

## East Devon Local Plan 2020 to 2040 Preferred Options Reg. 18 Consultation Site Budl\_02: Land West of Barn Lane, Budleigh Salterton Representations on behalf of Wain Homes (South West) Limited

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### Introduction

On behalf of Wain Homes (South West) Limited (Wain Homes), we make the following representations on the East Devon Local Plan 2020 to 2040 - Preferred Options Reg. 18 Consultation (draft LP) in so far as it relates to the above site.

Wain Homes controls Site Budl\_02, which is identified as a Second Choice allocation in the draft LP. Wain Homes considers that:

1. Budleigh Salterton (Budleigh) is a highly sustainable settlement with a strong range of services and facilities that functions more like a Tier 2 settlement than a Tier 3 one.
2. Budleigh suffers from acute housing need, poor housing affordability and an ageing population.
3. Unusually, Budleigh is washed over by the AONB, such that any new development will be in the AONB.
4. Budl\_02 abuts the BUAB on two sides and is sustainable in other respects.
5. The characteristics of Budleigh and its surroundings and the scale and nature of the site and the proposed development indicate clearly that the scheme would not be “major” development in the AONB.
6. Landscape and other effects can be adequately mitigated.
7. The site could deliver about 50 market and affordable homes, public open space (including play space), safe access and off-road pedestrian and cycle connections to the town centre.

These points are considered in more detail below.

### Draft LP

As drafted, Strategic Policy 25 – Development at Local Centres makes a single allocation for 82 new homes and 0.3 ha of employment across sites Budl\_02 and Budl\_03 (Land at Barn Lane) as a second choice allocation.

These are two adjoining sites albeit in different ownerships. It is not clear from the policy what the distribution of development is intended to be across the sites and what happens if say Budl\_03 does not come forward in the time frame envisaged for Budl\_02 by Wain Homes or not at all.

### Housing Land supply

The Council cannot demonstrate a five year supply of deliverable housing land. The shortfall is 328 dwellings equating to a 4.68 year supply (Housing Monitoring Update to 31 March 2022, EDDC August 2022). Accordingly, the policies most relevant to determining planning applications for new homes are out of date.



## **Budleigh Salterton**

### Role and Function

Budleigh Salterton is classified as a Tier 3 settlement or Local Centre. It contains all 11 of the local facilities and services and three of the eight strategic facilities and services categorised by the Council (Source: Role and Function of Settlements – v3 FINAL DRAFT for SPC 05.10.21).

On this basis, officers advise that “Budleigh Salterton is by some way the largest of the Tier 3 settlements with the greatest range of services and facilities of the settlements falling in this category...” despite not having a secondary school. (Source: para 6.6 of the Site Selection for Tier 3 and 4 Settlements – SPC paper for the meeting on 09.09.22). The same paper acknowledges that the town should be considered from a more “...strategic planning perspective as a settlement that should accommodate higher levels of development and new housing.” (para 6.7)

### Ageing Population

Figure 2.1 of the Role and Function of Settlements paper notes that Budleigh’s population is 5,379, of which 2,397 or 50% is aged 65 plus. Budleigh also has an economic activity rate of 57%, one of the lowest of recorded East Devon Settlements against an average of 67% (Figure 3.3). One way to address an ageing population is to develop new homes suited more to younger people and families in terms of design and cost.

### Affordable Housing Delivery

Affordable housing supply is estimated at 3,551 over the plan period across the District. Even though there is forecast to be a modest shortfall against need, it is notable that Table 3 includes Preferred and 2<sup>nd</sup> Best allocations within the supply estimate. Rejecting sites such as Budl\_02 will increase the shortfall in market and especially affordable housing and will hit hardest those settlements such as Budleigh where need is greatest. (Source: East Devon Housing Need, Supply and Requirement Interim Topic Paper, November 2022).

### Housing Affordability

Rightmove quotes that an average house price in Budleigh is £551,208 in November 2022, a 21% increase since 2019.

Based on the calculations at Figure 17: Calculating income needed for home ownership of the East Devon, Exeter, Mid Devon and Teignbridge Local Housing Needs Assessment: Report of Findings for east Devon (September 2022), the total income needed to acquire a house with this average price in Budleigh is as follows:

5% deposit: £149,600

10% deposit: £141,700

Average full-time resident-based earnings in East Devon for 2019 were £29,364 (source: [devon.gov.uk/equality/performance-and-monitoring](https://devon.gov.uk/equality/performance-and-monitoring)).

With two adults earning the average and even with a 10% deposit of £55,120, the average house in Budleigh is patently unaffordable.



## Distribution of Development

In each of the last three years, the West End has delivered more housing than the Rest of East Devon, with (Source: Housing Monitoring Update up to 31 March 2022 - EDDC, August 2022). Between April 2021 and March 2022, 54% of all completed homes were in the West End compared to 46% in the Rest of East Devon. This disparity is expected to grow in the future.

