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# BARTON WILLMORE

3<sup>rd</sup> Floor  
14 King Street  
Leeds  
LS1 2HL

t 0113 2044 777

By post and email – [ldf@selby.gov.uk](mailto:ldf@selby.gov.uk)  
[programmeofficer@selby.gov.uk](mailto:programmeofficer@selby.gov.uk)

Selby District Council  
The Civic Centre  
Doncaster Road  
Selby  
YO8 9FT

21121/A3/SN/ds

19 July 2012

Dear Sirs

## **CORE STRATEGY NPPF COMPLIANCE**

These representations are made jointly on behalf of Daniel Gath Homes and Yorvik Homes (hereafter referred to as 'both housebuilders') following previous consultation on the NPPF and the compliance with the Core Strategy. Representations were previously made to the Council regarding the restrictions of Policy CP1A for windfall development limiting all new development to brownfield sites within defined development limits.

Evidence was previously provided to the Council to demonstrate that insufficient land exists which meets this criteria and therefore Policy CP1A restricts windfall development under its current provisions. A copy of the previous representations made to the Council detailing this are included with this letter for your attention and the points raised within are considered relevant for consideration.

### **The blanket restriction of the development of gardens in secondary settlements**

As a result of the representations made to the Council, Policy CP1A has not been amended, however they have partially addressed the garden issue in the supporting text confirming at paragraph 4.47 that garden land can be developed within DSVs. This acknowledgement is supported by both housebuilders, however it is considered that reference within Policy CP1A would be more appropriate.

Notwithstanding the inclusion of garden development within DSVs the same paragraph also confirms that 'Residential development in Secondary Villages will be more restrictive so that development on garden land will be resisted'.

In this respect I reiterate my previous comments in this matter. Paragraph 53 of the NPPF confirms that, 'Local Planning Authorities should consider the case for setting out policies to resist **inappropriate** (our emphasis) development of residential gardens, for example where development would cause harm to the local area'.

Paragraph 53 therefore provides that any policies which are proposed should only seek to resist 'inappropriate' development of residential gardens, not a dismissal of all garden sites, including development of those which may be appropriate. This clearly demonstrates that the aims of paragraph 53 are not to restrict all development of residential gardens, only where it may be inappropriate. The example given in paragraph 53 is where this would cause harm to the local area, thereby implying that justification should be given for any restrictive policy and that the policy should not be generic and only apply to areas where necessary.



With regards the current policy as set out in Policy CP1A a restriction to all greenfield development in secondary settlements (including gardens) is based on an ideology of providing for no garden development in smaller settlements, it is not based on ensuring that only inappropriate development is restricted and indeed no evidence is provided to demonstrate that garden development in secondary settlements would be inappropriate. The variety of secondary settlements is so diverse in layout, design, historical interest and size that it is not possible to generically state that developing gardens in all of these settlements would be inappropriate. It is therefore considered that the policy should not restrict all garden development but only that which is inappropriate.

**The limitations of restricting all development within historical tightly drawn development limits.**

Furthermore the policy retains the proposal to require all new development to be within the defined development limits, however there is no indication that development limits will be amended. In order to be effective as identified in paragraph 182 of the NPPF the Core Strategy windfall policy must provide more flexibility to enable the delivery of sites as planned. The current development limits as drawn are very tight around the existing settlements and provide no opportunities for development within them. The requirement to protect the intrinsic value of the countryside is noted, however this is not relevant to all pieces of land not currently located within development limits, many of which offer no value to the countryside.

Many sites on the edge of settlements are equally as sustainable as sites located within the development limit (indeed in some cases a site on the edge of the development limit may be located closer to facilities than a site located within a development limit) and many of them make little or no contribution to the character of the countryside.

It is therefore maintained that the policy should allow for development adjacent to the development limits of settlements.

