

Much Marcle Neighbourhood Development Plan

Planning Policy Context – An Exception Case For Kynaston

Introduction

This document has been prepared by the Much Marcle NDP Working Party, as agreed at a meeting held at Herefordshire Council's Plough Lane 24 January 2017 between the Council's NDP and Policy Teams, Barry Durkin (Herefordshire Councillor, Old Gore), Sally Tagg of Foxley Tagg Planning Ltd (Consultants), and James Marsden, Chair of MMNDP Working Party.

The concept of this exception case for Kynaston is to treat Rushall and Kynaston as a single settlement within the scope of Core Strategy Policy RA2, which would ensure a greater number and wider range of housing land allocations to meet the Much Marcle Parish 14% housing growth target of 41 new dwellings.

Background

Local residents' responses to a 2014 questionnaire indicated 53% support for new dwellings at Much Marcle, and 28% - 30% and 26% - 29% support respectively for new dwellings at Rushall and Kynaston.

At the public meeting on Monday 23 March 2015 there was a clearly stated preference by local residents for new housing development in the centre and at the edge of each of the three settlements in the parish.

Much Marcle Parish Council (MMPC) subsequently decided that new housing growth should be distributed proportionately throughout the three settlements of Much Marcle, Rushall and Kynaston.

In response to an enquiry from the MMNDP Working Party dated 22 May 2016, written advice received from Herefordshire Council's Neighbourhood Planning Team on 24 May and 2 June 2016 confirmed that because Kynaston is not identified as a settlement for proportionate growth with the Core Strategy Policy RA2 it must be treated as open countryside under Policy RA3.

The MMNDP Working Party and Much Marcle Parish Council (MMPC) challenged this decision on the basis that *"Kynaston is quite clearly a 'settlement', and has been so for generations, with a defined settlement pattern and 12 dwellings within the main settlement area, of which 6 are council built houses. It's not part of Rushall, being separated by open country either side of Hall Court, and is acknowledged to be a separate hamlet in the Much Marcle Parish Design Statement which was approved by Herefordshire Council"* on 23 February 2000.

On 23 September 2016, Herefordshire Council's Neighbourhood Development (NDP) Planning Team wrote to the Chair of the MMNDP Working Party with alternative advice, as follows: *"I think the best way forward to be able for you to allocate housing sites in Kynaston, is to include this as part of the Rushall settlement; as stated in your plan. I have spoken with [Head of Strategic Planning] on this matter and think this is possibly the best solution, if you want to have housing sites within Kynaston."*

Acceptability of including Kynaston as part of Rushall can be further determined at regulation 14 consultation, regulation 16 consultation and at examination.”

The SEA and HRA (including detailed assessment of all the housing land allocations) produced by Herefordshire Council on the Regulation 14 consultation draft NDP version 4.3 were completed on the basis that Rushall and Kynaston would be treated as a single settlement within the meaning of Policy RA2.

However, in response to the Regulation 14 consultation draft NDP version 4.3, Herefordshire Council’s Development Management Team stated on 16 November 2016: *“I accept that Rushall is a [Figure] 4.15 settlement, but Kynaston is not”*.

Further comments from the Policy Team on 13 December 2016 stated: *“On inspection, I would be inclined to concur with Development Management’s comments, in that it would not be a sustainable location for housing growth. Settlements that are not identified in Figures 4.14 and 4.15 of the Core Strategy, which applies to Kynaston, should be treated in policy terms as countryside. Any new housing development here would therefore need to accord with the criteria of Policy RA3. This limits the scope for the delivery of any significant housing development in this location.*

In terms of incorporation of Kynaston into Rushall, I consider Kynaston to be divorced from Rushall in terms of location to the point that the two should be considered separate settlements from one another.”

In response to an early draft (May 2017) of this paper, Herefordshire Council’s NDP Team stated (email dated 13 June 2017):

“The overall view from NDP and Policy Teams are that there is generally no objection in principle to the approach of considering Kynaston and Rushall as a single settlement. However the evidence needs to be clear and unequivocal...”

This revised exception case paper has been prepared by the MMNDP Working Party in response to comments received from the NDP and Policy Teams.

Planning Policy Context

The Much Marcle NDP must pass all four tests of conformity with planning policy. The four tests of conformity are:

- National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG)
- Herefordshire Local Plan – Core Strategy 2011-2031
- EU Conservation of Habitats and Species Regulations (2010)
- Sustainable development.

Paragraph 54 of the NPPF states:

“In rural areas, exercising the duty to cooperate with neighbouring authorities, local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including

through rural exception sites where appropriate. Local planning authorities should in particular consider whether allowing some market housing would facilitate the provision of significant additional affordable housing to meet local needs.”

Paragraph 55 of the NPPF states:

“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.

