



PLANNING REF: 3335/21/FUL

DESCRIPTION: Construction of 125 homes, commercial business units, landscaped parkland, community boat storage/parking, allotments, improvements to existing permissive pathway and public footway, enhancement of vehicular access and associated infrastructure and landscaping.

ADDRESS: Proposed Development Site at SX 566 494, Land West of Collaton Park, Newton Ferrers.

10th January 2022



LETTER OF OBJECTION FROM THE SOUTH HAMS SOCIETY

The South Hams Society interest

For the last 60 years, the South Hams Society has been stimulating public interest and care for the beauty, history and character of the South Hams. We encourage high standards of planning and architecture that respect the character of the area. We aim to secure the protection and improvement of the landscape, features of historic interest and public amenity and to promote the conservation of the South Hams as a living, working environment. We take the South Devon Area of Outstanding Natural Beauty very seriously and work hard to increase people's knowledge and appreciation of our precious environment. We support the right development - in the right places - and oppose inappropriate development.

Introduction.

This letter is in addition to our letter submitted in November 2021 and in response to additional information submitted by the applicant in December arguing public benefit.

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Charity number: 263985**

Registered address: Olde Stones, West Alvington, Kingsbridge, South Devon TQ7 3PN



The applicant has submitted the SHDC housing crisis communication issued by the council. The housing crisis relates to the issue of second homes and Air B&B's. This crisis has nothing to do with a lack of housing supply which was independently assessed by the Planning Inspectorate as recently as 2019.

The South Hams was recorded as delivering over provision of housing to satisfy the needs that West Devon BC was failing to supply.

The independent opinion of housing provision contained within the Joint Local Plan.

This was recorded in the **Report to West Devon Borough Council, South Hams District Council and Plymouth City Council by Wendy Burden BA (Hons) DipTP MRTPI and Yvonne Wright BSc (Hons) DipT&CP DMS MSc MRTPI**

Inspectors appointed by the Secretary of State

Dated: 18 March 2019.

31. The Plan divides the area into two policy areas: the Plymouth Policy Area (PPA) which comprises the City of Plymouth together with those parts of South Hams District Council which make up Plymouth's urban fringe; and the Thriving Towns and Villages Policy Area (TTVPA) which includes the rest of South Hams and West Devon.

32. The spatial strategy seeks to focus most growth within the PPA, to promote a step change in the city's economy and housing delivery and to prioritise regeneration and the use of previously developed sites. The Plan achieves this through identifying three substantial Growth Areas within the PPA, delivering significant levels of development including a large urban extension at Woolwell and a new community at Sherford.

33. The spatial strategy also seeks to support development within the TTVPA in the towns and sustainable villages. Policy TTV1 sets out the hierarchy of settlements within the TTVPA. This prioritises growth in the six main towns of Dartmouth, Ivybridge, Kingsbridge, Tavistock, Totnes and Okehampton. Recognising the wide range of services and facilities available within these towns this approach is justified and will strengthen their roles as main centres serving large rural hinterlands.

35. Some growth is also promoted within the smaller towns and key villages to maintain both the range of services available and their function in supporting the smaller villages and hamlets. In relation to sustainable villages the Plan's strategy supports development to meet local needs.

36. Based on the evidence, the settlement hierarchy and overall spatial strategy to focus development in the above locations is justified. This is because it reasonably places most development within or near to the city or other urban areas, where there is good access to a wide range of employment opportunities, facilities and services.



Issue 2 – Whether the objectively assessed need for housing (OAN) is soundly based and the housing requirement in the Plan has been positively prepared and is justified.

41. The Councils carried out an objective analysis of the relevant evidence to assess the need and demand for housing. The analysis did not include any policy objectives or value judgements and supply side factors were excluded. We consider below the main factors which contributed to the Councils' assessment of housing need which establishes the requirement for the provision of housing land in the Plan.

