

PLANNING APPEAL by Messrs C&S Roger, R&E Ogilvie-Smals, C&L Hall and J Davies.

Outline application for residential development of circa 8 dwellings, open space and associated infrastructure with all matters reserved except means of access (and associated off-site highway works).

Site at SX 663 471, St Ann's Chapel, Bigbury, Devon

Appeal Ref: APP/K1128/W/17/3182100

**Statement on behalf of Bigbury Parish Council
Prepared by Valerie Scott BSc, MCD, MRTPI
Chairman of Bigbury Parish Neighbourhood Plan Steering Group**

Introduction

This statement has been prepared by Valerie Scott of Valerie Scott Planning on behalf of the Bigbury Parish Council. It sets out the Parish Council's reasons for objecting to the planning appeal by Messrs C & S Rogers, R & E Ogilvie-Smals, C & L Hall and J Davies in relation to the proposed development of circa 8 dwellings, open space and associated infrastructure including the provision of a new road to divert the C252 to the west of St Ann's Chapel and to link this to the B3392 to the south of the village. This statement also sets out the current position with regard to the Bigbury Parish Neighbourhood Plan.

This statement should be read in conjunction with the Transport Statement prepared by Jubb, Transport Consultants, who were instructed by Bigbury Parish Council to advise on the highway and pedestrian safety issues relating to this proposed development.

The Parish Council objected to the proposed development at the application stage and again when the revised proposals for the development were received. For ease of reference copies of these letters of objection dated 2 February 2017, 16 June 2017 and 30 June 2017 are enclosed in **Appendices 1-3**.

Valerie Scott, in her capacity as Chairman of the Bigbury Parish Neighbourhood Plan Steering Group, also objected to the proposed development and again, for ease of reference, her letter of objection dated 2 February 2017, her an on-line objection dated 15 June 2017, and email correspondence between Valerie Scott and the application case officer, Wendy Ormsby, dated 15 June 2017 are enclosed in **Appendices 4-6**.

Bigbury Parish Neighbourhood Plan

Permission for the preparation of a Neighbourhood Plan for the Parish of Bigbury was granted by South Hams District Council (SHDC) in January 2016 and is now at a fairly advanced stage of its preparation.

A Neighbourhood Plan Questionnaire was distributed to all households, including those using their premises as second homes or holiday lets, at the end of November 2016 and the results of this questionnaire were published in February 2017. At the same time a Housing Needs Survey, prepared by SHDC, was sent to all households and the results of this survey were published in April 2017. A copy of the Neighbourhood Plan Questionnaire is enclosed at **Appendix 7**, the Results of the Neighbourhood Plan Survey in **Appendix 8**, and the Housing Needs Report in **Appendix 9**.

One of the questions raised in the Neighbourhood Plan Questionnaire was the preferred location for any new housing, if required, and 62% of respondents considered that St Ann's Chapel would be the most suitable location given that this village has the most local facilities. St Ann's Chapel is in fact the only 'sustainable village' in the parish.

The Housing Needs Report showed that **the main housing need in the parish is for affordable housing with the main requirement being for 2-bedroom dwellings**. There is little need for private housing with the only potential need being for smaller dwellings (2 or 3 bedrooms) suitable for downsizing by the increasing number of elderly people, living in the parish, many of whom live in 4 or 5 bedroom houses. There is also a need for bungalows or flats designed specifically for the elderly. It is also important that any new housing provided in St Ann's Chapel is affordable, particularly for younger people. This is required in order to address the unbalanced age demographic in the community.

80% of respondents considered that there should be a restriction on new housing, requiring this to be for principal residence use only, as there are an increasing number of dwellings being used as second homes or holiday lets. 112 of the 389 households within the Parish of Bigbury are classified as second or unfurnished homes. This equates to 32.11% of the housing stock within the parish (See paragraph 2 of Housing Needs Report).

On 17th June 2017 a Neighbourhood Plan event was held in the Memorial Hall to consider the most suitable site for a development of circa 10, mainly affordable houses as identified in the Housing Needs Survey. Six sites were considered, being those which had come forward as a result of a 'call for sites' by SHDC. These represented all of the possible sites that could be developed around St Ann's Chapel. A copy of the sites considered is enclosed in **Appendix 10**.

The event was attended by over 50 people and the advantages and disadvantages of each site were discussed. At the end of the discussion those present were asked to fill in a voting slip showing which site they would prefer to see developed. These voting slips were posted into a ballot box. There was overwhelming support (41 of the 47 votes) for the development of part of Site 4, on land forming part of Holwell Farm and to the rear of the Holywell Stores. Nobody voted in favour of development on the appeal site (Site 1).

The reason for selecting the site to the north east of the village was primarily due to highway and pedestrian safety issues. This site can be accessed from the B3392 to the north of the village avoiding conflict with the difficult road junction in the centre of St Ann's Chapel. Development on this site would also enable safe pedestrian access to the Holywell Stores, the Memorial Hall, the children's playground and playing fields and the local bus stop. Access to the site also avoids the need to remove large sections of mature and Species-rich Devon hedgebank. The hedgerow in this location is less mature, species poor and set back from the highway. A report which sets out the reasons for the selection of Site 4 is enclosed in **Appendix 11**.

The proposed development of Site 4 as a Community Land Trust development is now proceeding and pre-application discussions with the local authority are taking place. The scheme will be designed to provide circa 10 dwellings of which at least 7 will be affordable. It will be necessary to have 2 or 3 private dwellings in order to make the scheme viable. An indicative layout plan has been prepared to show the amount of land which is likely to be

required to accommodate 10 dwellings together with an area of public open space (**Appendix 12**). The plan also shows the vehicular access and a pathway for pedestrians to safely access the Holywell Stores and the school bus stop. The proposed new pathway would also link to an existing safe pedestrian route through the Hilltop development to provide access to the Memorial Hall, the children's playground and the playing fields.

