

Chardstock Parish Council

Response to Consultation

"East Devon District Council – The New East Devon Local Plan 2006–2026 – Consultation Draft December 2011"

Commentary

This commentary was discussed and approved at a public meeting of Chardstock Parish Council on 11th January 2012.

1. Introduction

Chardstock Parish Council (CPC) recognises that the East Devon Local Plan is a significant document because, in its final form, it will be an important influence on how the community of Chardstock develops and will also be a main point of reference for determining whether any proposed development is acceptable and should be permitted to go ahead.

2. Evidence

This Commentary has been produced in the light, or being mindful, of:-

- a. The *Draft Local Plan* (EDDC - December 2011).
- b. The *Draft Council Plan* (EDDC – November 2011).
- c. *Chardstock Parish Plan* (published in February 2011 and "endorsed" by EDDC Development Management Committee in September 2011)¹.
- d. The recently enacted *Localism Act 2011*.
- e. The *Draft National Planning Policy Framework* (Department for Communities and Local Government – published in August 2011 and still, nominally, out for "consultation").
- f. Communities and Local Government Committee - Eighth Report: *The National Planning Policy Framework* (December 2011)
- g. *Planning Policy Statement 3 (PPS3)– Housing* (Department for Communities and Local Government – June 2011).
- h. *The Blackdown Hills AONB Design Guide* (Draft – December 2011).
- i. Previous planning decisions taken by EDDC's Development Management Committee, Planning Officers operating under the District Council's delegated authority policy and a report from a member of the department of Communities and Local Government Planning Inspectorate.

CPC is aware that the *Draft National Planning Policy Framework*, which has been in the public domain for consultation for some months now, has not found favour in many quarters, especially among those whose constituencies are most likely to be affected by the policy changes. The Government's reluctance to listen to genuine expressions of concern has not, so far, helped them to find a balanced way of achieving their objectives of simplifying the planning process and increasing the nation's housing stock.

However, it is to be hoped that the recent report by the Communities and Local Government Committee, which has specifically reviewed the draft and found it to be effective in some respects and seriously wanting in others will moderate the minister's position somewhat and lead to some necessary changes – not least by providing an equitable and workable definition of "sustainable development".

Presumably, until enough time has passed to allow this to happen, EDDC will hold back from agreeing and publishing its own Local Plan.

Note 1: The Parish Plan contains a lengthy section on the Built Environment (Section 3), including a Design Statement, which relies in part upon the *Conservation Area Appraisal for Chardstock* published by EDDC in 1999. CPC is not aware of any document from EDDC which amends or supersedes this Appraisal. For the status of the Plan, see Section 7 of this commentary.

3. Comment on the Plan Overall

The Local Plan has, by its nature, to be all embracing and therefore covers a large and diverse area. A commentary on the whole plan from a small council like CPC would add no value to the review process overall. It has always been our contention that the only people who really understand what is right for Chardstock parish are the people who live there. This must also be true for other communities, large and small. The fact of having to live, on a daily basis, alongside the consequences of planning decisions made by your own community does focus the mind wonderfully.

CPC is, therefore, limiting its general comments on the Draft to those sections that are likely to affect Chardstock and its residents.

CPC is also assuming that there are no, as yet unrevealed, plans afoot to change the village's Built Up Boundary.

4. Comment on Section 15 of the Plan (Small Towns, Villages and Countryside)

4.1 (pages 108/9 para. 15.20). The issues to be addressed are: an urgent need for affordable housing, poor local employment prospects, poor infrastructure (e.g. broadband), poor public transport and the need to conserve the countryside.

By these measures, Chardstock is not a particularly sustainable community and should not be the subject of much new development.

The fifth bullet point suggests that within affordable housing, the greatest need is for houses with 1 -3 bedrooms.

CPC would suggest that for developments in excess of two houses, there should be well defined quotas either for the provision of smaller (1-3 bedroomed) houses, or for the restriction of larger (4/4+ bedroomed) houses. Say one half of all developments must be houses of 3 bedrooms or less or, alternatively not more than one third of a development can be for 4 bedrooms or more.

