

Annex

Local Plan to 2040

Village Boundary Issues - Coherence with Canterbury City Council's Local Planning Policy

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Summary

Policy R7 (Land off The Hill) ¹ of the draft Local Plan comprises a land allocation (SLAA098) from the previous draft Local Plan (2045) for mixed use development. It has been allocated for approximately 300 dwellings on a greenfield site comprising high quality agricultural land. The site is located outside of the recognised built-up area of Littlebourne and in open countryside. Policy R7 explains this as an “extension to the settlement to the south west”. Such an allocation, however, involving an unconsulted, arbitrary extension of settlement boundaries, is in direct conflict with policies SP4 and HD4 of the existing Local Plan (2017-2031) under which it is submitted. It further conflicts with similar policies (SS3, R1, R19, DS12) of the new draft Local Plan (to 2040) which has yet to complete the Regulation 18 process.

Of direct relevance here is the fact that an earlier Planning Application for this same Policy R7 site (CA/21/01627) albeit around one third of the size (114 houses rather than 300+) was refused. The reason provided for refusal by Canterbury Planners was, *inter alia*, on the basis of being “located outside of any settlement and is not identified as suitable for residential development within the Canterbury District Local Plan 2017 and as such, if allowed, would result in an unsustainable, unplanned urbanisation of the countryside, and the permanent loss of best and most versatile agricultural land. The proposed land allocation is therefore contrary to policies SP1, SP4, HD4, EMP12 and DBE3 of the Canterbury District Local Plan 2017 and the National Planning Policy Framework.” (Canterbury City Council, Decision Notice, Oct 2021).

It is reasonable to assume that such powerful rationale for this refusal decision by Canterbury City Council remains intact. Neither should the relevant rationale change substantially from one plan to another: in order to establish a long-term spatial strategy for orderly housing development, it is essential that all policy is at least internally consistent. The fact that Policy R7 of the emerging Plan has identified the site for residential development appears inconsistent with existing policy. Moreover, the decision to extend the Littlebourne settlement boundary (as indicated in the “policy map”) is arbitrary. There is no record of a previous local public consultation on this very significant proposal for boundary change, and this issue should therefore remain integral to the current Local Plan consultation.

Moreover, considering both plans (to 2017 and to 2040) as a whole, the only clear and sensible meaning emerging from their respective, relevant policies demonstrates that no support for developments outside of the built-up areas of local centres is offered other than under exceptional circumstances. This perspective is strongly upheld by National Policy Planning Framework (NPPF). Indeed, Canterbury Council’s strategic vision in regard to service centres such as Littlebourne, has been to support development *within* settlement boundaries recognising that areas outside of these boundaries are designated as countryside where development will generally be restricted (e.g. Policy R2 of the emerging Plan).

The land allocation and Policies 7 and 8 fails to meet the required policy requirements in regard to boundaries, and should therefore be removed.

In addition to the boundary issues outlined here, policy conflicts also arise in regard to potential impacts of the Application on **existing enterprises and facilities** within Littlebourne. For example, Policy DS12 (emerging plan), aims to enable existing rural businesses to grow, adapt, and where appropriate, diversify. The thriving *4Villages Store* in Littlebourne which was established originally based on community financial support, and the *Ivy Barn Farm Shop* and cafe would both be adversely affected by the Applicant’s proposals for further shopping and cafe outlets.

Aside from these policy related conflicts, **specific material considerations** have a direct bearing on the draft Local Plan. These are discussed and presented in separate papers by Richard Andrews and Tim Bostock.

¹ Policy R8 (Land off Court Hill) is also of relevance here and similar arguments apply, despite a significant difference in scale; the discussion however focusses on Policy R7.

National Policy Context on Countryside Development

Overall, the focus of the National Policy Planning Framework (NPPF) is clear in that planning policies and decisions aim to encourage access to the countryside whilst discouraging *encroachment into* it.

NPPF incorporates an important, principled focus on maintaining and enhancing environmental goods and services to benefit local people. It notes, for example, the need to:

- contribute to and enhance the natural and local environment by protecting / enhancing valued landscapes, sites of biodiversity and soils commensurate with their statutory status or identified quality in the development plan);
- recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services, including the economic and other benefits of the best and most versatile agricultural land, trees and woodland.

Canterbury's Policy R19 (Countryside) and DS4 (Rural Housing) describe conditions under which development in the countryside outside of settlement boundaries would be permitted. While in general, this is considered to be unsustainable, it may be supported in exceptional circumstances depending upon type, size of and affordability, and how the development would be managed.

