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**Issue10. RN/204**  
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## **EXAMINATION OF ASHFORD BC LOCAL PLAN 2030**

### **ISSUE 10**

**Are the other topic policies for housing including high quality design justified, deliverable and consistent with national policy? Will they be effective?**

Submitted by Courtley Planning Consultants Ltd on behalf of Pent Ltd

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## 1. Policy HOU5 - Residential windfall development in the countryside.

1.1 The NPPF define Windfall sites as: “*Sites which have not been specifically identified as available in the Local Plan process. They normally comprise previously –developed sites that have unexpectedly become available*” (my emphasis)

1.2 It is unusual for a Local Plan to set out a policy for windfall development outside settlement boundaries and in the countryside when they already have a Policy HOU3a for residential windfall development within settlements for change of use and infilling. A core planning principle set out in the NPPF for both plan –making and decision taking is planning should be “*genuinely plan-led, empowering local people and neighbourhood plans setting out a positive vision for the future of the area.*” (par 17).

1.3 Policy HOU5 is an unnecessary policy for delivering unidentified and unplanned development in the countryside. It does not and cannot empower local people because, by their very nature these sites are unknown.

1.4. Policy HOU5 is unjustified and likely to be ineffective in delivering the level of housing needed to meet the rural housing needs of the local community and the borough as a whole. The SHELAA (with over 700 submissions) and a robust Brownfield Land Register should have considered many of the opportunities for development outside existing rural settlements. If these sites were properly assessed and an appropriate housing target set for HOU3a settlements they would be no need for Policy HOU5, better still these would have the real engagement of the local people and be properly planned for over the plan period.

1.5 The inadequate and incomplete nature of the SHELAA is the reason behind Policy HOU5 the policy is further compromised by not having a Brownfield Land Register which should have assessed brownfield sites “*suitable for residential development*” [ Criteria (d)].

1.6 The “*isolated residential development*” component of Policy HOU5 item c) “*The re-use of redundant or disused buildings and leads to an enhancement to the immediate setting*” is lifted from paragraph 55 of the NPPF. This however would appear to refer predominantly to existing agricultural/ rural buildings but not brownfield sites.

1.7 If Policy HOU5 is retained then a new **criteria f)** should be added similar to that adopted under **Policy DM5- Development on brownfield land** of the Maidstone Local Plan. We suggest the following new countryside brownfield land policy.

### **New criteria f) Development on brownfield land in the Countryside:**

**1. Exceptionally, the residential redevelopment of brownfield sites in the countryside which are not residential gardens and which meet the criteria below will be permitted provided the redevelopment will also result in a significant environmental improvement and the site is, or can reasonably be made, accessible by sustainable modes to rural service centres or large village.**

2. Proposals for development on previously developed land (brownfield land) that make effective and efficient use of land and which meet the following criteria will be permitted:

- i) The site is not of high environmental value; and
- ii) If the proposal is for residential development, the density of new housing proposals reflects the character and appearance of individual localities, and is consistent with design policies in the plan unless there are justifiable planning reasons for a change in density.

**New text that should be added in support of this new criteria f) in Policy HOU5 is as follows:**

A number of brownfield sites in current or previous economic use are located in the countryside. Such sites are outside of the settlement boundaries, and countryside restraint policies apply. Exceptionally, the council will consider proposals for residential development on brownfield sites in rural areas. Key considerations will be:

- The level of harm to the character and appearance of an area;
- The impact of proposals on the landscape and environment;
- Any positive impacts on residential amenity;
- What sustainable travel modes are available or could reasonably be provided;
- What traffic the present or past use has generated; and
- The number of car movements that would be generated by the new use, and what distances, if there are no more sustainable alternatives.

1.7 The Council has failed to undertake the assessment required under Criteria (d) "suitable for residential development" as set out in the Brownfield Land Register Regulations 2017. The addition of the new **criteria f)** and its supporting text added to Policy HOU5 would help to boost significantly the supply of housing and comply with NPPF paragraph 51 and 22.

1.8 The addition of **criteria f)** would also help to deliver the "vision" set out in Policy SP1- Strategic Objectives of the Local Plan, in particular point. "a) *To focus development at accessible and sustainable locations which utilise existing infrastructure, facilities and services wherever possible and makes best use of suitable brownfield opportunities" (my emphasis)*

1.8 An alternative to the addition of **new criteria f)** in Policy HOU5 would be to have a **new Development on brownfield Land policy added to the plan**. I.e. similar to Policy DM5 in the adopted Maidstone Local Plan and as set out **in bold in paragraph 1.7 above. (See Appendix 1: Extract from Maidstone BC adopted Local Plan 2017. Policy DM5- Development on brownfield Land)**

## **APPENDIX 1: Extract from Maidstone BC adopted Local Plan October 2017.**

### **“Policy DM5 Development on brownfield land**

6.34 One of the core principles of the NPPF encourages the effective use of land by re-using land that has been previously developed, provided it is not of high environmental value. This is known as brownfield land and a large proportion of brownfield sites in the Maidstone urban area have been developed at high densities for housing in recent years, particularly in and adjacent to the town centre along the River Medway. Making the best use of previously developed land will continue to be encouraged throughout the lifetime of this plan.

6.35 It is important to ensure that brownfield land is not underused and that the most is made of vacant and derelict land and buildings in order to reduce the need for greenfield land, which is a finite resource and often of higher quality in terms of landscape and biodiversity.

6.36 Brownfield development is essential for urban regeneration and, if designed to a high standard, it brings homes, jobs and services closer together; reduces dependency on the car; and strengthens communities.

6.37 A number of brownfield sites in current or previous economic use are located in the countryside. Such sites are outside of the settlement boundaries, and countryside restraint policies apply. Exceptionally, the council will consider proposals for residential development on brownfield sites in rural areas. Key considerations will include:

- The level of harm to the character and appearance of an area;
- The impact of proposals on the landscape and environment;
- Any positive impacts on residential amenity;
- What sustainable travel modes are available or could reasonably be provided;
- What traffic the present or past use has generated; and
- The number of car movements that would be generated by the new use, and what distances, if there are no more sustainable alternatives.

6.38 Residential gardens in urban and rural areas are excluded from the definition of a brownfield site.

## **Policy DM 5**

### **Development on brownfield land**

1. Proposals for development on previously developed land (brownfield land) in Maidstone urban area, rural service centres and larger villages that make effective and efficient use of land and which meet the following criteria will be permitted:

- i. The site is not of high environmental value; and

ii. If the proposal is for residential development, the density of new housing proposals reflects the character and appearance of individual localities, and is consistent with policy DM12 unless there are justifiable planning reasons for a change in density.

2. Exceptionally, the residential redevelopment of brownfield sites in the countryside which are not residential gardens and which meet the above criteria will be permitted provided the redevelopment will also result in a significant environmental improvement and the site is, or can reasonably be made, accessible by sustainable modes to Maidstone urban area, a rural service centre or larger village."