

Broadhembury Parish Council, The Clerk, 11A, Hillcrest Rd., EXETER, EX5 4JS

March 2025/ time and exact date as E mail and postmark

Dear Sirs,

Response by Broadhembury Parish Council to Regulation 19 Consultation on EDDC Local Plan 2020-2042

Thank you for the invitation to respond to the Regulation 19 consultation on the draft Local Plan. The regulation requires that the consultation response is restricted to certain specific questions and we have addressed these below under the three objections. At the end of this submission we have also suggested alternative courses of action which we believe would satisfy the public good in a more effective way. This document contains eight pages and should be considered in its entirety. It forms an E mail attachment to localplan@eastdevon.gov.uk and will be served in hard copy by post to EDDC, Blackdown House, Border Rd., Honiton, EX14 1EJ. It will also be published on our web site: [@broadhembury-pc.gov.uk](http://www.broadhembury-pc.gov.uk)

Broadhembury Parish Council opposes the inclusion of site Brhe-09 for the development of ten houses in the draft Local Plan. [located at grid ref: ST 10039 04705. Lat long: 50.83485, -3.27889].

Our opposition is for the following specific reasons:

- the plan as proposed constitutes 'major development'
- the development on site Brhe-09 will cause harm to the character and appearance of the Conservation Area
- you have not exercised your duty to further the purposes of designation of the Blackdown Hills National Landscape in your site selection process

Major development

1.1 The National Planning Policy Framework states that;' when considering applications for development within National Landscapes, permission should be refused for major development.... other than it can be demonstrated that the development is in the public interest....' [NPPF/ Dec '24/190]

- 1.2 Whether a proposal constitutes 'major development' is a matter for you, taking into account its 'nature, scale and setting and whether it could have significant adverse impact on the purposes for which the area has been designated or defined...' [NPPF/Dec'24/footnote :67].
- 1.3 You have argued [Q:23 /EDDC/ Major Development in National Landscapes/ Feb '25] in response to your own question: 'major development?' , your answer is: 'no, the location of the site is outside of the BHNL [Blackdown Hills National Landscape] and on the edge of the settlement.....' and in answer to Q:22: 'the scale of the development would be around 10% of the current number of dwellings in the main village'
- 1.4 It is our belief that that these arguments are inconsistent with national policy and not justified. We acknowledge that the site is not within the National Landscape but nevertheless you have proceeded to evaluate it based on faulty evidence of what constitutes major. The conclusion reached to allocate housing on site Brhe-09 over other alternatives is based on inadequate analysis and inconsistent judgements which are not robust
- 1.5 Our reasons are: the definition of 'major' is normally considered to be ten or more houses and a site greater than 0.5 hectares. The site is for ten houses and the plot is 0.8 hectares.
- 1.6 Notwithstanding these points your estimation that 'the scale of the development would be around 10% of the current number of dwellings in the main village' is misleading. To arrive at 10% requires a denominator of 100 houses. This is only possible if houses are included outside the proposed Built Up Area Boundary and the extant Conservation Area. In fact it is only possible if houses are included outside the area within which housing would be permitted under the Villages Plan for reasons of sustainability. In a complementary document [Settlement Boundaries Evidence paper 22 Nov 2024 SPC map p 21] you have specifically excluded some houses because they are 'not built- core settlement' but you have then included them to justify adding to the built core to make this case. This is inconsistent and misleading.
- 1.7 We believe that a justifiable figure constitutes 30%-35%, which using your own criterion would rule out development. We therefore believe it should be ruled out by virtue of scale. We address location and scale of development and the effects on the special qualities of the Protected Landscape under different sections below.
- 1.8 The decision to reinstate the Built Up Area Boundary is not contested in principle but the proposal to redraw it specifically to include the site to which we are opposed is unjustified. It follows no discernible land feature, opportunistically dissecting an open field which you propose elsewhere to demark by a hedge. Its sole purpose is to remove the site from 'open countryside' policies and therefore make the development conditions and criteria a lower hurdle for building.

