

# Land to the North West of Courtlands Cross – Appeal against refusal of development

Statement at Appeal by  
Cllr Rob Longhurst  
Champion – Planning Lympstone Parish Council  
“Leader of our Community’s opposition to the  
development”



# 1. Introduction

Sir,

I am Cllr Rob Longhurst – I am a resident of Lympstone arriving back here in 1999. I have been a member of the Parish Council for the last 7 years. From 2009 to 2011 I was chairman of the Parish Council and from May 2011 “Champion Planning”. Following formal rejection, by Lympstone Parish Council, of the first application by Strategic Land Partnerships for development on this site I was elected as the “Leader of our Community’s opposition to the development” – this was subsequently re-affirmed after the second application was formally rejected. I personally objected to both applications by e-mail to EDDC and also wrote to you once the appeal was announced. I appear before you today on behalf of the Lympstone Community

Sir, there will be no disruptive actions to your hearing, no interruptions, no heckling and no mass demonstrations this is not the Lympstone Way – we respect the integrity and importance of the occasion – the Lympstone Community were advised **NOT** to write to you to register their objections since all previous letters/e-mails will be considered by you as a matter of course. But do not take this as any sign of weakness, inactivity or passiveness – over 650 letters of protest for each application speaks for itself. Rather we will try to present our case to you in a respectful, logical and evidence based manner – however it should be pointed out at this early stage that the overriding reason for rejection can be summed up in one word “COALESCENCE”.

I will start with an outline of our case; Cllr. Richard Eastley from Lympstone Parish Council will follow with a Local View; Mr Mark Robertson – representing the residents of Courtlands Lane, will give their perspective; Mr Don Mildenhall – will deal with a specific, local perspective of the impact of this proposed development on traffic within our community; and finally Helen Dimond will comment on sustainability.

As a point of note during this statement I will refer to the “LDF” and “The East Devon Local Plan” – I would wish you to treat these as the same thing – I have only retained reference to the “LDF” where it was strictly within quotation context.

A copy of this statement along with 5 Appendices – A timetable of relevant dates; An extract from The Natural Choice white paper; Lympstone Parish Council’s objection to the first application; Lympstone Parish Council’s objection to the second application – will be available to you, sir, the Appellant and EDDC. My colleagues will likewise distribute hard copies of all evidence they present.

## 2. History

The very essence of Lypstone is a rural village full of character and charm with a proud background of farming, boat building and fishing that has slowly adapted to change but without losing its identity. Devon Life once described Lypstone as “a powerhouse of a community” and was voted “Devon Village of the Year” in 2007. Our residents fear that this way of life could be lost forever if the land between Lypstone and Exmouth on which this development is proposed is developed in contravention of Policies encompassed within the EDDC Local Plan 2006-11 and further proposed within the Local Plan 2011-26.

In the East Devon Local Plan Adopted July 2006 specific reference is made to Lypstone.

*“It is of importance to impose a limit on future development for three reasons; firstly to prevent coalescence of settlements along the Exe Estuary, secondly, to guard against over development which would ruin the character of the village and thirdly to prevent still further congestion upon the already overloaded narrow streets”<sup>1</sup>*

This single statement summarises our reasons for rejecting this development. Coalescence is a real threat to our way of life and Littleham is an example of how a small, independent, Devon village has been changed by the rampant march of development. The Green Wedge between Exmouth and Lypstone is our bastion and one that must be supported at all costs to avoid Lypstone and other rural villages following the path of Littleham.

## 3. The Parish Plan

The Parish Plan was completed in August 2009 following its ratification at a Village Meeting and “open day”. The Plan was signed off by the Parish Council in September and presented to East Devon District Council for approval. This was received in April 2010.

Through focus groups, interviews and open meetings The Plan attempted and achieved a wide circle of input to the process making it truly inclusive of the feelings, desires and ambitions of the community.

The following extracts relate specifically to the issues of coalescence and development on the Green Wedge.

