

Name of the Local Plan to which this representation relates:

Vale of White Horse
Local Plan 2031 Part 2

Please return by 5pm on Wednesday 22 November 2017 to: Planning Policy, Vale of White Horse District Council, 135 Eastern Avenue, Milton Park, Milton, Abingdon, OX14 4SB or email planning.policy@whitehorsedc.gov.uk

This form has two parts:

Part A – Personal Details

Part B – Your representation(s). Please fill in a separate sheet for each representation you wish to make.

Part A

1. Personal Details*

*If an agent is appointed, please complete only the Title, Name and Organisation boxes below but complete the full contact details of the agent in 2.

2. Agent's Details (if applicable)

Title	Mr	
First Name	George	
Last Name	Lambrick	
Job Title (where relevant)		
Organisation representing (where relevant)		
Address Line 1		
Address Line 2		
Address Line 3		
Postal Town		
Post Code		
Telephone Number		
Email Address		

Sharing your details: please see page 3

Part B – Please use a separate sheet for each representation

Name or organisation:

3. To which part of the Local Plan does this representation relate?

Paragraph
Map

Policy

Development Policy 7

4. Do you consider the Local Plan is: *(Please tick as appropriate)*

4. (1) Legally compliant

Yes

No

4. (2) Sound

Yes

No

4. (3) Compiles with the Duty to Cooperate

Yes

No

5. Please provide details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the Duty to Cooperate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the Duty to Cooperate, please also use this box to set out your comments.

Development policy 7 refers to rural areas in general, but fails to address the special provisions required to be applied to development proposals in the Green Belt. Given how much land is being removed from the Green Belt for planned development, it is all the more important that NPPF policies should be applied rigorously in what is left

This is important because a situation has developed in which inappropriate (ie overlarge) development is being permitted on the grounds that permitted development rights for extensions create a 'fall-back' position that such PD rights automatically create the 'very special circumstances' that justify inappropriate development. This has become evident from a series of three residential developments on Boars Hill, two of which are immediate neighbours creating cumulative effects of inappropriate development – one of these having been approved shortly after the deadline for representations on the draft plan.

The mere existence of PD rights as constituting 'very special circumstances' is not supported by case law (there is after all, nothing very special about their existence as they are universally applicable). The Part 1 policy covers the general thrust of development control within the Green belt but has no detail on criteria to be applied or the relationship of PD Rights to 'very special circumstances' required to justify inappropriate development.

The Council must give substantial weight to avoiding harm to the Green Belt through inappropriate development and it is therefore desirable that there should be a more detailed statement of the standard considerations to be applied. These must reflect NPPF but can add detail and clarity to show how the policy will be applied.

(Continue on page 4 /expand box if necessary)

6. Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the matter you have identified at 5 above. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

I propose the additional policy below to clarify the basis on which applications for development within the Green Belt will be determined.

- I have sought to stick closely to NPPF, including the change for extensions and replacements from only applying to 'dwellings' under PPS 2 to being 'buildings' in the NPPF.
- I have suggested re-applying the Vale's previous – very sensible 'sliding scale' policy on scale of what is or is not 'inappropriate' in terms of size thresholds.
- I have taken account of how PD rights relate to size criteria for 'inappropriate development.'

I believe this to be a clear statement of how applications in the Green Belt should be determined, addressing the current haziness that surrounds the relationship between PD rights and inappropriate development.

Before Development Policy 7 insert the following additional policy:

Applications for "inappropriate development" in the Green Belt, as defined by paragraph 89 of the NPPF (including the criteria setting out exceptions), is by definition, harmful to the Green Belt and will not be approved except in very special circumstances.

Substantial weight will be given to resisting any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is convincingly outweighed by other considerations, which are clearly in the wider public interest.

