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Our Ref: TS.LPC.2095

Via email: [planning\\_policy@bathnes.gov.uk](mailto:planning_policy@bathnes.gov.uk)

Bath & North East Somerset Planning Policy Team  
Lewis House  
Manvers Street  
Bath  
BA1 1JG

Dear Sir/Madam

**Bath and North East Somerset Local Plan Partial Update Submission  
Version and Supporting Documents  
Representations on behalf of Mr Alexander**

This representation has been prepared by LPC (Trull) LTD. on behalf of Mr Alexander, who is a resident and landowner within the Bath and North East Somerset (hereafter referred to as BANES) boundary. It is submitted in response to the current Draft Plan (Regulation 19) Publication Consultation on the BANES Local Plan Partial Update.

We have reviewed the consultation content and provide our comments in the subsequent sections of this representation. Particular focus is made on the amendments to Policy GB2 and the associated 'Topic Paper: Policy GB2 Development in Green Belt Villages'.

**Proposed Local Plan Amendments**

Paragraph 64 of the Local Plan Partial Update states:

*Although the construction of new buildings is regarded as inappropriate development in Green Belt, limited infilling in villages is an exception to this policy. For settlements washed over by the Green Belt, Policy GB2 will apply as set out in the Green Belt Development Management Policies section. Any proposals outside the HDBs **Infill Boundaries** would be considered inappropriate development in the Green Belt and Core Strategy Policy CP8 would apply.*

Paragraph 71 continues:

*In villages washed over by the Green Belt with ~~a housing development boundary~~ **an Infill Boundary** as defined on the Policies Map proposals for residential and employment development will be determined in accordance with national policy set out in the NPPF.*

As such, Policy GB2 has been amended as follows:

LPC (Trull) Ltd  
Trull Tetbury  
Gloucestershire  
G L 8 8 S Q  
Tel:01285 841433  
Fax:01285 841489  
[www.lpctrull.com](http://www.lpctrull.com)

## POLICY GB2 DEVELOPMENT IN GREEN BELT VILLAGES

*Development **New buildings** in villages in the Green Belt will not be permitted unless it is limited to infilling and **the proposal is located within the defined Infill Boundary.** ~~in the case of residential development the proposal is within the defined Housing Development Boundary.~~*

### Topic Paper: Policy Update GB2, Development in Green Belt Villages

We note that the Topic Paper explains the background and methodology behind the proposed amended policy approach to Policy GB2 as part of the Partial Update.

The Topic Paper explains that the proposed amendments to the policy has been triggered by a requirement to be more in line with the NPPF, which states that development within the Green Belt is considered inappropriate, with some exceptions including 'limited infilling in villages' (Para 149.e.). We understand that the newly defined 'Infill Boundaries' have been prepared through 'informal consultation' with the Parish Councils and a review of the existing Housing Development Boundaries. As per Paragraph 3.4 of the Topic Paper, many of the Housing Development Boundaries were simply redefined as infill boundaries. Furthermore, the Topic Paper states how the proposed infill boundaries "are tightly defined around the village edge to avoid village expansion, and to allow small scale development to come forward when limited to infilling".

Paragraph 2.6 of the Topic Paper states how any proposed infill development within an infill boundary will have to meet the definition of infill as defined in the Core Strategy to be considered acceptable. This definition includes:

- a) The building of one or two houses on a small vacant plot in an otherwise extensively built up frontage;
- b) The plot will *generally* be surrounded on at least three sides by developed sites *or* roads (our emphases).

### Comments

With the above context in mind, the proposed defined 'Infill Boundaries' and the related amended Policy GB2 is of significant concern to us and our client.

Importantly, Paragraph 149 of the NPPF does not rely on or reference Housing Development Boundaries (or defined 'Infill Boundaries') to make 'limited infilling in villages' acceptable, and as per paragraph 23 of the Topic Paper, the Council acknowledge that reliance on or reference to Housing Development Boundaries when considering infill development is inappropriate.

Given that many of the current Housing Development Boundaries have merely been redefined as 'Infill Boundaries', with either minimal or no alterations in the boundary lines, we wish to highlight that the issue of irrelevance will continue, regardless of the name given to the boundary.

A recent court of appeal judgement also concluded that the assessment of whether development is 'infill' is one of *planning judgement*. A defined settlement (or 'infill') boundary was found not to be determinative in assessing what constitutes infill development, but instead the key test is whether a site is located within the built up area of a village based on the facts on the ground. In short, if the site on the ground is physically and functionally part of the settlement, then it should qualify as being appropriate for 'limited infilling' (subject to other relevant considerations), regardless of any boundary line on a proposals map.

The same concern applies to the policy's definition that 'limited infill' can only apply to '*a small vacant plot*'. As per the Inspector's conclusions at Appeal ref: APP/Y3940/W/16/3154507, the key determining factor cannot be based solely on the size of the gap, as clearly there will be some small gaps that will represent harmful visible intrusions into the countryside yet still meet the current policy wording's 'conditions'. In fact, there will be sites currently excluded from the proposed Infill Boundaries that will have a negligible impact on openness but which are not currently considered to be 'infill' as drafted simply because the gap is wider than what officers (and Parish Councils) consider to be a '*small vacant plot*'.

Our view is that what constitutes infill is much more complicated than simply the size of the gap and the number of units proposed. Instead, issues such as the site's context on the ground, containment, visual intrusion and impact on the character of the settlement should all inform criteria to determine what constitutes infill 'within a village'. For example, a village such as South Stoke contains a number of residential properties set within large sites/curtilage, and therefore it is important to assess the character of a village within which a limited infill proposal is proposed, against the character and setting of the limited infill development. Clearly it would be out of keeping to only permit limited infill development on small sites when the overarching character of a settlement is one of houses set within substantial plots.

### **South Stoke – Infill Boundary**

Notwithstanding the fact that we have significant concerns regarding the relevance and reliance on the proposed Infill Boundaries when considering infill developments, we also wish to raise our concern that the proposed Infill Boundary for South Stoke fails to include legitimate and long-standing areas of the village.

Paragraph 3.10 of the Topic Paper states that the proposed infill boundaries "are tightly defined around the *village edge* to avoid village expansion". On this basis we draw your attention to the appended document containing two plans: the first being the proposed Infill Boundary and the second an aerial image of South Stoke village. It is clear to see that there are a significant number of dwellings and land which are obviously within the village that have been excluded from the proposed Infill Boundary – not least 'South Stoke House' located further east along Pack Horse Lane and the linear run of dwellings

further east of South Stoke House. Again, we return to an important test for whether infill development is appropriate: whether a site is located within the built up area of a village based on the facts on the ground. If the site on the ground is physically and functionally part of the settlement, then it should qualify as being appropriate for 'limited infilling'. The appended aerial image showing how the village is laid out on the ground, together with an understanding of how the village functions, means we strongly recommend South Stoke's proposed Infill Boundary line is amended to include the element of the village that runs south of Packhorse Lane (including 5 houses east of our client's land), and not just the very central area and houses to the north of Packhorse Lane currently included.

As is hopefully clear and evident, we have a number of significant concerns with the current Local Plan Partial Update proposals as published and therefore consider a number of alternative options for Policy GB2 need to be explored in detail at the very least.

I trust the above is clear however if you do wish to discuss anything please do not hesitate to get in touch.

Yours sincerely

**Tom Sadler**  
**Associate**  
**LPC (Trull) Ltd**

# Bath and North East Somerset Local Plan Partial Update Submission Version and Supporting Documents Representations on behalf of Mr Alexander

## Proposed Infill Boundary – South Stoke





## Aerial Image of South Stoke Village

