

**Honeybourne Parish Council**

# **Honeybourne Neighbourhood Development Plan**

A report to Wychavon District Council of the Independent  
Examination of the Honeybourne Neighbourhood Development  
Plan

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## Overall Finding

This is the report of the Independent Examination of the Honeybourne Neighbourhood Development Plan. The plan area comprises the entire administrative area of Honeybourne Parish Council within the Wychavon District Council area. The plan period runs to 2030. The Neighbourhood Plan includes policies relating to the development and use of land. The Neighbourhood Plan allocates land for residential development.

This report finds that subject to specified modifications the Neighbourhood Plan meets the basic conditions and other requirements. It is recommended the Plan should proceed to a local referendum based on the plan area.

## Neighbourhood Planning

1. The Localism Act 2011 empowers local communities to take responsibility for the preparation of elements of planning policy for their area through a neighbourhood development plan. The National Planning Policy Framework (the Framework) states that “*neighbourhood planning gives communities the power to develop a shared vision for their area*”<sup>1</sup>
2. Following satisfactory completion of the necessary preparation process neighbourhood development plans have statutory weight. Decision-makers are obliged to make decisions on planning applications for the area that are in line with the neighbourhood development plan, unless material considerations indicate otherwise.
3. The Honeybourne Neighbourhood Development Plan (the Neighbourhood Plan) has been prepared by Honeybourne Parish Council (the Parish Council). The draft plan has been submitted by the Parish Council, a qualifying body able to prepare a neighbourhood plan, in respect of the Honeybourne Neighbourhood Area which was formally designated by Wychavon District Council (the District Council) on 25 September 2015. The Neighbourhood Plan has been produced by the Neighbourhood Plan Steering Group made up of volunteers from the local community.
4. The submission draft of the Neighbourhood Plan, along with the Consultation Statement and the Basic Conditions Statement, has been approved by the Parish Council for submission of the plan and accompanying documents to the District Council. The District Council arranged a period of publication between 23 August 2019 and 7 October 2019 and subsequently submitted the Neighbourhood Plan to me for independent examination.

## Independent Examination

5. This report sets out the findings of the independent examination of the Neighbourhood Plan.<sup>2</sup> The report makes recommendations to the District Council including a recommendation as to whether or not the Neighbourhood Plan should proceed to a local referendum. The

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<sup>1</sup> Paragraph 29 National Planning Policy Framework (2019)

<sup>2</sup> Paragraph 10 Schedule 4B Town and Country Planning Act 1990

District Council will decide what action to take in response to the recommendations in this report.

6. The District Council will decide whether the Neighbourhood Plan should proceed to referendum, and if so whether the referendum area should be extended, and what modifications, if any, should be made to the submission version plan. Once a neighbourhood plan has been independently examined, and the decision taken to put the plan to a referendum, it must be taken into account when determining a planning application, in so far as the policies in the plan are material to the application<sup>3</sup>.
7. Should the Neighbourhood Plan proceed to local referendum and achieve more than half of votes cast in favour, then the Neighbourhood Plan will form part of the Development Plan and be given full weight in the determination of planning applications and decisions on planning appeals in the plan area<sup>4</sup> unless the District Council subsequently decide the Neighbourhood Plan should not be 'made'. The Housing and Planning Act 2016 requires any conflict with a neighbourhood plan to be set out in the committee report, that will inform any planning committee decision, where that report recommends granting planning permission for development that conflicts with a made neighbourhood plan<sup>5</sup>. The Framework is very clear that where a planning application conflicts with an up to date neighbourhood plan that forms part of the Development Plan, permission should not usually be granted<sup>6</sup>.
8. I have been appointed by the District Council with the consent of the Parish Council, to undertake the examination of the Neighbourhood Plan and prepare this report of the independent examination. I am independent of the Parish Council and the District Council. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I hold appropriate qualifications and have appropriate experience. I am an experienced Independent Examiner of neighbourhood plans. I am a Member of the Royal Town Planning Institute; a Member of the Institute of Economic Development; a Member of the Chartered Management Institute; and a Member of the Institute of Historic Building Conservation. I have forty years professional planning experience and have held national positions and local authority Chief Planning Officer posts.

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<sup>3</sup> Paragraph 48 of the National Planning Policy Framework 2019 explains full weight is not given at this stage

<sup>4</sup> Section 3 Neighbourhood Planning Act 2017

<sup>5</sup> Section 156 Housing and Planning Act 2016

<sup>6</sup> Paragraph 12 National Planning Policy Framework 2019

9. As independent examiner, I am required to produce this report and must recommend either:
- that the Neighbourhood Plan is submitted to a referendum, or
  - that modifications are made and that the modified Neighbourhood Plan is submitted to a referendum, or
  - that the Neighbourhood Plan does not proceed to a referendum on the basis it does not meet the necessary legal requirements.
10. I make my recommendation in this respect and in respect to any extension to the referendum area,<sup>7</sup> in the concluding section of this report. It is a requirement that my report must give reasons for each of its recommendations and contain a summary of its main findings.<sup>8</sup>
11. The general rule is that examination of the issues is undertaken by the examiner through consideration of written representations.<sup>9</sup> The Planning Practice Guidance (the Guidance) states “*it is expected that the examination of a draft Neighbourhood Plan will not include a public hearing.*”
12. The examiner has the ability to call a hearing for the purpose of receiving oral representations about a particular issue in any case where the examiner considers that the consideration of oral representations is necessary to ensure adequate examination of the issue, or a person has a fair chance to put a case. All parties have had opportunity to state their case. As I did not consider a hearing necessary, I proceeded on the basis of written representations and an unaccompanied visit to the Neighbourhood Plan area.

## Basic Conditions and other Statutory Requirements

13. An independent examiner must consider whether a neighbourhood plan meets the “Basic Conditions”.<sup>10</sup> A neighbourhood plan meets the Basic Conditions if:
- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan;

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<sup>7</sup> Paragraph 8(1)(d) Schedule 4B Town and Country Planning Act 1990

<sup>8</sup> Paragraph 10(6) Schedule 4B Town and Country Planning Act 1990

<sup>9</sup> Paragraph 9(1) Schedule 4B Town and Country Planning Act 1990

<sup>10</sup> Paragraph 8(2) Schedule 4B Town and Country Planning Act 1990

- the making of the neighbourhood plan contributes to the achievement of sustainable development;
- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
- the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations; and
- the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.<sup>11</sup>

14. An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention Rights.<sup>12</sup> All of these matters are considered in the later sections of this report titled ‘The Neighbourhood Plan taken as a whole’ and ‘The Neighbourhood Plan Policies’.

15. In addition to the Basic Conditions and Convention Rights, I am also required to consider whether the Neighbourhood Plan complies with the provisions made by or under sections 38A and 38B of the Planning and Compulsory Purchase Act 2004.<sup>13</sup> I am satisfied the Neighbourhood Plan has been prepared in accordance with the requirements of those sections, in particular in respect to the Neighbourhood Planning (General) Regulations 2012 (the Regulations) which are made pursuant to the powers given in those sections.

16. The Neighbourhood Plan relates to the area that was designated by the District Council as a neighbourhood area on 25 September 2015. A map of the Neighbourhood Plan area is included as Figure 2 of the Submission Version Plan. The Neighbourhood Plan designated area is coterminous with the Honeybourne Parish Council boundary. The Neighbourhood Plan does not relate to more than one neighbourhood area,<sup>14</sup> and no other neighbourhood development plan has been made

<sup>11</sup> This Basic Condition arises from the coming into force, on 28 December 2018, of the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 whereby the Neighbourhood Planning Regulations 2012 are amended. This basic condition replaced a basic condition “the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects”.

<sup>12</sup> The Convention Rights has the same meaning as in the Human Rights Act 1998

<sup>13</sup> In sections 38A and 38B themselves; in Schedule 4B to the 1990 Act (introduced by section 38A (3)); and in the 2012 Regulations (made under sections 38A (7) and 38B (4)).

<sup>14</sup> Section 38B (1)(c) Planning and Compulsory Purchase Act 2004

for the neighbourhood area.<sup>15</sup> All requirements relating to the plan area have been met.

17. I am also required to check whether the Neighbourhood Plan sets out policies for the development and use of land in the whole or part of a designated neighbourhood area;<sup>16</sup> and the Neighbourhood Plan does not include provision about excluded development.<sup>17</sup> I am able to confirm that I am satisfied that each of these requirements has been met.
18. A neighbourhood plan must also meet the requirement to specify the period to which it has effect.<sup>18</sup> Paragraph 1.3 of the Submission Version Plan clearly states the Plan is intended to last until 2030.
19. The role of an independent examiner of a neighbourhood plan is defined. I am not examining the test of soundness provided for in respect of examination of Local Plans.<sup>19</sup> It is not within my role to examine or produce an alternative plan, or a potentially more sustainable plan, except where this arises as a result of my recommended modifications so that the Neighbourhood Plan meets the Basic Conditions and other requirements that I have identified. I have been appointed to examine whether the submitted Neighbourhood Plan meets the Basic Conditions and Convention Rights, and the other statutory requirements.
20. A neighbourhood plan can be narrow or broad in scope. There is no requirement for a neighbourhood plan to be holistic, or to include policies dealing with particular land uses or development types, and there is no requirement for a neighbourhood plan to be formulated as, or perform the role of, a comprehensive local plan. The nature of neighbourhood plans varies according to local requirements.
21. Neighbourhood plans are developed by local people in the localities they understand and as a result each plan will have its own character. It is not within my role to re-interpret, restructure, or re-write a plan to conform to a standard approach or terminology. Indeed, it is important that neighbourhood plans reflect thinking and aspiration within the

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<sup>15</sup> Section 38B (2) Planning and Compulsory Purchase Act 2004

<sup>16</sup> Section 38A (2) Planning and Compulsory Purchase Act 2004

<sup>17</sup> Principally minerals, waste disposal, development automatically requiring Environmental Impact Assessment and nationally significant infrastructure projects - Section 38B(1)(b) Planning and Compulsory Purchase Act 2004

<sup>18</sup> Section 38B (1)(a) Planning and Compulsory Purchase Act 2004

<sup>19</sup> Under section 20 of the Planning and Compulsory Purchase Act 2004 and in respect of which guidance is given in paragraph 35 of the National Planning Policy Framework 2019



local community. They should be a local product and have particular meaning and significance to people living and working in the area.

22. Apart from minor corrections and consequential adjustment of text (referred to in the Annex to this report) I have only recommended modifications to the Neighbourhood Plan (presented in bold type) where I consider they need to be made so that the plan meets the Basic Conditions and the other requirements I have identified.<sup>20</sup>

## Documents

23. I have considered each of the following documents in so far as they have assisted me in determining whether the Neighbourhood Plan meets the Basic Conditions and other requirements:

- Honeybourne Neighbourhood Development Plan Submission Draft July 2019
- Honeybourne Parish Neighbourhood Plan 2019-2030 Consultation Statement including Appendices 1 - 5 [*In this report referred to as the Consultation Statement*]
- Honeybourne Parish Neighbourhood Plan Basic Conditions Statement July 2019 [*In this report referred to as the Basic Conditions Statement*]
- Honeybourne Neighbourhood Plan Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) Screening Opinion March 2019
- Honeybourne Historic Records July 2019
- Honeybourne Parish Neighbourhood Plan - Evidence Base Green Space Background Paper July 2019
- Honeybourne Parish Neighbourhood Plan - Evidence Base Housing Background Paper July 2019
- Illustration - Proposed additional Conservation Area at Church Honeybourne
- Information available on the Honeybourne Neighbourhood Development Plan website
- Representations received during the Regulation 16 publicity period
- Correspondence between the Independent Examiner and the District and Parish Councils, including the initial letter of the Independent Examiner dated 29 October 2019, the Parish Council response to the representations of other parties which I received on 11 November 2019; and correspondence relating to clarification of various matters raised by the Examiner on 14 November 2019 and the response of the Parish Council dated 21 November 2019
- Adopted South Worcestershire Development Plan including the Interactive Policies Map

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<sup>20</sup> See 10(1) and 10(3) of Schedule 4B to the Town and Country Planning Act 1990

- Emerging South Worcestershire Development Plan Review
- National Planning Policy Framework (February 2019) [*In this report referred to as the Framework*]
- Permitted development rights for householders' technical guidance MHCLG (10 September 2019) [*In this report referred to as the Permitted Development Guidance*]
- Planning Practice Guidance web-based resource MHCLG (first fully launched 6 March 2014 and subsequently updated - most recently on 1 November 2019) [*In this report referred to as the Guidance*]
- The Town and Country Planning (Use Classes) Order 1987 (as amended)
- The Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014
- The Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2015
- The Town and Country Planning Act 1990 (as amended)
- The Planning and Compulsory Purchase Act 2004 (as amended)
- The Localism Act 2011
- The Housing and Planning Act 2016
- The Neighbourhood Planning Act 2017 and Commencement Regulations 19 July 2017, 22 September 2017, and 15 January 2019
- The Neighbourhood Planning (General) Regulations 2012 (as amended) [*In this report referred to as the Regulations. References to Regulation 14, Regulation 16 etc in this report refer to these Regulations*]
- The Neighbourhood Planning (General) (Amendment) Regulations 2015
- The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016
- The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018

## Consultation

24. The submitted Neighbourhood Plan is accompanied by a Consultation Statement which outlines the process undertaken in the preparation of the plan. In addition to detailing who was consulted and by what methods, it also provides a summary of comments received from local community members, and other consultees, and how these have been addressed in the submission plan. I highlight here a number of key stages of consultation undertaken in order to illustrate the approach adopted.

25. An initial meeting in December 2016 led to the formation of the

Neighbourhood Plan Steering Group, comprising a Parish Councillor and other local volunteers, which has continued to meet regularly throughout the plan preparation process.

26. A parish wide residents survey was undertaken in September/October 2017 which involved delivery of a questionnaire to every address in the parish. The 187 responses were used to identify key policy areas. A business survey resulted in a very limited response but generally supported the conclusions drawn from the survey of residents.
27. The Honeybourne Village Newsletter, which is delivered to every household has been used as a mechanism to keep people updated on progress in preparing the Neighbourhood Plan. A dedicated website was created in early 2018 minutes of meetings, evidence base documents, and other information has been posted.
28. Landowners of potential Local Green Spaces were consulted by letter in June 2018. An open weekend was held in July 2018 to seek views on an emerging vision and objectives for the plan and seek views on shortlisted housing development sites. The open weekend was advertised through use of a banner, posters, editorial in the village newsletter and online. More than 60 people attended this event. Responses led to the selection of the preferred housing development site and proposed Local Green Spaces.
29. In accordance with Regulation 14 the Parish Council consulted on the pre-submission version of the draft Neighbourhood Plan between 1 March 2019 until 12 April 2019. This consultation included a launch event in the Village Hall attended by 103 people; publicity in the village newsletter; banners; posters; and use of the Neighbourhood Plan website and social media. The representations arising from the 36 responses to the consultation are summarised in Appendix 5 of the Consultation Statement where responses and changes made to the Neighbourhood Plan, are set out. Suggestions have, where considered appropriate, been reflected in a number of changes to the Plan that was approved by the Parish Council, for submission to the District Council.
30. The Submission Version of the Neighbourhood Plan has been the subject of a Regulation 16 period of publication between 23 August 2019 and 7 October 2019. A total of 15 representations were submitted during the period of publication. I have been provided with copies of each of these representations. In preparing this report I have

taken into consideration all of the representations submitted during the Regulation 16 period even though they may not be referred to in whole, or in part. Where representations suggest additional matters that could be included in the Neighbourhood Plan that is only a matter for my consideration where such additions are necessary for the Neighbourhood Plan to meet the Basic Conditions or other requirements that I have identified. Where representations relate to specific policies, I refer to these later in my report when considering the policy in question.

31. A representation submitted by the District Council refers to aspects of several of the policies of the Neighbourhood Plan including Policies H1; H2; H3; H4; H8; and H9. A representation on behalf of All Things Wild Limited refers to Policies H1; H12; and H14. Gladman Developments Limited refer to the Framework and Guidance and relationship to the Local Plan. This representation also refers to Policies H2, H4, and H7. A representation by Molyneux Rose refers to alternative sites being more suitable than that site identified as a housing site allocation in Policy H1. Rosconn Strategic Land refer to Policies H1; H2; H3; and H11. Pegasus Group on behalf of Johnson Brothers includes reference to Policy H14 and the Policy Map at Appendix 4. I refer to these representations when considering the relevant policies later in my report.
  
32. The Historic Environment team of Worcestershire County Council welcome the Neighbourhood Plan and commend the actions taken to reference the history of the parish. The Environment Agency note the inclusion of Policy H11 Flood Prevention and Water Management and state “*We don’t offer detailed bespoke advice on policy but advise you ensure conformity with the South Worcestershire Development Plan and refer to our guidance.*” Historic England commend the Neighbourhood Plan. Natural England, and the Canal and River Trust confirmed they have no specific comments. Sport England have submitted generic statements relating to neighbourhood plan preparation with no comment on any specific part of the Neighbourhood Plan. A representation on behalf of National Grid includes general advice, and identifies high-pressure gas transmission pipelines within the neighbourhood area. National Grid note a high-pressure gas transmission pipeline runs through the north-west corner of site allocation H1 to the rear of Harvard Avenue. The representation refers to a no-development area within 10 metres of the pipeline and an easement for maintenance and future improvement. The representation of an individual supports the Neighbourhood Plan as a

whole. Severn Trent Water state support for policies H1; H4; H9; and H11 without further comment. These representations do not necessitate any modification of the Neighbourhood Plan to meet the Basic Conditions.

