



Calstock Neighbourhood Development Plan

DEVELOPMENT BOUNDARY APPROACH – BACKGROUND NOTE (REVISED FEB 2021)

Introduction

This report sets out the rationale guiding the review and drawing up of a development boundary within the Neighbourhood Development Plan

Definitions

The terms 'development boundary', 'development limit', 'red line' and 'edge of town' and 'settlement boundary' tend to be used loosely and cause confusion. Therefore, the phrase '*development boundary*' has been adopted to describe the line which defines the separation of town and countryside and beyond which more restrictive countryside planning policies apply.

Background

National Planning Policy Framework

The parts of the NPPF that have a general relevance to setting boundaries around different land uses within plans are as follows:

Para 9:

- 'Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area'.

Para 13:

- 'Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies'

Para 16d:

- Plans should 'contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals'

Para 23:

- 'Broad locations for development should be indicated on a key diagram, and land-use designations and allocations identified on a policies map'.

Para 28:

- 'Non-strategic policies should be used by.... communities to set out more detailed policies for specific areas, neighbourhoods or types of development. This can include inter alia conserving and enhancing the natural and historic environment and setting out other development management policies'.

Para 29:

- ‘...Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan....’

Para 70:

- ‘Plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area’.

Para 103:

- ‘The planning system should actively manage patterns of growth in support of these [sustainable transport] objectives’.

National Planning Practice Guidance

Local Plans Chapter, Para 002:

- Where sites are proposed for allocation, sufficient detail should be given to provide clarity to developers, local communities and other interested parties about the nature and scale of development. Where a local plan contains both strategic and non-strategic policies, the non-strategic policies should be clearly distinguished from the strategic policies.
- The policies map should illustrate geographically the policies in the plan and be reproduced from, or based on, an Ordnance Survey map.

In summary, national policy and guidance seeks to direct most development to settlements where it can achieve the best levels of sustainability, requires the differentiation of areas for different uses such as settlements and the open countryside, and requires that development allocations should be shown on a policies map. Logically therefore settlement boundaries should be drawn to accommodate new development where it is proposed.

Cornwall Local Plan

Relevant parts of the CLP include:

‘The role and function of places’ Chapter:

Policy 3 says that the Cornwall Site Allocations DPD or Neighbourhood Plans will manage the delivery of housing, community, cultural, leisure, retail, utility and employment provision.

Para 1.52 ‘Our towns and villages are central to our strategy. It is their role and function, not simply their size, that should determine the appropriate level of development to be planned for’.

Para 1.53 says that ‘In order to maintain and enhance these places the Plan takes an approach to growth that encourages jobs and homes, where they best deliver our strategic priorities and allows for more organic development where it supports or enables the provision of appropriate services and facilities locally’. This includes the single use of the phrase ‘organic development’ in the document, and it is no further elucidated. We can assume that the phrase encompasses an ‘adaptive planning’ approach, where Town Planning facilitates and shapes natural growth so that it is sustainable, rather than meaning the adoption of a completely unplanned approach, and that therefore the use of development boundaries remains legitimate within the CLP strategy.

Para 1.60 of the Local Plan says that the housing apportionments in Table 1 set out the level of growth expected in the Community Network Area or town noting that some of this housing will already have been built since 2010 and other sites will also have obtained planning permission but not yet have been built (commitments).

Para 1.61 and 1.62 say that in assessing how the remainder of the housing apportionment is to be met, the deliverability of those sites with planning permission during the Plan period and an allowance for windfall development that is likely to come forward during the Plan period: the residual is the level of growth that

will need to be provided by allocations in either the Site Allocations Development Plan Document or Neighbourhood Plans.

Para 1.64 ...' Development should be of a scale and nature appropriate to the character, role and needs of the local community'.

Para 1.65 ...' 'infilling' is defined as the filling of a small gap in an otherwise continuously built-up frontage that does not physically extend the settlement into the open countryside'.

Para 1.66 Large gaps in frontages, (i.e. bigger than one or two dwellings between buildings or groups of buildings) 'can often provide the setting for the settlement, or add to the character of the area. Proposals should consider the significance or importance that larger gaps can make to settlements and ensure that this would not be significantly diminished'.

Para 1.67 Large gaps between the urban edge of a settlement and other isolated dwellings beyond the edge of the settlement 'are not appropriate locations for infill development'....

Para 1.68 is about smaller villages and hamlets, and has some useful definitions that may help in setting a development boundary....