**Conclusion**

In order to ensure that the Core Strategy is compliant with the NPPF it is considered that Policy CP1A should be reworded as follows,

- a) In order to ensure that speculative (windfall) housing contributes to sustainable development and the continued evolution of viable communities, the following types of residential development will be acceptable in principle, within or adjacent to Development Limits in different settlement types, as follows:

In Selby, Sherburn in Elmet, Tadcaster and Designated Service Villages – conversions, replacement dwellings, redevelopment of previously developed land and appropriate scale development on greenfield land (including conversion/redevelopment of farmsteads and development of gardens).

In Secondary Villages – conversions, replacement dwellings, redevelopment of previously developed land, redevelopment of greenfield sites which would not harm the character of the area, infilling of small linear gaps in otherwise built up residential frontages, and conversion/redevelopment of farmsteads.

Yours sincerely

**STUART NATKUS**  
Associate

Cc Matthew Gath - Yorvik Homes  
Daniel Gath - Daniel Gath Homes

**By email and post**

Selby District Council  
The Civic Centre  
Doncaster Road  
Selby  
YO8 9FT

1310/A3/SN/ds

11 May 2012

Dear Sirs

**CORE STRATEGY NPPF COMPLIANCE**

These representations are made jointly on behalf of Daniel Gath Homes and Yorvik Homes (hereafter referred to as 'Both Housebuilders'), Both Housebuilders are local with a proven track record of delivering high quality homes within Selby District over the last 15 years.

Both Housebuilders develop sites of upto approximately two acres within existing settlements as windfall developments, with the scale of allocated sites being such that they only enable development by major housebuilders.

As a result of the draconian policies contained within the Selby District Local Plan (SDLP) (now considered out-of-date) and the implementation of its policies since the amendment to the definition of Previously Developed Land, the opportunities for development for Both Housebuilders have been extremely limited, with applications regularly being refused based on the principle of development (predominantly the development of greenfield sites).

**Background**

In order to demonstrate this in more detail it is necessary to highlight the Council's housing policy contained within the SDLP and specifically within policy H2A. Policy H2A establishes the principle of residential development and limits new housing to Previously Developed Land within existing development limits. Historically windfall developments in the district have arisen from the redevelopment of gardens, areas of open space and redevelopment of farmsteads, with limited previously developed sites being available across the district. Following the amendment to the definition of Previously Developed Land in PPS3, the Council determined that Policy H2A therefore prohibited development of gardens (contrary to the guidance in PPS3).

The result of this approach has resulted in Both Housebuilders being severely limited in providing new properties which, in the past, have made an important contribution to the housing stock in Selby and choice and variety in the market place.

Indeed this approach has resulted in a significant shortfall in housing which can be delivered in forthcoming years. The table below highlights the impact that this approach has had upon the determination of planning applications in the district and provides an insight into the lack of deliverable sites to be delivered in the future.



Location	2010 windfall approvals	2011 windfall approvals
Selby	27	3
Sherburn-in-Elmet	4	2
Tadcaster	2	8
DSV's	132	33
Other locations	87	36
<b>Total</b>	<b>252</b>	<b>83</b>

Source: [www.publicaccess.selby.gov.uk/publicaccess](http://www.publicaccess.selby.gov.uk/publicaccess)

Included within the 2010 approvals were two sites which provided 77 dwellings as amended layouts to previous approvals, therefore not adding to the housing stock. Similarly these figures include barn conversions and agricultural workers' dwellings, rather than new market housing.

The figures for the approval of windfall housing in 2011 show that this approach only provided 46 new dwellings to settlements identified within the Core Strategy for future growth.

This approach is continued in the draft Core Strategy, whereby policy CP1A again seeks to restrict windfall development to that within development limits and on brownfield site with limited development on greenfield sites in the Designated Service Villages (specifically referenced as relating to farmsteads not gardens). In secondary villages a blanket restriction to the development of greenfield sites is provided other than those involving conversion/redevelopment of farmsteads, therefore restricting new housing on all other greenfield sites.

With regards to the Core Strategy and compliance with the NPPF, Both Housebuilders have concerns over the restrictions included in Policy CP1A as drafted and its non-compliance with the NPPF. The concerns regarding this policy and the NPPF relate to three elements. These are as follows:

- The blanket restriction of development of gardens and greenfield sites; and
- The limitations provided by tightly drawn development limits and the lack of available sites.

