

13<sup>th</sup> January 2023  
DT/23285



Planning Policy  
East Devon District Council  
Border Road  
Heathpark Industrial Estate  
EX14 1EJ

Dan Trundle MPlan MRTPI  
E: [REDACTED]  
T: 07423 754569

72 Paris Street  
Exeter  
EX1 2JY

**BlackBoxPlanning.co.uk**

Dear Sir / Madam

**RE: East Devon Draft Local Plan 2020-2040 – Regulation 18 Consultation**

These representations are prepared by Black Box Planning on behalf of Heritage Homes in respect of the Regulation 18 Consultation of the East Devon Draft Local Plan 2020-2040.

**Introduction and Background**

Heritage Homes are a well-established, Devon-based, SME housebuilder with a proven track record for delivering high quality small-medium residential development schemes. They have developed a reputation for well-designed, characterful schemes which make use of the latest zero- and low-carbon technology to reduce carbon footprint.

Heritage hold interest in Land at Globe Hill, Woodbury (to the rear of Orchard House). The site is considered to be suitable, available and achievable for residential development of approximately 35 no. dwellings, public open space, a new parish office and associated public car park, localised highway widening of Globe Hill (B3179) to improve bend visibility and footway widening between the site and the village centre from 1m width to 2.5m width.

The site was subject to a dismissed appeal in 2015/16 (APP/U1105/W/15/3031347). At the time, the site was contrary to the development plan and the Council was able to demonstrate a sufficient land supply, so the principle of development was deemed unacceptable. Alongside this, the only technical matter with the appeal related to the loss of a view which was considered to contribute towards the character of the village and local landscape. However, this matter can be robustly addressed by good masterplanning to ensure development does not result in loss of the view, but rather maintains and enhances it as the spine to inform the development layout. As such, the site should be reconsidered for accommodating development growth at Woodbury. Furthermore, it is considered less sensitive in broader landscape impact and visual terms than the candidate allocation sites identified in the Draft Local Plan. Reference to the Draft Local Plan evidence base suggests that the Globe Hill site has been dismissed on the basis of the appeal history, but to do so misinterprets the appeal inspector's decision, in so far as that specific appeal scheme did not respond appropriately to the site context, and such matters can be addressed with a fresh masterplan and layout approach.

Heritage have been in recent discussions with Woodbury Parish Council regarding this site and local community support has been signalled regarding a preference for this site to come forward for housing and to secure the planning benefits that it delivers.

The site is assessed in the Housing and Economic Land Availability Assessment (HELAA) as site references Wood\_06 and Wood\_08. In the HELAA, Wood\_06 is the entire site and Wood\_08 is a reduced eastern section of the site. For both entries, the HELAA confirms that the site is available, suitable and probably achievable. The site is able to be delivered for residential development within the next 5 years.

### **National Policy**

There are some important strands to national policy that are important to emphasise in the context of this representation.

NPPF Paragraph 8 is clear that achieving sustainable development has three overarching objectives, one of which is a social objective which means to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations.

The presumption in favour of sustainable development is set at Paragraph 11 and for plan-making this means that:

- (a) All plans should promote a sustainable pattern of development that seeks to meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change and adapt to its effects;
- (b) Strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met in neighbouring areas

NPPF Paragraph 16 states that plans should:

- (a) Be prepared with the objective of contributing to the achievement of sustainable development;
- (b) Be prepared positively, in a way that is aspirational but deliverable;
- (c) Be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees;
- (d) Contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;
- (e) Be accessible through the use of digital tools to assist public involvement and policy presentation; and
- (f) Serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area.

NPPF Paragraph 28 confirms that non-strategic policies should be used by local planning authorities and communities to set out more detailed policies for specific areas, neighbourhoods or types of development. This can include allocating sites, the provision of infrastructure and community facilities

at a local level, establishing design principles, conserving and enhancing the natural and historic environment and setting out other development management policies.

NPPF Paragraph 31 states that the preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned, and take into account relevant market signals.

NPPF Paragraph 35 sets out the ‘tests of soundness’ for the examination of local plans. Plans are ‘sound’ if they are:

- (a) Positively prepared – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs; and is 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 achieving sustainable development;
- (b) Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- (c) Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- (d) Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in the NPPF and other statements of national policy, where relevant.

NPPF Paragraph 69 suggests that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built out relatively quickly.

NPPF Paragraph 78 suggests that in rural areas, planning policies should be responsive to local circumstances and support housing developments that reflect local needs.

NPPF Paragraph 79 suggests 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.

In the written ministerial statement dated 6<sup>th</sup> December 2022 in advance of consultation on revisions to NPPF, the Secretary of State made it clear that the planning system should enable a degree of community control and local decision making, ensuring the planning of homes is done democratically, ‘with local communities rather than to them’. In that context, the Local Plan should consider the representations from Woodbury Parish Council as a key consideration to identify allocation sites.

