Ombudsman, well inside the Ombudsman's 12 month limit.

Of course it had taken rather more than 12 months for the Council's Enforcement Team to finally decide it wasn't in the public interest to carry out its statutory duty to 'conserve and enhance' the South Devon Area of Outstanding Natural Beauty (South Devon National Land-

scape) in accordance with the requirements of Section 85 of the Countryside and Rights of Way (CRoW) Act.

And, as far as the Ombudsman was concerned, we should either have complained to her or the Council about the length of time the Council was taking, rather than giving the Council time to complete its investigation. However as the Council has so often informed us:

The emphasis of South Hams District Council and West Devon Borough Council policy is on negotiation to secure the aims of legislation and planning policies. This process takes time so we request you are patient and await updates from the investigating officer, who will only contact you if more information is required and to notify you of decisions made regarding the case.

And similarly:

If you are contacting us regarding a planning breach which you have reported some time ago but is still ongoing, we will provide you with an update when we have any. The investigation and negotiation of such cases can take a long time and there may be considerable time in between updates.

So we're damned if we do and we're damned if we don't!

It's an unfortunate fact the Council's Planning and Enforcement teams are understaffed and under-resourced, so constantly chasing them for updates will do nothing to help them get on with the job in hand.

Conversely if we do chase them to ask them what's happening we're almost certain to be told to wait until their ongoing investigation is complete.

Then if we do submit a formal complaint to the Council about how long an investigation is taking it would be without knowing the cause of the delay, something which the Council cannot tell us, and how long is too long is surely case-dependent.

However, given the Ombudsman has decreed that regardless of circumstance there is effectively a twelve-month statute of limitations, the Society will in future have to start chasing any outstanding enforcement cases by the start of month eleven.

Otherwise, do nothing, and unlikely as it might be, there is always the danger an over-stretched enforcement team might find it expedient to allow sufficient time to pass before concluding it is not in the public interest to take action, safe in the knowledge there will be no recourse. ●

Baltic Wharf

The application, originally submitted in December 2023, was finally determined in January. And, perhaps to the surprise of many, it was refused.

In her report the case officer accepted many of the concerns itemised in our objection, one of the most exhaustive the Society has ever submitted. Not only did she agree that the amount of affordable accommodation on offer was insufficient, but that:

The proposed development, by virtue of scale, massing, layout and design, would not integrate into the existing area and would

be injurious to the distinctive townscape character, scenic qualities and landscape setting of Totnes. The proposals include the removal of significant lengths of hedgerow, and would likely harm important existing landscape features, without adequate justification or mitigation.

Given her conclusions it is difficult to see how her decision can be successfully appealed.

However, at some point, a further application will follow. The site will be developed. The only questions are how, for what purpose, in what way, and by whom. ●

Wills Marine

We reported on this application in both of our previous two Newsletters. In our objection we had argued the original application had not been implemented as required. And this, as the case officer agreed, was the key issue, namely:

Whether, on the balance of probabilities, the Applicant's claim that planning consent 28/1382/00/F has been lawfully commenced and remains extant is well founded.

And she concluded:

Insufficient information has been provided to demonstrate on the balance of probabilities that planning permission 28/1382/00/F ('2000 permission') was lawfully

commenced. Furthermore, even if and contrary to the Council's primary position, development under the 2000 permission was lawfully commenced it can no longer be relied upon because it is now irreconcilable with the later planning permission 28/0797/04/F ('2004 permission') which has since been carried out.

The 2000 permission was therefore not lawfully commenced and, in any event, can no longer be lawfully carried out due to the implementation of the 2004 permission and the physical incompatibility between the two permissions.

The application for a Certificate for lawfulness for the existing use was refused. ●

Newsletter / 16

Building Regulations being used to justify Spion steps

According to the Planning Statement submitted with this part-retrospective application to allow alterations to the external steps to the property 'the applicant had to install external steps to allow safe means of escape from the apartments in case of fire'.

As originally consented, there was no indication that external steps were to be constructed on either side of the building.

A subsequent Section 73 application drawing included with 3123/20/VAR did show steps, but this application was refused on 08 January 2021.

However, according to the applicant, 'following a tightening of the Building Regulations in terms of fire safety in the recent aftermath of the Grenfell Tower disaster' both the Fire Officer and Building Control had insisted on the steps.

The Planning Statement continued:

The applicant also tried to engage with planning officers on numerous occasions but received no meaningful response and were therefore left with no alternative but to comply with the building and fire regulations, as work had already commenced on site long before the application was refused.

Consequently, and as we have pointed out in our objection:

It is therefore clear from the planning statement that the owner took the decision to ignore the planning approval process



No steps were shown on the consented application drawing

in favour of Building Regulations and that the refused drawing was extensively revised after being refused and that no variation applications have since been submitted.

Similarly an image we provided dated 30 March 2021 clearly demonstrated that the development had not gone past the point at which the overall development could have been reconsidered. Similarly, when producing the development drawings, the architect should have made sure that

the proposed plans would comply with planning regulations.

Changes to the regulations, primarily aimed at high-rise blocks of flats following the Grenfell fire, only took effect between October 2023 and April 2024 and, notably, the rules apply to high-rise blocks of flats exceeding 18 metres or seven storeys in height.

In other words, we argued, the applicant was attempting to hide behind the Grenfell fire safety changes to justify not complying

with the planning approval in late 2020, early 2021.

A further consequence of the unauthorised changes and the construction of the steps to the west of the building is that it is now likely to prove impossible to plant the approved trees, a Native Birch, Field Maple and 3 Quercus Palustris.

And here it is important to note the first reason for the refusal of application 3123/20/VAR:

The proposed additions of terraces and steps will result in the urbanisation of the site, extending built form across the whole width of the site. This would mean that landscaping on the boundaries of the site will be either impossible or sparse at best, resulting in harm to the intrinsic character of this part of Salcombe, and not conserving and enhancing the AONB....

In our view it would be unacceptable to ignore the planning conditions originally imposed to protect the South Devon National Landscape by incorrectly interpreting and misapplying Building Regulations when it is obvious that previously submitted documents and drawings should have been Building Regulations compliant.

More about the Spion Lodge site is to be found on page 29, where it is included amongst the developments cited in *Salcombe: a decade of devastation and destruction*. •

Landscape officer condemns Higher Manor proposals

Back in 2009 application 40/1545/09/F, 'for alterations and extension to dwelling with associated garage block' was given approval. Ten years later application 1412/19/HHO followed, 'for ground and first floor extension with terrace, replacement of roof, and replacement of existing garage buildings with a new garage.' This was also approved, although only work on the new garage ever commenced.

But it soon became apparent that the garage being built was not in accordance with the drawings that had been approved, and an Enforcement Notice was issued. In response application 0633/23/HHO was submitted, seeking to regularise the part-built garage. Unsurprisingly, and for many of the reasons we spelt out in our objection, that application was refused. 3273/23/HHO followed, only to be withdrawn.



The increased prominence will be highly visible

Then, just before Christmas a further application was submitted, the third in less than a year, 'for alterations & extensions to dwelling & construction of new detached garage (part retrospective)'.

However because 1412/19/HHO was never lawfully implemented, any previous planning applications had now lapsed and, as we argued in our objection, this lat-

est application had therefore to be considered on its own merits and against the latest NPPF, the JLP, and the policies set out in the Ringmore Neighbourhood Plan, adopted on 31 March 2022.

