

**Note to Parish Council from Neighbourhood Plan Steering Group**  
**Winsland House site allocation**

**SUMMARY**

- 1. The Parish Council (PC) is asked to instruct the Neighbourhood Plan Steering Group (HNPSG) on whether or not to allocate the Winsland House site in the Neighbourhood Plan (HNP).**
2. HNPSG will provide a completed draft of the whole Plan in due course, including allocation of sites for housing. However, the Winsland House site has attracted significant public debate, and HNPSG believes that it needs to be brought to the PC's attention separately. Controversy on this site has been a demand on HNPSG's time and workload, and a decision on allocation needs to be clearly made by the Parish Council now in order to help us move the NP to completion.
3. **Three options are summarised in the table overleaf**, with their advantages and disadvantages. In addition to the self-explanatory options of allocating and not allocating the site, a third, "middle way", option is listed. The key problem with allocating the site is that it would be likely to cause the NP to fail independent examination. This would mean it could not be adopted, at least not without an amendment process that would cause further work and delay. The "middle way" option is to not allocate the site, but to state in the Plan that development of the site would be supported in principle, if a planning application were submitted, subject to appropriate conditions (which would be outlined). This would allow the parish to gain any benefits of development of the site, but without jeopardising the NP at independent examination. It would also represent a response to public opinion that has been expressed in favour of the site.
4. Following extensive discussion, **HNPSG recommends option 3, the "middle way" option.**
5. The rest of this note explains the summary table in more depth, by setting out:
  - what allocation is and how it is decided;
  - background information on the site - the story so far; and
  - considerations to take into account in deciding on allocation.

Option	Advantages	Issues/disadvantages
<b>1. Allocate the site, subject to further work and consultation needed</b>	<p>Provides estimated 20-40 dwellings, of which at least 30% affordable.</p>	<ul style="list-style-type: none"> <li>• Wouldn't count towards the indicative housing targets of 20 (Harberton) &amp; 30 (Harbertonford);</li> <li>• Wouldn't reduce expectations on development in the villages.</li> <li>• Wouldn't provide housing in the locations to which local residents feel connected (ie the villages).</li> <li>• Advice received suggests inclusion could cause HNP to fail independent examination, causing delays and possible "veto" by SHDC.</li> <li>• Opposition from SHDC and Totnes Town Council.</li> <li>• Further work needed to consider heritage issues re Grade II listed building, pedestrian/vehicular access, ecological sensitivities, etc.</li> <li>• Further consultation likely to be needed to demonstrate informed, overall public support.</li> </ul>
<b>2. Do not allocate the site</b>	<p>Allows more rapid completion and adoption of HNP, thus providing:</p> <ul style="list-style-type: none"> <li>• Opportunity to impose conditions on allocated sites that might get planning permission anyway, ie in the absence of an NP.</li> <li>• Some protection from developer-led unsympathetic development on any suitable land that becomes available.</li> </ul>	<p>May appear to ignore vocal public support for the site from some quarters, and so reduce confidence in HNP. Public information and engagement would be needed.</p>

## A. CONTEXT AND BACKGROUND

### Context: what is site allocation?

6. The Local Plan for the district sets indicative targets of 20 new dwellings for Harberton village and 30 for Harbertonford. A key task of HNP is to identify where those dwellings should be built by 'allocating' specific sites. The Local Plan makes clear that where there is no Neighbourhood Plan allocating suitable sites, the planning authority will "still support development...which responds positively to the indicative housing figures" (TTV25), i.e. wherever suitable sites happen to come forward over time.

7. This note provides support to the Parish Council to decide whether HNP should allocate the Winsland House site. To allocate a site, HNP needs to show, on the basis of evidence, that:

i) The site is **allocatable**. This means the site must be suitable for development, i.e. that development would not contravene existing planning regulations; as well as available and viable. One of the "basic conditions" required of a Neighbourhood Plan is that it is consistent with the strategic policies of the Local Plan under which it sits. If HNP were to attempt to allocate an unsuitable site, it would fail to meet this basic condition and could not be adopted unless the allocation was removed.

ii) Allocation **further HNP's objectives**. If (and only if) a site is allocatable, HNP has to weigh up its pros and cons in relation to the plan's objectives (which are derived from public consultation), and what planning conditions might need to be applied to development.

iii) There is overall **public support** for allocation, based on documented consultation.

8. It is important to note that not allocating a site does not mean that the site cannot be developed. Developers are still free to seek planning consent on unallocated sites.