A draft Neighbourhood Plan has now been prepared and has been sent to SHDC for initial comments prior to the Regulation 14 Consultation. As part of the evidence base for the plan studies were carried out of the four villages within the parish: St Ann's Chapel, Bigbury Village, Bigbury on Sea and the eastern part of Challaborough. A copy of the Study of St Ann's Chapel is enclosed (**Appendix 13**). The study refers to the sites available for development in the village and the preferred site for development, to the rear of the Holywell Stores. This study was subject to consultation with the community for a three month period finishing on 31 October 2017. The only comments in relation to this study were two comments in relation to the site selection. Both of these comments came from landowners of sites which had not been selected, including a comment from one of the owners of the appeal site.

The Neighbourhood Plan is expected to be finalised by the early next year with submission to the Secretary of State in the Spring 2018.

Summary of reasons for objection to the appeal scheme

The Bigbury Neighbourhood Plan Steering Group, supported by the Parish Council, strongly object to the appeal scheme for circa 8 dwellings with its associated new road scheme. We consider that the proposed development would have a devastating effect on the appearance and character of this small rural village; it would result in serious highway and pedestrian safety problems; would result in the loss of two long stretches of mature Devon hedgebank along the B3392 and the C252; would have a harmful impact on the residential amenity of adjoining properties; and would also result in the type of development for which there is no local housing need.

Policy Context

The statutory development plan for this area is the South Hams Local Development Framework (LDF) comprising the Core Strategy, adopted 2006 and the Development Policies Plan Document (DPPD), adopted 2010. The Plymouth and South West Devon Joint Local Plan (JLP) is now at an advanced stage having been through two consultations (Regulations 18 and 19) with submission to the Secretary of State on 31 July 2017. The Examination hearings are due to commence on 29 January 2018. The policies of this emerging plan are now an important material consideration in the consideration of this appeal. Policies and guidance set out in the National Planning Policy Framework (NPPF) are also a material consideration as is the work being carried out as part of the Neighbourhood Plan process. The Bigbury Parish Housing Needs Report published by SHDC in April 2017 is also a material consideration.

We set out below what we consider to be the most relevant policies for consideration of this appeal.

National Planning Policy Framework

The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these should be applied in the decision making process. In the introduction (para 1) it states that the NPPF provides a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans which reflect the needs and priorities of their communities.

Paras 6 and 7 state that the purpose of the planning system is to contribute to the achievement of sustainable development which has three dimensions: economic, social and environmental.

- **an economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of *the right type is available in the right places and at the right time* to support growth and innovation
- **a social role** – supporting strong, vibrant and healthy communities, *by providing the supply of housing required to meet the needs of the present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being;* and
- **an environmental role** – *contributing to protecting and enhancing our natural, built and historic environment; and as part of this, helping to improve biodiversity*

Para 17 states that one of the core land-use planning principles is for plan-making and decision-taking to be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future. Another principle is to seek to secure high quality design and a good standard of amenity for all existing and future residents.

In relation to transport the NPPF emphasises the need to ensure that all developments provide 'safe and suitable access to site' (para 32).

To promote sustainable development in rural areas, housing should be *located where it will enhance or maintain the vitality of rural communities and be sensitive to the defining characteristics of the local area.* (para 55).

Para 114 refers to the need to *maintain the character of the undeveloped coast, protecting and enhancing its distinctive landscapes, particularly in areas defined as Heritage Coast ...*

Para 115 states the *great weight should be given to conserving the landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and beauty.*

Para 184 and 185 state that *neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community and will be able to shape and direct sustainable development in their area.*

Comment

The appeal site is not only in the South Devon AONB, it is also in the Undeveloped Coast and within the South Devon Heritage Coast. Whilst all available sites for development in St Ann's Chapel are within the AONB only Site 1 (the appeal site) and Site 2 (the site to the rear

of the Memorial Hall) are also in the Undeveloped Coast and the South Devon Heritage Coast. See map showing AONB designation for Bigbury Parish (**Appendix 14**) and map showing Heritage Coast and Undeveloped Coast designations (**Appendix 15**).

It is also clear that the NNPF and policies relating to sustainability place great weight on meeting the needs of the local community and enabling local communities to play a much more important role in terms of being able to ensure that they get the right type of development in the right place in order to support their local needs.

South Hams LDF Core Strategy

The objectives and policies of the Core Strategy which are considered to be particularly relevant to the consideration of the appeal are Strategic Objectives SO1, SO2, SO3 and SO18 and Policies CS1, CS6, CS7, CS9 and CS10.

Strategic Objectives

- **SO1: Housing.** This objective seeks to ensure that the *current and future housing needs of the community* are met.
- **SO2: Affordable Housing.** This objective seeks to provide affordable housing to *meet local needs*.
- **SO3: High quality design and sustainable development.** This objective seeks to secure *high quality, locally distinctive, sustainable housing developments*.
- **SO4:** This objective promotes mixed use, *mixed type and mixed tenure* schemes.
- **SO18:** This objective seeks to *conserve and enhance the quality of the district's countryside and coastal landscapes*.

Policy CS1: Location of development. This policy identifies those villages which the Council consider to be appropriate for development. St Ann's Chapel is identified as one of these villages.

Comment

It is accepted that St Ann's Chapel is the most suitable village in the parish for the provision of new housing if required to serve local housing needs. It is however also necessary that it meets the other objectives and policies of the LDF.

Policy CS6: Affordable housing. New residential development should provide affordable housing consistent with the overall target of 50% from all sources and having regard to:

- identified local need;
- nature and scale of the location and the development proposals;
- characteristics of the site; and
- economics of provision.

Comment

The appeal scheme proposes just 30% affordable housing unlike the previous appeal scheme where 50% affordable housing provision was proposed. Although it is currently shown to be on-site there is no guarantee that this will be provided on site. It is more likely that any affordable housing provision will be by way of a financial contribution to off-site provision which will be of no benefit at all to serving the local needs of the area.

Policy CS7: Design. Development proposals must include and promote good design which respects local distinctiveness, and respects the character of the site and its surroundings in order to protect the built and natural environments, create safer places and deter crime.

