

EAST DEVON DISTRICT COUNCIL
DRAFT LOCAL PLAN CONSULTATION

LAND NORTH OF OAK ROAD, WEST HILL,
OTTERY ST MARY, DEVON EX11 1SJ



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Prepared for: Morrish Homes

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Document Checking

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1.0 INTRODUCTION

1.1 Background

1.1.1 East Devon District Council (EDDC) is reviewing its Local Plan. As part of this process, the Council is undertaking a public consultation exercise on the East Devon Local Plan 2020-2040 Preferred Options (Regulation 18) Consultation Draft Plan, running from 7th November 2022 to 15th January 2023.

1.1.2 Representations have been made previously on this site under the last Call for Sites and the Issues and Options Regulation 19 consultation.

1.1.3 This Representation is prepared on behalf of Morrish Homes. Morrish Homes has an option to purchase land north of Oak Road, West Hill, Ottery St Mary, Devon EX11 1SJ, and has recently submitted an outline planning application for the development of this land for 23 homes, ref. 22/2533/MOUT. The site is referred to in the Local Plan process as Site West_05.

1.1.4 Mr R G Compton, Mrs S R Stephenson, Mrs V Olliff and Mrs C Sanders are the owners of site West_05, and they fully support these representations made on behalf of Morrish Homes.

1.2 Scope of the Representation

1.2.1 This representation will respond on behalf of our client to each relevant section and question raised in the Council's 'Commonplace consultation', with a greater emphasis on the site assessment process and the proposals map for West Hill.

2.0 CHAPTERS 1 & 2 - INTRODUCTION, POLICIES AND OBJECTIVES

2.1 Visions and objectives of the plan

2.1.1 Morrish Homes scores the visions and objectives of the plan as 75/100 for the following reasons:

Morrish Homes supports the Plan Objectives, which are considered to be Sound, subject to these objectives being applied in a balanced manner.

3.0 CHAPTER 3 - THE SPATIAL STRATEGY OF THE PLAN

3.1 Strategic Policy 1: Spatial Strategy

3.1.1 Morrish Homes scores 'Strategic Policy 1: Spatial Strategy', 50/100 for the following reasons:

Morrish Homes supports the principle that significant development should be focussed on the more sustainable settlements.

However, paragraph 79 of the NPPF states that “To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.”

It is therefore considered that Tier 4 settlements, identified as Service Villages in the Plan, are capable of accommodating modest growth in a sustainable manner, that would go beyond “limited development to meet local needs”.

Morrish Homes therefore considers that the Plan is Unsound in this respect, being neither positively prepared, justified, effective, nor consistent with national policy.

Morrish Homes proposes that the text of Strategic Policy 1 should be amended to provide for moderate growth within the Service Villages, appropriate to their scale and identity.

3.2 Strategic Policy 2 - Housing Distribution

3.2.1 Morrish Homes scores ‘Strategic Policy 2: Housing Distribution’, 25/100 for the following reasons:

Morrish Homes considers that whilst significant housing development should be directed towards the more sustainable settlements, a greater level of development should be allocated within the smaller settlements, including the Tier 3 Local Centres and Tier 4 Service Villages.

This would ensure a more even spread of development across the District, create opportunities for moderate growth within sustainable settlements that offer a reasonable range of facilities and public transport links, and provide a basis to support and encourage growth in local services.

Village developments will generally involve smaller sites, for fewer homes, than those provided for in the Tier 1 and 2 settlements. These smaller sites are typically more straightforward and less time consuming in terms of plan making, decision taking, and construction, such that these sites will represent a supply chain of housing opportunities that will be readily deliverable within the short term, making a genuine contribution to the 5 year housing land supply for the District.

Development in smaller settlements would also provide greater opportunities for small to medium sized housebuilders and support this important sector of the industry.

Morrish Homes therefore considers that the Plan is Unsound in this respect, being neither positively prepared, justified, effective, nor consistent with national policy.

Morrish Homes proposes that the text of Strategic Policy 2 should be amended to provide a greater level of housing growth within the Tier 3 and 4 settlements.

