

Torbay Council

Draft Torbay Local Plan 2025-2045
Regulation 19 Consultation

[sent via email]

Date: 24/09/2026

Letter ref: CP/00888

Dear Sir/Madam

Draft Torbay Local Plan 2025-2045 – Regulation 19 Consultation Representations on behalf of Baker Estates Ltd and Belstone Fox Ltd

We write on behalf of Baker Estates Ltd and Belstone Fox Ltd to make representations on the Regulation 19 consultation on the draft Torbay Local Plan 2025-2045.

Executive Summary

While we would absolutely agree that the plan-led approach is, and must remain, the cornerstone of our planning system and that the benefits of an up-to-date local plan are usually significant, it is clearly not the case that any local plan is better than none at all. It is our firm view that the Regulation 19 draft Torbay Local Plan 2025-2045 is a merely a plan for stagnation and failure and so should be ripped up and started again. It is so inadequate that it would be better to have no plan at all, than this local plan.

The December 2024 NPPF with which this local plan should be consistent, requires local plans to support the Government's objective of significantly boosting the supply of homes, aim to meet the area's identified housing need and positively and proactively encourage sustainable economic growth, building on an area's strengths, countering any weaknesses and addressing the challenges of the future. This local plan has been prepared to fail to achieve any of these core objectives.

The Minister of State for Housing and Planning's call for no stone to be left unturned in identifying suitable sites for development in order to address the Regulation 18 draft plan's proposal to deliver less than half, only 42%, of the housing need figure identified by the new standard method has patently not been followed. Instead, the inadequacies of the spatial strategy and proposed housing requirement of the Regulation 18 draft plan have, incredibly, been exacerbated still further within the Regulation 19 draft which now even proposes to omit one of the very limited number of originally identified greenfield site allocations, being that at Monksbridge, Brixham which is being promoted by our clients. The Council's decision to do so at the very first whiff of controversy and without making any effort to try to explore how the site can be developed in a manner which responds positively to new issues that have come to light, as my clients have already done, demonstrates a complete lack of will to try to meet the development needs of the area. This suggests that there may also be countless other sites which could be made to be suitable for development if the Council wanted them to be, were prepared to explore them further and make difficult decisions.

Quite simply, the Council has done the opposite of leaving no stone unturned. It has really not tried very hard at all.

The letter of the Minister of State for Housing and Planning to the Planning Inspectorate of 15 July 2026 calls for pragmatism when assessing local plans. This is in the context of local plans needing *"to provide the certainty and confidence required to bring development forward across the country"*. This local plan will do the opposite. Instead, it will provide a means for the Council to block the development that is needed to meet the local needs of the area. In these circumstances, no plan would be better than this local plan in terms of helping to bring forward delivery of much needed housing and economic development.

A local plan inspector can have no confidence that this plan has been positively prepared, using our clients' site as a prime example. We can set this out in much more detail at the examination, if the plan gets that far.

However, for the reasons set out in this letter, it is our firm view that this local plan should be withdrawn or found unsound and the consequences of this for delivering sustainable development

will, incredibly, be more positive than negative. The Council should start again and produce a positively prepared local plan, as required by national policy, which meets the needs of the Torbay area. This letter is being copied to the Minister of State for Housing and Planning, who we would urge to intervene once again in this local plan.

Proposed omission of the Regulation 18 draft allocation H3BCGC.3 at Monksbridge, Brixham from draft Strategic Policy H3

Baker Estates Ltd and Belstone Fox Ltd jointly own the site that was a draft mixed-use allocation H3BCGC.3 at Monksbridge, Brixham in the Regulation 18 draft plan. We made representations (our letter of 18.01.26 refers) on their behalf in response to the Regulation 18 consultation, supporting that draft mixed-use allocation and providing the Council with evidence that the site is indeed suitable and available for development. Since then, this has been further demonstrated by the submission of an outline planning application (LPA ref: P/2026/0148) proposing mixed-use development of the site in line with that Regulation 18 draft allocation which was validated by the Council on 29th April 2026.

It is hugely disappointing therefore that the draft mixed-use allocation of the site has been omitted from the Regulation 19 consultation draft. Page 13 of the Council's Housing Growth Topic Paper of August 2026 states,

"Land at Monksbridge, Brixham. This site was included in the Reg 18 Draft (H3 BCG1: for 130 dwellings as part of a mixed-use development). The Working Party recommend removing this site from the Regulation 19 Plan due to impact upon the National Landscape, and ecological impact, particularly Greater Horseshoe Bats. The land continues to be promoted and there is a live planning application (P/2025/0148 for 175 dwellings and 0.6ha commercial land)".

