

Settlement Boundaries for East Budleigh Village

Background

- The current settlement boundaries (previously built-up area boundaries) are shown on Map 1. This boundary was adopted in July 2018 in the East Devon Villages Plan. They are also the boundaries in our 'made' neighbourhood plan.
- The consultation draft of the local plan has defined new settlement boundaries which are much looser than the current boundaries (see Map 2). Map 3 has superimposed the new boundary over the current boundary to make it easier to see where changes have been made.
- Once the local plan is adopted, subject to changes that may arise, during the local plan consultation process these settlement boundaries will become the new boundaries for the village. As the emerging local plan policy is a strategic policy the settlement boundaries cannot be changed in a neighbourhood plan unless the Parish Council wants them to be looser to accommodate more growth.

Purpose of Settlement Boundaries

- They define where (within the boundary) development will be acceptable in principle giving certainty where development can be expected. This helps to give a degree of certainty to decision makers, local communities, landowners and developers about where development can be expected
- They set limits for outward expansion of the settlement controlling the overall scale and location of development.

Criteria for assessing settlement boundaries

- In the document 'A Principles of Settlement Boundaries Topic Paper 2021' EDDC outlined their methodology and a set of criteria to define settlement boundaries (see Appendix 2).
- The Council are welcoming comments on the methodology they have used and whether the boundary lines comply with it or not.
- This report has undertaken an assessment against the Council methodology for each new area included in the new proposed settlement boundaries (see Appendix 1). If the Parish Council wish for an area to be excluded they should explain how this does not meet the criteria in the Council's methodology. If there is no criteria the Parish Council can suggest changes to the methodology

General Assessment regarding new areas included within settlement boundary

- The new areas of land within the looser boundaries are unlikely to deliver affordable housing. The number of houses required on a site within the settlement boundary has to reach a threshold of 10 or more houses before there is a requirement for 35% of the dwellings to be affordable. Therefore any houses built are likely to be market houses that do not contribute to meeting a local affordable housing need.
- Many of the areas now included are currently used for employment purposes or are houses within large gardens. Any houses coming forward would therefore be dependent on employment enterprises closing down or owners of these large houses coming forward with sites for development.

- There are several areas included that impact on heritage assets and/or the conservation areas. These constraints may make development unachievable or limited. Other constrained areas included are some new areas in flood zone 3 and designated local green spaces, the latter where development is restricted.

Recommended comments to submit to EDDC.

Recommendation 1

A higher definition map is used to provide greater clarity and transparency to developers, landowners and the community. The poor quality map being used at present has led to an inaccurate drawing of boundaries (if the aim is to follow physical boundaries in many of the locations shown). Meanwhile the map shows some land appearing to be within the curtilage of properties when this land is separate to these properties i.e. The Pound.

A higher definition map has been provided with this response to illustrate this point and highlight areas the Parish Council wish to exclude from the boundary.

Recommendation 2

Change to the wording of Strategic Policy 6

It is also suggested the words 'having regard to' is changed to 'subject to' in line 4 of Strategic Policy 6. The policy would then read:-

*"Within the settlement boundaries defined on the proposals Policies map development will be supported in principle. This does not mean that all development will be acceptable within settlement boundaries: proposals will be considered on their own merits ~~having regard~~ **subject to** other policies in this plan and any made neighbourhood plan".*

'Having regard to' makes it easier to override 'made' neighbourhood plan policies and community wishes particularly if there is deemed to be an overriding and substantive public need.

The change in emphasis would ensure the policy is more transparent and informative taking into account the wishes of local communities as detailed in a 'made' neighbourhood plan. It would give more certainty to local communities where land in a 'made' neighbourhood plan has policies that restrict development that this land will be protected i.e. well used community facilities, local green space designated in a neighbourhood plan. This is preferred to the current approach that applies a presumption in favour of sustainable development to this land.

Recommendation 3:- It is suggested to EDDC areas are excluded from the settlement boundary for the reasons outlined (for example, in accordance with option 3 detailed below) A map of the preferred boundary would be attached.

Parish Council potential options in relation to the settlement boundaries as defined.

Option 1

The Parish Council endorse the new settlement boundaries.

Option 2

The Parish Council object to the new settlement boundaries and ask for the current boundary to be kept. This would be contrary to the Local Plan spatial strategy that seeks to limit but not stifle growth. This option is not recommended.

