



Appeal Decision

Site visit made on 22 January 2024 by Max Webb BA(Hons) MSc MRTPI

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 July 2024

Appeal Ref: APP/K1128/D/23/3328220

Crab Pot, Inner Hope to Outer Hope, Hope Cove TQ7 3HN

- 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 P Howling against the decision of South Hams District Council.
 - The application Ref is 1359/23/HHO.
 - The development proposed is described as 'Repair and replacement structure to retaining bank on garden boundary'.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The Government published a revised version of the National Planning Policy Framework (Framework) in December 2023. Whilst I have had regard to the revised national policy as a material consideration, planning decisions must still be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.
4. In November 2023, all designated Areas of Outstanding Natural Beauty (AONBs) in England and Wales became "National Landscapes" (NLs). I have therefore referred to NLs in my recommendation and specifically referred to the South Devon AONB as the South Devon National Landscape. However, for the avoidance of doubt, the legal designation and policy status of these areas are unchanged, and I have proceeded on this basis.
5. A concrete block wall has been constructed according to the submitted plans, however the development remains incomplete with the proposed oak sleepers, planting and render not yet installed. I have therefore considered the appeal on the basis of the submitted plans.

Main Issue

6. The main issue is the effect of the development on the character and appearance of the surrounding area, including the Hope Cove Conservation

Area (CA), the South Devon National Landscape (NL) and the South Devon Heritage Coast (HC).

Reasons for the Recommendation

7. The appeal site is located on the edge of the CA and within the NL and HC. The wider CA derives considerable significance from the historic buildings, features and architecture of this coastal setting, and the relationship with the sea. The use of local stone, particularly in stone walls along many roads and lanes, contributes positively to the CA. This part of the NL and HC is characterised by low-density residential development in the settlement set on sloping terrain and surrounded by woodland and open farmland. The coast and the beaches and cliffs are important parts of the landscape character.
8. The house and gardens of the appeal site are outside the CA, the edge of which is disputed, but is shown on the submitted map as running along the lane and ending on the line of the wall subject of this appeal. The dwellings on the land above the CA tend to be more recently built and have a different character to the traditional, historic cottages and thatched properties on the other side of the lane within the CA.
9. Boundaries along the lane comprise banks and natural stone walls, with those on the side of the appeal site providing a retaining function for higher land levels. These walls and banks are in varying states of repair and vegetation encroaches onto and over the walls in multiple locations. However, the traditional stone walling underneath can still be glimpsed even where there is considerable vegetation. These therefore remain in keeping with the character of the area and stone walls make a positive contribution to the character and appearance of the CA and this part of the NL and HC.
10. The photographs provided show that the appeal site previously had a part stone, part concrete retaining structure which had been substantially overgrown by vegetation. Temporary repairs had been made to retain the soil and stonework, which was in a poor state of repair. This part of the appeal site did not therefore make a positive contribution to the area or the CA, however with the greenery disguising much of the blockwork, it does not appear to have had a significant negative impact on the appearance of the area.
11. The appeal development introduces a concrete block wall, the upper section of which is proposed to be rendered with timber sleepers across the lower part. Due to the height, length and overall size of the wall, it is clearly visible in multiple views from the lane and within the CA. It currently appears as a prominent feature and the concrete blockwork does not provide a high-quality appearance. This is temporary however, as the surface is proposed to be covered.
12. Whilst rendered dwellings are common in the surrounding area, including a garage nearby on the lane, rendered boundary treatments are not characteristic of the CA. The expanse of rendered wall would be clearly visible in wider views from the CA and the resulting wall would appear as a modern, stark addition to the street scene. It would appear as a marked and harmful contrast to the traditional stone walling around it. The proposed oak sleepers at the base of the wall would help soften its severity, but would only be visible in close views and would also appear out of character with the traditional stone walling in the area. Although the previous retaining structure was taller, that

was largely obscured by greenery and partially stone, so had a much softer appearance than the proposal would have.

