

Written Statement submitted by Lawson Planning Partnership Ltd on behalf of White Lodge (Norwich) Ltd in Response to Matter 2: Spatial Strategy

Introduction

1. On behalf of our client, White Lodge (Norwich) Ltd, owners of land at the Former Four Seasons Nursery, High Kelling, we set out below our response to questions raised by the Inspector in relation to Matter 2: Spatial Strategy. The responses below build on our representations to the consultation on the Pre-Submission Draft Local Plan, dated 1st March 2022 and take into account the updated National Planning Policy Framework (NPPF), published on 19th December 2023.

Question 2.1: Is the proposed settlement hierarchy with five categories – Large Growth Towns, Small Growth Towns, Large Growth Villages, Small Growth Villages and Countryside – justified by the evidence?

2. The acknowledgement that smaller settlements should be included within the hierarchy is welcomed, as it allows an opportunity for these settlements to accommodate growth outside of the rural exceptions regime, with suitable policy support. Such growth is required to ensure the vitality and viability of those services, as well as the ‘health’ of the settlement itself.
3. The identification of settlement types based on the presence/ absence of various facilities and services is considered to be a reasonable approach. However, the criteria against which the allocation of settlements to the hierarchy levels has been assessed do not appear to be consistent within the evidence base document ref: C2 ‘Distribution of Growth: Background Paper 2’ (January 2022, updated May 2023). For example, at paragraph 4.4, the list of secondary services includes “*public house/ restaurant*”. However, the tables in Chapter 8 do not include restaurants within the list of secondary services. As such, High Kelling is identified as having fewer secondary or desirable services than it actually does, as there is a café within the village. The village hall also runs pub nights and regular coffee mornings.
4. In addition, although the assessment of High Kelling in Chapter 8 of document ref: C2 correctly identifies that High Kelling does not contain a primary school within the settlement boundary, it does not take account of Kelling Primary School, which serves the village and is accessible from it. The school is approximately a 4km bus journey from High Kelling and can be accessed via both public and dedicated school buses. On this basis, it is considered that High Kelling exceeds the criteria for a Small Growth Village as all 3 identified essential services (primary school, convenience shop and GP surgery), as well as more than 4 secondary or desirable services, are accessible to its residents.
5. In light of the above, we wish to maintain our **objection** to draft Policy SS1 as it would not enable the delivery of sustainable development as required by the soundness tests set out in Paragraph 35 of the NPPF.

Question 2.2: How does the settlement hierarchy compare to that in the 2008 Core Strategy? How are the proposed changes justified or explained?

6. The proposed settlement hierarchy acknowledges that settlements previously considered to be in the countryside are able to accommodate sustainable growth, and that a level of growth over and above what can be provided through the rural exceptions regime is required in order to ensure the continued vitality and viability of the supporting services and facilities. The ‘promotion’ of High Kelling to a Small Growth Village is, therefore, welcomed.
7. The approach taken to allocating settlements to the various levels of the hierarchy, based on the availability of services and facilities, physical and policy constraints and the level of identified housing need, is considered to be broadly effective. However, the accessibility of services should also be taken into consideration. For example, Kelling Primary School does not lie within the proposed High Kelling settlement boundary, but it is accessible from the village by public and dedicated school buses.
8. In light of the above, we wish to maintain our **objection** to draft Policy SS1 as it would not enable the delivery of sustainable development as required by the soundness tests set out in Paragraph 35 of the NPPF.

Question 2.3: Does the evidence justify the inclusion of the particular settlements in each of the top three tiers – Large Growth Towns, Small Growth Towns and Large Growth Villages? Is the distinction between Large Growth Villages and Small Growth Villages distinct or have any been misclassified?

9. In respect of High Kelling, it is acknowledged that the northern side of the village is located within an Area of Outstanding Natural Beauty (AONB), and this represents a level of constraint to the Small Growth Village. However, the former Four Seasons Nursery site is not located in the AONB and is therefore not subject to the same level of landscape constraint. Furthermore, it is considered that the village exceeds the services and facilities criteria for a Small Growth Village as it has access to all 3 essential services (albeit Kelling Primary School is not within the proposed settlement boundary) and it has more than 4 of the identified secondary or desirable services.
10. In addition, the identified lack of infrastructure constraints and level of housing need suggest that High Kelling should be ranked higher than other Small Growth Villages.
11. Document ref: C2 states that Small Growth Village settlements have only been assessed at a high level and have not been subject to the same level of review as the larger settlements in terms of environmental constraints, housing need, land supply and known key infrastructure constraints (as shown in Table 9 of document C2).
12. When reviewed against the criteria in Table 3, High Kelling would meet the ‘limited constraints’ definition, as the conclusion on page 137 states “*the constraints would not limit the principle of development within the settlement*”. In terms of housing need, High Kelling would be classified as having ‘moderate demand’, according to Table 4, as it has more than 500 people on the housing waiting list indicating a preference to live there. When taken together with the lack of infrastructure constraints, High Kelling performs better than most of the Large Growth Villages, 3 of which have moderate to high environmental constraints and all of which have infrastructure constraints (as shown in Table 7 of document ref: C2).