3.3 Strategic Policy 3: Levels of future housing development

3.3.1 Morrish Homes scores 'Strategic Policy 3: Levels of future housing development', 75/100 for the following reasons:

The draft Plan provides for a minimum level of housing growth to meet the identified housing requirement for the District, and in this respect is considered to be generally Sound, subject to the comments below.

Morrish Homes supports the proposal for a 'supply headroom' of about 10% to provide flexibility in housing supply over the Plan period.

It is considered however that a greater proportion of housing should be delivered on small to medium sized sites and that a higher minimum provision should be adopted, for reasons set out above. The Plan should also include a definition of small to medium sized sites.

Morrish Homes therefore considers that the Plan is Unsound in this respect, being neither positively prepared, justified, effective, nor consistent with national policy.

Morrish Homes proposes that paragraph 5 of Strategic Policy 3 should be amended to provide at least 15% or 20% of housing supply over the plan period to be provided on small and medium sized sites.

3.4 Strategic Policy 5: Mixed use developments incorporating housing, employment and community facilities

3.4.1 Morrish Homes scores 'Strategic Policy 5: Mixed use developments incorporating housing, employment and community facilities', 0/100 for the following reasons:

Morrish Homes supports the principle for mixed use development in appropriate locations, but objects to the proposal that employment land should be provided at a set ratio in relation to housing development.

Linking residential development with employment provision in this way will discourage residential development, limit housing growth and create more challenges to scheme viability.

It is more appropriate that the Local Planning Authority makes provision for employment and mixed use development in appropriate locations through specific site allocations in the Local Plan. This should include an appropriate level of employment growth within all settlement categories (Tiers 1, 2, 3 and 4).

Morrish Homes therefore considers that the Plan is Unsound in this respect, being neither positively prepared, justified, effective, nor consistent with national policy.

Morrish Homes proposes that Strategic Policy 5 should be amended to remove the requirement that residential developments should include or fund employment growth.

3.5 Strategic Policy 6: Development inside Settlement Boundaries

3.5.1 Morrish Homes scores 'Strategic Policy 6: Development inside Settlement Boundaries', 100/100 for the following reasons:

Morrish Homes supports the principle that development within settlement boundaries should be supported in principle, and considers the Plan to be Sound in this respect.

3.6 Strategic Policy 7 : Development beyond Settlement Boundaries

3.6.1 Morrish Homes scores 'Strategic Policy 7 : Development beyond Settlement Boundaries', 25/100 for the following reasons:

Morrish Homes considers that there should be some flexibility in the application of policy on settlement boundaries, in order to allow small scale development on sites that may fall outside the settlement boundary but are found to be suitable and sustainable for housing growth, or that fall into the category of previously-developed land.

This would have the benefit of providing development opportunities on smaller sites around the settlement, and help to generate a supply of smaller sites that would be too small to consider specifically allocating for development.

Morrish Homes therefore considers that the Plan is Unsound in this respect, being neither positively prepared, justified, effective, nor consistent with national policy.

Morrish Homes proposes that Strategic Policy 7 should be amended to permit small scale housing development outside the settlement limits, or to define settlement limits more loosely in order to provide opportunities for smaller sites to come forward.

4.0 CHAPTER 4 - ADDRESSING HOUSING NEEDS AND IDENTIFYING SITES FOR DEVELOPMENT

4.1 EDDC Approach to undertaking site assessment work

4.1.1 Morrish Homes scores this policy 0/100 for the following reasons:

Morrish Homes considers that the site assessment process for site West_05, land north of Oak Road West Hill, has been flawed.

The analysis of site West_05 and other sites in West Hill has not been consistent.

In the Working Draft Local Plan published December 2021, site West_05 was ranked 1 out of 5 in terms of suitability for development. The associated commentary read as follows: “Almost 1000m from facilities along unlit, unpaved single track roads (with steep sections). Whole site subject to a 2021 TPO (although most remaining trees are on the boundary of the site) so site capacity slightly reduced to reflect this. Access would need to be taken from the south which is a country lane with 2 other dwellings on it. Site appears as open countryside. Has mineral constraints.”

