

Our Ref: EV02/01C100386



30 April 2021

Planning Policy  
Charnwood Borough Council  
Council Offices  
Southfield Road  
Loughborough  
LE11 2TNSent via email: [localplans@charnwood.gov.uk](mailto:localplans@charnwood.gov.uk)

Dear Sir or Madam

**Rearsby Neighbourhood Plan 2018-2036 Submission Version (February 2021)****Representations on behalf of Jelson Ltd.**

Avison Young is planning advisor to Jelson Limited and is instructed by it to make representations to the submission version of the Rearsby Neighbourhood Plan 2018-2036 (RNP).

These representations are made in accordance with Regulation 16 of the Neighbourhood Planning (General) Regulations 2012. Our Client welcomes the opportunity to engage in, and contribute to, the process and it has therefore made comments on the various component parts of the Submission version of Neighbourhood Plan (NP), insofar as they relate to its land of Melton Road, Rearsby. In addition, we explain where our Client has concerns about the Plan's objectives and policies and where we believe that the NP ought to be amended so that it meets the basic conditions of the Localism Act 2011.

**Background**

Jelson owns land on the western side of Melton Road towards the southern approach to the village. The land is suitable and available for development and our Client believes that it ought to be allocated for development in the RNP for a whole host of reasons. It is on this basis that Jelson has engaged in the RNP preparation process over the last 4 years. That said, the land was not allocated for housing development in the original version of the RNP which proceeded to examination in September 2017 but was eventually withdrawn and nor have the Neighbourhood Planning Group sought to allocate it for development in any of the more recent versions of the revised RNP that it has consulted on.

Previous versions of the RPN have all sought to preclude any development from coming forward on Jelson's land, by initially allocating it as Local Green Space or Open Space. We have previously expressed significant concerns about the approach that the Parish Council is taking to the allocation of our Client's land in the RNP and indeed, the Examiner who was appointed to examine the previous iteration of the Plan expressed similar concerns about the Parish Council's intention

to designate the land as Local Green Space. The Examiner ultimately concluded that such a designation was not appropriate and raised concerns with other aspects of the plan. The RNP was subsequently withdrawn.

### **Statutory Context**

In advance of examining the draft NP in detail, we must first give consideration to the statutory context within which neighbourhood development plans (NDPs) are made. The Localism Act 2011 sets out that Neighbourhood Plans must meet a set of basic conditions before it can be put to a referendum and be 'made'. The basic conditions advise that a Neighbourhood Plan must:

- a) be in general conformity with the strategic policies contained in the Development Plan for the area of the authority (in this case Charnwood Borough Council);
- b) contribute to the achievement of sustainable development;
- c) have regard to national policies and advice contained in guidance issued by the Secretary of State, such as the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG); and
- d) be compatible with European obligations and human rights requirements.

In subsequent sections of this letter we consider the extent to which some of these basic conditions have not been met by the RNP.

### **General Considerations**

On the face of it, the RNP appears to be aimed primarily at preventing proposals for large scale housing development from coming forward on land within or adjacent to the village. This has been the approach under previous iterations of the plan and remains the case now with the settlement boundary tightly drawn around the existing built edge. This approach is clearly contrary to the very vision and objectives of the Plan which are to secure appropriate levels of housing to meet the community's needs. Moreover, it is contrary to guidance contained in paragraph 29 of the NPPF which states that "*neighbourhood plans should not promote less development than set out in strategic policies, or undermine strategic policies*". In other words, they must be in general conformity with the strategic policies relevant to the area, as required by the basic conditions.

Moreover, the Plan's draft policies also appear to be incompatible with the delivery of its vision and some of its priorities. For example, ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; the provision of small housing units / housing for the elderly and small families and building a strong, vibrant and competitive local economy. These objectives are only likely to be delivered through new housing development and the subsequent increase in the village's population.

