

# **Application Report**

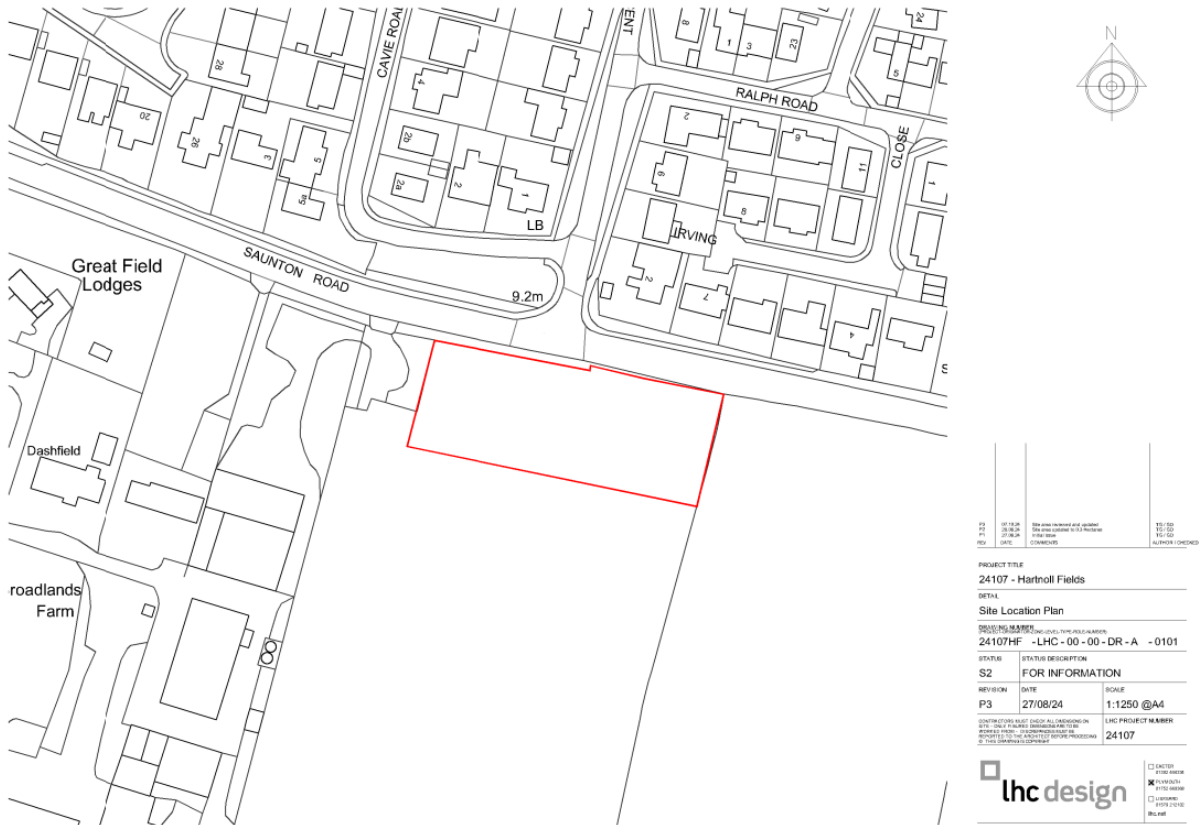
Planning, Housing and Health  
North Devon Council  
Lynton House, Commercial Road,  
Barnstaple, EX31 1DG



<b>Application No:</b>	79268
<b>Application Type:</b>	Permission in Principle Not Brownfield
<b>Application Expiry:</b>	13 December 2024
<b>Extension of Time Expiry:</b>	13 December 2024
<b>Publicity Expiry:</b>	12 December 2024
<b>Parish/Ward:</b>	BRAUNTON/BRAUNTON WEST AND GEORGEHAM
<b>Location:</b>	Broadlands Farm Saunton Road Braunton Devon EX33 1HG
<b>Proposal:</b>	Erection of 9 dwellings for Social Rent for residents of or those with a local connection to Braunton Parish
<b>Agent:</b>	Mrs Valerie Cann
<b>Applicant:</b>	Mrs Valerie Cann
<b>Planning Case Officer:</b>	Mrs J. Meakins
<b>Departure:</b>	N
<b>EIA Development:</b>	
<b>EIA Conclusion:</b>	Development is outside the scope of the Regulations.
<b>Decision Level/Reason for Report to Committee (If Applicable):</b>	Committee – Called in by Councillor Maddocks and Bell

## **Site Description**

The site is located on the southern side of Saunton Road (B3231), adjacent to the settlement of Braunton. It consists of part of an agricultural field fronting the road to the north and with hedge boundaries north, east and west and open farmland to the south.



Site Location Plan



Aerial View of Site Location (Google)

The site is also part of the Braunton Great Field (Policy ST15), within the Coast and Estuary Zone (Policy ST09). The site is located within Landscape Character Type 4B Marine level and Coastal Plains which is described as having the following key landscape attributes:

Lynton House, Commercial Road, Barnstaple EX31 1DG | [www.northdevon.gov.uk](http://www.northdevon.gov.uk)

- *Braunton Great Field medieval field system: a jewel in North Devon's crown ('our World Heritage Site')*
- *An obviously historic landscape: landsheds, furlongs, ditches, stone walls, animal shelters and traditional farming methods.*
- *Rich biodiversity and wetland habitats for birds.*
- *Peaceful and tranquil.*
- *A landscape of transitions between land, estuary and sea.*

The site is not part of any national Landscape designation and falls within Flood Zone 1 and the Biosphere Transition Zone.

### **Recommendation**

#### **Refused**

Legal Agreement Required: No

### **Planning History**

No planning history

### **Constraints/Planning Policy**

<b>Constraint / Local Plan Policy</b>	<b>Distance (Metres)</b>
Advert Control Area Area of Special Advert Control	Within constraint
Chivenor Safeguard Zone Consultation Structure or works exceeding 15.2m	Within constraint
Landscape Character is: 4B Marine levels and coastal plains	Within constraint
Neighbourhood Plan: Braunton - NULL - Iconic Views - NULL	Within constraint
Neighbourhood Plan: Braunton - NULL - Plan Area - NULL	Within constraint
USRN: 27500118 Road Class:R Ownership: Highway Authority	5.67
USRN: 27506689 Road Class:B Ownership: Highway Authority/Private	5.67
Within 100m of Adopted Heritage Coast	Within constraint
Within 100m of Adopted Local Green Space: BRA03(2) Braunton Great Field	Within constraint
Within Adopted Coast and Estuary Zone	Within constraint
Within Adopted Medieval Field System: Braunton Great Field Policy Ref:ST15	Within constraint

<b>Constraint / Local Plan Policy</b>	<b>Distance (Metres)</b>
Within Adopted Unesco Biosphere Buffer (ST14)	Within constraint
Within Adopted Unesco Biosphere Transition (ST14)	Within constraint
Within Braunton Burrows Zone of Influence	Within constraint
Within Braunton Development Boundary 100M Buffer, if greater than 12 residential units (net) consider need for AQMA	Within constraint
Within Braunton Marsh Drainage Area	Within constraint
Within:, SSSI 500M Buffer in North Devon, consider need for AQIA if proposal is for anaerobic digester without combustion plant	Within constraint
Within:, SSSI 5KM Buffer in North Devon, consider need for AQIA if proposal is for anaerobic digester without combustion plant	Within constraint
Within: Braunton Burrows, SAC 10KM Buffer if agricultural development consider need for AQIA	Within constraint

