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APPEAL BY WADDETON PARK LIMITED
PINS REF.: APP/Y1138/W/22/3313401
LAND AT HARTNOLLS FARM, TIVERTON

SUMMARY

SUPPLEMENTARY PROOF OF EVIDENCE

OF

ANTONY ASPBURY BA MRTPI

**ON BEHALF OF MID DEVON DISTRICT
COUNCIL**

OCTOBER 2024

SI.0 INTRODUCTION

S1.1 In this section of my Supplementary Proof of Evidence I set out in Section 1.1 my professional qualifications and experience and in Section 1.2, my instructions. In the latter sub-section I set out that I continue to rely substantially on my evidence to the previous Inquiry

S2.0 THE MAIN SPATIAL PLANNING ISSUES AND THE SCOPE OF MY EVIDENCE

S2.1 In this Section I set out the main planning issues in this case as follows:

S2.1.1 Whether or not the appeal proposal would be in a suitable location having regard to the policies for the location of development in the Mid Devon Local Plan 2013 – 2033, including in particular Policies S1, S2 and S14.

S2.1.2 The weight to be given to the other material considerations in the planning balance in this case, including provision of a secondary access road to Area B of the Tiverton Eastern Urban Extension, and the implications for the Appeal.

S2.2 At Paragraph 2.2 I note that the issue of five-year housing land supply is no longer a matter of disagreement between the parties, as confirmed in the Further Additional SoCG (CD 6b – Paragraph 3.2). It follows that there is no potential to engage the ‘tilted balance’ as previously asserted by the Appellant.

S2.3 At 2.3 I note that any broader points relating to housing land supply and delivery are covered in the other planning evidence and, thus, my Supplementary Evidence is to be read alongside, complements and is complemented by the Supplementary Proof of Evidence of Mr Arron Beecham. I confirm that I endorse that evidence and rely on its substance and conclusions, to the extent necessary, in my assessment of ‘policy’ compliance and in striking the planning balance.

S3.0 THE APPEAL SITE AND ITS SURROUNDINGS.

S3.1 I note here that a full description of the Appeal Site has already been covered elsewhere.

S4.0 THE RELEVANT PROVISIONS OF THE DEVELOPMENT PLAN

S4.1 In 4.1 I note that it is agreed between the parties that the development plan is the Mid Devon Local Plan 2013 to 2033, which was adopted in July 2020, and that the Plan is up-to-date.

S4.2 I go on to note that the relevant provisions of the development plan are Policy S1 – ‘Sustainable Development’, S2 – ‘Amount and Distribution of Development’ and S14 – ‘Countryside’.

S4.3 At 4.5 of my main Proof I record that work on a Review of the Local Plan has already commenced, although it has not progressed to a point where it can be given weight in this Appeal. I go on to note that, given there is still 8 years of the existing plan period to run, the Review will ensure that any risk of under delivery of housing – and consequent ‘Plan-failure - can be satisfactorily addressed in a timely fashion. I note also that the Review is well timed to address any implications of new Government Policy as contained in the revised NPPF due in the New Year and a revised Standard Method formula for calculating housing need.

S4.4 I then proceed to assess each of the three most relevant Local Plan policies and how, taken together, and read with the other strategic policies in the Plan, they set out a clear strategy to locate most development within the three identified Market Towns (including Tiverton), whilst development in the countryside (defined as outside the defined settlement boundaries) will be limited to forms of development that bring benefit to the rural economy, noting at 4.6 the conclusions of the Inspector examining the Local Plan in this respect.

S4.5 At 4.13 I state that the Settlement Boundaries and the distinction between the land within the and outside them is intended to be clear-cut and not fluid or permeable.

S4.6 At 4.14 I contend that Policy S14 is intended to address only small-scale local housing need and is clearly not intended to accommodate large scale market housing of a clearly urban character as is proposed in this case.

S4.7 At 4.15 I refer to the conclusions of the previous Appeal Inspector as to the combined impact and consequences of Policies S1, S2 and S14.

S4.8 In this Section I also address the Tiverton Neighbourhood Plan, insofar as it is relevant to an understanding of the objectives/purposes of settlement boundaries, together with the latest iteration and evolving nature of the Tiverton EUE Masterplan SPD.

S4.9 Finally in Section 4.0, I highlight the relevant policies in the current NPPF as follows: paragraphs: 7-10 inclusive, 11, 12, 15, 38, 47, 82, 88/89, 180 b), and 224.

S5.0 WHETHER OR NOT THE LOCATION OF THE PROPOSED DEVELOPMENT IS ACCEPTABLE HAVING REGARD TO ADOPTED NATIONAL AND LOCAL POLICIES

S5.1 On the basis of my assessment in Section 4.0 of my main Proof, I conclude that the location of the Appeal Site *beyond* the settlement boundary constitutes a clear conflict with *Policy S1*. Similarly, The Appeal Proposal also demonstrably conflicts with *Policy S2* for the same reason. Finally, because it is clearly beyond the intended and actual scope of Policy S14, it is in demonstrable conflict with that Policy and, finally, with the NPPF.

S6.0 THE APPROPRIATENESS OF BRINGING THE APPEAL SITE FORWARD THROUGH THE AD HOC PLANNING APPLICATION/APPEAL PROCESS, RATHER THAN THROUGH THE DEVELOPMENT PLAN

S6.1 This issue is fully dealt with in Section 7.0 of my main (previous) PoE and I see no reason to change my assessment therein.

S7.0 THE APPELLANT'S CLAIMED BENEFITS OF THE DEVELOPMENT AND THE WEIGHT TO BE ACCORDED TO THEM.

S7.1 I note the benefits of the Appeal Proposals claimed by the Appellant in 7.0. Thus, I have previously accepted that, in principle, the scheme is capable of delivering, amongst other things:

- Housing;
- Affordable housing;
- Employment;
- Energy-efficient development;
- Biodiversity Net Gain (if over and above the 'statutory' minimum requirement; and,
- A Link Road to Area B of the Tiverton EUE.

S7.2 Subject to current uncertainty as to whether the Anaerobic Digester can deliver renewable energy to the Business Park extension whilst still complying with the terms of the Planning Permission therefor, I accord weight to these benefits as follows:

Market Housing – Moderate weight;

Affordable and Custom Build Housing – Significant weight;

Employment – Moderate weight;

Link to the Anaerobic Digester – currently Moderate weight at best;

Biodiversity Net Gain – Significant weight;

TEUE Link Road – No weight.

S7.3 Set against the harm that I identify, in striking the planning balance, I concluded that the purported benefits do not outweigh that harm.

S8.0 CONCLUSIONS.

S8.1 I draw my overall conclusions in this Section and, in the circumstances, invite the Inspector to dismiss the Appeal.



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