There is no justification for this decision. The outline planning application is supported by a comprehensive package of technical reports and an Environmental Statement reporting on the Environment Impact Assessment of the proposals which has been undertaken. Representations on the outline planning application by Devon County Council (on behalf of Torbay Council) Ecology, dated 5 June 2026, assert that the indicative masterplan which accompanied the outline planning application appears to show that there would be a net loss of foraging habitat for Greater

Horseshoe Bats within a sustenance zone, and further compensation for the loss of foraging habitat within the sustenance zone is required before No Likely Significant Effect can be concluded on the South Hams Special Area of Conservation (SAC). The representations state that this conclusion is in line with the findings of the emerging '*Torbay Local Plan South Hams SAC Greater Horseshoe Bat Evidence Study Report*', prepared by Burton Reid Associates, which was published in May 2026, after the submission of the outline planning application.

Consequently, a revised indicative masterplan has been formulated (attached as **APPENDIX 1**) which shows approximately 3.8ha (9.39 acres) of land set aside as a dedicated Greater Horseshoe Bat mitigation area, expanding the habitat within the northern and western parts of the site to increase foraging opportunities along the known commuting routes and representing an enhanced habitat which would provide a significant improvement over the existing grassland for Greater Horseshoe Bats. There is also additional land in the applicants' ownership which comprises woodland and watercourse amounting to about a further 2.5 acres where some additional enhancements can be captured and secured within a s106 agreement.

This approach has been discussed with Devon County Council's ecologist who has indicated that this would most likely provide a framework that he could reasonably see concluding positively on, subject to all the necessary work, which is currently being undertaken.

There is no justification therefore for removing the site as a draft allocation. It can now be demonstrated that the site can be developed, for up to around 160 homes and a small area of commercial uses, in a manner that can enhance its value for bat foraging within the Core Sustenance Zone identified in the Burton Reid report and so the recommendations of that report to delete the previously proposed allocation are not necessary.

We therefore strongly object to the unjustified omission of the Regulation 18 draft allocation H3BCGC.3 at Monksbridge, Brixham on the grounds that it results in the plan not being positively prepared, justified, effective or consistent with national policy.

Draft Strategic Policy SS1 Spatial strategy

In our letter of 18 January in response to the Regulation 18 consultation, we expressed our strong concern about the housing strategy of the plan, both in terms of the scale of housing that it seeks to plan for and the way in which it seeks to deliver the limited scale of housing that it does propose. Just a few days later, the Minister of State for Housing and Planning expressed similar concerns and advised the Council in his letter of 22 January 2026 to ensure it has *“left no stone unturned in its efforts to identify land that is suitable for development”*.

In his subsequent letter of 11 June 2026, the Minister wrote,

“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”.

Within that letter he directed the Council to submit to him all available evidence base documents which inform its conclusion that only 42% of local housing need can be met through the emerging plan, including an updated HELAA, 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.

The Leader of the Council’s response of 2 July states,

“Potential options and sites to boost growth have been assessed on a cross-party basis by the Local Plan Working Party. The Council’s view is that 8,000 dwellings is the maximum level of development that could be achieved within the Torbay’s physical, environmental and infrastructure capacity within the plan period. Torbay is a heavily constrained coastal urban authority, and there are strong legal and planning reasons why the LHN figure cannot be met.

We understand that this position will need to be robustly justified at Examination. The currently available evidence has been provided to your team electronically and will be published on our website for the Regulation 19 consultation. This includes an update to the 2021 HELAA.”

However, the update to the 2021 HELAA has not been published on the Council’s website for the Regulation 19 consultation. Under ‘Evidence Base’ on the consultation webpage it states “*There are no documents here right now*” and an email request we have made to the policy team about this has not been answered.

The only supporting evidence that has been made available at this stage to seek to justify that the strategy will be able to satisfy any of the tests of soundness is the *Spatial Strategy and Justification for Proposed Growth Level Topic Paper* dated August 2026. In no way does this demonstrate that a more detailed and open-minded assessment of site options has been undertaken in comparison with what has gone before.

The decision, attributed in the *Housing Growth Topic Paper* to the Council’s Working Party, to omit the Regulation 18 draft mixed-use allocation H3BCGC.3 at Monksbridge, Brixham from the Regulation 19 draft of the plan further undermines the Council’s position and demonstrates that it clearly hasn’t left no stone unturned in its efforts to identify land that is suitable for development.

