CT Planning

TOWN AND COUNTRY PLANNING ACT 1990
SECTION 78

PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990
SECTIONS 20 and 74

Appeal By	:	**Mrs P Taylor**
Site	:	**4 Pipe Lane Orton on the Hill Atherstone Warwickshire CV9 3NF**
PINS Reference	:	**APP/K2420/A/12/2169798 APP/K2420/E/12/2169799**
LPA Reference	:	**11/00602/FUL 11/00603/CON**
Appellant's Reference	:	**CET/3448**
Date	:	**16th April 2012**

NATIONAL PLANNING POLICY FRAMEWORK

Trafalgar House 20a Market Street Lichfield Staffordshire WS13 6LH
Tel 01543 418779 **Fax** 01543 418115 **Email** plan@ctplanning.co.uk **Web** www.ctplanning.co.uk

Registered in England 4110624

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National Planning Policy Framework

1. This statement has been made in response to a letter from PINS dated 3rd April 2012 that followed the publication of the National Planning Policy Framework (NPPF) on 27th March 2012. This statement assesses the relevance of the NPPF to the appellant's case together with the weight to be attached to relevant Development Plan policies and to the policies in the emerging plans, having regard to paragraphs 214 to 216 of the Framework.
2. The NPPF largely carries forward existing planning policies and protections in a significantly more streamlined and accessible form. Annex 1 to the NPPF makes clear that planning policies should not be considered out of date simply because they were adopted prior to the publication of the Framework. The NPPF is a material consideration in planning decisions.
3. The Development Plan policies relevant to the determination of the appeals are contained in the Hinckley and Bosworth Local Plan and the Hinckley and Bosworth Core Strategy. The Hinckley and Bosworth Local Plan was adopted in February 2001 and is now of some age. The Local Plan policies relevant to the determination of these appeals are policies RES5, BE1, BE19 and BE7. It is submitted that these policies remain consistent with the policies and objectives of the NPPF insofar as they seek to permit housing development within defined development boundaries that is consistent with the character and appearance of the area without causing harm to living conditions. The policies seek to ensure that development in the Conservation Area preserves or enhances the special character of the Conservation Area.
4. The Hinckley and Bosworth Core Strategy was adopted in December 2009 and is evidently up to date. It is respectfully submitted that the relevant policies of the Core Strategy, namely

Core Strategy Policies 13, 15 and 16 remain consistent with the policies and objectives of the NPPF insofar as they allow for housing in rural settlements where this provides for a mix of housing types and tenure, including the provision of affordable housing.

5. The NPPF does not change the statutory status of the Development Plan as the starting point for decision making (paragraph 12).

6. In its fourth reason for refusal (see Appendix 1 to Appellant's Written Statement), the Planning Authority alleged "**that the site is located in an unsustainable location**". This is a matter that is addressed at paragraphs 3.31 to 3.39 of the Appellant's Statement. The Council's fourth reason for refusal evidently relies on the advice contained in PPS1 and PPS7 together with PPG13 which have now been withdrawn as a consequence of the publication of the NPPF. For the reasons set out at paragraphs 3.31 to 3.39 of the Appellant's Written Statement, the proposed development remains entirely consistent with the provisions of Core Strategy Policy 13 since the appeal site is located within the settlement boundary of Orton on the Hill, it provides for a mix of housing types and a mixture of tenures. In the light of the withdrawal of PPS1 and PPS7 and PPG13, it is necessary to consider the appeal proposals against the guidelines provided in the NPPF in respect of sustainable development.

7. The appeal proposals relate to development within a rural settlement. To promote sustainable development in rural areas the NPPF states (paragraph 55) that "**housing should be located where it will enhance or maintain the vitality of rural communities**". It then goes on to state, that as an example where there are a group of smaller settlements "**development in one village may support services in a village nearby**". Local

Planning Authorities are advised that they should "**avoid new isolated homes in the countryside**".

8. The appeal site is located within the defined settlement boundary for Orton on the Hill. It will not result in new isolated homes in the countryside. As set out at paragraph 3.33 of the Appellant's Written Statement, the Core Strategy recognises Orton on the Hill as a rural settlement, has "**limited, if any services and generally rely on key rural settlements or surrounding urban areas for schooling, employment and provision of goods and services**". Notwithstanding this situation, Core Strategy Policy 13 indicates that it would support housing development within settlement boundaries "**that provides for a mix of housing types and tenures as detailed in Policy 15 and 16**". It is respectfully submitted that the proposed development is entirely consistent with Core Strategy Policy 13 which in turn is entirely consistent with the approach being advocated at paragraph 55 of the NPPF.

9. In terms of achieving sustainable development, paragraph 7 of the NPPF states that there are three dimensions to sustainable development, namely economic, social and environmental. It is submitted that the proposed development satisfies the economic role by ensuring land is available for housing within Orton on the Hill which provides for a mixture of house types and tenures. The proposed development satisfies the social role in contributing towards a strong, vibrant and healthy community by providing housing to meet the needs of present and future generations. The proposed development satisfies the environmental dimension of sustainable development since it can proceed without harm to the natural, built and historic environment.

10. The NPPF states (paragraph 9) that pursuing sustainable development involves "**seeking positive improvements in the quality of the built, natural and historic environment**" and this includes, inter alia, "**replacing poor designs with better design**" and "**widening the choice of high quality homes**". The application site is identified within the Orton on the Hill Conservation document as a "**potential development area**" with the existing bungalow identified as a "**weak area/building**". The proposed development is of a design that is of the highest order. The siting and scale of the proposed development is well related in terms of its scale and location to existing dwellings within the vicinity and the design of the proposed development would contribute positively to the character and appearance of the Conservation Area. The proposed development therefore replaces poor design with better design, enhancing the character and appearance of the Conservation Area in the process. The proposed development makes provision for some 6 dwellings, 2 of which are proposed to be made available to a registered social landlord as affordable housing. The proposed development thus widens the choice of high quality homes as well as providing for a choice of tenure.

11. Having regard to the high quality of the design proposed and the contribution it makes towards the character and appearance of the Orton on the Hill Conservation Area, the proposed development adds to the overall quality of the area and is consistent with paragraphs 56 to 66 of the NPPF concerned with securing good design.

12. The proposed development evidently helps in the delivery of a wide choice of high quality homes, widening the opportunity for home

ownership and in this respect is consistent with the objectives of paragraph 50 of the NPPF.

13. The proposed development will secure a high quality design which will add to the overall quality of the surrounding area, consistent with paragraphs 56 to 65 of the NPPF.

14. In the light of the above circumstances, the proposed development is considered to be entirely consistent with the policies of the NPPF.

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