13. The decision not to examine potential housing sites in Small Growth Villages as part of the Housing and Economic Land Availability Assessment (HELAA) means that a comprehensive comparison with the Large Growth Villages cannot be undertaken. However, it is noted that the majority of Large Growth Villages have low land availability to accommodate the growth they are expected to accommodate. In any event, our client's site is identified in the HELAA as suitable, available and deliverable, therefore warranting further consideration in terms of the village's suitability to accommodate growth.
14. Furthermore, the decision not to examine Small Growth Village potential housing sites would appear contrary to the Government's support for bringing forward such sites, as evidenced in paragraphs 70 and 73 of the NPPF (December 2023).
15. In light of the above, it is considered that further justification for the allocation of settlements to the Large Growth Villages and Small Growth Villages is required to ensure the Plan represents an appropriate, justified and effective strategy that complies with national planning policy, in accordance with the soundness tests set out in Paragraph 35 of the NPPF.

Question 2.5: What criteria have been used to define settlement boundaries, and have these been consistently applied?

16. Document ref: C11 – 'Settlement Boundary Review: Small Growth Villages Background Paper (January 2022)' states that boundaries were audited to ensure they "*follow the logical extent of existing built-up areas*" in order to "*define the extent of currently built-up areas where character is defined by consolidated areas of built development*" (paragraph 1.14). However, as stated in our representations to the Pre-Submission Draft Local Plan consultation, this approach has not been consistently applied across the District's settlements.
17. The proposed boundaries for Catfield, Happisburgh, Horning, Little Snoring, Walsingham and others include development areas that are physically separated from other parts of the settlement. In contrast, the proposed settlement boundary for High Kelling omits our client's site, despite it having been occupied by an active commercial use until 2012. There is a reasonable prospect of the site being developed, as evidenced by its inclusion in the Housing and Economic Land Availability Assessment (HELAA, 2017) – reference H0090/ HKG04.
18. Similarly, in some instances, roads themselves which have development along one side have been included in settlement boundaries, such as Back Lane, Catfield and Lighthouse Lane, Happisburgh. However, Cromer Road, High Kelling, in the vicinity of the Former Four Seasons Nursery and neighbouring properties to the south of the road, is not included in the proposed settlement boundary.
19. Although the majority of the built-up part of High Kelling lies to the north of the A148 Cromer Road, land and buildings immediately to the south of the road, including various residential dwellings, All Saints District Church, and Land at the Former Four Seasons Nursery are an integral part of, and are functionally and visually related to, the urban area when travelling along the A148 between Holt and Cromer/ Sheringham, but they have been excluded from the proposed settlement boundary. Furthermore, the southern side of Cromer Road is not located in the AONB and, therefore, is less constrained and more capable of accommodating development than land to the north.

20. Development to the south of the road has formed part of High Kelling since the early 20th century including the buildings associated with the former Bramblewood Sanatorium, a number of which remain to this day.
21. In light of the above, it is considered that an inconsistent approach has been taken to defining settlement boundaries, which renders the Plan 'unsound'.

Question 2.6: Does the evidence justify the inclusion of the villages in the Small Growth Village category? How does the list compare with the designated service villages in the 2008 Core Strategy, and how are any changes justified or explained?

22. As per the response to Question 2.3 above, it is considered that High Kelling exceeds the services and facilities criteria for a Small Growth Village as it has access to all 3 essential services (albeit Kelling Primary School is not within the proposed settlement boundary) and it has more than 4 of the identified secondary or desirable services.
23. In addition, the identified lack of infrastructure constraints and level of housing need suggest that High Kelling should be ranked higher than other Small Growth Villages.
24. In light of the above, it is considered that further justification for the allocation of settlements to the Large Growth Villages and Small Growth Villages is required to ensure the Plan represents an appropriate, justified and effective strategy as required by the soundness tests set out in Paragraph 35 of the NPPF.