The twelfth bullet point in para.15.2 recommends that small communities should be proactively seeking out sites which are suitable for their stated affordable housing requirements.

It also introduces the idea of a "rural exceptions" policy, which appears to clear the way for the development of affordable housing ghettos in places which would not normally receive planning approval, even where other sustainability issues (like public transport) have not been resolved.

Chardstock knows that it has no need of any new houses other than the affordable kind. It also knows which land within the Built Up Area is suitable for new housing. Both these points are clearly made in its Parish Plan (page 8, paras 3.2.5 and. 3.3.7).

Even if it were economic, CPC believes that a plan to develop new housing (particularly if mixed) on land outside the Built Up Area would receive little local support, like EDDC, the local population believes "the countryside should be conserved" (c.f. Parish Plan page 8 3.2.9). This proposal is, therefore, unacceptable.

4.2 We note that in the policy explanatory box at the end of para.15.2 (page 109) at the end of the second para., it states that a community can "propose" new housing above and beyond that in the Local Plan. Surely, a Neighbourhood Plan and a referendum confer the *right to require* additional housing, do they not? Hence all the talk about "returning power to the community".

4.3 (page 109, para. 15.3, third bullet point and page 110 para. 15.5). CPC supports the statement that new development must be balanced by job-creation. Building houses without concern for employment merely exacerbates the problems of sustainability associated with an unbalanced social and age mix in communities.

4.4 (page 110, para. 15.6). The meaning of this paragraph is not clear. If "local needs provision" means building affordable houses in the communities where they are needed, then CPC would support this. We do not, however, believe that the price of a few affordable houses should automatically include the additional construction of a raft of unwanted, expensive, market-priced houses in order to make it "worth the developer's while".

Additionally, pious words about a policy of building affordable houses where they are needed, have to be matched by firm action by the Planning Authority in support of such a policy. Recent events in Chardstock have shown that the policy is by no means embedded (or even, necessarily, understood) by either planning officers or the Development Management Committee. Where "bad development" has been

approved, that land is gone forever. Development land in Chardstock Village (which is where affordable homes are needed) is in very short supply.

4.5 (page 111, para. 15.7). CPC supports taking action to ensure that affordable housing remains affordable. There are a number of ways of achieving this end. Restrictions on extending these houses need to be applied *at the time when planning approval is agreed*. To attempt to apply restrictions after a house without restrictions has changed hands is a flagrant breach of good faith.

EDDC should also give serious thought to extending the use of Residential Ties when considering ways to control the cost of affordable housing. They meet all the criteria laid down by EDDC as well as eliminating second homes and severely restrict buy-to-let.

CPC are concerned at the use of the word "allocating" in relation to affordable housing. There is a raft of implications behind this word (like compulsory housing for rental and the distribution of such housing for rental at the discretion of the District Council). Centralised, statist policies like this are unlikely to find favour with the population of Chardstock. Presumably a referendum-backed Neighbourhood Plan would be sufficient to ensure that power is returned to the local community to prevent it from happening?

4.6 (page 111, para 15.10). The principle of preserving facilities is fine. But "resist" and "aim to work with" are not very impressive commitments.

4.7 (page 112, para. 15.13). Peripatetic services are a good, energy-conserving policy. But this policy statement is so low-energy as to be hardly worth making.

4.8 (page 113, para.15.16). The 5% growth rate suggested is in line with the local thinking as set out in the Chardstock Parish Plan and should, therefore, gain local support. The commentary about a strong emphasis on affordable and sheltered housing should also be welcome. But it is not consistent with EDDC's Planning Officers' and the Development Management Committee's current practice. EDDC must expect to be measured not on its words, but on its actions.

4.9 (page 113 para. 15.17). As a policy statement this is uncontroversial.

