



## Appeal Decision

Inquiry Held on 28, 29, 30 and 31 January 2020

Site visit made on 31 January 2020

**by Harold Stephens BA MPhil Dip TP MRTPI FRSA**

an Inspector appointed by the Secretary of State

**Decision date: 18<sup>th</sup> March 2020**

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**Appeal Ref: APP/W1145/W/19/3238460**

**Land at Caddywell Lane/Burwood Lane, Great Torrington, Devon**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Beechcroft Land Ltd against the decision of Torrington District Council.
  - The application Ref 1/0340/2019/OUTM, dated 12 April 2019, was refused by notice dated 12 August 2019.
  - The development proposed is an outline application for residential development of up to 181 dwellings and ancillary development with vehicular access from Hoopers Way, Burwood Lane and Caddywell Lane.
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### Decision

1. The appeal is allowed and planning permission is granted for an outline application for residential development of up to 181 dwellings and ancillary development with vehicular access from Hoopers Way, Burwood Lane and Caddywell Lane, Great Torrington, Devon in accordance with the terms of the application, Ref 1/0340/2019/OUTM dated 12 April 2019, and the plans submitted with it, subject to the conditions set out in the Schedule attached to this Decision.

### Procedural Matters

2. Planning permission was refused for the proposal under delegated powers on 12 August 2019 for three reasons. Reason for Refusal (RfR) 3 alleged that insufficient information has been provided by the Appellant to satisfy the Council that the proposal would be acceptable in terms of surface water drainage. The Council, having taken advice from the County Council's Flood Risk Management Officer, now accepts that sufficient information has been provided and it therefore has no 'in principle' drainage objection. It was agreed that RfR3 is no longer in dispute between the main parties and that the matter can be dealt with on the basis of appropriate planning conditions.
3. The application was submitted in outline with all matters except access reserved for subsequent approval. It was agreed that the plans on which the appeal should be determined are:
  - A Location Plan - Drawing Number AP01 (Doc A20)
  - A Revised Access Plan - Drawing Number 2696.14B (Doc 36)

A Proposed Site Layout Drawing AP02 (Doc A21) was submitted for illustrative purposes.

4. In addition, the application was supported by a number of reports and technical information in accordance with the Council's validation requirements. Details of these documents are set out in the Inquiry Documents A1-A27. They include an Aborigicultural Assessment, an Archaeology Assessment, a Design and Access Statement (DAS), an Ecological Assessment, a Flood Risk Assessment, Contamination Reports, Landscape and Visual Impact Assessments, a Planning Statement, a Transport Assessment and a Tree Survey Report.
5. I held a Case Management Conference (CMC) on 5 December 2019. At the CMC the main issues were identified, how the evidence would be dealt with at the Inquiry and timings. It was agreed that questions raised by interested persons on matters relating to traffic and flood risk would be dealt with by the Appellant's specialist witnesses on the opening day of the Inquiry. It was further agreed that evidence on Housing Land Supply and Landscape could best be dealt with by separate topic based Round Table Sessions (RTS) supported by dedicated Statements of Common Ground (SoCG). In the weeks following the CMC both main parties continued discussions on the appeal to ensure that matters of dispute were clear and that all matters of agreement (non-disputed matters) were documented in either SoCG or in draft Planning Conditions. In this case three SoCG were agreed (see below) by the main parties before the Inquiry opened and following the Housing Land Supply RTS on 29 January 2020 Updated Housing Land Supply Tables were provided in Doc APP10.
  - General SoCG (Doc 37)
  - Housing Land Supply SoCG (Doc 38)
  - Landscape SoCG (Doc 39)
6. At the Inquiry, a s106 Planning Obligation was submitted. The Planning Obligation is made by an Agreement between the Landowners, the Appellant, the Torrridge District Council (TDC) and Devon County Council (DCC).<sup>1</sup> The Agreement addresses all of the matters sought by the District and County Councils in connection with the provision of community and other services arising from the proposed development. The Planning Obligation is signed and dated 13 February 2020. It is a material consideration in this case. A Community Infrastructure Levy (CIL) Compliance Schedule was submitted in support of the Planning Obligation.<sup>2</sup> I return to the Planning Obligation later in this decision.

## **Main Issues**

7. In light of the above I consider that the main issues in this case are:
  - Whether the proposal would provide an appropriate site for development having regard to the most important and up-to-date policies in the development plan and national guidance;

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<sup>1</sup> LPA2

<sup>2</sup> LPA1

- Whether the Council can demonstrate a five year housing land supply and whether paragraph 11 (d) of the NPPF is engaged;
- The effect of the proposal on the character and appearance of the surrounding landscape particularly in relation to the central and western fields of the development;
- Whether the proposal makes adequate provision for affordable housing and for any additional infrastructure/services, such as education, drainage, transport and public open space arising from the development.

## Reasons

### *The proposed development and the appeal site*

8. The appeal site comprises three existing agricultural fields located on the south side of the town of Great Torrington abutting the existing settlement boundary and urban area. For the purposes of this appeal they are generally referred to as the eastern, central and western fields although they are also referred to as Phases 1, 2 and 3 respectively. Part of the western field (Phase 3) is excluded from the appeal site.
9. The proposed development seeks outline planning permission for up to 181 dwellings. Vehicular access is proposed from Caddywell Lane to the north of the western field and from Hoopers Way to the north of the eastern field. Within the site a 5.5m wide access road would continue through the centre of the site, with 1.8m wide footways on both sides. Off the access road a mix of shared surface cul-de-sacs and driveways are proposed. The proposed illustrative site layout plan (Doc A21) demonstrates how 181 2, 3 and 4 bedroom dwellings and parking provision could be accommodated on the site with associated open space (including play provision) and landscaping. It is supported by a detailed DAS (Doc A6).
10. The land currently comprises agricultural land with no significant internal features except for its topography and the hedge banks/trees defining its boundaries. The eastern and central fields slope generally from north to south whilst the western field slopes away to the north west. The total area of the appeal site is about 9.35 hectares.

### *Planning History*

11. The planning history of the appeal site is set out at Section 3 of the General SoCG<sup>3</sup> and there is no need for me to repeat that here. Suffice it to say that outline planning permission for up to 60 dwellings on the eastern field was granted in December 2016.<sup>4</sup> I also note that outline planning permission was granted for a 50 space car park, access, landscaping and ancillary infrastructure immediately to the west of the appeal site in June 2018.<sup>5</sup>

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<sup>3</sup> Doc 37

<sup>4</sup> 1/0781/2015/OUTM

<sup>5</sup> 1/0702/2017OUT

### *Planning Policy*

12. The statutory development plan includes the North Devon and Torrington Local Plan 2011-2031 (NDTLP). The NDTLP, adopted in October 2018, is currently the principal relevant development plan document for the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990. The parties are agreed that the planning policies which are most relevant to this appeal are set out at Section 4 in the General SoCG and are not repeated here.<sup>6</sup>
13. A Great Torrington Neighbourhood Plan (GTNP) 2018-2031 is under preparation. The GTNP has been subject to examination, with the Examiner's report received on the 8 December 2019 and subsequently published. The Examiner concluded that the GTNP could meet the basic conditions, subject to the acceptance of the recommendations contained in his report and that if the recommended modifications are accepted (by the District Council), the GTNP 2018 - 2031 should be submitted to a referendum. On the 6 February 2020 the Town Council agreed to accept and incorporate the Examiner's recommendations into the GTNP; also agreeing to the extension of the 56 day deadline for the Plan to be subject to referendum.
14. The GTNP is currently programmed to go to the Full Council meeting of TDC on the 6 April 2020 to consider the findings of the Examiner's report and seek authorisation for it to subsequently go out to referendum. In parallel the GTNP is being amended by the Town Council to reflect the findings of the examination. The GTNP will not be proceeding to referendum in advance of the TDC meeting on the 6 April 2020. In my view, the weight to be attributed to the emerging GTNP policies is currently limited by the provisions of paragraph 48 of the NPPF, recognising the stage of preparation. The relevant policies which are considered material are set out in Section 4 of the General SoCG and are not repeated here.

### ***First Issue - Whether the proposal would provide an appropriate site for development having regard to the most important and up-to-date policies in the development plan and national guidance.***

15. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 make clear that applications for development must be determined in accordance with the development plan, unless material considerations indicate otherwise.
16. The NDTLP was recently adopted in October 2018. Section 4 (i) of the General SoCG (Doc 37) sets out the policies from NDTLP which are considered relevant to this appeal. Although I have taken into account other policies listed in Section 4 (i), I consider the most important are: Policy ST01, Policy ST06, Policy ST07, Policy ST08, Policy ST21 and Policy GTT.
17. It is noteworthy that the Council accepts that the eastern field of the appeal site lies within the Great Torrington development boundary and is subject to a housing allocation under NDTLP Policy GTT05. The Council therefore accepts the principle of residential development on the eastern field as being in accordance with NDTLP Policies ST06, GTT and GTT05 and acknowledges that

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<sup>6</sup> Doc 37

the 60 dwellings that would come forward on this part of the appeal site form part of the Spatial Strategy.

