

## EAST DEVON LOCAL PLAN (2020 – 2042) SECOND REGULATION 19 PUBLICATION DRAFT

### REPRESENTATIONS ON BEHALF OF 3WEST DEVELOPMENTS LTD IN RELATION TO LAND AT HIGHER VENMORE FARM, WOODBURY, EXETER (WOOD\_12)

January 2026

#### 1. INTRODUCTION

- 1.1 These representations to the Second Regulation 19 East Devon Local Plan Consultation are submitted on behalf of 3West Developments Ltd (hereafter referred to as 3W). 3W is an independent SME housebuilder based in Exeter with a successful track record of site promotion and delivery of high-housing developments.
- 1.2 3W controls land to the east of Higher Venmore Farm, Woodbury EX5 1LD, a c. 8 ha site located directly adjacent to the south of housing allocation Wood\_10 as proposed by Policy SD11 of the Regulation 19 Local Plan. Whilst considered to comprise suitable and available housing land by the East Devon Housing and Employment Land Availability Assessment (HELAA November 2022), the land at Higher Venmore Farm (Wood\_12) was discounted as a potential housing allocation by the Site Selection Report considered by the Council's Strategic Planning Committee on 3<sup>rd</sup> September 2024. The updated Site Selection Report (February 2025) similarly discounts Wood\_12 as a housing allocation as part of the emerging East Devon Local Plan. Further detail in relation to Wood\_12 is provided in Section 5.
- 1.3 Outline planning permission has since been granted on Wood\_10 (ref. 23/2166/MOUT). Furthermore, 3W has now submitted an application for the approval of reserved matters (ref. 26/0016/MRES) pursuant to the outline planning permission. Crucially the layout proposed on Wood\_10 includes footpath links along its southern boundary, thereby allowing safe pedestrian connectivity from Wood\_12 into the village centre (and overcoming concerns expressed by the Highway Authority in this regard as part of the local plan site selection process referred to above).
- 1.4 3W continues to advocate that Wood\_12 is a suitable and sustainable location to accommodate additional residential development required to meet the housing needs of East Devon in full when assessed against the standard method required by the current National Planning Policy Framework (December 2024) (NPPF).
- 1.5 Having regard to the favourable evidence within the Council's Role and Function of Settlements Report (KSD-011), 3W supports the spatial strategy proposed by Strategic Policy SP01 to identify Woodbury as a Local Centre with an important role to accommodate new development that will meet local needs and sustain local community infrastructure. However, 3W raises objections to the strategic housing supply policies within the Second Regulation 19 East Devon Local Plan, as set out below:
  - In order for the emerging local plan to be '*positively prepared*', and therefore found '*sound*' having regard to the tests at paragraph 36 of the NPPF (December 2024), there is a need to plan for a higher housing requirement in order to more closely meet objectively assessed housing needs as defined by the standard methodology; rather than to rely upon the transitional arrangements at Appendix 1 paragraph 234 of the NPPF as is proposed by Strategic Policy SP02.

- The use of a stepped housing trajectory as proposed by Strategic Policy SP02 will further reduce housing delivery within the first 12 years of the plan period to levels that are significantly below objectively assessed housing needs.
- Having regard to the shortcomings of Strategic Policy SP02, there is a need to review and increase the number of housing allocations and designated neighbourhood area housing requirements set out at Strategic Policy SP03 to apportion a higher level of housing growth to suitable and sustainable settlements (including Woodbury).

1.6 3W also raises concerns regarding the higher levels of housing to be built to Building Regulation M4(3) standards as proposed by Policy HN04 and the self-build provisions at Policy HN05.

1.7 The objections referred to are expanded on in greater detail at Sections 3, 4, 6 and 7. The development opportunity at Wood\_12 is set out in Section 5.

