



East Cambridgeshire
District Council

East Cambridgeshire Local Plan

Matter 13 – Development in the countryside

East Cambridgeshire District Council

Hearing Statement

September 2018

Matter 13: Development in the countryside

Issue 1: Whether the plan has been positively prepared and whether it is justified, effective and consistent with national policy in relation to its approach towards development in the countryside?

Relevant policies- LP3, LP31, LP32

58. *Is Policy LP31, and the approach to rural development, as set out in Parts A- H inclusive, justified, effective and consistent with national policy?*

Yes, we believe the approach meets the four ‘tests of soundness’ set out in the NPPF.

Positively prepared

The policy and its various parts are positively prepared: the overarching aim of the policy is to ensure that any development in the countryside is sustainable. The policy, along with the wider plan, recognises the need for and importance of some, appropriate, development in the countryside: the criteria set out are necessary to ensure that development is appropriate. The policy is not overly restrictive, and is in line with the NPPF.

Justified

As concluded in the evidence report (PS.EVR31, para 5.2), we believe that this policy approach is the most appropriate strategy for development in the countryside, when considered against alternatives. As set out in the report, the alternative is to have no policy and instead rely on national policy. This option was rejected, as whilst national policy recognises the importance of sustainable growth in rural areas, option 1- the preferred option presented in the Proposed Submission Local Plan- provides significant opportunity, and clear local policy, to meet the affordable housing and economic needs of the countryside, whilst affording protection to what makes it special.

In relation to the specific parts of the policy:

Part A sets out the most appropriate strategy to ensure that affordable housing in the countryside is delivered in line with the NPPF.

Part B is justified in that it sets out criteria to ensure that the plan complies with para 55 of the NPPF. Furthermore, and as explained in the evidence report (PS.EVR31, para 3.3), parts viii - x are justified because it is right and proper that strict tests are put in place. Such tests prevent any dwelling allowed as an ‘exception’ for rural worker purposes to be subsequently converted into an unrestricted dwellings: without such tests, the policy could potentially be open to abuse.

Part C again is justified: the alternative of omitting such criteria is not the most appropriate strategy as it could result in adverse impacts on the countryside, such as unsustainable development or obtrusive impact on setting and character for example.

Part D is justified: again, the alternative of omitting such criteria is not the most appropriate strategy as it could result in adverse impacts. For example, non- residential buildings could be built with the express intention of subsequently converting them into residential use, which could result in residential development in unsuitable and unsustainable locations; also, without this criteria buildings capable of supporting the rural economy could be lost to residential development.

Part E: as explained in the evidence report (PS.EVR31, para 4.8), this policy requirement is justified because, whilst temporary, such homes can cause harm.

Part F: the criteria are justified as they seek to support development of the rural economy, whilst protecting the existing economy (by virtue of criteria iii). It is the most appropriate strategy to ensure that non-residential development is appropriately located, accessible, and of an appropriate scale: without such controls in place, unsustainable development may occur, to the detriment of the setting and character of the countryside.

Part G: again, it is most appropriate to set these three criteria. Omitting such criteria could result in development that does not respect location by virtue of its scale and / or nature.

Part H: it is warranted for local policy to expand on para 112 of the NPPF to ensure the objective of protecting the best and most versatile agricultural land is met. The criteria set out are wholly in line with para 112 and are logical and necessary means of protecting agricultural land, whilst also supporting the rural economy and suitable housing development.

Effective

The policy is deliverable: the criteria set out are reasonable, realistic and gaugeable. Furthermore, they are necessary to ensure development is sustainable, and does not have a negative impact on the countryside.

Consistent

The various aspects of the policy are consistent with the NPPF. In addition to the NPPF's sustainability principles, to briefly summarise, part A of the policy primarily accords with paras 17 (11th bullet), 54 and 159; parts B, C and D with para 55; parts F and G with para 28; and part H with para 112.

58a. Are the settlement boundaries appropriate and justified? Are any modifications required?

The Council believes that the Development Envelopes, as proposed, are appropriate and justified.

The primary purposes of the Development Envelopes, and the policies which apply within and outside them, is to prevent the spread of development into the countryside, to maintain the essential character of each settlement and to control the growth within and outside each settlement in accordance with the settlement hierarchy in policy LP3. They also form a vital function in delivering the overall spatial strategy of the plan (eg directing growth to larger, more sustainable, settlements).

The Development Envelopes demarcate the boundary between the built area of each settlement and the countryside. The Development Envelopes are broadly similar to those set by the adopted Local Plan 2015. Generally, for settlements with proposed site allocations, the Development Envelope has been amended to *envelope* the site.

During consultation on the Preliminary Draft Local Plan in 2016, the Council invited respondents to submit proposals for changes to Development Envelopes through the completion of a specific consultation response form *Form C – Suggested Changes to Development Envelope*. A total of 53 suggestions were received at this time. A further three suggested changes were received during consultation on the Further Draft version of the local plan.

