The Planning Inspectorate

Appeal Decision

Site visit made on 10 December 2013

by John Wilde C.Eng M.I.C.E.

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17 January 2014

Appeal Ref: APP/P1133/A/13/2204088
The Point, Strand, Teignmouth

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Mike Nance against the decision of Teignbridge District Council.
- The application Ref 13/00852/FUL, dated 15 April 2013, was refused by notice dated 4 July 2013.
- The development proposed is a mermaid statue on a rock shaped pedestal.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are:-
   (a) The effect of the proposed statue on the character of the Undeveloped Coast, and
   (b) Whether or not the proposed statue would preserve or enhance the character or appearance of the Teignmouth Conservation Area.

Reasons

3. The proposed statue would be a mermaid, the top of which would be 4.3m above the sand level. The mermaid would be cast in concrete and be seen sitting on a rock formed out of rendered concrete blocks, that would in turn be held in place with piled railway lines. The concrete rock would have castings of characters and quotations from a book written by the appellant.

4. The site chosen by the appellant for the construction of the statue would be between the mean high and low water levels on the point at Teignmouth, immediately adjacent to the Teignmouth Conservation Area (CA), which extends to the mean high water mark. Whilst not technically within the CA therefore, I nonetheless consider one of the main issues to be the impact of the statue on the character or appearance of the CA, and will return to this issue in due course.

Undeveloped coast

5. The site is effectively an unspoilt spit of sand reaching out into the estuary, with the only other man-made artefacts in evidence being a navigation post

and harbour entrance marker. The Council have directed me to policy EN2 of the Submission Teignbridge Local Plan 2013-2033 (SLP). This makes clear that *the protection, maintenance and enhancement of the distinctive landscape character of the undeveloped coast will be a priority* and goes on to state that *development which would have a detrimental effect on the character of the undeveloped coast and estuaries will not be permitted*.

6. Notwithstanding the development higher up the beach, the appeal site itself can in my view be defined as an undeveloped portion of the estuary. Its beauty and appeal derives from its undeveloped nature and the unspoilt relationship between itself and the sea. This is amplified by the uninterrupted views (apart from the essential navigation structures referred to above) across its open expanse to the waters of the estuary.

7. The proposed statue would be constructed in unadorned concrete which would be likely to weather and discolour over time. It would be a sizeable structure and, notwithstanding the mythical associations with the sea, its form would appear visually intrusive and entirely out of place with the particular natural and open 'beachscape' that I have described. It would therefore be detrimental to the character of the estuary and would conflict with policy EN2.

8. Whilst the SLP has not yet been adopted it has been through the process of examination, and the Inspector has indicated that the plan can be made sound. I have not been made aware of any objections to the policies designed to protect the undeveloped coast and therefore give significant weight to policy EN2.

Conservation area

9. The proposed statue would be some distance from the development within the CA and would not in my view impact significantly on its character or appearance. The proposed statue would not therefore conflict with policy C37 of the Teignbridge Local Plan. This informs that the impact of development outside but close to Conservation Areas will be a matter to be considered when determining applications.

10. I am aware that the statue has twice before been given planning permission to be erected above the mean high water mark. Both of these permissions were however before the introduction of policies designed to protect the undeveloped coast and estuaries. I can therefore give only limited weight to the existence of these previous permissions.

Other matters

11. Whilst not a main issue for the Council I do note that the Harbour Master, on behalf of Teignmouth Harbour Commission, has commented upon the proposed location for the statue. He makes the point that *the statue and its foundations would be subject to continuous sand movement and erosion from the sea that the point experiences*. He also indicates that dredging has to take place on occasions to remove excessive build ups of sand and that *navigationally the statue must not be placed in a position where its foundations may be washed away such that it falls into the harbour and becomes a hazard to navigation*.

12. He concludes by suggesting that the statue *should be sited above the Mean High Water Line and preferably above the Mean High Water Springs Line thus safeguarding the statue and its foundations*. I note that the appellant has

stated that he would be happy with this alternative location. This is not however what is shown on the drawings accompanying the planning application, and is not therefore before me.

13. In respect of the Harbour Master's concerns relating to the structural integrity of the statue, had I not been dismissing the appeal on other grounds then it would have been possible to impose a condition requiring a full structural report as suggested by the Council.

Conclusion

14. In light of my above findings and having regard to all other matters raised, I conclude that the appeal should be dismissed.

John Wilde

INSPECTOR

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