The Council originally assessed the site as being one of a very limited number of greenfield sites which it considered is suitable for development. That is the very clear conclusion to be drawn from its decision to include the site as a draft allocation in the Regulation 18 draft plan.

However, when the ‘*Torbay Local Plan South Hams SAC Greater Horseshoe Bat Evidence Study Report*’, prepared by Burton Reid Associates, was published in May 2026, and identified new issues to be taken into account, rather than look at how the development of the site could be achieved in a manner that addressed those issues, the Working Party appears to have simply decided to delete the proposed allocation of the site. For the reasons explained already in this letter, that is not necessary as the site can be developed while setting aside and expanding the habitat within the northern and western parts of the site as a dedicated Greater Horseshoe Bat mitigation area which will actually increase foraging opportunities along the known commuting

routes and represent an enhanced habitat which would provide a significant improvement over the existing grassland provided on the site for Greater Horseshoe Bats.

The Council's approach indicates that it isn't seriously looking to identify as much land as possible so that it can get nearer to meeting the evidenced housing and other development needs of the area. It also raises the question that if it dismisses the suitability of sites as easily as it has done with regards to the land Monksbridge, Brixham without seeking solutions to issues being raised, then how much further land is also potentially suitable to be identified for development?

We therefore object to draft Strategic Policy SS1 Spatial strategy on the grounds that it results in the plan not being positively prepared, justified, effective or consistent with national policy.

Draft Strategic Policy HS: Overall Housing Strategy and Presumption in favour of Urban Regeneration

We have explained in our previous representations the reasons for our concerns that the draft Local Plan seeks to continue a failed strategy. As the Regulation 19 draft plan doesn't alter that strategy, we remain very concerned about what that must mean for the soundness of the plan. We note that the publications of the Council's last two Housing Delivery Test measurements (44% for 2024 and 40% for 2025) both published in August this year, show a further very significant fall from the 66% (for 2023) published in December 2024. This represents a continuing downward trend in housing delivery. We fail to see how a continuation of the same strategy can be expected to reverse this trend and the Council has provided no compelling evidence to indicate otherwise.

This strategy of the previous plans which the Council is seeking to continue has had inevitably dire consequences for the delivery of affordable housing in the area and has seen the need for affordable housing continue to rise and rise.

We have previously pointed out how in an appeal decision (PINS ref: Appeal Ref: APP/X1165/W/24/3354507) in 2025 on land at Copythorne Road, Brixham the Council was told about this by the Inspector where it states,

"83. The Council does not dispute that it has consistently failed to demonstrate a minimum five year supply of housing since 2016, despite the policies of the development plan that promote reviews and proactivity in the quest to ensure that such can be consistently

demonstrated. This, coupled with the past record of recent under performance against the Housing Delivery Targets, suggests that Torbay is an area that, despite the Council's efforts, has not granted enough permissions or facilitated the building of houses to meet needs. There is also an agreement that there is an ongoing and acute need for affordable housing across Torbay, generally reflective of the national situation.

84. The new standard method housing target represents a step change in the number of houses the Council is being asked to plan for. For a third time, the Council is now preparing for a Regulation 18 Plan which seeks to accommodate a number of houses far higher than previous attempts and the engagement of the duty to co operate with neighbouring authorities is yet to prove that any shortfall can be met elsewhere”.

Continuing, as the draft plan appears to propose, the same strategy which has failed to deliver sufficient housing to meet the needs of Torbay and exacerbated the affordability of homes in the area cannot reasonably be expected to be one that can be found to be positively prepared, justified (taking account of reasonable alternatives), effective or consistent with the national policy against which it will be examined.

Even to meet the very low (compared with the housing need) housing requirement proposed by the draft plan, 1000 homes will be required to arise from the Council's 'hotels to homes' idea and a further 2,400 homes from windfalls. Aside from the fact that a conversion of a hotel to dwellings would normally be considered to represent a windfall, taking those figures in combination, that's nearly half of the draft plan's proposed housing requirement needing to be found in locations that have not yet been identified.

In the above-mentioned appeal decision from last year the Inspector commented on this,

“89. At the hearing, the Council raised its ambition to implement a ‘Hotels to Homes’ initiative which will see much of the older hotel stock within the district turned into homes. Despite not having the detail as to the yield, distribution and timeframe for delivery of such, this is a supportable initiative. However, the regeneration of existing brownfield sites alone is unlikely to deliver the quantum of houses or range of house types necessary to meet the area’s housing needs”.