This demonstrates that housing delivery is skewed towards the West End at the expense of high order settlements in the Rest of East Devon such as Exmouth, Sidmouth, Seaton, Honiton and Axminster as well as settlements such as Budleigh where further allocations are justified.

Budleigh delivered 15 new homes between 2021 and 2022. All of these were on sites of less than 10 dwellings, meaning that no affordable housing would have been delivered.

The distribution of development in the draft LP should reflect better the settlement hierarchy. It should also take into account the *de facto* role and function of settlements and other particular local circumstances such as demographics and socio-economic.

For Budleigh, this means that enough land needs to be allocated over the next plan period in order to meet housing market and affordable housing needs and to address the particular challenges facing the town. The best option available is to upgrade Budl\_02 to a Preferred Allocation.

## Is Site Budl\_02 Deliverable?

### *Ownership*

The site extends to about 1.6 ha (4 acres) and is controlled by Wain Homes, a developer with regional offices in East Devon. It is committed to bringing the site forward for housing development as quickly as possible.

### *Topography*

The site rises gently from north to south and does not pose any construction challenges.

### *Current Use*

The site is in agricultural use, bordered by hedgerows with some mature trees. No hedgerow removal would be needed to create the main vehicular access off the B3178 road.

### *Landscape*

The site is within the East Devon AONB, although this is acknowledged by officers not to be an absolute constraint to development.

The proposal is considered by us not to be “major development” in the AONB.

The effects on the AONB can be mitigated through design and landscaping.

### *Ecology*

The site can mitigate effects on the Exe Estuary and Devon Pebblebeds SPA's through established S106 methodology, avoiding the need for Habitats Regulations Assessment.

Protected species surveys (bats and badgers) are being undertaken.



## *Heritage*

The effect on Tidwell House (Grade II listed) would be less than substantial and therefore would stand to be considered against the substantial public benefits of releasing the site for development.

## *Access and Connections to Services and Facilities*

Vehicular access off the B3178 can be delivered to required standards.

Pedestrian access to the town centre along safe walking routes can be provided.

The site is within 1,600 metres of at least eight classified services and facilities including a GP practice, community hall, post office, pubs, shops and a primary school with sufficient capacity.

Bus connections are within 750 metres of all parts of the site.

## *Source Water Protection Zone*

The risk of harm to the zone arising from residential development can be mitigated during the construction phase by planning conditions.

The risk of harm during the operational phase is low by virtue of the proposed residential use, albeit the potential for harm can also be mitigated through surface water drainage design.

## *Grade 1 Agricultural Land*

The loss of agricultural land cannot be readily mitigated in this case. However, any harm arising from this would be considered in the context of the remaining provision of best and most versatile land and would weigh in the planning balance against a range of public benefits arising from the scheme

## *Surface Water Drainage*

To be mitigated through SuDS and design.

## **Would Development at Budl\_02 be “Major Development” in the AONB?**

NPPF para 177 footnote 60 assists decision makers with the judgement as to whether housing development on Budl\_02 would be “major”. It states that:

*60 For the purposes of paragraphs 176 and 177, whether a proposal is ‘major development’ is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.*

The following matters are considered to be material to this judgement:

1. As noted elsewhere, Budleigh town is washed over by the AONB, meaning that any new development within or adjoining the town will be within the AONB.
2. Budleigh performs at a more strategic level in terms of its role and function.
3. There is a need for new market and affordable housing development in Budleigh Salterton to address matters including:
  - Poor housing affordability
  - The effects of an elderly and ageing population
  - Acute affordable housing need
  - Meeting market and affordable housing needs locally and in a sustainable location.



4. The population of Budleigh Salterton is some 5,379. Budl\_02 would result in a population increase of about 115 or 2% of the population of the town. This indicates that the proposal would represent a very minor addition to the town.
5. In their assessment of the site, officers consider that the proposed development would accord with the role and function of the town. No reference is made by officers to the scheme being “major development” in the AONB in the various site assessments undertaken in connection with the preparation of the draft LP.
6. The proposed development is not Schedule 2 development under the EIA Regulations.
7. The site adjoins built development on two sides, which are urbanising features.
8. The site is relatively self-contained in landscape terms. While the surrounding landscape, particularly that to the north of the B3178, is sensitive to change, Budl\_02 is much less so.
9. The effects on long and short views and on the wider AONB can be mitigated through layout, design, materials and landscaping.
10. There is no public right of access to the site.
11. The adjoining development at Evans Field, which is on a site that is similar in context and of a similar scale to that proposed, was not considered by the Council to be “major development” in the context of relevant AONB provisions in the NPPF.

The draft LP includes an allocation of about 50 dwellings on Budl\_01. This site is also washed over by the AONB, but this has not prevented the site being identified as a Preferred Allocation.

It is considered therefore that a development proposal involving about 50 homes on the site would not be “major development” for the purposes of NPPF paras 176 and 177.

