
Appeal Decision

Site visit made on 6 January 2026

by **H Nicholls MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 January 2026

Appeal Ref: APP/K1128/W/25/3373042

Land rear of 59 Yealm Road, Newton Ferrers PL8 1BJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Russell Quick of Quick Planning Solutions against the decision of South Hams District Council.
 - The application Ref is 3958/24/FUL.
 - The development proposed is construction of 3 bedroom dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A unilateral undertaking (UU), dated 1 April 2025, made under S106 of the Town and Country Planning Act 1990 was submitted with the appeal to address the effects of the proposal on the Plymouth Sound and Estuaries Protected Sites in response to the third reason for refusal. I return to this below.
3. The appeal was submitted with a Landscape and Visual Impact Assessment¹ (LVIA) and a landscaping plan (Ref SPP3414 P 92 001 A). I have considered these in the context of the principles established in the Holborn Studios² and Wheatcroft³ cases, and do not consider that any prejudice would occur if these were considered as part of the appeal evidence. I have proceeded on this basis.

Main Issues

4. The main issues are the effects of the proposal on the character and appearance of the area, with particular regard to the South Devon National Landscape⁴, and the effects on the Newton Ferrers Conservation Area (CA).

Reasons

5. The appeal site is formed from the garden of the now demolished dwelling at No 59 Yealm Road (Westerley) for which there is extant planning permission to build anew⁵. Works towards the construction of the new dwelling do not appear to have commenced, though a caravan was in situ on the site at the time of my visit.
6. The newbuild at No 59 would be a modern 3 storey flat roof dwelling, constructed close to Yealm Road alike other dwellings along the street, but would principally

¹ Redbay Design, August 2025

² Holborn Studios Ltd v CLBH [2017] EWHC 2823

³ Wheatcroft Ltd v SSE [1982]

⁴ formerly Area of Outstanding Natural Beauty

⁵ Refs 3117/17/FUL, 1501/20/VAR and 3831/23/VAR

face towards the creek to take in views towards Noss Mayo. The approved dwelling would sit in an elevated position relative to the appeal site which sits at the lower, southern part of the wider plot.

7. A previous appeal for the demolition of No 59 and its replacement with two large dwellings, was dismissed on 11 January 2017. Hereafter, I refer to this as the '2017 appeal decision'.
8. The site is outside of, but within close proximity of the CA. Incidentally, the appeal site (and the now demolished dwelling) actually feature on the front cover page photo of the *Newton Ferrers Conservation Area Appraisal* (adopted 2008) (NFCAA) which, given the relatively close range nature of the photo in question, underlines that the appeal site forms part of the setting of the small scale CA.
9. From my reading of the NFCAA and my assessment of the area, the special qualities of the CA are the well-preserved linear arrangement of stone cottages next to the river, and their exceptional natural landscape setting. The layer of early 20th century development immediately surrounding the CA is lower density, more spaced out with intervening trees and vegetation on a higher level. On the higher ground above that is the even later 20th century development which is of a higher density arrangement than the middle layer of development along Yealm Road.
10. The appeal site forms a part of the looser grain, early 20th century development on the rising ground beyond the CA, and its openness and greenness contribute positively to the appreciation of the core of the CA. As an example of the late Victorian residential aesthetic, the former dwelling also contributed towards an understanding of the evolution of the settlement, but it has been demolished already.
11. The appeal dwelling would be accessed via a driveway running along the western boundary of the site. It would be built over three storeys, with a lower ground floor bedrooms and two bathrooms; a ground floor including the integral garage, kitchen/dining room, snug, office; and a second floor which would contain the main living room and access to additional balconies. It would be a similar contemporary design to the replacement dwelling at No 59, incorporating extensively glazed elevations facing towards the creek.
12. The relatively steep nature of the site is likely to explain the reason why the site appears more compact on the ground than the plans would lead one to expect. Once the appeal site is carved off from the plot for No 59, the leftover space would be relatively modest, with relatively exposed side boundaries but a predominately treed southern boundary. Following subdivision, the respective plots would be on the smaller side of those found elsewhere along Yealm Road.
13. The arrangement of dwellings around Maryknowle, Westfield, Little Orchard and South Hill, extending west-northwest of the appeal site is less regimented than the definitely linear arrangements elsewhere along Riverside Road West and Yealm Road. In this sense, the subdivision of the plot may not be unacceptable in and of itself. However, the proposed dwelling would be a sizeable imposition on this relatively compact site. Whilst it would cut into the site levels, it would fill much of the plot width and leave relatively diminutive green spaces beyond the footprint of the dwelling which would be further crowded by mitigation landscaping measures.