4.10 (page 113, para.15.18). Looking after the local environment sounds good. But will it actually happen? "Conserved" we understand, "enhanced" is a value judgement. There is no evidence that the opinion of a planning officer (or the DMC) exhibits any inherently superior knowledge or taste in these matters than is shown by the local populace (who have to live with these decisions, once taken). We cannot help wondering whose views will prevail?

4.11 (page 114). This is a list of development quotas for small towns and villages as devised centrally by EDDC. The figure shown for Chardstock is in line with the Parish Plan and is, therefore, likely to receive support locally. There can be no serious argument that new developments, both recently approved and currently under consideration, count towards fulfilling this quota. Any other proposals for houses that "need" to be built must be considered on their merits as a contribution to the quality of life in Chardstock and need to be taken over a sensible time scale. There is no need to be stampeded into approving every profit-orientated proposal as quickly as possible.

4.12 On page 114, the draft states – *"All the settlements with Built-up Area Boundaries are served to some extent by public transport."* This is not true of Chardstock.

On page 115, the draft states - *"All these settlements are well served by public transport."* Chardstock is not.

To be clear – there is no public transport serving Chardstock. None. Occasional buses run down the A358. This about a mile from the village and at one end of the parish, which is large and widely dispersed. Thus, those buses are of no use to the great majority of Chardstock people.

4.13 (page 115, para. 15.20). This is one of several weasel-worded items. The plan is to allow urban sprawl.

"To help provide affordable housing mixed affordable/open market schemes will be permitted where they are located adjacent to , but outside, Built-up Area Boundaries. In some instancessites not immediately adjacent but well-related and within easy walking distance will be considered."

Who will decide what should go ahead? What are the definitions of "adjacent", "well-related" and "within easy walking distance"? Will there have to be a locally supported Neighbourhood Plan and/or referendum (as in the related para. 15.2 on page 113)? And can we trust EDDC to face down a developer who is quoting the Government and offering incentives?

The additional provision that in these cases, 66% of new housing must be affordable begs a whole new range of questions. The definition of "affordable", like that of "sustainable", is set fair to become one of the central points of conflict between an ill-met alliance of Government, Planning Authorities and property developers on the one hand and beleaguered local communities on the other.

As a result of recent planning history, CPC is not confident that EDDC will manage this policy openly or in accord with local wishes. We are also not confident that EDDC has the political will or the technical, legal or financial strength to resist developments which, whilst not wanted by the local community, are in line with policy emanating from Westminster/Whitehall.

There can be little doubt that the current process of de-regulating town and country planning (described, for some reason, as "localism") has only one aim in view - house building on an unprecedented scale.

Chardstock Parish Council is, therefore, opposed to this policy and, were it to be imposed upon our parish, we will do what ever we can to defend ourselves.

4.14 (page 115, para.15.20). The draft also tables the idea of exempting "smaller" developments from any affordable housing liability beyond making a "contribution". This is not explained.

The questions are obvious. What is a "smaller site"? What form would the "contribution" take. If it is cash, will it be spent in the locality where the non-affordable development will take place, or will it simply be pocketed by the Planning Authority and spent elsewhere? If it is to be the latter, then this sounds like a nice little earner for EDDC to be paid for by a small community's environment. This will, quite simply, be unacceptable. At the very least we would propose a formula like:-

"In smaller communities, all developments in excess of two dwellings must include a proportion of affordable housing. The actual number will be determined by the planning authority, following discussions with the developer and with the local community."

As it stands, the very lack of explanation and detail on such an important policy statement in what is being presented as EDDC's vision of the future is cause for concern and suspicion. For lack of proper information, CPC is opposed to this policy.

4.15 (page 117, para. 15.26). *"The Government is keen to re-use appropriate rural buildings to provide affordable homes This will be feasible where such buildings are within or immediately adjacent to settlements."* This reads as a sensible idea, but what about farmers tempted to declare buildings as "unused" so as to sell them/the land on for development?