In comparison, other sites in the village with very similar characteristics, including sites close by to the east and west of site West_05, were ranked 3 out of 5, or higher. Morrish Homes considers that the unjustifiable low ranking of Site West_05 has been prejudicial to the consideration of the site through following stages of the Local Plan process.

Morrish Homes considers that the identification of site West_05 as a Rank 1 ‘undeliverable’ site was unreasonable and unjustified for the following reasons.

- *Many of the other sites in West Hill (including the preferred allocation sites nos. West_01, West_04 and West_06) were also subject to the same mineral constraint, but this was not noted in the site assessment for those sites.*
- *Sites West_01, West_04 and West_06 also have TPO trees within them, but were preferred allocations for development in the working draft Local Plan.*
- *The sites West_13 and West_14 are at similar distance as West_05 from local services and facilities, and would use the same roads for access, yet were both identified as Rank 3 sites.*
- *Site West_05 does not appear as ‘open countryside’ any more than other sites under consideration; indeed it is a contained site with well-established mature boundaries, which will be retained as part of the development proposed.*

The reasons for the clear discrepancy in allocating a lower ranking to site West_05 in the Working Draft Local Plan have yet to be explained.

The later Report to the Strategic Planning Committee on 9th September 2022 stated the reasons for not allocating the site as “Poor pedestrian access to facilities; and site is currently a sensitive, rural landscape, including TPO covering entire site boundary.”

In comparison the two allocated sites West_04 and West_06, and the second best choice allocation site West_01, each have at least two of the constraints cited as reasons why site West_05 should not be allocated. Site West_04 has acknowledged poor pedestrian access to facilities; is currently a sensitive, rural landscape, and has TPO trees on the site boundaries, and yet is a preferred allocation.

Morrish Homes therefore considers that the Plan is Unsound in this respect, being neither positively

prepared, justified, effective, nor consistent with national policy.

Morrish Homes considers that the site assessment process has not been undertaken fairly or reasonably in relation to site West_05, and proposes that this site should be reconsidered in an impartial manner, and allocated for housing development either as a replacement for, or in addition to, the current allocations.

5.0 CHAPTER 6 - STRATEGY FOR THE DEVELOPMENT AT PRINCIPAL CENTRES, MAIN CENTRES AND SERVICE VILLAGES

5.1 Strategic policy 26 – Development at service villages

5.1.1 Morrish Homes scores 'Strategic policy 26 – Development at service villages' 0/100 for the following reasons:

Morrish Homes supports the proposed definition of a development boundary for West Hill. However, the development boundary should be extended to encompass the built-up area in the southern part of the village, as had been shown on the Council's 'Stage 1' settlement boundaries plan for Site West_05 – link <https://eastdevonlocalplan.commonplace.is/en-GB/proposals/lpwest05/step1>

The southern part of West Hill, to the south of the current settlement boundary, has a distinct built up character and is comparable in density and appearance to the adjacent development within the settlement boundary to the north. The settlement boundary on the southern side of West Hill appears to have been defined in an arbitrary and random manner, to exclude a part of the settlement that is a natural and obvious part of the built up area. Whilst there are pockets of woodland interspersed among the dwellings, these could be protected either by excluding those areas from an extended settlement limit, or designation as “no development areas”.

The extension of the settlement boundary to include the southern part of the village would accord with the decision made by members of the Strategic Planning Committee at the meeting on 8th February 2022. In relation to the draft Strategic Policy 7, Members agreed to proceed with Option C, as follows: “We could choose not to have a policy of enabling development on the outside edge of settlement boundaries (except under the ‘Development Outside Settlement Boundaries’ policy). If this approach is taken the settlement boundaries could be drawn more ‘loosely’ to provide development opportunities on smaller sites around the settlement. This would help to provide a supply of smaller sites that would be too small to consider specifically allocating for development.”

Morrish Homes further objects to the site allocations proposed for West Hill, which are considered to be neither sound nor justified, as set out in representations submitted separately in relation to those sites.

Morrish Homes therefore considers that the Plan is Unsound in this respect, being neither positively prepared, justified, effective, nor consistent with national policy.

Morrish Homes proposes that either Strategic Policy 7 should be amended to permit small scale housing development outside the settlement limits, or that settlement limits (including that for West Hill) should be defined more loosely in accordance with Members' wishes, to provide development opportunities on smaller sites around the settlement.