SSSI Impact Risk Consultation Area	Within constraint
<p>Braunton Neighbourhood Plan Policies:</p> <p>BE6(BNP) -Protection and Enhancement of Local Green Spaces</p> <p>H2(BNP) -Responding to Local Housing Market Needs</p> <p>H3(BNP) -Meeting Affordable Housing Needs</p> <p>H4(BNP) -Retaining Affordable Housing for Rent in Perpetuity</p> <p>H7 (BNP) - Proposals on the Edge of and Adjacent to the Development Boundaries</p> <p>H8(BNP) -Proposals for Local Exception Sites</p> <p>NE6(BNP) -Protection of Landscape Character</p> <p>North Devon and Torridge Local Plan Policies:</p> <p>ST01 - Principles of Sustainable Development</p> <p>ST07 - Spatial Development Strategy for Northern Devon's Rural Area</p> <p>ST09 - Coast and Estuary Strategy</p> <p>ST14 - Enhancing Environmental Assets</p> <p>ST15 - Conserving Heritage Assets</p> <p>BRA03 – Local Green Spaces</p> <p>DM07 - Historic Environment</p> <p>DM08A - Landscape and Seascape Character</p>	

## Consultees

<b>Name</b>	<b>Comment</b>
Braunton Marsh Drainage Board  Reply Received	No reply received.
Braunton Parish Council  Reply Received 29 November 2024	<p>Braunton Parish Council have no objections and wishes to recommend approval, Policy BE6 in the Braunton Neighbourhood Plan supports development proposals within local green spaces in very special cases. As this application will provide truly affordable housing in perpetuity to meet our local housing need the Council agree that this application meets this criteria.</p> <p>The application being outside the development boundary meets the requirements of Policy H8 in the Neighbourhood Plan as it is Rural Exception Site.</p> <p>The application is also compliant with policies H2, H3 and H4 in the Braunton Neighbourhood Plan.</p> <p>Along with the policies set out in the Braunton Neighbourhood Plan and Parish Design Guide the Council would be keen see the development align with the Future Homes Standard 2025 and Passivhaus design standards.</p>
Councillor P Maskell  Reply Received	No comments received
Councillor S Maddocks  Reply Received	These are my reasons for policy I hope that they are correct and relevant to allow for the application to be called in. NDTLP ,DM07,DM20,DM24,ST06 and ST19. Braunton Neighbourhood plan H8. There is a huge need for this type of project and this site is the only option at this time ,and many years of work have gone into this project .
DCC - Childrens Services  Reply Received 29 November 2024	<p>Regarding the proposed application, Devon County Council has identified that the proposed 9 family type dwellings will generate an additional 2.25 primary pupils and 1.35 secondary pupils which would have a direct impact on Southmead Primary School, Caen Primary School, Kingsacre Primary School and Braunton Academy.</p> <p>In order to make the development acceptable in planning terms, an education contribution to mitigate its impact will be requested. This is set out below:</p> <p>The designated primary schools for this site are forecast to have enough capacity for the number of pupils expected to be generated from this development and therefore a contribution towards primary education would not be sought. We have forecast that there is</p>

Name	Comment
	<p>sufficient secondary capacity to accommodate 18% of pupils expected to be generated by development in the area and therefore would only seek contributions against the remaining 82% of pupils. The contribution sought for secondary would be 26,058 (based on the DfE extension rate of 23,540 per pupil). These contributions will relate directly to providing education facilities for those living in the development.</p> <p>All contributions will be subject to indexation using BCIS, it should be noted that education infrastructure contributions are based on June 2020 prices and any indexation applied to contributions requested should be applied from this date.</p> <p>The amount requested is based on established educational formulae (which related to the number of primary and secondary age children that are likely to be living in this type of accommodation) and It is considered that this is an appropriate methodology to ensure that the contribution is fairly and reasonably related in scale to the development proposed which complies with CIL Regulation 122.</p> <p>In addition to the contribution figures quoted above, the County Council would wish to recover legal costs incurred as a result of the preparation and completion of the Agreement.</p>
<p>DCC - Development Management Highways</p> <p>Reply Received</p>	<p>No reply received.</p>
<p>DCC - Historic Environment Team</p> <p>Reply Received 21 November 2024</p>	<p>Devon County Historic Environment Team ref: ARCH/DM/ND/40284a</p> <p>The Historic Environment Team object to this planning application.</p> <p>As previously stated by the Historic Environment Team with regard to the pre-application consultation for this area, the field in which the proposed housing development lies within the later enclosed fringes of the nationally important Braunton Great Field, itself a rare survival of a medieval open field system and one of only three still operating in England. As such, the Great Field should be considered as a heritage asset of equal significance to the most important heritage assets in the country, i.e. of equal significance to scheduled monuments.</p> <p>Paragraph 206 of the National Planning Policy Framework (NPPF) 2023 requires that:</p>

Name	Comment
	<p>"Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:</p> <p>a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;</p> <p>b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional."</p> <p>The associated footnote 72 requires that:</p> <p>"Non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets."</p> <p>The Historic Environment Team would therefore consider that the Great Field is a nationally significant heritage asset and any proposals for development here that affect its setting would need require "clear and convincing justification".</p> <p>Paragraph 205 of the NPPF states:</p> <p>"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."</p> <p>Paragraph 212 of the NPPF requires that Local Planning Authorities should "look for new development within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably."</p> <p>The development of this site as residential will neither conserve, enhance the significance of the Great Field as a heritage asset nor make a positive contribution to the asset.</p> <p>With regard to the North Devon and Torrington Local plan, the archaeology and the setting of the Great Field are protected by Policy BRA03(part 2) which states:</p>

Name	Comment
	<p>"Braunton Great Field, as shown on Policies Map 3, is identified as a local green space where its archaeological heritage and setting will be protected."</p> <p>Para 10.176 of the North Devon and Torrridge Local Plan states:</p> <p>"Braunton Great Field is not protected by any formal statutory protection or heritage designation but is nationally important as one of the few remaining medieval open field systems. The area protected by Policy BRA03: Local Green Spaces is effectively the last remaining vestiges of this open-field and includes fields on its fringes that were formed by the enclosure of former open strips. These enclosed fields are of a later medieval date but form part of the setting of the open field as well as being historic assets in their own right."</p> <p>The creation of housing within this field on the fringes of the open field the area does not protect the later medieval enclosed fields on the edge of the Great Field (in which this proposed development sits) or setting of the open part of the Great Field and instead represents the encroachment of development into this nationally important heritage asset.</p> <p>The Historic Environment Team would consider that the proposed development to be contrary to the above local and national planning policies. As such, for the above reasons the Historic Environment Team object to this planning application and is recommends that it is refused by your Authority.</p> <p>The Historic Environment Team would advise that a less sensitive site is considered for the proposed residential development.</p> <p>The Historic Environment Team would also advise that, given the significance of the Great Field as a heritage asset that Historic England are consulted as part of this pre-application enquiry as well the North Devon Councils' Landscape Officer and the National Landscape Officer - whose boundary lies some 800m to the north for any comments they will have on this proposed development.</p> <p>With regard to the appeals referred to in the Tetlow King Planning Opinion these applications affected the setting of designated heritage assets (Listed buildings and Conservation Areas), whereas this proposed development will have a direct impact upon a heritage asset of demonstrably of equivalent significance to a scheduled monument. See the listing description of the scheduled open field system at Portland, Dorset as an example of a protected landscape: <a href="https://historicengland.org.uk/listing/the-list/list-entry/1002729">https://historicengland.org.uk/listing/the-list/list-entry/1002729</a></p>
Environmental Health Manager	I have reviewed this application in relation to Environmental Protection matters.



