



## Representation Form

Please complete a separate **Part B Representation Form** (this part) for each representation that you would like to make. One **Part A Representation Form** must be enclosed with your **Part B Representation Form(s)**.

We have also published a separate **Guidance Note** to explain the terms used and to assist in making effective representations.

### Part B: Representation

Name and Organisation:	Ben Pocock - Dukescroft
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#### Q1. To which document does this representation relate?

- Regulation 19: Pre-Submission Draft of the Shropshire Local Plan
- Sustainability Appraisal of the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan
- Habitats Regulations Assessment of the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan

(Please tick one box)

#### Q2. To which part of the document does this representation relate?

Paragraph:	<input type="text"/>	Policy:	<input type="text" value="SP9.2.c"/>	Site:	<input type="text"/>	Policies Map:	<input type="text"/>
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#### Q3. Do you consider the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan is:

- |  |      |                          |     |                                     |
|--|------|--------------------------|-----|-------------------------------------|
| A. Legally compliant                     | Yes: | <input type="checkbox"/> | No: | <input type="checkbox"/>            |
| B. Sound                                 | Yes: | <input type="checkbox"/> | No: | <input checked="" type="checkbox"/> |
| C. Compliant with the Duty to Co-operate | Yes: | <input type="checkbox"/> | No: | <input type="checkbox"/>            |

(Please tick as appropriate).

#### Q4. Please give details of why you consider the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Please see attached.

(Please continue on a separate sheet if necessary)

**Q5. Please set out the modification(s) you consider necessary to make the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Q4 above.**

*Please note that non-compliance with the duty to co-operate is incapable of modification at examination. You will need to say why each modification will make the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.*

Please see attached.

*(Please continue on a separate sheet if necessary)*

**Please note:** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

**After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.**

**Q6. If your representation is seeking a modification to the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan, do you consider it necessary to participate in examination hearing session(s)?**

*Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.*

No, I do not wish to participate in hearing session(s)

Yes, I wish to participate in hearing session(s)

*(Please tick one box)*

**Q7. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:**

*(Please continue on a separate sheet if necessary)*

**Please note:** The Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination

Signature:

Date: 26/02/2021

Office Use Only

Part A Reference:

Part B Reference:

**Shropshire Council Regulation 19: Pre-Submission Draft**

**Representations by Ben Pocock of Dukescroft**

**OBJECTIONS AND SUGGESTED MODIFCATIONS TO POLICY SP9.2.c.**

Copy of Draft Policy Extract:

**SP9. Managing Development in Community Clusters**

1. Community Clusters consist of individual or groups of small rural settlements of varying function but with aspirations to maintain or enhance their sustainability through modest levels of appropriate development.
2. Residential development will be delivered:
  - a. On saved SAMDev allocations;
  - b. Through the conversion of existing buildings within or immediately adjoining the built form of the settlement; and
  - c. On suitable small-scale infill sites of 0.1ha or less, which are clearly within and well related to the built form of the settlement, have permanent and substantial buildings on at least two sides and are for up to a maximum of 3 dwellings; and
  - d. By affordable exception sites, cross-subsidy exception sites and entry level exception sites meeting evidenced need and the other requirements of Local Plan Policies.

**The respondent objects to the wording of policy SP9.2.c. and suggests the following modifications:**

c. On suitable small-scale infill sites ~~of 0.1ha or less~~<sup>\*</sup>, which are clearly within and well related to the built form of the settlement, have permanent and substantial buildings on at least two sides or one side where there are existing permanent and substantial buildings onsite<sup>\*\*</sup> and are for up to a maximum of 3 dwellings;

**\*Modification 1 – Removal of text “of 0.1ha or less”**

The inclusion of a maximum site area (MSA) of “of 0.1ha or less” is unjustified, ineffective and is inconsistent with the NPPF.

The text “of 0.1ha or less” was first included within the Preferred Scale and Distribution of Development document (Oct 2017). The figure of 0.1ha is not based on any evidence including any responses to the preceding consultation documents.