### Background on Winsland House site: the story so far

9. Site location. The site is marked "SH\_23\_15\_08/13/16" (see red arrow) on the map in Annex 2. It lies on the North side of the Plymouth road. On its East side, it is bounded by the minor road leading from the Plymouth road up to Cott. This minor road is the boundary between Totnes town and Harberton Parish, and Follaton extends up to its Western side.

10. Early stages of HNP. Both the 2014 and 2020 drafts of HNP proposed allocation of this site, along with two others immediately adjoining it. The site was the favourite option in responses to the 2015 questionnaire, although the validity and relevance of this result is questionable for reasons explained below. The proposed allocation of the site evoked strong opposition from neighbouring Totnes Town Council and from South Hams District Council (eg see <https://www.southhams-today.co.uk/news/row-building-over-homes-plan-341280> ).

11. Call for sites and site assessment report (2022-23). The site was put forward in response to the 2022 call for sites by the landowners, working with Eden Property Group property investment company. HNPSG commissioned AECOM consultants to make an independent professional assessment of all the sites put forward. This had not previously been done: assessments of sites prior to this had relied on HNPSG volunteers' own interpretation of the planning regulations. AECOM assessed the site as unsuitable for development, giving it a "red" rating, meaning it faces "insurmountable constraints to development". Landowners were given sight of a draft of the report, and Eden Property Group requested amendments to it. These were duly forwarded to AECOM, who assessed them and implemented some of them, but not all.

12. Housing consultation (2024). HNPSG ran a public consultation on housing in July 2024. The consultation provided information on the allocatable (green and amber) sites, and asked for comments and preferences. While basic information about the red sites was available during the consultation, none of the

red sites were presented in detail or included in the consultation questionnaire. HNPSG took this approach on the grounds that:

- Consulting on all 17 sites, including the red ones, in a meaningful way would have meant presenting a very large amount of information which would have made effective public engagement unnecessarily challenging.
- Consultation on sites that were unsuitable for development would have been pointless, and also risked creating confusion and unrealistic expectations.
- It is required to treat all sites on an equal basis, which precluded consulting on some red sites and not others.

13. During the consultation process, and in subsequent HNPSG meetings, the Winsland House landowners and developers advocated publicly for their site, challenged details of the AECOM report and questioned why their site had not been included in the consultation. Subsequently, questions about the site appeared in some of the consultation responses and in public contributions to HNPSG meetings.

14. Second site assessment report (2025). In response to public questions and comments, HNPSG commissioned AECOM to review their report, providing a detailed list of questions and corrections. A new draft has been produced, and is now being finalised with the benefit of further scrutiny and comment by HNPSG. The new AECOM report has corrected a number of inaccuracies and inconsistencies, including in relation to the Winsland House site. Nonetheless, it still assesses the site as red, ie unsuitable for development, for reasons explained below.

## **B. CONSIDERATIONS ON ALLOCATING THE WINSLAND HOUSE SITE**

### **i) Is the Winsland House site allocatable?**

15. This is a technical question on whether the developing the site would be consistent with planning regulations. HNPSG members are not planning experts and have to rely on advice from those who are:

- Officials from the local planning authority, South Hams District Council, have repeatedly and consistently advised that the site is not allocatable. HNPSG has been informed that elected District Councillors for our parish and for Totnes share this view.
- Our own independent professional consultants, AECOM, have provide the same advice in both their original and revised reports, as noted above.

16. According to AECOM, the site faces a number of constraints on development. For example:

- The site envelopes the Grade II listed Winsland House and development on the site would impact its setting.
- The site contains a number of mature trees, with the majority of the site covered by a Tree Preservation Order, which may restrict point of access and the developable area.
- There is existing vehicular access via a lane linking Dartington to Plymouth Road, however it is a single lane with poor visibility splay.

17. Some of these constraints, as the developer has argued, may be resolvable. Others may be difficult or impossible to resolve. A key unresolvable issue appears to be that developing the site is inconsistent with the spatial strategy of the Local Plan. This issue involves a number of detailed planning policies (see Annex for details), but the essence of it is that while the site is in Harberton parish, it would in effect be an expansion of Totnes. The Local Plan has already provided for new housing development in Totnes, taking account of the town's own local issues such as air pollution and traffic flows. Since this issue is a feature of the location of the site itself, it cannot be remediated, and so of itself makes the site "red".

18. The Parish Council is free to ignore the advice from AECOM and SHDC and allocate the site anyway, if it can provide a valid rationale. However, all NPs have to pass an independent examination of whether they meet the "basic conditions" before they can be adopted. The likely result of allocating the site would be that the plan would fail at examination. SHDC advises that this would potentially cause significant time delays, as the plan would have to be amended accordingly, possibly involving further consultation, and then be re-

examined. Ultimately, SHDC can decline to adopt the Plan if it contains allocations to which it objects.