49. To assess whether past household representative rates have been suppressed by under supply and worsening affordability, the Councils have followed national policy and the advice in the PPG. An uplift based on market signals is applied to the forecasts for each local authority area, reflecting housing costs which in turn provides an indication of potential past undersupply. The market signals uplifts applied to the OAN are appropriate and are as follows:

25% in South Hams,

20% in West Devon and

10% in Plymouth.

50. We accept that historic under delivery is linked to market signals such as high house prices and rental levels, and that the approach taken by the Councils takes into account the effects of past under supply. The evidence concludes that the total OAN for the Plymouth HMA for the period 2014 to 2034 is for 27,300 new homes (TP3).

51. With the market signals uplift, the OAN for each local authority area in the period 2014-2034 is assessed as follows:

Plymouth City 18,217

South Hams 3,924

West Devon 5,162

TOTAL Plymouth HMA 27,303

52. Of this total OAN, it is calculated that an allowance of 600 dwellings should be made for that part of the HMA which lies within the DNP. This is split equally through deductions of 300 dwellings from the OAN for South Hams and for West Devon. The allowance is based on actual supply trends within the DNP. In the last ten years some 31 dwellings have been built each year within those parts of the DNP within the administrative areas of South Hams and West Devon. This is a reasonable basis on which to assume that some 600 dwellings could be provided within those parts of the DNP within the Plan period. This results in an OAN of some 26,700 dwellings within the Plan area for the period 2014 to 2034.



Conclusion on OAN

53. We find that the objectively assessed need for housing of 26,700 dwellings has been positively prepared and is justified. It is supported by robust and credible evidence and is consistent with national policy.

57. The provision of at least 26,700 homes in Policy SPT3 has the potential to provide for at least 6600 affordable homes, with an annual average of 330. The Plan therefore has the potential to meet the majority of the identified affordable housing need. **Furthermore market signals uplifts have already been applied to the OAN as set out above. These are already in excess of the demographic and economic need, particularly in South Hams and West Devon. In these circumstances, as the uplifts will improve affordability, there is insufficient justification to uplift the housing requirement even further.**

58. The work carried out to assess the impacts of economic performance on housing need indicates that **the scale of housing growth which is proposed in the Plan is greater than that which would be required to support the forecast local job demand. As a result the level of housing provision could result in a slightly higher rate of unemployment and a lower economic activity rate when compared to the baseline.** Whilst this will need to be monitored over the Plan period, it is not sufficient to justify any change in the overall level of housing requirement proposed in the Plan.

Issue 3 – Whether the spatial distribution of the housing requirement across the Plan area and between the PPA and the TTVPA has been positively prepared and is justified.

Policy Areas

60. The housing requirement is split between the PPA and the TTVPA in accordance with the strategic objectives of the Plan to maximise the growth of Plymouth. Policy SPT3 provides for a minimum of 19,000 new homes to be developed within the PPA over the Plan period in accordance with this objective.

61. Within the TTVPA, development is focused on the six main towns of Dartmouth, Ivybridge, Kingsbridge, Tavistock, Totnes and Okehampton, to reinforce the role of these towns as sustainable service centres and positively protect the more sensitive rural locations including the AONBs and National Park. Policy SPT3 provides for at least 7,700 new dwellings to be developed within the TTVPA over the Plan period.

66. In terms of distribution within the TTVPA, **a relatively high proportion of the need for housing which arises within West Devon is to be directed to the PPA and to South Hams rather than being met within the West Devon Borough Council area.** The OAN for West Devon, excluding the 300 dwellings expected to be provided within the DNP, is calculated at 4,862 dwellings over the Plan period (TP3Rev2 Table 11b), whereas the Plan makes provision for some 3,561 new dwellings within the West Devon part of the TTVPA. This is some 1,700 dwellings below the forecast need (TP3G Table TTV4).



