

GREATER NORWICH LOCAL PLAN

INSPECTORS MATTERS ISSUES AND QUESTIONS (PART 1)

Matter 3: Strategy for the Areas of Growth

Issue 5: Small scale windfall housing
development

ON BEHALF OF HJ COLLEN & SON

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1 Introduction

- 1.1 Wilson Wraight LLP is instructed by HJ Collen & Son to respond to the Greater Norwich Local Plan Examination Matters and Questions produced by the Inspectors appointed to hold an independent examination of the Joint Local Plan. This Statement relates to 'Matter 3 – Strategy for the Areas of Growth' with a specific focus on Issue 5 'Small scale windfall housing development.'
- 1.2 This submission follows representations submitted to the Regulation 19 stage and the Village Clusters Housing Allocations Plan (VCHAP) which is being prepared by South Norfolk Council.
- 1.3 The previous representations related to sites in Toft Monks which are being promoted for future housing development within the next plan period to 2038.

2 Representations

Issue 5: Small scale windfall housing development

1. To what geographical area would Policy 7.5 apply? Would it apply to land on the edges of Village Clusters, Key Service Centres, or Main Towns? Would it apply to land within the South Norfolk Village Clusters Housing Site Allocations Local Plan?

- 2.1 The supporting text to this policy states at paragraph 389 “This policy applies to all parishes. Its purpose is to allow for a limited number of additional dwellings in each parish beyond those allocated or allowed for as larger scale windfall sites through other policies in this plan.”
- 2.2 This approach and coverage is supported as it will help social sustainability in the more rural areas of Greater Norwich and support services and the rural economy. This type of comprehensive coverage is an innovative approach and provides much needed flexibility in the plan to assist with the delivery of housing in the rural areas including the areas covered by the South Norfolk Village Clusters Housing Site Allocations Local Plan.

2. Would Policy 7.5 encourage new dwellings to be constructed in locations that are poorly served by public transport, services, and facilities? Would it be consistent with national policy in this regard?

- 2.3 This policy supports the delivery of small-scale residential development adjacent to a development boundary or on sites within or adjacent to a recognisable group of dwellings. It is generally the case that otherwise suitable sites in these locations are notoriously difficult to achieving planning consent on due to the rigorous application of sustainability based local planning policies.
- 2.4 Village Clusters, such as Toft Monks, and groups of dwellings, such as Maple Green are sustainable rural locations that provide access to services, including primary schools, as well as access to employment opportunities and

public transport links. Development in these locations will, in accordance with the NPPF, assist in enhancing and maintaining the vitality of rural communities.

- 2.5 Paragraph 7 of the NPPF states “The purpose of the planning system is to contribute to the achievement of sustainable development.” Paragraph 8 sets out three overarching objectives which must be addressed in order for the planning system to achieve sustainable development. The NPPF defines the first as the ‘economic objective’ which aims "to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure."
- 2.6 Policy 7.4 will enable direct economic benefits through the creation of jobs both during the construction and operational phases, as well as delivering new homes which will support wider economic growth in the local areas and district. The new residents will also create an increase in local expenditure at the services and facilities in this rural part of the district.
- 2.7 Paragraph 79 seeks to promote sustainable development in rural areas and states that housing should be located where it will enhance or maintain the vitality of rural communities. It requires planning policies to identify opportunities for villages to grow and thrive, especially where this will support local services; “where there are groups of smaller settlements, development in one village may support services in a village nearby.”
- 2.8 The NPPF defines the second overarching objective as the ‘social objective’ which aims "to support, strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being."
- 2.9 The proposal will help contribute towards the supply of high-quality housing in accordance with the requirement of the NPPF to significantly boost the

supply of new housing (paragraph 59). The new dwellings will also maintain and enhance the vitality of the communities by supporting existing nearby services and community groups.

