

**PRE-SUBMISSION DRAFT GADDESBY PARISH NEIGHBOURHOOD PLAN 2019 – 2036**

**LAND ON THE NORTH SIDE OF ASHBY ROAD, GADDESBY, LEICESTER, LE7 4WF**

**STATEMENT IN SUPPORT OF OBJECTION**

**1 INTRODUCTION**

1.1 This statement is submitted, on behalf of the Ovens Family ("the Objectors"), in support of their objection to the pre-submission draft of the Gaddesby Parish Neighbourhood Plan 2019 – 2036 (dated September 2019) ("the Neighbourhood Plan"), which has been published for consultation.

1.2 Specifically, the Objectors strongly object to draft Policy ENV1, which purports to designate (amongst others) land at Eastfield Bottom, Gaddesby (reference number 198) ("the Land") as Local Green Space.

1.3 The Objectors are the freehold owners of the Land. They have prepared illustrative plans for development of the Land to include 27 residential dwellings, a new village green and a turning facility to serve the local primary school and alleviate traffic congestion on local roads at peak (school) times.

1.4 This statement should be read in conjunction with the detailed objections that have been submitted by McGough Planning on behalf of the Objectors.

1.5 The local planning authority is Melton Borough Council ("the LPA").

1.6 The Neighbourhood Plan has been prepared by Gaddesby Parish Council ("the Parish Council") and is subject to public consultation until 28 October 2019.

1.7 Unfortunately, the Neighbourhood Plan conflicts, in fundamental respects, with national planning policy and guidance and would serve only to sterilise any further development in and around Gaddesby (including the Land). As a minimum, draft Policy ENV1 should be amended to remove designation of the Land (as to which see further below).

**2 POLICY FRAMEWORK**

*Melton Local Plan*

2.1 The Melton Local Plan 2011 – 2036 ("the Local Plan"), as adopted by the Council on 10 October 2018, establishes a clear strategic vision to improve and generate sustainable development in both rural and service areas across its borough.

2.2 We note the following policies of the Local Plan (insofar as they are material to this objection):

**'Policy SS1 - Presumption in favour of Sustainable Development**

*When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.*

*Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in Neighbourhood Plans) will be approved without delay, unless material considerations indicate otherwise.'*

**'Policy SS2 – Development Strategy**

*Service Centres and Rural Hubs will accommodate approximately 35% of the Borough's housing residual requirement (1822) on a proportionate basis. This will be delivered by planning positively for the development of sites allocated within and adjoining the Service Centres and Rural Hubs by 2036, and by encouraging small scale residential development, where it would represent sustainable development under Policy SS1 above or would enhance the sustainability of the community in accordance with Policy SS3 - Sustainable Communities.'*

**'Policy SS3 – Sustainable Communities (unallocated sites)**

*In rural settlements outside the main urban area, the Council will seek to protect and enhance existing services and facilities and will support sustainable development proposals in accordance with Policy SS2 above which contribute towards meeting local development needs, contributing towards the vision and strategic priorities of the plan, and improving the sustainability of our rural areas.'*

**'Policy C7 – Rural Services**

*Support will be given to proposals and activities that protect, retain or enhance existing community services and facilities\* or that lead to the provision of additional assets that improve community cohesion and well-being to encourage sustainable development.'*

2.3 As part of the LPA's development strategy, Chapter 4 of the Local Plan identifies a housing requirement at Gaddesby, which is identified as a rural hub, of 47 dwellings. The Local Plan makes provision for 36 of these 47 dwellings across 3 sites in Gaddesby.

*National Planning Policy Framework*

2.4 The National Planning Policy Framework ("the NPPF"), a revised version of which was published by the Government in February 2019, includes policy relating to the designation of Local Green Space.

2.5 This policy is contained in paragraphs 99 - 101 of the NPPF, which provide as follows:

'99. *The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period.'*

'100. *The Local Green Space designation should only be used where the green space is:*

- a) *in reasonably close proximity to the community it serves;*
- b) *demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and*
- c) *local in character and is not an extensive tract of land.'*

'101. *Policies for managing development within a Local Green Space should be consistent with those for Green Belts.'* (our emphasis).

#### *National Planning Practice Guidance*

2.6 The National Planning Practice Guidance 2014 ("NPPG") relating to 'Open space, sports and recreation facilities' provides as follows (insofar as is material to this objection):

#### ***'How big can a Local Green Space be?'***

*...However, paragraph 100 of the National Planning Policy Framework is clear that Local Green Space designation should only be used where the green area concerned is not an extensive tract of land.'*

*(Paragraph: 015 Reference ID: 37-015-20140306)*

2.7 The NPPG in relation to 'Neighbourhood planning' provides as follows (insofar as is material to this objection):

#### ***'Should other public bodies, landowners and the development industry be involved in preparing a draft neighbourhood plan or Order?'***

*... Other public bodies, landowners and the development industry should, as necessary and appropriate be involved in preparing a draft neighbourhood plan or Order. By doing this qualifying bodies will be better placed to produce plans that provide for sustainable development which benefits the local community whilst avoiding placing unrealistic pressures on the cost and deliverability of that development.'*

*(Paragraph: 048 Reference ID: 41-048-20140306)*

### 3 SUMMARY GROUNDS OF OBJECTION

3.1 We only summarise here the Objectors' grounds of objection and reserve their right to augment them in due course.

3.2 At the outset, however, we do emphasise that it is deeply regrettable that draft Policy ENV1 has plainly been drafted with a view to stifling – as opposed to encouraging – sustainable development. It is a myopic policy, which so obviously fails to respect policy at all levels.