67. There is no indication in Government policy or advice that a requirement for housing in one local authority area cannot be met outside that area. However, there may be economic and social consequences which arise from the scale of the difference between the level of OAN and the housing provision proposed in the Plan. These include a recognition that the lower provision of housing in West Devon could have an impact on the availability of workers to fill locally based jobs, with the potential for some impact on the local rural economy. **In addition, the provision to meet the needs arising within West Devon partly within the PPA (800 dwellings) and partly within the South Hams part of the TTVPA (900 dwellings) (TP3 Rev2 para 5.80 onwards) may not align with the housing needs of the local population of West Devon.**

68. **Nevertheless, the distribution of housing within the TTVPA reflects the vision and objectives of the Plan to positively protect the more sensitive rural locations within the Plan area, and there is no evidence to justify a change to the vision and objectives. Furthermore the Plan is seeking to provide a more sustainable pattern of growth by focusing development in and around the City, rather than encouraging commuting to the City from the rural areas. In addition any impacts on the local economy and the housing market within West Devon will be the subject of monitoring as the policies are implemented, and the results may be considered when the Plan is reviewed.**

Sustainable villages allowance

89. **Figure 5.8 in the Plan identifies the sustainable villages and indicative levels of housing provision for each village. This includes villages within the AONB. However these are not justified as the evidence does not demonstrate that due consideration has been given to the level of protection AONB has in national policy. These villages are therefore to be deleted from figure 5.8 as set out in MM35. However the deletion of villages within the AONB from the list does not necessarily rule out any housing development in these locations over the period of the Plan. Where there is evidence to demonstrate that unacceptable harm will not be caused to the AONB, proposals may continue to be brought forward through neighbourhood plans in accordance with Policy DEV27.** (The Society believe that should read TTV27)

90. **The allowance for development in the sustainable villages needs to be reduced to 550 dwellings to reflect the deletion of villages within the AONB from figure 5.8. This needs to be incorporated within Policy TTV30 to ensure that the level of housing provision expected to be delivered and the overall policy intentions are clear [MM34]. It also provides consistency with the changes to the housing supply figure 3.3 proposed under MM3. Consequential changes to figure 5.1 are also necessary and this requirement has been added to MM3.**

91. **MM34 and MM35 also makes some other changes to Policy TTV30 and its supporting text to ensure it is clear that the housing numbers in figure 5.8 are indicative only. Actual provision is to be provided through neighbourhood plans or through meeting identified local needs, subject to being consistent with other relevant Plan policies. It also adds some villages and deletes others within Figure 5.8 to reflect the evidence and ensure the list of sustainable villages is justified. Whilst the amended wording refers to development being 'within' the sustainable villages, the Plan does not define settlement boundaries. It will be up to neighbourhood plans or other development plan documents to determine what sites are 'within' each settlement.**



The South Hams Society have added emphasis to what we consider to be relevant commentary from the report.

It is obvious that there was a thorough examination of housing needs within this public examination of the local plan which makes it clear that there are a considerable number of houses proposed for the South Hams should be being built in West Devon (We believe that to be 1700 in the South Hams because the PPA area includes Sherford and Woolwell).

Alarming, the report also concludes that this may lead to higher levels of unemployment in the South Hams.

The local planning authority are required to determine planning applications in accordance with this local plan.

How must decisions on applications for planning permission be made?

To the extent that development plan policies are material to an application for planning permission the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (see [section 70\(2\) of the Town and Country Planning Act 1990](#) and [section 38\(6\) of the Planning and Compulsory Purchase Act 2004](#) – these provisions also apply to appeals).

The National Planning Policy Framework represents up-to-date government planning policy and is a material consideration that must be taken into account where it is relevant to a planning application or appeal. This includes the presumption in favour of development found at [paragraph 14 of the Framework](#). If decision takers choose not to follow the National Planning Policy Framework, where it is a material consideration, clear and convincing reasons for doing so are needed.

Paragraph: 006 Reference ID: 21b-006-20190315

Revision date: 15 03 2019 See [previous version](#)

Paragraph: 007 - REMOVED - See [previous version](#)



Failure of the South Hams District Council to submit a major development proposal in the SDAONB to the Planning Inspectorate for inclusion in the JLP and its Public Examination.

