

East Devon District Council Emerging Local Plan

Proposed change of Settlement Boundary at Bystock Village, Exmouth.

I write to object to the emerging Local Plan and specifically the proposed change in Exmouth's Settlement Boundary in the area defined in the made Exmouth Neighbourhood Plan as Bystock Village.

1. Summary

The proposed Settlement Boundary change around Bystock Village:

- a) Does not result in any increase in housing Supply (HELAA Methodology) in the Emerging Local Plan. Given that there is no increase in Supply there should be a compelling policy reason to move the existing boundary. No such imperative exists; indeed the proposal creates a direct policy conflict between the Local Plan and Neighbourhood Plan. There is no point in creating policy conflict without planning gain and thus the proposal should be dropped.
- b) Creates an explicit Policy conflict between the Emerging Local Plan and the made Exmouth Neighbourhood Plan (ENP Strategy EN1). The inclusion of Bystock Village within the Settlement Boundary would result in the Emerging Local Plan allowing development in an area where the ENP specifically opposes development. This is contrary to the EDDC methodology on defining Settlement Boundaries published in April 2022. Refusing development in Bystock Village is a position recently supported by both EDDC and the Planning Inspectorate.

Retaining the existing Settlement Boundary near Bystock Village:

- c) Is fully compliant with EDDC's own methodology for defining Settlement Boundaries, published in April 2022.
- d) Avoids all conflict between Local and Neighbourhood Plans and would be consistent with all EDDC planning decisions concerning this area over the last 20 years. It is noteworthy that over the last decade EDDC Planners have deemed development in Bystock Village to be unsustainable, contrary to the NPPF. This position has been wholly supported by the Planning Inspectorate. No infrastructure has changed to make this area sustainable now.
- e) Would allow EDDC planners to retain the same policy based decisions as they have applied over the last decade. In 2019 the Planning Inspectorate noted that the existing alignment between Local and Exmouth Neighbourhood Plans makes decision making on planning applications in Bystock Village simple and clear. Destroying this policy alignment in return for no "Supply" gain is a poor policy choice.
- f) Retains a more coherent landscape and maintains the integrity of the entire Bystock Estate as is intended in the made Exmouth Neighbourhood Plan strategy EN1. Furthermore, it would avoid making the protected Grade 2 Bystock Court an isolated "island" within a new Town Boundary.

2. EDDC Policy on Settlement Boundaries

Moving the Settlement Boundary near Bystock Village does not generate land with building opportunities that would add to the calculation of “Supply” in a future Local Plan (*HELAA Methodology – May 2021*), but it does create direct conflict between proposed Local Plan Strategy 6 and made ENP Policy EN1. If there is no increase in Supply then there must be a compelling Policy reason to move the existing boundary. Given that there is no Supply benefit, but a policy conflict is created, moving the boundary results in a negative outcome for policy based planning governance.

In April 2022 the Planning Team submitted a report to the EDDC Strategic Planning Committee “*Methodology for defining settlement boundaries*”. This report outlined the criteria and qualifying considerations for defining Settlement Boundaries in the Emerging Local Plan. It is perfectly possible to use this methodology to retain the existing Settlement Boundary in the area of Bystock Village and hence to avoid all policy conflict.

2.1 EDDC Criteria B3

In the notes to Criteria B3 on Settlement Boundaries, EDDC planners specifically state that Settlement Boundary changes should not include areas where a made Neighborhood Plan specifically restricts development.

Bystock Village is an area identified in the made Exmouth Neighbourhood Plan where new development will be resisted by the Town Council (Strategy EN1). In 2019 EDDC Planners explicitly supported this Strategy and refused a planning application on the grounds of conflict with the made ENP. This Policy based decision was supported and reinforced by the site being outside the Exmouth BUAB.