13. Planting is proposed to grow up the wall and to hang over the top, which would further soften the harshness of the wall. However, the planter at the base of the wall referred to in the planting specification is not shown on the plans. It is unclear how large it would be, given the use of the space at the base of the wall for car parking. It is also unclear how many plants are proposed in this lower planting. Therefore, the extent to which planting at the base of the wall would provide coverage is unclear.
14. Moreover, the planting proposed is likely to take several years to establish itself to a size where the wall would be well covered, and in the meantime the wall would be highly visible. Even once established, the wall would be unlikely to be hidden completely by the greenery that is proposed, and glimpsed views of the render and sleepers would still be out of character with the area. Furthermore, it would be difficult to require the maintenance of any specific degree of vegetation cover, or the retention of this type of planting long-term, as plants would age and need to be replaced, resulting in less coverage at times. Consequently, the materials and planting proposed would not satisfactorily mitigate the visual impact of the wall.
15. A concrete block wall at Oriana is in the CA, however it is of some age and it is unclear when it was built or whether this required planning permission. In any event, it is significantly smaller in scale than the appeal proposal and is angled along the driveway of the property, with traditional stone walls along the road edge. It therefore has less visual impact than the appeal scheme.
16. The rendered wall at Poppins is largely overgrown so has limited visual impact. Nevertheless, the rendered sections that are visible appear out of place when seen together with the stone wall immediately next to it. The rendered garage on the lane does not contribute positively to the CA and is not therefore an example that would be desirable to draw on.
17. Other properties have used concrete blockwork to repair stone walls, however these retain use of stone and therefore the traditional character of the walls largely remains. Consequently, none of these walls are comparable to the appeal development in terms of their visual impact. In any event, they are not common features and therefore do not form the predominant character of the area or the CA.
18. Accordingly, due to its size and proposed finishing the appeal development would cause harm to the character and appearance of the area and the CA, the landscape and scenic beauty of the NL and special character of the HC. The harm would be reduced, but not entirely mitigated if sufficient planting could be established. Therefore, the harm to the CA as a whole would be limited, and less than substantial harm in the terms of the Framework. This harm must therefore be balanced against any public benefits.
19. The construction of the appeal development has been undertaken to retain the bank for safety reasons, which is a public benefit. However, there is no substantive evidence before me that the same benefits could not have been achieved with a different form of construction that does not cause as much harm to the character and appearance of the CA. Therefore, this benefit carries limited weight.

20. The proposed planting would enhance biodiversity, however as this relates to a single wall, this benefit is only limited. The proposal has tidied up this boundary, however it has a greater visual impact than the previous overgrown retaining structure, even with the temporary repairs in place. Therefore, the replacement has negated the benefit in this regard. Consequently, these benefits neither individually or cumulatively outweigh the harm to the CA, NL and HC, which is a matter of considerable weight and importance.
21. The development would therefore harm the character and appearance of the surrounding area, including the CA, the NL and the HC. It would therefore conflict with Policies DEV21, DEV23, DEV24 and DEV25 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (adopted 2019), which together require development sustains local character, including conserving the historic environment, reinforces local distinctiveness, and conserves the qualities of the HC and NL. It would also conflict with Policies SH ENV2, SH ENV3, SH HBE2 and SH HBE3 of the South Huish Neighbourhood Development Plan 2019-2034, which together aim to protect the NL, HC and CAs and to protect historic boundaries, promoting the use of materials that complement local materials, including supporting the use of local stone.
22. Furthermore, the proposal would conflict with the design and heritage policies of the Framework.

Conclusion and Recommendation

23. The development would conflict with the Local Plan and national policy, and there are no material considerations that justify granting planning permission in conflict with the development plan. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Max Webb

APPEAL PLANNING OFFICER

Inspector's Decision

24. I have considered all the submitted evidence and my representative's report and I agree with the reasoning and recommendation. On that basis the appeal is dismissed.

L McKay

INSPECTOR