33. I provided the Parish Council with an opportunity to comment on the Regulation 16 representations of other parties. Whilst I placed no obligation on the Parish Council to offer any comments, such an opportunity can prove helpful where representations of other parties include matters that have not been raised earlier in the plan preparation process. On 11 November 2019 the Parish Council responded to the opportunity to comment by setting out a statement in respect of the Regulation 16 representations. I have taken the Parish Council response into account in preparing my report. I advised the District Council that the Regulation 16 representations and the Parish Council response should be posted on their website.
34. The Regulations state that where a qualifying body submits a plan proposal to the local planning authority it must include amongst other items a consultation statement. The Regulations state a Consultation Statement means a document which:
- a) contains details of the persons and bodies who were consulted about the proposed neighbourhood development plan;
  - b) explains how they were consulted;
  - c) summarises the main issues and concerns raised by the persons consulted; and
  - d) describes how these issues and concerns have been considered and, where relevant, addressed in the proposed neighbourhood development plan.<sup>21</sup>
35. The Consultation Statement includes information in respect of each of the requirements set out in the Regulations. I am satisfied the requirements have been met. It is evident the Neighbourhood Plan Steering Group has taken great care to ensure stakeholders have had full opportunity to influence the general nature, and specific policies, of the Neighbourhood Plan.

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<sup>21</sup> Regulation 15 The Neighbourhood Planning (General) Regulations 2012 SI 2012 No.637

## The Neighbourhood Plan taken as a whole

36. This section of my report considers whether the Neighbourhood Plan taken as a whole meets EU obligations, habitats and Human Rights requirements; has regard to national policies and advice contained in guidance issued by the Secretary of State; whether the plan contributes to the achievement of sustainable development; and whether the plan is in general conformity with the strategic policies contained in the Development Plan for the area. Each of the plan policies is considered in turn in the section of my report that follows this. In considering all of these matters I have referred to the submission, background, and supporting documents, and copies of the representations and other material provided to me.

Consideration of Convention Rights; and whether the making of the Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations; and the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017

37. The Basic Conditions Statement states the Neighbourhood Plan “*has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act.*” I have considered the European Convention on Human Rights and in particular Article 8 (privacy); Article 14 (discrimination); and Article 1 of the first Protocol (property).<sup>22</sup> Development Plans by their nature will include policies that relate differently to areas of land. Where the Neighbourhood Plan policies relate differently to areas of land this has been explained in terms of land use and development related issues. I have seen nothing in the submission version of the Neighbourhood Plan that indicates any breach of the Convention. The Basic Conditions Statement confirms the Neighbourhood Plan has been prepared following review of technical guidance provided by the Equality and Human Rights Commission and in accordance with the obligations for Parish Councils under the Public Sector Equality Duty (PSED) in the Equality Act 2010. Whilst there is no indication an Equality Impact Assessment has been undertaken in respect of the Neighbourhood Plan, from my own examination the Neighbourhood Plan would appear to have neutral or positive impacts on groups with protected characteristics as identified in the Equality Act 2010.

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<sup>22</sup> The Human Rights Act 1998 which came into force in the UK in 2000 had the effect of codifying the protections in the European Convention on Human Rights into UK law.



38. The objective of EU Directive 2001/42<sup>23</sup> is “to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development, by ensuring that, in accordance with this Directive, an environmental assessment is carried out of certain plans and programmes which are likely to have significant effects on the environment.” The Neighbourhood Plan falls within the definition of ‘plans and programmes’<sup>24</sup> as the Local Planning Authority is obliged to ‘make’ the plan following a positive referendum result.<sup>25</sup>
39. The Neighbourhood Planning (General) (Amendment) Regulations 2015 require the Parish Council, as the Qualifying Body, to submit to Wychavon District Council either an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004, or a statement of reasons why an environmental report is not required.
40. The Strategic Environmental Assessment and Habitats Regulations Assessment Screening Opinion document March 2019 states “The SEA screening exercise featured in Section 2 concludes that the draft Honeybourne Neighbourhood Plan may require a full Strategic Environmental Assessment to be undertaken. This is because the Neighbourhood Plan deviates from the land allocations for development made in the SWDP.” The Screening Opinion report includes copies of statutory consultation responses from the Environment Agency and Natural England each finding no likely significant environmental effects. Historic England concluded preparation of a SEA may be required. Further clarification was sought from Historic England. The Basic Conditions Statement concludes “It has been determined that the allocated site has archaeological potential which should be assessed prior to development, but any such archaeology is unlikely to prevent development, and on that basis a Strategic Environmental Assessment is not necessary at this stage, rather archaeological works on the site prior to the granting or commencement of any such planning permission would be relevant and mention should be made of such works in the Neighbourhood Plan policy.” Historic England have agreed this approach. Part k) of Policy H1 of the Neighbourhood Plan refers to archaeological

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<sup>23</sup> Transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004

<sup>24</sup> Defined in Article 2(a) of Directive 2001/42

<sup>25</sup> Judgement of the Court of Justice of the European Union (Fourth Chamber) 22 March 2012

assessment. I am satisfied the requirements regarding Strategic Environmental Assessment have been met.

41. The Screening Opinion document March 2019 also relates to Habitats Regulations Assessment and states at paragraph 3.1 *“There are no internationally designated wildlife sites within the Honeybourne Neighbourhood Area. For the purposes of this screening assessment, sites that fall within a 20km radius are also considered. There is one site identified within this range – Bredon Hill SAC which is approximately 14km south-west of the Honeybourne Neighbourhood Area.”* A full Appropriate Assessment conducted as part of the South Worcestershire Development Plan (SWDP) preparation concluded that the policies of the SWDP (including land allocations) were not likely to have adverse effects on the integrity of Bredon Hill SAC. The Neighbourhood Plan HRA Screening Opinion concludes *“As a result of the above assessment, it is considered that the policies of the draft Honeybourne Neighbourhood Plan are in general conformity with those contained in the SWDP. Although the draft Honeybourne Neighbourhood Plan does deviate from the land allocations contained within the SWDP, the level of such allocation is considered small enough not to have an impact on internationally designated wildlife sites. It is therefore concluded that the draft Honeybourne Neighbourhood Plan is unlikely to have a negative impact on any internationally designated wildlife sites and as such, the recommendation is made that a full AA is not required.”* The Screening Document includes a copy of a statutory consultation response from Natural England which states *“We agree with the conclusion of the screening report of no significant effect upon the named European designated site.”* I have earlier in my report, in Footnote 11, referred to the replacement on 28 December 2018 of the Basic Condition relating to Habitats that had previously been in place throughout much of the period of preparation of the Neighbourhood Plan. As the Screening Document is dated March 2019, I am satisfied that the Neighbourhood Plan meets the revised Basic Condition. I conclude the Neighbourhood Plan meets the requirements of the revised Basic Condition relating to Habitats Regulations.
42. There are a number of other EU obligations that can be relevant to land use planning including the Water Framework Directive, the Waste Framework Directive, and the Air Quality Directive but none appear to be relevant in respect of this independent examination.



43. I conclude that the Neighbourhood Plan is compatible with the Convention Rights, and does not breach, and is otherwise compatible with, EU obligations. I also conclude the making of the Neighbourhood Plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

44. The Guidance states it is the responsibility of the local planning authority to ensure that all the regulations appropriate to the nature and scope of a draft neighbourhood plan submitted to it have been met in order for the draft neighbourhood plan to progress. The District Council as Local Planning Authority must decide whether the draft neighbourhood plan is compatible with EU obligations:

- when it takes the decision on whether the neighbourhood plan should proceed to referendum; and
- when it takes the decision on whether or not to make the neighbourhood plan (which brings it into legal force).<sup>26</sup>

Consideration whether having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the Neighbourhood Plan; and whether the making of the Neighbourhood Plan contributes to the achievement of sustainable development

45. I refer initially to the basic condition “*having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan*”. The requirement to determine whether it is appropriate that the plan is made includes the words “*having regard to*”. This is not the same as compliance, nor is it the same as part of the test of soundness provided for in respect of examinations of Local Plans<sup>27</sup> which requires plans to be “*consistent with national policy*”.

46. Lord Goldsmith has provided guidance<sup>28</sup> that ‘*have regard to*’ means “*such matters should be considered*.” The Guidance assists in understanding “*appropriate*”. In answer to the question “*What does having regard to national policy mean?*” the Guidance states a

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<sup>26</sup> Planning Practice Guidance paragraph 031 Reference ID: 11-031-20150209 revision 09 02 2015

<sup>27</sup> Under section 20 of the Planning and Compulsory Purchase Act 2004 and in respect of which guidance is given in paragraph 35 of the National Planning Policy Framework 2019

<sup>28</sup> The Attorney General, (Her Majesty’s Principal Secretary of State for Justice) Lord Goldsmith, at a meeting of the House of Lords Grand Committee on 6 February 2006 to consider the Company Law Reform Bill (Column GC272 of Lords Hansard, 6 February 2006) and included in guidance in England’s Statutory Landscape Designations: a practical guide to your duty of regard, Natural England 2010 (an Agency of another Secretary of State)

neighbourhood plan “*must not constrain the delivery of important national policy objectives.*”

47. The most recent National Planning Policy Framework published on 19 February 2019 sets out the government’s planning policies for England and how these are expected to be applied. In my initial letter published by the District Council I confirmed that I would undertake this Independent Examination of the Neighbourhood Plan in the context of the Framework published in February 2019 and the Planning Practice Guidance most recently updated on 1 October 2019. The Guidance has subsequently been updated on 1 November 2019. Clearly parts of the Guidance have been updated after the Neighbourhood Plan was submitted to the District Council.
48. The Basic Conditions Statement includes Table 1 which lists sections of the Framework that the Neighbourhood Plan has regard to. Table 2 sets out a summary of how each policy of the Neighbourhood Plan has regard to the Framework. I am satisfied the Basic Conditions Statement demonstrates how the Neighbourhood Plan has regard to relevant identified components of the Framework.
49. The Neighbourhood Plan includes a positive vision for Honeybourne that includes economic dimensions (“*new development*”, “*place to work and visit*”) and social components (“*safe and welcoming place*”, “*existing services*”, “*connections to village facilities*”, “*accessible and sustainable place*”) whilst also referring to environmental considerations (“*rural setting*”, “*community’s enjoyment and appreciation of natural environment assets*”). The vision is supported by five objectives relating to: well-designed built environment; conservation and enhancement of heritage assets; protection and enhancement of the natural environment; connectivity through active travel and public transport; and supporting and improving community and social facilities. The objectives of the Neighbourhood Plan provide a framework for the policies that have been developed. Figure 3 illustrates how each policy relates to the objectives of the Neighbourhood Plan.
50. The Neighbourhood Plan includes Section 7 which sets out “*Parish Aspirations*” relating to improving broadband speed; improving mobile phone reception; traffic related matters; proposals for a Conservation Area in Church Honeybourne; specific improvements to the active travel network; and wildlife sites. The Neighbourhood Plan preparation process is a convenient mechanism to surface and test local opinion

on ways to improve a neighbourhood other than through the development and use of land. It is important that those non-development and land use matters, raised as important by the local community or other stakeholders, should not be lost sight of. The acknowledgement in the Neighbourhood Plan of issues raised in consultation processes that do not have a direct relevance to land use planning represents good practice. The Guidance states, *“Wider community aspirations than those relating to the development and use of land, if set out as part of the plan, would need to be clearly identifiable (for example, set out in a companion document or annex), and it should be made clear in the document that they will not form part of the statutory development plan”*.<sup>29</sup> I am satisfied the approach adopted, presenting the proposals in a separate *“Parish Aspirations”* section, differentiates the community aspirations from the policies of the Neighbourhood Plan and has sufficient regard for the Guidance.

51. Apart from those elements of policy of the Neighbourhood Plan in respect of which I have recommended a modification to the plan I am satisfied that the need to *‘have regard to’* national policies and advice contained in guidance issued by the Secretary of State has, in plan preparation, been exercised in substance in such a way that it has influenced the final decision on the form and nature of the plan. This consideration supports the conclusion that with the exception of those matters in respect of which I have recommended a modification of the plan, the Neighbourhood Plan meets the basic condition *“having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan.”*

52. At the heart of the Framework is a presumption in favour of sustainable development<sup>30</sup> which should be applied in both plan-making and decision-taking.<sup>31</sup> The Guidance states, *“This basic condition is consistent with the planning principle that all plan-making and decision-taking should help to achieve sustainable development. A qualifying body must demonstrate how its plan or order will contribute to improvements in environmental, economic and social conditions or that consideration has been given to how any potential adverse effects arising from the proposals may be prevented, reduced or offset (referred to as mitigation measures). In order to demonstrate that a draft neighbourhood plan or order contributes to sustainable development, sufficient and proportionate evidence should be*

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<sup>29</sup> Planning Practice Guidance *Paragraph: 004 Reference ID: 41-004-20190509 Revision 09 05 2019*

<sup>30</sup> Paragraph 10 National Planning Policy Framework 2019

<sup>31</sup> Paragraph 11 National Planning Policy Framework 2019

*presented on how the draft neighbourhood plan or order guides development to sustainable solutions”<sup>32</sup>.*

53. The Basic Conditions require my consideration whether the making of the Neighbourhood Plan contributes to the achievement of sustainable development. There is no requirement as to the nature or extent of that contribution, nor a need to assess whether or not the plan makes a particular contribution. The requirement is that there should be a contribution. There is also no requirement to consider whether some alternative plan would make a greater contribution to sustainable development.

54. The Framework states there are three dimensions to sustainable development: economic, social and environmental. The Basic Conditions Statement includes Table 4 which demonstrates how the policies of the Neighbourhood Plan simultaneously contribute to the economic, social and environmental dimensions of sustainable development. The appraisal shows that every policy has a positive impact on at least one dimension. The appraisal does not highlight any negative impacts.

55. I conclude that the Neighbourhood Plan, by guiding development to sustainable solutions, contributes to the achievement of sustainable development. Broadly, the Neighbourhood Plan seeks to contribute to sustainable development by ensuring schemes are of an appropriate nature and quality; will serve economic needs; will protect and enhance social facilities; and will protect important environmental features. In particular, I consider the Neighbourhood Plan seeks to:

- Conditionally allocate a site for housing development;
- Ensure housing mix on sites greater than 5 units reflects local needs;
- Ensure house types meet the needs of the community;
- Establish development design principles;
- Establish design criteria for new build proposals and extensions;
- Designate 13 areas as Local Green Space;
- Protect the natural environment including landscape character;
- Protect important trees and hedgerows;
- Support agriculture;
- Prevent flooding and require water management;
- Guard against loss or reduction of identified community facilities;

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<sup>32</sup> Planning Practice Guidance Paragraph 072 Ref ID:41-072-20190509 Revision 09 05 2019

- Protect and enhance the active travel network; and
- Support local employment and establish criteria for loss of employment sites.

56. Subject to my recommended modifications of the Submission Plan including those relating to specific policies, as set out later in this report, I find it is appropriate that the Neighbourhood Plan should be made having regard to national policies and advice contained in guidance issued by the Secretary of State. I have also found the Neighbourhood Plan contributes to the achievement of sustainable development.

Consideration whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area)

57. The Framework states neighbourhood plans should “*support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies*”.<sup>33</sup> Plans should make explicit which policies are strategic policies.<sup>34</sup> “*Neighbourhood plans must be in general conformity with the strategic policies contained in any development plan that covers their area*”<sup>35</sup>. “*Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine its strategic policies*”.<sup>36</sup>

58. The Guidance states, “*A local planning authority should set out clearly its strategic policies in accordance with paragraph 21 of the National Planning Policy Framework and provide details of these to a qualifying body and to the independent examiner.*”<sup>37</sup>

59. In this independent examination, I am required to consider whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area). The District Council has informed me that the Development Plan applying in the Honeybourne Neighbourhood Area and relevant to the Neighbourhood Plan is the Adopted South Worcestershire Development Plan. The SWDP

<sup>33</sup> Paragraph 13 National Planning Policy Framework 2019

<sup>34</sup> Paragraph 21 National Planning Policy Framework 2019

<sup>35</sup> Footnote 16 National Planning Policy Framework 2019

<sup>36</sup> Paragraph 29 National Planning Policy Framework 2019

<sup>37</sup> Planning Practice Guidance Paragraph 077 Reference ID: 41-077-20190509 Revision 09 05 2019

Interactive Policies Map illustrates geographically the application of the policies in the Development Plan.

60. The District Council has informed me the following policies in the SWDP relevant to the Neighbourhood Area are considered as strategic for the purposes of Neighbourhood Planning:
- SWDP1 Overarching Sustainable Development Principles
  - SWDP2 Development Strategy and Settlement Hierarchy
  - SWDP3 Employment, Housing and Retail Provision Requirement and Delivery
  - SWDP4 Moving Around South Worcestershire
  - SWDP5 Green Infrastructure
  - SWDP6 Historic Environment
  - SWDP7 Infrastructure
  - SWDP8 Providing the Right Land and Buildings for Jobs
  - SWDP9 Creating and Sustaining Vibrant Centres
  - SWDP10 Protection and Promotion of Centres and Local Shops
  - SWDP12 Employment in Rural Areas
  - SWDP13 Effective Use of Land
  - SWDP14 Market Housing Mix
  - SWDP15 Meeting Affordable Housing Needs
  - SWDP17 Travellers and Travelling Showpeople
  - SWDP21 Design
  - SWDP22 Biodiversity and Geodiversity
  - SWDP23 The Cotswolds and Malvern Hills Areas of Outstanding Natural Beauty (AONB)
  - SWDP27 Renewable and Low Carbon Energy
  - SWDP28 Management of Flood Risk
  - SWDP59 New Housing for Villages.
61. The South Worcestershire Councils (SWCs) (Malvern Hills District, Worcester City and Wychavon District) have commenced a review of the South Worcestershire Development Plan (SWDP). The SWDP was adopted in February 2016 and the SWCs are required, by the 2017 Regulations to complete a review every five years. The SWDP Review will cover the period to 2041. The SWDP Review will allocate further land for houses, jobs and retail. It will also set out planning policies for making decisions on new development proposals up to the year 2041. A 'Preferred Options' consultation follows an Issues and Options consultation in 2018 and it sets out the Councils' draft policies and identifies the sites which the three Councils think should be developed for housing, employment and mixed uses. The Preferred Options



Consultation is taking place between 4 November 2019 and 16 December 2019.

