



Torbay Council

Draft Torbay Local Plan 2025-2045  
Regulation 18 Consultation

[sent via email]

Date: 28/01/2026

Letter ref: CP/00888

Dear Sir/Madam

## **Draft Torbay Local Plan 2025-2045 – Regulation 18 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 18 consultation on the draft Torbay Local Plan 2025-2045.

Baker Estates Ltd and Belstone Fox Ltd jointly own the draft mixed use allocation H3BCGC.3 at Monksbridge, Brixham and very much welcome the opportunity to comment at this Regulation 18 stage, recognising that a new Local Plan is very much needed to deliver the development needs of Torbay over the next twenty years.

While we recognise that this is still a relatively early draft of a local plan, even at this Regulation 18 stage in the plan-making process it is still important to consider it within the context of the requirements of national policy. The National Planning Policy Framework (NPPF) requires that local planning authorities should submit a plan for examination which is considered to be “sound” – namely that it is:

- *Positively prepared* – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs;

- *Justified* – an appropriate strategy, taking account the reasonable alternatives and based on proportionate evidence;
- *Effective* - deliverable over the plan period; and
- *Consistent with national policy* – enabling the delivery of sustainable development in accordance with the policies in the NPPF.

It is with these requirements in mind that these representations have been prepared.

### Strategic Policy SS1 Spatial strategy

We are concerned by 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. No supporting evidence has been provided at this stage to justify that this strategy will be able to satisfy any of the tests of soundness. Paragraph 3.1 states that this will be set out in a supporting Topic Paper.

The Plan seeks to deliver at least 8,000 new dwellings over the Plan period of 2025-2045, equal to an average of around 400 dwellings a year over the proposed 20-year plan period. Para 1.53 states that this is around the long-term average achieved since 1980. However, the current Local Plan aspired to the delivery of around 495 homes per annum over the Plan period of 2012-2030. The draft Plan is therefore seeking to lower ambitions for the delivery of homes for local people at the very time that the Government is requiring local planning authorities to deliver a step-change upwards in housing delivery. The new way of calculating the standard method, introduced in December 2024, has increased the standard method housing need figure in the Local Plan area from 599 dwellings per annum to 940 dwellings per annum. The draft Local Plan therefore seeks to deliver less than half, only 42%, of the housing need figure identified by the new standard method.

This is important because it has now been recognised that the household projections upon which the pre-December 2024 minimum figure (derived from the standard method) was based was not fit for purpose. They relied on past trends which were imbued with suppression of household formation, to predict future needs whereas, in reality, there was an increased demand for housing driven by long term trends in the average household size, which was getting progressively smaller. This was itself driven by a range of mostly social and health factors. The long-term trend in

increased household formation has been stifled over the last few decades because of a lack of new housing. This was a clear finding arising from the study of objectively assessed housing needs. This suppression of household formation is most starkly evident in the 25-34 age group (first time buyers) but has become increasingly evident in the 35-44 age group as the average age of first time buyers has shot up to nearly 40. These groups have suffered from escalating house prices for at least the last three decades and that has been driven by one key factor - a lack of new housing throughout that period, causing supply to outstrip demand. In the 1960s and 1970s supply matched demand and home ownership was a realistic prospect for nearly everyone because prices were affordable. This suggests that the persistent social and health trends have long required that we build around 300,000 new homes a year nationally, the figure the Government now aspire to. The last time this was achieved was 1969. Basing the housing requirement on average delivery figures since 1980, as the draft Plan appears to do, is therefore fundamentally flawed because it completely ignores the reasons why the standard method for calculating housing need, upon which local plan housing requirements are now supposed to now be based, was changed.

The new way of calculating the standard method introduced in December 2024 seeks to address these causes of the housing crisis and takes a different approach. The intention is that the housing need figure identified by the standard method should form the basis of the housing requirement identified within Local Plans. The fact that the draft Local Plan seeks to deliver less than half, only 42%, of the housing need figure identified by the new standard method will require very clear evidence and will rightly require evidence of a more detailed and open-minded assessment of site options in comparison with what has gone before. No such evidence appears to have been published to date.

