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## Appeal Decision

Site visit made on 4 August 2020

**by C J Ford BA (Hons) BTP MRTPI**

**a person appointed by the Secretary of State**

**Decision date: 07 September 2020**

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**Appeal Ref: APP/K1128/D/20/3250594**

**Cheesewring, Sandhills Road, Salcombe TQ8 8JP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mrs Sheila Jansen against the decision of South Hams District Council.
  - The application Ref 3391/19/HHO, dated 17 October 2019, was refused by notice dated 24 January 2020.
  - The development is rebuilding of boundary wall following partial collapse.
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### Decision

1. The appeal is allowed and planning permission is granted for rebuilding of boundary wall following partial collapse at Cheesewring, Sandhills Road, Salcombe, TQ8 8JP in accordance with the terms of the application Ref: 3391/19/HHO, dated 17 October 2019 and the plans referenced; Location and Block Plan 604 001.001 REV A, Proposed Site Plan 604 110.001 REV B and Eastern Boundary Wall 689.001 REV B.

### Procedural Matter

2. The development has been completed with the planning application being made retrospectively. The appeal has therefore been considered on the same retrospective basis.

### Main Issue

3. The main issue is the effect of the development on the character and appearance of the area and whether it conserves and enhances the landscape and scenic beauty of the South Devon Area of Outstanding Natural Beauty (AONB).

### Reasons

4. Paragraph 172 of the National Planning Policy Framework ('the Framework') sets out that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs. Policy DEV25 of the 2019 Adopted Plymouth & South West Devon Joint Local Plan (LP) is consistent with this in requiring development to conserve and enhance the natural beauty of the protected landscape with particular reference to its special qualities and distinctive characteristics or valued attributes. The Council's concern in this regard is the loss of what it regards to be a significant public amenity view

from a public footpath as a result of an increase in the height of the boundary wall alongside part of the footpath.

5. The relevant footpath (Salcombe Footpath 24) provides a pedestrian link between Cliff Road and Bennett Road. The section of the footpath alongside the part of the rebuilt boundary wall at Cheesewring where the height has been noticeably increased is generally narrow and very steep. It is only accessible to the able bodied and with great care as the footpath surface is uneven with haphazardly positioned projecting rocks.
6. From the submitted plans it is apparent that prior to the rebuilding of the wall a view would have been possible over a short section looking towards South Sands and beyond. However, the view would have been constrained to a degree by the position of the house and its terrace. Consequently, given the restricted accessibility of the footpath and the visual intrusion of the built form of Cheesewring, the public amenity view is not considered to be significant as described by the Council. The harm to the character and appearance of the area through its loss is therefore very limited.
7. It is also important to take into consideration the effect on the character and appearance of the footpath itself which has the feeling of forming part of an intimate and wild landscape at this point. The raised section of the wall has effectively closed off the visual awareness of a dwelling being in close proximity. In combination with the use of high quality sympathetic materials in the rebuilding of the partially collapsed wall, the development has positively enhanced the intimate character and appearance of the footpath.
8. Given the above, it is concluded the development does not have an unacceptably harmful effect on the character and appearance of the area. Although there has been the loss of a public amenity view, it is not a significant view and is outweighed by the positive benefits in relation to the footpath. On balance, it is considered the development conserves and enhances the landscape and scenic beauty of this part of the South Devon Area of Outstanding Natural Beauty. It thereby accords with Policies DEV1, DEV20, DEV23 and DEV25 of the LP and Policy SALC Env1 of the 2019 made Salcombe Neighbourhood Development Plan. Amongst other things the policies seek to protect the landscape, local character and distinctiveness and amenity. It also accords with the Framework, including but not limited to paragraphs 170 and 172, which broadly seek the same.

### **Conditions**

9. It is unnecessary to impose the standard conditions in relation to the commencement of development and the use of matching materials given the development has been completed. However, in the interests of certainty, the approved plans are included within the terms of the formal decision.

### **Conclusion**

10. For the reasons set out above and having regard to all other matters raised, the appeal is allowed.

*C J Ford*

APPOINTED PERSON