62. The Neighbourhood Plan can proceed ahead of preparation of the South Worcestershire Development Plan Review. The Guidance states: *“Neighbourhood plans, when brought into force, become part of the development plan for the neighbourhood area. They can be developed before or at the same time as the local planning authority is producing its Local Plan. A draft neighbourhood plan or Order must be in general conformity with the strategic policies of the development plan in force if it is to meet the basic condition. Although a draft Neighbourhood Plan or Order is not tested against the policies in an emerging Local Plan the reasoning and evidence informing the Local Plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested. For example, up-to-date housing needs evidence is relevant to the question of whether a housing supply policy in a neighbourhood plan or Order contributes to the achievement of sustainable development. Where a neighbourhood plan is brought forward before an up-to-date Local Plan is in place the qualifying body and the local planning authority should discuss and aim to agree the relationship between policies in:*

- *the emerging neighbourhood plan*
- *the emerging Local Plan*
- *the adopted development plan*

*with appropriate regard to national policy and guidance. The local planning authority should take a proactive and positive approach, working collaboratively with a qualifying body particularly sharing evidence and seeking to resolve any issues to ensure the draft neighbourhood plan has the greatest chance of success at independent examination. The local planning authority should work with the qualifying body to produce complementary neighbourhood and Local Plans. It is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging Local Plan, including housing supply policies. This is because section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that the conflict must be resolved by the decision maker favouring the policy which is contained in the last document to become part of the development plan. Strategic policies should set out a housing requirement figure for designated neighbourhood areas from their overall housing requirement (paragraph 65 of the revised National Planning Policy Framework). Where this is not possible the local planning authority should provide an indicative figure, if requested to do so by the neighbourhood planning body, which will need to be*

*tested at the neighbourhood plan examination. Neighbourhood plans should consider providing indicative delivery timetables and allocating reserve sites to ensure that emerging evidence of housing need is addressed. This can help minimise potential conflicts and ensure that policies in the neighbourhood plan are not overridden by a new Local Plan.”<sup>38</sup>*

63. I am mindful of the fact that should there ultimately be any conflict between the Neighbourhood Plan, and the emerging South Worcestershire Development Plan Review when it is adopted; the matter will be resolved in favour of the plan most recently becoming part of the Development Plan unless the latter plan states otherwise; however, the Guidance is clear in that potential conflicts should be minimised.
64. In order to satisfy the basic conditions, the Neighbourhood Plan must be in general conformity with the strategic policies of the Development Plan. The emerging South Worcestershire Development Plan Review is not part of the Development Plan and this requirement does not apply in respect of that. Emerging planning policy is subject to change as plan preparation work proceeds. The Guidance states *“Neighbourhood plans, when brought into force, become part of the development plan for the neighbourhood areas. They can be developed before or at the same time as the local planning authority is producing its Local Plan”<sup>39</sup>*. In *BDW Trading Limited, Wainholmes Developments Ltd v Cheshire West & Chester BC* [2014] EWHC1470 (Admin) it was held that the only statutory requirement imposed by basic condition (e) is that the Neighbourhood Plan as a whole should be in general conformity with the adopted development plan as a whole.
65. In considering a now-repealed provision that *“a local plan shall be in general conformity with the structure plan”* the Court of Appeal stated *“the adjective ‘general’ is there to introduce a degree of flexibility.”<sup>40</sup>* The use of ‘general’ allows for the possibility of conflict. Obviously, there must at least be broad consistency, but this gives considerable room for manoeuvre. Flexibility is however not unlimited. The test for neighbourhood plans refers to the strategic policies of the development plan rather than the development plan as a whole.

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<sup>38</sup> Planning Practice Guidance Paragraph: 009 Reference ID: 41-009-20190509 Revision 09 05 2019

<sup>39</sup> Planning Practice Guidance Paragraph: 009 Reference ID: 41-009-20190509 Revision 09 05 2019

<sup>40</sup> *Persimmon Homes v. Stevenage BC* the Court of Appeal [2006] 1 P & CR 31



66. The Guidance states, “When considering whether a policy is in general conformity a qualifying body, independent examiner, or local planning authority, should consider the following:

- *whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with;*
- *the degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy;*
- *whether the draft neighbourhood plan policy or development proposal provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy;*
- *the rationale for the approach taken in the draft neighbourhood plan or Order and the evidence to justify that approach.”<sup>41</sup>*

My approach to the examination of the Neighbourhood Plan Policies has been in accordance with this guidance.

67. Consideration as to whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the Development Plan for the area of the authority (or any part of that area) has been addressed through examination of the plan as a whole and each of the plan policies below. This consideration has been informed by Section 4 of the Basic Conditions Statement which includes, at paragraph 4.2, Table 3 a comment on the conformity of the Neighbourhood Plan policies with relevant policies of the South Worcestershire Development Plan. Subject to the modifications I have recommended I have concluded the Neighbourhood Plan is in general conformity with the strategic policies contained in the Development Plan.

## **The Neighbourhood Plan Policies**

68. The Neighbourhood Plan includes 14 policies as follows:

- Policy H1 Site at the rear of Harvard Avenue behind Badham’s Garage
- Policy H2 Housing Mix
- Policy H3 House types to meet the needs of the community
- Policy H4 General design principles

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<sup>41</sup> Planning Practice Guidance Paragraph 074 ID ref: 41-074 20140306 Revision 06 03 2014

Policy H5 Design policy for new builds  
Policy H6 Housing design policy - extensions  
Policy H7 Local Green Space  
Policy H8 Protecting the landscape  
Policy H9 Trees and hedges  
Policy H10 Protection of the best and most versatile agricultural land  
Policy H11 Flood prevention and water management  
Policy H12 Community facilities  
Policy H13 Footpaths cycle paths and bridleways  
Policy H14 Retention and redevelopment of existing employment sites

69. Paragraph 29 of the Framework states *“Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies”*. Footnote 16 of the Framework states *“Neighbourhood plans must be in general conformity with the strategic policies contained in any development plan that covers their area.”*
70. Paragraph 15 of the Framework states *“The planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings.”*
71. Paragraph 16 of the Framework states *“Plans should: a) be prepared with the objective of contributing to the achievement of sustainable development; b) be prepared positively, in a way that is aspirational but deliverable; c) be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees; d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals; e) be accessible through the use of digital tools to assist public involvement and policy presentation; and f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).*

72. The Guidance states “A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.”<sup>42</sup>
73. “While there are prescribed documents that must be submitted with a neighbourhood plan ... there is no ‘tick box’ list of evidence required for neighbourhood planning. Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan”.<sup>43</sup>
74. A neighbourhood plan should contain policies for the development and use of land. “This is because, if successful at examination and referendum (or where the neighbourhood plan is updated by way of making a material modification to the plan and completes the relevant process), the neighbourhood plan becomes part of the statutory development plan. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise (See section 38(6) of the Planning and Compulsory Purchase Act 2004).”<sup>44</sup>
75. “Neighbourhood plans are not obliged to contain policies addressing all types of development. However, where they do contain policies relevant to housing supply, these policies should take account of latest and up-to-date evidence of housing need.”<sup>45</sup> “A neighbourhood plan can allocate sites for development, including housing. A qualifying body should carry out an appraisal of options and an assessment of individual sites against clearly identified criteria. Guidance on assessing sites and on viability is available.”<sup>46</sup>
76. If to any extent, a policy set out in the Neighbourhood Plan conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy. Given that policies have this status, and if the Neighbourhood Plan is ‘made’ they will be utilised in the

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<sup>42</sup> Planning Practice Guidance Paragraph 041 Reference ID: 41-041-20140306 Revision 06 03 2014

<sup>43</sup> Planning Practice Guidance Paragraph 040 Reference ID: 41-040-20160211 Revision 11 02 2016

<sup>44</sup> Planning Practice Guidance Paragraph 004 Reference ID: 41-004-20190509 Revision 09 05 2019

<sup>45</sup> Planning Practice Guidance Paragraph 040 Reference ID 41-040-20160211 Revision 11 02 2016

<sup>46</sup> Planning Practice Guidance Paragraph 042 Reference ID 41-042-20170728 Revision 28 07 2017

determination of planning applications and appeals, I have examined each policy individually in turn. I have considered any inter-relationships between policies where these are relevant to my remit. I have considered the issue of meeting housing needs initially as this issue is relevant to more than one policy of the Neighbourhood Plan.

### **Meeting Housing Needs**

77. The Guidance states *“The National Planning Policy Framework expects most strategic policy-making authorities to set housing requirement figures for designated neighbourhood areas as part of their strategic policies. While there is no set method for doing this, the general policy making process already undertaken by local authorities can continue to be used to direct development requirements and balance needs and protections by taking into consideration relevant policies such as the spatial strategy, evidence such as the Housing and economic land availability assessment, and the characteristics of the neighbourhood area, including its population and role in providing services. In setting requirements for housing in designated neighbourhood areas, plan-making authorities should consider the areas or assets of particular importance (as set out in paragraph 11, footnote 6), which may restrict the scale, type or distribution of development in a neighbourhood plan area.”*<sup>47</sup>

78. *“Neighbourhood plans are not obliged to contain policies addressing all types of development. However, where they do contain policies relevant to housing supply, these policies should take account of latest and up-to-date evidence of housing need. In particular, where a qualifying body is attempting to identify and meet housing need, a local planning authority should share relevant evidence on housing need gathered to support its own plan-making.”*<sup>48</sup>

79. *“Where neighbourhood planning bodies have decided to make provision for housing in their plan, the housing requirement figure and its origin are expected to be set out in the neighbourhood plan as a basis for their housing policies and any allocations that they wish to make. Neighbourhood planning bodies are encouraged to plan to meet their housing requirement, and where possible to exceed it. A sustainable choice of sites to accommodate housing will provide flexibility if circumstances change, and allows plans to remain up to*

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<sup>47</sup>Planning Practice Guidance Paragraph: 101 Reference ID: 41-101-20190509 Revision date: 09 05 2019

<sup>48</sup> Planning Practice Guidance Paragraph: 040 Reference ID: 41-040-20160211 Revision date: 11 02 2016

*date over a longer time scale. Where neighbourhood planning bodies intend to exceed their housing requirement figure, proactive engagement with their local planning authority can help to assess whether the scale of additional housing numbers is considered to be in general conformity with the strategic policies. For example, whether the scale of proposed increase has a detrimental impact on the strategic spatial strategy, or whether sufficient infrastructure is proposed to support the scale of development and whether it has a realistic prospect of being delivered in accordance with development plan policies on viability. Any neighbourhood plan policies on the size or type of housing required will need to be informed by the evidence prepared to support relevant strategic policies, supplemented where necessary by locally-produced information.”<sup>49</sup>*

80. *“The scope of neighbourhood plans is up to the neighbourhood planning body. Where strategic policies set out a housing requirement figure for a designated neighbourhood area, the neighbourhood planning body does not have to make specific provision for housing, or seek to allocate sites to accommodate the requirement (which may have already been done through the strategic policies or through non-strategic policies produced by the local planning authority). The strategic policies will, however, have established the scale of housing expected to take place in the neighbourhood area. Housing requirement figures for neighbourhood plan areas are not binding as neighbourhood planning groups are not required to plan for housing. However, there is an expectation that housing requirement figures will be set in strategic policies, or an indicative figure provided on request. Where the figure is set in strategic policies, this figure will not need retesting at examination of the neighbourhood plan. Where it is set as an indicative figure, it will need to be tested at examination.”<sup>50</sup>*

81. *“Where an indicative housing requirement figure is requested by a neighbourhood planning body, the local planning authority can follow a similar process to that for providing a housing requirement figure. They can use the authority’s local housing need as a starting point, taking into consideration relevant policies such as an existing or emerging spatial strategy, alongside the characteristics of the neighbourhood plan area. Proactive engagement with neighbourhood plan-making bodies is important as part of this process, in order for them to understand how the figures are reached. This is important to avoid*

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<sup>49</sup> Planning Practice Guidance Paragraph: 103 Reference ID: 41-103-20190509 Revision date: 09 05 2019

<sup>50</sup> Planning Practice Guidance Paragraph: 104 Reference ID: 41-104-20190509 Revision date: 09 05 2019



*disagreements at neighbourhood plan or local plan examinations, and minimise the risk of neighbourhood plan figures being superseded when new strategic policies are adopted”.*<sup>51</sup>

82. *“Where strategic policies do not already set out a requirement figure, the National Planning Policy Framework expects an indicative figure to be provided to neighbourhood planning bodies on request. However, if a local planning authority is unable to do this, then the neighbourhood planning body may exceptionally need to determine a housing requirement figure themselves, taking account of relevant policies, the existing and emerging spatial strategy, and characteristics of the neighbourhood area. The neighbourhood planning toolkit on housing needs assessment may be used for this purpose. Neighbourhood planning bodies will need to work proactively with the local planning authority through this process, and the figure will need to be tested at examination of the neighbourhood plan, as neighbourhood plans must be in general conformity with strategic policies of the development plan to meet the basic conditions.”*<sup>52</sup>

83. *“If a local planning authority is also intending to allocate sites in the same neighbourhood area the local planning authority should avoid duplicating planning processes that will apply to the neighbourhood area. It should work constructively with a qualifying body to enable a neighbourhood plan to make timely progress. A local planning authority should share evidence with those preparing the neighbourhood plan, in order for example, that every effort can be made to meet identified local need through the neighbourhood planning process.”*<sup>53</sup>

84. *“Although a draft neighbourhood plan or Order is not tested against the policies in an emerging local plan the reasoning and evidence informing the local plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested. For example, up-to-date housing need evidence is relevant to the question of whether a housing supply policy in a neighbourhood plan or Order contributes to the achievement of sustainable development. Where a neighbourhood plan is brought forward before an up-to-date local plan is in place the qualifying body*

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<sup>51</sup> Planning Practice Guidance Paragraph: 102 Reference ID: 41-102-20190509 Revision date: 09 05 2019

<sup>52</sup> Planning Practice Guidance Paragraph: 105 Reference ID: 41-105-20190509 Revision date: 09 05 2019

<sup>53</sup> Planning Practice Guidance Paragraph: 043 Reference ID: 41-043-20140306 Revision date: 06 03 2014

*and the local planning authority should discuss and aim to agree the relationship between policies in:*

- the emerging neighbourhood plan*
- the emerging local plan (or spatial development strategy)*
- the adopted development plan*

*with appropriate regard to national policy and guidance.*

*The local planning authority should take a proactive and positive approach, working collaboratively with a qualifying body particularly sharing evidence and seeking to resolve any issues to ensure the draft neighbourhood plan has the greatest chance of success at independent examination. The local planning authority should work with the qualifying body so that complementary neighbourhood and local plan policies are produced. It is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging local plan, including housing supply policies. This is because section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan. Strategic policies should set out a housing requirement figure for designated neighbourhood areas from their overall housing requirement (paragraph 65 of the revised National Planning Policy Framework). Where this is not possible the local planning authority should provide an indicative figure, if requested to do so by the neighbourhood planning body, which will need to be tested at the neighbourhood plan examination. Neighbourhood plans should consider providing indicative delivery timetables, and allocating reserve sites to ensure that emerging evidence of housing need is addressed. This can help minimise potential conflicts and ensure that policies in the neighbourhood plan are not overridden by a new local plan.”<sup>54</sup>*

85. *“A neighbourhood plan can allocate additional sites to those identified in an adopted plan so long as the neighbourhood plan meets the basic conditions.”<sup>55</sup> and “A neighbourhood plan can allocate additional sites to those in a local plan (or spatial development strategy) where this is supported by evidence to demonstrate need above that identified in the local plan or spatial development strategy. Neighbourhood plans should not re-allocate sites that are already allocated through these strategic plans. A neighbourhood plan can also propose allocating alternative sites to those in a local plan (or spatial development*

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<sup>54</sup> Planning Practice Guidance Paragraph: 009 Reference ID: 41-009-20190509 Revision date: 09 05 2019

<sup>55</sup> Planning Practice Guidance Paragraph: 009 Reference ID: 67-009-20190722 Revision date: 22 07 2019

*strategy), where alternative proposals for inclusion in the neighbourhood plan are not strategic, but a qualifying body should discuss with the local planning authority why it considers the allocations set out in the strategic policies are no longer appropriate. The resulting draft neighbourhood plan must meet the basic conditions if it is to proceed. National planning policy states that it should support the strategic development needs set out in strategic policies for the area, plan positively to support local development and should not promote less development than set out in the strategic policies (see paragraph 13 and paragraph 29 of the National Planning Policy Framework). Nor should it be used to constrain the delivery of a strategic site allocated for development in the local plan or spatial development strategy. Should there be a conflict between a policy in a neighbourhood plan and a policy in a local plan or spatial development strategy, section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan.”<sup>56</sup>*

86. Whilst it is not within my role to test the soundness of the Neighbourhood Plan it is necessary to consider whether the Plan meets the Basic Conditions in so far as it will not promote less development than set out in the strategic policies for the area, or undermine those strategic policies, as required by paragraph 29 of the Framework; and meets the requirements set out in the Guidance. Several policies of the Neighbourhood Plan, in particular Policies H1; H2; and H3 are relevant to housing supply. The South Worcestershire Development Plan through Policy SWDP 2 seeks to establish a development strategy and settlement hierarchy. New housing development is to be focussed on Worcester City and the other urban areas. Housing provision 2006-2030 in Wychavon District (outside the Wider Worcester area) is planned to amount to 10,600 dwellings. Honeybourne is identified as a Category 1 village. Category 1, 2 and 3 villages are stated to have a role predominately aimed at meeting locally identified housing and employment needs and are suited to accommodate market and affordable housing needs alongside limited employment for local needs. The SWDP does not specify a number of houses to be delivered in Honeybourne however Policy SWDP59 Village Hierarchy Allocations includes an allocation reference SWDP59/21 Land between High Street and Weston Road and states

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<sup>56</sup> Planning Practice Guidance Paragraph: 044 Reference ID: 41-044-20190509 Revision date: 09 05 2019



an indicative number of dwellings as 75. The Neighbourhood Plan states this site was built out by 2017.

