



Appeal Decision

Site visit made on 22 August 2023

by C Butcher BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 October 2023

Appeal Ref: APP/K1128/W/23/3317888

Motherhill Farm, Main Road, Salcombe, Devon TQ8 8NB

- 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 Mr D J Weymouth against the decision of South Hams District Council.
 - The application Ref 3724/22/FUL, dated 25 October 2022, was refused by notice dated 1 February 2023.
 - The development proposed is given as alleged unauthorised earth bunds, earth movement and surfacing installed AONB (Area of Outstanding Natural Beauty).
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) whether the proposed development would be in a suitable location, taking account of its effect on the scenic beauty of the South Devon Area of Outstanding Natural Beauty (AONB), the need for the development, and whether it would avoid development of the best and most versatile agricultural land; (ii) the effect of the proposed development on the biodiversity of the site; and (iii) the effect of the proposed development on highway safety, with particular regard to road users and pedestrians.

Reasons

Whether the development is in a suitable location

3. The appeal site is located outside of the settlement of Salcombe, within the countryside. It also forms part of the designated 'undeveloped coast'. In order to determine whether the site represents a suitable location for the proposed development, the relevant development plan policies require an assessment of a number of different factors, and I have considered these in so far as they are relevant to this appeal. Of particular importance is the effect on character and appearance, as set out within Policies TTV26(2)(vi) and DEV24 of the Plymouth and South West Devon Joint Local Plan, 2014 – 2034 (LP).
4. Currently, the appeal site forms part of a larger agricultural field within attractive rolling countryside, which forms part of the South Devon AONB. Paragraph 176 of the National Planning Policy Framework (the Framework) states that great weight should be given to conserving and enhancing landscape and scenic beauty within AONB's. A public right of way, which is also an access lane to the nearby Motherhill Farm, is located immediately adjacent to the site and is bounded on both sides by a mature and attractive stretch of 'Devon hedgebank', a man-made bund with mature vegetation that

significantly adds to the character of the immediate area. Being close to the existing edge of the settlement, the site is in a particularly sensitive location where the character of the area transitions from urban to rural. In terms of topography, the land slopes downwards, away from the busy A381 road, and as a result, the site is visible from that vantage point.

5. The proposed development would see the site developed as a transfer site for the storage of building materials. The proposed Devon hedgebank, which would form the boundary of the transfer site, would be relatively tall and provide some screening. However, the topography of the land means that it is highly likely that, even with the screening, the internal features of the site would still be visible from the road. The newly formed access would also provide extensive views into the site for users of the public right of way.
6. Given that the site is in a visually prominent location, the proposed hardstanding, and the building materials that would be stored on it, would be particularly distinctive and conspicuous features which would effectively have an industrial appearance. Being on the opposite side of the access lane to the farm buildings, it would appear quite detached and would seem to protrude into an otherwise agricultural scene. As such, it would be an incongruous feature which would look out of keeping with the rural nature of the immediate area and would significantly detract from the scenic beauty of the AONB, thereby clearly resulting in harm. The proposed Devon hedgebank may somewhat soften the appearance of the development within the landscape over time as it matures. Nonetheless, this would not fully mitigate the harm identified, given the viewpoints that would remain, including those arising from the proposed removal part of the existing mature Devon hedgebank to form an access.
7. Beyond the effect on character and appearance, LP Policy DEV24 sets out that it must be demonstrated that the proposed development could not be reasonably located outside of the undeveloped coast. There is currently an existing transfer site to the north of the A381 and the appellant has provided evidence to demonstrate that it is currently used for the storage of building materials. In addition, on my site visit, I observed that the roads into Salcombe town centre are particularly narrow and winding thereby making it difficult for larger vehicles to navigate along them.
8. In combination, these factors suggest that a transfer site is necessary within reasonable vicinity of the town. However, it is not clear why the site needs to be located within the undeveloped coast, beyond the fact that the site is available. Indeed, while there maybe limited opportunities to deliver this kind of use within the immediate area, I am not convinced that a more centrally located transfer site, which could serve difficult to access building sites across a larger area of south Devon, could not be provided in a more suitable location.
9. Finally, LP Policies SPT1 and TTV26 also seek to avoid the use of the best and most versatile agricultural land (BMVAL) for development. The appellant has set out that the land is Grade 3 agricultural land. However, Grade 3 agricultural land is sub-divided into two categories - Grades 3a and 3b. In that regard, Grade 3a falls within the definition of BMVAL. The proposal would result in loss of some agricultural land that has seemingly been used in recent times for growing of crops. Whilst the appellant has asserted that the land is not in the higher category of Grade 3, no substantive evidence has been provided that

the land falls outside of the definition of BMVAL. In such circumstances, I cannot find with certainty that the proposal would meet the requirements of the aforementioned policies.