Potential justification

Strategic Policy 1 states limited development will be allowed in Service Villages to meet local needs and make the settlement more self-sustaining. The looser boundaries are likely to result in market housing due to constraints of the areas included in the settlement boundaries. The sites are thus unlikely to be for 10 or more dwellings, the threshold for affordable housing and therefore looser boundaries will not meet local needs.

Option 3 (potentially the best option)

An important role of settlement boundaries is to show developers and the community where development is acceptable with certainty and by excluding the areas mentioned below this would either accord with the EDDC methodology for defining settlement boundaries and/or reflect environmental constraints and development policies within the 'made' neighbourhood plan that restricts the types of development that are acceptable. It would also give greater certainty to the wishes of the local community, and the areas they wish to protect from development.

The Parish Council would like to see minor adjustments to the boundaries to exclude the following areas(as identified below and on the attached map):-

- 1) Local green space designated in the Neighbourhood Plan on the edge of the village** which was previously outside the settlement boundary i.e. All Saints Churchyard(Local green Space 1), The Pound(Local Green Space 8), and the small wood off Middletown Lane(Local Green Space 6)

Justification

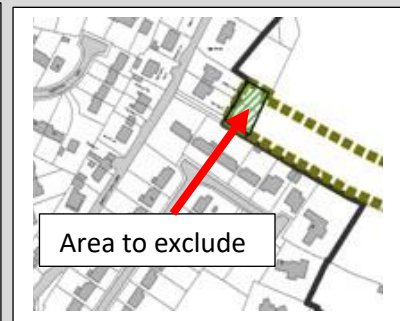
Neighbourhood plan(Policy N2) and emerging local plan(Policy 79) policies place restrictions on development on local green space designated in a neighbourhood plan and therefore it would be inappropriate for the presumption of sustainable development to apply. The boundary line as drawn does not comply with Criteria B3 of the EDDC criteria for defining settlement boundaries.



All Saints Church



The Pound



Small wood, Middletown Lane

2) Small area of land in Frogmore Road which was previously outside the settlement boundary

Justification

The boundary line as drawn does not comply with Criteria C4 of the EDDC criteria for defining settlement boundaries. The land is separate from main core of the village by a main road. The land is also within flood zone 3. It is suggested that the Council's methodology is amended to include a criteria that small parcels of land on the edge of villages subject to a high flood risk are excluded from the settlement boundary where other land not subject to flooding has been included within the settlement boundary. Both the emerging local plan and neighbourhood plan policies direct development away from the areas of highest flood risk. Using the sequential test other areas of land not subject to flooding have been identified within the settlement boundary and therefore it is not justified, given this specific circumstance, to have a presumption in favour of development on this land.



3) Temple House should be excluded from the settlement boundary on the basis of Criteria C4 of the EDDC methodology for defining settlement boundaries - substantial house surrounded by large gardens separated from main core of the village by fields and a main road

The boundary line as drawn does not comply with Criteria A1 of the EDDC criteria for defining settlement boundaries – the development does not reflect the form of the settlement. The house is also a listed building.

Fields beside Wynards House within the conservation area and adjacent to listed buildings

Justification

The Parish Council would like to see a change to the methodology to exclude heritage assets and sites on the edge of settlements and/or within conservation areas to protect these assets and their settings from harm.