In adjudicating the Appeal, the Planning Inspectorate supported EDDC refusal and furthermore provided clarity on the meaning of ENP Strategy EN1 arguing that it means that no development of separate dwellings should occur within Bystock Village:

“The ENP also specifically identifies the “Bystock Village” as a locally important and distinctive area outside the BUAB where only minor proposals associated with existing residential or business premises, are likely to be supported. Whilst the term “minor proposals” is undefined, there is no suggestion that it should include the creation of new residential uses”. Ian Bowen, Planning Inspector, Refusal decision APP/U1105/W/19/3227752 Bystock Hayes, 2 October 2019

As defined today there is no conflict between the current Local Plan demarcation of the Exmouth Built Up Area Boundary and the Exmouth Neighbourhood Plan Policy EN1. As demonstrated in recent Planning Appeals, where EDDC refusal has been upheld, the Local Plan and ENP support one another. Moving the Settlement Boundary creates unnecessary and unhelpful conflict.

2.2 EDDC Criteria B2

The notes to EDDC Criteria B2 on Settlement Boundaries specifically states that Settlement Boundaries should not include areas where the buildings are not well related to the built form of settlement (EDDC report to Strategic Planning Committee “*Methodology for defining settlement boundaries*” dated 5 April 2022 Criteria B2).

Bystock Village is not well related to the neighbouring development in terms of layout, architecture, age, historic significance, nor built infrastructure as shown below.

2.2.1 Layout, Architecture and Heritage:

In a 2019 planning decision EDDC Planning Officers described Bystock Village as follows:

“a loosely knit group of residential properties served by a private drive off Old Bystock Drive that is essentially lower in density and of a more irregular layout that is rather more semi-rural in character, in contrast to planned layout and greater density exhibited in the more recent estate development to the north of Dinan Way. This more recent development is more urban in character and more typical of the modern edge of a settlement expansion.” Delegated Officer Report on planning application 19/0097/OUT

In other words, only 3 years ago EDDC regarded the Exmouth BUAB as being in the correct location between an urban area and a semi-rural location. This is exactly compliant with the proposed distinction between Urban and Countryside defined in the Emerging Local Plan Strategies 6 and 7 and is wholly consistent with the existing Policies.

The proposed boundary changes would bring several large gardens within the Settlement Boundary, contrary to EDDC Criteria B2. These gardens are wholly within the area in the ENP area designated Bystock Village and many are contiguous with the boundary of the Grade 2 listed Bystock Court.

The gardens in Bystock Village gradually blend outwards into the neighbouring woodland of Dogs Plantation, Big Wood and Great Wood. All have well documented populations of protected species. Taken together with Bystock Court this area retains all the appearance of the original estate. It is the last intact example in East Devon. It in no way could be said to relate well to the built form of modern Exmouth and should be excluded from the Settlement Boundary as stated in EDDC Criteria B2.

Bystock Court and Bystock Village have been in this location since at least the 18th century. Nearly all of the buildings in Bystock Village pre-date the Grade 2 Listed Bystock Court. Every building in Bystock Village is unique, some dating from the 18th Century and each having a clear functional purpose within the context of the original estate. The fact the Exmouth Town has sprawled outwards does not make the relationship between these built forms physically well related.

None of this area in any way resembles the layout or built form of the modern estate that abuts the area. Excluding Bystock Village from the proposed Settlement Boundary would be wholly consistent with the intent of EDDC's own methodology.

2.2.2 Built Infrastructure:

Unlike the nearby modern housing, Bystock Village is served by an unadopted single lane private drive. For most of its length it is wholly unable to accommodate two-way traffic. It has no pedestrian footway (nor room to create one); it has no streetlights and is unchanged from its early Victorian layout as a private estate lane.

Bystock Village is served by a fragile Victorian clay pipe sewage system that is not adopted by South West Water and is already at the limit of its capacity.

Bystock Village is not served by Council infrastructure services eg verge maintenance, gully clearance, road sweeping etc are not performed here and hence it is not part of the urban service area.

In other words Bystock Village does not share the majority of the built infrastructure and adopted services that are available to the main built up area of Exmouth. It is therefore not part of the main Town and should not be incorporated into the Settlement Boundary.

