

**THURLESTONE NEIGHBOURHOOD PLAN
SUBMISSION CONSULTATION FEBRUARY 2018**

**REPRESENTATIONS BY
THE BANTHAM ESTATE
FEBRUARY 2018**

THE BANTHAM ESTATE



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1.0 INTRODUCTION

- 1.1 These representations are made in response to the Thurlestone Neighbourhood Plan Submission Consultation 2018 by The Bantham Estate, from here also referred to as The Estate.
- 1.2 The Estate is a major landowner in the area. It has a unique role in strongly contributing to the prosperity and sustainability of the area in the short, medium and long-term.
- 1.3 Representations were previously made by The Estate during the pre-submission consultation that took place between 15th September and 27th October 2017.
- 1.4 The Estate notes that its comments are responded to in the consultation statement and appreciates this, however, The Estate does not believe that our comments were all fully considered or responded to. As a consequence of its comments not being fully considered, and in reviewing the submission version of the neighbourhood plan, it is The Estate's opinion that the plan fails to have full regard to national guidance and misses a vital opportunity to maintain and improve local sustainability. Therefore, the plan fails to meet the basic conditions and should not proceed to referendum as drafted.
- 1.5 The basic conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. The basic conditions are also reproduced in Planning Practice Guidance (PPG), and the following representations demonstrate that the neighbourhood plan fails to meet the first, fourth and fifth conditions in the list as follows:
- a. having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan).
 - d. the making of the order (or neighbourhood plan) contributes to the achievement of sustainable development.
 - e. the making of the order (or neighbourhood plan) is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).

Paragraph: 065 Reference ID: 41-065-20140306

- 1.6 The principle guidance that is not followed – as required by the first basic condition – is found in the Planning Practice Guidance (PPG) and the specific elements are reproduced below with paragraph reference and our emphasis shown underlined:
- 1.7 Neighbourhood planning can inspire local people and businesses to consider other ways to improve their neighbourhood than through the development and use of land. They may identify specific action or policies to deliver these improvements. Wider community aspirations than those relating to development and use of land

can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable. For example, set out in a companion document or annex.

Paragraph: 004 Reference ID: 41-004-20170728

- 1.8 While there are prescribed documents that must be submitted with a neighbourhood plan or Order there is no 'tick box' list of evidence required for neighbourhood planning. Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan or the proposals in an Order.

Paragraph: 040 Reference ID: 41-040-20160211

- 1.9 A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.

Paragraph: 041 Reference ID: 41-041-20140306

- 1.10 Blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence.

Paragraph: 044 Reference ID: 41-044-20160519

- 1.11 There are specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought...

These circumstances are that;

- contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1,000 square metres (gross internal area)
- in designated rural areas, local planning authorities may choose to apply a lower threshold of 5-units or less. No affordable housing or tariff-style contributions should then be sought from these developments. In addition, in a rural area where the lower 5-unit or less threshold is applied, affordable housing and tariff style contributions should be sought from developments of between 6 and 10-units in the form of cash payments which are commuted until after completion of units within the development. This applies to rural areas described under section 157(1) of the Housing Act 1985, which includes National Parks and Areas of Outstanding Natural Beauty

Paragraph: 031 Reference ID: 23b-031-20161116

- 1.12 The Estate notes that the basic conditions statement contains details of how the Neighbourhood Plan Steering Group proposes the plan complies with the National Planning Policy Framework (NPPF) but there is no reference to compliance with the Planning Practice Guidance (PPG).
- 1.13 These representations demonstrate how the neighbourhood plan fails to show how the PPG has been complied with, and:
- Confuses land use and non-land use aspirations within draft policies (Reference ID: 41-004-20170728);
 - Does not draw on all the evidence collected and omits a policy relating to Bantham Estate's activities (Reference ID: 41-040-20160211);
 - Includes broadly drafted policies, that are repetitive of parent documents, and fail to draw on the unique characteristics of the designated area (Reference ID: 41-041-20140306);
 - Contains blanket, unjustified, policies restricting the potential for acceptable development (Reference ID: 41-044-20160519); and
 - Appears to be seeking the delivery of affordable housing without an appropriate delivery mechanism and/or on sites that are too small for the purpose (Reference ID: 23b-031-20161116).
- 1.14 These representations demonstrate that the neighbourhood plan has failed to fully contribute to the achievement of sustainable development – the fourth basic condition – by omitting a bespoke policy relating to Bantham Estate's activities.
- 1.15 The Estate also note that the neighbourhood plan fails to meet the fifth basic condition because elements – specifically the settlement boundaries for Bantham and Buckland and the lack of a housing target – are not in conformity with the strategic (extant and emerging) policies for the area.
- 1.16 The Estate would welcome the opportunity to discuss the points made in this report to support the delivery of the neighbourhood plan vision and objectives.
- 1.17 The Estate requests to be notified of the plan's progress under Regulation 19 of the Neighbourhood Planning Regulations (as amended).
- 1.18 The Estate also wish to be notified of any proposed amendments or modifications to the content of the Neighbourhood Plan and any discussions taking place in support of those changes.

