

## OFFICER'S REPORT

<b>Case Officer:</b>	Charlotte Howrihane		
<b>Parish:</b>	Salcombe	<b>Ward:</b>	Salcombe & Thurlestone
<b>Application No:</b>	0532/25/OPA		
<b>Applicant:</b>	Mrs Christine Cottle Shyrehill Grange Road Buckfast TQ11 0EH	<b>Agent:</b>	Mr Michael O'Connor Squirrel Design Solutions Limited 6 Turnlake Road Chagford TQ13 8FF
<b>Site Address:</b>	Proposed Development Site At Sx731384 (adjacent to Fairhaven), Sandhills Road, Salcombe		
<b>Development:</b>	Outline planning permission with some matters reserved for erection of a single dwelling (resubmission of 3268/21/OPA)		

**Recommendation:** Refusal

### Reasons for refusal:

1. The proposed development would have an adverse effect upon the character and appearance of the area and would detract from the special qualities of the South Devon National Landscape, which conflicts with policies DEV23 and DEV25 of the Plymouth & South West Devon Joint Local Plan (2014- 2034), policies SALC Env1, SALC Env5, SALC Env6 and SALC Env7 of the Salcombe Neighbourhood Development Plan (2018- 2034) and paragraph 189 of the National Planning Policy Framework (2025).
2. The proposed development raises concerns in respect of its detrimental impact on protected trees, and the woodland character of the site, contrary to policies DEV28 of the Plymouth & South West Devon Joint Local Plan (2014- 2034) policy SALC Env 7 of the Salcombe Neighbourhood Development Plan (2018- 2034), and paragraph 187 of the National Planning Policy Framework (2025).
3. Insufficient information has been provided to demonstrate that the layout of the proposed dwelling is appropriate in terms of landscape impact and the local pattern of development. The Local Planning Authority therefore cannot be satisfied that the development complies with policies DEV20 and DEV23 of the South West Devon Joint Local Plan (2014- 2034) policy SALC B1 of the Salcombe Neighbourhood Development Plan (2018- 2034), and paragraph 135 of the National Planning Policy Framework (2025).

### Key issues for consideration:

Principle of development, landscape impact, trees, highways, residential amenity

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### Site Description:

The site is a flat area of lawn which forms part of a residential garden off Sandhills Road, on the south side of Salcombe. The site is within the National Landscape, and the designated Heritage Coast and Undeveloped Coast policy areas lie beyond the road to the south of the site.

The site is on sloping ground that rises to the north (rear) and is served by a winding driveway that leads uphill from the road to the south and serves the existing dwelling to the east of the proposed development site. The site is located in an established residential area, surrounded by existing dwellings. The site is located within an “area” Tree Preservation Order (TPO) which also covers a large area surrounding the site.

### **The Proposal:**

The application seeks outline approval with some matters reserved for the erection of a single dwelling on the site. Layout is sought as a matter to be considered at this stage, but all other matters (access, appearance, landscaping and scale) are reserved.

### **Consultations:**

- Salcombe Town Council- objection:  
*‘Development in ‘Character and Density Policy Area A’, as identified in the Neighbourhood Plan, will only be permitted where such development would not detrimentally impact on the character of the existing low density development, mature gardens and trees in the area. We believe the proposal is contrary to this policy.*

*This is not an allocated site within policy TTV24 and we believe the site is now lower, less screened and more prominent than the previously refused application.*

*The proposal would result in the introduction of further development in what is an undeveloped parcel of land. Building on the site, even with a high-quality design, would harmfully impinge on the overall character of the area by the introduction of additional form in close proximity to the surrounding development within this low density area.*

*Consequently, the proposal would erode the sense of openness and character of this wooded hillside which contributes to the natural beauty of this part of the AONB.*

*This is therefore in conflict with policies SPT1, SPT2, DEV 10, DEV 20, DEV 23, DEV 25, DEV26 and DEV 28 of the JLP. Moreover, it would conflict with policies ENV1 and ENV7 of the Neighbourhood Plan.*

*If approved we would worry that further applications would result in much larger proposals with additional subterranean space extending to fill the site with extra floor space, bulk and volume. The additional activity on the site would also put unwanted pressure on the shared driveway serving other properties on the site.’*

- DCC Ecology- no objection, conditions recommended
- Drainage- no objection, condition recommended
- Tree Officer- objection, details in analysis
- Landscape Officer- objections, details in analysis

### **Representations:**

Sixty two letters of objections have been received, along with one letter of support. These representations can be seen in full on the Council website.