As we go to press the application has yet to be determined although the Landscape Officer has submitted an objection. Disconcertingly, and notwithstanding the fact that the ridge height

of the garage would be above those of neighbouring properties, and consequently in conflict with the Neighbourhood Plan, she considered the proposals for the garage acceptable.

Conversely, as far as the main dwelling was concerned:

The combination of increased prominence due to the proposed changes to the form of the roof; the large areas of glazing and reflective materials, and the active use of an amenity area at first floor level, which will be visible from the wider landscape including nearby PRoWs, is of great concern, bringing harm to tranquillity levels and harm from the effects of light spill on dark night skies, in an area where both qualities are of great value, and contribute to the Special Qualities of the protected landscape.

As a result the application will almost certainly be refused. •

Newsletter / 17

Yet another attempt with that barn at East Prawle

Last year two applications were submitted in relatively quick succession. The first, to convert the barn to a dwelling was withdrawn, presumably to pre-empt possible refusal. This was swiftly followed by the second application, this time 'to determine if prior approval is required for a proposed change of use under Class R of agricultural buildings to a flexible commercial use for Class E (Commercial, Business or Service)'.

This in turn was also withdrawn, only to be followed now by a third application seeking a 'Certificate of lawfulness for existing lean-to structure as an extension to the existing agricultural barn'.

And as we emphasised in our latest objection, the information submitted with the previous two applications directly conflicted with the details provided in support of this current application.

To begin with the applicant was now claiming:

The lean-to extension has been used for continuous agricultural use (either for hay storage or cat-



Noticeably no evidence of any agricultural usage

(tle) since April 2020. Yet when the barn was first advertised for sale in July 2022 it was described as:

standing in a total of approximately 1.07 acres of amenity/recreational land with magnificent sea views.

There is no evidence of any agricultural use during the time the

barn and site were for sale, and while the applicants purchased the property on the 17th February 2023, noticeably no evidence of any subsequent agricultural usage was included with this application.

Instead an Ecology Report submitted with the first of the three applications features a number of photographs of both the interior

and exterior of the barn and the lean-to. Significantly the ground is very clean inside and out, and there are no visual signs of any animal activity or agricultural use to be seen.

Similarly both photographs of the curtilage and Google Earth images offer no suggestion of any agricultural activity, while the Design & Access Statement submitted with the initial application explained the applicants:

bought the barn and ground early last year as they fell for the beauty and simplicity of the building, location, and surroundings. The stone barn has no obvious use...

Least of all, it would seem, for agricultural purposes.

As we wrote in our objection:

We firmly are of the opinion that the local planning authority should refuse this request for a Certificate of Lawfulness for existing lean-to structure as an extension to the existing agricultural barn, given that the application declarations are incorrect.

The application awaits determination. •

Distance differential rectified

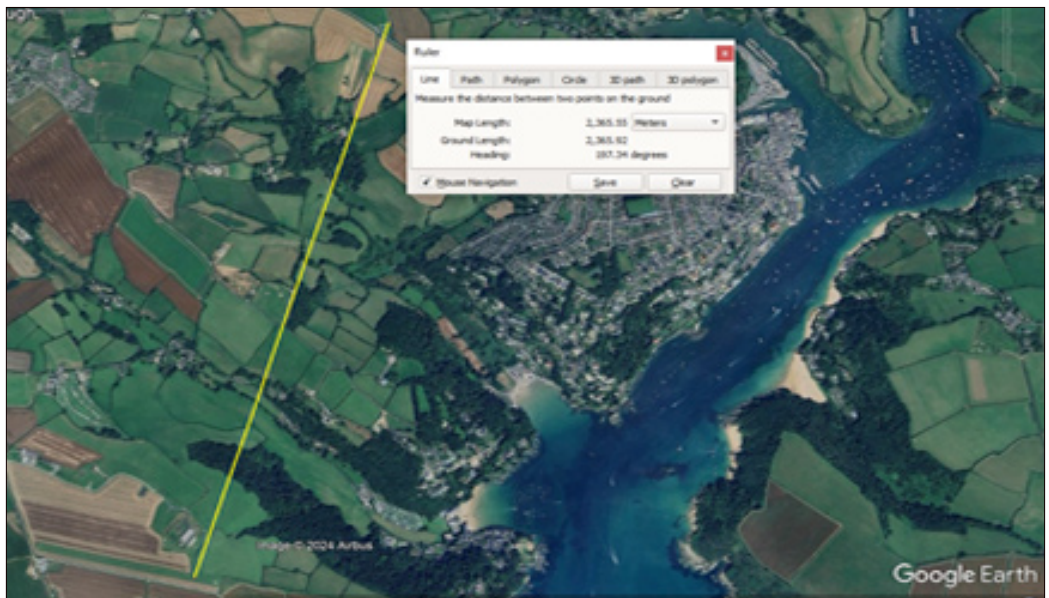
Immediately before Christmas an application to determine whether prior approval was required for the 'proposed excavations or deposits of waste material reasonably necessary for the purposes of agriculture; for a hardcore stoned yard area' on land adjacent to Salcombe Road, Malborough.

And, having read the Officer Report we noted that it stated 'the site is not within 3km of an aerodrome'.

This, we wrote to say, was incorrect. Bolthead aerodrome is less than 3km away and Bolthead was one of two airfields in the South Hams – the other being Halwell, shown on a map published by the planning consultancy Lichfields.

Responding, the case officer wrote:

In this instance, I believe the decision relating to the criterion you have questioned is correct, but the explanation should either have been removed or clarified. The criterion is met because the proposal – the creation of a hard-standing – is less than 3m in height. However, I accept that the explanation has been included in error and should have either been removed or reworded to state that the structure is less than 3m in height. This was an oversight on my part for which I apologise but it has not affected the determination



The distance from the site to Bolthead Aerodrome

that was made.

For clarity, I had measured the distance from the proposal site to the perimeter of the Airfield at 2.4km. I also note that the proposal site is within the No Fly Zone that extends 2 nautical miles to the north of the airstrip.

He went on to add:

As you will note, the Council has sought additional justification from the applicant for the siting of the proposal including with

regard to its relationship with the National Landscape. As I am sure you are aware siting is the only issue that we can seek further information on under the Prior Approval process set out in Class A, Part 6 of Schedule 2 of the Town and Country Planning (General permitted development) (England) Order 2015 (as amended).

That information was later provided with application 0051/25/PAA. In giving approval following

a site visit, the case officer was confident the siting was justified, but that the hard standing should only be used for bale storage and the stack should not exceed 3m in height, both because of the proximity of Bolthead and also:

to prevent inappropriate visual intrusion into the National Landscape by removing the potential for storage of agricultural machinery or any further agricultural paraphernalia. •

Committee sadly concurs



Sheerwater as it was still standing

We first commented last year on this application to replace the existing seven-bedroom dwelling with one substantially larger on page 9 of our October Newsletter, and again earlier this year on page 12 of our January Newsletter and, as we said at the time:

although the application is still to be determined it is probably safe to assume that despite both our and the Town Council's concerns, the case officer will recommend approval.

Perhaps inevitably she did, noting in her report that:

following two unsuccessful application submissions the applicants have worked with officers through the pre application process to try and resolve the policy conflicts.

