

OBJECTION:

TO THE PROPOSED MODIFICATION TO THE BRIXTON
NEIGHBOURHOOD PLAN IN RESPECT OF POLICY Env6
- THE 'BRIXTON OPEN GAP'

On behalf of:

Gillian Steed and Rosemary Harvey

In respect of land off Popplestone Park and east of 'Elmsleigh',
Lodge Lane, Brixton.

21st September 2023



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2. OBJECTION TO PROPOSED REG 15 & 16 MODIFICATION PROPOSAL - December 2022 (Revised May and August 2023)

2.1

The principal change to the previous Modification is to amend the Policy Env3 Map in order to clarify the extent of the Green Corridors along the A379 at both the western and eastern ends of Brixton village by recognising the importance of the open agricultural fields in defining the character and limits of the village. The change to Env3 Map (See **Fig.3** below) is intended to safeguard the open space from urban expansion.

The changes to the Policy Env3 Map show:

1. *The proposed Brixton Green Gap extended south west to A379 and edge of Brixton Village Settlement Boundary to include area shaded green and outlined in purple*
2. *Green Corridor Stepping Stones (Roadside and Public spaces that contribute to the 'greening' of the village) extended to areas with burgundy hatch and dot*

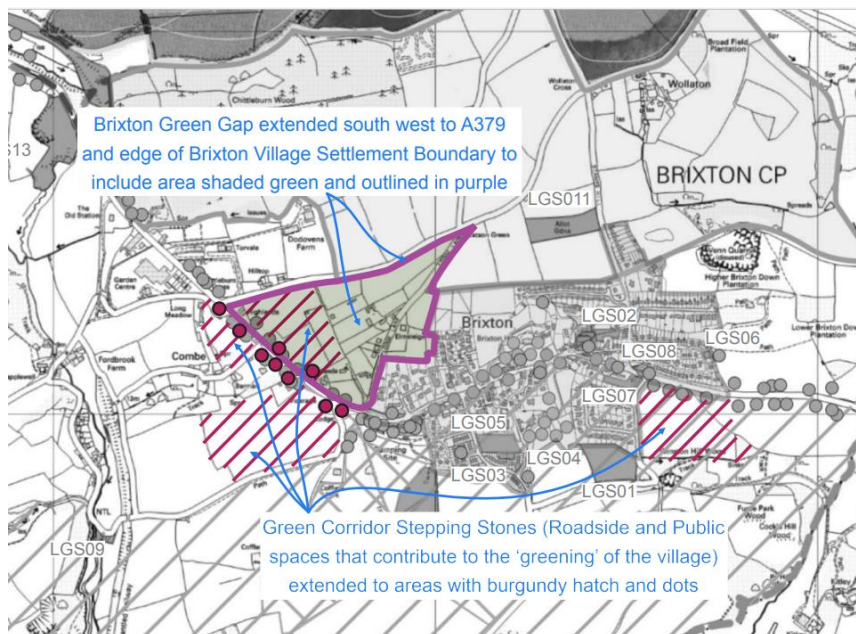


Fig.3 – Proposed Modification 2023 - Highlights shown in colour to Env Map 3 for existing Policies Env 4 and Env 6

The land subject to the objection remains within what is now termed the 'Brixton Green Gap' on the plan in **Fig.3** above rather than what was referred to the 'Brixton Open Gap' under the original Modification proposal.

2.2

The Brixton Neighbourhood Plan was approved overwhelmingly by referendum in 2018 and its adoption in October 2018 means it is part of the development plan in conjunction with The Plymouth & South-West Devon Joint Local Plan (JLP) was adopted by South Hams District Council (SHDC) in March 2019.

In determining planning applications paragraph 47 of the National Planning Policy Framework - July 2021(NPPF) states that:

“Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.”

As a result, policies in an adopted Neighbourhood Plan, as part of the development plan, are material in the determination of any future applications within the Brixton Parish Area.

2.3

The existing BPNP highlights the vital importance of a clear distinction between Plymouth and Brixton, namely by the protection of the Green Corridor (Policy Env 4) from the Plymouth boundary at Elburton to the start of the village settlement and the maintenance of a distinct and well-defined Brixton Open Gap between Brixton and Sherford (Policy Env 6).

The proposed modification relates to policies on the Green Corridors and the Brixton Open Gap (BPNP Policies Env4 and Env6 respectively) by modification to Env Map 3. In line with the Regulations, it is considered by the BPC and SHDC that this is a material modification which is not so significant or substantial as to change the intentions of the Plan. It is regarded by BPC as a clarification and strengthening of the Plan.

