

Breckland Councils response to Saham Toney observations to Brecklands response to the Further Questions (site visit)

1.	<p>Policy HOU 04 of the adopted Local Plan states: <i>The following rural villages have settlement boundaries (as defined on the policies maps): Beeston, Beetley, Carbrooke, Caston, Gressenhall, Griston, Hockham, Lyng, Mundford, North Lopham, Rocklands, Saham Toney, Thompson, Weasenham, Shropham, Eccles Road (Quidenham) and Yaxham & Clint Green.</i> <i>Appropriate development will be allowed immediately adjacent to the settlement boundary, subject to being supported by other policies within the development plan* and where all of the following criteria are satisfied:</i> <i>1. The development is of an appropriate scale and design to the settlement;</i> <i>2. It would not lead to the number of dwellings in the settlement increasing by significantly more than 5% from the date of adoption of the Plan. The settlement refers to the number of dwellings inside the defined settlement boundary;</i> <i>3. The design contributes to preserving, and where possible enhancing, the historic nature and connectivity of communities; and</i> <i>4. The development avoids coalescence of settlements.</i> <i>Opportunities for self-build dwellings which meet the criteria set out above will be supported.</i> <i>*with the exception of Policy GEN 05 Settlement Boundaries</i></p>
2.	<p>The text highlighted in bold in point 2 is significant with regard to monitoring how many dwellings have been added to a settlement and hence whether the minimum housing requirement for that settlement has been met.</p>

Breckland response to Parish response:

The interpretation of criterion 2 of Policy HOU 04 is set out in detail in Appendix 5 of the adopted Local Plan. Paragraph 1 of this appendix states (emphasis in bold):

*Criteria 2 of Policy HOU 04 sets out for rural settlements with boundaries development should not lead to the **number of dwellings in the settlement increasing by significantly more than 5% from the date of adoption of the plan. This includes proposals inside and outside of the settlement boundary.** This methodology sets out how the baseline level of dwellings have been calculated for each settlement with boundaries. This methodology provides the most accurate, up to date information for each of the settlements regarding residential dwellings and planning permissions. This data, as set out in the table below, provides the basis for the 5% calculation, which sets a target for the number of dwellings to be built in each of the settlements.*

To add to the number of dwellings (and therefore to contribute towards the 5% figure) planning permission must be implemented, and a dwelling completed after the adoption of the Local Plan in November 2019. It is important to note that there may be some sites that have received planning permission prior to the adoption of the Plan in November 2019 but were yet to be implemented at the date of adoption. Were these to be implemented and dwelling completed after November 2019 then these completed dwellings would add to the number of dwellings within Saham Toney and therefore contribute towards the 5% growth permitted under HOU 04.

These permissions therefore must be included within the calculations. A dwelling completed after the adoption of the Local Plan contributes to the 5% figure whether it is the implementation of a planning permission granted prior to or post the adoption of the Local Plan.

An example of this is a site at Mill View (3PL/2016/0766/F) which although granted permission before the adoption of the Local Plan is now under construction. Once completed the 10 dwellings will contribute to the number of dwellings built within the Parish since the adoption and therefore towards the 33 figure.

If a site with planning permission was to lapse, then this would affect the figures and reduce the number of dwellings with permission. However, whilst a permission remains extant then it must be included as being able to contribute towards the 5%. If this approach was not taken, and only actual completions were taken, then it is possible that permissions could continue to be granted until there were at least 33 completions within the parish and at that time the Council would be unable to prevent the development of all the remaining sites with the benefit of permission that may yet to be completed and that could result in a scale of development significantly higher than that required for the Parish under Policy HOU 94. The Council will therefore continue to monitor the progress of developments within the Parish.

The Table in Appendix 5 of the Local Plan sets out the number of dwellings within the settlement boundary as the basis for the 5% calculation. This is agreed with the parish Council as being 33 dwellings. The appendix also states that dwellings to meet the 5 % can be either within or within and outside the settlement boundary. This is interpreted to mean within Saham Toney parish.

The Council has consistently interpreted this part of Policy HOU 04 using this approach for all relevant parishes and strongly refutes the assertion of the Parish Council that this is 'erroneous', The argument that completions occurring after the adoption of the Plan should not be counted, simply because they were granted permission before the Plan was adopted, when clearly that completion adds to the number of dwellings within the parish in accordance with Policy HOU 04 makes absolutely no sense.

As a result of a recent site visit to update the information previously submitted to the Inspector, Breckland now considers that the number of dwellings completed since the adoption of the Local Plan or with an extant planning permission (whether granted before or after adoption) is 48 dwellings. This is set out in the Table at the end of this response.

3.	In section 2 of our response to your additional comments, we listed the planning applications for new residential development that have been permitted in Saham Toney since 28 November 2019 (the date of adoption of the Local Plan). That list shows in total those permissions will deliver 19 new dwellings, including 3 allocated in the Neighbourhood Plan.
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Breckland response to Parish response:

This figure the working group has supplied is incorrect. See response to para Q2 above.

4.	However, in its response to your comments 7 and 8, Breckland Council suggests that the minimum housing requirement for Saham Toney had been met and exceeded by October 2020, stating: " <i>45 dwellings either completed or with extant planning permission between the adoption of the Plan and Oct 2020</i> ".
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Breckland response to Parish response:

See response to para 2 above.