2.0 SOUTH WEST DEVON JOINT LOCAL PLAN

- 2.1 A neighbourhood plan needs to be in general conformity with any adopted local plan at the time it is made. The Plymouth and South West Devon Joint Local Plan is currently at the public examination stage.
- 2.2 Pre-submission consultation comments were made by The Estate stating that the preparation of the neighbourhood plan is premature in advance of the adoption of the Joint Local Plan. It was also highlighted that this would be less of a concern should the neighbourhood plan address the other matters previously raised in response to the neighbourhood plan.
- 2.3 The Estate supports a strong and vibrant local economy and recognises the contribution the community will make through the neighbourhood plan. To achieve this aim requires a clear and coherent approach to the long-term development of the area.
- 2.4 The Estate recognises and understands the community's desire to proceed with a neighbourhood plan in advance of the emerging Joint Local Plan being adopted. However, it is felt that this is untimely and risks complications in providing a clear strategy for the future development of the area such as with regard to the provision of settlement boundaries where none are proposed in the Local Plan.
- 2.5 Notwithstanding, The Estate also considers that aspects of the plan are not in general conformity with both the existing and emerging local plans or national planning policy.
- 2.6 This is expanded upon in the comments below and is set out by Neighbourhood Plan section.

3.0 NEIGHBOURHOOD PLAN: INTRODUCTION

- 3.1 As the major landowner in the Parish, the Estate has a major role to play in the local economy. This is on the basis that, as the Plan acknowledges at paragraph 1.15, the Estate owns/manages the beach and its car park, farm land and numerous properties, including the Grade II Listed cottages, as well as running the shoot.
- 3.2 The Estate has a prominent role to play in the local economy and feels that this should be identified in the introduction and throughout the plan. This would provide clear support for the long-term sustainability and management of the land under its custodianship.
- 3.3 The Estate wholeheartedly agrees with the statement at paragraph 1.5 and recognises that the special qualities of the area drive the local economy. A need to strike a balance between encouraging the right type of development and preserving the unspoilt character of the area is also recognised.

- 3.4 The Estate wishes to restate its previous comments that the plan should:
- a) recognise the Estate and its importance to the local economy;
 - b) include policies that support the Estate's need for long-term sustainability and self-sufficiency;
 - c) include policies that relate specifically to the Estate and the role it can play delivering objectives of the Plan.
- 3.5 The Estate notes the Neighbourhood Plan Steering Group's response to its points above, that were also raised at the pre-submission stage. The Estate is pleased that "[t]he factual information obtained in the course of [several] meetings has formed part of the evidence base of the Plan," but is concerned that this evidence has not been clearly represented in the submitted neighbourhood plan. It is The Estate's opinion that the evidence warrants a stronger reference to the Estate, and specifically its importance to the local economy, in the neighbourhood plan. This is not just in the jobs that the Estate provides locally but also the investment in farming and the returns that are reinvested and also the attraction of tourists and day trippers who use and also invest in the local services and facilities.
- 3.6 The Estate suggested that further meetings would be welcome during the drafting of the submission plan and is disappointed that these were not taken up. However, should its comments highlight a desire for the Parish Council or Neighbourhood Plan Steering Group to re-engage, the Estate would be more than happy to discuss matters further.
- 3.7 The Estate also notes the additional comment, in response to our pre-submission representations, from the Neighbourhood Plan Steering Group that the neighbourhood "[p]lan's policies relate to the Plan Area, irrespective of land ownership... [and] [t]he Plan's policies address the sustainable development of the Plan Area as a whole." Whilst this is an entirely appropriate approach to plan making, it does not preclude the inclusion of policies for specific land uses within the neighbourhood plan. It is The Estate's representation now, therefore, that the Thurlestone Neighbourhood Plan fails to meet the basic conditions, specifically in respect of policy wording of policies TP1, TP2, TP3, TP4, TP5, TP6, TP7, TP11 and TP23, and also by virtue of not including a positively worded policy to support the future role of the Estate as a key contributor to the local economy.
- 3.8 The Estate, would welcome further, detailed discussions with the Neighbourhood Plan Group in this regard.

4.0 NEIGHBOURHOOD PLAN: VISION

- 4.1 On page 13 of the neighbourhood plan, the vision for the community is to create:

"A vibrant coastal and rural community where the quality of life of its residents and the conservation and enhancement of the natural environment are paramount and where any development should be proportionate, balanced and sustainable in keeping with its designation within an Area of Outstanding Natural Beauty."

