



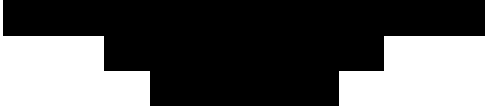
EAST DEVON LOCAL PLAN 2020 TO 2040  
REPRESENTATION ON THE PREFERRED OPTIONS REG.18  
CONSULTATION DRAFT PLAN

On behalf of

Mr D and Ms L Johnson

Dated 12 January 2023

Stags Planning Services

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## 1.0 INTRODUCTION

- 1.1 This Local Plan Representation has been prepared on behalf of Mr D and Ms L Johnson in support of the allocation of land owned by the Johnson family within the vicinity of Musbury for housing within the emerging East Devon Local Plan.
- 1.2 The Johnson family initially promoted four separate sites to the north and east of Musbury to the Council as being available for development. These sites can be summarised as follows:
- LP\_Musb\_02 - Land south of Maidenhayne Lane
  - LP\_Musb\_03 – Land between the A358 and Doatshayne Lane (split by EDDC in to LP\_Musb\_03a and LP\_Musb\_03b)
  - LP\_Musb\_04 – Land to the rear of Adcroft Rise
  - LP\_Musb\_05 – Land adjacent to Yonder Mount
- 1.3 At present, within the autumn 2022 consultation draft of the East Devon Local Plan, the western part of LP\_Musb\_03 (LP\_Musb\_03a) has been outlined as a ‘second choice’ for housing development. The other sites have been rejected.
- 1.4 This representation outlines the key benefits and opportunities associated with these sites and further sets out why they should be progressed as allocations within the emerging East Devon Local Plan.

## 2.0 MUSBURY AND THE SITES

2.1 Musbury is a village with a population of approximately 500. It has a good range of local services and facilities including the following:

- Primary School
- Pre – school
- 2 x bus stops with hourly daytime service connecting to Seaton, Colyton and Axminster
- Place of Worship
- Village Hall
- Village Pub
- Playing Field
- Allotments
- Spar Shop, open 7 days
- Post Office, open 7 days
- Petrol station and garage repairs/Mot
- Car and Van hire

2.2 There is no railway line (with the nearest station 2.5 miles away at Axminster) and road access is via the A358. The historic core of the village has several listed buildings and is a conservation area. The whole village is in the East Devon AONB.

2.3 At present the emerging East Devon identifies Musbury as a Tier 4 settlement. These are outlined as being village centres with a limited range of individual shops and services.

*LP\_Musb\_02 - Land south of Maidenhayne Lane*

2.4 This land was initially submitted to the Council for consideration, but then subsequently withdrawn from the process. The land is not currently available for development and should not be considered further by the Council.

*LP\_Musb\_03 – Land between the A358 and Doatshayne Lane*

2.5 The land between the A358 and Doatshayne Lane is located directly north of the Musbury allotments and playground. In terms of topography, the site gently slopes upwards to the east with long distance views to the west towards Whitford and beyond. The site has the benefit of an existing access on to Doatshayne Lane, which could easily be improved. There is also scope for a new access directly on to the A358. An existing pavement runs alongside the A358 providing sustainable access from the site to the bus stop and village services. A public footpath crosses the land east/west. The agricultural land classification is grade 3b.

*LP\_Musb\_04 – Land to the rear of Adcroft Rise*

- 2.6 The land to the rear of Adcroft Rise is located to the east of the village and south of Mounthill Lane. The site slopes to the east and has views over the village. In terms of landscape / AONB impacts, this site would be viewed within the context of the existing village within long distance views. It is a large site with significant space available for landscape planting, meaning that any residual visual impacts could easily be mitigated. The site has the benefit of two potential accesses, either through Adcroft Rise or Mounthill Lane. The southern part of the site lies adjacent to the Grade I Listed Church of St Michael, though this is already largely screened by a small strip of woodland. A public footpath crosses the land east/west.

*LP\_Musb\_05 – Land adjacent to Yonder Mount*

- 2.7 The land adjacent to Yonder Mount was discounted by the Council as an allocation as it 'already had planning permission'. The planning permission referred to is 17/0893/MOUT - Outline application for up to 15 no. dwellings including 10 affordable (all matters reserved except for access). This permission was issued in July 2018 and has since expired. A subsequent application (21/1656/MOUT) for substantially the same development was then refused in July 2022. As such the Council has incorrectly discounted this site from consideration for allocation within the emerging East Devon Local Plan.
- 2.8 The site relates to a broadly rectangular area of land in the south west corner of a field which lies to the immediate north of the edge of the village of Musbury. The site area extends to approximately 0.88 ha. The field slopes down towards the west and the site is bounded by hedgerows on its northwestern and southwestern sides. The land is currently in agricultural use and is accessed through a gateway at its southwestern corner adjoining a junction of Higher Doatshayne Lane, Doatshayne Lane, Doatshayne Close and Yonder Mount. Residential access to the site has previously been agreed through Yonder Mount. To the west of the site lies Doatshayne Lane with a recreation ground and allotment gardens beyond. To the south lies Yonder Mount, a residential close containing both single and two storey dwellings. To the east and north lie agricultural fields. The site lies outside of but adjoining the defined Built-Up Area boundary of Musbury. A strip of land along the southwestern side of the site lies within Flood Zone 3, and an open ditch runs along the southern boundary.

