

RESPONSES TO PROPOSED POLICIES

Appendix

CHAPTER: 4	POLICY NUMBER: S4	POLICY NAME: Countryside (Strategic Policy)
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MAIN ISSUES RAISED	COUNCIL RESPONSE	ACTION	RESPONDENT S ID	RESPONDENT S NAME
[Clarity is required as to whether S4(i) refers to new business; such an approach would be supported by the NPPF. If the policy refers to the expansion of an existing business, then the policy should be re-worded.]	The NPPF (paragraph 88) supports the sustainable growth and expansion of all types of business in rural areas as well as the development and diversification of agricultural and other land-based rural businesses. A change is proposed to the policy wording for clarification.	Add 'new' to (1)(i) and 'existing' to (1)(j).	8	JJM Planning
Equestrian uses should be separately listed as being acceptable in the Countryside as they do not strictly fall under sports and recreation.	Noted. A change is proposed to the policy wording for clarification.	Add 'forestry and equestrian use' to (1)(a).	8	JJM Planning
[S4 is a very important policy. It is our view that the policy needs to be strengthened, as development in the countryside should be avoided wherever possible]. Strengthening can be achieved by <ul style="list-style-type: none"> • Para 1, line 2 – propose to add “only” before “the uses”. 	Adding the word 'only' into part (1) of the policy would result in the policy being negative and overly prescriptive which would not allow flexibility to assess each application on a case-by-case basis.	None.	92	Ashby de la Zouch Town Council
<ul style="list-style-type: none"> • Para 1 (i). “Expansion of business and enterprise including farm diversification”. The term “farm diversification” needs better, clearer definition of how big an expansion is 	In order to support a prosperous rural economy paragraph 88 of the NPPF states that planning policies and decisions should enable:” b) <i>the development and diversification of</i>	Amend criteria (1)(j) by replacing the word 'farm' with 'agricultural'.	92	Ashby de la Zouch Town Council

<p>acceptable and what is an acceptable farm diversification. For instance, would building a warehouse or factory on a farm count as diversification? We would suggest that adding “agricultural” between “farm” and “diversification” could go some way to achieving this.</p>	<p><i>agricultural and other land-based rural businesses</i>”. It is proposed that the policy wording is amended to reflect the wording used in the NPPF.</p>			
<ul style="list-style-type: none"> • Para 2 (b) both “and”s should be “or”s. This is the same wording as in the current policy, which has caused major problems for the Planning Committee in the past. The use of “and” in “physical and perceived separation and open undeveloped character between settlements”, rather than “or”, has been interpreted by officers to mean that all three characteristics (physical separation, perceived separation and open undeveloped character) must be violated before the paragraph can have any effect. The corollary is that, if a development violates only one or two of these characteristics then this paragraph deems the development to be acceptable under its terms. This means that a development could not be rejected under the terms of this paragraph if there would remain any physical space between the settlements, even though it was held to undermine the perceived separation and the open undeveloped character between the settlements. 	<p>Noted. Changes to are proposed to the policy wording for clarification.</p>	<p>(2)(b) second ‘or’ to be changed to ‘and’. Change the ‘and’ between physical and perceived to ‘or’. Delete ‘and open undeveloped character’.</p>	<p>92</p>	<p>Ashby de la Zouch Town Council</p>