10. Taking all of this into consideration, I conclude that the proposed development would not be in a suitable location. In particular, it would not conserve or enhance the landscape or scenic beauty of the AONB. Furthermore, it has also not been adequately demonstrated that the site is needed in that location, or that it would avoid development on the best and most versatile agricultural land. The proposal would therefore conflict with LP Policies SPT1, TTV1, TTV26, DEV23, DEV24 and DEV25, the relevant aspects of which seek to ensure that development is sustainable, that it suitably located, and that it preserves character and appearance, including the scenic beauty of the AONB. It would also conflict with NP policy SALC Env1, which also seeks to preserve the beauty of the AONB, as well as the key objectives of the South Devon Area of Outstanding Natural Beauty Management Plan, 2019 to 2024 which, in part, sets out how the landscape of the AONB should be preserved.
11. NP Policy SALC Env6 aims to protect locally important views. The site is on the periphery of a protected view (V16). On my visit it did not appear that the appeal site itself was visible from that location, and so I do not find conflict with this policy given that it is unlikely that the view would be negatively affected by the proposed development. Nevertheless, this does not overcome the harm that I have identified above.

Biodiversity

12. The removal of part of the existing Devon hedgebank to provide access to the site, and the loss of part of an agricultural field, would likely have a limited negative impact on biodiversity. However, the Preliminary Ecological Appraisal, November 2022, identifies several measures, that collectively, would increase biodiversity on the site. These measures include a newly constructed Devon hedgebank to form the boundary of the site, improvement to existing planting and the provision of three new trees.
13. LP Policy DEV26(5) requires development to deliver a net gain in biodiversity proportionate to the type, scale and impact of development. I am satisfied that, given the limited scale of the proposed development, the identified measures would provide a proportionate increase in biodiversity, and that these measures could be secured through an appropriately worded condition. As a result, there is no conflict with Policy DEV26, or paragraph 174(d) of the Framework, which also aims to provide for an increase in biodiversity.

Highway Safety

14. At present, the public right of way also forms an access lane for Motherhill Farm. It would therefore be regularly used by large vehicles such as tractors and other farm machinery. The appellant has provided evidence of the frequency of vehicle movements associated with the current transfer station which appear to be fairly limited in nature. It is therefore unlikely that the relatively infrequent use of the lane to deliver building materials would cause additional risk to pedestrians or other users, particularly as the affected stretch of the public right of way is fairly short. In addition, given that the width of the lane does not appear to prohibit the movement of farm machinery, it is unlikely that infrequent vehicular movements associated with the transfer station would

cause congestion issues, including on the nearby A381, particularly as vehicles would be able to turn around on site and exit in forward gear.

15. In the absence of any substantive evidence to the contrary, I am therefore satisfied that the proposed development accords with LP Policy DEV29 which, among other things, requires development to provide for safe and satisfactory traffic movements and access. It also conforms with the relevant aspects of the Framework which has similar aims, including ensuring that proposals do not have an unacceptable impact on highway safety.

Other Matters

16. I note that the town council has not objected to the proposed development. However, the absence of objection is not an influential factor on this appeal which I have necessarily considered on its merits when identifying harm. Furthermore, the Framework should be read as a whole, and while it supports development that would provide economic benefits, this does not outweigh the importance that the Framework gives to the preservation of character and appearance, and in particular, nationally important landscapes such as AONB's.
17. Given the harm that would arise from the proposal, a temporary permission would not be appropriate, and the use of conditions would not provide adequate mitigation so as to make it acceptable in planning terms.

Conclusion

18. I have found that the appeal site would not be a suitable location for the proposed development and would cause harm to the scenic beauty of the AONB which is a matter that I afford great weight to. Consequently, the proposal would conflict with the development plan taken as a whole, notwithstanding that I have found no harm in relation to highway safety or biodiversity. There are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict. The appeal is therefore dismissed.

C Butcher

INSPECTOR