### **Relevant Planning History**

Application Number: 2551/22/TPO

Proposal: G1: x8 Oak - Re-pollard to previous pollard points due to excessive shading over properties. T5: Oak - Re-pollard to previous pollard points to allow light to Fairhaven building/flats.

Decision: Refusal  
Decision Date: 28/09/2022

Application Number: 3268/21/OPA  
Proposal: Outline application with all matters reserved for erection of single dwelling  
Decision: Refusal- Appeal Dismissed  
Decision Date: 09/09/2022

Application Number: 3706/21/TPO  
Proposal: T6: Dogwood, T7: Mulberry & T8: Dogwood - Deadwood removal (exempt). T7: Mulberry - Lateral reduction on South side by approx 1.5m to balance tree and reduce stress on rotting main stem. G1: Holm Oak x 8 and T5: Holm Oak - Repollard to previous points to allow light to flats.  
Decision: Split Decision  
Decision Date: 03/12/2021

Application Number: 3010/18/FUL  
Proposal: Erection of a single dwelling  
Decision: Refusal  
Decision Date: 18/03/2019

Application Number: 41/1367/14/TW  
Proposal: Group of Holm Oaks. Pollard.  
Decision: Tree Works Allowed  
Decision Date: 22/07/2014

Application Number: 41/0888/13/F  
Proposal: Resubmission of planning application 41/2487/11/F for the erection of single dwelling.  
Decision: Refusal  
Decision Date: 18/07/2013

Application Number: 41/2487/11/F  
Proposal: Erection of single dwelling  
Decision: Refusal  
Decision Date: 02/04/2012

Application Number: 41/2111/02/O  
Proposal: Outline application for erection of new dwelling on part site of existing store building  
Decision: Refusal  
Decision Date: 16/09/2003

Application Number: 41/1596/94/3  
Proposal: Erection of single dwelling house and garage for two cars,  
Decision: Refusal  
Decision Date: 29/11/1994

Application Number: 41/2259/89/1  
Proposal: Outline application for erection of single dwelling,  
Decision: Refusal  
Decision Date: 06/12/1989

Application Number: 41/1542/87/1  
Proposal: Erection of single dwelling,  
Decision: Refusal  
Decision Date: 18/11/1987

Application Number: 41/0959/86/1  
Proposal: Erection of detached dwelling and garage,

Decision: Refusal  
Decision Date: 29/07/1986

Application Number: 41/0351/74/1  
Proposal: Erection of detached House and Garages  
Decision: Refusal  
Decision Date: 10/09/1974

## **ANALYSIS**

### Policy background:

The new National Planning Policy Framework (NPPF) was published on the 12th December 2024. The revisions to the NPPF make numerous changes, the most significant of which is the clear aim of increasing housing delivery nationally, and the changes introduced to the standard methodology which sets out the way in which local housing needs are calculated. Consequently, it is considered the Joint Local Plan Authorities can no longer demonstrate a 5-year supply of housing land when assessed against the new standard methodology, and paragraph 11(d) of the NPPF applies.

The approach taken in Paragraph 11(d) is generally referred to as “the tilted balance”. The titled balance means that decision-makers should be disposed to grant planning permission unless the presumption in favour of sustainable development can be displaced. The presumption can be displaced where the application of the NPPF policies that protect areas or assets of particular importance provide a strong reason for refusing planning permission (paragraph 11(d)(i) or the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole (paragraph 11(d)(ii).

Paragraph 12 of the NPPF states that the presumption in favour of sustainable development ‘does not change the statutory status of the development plan as the starting point for decision making’. Paragraph 232 of the NPPF states that ‘existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).’

In the application of paragraph 11(d)(ii), it is necessary to look at the ‘most important policies’ applicable to a particular application and whether, when read as a whole, the ‘basket’ of those most important policies remains relevant, as well as considering how much weight can then be attributed to each of those policies in the overall planning balance.

It is also important to understand the degree to which the housing land supply position is below the required 5 years (plus appropriate buffer), and the extent to which the adopted development plan policies align with the policies in the NPPF. As a result of the new standard method set out in national planning practice guidance (NPPG), the combined authorities are able to demonstrate a 2.53 year housing land supply.

