



Appeal Decision

Site visit made on 12 November 2025

by H Faulkner BSc (Hons) MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 December 2025

Appeal Ref: APP/K1128/W/25/3370666

Fairhaven, Sandhills Road, Salcombe, Devon TQ8 8JP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mrs Christine Cottle against the decision of South Hams District Council.
 - The application Ref is 0532/25/OPA.
 - The development proposed is the erection of a single dwelling.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mrs Christine Cottle against South Hams District Council. This application is the subject of a separate decision.

Background and Main Issues

3. The appeal scheme relates to an outline proposal, with layout to be considered at this stage, and with all other matters reserved for future consideration. I have considered the appeal accordingly.
4. The Council's third reason for refusal is based on insufficient information to determine that the layout of the proposal is appropriate in terms of the landscape impact and the local pattern of development. The proposed layout is shown on drawing 423.1.500 which shows the outline and siting of a dwelling. Although no other features have been included, given that there is an existing access to the site, there is sufficient detail for me to consider the impact of the proposal on the character and appearance of the area.
5. Planning permissions have previously been refused and appeals dismissed on this site or adjacent to it, however, only limited details have been provided in respect of these past proposals. The most recent appeal was dismissed in 2022¹ for outline consent for a dwelling. The site was directly adjacent to the site under consideration here. I have had regard to that decision in my assessment of this appeal.
6. The main issues are:
 - The effect of the proposal on the character and appearance of the area, including its effect on the landscape and scenic beauty of the South Devon National Landscape (SDNL); and

¹ APP/K1128/W/22/3297083

- The effect of the proposal on protected trees.

Reasons

Character and appearance

7. The appeal site is on the North Sands beach side of Salcombe where the hills rising from either side of the inlet form a strong part of the area's character. Woodland and tree cover form an important part of the slopes on both sides. The Beadon Road/Sandhills Road area in which the appeal site is located has a noticeably looser grain of development than housing closer to the centre of the settlement. The trees and the gaps between the houses on this site contribute to the more open quality of this area.
8. Policies DEV23 of the Plymouth and South West Devon Joint Local Plan (JLP) requires development to conserve and enhance landscape, townscape and seascape character and scenic and visual quality, avoiding significant adverse or visual impacts. Parts 1 and 2 of the policy reference, amongst other things, that development proposals should reinforce local distinctiveness and conserve and enhance the characteristics and views of an area.
9. The importance of the character and density of development in this area is highlighted by Policy SALC ENV7 of the Salcombe Neighbourhood Development Plan (NDP). The site falls within character and density area A where development in this area will only be permitted where such development would not detrimentally impact the character of existing loose density development, mature gardens, and trees in these areas.
10. Policy 25 of the JLP relates to the protection of protected landscapes such as the SDNL. I have a duty under Section 245 of the Levelling-up and Regeneration Act 2023 to seek to further the statutory purposes of protected landscapes, including National Landscapes (NLs). The primary purpose of the designation of NLs is conserving and enhancing the natural beauty of the area. Furthermore, paragraph 189 of the Framework requires great weight to be given to conserving and enhancing landscape and scenic beauty of NLs. The South Devon Area of Natural Beauty Management Plan 2019-2024 outlines the area's special qualities which includes the iconic views and rich landscapes with the Salcombe - Kingsbridge estuary forming a defining feature of the SDNL.
11. In both close and distant views of the site the verdant nature of the hillside forms an important part of its character. Whilst some dwellings are sited close together, gaps such as this site, contribute to the lower density character of the area which has specifically been identified in the NDP. The Landscape Impact Statement (LIS) also notes that the gaps/grounds between residential properties on Sandhills Road contribute to the area as much as the dwellings themselves.
12. The appeal proposal is outline at this stage with only the siting of the proposed dwelling shown. Although matters such as scale and design are reserved for future consideration it is reasonable to consider that at least a single-storey building would be constructed.
13. The introduction of a dwelling on this site would be noticeable in both nearby and more distant views. Although some trees on and around the site may provide partial screening, particularly during summer, clear views would still be available from several vantage points. While no tree removal is proposed as part of the development, the LIS acknowledges that some tree management will be required.
14. During my site visit I observed the site from a number of locations. From Sandhills Road, directly in front of the site, the elevated position means that even a single-storey building

would be visible. Although some screening currently exists, it is provided mainly by shrubs rather than trees. Given the sea views available from the site, it is plausible that vegetation could be reduced or removed, further exposing the house to view.