Name	Comment
<p>Reply Received 19 November 2024</p>	<p>I do not anticipate having any 'in principle' objection to the proposal to erect 9 affordable type dwellings at this location.</p> <p>I will be able to comment further in relation to any specific recommendations I may have (such as regarding assessment of land contamination risks, the potential for road traffic noise to affect the proposals, foul drainage provisions and managing construction phase impacts) once any detailed proposals are submitted in due course.</p>
<p>Historic England  Reply Received 6 January 2025</p>	<p>Thank you for your letter of 28 November 2024 regarding the above application for planning permission. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.</p> <p><b>Summary</b> The proposal to develop these fields for social housing, whilst an admirable ideal, will result in harm to the nationally important Braunton Great Field, is contrary to local and national policy, and is not supported by any consideration of less harmful locations. As such Historic England have serious concerns regarding the proposal.</p> <p><b>Historic England Advice</b> <b>Significance of Braunton Great Field</b> Braunton Great Field is an extremely rare survival of a once predominant agricultural practice whereby the farmers of a medieval village worked a number of their own allocated strips of land together, the 'open field system'. The strips were approximately one acre, being 22 yards by 220 yards in size and each farmer would have strips of land alongside his neighbours in such a way that all shared good and bad soil. Braunton is one of only two out of hundreds of open field systems surviving in use in England, the other being Laxton in Nottinghamshire (Laugharne in Wales is the only other survivor in the UK). The importance of preserving this nationally important site cannot be overstressed, most having been enclosed by Lords of the Manor, religious, collegiate and royal land holders. This enclosure continued until the 19th century. Open field systems provide information and understanding of medieval and post medieval land holding, agriculture, rural society and the growth of the land owning classes and as such are a window on the past.</p> <p><b>Impact of the proposals on the Great Field</b> The proposal seeks to build nine homes for local people and while we understand the need we believe that the development would be better sited elsewhere. The field affected is more recently enclosed but sits along the main Braunton to Saunton road in a fairly exposed location and will expand the built envelope of Braunton</p>

Name	Comment
	<p>into a green field site, cutting off the outer reaches of the Great Field and further eroding the surviving elements of the open field system and obscuring it's enclosure process.</p> <p>The site is a unique survival and integral to the development of modern Braunton and this is reflected in the local planning policies enacted with the intention of preserving the open field and it's former areas.</p> <p><b>Policy affecting the proposal</b>  The planning opinion submitted by Tetlow King provides a very useful summary of policy and a well described overview of national and local heritage policies. I have below outlined the most relevant to this case and would note that this response uses the new edition NPPF paragraph numbers as released yesterday.</p> <p>Although the Great Field is not designated, it is considered to be of national importance and as such the following NPPF policies should be considered with reference to footnote 75 of the NPPF, "Non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets."</p> <p>I note that contrary to NPPF 207 no Heritage Impact Assessment (HIA) or consideration of significance has been supplied. NPPF 212 sets a very high bar for the protection of nationally important heritage assets such as the Great Field, requiring "great weight" be given to the an asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. This is reinforced by NPPF 213 which requires "Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification..."</p> <p>As noted by Tetlow King, "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use" (NPPF 215) and "The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset." (NPPF 216).</p> <p>NPPF 103 which addresses Local Green Spaces supports the North Devon and Torridge Local Plan policies BRA(part 2) which specifically aims to protect Braunton Great Field as shown on</p>

Name	Comment
	<p>Policies Map 3, is identified as a local green space where its archaeological heritage and setting will be protected.” and Policies ST15 which further enhance local protection.</p> <p>Also Para 10.176 of the North Devon and Torridge Local Plan which states: “Braunton Great Field is not protected by any formal statutory protection or heritage designation but is nationally important as one of the few remaining medieval open field systems. The area protected by Policy BRA03: Local Green Spaces is effectively the last remaining vestiges of this open-field and includes fields on its fringes that were formed by the enclosure of former open strips. These enclosed fields are of a later medieval date but form part of the setting of the open field as well as being historic assets in their own right.”</p> <p><b>Historic England position on the proposals</b>  Historic England supports the comments made by Devon County Council Senior Historic Environment Officer, Mr Reed and do not find any convincing justification for the approval of the proposal under local or national planning policies. We note the investigation of another site on the Great Field and have seen no discussion of less harmful locations for the proposal. We also note that the application is for agreement "in principle" and cannot support such a widely sweeping application on a nationally important site. If no alternative site can be found and your authority is minded to approve development at this location we recommend that the current application be dismissed pending further consultation and that in those circumstances that the location should only be subject to detailed consent.</p> <p><b>Recommendation</b>  Historic England has concerns regarding the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 207, 208, 212, 213, 215 and, 216 of the NPPF. We would note that less than substantial harm does not equate to a less than substantial planning objection.</p> <p>Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If, however, you propose to determine the application in its current form, please treat this as a letter of objection, inform us of the date of the committee and send us a copy of your report at the earliest opportunity.</p>
Housing Enabling Officer	<p>Thank you for your consultation.</p> <p>Braunton suffers acutely from the problem of holiday lets, Air B&amp;Bs, and second homes, creating a huge lack of affordable properties for local people, so much so that Braunton parish</p>

Name	Comment
<p>Reply Received 22 November 2024</p>	<p>council have declared a housing crisis . If accepted this proposal will provide 100% of the dwellings as Social Rent and go some way to addressing the massive need for affordable housing in the parish.</p> <p>Braunton Community Land Trust (CLT) has undertaken an extensive search for suitable sites over many years which has led to them submitting this application. 2 other sites are at the initial stages of discussion but are not in the CLTs ownership so cannot be guaranteed to progress. Following public consultation the CLT decided to submit this application as they like the site due to its location to the village; and their view on this parcel of land being different to remaining great field designation.</p> <p>The site will be owned in perpetuity by Braunton (CLT); who in partnership with an RP of their choice will ensure the dwellings are allocated to local families. The properties will not be subject to Right to Buy or Right to Acquire and therefore will never be able to be sold on the open market, and will be available to future generations</p> <p>As stated above there is a clear need for Social Rent housing in Braunton. Devon Home Choice (DHC) shows there are 90 households living in the parish of Braunton registered as being in need of affordable housing for rent as of July 2024. Not all households tend to register themselves on the housing register as they don't think that they will have the opportunity to be housed so this figure is often significantly higher. It should be noted that although DHC data identifies the number of households living within the parish in housing need, it does not always provide sufficient information to firmly establish how long households have been resident in the parish or if they wish to remain in the parish; it is a snap shot in time and people's circumstances can change extremely quickly.</p> <p>Property sizes for affordable housing should aim to meet or exceed the "Technical housing standards - nationally described space standard", which can be accessed at <a href="https://www.gov.uk/government/publications/technical-housing-standards-nationally-described-space-standard">https://www.gov.uk/government/publications/technical-housing-standards-nationally-described-space-standard</a> (see "Table 1 - Minimum gross internal floor areas and storage (m2)" of the Department for Communities and Local Government document).</p> <p>Additionally, to make the dwellings as flexible as possible for allocation and to future-proof dwellings to allow families to grow or downsize, the Registered Providers will generally require the dwellings to be constructed to maximum occupancy. This means the highest number of bed-spaces per room (double bedrooms) are required:</p>

