

## Matter 23: Housing in the Rural Area

***Issue 1: Whether the approach to development in the rural areas is justified and positively prepared.***

***Q3. No development is proposed in some settlements meeting the definition of Policy RA1 villages (i.e. High Littleton) and less than 50 in others. Is this inconsistent with the strategy set out in the CS to enable housing developments of around 50 dwellings in these villages?***

1.1 This matter statement has been prepared by Tetlow King Planning on behalf of the landowner of Parsonage Farm, West Harptree to address Question Three in relation to the Council's proposed approach to the Villages covered within Policy RA1 of the Core Strategy.

1.2 Attached to this Statement is a plan showing the extent of my client's land. The site at Parsonage Farm is located adjacent to the A368 Bath Road in the North East of West Harptree.

1.3 Bath and North East Somerset Council (B&NES) considered the site as one of four sites for future residential development - referenced as SR1-SR4. The Placemaking Plan Options document (November 2014) indicated that the Council had no preferred approach to allocating sites at West Harptree, but that West Harptree Parish Council's preferred approach is to develop SR3 *"in conjunction with SR4"*. Sites SR1 and SR2 were included within the Options document as alternative options for allocation.

1.4 The Options document indicated that Parsonage Farm (Site **SR3**) could provide around 10 dwellings. Considerable local support was expressed in meetings prior to the close of the consultation period on the Options document, as shown in the consultation responses.

1.5 The Draft (pre-submission) Placemaking Plan revised the wording on the West Harptree chapter to indicate that the village is considered by the Council as a Policy RA2 settlement, reducing the proposed growth of the village to just 10-15 dwellings. The Draft Plan excluded Sites SR3 and SR4, and included Site **SR2** as the main location for future residential development in the village.

1.6 The change in classification of West Harptree as an RA2 settlement is set out in Chapter 5 of the Draft document and the settlement boundary map in the Appendices section (page 68). This is inconsistent with Core Strategy Policy RA1. Through the revised designation of the village as an RA2 settlement, the Placemaking Plan risks under-providing homes within a village that is capable of delivering a greater number of homes than the 17 dwellings proposed at the single site of SR2, and failing to respect and respond to local opinion.

### **Policy RA1 and the Settlement Status of West Harptree**

- 1.7 Core Strategy Policy RA1 stipulates that at villages which are outside the Green Belt residential proposals will be supported provided that the proposal is of a scale, character and appearance appropriate to the village and its setting, and in accordance with the spatial strategy for the District. To be considered an RA1 settlement the village must have *“at least 3 of the following key facilities in the village: (a) post office, school, community meeting place and convenience shop, and (b) at least a daily Monday-Saturday public transport service to main centres”*. At those villages outside the Green Belt which meet the criteria, sites are to be allocated outside the housing development boundary in the Placemaking Plan and Neighbourhood Plans. Policy RA1 commits to a review of each of the Housing Development Boundaries to enable the delivery of 1,120 dwellings in the Rural Area.
- 1.8 Chapter 5b of the Core Strategy, which sets out the vision for the rural areas, states that *“the strategy for the rural areas...is to enable housing developments of around 50 dwellings at each of the villages which meet the criteria of Policy RA1”*.
- 1.9 West Harptree is outside the Green Belt, has a post office, church, convenience shop and two public houses. It also benefits from local bus services which connect it to main centres, including bus service 672 run by Bugler Coaches which runs a service to Bristol 3 times daily from Monday to Saturday. In line with the requirements of the Core Strategy, West Harptree is a Policy RA1 settlement and as such the Placemaking Plan should be supporting development of around 50 dwellings.
- 1.10 The Draft Placemaking Plan document amended the wording of Policy RA1, as below:
- “...provided the proposal is in accordance with the spatial strategy for the District set out under Policy DW1 and the village has:*
- a) *A primary school and at least 2 of the following key facilities within the village: post office, community meeting place and convenience shop, and*
- b) *At least a daily Monday-Saturday public transport service to main centres”* (our emphasis)
- 1.11 The amended wording places emphasis on the need for RA1 villages to contain a primary school, an approach not tested or adopted through the Core Strategy. The Inspector examining the Core Strategy adopted the document on the basis that RA1 villages, including West Harptree, would make provision of *“around 50 dwellings”* during the Plan period. The change in approach is clearly inconsistent, unjustified and fails to positively plan for those villages which would benefit from a sustainable level of growth as originally envisaged under the adopted Core Strategy.