4.16 Summary of Main Issues raised by Section 15 of the Draft.

1. There is much that is well intentioned and it is good to see new housing approval being linked to the need to be able to make a living without commuting. That will help to keep the age profile of the community less skewed toward retired people and should encourage the young.
2. There are a number of "soft policy" statements (e.g. about "Preserving facilities" and peripatetic services to save energy). These are worthy objectives, but the statements lack energy or focus and will, we suspect, soon be left to drift into the long grass.
3. Neighbourhood Plans may yet have some use, but seem only to be actually required when they are likely to help the Planning Authority achieve its ends.
4. The material on affordable housing reads well. But the way in which developable land within the Built Up Boundary has, even recently, been wilfully squandered by the Planning Authority suggests that the words are by no means guaranteed to be followed by action. Attempts to impose development outside the Boundary (or to increase its extent) will not be popular and may lead to conflict.
5. "Allocation" of affordable housing sounds like rental at EDDC's discretion. No thank you.
6. The material about "contributions" to affordable housing and the possible easements to build outside the Built-up Boundary is too vague to merit support.
7. The Plan does not even try to address the thorny issue of holiday homes and lets, which hollow out village communities and tend to raise house prices at the smaller and affordable end of the market.
8. Too much is liable to be left to EDDC Planning Officers' and its Planning Committee's discretion and judgement – and we have experience of that.
9. Chardstock has **no** public transport and poor infrastructure overall. This must limit its suitability for any but the smallest degree of politically engineered expansion.
10. Quite a lot will also be left to EDDC to actually enforce – and their record on this is weak (except with small owner-occupiers, of course).

11. There is no clarity about the future position on Parish Plans, Design Statements and other sources of formal or informal Supplementary Planning Guidance?

5. The Development Management Policies of the Local Plan (Section 21)

5.1. Policy D1 Design and Local Distinctiveness. CPC has received and reviewed the recently published draft *The Blackdown Hills AONB Design Guide*. EDDC would do well to adopt this guide as the "gold standard" for future development proposals. It has received CPC's support.

5.2 Policy EN16 Contaminated Land. CPC believes it to be important that any new planning regime continues to place great importance on the proper remediation of contaminated land before it is brought back into any kind of use.

5.3 Policies EN17,18,19,20 and 21A. Water Quality, Sewerage and Flooding. Chardstock has suffered unnecessarily from flooding in recent years and a spate of unwanted development approvals is raising questions about the suitability of a pumped mains sewerage system, which was designed to serve one limited geographical area of the village, to be used on a more general basis.

Policy statements only add value when they are applied – carefully and consistently.

5.4 Policy H2 Residential Land Allocation. CPC does not wish to propose any new land in Chardstock for residential development, since it believes that its requirements can be met from existing stock (assuming that the Planning Authority behaves rationally in approving land primarily for affordable housing). The Parish Council is also unaware of any other representative body (e.g. a residents' association) wishing to propose land either. Any such proposal, were it to surface, would need to be supported by a referendum.

5.5 Policy H3 Range and Mix of New Housing Development. This policy does not go far enough. In a small community, any development beyond one, or at most two, single houses should contain an affordable element. We have no need for any new, large houses at all. There are umpteen on the market already. Developers proposing serial developments of two houses on adjacent plots should be warned that they face an increased planning fee if their proposals are submitted.

5.6 Policy H5 Affordable Housing. See paras 4.1,4.11, 4.13, 4.1 above.

5.7 Policy T01 Holiday or Overnight Accommodation. The policy is aimed at encouraging this aspect of the tourism industry, whilst minimising some aspects of the potential damage to the local living environment. CPC understand that tourism is an important industry to East Devon, but also believes that providing affordable, local housing for local people is every bit as important. The factors to be considered under this policy should be extended to include a judgement (based on local knowledge) about the effects on the local community of reducing the availability of certain categories of housing (mainly affordable) in this way. Where there is a known shortage of such housing for local people, conversion or upgrading should not be approved.