87. The District Council has not provided a housing target at neighbourhood area level and the Parish Council have not requested an indicative housing requirement figure. The revisions to the Guidance relating to these matters were published in May 2019 when the Neighbourhood Plan was at an advanced stage of preparation.
88. The Neighbourhood Plan Housing Background Paper states at paragraph 8.2 that “*all known and available sites were assessed...*” and paragraph 8.3 explains these included sites identified by the Neighbourhood Planning group in the questionnaire; sites published in the SHLAA 2015; and sites suggested by respondents to the questionnaire or subsequently submitted by landowners and agents. Seven sites were assessed against a range of appropriate factors. The Neighbourhood Plan refers to the views of the local community. The approach to providing for new housing provision in preparing the Neighbourhood Plan does not result in a housing target or housing requirement figure but reflects an assessment of deliverable and developable sites and responds to local circumstances. The Neighbourhood Plan allocates a site for residential development of approximately 50 homes. Whilst there is no dedicated report setting out the rationale for the housing numbers that the Neighbourhood Plan provides for, there is evidence in both the Neighbourhood Plan and in the Housing Background Paper of consideration of: demographics; local housing needs; the role of the Neighbourhood Area in providing employment and services; past completion rates; existing planning permissions within the Neighbourhood Area; and the broader context of recent and anticipated housing growth in surrounding areas.
89. The Neighbourhood Plan itself places no cap or limit on the number of homes that can be provided within the existing settlement boundary, nor beyond it, but relies on strategic policies to regulate the supply of new homes. It is reasonable to assume there will be further windfall supply during the remainder of the Plan period up to 2030. Allocated, committed, and future windfall housing provision together will significantly boost the supply of homes in the Neighbourhood Plan area. The level of provision within the Neighbourhood Area and the District wide housing supply situation obviates any pressing need for the Neighbourhood Plan to identify reserve sites additional to the housing site allocation. I am satisfied the approach adopted to address housing need in the Neighbourhood Area is appropriate for the

purpose of neighbourhood plan preparation for Honeybourne and provides the necessary justification that those policies that are relevant to housing supply will result in local housing needs being met. The Neighbourhood Plan meets the Basic Conditions in so far as it will not promote less development than set out in the strategic policies for the area, or undermine those strategic policies.

### **Policy H1 Site at the rear of Harvard Avenue behind Badham's Garage**

90. This policy seeks to allocate, subject to stated criteria, a 3.3-hectare site to the rear of Harvard Avenue behind Badham's Garage for residential development of approximately 50 homes.
91. In a representation the District Council state *"with regard to criterion a), is phasing realistic or required given housebuilders could build out 50 units inside that time? Also, there is concern over criterion j) requirement for 50% of the market homes to be made available to those with a strong local connection for at least 12 months before being released to the wider market. Is this viable? It could result in delays to the progression of the site whilst the developer waits for such sales to fund remainder of development? Reasoned Justification Paragraph 4 requires the applicant to submit a Local Marketing Plan; should this not form part of the policy to be effective?"*
92. The Environment Agency note, on the basis of their flood map for planning, the allocation made by Policy H1 is located within Flood Zone 1 which is defined as presenting low risk.
93. Rosconn Strategic Land state *"As the promoter of the allocated site at land to the rear of Harvard Avenue, we maintain our general support for this proposal, but remain concerned with matters highlighted in our response to the Regulation 14 draft NDP in respect of Scale, Phasing and Local Connection."*
94. *"In respect of scale, whilst we note clarification in the Consultation Statement (July 2019) that reference to the capacity of the site at 50 dwellings is "indicative", we have completed detailed technical work (i.e. transport, ecology, noise, landscape and drainage studies) to help inform an indicative layout for the scheme which meets the various policy and technical requirements, as detailed within the adopted SWDP and the emerging NDP, including matters such as Green Infrastructure, housing mix and noise mitigation. This clearly indicates that the site is capable of delivering approximately 60 dwellings on a*

*site of 3.3 hectares which would be well below 30 dwellings per hectare. At such a low density, we do not consider the site's enclosure by the adjacent railway line to its northern boundary warrants any further reduction in capacity due to its rural location as views from outside the site are screened by the railway embankment and associated mature vegetation. Indeed, the recent development to the north at Hawthorn Close and Sycamore Drive do not appear to have been similarly restricted to the edge of the settlement where also bound by the railway line. As such, to reflect the guidance within the NPPF (Section 11) and Policy SWDP13 of making the most effective use of land, we therefore request that the capacity of the site is amended to "approximately 60 dwellings".*

95. *"In terms of Phasing, as detailed at part (a) of Policy H1, we previously raised concerns in preventing the commencement of development on the allocated site prior to 2024, on the basis this was not supported by the available evidence. The allocation of the land to the rear of Harvard Avenue is confirmed at paragraph 6.10 of the Draft NDP as being necessary to address the identified local housing need during the Plan period. In the Steering Group's response within the Consultation Statement to our previous response on this matter, it is confirmed that there are 50 households in need of housing either immediately or within the next 5 years".*
96. *"It appears that the principal reason for wanting to phase development, as detailed at paragraph 6.11, is due to the scale of recent development within the village, but there is no evidence that indicates local infrastructure is unable to accommodate such growth and this does not appear to be an issue from the detailed studies we have undertaken in consultation with various statutory bodies. Neither has there been any indication or evidence that recent growth has caused any issues in respect of community cohesion – indeed, growth has helped facilitate improved local services such as the new convenience store and a general improvement in the patronage of local services and facilities".*
97. *"Furthermore, development at the allocated site will need to ensure that where there is any shortfall in capacity in physical or social infrastructure, financial contributions will be required to address this where necessary. A further reason provided by the Steering Group for delaying the delivery of housing at the allocated site is that there are already extant permissions for a further 36 dwellings in the village that will help meet any immediate needs. In our previous response, we demonstrated that the extant permissions were unlikely to make any*

*meaningful or genuine contribution towards meeting local identified housing needs. Whilst the list of extant permissions has been updated to reflect those which had expired or were otherwise now unlikely to be implemented, our principal concerns remain. Of the 36 dwellings, only 4 would be affordable and therefore capable of meeting local needs to those who qualify. There is no guarantee that the remaining dwellings, if built, will be either affordable or accessible to those in local need on the basis they have or will be sold on the open market. As an example, Zoopla indicates that the average price paid for a dwelling in Honeybourne is £343,412. The development at the former Fancutts Garage is currently being marketed as a luxury development with the 2 bed properties priced at £300,000, and the 4 bed dwellings being £585,000 and £595,000 respectively. The luxury house being built at Blenheim Farm in open countryside some distance from the village, permitted as an exception under PPS7 (now NPPF 79), will also not be available to local people. This demonstrates that those with a local connection to the village and in genuine need of suitable and affordable homes within their community are unlikely to be able to access the type of housing that has been permitted to date. The fact Policy H1 is requiring that 50% of the open market housing on the allocated site is made available to people with a local connection, alongside 40% affordable, further suggests that local people are struggling to access housing on the open market”.*

98. *“A further point raised previously was that, notwithstanding the above comments, the process of securing planning permission and its implementation is in itself a sufficient mechanism to ensure the development is suitably phased and as such, it is wholly unnecessary to impose phasing within Policy H1. Allowing for the completion of the NDP process, the submission and approval of both Outline and Reserved Matters applications, subsequent discharge of pre-commencement conditions and then the construction phase, dwellings at the allocated site would clearly not be immediately available. The Steering Group’s response to this point is that the timings we indicated were considered unrealistic and that larger schemes in the village took 3 years or less to complete. To clarify, the timings we indicated were not solely related to the period between commencement and completion, but included the stages associated with securing an implementable planning permission to enable development to commence, which is well documented as being time-consuming in itself. To demonstrate this point, the allocated site for 75 dwellings at Fair Acres, referred to at paragraph 3.7 of the NDP, confirms the site was commenced in 2014 and was built out by 2017. This however*

*excludes the time taken to secure outline permission (submitted May 2012) and subsequent Reserved Matters approval (approved August 2013). Overall, Fair Acres therefore took in excess of 5 years, so our estimate of 2 years for first occupation and 4 years to completion for 50-60 dwellings on the allocated site is considered to be entirely realistic”.*

99. *“In terms of Local Connection as detailed at part (j) of Policy H1, our principal concern was one of viability, a point also raised by Wychavon District Council who commented that this requirement was supported by limited evidence, is overly restrictive and may cause issues for developers being able to finance the development. It is considered that the Steering Group’s response to these concerns has failed to adequately justify this approach other than to state that a similar approach has worked in another authority, failing to acknowledge the fact that this other authority is in a far more affluent area with higher land values and house prices. This is not sufficient to demonstrate that such an approach is justified in this case without clear evidence on the implications for development viability. As highlighted in our previous representations at Regulation 14, the evidence that is available on viability relating to the area indicates that a requirement for 40% affordable housing in Wychavon should be considered as a headline target as in viability terms, this was ambitious and would require an element of site-specific negotiation. This viability evidence, prepared on behalf of the SW Authorities, may have taken into account other S106/CIL costs, but made no provision for the additional requirement of restricting the sale of open market dwellings as is proposed here. The Steering Group have now provided confirmation in the Consultation Statement that there is no intention to deviate from the SWDP requirement to provide 40% affordable housing, so again we would ask for viability evidence to be produced to justify this approach”.*

100. *“As previously stated, Rosconn Strategic Land do not oppose the principle of some of the open market dwellings being made available in the first instance to those with a local connection to the village. RSL do however have concerns regarding the requirement for such open market dwellings being restricted in this way in perpetuity. The Reasoned Justification to Policy H1 states at (3) that a legal agreement will be required to ensure properties requiring this local connection continue to be marketed for an initial period of at least 12 weeks in perpetuity (our emphasis). However, there is some uncertainty about the requirement for the subsequent disposal of such*



*properties, in that the Steering Group's response to Wychavon DC's concerns on the matter states that the criterion is to ensure "that the scheme is open in the first instance to those with a local connection". Assuming that the intention of the policy is that the 50% open market dwellings with a local connection clause will need to be marketed in the same way for any future subsequent sales in perpetuity, we wish to maintain our objection. We understand that a similar requirement restricting a proportion of dwellings permitted at Meon Vale in neighbouring Stratford on Avon District, relating to the marketing and disposal of Worker Dwellings in perpetuity, has subsequently been relaxed through an amendment to the Section 106 Agreement on the basis that the Council accepted prospective purchasers were unable to obtain a mortgage. There are also other potentially unintended consequences of imposing a restriction on the future sale of a property, such as where an occupier is experiencing financial hardship, meaning that they need to sell their house quickly which would be severely hampered in this situation".*

101. *"Summary of Modifications sought by RSL to Policy H1:*
- *Amend the policy to read "Residential development of approximately 60 dwellings will be supported....";*
  - *Delete part (a) to remove any restriction on the delivery of the site;*
  - *Amend part (j) to read "20% of the market homes should be made available in the first instance to those with a strong local connection by means of a legal agreement for an initial sales period of at least 12 weeks"; and*
  - *Associated amendments to the 'Reasoned Justifications' to reflect the above changes in terms of (1) phasing of development and (3) to delete the requirement for houses being marketed to those with a local connection in perpetuity."*
102. A representation by Molyneux Rose LLP states, with supporting reasons, that the land rear of Badham's Garage is not the best site for a future housing allocation. The representation states two linked sites comprising the land off Bretforton Road, and secondly the land off Bretforton Road and behind Corner Farm (and Green close) are more suitable for housing for four stated reasons. In commenting on this representation, the Parish Council state that *"all the points raised within this representation are addressed within the submitted Consultation Statement, see responses to comments 4.01-4.15 throughout the document."*

103. A substantial representation on behalf of All Things Wild Ltd concludes *“On the basis of the above, we believe that there are strong grounds for the allocation of site ATW001 as a housing development site through the Neighbourhood Plan process ahead of any other site allocation. Whilst we have no objection to both sites being added, if only one site is preferred, then this should be the ATW001 site which is sequentially preferable, easily accessible, partially brownfield land and will be vacant within the Plan period”*.

104. When commenting on the representations of other parties the Parish Council state: *“The policy refers to the fact that a two-year build period would be supported. A two-year build period is realistic and takes into account when developers first commence on site through to completion. This timeframe has been based on completions data from Wychavon's Five-Year Land Supply Report 2018 containing completions data from 2006-2018 and includes analysis of the 3 larger sites that have been built out in Honeybourne since 2012. The policy does not limit phasing to 2 years but states that it will be supported i.e. it is preferable to allow new households to successfully integrate into the community and for local services, facilities and infrastructure to be able to accommodate the growth.”*

*“The District Council incorrectly refer to a marketing period of 12 months at criterion j) in their representation. The policy in fact requires it to be marketed to those with a local connection for a period of least 12 weeks, see paragraph 3 of the Reasoned Justification of policy H1 in the submitted Plan. This is considered to be an appropriate length of time and would not be prohibitive to developing the rest of the site as in most instances this 12-week marketing period can be undertaken prior to commencement and certainly well before completion of the site. This is not an arbitrary length of time but is based on evidence from other developments in the neighbouring planning authority, Stratford on Avon. This is further explained within the Consultation Report under comment 14.05 on page 57-58.”*

*“The Parish Council support the District Council’s suggestion for the requirement of a Marketing Plan to be added to the policy within criterion j). Details of what a Marketing Plan should contain can be left in the Reasoned Justification”*

*“It is not considered appropriate to increase the indicative number of dwellings on the scheme. The indicative number of 50 dwellings is considered accurate as it reflects the need to deliver on-site green*

*infrastructure, acoustic buffering for the railway line, SuDS, an easement and suitably reflects its edge of settlement location.”*

*“The proposed figure is based on 50% of the site being developable after the on-site requirements have been dealt with, and assumes 30 dwellings per hectare which is appropriate for a rural location. A higher density would create a hard urban edge to this edge of settlement development.”*

*“The figure within the policy is indicative and any scheme would be required to deliver a range of smaller homes which potentially have a smaller land take, but also a number of bungalows which have a greater land take, as well as a mix of family homes. Taking the mix into account it is considered that 50 dwellings is an appropriate number for development.”*

*“With regard to the phasing in criteria a) the village has seen a significant level of growth since 2011 and has grown by 28%. There is no immediate need to build homes as there are still a number of extant permissions in the parish and a relatively high turnover of properties on the open market.”*

*“The representation refers to the cost of some homes in the parish, although these are considered to be selective and do not reflect the range of approved development in the parish or range of properties that have been available on the market. Information on the market is provided within section 7 of the submitted Housing Background Paper. For further detailed and robust justification for why the delivery of the scheme should not commence until 2024 see responses to comments 14.03 and 14.04 in the Consultation Statement and pages 19 to 22 in the submitted Plan.”*

*“The representation requests that the percentage of market homes to be marketed to those with a local connection in the first instance for a period of 12 weeks should be reduced to 20% as it may affect viability.”*

*“Assuming there are 50 dwellings delivered on the site and that 40% are affordable, the number of market homes to be marketed to those with a local connection in the first instance is just 15 dwellings using the policy’s proposed criteria of 50%. This is not a significant number given the size of the parish. If the criteria were to be reduced to 20% this would only provide 6 market dwellings for those with a local connection, this is considered to be too few given the size of the*



*settlement and the local interest from residents wishing to move and stay within the parish as identified in the residents' survey."*

*"Offering market dwellings to those with a local connection in the first instance for 12 weeks is not considered to affect viability. Most new housing developments sell off plan prior to commencement and certainly well before completion of a scheme; therefore the 12-week marketing period can be undertaken at this stage and the Plan offers flexibility in that where there isn't sufficient interest the homes can then be sold on the open market."*

*"It is extremely important that the Plan reflects local evidence and provides homes for locals as identified in the residents' survey. The suggestion to remove the words "in perpetuity" from the policy would result in the Plan failing to achieve its aims and deliver homes specifically for locals. Removing this requirement could result in homes being sold on to those outside the parish within a very short time period."*

*"Any legal agreement drafted in association with these homes would need to be drafted to take account of financial hardship and such matters. As referenced in the submitted Plan and the Consultation Statement advice can be sought from the neighbouring authority of Stratford on Avon District Council who has delivered successful schemes at Great Alne and Harbury."*

*"We would like to reiterate that the scale of the All Things Wild site being promoted by Delta Planning for residential development in Representation 8 would dramatically alter the form of the settlement of Honeybourne. There is no identified need for this level of housing in Honeybourne within the Plan period nor is there community support. The representation refers to the SWDP Review, stating that there is a requirement to provide an additional 14,000 dwellings across South Worcestershire until 2041. The recently published SWDP Review has not proposed any further allocations in Honeybourne and has developed a comprehensive strategy to deliver these housing numbers elsewhere within South Worcestershire."*

*"The gifting of land for the provision of a school is not required. Although recent capacity numbers and projections published in 2018 confirm that the school does need to grow liaison with the school and the County Council has provided clarity that the school will expand on its existing site and plans for delivering this are well underway. This is explained in both the submitted Consultation Statement (responses to*

reps 17.01, 20.12, 32.11, 35.12 and 12.01) and within the submitted Plan at paragraphs 4.16 and 6.66 to 6.69.”

