

PLANNING REF: 1649/24/FUL - Smalls East Portlemouth TQ8 8PU



Charity No 263985

**Registered Address: 20 Highfield Drive, Kingsbridge, Devon TQ7 1JR
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The Changing Margins of Smalls Cove (2017) East Portlemouth TQ8 8PU (Colin Mayes - Flickr)



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The Changing Margins of Smalls Cove (2022) East Portlemouth TQ8 8PU



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The Changing Margins of Smalls Cove (2024) East Portlemouth TQ8 8PU



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PLANNING REF: 1649/24/FUL

DESCRIPTION: Proposed carbon neutral boat house to serve Smalls Cottage

ADDRESS: Smalls East Portlemouth TQ8 8PU

18th July 2024

LETTER OF OBJECTION FROM THE SOUTH HAMS SOCIETY

The South Hams Society interest

For the last 60 years, the South Hams Society has been stimulating public interest and care for the beauty, history and character of the South Hams. We encourage high standards of planning and architecture that respect the character of the area. We aim to secure the protection and improvement of the landscape, features of historic interest and public amenity and to promote the conservation of the South Hams as a living, working environment. We take the South Devon Area of Outstanding Natural Beauty very seriously and work hard to increase people's knowledge and appreciation of our precious environment. We support the right development - in the right places - and oppose inappropriate development.

The South Hams Society **objects** to this planning application.

Heritage Coast Policy DEV24

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

- 1. Can demonstrate that it requires a coastal location.*
- 2. It cannot reasonably be located outside the Undeveloped Coast.*
- 3. Protects, maintains and enhances the unique landscape and seascape character and special qualities of the area.*
- 4. Is consistent with policy statements for the local policy unit in the current Shoreline Management Plan.*
- 5. Is consistent with the relevant Heritage Coast objectives, as contained within the relevant AONB Management Plan.*

Development for the purposes of agriculture, forestry, public access and enjoyment of the coast and estuaries, or community facilities that meet the objectively assessed needs of the local community, will be supported if it meets the above tests.

DEV24 is the policy in the Plymouth and South West Devon Local Plan that has its origins in CIRCULAR 56/63 'Coastal Preservation and Development', which recognised the urgent need for special attention in coastal areas. Local Authorities containing coastal areas were requested to make a special study of its coastal areas.

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In 1965, the National Trust called for further attention of the coast naming the campaign ENTERPRISE NEPTUNE.

In 1966 following a study conducted by the National Parks Commission in co-operation with the maritime local planning authorities the Ministry of Housing and Local Government issued LOCAL GOVERNMENT CIRCULAR 7/66 'The Coast' urging immediate action for coastline policies.

The South Devon Coast was 15th in a list of consideration for HERITAGE COAST LOCALITIES that included the Salcombe Kingsbridge Estuary.



The Society note that Local Government Circular 7/66 is recorded in planning application refusal for 9/20/0378/74/3 Replacement of existing house with new house, Smalls Cottage, East Portlemouth.

The 'REASONS FOR REFUSAL' states:

'The site is within a Protected Area as defined by the Coastal Preservation Policy adopted by the County Council in accordance with the advice given by the Secretary for State for the Environment in Circular No. 7/66 'The Coast'. Within this area only essential development will be permitted and in the opinion of the Local Planning Authority the development now proposed is not essential'.

The then newly formed South Hams District Council in its early days enforced a far greater and more rigorous approach to protecting the coast.

The site is located 35 metres from the Salcombe Kingsbridge SSSI and lies within the SSSI Impact Risk Zones.

The Designated Bathing Waters of Mill Bay Sands is 350 metres away from Smalls Cove (and the site). It is not apparent that these facts have been considered within the drainage assessment.

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Proposed carbon neutral boat house to serve Smalls Cottage

The new Design and Access Statement states on page 3, *'Smalls once had a boat house that enabled direct access onto the water but this was later removed'*.

The applicant provides no evidence to support the above statement and none of the maps included in the D&AS show any structure on the site. The Society has not found any evidence that a *'boathouse'* previously existed at the shoreline of Smalls Cove.

