

**Harborough District
Council
Local Plan Examination
Hearing Statement**

Matter Six

**Rachel Bryan
on behalf of
Mr and Mrs IP Crane**



1.0 INTRODUCTION:

1.1 This hearing statement considers Matter 6. Spatial strategy and countryside protection, specifically, the Inspector's questions in relation to Policies SS1, H1, GD2, GD3 and GD4.

1.2 **I confirm I wish to participate in the relevant hearing sessions relating to Matter 6.**

2.0 ISSUE 6.1: IS THE SPATIAL STRATEGY AS SET OUT IN POLICIES SS1 AND H1 AND THEIR SUPPORTING TEXT SOUNDLY BASED? IS THE SETTLEMENT HIERARCHY SOUNDLY BASED?

2.1 We consider that neither the Spatial Strategy at Policy SS1 or the Housing Policy at Policy H1 are soundly based. Our full case is set out in our regulation 19 representations

2.2 Whilst we broadly support the element of SS1 which includes Broughton Astley as a Key Centre, this place in the hierarchy is not reflected in Policy H1 which makes no allocations for new housing development in Broughton Astley.

2.3 There is no explanation given as to why this Key Centre has not been allocated housing in accordance with the settlement hierarchy. Without such an explanation the evidence base is neither robust nor transparent and therefore fails to satisfy paragraph 182 of the 2012 National Planning Policy Framework (NPPF 2012) which requires Local Plans to be *"the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence"*.

2.4 Growth at Broughton Astley would be in accordance with the scale of the settlement, its place in the settlement hierarchy and compare to treatment of other settlements. Broughton Astley is a sustainable settlement; it sits third in the hierarchy alongside Lutterworth, beneath the Leicester Principle Urban Area (PUA) and Market Harborough and sites above the Rural Centres and Selected Rural Villages.

2.5 Lutterworth is proposed to accommodate a total of 2,013 dwellings, of which 759 are existing commitments and completions. Broughton Astley is only proposed to accommodate a total of 621 dwellings, all of which are existing commitments and completions.

2.6 The lower order Rural Centres and Selected Rural Villages are proposed to accommodate a total of 4,151 dwellings; all of these will be located in less sustainable locations than Broughton Astley.



- 2.7 The housing distribution fails to focus development in the most sustainable locations. Broughton Astley is a sustainable settlement with an ageing population, with Primethorpe Ward having seen an overall decrease in population. This decline cannot be reversed without development and the benefits that it can bring. Furthermore, many lower order settlements are also reliant on Broughton Astley for services, specifically the doctor's surgery and primary school. Without development to fund expansion and improvements, these services could struggle to continue to serve the settlement and rural hinterland.
- 2.8 A moratorium on growth at Broughton Astley is contrary to the NPPF 2012 which requires the planning system to play an active role in guiding sustainable solutions. Paragraph 15 is clear that *"policies in Local Plans should follow the approach of the presumption in favour of sustainable development so that it is clear that development which is sustainable can be approved without delay. All plans should be based upon and reflect the presumption in favour of sustainable development, with clear policies that will guide how the presumption should be applied locally."*
- 2.9 There is no explanation in the Plan for why no allocations are made to Broughton Astley; as such, the Plan cannot demonstrate a robust and transparent evidence base in accordance with paragraph 182 of the NPPF 2012.
- 2.10 We note from the Inspector's initial questions and comments (IC2) and the Council's response (IC3) do provide some explanations. The Council propose to include within Policy H1 a residual housing requirement in Broughton Astley of zero due to the high level of recent completions and ongoing housing commitments.
- 2.11 The Council do, however, add that Policy GD2 is intended to allow housing development to come forward where proposals meet the relevant criteria, meaning Policy H1 will not impose the severe restraint envisaged by the Inspector.
- 2.12 Whilst we welcome this clarification, we consider that amendments to the Plan are necessary; as currently drafted, the interaction between Policies H1 and G2 is not clear and will leave applicants, decision makers and interested parties confused as to which policy takes precedence. Policy H1 also appears in conflict with Policy SS1 which seeks to *"direct development to appropriate locations"* and lists Broughton Astley as a Key Centre, suitable for development.



- 2.13 Such contradiction and lack of precision is not in accordance with national policy. Paragraph 154 2012 of the NPPF advises that only policies which provide a clear indication of how a decision maker should react to a development proposal should be included in the plan.
- 2.14 This unsound treatment of Broughton Astley must be viewed in the context of overall housing need. The Inspector's initial questions and comments (IC1 and IC2) suggest that there is some doubt as to whether the housing requirement in the Plan is sufficient, particularly with regard to unmet need from the City of Leicester. The Council's response (IC3) gives no comfort that the unmet needs of Leicester will be met; conversely it simply highlights the uncertainty of both the scale of unmet need and supply. In this context, it is inappropriate for the Plan to be containing growth in sustainable settlements such as Broughton Astley.
- 2.15 In summary, neither the Spatial Strategy at Policy SS1 or the Housing Policy at Policy H1 are soundly based. Specifically, the treatment of Broughton Astley within these policies is not justified by proportionate evidence, lacks clarity and does not promote sustainable patterns of development. As such, it is contrary to national policy so fails to accord with paragraph 182 of the NPPF 2012.

3.0 ISSUE 6.4: IS POLICY GD2 A SOUND APPROACH TO ALLOWING ADDITIONAL DEVELOPMENT IN SUSTAINABLE LOCATIONS (HAVING REGARD TO ANY MODIFICATIONS THE COUNCIL PROPOSE TO MAKE TO THE POLICY AS INDICATED IN IC3 IN THEIR RESPONSE TO IC2 Q13)?

