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Independent Examination of the Newark and Sherwood Amended Core Strategy

**Day 1 – Strategic Policies**  
**Thursday 1<sup>st</sup> February 2018**

**TOWN-PLANNING.CO.UK on behalf of Various Clients**

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## Introduction

1. TOWN-PLANNING.CO.UK represent various clients in Newark and Sherwood who have landholding interests across the district or are small-scale developers who have a development interest (residential and commercial) in the district. We also represent some parts of the local Gypsy and Traveller community in the Newark area with regard to the promotion of potential future sites.

## Background

2. This statement supplements our original representations in terms of addressing the questions set by the Inspector for discussion. In the interests of brevity we do not repeat material set out in our original representations which encompassed:
  - Overall Plan – Objection
  - Plan Period – Objection
  - Spatial Policies 1 & 2 (Settlement Hierarchy & Distribution of Development) – Objection
  - Spatial Policy 2 (Distribution of Development - Edwinstowe) – Objection
  - Spatial Policy 3 (Rural Areas) – Objection
  - Spatial Policies 4a & 4b (Green Belt) – Objection
  - Spatial Policy 5 (Sustainable Urban Extensions) – Objection
  - Spatial Policy 9 (Selecting Appropriate Sites for Allocation) – Support
  - Core Policy 1 (Affordable Housing Provision) – Support
  - Core Policy 3 (Housing Mix, Type and Density) – Objection

## **Questions**

3. We only address the questions below on which we have previously made representations during the consultation period.

### **Q1. Are there any difficulties with the format or nature of the Plan overall?**

4. Our case on this matter is set out in our two original representations: Overall Plan – Objection; and Plan Period – Objection. We will refer to our original representations at the hearing session.

### **Q5. Bearing in mind any conclusions on 4 above, do Spatial Policies 1 and 2 represent a sensible approach?**

5. Our case on this matter is set out in our two original representations: Spatial Policies 1 & 2 (Settlement Hierarchy & Distribution of Development) – Objection; and Spatial Policy 2 (Distribution of Development - Edwinstowe) – Objection. We will refer to our original representations at the hearing session.
6. We consider that the settlement hierarchy should be more sophisticated and involve a greater number of levels.
7. The Government has committed to producing a revised NPPF in Spring 2018 as part of its overall proposals arising from the Housing White Paper. Whilst the actual policy content of the new NPPF cannot be anticipated, the Government has set out clear measures announced in the Autumn Budget 2017 to increase housing supply to 300,000 homes a year. This includes a number of clear objectives aimed at supporting small builders, such as requiring local authorities to bring forward 20% of their housing supply as faster-building small sites.
8. At present out of the 89 settlements within Newark and Sherwood only 15 (16.8%) feature in the settlement hierarchy, thereby offering the potential for growth in the form of future site allocations. Given the concentration in focus on only the largest settlements in the district, it will not facilitate the future allocation of small sites suitable for small builders. We proposed a revised settlement hierarchy encompassing 27 settlements which would provide a wider opportunity for the future allocation of a range of sites of various sizes suitable to be delivered by the full range of local, regional and national housebuilders.
9. The Core Strategy Housing Trajectory set out in Appendix C illustrates that to meet the plan requirements per settlement a total of 3,554 dwellings are left to be identified, taking into account

the dwellings that the Plan acknowledges may not be delivered during the Plan Period. This means that some 39.15% of the planned housing supply is still to be identified. The current approach focussed on delivery of a number of Sustainable Urban Extensions has already demonstrated that this has shortcomings in actual rates of delivery on the ground. These SUEs since the existing Core Strategy have already been re-programmed to not only occur across the new plan period but also beyond. The need to re-phase the SUEs further supports in our view the need to reconsider the settlement hierarchy.