### Principle of Development/Sustainability:

The JLP is a spatial plan, and policy SPT1 seeks a sustainable society where sustainable and health promoting transport options are available to access local education, services and jobs. Policy SPT2 sets out that development should support the overall spatial strategy through the creation of communities which; have reasonable access to a vibrant mixed use centre, which meets daily community needs for local services such as neighbourhood shops, health and wellbeing services and community facilities, and; are well served by public transport, walking and cycling opportunities.

Policy TTV1 of the 2019 Plymouth & South West Devon Joint Local Plan (JLP), prioritises growth through a defined four tier hierarchy of settlements within the Thriving Towns and Villages Policy Area (TTV). Salcombe is within tier 2, which identifies Smaller Towns and Key Villages, where development is supported *‘for growth commensurate with their roles in supporting the small villages and hamlets.’*

The site is also within the settlement boundary designated by the adopted Salcombe neighbourhood plan (SNP). Policy SALC H2 of the NP supports market housing within the settlement boundary where it *‘responds to local housing needs as defined in the latest Housing Needs Survey.’* As an outline application, the scale of the dwelling is not yet known, however had permission been granted, a condition would have been recommended requiring any subsequent reserved matters application to detail how it responds to a local housing need, in accordance with SALC H2.

In order to comply with policy SALC H3, any permission would also include a condition restricting the occupancy of the dwelling to principal residence only, meaning that it would have to be the occupants main residence, and could not be sold or let as a second home, or holiday home.

Subject to the aforementioned conditions, the site is in a location where the principle of residential development could be supported, subject to compliance with other relevant development plan policies and material considerations.

#### Design:

As an outline application, there are no details of the design to be considered at this stage. Whilst the applicant has stated that the intention is to develop a building of high quality design, this is not something that can be attributed any weight at this stage, given the application has been made in outline form, with appearance and design matters reserved.

Layout is sought as a matter to be considered at outline stage. The layout is indicated by a rectangle shape shown on the block plan, but no further information is submitted in respect of the layout of the proposed development.

Officers would generally expect further information to be submitted in this regard. Typically, additional details in respect of the site layout (parking provision, etc), and the layout of the dwelling itself would be expected, but no such information has been provided. As such, Officers do not consider that sufficient information has been provided to ascertain that the proposed layout is acceptable, noting that, if approved, not further layout details could be requested or assessed at reserved matters stage.

#### Trees:

The site is protected by an area TPO, with individually protected trees nearby. A previous outline application for a dwelling on the site (although in a different location within the site) was dismissed at appeal<sup>1</sup>, partially due to concerns about the impacts on trees. As such, the Council's Tree Officer has reviewed the application and provided the following comments:

*‘Please find below our response in respect of the above noted Outline Planning Application which has been prepared following review of the following information.’*

- *Tree Survey with Tree Protection Plan: 1733/TS 26th July 2024*
- *Landscape Impact Statement: SPP /3365/Nov 2024 Rev A Feb 2025*

*Appraisal*

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<sup>1</sup> Appeal Decision APP/K1128/W/22/3297083

1. The submitted information has been reviewed in accordance with the Plymouth & South West Devon Joint Local Plan 2014-2034, BS5837:2012 Trees in relation to Design, Demolition & Construction & further additional industry best practise guidance, policies and legislation as required following an unattended site visit on 28/03/2025.
2. I note the re-positioning of the proposed dwelling to the South West of the previously refused at appeal outline application. The open nature of the lawn is recognised and no root ingress of consequence into the flat garden platform is envisaged.
3. Of significant import however is the surrounding vegetation both on and principally offsite, afforded weight by the appeal inspector and noted in numerous points within the LVA as being of effective screening function to the site.
4. The combined actions of the TPO and S85 enhanced Duty under the CroW Act combine to place a high level of importance for the unaffected retention of trees within the locality and National Landscape amongst other potential injurious matters that may arise through development in such constrained locations.
5. Noting the above it is officer view that reliance upon offsite trees to screen a development that may be removed due to disease or other disorder would lead to fragility of successful long-term integration of the dwelling into the protected landscape.
6. The tree survey presents accurate baseline data on the trees in respect of location, condition, species and potential longevity. The species combine to support the agreed view that the area is defined by medium to large properties surrounded by well tree'd gardens. The construction of a dwelling directly within the fall path of strongly growing trees would be at odds with the undisturbed retention of trees of locally important contribution to the designations listed.
7. Given the dwelling would be located on the Southern, and most photosynthetically active side it is likely that their continued growth towards the path of the sun would lead to overarching branch growth onto the site.
8. On a detail level I am unable to replicate LVA Viewpoint VP1b Sandhills Road where the Image and supporting text do not accord with the annotated map insert location, however it is anticipated that the Landscape Specialist will make further comment if necessary. It does note that the existing trees in the viewpoint (all off site trees) will remain. It is not known how this level of certainty to the management of another parties trees is given where a wide range of biotic or abiotic factors may lead to tree removal and increased perception of any new dwelling as a consequence.
9. Any new occupant would be likely to wish such overhang to be reduced by way of crown diminishing pruning or even tree felling, with such requests difficult for the Planning Authority to resist based upon the circumstance of a new approved dwelling and the need to ensure resident and property safety from falling tree debris.
10. The mixed species group to the front would be likely to come under elevated levels of management to promote a view, prevent shade or reduce/ avoid oppressive proximity to dense foliage.
11. Whilst it is noted that the actual footprint of the dwelling could be accommodated within the open lawn area this is just one layer of constraint that trees would pose.