The inclusion of a MSA is likely due to the desire “provide certainty to communities and the development industry” (policy explanation) by giving a clear cut off point for what may be considered appropriate however a MSA must still be justified, effective and consistent with the NPPF.

## Justification

None of the evidence base included with the Regulation 19 documents gives any justification for the inclusion of a MSA. The respondent has directly requested confirmation of the evidence used by the LPA to justify the inclusion of the MSA and the LPA have failed to provide such evidence.

The desire or need to limit scale is understandable particularly having regard to consultation responses to various draft documents however at no point has a MSA or 0.1 hectares been justified in terms of being an appropriate figure and/or why a figure more or less than 0.1 hectares is not appropriate.

With the number of dwellings limited to 3 in conjunction with draft policy SP9 4.a there will be sufficient control over scale and density so it is wholly unjustified to set an un-evidenced and arbitrary figure of 0.1ha. The explanation to the draft policy clarifies this point by stating *“3.72...it is important to emphasise that all relevant policies of this Local Plan will inform decisions on whether development proposals within Community Clusters are appropriate.”* Therefore a MSA is superfluous and unjustified particularly without any evidence.

The LPA have not demonstrated any evidence such as character assessments being undertaken for the proposed Cluster settlements. Such character assessments would have helped justify the use of a MSA and any appropriate area figure to use.

This respondent has carried out a basic density/character assessment of a sample of the proposed Cluster settlements (see Appendix 1) and considers that the inclusion of a 0.1ha MSA would result in a conflict with policy SP9.4.a.

The prevailing residential densities in the sample of 13 settlements average approximately 5.5 dph. The MSA will equate to densities of at least 10dph if 1 dwelling and at least 30 dph with 3 dwellings which would be at least 182% and 545% higher respectively than the existing average across these settlements.

Draft policy SP9.4.a. provides sufficient controls over scale, design and layout to ensure development is appropriate to the site and its surroundings and the inclusion of an unnecessary MSA is likely to result in a conflict with this policy given the very low densities existing within these rural settlements.

## Effectiveness

A strict site size limit would result in densities significantly above prevailing densities within the Cluster settlements and therefore create a direct conflict in achieving the overall goals of the plan in terms of sustainable development in particular ensuring that developments are appropriate to the site and surroundings.

Removing the MSA text whilst retaining the unit number limit of 3 dwellings will be more than sufficient and effective to control the scale of development when read in conjunction with policy SP9.4a. Having the MSA goes beyond what is necessary for the policy to be effective.

## **Consistency with the NPPF**

Adopting a MSA and thereby creating densities out of character with the surrounding settlement would be inconsistent with the following parts of the NPPF:

### ***Achieving sustainable development para 9.***

*9 .... Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.*

There is no evidence to support the MSA of 0.1 hectares and whether the resulting densities reflect the character of the proposed Cluster settlements and as such the draft policy fails to take local circumstances into account and is inconsistent with the para 9. of the NPPF .

### ***Achieving appropriate densities para 122.***

A MSA of 0.1ha will restrict development in Community Clusters to minimum densities of at least 10 dph and whilst the NPPF requires policies to “*make efficient use of land*” such policies must also take into account “*the desirability of maintaining an area’s prevailing character and setting(including residential gardens)...*”

Given the actual prevailing densities existing in the proposed Cluster settlements, a minimum density of at least 10 dph (or 30dph with 3 dwellings) set by the MSA would be inconsistent with para 122.d) of the NPPF.

### ***Draft Amendments to the NPPF (published January 2021)***

Draft amendments to the NPPF currently under consultation include the following amendments in red:

***“123.124. Area-based character assessments, codes and masterplans can be helpful tools in helping to ensure that land is used efficiently while also creating beautiful and sustainable places.”***

Character assessments of the proposed Cluster settlements would have been a helpful tool to establish the need for and the appropriate MSA, no evidence has been provided by the LPA that any such assessments have been carried out and in the absence of such the 0.1 hectare limit is wholly

unjustified. If the policy was modified to remove all reference to the MSA it would enable applications to be assessed on a site by site basis having regard to the character of the settlement.