**Q7. Does Spatial Policy 3 work effectively in the context of 4 above?**

10. Our case on this matter is set out in our original representation: Spatial Policy 3 (Rural Areas) – Objection. We will refer to our original representation at the hearing session.
11. The existing Core Strategy pre-dates the NPPF, it is necessary therefore to reconsider all policies in the Amended Core Strategy light of the NPPF to determine whether or not the policies of the Amended Core Strategy accord with the provisions of the NPPF.
12. The approach towards rural areas has to be primarily assessed against Paragraph 55 of the Framework which considers housing development in rural areas. Recent case law through a High Court judgment handed down on 15 November 2017 in *Braintree District Council v Secretary of State for Communities and Local Government & Ors [2017]* has firmly established that proposals within settlements cannot be considered to be contrary to Paragraph 55 of the Framework.
13. The above High Court judgment considers that “isolated” should be given its ordinary objective meaning of “far away from other places, buildings or people; remote”. Given the nature of the 74 ‘other settlements’ as defined by the Core Strategy, new dwellings in any of them would not be far away from other buildings or people, and so would not be isolated in terms of paragraph 55 of the NPPF.
14. The aims of paragraph 55 of the NPPF is to maintain the vitality of rural communities and avoid new isolated homes in the countryside. The NPPF approach towards the role of rural housing is also set out in paragraph 17 (core planning principles) bullet 5 which states:
  - *“Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. These 12 principles are that planning should:*

- *take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it”*
15. The overarching objective is therefore to maintain thriving rural communities in a positive way through growth and development. A universal simple approach to planning factors such as sustainability cannot be applied in rural communities in the same way as it is in urban areas.
16. This need to be flexible in approach is clearly set out in paragraph 34 of the Framework which states:  
*“Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. However this needs to take account of policies set out elsewhere in this Framework, particularly in rural areas.”*
17. Paragraph 55 of the NPPF states:  
*“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...”*
18. The Amended Core Strategy still seeks to resist development in rural settlements. It goes well beyond resisting isolated dwellings in the countryside. The district contains numerous thriving rural communities and networks of settlements in which new housing development should be permitted. Spatial Policy 3 of the Amended Core Strategy is inconsistent in its overall approach with the NPPF. Spatial Policy 3 seeks to resist new housing development in rural settlements whereas the NPPF seeks to promote new housing development in rural settlements, particularly where villages operate as a group or network and development in one village will support services and facilities in the group or network of villages.
19. In making an assessment of the consistency of the Amended Core Strategy against the policies of the Framework and the consistency of Spatial Policy 3 in particular against the NPPF, it is also relevant to consider how the approach of the Amended Core Strategy sits against the Government published Planning Practice Guidance.

20. Planning Practice Guidance (Reference ID: 50-001-20160519) states:

*“It is important to recognise the particular issues facing rural areas in terms of housing supply and affordability, and the role of housing in supporting the broader sustainability of villages and smaller settlements. This is clearly set out in the National Planning Policy Framework, in the core planning principles, the section on supporting a prosperous rural economy and the section on housing.*

*A thriving rural community in a living, working countryside depends, in part, on retaining local services and community facilities such as schools, local shops, cultural venues, public houses and places of worship. Rural housing is essential to ensure viable use of these local facilities.*

*Assessing housing need and allocating sites should be considered at a strategic level and through the Local Plan and/or neighbourhood plan process. However, all settlements can play a role in delivering sustainable development in rural areas – and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence. A neighbourhood plan can allocate additional sites to those in a Local Plan where this is supported by evidence to demonstrate need above that identified in the Local Plan and the plan proposal meets the basic conditions.*

*The National Planning Policy Framework also recognises that different sustainable transport policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.”*

21. It is therefore clear that the Government considers that all settlements can play a role in delivering sustainable development in rural areas. It explicitly indicates that Policies such as Spatial Policy 3 which are blanket policies aimed at restricting housing development in the majority of settlements within the district should be avoided unless their use can be supported by robust evidence. The Amended Core Strategy sets out no cogent evidence as to why an approach in Newark and Sherwood directly contrary to the Framework and Planning Practice Guidance is justified.

