

East Devon Local Plan 2020-2040
Second Regulation 19 Local Plan Consultation
Representation on behalf of Mr and Mrs Hansford
26 January 2026

CarneySweeney acts for Mr and Mrs Hansford, in connection with land at Pit Orchard, Bim Bom Lane, Kilmington which our client has been seeking to promote for open market led housing development through the draft East Devon Local Plan.

CarneySweeney submits the following representations on behalf of our clients which are to be read in conjunction with previous representations submitted to the Regulation 19 Publication draft in March 2025 (Reg 19 Rep) which are appended in full.

We maintain that our client's site is a suitable and appropriate location for new development and with the benefit of the extant consent for 6 new homes, is capable of coming forward early in the plan period to deliver a modest but nonetheless important level of new housing.

The Council's continued failure to allocate the site is not justified in light of the previous planning history and additional submissions made in support of the allocation.

It is also noted that since our previous representation no applications have come forward on the two sites allocated in the made neighbourhood plan or the two sites proposed to be allocated in the draft LP.

As such we maintain that the site should be allocated for development under Strategic Policy SD20: Development allocations at Kilmington.

We ask to be kept informed of next stages of consultation and also that we have an opportunity to participate in any public examination of this document.

In the meantime, should you have any queries please do not hesitate to contact us.

Our Ref – CSE2143

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East Devon Local Plan 2020-2042

Regulation 19 Publication Draft

Representation on behalf of Mr and Mrs Hansford

28 March 2025

Introduction

CarneySweeney acts for Mr and Mrs Hansford, in connection with land at Pit Orchard, Bimbom Lane, Kimington (Kilm_05) which our client has been seeking to promote for open market led housing development through the draft Local Plan.

These comments are submitted to the East Devon Local Plan 2020-2042 Regulation 19 Consultation. These comments supplement those that were submitted to the Local Planning Authority in September 2024 in connection with the Regulation 18 Consultation. This previous comments are appended in full.

Once again, we write to confirm that a series of inaccuracies have arisen within reporting of this site by the Council hat has led to the site not being considered for allocation for market-led residential development. The characteristics of the site, and its location, inform its development potential and its omission from the Draft Local Plan is unjustified.

The Site and Surroundings

The site – shown below - extends to 0.56ha and is located to the south of Kimington. The site fronts on to Bimbom Lane from which access is taken:



Topographically, the lane is lower than the surrounding landscape, with the exception of a narrow band of land already developed for housing to the north that runs east to west along a section of Silver Street and Silver Lea.

The site largely consists of scrubland with the central part of the site already been cleared and an access road constructed up to base course level in connection with an existing planning consent. The site also includes narrow but steep banks in the south west, south and east with heavily planted mature trees positioned at the top of the slope. The northern boundary consists of a low bank topped with a mature hedgerow and trees. The topographical nature of the site and the presence of a band of heavily planted mature trees around the boundary, with the exception of the point of access, means that the views out of the site are very limited.

The level central part of the site falls away from Bimbom Lane meaning that the site is not visible in any views from the east. At this location, Bimbom Lane acts as a small ridge with it being the local high point for views from the east coming from other areas of Kilminster, and Axminster beyond. In addition to the topography of the site, a strong mature Devon hedgebank on the east side of Bimbom Lane prevents any views towards the site from the east, as demonstrated in Photograph 3 of this report.

Kilminster itself is a village with a population of just under 1,000, situated south of the A35. Kilminster has a good range of community facilities including a church, primary school, pub, petrol station, farm shop and cricket pavilion with bus services available to the larger settlements of Honiton and Axminster. These factors contribute to Kilminster being able to accommodate suitable levels of development.

Planning History

The site has a relatively extensive planning history and benefits from an extant planning consent (ref: 15/1746/OUT and 16/1586/RES) for 6 residential dwellings. The planning consent is for an affordable housing led development, therefore, there is a recognition that residential development can be accommodated at the site. Correspondence received from East Devon District Council by email dated 15th May 2018 states that *“the development has begun within the requisite time period established”* and consequently, it can be said with confidence that the principle of residential development of this site has been established and secured.