18. However, the central and western fields fall outside of, but adjacent to, the development boundary for Great Torrington. I note that Policy ST06 sets out the Spatial Strategy and states that development will be supported within development boundaries. Moreover, Policy ST07 supports development which accords with the Council's settlement hierarchy. The broad locations for development are outlined in Policies ST06 and ST07 and these have been co-ordinated with transport and utilities infrastructure and the provisions of appropriate community facilities, retail, employment and open space to create sustainable communities. To the extent that the central and western fields fall outside the settlement boundary of Great Torrington then I accept that the proposal conflicts with NDTLP Policy ST06 and Policy ST07.
19. Turning to Policy ST08 and GTT, the Council argues that the appeal proposal would be in conflict with the settlement hierarchy which seeks to increase self-containment through sustainable growth and would also undermine the Council's Spatial Strategy for Great Torrington (Policy GTT). It is claimed that the proposal would disrupt the carefully planned balance of housing and employment development and as a speculative major housing development would not serve to address local needs and the local vision's aspirations for self-containment. Housing development over and above the minimum number allocated to Great Torrington, it is said, would destroy this delicate balance and would be in breach of the rationale of the Spatial Strategy. However, I cannot agree with the Council's arguments in relation to the alleged conflict with Policy ST08 and Policy GTT for a number of reasons.
20. Firstly, it said that there is at the heart of the NDTLP the objective of preserving or bringing about balance between homes and jobs, but the NDTLP does not say what that balance is now or indicate what jobs to homes ratio it aspires to achieve.
21. Secondly, I note that reliance is placed on paragraph 10.216 of the NDTLP<sup>7</sup> which states that half of the working population of Great Torrington work in Great Torrington. However, this does not prove there are insufficient jobs in Great Torrington for the other half, as people may choose to work outside the settlement where they live, for all sorts of reasons. There is no information about how many people are commuting into Great Torrington from outside to work and increasing the number of jobs in Great Torrington could equally increase in-commuting as decrease out-commuting. It is plain, from the evidence base of the NDTLP,<sup>8</sup> that maintaining the working population in Great Torrington at current levels requires the provision of about 1,000 dwellings. Capping the delivery of housing in Great Torrington at 632 could result in more in-commuting, not to mention the inevitable adverse impacts that this would have on social sustainability as the existing population ages.
22. Thirdly, from the evidence that is before me, it is plain that Great Torrington is a highly sustainable location in itself, with good accessibility to higher level facilities and jobs in Bideford and Barnstable, including by public transport. Its sustainability in these terms is acknowledged within the NDTLP itself at paragraph 10.212; in the SHLAA; and in the General SoCG at section 2 and

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<sup>7</sup> Page 156

<sup>8</sup> APP5 Figure 60

section 8(7). In the light of this it would make no sense at all to construe the NDTLP as placing a cap on housing in Great Torrington because of a concern about unsustainable home to work travel patterns.

23. Fourthly, if the housing numbers in the NDTLP are firmly tied to the employment allocations because only “balanced growth” is acceptable, there would be a phasing policy in the NDTLP that prevented the delivery of housing unless it came forward in tandem with employment. Plainly, there is no such policy, and the reality is that the planning system has no way of ensuring that either the housing or the employment actually gets delivered, let alone in tandem.
24. Fifthly, if the NDTLP is aimed at ensuring that housing is restricted to the numbers set out in the NDTLP for each settlement so as to always be in line with the level of allocated employment land, why does it not cap the housing number to that set out in the Local Plan? That is the only way to give effect to the balance which the Council espouses. However, the NDTLP expressly states in Policy ST08 and emphasises that the dwelling numbers for the plan area as a whole and for individual settlements including Great Torrington are for a *minimum*. The dwelling provision figures included in Policy ST08 are not ceilings or targets and nowhere in the NDTLP is there any suggestion that provision should be constrained to these levels.
25. Sixthly, if there was any force in the Council’s argument then logically it would have to resist an additional 121 houses or indeed any number it thinks would unacceptably upset the balance between homes and jobs regardless of whether those houses are provided within or without settlement limits. Yet that is not what the NDTLP states – it works with minimum numbers, and whilst it expressly resists development outside settlement limits it has no policy to the effect that housing within settlement limits will be resisted.
26. Finally, the reference to self-containment in the NDTLP appears in precisely the same terms in respect of all settlements, no matter where they sit in the settlement hierarchy.<sup>9</sup> The approach to distributing housing and employment in a coordinated, justified way is expressed in the same terms for each of the settlements.<sup>10</sup> The logic of the Council’s argument dictates that it must resist housing development above the minimum numbers in the Local Plan in each and every one of its settlements, whether proposed within or without the settlement limits. The effect would be to turn minimum housing numbers into maximum housing numbers. Yet this was not the Council’s approach as explained at the Inquiry when it was suggested that additional housing in Barnstable and Bideford would be welcomed, but not in Great Torrington. In my view, the Council was unable to identify how the NDTLP differentiated between these settlements particularly in relation to self-containment.
27. In overall terms I consider that all the references in the NDTLP which the Council rely upon and which speak to self-containment have to be seen for what they are, namely a high-level explanation of why the decision was taken as part of the NDTLP to distribute the employment land in the manner set out in the Plan. These references are not to be read as directing decision-makers to cap housing delivery unless and until it comes forward in tandem with more employment land. In this context I consider the overarching Policy ST01 in the

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<sup>9</sup> Policy ST06

<sup>10</sup> Paragraph 4.19 of the NDTLP

NDTLP is noteworthy and relevant. It states that the two Councils covered by the Local Plan will adopt a positive approach to all sustainable development and work with applicants and local communities to find solutions which mean that proposals can be approved wherever possible.

28. Furthermore, I note from the evidence that the Council considers that the most important policy in terms of breach of the NDTLP is Policy GTT and particular reliance is placed on Policy GTT criterion (c). However, this criterion is purely descriptive of the allocations for Great Torrington; it is not a criterion by which to assess non-allocated sites, whether within or without the settlement boundary. It seems to me that this simple point undermines the Council's reliance on the first paragraph of the Policy GTT (under Spatial Vision) which refers to supporting Great Torrington's future through small to medium scale employment and housing development. The policy itself describes, at criterion (c), the allocations as small to medium scale, including an allocation for 140 dwellings. That shows that a site for 140 is medium scale, and a site for 181 is of similar scale. Given the size of Great Torrington and its status as a Main Centre, a site of this size is self-evidently of medium scale.
29. From all of the above it is clear that the central and western fields abut the development boundary for Great Torrington but lie outside it. Development on this part of the site and thus the proposal as a whole, would not be in accordance with Policy ST06 and Policy ST07 of the NDTLP. However, the main parties accept that Policy ST21 is a key consideration in this case. I agree. This key policy was introduced towards the end of the NDTLP preparation process specifically to provide a framework for managing the delivery of housing based on maintaining a five year housing land supply and a particular methodology which is integral to the development plan. I shall deal with the implications of Policy ST21 in the context of the second issue below before returning to conclude on the development plan later in this decision.

***Second Issue - Whether the Council can demonstrate a five year housing land supply and whether paragraph 11 (d) of the NPPF is engaged.***

30. The starting point to enable an assessment of the five year housing land supply is to establish the *Housing Requirement*. It is agreed between the main parties that the overall housing requirement set out in Policy ST08 of the NDTLP applies to Northern Devon, across the joint plan area and is not disaggregated to individual constituent local planning authorities.<sup>11</sup> The NDTLP was adopted by TDC and by North Devon Council (NDC) in October 2018.
31. The NPPF at paragraph 73 requires the five-year supply to be measured against the housing requirement in an adopted plan where the plan is less than five years old. The NDTLP is less than five years old and the housing requirement within the NDTLP provides the appropriate NPPF compliant figure to use when calculating the five-year housing land supply. The housing requirement is therefore that set out in Policy ST08 and its supporting text.
32. The NDTLP through Policy ST08 establishes a requirement of a minimum of 17,220 dwellings; equating to an average development rate of 861 dwellings per annum over the plan period (20 years). It is agreed that, recognising the

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<sup>11</sup> Paragraph 4.20 of the NDTLP

joint nature of the NDTLP, and in accordance with the PPG,<sup>12</sup> the five-year housing land supply for TDC and NDC should be calculated on a joint (aggregate) basis.

33. The base five-year requirement is five times the annual requirement of 861 dwellings or 4,305 dwellings. Any shortfall in delivery against the requirement from previous plan years, calculated from the base date of the Plan, should be factored into the five-year requirement calculation. From the base date of 1 April 2011 to the end of the last monitoring year, 31 March 2019, there have been a total of 5,285 completions against a requirement of 6,888. A shortfall of 1,603 dwellings.
34. It is agreed between the main parties that the base date of the five-year housing land supply assessment is 1 April 2019 and that the five-year period looking forward is 1 April 2019 to 31 March 2024.
35. I note that the NDTLP, at paragraph 4.24, adopts the Liverpool approach for accommodating a shortfall in housing delivery in future years. The PPG<sup>13</sup> sets out that any shortfall from the base date of the adopted plan should be added to the plan requirements for the next 5 year period (the Sedgefield approach) unless a case is made (and accepted) as part of the plan-making and examination process by the strategic policy-making authority to deal with past under delivery over a longer period.
36. As adopted in the NDTLP, the Liverpool approach distributes and averages any shortfall across the remainder of the plan period. There are 12 years remaining of the plan period which establishes an annualised shortfall of 133.58 dwellings per annum. This figure multiplied by five is 667.92, rounded to 668, and is added to the base five-year requirement of 4,305 which produces a base line five-year requirement (without buffer) of 4,973 dwellings (or 995 dwellings per annum).
37. The components of the calculation for the five year housing requirement excluding buffer, as per the NDTLP and using the Liverpool approach, are agreed to be as set out in Table 1 of the Housing Land Supply SoCG (Doc 38).
38. There is an issue over whether a buffer should be applied to the Policy ST21 calculation as contended by the Appellant. The Council disagrees with the Appellant's contention that Policy ST21(2) is triggered; there is no reference to a buffer in the policy or in the supporting text to that policy. However, as the Local Plan Inspector's Report makes clear, modifications to ensure housing delivery were regarded as essential in order to rectify matters that would have led to the Plan being found unsound.<sup>14</sup> Reference is made to the request by the Inspector to the Councils for a policy to rectify these shortcomings and she concludes that the maintenance of the five year housing land supply is the most effective means by which the Councils can ensure that decisions on housing development can continue to be made on the basis of the strategy set out in the NDTLP.<sup>15</sup>