There is a clear demarcation between the modern estate and Bystock Village which is identified by the original stone pillars marking the entrance to Bystock Court. These pillars are located outside the property named Gate Lodge. These pillars mark the beginning of the private part of the road called Old Bystock Drive and are a clear and logical location for the BUAB, separating the new estate from the much older and clearly distinct Bystock Village.

Allowing infill building in this unique site would obliterate its original character, contrary to ENP Policy EN1. It would also result in the erosion of the “soft” settlement boundary to the west of Exmouth.

There is in no sense a good relationship between the new build urban part of Brixington and the properties of Bystock Village nor their infrastructure. It is a simple matter to apply the notes attending EDDC Criteria B2 to exclude Bystock Village from the Exmouth Settlement Boundary.

3. Consistency of EDDC Planning decision making

3.1 EDDC Selection of Development Areas in the emerging Local Plan

EDDC rightly rejected candidate development area EXMO21 in its' entirety as unsuitable for development. However the proposed new Settlement Boundary incorporates a significant element of candidate development area Exmo21, in particular building within the walled gardens of Bystock Village. To reject EXMO21 and then to include a significant element of it within the Settlement Boundary where development is preferred is self-contradictory, perverse and inappropriate.

Once again EDDC should not change the Settlement Boundary.

3.2 Previous Planning Decisions

In 2014 EDDC refused an application (13/2364/FUL) to build within Bystock Village. EDDC refused the application on the grounds that the site is considered to be Unsustainable Location and that it would be outside the BUAB in the emerging Local Plan. In November 2014, the Planning Inspectorate wholly supported the refusal (APP/U1105/A/14/2223721) citing Unsustainable Location as a principle reason, supported by the emerging Local Plan and tree conservation issues.

In October 2019 EDDC refused another application to build within the walled garden of Bystock Village (19/0097/OUT). In this case the refusal was based on:

- Unsustainable Location contrary to Policy TC2 of the Local Plan and contrary to NPPF guidance on sustainability of new development
- Located outside the Exmouth BUAB and hence contrary to Local Plan Strategy 7
- Located in an area designated for no new development in the ENP Strategy EN1

In October 2019, the Planning Inspectorate also refused the application (APP/U1105/W/19/3227752). In summarising the refusal the Inspector highlighted:

- The site was unsustainable contrary to NPPF and Policy TC2.
- Highlighted the alignment of Local Plan Strategy 7 and the ENP Policy EN1 which combined to make this a site wholly contrary to the development plan.

Given that the facts on the ground have not changed and that any new development would be wholly reliant on cars for access, the area should still be classed as unsustainable; a position that would be retained if EDDC did not move the Settlement Boundary.

4. Conclusion

Including Bystock Village within the Settlement Boundary would create a position where the Local Plan presumed that development should proceed, which is precisely contrary to the made Exmouth Neighbourhood Plan which prohibits development (a position supported by the Planning Inspectorate). Thus the proposed change is contrary to EDDC Settlement Boundary definitions methodology, published in April 2022 as a part of the process for creating the Emerging Local Plan.

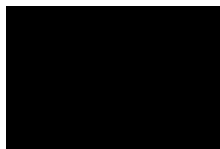
The proposed change would add no land that could be used to increase “supply” in a future Local Plan (HELAA Methodology). Given that there is no increase in supply, but it does create an unnecessary policy conflict for no added value, there seems no point in the proposed move.

Over the last decade EDDC have been consistent in determining that development in Bystock Village is unsustainable and hence contrary to the NPPF. This determination has been supported on both occasions by the Planning Inspectorate. Moving a boundary line does not make this site any more sustainable as required by the NPPF.

The 2022 EDDC Settlement Boundary methodology, combined with all recent documented EDDC planning decisions, point to there being no need to move the existing Exmouth Settlement Boundary to include Bystock Village.

