



Supplemental Proof of Evidence

**Town and Country Planning Act 1990 (as amended)
Section 78**

**Redetermination Appeal against the non-determination of a planning
application by Mid Devon District Council**

**Outline application for the proposed extension to the existing business park for up to
3.9ha of employment land and up to 150 residential dwellings with associated open space
and infrastructure (with means of access to be determined only)**

Address: Land at NGR 298976 112882 (Hartnoll Farm) Tiverton Devon

**LPA Reference: 21/01576/MOUT
PINS Reference: APP/Y1138/W/22/3313401**

Supplemental Proof of Evidence on behalf of the Local Planning Authority

Compiled by:

Mr Arron Beecham BSc (Hons) MSc (UP)

October 2024

1. Summary

- 1.1. This supplemental proof of evidence provides an updated assessment in respect of the delivery of housing across the residual plan period, beyond five year housing land supply. It demonstrates that there is no basis for attributing weight to the appellant's suggestion that there is a plan failure and provides an update on the delivery of key strategic allocations within the Mid Devon Local Plan 2013 – 2033.

2. Introduction

- 2.1. My name is Arron Beecham. I am a Principal Housing Enabling and Forward Planning Officer employed at Mid Devon District Council. I have a bachelor's degree in Geography and Environmental Management and a Master's degree in Urban Planning, both obtained from the University of the West of England. I am also a licentiate member of the Royal Town Planning Institute. I confirm that this proof of evidence represents my true and professional opinion and has been prepared and is given in accordance with the guidance of my professional institution.
- 2.2. I have visited the appeal site and the locality in connection with this appeal and am consequently familiar with both.
- 2.3. The appeal is made on the basis of the non-determination by Mid Devon District Council of an application in respect of outline planning permission for the proposed extension to the existing business park for up to 3.9ha of employment land and up to 150 residential dwellings with associated open space and infrastructure (with means of access to be determined only) at Hartnoll Farm, Tiverton.
- 2.4. The application was subsequently refused on 19 January 2023. At the time of the decision, an appeal had been made to the Planning Inspectorate, although officers had not received notification that it was valid. As such determination of the application remained with the local planning authority. There were six reasons for refusal, which are set out in the Decision Notice (CD2).
- 2.5. A planning inquiry took place on 12 – 15 September 2023 and the Inspector issued his decision on 20th October 2023 dismissing the appeal on the basis that the appeal scheme *"would be in breach of three strategic policies which are central to the settlement strategy and the essential purpose of the adopted local plan"* (paragraph 85 of the decision) and *"would undermine the plan led approach"* (paragraph 86 of the decision)¹.
- 2.6. In June 2024, the High Court issued a consent order quashing the Inspector's decision. A summary of the grounds of challenge and the parties' respective positions on each of the grounds is provided in the Council's Statement of Case² and a copy of the signed consent order is attached at Appendix 1 of the SOC. I do not therefore propose to restate this within this supplemental proof.
- 2.7. My Proof of Evidence relates solely to the first reason for refusal and only addresses the extent to which the delivery of housing across the plan period as a whole is a relevant

¹ CD86 – Inspector's Decision (20th October 2023)

² CD3a – Council's Supplemental Statement of Case

material consideration. All other matters in relation to that reason for refusal and the interpretation of policy as they apply to the appeal application are dealt with in the proof of Mr Aspbury.

- 2.8. I previously provided evidence in respect of five-year housing land supply, which is now common ground between the main parties (CD6B).

3. The Appellant's Case

- 3.1. The appellant's argument, having now accepted that the Council is able to demonstrate a five year housing land supply, is that there are alleged housing delivery issues across the residual plan period as a whole (i.e. beyond 5 year supply). This is clearly not the case. In any event, as set out in my rebuttal proof³, in my view this is only of tangential relevance to the inquiry and the appellant is straying into plan-making territory. There is no set timeframe within a given plan period in which the entire local plan strategy must be delivered. I reiterate that the local plan strategy, which has been informed by extensive evidence gathering and undergone an independent examination, will be delivered over the lifetime of the plan period as a whole. This conclusion was clearly accepted by the first inquiry Inspector who stated:

"I do not regard these matters as central to the calculation of the 5YHLS. These matters fall outside the remit of this decision⁴."

and;

"The appeal scheme would undermine the plan led approach⁵"

- 3.2. As the previous Inspector recognised⁶, safeguarding the 'plan led' approach is of utmost importance and the appeal proposals would only serve to erode this. I commend the evidence of Mr Aspbury to the Inspector in this regard.
- 3.3. On the basis that the appellant has accepted that the Council is able to demonstrate a five year land supply, it follows that the appellant now accepts that there is no delivery issue for this period, which in reality forms nearly half of the residual plan period. The appellant's argument in this respect therefore relates to housing delivery during the six years after this period from 2027 to 2033, the end date of the Local Plan 2013 – 2033.