Within Section 3 “Our Vision” The Parish Plan states:-

*Whilst being prepared to accept change and development, the Community wish the parish to retain this unique and scarce character.*

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<sup>1</sup> Adopted East Devon Local Plan – 2006 Appendices to the Local Plan

*Lympstone will remain a sustainable community, where people want to live and work, now and in the future. The Community will meet the diverse needs of existing and future residents, be sensitive to our environment, and contribute to a high quality of life. Our parish will be safe, inclusive, well planned, built and run, and offer equality of opportunity and good services for all.*

*Specifically, the parish will: -*

- *promote sustainability of the parish*
- *be a parish with values, principles, traditions and respect - in all activities by all parish bodies, promote and honour these attributes*
- *care about the future - maintain influence within the parish over development, amenities, activities and facilities*
- *be accessible - maintain and improve transport, affordable housing, infrastructure*
- *suffer no coalescence - retain our rural identity and independence from Exmouth.*

This is followed up in Section 5 “Our Community”

*The real possibility of being swallowed up by the development of Exmouth is considered the greatest threat this community faces – it has happened to Littleham and it must not happen to Lympstone.*

*The current East Devon Local Plan 2006 gives protection to the parish from coalescence through*

- *Policy S6 (Development in Green Wedges)*
- *Policy EN2 (Areas of Great Landscape Value)*
- *Coastal Preservation Areas*
- *A tight development envelope around the village centre.*

These Policies are the only defence the parish has against the extension of Exmouth engulfing Lympstone. Under “Action Points” the Plan details:-

- *‘The Green Wedge’, ‘Coastal Preservation Area’ and ‘The Area of Great Landscape Value’ must be retained within the LDF for posterity*
- *Resist any development at the extremities of the Parish and disconnected from the central settlement*
- *Consider carefully any minor amendment to the development envelope under*

These statements all show how much relevance The Parish places on the existing EDDC policies now and into the future to preserve our way of life.

Sir, I should like to continue by posing a series of questions.

#### ***4. 8 Questions that need to be asked and addressed.***

##### ***i. Where is the evidence of any support for this proposal?***

- ☒ In 2009 the Community produced a Lymptone Parish Plan – this covered a multitude of objectives, but the primary wish of the Community was to protect The Green Wedge and so prevent coalescence with Exmouth. This application is made in complete disregard for this intent.
- ☒ As previously stated for each application EDDC received over 650 letters of objection to this development – this was a huge outpouring of public disapproval.
- ☒ Even prior to the first application The National Trust wrote to the Appellant and declared their intent to fight this proposed development
- ☒ This application was objected to by both Lymptone Parish Council and Exmouth Town Council prior to being rejected at Committee by EDDC on a unanimous vote.
- ☒ There was not one letter of support for this proposal.
- ☒ I would also point you, Sir, to the letters from The National Trust dated 29<sup>th</sup> November 2011, 5<sup>th</sup> July 2011 and also that reproduced in the Lymptone Objection to the first application dated 22<sup>nd</sup> December 2009. These all make a very strong case for objection to this planned development.

So I ask the question, Sir, “Where is the evidence of any support for this proposal?”

*Answer :- There is no support whatsoever from the local (or even distant) community*

##### ***ii. Where is the evidence of any community consultation for this proposal by the Appellant?***

- ☒ The Localism Bill has just received Royal Assent and the Government seems keen to emphasise that local people should be able to decide what development they would like to see in their area. Indeed the Bill seems to require any development to be subject to a local consultation process – I would contend that the developer has woefully neglected his duty.
- ☒ On the first application the Appellant distributed flyers regarding an exhibition – not once was Lymptone mentioned in the flyers, the development was constantly referred to as the “*Land at Courtlands Cross Exmouth*”
- ☒ The Appellant held a one day exhibition of the proposed application from 10 am to 8 pm – the exhibition was held at the Exmouth Sports Centre, Exmouth. Not an auspicious start for a company “*committed to working with local communities and your views are important to us.*”