In granting consent for the proposal for 6 residential dwellings, the Council concluded that *“the benefits of the scheme are considered to outweigh any harm”*. In relation to character and appearance, it was determined that the *“site would be apparent from localised views... such views as would be afforded would though be localised only and although likely to have a slight negative impact this could be minimised through the use of appropriate design and materials”*. Furthermore, landscape impact was considered to be *“limited”*.

Subsequently, two more detailed planning applications have been submitted to EDDC for residential development (19/0077/FUL and 20/0435/FUL) with both being refused. The former was dismissed at appeal in March 2020, yet raises pertinent points regarding the development prospects of the site. Notably, in coming to their decision, the Inspector concluded that the development would *“utilise a brownfield site which is encouraged by the Framework”*, suggesting that weight should be added to the re-use of the site for residential development. Notable in its absence, was any discussion around landscape impact, particularly of interest as the site is within the AONB suggesting that landscape impact was not fundamental to the case for refusal. The latter application provided new commentary on landscape impact, stating that *“the impact of the development on visual receptors is likely to be negligible in most views although the visual impact on residents and pedestrians from Silver Street is likely to be moderate adverse during construction and on completion reducing to low as new perimeter planting matures”*. These recent applications demonstrate that development would give rise to very limited landscape harm.

The fact remains that the site has secured a consent for 6 dwellings which has been lawfully commenced through the creation of the access road and remains capable of implementation in full.

Policy Context for Plan-Making

Provisions for plan-making are set out within the NPPF and NPPG. Plan makers are required to take account of the following points when preparing their Local Plan.

Under the transitional arrangements of the December 2024 NPPF, the new Local Plan will be considered under the provisions of the December 2023 NPPF.

National Planning Policy Framework (December 2023)

- Paragraph 31 states that *“The preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be ...focussed tightly on supporting and justifying the policies concerned and take account of relevant market signals.”*
- Paragraph 35 identifies the tests of soundness as being:
 - a) Positively prepared: As a minimum, seeking to meet the area’s objectively assessed needs and informed by agreements with other authorities so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with sustainable development.
 - b) Justified: An appropriate strategy based on taking account of reasonable alternatives and proportionate evidence.

- c) Effective: Deliverable, based on effective joint working on cross-boundary strategic matters, evidenced in a Statement of Common Ground.
- d) Consistent with national policy.

REPRESENTATIONS

Local Plan Vision Statement

It is notable that the Local Plan Vision statement does not refer to the allocation and delivery of enough land to meet housing needs, reflecting Section 5 of the Framework. The requirement for Development Plans to be consistent with the Framework is a central tenet to plan-making and therefore it is a prominent omission to not state support for the Government's objective of "*significantly boosting the supply of homes*", provided at Paragraph 61 of the Framework.

The Spatial Strategy

We support the spatial strategy contained within Policy SP01 which identifies Kilmington as a Service Village where the Draft Plan seeks to allow limited development. This is reflective of the amenities available within Kilmington which are located in proximity to the site. However, only two allocations are proposed for the settlement set to deliver 28 new homes in total over the plan period.

East Devon Strategic Planning Committee decided not to allocate the site at the meeting dated 20th September 2024. The Report, prepared by Officers in advance of the meeting, proposed not to allocate the site due to development likely having "*significant landscape impact*". This assertion of significant landscape impact is not justified and ignores the Council's own site assessment carried out in preparation of the Report. The Council contends that the site has a very high landscape value but a low to medium visibility due to mature trees at its boundary. The Council has also failed to recognise the extant planning permission on the site which not only secures the principle of residential development but also contains written commentary from the Council within the Officer Report that the landscape impact would largely be negligible with some moderate adverse impacts from Silver Street.

As such, the Council failed to appropriately justify the decision to omit Kilm_05 as a draft allocation in the Local Plan.

