

## neighbourhood plans

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**From:** Jayne Harding <jayne.harding@aspect360.co.uk>  
**Sent:** 17 December 2017 12:50  
**To:** neighbourhood plans  
**Subject:** Brixham Peninsula Neighbourhood Plan Consultation December 2017 - Response Relating to Land at Hayes Court, Hayes Lane, Brixham TQ5 0HS  
**Attachments:** Representation to Brixham Pennisular Neighbourhood Plan 171217.pdf; Location Map (2) (2).pdf; Hayes court title plan 1.pdf; Hayes court title plan 2.pdf

Dear Sir/Madam,

Please find attached the following information in relation to a response to the Consultation on the Brixham Peninsula Neighbourhood Plan (December 2017) in relation to land at Hayes Court, Hayes Lane, Brixham TQ5 0HS:

- Consultation Response Letter, dated 17th December 2017;
- Location Plan;
- Hayes Court Title Plan 1; and
- Hayes Court Title Plan 2.

If there is any further information you require, please do not hesitate to contact me on 07789 605317.

Yours sincerely,

**Jayne Harding**

BA (Hons) BTP MRTPI

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Our Ref: JH/B1033

Date: 17<sup>th</sup> December 2017



Sent by Email

Dear Sir/Madam,

**Brixham Peninsula Neighbourhood Plan – Response to Consultation December 2017**

**Hayes Court, Hayes Lane, Brixham TQ5 0HS**

I'm writing with a representation to the Brixham Peninsular Neighbourhood Plan on behalf of the owner of Hayes Court, Hayes Lane, Brixham TQ5 0HS, in respect of land at the property, the extent of which can be seen on the attached plan. This land is referred to as 'The Piggery' in the Neighbourhood Plan Updated Housing Site Assessment (Aecom), dated July 2017, and has an area of 0.7ha.

The draft Neighbourhood Plan shows the site as being outside the proposed Settlement Boundary for Churston, and identifies the site as 'Rejected' for future development, which the owner strongly objects to.

The site forms the extended garden of the existing dwelling house, which is within the built-up area of the village of Churston, and is therefore classed as previously developed land (the principle of which was established by the Court of Appeal in March 2017 - Ref: Dartford Borough Council v The Secretary of State for Communities and Local Government and Ors). The principle of the development of previously developed land is intrinsic to the sustainability principles of the National Planning Policy Framework (NPPF).

The site is also in a highly sustainable location, on the A3022 between Brixham and Galmpton Warborough, on the edge of the village of Churston. The site is 100m from the Churston Park and Ride to Brixham, and approximately 700m from Churston Station. The site is also close to other commercial uses including Churston Go Carts which is located on the western boundary of the Park and Ride site, and Cayman Golf, immediately to the north of the Park and Ride site. In fact, there is developed land of various uses along the A3022 and the eastern approach into Churston. The property is sandwiched between these and the Churston Road built area, so the property cannot be considered to be isolated.

The site is within the Churston Conservation Area, but this designation would not preclude a sensitively designed development.

The site was considered as a housing site in the Neighbourhood Plan by the Neighbourhood Forum, but as it was not promoted for development by the owner at the time, it was discounted.

The site is within the SSSI Impact Risk Zone for Berry Head to Sharkham Point SSSI, relating to all planning applications outside or extending outside existing settlements/urban areas affecting greenspace, farmland, semi natural habitats or landscape features such as trees, hedges, streams, rural buildings/structures. However, as stated in the Brixham Peninsula Neighbourhood Plan Strategic Environmental Assessment, the effects of development at this location on the SSSI are likely to be minimal, given the size of the site and the distance of the site to the SSSI. The site contains no BAP Priority Habitat; though it is adjacent to an area of traditional orchard.

It would appear the only constraint that would prevent development on the site is the fact that the eastern half, which includes the existing dwelling, is located within Flood Zones 2 and 3. However, the site has not been subject to a detailed topographical survey, which would provide detailed levels which could indicate that more of the site than is shown on the Council's Flood Maps (which have been prepared at a strategic level) is in fact suitable for development for residential purposes. In any case, at least half of the site is within Flood Zone 1, where residential uses are acceptable.