<p>The policy should NOT be changed (Ec1 and 2) with regards to development in the countryside.</p>	<p>The Policy (revised criteria (i)) allows for employment uses to be located in the countryside provided the proposal accords with Policy Ec4. Para. 88 of the NPPF supports the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings. Paragraph 89 of the NPPF states that planning policies and decisions should recognise that sites to meet local business needs in rural areas may have to be found adjacent or beyond existing settlements.</p>	<p>None.</p>	<p>103</p>	<p>Judith Billington</p>
<p>[There is a need for the criteria 2 in Policy S4 to include wording on the protection given to sports facilities and playing fields in accordance with NPPF paragraph 103. Therefore, Sport England objects to the current wording of this draft policy.]</p>	<p>All the policies of the Local Plan should be read together. Draft Policy IF4 is consistent with NPPF paragraph 103.</p>	<p>None.</p>	<p>143</p>	<p>Sport England</p>
<p>[Gladman's concern with this policy is that section 2 is reliant on sites progressing past section 1. As it is currently written a site which is not within the closed list (a) – (r) would then not be obliged to be assessed against (2) (a)-(d). If for instance the limits to development were found to be out of date in the future the Council would lack a landscape policy for development in the countryside. While the Council have</p>	<p>Noted. A change is proposed to the policy wording for clarification.</p>	<p>Part (2) to be reworded, delete 'development' and 'in accordance with (a) to (r) above' and reword the first sentence to read 'Where a proposed use is considered acceptable in a</p>	<p>147</p>	<p>Gladman Developments Ltd</p>

<p>a subsequent policy which covers 'Residential Development in the Countryside' Gladman do not consider that this fills the void currently in S4 in particular major residential development.]</p>		<p>countryside location it should...'</p>		
<p>[Object to Draft Policy S4 Countryside. The policy should be more flexible recognising that sometimes uses beyond those listed (a) to r) will need be supported to meet the housing need according to the market. Language used should be positive in accordance with NPPF paragraph 16. Often land outside or adjacent to the limits to development may be the most suitable location for new development and sites within the development limits may not be the most appropriate land to deliver the development required (nor the most sustainable option). Paragraph 7 of the NPPF recognises that 'the purpose of the planning system is to contribute to the achievement of sustainable development, including the provision of homes, commercial development, and supporting infrastructure in a sustainable manner'. Paragraph 69 of the NPPF also states that 'planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability'.]</p>	<p>Noted. A change is proposed to the policy wording for clarification.</p>	<p>Part (2) to be reworded, delete 'development' and 'in accordance with (a) to (r) above' and reword the first sentence to read 'Where a proposed use is considered acceptable in a countryside location it should...'</p>	<p>150</p>	<p>Savills (David Wilson Homes East Midlands)</p>
<p>[Policy S4 could be amended to provide greater flexibility in relation to the uses listed (a) to (r) that will be supported, subject to the considerations set out in</p>	<p>Neighbourhood Plans are part of the development plan and as such a specific criterion is not necessary.</p>	<p>None.</p>	<p>161</p>	<p>Mather Jamie (The Trustees of Lord Crawshaw</p>

<p>criteria (a) to (d). The range of uses identified from (a) to (r) could be broadened to add local housing sites within the Countryside that are allocated within a relevant Neighbourhood Plan to ensure there is not potential conflict between this Local Plan and Neighbourhood Plan policy. See also our comments in Section 3 and 4 of our response, which seek to deal with the same issue].</p>				<p>1997 Discretionary Settlement (the Whatton Estate))</p>
<p>[The policy should be amended to include 'appropriate residential infill development'. Windfall sites on the periphery of settlements can make small, but important, contributions to housing delivery and the vitality of settlements. We appreciate this would be for principal towns, key service centres, local service centres and sustainable villages]</p>	<p>The strategy of this plan is to direct new development to appropriate locations within the Limits to Development consistent with the settlement hierarchy set out in Policy S2. In addition, Policy S3 allows for new dwellings at Local Housing Need Villages where a range of criteria are met.</p>	<p>None.</p>	<p>176</p>	<p>Stantec UK Ltd (Talavera Estates Limited and Alexander Bruce Estates Limited)</p>
<p>In principle, Wilson Bowden supports the general principles of Policy S4 and supports the provision of criterion 1(h) within this specific policy, which relates to compliance with the proposed provisions of Policy Ec4.</p>	<p>Noted.</p>	<p>None.</p>	<p>186</p>	<p>Pegasus Group (Wilson Bowden Developments Ltd)</p>
<p>[Draft Policy S4 fails to recognise the importance of Breedon Hill. The emerging Breedon on the Hill Neighbourhood Plan identifies Breedon Hill as a primary landmark with views from and of the Hill protected. However, the importance of Breedon Hill in the landscape extends beyond the Neighbourhood Area (and beyond North</p>	<p>Noted. Breedon Hill is an important feature in the landscape. Criteria (2)(a) of the policy requires development to respect the appearance and character of the landscape, including its historic character.</p>	<p>None.</p>	<p>196</p>	<p>Breedon on the Hill Parish Council</p>

