

Regulation 19 Representations to Torbay Local Plan 2025 to 2045

On Behalf of Westcountry Land

McMurdo Reference 26009

Land at St Mary's Road, Brixham

September 2026

McMurdo Land Planning and Development Ltd
a The Basement Office, 4 Baring Crescent, Exeter, EX1 1TL

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1. Introduction

- 1.1 Our client, Westcountry Land, obtained planning permission for 28 units on appeal on the western part of land in their control adjacent to the settlement boundary, in Brixham, Torbay. (Appendix 2)
- 1.2 Its intention is to shortly submit a planning application for 90-100 dwellings on land immediately to the east of that appeal site (Appendix 1), entirely in line with S5 in the 2026 National Planning Policy Framework (NPPF; Framework), which is about reusing previously developed and/or well-located land outside of settlement boundaries for housing to meet an evidenced unmet need and recent appeal decisions, including nearby, which allowed appeals for housing in National Landscape in “*exceptional circumstances*” and in the “*public interest*”.
- 1.3 The site is previously developed, well located, land with development on 3 sides, effectively surrounded by the built-up area of Brixham.
- 1.4 Given that the Local Plan meets just 42% of the MHCLG’s defined Local Housing Need (LHN) (falling short by 10,980 homes)) (Appendix 8) without presenting evidence to justify such an approach, reflected in recent appeal decisions, all at odds with Planning Practice Guidance (PPG) on Plan Making and the 2026 Framework, particularly S5 in the Framework which is about reusing previously developed and/or well-located land outside of settlement boundaries for housing to meet an evidenced unmet need, our client respectfully suggest that its land is allocated for much needed housing (including affordable housing) in the Local Plan.
- 1.5 Our client respectfully suggests, as do Inspectors in allowing recent appeals (Appendices 3-4), that the Council revisits and reconsiders the options previously considered for housing development in and around Brixham (and Torbay) and allocate the best of those (including our client’s site) in line with PPG on Plan Making and the 2026 Framework.

2. Summary

2.1 Our client **objects** to Local Plan Policies and relevant text as follows:

- ***SS1 Spatial Strategy*** because it proposes that the Local Plan meets just 42% of the MHCLG's defined Local Housing Need (LHN) (falling short by 10,980 homes)) without presenting evidence to justify such an approach, reflected in recent appeal decisions, all at odds with PPG on Plan Making and the 2026 Framework, particularly S5 in the Framework which is about reusing previously developed and/or well-located land outside of settlement boundaries for housing to meet an evidenced unmet need.
- ***SDB1 Brixham*** because it proposes to build just 20 homes per annum in the plan period on sites in the existing settlement boundary without the consideration of reasonable alternatives, reflected in recent appeal decisions, all at odds with PPG on Plan Making and the 2026 Framework, particularly S5 in the Framework which is about reusing previously developed and/or well-located land outside of settlement boundaries for housing to meet an evidenced unmet need.
- ***Strategic Policy HS*** because it proposes that the Local Plan meets just 42% of the MHCLG's defined Local Housing Need (LHN) (falling short by 10,980 homes)) without presenting evidence to justify such an approach, reflected in recent appeal decisions, all at odds with PPG on Plan Making and the 2026 Framework, particularly S5 in the Framework which is about reusing previously developed and/or well-located land outside of settlement boundaries for housing to meet an evidenced unmet need.
- The number of ***windfall sites*** and the ***blanket policy of restricting development of well-located unviable holiday parks (Paragraph 3.14 in particular)*** because the number is too high and there is no evidence to justify such a blanket policy approach all at odds with PPG on Plan Making and the 2026 Framework, particularly S5 in the Framework which is about reusing previously developed and/or well-located land outside of settlement boundaries for housing to meet an evidenced unmet need.
- ***TO6 Change of use or redevelopment of existing holiday parks to non-tourism uses*** (Paragraphs 4.71 – 4.73 in particular) because there is no evidence to justify such a blanket policy approach, at odds with recent appeal decisions, with PPG on Plan Making and the 2026 Framework, particularly S5 in the Framework which is about reusing previously developed and/or well-located land outside of settlement boundaries for housing to meet an evidenced unmet need.

3. Suggested Remedy

- 3.1 We respectfully suggest that the Council revisits and reconsiders the options previously considered for housing development and discounted in and around Brixham (and Torbay).
- 3.2 It should allocate the best of those in line with S5 in the Framework which is about reusing previously developed and/or well-located land outside of settlement boundaries for housing to meet an evidenced unmet need.
- 3.3 It should also consider the Inspector's views in allowing a recent appeal in Brixham for 77 houses, in "*exceptional circumstances*" and in the "*public interest*" in a National Landscape which were (stated at Paragraph 88): "*Though the constraints and challenges persist, many of the options previously considered...[by the Council for housing in and around Brixham...]...need to be revisited.*".