Name	Comment
	<p>1-bed 2-person 2-bed 4-person 3-bed 6-person 4-bed 8-person</p> <p>Accordingly, the Council will seek affordable housing to be constructed to the maximum bed-space requirements for the size of dwelling (number of bedrooms) and to accord with the associated nationally described space standards for those bed-spaces.</p> <p>Housing Enabling would be pleased to comment further if planning determine permission in principle is acceptable in the sites location.</p>
<p>North Devon Coast National Landscape</p> <p>Reply Received 12 December 2024</p>	<p>Thank you for consulting the North Devon Coast National Landscape Partnership with regards to this planning application in the setting of the Areas of Outstanding Natural Beauty.</p> <p>While the site is outside the AONB designation it is within the Heritage Coast, defined locally by North Devon District Council in the 1990s whose purpose was to conserve the best stretches of undeveloped coast in England. They are protected under the National Planning Policy Framework (P 114) and supported by Natural England by encouraging local authorities' planning policies to conserve, protect and enhance heritage coasts. Furthermore the site is within the Braunton Great Field, a medieval open strip field system recorded on the Devon Historic Environment Record, so an important local heritage site.</p> <p>The application has been submitted as an "In Principle" proposal so there are no details of the dwellings themselves which makes any assessment more difficult in terms of its visual and landscape impact. The site may be visible from within the designated landscape depending on the height and materials to be used. That said, the site sits alongside the Saunton Road to the east of the development, so its impact on the wider open coastal area is more limited.</p> <p>The proposal seeks local needs affordable housing, the principle of which is supported in the AONB Management Plan under Policy I3 "Support affordable housing proposals to meet local housing needs, that take full account of the AONB designation", indeed the North Devon Coast AONB Partnership worked with NDC and the National Trust in supporting a 100% affordable site in Woolacombe within the AONB and adjacent to the village hall.</p> <p>The difference here is in the historic character of this site in Braunton, as retaining "one of only three open field systems still operating in England". It is therefore a nationally significant heritage asset and is protected as a green asset in the Local Plan. We do not agree with the letter from Tetlow King which implies that</p>

Name	Comment
	<p>any impact on the Great Field is “less than substantial” and therefore Para 202 (actually Para 208) of the NPPF should be applied which itself refers to a balancing act between the development and the public benefits. In our view, the harm is significant as it will lead to the loss of this part of the Great Field. Accordingly Para 207 should apply which states:</p> <p>207. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:</p> <ul style="list-style-type: none"> <li>a) the nature of the heritage asset prevents all reasonable uses of the site;</li> <li>b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and</li> <li>c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and</li> <li>d) the harm or loss is outweighed by the benefit of bringing the site back into use.</li> </ul> <p>We would therefore suggest that consultation is made with the appropriate heritage bodies at local and national level with regard to the impact on the heritage asset and if a resolution can be found, we would support their views</p>
<p>Open Space Officer</p> <p>Reply Received 6 December 2024</p>	<p>Any application for residential development of 3 or more dwellings generates a requirement for open space and green infrastructure in accordance with policy DM10. We have provided an approximate calculation (attached) based on 4x2 bed and 5x3bed dwellings within the application. We can provide an accurate calculation when the number of bedrooms in each unit is confirmed.</p> <p>The Council's preference, in line with policy DM10 of the local plan is to see on-site provision, minimum standards will need to be met. Where on-site provision is not viable or off-site provision is more suitable as a result of proximity to existing facilities, an off-site contribution for that particular provision would be sought to deliver a scheme at a suitably linked location.</p> <p>Reviewing the application it appears to be unviable for on-site delivery of equipped play, allotments or formal sports/recreation. Therefore an off-site contribution in the region of 23,454 will be sought in lieu of on-site provision. If the application is recommended for approval, we can provide details of specific open space schemes, in line with CIL regulations.</p>
<p>Planning Policy Unit</p>	<p>No reply received.</p>

Name	Comment
Reply Received	
Sustainability Officer	No reply received.
Reply Received	

### **Neighbours / Interested Parties**

Comments	No Objection	Object	Petition	No. Signatures
3	39	1	0.0	0.0

Letters of support have been received citing the support for the provision of affordable housing in Braunton and that they do not consider there to be an impact on the Great Field.

A letter of objection has been received citing the impacts on the setting of the Great Field as a result of the development.

The above will be discussed in the main considerations below.

### **Considerations**

#### **Proposal Description**

The application seeks permission in principle for 9 affordable dwellings proposed as social rent tenure. As the application is for permission in principle, matters in relation to location, land use and amount of development are the only matters to be considered. Matters relating to technical matters are reserved for a technical details consent stage. This also includes the need for any Section 106 agreement (to secure the affordable housing) relating to the development.

#### **Planning Considerations Summary**

The scope of considerations for a 'permission in principle' application are limited to the principle of development including: location; land use; and the amount of development. All other matters are considered as part of a subsequent Technical Details Consent application, if 'permission in principle' is granted.

#### **Planning Considerations**

The application is made under the provisions of the Town and Country Planning (Permission in Principle) (Amendment) Order 2017, which came into force on 1st June 2018. This amends the Town and Country Planning (Permission in Principle) Order 2017 to allow Local Planning Authorities to grant permission in principle on receipt of a valid application for housing-led development.

The Local Planning Authority are tasked with considering whether the **location, land use and amount of development** are acceptable in accordance with the relevant policies in the Development Plan unless there are material considerations, such as those within the National Planning Policy Framework and national guidance, which indicate otherwise.

The Planning Practice Guidance states: “The scope of permission in principle is limited to location, land use and amount of development. Issues relevant to these ‘in principle’ matters should be considered at the permission in principle stage. Other matters should be considered at the technical details consent stage”.

## 1. Location

1.1. In the determination of a planning application, Section 38 of the Planning & Compulsory Purchase Act 2004 is relevant. It states that for the purpose of any determination to be made under the planning Acts, the determination is to be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for this area includes the Braunton Neighbourhood Plan, Devon Waste Plan and North Devon and Torridge Local Plan. The relevant Policies are detailed above.

1.2. The National Planning Policy Framework (NPPF) is a material consideration.

1.3. The site is located on greenfield agricultural land outside of the village of Braunton. Braunton is identified as a main centre in the North Devon and Torridge Local Plan (subject of Policy ST06), however the site itself sits beyond the identified development boundary for the area and as such is considered to be countryside subject to Policy ST07 (4) of the NDTLP.



**Plan showing development boundary**

1.4. Local planning authorities are required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement; the so-called 'five[1]year housing land supply' (Paragraph 78, National Planning Policy Framework; December 2024). The Government published a revised version of the National Planning Policy Framework



on 12th December 2024 along with associated revisions to planning practice guidance. Most significant to the calculation of the five year housing land supply is the revision of the methodology to calculating local housing need within planning practice guidance, the re-imposition of this as a mandatory approach for establishing housing requirements and alterations to the application of the relevant buffer within national planning policy. These revisions introduced changes that have a direct impact and notable bearing on the assessment of five-year housing land supply for North Devon and Torridge. As a consequence of these changes to national planning policy and associated planning practice guidance, North Devon District Council in association with Torridge District Council have determined that they are unable to demonstrate a sufficient supply of deliverable sites for housing across their joint local planning authority areas.

1.5. The assessment, as set out in the Five Year Housing Land Supply Addendum (January 2025), concludes that the Councils are able to identify a 4.86 year supply, equivalent to circa 97.2% of the five-year requirement, with the identified supply showing a shortfall of 192 dwellings when measured against the local housing need and applying the appropriate prescribed buffer. Accordingly, the Council considers that in accordance with the provisions of Footnote 8 of the National Planning Policy Framework, it is necessary to apply the presumption in favour of sustainable development and the provisions of Paragraph 11(d) of the National Planning Policy Framework in relation to applications involving the provision of housing.