*“The promoter of the All Things Wild Site is considered to place too much emphasis on relatively small brownfield element of the site, as this only represents a small proportion of the site they would like to see changed to residential use. There is one dwelling and the extended café/visitor centre that can be classified as brownfield land. The remaining structures on the site are agricultural buildings (See Planning History page 46 of the submitted Housing Background Paper); the remainder of the land used for keeping animals is also in agricultural use, therefore the majority of the site is greenfield land, retaining a “largely rural character” as recognised on page 16 of their submission. Therefore, their justification for locating development on this site because it is “partially brownfield” over the identified site in policy H1 is flawed as a significant amount of greenfield land would be lost should their intentions be realised.”*

*“With regard to highways comments about the allocated site (taken from page 31/32 of the submitted Housing Background Paper), these were the comments made in the SWDP assessment of the site in 2014, not by the NDP Steering Group. The County Council Highway Authority have been consulted on the Neighbourhood Plan at both the Regulation 14 and 16 Consultation stages and have raised no objections or issues with the allocated site or its access. Studies undertaken by the promoter of the allocated site have demonstrated that there are no insurmountable issues (see rep 14.01 in the submitted Consultation Statement).”*

105. The Evidence Base Housing Background Paper describes in detail the site assessment and selection process followed, which was proportionate and appropriate to the scale of settlement. The method has included consideration of site availability, site suitability, and whether development is achievable. A wide range of sites was considered, and public consultation has been integral to the process. In terms of delivery the promoter of the allocated site has confirmed availability subject to normal pre-commencement processes.

106. The Guidance states *“A neighbourhood plan can allocate sites for development, including housing. A qualifying body should carry out an appraisal of options and an assessment of individual sites against clearly identified criteria. Guidance on assessing sites and on viability*

*is available.*<sup>57</sup> The explanation that follows Policy H1 briefly sets out the method of residential development site assessment and the selection criteria used. This explanation is supported by the site assessment information, including the completed Housing Site Assessment forms, presented commencing on page 29 of the Housing Background Paper. It is evident an appropriate range of factors has been considered in the site selection process including: site area and current use; planning policy considerations; site specific considerations; availability; development potential; and suitability. I have seen nothing to suggest the residential allocation in the Neighbourhood Plan does not have the potential to be viable. The views of the community have been an important consideration in the site selection process. Such an approach is not inconsistent with meeting the Basic Conditions. I am satisfied the method of site selection and assessment deployed is appropriate to preparation of the Neighbourhood Plan and provides sufficient evidence to support the residential allocation of the Neighbourhood Plan.

107. Policy H1 supports residential development of approximately 50 homes on the allocated site. A representation states the site is capable of accommodating approximately 60 homes. In response to my request for clarification regarding existing evidence that supports the assumption that 50% of the site will be developable after on-site requirements have been met the Parish Council stated *“SWDP5 in the adopted Local Plan has a requirement that greenfield sites that exceed 1 hectare should provide 40% of the site as Green Infrastructure; the site is 3.3 hectares. Immediately this reduces the developable area to 1.98 hectares. It is anticipated that SuDS and a buffer for the railway line could be accounted for within this GI. However, there is still a need for road infrastructure through the site, therefore the developable area has been estimated to be reduced by a further 10% to 50% of the site area. The proposed developable area is 1.65 hectares with a proposed density appropriate for an edge of rural settlement location of 30 dwellings per hectare, again complying with the requirements of the adopted Local Plan policy SWDP13 part Eiii. This rationale is explained in the Neighbourhood Plan’s response to comment 11.06 in the Consultation Report (page 50), and is also readdressed at comment 14.02 on page 52.”*

108. A significant factor in determining the actual eventual capacity of the site will be the percentage of the site dedicated to multifunctional

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<sup>57</sup> Planning Practice Guidance Paragraph: 2 Reference ID: 41-042-20170728 Revision date: 28 07 2017

Green Infrastructure. The requirement of Policy H1 is that this should amount to 40% of the site area which reflects the requirement set out in Strategic Policy SWDP5. The deliverability of the site has not been tested with that scale of obligation. In this respect Policy H1 is not in general conformity with the strategic policy which states Green Infrastructure requirements are subject to financial viability. I have recommended a modification in this respect so that the policy is in general conformity with strategic policy.

109. The case supporting the indicative capacity of 50 homes included in Policy H1 is limited to statement of factors that have been taken into consideration when estimating the likely capacity of the site. It will only be with the preparation and determination of a detailed development scheme for the site that the assumptions made will be tested and the actual capacity of the site will be known. Paragraph 59 of the Framework refers to the Government objective of significantly boosting the supply of homes and paragraph 123 of the Framework states *“plans should contain policies to optimise the use of land in their area and meet as much of the identified need for housing as possible”*. I am not satisfied the indicative capacity of 50 homes has been sufficiently justified. There is a possibility that a scheme that represents sustainable development could be prevented. I have recommended a modification of how the indicative capacity of the site is expressed so that the policy has regard for national policy.

110. Part a) of Policy H1 requires the delivery of the allocated housing site to take place midway within the Plan period and not commence before 2024. Paragraph 73 of the Framework requires strategic policies to include a trajectory illustrating the expected rate of housing delivery and states *“all plans should consider whether it is appropriate to set out the anticipated rate of development for specific sites”*. Policy H1 includes a restriction that development of the allocated site should not commence before 2024. This is a requirement not an anticipation. The Neighbourhood Plan seeks to justify delayed commencement with reference to a range of factors including the ability of the District Council to demonstrate a housing land supply well in excess of the requirement, and the scale of recent development and unimplemented permissions within the neighbourhood area. In commenting on the representations of other parties the Parish Council refer to other considerations including lack of need; relatively high turnover of properties; and statements included in the Consultation Statement. It is stated commencement not before 2024 *“will enable the existing services, village facilities and*

*infrastructure to cope better with this further significant growth and assist in encouraging successful community cohesion.*” There may be particular quantifiable and verifiable circumstances where delay of commencement of development would be justified, for example where essential infrastructure such as flood defences must first be in place. The terms “*cope better*” and “*successful community cohesion*” are neither quantifiable nor verifiable. Local need for housing has been identified. The evidence relating to housing supply and demand does not justify the placing of a restriction on commencement of development of the site allocation. Delay of commencement of development to not before 2024 has not been sufficiently justified. I have recommended a modification of Policy H1 in this respect.

111. Part a) of Policy H1 states “*phasing over a two-year period will be supported*”. The build-out rate of a development site is affected by a very wide range of considerations including national and local housing market factors and matters specific to the builders and their competitors. Support for phasing over a two-year period has not been sufficiently justified to be included in the policy. There is no automatic or definite direct relationship between planning permissions granted and completion of dwellings. There is no clear mechanism to implement the phasing and therefore it could not be used to shape and direct development and, on this basis, it fails to meet the Basic Conditions. I have recommended the reference to phasing over a two-year period is deleted from the policy and transferred to become one of the Parish Aspirations set out in Section 7 of the Neighbourhood Plan.

112. Part j) of Policy H1 states “*50% of the market homes should be made available to those with a strong local connection by means of a legal agreement for an initial sales period of at least 12 weeks.*” Strategic Policy SWDP15 sets out requirements for affordable housing needs to be met. In accordance with that policy 40% of the units on the allocation site should be affordable and provided on site. Policy H2 seeks to establish that with regard to affordable homes priority should be given to people with a local connection to the parish. Annex 2: Glossary of the Framework sets out a definition of affordable homes including four types of affordable housing namely: affordable housing for rent; starter homes; discounted market sales housing; and other affordable routes to home ownership. Part J of Policy H1 does not seek to introduce any additional affordable housing requirement but seeks to introduce a requirement that half of the market homes should be made available to persons with a strong local connection (defined



in Appendix 2 of the Neighbourhood Plan) for an initial sales period of at least 12 weeks. The reasoned justification below the policy seeks to introduce additional elements of policy with respect to “*in perpetuity*” and a “*local marketing plan*” which it must not. All aspects of policy can only be introduced in the text of the policy itself. Paragraph 34 of the Framework states “*Plans should set out the contributions expected from development*” and “*Such policies should not undermine the deliverability of the Plan.*” Paragraph 31 of the Framework states “*The preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focussed tightly on supporting and justifying the policies concerned, and take into account relevant market signals.*” The requirements relating to market homes have not been sufficiently justified. I have recommended a modification so that Part J of the policy is deleted. This will necessitate deletion of related parts of the reasoned justification. I have recommended a modification in these respects so that the policy has regard for national policy and is in general conformity with strategic policy.

113. Representations propose alternative sites to the one allocated in Policy H1 as being preferable. I am satisfied the site selection process adopted in plan preparation has been appropriate. The merits or otherwise of housing development on additional or alternative land is not a matter for my consideration. I have earlier in my report explained my role is to assess whether or not the submitted Neighbourhood Plan meets the Basic Conditions and other requirements I have identified. It is not within my role to consider whether some alternative plan would offer a more sustainable or better option. It would be beyond my role to recommend modification of the Neighbourhood Plan where this is not necessary to meet the Basic Conditions or other requirements that I have identified.

114. Part b) of Policy H1 requires provision of an attenuation pond. Such a solution may not prove to be the most efficient or cost effective/viable solution to flooding issues and has not been sufficiently justified and is not in general conformity with strategic policy which recognises a range of alternative sustainable drainage solutions may be possible. I have recommended a modification in this respect so that the policy has regard for national policy and is in general conformity with strategic policy.

115. The policy includes the term “*shown on the map*”. The text box of the policy includes an aerial/satellite photograph and the Policy Map



in Appendix 4 of the Neighbourhood Plan both show the location of the site allocation but neither allows the site boundaries to be accurately identified. The map included in Appendix 1 of the Neighbourhood Plan, is presented at a scale that enables the site boundaries to be accurately identified. I have recommended a modification so that the policy refers to that map. The term “*having regard to*” does not provide a basis for the determination of planning proposals. I have recommended modifications in these respects so that the policy “*is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals*” as required by paragraph 16d) of the Framework.

116. As recommended to be modified the policy is in general conformity with the strategic policies included in the South Worcestershire Development Plan (adopted February 2016) applying in the Honeybourne Neighbourhood Area and relevant to the Neighbourhood Plan and serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

117. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the introduction; achieving sustainable development; plan-making; and decision-making sections of the Framework, and the components of the Framework concerned with delivering a sufficient supply of homes; meeting the challenge of climate change and flooding; and conserving and enhancing the natural environment the policy is appropriate to be included in a ‘made’ neighbourhood plan. The Policy demonstrates regard for the Guidance which states an allocation policy should set out “*any appropriate design principles that the community wishes to establish.*”<sup>58</sup> Having regard to the Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

### **Recommended modification 1: In Policy H1**

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<sup>58</sup> Planning Policy Guidance *Paragraph: 098 Reference ID: 41-098-20180913 Revision date: 13 09 2018*

- replace the text before part a) with “The 3.3-hectare site to the rear of Harvard Avenue and Badham’s Garage identified on the map presented in Appendix 1, is allocated for housing development comprising at least 50 homes, subject to the following development principles:
- delete part a), and include reference to “phasing over a two-year period will be supported” in Section 7 of the Neighbourhood Plan
- in part b) after “pond” insert “or suitable alternative”
- commence part i) with “Subject to financial viability”
- delete part j) and modify the reasoned justification accordingly

**Include, and refer to, a map of the site allocation at sufficient scale to accurately identify the site boundaries**

### **Policy H2 Housing Mix**

118. This policy seeks to establish support for residential development of five or more homes where the mix of housing reflects local needs, and specifies types of homes to be provided. The policy also requires affordable homes in accordance with the up to date Local Plan and specifies priority should be given to people with a local connection to the parish.

119. In a representation the District Council suggest inclusion of “approximately” at beginning of criterion b) and state *“Policy H2 and H3 – as written, both policies support unrestricted residential development subject to the listed criteria, i.e. Policy H2 appears to support residential development of five or more dwellings where the mix of housing reflects the local needs, irrespective of location? Suggest inclusion of “within the defined Development Boundary for Honeybourne or on sites allocated for residential development”.*

120. Rosconn Strategic Land *“We previously maintained that the decision to adjust the South Worcestershire wide guidance on housing mix was unjustified as this already makes provision to achieve a greater level of smaller dwellings to meet local needs, which is common across the relevant authorities and not especially unique to the circumstances in Honeybourne. Furthermore, there is insufficient evidence to support this approach. Greater flexibility within the policy has also been recommended by Wychavon DC as the Local Planning Authority. However, no amendments have been made to the policy as a result and we therefore rely on our previous comments in this*

*respect (copy attached As Appendix 1). It is notable that the Steering Group are aware of the potential implications of seeking an overly restrictive housing mix in viability terms in response to a comment made by a resident, as recorded within the Consultation Statement who was seeking an even greater bias towards 1-and-2-bedroom properties. The Steering Group's response confirmed that "the policy must not be overly restrictive to development coming forward and it needs to be viable". Whilst the proposed housing mix purports to be informed by evidence of local need, has it undertaken an assessment of the implications on viability to justify the approach? Summary of Modifications sought by RSL to Policy H2: Amend the policy to the housing mix specified within the South Worcestershire Market Housing Mix Position Statement (May 2017)."*

121. In a representation Gladman Developments Ltd state "*Policy H2, Housing Mix indicates a preference for smaller dwellings. The NPPF 2019 sets out that housing policies should be underpinned by relevant and up to date evidence which supports and justifies the policies concerned (para 31). The housing needs for different groups should be assessed to justify any policies on the size, type and tenure of housing including affordable housing (paras 61 & 62). However, whilst it is recognised that all households should have access to different types of dwellings to meet their housing needs, when planning for such, the focus should be on ensuring appropriate sites are allocated to meet the needs of specifically identified groups of households rather than setting a specific housing mix on individual sites. The Honeybourne Neighbourhood Plan should ensure that suitable sites are available for a range of development types across a choice of appropriate locations. It is not clear how compliance with the policy should be demonstrated. Policy H2 does not comply with national policy and is not therefore made in accordance with basic condition (a) and should be removed.*"

122. When commenting on the representations of other parties the Parish Council state "*The District Council's suggestion to insert the word approximately before criterion b) is not considered necessary as stated in response to the District Council at the Regulation 14 Consultation (comment 11.07 page 63 of the Consultation report), as it is imprecise and does not aid the decision maker. The District Council highlight that Policy H2 and H3 appear to support unrestricted residential development subject to criteria and suggest adding "within the defined development boundary for Honeybourne or on allocated sites for residential development" after "will be supported". The Parish Council are in agreement with the addition of this statement as it adds*

*clarity to the decision taker and it is not the intention of the policy to permit residential development beyond the development boundary” and “The Plan has had full regard to the NPPF. This policy as stated in the Basic Conditions Report has had regard to paragraph 61 of the NPPF where the size and tenure of housing needed for different groups in the community has been assessed and is reflected in this planning policy. The policy has been developed in accordance with the objectives of achieving sustainable development and through its evidence base has sought to meet the social objective at paragraph 8 of the NPPF “by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations” and “The Neighbourhood Plan has produced robust evidence to justify why a different mix is required in Honeybourne. As set out in the Consultation Statement local evidence is considered sufficient to deviate from the SWDP which is intended to cover the whole of south Worcestershire. There is a local need for accommodation to enable youngsters to get on the property ladder and also to enable older local residents to downsize. 85 percent of those identified as needing or wanting to move out in the next five years were single or couple households. The policy is based not only on those that had housing need but also a review of housing stock in the parish. In addition to this, the most supported types of homes within the parish were smaller homes and bungalows therefore it is considered appropriate to set locally specific standards. The policy offers flexibility by stating that “Development should include the following unless up to date evidence suggests otherwise:” with details of how this can be demonstrated provided in the Reasoned Justification. Therefore, no change is considered necessary to this policy.”*

123. Paragraph 61 of the Framework refers to the need to plan for a mix of housing needed for different groups in the community (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes, and people wishing to commission or build their own homes). Strategic Policy SWDP 14 includes provision for housing mix to be informed by “local data, for example neighbourhood plans”.

124. It is not normally desirable or necessary for one policy to refer to elements of other policies of the Development Plan, as the Development Plan should be read as a whole. However, in this case where both the District and Parish Council consider greater clarity is required, I have recommended a modification. I am satisfied the

housing mix requirements of the policy have been sufficiently justified. The term “30%” could lead to implementation difficulties. 30% of a development of 5 homes would be 1.5 homes. I have recommended insertion of the word “approximately”. Subject to this modification the policy is sufficiently flexible to adapt to rapid change as required by paragraph 11 of the Framework. The first sentence of the policy refers to residential development of five or more homes. Paragraph 63 of the Framework states “*provision of affordable housing should not be sought for residential developments that are not major developments.*” The term “*should include*” is without consequence and does not provide a basis for the determination of planning proposals. I have recommended a modification in these respects so that the policy has regard for national policy and so that the policy “*is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals*” as required by paragraph 16d) of the Framework.