2.4

The intention of Policy Env 6, the Brixton Open Gap, is to provide a protected landscape zone to the north and west of Brixton village and the development of Sherford and to conserve the rural landscape from encroachment by Plymouth (Elburton).

Policy Env6 in the existing BNDP states that:

“The area identified as the Brixton Strategic Countryside (Env Map 3) shall be safeguarded during the Plan period (2014- 2034) except in the event that a future Housing Needs Survey identifies the need for essential, affordable local housing for Brixton community. In which case small numbers of well designed, sensitively located housing might be considered; in any event not before 2023 when the first review of this Plan is due. This review will also consider the development progress of Sherford and any impact on the Brixton Strategic Countryside.

No development will be permitted that adds substantially to the cumulative impact of development in the village that will adversely impact on the social wellbeing and character of the village.”

The existing BNDP Plan Map Env3 (See **Fig.4** below) shows the land in **Fig.1** being without notation and **outside** of the Brixton Open Gap Policy Env6 identified area.

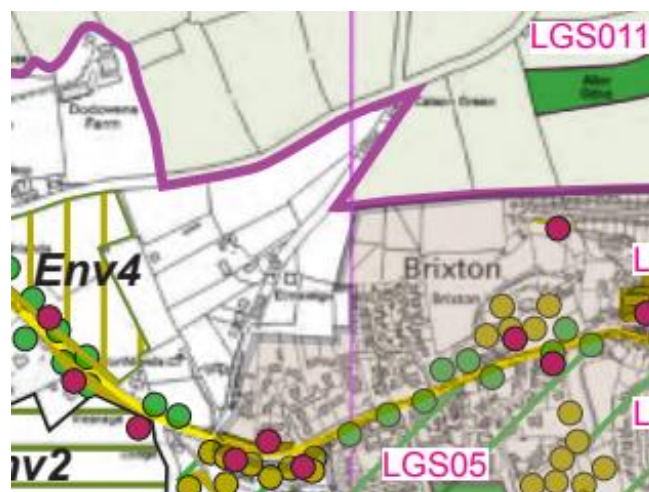


Fig.4 – Site shown as within Brixton Open Gap existing BNDP – Policy Env

2.5

Fig.5 below shows the objector's land in **Fig.1** still being within the Brixton Open Gap (light green coloured with purple edging) in the proposed Modification *Environment Policy Map Env Map 3* (Reg. 15 & 16 Environment Policy Map (August 2023)).

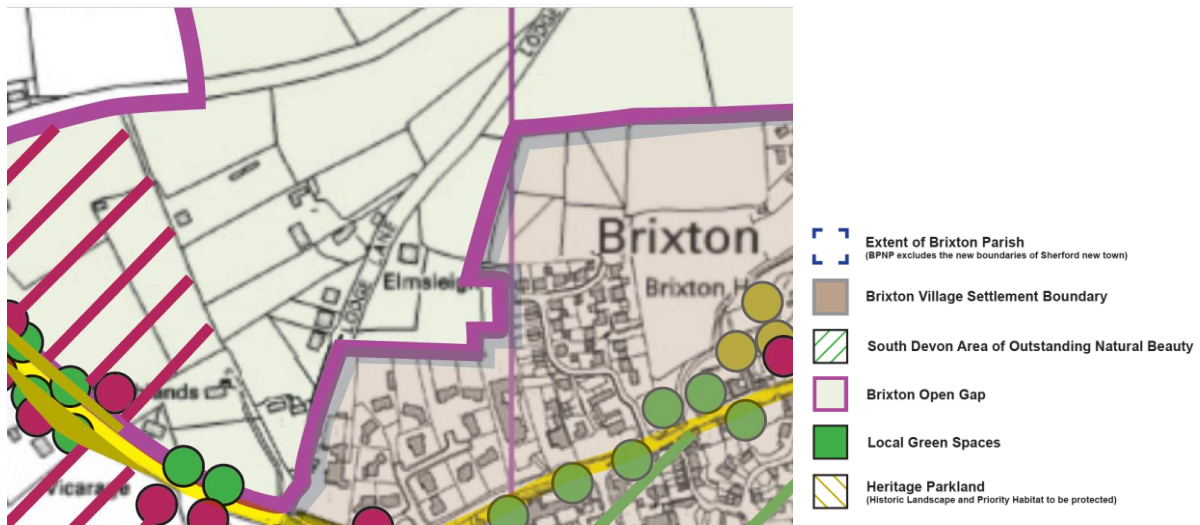


Fig.5 – Site shown as within Brixton Open Gap proposed modification – Policy Env6 (August 2023)

2.6

The Consultation Statement accompanying the Reg 15 & 16 Modification proposal by the BPC states that:

“The intention of Policy Env 6, the Brixton Open Gap, is to provide a protected landscape zone to the north and west of Brixton village. Since the BPNP was formally made by SHDC in January 2020 it has become apparent that the policies intended to protect the Green Corridors and the Brixton Open Gap required modification to clarify the Plan’s intent.”