*Noting the above points it is officer view that the tenet of development here by way of Outline consent would inevitably lead to erosion of the adjacent sylvan cover which would be harmful to the purpose of the TPO and National Landscape equally*

*Recommendation: Objection on Arboricultural merit*

*Reason: It is considered that the scheme as proposed bears potential to be contrary to Policy Dev 28 of the Plymouth & South West Devon Joint Local Plan 2014-2034 and S85 of the CRoW Act and/ or the recommendations within BS5837:2012 Trees in relation to Design, Demolition & Construction*

*In the previous appeal decision, the Inspector noted that 'the trees and planting on and around the site make a significant positive contribution to the visual amenity and character of the area from both close and long-distance viewpoints due to their prominent position on the hillside*

*contributing to a wider wooded vista.'*

The concerns of the Tree Officer, that the development is likely to lead to pressures on the Council to permit works to these trees in the future in the interests of safety of new residents are noted, and this was accepted by the Inspector in the previous appeal decision (appeal decision paragraph 10). Given the positive contribution that the surrounding trees make to the local landscape, and the special qualities of the National Landscape, any such pressures and subsequent works would reduce tree coverage harmfully impacting on the wooded character of the area.

Policy SALC Env7 of the NP includes the site within a Character and Density Policy Area, where the policy states that development will only be permitted where it does not '*detrimentally impact on the character of existing low density development, mature gardens, and trees in these areas*' (emphasis added).

Policy DEV28 of the JLP states that development which would result in the loss or deterioration of high amenity trees, including protected trees, will not be permitted, '*unless the need for, and benefits of, the development in that location clearly outweigh the loss and this can be demonstrated.*' In this instance, there are no public benefits to the development which could be considered to outweigh the identified impact on the protected trees.

Mindful of the conclusions of the previous appeal decision, and the new comments from the Tree Officer, the proposed development conflicts with policies DEV28 and SALC Env7 due to the potential detrimental impact on protected trees, and the woodland character of the site and its surroundings.

#### Landscape:

The site is within an extremely sensitive location; as well as being a rural location in the countryside, it is also within the South Devon National Landscape, and adjacent to the Undeveloped Coast policy area, which borders Sandhills Road to the south.

The site is also within Character and Density policy area A, defined within the neighbourhood plan defined in the neighbourhood plan. Policy SALC Env7 of neighbourhood plan states that development in these areas will only be permitted '*where such development would not detrimentally impact on the character of the existing low density development, mature gardens and trees in these areas.*'

National Landscapes are given the highest degree of protection in both local and national planning policy, and development must preserve and enhance the special qualities of the National Landscape.

Paragraph 189 of the National Planning Policy Framework (the Framework) attaches great weight to conserving and enhancing landscape and scenic beauty in National Landscapes. Additionally, Section 245 (Protected Landscapes) of the Levelling-up and Regeneration Act (2023) has amended section 85 of the Countryside and Rights of Way (CROW) Act, to create a duty for public bodies to 'seek to further' the statutory purpose of Protected Landscapes, which for National Landscapes is to "conserve and enhance the natural beauty of the area of outstanding natural beauty". The 'Guidance for relevant authorities on seeking to further the purposes of Protected Landscapes' advises that "Consideration of what is reasonable and proportionate in the context of fulfilling the duty is decided by the relevant authority and should take account of the context of the specific function being exercised."