6.0 CHAPTER 7-TACKLING THE CLIMATE EMERGENCY AND RESPONDING TO CLIMATE CHANGE

6.1 Strategic Policy 27 – Climate Emergency

6.1.1 Morrish Homes scores 'Strategic Policy 27: Climate Emergency' 50/100 for the following reasons:

Morrish Homes supports the principle of moving to a low carbon or carbon neutral scenario. However, this should not be at the expense of compromising development viability, or going beyond the already stringent requirements of the Building Regulations.

Morrish Homes therefore considers that the Plan is Unsound in this respect, being neither positively prepared, justified, effective, nor consistent with national policy.

Morrish Homes proposes that the text of Strategic Policy 27 should be amended to clarify that carbon neutral development should be an aspiration and not an absolute requirement.

6.2 Strategic Policy 28: Net-Zero Carbon Development

6.2.1 Morrish Homes scores 'Strategic Policy 28: Net-Zero Carbon Development' 50/100 for the following reasons.

Morrish Homes supports the principle of moving to a low carbon or carbon neutral scenario. However, this should not be at the expense of compromising development viability, or going beyond the already stringent requirements of the Building Regulations.

Morrish Homes therefore considers that the Plan is Unsound in this respect, being neither positively prepared, justified, effective, nor consistent with national policy.

Morrish Homes proposes that the text of Strategic Policy 28 should be amended to clarify that net-zero carbon development should be an aspiration and not an absolute requirement.

7.0 CHAPTER 08 - MEETING HOUSING NEEDS FOR ALL

7.1 Strategic Policy 39: Housing to address needs

7.1.1 Morrish Homes scores 'Strategic Policy 39: Housing to address needs' 75/100 for the following reason:

Morrish Homes supports the principle for the development of good quality homes that meet identified needs for housing.

It is considered however that the housing mix should be representative of the locality and tailored to ensure site viability and delivery. To include sites for self-build and custom housebuilding, and sites for gypsies, travellers and showpeople, within larger housing allocations would be difficult to deliver given the differing interests and ownerships, and could prejudice site viability.

Morrish Homes therefore considers that the Plan is Unsound in this respect, being neither positively prepared, justified, effective, nor consistent with national policy.

Morrish Homes proposes that the text of Strategic Policy 39 should be amended to propose that sites for self-build and custom housebuilding, and sites for gypsies, travellers and showpeople, should either be allocated separately from those allocations for unrestricted market housing, or allowed to come forward as unallocated exception sites outside of settlement boundaries.

7.2 Strategic Policy 40: Affordable Housing

7.2.1 Morrish Homes scores 'Strategic Policy 40: Affordable Housing' 100/100 for the following reason:

Morrish Homes supports the principle of appropriate affordable housing provision on sites of 5 units or higher. The principle that the requirement should be reduced from the current 50% across most of the District, to 35%, is also supported, as is the proposal that at least 10% of affordable housing should be affordable home ownership products. The Plan is therefore considered to be Sound in this respect.

7.3 Strategic Policy 41 : Housing to meet the needs of older people

7.3.1 Morrish Homes scores 'Policy 41 : Housing to meet the needs of older people' 75/100 for the following reasons:

Morrish Homes supports the principle of appropriate housing provision to meet the needs of older people, but only where there is evidence of such need. The Plan is therefore considered to be generally Sound in this respect.

7.4 Strategic Policy 42 : Accessible and Adaptable Housing

7.4.1 Morrish Homes scores 'Policy 42 : Accessible and Adaptable Housing' 100/100 for the following reasons:

Morrish Homes supports the provision of accessible and adaptable housing. The Plan is therefore considered to be Sound in this respect.

7.5 Strategic Policy 43 : Market housing mix

7.5.1 Morrish Homes scores 'Strategic Policy 43 : Market housing mix' 50/100 for the following reasons:

Morrish Homes supports the provision of a mix of property sizes. However, it is considered that this should not be applied as a blanket policy across all sites, since development also needs to take into consideration the existing character and density of the locality, particularly with reference to small and medium sized sites. There will be occasions where local characteristics dictate overprovision of larger, or smaller, homes on a particular site.