Yours Faithfully

JE Connolly



19 December 2022



Made Exmouth Neighbourhood Plan showing area protected by Strategy EN1

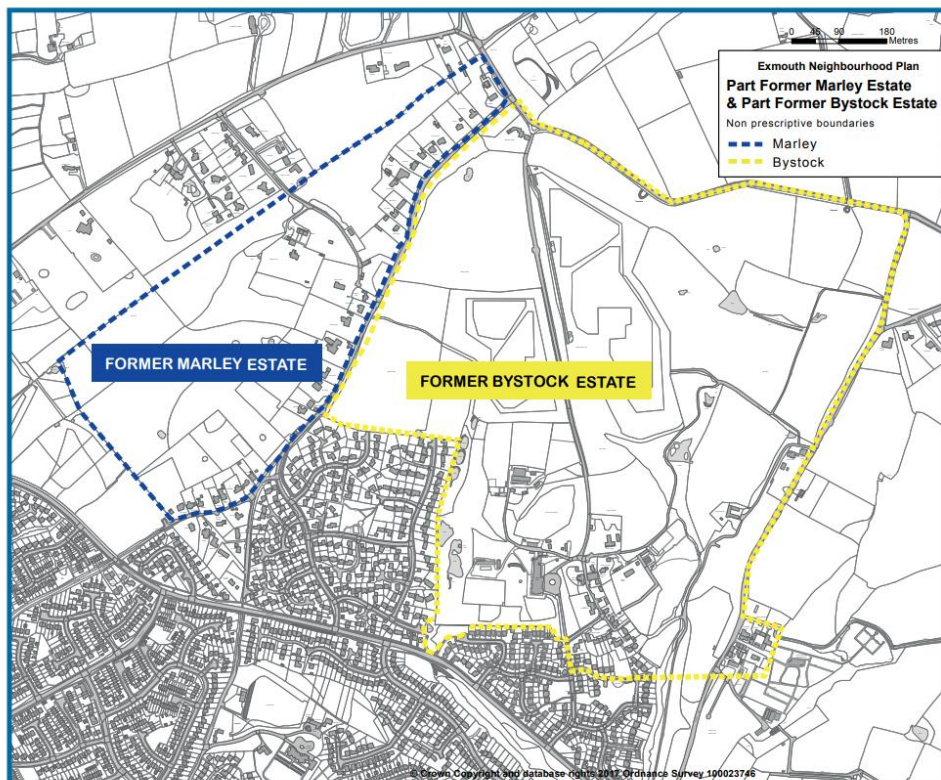


FIG 7.