The Design and Access Statement goes onto state on page 4:

The Client and owners of Smalls, Peter and Beccie Govier, need a Boathouse to replace an old facility on the site that has long-since been demolished.

These comments are inconsistent in that the applicant provides no evidence that this would be a replacement boathouse.

For many years the shore location was a woodland area and no boathouse could have existed in this site up to 1960. The small cove has a long history of use by Mirror Dinghies and Toppers freely for many years.

Smalls Cove 21st July 1959 (Historic England Aerial Photograph Collection)



The Design and Access Statement states on page 3:

'The boathouse is compact and has been designed to store a rib, tender boat, canoes and all associated paraphernalia, provide changing accommodation, shower and toilet facilities, within modest dimensions that fit the land, so it will not overly encroach on the open nature of the beach garden'.

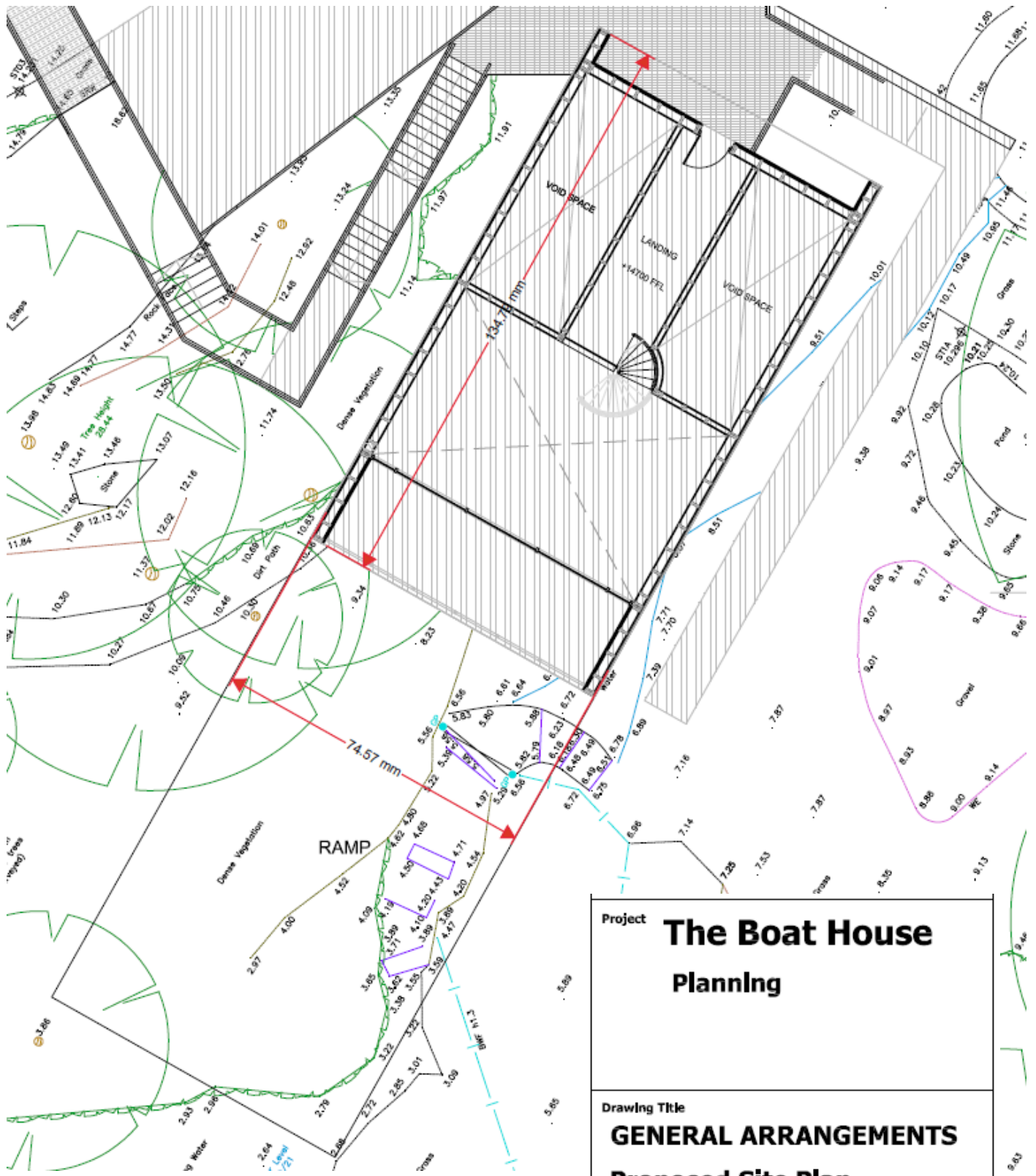
The Society have reviewed the previous application (1068/23/FUL - Application for carbon neutral boat house with living area above for occasional overnight stays) and this application and although there is slight repositioning, the footprint is largely the same.