- 4.2 The Estate has a significant role to play in supporting the delivery of the vision. Tourism is a key driver of the local economy and strongly contributes to a vibrant community. Many local features are owned or managed by the Estate, including, for example, Bantham Beach.
- 4.3 Overall, The Estate supports the vision and recognises the importance of the AONB designation to the community. The Estate would welcome discussion on how the assets they hold or manage could contribute to delivering the vision in the future.
- 4.4 It would be desirable to see more detail on the meaning of “proportionate, balanced and sustainable” in relation to the development needs of the Estate and the Parish to provide clarity in support of development proposals and decision making.

5.0 NEIGHBOURHOOD PLAN: OBJECTIVES

- 5.1 The neighbourhood plan identifies 5 topic areas in figure 5 on page 14, which were used by the community to consider local needs, opportunities for housing and economic development, community facilities and local constraints. They are:

- Housing
- Local Economy
- Wellbeing
- Environment, Heritage, Infrastructure, Resources
- NPPF Sustainable Development

- 5.2 Following on from those 5 topic areas are the objectives, which are identified in figure 6 on page 15, and guide the plan towards delivering the vision. They are:

- **Housing:** to support small-scale housing development that will contribute towards making the parish more sustainable for the future: affordable housing for local people who cannot afford to buy or rent housing on the open market and open market housing for young people on lower and middle incomes to be able to afford to buy or rent.
- **Local economy:** to support existing businesses and provide new employment opportunities and to promote sustainable growth in the local economy which is appropriate to the parish’s location within the South Devon AONB.
- **Wellbeing:** to promote a healthy and socially inclusive community by supporting open space, recreational and sports facilities and services which enhance the community’s wellbeing.
- **Heritage:** to conserve and enhance the parish’s historic environment by promoting the protection of non-designated heritage assets which are of special local historic interest.
- **Environment:** to conserve and enhance the Parish’s natural environment for future generations of residents and visitors.
- **Infrastructure:** to seek opportunities for improving infrastructure to make the parish more sustainable for existing and future residents, visitors and those working in the parish.
- **Resources:** to support the delivery of renewable and low carbon energy generation.

- 5.3 The Estate broadly welcomes the plan's topic areas and overall objectives, in particular that relating to the Local Economy.
- 5.4 The Estate would like to highlight that it has a substantial role to play in supporting their implementation. The Estate already makes a strong contribution locally in many of the matters identified by the topic areas and objectives. The Estate makes a particularly strong contribution to the local economy and wishes to continue working towards the plan's objectives.
- 5.5 In this regard, and in accordance with previous representations, The Estate considers that to achieve its objectives, the plan and its policies should further recognise the Estate and its importance to the local economy and include policies which support and specifically relate to the Estate and its need for long term sustainability and self-sufficiency.

6.0 POLICY TP1: GENERAL DEVELOPMENT PRINCIPLES

- 6.1 Policy TP1 proposes a series of general 'principles' for development and seeks to identify criteria against which development proposals will be considered. A broad range of policy topics are identified at paragraph 2.25 on page 16. They are:
- Residential amenity
 - Design
 - Infrastructure
 - Dark skies
 - Natural environment
 - Historic environment
 - Traffic and transport
- 6.2 Policy TP1 includes repetition of national policy provisions as included in the NPPF and indeed in both the extant South Hams Core Strategy and the emerging Plymouth and South West Devon Joint Local Plan.
- 6.3 The Estate note that advice to avoid the duplication of policies was given to the neighbourhood plan Steering Group by South Hams District Council in response to the pre-submission consultation. It is a familiar provision of planning practice that the development plan should be read as a whole when determining planning applications and it is also stated in guidance that local plans should have no need to reiterate policy that is already set out in the NPPF (Reference ID: 12-010-20140306). Whilst this is not explicitly guidance for a neighbourhood plan, it is good practice, and avoids confusion for applicants and decision makers when determining a proposal in accordance with the development plan.
- 6.4 The Estate recognises that the intention of policy TP1 was to avoid undue repetition across other policies in the neighbourhood plan, but it does not include locally distinctive elements to differentiate it from existing national and local policies. Therefore, the policy does not follow the guidance (Reference ID: 41-041-20140306) as cited at paragraph 1.9 above.