22. It is often suggested by decision makers that new rural housing would be reliant upon the use of the private car, and that this fact renders a settlement to be a location which should not be considered to be accessible. This type of approach focuses on just one element of sustainable development, namely environmental and just a small part of that heading being transport. This interpretation would not take the rounded approach that paragraph 55 of the NPPF and the associated Planning

Practice Guidance suggests. Nowhere does this Government national policy and guidance say that new housing will only be permitted where all day-to-day living activity can be undertaken within the same settlement.

23. A number of villages beyond those identified specifically in the Core Strategy settlement hierarchy contain a range of services and facilities including shops, post offices, employment, recreation areas and Primary Schools. New housing would, albeit modestly, contribute to and help to maintain the vitality of these non-identified rural communities, by supporting existing services in them and the surrounding networks of settlements.
24. The issue of whether Spatial Policy 3 of the existing Core Strategy is compliant with the NPPF in relation to the requirement to demonstrate housing need was explored in the Appeal Decision APP/B3030/W/16/3151592 relating to The Plough, Main Street, Coddington, issued on the 30 September 2016.
25. The Inspector in that appeal concluded that:  
*“The Core Strategy (CS) pre-dates the Framework, which requires that policies are given weight according to their degree of consistency with it (paragraph 215). For homes that are not isolated, paragraph 55 of the Framework recognises that rural housing can contribute to sustainable development where it would enhance or maintain the vitality of rural communities. There is no specific reference to local need for housing within paragraph 55 and as such Spatial Policy 3 of the CS is more restrictive in this respect. Consequently, I find that Spatial Policy 3 is not fully consistent with the policies of the Framework and should only be given moderate weight in this case. The proposal would not fully comply with Spatial Policy 3 of the CS as the specific housing need for Coddington has not been identified. However, this policy conflict has reduced weight. Furthermore, the Council have stated that they will take a pragmatic view to development proposals within the main built up areas of villages including in circumstances where local need has not been demonstrated.”* (Our Emphasis)
26. The issue of need within Spatial Policy 3 has been re-confirmed by an Inspector in two appeal decisions to be out-of-date and inconsistent with the NPPF. In appeal APP/B3030/W/17/3168578 at Brownlows Hill, Coddington, the Inspector clearly concluded: *“Given my conclusions above, the relevant matter relates to proven need for new housing. In the absence of a dedicated report demonstrating such need the proposed development would be contrary to Policy SP3 of the CS. However, in common, with the Inspector who determined the appeal (APP/B3030/W/16/3151592) on Main Street, I consider that such a requirement is not consistent with the provisions of the*

*Framework and as such, I consider this aspect of the policy which was adopted prior to the publication of the Framework, to be out-of-date, and I therefore accord limited weight to the conflict with this particular provision of this policy.” (Our Emphasis)*

27. A similar conclusion was set out in appeal APP/B3030/W/17/3168428 on Bilsthorpe Road, Eakring, where the Inspector definitively stated: *“I am aware that the need element of the policy relates to local housing need. This requirement is not consistent with the provisions of the Framework and as such, I consider this aspect of the policy which was adopted prior to the publication of the Framework, to be out of date. This conclusion is similar to that of the Inspector who determined an appeal (APP/B3030/W/16/3151592) in a village at a similar position within the settlement hierarchy. Therefore, I accord limited weight to this aspect of the policy of the plan.” (Our Emphasis)*
28. The change from ‘meet identified proven local need’ to ‘reflects local need in terms of both tenure and house types’ is not in fact any change of policy. As such the LPA has failed to respond to a series of Planning Inspectors who have judged ‘need’ and NPPF paragraph 55 to be inconsistent.
29. In our original representation we have sought a number of amendments to Spatial Policy 3, for clarity these are collated below in our proposed modification:

### **Proposed Modification to Spatial Policy 3 and Supporting Text**

The District Council will support and promote local services and facilities in the rural communities of Newark & Sherwood. Local housing need will be addressed by focusing housing in sustainable, accessible villages. The rural economy will be supported by encouraging tourism, rural diversification, and by supporting appropriate agricultural and forestry development. The countryside will be protected and schemes to enhance heritage assets, to increase biodiversity, enhance the landscape and, in the right locations, increase woodland cover will be encouraged.