Morrish Homes therefore considers that the Plan is Unsound in this respect, being neither positively prepared, justified, effective, nor consistent with national policy.

Morrish Homes proposes that the text of Strategic Policy 43 should be amended to propose that this policy should be applicable only to larger housing sites and / or to take the local character into consideration.

7.6 Strategic Policy 44 : Self-Build and Custom Build Housing

7.6.1 Morrish Homes scores 'Strategic Policy 44 : Self-Build and Custom Build Housing' 50/100 for the following reasons:

Morrish Homes supports the provision of sites for self-build and custom build housing. However, such sites would preferably be allocated specifically, rather than as a percentage of larger sites.

Developers will be reluctant to offer self-build plots within larger sites as this can lead to conflict between the housebuilder and self-builder, particularly if the self-builder wishes to build to a different style or design than the other plots, or is not a competent builder, or fails to complete the dwelling, leaving the self-build plot in an unfinished and untidy condition. Furthermore, any breach of HSE or CMP regulations by the self-builder could impact on the developer and this would fall to third parties for resolution.

Morrish Homes therefore considers that the Plan is Unsound in this respect, being neither positively prepared, justified, effective, nor consistent with national policy.

Morrish Homes proposes that the text of Strategic Policy 43 should be amended to propose that self-build plots will either be specifically allocated on small sites within the Local Plan, or that they are permitted outside settlement boundaries under an exceptions policy.

8.0 CHAPTER 11 - PRIORITISING SUSTAINABLE TRAVEL AND PROVIDING THE TRANSPORT AND COMMUNICATIONS FACILITIES WE NEED

8.1 Strategic Policy 65 : Walking, cycling, and public transport

8.1.1 Morrish Homes scores 'Strategic Policy 65 : Walking, cycling, and public transport' 100/100 for the

following reasons:

Morrish Holes supports the principle of a “20 minute neighbourhood”, and the recognition that this target may not be achievable in rural areas. The Plan is therefore considered to be Sound in this respect.

9.0 PROPOSED HOUSING & MIXED USE SITE ALLOCATIONS – MAP

9.1 Development at the LP_West_01 site

9.1.1 Morrish Homes scores ‘Development at the LP_West_01 site’ 0/100 for the following reasons:

Morrish Homes objects to the allocation of Site West_01 as a potential 2nd best choice allocation.

Site West_01 has tree and woodland cover across much of the site area. The woodland in the western part of the site is protected as s41 habitat (i.e. habitat identified as being of principal importance for the conservation of biodiversity in England), and several parts of the site are covered by Tree Preservation Orders.

There is also a designated Nature Recovery Network site covering the western part of the site. There is also an identified Natural Woodland Site at Beggars Roost on the western side of the B3180.

The site assessment undertaken by EDDC concluded that development would result in a predicted “significant moderate adverse effect” on local ecology.

Vehicular access appears to be taken off a private road connecting via Hayes End into Eastfield. This site should not be considered to be available for development until the landowner can demonstrate that the necessary rights are in place for access and for the connection of necessary services.

There is neither continuous paved footway access nor street lighting along the route to the local services.

The site borders the B3180 to the west. This is a busy road that carries a substantial amount of traffic and it is inevitable that residents in this location will suffer the effects of road noise.

The site assessment indicates that the land is suitable for only a small amount of land in the south eastern corner of the site would be acceptable for development, for a yield of about 6 homes. This is not considered to be a justifiable return given the site constraints and predicted ecological harm, as noted above.

Morrish Homes therefore considers that the Plan is Unsound in this respect, being neither positively prepared, justified, effective, nor consistent with national policy.

Morrish Homes proposes that the site West_01 should be removed from the Local Plan as a potential 2nd best choice allocation.

9.2 Development at the LP_West_04 site

9.2.1 Morrish Homes scores 'Development at the LP_West_04 site' 0/100 for the following reasons:

Morrish Homes objects to the allocation of Site West_04 as a housing allocation.

