



Appeal Decision

Site visit made on 17 February 2026

by Neil Pope BA(HONS) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 February 2026

Appeal Ref: APP/K1128/W/25/3375951

4 Munro Avenue, Yealmpton, Devon, PL8 2NQ.

- 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 Danny Jones against the decision of South Hams District Council (the LPA).
 - The application reference is 0512/25/FUL.
 - The development proposed is a new dwelling and garage extension to existing house.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site lies within the Zone of Influence for the Plymouth Sound and Estuaries Special Area of Conservation (SAC) and the Tamar Estuaries Complex Special Protection Area (SPA). It also lies within the South Devon National Landscape¹ (NL) and the setting of the grade II listed² farmhouse known as Collaton.
3. The LPA is unable to demonstrate five years housing land supply (HLS). It has informed me that the joint local plan authorities only have 2.53 years HLS. This amounts to a serious shortfall.

Main Issue

4. The main issue is the likely effect upon the integrity of the SAC and SPA.

Reasons

Planning Policy

5. The development plan includes the Plymouth and South West Devon Joint Local Plan (LP) and the Newton and Noss Neighbourhood Plan (NP). My attention has been drawn to numerous policies. The most important policies to the determination of this appeal are: LP policies SPT14 (European Sites – mitigation of recreational impacts from development), DEV26 (protecting and enhancing biodiversity) and; NP policy N3P-7 (planning obligations and commuted sums).
6. The National Planning Policy Framework (the Framework) is an important material consideration that carries substantial weight in the determination of this appeal.

¹ The provisions of section 85 of the Countryside and Rights of Way Act 2000 (as amended) are engaged.

² The provisions of section 66(1) of the Planning (Listed buildings and Conservation Areas) Act 1990 (as amended) are engaged.

The Main Issue – The Likely Effect Upon the Integrity of the SAC and SPA

7. The development plan and the Framework recognise the importance of protecting and enhancing sites of biodiversity. The presumption in favour of development does not apply where a plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other projects and plans) unless an appropriate assessment has concluded that the plan or project would not adversely affect the integrity of the habitats site.
8. Following research by Natural England and other published information / evidence³, it is widely accepted / recognised in determining planning applications and appeals, that new residential development, either alone or in combination with other plans or projects, would increase recreational pressures within the SAC⁴ and SPA⁵ and be likely to have a significant effect⁶ upon the integrity of these protected areas.
9. In my opinion, the proposed dwelling, in combination with other schemes of residential development within the Zone of Influence, would be likely to increase recreational pressures within the SAC and SPA. Without mitigation, the 'in combination' effects of the proposal could have a significant adverse effect upon the integrity of these protected areas. This has not been disputed by the appellant and on the basis of the information before me, it has not been demonstrated that there is any reasonable scientific doubt that the proposal would not harm nature conservation interests within the SAC or SPA.
10. The LPA, alongside other partner authorities, has developed a strategy to avoid the likelihood of significant effects arising from the recreational pressures of new housing development. Recreational mitigation is to be delivered through the Recreation Mitigation and Management Scheme for the SAC and SPA. In essence, this requires all residential development within the Zone of Influence to contribute towards the cost of mitigation. I understand that this Scheme has the support of Natural England. LP policy SPT14 also provides for mitigation measures in respect of these protected sites.
11. In refusing permission, the LPA, amongst other things, identified the absence of a completed and signed Unilateral Undertaking (UU) to secure a scheme of mitigation to manage the additional recreational pressures upon the SAC and SPA as a concern. In completing the appeal form, the appellant indicated that it was not his intention to submit a planning obligation. Whilst the grounds of appeal indicated a willingness to enter into a UU to secure mitigation, no obligation was submitted. The 'start date' letter⁷ from the Planning Inspectorate stated, amongst

³ I note that the Habitats Regulations Assessment of the LP concluded that the recreational impacts arising from new residential development would have a likely significant effect upon the integrity of the SAC and SPA. I am also aware of The Plymouth Sound and Estuaries Management Plan 2025-2030.

⁴ The qualifying features comprise: sandbanks which are slightly covered by sea water all the time; subtidal sandbanks; estuaries; mudflats and sandflats not covered by seawater at low tide; intertidal mudflats and sandflats; large shallow inlets and bays; reefs; Atlantic salt meadows; Allis shad and; Shore dock.

⁵ The qualifying features comprise Little egret and Pied avocet.