1.6. Paragraph 11 (d) states the following (underlined for emphasis):

*11 d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date <sup>8</sup>, granting permission unless:*

*i. the application of policies in this Framework that protect areas or assets of particular importance <sup>7</sup> provides a strong reason for refusing the development proposed; or*

*ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination <sup>9</sup>.*

*Footnote 7: The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 189) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast: irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 75); and areas at risk of flooding or coastal change.*

*Footnote 75: Non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.*

- 1.7. As discussed further below, the site is within Heritage Coast, is a Local Green Space designated by the NDTLP and is a non- designated heritage asset of demonstrable significance to a Scheduled monument and therefore should be considered subject to policies for designated heritage assets.
- 1.8. As such, in accordance with the NPPF, whilst Policies ST06 and ST07 are deemed to be out of date in relation to their restrictions on housing supply and therefore afforded limited weight, the tilted balance does not apply due to the above landscape and heritage constraints identified in footnote 7. Therefore, in this instance as a decision maker, save for the application of housing policy which is out of date, compliance with the other relevant local policies and national provision would need to be demonstrated. Where clear conflict with the relevant policies results, the application should be refused.
- 1.9. In terms of the NPPF, paragraph 76 advises that LPA's should support community-led development subject to them being on sites which would be suitable for rural exceptions and:
- 'a) comprise community-led development that includes one or more types of affordable housing as defined in Annex 2 of this Framework. A proportion of market homes may be allowed on the site at the local planning authority's discretion, for example where essential to enable the delivery of affordable units without grant funding; and*
- b) be adjacent to existing settlements, proportionate in size to them, not compromise the protection given to areas or assets of particular importance in this Framework, and comply with any local design policies and standards.*
- 1.10. Whilst the location of the site is adjacent to the settlement and would provide good access to the village facilities, the underlined refers back to footnote 7 above whereby the application site is in an area where the statutory protections afforded would be compromised and as such the objectives of this policy are not met.
- 1.11. In terms of the Braunton Neighbourhood plan and its relevance to the principles around the location of the development, policies NE6 BE6, H2, H3, H4, H7 and H8 would be relevant.
- 1.12. In terms of Policy NE6 this highlights the importance of the protection of landscape character of the Great Field. This will be discussed further in the context of its historic setting below.
- 1.13. Braunton Parish Council are supportive of the development citing Policy BE6 of the BNP which seeks to protect locally valued green spaces unless very special circumstances exist for development, of which they accept an 100% affordable housing scheme as a special circumstance. This policy however provides a prescriptive list and maps of these locally valued spaces and the Great Field is not identified in this policy. As such it would carry little weight in considering the proposal.
- 1.14. In terms of the housing policies in the BNP, H2 seeks to respond to the housing marking needs, H3 seeks to deliver an appropriate composition of affordable housing on development sites, and H4 seeks to retain affordable rent properties in perpetuity.

These are relevant policies in relation to the proposals which seek to respond to a need for affordable rent housing in Braunton Parish.

- 1.15. Policy H7 supports housing in the edge of settlements where it addresses housing need and affordable housing mix defined in H2, H3 and H4 and subject to qualifying criteria i)-vii). Criteria v) and vii) seek to protect the local landscape character and heritage assets. This is also similar to criteria in H8 and is discussed further below.
- 1.16. In terms of the exceptions site Policy H8, this supports affordable housing development where evidenced, in sustainable locations, of an appropriate scale and design, providing BNG and of key importance in relation to this site, which 'do not compromise the special landscape character of the parish and/or the settings of Braunton, Knowle and other settlements within the parish' and 'which do not harm local heritage assets and their settings'. For reasons expanded on below, the location of the development fails these latter tests of Policies H7 and H8 of the BNP.
- 1.17. The site is within the Coastal and Estuarine Zone and Heritage Coast where Policies ST09(7) and ST14 will apply. Policy DM08A(4) requires development within the Heritage Coast to maintain the character and distinctive landscape qualities of the area.
- 1.18. Paragraph 4.39 of the Local Plan recognises that *'the undeveloped parts of this coastal zone are a finite resource and their unspoilt character, appearance and tranquillity will be protected against development not related to the coast or not providing benefits for the local community'*.
- 1.19. Paragraph 4.39 continues, *'sites or those parts of a site developed with permanently sited static caravans and/or other tourism related facilities form part of the Developed Coast, whereas seasonal caravan and/or camping sites or those parts of sites without a significant level of permanent structures form part of the Undeveloped Coast'*.
- 1.20. From a policy perspective, this site forms part of the undeveloped coast where Policy ST09(7) does not support new development that would harm the undeveloped character, appearance and tranquillity of the area, nor the undeveloped character of the Heritage Coast unless it cannot be located outside the undeveloped coast. No evidence is supplied to clearly demonstrate why the site cannot be located elsewhere outside of this designation.
- 1.21. The above landscape impacts have compelled the North Devon National Landscape Team to comment on the application with their concerns regarding development in the Heritage Coast designation and signposting the LPA to consultation with the relevant bodies in respect of the shared heritage concerns. Their full reply can be seen above in the consultee section.
- 1.22. The site is also within the designated Braunton Great Field, a designated Local Green Space where its archaeological heritage and setting should be protected in accordance with Policies ST15, BRA03(2) and DM07 of the NDTLP and Paragraphs 106, 107 and 108 of the NPPF. Below is an aerial image of the area with the site identified red:



**Aerial Map of Braunton Great Field**

- 1.23. Paragraph 10.176 clarifies its national importance as one of the few remaining medieval open field systems and is effectively the last remaining vestiges of this open-field and includes fields on its fringes that were formed by the enclosure of former open strips. The full extract is given below:

*'Braunton Great Field is not protected by any formal statutory protection or heritage designation but is nationally important as one of the few remaining medieval open field systems. The area protected by Policy BRA03: Local Green Spaces is effectively the last remaining vestiges of this open-field and includes fields on its fringes that were formed by the enclosure of former open strips. These enclosed fields are of a later medieval date but form part of the setting of the open field as well as being historic assets in their own right. The area identified in Policy BRA03: Local Green Spaces is an area defined by the B3231 to the north, Moor Lane to the west, the existing built development on the north-eastern edge, Field Lane to the east and the lane running between Velator to the east and Sandy Lane to the west and represents the area still farmed as an open-field as well as fields formed by the enclosure of former open strips.'*



**Photograph of Great Field setting from Fairlynch Lane (site marked red)**

- 1.24. The supporting statement supplied by Tetlow King does not constitute a heritage statement therefore the submission does not attempt to comply with Policy ST15 and paragraph 207 of the NPPF, the latter is cited below:

*'207. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.'*

- 1.25. Despite advice being given at pre-application stage that a heritage statement would be required, this has not been supplied. Furthermore, the opinion given by Tetlow King merely identifies how matters of material weight should be afforded to heritage assets and affordable housing in the context of development proposal. As each site is considered on its own merits, weight of planning considerations are ultimately a matter of planning judgement for the decision maker.

- 1.26. Planning case law, the NPPF and the NDTLP all advise that great weight and importance should be afforded to the impact of development on heritage assets. In this case, the importance of the asset has compelled both the Devon County Council Historic Environment Team and Historic England to provide formal consultation replies in relation to the location of development within the Braunton Great Field. I copy their comments below for ease of reference:

Devon County Council Historic Environment Team Advice:

*'As previously stated by the Historic Environment Team with regard to the pre-application consultation for this area, the field in which the proposed housing development lies within the later enclosed fringes of the nationally important Braunton Great Field, itself a rare survival of a medieval open field system and one of only three still operating in England.*

*As such, the Great Field should be considered as a heritage asset of equal significance to the most important heritage assets in the country, i.e. of equal significance to scheduled monuments.*

*Paragraph 206 of the National Planning Policy Framework (NPPF) 2023 requires that: "Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of: a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional; b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional."*

*The associated footnote 72 requires that: "Non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets."*

*The Historic Environment Team would therefore consider that the Great Field is a nationally significant heritage asset and any proposals for development here that affect its setting would need require "clear and convincing justification".*

*Paragraph 205 of the NPPF states: "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."*

*Paragraph 212 of the NPPF requires that Local Planning Authorities should "look for new development within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably."*

*The development of this site as residential will neither conserve, enhance the significance of the Great Field as a heritage asset nor make a positive contribution to the asset.*