125. As recommended to be modified the policy is in general conformity with the strategic policies included in the South Worcestershire Development Plan (adopted February 2016) applying in the Honeybourne Neighbourhood Area and relevant to the Neighbourhood Plan and serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

126. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the introduction; achieving sustainable development; plan-making; and decision-making sections of the Framework, and the components of the Framework concerned with delivering a sufficient supply of homes, the policy is appropriate to be included in a ‘made’ neighbourhood plan. Having regard to the Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

#### **Recommended modification 2:**

##### **In Policy H2**

- **after “more homes” insert “within the Development Boundary for Honeybourne defined in strategic policies or on sites allocated for residential development”**
- **replace “Development should” with “To be supported development proposals must”**



- commence part b) with “Approximately”
- replace “With regard to” with “Where development proposals include”

### **Policy H3 House types to meet the needs of the community**

127. This policy seeks to establish support for residential development that reflects local needs and where designs are capable of adaptation to meet future needs. The policy states schemes of five or more homes will be expected to include a specified proportion of bungalows to cater for older residents and members of the community with special needs unless specific circumstances apply. Where multiple single storey units are to be provided the policy expresses a preference for maisonettes and states apartments will not be supported.

128. In a representation the District Council state the first sentence in the final paragraph of the policy appears to contradict itself and “*Policy H2 and H3 – as written, both policies support unrestricted residential development subject to the listed criteria, i.e. Policy H2 appears to support residential development of five or more dwellings where the mix of housing reflects the local needs, irrespective of location? Suggest inclusion of “within the defined Development Boundary for Honeybourne or on sites allocated for residential development”.*”

129. Rosconn Strategic Land state “*We previously highlighted in our previous comments that the requirement for 20% of all new dwellings to be bungalows was not justified by the evidence of need for this type of property or took account of recent developments contributing towards this need. We also made refence to the scope to secure bungalows as part of the affordable housing component as the mix and type of properties would be based on those with an identified need at the time an application is made. We also suggested that alternative and suitable provision could be made in the form of ground floor 1- and 2-bedroom accommodation in the form of maisonettes. Furthermore, Wychavon DC have also raised concerns regarding this policy in that the requirement is too high and may impact on development viability and suggestions were made to make the policy more flexible. Notwithstanding, no changes have been made to the policy and we therefore rely on our previous comments in this respect (copy attached as Appendix 1). Summary of Modifications sought by RSL to Policy H3: Amend the second paragraph of Policy H3 to read: “Schemes for five or more market or affordable dwellings will be expected to include*”



*bungalows to cater for older residents and members of the community with special requirements. AS a minimum 10% of the scheme should be bungalows or ground floor maisonettes unless it can be demonstrated that there is no longer a need and/or that this would make the scheme unviable”*

130. When commenting on the representations of other parties the Parish Council state *“The comment regarding confusion over the meaning of the last sentence of this policy has been responded to at rep 11.08 on page 67-68 of the Consultation Statement. The Plan does not support blocks of apartments or any high rise development; a maisonette has the appearance of a two storey dwelling and is more appropriate in a rural street scene”* and *“The (Rosconn Strategic Land) representation suggests amendments to the wording of the policy to reduce the requirement of bungalows to 10% from the policy’s proposed 20%. It is considered that reducing the requirement to this level would not provide sufficient numbers of this house type to meet the needs of the community. Apart from the allocated site any further homes permitted during the plan period will be on windfall sites within the development boundary, these are unlikely to be large sites. Should a threshold of 10% be introduced a bungalow may only be delivered on schemes of 10 or more. A threshold of 20% is considered more appropriate as this would deliver a bungalow on smaller schemes of 5 or more. This matter is further explained on pages 66 to 69 of the submitted Consultation Statement. It is considered that the policy provides flexibility and the ability for applicants to deviate from this where “it can be demonstrated that there is no longer a need and that this would make the scheme unviable”*.

131. It is not normally desirable or necessary for one policy to refer to elements of other policies of the Development Plan, as the Development Plan should be read as a whole. However, in this case where both the District and Parish Council consider greater clarity is required, I have recommended a modification. The final paragraph does not provide a basis for the determination of planning proposals. The term *“bungalows”* is imprecise. A maisonette is a type of apartment. I have recommended a modification in these respects so that the policy *“is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals”* as required by paragraph 16d) of the Framework.

132. As recommended to be modified the policy is in general conformity with the strategic policies included in the South Worcestershire Development Plan (adopted February 2016) applying

in the Honeybourne Neighbourhood Area and relevant to the Neighbourhood Plan and serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

133. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the introduction; achieving sustainable development; plan-making; and decision-making sections of the Framework, and the components of the Framework concerned with delivering a sufficient supply of homes and achieving well-designed places, the policy is appropriate to be included in a 'made' neighbourhood plan. Having regard to the Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 3:  
In Policy H3**

- **Commence the policy with “Within the Development Boundary for Honeybourne defined in strategic policies or on sites allocated for residential development”**
- **replace “will be expected to” with “must”**
- **replace “bungalows” with “single storey homes” in the second and third sentences**
- **replace “need and” with “need or”**
- **replace the final paragraph with “Homes without their own entrance from the outside will not be supported”.**

**Policy H4 General design principles**

134. This policy seeks to establish design principles for all new development.
135. In a representation the District Council state “*criterion h) refers to ‘Worcestershire Landscape Guidelines’; it is suggested that a footnote be added to make it clear which documents and guidelines this is referring to. Suggested wording as follows: “follow the published Landscape Guidelines for the local Landscape Types as included in the Worcestershire Landscape Character Assessment and also guidelines outlined in Worcestershire County Council’s document ‘Trees and Woodland in Worcestershire: Biodiversity and Landscape Guidelines for their planting and management’.* When commenting on the representations of other parties the Parish Council state “*The*

*District Council's suggestion to add further references to the relevant Landscape Guidelines is supported to aid the applicant and decision taker*" Whilst it is not normally desirable to include reference to separate documents within policies in this instance it provides an efficient and effective mechanism to provide guidance to applicants preparing development schemes and to decision makers in determining those schemes. I have recommended a modification in this respect so that the policy *"is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals"* as required by paragraph 16d) of the Framework.

136. In a representation Gladman Developments Ltd state *"Whilst Gladman recognise the importance of high-quality design, planning policies and the documents sitting behind them should not be overly prescriptive and need flexibility in order for schemes to respond to sites specifics and the character of the local area. There will not be a 'one size fits all' solution in relation to design and sites should be considered on a site by site basis with consideration given to various design principles. Gladman therefore suggest that more flexibility is provided in the policy wording to ensure that a high quality and inclusive design is not compromised by aesthetic requirements alone. We consider that to do so could act to impact on the viability of proposed residential developments. We suggest that regard should be had to paragraph 126 of the Framework which states that: "To provide maximum clarity about design expectations at an early stage, plans or supplementary planning documents should use visual tools such as design guides and codes. These provide a framework for creating distinctive places, with a consistent and high-quality standard of design. However, their level of detail and degree of prescription should be tailored to the circumstances in each place, and should allow a suitable degree of variety where this would be justified."* When commenting on the representations of other parties the Parish Council state *"This policy has been developed with regard to the NPPF and it is not considered to be overly prescriptive, it provides a framework for applicants and does not prevent or discourage appropriate innovation or change."*

137. Paragraphs 124 to 132 of the Framework set out a clear statement of national policy for achieving well-designed places. The Guidance regarding design process and tools was updated on 1 October 2019. The Guidance states *"Neighbourhood plan-making is one of the key ways in which local character and design objectives can be understood and set out, and with the benefit of being a community-*

*led process.*” The National Design Guide, which is to be read alongside the Guidance, sets out under ten headings, the characteristics of well-designed places and demonstrates what good design means in practice. As recommended to be modified Policy H4 has regard for national policy in that it seeks to promote or reinforce local distinctiveness without unnecessary prescription.

138. The policy does not provide a basis for the determination of planning proposals. The term “*large areas*” is imprecise. The Written Ministerial Statement to Parliament of the Secretary of State (CLG) on 25 March 2015 included the following: “*From the date the Deregulation Bill 2015 is given Royal Assent, local planning authorities and qualifying bodies preparing neighbourhood plans should not set in their emerging Local Plans, neighbourhood plans, or supplementary planning documents, any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings*”. Whilst Policy H4 is not restricted to housing development that is likely to be the most frequently occurring form of development. In this respect I have recommended deletion of the requirements of part j) of the policy regarding “*efficient use of water,*” which is in any case an imprecise term, and use of water butts and rain water harvesting. I have recommended a modification in these respects so that the policy has regard for national policy and is in general conformity with strategic policy, and so that the policy “*is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals*” as required by paragraph 16d) of the Framework.
139. As recommended to be modified the policy is in general conformity with the strategic policies included in the South Worcestershire Development Plan (adopted February 2016) applying in the Honeybourne Neighbourhood Area and relevant to the Neighbourhood Plan and serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
140. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the introduction; achieving sustainable development; plan-making; and decision-making sections of the Framework, and the components of the Framework concerned with promoting sustainable transport; achieving well-designed places; meeting the challenge of climate change and flooding; conserving and

enhancing the natural environment; and conserving and enhancing the historic environment, the policy is appropriate to be included in a 'made' neighbourhood plan. Having regard to the Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

#### **Recommended modification 4:**

##### **In Policy H4**

- **replace the text before the colon with “To be supported development proposals must”**
- **in part c) replace “Are” with “Be”**
- **in part f) insert “the” before “area” and insert “use of” before “low”**
- **replace part h) with “Follow the published Landscape Guidelines for the local Landscape Types as included in the Worcestershire Landscape Character Assessment and also guidelines outlined in Worcestershire County Council’s document ‘Trees and Woodland in Worcestershire: Biodiversity and Landscape Guidelines for their planting and management”.**
- **replace part j) with “Incorporate features which reduce water run-off;”**
- **in part n) delete “Avoid large areas of hardstanding and”**

#### **Policy H5 Design policy for new builds**

141. This policy seeks to establish design criteria for assessment of proposals for new buildings.

142. The terms “*regard should be paid to*” and “*encouraged*” do not provide a basis for the determination of planning proposals. The terms “*where appropriate*” and “*may be appropriate*” introduce uncertainty. Whilst the most of the policy provides clear guidance for the formulation and determination of development proposals in terms of design requirements parts g) and i) are advisory in nature. This distinction would be clearer if they were presented as free-standing advisory paragraphs. I have recommended a modification in these respects so that the policy has regard for national policy and is in general conformity with strategic policy, and so that the policy “*is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals*” as required by paragraph 16d) of the Framework.

143. Paragraphs 124 to 132 of the Framework set out a clear statement of national policy for achieving well-designed places. The Guidance regarding design process and tools was updated on 1 October 2019. The Guidance states *“Neighbourhood plan-making is one of the key ways in which local character and design objectives can be understood and set out, and with the benefit of being a community-led process.”* The National Design Guide, which is to be read alongside the Guidance, sets out under ten headings, the characteristics of well-designed places and demonstrates what good design means in practice. As recommended to be modified Policy H5 has regard for national policy in that it seeks to promote or reinforce local distinctiveness without unnecessary prescription.
144. The Written Ministerial Statement to Parliament of the Secretary of State (CLG) on 25 March 2015 included the following: *“From the date the Deregulation Bill 2015 is given Royal Assent, local planning authorities and qualifying bodies preparing neighbourhood plans should not set in their emerging Local Plans, neighbourhood plans, or supplementary planning documents, any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings”*. Whilst Policy H5 is not restricted to housing development that is likely to be the most frequently occurring form of development. Part h) of the policy, which requires low energy designs, does not have regard for national policy. I have recommended a modification in this respect so that the policy has sufficient regard for national policy. Whilst part i) of the policy refers to features that are relevant to the performance of a building these are not presented as technical standards that are required to be met.
145. As recommended to be modified the policy is in general conformity with the strategic policies included in the South Worcestershire Development Plan (adopted February 2016) applying in the Honeybourne Neighbourhood Area and relevant to the Neighbourhood Plan and serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
146. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the introduction; achieving sustainable development; plan-making; and decision-making sections of the Framework, and the components of the Framework concerned with achieving well-designed places; and meeting the challenge of climate



change and flooding, the policy is appropriate to be included in a 'made' neighbourhood plan. Having regard to the Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

#### **Recommended modification 5:**

##### **In Policy H5**

- **replace text before the colon with “To be supported proposals for new buildings must”**
- **in part f) delete “where appropriate”**
- **in part g) replace “may be appropriate” with “will be supported”**
- **delete part h)**
- **in part i) delete “where appropriate” and replace “encouraged” with “supported”**
- **transfer parts g) and i) to be freestanding paragraphs after part j)**

#### **Policy H6 Housing design policy – extensions**

147. This policy seeks to establish design criteria for assessment of proposals for extensions to buildings.

148. Paragraphs 124 to 132 of the Framework set out a clear statement of national policy for achieving well-designed places. The Guidance regarding design process and tools was updated on 1 October 2019. The Guidance states *“Neighbourhood plan-making is one of the key ways in which local character and design objectives can be understood and set out, and with the benefit of being a community-led process.”* The National Design Guide, which is to be read alongside the Guidance, sets out under ten headings, the characteristics of well-designed places and demonstrates what good design means in practice. As recommended to be modified Policy H6 has regard for national policy in that it seeks to promote or reinforce local distinctiveness without unnecessary prescription.

149. Part h) of the policy refers to high energy efficiency standards. The Written Ministerial Statement to Parliament of the Secretary of State (CLG) on 25 March 2015 included the following: “From the date the Deregulation Bill 2015 is given Royal Assent, local planning authorities and qualifying bodies preparing neighbourhood plans *should not set in their emerging Local Plans, neighbourhood plans, or*

*supplementary planning documents, any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings.”* I have recommended a modification in this respect so that the policy has sufficient regard for national policy.

150. The policy is without consequence and the term “*should*” does not provide a basis for the determination of planning proposals. The restriction of the policy to housing as indicated in the policy title is not sufficiently justified. I have recommended a modification in these respects so that the policy has regard for national policy and is in general conformity with strategic policy, and so that the policy “*is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals*” as required by paragraph 16d) of the Framework.

151. The policy is in general conformity with the strategic policies included in the South Worcestershire Development Plan (adopted February 2016) applying in the Honeybourne Neighbourhood Area and relevant to the Neighbourhood Plan and serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

152. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the introduction; achieving sustainable development; plan-making; and decision-making sections of the Framework, and the components of the Framework concerned with achieving well-designed places; conserving and enhancing the natural environment; and conserving and enhancing the historic environment, the policy is appropriate to be included in a ‘made’ neighbourhood plan. Having regard to the Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

#### **Recommended modification 6:**

##### **In Policy H6**

- **replace the text before the colon with “To be supported building extensions (including porches, conservatories, garages, and carports) must”**
- **delete part h)**

**Delete “Housing” from the policy title**

## Policy H7 Local Green Space

153. This policy seeks to designate 13 Local Green Spaces.
154. In a representation Gladman Developments Limited state “*Policy H7 identifies 13 tracts of land as potential Local Green Space designations. The designation of land as Local Green Space (LGS) is a significant policy designation and effectively means that once designated, they provide protection that is comparable to that for Green Belt land. As such, the Parish Council should ensure that the proposed designations are capable of meeting the requirements of national policy if they consider it necessary to seek LGS designation. The Framework 2018 is explicit in stating at paragraph 100 that ‘Local Green Space designation will not be appropriate for most green areas or open space’. With this in mind, it is imperative that the plan makers can clearly demonstrate that the requirements for LGS designation are met. The designation of LGS should only be used: Where the green space is in reasonably close proximity to the community it serves; Where the green area is 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 Where the green area concerned is local in character and is not an extensive tract of land. Gladman further note §015 of the PPG (ID37-015) which states, ‘§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. Consequently, blanket designation of open countryside adjacent to settlements will not be appropriate. Gladman do not believe that HNP supporting evidence is sufficiently robust to justify the proposed allocation of 7. Fields around the church and 8. Gate Inn Field as LGS, given that they form an extensive tract of land. The issue of whether LGS meets the criteria for designation has been explored in a number of Examiner’s Reports across the country and we highlight the following decisions: The Sedlescombe Neighbourhood Plan Examiner’s Report recommended the deletion of an LGS measuring approximately 4.5ha as it was found to be an extensive tract of land. The Oakley and Deane Neighbourhood Plan Examiners Report recommended the deletion of an LGS measuring approximately 5ha and also found this area to be not local in character. Thereby failing to meet 2 of the 3 tests for LGS designation. The Alrewas Neighbourhood Plan Examiner’s Report identifies both proposed LGS sites ‘in relation to the overall size of the Alrewas Village’ to be extensive tracts of land. The Examiner in this*

*instance recommended the deletion of the proposed LGSs which measured approximately 2.4ha and 3.7ha. Highlighted through a number of Examiner's Reports set out above and other 'made' neighbourhood plans, it is considered several sites have not been designated in accordance with national policy and guidance and subsequently are not in accordance with the basic conditions. Gladman suggest that the Parish Council review the evidence supporting the proposed designations and ensure compliance with all the above requirements. Whilst the Parish Council have sought to undertake some form of evidence base it does not overcome the failure to meet the specific policy requirements set out above with regards to the scale of land to be designated, particularly in relation to '7. Fields around the church' and '8. Gate Inn Field' which appear to form an extensive tract of land. In terms of meeting the second test there is no evidence base to support these designated LGS being 'demonstrably special to a local community.' In relation to their beauty, they are of no particular scenic quality. The Policy has not therefore been made in accordance with basic conditions (a) and (d). Gladman recommend that the LGS Policy be revisited to ensure the designations are compliant in their entirety."*

155. When commenting on the representations of other parties the Parish Council state *"The representation (Gladman Developments Ltd) suggests that two parcels of land, "7. Fields around the church and 8. Gate Inn Field" are extensive tracts of land and do not meet the criteria for designating them as Local green Space. This is not considered to be the case. Evidence to support the inclusion of these two parcels of land is included within the Green Space Background Paper. They are not considered to be extensive tracts of land particularly given the scale of the settlement; they are well used by the public and were well supported through consultation. They are particularly important to the setting of the church and the proposed additional Conservation Area that has been submitted with the Plan"*.
156. Designation of Local Green Space can only follow precise identification of the land concerned. The proposed Local Green Spaces are presented on maps in Appendix 3 at a scale that is sufficient to identify the land proposed for Local Green Space designation.
157. The final paragraph of the policy seeks to describe the characteristics of types of development that will be supported within a Local Green Space. I have given consideration to the possibility of the policy including a full explanation of *"very special circumstances"*.