As a consequence, she continued:

Officers consider the scheme as presented has taken on board previous concerns, with a reduced footprint and more sympathetic palette of materials. The landscape

scheme has been carefully considered and developed in discussion with Officers during the pre-application stage and will make a positive contribution to the site and its surroundings, helping to assimilate and soften the dwelling.

It was an assessment with which few would agree.

As we explained in our objection and for the reasons we give elsewhere in this issue on page 31 where Sheerwater is included amongst the developments cited in *Salcombe: a decade of devastation and destruction*, this is yet another boundary-to-boundary development changing the character and setting of the town, and certainly not for the better.

And even though the Ward Councillor referred the application to the Development Management Committee, by six votes to five members regrettably voted in January to allow the development to proceed. •

Tree fellers face court



The stumps are clearly showing

Back in October 2023 a member alerted the Society to the fact that a number of trees, some protected by a TPO, had recently been felled on a property in East Portlemouth.

A few days later we received an email from the Council's Enforcement Team, thanking us for our communication reporting the Alleged Unauthorised Works to TPO1038. The breach would now be allocated to an Officer, we were informed, who would investigate.

Less than a month later we were advised a site visit had taken place and that:

we will be initially investigating the removal of the holm Oak on the bank on the edge of the path shown in the photo from across the garden as an offence under the TPO regulations.

However, more than seven months later, and having heard nothing we emailed to ask about progress. In response we

received an email to:

advise that the Council is looking to take further action against the parties involved and that the matter is with our legal team.

I will update you further in due course.

Due course turned out to be the last week of February, some eight months later and, as the Planning Enforcement officer acknowledged:

I appreciate it has been a long time, but I can advise that the first hearing of the court case (to answer the allegation of breaching a TPO) will take place on the 19th May 2025 after which I shall update you again as to the result of the first hearing and the expected date of any further hearing.

Suffice to say that notwithstanding the time it has taken, it is highly encouraging the Council have pursued the matter. It is only by prosecuting those who fell protected trees without a licence that others will be discouraged from doing so. •

As we noted in our January Newsletter, and as we spelt out in our objection, although the site was allocated for 2,000 homes in the Joint Local Plan the Society was concerned that unless properly mitigated any development would have a negative impact on the health, not only of residents of Plymouth and the South Hams, but also of the wider area.

We were equally concerned that the applicant had no intention of developing the site themselves, but instead wished to

Woolwell gets approval

obtain consent and then sell that consent on to one or more housebuilders. As a consequence there was every possibility that the LPA was therefore approving a development for which there was no evidence that an actual developer exists.

In addition the first phase of the development was also promising only 8% affordable housing. And there was no guarantee that even that will be delivered. Economic

circumstances can and do change, and what is supposedly viable now may not be in the future.

Yet despite our reservations and the concerns of many others officers recommended approval, arguing:

As a strategic allocation the Woolwell development plays an important part of the JLPs spatial strategy and will provide 7% of the new homes planned across the JLP area.

With the LPA struggling to meet its 5-year housing land requirement, this was always going to be a critical consideration.

Arriving before the Development Management Committee for a second time, members voted to conditionally grant consent, subject to a s106 Agreement being signed by the developer within the next six months.

First though the applicant must find one or more housebuilders willing to take on the project. •

Letters of Representation submitted by the Society to these and other applications can be found on our website:
www.southhamssociety.org/objectionlist

Newsletter / 19

Salcombe: a decade of devastation and destruction

Shortly after the Second World War the architectural historian Nikolaus Pevsner, writing in his book *The Buildings of England South Devon*, proclaimed:

For scenically there is little on the South Coast of Devon to match Salcombe.

But that is now open to question. As the Salcombe Neighbour-

hood Development Plan explained:

There has been a trend over the last 20 years to sub-divide existing dwellings, and additional development of infill and back land sites; this has brought significant changes to the character and fabric of the community.

In addition existing homes have also been demolished, to be 20 →



Two images from Google Earth. That above dating from January 2010, that below June 2020. The loss of greenery, the presence of larger replacement dwellings and various sites cleared or then under construction are immediately apparent. Since then further development either has or is about to take place, exacerbating matters still further.



← 19 **Salcombe: a decade of devastation...**

replaced by larger, visually more prominent dwellings. The impact on both landscape and townscape has been significant.

To quote from a Design & Access Statement submitted in 2019:

The area is characterised by large dwellings in modest plots, providing views over the water. The design quality of the dwellings within the area vary, with a high proportion of properties having been constructed throughout the 20th century. A number of the dwellings within this area have been replaced in recent years.

Nowhere is this process more noticeable than along Bennett and Devon Roads, particularly when viewed from either the Estuary or the Coast Path opposite. But equally egregious examples can also be seen on both Moul Hill and Beadon Road, while the developments at Tides Reach have similarly done little to conserve and enhance scenic beauty.

It seems all are determined to build their 'Grand Design', larger than before, striving desperately to stand out from every neighbour while screaming 'look at me, how extraordinary and exceptional I am', with long standing trees and greenery being selfishly sacrificed to improve views and make space for even more concrete, glass and render.

As a result what once made Salcombe so special is gradually disappearing, plot by infilled and redeveloped plot.

Where previously houses along Devon and Bennett Roads once nestled comfortably in to the hillside, surrounded and sometimes swamped by greenery, such boundary to boundary developments as Spion Lodge, Overcombe, Herwood and Sheerwater have or will soon be taking their place.

It was as long ago as 2002 that AAGill wrote:

Monte Carlo is the sort of slum rich people build when they lack for nothing except taste and a sense of the collective good.

And were he to be alive today he would probably say the same of Salcombe.

Yet almost without exception, when those planning applications have been submitted, the Town Council have objected on the grounds of both overdevelopment and damage to the AONB (now the South Devon National Landscape).

But again almost without exception planning officers have dismissed such concerns, arguing either that the principal of development on the site has already been established, or that what was now being proposed was not necessarily out of keeping with what had previously already been permitted nearby.

Examples of various developments that have taken place along Devon and Bennett Roads, all but one in the last ten years, can be found on the pages that follow. Many predate the Neighbourhood Development Plan, Policy SALC B1 – Design Quality and safeguarding Heritage Assets, which now insists:

Any new development in Salcombe Parish must demonstrate high quality design. All development proposals should respect the following:

1. Be innovative and in keeping with the area within which it is located, respond to and integrate with the local built surroundings, landscape context and setting. A contemporary design solution will be supported providing it respects the context and setting;
2. f) Retention of existing wooded areas and mature isolated trees;

So at the start of this year when the Town Council submitted their objection to the proposed development at Sheerwater they explained:

The development does not demonstrate high-quality design by virtue of not being in keeping with the area, respond to and integrate with the local built surroundings, landscape context and setting. As such it is contrary to policy SALC B1 of the Neighbourhood Plan.

However that was not how the case officer chose to interpret SALC B1. Instead the Policy would:

support proposals that have proper regard to the pattern of local development, conserve and enhance views that contribute to the quality of the area, and that deliver locally distinctive design.

And so the proposed development was acceptable.