Even if the Council disagrees with this assessment, it is considered that the provisions of NPPF paragraph 177 can be met:

- Exceptional local circumstances exist and the scheme would be in the public interest
- If new homes are required to meet a need arising in Budleigh, they will have to be located in the AONB; there is no scope to locate them outside the AONB
- As noted above, detrimental effects can be moderated and mitigated.

## **Employment Use**

It is unlikely that the site is suitable for discrete employment development or that this would be viable. However, homes can be designed to be suitable for home working.

## **Summary**

In summary, Wain Homes asks that the following matters are taken into account in considering the amendments sought by Wain Homes to the draft LP:

1. The Council can only demonstrate a supply of deliverable housing sites of 4.68 years. Therefore the policies most relevant to determining planning applications for new homes are out of date.
2. Unusually, Budleigh is washed over by the AONB, meaning that any new development within or adjoining the town will be within the AONB.
3. Budleigh performs at a strategic level in terms of its role and function, more akin to a Tier 2 settlement, meaning that it should accommodate commensurate levels of new development.



4. There is a need for new market and affordable housing development in Budleigh to address a number of matters including:
  - Poor housing affordability
  - The effects of an elderly and ageing population by delivering accommodation that is attractive to younger people and families
  - Acute affordable housing need
  - Meeting market and affordable housing needs locally and in a sustainable location.
5. The site can accommodate approximately 50 new market and affordable homes, with a range of sizes and types.
6. The population of Budleigh is some 5,379. 50 new homes would result in a population increase of some 115 people or 2%, meaning that the proposal would be a very minor addition to the town.
7. The proposed development would accord with the role and function of the town in terms of scale and location.
8. The site is acknowledged by officers to be the best option for meeting future housing needs in Budleigh.
9. The site is relatively self-contained and the effects on long and short views and on the wider AONB can be mitigated through layout, design, materials and landscaping.
10. All other effects can be mitigated, with the exception of the loss of agricultural land.
11. A scheme of about 50 new homes on Budl\_02 is considered not to be “major development” in the context of relevant AONB provisions in the NPPF.
12. The site is available and deliverable now by a motivated, locally based developer.

## **Amendment Sought to the Draft LP – Budl\_02**

Wain Homes seeks the following amendments to the draft LP:

EITHER

1. The allocation for Budl\_02 is de-coupled from Budl\_03 and is subject to its own allocation for approximately 50 new homes with access off B3178.

OR

2. The allocation must clarify the scale and distribution of development envisaged for both sites and the proposed location for vehicular access. For Budl\_02, the following is sought:

- Approximately 50 new homes, with vehicular access off B3178.

AND

3. Budl\_02 is considered not to be suitable for employment use for landscape reasons and allocating land for employment use will impact on housing delivery.

4. Site Budl\_02 is upgraded from a Second Choice site to a Preferred Allocation.

## **Other Matters**

### Chapter 7. Tackling the climate emergency and responding to climate change

Policies 27 and 28 requires that all new residential and commercial development delivers net-zero carbon emissions.

Wain Homes supports the delivery of sustainable, high quality development and also a fabric-first approach to energy efficiency. However, it objects to these mandatory provisions as drafted because the requirement for all development



to be net-zero carbon has not been justified at the local level and the impact on development viability has not been adequately assessed.

Wain Homes suggests that the Council undertakes a detailed assessment of the impact of these policies on development viability and develops evidence to justify it in principle before it promotes this policy.

## Policy 87 – Biodiversity Net Gain

Policy 87 imposes a mandatory requirement for Biodiversity Net Gain (BNG) of at least 20%. Wain Homes supports BNG in all its developments. However, it is concerned that the requirement for at least 20% BNG is not supported by technical evidence of actual or forecast biodiversity decline in the District. Furthermore, no assessment has been undertaken by the Council of the implications for the delivery of development for housing or jobs in terms of land take and viability.

Wain Homes seeks an amendment to Policy 87 to bring it into line with relevant provisions in the Environment Act.

## Policy 83 – Development on High Quality Agricultural Land

Wain Homes objects to the blanket prohibition of development on best and most versatile (BMV) land (Grades 1,2 and 3a). This has not been evidenced. In some cases, the only options to secure sustainable development that supports important planning objectives for a settlement will involve BMV. This prohibition risks the delivery of much needed development that will support important strategic outcomes in the draft Local Plan.

Wain Homes suggests that Policy 83 is redrafted so that it reflects NPPF paragraph 174 b) and footnote 58, which states that “Where *significant* development of agricultural land is demonstrated to be necessary, areas of poorer quality land *should be preferred* to those of higher quality” [noting the flexibility built in - our emphasis in italics]. Unless the site is allocated (which implies that this exercise has already been undertaken), the policy for unallocated sites should require a proportionate justification of the need for the proposed development and evidence that alternative sites on poorer quality land have been considered in order to meet the need.

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