Housing Trajectory and Delivery

Up to 2031/32, the Council indicate a trajectory to deliver 850 dwellings per year on average, with the remaining plan period from 2032/33 onwards to deliver an annual average of 1,070 dwellings per year. Whilst this averages out to provide for the required housing need, it means that for the first part of the plan-period, the LPA will be under-delivering against their identified housing need and more than likely unable to demonstrate a five-year

housing land supply within the early parts of the plan-period, as evidenced by Appendix 1 of the Draft Local Plan. This approach appears to be at odds with the Framework, in particular, the requirement to “meet the area’s objectively assessed needs”.

It is, effectively, a workaround, where the LPA will only be delivering 70% of the housing requirement, which would be averaged out by delivery later in the plan period, for the Plan to continue to be assessed against the previous version of the Framework and therefore requiring 80% of the housing requirement to be planned for.

Elsewhere in the Draft Local Plan, notably in Strategic Policy HN02 (Affordable Housing), it is referenced that 35% affordable housing would be a target for windfall development outside settlement boundaries. This appears at odds with Policy SP06 which restricts development outside settlement boundaries, presenting concerns about the level of contribution that windfall sites will provide to meeting housing need. Paragraph 75 of the Framework is clear that there should be “compelling evidence” that windfall sites will provide a reliable source of supply. The current wording of Policy SP06 does not provide confidence that development on windfall sites will be a reliable source of supply.

In combination, the restrictive nature of Policy SP06, and the reliance of larger sites to deliver the required housing need later in the plan-period cemented by Policy SP02, presents the prospect of a deteriorating housing supply position from the point of adoption within the first half of the plan period. The Framework is clear that planning policies “should identify opportunities for villages to grow and thrive, especially where this will support local services”. The restrictive nature of Policies SP02 and SP06 is at odds with the clear intention of what the Framework is aspiring to achieve. Furthermore, the Framework is clear that strategic policies should provide for objectively assessed needs “as a minimum”.

Previously Developed or Brownfield Land

An appeal decision for this site from March 2020 concluded that the site is a brownfield site, and factors of perceived neglect are not uncommon with many brownfield sites. Nevertheless, the NPPF acknowledges the significant role of brownfield sites to meet housing need and encourages development of these sites, with Paragraph 123 stating that:

“Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or ‘brownfield’ land”.

We consider that appropriate weight has not been given to the site’s status as previously developed land in the site assessment for Kilm_05.

Environmental Considerations

Ecological matters have never been cited as reasons to refuse planning permission on this site. Furthermore, both preferred allocation options in Kilmington would be caught by both Nutrient Neutrality and mandatory Biodiversity Net Gain requirements which would limit their deliverability and site yield. As Pit Orchard already benefits from an extant planning consent, development would not be subject to the same restrictions either through implementation of the current consent or a variation thereto.

CONCLUSION

Fundamentally, the reason given by EDDC for not allocating Kilm_05 is inconsistent with assessments of the site undertaken by officers in determining the previous planning applications on the site. The conclusion that development of the site will create visual impact on the wider parts of the National Landscape overlooks documented evidence contained within the extensive planning history of the site. For example, the description of the site and the ability to develop the site under the extant planning consent are not considered in the EDDC site assessment.

Moreover, there is no reference in the EDDC site assessment to Kilm_05 being a brownfield site. This is surprising as the NPPF clearly favours the use of brownfield land for the development of new homes which is a key component in the core theme of 'making effective use of land'. It is considered that much greater weight should be afforded to this status.

In the context of the Framework and other material considerations, aspects of the Draft Plan appear inconsistent with these, and sufficient justification is not provided to demonstrate that the housing trajectory is robust, particularly when considering the approach for windfall sites. In the event that additional housing sites are required to meet the identified housing needs of the District, the site is in a prime position to accommodate a modest level of growth. Development of the site is shown to provide very limited impact on heritage assets and areas of landscape importance and is located in a sustainable location with good access to local services and facilities as confirmed by the decision of EDDC in granting permission for residential development of the site in April 2016. Finally, the site is deliverable in BNG and nutrient neutrality terms by virtue of the extant consent. These characteristics put the site head and shoulders above any other site in the village and in our opinion make it a logical and essential choice for allocation.