The South Hams Society have considerable concern regarding the district council's record when considering this location.

JLP development site evidence submitted to the Planning Inspectorate did not include this site in the Newton and Noss Parish.

Therefore no public consultation or public examination of the site took place for the independent examination carried out by the Planning Inspectorate.

The Society cannot understand why the district council would knowingly avoid including a development site from the local plan where it had approved planning permission for a major development within the South Devon Area of Outstanding Natural Beauty.

We note that at the same time as the JLP examination was taking place, there is a record of a pre planning application being considered by the local planning authority - 2018/17/PRE site address: Proposed Development Site at SX 5670 4944 West of Collaton Park Newton Ferrers Devon.

We include the full extract of the site information pack submitted for the Newton & Noss Parish.



Considering Sites for Development in Newton and Noss Parish



Site Information Pack

This pack contains:

A Site Information Table

This table sets out information about the constraints and opportunities for each site which have been considered. Depending on the constraints identified, we have concluded that there are either 'significant constraints' to development or 'limited constraints' to development.

Site Maps

These maps show all of the sites which have been considered as part of this exercise.

Constraint Maps

These maps show the different constraints, such as conservation areas, flood zones and wildlife sites.



Site Information Packs March 2017

For more information

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Site Reference	Site Address	Site area (ha)	Site Information	Site Potential	Conclusion
<p>Newton Ferrers - General Comments Newton and Noss are small villages located in the west of the district. Together, they provide a small range of local services (primary school, pub, shop). There is limited capacity at the primary school (Newton Ferrers Church of England Primary) and contributions towards facilities from new development may be required. The designated secondary school is Ivybridge Community College which is at capacity. Financial contributions towards new facilities and transport may be required from new development. Newton and Noss are entirely within the South Devon Area of Outstanding Natural Beauty (AONB) which is a nationally designated landscape. Importance is attached to the need to conserve the landscape and scenic beauty of these areas. Newton and Noss sit within the catchment area for the River Yealm. The water quality in this catchment area is being monitored, particularly in relation to shell fisheries and/or levels of phosphorous and nitrates. If any development is proposed, early discussions with the Environment Agency will be required to look at ways to overcome any negative impact.</p>					
SH_37_01_13	Land at Nelton Lane, Noss Mayo, Plymouth	1.26	<p><u>Access</u> The site is remote and detached from the existing settlement and therefore achieving connectivity to existing services and facilities could be difficult.</p> <p><u>Landscape and Ecology</u> The site is within the AONB. It is remote and detached and unrelated to the main settlement.</p> <p><u>Heritage and Archaeology</u> No constraints have been identified at this stage but further assessment may be required as part of any pre-application process.</p> <p><u>Flood risk, water quality and drainage</u> No constraints have been identified at this stage but further assessment may be required as part of any pre-application process.</p> <p><u>Contamination and Environmental Health</u> No constraints have been identified at this stage but further assessment may be required as part of any pre-application process.</p> <p><u>Other</u> No other constraints have been identified at this stage but further assessment may be required as part of any pre-application process.</p>	Due to the significant constraints identified, the site is considered not to have potential for development at this time.	Significant constraints
SH_37_02_13	Parsonage Farm, Parsonage Road, Newton Ferrers	0.96	<p><u>Access</u> The site is adjacent to the settlement and is located on a main road and has footpath access. No constraints have been identified at this stage but further assessment may be required as part of any pre-application process.</p> <p><u>Landscape and Ecology</u> The site is located within the AONB and located within the setting of a listed building. Any proposals for development would have to carefully consider impacts on these important characteristics of the area.</p> <p><u>Heritage and Archaeology</u> Located within the setting of a listed building.</p> <p><u>Flood risk, water quality and drainage</u> No constraints have been identified at this stage but further assessment may be required as part of any pre-application process.</p> <p><u>Contamination and Environmental Health</u> No constraints have been identified at this stage but further assessment may be required as part of any pre-application process.</p> <p><u>Other</u> No other constraints have been identified at this stage but further assessment may be required as part of any pre-application process.</p>	The site is relatively well connected to the village. It is within the setting of a listed building and this could potentially reduce the yield, given this it could accommodate approximately 20 dwellings.	Limited constraints and/or constraints which can be overcome
SH_37_03_13	Hannaford Road, Noss Mayo, Devon	0.66	<p><u>Access</u> Access to the site may be difficult to achieve due to topography. This is likely to need significant engineering of the site and may not be achievable.</p> <p><u>Landscape and Ecology</u> The site is located within the AONB and the need for engineering to access the site could have significant impacts on the character of the AONB. There is woodland nearby which is likely to have ecological value, this would require further assessment as development here could impact on its setting and any important ecology.</p> <p><u>Heritage and Archaeology</u> No constraints have been identified at this stage but further assessment may be required as part of any pre-application process.</p> <p><u>Flood risk, water quality and drainage</u> The site is located within the flood zone. This will impact of the land available for development.</p> <p><u>Contamination and Environmental Health</u> No constraints have been identified at this stage but further assessment may be required as part of any pre-application process.</p> <p><u>Other</u> There is a public right of way located along the western boundary.</p>	Due to the significant constraints identified, the site is considered not to have potential for development at this time	Significant Constraints

