

Newport, Quendon and Rickling Neighbourhood Plan 2018- 2033

Submission Version

A Report to Uttlesford District Council on the Partial Re-Examination of the Newport, Quendon and Rickling Neighbourhood Plan

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Date

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Executive Summary

My partial examination has concluded that the Newport, Quendon and Rickling Neighbourhood Plan can proceed to referendum with the inclusion of the Modification to Policy NQRHA1, as proposed by Uttlesford District Council in its Decision Statement dated 24th November 2020, subject to the modified policy being accompanied by the inclusion of the proposed definition of “clusters” into the Plan’s Glossary.

Introduction

1. In September 2019, I was appointed by Uttlesford District Council to carry out the independent examination of the Newport Quendon and Rickling Neighbourhood Plan. On 27th May 2020, I issued my final report, which recommended, subject to a number of recommended modifications, that the plan should proceed to referendum.
2. Uttlesford District Council considered my report and agreed to accept all my recommendations, apart from one element, which related to Policy NQRHA1 – Coherence of Villages and in particular what had been bullet point 5.
3. The District Council proposed an alternative modification to that part of the policy, which it considered gave the policy greater clarity and would ensure general conformity with the adopted local plan policy dealing with development in the countryside. This is set out in its Decision Statement, issued under Regulation 18 of the Neighbourhood Planning Regulations 2012, which was agreed by Uttlesford District Council's Cabinet on 24th November 2020.
4. It was agreed that the proposed modification would be the subject to a 7-week consultation period. This took place between 7th December 2020 and 25th January 2021. This consultation produced a small number of responses, two of which objected to the proposed modification which the District Council was proposing.
5. As these were considered to be substantial objections, the District Council, with the consent of the Qualifying Body, appointed me again, in February 2021, as an examiner to consider the proposed modification.
6. This report is the outcome of this focussed examination, which has been conducted under the provisions of Paragraph 13(2) of Schedule 4B of the Town and Country Planning Act 1990.
7. This report is to be read alongside my original examination report. It will only address the District Council's Proposed Modification and the question whether it meets all the legal requirements. I am still familiar with the neighbourhood plan from my original examination last year and I was satisfied that I could conduct this limited re- examination solely on the basis of the written submission it would not be necessary to conduct a public hearing nor did I need to make another visit to the neighbourhood area.

Policy NQRHA1

8. The submitted version of Policy NQRHA1 – Coherence of Villages was worded as follows"

"One of the purposes of this policy to address the impact of the linear layout of Newport. The built environment is currently along the B1383 for 2.2 km. The Plan assessments use the following criteria for distance to facilities and services: poorly located if > 800 m, moderately located if 400 m to 800 m, and favourably located is < 400 m.

In order to retain the coherence of the villages as individual settlements and reduce dependence of travel by car including vehicle journeys starting and finishing in Newport:

- *Development of sites within the Newport Development limits will be supported if of a scale and setting relating well to the village, with good vehicle access and where safe, convenient pedestrian and cycle access is in place, providing good connectivity from residential areas to the village centre and the railway station and bus stops.*
- *To avoid internal vehicle journeys further development set along with B1383 beyond the development limits north and south of the villages will not be supported.*
- *Further developments outside the development limits shown in the Development Limits map will not be supported other than;*
- *development appropriate for a countryside location, defined as agriculture, horticulture, forestry, outdoor recreation and other uses that need to be located in the countryside*
- *small-scale infill development within or immediately adjoining significant existing clusters of development.*
- *Affordable housing in rural exception sites to meet the identified local need which cannot be met in any other way.”*

9. As a result of my recommendation which I set out in Final Report, the policy would read as follows:

“Development of sites within the Newport Development limits will be supported if of a scale and setting relating well to the village with good vehicle access and where safe, convenient pedestrian and cycle access is in place providing good connectivity from residential areas to the village centre and railway station and bus stops.

Further development outside the development limits shown on the development limits map (see maps 13 and 14) will not be supported other than:

- *development appropriate for countryside location defined as agricultural, horticultural forestry, outdoor recreation and other uses which need to be located in the countryside*
- *Small scale infill development within or adjoining existing clusters of development*
- *Affordable housing on rural exception sites to meet and identify identified local need which cannot be met in any other way, including some market housing necessary to secure the viable delivery of the affordable homes*
- *Residential conversion of redundant or disused rural buildings, which will enhance their setting*
- *Subdivision of an existing dwelling*
- *Construction of new houses of exceptional design meeting the criteria set in paragraph 79e) of the NPPF*

- *Conversion of existing buildings and the erection of well-designed new buildings for business uses.”*

10. The District Council, as is its right, has decided not to accept my recommendation in respect of the exemption “for small infill development” in the modified policy as it felt that it would be in general conformity with the adopted policy, S7 of the Uttlesford Local Plan, which reads:

“The countryside to which this policy applies is defined as all those parts of the Plan area beyond the Green Belt that are not within the settlement or other site boundaries. In the countryside, which will be protected for its own sake, planning permission will only be given for development that needs to take place there, or is appropriate to a rural area. This will include infilling in accordance with paragraph 6.13 of the Housing Chapter of the Plan. There will be strict control on new building. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there.”