### 3.0 SETTLEMENT STRATEGY

- 3.1 The current East Devon Local Plan proposed 17,100 dwellings over the plan period of 2013-2031 (equating to 950 dwellings per annum). Since the East Devon Local Plan was adopted, the standard method has been implemented in national policy which results in a local housing need of 18,920 dwellings over a 20-year period (946 dwellings per annum) in the East Devon area.
- 3.2 Policy 3 of the draft Local Plan states in strand 1 that 'at least' 18,920 dwellings will be delivered, with provision made for a headroom of approximately 10% to provide housing supply flexibility, which equates to provision of 20,800 dwellings. We agree with this approach in principle which complies with the NPPF and is a positive and pragmatic response to housing delivery. However, Policy 2 – Housing Distribution sets out clearly within the accompanying table to the policy that 18,167 dwellings (908 dwellings) will be delivered over the new plan period – with additional windfalls totalling 2,335 dwellings (117 per annum), giving a total of 20,502 dwellings. Therefore, whilst this exceeds the standard method requirement, it does not meet the 10% headroom to ensure flexibility, choice and competition in the market required by the NPPF and falls short of the Policy 3 figure by 465 dwellings. Based on the evidence in the supporting interim paper on housing need, this suggests that all 2nd choice sites listed in Policy 2 of the Draft Local Plan need to be allocated as well as including an allowance for windfalls. Given that this does not meet the headroom figure of 10%, we suggest that additional land is required to ensure that choice and flexibility in the supply of housing can be made in East Devon.
- 3.3 The current strategy for the delivery of housing in the emerging East Devon Local Plan is for a large proportion of the required housing numbers to be located at the western end of the district, in particular around Cranbrook and through the provision of a new settlement. Beyond this, some 5,500 houses are envisaged as being delivered at the principle and main centres.
- 3.4 An over reliance on the provision of a new town and major settlement expansion for the delivery of a large proportion of the Districts required housing is not without its risks. Indeed, East Devon District Council are currently unable to demonstrate a 5-year housing land supply largely on the basis of the behind schedule delivery of new housing at Cranbrook.
- 3.5 In this sense, a larger number of smaller allocations, spread more evenly across the district, would represent a more resilient and robust approach to ensure the required housing numbers, as the slow delivery or failure to deliver a single allocation will have a lesser impact on the overall level of housing delivery across the district.
- 3.6 Musbury is a relatively small village, but has a reasonably wide range of services and facilities, which serve not just Musbury, but also the surrounding villages of Whitford, Shute, Combyne, Rousdon, Axmouth. The strategic policy relating to housing distribution envisages

41 dwellings being delivered at Musbury across the plan period, this includes 16 that are already committed, 15 through LP\_Musb\_01a and 10 through the second choice of LP\_Musb\_03 (LP\_Musb\_03a). These figures are incorrect as 15 of the 16 dwellings outlined as being already committed arising from the now lapsed planning permission reference 17/0893/MOUT. It should be noted that no development is envisaged at the surrounding villages identified above.

- 3.7 Again, the Draft Local Plan makes clear that 20,800 dwellings are required in East Devon across the plan period. The Council are forecasting that there is currently potential to deliver approximately 20,441 dwellings. This includes the potential sites being considered in policies 8, 17, and 19 to 26 of the Draft Local Plan. Returning to Musbury, this includes 15 'committed dwellings' that no longer have the benefit of a 'live' consent at LP\_Musb\_05 and also, the 10 dwellings that are identified as a 'second choice' site at LP\_Musb\_03a. As such, it is clear that to just to meet the existing strategy of the plan, LP\_Musb\_03a and LP\_Musb\_05 would both need to be allocated.
- 3.8 Further to this. And perhaps also more broadly, the Draft Local Plan states that tier 4 villages, such as Musbury, will allow limited development to meet local needs and is primarily geared towards meeting more local needs and seeking to make these settlements more self-sustaining. Given the negligible amount of housing that has been delivered within the village over the past 40 years and the fact that no development whatsoever is envisaged within the surrounding settlements, 41 dwellings to be delivered across the planning period (including 15 from a now lapsed planning permission) is a very small amount and unlikely to meet local needs and sustain local services and facilities. Furthermore, given the failure of the existing allocations contained within the draft local plan to meet the housing needs targets for the District, it is considered that Musbury is suitable for the allocation of a greater quantum of development.