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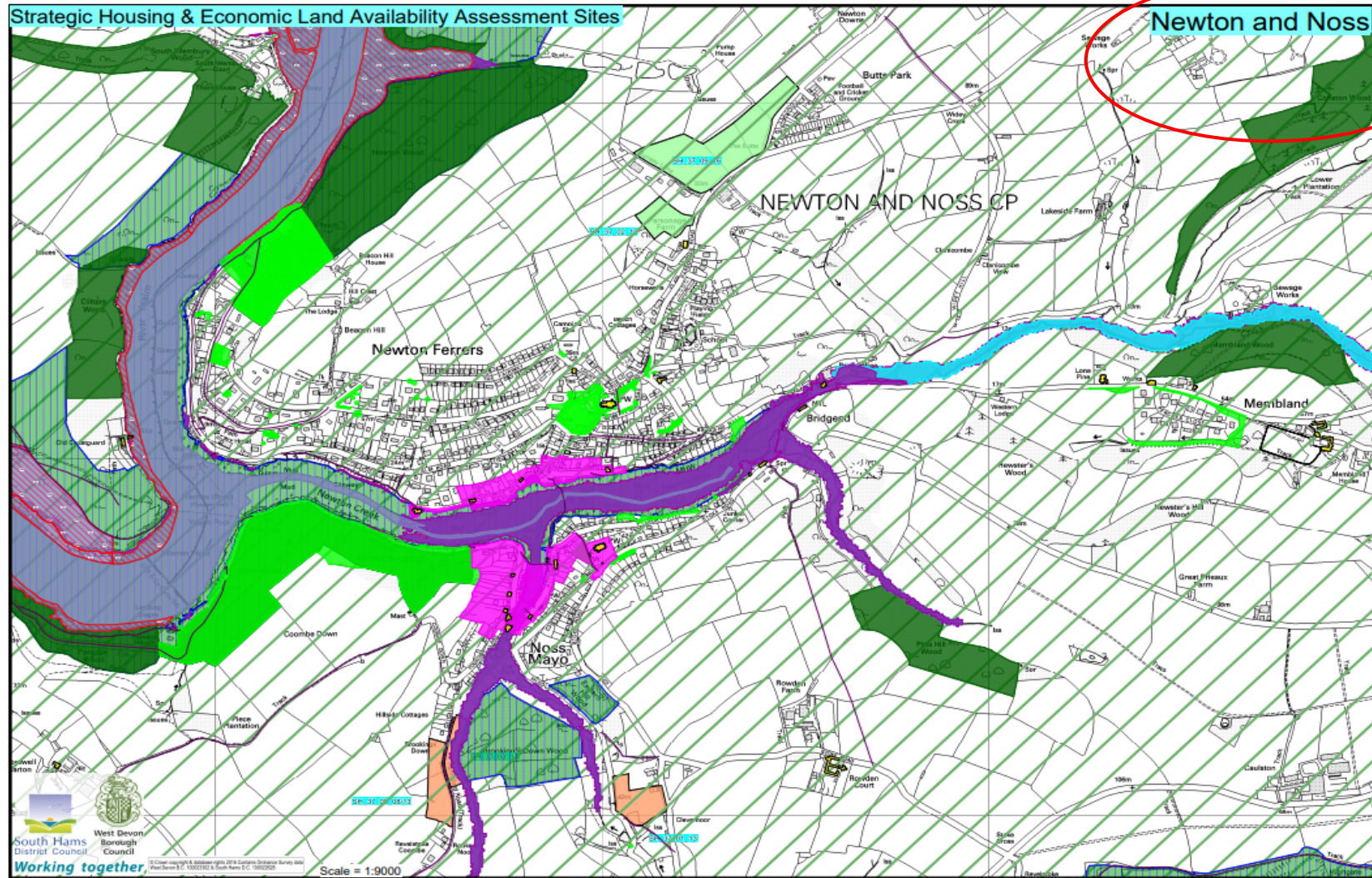