It is also the case that the need for hotel accommodation to fulfil Torbay's tourism role and function, which is essential to the local economy, will be severely compromised by losing such a very substantial proportion of its hotels to permanent residential accommodation, further undermining the soundness of the plan's strategy.

The housing delivery record in Torbay is also causing significant economic damage. This includes the decline in the use of local primary and secondary schools, the pressure an increasingly aging population is putting on support services (13% of the working aging population are full time voluntary care workers), the need for a high percentage of key workers (such as retail, care and hospitality) to have to commute into Brixham, the critical interaction between tourism and Brixham's fishing industry and the fact that the current population cannot provide the critical mass to support the town centre (45% of retail spend is exported to Paignton and beyond).

However, perhaps this is best described in respect of tourist and hospitality. This is not just an important part of the local GDP, it is described as a "critical driver" of the economy. For Torbay as a whole it generates £1/2 bn pa and 25,000 direct FYS. Indirect jobs and many local SMEs rely on a vibrant tourism sector. Hotel and B&B occupancy normally runs at 83% pa. On Airbnbs alone there are currently 460 active listings in Brixham. Each generates around £30,500 per listing. The economic damage to tourism was accurately recorded during the recent Cryptosporidium incident which had a devastating effect on tourism numbers. Against this background, a policy of actively encouraging the delisting of hotels runs entirely contrary to a number of adopted growth policies including the Torbay Growth Plan. Indeed the draft local plan's strategy is inconsistent with other strategies including the Devon and Torbay Local Growth Plan 2025 – 2035, the Devon & Torbay Combined County Authority Working Plan 2025 – 2027, the Torbay Council Economic Growth Strategy and the Torbay Joint Strategic Needs Assessment 2025 / 2026.

We therefore object to Strategic Policy H5 on the grounds that it results in the plan not being positively prepared, justified, effective or consistent with national policy.

Draft Strategic Policy SDB1: Brixham

We also object to draft Strategic Policy SDB1: Brixham which proposes an unjustified level of limited growth at Brixham and states that major development will not be permitted within the South Devon National Landscape, unless brought forward through a neighbourhood plans, and is shown to be in the public interest. This is despite there being at least one site, at Monksbridge,

Brixham, which the Council has previously identified as being suitable for development but has now deleted without justification. Our previous representations and the current outline planning application (LPA ref: P/2026/0148) have shown that:

- the site is in a highly sustainable location close to a wide range of services and facilities which are accessible by walking, cycling or bus;
- the development of the site can be accommodated to respond sensitively to the setting and special qualities of the South Devon National Landscape and its landscape and visual context;
- the site is in a logical location for development which is separated from the wider undeveloped National Landscape land and influenced by the settlement edge; and,
- the development of the site provides opportunities to create a scheme which is landscape led, with existing characteristic landscape features incorporated and enhanced. It will provide opportunities to benefit biodiversity and increase opportunities for recreation, health and well being.

Where there is land which is suitable for development falling within the edges of the National Landscape, such designation should not constrain the supply of development land where development would not undermine the role or function of the wider National Landscape.

This was the conclusion of the appeal inspector in respect of the above-mentioned appeal (PINS ref: Appeal Ref: APP/X1165/W/24/3354507) when granting planning permission for housing on land at Copythorne Road, Brixham on the basis that the adverse impacts of developing in the National Landscape that entirely surrounds Brixham would not significantly and demonstrably outweigh the benefits of delivering housing to meet the very substantial housing need arising from the new standard method.

In light of the omission of the Regulation 18 draft allocation H3BCGC.3 at Monksbridge, Brixham, we object to draft Strategic Policy SDB1 on the grounds that it results in the plan not being positively prepared, justified, effective or consistent with national policy.

Draft Strategic Policy HS: Overall Housing Strategy

We also object to draft Strategic Policy HS which states that major greenfield development on unallocated sites outside of the settlement boundary or Future Growth Areas will be resisted,

unless brought forward through a Neighbourhood Plan or supplementary plan, or where it meets the requirements of the Affordable Housing Exceptions Sites Policy H8.

In light of the omission of the Regulation 18 draft allocation H3BCGC.3 at Monksbridge, Brixham, we object to draft Strategic Policy HS on the grounds that it results in the plan not being positively prepared, justified, effective or consistent with national policy.