5.	With the greatest respect, we consider this an erroneous interpretation of Policy HOU 04 and therefore that it may be harmful to the Neighbourhood Plan, if as a result, Breckland Council's suggestion to remove the split of sites from neighbourhood plan policies is implemented, albeit we fully recognise the suggestion has been made with the best intentions of supporting the principle of a 'local connections first' policy for Saham Toney
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Breckland response to Parish response:

See response to para 2 above.

6.	Unfortunately, it will not achieve that objective, if going forward Policy HOU 04 is applied by development management officers in line with our interpretation of Policy HOU 04: i.e. that only permissions granted after the date of adoption of Local Plan will count towards satisfying the minimum housing requirement. In fact, in that case the number of affordable homes available for those with a local connection will potentially be reduced.
<p><u>Breckland response to Parish response:</u> See response to para 2 above. Also this does not explain why the number of affordable houses “will potentially be reduced”.</p>	
7.	Conversely, retaining the split of sites in the Neighbourhood Plan will safeguard the agreed local connection approach regardless of whether our interpretation of Policy HOU 04, or that set out by Breckland Council in its response is implemented in practice.
<p><u>Breckland response to Parish response:</u> As previously commented, by removing the split of sites this will increase the amount of affordable housing which has a local connection. Site STNP1, as a split site would not be subject to a local connection as it would be providing LP housing, where if removed it would be.</p>	
8.	<p>Moreover, if Breckland Council now intends to apply Policy HOU 04 in a different manner to that set out in the Local Plan, we would wish to see that new interpretation incorporated in the Neighbourhood Plan to avoid future doubt. If that is the case, we suggest the following addition to Policy 2C:</p> <p>P2C.4 When applying Local Plan Policy HOU 04, the increase in the number of dwellings in Saham Toney shall be taken as the number of dwellings completed or with extant planning permission since the date of adoption of the Local Plan.</p>
<p><u>Breckland response to Parish response:</u> As outlined above in responses to para 2, Breckland Council is interpreting this policy in a consistent and correct manner. It is not being interpreted ‘in a different manner to that set out in the Local Plan’ and is not ‘a new interpretation’ for the reasons set out in the response to para 2 above. If the Parish wish for an addition to be made to Policy 2C, Breckland propose a further amendment:</p> <p><i>P2C.4 When applying Local Plan Policy HOU 04, the increase in the number of dwellings in Saham Toney shall be taken as the number of dwellings completed or with extant planning permission since the date of adoption of the Local Plan.</i></p> <p>The reason for this change is that if a site that had planning permission at the date of the adoption of the Local Plan then lapses it would not add to the number of dwellings within the Parish.</p>	
9.	We must stress we are only advocating such an addition if the split of sites for the purposes of allocating affordable homes is removed from the Neighbourhood Plan.
10.	In light of our observations, you may consider it helpful to ask Breckland Council to reconsider its response in this respect, or to verify that going forward its development management officers will indeed apply Policy HOU 04 in the way its response to your additional comments proposes.
<p><u>Breckland Response To Parish Response:</u> Breckland Council’s view on this has not changed, as we have always approached this in the same manner as previously advised.</p>	

Extant Planning Permissions	Location	Status	Number
3PL/2016/0766/F	Site off Mill View, Ovington Road	Under construction	10
3PL/2015/0242/F	Land adjacent Stanway Farm, Chequers Lane	4 of 5 dwellings remaining	4
3PL/2019/0808/D	Saham Tythe Barn, Chequers Lane	Under construction	4
3PL/2019/0011/F	Meadows Farm, Chequers Lane	Not started	3
3PL/2018/0162/D	Land Adj Cranford House, Ovington Road	Under construction	1
3PL/2019/1140/F	Plot 1, Ploughboy Lane	Under construction	1
3PL/2018/0562/F	Plot 3, Brambling Lodge, The Sanctuary, Cley Lane,	Under construction	1
3PL/2019/0473/F	Plot 4 Ploughboy, Lane Saham Hills	Under construction	1
3PL/2020/0419/D	Land adjacent Stanway Farm, Chequers Lane	Not started	3
3PL/2020/0119/F	Land to the rear of Meadow View, Ploughboy Lane	Not started	5
3PL/2020/0280/F	Plot 2, Land off Ploughboy Lane	Under construction	1
3PL/2020/0159/F	Plot 3 Ploughboy, Lane Saham Hills	Under construction	1
3PL/2018/1203/D	Plot 5 Ploughboy, Lane Saham Hills	Under construction	1
3PL/2020/1080/F:	Land adjacent to Brick Kiln Cottage, Ovington Road	Not started	3
3PL/2020/0589/D	Richmond Hall, Richmond Road	Not started	5
Total			44
Completions			
3PL/2018/0995/D	Development Site, Richmond Road		1
3PL/2015/0242/F	Land adjacent Stanway Farm, Chequers Lane		1
3PL/2018/0226/F	112 Hills Road, Saham Hills		2
3PL/2019/0473/F	Plot 4 Ploughboy Lane, Saham Hills		1
Total			4
Grand Total			48