### **Sustainability**

New housing development in rural settlements can help to support local services and facilities and ensure that they remain viable. The RNP identifies the protection and enhancement of existing and creation of new community and cultural facilities as one of its objectives. Indeed, Policy R6D provides that development proposals which will enhance and improve existing community amenities will be supported, where this is not in conflict with other policies of the Plan. The NPPG

guidance on rural housing is clear about how planning policies can support rural communities. In this regard it says that:

*“People living in rural areas can face particular challenges in terms of housing supply and affordability, **while the location of new housing can also be important for the broader sustainability of rural communities.** Strategic policies will need to be informed by an understanding of these needs and opportunities, especially where authorities in designated rural areas wish to demonstrate that it is appropriate to set lower thresholds for affordable housing than those which apply generally.”*

It goes on to say:

*“The nature of rural housing needs can be reflected in the spatial strategy set out in relevant policies, including in the housing requirement figures for any designated rural areas. A wide range of settlements can play a role in delivering sustainable development in rural areas, **so blanket policies restricting housing development in some types of settlement will need to be supported by robust evidence of their appropriateness. A neighbourhood plan can allocate additional sites to those identified in an adopted plan so long as the neighbourhood plan meets the basic conditions.**”*

Moreover, The NPPF states that in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs and consider whether allowing some market housing on these sites would help to facilitate this (paragraph 77). It goes on to say that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services.

The NPPF makes it clear that, all settlements can play a role in delivering sustainable development in rural areas – and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence.

The Government recognises the important contribution residential development can make to create thriving rural communities. It notes that in rural areas where a high demand for homes can make the cost of living a particular challenge, there are opportunities to go further to support a mix of sites and meet rural housing needs. This is especially so where scope exists to expand settlements in a way which is sustainable and helps provide homes for local people.

To address this the NPPF says that non-strategic policies should be used by local planning authorities and communities to set out more detailed policies for specific areas, neighbourhoods or types of development. This can include allocating sites, the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment and setting out other development management policies (paragraph 28).

Taking all this into account, it is clear that Rearsby is a sustainable settlement and it is therefore capable of accommodating levels of housing development in excess of those anticipated by the RNP. Future growth on the scale proposed by the RNP simply isn't capable of delivering the aims

and objectives that the NP sets out to achieve. Therefore, if the Parish Council is to achieve its objectives the Plan must allocate sites for new housing development within and / or adjacent to the village. The resultant increase in population would help to sustain existing services and facilities in the village as well as local employment opportunities, thereby satisfying two of the primary objectives of the Plan.

### **Evidence of Local Housing Need**

The starting point is that the NPPF requires neighbourhood plans to be in general conformity with the strategic policies contained in any development plan that covers their area. The RNP acknowledges that the Core Strategy for Charnwood Borough was adopted over 5 years ago and that in accordance with the provision of paragraph 32 of the NPPF, the Council has undertaken a review of its spatial development strategy and concluded that it requires updating because the Borough's local housing need figure has increased significantly.

Where NPs contain policies relevant to the supply of housing, these policies should take account of the latest and most up-to-date evidence on housing need. In this regard, guidance published by Planning Aid on 'how to gather and use evidence' makes clear that in order for neighbourhoods to understand how much housing is likely to be needed in the Plan area, they should use an objective assessment of housing need.

The RNP isn't clear about what the housing need for Rearsby is. It is highlighted in section 2, that Rearsby is one of the Borough's 'Other Settlements' and paragraph 2.29 states that the most recent draft version of the Charnwood Local Plan, which was consulted on in November / December 2019, proposed that between 2019 and 2036, 160 dwellings would be delivered across nine of the fourteen Other Settlements, through the Neighbourhood Plan process. Paragraph 2.30 suggests that because the draft Local Plan allocates a site for 47 dwellings in Rearsby, this is its housing requirement and any further need beyond this can be met through windfall development within the settlement. That said, the RNP doesn't appear to allocate a site or sites that would be capable of delivering 47 dwellings.

Draft Policy R4B does allow further residential development but only in the form of 'exception' site development which is primarily delivering affordable housing. This is limited however to no single site exceeding 9 dwellings. The supporting text suggests that the 'exception' site policy was informed by a 2018 Housing Needs Survey which quantified the local need for a five year period.

