



Document Reference
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East Cambridgeshire
District Council

Policy LP31 – Development in the countryside

November 2017

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1. Introduction and Policy Context

Introduction

- 1.1 East Cambridgeshire District Council is reviewing its Local Plan, which was last adopted in April 2015. The new Local Plan, which is hoped to be adopted in 2018, will provide a framework for development in the district until 2036 and beyond.
- 1.2 This Evidence Report (which is one of a collection) provides background information and justification for policy LP31 (of the Proposed Submission Local Plan, November 2017), which relates to development in the countryside.

National policy

- 1.3 The National Planning Policy Framework (NPPF) was published in March 2012 and the National Planning Practice Guidance (NPPG) was introduced in 2014 which offers 'live' government guidance.
- 1.4 Paragraph 17 of the NPPF sets out the 12 core national planning principles and it states that planning should:
 - ...take account of the different roles and character of different areas, promoting the vitality of our main urban areas... recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;
 - support the transition to a low carbon future in a changing climate, taking full account of ... the reuse of existing resources, including conversion of existing buildings...;
- 1.5 The NPPF goes on to state in paragraph 28 that:

Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

 - *support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings;*
 - *promote the development and diversification of agricultural and other land-based rural businesses;*
 - *support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres; and*
 - *promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.*
- 1.6 Furthermore, paragraph 55 of the NPPF sets out the position in relation to housing in rural areas:

'To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- *the essential need for a rural worker to live permanently at or near their place of work in the countryside; or*
- *where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or*
- *where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or*
- *the exceptional quality or innovative nature of the design of the dwelling. Such a design should:*
 - *be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;*
 - *reflect the highest standards in architecture;*
 - *significantly enhance its immediate setting; and*
 - *be sensitive to the defining characteristics of the local area.'*

1.7 The NPPF requires Local Authorities to consider the implications of developing agricultural land. Paragraph 112 states:

'Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.' [Reference ID: 8-026-20140306]

1.8 There is a separate section in the NPPF on “Plan-making”, which states that Local Plans should ‘identify areas where it may be necessary to limit freedom to change the use of buildings.

1.9 The NPPG provides additional guidance for the production of Local Plans. This includes reference to the importance of considering the value of agricultural land where it says: *'Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.'*

1.10 There are additional sections of the NPPG which also support other elements of this policy.

1.11 The above NPPF policy and NPPG guidance has been taken into account in preparing the Local Plan as a whole, and policy LP31 in particular.

2 East Cambridgeshire Context in Relation to Policy LP31

2.1 East Cambridgeshire is a rural district, with the northern area characterised by the fens and the southern area by the chalk and clay hills. The countryside supports biodiversity and

defines the landscape setting of settlements. Various development pressures can arise as a result of the activities that take place within the countryside. Such pressures arise primarily from the rural economy, particularly agriculture and the equine industries. Ensuring that only suitable development takes place in the countryside is a key challenge for the Council.

3 Local Plan Policy: Preliminary Draft

- 3.1 The Preliminary Draft Local Plan (February 2016) contained a policy entitled Development in the Countryside. A number of representations were made on the policy, and in summary the key issues raised for the policy were:
- Part B - requirement to go to three RSLs is unreasonable
 - Include additional specific wording within Part D clause C: c: “The building is of notable architectural or historic merit intrinsically worthy of retention in its setting, and the proposal is the optimum viable use minimising harm to significance
 - Suggestion of additional ‘Part’ to specifically cover Historic Parks and Gardens
 - Broad expressions of support for the policy.
 - A comment relating to the call for sites (Section 7) was also received under this policy.
- 3.2 In response to the comments received at the Preliminary Draft stage, together with further consideration of existing or new evidence, the policy was (or not, as the case may be) amended for the Further Draft in the following ways.
- 3.3 Part B, and specifically the RSLs element, has not been amended. 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 dwelling. Without such tests, such the rural worker policy could potentially be open to abuse.
- 3.4 Part C was slightly updated, for clarity purposes.
- 3.5 Part D, clause c was, following the request, amended to read “...*in its setting, and the proposal is the optimum viable use minimising harm to its significance.*”
- 3.6 We did not taken forward the suggestion to include an additional Part relating to Historic Parks and Gardens because the points raised for inclusion, location, and scale in relation to location and business need are addressed in other ‘Parts’ of the policy, most notably Part F: Non-residential development in rural areas.
- 3.7 The comments relating to a specific site has been considered through the call for sites process (Section7).

4 Local Plan Policy: Further Draft

- 4.1 The wording of the policy and supporting text in the Further Draft version of the Local Plan was amended in response to comments received at the Preliminary Draft stage, as set out above. The Further Draft was published for consultation in January – February 2017.
- 4.2 Various comments were received during the Further Draft consultation, either supporting the policy or expressing concern over certain aspects of the policy. In summary, the key issues raised for the policy were:

- Various comments broadly supporting the policy;
- Comments suggesting the policy needs substantial or significant rewording, especially in relation to parts A, C and D, to include provision for equestrian residential estates, flexibility for affordable housing provision, removal of occupancy clauses and size of replacement dwellings;
- Part B requirement to go to three RSL's is unreasonable;
- Concern that the policy is not in conformity with the NPPF by setting out an overly restrictive approach to development in the countryside with limited exceptions.

4.3 In response to the comments received at the Further Draft stage, together with further consideration of existing or new evidence, the policy has been amended for the Proposed Submission in the following ways.

4.4 Part A: amended to confirm that community-led development is the preferred form of affordable housing on exception sites, reflecting corporate policy on this matter. Also, the end of Part A clarified to state that a maximum of 20% non-affordable housing will be permitted to enable a proposal to proceed.

4.5 Part B – no change. The RSL element has not been amended for reasons set out at the earlier stage.

4.6 Part C – no change. The suggested changes were not deemed appropriate or necessary.

4.7 Part D – new criteria added at the start, reflecting the need for the building to be 10 years old and of some merit. Without this clause, a new non-residential building could be built, then immediately converted to residential, something which would unlikely to be appropriate. In addition, the restructuring of the policy, for clarity, has been undertaken. Also, a new sentence at the end added which prevents new dwellings alongside any conversions. This is necessary for clarity, and prevent instances whereby a suitable conversion is approved, but the applicant also seeks a new dwelling(s) to go with it.

4.8 Part E – section reduced, to remove the flexibility of temporary mobile homes in the countryside. Whilst temporary, these homes can cause harm. In addition, even if time restrictions were placed on them, it can be difficult and resource intensive to enforce such restrictions.

4.9 Part F – One minor change, by adding the phrase 'in principle' to the opening sentence.

4.10 Part G – no change

4.11 Part H – new sentence at the end, seeking the protection of higher quality agricultural land on allocated sites.

4.12 Specific reference to equestrian residential estates have not been included as Part F and/or Part G adequately address this type of development. All other requested amendments were carefully considered, but not included.

5 Alternative Reasonable Options

5.1 The following alternative options have been considered for this policy. (Option 1 is the preferred policy approach which has been included in the Proposed Submission.)

- 5.2 **Option 2:** No policy, and rely on national policy for this subject area. This option has been rejected. Whilst national policy recognises the importance of economic growth in rural areas, option 1 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.

6 Conclusion

- 6.1 This Evidence Report demonstrates the rationale for the proposed policy as contained in the Proposed Submission Local Plan (November 2017). We hope this helps demonstrate how we have responded to comments received during the Preliminary and Further Draft consultation, as well as how the latest evidence and national guidance has been taken into account.