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<sup>12</sup> Planning Practice Guidance

<sup>13</sup> ID: 68-031-20190722

<sup>14</sup> Doc 2, page 6, paragraph 9

<sup>15</sup> Doc 2, page 27, paragraphs 125 and 126



39. I appreciate that TDC wants to move away from the position set out in the NDTLP because the NPPF states that the level of the buffer should be determined by the HDT<sup>16</sup> and if that is applied a 5% buffer is appropriate. I accept what the NPPF says about the buffer is a material consideration, but it does not follow that the approach in the NPPF should automatically be followed. The Local Plan Inspector addressed the question of the buffer and was well aware that the housing requirement was not being met and that a 20% buffer should be applied. She was well aware that the HDT had come in, but she did not think this was sufficient for 5% to be applied nor did she think it appropriate to say that in future this Council should determine the buffer by having regard to the results of the HDT.
40. What she said was that there should be no move away from the 20% buffer until the end of the Plan period, unless the shortfall was cleared, or the Plan was reviewed. There is no reason therefore why the Council should be allowed to adopt a mix and match approach. The reasons which persuaded the Inspector to impose the 20% buffer remain as pressing today as they were when she imposed it. If the Council maintains that the approach to the Plan in calculating the five year housing land supply is out of date, then it must accept that the policies of the Plan that determine when and where housing is acceptable are also out of date because all of these policies presume the existence of a five year housing land supply.
41. Policy ST21, with the supporting text, was therefore put forward to secure the position. It identifies the triggers and provides the mechanism to ensure the maintenance of a five year housing land supply. The Local Plan Inspector also considered it appropriate to make reference in the NDTLP to the application of the Liverpool method for the lifetime of the Plan. At the time of adoption, she also considered it appropriate to apply a 20% buffer with the Liverpool approach, but this may change over time.<sup>17</sup>
42. Accordingly, paragraph 4.24 of the NDTLP clearly states that the NDTLP at the time of the adoption applies a 20% buffer:

*"For the purposes of identifying and updating annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against the housing requirements of the Local Plan, the Liverpool method of spreading the delivery of shortfall together with the 20% buffer shall apply to all reports published for the North Devon and Torridge Local Plan area until 2031 or until the Local Plan is first reviewed. In the event that the shortfall is delivered prior to the 1 April 2031 or to the review of the Local Plan, a buffer of 5% shall be applied to the five year housing land requirement."*

43. In my view, the purpose of the buffer is to provide for past under delivery as paragraph 4.25 of the NDTLP explains – it is as much part of the housing requirement as is the base figure and is indivisible from it. It is intended to both help ensure that under delivery from the early years of the Plan period is made up as soon as possible and to maintain delivery to meet the remaining

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<sup>16</sup> Housing Delivery Test

<sup>17</sup> Doc 2, page 26, paragraph 122

housing requirement. Accordingly, when paragraph 7.64 of the NDTLP (in the context of Policy ST21) talks about monitoring against the “managed” target “to reflect any cumulative backlog”, it must include the buffer otherwise it would not reflect the backlog in the manner intended by the Plan as set out at paragraph 4.25.

44. None of the prerequisites set out in the NDTLP for moving away from the 20% buffer apply: it is not 2031, the NDTLP has not been reviewed and the shortfall has not been delivered. Nonetheless, the Council’s Position Statement (Doc 31) has chosen to move away from the 20% buffer citing the introduction of the HDT, the results supporting a 5% buffer. In doing so the Council has ignored the primacy of the development plan and its commitment to applying the 20% buffer. If the Council is promoting that the NPPF and the introduction of the HDT are of such material importance for the Plan’s commitment to 20% to be put aside then in my view that should also apply to the Liverpool approach.

45. Neither the NPPF nor the PPG refers to the Liverpool approach. The PPG states

*“The level of deficit or shortfall will need to be calculated from the base date of the adopted plan and should be added to the plan requirements for the next 5 year period (the Sedgefield approach), then the appropriate buffer should be applied. If a strategic policy-making authority wishes to deal with past under delivery over a longer period, then a case may be made as part of the plan-making and examination process...”<sup>18</sup>*

The preferred approach is clearly that of Sedgefield with alternatives derived through plan-making, which is the position that applies here in TDC. That of course takes us back to paragraph 4.24 of the NDTLP.

46. The Appellant points out that the HDT results are measured against household growth and not the adopted housing requirement. I note from the evidence presented that the household growth figures do not represent the full housing requirement for the Local Plan area. The three year aggregate household growth requirement for the HDT is 1,844, whereas the Local Plan aggregate annualised requirement for three years is 2,583, before any additional uplift for past shortfalls in delivery. Given the Local Plan’s commitment to a 20% buffer and making up for past under-performance it would seem strange to me to move away from this position.<sup>19</sup> TDC’s position is that a 5% buffer should be applied whereas the Appellant’s position is that a 20% buffer should be applied. The Appellant has a secondary position, that is Sedgefield and 5%, the NPPF position.

47. Drawing the threads of the housing requirement together, it is clear to me that Policy ST08 of the NDTLP sets a minimum of 17,220 dwellings over a 20 year plan period from 1 April 2011 to 31 March 2031. This annualises to a minimum of 861 dwellings per annum. Paragraph 4.24 of the NDTLP plainly states that when calculating the housing requirement, the Liverpool approach to addressing shortfall in delivery and the application of a 20% buffer will be applied for the lifetime of the Local Plan, until its first review or until the shortfall is cleared. The stipulated buffer was the consequence of a conscious decision by the Local Plan Inspector to recognise the shortfall in delivery from

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<sup>18</sup> Paragraph 031 Reference ID: 68-031-20190722

<sup>19</sup> Mr Jacobs’ proof of evidence page 15 paragraph 4.11

the start of the Plan period. The Council's Housing Land Supply Statement accepts the NDTLP in part by applying the Liverpool approach but diverts in part by applying a 5% buffer and through this approach calculates a five-year requirement of 5,222 dwellings. I conclude that the five-year housing should be calculated in accordance with the commitment in the NDTLP applying the Liverpool approach and a 20% buffer producing a figure of 5,968 dwellings.<sup>20</sup>

48. In terms of *Housing Supply*, it was agreed in the SoCG<sup>21</sup> submitted to the Inquiry that minor developments consist of commitments on sites of less than 10 dwellings, some of which may have started and others which have yet to be implemented, amounted to 586 dwellings. There are a further 576 dwellings consented from this source but not yet implemented. Allowing for a 15% discount from this source of supply both parties agreed would yield 520 dwellings within the five plan period.<sup>22</sup> Moreover, a windfall allowance of 117 dwellings per annum applied to years 4 and 5 totalling 234 is agreed.
49. It is common ground that Policy ST21 of the NDTLP is a relevant policy in the context of managing the delivery of housing in the NDTLP. Policy ST21 requires an annual review and an updated housing trajectory will inform the review. In the application of clause (1) of Policy ST21, if the number of dwelling completions across the Plan area is less than 110% of the annualised dwelling requirement in any monitoring year, in this case 2018/19, the provisions of that clause will be brought into force.
50. There is no dispute that the number of dwelling completions for 2018/19 was 951 dwellings, compared to an annualised (residual) dwelling requirement for that year of 991 dwellings. The level of completions as a proportion of dwelling requirement for that year is 96%; 14% (or 139 dwellings) below 110% of the annualised dwelling requirement required to trigger the provisions of clause (1) of Policy ST21 (1,090 dwellings). Accordingly, it is agreed that the provisions of clause (1) of Policy ST21 are triggered on the basis of the level of dwelling completions achieved in 2018/19.
51. Clause (2) of Policy ST21, states that if the number of dwelling completions in a monitoring year falls below 90% of the annualised dwelling requirement, and the housing trajectory indicates that the rate would not recover to an average of at least 100% for the two subsequent monitoring years, then proposals for additional residential development outside defined settlement limits will be supported subject to four stated criteria. It is common ground that for the purposes of clause (2) of Policy ST21, 90% of the annual (residual) dwelling requirement for the 2018/19 monitoring year, and without the addition of any buffer, is 892 dwellings (991\*0.9).
52. It is agreed that there were 951 dwelling completions in the 2018/19 monitoring year, providing 96% of the annual (residual) dwelling requirement, or a surplus of 59 dwellings compared to the 90% requirement, if no buffer is applied. On the basis of applying no buffer, it is agreed that the provisions of clause (2) of Policy ST21 are not brought into force. The parties do not agree the appropriate buffer to be applied, nor do they agree the assessed five year

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<sup>20</sup> Doc 38 page 12

<sup>21</sup> Doc 38

<sup>22</sup> Where the sites are for 1-4 dwellings or less than 0.1 hectare to allow for non-implementation or lapse rate

supply.