## **ii) Would allocation further HNP's objectives?**

19. If the site is unallocatable, this question does not arise. Thus HNPSG has not made a detailed assessment of the pros and cons of the site, and what conditions might be needed; though the 2020 HNP draft does note the possibility of downstream flood risk and ecological sensitivities at the site. HNPSG would need to do this work if the site were site deemed allocatable. However, it is clear that the site does have both pros and cons, and, as with any site, any consideration of allocating it would involve trade-offs between different objectives of HNP.

20. On the one hand, the site could provide a substantial number of affordable dwellings for local people. The draft new AECOM report suggests 20-40 dwellings could be provided, of which 30% would need to be affordable.

21. However, SHDC has made clear that these would not count towards the parish's indicative housing targets, which apply to the villages. Development of the site would do nothing to reduce expectations of development in the villages. Moreover, there is some evidence from the consultation process that local residents in housing need want affordable housing in the villages with which they have personal and family connections - not on the edge of Totnes.

22. On the other hand, HNP contains relevant objectives, based on consultation evidence, on several areas other than housing, such as heritage and environment, which could mitigate against development of the site.

## **iii) Is there is public support for allocation?**

23. There has been some vocal public support for allocation of the Winsland House site since the housing consultation, which clearly represents a body of local opinion that needs to be acknowledged and respected. The site was also the favourite option in the 2015 consultation questionnaire.

24. Nonetheless, there is in fact no evidence of overall support in the parish for allocation of the site in the current context. This means that were the site to be deemed allocatable, further public engagement would be likely to be needed in order to demonstrate informed support for the site, based on a balance of pros and cons.

25. The 2024 housing consultation did not ask for views on the site, for reasons already explained, so provides no quantitative data on local views. While there were 9 qualitative comments (out of a total of 102 responses) mentioning or supporting the site, these tended to demonstrate misunderstanding, in particular the erroneous idea that the site would contribute to housing targets and serve as a substitute for development in Harberton village.

26. Similarly, the support for the site apparent from the 2015 questionnaire responses was based on the question "where do you think the priority for house building in the Parish should be: Harberton / Harbertonford / Winsland House / Rest of parish?" For Winsland House, 65% of respondents agreed against 9% disagreeing, which made this the highest ranking of the four alternatives. However, this question contains the misleading implication that the Winsland House site could act as an alternative to development in the villages. The key problem of the site's incompatibility with the Local Plan does not appear to have been explained to respondents. Moreover, since the other sites against which Winsland House is being compared have changed since 2015, the old questionnaire results are of limited relevance. In addition, the questionnaire took place over a decade ago. Some respondents will have left the parish, and new people will have moved here, in the intervening years. It is unclear how far the results accurately represent the views of current residents.

## **ANNEX 1: Details on Winsland House site and Local Plan strategic policies**

### 1. Extract from AECOM report

"Development of the site would represent a westward extension of the Follaton area of Totnes. The Local Plan has developed an evidence-led sustainable settlement hierarchy for South Hams, to reinforce and protect the existing settlement pattern. Policy TTV25 sets out the strategy for development in sustainable villages. The sites on the edge of Totnes have been considered but do not align with this strategy."