15. The site is also visible from other vantage points on Sandhills Road as it curves up the hillside. For example, on the bend in the road across the frontages of Kinara and Fairhaven and further up the hill looking down towards the site. The development of the site would also be clearly visible from a number of nearby properties, including Fairhaven itself.
16. The site is visible from the road in front of the beach as well as from more distant viewpoints, including the public footpath off Moulton Road and across the bay from Cliff Road/Moulton Road. However, it is acknowledged that the existing trees provide a degree of screening from these locations.
17. Even if wider views of the site were more limited, the construction of a dwelling would still change housing density in the area. Although the exact design remains unknown, the information available indicates it is reasonable to conclude that the house would have a clear and noticeable physical presence on the site.
18. Development of this site would significantly erode the important low-density character of the hillside. Even a single-storey dwelling would be visible from multiple views in the area. The LIS acknowledges, in the section on Regional Landscape Character, and in reference to the Devon Landscape Character Area that any development should reflect the local settlement pattern, avoid prominent locations, valley sides and shorelines as well as enhance and restore features such as hedgerow and woodland. Further it confirms that any development of the site would have an effect on the local landscape character area.
19. The National Planning Policy Framework (the Framework) gives significant weight to developments of outstanding or innovative design. However, given the outline nature of this application, no detailed design has been provided, and it is therefore not possible to reach a conclusion on this matter or to attach significant weight to it at this stage. Moreover, paragraph 139(b) requires that such design must also be compatible with the overall form and layout of its surroundings, which is a concern in this case. Even with an exemplary design, the fundamental issues relating to built form on this site would persist.
20. The appeal statement refers to the proposal having minimal and mitigated impact on the SDNL. Based on the evidence before me there is minimal information in respect of mitigation, other than restricting the height, which would result in me reaching a different conclusion with regard to the impact on the SDNL. Furthermore, as only the siting of the dwelling is for consideration at the outline stage, there are limited details to assess in terms of the benefits of the design of the scheme and details such as a landscaping scheme would be for consideration at the Reserved Matters stage. However, the information provided is sufficient to reach conclusions on the density of the dwellings in the area and the impact on the open undeveloped nature of the site. Even if the height of the dwelling could be conditioned it would not alter these conclusions.
21. The siting of the proposed dwelling differs to some degree from the previous outline proposal in 2022. However, there are significant similarities given that both relate to the construction of a dwelling on land to the west of Fairhaven. The previous Inspector concluded that the development of an undeveloped piece of land in this location would harmfully impinge on the overall character of the area by introducing additional built form in close proximity to the surrounding development within this low-density area. This

would erode the sense of openness and character of the wooded hill side which the Inspector found contributes to the natural beauty of the SDNL. Consistent with this finding and taking into consideration my assessment above I reach the same conclusion.

22. In summary, the proposed development would have a harmful effect on the character and appearance of the area which would include the SDNL. As a result, I do not find that the proposal would conserve or enhance the natural beauty of the area. I am required to give great weight to the conservation of the NL and the proposal would result in harm to landscape and scenic beauty. As a result, the proposal would conflict with the requirement to seek to further the purposes of the NL. As such, it would not comply with Policies DEV20, DEV23 and DEV25 of the JLP and Policies SALC Env1, SALC Env5, SALC Env6, SALC ENV7, SALC B1 of the NDP which seek amongst other things to positively contribute to townscape and landscape, and conserve landscape beauty in SDNL as well as the requirements of the Framework.

Trees

23. The application was submitted with a Tree Survey which identified the location of trees both within the site and adjacent to it. There is an area Tree Preservation Order (TPO) as well as trees being protected individually. The trees within this area positively contribute to the character of the area, including the SDNL.
24. The siting of the proposed dwelling is shown to be outside of the root protection areas for the closest trees. However, it is evident from the drawings provided and from my observations on site that the canopies of several trees overhang the site by a significant degree. In particular, this includes trees within G20 annotated on the proposed site survey (drawing ref: 423.1.500) which includes an oak tree and an ash tree referenced as 04 and 05 on the tree protection plan.
25. I accept that the proposal does not seek to remove any trees. However, if a house were constructed in the proposed location the trees would be in touching distance of the building. A situation that would potentially worsen as the trees grow. It has also been identified by the Council's tree officer that the house would be directly in the fall path of strongly growing trees. Therefore, it is possible that the occupiers of the proposed dwelling would seek to reduce or remove trees so close to the property, given the site specifics, this is more than just a speculative concern.
26. Whilst some of the protected trees close to the site may not be within the appellant's ownership, others such as those referenced above, are, and would be at risk from reduction or removal, particularly due to their proximity to the proposed dwelling.
27. Given the high level of protection afforded to the trees and their importance within the landscape, granting permission for a dwelling would inevitably create pressure for their removal. The Council acknowledges that such pressure would be difficult to resist, and I therefore conclude that the development would have a harmful impact on the trees and, consequently, on the character of the area.
28. The appellant refers to an appeal in Guildford² where an Inspector rejected similar arguments where tree pressure was speculative. I have not been provided with a copy of this appeal and therefore I am unable to establish similarities between the cases. The case referenced in Holmwood³ relates to the construction of an exploratory well site and not for housing, furthermore the Inspector did not explicitly explore the issue in relation to

² APP/Y3615/W/20/3259403

³ APP/YB3600/A/11/2166561

trees as the matter did not form part of the main issue and does not represent comparable circumstances. Of greater relevance is the 2022 appeal on the adjacent site where the Inspector took the view that there would be pressure to remove the trees and this formed part of the basis for dismissing the appeal.