53. At the opening of the Inquiry, in the SoCG,<sup>23</sup> the Council considered the total supply of deliverable housing land for the period 1 April 2019 to 31 March 2024 to be 6,685 dwellings reflecting its Five Year Housing Land Supply Position Statement.<sup>24</sup> The Appellant considered the equivalent supply to be 4,874 dwellings. There were 38 sites from the Council's five-year supply of deliverable sites on which the parties did not agree an attributable dwelling yield.<sup>25</sup> As a result of the differing positions the Council calculated there would be 6,685 dwellings (6.40 years supply using the Liverpool approach with a 5% buffer, whereas the Appellant using Liverpool with a 20% buffer calculated there would be 4,874 dwellings equivalent to 4.08 years supply. There is a difference of 362 dwellings in the supply forecast for Years 1 and 2.<sup>26</sup>
54. Following the RTS on Housing Land Supply (HLS) there were a number of concessions made in respect of the disputed sites which affects both the Council and the Appellant's position. The changes are reflected in updated tables from the HLS SoCG.<sup>27</sup>
55. I have assessed the disputed sites in the context of the test of deliverability set out in the Glossary to the NPPF. This specific guidance indicates which sites should be included within the five-year supply. The first list (Part A) is those sites where it is for the Appellant to provide evidence that sites will not deliver within five years while the second list Part (B) consisting of sites with outline planning permission for major development, allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register cannot be included within the five-year supply unless the Local Planning Authority can produce clear evidence that housing completions will begin on site within five years.
56. I have also had regard to the updated PPG advice published on 22 July 2019 on 'Housing supply and delivery' including the section that provides guidance on 'What constitutes a 'deliverable' housing site in the context of plan-making and decision-taking.' The PPG is clear on what is required:
- "In order to demonstrate 5 years' worth of deliverable housing sites, robust, up to date evidence needs to be available to support the preparation of strategic policies and planning decisions."*
- This indicates the expectation that 'clear evidence' must be something cogent, as opposed to simply mere assertions. There must be strong evidence that a given site will in reality deliver housing in the timescale and in the numbers contended by the party concerned.
57. Clear evidence requires more than just being informed by landowners, agents or developers that sites will come forward, rather, that a realistic assessment of the factors concerning the delivery has been considered. This means not only are the planning matters that need to be considered but also the technical, legal and commercial/financial aspects of delivery assessed.

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<sup>23</sup> Doc 38

<sup>24</sup> Doc 31

<sup>25</sup> Table 3 Doc 38

<sup>26</sup> Table 4 Doc 38

<sup>27</sup> Doc APP10

Securing an email or completed pro-forma from a developer or agent does not in itself constitute 'clear evidence'. Developers are financially incentivised to reduce competition (supply) and this can be achieved by optimistically forecasting delivery of housing from their own site and consequentially remove the need for other sites to come forward.

58. Turning to the sites in dispute, there was a narrowing of issues following the RTS but there remain 19 sites in dispute. The difference in deliverable supply between the parties for the supply sites listed in Table 3 is 1,099 dwellings.<sup>28</sup> Of the supply, the Council considers that in Year 1 (2019/20) 1,206 dwellings and in Year 2 1,260 dwellings will be delivered. The Appellant contends that figures of 1,206 and 1,145 are more realistic and robust. This is a difference of 115 dwellings and Table 4 lists the sites where the Appellant disputes the Council's supply for Years 1 and 2 of the five-year period.<sup>29</sup>
59. Of these 19 sites, one site (IL Ref. 1)<sup>30</sup> falls within Part A where the burden of proof is put on the Appellant to demonstrate that the site will not deliver in line with the Council's forecast i.e. to provide clear evidence. From the evidence there are a number of uncertainties including whether the site has been sold and when a reserved matters application will be worked up, submitted and determined. There is nothing to indicate a start date on site and no indication of build out rates. I consider that Year 3 for first completions is more realistic and a nationally identified built out rate of 43dpa would be more appropriate. A minimum of 61 dwellings should be deducted.
60. The remaining 18 sites in dispute are Part B sites where the burden of proof is put on the Local Planning Authority to provide clear evidence to justify inclusion of sites within the forecast supply. Of these sites, one site (IL Ref. 14),<sup>31</sup> which the Council's commentary refers to as being controlled by Linden Homes and based on information provided first completions are expected in 2020. However, the email from Linden Homes that the Council rely on suggests uncertainty around delivery and does not provide clear evidence of the site's deliverability for the five-year supply. The developer has provided a profile of delivery but there appears to be no interrogation of this. It is my understanding that the land is under option and price negotiations have yet to start with the landowner. The nature of these can be lengthy and far from straightforward. It is therefore unknown when development would come forward and the lack of clear evidence should remove this site from the supply reducing the supply by 170 dwellings.
61. In another Part B site (IL Ref. 15),<sup>32</sup> the Council's evidence states that the agents for the site have indicated that a detailed application is likely in the near future. There is some uncertainty about progress on this application. However, as I saw on my visit, there are significant issues associated with this site not least ground conditions, demolition of a complex industrial heritage and viability. There are also suggestions that the site is to be sold and that it may become part of a wider redevelopment scheme. None of this information provides clear evidence for inclusion of the site within the five year supply and therefore 105 dwellings should be removed from the supply.

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<sup>28</sup> APP10 pages 1-2

<sup>29</sup> APP10 page 3

<sup>30</sup> Larkbear Strategic Extension, Barnstaple

<sup>31</sup> South of Clovelly Road, Bideford

<sup>32</sup> The Former Creamery Site, Great Torrington

62. There is a major strategic Part B site (IL Ref.16)<sup>33</sup> listed which requires Government infrastructure funding to enable delivery. I accept that funding is forthcoming in the form of a Funding Agreement<sup>34</sup> but there is no information about when the funding will be available, what needs to be done to secure it, what the timeframe is for delivery of the infrastructure and how this plays out for housing delivery. Without clear evidence the site should not be included and therefore 150 dwellings should be removed from the supply.
63. There are many other Part B sites which the Council considers will contribute significant numbers of dwellings in the five year period. I note that with regard to site IL Ref. 26<sup>35</sup>, the Council's commentary refers to the site being under the control of a regional house builder and that it intends to submit an application in 2020. This would suggest that the site is progressing. However, the site has yet to be sold and it is not known whether negotiations over price have commenced. Without this being resolved it undermines the clear evidence required to include the site within the overall supply and therefore 70 units should be removed.
64. Similarly, on site IL Ref. 33<sup>36</sup> I note that no planning applications have yet been submitted. Discussions with the developer are said to be on-going but there is no clear evidence of the issues, what needs to be resolved or whether there are any landownership issues that need to be overcome. On such a large strategic site greater justification is required before including dwellings within the supply. I consider that 128 dwellings should be removed from the supply. With regard to IL Ref. 54,<sup>37</sup> there is no planning permission and the site is subject to a s106 Agreement. I consider that there is a lack of clear evidence to justify inclusion of this site and therefore a further 174 dwellings should be removed from the Council's supply.
65. It is not necessary for me to go through all of the sites in Table 3 and Table 4 of APP10. In my view, the Council was not able to provide clear evidence of delivery on most of the disputed sites which significantly undermines its position. Although the Council published on 19 November 2019 a Housing Land Supply Statement for the period 1 April 2019 to 31 March 2024 what is evident is that the evidence that underpins the report has been collected post-base date with evidence collection from Autumn 2019. In my view any update should be thorough and consistent across all aspects of housing land supply with evidence available and published at the base date.
66. Overall, I consider that the Appellant's assessment of supply is more realistic taking into account the test of deliverability set out in the Glossary to the NPPF and the updated PPG advice published on 22 July 2019. I am satisfied that the Appellant's approach is consistent with national policy, case law, appeal decisions and informed by research into current housebuilder sales rates, assessment of the technical complexities of delivering development sites and experience of the housebuilding industry including lead-in times.<sup>38</sup>
67. My conclusion on housing land supply is that there are a number of sites that together significantly reduce the Council's five-year housing land supply. A

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<sup>33</sup> Ilfracombe Southern Extension

<sup>34</sup> LPA10

<sup>35</sup> Kingsley Plastics Ltd, Western Barn Road, Winkleigh

<sup>36</sup> Land at Adjavin Farm, Bideford

<sup>37</sup> Land north of Clovelly Road, Bideford

<sup>38</sup> See Appendix 14 and Appendix 15 of Mr Jacobs' evidence

large number of the sites that TDC includes within the supply cannot be justified applying the current definition of deliverable. I consider that TDC's supply should be reduced to reflect the Appellant's position set out in Table 3, Table 4 and Table 5 of APP10. It follows that the Council's supply figure of 6,145 dwellings in APP10 should be reduced by 1,099 to give a more robust total supply figure of 5,046 dwellings for the period 1 April 2019 to 31 March 2024. The Council maintains there is a 5.88 years supply using Liverpool and a 5% buffer; 5.15 years using Liverpool and a 20% buffer. Using the Liverpool approach with the 20% buffer, which I consider an integral part of the development plan, produces a housing land supply equivalent to **4.23** years.<sup>39</sup>

68. It is accepted by both main parties in the General SoCG<sup>40</sup> under item 9 that Policy ST21 (1) is triggered on the basis of the monitoring year 2018/19. Specific action is thus required in accordance with the policy but there are no proposals to implement the necessary remedial measures. With regard to Policy ST21 (2) this test is also failed. As Mr Jacob's evidence demonstrates, completions for the monitoring year 2018/19 fall below the 90% threshold based on the NDTLP paragraph 4.24 approach and his assessment of completions against requirements for the two subsequent years 2019/20 and 2020/21 also fall below the 100% average.<sup>41</sup> The principle of development plan support for residential development outside of defined settlement limits is established subject to four criteria. Policy ST21 (2) is engaged in this case.
69. The Council gave evidence that even if it was engaged, the four criteria set out within the policy were not met. However, the Council did accept in relation to criterion (a) that the location was suitable as it was on the edge of a Main Centre in a sustainable location. It also agreed that the proposal was commensurate with the deficit in required housing. I note the proposal does not need to be commensurate with the deficit as against the two years shown in the monitoring report prepared for the purposes of Policy ST21. It simply has to be "commensurate to the deficit in required housing". The required housing is the housing that is required in the district, and the deficit in the housing required in the district is some 1,603 dwellings as at 31 March 2019.
70. With regard to criterion (b) delivery in a timely manner – if planning permission is granted the appeal site would have outline planning permission and a signed s106 Agreement. There is a contractual obligation to market the site as soon as possible. There are no impediments to the delivery of housing on the site as soon as the site is sold to a housebuilder. The agent's letter<sup>42</sup> establishes that the volume housebuilders would be interested in a site of this size. There is nothing different about this site as regards delivery compared to any other site that would need to be released if Policy ST21(2) is engaged.
71. With regard to criterion (c) I consider the proposal would be broadly consistent with and not prejudicial to the overall spatial vision and strategy for northern Devon along with the settlement vision and development strategy. There is no need for me to repeat my assessment of the site in relation to Policy ST08 and Policy GTT which is set out above. On the basis that Policy ST21(2) is engaged and there is an express need to release housing sites outside of settlement limits to make up a deficit in supply, I consider that

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<sup>39</sup> App10 page 5 Summary Table of 5 Year Housing Land Supply Position

<sup>40</sup> Doc 37

<sup>41</sup> APP10 Updated Table 8 page 7

<sup>42</sup> APP1

release of a site adjoining the settlement boundary of a Main Centre in what is conceded by the Council to be a sustainable location, would be appropriate.