*With regard to the North Devon and Torridge Local plan, the archaeology and the setting of the Great Field are protected by Policy BRA03(part 2) which states: "Braunton Great Field, as shown on Policies Map 3, is identified as a local green space where its archaeological heritage and setting will be protected."*

*Para 10.176 of the North Devon and Torridge Local Plan states: "Braunton Great Field is not protected by any formal statutory protection or heritage designation but is nationally important as one of the few remaining medieval open field systems. The area protected by Policy BRA03: Local Green Spaces is effectively the last remaining vestiges of this open-field and includes fields on its fringes that were formed by the enclosure of former open strips. These enclosed fields are of a later medieval date but form part of the setting of the open field as well as being historic assets in their own right."*

*The creation of housing within this field on the fringes of the open field the area does not protect the later medieval enclosed fields on the edge of the Great Field (in which this proposed development sits) or setting of the open part of the Great Field and instead represents the encroachment of development into this nationally important heritage asset.*

*The Historic Environment Team would consider that the proposed development to be contrary to the above local and national planning policies. As such, for the above reasons the Historic Environment Team object to this planning application and is recommends that it is refused by your Authority.*

*The Historic Environment Team would advise that a less sensitive site is considered for the proposed residential development. The Historic Environment Team would also advise that, given the significance of the Great Field as a heritage asset that Historic England are consulted as part of this pre-application enquiry as well the North Devon Councils' Landscape Officer and the National Landscape Officer - whose boundary lies some 800m to the north for any comments they will have on this proposed development.*

*With regard to the appeals referred to in the Tetlow King Planning Opinion these applications affected the setting of designated heritage assets (Listed buildings and Conservation Areas), whereas this proposed development will have a direct impact upon a heritage asset of demonstrably of equivalent significance to a scheduled monument. See the listing description of the scheduled open field system at Portland, Dorset as an example of a protected landscape: <https://historicengland.org.uk/listing/the-list/list-entry/1002729>'*

Historic England Advice:

*Thank you for your letter of 28 November 2024 regarding the above application for planning permission. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.*

### **Summary**

*The proposal to develop these fields for social housing, whilst an admirable ideal, will result in harm to the nationally important Braunton Great Field, is contrary to local and national policy, and is not supported by any consideration of less harmful locations. As such Historic England have serious concerns regarding the proposal.*

### **Historic England Advice Significance of Braunton Great Field**

*Braunton Great Field is an extremely rare survival of a once predominant agricultural practice whereby the farmers of a medieval village worked a number of their own allocated strips of land together, the 'open field system'. The strips were approximately one acre, being 22 yards by 220 yards in size and each farmer would have strips of land alongside his neighbours in such a way that all shared good and bad soil.*

*Braunton is one of only two out of hundreds of open field systems surviving in use in England, the other being Laxton in Nottinghamshire (Laugharne in Wales is the only other survivor in the UK). The importance of preserving this nationally important site cannot be overstressed, most having been enclosed by Lords of the Manor, religious, collegiate and royal land holders. This enclosure continued until the 19th century.*

*Open field systems provide information and understanding of medieval and post medieval land holding, agriculture, rural society and the growth of the land owning classes and as such are a window on the past.*

### ***Impact of the proposals on the Great Field***

*The proposal seeks to build nine homes for local people and while we understand the need we believe that the development would be better sited elsewhere. The field affected is more recently enclosed but sits along the main Braunton to Saunton road in a fairly exposed location and will expand the built envelope of Braunton into a green field site, cutting off the outer reaches of the Great Field and further eroding the surviving elements of the open field system and obscuring it's enclosure process.*

*The site is a unique survival and integral to the development of modern Braunton and this is reflected in the local planning policies enacted with the intention of preserving the open field and it's former areas.*

### ***Policy affecting the proposal***

*The planning opinion submitted by Tetlow King provides a very useful summary of policy and a well described overview of national and local heritage policies. I have below outlined the most relevant to this case and would note that this response uses the new edition NPPF paragraph numbers as released yesterday.*

*Although the Great Field is not designated, it is considered to be of national importance and as such the following NPPF policies should be considered with reference to footnote 75 of the NPPF, "Non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets."*

*I note that contrary to NPPF 207 no Heritage Impact Assessment (HIA) or consideration of significance has been supplied.*

*NPPF 212 sets a very high bar for the protection of nationally important heritage assets such as the Great Field, requiring "great weight" be given to the an asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. This is reinforced by NPPF 213 which requires "Any harm to, or*



*loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification..."*

*As noted by Tetlow King, "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use" (NPPF 215) and "The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset." (NPPF 216).*

*NPPF 103 which addresses Local Green Spaces supports the North Devon and Torridge Local Plan policies BRA(part 2) which specifically aims to protect Braunton Great Field as shown on Policies Map 3, is identified as a local green space where its archaeological heritage and setting will be protected." and Policies ST15 which further enhance local protection.*

*Also Para 10.176 of the North Devon and Torridge Local Plan which states: "Braunton Great Field is not protected by any formal statutory protection or heritage designation but is nationally important as one of the few remaining medieval open field systems. The area protected by Policy BRA03: Local Green Spaces is effectively the last remaining vestiges of this open-field and includes fields on its fringes that were formed by the enclosure of former open strips. These enclosed fields are of a later medieval date but form part of the setting of the open field as well as being historic assets in their own right."*

### ***Historic England position on the proposals***

*Historic England supports the comments made by Devon County Council Senior Historic Environment Officer, Mr Reed and do not find any convincing justification for the approval of the proposal under local or national planning polities. We note the investigation of another site on the Great Field and have seen no discussion of less harmful locations for the proposal. We also note that the application is for agreement "in principle" and cannot support such a widely sweeping application on a nationally important site. If no alternative site can be found and your authority is minded to approve development at this location we recommend that the current application be dismissed pending further consultation and that in those circumstances that the location should only be subject to detailed consent.*

### ***Recommendation***

*Historic England has concerns regarding the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 207, 208, 212, 213, 215 and, 216 of the NPPF.*

*We would note that less than substantial harm does not equate to a less than substantial planning objection. Your authority should take these representations into account and seek amendments, safeguards or further*

*information as set out in our advice. If, however, you propose to determine the application in its current form, please treat this as a letter of objection, inform us of the date of the committee and send us a copy of your report at the earliest opportunity.*

- 1.27. The above provides a clear and strong objection to the impact of the development on the setting of the heritage asset being the Great Field. In applying the appropriate policy tests, great weight is afforded to the protection of the setting on the heritage asset in this instance, where the location of the development is being considered as part of the permission in principle route to planning permission. The siting of a residential development within the Great Field would neither conserve nor enhance its unique setting and appearance. The location on the edge against Saunton Road would dilute open views across the Great Field and erode its historic character and its cultural significance to farming in Braunton.
- 1.28. When considering the Policy test in paragraph 208 of the NPPF, it is considered that the development results in 'substantial harm' to the heritage asset, and as the asset is of high importance and substantial harm resulting to its significance in this instance is afforded substantial weight against the development.
- 1.29. Paragraphs 213 and 214 below identify the test in relation to considering proposals resulting in substantial harm to a heritage asset:

*213. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:*

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional<sup>75</sup>.*

*Footnote 75 : Non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets*

*214. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*

- a) the nature of the heritage asset prevents all reasonable uses of the site; and*
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.*

- 1.30. It is not considered that clear and convincing justification for the loss of part of the Great Field and impact to its setting has been provided with the application. As such, in the context of paragraph 214, whilst significant benefits arise from providing nine affordable homes on the site, given the protections that are afforded to the Great Field, absence of clear and convincing evidence that no other site is suitable or available in Braunton, and that the over-arching requirement is to conserve and enhance the heritage asset, these tests are failed.
- 1.31. The BNP, NDTLP and NPPF go to great efforts to protect environmental assets which are irreplaceable and Braunton Great Field is not only of local cultural and environmental significance; it provides one of only two unique remaining examples of a medieval strip fields system and enclosures in England. Through the plan making process multiple policies have been applied to this area to safeguard it in perpetuity and any loss to its significance, even in part, would undermine the application of these policies and the sites contribution to the evolution of England's agricultural practices and social structures through history.
- 1.32. In light of the above, the location of the development, and within the Heritage Coast, Coastal and Estuarine Zone and Braunton Great Field, would run contrary to Policies NE6, H7 and H8 of the Braunton Neighbourhood Plan, Policies ST07, ST09, ST14, ST15, BRA03, DM07 and DM08A of the NDTLP, and paragraphs 76, 207, 208, 210,212, 213 and 214 of the NPPF. Substantial weight is afforded to these conflicts with Policy.