Temple House

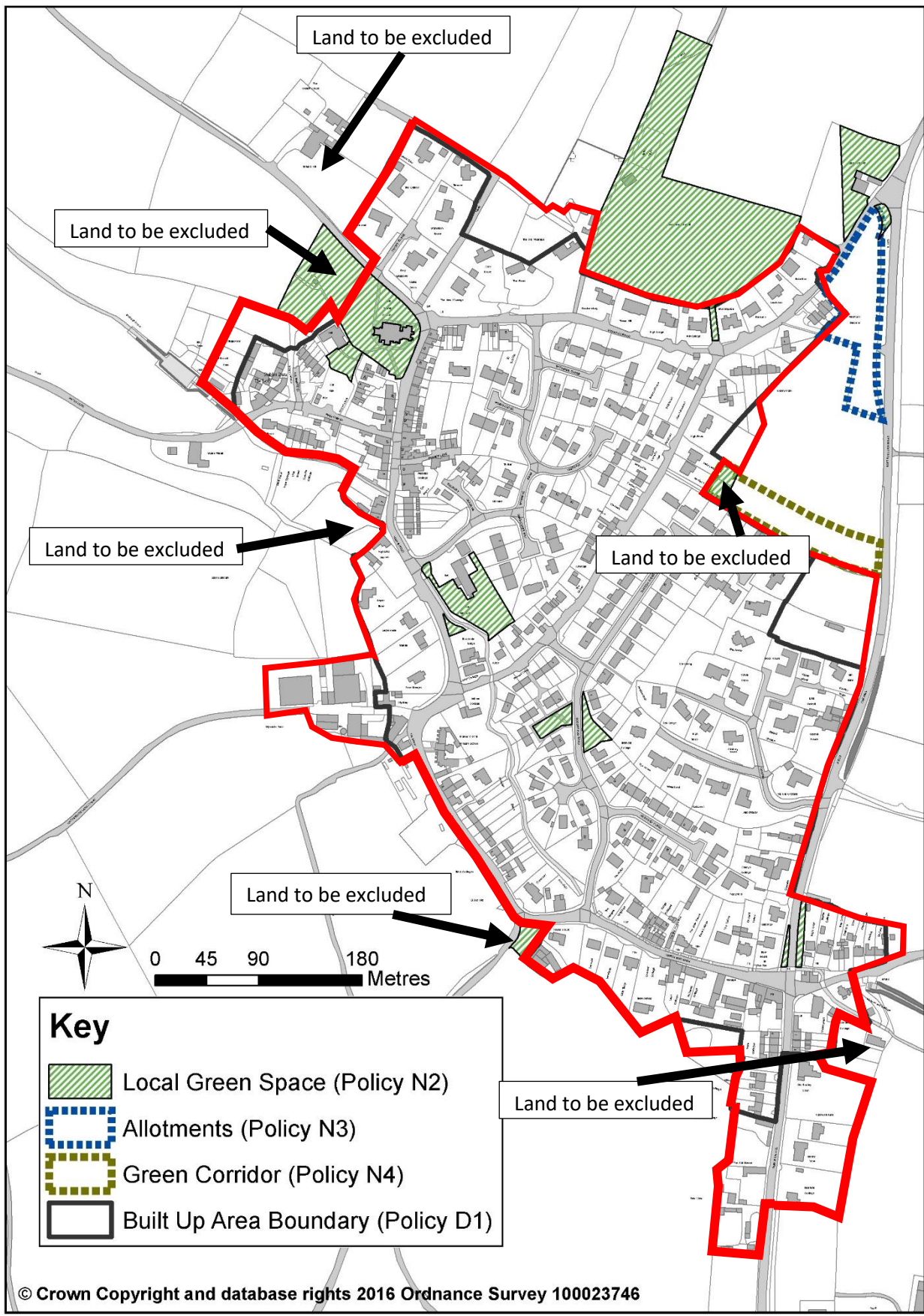


Field adjacent to Wynard House

Option 4

Would include option 3 with additional sites within the settlement boundary excluded with a reasoned justification provided.

Parish Council preferred settlement boundary (drawn in red)



Appendix 1:- Assessment of land included within new settlement boundary

Ref on Map 3	Changes proposed to boundary	Comments	Recommendation
1	Temple House, Yettington Road	<p>Grade II listed building in extensive grounds separated from the built up area of the village.</p> <ul style="list-style-type: none"> • Grade 1 agricultural land • Development may be unachievable or the number of dwellings that could be accommodated are restricted due to the constraints of the heritage asset • No pedestrian access 	<p>Exclude the land from the settlement boundary.</p> <p>Including this land within the settlement boundary does not comply with EDDC criteria for defining settlement boundaries. The relevant criteria are:-</p> <p>Criteria C4- substantial house surrounded by large gardens separated from main core of the village by fields and a main road and Criteria A1 – the development does not reflect the built form of the settlement.</p> <p>A change in methodology could also be suggested to exclude heritage sites and sites within a conservation area on the edge of settlements to protect the assets and their settings from harm.</p>
2	Land west of the Old Vicarage	<p>Detached house in substantial grounds and adjoining paddock.</p> <ul style="list-style-type: none"> • Grade 1 agricultural land. • There was previously a planning application on this land that was withdrawn • Access would be from a private driveway that would come off the existing driveway to the Old Vicarage. . 	<p>Include the land within the settlement boundary</p>
3	Vicarage Road	<p>Ashfield House has been excluded where it was included in the settlement boundary previously.</p>	<p>Include the land within the settlement boundary(as per existing boundary) as the house</p>

