

October 2024

Newark and Sherwood: Amended Allocations and Development Management DPD

Hearing Statement on behalf of Keith Phillips-Moul in response to the
Inspector's Matters, Issues and Questions

Matter 8: Open Breaks and Main Open Areas

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Document Control Sheet

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Matter 8: Open Breaks and Main Open Areas

1.1 Issue 2 of this Matter is 'Whether the designated Main Open Areas are justified and soundly based'. There then follows two questions:

8.3 – Are the boundaries and the extent of the Main Open Areas justified by evidence?

8.4 – Will they serve their intended purpose over the plan period?

1.2 This statement will focus on the South Muskham Main Open Area, as highlighted in Figure 1 below. Draft Policy NA/MOA states the following:

“Main Open Areas represent those areas of predominantly open land that play an important part in defining a settlements form and structure. Within the following locations Main Open Areas have been defined on the Policies Map:

• Besthorpe • Coddington • Cromwell • North Clifton • North Muskham • Norwell • South Muskham

Within these Main Open Areas planning permission will not normally be granted for built development.”

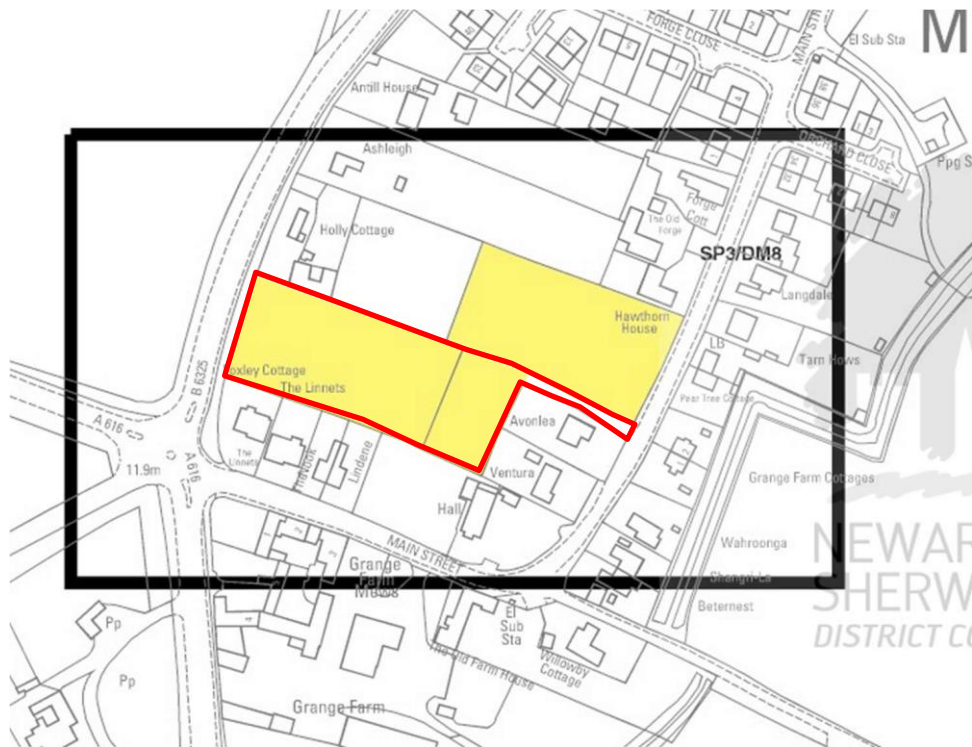


Figure 1: Policy map highlighting the South Muskham Main Open Area designation (Mr Phillips-Moul's ownership is edged in red)

Question 8.3: Are the boundaries and the extent of the Main Open Areas justified by evidence?

- 1.3 The site is a rectangular parcel of land extending to around 0.45 hectares located towards the southern edge of the village of South Muskham, classified as an 'Other Village', a Tier 3 settlement. It is partially surrounded by residential and community related development to the north, south and east. The only other Main Open Area in the village is located immediately to the north. Together, they extend to around 0.8 hectares of land. The draft policy states that "Main Open Areas represent those areas of predominantly open land that play an important part in defining a settlements form and structure" (our emphasis) but it is not clear how the land performs this function or how this land was chosen for MOA designation.