## 2. THE NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

2.1 Annex 1 (para. 234) of the NPPF (December 2024) confirms that for the purposes of plan-making, from 12<sup>th</sup> March 2025, the current version of the NPPF will be used, unless one or more of the following apply:

- a) the plan has reached Regulation 19 (pre-submission stage) on or before 12<sup>th</sup> March 2025 and its draft housing requirement meets at least 80% of local housing need;
- b) the plan has been submitted for examination under Regulation 22 on or before 12<sup>th</sup> March 2025;
- c) the plan includes policies to deliver the level of housing and other development set out in a preceding local plan adopted since 12<sup>th</sup> March 2020;
- d) the local plan is for an area where there is an operative Spatial Development Strategy and the local plan has reached Regulation 19 stage on or before 12<sup>th</sup> March 2025; or
- e) the plan only deals with minerals and/or waste matters and has reached Regulation 19 stage, on or before 12<sup>th</sup> March 2025, or it has been submitted for examination under Regulation 22 on or before 12<sup>th</sup> March 2025.

2.2 As referred to by paragraph 3.11 of the Second Regulation 19 Plan, the Council considers that by employing a housing requirement that is above 80% of the objectively assessed need for housing derived from the latest standard method calculation, they benefit from the transitional arrangements provided within Annex 1 of the NPPF (December 2024). Consequently, the Council expects that the emerging Local Plan will be examined against the 2023 version of the NPPF, and not the current version.

2.3 For the reasons set out in their response to Policy SP02 below, 3W considers that the transitional arrangements should not apply and that the plan should be considered against the current version of the NPPF (December 2024), the relevant policies of which are summarised below.

2.4 Para. 11 states that plans and decisions should apply a presumption in favour of sustainable development. For plan-making para. 11 b) states that 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 within neighbouring areas, unless:

- i) the application of policies in the NPPF that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or
- ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

2.5 Para. 15 confirms that the planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area, a framework for meeting housing needs and

addressing other economic, social and environmental priorities and be a platform for local people to shape their surroundings.

- 2.6 Para. 16 states that plans should: a) be prepared with the objective of contributing to sustainable development; b) be positively prepared, but deliverable; c) shaped by effective engagement; d) contain policies that are clearly written and unambiguous; e) be accessible through the use of digital tools; and f) serve a clear purpose, avoiding unnecessary duplication.
- 2.7 Para. 17 states that development plans must include strategic policies to address an area's priorities for development and the use of land. Para. 20 states that strategic policies should set out an overall strategy for the pattern, scale and design quality of places and make sufficient provision for, inter-alia, a) homes (including affordable housing), employment, retail, leisure and other commercial development; b) infrastructure; c) community facilities and d) conservation and enhancement of the natural, built and historic environment and measures to address climate change mitigation and adaptation.
- 2.8 Para. 22 states that strategic policies should look ahead over a minimum 15-year period from adoption to anticipate and respond to long-term requirements and opportunities. Where large scale developments such as new towns form part of the strategy for the area, policies should be set within a vision that looks further ahead (at least 30 years), to take account of the likely timeframe for delivery.
- 2.9 Para. 23 states that strategic policies should provide a clear strategy for bringing land forward, and at a sufficient rate, to address objectively assessed needs over the plan period, in line with the presumption in favour of sustainable development. This should include planning and allocating sufficient sites to deliver the strategic priorities of the area.
- 2.10 Para. 36 states that local plans will be examined to assess whether they have been prepared in accordance with legal and procedural requirements and whether they are sound. 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 a neighbouring area is accommodated where it is practical to do so and is consistent with achieving sustainable development;
  - b) **justified** – an appropriate strategy, taking into account 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 planning policy** – enabling the delivery of sustainable development in accordance with the policies in the NPPF and other statements of national planning policy, where relevant.
- 2.11 Para. 61 confirms that in order to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed and that the needs of groups with specific housing requirements are addressed. The overall aim should be to meet an area's identified housing need, including with an appropriate mix of housing types for the local community.
- 2.12 Para. 62 states that to determine the minimum number of homes needed, strategic policies should be informed by a local housing needs assessment, conducted using the standard method.
- 2.13 Para. 69 states that strategic policy making authorities should establish a housing requirement for their whole area which shows the extent to which their identified housing need (and any needs that cannot be met within neighbouring areas) can be met over the plan period. This requirement may be higher than the identified housing need if, for example, it includes provision for neighbouring areas, or reflects growth ambitions linked to economic development or infrastructure investment. Within this overall