<p>West Leicestershire district) and therefore should be protected by the polices of the Local Plan.]</p>				
<p>[Criterion (d) of Part 2 requires that new development is well integrated with existing development. This is considered inappropriate in relation to criterion h) of Part 1, which allows employment land in accordance with the provisions of Draft Policy Ec4. Draft Policy Ec4 relates to the circumstances where employment development on unidentified sites will be allowed. Policy Ec4 will only apply exceptionally and in circumstances where allocated or existing employment sites and previously developed land are not available. It is likely to apply to particular businesses with specific locational requirements. This can be understood alongside the comments provided at paragraph 7.13 of the emerging Plan. Businesses may need a location separate from built up areas for reasons around safety or amenity or some may demand an attractive landscaped setting. Where such businesses rely on the provisions of draft Policy Ec4 to be attracted to invest in the District they might very well be frustrated by the further requirement of Policy S4 that they must be well integrated with existing development. This conflict might be remedied simply through the inclusion of the words “Where appropriate” at the</p>	<p>Noted. A change is proposed to the policy wording for clarification.</p>	<p>Remove ‘New built development’ from 2(d) and reword to read ‘Be well integrated with existing buildings where these are close to the proposed development’.</p>	<p>225 and 229</p>	<p>Planning Prospects Ltd (St Modwen Logistics and P, W, C & R Redfern)</p>

beginning of criterion d) of Part 2 of the draft policy.]				
[Policy is supported as it maintains an approach that was established in the previous Local Plan, that development on land identified as countryside can be supported subject to various specific criteria, 'Development at East Midlands Airport in accordance with Policy Ec8;']	Noted.	None.	230	East Midlands Airport
[As drafted Policies S4 and S5 impose a blanket ban on proposals for housing development where they are promoted outside limits to settlements (eg on the edges of the towns and villages). This is not consistent with the NPPF, which requires a balancing of planning considerations in every case and will not be found sound. Policies S4 and S5 need to allow for a balanced judgement to be made about the acceptability of such proposals, having regard to all relevant factors including, the need for the Council to maintain an adequate supply of deliverable housing sites throughout the Plan period.]	<p>There is a presumption against development in the countryside. However, there are a number of policies in the Local Plan that allow for development in the countryside.</p> <p>Policy S4 supports housing in a countryside location providing it accords with the requirements of the policy.</p> <p>Policy S3 (Local Housing Needs Villages) allows for new dwellings at Local Housing Need Villages where a range of criteria are met.</p> <p>Policy S5 (Residential Development in the Countryside) allows for rural workers dwellings and replacement dwellings.</p> <p>Policy H6 (Rural Exceptions Policy) supports the provision of affordable housing outside of the Limits to Development as an exception where a number of criteria can be met.</p>	None.	243	Avison Young (Jelson Homes)

	<p>In regard to maintaining an adequate supply of deliverable housing sites throughout the plan period national guidance requires the council</p> <p>If the Council was unable to demonstrate a five-year housing land supply (including any appropriate buffer) the presumption in favour of sustainable development would apply, as set out in Para 79 of the NPPF.</p>			
Suggest the policy should include an additional bullet point (2)(e) along the lines of: “does not prejudice the delivery of wider planned development and/or infrastructure including (but not necessarily limited to) those types referred to under points (1(q)) and (1(r)) above”.	Part (1) (r) of the policy allows for transport infrastructure and part (s) allows for development by statutory undertakers or public utility providers. As such it is not necessary to repeat this under part (2) of the policy.	None.	341	Leicestershire County Council
Minerals and waste safeguarding are important considerations on this issue.	Noted. The Leicestershire Minerals and Waste Local Plan forms part of the Development plan.	None.	341	Leicestershire County Council
<p><i>Comments from an LCC Landowner Perspective:</i></p> <p>The policy in seeking to deliver on the objectives of protecting and enhancing heritage and environmental assets finds a balance with the economic role of the countryside and its ability to support the delivery of other strategic objectives and is therefore seen as appropriate.</p>	Noted	None.	341	Leicestershire County Council
[Re. 4.32/4.33 The environment should be maintained and enhanced. The potential environmental, economic and	The Policy supports agriculture, agricultural uses and agricultural workers dwellings (in accordance with	None.	350	Teresa Walker