The Development Envelope Assessment Report (PE14) was prepared setting out, and providing assessment of, the proposed changes. The report was published at various stages through the Local Plan preparation process, and sets out the Council's approach to reviewing the suggested changes, and reasoning for the decisions made.

It is not considered that any further modifications to the Development Envelopes are necessary, to ensure the plan is sound. The Development Envelopes, as presented on the Policies Map are considered to be appropriate and justified.

As discussed at the stage 1 hearings, the Council would not find it appropriate or 'sound' to amend development envelopes on the basis of a recent, unimplemented, small scale development consent, such as a single dwelling in a large plot on the edge of the village. To do so would inevitably result in such a small scale development not likely being built, but a higher density proposal coming forward, contrary to the strategy of the plan (but difficult to resist if on land within the development envelope). Put simply, the plan is not unsound because it fails to include within the development envelope unimplemented minor development consents.

59. What is the justification for the parameters set out in Policy LP32? Are they consistent with national policy? How does the policy reflect local circumstances and is it sufficiently flexible so as to be effective?

The purpose of this 'new' policy (i.e. there is not a similar one in the 2015 Local Plan) is to give some flexibility for appropriate small scale development to come forward, in some limited areas, which would otherwise not be possible if the policy was absent (because such development would be contrary to Policy LP3).

The policy reflects local circumstances because there are a number of settlements in the East Cambridgeshire which have small groups of housing outside the development envelope, but which would be inappropriate to include within the development envelope because of, for example, the character of the land in totality that would subsequently be brought into the development envelope.

The obvious example to illustrate the point is the collection of dwellings immediately to the north of Soham, outside the development envelope, but where sensitive infill development would be appropriate. Strictly applying policies of the Local Plan (past and present) has meant such locations would be refused, in principle, for development. This matter has often been raised by agents, and the Council has positively reacted to such an issue by introducing this policy.

The criteria set by the policy are consistent with national policy and the parameters are justified. Specifically:

- The principle of supporting limited development in the countryside is supported by NPPF para 55 which states that '*housing should be located where it will enhance or maintain the vitality of rural communities... local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances*'. In line with para 55, policy LP32 does not permit isolated homes in the countryside: rather, it seeks to permit limited additional dwellings in areas where there is an existing group of dwellings and infill opportunity. The requirement (criteria a) for such infill plots to be a maximum of 200m from a development envelope is in order to ensure that a town/ village and its

amenities are accessible to the occupants, and thus, the development will help enhance or maintain the vitality of the rural community, and the new residents will have nearby access to such facilities (limiting car use).

- The requirement for infill to be limited to two dwellings, and within an existing frontage of at least 6 dwellings (criteria b) is in line with core planning principle 11 (NPPF para 17) which requires the active management of 'patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable': The Council is seeking to direct the majority of growth to within the development envelopes, and limit development outside the envelopes in order to ensure development within the district is sustainable.
- The requirement set out in criteria b for dwellings to be of a similar size and scale accords with para 59 of the NPPF.
- Criteria c and e: to prevent adverse change to the character of the area, and to prevent infilling of gaps that form an essential asset or feature are essential criteria as not all infill sites will be suitable for development. Para 61 of the NPPF dictates that planning policies should address the integration of new development into the natural, built and historic environment: criteria c and e seek to ensure successful, positive integration.
- Criteria d, regarding agricultural occupancy, is to ensure fair and consistent decision making: it would not be fair to permit development outside a development envelope that is subject to agricultural occupancy conditions (and had to meet the necessary strict criteria) and subsequently permit development in the same location that is not subject to any restrictive conditions.
- Criteria f wholly complies with para 53 of the NPPF which supports policies which stop the inappropriate development of residential gardens.
- Criteria g is consistent with para 99 of the NPPF: in seeking to avoid residential development in flood zones 2 and 3, the criteria is taking account of flood risk and the potential increased vulnerability to the impacts of climate change in the longer term.

The Council considers the policy to be sufficiently flexible so as to be effective. As explained in the evidence report (PS.EVR32, paras 4.2-4.4), the Council does not want to pursue a Local Plan which creates a 'blanket ban' of development beyond Development Envelopes, and as such introduced a proposed policy to deal with those special circumstances where development would still be appropriate. However, the policy needs to be carefully worded in order to reduce unintended consequences, and ensure that only those sites that provide a genuine 'infilling' opportunity within a cluster of dwellings are approved: hence the need for a clear set of criteria. The policy is not intended to replace the existing policy stance in respect of development such as dwellings for rural workers, community-led development or affordable housing exception sites, which will continue to be addressed within other policies.

The alternative is to not have this policy: such an approach would offer far less flexibility to local circumstances.

To have a more flexible policy would undermine the basis of many other policies in the Plan, and the overall strategy of the plan in terms of distribution and location of growth. Fundamentally, a more flexible policy would lead to a strategy which is not 'plan-led', a matter which would be contrary to the NPPF.