For these reasons, the site should be included in the Brixham Peninsular Neighbourhood Plan for sensitively designed residential development.

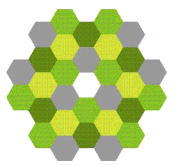
Please note that I wish to be notified of the Examination Hearing (if the Examiner(s) considers one should be held). I also request to be notified of the local planning authority's decision under regulation 19 (decision on making or refusing a neighbourhood development plan).

Yours sincerely,

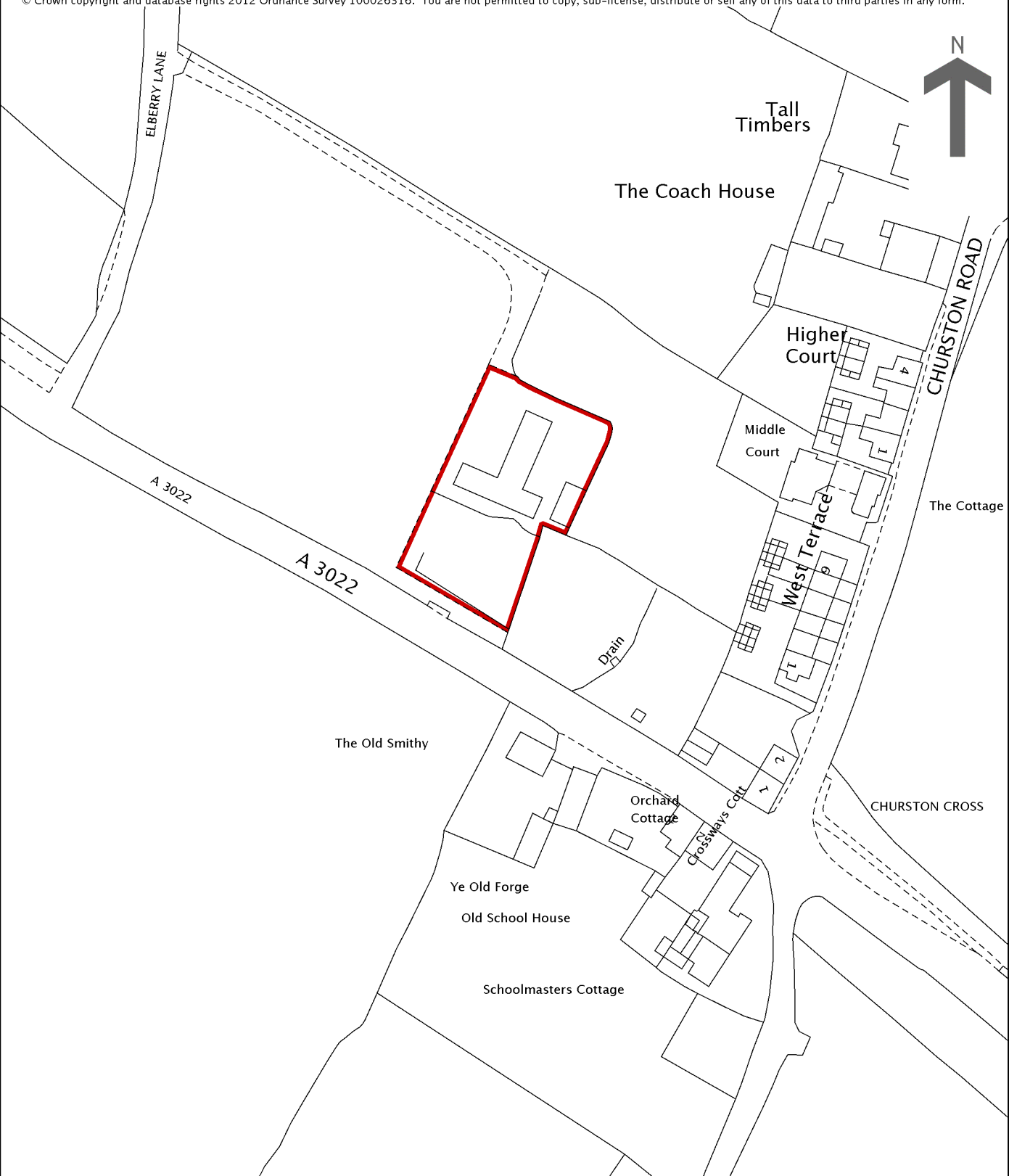
**Jayne Harding** BA(Hons) BTP MRTPI

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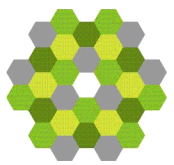