- ☒ The Appellant attended a village meeting where they presented their case with an A3 diagram – that was the only time they fronted the first development application to the local community
- ☒ On refusal of the first application by EDDC the Appellant made no attempt to consult with the local community over a very detailed document<sup>2</sup> detailing the reasons for local objection.
- ☒ The Appellant made no attempt whatsoever to consult locally on the 2<sup>nd</sup> application. Despite the wide publicity given to the meetings the Appellant did not offer to attend, speak or present at either the Village Meeting of 27<sup>th</sup> June or the subsequent planning meeting of 4<sup>th</sup> July to present their case. It was of note and some disgust and insult to the Lympstone Community that the Appellant volunteered to do a presentation to Exmouth Town Council.
- ☒ In submitting this 2<sup>nd</sup> application without any further involvement of the community the Appellant would seem to be totally contemptuous of local opinion.
- ☒ To add further disrespect the Appellant states in their submission *“This revised submission follows further consultation with officers of East Devon District Council and is accompanied by further consultation **with Exmouth Town Council**, and a letter to nearby residents and Lympstone Parish Council.”* I would maintain that a letter hardly constitutes consultation.
- ☒ Even while “negotiating” with EDDC the Appellant chose not to wait for a final adjudication from EDDC – they had to jump the gun and go to appeal.
- ☒ The Appellant has submitted amendments to this second application all after the notification of appeal all without any local consultation. I can only assume that they believe that these will only serve to confuse the local community – which indeed they did.
- ☒ I have personally written to the Appellant twice asking him to give up this financial quest in favour of a bequest to The Community. I have yet to receive any reply.

So I ask the question, Sir, “Where is the evidence of any community consultation for this proposal by the Appellant?”

*Answer : The Appellant has based his whole strategy on this development being an extension to Exmouth and whatever minimal “consultation” he has undertaken has been with that community. Lympstone has been ignored and slighted by his approach – so the answer is “NONE”.*

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<sup>2</sup> Appendix 4

**iii. What evidence has the Appellant produced that this development is so unique that it can breach:- Policies S6, S5 and EN2 of the adopted East Devon Local Plan 1996 – 2011?**

- ☒ The Secretary of State, Eric Pickles, has recently dismissed 3 appeals for housing development on the grounds that granting consent would undermine the local planning process. In the case of a proposed scheme in Cheshire he states *'The development would 'jump the gun' before the core strategy had been adopted, thereby prejudicing the fairness and effectiveness of the LDF process.'* The approval of this scheme would prejudice the fairness and effectiveness of the LDF process for East Devon in exactly the same way.
- ☒ These policies are the result of extensive work, thought and consultation and have stood for a number of years – they deserve respect and consideration.
- ☒ The Appellant makes no case and has produced no evidence for breaching these policies – there is merely a reference in their application 5.15 *"The site lies outside the existing Built-up Area Boundary (policies S2, S3,S4) within a defined Green Wedge (S6) and an Area of Great Landscape Value [AGLV] (EN2). Parts of the Green Wedge and AGLV are proposed to be developed by the completion of Dinan Way. This route is safeguarded by Policy TA8 (1) and lies immediately to the east of the application site."*
- ☒ The completion of the Dinan Way extension does not breach these policies as it was specifically excluded at their inception.
- ☒ The first application by the Appellant (10/0694/MOUT) was refused for 10 reasons by EDDC – one specifically concerned these policies. Likewise the objection by Lymptone Parish Council<sup>3</sup> dealt with these policies at some length. Whilst the Appellant dealt with a number of the other reasons, those relating to these policies were totally ignored.
- ☒ The Appellant ignores precedent where other developments have been refused due to their breach of these policies.

So I ask the question, Sir, "What evidence has the Appellant produced that this development is so unique that it can breach:- Policies S6, S5 and EN2 of the adopted East Devon Local Plan 1996 – 2011?"