requirement, strategic policies should also set out a housing requirement for designated neighbourhood areas which reflects the overall strategy of the pattern and scale of development and any relevant allocations.

- 2.14 Para. 72 states that strategic policy-making authorities should have a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment. From this, planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability. Planning policies should identify a supply of:
- a) specific, deliverable sites for five years following the intended date of adoption; and
  - b) specific, developable sites or broad locations for growth for the subsequent years 6 to 10 and, where possible, for years 11-15 of the remaining plan period.
- 2.15 Para. 73 states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, are essential for Small and Medium Enterprise housebuilders to deliver new homes, and are often built out relatively quickly.
- 2.16 Para 78 states that strategic policies should include a trajectory illustrating the expected rate of housing delivery over the plan period.

### 3. STRATEGIC POLICY SP02: LEVELS OF FUTURE HOUSING DEVELOPMENT

- 3.1 Policy SP02 states:

#### STRATEGIC POLICY SP02: LEVELS OF FUTURE HOUSING DEVELOPMENT

*The Local Planning Authority will plan, monitor and manage the delivery of housing development in accordance with the spatial strategy and the site allocations set out in this plan, and other adopted or made Development Plan Documents in the district, including Neighbourhood Plans.*

*Housing provision will be made for at least 20,909 dwellings (net) to be delivered in the plan area between 1 April 2020 to 31 March 2042. The housing requirement will be delivered through a stepped trajectory, with an annual target of 850 homes from 2020/21 to 2031/32, increasing to 1070 homes per year from 2032/33 to 2041/42.*

*This policy applies across the whole plan area including the Cranbrook Plan area but does not supersede any Cranbrook Plan policies.*

- 3.2 3W objects to Policy SP02 for the reasons set out below.

#### Length of the Plan Period

- 3.3 As required by para. 22 of the NPPF, strategic policies should look ahead over a minimum 15-year period from the date of the adoption of the Local Plan. The Planning and Compulsory Purchase Act 2004 (as amended) requires the preparation of a Local Development Scheme, which must specify the development plan documents that, once prepared, will comprise the development plan for the area. The same section of the Act requires local planning authorities to provide a timetable for the preparation and revision of development plan documents and for local planning authorities to provide up-to-date information showing the “*state of the authority’s compliance (or noncompliance) with the timetable...*”
- 3.4 The Council’s latest Local Development Scheme (October 2025) forecasts adoption of the Plan in 2027. No specific month in 2027 is identified. However, if the Plan is forecast to be adopted any later than the 31<sup>st</sup> March 2027, then it will not provide the “minimum 15-year period from adoption” as required by para. 22 of the NPPF.

3.5 3W considers it highly optimistic to consider that the emerging Local Plan will be adopted within 15 months, particularly when considering:

- Processing of the Second Regulation 19 consultation responses.
- Completion of the outstanding elements of the evidence base underpinning the emerging Local Plan, including an assessment of the viability of the Marcombe New Community.
- Appointment of the examining Planning Inspector(s) and the Programme Officer by the Planning Inspectorate.
- Scheduling of the Hearing Sessions.
- Preparation of Hearing Statements.
- Undertaking the Hearing Sessions.
- Preparation of any Modifications (with supporting technical information) and any further consultation as required.
- Publication of the Inspector's Report;
- Adoption of the local plan by the Council.