5.8 General

The need for Development Management Policies is self-evident. However, CPC's experience has been that existing policies are currently often applied inconsistently and erratically with small developments (including most individual home improvements) being subject to more stringent, and frequently arbitrary, regulation, than larger developments driven by legally-savvy developers with the ability to pay for legal advice and representation.

The best thought-out policies are only as good as their application. So we will believe it when we see it.

6 Section 22: Neighbourhood Plans (Section 22)

6.1 The flawed nature of the Government's approach to the deregulation of town and country planning has been adequately discussed elsewhere. Neighbourhood Plans are but one of the more clumsy aspects of an ill-considered policy.

6.2 The people of Chardstock are most unlikely to wish to develop housing or other facilities above and beyond those specified in its 2011 Parish Plan and reinforced by the Draft Local Plan. The parish's geographical diversity and poor overall infrastructure should preclude this anyway. Overall, our development needs broadly match those to be found in this draft Local Plan (a 5% growth in housing, very heavily weighted in favour of affordable homes).

6.3 The Neighbourhood Planning process outlined in the Draft Local Plan is cumbersome and expensive and onerous for small communities. For a measure supposedly intended to give control back to local communities, it also leaves rather a lot for EDDC to “supervise”, pay for and, indeed, exercise a veto over.

6.4 There is no exploration of the relationship (if any) between existing Parish Plans and Neighbourhood Plans – quite possibly because no-one has thought it through (and see section 7. below)

6.5 CPC has noted what the draft has to say and awaits further government policy statements on the matter. It also awaits the outcome of the national consultation over the new draft National Planning Policy Framework, including the findings of the recent report by the Communities and Local Government Committee on the subject.

7. Chardstock Parish Plan (Extract from a Planning Inspector’s Report)

TOWN AND COUNTRY PLANNING ACT 1990

APPEAL BY: Jameson Homes

APPEAL REF: APP/U1105/A/11/2150694/NWF

PROPOSAL: Construction of 4no. dwellings and associated external and internal infrastructure works

LOCATION: Sopers Cottage (Land Adj) Chardstock Axminster EX13 7BT

7.1 In her report on this planning appeal, the inspector commented as follows:

"The (Parish) Plan has yet to be formally adopted by the local planning authority and I accept that it does not replace a full housing needs survey. However, it is a material consideration and, along with other representations on this matter, clearly identifies a general shortage of lower cost housing. In this respect, PPS 3 requires that regard should be had to the full range of housing so as to create and sustain mixed communities which reflect differing housing demands."

(Appeal Decision APP/U1105/A/11/2150694 page 2.first para.)

7.2 This opinion was not challenged at the time, and has not been challenged since, by either the appellant or the Planning Authority. EDDC has since “endorsed” the Parish Plan.

7.3 CPC contends that, irrespective of whether the Planning Authority wishes to “adopt” it, the Parish Plan is a material consideration in all planning applications and must therefore be accorded some real and observable weight in the planning approval process.

7.5 There has, as yet, been no indication of the position of parish plans (whether adopted, endorsed or ignored) when the new National Planning Policy Framework is finally completed and imposed.

7.6 Understandably, the Draft EDDC Local Plan is also silent on the subject. The position will need to be clarified at some point. Such plans often include a lot more material that is relevant to the planning process in the real world than will be found in any neighbourhood plan and they are put together at some considerable expense of energy and money (moreover, they are not written under the duress of threats of uncontrolled development where they do not exist - unlike local or neighbourhood plans).

7.7 It is by no means impossible that all of this will be airily thrown away by a Government narrowly focusing on imposing its own house building agenda. However, the rural communities which are to be forced to accept development, particularly on green spaces, need to understand just how much, or how little, their views still really count.

7.8 EDDC also needs to indicate whether it will assist in a process of converting (at minimum cost) the relevant material in up-to-date parish plans into neighbourhood plans which it will “accept”, if this proves to be the only way forward.