We ask to be kept informed of next stages of consultation and also that we have an opportunity to participate in any public examination of this document.

In the meantime, should you have any queries please do not hesitate to contact us.

Our Ref – CSE2143

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East Devon District Council
Land at Pit Orchard, Bimbom Lane
Mr and Mrs Hansford

Introduction

CarneySweeney acts for Mr and Mrs Hansford, in connection with land at Pit Orchard which our client is seeking to promote for open market led housing development through the draft Local Plan.

CarneySweeney submits these comments to East Devon District Council's (EDDC's) policy team to assist in the allocation review process and to inform discussions when proposed sites are to be considered by the Strategic Planning Committee. The assessment aims to clarify the opportunities that the site presents in mind of the assessment already undertaken by the Council, which was presented to Strategic Planning Committee in September 2022. It is our view that the Council's assessment contained a series of inaccuracies which can be countered by a thorough independent review of the site's characteristics which will in turn inform its development potential.

The Site and Surroundings

- Settlement: Kilmington
- East Devon District Council Site reference number: Kilm_05
- Site Address: Land At Pit Orchard, Bimbom Lane, Kilmington,
- Site Area: 0.56ha



The site is located to the south of Kilmington. The site fronts on to Bimbom Lane from which access is taken. Topographically, it is lower than the surrounding landscape, with the exception of a narrow band of land already developed for housing to the north that runs east to west along a section of Silver Street and Silver Lea. The site extends to 0.56ha largely consisting of scrubland with the central part of the site already been cleared and an access road constructed up to base course level in connection with an existing planning consent. The site also includes narrow but steep banks in the south west, south and east with heavily planted mature trees positioned

at the top of the slope. The northern boundary consists of a low bank topped with a mature hedgerow and trees. The topographical nature of the site and the presence of a band of heavily planted mature trees around the boundary, with the exception of the point of access, means that the views out of the site are very limited.

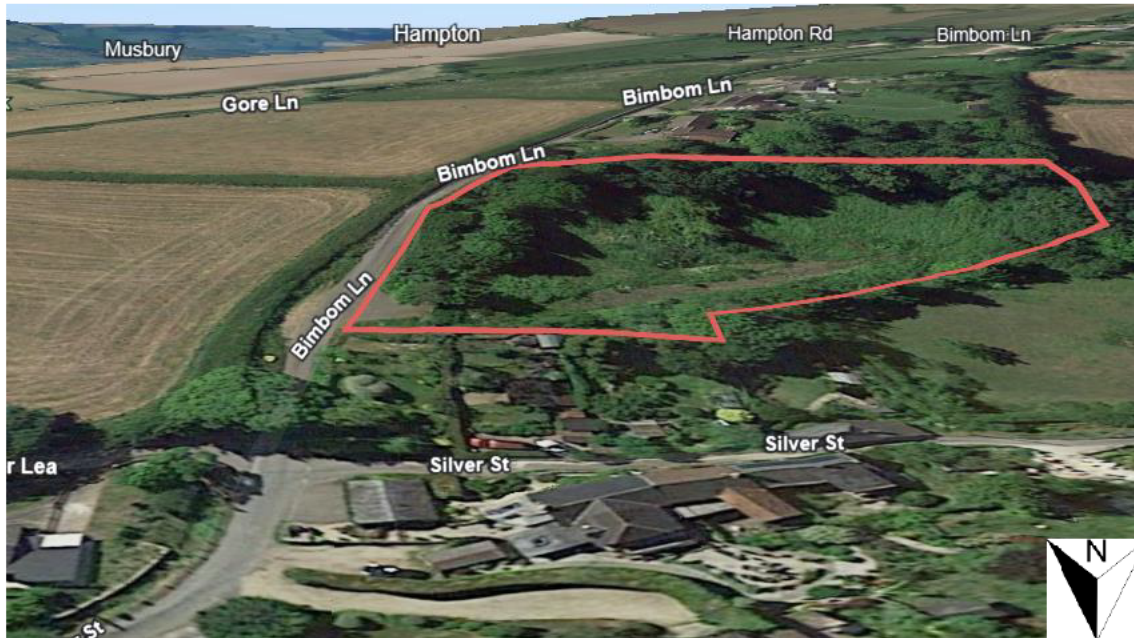


Figure 1. The Site, edged in red, is situated to the south of Kilminster along Bimbom Lane. Residential properties are situated to the north of and south of the site. The bank of trees atop steep slopes are visible in the image which limits long distance views towards and from within the site.