- 1.4 It is noted that the Council has chosen not to carry out a Main Open Area Review as part of the current review, the last one having taken place in July 2011 in the preparation of the existing Allocations and Development Management Development Plan Document (2013). The last review stated that the largest part of the MOA is redundant, access is overgrown and the land is not in use. The assessment of the site suggested that the MOA designation may be revised or removed. However, it is likely that the designation was retained in no small part because the landowners have never previously challenged the designation.

- 1.5 Within the MOA Review (July 2011), we would like to highlight two sites that had their MOA designation removed. Firstly, a site in Bleasby (Ble-02) was noted as consisting of land all in private ownership with no public access or views. Secondly, the site SUT-01 within Sutton-on-Trent, is described 'as having no views or access into the site from the public domain, consisting mainly of gardens and small paddocks' even though it had frontage onto two roads. Our client's land shares similar characteristics to these sites, which were subsequently removed from the MOA.
- 1.6 Our client wishes to highlight their family's long-standing connection to South Muskham and North Muskham, where they have resided since the 1800s. As a family of builders, they acquired land in South Muskham almost 100 years ago, and in 1959, constructed two bungalows on Main Street, namely Ventura and Avonlea. There were also intentions to build additional bungalows on the Site.
- 1.7 This site is a private parcel of land, has never been accessible to the public and does not offer any significant amenity value to its immediate surroundings or the wider village. The mere fact that it is undeveloped does not mean that it plays an important part in defining South Muskham's form and structure. Furthermore, whilst there are some limited views into the site from public land, the same can be said of the majority of land across the whole district. Of greater relevance is that, as a flat parcel of land surrounded by development, it is not visually prominent in its own right, nor does it afford any important or valued views of other land or buildings. The images below highlight the undeveloped and inaccessible nature of the site.



Figure 2: Images of Mr Phillips-Moul's site from Great North Road and Main Street

- 1.8 The figure below highlights the client's parcel of land and other more suitable MOA locations within the village of South Muskham.



Figure 3: The client's land (edged in red) and other more suitable MOA locations



Figure 4: Parcel of land to the south of the site (edged in orange)

- 1.9 The parcel associated with the Village Hall is a well-kept area of garden space to the south of our client's site. As this is part of the Village Hall, it is available to the community and acts as a positive asset for the village. Therefore, this would be appropriate as an MOA.
- 1.10 In light of the above, the extent of the Main Open Area in South Muskham is not justified as other parcels of land with greater amenity value have not been chosen.

Question 8.4: Will they serve their intended purpose over the plan period?

- 1.11 The pre-ambule of Policy NA/MOA states that Main Open Areas are areas of open land that play an important role in defining a settlement's form and structure. Additionally, as mentioned above, they are not always open to the public but should be viewable from public land or accessible via public footpaths. As highlighted above, the aims of the policy are vague and the method for selecting sites is not clearly defined. Whilst a review was carried out in 2011, this is now over 13 years ago and there have been

substantial changes in the planning context since then, not least the requirement to find more housing land and the increasing areas of land which are deemed unsuitable for development due to flood risk.

- 1.12** The Council should be asked to review the aims of the policy, the methodology used and the findings for each of the designated sites across the district.
- 1.13** Policy NA/MOA is not justified because, when compared to the pre-amble prior to the policy, it is very brief and lacks detail. Specifically, the South Muskham designation does not meet the criteria listed in the pre-amble, meaning the designation and, by extension, the Plan is not sound. The site does not play an important role in defining the settlement's form and structure. It is also not open to the public, is only viewable to a limited extent from public land and is not accessible via footpaths.
- 1.14** Additionally, Policy NA/MOA of the DPD is not consistent with national policy as it is not consistent with relevant paragraphs of the NPPF. Paragraph 106 of the NPPF, which most closely resembles the Main Open Area designation, defines Local Green Space as being demonstrably special to a local community and holding a particular local significance because of its beauty, historic significance, recreational value and tranquillity of richness of its wildlife. Therefore, as per the above, the South Muskham designation does not accord with the description of a Local Green Space in line with paragraph 106, which shows that the policy should be amended or the designation at South Muskham should be removed as part of the Second Amended DPD.
- 1.15** Removing the MOA designation would open up the prospect of development on the parcel of land, thus relieving pressure to develop land on the periphery of South Muskham. As part of any development proposal it would be possible to create some open space which, whilst smaller than the current MOA designation, would be more a valuable asset to the wider village than the land is in its current form.

Summary

- 1.16** In summary, it is considered that the Main Open Area designated within South Muskham should be removed due to the lack of justification for the designation and the lack of consistency with national policy.



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