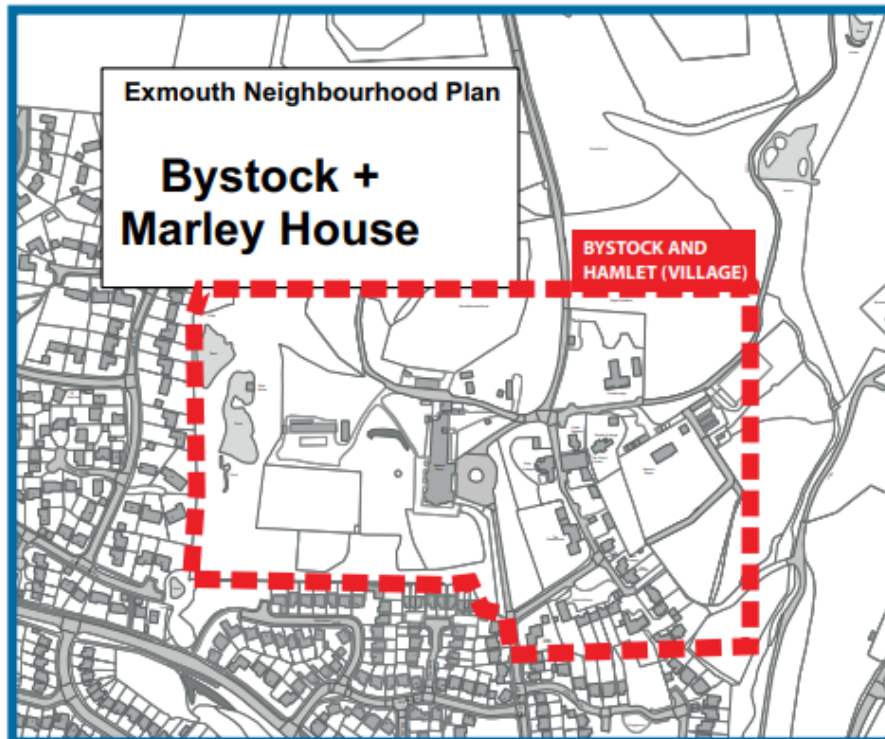
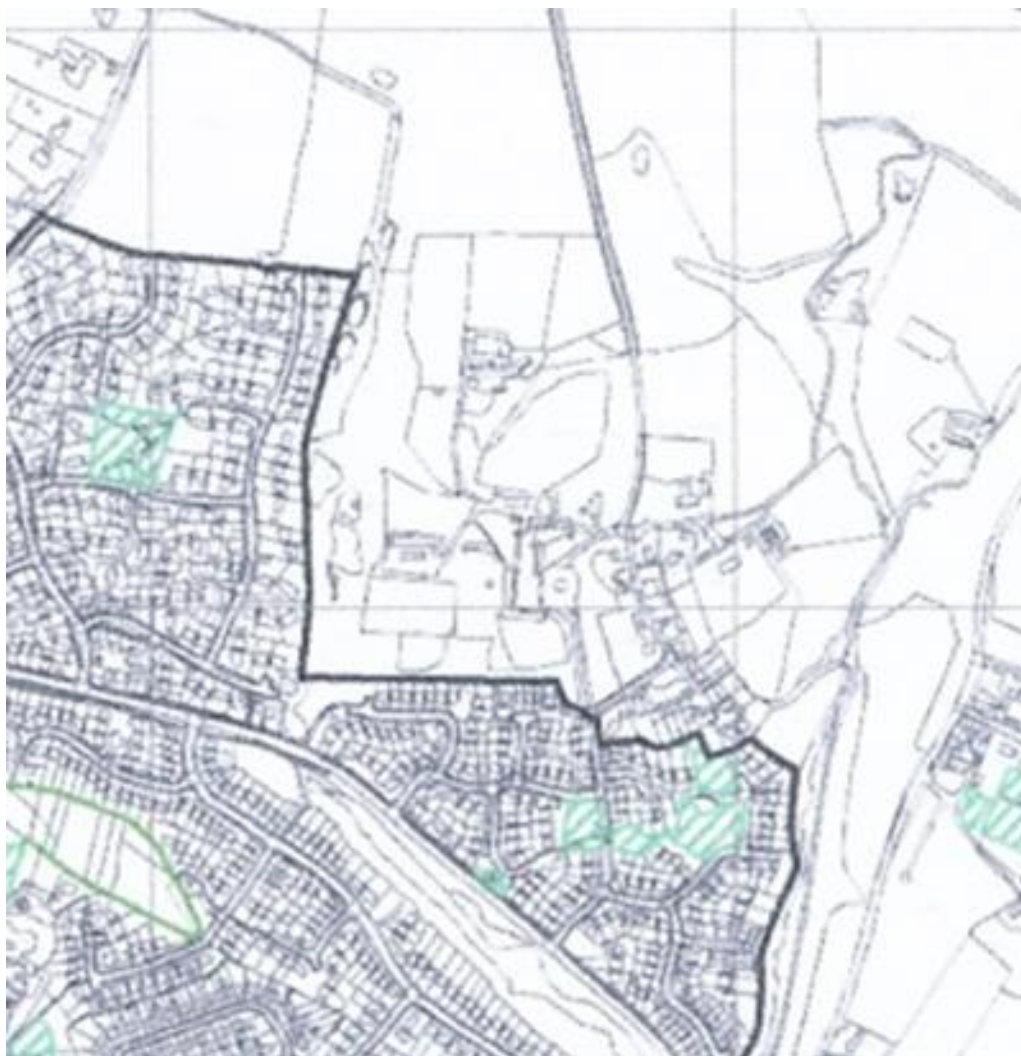


FIG 14.