Question 2.8: For effectiveness, should sites for development be allocated in the edge of Small Growth Villages, or settlement boundaries expanded, rather than inviting individual applications without further policy guidance?

25. Draft Policy SS1 purports to allow for each Small Growth Village to grow by in the region of 6% in dwelling numbers from the date of adoption of the Plan. The allowance is measured from the number of dwellings within the defined settlement boundary as of 2021.
26. For High Kelling, the 6% 'allowance' specified in Table 2 'Small Growth Villages Housing Apportionment' is, 17 dwellings. However, this has been updated in Document ref: C2 by applying the 2016 estimated population projections as a base figure and using an average household size of 2.3 to calculate the existing number of dwellings in the village. Accordingly, High Kelling's allowance is now reduced to 14 dwellings.
27. The proposed settlement boundary is so tightly drawn that it is highly unlikely that this number could be delivered during the Plan period through infill development alone. In addition to which, the entirety of the land within the Settlement Boundary is within the AONB, where development is restricted other than in exceptional circumstances.
28. Opportunities for new housing within the proposed settlement boundary for High Kelling are very limited, likely only to come forward through subdivision of existing residential plots, and backland development, which is often unsatisfactory in terms of amenity both for neighbouring residents and future occupants. Furthermore, emerging Policy HOU2: Delivering the Right Mix of Homes does not require the provision of on-site affordable homes or indeed any financial contribution towards affordable housing on sites of 5 or less dwellings. Infill development is, therefore, unlikely to meet local affordable housing needs too.

29. As currently drafted, the Local Plan would conflict with national planning policy that supports and encourages bringing forward small sites for residential development, as evidenced in paragraphs 70 and 73 of the NPPF (December 2023).
30. The Former Four Seasons Nursery site is not located within the AONB and is available, deliverable and developable. Its redevelopment for residential uses would make a meaningful contribution to meeting local housing need and affordable housing need. Accordingly, the site should be included within the High Kelling settlement boundary in order to ensure that the Plan provides an effective strategy to meeting housing need. Alternatively, we request that the site is allocated as a housing site in the New Local Plan.

Question 2.9: In the Small Growth Villages, what is the justification for an ‘allowance of 6% growth in dwellings as opposed to a different figure? Is it justified for this figure to be a cap on development, to include infill development, and to operate a ‘first come first served’ approach as set out in Appendix 4? Given the possible uncertainty, how reliable are the 452 dwellings planned to come forward under this policy?

31. It appears unclear on what basis the decision to apply a 6% cap on housing growth in the Small Growth Village has been made, rather than any other number. As can be seen from the example of Badersfield, as discussed in Document Ref: C2, the blanket application of a percentage growth rate resulted in what was considered by the Council to be a disproportionately high level of growth allowance for the level of services and facilities within that settlement. Accordingly, a lower percentage growth rate is now proposed for Badersfield.
32. This position would appear to make the case for identifying targeted levels of growth for each growth village, based on the level of services and facilities available, so that a proportionate and suitable allowance is achieved. Alternatively, as was previously proposed in earlier drafts of the Plan, suitable sites should be allocated in those growth villages that have an appropriate level of supporting infrastructure, services and facilities.

Question 2.10: Are the criteria for development outside defined settlement boundaries in Section 3 of Policy SS1 justified and would they be effective? Is the requirement for proposals to incorporate substantial community benefits justified and for sites in excess of 0.25 ha to be offered to registered social landlords first?

33. Within our representations to the Regulation 19 consultation on the draft Local Plan, we raised an objection to draft Policy SS1 on the grounds that the policy criteria would unintentionally hinder suitable sites from being delivered in rural locations and would prejudice the delivery of affordable housing in these areas. With particular reference to the individual policy criteria, we wish to reiterate our **objection** to the draft Policy on the following grounds.
34. Criterion 3a – The wording of this criterion is considered to be overly restrictive, as it requires sites to ‘immediately abut’ the settlement boundary. As currently drafted, a strict policy reading restricts development on sites which are in fact adjacent to settlement boundary, such as the Former Four Seasons Nursery site, which functionally and visually form part of the established village and are available and suitable for development to meet local housing needs. This is the only deliverable site in

High Kelling which is outside the AONB and could deliver a meaningful contribution towards affordable housing in the village, as well as providing market housing.