## **2. Land Use**

- 2.1. The proposed land use would be to residential development comprised of 100% affordable housing, however due to the location of the site adjoining a Main Centre, this would ordinarily not qualify as a rural exceptions site and development is therefore directed by the plan-led process to sites specifically allocated in the NDTLP for residential development. However, given the effect of the absence of 5 year housing land supply in limiting the weight of such housing policy, it is considered the site can be considered as a rural exception site.
- 2.2. The objectives of paragraph ST19 are broadly consistent with Paragraph 82 of the NPPF whereby affordable housing in rural areas should be supported in appropriate circumstances. As such whilst provisions of Policy ST06 and ST07 of the NDTLP may be considered out of date from a housing provision perspective, the wider objectives of affordable housing via ST19 would still be relevant and therefore this policy and its alignment with NPPF paragraph 82 should be afforded significant weight.
- 2.3. Policy H8 of the Braunton Neighbourhood Plan looks to identify and support exceptions sites where criteria i)-vii) are met. The proposal would not maintain the special landscape character of Braunton as described above and would harm a heritage asset. As such the scheme would not comply with Policy ST19 of the NDTLP nor Policy H8 of the Braunton Neighbourhood Plan. Significant weight is afforded to this conflict.
- 2.4. It should also be noted that in reference to paragraph 108, Local Green Spaces should be given the same considerations as Green Belt and therefore paragraphs 153-155 of the NPPF would apply. Of keynote is paragraph 154 (f) which allows limited affordable housing for community needs, set out in the development plan,

which would be Policy ST19 and H8 to which conflict has already been identified above.

2.5. Furthermore paragraph 155 explicitly identifies that development of homes...in the Green Belt should also not be regarded as inappropriate where:

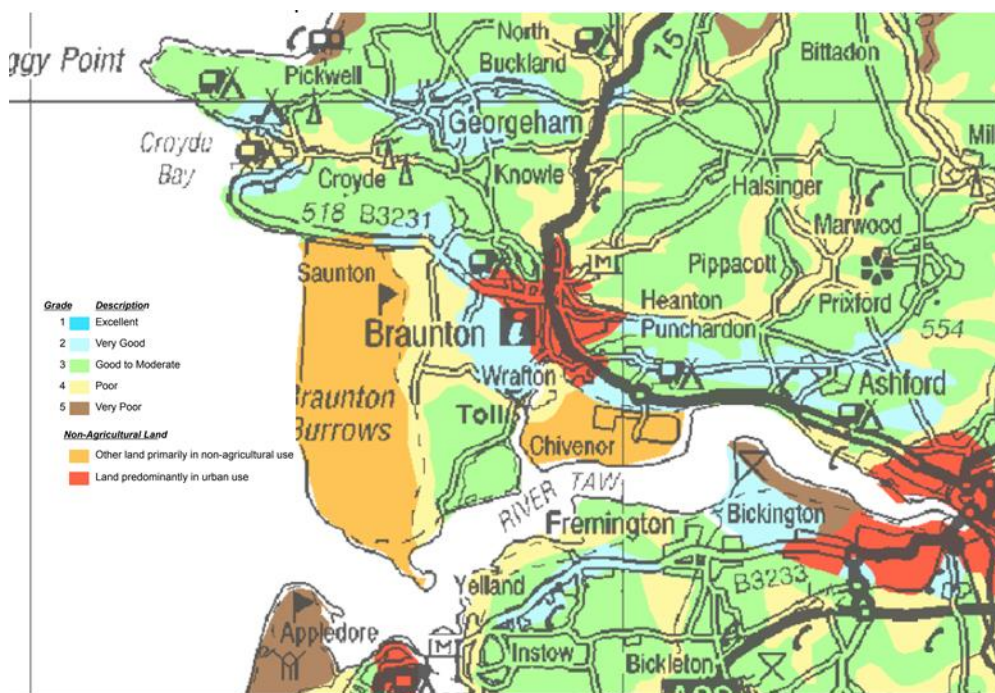
*'b. There is a demonstrable unmet need for the type of development proposed <sup>56</sup>;*

*c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework <sup>57</sup>;*

2.6. In coming back around to paragraph 110 and 115 of the NPPF this looks at sustainable location of development, principally from a highway and active travel focus. There is no argument that the site is unsustainable in highway terms being a relatively level walk to the centre of the village and with access to cycling and bus routes.

2.7. However, whilst the above green belt policies serve an enabling purpose for development for affordable housing needs and themselves carry significant weight, this weight is considered to be diminished in this instance as the very reason the Great Field is a Local Green Space is due to the unique heritage significance to which substantial harm has already been identified in section 1 of this report. As such moderate weight is afforded to paragraphs 154 and 155 of the NPPF.

2.8. The existing land use is agricultural land and the site is located in an area of Grade 2 agricultural land as can be seen in the Natural England Agricultural Land Classification map below.



**Agricultural Land Classification Map**

2.9. Policy ST14 (d) of the NDTLP looks to safeguard best and most versatile agricultural land within grade 1-3a. The development would represent a loss of an area, albeit 0.3 hectares, of highly productive agricultural land and such would not conserve best

and most versatile agricultural land contrary to Policy ST14 of which limited weight is afforded to this conflict.

### 3. Amount of Development

- 3.1. Whilst matters of scale and design would be reserved for future consideration at the Technical Details stage, the amount of development is a relevant consideration at the permission in principle stage.
- 3.2. The proposal is for 9 dwellings on a site of 0.3 hectare, and in considering land area alone, it is considered it would make efficient use of the site area and that it is of a scale that may be able to accommodate the development, subject to suitable provision of garden areas, access parking and turning. The way in which any dwellings are designed and accessed would need further consideration at the technical details consent stage if acceptable in all other respects.
- 3.3. In terms of the affordable housing need in Braunton and the weight to be afforded to this as a material consideration. The comments on housing need and the CLT's exploration of sites from the Council's Housing Enabling Officer are noted and copied below for ease of reference:

*'Braunton suffers acutely from the problem of holiday lets, Air B&Bs, and second homes, creating a huge lack of affordable properties for local people, so much so that Braunton parish council have declared a housing crisis . If accepted this proposal will provide 100% of the dwellings as Social Rent and go some way to addressing the massive need for affordable housing in the parish.*

*Braunton Community Land Trust (CLT) has undertaken an extensive search for suitable sites over many years which has led to them submitting this application. 2 other sites are at the initial stages of discussion but are not in the CLT's ownership so cannot be guaranteed to progress. Following public consultation the CLT decided to submit this application as they like the site due to its location to the village; and their view on this parcel of land being different to remaining great field designation.*

*The site will be owned in perpetuity by Braunton (CLT); who in partnership with an RP of their choice will ensure the dwellings are allocated to local families. The properties will not be subject to Right to Buy or Right to Acquire and therefore will never be able to be sold on the open market, and will be available to future generations*