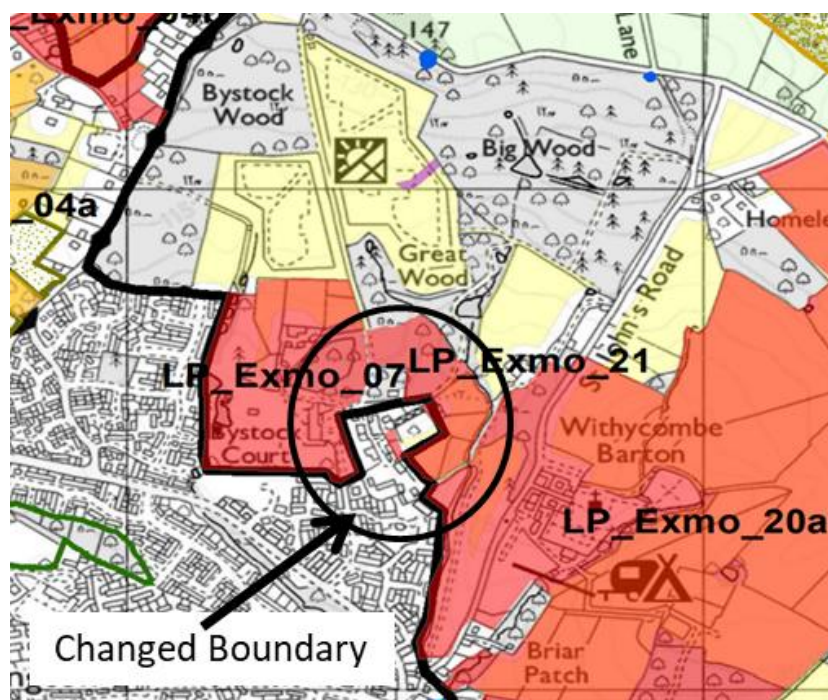
Current Exmouth Settlement Boundary, EDDC Adopted Local Plan 2013-2031



Current Local Plan Exmouth Settlement Boundary (BUAB)

1. Exactly coincides with Bystock Village protected area in Exmouth Neighbourhood Plan Strategy EN1, thus creating no conflict between Local and Neighbourhood Plan
2. Follows clearly identifiable boundary markers as required by EDDC Settlement Boundary definition strategy.
3. Excludes Bystock Village which was described in 2019 by EDDC Planners as “a semi-rural area not typical of a modern urban settlement boundary”
4. Retains the integrity of the original Bystock Estate in its’ entirety as intended by Exmouth Neighbourhood Plan Strategy EN1.
5. Excludes Bystock Village which shares none of the modern road, street lighting or sewage infrastructure used by the adjacent modern estate.

Proposed Settlement Boundary, EDDC Emerging Local Plan



Emerging Local Plan proposed Exmouth Settlement Boundary (BUAB)

1. Proposed change adds no “Supply” as defined by HELAA methodology and hence adds no value to the Emerging Local Plan
2. Is wholly contradictory to the made Exmouth Neighbourhood Plan Strategy EN1 and thus contrary to EDDC methodology for defining Settlement Boundaries
3. Contains elements of LP-EXMO21 supply area that were rejected as unsuitable for development and hence should also be excluded from areas where development is preferred.
4. Incorporates an area described in 2019 by EDDC Planners as “semi-rural and not typical of a modern urban boundary”
5. Incorporates an area described twice in the last decade by EDDC Planners as “*unsustainable and unsuited to development*”. Both planning refusals were upheld by the Planning Inspectorate who agreed the area was “unsustainable” and hence contrary to the NPPF.
6. Incorporates an area that shares almost no infrastructure with the modern built up area.
7. Destroys the integrity of the original Bystock Estate layout.
8. Starts to make the protected Grade 2 Bystock Estate an “island” within a developed area as opposed to retaining the “soft boundary” to Exmouth.