Broadhembury Conservation Area

- 2 Broadhembury Conservation area was designated before 1974 and reappraised in 1999 by EDDC. It comprises 36 individual Listed Buildings. The statutory list refers to Broadhembury as: ‘an outstanding unspoilt estate village of thatched houses’ and the appraisal states: ‘there is little doubt that it has few equals within East Devon, indeed within the county as a whole...’ [para 11.1/ EDDC Appraisal 1999].
 - 2.1 The character and appearance of the Conservation Area is predominantly linear, a wide street with street-fronted thatched cob cottages. The overall effect is; ‘unusually complete and timeless’ in which the ‘curving alignment of frontages provides a strong sense of enclosure and an intricate and varying sequence of views...’. [ref ditto]. Other characteristics include its rural character, its loose structure with views out to the surrounding countryside between buildings, the extent to which the surrounding countryside extends into the village, views to the church from the wider landscape and its homogenous character due to it being an estate village
 - 2.2 Given the identified character and appearance of the village as stated in the Conservation Area Appraisal, development of site Brhe-09 comprising 10 dwellings would not conserve the valued characteristics of the village. It is unlikely that ten houses on a plot of 0.8 hectares could replicate the character and form of village as described in the Conservation Area Appraisal and Village Design statement (2010). The Conservation Area is only 7.2 hectares to which an incongruous addition of 0.8 hectares will be added on a slope rising towards the Conservation Area.
 - 2.3 In fact the nature of development proposed states: ‘predominantly two storey, possibly some 2.5 and 3.0 storey where appropriate...’ [EDDC Topic Paper SAL-048, Major development in National Landscapes / Feb ‘25/8.1 criterion 5] would be incongruous by nature and inappropriate in setting.
 - 2.4 We submit that the allocation of development on site Brhe-09 would be in conflict with Policy OL 02 National Landscapes, Policy OL04 Areas of Strategic Visual Importance and Policy HE03 Conservation Areas. Other site options within the village would in our view give rise to less harm. (see 5.0 Alternatives below). We also believe that it conflicts so extensively with EDDC’s Heritage Strategy 2019-2031 that the reasons are too extensive to elaborate in this submission

4 The Blackdown Hills National Landscape

- 4.1 The Levelling-up and Regeneration Act (2023) [LURA] imposes a duty on ‘relevant authorities’ to ‘seek to further the purposes of a protected landscape’ in all actions which may ‘impact or have an influence on the purpose of’ the BHNL. The primary purpose is to ‘conserve and enhance natural beauty’. This duty applies to functions outside of a Protected Landscape which may have an effect on land within the Protected Landscape. (usually referred to as ‘the setting’) as set out in para 12.8 of the Local Plan.

4.2 Guidance for 'relevant authorities' (which includes us as a Parish Council as well as you a District Council) poses the question: 'could the measures contribute to the conservation and enhancement of the protected landscape's wildlife, ecological value and quality, geological and physiological features, water environment, cultural heritage, dark skies, tranquillity,and landscape character for which the area was designated...'[Guidance for relevant authorities ..etc 16 Dec 2024)/ DEFRA]

4.3 Your legal duty to 'seek to further' these aspects of the Protected Landscape in respect of the site proposed is addressed by your answers to questions 8-23 section 8.1 of SAL 048 *Major Development in National Landscapes* Reg 19 version Feb 25. In response to Q19 (is there a significant impact on the purposes for which the area has been defined?) you have answered; 'no'.

4.3 We are advised that the assessments which have led to the identification of and allocation of site Brhe-09 do not adequately explore the special qualities of the BHNL, and the expression of special qualities at the local level. The evidence relied upon in the assessment [East Devon Local Plan 2020-2042 Site Selection Report Broadhembury Feb 2025] and the judgements reached therefore lack robustness. The Site Selection report does not specifically address how each site would further the superordinate purpose of the BHNL ie: to conserve and enhance its special qualities.

It is our view therefore that the assessment you have undertaken does not therefore meet the test of 'reasonable and proportionate consideration'. You will know that the Natural England guidance that you quote in support of criteria 12-17 of your document [reference above] is out of date. The plan is in our view not legally compliant. We would remind you that 'seeking to further' something is a much more stringent test in law than simply 'having regard to' something as previously required under the CRoW Act (2000)

4.4 Any assessment of effects on 'natural beauty' requires an understanding of the special qualities of the landscape as set out in the Blackdown Hills Management Plan in this instance. Your Authority along with the Somerset unitary Authority and Devon County Council and others have delegated the production of the Management plan to the Management Partnership of the Blackdown Hills National Landscape on which you are represented. You will know that the extant plan (2019-24) has had its life extended temporarily by DEFRA, and that a revised plan is in the final stages of consultation. The draft has been approved by all relevant authorities and will be published before the Local Plan is 'made' so we would urge you to use this as the source document. Failing this we would encourage you to reference the detailed statement of intent dated 1989 by the Countryside Commission.

Reasonable Alternatives

5.0 Notwithstanding the points above we are mindful of the pressures for both affordable and commercial housing and that the opportunities in East Devon are limited by the high proportion of land which is Protected Landscape. It is clearly in the public interest to find sites for development.

5.1 We have offered and supported a more suitable alternative site close to the village of Broadhembury. This is an Exception site to the West of the village [Planning Application ref 23/2538/OUT, also referred to as site Brhe-04]. It will have less impact on the Protected Landscape and Conservation Area, provide more affordable housing as a proportion of the whole (four in six rather than two in ten) and we have had significant discussions with the landowner about the ways in which the purposes of the Protected Landscape could be enhanced. It also meets the need identified in our most recent housing survey. You have indicated in discussion that you are 'minded to approve' the outline application and we would encourage you to make the decision without further delay so that identified housing needs can be met.