- 6.5 Furthermore, under the Infrastructure heading of TP1, there is a requirement for development proposals that '*Any existing deficiencies must be remedied by new or improved infrastructure.*'
- 6.6 In accordance with National Planning Policy (NPPF paragraph 204), planning obligations should be necessary, directly related to the development and fairly and reasonably related in scale and kind. The Estate understands that improvements to infrastructure may be required in relation to development proposals. The requirement in the plan that existing deficiencies must be remedied is in conflict with national policy.
- 6.7 Policy TP1 does not meet the basic conditions as drafted and should be deleted. Elements that refer to general planning provisions of amenity, design, infrastructure and the environment should be moved to lower case text, referencing how the provisions are already identified in the 'higher level' policies listed in the grey box.
- 6.8 The Estate notes that in the supporting text to Policy TP1, paragraph 2.24 on page 16, the plan states:
- this plan is not anti-development, but it will only support development on proven local need - the right type of development in the right location, which positively contributes to the community's Vision and the achievement of sustainable development.*
- 6.9 The Estate considers that Policy TP1 does not address the development needs of the Parish. Furthermore, The Estate is concerned that the reference to proven local need may be interpreted to resist sustainable housing and employment development. Neighbourhood plans should be in general conformity with national and local plan policies and not seek to resist otherwise sustainable development.
- 6.10 Having regard to national guidance and as identified in previous representations, The Estate considers that Policy TP1 should include:
- A commitment to support additional housing consistent with delivering the plan's housing objectives;
 - Support for existing businesses and new employment opportunities for local people, consistent with the plan's local economy objectives.
- 6.11 The Estate has a significant role to play in shaping development proposals in the area over the short, medium and long term and assisting the Parish to deliver the neighbourhood plan's vision and objectives. This is notably with regard to provision of small scale housing schemes which will contribute to the sustainability of the Parish, supporting existing businesses and providing new employment opportunities. The long-term sustainability of the Estate is of critical significance to the particular circumstances of the Parish.
- 6.12 As such, in accordance with national planning policy and guidance, The Estate considers that Policy TP1 should include specific support for the rural economy, and development proposals which support the diversification of agricultural and land-based businesses.

7.0 POLICY TP2: SETTLEMENT BOUNDARIES

- 7.1 Policy TP2 seeks to establish new settlement boundaries for Bantham and Buckland and extend the existing settlement boundary at Thurlestone. The supporting text, at paragraph 2.27 states:

To ensure that the policies in this Plan prioritise infilling and the protection of the countryside in accordance with the wishes of the community, the settlement boundary for Thurlestone shall largely remain 'as is' so as to prevent further sprawl into the open countryside (AONB, Heritage Coast and Undeveloped Coast). In the case of Bantham and Buckland, this Plan designates settlement boundaries to allow for some small-scale infill, but primarily in order to protect the adjoining countryside.

- 7.2 The Estate commented previously on Policy TP2 in the pre-submission version of the plan and considers these comments remain relevant as discussed below.
- 7.3 There is an identified need for an appropriate amount of additional market and affordable housing in the Parish. The Neighbourhood Plan seeks to locate new housing within newly defined settlement boundaries for each of the three villages.
- 7.4 The Estate is of the opinion that settlement boundaries are an arbitrary and blunt instrument, which do not have regard to the contribution that some open spaces within settlements make to the character and appearance of those settlements. In terms of impact on amenity and the local landscape, sites on the edge of villages and outside of the settlement boundaries may in fact be more preferable.
- 7.5 Areas of open space, for example, may contribute strongly to the character and setting of villages and this is likely to be the case in the historic settlements of Bantham and Buckland. The proposed settlement boundaries would direct that existing open spaces may be developed at the expense of other, more sustainable locations.
- 7.6 The Estate's view is that applications for small-scale housing development that are consistent with the overall objectives of the Plan should be considered on their merits. As such the figures 7, 8 and 9 and the proposed settlement boundaries should be removed from the plan.
- 7.7 The PPG (ID: 41-044-20160519) as cited in paragraph 1.10 above suggests that these type of policies should be avoided, unless robust evidence is provided in support.
- 7.8 The Estate are of the opinion that it is not clear if the settlement boundaries will appropriately support the plan's objectives and policies to deliver the identified needs for development across the plan period. There appears to be no consideration of the impacts of different sorts of development within the proposed settlement boundaries.
- 7.9 The Estate are also of the view that the settlement boundaries policy is not supported by a proportionate and robust evidence base. The justification and evidence provided for the proposed settlement boundaries amounts to a short set

of criteria, two questions and subsequent description. The evidence for the inclusion of the boundaries for Bantham and Buckland is limited to the reasons for its location, not the principle of having a boundary in the first place.

7.10 There does not appear to be an objective assessment on the new boundaries for Bantham or Buckland, or the extensions in Thurlestone. There is no consideration in the neighbourhood plan supporting evidence of alternative policies to the settlement boundaries.

7.1 Whilst Sustainability Appraisals (SA) are not a requirement of neighbourhood plans, they are a good indicator of the potential impacts of a plan and the alternative approaches that might be appropriate. Alternatives include using existing provisions such as the protection of the AONB/Heritage Coast and Undeveloped Coast, the use of neighbourhood plan policies TP22 and TP23 to identify the most important areas of landscape for protection and the creation of justified and evidenced local green spaces to protect the most important areas. It is unfortunate that no SA supports the neighbourhood plan where this particular issue could have been explored. The judgment of Patterson J in R (Stonegate Homes) v Horsham DC, 13th October 2016 is very pertinent to the issues outlined above. A copy of the decision is available [here](#).