- 1.12 The Council's Response to the Inspector's Initial Questions (references BNES/PMP/001 and ID/1) makes reference to the Town and Country Planning (Local Planning) (England) Regulations 2012 stating that it has complied with Regulation 8(5). However, a key requirement of Regulation 8 is also that:

*“(2) A local plan or a supplementary planning document must contain a reasoned justification of the policies contained within it” (our emphasis)*

- 1.13 The Council's *“reasoned justification”* within the Placemaking Plan for the amendment to Policy RA1 is not appropriate within the context of the adopted spatial strategy for Bath and North East Somerset, failing to accommodate sufficient growth within RA1 and RA2 villages as identified in the Core Strategy and thus failing to support the continued vitality and viability of those communities.
- 1.14 Paragraph 67 of the Draft Plan states that a village meeting the RA1 criteria should have a primary school to accommodate the primary education needs of the existing population, in line with other policies in the plan to ensure timely delivery of infrastructure. The Council's justification for the revision to the settlement hierarchy in favour of the provision of a primary school as set out at paragraph 67 (page 33 of Volume 1, Draft) is that schools must have capacity for development to be acceptable. There are many settlements and villages without a primary or secondary school that are well served by essential services and facilities and in close proximity to schools within nearby villages. For West Harptree residents this is the East Harptree Church of England VC School, situated within 1 mile from the site and just three minutes journey on the no. 672 bus. The justification set out in new Policy LCR3A is neither consistent with the Core Strategy nor appropriate to be used to exclude areas from growth on the basis of existing provision; the use of funding through the Community Infrastructure Levy and S106 contributions exists to provide additional space where necessary for schools and other infrastructure.
- 1.15 Paragraph 2.5 of the Council's Response (reference BNES/PMP/001) explicitly states that *“the supersession of certain parts of certain policies seeks to address a limited range of specific issues that are not fundamental in terms of the strategic approach of the Core Strategy or the Placemaking Plan”* (our emphasis). We firmly disagree with this statement. The Council has essentially re-allocated a village that was designated for delivering around 50 dwellings, into a smaller settlement which is now planned to deliver just 10-15 dwellings. The changes that have been made to Policy RA1 are fundamental in terms of the strategic approach of the B&NES Development Plan, reducing the overall number of homes that may be delivered, contrary to the District Wide Spatial Strategy in Policy DW1.

- 1.16 The Sustainability Appraisal (SA) fails to properly consider the cumulative effect of the change to Policy RA1 on the District Wide Spatial Strategy as set out within Policy DW1. It instead takes a very narrow view; in setting out the proposed amendments to Policy RA1, Annex G (Core Strategy Amendments Appraisal Matrices) fails to consider the resulting negative impact on those communities for which additional growth would improve the health and wellbeing of its residents, and also that the ‘downgrading’ of settlements to RA2 effectively reduces the scale of development that can be delivered in the rural area. This will inevitably reduce the overall level of affordable housing that can be delivered across the Plan period, as well as restricting the opportunities to improve the viability of those areas redefined as RA2 villages. As set out above, the basis of whether or not a village has a school does not necessarily make that settlement unsustainable.
- 1.17 We consider that the full impacts of the amended Policy have not been properly analysed. The amendments to Policy RA1 will also have a significant impact on the remaining Objectives of the Sustainability Appraisal (Objectives 4-13). It is therefore inappropriate for this document to disregard the impact on the Objectives to Policy RA1 as “*not applicable*”; as an example the amendment to the policy will negatively impact on the growth of communities, restricting the ability to support local businesses and local economy. Likewise, the restriction on growth at the villages now defined as RA2 will remove the ability to enhance local distinctiveness at those villages. This narrow assessment of effects highlights an inadequate Sustainability Appraisal.
- 1.18 Annex C’s assessment of the individual site options indicates that Site **SR3** has many positive attributes which satisfy those Objectives, though it fails to register a response in the score column against Objective 1. The removal of this site within the Plan should have been analysed alongside the positive benefits identified in Annex G, which has not been undertaken.
- 1.19 The Council has not produced an appropriate “*reasoned justification*” for the changes to Policy RA1, nor have these been fully evaluated through the Sustainability Appraisal. The amendments to Policy RA1 are therefore not compliant with the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 1.20 The Council’s approach is further seen as inconsistent with the Core Strategy when noting the definition of West Harptree as an RA1 village when the Council determined the outline application for development of Leacroft House (Site **SR2**, application ref. 14/05899/OUT). The policy statement that the village’s location within the AONB “*could inhibit opportunities for residential development*” was given limited weight by the officer, while also acknowledging that the reference to 50 dwellings at West Harptree is not a cap on development.

- 1.21 This view was also stated by the Inspector presiding over the appeal on the Land at Temple Inn Lane, Temple Cloud (reference APP/F0114/A/14/2228577, August 2015). In reviewing B&NES' evidence to the Inquiry, the decision notice states that the Council accepts:

*"...that the expected allocation of around 50 dwellings should not be interpreted as a cap or maximum limit/ceiling to development in the settlement"*

- 1.22 I do not consider that the altered policy is consistent with the adopted Core Strategy. It has not been properly assessed through the SA, nor does it properly reflect the needs and aspirations of local communities to encourage sustainable growth in their area. It is not an effective policy change, and is not consistent with national policy. This change should be struck out and the Parish Council's preferred approach to development at West Harptree implemented, allocating Site **SR3** for around 10 dwellings. As previously indicated in the Options consultation document, the Sustainability Appraisal to the Draft Placemaking Plan and our representation on the Draft Plan this will ensure the Council is able to demonstrate that it is able to deliver the housing numbers proposed in rural areas. This will be in a location adjacent to the existing housing development boundary as supported by the local community.

Prepared by Tetlow King Planning  
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