#### 4.0 HOUSING DEVELOPMENT AT MUSBURY

- 4.1 The Local Plan envisages 10 dwellings being delivered at Baxters Farm (LP\_Musb\_01a). This site is owned by Devon County Council and there is significant uncertainty regarding the potential timescales for the delivery of any development here. Furthermore, the site is brownfield land (adjacent to the Conservation Area) and the EDDC development brief sets out a number of requirements, all of which will impact on development viability and deliverability. It is noted that part of the reasoning contained within the Sustainability Appraisal for allocating this site as a 'preferred site' for Musbury, was that it was capable of delivering employment development. It is however noted that no employment development has been carried through in to the allocation proposed within the local plan, and of course any employment development that does take place will reduce the number of dwellings delivered here.

##### *LP\_Musb\_03 – Land between the A358 and Doatshayne Lane*

- 4.2 At present, the lower half of LP\_Musb\_03 – Land between the A358 and Doatshayne Lane is allocated as a 'second choice' site for the delivery of 10 dwellings. Given that the Council appear to be counting second choice sites towards their housing delivery targets, our view is that this site should simply be allocated for residential development.
- 4.3 We also consider that a preferable approach would be for the allocation of the whole of LP\_Musb\_03. This would allow for a holistic approach to be taken to the development, making the most of the opportunities that this site has to offer, including; two access points, direct access to the park and allotments; improvement of the existing footway fronting the site (which provides access to the bus stop and village services) and maximising the land available for landscape and ecological mitigation. Two plans are included as Appendix I and II which further illustrate the possible benefits of allocating this site as a whole. This would also have the added benefit of delivering a greater number of houses (the plan shown at Appendix II illustrates 15), contributing to the Council meeting its targets for housing delivery.

##### *LP\_Musb\_04 – Land to the rear of Adcroft Rise*

- 4.4 LP\_Musb\_04 – Land to the rear of Adcroft Rise has been discounted on landscape grounds. Whilst this may be reasonable to say in respect of the higher easternmost part of the site, it is felt that subject to effective landscape, the lower parts of the site could be developed with a negligible impact on landscape.
- 4.5 In comparison to other potential sites within the Musbury area, this will direct development more closely to the core of the village. There is existing separation between the Church of St Michael and the site and adequate space to introduce further planting as a visual screen if necessary.



*LP\_Musb\_05 – Land adjacent to Yonder Mount*

- 4.6 This site has been incorrectly discounted from consideration for a Local Plan allocation. The previously planning permission lapsed some 18 months ago, yet the 15 houses that would have been delivered under this consent are still being counted in the committed housing numbers that would help to meet the Council's housing delivery targets.
- 4.7 The principle of residential development of this site has already been found to be acceptable, with an access agreed from Yonder Mount. There is sufficient space within the site for landscaping and requirements were met with appropriate native planting and 2 new Devon hedges to be planted on the north and east boundaries to mitigate AONB sensitivity. Ecological surveys have already been undertaken and the impacts found to be acceptable and the site is a short walk of approximately 250 metres to a bus stop. The site is opposite the allotments and Musbury Community Playing Fields.
- 4.8 With the above in mind, it is our considered opinion that LP\_Musb\_05 – Land adjacent to Yonder Mount would make an obvious candidate for allocation for the delivery of 15 dwellings.

## 5.0 CONCLUSION

- 5.1 As set out above, it is considered that an error has been made by the Council in discounting LP\_Musb\_05 – Land adjacent to Yonder Mount from allocation in the emerging Local Plan. Given that EDDC is relying on this site as committed housing and that the principle of residential development of the site has already once been accepted, this site would seem an obvious candidate for allocation moving forwards.
- 5.2 We agree with the allocation of LP\_Musb\_03 – Land between the A358 and Doatshayne Lane. Though it is our considered opinion that this site should be treated as a whole for the delivery of 15 dwellings. In addition to aiding the Council in meeting its housing targets across the plan period, this will also provide far better planning outcomes as set out above.
- 5.3 The lower portion of LP\_Musb\_04 – Land to the rear of Adcroft Rise should be reconsidered as this area does not have the landscape impact that is suggested in the Sustainability Appraisal report.
- 5.4 It is therefore concluded that LP\_Musb\_03, LP\_Musb\_04 and LP\_Musb\_05 should all be allocated in the emerging East Devon Local Plan for residential development.

Appendix I – LP\_Musb\_03 CONSTRAINTS AND OPPORTUNITIES PLAN



Appendix II – LP\_Musb\_03 HOUSING LAYOUT PLAN