There is some height reduction in the boat store and the first floor but the overall building size is excessive and could easily be converted to the original concept.

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1068/23/FUL - Application for carbon neutral boat house with living area above for occasional overnight stays. Footprint 13.5 metres x 7.45 Metres (Scale 1:100)

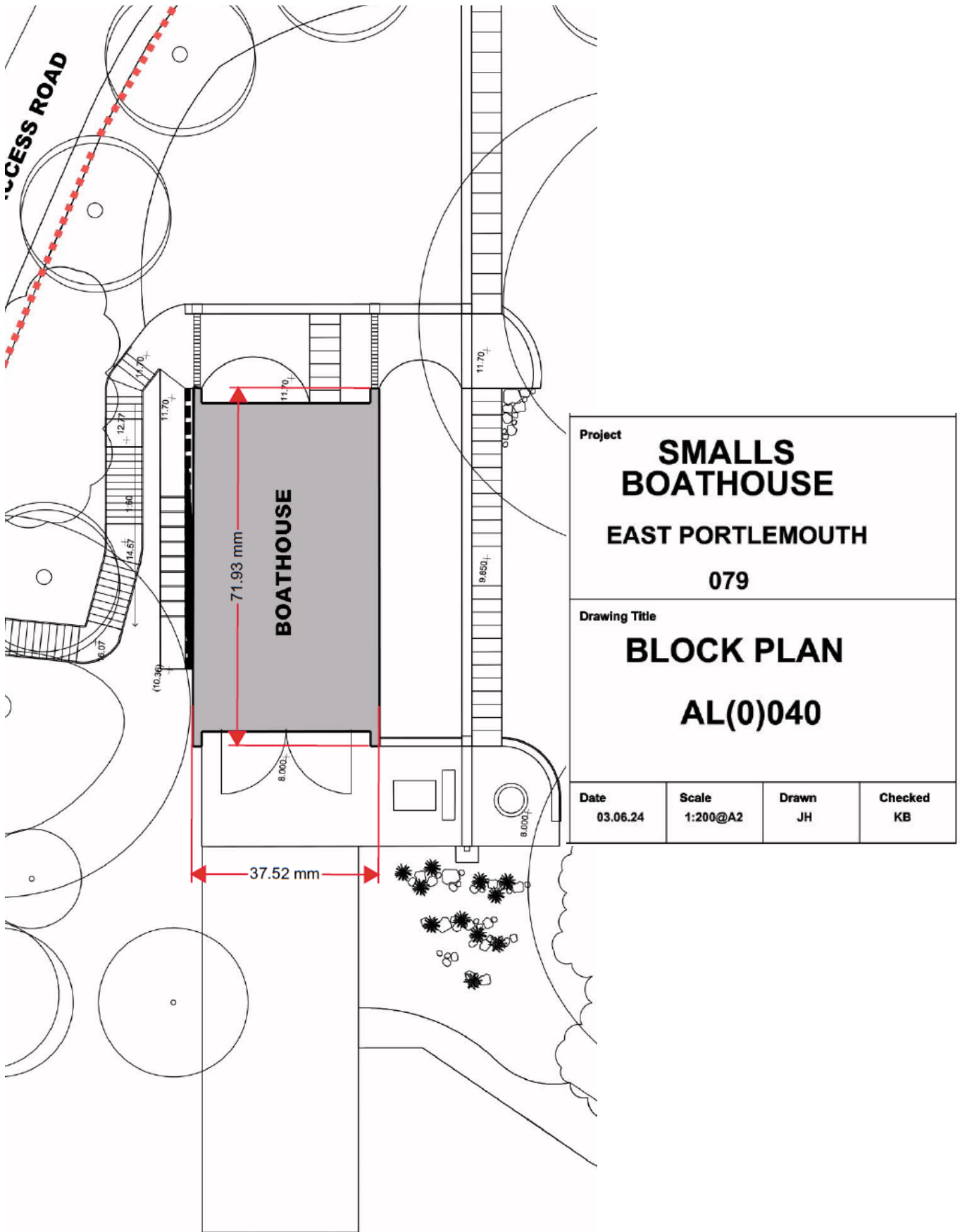


Project **The Boat House**
Planning

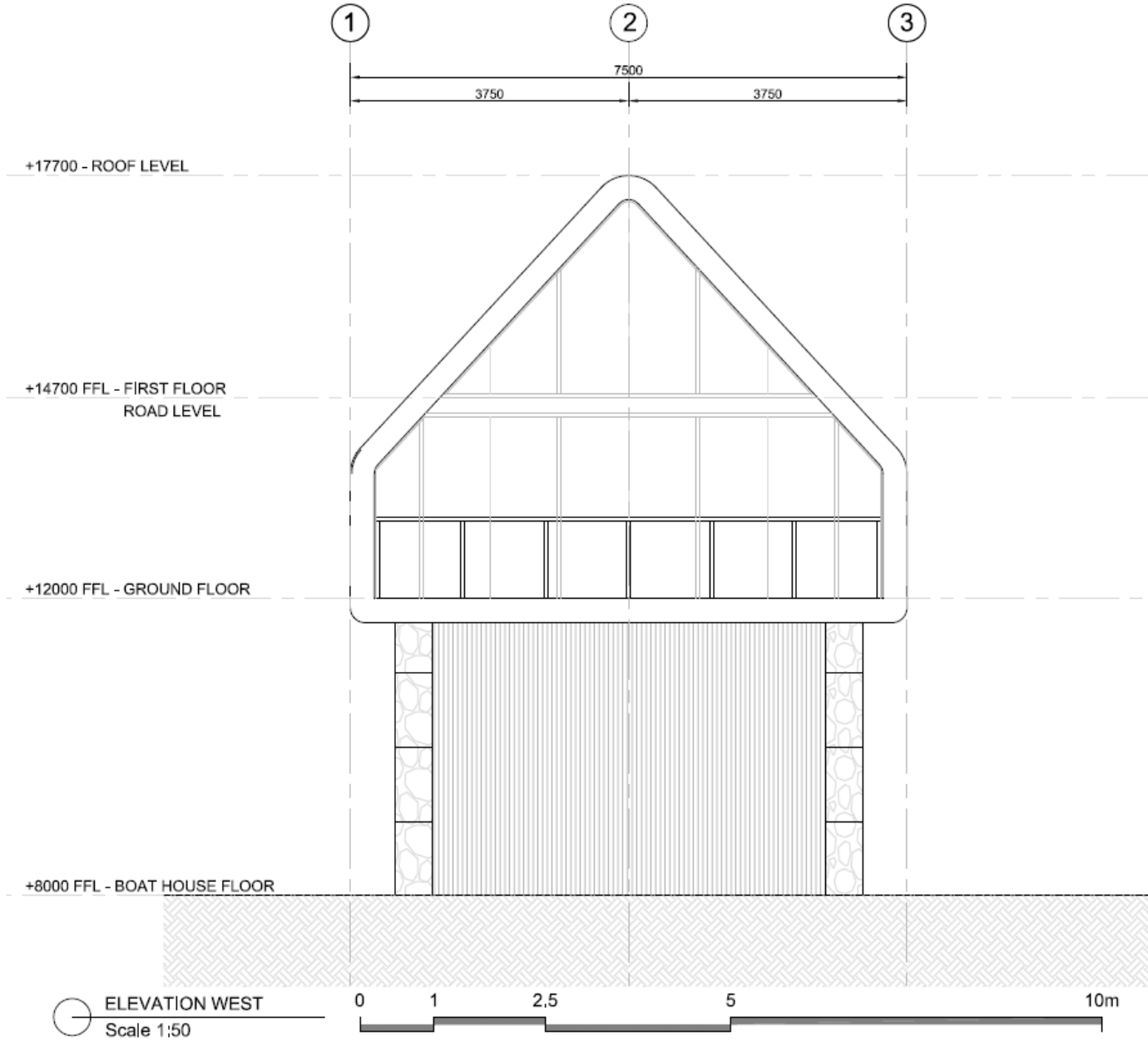
Drawing Title
GENERAL ARRANGEMENTS
Proposed Site Plan

