

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

LOCAL PLAN ADVISORY COMMITTEE – 9 SEPTEMBER 2014

Title of report	LIMITS TO DEVELOPMENT
Contacts	<p>Councillor Trevor Pendleton 01509 569746 trevor.pendleton@nwleicestershire.gov.uk</p> <p>Director of Services 01530 454555 steve.bambrick@nwleicestershire.gov.uk</p> <p>Planning Policy Team Manager 01530 454677 lan.nelson@nwleicestershire.gov.uk</p>
Purpose of report	To allow members to consider a review of Limits to Development.
Council Priorities	<p>These are taken from the Council Delivery Plan:</p> <p>Value for Money Business and Jobs Homes and Communities Green Footprints Challenge</p>
Implications:	
Financial/Staff	The resource implications of reviewing Limits to Development are set out in the report.
Link to relevant CAT	None
Risk Management	Limits to Development have provided a useful tool in assisting the Planning Authority determine development proposals. However, it is some years since they were prepared and a failure to review this important policy area will place the new Local Plan at risk of not providing a clear, up-to-date framework for decisions on what will or will not be permitted and where.
Equalities Impact Screening	None
Human Rights	None
Transformational Government	Not applicable

Comments of Head of Paid Service	The report is satisfactory
Comments of Section 151 Officer	The report is satisfactory
Comments of Monitoring Officer	The report is satisfactory
Consultees	Local Plan Project Board
Background papers	National Planning Policy Framework which can be found at www.gov.uk/government/publications?topics%5B%5D=planning-and-building North West Leicestershire Local Plan (2002) which can be found at https://www.nwleics.gov.uk/pages/local_plan
Recommendations	<p>THAT THE ADVISORY COMMITTEE:</p> <p>(I) NOTES THE LIMITATIONS OF SETTLEMENT BOUNDARIES, PARTICULARLY WHERE THERE IS NO UP TO DATE PLAN OR THE LACK OF A 5 YEAR SUPPLY OF HOUSING LAND;</p> <p>(II) RECOMMENDS TO COUNCIL THAT BOUNDARIES FOR SUSTAINABLE SETTLEMENTS BE DEFINED AS PART OF THE NEW LOCAL PLAN;</p> <p>(III) AGREES THAT OFFICERS PREPARE DRAFT BOUNDARIES FOR THOSE SETTLEMENTS LISTED IN PARAGRAPH 4.5 OF THIS REPORT AND;</p> <p>(IV) NOTESTHAT WORKSHOP(S) WILL BE ARRANGED TO ALLOW ALL MEMBERS TO BE INVOLVED IN DISCUSSION AND GUIDANCE ON THE PREPARATION OF SETTLEMENT BOUNDARIES.</p>

1. BACKGROUND

- 1.1 Limits to Development are a commonly used tool in Local Plans that provide clear, defensible boundaries around settlements within which development will normally be confined. They have been used as a planning policy tool in North West Leicestershire for a considerable time. Limits to Development are currently defined on the North West Leicestershire Local Plan (2002) proposals map for all the settlements in the district, including in some instances small groups of houses.
- 1.2 Limits to Development distinguish between areas of development and development potential and areas of restraint, such as countryside. In particular, 'saved' Local Plan policies S2 (Limits to Development) and S3 (Countryside) refer to Limits to Development (Appendix A).

2. THE NEED TO REVIEW LIMITS TO DEVELOPMENT

- 2.1 Although Limits to Development are defined in the 2002 adopted Local Plan, their preparation dates back to the 1990s, so they have not been fully reviewed for over 20 years. At the time they allowed for some new development. As these opportunities have been realised so the remaining opportunities for new development have become more constrained.
- 2.2 The National Planning Policy Framework (NPPF) makes it clear that relevant policies for the supply of housing, which include Limits to Development, should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. As a consequence of the Council recently being in a position of not being able to demonstrate a five-year land supply, a significant amount of housing development has been granted beyond Limits to Development.
- 2.3 Therefore it is important for members to note that limits to development, however defined, cannot be an absolute security against development in perpetuity and as circumstances change there may then be opportunities for development to take place outside of those limits. The most common reasons for this occurring are not having an up to date plan and also not being able to demonstrate a 5 year supply of housing land. Both these circumstances have recently impacted on North West Leicestershire and may also occur again.
- 2.4 The case for reviewing Limits to Development as part of the preparation of the new Local Plan is therefore overwhelming.