Comment

Whilst the proposed development is in outline form only the proposed new road and access arrangements are submitted in detail and the indicative layout does give some idea of the layout and types of houses which will be provided. The proposed widened road to provide a diversion of the C252 is a dominant element of this proposed development and is itself fixed. It is also known that in order to provide this new road it will be necessary to remove significant lengths of Devon hedgebanks which are important landscape, ecological and heritage features within the AONB and Heritage Coast and forming an important part of the character of the surroundings. The new road and location of the proposed development also results in significant highway and pedestrian safety issues.

The scheme cannot therefore be considered as being of good design respecting the character of the site and its surroundings.

Policy CS9: Landscape and Historic Environment. This policy states that in Areas of Outstanding Natural Beauty their conservation and enhancement will be given great weight. The character of the undeveloped parts of the coast will be protected and development not requiring a coastal location will not be provided for. The quality, character, diversity and local distinctiveness of the natural and historic environment will be conserved and enhanced. Within identified landscape character areas development will conserve, enhance and, where appropriate restore landscape character. Specific landscape, wildlife and historic features which contribute to local character will be conserved and enhanced. The quality of the historic environment will be conserved and enhanced.

Comment

The appeal site is within the AONB and is an undeveloped part of the Heritage Coast. The development does not require a coastal location and the development will harm the natural and historic environment. The Pickwick Inn is the only designated listed building which would be affected by the proposed development. However this is a historic rural village and the Devon Hedgebanks affected by this development are also important landscape and heritage features. The loss of these hedgebanks will cause severe harm to the local character of the area, which should be conserved.

Policy CS10: Nature Conservation: This policy states, inter alia, that habitats and features of local importance for nature conservation will be protected, and where possible, enhanced through beneficial management.

Comment

The Ecology Impact Assessment prepared by EAD Ecological Consultants in July 2014 and the Technical Note, dated 8 December 2016, do show that the hedgerow along the northern boundary and part of the hedgerow along the eastern boundary, which are to be removed, are species rich. The loss of these hedgerows, particularly that along the northern boundary, would result in the loss of suitable dormouse habitat. In the 2014 EAD Assessment it is stated that for the purposes of the assessment it is assumed that dormice are present in the northern hedgebank. At the time of this assessment the northern hedgerow was shown to have been retained. The potential presence of dormice in the Species-rich hedgerow along the northern boundary is also referred to in the Technical Note, December 2016. Both hedgerows include Species-rich vegetation and also provide potential value for foraging and commuting of bats. In the 2014 survey there was also a sighting of a slow worm during the 2014 survey located to the rear of the properties on the eastern boundary.

The previous application subject to appeal involved the loss of 25m of hedgerow along the eastern boundary B3352. Approximately 10m was regarded as Species-rich and 15m of defunct hedgerow. The appeal scheme involves the loss ofm of Species-rich hedgerow on the northern boundary andm of part Species-rich/part defunct hedgerow on the eastern boundary in order to provide the new road. This is a considerable change from the previous appeal where the access for just 8 dwellings was from the B3392.

Hedgerow is a Priority Habitat and Species-rich hedge is a Devon Biodiversity Action Plan (BAP) habitat. Relevant extracts from the Devon Biodiversity and Geophysical Action Plan are enclosed at **Appendix 16**.

Loss of these hedgerows would therefore be clearly contrary to Policy CS10.

Relevant extracts from the LDF Core Strategy are enclosed in **Appendix 17**.

South Hams LDF Development Policies Plan Document

Policy DP1: High Quality Design. This policy requires all development to display high quality design which, in particular, respects and responds to the South Hams character in terms of settlements and landscape.

Comment

The scheme cannot be regarded as high quality design as it does not respect the appearance and character of this rural settlement or respect the important landscape qualities of this site.

Policy DP2: Landscape Character. This policy states that development proposals will need to demonstrate how they conserve and / or enhance the South Hams landscape character, including coastal areas. The undeveloped coast (defined on the Proposals Map) will be protected and proposals will be considered against regional policy and relevant guidance.

In the text to this policy (para 3.28) it states:

The South Hams is renowned for its scenically beautiful coastline which extends for 88km between the district boundaries with Plymouth in the west and Torbay in the east. This coast

is a feature of acknowledged national importance recognized through its designation as the South Devon Heritage Coast and the South Devon Area of Outstanding Natural Beauty.

Comment

The appeal site is with the South Devon AONB and the South Devon Heritage Coast. It is also defined on the Proposals Map as ‘Undeveloped Coast’. Whilst all the six sites around St Ann’s Chapel are within the AONB, only Sites 3, 4,5 and 6 are outside the Heritage Coast and Undeveloped Coast and as such more suitable for development in terms of their landscape designations.

Policy DP3: Residential Amenity. Development will be permitted provided it does not have an unacceptable impact on residential amenity.

Comment

The appeal scheme would have an unacceptable impact on residential amenity. Although all sites would to some extent affect local amenity this site affects more local residents than those affected by the site to the rear of the Holywell Stores.

Policy DP5: Biodiversity and Geological Conservation. Development will conserve, enhance and / or restore the biodiversity within South Hams. This includes the need to protect existing habitats.

Comment

Devon hedgerbanks are important in term of biodiversity and provide habitats and foraging opportunities for many birds and other types of wildlife including possibly bats and dormice.

Policy DP6: Historic Environment. Development should preserve or enhance the quality of the historic environment.

Comment

Although this policy relates primarily to the protection of listed buildings and ancient monuments the NPPF also now requires the protection of all heritage assets including those of local value. Historic Devon banks are heritage features which are regarded as important to the setting of the rural roads and villages and should be preserved.

Policy DP7: Transport, Access and Parking. This policy states that development should provide priority to pedestrians, cyclists and users of public transport, over the private car; provide for safe, easy and direct movement for those with mobility difficulties; have safe and adequate means of access; not materially impair highway safety or traffic movement and not detract or conflict with the transport function of the road.

Comment

This village is not served by public transport apart from having one bus a week which provides return transport to Plymouth. There is however a school bus service and safe access to the school bus stop adjacent to the Holywell Stores is important. Providing safe pedestrian

access to the Holywell Stores, Memorial Hall, children's playground and playing fields all lying on the east side of the village is also important.