### **The Blanket Restriction of Development of Gardens and Greenfield Sites**

The Core Strategy currently restricts all garden development within secondary settlements and implies (by its lack of reference) that development of gardens in Designated Service Villages is inappropriate. The implications of this on delivery are evident to see as it continues the current policy approach of the SDLP, which in turn will therefore continue the current low levels of delivery. Notwithstanding these concerns, this approach is completely contrary to the guidance in the NPPF.

Paragraph 53 of the NPPF confirms that, *'Local Planning Authorities 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'*.

This paragraph does not provide a mandatory requirement to restrict all development of gardens and confirms that Councils should only 'consider' setting out policies, not require Councils to set out policies as standard. This is a vital part of Paragraph 53 as it provides clear guidance that the redevelopment of gardens is not restricted by national guidance and that restriction should not be a mandatory approach. Similarly, the second part of Paragraph 53 provides that any policies which are considered should only seek to resist 'inappropriate' development of residential gardens. Again, the distinction drawn highlights that the aims of this paragraph is not to restrict all development of

residential gardens, only where it may be inappropriate. The example given in Paragraph 53 is where this would cause harm to the local area, thereby implying that justification should be given for any restrictive policy and that the policy should not be generic to all settlements and only apply to those where necessary.

With regards to the current policy, as set out in Policy CP1A, a restriction of development on all greenfield sites is proposed and no reference to inappropriate development made. Furthermore, the approach taken applies to all settlements. No assessment is made as to which settlements the development of gardens would have a detrimental impact upon and those in which development would have no impact upon.

No assessment has been made by the Council as to which settlements would render such a restriction suitable, thereby no evidence is available to demonstrate that the current approach restricting development in all settlements is made upon an assessment of any harm which could be caused. Consequently the policy, as written, is flawed and does not comply with the NPPF.

**The Limitations Provided by Tightly Drawn Development Limits and the Lack of available Sites**

The Council's evidence base utilised for assessing future housing sites includes the SHLAA, which highlights the lack of sites which meet the requirements of Policy CP1A available within the district. Although many of these sites are suitable, sustainable and fully compliant with the NPPF, they do not comply with the Council's policy as drafted. Having assessed the SHLAA, it is not considered that Policy CP1A, as drafted, enables the delivery of windfall sites as proposed.

In order to be effective, as identified in Paragraph 182 of the NPPF, the Core Strategy windfall policy must provide more flexibility to enable the delivery of sites as planned. The current development limits as drawn are very tight around the existing settlements and provide no opportunities for development within them. The requirement to protect the intrinsic value of the countryside is noted, however this is not relevant to all pieces of land not currently located within development limits.

Many sites on the edge of settlements are equally as sustainable as sites located within the development limit (indeed in some cases a site on the edge of the development limit may be closer to facilities than a site located within a development limit) and many of them make little or no contribution to the character of the countryside. The proposed Policy should reflect this and where appropriate allow development on the edge of settlements.

**Conclusion**

In order to ensure that the Core Strategy is compliant with the NPPF it is considered that Policy CP1A should be reworded as follows (changes in bold):

- a) In order to ensure that speculative (windfall) housing contributes to sustainable development and the continued evolution of viable communities, the following types of residential development will be acceptable in principle, within **or adjacent to** Development Limits in different settlement types, as follows:

In Selby, Sherburn-in-Elmet, Tadcaster and Designated Service Villages – conversions, replacement dwellings, redevelopment of Previously Developed Land and appropriate scale development on greenfield land (including conversion/redevelopment of farmsteads **and development of gardens**).

In Secondary Villages – conversions, replacement dwellings, redevelopment of Previously Developed Land, **redevelopment of greenfield sites which would not harm the character of the area**, infilling of small linear gaps in otherwise built up residential frontages, and conversion/redevelopment of farmsteads.

