



Rebuttal 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**

Rebuttal Proof of Evidence on behalf of the Local Planning Authority

Compiled by:

Mr Arron Beecham BSc (Hons) MSc (UP)

November 2024

1. Rebuttal to the Appellant’s Additional Proof of Evidence

- 1.1. In this rebuttal proof of evidence, I have not sought to provide a comprehensive response to the Appellant’s evidence. The approach set out below is to identify specific matters referenced within the proof of evidence of Mr David Seaton on which the Inspector may find it helpful to have a written response in advance of the inquiry. If I have not responded to or referred to other points in the Appellant’s evidence, it is not because I have accepted these points.
- 1.2. I present these rebuttal comments with reference to the specific paragraphs within Mr Seaton’s Additional Proof for ease of cross-referencing. This rebuttal proof responds only to matters raised in respect of delivery of housing across the plan period. Separate rebuttal comments will be provided by Mr Tony Asbury in response to all other matters.
- 1.3. As set out within the Inspector’s Post CMC note, the main issue, for the purposes of my Supplemental Proof of Evidence and this rebuttal, is the delivery of housing across the residual plan period (excluding five year housing land supply which is common ground between the main parties).

2. Facilitating the Development Plan – Access to ‘Area B’

- 2.1. The matter of access to Area B, via any of the means that are currently before the inquiry, is primarily a matter addressed by the evidence of Mr Asbury. However, there are several assertions within the Appellant’s additional proof in respect of delivery across the residual plan period which require a rebuttal response.
- 2.2. Firstly, paragraph 3.90 claims that the policy position of the Council points to the access proposals that are embodied in the appeal proposals. This is clearly not the case. Indeed, of the Council’s Cabinet is due to meet on 12th November 2024¹ to consider the Tiverton EUE Area B public consultation materials for a Stage 1 public consultation. The report for decision identifies the opportunity for the primary vehicular access into Area B to be taken off the northern edge of Area B for Post Hill, with the secondary point of access coming via the western edge of Area B via Area A².
- 2.3. Paragraph 3.91 discusses a previous decision of the Council³ regarding land at Hartnoll Farm. It is important to clarify that this report was for members to consider whether to make a major modification to the Local Plan Review to allocate land at J27 of the M5 for a leisure/retail/tourism and employment development. As part of this, members considered a wide range of options to accommodate the concomitant additional housing necessary as a result of the additional jobs that would be created. One such option included an area which encompasses the current appeal site. Importantly, however, members resolved to allocate land at Blundells and Higher Town Sampford Peverell and not land at Hartnoll farm. This decision therefore bears little relevance to this inquiry.

¹ The agenda for which was only published after the submission of proofs.

² See proposed consultation boards appended to CD90 - MDDC Cabinet Report, 12/11/2024 – Item 6, Tiverton Eastern Urban Extension Area B Masterplan Consultation.

³ CD84A

3. 5 year deliverable land supply

- 3.1. At paragraph 3.130 the Appellant refers to the recent consultation version of the NPPF. I accept that a government consultation document is capable of being a material consideration, although ultimately the weight to be attributed to the provisions contained therein is a matter for Mr Aspbury. I also accept that in July 2025, the Mid Devon Local Plan 2013 – 2033 will become 5 years old at which point the local housing need figure (calculated using the standard method) will form the starting point for calculating five-year housing land supply.
- 3.2. Insofar as it relates to this planning inquiry, this simply means that in July 2025, a fresh five-year land supply update will be needed taking into account updated data on housing completions and permissions as well as updated trajectory information for those sites included within the Council's supply. This is a complex and extensive process that requires robust evidence and it is not appropriate to speculate on the outcomes of this process without undertaking any detailed assessment.
- 3.3. The Appellant asserts that *“Based on the agreed supply position for this inquiry this would result in the Council only being able to demonstrate a supply of 2.55 years in July 2025”*. Evidently, this figure is entirely meaningless and not substantiated by any evidence. Aside from any consideration of evidence that would be required to reach such a figure, it also depends entirely on whether and how the Government's consultation proposals are translated into future policy. It has been widely acknowledged that the Government received a significant number of responses to its consultation on planning reforms⁴ and these must be appropriately assessed and responded to. It is reasonable to assume that this process could, where justified and reasonable, result in the Government amending its approach for one or more aspects of the consultation.
- 3.4. For these reasons, the Appellant's speculations on future housing land supply changes are wholly without justification and respectfully, cannot reasonably have any bearing on this appeal.

4. Delivery of housing over the residual plan period

- 4.1. Paragraphs 3.134 to 3.149 set out the Appellant's case in respect of housing delivery across the residual plan period and appears to be largely unchanged since the first inquiry. My Supplemental Proof of Evidence provides updated evidence on these matters and I therefore do not propose to restate this within this rebuttal.
- 4.2. Notwithstanding the above, on the 12th November 2024, the Council's Cabinet is due to consider a report updating Members on the progress of discussions with Homes England over the Council's application for funding under the Housing Infrastructure Fund (HIF) to enable the delivery of the Cullompton Town Centre Relief Road (CTCRR). This report forms part of the Core Documents Library⁵ and further substantiates the evidence provided at paragraphs 4.9 – 4.11 of my Supplemental Proof of Evidence regarding significant progress made in respect of infrastructure needed to release sites in Cullompton.

⁴ See [Government confirms intention to respond to NPPF consultation by end of the year | Planning Resource](#)

⁵ CD91 MDDC Cabinet Report 12/11/2024 – Item 7, Cullompton Town Centre Relief Road Update