7.2 The Estate would also draw attention to the fact that in responding to the draft neighbourhood plan South Hams District Council stated the following:

Drawing boundaries around Bantham and Buckland is contrary to both the emerging JLP and adopted CS.

7.3 On that basis, The Estate considers the proposed settlement boundaries for Batham and Buckland do not meet the fifth basic condition and should be removed from the plan.

7.4 The proposed settlement boundaries are an ineffective mechanism for delivering sustainable development that does not meet the basic conditions. Specifically, Policy TP2 and the proposed settlement boundaries are:

- contrary to national planning policy and guidance including the golden thread of sustainable development and its associated cost/benefit approach;
- in conflict with the existing and emerging local plan;
- counter to the neighbourhood plan's own objectives which seek to address housing needs, protect the historic environment and residential amenity.

8.0 POLICY TP3 – AFFORDABLE HOUSING

8.1 Policy TP3 seeks to support the delivery of affordable housing in accordance with a range of criteria.

8.2 The Estate welcomes the desire to provide homes to meet local needs and the recognition that open market homes may be required to cross-subsidise the development.

- 8.3 A lot of local housing needs surveys, and initiatives, are referenced in paragraphs 3.18 – 3.28. However, it is not clear exactly how this policy dove-tails with the affordable housing requirements of the strategic policies in the extant and emerging local plans, particularly with reference to developments of 5 to 10 dwellings. Policy TP3 also includes provisions for local connection requirements and residency covenants.
- 8.4 PPG (Reference ID: 23b-031-20161116) cited at paragraph 1.11 above, is clear that developments of net 11 dwellings or fewer should not be expected to deliver affordable housing. This is, of course, except in designated rural area such as AONB where the Parish of Thurlestone is situated. However, the affordable housing element should be provided as a commuted cash payment. It is unclear from the way Policy TP3 is drafted whether the small-scale schemes would be actually be 100% affordable housing (and whether any meaningful discussions have been had with landowners about appropriate sites) – in which case the viability would dictate the scale – or whether these are developments in reference to Policy TP4. It is unclear when reading policies TP3 and TP4 together what the overall target of provision for housing is, or what the harm would be if an indicative target was breached.
- 8.5 The policy is not clear and unambiguous as required by the PPG (see paragraph 1.9 above) and does not, therefore, meet the basic conditions.
- 8.6 Seeking local connection requirements or covenants of any kind is not a planning matter. Nor are either of these issues land use matters. Local connection policies are a widely used tool of local authorities through their housing teams and a main residency covenant is a relatively new and untested approach. PPG (Reference ID: 41-004-20170728) cited at paragraph 1.7 above, directs that neighbourhood plans can include non-land use matters, but they should be clearly identified – for example in an annex or appendix.
- 8.7 The Estate would also like to reiterate the comments it made on the pre-submission version of the plan. The Estate’s view is that the affordable housing should be broken down further to encompass both affordable and keyworker housing.
- 8.8 Retaining staff remains a key issue for The Estate for many of the reasons identified within the plan and its evidence base. To continue supporting the local economy, over the plan period, the Estate may, in the future, need to be in a position to offer its employees keyworker housing on appropriate terms to both attract and retain staff.
- 8.9 Key worker housing should be added to Policy TP3 and references to the provision of such housing through estate led housing initiatives and where there is an essential need to provide homes for workers on appropriate terms. This is in line with the strategy set out in the emerging Plymouth and South West Devon Joint Local Plan 2014-2034 at Policy TTV31.
- 8.10 Policy TP3 does not meet the basic conditions as drafted. It should be redrafted to clarify how the affordable housing to meet local need will be delivered with reference to the PPG and commuted cash sums. The elements that refer to local connections and covenants should be moved to supporting text and identified as non-land use

policies that are for context and not a matter for planning. References to key worker housing and estate-led housing initiatives to provide homes for rural workers should be added.