There are multiple issues here:

- the RNP is basing its housing need on a figure that has not yet been scrutinised through the Local Plan examination and so at present, limited weight can be attached to it;
- the draft figures in the emerging Local Plan no longer reflect the most up-to-date objectively assessed need (OAN);
- in accordance with the Standard Method (i.e. the way in which the NPPF requires housing need to be calculated), the housing figure for the Borough is increased beyond the figure published in the last draft of the Local Plan;
- moreover, the figure does not account for any unmet need which is most likely going to be required to support Leicester City in meeting its OAN;

- the settlement limit defined in the RNP is so tightly drawn that it presents little opportunity to deliver any housing through the windfall developments; and
- the 'exception' site policy is informed by local need for a five year period only and not the 18 year period it should be planning for.

Relevant to all of the above points is evidence. Guidance contained in the Planning Practice Guidance (PPG) provides that neighbourhood plans should be based upon proportionate, robust evidence that supports the choices made and approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft plan. This is plainly not the case here.

It does not appear as though the Parish has sought an updated housing need figure from the Borough Council that is reflective of latest evidence, nor has it commissioned its own analysis for the plan period. It is relying on a figure that is simply a very early version of the Local Plan which doesn't help Charnwood to achieve its current strategic requirements, based on the standard method. It is inappropriate for the RNP to rely on these figures.

The Borough Council is intending to consult on an updated version of the Local Plan in July of this year. It is therefore inconceivable that it hasn't by now determined the number of homes it needs to plan for and how this requirement should be broadly distributed.

At present, the strategic policies relating to housing delivery in the adopted Local Plan are out-of-date. The draft Local Plan figures are too, out-of-date, as they are based on evidence which has now been superseded. How can the RNP therefore be seen to be in general conformity with strategic policies? Without understanding the objectively assessed housing need for the area, how can the RNP plan for sustainable development? And in the absence of proportionate, robust evidence, how can it be seen to be having regard to the national policies and advice? With these points in mind, we conclude that the RNP is failing to meet three of the four basic conditions.

### **Area of Local Separation**

Areas of Local Separation (ALS) are a longstanding local plan designation in Charnwood Borough and an ALS is a designated feature between Rearsby and East Goscote in the adopted Core Strategy. It is proposed to be carried forward in the emerging Local Plan. The RNP proposes to retain the ALS but extend it on the eastern side of Melton Road *"in order to greater reinforce the ALS"*.

The supporting text to policy R2 refers to a 2016 study the Borough Council commissioned from Arup which assessed Green Wedges, Urban Fringe Green Infrastructure Enhancement and ALSs. This is noted in the RNP as reaffirming that a formal ALS be maintained between Rearsby and East Goscote. We note that the Arup report did not see a need for the ALS to be extended in this location.

In addition to the Arup study, we note that the Parish Council's website references a supporting document titled 'Area of Local Separation Evidence'. It is unclear when this was drafted or who by. It comments on the history of the two settlements to determine that each have a distinct origin, character and appearance which should be maintained and that there should be no coalescence. We do not disagree with this. The document then goes on to list a number of speculative planning applications within the ALS and a number of sites included in the Borough Councils SHLAA relating to the next village, Queniborough. It does so to demonstrate *"the level of developer pressure in the*

*area to build substantial numbers of houses".* The document goes on to then conclude that in order to greater protect the ALS, it should be extended.

The "evidence base" document does not appear to be based on any robust or proportionate evidence but rather simply a desire to prevent speculative development from coming forward. This is entirely at odds with what national planning guidance tells us that Development Plan documents are intended to do.

Notwithstanding the above, as set out earlier, the defined housing need for the plan area is only likely going to need to be increased to account for the increased OAN based on the latest Standard Method calculation, and the need to accommodate unmet need in adjacent authorities.

Arup's analysis appears to be the latest assessment of ALSs in the Borough. It is however lacking in numerous respects. Importantly, Arup doesn't appear to have asked or answered the critical question which is "does the ALS need to be retained in its current form in order to maintain separation / identity?" If it had, it could have done nothing other than conclude that the answer is no. It also failed to assess the relative merits of different parts of the ALS (e.g Jelson's site as discrete from the fields to the immediate north of Broome Lane). Overall, we find the Arup assessment to be wholly uninformative and totally unconvincing as a piece of Local Plan or Neighbourhood Plan evidence.