Policy DP11: Housing Mix and Tenure. Residential development will be permitted where it provides an appropriate mix of dwelling types, tenures and sizes. This should reflect identified local need in South Hams, and may include flats, small family sized units and housing suitable for older people, demonstrated by the latest Housing Market Needs Assessment.

Comment

The Housing Needs Report prepared by SHDC and published in April 2017 provides the most up to date assessment of housing needs for the Parish of Bigbury. The proposed development has not been designed to meet these local housing needs and there is no guarantee that even the three affordable dwellings proposed will be provided on site.

Policy DP15: Development in the Countryside. Within the countryside, development will be permitted where it requires a countryside location and:

- a) Supports the essential needs of agriculture or forestry; or
- b) Meets the *essential, small scale and exceptional local development needs of a settlement* which cannot be met within development boundaries.

Comment

The appeal site is within the countryside and development on this site should only be allowed if it meets essential and exceptional local development needs. The proposed development has not been designed to meet the essential local development needs of St Ann's Chapel or the Parish of Bigbury and should not therefore be allowed.

Relevant extracts from the DPPD are enclosed in **Appendix 18**.

Plymouth and South West Devon Joint Local Plan

The Joint Local Plan (JLP) is now at an advanced stage having been through two consultations (Regulations 18 and 19) and now submitted to the Secretary of State for examination. Plymouth and South West Devon Councils are now able to demonstrate that they do have a five year land supply which will be delivered through this plan. Many of the site allocations shown in the plan are already being developed.

Policy SPT3: Provision of new homes. This policy states that the LPAs will plan, monitor and manage the delivery of housing from 2014 to 2034 in accordance with the spatial strategy and site allocations set out in the plan. Housing provision will be made for at least 26,700 dwellings (net) in the Plan Area. Within the Thriving Towns and Villages, which includes the South Hams, at least 7,700 new homes are to be provided of which 2,050 should be affordable.

The JLP Figure 3.5 shows that Plymouth and South West Devon will be able to meet a five year land supply with the supply for the Thriving Towns and Villages shown as 7.3 years, including a 20% buffer. For the Plan Area as a whole is 6.3 years. Further details of the

projected housing delivery for the Plan Area is set out in the Housing Topic Paper. (Need copy of latest assessment Housing Land Supply for South Hams if possible).

Policy SPT2: Sustainable linked neighbourhoods and sustainable rural communities.

This policy states that development should support the overall spatial strategy through the creation of neighbourhoods and communities. This includes the need for a good balance of housing types and tenures to support a range of household sizes, ages and incomes to meet identified housing needs. It also refers to the need to provide a positive sense of place and identity, including through the recognition of good quality design, unique character, the role of culture, and the protection and enhancement of the natural and historic environment.

Comment

The proposed development does not provide a good balance of house types and tenures. There is no local housing need for large private dwellings and there is no guarantee that the affordable housing will be provided on site. The proposed development does not protect and enhance the natural and historic environment.

Policy SPT11: Strategic approach to the natural environment. This policy states the special and unique qualities of the natural environment of the Plan Area will be protected and enhanced taking into account the hierarchy of legal status. The South Devon AONB is given the highest status of protection. Great weight will therefore be given to conserving the landscape and scenic beauty of the area. The distinctive landscapes of the Undeveloped Coast will be protected and enhanced, particularly within the Heritage Coast.

Comment

The appeal site is within the AONB, Undeveloped Coast and Heritage Coast.

Policy TTV1: Prioritising growth through a hierarchy of sustainable settlements. St Ann's Chapel is shown as a 'sustainable village' in the JLP where development to sustain limited services and amenities will be supported.

Para 5.10 states that the JLP envisages growth in these sustainable villages to meet local needs and encourages communities to identify sites to meet these needs through neighbourhood plans.

Comment

The local community are supportive of the provision of a scheme which will meet local housing needs i.e. a need for primarily affordable housing. They have also identified the most suitable site for the provision of development of this type of housing as part of the neighbourhood plan process.

Policy TTV2: Delivering sustainable development in the Thriving Towns and Villages Policy Area. This policy requires housing to be located where it will enhance and maintain the vitality of rural communities and will include the delivery of affordable homes that enable rural communities to remain vibrant.

Comment

The appeal scheme provides only three affordable dwellings with no guarantee that these will be provided on site.

Policy TTV30: Empowering local resident to create strong and sustainable communities. This policy states that the LPAs support the preparation of neighbourhood plans as the means of identifying local development needs in the sustainable villages.

The text to this policy states:

5.154 The JLP does not identify sites for development in the villages defined as being Sustainable Villages. Rather, an approach is taken which aims to enable development to come forward in these villages which reflects their sustainability, and which responds to local needs. In these locations, it is clearly important to strike a balance so that development maintains and improves the viability of the villages whilst also being of an appropriate scale and meeting the needs of local people. It is also important that any development in the Sustainable Villages also respects the character of the villages, and particularly of any landscape designations such as AONBs.

5.155 In the Sustainable Villages, the most appropriate way to balance these considerations will often be for people to develop neighbourhood plans, responding to local needs and opportunities. The LPAs are supportive of the neighbourhood planning process as a means of identifying and responding to local needs and the delivery of sustainable communities.

*5.158 Development in or adjoining sustainable villages within the AONB should not be of such scale that will result in significant landscape impact or pose a threat on the integrity of the special qualities of the AONB. Neighbourhood plans for sustainable villages within the AONB are encouraged to identify small scale sites of below 10 dwellings if available, to limit the impact on the sensitive AONB landscapes. In order to encourage alternative delivery methods within the AONB, all sustainable settlements within designated landscapes have been assessed as only being able to accommodate the lowest level of housing growth, around 10 dwellings over the plan period. This should enable NPs that cover areas within the AONB to focus on the delivery of housing **to meet identified local needs only**.*

Comment

It is clear from this policy that any new development which takes place in sustainable villages, such as St Ann's Chapel, must only be housing which is designed to meet identified local housing needs and it is for the local community to decide through the neighbourhood plan process which is the most suitable site to develop.