The Modification Statement refers to planning applications that have recently been approved or subject to an appeal outside of the settlement boundary in the BNDP in and around Lodge Lane. They are:

1. In April 2022 planning permission was granted for a single dwelling outside the settlement boundary (Lodge Lane) within the Green Corridor (1508/21/FUL) see **Fig. 6** below for location plan.

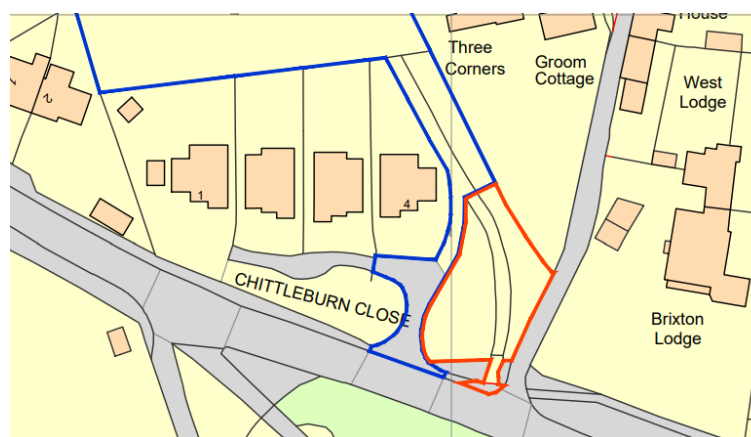


Fig.6 – Location plan for approved single dwelling under 1508/21/FUL.

- Outline application with all matters reserved (and then Approval of Reserved Matters) for the erection of 2 self-build dwellings with associated garages 2946/18/OPA 3097/20/ARM – see **Fig.7** below for location plan.



Fig.7 – Location plan for two approved dwellings under 2946/18/OPA and 3097/20/ARM

- Application approved for single dwelling immediately outside the settlement boundary (Lodge Lane) (0623/21/FUL). See **Fig.8** for location plan. *NOTE: the site is **not** immediately outside the settlement boundary – see **Fig.4** above.*



Fig.8 – Location plan for approved single dwelling under 0623/21/FUL.

- Application for single dwelling immediately outside the settlement boundary (Lodge Lane) has recently been refused and dismissed on appeal (1844/21/FUL)

In the appeal decision the Planning Inspector highlighted the importance of open countryside and retention of the undeveloped landscape character surrounding Brixton village and dismissed the appeal as it is outside and not adjacent to the village settlement boundary and as a result the proposal failed to comply with the BPNP 8.0 Development Objectives.

Fig.9 below shows the location plan for proposed single dwelling under 1844/21/FUL that was dismissed on appeal.

It should be noted that the four applications highlighted above in the BPC's Modification Statement are **all west of Lodge Lane and three of the four sites do not adjoin the settlement boundary in the BPNP**. This is unlike the objection site which adjoins the

settlement boundary on two sides and is contained by the strong physical boundary of Lodge Lane.



Fig.9 – Location plan for proposed single dwelling under 1844/21/FUL dismissed on appeal.

3. JUSTIFICATION FOR OBJECTION

3.1

The land identified in **Fig.1** as the objection land is enclosed on three sides by existing development in Lodge Lane, Popplestone Park and the new development of 28 dwellings to the east shown in **Fig.10** below. **Fig.10** shows the development now nearing completion that is not shown on the Map Env3 that accompanies the Consultation Statement. It demonstrates how the objection site is now enclosed by the solid physical boundary of Lodge Lane (and the development on its western side) and the adjoining existing development.



Fig.10 – Plan showing approved layout for 28 dwellings east of objection site and the lack of notation on the BNDP.

3.2

The basis of the objection is that the objection site in Fig.1 should be excluded from the Brixton Open Gap notation on the Map Env3.

The solid defensible boundary of Lodge Lane is shown in **Fig.11** below which shows a tree lined high hedge bank on the eastern boundary of Lodge Lane.

In addition, the objection site is also further enclosed on its western boundary by the existing house, 'Elmleigh' and the substantial hedgerow that runs along that boundary as shown in **Fig.12** below.



Fig.11 – Tree lined hedge bank in Lodge Lane



Fig.12 – Western boundary of objection site adjoining 'Elmleigh'.

3.3

The northern and eastern boundaries of the objection site are shown in **Fig.13** below. It shows a strong defensible hedgerow and the current development of houses on the eastern boundary.