3.3 Moreover, it is purportedly predicated upon what is referred to as a 'scoring system'. Whilst we defer to McGough Planning, which has carried out a detailed exposition of this system, generally on this topic it is plain that the scoring system relied upon by the Parish Council does not withstand even cursory scrutiny: it is not fit for purpose and its basic failings fatally infect draft Policy ENV1.

#### *Conflict with the Local Plan*

3.4 Draft Policy ENV1 is contrary to the Local Plan in significant respects and fails to have regard (either properly or at all) to the clear local policy framework to which we have referred above. Simply by way of examples:

- (a) it fails to respect the promotion of sustainable development, in respect of which there is a presumption in favour;
- (b) it fails to encourage sustainable residential development within an acknowledged rural hub;
- (c) to the contrary, it has undoubtedly been designed with a view to achieving the polar opposite i.e. the prevention of any further growth (however sustainable and necessary) at Gaddesby (beyond the 36 dwellings noted above);
- (d) it is predicated on an entirely false premise (and one that is inconsistent with the LPA's strategic vision) that Gaddesby is incapable of accommodating any further sustainable development beyond the 36 dwellings identified in the Neighbourhood Plan; and
- (e) moreover, it betrays a fundamental misunderstanding of the wider community benefits that would accrue from sustainable development of the Land such as meeting the identified housing requirement for Gaddesby and by providing

much-needed facilities for the local school and preventing traffic congestion in the area.

*Conflict with the NPPF*

3.5 Draft Policy ENV1 is also in stark conflict with the NPPF.

3.6 Contrary to paragraph 99 of the NPPF, it:

- (a) fails properly to articulate a legitimate basis on which the Land is found to be of particular importance to the local community;
- (b) is inconsistent with the planning of sustainable development in the local area;
- (c) would frustrate, as opposed to complement, investment in sufficient homes and other essential services in the local area;
- (d) fails to acknowledge that the development potential of the Land has been identified by the Council and not gainsaid by statutory consultees, including Historic England; and
- (e) is not capable of enduring beyond the end of the Neighbourhood Plan period.

3.7 Contrary to paragraph 100 of the NPPF:

- (a) it omits to demonstrate that the Land is demonstrably special to the local community and/or holds any particular local significance. It is understood that the principal basis on which the Land has purportedly been identified for designation relates to heritage interests, in which case it would appear that it was drafted in ignorance of recent representations made by Historic England, pursuant to which it confirms that is broadly content with the proposed development of the Land per an illustrative masterplan that has been prepared by the Objectors (as above); and
- (b) the Land (particularly when considered in combination with the other contiguous parcels of land that form part of the policy) comprises an extensive tract of land, which extends along the full length of the eastern boundary of the settlement.

*Conflict with the NPPG*

3.8 Contrary to the NPPG, the Parish Council failed to involve the Objectors in its preparation of the Neighbourhood Plan. Yet, the Objectors have a clear and

obvious interest in the emerging policy framework and it was incumbent on the Parish Council to involve them from the outset of the plan-making process or, at the very least, from the time when it became clear to the Parish Council that it was proposing to designate the Land as Local Green Space (per the NPPG).

- 3.9 Its failure to do so was particularly galling in circumstances where McGough Planning (on behalf of the Objectors) expressly requested to be kept informed about progress of the Neighbourhood Plan given the Objectors' stated ambitions to develop the Land. In September 2017, McGough Planning wrote to the Parish Council in the following unequivocal terms:

*'Mrs. Toon*

*McGough Planning is instructed by owners of the site formerly allocated for housing in the draft local plan and known as GADD2 Church Lane/ Ashby Road. Our client supports the Parish Council in the designation of the neighbour plan area and is keen to be fully involved in the Neighbourhood Plan process.*

*Please keep us informed of consultations as they arise.*

*We are sure you will be aware of our client's submission to the local plan. Should the Parish Council wish to discuss the how our clients' land can help in the future development of the village, please do not hesitate to get in touch.*

*Kind regards  
Chris'*

- 3.10 It was, therefore, wholly unreasonable for the Parish Council to proceed to designate the Land without even the courtesy of involving or consulting the Objectors: in fact, the Objectors only became aware of the purported designation of the Land upon publication of the Neighbourhood Plan. Not only was this approach deeply unfair and prejudicial, it was also contrary to good planning and in conflict with the clear guidance in the NPPG.
- 3.11 This unfairness is exacerbated by the implications that flow from successful designation as Local Green Space. As is made clear by paragraph 101 of the NPPF (and draft Policy ENV1), such a designation would result in the Land being managed in accordance with Green Belt policies i.e. a strong presumption against development (only to be permitted in exceptional circumstances).
- 3.12 Should the Parish Council persist with this unfair designation, we reserve the Objectors' position generally. For the avoidance of any doubt, however, and quite apart from this procedural unfairness, the Land should be removed from draft Policy ENV1 in any event given: the paucity of any credible evidence base to

support it; and its clear conflict with established planning policy and guidance, as above. On behalf of the Objectors, we would invite the Parish Council so to do.

**CLYDE & CO LLP**

**OCTOBER 2019**