Such circumstances may be that development is proposed that would clearly enhance the Local Green Space for the purposes for which it was designated, or proposals are made for essential infrastructure that cannot be located elsewhere. I have concluded such explanation would necessarily be incomplete and that decision makers must rely on paragraph 101 of the Framework that states *“Policies for managing development within a Local Green Space should be consistent with those for Green Belts”* and the part of the Framework that relates to ‘Protecting Green Belt land’, in particular paragraphs 143 to 147 inclusive. The wording of the policy does have adequate regard for the terms of the designation of Local Green Spaces set out in paragraph 99 of the Framework where it is stated communities will be able to protect green areas of particular importance to them.

158. Paragraph 99 of the Framework states *“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.”*

159. In respect of the areas intended for designation as Local Green Space I find the Local Green Space designations are being made when a neighbourhood plan is being prepared, and I have seen nothing to suggest the designations are not capable of enduring beyond the end of the plan period. The intended designations, which are being made in the context of the adopted South Worcestershire Development Plan, have regard to the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. The designations will contribute to the promotion of healthy communities, and are consistent with the aim of conserving and enhancing the natural environment, as set out in the Framework.

160. The Framework states that Local Green Space designation *“should only be used:*

- *where the green space is in reasonably close proximity to the community it serves;*
- *where the green area is 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*

- *where the green area concerned is local in character and is not an extensive tract of land.*<sup>59</sup>

161. I have visited each of the areas proposed for designation as Local Green Spaces. I find that in respect of each of the intended Local Green Spaces the designation relates to green space that is in reasonably close proximity to the community it serves, and is local in character. A representation has stated proposed Local Green Spaces 7 Fields around the Church and 8 Gate Inn Field are extensive tracts of land. In response to my request for clarification with respect to proposed LGS7 the Parish Council stated *“The site area quoted appears to be an error. The correct site area for LGS7 is 0.43 ha.”* I have not relied on the site areas stated in Appendix 3 which should be checked and corrected where necessary but have relied on my own estimation of scale. I consider both proposed areas 7 and 8 are discrete identifiable contained areas of open land that are not extensive tracts of land and that are appropriate in scale for designation as Local Green Space.

162. Green Space Background Paper prepared in July 2019 sets out findings of an assessment that is based on site characteristics and attributes that are appropriate to support the proposed designations as Local Green Space. I have noted one of the proposed sites, reference number 2 Mill Mound is not accessible to the public. The Guidance is clear that land could be considered for designation of Local Green Space *“even if there is no public access (eg green areas which are valued because of their wildlife, historic significance and/or beauty). Designation does not in itself confer any rights of public access over what exists at present. Any additional access would be a matter for separate negotiation with land owners, whose legal rights must be respected.”*<sup>60</sup> Mill Mound is clearly of historic significance.

163. The Local Green Space Site Assessments provide sufficient evidence for me to conclude that each of the areas proposed for designation as Local Green Space is demonstrably special to a local community and holds a particular local significance.

164. The Guidance states *“A Local Green Space does not need to be in public ownership. However, the local planning authority (in the case of local plan making) or the qualifying body (in the case of neighbourhood plan making) should contact landowners at an early*

<sup>59</sup> Paragraph 77 National Planning Policy Framework 2012

<sup>60</sup> National Planning Policy Guidance Paragraph: 017 Reference ID: 37-017-20140306



*stage about proposals to designate any part of their land as Local Green Space. Landowners will have opportunities to make representations in respect of proposals in a draft plan*".<sup>61</sup> In response to my request for clarification regarding contact with landowners the Parish Council stated "See para 4.25 of the Consultation Statement. All landowners of the 14 initially shortlisted sites were written to in June 2018 prior to the shortlisted sites being shared with the public at an event on 7th and 8th July. The only response received ahead of the consultation event was from Rosconn representing the land to the rear of Harvard Avenue where they disagreed with the sites use by the public, stating that only a small element of the site had a public right of way through it. The site was also shortlisted and consulted on at the same event as a housing site and has subsequently been proposed as the housing allocation at policy H1. All results from the consultation on the 7 and 8 July 2018 can be found here <https://honeybournendp.org/wp-content/uploads/2018/07/Results.pdf> On July 14 2018 the Parish Council sent an email fully supporting the Neighbourhood Plan's intention to propose designating Parish Council owned or controlled land as Local Green Space. No other written responses were received from the landowners. Unfortunately, this detail regarding the letters sent to landowners has been accidentally omitted from the Green Space Background Paper. Should you wish to see further evidence of letters and responses received this can be provided." I am satisfied the proposed designations have been subject to satisfactory consultation.

165. The Guidance states "*Different types of designations are intended to achieve different purposes. If land is already protected by designation, then consideration should be given to whether any additional local benefit would be gained by designation as Local Green Space*"<sup>62</sup>. Whilst there is no specific analysis of the case for additional benefit, the Neighbourhood Plan itself and the Green Space Background Paper include reference to the Conservation Area, and strategic Policy SWDP38 Green Space. These regimes provide a very different approach to that arising from designation as Local Green Space which is seeking to protect green areas of particular importance to a community where inappropriate development should not be approved except in very special circumstances. I am satisfied designation is appropriate under these circumstances.

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<sup>61</sup> Planning Practice Guidance Paragraph: 019 Reference ID: 37-019-20140306 Revision 06 03 2014

<sup>62</sup> Planning Practice Guidance Paragraph: 011 Reference ID:37-011-20140306 Revision 06 03 2014

166. I find that the areas proposed as Local Green Space are suitable for designation and have regard for paragraphs 99 and 100 of the Framework concerned with the identification and designation of Local Green Space.
167. The policy is in general conformity with the strategic policies included in the South Worcestershire Development Plan (adopted February 2016) applying in the Honeybourne Neighbourhood Area and relevant to the Neighbourhood Plan and serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
168. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the introduction; achieving sustainable development; plan-making; and decision-making sections of the Framework, and the components of the Framework concerned with promoting healthy and safe communities, and conserving and enhancing the natural environment the policy is appropriate to be included in a 'made' neighbourhood plan. Having regard to the Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. This policy meets the Basic Conditions.

### **Policy H8 Protecting the landscape**

169. This policy seeks to establish an approach to development that maintains and enhances the natural environment and landscape setting of the Neighbourhood area.
170. In a representation the District Council state "*Paragraph 6.43 should be reworded to say "Honeybourne falls under Landscape Types H15 Principal Village Farmlands and L16 Village Claylands, and the Ecological Zone E2 - Avon Vale Claylands within Worcestershire County Council's document "Trees and Woodland in Worcestershire: Biodiversity and Landscape Guidelines for their planting and management". I am able to recommend modifications of the Neighbourhood Plan to correct errors. I have included an appropriate modification in this respect.*
171. *The District Council also state "Paragraph's 6.44 to 6.49 identify some of the guidelines for both Landscape Types but it is not a comprehensive list. Suggest that that guideline "Traditional orchards and hedgerow fruit trees should be conserved and restored" should*

also be included. Paragraph 6.48 should read "...traditional orchards" and not "standards". When commenting on the representations of other parties the Parish Council state "The District Council's suggestion to add further detail to paragraphs 6.43 to 6.49 is supported as it aids interpretation and understanding of the Landscape Character." Whilst I would have no objection to an addition to the supporting text as indicated I have not recommended a modification as this is not necessary to meet the Basic Conditions.

172. The terms "will be promoted wherever possible", "shall have regard to", and "where appropriate" do not provide a basis for the determination of planning proposals. The final sentence of the policy is a statement not a policy measure. I have recommended a modification in these respects so that the policy has regard for national policy and is in general conformity with strategic policy, and so that the policy "is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals" as required by paragraph 16d) of the Framework.

173. As recommended to be modified the policy is in general conformity with the strategic policies included in the South Worcestershire Development Plan (adopted February 2016) applying in the Honeybourne Neighbourhood Area and relevant to the Neighbourhood Plan and serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

174. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the introduction; achieving sustainable development; plan-making; and decision-making sections of the Framework, and the components of the Framework concerned with conserving and enhancing the natural environment, and conserving and enhancing the historic environment, the policy is appropriate to be included in a 'made' neighbourhood plan. Having regard to the Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

#### **Recommended modification 7:**

##### **In Policy H8**

- **replace "Measures to" with "Proposals that"**
- **replace "promoted wherever possible" with "supported"**

- replace “shall have regard to conserving and enhancing” with “must conserve and enhance”
- replace “, where appropriate to respecting” with “must respect”
- replace “Development should” with “To be supported development proposals must”
- after “rural character” insert “as follows”
- delete the final sentence of the policy

Replace Paragraph 6.43 with “Honeybourne falls under Landscape Types H15 Principal Village Farmlands and L16 Village Claylands, and the Ecological Zone E2 - Avon Vale Claylands within Worcestershire County Council’s document “Trees and Woodland in Worcestershire: Biodiversity and Landscape Guidelines for their planting and management”.

### Policy H9 Trees and hedges

175. This policy seeks to establish support for developments that retain and protect trees and hedgerows which are important for their historic, visual or biodiversity value. The policy also seeks to establish criteria for loss of trees, and requirements under those circumstances. The policy also states all new developments should incorporate appropriate planting, and large-scale schemes should be landscape led.
176. In a representation the District Council state “*suggest rewording to include ‘New developments must not cramp the root run of established trees (and development should be avoided within identified Root Protection Areas) or require lopping to a degree that would materially affect the future health of the tree.’*” When commenting on the representations of other parties the Parish Council state “*The District Council’s suggestion to add further detail regarding Root Protection Areas to the policy is supported as it adds clarity.*” The terms “*should incorporate*” and “*demonstrate they have been landscape led*” are without consequence and do not provide a basis for the determination of planning proposals. I have recommended a modification in these respects so that the policy “*is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals*” as required by paragraph 16d) of the Framework.

177. The Framework provides protection against loss of “*ancient woodland, aged or veteran trees*”. The Hedgerows Regulations 1997 establish a balanced regime to protect hedgerows in specified locations but exclude any hedgerow which is within, or borders, a domestic garden. It is appropriate for the Neighbourhood Plan to seek to introduce an additional regime of protection to apply in the context of development proposals.

178. As recommended to be modified the policy is in general conformity with the strategic policies included in the South Worcestershire Development Plan (adopted February 2016) applying in the Honeybourne Neighbourhood Area and relevant to the Neighbourhood Plan and serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

179. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the introduction; achieving sustainable development; plan-making; and decision-making sections of the Framework, and the components of the Framework concerned with conserving and enhancing the natural environment, the policy is appropriate to be included in a ‘made’ neighbourhood plan. Having regard to the Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

#### **Recommended modification 8:**

##### **In Policy H9**

- **commence the third paragraph with “To be supported” and continue that paragraph with “unless it is demonstrated this is not practicable”**
- **in the third paragraph replace “appropriate” with “suitable” and include the list of suitable types from the text box at the base of page 38 of the Neighbourhood Plan**
- **replace the fourth paragraph with “To be supported large-scale developments must demonstrate how landscaping has shaped the proposal.”**
- **in the sixth paragraph after “established trees” insert “(and development should be avoided within identified Root Protection Areas)” and replace “hinder the future growth” with “affect the future health”**

## **Policy H10 Protection of the best and most versatile agricultural land**

180. This policy seeks to avoid unnecessary loss of the best and most versatile agricultural land. The policy also seeks to establish support for operational development or changes of use directly associated with, and necessary for, agricultural activity.
181. Paragraph 170 of the Framework states planning policies and decisions should contribute to and enhance the natural and local environment by “*recognising the economic and other benefits of the best and most versatile agricultural land.*” Strategic Policy SWDP13 states “*Windfall development proposals which would result in the loss of more than two hectares of Best and Most Versatile (BMV) agricultural land will be required to demonstrate that: i. the proposed development cannot be reasonably accommodated on on-BMV agricultural land; and ii the benefits of the development significantly outweigh the loss of BMV agricultural land*” Policy SWDP13 also requires consideration of effect on farm economies and management. The requirement that “*no other land of a poorer agricultural quality is available*” is not in general conformity with strategic policy which relates to loss of more than two hectares of BMV agricultural land and which establishes a balanced approach. The variation of Policy H10 from strategic policy has not been sufficiently justified. The term “*normally*” introduces uncertainty. I have recommended a modification in these respects so that the policy avoids unnecessary duplication of strategic and national policy as required by paragraph 16f) of the Framework.
182. As recommended to be modified the policy is in general conformity with the strategic policies included in the South Worcestershire Development Plan (adopted February 2016) applying in the Honeybourne Neighbourhood Area and relevant to the Neighbourhood Plan and serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
183. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the introduction; achieving sustainable development; plan-making; and decision-making sections of the Framework, and the components of the Framework concerned with conserving and enhancing the natural environment the policy is appropriate to be included in a ‘made’ neighbourhood plan. Having



regard to the Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 9:  
In Policy H10 delete the first paragraph  
Re-title the policy as "Agricultural Development"**

### **Policy H11 Flood prevention and water management**

184. This policy seeks to establish flood prevention and water management principles for new development.
185. The requirement that SuDS features should be at the surface has not been adequately justified. The Framework requires consideration of viability and deliverability. I have recommended a modification in these respects.
186. The policy is in general conformity with the strategic policies included in the South Worcestershire Development Plan (adopted February 2016) applying in the Honeybourne Neighbourhood Area and relevant to the Neighbourhood Plan, in particular Policies SWDP28, SWDP29 and SWDP30, and serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
187. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the introduction; achieving sustainable development; plan-making; and decision-making sections of the Framework, and the components of the Framework concerned with meeting the challenge of climate change and flooding, and conserving and enhancing the natural environment, the policy is appropriate to be included in a 'made' neighbourhood plan. Having regard to the Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 10:  
In Policy H11 continue part d) with "Underground storage of water will only be supported where it is demonstrated this is necessary on grounds of viability or practicality."**

## Policy H12 Community facilities

188. This policy seeks to establish conditional support for proposals that improve the quality or range of community facilities, and establish criteria for support of proposals that result in the loss or significant reduction in the scale and value of identified community facilities.
189. A representation on behalf of All Things Wild Ltd states *“Policy H12 has been included to help protect the existing community facilities within the village. This policy generally echoes the intentions of Policy SWDP37 (built community facilities) within the South Worcestershire Development Plan, the principles of which are supported. The pre-text to the policy (paragraph 6.74) notes that All Things Wild is a tourist attraction within the village. This is correct. The policy itself then goes on to explain that community facilities should be protected and includes a list of facilities within the village. All Things Wild is not listed (which we support) but the text reference to it makes the situation unclear. Our concerns therefore relate to the wording of Policy H12, which does not clarify that those community facilities to be protected are those specifically included within the list. We therefore request that either the reference to All Things Wild within the pretext to the policy be removed, or that Policy H12 is amended to read: “Development proposals that will result in the loss or significant reduction in scale and value of those community facilities listed above, will not normally be permitted unless....We also believe that the policy contains an error where within point 9 it refers to “paragraph 7.69” this does not exist and should instead read “paragraph 6.72”.”* The Parish Council agree that the paragraph referenced in this policy under point 9. is incorrect and should be changed to read 6.72. With respect to this matter I am able to recommend modifications to correct errors. I have included this correction in my recommended modification.
190. When commenting on the representations of other parties the Parish Council state *“The Parish Council do not consider it necessary to edit the text in the preamble to policy H12 where All Things Wild is mentioned as a visitor attraction in the village as this is factually correct; nor do we think it is necessary to alter the wording of Policy H12. The policy clearly identifies which community facilities it relates to by stating: “Identified Community Facilities are:” and goes on to list them. It does not refer to All Things Wild.*
191. The policy has sufficient regard for paragraph 92 of the Framework that requires planning policies to plan positively for the provision and use of community facilities, and *“guard against the*

*unnecessary loss of valued facilities and services particularly where this would reduce the community's ability to meet its day-to-day needs".* The policy includes necessary recognition of the need for attention to deliverability and viability as required by the Framework.

192. The terms *"there will be a strong presumption against"*, *"cannot be adequately catered for"* and *"impairments"* do not provide a basis for the determination of planning proposals. The term *"a community facility"* in the third paragraph is imprecise. The Framework states *"development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe"*. I have recommended a modification in these respects so that the policy has regard for national policy and *"is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals"* as required by paragraph 16d) of the Framework.

