



Policy LP55 Development in Hamlets and the Countryside Evidence Report

**Proposed Submission
April 2016**

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1. Introduction and Policy Context

Introduction

- 1.1 A joint Local Plan for the Central Lincolnshire area is being produced which will set the framework for how development will be considered across the districts of the City of Lincoln, North Kesteven and West Lindsey to 2036.
- 1.2 This evidence report (which is one of a collection) provides background information and justification for policy LP55, which relates to development in hamlets and the countryside.

National policy

- 1.3 The National Planning Policy Framework (NPPF) was published in March 2012 and the National Planning Practice Guidance (NPPG) was introduced in 2014 which offers 'live' government guidance.
- 1.4 Paragraph 17 of the NPPF sets out the 12 core national planning principles and it states that planning should:
 - *...take account of the different roles and character of different areas, promoting the vitality of our main urban areas... recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;*
 - *support the transition to a low carbon future in a changing climate, taking full account of ... the reuse of existing resources, including conversion of existing buildings...;*
- 1.5 The NPPF goes on to state in paragraph 28 that:

Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

 - *support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings;*
 - *promote the development and diversification of agricultural and other land-based rural businesses;*
 - *support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres; and*
 - *promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.*
- 1.6 Furthermore, paragraph 55 of the NPPF sets out the position in relation to housing in rural areas:

'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:

- *the essential need for a rural worker to live permanently at or near their place of work in the countryside; or*
- *where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or*
- *where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or*
- *the exceptional quality or innovative nature of the design of the dwelling. Such a design should:*
 - *be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;*
 - *reflect the highest standards in architecture;*
 - *significantly enhance its immediate setting; and*
 - *be sensitive to the defining characteristics of the local area.'*

1.7 The NPPF requires Local Authorities to consider the implications of developing agricultural land. Paragraph 112 states:

'Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.'
[Reference ID: 8-026-20140306]

1.8 There is a separate section in the NPPF on "Plan-making", which states that Local Plans should *'identify areas where it may be necessary to limit freedom to change the use of buildings.'*

1.9 The above NPPF policy has been taken into account in preparing the Local Plan as a whole, and policy LP55 in particular.

1.10 The NPPG provides additional guidance for the production of Local Plans. This includes reference to the importance of considering the value of agricultural land where it says:

'Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.'

1.11 There are additional sections of the NPPG which also support other elements of this policy.

2. Central Lincolnshire Context in Relation to Policy LP55

2.1 Central Lincolnshire has a large rural area with different characteristics, opportunities and constraints. Ensuring that these rural areas are not starved of growth, whilst making sure that only suitable development occurs is a key challenge for the Central Lincolnshire authorities.

- 2.2 Given the scale of the rural area it would not be possible in the Local Plan to include specific policies for each parcel of the rural area, or the settlements within it, and therefore some strategic criteria based policies should apply to provide a degree of guidance and certainty.
- 2.3 Neighbourhood plans have the opportunity to build on these strategic policies, and provide considerably greater detail for any particular rural area or settlement.
- 2.4 As with all policies, policy LP55 should not be read in isolation.

3. Local Plan Policy: Preliminary Draft

- 3.1 The Preliminary Draft version of the Local Plan (published for consultation in October – November 2014) included a policy on development in rural areas.
- 3.2 Policy LP39 in the Preliminary Draft Local Plan set out a starting point for the policy, including a proposed approach for a range of anticipated issues in relation to development in rural areas. This policy received a number of comments, objections and support from respondents to the Preliminary Draft Consultation. The key issues raised were:
 - The employment needs assessment will provide a better steer on employment growth in rural areas.
 - Agricultural buildings and associated land on the edge of settlements should be included for consideration as this would allow farm yards to be moved away from villages and redundant vernacular buildings to be converted.
 - Disagree that small villages should necessarily be protected from development as development at some of these would allow people to live in a rural environment.
 - Objection to restricting employment and residential growth in rural areas due to impact on villages as sustainable communities. This will result in villages becoming dormitory settlements and will increase travel requirements.
 - Development in rural areas should be limited to retain the character of 'rural England'.
 - Support objectives of the policy, but the local typology and characteristics of each village should inform the acceptability of any development in terms of type, scale and form.
 - It is important to understand how each village works, not just build more houses. Villages should be able to retain their identity.
 - Negative approach of this policy is contrary to the NPPF paras 14 and 9. The policy only focuses on the environmental factors and not the social or economic as required by NPPF.
 - Policy effectively contradicts the decision to not include settlement boundaries by defining the settlement footprint.
 - Restricting development to infill sites will rule out affordable housing.
 - The criteria-based approach will make it harder to deliver rural affordable housing as there is no longer the clear definition between what is likely to be permissible for market v affordable.
 - Lincoln Area villages should also be included in this policy.