9.0 POLICY TP4 – OPEN MARKET HOUSING

- 9.1 Policy TP4 seeks to support small scale open market housing on infill sites within settlement boundaries and on sites considered to be previously developed land. The policy seeks to restrict open market homes to sites of up to 5 dwellings, or individual plots and dwellings are to be subject to the principal residency covenant. It is stated that proposals on land outside of the settlement boundaries, including on agricultural or amenity land, and in the open countryside will not be supported.
- 9.2 There appears to be no restriction to the number of 'small-scale' developments within the settlement boundaries within Policy TP4. The Estate would also draw attention to the comments it has made elsewhere in this report on the proposed settlement boundaries policy, which it considers to be a blunt instrument to accommodate open market and affordable homes. This approach puts at risk potentially important open spaces within them.
- 9.3 The Estate also considers the introduction of a maximum number of up to 5 dwellings per site is not supported by evidence and is contrary to national planning policy requirements to plan positively and make effective use of land. It is also not in general conformity with emerging policy TTV30 of the Plymouth and South West Devon Joint Local Plan that identifies the figure of "around 10 dwellings."
- 9.4 Similarly, to the reference to covenants in response to Policy TP3, principal residency requirements are not a matter for development plan policies. The Estate also question whether these requirements would meet the tests of planning obligations, (NPPF paragraph 204) namely:
- a) necessary to make the development acceptable in planning terms
 - b) directly related to the development; and
 - c) fairly and reasonably related in scale and kind to the development
- 9.5 The Estate considers that, whilst the policy supports infill development, it is too restrictive and inflexible. It is contrary to national planning policy (NPPF paragraph 55) for the provision of housing in countryside locations for which there are several permissive circumstances including to meet the needs of rural workers. The Estate is of the view that the policy should be amended to introduce flexibility within the policy, so that identified needs can be delivered and to be in accordance with national policy.
- 9.6 Policy TP4 does not meet the basic conditions as drafted. It should be redrafted to include an evidenced and tested indicative development target, the references to principal residency should be, at least, moved to the supporting text if not deleted, and reference the settlement boundaries should be amended to only refer to Thurlestone. The policy should also not undermine and should reflect the national policy approach towards housing in countryside locations.

10.0 POLICY TP5 – REUSE OF FARM AND RURAL BUILDINGS

- 10.1 Policy TP5 seeks to provide support for the reuse of farm and rural buildings outside the settlement boundaries and proposes criteria for where this will be supported.
- 10.2 The criteria include demonstrating an agricultural or economic use is no longer viable, and the building is structurally sound and capable of conversion without significant alterations. New dwellings are proposed to be subject to a 'principal residence' requirement in accordance with Policy TP6.
- 10.3 The Estate owns and manages a significant number of farm and rural buildings and wishes to continue supporting the local economy. To meet this aim they may require such buildings to be reused and redeveloped, including for residential uses, to support its long-term sustainability and self-sufficiency.
- 10.4 The Estate would like to reiterate the comments it made on the pre-submission version of the plan. The Estate considers a '*principal residence requirement*' is unreasonable and unwarranted in so far as the reuse of farm and rural buildings are concerned. Notwithstanding the Estate's previous comments on the principal residence requirement, this does not accord with national planning policy with regards to the provision of a wide choice of homes to meet market trends and affordable housing requirements (NPPF paragraph 50) nor the permissive approach to the conversion of redundant buildings to residential use (NPPF paragraph 55).
- 10.5 Furthermore, redundant farm buildings are often in less sustainable, more isolated locations or within existing farm complexes, which makes them better suited to less than year-round occupation.
- 10.6 In addition, in the context of the Estate's need for long-term self-sufficiency/sustainability, there may be situations whereby in order to facilitate/bring forward viable development, a more flexible approach including unrestricted housing is required.
- 10.7 The Estate considers that Policy TP5 is unduly restrictive and contrary to the permissive approach of national planning policy in relation to the conversion of rural buildings.
- 10.8 Otherwise, much of this policy is repetition of national and local policy, and therefore does not meet the basic conditions. It should be reviewed and redrafted to identify locally specific matters in line with PPG Reference ID: 41-041-20140306. The reference to principal residence requirement should be removed.

11.0 POLICY TP6 – PRINCIPAL RESIDENCE REQUIREMENT

11.1 Policy TP6 supports open market housing where there is a Section 106 agreement to ensure occupancy as a principal residence. A definition of principal residence is provided in the policy as being:

a dwelling occupied as the resident's sole or main residence, where the resident spends the majority of their time when not working away from home. Proof of principal residence includes, but is not limited to, being registered on the local electoral roll, at the local school or for local healthcare.

11.2 The policy, therefore, restricts new housing development to occupiers who will use the dwelling as their primary residence and not a second home or holiday let, for example.

11.3 As outlined above, this is not a land use matter for policy documents and therefore does not follow guidance at PPG Reference ID: 41-004-20170728. The Estate also questions above whether this requirement would meet the relevant planning obligation tests of section 106 of the Town and Country Planning Act 1990.

11.4 Furthermore, in the context of the Parish's need for affordable housing and the Estate's need for long-term self-sufficiency/sustainability, there may be situations whereby in order to facilitate/bring forward viable development that is consistent with the main aims and objectives of the Plan, a more flexible approach is required which includes unrestricted housing.

11.5 An example is that the proposed principal residence restriction will limit the viability of rural exception sites in accordance with Policy TP3, where market housing is required to cross-subsidise the delivery of affordable housing. This will limit the potential to address the neighbourhood plan's objectives.

11.6 The Estate considers that the inclusion of a 'principal residence' requirement for all new market housing will likely threaten the viability of potentially sustainable development which is contrary to national planning policy (NPPF paragraph 173).