Due to the sensitive landscape context, the Council's Landscape Specialist has visited the site and assessed the proposal, providing the following comments:

*This response is based upon an examination of the planning file, submitted plans, GIS mapping, aerial & satellite images. A visit to the site and surrounding area took place on 19 March 2025.*

*In addition to the Development Plan, the following legislation, policies and guidance have been considered:*

- *Section 85 of the Countryside and Rights of Way (CROW) Act as amended by Section 245 (Protected Landscapes) of the Levelling-up and Regeneration Act (2023);*
- *Sections 12 and 15 of the NPPF in particular paragraphs 135, 187, 189 & 190*
- *The National Planning Practice Guidance (NPPG) particularly Section 8-036 to 8-043 on Landscape; and*
- *South Devon National Landscape Management Plan 2019-2024 and its Annexes.*

*Landscape designations and policy:*

*The site is within the South Devon National Landscape (formerly known as South Devon Area of Outstanding Natural Beauty – AONB). The development plan includes the Plymouth and South West Devon Joint Local Plan 2014-2034 (JLP) and the Salcombe Neighbourhood Development Plan 2018 to 2034 (SNDP). The following Local Development Plan policies are relevant to the character and scenic qualities of this landscape:*

- *DEV20 Place shaping and the quality of the built environment*
- *DEV23 Landscape character*
- *DEV25 Nationally protected landscapes*

*The SNDP policies considered most relevant are:*

- *SALC Env 1 Impact on the South Devon Area of Outstanding Natural Beauty, and particularly SALC Env1.a) which states that development proposals should demonstrate that they 'maintain the intrinsic character of the landscapes, townscape and seascape affected'*
- *SALC Env 5 Maintaining the character and the environmental quality of the estuary*
- *SALC Env6 Locally Important Views*
- *SALC Env 7 Maintaining the character, and density of development in key areas of Salcombe, noting that the site falls within in Character and Density Policy Area A, identified in Fig 15 in the SLDP.*

*These policies seek to ensure that development conserves and enhances the special qualities, distinctive character and key features of the National Landscape, and to protect against development that is inconsistent with local character. The highest status of protection is afforded by paragraphs 187 and 189 of the NPPF, with great weight given to conserving and enhancing landscape and scenic beauty in National Landscapes. Additionally, Section 245 (Protected Landscapes) of the Levelling-up and Regeneration Act (2023) has amended Section 85 of the Countryside and Rights of Way (CROW) Act, to create a new duty for public bodies to 'seek to further' the statutory purpose of Protected Landscapes, which for National Landscapes is to "conserve and enhance the natural beauty of the area of outstanding natural beauty".*

*The main issues considered are:*

*Whether the development proposals would conserve and enhance the distinctive character and appearance of the area, and the special qualities of the South Devon National Landscape. Landscape Character: Whilst the site is within the town of Salcombe, the qualities and characteristics of the surrounding, nationally protected landscape are a significant consideration. The local landscape exhibits key characteristics identified in the published Landscape Character Assessments for the Devon Landscape Character Area of Salcombe to Kingsbridge Estuary, including the estuary flanked by pronounced, steep sided rounded hills that are well wooded; the distinctive juxtaposition of water and land; the*



*expansive, scenic views; the historic settlement of Salcombe; and the fact that the area is valued for recreation.*

*The locally distinctive characteristics of Salcombe contribute to the distinct character of the Salcombe-Kingsbridge estuary, and therefore to the Special Qualities of the South Devon National Landscape. The substantial houses situated south of Main Road and along Sandhills Road and the north-western end of Beadon Road occupy substantial plots on the steep slopes facing the estuary and are clearly visible in views from the water; from the beach of North Sands and from various PRoWs from where people enjoy the scenic qualities of the landscape, as well engaging in recreational and leisure activities.*

*SALC Env7 seeks to protect the well vegetated green spaces on this part of the hillside where built form is absent, including within private gardens. The site lies within Character and Density policy area A, situated between the A381, Main Road, and Beadon Road and Sandhills Road to the south-west. The garden spaces and mature trees located between the dwellings and buildings collectively provide one of the valued, linear, green gaps on the hillside. These green gaps between built form are a characteristic feature of Salcombe and are identified as such in SNDP Policy.*