72. With regard to criterion (d) subject to my assessment under the third and fourth issues below, I consider that there is no breach of other development plan policies. I note that paragraph 7.65 of the NDTLP indicates that if the circumstances set out in Policy ST21 (2) are triggered

*'It is expected that such sites will be developable or potentially developable Strategic Housing Land Availability Assessment (SHLAA) sites and will normally adjoin development boundaries or the principal built form for defined settlements without development boundaries.'*

The SHLAA concluded that not only was this site developable, but that it was also suitable in all respects. This is precisely the type of site that should be released if Policy S21(2) is engaged.

73. I conclude on the second issue that the Council cannot demonstrate a five year supply of deliverable housing sites and that paragraph 11 (d) of the NPPF is engaged.

***Third Issue - The effect of the proposal on the character and appearance of the surrounding landscape particularly in relation to the central and western fields of the development.***

74. The landscape planning policies that are alleged to have been breached are set out in the Officer's Report to Committee<sup>43</sup> and the Council's Statement of Case.<sup>44</sup> These are agreed in the LSoCG<sup>45</sup> at paragraph 1 f) and g) and there is no need for me to repeat them here. I held a Landscape RTS on 28 January 2020 when the landscape witnesses for both main parties discussed the landscape and visual effects which are clearly set out in the comparison tables that they produced. I have considered the LVIA,<sup>46</sup> the Addendum to the LVIA<sup>47</sup> together with the plans and photographic viewpoints submitted by the parties.
75. From the RTS discussion and from the evidence that is before me, it is clear that the appeal site is not a valued landscape, and neither does it lie within or adjacent to any locally or nationally designated landscape. It has an ordinary condition typical of mixed Devon farmland, adjacent to existing residential development. The landscape character of the area in which the appeal site sits is one of arable and pastoral fields bordering the urban edge of a small town. Hedge banks border the majority of the appeal site, with some exceptions. The appeal site is not part of or adjacent to a conservation area. It is of medium value in landscape terms and given that what is currently a greenfield site would become a residential estate it is inevitable that within the confines of the site itself the impact is assessed as major adverse.
76. I accept that there would be a change from farmland to a residential area, which would change the perception of the area. The Council refers to a suburbanising effect on the landscape. However, no hedgerows or trees would be lost. The only landscape feature of note proposed to be lost would be hedge banks, but substantially more hedge bank is proposed. The proposed road

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<sup>43</sup> Doc 14

<sup>44</sup> Doc 34

<sup>45</sup> Doc 39

<sup>46</sup> Doc A13

<sup>47</sup> Doc A11



layout would remove about 130m length of hedge bank and gap up about 5m of the existing boundary (a field gate). The remainder would be retained. The southern boundary of the central field, currently a post and wire fence would be replaced with 205m of hedge bank, which would be tied into retained hedge banks at the Caddywood Lane and Burwood Lane ends. With mitigation the adverse impact would reduce to moderate.

77. Mr Randall's assessment that the County Landscape Area (LCA) and District Landscape Type (LCT) have high sensitivity, simply cannot be right because he accepts that the appeal site is medium sensitivity and it sits within these larger character areas and is representative of them. The surrounding area is not designated, and Mr Randall's reference to the former AGLV designation is not of assistance because as the Council itself has confirmed it is no longer used. In any event the area upon which Mr Randall focuses was never part of the AGLV designation.
78. One of the two key inputs in the assessment of sensitivity of the landscape receptors is to ask how susceptible the area is to the development proposed, and Mr Randall has wrongly concluded that the surrounding landscape has high susceptibility. They are much larger areas and are less susceptible to the proposed development than the appeal site, not more. Neither can the impact on these surrounding areas be of medium sensitivity, as Mr Randall claims. There would be no impact on these areas because no development is proposed on them. Extending the south-eastern edge of the town by between 100m and 200m, which once developed would read as part of the town, cannot possibly have a high impact on the very large landscape areas surrounding the town.
79. Turning to the visual assessment of the appeal site, at my site visit I saw that visually it is extremely well contained. Mr Randall confirms that the medium range views extend to only 250m from the site and his long range views extend to no more than 1.5kms from the site.<sup>48</sup> In this regard he states that 'Within the built-up area, ground level views are confined to a few relatively elevated sections of road that are oriented towards the site. Within the countryside, views are constrained by landform, roadside hedge banks and countryside. There are very few opportunities for views towards the site from the majority of the built-up area, including historic town centre, or from the wooded sections of the Torridge Valley and its tributaries. I agree.'<sup>49</sup>
80. Moreover, Mr Randall also concludes that the significance of effect for all the long range views and many of his medium range views is (at worst) none to moderate.<sup>50</sup> He states that 'The significance of the effects falls away to moderate and below in medium-range views, particularly views from within the built-up area in which a perception of the surrounding countryside remains. In longer range views, the effects generally become minor, since the development - whilst visible - would not represent a fundamental change to the character of the view'.<sup>51</sup>
81. Overall, I consider that the proposed development would have very little landscape and visual impact. It is noteworthy that the Council has allocated sites adjacent to the urban edge of the town in the NDTLP for residential

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<sup>48</sup> Mr Randall's proof of evidence Table on page 21

<sup>49</sup> Mr Randall's proof of evidence page 20 paragraph 4.7

<sup>50</sup> Mr Randall's proof of evidence Table on page 31

<sup>51</sup> Mr Randall's proof of evidence page 33 paragraph 6.10

development, including the eastern field (Phase 1) of the appeal site. By allocating these greenfield sites, the Council has demonstrated that there would be no breach of Policy ST14 i.e. that the development of these sites would conserve and enhance local distinctiveness, including tranquillity. Moreover, the proposed development for the central and western fields (Phases 2 and 3) is of similar layout, density and overall design principles to that which was permitted on the eastern field (Phase 1). As with Phase 1, there would be no breach of Policy DM04 or DM08A.

82. With regard to policies in the GTNP, the proposed development demonstrates sensitivity to the distinctive landscape character. Where important landscape elements would be lost e.g. sections of hedge bank, these would be replaced, and new lengths of hedge bank created as part of the mitigation. This is in line with the mitigation hierarchy, set out in the Examiner's proposed changes to the submitted Policy ENV1. With regard to Policy ENV3, the proposed development would provide new green infrastructure, which would benefit the existing and the new communities. In terms of Policy ENV4, the proposed development lies adjacent to the urban edge of Great Torrington. It would extend the light sources into the fields immediately to the south of the town. However, with the type and extent of the landscaping proposed,<sup>52</sup> as well as an agreed lighting strategy, the light spill would be minimised. I find no conflict with the emerging GTNP policies.
83. I note the comments in the SHLAA,<sup>53</sup> under the headings of compatibility, landscape and light pollution, all of which are written by the Council itself and run directly to the Council's case that development of the appeal site would breach the landscape policies of the NDTLP. The SHLAA evidence demonstrates that the proposal would not breach any of those policies.
84. Drawing these threads together, I accept that as with most development of greenfield sites there would be adverse visual impacts in views either from within the site itself, or from some viewpoints immediately outside the site looking in. However, with mitigation, the proposed development on Phases 1 and 2 would not have a significant adverse effect on the existing landscape and visual resources. Similarly, the development of Phase 3 would not cause unacceptable landscape or visual harm, whether taken individually or together with Phases 1 and 2. The proposed development would comply with the relevant NDTLP policies listed in the RfR1, other relevant NDTLP policies referred to in evidence to the Inquiry and the relevant GTNP policies identified in the LSoG.<sup>54</sup> The proposal would also accord with paragraphs 8c, 122, 127 and 170 of the NPPF. Overall, I consider that, in landscape and visual terms, the proposal is acceptable. On the third issue, I conclude, there is no reason to withhold permission.

***Fourth Issue - Whether the proposal makes adequate provision for affordable housing and for any additional infrastructure/services, such as education, drainage, transport and public open space arising from the development.***

85. At the Inquiry, a s106 Planning Obligation was submitted by way of Agreement. The Planning Obligation is made by an Agreement between the

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<sup>52</sup> This would be agreed with the TDC at the detailed design/reserved matters stage

<sup>53</sup> Doc 10

<sup>54</sup> Doc 39 paragraph 1 f) and 1 g)

Landowners, the Appellant, TDC and DCC.<sup>55</sup> A CIL Compliance Schedule was submitted for the Planning Obligation.<sup>56</sup> I have considered the Planning Obligation in the light of the CIL Regulations 2010, as amended, the advice in the NPPF and the PPG.