The site includes a level area, where an existing access and private road has been constructed to base course level. The southern and western boundaries of the site are characterised by narrow steep slopes with large mature trees planted at the top. The steep slopes are found within the areas highlighted in yellow. The developable area of the site is therefore very well contained, and views are limited.

The level central part of the site falls away from Bimbom Lane meaning that the site is not visible in any views from the east. At this location, Bimbom Lane acts as a small ridge with it being the local high point for views from the east coming from other areas of Kilminster, and Axminster beyond. In addition to the topography of the site, a strong mature Devon hedgebank on the east side of Bimbom Lane prevents any views towards the site from the east, as demonstrated in Photograph 3 of this report.

Kilminster itself is a village with a population of just under 1,000, situated south of the A35. Kilminster has a good range of community facilities including a church, primary school, pub, petrol station, farm shop and cricket pavilion with bus services available to the larger settlements of Honiton and Axminster. These factors contribute to Kilminster being able to accommodate suitable levels of development.



Figure 2. Much of the site is level and developable, as shown in site proposals for the extant planning consent. The access road constructed as part of the planning consent is clearly visible within the site.

Planning History

The site has a relatively extensive planning history and benefits from an extant planning consent (ref: 15/1746/OUT and 16/1586/RES) for 6 residential dwellings. The planning consent is for an affordable housing led development, therefore, there is a recognition that residential development can be accommodated at the site. Correspondence received from East Devon District Council by email dated 15th May 2018 states that *“the development has begun within the requisite time period established”* and consequently, it can be said with confidence that the principle of residential development of this site has been established and secured.

The main issues that were considered in the determination of the above consent related to:

1. The principle of development
2. Design and impact on the character and appearance of the area
3. The wider landscape impact
4. Economic benefits
5. Impact on trees
6. Ecological impact
7. Highway safety
8. Impact on residential amenity
9. Impact on setting of listed buildings and conservation area

In granting consent for the proposal for 6 residential dwellings, the Council concluded that *“the benefits of the scheme are considered to outweigh any harm”*. In relation to character and appearance, it was determined that the *“site would be apparent from localised views... such views as would be afforded would though be localised only and although likely to have a slight negative impact this could be minimised through the use of appropriate design and materials”*. Furthermore, landscape impact was considered to be *“limited”*.

Subsequently, two more detailed planning applications have been submitted to EDDC for residential development (19/0077/FUL and 20/0435/FUL) with both being refused. The former was dismissed at appeal in March 2020, yet raises pertinent points regarding the development prospects of the site. Notably, in coming to their decision, the Inspector concluded that the development would *“utilise a brownfield site which is encouraged by the Framework”*, suggesting that weight should be added to the re-use of the site for residential development. Notable in its absence, was any discussion around landscape impact, particularly of interest as the site is within the AONB suggesting that landscape impact was not fundamental to the case for refusal. The latter application provided new commentary on landscape impact, stating that *“the impact of the development on visual receptors is likely to be negligible in most views although the visual impact on residents and pedestrians from Silver Street is likely to be moderate adverse during construction and on completion reducing to low as new perimeter planting matures”*. These recent applications demonstrate that development would give rise to very limited landscape harm.

Despite two refusal decisions for residential development of the site in 2020, the fact remains that the site has secured a consent for 6 dwellings which has been lawfully commenced through the creation of the access road and remains capable of implementation in full.

Opportunities

Access and Infrastructure

The site already benefits from an existing access off Bimbom Lane which is a rural lane that does not accommodate high flows of traffic, nor does it accommodate any movement of heavy goods vehicles. As a result of the very little traffic that uses Bimbom Lane, the Highway Authority concluded during the determination of the aforementioned planning consent, that there was no highways objection to the proposal coming forward, subject to an improvement of the existing access to provide sufficient hard surfacing and visibility.