*The Landscape Impact Statement submitted in support of the application has been noted.*

*The site is within a large area of the hillside covered by Tree Preservation Orders that protect these extensively wooded slopes on the side of the estuary, which are such a characteristic feature of Salcombe, and are evident in wider views of the town including from across the estuary. The proposed development would adversely impact on the character and extent of this green space.*

*The SHDC Tree Officer's response addresses in detail the Arboricultural issues pertinent to this site, and I support his concerns about the risk of future harm to the sylvan qualities of locality should outline consent for a dwelling in this location be approved. In Landscape terms, if the development ultimately resulted in the deterioration of the quality and extent of tree cover, this would fail to accord with adopted policies DEV23 and DEV25, and SALC Env1 which seek to ensure development conserves and enhances the natural beauty of the landscape with particular reference to its special qualities, distinctive characteristics and valued attributes.*

*I have noted the previous appeal decision for 3268/21/OPA (APP/K1128/W/22/3297083, dated 09 September 2022), which is strongly worded in respect of the harm to the character and appearance of the National Landscape that would result if further built development were to be introduced to the undeveloped parcel of land to the west of Fairhaven. The current proposal does not provide any significant changes that, in my view, would alter the conclusions reached by the Inspector in their decision, and furthermore, the recent amendment that strengthens the Section 85 duty of the CRow Act, provides even greater, legislative protection against inappropriate development within the National Landscapes.*

*Recommendation: Objection The proposed development would have an adverse effect upon the character and appearance of the area and would detract from the Special Qualities of the South Devon National Landscape, which conflicts with JLP policies DEV23 and DEV25, and SNDP policies SALC Env1, SALC Env5, SALC Env6 and SALC Env7.*

The hillside which the site is situated on forms an important backdrop to numerous viewpoints of this part of the locality and South Devon National Landscape from the south including Cliff Road and North Sands Bay. Whilst Officers acknowledge that the existing trees and vegetation around the lawn area where the dwelling is proposed would provide some screening from wider views, a new dwelling on the site would undoubtedly be evident from numerous viewpoints.

Officers are mindful that the application is an outline proposal only. As such, matters such as scale, design, and external appearance are reserved and not to be considered at this stage. However, given the sensitivity of the site, the low density development required by policy SALC Env7, and the statutory duty to further the purposes of the National Landscape, Officers consider that the introduction of a dwelling at the site would harm the overall character of the area by introducing additional built form in closer proximity to existing development within a designated low-density area. Together with the impacts on the on existing trees, as discussed earlier in this report, the proposal is considered to erode the sense of openness, and character of the hillside, which contributes to the natural beauty of the National Landscape.

Also of relevance is an outline application was also submitted for the erection of a dwelling at the site in 2021, although the siting was proposed slightly further south within the wider site. This application was refused, and subsequently dismissed at appeal, with the Inspector concluding:

*'the proposal would harm the area's overall character and appearance and detract from the landscape and scenic beauty of this part of the AONB. This would result in a conflict with the aims of Policies SPT1, SPT2, DEV10, DEV20, DEV23, DEV25, DEV26 and DEV28 of the LP and Policies ENV1 and ENV7 of the Salcombe Neighbourhood Development Plan 2018 – 2034 (NP). These policies seek, amongst other things, to ensure that development is of good quality that conserve and enhance the character and quality of area within which it is located; maintain the area's distinctive sense of place and existing low-density character; conserve the landscape and scenic beauty of the protected landscape; and, limit loss or deterioration of protected trees. The proposal would also be contrary to the provisions of the Framework in relation to achieving well-designed places which are visually attractive as a result of good architecture and of an appropriate density.'* (paragraph 14).

Although the siting of the dwelling has been relocated in the site, Officers do not consider that this is sufficient to overcome the concerns in the previous appeal decision in respect of landscape impact, and the harmful impact that additional development at the site would have on the special qualities and character of the National Landscape, especially as the duties to protect the National Landscape have been strengthened since the previous appeal decision through the changes to section 85 of the CROW Act.

#### Residential amenity:

The site is a reasonable distance from the nearest dwellings, and although the proposal is only in outline form, so details are not available to consider in respect of neighbour amenity. However, Officers are satisfied that given the position of the site and the distance from the neighbouring dwellings, a design could be achieved that would preserve the amenity of existing residents. The development is therefore acceptable in terms of policies DEV1 and DEV2 of the JLP.