You can read more about Sheerwater in the pages that follow, but if even an up-to-date Neighbourhood Plan cannot protect the Town from the unfeasibly wealthy and their aspirations, what can? •

The map below shows the locations of the developments discussed on the pages that follow:

- 1: The Rough; 2: Netherwood; 3: Mariners; 4: Uppercot and Tides; 5: Bamboo House; 6: Overcombe; 7: Woodside; 8: Herwood; 9: Hillcot; 10: Spion Lodge; 11: Sheerwater; 12: Lower Rockledge; 13: The Boathouse**



1. The Rough



The Rough as it stood back in 2017, fronted by greenery and set back well from the road

The Rough was a two storey dwelling described as being of no particular architectural merit set back and elevated from the west end of Devon Road. Access was via a steep set of steps leading up from Devon Road.

In the autumn of 2015 the house was purchased for £650,000 and a few months later a planning application, subsequently withdrawn, was received by the the Local Planning Authority seeking its demolition and replacement. According to the agent, the new noticeably larger property was to be used solely as a holiday home for the extended family and friends of the new owners of the site.

A further application followed in which, according to the applicant's agent, 'The scale of the building has been significantly reduced and in particular the distance to the boundary with Burberry has been increased'.

This too was withdrawn after a site visit by members of the Development Management Committee had taken place. They had been minded to refuse, believing that what was being proposed was too prominent in relation to the neighbouring property to the Northeast.

Another application saw a further redesign, 'more compact than before', using 'traditional built forms, natural materials and (fitting) snugly into the contours of the land'. As a result, the applicants claimed, it would 'consequently be less visible than the white painted, rendered elevations of the existing house from across the estuary and can therefore be seen to be enhancing the AONB'.

Noticeably the Town Council disagreed, and objected complaining:

This was felt to be overdevelopment of the site due to its mass and scale as the view from the front presented an overbearing building that appeared to the eye to be 4.5 storeys. It was also clearly visible from the estuary providing a significant impact on the street scene and AONB.

Even so the case officer recommended approval. But because the previously withdrawn application was to have been determined by the DMC this too went to Committee. At their

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meeting on Wednesday 18 January 2017 members gave their approval.

Yet that was not the end of the story as, in August 2018, an application was received to amend the previously approved scheme. The chimney was now to be painted render rather than stone, arguably making it more visible from across the estuary, while as the Town Council pointed out:

The change of cladding from timber to zinc was not felt to be conducive to a prominent building situated within the AONB, the change of vehicle standing from permeable paving to porous tarmac would have a negative effect on the street scene and the change to the design of the chimney (it appeared from the plans that stone facing had been replaced with render) this was felt to be unneighbourly.

Suffice to say the case officer essentially failed to share their concerns, concluding:

The proposed amendments, subject to the detail of the cladding being reserved by condition, are considered to be acceptable.

Some time later the zinc cladding was also approved, and another larger holiday home has now replaced what was there before. •



The Rough as it is today, no longer set back from the road

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2. Netherwood



Arguably the replacement dwelling no longer contributes 'to the local green and spacious suburban character'

On 1 June 2016 revised plans were received for the 'Construction of replacement dwelling with swimming pool and landscaping (resubmission of 41/1797/15/F)'. That application was originally submitted in July 2015 and had been recommended for refusal on the basis that the proposed three-storey dwell-

ing 'with the ground floor taking the appearance of a natural stone faced plinth' did 'not respond to local character, history, or reflect the identity of local surroundings and material, and for these reasons represents poor design in conflict with local and national planning policy.'

And in dismissing the appeal that followed the Inspector noted:

The existing dwelling is not of architectural or historic merit, but does contribute to the local green and spacious suburban character through its subtle presence relative to larger or more visible properties below.

and that:

the main body of the proposed dwelling would be approximately one and a half stories higher than the existing eaves level.

Subsequently, when responding to those revised plans the Town Council complained:

Whilst this application has reduced the amount of glass the side visible from the estuary had not reduced. By pushing the property back it moves the development higher up the hillside and the proposed property was additionally one storey higher and therefore much more visible from the estuary. This was felt 23 ---->



The property: 'much more visible from the estuary'



Netherwood, as it was in 2018

3. Mariners



Mariners, photographed in 2012, after all changes to the dwelling, first erected on the site in the early 1980's, had been made

An example of infilling, consent was first given to the erection of a dwelling house and garage on 'Land Adjacent To Netherwood, Bennett Road, Salcombe' in 1981. This was followed some years later in November 1996 by an application to add a three-storey side extension, approved early in the following year, increasing the size of the original property.

Then, in March 1999 a further application was submitted to add a further three-storey extension to the east side of the building, effectively increasing its width by some 40%, together with a smaller extension to the rear.

This was granted but, since then, no further changes have been made although approval for larger balcony has been given. •

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. . . Netherwood

to have an overbearing impact on the skyline from the estuary. The materials were not felt to be in keeping with the AONB with an increase in the use of glass. Also, one glass roof was angled to look up the estuary and this provided overlooking of the neighbouring property and reduced their garden amenity.

In response further revisions were then submitted, but the Town Council argued these also failed to address the issues raised. Despite this, the application was approved at the start of 2017.

Roughly eighteen months later an application was submitted for works to two trees, both protected by a TPO and neither, according to the Town Council, on the applicants' property.

The first of these, an oak sited on an adjoining property, boasted a branch overhanging Netherwood. Pruning it back by 7metres in line with the boundary fence and away from the position of the replacement dwelling would, the Tree Officer assessed, remove a significant proportion of the trees crown, 'significantly diminishing its public visual amenity contribu-

tion and potentially commencing a cycle of decline due to the overlarge pruning wound and loss of leaf area.'

The other tree, described by the Tree Officer as 'An extremely large and visually dominant beech tree relating to the original setting out of the wooded hillside', probably located on land belonging to the Woodland Trust, certainly did not require felling, although some limited pruning works would be permitted.

Then later that year in 2018 a further attempt was made on the beech by the applicants, this time to reduce its height by 4 metres accompanied by a 2 metre lateral reduction on all sides. The works were again claimed to be necessary for fear the Beech might fall on to the applicants' property.

Again the District Council were not convinced:

In light of the amenity value of the tree(s) and the significant impact that the proposed works will have on this amenity value, the Council refuses consent having given due consideration to the reasons put forward in support of the application.

Instead consent was granted for a maximum 2 metre reduction in crown height only. •

4. Tides



Now more than twice as wide the rebuilt dwelling now occupies much of what, back in 2018, was previously green space

In 1989 an 'outline application for erection of detached dwelling' was submitted and refused.

Subsequently in August 1996 Uppercot was sold for £440,000.

Then in June 2014 an application was received to construct an additional dwelling in the garden to the south of the existing house. Despite the site being outside although adjacent to the Development Boundary but within what was then the AONB, and despite the Town Council objecting that the design 'was not felt to be in keeping with the other properties along Bennett Road, approval was given.

As a result a number of trees, including two Monterey cypress standing around 20 metres, a 4 metre sessile oak and two 4 metre high holly bushes, supposedly damaged during the winter storms of 2013, were allowed to be felled with replacement planting being proposed.

But before construction could begin the plot was sold and the next year the new owners applied to amend what had been approved. And even though Historic England noted the site 'had been a section of open land that helped to break up the urbanising quality of Salcombe as it moved westwards' consent was given.

Three years later a 'Householder application for first floor extension and alterations to existing dwelling' was to follow that, when approved, effectively increased the width of the south elevation of the house from approximately 13 metres to 20 metres.