Policy TTV31: Development in the countryside. This policy states that housing development adjoining or very near to an existing settlement will only be supported where it meets the essential, small scale local development needs of the community and provides a sustainable solution.

Comment

The proposed development does not meet the essential local development needs of the community.

Policy DEV1: Protecting health and amenity. Development proposals will be required to safeguard the health and the amenity of local communities.

Comment

The proposed development does not safeguard the amenity of the local community.

Policy DEV5: Community food growing and allotments. This policy does support and encourage local food growing by seeking provision of new allotments where there is a deficiency of provision.

Comment

The appeal scheme does include the provision of allotments although the results of the Neighbourhood Plan Questionnaire showed that whilst there might be a need for allotments none of the respondents stated that they would actually want to have an allotment if this were provided. The gardens of most properties within the parish are fairly large and can therefore be used to grow home produced food.

Policy DEV8: Meeting local housing need in the Thriving Towns and Villages Policy Area. This policy states that LPAs will seek to deliver a wide choice of high quality homes which widen opportunities for home ownership, meet needs for social and rented housing, and create sustainable, inclusive and mixed communities. A mix of housing sizes, types and tenure appropriate to the area and as supported by local housing evidence will be provided. All residential developments of 6 to 10 dwellings will provide an off-site commuted sum to deliver affordable housing.

Comment

Whilst the policy set out above relating to the provision of affordable housing is consistent with Government policy, the provision of an off-site financial contribution will not provide for the affordable housing needs of the parish. The CLT scheme being proposed as part of the Neighbourhood Plan will enable the delivery of affordable housing on site designed to meet the specific needs of the local community.

Policy DEV10: Delivering high quality housing. Housing development should be of a high quality in terms of design. Housing developments should inter alia provide good pedestrian connectivity to existing developed areas, open spaces and local services.

Comment

The appeal scheme will not provide good connectivity for pedestrians wishing to access the public open spaces and local services already provided in this village.

Policy DEV20: Place shaping and the quality of the built environment. Development proposals will be required to meet good standards of design, contributing positively to both townscape and landscape and should have proper regard to the patterns of local development

and the wider development context and surroundings in terms of style, local distinctiveness, siting, orientation, visual impact, views, scale, massing, height, density, materials, detailing, historic value and character, and the demands for movement to and from nearby locations.

Comment

Whilst this scheme is in outline only in terms of detailed design the location of the development will impact on the visual impact and views from adjoining properties and pays little regard to the need to consider the historic character and local style of development. The wide road which runs around the development will result in a form of development which is overly urban in its appearance and results in the loss of the historic Devon hedgebanks which are such significant landscape, heritage and ecological features in this rural village.

Policy DEV21: Conserving the historic environment. This policy seeks not only to protect listed buildings and other scheduled heritage assets, it also refers to the need to protect non-designated heritage assets, including landscapes positively identified as having significance in terms of the historic environment.

Comment

In this case the mature Devon hedgebanks which border the local roads leading up to the village are regarded as important heritage assets which are important to the appearance and character of this small rural and historic village.

Policy DEV22: Development affecting the historic environment. Development proposals will need to sustain the local character and distinctiveness of the area and conserve or enhance its historic environment. Development should conserve or enhance the historic environment, including designated assets of national importance and undesignated heritage assets of local significance and their settings.

Comment

The proposed scheme will be prominent in the views of The Pickwick Inn when approaching the village from the south. The loss of the important Devon Hedgebank along this section of road will result in harm to the setting of this listed building as well as resulting in the loss of a undesignated heritage asset, i.e. the Devon hedgebank itself.

Policy DEV24: Landscape character. Development should conserve and enhance landscape, townscape and seascape character and scenic and visual quality, avoiding significant and adverse landscape and visual impacts. Development proposals should inter alia:

- 1) Be located and designed to respect scenic quality and maintain an area's distinctive sense of place and reinforce local distinctiveness.
- 2) Conserve and enhance the characteristics and views of the area along with valued attributes and existing site features such as trees and hedgerows that contribute to the character and quality of the area.

Comment

The appeal scheme fails to meet these criteria.

Policy DEV25: Undeveloped Coast and Heritage Coast. As stated above the appeal site is within the Heritage Coast and Undeveloped Coast. All land south of the C252 and the Stakes Hill Road is covered by these designations, as shown on the plan in **Appendix 15..** The JLP policy for these designated areas states:

Development which would have a detrimental effect on the undeveloped and unspoilt character, appearance or tranquillity of the Undeveloped Coast, estuaries, and the Heritage Coast will not be permitted except under exceptional circumstances where the development:

- 1. Can demonstrate that it requires a coastal location.*
- 2. It cannot reasonably be located outside the Undeveloped Coast.*
- 3. Protects, maintains and enhances the unique landscape and seascape character and special qualities of the area.*
- 4. Is consistent with policy statements for the local policy unit in the Shoreline Management Plan 2.*

Development for the purposes of agriculture, forestry, public access and enjoyment of the coast and estuaries, or community facilities that meet the objectively assessed needs of the community, will be supported if it meets the above tests.

Comment

The appeal scheme is clearly contrary to this policy. The development does not need a coastal location and there are other sites available in St Ann's Chapel (Sites 3, 4, 5 and 6) which are outside the Heritage Coast and Undeveloped Coast.

Policy DEV27: Nationally protected landscapes. This policy states that LPAs will protect the AONBs, including their setting, and the setting of Dartmoor National Park from potentially damaging or inappropriate development.

Comment

The proposed development does result in damaging and inappropriate development within the AONB. It was stated in the officer's committee report that the proposed development was not considered to be major development in the AONB, and as such not subject to the policy in paragraph 116 of the NPPF, which states that planning permission should be refused for major developments in these designated areas except in exceptional circumstances where it can be demonstrated that to be in the public interest. There is no definition of 'major development' in the NPPF. The Government's Planning Practice Guidance states that whether a proposed development in these designated areas should be treated as a major development will be a matter for the relevant decision taker, taking into account the proposal in question and the local context. The Framework also makes it clear that great weight should be given to conserving landscape and scenic beauty in these designated areas irrespective of whether the policy in paragraph 116 is applicable.