In order to ensure adequate amenity for occupants of the proposed dwelling, the development would need to meet the Nationally Described Space Standards for new dwellings, and provide external amenity space which meets the minimum requirements set out in the JLP SPD (100sqm for new detached dwellings). Had the development been considered acceptable in all other regards, a condition would have been recommended requiring any reserved matters application to demonstrate how this would be achieved.

#### Highways/Access:

Access is a reserved matter, although Officers note that the site benefits from an existing vehicular access of the main road, and there is likely to be adequate parking provision available, details of which would need to be provided as part of any reserved matters application, should outline permission be granted. Given the constrained road access to the site, it would also be recommended that a Construction Management Plan is conditioned, to ensure that the impact of the development is minimised in respect of the highways network and local residents.

## The Planning Balance and Summary:

Since the previous appeal dismissal, there has been a material change in policy, with the Council no longer able to demonstrate a five year housing land supply. The site is considered to be a sustainable location for development, and the tilted balance would therefore be engaged.

Whilst acknowledging that the development would contribute to the district's housing supply, the provision of a single dwelling is not considered to make such an impact on housing stock that it would outweigh the harm identified to the National Landscape through the introduction of built form in a currently undeveloped landscape, which has been identified as making a positive contribution to the special qualities of the National Landscape. The high degrees of protection given to the enhancement of the National Landscape leads Officers to conclude that the benefits of the scheme do not outweigh this harm, and the application is therefore recommended for refusal.

***This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004***

## **Planning Policy**

### Relevant policy framework

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The relevant development plan policies are set out below:

**The Plymouth & South West Devon Joint Local Plan was adopted by South Hams District Council on March 21st 2019 and West Devon Borough Council on March 26th 2019.**

SPT1 Delivering sustainable development  
SPT2 Sustainable linked neighbourhoods and sustainable rural communities  
TTV1 Prioritising growth through a hierarchy of sustainable settlements  
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area  
TTV24 Site allocations in the Smaller Towns and Key Villages  
DEV1 Protecting health and amenity  
DEV2 Air, water, soil, noise, land and light  
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area  
DEV9 Meeting local housing need in the Plan Area  
DEV10 Delivering high quality housing  
DEV20 Place shaping and the quality of the built environment  
DEV23 Landscape character  
DEV24 Undeveloped coast and Heritage Coast  
DEV25 Nationally protected landscapes  
DEV26 Protecting and enhancing biodiversity and geological conservation  
DEV28 Trees, woodlands and hedgerows  
DEV29 Specific provisions relating to transport  
DEV32 Delivering low carbon development  
DEV35 Managing flood risk and Water Quality Impacts

### **Salcombe Neighbourhood Plan**

SALC ENV1 Impact on the South Devon Area of Outstanding Natural Beauty.  
SALC ENV2 Green Infrastructure throughout the Parish.  
SALC ENV5 Maintaining the character and environmental quality of the estuary.  
SALC ENV6 Locally Important Views.  
SALC ENV 7 Maintaining the character, density, and green infrastructure in key areas.  
SALC B1 Design Quality and safeguarding Heritage Assets

SALC T1 Car and trailer parking in Salcombe  
SALC H2 Market Housing  
SALC H3 Principal Residence requirement for new housing

Other material considerations include the Joint Local Plan Five Year Review Report (March 2024), policies of the National Planning Policy Framework (NPPF) and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application:

**South Devon Area of Outstanding Natural Beauty Management Plan (2019-2024)**  
**Plymouth and South West Devon Joint Local Plan Supplementary Planning Document (2020)**  
**Plymouth and South West Devon Climate Emergency Planning Statement (2022)**

**Considerations under Human Rights Act 1998 and Equalities Act 2010**

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.

<b>The above report has been checked and the plan numbers are correctly recorded within the computer system. As Determining Officer I hereby clear this report and the decision can now be issued.</b>	
Name and signature: <i>Charlotte Hourihane</i>	
Date: 17 April 2025	

<b>Ward Member:</b>	Cllr Dennis
<b>Date cleared:</b>	22.04.2025
<b>Comments:</b>	I agree with your recommendation of refusal

<b>Ward Member:</b>	Cllr Long
<b>Date cleared:</b>	22.04.2025
<b>Comments:</b>	Thank you for your report. I support your recommendation of Refusal for this application 0532/25/OPA.