- 3.1 As set out in our regulation 19 representations, we support this policy as it will add in-built flexibility to the Plan to enable sustainable development to come forward in appropriate locations.
- 3.2 However, we note from the Council's response (IC4) to IC2 Q13 that the introduction of "*a more extensive set of criteria*" to development adjoining settlements is considered. Without having sight of these criteria, we cannot form a view on soundness, however, we are concerned that more extensive criteria could restrict development such that the benefits of flexibility and delivery of sustainable development will be lost.
- 3.3 We request that the new criteria are published ahead of the hearing sessions and that respondents will be given an opportunity to comment.



3.4 Whilst we appreciate that the Inspector's Guidance Note states that there is no need for those supporting the Plan to attend the hearings, we request attendance in relation to this issue, should we wish to make objections to the new criteria, once published.

4.0 ISSUE 6.5 ARE THE RANGE OF POLICIES GD3 TO GD7 GOVERNING RURAL DEVELOPMENT AND THE PROTECTION OF LANDSCAPE AND THE COUNTRYSIDE SOUND (HAVING REGARD TO ANY MODIFICATIONS THE COUNCIL PROPOSE TO MAKE TO THE POLICY AS INDICATED IN IC3 IN THEIR RESPONSE TO IC2 QS 12, 13 AND 14)?

4.1 Our comments in relation to this question are limited to Policies GD3 and GD4 only.

Policy GD3 Development in the Countryside

4.2 We object to this policy since it is overly restrictive. It places tight controls on rural development, which conflicts with paragraph 28 of the NPPF 2012 (and paragraph 83 and 84 of NPPF 2018). It is more akin to Green Belt policy, than paragraphs 28/83 and 84 which relate to development in undesignated countryside.

4.3 This policy specifies which types of development will be permitted, however, paragraphs 28 (NPPF 2012) and 83 (NPPF 2018) explicitly support sustainable growth and expansion of "*all types*" of business in rural areas, through conversion and/or new buildings.

4.4 Whilst we do not object to the support for these types of development, the policy is presented as a 'closed list', implying other types of uses will not be appropriate; this conflicts with national policy which does allow other types of uses.

4.5 Furthermore, some of the development types within the list have additional provisions which limit the support given, in conflict with national policy.

4.6 Specifically, the inclusion of the words "*permanent and substantial*" in criterion g) are taken from Green Belt policy and are contrary to paragraph 55 of NPPF 2012 and paragraph 79c of NPPF 2018, which contain no such restriction.

4.7 Criterion h) is also taken from Green Belt policy and conflicts with the provisions of the General Permitted Development Order.



4.8 Criterion I) could allow other uses beyond those listed, however, it places the onus on the applicant to justify the proposal and demonstrate that it is compatible with a countryside location. The NPPF 2012, in contrast, requires planning policies to *“support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.”*

4.9 NPPF 2018 paragraph 84 is pertinent in that it now clearly sets out that in order to meet the needs of rural areas, development may have to be sited in locations beyond settlements and not well served by public transport. This is as follows:

“Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.”

4.10 We disagree with supporting paragraph 4.5.1 of the Local Plan Submission Version, which claims the policy strikes a suitable balance between encouraging a thriving rural economy and protecting the countryside.

4.11 The reference to paragraph 17 (bullet point 5) in paragraph 4.5.3 and its recognition of the *“intrinsic character and beauty of the countryside...”* neglects the second half of this sentence which continues *“...and supporting thriving rural communities within it.”*

4.12 This inherent conflict with national policy frustrates the delivery of sustainable development and as such fails the tests of soundness as set out in paragraph 182 of NPPF 2012.

Policy GD4 New housing in the countryside

4.13 Our regulation 19 representations made objections to this policy on the basis that it is overly restrictive and places tight controls on rural development, in conflict with paragraph 55 of the NPPF 2012.



- 4.14 However, we note from the Council's response (IC4) to IC2 Q14 that the Council are considering modifications to the policy to ensure compliance with NPPF 2018 paragraph 79.
- 4.15 As directed by the Inspector, criterion c) and d) are proposed to be amended. However, additional amendments are proposed to criteria b) which we object to, on the basis they do not reflect the NPPF, as advised by the Inspector.
- 4.16 Firstly, Policy GD4b) places additional restrictions on dwellings for rural workers not reflected in paragraph 79 of NPPF 2018 (or indeed paragraph 55 of NPPF 2012). The additional restrictions are taken from Annex A of PPS7 which was revoked by NPPF 2012. We do not agree with the Council's view, as set out at paragraph 4.7.6 of the Local Plan Submission Version, that reliance on Annex A "*as a useful and generally accepted basis for judging the need and justification for agricultural workers' dwellings*" is sufficient to satisfy the requirement of paragraphs 158 and 182 of NPPF 2012 for Local Plans to be based on "*adequate, up-to-date and relevant evidence*".
- 4.17 This objection is equally relevant in the context of both NPPF 2012 and NPPF 2018 as Policy GD4b) is in conflict with them both.
- 4.18 Secondly, it excludes the wording "*including those taking majority control of a farm business*" which now appears in NPPF 2018. As such, Policy GD4 is in conflict with NPPF 2018 in this regard.
- 4.19 This inherent conflict with national policy frustrates the delivery of sustainable development and as such fails the tests of soundness as set out in paragraph 182 of NPPF 2012.