*Answer : The total denial of the relevance of these policies merely enforces the need for their existence in order to preserve the character and ambience of East Devon villages. No evidence has been produced to counter these policies.*

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<sup>3</sup> Appendix 4

#### ***iv. What cognizance has the Appellant taken of planning precedent?***

- ☒ A planning application for a similar development (10/0694/MOUT) including a care home was submitted in April 2010 and refused on the 10 June 2010. There was an objection by Highways – *“It is the opinion of the highway authority that Courtlands Lane is inadequate in respect of carriageway width, footways and cycleways to serve any additional traffic generating development”*<sup>4</sup> additionally breach of policy was cited.
- ☒ In February 2009 an application to convert Courtlands House (previously a residential home) from function room and three flats to a 20 bedroom hotel and conference suite (08/2693/COU) was refused. An appeal was later dismissed in November 2009 (APP/U1105/A/09/2108217) on the grounds of highway safety, increased traffic generation and the impact of the development on the character of Courtlands House, a grade 2 listed building.
- ☒ In May 2008 a planning application for 3 dwellings (08/0727/FUL) was refused at Sowden Nurseries, Courtlands Lane. Breach of policy and highway safety were cited.
- ☒ The Appellant states that *“In light of East Devon’s lack of five year land supply for housing and the subsequent need to release sites there is a presumption in favour of residential development. It is therefore concluded that the outcome of the previously mentioned planning application (Sowden Nurseries) and appeal (Courtlands House) have little bearing on this application”*. This totally ignores the fact that these applications were all refused because of traffic generation on Courtlands Lane, and where appropriate, a breach of policy.
- ☒ Additionally in the last 10 years there has been a history of planning permission being denied for single dwellings due to traffic generation and breach of policy.

So I ask the question, Sir, “What cognizance has the Appellant taken of planning precedent?”

*Answer : Very little. The Appellant may have managed to persuade Devon County Council (Highways) to change their stance and withdraw their objection but they cannot deny existing precedence. I believe that the change of direction by DCC (Highways), late in the day, is scandalous and my colleague will deal with this in more detail later.*

#### ***v. Where is the evidence that the Appellant can maintain a New Long Term Definable Boundary?***

- ☒ The site is 9.93 hectares. In this outline Planning Application the applicant has asked for 154 houses – this represents 15.5 houses per hectare – the recommended average per hectare is well in excess of this. If this outline application was approved then the

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<sup>4</sup> 08/2693/COU County Highway Authority Comment Date: Thu 15 Jan 2009

developer or the Appellant would be justified in seeking a build number well in excess of the proposal within the current application. No safeguard has been offered.

- ☒ No provision has been made to create a New Long Term Definable Boundary to the North of the location.
- ☒ The land to the immediate North of this proposed development is currently up for sale – 22 acres for £400,000 – £18,000 per acre, somewhat in excess of the £7,000 per acre for farming land. This application is just stage 1 of planning creep if allowed then this parcel of land will be next.
- ☒ If allowed this development would open up all the land North of the site to the Southern Built Up Area Boundary of Lymptone for potential development

So I ask the question, Sir, “Where is the evidence that the Appellant will maintain a New Long Term Definable Boundary?”

*Answer : Nothing has been provided by the Apellant to ensure that there is no spread North of the Northern boundary of this site. Breaching the Green Wedge opens the way for development up to the Lymptone Building Boundary Line.*

#### ***vi. Why does the appellant continually refer to this development being part of Exmouth?***

- ☒ The Appellant continues to ignore the fact that this land is in Lymptone Parish – this is a fact.
- ☒ The appellant continues to claim that it abuts the built up area of Exmouth – it does not.
- ☒ The Appellant continues to claim “ ... it is clearly located immediately adjacent the boundary of Exmouth and should properly be considered as an urban extension to Exmouth”<sup>5</sup>. The clearly defined edge of the built-up area of Exmouth on the Estuary fringe is Seaford Avenue, with the National Trust land acting as a buffer - in perpetuity. The proposed development, being more than 600 metres from Seaford Avenue is a new settlement in the open countryside and not an extension of the built up area of Exmouth.
- ☒ The Appellant furthermore goes on to say “Specifically the Development will not be an isolated development within a rural area. On the contrary, it will be development within what is already a semi-urban area .. “ Since a picture paints a thousand words I would like to produce the picture of the front cover of the Appellant’s application as evidence. Appendix 3.

