



4 November 2022

Bassetlaw Local Plan

Examination in Public

Matter 2, Issue 2

Statement on behalf of IBA Planning Ltd

1.0 Introductory Statement

- 1.1 This statement has been prepared by Nick Baseley MA(Hons)TP MRTPI, Director of **IBA Planning Ltd** – who are a chartered town planning consultancy operating regularly within Bassetlaw District representing many local residents and small to medium developers within the rural areas.

- 1.2 IBA Planning have submitted representations at each stage of the Local Plan consultation process – and the Inspectors will have copies of those representations dated 20 January 2021, 21 October 2021 and 16 February 2022.

- 1.3 The subject of those representations primarily focussed on the Council’s approach to housing delivery in the Rural Settlements – more particularly **objecting** to:
 - i) the lack of justification/rationale for the Council excluding some settlements from the list of Small Rural Settlements from one draft to another;

- ii) the reference in Policy ST1 to housing provision for Large Rural Settlements and Small Rural Settlements as a *precise* figure, rather than an ‘approximate’ as is the Council’s approach for the Main Towns;
- iii) the principle and practical implications of a settlement cap for housing provision in the Large Rural Settlements and Small Rural Settlements;
- iv) the basis on which the settlement cap is set and calculated;
- v) the absence of provision within the Development Plan regarding the re-use of rural buildings in the countryside to residential and other (non-economic growth) purposes; and
- vi) the implications of the above on the *soundness* of the Plan on the basis that, as drafted, these elements are not considered to have been positively prepared – or justified, effective, or consistent with national planning policy.

1.4 Whilst it is acknowledged that equal weight will be afforded to written representations to those submitted orally, I do wish to take part in the hearing session relevant to the above matters (Matter 2, Issue 2) to further discuss the practical implications of the wording of Policies ST1 and ST2 and any minor modifications that might be necessary to address our concerns regarding the soundness of this aspect of the Plan.

1.5 In the above connection, it is of course just as important to get the wording and construction of individual development management policies right at this stage as it is the overall approach to housing distribution and delivery – and as such, it is considered that the wording and implications of Policy ST2 in particular are worthy of their own discussion/session, whether at the end of, but as part of, Matter 2, Issue 2 (scheduled for Tuesday 29 November 2022), or as an extra session which could be held on one of the proposed Reserve Session days scheduled.

1.6 The Council's intended policy approach when determining applications for the re-use or redevelopment of rural buildings in the countryside (i.e. beyond the boundaries of the Main Towns or settlement limits defined in Neighbourhood Plans – or beyond the built-up areas of those Large and Small Rural Settlements without a Neighbourhood Plan) could also be explored at that same session – as the countryside effectively comprises the fourth tier of the Spatial Strategy in the absence of a dedicated countryside policy.

**2.0 Matter 2 – Vision & Objectives, Spatial Strategy & Location of New Development, and the Site Selection Process
(Policies ST1 and ST2)**

Issue 2 – Are the provisions of the Plan in relation to the Spatial Strategy and location of new development justified and consistent with national policy?

2.1 The Council's approach to the distribution of housing and other development across the District via the Spatial Strategy is generally supported – particularly where this relates to allocating development across the District's Main Towns, and the application of a suitable buffer (through a combination of over-allocation and reliance on a windfall allowance) to ensure a robust, continuous and deliverable supply of housing sites.

2.2 Our objection to Policies ST1 and ST2 relates solely to the Council's approach to housing provision within the Large Rural Settlements and Small Rural Settlements for the reasons advanced in detail through our successive representations at each stage of the Local Plan process – all of which seem to have been largely ignored to date.

Q2.1 – Is the proposed Spatial Strategy and the distribution of development (as set out in Policies ST1 and ST2) supported by robust and up-to-date evidence and otherwise soundly based?