14. When taking the appeal scheme in combination with the extant permission for the replacement dwelling, No 59, their combined scale, bulk and modernistic, largely glazed interventions would impose too greatly on the gentler, more established character of this area of the CA's setting. This is not to say that contemporary design is the root of the problem, but more about how prominent the dwellings would be given their siting, scale, bulk and design in relation to both one another and those in the wider surroundings. Whilst the dwellings may have been designed to be smaller than their respective counterparts considered in the 2017 appeal decision, neither have been designed to be particularly modestly proportioned, discreet or fully landscape led as claimed. The extensive glazing on the upper parts of the appeal scheme emphasises this point, with views outwards prioritised over the effects on views towards the site. Though I have noted that the appellant would accept conditions on the glazing details, such as recessed frames and non-reflective finishes, neither these techniques nor other features such as the living wall proposed are likely to overcome the issue of the dominance of glazing on the most visible parts of the building.
15. Furthermore, notwithstanding the absence of comments from the highways officer, the external parking area to the west of the dwelling would also appear difficult to use for parking and turning manoeuvres for two cars. As the driveway would be narrow and sloping, turning on the site would be greatly preferable to anyone trying to exit from the site in reverse gear. The lack of clear ability to accommodate such manoeuvring space also points towards the site being relatively constrained in the context of the amount of development proposed.
16. I visited the viewpoints in the visual evidence and, with the exception of views immediately outside of St Peter's Church⁶, found that the appeal scheme would be highly visible in views from Noss Mayo. This was particularly evident given that I visited during the months of winter when the deciduous trees had little to no leaf cover, and much more of the surrounding built context was visible, including Little Orchard, Maryknowle and houses to the west. As a result, whilst the effects would vary dependant on the position of the viewpoint, from most viewpoints, the combination of the development and extant permission for the replacement No 59 would appear visually jarring through their combined mass and similar modern design and would contribute to the site and the dwellings in the cluster around it appearing cramped. The overcrowding may not be fully borne out by the submitted photomontage which has selected the angle that would afford the clearest views of the gap between the proposed dwelling and replacement No 59, but this does not alter my overall finding on this aspect.
17. I have also considered the landscaping strategy which focusses on thickening the southern boundary and creating a tree screen on the lower, eastern boundary. However, the effects of this would be partial and only achievable after a period of establishment following completion of the building. The landscaping proposed would not fully mitigate the effects of the development given its height, scale and the inevitable intent to maintain views over the creek. The benefit of such landscaping could also be undermined through the visibility of additional domestic paraphernalia on balconies and on the higher, more visible parts of the development. As also already highlighted, the ability of trees and vegetation to mitigate the impact of built development within its setting will also vary from season to season.

