

SOUTH NORTHAMPTONSHIRE COUNCIL



SOUTH NORTHAMPTONSHIRE LOCAL PLAN PART 2a

METHODOLOGY FOR TOWN AND VILLAGE CONFINES

AUGUST 2016

1. The South Northamptonshire Local Plan Part 2A

- 1.1 The South Northamptonshire Local Plan Part 2A will help to shape the South Northamptonshire District for the period up to 2026. It will sit alongside the West Northamptonshire Joint Core Strategy which sets out the strategic policies for the District, for example setting out overall housing and employment numbers and strategic site allocations for urban extensions at Towcester and Brackley as well as on the edge of Northampton and at Silverstone Circuit. The Local Plan will set out the opportunities for development and clear policies on what will or will not be permitted. It will replace the current Local Plan which was adopted in 1997.
- 1.2 The Local Plan will include a number of detailed policies to guide the decision making process for future planning applications across South Northamptonshire. It will cover all the areas that are not the subject of strategic policies, for example the rural settlements, the open countryside and the remainder of Towcester and Brackley where there are not urban extensions.

2. Policy Context

- 2.1 In reviewing the confines the Council must have regard to national and other 'higher level' planning policy. For South Northamptonshire, this means the National Planning Policy Framework (The Framework) and the Joint Core Strategy.
- 2.2 At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. When preparing local plans and considering changes to confines, local planning authorities should positively seek opportunities to meet the development needs of their area and meet objectively assessed needs, with sufficient flexibility to adapt to rapid change.
- 2.3 The Joint Core Strategy sets out an urban focussed strategy for new development and includes large housing and employment allocations at Brackley and Towcester. However there are other issues relating to Brackley and Towcester that need to be examined including smaller non-strategic housing and employment allocations. These may require changes to the town boundaries.
- 2.4 The Joint Core Strategy requires that villages will be expected to provide for local needs and to support local services. The Joint Core Strategy Policy R1 gives this Council the opportunity to determine its own rural settlement hierarchy and to decide the scale of development that will be accommodated by individual settlements. The hierarchy will determine which villages see the most development and growth, and should consider existing service provision and any opportunities to improve service provision to enhance the sustainability of the settlement. The outcome of this work will in turn determine where a particular village will sit under Policy R1 of the Joint Core Strategy and this will have a bearing on where changes to confines may need to be made.
- 2.5 The WNJCS seeks to sustain and enhance the rural economy by creating or safeguarding jobs and businesses. It also points out that accessibility to jobs and services is a key issue facing the rural areas. Transport is essential for most rural residents to access the services and facilities they need.

- 2.6 An important factor in determining the strategy for development in the rural areas, including the drafting of the confines, will be the amount of new development required across the whole District and the overall development strategy. This is set out in the Joint Core Strategy. The Council has already allowed for some growth within 16 of its more sustainable villages under the Interim Rural Housing Policy. However, it is important to note that these sites are only located in a limited number of villages in South Northamptonshire. It is important that the remaining villages in the District do not become fossilised and that, in accordance with the Framework all communities will be expected to meet objectively assessed local housing needs for both market and affordable housing.
- 2.7 Settlement boundaries are a spatial planning tool used to direct development to the most sustainable locations while protecting the character of the countryside, villages and towns and preventing the actual or perceived coalescence of settlements. As set out in WNJCS Policy R1, the principle of development within the settlement policy boundaries will be supported provided that it complies with other relevant policies, is of a scale and nature appropriate to the character and function of the settlement and is in accordance with the spatial strategy for the area. Development will not normally be permitted outside of settlement boundaries, subject to a number of exceptions.
- 2.8 The National Planning Practice Guidance (NPPG) restricts the circumstances under which settlement boundaries can be used, stating that blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence. The Authority considers that it can clearly demonstrate that it has planned positively for development in the rural areas and that the total delivery of housing will clearly exceed the agreed objectively assessed local need figure in the WNJCS. Designation of confines is also consistent with sustainable development principles set out in the WNJCS, notably Policy R1.
- 2.9 The Plan will consider all of its villages including those that do not currently have village confines. In each case the Plan will determine whether to retain or introduce confines and where the confines should be drawn. Where possible, confines should:
- be adjacent to the existing footprint of the settlement; maintain the compact nature of the settlement;
 - respect the historic core;
 - respect the settlement character and form; provide access to services and facilities;
 - respect natural boundaries such as trees, hedges, rivers and streams;
 - not result in the loss of important open spaces within the settlement;
 - Ensure development is directed to more sustainable locations, both in terms of accessibility to and support of existing services and transport, and in terms of landscape.
 - Protect the countryside from encroachment of land uses more characteristic of built up areas, conserve and enhance cultural heritage and natural beauty.
 - Help to sustain the identity of separate communities and maintain the local distinctiveness of settlements and traditional built form.