- All brownfield sites must be developed before planning permission is given for any development on undeveloped sites.
- Policy should include an element requiring local need to be demonstrated.
- The local plan should seek to deliver new services with new development so that locals can have extra services.
- Development in Limited Growth Villages should also be within the built footprint of a settlement.
- The Councils should seek to ensure that where a proposal is on the edge of a settlement then sufficient evidence is provided that the best and most versatile agricultural land is not lost as a result.
- The term 'other settlements' should be removed from the title as these are dealt with in other policies and it is not defined in the plan.
- Policies needed to support growth where needed in small hamlets and communities – local housing for local people with local needs.
- To deliver the proportion of housing needed to come forward in rural areas there should be a policy based approach for housing on non-allocated sites with provision for a range of housing types to meet needs of the community and to enhance the sustainability of the community. The housing should enhance or maintain vitality of the rural community, it should allow for development in one settlement supporting services in nearby villages and the scale should be appropriate.
- Should allow conversion of large rural properties to flats.
- Should allow the development of retirement villages.
- Central Lincolnshire is a large rural area with a large rural population reliant on a strong, rural based economy based on food, farming, defence, renewable energy and tourism. The policy should provide guidance and support for future growth and development of the rural economy. This may promote investment in infrastructure.
- There needs to be a local profile of issues and an assessment of how the policy will affect specific areas.
- Policy should also apply to small towns and growth villages. These areas have historic merit and concern about lack of specific policies to apply to these locations. This policy must include policy on growth villages to comply with the settlement hierarchy.
- Should clarify that SUEs are excluded from this policy.
- Should be a threshold limit for small towns and growth villages.
- Concern about the impact of the policy on the ability of MOD to perform its function in Central Lincolnshire.
- Support for the policy providing the existing developed footprint is taken forward.
- Development should not be restricted to only infill sites in small villages as the most suitable sites may be at the edge and some villages may not have any suitable infill sites.
- Concern about potential conflict between this policy and LP24 (*now LP4*) where local support is needed irrespective of the benefits of a development.

3.3 In addition to these issues a number of specific comments were made about the approach and wording of the individual elements of the draft policy, and many references to how the policy should apply in specific settlements were also received.

4. Local Plan Policy: Further Draft

- 4.1 The Local Plan was amended in response to comments received in the consultation and as a result of emerging evidence documents and changes to other policies in the Local Plan. There have also been changes to the permitted development rights to allow change of use of agricultural buildings to certain other uses. This has also been taken account of in the amended policy.
- 4.2 A number of comments were received at the Further Draft stage, which can be summarised as follows:
- Particular support expressed for Part B, replacement of a dwelling in open countryside.
 - Part G, protecting the best and most versatile agricultural land, is also particularly supported.
 - However there was also objection to Part G, namely that it goes beyond requirements set out in paragraph 112 of the NPPF.
 - Objections raised against Part D, non-residential development in rural areas: comments that the policy creates a 'presumption against development' that restricts development outside settlement boundaries and that it risks stifling much needed growth in some areas. Alternative wording suggested.
 - Suggestion made that a clause should be inserted into Part F, agricultural diversification, that large scale renewable energy developments are not classed as diversification
 - Concerns raised against Part A, re-use and conversion of non-residential buildings for residential use in open countryside: misgivings about what constitutes 'comprehensive' evidence to justify a building is no longer being used for its original purpose.
 - Concerns raised against criteria c of Part E, non-residential development in rural areas: criteria needs clarification so that it does not become a tool to prevent a farming business from diversifying because of existing agricultural uses, or to stop a farm business embarking on a scheme just because there is a similar scheme nearby.
 - Concern that the policy does not accord with paragraphs 54 and 55 of the National Planning Policy Framework (NPPF)

5. Local Plan Policy: Proposed Submission

- 5.1 All comments made at the Further Draft stage were carefully considered, and some minor changes to the policy have been made.
- 5.2 The title and content of the policy has been amended to cover 'hamlets', reflecting a similar change to the settlement hierarchy policy. This makes it clear that the policy applies to more than just open countryside, but also the very small settlements (hamlets) which are found throughout Central Lincolnshire.
- 5.3 The broad thrust of the policy remains unaltered. It is considered to reasonably reflect the approach set out in the NPPF, and reflects local circumstances (such as the need to protect agricultural land, with Central Lincolnshire of national importance in terms of food production).
- 5.4 Part D reflects the approach set out in Policy LP2, and is considered appropriate and in line with the NPPF. If the policy was amended to allow dwellings in hamlets and the countryside, it could open the door to large numbers of new dwellings in locations lacking services and facilities, and potentially damaging the local qualities of the rural hamlet. That

said, if, for example, a particular hamlet was considered, locally, to be, on an exceptional basis, suitable for small levels of infill, then this could be a matter taken forward in a Neighbourhood Plan. It is not feasible for a strategic Local Plan to set out such detail for the many hundreds of hamlets and isolated dwellings in Central Lincolnshire.

- 5.5 All other matters raised have been considered, but it is considered the policy is suitable, NPPF compliant and appropriate at this strategic Local Plan level.
- 5.6 The policy is supported by policy LP2 and LP4 of the Local Plan in particular, which sets out growth levels for rural villages and other considerations for locating growth in villages.

6. Alternative Reasonable Options

- 6.1 The following alternative options have been considered for this policy (option 1 being the proposed policy in the Further Draft Local Plan).
- 6.2 **Option 2:** No policy on development in rural areas and the countryside. This approach would potentially result in harmful development occurring in many locations across Central Lincolnshire. National policy alone would not be sufficient to rely on given the specific Central Lincolnshire rural context. The inclusion of a policy on this subject helps to improve certainty for residents, applicants and decision takers on relevant planning applications.
- 6.3 **Option 3:** More specific policy, including the identification of sites. This approach would provide additional certainty for what development would occur, but it would be inflexible to account for change of circumstance and would potentially restrict suitable and sustainable development. It would also be considerably resource-intensive to undertake. Neighbourhood plans are available to progress detailed matters in specific localities.

7. Conclusion

- 7.1 This Evidence Report demonstrates the rationale for the proposed policy LP55 as contained in the Proposed Submission Local Plan. We hope this helps demonstrate how we have responded to comments received during the Preliminary Draft and Further Draft consultation, as well as how the latest evidence and national guidance has been taken into account.