

AGENDA ITEM NO 6

TAVISTOCK TOWN COUNCIL DEVELOPMENT MANAGEMENT & LICENSING COMMITTEE MONDAY 13th JULY 2026

BRIEFING NOTE PLANNING POLICY – CO-OPERATION & INTERPRETATION (TTV27 REFERS)

1. INTRODUCTION

- 1.1 The Committee will recall considering a report of similar title as above at its meeting on 9th March (Minute No 330 refers). Amongst others that report afforded the facility, if necessary, for the Clerk to seek legal advice in connection with aspects of the Joint Local Plan.
- 1.2 There was subsequently the opportunity for all Members of Council to attend at the presentation of the findings of the report of the Independent Planning Consultant engaged by the Council as held on 10th June, 2026. That presentation covered the various aspects of the submitted brief, but was underpinned by what might be described as an underlying 'theme'.
- 1.3 Namely that the interpretation of, and remedies for, significant aspects of the concerns raised by this Council appropriately sat with the Local Planning Authority and its interpretation of its own responsibilities and, by extension, its own adopted policies.

2. CURRENT POSITION

- 2.1 During the discussions at the presentation it became evident that there was an apparent difference of perspective as between the Local Planning Authority (LPA) on the one hand, and the Independent Planning Consultant to the Council (and Town Council) on the other regarding the application of TTV27 (extract appended) in the context of failure to demonstrate a 5 year land supply and the application of the 'tilted balance'.
- 2.2 In summary, it appeared that, in broad terms:
 - a) the LPA appeared to take the view that lack of the 5 year land supply and application of the tilted balance were 'fatal' to the application of TTV 27 (ie rendered it of no effect). ie in layman's terms treating it in

those circumstances as a policy for the 'prevention' of development in certain locations.

- b) the Consultant and Council taking the view that some weight could still be attributed to TTV 27 inasmuch as, in layman's terms, the policy subsisted not to block the supply of dwellings, but instead to manage tenure - the supply of affordable housing where applicable.

2.3 These two views give rise to a subtle but material difference in prospective consequences for affordable housing mix on sites subject to the tilted balance. Given the potential for the challenge of LPA decisions at appeal (with or without the award of costs), or in some circumstances legal challenge, the approach of the LPA may be understandable.

2.4 Therefore in the circumstances the question arose as to whether/if the Town Council could do anything to assist the LPA as to how the interpretation issues set out in para 2.2 might appropriately be taken forward in the interests of clarity (either way). The consensus being that doing nothing was neither a proportionate nor appropriate course of action in view of the implications both for the community and planning probity given the continuing pressures for development.

2.5 Following the discussions at the presentation this report is therefore prepared to:

- i) should it wish to proceed, invite the Committee and Council to explore how best that may be done; and
- ii) subject to (i) above, identify arrangements to seek counsel's opinion on the matter (ie a legal perspective from experienced Counsel on the weight that can or cannot appropriately be given to the continuing application of TTV 27) – the terms of the question to be determined;
- iii) consider if/how the LPA be invited to comment on the proposed question such that the answer is fit for purpose for both authorities (para 2.1 above refers).

2.6 If the answer to the foregoing paragraph is in the affirmative then the Committee and Council will wish to:

- a) Establish arrangements to draft a preliminary question for consideration to be consulted on with the LPA;
- b) designate a small group of Members to seek the engagement of the LPA in the process and, in particular, on the question to be asked alongside any other relevant matters - such as the experience of prospective Chambers;
- c) agree an indicative budget – a sum of up to £5,000 is suggested.

- 2.7 The views of the Independent Planning Consultant to the Council have been sought who concurs with the collective approach set out above.

3. RECOMMENDATION

- 3.1 The Committee and Council:
- a) determine if it wishes to proceed along the lines set out in para 2.5 above and, if so;
 - b) Initiate and endorse the approach as set out in para 2.6 above.
- 3.2 The instructions of the Committee and Council are sought.

**CARL HEARN
TOWN CLERK
TAVISTOCK TOWN COUNCIL
JULY, 2026**