Ref on Map 3	Changes proposed to boundary	Comments	Recommendation
			reads as part of built up area of the village(excluding the garden)
4	Gardens East of Middletown Lane	<p>Spacious rear gardens forming the transition between the built up part of the village and countryside beyond.</p> <ul style="list-style-type: none"> • Grade 1 agricultural land • Limited back land development to rear of High Peak. Application refused in 1996 for 1 dwelling:- undesirable back land development, the impact on the open character of the area, the impact on residential amenity and privacy of neighbours, and an unsuitable access on to Middletown Lane with poor visibility onto a narrow lane 	<p>Include the land within the settlement boundary.</p> <p>If the Parish Council were minded to exclude the land this could be justified in relation to criteria A2:- buffer between the built area of the village and open countryside.</p>
5	Local Green Space, Middletown Lane	<p>Local Green Space designated in the neighbourhood plan. The current neighbourhood plan and the emerging local plan have policies to restrict residential development on land designated as a local green space. There should not therefore be a presumption in favour of development on such spaces.</p>	<p>Exclude the land from settlement boundary</p> <p>Including this land within the settlement boundary does not comply with EDDC criteria for defining settlement boundaries. The relevant criteria is Criteria B3:- neighbourhood plan allocations and in this case a designation as a local green space restricts the nature of development and therefore the land should be excluded.</p>
6	Land on the south side of Russell Drive	<p>Paddock at end of Russell Drive (0.58 ha) which could accommodate between 5-12 dwellings.</p> <ul style="list-style-type: none"> • Site Ebud3 has recently been assessed by EDDC officers as being unachievable: - no access off Russell Drive due to the configuration of the 	<p>Although development is unachievable at present it is recommended the site is kept within the settlement boundary in case circumstances change.</p>

Ref on Map 3	Changes proposed to boundary	Comments	Recommendation
		<p>bungalows. Access off the B3178 unlikely on highway safety grounds unless satisfactory visibility splays can be achieved. The road is at the peak of a hill where visibility is exceptionally poor.</p> <ul style="list-style-type: none"> • Ground Water Protection Zone (3 - Total Catchment) • Grade 1 agricultural land. 	<p>However it should be noted Including this land within the settlement boundary does not comply with EDDC criteria for defining settlement boundaries. The relevant criteria is Criteria B6:- the site is over 0.15ha and the Council has not allocated the land as their assessment is development is not achievable. If the Parish Council wished to exclude the site the site could be excluded on the basis of criteria B6.</p>
7	Garage, Frogmore Road	<p>Planning permission has been submitted on this brownfield site for one 4 bed detached dwelling adjacent to existing dwellings and a new exception housing development.</p>	<p>Include the land within the settlement boundary as the land is brownfield land with a current planning permission (not yet approved).</p>
8	Land in Flood zone 3, off Frogmore Road	<p>Land in Flood Zone 3 which was previously excluded</p> <p>Both the emerging local plan and neighbourhood plan policies direct development away from the areas of highest flood risk. Using the sequential test other areas of land not subject to flooding have been identified within the settlement boundary and therefore it is not justified, given this specific circumstance, to have a presumption in favour of development on this land.</p> <p>EDDC state they have drawn settlement boundaries to include areas at a high risk of flooding and rely on a section of Strategic Policy 6 to argue if a planning application is submitted on land within the flood zone</p>	<p>Exclude the land from the settlement boundary</p> <p>Including this land within the settlement boundary does not comply with EDDC criteria for defining settlement boundaries. The relevant criteria is Criteria C4- land separated from main core of the village by a main road.</p> <p>This area of Frogmore Road is liable to extensive flooding although there is currently no criteria to exclude the land on these grounds. It is also suggested that the Council's methodology is amended to include a criteria that small parcels of land on the edge of villages subject to a flood risk are excluded from the settlement boundary where other</p>