86. Local Planning Authorities should only consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.<sup>57</sup> Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms. Regulation 122 of the CIL Regulations, as amended by the 2011 and 2019 Regulations, and paragraph 56 of the NPPF make clear that Planning Obligations should only be sought where they meet all of the following three tests:
- necessary to make the development acceptable in planning terms
  - directly related to the development; and
  - fairly and reasonably related in scale and kind to the development.
87. Paragraph: 004 of the PPG<sup>58</sup> states that policies for planning obligations should be set out in plans and examined in public. It states that it is not appropriate for plan-makers to set out new formulaic approaches to planning obligations in supplementary planning documents or supporting evidence base documents, as these would not be subject to examination. Paragraphs 007 and 008 of the PPG concern funding for education and refer to the DfE guidance for local education authorities on developer contributions.<sup>59</sup>
88. NDTLP Policy ST18 (Affordable Housing on Development Sites) sets out the basis on which the Council will require affordable housing on residential development proposals. Policy ST23 (Infrastructure) requires development to provide, or contribute towards the timely provision of physical, social and green infrastructure made necessary by the specific and/or cumulative impact of those developments. Policy DM10 (Green Infrastructure Provision) sets out the requirements for development to meet the green infrastructure typology, quantitative and accessibility standards as set out in Table 13.1 to meet the needs of intended occupants. The Green Infrastructure Strategy for North Devon and Torridge District Councils<sup>60</sup> provides the basis for the standards set out in the NDTLP with the supporting text at paragraph 13.68 indicating that regard should be had to the Strategy for a comprehensive interpretation of the overall approach towards green infrastructure provision.
89. The Planning Obligation secures the provision of 30% affordable housing on-site, with an agreed tenure split, in accordance with NDTLP Policy ST18(7), for 75% to be provided at a social rent level and 25% at intermediate level. The provision of affordable housing on-site is necessary to meet an identified need and is a requirement of both national and local planning policy. The provision is directly related to the development and the provision of 30% is fairly and reasonably related in scale and kind to the development. The actual numbers of affordable units would depend on the final approved number of dwellings.

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<sup>55</sup> LPA2

<sup>56</sup> LPA1

<sup>57</sup> NPPF paragraph 54

<sup>58</sup> Reference ID: 23b-004-20190901

<sup>59</sup> Reference ID: 23b-007-20190315 and Reference ID: 23b-008-20190315

<sup>60</sup> Part 2 of 3; David Wilson Partnership/JPC Strategic Planning & Leisure, April 2014

90. The Planning Obligation would also secure green infrastructure provision on site pursuant to NDTLP Policy DM10 (incorporating Table 13.1) and provision for an off-site financial contribution of £18,718.61 towards Great Torrington Artificial Turf Pitch (ATP) in lieu of on-site provision towards youth play space. The provision of appropriate levels of green infrastructure is essential in the context of national and local policy. Policy DM10 and Table 13.1 provide a robust basis for establishing the green infrastructure required for the detailed design stage. The proposal would generate an estimated resident population of some 423 persons and Table 13.1 requires the proposal to provide 0.2 ha of Play Space (youth) per thousand population resulting in a requirement of 84.73m<sup>2</sup> of provision for the development. Whilst the NDTLP generally expects green infrastructure requirements for major developments to be provided on site, it recognises that financial contributions may be supported for off-site provision.<sup>61</sup> I consider this provision would be fairly and reasonably related in scale and kind to the development.
91. The public transport contribution of £200,000 is necessary towards improving bus services serving Great Torrington. The appeal site is at the edge of Great Torrington and although walking and cycling as well as driving is possible to the town centre, trips would be made to Barnstaple and Bideford, so enhancements are necessary to public bus services. Policy ST23 of the NDTLP indicates that developments will be expected to provide or contribute towards the timely provision of infrastructure. The proposed service improvements would operate Monday to Friday with an estimated cost of £120 per day and total cost of £30,000 (5 days x 50 weeks excluding public holidays) per year. Additionally, a Sunday/Public Holiday service is proposed at a cost of £350 per day, or about £20,000 per year. The contribution would support these service enhancements for a 4-year period. I consider the provision would be fairly and reasonably related in scale and kind to the development.
92. Outline planning permission for a 50 space car park and associated access road immediately to the west of the appeal site was granted in June 2018.<sup>62</sup> The construction of the car park is necessary. It forms part of the transport strategy to mitigate the impact of the proposal in relation to the additional traffic generated by the development and issues associated with activity outside Great Torrington Bluecoat Church of England Primary School in the morning and afternoon drop off/pick up periods. The provision of a 50-space car park would remove a significant proportion of vehicles from the street and remove any conflict arising from the development.
93. The Transport Assessment<sup>63</sup> indicates that there are around 50 vehicles typically parked on roads near to the school associated with dropping off and picking up pupils; this conclusion has been confirmed by the Local Highway Authority. The provision of a 50-space car park would therefore remove any additional impact from the development and would accord with NDTLP Policies ST23, DM05 and DMO6. I consider the provision of a 50 space car park would be fairly and reasonably related in scale and kind to the development.
94. The Planning Obligation secures contributions for the provision of nursery, primary and secondary education. The contributions requested by DCC are necessary to make the appeal development acceptable in planning terms and

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<sup>61</sup> Doc 1 page 425 paragraph 13.70

<sup>62</sup> Reference: 1/0702/2017/OUT

<sup>63</sup> Doc A16 paragraph 6.3.5

- directly related to the development. An Early Years Education Contribution of £250 Index Linked per qualifying dwelling is required towards early years (2, 3 and 4 year olds) provision within Great Torrington. The new housing would add to existing demand through population growth which is confirmed by the provision for a new primary school in Policy GTT03 of the NDTLP.
95. A Primary Education Contribution of £3,336.55 Index Linked per qualifying dwelling is required towards the provision of new primary school places within Great Torrington. The new housing would add to existing demand through population growth which is confirmed by the provision for a new primary school in Policy GTT03 of the NDTLP. DCC has identified that the proposed 181 family type dwellings would generate an additional 45.25 primary pupils.
96. The designated primary school for this development is Great Torrington Bluecoat Church of England Primary School which has a current net capacity of 525. When factoring in approved but not yet implemented developments in the area the Local Education Authority (LEA) has forecasted that in Spring 2023 the number of pupils expected to be attending the school is 517.45. This shows that there is capacity for 7.55 pupils and therefore a contribution towards the remaining 37.70 pupils would be required towards new primary education provision in the area. This contribution would relate directly to providing education facilities for those living in the development. In addition, as a new primary school is required, the LEA would also need to request a proportionate land contribution of 10sqm per family-type dwelling.
97. As contributions towards a new school are being requested in the area, all early years' requests would be towards early years provision at the proposed new school. The contribution is based on the cost of provision arising from the development on a per dwelling basis and the numbers of pupils per dwelling and accords with guidance set out in DfE '*Securing Developer Contributions for Education*' November 2019; DCC '*Education Section 106 infrastructure Approach*' October 2016 and NDTLP Policies ST23: Infrastructure and GTT03: Hatchmoor Common Lane. The contribution is fair and reasonable as it is based on the cost of provision arising from the development on a per dwelling basis and the numbers of pupils per dwelling.
98. A Secondary Education Contribution of £3,288 Index Linked per qualifying dwelling is required towards provision of additional infrastructure at Great Torrington School. The new housing would add to existing demand through population growth. DCC has identified that the proposed 181 family type dwellings would generate an additional 27.15 secondary pupils, and this would have a direct impact on Great Torrington School. The net capacity for Great Torrington School is 900, when factoring in approved but not yet implemented planning approvals the forecast for Spring 2025 is 971 pupils, showing a shortfall of 71 secondary pupils in the area. An expansion of Great Torrington School to meet the increased population would therefore be required and the contribution request would facilitate this directly. The contribution is based on the cost of provision arising from the development on a per dwelling basis and the numbers of pupils per dwelling. It accords with aforementioned guidance.
99. In my view, all of the obligations in the Planning Obligation are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. Therefore, they all meet the tests within Regulation 122 of the

CIL Regulations and should be taken into account in the decision. On the fourth issue, I conclude, there is no reason to withhold permission.

### **Other Matters**

100. I have taken into account all other matters raised including the concerns raised by Great Torrington Town Council, the representations made by interested persons including those who gave evidence at the Inquiry and those who provided written submissions. I have already dealt with many of the points raised in the main issues.
101. A number of concerns related to highway safety matters and traffic impact. I note that the proposal was supported by a Transport Assessment (TA) and Travel Plan which complements the TA. The TA confirms that suitable vehicular site accesses can be provided on to Hoopers Way and Caddywell Lane and that the design of the site would be in accordance with the principles of Manual for Streets. The location of the proposed development is accessible for pedestrians, cyclists and public transport users and would integrate well with the surrounding residential area. The level of traffic generated by the proposed development would not have a material impact on the local road network or on the capacity at nearby junctions.
102. The ability for the new dedicated school car park to come forward as a result of the residential development would also be a benefit to the development proposals as it would alleviate congestion around the primary school at the start and end of the school day which in turn would improve road safety for pupils. The development would not have an impact on the road safety conditions on the wider road network. Locally improvements to footway provision on Caddywell Lane and the realignment of Tylers Meadow would improve existing road safety in the vicinity of the site and nearby primary school. The development could also remove on street parking around the school crossing points.
103. There is no objection to the proposal from DCC the Highway Authority but given the level of interest in the matter a statement has been prepared by the transport consultants advising the Appellant which is included in the evidence before the Inquiry.<sup>64</sup> The statement responds to the issues raised by third parties on this topic and sets them in the context of a summary of matters such as the site access, traffic impact and the general accessibility of the site. The statement demonstrates that there are no additional considerations identified by third parties under this heading that weigh against the proposal.
104. The concerns about drainage relate to both foul and surface water drainage. In relation to the former, South West Water have no objection to the proposal. As far as surface water drainage is concerned, RfR3 refers to an alleged lack of information on this topic. Further discussions have since taken place between the Appellant's drainage consultant and the Lead Local Flood Authority and additional information has now been provided. A conditional approach is now proposed whereby a detailed drainage scheme would be prepared and submitted to the Local Planning Authority for approval and implemented before any dwellings are occupied. It was agreed at the Inquiry that RfR3 is no longer in dispute between the main parties and that the matter can be dealt with via appropriate planning conditions. I agree.

