



Ministry of Housing,
Communities &
Local Government

Matthew Pennycook MP
Minister of State for Housing and Planning

**Ministry of Housing, Communities & Local
Government**
2 Marsham Street
London
SW1P 4DF

Councillor David Thomas
Leader of Torbay Council
Town Hall
Castle Circus
Torquay
TQ1 3DR

11 June 2026

Dear Cllr Thomas,

I am writing to you regarding the emerging Torbay Local Plan 2025-2045, following on from my previous correspondence about this matter in January.

In my last letter, I requested that Torbay Council organise an urgent Advisory Visit (AV) with the Planning Inspectorate, which I was pleased to hear took place in February. The outcome of this AV, however, underlines my concerns about whether the Council is bringing forward a plan which is capable of being found sound.

For a plan to be considered sound it should be positively prepared, justified, effective, and consistent with national policy - providing a strategy which, as a minimum, seeks to meet the area's housing needs.

In November, the Council published a draft local plan for Regulation 18 consultation with a housing requirement that met just 42% of the area's Local Housing Need (LHN), leaving a shortfall of 10,980 homes over the plan period. There appears to be limited up-to-date evidence available to justify the Council's approach.

I am particularly concerned that, despite recent work to re-align your emerging plan with the 2024 version of the National Planning Policy Framework, an up-to-date Housing and Economic Land Availability Assessment (HELAA) has not yet been published. I am also aware that the Council has failed to respond to enquiries from my officials about when this document may be released. Without updated evidence on land availability, it is not possible to reach a conclusion on whether the Council has taken a sufficiently robust approach to the identification of suitable sites for development and, therefore, whether the plan stands a reasonable chance of being found sound at examination.

The Secretary of State has broad default powers of intervention under section 27 of the 2004 Planning and Compulsory Purchase Act which can be exercised where he thinks that a local planning authority are failing or omitting to do anything it is necessary for them to do in connection with the preparation, revision or adoption of a development plan document. I consider that the Council's proposal of a housing requirement which falls well below LHN in its draft plan, combined with the aforementioned lack of published evidence to support this approach, meets the legal threshold for intervention.

I have also considered the criteria laid out in the Planning Practice Guidance (PPG), which states that intervention under section 27 of the 2004 Act "*should have regard to plan progress and local development needs*":

- **Plan Progress:** Torbay's current local plan was adopted in 2015, meaning the policies it contains are likely to be out of date, and there is a pressing need for the Council to adopt an up-to-date local plan to reduce the area's vulnerability to piecemeal and speculative development. Progressing a plan which may be unsatisfactory risks failure at examination, and further delays whilst the Council begins work on a new local plan in the new plan-making system provided for in the Levelling Up and Regeneration Act 2023.
- **Development needs:** The Council's latest (2023) Housing Delivery Test score was 66%, putting the area into the presumption in favour of sustainable development. There is also an acknowledged shortage of affordable homes in Torbay, which is unlikely to be addressed in the absence of an up-to-date plan. Additionally, the draft plan published for Regulation 18 consultation by the Council does not meet local needs given the low housing requirement it contains.

Taking all of the above into account, I consider that the intervention criteria are met, and that intervention is justified.

Therefore, I am directing the Council under section 27(2)(b) of the 2004 Act to submit to me all available evidence base documents which inform your conclusion that only 42% of local housing need can be met through your emerging plan. This should include an updated HELAA (including consideration of sites proposed in the most recent Call for Sites in 2025), along with any relevant studies the Council has commissioned on matters such as constraints, residential densities, impacts on National Landscape or other landscape impacts, and any housing-related topic papers that the Council has produced to date.

This information should be provided within three weeks of the date of this letter. Following consideration of the evidence, I will determine whether the further use of the Secretary of State's powers under section 21 and/or section 27 of the 2004 Act is required to make the plan satisfactory.

Notwithstanding this direction, I would like to give you an opportunity to set out by 24 June 2026 any exceptional circumstances which in your view suggest that intervention is not appropriate in this case. To be clear, this neither alters nor removes the direction set out in this letter.

Whilst I hope that the Council will continue to engage constructively with my department, I must be clear at this stage that I will not hesitate to take further action if this request is not complied with.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Matthew Pennycook', with a large, sweeping flourish above the name.

MATTHEW PENNYCOOK MP
Minister of State for Housing and Planning