2.3 No.

- 2.4 *First*, the Council’s choice of which settlements are designated as Small Rural Settlements is not considered to be supported by robust, up-to-date evidence and otherwise soundly based.
- 2.5 As set out in our representations dated 20 January 2021, the settlements of Welham, Mattersey Thorpe, Habbleshthorpe and Woodbeck were dropped from the list of Small Rural Settlements from the previous draft with no explanation. Their omission has little logic – as all these settlements comprise part of the same Parish as a neighbouring settlement identified as a Small Rural Settlement to which they are socially and functionally connected. Both Welham and Mattersey Thorpe are covered by *made* Neighbourhood Plans which intrinsically link them to their neighbouring settlements; Woodbeck is also covered by a well-advanced Neighbourhood Plan. Similarly, Habbleshthorpe is physically connected to North Leverton – and the two settlements have historically been considered as a group and referred to collectively as “North Leverton with Habbleshthorpe”.
- 2.6 Excluding these settlements from the list of Small Rural Settlements restricts the growth of small settlements considered vital to their long-term survival as affordable, diverse and thriving communities – and prevents such settlements from making a contribution to the balanced distribution of growth desired by the Council at a scale proportionate to their size, thereby undermining the Council’s purported goals for the Local Plan and the vitality of rural Bassetlaw.
- 2.7 *Second*, the Council’s rationale for reducing the percentage growth (the settlement cap) permitted for Small Rural Settlements from 20% in the earlier draft to 5% is also questioned.
- 2.8 The Council primarily seeks to justify this significant reduction in housing growth on the basis that this reflects the fact that many of these Small Rural Settlements are naturally constrained by physical or environmental factors. However, whilst this might be the case

for some settlements, there is no justification for constraining growth on a blanket-wide basis across all Small Rural Settlements – since some of these settlements are not similarly constrained.

2.9 The Council's issue seems to be that Policy ST2 (as drafted) somewhat unusually appears to place a requirement that all eligible settlements grow by the stated amount over the Plan period – and the Council is evidently nervous of fulfilling that obligation in some of the settlements, and so has opted for a safer, lower settlement cap.

2.10 Whilst the principle of limiting the scale of new housing growth relative to the settlement is accepted as a sensible one (to ensure that the majority of housing is directed to larger, more sustainable settlements), this would still be achieved if the Plan reverted to a 20% settlement cap (without significantly further reducing this to 5%) – since 20% of a smaller settlement will clearly result in fewer new houses than 20% of a larger settlement without the need to significantly reduce the settlement cap further to 5% to achieve the same objectives.

2.11 This all being the case, an **appropriate remedy** would be to:

- i) reinstate the 20% settlement cap for the Small Rural Settlements; and
- ii) remove the reference within the wording of the policy requiring all eligible settlements to grow by the stated amount over the Plan period.

2.12 *Third*, we have previously objected to the principle of a settlement cap for Large Rural Settlements and Small Rural Settlements on the basis that this was considered to be unnecessarily prescriptive and inflexible – and in some circumstances would inevitably lead to the possibility of eminently suitable unallocated land within the centre of such settlements not able to be delivered simply owing to the settlement cap having already been reached (e.g. the situation at Sutton Cum Lound).

- 2.13 The Council's amendment to the wording of Policy ST2 to expand on those circumstances where housing could be supported where the growth requirement for an eligible Large or Small Rural Settlement has been achieved is welcomed.
- 2.14 However, it is respectfully suggested that the wording could be further modified as follows.
- 2.15 We would wish to see the reference to "*or in the absence of a Neighbourhood Plan*" being removed from paragraph 3 of Policy ST2 – since, as drafted, this would seem to only allow developer-led schemes with local support to be delivered where there is no Neighbourhood Plan, despite the fact that most Neighbourhood Plans allow for elements of windfall housing over and above allocations.
- 2.16 We consider "*infill development*" (under paragraph 3a)) should be defined to avoid any ambiguity about what is envisaged – i.e. narrow gap within an otherwise built-up frontage comprising one or two dwellings, or in the more general sense.
- 2.17 The remaining criteria (i.e. b) to f)) would seem to reflect the categories of development listed in paragraph 80 of the NPPF that are justified in isolated locations in the open countryside, rather than what might be expected to be delivered within the eligible settlements.
- 2.18 Notwithstanding the above, it is considered that the re-use of buildings should be included as well as the conversion of an existing building (as the two are not necessarily the same) – and would point out that a rural exception site and/or First Homes exceptions site in accordance with Policy ST29 could only be delivered adjoining (i.e. beyond – and therefore in the countryside) the settlement, rather than within it (which appears at odds with the precursor to this element of the policy that development will be supported "in" eligible settlements).