3. REVIEW OF OPTIONS

- 3.1 Some planning authorities have replaced the Limits to Development concept (sometimes also referred to as Settlement Boundaries, Village Envelopes etc.) with criteria-based policies. In these circumstances no boundary is defined around a settlement, but instead criteria are used to determine whether a proposal is acceptable or not. An example from a recently adopted Core Strategy is attached at Appendix B to this report to illustrate what such a policy might look like.
- 3.2 Whilst a criteria based policy approach does have some advantages, in particular the fact that it is more flexible, it also has significant disadvantages; most notably it will be less clear where development will or will not be permitted. Decisions will be less transparent and there is a likelihood of more planning appeals.
- 3.3 In North West Leicestershire, Limits to Development are a well understood planning tool for managing development. Limits to Development also:
 - a provide certainty: with a boundary shown on a Policies Map, Limits to Development make it clear what will or will not be permitted and where. They provide a transparent and consistent approach to development control decisions;
 - b allow for a more managed approach to housing growth;
 - c help check the unrestricted sprawl of built-up areas;
 - d prevent neighbouring settlements merging into one another;
 - e safeguard the countryside from encroachment;

- f help preserve the setting and special character of historic towns and villages; and
- g assists in urban regeneration, by encouraging the recycling of derelict and other urban land;
- h facilitate the release of land for rural exception site affordable housing schemes and the provision of community facilities.

3.4 However, there are some significant disadvantages associated with Limits to Development:

- a Increased land values within Limits to Development impacts on housing affordability;
- b 'Town Cramming' and 'Garden Grabbing' are encouraged as a result of restricting development outside settlements to the detriment of settlement character and residential amenity;
- c Limits to Development are inflexible and are unable to respond to changing circumstances. They could very quickly become out-of-date again, particularly if the housing land supply fell below the 5 years plus 20% requirement.

3.5 Further, the preparation of new Limits to Development for some 40 settlements in the District will have significant resource implications as a result of:

- i The time taken to survey settlements and research planning histories and constraints (approximately one day for a typical settlement) in order to define Limits to Development; and
- ii The need to manage, administer and examine the anticipated increased volume and complexity of representations made with respect to new boundaries.

3.6 The impact on resources can be mitigated to some extent by reducing the number of settlements for which Limits to Development are considered appropriate will be prepared.

3.7 On balance it is considered that it would be appropriate to define Limits to Development (or equivalent) as part of the new Local Plan for sustainable settlements.

4. SUGGESTED APPROACH

4.1 In accordance with the NPPF, the new Local Plan will be prepared with the objective of contributing to the achievement of sustainable development. Limits to Development will direct development to the most sustainable locations and therefore it is more appropriate for them to be called 'Sustainable Settlement Boundaries'. A new title will also help distinguish the new boundaries from the previous Limits to Development defined in the 2002 Local Plan.

4.2 While a development strategy for North West Leicestershire remains to be agreed, the concentration of growth in the main settlements (Coalville Urban area, Ashby de la Zouch, Castle Donington, Ibstock, Kegworth and Measham) in comparison with other patterns of more dispersed development would accord with the fundamental planning objective to promote sustainable development.

4.3 In rural areas, some housing could be located where it would enhance or maintain the vitality of rural communities. Therefore, Sustainable Settlement Boundaries could allow for

some rural housing development to help retain local services and community facilities such as schools, local shops, cultural venues, public houses and places of worship.

4.4 Although the North West Leicestershire Core Strategy was subsequently withdrawn, its approach to identifying what were considered to be sustainable rural communities received little or no objection. In it, Sustainable Villages were identified as those places which contained at least five of the following eight community services and facilities:

- i A General Store;
- ii A Primary School;
- iii A GP surgery;
- iv A Village hall or similar venue;
- v A recreation or sports ground;
- vi A public house;
- vii A daytime (i.e. 7am to 6pm) bus service, Monday-Saturday with a frequency of at least once an hour, to one or more higher order centres;
- viii Local employment opportunities other than employment associated with the above services.

4.5 Currently and on this basis, Sustainable Settlement Boundaries would need to be defined for the following settlements:

Albert Village, Appleby Magna, Ashby de la Zouch, Belton, Blackfordby, Breedon on the Hill, Castle Donington, Coalville Urban area, Coleorton (the Lower Moor Road area only), Diseworth, Donisthorpe, Ellistown, Heather, Ibstock, Kegworth, Long Whatton, Measham, Moira (including Norris Hill), Oakthorpe, Packington, Ravenstone, Swannington, Worthington.

4.6 There have also been recent appeal decisions that have examined the sustainability of settlements. In particular, an appeal at Tea Kettle Hall, Long Whatton Road, Diseworth (Ref: 13/00120/OUTM) where the Planning Inspector concluded that “*The location of the site is such that the proposal would be inherently unsustainable*”.