### 2. Extracts from email from Senior Strategic Planning Officer at South Hams District Council, October 2024

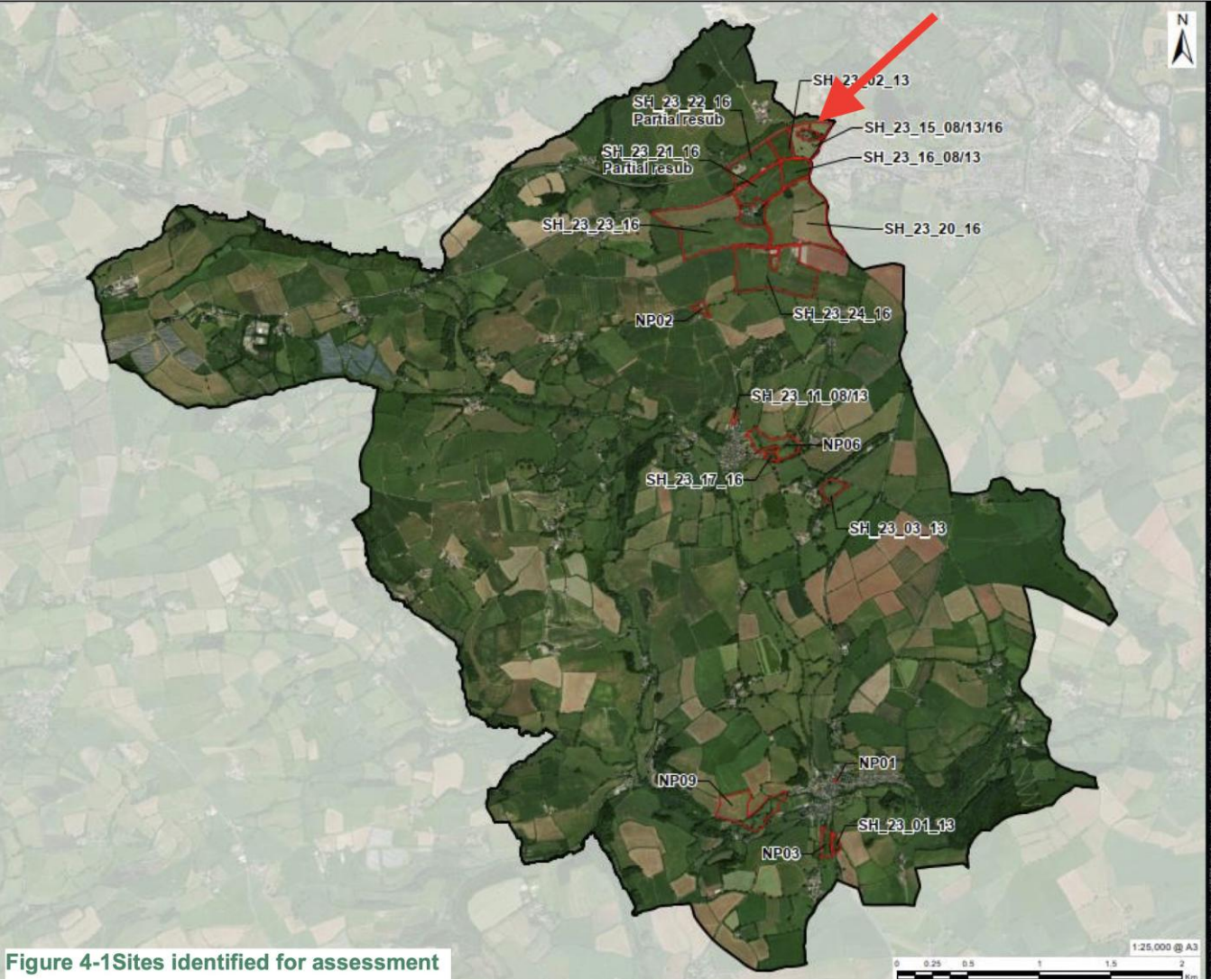
"...Allocating land adjacent to Winsland House in the Harberton Neighbourhood Plan (HNP) would NOT contribute towards the indicative housing numbers for the Sustainable Villages....JLP Policy TTV25 is titled 'Development in the Sustainable Villages'. The text of the policy includes: 'Provision in the order of 550 homes will be sought from the sustainable villages...'; 'Development within the sustainable villages, including the indicative level of housing set out in Figure 5.8...' and; the final para. of the policy starts with, 'Within sustainable villages...'. In my opinion the terminology of the policy and the supporting text (i.e. the use of the words 'in' and 'within') makes it clear what the policy requirement is.

Obviously any person can travel freely and choose to visit any settlement and make use of the facilities it has on offer. I consider it very likely that residents of a town would look to use the range of facilities available there, rather than travel further to use more limited facilities in villages elsewhere.

The Harberton NP covers the whole of the parish of Harberton and the site at Winsland House is within it. It is in the remit of the NP to propose policies and site allocations. An allocation for development at Winsland House (or any site on the edge of the town of Totnes) would clearly be an allocation determining how the town will grow. Totnes is classified as a Main Town in the JLP, allocations for the growth of which are strategic policies of the plan. The development requirements of Totnes during the plan period have been met by the allocation of sites in policies TTV20 – TTV22. The site at Winsland House is not allocated for development and is located in the Countryside and therefore covered by Policy TTV26. Its allocation for development in the HNP would therefore, in my opinion, be contrary to the strategic policies of the development plan.

...I would also add that a proposal for any development of the parkland setting of Winsland House would most likely attract a fundamental objection on heritage grounds given the Listed Building status of the property"

ANNEX 2: Winsland House site location



Source: AECOM