Rural Exception Sites are one such circumstance. The National Policy Planning framework (NPPF - upon which Canterbury policy is based) defines these as sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection. A proportion of 'market' homes may be allowed on the site at the local planning authority's discretion, to ensure economic viability.

Such circumstances will also vary within contexts including where planning consent has been granted on the basis that the social and economic benefits of the scheme and its contribution to affordable housing in the area, outweigh inevitable adverse impacts on the character and appearance of the countryside. For example, *Barlow vs Cheshire East Council*, Barlow had applied for planning permission to build 10 houses on open land. The authority failed to make a decision within the prescribed period, so Barlow appealed. At the appeal, the authority said that it would have refused planning permission because the project conflicted with its development plan. It would be beyond existing settlement boundaries where development should be restricted, and there was a need to protect the open countryside. The inspector allowed the appeal and granted planning permission *on the basis that any harm caused would be outweighed by the development's benefits, particularly in terms of the provision of affordable housing*. The High Court upheld that decision.

In order to determine if a site is suitable as a Rural Exception Site, a **local community-based needs assessment is needed** to demonstrate the shortfall in affordable homes and this is usually evidenced through a parish housing needs assessment survey. The Applicant suggests very incorrectly, that an "objectively assessed market and affordable housing needs within both Littlebourne [and Canterbury]" exists. No such assessment exists.

In regard to this Application, however, no reference is made to this as meeting the requirements of a Rural Exception Site, and neither is evidence presented on any community-based needs assessment in regard to the actual local housing shortage.

Given that Canterbury's Planning policy correctly reflects all of these principles, there appears to be little room for discussion on whether the Application should be once again refused.

Overview of Local Planning Policy - Littlebourne as a *Rural Service Centre*

SS3 'Countryside'. Countryside is defined as any parts of the district outside of the settlement boundaries of the urban areas, rural service centres and local service centres. Here, and in reflection of Policy R2, priority will be given to protecting the rural character and new housing will only be supported in very limited circumstances with our prejudice to the existing vitality of these important rural settlements.

Within the countryside the both Local Plans seek to support agricultural development, including viticulture, and enable the protection and sensitive enhancement of existing community facilities and businesses to support the district's rural economy. Designated green gaps which prevent coalescence between settlements will be protected from development which would harm the openness of these areas.

R2 Rural Service Centres and R28 Countryside.

Both policies articulate clearly that only *within* the settlement boundaries of the designated rural service centres (including Littlebourne) will any new housing development be supported, and where there is support from an adopted Neighbourhood Development Plan. Exclusions to this refer to previously developed land, small scale developments or infill. The emerging Local Plan policy is to only support new housing development where it protects the rural character and appearance of the countryside. Exceptions are infill and agriculture development e.g. viticulture. New community services / facilities will only be permitted in countryside where:

- there is an identified local need for proposal which outweighs any harm
- the rural character of the area is protected, including any adverse impacts on the landscape and heritage
- the development can be accommodated by the local highway and
- would not undermine the viability of existing provision within the area.

R2 supports effort to protect and enhance the sustainability of the rural service centres by resisting the loss of community facilities and services and business or employment premises (paras above re 4VillagesStore and Ivy Barn refer), and supporting proposals which further enhance the community and business offer within the settlement boundaries. Other aspects refer to protecting valued open spaces, and supporting sustainable transport and PRoW network.

The Policy notes that support for proposals for new community facilities and services, business or employment space and tourism facilities outside settlement boundaries would only be given where, for example, there is an identified local need for the proposal which outweighs any harm, and where the development would be in proportion to the scale of the existing settlement without undermining or harming any existing provision within the settlement.

DS12 Rural Economy: Within the countryside, the plan again aims to protect the rural character of the district while enabling existing rural businesses to grow, adapt, and where appropriate, to diversify. Outside of settlement boundaries, the best quality agricultural land should be protected from loss through development other than in exceptional circumstances.

Policy here is to protect the best and most versatile agricultural land for the longer term. Any development on agricultural land would need to be supported by an Agricultural Land Classification Assessment. Development on unallocated agricultural land that would result in the significant loss of Grades 1, 2 and 3a agricultural land will only be permitted where it can be demonstrated to be necessary to meet a local housing, business or community need and a suitable site within urban areas and settlement boundaries or on poorer quality land cannot be identified.