3.6 To ensure that the Plan is consistent with the NPPF (and therefore 'sound'), the Council must ensure that the plan period covers a full 15-year period from the date of adoption. This is likely to require the plan period to be extended by at least a further year to 2043 and for the identified housing supply to include an additional year's provision.

#### **Use of the Transitional Arrangements for Calculating Housing Supply**

3.7 As required by the NPPF (December 2024), application of the presumption in favour of sustainable development for plan-making at paragraph 11 states that strategic policies within the Plan should, as a minimum, seek to provide for an objectively assessed local housing need using the standard method unless the application of paragraph 11 (b) (i) and (ii) justifies a lesser provision.

3.8 Paragraph 3.11 of the supporting text to Strategic Policy SP02 within the Second Regulation Consultation Plan states that the objectively assessed housing need for East Devon is 1,188 No. dwellings per annum (26,136 No. dwellings over the 22-year plan period from 2020 - 2042). This figure has not changed since the First Regulation Consultation Plan. Based upon updated housing stock and affordability ratios it is understood that the objectively assessed housing need using the standard method is 1,156 No. dwellings (25,432 dwellings over the 22-year plan period).

3.9 However, the Regulation 19 Plan proposes that provision will be made for only 950.4 No. dwellings per annum (20,909 No. dwellings over the 22-year plan period). This results in a shortfall of 4523 No. dwellings over the plan period against the objectively assessed housing needs (or 82.2% based upon the updated need figure referred to at paragraph 3.8 above).

3.10 Rather than attempting to justify a lower housing supply figure via the application of para. 11 (b) (i) (ii) of the NPPF, the Council is seeking to exploit the transitional arrangements set out at paragraph 234 at Annex 1 of the NPPF (December 2024). In doing so a housing requirement is planned that seeks to meet just 80% of the standard method output as calculated at February 2025 (i.e. 950.4 No. dwellings per annum).

3.11 As acknowledged on page 4 of the Council's report to its Strategic Planning Committee on 6<sup>th</sup> August 2024, the purpose of the transitional arrangements introduced by para. 234 of the NPPF (December 2024) were intended to "... help maintain the progress of plans at more advanced stages of production". This was not the case in East Devon where decisions regarding the housing requirement

figure to be included within the first Regulation 19 Plan were made after the NPPF consultation was published (July 2024). Moreover, the proposed allocations were also selected by committee in the period after the NPPF consultation including the transitional arrangements.

3.12 The Committee Report to the Strategic Planning Committee in August 2024 considered the consultation to the changes to the NPPF and the standard method and presented two options for the local housing need figure for Members to consider, as follows:

- 1) to plan for at least 946 homes per annum, plus headroom, so that the Plan could be examined against the previous version of the NPPF; or
- 2) pursue a new Local Plan in accordance with the December 2024 version of the NPPF, which would have required 1,146 homes per annum at that time.

3.13 The report concludes:

*“... it makes sense to progress the local plan under option 1 as set out above and try and take advantage of the proposed transitional arrangements and benefit from the reduced requirements that would apply particularly in relation to the housing requirement figure. Even if the Council were to fail to achieve this timetable, then we would simply have to pursue a plan under option 2 instead and so it is considered that there is nothing to be lost by trying to progress under the transitional arrangements” (our emphasis).*

3.14 Having regard to the above, the Council has taken a conscious decision to prepare a first Regulation 19 Plan which simply calculates 80% of the local housing need figure. Far from meeting objectively assessed needs in full, as is required by national planning policy, the Local Planning Authority have exploited, or as they put it, ‘taken advantage of’ the transitional arrangements to adopt a housing requirement that at the time of writing would meet only 82.2% of housing need. This results in a Plan that, if adopted on this basis, will fail to meet the housing needs of one in every five households in East Devon over the plan period.

3.15 Having regard to the above, 3W considers that Strategic Policy SP02 has not been ‘positively prepared’ and is not consistent with national policy, an underlying objective of which is to significantly boost the supply of homes. Consequently, Policy SP02 cannot be considered ‘sound’ against the tests set out at para. 36 of the NPPF.