⁶ Viewpoints 1 and 2

18. My views also differ from the conclusions of the submitted LVIA which appears to downplay the effects of the proposal on the identified viewpoints from Noss Mayo. The LVIA makes limited assessment of the effects of the proposal on the CA, given that it finds that the proposal would have little effect to its setting. For the reasons outlined above, I do not share this view and to refer to the harms as being only localised in nature overlooks that the CA and its setting only cover a very modest, localised, geographical area.
19. I have also considered the *South Devon Area of Outstanding Natural Beauty Management Plan 2019 – 2024* and the enhanced duty⁷ to further the purposes of protected landscapes, such as the South Devon National Landscape. Although I am not bound by its conclusions, in the 2017 appeal decision, it was previously found that the scheme proposed then would not cause material harm to the landscape and scenic qualities of the wider National Landscape. Whilst the development would be set within the established built form of the village, it would not assimilate particularly sensitively with it. As such, there would be a degree of harm to the National Landscape, albeit the level of harm would be minor given the scale of the proposal relative to the National Landscape and the qualities for which it is designated.
20. For the above reasons, the proposal would harm the character and appearance of the area and would have an erosive effect on the setting of the CA, thus undermining its significance. These effects would bring the scheme into conflict with, in particular, policies DEV21, DEV23 and DEV25 of the *Plymouth & South West Devon Joint Local Plan (2014- 2034)* (adopted 2019) and policies N3P-3, N3P-8 and N3P-9 of the *Newton & Noss Neighbourhood Plan* (adopted 2018). Amongst other things, these policies seek to ensure that development is located and designed to respect scenic quality and maintain an area's distinctive sense of place and reinforce local distinctiveness and responds positively and creatively to ensure those elements that contribute to the special character and appearance of conservation areas are conserved or enhanced.
21. Under the terms of the National Planning Policy Framework (the Framework), the harm to the significance of the CA would be of a less than substantial nature. Such harm does not equate to a less than substantial planning objection but must be weighed against the public benefits of the scheme. I return to this below.

Housing Land Supply

22. The Council has conceded that it cannot demonstrate a five year supply of housing land as required by the Framework, with only around half of the required amount available. There are no further points of disagreement between the parties on the amount or sources of the available supply. I return to this below.

Plymouth Sound and Estuaries Protected Sites

23. The Protected Site are designated under the *Conservation of Habitats and Species Regulations (2017)* (as amended) and are hereafter referred to as the 'Protected Sites'. Through the increased recreational pressures from incoming residents, effects on the Protected Sites from the development of new housing cannot be ruled out.

⁷ Under the Levelling Up and Regeneration Act 2023 and s.85 of the Countryside and Rights of Way Act 2000

24. The submitted UU seeks to provide a contribution towards the established *Recreation Mitigation and Management Scheme* (2019). Given that the securing of such a contribution through a UU is capable of ensuring the protection of the integrity of the Protected Sites, I reach the conclusion that it is unlikely that this aspect would form a strong reason for refusal under the terms of the Framework.

Planning Balance

25. Insofar as the proposal would be harmful to the character and appearance of the area, would result in harm to the significance of the CA through development within its setting, and would result in minor harm to the quality of the National Landscape, it conflicts with the development plan when taken as a whole.
26. I have considered the benefits of the development, including the provision of an additional dwelling in a sustainable location as a contribution to the local housing stock. The dwelling would also incorporate high levels of energy efficiency and some low level biodiversity enhancements. However, even taking the totality of benefits with the other points advanced in favour of the scheme, I do not consider that they outweigh the unacceptable harm to the significance of the CA as a designated heritage asset.
27. As such, the identified harm to the significance of the CA forms a strong reason for refusal in the context of the policies of the Framework. As such, the presumption in favour of sustainable development is not a consideration that indicates that permission should be granted other than in accordance with the development plan.
28. Having regard to the points advanced in favour of the scheme, I do not find any other considerations of materiality, either alone or in combination with the aforementioned benefits, which indicate that I should grant permission contrary to the development plan.

Other Matters

29. I have taken into account the numerous letters of representation from interested parties which voice support for the scheme for various reasons, including the desire to see the respective households each benefit from permission to build their own environmentally friendly houses. I have limited details of the affected households, their circumstances or relationship to the named appellant and thus, these aspects have attracted limited weight in my overall decision.

Conclusion

30. For the foregoing reasons, the appeal should be dismissed.

H Nicholls

INSPECTOR