Draft Strategic Policy H7: Affordable housing

We also object to draft Strategic Policy H7. No evidence has been published to justify the proposed affordable housing targets and they have the potential to, yet further, discourage housing delivery given the current volatility in economic conditions identified by the Minister of State for Housing and Planning's letter of 15 July 2026 to the Planning Inspectorate in which he emphasises the importance of taking an appropriately pragmatic and proportionate approach in respect of deliverability and viability.

The NPPF's requirement for development viability to be addressed at the plan-making stage means that it is vital that the Council's evidence underpinning the draft plan is comprehensive and robust. There needs to be evidence that the Council has considered and assessed a comprehensive range of development and site types and sizes and in different locations. It remains unclear at this stage what assessments or evidence has informed the draft policy. It is also important that an appropriate balance is struck between seeking to meet the delivery of affordable housing, infrastructure requirements and sustainability/design objectives. Development has to be deliverable and policy requirements therefore need to be realistic in terms of what can be achieved. With the introduction of Future Homes Standard, Building Safety Levy and Biodiversity net Gain along with general and sustained cost inflation at the same time as stagnant or falling house prices and problems with Registered Providers, the policy as drafted will be likely to make the poor delivery record even worse.

In addition, there does not appear to be any valid justification for a higher affordable housing requirement in the National Landscape and this is not consistent with national policy. The viability of delivering housing within the National Landscape will, self-evidently, be no different than doing so outside of it. Indeed, in a situation where there is a very poor delivery record both in the HDT and in the 5 year supply projections, the requirement for any site in the National Landscape to be

an Exceptions Site is not appropriate when any suitable sites that can be delivered should be encouraged rather than discouraged.

We therefore object to draft Strategic Policy H7 on the grounds that it results in the plan not being positively prepared, justified, effective or consistent with national policy.

Draft Strategic Policy NCS2: Habitats Regulations Assessment

We also object to draft Strategic Policy NCS2 which states that within the Core Sustenance Zone, avoidance of impacts to Greater Horseshoe Bat habitat and connectivity will be prioritised over mitigation, compensation or enhancement measures. Within the context of the need to identify land to meet the development needs of the area, such an approach will contribute to the plan as a whole failing the tests of soundness when there is clear evidence, as referred to above, that suitable development sites are being dismissed even when they can be developed in a manner that can actually enhance habitat for Greater Horseshoe bats.

In light of the omission of the Regulation 18 draft allocation H3BCGC.3 at Monksbridge, Brixham, we object to draft Policy NCS2 on the grounds that it results in the plan not being positively prepared, justified, effective or consistent with national policy.

Overall conclusions on the soundness of the plan as a whole

For all of the reasons set out above, the Regulation 19 draft plan is fundamentally unsound, as the Minister of State for Housing and Planning warned the Council it would be unless it could demonstrate that it has *“left no stone unturned in its efforts to identify land that is suitable for development”*. It fails all of the tests of soundness.

The decision, attributed in the *Housing Growth Topic Paper* to the Working Party, to omit the Regulation 18 draft mixed-use allocation H3BCGC.3 at Monksbridge, Brixham from the Regulation 19 draft of the plan as a ‘knee jerk’ reaction to the recommendations of the draft Burton Reid report of May 2026, rather than objectively explore how development of the site could actually secure enhancements to the bat foraging value of the site, indicates that it isn’t seriously looking to identify as much land as possible so that it can get nearer to meeting the evidenced housing and other development needs of the area. Within the context of the chronic lack of evidence that has been published to justify its position, it also raises the question that if the Council dismisses

the suitability of sites as easily as it has done in respect of the land Monksbridge, Brixham without seeking solutions to issues being raised, then how much further land is also potentially suitable to be identified for development?

In those circumstances, adopting the plan as currently proposed would create more of a constraint to meeting the development needs of the area in an appropriate way than having no plan at all, given that it isn't seriously seeking to plan for those needs. It would be better to leave the decisions on whether to bring forward development to the planning application and appeals process, which would be far more likely to facilitate more pragmatic and sound decision making.

We trust these representations, along with our letter of 18 January 2026, will be submitted to the Inspector with the draft plan and we look forward to being invited to participate in the examination in public, if the plan progresses to examination.

Yours faithfully

SIMON COLLIER

Director

cc Minister of State for Housing and Planning

Appendix 1 – Revised indicative masterplan for land at Monksbridge, Brixham