Beyond Principal Villages, proposals for new development will be considered against the following criteria:

- Location - new development should be within or immediately adjacent to the existing developed footprint ~~main built-up areas~~ of villages, which have sustainable access to Newark Urban Area, Service Centres or Principal Villages and have a range of local services themselves which address day to day needs. Local services include but are not limited to Post Office/shops, schools, public houses and village halls;
- Scale - new development should be appropriate to the proposed location and small scale in nature;

- Need - Employment and tourism which are sustainable and meet the requirements of the relevant Core Policies. New or replacement facilities to support the local community. Development which supports local agriculture and farm diversification. New housing where it helps to support community facilities and local services ~~and reflects local need in terms of both tenure and house types;~~
- Impact - new development should not generate excessive car-borne traffic from out of the area. New development should not have a detrimental impact on the amenity of local people nor have an undue impact on local infrastructure, including drainage, sewerage systems and the transport network; and
- Character - new development should not have a detrimental impact on the character of the location or its landscape setting.

Within the existing developed footprint ~~main built-up area~~ of villages consideration will also be given to schemes which secure environmental enhancements by the re-use or redevelopment of previously developed land, former farmyards/farm buildings or the removal of businesses where the operation gives rise to amenity issues. The scale of such enabling development should be appropriate to the location of the proposal.

Within the existing developed footprint ~~main built-up area~~ of smaller settlements which do not meet the locational criterion of this policy but are well related to villages that do, consideration will be given to the infilling of small gaps with 1 or 2 dwellings so long as this does not result in the joining of outlying areas into the existing developed footprint ~~main built-up areas~~ of the village in question, or the coalescence with another village. Such development will need to comply with the scale, need, impact and character criteria of this policy.

Development which is physically, functionally or visually separated from the existing developed footprint ~~away from the main built-up areas~~ of villages, in the open countryside, will be strictly controlled and restricted to uses which require a rural setting. Policies to deal with such applications are set out in the Allocations & Development Management DPD. Consideration will also be given to the re-use of rural buildings of architectural merit.

30. In addition the supporting text in paragraph 4.26 is considered to be fundamentally inconsistent with the NPPF and should be amended as follows:

The Council considers that in locations with local facilities and services, additional development can support their continued existence. ~~Limited development within the setting of this policy requires applicants to demonstrate the services it will support and the housing need within the area. As with all planning policy, Spatial Policy 3 is intended to serve the public interest rather than that of individuals and consequently the requirement to reflect local need in relation to new dwellings to which it refers must be that of the community rather than the applicant. It is accepted that the two may align where, for example, a lack of a particular type of housing in a community also reflects the needs of an applicant. The Policy is not intended to cater for individuals desire to live in particular locations or in particular types of accommodation, beyond those exceptions identified in national and local planning policy. The Council has conducted a detailed assessment of the types of housing needed within different parts of the district and applicants should refer to this for guidance.~~ Neighbourhood Plans may also set out more detailed policies on local housing requirements.

**Q8. Are Spatial Policies SP4A and SP4B (national policy) compliant in terms of their approach to Green Belt and do they properly reflect 4 above?**

31. Our case on this matter is set out in our original representation: Spatial Policy 4a & 4b (Green Belt) – Objection. We will refer to our original representation at the hearing session.

**Q9. Is Spatial Policy 5 effective in strategic delivery terms?**

32. Our case on this matter is set out in our original representation: Spatial Policy 5 (SUEs) – Objection. We will refer to our original representation at the hearing session.

**Q11. Is Spatial Policy 9 adequate in terms of coverage?**

33. Our case on this matter is set out in our original representation: Spatial Policy 9 (Selecting Appropriate Sites for Allocation) – Support. We will refer to our original representation at the hearing session.