5.2 You have dismissed sites BRHE- 05 and 07 as 'within the setting of the Grade 1 Listed church and development would have a significant impact' [page 476/ Sustainability Appraisal report Feb 25]. Furthermore you have dismissed sites Brhe-04,05 and 07 because: [they]...' lie within the National Landscape so any development is considered to have significant adverse effect...'. You argue that 'the other sites (presumably Brhe- 04 and 09) are close to but do not directly impact upon the Grade II Listed buildings...' [ref ditto].

5.3 Clearly this is true of Brhe-04 but is not the case of Brhe-09. To amalgamate the two sites in one impact assessment is inconsistent. We would submit that your site assessment process is faulty and has not been conducted with a view to 'making the plan more sustainable by identifying the plan's significant effects and ways of minimising its negative effects ' [ditto para 1.2] because there are perfectly viable alternatives. Our advice is that sites Brhe 05, 07 and 09 all effect the setting of Listed Buildings, including the church in identical ways by virtue of proximity (they are all within similar distances), setting (on ground which affords views of the church) and nature (the design and style of habitation would be inconsistent with and equally close to or within the Conservation Area).

5.4 More generally some of your existing policies make it difficult to comply with recent legislation. For example your policy to group housing within approx. less than 1 km from services rules out many adjacent hamlets and villages within or even close to the National Landscape where development could be proposed. The NPPF (Dec 24./para 83) states: 'where there are groups of smaller settlements, developments in one village may support services in villages nearby.'

5.5 We think that a reassessment of EDDC policy in line with NPPF could release other potential sites. We have previously made this and other points to you in our written submissions (eg: Nov 24, submission to EDDC Strategic Planning Cttee)

Process

6.0. As permitted under the regulations in law which determine consultation at this stage we wish to be informed when the Local Plan is formally submitted to the Planning Inspectorate and when the Enquiry takes place. We give notice that we shall be submitting a technical paper to the Enquiry and will be represented if the Sec of State holds sessions in public.

Conclusion

7.0. We do not believe that the plan has been positively prepared, nor are the proposals justified or consistent with national policy and legislation and are therefore unsound. There are more viable smaller-scale options which would have local support, further the purposes of the National Landscape and protect the Conservation Area from harm. The points made in this submission are consistent with those in our letters to you dated 20th Jan 2023 and Jan 21 but unacknowledged.

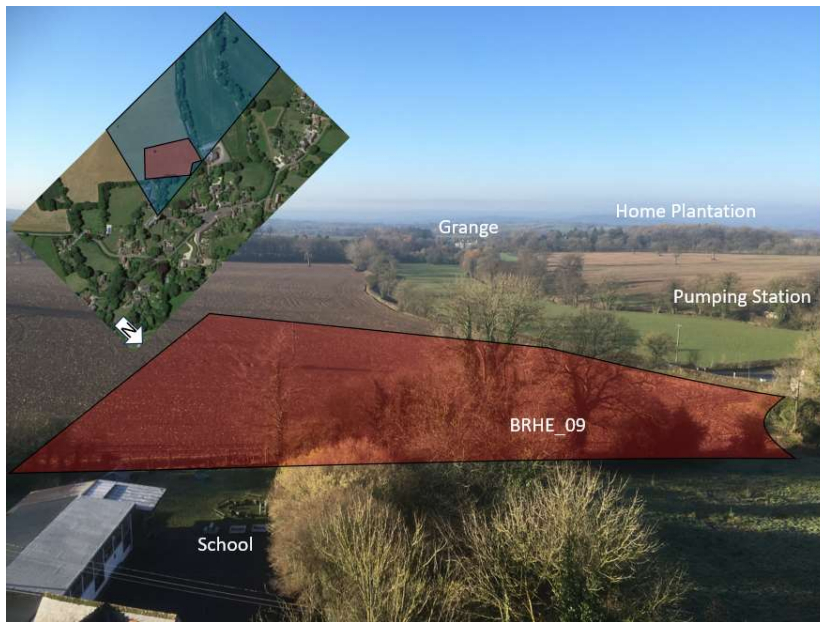
Yours faithfully

Bob Nelson
Chairman/ chairman@broadhembury-pc.gov.uk
For Broadhembury Parish Council (agreed at public meeting 18th March 2025)

Attachments: East Devon Local Plan Reg19 consultation insert policies map
View from church tower showing site and N orientation
View from access road to Listed Church
View across field to site



East Devon Local Plan Reg 19 consultation insert policies map



View from church tower showing site and N orientation



View from access road to Listed Church



View across field to site