Bus stops servicing Kilmington are located just over a 600m walk to the north of the site, and provide regular services to Axminster, Honiton, Ottery St Mary and Exeter. The community services and facilities in Kilmington are largely situated around the Church which is under 700m walking distance from the site. Other facilities such as the allotments and pub are located much closer to the site at 300m and 400m respectively. Access to these types of facilities underpin the reason for the site being suitable for residential development which is established by the extant planning consent.

Landscape

As with most of the Built-Up Area Boundary for Kilmington, the site falls within the East Devon National Landscape. The designation seeks to protect the landscape from impactful development but this needs to be balanced out with the housing needs of the local population and the wider district. If the National Landscape was seen as an insurmountable constraint to new development, no allocations would be brought forward for consideration in Kilmington, which is not the case with the emerging Local Plan.

Views of the site are limited due to the surrounding vegetation and the topography of the site. This means that the site is well screened with very limited views. An assessment of impact on the valued landscape was undertaken during the determination of the above planning application and the Council concluded in their Officer Report that any impact on the Area of Outstanding Natural Beauty (now known as National Landscape) would only be very localised.

Heritage

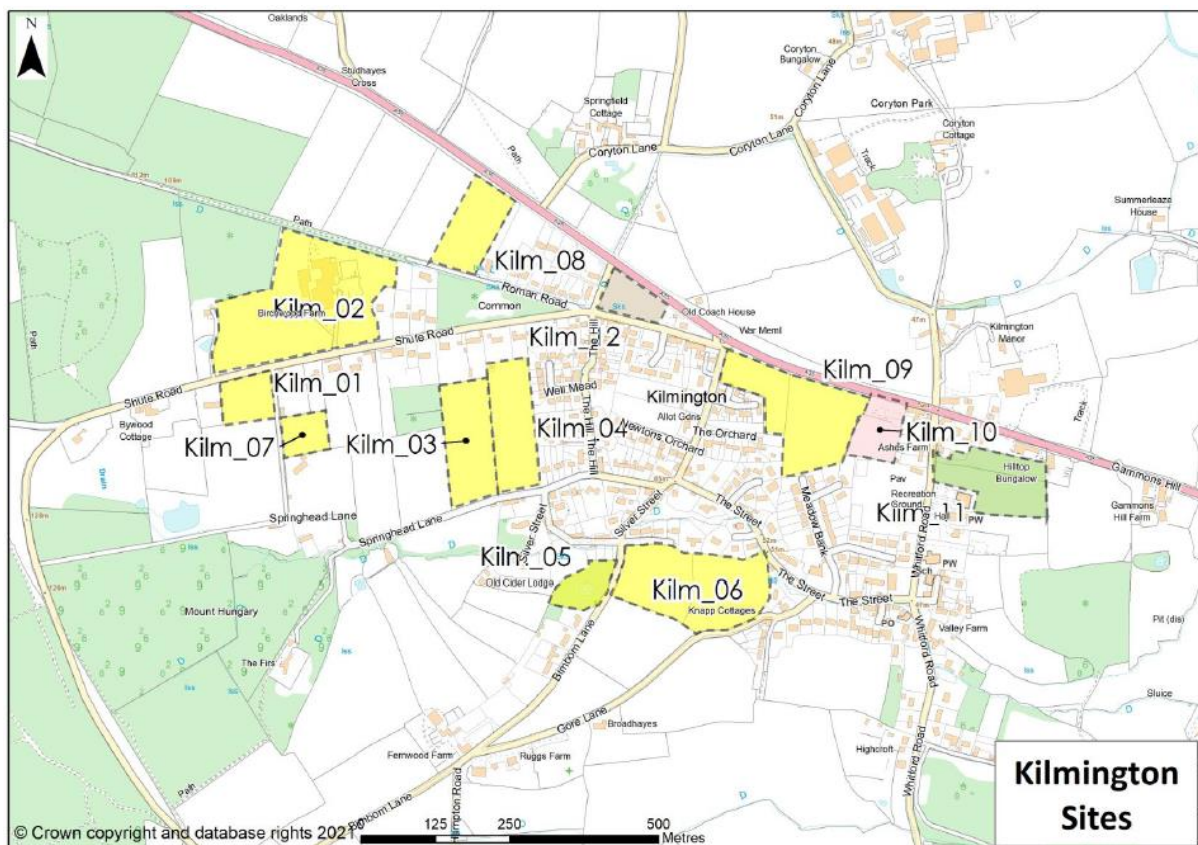
There are several listed buildings within Kilmington with the closest to the site being a Grade II Listed lodge, circa 50m to the west. Most of the Listed Buildings in Kilmington are located along The Street and The Green, including the Grade II* Listed Church. Distance from listed buildings and the presence of hedgerows and trees that obscure views mean that any heritage impacts of development of the site are limited. This view is corroborated by the decision made for the extant planning consent.