Site Reference	Site Address	Site area (ha)	Site Information	Site Potential	Conclusion
SH_37_08_08/13	Land adjoining Hannaford Road, Coombe Farm, Noss Mayo	1.15	<p><u>Access</u> No constraints have been identified at this stage but further assessment may be required as part of any pre-application process. <u>Landscape and Ecology</u> The site is located within the AONB. It is a steeply sloping site and any proposals could lead to uncharacteristic development within the AONB. The site extends beyond the existing village and would lead to linear development which could be visually intrusive.</p> <p><u>Heritage and Archaeology</u> No constraints have been identified at this stage but further assessment may be required as part of any pre-application process.</p> <p><u>Flood risk, water quality and drainage</u> No constraints have been identified at this stage but further assessment may be required as part of any pre-application process.</p> <p><u>Contamination and Environmental Health</u> No constraints have been identified at this stage but further assessment may be required as part of any pre-application process.</p> <p><u>Other</u> There is a public right of way along the eastern boundary of the site.</p>	Due to the significant constraints identified, the site is considered not to have potential for development at this time	Significant Constraints
SH_37_09_16	Land at Butts Park, Newton Ferrers	4.49	<p><u>Access</u> The site fronts onto the main access road serving Newton Ferrers and also adjoins the road serving the residential development at Butts Park, both of which could potentially provide access into the site. There is a footway opposite the site running along Parsonage Road connecting down into the village and the range of community facilities located there, including the primary school.</p> <p><u>Landscape and Ecology</u> The whole area is located within the AONB. The south-western part of the site adjoining Gunsey Lane is higher lying and more prominent in the local landscape and should therefore be kept free from development.</p> <p><u>Heritage and Archaeology</u> No constraints have been identified at this stage but further assessment may be required as part of any pre-application process.</p> <p><u>Flood risk, water quality and drainage</u> No constraints have been identified at this stage but further assessment may be required as part of any pre-application process.</p> <p><u>Contamination and Environmental Health</u> No constraints have been identified at this stage but further assessment may be required as part of any pre-application process.</p> <p><u>Other</u> No constraints have been identified at this stage but further assessment may be required as part of any pre-application process.</p>	This would be a significant development in terms of the built form of Newton Ferrers, but given the raft of constraints pertinent to the village, this location offers the best scope for additional growth and would also help to integrate Butts Park with the village. The site could help improve pedestrian connectivity with the village and also potentially provide additional community facilities.	Limited constraints and/or constraints which possibly can be overcome

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The evidence on the previous pages shows that this site was not brought to the attention of the Planning Inspectorate during the public examination. This despite the fact that the local planning authority were dealing with a confidential pre application request at the same time as the JLP public examination was occurring.