11.7 The Estate plays a significant role in supporting the local economy of the area and is keen to support the objectives set out within the neighbourhood plan and to do so would require a viable approach to sustainable development.

11.8 The Estate would also highlight that in response to the pre-submission consultation, South Hams District Council stated:

To be implemented, a robust assessment of land values and the cost of homes currently and historically available on the open market is required. This would help to establish the barriers to local people in accessing the housing market. At that point a further assessment should be undertaken factoring in the average wages of local people, plus current and possible employment opportunities. Only at that point could clear, evidenced, conclusions be reached about the issues facing the housing market in Thurlestone.

11.9 The Estate is not aware that the above comments have been responded to and as such also question the evidence base for the policy.

11.10 This policy does not meet the basic conditions as it is contrary to national policy and guidance as set out above notably as it deals with non-land use matters and is not supported by robust evidence including with regard viability. The text of the policy should either be moved to an annexe or removed altogether.

12.0 POLICY TP7 – REPLACEMENT DWELLINGS AND EXTENSIONS

12.1 Policy TP7 provides support for a) the replacement of existing dwellings in Thurlestone and seeks to set criteria for where development of this type will be considered acceptable and b) provides support for extensions and annexes across the neighbourhood area, subject to criteria.

12.2 In relation to replacement dwellings, the criteria require that the size of any replacement dwelling does not exceed the existing by more than 25%. The Estate is of the view that this is overly and unnecessarily restrictive, not backed up by sufficient evidence and is inconsistent with national planning policy (NPPF paragraph 60) which states that planning policies should not include unsubstantiated design requirements.

12.3 In relation to annexes, the criteria require a Section 106 agreement is in place to ensure that the use of the annexe remains ancillary to the original dwelling and cannot be occupied by an independent household. The Estate considers this policy overly prescriptive in seeking S106 agreements to restrict the use of annexes because this can be achieved through planning conditions in accordance with NPPF paragraph 203.

12.4 This policy does not meet the basic conditions as it is contrary to national policy and includes unsubstantiated design requirements.

13.0 POLICY TP8 – TP16 POLICIES ON THE LOCAL ECONOMY

13.1 Policies TP8 to TP16 all relate to the local economy, including support for economic development, new businesses, expansion to existing businesses, tourism, and rural diversification.

13.2 The Estate owns and manages a number of local assets including the beach and its car park, farm land and numerous properties, including the Grade II Listed cottages, as well as running the shoot.

13.3 These local assets are integral to meeting the plan's vision and objectives and the Estate considers that there are a wide range of opportunities for collaborative working to address the vision and objectives of the plan.

13.4 As set out in previous comments, the Estate remains concerned, however, that the Plan does not acknowledge the contribution that the Estate makes to the area or local economy.

- 13.5 As such the neighbourhood plan fails to demonstrate that the guidance in PPG has been fully complied with, as notably as set out at paragraphs 1.8 and 1.9 above. The plan has not responded to the evidence and the unique characteristics and context of the area.
- 13.6 There is compelling evidence to show that a bespoke policy for the Estate that would be appropriate, and this appears to have been ignored. Also missed is an opportunity to fully embrace the fourth basic condition of supporting sustainable development.
- 13.7 The Estate suggests that this can be addressed through including a bespoke policy for the Estate which would support:
- New strategic Estate-related development, (including development that facilitates/supports other objectives of the Plan such as rural diversification and employment-generating development, especially where it is consistent with the policy of encouraging year-round working; and/or the development of a new 'business hub', tourism-related development and proposals for recreation and sport);
 - The re-use of redundant or under-used Estate buildings;
 - Key worker and affordable housing for Estate employees; and
 - Limited market housing as part of a strategic approach to facilitating the Estate's need for long-term self-sufficiency/sustainability in managing its assets.
- 13.8 The Estate has reviewed the neighbourhood plan relating to the last of these points and notes that the chapter on 'wellbeing' includes a number of initiatives, such as improvements to/the provision of additional footpaths & cycle ways, new play facilities, and new and improved sport and recreation provision. Such proposals are likely to affect or require Estate land and are also likely to require external funding.
- 13.9 The Estate would welcome positive discussions about how these policies could be implemented to support the economic vitality of Thurlestone, Bantham and Buckland, along with the wider parish.
- 13.10 In summary, to meet the basic conditions and address national guidance, the Estate considers that a specific policy should be included within the plan which recognises the significant and positive role of the estate with regard the local economy and is permissive of new development which contributes towards the diversification and sustainability of the Estate's operation and the management of its assets.

14.0 POLICY TP11 – CARAVAN, CAMPING AND CHALET SITES

- 14.1 Policy TP11 supports proposals for the expansion of existing caravan and campsites, subject to criteria. The proposed policy states that proposals for new caravan, campsites and chalet sites will not be supported.