- Rounding off: This applies to development on land that is substantially enclosed but outside of the urban form of a settlement and where its edge is clearly defined by a physical feature that also acts as a barrier to further growth (such as a road). It should not visually extend building into the open countryside.
- Previously developed land: In principle, the use of previously developed land within or immediately adjoining the settlement will be permitted provided it is of a scale appropriate to the size and role of the settlement.
- Rural Exception sites: These are affordable housing led developments adjoining, or physically well related to, the built form of existing settlements, (they allow for a proportion of market housing where it is required to support delivery of the affordable element). The definition of these sites is set out in Policy 9 of the Local Plan.

Para 2.32 is also relevant. It says that the CLP seeks to address the needs of rural areas, looking in particular at shared solutions to the provision of services and facilities locally as well as options for improving access to larger centres. It is important that these rural areas can continue to thrive both economically and socially. The focus for rural settlements is to meet local need while reflecting and respecting the character of settlements. Neighbourhood Plans may, if they feel it appropriate, look to identify specific settlement boundaries consistent with this approach.

Para 2.33 says that open countryside is defined as the area outside of the physical boundaries of existing settlements (where they have a clear form and shape). The Plan seeks to ensure that development occurs in the most sustainable locations in order to protect the open countryside from inappropriate development

Policy 9: Rural Exceptions Sites: Development proposals on sites outside of but adjacent to the existing built up area of smaller towns, villages and hamlets, whose primary purpose is to provide affordable housing to meet local needs will be supported where they are clearly affordable housing led and would be well related to the physical form of the settlement and appropriate in scale, character and appearance.

In summary, the Cornwall Local Plan says that the Neighbourhood Plan must plan to meet the residual growth requirements of the apportionments set out in it, and that the use of Development Boundaries is permissible. It gives some definition to the terminology which must be reflected in the setting of settlement boundaries. If a development boundary is to be used as a planning tool, it must allow for the necessary residual development to meet growth needs, as required by the Cornwall Local Plan.

Benefits/Dis-Benefits of Development Boundaries

Benefits

- Gives positive direction, seen as a clear act of planning by community
- Provides clarity to all – is easily understood
- Defines area to which divergent policies may apply
- Can explicitly include new growth
- Facilitates sequential approach to identification of most sustainable development sites
- Facilitates policies to encourage development of previously developed land in preference to green fields
- Can also help protect most sensitive landscape areas and prevent coalescence of settlements

Disbenefits

- Reduced flexibility to respond to change
- Can create a divisive ‘rallying point’ for different interests
- Restricts ‘organic’ change
- Resource requirements to set up can be heavy
- Expectations that no housing will occur may be raised that might not be delivered (ie rural exceptions for affordable housing may be permitted)
- SEA may be required if large areas are included

In summary, on balance, the use of development boundaries is a useful planning tool that gives clarity and support for other planning policies. Inside the boundary is where the market-led housing policies apply, outside is where rural needs and affordable housing-led policies apply.

Existing development boundaries

Historically, some of the settlements in Cornwall had defined development boundaries in their District or Borough Local Plans (also referred to as settlement boundaries). These would now be out of date and none are retained for planning purposes by the Cornwall Local Plan (CLP) so there are no development boundaries in place in Cornwall, unless they are defined in a neighbourhood plan. Whilst these older boundaries may be informative, they should not be the basis for the future definition of the boundaries.

Criteria for definition of the Development Boundary.

Taking into account the foregoing analysis, the following criteria are recommended to determine the development boundaries of the settlements.

1. General Rules

Reflect and respect the landscape and historic character and built form of the settlement, taking into account biodiversity and protection of wildlife habitats, important heritage features, access to facilities, services and transport links and the presence of safe walking and cycling links.

2. Defining the Boundary

Follow clearly defined features such as field boundaries, roads, lanes, streams, walls, well-established fences, curtilage of properties (including residential gardens) physically linked to the built part of the settlement

Include:

- a) gardens of residential properties unless particularly large and extend into the open countryside, or have significant environmental constraints (see (j) below).
- b) any existing residential, employment, and retail development including completed or under construction Rural Exception Affordable Housing sites.
- c) any existing planning permissions: these could reasonably include both permissions and application sites where there has been a decision to grant PP subject to completion of a S106 and other agreements, but otherwise undecided applications should not be included at this stage.