Settlements have been identified in the Core Strategy, using criteria set out in Herefordshire Council’s Rural Settlement Hierarchy paper (2010)¹, based on the size of the settlement or hamlet and whether it has key services and other community facilities.

Paragraph 4.8.21 of the Core Strategy states:

*"In parishes which have **more than one settlement listed in Figures 4.14 and 4.15** the relevant neighbourhood development plan will have appropriate flexibility to **apportion the minimum housing requirement between the settlements concerned**. This will allow for a locally flexible approach that will respect settlement characteristics, the distribution of local facilities and other local factors. This approach will accord with paragraph 55 of the NPPF which indicates that where there are groups of smaller settlements in rural areas, the development in one location may support services in a location nearby”.*

Scope for new dwellings at Kynaston

The MMNDP seeks to achieve the 14% housing growth target by identifying proportionate housing land allocations in each of the three ‘settlements’ of Much Marcle, Rushall and Kynaston. Local people support this approach, as evidenced by responses to the residents’ and landowners’ questionnaire responses.

Therefore, we have identified three possible sites for new housing within Kynaston, one is part ‘brownfield’ (known locally as the ‘Old Chapel’ site) and is allocated for market housing; while the other two sites are infill within the gardens/curtilages of larger properties and are deemed suitable for affordable or market housing.

The landowners’ responses confirm that new dwellings proposed on housing land allocated at Kynaston are deliverable during the Plan period to 2031, and that two of the three sites could be developed for affordable housing.

This approach is consistent with the NPPF (paragraph 54), which states that *“local authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing to reflect local needs”*.

¹ Shaping Our Place 2026. Local Development Framework - Rural Settlement Hierarchy Background Paper (Updated November 2010).

Furthermore, whilst there are no community services/facilities in Kynaston, such facilities exist in both Rushall and Much Marcle, which are in close proximity², and so locating some new dwellings in Kynaston would appear to be consistent with the NPPF (paragraph 55), the Core Strategy (paragraph 4.8.21) and Policy RA2.

Rural exception sites

Reliance could be placed on Policy RA 3 (5) in accordance with Policy H2 (3), which states:

“... site respects the characteristics of its surroundings, demonstrates good design and offers reasonable access to a range of services and facilities normally in a settlement identified in Policy RA2”.

There is specific evidence (from the additional landowners' questionnaire completed in December 2016) that two of the three identified housing land allocations in Kynaston could be brought forward for development to meet a proven local need of affordable housing. If the design of any such affordable housing respects the characteristics of its surroundings, and because Kynaston is located close to Rushall and Much Marcle, it offers reasonable access to services and facilities connected by road, and therefore would be compliant with Policy H2 (3).

With respect to Much Marcle, in response to the Regulation 14 consultation draft NDP version 4.3, Herefordshire Council's Development Management Team have stated that *“the sites west of the A449 seemed to be at odds with all that the NPPF and CS promote [and] Dobbins Pitch is an unsustainable location, in regards to highways and ecology”*.³

Land allocations for two of the identified exception sites in Much Marcle (Hazerdine and Old Pike) are owned by Social Housing Providers who have existing dwellings on adjacent land. We intend to approach both of these SHPs to ascertain their willingness to develop new social housing on the allocated land (i.e. 1 new dwelling at Hazerdine and 2 at Old Pike). We have evidence that the owners of land allocated at Dobbins Pitch and Jink Robin are willing to bring their land forward for housing development.

Conversions of redundant buildings

We have evidence from a survey of all of the owners of the 19 identified redundant buildings that they would be willing to bring these properties forward for conversion/re-development for housing. We are relying on 10/19 redundant buildings being converted/re-developed for housing to meet our residual housing supply target.

² Kynaston is located ½ mile (<1km) from Rushall and 2.4 miles (<5km) from Much Marcle. Rushall has a pub/village hall (Rushall Club) and employment site (Graham Baker Motors), whereas Much Marcle has six key day-to-day services (employment sites, 3 pubs, village hall, primary school, shop and post office).

³ The Working party believes that a net gain of two new dwelling is possible at Dobbins Pitch with appropriate attention to scale, size, design, layout and mitigation of highways and ecology issues.

Alternative housing sites

The Working Party considered alternative housing sites adjacent to the Much Marcle settlement boundary (e.g. traditional orchard/horse pasture between Roseland and Dobbins Pitch, south of Glebe Orchard and the B4024 Dymock Road).

However, Herefordshire Council's 'Assessment of land with housing potential – Much Marcle' (2015) screened out most of the land adjacent to the Much Marcle settlement boundary as "*Land with No Suitability during the Plan Period*".

Only one alternative site (south of Picketts Corner, between Audley Farm and Rhonville) was identified in Herefordshire Council's assessment as "*Land with Medium Suitability*", but this land is owned by the Countryside Restoration Trust and is therefore highly unlikely to be brought forward for development because that would conflict with the Trust's charitable purpose and objects; and development of this site would obscure one of the key landscape views through to open countryside to the south of the village.