So I ask the question, Sir, “Why does the appellant continually refer to this development being part of Exmouth?”

*Answer : The only way this development can have any justification is by making it a part of the Exmouth Urban development programme – the problem is it is not part of that*

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<sup>5</sup> Proof of Evidence – Mrs Sarah Planton

*programme nor is it part of Exmouth. This is a proposed development “plonked down” (a technical phrase I shall return to later) in open countryside.*

**vii. *Historically what evidence can The Lypstone Community show of their commitment to the sustainability of the Parish?***

- ☑ In the last 7 years over 70 new homes have been provided within the building boundary line. These have included 30 affordable homes.
- ☑ In the Jacksons Meadow development only 3 of the homes went to “Lypstone Connection” applicants – the remainder went to applicants from without the village
- ☑ The last development of 9 social housing only one home went to a “Lypstone Connection” applicant.
- ☑ The Parish Council has commissioned two housing needs surveys in the last 8 years. The latest by the Community Council of Devon. As a result of the first a proposal for a mixed private and affordable development was put to EDDC but was derailed by the landowner’s ill health. The second more recent housing needs survey for Lypstone indicated a need for 11 affordable homes. A possible site for these homes, which are well related to the village, is currently being explored by the Parish Council, Developer and EDDC.
- ☑ When the local Co-op faced closure the Community set up a £50,000 loan for the local butcher to buy the Co-op – it is still a thriving joint business. (No pun intended)
- ☑ Lypstone still has a Post Office – support from the community has ensured its survival.

So I ask the question: - “Historically what evidence can The Lypstone Community show of their commitment to sustainability of the Parish?”

*Answer : Lypstone has always welcomed newcomers and has demonstrated this in the provision of housing numbers in excess of its own needs. As a community we have sought to defend the defendable whilst embracing the inevitable march of progress.*

**viii. *What evidence can The Lypstone Community show of their future commitment to the sustainability of the Parish?***

- ☑ East Devon District Council has just approved a consultation draft for the Local Plan. This includes housing land allocations in the Exmouth area – to meet the needs of the town. One of these is largely within Lypstone Parish and will produce over 150 new homes in the parish and 150 in Exmouth – we have acceded to this even though it is outside the scope of the Parish Plan as it is seen as a “rounding off” of natural road boundaries and is on land that has been earmarked for Exmouth development for many years.

- ☑ Within the revised Local Plan, Lymptstone Parish has been tasked to provide 40-50 homes over the next 15 years. The Parish Council has accepted this target and has produced a “Lymptstone Housing Development Plan” to identify the sites – making the target evidence based. (I advised you, sir, of this work in my letter of 25<sup>th</sup> November 2011) This work, now with EDDC for approval, demonstrates our capability to meet this target from land within the existing Building Boundary Line and should there be any shortfall by a minor adjustment to the BBL North of the Parish. We hold the Green Wedge sacrosanct and will not compromise it within the new plan.
- ☑ The Parish Plan was completed after over a year’s work in 2009. It was completed by evidence collected from the local community and then replayed back to them at an evening village presentation where comments, both in praise and critical were collected and worked back into the final document. The principal condition, from the Parish Plan, is that “Developments should extend the existing village, not be in other places within the parish dislocated from existing housing and amenities”.
- ☑ As previously stated work has already been completed on a “Lymptstone Housing Plan” and the steering group responsible for this has been asked to complete plans for “Environment”, “Infrastructure” and “Community” – these will go together to form the Lymptstone Neighbourhood Plan which will be signed off by the Community with a referendum as prescribed by the Government in 2012.
- ☑ The Government White Paper “The Natural Choice : securing the value of nature”<sup>6</sup> (attached as Appendix 2) outlines The Community Right Bill regarding Neighbourhood Plans, Green Areas Designation and the Community Right to Reclaim Land. Lymptstone Parish Council will be adopting these to protect our open spaces.