<p>social value of the countryside should be realised/maintained. There would be a reduction in land used for food production and the irreversible damage/loss of fertile agricultural land. Why is a greenfield site proposed, rather than land that's already been built on/brownfield sites? As in 4.39, agriculture remains an important part of the local economy, heritage and character of the region. There is a real risk of damage to the local communities/quality of life and mental health. There is a risk that the legacy for future generations is lost too.]</p>	<p>Policy S5) to support the environmental, economic and social value of the countryside.</p> <p>Whilst it is preferable to develop brownfield sites there are only a finite number of these. Development of greenfield sites will be required in order to meet the housing requirements.</p>			
<p>[Proposed policy S4 contains similar policies to adopted LP Policy S3. The new proposed local plan includes policy S5 – Residential Development in the Countryside. Policy S3 makes no reference to when or where developments within the Countryside are or should be acceptable. The reference to policy S3 in policy S4 is, therefore, unacceptable as no criteria have been set out as to when it is appropriate to carry out developments in the Countryside in support of a local need.]</p>	<p>The Local Housing Needs Villages are set out in the Settlement Hierarchy (Policy S2). Local Housing Needs Villages do not have defined Limits to Development and therefore are within countryside. Policy S4 sets out the types of development that will be permitted in the countryside. S(1)(e) provides for Local needs housing in accordance with Policy S3.</p> <p>Policy S3 sets out a range of criteria that housing at a Local Housing Needs Village would need to meet. The reference to Policy S3 in Policy S4 refers the reader to Policy S3 where these criteria are set out.</p>	None.	355	Joanne Lunn
<p>4.33 The 'undeveloped countryside' is a poor term for our vital agricultural land that produces our food. It is developed.</p>	<p>The Government produces information on land use in England and the latest information is available on the</p>	None.	396	Siobhan Dillon

<p>Please can you tell me about the amount of agricultural land in NWLDC. Is the area available monitored and if so how and when?</p>	<p>Government's website: https://www.gov.uk/government/statistics/land-use-in-england-2022 The data for NWL at 2022 is as follows:</p> <ul style="list-style-type: none"> • Total area of NWL is 27,933Ha • Undeveloped/vacant area is 23,991Ha (of which 16,750 is used for agriculture) • Nearly 86% of NWL is undeveloped. 			
<p>[Para 4.33 states land within NWLDC is mostly arable. My perception is that the agricultural land is mostly pastureland and this is increasing. 4.33 States Agricultural land is mainly arable – how is this statement ascertained?]</p>	<p>Noted. A change is proposed to the supporting text.</p>	<p>Amend para. 4.33 to include reference to 'pasture and arable farm land'.</p>	<p>396</p>	<p>Siobhan Dillon</p>
<p>S4 splitting dwellings as permitted within the NPPF para 80 should be included. (if not to be permitted development in the future and short term holiday let's (i.e. Airbnb)</p>	<p>Para 84 of the NPPF (December 2023) States that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply. Criteria (d) of para 84 allows for development that would involve the subdivision of an existing residential building. A change is proposed to the policy wording.</p>	<p>(1)(g) Add in 'subdivision of existing dwellings'</p>	<p>527</p>	<p>Julia Howard</p>
<p>S4. 1(g)The removal of extensions with reference to S5 should be deleted as this policy S5 refers to replacement dwellings only not extensions.</p>	<p>Noted. A change is proposed to the policy wording for clarification.</p>	<p>Add a new criterion (h) that refers to replacement dwellings in</p>	<p>527</p>	<p>Julia Howard</p>

		accordance with Policy S5.		
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