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<sup>64</sup> See Appendix A to Mr Simkins' proof of evidence

105. As with many proposals for new housing, interested persons have expressed concerns about the pressure on various services and facilities such as education facilities and green infrastructure. The Planning Obligation that has been completed and signed between the Landowners/Appellant, TDC and DCC in relation to the appeal addresses all the legitimate requirements in this regard arising from the proposal that have been identified including education, transport and recreation provision. I have dealt with the Planning Obligation and how it would mitigate the impact of the proposed development in relation to specific projects in the preceding section.
106. In terms of landscape and environmental impact some of the concerns raised are similar to matters which I have already dealt with under the third main issue. The proposed residential development would not result in a detrimental impact on the character and appearance of the surrounding area. It would not require the stopping up or diversion of any public rights of way. I recognise that residential development would have some effects on residential visual amenity. However, the effect on private views is not a planning matter, unless they are unacceptable which these are not. In my view, the indicative plans do show adequate separation distances between properties and potential for further landscaping to soften boundaries.
107. Concerns have been expressed about the principle of development including the site's relationship with the defined development boundary for Great Torrington and what is described in one response as 'unplanned' growth. I have already dealt with the site's suitability for residential development in the first main issue and there is no need to repeat that assessment here.

### **Planning Balance**

108. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission be determined in accordance with the development plan, unless material planning considerations indicate otherwise. The housing land supply position triggers the operation of Policy ST21(2). The appeal proposal meets all the requirements of the policy in terms of suitability of the site and its ability to meet the 2 and 5 year shortfalls as well as the overall shortfall of completions over requirement.
109. The key development plan policies are ST01, ST06, ST07, ST08, ST21 and GTT set in the context of the general, positive approach in the NDTLP. The way these policies operate in this case effectively means that Policies ST06 and ST07 are overridden by Policy ST21 which specifically includes support for sites such as the appeal site where the ST21(2) test is failed. These policies, in combination, reflect the positive approach in the NDTLP towards sustainable development, the principle of housing requirements as minimum levels to be achieved and the importance of ensuring that at least those minimum levels are met in a situation where, from the point of adoption, the NDTLP was already well short of achieving them. In all the circumstances of this case I find no conflict with any of the aforementioned policies including Policies ST08 and GTT which deal with self-containment. I conclude that the appeal proposal accords with the development plan when read as a whole.
110. Paragraph 11c of the NPPF provides that proposals which accord with an up to date development plan should be approved without delay. There is clear evidence before me with regard to the suitability of the site, including in

relation to environmental considerations. The material considerations in this case do not begin to outweigh the primacy of the development plan. To the extent that there is some residual harm involved in relation to the development of any 'green field' site which involves a change from countryside to becoming part of a settlement, it does not change what is a clear case for approving the appeal proposal in these circumstances.

111. Even if Policy ST21 (2) is not engaged then paragraph 11d) of the NPPF would be engaged and the tilted balance would be in play because the Council cannot demonstrate a five year housing land supply as I have demonstrated under the second main issue. There are no footnote 6 policies which would provide a clear reason for refusing permission and which would prevent the tilted balance from being applied. I do not consider that the most important policies for determining the proposal are out-of-date in relation to the use of a 20% buffer. However, if it is determined that the buffer is indeed out of date and thus so are the most important policies which I have identified based on the Council's approach in paragraph 2.17 of the November 2019 Position Statement,<sup>65</sup> then paragraph 11d) would also be engaged on this basis. If paragraph 11 d) is engaged I consider that planning permission should be granted because the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits.
112. There would be a number of benefits of the appeal scheme which are powerful material considerations and they indicate taking a decision otherwise than in accordance with the Plan. These benefits were not undermined to any degree during the Inquiry. The following benefits would arise: (a) much needed market housing and affordable housing; this is a very significant benefit of the scheme where there is a shortfall in housing delivery; (b) significant economic benefits from the housing scheme. Whilst I accept that any benefits arising out of the construction phase would be temporary, the economic benefits arising from the building of the houses and the spending power of residents would be significant. It is estimated that this spending would be around £4.75m in the local area each year; (c) the provision of the proposed car parking for the Bluecoat School and associated footpaths would be a significant benefit; this would address existing safety issues; (d) the enhancement of existing bus services would be a significant benefit to both residents and the wider community and (e) the contribution towards an all-weather recreation facility would be a significant benefit which would also provide a valuable additional facility available to the wider community.
113. The only harm that would need to be weighed in the balance against the appeal scheme is the alleged harm in relation to landscape and visual effects. Other concerns raised by interested persons have been dealt with and none of the concerns raised amount to objections of any substance.
114. Therefore, even if I had accepted that the proposal is contrary to Policies ST06, ST07, ST08 and GTT of the NDTLP and thereby reached a contrary conclusion in terms of the appeal proposals accordance with the development plan, then in the context of paragraph 11(d) of the NPPF, any harm which might be identified as arising from the appeal proposals comes nowhere near significantly and demonstrably outweighing the many and varied benefits of

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<sup>65</sup> Doc 31



the appeal proposals. There is no reason to withhold planning permission in this case and I conclude that the appeal should be allowed

### **Planning Conditions**

115. I have considered the conditions suggested by the Council<sup>66</sup> in the light of the advice in paragraphs 54 and 55 of the NPPF and the Government's PPG on the use of planning conditions. I have made minor adjustments to the conditions in the interests of clarity. Condition 1 is the standard time limit condition and Condition 2 is necessary to determine the scope of the application and for the avoidance of doubt. Condition 3 is required to ensure the development provides an appropriate mix of dwelling sizes, types and tenures to contribute to a mixed and balanced community and to reflect local needs. Condition 4 is necessary to determine the scope of the application and for the avoidance of doubt.
116. Condition 5 is necessary to enable the development to be delivered in controlled phases as part of an overall phasing plan. I have added the words "in writing" in the interests of clarity. Condition 6 is necessary to protect the trees to be retained on the site from damage before and during the course of development. Condition 7, which relates to a Construction Method Statement, is necessary to minimise the impact of the works during construction of the development in the interests of highway safety and the free flow of traffic and to safeguard residential amenity. Condition 8, which relates to finished floor levels, is necessary in the interests of amenity and to ensure a satisfactory overall development. Condition 9 is necessary to minimise the amount of waste produced and promote sustainable methods of waste management. I have added the words "in writing" in the interests of clarity. Condition 10 is required to safeguard heritage assets of archaeological interest.
117. Condition 11 is necessary to ensure the interests of protected species on the site are maintained and to achieve biodiversity enhancement. Condition 12 is necessary in the interests of highway safety and to ensure that adequate information is available for the proper consideration of the detailed proposals. I have added the words "in writing" in the interests of clarity. Condition 13 is required to ensure the development does not cause increased flood risk or increased pollution to the water environment. Condition 14 is necessary to protect the amenities of neighbouring properties. Condition 15 is necessary to ensure that adequate access and associated facilities are available for the traffic attracted to the site. Condition 16 is necessary to control the number of dwellings accessed from a single access point in the interests of the safe and free flow of traffic. Condition 17 is necessary in the interests of public safety and to prevent damage to the highway.

### **Conclusion.**

118. Having considered these and all other matters raised I find nothing of sufficient materiality to lead me to a different conclusion. The appeal is therefore allowed subject to the conditions set out in the attached Schedule.

*Harold Stephens*

INSPECTOR

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<sup>66</sup> LPA4

## **SCHEDULE OF PLANNING CONDITIONS**

### **TIME LIMITS FOR COMMENCEMENT OF DEVELOPMENT**

- 1) Application for the approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission or before the expiration of two years from the date of approval of the last reserved matters to be approved whichever is the later.

### **DETAILS AND DRAWINGS SUBJECT TO WHICH THE PLANNING PERMISSION IS GRANTED**

- 2) For those matters not reserved for later approval, the development hereby permitted shall be carried out in accordance with the approved Site Location plan ref AP01 and Access plans 2696.05 and 2696.14B and with regard to the principles set out in the Design and Access Statement prepared by Inspire Design dated January 2017.

### **PRE-COMMENCEMENT AND CONSTRUCTION PHASE CONDITIONS**

- 3) Prior to commencement of the development, a proposed dwelling mix for the development shall be submitted to and agreed in writing by the Local Planning Authority. The proposed dwelling mix shall be in broad accordance with Table 114 of the North Devon and Torridge Housing and Economic Needs Assessment (2016), which requires the following: 1 bed – 5-10%; 2 bed – 30-35%; 3 bed – 40-45%; 4 bed - 15-20%. Any deviation from this mix shall be justified in accordance with Policy ST17(a). The reserved matters shall come forward in accordance with the agreed mix.
- 4) Prior to the commencement of a phase or combination of phases of the development details of the following matters for that phase or combination of phases (in respect of which approval is expressly reserved) shall be submitted to, and approved in writing by, the Local Planning Authority:
  - (a) the scale of the development;
  - (b) the layout of the development;
  - (c) the external appearance of the development;
  - (d) the landscaping of the site;

The development shall be carried out in accordance with the approved details.