Flood Risk

The site is wholly within Flood Zone 1 meaning it has a low probability of flooding.

Review of EDDC Site Selection Assessment

A report on the interim findings at Tier Four settlements was brought to the EDDC Strategic Planning Committee in September 2022, setting out the reasons for and against proposing sites for allocations in the emerging Local Plan. Ultimately, the report provided the evidence base for the publication of the draft Local Plan which proposes to allocate two sites in Kilmington to meet housing need. These draft allocations have been given the reference Kilm_09 and Kilm_11. A 'second choice' allocation was identified at Kilm_10.



The reason for not allocating land at Pit Orchard, Bimbom Lane (Kilm_05) is given as follows:

“The site is a steep slope, located outside the existing built-up area of Kilmington, close to dwellings and adjoining Kilm_06. This site falls in an AONB, Site is within a designated landscape and has very high landscape value, it would have visual impact to the other parts of the AONB due to topograph. The site covered by various

vegetation, trees and unimproved grassland including overgrown grass. Development of the site (6 max yield) would have a high landscape impact and medium-high ecological impacts.”

It is our view that the Council has incorrectly identified the site as being a steep slope. Whilst it is accurate that the site has narrow but quite steep banks with mature trees on top on the south west, south and south eastern boundaries, there is a large central level area extending to the north west and northern boundaries of the site where development is acknowledged by the Council, in approving the above mentioned planning consent, to be achievable. The benefit of the banks with mature trees on top located at the southern boundary of the site is that it protects the site from long distance views across the National Landscape, as demonstrated by Photograph 3. Failing to factor the topography of the site into the consideration of the site’s development prospect has led to the Council concluding that development of the site would have a ‘high landscape impact’ based on visual impact to other parts of the AONB. This judgement of impact on AONB in this appraisal is contrary to the Officer’s view when determining the above planning application that, *“landscape harm is considered to be limited in this case”*. More recent planning applications for the site have concluded in the Officer Report that *“due to its discrete setting within the surrounding landform and limited viewpoints the landscape and visual effects of the development will be localised”*, as already noted above.

Whilst the site is situated within the National Landscape, the visibility of the site is non-existent and the visual harm associated with sensitively designed residential is likely to be zero.



Photograph 1. Photograph taken on Silver Street, Kilmington, looking south west towards the site. The site is completely screened between two banks of mature trees. Visibility towards the site is limited by the topography, presence of mature trees and existing buildings.



Photograph 2. Photograph taken on Silver Street, Kilmington, looking south east towards the site. The site is completely screened between two banks of mature trees. Visibility towards the site is limited by the topography, presence of mature trees and existing buildings.



Photograph 3. Photograph taken on Gore Lane, Kilmington, looking west towards the site. The site is completely screened behind hedgerows and mature trees. Visibility towards the site is limited by the topography although a sporadic presence of residential buildings is noticeable.