Notwithstanding the above, in a situation where housing need is going to increase across the Borough, one would expect a need to assess the ALSs and determine whether amendments could be made to deliver the strategic requirements of the plan, whilst also retaining appropriate levels of separation.

Jelson's site at Melton Road is bound on three sides by development. It is a matter of fact that the sites development would not result in Rearsby and East Goscote coalescing. Indeed, there would continue to be a standing of 440m-680m between the southern edge of the site and the northern edge of East Goscote.

The reality is that the development of Jelson's site would, of course, have an effect on the ALS between Rearsby and East Goscote. However, it would not significantly reduce its extent and there would remain a substantial open gap between the settlements on completion (both actual and perceived). Accordingly, we are completely satisfied that development in this location would have no perceptible impact on the identities of the two settlements and would certainly not cause any 'blurring' in this respect.

### **Limits to Development**

The Limits to Development Plan on page 50 of the RNP shows the Limits to Development drawn tightly around the existing urban edge of the village. Our main concern with this approach is that there is very little capacity within the defined limits to development to accommodate future development / to allow for the future expansion of the village – for example there do not appear to be any sites that would be of a sufficient size so as to achieve the Plan's aims and objectives in terms of providing affordable housing.

Draft Policy R3 should therefore be reviewed in the light of a robust, up to date assessment of the Borough / village's housing needs and the Limits to Development re-drawn so as to provide sufficient land to meet the village's objectively assessed housing requirement.

### **Important View**

The RNP proposes an 'Important View' crossing Jelson's site in a northwest direction.

Policy R6C relates to four viewpoints, as defined on map 4. The supporting text states that there are extensive views across and along the river Wreak valley, looking out from the **core** of the village, and back towards it from vantage points in Ratcliffe, Thrussington, Brooksby and Gaddesby. The viewpoints are referenced in the supporting text as the "*origin within the Plan Area of these extensive 'gateway' views of Rearsby village*", and it goes on to note that the same view-lines can be appreciated from the village outward.

Viewpoint 3, which crosses Jelson's site, is the only viewpoint noted on the policy map to be orientated looking outwards as opposed to inwards, and it does not look to the core of the village as referenced by the policy's supporting text. Moreover, it does not align with any identified vantage points in any of the surrounding settlements. It appears to be completely at odds with the other defined viewpoints. It again, is also not justified by any robust evidence, and has never identified in any earlier version of the RNP.

As we have noted earlier, the Parish Council has sought to prevent any development from coming forward on this site in all previous iterations of the RNP. It sought initially to allocate the land as Local Green Space which was deemed inappropriate by the appointed Examiner. This designation appears to be a further last ditch attempt to prevent development coming forward.

In the absence of any landscape evidence to justify this area of land as an important view in the landscape it is entirely inappropriate for it to be allocated as one now.

### **Jelson's Land at Melton Road, Rearsby**

Jelson owns a parcel of land to the west of Melton Road opposite New Avenue and Weston Close along the southern entrance into the village of Rearsby. This land is not currently identified in the draft Plan. However, it is available and suitable for development.

The site extends to approximately 4.4 hectares and comprises open pasture land. Approximately 66 dwellings could be provided allowing for a density of 21 dwellings per hectare and the inclusion of public open space, a children's play area, landscaping, drainage and other infrastructure.

The draft Plan shows the site to fall within the proposed ALS. Whilst located within the southern entrance to the village, the parcel is bound by development on three sides and is situated to the north of existing residential properties and Melton Road allotments which form the southern urban edge of the village. The development would therefore provide a logical 'infill' to the village and would round off the urban edge without compromising any distance of separation between Rearsby and East Goscote. Retaining separation and the distinct identity of the two settlements are overriding ambitions of the Core Strategy and the draft RNP. The development of this site would therefore ensure this is maintained. This site provides a realistic prospect for a residential allocation.

The site offers sustainable development which would help to address the increasing housing need. It would also help to retain the viability of the existing local services and facilities and thus maintain the vitality of Rearsby.

Jelson has undertaken a number of technical surveys and assessments of the site which confirm that the residential development of the land would not give rise to any adverse impacts in respect

of highways and transportation, flood risk, ecology and heritage assets. A landscape and visual impact assessment was also undertaken which concluded that the development would be readily assimilated into the landscape and would not give rise to any unacceptable landscape and visual harm.