3.16 In order to be found ‘sound’, it is considered that Strategic Policy SP02 should be amended to increase the housing requirement to 1,156 No. dwellings per annum (25,432 over the plan period from 2020 – 2042) and by a further 1,156 No. dwellings per year if the plan period is extended.

#### **4. STRATEGIC POLICY SP03: HOUSING REQUIREMENT BY DESIGNATED NEIGHBOURHOOD AREA**

4.1 Having regard to representations made in respect of Policy SP02, and the need to increase the housing requirement across the plan period, it is necessary to review Policy SP03 which sets a housing requirement for each designated neighbourhood area.

4.2 It will be necessary to apportion a greater level of growth across the neighbourhood areas (including the identification of an additional housing allocations) with the highest level of growth directed to the most suitable and sustainable settlements.

4.3 It is considered that Woodbury, which as a Rural Centre with an identified role in meeting local housing needs and service provision, has potential to accommodate such additional growth. The site at Higher Venmoor Farm (Wood\_12) is one such site that should be considered as a housing allocation to accommodate increased levels of housing need, as set out in greater detail at Section 5.

## 5. DEVELOPMENT OPPORTUNITY AT HIGHER VENMORE FARM, WOODBURY (WOOD\_12)

- 5.1 Wood\_12 comprises two open agricultural fields totalling 8.13 ha located on rising land to the southwest of Woodbury. As illustrated by Figure 1 below, it is directly adjacent to Wood\_10 and Wood\_16, both of which are proposed allocations in the Regulation 19 Plan and benefit from outline planning permission.



Figure 1: Site Location

- 5.2 3W has submitted an application for the approval of reserved matters on Wood\_10 (ref. 26/0016/MRES) and is committed to its delivery.
- 5.3 3W considers that the expansion of development onto Wood\_12, as suitable, available and deliverable housing land, could help accommodate the increased housing requirement which should be planned for by the emerging local plan, as set out at Sections 3 and 4 above.
- 5.4 Wood\_12 is considered suitable and available housing land by the East Devon Housing and Employment Land Availability Assessment (HELAA November 2022). The SHLAA identified a potential yield of 141 No. dwellings at a maximum density of 30 dwellings per hectare on a reduced developable area of 4.7 ha allowing for mitigation for landscape impact and flood risk (by avoiding development in the southern and eastern parts of the site respectively).
- 5.5 Notwithstanding the positive identification in the SHLAA, the Council's Site Selection Report (February 2025) as part of the emerging local plan process discounts Wood\_12 as a housing allocation identifying a number of issues, which are responded to below:
- Educational Capacity: to be addressed through planning obligations.
  - Highways: Safe pedestrian access to the village centre and its amenities can be secured through Wood\_10 once developed (the reserved matters layout for which proposes pedestrian links to the southern boundary with Wood\_12). Pedestrian access to Wood\_16 and Broadway to the east will also be available via upgrades to a public right of way along the southern boundary of Wood\_10 and provision of a footbridge over the Gilbrook secured by the outline permissions for Wood\_10 and Wood\_16. All highway considerations can be addressed by technical evidence presented as part of a future planning application.