- Provide greater certainty to communities, landowners and developers over where certain types of windfall development are likely to be acceptable in principle.
- Support the plan led approach to development.

2.10 A policy with confines:

- provides clearer rigid policy framework for elected members and Development Control Committee and leads to consistent decision making;
- provides certainty for parish councils, local people and landowners;
- will be likely to result in fewer appeals;
- allows for a clearer policy stance for exception affordable housing schemes;
- makes it easier for the Council and other organisations to plan future infrastructure and service delivery;
- prevents intrusion into the countryside through incremental growth;
- ensures that new development is sympathetic in scale and location to the form and character of settlements;
- prevents the coalescence of neighbouring settlements.

But:

- could result in village cramming and intensification of land use within confines (back garden development);
- could result in pressure on undeveloped land, or changes of use of land within confines that may be locally important;
- as development within confines continues, the amount of land with development potential reduces;
- time consuming and resource intensive to prepare confines and to revise in the future (at a time where it is critically important for the Council to have an adopted Plan in place as quickly as possible);
- limits the scope for new employment/retail/community development because land with development potential is more valuable for residential;
- is prescriptive, as it does not allow for the consideration of changes in circumstances in settlements, for example the closing of a local shop or the provision of more public transport or local housing needs;
- could result in artificially high land values for sites suitable for development within confines;
- could result in artificially high land values for land within confines and higher house prices.

2.11 There are two distinct processes involved in reviewing confine boundaries. Firstly, confine boundaries may need to be amended or 'tidied up' to address any anomalies or changes since they were last revised in the mid 1990s. Secondly, further changes may then be needed to incorporate any sites allocated for development.

2.12 **It is important to note that if land is included within the confines it does not mean that it is suitable for appropriate for development.** Any proposals for development will have to be considered against planning policies including those in the Local Plan and the Framework. Boundaries should reflect the existing scale and

core built form of the settlement and should not seek expansion to facilitate additional development. This exercise is being carried out in parallel with but separately from the identification of site allocations for development, and therefore changes to the confines do not take into account any proposed site allocations. Once the list of proposed allocations is finalised for the Pre-Submission draft of the Local Plan, the settlement boundary maps will be redrawn to incorporate housing and, where appropriate in terms of the methodology, employment allocations as well as any buildings or land that are currently detached from the settlement but would be joined onto it (in terms of the settlement boundary methodology) by the development of proposed allocations. In addition, where communities allocate specific sites to accommodate additional development through neighbourhood planning, that site may be included within the confines, although this may be at a future review of the Villages Plan, depending on the timing.

3. Criteria

- 3.1 There are a number of key considerations that need to be taken into account when reviewing this definition and considering new village confines.

CRITERIA C1

The need to try to base confines on strong physical boundaries that can be easily identified on the ground. (Roads, watercourses, and strong field and curtilage boundaries)

- 3.2 Across the District there are examples of where confine boundaries have been drawn, for example through back gardens or across the middle of open land. The survey of confine boundaries has involved identification of property boundaries from Ordnance Survey maps, aerial photographs and site visits. This has resulted in some boundaries being redrawn along stronger easily identifiable boundaries on the ground that are more easily understood.
- 3.3 However, there are some large gardens on the edges of villages that extend into the open countryside or the character of which relates more to the surrounding countryside than to the main built up part of a village. Where this is the case the suggested confines boundary has been drawn so as to exclude this. The 'cutting' of these gardens is regarded as a positive development control tool to limit the potential for further residential development particularly in smaller villages with limited social and other infrastructure. However, gardens outside the confines could then be defined as brownfield that brings with it a presumption in favour of development. In these circumstances the policy will not be operated to establish a presumption against the granting of planning permission for ancillary domestic buildings in those parts of residential curtilages that lie outside the confines. Where permission is required for these developments then each application will be considered on its own merit.
- 3.4 Development boundaries should generally follow the curtilage of properties, residential or otherwise, except where such are situated in large grounds or other open areas on the edge of settlements which do not follow the other criteria. Where settlement boundaries run along roads, tracks or public rights of way, they have been drawn along the edge closest to the settlement

3.5 The definition of confines as set out in the current 1997 Local Plan states:

'that area of the village defined by the existing main built up area but excluding those peripheral buildings such as free-standing individual or groups of dwellings, nearby farm buildings or other structures which are not closely related thereto. Gardens, or former gardens, within the curtilage of dwelling houses, will not necessarily be assumed to fall within the existing confines of the village.'