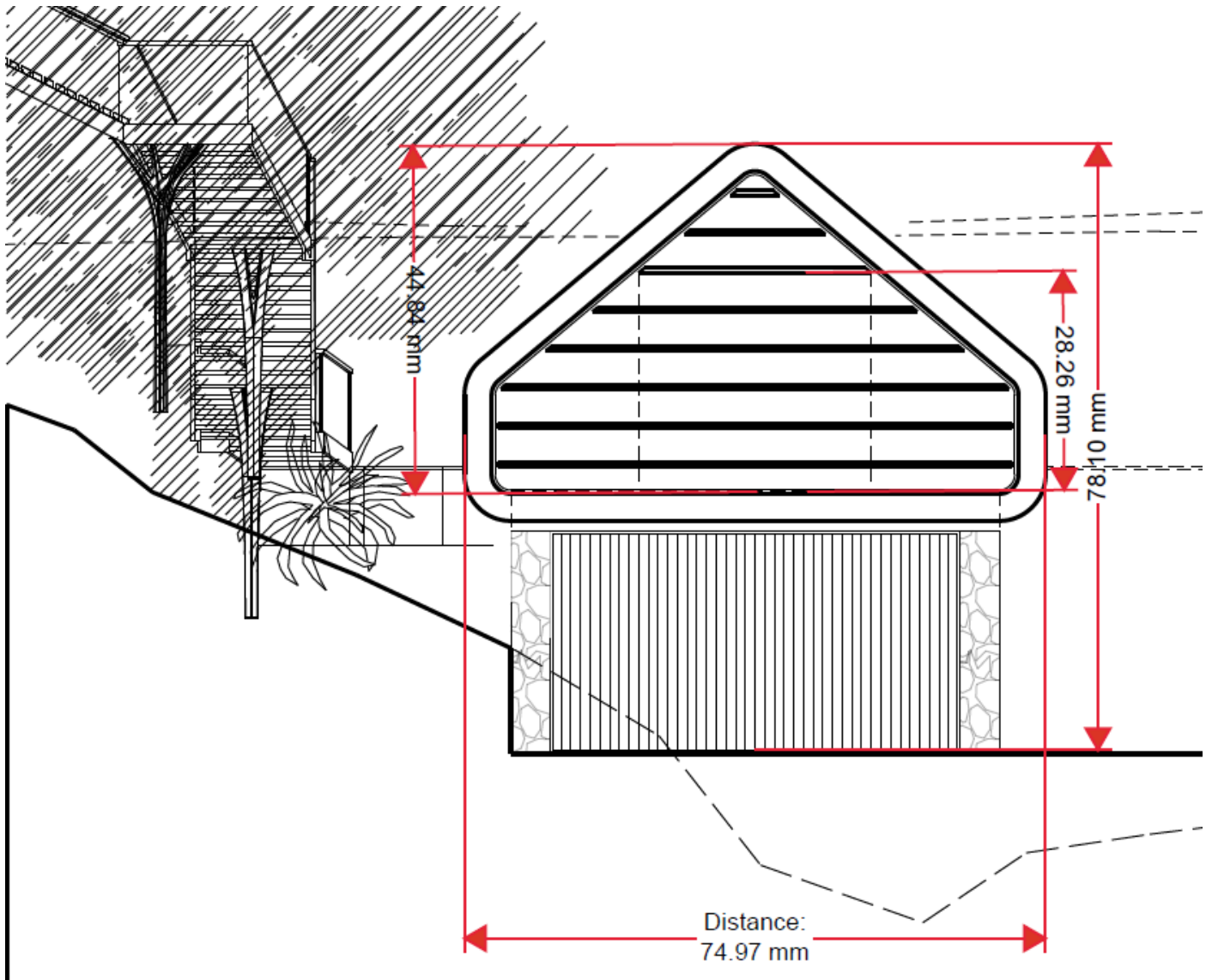
| | | | |
|------------|------------|-------|---------|
| Date | Scale | Drawn | Checked |
| 03.06.2023 | 1:100 @ A1 | AM | KB |