Fig.13 – Top of objection site – west, north and eastern boundaries



Fig.14 – Existing access to objection site.

Fig.14 above shows the existing private driveway access to the site owned by Michael and Diane Hockin as Frog Quality Homes, the original developers of the five houses in Popplestone Park. It shows trees on the western boundary of the access.

The yellow land owned by Gillian Steed and Rosemary Harvey shown in **Fig.2** above has the “*Right to pass and repass at all times and for all purposes with or without vehicles over the private driveway.*”

The objection site in its entirety adjoins the defined settlement boundary in the BNDP on its southern and eastern boundaries (As shown in **Fig.3** and **Fig.4**) and on its western boundary by existing dwelling, ‘Elmleigh’ and the hedge bank and trees in Lodge Lane at its northern end.

3.4

Unlike the other sites identified in the BPC’s Consultation Statement in paragraph 2.4 above the objection site is:

1. East of Lodge Lane and adjoins the settlement boundary. The other sites referred to are all west of Lodge Lane and three of the four identified sites do not immediately adjoin the settlement boundary.
2. Unlike the other three sites, the objection site is surrounded by existing development on three sides and can be considered more of an infill site as a result as opposed to an extension into the countryside and a closure of the gap between the Brixton settlement edge and the southern boundary of Sherford.
3. The objection site is sustainably located closer to the heart of the village and its facilities than other sites approved and proposed west of Lodge Lane.
4. Unlike the other three sites, the objection site can be considered as a Rural Exception Site under Policies DEV8 and Policy TTV27 of the JLP. The BNDP makes no provision or reference to Rural Exception Sites.

Policy TTV27 of the JLP allows for the Rural Exception Site policy to deliver a proven need for affordable housing for local people, as long as the development of the site does not exceed 40% in the number of open market dwellings and land take. This leaves 60% of the homes and land take to be for affordable housing to meet local need.

5. The inclusion of the objection site in the Brixton Rural Gap policy Env6 area will preclude the development of the site to deliver on the affordable housing needs for the parish that otherwise would be in accordance with NPPF and JLP policies.

3.5

Policy Env6 of the adopted BNDP states:

The area identified as the Brixton Strategic Countryside (Env Map 3) shall be safeguarded during the Plan period (2014- 2034) except in the event that a future Housing Needs Survey identifies the need for essential, affordable local housing for Brixton community. In which case small numbers of well designed, sensitively located housing might be considered; in any event not before 2023 when the first review of this Plan is due. This review will also consider the development progress of Sherford and any impact on the Brixton Strategic Countryside.

The existing Policy Env6, as approved, allows for the potential to meet the essential affordable local housing need of the objection site as a Rural Exceptional Site, subject to all other policies of the JLP and BNDP.

The inclusion of the objection site within the Brixton Open Gap area will preclude this possibility. The objection site has an ownership, willing to bring a Rural Exception Site proposal forward, in a sustainable location, surrounded on three sides by existing development and with connection to services and the public highway.

4. CONCLUSION

4.1

The Consultation Statement intends that the modification to the Policy Env6 and the Brixton Gap is intended to protect the rural character north and west of the village. The proposed modification to the defined area is intended to provide a clearer policy of protection to the western side of the village which has been subjected to a significant amount of recent development.

4.2

It is submitted that the position of the BPC would be enhanced if it were recognised that the Brixton Open Gap should only **be applied to land west of Lodge Lane**. This is the area of greatest concern as visually it is more visually exposed and is separate and distinct from the existing settlement boundary. The objection site, by comparison is enclosed and is largely unseen from public view. As a result, it makes no contribution to the Brixton Gap the BPC is understandably seeking to protect. Its inclusion in the Env6 area will also preclude the opportunity to deliver much needed affordable housing in the Parish in line with NPPF and JLP policy.

The basis of the objection is that the objection site should be **excluded** from the Brixton Open Gap notation on the Map Env3.

4.3

It is, therefore, proposed that:

1. The objection site is **removed** from the Policy Env6 Brixton Gap area as shown on the Map Env3 as part of the Consultation Statement proposal. The notation on the Map can simply remain 'white' as shown on the adopted BNDP. There is no suggestion of amending the settlement boundary.
2. This amendment can be carried out within the parameters of the 2012 Regulations amended by the Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2017 No. 1243. Regulation 14.
3. If the BPC agree to this request to amend the plan as set out above, then this objection to the Consultation Statement would be withdrawn.

If it assists, I am authorised, on behalf of the objectors, to discuss the objection with Members of the BPC and officers of SHDC.



Graham Clark BA (Hons) DMS MRTPI
21st September 2023