The planning constraints (see map at Annex) for alternative housing sites in and around the Much Marcle settlement boundary have been identified as:

- Land in the Environment Agency's Flood Zone 3 around the A449 crossroads (land assessed as having a 1 in 100 or greater annual probability of river flooding - <http://maps.environment-agency.gov.uk>), and a wider area within Flood Zone 2 (land assessed as having between a 1 in 100 and 1 in 1,000 annual probability of river flooding);
- Important local green spaces – e.g. Barton's playing field, Mortimer's Motte and Bailey, and the Monk's Walk drive up to Hellens Manor;
- UK Biodiversity Action Plan (UKBAP) Priority Habitats – e.g. traditional standard orchards;
- Area of Great Landscape Value
- 90 listed buildings/ancient monuments, including Homme House park and garden listed Grade 11* (<https://historicengland.org.uk/listing>);
- Much Marcle Conservation Area;
- Land owned by the Pennington-Mellor-Munthe (Hellens) Charity Trust to the east of the settlement boundary
- Land owned by Homme House estate to the west of the settlement boundary; and
- Land owned by the Countryside Restoration Trust to the south of the settlement boundary.

Growth target and constraints

Responses to the Regulation 14 consultation draft MMNDP version 4.3 from Herefordshire Council's Development Management and Planning Policy Teams highlighted differences of view compared with written advice received from Herefordshire Council's Neighbourhood Planning Team on 23 September 2016.

We received further written advice on 16 January 2017, from the Neighbourhood Planning Team, which confirmed the number and locations of 18 new dwellings built/permitted since 2011.

Following the public meeting held at Rushall Club on 23 January 2017, and discussion at subsequent Working Party meetings, the number and percentage of new dwellings built/committed and planned for in the settlements of Much Marcle, Rushall and Kynaston over the Plan period 2011-2031 is shown in the table below.

Number of new dwellings	Much Marcle	Rushall and Kynaston
Built/committed since 2011 ⁴	15	3
Housing land allocations	6	13
Rural exception sites	10	0
Building conversions	10	0
Total	41	16
%	72	28

This demonstrates a proportionate approach to delivery of the 14% housing growth target by identifying housing land allocations in each of the three 'settlements' of Much Marcle, Rushall and Kynaston.

However, if the rural exception sites west of the A449 and Dobbins Pitch are excluded from the Much Marcle housing land allocations, the potential housing growth that can be delivered is reduced from 57 to 47 new dwellings.

In combination, with the loss of 5 new open market dwellings at the 'Old Chapel' site in Kynaston (if treated as 'open countryside' under Policy RA3), the potential housing growth that can be delivered is reduced to 42 new dwellings – effectively leaving no scope for any shortfall in expectations to meet the overall target.

Furthermore, if reliance on 10 building conversions is considered uncertain and/or poorly evidenced, the potential housing growth that can be delivered is reduced to 32 new dwellings (i.e. below the 14% growth target of 41 new dwellings).

Two consequences follow under this scenario:

1. The MMNDP 14% growth target of 41 new dwellings will be at risk (e.g. as a result of uncertainty about identified land and/or redundant buildings being brought forward for development); and
2. Provision of affordable housing will be at risk. The evidence justification for reaching this conclusion is: two possible sites for affordable housing are at Kynaston (which could possibly be brought forward as rural exception sites under Policy RA3), two potential sites for affordable housing at Much Marcle (i.e. Hazerdine and Old Pike, both of which are in social ownership), Dobbins Pitch and other rural exception sites west of the A449 are deemed to be contrary to Core Strategy and NPPF policy by Development Management; and a potential site for affordable housing within the settlement boundary adjacent to Glebe Orchard (owned by the Diocese) has been earmarked for a new rectory.

⁴ Source: Herefordshire Council policy database of net commitments and completions (including self-contained annexes) between 1 April 2011 and 31 March 2016.

Conclusion

There are two alternative ways forward in planning policy:

- 1) Kynaston is not a settlement under Core Strategy Policy RA2 (i.e. it is not included in Figures 4.14 and 4.15), and will be treated as 'open countryside' under Policy RA3, thereby limiting new housing to 3 affordable dwellings on two rural exception sites (Land by The Steppes and land behind Bridge Cottage) in accordance with Policy RA3 (5) and Policy H2 (3); or
- 2) Rushall and Kynaston could be considered as a joint settlement within the scope of Policy RA2, thereby providing for a total of 13 new dwellings, including 3 affordable dwellings (as above) and 5 market dwellings on the 'Old Chapel' site at Kynaston

For the reasons given above, the MMNDP Working Party strongly urges the Herefordshire Council to treat Rushall and Kynaston as a joint settlement (i.e. as an exception case) within the scope of Core Strategy Policy RA2.

MMNDP Working Party
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