Development considered not "inappropriate" are the exceptions listed in paragraph 89 of the NPPF. In the case of extensions to buildings or their replacement within the curtilage of a property, proposals will be permitted provided that the following criteria are met:

- *The development does not exceed the following limits in respect of each building:*
 - a) *existing buildings with a floor space of less than 80 square metres - up to 50% of the original volume;*
 - b) *existing buildings with a floor space of 81-120 square metres - up to 40% of the original volume;*
 - c) *existing dwellings with a floorspace greater than 121 square metres - up to 30% of the original volume.*
- *the scale and design of the proposal is in keeping with the character of the dwelling and the site and with the appearance of the surrounding area;*
- *the amenity of occupants of nearby properties is not materially harmed;*
- *the development is consistent with other relevant policies in this plan.*

In the case of enlarged or replacement residential and ancillary buildings, the mere existence of permitted development rights to exceed thresholds of "inappropriate development" will not of itself be taken to constitute 'Very Special Circumstances' unless in the specific circumstances of the case:

- *the harm of the proposed development in respect of the need to preserve the openness of the Green Belt and its purpose would be significantly less than that caused by a specific permitted development option that has been certified/authorised as lawful;*

- *there are other specific considerations, which are clearly in the wider public interest, that would be delivered by the proposed development but not by the alternative permitted development option;*
and in either case:
- *these tests apply to each building proposed and will be judged on a case-by case basis.*

If the exercise of PD rights or their use as a 'fall-back' to secure what would otherwise be 'inappropriate' development has a significant cumulative effect on the openness of the Green Belt or its purposes, consideration will be given to using to use powers available to the Council to limit the availability of PD rights to the aggregate scale of development that is allowable under this policy without having to invoke 'very special circumstances.'

Other forms of development that preserve the openness of the Green Belt and do not conflict with the purposes, as set out in paragraph 90 of NPPF, will not be considered intrinsically inappropriate, but applications will need to satisfy other policies in this Plan.

For the purpose of this policy, in line with NPPF paragraph 91, the constructed elements of renewable energy projects will be considered to be 'buildings', and applicants will need to demonstrate that none of them will harm the openness of the Green Belt or conflict with its purposes; or if they do, that there are very special circumstances that may include, (but are not restricted to) the contribution made to renewable energy, and the absence of viable, less harmful alternative locations

(Continue on page 4 /expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

7. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

YES

Yes, I wish to participate at the oral examination

8. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

The circumstances and issues arising from recent decisions reflect and intricate means by which developers or individuals seeking to maximise the scale of development in the Green Belt have found a means of circumventing the clear policy set out in the NPPF. Case officers have taken previous cases as setting generally applicable precedents rather than having to explain (or require applicants to substantiate) in detail the 'very special circumstances' under which why generally available PD rights in each case, and take account of cumulative harm to the Green Belt.

This current practice needs to be presented and explained to ensure this emerging issue is clearly understood.

Please note the Inspector will determine the most appropriate procedure to hear those who

have indicated that they wish to participate at the oral part of the examination.

Signature:



Date: 07 12 2017

Sharing your personal details

Please be aware that, due to the process of having an Independent Examination, a name and means of contact is required for your representation to be considered. Respondent details and representations will be forwarded to the Inspector carrying out the examination of the Local Plan after the Publicity Period has ended. This data will be managed by a Programme Officer who acts as the point of contact between the council and the Inspector and respondents and the Inspector.

Representations cannot be treated as confidential and will be published on our website alongside your name. If you are responding as an individual rather than a company or organisation, we will not publish your contact details (email / postal address and telephone numbers) or signatures online, however the original representations are available for public viewing at our council office by prior appointment. All representations and related documents will be held by Vale of White Horse District Council for a period of 6 months after the Local Plan is adopted.

Would you like to hear from us in the future?

I would like to be kept informed about the progress of the Local Plan

YES

I would like to be added to the database to receive general planning updates

Please do not contact me again

Further comment: Please use this space to provide further comment on the relevant questions in this form. **You must state which question your comment relates to.**

I am sorry this submission is well past your deadline, but the circumstances that triggered the need for it did not fully emerge until after the deadline when planning application P17/V2413/FUL was determined and the draft minutes of the committee meeting at which the decision was made were posted on the Council's website, revealing the approach currently adopted by the planning officers and planning committee.

I believe this and at least one previous decision to have been badly out of step with policy and case law, but for the future this could be rectified (at least to some extent) by the adoption of the additional policy I am proposing. I believe it to be in the interests of both developers and residents that these criteria be clarified.

I hope in the circumstances you will allow this submission to be included in the further development of the Plan.

Alternative formats of this form are available on request. Please contact our customer service team on 01235 422600 (Text phone users add 18001 before you dial) or email planning.policy@whitehorsedc.gov.uk

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