

Uffington and Baulking Neighbourhood Plan

2011-2031

**BAULKING ONLY HOUSING POLICY H3
NEED and EVIDENCE**

**Uffington Parish Council
& Baulking Parish Meeting**

Submission Version

October 2018

Uffington and Baulking Neighbourhood Plan

BAULKING ONLY HOUSING POLICY H3: NEED and EVIDENCE

Policy H3:

'Housing will be permitted to meet a local need where this need is evidenced and where the development does not have an unacceptable impact on the visual and landscape amenity of the area. In all cases proposed, development must comply with the relevant policies of the Development Plan or National Policy.'

Why is the Policy needed, what is its intention, and how is it evidenced?

1. Need and Intention

Baulking is a small village (Parish) of 41 homes, 107 residents. As a community we elected, through the initial Community Led Plan, to join in an NP, with our nearest neighbouring village (0.9 of a mile away), Uffington, a 'Larger' village, upon whose services we rely, and indeed, they upon our patronage, in this rural area.

The Baulking need, is to enable Parishioners to remain in the village (many have lived here all their lives), as they have clearly indicated they wish to, by being able to downsize from larger homes. This will free up larger houses to new younger families with children, bring vitality to the village, and perpetuate the village for the future. If not, the village may well die. This would include market housing and affordable as applicable.

The village of Baulking falls into the lowest tier of the Vale of the White Horse District Council, Settlement hierarchy, as determined in their adopted Local Plan Part 1, at Core Policy 3, this being 'Open Countryside.'

At Core Policy 4 of the Local Plan Part 1 a little more clarity is given to what 'Open Countryside' means, regarding building. It states:

'Development in open countryside will not be appropriate unless specifically supported by other relevant policies as set out in the Development Plan or National Policy'.

The relevant policies which are referred to, are the specifics detailed in Paragraph 55 of the NPPF, supported by some other new policies as outlined in the Vale Local Plan Part 2 (awaiting the Examination report), these being Development Policies 1-6: Space standards, Sub-division of dwellings, Residential annexes, Replacement dwellings (DP5 and DP6 are both covered in Paragraph 55); Rural workers dwellings and Re-use/conversion of existing (farm) buildings).

The relevant policies do not enable the need. There are only two working farms remaining; all others are now converted to residential use. What are left have no requirement for rural workers, as mechanisation replaces people. All the heritage (listed) buildings are already private homes (except the Church); sub-division might work in some cases, but not many, and with an ageing population, it would be better to build new, to meet the needs of that

profile, and free up larger houses to attract families. One-off dwellings of exceptional design may come forward but will not address the housing need.

2. Evidence for a dedicated Policy for Baulking

a) The Housing Needs Assessment and the Landscape Capacity Survey.

In examining the NPPG regarding neighbourhood planning, an NP can potentially give rise to consideration for supplement to a Local Plan. As part of the process to create the Neighbourhood Plan, two key reports, carried out by independent consultants were produced; the Housing Needs Assessment (HNA) and the Landscape Capacity Survey (LCS).

- The HNA, pre-supported by a Housing Needs Survey (a multi-question document, responded to by 81% of the villagers), clearly states in the Executive Summary at Pt 1.7:

‘The rationale for Baulking Housing need is as follows. Baulking is classified as ‘open countryside’ in the Local Plan 2031 Part 1. Population projections, house prices, employment and tenure factors suggest little current need for additional dwellings. Four single dwellings have received planning permission in the period 2011- 2016. While a further need is not justified by current evidence, this does not discount future infill/self-build projects in the plan period. Where single dwellings are required they should be focused on addressing the housing mix in Baulking to supply 1-2 bed and 3-4 bed semi-detached houses and bungalows for young families and couples as well as elderly residents. These smaller properties are required as the population ages; the larger homes will retain younger working-age groups and larger families.’

In the Summary of the HNA, at Pt 5.4, the Consultant concludes:

‘Factors outlined {for Baulking} suggest that the mix of housing is addressed with the addition of smaller properties. As the population ages this would also make provision for younger families in the larger homes. No development is proposed for Baulking other than infill and self-build opportunities as they arise. Dwellings required should be smaller 1-2 bed and 3-4 bed homes for young couples/families and the elderly, consisting of semi/detached houses and bungalows. These should be privately marketed’.

- The LCS shows that whilst some of Baulking is categorised ‘Low Capacity’, in fact due to the greater distance from the AONB (Ridgeway and White Horse Hill), Baulking carries far greater scope for some development than Uffington.

b) The ‘Open Countryside’ determination.

The opening statement of Paragraph 55 states:

‘To promote 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. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances’.

This paragraph raises two key points:

- Baulking, as outlined at 'Pt 1 Need,' relies upon the services of our neighbouring village, Uffington, and likewise, those services benefit from the support of Baulking villagers who visit the local shop, post office and pub.
- The final sentence refers to 'isolated homes in the countryside'. Baulking is not isolated, being but 0.9 mile away from Uffington, thereby easily accessible by foot, bicycle or car. The towns of Faringdon and Wantage are just 8 miles away. It is therefore within easy reach of services and facilities. The village homes are mostly around the village Green, or scattered in clusters along Baulking Lane, the principal road that runs through the village.

Case law in regard to NPPF Paragraph 55: most notably the assessment of 'isolated' is best shown in *Braintree District Council v Secretary of State for Communities and Local Government* [2017] EWHC 2743 (Admin), which concluded that the definition of isolated is 'far away from other places, buildings or people; remote.'