³ Paras 2.1 to 2.5 of my Rebuttal Proof of Evidence

⁴ Para 26 of the Inspector's Decision CD86

⁵ Para 89 of the Inspector's Decision CD86

⁶ By reference to Paras 26, 89 and footnote 32 (ID17) 'Letter dated 8 September on Long Term Plan for Housing from the SoS DLUHC the Rt Hon Michael Gove MP'.

4. Delivery of housing across the residual plan period

4.1. Firstly, it is important to establish the correct test to apply in respect of housing delivery across the residual plan period. The appellant has repeatedly referred to 'deliverability' across the wider plan period⁷. However, paragraph 69 of the NPPF makes clear that the correct considerations to apply are whether there are "*specific, developable sites or broad locations for growth for the subsequent years 6-10 and, where possible, for years 11-15 of the remaining plan period*".

4.2. The test of 'developability' is defined in the NPPF as :

*"To be considered developable, sites should be in a suitable location for housing development with a reasonable prospect that they will be available and could be viably developed at the point envisaged."*⁸

4.3. It is a less onerous test and for good reason as clearly a degree of pragmatism is needed in the latter stages of the plan period over exact delivery timescales. The 'developability' of sites was established through the Local Plan 2013 – 2033 Examination and was ultimately accepted by the Inspector in 2020 (CD60). It is also important to note that neither the definition of 'developable' nor paragraph 69 of the NPPF is currently proposed to be amended in the NPPF draft for consultation, save for an amendment to the paragraph number.

4.4. Even if the Inspector were to agree with the appellant that a 'plan-failure'⁹ is likely to occur towards the end of the plan period, that would be a matter to address through the forthcoming plan review and would have little bearing on the appeal proposals. It is illogical in my view to ascribe weight to alleged, wholly speculative housing delivery issues towards the very end of the plan period, irrespective of whether or not the Inspector finds the appellant's arguments in this respect compelling. Any number of actions are open to the Council to address issues before then in a way which does not impact on the overall delivery of the plan. Not least, the forthcoming plan-review where the Council is able to reconsider its strategy, address delivery issues or indeed, formulate a revised strategy altogether, informed by up-to-date evidence. Additionally, the Council has a strong track record¹⁰ in securing infrastructure funding and unlocking strategic sites for delivery and works proactively with partners to address issues as and when they arise.

4.5. An argument of alleged 'plan failure'¹¹ across the residual plan period principally relates to housing delivery associated with three strategic allocations. I provide updated evidence in respect of each which clearly demonstrates that the appellant's position is entirely indefensible.

TIV1 – TIV6 Tiverton Eastern Urban Extension

4.6. My proof of evidence and subsequent rebuttal proof submitted for the previous inquiry provide a summary of delivery across Area A¹². The Council is in receipt of a Reserved

⁷ For example, please Section 8 of Mr Seaton's Proof of Evidence in respect of Housing Land Supply.

⁸ Annex 2: Glossary, NPPF

⁹ Para 8.12 of the Appellant's Proof of Evidence – Housing Supply prepared by David Seaton

¹⁰ See Para 4.9 below.

¹¹ Para 8.12 of the Appellant's Proof of Evidence – Housing Supply prepared by David Seaton

¹² In particular, see paras 5.12, 5.13, 6.1 and 6.2 of my rebuttal proof of evidence.

Matters Application (23/00394/MARM) which is due to be considered by the Planning Committee early in the New Year. Subject to approval, this would leave 414 dwellings remaining with outline planning permission only, pursuant to the Chettiscombe Trust application (14/00881/MOUT). It is important to note that Condition 4 attached to that permission requires the submission of Reserved Matters before the expiration of ten years from the date of permission (12th June 2017) and there is no reason to suggest that applications will not be forthcoming within that time period. Indeed, it would not be in the applicant’s interests to take an alternative approach.

- 4.7. It is accepted that 138 dwellings associated with the Tiverton Eastern Urban Extension (Area A) fall outside of the plan period, according to the five-year land supply information submitted to this inquiry. The appellant asserts that this amounts to ‘plan-failure’. However, those dwellings have been indicated as being delivered outside of the plan period based on a “*precautionary and risk averse approach*”¹³ to five-year housing land supply. It is perfectly feasible given progress since the first inquiry that delivery will occur more quickly.
- 4.8. In respect of Area B, the Council has agreed a reasonable and realistic programme for the delivery of development on Area B that results in development commencing during the winter of 2026/2027¹⁴. Applying the HELAA methodology¹⁵ in respect of build out, this would translate to full delivery within the local plan period as follows:

	2027/28	2028/29	2029/30	2030/31	2031/2032	2032/2033	2033+
Tiverton Eastern Urban Extension (Area B)	25	150	150	150	75	0	0

CU1 – CU6 North West Cullompton Urban Extension and CU7 – CU12 East Cullompton (Culm Garden Village)