- 5) Prior to the commencement of the development a phasing plan for the whole site shall be submitted to and approved in writing by the Local Planning Authority. The phasing plan shall include the following:
  - (a) the intended number of market and affordable dwellings for each phase;
  - (b) the general locations and phasing of key infrastructure including, surface water drainage, green infrastructure, and access for pedestrians, cyclists, buses and vehicles;
  - (c) the timing and delivery of the road improvements and part closure of Burwood Lane and Caddywell Lane; and

(d) the timing and delivery of the footway improvements.

The development shall be carried out in accordance with the phasing plan.

- 6) Prior to the commencement of any development hereby granted planning permission and before any equipment, machinery or materials are brought onto the site for the purposes of the development hereby granted planning permission, site specific details of the specification and position of the fencing for the protection of any retained tree/group of trees, a tree constraints report and plan in accordance with the recommendations in BS5837:2012, together with a site specific arboricultural impact assessment and arboricultural method statement shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out as approved and the fencing shall be erected prior to the commencement of any of the development hereby permitted and shall be maintained until the development has been completed and all equipment, machinery and surplus materials have been removed from the site.
- 7) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The Statement shall provide for:
- details of points of access of vehicles associated with the construction of the site;
  - the parking of vehicles of site operatives and visitors;
  - loading and unloading of plant and materials;
  - storage of plant and materials used in constructing the development;
  - the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - wheel washing facilities;
  - measures to control the emission of dust and dirt during construction; and
  - a scheme for recycling/disposing of waste resulting from demolition and construction works.

The Construction Method Statement shall be adhered to throughout the construction period for the development.

- 8) Prior to commencement of each phase or combination of phases of the development hereby permitted a plan identifying the finished floor level of the proposed dwellings and the finished garden levels in relation to an identifiable datum point shall be submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with such agreed details.
- 9) A waste audit statement shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of each phase or combination of phases of the development. The development shall be carried out in accordance with the approved statement.

- 10) No development shall take place on any phase or combination of phases until the developer has secured the implementation of a programme of archaeological work for that phase or combination of phases in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme.
- 11) Prior to the commencement of development, a Construction and Ecological Management Plan (CEMP) to detail measures to ensure habitat and species protection during construction and a Landscape and Ecological Management Plan (LEMP) to detail how retained and proposed habitats will be managed in the long term based on the Ecological Assessment dated March 2019 prepared by Ecology Solutions Ltd, will be submitted to and approved in writing by the Local Planning Authority. The development will be implemented in accordance with the approved CEMP and LEMP.
- 12) Prior to the commencement of development on any phase or combination of phases, details of any proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be submitted to and approved in writing by the Local Planning Authority. The phase or combination of phases shall be implemented in accordance with the approved details.
- 13) No development hereby permitted shall commence on any phase or combination of phases until the following information in relation to that phase or those phases has been submitted to and approved in writing by the Local Planning Authority:
  - (a) soakaway test results in accordance with BRE 365;
  - (b) measured ground water levels to demonstrate that throughout the year the soakaway system would be in accordance with CIRIA SuDS Manual C753;
  - (c) evidence that there is a low risk of infiltrated water from soakaways re-emerging downslope from the site;
  - (d) a detailed drainage design based upon the approved Flood Risk Assessment and Drainage Strategy by Clive Onions Ltd dated 4 March 2019 (Version 4), and the results of the information submitted in relation to (a), (b) and (c) above;
  - (e) detailed proposals for the management of surface water and silt run-off from the site during construction of the development hereby permitted; and
  - (f) proposals for the adoption and maintenance of the permanent surface water drainage system.

No building hereby permitted within each phase or combination of phases shall be occupied until the works approved under (a) - (f) above have been

implemented for that specific phase or phases in accordance with the approved details under (a) - (f).

- 14) Construction works shall not take place other than between 0700 and 1900hrs on Mondays to Fridays, Saturdays between 0800 and 1300hrs and at no time on Sundays and Bank Holidays.

#### **PRE-OCCUPANCY CONDITIONS**

- 15) The occupation of any dwelling in a phase or combination of phases shall not take place until the following works have been completed:
- (a) the spine road and any cul-de-sac carriageways serving the dwelling (including any vehicle turning heads, kerbing and highway drainage) constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;
  - (b) the spine road and cul-de-sac footways and footpaths which provide that dwelling with direct pedestrian routes to an existing highway maintainable at public expense constructed up to and including base course level;
  - (c) any cul-de-sac visibility splays have been laid out to their final level;
  - (d) the street lighting for the spine road, any cul-de-sac and footpaths serving the dwelling has been erected and is operational;
  - (e) the car parking and vehicular access to serve the dwelling; and
  - (f) the verge and service margin and vehicle crossing on the road frontage of the dwelling.
- 16) No more than eighty dwellings shall be occupied with access from Hoopers Way until the spine road through the site links to Caddywell Lane and no more than eighty dwellings shall be occupied with access from Caddywell Lane until the spine road through the site links to Hoopers Way.

#### **POST OCCUPANCY MONITORING AND MANAGEMENT**

- 17) Provision shall be made within the site for the disposal of surface water so that none drains on to any County Highway.

## **APPEARANCES**

### **FOR THE LOCAL PLANNING AUTHORITY**

Peter Wadsley (of Counsel)      Instructed by the Solicitor to TDC

#### **He called**

Peter Radmall MA BPhil CMLI      Chartered Landscape Architect

Mike Muston BA (Hons) MPhil  
MRTPI      Director, Muston Planning

Helen Smith BA MTP MRTPI      Development Manager Team Leader TDC

Beth Sachs MA (Hons) MRTPI      Planning Policy Officer TDC

### **FOR THE APPELLANT**

Satnam Choongh (of Counsel)      Instructed by Beechcroft Land Ltd

#### **He called**

Corinna Demmar BA (Hons)  
Dip LA (Hons) CMLI      Senior Director (Landscape) RPS

Nigel Jacobs BA (Hons) MRTPI      Operations Director, Intelligent Land

Christopher Simkins BA (Hons)  
MRTPI      Director, Planning and Strategy, RPS

Andrew Kenyon BEng FCHIT      Director, Peter Evans Partnership

Clive Onions BSc, CEng, FICE,  
FCIWEM, MStructE, MCIHT      Director Clive Onions Ltd

### **FOR DEVON COUNTY COUNCIL**

Helen Montgomery MA (Hons)      Flood and Coastal Risk Engineer  
C.WEM, MCIWEM

### **FOR NORTH DEVON COUNCIL**

Andrew Austen BA (Hons),      Planning Policy Team Leader  
MPhil, MRTPI

### **DOCUMENTS SUBMITTED AT THE INQUIRY**

INQ1      Notification Letter

INQ2      Letters of representations

### **ADDITIONAL DOCUMENTS SUBMITTED BY THE APPELLANT**

APP1      Letter to Ian Thomas at Beechcroft Land Ltd 10.01.2020

- APP2 Email from DCC Landscape Officer re AGLV Supplementary Paper 29.11.2019
- APP3 Email from Stephen Reed to Helen Smith 22.05.2019
- APP4 Email exchange Helen Smith and Chris Simkins 09.12.2019
- APP5 Extract from Northern Devon Housing and Employment Study 2014
- APP6 Appeal and costs decision APP/G2815/W/19/3232099
- APP7 North Devon & Torridge Infrastructure Delivery Plan 2016
- APP8 Paul Newman New Homes Ltd v Secretary of State EWHC 2367 (Admin), 2019 WL 04259661
- APP9 NPPG Planning Obligations para 004 extract
- APP10 Housing Land Supply SoCG 30.01.2020
- APP11 Closing Submissions on behalf of the Appellant

#### **ADDITIONAL DOCUMENTS SUBMITTED BY THE LPA**

- LPA1 CIL Compliance Schedule 13.2.2020
- LPA2 s.106 Agreement 13.2.2020
- LPA3 Proposed site visit and vehicular route
- LPA4 Draft Conditions (as revised) 31.01.2020
- LPA5 North Devon and Torridge District Councils' Core Strategy Issue and Options November 2007
- LPA6 Great Torrington Commons Management Plan 2019 -2024
- LPA7 Numbers of dwelling completions in Torrington
- LPA8 Homes for Sale in Barnstaple Devon – Tawcroft (Persimmon)
- LPA9 Homes for Sale in Barnstaple Devon – Larkbear (Pickards)
- LPA10 Homes England Funding Contract, Ilfracombe
- LPA11 Babergh appeal re deliverability definition 2019 EWCA Civ 2200 Case No. C1/2019/0140
- LPA12 Beech Grove (Chichester Development)
- LPA13 Daddon Hill Farm Northam (Linden)
- LPA14 Email re Land west of Parklands, South Molton (SoCG site 18) 27.01.2020
- LPA15 Email re Clovelly Road and Tadworthy Road, Northam (SoCG site 11 and 50) 28.01.2020
- LPA16 Email re South Molton Strategic Western Extension (SoCG site 52) 17.12.2019
- LPA17 DCC LLFA Drainage Statement 29.01.2020
- LPA18 Torridge and North Devon Councils' Housing and Economic Needs Assessment Torridge and North Devon Councils May 2016
- LPA19 Closing submissions on behalf of the Council

#### **INTERESTED PERSONS' DOCUMENTS**

- IP1 Statement by Alan G Crawley, Torridge Commons Conservator
- IP2 Statement by Cheryl Cottle-Hunkin, District and Town Councillor for Great Torrington
- IP3 Statement by John Insull, Town Councillor
- IP4 Statement by James Shuttleworth, Local Resident
- IP5 Statement by Adrian Freeland, Local Resident
- IP6 Statement by Jill Hewell, Local Resident