⁶ Such development would be likely to compromise the conservation objectives of specific qualifying features. For the SAC, these objectives comprise: the extent and distribution of qualifying natural habitats and habitats of qualifying species; the structure and function (including typical species) of qualifying natural habitats; the structure and function of the habitats of qualifying species; the supporting processes on which qualifying natural habitats and the habitats of qualifying species rely; the populations of qualifying species and; the distribution of qualifying species within the site. The conservation objectives for the SPA comprise the maintenance or restoration of: the extent and distribution of the habitats of the qualifying features; the structure and function of the habitats of the qualifying features; the supporting processes on which the habitats of the qualifying features rely; the population of each of the qualifying features and; the distribution of the qualifying features within the site.

⁷ Dated 20 November 2025.

other things, that the appellant is expected to ensure that an executed and certified copy of any planning obligation was received at the time of making their appeal. In this regard, the Government is committed to speeding up the appeal process.

12. It was not until the 'final comments' stage that a draft UU (not signed or dated) was submitted. If completed, this UU would provide a financial contribution (£467.91) towards the cost of mitigating the likely recreational impacts of the proposed development upon the SAC and SPA. Whilst it indicates the appellant's intention to provide a necessary financial contribution, as the draft UU is incomplete, it would be incapable of mitigating the likely 'in combination' adverse recreational impacts of the proposal upon these very important areas for nature conservation. It would delay the determination of the appeal to allow for the submission of a completed UU and afford the LPA a necessary opportunity to comment upon it.
13. I therefore conclude on the main issue that in the absence of a completed UU to mitigate the likely recreational impacts of the proposed development there would be an adverse effect upon the integrity of the SAC and SPA. As a consequence, the proposal conflicts with the provisions of LP policies SPT14, DEV26 and NP policy N3P-7(6), as well as the provisions of the Framework aimed at conserving and enhancing the natural environment. This amounts to a compelling justification for withholding planning permission and the 'tilted balance' within the Framework is not engaged.

Other Matters

14. For completeness, I briefly set out below my findings on those other matters of dispute between the main parties.
15. The appeal site lies within an established residential area. At the present time, there are very limited services available⁸ to residents and under the provisions of the development plan, the appeal site does not lie within an identified settlement. Occupiers of the proposed dwelling would largely be reliant upon the use of a private motor vehicle for accessing main services and facilities. As a consequence, there is some tension with the settlement policies of the development plan.
16. However, in 2023, the LPA granted planning permission for the construction of 125 homes, commercial business units, parkland, allotments and improvements to existing permissive pathway and public footway (ref. 3335/21/FUL). This site adjoins the residential estate within which the appeal site is located. As I saw during my visit, construction works are now well under way⁹ and there is safe and convenient access linking the two sites. In all probability, by the time the appeal dwelling was completed many more of the approved 125 neighbouring homes would have been provided, as well as some of the business units. To my mind, it would be illogical to withhold permission for the appeal scheme on the basis of any conflict with the development plan settlement policies.
17. I also note the LPA's concerns that the quantum of floorspace for the proposed dwelling would be above the Nationally Described Space Standards for a 3 bed dwelling and could exacerbate an imbalance in the local housing stock. However, given the above noted permission for 125 dwellings, it is unclear to me if the LPA

⁸ During my visit, I noted the bus stop immediately opposite the junction into this residential estate.

⁹ The appellant has informed me that about 30 homes have already been built.

took this into account in finding that any imbalance would be exacerbated. Given the quantum of housing permitted on this neighbouring site, I would have thought that any imbalance would have been addressed when granting that permission. In any event, I note that the appeal scheme is intended to be a self-build dwelling and as a consequence, would help meet a need for this type of housing. I am unconvinced by the LPA's argument on this matter.

18. Whilst noting the comments of the LPA's Assets-Engineering / drainage officer, details of surface water drainage i.e. infiltration testing / soakaways / attenuation features, could be made a condition of an approval.
19. The proposed development would not have any adverse effect upon the natural beauty, scenic or special qualities of the NL. The site does not contribute to the heritage interest (significance) of the grade II listed Collaton farmhouse and the proposal would preserve the setting of this designated heritage asset.
20. The proposed dwelling would add to the supply of homes within this part of the South Hams and help to address the shortfall in supply. Upon occupation of the dwelling there would also be an increase in Council Tax receipts. These public benefits weigh in favour of granting planning permission. However, neither this, nor my findings in respect of the other matters above, outweighs the harm to the SAC and SPA that I found in respect of the main issue.

Conclusion

21. Given the above and having regard to all other matters raised, I conclude that the appeal should not succeed.

Neil Pope

Inspector