So I ask the last question, Sir, “What evidence can The Lymptstone Community show of their commitment to the greater needs of society?”

*Answer : From the foregoing I have shown that Lymptstone is fully aware of the needs of our greater community and our interaction with our surrounding neighbours. Through our support of The Local Plan Process we have demonstrated our resolve and commitment to the democratic process – this proposed development plays no part in our future.*

## 5. Conclusion

The character of Lymptstone is one of a discrete settlement and the preservation of the ‘Green Wedge’, ‘The Coastal Preservation Area’ and ‘The Area of Great Landscape Value’ between Lymptstone and Exmouth are of supreme importance and must be preserved at all costs.

I have today asked 6 vital questions of the Appellant in terms of the provision of hard evidence covering support, consultation, the overturning of policy, the rejection of planning precedent, the lack of attention to maintaining a New Long Term Definable Boundary and finally the

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<sup>6</sup> Presented to Parliament by the Secretary of State for Environment, Food and Rural Affairs June 2011

Appellant's continued erroneous references to the potential development being in Exmouth. These are key issues that the Appellant has utterly failed to address.

In an interview on the BBC Countryfile programme on 8<sup>th</sup> January 2012 The Prime Minister said and I quote :

*"I care deeply about our countryside and environment. Our vision is one where we give communities much more say, much more control. What the people fear in villages is the great big housing estate being plonked down from above. Our reforms will make it easier for communities to say 'we are not going to have a big plonking housing estate landing next to the village, but we would like 10, 20, 30 extra houses and we would like them built in this way, to be built for local people'."*

*"We are not changing green belt, we are not changing areas of outstanding natural beauty, we are not changing sites of special scientific interest - all those protections that are there."*

*"But at the heart of it is more local control, the neighbourhood plan, you decide in your community, rather than 'the man in Whitehall knows best'. Villages will be able to designate new green spaces in their local plans, that they want to keep, that is a protection that they don't necessarily have now."*

Lympstone is indeed the sort of society that the Prime Minister envisages within his "Big Society" and "Localism" policies – where the community look to solve their own local problems rather than immediately look to the state. We are not resistant to change but rather "cautious to change". We wish above all to preserve the nature, spirit and community of our parish whilst evolving in a planned and managed fashion. I think this is evidenced in our development within the recent past. This proposed development is out of character, out of scale, out of place and out of context – it is a real threat to our community through coalescence with Exmouth and breach of Policy S6 Development in Green Wedges – Sir in our Prime Minister's own words we are being "plonked" on.

I would ask that the appeal be dismissed for the reasons set out by EDDC and on the grounds that approval would undermine the whole validity of the local planning process.

Sir, thank you for your time.

*Clr. Rob Longhurst*

Champion – Planning, Lympstone Parish Council

"Leader of our Community's opposition to the development"

## Appendix 1. Timetable of Events

### 2009

- 20<sup>th</sup> October Chairman of the Parish Council, Cllr Rob Longhurst, was contacted by Gerry Key of Strategic Land Partnership asking if they could do a presentation to the Chairman of the Parish Council. They were offered the opportunity to present their proposals to a meeting of the Parish Council Planning Committee which as usual was open to the public.
- 3<sup>rd</sup> November 10.00 – 20.00 Exhibition at Exmouth Sports Centre, Exmouth
- 16<sup>th</sup> November SLP make presentation of their proposals to an open meeting of the Lympstone Parish Council Planning Committee followed by Q&A.
- 22<sup>nd</sup> December Letter from The National Trust to SLP advising them of their opposition to any planned development at Courtlands Cross.