Policy DEV28: Protecting and enhancing biodiversity and geological conservation. This policy states that development should support the conservation, enhancement and geodiversity across the Plan area. Development should demonstrate that it has proactively

tried to avoid impacts on biodiversity and geological interests through the design process prior to developing measures to mitigate or as a last resort to compensate for unavoidable impacts.

Comment

The revisions made to the proposed scheme which have been made since the dismissal of the previous appeal for development on this site have been wholly concentrated on trying to resolve the highways and pedestrian safety issues relating to the previous proposals. The proposed revisions have not in the community's view resolved the problem and result in further transport and highway safety issues. However the impact in relation to landscape and biodiversity is now very much worse. Now instead of 10m species hedgerow and 15m of defunct hedgerow being removed to provide access from the B3392 the proposed development will now result in the loss ofm of Species-rich hedgerow along the northern boundary and ...m of part Species-rich and part defunct hedgerow along the eastern boundary to provide for this new road. (See Jubb Statement).

Policy DEV30: Trees, woodlands and hedgerows. This policy states that development that would result in the loss or deterioration of the quality of important hedgerows including Devon hedgebanks will not be permitted unless the need for, and benefits of, the development in that location clearly outweigh the loss and this can be demonstrated.

Comment

There is no need for this type of housing development and there are other sites which can be developed within St Ann's Chapel village which would not result in such significant loss of Devon hedgebanks, including Site 4 where the hedge is less mature, not Species-rich and of much less significance.

The proposed development results in significant harm to the existing biodiversity features of the site resulting in the complete loss of the two Devon hedgebanks which border the north and eastern sides.

Policy DEV31: Specific provisions relating to transport. This policy states that development will be required to contribute positively to the achievement of a high quality, effective and safe transport system in the Plan Area which promotes sustainable transport choices and facilitates sustainable growth. New homes should be provided in locations that can enable safe, secure walking, cycling and public transport access to local services and amenities.

Comment

The proposed scheme does not achieve an effective and safe transport system and does not provide a safe means pedestrians to access the local services provided in the village.

Relevant extracts from the JLP are enclosed in **Appendix 19**.

Road Safety

The provision of the new road which diverts the road from Ringmore (C252) to the west of the village linking up with the B3392 to the south of the village will result in a number of problems relating to highway safety.

The diversion of this road will lead to more traffic travelling through St Ann's Chapel on the section of the B3392 to the south of the junction. This is already a particularly dangerous section of road due to its limited width, with no pavements. It is already used by a large number of pedestrians walking up from Bigbury Village to access the community facilities within St Ann's Chapel. This stretch of road will also be used by people living in the five dwellings at the southern end of the proposed development and wishing to walk to the shop and other local facilities as this would undoubtedly be the shortest walking distance.

This road is particularly busy during the holiday seasons and on sunny weekends with vehicles, including motorhomes and caravans, travelling along this road to access the excellent beaches and surfing facilities at Bigbury on Sea. Bigbury on Sea is a very famous tourist destination and this road is the only road which can be used to access this resort.

The pedestrianisation of the section of road in front of The Pickwick Inn is also likely to affect the speed of vehicles approaching the village in a northerly direction along the B2292. When driving along this section of road in a northerly direction the two eastern arms of the junction (coming in from the car park to the rear of the Holywell Stores and the Stakes Hill Road) are not readily visible. It is the existence of this western arm, which is clearly visible, which causes drivers to slow down when approaching this junction. The fact that there are vehicles coming into the junction from the west does therefore provide an effective traffic calming measure. If this were to be pedestrianised drivers are likely to travel at faster speeds and therefore increase the risk of accidents occurring.

Very little thought seems to have been given by the Appellant's Traffic Consultants or the Devon CC Highways Consultants about the problems for drivers coming into the junction from the Stakes Hill Road or the car park to the rear of the Holywell Stores. Turning left at this junction from these eastern arms is particularly dangerous as it is a completely blind corner. The appeal scheme will result in more traffic, travelling north on the B3392, potentially at greater speeds, and therefore increasing the risk of a collision.

There is quite a significant amount of traffic on these two eastern arms. The Holywell Stores is a very popular convenience and grocer's store (the only store of this type in the parish). It also includes the only post office in the parish. As such many people in the parish as well as people from the Ringmore Parish use this store and its car park. The Stakes Hill Road is often used by people wishing to take a short cut to Aveton Gifford, Kingsbridge and other destinations to the east. The road also leads to an alternative short cut through Easton, which is often used at times close to high tide, when the part of the Stakes Hill Road by the Avon Estuary is flooded. Stakes Hill Road also provides access to the Hilltop residential estate to the east of St Ann's Chapel and to the car park serving the Memorial Hall, the playground and the playing fields.

Pedestrians (including children) from the new development, whether approaching from the south via the B3392 or west via the proposed pedestrianised section of the C252, still have to cross the B3392 in order to access the Holywell Stores, school bus stop, Memorial Hall, children's playground and playing fields.

This scheme was supposed to have resolved the previous problem relating to the crossing of this road, which was the main reason for the refusal of the previous appeal. The scheme has been designed to encourage pedestrians to cross the road in the centre of the existing road to avoid being too close to The Pickwick Inn. Pedestrians are to be encouraged to cross to the existing grass verge which is located to the south of the Stakes Hill Road. If wanting to access the Holywell Stores or school bus stop they would however then need to cross the Stakes Hill Road where sight lines for approaching traffic are very poor.

Crossing back is even more of a problem. When standing on the grass verge it is difficult to see traffic coming from the Stakes Hill Road or vehicles travelling in a northerly direction on the B3392. The sight restrictions are due to the existence of the high walls, fences, and vegetation on the adjoining private land. Without the permission of the owners of this land there would be no way to improve these sight lines. Photographs of St Ann's Chapel are enclosed in **Appendix 16**. Photograph ... shows the limited view from the grass verge looking towards Stakes Hill Road and Holywell Stores car park. Photograph shows the **limited view looking south** towards the B3392, from grass verge.