However before construction began the site was sold to the owners of the neighbouring property Tides and, in 2017, an application was submitted for a 'replacement single dwelling on site of existing house and adjoining garden'. The submitted Design & Access Statement explained:

With the purchase of the Uppercot garden site it has been possible to merge this with the site for Tides and consider the area as a whole.

With the width of the proposed new house now extending to more than 40 metres, a noticeable increase on the 16 metre width of the building that was being replaced, it was hardly surprising that objections were received complaining that the



site was being over-developed and the impact the development would have on both wider views and the AONB.

None the less approval was given, with the case officer commenting:

The principle of development of this site has been accepted at the time of granting the previous planning permissions for a dwelling on this site... It is considered it would be extremely difficult (given that neither site circumstances nor the planning policy regime have changed) to now refuse consent on a matter of principle.

Yet this is not where our story ends because again work never began and, two years later, yet another application was submitted, this time for the 'Demolition of existing dwelling and erection of new dwelling and associated landscaping'.

And yet again the Town Council objected, pointing out:

This was overdevelopment of the site with a large amount of glass on the southern elevation which would give major light pollution and have an adverse impact on the AONB.

But once again the case officer concluded:

It is considered it would be extremely difficult (given that neither site circumstances nor the planning policy regime pertaining to replacement dwellings have changed significant) to now refuse consent on a matter of principle.

Approval was given. And yet more of what was once green was condemned to being covered with concrete and glass.

'We have', proclaimed the applicant's architect, 'produced a proposal that resonates quality.' •

5. Bamboo House



Infilling formerly green space, and as can be seen below, the fluorescent green roof of the house is highly visible across the estuary

In September 2014 application 41/2361/14/F proposing the 'Erection of single dwelling with associated landscaping and access' on an area of approximately 0.0235 hectare of domestic curtilage to the front of The Ridings was submitted.

The site, according to the Design & Access Statement 'comprises a domestic garage and extensive bamboo planting.' The Statement continued:

It is proposed to build a contemporary but sympathetic family dwelling on this site. The proposed dwelling uses the changing levels across the site in order to take advantage of the view over Salcombe harbour, whilst maintaining a sensitive ridge height for the existing property above. It is stepped to reduce the impact of its façade.

Perhaps unsurprisingly the Town Council once again disagreed:

It was noted that this would be a new property position at the bottom of land at The Ridings in Cliff Road. This would present a three storey building right up to and adjacent to the road next to the property Woodcot. Objection as this was felt to be overdevelopment which would have an overbearing impact on the streetscene and would not be in keeping with the neighbouring properties that were set back from the road. There were also concerns raised with regard to the design impact which would also be visible from the estuary and as such an overdevelopment in the AONB.

The County Highways Authority also objected, concerned that the site access width was substandard and the junction that Cliff Road has with the B3204 road was restricted in visibility.

Agreeing with the Highways Authority the case officer recommended refusal in November, adding:

The proposed dwelling, by virtue of its siting would alter the mature gardens and low density that characterise the locality which is designated as an Area of Outstanding Natural Beauty, and therefore would fail to improve the character and distinctive qualities of the locality.

The following July the applicant appealed on the factual basis the Council was unable to demonstrate it could deliver a five year housing land supply. As a result the NPPF required 'permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when considered against the policies in the Framework'.

In the opinion of the Inspector that was not the case, concluding 'the proposed development would not result in material harm to the character and appearance of the surrounding area'. Nor would it 'result in material harm to highway safety along Cliff Road or at its junction with the B3204.

The appeal was allowed.

Then early in 2019 a further application was submitted, on this occasion 'for variation of condition 2 of planning permission 41/2361/14/F'. 'This', argued the Town Council, 'was not felt to be a variation as it was a complete redesign and should have been required to be submitted as a new planning application'.

The amendments sought to alter the design and siting of the proposed dwelling.

According to the case officer:

Some might consider that the design change is 'substantial' but in planning terms the nature of the proposal remains the same and cannot be said to be 'substantially different'.

Consent was given and further urbanisation of the hillside could continue. •



6. Overcombe



Overcombe as was (above) and as it is being built clearly wider, taller and with considerably more glass (below)

A substantial seven bedroom three-storey Edwardian house, and described in 2016 by the estate agent Marchand Petit as ‘a well-maintained cream rendered property partially clad with slate tiles and featuring a number of arch-shaped and round windows in keeping with its original design’, the property finally sold in November 2018 for £2.95m.

Less than four months later application 0677/19/FUL was submitted, proposing the ‘demolition of the existing detached house and detached garage, and the erection of a replacement detached dwelling and detached garage, outdoor pool and associated landscaping’.

The reason why this was necessary, according to the applicant’s Design & Access Statement, was that:

Although in reasonable decorative order, the location of the principle entrance and the internal layout fail to capitalise on the site and its special location. The house is poorly insulated and general construction details are typical of the period when it was constructed, not necessarily conforming to current standards.

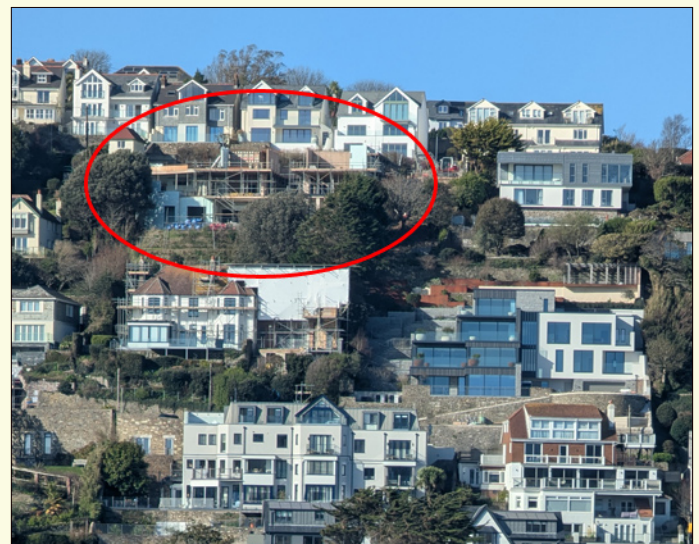
And so not necessarily not always not conforming! However, as far as the applicant was concerned, the principal entrance of the house he had bought was clearly in the wrong place and the layout failed to make the most of the views.

But rather than caveat emptor, and not for the first time, the key issues for consideration were, to quote the case officer report:

the principle of development of demolishing the existing building and replacement with a new larger dwelling on this site within the Salcombe development boundary. The design and appearance of the building, together with any impacts upon the AONB, any effects on neighbouring properties and highway matters are other key issues.

And as the Council’s Landscape Officer noted:

the scale and design of the proposed replacement dwelling raise some issues in respect of impacts upon the character and appearance of the area as perceived from the town, the estuary, and the opposite bank around Mill Bay (identified as a Locally Important View (policy Env6) in the Salcombe Neighbourhood Development Plan (SNDP)). These issues principally relate to the increase in height of visibly occupied façade, large expanses of glazing, the non-traditional roofline, and the non-vernacular proportions of the principal elevation.



concluding:

By virtue of its scale and design, this proposal is not considered to meet the tests and objectives of policies outlined above, and I’m therefore unable to support the application. I do note a number of consented and constructed schemes within its context, which similarly introduce large, modern design into the urban form of the town, and provide some context for development of this character. However, the perpetuation of large, uncharacteristic dwellings will further the deterioration of character and local distinctiveness in the town, and is not supported.