Although the shop and school are only around 300m as the crow flies, the actual route along Windmill Lane-Bendarroch Road-School Lane-West Hill Road is much longer, lacking paved footway or street lighting along most of the route. In this respect, site West_04 offers no advantage over other sites within West Hill.

The EDDC site assessment noted potential for more direct access to local services could be achieved if the site is developed in conjunction with the adjacent site West_06. However, the two sites are in separate title and without a guarantee that they can be developed as one, this should not be regarded as a deliverable access option.

The site is bounded to the east and west, and partially to the north, by open agricultural land. Whilst there is some built form to the north, the homes to the south are largely screened by the existing protected trees and hedgerow. The site therefore has the character of a sensitive, rural landscape.

The site occupies a relatively elevated position, with the land rising to the west. Development in this location will be conspicuous in distant views from the east.

Site West_04 borders a designated Nature Recovery Network site, and TPO trees, along the southern boundary. The EDDC site assessment predicted a minor adverse effect on ecology arising from development.

A planning application for two dwellings in the northern part of the site, ref. 13/2624/FUL, was dismissed on Appeal in 2014, ref. APP/U1105/A/14/2216644.

The Inspector commented (paragraph 4 of the decision letter) that "the proposal would involve extracting a large square of land from a rectangular agricultural field right on the edge of the village. Whilst the appellant argues that the development would 'finish off' the housing development in the Lane, it would only do so by cutting into this sloping field. The main part of the dwelling at Plot 2 would also be located south of the end of the cul-de-sac. This would leave the remaining field an odd shape, significantly affecting the distinct rural character of this edge of village location."

The Inspector further stated (paragraph 6) that the new homes "would be over dominant in the street scene and at odds with the lower level of the houses on the opposite side of the road."

In paragraph 7, the Inspector noted that "the proposal clearly extends development further into the countryside outside the BUAB and the scale of such development would be at odds with that of the existing dwellings in the Lane."

The Inspector found (paragraph 9) that “I conclude that the proposal would seriously harm the rural character and appearance of the area.” The Appeal was accordingly dismissed.

It follows that if the Inspector considered the proposal for 2 dwellings to “seriously harm the rural character and appearance of the area”, then the current allocation for a larger development of 26 homes will cause exponentially greater harm.

Morrish Homes therefore considers that the Plan is Unsound in this respect, being neither positively prepared, justified, effective, nor consistent with national policy.

Morrish Homes proposes that the site West_04 should be removed from the Local Plan as a housing allocation.

9.3 Development at the LP_West_06 site

9.3.1 Morrish Homes scores ‘Development at the LP_West_06 site’ 0/100 for the following reasons:

Morrish Homes objects to the allocation of Site West_06 as a housing allocation.

Vehicular access to both parcels appears to be taken off a private road connecting into Eastfield Gardens. This site should not be considered to be available for development until the landowner can demonstrate that the necessary rights are in place for access and for the connection of necessary services.

There is a Tree Preservation Order covering a section of the northern field proposed for allocation, with further TPO designations along the southern and eastern boundaries.

Many of the trees along the boundaries to site West_06 are particularly high. The impact of development upon the root protection areas of these trees must be taken into consideration in any proposed allocation. Furthermore, the future impacts from overshadowing and falling trees and branches are such that housing development on this parcel may lead to subsequent pressure for these trees to be removed.

The EDDC site assessment predicted a minor adverse effect on ecology arising from development.

A planning application for development of 50 homes on this site, together with further land to the south (ref. 10/0761/MOUT) was dismissed on Appeal in 2011, ref. APP/U1105/A/11/2155312. This followed on from the dismissal of a previous Appeal in 1996, ref. Ref APP/U1105/A/96/267916.