Comparison with Other Sites in Kilmington

Comparatively, the assessments for Kilm_09 and Kilm_11, which are both preferred options for site allocations in the emerging Local Plan, state that development of these sites will have landscape impacts noting that they have very high landscape value with medium visibility. With regards to Kilm_09, the Kilmington Neighbourhood Plan goes as far as saying that development of the site would have *“unavoidable impact through the change of use of open land at a prominent entrance to the village”*. This level of impact has not prevented these sites from being preferred options for allocation, and therefore, is not a valid reason for Kilm_05 not to be allocated in the emerging Local Plan. As already noted above, Officers have previously considered development of the site to have a negligible to low impact on the landscape.

The National Planning Policy Framework (NPPF) states that great weight should be given to the protection of heritage assets when considering the impact of a proposed development on its significance. The EDDC site assessment confirms that development of the land at Pit Orchard (Kilm_05) would have limited heritage impacts. This is supported by photographic evidence. Assessments undertaken by EDDC for Kilm_09 and Kilm_11 state that development would have a moderate impact on the historic environment. This is due to the preferred sites being closer to the Kilmington Conservation Area and the cluster of Listed Buildings around the Grade II* Listed Church.

The emerging Local Plan confirms Kilm_10 to be a 'second choice' allocation, despite the assessment undertaken by the Council in September 2022 stating that the site is within a designated landscape of high landscape value with medium to high visibility and medium to high heritage impact. At this stage, consideration of Kilm_10 as a 'second choice' allocation appears to be at odds with the guidance contained within the NPPF with regards to the protection of heritage assets and valued landscapes and the Council's own assessments undertaken in connection with planning applications submitted over the years for development on the site

Previously Developed or Brownfield Land

An appeal decision for this site from March 2020 concluded that the site is a brownfield site, and factors of perceived neglect are not uncommon with many brownfield sites. Nevertheless, the NPPF acknowledges the significant role of brownfield sites to meet housing need and encourages development of these sites, with Paragraph 123 stating that:

"Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land".

We consider that appropriate weight has not been given to the site's status as previously developed land in the site assessment for Kilm_05.

Environmental Considerations

Ecological matters have never been cited as reasons to refuse planning permission on this site.

Furthermore, both preferred allocation options in Kilmington would be caught by both Nutrient Neutrality and mandatory Biodiversity Net Gain requirements which would limit their deliverability and site yield. As Pit Orchard already benefits from an extant planning consent, development would not be subject to the same restrictions either through implementation of the current consent or a variation thereto.

Summary and Conclusion

Fundamentally, the reason given by EDDC for not allocating Kilm_05 is inconsistent with assessments of the site undertaken by officers in determining planning applications and it is clear that these officers have accessed the site. The conclusion that development of the site will create visual impact on the wider parts of the National Landscape overlooks documented evidence contained within the extensive planning history of the site. For example, the description of the site and the ability to develop the site under the extant planning consent are not considered in the EDDC site assessment.

Moreover, there is no reference in the EDDC site assessment to Kilm_05 being a brownfield site. This is surprising as the NPPF clearly favours the use of brownfield land for the development of new homes which is a key component in the core theme of 'making effective use of land'. It is considered that much greater weight should be afforded to this status.

In the context of the Framework and other material considerations, development of the site is shown to provide very limited impact on heritage assets and areas of landscape importance and is located in a sustainable location with good access to local services and facilities as confirmed by the decision of EDDC in granting permission for residential development of the site in April 2016.

Finally, the site is deliverable in BNG and nutrient neutrality terms by virtue of the extant consent.

These characteristics put the site head and shoulders above any other site in the village and in our opinion make it a logical and essential choice for allocation.

We cannot see how officers have concluded that the site is not suitable for allocation in the emerging Local Plan and have then identified other more constrained sites in Kilmington as preferred options and second choices which are seen to give rise to irreversible adverse impacts on landscape and heritage assets.

Outcome Sought

We seek the allocation of the site in the emerging East Devon Local Plan to accommodate new residential development. The site at Pit Orchard is therefore proposed to accommodate similar levels of growth to preferred allocation Kilm_11 and second choice allocation Kilm_10, without giving rise to the adverse impacts that the EDDC assessment has concluded.