The Town Council agreed, stating:

Objection due to overdevelopment of this site and its impact on the AONB. It was clearly visible from the estuary and coast path providing light impact on the AONB and was overbearing in its context presenting four storeys overlooking the estuary.

However, after the applicant made some revisions to the proposed roof profile the Town Council withdrew their objection, even though we as The Society remained unconvinced, saying:

we consider that the Revised Plans comprehensively fail to address the overdevelopment of the site and the significantly increased scale and massing of the proposed dwelling on a prominent hillside.

Even so, consent was given and yet further damage done. •

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7. Woodside

In 2017 an application was submitted to add an additional storey to the existing building so two further residential apartments could be added to the existing four. If approved, the height of the building would increase by 2.8 metres.

As the Town Council pointed out:

This was overdevelopment of the building by adding an additional storey to the property which was highly visible from the estuary and coast path and thus would have a negative impact on the AONB.

However the Council’s Landscape Officer disagreed, deciding:

Although the proposals represent a notable increase in height of built form at the site, the context of large and prominent buildings, including a variety of building styles, roof pitches and fenestrations continues around and above this site on the developed hillside. I would not consider this scheme to be overly prominent when viewed from the estuary, or the opposite Coast Path, beaches, and surrounding landscape.

This is principally due to it being viewed well within the built-up area of the town, and on the site of an existing dwelling. The perception of the town within its landscape context would not appreciably change, and the amenity of views of the site area would not deteriorate.

In other words, because earlier developments in the surrounding area had been permitted, the perception of the town within its landscape context would not now appreciably change, so this further development would make little difference.

The application was approved and then later that year an application was made to add a garden room to the site in an area currently laid to lawn which would if approved, the Town Council said, ‘completely remove any outdoor amenity area for these flats’.



Woodside: further development would make little difference. Inevitably it was approved, and what was previously green was replaced with glazing. •



Woodside as it was (above) and as it is today (below). It is not only from the Estuary the increased impact is immediately obvious.



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8. Herwood

The application as submitted sought the 'Demolition of existing house and erection of replacement dwelling with associated amenity space'. The existing two-storey property was to be replaced by one both 25% wider and five storeys high.

And, as the case officer acknowledged:

The proposed development will, in terms of accommodation and scale of built works, be significantly larger than the building that it will replace in terms of overall floor area.

This, argued the Town Council, would be:

Overdevelopment as it proposed to increase the property by more than 50%. Such massing, design and materials would have an adverse effect on the AONB.

And while the case officer accepted that although:

the proposals comprise a large amount of glazing... as the development is set within the built up context of Salcombe the impact of the glazing is not considered to be overly detrimental to the landscape.

That opinion was not shared by one objector, who complained:

This is a wholly inappropriate so called design for such a prestigious site in prime Salcombe; viewed by the many people who will see this from Mill Bay, the only place that it can be

seen from, it will surely be regarded by the majority as sticking out like a sore thumb just as a couple of other "mistakes" on that hillside do. Obviously box shapes are cheaper to build but Salcombe deserves more interesting designs — examples of which have been done by this esteemed architect in Salcombe and area in recent times.

But to no avail. Perhaps inevitably, a few weeks before Christmas in 2018, consent was given. •



Herwood as was (above and below) and today (bottom)



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9. Hillcot



Hillcot as was (above) and today (below). Both its appearance and surroundings have noticeably changed

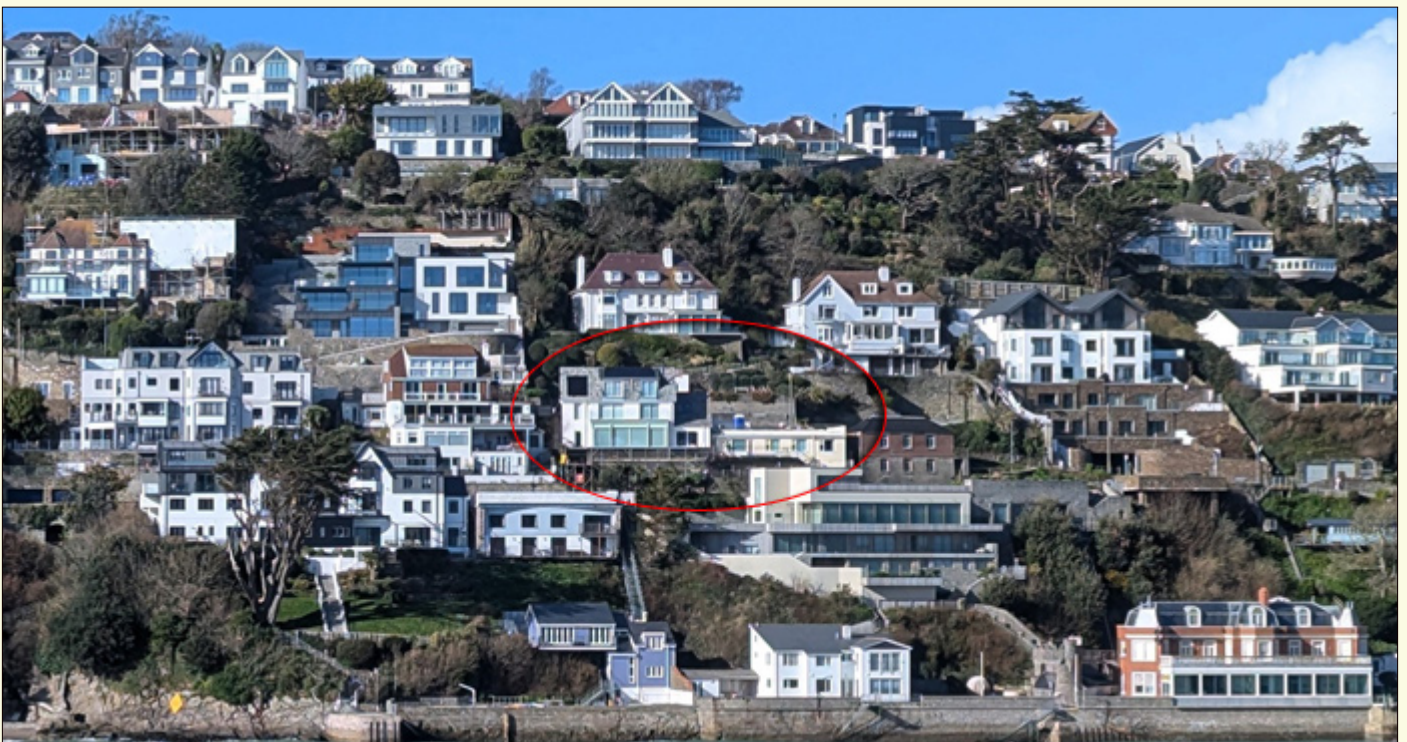
During the first half of 2014 an application to extend the ground and first floor of the dwelling and realign the internal layout was submitted and, as the applicant's Design & Access Statement noted, the property had previously been subject to various applications over the years to improve and update the accommodation.