29. Overall, I find that the trees on the site contribute positively to the character and appearance of the area. Permitting this proposal would inevitably create pressure for the future removal of these. The loss of the protected trees would conflict with Policy DEV28 of the JLP which states that development resulting in the loss or deterioration of trees will not be permitted unless the need for and benefits of the development outweigh the loss. There would also be conflict with Policy SALC Env7 of the NPD which seeks to protect trees in this low-density area.

Other Matters

30. Policy SALC H3 states that development for new housing will be supported where there is a condition or planning obligation to ensure that it remains as a Principal Residence. Although a draft Section 106 (S106) was submitted with the appeal the Council confirms that the matter could be dealt with by condition.
31. Policies Env5 and Env1 of the NDP relate to biodiversity and lighting. I am satisfied that had the appeal been allowed these matters could have been addressed through the Reserved Matters and appropriate conditions.
32. Reference is made to an appeal in West Sussex⁴. This case relates to a much larger development of 200 dwellings, a school and other infrastructure and was not within a NL. Whilst there is reference to a matter being for a detailed design stage the contexts are not similar. The concerns in the case of the appeal at hand are not 'speculative design concerns' but stem from the development of the building in the confirmed location.
33. The site is referenced in the Planning Statement as being self-build. Although this has been suggested there is no evidence that the appellant is registered on the self-build register and there is no mechanism to ensure that the proposal would be constructed in this manner. A S106 agreement is the most appropriate method of ensuring that the development is self or custom build housing rather than market housing. As the proposal is not accompanied by a S106 agreement I attach limited weight to this matter.
34. The Council's management of the application has been cited in the appellant's case. However, this is not a matter for consideration as part of the appeal. I have assessed the proposal based on the evidence before me and its compliance with local and national planning policies and any other material considerations. I am satisfied that the Council had all the information necessary to reach its decision and had seen all necessary documents provided by the appellant during the application process.
35. With regards to information included on the Council's website, PPG at paragraph 063 states that subject to meeting the requirements of article 40 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 it is for local planning authorities to decide what information they include on the planning register, which includes their website.
36. The appellant argues that the Council introduced new arguments in their Appeal Statement by referencing other appeals. However, as only the reference numbers were

⁴ APP/D3830/W/16/3152641

provided and no further details were given, I have not taken these appeals into account in reaching my decision.

Planning Balance and Conclusion

37. The Council cannot demonstrate a five-year supply of housing. However, the proposal would fail to conserve or enhance the natural beauty of the SDNL and as a result great weight must be given to this harm. As I have found harm to the NL, there is conflict with the policies of the Framework that protect areas or assets of particular importance and provide a strong reason for refusing the development proposed. Therefore, the proposal does not benefit from the presumption in favour of sustainable development outlined at paragraph 11 of the Framework.
38. It is accepted that the site is within a settlement and as such is supported for growth through Policy TTV1 and parts of Policies SPT1 and SPT2 of the JLP. It is also acknowledged that the dwelling could be conditioned to be a principal residence.
39. An outstanding design and energy and carbon reduction measures would weigh in favour of the scheme, however, at this outline stage with minimal details, these can only be afforded limited weight as detailed above. The Preliminary Ecological Appraisal concludes that with the implementation of mitigation, compensation and enhancement measures the proposed works would have a positive or neutral impact. I attribute modest weight to the fact that the proposal could lead to some biodiversity enhancements.
40. I also note benefits to the economy during the construction phase and from the occupancy of an additional dwelling in the area.
41. The proposal would deliver one additional dwelling contributing to the objective of significantly boosting the supply of housing as set out in paragraphs 61 and 73 of the Framework. This is particularly relevant given the Council's acknowledged shortfall, with a current five-year housing land supply of 2.53 years. However, due to the small scale of the development, this benefit would be modest.
42. Taking all the above into account, I consider that the harm identified in relation to the impact on the NL and trees, clearly outweighs the scheme's benefits even with significant weight being given to the provision of a new dwelling.
43. The proposal therefore conflicts with the development plan and material considerations do not indicate that the appeal should be decided other than in accordance with it.
44. For the reasons given above the appeal is dismissed.

H Faulkner

INSPECTOR