1649/24/FUL - Proposed carbon neutral boat house to serve Smalls Cottage. Footprint 14.2 metres x 7.5 metres (scale 1:200).



1068/23/FUL - Application for carbon neutral boat house with living area above for occasional overnight stays. West Elevation





Foul and Surface Water Drainage.

The Society note that the Smalls Property is run as a business venture with the registered owners recorded as Smalls East Portlemouth LLP, the company recorded at Companies House. The Society would suggest that the application form has been incorrectly completed.

Smalls is advertised as sleeps 9

As previously stated, the site is located 35 metres from the Salcombe Kingsbridge SSSI and lies within the SSSI Impact Risk Zones. The Designated Bathing Waters of Mill Bay Sands is 350 metres away from Smalls Cove (and the site).

It is not apparent that these facts have been considered within the drainage assessment.

The Society would suggest that the drainage scheme does not comply with Binding Rules 8 (For discharges in tidal waters, the discharge outlet must be below the mean spring low water mark), 17 (within 500 metres of designated bathing water) and 18 (Discharges must not be in, or within 50 metres of biological Site of Special Scientific Interest (SSSI)).

In 2024, a brick sewage manhole was exposed on Smalls Cove beach. It was full of sand and in a state of disrepair. We consider the location of a foul water manhole on the beach to be inappropriately and unnecessarily located.



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The Society notes with interest the D&A statement – ‘There will be an outdoor shower within the garden and a modest sitting-out **and barbecue area overlooking the beach**’.

We note from this image taken on the 1st February 2024, a sign stating ‘Strictly NO Fires, Barbecues, Stoves, Cooking of any kind’. Piles of tree wood were present. An area of the beach was roped off with posts and new picket fence behind installed sometime after March 2021. These signs are placed all along the foreshore on the East Portlemouth side (East Portlemouth Foreshore Owners Association).



The fence and the post and rope barrier are new additions to Smalls Cove.

30th March 2021



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The Smalls Cove Coombe stream could be seen.



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Tree Preservation Order

Viewing the previous images, tracks of tree wood can be seen. The proposed site is with the grounds of the TPO1038 W1. The curtilage of Small Cottage is clearly defined in the TPO Map.



The South Devon Area of Outstanding Natural Beauty.

Legislation and policies that protect the South Devon AONB are

Section 85 of the Countryside and Rights of Way (CRoW) Act;

UPDATE:

The Levelling Up bill became law in October 2023 and section 245 came into force on the 26th December 2023. Section 245 strengthens the protection of the National Landscape.

Section 245 (Protected Landscapes) of the Levelling Up and Regeneration Act 2023 places a duty on relevant authorities in exercising or performing any functions in relation to, or so as to affect, land in a National Park, the Broads or an Area of Outstanding Natural Beauty ("National Landscape") in England, to seek to further the statutory purposes of the area.

According to Natural England's Deadline 9a response for the Lower Thames Crossing Examination (dated 15 December 2023):

The duty applies to local planning authorities and other decision makers in making planning decisions on development and infrastructure proposals, as well as to other public bodies and statutory undertakers.