- 2.19 Given the Council clearly accepts there will be circumstances whereby additional residential development beyond the settlement cap for eligible Large and Small Rural Settlements has been reached, there seems little justification for setting the housing provision for such in the Spatial Strategy as a precise housing number.
- 2.20 We would therefore respectfully suggest that the word “approximately” is imported before the housing numbers for both Large Rural Settlements and Small Rural Settlements in Policy ST1 – and this would align with paragraph 5.2.6 of the draft Plan where the Council confirms that “*eligible Small Rural Settlements will collectively deliver a minimum of 1839 new dwellings*” over the Plan period.
- 2.21 *Fourth*, the basis on which the settlement cap for each individual settlement has been calculated is considered to be flawed – as the number of dwellings for each settlement (on which to calculate the percentage increase) was calculated at 13 August 2018, but only completed sites and planning permissions granted since 1 April 2020 (and site allocations in made Neighbourhood Plans) are taken into account when assessing whether the housing requirement for the eligible settlement has been exceeded.
- 2.22 To remedy the above, the number of dwellings for each settlement (on which to calculate the percentage increase) should be calculated as of 1 April 2020 – and include those completed sites and planning permissions granted before 1 April 2020 as part of the existing baseline.
- 2.23 Turning finally to the **absence of any provision within the Plan regarding the re-use of rural buildings in the countryside for residential or other (non-economic development) purposes.**
- 2.24 Bassetlaw is a predominantly rural District – and the absence of any Development Plan policy providing guidance on proposals seeking the re-use of many rural buildings within

the open countryside for residential or other (non-economic development) purposes is most surprising.

- 2.25 Instead, Policy ST1 simply defines the **countryside** as “all areas not identified above” – i.e. the built-up areas of the Main Towns, Large and Small Rural Settlements.
- 2.26 The countryside therefore represents the fourth tier of the Spatial Strategy – but the only policy guidance the Spatial Strategy provides for this tier is that development within the countryside will only be supported where consistent with other policies in the Development Plan or national policy.
- 2.27 In the above connection, the only other policies in the Development Plan relating to development in the countryside comprise the re-use of buildings for rural economic growth (Policy ST11), rural exception sites or First Homes exceptions sites (Policy ST29).
- 2.28 There is no specific countryside policy confirming those types of developments appropriate within the countryside. As earlier, somewhat curiously, the Council lists those special circumstances (confirmed by the Government via paragraph 80 of the NPPF where isolated new homes can be permitted - i.e. in the open countryside) where additional residential development can be supported within eligible Large and Small Rural Settlements where the settlement cap has been met (i.e. within the built-up area), but contains no similar list relating to the countryside.
- 2.29 The planning system is a plan-led system – and the purpose of the Local Plan is to provide certainty for all through the provision of Development Plan policies to cover all spectrum of development possibilities.
- 2.30 In the absence of any specific policy relating to the re-use of rural buildings within the open countryside, the Council’s position on whether it supports or wishes to restrict such

development is unclear – and in this respect the Plan fails in providing the aforementioned certainty it ought to.

- 2.31 The decision-taker must instead turn towards national planning advice as a material consideration.
- 2.32 This works where national planning advice contains sufficient policy guidance to fill the otherwise policy vacuum. Indeed, there is no need for a Development Plan to include policies that essentially repeat those set out prescriptively within national planning advice.
- 2.33 However, national planning advice with regard to the re-use of rural buildings in the open countryside is somewhat scant in itself.
- 2.34 Paragraph 80 of the NPPF provides clear support and justification for the residential conversion of disused or redundant buildings in isolated locations (i.e. which must by definition fall within the open countryside) – but is silent on the issue of the residential conversion of such buildings in non-isolated locations.
- 2.35 Common sense dictates that if the Government supports the residential conversion of buildings in an isolated location, then it would be illogical if the residential conversion of buildings in more sustainable open countryside locations would not be similarly supported.
- 2.36 The NPPF is of course wholly silent on the matter of the re-use of rural buildings for other uses beyond housing.
- 2.37 This all being the case, in the absence of such explicit support at the national level, it is respectfully submitted that the Council's Plan is currently lacking in its failure to provide

a specific policy clarifying its position on the re-use of buildings for housing and other (non-economic growth) purposes in the open countryside.

- 2.38 In failing to provide such certainty regarding a form of development more likely than not to arise on a frequent basis within a predominantly rural District such as Bassetlaw, this aspect of the Plan as drafted is considered to fail the soundness test in that it has not been positively prepared, is not effective and is inconsistent with national planning policy.
- 2.39 The above concerns and objections have been consistently brought to the Council's attention via previous and successive representations.
- 2.40 The Inspectors are invited to question the Council on such matters during the appropriate Examination session and I will be happy to attend to take part in those discussions.