The proposal to divert the C252 to the **south of St Ann's Chapel**, when most of the traffic on this road will be heading north, makes no sense at all. If it is considered that this road should be diverted it would make far more sense to divert it to the north of the village. However, the site which the local community would prefer to see developed avoids all of these highway and pedestrian safety issues.

As far as we are aware nobody who lives in the Bigbury Parish or the Ringmore Parish wants this new road to be constructed. These major works are being proposed purely to facilitate the development of circa 8 dwellings of the wrong type and in the wrong place.

The highway and pedestrian safety issues relating to this scheme raise a number of concerns and it is considered that the appeal scheme would be contrary to paragraph 32 of the NPPF, Policy DP7 of the Local Development Framework and Policies DEV10 and DEV31 of the Joint Local Plan.

The report from Jubb provides further details with regard to the highway safety problems relating to this proposed development.

Loss of Devon hedgebanks, appearance of the scheme and impact on landscape, ecology and heritage assets

Whilst the previous appeal scheme did result in the loss of 25m the Devon hedgebank along the B3392 the current appeal results in the loss of two significant stretches of mature Devon hedgebanks in order to facilitate a new road. In order to provide the road with appropriate sight lines it will be necessary to remove somem along the B3392 and some ...m along the C252. This is well in excess of the 60m as stated in the Appellant's Statement of Case (See report by Jubb). The loss of these two sets of Devon hedgebanks also results in a development which will be far more exposed and as such have a much greater impact on the landscape and the AONB.

Both of these Devon hedgebanks are of significant height, with that along the C252 being particularly and rich in terms of their ecological value as well as a potential habitat for dormice. Hedgerow is a Priority Habitat and Species-rich hedge is a Devon BAP habitat.

Relevant extracts from the Devon Biodiversity and Geodiversity Action Plan are enclosed in **Appendix 16**. These hedgerows also provide potential foraging habitats for bats (See EAD Technical Note and also photographsenclosed in **Appendix 20**).

Tall and mature Devon hedgebanks of this type are very much valued by the local community as shown from the results of the Neighbourhood Plan Questionnaire. They are not only important in terms of their ecological value but also contribute greatly to the character and appearance of the local landscape and scenic beauty of the AONB and Heritage Coast, the attractiveness of the narrow rural lanes and the setting of the historic rural villages. Loss of even a small area of mature Devon hedgebanks would be regretted. However, in this case the appeal scheme results in the loss of two significant stretches in order to create the new road.

The provision of new hedges within the scheme is not regarded as providing appropriate mitigation to compensate for the loss of these important historic landscape, heritage and ecological features.

The new wide road would also result in a development which would be totally out of character with the existing rural scene which consists of almost entirely narrow Devon lanes bordered by high Devon hedgebanks. The exposure of this development, due primarily to the loss of the Devon hedgebanks, which currently screen this open field, will result in the development being highly visible when approaching the village from the south and west. The development will appear overly urbanised in its form as a result of this new road and the loss of the Devon hedgebanks, which are themselves a local heritage asset, will also impact on the setting of the Grade 11 listed Pickwick Inn, particularly when travelling from the south, and the setting of this small historic village. See Photograph In Appendix 20.

The appeal scheme due to the loss of two significant stretches of Devon hedgebanks; the dominant and urbanised form of development, due to the appearance of the new widened road running around the outside of the proposed development; the loss of important hedges of ecological value; the impact on the landscape, within the AONB, Heritage Coast and Undeveloped Coast; and the impact on heritage assets is contrary to the principles of sustainable development as set out in paragraph 6, 7, and 55 of the NPPF, Policies CS7 and CS9 of the LDF Core Strategy and Policies DP2, DP5 and DP6 of the LDF Local Development Framework. It is also contrary to Policies DEV10, DEV20, DEV21, DEV22, DEV24, DEV25, DEV27, DEV28, DEV30 and DEV31 of the Joint Local Plan.

Residential amenity

The Appellants' Statement of Case states that the scheme will be beneficial to residents living along the C252, to the west of The Pickwick Inn, due to the pedestrianisation of this section of road. The existing residents living in these houses as well as those living in the houses along the B3392 which border the site currently have the advantage of being able to look out across open fields, with some having sea views from their upper floors. To suggest that the amenities of these residents will be improved is disingenuous. Whilst there may be some benefit in removing the traffic in front of some of these properties this must be balanced against the significant harm resulting from the impact on their outlook and long distance views across open fields. All of the local residents who adjoin this proposed development are opposed to this development.

Having regard to the harm to residential amenity the appeal scheme is contrary to NPPF para 17, Policies DP3 of the Local Development Framework and Policies DEV1 and DEV20 of the Joint Local Plan.

Housing Need

The Appellants' Statement of Case refers to a recent appeal relating to development at Kingsbridge where the Inspector noted that the Council at that time could not show that they had a five year land supply. In her decision letter, the Inspector stated that the provision of 32 dwellings would make a valuable contribution to meeting the need for more housing. However, the urgent need for providing new housing within South Hams is no longer a significant planning consideration as the housing policies set out in the JLP and Council's Housing Needs report do now show that as part of the plan there is a 7.3 year land supply for the Thriving Towns and Villages Policy Area which includes South Hams and a 6.1 years for the Plan Area as a whole.

Kingsbridge is described in the JLP as a 'Main Town', being one of the six main towns outside of Plymouth. These are Dartmouth, Ivybridge, Kingsbridge, Okehampton, Tavistock and Totnes. These towns are ones which have a high level of services and amenities and provide the most suitable locations for sustainable growth.

St Ann's Chapel is described in the JLP as a 'Sustainable Village' where new development is limited to that which is essential to meeting identified local housing needs which are expected to come forward through the neighbourhood plan process. This is a very different situation to that considered in relation to the Kingsbridge appeal where the Inspector was considering a development on a site which was allocated for development in the LDF and at a time when the Joint Local Plan was at a less advanced stage.