NB: A possible further modification could be made to policy SP9 or elsewhere in the plan to require applicants to provide Character Assessments (proportionate in detail) of sites and their surrounding area to assist in decision making against the relevant national and local policies.

**\*\*Modification 2 – Insert text “or one side where there are existing permanent and substantial buildings onsite”**

## Justification

In the absence of evidence such as character assessments of the proposed Cluster settlements there is no justification that restricting “infill” to sites with “*permanent and substantial buildings on at least two sides*” is appropriate having regard to the context of these rural settlements.

## Effectiveness

As the draft policy has not been based on any character assessments there is no evidence to confirm the effectiveness of limiting development to only sites that have “*have permanent and substantial buildings on at least two sides*” as set out in draft policy SP9.2.c. The character of the settlements varies within each Cluster but many of the settlements are very small hamlets with only a handful of dwellings interspersed with farmsteads within the settlements. Conventional ribbon street scenes found in larger villages maybe more associated with the conventional concept of the infilling between two existing buildings but within the context of the rural Cluster settlements the availability of sites that meet this strict infill criteria is usually very limited. The inspector is invited to review the Interactive Proposal Map and other available aerial based maps (such as Google) to appreciate the character of the proposed settlements and the realistic opportunities that may meet this strict criteria.

The lack of sites within the Cluster settlements that are likely to meet the strict criteria means the current draft policy would be ineffective at delivering dwellings in these settlements.

Given the character of the settlements and also the significant presence of farmsteads within and bounding the edge of the settlements this respondent proposes a modification that would also support development where there are existing permanent and substantial buildings on just one side and also on the site. An example would be a site where there may be existing non-heritage asset farm buildings clearly within the settlement but with other existing buildings to only one side of the site. Development proposals on such sites would still need to comply with other policy (such as

SP9.4.a.) but such modification will make SP9.2.c more effective in delivery having particular regard to the context of the rural non-suburban nature of the proposed Cluster settlements.

#### **Case Study – Proposed Cluster settlement: Stockton**

Stockton (postcode SY21 8JL) is a rural hamlet predominately made up of several farmsteads interspersed with a handful of dwellings. The example below highlights two hypothetical sites where there are existing buildings on site and existing buildings only on one side of the sites. Given the limited opportunities for conventional “infill” sites in such settlements or sites with “buildings on at least two sides”, these example sites would represent logical sites within the context of the settlement and would not conflict with other local or national plan policies or create isolated homes. Without the suggested modification the policy is likely to be ineffective in delivering the homes envisaged within these rural settlements.



#### **Consistency with the NPPF**

The inclusion of the suggested modification would not be inconsistent with the NPPF as it would not result in isolated homes in the countryside.

## Appendix 1 – Density Assessment of a Sample of Cluster Settlements:

Settlement	Total Residential Areas (ha)	Total Dwellings	Mean Area Per Dwelling (ha)	Mean Density (dph)
Abcott	2.67	18	0.15	6.74
Beckjay	1.21	7	0.17	5.77
Clungunford	9.54	69	0.14	7.23
Hopton Heath	2.87	13	0.22	4.52
Shelderton	4.57	9	0.51	1.97
Twitchen (Three Ashes)	2.96	16	0.19	5.40
Brompton	2.73	6	0.46	2.20
Marton	4.85	51	0.10	10.52
Middleton	0.68	3	0.23	4.41
Pentreheyling	1.71	11	0.16	6.45
Priest Weston	4.10	28	0.15	6.83
Stockton	1.46	8	0.18	5.49
Rorrington	3.32	15	0.22	4.52
<b>Average</b>			<b>0.22</b>	<b>5.50</b>