### **The Spatial Strategy of the Plan**

The spatial strategy of the East Devon Draft Local Plan is to direct new development towards the most sustainable locations, consistent with the spatial strategy to:

- Focus new development on the western side of the district, including a new town and other major strategic developments close to Exeter;
- Promote significant development at the Principal Centre of Exmouth and the Main Centres of Axminster, Honiton, Ottery St Mary, Seaton and Sidmouth to serve their own needs and that of the wider surrounding areas;

- Support development at the Local Centres of Broadclyst, Budleigh Salterton, Colyton, Lypstone and Woodbury that meets local needs and those in the immediate surroundings;
- Allow limited development to meet local needs at the Service Villages.

The proposed spatial strategy is broadly supported. There is however a large degree of risk associated with over-reliance on large scale strategic sites and a new settlement in terms of the deliverability trajectory for the plan. There are numerous examples of local plans which, in hindsight, place too much expectation on delivery of strategic sites, from an early part of the plan period, thus resulting in the plan not being capable of enduring the plan period and guiding development management decisions.

The strategy aims to support proportionate development at the Local Centres, one of which is Woodbury. However, it is suggested that this development must meet local needs. Settlements like Woodbury can play an important role in delivering substantive, yet sustainable housing growth for not only the community in question but also for East Devon District. As is referenced by NPPF Paragraph 69, smaller and medium sized sites unburdened by strategic infrastructure can often deliver far more readily than larger strategic sites which are often prove years in the making before delivery takes place.

It is acknowledged in Paragraph 3.3 that national policy (NPPF Paragraph 78 and 79) suggests that housing should be located where it will enhance or maintain the vitality of rural communities and identify opportunities for villages to grow and thrive, especially where this will support local services. However, this does not appear to have followed through to the site assessment and selection process for Woodbury.

It is considered that the spatial strategy has a large reliance on larger strategic sites. 9,981 new homes or approximately 54% of the 18,167 new homes planned to be delivered over the plan period 2020-2040 are allocated to strategic locations in the 'Western End' including the Cranbrook expansion, the second new town, north of Topsham and north of Blackhorse. In terms of allocations proposed by this plan, this rises to 61%, or 7,250 of the 11,811 proposed. This is a significant reliance on strategic development and one which risks stalling delivery and presenting land supply issues down the line if infrastructure delivery issues arise.

It is considered that substantive, but proportionate growth can be achieved by enabling residential development on smaller sites across the settlement hierarchy at locations supported by local communities. The 5 no. local centres Broadclyst, Budleigh Salterton, Colyton, Lypstone and Woodbury are considered by 'The Role and Function of Settlements' report to perform an important local role, with reasonable levels of population and jobs. Indeed, Paragraph 6.17 of the 'Site Selection Report – Findings for Tier Three and Four Settlements' sets out that there are a good range of community facilities in Woodbury, with several shops, a GP, and a primary school along with an hourly bus service to Exeter in one direction and Exmouth in the other. These make Woodbury one of the 10% least deprived areas in terms of access to services, and mean that it plays an important local role for the settlement and the surrounding area.

Yet, this level of the settlement hierarchy is allocated approximately only 5% of the total housing growth for East Devon (976 out of 18,167 new homes). In accordance with NPPF Paragraph 79, these settlements are entirely appropriate and sustainable locations to locate proportionate levels of housing to help villages grow and thrive and in order to help support local services.

In consideration of the above, the local plan as drafted risks being found unsound without modification to increase the proportion of growth towards small-medium sites across the settlement hierarchy.

### **Strategy for Development at Principal Centres, Main Centres and Service Villages**

#### ***Wood\_06 and Wood\_08 – Land at Globe Hill, Woodbury***

In relation to Wood\_06, the HELAA confirms that for housing, the site will not have an unacceptable impact on heritage, landscape, flooding, biodiversity. It also confirms that the site is an acceptable distance from a reasonable range of services and facilities. It confirms that a small portion of the site frontage lies within the Woodbury Conservation Area but there are large trees that help screen the site from this heritage asset. It is confirmed that there is no impact on the AONB due to distance. The HELAA concludes that the site is probably achievable subject to assessment of impact on the A376 and A3052 corridor.

The site selection report acknowledges that the site is close to facilities in the settlement centre (100m walk – 1 minute from site access) and also the primary school (600m walk – 8 minute walk).

The report acknowledges that the site adjoins existing detached dwellings on relatively large plots on the south and east. However, there is no mention of the car breakers yard to the south which lies adjacent to part of the southern the site boundary and this forms part of the site context.

The site is confirmed as having limited ecological impact. However, it is suggested that the negative impacts are adverse landscape and heritage impact, plus the loss of best and most versatile agricultural land (Grade 2).

It is questioned why this particular site was assessed for agricultural land classification (despite there being no site-specific evidence to support) and the other proposed allocations are not assessed in the same way. This approach is inconsistent. For instance, Wood\_10 and Wood\_16 are noted as an agricultural field but no classification is given. With reference to the Natural England 1:250,000 Series Agricultural Land Classification South West Region Map, most of the land around Woodbury appears to be Grade 3, with some land to the north and north-west highlighted as Grade 2. However, the site would fall into Grade 3 (along with Wood\_10 and Wood\_16), therefore no distinction can be made and certainly cannot constitute a reason to not allocate the site in favour of the others.