35. The arbitrary alignment of the settlement boundary currently follows the northern side of a road but excludes the road itself and key parts of the village including the nursery site, adjoining residential properties and the hospital site and, therefore, requires amendment on grounds of soundness.
36. Criterion 3b – the draft Plan does not clarify why placing an approximate 6% growth limit in the smaller villages is justified and effective based on evidence relating to the needs, opportunities and constraints of each and all of these distinct settlements, rather than being just an arbitrary capped figure. Furthermore, High Kelling’s evidenced housing need is 24 dwellings, which would not be met by applying the 6% growth apportionment.
37. Accordingly, we object to the wording of criterion 3b which requires *“The number of dwellings combined with those already approved since the date of adoption does not increase the numbers of dwellings in the defined settlement by usually more than 6% as outlined in Table 2 ‘Small Growth Villages Housing Apportionment’”*.
38. Criterion 3f – We object to the requirement for sites in excess of 0.25 hectares outside of the Settlement Boundary to be first offered to local Registered Social Landlord’s (RSL’s) on agreed terms and to have been declined. This approach may in fact deter landowners/ promoters/ developers from bringing sites forward in this plan period, preferring to retain the land to put forward during future reviews of the Plan when their sites might potentially be brought into the boundary and identified for market housing.
39. It is also not clear what the ‘agreed terms’ would constitute and whether these would be acceptable to landowners/ promoters/ developers. The proposed approach may therefore, in fact hinder the delivery of affordable housing contrary to the objectives of the Plan.
40. Conversely, allowing sites to come forward for small scale development without the requirement to first offer them to RSL’s would still have the potential to deliver affordable housing through the application of Policy HOU2 Delivering the right mix of homes, which includes policy targets for the provision of affordable housing on market housing sites.
41. Overall, Policy SS1 (as currently drafted) is considered to conflict with national planning policy which supports and encourages bringing forward small sites for residential development, as evidenced in paragraphs 70 and 73 of the NPPF (December 2023).
42. In light of the above, it is considered that draft Policy SS1’s criteria should be amended in accordance with the changes proposed in our representations to the Regulation 19 consultation in order for the Plan to be found ‘sound’.

Question 2.11: Are there any village specific issues, e.g. scale or location of growth or detailed definition of settlement boundaries: i) High Kelling?

43. As discussed in the answers above, and in our representations to the Regulation 19 consultation on the draft Local Plan, it is considered that a more suitable, justified and effective strategy for meeting identified housing need in High Kelling that is compliant with national planning policy would be to allocate sites like the former Four Seasons Nursery site for residential development, which would make a meaningful contribution to addressing market and affordable housing needs.

44. High Kelling exceeds the facilities and services criteria for Small Growth Villages and, as such, is well placed to accommodate the residential growth that could come forward on our client's site. However, the proposed Settlement Boundary, as currently drafted, unreasonably excludes the former Four Seasons Nursery site, despite its functional and visual relationship with the rest of the village and its position outside the AONB.
45. Based on the tightness of the currently drafted Settlement Boundary and the restrictions imposed by the draft Policy SS1 criteria for sites outside the boundary, it is considered unlikely that the identified level of housing need in High Kelling could be met. As such, the Plan cannot be considered a justified or effective strategy and cannot be found 'sound' unless it is amended in accordance with the proposed changes set out in our representations to the Regulation 19 consultation.

Question 2.12: Are Policies SS2 and SS3 positively prepared, justified, effective and consistent with national policy?

46. Policy SS2 is not considered to be consistent with national planning policy as it does not reflect the requirement for local authorities to consider whether allowing some market housing on rural exception sites would help to facilitate the delivery of affordable housing, as set out at paragraph 82 of the National Planning Policy Framework (NPPF, December 2023).
47. In addition, the requirement for small-scale residential development in the countryside to be adjacent to a settlement boundary does not accord with the NPPF, which places no such restriction on rural exception sites (paragraph 83). As stated above, the wording of this criterion is considered to be overly restrictive, as it requires sites to 'immediately abut' the settlement boundary.
48. As currently drafted, a strict policy reading restricts development on sites which are in fact adjacent to settlement boundary, such as the Former Four Seasons Nursery site, which functionally and visually form part of the established village, and are available and suitable for development to meet local housing needs.
49. In light of the above, draft Policy SS2 would need to be amended in order to be found 'sound'.

Lawson Planning Partnership Ltd, 4th January 2024