- d) traditional rural buildings which have been converted to residential use, together with their residential curtilages providing they do not project substantially into the countryside.
- e) redundant traditional agricultural buildings with potential for conversion.
- f) redundant modern agricultural buildings but only if the buildings have had a lawful use and have been redundant for at least 10 years.
- g) small gaps in otherwise continuous built frontages that do not extend the settlement into the open countryside and could provide opportunities for infill by a small number of dwellings.
- h) rounding-off opportunities at the settlement edge formed by small areas of land with at least two sides substantially enclosed by development, and where the other boundaries are clearly defined by long standing physical features that can act as a barrier to further growth (such as a road, Cornish hedge, or substantial hedgerow) and would not visually extend development into the open countryside.

Exclude:

- i) sites with unimplemented planning permissions for Rural Exception Affordable Housing.
- j) particularly large gardens which are considered to extend into the open countryside or gardens which have significant environmental (flooding, SSSI etc), historic environment, or infrastructure constraints which mean it not likely to accommodate sustainable development.
- k) separate curtilages to dwellings (such as horse paddocks, orchards and detached allotment gardens etc) which are clearly separate from the residential curtilage.
- l) larger scale amenity land, such as parkland, kick-about areas, and club playing fields (including pavilions).
- m) schools and their playing fields.
- n) single depth development (ribbon development) along roads leading out of the town unless physically well related to it.
- o) isolated or sporadic development, free standing, individual or groups of dwellings, farm buildings or other structures which are of a different character to or clearly detached from the main built-up area.
- p) working farms and nurseries with modern agricultural buildings situated alongside the existing boundary.

3. Exceptions

There will also be occasional situations where a different approach to the above is necessary because of particular local circumstances. These should be very rare exceptions to the methodology above and only for clear planning reasons which can logically justify the exception. Any such exceptions should be carefully explained in the record mentioned under section 9 below.

4. Hamlets

The typical Cornish landscape includes a scatter of small hamlets. It is not necessary to define development limits for these. There may be scope for very small-scale infill in other hamlets within the parish and these will be judged on a case-by-case basis against Policy 3 of the Cornwall Local Plan.

5. Previously Developed Land [“PDL”]

NPPF guidance encourages the use of previously developed land¹ over other land where it is sustainably located. The inclusion within a development boundary of PDL located adjacent to settlements is therefore appropriate unless other environmental, social and economic considerations outweigh this. Care needs to

¹ ie, land which is or was occupied by a permanent structure including its curtilage and any associated fixed surface infrastructure.
pg. 5

be taken, as a site where evidence of the previous use has blended into the landscape, such as relict mining, quarrying or industrial sites, is not PDL.

6. Are Residential Gardens PDL? Case law is that gardens within a built-up area (ie within a Development Boundary) are not to be considered as PDL so therefore there is no special NPPF encouragement to see them developed. However, infill and rounding off policies will apply to them so in the interests of maintaining local character it is important that there is also an NDP policy with criteria to ensure that development proposals are consistent with the context of their site and surroundings in terms of design, height, scale, massing, orientation, materials, established/traditional building line practice and the historic and landscape character etc.

7. What about properties with large gardens on the edge of settlements? Residential gardens outside of built-up areas in sustainable locations (ie on the outside edge of a Development Boundary) are considered to be PDL and the NPPF encouragement of development applies to them. This means they could be more likely to be developed. It is logical therefore that residential gardens, and properties with larger gardens, on the edge of the settlement should be included within Development Boundaries so that the special NPPF encouragement of development does not apply to them, and that NDP infill and rounding off policies will. (nb horse paddocks, orchards and detached allotment gardens etc which are clearly separate from the residential curtilage are not PDL and can be excluded).

Properties with larger gardens that project into the surrounding countryside, or with significant environmental (flooding, SSSI etc), historic environment, or infrastructure constraints should be excluded as development on them will not be considered to be sustainable.

8. Accommodating New Growth

It is important to note that the Local Plan apportionment given for a Community Network Area or for a Parish is a *minimum* requirement and not an upper limit. NDP evidence may identify a need for additional dwellings to meet market demand and affordable housing needs arising locally. There may also be a need for new workshops and community facilities. Any requirements should be considered in carrying out the assessment under 2 above. If the assessment identifies infill and rounding-off opportunities the potential amount of development that could be accommodated should be estimated, and if this is insufficient to meet the CLP/NDP requirements a second round of assessment should be done, with the aim of identifying the most sustainable locations for additional development which have the potential to be allocated in the NDP.

When these are identified the viability and accessibility of the site, additional infrastructure or site remediation requirements, etc should then be examined.

9. Recording

Very good records should be kept of the assessment of each section of Development Boundary, clearly explaining the reasons why the route of the boundary has been chosen, supported by maps, and where appropriate photographs. Once completed the record should be reviewed to ensure that the methodology has been applied consistently, and that any exceptions are fully explained.