It is anticipated that the government will provide guidance on how the duty should be applied in due course.

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In the meantime, and without prejudicing that guidance, [Natural England](#) advises that:

- *The duty to 'seek to further' is an active duty, not a passive one. Any relevant authority must take all reasonable steps to explore how the statutory purposes of the protected landscape (A National Park, the Broads, or an AONB) can be furthered;*
- *The new duty underlines the importance of avoiding harm to the statutory purposes of protected landscapes but also to seek to further the conservation and enhancement of a protected landscape. That goes beyond mitigation and like for like measures and replacement. A relevant authority must be able to demonstrate with reasoned evidence what measures can be taken to further the statutory purpose.*
- *The proposed measures to further the statutory purposes of a protected landscape, should explore what is possible in addition to avoiding and mitigating the effects of the development, and should be appropriate, proportionate to the type and scale of the development and its implications for the area and effectively secured. **Natural England's view is that the proposed measures should align with and help to deliver the aims and objectives of the designated landscape's statutory management plan. The relevant protected landscape team/body should be consulted.***

The new duty is applicable to all actions of relevant authorities, not just those relating to planning. In undertaking actions that impact or could potentially impact on National Landscapes and their settings, the relevant authority must be able to demonstrate how they have actively sought to further the purpose of conserving and enhancing the natural beauty of the National Landscape. The way in which the purpose of designation might be furthered, or the evidence of the genuine attempt to seek to do so, should be open to scrutiny.

Policies (Continued)

Sections 12 and 15 of the NPPF in particular paragraphs; 130, and 174, 176 & 177;

The National Planning Practice Guidance (NPPG) particularly Section 8-036 to 8-043 on Landscape; and

The South Devon AONB Management Plan and its Annexes including the Estuaries Management Plan.

Local Planning Policy - Landscape:

The statutory Development Plan comprises the Plymouth & South West Devon Joint Local Plan 2014-2034.

DEV23 Landscape Character

DEV24 Undeveloped Coast and Heritage Coast

DEV25 Nationally Protected Landscapes

The special qualities of the South Devon AONB considered to be most relevant to this application are:

'Fine, undeveloped wild and rugged coastline

Ria estuaries (drowned river valleys), steep combes and a network of associated watercourses

Iconic wide, unspoilt and expansive panoramic views

Landscape with a rich time depth and a wealth of historic features and cultural associations

A breadth and depth of significant habitats, species and associated natural events

Areas of high tranquillity, natural nightscapes, distinctive natural soundscapes and visible movement'.

Landscape Character:

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The Site and the host landscape surrounding it are entirely within the South Devon AONB, a nationally important protected landscape designation as confirmed in the National Planning Policy Framework (NPPF). At the district level, the Site and its surroundings are also within the Undeveloped Coast designation of the Plymouth and South West Devon Joint Local Plan (PSWD JLP).

National Landscape Character Area: 151 South Devon

Devon Landscape Character Area: Salcombe to Kingsbridge Estuary

South Hams Landscape Character Types: LCT 3G River valley slopes and combes, and immediately adjacent to LCT 4A Estuaries.

At the county level, the Site and its surroundings are located in the Salcombe to Kingsbridge Estuary landscape character area (LCA). This is a waterside landscape where open water is juxtaposed with steep wooded valley sides that rise to rounded ridges between valleys and creeks. The tidal character of this area results in a continually changing scene, and views across and up and down the estuary are a defining feature.

LCT 3G is located across the district on the banks of the numerous rivers along the south-coast, including the Salcombe-Kingsbridge Estuary. The topography is characterised by rounded hills and steep undulating slopes, with branching narrow valley systems flowing into and overlooking their associated rivers and estuaries. It is a well-wooded landscape, with deciduous and mixed woodland located on the steeper slopes and the fringes of streams, creeks, rivers and estuaries, emphasising the landform. This is a secluded, rural, tranquil valley landscape which is not interrupted by modern large scale development or busy roads, and is valued for dark night skies.