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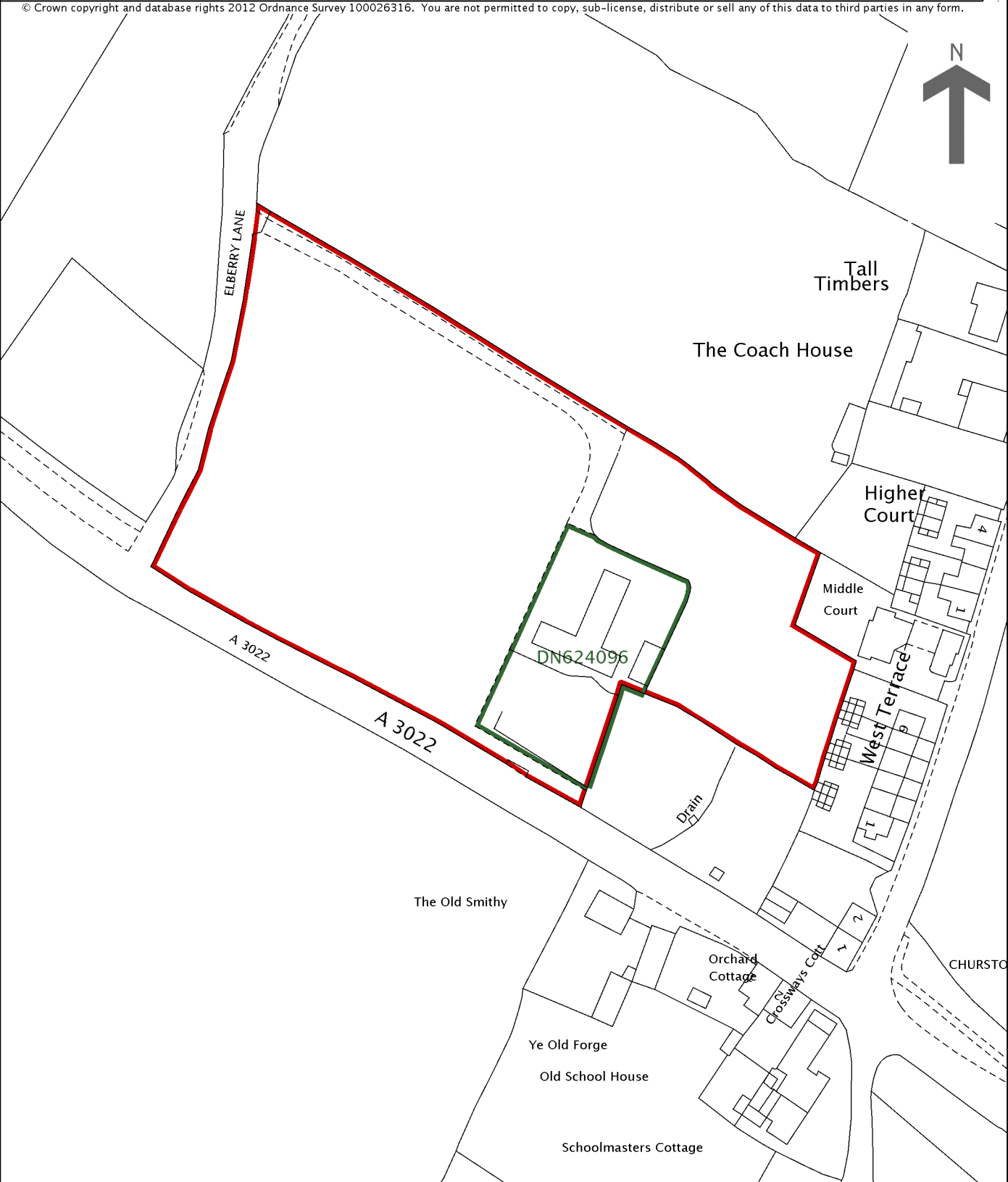
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