In addition to increasing the size of the building, full height glazing was also being proposed at ground and first floor on the south elevation, along with the addition of a Juliet balcony to the first floor.

As the case officer acknowledged the development:

would reduce the visual separation between Hillcot and Bay View House to the south west but within an area characterised by high density development and tightly knit buildings this is not considered to be an issue.

The increase in glazing was not considered an issue and the application was approved. However work never began and in 2023 the application was effectively resubmitted. The size of the building now being proposed was slightly smaller than in the previous application, while the amount of glazing had been reduced. •



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10. Spion Lodge



Spion Lodge, as it then was, some 15 years ago (above) and today (bottom) and its light-polluting garage at road level (centre)



In April 2015 the LPA received application 41/1023/15/F, seeking consent for the ‘Demolition of existing dwelling and erection of building to contain 6No apartments with associated landscaping and car parking.’

The year before the applicant had sought pre-application advice, only to be told:

The proposed re-development of the site is considered to represent over-development of the site. The replacement apartment building would span almost the entire width of the site, almost the entire length of the site and would result in a cramped relationship with the boundaries of the site.

But by the time the actual application was submitted, little had changed. To quote the case officer report:

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11. Sheerwater



Sheerwater, as it currently stands, but soon to be replaced by yet another stereotypical 'Grand Design' below

Submitted in the second half of last year the application sought the 'Demolition & construction of new replacement dwelling with associated landscaping'. As we said in our objection, what was being proposed was yet another boundary-to-boundary development.

We were also concerned that the proposed four storey elevation would look significantly larger than the two storey appearance of the existing building, that there would be a considerable increase in glazing with full height windows and doors, and that the removal of the roadside trees behind the existing building when combined with the proposed increase in the roof height would cause the new building to appear to merge into the Four Winds development behind.

The increase in the built form, we added, is such that insufficient space will be left for an effective mitigating landscaping scheme, made worse by the earlier removal of trees, and will clearly fail to conserve and enhance the landscape and scenic beauty of this part of the South Devon Area of Outstanding Natural Beauty when viewed from the Estuary.

Suffice to say, and despite the Town Council also objecting, none of our concerns were considered significant by the case officer who instead concluded:

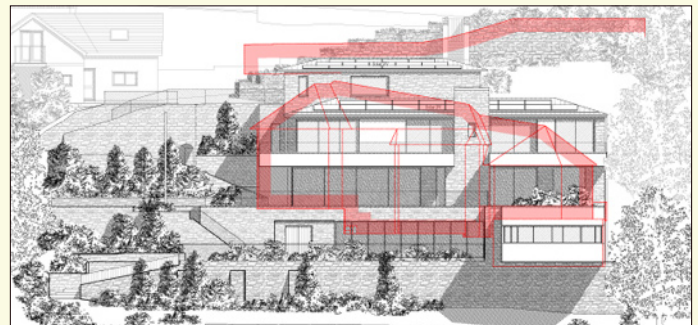
The application site is an established and well-defined residential plot perched on a developed hillside above the Salcombe to Kingsbridge estuary. It occupies a stunning location, offering uninterrupted views of the estuary and fields beyond. While

the existing building is simple and its rendered clad walls and pitched roof is reflective of the local vernacular, it does not display any particular architectural merit and there is an opportunity to enhance the site and the contribution it makes to this part of the town and the National Landscape. Following two unsuccessful application submissions the applicants have worked with officers through the pre application process to try and resolve the policy conflicts.

However, although approval was recommended, the ward councillor thought:

it would be appropriate that this application is again reviewed by the Development Management Committee, as it has been before them before and was the subject of a refusal at Committee, this application being submitted in response to that.

But, by six votes to five, the Committee voted to allow the development to proceed. •



← 30

... Spion Lodge

The proposed development will, in terms of accommodation and scale of built works, be significantly larger than the building that it will replace.

And, for the development to proceed, a number of existing trees, including a 15m tall Monterey Cypress, a 5m Oak, a 5.5m Lawson Cypress, a 12.5m Holm Oak, a second 5m Lawson Cypress, and a 4m Leyland Cypress, would need to be removed.

The case officer also emphasised that although:

this is ostensibly a five storey development. However, due to the way in which the site is set into the hillside, and given the use of carefully considered materials (stone) for the lower levels (which can be controlled by way of condition), from the wider perspective it will appear as a two-storey development. A carefully considered landscaping scheme will also ensure that the development reads as a two-storey building on top of the lower terrace of accommodation.

while according to the case officer the South Devon AONB Unit surprisingly raised no objection:

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citing that against the backdrop of existing development and the fact that it is to be set into the hillside means that it would not be unduly prominent.

However photographs of the building as it now stands clearly demonstrate that, when viewed from the Estuary or the opposite bank, such assumptions were fundamentally incorrect.

As a result, to again quote the case officer:

Overall, no design or landscape issues are considered to arise from this redevelopment.

And, significantly, no mention was made in either the case officer report or in the decision notice as to what steps the developer should take to limit light pollution, not only from the windows of the six apartments, but also from the garage at road level.

Suffice to say, the case officer recommended approval and consent was given, and another damaging boundary-to-boundary development of no great architectural merit has been permitted, eroding yet further the character and sylvian hillside greenery. •

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12. Lower Rockledge

Since the start of 2019 the applicant had made three previous attempts to build a house on this site, one of the few remaining green spaces on the hillside.

The first application for the construction of a new two storey studio house 0201/19/FUL was submitted after pre-application tree clearance had taken place, and was subsequently withdrawn.

Two months later application 4159/19/FUL was submitted. As we wrote in our objection:

This site at Lower Rockledge is particularly sensitive and the previous application, which we objected to, was rightly rejected by SHDC. Natural open space and retention of trees and vegetation between the properties on this hillside are a rare and attractive feature of this part of Salcombe.

The application was rejected. The applicant appealed. The appeal was dismissed.

The third application 2831/22/FUL followed in October 2022. This also was refused, with the case officer concluding:

The proposed scheme in terms of its scale, form, design, massing, fenestration pattern and features is such that the development lacks harmony and fails to integrate with the local built surroundings and respect the site context. This would have a transformative effect on the verdant character of the site, spaciousness of the area, and density of development.

Then in December 2023 4036/23/FUL was submitted. Again, and as the Society emphasised in its objection, the same conclusions should apply. Yet despite our concerns, those of the Council's Landscape Officer and the Town Council, the case officer concluded:

the size of the dwelling is such that the site would not appear overdeveloped, and a sufficient area of open space would be retained around the building.

Crucially however the Council's Tree Officer decided the applicant had failed to overcome his previous concerns. And, as a result, the application was again refused. But the applicant appealed, informing the Planning Inspectorate:

The appellant has absolutely no confidence having interrogated both the officer's delegated report and the specialist inputs from the trees and landscape officers that these reports have been properly read and understood by the council.