- Landscape: Development would be focused on the northern parts of the site adjacent to built form on Wood\_10 and avoiding elevated ground to the south. Given a reduced developable area of 4.7 ha, ample scope exists for strategic planting to secure a comprehensive landscape approach to new development with Wood\_10 and Wood\_16 on the southern edge of the village. Accessible landscaping and public open space within the site can be fully integrated with Wood\_10 and Wood\_16 via the pedestrian links referred to above. All highway considerations can be addressed by technical evidence presented as part of a future planning application.
- Heritage: The Local Plan Site Selection Report identifies “no significant effects which cannot be mitigated”.
- Ecology: The Local Plan Site Selection Report identifies “minor adverse effect predicted (not significant)”.
- Scale of Growth: Whilst the scale of growth of Woodbury when considering the cumulative effect with other allocations proposed within the emerging local plan would be significant, there is an identified need to increase housing delivery across the District. As a Rural Centre, Woodbury is a suitable and sustainable location to accommodate a commensurate level of new housing growth on well-designed schemes which provide the necessary infrastructure to meet increased demand. The allocation of Wood\_12, in addition to the allocations proposed in the emerging local plan, would not result in a scale of growth at Woodbury which disrupts the spatial strategy proposed by Strategic Policy SP01. As a result, the size of Woodbury in terms of its population and housing stock would remain significantly smaller than those settlements in the higher tier of the settlement hierarchy (i.e. the Main Centres of Axminster, Honiton, Ottery St Mary, Seaton and Sidmouth) thus keeping the spatial strategy of the Plan wholly intact.

6.6 Having regard to the above, it is considered that Wood\_12 should be considered as a housing allocation within the emerging Local Plan to help increase the supply of sites to meet identified needs and to attain a deliverable 5-year housing land supply (currently only 3.5 years).

## 6. POLICY HN04: ACCESSIBLE AND ADAPTABLE HOUSING

- 6.1 3W objects to the revised requirements of Policy HN04(D) within the Second Regulation 19 Plan to provide 15% of all new affordable housing to Building Regulation M4(3) standards.
- 6.2 3W did not comment on draft Policy HN04 at the first Regulation 10 stage, however it is clear that the Council now proposes to increase the percentage under criteria ‘D’ of this policy from 5% to 15% of all new affordable housing for rent or affordable home ownership to meet building regulation M4 (3) (2) (a) or (b) requirements (wheelchair adaptable/wheelchair accessible).
- 6.3 3W cannot see any substantial justification for this proposed change within the Council’s supporting evidence base and are concerned that this proposed increase has potential to reduce housing densities and increase build costs. 3W considers that further justification should be provided for this proposed increase in accordance with the requirements of the Planning Practice Guidance (Paragraph: 007 Reference ID: 56-007-20150327).
- 6.4 The general approach across other authorities appears to be more consistent with the 5% requirement for M4(3) housing proposed as part of the first Regulation 19 consultation. 3W considers that the requirement should be changed back to this.

## 7. POLICY HN05: SELF-BUILD AND CUSTOM BUILD HOUSING

- 7.1 Whilst a few minor changes have been made to this draft policy since the first Regulation consultation Plan, 3W consider the draft Policy is not sound.
- 7.2 Whilst 3W supports the Council’s efforts to deliver a diversified range of housing as part of the Plan, there is insufficient justification provided for the requirement of 5% self-build on sites of 20 dwellings or more. Such justification should consider absolute need moving forward, however, it should also take

into account consented supply as well as realistic levels of demand for self-build plot purchase within larger "host" development sites.

- 7.3 At a practical level, there remains a fundamental conflict between the characteristics that typically attract demand from custom / self-build purchasers and trying to accommodate such plots on a wider "host" development site:
- With the need for at least some design continuity between the "host" site and the self/custom build plots, this takes away the freedom within the self-build plots.
  - That being the case, the developer would be able to achieve economies of scale and deliver the same product at a lower price than it would cost a self-builder to achieve a building of the same floorspace.
  - Unless a self-build site can have its own separate access (which in most cases is unachievable and unviable), the contracting associated with multiple self-build units, on top of any contractors associated to the "host" site is a significant health and safety challenge.
- 7.3 3W considers that, if there is demonstrable and viable demand for self and custom-build plots, the delivery of these would be more appropriate on sites specifically allocated for self-build (i.e. not part of larger host developments), or on sites where an element of self/custom build is expressly supported by the landowner.
- 7.4 Given the extensive nature of the comments, 3W does not propose specific wording changes; rather the Council is urged to consider substantive changes to this draft policy HN05 prior to submission.

**END**