4.7 It will be noted that Diseworth was included in the list of Sustainable Villages in the Core Strategy. In view of this appeal decision it may be necessary to re-consider how sustainable rural communities are defined as part of the Local Plan’s development strategy.

4.8 However, at this early stage of plan preparation the longer list is considered to provide a suitable basis on which to move forward.

4.9 The remaining settlements with no or very limited services and facilities are not sustainable locations for development. While there will be no blanket restriction on all housing development in these places, opportunities will be more limited e.g. conversion, local needs housing. As a consequence, there will be no need to identify Sustainable Settlement Boundaries for settlements with no or limited services and facilities. These settlements will effectively be part of the countryside as far as planning policy is concerned and therefore not subject to unrestricted sprawl and inappropriate development.

5. NEXT STEP

- 5.1 As with other planning policies, proposals and designations the Local Plan preparation process will provide opportunity for engagement and collaboration with neighbourhoods, local organisations and businesses on the definition of Sustainable Settlement Boundaries.
- 5.2 Subject to Members agreeing to the preparation of Sustainable Settlement Boundaries as outlined above, it is proposed to hold Informal Members Workshop(s) that allow all District Councillors to be involved in the early stages of preparing draft Sustainable Settlement Boundaries with a view to ensuring that , as far as possible, there is wide support and understanding of the process.
- 5.3 It is therefore proposed that officers prepare draft Sustainable Settlement Boundaries for the settlements identified at paragraph 4.5 above. These will then be used to support discussion at the Member Workshop(s).

NORTH WEST LEICESTERSHIRE LOCAL PLAN (2002)

Policy S2

Development will be permitted on allocated sites and other land within the Limits to Development, identified on the Proposals Map, where it complies with the policies of this Local Plan.

Policy S3

Development will be permitted on land outside the Limits to Development, identified on the Proposals Map as Countryside, only where it:

- (a) Can be shown to be essential for the efficient long-term operation of agriculture and forestry;
- (b) Comprises acceptable farm diversification;
- (c) Is a public service or utility which cannot, for operational reasons, be accommodated within the defined Limits;
- (d) Is for recreation, community facilities, or tourism-related purposes, in accordance with the leisure and tourism policies of this Local Plan;
- (e) Is for Forest-related purposes within the National Forest, in accordance with the National Forest policies of this Local Plan; or
- (f) Involves the re-use, adaptation or conversion of rural buildings, in accordance with Policy E24 of this Local Plan.

EXTRACT FROM FENLAND CORE STRATEGY (POLICY CS12)

New development in villages will be supported where it contributes to the sustainability of that settlement and does not harm the wide open character of the countryside. Any proposal will need to satisfy the applicable policies of this document ... , as well as all the following criteria:

- a. The site is in or adjacent to the existing developed footprint* of the village; and
- b. It would not result in coalescence with any neighbouring village; and
- c. It would not have an adverse impact on the character and appearance of the surrounding countryside and farmland; and
- d. The proposal is of a scale and in a location that is in keeping with the core shape and form of the settlement, and will not adversely harm its character and appearance; and
- e. It would not extend existing linear features of the settlement, or result in ribbon development; and
- f. The site retains and respects natural boundaries such as trees, hedgerows, embankments and drainage ditches; and
- g. The site retains and respects ecological, archaeological and biodiversity features; and
- h. It would not result in the loss of important spaces within the village; and
- i. It would not result in the loss of high grade agricultural land, or if so, comprehensive evidence is provided to justify the loss. This should include an assessment of all alternative reasonable opportunities in the locality to develop on lower grades of agricultural land; and
- j. It would not put people or property in danger from identified risks; and
- k. It can be served by sustainable infrastructure provision, such as surface water and waste water drainage and highways.

If a proposal within or on the edge of a village would, in combination with other development built since April 2011 and committed to be built (i.e. with planning permission),

- a. increase the number of dwellings in the village by ..% or more; or
- b. for non-dwellings, have a floorspace of 1,000sq m or more or have an operational area (including, for example, parking and storage spaces) of 0.5ha or more,

then the proposal should have demonstrable evidence of strong local community support for the scheme (with such support generated via a thorough and proportionate pre-application community consultation exercise or a Neighbourhood Plan exercise).

** The developed footprint of the village is defined as the continuous built form of the settlement and excludes:*

(a) individual buildings and groups of dispersed, or intermittent buildings, that are clearly detached from the continuous built-up area of the settlement;

(b) gardens, paddocks, and other undeveloped land within the curtilage of buildings on the edge of the settlement where the land relates more to the surrounding countryside than to the built-up area of the settlement;

(c) agricultural buildings and associated land on the edge of the settlement;

(d) outdoor sports and recreation facilities and other formal open spaces on the edge of the settlement.