The Inspector, at paragraph 20 of the decision letter, commented that “The Inspector who determined the 1996 appeal noted that adjoining residential areas are generally at a lower level than the appeal site and that Westhayes, to the west, is a house in a parkland setting within the open countryside. He concluded that the appeal site is visually associated with and forms part of the surrounding countryside

and makes a valuable contribution to the rural setting of West Hill. I agree with that assessment. The site comprises two meadows bounded by traditional field boundaries containing some fine trees. Although not subject to any national landscape designation, it is part of an attractive landscape which is characteristic of this part of East Devon. Whilst there is development to the north, east and south of the site this is generally low-rise and in some cases is well screened by trees and vegetation. I agree with the previous Inspector that development of the site would result in an extension of built development into the open countryside, to the detriment of the setting of West Hill.” *The Appel was accordingly dismissed.*

Planning permission was subsequently granted by EDDC in 2014 for 25 homes on the land to the south of site West_06, ref. 13/1809/MOUT. The Committee Report noted that “...the scheme is half the size of that previously considered and is restricted to a single field with less impact on the character and appearance of the area.”

The Committee report further stated that “When previously considered the Inspector recognised in 2011 that development to the site the subject of that application had the potential to harm the attractive character of the local area. In considering that finding it is recognised that much of the harm was considered to arise from development of the northern field (that adjacent to Perry’s Garden) which no longer forms part of the application. The field to the south (and subject of this application) continues to be well screened in the wider landscape by trees on the site boundaries. The overall impact is therefore considered to be primarily localised.”

Site West_06 has therefore been dismissed twice on Appeal, due to the resulting detriment of the setting of West Hill. It was acknowledged by EDDC in the 2013 approval for the land to the south that the concerns of the two Inspectors related mainly to development of the northern field, which now comprises site West_06.

Morrish Homes therefore considers that the Plan is Unsound in this respect, being neither positively prepared, justified, effective, nor consistent with national policy.

Morrish Homes proposes that the site West_06 should be removed from the Local Plan as a housing allocation.

9.4 Development at the LP_West_05 site

9.4.1 Morrish Homes scores ‘Development at the LP_West_05 site’ 0/100 for the following reasons:

Morrish Homes objects to the non-allocation of Site West_05 for housing development.

This site is the subject of a current outline planning application ref. 22/2533/MOUT seeking consent for the erection of 23 homes. The technical reports and planning justification that support the planning application should be considered equally applicable to this current proposal to allocate site West_05 for housing development in the Local Plan.

The HELAA analysis undertaken in 2022 confirmed that “The site is within 1,600 metres of 4 or more different local facilities and within 1,600 metres of a train station or bus route with an hourly or better service”. The report confirmed that the site was not located at “an unacceptable distance from a reasonable range of services and facilities”. Accordingly the HELAA report did not cite sustainability or highway concerns in relation to the development potential of the site.

In response to the query, “Will the site have an unacceptable impact on biodiversity?” the HELAA stated simply “No”.

The HELAA analysis confirmed that there are no identified heritage assets in close proximity of the site, and that development would not have an unacceptable impact on heritage.

In response to the query, “Will the site have an unacceptable impact on landscape?” the HELAA stated simply “No”.

The HELAA analysis identified only two constraints to development, these being the objection raised by Devon County Council regarding the location within the Minerals Safeguarding Area (MSA), and the proximity of the site to the high pressure gas main (HPGM) to the south.

Devon County Council has withdrawn its objection in relation to the MSA. The Council’s Planning Development Manager Andy Hill stated in an email dated 25th July 2022 as follows: “Devon County Council had a similar request from a representative for the owner of another site fronting Oak Road, asking that we reconsider our previous objection on mineral safeguarding grounds. Having reviewed the circumstances of that site, it was concluded that Oak Road would form a more logical boundary to the Mineral Safeguarding Area given that it is already fronted by dwellings for parts of its length, with the remaining undeveloped land to the north of the road being unlikely to be economic for mineral extraction. Taking account of the information that you have submitted, I am happy to confirm that the County Council no longer views the mineral resource within your site (West_05) as of economic potential, and that the previous objection to its consideration for allocation in the emerging Local Plan is removed.”

Morrish Homes has engaged Hydrock Engineers to advise on the relationship of the site to the HPGM. The advice confirms that there will be no ‘Category 3 or 4’ development (as defined by the HSE) within the site and that therefore the HSE will not advise against the proposed development. This being the case, the HPGM no longer represents a constraint against development, and it is not appropriate that it is inferred in the HELAA Site Assessment that this may still represent a concern.