The appeal scheme shows an indicative layout for 8 dwellings comprising 4 x 3 bedroom, 3 x 4 bedroom and 1 x 5 bedroom houses. The Appellant's Statement of Case suggests that this scheme will meet local housing need. However, as stated above there is no need at all for private dwellings of more than 3 bedrooms and no guarantee that these houses will be purchased by people that wish to live in the area. The majority of private houses which come on to the market are now bought by people wishing to use them as second homes or as holiday lets.

The proposed development shows that three of these houses would be affordable but it would be very difficult to find a housing association or other provider willing to take on board just 3 affordable dwellings. The Appellants' have provided no guarantee through a Section 106 Agreement that these affordable houses will be provided on site. The previous application, dismissed on appeal, was subject to a Section 106 Agreement making provision for a number of matters including the provision of '**either on or off site**' affordable housing and the Planning Officers Committee report states that if a provider cannot be found an off-site contribution of equivalent amount will be sought. It is likely that if this scheme were allowed any affordable housing contribution would be by way of a financial contribution to off-site provision and as such of no benefit at all to the local community.

It is unclear why the Appellants' have not submitted a Section 106 Agreement as part of this appeal scheme and unless this is forthcoming with a commitment to providing affordable housing '**on site**' there is no guarantee that even three affordable on site houses would be

provided. It is also important that the houses are truly affordable and without a Section 106 Agreement in place this again cannot be guaranteed.

The Bigbury Parish Neighbourhood Plan is now well advanced and as part of the neighbourhood plan process a site for a housing development of circa 10 dwellings has been selected. This will be developed as a Community Land Trust site which will enable the delivery of the much needed affordable housing. The affordable housing will also remain affordable in perpetuity with the Parish Council having direct control in relation to the occupancy of these dwellings. This will ensure that the affordable housing is used to provide accommodation for local people or those that need to live in the local area due to family connections or proximity to their workplace.

The appeal scheme will not meet the identified housing needs of the parish and the site is not the most suitable site to develop. In fact of the six sites available for development in St Ann's Chapel the appeal site is undoubtedly the worst site to develop in terms of its effect on highway and pedestrian safety; landscape, ecological and heritage impact; and impact on residential amenity.

This is a rural village within the AONB and Heritage Coast and as such development should only be permitted if it meets the identified local housing needs of the area. The proposed scheme would fail to meet local housing needs and as such is contrary to paragraphs 7, 184 and 185 of the NPPF, Policy CS6 of the LDF Core Strategy and Policy DP11 of the Local Development Framework. It is also contrary to Policies TTV1, TTV2, TTV30, TTV31, DEV8, and DEV25 of the Joint Local Plan.

Conclusion

There is substantial local opposition to the appeal scheme as indicated by the 77 letters sent to SHDC at application stage. A Parish Council meeting was held on 28 January 2017 to discuss this development. This was attended by some 80 residents, which is an exceptional high number for a parish of this size. Everyone, apart from one or two parishioners who abstained, were against the proposal on highway safety, planning and environmental grounds. The Parish Clerk wrote to SHDC on 2 February 2017 informing them of the views of the local community. There was a further Parish Council meeting on 14 June 2017 to discuss the revised proposals. Again almost everybody present voted against the proposed scheme.

The strength of objection against the development of this site was also made clear at the Neighbourhood Plan event, which took place on 17 June 2017, with nobody voting in favour of development on this site.

The community is not against some new housing development in St Ann's Chapel, they just want to see the right type of development, designed to meet the identified local housing needs of the parish, and on a site which will not result in harm in terms of highway and pedestrian safety, loss of significant stretches of Devon hedgerows, and loss of residential amenity, affecting all of the residents living on the west side of the village.

If this appeal was allowed it is likely to prejudice the opportunity of being able to provide a scheme designed to fully meet the housing needs of the community on a site which would be much more suitable for development. There is only a limited amount of development that

can take place in St Ann's Chapel having regard to its size and rural location within the AONB. The text to JLP Policy TTV30 states that '*all sustainable villages within designated landscapes are only able to accommodate the lowest level of housing growth, around 10 dwellings over the plan period*'.

We hope therefore that the Inspector will take account of the views of the Parish Council, the Neighbourhood Plan Steering Group, and the local community, who have clearly and on many occasions expressed their objections to the proposed development and will dismiss this appeal.

Valerie Scott BSc, MCD, MRTPI
20th November 2017

Appendices

1. Letter to SHDC dated 2 February 2017 from Bigbury Parish Council Clerk.
2. Letter to SHDC dated 16 June 2017 from Bigbury Parish Council Clerk.
3. Letter to SHDC dated 30 June 2017 from Bigbury Parish Council Clerk.
4. Letter to SHDC dated 2 February 2017 on behalf of Bigbury Parish Council Neighbourhood Plan Steering Group.
5. On line representations dated 15th June 2017 on behalf of Bigbury Parish Council Neighbourhood Plan Steering Group following revisions to scheme.
6. Email correspondence between Valerie Scott and the case officer, Wendy Ormsby following Bigbury Neighbourhood Plan event in relation to selection of sites.
7. Bigbury Neighbourhood Plan Questionnaire, November 2016.
8. Bigbury Neighbourhood Plan Results of Questionnaire, February 2017.
9. Bigbury Parish Housing Needs Report, April 2017.
10. Plan showing six sites available for development at St Ann's Chapel.
11. Report relating to the selection of sites, as part of the Neighbourhood Plan process.
12. Indicative layout plan for CLT scheme on land to north east of St Ann's Chapel.
13. Study of St Ann's Chapel.
14. Plan of Bigbury Parish showing extent of AONB designation.
15. Plan of Bigbury parish showing extent of Heritage Coast and Undeveloped Coast designations.
16. Relevant extracts from Devon Biodiversity and Geodiversity Action Plan.
17. Relevant extracts from LDF Core Strategy.
18. Relevant extracts from the LDF Development Policies Plan Document.
19. Relevant extracts from JLP.
20. Photographs of St Ann's Chapel.