11. The relevant section on “infilling” as set out in the aforementioned, paragraph 6.13, reads as follows:

“Infilling with new houses will be permitted within settlements subject to safeguards. Some settlements are not included in any boundary. These are settlements where there are no apparent opportunities for infilling, because there are no gaps left for development and, in some cases, the approaches to the village are too loose in character for development to be appropriate.”

12. I also consider the next paragraph 6.14 is also be relevant to this matter although it is not quoted in the policy and is set down below

*“There is no specific policy on infilling outside development limits because any infill proposals will be considered in the context of Policy S7. This says that development will be strictly controlled. It means that isolated houses will need exceptional justification. **However, if there are opportunities for sensitive infilling of small gaps in small groups of houses outside development limits but close to settlements, these will be acceptable if development would be in character with the surroundings and have limited impact on the countryside in the context of existing development.**” (my emphasis)*

13. The District Council’s proposed new wording for the bullet point, will read as follows
“Small-scale infill development within existing clusters of development”

14. It has accepted that the reference to “*significant*” existing clusters of development be removed. The council has addressed the issue of significance by proposing to define “*clusters*” in the Plan’s Glossary. This defines “clusters” as –

“a grouping of at least five dwellings at an individual site or hamlet and separated from the villages”.

Consultation Responses

15. The District Council received six responses to its focussed 7-week consultation on the proposed modified policy wording. These were received from National Grid, Natural England, Historic England, Sworders, Gladman Developments Ltd and Anglian Water Services.
16. I consider that the representations from Gladman Developments and Sworders are the most relevant to this examination. It has been pointed out by a number of parties that the term “infill” could not appropriately describe development which only has neighbouring development only on one side. I accept that its use in the context of “infilling” adjacent to a cluster introduces ambiguity into the policy, which could benefit from being addressed. Gladman’s representations also suggested that the policy should also remove reference to “infill”, but my concern, would be that would then take the policy significantly beyond the scope of development allowed in the countryside which is established by Policy S7.
17. Sworders consider the suggested modification is more restrictive and less flexible than as I originally recommended and breach the basic conditions.
18. Both parties were clearly of the view that the modified policy should not be taken forward without the matter being referred for re- examination. I agree with that view and the decision of the District Council and the Qualifying Body, in referring the change to further examination, was the sensible course of action as the impact of the change, would be significant, in terms of development which would no longer be permitted, having regard to the change.

The Proposed Modification

19. I have approached this new examination with a fresh pair of eyes, in view of the months that have passed since my final report was submitted. It is apparent that my earlier concerns, from reading the justification in paragraph 144 of my report, related to a possible ambiguity as to where the policy would be applicable, caused by the reference to “*significant* existing clusters” and the question as to what constituted a *significant* cluster would be open to uncertainty. To a large extent that has been addressed by the inclusion of the definition of a cluster of comprising at least 5 houses.
20. I also note that the description of “*infill* development on land *adjacent* to a cluster” was actually part of the original drafting of the policy, put forward by the Parish Council in its original submission. As far as I can tell it was not an issue that was picked up in any of the Regulation 16 Representations.
21. The relevant section of Secretary of State policy covering this matter, is the section of Rural Housing contained in paragraphs 77 to 79 of the NPPF. Of particular relevance is the sentence:

“To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of a rural communities.”

22. The reference to *rural communities* provides justification in terms of having a threshold in relation to where this policy applies. The other issue is that paragraph 79 seeks to avoid the development of *isolated homes* in the countryside. There is a strong case to argue that if the development lies adjacent to existing dwellings, it cannot be considered to be *isolated*. In coming to that conclusion, I have had regard to the judgement of Lindholm J in the case of Braintree District Council v Secretary of State for Communities and Local Government and Ors [2018] EWCA Civ 610.
23. The crucial issues are that the policy will allow the enlargement to the size of rural clusters, by allowing building on land outside the cluster, but adjacent to it and the fact that it will conflict with Local Plan Policy S7. Uttlesford planners have identified this as a strategic local plan policy, for the purpose of one of the basic conditions, which I concur with, as it is establishing the type of development that can be located in the countryside. That policy is specific in seeking to protect the countryside for its own sake and it is only permitting development that needs to take place there, or is appropriate to the rural area. It goes on to say that that includes infilling and cites “if there are opportunities for sensitive infilling of small gaps in small groups of homes outside development limits, but close to settlements, if development would be in character with the surroundings and has limited impact on the countryside in the context of existing development.”
24. I am satisfied that the proposed modified policy, which allows development *within* clusters made up of 5 or more dwellings, strikes an appropriate balance between the aspirations of allowing limited infill residential development on land outside of the settlement boundaries, as permitted by Policy S7 and the need to protect the countryside for its own sake, as set out in the aforementioned policy. To allow these clusters to be incrementally extended into open countryside would not in my opinion be delivering a sustainable form of development.

Recommendation

25. I am satisfied that the proposed modifications to Policy NQRHA1, as proposed by Uttlesford District Council with the accompanying change, namely by introducing the definition of “*cluster*” in the Plan’s Glossary, will meet the basic conditions and the other requirements set out in legislation and I conclude that it can be included in the Referendum Version of the Newport, Quendon and Rickling Neighbourhood Plan.

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