The only constraints cited in the 2022 HELAA report have therefore been addressed and there is no reason why the site should not be considered to be suitable, available, and achievable for housing development within the next 5 year period, therefore making a genuine contribution to 5 year housing land supply.

The Draft Local Plan proposes that site West_05 should not be recommended for allocation due to “numerous adverse impacts”. Specifically the Plan notes the following concerns:

- “the route to facilities 1km away ... would not be attractive to pedestrians / cyclists”;
- “TPO covers all of site boundary”;
- “adverse ecological impact”; *and*
- “overall a sensitive, rural landscape, with limited context of built form”.

Further, the document acknowledges that the proximity to the high pressure gas main will not be a constraint, yet this is still inferred in the site assessment.

The stated concerns have all been addressed in the submitted planning application 22/2533/MOUT, proposing the development of 23 homes, as summarised below.

The Transport Statement prepared by Hydrock Engineering Consultants concludes that with regard to transport sustainability, “the site is within suitable walking and cycling distances to facilities and services. Our assessment demonstrates that Higher Broad Oak Road is lightly trafficked and vehicle speeds are low. The road widths are suitable for providing for walking and cycling journeys into the village. The gradient does not appear to present a significant barrier to journeys by these modes at present and travel planning measures for example to support the use of electric bikes could be put forward as part of any future development proposal to overcome this.”

The Transport Statement further notes that “Safe and suitable access is achievable to Oak Road. The local highway network is lightly trafficked and can accommodate the small increase in vehicle movements predicted with the development proposal.”

The Transport Statement concludes that “There is no reason that the site cannot be allocated for residential development for transport sustainability, access or highway capacity reasons.”

The Arboricultural Impact Assessment prepared by Mark Hinsley Arboricultural Consultants Limited states that “The siting of the dwellings has been limited to areas of the plot outside of retained tree root protection areas as calculated using BS5837. The proposed separations between tree canopies and building lines is generous and beyond that required by the local planning authority to achieve harmonious relationships between built form and canopies without the need for repeated separation pruning works post completion of the development. Sufficient room has been left outside of proposed building lines for drainage and services to be installed without impacting on retained trees....”

The AIA concludes that “In my view, the proposed development scheme design has carefully considered BS5837 and looks to work with the existing tree resource rather than adapt it to suit the development proposal. In particular the public open space created around T4 Oak shows that the design is respectful of trees and the character of the local area. No increased pressure to prune or fell trees will occur due to planning permission being granted and I support the development proposal.”

Detailed ecological survey work has been undertaken and the application was accompanied by Preliminary Ecological Appraisal and Phase 2 Ecology Survey reports prepared by PEA Ecology. The report notes the presence on site or in the locality of protected species including badgers, nesting birds,

bats, dormice, reptiles, moths and butterflies. In all cases appropriate mitigation is proposed and the report concludes negligible or beneficial effects resulting from development in each case.

The Landscape & Visual Appraisal prepared by Clark Landscape Design concludes that “Views into the site are extremely limited ... The main visual impact will arise from the establishment of the access road and the new dwellings set well back from the edge of the lane. To compensate for the new road access the existing two field accesses will be closed off and new hedge bank and hedgerow planting established. None of the trees protected by TPO will be affected by the proposed development. Overall, the visual impact of the proposals is assessed as Minor moving towards Neutral as the proposed mitigation planting establishes.”

The LVA report further concluded that “By careful consideration of the landscape and visual impacts of the proposed development from the surrounding countryside and appropriate landscape mitigation measures my assessment of the proposed development is that the overall visual impacts are assessed as ‘Low’ moving towards ‘Neutral’ as the proposed mitigation planting establishes. The proposals will therefore meet the requirements of the relevant planning policies Strategy 5, Strategy 46, D1, D2 and D3.”

Morrish Homes has therefore demonstrated by way of evidence from specialist consultants that the concerns cited in the Draft Local Plan have all been suitably addressed.

Morrish Homes therefore considers that the Plan is Unsound in this respect, being neither positively prepared, justified, effective, nor consistent with national policy.

Morrish Homes proposes that Site West_05 should be allocated for housing development either as a replacement for, or in addition to, the current allocations for West Hill, and that such allocation would be considered to be Sound.