Ref on Map 3	Changes proposed to boundary	Comments	Recommendation
		they will then assess the application against policies in the local plan and neighbourhood plan. This would suggest the wrong emphasis is being given if the aim is to direct growth away from areas at the highest risk of flooding.	land not subject to flooding has been included within the settlement boundary.
9	Houses east of Budleigh Hill	<ul style="list-style-type: none"> • Ribbon development of large detached houses in substantial plots, forming the transition between the built up part of the village and countryside beyond. • Old Budley Court is Grade II listed building so it is unlikely development within its grounds would be achievable without harm to the listed building and its setting. • The land is physically separate from the main village as a result of the B3178. 	<p>Include the land within the settlement as buildings are physically linked to the built settlement,</p> <p>If the Parish Council wished to exclude this area it could be excluded on the basis of Criteria C4- large houses in grounds separated from main core of the village by a main road and criteria A2:- the large gardens form a transition zone between the built form and open countryside</p>
10	Carters Yard	<p>Brownfield site covered with unsightly, rusty industrial sheds.</p> <ul style="list-style-type: none"> • Previously developed land which has had community support for development in the last Neighbourhood Plan. • Carters Cranes is a small employment site still in operation so residential development on the site is currently unachievable unless circumstances change. 	<p>Include the land within the settlement boundary as the land is brownfield land which has had community support for residential development(dependent on land west of Budleigh Hill also being within the settlement boundary)</p>
11	Land west of Budleigh Hill	<p>Ribbon of development of houses in large gardens.</p> <ul style="list-style-type: none"> • Woodbine cottage is a grade II listed building so it is unlikely development within its grounds would 	<p>Include the land within the settlement boundary as buildings are physically linked to the built settlement,</p>

Ref on Map 3	Changes proposed to boundary	Comments	Recommendation
		be achievable without harm to the listed building and its setting.	
12	Rear of Hills Garage	<p>Brownfield land used to park cars associated with Hills Garage.</p> <ul style="list-style-type: none"> Hills Garage is a small employment site still in operation so residential development on the site is currently unachievable unless circumstances change. 	Include the land within the settlement boundary as the site is brownfield land
13	The Pound	<p>Local Green Space (with TPO's) designated in the neighbourhood plan. The current neighbourhood plan and the emerging local plan have policies to restrict residential development on land designated as a local green space. There should not therefore be a presumption in favour of development on such spaces.</p>	<p>Exclude the land from settlement boundary</p> <p>Including this land within the settlement boundary does not comply with EDDC criteria for defining settlement boundaries. The relevant criteria is Criteria B3:- neighbourhood plan allocations and in this case a designation as a local green space restricts the nature of development and therefore the land should be excluded.</p>
14	Wynards Farm	<p>Working farm on edge of village. Extensive agricultural buildings. Redevelopment would extend residential built form into open countryside. Wynards Farm is a small working farm so residential development on the site is currently unachievable unless circumstances change.</p>	Include the land within the settlement boundary as buildings are physically linked to the build settlement
15	Green fields adjacent to Wynards House	<p>Green fields between listed buildings and within the conservation area contributing to and important to the setting of the conservation area.</p> <ul style="list-style-type: none"> Development may be unachievable or the number of dwellings that could be accommodated 	<p>Exclude the land from settlement boundary</p> <p>A change to methodology could be suggested to exclude heritage sites and sites within a conservation area on the edge of settlements to protect these assets and their settings from harm.</p>

Ref on Map 3	Changes proposed to boundary	Comments	Recommendation
		restricted due to the constraints of the heritage asset	
16	Land along Hayes Lane	Land to the front of the parcel of land in flood zone 3 although buildings already on this parcel of land.	Include the land within the settlement boundary
17	All Saints Churchyard	<ul style="list-style-type: none"> • Churchyard • Grade I Listed building • In Conservation Area • Significant trees • Important green space identified in East Budleigh Conservation review • Local green space designated in the neighbourhood Plan and within conservation area. • Development unachievable 	<p>Exclude the land from settlement boundary</p> <p>Including this land within the settlement boundary does not comply with EDDC criteria for defining settlement boundaries. The relevant criteria is Criteria B3:- neighbourhood plan allocations and in this case a designation as a local green space restricts the nature of development and therefore the land should be excluded..</p>