- 14.2 The Estate owns and manages a significant proportion of land locally and wishes to continue supporting the local economy, in line with the neighbourhood plan's vision and objectives.
- 14.3 The Estate considers that the neighbourhood plan restriction on new caravan sites, campsites and chalet sites, is unnecessarily restrictive. Indeed, the Estate is of the view that the policy conflicts with national policy, relies on out of date existing policies and will, therefore, conflict with the emerging local plan, at such time it is adopted.
- 14.4 Within the Development Policies DPD adopted in 2010, policy DP13 – Holiday Caravan, Camping and Chalet Sites states that '*within AONBs and the undeveloped coast, proposals for new and extensions to existing caravan, camping and chalet sites will not be permitted*'. It is understood that policy TP11 of the neighbourhood plan utilises the approach set out in Policy DP13.
- 14.5 However, it is considered by The Estate that policy DP13 is out of date because it predates and conflicts with the positive cost/benefit approach of national policy, especially NPPF paragraphs 115 and 116. In reflection of this, it is understood that emerging Local Plan policy DEV25 permits new sites in exceptional circumstances.
- 14.6 The Estate is of the view that policy TP11 will be detrimental to the local economy by seeking to be overly restrictive, where sensitively designed proposals may deliver local economic benefits and conserve and enhance the character of the area.
- 14.7 The Estate considers the approach of TP11 to conflict with paragraph 28 of the NPPF which positively supports economic growth in rural areas and conflicts with policies for the management of development in sensitive landscapes, in particular, paragraphs 114-118 of the NPPF, which provide a positive strategy for managing development. Policy TP11 is a blanket policy which restricts potentially acceptable development contrary to national guidance.
- 14.8 Consequently, the Estate considers that Policy TP11 does not meet the basic conditions.

15.0 POLICY TP16 – LOSS OF EMPLOYMENT USES

- 15.1 Policy TP16 permits the change of use of 'tourism-related' uses to affordable housing, in accordance with the neighbourhood plan's policy TP3.
- 15.2 The Estate supports in principle this permissive approach, subject to the Estate's comments on Policy TP3 and the need for a broader definition of affordable housing.

16.0 POLICY TP23 – COASTAL MANAGEMENT

- 16.1 Policy TP23 supports sympathetically designed development to help manage coastal erosion and dune preservation where in accordance with Policy TP1. The policy also states that other proposals for development on or within the immediate vicinity of any of the beaches in the parish will not be supported.

- 16.2 The Estate owns and manages a significant proportion of land locally, including Bantham beach, and wishes to continue to conserve the special character of the area and support the local economy in line with the neighbourhood plan's vision and objectives.
- 16.3 The Estate is of the view that policy TP23 is a blanket and overly restrictive policy which may be detrimental to the proper management of coastal land and the local economy.
- 16.4 The provision of appropriate coastal facilities, such as car parking, toilets, changing and refreshment facilities can maintain the character of the undeveloped coast and protect and enhance this distinctive landscape in accordance with NPPF paragraph 114.
- 16.5 Furthermore, such facilities may be demonstrably beneficial to the local economy in accordance with paragraph 28 of the NPPF. The restrictive approach of Policy TP23 conflicts with national policy in this regard.
- 16.6 The Estate also considers this restrictive approach is in conflict with national planning policies for the management of development in sensitive landscapes, in particular paragraphs 114-118 of the NPPF, which provide a positive strategy for managing development.
- 16.7 Finally, it is not considered that the policy is sufficiently clear and unambiguous in accordance with relevant guidance (see paragraph 1.9) and there is a lack of clarity with regard what may be considered the 'immediate vicinity' of a beach.
- 16.8 Consequently, the Estate consider Policy TP23 does not meet the basic conditions and is contrary to national policy and guidance.

17.0 CONCLUSION

- 17.1 As submitted, the Thurlestone Neighbourhood Plan unfortunately does not meet the basic conditions. There has been a failure to follow necessary guidance in the formulation and drafting of the plan's policies; there is a key omission regarding The Bantham Estate, a major land owner in the parish, and the sustainability of the local economy; and, the plan is not in general conformity with the parent planning documents. As a consequence, the first, fourth and fifth basic conditions (as summarised at paragraph 1.5 above) have not been met.
- 17.2 The situation can be remedied however, having regard to the comments and changes suggested above – particularly revisions to Policies TP1, TP2, TP3, TP4, TP5, TP6, TP7, TP11 and TP23 and the inclusion of a new policy relating specifically to the Bantham Estate. Subject to these comments and changes, the Estate is of the view that the plan can meet the basic conditions and proceed to referendum.
- 17.3 The Estate respectfully requests that it is kept informed of the progress of the neighbourhood plan examination and the progression towards referendum. Should the examiner decide that a public hearing is necessary as part of the examination process, then the Estate is willing and able to attend as appropriate.