As a result, the applicant claims, a public enquiry is necessary, where both council officers and the applicant and his experts will be subject to cross-examination by counsel in order to provide the Inspector with a 'clear verbal explanation of the

methodologies and data in relation to the health of the trees'. An Informal Hearing followed at Follaton House in November last year, at which the appeal was allowed. According to the Inspector, not only would the proposal:

deliver a two-bedroom dwelling in an accessible location and contribute towards an identified need for smaller units in Salcombe and across the district

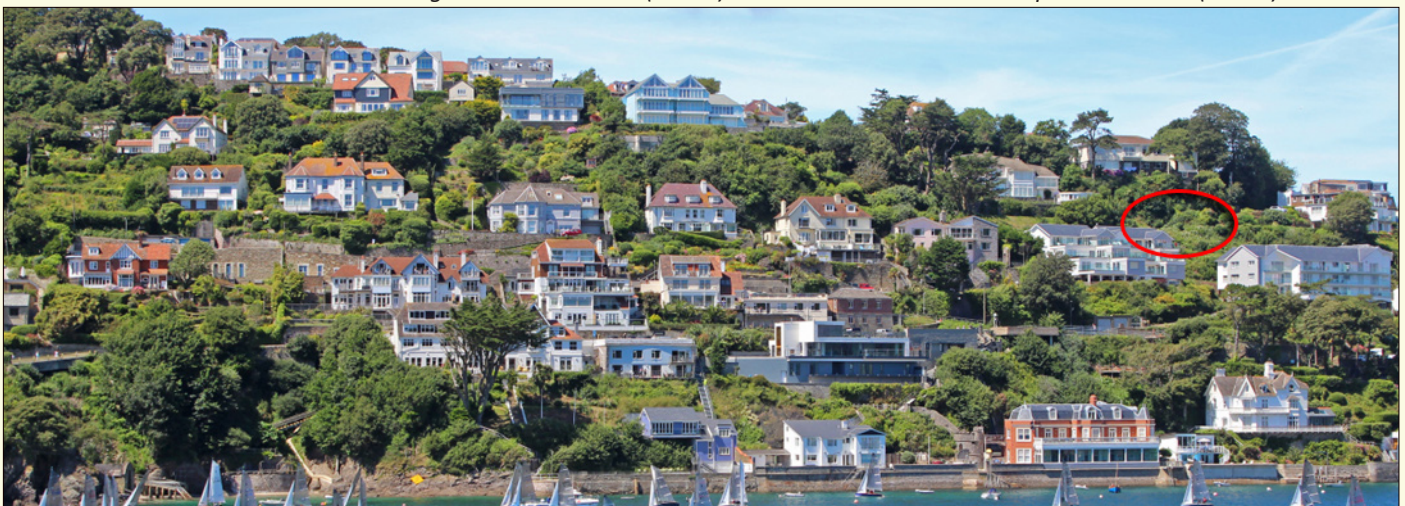
but that:

The Council's concern that the proposed dwelling would lead to pressure on the tree owner that would increase the likelihood for significant works to either T1 or T2 and in that way harm to the landscape and scenic beauty of the South Devon National Landscape is not sufficiently justified in this case.

It means, tragically, one of the few still remaining green spaces on the hillside will soon be lost. •



Salcombe and Lower Rockledge as it was in 2012 (below) and as the soon to be developed site is now (above)



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13. The Boathouse



Cliff Road to the east of it junction with Bennett Road in 2009 (above) and denuded of its vegetation in 2015 (below)



As the Google Street View image shows back in 2009 the south east side of Cliff Road, close to its junction with Bennett Road, was screened from the estuary by trees and other vegetation, growing luxuriantly up on the slope above The Boathouse below.

And as the map illustrates, some of those trees may well have been within the area protected by a Tree Preservation Order, namely TPO Ref: 306, first imposed in July 1989 to protect trees 'of whatever species'.

Yet within three years much of that vegetation had begun to disappear. Today it is almost completely gone, decimated like so much of Salcombe by developer demand.

It is a sad fact that on too many occasions trees get felled prior to planning applications being submitted and, although there is no evidence that was the case here, it is difficult to see how The Boathouse could have been cut in to and built on the steep slope, six metres below Cliff Road, had all of the trees above remained.

The initial application, which was submitted early in 2014, was 'for construction of single-storey workshop/studio and hardstanding for ancillary use to dwelling'. The building, which was to measure 10m by 3.4m with a height of 2.8m from the finished floor level, was intended to replace an existing shed, measuring 3.2m by 2.8m.

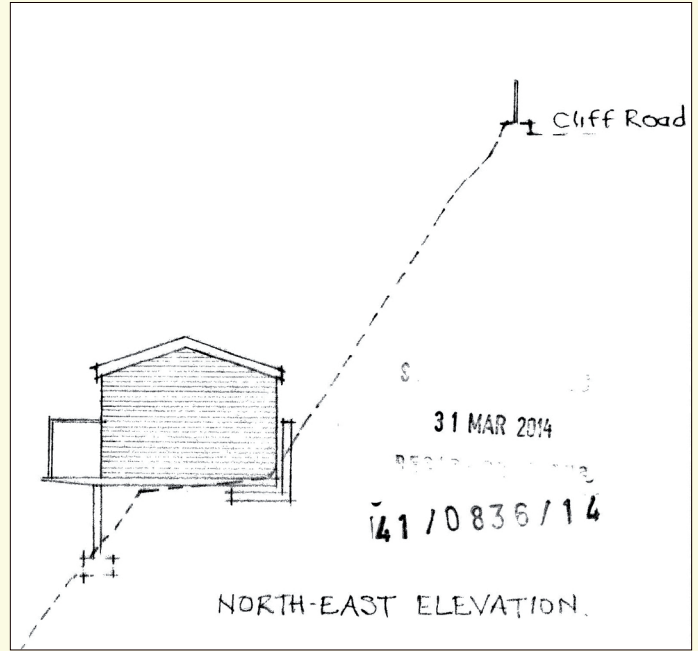
34 →



TPO Ref 306 partially overlaps part of the site

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... The Boathouse



The blue replacement building cut in to the steep hillside with Cliff Road and two blue-doored garages screened no longer above

←33 In its objection the Town Council complained:

This was felt to be overdevelopment as an unnecessary increase in size of such unit with a significant visual impact in a Conservation Area and ANOB being especially visible and important along the estuary vista.

Similarly other objectors argued the proposal was completely out of proportion with its surroundings, that it would have a detrimental impact on both the visual amenity and the established ecology of the area, it would lead to overlooking, and that it would impact on the setting of listed buildings.

However as far as the case officer was concerned:

Although the outbuilding presents a visual impact within the designated AONB landscape, this is within a clearly developed area which is also defined by other large structures. The building replaces a smaller one already existing, will be set into the hillside with the much larger parent building, and neighbours, in the foreground when viewed from the Estuary.

He then went on to add:

In addition, there are three large trees to the south of the

proposed location which will, to a degree, restrict views of the structure. The site has been viewed by officers from its principle public vantage point, the estuary, and from here the ever-green trees within the site provide screening. As these trees do not currently benefit from a TPO, a landscape condition is also added to this recommendation requesting an agreed landscape planting scheme, including the trees, prior to the commencement of development.

Thankfully those trees are at least amongst the few that still remain, but they are less than effective in screening much of the development when viewed from the south west.

Yet despite the Town Council's reservations the application, like so many others, was recommended for approval but, before construction began, some two years later a revised application was submitted, seeking to amend the fenestration and the roofing material.

Once again this too was also recommended for approval, even though the Town Council again objected.

The consequences are now there for all to see. •



Salcombe in March 2021. Note the tree-free bare earth where construction of (LtoR) Tides, Overcombe and Spion Lodge will begin