Appendix 2:- EDDC Criteria for defining settlement boundaries

	Ref	Criteria	Commentary
General Criteria	A1	Boundaries should reflect the existing scale and core built form of the settlement while enabling small incremental growth	It is important that the settlement boundaries are prepared in accordance with the strategy set out in the local plan. This seeks to encourage and manage growth through policies and allocations, Settlement boundaries have been designed as a policy tool to give a high degree of certainty to both local communities and the development industry about where development is generally encouraged and where it is more closely controlled. Plan allocations and policies provide opportunities for sustainable growth of settlements. This approach, coupled with the drawing of boundaries that limit, but do not stifle all outward growth of settlements will enable the pattern of growth to be managed in line with the NPPF. Where a site is allocated in a made neighbourhood plan, that site may be included within the settlement boundary under criteria B3.
	A2	Where practical, boundaries should follow clearly defined physical features such as walls, fences, hedgerows, roads and water courses.	It is clearly desirable for lines on maps to follow physical features that have a degree of permanence. This enables the plan to be easily read and understood by interested parties and often such features on the edge of settlements mark a change in character from built settlement to rural. However, sometimes the change in character is more gradual, for example where large gardens form a 'buffer' between the main built form of the settlement and the wider countryside. In these circumstances, if there is significant development potential, it may be appropriate for the settlement boundary not to follow physical features. Where this is the case, an assessment will be made to make it clear why the land has been excluded.
Areas to be included	B1	Built and extant planning permissions for residential and employment uses which are both physically and functionally related to the settlement.	Where sites with permission will secure development that will fall in line with the criteria detailed in this methodology it will typically be appropriate to include them in the boundary. However, where planning permission has been granted as an exception to normal planning policy, including any market housing built to enable affordable housing under Strategy 35 of the adopted East Devon Local Plan 2013 - 2031 OR where planning permission has been granted but due to special circumstances, such as low density development to protect mature trees, exclusion may appropriate.
	B2	Built and extant planning permissions for community facilities, such as religious buildings, schools and community halls which are considered	Where buildings are physically well related to the built form of a settlement, inclusion is appropriate. However, where the buildings are set in very extensive grounds that are clearly beyond the built form of a settlement they may be excluded.

	Ref	Criteria	Commentary
		to be physically and functionally related to the settlement.	
	B3	Site allocations identified in the draft local plan or any made neighbourhood plan for residential, community or employment uses which are physically and functionally related to the settlement.	Significant areas of open space on the edge of a site allocation may be excluded, together with any neighbourhood plan allocation that restricts the nature of the development (such as requiring only housing for older persons).
	B4	Areas of land that are largely contained between site allocations proposed in the draft local plan and the main built-up area of the related settlement.	Any land included on this basis will be considered on a case by case basis having regard to landscape, townscape and any other considerations relevant in specific circumstances. More detailed assessments will be provided of potential sites that could meet this criteria so that it is clear why they have been either included or excluded.
	B5	Parcels of land smaller than 0.15 of a hectare ¹ that may provide opportunities for no more than 4 homes to be built where generally compatible with the general layout and landscape setting of the settlement	No all sites that would potentially meet this criteria will be will be included within settlement boundaries. The purpose of this criteria is to allow for limited incremental growth in keeping with the scale of settlement and its character. More detailed assessments will be provided of potential sites that could meet this criteria so that it is clear why they have been either included or excluded. These assessment will have regard to landscape, townscape and any other considerations relevant in specific circumstances. This criteria only applies to sites where the existing boundaries are below the threshold set – it will not apply to parcels of larger sites.
	B6	Parcels of land larger than 0.15 of a hectare that may not have been considered suitable for allocation, but nevertheless may provide suitable development opportunities if applicants demonstrate through the development management process that individual proposals would be acceptable.	The inclusion of any site on this basis is likely to be exceptional as our preference is to specifically allocated sites of this scale. However, it is possible that there may be some sites that are constrained so that they are unlikely to yield enough dwellings to justify allocation. It may be difficult to resolve the potential difficulties of developing such sites through the local plan process, but they may still have potential to enable small scale incremental growth of settlements, if specific proposals are found to be acceptable through the development management process. Very few sites are likely to be included based on this criteria.

	Ref	Criteria	Commentary
Areas to be excluded	C1	The curtilage of any property with the capacity to very significantly extend the built form of the settlement.	The definition of Settlement Boundaries is about defining a group of land and buildings that together take the physical form of a settlement plus small scale opportunities for development growth. It is not about including outlying land and buildings simply because they share an address or post code.
	C2	Large areas of open recreational or amenity space at the edge of settlements which have a predominantly open visual character.	
	C3	Development which is physically or visually detached from the settlement (including farm buildings or renewable energy installations).	
	C4	Parts of settlements that might comprise of groups of houses or buildings but which are separated from the main core of the village by fields or open space.	