

Planning Policy

From: steve lees <steve.lees@planningpolicy.co.uk>
Sent: 02 August 2018 13:40
To: Planning Policy
Subject: comments on the issues and options consultation document
Attachments: P20.7.3180805 issuesand optionsrepsonse.docx

Good afternoon

please find attached a response on behalf of Mr and Mrs Morgan

Steve Lees
Planning Consultant

**Response To Test Valley Borough Council Issues
And Options Consultation For The Next Local Plan
On behalf Of Mr and Mrs Morgan**

Steve Lees MRTPI

August 2018

Summary

The opportunity to comment on the Issues and Options Consultation document at an early stage of the review of the adopted local plan is welcomed.

The provision of housing to meet the needs of the Borough is a key task of the Council as the local planning authority. It is important that it identifies the right number of homes needed, how and where they will be located and that they will be delivered within the local plan period.

The provision of homes within the rural settlements of the borough should be a key part of any future strategy to address issues of availability, affordability range and choice for residents.

A flexible approach to the assessment of the merits of the rural settlements as locations for development should be taken including their definition for planning purposes.

The new local plan should set out how the Council will meet its responsibilities to make provision for self and custom build housing

1.Introduction

1.1 The purpose of this response is to set out the initial views of Mr and Mrs Morgan on the content of the Issues and Options Consultation published by Test Valley Borough Council in July 2018. They may wish to supplement the response in the light of changes in national planning guidance, relevant case law and the local planning context.

1.2 Should you need to contact me; e-mail.

mob no

2.Response

2.1 This response primarily focusses on some of the housing issues set out in the 'Living in Test Valley' section of the consultation document and in particular the approach the local plan should take in respect of meeting the housing needs of the Borough. The comments are set out in respect of the questions posed.

Paragraph 5.1

2.2 The content of paragraph 5.1 is supported which states that providing the right number of homes in the right location is one of the most important challenges faced by a local planning authority.

Q4 the local plan housing requirement

2.3 The housing requirement should be consistent with the Government's standard methodology as there are no exceptional circumstances to depart from that approach. The figures produced when applying the methodology are the starting point for defining the overall requirement. In developing the approach to housing provision the Council should also have regard to a range of other factors as identified in the National Planning Policy Framework ref paragraphs 59-65.

Q9 settlement boundaries

2.4 Paragraph 5.30 of the consultation document says that the Council needs to be certain that its current approach ie to define the limits of settlements within which development is acceptable and outside of the boundaries development is restricted, is still the right one.

2.5 The Council is invited to review its approach in the light of the advice in the NPPF and NPPG and relatively recent case law. The NPPF seeks to achieve 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. The NPPF does not specify that a village must be designated as such in a Development Plan not specify any limitation to the size of a village.

2.6 The NPPG advises that all settlements can play a role in delivering sustainable development in rural areas and 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.

2.7 The issue of development outside of defined settlement boundaries has been the subject of legal challenge. In Braintree D.C. v SSCLG CO/1207/2017 Justice Lang concluded that the " NPPF 55 cannot be read as a policy against development in settlements without facilities and services since it expressly recognises that development in a small village may enhance and maintain services in a neighbouring village, as people travel to use them." The decision of the High Court was challenged but the Court of Appeal upheld the High Court decision ref C1/2017/3292. The new NPPF paragraph 78 repeats the advice of the now replaced version which the court had before it.

2.8 In the light of the above it would be appropriate for the Council as part of the new local plan undertake a comprehensive review of the existing boundaries and in doing so addresses the issue of smaller settlements located close to larger settlements which do not have defined boundaries.

Q13 self-build housing

2.9 The Self-Build and Custom Housebuilding Act 2015 as amended placed a number of duties on local authorities to; maintain a register of those seeking to buy serviced plots, to have regard to the register when carrying out their planning functions and to have regard to any Government guidance. Local authorities have to provide for self-build and custom-build homes. They must give permission for enough suitable plots to meet the demand for self-build and custom build.

2.10 The NPPF advises local authorities to deliver a wide choice of homes and should plan for a mix of housing including those people wishing to commission or build their own homes ref paragraph 61. The NPPG reaffirms the approach in respect of making provision to meet the demand for plots as evidenced by the register and that the demand for each base period is addressed within three years.

2.11 It is unfortunate that the consultation document has described the demand for self-build in the Borough in the way that it has ie "is currently quite low and most of those who want to build their

own homes are not linked to the Borough". This gives the impression that the issue is somehow not significant. Notwithstanding the scale of demand and origins of those who have registered the Council has a duty to make provision.

2.12 To date it is not clear how the Council is meeting its duties in respect of the scale of need as expressed by the register (as at October 2017 60 expressions have been registered) and the new local plan provides an opportunity to do so. It could consider a number of approaches such as seeking a proportion of self and custom build plots on new developments, amending settlement boundaries to create new opportunities or an exceptions style policy.

3. Conclusion

3.1 The Issues and Options consultation provides an opportunity for the community to help shape the next local plan. The Council quite rightly has identified the provision of housing as a key issue. The comments above are submitted in support of a new and positive approach to meeting the needs of the Borough and in particular those living in the rural parts of Test Valley.