Mrs Justice Lang DBE, sitting, went on to conclude, amongst other points, that:

In AD 8 & 9, the Inspector correctly applied NPPF 55 by concluding that, since the proposed new homes would be located on a road in a village where there were a number of dwellings nearby, it would not result in 'new isolated homes in the countryside'.

c) Sustainability.

Having determined that Baulking is not 'isolated', is it sustainable, and therefore does it meet the principle 'golden thread' of the NPPF? Case law would suggest so, as new homes in rural areas support the local economy, add to the social vitality of communities and thereby support the natural environment.

Mrs Justice Lang DBE, stated: 'The policy in favour of locating housing where it will "enhance or maintain the vitality of rural communities" is not limited to economic benefits. The word "vitality" is broad in scope and includes the social role of sustainable development, described in NPPF 7 as "supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations".'

The NPPG gives further guidance on sustainability and the process for an NP submission, which seeks to add to the Local Plan:

'Assessing housing need and allocating sites should be considered at a strategic level and through the Local Plan and/or neighbourhood plan process. However, all settlements can play a role in delivering sustainable development in rural areas – and so 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. A neighbourhood plan can allocate additional sites to those in a Local Plan where this is supported by evidence to demonstrate need above that identified in the Local Plan and the plan proposal meets the basic conditions.'¹

¹ NPPG, May 2016: Paragraph: 001 Reference ID: 50-001-20160519.

There is no robust evidence available from the Vale of the White Horse District Council, despite repeated requests, to support the blanket determination of 'open countryside'.

d) Basic Conditions and 'General Conformity' with the strategic policies of the Local Plan.

The Basic Conditions regarding the key element in this submission about the NPPF have been outlined, and the relationship with the requirements of contribution to the achievement of sustainable development.

'General Conformity' with the LPA, Local Plan (CP3 and CP4) is met, per the guidance indicated in the NPPG:

'When considering whether a policy is in general conformity a qualifying body, independent examiner, or local planning authority, should consider the following:

- whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with
- the degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy
- whether the draft neighbourhood plan policy or development proposal provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy
- the rationale for the approach taken in the draft neighbourhood plan or Order and the evidence to justify that approach'.

Paragraph: 074 Reference ID: 41-074-20140306

Revision date: 06 03 2014

The key bullet points are numbers 2,3 and 4.

Pt 2: There is conflict with the principle of 'Open Countryside' in so far as it is not defined in the Local Plan nor supported by robust evidence, and yet it is already being used to decline planning applications. Case law is building to suggest that the term is unsubstantial, and that in cases of Appeal, it is not supported by the NPPF Paragraph 55, in respect of 'isolation,' as would be applied to Baulking.

Pt 3: It is believed that the evidence supplied provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy. We are not seeking to change the Policy, but to add an extra option for distinct local need, relative to the fact that all other options are exhausted.

Pt 4: The rationale for the Policy proposed is clearly laid out and evidenced.

e) Examining Inspectors observations about the Vale Local Plans Part 1 and Part 2 with regard to matters in respect of the proposed Policy H3.

At the review of the Vale of the White Horse Local Plan Part 1, the Inspector, Mr Rivett, altered the wording of CP4 (VWHDC Local Plan Part 1 Schedule of Main Modifications July 2016 FINAL(1) by adding: 'in the Development Plan or National Policy' to the end of the above sentence. Hence our use of these words in the proposed H3 Policy.

The VWHDC had wanted it to say: 'where development {in Open Countryside} will not be appropriate, unless consistent with the exceptions policies set out in the Local Plan'. This is important as the Development Plan includes the Neighbourhood Plan, and National Policy should guide Local Plans. Planning policy is not just about the council Local Plans.

At the Hearings for the Vale of the White Horse Local Plan Part 2, the Inspector, Mr Reed, invited the Chair of Baulking Parish Meeting to speak, following submission of a paper regarding 'open countryside' and its consequences. Mr Reed made it clear, of

course, that he would not adjudicate on a matter for review in a Neighbourhood Plan by another Inspector, but he did agree that the whole point of 'general conformity' was to allow what he termed some 'wriggle room'.

Further he made it quite clear to the Vale's barrister and officers, that they should not 'lead' an Examiner by attempting to undermine a proposed policy within an NP, as the process must be 'fair and wholly open'.

In concluding, two quotes which hopefully at review carry some consideration:

'In considering the Examination Proposal and its draft policies a key element is to have regard to the principle of "general conformity" with local strategic policies and plans and to have regard to national policies and guidance. It is clear to me that the reasoning behind the use of the concept of general conformity is to allow a degree of flexibility in drawing up neighbourhood plans and proposals. Without such a concept drawing up a neighbourhood plan to reflect local priorities and conditions would be a futile exercise'. Examiner, Mr John Glester, December 2012. Upper Eden NP.

In *Tesco Stores Limited v Dundee City Council* [2012] UKSC 13, Lord Reed (with whose judgment Lord Brown, Lord Hope, Lord Kerr and Lord Dyson agreed), rejected the proposition that each planning authority was entitled to determine the meaning of development plans from time to time as it pleased, within the limits of rationality. He said: 'planning authorities do not live in the world of Humpty Dumpty: they cannot make the development plan mean whatever they would like it to mean'.