3.6 This definition is potentially important. Private residential gardens have been excluded from the definition of 'previously developed land', also known as brownfield land, since 2010. At the time there was a furore over 'garden grabbing' and so Greg Clark, Decentralisation Minister at the time, decreed that gardens should not be classed as brownfield. This classification continued in to the glossary of the National Planning Policy Framework (NPPF). A recent High Court decision in the case of *Dartford Borough Council v Secretary of State for Communities and Local Government* considered whether the definition of brownfield land as presented in the NPPF excluded **all** residential gardens. The High Court held that the wording in the NPPF was of particular importance. It defines exemptions to brownfield land as "*land in built-up areas such as: private residential gardens.*" As such the High Court ruled that under current policy, it would reasonably follow that residential gardens **outside** "built-up areas" **are not** party to the exemption. These could therefore be defined, not as greenfield, but as "previously developed" or "brownfield" land.

3.7 The High Court justified the distinction by explaining that undeveloped urban land requires greater protection as the nature of its location indicates it as at more of a premium. "The decision is significant. It holds that residential garden land, outside "built-up areas" is "brownfield" land not, as had widely been understood, "greenfield" land. That finding has consequences in terms of its priority for development. Paragraph 111 NPPF provides that brownfield land is where development ought to be prioritised. The decision presents this Council with the obvious quandary as to how to identify "built-up areas". If a garden is excluded from the village confines it would lie in open countryside and not form part of the built up area of a village. It would therefore be considered as brownfield land.

3.8 This issue needs to be considered alongside the 'presumption in favour of brownfield' development for housing that could be introduced under possible changes to the NPPF and there is already a presumption to allow starter homes on brownfield land. One option would be to include residential curtilages within the confines and apply a development management policy to ensure that only suitable and appropriate development proposals were permitted.

- 3.9 Gardens are an important part of the setting and attractiveness of settlements in the District and can soften the transition at the settlement edge, marking the edge of settlements in what is generally an attractive way, softening the appearance of built-up areas from the countryside and containing vegetation which shields new development. The NPPF states that allowances for windfall development as part of a five-year housing land supply should not include residential gardens, so the inclusion of garden land in settlement boundaries would not affect the windfall allowance in the Council's housing land supply. Large and long gardens, including landscaped areas ancillary to commercial sites, at the edge of settlements will therefore be excluded from settlement boundaries. This will not affect permitted development rights or the planning status held by gardens as land ancillary to residential use.

CRITERIA C2

The need to try to control future ribbon development within villages

- 3.10 There is a particular issue with garden curtilages at the side of dwellings where these are the last dwelling on a road. To allow infill development in these locations would add to the ribbon development of a village. This is particularly the case where development on one side of a road is not mirrored on the opposite side. In these cases the boundary could be drawn so as to exclude the garden area. However, gardens outside the confines could then be defined as brownfield that brings with it a presumption in favour of development.

Exclude undeveloped land that is, in use or appearance, more closely related to adjoining open countryside than to the built up part of a village or that affords important views into or outward from a village or an attractive setting for listed or important buildings or conservation areas

- 3.11 The character and distinctiveness of many, particularly smaller, villages in the District is enhanced in those locations where the countryside extends between buildings into the built up area. This affords views of the countryside and can in turn provide important settings for important buildings and conservation areas. In order to preserve these qualities and help protect such land from development pressure such land may be excluded from the confines.
- 3.12 Land-uses that are on the periphery and have the characteristics of open countryside and large areas of the following land-uses and associated structures ideally should be excluded from the development boundary; agriculture, paddock land/glasshouse, forestry, water, open recreation (e.g. golf courses and equestrian activities), open space (e.g. parks and play areas, sports facilities), mineral extraction and landfill or other activities requiring significant open areas such as allotments.