193. As recommended to be modified the policy is in general conformity with the strategic policies included in the South Worcestershire Development Plan (adopted February 2016) applying in the Honeybourne Neighbourhood Area and relevant to the Neighbourhood Plan and serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

194. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the introduction; achieving sustainable development; plan-making; and decision-making sections of the Framework, and the components of the Framework concerned with promoting healthy and safe communities, the policy is appropriate to be included in a 'made' neighbourhood plan. Having regard to the Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

#### **Recommended modification 11:**

##### **In Policy H12**

- **delete "there will be a strong presumption against"**
- **continue the first sentence "will not be supported"**
- **replace "7.69" with "6.72"**
- **after "a community facility" insert "listed above"**

- replace “unacceptable traffic movements or other impairments to existing residential properties” with “severe traffic congestion or significant loss of residential amenity”
- replace part f) with “Will not result in additional on-road parking”; and”

### **Policy H13 Footpaths cycle paths and bridleways**

195. This policy seeks to protect and enhance the active travel network.
196. It is appropriate for the policy to indicate locally determined development related contributions will be directed to enhance and expand the active travel network. The policy has regard for paragraph 104 of the Framework which states planning policies should provide for high quality walking and cycling networks and supporting facilities. The fourth paragraph and the final sentence of the fifth paragraph of the policy are descriptive only and do not provide a basis for the determination of planning proposals. I have recommended a modification in these respects so that the policy *“is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals”* as required by paragraph 16d) of the Framework.
197. As recommended to be modified the policy is in general conformity with the strategic policies included in the South Worcestershire Development Plan (adopted February 2016) applying in the Honeybourne Neighbourhood Area and relevant to the Neighbourhood Plan and serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
198. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the introduction; achieving sustainable development; plan-making; and decision-making sections of the Framework, and the components of the Framework concerned with promoting sustainable travel, the policy is appropriate to be included in a ‘made’ neighbourhood plan. Having regard to the Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 12:**

**In Policy H13 transfer the fourth paragraph and the final sentence of the fifth paragraph to the reasoned justification**

**Policy H14 Retention and redevelopment of existing employment sites**

199. This policy seeks to safeguard 7 named sites for employment generating uses, and establish criteria for support of proposals for change of use to activities that do not provide employment. The policy also seeks to establish conditional support for proposals to improve current employment sites for employment use.
200. A representation on behalf of All Things Wild Ltd states "*Policy H14 designates the All Things Wild site as an existing employment site which should be safeguarded for employment uses. The policy does not define the site, reference is just made by name. The definition of the site as an employment site is however incorrect. All Things Wild is a tourist attraction and although it is a 'commercial' use and does employ local people, it is not a traditional employment operation, recognised more commonly by businesses operating within category B use classes. Policy H14 did not form part of the earlier versions of the Neighbourhood Plan and is an additional policy which is discussed within The Consultation Statement (July 2019), in order to protect existing employment sites. The inclusion of this policy appears to have arisen as a reaction to previous representations to the Neighbourhood Plan relating to the site (submitted by the previous site promoter, Catesby Estates) which confirmed the intended relocation of All Things Wild from the village of Honeybourne. An extract from this document is included at Appendix 2. Whilst we have no objection to the identification of the site as a potential development site, the allocation for employment is not logical, nor based on any assessment of need. All Things Wild is operated as a local visitor attraction, and has occupied this site since 2012. Prior to that the site was a poultry breeding/visitor centre. Today the business attracts approximately 100,000 visitors per year, having evolved and expanded over recent years, and is now considered to have reached full capacity at this site. After 5 years of searching, All Things Wild has recently been able to secure a site which meets its current needs and will allow room for further expansion. This new site is within the neighbouring district of Stratford. This move will take place within the next few years. We raise concerns about the allocation of the site for employment purposes on the basis that the Neighbourhood Plan provides no evidence that this*

*land is needed for employment purposes in the village. The site would not be suitable for industrial uses or office accommodation, due to its location and context within the village. Indeed, although through the allocation of this site as employment land, the policy recognises that it is 'previously developed', the nature of the existing wildlife park use means that the site still retains a largely rural character. The reasoned justification for the policy explains that its aim is to encourage existing businesses to stay in Honeybourne, thereby maintaining a range of employment opportunities to reduce commuting for the workforce and thus reduce the impact on the environment. All Things Wild currently employ 42 people from the local area. These jobs will not be lost through the site relocation as the new site is only 5 miles away. Of their current workforce, 35 of their employees already travel to and from work by car. The relocation of the business into Stratford will not result in a significant shift in travel mode. Furthermore, a car share scheme is also being created to cater for the existing staff who wish to use it. In light of the imminent relocation of All Things Wild, the allocation of the site for employment purposes through Policy H14 will not achieve the goal of retaining this existing business in Honeybourne. It is unsustainable for the business to remain in this location as it needs to expand in order to increase its visitor numbers, something which cannot be achieved in this location, particularly due to car parking limitations on this site. The site at All Things Wild represents a highly accessible brownfield site in a Category 1 village. It's designation as an employment site will not result in the retention of the business within the village and will instead place uncertainty in the future of what could be an important opportunity for housing growth in this sustainable settlement. The allocation of All Things Wild as an employment site under policy H14 is unnecessary and inappropriate. We therefore recommend that the designation within Policy H14 is removed and the site be allocated under Policy H1 as detailed in the accompanying response to that Policy."*

201. A representation on behalf of Johnson Brothers states "Policy H14 therefore conforms with Policy SWDP 12 although it is considered that the wording of H14 could be bolstered to more directly reflect the wording of SWDP 12, particularly Part C (as identified)." In response to my request for clarification regarding the relationship between Policy H14 and strategic policy SWDP12 the Parish Council stated "The policy specifically identifies the sites that the policy applies to, providing clarity and adding a layer of local distinctiveness. The Regulation 14 Consultation saw two employment sites being promoted for alternative uses. The main purpose of the policy is to protect the



*main employment sites in the parish from unnecessary loss and to enable businesses to improve and adapt their premises to help them remain viable for the long term. The policy sets out under what circumstances a change of use would be permissible, this is not contained within the SWDP, for example a change to a community facility would be supported where there is an evidenced need, or if the site becomes unsuitable to continue as a business use due to environmental considerations. The policy also provides clarity on the Plans support for improvements to employment sites subject to specific criteria (d to g).”* In response to my request for clarification regarding the justification for criteria b) and c) which are additional to the criterion included in strategic Policy SWDP12 the Parish Council stated *“Criterion b) The resident questionnaire highlighted the local concerns about the speed of growth in the village in recent years, the lack of infrastructure provided as part of this and a knock on requirement to improve facilities (see para 4.8 and 4.16 of the Submitted Plan and the results from the residents survey [https://honeybournendp.org/wp-content/uploads/2018/02/HNDP-Questionnaire- Results.pdf](https://honeybournendp.org/wp-content/uploads/2018/02/HNDP-Questionnaire-Results.pdf). ) Residents’ suggestions for improved facilities included the need for GP surgery, school extension and improved village hall. The Plan would therefore be flexible and support a change of use from B1, B2, B8, tourism, leisure and /or recreation where it can be evidenced that there is a need for a community facility, such as these. Criterion c) This criterion is to address matters that may arise with changes in the natural environment and/ or any subsequent alterations to government legislation. If the site cannot continue in an employment use due to environmental issues for example changed circumstances due to climate change, pluvial and fluvial flooding, pollution hazards or the impact on protected natural habitats/ species, this criterion permits a change of use. This reflects the NPPF’s aim to meet the challenge of climate change and to conserve the local natural environment by preventing development from contributing to and being put at unacceptable risk from pollution. The Parish is already affected by flooding and these events are likely to increase in intensity and frequency, see page 40 of the submitted Plan.”* I am satisfied the submission plan documents sufficiently justify the criteria that are additional to strategic Policy SWDP12.

202. When commenting on the representations of other parties the Parish Council state *“The Parish Council agree that within Policy H14 sites 1 and 2 should be merged to reflect that it is one site; ‘Honeybourne Airfield/Two Shires Park Industrial Estate’. With regard to the intention of this policy, it is not intended to deal with expansion*

*beyond existing boundaries as there was no identified need or support for additional land to be allocated for employment. The policy deals with existing sites and the important role they play; it provides a framework to encourage and support their retention and enhancement” and “The tourism sector is an important employer in Honeybourne, and this policy looks to cover a range of rural employment sites dealing with a range of uses, not just the B Class uses, hence the inclusion of The Ranch and All Things Wild. The Parish Council agree that not all of the site occupied by All Things Wild would be suitable for a change of use to, for example B1 use as the existing business occupies a significant amount of greenfield/ agricultural land for keeping animals. However, the buildings for example the café and visitor centre are capable of being used for either a similar tourist attraction enterprise or converted to other business uses providing important employment opportunities for locals; the agricultural land could suitably be returned to more traditional agricultural use or form part of a similar tourist attraction. It is the intention of the policy, that in the first instance every effort is made to find an alternative employment use for the site. The Plan does not support the loss of sites that are currently providing employment opportunities and seeks to retain them where possible. This will help reduce commuting and support the rural economy.”*

203. With respect to the representation that the All Things Wild site is “a tourist attraction and although it is a ‘commercial’ use and does employ local people, it is not a traditional employment operation, recognised more commonly by businesses operating within category B use classes” I note the policy recognises the named employment sites include a stated range of employment types. The Framework states “*planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local businesses needs and wider opportunities for development.*” The Framework also states planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas and should enable sustainable rural tourism and leisure developments which respect the character of the countryside. The policy has regard for national policy in these respects and also includes flexibility by establishing criteria for support of proposals to change to uses that do not provide employment. The policy is in general conformity with Policy SWDP12 with respect to protection of employment sites and intensification of existing employment sites in rural areas. I have recommended modifications to the third and fourth paragraphs of the

policy to ensure clarity through consistency of definition of employment uses, and site applicability, in the various parts of the policy.

204. Policy H14 refers to improvement of existing employment sites. Strategic Policy SWDP12 refers to “*intensification*” of existing employment sites. In response to my request for clarification the Parish Council state “*The policy uses the word improvement as some of the sites consist of buildings that are aging and would benefit from improvement either through alterations or replacement; the policy is supportive of this. Intensification of employment sites will be supported where it is appropriate taking account of the requirements of criteria d-g of the policy. Account should be taken of residential amenity and the impact on neighbouring uses*”. I have recommended addition of the term ‘intensification’ to achieve consistency of terminology with strategic policy SWDP12. Policy H14 does not refer to expansion of existing employment sites which Policy SWDP12 provides for. The policy refers to residential amenity. It is beyond my role to introduce an additional component relating to neighbouring uses. The term “*welcomed*” does not provide a basis for the determination of planning proposals.

205. The representation in respect of the All Things Wild site states *the existing business occupies a significant amount of greenfield/ agricultural land for keeping animals*” and “*the agricultural land could suitably be returned to more traditional agricultural use or form part of a similar tourist attraction*”. In response to my request for clarification whether it is intended Policy H14 should apply to the entire All Things Wild site the Parish Council stated “*It is intended that the policy relates to the buildings within the site and their current use for employment related purposes, not the agricultural/ greenfield land within the wider site currently operating as All Things Wild.*” Policy H10 seeks to establish support for operational development or changes of use directly associated with, and necessary for, agricultural activity. Whilst agricultural activity is an employment-generating use it is not within the group of uses that Policy H14 refers to and seeks to protect. The determination of any future planning application and assessment in terms of Policy H14 in respect of any site would require consideration of what constitutes the planning unit and the nature of the current and authorised uses within that planning unit. Policy H14 does include criteria for support of proposals to change use to activity that does not provide employment as defined in the policy. I have recommended a modification so that the intention of Policy H14 is clarified with respect to its application relating to the part of the All Things Wild site occupied

by buildings currently used for employment related purposes and not the agricultural/greenfield land within the wider site.

206. The representation on behalf of Johnson Brothers states the Policy Map at Appendix 4 of the Neighbourhood Plan truncates part of the Neighbourhood Area. The Parish Council has commented that *“the policy map needs to be amended to ensure the entire boundary of the Parish is visible on the map.”* The Policy Map introduces uncertainty and I have recommended it should display the entire Neighbourhood Area.

207. The reference to employment sites by name only in Policy H14 is imprecise. I have recommended the Neighbourhood Plan should include maps of the named employment sites at sufficient scale so that their boundaries can be identified. The Parish Council has *“acknowledged that this would be useful and provide further clarity.”* The Honeybourne Airfield Trading Estate and the Two Shires Park are recognised as being one continuous area and should be listed as such in the policy. It is not clear what type of proposals that the final sentence of the policy is intended to apply to. In response to my request for clarification the Parish Council state *“it is intended to relate to change of use applications and any improvements to employment site applications”*. I have recommended a modification in this respect. The second paragraph of the policy includes the term *“permitted”*. Paragraph 47 of the Framework states *“Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise”*. Material considerations will not be known until the time of determination of a proposal. I have recommended use of the term ‘supported’. I have recommended a modification in all these respects so that the policy has regard for national policy and is in general conformity with strategic policy, and so that the policy *“is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals”* as required by paragraph 16d) of the Framework.

208. As recommended to be modified the policy is in general conformity with the strategic policies included in the South Worcestershire Development Plan (adopted February 2016) applying in the Honeybourne Neighbourhood Area and relevant to the Neighbourhood Plan and serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

209. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the introduction; achieving sustainable development; plan-making; and decision-making sections of the Framework, and the components of the Framework concerned with building a strong, competitive economy, the policy is appropriate to be included in a 'made' neighbourhood plan. Having regard to the Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 13:**

**In Policy H14**

- **merge sites 1 and 2 to read “1. Honeybourne Airfield Trading Estate/Two Shires Park” and renumber the following sites**
- **after “All Things Wild” insert “(It is intended that the policy relates to the buildings within the site and their current use for employment related purposes, not the agricultural/ greenfield land within the wider site currently operating as All Things Wild, however, what constitutes the planning unit and the nature of the current and authorised uses within that planning unit would need to be determined at the time of any consideration)”**
- **in the second paragraph after “provide” insert “B1, B2, B8, tourism, leisure and/or recreation related”; and after “opportunities” insert “on the above-named sites”; and replace “permitted” with “supported”**
- **in the third paragraph replace the text before “supported” with “Proposals to improve or intensify B1, B2, B8, tourism, leisure and/or recreation related employment uses on the above-named sites will be”**
- **replace “All applicants are required to submit” with “All proposals relating to employment sites must include”**

**Include in the Neighbourhood Plan maps of the sites referred to in the policy at sufficient scale to identify their boundaries, and refer to those maps in the policy.**

**Adjust the Policy Map at Appendix 4 to include the entire Neighbourhood Area.**

## Summary and Referendum

210. I have recommended 13 modifications to the Submission Version Plan. I have also made a recommendation of modification in the Annex below.

211. I am satisfied that the Neighbourhood Plan<sup>63</sup>:

- is compatible with the Convention Rights, and would remain compatible if modified in accordance with my recommendations; and
- subject to the modifications I have recommended, meets all the Statutory Requirements set out in paragraph 8(1) of schedule 4B of the Parish and Country Planning Act 1990 and meets the Basic Conditions:
- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan;
- the making of the neighbourhood plan contributes to the achievement of sustainable development;
- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
- does not breach, and is otherwise compatible with, EU obligations; and would continue to not breach and be otherwise compatible with EU obligations if modified in accordance with my recommendations; and
- the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.<sup>64</sup>

**I recommend to Wychavon District Council that the Honeybourne Neighbourhood Development Plan for the plan period up to 2030 should, subject to the modifications I have put forward, be submitted to referendum.**

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<sup>63</sup> The definition of plans and programmes in Article 2(a) of EU Directive 2001/42 includes any modifications to them

<sup>64</sup> This basic condition arises from the coming into force, on 28 December 2018, of the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 whereby the Neighbourhood Planning Regulations 2012 (5) are amended



212. I am required to consider whether the referendum area should extend beyond the Neighbourhood Plan area and if to be extended, the nature of that extension.<sup>65</sup> I have seen nothing to suggest that the policies of the Plan will have “*a substantial, direct and demonstrable impact beyond the neighbourhood area*”<sup>66</sup>. I have seen nothing to suggest the referendum area should be extended for any other reason. I conclude the referendum area should not be extended beyond the designated Neighbourhood Area.

**I recommend that the Neighbourhood Plan should proceed to a referendum based on the area that was designated by Wychavon District Council as a Neighbourhood Area on 25 September 2015.**

### **Annex: Minor Corrections to the Neighbourhood Plan**

213. A number of consequential modifications to the general text, and in particular the ‘reasoned justification’ of policies sections, of the Neighbourhood Plan will be necessary as a result of recommended modifications relating to policies.

214. The District Council state, Reasoned Justification Paragraph 4 below Policy H4 should refer to Principal Village Farmlands and Village Claylands. I recommend minor change in this and any other respects only in so far as it is necessary to correct an error or where it is necessary so that the Neighbourhood Plan “*is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals*” as required by paragraph 16d) of the Framework.

#### **Recommended modification 14:**

**Modify general text to achieve consistency with the modified policies, and to correct identified errors including those arising from updates. Renumber parts of policies arising from deletions.**

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29 November 2019  
REPORT ENDS

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<sup>65</sup> Paragraph 8(1)(d) Schedule 4B Town and Country Planning Act 1990

<sup>66</sup> Planning Practice Guidance Paragraph 059 Reference ID: 41-059-20140306 Revision 06 03 2014