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

The Development Strategy of the current Local Plan and its predecessors has created a number of issues and problems for the delivery of the level of housing that is actually needed in Torbay. As well as proposing a level of housing which has not in any way sought to meet the actual need, placing an over-reliance of new development within such a limited number of locations and on relatively large sites within those locations has resulted in consistent levels and an ongoing trend of under delivery. This has been caused by complications and delays arising from a number of the site allocations, particularly the urban renewal sites which are heavily constrained and often subject to significant viability issues and the large urban extension sites which take a long time to

come forward. It is very worrying therefore that the draft Local Plan seeks to continue this failed strategy. Indeed, the historical Housing Delivery Test (HDT) results for Torbay reveal a persistent under-supply even during significant periods where the housing market in the south west region has been exceptionally buoyant. This is illustrated by much better HDT results during the same period for the other Devon authorities of Mid-Devon, East Devon, Exeter City, North Devon, Torridge, West Devon, South Hams and Plymouth City, as well as in neighbouring Cornwall. The under delivery in Torbay cannot therefore be blamed on market forces.

This has had inevitable consequences on the delivery of affordable housing and has seen the need for affordable housing continue to rise and rise.

In an appeal decision (PINS ref: Appeal Ref: APP/X1165/W/24/3354507) in 2025 on land at Copythorne Road, Brixham the Inspector concluded,

*“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 does not appear to be one that can be found to be positively prepared, justified (taking

account of reasonable alternatives), effective or consistent with the current national policy against which it will be examined.

In particular, it is noted that even to meet the very low (compared with 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.

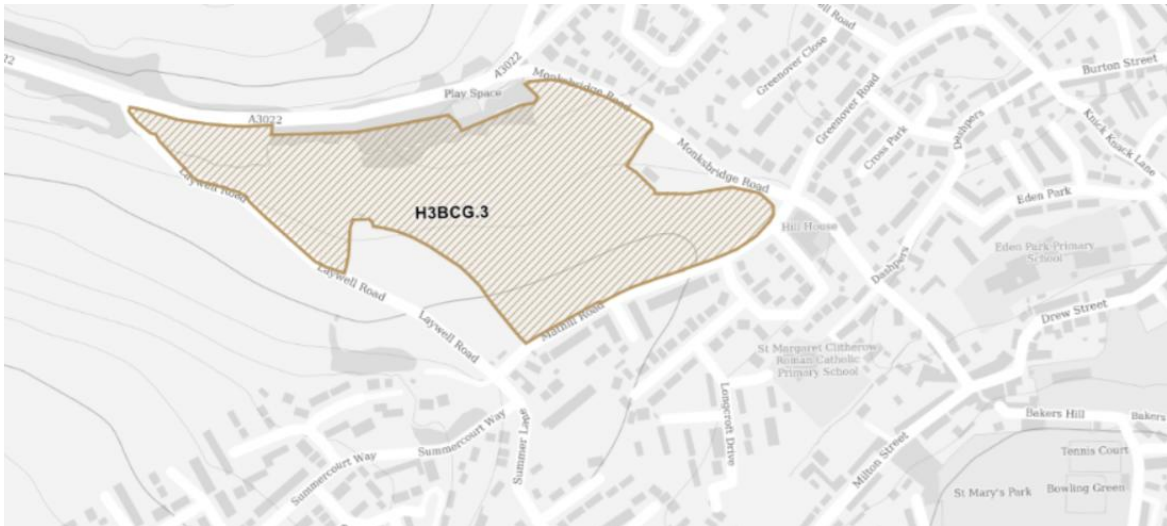
Without a lot more detail and evidence underpinning this proposed approach, we are again concerned that this strategy will not be able to meet any of the tests of soundness.

### Strategic Policy H3: Other Local Plan allocated sites and Strategic Policy E1: Strategic employment land allocations

Baker Estates Ltd and Belstone Fox Ltd broadly support the proposed allocation within Strategic Policy H3 and Strategic Policy E1 of land which it owns at Monksbridge, Brixham (site refs: H3BCGC.3/E1B.2) for 130 new homes and 0.25 ha (approx. 1000sqm) of Class E (g) employment uses.

In light of the concerns set above regarding the adequacies of the spatial strategy and proposed housing requirement of the draft plan, it is very significant that the Council has proposed to allocate this site and demonstrates clearly that it has assessed the site as being one of a very limited number of greenfield sites which it considers is suitable for development.

The entire site identified on the policy maps (see extract below for ease of reference) is available for development and is within a suitable and sustainable location.



There is a significant need for housing, including affordable housing, within the plan area and the H3BCGC.3 site is suitable for development to meet those needs over the emerging plan period, along with a mixture of other uses, as part of a highly sustainable urban extension, as the Council's own site assessment has found.