CRITERIA C3

Include developments that have taken place outside but adjoining confines (including exception sites) and outstanding planning permissions where development has started

- 3.13 Since the existing confines have been in place there have been some developments that have taken place outside but adjoining confine boundaries. These are usually exception affordable housing sites but may also be developments where planning permission has been granted. In addition to these there is a need to consider whether outstanding planning permissions on sites that are not started are appropriate under current planning policy guidance. An assessment should be made as to whether an application for a renewal of planning permission would be considered acceptable in policy terms. This will normally be older approvals (ie: pre 2000) that have yet to be started.

CRITERIA C4

Developments that are isolated or peripheral to the main built up part of a village.

- 3.14 It is suggested that confines boundaries should not be defined around individual or small clusters of houses or areas of scattered development where such buildings are detached from the main concentration of buildings within a nearby village. Although it is recognised that such dwellings may be considered locally as 'part' of the nearest village in community terms, it is important in planning policy terms to limit the amount of new development to take place in rural areas with few services and little or no public transport.
- 3.15 Detached parts of settlements may have boundaries drawn around them where they:
- a) Have a density of 30 dwellings per hectare or more (after deduction of any long narrow rear gardens). Clusters of low density villa style housing or of detached houses with sizeable side or front gardens will not be given settlement boundaries
 - b) Comprise a continuous block of curtilages, of buildings which are in close proximity to one another, without large residential plots, landscaping or other open space breaking up the area (though they may be separated by roads)
 - c) Include at least twenty dwellings and
 - d) Are situated within 100m of the main part of the settlement, are visually related to the main part of the settlement and do not have any identity as a separate settlement or hamlet.
- 3.16 Where boundaries are drawn around detached parts of settlements, this will not have any implications for land lying outside the boundary between the main part of the settlement and the detached part.

CRITERIA C5

Farm Buildings and peripheral developments

- 3.17 Agricultural farmsteads are considered characteristically rural and part of the countryside and provide the historical connection between settlements and their agricultural origins. In addition these spaces can provide visual links to the rural context beyond. Therefore farmsteads standing on the edge of the built form of settlements should be excluded as they relate more to the rural context. This

approach also provides an additional safeguard against infilling which has the potential to undermine this distinctly rural feature. The exception is farmhouses where they form an integral part of the built up area of the settlement.

- 3.18 Conversions of agricultural buildings in the countryside have generally been required to retain the physical character derived from their former use. Therefore they will not always be suitable for inclusion in settlement boundaries. They have been included within the settlement boundary where they are not visually or physically detached from the settlement. Converted agricultural buildings that are physically separate from the settlement boundary, or physically adjacent but retain a separate character (for example, having an access point that is some distance from the settlement, or remaining part of a larger complex continuing in agricultural use) will not be included in the settlement boundary.
- 3.19 Other developments that would be allowed in the countryside or have been allowed under countryside policies in the past are considered to relate more to the countryside than to the settlement and will therefore be excluded where they lie adjacent to the boundary. This category includes equestrian developments; housing for agricultural or forestry workers; garden centres and nurseries; and extensive community facilities such as hard surfaced sports grounds (including pavilions) and car parks, where they have been built outside existing settlement boundaries. More intensively built up community uses such as schools or public houses have been included in the boundary if they are already within it or if they have been built adjacent to the boundary since it was last reviewed; if they are older buildings outside the boundary, or new buildings but not adjacent to the boundary, then they will not be included.

Existing Employment Sites

- 3.20 Existing employment sites on the periphery of a settlement, which are significant in size in comparison with the settlement's scale, or are clearly beyond a settlement and irrespective of scale, are excluded from the development boundary. This will protect the scale and structure of settlements from inappropriately sized or shaped residential developments which may occur on such sites if they become unsuitable for employment in the future.

Green Spaces

- 3.21 Green spaces (including but not limited to designated Local Green Spaces) are an important element of the landscape of settlements and have been excluded from settlement boundaries wherever they occur adjacent to the boundary. This will include allotments, school playing fields, woodland, recreation/sports grounds, cemeteries and graveyards, roadside verges and landscaped areas (where they are significant in size and visually related to the countryside), internationally, nationally or locally designated wildlife sites, agricultural fields, orchards and paddocks.
- 3.22 Where they occur within settlements and not adjacent to the boundary, green spaces (other than agricultural fields or paddocks) have been included in the settlement boundary. They will often be protected from development by a Local Green Space policy or by specific policies relating to the type of green space.