Unlike proposals for small sites (of less than 9 dwellings) development of this site would make significant contributions to affordable housing and other infrastructure requirements, thereby contributing to the achievement of priority projects set out within the draft Plan.

Notably, the site is controlled by a house builder and there are no constraints to the site being brought forward for development. Jelson owns the whole site including the land required for access and visibility splays and there are no agricultural tenancies or other restrictions that would prevent immediate development. The development would be self-financing and would not require public subsidy. It does not require the provision of significant off-site infrastructure. Nor would it place unusual pressures on public services that could not be dealt with through contributions in a legal agreement in the usual way.

Jelson is a housebuilder rather than a property speculator. All of its sites on which planning permissions are secured are entered into the company's future build program. In other words, Jelson is not in the practice of "land banking" or selling sites on to other developers. Jelson intends to deliver housing on the site within a relatively short timescale following the grant of planning permission so the site would make a substantial contribution towards the delivery of housing within the next 5 years. We conclude that the site would provide a very valuable contribution to the housing need for Rearsby.

In the absence of a residential allocation the Plan does not allow for sufficient land to accommodate the up-to-date identified housing need. We would therefore encourage the Parish Council to allocate Jelson's land for residential development. A copy of the illustrative masterplan for this site is enclosed.

### **Our Recommendations and Conclusions**

We have set out our concerns with the draft plan in the preceding paragraphs with a common theme being that the RNP is not informed by a robust and proportionate evidence base. It's starting point is wholly inaccurate, planning for growth based on an untested and now out of date housing need figure. This in turn begs the question as to whether the policies around settlement boundaries are meaningful or indeed sustainable. Another common theme is that the RNP is clearly designed to restrict any development from coming forward, being completely at odds with the requirements of national policy, legislation and guidance.

For the reasons set out above, we do not believe that the RNP meets the basic conditions required by the Localism Act.

In order to plan positively and progress, it should be establishing its objectively assessed and up-to-date requirements and it should be forward thinking in its approach. Planning positively and in the most sustainable way is delivering flexibility into the plan. This would be achieved by allocating sites for development, rather than relying on early versions of draft plans which have not been scrutinised and therefore risk changing significantly.

We have repeatedly noted through these representations and previous versions that Jelson's site at Melton Road is available, suitable and achievable. It can help to deliver the community vision



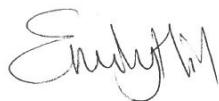
and objectives by delivering market and affordable dwellings in a way which will not compromise the separate identities of Rearsby and East Goscote.

If it is determined through robust evidence that an important view does cross Jelson's site, then it is capable of designing a development which respects this. Jelson is an experienced and respectable house builder that has been delivering in Leicestershire for 120 years. It is capable of developing a scheme that protects what is important to the community and indeed has been successful in doing so.

With the above points in mind, we respectfully request that further detailed analysis be undertaken to provide a reasoned justification for the strategy proposed and that Jelson's land be allocated for residential development as a means of achieving some or all of the housing need for the plan period.

We would welcome an opportunity to engage further in the neighbourhood plan process and would be grateful if we could be kept fully informed of the progress of the RNP. We would be happy to discuss any aspect of the above further and can be contacted using the details provided below.

Yours faithfully



**Emily Hill MPlan MRTPI**

**Associate**

**+44 0121 609 8024**

**emily.hill@avisonyoung.com**

**For and on behalf of Avison Young (UK) Limited**



**Appendix**  
**Indicative Masterplan of Land at Melton Road**



# REARSBY

## KEY

-  Application Boundary 4.4Ha
-  Proposed Residential 3.2Ha  
[66 dwellings at 21dph]
-  Proposed Public Open Space 1.2Ha  
Including play areas, sustainable drainage and planting
-  Proposed equipped play area
-  Proposed attenuation pond
-  Proposed main vehicular access
-  Proposed main vehicular access routes
-  Proposed Semi-private driveways
-  Potential tree and hedgerow planting
-  Existing Spinney of trees
-  Existing trees and hedgerows
-  Existing public right of way
-  Potential pumping station