### 2010

- 31<sup>st</sup> March 10/0694/MOUT validated by EDDC
- 19<sup>th</sup> April Parish Council Planning Meeting – Lympstone Village Hall. Parish Council formally objects to the application 10/0694/MOUT and advises EDDC. SLP did not make representation or attend.
- 26<sup>th</sup> May Closure for Comments
- 1<sup>st</sup> June 10/0694/MOUT Application rejected by EDDC. Cllr Rob Longhurst, then Chairman of Lympstone Parish Council attended the meeting and spoke against the application arguing for refusal.

### 2011

- 9<sup>th</sup> June 11/1293/MOUT Application validated by EDDC.
- 20<sup>th</sup> June Application presented to the Lympstone Parish Council Planning Committee. It was AGREED that a Village Meeting should be held at 8.00pm on Monday 27<sup>th</sup> June 2011, in the Village Hall.
- 27<sup>th</sup> June Village Meeting, Lympstone Village Hall. The venue and time of the meeting was extensively advertised on the Village Website and also in the Village News Magazine – The Lympstone Herald. Over 140 people attended. In a show of hands it was unanimously agreed that the Parish Council should continue its opposition to this development.
- 4<sup>th</sup> July Planning meeting of Lympstone Parish Council formally objects to 11/1293/MOUT
- 6<sup>th</sup> July Closing date for public comment on 11/1293/MOUT
- 28<sup>th</sup> July The Rt Hon Hugo Swire – our local MP – had taken an interest in the original Planning Application in 2010. He requested that a date be arranged to visit Lympstone and to hold an open meeting in the village hall.
- 5<sup>th</sup> September First and Second amendments concerning road layouts considered by Lympstone Parish Council – Planning
- 15<sup>th</sup> November Formal refusal by EDDC of 11/1293/MOUT

# Appendix 2. The Natural Choice: securing the value of nature

Presented to Parliament by the Secretary of State for Environment, Food and Rural Affairs by Command of Her Majesty  
June 2011

## Localism Bill measures

- The Community Right to Bid will give community organisations greater opportunity to identify important green spaces, parks, gardens, woodlands or wildlife reserves, and bid for them should they be offered for sale or lease.
- Local communities will have a right to challenge to run local authority services, including for example statutory allotment sites, which will help them to become involved in delivering services which focus on environmental priorities.
- Local residents will have the power to call for local referendums on any local issue, including local environmental issues.
- Local authorities will be given a general power of competence, which allows them to do anything that is not specifically prohibited by law, setting them free to innovate in response to local needs and environmental objectives.
- Communities will be given a new right to draw up neighbourhood plans, enabling people to come together through a local parish council or neighbourhood forum and say where they think new houses, businesses and other developments should be built. Using neighbourhood plans will help communities plan proactively for community green space and environmental improvements, as well as ensuring that development takes account of the needs of the local environment and the wishes of residents.

**4.23 We will consult later this year on proposals for a new Green Areas Designation that will give local people an opportunity to protect green spaces that have significant importance to their local communities and aim to introduce the Designation by April 2012.** We propose that green spaces should be identified in neighbourhood plans and local plans which complement and do not undermine investment in homes, jobs and other essential services. Given the importance of green spaces to the health and happiness of local communities the Government considers the new designation should offer suitably strong protection to localised areas that are demonstrably special and will consult on that basis.

**4.24** The Government has also announced plans to introduce a new Community Right to Reclaim Land. It will enable communities to check who owns what land and, with the Government's help, whether hundreds of public bodies are making best use of their

land and property. Used on its own, or in conjunction with the Community Right to Bid, this will mean that where best use is not being made of land that is important locally, communities will have a much better chance of bringing under-used publicly owned land back into use. In such cases community groups will then be able to use this land, depending on its circumstances, for a variety of purposes, including redeveloping it for use as a community garden or park, or as space for food growing and other community activities.

**Appendix 3. Front cover photograph of Appellant's application**



**Appendix 4. Objection by Lympstone Parish Council to 1<sup>st</sup>  
Application by the Appellant**

**Appendix 5. Objection by Lympstone Parish Council to 2<sup>nd</sup>  
Application by the Appellant**