4. Background

- 4.1 Torbay does not have a 5 year housing land supply, and it has not delivered enough affordable housing. In fact, it has a worsening C1.65 years of housing land supply (a cumulative undersupply of 1,932 homes by year 2024-2025), translated as a housing crisis and an affordable housing crisis (Appendices 5-6, see also [here](#)).

5. Council's Policy Response

- 5.1 The Council's response to this clear housing crisis has been woeful. Its planning policies are out of date and can't deal with it, and its emerging Local Plan does not even attempt to deal with it.
- 5.2 In other words, there is a policy vacuum and no coherent, credible emerging policy addressing housing supply and delivery.

6. Result of Council Policy Response

- 6.1 A result of this, is that the Council continues to lose appeals for housing including on land designated as National Landscape mainly because Inspectors agree that there are “*exceptional circumstances*” to justify the development in the National Landscape and that the delivery of housing (and affordable housing) is in the “*public interest*”.
- 6.2 Reiterating, the Inspector in allowing appeal 3354507 for 77 dwellings in a National Landscape stated at Paragraph 88: “*Though the constraints and challenges persist, many of the options previously considered..[by the Council for housing in and around Brixham..]...**need to be revisited**” [my emphasis].*
- 6.3 But the Council still opts not to “*revisit*”.
- 6.4 Despite various and numerous objections to the emerging housing and overly restrictive, some blanket (and blanket without bespoke evidence to justify such policies) development policies (including from Matthew Pennycook MP, Minister of State for Housing and Planning at the Ministry of Housing Communities and Local Government (MHCLG) (11th of June 2026 Appendix 8) who has challenged the Council’s emerging Local Plan, in particular the fact that it attempts to meets just 42% of the MHCLG’s defined Local Housing Need (LHN) (falling short by 10,980 homes)) the Council carries on trying to make policies at odds PPG and the Framework.

7. Council's Emerging Policy in Direct Conflict with PPG and Framework

- 7.1 One such example of emerging policy generation is reflected in Paragraph 3.14 (which itself is reflected in Paragraph 4.71) of the emerging Local Plan which states: *"It is likely that larger windfalls of more than 10 dwellings will come forward during the Plan period. Where these sites are on previously developed land in the built-up area, Policies HS and H1 provide support in principle. Torbay does not have significant rural brownfield sites other than holiday parks. [my emphasis] Policies TO5 and TO6 deal with planning considerations affecting holiday parks. Some holiday parks are located in the National Landscape and close to Berry Head to Sharkham Point component of the South Hams SAC, and if these fall out of holiday use, they should be restored to nature."*
- 7.2 The Council is correct in its interpretation that most holiday parks are *"brownfield sites"*. However, what it states about sites being *"restored to nature"*, particularly sites adjacent to settlement boundaries, is completely at odds with PPG (including on Brownfield land registers and Plan making) and the 2024 and 2026 Frameworks all of which individually and together show that the reuse of land is a cornerstone of the English planning system and is recognised as the epitome of sustainable development, especially when such land is being developed in *"exceptional circumstance"* and in the *"public interest"*. And there is no bespoke evidence whatsoever for such a blanket policy covering each and every holiday park in Torbay, in any event.
- 7.3 Furthermore, such an emerging policy fails to take into account relevant policies from the 2026 Framework, such as:
- S5 1 d which is about reusing previously developed land outside of settlement boundaries.
 - S5 1 j which is about delivering housing to meet an evidenced unmet need on well-located land outside of settlement boundaries.

8. Conclusions

- 8.1 Given that the Local Plan meets just 42% of the MHCLG's defined Local Housing Need (LHN) (falling short by 10,980 homes)) without presenting evidence to justify such an approach, reflected in recent appeal decisions, all at odds with Planning Practice Guidance (PPG) on Plan Making and the 2026 Framework, particularly S5 in the Framework which is about reusing previously developed and/or well-located land outside of settlement boundaries for housing to meet an evidenced unmet need, our client respectfully suggest that its land is allocated for much needed housing (including affordable housing) in the Local Plan.
- 8.2 Our client respectfully suggests, as do Inspectors in allowing recent appeals, that the Council revisits and reconsiders the options previously considered for housing development in and around Brixham (and Torbay) and allocate the best of those (including our client's site) in line with PPG on Plan making and the 2026 Framework, in particular S5 of that.
- 8.3 Our client thanks you for the opportunity to comment and trusts their comments and views will be taken into full consideration as the plan progresses.

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