The site adjoins the existing built-up area of Brixham. Indeed, it is surrounded on three sides by existing development and is within easy walking distance of the town centre and harbour. In many ways, it is a logical site for development. It also lies within, albeit on the very edge of, the South Devon National Landscape, a designation which has applied to nearly all the land adjacent to the built up area of Brixham since it was first so designated in 1960, some 65 years ago. Its boundary has remained unchanged since this original designation.

Baker Estates Ltd and Belstone Fox Ltd has commissioned consultants to undertake a Landscape and Visual Appraisal of the site.

The findings of this assessment include:

- 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.
- 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.

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. 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 and, as this is the case, the proposed allocation of the site is entirely justified and consistent with national policy.

This was the conclusion of the appeal inspector when granting planning permission for housing on land at Copythorne Road, Brixham, a short distance to the north of the H3BCGC.3 site, in respect of the above-mentioned appeal (PINS ref: Appeal Ref: APP/X1165/W/24/3354507). In that case, the Inspector concluded that the adverse impacts of developing in the National Landscape that 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.

More detailed assessment work undertaken on behalf of Baker Estates Ltd and Belstone Fox Ltd has identified that the site at Monksbridge is actually able to accommodate a greater scale of development than the draft local plan indicates. An initial concept masterplan for a mixed-use development of the site, informed by the Landscape and Visual Appraisal, is attached to this letter. It shows how a mixed use development could comprise of:

- residential development of up to 175 dwellings, including a number of bungalows (suitable for older people) and affordable housing;
- up to 0.6ha of commercial/employment development – which could include facilities and employment for local people in the form of a convenience store, other uses falling within Use Class E (specifically b, d and g) and potentially a hotel.
- formation of vehicular accesses from Mathill Road.
- connectivity for pedestrians and cyclists to existing paved and lit footways to services and facilities in Brixham;
- connectivity to bus stops from which frequent bus services allow access to a full range of services, facilities and employment opportunities within the wider Torbay area.
- on-site public open space.
- appropriate landscaping, consistent with the National Landscape objectives.
- biodiversity net gain

Allowing a flexible range employment generating uses as described above will mean that development can respond to any changing economic conditions and optimise the prospect of delivery and the creation of employment while also providing ‘local centre’ facilities for the proposed housing and surrounding residential area, thus further encouraging active travel.

We will provide further supporting evidence arising from the ongoing assessment work that we are undertaking in due course and Baker Estates Ltd and Belstone Fox Lt are also preparing an outline planning application to be submitted shortly which will show how a development of the site as described above can appropriately mitigate the impacts arising from the site’s constraints. Having regard to the NPPF, the proposed allocation of the site is also therefore ‘deliverable’ in that it is available and is in a suitable location for development which is achievable on the site within the next five years.

#### Strategic Policy H7: Affordable housing

We are surprised to see that the affordable housing requirement for sites allocated in the National Landscape (35%) is proposed to be different to that which would apply to other allocated sites and where the policy would seek 30% affordable housing. There does not appear to be any valid justification for this and such an approach 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.

The NPPF's requirement for development viability to now be addressed at the plan-making stage means that it is vital that the Council's evidence under-pinning the draft plan is comprehensive and robust. The Council will need to be satisfied that its evidence has considered and assessed a comprehensive range of development and site types and sizes and in different locations in order that the policy measures that arise from it take into account the full suite of different scenarios that might apply. It is 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.

We trust these comments will be taken into consideration as work on the draft Local Plan progresses. Finally, Baker Estates Ltd and Belstone Fox Ltd would very much welcome the opportunity to engage further with the Local Planning Authority regarding how development on their site at Monksbridge, Brixham could both meet development needs and deliver benefits to the local community.

Yours faithfully











**SIMON COLLIER**

Director

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**LEGEND:**

-  Site Boundary
-  Footpath Link
-  Access Routes/Links
-  Watercourse
-  Existing Hedges/Trees
-  Landscape Features/Buffer
-  Non-Development Area - Enviromental and Recreational Area
-  Potential Enhanced Community/Facilities (Community hub/natural play area)
-  Potential Commercial Area/Smaller Scale Employment Area
-  Potential Housing Development Area

REVISION DETAILS		
revision	date	note

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client  
 BELSTONE FOX LTD

project  
 MONKSBRIDGE PARK  
 BRIXHAM  
 drawing title  
 CONCEPT PLAN

date	drawn	checked
01/26	NO	XX

scale  
 1:1250 @ A1

for information

project no: drawing no: rev:  
 873 SK6 -