#### ***Wood\_10***

The deliverability of Wood\_10 appears to be reliant on pedestrian access being obtained through adjoining development to the north and across floodplain. The ability of the site to deliver its own footpath provision along the adjacent road is strongly questioned given the narrow highway width and tall hedge banks and proximity of the national speed limit. Further down the road a narrow bridge would require pedestrians from the site walking to the village centre to walk in the road.

It is also noted that Grade II listed Gilbrook House lies adjacent to the northern boundary and the HELAA notes that it overlooks the site and concludes that there is a likely impact on the setting as a result of development. Whilst mentioned in the site selection report, the potential impact is overlooked.

The draft allocation of Wood\_10 also appears to lack any proper landscape consideration from elevated views back towards Woodbury and the conservation area.

### ***Wood\_16***

Residential development of Wood\_16 would represent a significant change to the landscape and rural character and setting of Woodbury – the site has approximately 310m of frontage with the B3179 and of that approximately 120m of that is within the Conservation Area. The HELAA recognises that the proximity of the Conservation Area and listed buildings means there will be impact on their setting, however the site selection report appears to subsequently downplay this and suggests there will only be potential for impact.

Long distance views are available from the settlement through the site, as far afield as the other side of the Exe Estuary. Significantly, the site also includes a public right of way (PROW) which starts from the B3179 and provides connection to Couches Lane and currently has a rural outlook which would be removed because of development. Given the circumstances, it is very difficult to understand how the site selection report can possibly conclude that the site has relatively low landscape sensitivity in consideration of the wide rural frontage role that the site plays in the settlement and the relative size of the site in consideration of proximity to the AONB.

Furthermore, Wood\_16 is noted as comprising Grade 2 agricultural land in the HELAA, but this is not noted within the summary of sites in the site selection report, despite it being referenced in the assessment for Wood\_06 and Wood\_08. In the detailed appendix, the assessment of the site has changed to Grade 3. If a correct assessment, by this logic, the allocation of the larger Wood\_16 (3.28 hectares) over the smaller Wood\_08 (0.66 ha) is a far greater impact on and loss of best and most versatile agricultural land.

### ***Wood\_20***

Wood\_20 is noted as being the most well-contained of the proposed allocations with established site boundaries. However, the site selection report rightly identifies that Town Lane (from which vehicular access would be taken) is very narrow and has no centre-line and no existing footpath provision.

Walking distances to the village centre are 750m or 9 minutes (short section on Town Lane without footpath) and to the primary school are 550m or 6 minutes (however this would be along Town Lane with no footpath provision).

The HELAA recognises that the AONB is approximately 418m to the east and has potential for long distance views from the AONB into the site. However, this assessment does not carry through into the site selection report as there is no mention of proximity of the AONB or potential for long distance views.

### ***Wood\_23***

It is noted that Wood\_23 is a second-choice site. It is worth highlighting that its location is some distance from the village centre and faces away from the settlement and into a rural context (the national speed limit signs are adjacent). In landscape terms it is located on the eastern AONB side of the settlement and only approximately 350m to the AONB itself. The site selection report suggests

that the site appears as very much a rural landscape and indeed the HELAA recognises that long distance views of the site are likely from the AONB due to lack of screening on the eastern side of the site.

The walking distance to the village centre is 800m or 9 min away and the school is 850m or 10 min walk (with no footpath provision along Town Lane and the B3179). It is also important to note that it will prove very difficult to deliver a footpath along the B3179 to connect into existing network due to narrow highway width and mature trees in the verge. Any footpath link through adjacent development to the west will rely on those connections to be deliverable but also will result in removal of mature hedgerow.

### **Conclusion**

Following a review of the available evidence base including the HELAA, the site selection reports, it is readily apparent that the site assessment process and subsequent conclusions are deeply flawed for Woodbury. There is a general inconsistency to the approach and matters which are raised in the HELAA and have not been adequately addressed in the subsequent site selection report.

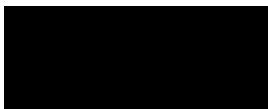
Similarly, there are matters which are held up against some sites, which are not consistently applied to other proposed allocation sites. For example, landscape and heritage sensitivity and agricultural land classification being a reason to not allocate a site.

We respectfully request that the site assessment process be reviewed and a consistent approach be applied. We would recommend that Wood\_06 in its entirety is appropriate for allocation for residential development and can deliver a range of planning benefits which are supported by the local community and Parish Council. The site is able to be delivered for residential development within the next 5 years. Strategic Policy 25 should be revisited accordingly.

Strategic Policy 2 concerning the local plan spatial strategy should also be revisited to ensure a greater proportion of growth is allocated towards smaller/medium development sites spread across the settlement hierarchy. This will ensure a stable delivery trajectory across the plan period, therefore ensuring a plan-led development management system is capable of enduring the plan period.

Please do not hesitate to contact me should you have any queries regarding the above submissions or require further details regarding the Globe Hill, Woodbury site.

Yours sincerely



**Dan Trundle MRTPI**  
Associate