‘LCT 4A Estuaries are dynamic landscapes which change often with tides and weather conditions. The estuaries are strongly naturalistic and tranquil with semi-natural habitats that are highly important for biodiversity, with the Salcombe-Kingsbridge estuary being particularly distinctive as there is no main river feeding it so it remains saline within its upper reaches. The estuaries act as a focus for adjoining areas of cliff and combes to create highly valued and visually attractive landscapes, with woodland cover on valley slopes, and particularly the overhanging woodlands extending to the water’s edge, contributing to the character of the estuaries. The landscape is popular with tourists and water-based recreation, providing for quiet enjoyment and ready access to the natural environment’.

In summary, the character and quality of the local landscape containing the Site is of national importance, as reflected in its designation as an AONB. The Kingsbridge-Salcombe Estuary is the dominant feature in the landscape and one that is a popular recreational resource, enjoyed throughout the year. Part of the character of the landscape is defined by the interplay between the estuary and its creeks and the adjoining land. Views within and across the area containing the Site are described as one of the key characteristics of the local landscape.

Recognised forces for change in landscape character include new development (including replacement modern dwellings) on the estuary sides, with significant pressure for further built development along estuary shorelines, with cumulative impacts on landscape, habitats and water quality.

The South Devon AONB Management Plan - South Devon AONB Planning Guidance

8.1 Coastal and Estuarine Development

A development in the coastal and estuarine zone that conserves and enhances the AONB will:

Maintain open views and seascapes free of visual intrusion;

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Retain the overall extent and quality of foreshore and tidal habitats;

Retain the extent and tranquil character of undeveloped reaches of the coast and estuaries and direct any new construction to existing built up areas;

The South Devon AONB Management Plan - Estuaries Management Plan

'The key principles to this vision are that:

- 1) the conservation of the estuaries is the responsibility of all those who use and enjoy them directly or indirectly, as well as the appropriate authorities and organisations;*
- 2) everything practical must be done to prevent the loss and degradation of each estuary's natural, historic and archaeological resources, conserving their natural integrity and to improve them where they are in a damaged state;***
- 3) to ensure an awareness of the estuaries environment and the empowerment of the local community to make informed decisions about their use and future management;*
- 4) to encourage the sustainable use and enjoyment of our estuaries with a sense of their ownership and care;*
- 5) where there is irreconcilable conflict between man's use of the estuaries and the conservation of the ecological and conservation value the latter will take preference (extension of the Sandford Principle which applies to National Parks)'***

3.2 Planning & Sustainable Development

Relevant AONB Management Plan Policies

Plan/P1 Plan-making - adapted Planning policies will give due weight to the purpose of conserving and enhancing the natural beauty and special qualities of the South Devon AONB Estuaries; while supporting small scale development that is appropriate to its setting, is in keeping with its character, and meets the economic and social needs of local communities.

Plan/P2 Decision-taking Development management decisions will give great weight to the purpose of conserving and enhancing the natural beauty of the South Devon AONB; and support development that is appropriate and proportionate to its setting within or adjacent to the South Devon AONB

Plan/P3 Planning protocol - adapted Local Planning Authorities will consult the South Devon AONB Estuaries Partnership on planning policy and significant planning applications following the agreed planning protocol, and use the South Devon AONB Estuaries Management Plan as guidance to inform plan-making and decision-taking.

Additional Policy

Cumulative loss of seabed, foreshore and habitat extent. There shall be a strong presumption against any further loss in extent or quality of foreshore, seabed or habitat unless demonstrably in the wider public interest

The Society are of the opinion that these policies guide development away from this foreshore location. Oddly for a Boathouse a sewage package plant is required in an area close to a beach and discharges into protected waters and into a restricted zone because of the nearby Mill Bay designated bathing water. It is our opinion the drainage design conflicts with the General Binding Rules.

The boathouse is to be positioned in the middle of this cove at the head of a beach.

The boathouse footprint is comparable with the previously withdrawn application that included accommodation.

The Society therefore respectfully requests that this planning application is refused.

For and on behalf of the South Hams Society

Richard Howell
Chairman