- 4.9. Whilst the previous Inspector’s Decision (CD86) did not accept the Appellant’s arguments in respect of delivering housing needs over the rest of the plan period¹⁶, he did note at paragraph 26 that the Council had not yet secured funding for road infrastructure, the Cullompton Town Centre Relief Road (‘CTCRR’), required to release sites in Cullompton. Significant progress has been made since then. The Council has now successfully secured a full funding package via Homes England’s Housing Infrastructure Fund (which is specifically designed to unlock and accelerate housing delivery) to enable delivery of the CTCRR. The CTCRR secured planning permission in January 2021¹⁷ and completion is forecast for 2028¹⁸. It will form the first phase of major road infrastructure investment in Cullompton with further investment expected to support the upgrading of Junction 28 in order to address the capacity of the junction and support wider planned growth. A further

¹³ Para 8.1 of my Rebuttal Proof of Evidence

¹⁴ CD87 Statement of Common Ground between Westcountry Land (Tiverton Ltd), Mid Devon District Council and Devon County Council (Agreed by parties but at the time of submission of this proof remained unsigned).

¹⁵ CD27 HELAA Methodology May 2021

¹⁶ Para 25 of CD86 – Inspector’s Decision

¹⁷ 20/00876/MFUL – Available to view at: [Simple Search](#)

¹⁸ [See extract of MDDC Press Release attached at Appendix 1.](#)

business case for investment in Junction 28 is currently with the Government for consideration.

- 4.10. The delivery of Phase 1 of the NW Cullompton Urban Extension is common ground on the basis of agreement reached in respect of five-year housing land supply¹⁹. In respect of Phase 2, the Council is in receipt of four live planning applications²⁰ which are pending determination.
- 4.11. Additionally, the Council is now in receipt of live planning applications pending determination²¹ which cover almost all of the area allocated under CU7 – CU12 (East Cullompton).

5. Conclusion

- 5.1. The evidence contained within this proof demonstrates that no justifiable argument can be made in respect of delivery failures across the residual plan period. The Council works proactively with stakeholders to facilitate delivery and assumptions made in respect of delivery are being met or exceeded. Furthermore, even if the Inspector reaches the view that a delivery failure is probable, my evidence submits that it is of little consequence for the determination of the appeal.
- 5.2. As set out in my original proof of evidence, there is no basis for attributing weight to the appellant's suggestion that there is a plan failure. This supplemental proof demonstrates that this clearly isn't the case. Taking my evidence, in conjunction with that provided to the inquiry by Mr Aspbury, I submit that the appeal should be respectfully dismissed.

¹⁹ Para 3.2 of Further Statement of Common Ground (October 2024) (CD6B)

²⁰ 19/01592/MOUT (225 dwellings), 19,02058/MOUT (90 dwellings), 22/00729/MFUL (208 dwellings) & 22/01562/MOUT (approximately 250 dwellings) – Available to view on Public Access at: [Simple Search \(middevon.gov.uk\)](#)

²¹ 23/01440/MOUT, 24/01208/MOUT and 24/01166/MOUT, available to view on Public Access at: [Simple Search \(middevon.gov.uk\)](#)

Appendix 1: MDDC Press Release- Funding Secured to deliver Cullompton Town Centre Relief Road

Funding secured to deliver Cullompton Town Centre Relief Road

Posted On: 30-08-2024

Posted In: Breaking news

Mid Devon District Council has successfully secured a funding package to enable delivery of the Cullompton Town Centre Relief Road.

The funding package, including additional funding to be provided by Homes England, will allow Mid Devon to progress the delivery of the relief road building upon the recent positive steps to commence the relocation of the Cullompton Cricket Club. Work will be undertaken in close conjunction with Devon County Council as delivery partner.

The relief road has been long awaited by local residents as it will address town centre congestion, improve air quality in the town and support the vibrancy of the town centre. The construction of the relief road was supported by Homes England as it is also essential in unlocking planned homes – both at North West Cullompton and to the east of the M5 where the initial phase of homes associated with the Culm Garden Village are proposed. These works would have remained stalled without the hard work of all those involved, including Mid Devon District Council, Devon County Council and Homes England.

The relief road, which secured planning permission in January 2021, will run from Station Road in the north to Duke Street in the south and will also include enhanced walking and cycling facilities to support sustainable and active travel within the town.

Completion of the road is forecast for 2028 with the major focus of work in the short term being to finalise designs, complete the acquisition of land and fully relocate the cricket club.

It is expected that the relief road will be the first phase of major road infrastructure investment in Cullompton with further investment expected to support the upgrading of J28 in order to address the capacity of the junction and support wider planned growth. A further business case for investment in the J28 junction is currently with Government for consideration.

Councillor Steve Keable, Cabinet Member for Planning and Economic Regeneration, said:

“This announcement is the culmination of years of hard work and effort on behalf of Mid Devon to secure the funding needed to deliver the relief road for the people of Cullompton and the local area. I am delighted that Government has recognised the opportunity and need for such investment in Cullompton. The relief road will address the growing pressure of traffic congestion and air pollution. Without the relief road Mid Devon would also not be able to meet the local need for new homes.”

“Recognising this mandate for delivery, I would now call on Tesco to meaningfully engage with us in relation to the transfer of land they own which is required to deliver the relief road so that we can deliver the relief road and realise its benefits as soon as possible.”