- 2.10 The NPPF confirms that the third overarching objective is the ‘environmental objective’ which aims "to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, use natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy."
- 2.11 Paragraph 80 is of particular relevance to this policy because it seeks to avoid the development of isolated homes in the countryside. There are clear benefits to delivering an element of the district’s housing in the village cluster locations instead of in other environmentally sensitive locations in open areas of countryside.
- 2.12 Furthermore, by virtue of the modern building regulations to which the properties will be built, the development will automatically introduce more sustainable homes to the market in terms of carbon usage.
- 2.13 Policy 7.5 will therefore assist the Council in meeting these national policy objectives by providing much needed new housing in rural areas which will support and enhance the existing public transport, services and facilities. Paragraph 7 of the Policy 7.5 Topic Paper summaries the benefits of this policy very succinctly stating, “There has been great support from rural elected members for this approach, which will provide opportunities for people with local connections to stay in the area, will bring vitality and help to support the retention of facilities and the self-build agenda in settlements of all sizes.”
- 2.14 Further support at a national policy level is confirmed at Paragraph 69 (a) of the NPPF which requires plans to identify land to accommodate at least 10% of the housing requirement on sites of no larger than one hectare. New homes delivered through this policy will address this national requirement and therefore Policy 7.5 conforms to national policy.

3. What does 'positive consideration will be given to self and custom build' mean in the context of the policy? Is this necessary? Is this justified? Is this an effective approach?

- 2.15 With Local Authorities legally required to deliver sufficient self and custom build plots to satisfy demand in their areas, it is appropriate for such proposals to be given an appropriate increase in material weight or 'positive consideration' in the same way that housing schemes which include a proportion of affordable housing are considered more favourably than those which do not.
- 2.16 It would therefore be appropriate and justified for the Local Authority to view the provision of self and custom build plots positively in the determination of a planning application and apply appropriate weight when considering the proposals impacts on other material consideration such as heritage, landscape, habitats etc.
- 2.17 However, Paragraph 16 of the NPPF requires policies to be clearly written and unambiguous. The use of the phrase, "Positive consideration will be given to self and custom build" does not provide sufficient clarity for the decision maker as to the weight that can be attached to proposals for self-built plots. For example, if the threshold for a parish were to be exceeded by two separate applications that were undetermined would one be approved over the other if it proposed self-build?
- 2.18 Whilst it is positive that Policy 7.5 is seen as a mechanism for promoting self-built plots it will be ineffective once the thresholds for individual parishes have been reached.

4. Is the policy effective in the way in which it would work? Is it justified that the policy allows 100% market housing?

- 2.19 The inclusion of this innovative and proactive windfall exception policy is supported and is expected to be largely effective in the way in which it works. It is believed that the objectives of helping social sustainability in the more

rural areas of Greater Norwich and enabling support for services and the rural economy can be better met with the inclusion of this policy in the Plan.

- 2.20 It is also considered to be justified in its provision of 100% market housing due to the small-scale nature of the developments that will come forward under this policy. Furthermore, it is suggested that inclusion of a requirement to deliver a proportion of the housing as affordable would discourage proposals for self and custom build housing because the two products are not complementary or desirable within the same site.

5. Are the caps on development within each parish capable of operating effectively in the event that multiple applications are lodged around the same time?

- 2.21 The Topic Paper on Policy 7.5 describes how this is an innovative policy. The attempt to include a cap on development within each parish is considered innovative, however, it is not workable and should therefore be omitted. The policy contains sufficient criteria which must be met for an application to be approved in order to prevent inappropriate development and overdevelopment. Each application should be determined based on its merits. The NPPF emphasises the principle established in Section 38(6) to the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990, that all applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 2.22 By including a Parish based cap, this element of the policy is considered to be inconsistent with national policy and therefore unjustified. It also undermines the 'positive consideration' that this policy seeks to apply to applications for self and custom build.
- 2.23 It is not clear how this policy will work in practice when more than one application is submitted around the same time in the same parish which when the total housing numbers are combined would exceed any arbitrary cap which has been applied. How would a Planning Inspector then approach an appeal when the NPPF does not contain guidance on this matter? Likely the

presumption in favour of sustainable development would be applied which would render the principle of the 'number cap' redundant. A cap on numbers is therefore also considered to be wholly unworkable from a development management perspective.



A \ Wilson Wraight LLP
Regent House
110 Northgate Street
Bury St Edmunds
Suffolk IP33 1HP

T \ 01284 700727
E \ advice@wilsonwrightplanning.co.uk
W \ wilsonwrightplanning.co.uk



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