



The Planning Inspectorate 3D Eagle Wing  
Temple Quay House  
2 The Square,  
Bristol,  
BS1 6PN.

Appeal Reference: APP/K1128/W/22/3297083

South Hams District Council Planning Ref: 3268/21/OPA

OUTLINE APPLICATION WITH ALL MATTERS RESERVED FOR ERECTION OF SINGLE DWELLING.

LAND AT FAIRHAVEN, SANDHILLS ROAD, SALCOMBE, TQ8 8JP

### **LETTER FROM THE SOUTH HAMS SOCIETY TO THE PLANNING INSPECTOR**

#### **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 wishes to reiterate that we remain vehemently opposed to this development proposal on land at Fairhaven and we maintain all of the comments and references to policy within our Letter of Objection dated 22nd October 2021.

Four previous applications to develop this site have been refused by the Local Authority, and two appeals have been dismissed by the Inspector.

In each instance the applicant has failed to demonstrate how the various proposals put forward are able to overcome the significant material constraints of developing this aesthetically pleasing, low density, wooded area of Salcombe.

Officers and Inspectors have consistently concluded that the principle policy tests appertaining to development of the land in question have not been met.

The Society fully endorses this assessment and we believe that it remains highly applicable to the current application.

The Society note with interest the comments of the Design Review Panel - Appeal Document 27/06/22.

The Panel have expressed their support for the development proposal and have stated that it would not have a detrimental impact upon the landscape character.

No mention is made, nor consideration given, to the TPO Designation that is extant across the site.

Charity No 263985

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The Panel have stated that :

‘It is felt that the removal of some of the appropriate trees will enhance the character and legacy of the proposals as well as helping to capture outward views from within the site’.

The Society believes that this casual assertion that protected trees can be removed in order to facilitate the proposed development illustrates a total disregard for the TPO Designation and explicitly conflicts with the Panel’s stated opinion that there would be no detrimental impact upon the landscape character.

It is also inappropriate for the Panel to recommend the removal of trees in order to capture outward views. This course of action conflicts with the provisions and protection objectives of the Woodland TPO and the Panel should be aware that there is no right to a view in English Law.

Within the previously refused application for erection of a single dwelling (3010/18/FUL) the Officer Report stated that:

‘While Authorities should have regard to recommendations made by design review panels ( NPPF paragraph 129 ) it is for the determining authority to balance the recommendation against its local policies and overarching national policy.

Officers remain of the view that the principle of development in this location is unacceptable by virtue of the low density character of this portion of Salcombe and the impacts development will have on the woodland and this low density character’.

The Society fully endorse and support this assessment and it remains entirely applicable to the current application.

The trees that predominantly surround the application site are deservedly afforded protection by Tree Preservation Orders 681- W1- Woodland and 86-A1- Area.

The trees contribute significant public visual amenity benefits to the wider sylvan setting of the locality as amplified by the open coastal aspect and multiple local medium and long range view receptors.

The Society believes that the removal of trees compromises the integrity, purpose and natural function of the TPOs and we are deeply concerned that dwelling occupancy in this woodland location will result in ongoing requests to fell or undertake extensive tree works due to worries about damage from seasonal debris fall and from storms.

It is the view of the Society that the natural regeneration and future well being of the woodland in adherence to the provisions and objectives of the TPO Designation presents a substantive material constraint to the development proposal.

When issuing a decision of refusal for the previous application to erect a single dwelling Officers concluded :

‘in this case the benefits of the proposals arising from the construction of the dwelling, social benefit of providing a single dwelling within an existing settlement do not outweigh the identified harm to the landscape, AONB, impact to the low density character of the area and impact upon protected trees and the application is therefore recommended for refusal’.

The Society agree implicitly with this assessment and given that the current application is substantively no different to those of any previously submitted it is our opinion that the comments made by Officers still apply and provide a compelling reason to dismiss this appeal.

For and on behalf of the South Hams Society

Richard Howell

Chairman

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