As a consequence of the district council's failure to give the necessary weight that the SDAONB deserves in its development planning there are no sustainable villages recorded in the JLP within the SDAONB.

The JLP

5.165 It should be noted that Figure 5.8 does not include villages within AONBs. This is in acknowledgement of the great weight that should be given to conserving their landscapes and scenic beauty. However, neighbourhood plans may wish to bring forward positive allocations to meet local housing need where justified by an appropriate evidence base. Policy DEV25 sets out the policy approach to considering development proposals in AONBs.

The Society has previously pointed out that Newton and Noss Neighbourhood Plan was adopted prior to the JLP on the 19th July 2018.

The JLP was adopted on the 21st March 2019.

Collaton Park was not submitted to the Planning Inspectorate for the JLP and the N & N Neighbourhood Plan was adopted prior to the deletion of Newton and Noss Mayo as sustainable villages. Butts Park was recorded as a possible site in the JLP but is not within the Neighbourhood Plan. As a result of the villages being deleted as sustainable locations, any development brought forward should come through the Neighbourhood Plan route, as stated by the Planning Inspectorate. This following a thorough assessment to make sure that any development proposal conforms to the JLP policies with particular regard to 'conserving and enhancing' the AONB.

It is fundamentally clear that the Newton & Noss Neighbourhood Plan does not conform to the JLP, which is the most recent plan, and is therefore out of date.

The policy regarding development in the countryside follows.



Policy TTV26

Development in the countryside

The LPAs will protect the special characteristics and role of the countryside. The following provisions will apply to the consideration of development proposals:

1. Isolated development in the countryside will be avoided and only permitted in exceptional circumstances, such as where it would:
 - i. Meet an essential need for a rural worker to live permanently at or near their place of work in the countryside and maintain that role for the development in perpetuity; or
 - ii. Secure the long term future and viable use of a significant heritage asset; or
 - iii. Secure the re-use of redundant or disused buildings and brownfield sites for an appropriate use; or
 - iv. Secure a development of truly outstanding or innovative sustainability and design, which helps to raise standards of design more generally in the rural area, significantly enhances its immediate setting, and is sensitive to the defining characteristics of the local area; or
 - v. Protect or enhance the character of historic assets and their settings.
2. Development proposals should, where appropriate:
 - i. Protect and improve public rights of way and bridleways.
 - ii. Re-use traditional buildings that are structurally sound enough for renovation without significant enhancement or alteration.
 - iii. Be complementary to and not prejudice any viable agricultural operations on a farm and other existing viable uses.
 - iv. Respond to a proven agricultural, forestry and other occupational need that requires a countryside location.
 - v. Avoid the use of Best and Most Versatile Agricultural Land.
 - vi. Help enhance the immediate setting of the site and include a management plan and exit strategy that demonstrates how long term degradation of the landscape and natural environment will be avoided.



Policy TTV27

Meeting local housing needs in rural areas

Proposals for residential development on sites adjoining or very near to an existing settlement which would not otherwise be released for this purpose may be permitted provided that it can be demonstrated that:

1. It meets a proven need for affordable housing for local people.
2. It includes a mix of affordable and market housing products where necessary to be financially viable. This includes open market housing, providing it does not represent more than 40% of the homes or 40% of the land take excluding infrastructure and services.
3. Management of the scheme will ensure that the dwellings continue to meet the identified need in perpetuity.
4. The proposal meets the requirement of all other relevant policies of the Plan.



There is considerable public benefit in the 'conservation and enhancement' of the AONB for future generations rather than today's exploitation for financial gain.

We also find the local planning authority Specialist – Natural Environment (Landscape) has objected to this proposal, correctly in our opinion.

The Society firmly believes that had this major countryside development proposal been put before the Planning Inspectorate for the preparation of the JLP (so that a public consultation could take place), it would have been deleted from the plan – especially if the 20 dwellings at Butts Park had also been included.

The Society therefore continues to strongly object to development at this location.

For and on behalf of the South Hams Society.

Richard Howell,

Chairman.

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