*As stated above there is a clear need for Social Rent housing in Braunton. Devon Home Choice (DHC) shows there are 90 households living in the parish of Braunton registered as being in need of affordable housing for rent as of July 2024. Not all households tend to register themselves on the housing register as they don't think that they will have the opportunity to be housed so this figure is often significantly higher. It should be noted that although DHC data identifies the number of households living within the parish in housing need, it does not always provide sufficient information to firmly establish how long households have been resident in the parish or if they wish to remain in*

*the parish; it is a snap shot in time and people's circumstances can change extremely quickly.*

*Property sizes for affordable housing should aim to meet or exceed the "Technical housing standards - nationally described space standard", which can be accessed at <https://www.gov.uk/government/publications/technical-housing-standards-nationally-described-space-standard> (see "Table 1 - Minimum gross internal floor areas and storage (m2)" of the Department for Communities and Local Government document).*

*Additionally, to make the dwellings as flexible as possible for allocation and to future-proof dwellings to allow families to grow or downsize, the Registered Providers will generally require the dwellings to be constructed to maximum occupancy. This means the highest number of bed-spaces per room (double bedrooms) are required:*

- 1-bed 2-person*
- 2-bed 4-person*
- 3-bed 6-person*
- 4-bed 8-person*

*Accordingly, the Council will seek affordable housing to be constructed to the maximum bed-space requirements for the size of dwelling (number of bedrooms) and to accord with the associated nationally described space standards for those bed-spaces.*

*Housing Enabling would be pleased to comment further if planning determine permission in principle is acceptable in the sites location.'*

3.4. It is noted that housing need is being assessed on the basis of the Devon Home Choice register and no up to date housing needs assessment has been presented as part of the application. These are considered as part of the material considerations in relation to supply of affordable housing above.

3.5. The Devon Home Choice records show that of January 2025 there are now 85 households registered and therefore it is acknowledged that there is a significant need for affordable housing in the Parish to which significant weight should be afforded in the planning process.

#### **4. Other Matters**

4.1. Consultee comments from Environmental Health, Public Open Space and Education are noted however these are matters which would be considered as part of technical matters in the event an application were approved.

#### **5. Planning Balance**

5.1. The proposal site lies outside the development boundary for Braunton within the Heritage Coast and Coastal and Estuarine Zone. As such the location of the development in this area erodes the undeveloped character of the coast. Clear elevated views of the site are possible in the locality and the introduction of housing in this location would not protect and enhance this area. This runs contrary to Policies NE6, H7 and H8 of the Braunton Neighbourhood Plan, Policies ST08A, ST09 and

ST14 of the North Devon and Torridge Local Plan and paragraph 191 of the NPPF. Significant weight is afforded to the conflict with these policies.

- 5.2. Furthermore, the site lies within the Braunton Great Field and a designated Local Green Space and the development results in loss of part of the area and impacts on its setting. The archaeological significance of this area, as one of only two remaining strip field systems of this nature in England, is such that it is treated as a designated heritage asset and its importance in terms of social and cultural heritage is significant at a local, regional and national level. The harm resulting from the development is considered to be substantial in the context of paragraph 212, 213 and 214 of the NPPF. The development neither conserves nor enhances the heritage asset or its setting and as such the proposal is contrary to the adopted Policies of the Braunton Neighbourhood Plan Policies NE6, H7 and H8, North Devon and Torridge Local Plan; ST07, ST09, and ST15 and paragraphs 76, 207, 208, 210,212, 213 and 214 of the National Planning Policy Framework. Substantial weight is afforded to these policy conflicts.
- 5.3. It is noted that Paragraphs 154 and 155 serve an enabling function for affordable housing as an exception on Local Green Spaces however given the Great Field is identified as a Local Green Space for its heritage significance and substantial harm to this has been identified, these paragraphs are a material consideration of moderate weight in this instance.
- 5.4. Furthermore the land is best and most versatile agricultural land being Grade 2 and its loss to residential development would not conserve that high grade land contrary to Policy ST14 of the NDTLP. Limited weight is afforded to this conflict.
- 5.5. It is acknowledged that provision of affordable housing on the site consistent with Policy ST19 of the NDTLP and paragraph 82 of the NPPF is of significant weight with the provision of 9 social rent dwellings with a local occupancy restriction in an area with an acute housing need. Significant weight is afforded to this benefit.
- 5.6. It is acknowledged there would also be economic benefits in the short term through construction which are afforded limited weight.
- 5.7. The statutory development plan is the starting point for decision making and when the above proposal is considered against the development plan as a whole significant conflict with policy is identified.
- 5.8. This is not an instance where the 'tilted balance' applies given the locational protections to the site afforded in the footnotes of paragraph 11(d) and throughout all levels of planning policy. The above assessment makes it clear that there are a large number of conflicts with the development plans and national policy such that this is not considered to be an on-balance decision. The conflicts and therefore harm identified would clearly outweigh the benefits of building in this highly sensitive location.
- 5.9. As such it is officers' recommendation that planning permission should be refused.

### **Human Rights Act 1998**

The provisions of the Human Rights Act and principles contained in the Convention on Human Rights have been taken into account in reaching the recommendation contained in this report. The articles/protocols identified below were considered of particular relevance:

- Article 8 – Right to Respect for Private and Family Life
- THE FIRST PROTOCOL – Article 1: Protection of Property

Section 149(1) of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it (the Public Sector Equality Duty or 'PSED'). There are no equality implications anticipated as a result of this decision.

### **Recommendation**

#### **Refused**

Legal Agreement Required: No

#### **Reason(s) For Refusal**

1. The proposed development is not considered to represent an appropriate location for new housing development and would detract from the unspoilt character of the heritage coast and undeveloped coast. Clear elevated views of the site are possible in the locality and the introduction of housing in this location would not protect and enhance this area. As such it would be contrary to Policies NE6, H7 and H8 of the Braunton Neighbourhood Plan, Policies ST09, ST14, BRA03, and DM08A of the North Devon and Torridge Local Plan, and paragraphs 76, 191 of the National Planning Policy Framework.
2. The proposals would result in encroachment of development on a Local Green Space as identified by Policy BRA03 (2), whereby it seeks to protect its archaeological heritage and setting. Furthermore, the site is noted as having archaeological interest of demonstrably equivalent significance to scheduled monuments, being only one of two remaining fields systems of this nature remaining in England, such that it should be treated as if it were a designated heritage asset. The development of part of the heritage asset would significantly dilute its significance to the detriment of the agricultural and social heritage of both North Devon and England given its importance, and as such results in substantial harm to the heritage asset. Furthermore no heritage statement is supplied which describes the impacts of the development on the significance of the asset. The proposal would neither conserve nor enhance the heritage asset and no clear and convincing justification is supplied to justify the significant harm and partial loss of part of the Great Field. As such the development would be contrary to Policies H7 and H8 of the Braunton Neighbourhood Plan, ST15, DM07 and BRA3 of the North Devon and Torridge Local Plan and paragraphs 76, 207, 208, 210, 212, 213 and 215 of the National Planning Policy Framework.
3. The development of 0.3 hectares of grade 2 agricultural land would represent a loss of best and most versatile agricultural land contrary to Policy ST14 of the North Devon and Torridge Local Plan.



## **Informatives**

1. The plans considered during the determination of this application were:  
LHC-00-00-DR-A-0101A Location Plan and received on the 09/10/24,
2. Statement of Engagement  
In accordance with paragraph 39 of the National Planning Policy Framework the Council works in a positive and pro-active way with Applicants and looks for solutions to enable the grant of planning permission. However in this case the proposal does not comply with the development plan when considered as a whole for the reasons set out above and as conveyed at pre-application stage and the Council was unable to identify a way of securing a development that improves the economic, social and environmental conditions of the area.